UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS
FIRST SESSION

VOLUME 143—PART 6

MAY 8, 1997 TO MAY 20, 1997
(PAGES 7527 TO 9044)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1997

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SENATE—*Thursday, May 8, 1997*

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by the former national chaplain of the Veterans of Foreign Wars, Rev. Lyle N. Kell. He was invited by Senator PATTY MURRAY.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Lyle N. Kell, offered the following prayer:

Heavenly Father, Almighty God, Creator and Sovereign Ruler of all Creation, I pray that Your mighty controlling and sovereign power will be felt here today in this great Hall of our U.S. Senate so that the laws enacted will cause peace and justice in our great Nation and throughout the world. Help us to understand that You are a loving and compassionate God and Your power can be felt as we understand Your great love for people.

I pray You will keep us from the sin of forgetting that You are the one who sets up kingdoms and puts down kingdoms, and You cause that to happen through the minds and prayers of men and women. You have challenged us through Your Word that we who are ruled should pray for those who rule and those who rule should always seek God's will in their decisions. For those who rule in America watch over the souls of all Americans, knowing that they must give account to You, O God, and let them govern with joy and not grief, for that is unprofitable.

By Christ, therefore, let us offer the sacrifice of praise to God continually; that is the fruit of our lips giving thanks to His name. But to do good and to communicate, forget not, for with such sacrifices God is well pleased. And even now, Heavenly Father, help these men and women to learn the art of extending grace and understanding to those of a contrary mind, a different mindset than one's own, even as You have extended Your sovereign grace and compassion to each of us. I pray in the name of our wonderful and holy God. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is now recognized.

Mr. BROWNBACK. Thank you very much, Mr. President. I would like to yield the floor for a minute. The guest Chaplain is the guest of the Senator from Washington. I would like to yield the floor to the Senator from Washington for an introduction.

The PRESIDENT pro tempore. The able Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

CHAPLAIN LYLE KELL

Mrs. MURRAY. I want to take this opportunity to thank Chaplain Kell for his inspired prayer. And I also want to thank our Senate Chaplain for working to ensure Chaplain Kell, a resident of our State of Washington, the opportunity to provide spiritual inspiration today to the Senate.

From the shores of Europe to the community of Arlington, WA, Chaplain Kell's record of service to our Nation is impressive. He served in the U.S. Navy during World War II from June 1943 to November 1946 as a gunner with the armed guard, the unit that protected merchant marine ships from enemy attack. He received many service decorations, including medals for the European African Middle Eastern campaign and the Asiatic Pacific campaign.

Chaplain Kell was ordained as a minister in 1965 and served as the national chaplain to the Veterans of Foreign Wars of the United States from 1995 to 1996. Born and raised in Skagit Valley, WA, Chaplain Kell is now a resident of Arlington and has been a member of VFW Post 1561 since 1985. Prior to becoming VFW national chaplain, he served as the VFW post, district, department, and western conference chaplain.

As a member of the Senate Veterans Affairs Committee, I am proud that Chaplain Kell has been able to continue his dedicated service to our Nation today as the Senate guest Chaplain. I wish to honor Chaplain Kell's wife, Dorothy, and his daughter, Brenda, who have accompanied him here to Washington, DC. And I would also like to extend my most heartfelt good wishes to them and to you, Chaplain Kell, as you celebrate your birthday today.

Thank you, Lyle Kell, for all of your dedicated service to American veterans and to our Nation. Your work to promote our country's freedoms has benefited countless individuals across this Nation and around the world.

Thank you, Mr. President.

Mr. BROWNBACK. Mr. President, I appreciate very much the comments of the Senator from Washington. It certainly is appropriate we open with a prayer in the Senate.

SCHEDULE

Mr. BROWNBACK. Mr. President, on behalf of the majority leader, I announce that today, following morning business, the Senate will resume consideration of the supplemental appropriations bill. At 10 a.m., Senator WARNER will be recognized to offer his amendment. It is the intention of the manager that a motion to table the Warner amendment occur at approximately 10:30. Therefore, Senators should be prepared to vote on the Warner amendment at 10:30.

Following disposition of the Warner amendment, it is the expectation of the leader that the Senate continue to debate the Byrd amendment. Subsequently, Senators should anticipate additional votes throughout today's session. It is the intention of the majority leader to complete action on this important legislation as early as possible today.

I certainly thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business with Senators permitted to speak therein.

Mr. FEINGOLD addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Wisconsin.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. FEINGOLD. I thank the Chair.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. I rise today, with my friend and colleague, Senator WELLSTONE, and others to start up the conversation again about the need to clean up our election system and pass meaningful, bipartisan campaign finance reform. I am pleased to announce that as of yesterday the so-called McCain-Feingold legislation now has reached a milestone of having 30 cosponsors in the Senate, with the addition of the distinguished senior Senator from West Virginia, Senator ROBERT BYRD, as a cosponsor.

The senior Senator from Minnesota, of course, was a leader on this issue long before I got here and continues to be, not only in our legislation but on other aspects and ideas about how we can clean up this system.

One of the things that really highlights the importance of this issue is the type of work that was recently done by Public Citizen in releasing a report that lays out the fact that the McCain-Feingold bill, and I am sure other alternatives as well, really would make a difference, that had we done the job last July the elections of 1996 would have looked very different.

They have analyzed three components of the legislation. One is the voluntary limits on overall spending that candidates would agree to in order to get the benefits of the bill. They analyzed the fact that the McCain-Feingold bill would ban soft money completely, as any good reform proposal must do. And Public Citizen analyzed the requirement in the bill that if you want the benefits of the bill, you cannot get more than 20 percent of your total campaign contributions from political action committees.

Very briefly, since I want to obviously hear from the Senator from Minnesota, I just want to report what the figures were. Over the last three election cycles, had these provisions been in the law and had all candidates for the U.S. Senate in 1992 and 1994 and 1996 abided by the limits, $700 million less would have been spent on these campaigns—$700 million. That is just for Senate races in three cycles; in other words, just one whole series of Senate races for 100 seats—$700 million of less spending. It would have been $259 million in less spending overall by candidates because they would have agreed to an overall limit for their State; $50 million less in political action committee receipts and $450 million less in soft money.

I wish to indicate, since some get in the Chamber and say this is a proincumbent bill, the Public Citizen report shows it is just the opposite, absolutely the opposite of a proincumbent bill. This is a prochallenger bill. Ninety percent of the Senate incumbents over the last three election cycles exceeded the limits for the McCain-Feingold bill—90 percent of the incumbents. Only 24 percent of the challengers exceeded these limits. So the challengers in most cases would have been the ones who would have been more likely to get the benefits of the bill; 81 percent of the incumbents exceeded the 20 percent PAC limit and only 13 percent of the challengers exceeded the 20 percent PAC limit.

So there are many arguments that are posed against the bill, most of which do not hold water, including the notion that the bill is unconstitutional. We will address that on another occasion, but today I thought I would just use a few minutes of this time to indicate that this notion that this bill is protection for incumbents is false and just the opposite is the case as is indicated by Public Citizen.

At this point I would like to——

Mr. WELLSTONE. Mr. President, I wonder whether the Senator will yield for a question.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Minnesota.

Mr. WELLSTONE. I was listening to my colleague from Wisconsin, and I thank him for leading this reform effort, in fact I thank Senator McCAIN and other Senators as well. I know the Presiding Officer has done a lot of work and has spoken out about trying to really reduce the role of big money in politics.

The question I ask my colleague has to do with this whole issue of incumbents and challengers. It has been said sometimes that the debate about campaign finance reform is really less a debate between Democrats and Republicans and all too often is more a debate between ins and outs; that, if anything, part of the inertia here and the slowness to embrace reform and the fierce opposition has to do with the fact that right now the system is really wild for those people who are in office.

My question for my colleague is does he feel some sense of urgency and will he consider coming to the floor every week now with other colleagues—the two of us are sort of getting started. There are a number of Senators who feel very strongly that this is a core issue, the influence of money in politics, and the most important thing we could ever do would be to pass a significant reform measure. Is my colleague from Wisconsin beginning to feel as though it is really going to be important that every week from now on for Democrats and Republicans who are serious about reform to be out on the floor and beginning to frame the issues, especially focusing on what are going to be the solutions?

Mr. FEINGOLD. I do really thank the Senator from Minnesota. In fact, I would very much like to join with him in coming out here each week, assuming we are permitted the time. This is the time to start this effort in the Chamber. We had great help from the President of the United States in endorsing the legislation and getting us off to the right start at the beginning of the year when there was a great deal of attention paid to this issue.

Obviously, there are other priorities; the whole issue of balancing the budget has taken much of center stage for the last few weeks and obviously is now on a track, whether one likes it or not, that is moving in a direction that will be resolved one way or another.

That is why I think this is the time, as the Senator from Minnesota is suggesting, to have an awful lot of the conversation here on the floor between now and the day we pass campaign finance reform be about this issue. We have to talk to the American people this way and in every other way about what the real facts are about this issue because it has been often distorted.

For example, the point of the Senator from Minnesota about whether or not this is really a Republican-Democrat issue. It is not. The Public Citizen report, for example, points out there is not a lot of difference between the parties in terms of this issue: 54 percent of the Democrats who ran for the Senate in the last three election cycles exceeded the limits; 59 percent of the Republicans exceeded it. It is not a vast kind of difference, and the Members here really know that. The problem is somehow encouraging Members, incumbents here to realize that their lives and their jobs would be better and the opportunities for others who want to run for office would be better if we do this. But I think we do need to be out here talking about this, if not on a daily basis at least on a weekly basis, to let people know this is a serious effort and that we do intend to succeed.

Mr. WELLSTONE. Mr. President, I wonder if my colleague will allow me to share a concern with him and get his response. Let me tell you what my worry is. I do not have any doubt that people in the country know that too much money is spent, that they know there is too much special interest access, that they know all of us spend too much time raising money. I have no doubt that people understand that. As a matter of fact, I think one of the things that is making it more and more difficult for people to get involved at the grassroots level is when they see these huge amounts of money contributed by some folks and some interests and then they get a letter: We would like you to make a $10 contribution and be involved in our grassroots effort.

They are a little cynical, and they figure: Come on, give us a break; we know the people who are most involved in this process. It is not us and our family.

This is the core issue for a representative democracy. But my concern is that the Rules Committee starts next week, and there will be an effort, as I have at least looked at a preliminary list of witnesses—not to talk about any particular witness—there is going to be a pretty strong effort on the part of the Rules Committee, which I have called in the Chamber of the Senate, a merry-go-round for reform, to basically frame this issue and the issue will be not enough money is spent; all we need is disclosure so that we can make people realize how bad it is, without doing anything to make it better. As I look at the ways in which the Rules Committee moves forward starting next week, I see the beginning of the debate. I see the beginning of the debate.

So I say to my colleague, will he agree with me that it is going to be important for those of us who are committed to reform, Democrats and Republicans—and there is a pretty significant group—to start coming out on the floor? We will figure out the vehicles, and it is not necessarily amendments, but there are always ways of speaking. Should we not now every week be out here framing this issue and over and over again saying what are going to be the solutions to these problems and are we or are we not going to take action in this Congress?

Mr. FEINGOLD. Mr. President, I think we have to do this on the floor, in part because of the witness list. We went through this last year, where the committee hearings were used for a great deal of time and you did not get the feeling that the goal was to find a solution or to pass a bill. The goal was to sort of talk it to death. The floor is a superb place to do this.

In fact, I would say to my friend from Minnesota, I think one of the best editorials that has been written on this subject, that I think we can sort of elaborate on on the floor in the coming weeks, is something from the Washington Post of April 21, 1997, entitled, "Skirting the Real Scandal."

Mr. President, I ask unanimous consent this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 21, 1997]

SKIRTING THE REAL SCANDAL

The subject that has been most discussed by the politicians thus far this year has been not the budget, nor the state of the economy, nor the various aspects of health care nor peace in the Middle East. It has been campaign finance—and the discussion has been almost entirely fraudulent. It is widely agreed, and rightly so, that we are in the middle of a campaign finance "scandal," and both parties are forced by convention to express their indignation at that. But they are huffing and puffing about a problem that neither is willing to describe accurately—for the good reason that both are complicit in it and have a vested interest in perpetuating precisely what they must denounce. It is like one of those plays in which the characters can't or don't communicate and instead spend their time talking past one another and the truth. The point keeps getting missed—on purpose.

The basic problem is that the cost of conducting a campaign for federal office has been bid up to a point that is destructive of the very democratic process it is said to represent. The cost at both the congressional and presidential levels is obscene. One reason may be that so many of the candidates, lately including those for president, have had so little to say. It's not just TV that's expensive. Blur is expensive. In any case, the candidates and parties increasingly have responded to the cost by overriding or circumventing even the relatively modest set of rules put in place in the 1970s in response to the last great fund-raising scandal, that of the Nixon administration.

The rules imposed then were meant to limit the extent to which offices and officeholders can be bought, but in last year's presidential race, both parties tossed them almost completely out the window. Both pretended to abide by the law while raising money in amounts and from sources that the law forbids, and the amounts were huge. It is hard to decide which was worse, the pretense or the excess. The law is written in such a way that the violators could be fairly confident that they would suffer no penalty; this beat has no real cops.

That is the fundamental scandal that neither party will confront. The president, safely past his last campaign, claims now to want to strengthen a set of rules whose weaknesses he led the way in exploiting. The claim is unconvincing. He converts his own excesses into an agenda. Most of the congressional Democrats don't want to talk about the excess in the system either. In part, they seek to protect the president, in part to protect themselves: What could be so wrong, after all, with a system that elected them? The Republicans have the hardest time of all, because they are the stoutest defenders of the system that they attack the president for having used to such advantage.

Because no one can quite afford to talk about Topic A, they all talk about topics B, C and D: What are the ground rules going to be for the various congressional investigations of the subject? Should or shouldn't the attorney general seek appointment of an independent counsel? The Justice Department says one reason it hasn't gone to such lengths is that so much of the fund-raising at the center of the dispute involved so-called soft money rather than hard, meaning money that went to the Democratic National Committee rather than to the president's campaign organization. The law, the department's career prosecutors say, doesn't apply to soft money, so technically they have no violations to prosecute. And technically that may be so, but of course the point is that in the last campaign the distinction between hard and soft money disappeared. Both parties raised much more hard money than the law allows and merely called it soft to avoid regulation. The Republicans could make that point; it would strengthen their argument for an independent counsel. But they are the last to want soft money regulated. They want a counsel, but not a counsel who might insist on strict enforcement of the campaign finance laws.

The whole question of an independent counsel, and of turning what happened last year into a criminal as distinct from a broader civic offense, is to some extent a red herring. We don't mean to suggest that there ought not be a criminal inquiry, and in fact several are going on. An independent counsel continues to look into the sprawl of issues called Whitewater, including whether an effort was made to buy the silence of possible witness and former associate attorney general Webster Hubbell. A Justice Department task force and congressional committees are looking into the fund-raising squalor. If people committed crimes in the course of that fund-raising, they ought to pay the price, whoever they are. And the truth—the full truth—ought to be extracted from them, whether criminal or not.

But the churning about the lurid particulars of how that money was raised last year ought not be allowed to take the public eye off the broader questions: What do you do about the solicitation system generally? How do you keep electoral outcomes, and the policy outcomes to which they lead, from being bought? The politicians—both parties—are conducting a kind of mock debate about the lesser issues as a diversion and an alternative to dealing with the central one. That's the ultimate scandal, and they should not be allowed to get away with it.

Mr. FEINGOLD. Mr. President, let me just read the last paragraph of this. The editorial basically talks about the way in which Members of Congress are very skilled about talking around the edges of this thing: Foreign contributions are the problem, or the problem is what the White House did, or what we need is an investigation, or what we need is an independent counsel, or we need investigations—all so you can talk about everything but the need to actually pass reform. This is what they identified, and I thought the last paragraph was effective. As it says:

> But the churning about the lurid particulars of how that money was raised last year ought not to be allowed to take the public eye off the broader questions: What do you do about the solicitation system generally? How do you keep electoral outcomes, and the policy outcomes to which they lead, from being bought? The politicians—both parties—are conducting a kind of mock debate about the lesser issues as a diversion and an alternative to dealing with the central one. That's the ultimate scandal, and they should not be allowed to get away with it.

Mr. President, I think that is exactly what the Senator from Minnesota is referring to, talking around the edges, using the committee process to avoid talking about what is really going on, the need to change this big money system, and to talk about it on the floor.

Mr. WELLSTONE. Mr. President, if my colleague will just yield for one other question, another concern, and then I will leave the floor and let him conclude. I wonder whether the Senator from Wisconsin would agree with me that—I mean, in, oh, so many ways—what we see happening in the country is every election year we see cited the figures: People spend more and more money in the campaigns and fewer and fewer people participate. People are really losing heart.

I have said before that I do not see it as corruption as in the wrongdoing of individual officeholders. But I see systemic corruption, where these campaigns have become TV-intensive, relying on huge amounts of money and, therefore, you have this huge imbalance of influence and power where too few people give way too much of the money that is given, and are given access and influence, and too many people are left out of the loop. This becomes a real problem for a representative democracy because it is not true any longer that each person counts as one and only one.

So I ask my colleague whether he would agree that it is going to be important, not just for us to speak 20 minutes a day, but now for us to begin to get together? I ask him whether, as a leader in this effort—and he has been a leader of this effort —whether we might really be reaching out to other colleagues who feel very strongly about this, who really want people in our country to believe in the political process—all of us should want to change this—and get some people together and come out on the floor of the Senate? We are going to keep framing this issue and we are going to keep calling for reform and we are going to make it crystal clear that we are not going to let the Senate, or the Congress, become a politics of diversion on this.

It is fine to identify problems. If some people want to say we do not have disclosure, fine. If some people want to say it is influence of foreign money, fine. If some people want to say it is just the rules that have been broken and no more than that, fine. But the people in the country know too much money is spent, there is too much special access, there is too much time spent raising money, and we have to build the McCain-Feingold bill that is out there. We want to move that forward and we want to eventually have an up-or-down vote.

Does my colleague agree that we need to start turning up the heat?

Mr. FEINGOLD. Not only do I agree, but I ask the Senator and I make sure we reach out to Members of both parties in this body who are cosponsors, and others who I think are very interested in reform and have not yet chosen to cosponsor it, to do just that.

There are myths about the legislation and about the effort that have been perpetuated in an effort to make the public ignore the issue, thinking it cannot be resolved. But the facts speak differently. There have been newspaper articles indicating that we have fewer cosponsors than last year. That is just false. We have 30 Members of the U.S. Senate as cosponsors of this bill. I guess if we do not come out here on the floor and start to indicate these facts, it is very hard for the average citizen to relate to it.

One of the reasons it is hard for them to relate to it is, when they start hearing about $100,000, $200,000 contributions, it is pretty hard for them to feel invited into the process. It is pretty hard for them to believe that anything will ever change. They are so used to believing that this system and this town is dominated by interests and powers that they cannot control, that the people of the country, when they are asked in a poll, may not say that campaign finance reform is the No. 1 issue. I think, if you ask them whether they think we ought to do the job and whether it is important, of course they would say yes. Many would support almost every aspect of the legislation we are proposing.

But, for the average citizen, if you asked them what is their No. 1 concern, what are they going to say? They are going to say, "We are concerned about our kids' education, we are concerned about crime in our neighborhood." Those are the things that people should identify, should feel free to identify, and they should not have to worry about a system that has gone out of control so far away in Washington. That is not the stuff of the daily lives of people in this country. That is not what it takes to make ends meet.

But the fact is, until we clean up this system here, the ability of this Government to assist those families in getting through and making ends meet will be seriously compromised. When we reach the point that Members of this body get on the floor and say that what the problem is is that we do not have enough money in politics, and then we do not pass a piece of legislation, and then we have an election—we find out the result. More money was spent in these last elections than in any other election and we had the lowest voter turnout in 72 years. That is not just a fluke. It is because more and more people are feeling that they are no longer part of a system that is supposedly premised on the notion of one person one vote.

So, today begins the effort to speak here on the floor on a regular basis—not just about the McCain-Feingold bill, but about the fact that we are not going to allow this year to pass without an effort to bring this issue back to the floor. Again, my lead author on this bill, the Senator from Arizona, Senator McCAIN—I always have to apologize for his being right and my being wrong last year when he said it would probably take a scandal to get this passed. I said, please, don't say that. I want to get it passed this year. But he was right. It took something like the abuses of the 1996 election to get people in this body, to get people across the country, to realize that this just is not a quantitative change in what has been happening in elections since 1974. What happened was a qualitative change, a major change in the way in which elections are conducted.

Basically, the current election system is falling apart through the use of loopholes and abuses and how much money people are willing to raise through soft money and their own campaigns.

So our goal here is to make sure everyone knows this issue is not "not there." It will become one of the dominant issues, not just in the media and the newspapers, as it has been, but it will become one of the dominant issues here in the floor in the not too distant future.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. COATS). The Senator has 2 minutes 28 seconds remaining.

Mr. FEINGOLD. I yield the remainder of my time and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, what is the order? How much time does each Senator have?

The PRESIDING OFFICER. Under a previous order, the Senator from New Mexico, or his designee, is recognized to speak up to 15 minutes, but at 10 o'clock, the order also requires that the bill be laid down.

Mr. DOMENICI. Also required to do what?

The PRESIDING OFFICER. That the pending bill will be laid down. Technically, the Senator from New Mexico has approximately 11 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. WYDEN pertaining to the introduction of S. 718 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor.

TRIBUTE TO MOE BILLER

Mr. DASCHLE. Mr. President, today I want to recognize one of America's great labor leaders—Moe Biller, president of the American Postal Workers Union, AFL-CIO—on the occasion of the 60th anniversary of his hiring by the Postal Service.

On May 8, 1937, Moe Biller was hired as a postal clerk in New York City by what was then called the U.S. Post Office Department, beginning a long career of service to the American public. At the same time, Moe became a postal union member and activist—a journey that led him to the presidency of his New York City local in 1959 and then to the presidency of the national APWU in 1980.

Moe's six decades of service included 2 years during World War II in the Army's Adjutant General Corps from

1943 to 1945, where most of his service was in Northern Ireland. We thank him for this service as well.

Moe's steadfast and determined struggle on behalf of all postal workers led to enactment of the Postal Reform Act of 1970. By virtue of that legislation, postal workers were given the right to bargain for wages, benefits, and working conditions under the National Labor Relations Act. These events also led to the merger of five separate craft unions into the APWU in 1971, an historic event in postal labor history in which Moe played a leading role.

At 81 years young and still going strong, Moe has rightfully been called the "dean" of the American labor movement and is held in high regard within the highest councils of the AFL–CIO and its affiliated unions. As we wish Moe congratulations on this, his 60th postal anniversary, we look forward to many more years of visionary leadership on his part.

Congratulations, Moe Biller.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 672, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid/Baucus amendment No. 171, to substitute provisions waiving formal consultation requirements and "takings" liability under the Endangered Species Act for operating and repairing flood control projects damaged by flooding.

Byrd amendment No. 59, to strike those provisions providing for continuing appropriations in the absence of regular appropriations for fiscal year 1998.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia [Mr. WARNER] is now recognized.

AMENDMENT NO. 66

(Purpose: To modify the requirements for the additional obligation authority for Federal-aid highways)

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment filed at the desk, No. 66, be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. GRAHAM, Mr. ABRAHAM, Mr. NICKLES, and Mr. ROBB, proposes an amendment numbered 66.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

Notwithstanding any other provision of this act, the language on page 39, line 12 through 18 is deemed to read, "had the Highway Trust Fund fiscal year 1994 income statements not been understated prior to the revision on December 24, 1996: *Provided further*, That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104–205 (110 Stat. 2969):".

Mr. WARNER. Mr. President, I ask the indulgence of the Senate. I have a little hoarseness this morning, but I will do my very best.

Mr. President, this is an amendment offered by the Senator from Virginia, together with the Senator from Florida [Mr. GRAHAM]. And we entitle it simply a "fairness amendment."

I hesitate to take on the wisdom of the distinguished chairman and the distinguished ranking member of the Appropriations Committee, but I do so out of a sense of fairness toward all 50 States.

Mr. President, the amendment relates to the bill's provision affecting the distribution of $933 million in additional—I point out, additional—obligation authority in the Federal Highway Program to the 50 States. A small part of this funding is fully justified. It provides to correct the mistake made by the Department of the Treasury in 1994 in underestimating gas tax receipts into the highway trust fund.

As a result of this mistake, 10 States did not receive their correct apportionment of Federal highway dollars in 1996. And I fully agree and commend the Appropriations Committee in its efforts to make whole these few States, 10 in number, who received less than they should have in 1996 dollars.

The amendment offered by Senator GRAHAM and I, however, ensures that these 10 States are compensated as was intended by the Appropriations Committee and as they are legally entitled to be compensated, and in the amount of funds that they should have received in that fiscal year.

The Appropriations Committee, however, then provides an additional $793 million for this fiscal year and directs how these funds should be distributed among the several States. The distribution of these additional funds—$793 million—is in direct conflict, Mr. President, direct conflict, with the distribution formulas contained in the current law that is ISTEA passed in 1991, the Intermodal Surface Transportation Efficiency Act of 1991, and amounts to nothing more than changing the rules right in the middle of a very—and I emphasize, a very—conscientious, bipartisan effort by the U.S. Senate to rework a future piece of legislation to succeed the 1991 ISTEA Act.

The amendment Senator GRAHAM and I offer is very simple, Mr. President. Our amendment states that the $793 million in obligational authority provided by the Appropriations Committee will be distributed according to current law, ISTEA 1991. I just wish to repeat that. We have a law carefully crafted in 1991. And all that we ask in this amendment is that this $793 million be allocated to the States in accordance with existing law.

Mr. President, as the chairman of the Transportation Subcommittee of the Environment and Public Works Committee, I am leading a bipartisan effort—Senator MAX BAUCUS is the distinguished ranking member of that committee—working together with all of the members on the committee to achieve a successor piece of legislation to ISTEA 1991.

We have held 10 hearings this year on various issues relating to ISTEA. Four major bills—I repeat, four major bills—have been introduced regarding the successor piece of legislation to ISTEA 1991, including one that Senator GRAHAM and I are cosponsoring. Certainly establishing fair distribution formulas that recognize the differing regional goals of the country will be a matter of extensive discussion. It will not be an easy task to provide adequate funding to address the many legitimate transportation needs that exist today.

I stipulate, Mr. President, there are many, an overwhelming number of needs in transportation today. And it is very difficult for Senators to reach their determination as to how to vote on this knowing that in every Senator's State there are crying needs for money today. But what Senator GRAHAM and I are doing is asking that the Senate stick with its process, respect the authority given to the authorizing committees to work through legislative matters in a conscientious, bipartisan way, which we are doing, to try and reach and craft a bill to succeed ISTEA 1991.

A part of that consideration will be whether or not we do change the very formula that I am recommending to the Senate in this amendment, the very formula in ISTEA 1991. I happen to be on the side that thinks changes should be made. But there is honest difference of opinion among the 50 States. But let us leave it to the process that is underway—with 10 hearings—in an effort to resolve those disputes.

Mr. President, I have been one who has been critical of ISTEA 1991's formula. I believe they fail to reflect the current use or demands of our current transportation system. There are many archaic base points on which that formula rests. And we hope to change that. It is my hope that during the reauthorization of ISTEA, the subcommittee will devise a more fair distribution of Federal highway dollars based on needs and use of our transportation system.

At this time however, when our States are in the last year of the 1991 ISTEA, it is not in the best interests of the U.S. Senate to set a new distribution formula. And that is precisely what the inclusion in the bill does by the Appropriations Committee.

I know that my colleagues on the Appropriations Committee will try to persuade Senators that the bill's provision only attempts to ensure that each State's 1997 funding level is equivalent to what each State received in 1996. They claim that somehow the distribution of funds in 1997 is a mistake that must be corrected in this bill.

Mr. President, the distribution of highway funds for this fiscal year is no mistake. For the first time, the allocation of funds in 1997 comes closer to providing States with a true 90-percent return on every dollar sent to the highway trust fund, a commitment made to every donor State when ISTEA was passed in 1991.

Mr. President, this is 1997. Why should funding in this bill be distributed based on 1996 factors? It does not make good common sense. The provision in the bill will produce a major change in the way ISTEA 1991 distributed funds at the beginning of this fiscal year.

Our States already have received funds for this fiscal year based on the current law, ISTEA 1991. I see no reason why we need to set new formulas to distribute this additional funding to our States, to change the rules in the middle of the game.

Mr. President, I urge our colleagues to adopt the Warner-Graham amendment. Our amendment is simply fair play. It compensates those States who lost funds due to a clerical error, and more importantly distributes the balance of $793 million according to the current law, ISTEA 1991.

Let us save the formula debate for where it belongs, and that is in the careful consideration being given in the course of deliberations of the authorizing committee. And eventually our bill will come to the floor.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am going to make a rather technical statement here now about this amendment, and I hope Senators will listen to it. I will put a chart in the RECORD and put that chart on everyone's desk.

Last night I served notice that we are not going to permit this amendment to take the whole time today. We are going to finish this bill today. And as soon as a reasonable amount of debate has taken place, I intend to move to table this amendment. If we are going to finish here tonight in the time that both leaders have urged us to do—it is a matter of courtesy.

If the Senate will remember, last week at this time we finished a bill in time for our colleagues on the other side of the aisle to attend an annual meeting together. Ours starts tonight—early tomorrow morning really. But we are going to finish this bill tonight.

This is one of the amendments that could be debated all day. We took over a day when we debated this matter last year. So let me just state this. And I know the Senator from New Mexico wants to add to what I have to say. And I shall urge him to interrupt me at any time he wants to do so, but without my losing my right to the floor.

I understand the interest of the Senator from the State of Virginia in offering the amendment today to the supplemental. It is a nonemergency transportation title to the supplemental appropriations bill before us. I want to make sure that he and the Senator from Florida and the Senate know how this additional funding became part of the supplemental appropriations bill.

The matter arises out of a Treasury Department error made in 1994 which was finally corrected last year in recording the gas tax receipts from the States for the fiscal year 1994. The Treasury initially misallocated $1.6 billion to 1995, which should have been credited to 1994. In turn, that created a distribution of obligation limitations to the States for 1997 that was in error. We did not make that error. The Treasury Department made that error.

When that error was discovered, to the credit of the Senator from New Mexico—the administration originally indicated that they lacked the statutory authority to correct the distribution. Eventually, the administration was persuaded that it did have in fact the authority to make the change but only after the Senate had a very divisive vote on this issue, as the Senate will recall.

Accordingly, the fiscal year 1998 budget request from the President requests $318 million for 24 States to fulfill the erroneous expectations that were generated by publishing the 1997 obligation limitation allocation to the States. Again, let me say the President wants to fulfill the erroneous expectations based on the Treasury Department error.

What we did in Appropriations was provide the $318 million requested by the administration. Then we provided the $139 million that the Senator's amendment from the State of Virginia references. This is the additional obligational authority that results from a correction in the 1994 account stemming from the same Treasury error. The additional $139 million in funds go to only 10 States.

Finally, we provided an additional $475 million to make whole the 29 States whose 1997 apportionment of obligation limitation was below the 1996 apportionment bringing them back up to their 1996 level.

The chart I placed on every Member's desk from the Highway Administration shows that the only winners from 1996 to 1997, were in fact the so-called donor States.

What the Senator from Virginia's amendment would do is to further increase the obligation limitation for the donor States, and push the 27 States back below their 1996 apportionment level. What the Senator's amendment will do, in part, is validate the error made by the Treasury Department.

From 1997 to 1998 there is a $1.358 billion increase in the obligation limitation for highway funds. And every single penny of that increase goes to the donor States. Every nondonor State is effectively frozen at their 1996 level by the supplemental approach and would be pushed below that level by the Senator's amendment.

Some would argue that in a growing program no State should be expected to receive less than it received in the prior year. What the amendment before us now argues, that the $1.358 billion increase for a minority of States is not enough, that other States' programs should shrink so these so-called donor State programs can grow at even faster rates based upon an error that is now admitted by the Treasury Department.

That is hard for this Senator to understand. And it is impossible for this Senator individually or as chairman of the Appropriations Committee to support.

In short, we have provided an almost $1 billion increase in the obligation limitation. It is roughly split between donor and nondonor States. It is, in my opinion, a fair and equitable approach based upon the calculations by the Federal Highway Administration, and it is something that I support personally as well as support by virtue of being the chairman of the committee bringing this report before the Senate.

By comparison, the amendment before us of the Senator from Virginia would have the $139 million for the 10 States paid out, and then the balance of the $933 million go through the formula, an approach which would leave 27 States below their 1996 obligation levels. Now, to bring the 50 States up to their 1996 obligation levels through the formula, it takes a $2.4 billion increase in obligation limitations.

Now, I have to say, as a Senator that represents the largest State of the Union, my heart is heavy right now about the arguments we had yesterday, and I intend to say more about that today. But my State is the largest State in the Union, and if every State is supposed to get back the specific percentage of taxes, user fees and royalties paid into the highway fund, my State would like to get back all of the Federal taxes and royalties paid by producers of oil from our State.

This donor-donee-State business leaves us cold. Just think where we would be if every decision made by our Founding Fathers had been held to the test of whether their individual States received the precise percentage of revenue from every source that it paid into the Treasury. There would have been no expansion of the United States. The debate over donor-donee diverts the Congress from the real issue of the highway program. The Eisenhower vision was a national network of highways and then a network of superhighways. People ought to read Eisenhower's book. As a young colonel he tried to take a brigade across the country, as I am sure the occupant of the chair knows, and found he could not get there from here. He had to keep going up and down rivers to find places to go across, and the highways were not connected. Eisenhower's commitment, really, in running for President was to link this country together with a highway system, and he succeeded.

Now, this vision could never have been achieved on a donor-donee concept. The Federal highway system would not exist if such a concept had been controlling in President Eisenhower's time. People would not be driving through Texas or Virginia unless there were, in fact, highways paid for by revenue collected from other States.

We need to get back to the idea that the highway system is to tie the country together and to provide the infrastructure that makes America more competitive in international markets. It reduces congestion, it makes trips on our highways more safe, and it provides the necessary investment for transportation infrastructure to foster economic growth in this country.

Mr. President, in short, the donor-donee theory has the potential to destroy the promise of the national highway system. Further, the philosophy that drive the donor-donee debate will lead many of us to come back and tell Congress, what about the money we paid into the Treasury from which we received no benefit, none at all, those of us who come from the States that produce the oil that provided the feedstocks to make the gasoline that fuels our automobiles?

Now, we produce 25 percent of that in one State. Twenty-five percent of all the domestic production comes from Alaska. We have never said give us back every dime we paid, that the oil industry pays, into the Treasury on that oil.

I say to my friend from Virginia I could not be more insistent. Again, I ask the Senators to look at the chart I have provided. The donor-donee theory leads to winners and losers. Our bill leads to equity. It corrects the error of the Treasury Department and it restores the 1996 levels to all States. It does so fairly, while at the same time giving the donor States what the President has requested, and more, to both fulfill the erroneous decision of the Treasury Department and to correct the accounting error.

I want to ask my friend from New Mexico, Mr. President, if he has any corrections to make to the statement I just made.

Mr. DOMENICI. Mr. President and fellow Senators, let me ask if you will let others speak, and I will return in about 15 minutes with the documentation as to how all this happened so that we can present the best possible case. I will do that very, very shortly.

Mr. STEVENS. I say to the Senator, we made a commitment last night that we would move to table this amendment sometime around 9:30. We were not specific. If we are to get to the other portions of this bill, including the Senators from Texas, from Arizona, the Senator from Nevada, if we are going to get through those long amendments that pertain to items in the bill concerning money and legislation, we are going to have to get some time limit on amendments. I am serving notice as chairman that when I believe we have reached the point of having equitable distribution of comments on this subject, I am going to move to table it, and I am going to do the same thing with other amendments today until we get to the point where some of them will have to have up-or-down votes.

As far as I am concerned, this is an amendment that seeks unfairness, and I shall seek to table it at the appropriate time. I yield the floor.

Mr. CHAFEE. Mr. President, I rise today in opposition to the amendment offered by Senators WARNER and GRAHAM.

I want to emphasize that the situation before us today is not a new one. It started in 1994, when the Department of the Treasury made a clerical error in determining the amount of money going out to the States from the highway trust fund. This accounting error changed the distribution of highway funds in 1996 and 1997.

In late July of last year, during consideration of the Department of Transportation Appropriations bill, Senator BAUCUS and I tried to fix this error. Our amendment would have required that the funds be distributed as if the accounting error had never happened. We thought this was an honest and fair way to deal with this problem.

Unfortunately, this amendment was strongly opposed by some of our colleagues even though it was a fair and even-handed solution to a technical accounting error. As most of my colleagues are aware, votes on highway funds are often determined according to how each Senator thinks his or her individual State fares, and the vote last year was no different.

Since last July, the Departments of Treasury and Transportation have corrected the error. That should have been the end of the story, but, for some reason, the President has requested an additional $318 million to compensate the 24 States that would have received additional funds had the error been left in place. I think it is unfortunate that the administration, which made the accounting error in the first place, has reopened this issue, by seeking a supplemental appropriation. This issue has been needlessly divisive and, in seeking to have it both ways, the administration's decision has reopened old wounds.

The Appropriations Committee has included not only the administration's request, but also $139 million to fully compensate States that did not receive their share of 1996 funds because the error was not corrected until 1997. In addition, the committee has included $475 million for 31 States to bring their 1997 limitation up to 1996 levels. While I disagree with the decision to include the $318 million requested in the first place, I believe that the committee's inclusion of additional funds reflects the fairest compromise available to make all States whole.

The proponents of the amendment before us argue that the additional funds included by the Appropriations Committee contradict ISTEA formulas, giving an unfair advantage to 29 States. When the shoe was on the other foot and we argued that it was unfair for some States to receive a benefit from a bureaucratic error, our argument fell on deaf ears. Mr. President, this claim of unfairness today rings hollow.

The additional funds provided by the Appropriations Committee hardly gives an unfair advantage to 29 States. In fact, the only States that actually receive additional funds in 1997, when compared to 1996, are the so-called donor States that are offering the amendment before us today.

Mr. President, this is an issue that, in my opinion, was resolved after the administration initially fixed its error last December. Unfortunately, the administration has reopened this complicated issue. The Appropriations Committee has developed a fair solution to a difficult problem and they should be congratulated. I urge my colleagues to oppose this amendment and support the chairman of the Appropriations Committee.

While we are focused on the distribution of funds to the States I would like to say a few words about the formulas in the context of ISTEA reauthorization. I realize that some Members of this body believe that the current formulas that distribute highway funds are neither fair nor appropriate. Many Members argue that various factors, such as interstate highway mileage, State population, highway trust fund contributions, and the number of deficient bridges should be given greater weight or importance in the distribution formula. I think we can all agree that we have a long and difficult task before us in determining the appropriate formula for the next ISTEA. I therefore urge my colleagues to make every effort to work with, rather than against, one another in crafting a fair distribution formula that benefits the States and the national system alike.

Thank you.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner-Graham amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I want to assure the distinguished manager of the bill, it is not the intention of this Senator nor the cosponsors of my amendment to unduly delay the very important work that remains to be done on this supplemental appropriation, but to enable Senators to focus in on the narrowness of this issue. I wonder if I might ask a question or two of my distinguished colleague from Alaska, and then I would hope my cosponsor, the distinguished Senator from Florida, could have the opportunity to address the Senator. I will be brief in my questions.

First, Mr. President, I ask the distinguished manager of the bill, what was the dollar figure, in your estimate, of the needed amount of money to correct an error by the U.S. Treasury? We all acknowledge this existed. It is the estimate of the Senator from Virginia that it was $139 million.

Mr. STEVENS. Mr. President, we provided $318 million as requested by the administration. The $139 million that the Senator from Virginia references was to correct the basic error. The additional $475 million was to make whole the States in 1997 whose obligation limitation was under the 1996 level to bring it to what it was in 1996.

So there are two functions to the error. As far as the 1997 levels, the $475 million, it is not involved. That is to bring up their apportionment, bring them back up to the 1996 level. The $475 million makes the 29 States whose obligation limit was below their 1996 appropriation—it brings them up to the 1996 level in 1997.

Mr. WARNER. Mr. President, we have an honest difference of opinion. It was clear it was a $139 million error that needed adjustment. I commend the Appropriations Committee for seeking that adjustment.

I then asked my distinguished colleague, was there any request from the administration for dollars over and above the $139 million, and was not the addition of $700-odd million simply a discretionary decision made by the Appropriations Committee?

Mr. STEVENS. That is not so. The $475 million is tied to the $318 million. If we grant the administration's requested $318 million, we must put in the $475 million. The $139 million is to correct totally for the original error. The $318 million asked for by the administration effectively perpetuates the error unless we put in the $475 million to equate the $318 million. It is 2 years. We are correcting the 1996 allocation on the $139 million. We are correcting the 1997 allocation based on $318 million requested by the administration and by the $475 million to provide that no State receive less in 1997 than they did in 1996. The $475 million goes with the $318 million.

Mr. WARNER. I respectfully ask my distinguished chairman, can you show us any documentation where the administration, in writing, came up with a request over and above $139 million?

Mr. STEVENS. The administration only requested $318 million. It did not request $139 million or $475 million. It requested $318 million. But if we grant the $318 million, we must put in the $475 million, and as long as we do it we must correct the basic error, the $139 million that came from the original error of the Treasury Department, but we will perpetuate the error of the Treasury Department by providing the $318 million unless we provide the $475 million.

Mr. WARNER. There was a clear error of $139 million that had to be corrected. The Appropriations Committee did it. Then they went on their own initiative to add a very substantial sum of money and devised an entirely new formula—an entirely new formula—which brings further inequity between the donor-donee States.

I wish to conclude that I do not suggest that this debate engulf the latitude of all the arguments on donor-donee. We ought to sit down and precisely focus on two points, in my judgment. There was a $139 million error. It was corrected by the Appropriations Committee. All the added dollars were put in, presumably at the request of the chairman and ranking member or others on the committee, and then they came up with a new formula as to how to allocate the funds, and in doing that not only create a new formula, but they further exacerbated the friction that exists between donor and donee States. I suggest that debate between donor-donee be reserved for the authorizing process which is going on now in a very conscientious, bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. STEVENS. The Senator asked me a question and I want to answer that. The Senator from Florida is recognized. Do you permit me to answer?

Mr. GRAHAM. I yield.

Mr. STEVENS. As the chairman of the Public Works Committee, Senator CHAFEE, points out in his statement, in July of last year they tried to correct this error from the Treasury Department.

The Senator from Virginia, if he looks at the chart before the Senate, will see that if we make the changes solely requested by the Senator from Virginia, all donor States would end up with all zero growth from 1996 to 1997. All those zeros in the first column show the inequity of not doing the $475 million. Because the inequity, if we provide $318 million to one part of this package without the $475 million, would create a total inequity as far as all those States that have no growth in their allocation over 1996. I am referring to all those States that have zeros in the first column. If the Senator would look at it, he will see why we felt compelled, if we grant the President's request of $318 million, to provide the $475 million. No one argues about the $139 million even though it was not requested by the administration. I do not think there is an argument about the $139 million. It was a result of the Treasury error. To perpetuate the error is to grant the $318 million the President requested without adding the $475 million.

Mr. WARNER. Would the distinguished Senator from Florida yield for a unanimous-consent request?

Mr. GRAHAM. I yield.

Mr. WARNER. Mr. President, I ask unanimous consent that a statement by the Federal Highway Administration explaining the Warner-Graham amendment and the allocation showing that no States lose money under our formula be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

States	Appropriations Committee	$139M supplemental and current law ISTEA
Alabama	20,931,160	27,292,041
Alaska	16,374,848	9,068,976
Arizona	12,007,562	14,358,753
Arkansas	6,506,921	9,605,618
California	50,711,555	70,850,325
Colorado	13,192,342	8,999,536
Connecticut	23,056,356	16,072,332
Delaware	5,020,775	3,512,696
Dist. of Col.	3,216,819	3,665,346
Florida	51,668,920	59,854,580
Georgia	56,862,527	61,842,097
Hawaii	7,713,831	5,514,843
Idaho	4,176,763	4,911,625
Illinois	43,905,951	29,939,952
Indiana	11,674,082	18,528,503
Iowa	13,151,501	8,933,482
Kansas	13,420,087	9,287,767
Kentucky	29,879,840	34,997,622
Louisiana	7,240,399	12,263,724

States	Appropriations Committee	$139M supplemental and current law ISTEA
Maine	6,215,750	4,134,434
Maryland	17,046,628	12,066,857
Massachusetts	55,007,226	30,790,454
Michigan	14,747,139	24,046,968
Minnesota	25,850,795	10,945,036
Mississippi	5,314,543	9,493,034
Missouri	9,678,737	18,475,358
Montana	17,336,799	6,649,719
Nebraska	9,062,950	6,287,862
Nevada	6,986,045	4,722,196
New Hampshire	5,593,764	3,870,801
New Jersey	31,951,953	21,707,256
New Mexico	14,156,168	7,490,446
New York	68,567,888	47,466,766
North Carolina	15,054,880	20,928,680
North Dakota	6,767,361	4,611,365
Ohio	7,201,580	30,813,304
Oklahoma	7,096,552	12,186,183
Oregon	6,897,405	9,562,721
Pennsylvania	16,916,047	32,012,823
Rhode Island	10,961,636	3,626,100
South Carolina	18,202,593	21,535,023
South Dakota	7,365,019	5,032,297
Tennessee	9,427,283	17,712,897
Texas	64,694,961	81,339,014
Utah	8,225,843	5,681,774
Vermont	5,121,469	3,653,502
Virginia	13,986,103	18,263,736
Washington	24,012,512	14,519,372
West Virginia	10,738,625	7,159,768
Wisconsin	10,167,297	18,529,708
Wyoming	7,299,340	5,030,652
Puerto Rico	4,917,614	3,439,923
Total	933,172,744	933,172,744

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this has been an illuminating discussion to an admittedly complex question. So, without being redundant, I will step back to see if we can sort out what are the issues in agreement and what are the issues upon which we disagree.

One area in which there is agreement, agreement both in the underlying supplemental appropriations bill and in the amendment that is offered by my colleague from Virginia, myself, and others, is that the $139 million, which was an admitted error of arithmetic basis in the Department of the Treasury, should be corrected. There are States which received less funds than they should have received because of that admitted error. I think there is virtual unanimous agreement that we should correct that error. We will do so. Whichever position we take on this amendment, $139 million will flow to those States which were the object of that inadvertent omission.

The second question upon which there is agreement is that the total funds for surface transportation should be increased in this supplemental appropriations bill beyond the $139 million, and there is basic agreement that the amount of that increase should be approximately $800 million. Both the underlying bill and the amendment provide for the allocation of an additional $800 million beyond the $139 million necessary to correct the error.

The issue becomes how that $800 million should be structured and what is the rationale for the $800 million. A portion of that $800 million, roughly $318 million, represents those States which had been given an expectation of what they would have received—a false expectation, based on that arithmetic error and acted upon that expectation. They thought they were going to get an additional $4 or $5 million because of the arithmetic error, and they calculated that into their State highway fund.

Question: Should the Federal Government, even though it was in error, it was a false expectation, but it was a communicated expectation and it was an expectation upon which the States took action, be responsible for those funds? I think that is a debatable issue.

The third portion of this debate has to do with the remaining $475 million. Let me say at this point—and I mean no disrespect to any comments made thus far—this has absolutely nothing to do with the issue of the arithmetic error. I repeat that it has nothing to do with the issue of the arithmetic error. I cite as my authority for that, first, the supplemental appropriations bill itself, on page 39, lines 12 through 18, which clearly outline that the purpose of these funds is, notwithstanding any other provisions of law, such additional authority shall be distributed to assure that no State shall receive an amount in fiscal year 1997 that is less than the amount they received in 1996.

That doesn't have anything to do with an arithmetic error. That has to do with providing a hold-harmless provision in this supplemental appropriations bill, which was not provided in the ISTEA Act of 1991.

Mr. President, if we could briefly go back to that legislation, that legislation contained the allocation of some $120 billion of Federal funds to the States and territories for surface transportation. It was a very contentious bill, as all of these bills tend to be. It contained a provision for those States that had traditionally received back substantially less than they had contributed to the highway funds, that in the last year of the 6 years of ISTEA authorization, which is fiscal year 1997, there would be inserted a 90-percent floor—that is, that no State, in the last year of the 6 years of ISTEA, would get back less than 90 percent of what it contributed to the highway fund. That 90 percent standard had been the holy grail of those States that had, in the past, gotten back substantially less than 90 percent.

We had attempted, frankly, to get that standard applied in every year of the 1991 ISTEA bill. But politically unable to do that, the compromise was that, in the last year, that objective would be achieved. Since we are dealing with a zero-sum amount of money—that is, there is a fixed amount of money to be distributed in 1997, obviously some States had to get less in 1997 than they got in 1996 in order for other States to be brought up to this 90-percent floor. That was understood, that was part of the negotiation, that was part of the common understanding of the Congress and President Bush when he signed this legislation in 1991.

That is the issue that the $475 million goes to. It has nothing to do with the arithmetic error made in the Department of the Treasury. What this $475 million essentially says is that we are going to pour $475 million of additional Federal money, beyond that which had been contemplated in 1991, into the ISTEA program and specifically into a policy that will assure that, regardless of what the law said that we passed in 1991, we are going to guarantee that we are not playing with a zero-sum game, because no State will get less in 1997 than the State received in 1996.

Now, that is the issue that this amendment raises. What this amendment says is that if we are going to provide these additional funds beyond that which is required to correct the arithmetic error, we should be faithful to the law that we passed in 1991 and we should distribute that money under the provisions of the law that is already the law of the land and will govern the distribution of highway funds in 1991.

Mr. President, I believe that is an extremely important and clarion call for fundamental fairness. We had this debate in 1991. We decided on the compromise, which is the essence of the congressional process, that a 90-percent floor concept would be available, but only in the last year. Now, in the last hours of the life of ISTEA, we are about to vitiate that understanding. It is fair because those States which have traditionally been substantially donor States—that is, they sent more money to Washington than they got back—this represents an opportunity—we are not going to say that all States are going to get 100 percent of their money; we are going to say that no State will get less than 90-percent of its money.

Now, frankly, Mr. President, I do not support the principle that all States should get 100 percent, because I recognize exactly what the Senator from Alaska is saying. We are dealing with a national surface transportation system, and there are rational reasons why some States, such as the very large geographic areas, get a certain amount. The small-population State of Alaska should get back more than other States in order to be able to maintain an equivalent level of their contribution to a National Highway System. But that was the essence of the debate that we had in 1991, and we came to this resolution that we should establish, in the last year of the 6-year authorization, this principle of a 90-percent floor. That principle is about to be violated by pouring $475 million into this program in its final weeks of existence in order to assure that no State will get less than it got in 1996.

So, Mr. President, for fundamental fairness to the Nation, to the fundamental credibility of this very important program of Federal-State partnership for the mobility needs of America, I urge that we adopt the amendment that has been offered by the Senator from Virginia, that we focus on the issue that this amendment raises, which is not an issue of arithmetic perfection, it is an issue of fairness protection. We arrived at how these funds should be allocated. We should stick with the agreement that we have. We should not, in a supplemental appropriations bill, on May 8, attempt to change it. So, Mr. President, I urge adoption of the amendment offered, and I commend my colleague from Virginia for the leadership provided.

Mr. NICKLES. Mr. President, I wish to join with my friend and colleagues from Florida and Virginia, in stating my strong support for this amendment.

Mr. President, let me state, at the outset, I wish we had an amendment that would strike the $793 million that was added on in the Appropriations Committee. In my opinion, it does not belong in this so-called urgent supplemental. I have been wondering, how does this bill grow from about $4.6 billion to almost $8 billion, about $793 million are in roads and highways. You think, if they are going to put in more for roads and highways—I am not contesting the $139 million; I don't guess anybody is. But the additional $793 million, I am contesting. Again, I think the proper motion would be to strike it, and somebody says, why aren't you doing that, because we have cloture? I understand from the Parliamentarian that that motion to strike is not in order. Maybe I should have gotten that amendment in at an earlier time, and I regret that.

At least the amendment of the Senator from Virginia says, if we are going to have the additional $793 million, let's allocate it according to existing law. We have spent days on this floor fighting allocation formulas. A lot of us are not satisfied with those. We end up sending a lot more to Washington, DC, in roads and highway taxes than we get back. And then we look at the amendment that comes out of the Appropriations Committee and say, well, this makes it worse. We don't really find that acceptable.

So I just make the comment that, really, the $793 million should be allocated according to the formulas we have agreed to. It should not be changed to the disadvantage of many States. We are going to fight the allocation of the formula fight again this year, in this Congress, on the ISTEA bill. We will have plenty of time to debate it and time for the committees. The chairman of the Transportation Subcommittee, Senator WARNER, and his committee will mark up that bill. We will have it on the floor. Every Senator will have a chance to have their input on that. That is the way we should fight for the allocation process. We should not be changing it on a supplemental—"urgent supplemental"—appropriations bill. It doesn't belong here. I urge the conferees, since the motion to strike is not in order, to drop everything in conference except for the $139 million. This urgent supplemental, in my opinion, is getting loaded with a lot of things we can't afford, and maybe we are not legislating in the proper way. We should not be doing this on an appropriations bill. We should be doing it on the authorization bills.

So I urge my colleagues, at the minimum, if we are going to put in additional money, let's allocate it according to existing law, as Senator WARNER provided in his amendment.

Mr. DOMENICI. Mr. President, it isn't too often in the Senate that a chairman of a committee gets a chance to play Solomon and be fair. But Senator STEVENS got a chance to do that, and that is what he did in this bill. He decided—and we should all listen carefully—to be fair. Let me tell you the history of half of this problem. The reason I happen to know about it is because I caught the error. The U.S. Treasury Department does calculations upon which the formula is based. In 1994, they made a mistake, just literally made an error in their calculations. Guess what happened? A whole series of States, including the States of the Senator from California and the Senator from Texas, and some other States, were euphoric because they got a huge windfall announced in their formula—a huge windfall. Well, when a batch of States get a windfall, a batch of States get less and I happen to be one of those. I don't get very much anyway, but I looked and said, how could this be? What happened? We had a formula and the money was distributed differently for some reason. Now, for a little while, nobody from the administration wanted to talk about it. But that didn't last very long because Senator D'AMATO and Senator BINGAMAN from New Mexico joined with me and asked none other than the Treasurer of the United States to come to the office and bring his legal counsel.

We asked the transportation leader—the head man from the executive—"Come and bring your solicitor." And, before they left the room, they said, "We will get back to you." And, before the day passed, they called and said, "We made a mistake. It has nothing to do with what people were entitled to. We made a mistake." But they said, "Isn't it tough? This is an election year. And Texas just thought they were going to get 100 and some million dollars more than last year. What would you like us to do?" We said, "Fix it."

Now we have another batch of lawyers. "Can you fix it?" Imagine. "You unfixed it, but can you fix it?" They concluded that it could be fixed. But it didn't get fixed until after the election. And fix it they did.

Senator STEVENS in this bill properly has $318 million that goes to those States that thought they were going to get the higher allocation but didn't because of the error, and we are giving it to them anyway. Speaking of fairness, there is $318 million going to States who shouldn't have gotten it because this is acknowledging that we are going to pay them under an erroneous formula. We gave them back the money under an erroneous formula and said, "Let's be fair." That is half of this issue.

Mr. WARNER. Mr. President, will the Senator yield for a question at some point?

Mr. DOMENICI. Sure, any time.

Mr. WARNER. How about now?

Mr. DOMENICI. Sure.

Mr. WARNER. Mr. President, I say most respectfully that we are operating a debate to try to confuse people. Let me see if I can put forward a simple fact to seek clarity.

There was an error. We all acknowledge it. But, Mr. President, the error was not in the law. It was in the bean counts. The Senator from New Mexico is the chief bean counter, as chairman of the Budget Committee. It was the person running the green eyeshades, the calculators, the computers, adding, subtracting, and interpreting the law. They interpreted the law wrong. The law was not in error. It was the people running the calculators.

Mr. DOMENICI. But those States would have gotten less money had the law been applied properly. So the law was not applied properly.

So, which is wrong, the law, or the lack of proficiencies in its application?

Mr. WARNER. I would say the law is correct. It was passed by the Congress, and once we caught the error in the calculating and counting the beans, we corrected it. It is only $139 million.

Mr. DOMENICI. Mr. President, the rest of this bill has to do with another thing. That is why I said—and the distinguished chairman is playing solidly—there is a portion of the highway bill under ISTEA, a provision called 90 Percent of Payments. Everybody that had anything to do with this bill, dig it up, go look at what everyone thought would happen to that. Nobody thought there would be very much money under this program. In fact, there are some throw sheets showing it was a very small amount of money in there. But guess what happened? We transferred the 2½-cent gasoline tax that we never expected to, and that fund, never expecting that money, is now bloated, and as a result it is giving States additional money.

So our friend from Texas said, let's be fair. Let's be fair, and make sure that States like New Mexico—and, incidentally, 27 others—there are 27 winners. If you want to pay winners and losers, there are 27 winners under STEVENS. I hope you don't vote for it just because it is a winner. But that happens around here every now and then, and 27 is more than one-half of 50.

So I would assume, if you want to vote what is best for your State, vote for 1997. In addition, the committee has included $475 million for 31 States to bring their 1997 limitation to 1996 levels. While I disagree with the decision to include the $318 million requested in the first place, I believe the committee's inclusion of additional funds reflects the fairest compromise available to make to the States as a whole.

Mr. SHELBY. Mr. President, as chairman of the Transportation Appropriations Subcommittee, I want to briefly state my views on the Warner amendment.

Let me first make it clear that I represent a donor State. From 1992 to 1995, Alabama only received about 78 cents back for every dollar it sent to Washington in gasoline taxes. Other States, like Massachusetts for example, received about $2½ back for every dollar paid in gas taxes. The formula for distributing highway funds is not equitable in my opinion. I think it would be very difficult for any Member to argue that wealthier States should receive more than double in Federal highway funds than they paid in, while poorer States only receive a fraction of their contributions. I want to work to help correct that formula, but that is something that will be addressed later this year when the Federal highway program is reauthorized.

My goal in the supplemental appropriations bill was not to try to tackle the donor versus donee issue. As I said before, that will be done in the authorizing committee later this year. Rather, my goal was to simply increase Federal funding for highways to address current and pressing needs and to ensure that all States would come out a winner. We did that. Under this legislation, donor States received an increase in their highway funds compared to fiscal year 1996 levels. Nondonor States, on the other hand, were given additional funds to ensure that they would not be cut below their 1996 levels. Again, nondonor States received their 1996 level of highway funding and donor States received an increase from their 1996 level. All in all, this bill provides States with an additional $933 million in new Federal highway money, and it does so in a way in which every State comes out a winner. In my view, that is a major victory for transportation in America, and it sets the stage for the authorizing committees to resolve the contentious allocation issue later this year.

I support more money for donor States, but the Senate, the Appropriations Committee, and the Transportation Subcommittee are made up of more than donor States. I am not sure of what the outcome will be today, but even if the Warner amendment fails, there is no question that the additional funds in the committee bill represent a major victory for donor States, and I will strongly support its passage.

Mr. LEVIN. Mr. President, in determining the distribution to the States of fiscal year 1996 highway trust fund money, a miscalculation resulted in some States getting obligation authority that was subsequently taken away or adjusted by the Treasury pursuant to ISTEA. The miscalculation also prevented another category of States from getting their full share according to ISTEA. These 10 States' shares could not be adjusted administratively.

In the fiscal year 1996 supplemental appropriations bill before us, there are funds for both those categories of States. The former is provided $318 million and the latter $139 million.

However, the committee has also added an additional category, $475 million for States that feel they need to be made whole or have their fiscal year 1997 obligation authority kept at the same level as it was in fiscal year 1996. The reason that these States' fiscal year 1997 obligation authority level changed from fiscal year 1997 was the 90 percent of payments equity adjustment that is part of ISTEA. This equity adjustment reduced the amount available to donee States and increased the amount available to donor States in fiscal year 1997.

The hard fought agreement that resulted in ISTEA in 1991 was an incremental improvement for the donor States. The 90 percent of payments equity adjustment was an important component of that guaranteed increase in our return. Now, some States want to rewrite ISTEA through this appropriations bill, so they can be made whole, and perpetuate the unfairness that has existed for decades. The donor States are the ones that should be made whole, rather than continuing to transfer over $1 billion annually to the donee States. We should reject this effort to overturn the last year of ISTEA.

The fair way to settle this matter is to support the Warner amendment. Provide the $139 million to the States that actually lost obligation authority as a result of the Treasury miscalculation, and distribute the remaining funds according to the existing rules for fiscal year 1997. Though the ISTEA formula for distributing those dollars is still unfair to the donor States, it is marginally better than what is provided under this bill.

Mr. HOLLINGS. Mr. President, let me clarify what is happening in highway funds in this appropriations bill.

This bill includes $139 million to correct an honest error at the Treasury Department. That error in 1994 rippled through the highway formula and cost South Carolina $9.2 million last year. Making whole all the states which lost funds requires $139 million, and I commend the Appropriations Committee for including these funds.

The bill also includes another $794 million. The administration requested $318 million of these funds, and the rest were added by the Appropriations Committee. The administration requested the $318 million in what was really an erroneous attempt to correct the Treasury Department error I have mentioned.

The rest of the funds—$475 million—have no relationship by any stretch of the imagination to the error we are supposedly correcting. They are simply added for some States that disagree with what current law provided them this year, and these States happen to be a majority in the Senate. In other words, today we are watching "might make right" in the allocation of highway funds.

Senators WARNER and GRAHAM have made a proposal that is sensible, right, and in compliance with the highway law we are living under until a new reauthorization passes. They propose fixing the $139 million error, and then allocating the rest of the funds under current law. Mr. President, that is the right thing to do.

The underlying issue here is a promise made in ISTEA to guarantee any State 90 percent of the funds it paid into the highway fund. This year—for the first time in the 6 years of ISTEA—keeping that promise requires us to trim the historical surplus that some States have long received in order to help a smaller number of States lose a little less. So the winner States are breaking the promise. They are a majority, and they do not want to guarantee 90 percent.

Mr. President, we should debate the highway formula when reauthorization comes before the Senate. Until then, we should keep the promises made in 1991. We should also correct the error that everyone agrees occurred. I know where the votes are on this, but I want to set the record straight.

Mr. DEWINE. Mr. President, I rise in support of the amendment offered by Senator WARNER. First let me say that I believe that the appropriators have done an excellent job of providing much-needed relief for those States who have been devestated by floods and bad weather, including Ohio. I plan to support this emergency supplemental appropriations bill. However, I do have concerns about the way the supplemental Federal aid highway funds are appropriated.

I appreciate the fact that the Appropriations Committee has provided highway obligational authority to States that had their fiscal year 1996 or 1997 limitations reduced as a result of an error by the Treasury Department in recording highway trust fund receipts in fiscal years 1994 and 1995. Ohio was affected by this, and I appreciate the fact that Ohio will be made whole by this emergency supplemental appropriations bill. I believe that the Committee has done the fair thing in this regard.

I also am not opposed to the $475 million in additional authority that the committee has added in emergency transportation funds for this year. In Ohio, transportation funding seems to be an emergency need every single year. My concern is the fact that the Appropriations Committee has rewritten funding formulas contained in ISTEA in distributing this authority.

When ISTEA was debated and passed, it was decided that in fiscal year 1997, States would receive a 90-percent return on the amount of Federal gas taxes paid by the State in the prior year. At the time, everyone knew that this would require so-called 'donee' states to receive less Federal aid highway authority in fiscal year 1997 than they received in fiscal year 1996. ISTEA was approved this way for a reason. The appropriations process is not the time to change laws that don't suit our particular needs. If it were, donor States would have attempted to do this for the past 5 years.

This year, Congress will once again debate Federal highway funding. The old formulas, hopefully, will be revised to treat States more fairly. As we debate that reauthorization bill in the Senate, we will all have a chance to make changes to current law that we feel are unfair. We should let that debate take its course. For the time being, the Senate should not circumvent current law.

The Warner amendment provides the best way to distribute the additional authority included in this emergency supplemental—by formulas included under current law. It allows all States, not just donee States, to receive their proper share of the additional authority. It is the right thing to do, and that is why I support this amendment.

Mr. STEVENS. Mr. President, I intend to move to table the amendment, but I want to be fair. So, I would like to play gatekeeper and ask those who want time to tell me how much time they would like on this amendment before I make a motion to table.

Senator THURMOND, 4 minutes; Senator HUTCHINSON, 5 minutes; Senator WARNER, 3 minutes; 5 minutes to the Senator from Florida; 5 minutes to Senator LAUTENBERG; and Senator BINGAMAN wants 4 minutes. I would like 1 minute to close.

Do we have those written down? I will repeat it. Five minutes to Senator HUTCHINSON; 4 minutes to Senator THURMOND; 3 minutes to Senator WARNER; 1 minute to Senator DOMENICI; 5 minutes to Senator LAUTENBERG; 4 minutes to Senator BINGAMAN; 5 minutes to Senator GRAHAM; and 1 minute to me as we close:

I ask unanimous consent that I recover the floor at the expiration of the time other than my last 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will observe to the Senator from Alaska that the total amount of minutes will be 28 minutes.

Mr. STEVENS. I have 24 minutes. I understand you have 28 minutes. It is 27 minutes not including my last 1 minute. So that would mean that we would vote at approximately 25 minutes after 11; somewhere around there.

The PRESIDING OFFICER. As the gatekeeper, the Senator is correct.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I want to commend Senator STEVENS for his fair role as gatekeeper.

I want to particularly commend the Senator from Virginia, Senator WARNER, and Senator GRAHAM of Florida, for taking their leadership on a very important issue, a true issue of equity and fairness.

I think it is unfortunate that, in the middle of a very delicate process of reauthorizing the ISTEA legislation, we have to be debating an amendment that only seeks to implement current law. That is all the Warner-Graham amendment does. It implements current law. We are not seeking anything that is unfair to any other State. We are merely looking to ensure a fair allocation of these funds.

To me it is very frustrating that the Appropriations Committee felt that it had to change current law implemented in 1991 under the ISTEA bill so that we could have this funding arrangement.

The donor-donee debate will go on. I only want to say that while I recognize all of the arguments, when we talk about fairness, just remember the State of Arkansas where we, like so many other States, have tremendous transportation needs. We are 16th in the Nation in public roads and street length. We are 42d in the Nation in disbursements for these highways.

While we need a national highway system, that kind of inequity I don't believe can be justified, and it shouldn't be exacerbated by changing this law to hold harmless the donee States. Arkansas has one of the lowest per capita incomes in the Nation. It is coming up, but it is very low. And we right now are paying more into the highway trust fund to benefit those States, most of whom have much higher per capita incomes and no more transportation needs than we have in the State of Arkansas.

So I believe the effort to change current law in order to hold harmless and in effect create an entirely new funding formula is unfair.

When ISTEA was passed in 1991, the formula was specifically adjusted for fiscal year 1999 so that States like Arkansas and many other States could have a more equitable funding formula. That 1997 adjustment finally went into the account to correct the inequality that had existed for donor States for many, many years. Even then, it was not perfectly equitable. But it was closer than it had been.

So, when the Appropriations Committee added extra funds to the supplemental appropriations bill, it seemed logical and it seemed reasonable that they would use the fiscal year 1997 formula to distribute the funds. But logic, unfortunately, has not prevailed. They decided they would use the fiscal year 1996 formula so that, in their words, "no State shall receive an amount in fiscal year 1997 that is less than the amount they received in fiscal year 1996."

Basically the committee said that, although ISTEA was specifically structured to benefit donor States, those who pay in more than they receive back, the Appropriations Committee rejected that provision and added extra money so that the donee States would be happy.

I think that is wrong. I think that is unfair. The law is the law. And, had that language not been added, the $475 million would have been credited by the current 1997 ISTEA structure. Instead, many States, including Arkansas, would not be receiving any of that $475 million.

So let me just say that in the interest of fairness, yes, there are always winners and losers. But we need not exacerbate the winner-loser scenario by passing this supplemental appropriations in its current form.

I ask my colleagues to support the Warner-Graham amendment in the name of fairness, in the name of equity for those States that have for so long gotten the short end of that economic stick.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in strong support of the amendment offered by my able friend from Virginia, Mr. WARNER.

As the Senator has stated, the Department of the Treasury made an accounting error in 1994 by under reporting $1.59 billion in gas tax receipts for that fiscal year. When the error was discovered in December, fiscal year 1995, the money was credited to the highway trust fund. However, crediting the 1995 trust fund with 1994 money only compounded the mistake because parts of the distribution formulas of our Federal-aid-to-highways program are based on the receipts of the 2 previous years. Consequently, the 1996 and 1997 distributions were severely impacted.

Following the adjournment of the 104th Congress, the Secretary of the

Treasury moved the income from 1995 back to 1994. Subsequently, the Department of Transportation, which has the duty of distributing the money, adjusted its calculation of the contract authority and obligation authority to be distributed to the States under the program for fiscal 1997. No corresponding correction was made for 1996. As a result, 10 States have yet to receive the obligation authority totaling $140 million for fiscal year 1996.

The Secretary of Transportation proposed legislation purportedly to correct this problem. However, this legislation would not restore the money owed to the 10 States, but rather requests an appropriation of $318 million to make up the difference between what States expected to receive for fiscal year 1997 and what they actually received.

In the bill before us, there are provisions to restore the $140 million to the 10 States, $318 million to satisfy the expectations for 1997, and an additional $475 million so that donee States would benefit as well. Further, the formula for distributing this last amount of money is not the formula that would apply under the existing authorization, but an entirely new formula contained in the bill itself. This new formula conveniently strips away the one equity adjustment in the ISTEA law that effectively protects donor States—that is the 90 percent of payments adjustment. This provision of ISTEA was enacted to ensure that no matter how badly a State fares in any year under the underlying formula, it could count on the fact that the distribution it receives would not be radically below the amount it puts in.

The Warner amendment simply recognizes that this is supplementary appropriations for fiscal year 1997 and the money should go out under the ISTEA formula in the regular way.

This is the proper way to proceed. I commend my friend from Virginia for offering this amendment, and I urge my colleagues to support it.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I rise in strong opposition to the Warner amendment. While I have great respect for the author of the amendment, frankly, I find this amendment to be a rather stunning proposition. If this amendment passes, a majority of the States—yes, a majority of the States—will find that their highway formula funds have been cut below the 1996 levels, even though we have added $1.4 billion to the program over the 1996 level.

Mr. President, as the senior Democrat on the Senate Budget Committee and on the Transportation Appropriations Subcommittee, I have heard lots of my colleagues call for increased infrastructure funding—increased funding for their States' highway needs to replace deficient bridges or to ease the choking congestion that plagues their cities. And I think when the Members ask that they know this Senator will support increases in infrastructure funding as he always has.

So I was pleased to work with Senators STEVENS and SHELBY to provide more than $993 million in increased highway funding in this bill. These funds are sorely needed in every State of the Union. So I think it would be a terrible way to proceed for us to amend this bill in a way to require a majority of States to endure cuts below the 1996 level.

Let me emphasize one basic fact. Under the underlying bill as approved by the Appropriations Committee, 27 States will see the exact same amount of Federal funds for highways this year that they received in 1996. The entire $1.4 billion increase provided between the regular Transportation Appropriations bill and this supplemental bill will go to 23 States. If we adopt the Warner amendment, these 27 States will endure cuts below the 1996 level while the other 23 States get even larger increases above the 1996 level.

I want to talk about the basic premise that underlies these recommendations by our friend from Virginia.

Mr. GRAHAM. Mr. President, will the Senator from New Jersey yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield?

Mr. LAUTENBERG. Yes.

Mr. GRAHAM. The Senator says there are 27 States that have zero addition to the transportation funds under the Warner-Graham amendment.

Mr. LAUTENBERG. No, there are 27 States that will endure funding cuts below the 1996 level if the Warner-Graham amendment is adopted.

Mr. GRAHAM. Will the Senator name one of those?

Mr. LAUTENBERG. I would be happy to give the Senator a list when I am finished speaking.

I would appreciate it if the Senator—I will provide the Senator with a list the moment I am finished speaking.

This debate is very illustrative of what will be at stake later this year. Senators should be aware that when we guarantee a certain percentage return of gas tax receipts in the law, the need to honor these guarantees will come from other States. If there is one pot and it goes to a group of States, it means the others are left out.

Mr. President, this formula for distribution of highway funds in this supplemental appropriations bill was not developed willy-nilly. Frankly, this is, I think, the preamble to what we are going to be talking about later in the session. And I would say this, that my State, which sends down so much money that we are 49th on the list of return of the Federal dollar, will not stand by idly while we debate those things that advantage some and disadvantage others. This formula for the supplemental was constructed as an attempt to honor the obligations that these States incur as a result of the incredible traffic that goes through them.

No State has more highway mileage consumed—more highway congestion—than the State of New Jersey, not because all of us have cars and lots of room to drive—we do not—but we are a corridor State and the highways that take people north and south go through our State, and a lot of the highways that go east and west go through our State because they terminate in the New York or Northeast region.

Mr. President, we get 63 cents back on the Federal tax dollar now, so while I understand the posture of donor States, I am not sympathetic. It would be as if I demanded that New Jersey get 90 percent of all agricultural funds disbursed or defense contractor funds disbursed or food stamps disbursed regardless of need. That is not what a national government is about. We are a nation, not a collection of States.

I would like to take a minute to explain the three components of the make up the $933 million contained in this bill. First, the bill includes $318 million in funding requested by the President that will go solely to the donor States. This funding is not called for under ISTEA. This funding would be granted to only those States that lost funding last year when the DOT corrected an error in the calculation of gas tax receipts. Second, there is $139 million included in the bill that was championed by Senator SHELBY. This funding will go only to 10 donor States. It is intended to grant these States the amount of funding they would have received in 1996 had the tax receipt error been corrected in that year. Finally, there is $475 million included in the bill—hold harmless money—for the purpose of ensuring that no State receives less highway funding in fiscal year 1997 than it received in fiscal year 1996.

Mr. President, the Warner amendment strips the hold harmless funding in the bill and distributes it in a manner that will result in a majority of States actually experiencing a cut in their highway funding below the current year's levels. In combination with earlier appropriations, Senator WARNER would provide a $1.8 billion increase to donor States in 1997. He would cut $400 million in funds from 29 States—almost three/fifths of the Nation—to do it.

Now, Mr. President, I was dissatisfied with the distribution of funding in the committee bill, but at least there was an element of fairness to it. In developing this bill, it was important to me that highway funding increases were structured in a balanced way. But, I want to make sure all Senators from the 27 donee States understand that while the funds in this bill and regular appropriations add a total of $1.4 billion to the highway program this year, this entire increase goes to 23 States, while the 27 donee States are held harmless, so to speak. We are level funded. We do not see a penny in 1997 above what we got in 1996.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that displays how the $1.4 billion increase in the highway program would be distributed under the committee bill currently before the Senate and how that increase would be distributed under the Warner amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHANGES IN OBLIGATION AUTHORITY, 1997 DOT APPROPRIATIONS PLUS SUPPLEMENTAL VS 1996 OBLIGATION AUTHORITY

States	Changes from FY 1996 under S. 672	Changes under Warner amendment	Delta
Alabama	71,946,273	78,307,154	6,360,881
Alaska	0	(7,305,872)	(7,305,872)
Arizona	47,684,313	50,033,504	2,349,191
Arkansas	29,755,746	32,854,443	3,098,697
California	106,732,124	126,870,894	20,138,770
Colorado	0	(4,192,807)	(4,192,807)
Connecticut	0	(6,984,024)	(6,984,024)
Delaware	0	(1,508,079)	(1,508,079)
Dist. of Col.	0	448,527	448,527
Florida	158,629,653	166,825,313	8,195,660
Georgia	157,056,019	162,035,589	4,979,570
Hawaii	0	(2,198,988)	(2,198,988)
Idaho	0	734,862	734,862
Illinois	0	(13,965,999)	(13,965,999)
Indiana	52,149,594	59,104,015	6,954,421
Iowa	0	(4,218,019)	(4,218,019)
Kansas	0	(4,132,320)	(4,132,320)
Kentucky	82,719,544	87,837,326	5,117,782
Louisiana	25,305,225	30,328,550	5,023,325
Maine	0	(2,081,316)	(2,081,316)
Maryland	0	(4,990,771)	(4,990,771)
Massachusetts	0	(24,216,772)	(24,216,772)
Michigan	43,219,727	52,519,456	9,299,729
Minnesota	0	(14,905,759)	(14,905,759)
Mississippi	18,240,833	22,419,324	4,178,491
Missouri	35,097,528	43,894,149	8,796,621
Montana	0	(10,687,080)	(10,687,080)
Nebraska	0	(2,775,088)	(2,775,088)
Nevada	0	(2,263,847)	(2,263,847)
New Hampshire	0	(1,722,963)	(1,722,963)
New Jersey	0	(10,244,698)	(10,244,698)
New Mexico	0	(6,665,722)	(6,665,722)
New York	0	(21,101,122)	(21,101,122)
North Carolina	48,483,111	54,356,911	5,873,800
North Dakota	0	(2,155,996)	(2,155,996)
Ohio	7,258,279	30,870,003	23,611,724
Oklahoma	30,822,615	35,912,246	5,089,631
Oregon	0	2,665,316	2,665,316
Pennsylvania	15,759,784	30,856,560	15,096,776
Rhode Island	0	(7,335,536)	(7,335,536)
South Carolina	62,170,686	65,503,116	3,332,430
South Dakota	0	(2,332,722)	(2,332,722)
Tennessee	50,013,288	58,298,902	8,285,614
Texas	219,849,004	236,493,057	16,644,053
Utah	0	(2,544,069)	(2,544,069)
Vermont	0	(1,567,967)	(1,567,967)
Virginia	49,501,328	53,778,961	4,277,633
Washington	0	(9,493,140)	(9,493,140)
West Virginia	0	(3,578,857)	(3,578,857)
Wisconsin	45,182,240	53,544,651	8,362,411
Wyoming	0	(2,268,688)	(2,268,688)
Puerto Rico	0	(1,477,691)	(1,477,691)
Total	1,357,576,914	1,357,576,914	0

Mr. LAUTENBERG. Now Senator WARNER comes along and argues that is not enough. He not only wants the donor States to get the $457 million provided to them in this bill. He wants them to get an additional $400 million beyond that—taken away from the donee States. He wants to cut highway funds for 27 States below last year's level.

Members might appropriately ask "how is it that the highway program is growing, but my State is getting cut?" The answer lies in a provision of the highway bill that was established 6 years ago. That bill included many different formula calculations, but one of them—the so-called 90 percent of payments calculation—requires that donor states receive back at least 90 percent of the gas tax receipts they contribute to the highway trust fund.

Mr. President, that kind of entitlement to donor States inevitably will mean a decrease to other States when gas tax receipts are increasing at a rapid rate. That is true because they will rise at a rate faster than highway spending. So, if donor States are guaranteed a 90 percent return on the gas tax dollar, they will be taking that money from the rest of us. It's a zero sum game.

This is exactly what has happened this year. As a result, when the Appropriations Committee increased the highway program roughly half a billion dollars last year, the so-called donor States, not only absorbed every penny of that $500 million increase, they also took a billion dollars away from the other States in order to pay for it. In this fiscal year, that provision had the effect of siphoning off $1.5 billion in funding from 27 States and transferring it to 23 donee States.

I hope Senators and their staff are listening to this debate, because I doubt very much that a majority of my colleagues—54 Senators from 27 States—are fully aware of the fact that funding for the Federal highway program is growing but that funding for their State are being cut. And I can tell all my colleagues, as a Senator who has carefully monitored the highway program for more than 14 years, it is unprecedented for us to have a situation where States, much less a majority of States, endure substantial cuts while overall highway spending is increasing.

I can also tell my colleagues, as a very active conferee on the original ISTEA legislation, that no one envisioned a situation where States would take significant cuts in a given year, even while the appropriation increased.

Mr. President, it is ridiculous to suggest that ISTEA envisioned a scenario whereby 23 States would absorb every additional penny added to this program in 1997. But it's even more outrageous to suggest, as the Warner amendment does, that a majority of States should have their transportation funding cut to increase spending for a minority of the States.

Therefore, Mr. President, I strongly support Senator STEVENS' forthcoming motion to table the Warner amendment and ask my colleagues to join us in defeating the amendment of the Senator from Virgina.

This debate is very illustrative of what will be at stake later this year. Senators should be aware that when we guarantee a certain percentage return of gas tax receipts in the law, the funding needed to honor those guarantees will come from the rest of the States. Mr. President, in a way, the Warner amendment is a wakeup call for the majority of Senators. We should not adopt a highway bill that incorporates such guarantees in the law.

No other Federal program works that way. My State of New Jersey receives the second lowest return on the Federal dollar of every other State but Connecticut. We get 63 cents back on the Federal tax dollar. So, while I understand the posture of donee States, I am not particularly sympathetic. It would be as if I demanded that New Jersey get 90 percent of all agricultural funds disbursed or defense contractor funds disbursed or food stamps disbursed, regardless of need.

Mr. President, that is not what a national government is about. We are a nation, not a collection of States. National programs are designed to meet national goals. That's how benefits go out under Medicaid, housing programs, for agricultural subsidies, and the like. As the second most affluent State in the country, which sends a huge surplus of tax dollars to Washington, New Jersey would be blessed indeed if we were guaranteed a 90 percent return on the Federal dollar. So, Mr. President, I can't agree with donor State Senators unless they are willing to step back and look at the picture across the board.

I hope Members will think about what it means when it is proposed we guarantee each State a percentage of what it contributes to a national program. I have never come to the Senate Chamber and offered amendments to guarantee my State taxpayers 90 percent of what they contribute toward the Department of Defense. While the Department of Defense serves to protect us all, the Department of Defense has not chosen to have a very large presence in the State of New Jersey.

I have not come to the floor and asked that my taxpayers in New Jersey be guaranteed 90 percent return on their contributions to agricultural price supports, or 90 percent return on what they contribute toward the maintenance of freshwater fisheries, or 90 percent return on what they contribute toward the maintenance of our national parks, or 90 percent return of what they contribute toward massive water projects in the West.

All of these programs reflect national needs. They cannot be subjected to a formula based on tax contributions.

As a member of the Environment and Public Works Committee, I look forward to participating actively in the development of ISTEA 2, including its highway component. I know that my friend from Virginia, the sponsor of this amendment, and the chairman of the Surface Transportation Subcommittee, will be active in developing it as well. I want to work with Senator WARNER to develop a bill that will meet our Nation's transportation needs and be equitable to all States. But, I must say to the Senator from Virginia that I will not be able to endorse an approach that dictates that a majority of States—including my own—will lose highway funding, even as appropriations increase, in order to increase funding for a minority of States, regardless of their needs.

I believe that will be the position of the majority of Senators, whom I hope have been listening to this debate and will look closely at the table I have here at the podium before they cast their vote. I urge them to take a look at that table and then vote to table the Warner amendment.

Mr. President, I will conclude by saying that if we are going to start examining formulas, we are going to revise all of the formulas that disburse money or send money back to States.

I thank the Chair very much.

Mr. WARNER. Mr. President, parliamentary inquiry. Would the Chair advise the Senate, under the time agreement the distinguished Senator from Alaska reached, what Senators remain to be recognized.

The PRESIDING OFFICER (Mr. INHOFE). Under the previous agreement, Senator WARNER from Virginia has 3 minutes; Senator DOMENICI, 1 minute; Senator BINGAMAN, 4 minutes; Senator GRAHAM, 5 minutes; and concluding, Senator STEVENS with 1 minute.

Mr. WARNER. Mr. President, it is the intention of the Senator from Virginia, since I am a proponent of the amendment, to seek recognition again. I ask unanimous consent that my time be increased from 3 to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 4 minutes.

Mr. BINGAMAN. Mr. President, let me point out the general framework of this discussion as I understand it.

The administration, in the supplemental request that they sent to Congress, suggested that we needed to add $318 million in order to essentially continue a windfall that had been in the previous law to various States under the highway funding formula. There was 24 States. And this was what I would refer to as the 1997 fix. For fiscal year 1997, we were saying, essentially the administration was saying, look, these States expected to get more than they really should have been getting, but we will give them this $318 million to divide among these 24 States.

Then, in the supplemental, we first saw a proposal to add some additional money for 10 other States, and that was added by the subcommittee chairman in the Appropriations Committee, not for fiscal year 1997 but for fiscal year 1996, and he was saying, OK, you have made good to these States for this windfall that was represented to them for 1997; what about for 1996? They ought to get the money they expected in 1996 as well, and he added money for that.

Now, the Appropriations Committee has come along and said, what we are going to do, if all this windfall money is going out to these 24 States—and, clearly, that is what is happening here, and I am not opposed to that, but they are saying if all that money is going out to these windfall States, let us at least hold harmless the rest of the States. Let us make sure they do not see an absolute cut in the level of funding for highways in this current year over 1996. So it is essentially a save harmless provision. It says that although we are going to give this money to these 24 States that expected to get the money, we are not going to have it adversely affect any of the other States, and that is the provision which Senator STEVENS and Senator BYRD have reported to the full Senate here.

The Warner amendment, of course, comes along and says, no, we do not want to save harmless these other States. We, in fact, want to go ahead and cut some of those States' funding from what they did receive in 1996, and, clearly, that to me is not a fair arrangement.

If this group of States is going to get the windfall, which the administration requested and which the appropriations subcommittee has added, then all other States should be held harmless, and that is what the bill does at this time. The Warner amendment would eliminate that hold-harmless provision and would result in States like mine getting less money than we otherwise would.

So I think, clearly, the Warner amendment should be defeated. The committee proposal here is by far the fairest of the proposals, and I hope my colleagues will join me in defeating the Warner amendment.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, again let us sort out what we are considering here.

First, we have what is an admitted arithmetical error by the Department of Treasury. We are attempting to correct that error. There is no dispute between those who advocate the Warner-Graham amendment and those who are proposing the language in the underlying bill that we should correct that error. What is happening now is that because of that error, that mistake, we are now trying to change the fundamental law that relates to the allocation of surface transportation funds among the States.

It would be as if a person had been involved in an automobile accident and had suffered significant injuries and received an insurance payment to make that person whole again, to repay them, reimburse them for the injuries, the medical bills, the lost wages and the other damages that they had suffered, and then their neighbor would turn and say, well, we ought to get the same bill so that we can maintain parity with our neighbor who has gotten this cash settlement from his or her insurance company.

The States that were the losers, that were adversely affected by this arithmetic error are not getting any windfall. They are just like that person involved in the accident. They are being made whole. They are not getting a dime more than they were entitled to get or that they would have gotten under the ISTEA legislation had it been properly administered at every stage.

They are being made whole, for an error that was made and was beyond the capacity of the States to control. That is just fundamental fairness. They are not getting anything that is a benefit beyond what they were entitled to. That is the first $139 million.

Now we are looking at the second $800 million that is being distributed under this proposal, which relates to how everybody else, the States that were not adversely affected, are going to be treated under this law. Senator WARNER and I recommend a simple standard. If we are going to decide that additional highway money should be provided beyond that which is required to rectify this error, it ought to be distributed pursuant to the law. We passed a law in 1991 that set up a method of allocating funds among the 50 States and territories. That law ought to be abided by.

There was reference made by some of the previous speakers that by applying the Warner-Graham standard, some States were going to get zero. No State will get zero. Every State will participate in the $800 million, exactly as the law that we passed in 1991 provides they should. Every State will get a significant amount of additional highway funds beyond what they are presently contemplating. Every State will be a winner.

The question is, are they going to be a winner under the rules that we adopted through the process of this Senate—an authorization committee holding extensive hearings, reporting out a bill, that bill being debated for days and days on the Senate floor, finally going to a conference committee and a product that the President of the United States signed into law? Are we going to respect that process and use that as the means of distributing this additional $800 million? Or, are we, at the last gasp of the 1991 legislation, to say, "No, we don't want to do that; we want to use a different formula, and that formula is going to say that we are going to hold a set of States harmless by pouring additional money into those States," in effect undoing the underlying law that was passed through the congressional process of this Senate and House of Representatives with the concurrence of the President?

There is an issue of fundamental fairness here. A number of States for many years have been contributing substantially more to the National Highway System than they were receiving back. As I said earlier, there are rationales for that that I can accept, recognizing that all States do not have the same capacity, they do not have the same geography, the same population, in order to support a National Highway System. The States that are the donor States are not asking to get back 100 percent, but they are saying, in the last year, in the 6th year of a 6-year highway bill, we ought to at least get back 90 percent.

That is what we agreed to. That is the deal that was made. That is what I think should be honored. That is what fundamental fairness calls for. That is what we achieve by the adoption of the Warner-Graham amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to try to summarize this for the Senate. It is a difficult issue. I was, and I continue to be, stunned hearing some of the representations that have been made by my distinguished colleagues and friends in opposition to this amendment, particularly the statement made by my distinguished chairman here, the senior Senator from Alaska, when he said we needed to change the law because the law was wrong.

Mr. President, I am sorry. I have the statement the Senator made. Mr. President, this is not a question of changing the law. The Senator from Alaska put in the statement by the distinguished chairman of the full committee on which I served, Senator CHAFEE. And he, Senator CHAFEE, acknowledged that this is a clerical error committed by the Department of Treasury.

Senator CHAFEE: "I want to emphasize the situation before us today is not a new one. It started in '94 when the Department of Treasury made a clerical error."

Going on, he says, "Since last July, the Departments of Treasury and Transportation have corrected the error."

I also ask unanimous consent to have printed in the RECORD, following my statement, the Treasury Department, Comptroller General of the United States decision, dated December 5, 1996.

First sentence, "Because of a clerical error, the Financial Management Service, Department of Treasury, failed to credit. . . ."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. This is a clerical error that had to be corrected. The Appropriations Committee corrected it as related to the $139 billion. But the distinguished Senator from Alaska said, we had to take and change the law so that the balance of the money—money not requested by the administration or anyone else—could be distributed accurately and fairly.

So we really have law No. 1, which is the 1991 law, and which we have been acting under for these several years, 5 years, under the ISTEA, 1991. We now have a proposed new law by the Appropriations Committee, a law arrived at without any participation in the normal process of drawing up an important statute like this—no hearings on it, simply cobbled together by the appropriators, hastily, not in consultation with the authorizers. And then we have a third law which, not in existence, is to be devised by this body after careful deliberation on a bill that will be forthcoming from the full Committee on the Environment and Public Works. That debate, which you have seen parts of today, will be extensive, as it should be. It will be thorough. And all Senators will have the opportunity equally to shape the third law, which will control the distribution for the next 5 years.

Mr. President, my amendment simply says to the U.S. Senate: Let us follow the existing law in 1991, not accept a hastily put together law by the Appropriations Committee without participation by the full Senate. That is a compounding of the inequities of this whole issue on donor/donee.

So, as Senators go to their desks, please, first, do not accept the fact that some States get zero. I do not know where that sheet came from. I have put on the desk the Department of the Treasury allocation under the Warner formula, which is simply—the Warner formula is nothing more than the existing law. So I plead with the Senate not to hastily rewrite the existing law in a debate which, although thorough, had been but an hour and a half, and not all Senators have had the opportunity to participate. Please, I urge the Senate, do not change the law. Let the 1991 bill finish its intended purpose to 1997, and let that law distribute the additional funds brought forth under this supplemental by the Appropriations Committee.

I yield the floor.

EXHIBIT 1

COMPTROLLER GENERAL OF THE UNITED STATES—DECISION

Matter of: Corrections to the Federal Highway Trust Fund.

Date: December 5, 1996.

DIGEST

Because of a clerical error. the Financial Management Service, Department of the Treasury, failed to credit actual excise tax receipts to the Highway Trust Fund for the quarters ending June 30, September 30, and December 31, 1993, as required by law. 26 U.S.C. §§9601, 9503. The Secretary of the Treasury has the authority to correct the clerical accounting and reporting errors by restating the fiscal year 1994 and 1995 income statements for the Highway Trust Fund provided to the Department of Transportation. The Secretary of Transportation has no authority to administratively adjust, modify, or correct Highway Trust Fund income data provided by the Department of the Treasury and is bound to make apportionments to the States based on the data reported by the Treasury.

DECISION

The Department of the Treasury (Treasury) and the Department of Transportation (Transportation) ask whether they are authorized to correct certain clerical accounting and reporting errors relating to appropriations in the Highway Trust Fund (HT Fund). Treasury believes that it has the authority to, and should, correct errors made in recording collections and resulting appropriations attributable to the HT Fund by restating the fiscal years (FY) 1994 and 1995 income statements for the HT Fund provided Transportation. Transportation believes that it must apportion HT funds to the states based on the income statements provided by the Treasury. For the reasons explained below, we agree that Treasury may adjust the FY 1994 and 1995 HT Fund income statements and that Transportation must base its apportionment on the corrected income statements.

Background

Federal Aid Highway Program

The Federal Aid Highway Program distributes billions of dollars of federal funding annually to the 50 states, the District of Columbia, and Puerto Rico for highway construction, repair, and related activities. To finance the highway program, Congress established the HT Fund as a trust fund account in the Treasury of the United States, 26 U.S.C. §9503(a) (1994), designating the Secretary of the Treasury as trustee, 26 U.S.C. §9602(a). Congress has provided the HT Fund with a permanent indefinite appropriation of amounts received in the Treasury from certain gasoline, diesel fuel, and other excise taxes paid by highway users. 26 U.S.C. §9503(b).

Statutory responsibilities of Secretary of the Treasury

The Secretary of the Treasury (Secretary), as trustee of the HT Fund, must fulfill certain accounting and administrative functions.[1] Specifically, the Secretary is required to transfer at least monthly from the general fund of the Treasury amounts appropriated to the HT Fund based on Treasury estimates of the specified excise taxes for the month. 26 U.S.C. §9601. The Secretary is further directed to make "proper adjustments . . . in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amount required to be transferred." Id.

Footnotes at end of article.

To discharge its duties as trustee, Treasury uses estimates provided by the Treasury's Office of Tax Analysis (OTA). Each month OTA submits to the Treasury's Financial Management Service (FMS) an estimate of the specified excise taxes that will be covered into the general fund for the upcoming month. Upon receipt of the monthly OTA estimate, FMS records the amount of the estimate and on the 8th business day of the month transfers from the general fund 50 percent of the estimated amount to the HT Fund and the remaining 50 percent of the estimated amount to the Fund on the 18th business day of the month.

The statutory scheme recognizes that the actual amount of highway taxes covered into the general fund may be greater or less than the amounts previously estimated and transferred to the Fund. Pursuant to 26 U.S.C. §9601, the Secretary is directed to adjust any differences between the transferred estimated amounts and the actual amounts collected. FMS makes these adjustments based on an Internal Revenue Service (IRS) quarterly certification of the actual amounts of taxes collected (IRS actuals). FMS receives the IRS actuals approximately 6 to 9 months after the end of each quarter and records the necessary upward or downward adjustment to the HT Fund income statement in the fiscal year in which it receives the IRS actuals. The Federal Highway Administration (FHWA) uses the HT Fund income statements as the base figures for apportioning federal aid-highway "contract authority" to each state.[2]

FMS clerical accounting and reporting errors

The HT Fund consists of a Highway Account and a Mass Transit Account. 26 U.S.C. §9503(a) and (e). According to Treasury, prior to the receipt of the IRS actuals for the quarter ended June 30, 1993, the form which IRS used to report actuals to FMS combined in a single column the accounts attributable to both the Highway Account and the Mass Transit Account. Starting with the IRS actuals for the quarter ended June 30, 1993, IRS separated the amounts attributable to the Highway and Mass Transit Accounts into separate columns. IRS apparently did not notify FMS of the change in format nor did FMS notice the change. Consequently, when calculating its adjustments to the OTA estimates, FMS used the amounts listed in the Highway Account column, instead of using the sum of the Highway Account and the Mass Transit columns. Because of FMS failure to properly transcribe the IRS actuals in FY 1994 when the data was received,[3] the FMS adjustments made in FY 1994 for the quarters ended June 30 ($529,683,300), September 30 ($547,256,400), and December 31, 1993 ($513,533,200), understated the HT Fund income in the aggregate by approximately $1.59 billion.

In November 1994, when the FMS forwarded to the FHWA the year-end FY 1994 HT Fund income statement, the FHWA discovered the FMS error. On November 30, 1994, the FHWA advised FMS of the error. The FHWA asked FMS to reflect the correction in the HT Fund income statement for FY 1994. Instead, on December 21, 1994, FMS adjusted upward the HT Fund account by $1.59 billion, reporting the adjustment as income in FY 1995, the fiscal year in which FHWA advised FMS of the mistake. In contrast to Treasury's standard procedure, this had the effect of understating the FY 1994 HT Fund income by $1.59 billion and overstating the FY 1995 HT Fund income by the same amount.

As previously noted, FMS has implemented the statutory scheme by crediting the HT Fund in the fiscal year in which they received the IRS actuals. The FMS' failure to follow their standard practice in this instance significantly affects the FHWA's allocations of HT Fund contract authority.[4] Treasury and Transportation have informed us that due to the interactions between the 90 percent payment apportionments[5] and the obligational limitation imposed by Congress for FY 1997,[6] the FMS reporting error will result in approximately 24 states receiving lower distributions of obligational authority in FY 1997, with some of the adjustments ranging up to $50 million.[7]

The Treasury has concluded that it should adjust the fiscal year 1994 income statements by crediting the HT Fund with the $1.59 billion in the year in which IRS reported the actuals to FMS. If Treasury corrects the error by adjusting the FY 1994 and FY 1995 Fund income statements to credit the IRS actuals to the fiscal year in which they were originally reported to FMS, Transportation would ask the Office of Management and Budget for a reapportionment of FY 1996 contract authority. This would mean, according to FHWA, a redistribution of approximately $300 million in contract authority among the States for FY 1996.

Transportation has concluded that it cannot administratively correct or modify HT Fund Treasury income statement by substituting data other than that reported by Treasury on the HT Fund income statement. Memorandum from Chief Counsel, FHWA, to General Counsel, Transportation, October 4, 1996. Transportation determined that in furtherance of its duty to administer the Federal Aid Highway Program, it must apportion funds authorized to be apportioned to the states under 23 U.S.C. §104 and section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (23 U.S.C. §104, note) on the basis of the data reported by Treasury. Based on its legal analysis of the Secretary's statutory responsibilities, Treasury has concluded, and Transportation agrees, that it has the authority to make the correction in FY 1994. We agree.

Analysis

Authority of Treasury to correct errors

Consistent with the statutory scheme and his duties as trustee of the HT Fund, the Secretary of the Treasury credits on a monthly basis estimated amounts of specified excise taxes to the HT Fund and subsequently adjusts the estimated amounts to reflect the amount of the specified excise taxes actually collected. For three quarters in calendar year 1993, FMS misread the IRS form reporting the actual amount of excise taxes collected. As a result, FMS credited the HT Fund with $1.59 billion less in income in FY 1994 than it otherwise would have had they properly read the IRS form. When notified of the mistake, FMS "corrected" the error by recording the $1.59 billion as income to the HT Fund in FY 1995, apparently based on the view that they should make the correction effective when they learned of the error, as opposed to when they were initially advised of the amount of taxes collected. The issue is whether Treasury may credit the $1.59 billion to FY 1994, the fiscal year that would have been credited had FMS not misread the IRS form. We think that the answer is clearly yes.

Our decisions in this area over the years stand for the proposition that an act of Congress is not required to correct clerical or administrative errors. 41 Comp. Gen. 16, 19 (1961). In B-251287, September 29, 1993, we concluded that when Treasury is presented with convincing evidence that a reporting error affecting the balance of an appropriation account has occurred as a result of an obvious clerical error, it may adjust the account balance to correct the mistake. In that particular case, had Treasury not been able to adjust the appropriation account balance to correct the mistake, the erroneously reported amount would have been treated as canceled in accordance with the applicable account closing procedures contained in the National Defense Authorization Act of 1990, Pub. L. No. 101-510, 104 Stat. 1674 (1990). *Id.* Similarly, Treasury may adjust its accounting records to credit an appropriation account with the amount improperly credited to the general fund of the Treasury. 45 Comp. Gen. 724, 730 (1966); *see also* B-126738, April 11, 1956. Where the evidence of the error is unreliable or inconclusive, B-236940, October 17, 1989, we have objected to an administrative adjustment. In this case this limitation does not apply.

As explained above, had FMS officials properly understood the IRS form reporting the actual amount of excise taxes collected for the three quarters in question, they would have recorded the appropriate amounts in the FY 1994 HT Fund income statements. The fact that FMS officials recorded the amount, the $1.59 billion, in the FY 1995 HT Fund income statement when FHWA advised them of their oversight is as much a deviation from their established practice of recording amounts collected in the fiscal year current when IRS reports the actual amounts collected as was the failure to properly read the IRS form in the first place. To now adjust the FY 1994 and FY 1995 income statements to reflect what FMS officials should have done had they followed their established procedures, consistently and regularly applied, does no more than restore the accounts to where they should have been. Apart from whatever responsibilities the Secretary may have to accurately state the accounts of the United States, the Secretary in his capacity as trustee of the HT Fund has the duty to accurately account for the amounts in the Fund consistent with the terms of the appropriation made thereto and the applicable administrative procedures adopted to effectuate his statutory responsibilities.[8]

The statutory scheme for apportioning contract authority among the states for the Federal Aid Highway Program makes it essential that the Secretary maintain an accounting of the HT Fund in the most accurate manner possible. The interplay between the HT Fund and the statutes providing federal aid to the states for highways reflects a complex congressional plan to equitably distribute the HT Fund proceeds for the various highway programs among the states. This entire statutory scheme is dependent upon the Treasury accurately performing the ministerial duty of collecting, accounting for and reporting the revenues. For example, the 90 percent payment adjustment provided by section 1015(b) of ISTEA directs Transportation to base its computation on "the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund * * * in the latest fiscal year in which data is available." The failure to properly account for funds in the correct year can dramatically affect the amount of funds each state is entitled to receive from the HT Fund.

Thus, Treasury's accounting for the funds in the correct year is critical. Although section 9601 does not contain a specific time limit in which the Secretary must make the proper adjustments to reflect the actual amounts of the applicable excise taxes received in the Treasury. Treasury has implemented section 9601 by making the adjustment to the HT Fund income statement for the fiscal year current at the time of receipt of the IRS report on the actual amount collected. We understand that, with the exception of the adjustments at issue here, this has been the consistent practice of Treasury. Although this may not be the only way to implement this statutory scheme, it is entitled to deference unless clearly wrong. *Chevron U.S.A. Inc.* v. *Natural Resources Defense Counsel Inc.*, 467 U.S. 837, 844 (1984). As noted above, Treasury has advised us that it received all IRS actuals in fiscal year 1994. Accordingly, we have no objection to Treasury adjusting the FY 1994 and FY 1995 HT Fund income statements to conform to their established practice of accounting for these amounts.

Authority of transportation to adjust HT fund income data

As mentioned above, Transportation has concluded that it cannot administratively correct erroneous HT Fund Treasury income statements.[9] We agree. Transportation is statutorily charged with administering the Federal Aid Highway program and it may only apportion funds authorized to be appropriated to the states under 23 U.S.C. §§101, *et seq.* As discussed above, as trustee of the HT Fund, Treasury is solely responsible for making transfers and adjustments to the HT Fund under 26 U.S.C. §§9601 and 9602. Transportation has no role in administratively adjusting, modifying, or correcting Highway Trust Fund income statements provided by the Department of the Treasury. Thus, Transportation is bound to make apportionments to the States based on the data reported by Treasury.[10]

Conclusion

Treasury may adjust the FY 1994 and 1995 HT Fund income statements to credit the HT Fund with the excise taxes originally not included in the HT Fund income statements' just as if Treasury had credited such amounts upon receipt of the reports from the IRS. Transportation has advised us that upon the adjustment of the FY 1994 and FY 1995 HT Fund income statements to reflect the actual receipt of revenue consistent with their standard practice, Transportation will seek a reapportionment of contract authority from the Office of Management and Budget for FY 1996. Once Treasury has issued its HT Fund income statement, Transportation's duty is to effectuate the statutory apportionment formula, including the 90 percent payment apportionment, based on the data provided by Treasury.

FOOTNOTES

[1] The Secretary is responsible for maintaining an effective and coordinated system of accounting and financial reporting, 31 U.S.C. §3513, managing the trust funds, and reporting to Congress on their financial conditions and operations. 26 U.S.C. §§9601 and 9602.

[2] The Federal Aid Highway Program is essentially a "reimbursable" program, that is, the federal government reimburses states for costs actually incurred in building or repairing its highways. Congress, primarily in the highway authorization acts, authorizes Transportation through the FHWA and its other agencies, to incur obligations (using contract authority) on behalf of the federal government. The FHWA apportions authorized amounts of contract authority to the states, in effect establishing lines of credit upon which the states may draw for a particular project. See Financing Federal Aid Highways. FHWA Publication No. FHWA-92-016 (1992).

[3] Treasury has advised that FMS received the IRS actuals as follows: for the quarter ended June 30, 1993, the FMS received the IRS actuals on May 26, 1994; for the quarter ended September 30, 1993, the FMS received the IRS actuals on July 5, 1994; for the quarter ended December 31, 1993, the FMS received the IRS actuals on September 16, 1994.

[4] Treasury officials have informally advised us that they could not recall any cases in which a clerical error was made that required corrective action.

[5] The 90 percent payments apportionment is one of a number of provisions Congress has built into the Federal Aid Highway Program to: (1) insure funding equity among the states, (2) address the concerns of states that contribute more highway user taxes than they would receive in federal aid highway funds, and (3) provide each state with the same relative share of overall funding that it had received in the past. Specifically, the 90 percent payments apportionment ensures that each qualifying state will receive an allocation in an amount that ensures its apportionments for the fiscal year and allocations for the previous fiscal year will be at least 90 percent of its contributions to the Highway Account of the HT Fund. Financing Federal Aid Highways, FHWA Publication No. FHWA-92-016 (1992).

[6] The obligation limitation for FY 1997 is $18 billion. Pub. L. No. 104-205, 110 Stat. 2958 (1996).

[7] The law requires that Transportation base the 90 percent payment apportionments on the latest fiscal year in which data is available. Pub. L. No. 102-240, §1015(b), 105 Stat. 1944 (1991). Generally, the latest fiscal year for which data is available lags by two years. For example, for fiscal year 1996, Transportation based the 90 percent payment apportionments of contract authority on data from the fiscal year 1994 HT Fund income statements. Similarly, Transportation will base the 90 percent payment apportionments of contract authority for FY 1997 on data from the FY 1995 HT Fund income statements. Thus, Treasury's correction of the FYs 1994 and 1995 HT Fund income statements will affect the allocations for FYs 1996 and 1997.

[8] Certainly, section 9601 contemplates that the Secretary will faithfully carry out his responsibilities as trustee of the HT Fund to credit the Fund with the amounts collected as reported by the IRS. Literally read, section 9601 only authorizes the Secretary to make "proper adjustments" necessary to reflect any differences between the estimated amounts provided by the OTA each month, and the amounts reported by the IRS several months later as actually collected. In our opinion, the Secretary's authority to correct the FMS clerical accounting and reporting errors in this case is not dependent on the authority in section 9601 to make "proper adjustments."

[9] Earlier this year, Senator Baucus introduced an amendment to the Transportation appropriation for FY 1997 requiring Transportation to make appropriate adjustments to federal aid highway apportionments to correct Treasury's error. 142 Cong. Rec. S9266-9275 (daily ed. July 31, 1996). The amendment was agreed to by the Senate. 142 Cong. Rec. S9278 (daily ed. July 31, 1996). The Conference Committee on the differing House and Senate versions of the FY 1997 Transportation appropriation eliminated the Baucus amendment from the Conference bill. 142 Cong. Rec. S10778 (daily ed. September 18, 1996).

[10] See generally, 41 Comp. Gen. 16 (1961), holding that when an apportionment under the federal highway program results in some states receiving funds in excess of the amount they were entitled to receive and others receiving less than their entitlement, the failure to apportion properly must be regarded as an act in excess of statutory authority and the incorrect apportionments need to be appropriately adjusted.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute remaining.

Mr. STEVENS. Does any further Senator have any time?

The PRESIDING OFFICER. Yes, the Senator from Virginia has 1½ minutes remaining. The Senator from New Mexico [Mr. DOMENICI] has 1 minute remaining.

Mr. STEVENS. Well, Mr. President, I intend to close, so I will wait.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have made my case. I yield back the time of the Senator from Virginia.

Mr. STEVENS. Mr. President, Senator DOMENICI, I am informed, does not wish this time. I yield it back for him.

I close by saying we make no change in the basic law. The allocations under this bill are under the 1996 formula. Without unfairness, as is pointed out in the statement from the chairman of the Public Works Committee, and I read this because it is very strange that this—it does not normally happen.

Mr. WARNER. If the Senator will yield for a question, I simply say if he states he is making no changes in the ISTEA 1991 law, then I withdraw the amendment.

Mr. STEVENS. Our formula is the 1996 formula. The 1996 formula is the one that has been used by Senator WARNER, and we are using the same formula. We are not changing the 1996 formula. We are looking for a statement the Senator made.

Mr. WARNER. Mr. President, we are dealing with 1997——

Mr. GRAHAM. Will the Senator from Alaska yield for a question?

Mr. STEVENS. Regular order. The Senators had their time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Let me read from Senator CHAFEE's statement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. "The additional funds provided by the Appropriations Committee hardly give an unfair advantage to 29 States."

Mr. BYRD. Mr. President, I ask unanimous consent the Senator have an additional 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I do not wish to object, but I would like to have an equal amount of time.

Mr. STEVENS. I thank both Senators. I want to finish. I just want to read this one statement. Am I out of time?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I just want to finish this one thing I am trying to find and that is all.

The PRESIDING OFFICER. The Senator from Virginia asked unanimous consent he be extended 3 additional minutes, the same as the Senator from Alaska. Is there objection?

Mr. STEVENS. There is no objection.

Mr. WARNER. I make the proffer here, I judge my distinguished colleague from Florida will join me, if the Senator from Alaska will state that it is the intention of this bill not to change the 1991 ISTEA law, as it applies to fiscal year 1997, I will withdraw the amendment.

Mr. STEVENS. Mr. President, the Senator from Virginia wanted to change the law. The President wanted to change the law with the $318 million. If the Senator wants to delete the $318 million, the $475 million would come out. But the $139 million that the President did not request is the one that is to correct the error. The moneys we have added to what the President requests is to make it fair and to correct the impact of the underlying Treasury error.

I say again, we have used the 1996 formula. The President's request would be an $318 million addition for a few States based primarily on one category of the 1996 formula. We equalize that with what we have done. I do not say we have changed the thrust of the law. We have changed in terms of the formula.

Mr. WARNER. I claim my time. The Senator is on his time with the reply.

The PRESIDING OFFICER. The Senator from Virginia has his time.

Mr. STEVENS. Do I have any time left?

The PRESIDING OFFICER. Yes, the Senator from Alaska has 3 minutes remaining.

Mr. WARNER. I think, in fairness to the Senate, we might consider a quorum call, during which time I am perfectly willing to say to the distinguished chairman of the Appropriations Committee, if he will let the 1991 ISTEA law control the distribution of 1997 funds, which are the funds in this appropriation, I am perfectly willing to withdraw the amendment, because it is clear to me that this bill, as written, rewrites the 1991 law. And that is not the intention, in my judgment, of the U.S. Senate, to do that hastily in a debate of 1 hour and a half.

Mr. GRAHAM. Will the Senator from Virginia yield for a question?

Mr. WARNER. Yes.

Mr. GRAHAM. Am I correct the amendment that he has offered would, in fact, provide that the $318 million, plus the $475 million, all be distributed pursuant to the 1991 ISTEA act?

Mr. WARNER. Mr. President, the Senator is absolutely correct.

Mr. GRAHAM. So we——

Mr. WARNER. The Senator from Virginia simply says that all moneys above the $139 million—that is a clerical error, not a law error—be treated under the ISTEA 1991 law, which is the law of the land today. We should not, as the U.S. Senate, endeavor in this brief period to rewrite that ISTEA 1991 distribution formula. That should await the next piece of legislation which is coming through in the orderly, bipartisan process, through the authorization committee.

I make the proffer right now to withdraw the amendment if the Senator will revise the bill before the Senate, such that it reflects that in 1991, the ISTEA law governs the distribution of those funds over and above $139 million in this bill.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Alaska.

Mr. STEVENS. Mr. President, I reject that suggestion. As the Senator knows, the change is required for the $139 million that he is proposing. We are working from a 1996 base, and that is what we are equalizing.

This is a growing program. Why should some States be less than they were in 1996, while other States grow at such a rate they are far in excess of 1996?

Again, I have been trying to read what the Senator from Rhode Island, the chairman of the Public Works Committee, said in the statements before the Senate.

> The additional funds provided by the Appropriations Committee hardly give an unfair advantage to 29 States. In fact, the only States that actually receive additional funds in 1997, when compared to 1996, are the so-called donor States that are offering the amendment that is before us today. Mr. President, this is an issue that, in my opinion was resolved after the administration initially fixed its error last December. Unfortunately, the administration has reopened this complicated issue. The Appropriations Committee has developed a fair solution to a difficult problem, and they should be congratulated. I urge my colleagues to oppose this amendment and support the chairman of the Appropriations Committee.

I yield the remainder of my time. I yield the remainder my time. I move to table the amendment.

I ask for the yeas and nays.

Mr. WARNER. It is a simple question.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 66 to S. 672. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—54

Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Brownback
Bryan
Burns
Byrd
Campbell
Chafee
Collins
Conrad
D'Amato
Daschle
Dodd
Domenici
Dorgan
Durbin
Enzi
Gorton
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Roberts
Rockefeller
Roth
Sarbanes
Smith (NH)
Snowe
Stevens
Thomas
Torricelli
Wellstone

NAYS—46

Abraham
Ashcroft
Bond
Boxer
Breaux
Bumpers
Cleland
Coats
Cochran
Coverdell
Craig
DeWine
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gramm
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kempthorne
Kohl
Kyl
Landrieu
Levin
Lott
Lugar
Mack
McCain
McConnell
Nickles
Robb
Santorum
Sessions
Shelby
Smith (OR)
Specter
Thompson
Thurmond
Warner
Wyden

The motion to lay on the table the amendment (No. 66) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. If we could have order, I would like to tell Senators what will happen now.

Let me make a parliamentary inquiry.

How much time is left under cloture, Mr. President?

The PRESIDING OFFICER. We will have to compute that.

Mr. STEVENS. I thought I had an answer. The answer I received is not correct?

The PRESIDING OFFICER. No. We are computing it right now. It will have to be recomputed.

Mr. STEVENS. I urge the Parliamentarian to compute it before I finish here because I think Senators ought to know.

We, I hope, will finish this bill under the original cloture period.

Senator BYRD, from West Virginia, will be recognized under the agreement we entered into last evening to complete the statements on his amendment to delete the CR provision in the bill.

After that, Senator REID's amendment is the pending business. It is our intention to go to Senator REID's amendment. There is an agreement on that.

Following that amendment, Senator GRAMM, who has a series of amendments, has asked to bring up one of his amendments. And it is my hope that the Chair will recognize him after that.

I urge Senators to come forward now and tell us what they are going to bring up. If I am correct, the time under cloture expires before 6 p.m. tonight. It is my feeling we should finish in that original period. That will mean that we will have to shorten the time on every amendment that comes up and seek an opportunity to vote, if there is going to be a vote, within a reasonable period of time.

So, Mr. President, I want to announce, as chairman, once an amendment is called up and a statement is made in support of it, I will seek the floor to table that amendment. But I hope to seek from each Member a reasonable period of time for any Member who wants to speak on the pending amendment. I urge Senators to limit their time so we can finish by 6 o'clock.

Has the Parliamentarian come close to an estimate?

The PRESIDING OFFICER. We are still computing.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Could I say to the distinguished chairman, the manager of the bill, on the Reid amendment we have an agreement, and we can move rather quickly on that, if you want to get one more thing taken care of.

Mr. STEVENS. Mr. President, that is precisely what we have agreed to do. As soon as Senator BYRD, who has the amendment that is pending, because of an agreement that was entered into before—the Reid amendment was set aside—we shall finish Senator BYRD's amendment, and once that is finished we will go back to regular business, which is the Reid amendment, as soon as the Byrd amendment is voted upon. Then we would proceed, by agreement, I hope, to raise every amendment that a Senator wishes to raise within the time limit that is left under the cloture period.

Mr. CHAFEE. Is there any suggestion how long the Byrd amendment might take?

Mr. STEVENS. Mr. President, it is our hope that after the Senator has completed his statement that he did not make last night that we will be able to reach an agreement as to time in very short order. But he has not completed his statement yet, so I cannot answer that question yet.

Again, this is a consistent pattern. I hope the Senate will realize the person who offers an amendment will be allowed to make the statement that he or she wishes to make, and after that time we will seek to limit the time for any further comment on the amendment before I make a motion to table.

Mr. REID. Mr. President, if I could ask the manager of the bill, we understand there is no specific time, but I wonder, for those of us involved in the next amendment, can you give us a ballpark? Would it be like 2:30, something like that?

Mr. STEVENS. It is my hope the Senator will agree—and I have discussed with the Senator from West Virginia—that sometime around the 2 o'clock time we can vote on the amendment because we do have some people who have already notified us that they are going to leave, and I think that they are on the Senator's side. So we would like to accommodate people who will leave. But we have not any agreement.

The question was asked to you, I say to the Senator. You may want to respond now. If you do not, we will wait.

Mr. BYRD. I am in no position to respond at this moment. But I do have at least 9 or 10 speakers on this side other than myself, and they will want somewhere from 5 to 10 minutes each probably.

Mr. STEVENS. Again, when the Senator is finished with his statement, I intend to seek a limitation—before I make a motion to table his amendment—on any of those who wish to speak. So I do hope that we will be able to get that. When the Senator is finished with his statement, we will get to this and decide what the time will be.

I yield to Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, at what time did cloture occur?

The PRESIDING OFFICER. Cloture was invoked yesterday at 10:28 a.m.

Mr. BYRD. What time?

The PRESIDING OFFICER. At 10:28 a.m.

Mr. BYRD. At 10:28 a.m. So the 30 hours for debate could well not occur today, not take place today.

Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 59

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Massachusetts for not to exceed 10 minutes without losing my right to the floor. He has to go to another appointment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from West Virginia for yielding the time. Once again I commend him for bringing his amendment to the floor of the Senate. And for the reasons that I will outline, I hope that his position will be overwhelmingly accepted.

Mr. President, this automatic budget proposal is a Trojan Horse, and the Senate should reject it. It would freeze the level of last year's spending on any appropriations bill where Congress and the President failed to agree. By creating the certainty of a particular result in the event of a deadlock, it creates the certainty of a deadlock. There will always be those who favor a freeze. They obstruct the process. This provision guarantees that they will get their way.

Mr. President, by creating the certainty of a particular result in the event of a deadlock, it creates the certainty of a deadlock. There will always be those who desire a freeze. If they obstruct the process, this provision guarantees they will get their way. They will have many opportunities to obstruct.

Already, continuing resolutions are a regular part of the congressional procedure. A forthcoming article by Professor Meyers of the University of Maryland calculates that since 1974, when the Congressional Budget Act set the October 1 deadline for enacting appropriations, more than two-thirds of appropriation bills have been enacted after that date. With this automatic budget provision tilting the outcome, it will be a rare case, indeed, when it is not used by our Republican friends to achieve their ideological goals.

Our Republican friends seek to sell this Trojan horse as a way to prevent shutting down the Government. We all know the real target. This proposal would simply guarantee cutting back on funds for education, for health, safety, and the environment.

This year, a freeze at last year's level would be $27 billion below President Clinton's request for total discretionary spending for 1998. It would yield a devastating cut in education, in health, and safety. We all remember the long and difficult struggle and battle that was held here on the floor of the U.S. Senate in making sure that those priorities, which are the priorities of the American people, were going to be achieved. It was only in the final days of the consideration in the Congress that we were able to do so.

It would cost $330 million from Head Start, depriving 35,000 children of the chance they would have to participate in Head Start under the President's plan.

It would slash $1.7 billion from Pell grants, denying crucial aid to 350,000 needy college students.

It would cut $300 million from the education for disadvantaged children, denying 483,000 children the extra help they need to survive in school.

It would cut $5 million from programs like Meals on Wheels, resulting in $2.8 million fewer home-delivered meals for senior citizens.

It would cut $23 million from the President's budget for occupational safety and health, resulting in thousands of fewer health and safety inspections.

It would cut $300 million from the President's budget for the National Institutes of Health, slashing the number of new research grants and contracts, dramatically jeopardizing the research on cancer, AIDS, diabetes, Parkinson's disease, and many other diseases.

These are unacceptable results. This is unacceptable budget policy. It is a GOP Government shutdown on the installment plan.

If we give the obstructionists and do-nothings this raw power, they will have carte blanche to do it every year. The cuts will grow like compound interest. Five years of a freeze would lead to cuts of $165 billion. The 2002 level for appropriated spending would be 9 percent below the President's budget.

If you take inflation into account, the cuts would total $287 billion below the levels needed to maintain current services. The 2002 level would be 16 percent below the level needed to maintain current services.

Appropriated spending is now its smallest share of the economy since 1938—7 percent, roughly half of its high of 13.6 percent in 1968. We are reducing spending, and we are doing it the right way, not the right-wing way.

Under the President's budget and the budget agreement, spending will already decline further in inflation-adjusted terms. From this already shrinking pie, Congress has to fund education, health research, and other needed investments to keep our economy strong and growing.

This proposal is extreme. Make no mistake about it. The Nation cannot afford a robot procedure that robs future generations and weakens the economy. Congress should not put the budget on an automatic shrinking pilot. We can work together, Republicans and Democrats, we can write a better budget than this provision will allow—and still meet any reasonable goals for restraining spending.

I urge all Senators to support the amendment offered by the Senator from West Virginia.

Mr. President, I ask unanimous consent a table showing the calculation results in the cuts I described be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOSSES FROM THE AUTOMATIC BUDGET COMPARED TO THE PRESIDENT'S BUDGET[1]

[Billions of dollars in budget authority for discretionary spending]

	1998	1999	2000	2001	2002	Over 5 years
President's budget[1]	537.1	535.5	542.3	549.2	560.4	2,724.5
100 percent of prior year	511.8	511.8	511.9	511.9	511.9	2,559.3
Loss in funding	25.3	23.7	30.4	37.3	48.5	165.2

[1] As estimated by the Congressional Budget Office.

LOSSES FROM THE AUTOMATIC BUDGET COMPARED TO SPENDING NEEDED TO MAINTAIN CURRENT SERVICES[1]

[Billions of dollars in budget authority for discretionary spending]

	1998	1999	2000	2001	2002	Over 5 years
Current services[1]	532.9	550.8	569.0	587.4	606.3	2,846.4
100 percent of prior year	511.8	511.8	511.9	511.9	511.9	2,559.3
Loss in funding	21.1	39	57.1	75.5	94.4	287.1

[1] As estimated by the Congressional Budget Office.

Mr. KENNEDY. Mr. President, if you look at the cuts, for example, in the area of education, and you take the cuts plus what is happening in terms of inflation in education alone, it would be a 16-percent reduction in the real purchasing power of education programs—in all education programs. Those are the student loan programs which are such a lifeline for children, young people that are looking forward to funding their education with the help and assistance of the Pell grants. It would cut back on the title I programs that reach out to children and help to provide programs to advance math, science, and literacy in schools across the country. It would cut back on the Head Start Programs which provide the early kind of intervention in terms of developing self-confidence and character building among the children in this country. These are programs with proven results, Mr. President.

The reality is that it is generally this appropriation, the HEW or HHS appropriation, which is the last one that comes through here. It is amazing to me, Mr. President, that after we have an agreement on the President's budget, bipartisan agreement on the President's budget, that there are still those in the Senate that want to continue to support this proposal. We are supposed to have an agreement on the President's budget, but nonetheless they want to insist on this continuing proposal. So we have to look at why they might want to continue with this proposal. You have to reach the conclusion that, given their record in the areas of education, in the areas of health, in the areas of Head Start Programs, Meals on Wheels, fuel assistance program, substance abuse programs to help young people free themselves from addiction, you can reach no other conclusion than they want further cutbacks than agreed to under the President's budget, or why would they insist on it?

Are we going to see the day when, sure, we have a budget deal, a tall sign, people are prepared to deal with it, and then we come back to the appropriations process, and it just so happens that appropriations in the areas of education, training programs, or other programs affecting our senior citizens like Meals on Wheels conform to what was agreed on, but there are perhaps a handful of Senators who say, "We will not consider that appropriations bill. We are not going to bring it up."

All right, if we do not, we are back to running on the agreement that was in this particular supplemental bill. What is that going to mean? It will mean a very small and tiny minority can effectively renege on what has been agreed to by Republicans. If that is not their position, then there will be an overwhelming majority that will support the Senator from West Virginia, an overwhelming majority. It is a pretty clear indication of what the real intentions of Members of this body are with regard to that particular agreement.

I think for all of these reasons, Mr. President, whether the agreement that was made last week between Republicans is really a true agreement, or whether there will be those who say, OK, we agreed on that particular day, but we will wait until the ink dries on this particular agreement, and next year, the year after or the following year, we will go ahead and put, in effect, a freeze that will mean lower kinds of support for funding, education, and health programs—programs that are a lifeline for our senior citizens, our children, those that too often have been left out and left behind. We will see those programs further threatened.

Mr. President, I commend the Senator from West Virginia. He really, I think, in many respects, has by far the most important amendment that is going to affect the quality of life of millions of our fellow citizens. We have seen dramatic reduction in what has been termed the "domestic investment programs for the future," a term that has been agreed to by GAO and by CBO, and talks about education, a training infrastructure and domestic research and development. That percent, which is so essential in terms of our Nation's future, has gone down and is on the slippery, slidy slope of going down further, and we endanger it more so if we do not accept the amendment of the Senator from West Virginia.

I commend him for offering this amendment. I thank him for bringing this amendment to the attention of all the Members. This really is, I think, the heart and soul of this whole proposal.

I join with those that regret, as we are trying to deal with the problems of those fellow citizens in North and South Dakota, and other flood State victims across this country, that we are having to face this particular issue.

The PRESIDING OFFICER (Mr. ALLARD). I announce that the pending question is amendment No. 59, offered by the Senator from West Virginia.

I now recognize the Senator from West Virginia.

Mr. McCAIN. Will the Senator yield for a question?

Mr. BYRD. Absolutely, gladly.

Mr. McCAIN. I had a discussion with the Senator from West Virginia, and I wonder if he would be agreeable, after the completion of his remarks, to enter into a unanimous-consent agreement that would allow an hour and a half on his side and an hour on this side before the vote. Would the Senator from West Virginia find that proposal agreeable?

Mr. BYRD. Mr. President, in response to the question, I may very well find it agreeable at that point. In the meantime, I will ask staff to attempt to identify those Senators who wish to speak in support of my amendment, at which time I will be in a better position to discuss a time limitation.

Mr. McCAIN. I thank the Senator.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts [Mr. KENNEDY] for his very illuminating remarks. He is the chairman of the committee in the Senate which would feel the brunt of the cuts that would ensue. He has stated them very eloquently. I hope that Senators will have been paying attention.

Mr. President, my amendment would strike Title VII from the bill. This title contains what the proponents call the "Government Shutdown Prevention Act." It might better be termed the "Congressional Responsibility Prevention Act" because, if its provisions were in effect for all of Fiscal Year 1998 for the thirteen regular appropriation bills, funding for all discretionary spending in Fiscal Year 1998 would be on automatic pilot.

I offered this same amendment to strike Title VII of the bill in the committee markup of the bill, and it failed on a party-line vote of 13 yeas to 15 nays. As reported, Title VII would continue funding for any of the thirteen regular appropriation bills not enacted into law by October 1, 1997, at a rate of 98 percent of the 1997 levels for every program, project, and activity. That amounted to a cut in budget authority of some $35 billion below President Clinton's 1998 discretionary budget requests. Of that $35 billion cut, $10 billion resulted from the 2 percent reduction below 1997 levels. The remaining $25 billion in cuts would result from the fact the President's budget for Fiscal Year 1998 is $25 billion higher in budget authority than would be required under a freeze at the 1997 levels.

During the debate on this issue last evening, after my remarks in relation to the provisions in Title VII as reported by the committee, Senators McCAIN and HUTCHISON urged me not to object to an amendment to which I ultimately agreed to which changed the percentage contained on page 81 of the bill from 98 percent to 100 percent. This means that Title VII as it now stands in the bill would provide an automatic CR for Fiscal Year 1998 for any of the thirteen appropriation bills not enacted into law by October 1, of this year, at a rate of 100 percent of 1997 levels. In other words, all programs, projects, and activities for the discretionary portion of the budget in Fiscal Year 1998 would be continued at a freeze level.

In explaining their purpose for making this change last evening, the Senator from Arizona and the Senator from Texas expressed their view that this would pretty much alleviate the funding problems with the previous language. But, Mr. President, this is certainly not the case.

Even at a freeze level, if put into effect for all of fiscal year 1998 for all 13 regular appropriations bills, title VII would result in cuts totaling more than $25 billion in budget authority below President Clinton's requests. So the devastation that would have occurred and about which I spoke at some length last evening, would still occur to a large extent, devastation to the programs and activities in the area of law enforcement, education, transportation and transportation safety, health and human services programs, such as WIC, LIHEAP, Head Start, and so forth. In total, cuts to these and other programs throughout the Federal Government would, as I have said, equal more than $25 billion if title VII were in effect for the full year for all 13 appropriations bills.

Now, it never ceases to amaze me that so much time and effort are put into proposals such as this, trying to find ways to get around the responsibilities of the executive and legislative branches for making certain that the power of the purse—the power of the purse—is used very carefully and thoughtfully in every respect for every dollar of spending that we provide each year. If we focused the energy that we spend on issues such as this toward redoubling our efforts in passing budget resolutions and reconciliation bills on time, thereby enabling the 13 appropriations bills to proceed on time, we would not have as much difficulty in enacting appropriations bills, and, in so doing, we would greatly lessen the possibility of a Government shutdown.

No one in this body supports Government shutdowns. But what this proposal would do is ensure that when the going gets tough and the issues involved in deciding the funding levels for every activity of the Government get too tough, Congress is likely to just yield to the mindless, automatic mechanism provided in title VII and thereby simply continue all programs, all projects, all activities—whether justified or not—at some arbitrary, fixed level. Even though its proponents call it a "failsafe mechanism," it is really foolhardy.

Furthermore, it should be obvious to everyone that this is some type of political ploy, else the attempt would not be made to attach it to a bill that the President, naturally, would find very difficult to veto.

In fact, if one can believe what one reads in the press—and I don't believe everything I read in the press—the reasons for this proposal are set out rather starkly in an article which appeared in the April 18, 1997, issue of a publication called Inside the New Congress. That publication discusses this so-called "automatic CR" provision under a heading entitled "Automatic PR"—not automatic CR, but automatic PR. That article states the following about this proposal:

> The automatic CR proposal, crafted by Senators Kay Bailey Hutchison and John McCain, with the blessing of GOP leaders, would fund discretionary programs at 98 percent FY 1997 levels in the event that a budget deal isn't agreed upon by September 30. More simply stated, the McCain-Hutchison bill would force Clinton to either compromise with Hill Republicans on a fiscal year 1998 budget or stomach mandatory cuts of 2 percent.

I am still quoting from the article:

> "This is 100 percent politics," says the Senate GOP aide close to the issue. "It's payback to the Democrats for the public relations war" [in 1995 and 1996 over the Government Shutdown].
>
> Anticipating certain opposition from Clinton and Congressional Democrats, Gingrich and Lott apparently have convinced appropriators to tuck the automatic CR bill inside the popular $4 billion emergency spending package for disaster relief and the troops in Bosnia. By doing so, [the article goes on] Republicans will force Clinton and Hill Democrats to jeopardize much-needed funds for "the troops and for poor flood victims" to kill a "simple measure that protects citizens from a Government shutdown," says the House leadership advisor.
>
> And according to McCain [still reading from the article] the GOP will dare Daschle and Democrats to filibuster the legislation by attaching the automatic CR as a floor amendment, even though Lott is uncertain if he has 60 votes to limit debate. "I'd love to debate them on this," McCain said with an insidious smile, [still reading from the article] "We will win the PR war this time."

So there you have it, Mr. President. According to this article, we have in this bill a proposal that is "100 percent politics," according to a Senate GOP aide. "It's payback to the Democrats for the public relations war in 1995 and 1996 over the Government shutdown."

Why, Mr. President, have its authors chosen this particular bill to include this political payback proposal? Because, as intimated in the article I have just quoted, this is a very difficult bill to hold up. It contains billions of dollars that are desperately needed across the Nation to aid hundreds of communities and hundreds of thousands of our citizens who have been devastated by natural disasters. It contains almost $2 billion to support our men and women overseas in Bosnia and elsewhere, who are there doing their duty. They didn't ask to go. They are there doing their duty for our country.

So it becomes very difficult to try to fend off proposals such as this which sound good and which make good PR, but which are, in reality, fatally flawed, cynical exercises. This particular proposal does not deserve to be enacted into law. It calls for a mindless exercise in setting spending levels for 1998. No further action will be required on the budget resolution. There will be no need to hold any more hearings on the 1998 budget. We will not have to spend the time of the Appropriations Committees in going over the justifications for each of the thousands of programs, projects, or activities for which funds are requested for 1998.

In fact, once this measure becomes law, we will not need the Appropriations Committees at all. We can simply set each year's spending at a percentage of the 1997 rate for the entire Federal Government and let it go at that. There will be no hearings and there need be no hearings, may I say to my friend from Mississippi, who is on the Appropriations Committee. There would need to be no markups and no time spent by the Senate debating spending levels on the 13 regular appropriations bills. It could work that way. Is that where we want to go?

Never mind the fact that some programs should be eliminated. Just keep them going at last year's level anyway. And what about programs which must have increases in 1998 for reasons beyond anyone's control—such as veterans' medical care? If we fund that program on automatic pilot at the 1997 level, we will have to drop medical care to 140,000 eligible veterans in 1998. Is that what we ought to do?

I am sure the authors of the proposal will tell us that they have no desire to cut veterans' medical care. They simply want to avoid shutting down the Government if Congress reaches an impasse on the VA–HUD bill for 1998. But, Mr. President, what they will not recognize is how difficult it is to enact bills such as the VA–HUD bill, even without the disincentive to do so provided by this proposal. If this language is in place, when the going gets tough, there will be less desire to successfully negotiate very difficult issues between the Houses of Congress and with the administration. I am convinced that, notwithstanding the best efforts of all parties, negotiations are much more likely to fail because of this so-called "failsafe" proposal. Then, when we do, in fact, fail to enact the VA–HUD bill, the veterans' medical care cut I described earlier will happen. Furthermore, this same result will occur over and over again throughout the Federal Government.

Having said that, I do not necessarily believe that Congress will fail to enact the 1998 Department of Defense appropriations bill. That bill will make it. It is probably more likely that the DOD bill will be enacted without cuts. Perhaps one or two other bills will be enacted—possibly the legislative branch will get through so Congress itself will not have to take a 2 percent cut, and maybe the District of Columbia bill, and perhaps the military construction bill.

But I believe it would be highly likely that, if this proposal is enacted, we will never complete action on the bills where the President has asked for major increases. In other words, if we enact this proposal, we will have abdicated our responsibility to thoroughly review and justify the taxpayers' money that we are spending each fiscal year.

I say to my colleagues that this is the wrong time and the wrong place for such a device. There is no need to put a continuing resolution of this sort in place before we have even written one line of one appropriations bill and before we have even passed a budget resolution. We could consider this measure on its own at a later time. That is what we ought to do, although I would certainly oppose it then. But we could do that without so drastically encumbering an emergency disaster bill.

Are we not just making absolutely sure that this important funding will be delayed? Certainly, that will be the result of our actions here today, unless we strike this language from the bill. The President has told me personally, by telephone, that he will indeed veto this supplemental bill if it contains this automatic CR language.

Hundreds of thousands of Americans are suffering and are in need of this assistance. They do not deserve to have their needs shackled to a rather obvious attempt to rig the budget and appropriations process for fiscal year 1998 in favor of those in this body who would like to see across-the-board budget cuts to pay for very large tax breaks for the privileged few in our society.

But, Mr. President, without disparaging the good intentions of the authors of the language, this is, at best, a cynical measure and, at worst, it is playing games with the lives of real people who are in trouble and who are entitled to expeditious assistance in their hour of need.

Not only does this proposal show a callous disregard for the appropriations process and for the Appropriations Committees, but it also demonstrates an insensitive, indifferent, and unsympathetic attitude toward the suffering of the people of 33 States that stand in need of water and sewer facilities and roads and other infrastructure that have been destroyed by the raging waters of great rivers. This is playing politics on a bill that will help people who have lost their homes, their cars, their trucks, their farm machinery, their livestock, their furniture—everything that they have worked and skimped and saved for, in many instances, throughout a lifetime. It is politics at its worst and everyone knows that it is politics at its worst. The people in these 33 States need help. They need it as soon as they can get it. They need it now. They needed it yesterday. They needed it a week ago. And it is grossly unfair to them to use this instrument of disaster relief as a vehicle for political gain. It is cynical, and it is cruel.

I am not an advocate of the Presidential veto. I am certainly not an advocate of the line-item veto. I am not an advocate, in many cases, of a constitutional veto that the President has had for these 208 years. But I believe that, in this instance, the President would be derelict in his duty if he did not use that constitutional weapon. And I so said to the President when I discussed this matter with him. I said that I felt that he would be derelict in his duty if he did not strike down this bill if it reaches his desk carrying this ill-conceived, ill-begotten, and ill-advised proposal. I can well say with Macduff: "Confusion now hath made his masterpiece."

This is politics run amuck.

So I have an amendment that is now before the Senate which will strike from the bill the provisions which I have discussed.

Before I yield the floor, I shall read a letter, or portions of a letter, that I received today from the Executive Office of the President, the Office of Management and Budget.

I will read it into the RECORD.

DEAR SENATOR BYRD:

As the Senate continues consideration of S. 672, a bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, we ask that you consider the administration's views on the pending amendment concerning the automatic continuing resolution.

Prior to markup of the bill by the Senate Appropriations Committee the President indicated that he would veto the bill if it were presented to him with the automatic continuing resolution language contained in S. 547. His reasons follow:

First and foremost, this bill contains $5.6 billion in urgently needed disaster assistance funds for hundreds of thousands of victims of recent natural disasters in 33 States, and this assistance should not be delayed while the Congress and the President consider a budget process issue.

Secondly, the McCain-Hutchinson automatic continuing resolution would not provide requested funding for essential investments in education, the environment, for research and technology, and for fighting crime. It would also reduce funding below the request for critical core Government services resulting in reduced hiring of air traffic controllers, Border Patrol agents, and Social Security disability claims processing personnel. It would also result in reductions in the numbers of women and infants served by the WIC program, the number of veterans receiving medical care services, and the number of kids in the Head Start program. The Federal Crop Insurance Program would be terminated.

Finally, such a continuing resolution is premature, and prejudices the outcome of the bipartisan budget agreement.

> Our recent agreement calls for the regular order, implementing the agreement through reconciliation, tax and appropriations measures. By enacting a continuing resolution at levels significantly below the level in the agreement it would allow one House—or, in the case of the Senate, a minority in one House—to essentially veto an appropriations bill by inaction.
>
> The amendment adopted last night to provide for an automatic continuing resolution at 100 percent of the FY '97 enactment level does nothing to respond to these concerns. Even with the amendment adopted last night, the automatic continuing resolution provides resources over $20 billion below the President's request, and significantly below the level contained in the bipartisan budget agreement.
>
> If the bill were presented to the President containing the automatic continuing resolution now pending in the Senate, the President would veto the bill.
>
> We urge the Senate to strike the provision from the bill, and as the bill moves through the process we urge the Congress to remove other extraneous provisions from the bill so that the President can sign the legislation making available essential relief to the victims of the recent disaster, and providing resources for our overseas peacekeeping efforts:
>
> Franklin D. Raines, Director.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Arizona.

Mr. McCAIN. Mr. President, I wonder if the Senator from West Virginia at this time would be ready to enter into a time agreement of an hour and a half on his side and an hour on this side.

Mr. BYRD. I beg the Senator's pardon.

Mr. McCAIN. I wonder if the Senator from West Virginia would be prepared to consider a proposal that I mentioned to him a short time ago, that we could enter into a time agreement on this amendment of an hour and a half on his side in support of the Byrd amendment and an hour on this side in opposition to the Byrd amendment.

Mr. BYRD. Mr. President, if the Senator would allow me.

Mr. McCAIN. Mr. President, I yield for purposes of a response.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. If the distinguished Senator would be willing to include in his request that I have 20 minutes additionally, I would be very glad to agree with the request.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I understand that would be an hour and a half for the Senator's side plus 20 minutes for Senator BYRD to speak himself.

Mr. BYRD. Yes.

Mr. McCAIN. And an hour on this side.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. McCAIN. I believe the Senator from Alaska would have to be consulted. But I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I would simply like to state that I think the Senator from Alaska ought to be consulted. He is due to return to the floor very soon. I hope the Senator would withhold seeking the unanimous consent request until he returns.

Mr. McCAIN. I would be glad to. I say to the Senator from Mississippi, I had discussed my original proposal with the Senator from Alaska before he left, and that is why I made the proposal. Obviously, with the additional request for time on the part of the Senator from West Virginia, we will wait until the Senator from Alaska returns.

Mr. President, I see the Senator from California on the floor who is eager to speak. I will make my remarks relatively short.

I think it is important that we make a few facts clear on this issue. The Senator from Massachusetts, who was on the floor before, and others, will allege that there is somehow some motivation to sabotage the budget agreement. Mr. President, the Senator from Indiana and I proposed this amendment last year. I know of no one who believes that the budget was even discussed last year; not this year. It is a matter of record. We wanted a vote on it, and were dissuaded from doing so at that time.

My motivation on this issue is simple. It is clear, and I can be very concise about it; that is that I saw thousands of residents of my State whose lives were disrupted, and in many cases destroyed, because of the inability of the Congress of the United States and the President of the United States to come to an agreement on appropriations bills—not a budget. Let's get one thing clear. We have had a budget agreement. In 1990, we had a budget agreement, too, I might add, which was quickly destroyed and dismantled in a very short period of time. The appropriations process still has to be gone through.

We all know from previous years that many times there are riders on an appropriations bill, even if there is an overall spending agreement which causes the President of the United States to veto a bill.

As I say, my motivation is very simple. I saw the lives of hundreds and even thousands of people in my State, and millions all over the country, destroyed for reasons of political gain. I will freely admit to the Senator from West Virginia, who quoted me, that, yes, I intend to win this debate.

I will also admit to the Senator from West Virginia with rhetoric that was used the last time the Government was shut down that his side of the aisle won the debate. The President of the United States during the last debate said what they really want is to end the role of the Federal Government in our lives * * * which they have, after all, been very open about * * * the President said. A lot of them—referring to Republicans; these are the comments of the President of the United States back when the Government was shut down—A lot of them will be happy about this because they don't think we ought to have a Government up here anyway.

Mr. President, I found those remarks insulting. I have never said that about the President of the United States. I have never said that about the proponents of the Byrd amendment. I was offended. The rhetoric went on and on during that period.

While we are talking about rhetoric, "Democrats contended that Mr. GINGRICH was being overrun by a minority of children and inexperienced lawmakers, and should defer to more experienced Members. It is about time that adults with adult minds and adult experiences get together as Democrats and Republicans and at least agree to a 3-day continuing resolution to get the Government working again," said Senator James Exon, calling the GOP freshmen "The Magnificent 70."

Mr. President, there was a lot of rhetoric thrown around the last time, and there will be on this floor. I know what the Senator from California and others who will speak here will say. They will allege that this amendment somehow will prevent the assistance being given to their States and to their areas that are devastated.

Nothing could be further from the truth.

We have agreed to a time agreement. We have been urging a time agreement. We have been urging quick passage of this bill.

If the President of the United States chooses to veto it, then that is his privilege and his constitutional right to do so.

It is also my obligation—and those Members of this Senate and the Congress—to make sure that what happened never happens again.

There are natural disasters which need to be addressed. By the way, as the Senator from Texas pointed out yesterday, they are being addressed. The money is flowing. There is no holdup in the money. Disaster assistance is being rendered as we speak.

But there are also manmade disasters. My State went through one, and the Nation went through a manmade disaster. And it is equally our obligation to see that a manmade disaster does not happen again. And it was a disaster.

I understand some mayors of some of the towns that are affected by this latest natural disaster are here. I could bring mayors of cities from Arizona and from all over America, also who have had the lives of their citizens disrupted and destroyed because of a manmade disaster.

Those of us on this side of the aisle who support the prevention of a Government shutdown have the deepest and most profound sympathy, and are willing to do anything within the Government's power to alleviate their incredible problems that they are suffering under.

We also should be committed to seeing that we don't inflict on American citizens what we did last time.

Later on, Mr. President, I will go through the statistics of the terrible tragedy that was inflicted when the Government was shut down. I will go through that. It has nothing to do with rhetoric. It has nothing to do with debate, nor political leverage. It has to do with harming the lives of American citizens which we did because we didn't carry out our obligations to them. When we don't carry out our obligations, it seems to me that some of us should join in an effort to see that it doesn't happen again. That is what this is all about.

There will be an allegation that this is premature, that we shouldn't do this at this time. If we wait, as we did last year, the reason we were dissuaded from passing this amendment last year was we were too far down the road in the appropriations process, and it would disrupt the process then.

So we are doing this early. We are doing it now. And we think it is important.

Let me point out one other thing, Mr. President, because I have heard a lot of very interesting rhetoric already, questioning of motives, about not caring, about insensitivity, and all of that.

I urge my colleagues to elevate it a little bit here. OK. All right. I don't question the motives of anybody on that side of the aisle. I resent it when our motives, those of us who are acting in good faith, are questioned.

The second point I want to make, finally, is, look, we have asked the White House to negotiate with us on this issue. They say, as do my colleagues on the other side of the aisle, "We want to prevent a Government shutdown too."

I again will quote later all of the lamentations and criticism of a Government shutdown that were uttered by the President of the United States, and all of the Cabinet, and all of those on the other side of the aisle. If we share the same goal, why can't we sit down and work out an agreement, an agreement that will prevent the shutdown of the Government from taking place? It seems that we should be able to do that.

So, I, obviously, will be discussing this issue at more length. But, again, I urge my colleagues. Let's not let this debate degenerate into name calling and questioning of motivation, which I already heard from the Senator from Massachusetts.

By the way, I have not heard that from the Senator from West Virginia.

Do not accuse us of a lack of compassion; otherwise this debate will degenerate into name calling and questioning motivation, which I do not think will be illuminating nor in the best interests of the Senate. But if necessary, if necessary, obviously, we will respond, which I do not choose to do.

Mr. President, I note the Senator from Alaska is on the floor. We have been searching for a unanimous-consent agreement on this issue, so I will yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do seek that we get some understanding about a time limit now. I understand the Senator from California wishes to speak. I do not know how many others wish to speak. May I inquire of the Senator from West Virginia if he understands how many on his side might be willing to speak?

Mr. BYRD. If the distinguished Senator will yield, I understand, Mr. President, that we have seven or eight speakers on my side other than myself.

Mr. STEVENS. We have on our side, to my knowledge.

Mr. McCAIN. We will need not more than an hour.

Mrs. HUTCHISON. One hour on our side will be sufficient.

Mr. STEVENS. Could we have an understanding how much would be used in total on that side of the aisle, I ask the Senator?

Mr. BYRD. If the Senator will yield, I had responded earlier to the distinguished Senator from Arizona indicating that I would be in a position to agree to a request for 1½ hours on this side, plus 20 minutes under my control, as against 1 hour on the other side.

Mr. STEVENS. The Senator and I have deep respect for the Senator from West Virginia, but I understand some people are leaving at 2 o'clock, right after 2, and we would very much like to have the vote sometime soon after 2 so they might leave; otherwise we are not going to have a vote on this amendment today. I urge the Senator to find some way to get an agreement that we can limit—even if we limit each side to 45 minutes now. There has been almost 2 hours spent on it so far. I think that would be quite fair.

Is it possible we could get such an agreement to limit each side to 45 minutes and allocate the time on each side, you being in control of one side and I be in controlling on this side?

We will give the Senator an hour and take 30 minutes over here on this side, so that would be 1½ hours from now. You have an hour and we have a half-hour?

Mr. BYRD. Let me think about that.

Mr. STEVENS. You have seven speakers, I believe, plus yourself.

Mr. BYRD. Let me run that by my colleagues. I am sorry that Senators are leaving at 2 o'clock on a Thursday afternoon. We have a most important problem, a most important amendment that will be offered on this bill.

Mr. STEVENS. I think there is a problem, but they will be back tomorrow.

Mr. BYRD. I will be here tomorrow.

Mr. STEVENS. I will, too.

Mr. President, may I inquire of the Senator from California—I know she seeks the floor—would she be willing to start the process of limitation and tell us how long she will take on the bill?

Mrs. BOXER. If the Senator will yield, I would be delighted to keep my remarks to 10 minutes.

Mr. STEVENS. May I then ask unanimous consent that the Senator from California be recognized for 10 minutes and I recover the floor at that time? Would the Senator mind that?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair. I thank all Senators.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, today the Senate is considering the Emergency Supplemental Appropriations and Rescissions Act for 1997. I am a member of the Appropriations Committee, which wrote this bill, and, despite my strong reservations about several provisions, I voted to send the bill to the full Senate.

I voted to bring this measure to the floor because it will provide much needed assistance to my State of California, which suffered massive loss and damage from the terrible winter floods a few months ago, and is still paying for cleanup and repair of damage from 15 other natural disasters in the past few years.

Before I talk about the specifics of this bill, I would like to offer my deepest appreciation to the chairman of the Appropriations Committee, Senator STEVENS, and the committee's ranking member, Senator BYRD. They and their staff have been so helpful to me and my staff in making sure this bill addresses the needs of California. I am sincerely grateful for their assistance.

California suffered enormous losses from the winter floods this year. The scope of the floods is unprecedented in modern times: Over 300 square miles of land flooded; 48 of California's 58 counties declared natural disaster areas by the President; 120,000 people forced to leave their homes—the largest emergency evacuation in the State's history; 9 lives lost; estimated $1.8 billion in damages to property; and unprecedented structural damage to one of the most popular natural sites in the world, Yosemite National Park.

Californians are also still coping with losses and trying to rebuild after 15 earlier natural disasters, from the Loma Prieta earthquake in October 1989, to the severe fires in southern California last October.

This fiscal year 1997 emergency supplemental bill will help California in many important ways:

First, emergency aid to people who need help coping with the immediate impact of the floods;

Second, help for local governments and the State to repair or rebuild public works projects, including levees, dams, roads, bridges, and other infrastructure;

Third, assistance to farmers and ranchers who have sustained damage and loss of land, crops, orchards, and livestock, to help them reestablish their businesses;

Fourth, funds to repair and rebuild at Yosemite Park, in order to meet the needs of the more than 1½ million visitors it receives each year.

I ask unanimous consent to include in the CONGRESSIONAL RECORD at this point a detailed list of how California will benefit from the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISASTER ASSISTANCE IN S. 672 FOR CALIFORNIA

1. Emergency Conservation Program, a cost-sharing assistance program to farmers and ranchers whose land was damaged by flooding. Funds used to clean up debris, mend fences, etc. California farmers and ranchers will receive up to $12 million.

2. Tree Assistance Program, a costsharing program to help small orchard owners remove dead trees and replant. The bill will provide California orchardists with approximately $9 million.

3. Livestock indemnity program for losses of cattle, swine, and other livestock, to be authorized by the Secretary of Agriculture. California ranchers need to replace 11,500 head. Applicants would get about 28 percent of value of each animal. California ranchers could get about $1 million.

4. Private levee repairs and reconstruction. The bill provides funds for emergency grants from the Economic Development Administration, and the report allows use of some of these funds for infrastructure grants, including levee work. California could get $2.4 million.

5. Corps of Engineers repairs on dams, reservoirs, flood control facilities, and other Corps projects that are under direct federal control. California share is $29.9 million.

6. Corps of Engineers repairs of eligible federal and non-federal levees damaged by floods, and also other emergency operations related to the floods. California share is approximately $275 million.

7. Bureau of Reclamation repairs of damage to certain facilities during winter flooding. California will get approximately $7 million.

8. Construction in National Parks, including Yosemite and others in California. Yosemite National Park will get $176 million, $9 million will go to Redwoods National Park, and about a million will go to all the other parks in California, for a total for California parks of about $186 million.

9. Emergency Relief Program, which provides money to repair damage to federal aid highways from the floods. California requested $331 million. The bill will provide a minimum of $220 million plus another $80 million or so from previously unallocated funds.

10. Natural Resources Conservation Service hazard mitigation assistance to watersheds damaged by recent and prior year disasters. California will receive some funds from this program.

11. FEMA disaster assistance for family and individual emergency assistance following disasters, and for public works repairs and reconstruction following damage from disasters. California will receive from the bill about $1.6 billion and will receive from existing FEMA reserves another $1 billion.

12. Devil's Slide tunnel in San Mateo County. Language in the bill recognizes that the project is eligible for additional FY 97 federal aid highway funds included in the bill.

Mrs. BOXER. Unfortunately, Mr. President, this legislation contains several controversial provisions which I strongly oppose, including: First, substantive and significant changes to the Endangered Species Act; second, a prohibition on enforcing a new policy protecting Federal wilderness areas, parks, and wildlife refuges from road construction; third, a prohibition on implementing the most effective and least costly method of taking an accurate census in 2000; and fourth, the automatic continuing resolution for fiscal year 1998.

In addition, I believe the bill as currently written fails to provide enough additional funds in fiscal year 1997 for the Women, Infants, and Children Nutrition Program. The President requested $100 million to cover shortfalls in projected caseload maintenance requirements for the balance of the fiscal year. However, the bill reported by the committee provides only $58 million.

I hope that these flaws will be corrected later in the legislative process, before the bill becomes law.

Regarding the automatic continuing resolution, which is title VII of the bill as reported, I am extremely disappointed that this provision is still in the bill. I had understood that as part of the bipartisan budget agreement, announced last week by the President and congressional leaders, the automatic continuing would be taken out of the supplemental bill and voted on separately later. I am sorry that did not happen.

I want to start off where the Senator from Arizona left off, so before he leaves the floor let me assure him and the Senator from Texas—and the Senator from Texas and I did get into quite a discussion in the Chamber. People said to me, well, do you get along with the Senator? I said I really like the Senator from Texas. We just disagree on this. I absolutely do not question anyone's motives in any way, shape or form. What I do question is what outcome we would have to live with if the Senator's amendment were to pass.

So I just wanted to assure the Senators who have offered this amendment in the committee, I do not question their motivation at all. What I question is the outcome. And as I look at the outcome, if this Government goes on automatic pilot, Californians get hurt.

What is interesting about that is here is a wonderful bill that is going to ease the pain of the victims of the flood, is going to ease the pain of victims from disasters that occurred years ago where we are still rebuilding in California, and yet there is this amendment tucked into the bill, which has nothing to do with this bill, nothing to do with natural disasters. Californians who have suffered mightily in the floods and lost their homes and their businesses. This automatic CR which is tucked into this emergency supplemental appropriations bill will cause cuts in education and a whole host of other important things. So here we have a very important bill—indeed, Mr. President, a crucial bill. I want to say to my colleagues from both sides of the aisle on the Appropriations Committee, of which I am a new member, how much I appreciate the help we received from both the Republican side and the Democratic side in putting together this bill. It really answers the call of help from North Dakota, from California, and the other 20 States that were hit by terrible natural disasters. The help we will get to Yosemite, to our farmers, to our people for our roads and our highways, that help is very much appreciated.

What disturbed me is that added to this important bill are these riders that have nothing to do with the issues at hand. You had an amendment tucked in there on the census, on the Endangered Species Act, on allowing the States to pave over very precious parts of our national parks and wilderness areas, all this is tucked into this bill, including this automatic continuing resolution.

Now, I know, because I have been around Congress for a while, that we do use these bills on occasion to add other issues, but I have never seen so many controversial issues added to a bill like this. We usually can come together on consensus issues and add them.

I want to address the issue that was raised by the Senator from Arizona, and before him the Senator from Texas, who wrote this automatic CR, that this is very appropriate to be attached to this bill, and I see my colleague is here. Her contention is that the Government shutdown was a manmade disaster, and therefore having this automatic CR, if we cannot agree on appropriations bills, is very appropriate for this bill.

Now, the last time when the Senator from Texas and I got into a little debate in the Chamber the point I was making was that never in our history until last year did we ever have an extended shutdown of the Government. We never had it under other Republican leadership and other Democratic leadership. We worked out our differences. We did our job. And I want to say very clearly for the record and for my people from California, the largest State in the Union, that I did not come here to shut down this Government. I also did not come here to put this Government on automatic pilot. And to present those two choices to the American people as the only choices that we have is presenting a false choice.

This Constitution is very clear on the responsibilities of the Congress. The rules of the Congress are very clear on how we are to do our jobs: get a budget resolution to the floor in April, and after that budget resolution is passed, allow the appropriators to do their job.

Is it an easy job? No, it is not. Does it require compromise? Yes, it does. Does it require tough debate? Yes, it does. But that is what we are here for. That is what we get paid to do.

I say to you that I am very tempted, but I did not do it, to offer an amendment that would say if we do not pass a budget—no automatic CR, no easy way out—if we do not pass our appropriations bills and we come to another stalemate—and I know: I offered this up the last time; it made me a most unpopular person—we should not get paid, just like the Federal employees did not get paid. But I did not choose to do that. I hope my colleagues would rethink this whole thing. We know what we have to do to avoid a Government shutdown—simply do the job we were sent here to do.

I said before that my people would be hurt in California if this automatic CR went into effect. Even though the Senators changed their resolution to 100 percent of fiscal year 1997 levels, we would still have a reduction of about $25 billion from the President's funding levels. Clearly, this is a great problem for us.

What it would mean to my State is very clear. College aid would be cut by approximately $1.26 billion nationwide, and about $126 million of that would be a loss for my State. My California students would suffer under this automatic CR. Nationally, about 280,000 students would lose their Pell grants. Those Pell grants are crucial so that our children can get an education. Under that scenario, approximately 28,000 California students would lose their Pell grants. Aid to approximately 1,400 school districts would be cut; about 6.5 percent of the school districts are in California.

Cleanup of approximately 630 Superfund sites would be delayed. Those Superfund sites must be cleaned up. Approximately 80 of those sites are located in California. We would not be able to clean up 80 Superfund sites that are poisoning the water because the pollutants are sinking down into the water supply. The CR would prevent the hiring of about 380 new FBI agents; around 2.5 percent of those are slated for work in California.

If you ask the average person what is the enemy that we face today now that the cold war is over, they will tell you cancer, they will tell you Alzheimer's, they will tell you heart disease. Under this automatic CR, $414 million would be cut from the National Institutes of Health, and that is an area where we want to increase funding. As a matter of fact, I am a cosponsor of Senator MACK's bill to double the amount that we spend on the NIH, and here we would have a cut in the National Institutes of Health.

The American people have already told us that they want us to invest in education, the environment, health care, and crime prevention.

So, Mr. President, I do not in any way demean the reasons why my colleagues from Texas and Arizona have placed this automatic CR into the emergency bill. If they believe in their hearts it is good for America, I respect their view. But I have to say I did agree with my chairman, Senator STEVENS, in the early part of the CR, or the emergency supplemental bill, when he said he would prefer this to be offered freestanding, and then he was convinced, no, it belonged on it. I think he was right originally. I think we should keep controversial amendments off this bill.

It is true; immediately we are not going to see a problem in the States, but I want to say to my friend from Texas and to my friend from Arizona, who have offered this, people understand that this is a delay. You can stand up there all day and tell them, not a problem, but when this bill is sent to the White House and the President looks, he will say, I am not going to hurt education; I am not going to hurt health research.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask for 30 seconds to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The President will look at this and say, I am not going to hurt the American people. We have just signed a budget deal. It allows us to do some wonderful things. It seems to him, I am sure, that it is not in very good faith to have this automatic CR when we have just had a budget agreement.

Mr. President, I hope we can take this issue off this bill, keep it clean, move forward, and help the people in this country. Then bring it back another day and give it all the debate it deserves.

I thank my leader, Senator BYRD, for his brilliant remarks, and I certainly associate myself with his remarks as well. I yield the floor.

Mr. CRAIG. Mr. President, I rise in opposition to the Byrd amendment and in support of the shutdown prevention provision, the automatic CR in this bill.

The purpose of this provision is simple: To prevent another government shutdown, in case all 13 appropriations do not become law by October 1.

Democrat or Republican Congresses, divided or one-party government, the record has been consistent: The 13 regular appropriations bills are almost never all enacted by October 1.

The shutdown prevention CR would take millions of innocent bystanders out of the line of fire if Congress and the President take longer than expected to finish the budget details this fall.

It would protect Federal employees, small businesses supplying Government needs, patients in veterans hospitals, their families, and others.

If the President vetoes this bill over the shutdown prevention provision:

He is saying his power to shut down the Government in October is more important to him than replenishing funds in emergency programs today.

He is willing to delay putting money back into FEMA and DOD and other essential projects in this bill.

He is saying he is not concerned whether disaster relief or operations in Bosnia or other functions are threatened by a shutdown this fall.

Is he already planning to threaten us with a shutdown to get his way on the budget details, as they are negotiated this summer and fall?

There is only one reason for opposing this provision: To keep alive the threat of shutting down the Government.

Some Senators oppose this provision because they are afraid it might be used to prevent spending increases in some programs. But, whether they realize it or not, implicit in that argument is the willingness to use the threat of a shutdown to get those increases.

The shutdown prevention provision does not undermine the budget agreement, it enforces it.

It gives the President fallback leverage in case the Congress tries to pass spending cuts or new policy provisions he wants to veto.

It gives the Congress fallback leverage in case the President demands unrealistic spending increases or policy changes.

Which would do more damage to the spirit of the budget agreement: Temporary, 100 percent continued funding, or a shutdown?

The shutdown prevention CR will not become a substitute for implementing the budget agreement.

The automatic CR is not an end result, but a safety net.

There are still plenty of details, priorities, cuts and increases that all parties in the appropriations process will be motivated to work out.

There very well may be some disagreements that drag out the process of agreeing on and implementing all the details of the budget agreement.

This provision simply ensures there will be time to work out all those details, without a government shutdown looming over the negotiations—and over the American people.

There is no spending cut here. It is incredible: We keep hearing how many dollars will be slashed, how many jobs will not be filled, if we enact the automatic CR provision. How is it that continuing a function at 100 percent of current levels can be called a cut?

Why must this provision be passed now?

No matter when this provision is offered, opponents will use some kind of timing or procedural excuse to oppose it.

Now they say it's too early. This fall they would say it's too late. Now is the best time to enact this provision, because now it is still an objective, neutral safety net, and because this provision will start the appropriations process with all parties on a level playing field.

The best time to agree on the fair rules of the game is before the game starts.

There is no way to write a CR provision that would automatically comply with the spending levels in the budget agreement, as the administration suggests.

There are still thousands of details to be worked out over the coming months, in the normal legislative process, to implement that agreement.

We do not know today, for a certainty, all the programs that will go up and which will go down in spending in the end.

But this provision holds all current services and employees harmless until all those details in next year's budget are worked out.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, does the Senator seek time on this matter?

Mr. WELLSTONE. I do.

Mr. STEVENS. We are trying to sort of reduce that time so we can get to the motion to table.

Mr. WELLSTONE. I say to my colleague, I only planned on taking an hour or so—5 minutes?

Mr. STEVENS. The Senator is trying to make me smile. Very few people can do that.

Mr. President, I ask unanimous consent that Senator WELLSTONE be recognized for 5 minutes and I retain the floor after that time.

Mrs. HUTCHISON. May I make a parliamentary inquiry? Is the time now running on the time of the Senator from California and the Senator from Minnesota? The time, is it running against an agreement?

Mr. STEVENS. Mr. President, I would say to the Senator from Texas, it is only running on a chart that is up here.

The PRESIDING OFFICER. It is running against the cloture, now.

Mr. STEVENS. I am keeping track of it, I say to the Senator from Texas, but I do urge I be allowed to yield 5 minutes to the Senator.

Mrs. HUTCHISON. As long as it is counting.

Mr. STEVENS. There is nothing for it to count against. We have not got that agreement. But we will keep it in mind when we have that agreement.

Mrs. HUTCHISON. I then ask, if the Senator will yield, if the other side of the equation will be able to speak as well? If there is no time agreement, at some point we would like to answer.

Mr. STEVENS. I will be happy to yield to the Senator from Texas next, but I ask I be permitted to do this now by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. That was a unanimous-consent agreement that I have up to an hour to speak?

Mr. STEVENS. Minus 55 minutes.

Mr. WELLSTONE. Mr. President, in the 5 minutes—and I thank my colleague from Alaska.

Mr. President, I have spoken about the budget agreement on the floor of the Senate several times. I have said I very honestly and truthfully believe it is an agreement without a soul. I have compared the tax cuts over the next 10 and 20 years as we project to the future, and who is likely to benefit—those at the very top—alongside the failure to invest in rotting schools, invest in early childhood development; alongside some of the cuts in programs that affect the most vulnerable citizens. And I do not see the standard of fairness. I do not see the soul to this budget. I think we can do much better. I have challenged my colleagues to please avoid symbolic politics and, if we are going to talk about children and opportunities for children, let us make the investment.

Now, we have in this continuing resolution, which I am sure has been offered in good faith, a couple of problems. First of all, many of us—all of us from the States that have been affected by this flooding with people who have just felt the devastation—have made the plea, please do not attach extraneous amendments. If we have to deal with the problem of Government shutdown—and there is not one person in the U.S. Senate or House of Representatives who is going to let that happen. I think people learned their lesson—we can deal with that in the fall, if it ever should be a problem that is staring us in the face. I do not think that will ever happen. But why such an amendment would be put on a disaster relief bill where what we are trying to do is get the assistance to people as soon as possible so they can rebuild their lives, rebuild their homes, rebuild their businesses—I don't understand this. I think it is a profound mistake, and I do not believe this amendment should be on this bill at all.

In addition, when I look at the budget agreement—and I do not think we have done it nearly as well as we should for people —and now I see additional, I won't even go through the statistics, additional cuts from what the budget agreement calls for in Head Start, in research at the National Institutes of Health, over and over again I am faced with the painful choice, and other colleagues are as well, of meeting with people struggling with Alzheimer's or struggling with Parkinson's or struggling with breast cancer or struggling with diabetes, and we do not want one group of people who are struggling with an illness pitted against another, or struggling with mental illness —what in the world are we doing with a resolution that is going to cut funding for the National Institutes of Health?

Mr. President, Meals on Wheels, a senior nutrition program —cut? Substance abuse and mental health services—cut? The Centers for Disease Control—cut? Pell Grant Program—cut, when we know the whole question of affordable higher education is an issue that cuts across a broad section of the population?

So, in the 5 minutes I have, I make two points. One, please vote against this, I say to my colleagues, because it is extraneous to what the mission is, which is to get the assistance to people in Minnesota, the Dakotas, and across the land who have been faced with a real disaster in their lives. And, second, do not vote for this amendment because we are talking about real cuts in programs that are vitally important to families' lives in this country. And people in the country do not favor these priorities. People do not want to see reductions in Head Start, in Pell grants, in the National Institutes of Health research on disease. People are not in favor of that.

This is, in a way, a back-door approach to trying to effect cuts in programs that command widespread support in this country. So, I rise to speak against it. I hope we will have a strong vote against this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Alaska.

Mr. STEVENS. Does the Senator from Texas seek time?

Mrs. HUTCHISON. Mr. President, I am willing to wait until we have a time agreement, until the time starts running, if you would prefer. I just do not want to loose our ability. If I have free time, I am going to take it. If I do not, then I will withhold.

Mr. STEVENS. Mr. President, there is no such time agreement. Does the Senator from North Dakota seek time?

Mr. CONRAD. I would like, if I could, to speak for 5 minutes?

Mr. STEVENS. I will be happy to enter into the same agreement with the Senator from North Dakota, 5 minutes and I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair and thank my colleague from Texas.

Mr. President, I rise in support of the Byrd amendment to strike the automatic continuing resolution language in this bill. No State has been as devastated as mine by this remarkable series of weather events. I represent North Dakota. My State has had the greatest snowfall in its history—10 feet of snow. We were then hit in the first week of April with the most powerful winter storm in 50 years, including an ice storm that took down the electrical grid for 80,000 people. We were then hit by what we are now told is a 1,000-year flood. And to cap it off, we had fires rage through downtown Grand Forks, ND, and burn up most of three city blocks. A city of 50,000 people has been almost entirely evacuated and still, today, there are more than 25,000 homeless.

I do not think there has been another disaster of this type in our country's history. I do not know of another circumstance in which a city of 50,000 has been mass evacuated and 3 weeks later more than half the population has still not been able to return. We have just had the mayor of Grand Forks, ND, and the mayor of East Grant Forks, MN, here, talking to our colleagues about the needs of these communities. This is a critical moment.

On Monday night, these communities are going to have to make a decision about their future and about what parts of the community will be able to be rebuilt, and those areas that will have to be turned into a floodway so we can prevent something like this ever happening again. They need to know now what resources are going to be available and we have already been told by the White House, if this provision is included, the President will veto the bill. There is no question about that.

Frankly, he should veto the bill if this is included because it has nothing to do with natural disasters. Some of the sponsors of this legislation have indicated they are trying to deal with a manmade disaster. The manmade disaster was last year. We are addressing something that happened last year. For this year, there is a budget agreement. So, if they feel strongly about this measure—and I understand that they do—they have every right to advance their proposal. But it is not an urgent matter now. It is not an urgent matter now. The manmade disaster they are talking about happened last year. This year there has been a budget agreement negotiated between the White House and the Congress. There is no urgency to this provision now. It does not need to be on this supplemental appropriation bill that is designed to deal with natural disasters. I can tell you there is an urgency to that bill now. These people need help.

We have people who have been living on cots in shelters for 3 weeks. We have nearly 1,000 people who are still in that circumstance, in shelters, on cots, wondering what is going to happen to them.

I just ask our colleagues to not push amendments that are not necessary to this legislation. I can just say when the shoe was on the other foot and they suffered disasters, we did not offer amendments that were not related to disasters. We never did that. I tell you, I had lots of amendments that I would have liked to have had considered that were on things that mattered a lot to me, but I have always understood, and always responded to the request that disaster bills be clean.

Every single time we have had a disaster bill, I have responded to that call and I just ask our colleagues to extend the same courtesy to those of us who represent areas that have been devastated by disaster now. Our people need help. The last thing they need is to have the legislation that can help them be made some kind of political football. That is not a service to those people who are hurting and need assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator from Texas now seek time?

Mrs. HUTCHISON. Yes, Mr. President. I would just say, unless the other Senator from North Dakota was seeking time right after his colleague, I will yield. Otherwise I will take 2 or 3 minutes.

Mr. STEVENS. Does the Senator from North Dakota seek time?

Mr. DORGAN. I will wait until the Senator is finished.

Mrs. HUTCHISON. Mr. President, I request 5 minutes.

Mr. STEVENS. I renew my request that following the Senator from Texas, I be permitted to gain the floor after 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to thank both the distinguished leader of this effort, Senator STEVENS, and Senator BYRD, for working with us to try to get this bill through because it is very important. And that has been mentioned this morning. We want to make sure that we get the disaster relief fund replenished. But I think there are a couple of points that need to be made.

I want to respond to my colleague from California, to say we are, indeed, friends and we do work on many issues together. I think it is very important that we be able to have debates between friends and know that we disagree on principle and that is exactly what we should do, is disagree on principle without being disagreeable. I think that is very important for all of us to remember.

I want to refute a few points that have been made. First, my colleague from North Dakota talks about the people needing help, and he is absolutely right. It is very important that everyone understand that the people are getting help. They are getting all of the disaster relief to which they are entitled under the law right now. In fact, they are getting more than other disaster victims in our country have received because we have seen the terrible pictures. The President made a commitment that they would get 100 percent relief, and they are getting that right now.

You see, Mr. President, this bill is not about helping the people who are in need right now; they are being helped. This bill is to replenish the coffers for future disasters, and that is what we are talking about. So there is no money being held up at this point, or in a week. What we are talking about is replenishing the coffers for future disasters that have not yet occurred.

But when we talk about the difference between a natural disaster, which has occurred in North Dakota, and a manmade disaster, which occurred in 1995 and which we are now trying to avoid, they are both deeply moving disasters that need to be addressed, because people who cannot go to work or people who have planned for a family vacation that they can no longer take, or people who are worried about getting their veterans' benefits because the Government is shut down are in just as much distress as someone who has been a victim of a natural disaster. So I do not think it is in any way fair not to equate the impact on people's lives if they do not think they are going to be paid or if they do not think they are going to get their veterans' benefits.

Second, I think it is important when we talk about cuts—and I heard discussion this morning about cuts that we would provide in this continuing resolution. There are no cuts. There has not been a budget agreement that has gone through this Congress. We have not talked about the specific appropriations that would go for Meals on Wheels or Pell grants. This Congress has not acted at all on any appropriations for the 1998 year, so there are no cuts.

There are no cuts to Meals on Wheels; there are no cuts to Pell grants. In fact, what we are saying is that we are setting the process—and that is why it is so important that we do this now rather than later—we are setting the process for how we will appropriate. This is the first appropriations bill that has come out of the committee in the process and on to the floor. So we are trying to set the process that says how we will respond if all of the appropriations bills are not finished by September 30, which is the end of the fiscal year.

What we are saying is that funding will go forward just as it has for all of this year. There is not one dime of a cut. It will go forward at the present spending levels. Then, as Congress decides the priorities, along with the President in an agreement, which is exactly how we do things around here, then that appropriations bill will go into effect. But if there is not an agreement between Congress and the President, then we will keep Government functioning just as it has been this year until the priorities are set by Congress and the President.

No one will have a hammer over anyone's head. The appropriators will have their full rights, Members of Congress will have their full rights, the President will have his full rights, and everyone will be able to go forward in an orderly process from which they can plan. That is why we are doing this now.

Why would we wait until an appropriations bill that might come forward in June or July? Why would we wait? Why would we not plan for the future? All of us admit that the shutting down of Government does not work; it disrupts people's lives. We are trying to prevent that now, while keeping the prerogatives of Congress and keeping the prerogatives of the President to negotiate in good faith on principle about what the priorities in spending will be.

Yes, there is a budget resolution that will come to Congress that will set the general guidelines, but even after that is set, we do not know what the priorities are yet. We do not know how much money will be spent on Pell grants. We do not know how much money will be spent for Meals on Wheels because Congress has not spoken.

So what we are trying to do is have an orderly transfer from the end of the fiscal year to the beginning of the next fiscal year without disruption, without people worrying about whether they are going to be paid or whether they are going to receive their veterans' benefits.

But make no mistake—there are two very important points —people needing help in North Dakota are getting help; the people who are on cots are there because the help is there and they are going to get the help in rebuilding their homes and businesses, just as the law allows. Make no mistake that that is the case. And if you believe Government should not shut down, then you should vote against the amendment put forward by the Senator from West Virginia.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Alaska.

Mr. STEVENS. Mr. President, I inquire of the Senator from North Dakota now if he wishes to speak.

Mr. DORGAN. Yes.

Mr. STEVENS. I will be delighted to yield to the Senator. Can we make it 5 minutes in the normal process here? Does the Senator seek more than 5 minutes?

Mr. DORGAN. Mr. President, I had sought 10 minutes, but I will try to shorten it.

Mr. STEVENS. That is fine. I will be happy to accommodate the Senator's request. I ask unanimous consent for the same procedure then, that I yield to the Senator from North Dakota 10 minutes and recover the floor when he is finished.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from North Dakota, Senator CONRAD, spoke a few moments ago about what is in this supplemental bill to provide appropriations for the disaster that has occurred in our region of the country.

I rise today to support the amendment offered by the Senator from West Virginia, Senator BYRD. He is trying to strike a provision in this disaster relief bill that has been included that has no relationship to the need for this bill to provide some help to folks around the country who need help. I really believe that we need to move without delay to get this bill enacted and get the help to those who need it in our country.

I am not critical of anyone else's efforts on the floor of the Senate. I only am here to urge that we not include this provision, which does not belong in this bill. It is included in this bill in a way that delays the bill and, quite likely, will provoke a Presidential veto. I implore those who feel strongly about this proposal to bring it up another time, bring it another day, bring it next week on another bill, but do not delay this piece of legislation.

I have a lot of people who have come to me, as they have, I am sure, to my colleague from North Dakota, and they said, "Did you see the movie 'Fargo'?" Especially around the Academy Award time, "Did you see the movie 'Fargo'?" A lot of people apparently saw the movie "Fargo." It was a Hollywood caricature of our region of the country, set with some drama on the movie screen.

But a real-life drama has occurred in North Dakota, Minnesota, and South Dakota that is the most significant tragedy, in my judgment, that has occurred in our State. Short of massive loss of life, it is the most significant tragedy that has occurred in the history of our State. It is a drama full of tragedy, heartbreak, broken dreams and, at the same time, full of strength, courage, and hope.

What has occurred? My colleague from North Dakota described it: 3 years worth of snow dropped in 3 months on our State, the last storm bringing nearly 2 feet of snow in about 36 hours, with 50-mile-an-hour winds. When the combination of all that snowfall, 3 years worth of snow, began to melt in the Red River Valley, it flooded the valley, and the Red River exceeded its banks quickly and dramatically and was higher than at any other time in history.

The city of Grand Forks, ND, for example, was 95 percent evacuated, a city of 50,000 people that was virtually a ghost town and under water. In the city of East Grand Forks across the river, 9,000 people are out of their homes. The entire city was evacuated.

And if you could go to Grand Forks and East Grand Forks today, what you would find at Grand Forks is 25,000 people still homeless. In East Grand Forks, not one of the 9,000 people is back in town, according to the mayor. You have a city empty and a city across the river that is half empty.

Where are those 25,000 people? They woke up in a bed or cot that was not in their homes. They are displaced. Many of them have lost their homes. Hundreds of them will never go back to their homes because their homes are destroyed.

We are told, well, we want to help, and I very much appreciate the help that has been offered in the Senate. Our colleagues, Senator STEVENS, Senator BYRD and so many others have said, let us help. I have been willing to do that on every occasion I have been in Congress, to extend a helping hand to offer hope to people who have suffered through floods, fires, tornadoes, hurricanes, earthquakes, and more. Now the rest of this country through this Congress is extending a helping hand to the folks in our region, to give them cause for hope, to allow them to believe they can rebuild their dreams.

Is it urgent we get this done soon? Yes, it is. As I said, 25,000 people in Grand Forks alone woke up this morning not in their own homes, but someplace else—a shelter, a cot, a friend's home, a different city.

Is it urgent that we finish this bill? Is it urgent that the badly needed appropriations in this bill can be used to offer hope to those folks, to help rebuild, to recover? It is urgent that this be done and be done now.

Adding controversial amendments to this bill delays the bill. Adding controversial amendments, as was done in the committee, especially with respect to the provision that is now the subject of the motion to strike, delays this bill. For the sake of those thousands of

North Dakotans, Minnesotans, and South Dakotans who have suffered this terrible tragedy, and for the sake of many others in this country for whom disaster relief appropriations are in this bill to meet their needs, for their sake we should not seek to further delay this bill.

Let us support the motion to strike. Let us take this provision out of this legislation, pass the legislation, have the President sign the legislation and deliver this message of hope, and deliver these appropriations that offer real hope, to the people of a region who so desperately need it.

There are some who say, Well, we are doing the right thing. I would say to them that they need to understand that it is not urgent that this provision be done now; it can be done later, we can add it to something else. As for the disaster relief aid in this bill, it is urgent that it be done now. Having controversial amendments in this bill, amendments that will provoke a veto, will delay this urgently needed help.

Let me end as I began. I do not come here to be critical of others. I greatly respect every Member of this body. I thank so much the chairman and the ranking member of the Appropriations Committee and all of the others with whom I have worked to address these real human needs. Now I simply ask that the Senate decide, as it has so often in the past, that on an appropriations bill that is designed to reach out and help victims of disaster, that we should not do anything to impede or delay that help.

So, for that reason, I am happy to rise today to support the motion to strike offered by Senator BYRD.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I do retain the floor, Mr. President. Does the Senator from New Jersey seek time?

Mr. LAUTENBERG. Ten minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from New Jersey be given 10 minutes and that I retain the floor at that time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the chairman of the Appropriations Committee for making sure we have a chance at a full debate on this issue.

I am strongly opposed to this so-called automatic CR, and, if I may say, barring none others from competing, when it comes to understanding the rules and understanding the process, there is no better informed Senator than the senior Senator from West Virginia Senator BYRD, who is the ranking member of this Appropriations Committee, and his leadership tells us that we better look out, that we better know what we are talking about.

I am deeply dismayed that we are debating this provision just a few days after we reached an agreement on the outlines of a 5-year balanced budget. Mr. President, I am the senior Democrat on the Budget Committee and, as such, have been relegated a relatively awesome task of trying to find a consensus that would enable us to get the Government going, to keep us from getting into these disputes year after year, but have an honest debate and a review, a determination of the importance of the issues.

We worked very hard over the last few months to try and get the outlines of a balanced budget. We are not there yet, but I think we have all of the ingredients to finally say yes. We did agree last Friday that we have the makings of a budget resolution for the next 5 years. It would bring us to a zero deficit balance and take care of the programs, as best we could, that we care about.

The automatic CR, on the other hand, could force deep cuts in education, environment, health, research, and crime fighting and contradict the agreement that we just arrived at.

Mr. President, I consider it an abandonment of our constitutional responsibility. It is so nice to take your fingerprints off the deal that you may not like. It is so nice to back away and say, we are going to do it automatically. That is not why people sent us here, not to do it automatically but to put our reputations on the line, to put our thoughts on the line, and let us work out what we think is the proper direction for the funding in our Government.

I worked with distinguished counterparts in this budget decision—Senator DOMENICI, the chairman of the Budget Committee; Congressman KASICH, the chairman of the House Budget Committee; Congressman SPRATT, the ranking Democrat in the Budget Committee; and the administration officials at length to negotiate a budget agreement.

We had lots of policy differences. But we worked through them in good faith. And we worked through them without producing such a hostile environment that we could not talk to one another, because it was carefully thought out. It was balanced with everybody's views and concerns. But part of this agreement includes a level of discretionary spending for fiscal year 1998, and for the following 4 years.

It is not easy to reach agreement on these matters, but we did despite all of the hard work to reach a compromise on discretionary spending. This automatic CR could change these levels only days after we made the agreement. With this type of development, I am afraid we will never finish implementing this agreement, this budget agreement.

It is not surprising that the President said that he will veto this bill if the Republican leadership insists on retaining this amendment to the bill. We ought to strip out this amendment immediately and pass the supplemental appropriations bill. Just look at the critical funding that we are providing in this supplemental.

We heard the distinguished Senator from North Dakota describe the conditions that people are forced to exist under. And it touched all of our hearts when we saw the pictures, when we understood what it must be like to lose a home, to lose your roots, to lose your pictures, to lose the memorabilia, to lose all the history that a family goes through, things that are so precious. And where do you go in the next phase? People do not know.

They are saying to us, "Help us out, America. We are an integral part. We're there when you need us. We're there to pay our bills. And we're there to fight for the country. And let us have the resource to rebuild our lives a little bit." We all want to do it. So why do we get entangled with this extraneous matter at this point?

We are also talking about more support for our troops in Bosnia. That is a tough job. Who here wants to walk away from that responsibility? Who here wants to say, "Well, we have our troops there, but we're not going to give them their resources they need"? I doubt if anyone really wants to say that.

If the Republican majority insists on pushing this legislation, we ought to consider it as a stand-alone bill. Let us debate it. Let us review what is in there, and not hold this supplemental appropriations bill hostage.

Mr. President, if the automatic CR became law, the American people could pay a steep price. Compared to the President's budget, the budget ax could fall on many critical programs. Under the automatic CR, cuts are possible in the following programs:

Do we want to risk programs like Pell grants, sending kids to college who otherwise cannot afford to go?

Do we want to risk cutting NIH funding where research is so precious, so essential?

Ryan White AIDS services. We are beginning to see some diminishment of the immediate death from AIDS. We are beginning to see life extended.

Do we want to stop those programs?

Who wants to put your family on an airplane if we have to cut back on FAA safety and security programs? Who wants to run that risk?

We have EPA operations. They are able to respond to emergencies, oil spills, things of that nature. Do we want to run the risk of cutting back when we may need that kind of emergency assistance?

Mr. President, the automatic CR is also, in my view, an abandonment of our constitutional responsibility. Our constituents sent us here to make decisions about our Nation's priorities. They expect us to consider and review carefully appropriations bills, spending bills, debate them, amend them and pass them in a way that meets the full blush of sunlight and meets their health, education, and other needs. This automatic CR would take a mindless meat ax—could take a mindless meat ax to 13 appropriations bills. It is not a very good way to decide our country's priorities.

Mr. President, my Republican colleagues—and I respect them, but challenge their judgment on this one—argue if we do not pass the automatic CR we will have another Government shutdown. This is not the case. If we do our work we can pass most appropriations bills by October 1. And if we cannot pass them by that date we can pass a short-term continuing resolution that will allow us to finish all 13 bills. That is not the best way to do it. The best way to do it is get it done. We have done this numerous times in the past and have avoided any disruption of Government services.

Mr. President, I strongly urge the Republican leadership to remove this onerous provision. This threatens the foundation of the entire 5-year budget agreement. If the majority does not budge soon on this issue, the whole budget deal could collapse, and we may never have a balanced budget, a children's health initiative, or any of the tax cuts that are also agreed upon though in some cases reluctantly. But it is a consensus. Is that where we want to go? I do not think so, Mr. President. I hope that my colleagues will stand up, analyze the situation carefully, and support Senator BYRD in his effort to strike this from the bill.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It is my understanding that the Senator from California wishes some time.

Mrs. FEINSTEIN. Yes.

Mr. STEVENS. How much time would the Senator like or would settle for?

Mrs. FEINSTEIN. Is it possible to have between 5 and 10 minutes?

Mr. STEVENS. I will be happy to yield to the Senator 5 minutes-plus. We will try to run it if we can.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. STEVENS. As usual, I request that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank you, Mr. President.

And I thank the chairman of the Appropriations Committee.

I rise to support the Byrd position. I believe that to take an automatic cut of an additional $25 billion in real terms with the constraints of this budget would be extraordinarily difficult.

Mr. President, I have just in the last few days participated in several initiatives with respect to cancer, and appeared before Senator SPECTER's subcommittee on cancer and heard members on both sides of the aisle speak to the goal of doubling cancer research over the next 5 years. I think if this CR remains, any additional dollars for critical health research is really condemned.

Additionally, many of us believe that the bipartisan White House-Congress concordat bringing to this body a bipartisan plan to balance the budget was to be without the CR attached. So just a week ago both sides were cheering about this budget deal. Given the optimism surrounding the announcement, I think it is somewhat disingenuous to include the automatic CR in this legislation.

I think all of us want to avoid another Government shutdown and are willing to do almost anything to prevent a repeat of 2 years ago. But the way to do that is simple. Do what is necessary to pass an appropriations bill on time. And that means compromise. No one wants a Government shutdown. And the fact that a year-long CR was eventually passed following the last shutdown shows that reasonable minds are capable of reaching compromise when there is a will.

The automatic CR essentially means that we do not have to pass another appropriations bill this year. Conceivably we could all pack up and go home. However, the budget deal struck is going to require some very tough decisions, difficult negotiations, some forced compromises. Not everyone is going to get what they want, but I think we all recognize that in the interest of getting the job done we are prepared to sublimate some of our priorities.

The President said he would veto this bill if the automatic CR provision is included when it hits his desk. I cannot think of any clearer reason to drop this then from the bill. The emergency funding carried in this bill is simply too important.

This is a big bill. About $3.4 billion of it goes to California. Additionally, it goes really to people who are just destitute. And we have about 9,000 miles of delta levees, and we have had almost 100 levee breaks, 62 of them substantial. You had areas, 15 square miles, flooded, homes up to their rooftops, orchards of 14,000, 15,000, 16,000 trees at a crack just lost, people losing their homes and their livelihoods.

I really earnestly implore this body not to complicate this bill by attaching the CR.

If the CR is added, there are other things that happen as well.

We have a proposal for 500 additional border guards in 1998. That is on hold; 544 FBI agents delayed; the FAA unable to hire 500 air traffic controllers and 173 security personnel; Pell grants cut by $1.2 billion; funding of Goals 2000 cut by $97 million; Title 1 education, which goes to educate the poorest of youngsters at a time when everybody believes education is a top priority, cut by $320 million; and NIH, cancer research or death-inducing disease research could be cut by $414 million.

So, from the California perspective—I know my colleague and friend, Senator BOXER spoke to this earlier: 48 out of our 58 counties were declared disaster areas—this money is important. It should go. So I am hopeful that the majority will remove the request for the CR.

I am happy to rise to support the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator.

Mr. President, it is my understanding the Senator from South Dakota seeks time.

Mr. JOHNSON. That is correct.

Mr. STEVENS. I beg your pardon. I am in error.

Mr. President, let me apologize to the Senator from South Dakota. I did commit to the Senator from Minnesota that I would yield to him 6 minutes at this time. And I yield the floor for 6 minutes so he might have the floor for 6 minutes, with the same understanding that I retain the floor at the end of that time.

At this time let me have an understanding with the Senator from South Dakota that he would automatically be recognized before I be recognized again.

How much time does the Senator from South Dakota seek?

Mr. JOHNSON. Two minutes for now.

Mr. STEVENS. The Senator is very conservative. It is nice to see one on the floor.

Two minutes for the Senator from South Dakota, and then I retain the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 6 minutes.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I would like to make a few brief comments about the Government shutdown prevention plan contained within the supplemental appropriations that would protect flood victims and every American whose paycheck depends upon the Federal Government by preventing future shutdowns of the Federal Government.

In the 104th Congress, as a result of disagreements between Congress and the President during the budget process, we witnessed the longest shutdown of the Federal Government in history. The shutdown created enormous financial damage, emotional distress, and just plain inconvenience for millions of Americans. Hundreds of thousands of Americans could not receive their social services, such as Medicare benefits, or travel overseas, or visit national parks and museums. Small business owners and local communities lost millions of dollars. Federal employees were furloughed with the fear of not getting paid. Even our troops stationed overseas were affected by the shutdown.

But the most serious damage caused by the 27-day shutdown was that it shook the American people's confidence in their Government and elected officials. We have not yet undone that damage, but we have the opportunity to do that today. We need to restore the public's faith in its leaders by demonstrating that we have, indeed, learned from our mistakes.

Now, we can all point fingers at who was the cause of this shutdown. But the inclusion of the Government shutdown prevention plan will send a clear message to the American people that we will no longer allow them to be held hostage in future budget disputes between Congress and the White House.

I am surprised by the opposition to this plan, and one has to ask the question, why would they oppose it? Each of us have differences in philosophy on policy and budget priorities. Often we do not necessarily agree on these priorities, but there are essential functions of the Federal Government that provide critical services to the American people, and those services must continue, regardless of our budget differences.

Now, consider the devastation caused by the flooding in Minnesota and the Dakotas in recent days. I have heard some declare that the supplemental appropriation that is before us today will be the answer to all of our problems. That could not be further from the truth.

What would happen if a budget shutdown in Washington forced a Government shutdown just as it did 2 years ago? Minnesotans who have struggled against the floods could find themselves victimized a second time if their rebuilding efforts were stopped. This natural disaster has already been an exhausting nightmare for Minnesotans, and we cannot tolerate a manmade disaster on top of it.

Mr. President, I will work not to allow the citizens of Minnesota to be used as chips in some sort of high-stakes budget contest. Therefore, I support the critical provision within the disaster relief bill that will prevent a future Government shutdown. I believe this is the only way to stop the politics, to ensure that Congress and the President are committed to keeping the Government open, and protect our flood victims from any gamesmanship in Washington.

Now, last Friday, a budget agreement was reached between the White House and negotiators in Congress, and as a result some of my colleagues have argued there is no longer any need for this language. Well, if they did not intend to use the threat of a shutdown as a tool to extract more of what they want in budget talks, why would they oppose it?

I think a provision like this is kind of like insurance. We always hope we never need it, but it would be there if we did.

Last week's agreement does much to take the political pressure away from the current debate, which would allow us to focus more on the merits and the necessity of the shutdown prevention language and whether it is sound policy to have such a plan in place to prevent future shutdowns. More often than not, the lack of a Government shutdown prevention plan has yielded a "money grab" at the end of each fiscal year, as Members take advantage of the last-minute rush to pass a budget and avoid a shutdown by loading it up with pork projects. The merits of the spending are not debated at all, and programs are funded based not on merits but, many times, on political leverage. As a result, billions of hard-earned taxpayers dollars are wasted in the process.

Mr. President, the American people should not be held hostage to the efforts of those who want to keep alive the threat of future Government shutdowns for their own political purposes. We cannot allow for the possibility of a Government shutdown in the future that would prevent us from addressing the longer term needs of those Minnesotans who are trying to rebuild their lives in the wake of the flood. We must ensure we have a plan in place that will keep the Government up and running in the event the budget agreement is not reached.

Again, Mr. President, the Government shutdown prevention plan is sound policy. It is wise policy. It is also responsible policy. It is the right priority. And, by the way, it cuts nothing, and it allows the Government to do its job.

I urge all my colleagues to vote against the Byrd amendment.

Mr. STEVENS. The Senator from South Dakota is recognized for 2 minutes.

Mr. JOHNSON. Mr. President, I rise in strong support of the motion to strike by the Senator from West Virginia, and I thank, as well, the work and support from the Senator from Alaska on this matter.

Mr. President, there is a tremendous amount of pain and suffering across many States of the Union. In my State of South Dakota, where thousands of people have been evacuated, many are still not back in their homes, contamination of flood water is present, hundreds of thousands of livestock have been lost, businesses have been shut down, roads are still under water, there has been incredible damage to culverts and bridges, and public schools have suffered.

This is no time to use the suffering of these people as a point of leverage to compel this Congress and the President of the United States to accept an extraneous budget amendment. As a member of the Budget Committee, I welcome an opportunity to debate those who believe there ought to be a reduction in aid to schools, kids nutrition programs, law enforcement, environmental protection, or cancer research, among other items, that ought to be reduced. I welcome that debate. That is what this institution is for.

But South Dakotans wonder, as I think Americans wonder, why can't this Congress handle one issue at a time rather than tying extraneous issues onto bills of incredible urgency? Let us deal with this disaster in a constructive, positive and bipartisan way, and then take up the budget issues that have been raised by the CR issue in a separate context, and have a full-blown debate on the real consequence of these budget priorities. Some, no doubt, will win, and some may lose, but let them be debated separately and not try to tie the President's hand, not try to use the suffering of thousands of people in this country as a point of leverage for an agenda that he cannot accept and which will only in the end delay the urgent assistance so badly needed in my State of South Dakota and in some 30 other States, as well, as a result of the natural disasters that we have faced over these last several months.

I think this is simply a matter of equity and of fairness. We seem to be in the process of reaching a bipartisan budget agreement. That is a helpful step. We should take each process, one at a time, in its rightful order, and deal with this disaster now, and then deal in a timely fashion with the rest of the budget priority issues in their order.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the remarks of the Senator from South Dakota. I did not mean to limit his time. He asked for 2 minutes, and he got 2 minutes. Would the Senator like more time?

Mr. JOHNSON. That was fine.

Mr. STEVENS. Mr. President, I notice the leader is here, and I know he has leader time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I appreciate very much the distinguished Senator from Alaska, and I will use my leader time.

I want to talk to the amendment, as well. But I first want to express profound appreciation to the two managers of the bill. Senator STEVENS and Senator BYRD have done an incredible job in dealing with the array of needs that the country has demonstrated and that we have brought to their attention. They have been remarkably responsive in addressing these needs, to the extent that our resources allow. I want to publicly praise both our leaders in this regard and thank them for their extraordinary response thus far.

I also want to thank the staff director of the Committee on Appropriations, Mr. Steve Cortese, for his helpfulness and his willingness to consider the needs of States like mine that have been devastated by disasters. He has performed admirably in his new role, and we look forward to working with him in the future. I would also like to thank the Democratic staff director, Mr. Jim English, for his fine work in putting this package together.

We can finish this bill easily this afternoon. I expect we can come to a conclusion with the remaining amendments. I only hope somehow even before we vote on final passage, we can come to some conclusion about this extraneous provision.

I cannot agree more heartily with the Senator from South Dakota, my distinguished junior colleague, in his remarks about the repercussions that this amendment could have and the extraordinary divisiveness in what otherwise has been a remarkably bipartisan effort, with Senators on both sides of the aisle responding to a natural disaster in so many parts of the country, that has to be addressed by this legislation. This is not the place for this. There is a way with which all of us can assure that there will never be another Government shutdown.

Those of us on this side of the aisle warned about Government shutdowns long ago and did as much as possible to prevent them when they occurred. We can commit our determination, we can commit our willingness in every way, legislatively and otherwise, to assure that there will not be a Government shutdown. We will do everything in our power to prevent another one.

To hold this bill hostage to finding a mechanism to prevent one, to hold this bill hostage and tell all the people who are waiting, as we speak, for assistance, that that cannot happen until we resolve this particular problem, in my view, is a travesty. It sends exactly the wrong message about how cognizant we are of the urgency of this legislation.

I am troubled not only by the fact that it is on this bill, but by the proposal itself as it is now structured. I am troubled for three reasons. First of all, the level set, the 100-percent level of last year's appropriated amount, is substantially below the amount that we have just agreed in bipartisan budget negotiations would be the investments we make in education and in health care, in safe streets, in agriculture, in transportation, and in the array of investments that we spent so much time negotiating over the course of the last month.

What does this say to those who have committed, now, as this Senator has, to that agreement? That we did not mean it? That, indeed, we are willing now to settle for investments substantially below those that we agreed to just last week? That is what we are saying with this particular level of commitment in a continuing resolution, that it does not matter what we agreed to, because now we are going to submit to a much lower level.

That means 285,000 students lose Pell grants, 37,000 kids are cut from Head Start, 20,000 workers are dislocated from job training, 1,400 school districts lose aid, 640 Superfund sites do not get any help, 960 NIH research projects will be killed, public safety and crime prevention will be affected, 350 fewer air traffic controllers would be hired, and 390 fewer FBI agents would be hired.

Mr. President, we understood the need for a commitment in all of those and many other areas. For us now to negate that is very troubling. That is point one.

Point two: There will be needs that we must address in the future that we do not yet know about. We just had a discussion this morning by Republicans and Democratic Senators representing States most directly affected by this disaster. We all recognize that we do not know what it is we are going to be doing in the coming months with regard to this disaster because we do not know yet what the circumstances will bring. But we do know this: Because we cannot predict it all, we know we will have to go back again. We will have to talk to the distinguished Senator from Alaska, we will have to talk and consult with the distinguished Senator from West Virginia, we are going to be back again with corrections, with a need for additional commitments that we cannot contemplate now. To lock in a continuing resolution, to say we are not going to be cognizant, we are not going to be responsive to those particular needs this fall does a real disservice to the bill itself.

Finally, Mr. President, this is an exercise in futility. That is what is most disconcerting. The President said he will be compelled for the reasons I just stated to veto this bill. I have a letter, signed by 38 U.S. Senators, who will commit to sustaining that veto.

I ask unanimous consent to have that letter printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 6, 1997.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, the Senate Committee on Appropriations attached an automatic continuing resolution to S. 672, the emergency supplemental appropriations bill. Congress should not hold disaster assistance to 33 states hostage to any political agenda. We applaud you for expressing your intention to veto the bill unless the Republican majority drops this extraneous provision.

There is no justification for holding up the disaster relief bill over an automatic plan to cut spending now that we have reached a bipartisan agreement for a five-year budget plan which includes fiscal year 1998 discretionary budget levels. It is inappropriate and premature to use the disaster-relief bill as a vehicle to lock-in next year's budget before Congress has even begun consideration of a budget resolution for FY 1998.

While we opposed the 1995–96 government shutdowns and will oppose all future efforts to shut down the federal government, passage of a new budget gimmick is not the answer. This provision would place the entire discretionary budget on automatic pilot. Far from making the government more accountable, this approach would actually make it easier for Congress to abdicate its responsibility. Instead of making the difficult choices needed to pass an appropriations bill, Congress could make no decisions and watch passively as funding for everything in the bill is automatically and indiscriminately reduced. The reductions would amount to 2 percent from this year's funding level and an average of 7 percent reduction from your request.

Congress has never resorted to such desperate measures in the 220-year life of this Nation, and we shouldn't resort to them now. This is no way to run the federal government.

Not only would such a provision abrogate Congress' constitutional responsibility to enact spending bills, but it would decimate programs that are vital to our nation's economy, and to working families. It could gut funding for education, the environment, health care, agriculture, transportation, veterans, crime prevention and other urgent needs of the American people.

Last year, the Republican majority held government workers and their families hostage to their demands for cuts in education, the environment, health care and crime prevention. This year, they may try to hold the victims of disaster hostage to a budget scheme that would install cuts in those programs automatically.

If you veto this bill over an automatic continuing resolution, we would vote to sustain the veto.

Sincerely,
TOM DASCHLE,
ROBERT C. BYRD,
And 36 other Democratic Senators.

Mr. DASCHLE. Mr. President, this veto ought not be necessary. This veto ought not even be necessary to consider today. This veto represents a determination by the President that this Congress do the job for which we were all sworn to do. We can do it right. We can complete the appropriations bills on time. We can be responsive to the needs that we anticipate this fall. We can recognize that the budget agreement we have agreed to is one that we will toil through and that the agreement is better than what we imply with this amendment, that our word is our bond and that we are going to commit to that level of investment this year, next year, and for the next 5 years. That is why this legislation, this amendment, is so ill-advised. It breaks the agreement. It discounts the need to come back, and it will be vetoed.

Mr. President, I urge we reject the automatic CR by supporting the amendment of the distinguished Senator from West Virginia if we cannot find a way with which to resolve it through compromise. I stand ready to continue to find ways with which to make compromise possible, and I hope we could do it prior to the time we find the need to vote on final passage. Short of that, Mr. President, I hope Senators will realize the extraordinary repercussions that this provision will have for this bill. I urge support for the amendment to strike the automatic CR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I see the Senator from Nevada is here. Does the Senator seek time on this amendment?

Mr. REID. To the Senator from Alaska, I was one of the Senators that Senator BYRD had listed as speaking. If the Senator would grant me the time, I can go forward at this time, leaving, I think on this side, only Senator BYRD.

Mr. STEVENS. I understand the Senator wishes 5 minutes; is that correct?

Mr. REID. I have asked for 10 minutes.

Mr. STEVENS. Mr. President, I ask that the Senator be recognized for 10 minutes and I will retain the floor at that time.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 10 minutes.

Mr. REID. Will the Chair advise the Senator when I have used 9 minutes?

The PRESIDING OFFICER. I will do so.

Mr. REID. Mr. President, last New Year's Day, the people of northern Nevada suffered from flood waters that were untoward. We had never experienced anything like the floods that occurred in five northern counties. The State of Nevada, as large as it is, has the seventh largest area, State-wise, including Alaska. It has 17 counties, very large counties, and five of those counties were severely damaged as a result of the flood—Washoe, Story, Douglas, Carson City and Lyon. I traveled over the area by car and helicopter. The picture that I saw is something I will never forget. The Carson, Walker, and Truckee Rivers, small as they are, when the floods came, were devastating.

Now, Mr. President, the flooding that we suffered in Nevada was significant. But the flooding and the disaster that hit Nevada was relatively small, as bad as it was, compared to the magnitude of disaster that we have seen in the Dakotas. To say that the community of Grand Forks, ND, is changed forever is an understatement. I had the opportunity the other evening of meeting the mayor of Grand Forks, ND, Pat Owens, and I had heard from the Senators from North Dakota, Senators CONRAD and DORGAN, and I have seen in the papers, watched on television, as we all have, the devastation that hit the Dakotas—lives lost, tens of thousands of people dislocated, many of whom will never get back in their homes, 156,000 cattle died; some of them died standing, frozen stiff. Almost 2 million acres of cropland were under water. North Dakota had more snow in a matter of weeks than it had in the previous 3 years. Total damages are still being added up, but it will be nearly $2 billion in that State, which has a little over 500,000 people in it. Neighborhoods were destroyed by fire.

Mr. President, we have had significant damage all over these United States this past year. That is what this bill is about—the damage caused by the floods in northern Nevada, by the floods caused by the Red River, which I understand runs normally at about 50 yards wide and now, in areas, is as much as 40 miles wide. That is what this bill is all about. It should not be about extraneous matters. That is the reason I am so committed to the amendment that has been offered and is pending.

We know that the Government was shut down. We know that those of us on this side of the aisle had nothing to do with shutting down the Government. We know the American people rose up against the shutting down of this Government. I think it is commendable that people are concerned about never shutting down the Government again, and I agree with that concept. I hope we never shut the Government down again. But this legislation is not the vehicle to do that. We need to go on with this legislation, this disaster relief, this emergency legislation. There are important matters in this.

In Hawaii, at the Lualualei Naval Station, there was flooding and mudslides, and tremendous winds have ripped this naval station to pieces. We need these moneys to go there, as have been committed. There is $45 million which will go to emergency infrastructure grants to repair water and sewer lines. These are fundamental to any community struck by these devastating floods. Only $4 million—a relatively small amount, as large as this bill is—will go for rural housing assistance programs to help the elderly with emergency repair of the housing. That is a priority. We should be doing that and not having continuing resolutions and other such matters in this legislation.

The principal nonemergency item is the one that we are now here having struck. We know the Government was shut down for a lot of reasons. One of the reasons was spread across all the newspapers and television shows that could carry it last year when the Speaker of the House was offended because he was asked to go out of the wrong door of Air Force One. This took a personal vendetta to a whole new level, but it should not have led to a shutdown of the Government.

Again, it is important that we don't have the Government shutdown at any time in the future. But this isn't the legislation that should do that. Last week, Friday, there was a celebration by the Democrats and Republicans that we had done something on a bipartisan basis; we had joined hands to come up with a bipartisan budget agreement, or compromise. Why don't we go ahead and see what bills we can get passed in the right way, the ordinary way—that is, we have 13 appropriations bills; why don't we pass those 13 appropriations bills. That would really send a message to the American public that we are doing things the right way around here.

We have been told the President will veto this legislation. We have been told by the minority leader that there are enough votes to sustain the veto. What are the things that will be affected by this amendment? We know that the stockpile stewardship program will be affected. We know that privatization projects to clean up nuclear waste will be affected—97 of them, to be exact. We know that the Appalachian Regional Commission, serving some of the poorest counties in the Nation, will be affected with this amendment.

The agreement that was reached by the President and leadership of both Houses of Congress is an important step in the right direction, so that we can go about Government in a normal fashion. This substituted amendment still cuts about $25 billion below what was agreed upon. All of us here can live with this McCain-Hutchison amendment. We can live with this. Everybody knows that. But let's live up to the agreement that we have, also, and that is, let's fund at levels that will get us to a balanced budget by the year 2002, or even earlier.

Is there something here that I don't understand that is going to say that we are going to agree to a budget but we are not going to really live up to it, and that is why we are not going to have to pass any of our appropriations bills and we are going to have to rely on a continuing resolution? I hope that we can move on beyond where we are here, that we don't have to have a veto of this legislation, and that we can go ahead and get the emergency relief to the five counties in Nevada that so desperately need it and the 21 other States in our Union that have had disasters that also need the relief. We should not be legislating on an appropriations bill, and that certainly is what this does.

I yield the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have heard the debate and I think the debate has really been good today. I think that everyone has made their points, and I think everyone has stood on the principle that they believe is the correct one, and I think the lines are very clear.

I think it is very important that people understand exactly what we are doing. What we are doing in the first appropriations bill that has come to the floor in this session of Congress is we are setting the process by which we will move appropriations bills before September 30 of this year. And in stating what the process is, we are saying, right now, for all planning purposes, that if there is not an agreement by September 30, at the beginning of the fiscal year, we will make sure that we have a way to continue to fund the Government, a seamless transition into the next fiscal year so that there will be no disruption—no disruption in people's lives who work for the Federal Government, no disruption in people's lives who depend on the Federal Government for their veterans' payments, no disruption in people's lives who might have saved for family vacations. There will not be a disruption because we are going to continue Government, as we are saying right now, in a responsible way, which is what the people expect. So we are laying the framework for how we are going to appropriate this year, and we are going to have an orderly process that assures the people of this country that there is not going to be a stop in Government. We are going to fund at present levels all the way through, even if we don't have an agreement on an appropriations bill.

Of course, we are going to try to come to an agreement. But we believe the best way to do that is in the light of day, no hammers over anyone's head, no hammers over Congress, no hammers over the President. Everybody will be able to talk about the priorities and determine how much we will spend in Pell grants, how much we will spend for Meals on Wheels, and how much we will spend for education priorities. You see, I have heard talk on the floor about cutting Pell grants. Well, we are not cutting anything. We haven't passed one appropriations bill yet. So nothing has been set for the 1998 year.

Mr. STEVENS. Will the Senator yield?

Mrs. HUTCHISON. Yes.

Mr. STEVENS. I was called off of the floor. I have been seeking to ensure that there will be some limitations on Senators speaking on this amendment. How long does the Senator intend to speak?

Mrs. HUTCHISON. Just 5 minutes, or less if the Senator would like.

Mr. STEVENS. Mr. President, I renew my request that I regain the floor at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I have spoken approximately 2 minutes. So I will finish in approximately 3 minutes.

Let me just say that the President doesn't have to veto this bill. This is the President's bill. It is a supplemental appropriation. It is going to renew the coffers of the Federal Emergency Management Agency. Let's make no mistake, the money is going into North Dakota right now. The victims are getting all of the money to which they are entitled under Federal law right now. There is no delay. We are talking about refilling the coffers for future disasters that have not yet occurred. So there is no emergency here. The money is going out and we want to refill it. It is the same for the people serving in Bosnia. The money is going in there. They are having all the equipment and they are having all of their needs being met. But the fact is, we need to replenish the Department of Defense. So that is what we are talking about today.

The President has asked for more money for Bosnia. The President has asked for more money for FEMA, and we are going to give it to him. Now, he has a choice to sign the bill or to veto it on a process issue. I don't know why, if the President says he doesn't want to shut down the Government, he would even consider vetoing this bill. Why would the President veto the bill? It is his choice, his bill. We are giving him everything he has asked for in this supplemental bill. So why would he veto it, especially when he says he doesn't want to shut down Government?

So when we hear people say the President is going to veto this bill and it is going to hold up aid, that is not the case. First, the President has a choice. He can sign the bill, which is giving him everything he asked for, or the President can choose to veto the bill on the process. But that is his choice. If he wants to delay putting the money back into the Federal Emergency Management Agency, if he wants to delay putting money back into the Department of Defense, then that is his choice. I think it is the wrong choice. I hope the President will sign the bill because we have, in good faith, given him all of the money that he has asked for, and we want to do that.

Why should he worry about our setting the process so that we will know how we are going to deal with appropriations bills as we go through the end of the year?

Mr. President, I think it is very clear that we are doing the responsible Government operation here. We are going to make sure that the people in North Dakota get the help they need. We are going to make sure that our troops in Bosnia get the help they need. We are going to make sure that the Department of Defense can put the money back into buying spare parts for airplanes and retraining the people who are coming out of Bosnia. All of those needs will be met.

The question is, will the President really veto the bill because he doesn't want to assure that we will not shut down Government? That is the only issue here. I can't imagine that the President would veto a bill because we are providing for an orderly transition into the next fiscal year. In case we have disagreement, we will be able to negotiate those agreements without a hammer over the President's head or Congress' head.

Mr. President, the issue is responsible Government. I hope we can defeat the amendment by Mr. BYRD and stay with our program to keep the prerogatives of Congress for a more orderly transition into the next fiscal year.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have again the floor now. There are to my knowledge two remaining speakers, the Senator from Arizona and the Senator from West Virginia [Mr. BYRD]. The two of them started this process last night. They did so well I do not want to try to interfere and put limits.

So I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I intend to be brief.

I thank the Senator from Alaska. This has taken up a great deal of time. We are completing this legislation soon. I appreciate his patience and his appreciation on this very difficult issue.

I also want to thank the Senator from West Virginia for his usual courteous, informative, and compelling debate in which we have engaged for many years.

Mr. President, as I said, I will try to be brief. Let's try to be clear about what we are talking about here. There isn't an either/or choice here. The money is going to the disaster areas. It will continue to flow. The President doesn't have to in any way veto a provision that would prevent what he so loudly decried for a period of about 2 months in December and January—December 1995 to January 1996—when the Government was shut down.

I am, frankly, astonished that during this debate people somehow think that because we will include a provision that prevents the shutdown of the Government that it would jeopardize anything else.

Let me also point out that, although the agreement on a budget is a laudable situation, we all know that the heavy lifting is in the appropriations process.

Mr. President, I still remember this much heralded budget agreement of

1990. It fell apart in a period of weeks. We got lots of tax increases. I remember a budget agreement in 1982 when it raised taxes to balance the budget. That was back in 1982. I know the Senator from West Virginia remembers it well.

Let's be clear. A budget is a framework upon which to work, and the appropriations is the heavy lifting. Whether it is right or wrong, fair or unfair, the Congress sometimes puts provisions on appropriations bills which the President of the United States does not like and, therefore, as is his right and responsibility, vetoes those bills.

What I am trying to prevent here is a situation where, even if it were within the agreed upon budget framework, there would not be a shutdown of the Government, which is patently and outrageously unfair to the American people. That is all we are trying to do here. To somehow convey the impression that that impairs either the budget process or the appropriations process simply is not accurate.

Let me point out the problems that we face just very quickly, because we have to remember what happened last time. We can't allow it to happen again.

Mr. President, according to a Greater Washington Consumer Survey in a poll taken, 4 out of 10 Federal employees fear losing their jobs because of budget reductions; 4 out of 5 Federal employees believe their agency will be hit by cutbacks; one-third of private sector employees believe their firms would be hurt by Federal budget reductions; and one-fifth of private sector employees believe their own jobs may be in jeopardy as a result of Federal budget reductions associated with the impact of a Federal shutdown.

Mr. President, I know my colleagues remember when the Government was shut down. Let me remind you of the impact during that 23-day period.

New patients were not accepted into clinical research at the NIH; the Centers for Disease Control ceased disease surveillance; hotline calls to NIH concerning diseases were not answered; toxic waste cleanup work at 609 sites was stopped; 2,400 Superfund workers were sent home; 10,000 new Medicare applications, 212,000 Social Security card requests, 360,000 individual office visits, and 800,000 toll-free calls for information and assistance were turned away each day—each day; 10,000 new Medicare applications were denied every day; 13 million recipients of Aid to Families with Dependent Children, 273,000 foster care children, over 100,000 children receiving adoption assistance services, and over 100,000 Head Start children experienced delays.

Mr. President, is that fair? Is that a decent way to treat the American people because we have a disagreement over an appropriations bill here in Washington, DC?

Ten thousand home purchase loans and refinancing applications totaling 800 million dollars' worth of mortgage loans for moderate- and low-income working families nationwide were delayed; 11 States and the District of Columbia temporarily suspended unemployment assistance for lack of Federal funds.

Mr. President, I ask again: Was that fair to the American people? Shouldn't we take whatever steps necessary not to have these innocent people suffer again? This is what it is all about.

The disaster relief is about the suffering of American citizens because of a natural disaster. We are taking steps to cure that, and provide them with the relief assistance that is the obligation of Government to its people. I argue, Mr. President, that we have an obligation to provide relief, comfort and, care, and Federal programs and assistance that innocent Americans deserve, and not shut down the Government.

I don't know how we justify 13 million recipients of aid to families with dependent children not receiving their funds, and 273,000 foster care children and over 100,000 children not receiving adoption assistance services. I don't know how we justify that. I think it is one of the blackest chapters in the history of the Federal Government. All we are doing is trying to see that that doesn't happen again.

There was suspension of investigative activities by the IRS. I am not sure that was all bad, Mr. President. So I will pass over that one.

Delays in processing alcohol, tobacco, firearms, and explosive applications by the Bureau of Alcohol, Tobacco and Firearms. The Department of Justice suspended work on more than 3,500 bankruptcy cases. OPM canceled recruitment and testing of Federal officials, including hiring 400 border control agents. On delinquent child support cases, the deadbeat dads program was suspended; closure of 368 National Park Service sites; loss of 7 million visitors; the Grand Canyon National Park closed for the first time in its 76-year history; local communities near national parks, losses estimated at $14.2 million per day in tourism revenue; and the closure of national museums and monuments for a loss of 2 million visitors; 20,000 to 30,000 applications by foreigners for visas for coming into this country went unprocessed each day; 200,000 U.S. applications for passports went unprocessed; U.S. tourist industries and airlines sustained millions of dollars in losses because of visa and passport curtailment.

It had a terrible effect on Native Americans and American Indians. The American veterans sustained major curtailment in services as a result of the Federal shutdown, ranging from health and welfare to finance and travel.

The impact of Federal contracting on the local and national economy is best shown by the fact that in 1994 the Federal Government purchased 196.4 billion dollars' worth of goods nationwide, and $18 billion in the Washington region. The billions of dollars received from Federal contracting is a boon to local economies. Over 500,000 small companies nationwide faced delays in Federal payments, and several companies with millions of dollars of exports couldn't get off the docks because there were no Federal inspectors to clear their cargo.

Mr. President, I could go on and on as to the terrible and devastating effects not brought about by a natural disaster but brought about by a manmade disaster.

I would argue that the facts are clear. The American people—who, by the way, don't think a great deal of us, if you believe the polls—deserve better. And, if we are concerned about the esteem or lack of esteem in which we are held by the American people, we should assure them that we would never do this to them again.

So I hope we will vote on this issue.

And let me finally say, in conclusion, Mr. President, as I have said on numerous occasions, I am eager—not willing but eager—to sit down with the White House and with my colleagues on the other side of the aisle and frame a proposal and an agreement that will prevent the shutdown of the Government.

If this isn't appropriate, if the President of the United States feels that this is not the right way to go, then we are open for business. We would like to talk, if we share the same goal. I know that the Senator from West Virginia shares the same goal to prevent the shutdown of the Government.

Again, it seems to me that reasonable men can reason together in a reasonable fashion.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, as we close the debate on my amendment, I pause first to thank the distinguished Senator from Alaska for his generosity, for his courtesy, which he has accorded us on this side of the aisle and on this side of the question. He could very well have made a motion to table at any point and, therefore, shut off debate on the amendment. He probably has the votes, if we look at the Appropriations Committee vote a few days ago when we saw a straight party-line response to my efforts to strike out the language during the markup. He probably has the votes.

So he could very well have moved to table, and could have tabled my amendment. So I thank him for his consideration in that respect. I think it is good for the Senate to have the debate on this matter. I found him to be, many years ago, not only a fine Senator but a gentleman.

Mr. President, I also wish to express my respect to Mr. McCAIN, who is a genuine American hero. I respect him as one who has suffered not hours nor days nor weeks nor months but years. I take my hat off to him in that regard.

What I say about the amendment and my motion to strike language is not said in derogation of the Senator, nor any particular Senator, for that matter. I am addressing my remarks in the main to my amendment and to the language that my amendment seeks to strike from the bill.

We have heard much said, Mr. President, about this being an effort to avoid a manmade disaster. It has been said that the bill addresses a natural disaster. But that the language, which is supported by the other side in the main, and particularly by Senators McCAIN and HUTCHISON, is to avert a manmade disaster.

Mr. President, let us reflect a little with respect to that so-called manmade disaster. Who caused that? I am against shutdowns in the Government. I had no part in bringing about that shutdown of late 1995 which continued into early 1996.

I say to my friends, I have only to point to the words of a distinguished Member of the other body. I do not know whether Senators are all aware of the fact that we are not supposed to refer to a Member of the other body by name, and so I will not do that. I have heard that done. It should not have been done. And I have noted in the past that the House leadership has been very circumspect about calling to the attention of House Members the rule against their making mention of a Senator by name in floor debate. So I do not make mention of a House Member by name, but I call attention to some statements that were made by a very prominent House Member and one which was repeated in the Washington Post on September 22, 1995. This is what that very prominent House Member had to say with respect to manmade disasters, shutting down the Government, and I quote:

> I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days—not this time.

So that is what a very well-known Member of the other body had to say about manmade disasters. He did not care.

And then I refer to a quotation from the same prominent, very distinguished Member of the other body, a quotation that appeared in Time magazine of June 5, 1995, when that same Member, in referring to "manmade disasters," said:

> He can run the parts—

He, meaning the President—

> He can run the parts of the Government that are left [after the Republican budget cuts] or he can run no Government. . . . Which of the two of us do you think worries more about Government not showing up?

Now, I could quote from the same individual additional instances, but so much for manmade disasters. This was a collective mistake that was made by the other party in 1995 and 1996. It was a collective mistake, and the so-called manmade disaster was the result of that collective mistake, which was a very definite strategy. That was the strategy. That was the Damocles sword that would be held over the Congress and over the President's head. And so the joint leadership of the Republican party sought to carry out those threats, and they got their fingers burned. They made the threats. They carried out the threats. And as a result there was the so-called manmade disaster. They got their fingers burned. Now they dread the fire.

It was not the President's strategy. That was the strategy of the Republican leadership of the Congress. Perhaps that is now conveniently forgotten, but it does not take a slip of the memory as long as Rip van Winkle's slip of memory to remind oneself of how that so-called manmade disaster was strategized and implemented by the Republican Party in Congress.

Rip van Winkle, as we all remember from our early studies—and as far as I myself am concerned, I read about it in Irving's "Sketch Book" back in a two-room schoolhouse in southern West Virginia—was a very amiable, idle, bibulous Dutch settler who had a termagant wife and who, while hunting in the Catskill Mountains, met up with the spirits of Hendrick Hudson and some of his companions who were playing ninepins and drinking schnapps. After taking a few drinks of that liquor with Hudson and his companions, our friend Rip van Winkle went to sleep and slept for 20 years. And when he awakened, he thought he had just taken a short nap. He went home. His wife had been dead, himself forgotten, his friends had died or were scattered, and the colonies had become the United States of America.

Well, it seems to me that some of our friends have been asleep less than 20 years and perhaps no more than 1 or 1½ years, but they seem to have forgotten whose strategy it was that brought on the manmade disaster which they now deplore. It was not mine. It was theirs. They got their fingers burned.

Now, under the cloak of hoping to avoid another manmade disaster, they come with this language in the bill I am seeking to strike.

Mr. President, I shall sum up the arguments that I make against the language. But before I do, there has been a good bit said with respect to the continuing "flow of funds," to use their words, that will go to the people who are suffering as a result of the natural disasters, and it is said that delaying this appropriations bill will not delay succor and comfort and relief to those poor people who have gone through this travail in the instances to which we refer.

I have here a memorandum from the Office of Management and Budget which says that "the resulting delay from the automatic continuing resolution will impede the disaster response effort." And I read extracts from that memorandum.

> While several Federal agencies that provide immediate relief to disaster victims (FEMA, SBA, and the Corps of Engineers) have resources available and are providing immediate assistance to disaster victims, many long-term recovery and reconstruction efforts cannot proceed until the Disaster Supplemental is signed into law. In addition, some immediate assistance will be jeopardized by delay.
>
> Unlike other Federal agencies such as FEMA, HUD does not currently have funds available to dedicate to the disaster recovery efforts. Any delay—

I repeat, "any delay—

> in enacting the disaster supplemental would impede HUD's efforts to provide disaster recovery assistance. The delay would increase the uncertainty over the amount of assistance that will ultimately be provided and thus compound the difficulty in planning for disaster recovery. Affected communities would experience a comparable delay in receiving funding.

With respect to the Department of Agriculture and the emergency conservation program, I quote from the memorandum.

> No funds remain in the program to restore farmlands to production after natural disasters. A list of eligible recipients is being developed, but no one is receiving assistance. The delay in funding means that farmland remains vulnerable to future floods (spring thaw) and less ready to be planted to cropland this year. Cropland will not be leveled, debris will not be removed from fields, pasture remains unfenced, and conservation structures remain in disrepair. As a result, the damages to farmers increase, as the planting delay reduces their farm income (later planning results in lower yields per acre).

Now, as to watershed and flood prevention, I quote again from the memorandum by the Office of Management and Budget.

> No funds remain for new projects.

I am talking about watershed and flood prevention.

> No funds remain for new projects, all funding has been committed to addressing earlier natural disasters. USDA offices are accepting applications from local sponsors, assessing damages, and making determinations. A list is being developed, but no one—

No one—

> is receiving assistance. The effect of the delay is to increase the likelihood of increased damages from flooding later this year as areas are left vulnerable: streams can overflow because they remain constricted from debris that has not been removed, threatening roads and bridges with wash-out. Other infrastructure and property can end up destroyed by the failure to repair damaged levees. Also, the opportunity for non-structural measures, like the purchase

> of floodplain easements from willing sellers, decreases with the delay in supplemental funding because landowners need to decide now whether to crop this year or wait for the possibility of an easement buyout.

As to emergency loans under the Farm Service Agency, here is what the memorandum says.

> Existing appropriations for these loans will be depleted by mid- to late May. Any delay in the supplemental beyond this time frame will cause farmers to wait emergency loan assistance to offset economic losses from natural disasters. This loss of credit will reduce their ability to repair farm structures and purchase inputs for spring crop planting.

And so, Mr. President, here is a memo which I quote for the RECORD which clearly indicates that delay in action on this bill will spell delay for the people who are seeking relief from those terrible disasters. This bill will have some impact on West Virginia. West Virginia suffered during this time from floods. And for 40 years, Mr. President, 40 years I have been in Congress working to support the building of flood prevention structures, working in support of appropriations to provide relief in the wake of floods.

It was 40 years ago this year, while I was in the House of Representatives, that I introduced legislation to provide for the construction of a reservoir to give future protection from floods along the Guyandotte River, which had just flooded in that instance, in 1957, the cities of Logan and Stollings and other communities along the river.

So, I have seen the Guyandotte, I have seen the Cheat, I have seen the Greenbrier, I have seen the Tug Fork, and these other mighty rivers in West Virginia flood and take lives, destroy property, and cause hundreds and thousands of people to flee from their homes. Yet, because of their love for their roots, their love for their home State, they have gone right back in after the floods and they have hosed out the mud and the muck and sought to continue life again, as it were.

So I know something about the suffering and losses of people and, as I say, the loss of life that comes from disasters of this kind. We had the Buffalo Creek flood disaster. West Virginia has had more of its share of disasters. So my heart goes out to the people of North Dakota and South Dakota and Minnesota and the other States, as well as my own State, but not to the degree that those States have suffered in this particular instance. My heart goes out to them. I think we ought to enact this measure. I hope we will strike from the bill this language, and I am sorry that my hopes at this moment are probably not well founded.

But, in any event, we have it clear from the President that he will veto this bill if it comes to his desk with the language in it that I sought to strike during the markup at the Appropriations Committee and which still remains in the bill, though slightly changed from 98 to 100 percent, which is a freeze. But it would still amount to reductions of $20 billion to $25 billion, or possibly even more if this language goes into effect. So, while there may be a slackening, from the standpoint of raising the figure from 98 percent to 100 percent, which makes it a freeze, which would continue it as a freeze, the President's requests that were included in his budget are in jeopardy.

Mr. President, I hope Senators will support my motion to strike. Does the Senator plan to move to table my motion?

Mr. LEAHY. Mr. President, I wonder if the Senator could withhold for just 1 minute on that, if I might speak on this?

Mr. STEVENS. Mr. President, I do seek the floor, but I will be happy to yield to the Senator from Vermont for 1 minute.

Mr. LEAHY. Sometimes we little tiny States——

Mr. BYRD. Mr. President, I call attention to the fact that I have not yielded the floor yet.

Mr. STEVENS. I presumed, Mr. President. When I get the floor, I will be happy to yield for a minute.

Mr. BYRD. I yield to the Senator with the understanding that the Chair protects my right to the floor.

Mr. LEAHY. I thank the Senator from West Virginia, and I will be very brief, as I advised the senior Senator from Alaska also.

I hope Senators will support the Senator from West Virginia on this issue. I have been here for 22 years. Twenty of those years I have served on the Appropriations Committee and proudly so. I know how hard we work to get our 13 appropriations bills through. Sometimes we have not. We have gotten most of them, and the rest have had to be done by a continuing resolution; but usually for just a few weeks, while we finish them up.

If this went through, this automatic continuing resolution, I do not care if it is at 125 percent of funding or at 30 percent of funding, it is poor policy. Basically it says to the Appropriations Committee—actually it says to the House and Senate—go home. We do not need you. We are on automatic pilot.

That is not what we are elected to do. We are elected to make the tough choices, vote for or against them, and do it on time.

So I support, and gladly and proudly support, the Senator from West Virginia on this. Whether we have a Republican President or Democratic President, Republican or Democratic Senate, I would vote exactly the same way. I do not want automatic continuing resolutions because we will not, then, have our feet put to the fire and have to actually cast the tough votes and make the policy decisions the people of America expect us to do.

Mr. BYRD. Mr. President, I thank the distinguished Senator. May I assure the distinguished manager that I will not detain the Senate very much longer.

Let me, in summation, state that the language that is in the bill, authored by Mr. MCCAIN and Senator HUTCHISON and others, means in a practical sense that if we fail to pass an appropriation bill, all of the programs contained in that bill will receive a cut, because they will remain at a freeze; in other words, no increase over inflation. But it will be a hard freeze. This means education programs, law enforcement programs, immigration programs, transportation programs, agriculture programs and so on.

Second, we will have lost most all of our negotiating strength with regard to fiscal year 1998 appropriations issues because all that the other side has to do is just pass the bills they want to pass and find some reason not to pass others, like the labor and health appropriations bill, and they will automatically keep those programs on a freeze level. I feel reasonably sure, also, that domestic discretionary programs are the ones that will end up feeling the automatic budget axe.

Moreover, any leverage that the White House thinks they may have in the budget talks will turn to quicksilver, because when the rubber hits the road in these appropriations bills, any hard-won victories by the administration can easily vanish just by the tactic of bogging down certain bills.

Fourthly, if we go down this road once we can be sure that we will go down it again next year. Slowly, slowly, we may be reducing the baseline for these programs by continuing on a freeze level and perhaps it could go below a freeze the next time around. So, we are talking about a real loss of buying power. If inflation should rise, we would be in a real hole.

Fifthly, we will be funding programs that may need serious cutting and should not be kept on the level of a freeze. If Congress exercises its oversight—and oversight is really exercised for the main part in connection with appropriations bills, appropriations hearings and so on—we will be continuing programs that perhaps ought to be reduced. Some ought to be eliminated. But under this language that I am seeking to strike, there would not be any reduction, and they would continue at a freeze level. Furthermore, because we are already so late with the budget resolution, appropriators are now behind the eight ball in getting started with our bills this year. So it is particularly easy for the other side to make sure that several appropriations bills bog down and then we get this automatic CR in place for bills which they may not like.

So, Mr. President, in short, this new gimmick would quite likely change the dynamic of the way we traditionally fund programs, this year and in the coming years. I hope it will not be successful. It is clearly a futile effort in the face of the President's threat to veto the bill if the language remains in it. And, to that extent, it constitutes a delay in the delivery of relief to the people who need that relief.

Mr. President, I ask unanimous consent to include in the RECORD at this point the memorandum by the Office of Management and Budget to which I have referred and from which I have already quoted excerpts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Office of Management and Budget]

AUTOMATIC CONTINUING RESOLUTION DOES NOT BELONG ON DISASTER SUPPLEMENTAL

RESULTING DELAY WILL IMPEDE DISASTER RESPONSE EFFORT

While several Federal agencies that provide immediate relief to disaster victims (FEMA, SBA, and the Corps of Engineers) have resources available and are providing immediate assistance to disaster victims, many long term recovery and reconstruction efforts can not proceed until the Disaster Supplemental is signed into law. In addition, some immediate assistance (see USDA discussion below) will be jeopardized by delay.

A budget process issue such as the automatic continuing resolution contained in S. 672 does not belong in emergency disaster relief legislation. The Senate should drop Title VII of S. 672 so that disaster relief is not delayed. Examples of Federal response efforts that would be delayed by the inclusion of this provision follow:

HUD: Community Development Block Grant

Unlike other Federal agencies such as FEMA, HUD does not currently have funds available to dedicate to the disaster recovery efforts. Any delay in enacting the disaster supplemental would impede HUD's efforts to provide disaster recovery assistance. The delay would increase the uncertainty over the amount of assistance that will ultimately be provided and thus compound the difficulty in planning for disaster recovery. Affected communities would experience a comparable delay in receiving funding.

This delay would impact activities not funded through other Federal disaster assistance programs, in particular activities to address the needs of lower-income individuals. The proposed $100 million in Community Development Block Grant (CDBG) funds would be used to buy out properties as part of a relocation effort; and to provide grants or loans to businesses and families who lack the income, savings, or credit history to qualify for an SBA loan.

Department of Agriculture

Emergency Conservation Program

No funds remain in the program to restore farmlands to production after natural disasters. A list of eligible recipients is being developed, but no one is receiving assistance. The delay in funding means that farmland remains vulnerable to future floods (spring thaw) and less ready to be planted to cropland this year. Cropland will not be leveled, debris will not be removed from fields, pasture remains unfenced, and conservation structures remain in disrepair. As a result, the damages to farmers increase, as the planting delay reduces their farm income (later planting results in lower yields per acre).

Watershed and Flood Prevention

No funds remain for new projects, all funding has been committed to addressing earlier natural disasters. USDA offices are accepting applications from local sponsors, assessing damages, and making determinations. A list is being developed, but no one is receiving assistance. The effect of the delay is to increase the likelihood of increased damages from flooding later this year as areas are left vulnerable: streams can overflow because they remain constricted from debris that has not been removed, threatening roads and bridges with wash-out. Other infrastructure and property can end up destroyed by the failure to repair damaged levees. Also, the opportunity for non-structural measures, like the purchase of floodplain easements from willing sellers, decreases with the delay in supplemental funding because landowners need to decide now whether to crop this year or wait for the possibility of an easement buyout.

CCC Disaster Reserve Assistance Program (livestock indemnity)

No payments can be made until the supplemental is enacted (the program does not exist under current law). As a result, producers will likely not be able to replace livestock killed by the natural disasters, reducing farm income. (See note below)

Tree Assistance Program

No payments can be made until the supplemental is enacted (program doesn't exist under current law). As a result, orchardists and foresters will likely not be able to replace trees destroyed by natural disasters, reducing farm income. (See note below)

(NOTE: these two disaster payment programs do not have regulations in place, so while applications may be taken, payments will not be able to go out "the next day" after the supplemental is enacted, but will have to wait for regs—which will be expedited nevertheless.)

Emergency Loans (under the Farm Service Agency)

Existing appropriations for these loans will be depleted by mid-to late May. Any delay in the supplemental beyond this time frame will cause farmers to wait for emergency loan assistance to offset economic losses from natural disasters. This loss of credit will reduce their ability to repair farm structures and purchase inputs for spring crop planting.

Department of the Interior

Delays in supplemental funding would have significant impacts on DOI park and refuge restoration work, particularly on Yosemite National Park in California. Interior has proceeded with the most urgent repairs to roads and infrastructure (using existing authority to transfer balances and presumably a similar DOT authority), but these are partial and interim solutions. The supplemental will be too late to help this summer season (it will be a mess), but the biggest effect from delay will be in the 1998 summer season. Contracts need to be awarded now to get as much work as possible started on widening roads, permanent utility repairs, replacing housing and lodging buildings before next winter, when this sort of work will not be possible. The public will not be as patient next summer and will rightly expect this to be fixed.

Department of Commerce/Economic Development

Delay in funding post-disaster economic recovery planning grants will mean that disaster-impacted local communities will not have the immediate institutional capacity to focus on long term recovery planning issues. These issues are both critical to reviving the local economy in the short term and restructuring the economy in the long term.

Post disaster technical assistance grants to States for marketing/promotion to help revive the tourism industry will not be available to salvage the Summer tourism season and bookings for the convention business.

The delay in implementing the EDA Revolving Loan Fund (RLF) program will slow down business recovery. For example, business segments not eligible for SBA funding will not be addressed, i.e., landscaping and nursery industries.

Mr. BYRD. Mr. President, I again thank Mr. MCCAIN, Mr. STEVENS, Senator HUTCHISON, and all other Senators, and I yield the floor.

Mr. LOTT. Mr. President, the Government Shutdown Prevention Act is the right thing for us to do, and this is the right time for us to do it.

If there's one thing we should be able to promise the American people, knowing we can keep that promise, it's that there will not be another Government shutdown, as there was in 1995.

We all know what happened back then. President Clinton vetoed appropriation bills because the Congress would not give him all the money he wanted to spend.

No matter what gloss my friends on the other side of the aisle want to put on that situation, that was the bottom line: He wanted more tax dollars than we wanted to spend, and he was willing to see much of the Federal Government close its doors rather than make do with less cash.

But the President did a masterful job at handling the PR of the situation. In fact, he ran rings around us, so much so that, to this day, most Americans probably believe that it was the Republican Congress that shut down their Government.

There's nothing we can do about that now. We have to leave all that to the judgment of the historians. But we should not leave the future to chance.

We have the chance today to guarantee the American people that the departments and agencies and bureaus of their Government will remain open this year, even if the Congress and the President cannot agree on spending issues.

We have a chance to redeem the reputation of Congress by placing the daily operations of Government—from our national parks to the FBI—above politics and beyond political squabbles.

All we are asking is that, if a department's appropriation bill is not completed by the start of the new fiscal year on October 1, 1997, that department can continue all its programs and services, spending at the rate of 100 percent of its current budget.

Just so no one misunderstands, let me restate that. All we want to do is ensure that, if any part of the Government does not have its annual appropriation in place by October 1, it can continue all its operations at 100 percent of their current level.

That is a reasonable, modest, prudent measure to safeguard the public interest. And yet, it seems to have provoked a considerable amount of opposition from both the administration and Senate Democrats.

I can understand why, and the reason has nothing whatsoever to do with some of the procedural arguments that have been advanced against this legislation.

No, the Government Shutdown Prevention Act does not abdicate Congress' responsibility to produce individual appropriation bills.

The appropriations process will go forward, and I hope to be able to call up—and pass—every one of those 13 bills. But what if that process fails? What if its failure imperils the operations of the Department of Justice? Or the Department of Health and Human Services? Or the Defense Department?

No, the Government Shutdown Prevention Act is not out of place on the supplemental appropriation bill. The indignation that has been expressed on this point in some quarters ignores the fact that it is not at all unusual for Congress to accomplish other important business in the context of a supplemental appropriation.

No, the Government Shutdown Prevention Act is not imperiling or delaying emergency assistance to the victims of floods in several hard-hit States. The aid they need will be forthcoming, and it will come on time.

The people of my own State of Mississippi have known, all too frequently, the force of natural disasters. Neither they nor I would tolerate efforts to play political games with the aid our neighbors need.

So let's set that canard to rest. The only way emergency aid will be held up to the Dakotas, to California, and to other hard-hit States is if a large number of Senators deliberately freeze the legislative process.

Under our Senate rules, a small minority can bring this place to its knees, can paralyze our most important activities. But I don't believe that's going to happen, not on this critical bill.

There is, however, one procedural argument against this bill that is right on target.

Enactment of the Government Shutdown Prevention Act will substantially reduce the ability of individual Senators, or a small group of Senators, to hold hostage the Nation's money bills.

I admit it. With this legislation in place, no one in this Chamber—and no one on any committee—will be able to threaten to shut down one or another part of Government unless he gets his own way with an amendment or a project.

It is hard to give up power. It is hard to give up even a little bit of power. But I think that's what the American people want us to do this time. They don't want any of us to have the power to play chicken with Government shutdowns. And I don't blame them.

So on this count, I plead guilty. I am, indeed, asking my colleagues to give up their ability to create a Government crisis by thwarting the appropriations process.

I am asking them today to enter into a formal agreement with the American people—a legal enactment of our promise that there will be:

No more legislated layoffs. No more concocted crises. No more administrative Armageddons. In short, once and for all, no more Government shutdowns.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I announce that after this vote is completed, we will announce the schedule for the remainder of the afternoon to the extent we have some agreements already. We do have some very good agreements for the Senate to consider. Following this amendment, it will be my intention to move to the pending amendment, which is the Reid amendment. There will be a process to take that to a very rapid conclusion. We are pleased to announce there is an agreement on the endangered species amendment.

Mr. President, my one comment at this time would be that Members should keep in mind that we are finishing today, but the House has not acted yet. There will be a procedure so that when the House sends over its bill, we will automatically substitute our bill for that bill and go to conference with the House as soon as possible. But I do want to thank Senators for what they have done so far. We are, I think, moving on schedule. We do have agreements on at least five amendments that are ready to be considered by the Senate, as far as timeframes, for the balance of the amendments. And there is one left to be determined how long that will take.

At this time I move to table the Byrd amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, is it in order to ask unanimous consent at this time? I ask unanimous consent a fellow in my office, Bob Simon, be allowed the privilege of the floor during the pendency of S. 672.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Does the Senator care to have his colloquy at this point?

Mr. BINGAMAN. Mr. President, I would prefer to make a short statement after this bill and then do the colloquy.

The PRESIDING OFFICER. The question is now on the motion to table the Byrd amendment to the McCain amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. STEVENS. Mr. President, I seek to clarify that. The Byrd amendment is to delete a portion of the bill before the Senate. The McCain amendment was incorporated in that.

The PRESIDING OFFICER. The Senator from Alaska is correct.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 59) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Alaska.

Mr. STEVENS. We are proceeding now to get a consent agreement. To my knowledge, I report to the Senate we have agreements on all but two amendments I know of that will come up.

Let me state that we will proceed with the ESA amendment, the Reid amendment, now. There is an agreement to dispose of that. Then we will go to the amendment of Senator GRAMM of Texas, No. 118. And after that we have several small amendments, about 10 minutes to a side.

I would predict we will have a vote in about an hour and 10 to 20 minutes.

And that will be on the amendment of the Senator from Texas [Mr. GRAMM].

I now ask unanimous consent that when the Senate now takes up the pending business, which is the Reid amendment—that is correct, is it not?

The PRESIDING OFFICER (Mr. ENZI). The Senator is correct.

Mr. STEVENS. I ask for the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do ask unanimous consent that the Reid amendment come before the Senate.

Mr. REID. Reserving the right to object, what is your unanimous consent?

Mr. STEVENS. By regular order, I am bringing back the Reid amendment. It was set aside temporarily.

The PRESIDING OFFICER. The Senator has a right to demand the regular order.

Mr. STEVENS. Mr. President, I ask unanimous consent for a 15-minute time limit equally divided between the Senator from Nevada and the Senator from Idaho [Mr. KEMPTHORNE].

Mr. CHAFEE addressed the Chair.

Mr. STEVENS. The Senator will have 5 minutes of that time, I might add.

Mr. CHAFEE. You have 15 minutes equally divided.

Mr. STEVENS. We talked about the fact the Senator had 5 minutes; the Senator from Idaho, 5 minutes; and the Senator from Nevada, 5 minutes.

Mr. BAUCUS addressed the Chair.

Mr. STEVENS. Does the Senator wish any time in addition to that?

Mr. BAUCUS. Yes.

Mr. STEVENS. Who wants to speak on this amendment?

One, two, three, four, five.

I ask unanimous consent each one of these five Senators have 5 minutes on the amendment, that Senator REID, Senator BAUCUS, Senator CRAIG, Senator KEMPTHORNE, Senator CHAFEE each have 5 minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Before that starts, Mr. President, I ask unanimous consent on the amendment of the Senator from Texas, amendment No. 118—following that time that these Senators will use and the disposal of the ESA amendment—that there be 1 hour equally divided, that the Senator from Texas may have his 1 hour equally divided on amendment No. 118.

Mr. GRAMM. That will be fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Does the Senator wish a rollcall vote?

Mr. GRAMM. I do.

Mr. STEVENS. There will not be a rollcall vote on the ESA.

I ask unanimous consent that it be in order to ask for the yeas and nays at this time on amendment No. 118 to be offered by Senator GRAMM from Texas.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Following that amendment, for the information of the Senate, we will have an amendment to discuss that involves Senator HUTCHISON's amendment. Then there is an amendment from Senators CONRAD and DORGAN. We have a colloquy with Senator BINGAMAN, and two other amendments we do not have agreement on. It is still my hope, Mr. President, we would finish this bill before 6 p.m.

Mr. REID. Mr. President, if I could get the attention of the manager of the bill.

Mr. STEVENS. Yes.

Mr. REID. The Cloakroom just informed me of another Democratic Senator who wants 5 minutes.

Mr. STEVENS. I believe that would make it even. I am happy to add the Senator.

Who is it?

Mr. REID. Senator FEINSTEIN.

Mr. STEVENS. Mr. President, I ask unanimous consent to add 5 minutes for Senator FEINSTEIN or that the 5 minutes be designated by Senator REID.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 171

Mr. REID. Mr. President, I ask that the Reid amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 171) was withdrawn.

AMENDMENT NO. 139

(Purpose: To allow emergency repairs of flood control projects, structures and facilities)

Mr. REID. Mr. President, I call up amendment No. 139 which is at the desk.

That is an amendment that is offered by Senators KEMPTHORNE, REID, CHAFEE, BAUCUS, and CRAIG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KEMPTHORNE, for himself, Mr. REID, Mr. CHAFEE, Mr. CRAIG, and Mr. BAUCUS, proposes amendment numbered 139.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

"(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing under Section 7(a)(2) or Section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any federal agency to repair a Federal or non-Federal flood control project, facility or structure, may be deferred until after the completion of the action if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility or structure to a condition that will prevent an imminent threat to public health or safety.

"(b) MITIGATION.—Any reasonable and prudent measures proposed under section 7 of the Endangered Species Act to mitigate the impact of an action taken under this section on an endangered species, or a threatened species to which the incidental take prohibition of Section 9 has been applied by regulation, shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action.

AMENDMENT NO. 139, AS MODIFIED

(Purpose: To amend the provisions of the bill with respect to consultation under the Endangered Species Act)

Mr. REID. Mr. President, I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 139), as modified, is as follows:

Beginning on page 50, line 15, strike all through page 51 and insert the following:

"(a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

"(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.".

Mr. REID. Mr. President, this place we now find ourselves in is one that is a perfect example of legislation. It is the art of compromise or the art of consensus building. It has been very difficult. It has taken several days. I initially want to extend my appreciation to the chairman of the full committee, Senator CHAFEE, the ranking member of the full committee. Senator BAUCUS, and also the two Senators from Idaho for their cooperation in this matter.

It has taken a long time. Our staffs have worked very hard. I think, though, we have made something that will answer the questions that are now before us in this emergency supplemental appropriations bill dealing with disasters.

Over the past days we worked hard to resolve the issue. I think we have worked something out that is a compromise. There are things that we do not all agree on, but it is something that I think will do the job.

I also state for the record that the administration has also agreed to this amendment and a modification. I understand that the administration has also agreed to work with the Senators from Idaho on the St. Maries issue involving a problem in the State of Idaho that was a result of the floods that took place early this year. I have authority on behalf of the administration to extend that offer and that cooperation to my friends from Idaho.

I hope that there are no large conclusions drawn from this debate that has taken place behind the scenes the last few days. I hope that, however, this will allow us to go forward in the months to come with a reauthorization of the Endangered Species Act. It is important that we do that. It is important that we all recognize that the Endangered Species Act is important, but we do need to do some things with it to make it more practicable, and one that the States accept more than they do now.

The application of this amendment on the pending legislation is something that is debatable as to whether it should have been done. Some of us feel that the work done by the administration and the Fish and Wildlife Service over the past several months, especially in the State of California where they issued a regulation that dealt with the 47 counties there, was sufficient.

This is not the time to debate that issue. It is a time to declare that the legislative process has worked and that we are now able to move on past the issue that we now have before the Senate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we have all read the stories lately about the floods in North Dakota, along the Mississippi River, in California, and last year in Idaho and the Pacific Northwest. What we didn't read much about though was the unnecessary loss of life and property that was the result of preventive measures that weren't taken and repairs that weren't made. In some cases, those repairs weren't made because the local communities were told that the repairs might adversely affect an endangered species and that therefore consultation with the Fish and Wildlife Service would be required under the Endangered Species Act. Public safety, human lives, and property were put at risk because of a procedural, bureaucratic requirement. And that's just wrong.

Let me tell you about a community in Benewah County, ID, which has just been through this consultation process. Last year, that community, St. Maries was devastated by floods. We were lucky that no lives were lost, but people lost their homes, their businesses, and their property. The floods also caused significant damage to levees on the St. Joe River. The County began work with the Army Corps of Engineers and the Economic Development Agency to repair the levees last year, but the work stopped in February of this year when they were informed by the Fish and Wildlife Service that consultation under the ESA would be required on the repair work because there might be American Bald Eagles in the area. No work has been done to repair the levees since February, while the Federal agencies have engaged in consultation.

The problem is that St. Maries and Benewah County are facing more flooding again this year. Snow pack in north Idaho is at 150 percent above normal levels. When that snow melts, communities like St. Maries that were devastated by last year's floods may again be destroyed and people killed if the levees aren't repaired. And in the case of St. Maries, it isn't even really a question of protecting an endangered species. The Fish and Wildlife Service has acknowledged that the levy repair work would not adversely affect the American Bald Eagle.

We are dealing with a true emergency situation. And it's not just an emergency in St. Maries, ID. There are emergency situations in North Dakota, California, and other States too. That's why I am offering this amendment, along with Senator CHAFEE and my colleague from Idaho, Senator CRAIG.

Our amendment would accomplish three things.

First, the amendment will allow critical flood repair work and preventive maintenance to go forward, protecting human lives and property in an emergency situation. It gives Federal action agencies—those responsible for authorizing, funding, and carrying out flood control activities—the authority to defer the consultation process until after the threat to human lives or property is gone. For St. Maries, that would have meant that the repair work could have continued, and the risk to that community may have been avoided.

Second, the amendment will ensure that endangered species and their habitat are protected. it recognizes that in certain situations, some additional measures might be appropriate after the fact to mitigate the impacts of flood repair activities. Mitigation measures, however, should not ever delay flood repairs or preventive measures where human lives are at stake. And they must be resonably related in nature and scope to the actual impact on the endangered species. St. Maries, which is surrounded by millions of acres of State and National Forests, was told that, among other things, it would have to take out of farm production 35 acres and dedicate it to habitat for the Bald Eagle if it wanted to proceed with its levy repair, even though there is no evidence that Eagles would ever use the habitat. The total additional cost of the complete package for the mitigation that the Fish and Wildlife Service wanted was almost $1 million. That has to change.

And finally, our amendment will require the Federal Government to share in the costs of mitigation to the extent that it is involved in funding or carrying out a flood repair activity. It is only reasonable that the Government, which both conducts activities that impact endangered species and also requires mitigation for that impact, to pay its fair share of the costs of species protection. Communities like St. Maries should not have to bear the burden of mitigation costs when one Federal agency directed the activity that another thought would impact the species and a third Federal agency funded the activity.

I strongly support this amendment and I urge my colleagues to do so as well, because an emergency can happen at any time and in any community. And when it does, your communities also will want to have the protection that is offered by this amendment.

But I want to emphasize at the same time that this is a narrow, targeted amendment to address a true emergency situation. There are many other problems in the current Endangered Species Act that also need to be addressed, but this is not the appropriate vehicle to address those broader, more fundamental problems. What we need is an ESA bill that provides meaningful reform, while improving protection of our rare and unique fish and wildlife species, and we need that legislation now. Indeed, the very fact that we face amendments to the ESA on appropriations bills every year—last year, the ESA moratorium and others this year—clearly demonstrate that there is a need for ESA reform and a need to act now.

Many of you know that I have been working with Senator CHAFEE on a comprehensive bill to reform and improve the ESA. We have drafted a bill that will significantly improve the way the ESA works, benefiting both people and species. It will work to actually save species from extinction. It will treat property owners fairly. It will minimize the social and economic impacts on the lives of citizens. And it will provide incentives to conserve rare and unique species. These are important goals and ones which we should all be able to support.

I look forward to continuing to work with Senator CHAFEE, my colleagues on both sides of the aisle, and the administration to pass legislation that will finally bring much needed reform to the ESA. And the time for that legislation is now.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I would like to join Senators KEMPTHORNE, CHAFEE, CRAIG, and REID in offering this amendment. I would like to briefly explain why Senator REID and I strongly oppose section 311 of S. 672 and then summarize the alternative we worked out with Senators KEMPTHORNE, CHAFEE, and CRAIG.

We all sympathize with the victims of the recent floods in North Dakota and Minnesota, and also with the victims of flooding earlier this year in central California and along the Ohio River. These people have suffered terribly.

This debate is not about whether they should receive assistance from the Federal Government. Of course they should. And the assistance should not be delayed.

But that is precisely the consequence of the language that the committee included in section 311 of the bill. The President has indicated that he would veto the bill if it includes section 311. So, if section 311 remains unchanged, we would, at the very least, delay the delivery of urgently needed assistance.

Another point. Section 311 doesn't belong in this bill. It is not a limitation on the use of funds, which is within the jurisdiction of the Appropriations Committee. Rather, it amends the authorizing statute, the Endangered Species Act, which is within the jurisdiction of the Environment and Public Works Committee.

As our colleagues know, Senator REID and I have been working closely with Senators CHAFEE and KEMPTHORNE for a number of months to write a bipartisan bill to reauthorize and reform the Endangered Species Act. it is complicated work, because we are trying to improve the conservation of species at the same time we make it easier for landowners to comply with the law.

So far, it has been a bipartisan effort, including the administration.

However, section 311 threatens our progress. If we start down the path of piecemeal changes, such as section 311, it may undermine the spirit and intent of those negotiations.

Finally, section 311 would open up a large loophole in the Endangered Species Act.

Let me put this argument in perspective.

The heart of the Endangered Species Act is section 7, which provides that Federal agencies must consult with the Fish and Wildlife Service to ensure that their actions are not likely to jeopardize the continued existence of an endangered or threatened species or destroy the critical habitat of such a species. It's a sensible requirement that's central to our efforts to conserve species.

But let's face it. There may be times when it's just not possible to comply with the ordinary consultation process. There's an emergency. A flood or a forest fire. Lives and property are threatened with imminent destruction. Federal agencies must react quickly. They may not have time to carefully consult to assure that their actions won't jeopardize a species.

As things now stand, this is taken into account. A provision of the current regulations allows Federal agencies to dispense with the ordinary consultation process in emergencies. The regulation says:

> Where emergency circumstances mandate the need to consult in an expedited manner, consultation may be conducted informally through alternative procedures that the Director determines to be consistent with the requirements of sections 7(a)–(d) of the Act. This provision applies to situations involving acts of God, disasters, casualties, national defense or security emergencies, etc.

To put it another way, when there's an emergency, the Forest Service, the Corps of Engineers, or any other action agency can initiate the emergency procedure, by calling the Fish and Wildlife Service and explaining the situation. Fish and Wildlife will then step out of the way, so that the action agency can concentrate on addressing the emergency. Later, after the danger has subsided, Fish and Wildlife will begin formal consultation to determine whether additional measures are needed to minimize the impact on the species.

This provision has already been successfully invoked many times. It has been used to provide emergency assistance to victims of hurricanes, forest fires, and more recently, flooding in 46 counties in California.

In fact, in February of this year, the administration issued a policy statement applying the emergency provisions, for the remainder of this year's flood season, to the 46 counties in California that had been declared Federal disaster areas.

As a result, the Corps of Engineers can move quickly to repair or replace flood control facilities in those counties, without being impeded by the ESA.

In short, we don't have to choose between flood protection and species conservation. Using common sense and existing procedures, we can ensure that agencies like the Corps of Engineers can do what needs to be done, quickly, to save human lives and protect property.

Section 311 of the bill, however, would go much further. It provides a permanent exemption, from sections 7 and 9 of the Endangered Species Act, for operating, maintaining, repairing, or reconstructing flood control projects to the extent necessary to address public health or safety, in several different circumstances.

The language is confusing. What's more, the language creates a loophole, by creating a permanent exemption for any flood control measures undertaken "to comply with a Federal, State, or local public health or safety requirement that was in effect during 1996 or 1997."

What does this mean? The phrase "public health or safety requirement" is very broad. Conceivably, it could be stretched to include almost any State or local law that conflicts with the Endangered Species Act. This could have major consequences for the operation of the act. At the very least, these consequences should be considered carefully, in the context of the overall reauthorization of the Endangered Species Act, and not jammed into a supplemental appropriations bill.

Because of the grave nature of the flooding this year, Senator REID and I recognize the need for an immediate and effective emergency response. In doing so, we reserve judgment about whether any provisions of this amendment should be applied more generally. That question must be considered independently, in the contest of our negotiations on an ESA reauthorization bill.

Drawing on the U.S. Fish and Wildlife Service's emergency regulations and their February 19, 1997 policy, the Kempthorne-Chafee-Craig-Baucus-Reid amendment would assure that people threatened by flooding could respond quickly to an imminent threat to lives and property.

Specifically, our amendment would do two things. First, it would allow a Federal agency to defer formal consultation on repairs to flood control projects that the agency determines are needed to respond to an imminent threat to human lives and property in 1996 or 1997. Unlike section 311 of the bill, however, it would not exempt the agency from the requirements of section 7 of the ESA. It would simply defer formal consultation until the imminent threat to human lives and property had been abated.

Second, our amendment would require that any reasonable and prudent measures to minimize the impact of emergency repairs under this section must be related in nature and extent to the effect of the action taken to repair the project.

Mr. President, the Kempthorne-Chafee-Craig-Baucus-Reid amendment was agreed to only after several days of difficult negotiations. Although the amendment represents a compromise, I believe it addresses the needs of Federal agencies to respond to flood emergencies without undermining important protections for threatened and endangered species. Without doubt, it is a significant improvement over section 311 of the bill.

Like Senator REID, I strongly opposed the endangered species provision that was included in the committee bill, and I will tell you the four reasons.

First, the provision in the bill simply does not belong in the bill because it amends the Endangered Species Act. This is an appropriations bill, not a legislative bill.

Second, the provision is unnecessary. Why? Because existing regulations and policies already allow agencies to respond to floods and other emergencies without getting tied up in red tape under the act.

Third, the provision would undermine our efforts to provide badly needed disaster relief, because the President has indicated that he would veto the bill if the provision was included.

Fourth, and most significantly, the provision would open a loophole to the Endangered Species Act. The amendment we are offering today, in contrast, is a compromise, that is the result of several days of hard negotiations.

In contrast to the provision in the bill, this amendment by Senator REID would not exempt agencies from the requirements of the Endangered Species Act. Instead, it simply provides that, in certain emergency situations in which it is necessary to make flood control repairs, an agency can defer formal consultation until the imminent threat to human lives and property has been abated.

By doing so, the amendment confirms that Federal agencies can respond to flood emergencies, but does not undermine protections for threatened and endangered species. It is a substantial improvement over the provision in the committee bill. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I am pleased to report after much debate and negotiation, my distinguished colleagues—Senator KEMPTHORNE, Senator REID, Senator BAUCUS, Senator CRAIG—and I have reached an agreement on language relating to the Endangered Species Act requirements for emergency flood control activities. I want to also say that the administration was a big help in this agreement. They were in on our negotiations.

Our amendment will ensure that the requirements of the Endangered Species Act will not impede actions to address emergency situations. It removes any uncertainty that the emergency procedures in the Endangered Species Act and its implementing regulations shall apply in those situations, and it resolves several ambiguities and procedures. It is a significant resolution that will not only expedite the passage of the Supplemental Appropriations and Rescissions Act—the main bill we are on here—but it also represents a promising step in our ongoing efforts to reauthorize the Endangered Species Act itself.

Briefly, I will touch on that. This, in my judgment, represents a significant step forward on the reauthorization of the Endangered Species Act which we are now working on in the Environment and Public Works Committee, and especially in the subcommittee headed by Senator KEMPTHORNE, with Senator REID being the ranking member.

I thank my colleagues for their hard work on this issue. We took a lot of time. I especially want to thank Senator KEMPTHORNE and Senator REID because of the hard work that they applied in bridging the differences between the original Craig amendment and the Reid amendment. I also want to thank the senior Senator from Idaho, Senator CRAIG, who was very, very helpful in reaching this final accord. Everybody gave a little bit of something. That is why we are here today.

Mr. President, the floods that have devastated much of the Midwestern and Western United States have been a tragedy of immeasurable dimensions, both financially and emotionally for all of the affected communities. The Supplemental Appropriations and Rescissions Act will provide desperately needed funds to continue the rebuilding process in those communities. It should be passed without any controversial riders that will slow its progress and threaten a veto.

No one can disagree with the absolute need to ensure that flood damage is minimized and that emergency flood response measures can go forward without unnecessary impediments. Nothing should compromise our efforts to save lives and homes in times of emergencies, catastrophic events and other disasters. These efforts must include measures to response adequately to threats to health and safety as well measures to repair damaged flood control projects quickly and efficiently.

At the same time, there is a belief that the requirements of the Endangered Species Act do not allow for such exigencies, and that the act is inflexible and unworkable. This is a mistaken belief. The ESA itself and its implementing regulations explicitly allow for emergency actions to proceed without delay. Only after the emergency would the Fish and Wildlife Service or National Marine Fisheries Service formally review the action to determine its effects on endangered or threatened species, and whether such action requires any mitigation.

The FWS recently issued a policy for emergency flood control actions that expounds on these emergency provisions and gives them specific application to parts of California. The FWS has not only agreed to emergency procedures upon request by the Federal action agency, but it has invited action agencies to use the emergency provisions of the law.

Mr. President, let me set the record straight: The Administration—both the Army Corps of Engineers and the Fish and Wildlife Service—believe that these policies and procedures have addressed the needs of the emergencies adequately. These provisions indicated that the ESA itself has the flexibility to address emergency situations, so that a full exemption from the ESA is not required. To argue otherwise is just not accurate. Upon careful review of the anecdotes that abound, it has not been demonstrated that the ESA has impeded emergency response efforts.

But just as emergency flood control activities are to be carried out without impediments, it is equally important to recognize that such activities can have long-term impacts on the environment, including fish and wildlife and their habitat. Merely because an action must be taken to address an emergency does not mean that it has no effects on wildlife, or that those effects need not be considered subsequent to the emergency. When necessary and appropriate, the impacts of these activities on our natural resources should be mitigated. Indeed, Congress has explicitly required such mitigation in the Army Corps of Engineer's own authorities, such as the Water Resources Development Act.

The ESA, in turn, contains its own requirements with respect to endangered and threatened wildlife. Specifically, section 7(a)(2) requires that each Federal agency ensure that its actions are not likely to jeopardize listed species, and section 7(b)(4) requires that FWS or NMFS specify reasonable and prudent measures to minimize the impacts of any taking of such species.

The fact that mitigation is required both in the corps' statutory authority and in the ESA underscores the dual purpose of mitigation: Not only is it important for protection of wildlife, it is also important for effective management of the flood plain. Effective flood plain management requires adoption of measures to reduce flood damage, as well as measures to reduce future susceptibility to floods. These measures go hand in hand with protection of the flood plain resources themselves. Mitigation is thus an important component of flood control that cannot be ignored.

Yesterday, the House of Representatives debated and defeated the original version of H.R. 478, a bill that provided a sweeping exemption of all operations, maintenance, repair, and restoration of flood control facilities. While this exemption ostensibly was intended to address emergency situations, one does not have to read between the lines to see that H.R. 478 would have exempted all actions relating to flood control facilities from the ESA, even without any emergency situation. That bill was nothing more than a transparent attempt to use the ESA as a scapegoat for natural disasters and thus exempt a broad category of activities from the law, in perpetuity, under the guise of an emergency. I strongly oppose the terms of that bill, as well as similar bills or amendments in either the House or Senate.

By contrast, my distinguished colleagues—Senators KEMPTHORNE, CRAIG, BAUCUS, and REID—and I have negotiated an amendment to S. 672, with involvement by the administration, that is narrowly tailored to remove any uncertainty that the emergency procedures under the ESA shall apply in emergency situations. Let me repeat: The emergency procedures of the ESA shall apply in emergency situations. This would not require either an exemption nor an amendment to the current law. Our amendment does not contain language that could be misconstrued to create emergencies when none exist. Our amendment considers emergency situations to be those natural events that cause an imminent threat to human lives and property. Our amendment applies to emergencies that occurred in 1996 or at any time during 1997. We are including 1996 to ensure that flood control facilities damaged in last year's floods can be repaired expeditiously, to address emergencies that might arise this year. There is no sunset provision in our amendment, because of this inherent temporal limitation to emergencies only in 1996 and 1997.

Our amendment effectively codifies the current practice of the administration to defer formal consultation until after the emergency is over. This practice provides that the Federal agency taking the emergency action will consult informally with either FWS or NMFS at any time prior to or during the emergency. This informal consultation can be nothing more than a phone call between the agencies.

More importantly, our amendment resolves several ambiguities as to application of the existing emergency provisions. First, it makes clear that it is the Federal action agency that will have the discretion to determine whether an emergency exists.

Second, it clarifies that the actions to which this provision applies are repairs as needed to respond to an emergency causing an imminent threat to human lives and property, until that threat has been abated. This is consistent with the description of emergency actions in the statute and regulations of the Army Corps of Engineers. The corps considers emergency activities to include flood emergency preparation, flood fighting and rescue operations, postflood response, and emergency repair and restoration of flood control works. These measures are designed to meet an imminent flood threat, while permanent rehabilitation of flood control works are considered separately. Our amendment includes those emergency measures, and does not include routine maintenance and operations that would otherwise require ESA consultation.

Third, it makes clear that repairs can include both preventive and remedial measures to restore the project to a condition to remove an imminent threat to human lives and property.

Lastly, the amendment would require that reasonable and prudent measures be related both in nature and extent to the effect of the action. The current law requires that reasonable and prudent measures must not alter the basic design, location, scope, duration, or timing of the action and may involve only minor changes. This requirement makes sense for proposed actions that have yet to be taken. However, it does not apply well to actions already taken, such as those necessary to address emergencies. There have been instances where FWS has specified measures that the action agency feels go too far, but about which the agency can do nothing because its action has already been completed. Our amendment would ensure that reasonable and prudent measures specified for an action already taken or currently in progress will be similar in scope to measures that may be required for proposed actions.

It is important to note that the measures must be related to the effects of the action on listed species, not to the cost or nature of the action itself. Furthermore, by including this requirement, we do not prohibit any particular type of reasonable and prudent measure, such as offsite mitigation.

Mr. President, Senator KEMPTHORNE and I have been working diligently together to reauthorize the ESA. We issued a discussion draft for reauthorization in late January 1997, and we have since been negotiating with the minority members of the Committee on Environment and Public Works and the administration. My strong preference is to avoid any amendments relating to the ESA in this, or any other, appropriations bill. The proper context in which to discuss whether the ESA needs to address emergency situations better, and how the ESA should define reasonable and prudent measures, is our reauthorization process, not here. My other goal is to avoid a contentious debate on the ESA when we are trying to pass an appropriations bill expeditiously, and when we are trying also to reauthorize the ESA itself expeditiously. I believe that our amendment accomplishes both of those goals.

In sum, our amendment will ensure that the requirements of the Endangered Species Act will not impede actions to address emergency situations. It removes any uncertainty that the emergency procedures in the ESA and its implementing regulations shall apply in those situations, and it further resolves several ambiguities in those procedures. It is a significant resolution that will not only expedite passage of the Supplemental Appropriations and Rescissions Act, but also represents a promising step in our ongoing efforts to reauthorize the ESA itself. For these reasons, I encourage my colleagues to support this amendment.

I thank my colleagues for their hard work in this issue, especially Senator KEMPTHORNE, who worked tirelessly with me to bridge the differences between the original Craig amendment and the Reid amendment. The amendment on which we agree today is based on an amendment filed by Senator KEMPTHORNE.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to speak on the Reid amendment and really on the subject in general, particularly from a California perspective.

California has over 6,000 miles of flood control levees. In the last decade, we have had three 100-year storms, in 1986, 1995, and 1997.

In 1986, four levees failed, three in the delta, one in Yuba County.

In 1995, 25 levees failed.

In 1997, there were 62 significant levee breaks, according to the Corps of Engineers. Of these, 40 were federally maintained levees, and the rest were non-Federal.

On January 2, the Feather River broke through the levee at Star Bend, flooding 15 square miles of farmland and the community of Olivehurst. The breach was 1,500 feet long.

This flood damage is relevant to the amount of money that is going to California in emergency assistance right now—$3.3 billion.

On January 4, a Sutter bypass levee failed at Meridian, flooding a 35,000 acre basin with more than 60 homes and businesses. The breach at Meridian was 1,100 feet long.

On January 4, the San Joaquin River plunged through levees in 14 places near the town of Mendota, flooding about 10,000 acres of farmland on both sides of the river in Madera and Fresno Counties. The biggest levee break, at Firebaugh, was 2,500 feet long.

On January 5, more levees broke along the Stanislaus, Tuolumne, and San Joaquin Rivers, causing flooding near Modesto. Now, the levees are a critical part of California's infrastructure and, in my view, they are the most troubled part of our infrastructure. In an earthquake, in a flood, when these levees go, two things happen. One, the water in these rivers is the drinking water for 20 million people. The soil behind the levees is peat. As the levees break, and the peat land is flooded and then drains, the peat soil drains back into the river. When this water is treated with chlorine for drinking water, it throws off carcinogens. So that has necessitated a change in the water treatment. Additionally, salt water intrusion also contaminates the drinking water supply.

So, not only do the levees protect farm land, the levees also protect our major source of drinking water.

Now, the problem here is maintenance of these levees. I spent 3 days talking to farmers. What farmers tell me increasingly is they are not going to maintain the levees because the bureaucratic hassle is so great. To pull out a bush on a levy, they have to go and get a permit. They have to mitigate. They do not have the money to mitigate. Therefore, more and more of the levees are not maintained. If the levees are not maintained and the levees break, the amount of Federal money that goes to California is just going to increase.

In addition, damage is done to cattle, to dairy cows, to farms, to orchards; homes are under water; and people's businesses are being wiped out. Why? Because in places, levees are not properly maintained because of the Endangered Species Act. I am not saying that these levee breaks are related to the Endangered Species Act, because I do not know. However, I do know from firsthand testimony to me that there are people that are not maintaining the levees because of the bureaucratic hassle they have to go through.

For example, the slopes of the levees along the Feather River in Sutter County have become overgrown in recent years with trees and vegetation, including elderberry shrubs. This vegetation hides rodent holes and beaver dams which undermine the integrity of the levees. These shrubs on the Feather River levees are habitat for the Valley Elderberry Longhorn Beetle which is listed as a threatened species under the Federal Endangered Species Act and the State act. U.S. Fish and Wildlife has indicated that if Sutter County tries to eliminate this habitat and maintain the levees, they would require mitigation. Elderberry bushes could only be removed from levees if replacement bushes were planted elsewhere. Sutter County cannot pay for this mitigation and take farmland out of production for habitat.

The Central Delta Water Agency says the prohibition of dredging and placement of fill for levee maintenance and the creation of shaded riverside aquatic or marsh habitat in areas designated as critical habitat for Delta smelt has been a problem. The agency has been required to spend money on habitat assessments, consultations, inspection, mitigation, and emergency removal—money which the agency believes would be better spent on reducing the flood risks.

Now, this is the point I want to make and it is important. In 1996, when Yuba County tried to move forward with a Corps of Engineers project to upgrade levees south of Marysville, the Fish and Wildlife Service would not let them proceed with the repair work after October 1 because the garter snake was dormant. If they repaired the levees after October 1, they might disturb a sleeping garter snake. They had to do costly mitigation before they could make these repairs. So the work was not done, and on January 2, a levee broke at Olivehurst, killing three people and flooding 500 homes.

I am delighted, Mr. President, that the Senator from Idaho, Mr. KEMPTHORNE, is in the chair and he is hearing these comments because, for this Senator, the Endangered Species Act—when it comes to the protection of life and property—really needs a second look. I heard this over and over and over again when I went to Yuba County. As a matter of fact, one family was standing there sobbing and had no place for their children. Their children were taken from them, when their property was flooded, and put in foster homes. When it comes to a garter snake versus somebody's home and property and life and limb, I really think we need to get our priorities straight. That is why I believe these levees should not be included in the ESA, that maintenance should be ongoing, and that repair and rebuilding should be permitted without a major bureaucratic hassle. I thank the Senator for his indulgence.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I don't think the Senator from California knows how much I appreciate her speaking boldly and frankly this afternoon about a very real, human problem, which is the inability to do reasonable and responsible maintenance on structures built over the last hundred years in our country to protect life and property. We are not allowed to do it, in many instances, because of the current Endangered Species Act. And I know, as most Senators know, that that was never the intent of the Endangered Species Act.

Another reason we are here this afternoon is because my colleague, who is now Presiding Officer, Senator KEMPTHORNE of Idaho, has acted boldly over the last 2 years to try to bring about responsible reauthorization of the Endangered Species Act. It just hasn't gotten done. The reason is because too many people behind him want to act timidly. It was because of that, because of the effort that the Senator from Idaho had taken because of a crisis situation that existed in the small north Idaho logging community of Saint Maries, where a flood had occurred a town had been under water, dikes had been destroyed, and now we were in the rebuilding process this last late fall and winter, at a time of unprecedented snowfall in Idaho, with a perched watershed of nearly 200 percent of normal sitting above this community, and in steps the Fish and Wildlife Service and halts the construction of the dikes, as my colleague from Idaho has expressed, and basically said, "We want you to spend a million dollars mitigating." Those in the community said, "My goodness, can't you see we are at risk here? Can't you see we have just replaced our homes? Can't you see we have just repaired our livelihoods and we have an impending flood and crisis in the making?" The U.S. Fish and Wildlife Service said, in essence, we don't care, because the Endangered Species Act requires—thank goodness, the chairman of the Environment and Public Works Committee and Senator REID and Senator KEMPTHORNE and I were able to sit down, after I placed this amendment in the supplemental bill, to crank their tail and get some attention, that it was time we acted just a little boldly to solve a problem.

I must say that my colleagues did come together and they have acted a little boldly—I appreciate that—to amend the Endangered Species Act. I hope we can get that done in the comprehensive legislation that Senator KEMPTHORNE, Senator CHAFEE, and Senator REID are working on. It must be done. We want to protect species of plants and animals and insects; but doggone it, we have to protect human life. The hundreds of millions of dollars worth of investment in the California Delta is at risk today, as the Senator from California has so clearly said, and now it will cost hundreds of millions to replace it, when it would have cost hundreds of thousands just to maintain it. That is what we need in Idaho; that's what we need in the Red River Valley in the Dakotas, in California, in Oregon, and in Washington, and any other place in the Nation where flooding can and does occur, where dikes and levees have been built. We need the legislation that is now before us. I am glad we have come to an agreement where that can be resolved.

Will mitigation occur after the fact? Of course, it will. We want that to happen. Now, I am disappointed that we could not recognize the financing tool that is necessary and very critical to the Senator from California and important to Idaho. But I am also pleased that my colleague from Nevada would recognize our need in north Idaho and agree to help us mitigate the situation in Saint Maries. So what we have now is an amendment to this supplemental appropriations bill for 1996 and 1997 that eliminates this lengthy, unnecessary delay, that makes eligible flood projects respond to mitigation and activities to go forward. Eligible flood control projects are only allowed to perform preventive and remedial measures directly related to the natural disaster and for imminent safety threats. This is the compromise. It is an important one. It resolves the problem for 2 years—last year and this year. And then if we have not been able to effectively address the Endangered Species Act, as we should—and I know my colleague, the Senator from Idaho, wants to accomplish and is working to accomplish this—my guess is that the Senator from California and I will be back.

We have to solve our problems in Idaho, we have to solve the problems in California, and we have to solve this problem nationwide that man, persons, humans and his or her property come first when an imminent crisis is at hand, where their lives can be destroyed and their property swept away. They deserve the right to be first. Then we will worry about, as we should, any loss of habitat or species that might occur as a result of this natural disaster.

So I thank all of the parties for coming together to work with us to resolve this problem. Mr. President, it is my understanding that no one else wishes to address this. I believe we may be now ready for a vote.

Mr. REID. Mr. President, I have 2 minutes left and I will use that.

Mr. President, we have agreed to a narrowly tailored provision to address a specific issue caused by this year's historic flooding. I read from testimony given by John Garamendi, who is from California, the Deputy Secretary of the Department of the Interior, who said.

> . . . we are aware of no case where it can be shown that implementation of the Endangered Species Act caused any flood control structures to fail. Nor has the presence of any listed species prevented the proper operation and maintenance of flood control facilities prior to recent floods.

That was just given to a committee of this Congress.

I say that protecting lives or property are not mutually exclusive. Also, Mr. President, the Endangered Species Act didn't cause the floods or the damages. I believe that this narrowly tailored amendment is helpful. It certainly makes the duties of the administrative agencies more clear, even though the Endangered Species Act had language that would cover emergency provisions. I move the amendment.

Mr. CRAIG. Mr. President, I ask unanimous consent that a group of letters on this issue from many of our citizens in Idaho and different groups be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ENDANGERED SPECIES
ACT REFORM COALITION,
Washington, DC, May 2, 1997.

Hon. LARRY E. CRAIG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: During the week of May 5, you will be given an opportunity to support communities as they endeavor to protect themselves from, and clean up after, some of the most damaging floods in decades. An amendment to the FY 1997 Supplemental Appropriations bill, offered by Senator Larry Craig (R–ID) and adopted by the Senate Appropriations Committee on April 30, would allow the proper maintenance of flood control facilities in areas operating under restrictions associated with the federal Endangered Species Act (ESA) to continue undisturbed by ESA-related regulations. On behalf of the millions of Americans represented by the National Endangered Species Act Reform Coalition, we urge you to vote against any attempts to remove this language from the FY 1997 Supplemental Appropriations bill.

While there is still debate over how much ESA-related regulations contributed to the severity of the flooding in California and elsewhere earlier this year, there is little debate over the fact that these same regulations have hampered efforts to save human life and restore structures damaged in the flooding. The Department of the Interior admitted as much when it suspended the ESA in California so that desperately needed repairs could be made to damaged levees.

Senator Craig's amendment eliminates the lengthy, unnecessary delays to flood control efforts that have threatened human life and property. Contrary to what some of the amendment's detractors have said, this is a narrowly focussed initiative which would not provide for the suspension of the ESA to build new flood control facilities or dams.

Please vote against any attempts to strip the Craig amendment out of the FY 1997 Supplemental Appropriations bill and help Congress relieve some of the unnecessary burdens that are associated with the current ESA.

If you have any questions, or would like additional information on NESARC, please feel free to contact the Coalition's Executive Director, Nancy Macan McNally, at (202) 333–7481.

Sincerely,

JAMES A. MCCLURE,
Chairman.
GLENN ENGLISH,
Vice Chairman.

ENDANGERED SPECIES
COORDINATING COUNCIL,
Washington, DC, May 2, 1997.

Hon. LARRY CRAIG,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR CRAIG: On behalf of the attached list of members of the Endangered Species Coordinating Council (ESCC), a coalition of over 200 companies, associations, individuals and labor unions involved in ranching, mining, forestry, wildlife management, manufacturing, construction, fishing, and agriculture, we would like to thank you and offer our support for your language in the FY 97 Supplemental Appropriations bill (H.R. 1469) which targets emergency, time specific flood control measures for relief from certain Endangered Species Act requirements. It is our understanding that Senate floor consideration of H.R. 1469 is scheduled to begin on Monday, May 5.

In recent weeks, Americans have been horrified by the pain and suffering caused those who have been caught in the flooding across the Midwest and California. We have watched as homes, businesses, entire communities have been washed off the map. It is a heartbreaking situation.

Your language would allow preventative maintenance and repair of flood control structures, activities that now are almost impossible due to the strictures imposed by the Endangered Species Act (ESA). In order to undertake levee maintenance or repairs under the current law, flood control officials must adhere to rigid regulatory requirements that are extremely difficult to satisfy and that exact a tremendous cost at the local level.

Protection of endangered species is a goal we all share, but it must be balanced with some common sense. Consequently, we have urged every member of the Senate to support your language in the FY 97 Supplemental Appropriations bill to allow the relaxation of the regulatory strictures that are making it impossible for families and business owners to be protected against the kind of devastation we have witnessed these past few weeks.

We also consider your legislative language as a step in the process to modernize the Endangered Species Act. This law badly needs updating so that we can return some reason to the process of protecting threatened and endangered species. Passage of H.R. 1469 with your flood control language is a good step in the right direction to designing a better law that will work for listed species, as well as the human species.

Sincerely,

JOHN M. TURNER,
Chairman.

ENDANGERED SPECIES COORDINATING COUNCIL
MEMBERS

NATIONAL COMMITTEE

American Forest & Paper Assn.
American Sheep Industry Assn.
American Soybean Association.
National Assn of Manufacturers.
National Assn of Wheat Growers.
National Cattlemen's Assn.
National Corn Growers Assn.
National Cotton Council.
National Fisheries Institute.
National Mining Association.
Coalition of Oil & Gas Associations.
International Assn of Bridge, Structural and Ornamental Iron Workers.
International Brotherhood of Painters and Allied Trades.
International Longshoremen's Assn.
International Union of Operating Engineers.
International Woodworkers of America.
United Paperworkers International Union.
Utility Workers Union of America.
United Brotherhood of Carpenters and Joiners of America.
United Mineworkers of America.
Assn. of Western Pulp and Paper Workers.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 5, 1997.

Hon. LARRY CRAIG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAIG: We are writing to support the Craig language to the Supplemental Appropriations bill. The language will enhance disaster prevention at it allows local levee districts and local governments the ability to repair and maintain flood control devices without falling under the strict confines of the Endangered Species Act. Under current regulations, these governments and agencies find it difficult and expensive, if not impossible, to take the necessary measures to ensure levees and dikes work to stop flooding it there is a possible endangered species conflict.

The land involved in this exemption is less than one-one hundredth of one percent of the land mass of the United States. We feel strongly that human life and health concerns should be outweigh concerns about removing such a small amount of land from possible species protection. Please support any effort to keep this language in the Senate version of the supplemental appropriations bill.

Sincerely,

DEAN R. KLECKNER,
President.

EDISON ELECTRIC INSTITUTE,
Washington, DC, May 2, 1997.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC,

DEAR LARRY: Very shortly, the Senate will debate the urgent supplemental (S. 672), which contains a provision authored by Senate Craig to ensure that actions can be taken in a timely fashion to maintain the structural integrity and operational soundness of projects that serve a flood control mission. In relieving certain activities associated with flood and control projects from consultation requirements and "incidental take" liability under the Endangered Species Act, Section 311 seeks to ensure that the well-known regulatory burdens associated with the law do not interfere with public safety.

For almost 100 years dams, reservoirs dikes and levees have provided effective protection to many Americans against loss of life and catastrophic destruction of homes and livelihoods. The systems's effectiveness, however, depends on careful inspection, maintenance, and repair of the flood and control facilities. Failure to maintain these facilities in good condition can result in catastrophic consequences even in the most normal of conditions, not to mention the unusual and unpredicted natural events like those that have occupied news headlines this spring.

The Edison Electric Institute and its member companies, which serve 79 percent of all electricity customers in the United States, regularly confront the demands of ensuring the availability and reliability of that public service while negotiating the hurdles associated with many regulatory requirements. We are committed to environmental protection, including fish and wildlife beyond those that are listed as threatened and endangered. We know from experience, however, the difficulties and risks associated with carrying out emergency repairs under the liabilities of the Endangered Species Act, as well as the problems that arise from the time consuming and resource intensive consultation requirements of the law.

Edison Electric Institute believes that Congress would be acting wisely to ensure that public safety needs and the species protection requirements of the Endangered Species Act do not work at cross purposes, either in preventing needed maintenance and emergency repairs or in imposing costs that do not provide a direct benefit to fish and wildlife at the expense of investments to protect public safety. Relief should be provided without the time limitations presently contained in Section 311 of S. 672.

Sincerely,

THOMAS R. KUHN.

IDAHO ASSOCIATION OF COUNTIES,
Boise, ID, May 6, 1997.

Hon. LARRY CRAIG,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

RE: Flood Control Amendment to the ESA.

DEAR SENATOR CRAIG: On behalf of all of Idaho's counties affected by recent flood disasters, the Idaho Association of Counties strongly supports your amendment to the Endangered Species Act to reduce the regulatory burden on flood control projects.

It is critical to Idaho's citizens and their counties that immediate action be taken to eliminate lengthy and totally unnecessary delays to flood control efforts that have threatened human life and property. To do otherwise ignores the toll these floods have taken on the physical and economic well-being of Idaho's citizens and their property.

The limited scope of your amendment will allow Idaho's local governments to respond as necessary to perform necessary reconstruction, repair, maintenance of operation measures directly related to the floods or imminent safety threat as a result of the floods of 1996 and 1997.

Again, the Idaho Association of Counties strongly supports your amendment and encourages your colleagues to do the same.

Sincerely,

DANIEL G. CHADWICK,
Executive Director.

COUNTY OF BOUNDARY,
Bonners Ferry, ID, May 5, 1997.

Senator LARRY CRAIG,
Coeur d'Alene, ID.

DEAR SENATOR CRAIG: The Boundary County Commissioners support the amendment to the 1973 Endangered Species act to reduce the regulatory burden on individuals and local, State and federal agencies in complying with that in connection with flood control projects.

At this time, Boundary County has no projects that could be enhanced by this amendment. However, we can see that this common sense approach to problems associated to the devastating flooding can speed the work required to protect the health and safety of the people in other parts of Idaho and across this great nation.

The Boundary County Commissioners whole-heartedly support this amendment and request that the United States Senate do as well.

Sincerely,

MERLE E. DINNING,
Chairman.
MURRELEEN SKEEN,
Commissioner.
KEVIN LEDERHOS,
Commissioner.

BENEWAH COUNTY CIVIL DEFENSE,
St. Maries, ID, May 6, 1997.

Senator LARRY CRAIG,
Coeur d'Alene, ID.

DEAR SENATOR CRAIG: Your efforts to amend the Endangered Species Act of 1973, as regarding regulations that have hamstrung local efforts to rebuild floods damaged levees, are appreciated. The suggested suspension or lessening of portions of the regulations, if accomplished in a timely manner, could have a positive effect on our efforts to recover from last year's flood.

Local agencies have been hindered to the point of impotence in fulfilling their role in protecting life and property. Drainage district commissioners, county commissioners and transportation officials have labored futilely to wend through the labyrinth constructed by federal interpretation of this Act.

Much of its stands without common sense. Much of it is arbitrary. None of it is provided with a speedy appeal or consultation process.

Last year, our flood waters were in excess of ten feet above flood stage. Levees were overtopped and required rebuilding to even withstand normal spring run off levels. Unfortunately, normal levels are not in our Spring, 1997 forecasts. The levees now stand, leaking and not reconstructed as planned.

You have no idea of the exasperation that I feel as emergency manager for Benewah County that with weakened levees, we are entering into what might well be a more treacherous experience then the 1996 flood. For what reason? The ESA is necessary legislation, but public health or safety requires equal representation with the endangered species.

GEORGE M. CURRIER,
Director.

Mr. WYDEN. Mr. President, I want to congratulate those Members who have spent a good part of the last 2 days in search of a compromise on this question of how we make sure that these emergency efforts are not unreasonably hindered by compliance with the Endangered Species Act.

I have serious reservations about this compromise. This amendment includes a provision that seeks to clarify the phrase "reasonable and prudent measures" in the context of the Endangered Species Act. Reasonable and prudent measures are those things that the Fish and Wildlife Service or NMFS may require in order to protect fish and wildlife from the adverse effects of, in this case, a specific repair or reconstruction project.

The language directs that these measures be scaled to the scope and effect of the specific repair or reconstruction project. We are told by the amendment sponsors that their intent is to simply re-state existing law.

This raises two important procedural questions:

First, if the intent is simply to express a concept that is already in the law, then I see no reason to include it here.

Second, the question of how we define the scope of section 7 consultations under the ESA is a major issue in our work to reauthorize the Act. It strikes me as imprudent for the Senate to go on record on this question in this disaster supplemental, when at the same time the same issue is under intense negotiation in the Environment and Public Works Committee.

Having said that, there are several basic reasons to oppose the bill's existing provision allowing a broad exemption of all facilities with flood control functions from the requirements of the Endangered Species Act.

First, the financial resources that this legislation brings to bear on the extensive damages caused by this year's disastrous flooding are immediately threatened and unreasonably delayed by using the bill as a vehicle to broadly amend the Endangered Species Act. It seems clear to this Senator that the bill would be vetoed and we would be back to the drawing board in trying to direct Federal resources toward the people who have faced awesome difficulties in dealing with this year's flood waters.

Second, I firmly believe there is precious little support on either side of this issue for continuing to seek slam dunk, back door riders as a method of changing basic environmental laws. Reauthorization of the Endangered Species Act is already a complex and difficult chore, and we should set about that business within the regular committee process.

And third, I am convinced that this provision is a case of Washington trying to fix a problem that simply does not exist. Let me talk more about this third concern.

We have shown in Oregon—which has no shortage of endangered species issues—that we can get the dredges and cranes going quickly in response to the widespread damage we suffered in this extraordinary flood year. And we did it without sweeping aside the law.

We went down an almost identical road here in Congress in responding to last year's flooding. We provided emergency funding to address major problems, and that effort, I'm pleased to report, was successful. Since Oregon's 1996 floods, literally thousands of actions have been taken to repair flood damage and restore natural resources. These include more than 400 emergency projects of the Natural Resources Conservation Service, more than 150 projects of the BLM, and more than 350 Forest Service projects on the Mt. Hood National Forest alone. None of these has been stopped or significantly delayed by the Endangered Species Act or other environmental laws.

Oregon's experience once again is a model for the rest of the Nation. In fact, I'm told that it was Oregon's experience that has led to the much more efficient response to the floods in Idaho this year.

The record in my State is clear: when we need an emergency response to flood damage, we can do it efficiently under current statutory authority.

I want to talk for a moment about one example of our innovation—the cooperation with the U.S. Fish and Wildlife Service that ensured that these 1996 reconstruction projects went forward in a way that protects fisheries and aquatic resources. Early coordination with the Service led to the preparation of a manual that guided early project design work. We got the Service some extra money last year to put staff directly on the reconstruction projects. These efforts allowed the various agencies to essentially pre-approve various flood projects that may be funded by this year's supplemental flood response request.

The bottom line is, of course, that the process enabled the highest care to be taken in protection of fish and wildlife, but without delay to the projects.

Idaho has now benefitted from the Oregon experience. Already this year, I'm told that the Natural Resources Conservation Service in Idaho has processed three times the volume of flood repair projects as were done in all of last year in that State.

Finally, I believe the interests of the American people are advanced best when we address major issues in their proper forum and context. All of us support an appropriate streamlining of the Endangered Species Act to ensure the efficient reconstruction and maintenance of critical river facilities damaged by this extraordinary flooding.

This is not the time to begin a major overhaul of the Endangered Species Act. This bill would waive Endangered Species Act compliance in a broad range of nonemergency situations, including the routine operation and maintenance of Federal flood control facilities—flood control being one of the many benefits provided by virtually every dam, levee, and dike along our rivers.

I cannot imagine that we now want to take a sledgehammer to the requirements that Federal river facilities comply with the act and operate in a manner that is as protective as possible of the various salmon species that are in real trouble in our region.

The PRESIDING OFFICER. All debate having expired, the question is on agreeing to amendment No. 139, as modified, offered by Senators KEMPTHORNE, REID, CHAFEE, CRAIG, and BAUCUS.

The amendment (No. 139) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 118

(Purpose: To ensure full funding of disaster assistance without adding to the Federal debt)

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to amendment No. 118, offered by the Senator from Texas. One hour of debate equally divided has been agreed to.

Mr. GRAMM addressed the Chair.

Mr. STEVENS. Will the Senator yield before he starts?

Mr. GRAMM. Yes.

Mr. STEVENS. We have an hour equally divided. So that will mean the rollcall vote will start at 4:55.

Mr. GRAMM. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 118.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. (a) Notwithstanding any other provision of this Act or any other law, each amount of budget authority provided in a nonexempt discretionary spending nondefense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset nondefense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

Mr. GRAMM. Mr. President, I am afraid that my amendment is a lot more controversial than the amendment that we have just had. My amendment has to do with paying for disaster relief. I think every Member of the Senate wants to help people who have been affected by floods and earthquakes. It has always been our way to have national programs to help parts of the country which have been ravaged by natural disasters. But ultimately, in this kind of bill, you come down to the question, are you going to pay for it or are you simply going to add the cost to the deficit?

Interestingly enough, in the supplemental appropriations bill before us, we have a section for defense—basically money for Bosnia—and we have a section for the disaster, and then we have a lot of other spending programs in addition to the disaster. But every penny of new spending on defense is paid for by cutting defense programs. But, unfortunately, the nondefense spending in the bill that is before us providing this disaster relief, which none of us opposes, is going to raise the budget deficit by $699 million in fiscal year 1997—that is, between now and October 1 of this year—and it is going to raise the budget deficit, over the next 5 years, by a whopping $6.6 billion. In fact, it raises the deficit this year by $699 million. Then it raises the deficit next year by $1.67 billion, and the next year it raises the deficit by $1.56 billion. In the year 2000, we are still spending money out for this emergency appropriation—over $1 billion in that year.

Now, what my amendment does is very, very simple. It is a complicated process that we employ in the budget, and I apologize for that as people try to understand it. What we are doing is very simple. For the $699 million we are spending this year to help people deal with a natural disaster, we are going to require an across-the-board cut in all other programs of 1.9 percent, roughly, to pay for this program. So we are going to provide disaster assistance. The Gramm amendment does not stop $1 from going anywhere to provide assistance to anybody. But what the Gramm amendment says is, in the remaining 5 months of this fiscal year, we are going to ask each other program in the Government to throw in a little bit less than 2 cents of their annual appropriation, and only $699 million of their actual spending, so that we can pay for this emergency appropriation without raising the budget deficit.

Second, for all this money that is going to spend out over the next 5 years, all we are saying is that, with the new budget coming into effect, these outlay figures, this money we are going to spend next year and for the next 5 years, that spending will count as part of the spending caps that we set for each of these years.

So, for example, the $1.67 billion that we will spend next year as a result of this appropriations bill will simply count toward the spending for next year, and since the new budget will set a limit on the amount of spending, we will have to offset that next year against some other program.

What is the argument for doing this? It is kind of strange that in 1997 in America you have to give a strong argument for paying your bills. But this is Washington, DC. That argument is required. The argument is that spending is a problem. The argument is that, if we simply add another $6.6 billion to the deficit today, that $6.6 billion the Government is going to have to go out and borrow. And that $6.6 billion is not going to go to build new homes, new farms, new factories, nor to generate new economic growth, because the Government is going to borrow that money and it is not going to be available to the private sector to undertake those activities which the people would have put the money towards had the Government not seized it.

This amendment simply, for the remainder of this year, asks every program to throw in 2 cents on the annual appropriations to help pay for this emergency funding this year, and then for the next 5 years it simply says, in looking at the amount of money we are spending in each of those next 5 years, count the money we are spending as a result of this bill.

Let me explain why that is so important. We are on the verge of adopting a budget compromise that will increase discretionary spending by the Federal Government over the next 5 years by $193 billion, compared to the budget we adopted last year. But yet, at the very moment that we are moving toward adopting that budget which has such massive increases in spending, we are today considering an appropriations bill that will spend $6.6 billion more outside that budget. So, in a very real sense, if we do not adopt the amendment that I am presenting today before we even adopt the new budget, which the President says has the most rapid increase in social spending since the 1960's, before we even adopt that budget today, we will be busting the budget with $6.6 billion in additional spending that won't even count under the new budget even though that money will spend out over the next 5 years.

So, this is a good-government amendment. Let me also say, look, I am not saying that it is going to be easy to go back and have every program, project, or activity kick in 2 cents to pay for this program. I don't underestimate for the moment the argument that I am sure will be made by the chairman of the Appropriations Committee that we have only 4 or 5 months left in the fiscal year and that coming up with that 2 percent savings will be very difficult for the Government.

But I want to remind my colleagues that the Government is not the only institution in America that has emergencies. American families have emergencies all the time. They have to make decisions about how to deal with their emergencies. When Johnny falls down and breaks his arm, no matter at what point it is during the year, the family has to come up with money to have the arm set and provide the medical care. If they were the Federal Government, they could argue, Look, we have already written our budget. We are already well into the year. We have planned to go on vacation. We planned to buy a new refrigerator, and we can't do those things and have Johnny's arm set. So they would like to have this emergency appropriations that would simply allow them to spend money they don't have. But families don't have the ability to do that. Families have to make hard choices.

So, what they do, as we all know since we are members of families, is go back, and they don't go on vacation that year, or they don't buy a new refrigerator. They have to set priorities. The Federal Government almost never sets priorities.

Quite frankly, I offer this amendment, Mr. President, because I am worried that by creating this image that somehow we are dealing with the deficit in this new budget that we are opening the floodgates to new spending. What better example could there be than the supplemental appropriations before us which raises the deficit by $6.6 billion over the next 5 years?

I am not going to go through the list of all the programs. But as we all know, as we are all painfully aware, many of these programs have nothing to do with hurricanes, floods, earthquakes, or other natural disasters. Many of the programs in here represent ongoing spending. But by putting them in this emergency appropriations, unless we pay for it, we are going to be adding $6.6 billion to the deficit.

I know there will be debate: Are we really adding money to the deficit?

I have a memo from the Congressional Budget Office which does the official scoring for Congress. Let me read:

> CBO estimates that the nondefense programs in this bill would increase Federal outlays and the deficit by $699 million in fiscal year 1997. Total nondefense outlays for fiscal years 1997 through 2005 are estimated at $6.667 billion dollars.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

May 7, 1997.

To: Rohit Kumar, Office of Senator Phil Gramm.

From: Priscilla Aycock, Congressional Budget Office Scorekeeping Unit.

Subject: CBO Estimate of the Budgetary Impact of Non-Defense Supplementals in S. 672.

This memorandum is in response to your request for CBO's estimate of the budgetary impact of non-defense supplementals and rescissions in S. 672, a bill providing emergency supplemental appropriations for fiscal year 1997.

CBO estimates that the non-defense programs in this bill would increase Federal outlays and the deficit by $699 million in fiscal year 1997. Total non-defense outlays for fiscal years 1997 through 2005 are estimated to be $6.667 billion. However, the actual change in outlays and the deficit in 1998 and later years would depend on future appropriations action.

Mr. GRAMM. Mr. President, I am not going to spend a lot of time debating whether or not this adds to the deficit. Our official accountant says it does. I think people know in fact that it does. I think we really ought to debate the merits of this amendment.

The merits of this amendment boil down to simple facts. Because we have natural disasters—we have had them every year. In fact, since President Clinton has been in office we have averaged $7 billion of expenditures on natural disasters, and we have not put money in the budget to pay for it. We have just simply added it to the deficit every single year.

My view is that in the midst of a new budget that has historic levels of increases in discretionary spending, even before that budget goes into effect, we ought not to be adding another $6.6 billion to the deficit.

So I hope my colleagues will vote for this amendment. I realize this is a difficult amendment. This is the kind of real-world decision that people face outside Washington, DC, where bad things happen to them and they have to deal with it but they have to pay for it. My amendment does not deny one penny of aid to anybody. Nothing in this program would change as a result of having to pay for it other than we would have to go back in light of these natural disasters and come up with other programs that we now say we will have to do without because we are going to pay for this money, that we are going to provide for areas of the country that have been ravaged by natural disasters.

Let's not turn this natural disaster for a handful of States in our country into a fiscal disaster for every State in the country and for every family and every person. Let's pay our bills. We can do it through this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. STEVENS. Mr. President, may I inquire of the Senator from Texas, are there additional people who are going to speak on behalf of the Senator's amendment?

Mr. GRAMM. Let me say that I have been asked by several people to reserve them time. I assume they are on their way over.

Mr. STEVENS. Mr. President, will the Senator mind if I use some of the time available to me for some routine matters here?

Mr. GRAMM. Certainly.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator's amendment be temporarily set aside and that amendment No. 100 be called up for immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 100

(Purpose: To direct highway funding in the bill)

Mr. STEVENS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 100.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 40, line 21, after the word "County", insert the following: ": *Provided further*, That $400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois"

Ms. MOSELEY-BRAUN. Mr. President, our amendment sets aside $400,000 for costs associated with the replacement of Gaumer Bridge in Vermilion County, IL.

The town of Alvin, IL is bisected by a heavily-traveled railroad line. There used to be three ways of getting from the East side of Alvin, where the fire station and other emergency facilities are located, to the West side. Cars could drive over either of two railroad crossings, or over Gaumer Bridge. Unfortunately, Gaumer Bridge was damaged by a flood in 1994 and removed by local officials in 1995. The bridge has not been replaced.

Today, the only way to get from one side of Alvin to the other is by crossing over one of the two railroad crossings, which are not far apart. If a train stalls or breaks down, it could easily block both intersections at once, cutting off 165 Alvin residents from the rest of the town and from emergency services.

According to Alvin residents, trains have blocked both intersections twice since the bridge was removed. One time, a train shut down for more than 4 hours in the middle of the night. According to news accounts, one resident had to climb under the train to get home, and another resident was almost fired from his job because he could not get out to get to work. Residents and local officials are concerned it is only a matter of time before a real tragedy occurs, when emergency vehicles will be unable to get to residents on the West side of Alvin.

This amendment will provide the funds necessary to replace Gaumer Bridge, so that Alvin residents who live west of the train tracks will no longer face the possibility of isolation.

I want to thank the managers of this bill for agreeing to include this provision in the bill.

Mr. STEVENS. Mr. President, this is an amendment from the senior Senator from Illinois relating to a bridge in Vermilion County.

This amendment has been cleared on both sides. It is acceptable. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 100) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 134

Mr. STEVENS. Mr. President, on behalf of Senator MURRAY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. MURRAY and Mr. GORTON, proposes an amendment numbered 134.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. . Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(a) inserting in subsection (a) after "necessary, and", "except as provided in subsection (j)," and

(b) inserting a new subsection (j) as follows—

"(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A State agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding 31 U.S.C. 3302(b), payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

"(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to, eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

"(3) A State agency shall not issue benefits under this subsection—

"(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

"(B) in any area of the State where an electronic benefit transfer system has been implemented.

"(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

"(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

"(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

"(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).".

CONFORMING AMENDMENT

SEC. . Section 17(b)(i)(R)(iv) of the Food Stamp Act of 1977 is amended by—

(a) striking "or" in subclause (V);

(b) striking the period at the end of subclause (VI) and inserting "; or"; and

(c) inserting a new subclause (VII) as follows—

"(VII) waives a provision of section 7(j).".

Mrs. MURRAY. Mr. President, I rise today to bring attention to a pressing problem for legal immigrants in Washington State, that may also soon affect other States around the Nation. I urge you to support passage of amendment No. 134 to S. 672, the 1997 Supplemental Appropriations Act.

This amendment simply gives the USDA authority to sell food stamps to States, provided that all Federal costs are fully reimbursed.

Under last year's welfare law, certain legal immigrants will soon be excluded from eligibility for the Federal Food Stamp Program. However, Congress granted States the flexibility to provide some assistance to legal immigrants with their own State funds.

At the end of last month, Republicans and Democrats in the Washington State Legislature appropriated $66 million to grant food aid to nearly 40,000 legal immigrants, many of them children, who are not covered by Federal programs. By doing so, they issued a mandate for Gov. Gary Locke's administration to provide food assistance to these immigrants.

To carry out this mandate, the State wants to purchase food stamps from USDA. The State will pay all costs for administration, printing, shipping, and redeeming of the food stamps. This is State money—they are looking to buy food stamps from the Federal Government, because that program is already in place, and will maximize the use of this State money.

Since October, Washington State has been trying to make arrangements with USDA to buy food stamps. Officials at USDA have expressed a willingness to cooperate, but believe technical barriers exist.

USDA is concerned that State payments may end up in the general treasury instead of coming back to the Food Stamp Program.

USDA is also concerned that it may be violating the Anti-Deficiency Act, at least briefly. This is because USDA would be furnishing food stamps for a non-Federal purpose, although only until the State reimbursement arrives.

The State of Washington has made various offers to USDA to provide advance payment for the food stamps. To date, however, USDA has not granted a waiver allowing the State of Washington to purchase food stamps.

Time is running short, since these immigrants lose their Federal benefits at the end of August.

If USDA does not sell Washington State food stamps, a State scrip program will have to be set up. This will be costly and duplicative. According to estimates by the Washington State Department of Social and Health Services, this would cost a minimum of $1.5 million—due to the costs associated with printing and distributing the scrip. In addition, the State would have to establish new relationships with all food stamp venders in the State.

This has the potential to create many more problems than are necessary—two separate systems for Washington State customers, confusion for small businesses in border towns in Oregon or Idaho, and the added cost for everyone of learning an entirely new system.

Of course, this issue is not specific to the Pacific Northwest or to Washington State. Other States may be seeking to buy food stamps in this manner in the future. Massachusetts has already made strides toward this approach, and the California Legislature is looking at similar questions.

I urge unanimous support for this amendment.

Mr. KENNEDY. Mr. President, I strongly support Senator MURRAY's amendment to give the Department of Agriculture the authority to sell food stamps to States, with all Federal costs fully reimbursed.

The so-called welfare reform law enacted last year disqualifies large numbers of legal immigrants from the Federal Food Stamp Program. This imposes represents a serious new cost on the States, if they decide to meet the food needs of these immigrants on their own. Many States, including Massachusetts, are now actively exploring ways to provide food aid using State and local funds. This amendment allows States to provide food aid to legal immigrants by buying-in to the Federal Food Stamp Program.

Allowing States to do so will avoid the need for them to needlessly duplicate the Federal Food Stamp Program with State and local funds. It will save the States time and money, while enabling them to continue giving food aid to needy legal immigrants.

In addition, it will have no cost to the Federal Government, because all Federal food stamp funds paid out will be fully reimbursed by the States. Recently, I sent a letter to Secretary Glickman, urging him to support the food stamp buy-in option for States. I ask unanimous consent that this letter be printed in the RECORD.

This is an important amendment, and I urge my colleagues to support its passage.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 3, 1997.

Hon. DAN GLICKMAN,
Secretary, Department of Agriculture, Washington, DC.

DEAR SECRETARY GLICKMAN: The welfare law enacted last year disqualifies most legal immigrants from the federal food stamp program. This action represents a potentially serious new cost burden for the states, if they decide to meet the food needs of these immigrants on their own. Many States are now actively exploring ways to continue food assistance to needy legal immigrants using state and local funds.

The purpose of this letter is to urge you to give states the option of buying into the federal food stamp program in order to provide this valuable aid to immigrants. In fact, the Massachusetts Senate voted today unanimously to pursue this option. Without this possibility, many states are facing the unwelcome prospect of creating separate state-run food programs for immigrants, while other citizens continue to be assisted by the federal food stamp program. Our hope is that we can find a way to avoid this needless duplication.

Section 15(a) of the Food Stamp Act (7 U.S.C. 2024(a)) authorizes the Secretary of Agriculture to issue food stamp coupons "to such person or persons, and at such times and in such manner, as the Secretary deems necessary or appropriate to protect the interests of the United States." We feel that granting states the flexibility to help poor legal immigrants in this way is permissible under this standard.

We understand that this proposal may raise an anti-deficiency issue under federal budget laws. If states buy into the food stamp program to help immigrants, the state reimbursement goes into the general federal treasury and not into the food stamp account. This leaves the food stamp program with an illegal deficit. One way in which this issue might be addressed is for states and the Department to agree to subtract the value of the food stamps the state is purchasing from the reimbursements for administrative expenses that are otherwise due to the states under the food stamp program.

This option would offer states a broader range of choices as they seek to minimize the harm to their legal immigrant constituencies under the new welfare law. With legislatures in most states currently considering their budgets for the next fiscal year, we would be grateful if you could give this proposal your prompt attention.

Many thanks for your consideration, and we look forward to hearing from you.

Sincerely,

JOHN F. KERRY.
EDWARD M. KENNEDY.

Mr. STEVENS. Mr. President, I ask unanimous consent that the current occupant of the chair, Senator GORTON, be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The amendment has been cleared on both sides. It pertains to giving States the option to issue food stamp benefits to certain individuals currently ineligible because of welfare reform.

It has been cleared on both sides.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 134) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider the vote and the motion to lay on the table is agreed to.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Chair.

AMENDMENT NO. 236

(Purpose: To make a technical correction to Amendment No. 234)

Mr. STEVENS. Mr. President, on behalf of Senator COCHRAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. COCHRAN, proposes an amendment numbered 236.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, line 4, strike "$161,000,000" and insert in lieu thereof "$171,000,000".

Mr. STEVENS. Mr. President, this is a technical correction to the bill called to our attention by the Senator from Mississippi.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 236) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 118

Mr. GRAMM. Mr. President, I yield to the Senator from Arizona, Senator KYL, 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me thank the Senator from Texas for yielding and for presenting his amendment.

I fully support the Gramm amendment. I hope that shortly our colleagues will support it as well.

Let me say at the outset that I think we all support the disaster relief that is provided in the underlying legislation, whether we agree with the specific level or not. Certainly my heart goes out to the families that have lost their homes and their businesses and their schools and who have suffered because of these recent floods and snows. We have all seen the devastation on the television and read about it in the newspapers. I think all of us support what we can do about that.

I also think that we owe it to the rest of the people in the United States not only to put the full resources of Government into the States in which these disasters occur but also to ensure that the taxpayers of the United States, in effect, don't have to pay twice. We should ensure that the money that is spent in the States where these disasters have occurred is counted fully in our budget process.

It is, I think, interesting that in the very week that the budget agreement was announced, we have before us a piece of legislation that would add to the budget deficit in violation of that agreement.

I think we owe it to the American people to make sure that in solving one serious problem, the disaster problem, we don't make another problem worse. We can and we should find some way to meet our obligations without just adding to the budget deficit.

As I said, it was just 6 days ago that the White House announced the budget agreement that would result in a balanced budget by the year 2002. The ink is not even dry on that agreement—in fact, parts of it have not even been written—yet the very first piece of legislation to come to the Senate floor after the agreement was announced is a bill to add $6.6 billion to the Federal budget deficit over the next few years.

It seems to me, if people are going to have any confidence in the budget agreement that was struck with the White House, and we expect them to believe what we say about balancing the budget, that we cannot continue this kind of business as usual. We have to begin exercising some discipline. That means that this is a good time to start by saying that what we spend will be counted in our budget in order to know whether we are in balance. It would be one thing if there were no other way to get the aid to the flood victims except to borrow. But it is quite another thing when we ignore other options in order to keep spending on other programs.

What would it take to pay for this emergency spending bill? Well, it takes only two things. In the first year, it is less than 2 cents on every dollar in spending reductions in other programs to ensure that the money that needs to flow immediately in the remainder of this fiscal year can flow. And for the remainder of the money to be spent, it would merely have to count in our budget so that we can know whether we are in balance. That may mean growth in some other areas might have to be restrained.

We know that these kinds of disasters have always occurred and will continue to occur because they are natural disasters, and yet we do not plan for them. We spend every nickel that we have, knowing that if there is an emergency, we can appropriate additional funds. And if the past is any guide, we will simply add that onto the deficit rather than include it in the budget that has to be balanced.

The Appropriations Committee acknowledged in its own report that the number of major disaster declarations in the 1992 to 1996 period has increased 54 percent. In other words, we had ample warning that something would occur somewhere. Had we prepared for the need for disaster assistance last fall instead of using every extra dollar to meet President Clinton's demands for new spending, we would already have been able to respond to the emergency in the Midwest and elsewhere around the country. We would not need to be here today debating a bill to spend additional money. But by ignoring potential disasters last fall, we merely paved the way for adding to the deficit now when the need for relief takes precedence over budget concerns.

I know some will say that this bill is already offset by reductions in budget authority. Frankly, that is Washington speak. The Congressional Budget Office tells us this measure is going to add nearly $1 billion to the deficit this year and about $6.6 billion over the next several years. It is true that budget authority may be offset but outlays are not. And outlays are what count.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator have expired.

Mr. GRAMM. I yield the Senator 2 additional minutes.

Mr. KYL. Let me explain to those who may be watching and do not appreciate the difference between budget outlays and budget authority what we are talking about here.

Congress frequently passes laws granting authority to spend amounts of money on Government programs, but until that authority is backed up by appropriations, it does not mean anything.

Granted, you have to have the authority, but you also have to have the money. When we say that we are going to offset this disaster relief by rescinding certain budget authority, that authority may never be funded. It frequently is not funded, and as a result it is not really offsetting actual expenditures or money that is going to be spent. It is merely offsetting authority that may or may not ever be funded and money that may or may not ever be spent.

Senator GRAMM has done a good job of analogizing the two things that are necessary to writing a check. You need a check or a checkbook of checks and you also need some money in the bank. The budget authority is like your checkbook, but unless you have the money in the bank, the checkbook does not do you a whole lot of good. So you tear up a bunch of checks and throw them in the wastebasket and say we have offset the spending. You have not really done that. All you have done is removed that check, not the money in the bank. We need to offset the spending in this disaster relief bill, which we support, with actual money so that we do not end up spending both and thereby break the budget deal.

I will conclude at this point. Again, we just agreed to a budget deal that allegedly will result in a balanced budget in 5 years. Unless the Gramm amendment passes, that budget deal will be broken before it is ever signed, before we even vote on it. It will be broken this week when we pass this supplemental appropriations without offsetting future spending in the next 5 years. I support the Gramm amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman, Senator STEVENS. And I say to my friend from Texas, I am very hopeful that one of these days on something real important that will come along, the Senator and I will be on the same side. I just happen, on this one, not to agree with the Senator, and I would like to take my few moments to explain to the Senate why.

Actually, Mr. President, when we drafted the budget law of the United States, we put a provision in it that said you prepare the budgets so that whatever it is Congress decides it wants to spend money for, you budget it, allocate it, put it in place, and then in the event that a disaster occurs, and the disaster is serious enough for Congress to say it is an emergency, and as a further safety valve it is serious enough for the President to say it is a disaster and an emergency, then Congress in its wisdom said that spending does not become part of the ordinary budget. It is on top of the budget.

Now, frankly, there is good reason to suggest that perhaps, perhaps in the interest of frugality, we ought to not declare this $5.6 billion covering disasters in 33 States of America, as emergency disaster spending. There may be some reason to say it is not a disaster. I do not believe that is the case. In addition, I do not think it is the case from the standpoint of rational, reasonable fiscal policy.

Now, our Government is big. Our budgets are big. We are already halfway through the year that we have for which we have budgeted money for all of the things the American people expect to get from their National Government. I would be the first to say that I will join with anyone who would like to spend 2 years going through the programs of our Government and see how many we could throw away. We have not done that, and incidentally, the Gramm amendment will not do that. The Gramm amendment takes all programs as they are and says that after you have appropriated for them, and they are operating on a 12-month cycle and you are well past a half year before you ever start taking any of this money away, then you just come along and take it away from the programs that are already funded.

It is interesting to me, and I do not ask this question of my friend from Texas, but I merely put this before the Senate, how big would a disaster have to be for it to make absolutely no sense to take the cost of the disaster aid out of the ongoing programs of our Government? I believe $5.6 billion is big enough. If one is interested in making Government smaller, I say to the Senator from West Virginia, then maybe there ought to be three or four disasters in a row, maybe three or four at $6 billion each, and then one could say, let us not declare them an emergency. Let us just take them out of Government programs which we have already appropriated.

I am not suggesting, the Senator from New Mexico is not suggesting, that anybody is thinking of that. I am merely suggesting that it is not very good fiscal policy, it is not very good Government policy to shrink Government by not paying for disasters as emergencies but, rather, by cutting Government to pay for them.

Now, there may be an overwhelming number of Senators here tonight who want to shrink Government by paying for disasters from the ordinary operations of Government. I would think of innumerable ways of shrinking Government that are better than doing it that way. I rise here tonight to say there is nothing about which to be embarrassed. The law of the land says if a disaster is an emergency that is serious and costly—and I would assume comes late in the year when you cannot budget for it—you ought not take it out of ongoing Government operations.

Will the Senator yield me one additional minute?

Frankly, I submit we ought to do something a little different, and then my friend, Senator GRAMM, will not have to be here and maybe he should not have to be here. I believe we ought to start putting in the regular appropriations bills a sufficient amount of money, literally, that is appropriated for the purpose of responding to disasters. Then one need not come down here and say, let us pay for the disaster out of the ongoing Government programs because we have provided for it, and in the process decided that Government needed less money someplace else, but we did it in an orderly manner.

So tonight I compliment the chairman of the Appropriations Committee on his first major bill in the Chamber. I want to tell him that I think he's done a wonderful job. He has showed a lot of leadership. Hundreds of amendments seem to flow to the floor on this kind of bill, and we considered them in short order, and yet people got their say and many won and many lost. We are going to decide within the next couple of weeks to keep the business of Government going. I thank him for yielding to me, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me pick up the point that our dear colleague from New Mexico made. If we do not want to disrupt Government by having to pay our bills when disasters occur, we ought to appropriate the money in advance for disasters. But what has happened, and the reason I have offered this amendment, is that we have not done that. At one time we did, but I just would like my colleagues to recognize we are paying for disasters but there is nothing unexpected about it. Every year in America there are hurricanes, there are floods, there are earthquakes. In fact, in 1993, we spent $5.4 billion on disasters; in 1994, $9 billion on disasters; in 1995, $10.1 billion on disasters; in 1996, $4.6 billion on disasters, and in 1997, we have already spent $5.4 billion.

My point is, there is nothing unexpected about disasters. It is unexpected if you have a flood in your State, but it is not unexpected that America is going to have disasters. But what produces the financial disaster is we do not provide money in advance and, as a result, every year we add to the deficit by saying, well, look, we have to spend this money; we do not want to have to pay for it because it means disrupting ongoing Government. But I commend to my colleagues, going back to my example in a family, when Johnny falls down and breaks his arm, it does not do the family any good to say, well, now, wait a minute; we had planned that we were going on a vacation, or we had planned that we were going to buy a new refrigerator. They do not have that luxury. They have to disrupt what they are doing.

I think the Senator from New Mexico, in talking about good Government, is right; I hope in this new budget we are getting ready to write with all the money we will have, it would be a good idea to just set aside about—we have averaged $7 billion a year of disasters during the Clinton years. Why not set aside $7 billion next year, and then if we do not have disasters, we can spend it. But the point is, year after year after year we do not do it, and I do not know any way to make us do it other than to make us begin to pay our bills. That is what the amendment is about.

I yield.

Mr. STEVENS. Will the Senator from Texas withhold just a second, please, and let me inquire how much time we have remaining?

The PRESIDING OFFICER. The Senator from Texas has 7 minutes remaining. The Senator from Alaska has 20 minutes, 25 seconds.

Mr. GRAMM. Does the Senator want to use——

Mr. STEVENS. I said to the Senator from Texas I will yield to him. I will yield now 10 minutes and reserve the remaining 10 minutes for our time.

Mr. GRAMM. I thank the Senator very much.

Mr. STEVENS. If the Senator will not mind, after the next spokesman, I would like to yield 3 minutes to the Senator from Nevada.

Mr. GRAMM. Surely.

Mr. STEVENS. If it is proper.

Mr. BRYAN. Three minutes.

Mr. STEVENS. May I yield to him, then. The Senator can use the remainder of the time.

Mr. GRAMM. Sure.

Mr. STEVENS. And then Senator BYRD and I will close.

Mr. BRYAN. Mr. President, I thank the Chair and I thank the distinguished Senator from Alaska for yielding me 3 minutes.

Mr. President, I rise today to stress the importance of passing this bill so that vital disaster relief assistance is made available to the hundreds of communities impacted by weather-related disasters. In Nevada, this flooding took place in early January, and the situation facing Nevada's farming and ranching communities gets more critical with each day that passes.

The damage that occurred when the Truckee, Carson, and Walker Rivers overflowed their banks devastated urban and rural areas alike in six counties in Nevada. Thousands of homes in Nevada were flooded, forcing families to move into emergency relief centers to wait for the floodwaters to recede. In the cities of Reno and Sparks, water flowed 10 feet above the banks of the Truckee River in the business district. Hundreds of businesses were forced to shut down, putting 20,000 people out of work.

Much of this initial damage was addressed by the swift and able Federal emergency relief efforts. I was extremely pleased with the assistance provided by Federal and local workers, who put forth an incredible effort. As the emergency funds that supported these initial life-saving efforts have dried up, however, Nevada's rural communities in particular have been unable to begin repairs to riverbanks, levees, and flood control structures that are essential to their livelihoods.

The damage to these areas was severe; after surveying flood damage from a helicopter with FEMA director James Lee Witt, I was struck by how much the normally rolling green hills of Mason Valley looked like a giant rice paddy in Southeast Asia. Dams were destroyed, rivers carved new paths through fields and pastures, and roads were washed out by the record flows on Nevada's rivers.

The irrigation structures that divert water to ranches and farms in Northern Nevada were severely damaged or wiped out completely, leaving the farms near the riverbanks under water, while those farther away from the river were cut off completely. These families lost crops, livestock, all of the hay that normally would carry their cattle through the winter, and miles of fencing around their property. Some of those cut off from the rivers dug new ditches to bring water to their livestock at their own expense, while others have simply resigned themselves to the fact that they will not be able to survive this season, and may go out of business. You see, Mr. President, most of the farms and ranches that I am talking about are family-owned and managed, and are hard pressed to keep going without some immediate help.

Mr. President, the circumstances in my own State and some other 30 States compel that we act immediately. It is for that reason I express my profound regret that some have found necessary to add political riders to this bill, riders that are totally unrelated and irrelevant to the issue at hand.

I urge immediate action on this bill. Nevada's families deserve no less.

I yield my time and thank the distinguished Senator from Texas for accommodating me.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mr. GRAMM. Mr. President, let me make it clear—and I do not believe the Senator's comments were aimed at this particular amendment—but let me make it clear that under this amendment we do not hold back a dollar of disaster assistance. We provide the assistance. We provide it as fast as it can be provided. We simply pay for it. So I wanted to make that clear.

Let me now recognize the Senator from Kansas, Senator BROWNBACK.

The PRESIDING OFFICER. For how much time?

Mr. GRAMM. For 5 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. BROWNBACK. Mr. President, I thank the Senator from Texas for bringing this important amendment forward. I state at the outset that I support disaster relief. I think it is important to help those places in our country that are experiencing great difficulty because of a natural disaster that is occurring. We ought to step in. It is important that we do it. But I also think we ought to stop creating and continuing the manmade disaster that we have done here, the $5.4 trillion in debt that is stealing from our children, that is driving interest rates up, that is taking jobs, that is hurting our Nation.

It seems that in and of itself is almost a definition of a disaster, and we create it. I think this is an important debate because the point here is not whether we support disaster relief, because we do. We support disaster relief. The question is, do we pay for it and should we be doing that in this overall debate? I do not think we have really looked at this before, even though we have been talking about balancing the budget, now, for a number of years. It seems now we are finally on a track to discuss really balancing the budget. For a lot of years it was just kind of: That is good politics to talk about balancing the budget, but we really cannot do it. Now we are going to do it. Now we are really going to balance the budget. We are actually going to balance the budget by the year 2002, if not before. With this strong economy we could do it by the year 2000.

This is for real now. It seems to me, then, as we enter into these debates now about emergency supplementals, helping people out, that we do things for real. One thing that is real to families is that, if you have a disaster personally, you are going to have to figure out some way to pay for it. The same should be true for us. If we have a disaster, we need to figure out how we can pay for it.

This is a minimal act. I hope people have focused on what we are talking about. We are talking about 1.9 percent offset against discretionary spending the rest of this year, and then just requiring that the money go against the caps in future years. That is all we are talking about. That is it. It is not talking about cutting disaster relief. It is not talking about: We are going to steal this money out of here and take it out of there; 1.9 percent, 2 percent, and then in the future it is just about being under the budget caps.

As we move forward to balance the budget for real we need to move forward and take care of our emergencies for real. This is for real. This makes it real. This allows us to actually do what is real in balancing the budget, so we do not keep driving up this manmade disaster of the $5.4 trillion in debt that we have.

I think this is an important debate and I hope Members really search through and think about it. If they really do support balancing the budget, they would really do what is for real here and vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mr. GRAMM. Mr. President, I yield the Senator from Pennsylvania, Senator SANTORUM, 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Texas for his leadership on this issue and his continuing leadership on this issue.

To paraphrase a colloquial that is used often, "Been there, done that." We have been here and we have done this many, many times before. A disaster bill comes, a supplemental comes to the Senate floor—to the House floor when I was in the House—with these pictures. I guess these are on the Senators' desks. These are very compelling pictures of horrible disasters. And I understand the pictures.

Let me give you some credibility here before I go on about what is going on in the Dakotas and in the upper Midwest. I was here last year on another emergency supplemental bill for Pennsylvania disaster funding, $1.2 billion. Most of that money was going to Pennsylvania. I stood here with Senator GRAMM, supporting his amendment to do the same thing when the money was directed at my State. Because it is not right to use—I hate to put it in these strong terms but this is what is going on—to use the calamity of others to run up the deficit. That is exactly what is going on.

I know that sounds harsh. We have a FEMA. Even the committee report says that FEMA acknowledges that the escalation in costs is due not only to the increase in large-scale disasters, but also because the scope of Federal disaster assistance is expanded, the Federal role in response is expanded considerably, and State and local governments are increasingly turning to Federal Government for assistance. Not only are we not budgeting enough money to FEMA in the annual budget—Why? Let us ask that question first. Why are we not budgeting enough money to FEMA? We know these disasters come. They come every year. This is not a surprise. Why don't we do it? Because we want to spend it somewhere else and we know we can bring these pictures to the Senate and get borrowed money to do it later. So we do not have to live within our budget. We can underfund FEMA, knowing that no one is going to deny these people who are facing this horrible disaster. And, if you do, you left your heart at the door and how dare you come in and say you are compassionate?

I mean, that is just a shell game. I want to state for the record, as I did last year, I am for disaster relief. But I am for doing what we should do with every aspect of our budget, which is set priorities. If the priority of this Senate, if the priority of this Congress, the priority of the President is to make sure that these people get the disaster relief they deserve—fine. Count me in. But when the refrigerator breaks you cancel the vacation. And that means that you have to come up with some other area of the budget and fund it.

Some will say, if this is a disaster in the family, if the refrigerator breaks, I may have to borrow money. That is true. But if your refrigerator keeps breaking, then at some point you have to realize you are not budgeting right here. There is something wrong and you have to fix the problem. What we have is a broken refrigerator in FEMA and the way we fund FEMA, and a broken refrigerator in the way they are more and more taking a bigger and bigger share of disaster relief costs. That is a very serious problem and it is blowing big-time holes in the deficit of this country.

So, I know it is not popular to stand up here—and Senator GRAMM and I maybe make somewhat of a career on taking unpopular stances. But this is not right. It is not right to, on the backs of those suffering, really pursue your other agenda. Because we all know that money is going to North Dakota and South Dakota. We all are for that. It is not that money that is really being debated here. It is the other money that is stuck in there that should have been going to FEMA in the first place. That is the money they are really protecting here. That is the money they are hiding. That is what they do not want to cut.

What Senator GRAMM has put forward is a very reasonable proposal. It says cut 1.9 percent across the board. We would like to do it in a targeted way, but you cannot do that kind of thing. We have rules against that. So he has to do it across-the-board. And it says in the future, as we spend money for this disaster, it just has to stay under the caps. In other words, it cannot increase the deficit.

It is a reasonable proposal that says live within your means. Responsibly budget for disasters. Do not use these very gut-wrenching, heart-wrenching, heartfelt, compassionate stories to fund your little projects off here to the side and to fund all those other things that could not stand the light of day if, in fact, they were compared to funding these or those.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 8 minutes and 10 seconds left.

Mr. GRAMM. I yield to the Senator from Oklahoma, Senator NICKLES, 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Pennsylvania for his statement as well as Senator GRAMM, for this amendment.

I find this amendment to be very important and one I certainly hope will pass. The Senator from Pennsylvania said we want to provide economic assistance for the victims of this most recent flood. I agree with that. Senator GRAMM says we ought to pay for it. I agree with that. We should pay for it. If we do not, if we pass this bill as it is right now, we are going to be increasing the national debt by $6.5 billion—not this year but over several years.

Senator GRAMM's amendment says let us do it in two ways. Let us have an across-the-board reduction of about 1.8 or 1.9 percent this year to fund the outlays for this year. For the second part of that, for the outlays that will be strung out over the next 5 years, let us reduce the outlays in those years. We are going to be spending about $1.6, $1.7, $1.8, $1.9, $2 trillion dollars in those successive years. Surely we can afford the couple of billion dollars in outlays in those years. We can have offsets. We can pay for it. We can reduce outlays in those future years by an amount to pay for this disaster relief.

We ought to pay for it. We ought to say yes, we want to help the people with the floods, but we want to pay for it. We should be responsible. Let us not increase the national debt by $6.5 billion. If we do not pass this amendment that is exactly what we are going to do. So I urge my colleagues, this proposal—and I have the greatest of sympathy for the victims of this flood but the President requested $4.6 billion in discretionary spending and the committee proposes $7.7 billion in discretionary spending. If you include the mandatory spending the President requested, $6.2 billion, and in this bill that is $9.5. If you include discretionary and mandatory, it is about $3, $3.1 billion over what the President originally requested. I do not want to pass that much money. I am bothered. We had a vote earlier on the highway bill. We had several hundred million dollars, $773 million, I believe, in highway funding that was not requested that was added to this bill. The funding formula was changed. We get into a funding fight. People voted for what was best for their States. But, frankly, that did not belong in this bill and we find there are hundreds of millions of other dollars that do not belong in this bill.

I hope when this bill goes to conference it comes back a lot leaner, that it really is constrained to disaster relief.

Then, likewise, I hope that we will pay for it. I heard a lot of people say we should pay for it. Frankly, as the bill is written right now, this bill increases national debt over this 5-year, 6-year period of time $6.5 billion. Let's pay for it. Let's pay for it this year by a small, less than 2 percent reduction for the next few months. That is certainly manageable. Then for the future years, let's reduce spending enough to pay for it.

I think it is a responsible amendment. I think it is fiscally responsible. I think it is the right thing to do, and I urge my colleagues to support the amendment.

Mr. President, I ask unanimous consent that a table comparing the budget request to the committee recommendation and the differences be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1997 SUPPLEMENTAL APPROPRIATIONS BILL

	Request	Committee recommendation	Compared w/request
BUDGET AUTHORITY (NET)			
Title I—Department of Defense	2,098,214,000	1,805,480,000	(292,734,000)
Title II—Natural Disasters and emergencies:			
Agriculture	123,100,000	276,250,000	153,150,000
Commerce	22,800,000	65,500,000	42,700,000
Energy and Water	325,700,000	554,355,000	228,655,000
Interior	276,879,000	382,642,000	105,763,000
Transportation	311,200,000	688,100,000	376,900,000
Labor-HHS	0	15,000,000	15,000,000
VA, HUD	1,079,000,000	3,600,000,000	2,521,000,000
Treasury and General Government	200,000,000	0	(200,000,000)
Subtotal	2,338,679,000	5,581,847,000	3,243,168,000
Title III—Other supplementals:			
Agriculture	106,000,000	70,600,000	(35,400,000)
Commerce, State Justice	921,000,000	100,000,000	(821,000,000)
DC	0	31,150,000	31,150,000
Interior	10,000,000	10,000,000	0
Legislative Branch	0	0	0
Transportation—(COLA and contract authority)	322,277,000	959,836,000	637,559,000
Treasury, Postal, General Government	7,092,000	7,333,000	241,000
VA, HUD—(COLA mandatory)	753,000,000	753,000,000	0
Labor-HHS	0	325,000,000	325,000,000
General Provisions	0	(92,500,000)	(92,500,000)
Subtotal, including mandatory	2,119,369,000	2,164,419,000	45,050,000
Subtotal, discretionary	123,092,000	273,576,000	150,484,000
RECISSIONS			
Title IV—Defense Offsets:			
Unspecified Recissions	(4,800,000,000)	....	4,800,000,000
Recissions	(72,000,000)	(1,805,943,000)	(1,733,943,000)
Subtotal	(4,872,000,000)	(1,805,943,000)	3,066,057,000
Title V—Other Offsets and Recissions:			
Commerce, Justice, State	(6,400,000)	(6,400,000)	0
Interior-Department of Energy	(21,000,000)	(28,000,000)	(7,000,000)
Transportation (rescind contract authority)	0	(1,647,600,000)	(1,647,600,000)
Treasury, Postal, General Government	(5,600,000)	(5,600,000)	0
VA, HUD	(250,000,000)	(4,109,200,000)	(3,859,200,000)
Agriculture	(56,000,000)	(29,000,000)	27,000,000
Energy and Water (Defense-Civil)	(52,111,000)	(30,000,000)	22,111,000
Subtotal	(339,000,000)	(5,796,800,000)	(5,457,800,000)
Title VI—Social Services Block Grant	....	language	....
Total, New Budget Authority, discretionary	4,559,985,000	7,660,903,000	3,100,918,000
Total, New Budget Authority, w/mandatory	6,556,262,000	9,551,746,000	2,995,484,000
Total, Recissions	(5,211,000,000)	(7,602,743,000)	(2,391,743,000)
Total, Discretionary	(651,015,000)	58,160,000	709,175,000

Source: Senate Appropriations Committee.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I think I have 3 minutes left. I know Senator BYRD and I know our distinguished committee chairman wishes to speak. I do not know how the Chair wishes to handle it, but I would like to try to reserve about 3 minutes.

The PRESIDING OFFICER. The Chair will state that the time is divided equally. There are 3 minutes, 4 seconds left for the Senator from Texas; 7 minutes for the Senator from Alaska.

Mr. GRAMM. The Senator from Alaska has 7 minutes?

The PRESIDING OFFICER. Yes.

Who yields time?

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 7 minutes left.

Mr. STEVENS. Mr. President, I regret to say I shall move to table this amendment, and I want to point out the problem we have.

If we cut 1.9 percent off the original 1997 nondefense appropriations at this time, it will be a 5-percent reduction on the amount that is available for the rest of the year. For agencies such as the Veterans Administration, Department of Education, the Coast Guard and many others, that would be devastating in this final period of this year, the final one-third of this year.

I do share the concern—I think I have demonstrated that —of balancing the budget. On the other hand, I remember too well one of the greatest earthquakes that has occurred since we started recording earthquakes, the second largest, apparently, in the history of the United States, in my State. We also had a flood that was so large it engulfed almost the whole interior of Alaska, around Fairbanks, for miles. I know what these people are going through.

Much of the mismatch in this situation comes from the scoring process under the budget; not from how money is spent, but how it is scored. For instance, I have managed the defense bill substantially now over the past years. When we originally get budget authority for defense, it has 100-percent outlays. If we rescind that now, with a quarter of the year left—it will be effective for the last quarter of the year—we get a 25-percent outlay cut. The authority is for a year. If we start spending it the 1st of October, there would be 100 percent. If we can rescind it the 1st of October, and this is what the Senator from New Mexico was saying, if we can rescind it in the budget authority at the beginning of the year and not spend through the whole year, we get 100-percent credit. When we rescind it now and it becomes effective in the last quarter of the year, we get 25 percent.

This is really a great way to shrink Government. All you have to do is pray for the largest disaster in history and you cut the Government in half. There is no sense being proposed, from the point of view of the disaster victims. It may make theoretical sense. We have cancelled enough budget authority—we deal with budget authority, and the scoring says you only get 25 percent, because if you start spending this money in the beginning, you spend 100 percent; if you have not spent it so far and if you start spending it now, you only get 25 percent. The Senator goes further, though. He carries it into the next year and succeeding years.

We have done our best to try and mitigate the budgetary impact. For the first time, I cannot remember a disaster bill where we tried our best to mitigate by offsets, but we have. We have offset budget authority. It is not possible at this time of the year to offset enough so that we can get it all accounted for this year. The Senator from Texas says, "Well, then go into next year." We are already fighting—as a matter of fact, the fight is going on in this very building—over what the budget agreement means in terms of next year and succeeding years in terms of outlays and budget authority.

I tell the Senate very simply, until we work out a better way to deal with disaster relief—incidentally, I concur with the Senator from New Mexico who said we have done this in this bill. We have money here that anticipates there are going to be more disasters during the balance of this year, and we have put it up and we have offset that money.

There will be disasters, Mr. President, unfortunately, in the balance of this year. I mentioned the earthquake that we had. The earthquake that started somewhere down in the Tennessee area and came up the valley, came up the fault, was so great in the 1850's that when that earthquake occurred, the bells rang in churches in Boston. If that fault goes at this time in our lifetime, Mr. President, the cost will be so staggering that you cannot imagine the cost, or the cost of a San Francisco earthquake.

That is what the Senator from New Mexico asked: How large does a disaster have to be before it is an emergency? We will do our best to prepare for emergencies, and if we can work out a different approach on the scoring so it makes more sense from the point of view of the budget, I am perfectly willing to work with anybody to do it.

We did not appropriate any money unless we thought it was absolutely necessary and justified. We had a bipartisan review. We had everyone critique these bills. We had many amendments suggested, a few on this floor this week, but we have not heard many money arguments.

The Senator from Texas is raising a money argument. We have not had debates about the money because people know the money in this bill has been gone over and over and over, and it is justified. I say we have done our best. We set a new precedent. We set the precedent that even disaster money will be offset to the extent it is possible to find budget authority to do so, and the outlay scoring is a secondary question. That is all we ask for the emergency part that is authorized under the Budget Act. We are authorized to ask for a total emergency waiver of the Budget Act. All we have asked for is a waiver of the scoring impact of outlays, and that will give us the money that we need to proceed to meet these disasters.

Mr. President, I do believe it is an absolutely essential bill. Again, I point out, though, my last comment, I hope we are not accused, again, of somehow or another delaying the money. There is over $2 billion down there in the executive branch right now that is being obligated. I am told if they obligate everything they can, they will not obligate all that in the balance of the year. There may be a deficit of about $250 million if they do everything they can possibly do between now and the end of September. It will be about $2 billion.

The Senator is right to think about when the money is going to be spent. It is going to be spent over the years to come. But that is the way you recover from disasters: You put the money up, obligate it, and it, in fact, will be spent over a period of years. Hopefully, those areas will be strong again and they will recover, as our State has recovered from the great earthquake that happened in 1964.

Mr. BYRD. Mr. President, we are told by the Congressional Budget Office that this amendment would require cuts in all nondefense discretionary appropriations for fiscal year 1997 throughout the Federal Government of approximately 5 percent of remaining unobligated balances. Apparently the purpose of the Senator's amendment is to fully offset not only the budget authority, which the committee itself did, but the outlays that will result from these emergency disaster assistance appropriations as well.

As I stated in my initial remarks when the Senate took up this measure, I do not agree on principle that emergency assistance to provide relief to those affected by natural disasters should have to be offset in any way. It was for this reason that at the budget summit in 1990, I strongly recommended, and that Act included, a section specifically exempting emergencies from the need for offsets. That section of the Act has worked very well and has not been abused, in my judgment, since its enactment.

The suffering of hundreds of thousands of people in hundreds of communities throughout the Nation are awaiting the financial resources that will be made available to them upon the enactment of this legislation. We should provide that relief to them pursuant to the emergency section of the Budget Enforcement Act and thereby not require offsets of this emergency spending. Even though in this instance the committee has recommended full budget authority offsets for these emergency appropriations, that should not be a requirement for making disaster assistance appropriations. We cannot determine the time of year, the severity, or the number of natural disasters or their resulting costs, so we should not tie ourselves to any requirement that offsets should be provided for emergency disaster assistance appropriations.

The effect of the pending amendment would be to indiscriminately cut every program throughout the nondefense discretionary portion of the budget, regardless of the ability of any particular program to absorb the anticipated 5 percent reduction required by the amendment—for example, the FBI, the Justice Department, the Judiciary, all other law enforcement agencies, the border patrol, the INS, the administrative costs of programs such as Social Security, Medicare, Medicaid will be affected. It is clear that many agencies could not absorb these cuts this late in the fiscal year without severely impacting their ability to carry out the essential services that they provide to the Nation.

The PRESIDING OFFICER. All time allocated to the Senator from Alaska has expired.

Mr. GRAMM. Mr. President, I thank the Senator from Alaska for yielding me 10 minutes of his time.

Let me address the issue of how big does a disaster have to be. We spend $1.6 trillion a year here in Washington, DC, on the Federal budget. The bill before us is going to spend $699 million this year over budget in new deficits. So what I am asking is simply that less than $1 out of every $1,600 we spend be dedicated to pay for this emergency appropriation.

The second point I would like to make is this is not the first time I have offered this amendment. In fact, nearly every time we do one of these add-on spending bills, I offer an amendment to require that we pay for it. Some of our colleagues say, wouldn't it be better if we paid for it in advance? It would be better. We ought to do it, but the point is we are not doing it. In 1993, we added $5.4 billion to the deficit in the name of a disaster; $9 billion in 1994; $10 billion in 1995; $6.4 billion in 1996. We have already added $5.4 billion in 1997.

The point is, when do we start paying our bills? I think the answer ought to be today.

We are getting ready to write a brand new budget with record spending in it. We ought to be setting aside $7 billion a year for disasters, something we have not done in the last 5 years, but we are not going to do that unless we adopt this amendment today so that we see we are going to have to begin to pay these bills.

So the question ultimately boils down to deficits. Do we want to pay for helping people, or do we want to pass the burden on to our children and our grandchildren? Do we want to, year after year after year, spend money we don't have?

Finally, we are in the process today of busting a budget which is not even in effect yet. We are spending $6.6 billion today that will not even count as that budget even though we will spend it over the next 5 years. So we are writing a budget with record spending, and we are busting the budget before it even becomes the law of the land. That is how serious we are about spending.

I am not saying it is easy to pay our bills, but I am saying that every family in America has to pay its bills. Every day families have to deal with emergencies, and they do not have the ability to just declare it a dire emergency and go on about their business. They have to go back and take things they wanted, things they planned for, things they needed, and they have to deny themselves those things to pay their bills.

What is wisdom in every household in America cannot be folly in the governance of a great nation. If you really are concerned about deficits, if you are really concerned about the Government paying its bills, if you want more jobs, more growth, more opportunity, if you really want to balance the budget, today we have an opportunity to take $6.6 billion, with a "B," off the deficit in the next 5 years.

I urge my colleagues, if you are for fiscal responsibility, show it today, show it today, not in some abstract speech somewhere back in your State, but show it today by voting to pay for this bill and, in the process, to eliminate $6.6 billion of deficits.

I thank the Chair for his tolerance. I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table Gramm amendment No. 118. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—62

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
Dodd
Domenici
Dorgan
Durbin
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—38

Abraham
Allard
Ashcroft
Brownback
Burns
Coats
Coverdell
Craig
DeWine
Enzi
Faircloth
Feingold
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kohl
Kyl
Lott
Mack
McCain
McConnell
Nickles
Roth
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Thurmond
Warner

The motion to lay on the table the amendment (No. 118) was agreed to.

HIGHWAY FUNDING LEVELS

Mr. ABRAHAM. Mr. President, I believe it is important we review the vote conducted earlier today regarding the Warner amendment to distribute supplemental highway funds by the ISTEA formulas rather than by the new arbitrary standard delineated in the supplemental appropriations bill, and its meaning for the overall issue of ISTEA reauthorization. What we have just witnessed has happened time and time again since ISTEA was passed in 1991—the majority of donee States join forces and take gas tax money from the remaining minority of donor States. This happened when the original ISTEA formulas were developed, it has happened when hitches have disrupted the flow of donor State money to donee States, and today it has happened when the very formulas established to protect at least a portion of the donor States' money were found inconvenient by the donee States and, were therefore set-aside.

The equity adjustment programs, designed in the original ISTEA legislation to guarantee donor States would at least get a portion of the gas tax revenues raised in their State back for highway maintenance, have a real and necessary purpose. Without these minimal programs, States such as Michigan would be forced to give up vast portions of their gas taxes to States whose highway needs may not be as immediate and pressing as they are in Michigan. In this fiscal year, two of the programs, the 90 percent minimum allocation and the 90 percent of payments programs, kicked-in for the first time, resulting in a significantly increased return of gas taxes for the donor States. Yes, this resulted in the donee States Federal highway funds being reduced, but what must be pointed out is that not one donee State would have become a donor State because of these equity programs. They still would receive more money from the Federal Government than they contributed, and the donor States like Michigan would continue to contribute more than they received.

But this was not enough, and what appears to have happened now is that the donee States cannot accept that the donor equity programs may actually work. So this supplemental appropriation took nearly a half of a billion dollars, and distributed it not by the ISTEA formulas so carefully crafted by the Congress in 1991, but by their determination that donee States should never lose money.

Mr. President, I am incredulous. It is bad enough that the ISTEA formulas discriminate against States like Michigan and force us to send our gas tax money to highways that do not contribute in any way to our economy or transportation infrastructure. But if the law can be so blithely set aside in order to meet the latest needs of the donee States, why should we believe that any follow-on to ISTEA will be honored. Why won't it be similarly set-aside whenever a simply majority of the Senators, motivated neither by ideology nor philosophy, neither by regional nor personal loyalties, but simply by the immediate ability to increase their revenues at the expense of other Senator's States, decide to set them aside once again? The answer, Mr. President, is that it will be simple to do so, and this body will do it.

That is wrong, that is capricious, and that is not what we were sent here to do. Mr. President, when the environment of an issue such as transportation has become so reduced to simply bringing home the bacon, it is time to act and act decisively. Today's vote demonstrated with crystal clarity that the Federal Government cannot be trusted to administer highway funds. We must extract ourselves from this process and allow the States to conduct their own road programs, raising their own revenues, and spending their own money. That is why, Mr. President, we need to pass the Transportation Empowerment Act, which I cosponsored with Senator MACK, and stop this highway robbery.

Mr. DEWINE. Mr. President, I rise today in support of the fiscal year 1997 supplemental appropriations bill. This bill does many good things, including the provision of an adequate level of support to our troops as they disengage from Bosnia.

The bill also provides for a much-needed parking facility at the Wade Park VA Hospital in Cleveland. Representative LOUIS STOKES and I have believed for years now that this is an absolutely necessary improvement, and we are glad that we have finally been able to see it to this point in both the authorization and appropriation process.

But on behalf of the people of Ohio, let me say that we appreciate most specifically some of the provisions that will help us cope with the consequences of the terrible flooding that took place in our State last month.

The southern part of Ohio was ravaged by the worst flooding we have experienced in 33 years. Today, the flood waters have receded, but life is far from back to normal. In some towns, people still do not have permanent places to live. They are staying with relatives, or in RV's. Some have had their homes condemned—some have lost nearly everything and have to start again from scratch.

When you drive through these towns, as I did, you see piles of people's belongings—like water damaged carpets—piled up outside their homes to dry, as they endeavor to rebuild their homes and their lives.

Townships, villages, and counties all over southern Ohio are struggling to rebuild the roads and bridges that were damaged in the flooding. Some of the bridges dated back to the turn of the century.

In Brown County, for example, they lost one covered bridge outright, and sustained serious damage to another one.

In Clermont County, I saw Bear Creek Road that was completely washed away. They have been able to fix it temporarily, but school buses and garbage trucks can't use it. A permanent repair has to wait until money is available from the Natural Resource Conservation Service—or NRCS.

Our hearts go out to all the people who are suffering the consequences of this flood, especially those who have lost family members and friends. We will do our best to help you carry on.

We have already seen a wonderful outpouring of humanitarian assistance in response to this tragedy, the American Red Cross and the Ohio National Guard—along with many other concerned public and private organizations—have offered a desperately needed helping hand to some families who are having a really tough time.

This legislation will help continue that process. It includes a $77 million appropriation for the Emergency Conservation Program, which provides cost-sharing assistance to the farmers whose land was damaged by the floods.

It includes $161 million for the NRCS Watershed and Flood Prevention Operations, which are designed to open the dangerously restricted channels and waterways, repair diversions and levees, and assist in erosion control on steep slopes.

The people of southern Ohio have shown an incredible spirit in working together to get through this crisis. This bill will help them move forward in that same spirit.

I thank the members of the Committee for the fine job they have done in crafting this legislation, and I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in opposition to the supplemental appropriations bill but do so with great hesitation.

Like all of us here today, I want to extend my sympathies to the communities and families of the Upper Midwest who have experienced the terrible flooding over the past several weeks.

It brings back vivid memories of the flooding that hit Western Maryland last year and I know all Marylanders join me in extending our thoughts and prayers to everyone in the Midwest.

Like many of my colleagues, I was hoping for quick consideration of this important legislation so we could speed relief to disaster victims. They are counting on us to help them get back on their feet—to help them rebuild their homes and businesses.

I am so disappointed that what should have been a speedy, nonpartisan targeted relief bill has turned into another nasty partisan battle that is designed to divide us and provoke a veto from the President.

I am particularly alarmed by the inclusion in this package of what is artfully called the Shutdown Prevention Act.

Nobody knows the pain of a government shutdown better than me and the Marylanders I represent. When the last shutdown occurred, I visited Government agencies that had to remain open.

I saw the frustration on the faces of the workers and the financial hardship it caused for all Federal employees.

I do not want another shutdown and will do everything I can to prevent it. But, the revised bill now provides for a permanent continuing resolution which is nothing more than a partisan trick.

If we fail to enact our appropriations bills on time, the continuing resolution contained in this bill will prevent Congress from increasing spending for cancer research, crime fighting and education. It will also prevent Congress from cutting spending and eliminating waste.

In addition, I am disturbed by the way in which we have chosen to pay for this bill. This bill takes over $3 billion in unobligated funds from HUD's section 8 public housing program to pay for FEMA's disaster relief fund.

I do not believe we should be robbing Peter to pay Paul. Eventually, Peter will be broke.

The projected budget problems with regard to the section 8 program are well known. In fiscal year 1998, section 8 renewals will cost $10.2 billion. That is a $7 billion increase over the fiscal year 1997 funding level.

We will need the unobligated funds to pay for the section 8 renewals in fiscal year 1998. We should not be raiding the program to pay for disaster funding.

We must find a new way to pay for emergency supplemental appropriations bills because these disasters are not going to end.

We could be facing even more expensive disasters in the near future. Are we going to continually rob one or two agencies to pay for these bills?

I believe we need a new system or a new arrangement to deal with these type of disasters—a new system that is off-budget.

Mr. President, I am forced to oppose this bill because of the continuing resolution and the way in which we have chosen to pay for the bill. As a result of the continuing resolution, the bill is likely to be vetoed by the President. I hope in the future we can avoid partisan fights over disaster relief bills and find a more equitable way to pay for them.

Mr. TORRICELLI. Mr. President, I rise today in strong support of the efforts by the Appropriations committee to fund research into environmental risk factors associated with breast cancer as a part of S. 672.

I would especially like to thank and acknowledge the efforts of the distinguished chairman of the Appropriations Committee, Senator STEVENS, the distinguished ranking member of the Appropriations Committee Senator BYRD, as well as the efforts of the chairman of the Labor, HHS Subcommittee, Senator SPECTER and its ranking member, Senator HARKIN for their attention to the concerns I have raised regarding this issue. All have been dogged advocates of breast cancer research and I am grateful for their previous efforts and for what they have done in the legislation before the Senate. I am especially grateful for their acknowledgement in the committee's report of the alarmingly high breast cancer rates in the Northeast and specifically my State of New Jersey.

Few issues pose as significant health threat to the constituents I represent as does breast cancer. It is estimated that nationally 1 in 8 women will be diagnosed with breast cancer in their lifetime and over 46,000 women die annually from breast cancer. It is truly one of the leading health threats facing American women.

However, it is an absolute health crisis confronting the women of New Jersey with mortality and incidence rates that far exceed the national average. New Jersey has the highest breast cancer mortality rate of any State and our incidence rate of breast cancer is 11 percent higher than the national average and the average for in the Northeast. It is estimated that there will be 6,400 new cases of breast cancer diagnosed this year and 1,800 women will die from breast cancer in 1997 alone in New Jersey.

I have long believed that behind our State's history of environmental problems lies the reasons for our high breast cancer rates. I do not believe that it is a coincidence that the State, New Jersey, with more Superfund sites than any other, as well as thousands of other contaminated sites not listed under Superfund, has the highest cancer rates in the Nation.

In response to this I recently introduced the New Jersey Women's Environmental Health Act with Senator LAUTENBERG that would authorize a 4 year $10.5 million study into the possible association between environmental risk factors and breast cancer. I believe this effort will provide not only answers to the women of my State but ground-breaking research into this association.

In New Jersey, we are extremely fortunate to have one of the leading cancer research institutes in the Nation. The University of Medicine and Dentistry of New Jersey is only 1 of 7 academic institutions in the United States which houses a National Cancer Institute designated clinical center and an NIH-designated comprehensive Center of Excellence for environmental health sciences. Indeed, not only does it have the State's only NCI-designated cancer center, but the University is also home to a HHS-designated Women's Health Initiative site. I believe that this unique institution is the type of multicenter institution envisioned by the committee to do this important research.

Working with these scientists and clinicians, we have developed a proposal that would assess breast cancer in New Jersey at many levels, from molecular markers of environmental exposure to clinical evaluation and treatment. It also includes the involvement of the State Department of Health in a population-based epidemiological study.

Mr. President, our leading environmental health scientists from Rutgers, our State University, and the University of Medicine and Dentistry of New Jersey, both partners in the State's NIEHS Center of Excellence, concur that there are several key elements of this study which must be pursued. These include the need to: (a) identify the disease patterns in the State—ethnicity, geographic location, occupation and education of the victims; (b) identify and characterize the potential etiologic factors—such as exposure to Superfund effluents, pesticides and occupational hazards; (c) analyze tissue samples and environmental samples for etiologic agents and tissue samples for genetic markers of disease; and (d) conduct a full scale case control study.

That is why I am so encouraged by this committee's efforts to fund research into this important area and am thankful that the project I have developed in consultation with the University of the Health Sciences of New Jersey and the New Jersey Department of Health will have an opportunity to immediately compete for the funds necessary to begin its implementation.

I would like also to thank the subcommittee chairman, Senator SPECTER, for his recognition that the issues this initiative proposes to address are the type of issues the committee envisioned to be studied with this funding.

As I have stated earlier, I believe our initiative will not only provide answers to the women of New Jersey but will provide ground-breaking research into the association between environmental conditions and breast cancer in this Nation and greatly assist in this committee's goal of providing answers that may account for some of the startling regional variations of breast cancer in this Nation.

FUNDING FOR THE DIRECT OPERATING LOAN PROGRAM

Mr. ROBB. Mr. President, I wanted to take this opportunity to thank Senators COCHRAN and BUMPERS, chairman and ranking member of the Agriculture Appropriations Subcommittee, and Senators STEVENS and BYRD, chairman and ranking member of the full committee, for their help in making loans available to low-income farmers and averting a potential man-made disaster.

This is planting season. Many farmers in the Commonwealth, and around the Nation, need to borrow funds to cover the costs of planting, which are repayed when crops are harvested. In the past, these funds have been made available by the U.S. Department of Agriculture through its direct operating loan program. Unfortunately, this program is out of funds for the year, and the very livelihoods of many farmers, mostly on small farms, are threatened.

Mr. President, when I was told of this situation by a number of farmers who came to my office 2 weeks ago, I contacted Agriculture Secretary Glickman and Senator BUMPERS. It was clear to me that the crisis these farmers faced was as real as the floods faced by our fellow Americans in the upper Midwest. With their help, we were able to include in this bill an appropriation that will provide $100 million in direct operating loan funds to our Nation's low-income farmers. Getting this money out into the fields is an emergency. In passing this provision, we will be "filling the sandbags" that can protect our farmers from a disaster, this one of manmade origins.

Let me just add that this provision is especially important to minority farmers, who have suffered in the past from well-documented discrimination within the Department of Agriculture. I know Secretary Glickman is committed to eradicating the discrimination, but I'm not sure he will be able to succeed on his own. These loans are crucial to these farmers. To quote a memo from the Department of Agriculture, "many of the low-income farmers which we will not be able to provide operating loan [OL] funds to—if no further money were appropriated—are minorities. Having adequate direct OL loan funds is critical for low-income minority farmers in their effort to become self-sustaining, successful, contributing members of rural communities."

Again, Mr. President, I thank my colleagues for their help in this matter, and I urge my colleagues to move this legislation quickly, to alleviate both the pain of natural disasters past and the possiblity of this manmade disaster in the near future.

Mr. WELLSTONE. Mr. President, I rise today in support of S. 672, the emergency supplemental appropriations bill. The President has now declared a major disaster for over 50 counties in the State of Minnesota, and ordered Federal aid to supplement State and local recovery efforts in areas hard hit by severe flooding, severe winter storms, snow melt, high winds, rain, and ice. This disaster assistance is urgently needed in my State and I want to thank Senators STEVENS and BYRD for their work in getting this package through the Senate.

While I intend to vote for this bill, I am very concerned about the ramifications of the McCain amendment, which triggers an automatic continuing resolution for fiscal year 1998 if Congress fails to pass appropriations bills. This disaster bill provides important assistance to Minnesotans struggling to rebuild their lives following an unprecedented natural disaster, and I think it is outrageous that we have used the emergency supplemental bill in this way. The continuing resolution will result in harsh cuts to important education and health programs. This is an uncaring and thoughtless way to proceed on the budget and it does not reflect the priorities and needs of the American people.

The people of Minnesota, North Dakota, and South Dakota have suffered tremendous losses as a result of the devastating winter storms and 500-year spring floods. In Minnesota alone, over 20,000 people have been displaced from their homes, many of these families will not be able to return to their homes for weeks and months to come. The record flooding and cold temperatures have had a major economic impact on my State. From small businesses in East Grand Forks to dairy farmers who were unable to milk their herds or to transport milk. Where it is still very early in the process of assessing losses, the Federal Reserve Bank has already estimated that there has been a loss of over $1.2 billion in the Red River Valley alone.

I want to congratulate Senators STEVENS and BYRD for their commitment to get assistance out to disaster victims. I appreciate their commitment to continue to do all that we can to help families and businesses rebuild in the region. While this bill before us does not contain all the funding that the region will need to rebuild from the unbelievable losses caused by flooding and winter storms, it does provide the first installment of assistance.

The emergency supplemental contains critical funding for the region, including $500 million in community development block grant funding, over $900 million in disaster assistance under FEMA, $54.7 million for EDA, and additional funding for transportation losses due to flooding and severe winter weather.

The State of Minnesota learned in the 1993 that CDBG funding is one of the best vehicles to get assistance into the communities for rebuilding homes and businesses and for flood mitigation projects. I am glad that we were able to secure this additional CDBG assistance and the assurances from Senators STEVENS and BYRD that they will support this funding level in conference.

In addition, this bill contains a provision to require the administration to release $45 million in emergency contingency funding under the LIHEAP program for emergency energy needs of flood victims. As families begin to return to their homes in Ada, Breckenridge, Warren, and East Grand Forks, they will need this assistance to replace their heating systems. With this funding thousands of families will be able to return to their homes and do the hard work of cleaning up.

Finally, I want to acknowledge the tremendous volunteer effort that continues in my State. On my visits to the Minnesota and Red River Valleys, I was touched by the sense of community among the residents. Many folks didn't care who they were working next to, as long as they were working for the common good. People worked tirelessly to build dikes to try to save homes and businesses and are now working tirelessly to help flood victims begin to clean their homes, schools, and businesses. In particular, I want to send a special word of thanks to all the high school students who volunteered on the frontlines.

In the weeks and months ahead there will be many more hours of hard work: cleanup, removal of sandbags, restoration of buildings, ensuring that water supplies are not contaminated. People need not only the support of their neighbors, they need the support that only the Federal Government can provide. I am pleased that the Senate has acted and is now approving this package of much needed disaster assistance. With this funding, the flooded communities and families can begin to rebuild their towns, their businesses, and their lives.

DUAL-USE APPLICATIONS PROGRAM

Mr. BINGAMAN. Mr. President, I would like to speak about my amendment No. 69, which strikes section 305 of this supplemental appropriations bill.

Section 305 of the bill states that "Section 5803 of Public Law 104-208 is hereby repealed." That is a very economical formulation, but it doesn't tell the reader much about the substantive issues at stake. For this reason, I would like to take some time to describe to my colleagues what I think the key issues underlying section 305 in the supplemental appropriations bill are, and why I believe section 305 is an unwise step and should be stricken from this bill.

Section 305 repeals a $100 million appropriation to a Department of Defense program known as the Dual-Use Applications Program. By doing so, it eliminates one of the two major initiatives in this program. The Dual-Use Applications Program is just getting started. It was authorized for the first time in last year's Defense Authorization Act. Because of this, most of the money appropriated last year has not yet been spent. Awards are now just being made and announced. So, at a very superficial level, the $100 million looks attractive as a candidate for rescission.

But the Dual-Use Applications Program is, in my view, essential to our future national defense. This program will introduce major technological changes and cost savings in military applications, and major cultural changes in how the Department of Defense manages R&D. We have forged a bipartisan consensus on the Senate Armed Services Committee in favor of this program. Once my colleagues in the Senate understand what this program is all about, I am confident that they will agree with me that gutting the Dual-Use Applications Program at its inception is a very bad idea for our long-term national security.

America's Armed Forces today enjoy technological supremacy over any potential adversary. This is not an accident. It is the result of two things: wise past investments in defense R&D and competent advocacy from the top echelons of DOD for moving the fruits of that R&D into practice.

Our current recipe for maintaining military technological supremacy, though, is not a guarantee of future success. In fact, to ensure that our men and women in uniform maintain their technological edge over any future adversary, we will need a new strategy for defense technology. In this strategy, we will have to rely more on the commercial sector to provide defense technologies, through adaptation of cutting-edge commercial technologies to military use, rather than developing the same technology in isolation in a MILSPEC world.

There are two forces driving this new overall technology strategy.

The first force is the constrained budget for defense R&D. Defense R&D, like all defense spending, is under tremendous pressure as we move toward a balanced budget. We no longer have an open checkbook for defense scientists and engineers, as we essentially did during the cold war. Thus, we need to spend our funds more strategically, and seek ways to leverage our defense R&D dollars, with R&D investments being made by other funding sources.

The second force driving the defense world toward greater use of commercial technologies is the fact that technological advances from commercial R&D are outpacing similar advances from military R&D in many applications important to national defense. For example, the military is faced with an explosion of requirements for rapid and widespread processing and dissemination of information. The commercial world has led the development of the Internet, despite its origins in DARPA, and there is now much that the defense world can learn from the commercial world's experience with distributed information processing and communication.

Despite the emergence of these two new forces, the defense world is not used to, and is not prepared for, working with the commercial R&D sector in a radically new manner. It is used to thinking about its own, supposedly unique, defense requirements and perhaps some subsequent defense spinoff to commercial applications. It is not used to thinking about common requirements between defense and commercial applications and desirability of commercial "spin-ons" to defense applications.

This is where the Dual-Use Applications Program, established by section 203 of the National Defense Authorization Act for Fiscal Year 1997, comes in. The missions of this program are to a prototype and demonstrate new approaches for DOD to use in leveraging commercial research, technology, products, and processes for military systems.

Over the long term, these new approaches to working with industry must become widespread throughout DOD, in order for the Department to take full advantage of the technological opportunities afforded by the commercial sector. These leveraging approaches are not widespread in DOD today, by DOD's own admission. While acquisition reform has helped clear the path to a new relationship between DOD and the commercial sector, DOD reports that its experience to date with acquisition reform has shown that leveraging approaches are unfamiliar to many in DOD and are not widely adopted in the services.

There are two initiatives now underway in the Dual-Use Applications Program. Both encourage the leveraging, by the services, of the commercial sector's research, products, and processes for the benefit of DOD and the Nation's defense capabilities.

The first initiative is in science and technology research and development. It is very important, and I will describe it at some length. It is not immediately affected by this supplemental appropriations bill, in its current form, but I understand that it is likely to become a target for cuts in a conference. I hope that, after I finish my statement, the distinguished chairman of the Appropriations Committee can give me some assurance that he will resist attempts to cut the Science and Technology Initiative.

The second initiative is zeroed out by section 305 of this supplemental appropriations bill. It is a Commercial Operations and Support Savings Initiative that will prototype an approach that the service can use to insert, on a routine basis, commercial products and processes into already-fielded military systems to reduce operations and support costs.

Section 305 of the bill would repeal section 5803 of last year's Defense Appropriations Act. That provision provides $100 million in funding for DOD's commercial operations and support savings initiative, known as COSSI. Under the COSSI program, DOD plans to insert new commercial technologies into weapons systems to reduce operations and support costs.

I am concerned that the elimination of this program could increase defense costs in the long run. DOD has learned that for many weapons systems, operations and support costs far exceed acquisition costs. By investing in upgraded commercial technologies with improved performance, the Department hopes to bring operations and support costs down in the long run.

Mr. LIEBERMAN. I share the Senator's concern. Under the COSSI program, DOD intends to make sensible investments that will reduce weapons systems costs in the long run. By upgrading the F–14A/B Inertial System, for example, DOD expects that it could increase the mean time between failures from 40 hours to 4500 hours, substantially reducing program costs over the next decade. Similarly, by installing constant velocity joints in its fleet of M939 5 ton trucks, the Department expects to reduce its tire costs by two-thirds. In my view, we can't afford *not* to make these kinds of money-saving investments.

Mr. LEAHY. The Senator from Connecticut is exactly right. There are many commercial technologies that can save the Defense Department money in the long run. For example, one Navy COSSI program uses sensors and software to monitor engine and rotor components on helicopters. The technology tells the user when a given part needs to be replaced, as opposed to the current system, which for safety reasons requires perfectly usable parts to be replaced at regular intervals. Navy program managers have estimated that this technology can save over $1 billion over 10 years if adopted on just two kinds of helicopters. In this time of tight budgets, this is the kind of program that we should all be supporting.

Mr. INOUYE. I believe that the Senators have expressed valid concerns. This is an important program, and I hope that we will be able to restore a substantial amount of the funding in conference.

Mr. STEVENS. I understand the Senators' concerns. The administration has expressed similar concerns about this provision. We will certainly look carefully at this provision in conference and do what we can to provide an appropriate level of funding.

Mr. BINGAMAN. Having made the case for restoring funds to the COSSI program, I would like to state my hope that such restoration not come at the expense of other dual-use technology programs that will benefit the Department of Defense. The Senate Armed Services Committee has carefully reviewed and authorized the dual use science and technology research element of the Dual Use Application Program as provided for in section 203 of the National Authorization Act for fiscal year 1997. Programs developed under this section will provide major enhancements in our military capabilities and can also benefit the commercial sector. Cooperation between DOD and the private sector will provide dual use benefits at a significantly lower cost to the government.

Mr. STEVENS. I understand the Senators' concerns. The administration has expressed similar concerns about this provision. We will certainly look carefully at this provision in conference and do what we can to provide an appropriate level of funding for both elements of the Dual Use Program.

Mr. LIEBERMAN. Mr. President, I share Senator BINGAMAN's concern about section 305 of the bill, which would eliminate $100 million in funding for DOD's commercial operations and support savings initiative, known as COSSI. Under the COSSI program, DOD plans to insert new commercial technologies into weapons systems to reduce operations and support costs. DOD has learned that for many weapons systems, operations and support costs far exceed acquisition costs. By investing in upgraded commercial technologies with improved performance, the Department hopes to bring operations and support costs down in the long run.

I am concerned that the elimination of the COSSI program will increase defense costs in the long run. At the same time, I agree that we should not try to fund the COSSI program at the expense of the Department's limited funding for dual use technologies. Senator BINGAMAN has worked long and hard to establish the Dual Use Program and to keep it going, and this program has shown real benefits for both the Department of Defense and the economy as a whole. I hope that the conferees will be able to find an appropriate level of funding for the COSSI program without undermining the Department's dual use technology initiative.

SECTION 314

Mr. HARKIN. Mr. President, I rise to express my opposition to section 314 of S. 672, the supplemental appropriations bill. Section 314 was added to the bill in committee and would prohibit the Health Care Financing Administration from continuing with a Medicare competitive pricing demonstration project. I believe this provision does not belong on this emergency supplemental bill and if need be would more appropriately be addressed in the upcoming Labor, Health and Human Services Appropriations bill for fiscal year 1998. In addition, I believe this provision would hurt our ability to reform Medicare and make certain that it gets the best deal possible for Medicare beneficiaries and other taxpayers.

For many years, I have been working to identify and reform wasteful payment policies and practices in the administration of Medicare. The General Accounting Office estimates that up to 10 percent of Medicare funds are lost each year to waste, fraud and abuse. And my experience is that a large percentage of that is due to wasteful payment policies and practices. Clearly, the current Medicare payment scheme for managed care falls into this category and needs reform. Current policy grossly overpays in some areas and underpays in many rural areas.

While there may be issues that need to be resolved with beneficiaries and providers in the area in which this managed care competitive pricing demonstration is to occur, that does not justify a complete cutoff of funds for the test. Officials at HCFA should promptly work with the community to address these issues. If there are legitimate issues that cannot be resolved over the next month or two, we could consider options for action on the fiscal year 1998 appropriations bill.

Mr. President, as I mentioned earlier, we need to test ways in which we can achieve Medicare savings to ensure this critically important program's long-term solvency while preserving access and quality for beneficiaries. Enacting section 314 of this bill would be a setback to this important effort. Because of this I'm hopeful that this matter will be reconsidered and that any problems associated with this particular demonstration project can be promptly worked out administratively without the need for legislative action.

I also want to express my concern with section 323 of the bill. This section is a legislative rider that is unrelated to the substance of S. 672. It repeals section 1555 of the Federal Acquisition Streamlining Act of 1994 which was intended to save taxpayers millions of dollars by giving State and local governments to take advantage of the purchasing power of the Federal Government. Implementation of this provision was delayed for 18 months last year to give time for the General Accounting Office to study the issue and report back recommendations to Congress. We should allow time to get the GAO's report and recommendations before taking action on this important issue.

AMENDMENT TO DELAY IMPLEMENTATION OF THE WELFARE LAW FOR IMMIGRANTS

Mr. KENNEDY. Mr. President, yesterday Senator D'AMATO offered an amendment, which I cosponsored, to delay implementation of certain provisions in the new welfare law which affect legal immigrants.

Last year, Congress passed a so-called welfare reform bill that drastically restricts the ability of legal immigrants to participate in public assistance programs. It prohibits them from receiving food stamps, SSI benefits, and Federal nonemergency Medicaid benefits.

In recent months, we have seen the harsh impact of this bill on legal immigrant families. Many fear being turned out of nursing homes and cut off from disability payments beginning on August 1, 1997. In recent weeks, some needy immigrants have taken their own lives, rather than burden their families.

Last week's negotiations on the fiscal year 1998 budget produced more hopeful prospects on this issue. But, needy immigrants will begin to lose their SSI benefits on August 1, 2 months before the fiscal year 1998 begins. We need to extend the August 1 deadline while we get our act together and work out a satisfactory compromise.

Senator D'AMATO's amendment extends the effective date for certain parts of the welfare law which affect legal immigrants until the end of the 1997 fiscal year. This extension is fair and reasonable. We need to ensure that no one loses SSI benefits while the budget process works its course.

SAMPLING IN THE 2000 CENSUS

Mr. MOYNIHAN. Mr. President, I am pleased that the Senate has agreed to Senator HOLLINGS' amendment to allow the Bureau of the Census to plan for sampling in the 2000 census. In that year the Bureau proposes to count each census tract by mail and then by sending out enumerators until they have responses for 90 percent of the addresses. The Bureau proposes to then use sampling to count the remaining 10 percent of addresses in each tract, based on what they know of the 90 percent. This would provide a more accurate census than we get by repeatedly sending enumerators to hard-to-count locations and would save $500 million or more in personnel costs.

The census plan is supported by the National Academy of Sciences' National Research Council, which was directed by Congress in 1992 to study ways to achieve the most accurate population count possible. The NRC report finds that the Bureau should:

> make a good faith effort to count everyone, but then truncate physical enumeration after a reasonable effort to reach nonrespondents. The number and character of the remaining nonrespondents should then be estimated through sampling.

The supplemental appropriations bill would prohibit the Bureau from planning for a census that includes sampling, and would even prevent the Bureau from planning to send out the long form, from which we get crucial and legally required information about education, employment, immigration, housing, and many other areas of American life. The long form gives us a detailed picture of the populace that we cannot do without.

Mr. President, the taking of a census goes back centuries. I quote from the King James version of the Bible, chapter two of Luke: "And it came to pass in those days that there went out a decree from Caesar Augustus that all the world should be taxed [or enrolled, according to the footnote] . . . And all went to be taxed, everyone into his own city." The early censuses were taken to enable the ruler or ruling government to tax or raise an army.

The first census for more sociological reasons was taken in Nuremberg in 1449. So it was not a new idea to the Founding Fathers when they wrote it into the Constitution to facilitate fair taxation and accurate apportionment of the House of Representatives, the latter of which was the foundation of the Great Compromise that has served us well ever since.

The Constitution says in Article I, Section 2:

> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years of the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall direct by law.

Opponents of sampling often say that the Constitution calls for an "actual enumeration", and this requires an actual headcount rather than any statistical inference about those we know we miss every time. However, numerous lower court rulings have found that it is permissible under the Constitution to use sampling. When the New York case was decided last year, the Supreme Court found that the decision by the Secretary of Commerce not to adjust the 1990 census for the undercount was a reasonable choice in areas where technical experts disagree, and within the discretion granted to the Federal Government. The opinion by Chief Justice Rehnquist stated that "We do not decide whether the Constitution might prohibit Congress from conducting the type of statistical adjustment considered here." So it appears to be left to the executive and legislative branches to decide how best to count the populace.

I note that we have not taken an actual enumeration the way the Founding Fathers envisioned since 1960, after which enumerators going to every door were replaced with mail-in responses. The Constitution provides for a postal system, but did not direct that the census be taken by mail. Yet we do it that way. Why not sample if that is a further improvement?

Sampling would go far toward correcting one of the most serious flaws in the census, the undercount. Statistical work in the 1940's demonstrated that we can estimate how many people the census misses. The estimate for 1940 was 5.4 percent of the population. After decreasing steadily to 1.2 percent in 1980, the 1990 undercount increased to 1.8 percent, or more than 4 million people.

More significantly, the undercount is not distributed evenly. The differential undercount, as it is known, of minorities was 4.4 percent for blacks, 5.0 percent for Hispanics, 2.3 percent for Asian-Pacific Islanders, and 4.5 percent for Native Americans, compared with 1.2 percent for non-Hispanic whites. The difference between the black and nonblack undercount was the largest since 1940. By disproportionately missing minorities, we deprive them of equal representation in Congress and of proportionate funding from Federal programs based on population. The Census Bureau estimates that the total undercount will reach 1.9 percent in 2000 if the 1990 methods are used instead of sampling.

Mr. President, I have some history with the undercount issue. In 1966 when I became director of the Joint Center for Urban Studies at MIT and Harvard, I asked Prof. David Heer to work with me in planning a conference to publicize the nonwhite undercount in the 1960 census and to foster concern about the problems of obtaining a full enumeration, especially of the urban poor. I ask unanimous consent that my forward to the report from that conference be printed in the RECORD, for it is, save for some small numerical changes, disturbingly still relevant. Sampling is the key to the problem and we must proceed with it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL STATISTICS AND THE CITY

(By David M. Heer)

FOREWORD

At one point in the course of the 1950's John Kenneth Galbraith observed that it is the statisticians, as much as any single group, who shape public policy, for the simple reason that societies never really become effectively concerned with social problems until they learn to measure them. An unassuming truth, perhaps, but a mighty one, and one that did more than he may know to sustain morale in a number of Washington bureaucracies (hateful word!) during a period when the relevant cabinet officers had on their own reached very much the same conclusion—and distrusted their charges all the more in consequence. For it is one of the ironies of American government that individuals and groups that have been most resistant to liberal social change have quite accurately perceived that social statistics are all too readily transformed into political dynamite, whilst in a curious way the reform temperament has tended to view the whole statistical process as plodding, overcautious, and somehow a brake on progress. (Why must every statistic be accompanied by detailed notes about the size of the "standard error"?)

The answer, of course, is that this is what must be done if the fact is to be accurately stated, and ultimately accepted. But, given this atmosphere of suspicion on the one hand and impatience on the other, it is something of a wonder that the statistical officers of the federal government have with such fortitude and fairness remained faithful to a high intellectual calling, and an even more demanding public trust.

There is no agency of which this is more true than the Bureau of the Census, the first, and still the most important, information-gathering agency of the federal government. For getting on, now, for two centuries, the Census has collected and compiled the essential facts of the American experience. Of late the ten-year cycle has begun to modulate somewhat, and as more and more current reports have been forthcoming, the Census has been quietly transforming itself into a continuously flowing source of information about the American people. In turn, American society has become more and more dependent on it. It would be difficult to find an aspect of public or private life not touched and somehow shaped by Census information. And yet for all this, it is somehow ignored. To declare that the Census is without friends would be absurd. But partisans? When Census appropriations are cut, who bleeds on Capitol Hill or in the Executive Office of the President? The answer is almost everyone in general, and therefore no one in particular. But the result, too often, is the neglect, even the abuse, of an indispensable public institution, which often of late has served better than it has been served.

The papers in this collection, as Professor Heer's introduction explains, were presented at a conference held in June 1967 with the avowed purpose of arousing a measure of public concern about the difficulties encountered by the Census in obtaining a full count of the urban poor, especially perhaps the Negro poor. It became apparent, for example, that in 1960 one fifth of nonwhite males aged 25–29 had in effect disappeared and had been left out of the Census count altogether. Invisible men. Altogether, one tenth of the nonwhite population had been "missed," the ramifications of this fact were considerable, and its implications will suggest themselves immediately. It was hoped that a public airing of the issue might lead to greater public support to ensure that the Census would have the resources in 1970 to do what is, after all, its fundamental job, that of counting all the American people. As the reader will see, the scholarly case for providing this support was made with considerable energy and candor. But perhaps the most compelling argument arose from a chance remark by a conference participant to the effect that if the decennial census were not required by the Constitution, the Bureau would doubtless never have survived the economy drives of the nineteenth century. The thought flashed: the full enumeration of the American population is not simply an optional public service provided by government for the use of sales managers, sociologists, and regional planners. It is, rather, the constitutionally mandated process whereby political representation in the Congress is distributed as between different areas of the nation. It is a matter not of convenience but of the highest seriousness, affecting the very foundations of sovereignty. That being the case, there is no lawful course but to provide the Bureau with whatever resources are necessary to obtain a full enumeration. Inasmuch as Negroes and other "minorities" are concentrated in specific urban locations, to undercount significantly the population in those areas is to deny residents their rights under Article I, Section 3 of the Constitution, as well, no doubt, as under Section 1 of the Fourteenth Amendment. Given the further, more recent practice of distributing federal, state, and local categorical aid on the basis not only of the number but also social and economic characteristics of local populations, the constitutional case for full enumeration would seem to be further strengthened.

A sound legal case? Others will judge; and possibly one day the courts will decide. But of one thing the conference had no doubt: the common-sense case is irrefutable. America needs to count all its people. (And reciprocally, all its people need to make themselves available to be counted.) But if the legal case adds any strength to the common-sense argument, it remains only to add that should either of the arguments bring some improvement in the future, it will be but another instance of the generosity of the Carnegie Corporation, which provided funds for the conference and for this publication.

CDBG

Mr. GRAMS. I would like to remind my colleagues that our CDBG request is based on very preliminary loss figures. There are many residents of communities along the Red River Valley who still have not returned to their homes. It will take months before we have a better idea of what the total losses will be.

As a result, all of us in Minnesota, North and South Dakota hope we can count on the support of the Appropriations Committee to help meet our future needs during the 1998 appropriations process, or, if necessary, in future supplemental requests. I realize that the rebuilding effort will take some time, and I would request the support of my distinguished colleague, the chairman of the Appropriations Committee, to help us fund additional disaster relief beyond this supplemental request as the true losses are determined.

Mr. STEVENS. The committee is well aware that funds for these disasters must be appropriated during the entire rebuilding period, which can take several years. We will work with the Senators from Minnesota, North and South Dakota to ensure that the disaster needs of your States are met during the 1998 appropriations process, as well as future appropriations bills, if necessary.

Mr. BINGAMAN. Mr. President, during the last several days, I have expressed concerns about various provisions and amendments on this supplemental appropriations Bill. In the end, however, I believe that this bill addresses not only New Mexico's transportation infrastructure needs but also many of the disaster relief demands facing other parts of the Nation, and I will vote for passage.

Unfortunately, this bill's continuing resolution provisions—which call for automatic across-the-board cuts—if the Congress fails to pass our appropriations bills before the end of the fiscal year is a poor and unacceptable way to legislate. I strongly oppose this provision which does remain in the supplemental appropriations bill. I am hopeful that this provision will be struck in conference and support the President's promised veto if this provision is not struck.

These supplemental appropriations bills should focus on the most pressing needs of the Nation—particularly natural disasters that call for our care and attention. We should not be cluttering these bills with provisions such as the continuing resolution provision which either the Conference Committee or the President must remove.

Mr. SANTORUM. Mr. President, the supplemental appropriation before us today contains funding for floods which devastated the Northwestern and Midwestern States. I can appreciate the necessity of providing FEMA funding for those States. The last time that this body considered a measure to provide funding for disaster assistance, it was a proposal for $1.2 billion in assistance, mainly to my State of Pennsylvania. That funding was an acknowledgment of the devastation that occurred as a result of the harsh winter, extensive snowfall, and severe flooding throughout Pennsylvania.

Again, Mr. President, the situation is no less severe and the need no less dire in the Northwest and Midwest. I sympathize with those Senators from affected States that have taken to the floor during this debate to talk about the devastation to homes, businesses, and communities that they have seen firsthand. The FEMA funding in this bill will be very helpful to States and localities in providing swift assistance in a timely manner.

During our last debate, Mr. President, I offered an amendment addressing the need for a structural change in the manner in which the Federal Government provides disaster funding. Specifically, the Senate passed several amendments I offered to the fiscal year 1996 omnibus appropriations bill which provided a mechanism to pay for $1.2 billion in disaster funding, called for a long-term funding solution, and ensured that disaster assistance funds were deficit neutral in the final conference committee bill.

The bill before us today and, specifically, the committee report build upon several of those amendments debated and passed last year. The committee report addresses concerns with the long-term structure of FEMA. The FEMA funding contained in this bill is offset by corresponding spending reductions within the same subcommittee jurisdiction. The work done by Senator BOND, chairman of the VA/HUD Appropriations Subcommittee, and Senator

MIKULSKI, the ranking member, admirably balances the need for FEMA funding with the necessity of finding reductions within the jurisdiction of their subcommittee.

Specifically, I would like to cite page 26 of the committee report which mentions that:

> The Committee notes its continuing concern with the escalating costs of FEMA disaster relief. . . . FEMA acknowledges that the escalation of costs is due not only to the increase in large-scale disasters, but also because the scope of Federal disaster assistance has expanded, the Federal role in response has expanded considerably, and State and local governments are increasingly turning to the Federal government for assistance. . . .

The report also states that, "The FEMA Director is committed to submitting a comprehensive proposal, including proposed legislation, by July 4, 1997."

Mr. President, I would like Senator BOND to know of my continuing interest in working with him and the subcommittee on structural reform of FEMA, and of my anticipation of the report and recommendations from FEMA due in a few months. I will be sending him a letter offering my assistance, resources, and energies in restructuring the manner in which we have budgeted and provided relief for natural disasters. Senator BOND's statement in the committee report references several proposals worth considering. Among those reforms are the development of objective disaster declaration criteria and comprehensive Federal policies to control the Federal costs of disaster assistance, review of the appeals process, elimination of funding for tree and shrubs replacement, elimination of assistance for cultural and decorative objects, elimination of funding for certain revenue-producing facilities such as golf courses and stadiums, and creation of incentives for States and local governments to carry insurance to cover the repair and rebuilding of their infrastructure after a disaster.

There are several other proposals and recommendations that I have previously reviewed and that I hope we would also consider. Those proposals would require stringent, written justification by the President and Congress to designate emergency appropriations; enact a requirement for a three-fifths majority budget point of order for emergency supplemental appropriations; identify multi-year spending cuts to pay for emergency appropriations and remain within the budget; base annual disaster funding on historic funding levels, permitting occasional surpluses; and protect the contingency fund from being raided as a funding source for nondisaster projects.

Our action today is not without concerns, and I wanted to touch on a few areas of the supplemental appropriation, aside from the issue of disaster assistance. The supplemental appropriation is unfortunately riddled with additional spending in a variety of accounts and programs. The majority of these programs are not associated with the Northwest and Midwest floods. Rather, this process seems to serve as a vehicle to bolster Federal funding for programs that have otherwise operated this fiscal year under a very fair and widely supported allocation. The supplemental funding that is not associated with either Federal disaster assistance or support for our troops in Bosnia reverses the work done in both the fiscal year 1996 and fiscal year 1997 omnibus appropriations bills. More troubling is the fact that the total amount of funds provided in this bill today is not completely offset with spending reductions and this overall supplemental appropriations package is not deficit neutral. For the remainder of this fiscal year, the bill creates excess spending of $467 million in budget authority and roughly $1 billion in outlays. The budget projection for years 1998 through the year 2002 create an even more troubling scenario.

I have been working with Senator GRAMM on two amendments to pay for both the 1997 funding shortfall and the imbalance for the remaining fiscal years. Those two amendments would make the fiscal year 1997 appropriations deficit neutral. The remaining spending obligations under the bill would count against the new budgetary caps established under the recent balanced budget agreement. Both amendments will rectify shortfalls in the bill and are in the spirit of how this body should continue to conduct our business—spending must remain deficit neutral. Again, Mr. President, the FEMA disaster assistance in this bill is offset. The issue with this bill is about additional discretionary spending versus shortfalls in spending reductions, and the need for this bill to be deficit neutral. I hope that this body will support the amendments.

Mr. GORTON. Mr. President, I speak today on behalf of the thousands of citizens of my home State whose homes and businesses were damaged or destroyed by floods and landslides this year. Washington was hit hard in late December and early January by unprecedented weather patterns that wreaked havoc across the State and again in the spring by flooding caused by snow melt in the mountains.

Freezing rain, snow, strong winds, and rapidly rising temperatures with warm rains led to unprecedented problems across the State. Mudslides and flooding eroded major roads and bridges, rendering them impassable; small businesses were destroyed by collapsing roofs due to heavy snow; and flooding harmed hundreds of homes and businesses. All but 1 of Washington's 39 counties were declared Federal disaster areas.

I visited many of the people whose lives and livelihoods were affected by the storms. Traveling across the State in February, I witnessed first hand nature's devastating impact. In Kalama, ground movement caused by soggy soil led a natural gas pipeline to rupture and explode, sending flames hundreds of feet into the air and terrifying nearby neighborhoods. In Edmonds, heavy, wet snow collapsed the roof of a marina housing 400 private boats, causing $15 million in damage. Several homes, roads, and bridges were destroyed by landslides throughout the Seattle area. Tragically, on Bainbridge Island, a family of four was killed when a mudslide buried their home in the middle of the night without warning. And in Yakima, Wenatchee, and across eastern Washington, farms and farm buildings sustained heavy damage. Apple, pear, and potato storage houses and dairy farms were destroyed when roofs collapsed under heavy snow.

Mr. President, when natural disasters touch the lives of so many people, it is the Federal Government's responsibility to offer a helping hand. The bill before the Senate today will do just that. The $5.8 billion in disaster relief funded by this legislation will go a long way to help Americans hurt by natural disasters across the Nation get back on their feet. Small Business Administration loans will help business and homeowners alike with necessary repairs. The Federal Emergency Management Agency will provide assistance to both individuals and State and local governments to repair private homes and businesses and roads and bridges damaged by the storms. And the Corps of Engineers will work to rebuild and strengthen levees and other flood protection measures to provide our communities better protection from rising rivers in the future.

On behalf of the people of Washington State, I commend Senator STEVENS for his dedication and diligence in bringing this legislation to the floor. His work and the work of my colleagues on the Appropriations Committee will ensure that America can recover from a particularly harsh winter and spring. This legislation will help millions of people who had the misfortune to be in the path of mother nature. I strongly support this bill, and I urge my colleagues to do the same.

DAIRY PRICE REPORTING AMENDMENT

Mr. SPECTER. Mr. President, I am pleased that the supplemental appropriations bill will include an amendment that I introduced to assist our Nation's dairy farmers. The amendment, which was cosponsored by Senators SANTORUM, FEINGOLD, and KOHL, would require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and would require the Secretary to report to Congress on the rate of reporting compliance.

Dairy prices set an all-time high in 1996, with an average price of $13.38 per hundredweight for the year. The price reached its peak in September at $15.37 per hundredweight, then dropped to $14.13 per hundredweight in October. The market experienced its largest drop in history during November, falling to $11.61 per hundredweight, which represents a 26-percent decline. During this same period, the cost of dairy production reached a record high due to a 30- to 50-percent increase in grain costs.

On November 22, 1996, I joined with 19 of my Senate and House colleagues in writing to Agriculture Secretary Glickman, urging him to take action to help raise dairy prices. Secretary Glickman responded on January 7, 1997, by announcing several short-term actions to stabilize milk prices. While these actions did have a small positive effect in increasing dairy prices, they did not provide adequate relief to our Nation's dairy farmers.

In order to hear the problems that dairy farmers are facing first hand, I asked Secretary Glickman to accompany me to northeastern Pennsylvania, which he did, on February 10. We met a crowd of approximately 500 to 750 angry farmers who complained about the precipitous drop in the price of milk.

During the course of my analysis of the pricing problem, I had found that the price of milk depends on a number of factors, one of which is the price of cheese. For every 10 cents the price of cheese is raised, the price of milk would be raised by $1 per hundredweight. Then I found that the price of cheese was determined by the National Cheese Exchange in Green Bay, WI. At least according to a survey made by the University of Wisconsin, there was an issue as to whether the price of cheese established by the Green Bay exchange was accurate. The authors of the report used a term as tough as manipulation. Whether that is so or not, there was a real question as to whether that price was accurate. Therefore, 3 days after the hearing at Keystone College, I introduced a sense-of-the-Senate resolution with Senators SANTORUM, FEINGOLD, KOHL, JEFFORDS, LEAHY, WELLSTONE, SNOWE, COLLINS, and GRAMS. The resolution, which passed by a vote of 83 to 15, stated that the Secretary of Agriculture should consider acting immediately to replace the National Cheese Exchange as a factor to be considered in setting the basic formula price for dairy.

In my discussions with Secretary Glickman, I found he had the power to raise the price of milk unilaterally by establishing a different price of cheese. Therefore, on March 10, I wrote to Secretary Glickman and urged him to take immediate action to establish a price floor at $13.50/cwt on a temporary, emergency, interim basis until he completes action on delinking the National Cheese Exchange from the basic formula price.

This subject was aired during the course a special hearing before the appropriations subcommittee on March 13. At that time, Secretary Glickman said that they had ascertained the identity of 118 people or entities who had cheese transactions that could establish a different price of cheese. He told me they had written to the 118 and were having problems getting responses. I suggested it might be faster to telephone those people. Secretary Glickman provided my staff with the list of people, and we telephoned them and found, after reaching approximately half of them, that the price of cheese was, in fact, 16 cents higher by those individuals than otherwise. On March 19, I again wrote Secretary Glickman and informed him of the results of my staff's survey, explaining that there is a $.164 difference in the price of cheese and the price from the National Cheese Exchange. This translates to a $1.64 per hundredweight addition to the price of milk.

Moreover, on April 17, I introduced two pieces of legislation to revise our laws so that they better reflect current conditions and provide a fair market for our Nation's dedicated and hardworking farmers. The legislation goes to two points. One is to amend the Agriculture Market Transition Act to require the Secretary to use the price of feed grains and other cash expenses in the dairy industry as factors that are used to determine the basic formula for the price of milk and other milk prices regulated by the Secretary. Simply stated, the Government should use what it costs for production to establish the price of milk, so that if farmers are caught with rising prices of feed and other rising costs of production, they can have those rising costs reflected in the cost of milk.

The second piece of legislation would require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and provide the Secretary with the authority to require reporting by such manufacturing plants throughout the United States on the prices of cheese, butter, and nonfat dry milk.

On Tuesday, May 6, 1997, the Department of Agriculture announced that they were replacing the National Cheese Exchange in Green Bay, WI with a survey of cheddar cheese manufacturers in the United States in order to determine the price of cheese for use in setting the basic formula price for dairy.

Currently, the Department of Agriculture is relying on the voluntary compliance of cheese manufacturers to obtain information for their newly announced survey. My amendment requires the Secretary to report to Congress 150 days after the date of enactment of this bill the rate of reporting compliance by cheese manufacturers. The amendment further allows the Secretary to submit legislative recommendations to improve the rate of reporting compliance. The amendment also protects the pricing information provided to the Secretary of Agriculture. This information shall be kept confidential, and shall be used only to report general industry price figures which do not identify the information provided by any individual company.

This amendment takes a significant step toward ensuring that our Nation's dairy farmers receive a fair price for their milk. However, we still have much work ahead of us as the Department of Agriculture and Congress work together to reform the entire milk pricing system. I will continue to work in this area to ensure that the voices of dairy farmers in Pennsylvania and throughout the Nation are heard, and to ensure that any change in Federal dairy policy is fair and provides the necessary support for our Nation's milk industry.

Mr. STEVENS. If the Senators will bear with us, I think we will start a vote at about 20 minutes of 6 o'clock.

Let me first take care of the housekeeping problem. I ask unanimous consent after the Senate votes on the question of advancing S. 672 to third reading, it be held at the desk, and that when the Senate receives H.R. 1469, the Fiscal Year 1997 Supplemental Appropriations and Rescissions Act from the House, the Senate proceed immediately to its consideration, that the text of S. 627 as amended by the Senate be adopted as a substitute for the House text, that the House bill as amended be read for a third time and passed, the Senate insist on its amendment, request a conference with the House, that the Chair be authorized to appoint conferees, that motions to reconsider the votes on the preceding action be tabled, and that all the above mentioned actions take place without any intervening action or debate.

Let me explain. That means in a few minutes we will vote on advancing this bill to third reading. That, in effect, will be the final vote by the Senate on this bill. There are people that asked for a final vote. This is the way to do it. The House has not acted on the bill. We have done this before. It has been cleared with both sides.

I repeat my request for unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I have a series of matters, here, and then I ask the Chair to recognize the Senator from Texas, [Mrs. HUTCHISON] once we complete these matters. That is the end of the business before the Senate. There are some Senators that wish to make statements. I will deal with that in a minute.

AMENDMENT NO. 114

(Purpose: To study the high rate of cancer among children in Dover Township, New Jersey)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. TORRICELLI, for himself and Mr. LAUTENBERG, proposes an amendment numbered 114.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. . MICHAEL GILLICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $6,000,000 for fiscal years 1998 through 2000.

Mr. STEVENS. This amendment has been cleared by both sides of the aisle. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 114) was agreed to.

AMENDMENT NO. 237

(Purpose: To provide additional emergency CDBG funds for disaster areas)

Mr. STEVENS. Mr. President, I send to the desk a new amendment and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DORGAN, for himself, Mr. CONRAD, Mr. GRAMS, Mr. DASCHLE, Mr. WELLSTONE, and Mr. JOHNSON, proposes an amendment numbered 237.

Mr. STEVENS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 11, strike "$100,000,000" and insert "$500,000,000".

On page 31, line 4, insert after the colon the following: "*Provided further*, the Secretary of Housing and Urban Development shall publish a notice in the federal register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, that for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts:".

On page 31, line 13, strike "$3,500,000,000" and insert "$3,100,000,000".

On page 31, line 17, strike "$2,500,000,000" and insert "$2,100,000,000".

Mr. GRAMS. Mr. President, I rise in strong support of the amendment by Senators CONRAD, DORGAN, GRAMS, WELLSTONE, DASCHLE, and JOHNSON. This is an amendment that is strongly supported and promoted by all six Senators in the three States devastated by the flooding of the Red River as well as the Minnesota River. It will increase the funds available in the bill for community development block grants from $100 to $500 million from funds offset from FEMA.

While I appreciate the $100 million request by the President for CDBG funds, included in the supplemental, it was evident to me as I surveyed the damage in my own State, that $100 million for all 23 States covered in this bill, was not enough. Therefore, I am grateful to my colleagues, Senators BOND, MIKULSKI, STEVENS, and BYRD for supporting this additional request, since I am well aware of how difficult it is for the committee to find the needed offsets.

I am grateful also to the efforts of Lynn Stauss, the mayor of East Grand Forks, MN, who traveled to Washington to communicate the needs of his city to Senate leaders yesterday. Mayor Stauss had particular concerns that the $100 million in the bill, combined with limited FEMA funds, would not be enough to help the flood communities complete the mitigation process involved with actually moving homes and businesses off the flood plain. It seems reasonable to increase CDBG funding in the bill to allow these devastated communities to start the relocation process with the certainty they need to sign construction contracts and start the rebuilding before the Minnesota winter complicates that process. Further, one of FEMA's goals is to move people off the flood plain to minimize future flood losses. This funding will facilitate that process.

I am pleased that the committee has made a commitment to address our funding needs through the supplemental conference committee as well as additional funding needs in the 1998 appropriations cycle and future supplementals. Since we are still paying for the 1993 floods in Minnesota, I am aware that the rebuilding effort is long-term, and I appreciate the concern and commitment of my colleagues on the Appropriations Committee to help us recover.

Again, on behalf of Minnesota flood victims, I thank my colleagues on the committee, and all of my Senate colleagues for their support of this amendment.

Mr. STEVENS. Mr. President, this does not increase the amount under the bill but transfers money from one account to another to take care of the CDBG problem outlined by the Senators from the States of the disaster area in the upper Midwest.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 237) was agreed to.

AMENDMENT NO. 80

(Purpose: To provide rules for the issuance of take-reduction plan regulations)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. SNOWE, for herself, and Mr. KERRY, proposes an amendment numbered 80.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DISENTANGLEMENT OF MARINE MAMMALS.

Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and "to free a marine mammal from entanglement in fishing gear or debris," after "self-defense".

AMENDMENT NO. 80, AS MODIFIED

Mr. STEVENS. On behalf of Senators SNOWE, KERRY, GREGG, COLLINS, KENNEDY, SMITH, and BREAUX, I send to the desk a revision, a modification of that amendment, and I ask unanimous consent it be considered in place of the amendment originally offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. . Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours."

Ms. SNOWE. Mr. President, the amendment that I am introducing today provides that the disentanglement of a marine mammal from fishing gear or debris does not violate the Marine Mammal Protection Act. This amendment is co-sponsored by Senators KERRY, GREGG, COLLINS, KENNEDY, SMITH, and BREAUX.

I would also like to thank the chairman of the Appropriations Committee, Senator STEVENS, for his efforts in helping us craft this amendment. Senator STEVENS has been a leader on marine mammal issues since the act was first enacted in 1972, and we value his expertise.

As a nation, we have taken great steps toward protecting marine mammals. The Marine Mammal Protection Act is an international model for minimizing adverse human impacts on marine mammal populations. Under the Act, the term "take" means "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal". Takings are expressly prohibited without an exemption approved by the National Marine Fisheries Service, consistent with the MMPA. The takings language is clear. It is meant to prevent unnecessary injury to marine mammal populations. But unfortunately, as the law currently stands, the takings provision could be used to hold liable a person involved in attempting to rescue a marine mammal from entanglement.

Perhaps nowhere else is this problem more critical than in my own State of Maine, where NMFS has recently proposed a rule to reduce the takings of large Atlantic whales. Many of the stakeholders who have been involved in the debate over this rule believe that improved disentanglement of whales is a crucial part of any take reduction plan. In fact, while the NMFS's rule, which is badly flawed, relies heavily on untested and unproven fishing gear modifications, many knowledgeable people believe that enhanced disentanglement is the most effective known method of reducing serious injury or mortality.

However, fishermen and others will be very reluctant to participate in disentanglement efforts unless they have an ironclad guarantee that they would not be held liable for a taking. Thus, without a change in the law, the success of disentanglement programs would be severely limited.

The Snowe-Kerry amendment provides that change, encouraging fishermen and others to help rescue a marine mammal by removing the threat of prosecution. And we need the help of our fishermen. The fishing community provides our eyes and ears on the sea, working across areas far larger than any single agency could hope to monitor. With the participation and support of fishermen, we can add to our understanding of marine mammal populations and reduce the incidence of serious injury.

Mr. President, this amendment enjoys bipartisan support and is not controversial. I urge my colleagues to support the amendment.

Mr. KERRY. Mr. President, the amendment offered today by Senator SNOWE and me represents an important and urgently needed step in our efforts to protect marine mammals. The provision amends the Marine Mammal Protection Act [MMPA] to encourage life-saving and well-intentioned efforts to free marine mammals from entanglement in fishing gear and marine debris.

Under existing law, fishermen and others who come to the assistance of a marine mammal that has become entangled in fishing lines or debris technically are in violation of the MMPA's moratorium on the taking, or incidental killing, of a marine mammal. This situation is a true example of the old axiom that no good deed goes unpunished. However, Federal officials have recognized that while such incidents may violate the letter of the law, they are entirely consistent with the goals and objectives of the MMPA to protect marine mammals and reduce injuries. Consequently, the Federal Government has exercised discretion and has never prosecuted individuals for such rescue efforts. This amendment simply codifies the existing practice of allowing good Samaritans to free entangled marine mammals without fear of prosecution under the MMPA. I think it is an idea that is long overdue and to which both conservationists and fishermen can agree.

The MMPA revision authorized by this amendment is particularly important for our ongoing efforts to forge partnerships with New England fishermen in the protection of endangered right whales. I know that Massachusetts lobstermen and fishermen are concerned about threats to these magnificent whales. This amendment should provide them needed reassurances that they will be protected in their efforts to reduce whale entanglement, injuries, and deaths.

I recognize that this is just one step in developing a comprehensive solution to the problem of interactions in New England waters between endangered whales and fishermen. We still must deal with substantial and well-justified concerns raised by New England fishermen about the effect of recent court decisions and proposed federal regulations on their economic well-being and ability to continue to pursue their traditional livelihood as we seek measures to enable the preservation and rebuilding of the seriously depleted right whale population.

As a New Englander and the ranking member of the Subcommittee on Oceans and Fisheries, I look forward to working with the distinguished chairwoman, Senator SNOWE, other members of the New England delegation, the fishing industry, conservation groups, and the Clinton administration to ensure that the final regulations are fair and balanced. Toward that goal, I will convene a meeting in Boston next week with other members of the Massachusetts delegation to hear from fishermen, whale conservationists, and the administration. While significant work remains to be done, I am confident that together we can resolve the current uncertainties and develop a solution that preserves both whales and fishermen.

Ms. COLLINS. Mr. President, I rise today to express my support for the amendment offered by my colleague and friend from Maine, Senator SNOWE.

As many of you may know, the Maine lobster industry and many other fishing industries along the Atlantic coast have been threatened with extinction by a seriously flawed proposal from the National Marine Fisheries Service. That proposal was designed supposedly to protect the endangered right whale and other large whales from getting entangled in commercial fishing gear.

Yet few Maine lobstermen have ever seen a right whale, let alone entangled one. Records show that about 20 right whales have been sighted within 12 miles of the Maine coast in the last quarter-century, and only one has become entangled in that period—a whale that, it is critical to note, was released unharmed. Clearly, the proposed rules affect Maine in a way that is drastically disproportionate to the threat to right whales in our State.

But though entanglements in or near Maine waters are exceedingly rare, they do occur more frequently in other waters. And when an entanglement does occur, we should make certain that there is in place a system that encourages the fisherman to do all he can to help that whale. This amendment would remove a significant barrier to that, and create an environment where a fisherman is more likely to take the appropriate steps to help the entangled whale.

This amendment would simply protect a fisherman who comes across a whale entangled in fishing gear or debris, reports the entanglement, and either begins to disentangle the whale himself or stays with the whale to await help from a trained disentangling team, from being prosecuted or fined for doing so.

Currently, there is a disincentive for a fisherman to help or even report a whale that has become entangled in fishing gear: the fear of being held liable if that whale suffers a serious injury or dies as a result of the entanglement. Several large whales are among our most endangered species. It seems to me that it is in our best interest—and surely the whale's best interest—to encourage, rather than discourage, fishermen to do all they can to protect this species from being eradicated.

This amendment would provide a measure of protection for the fisherman who, through no fault of his own, comes across an entangled large whale. That fisherman could feel confident in reporting the entanglement to the appropriate officials, staying with the whale until a disentanglement team arrived, and helping in the disentanglement, all without fear of being slapped with a fine when he or she returned to shore.

We all want to protect whales, particularly right whales, and do all we can to restore this troubled species. The Snowe amendment takes a step in the right direction by specifically permitting a fisherman to report and stay with a whale that is entangled, without fear of reprisal. I am pleased to support it and I encourage my colleagues to do the same.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 80), as modifed.

The amendment (No. 80), as modified, was agreed to.

AMENDMENT NO. 175

(Purpose: Second degree amendment to amendment #161. Provides permissive transfer authority of up to $20,000,000 from the Federal Emergency Management Agency Disaster Relief Account to the Disaster Assistance Direct Loan Program Account)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CONRAD, proposes an amendment numbered 175.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter to be inserted by said amendment, insert on page 31, line 22, after the word "facilities," insert the following: ": *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress".

AMENDMENT NO. 175, AS MODIFIED

Mr. STEVENS. I send to the desk a modification of the amendment of Senator CONRAD and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 31, line 22, after the word "facilities," insert the following: ": *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended".

Mr. STEVENS. Mr. President, I say to the Senate this amendment is modified with a technical correction. It authorizes FEMA to transfer up to $20 million to the Disaster Assistance Direct Loan Program. These are needed to provide operating assistance to local school districts whose students have been displaced as a result of flooding.

I urge its immediate adoption and ask it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 175), as modified, was agreed to.

AMENDMENT NO. 238

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. MURRAY, for herself and Mr. GORTON, proposes an amendment numbered 238.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17 of the bill, line 5, after "Administration" insert the following:

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to continue the salmon fishing permit buyback program implemented under the Northwest Economic Air Package to provide disaster assistance pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $7,000,000 million, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

Mrs. MURRAY. Mr. President, I want to thank my colleagues, Senator STEVENS, Senator BYRD, Senator GREGG, Senator HOLLINGS, and Senator GORTON for their assistance and support in addressing this critical program for salmon fishers in the Pacific Northwest.

This amendment continues to provide disaster relief for salmon fishers through a salmon fishing permit buy-back program. This buy-back program has proven to be a tremendously effective way to help fishers and fish.

Over the last few years, the State of Washington has implemented a salmon fishing permit buy-back program to address the substantial reduction in salmon harvest opportunities that have confronted salmon fishers in recent years. In 1994, when stocks crashed as a result of poor ocean conditions and other factors, the National Oceanic and Atmospheric Administration, in response to the requests of the Governors of Washington, Oregon, and California, declared a fishery resource disaster and provided funding to implement relief programs. Funding for these programs was continued in 1995.

The three programs implemented were a habitat jobs program, a data collection jobs program, and a salmon fishing permit buy-back program in Washington State. These programs provided desperately needed relief to fishers devastated by the collapse of fishing opportunities. While the jobs programs continue, the buy-back program, after two-rounds of buy-backs, has run out of funding. However, the fishery resource disaster continues. Poor ocean conditions and habitat losses have hammered these salmon stocks. The recent floods in the Pacific Northwest have compounded these problems by washing out natural spawning beds, cutting off pristine stream stretches with landslides, and destroying hatchery brood stocks.

With the shortest and most severely restricted salmon fishing seasons ever proposed for this summer, this buy-back program is needed more than ever. While the previous buy-backs have only addressed the Columbia River and Coastal Washington fisheries, this program must be expanded to include Puget Sound fisheries as well. Whatcom and Skagit County have declared fishery resource disasters as a result of last year's harvest. The gillnetters, reef netters, and purse seiners of the Sound need relief as well as the gillnetters and trollers on the Columbia and the coast.

The $7 million for buy-back included in this amendment will provide much needed assistance to the fishing communities of Washington State. The buy-back program will provide financial help to those who chose to be bought out, reduce competition for those who stay in, and help fish by reducing pressure on dwindling fish stocks. I appreciate the support of my colleagues.

Mr. HOLLINGS. Mr. President, I am pleased that we have been able to work out an agreement that supports the amendment by Senator MURRAY and Senator GORTON. This amendment provides $7 million in emergency assistance to deal with the impact on northwest fisheries.

Senator MURRAY has worked tirelessly on this issue. She has refused to take no for an answer. These northwest fishermen should know they have a champion here in Washington DC who really understands their industry. I know that from my work on this Appropriations Committee and from my service on the authorization committee that oversees the National Marine Fisheries Service.

There are no free emergencies any more with this crowd. This particular amendment takes advantage of satellite procurement savings that can be achieved because of the particulars of how NOAA reimburses NASA. So it is fully offset.

I truly appreciate the willingness of our chairman, Senator STEVENS, and our subcommittee chairman, Senator GREGG, to work out a compromise that allows this assistance move forward.

Mr. President, I urge adoption of the amendment.

Mr. STEVENS. Mr. President, this amendment makes available $7 million, with an offset, to take care of the problem regarding the salmon on the Columbia. I ask it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 238) was agreed to.

AMENDMENT NO. 151

(Purpose: To permit the use of certain child care funds to assist the residents of areas affected by the flooding of the Red River of the North and its tributaries in meeting emergency demands for child care services)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DORGAN, proposes an amendment numbered 151.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY USE OF CHILD CARE FUNDS.

(a) In General.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997 and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) Eligibility.—

(1) Of States.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) Of individuals.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) Limitations.—

(1) Requirements.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

92) Amount of funds.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) Priority.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

Mr. STEVENS. Mr. President, this amendment makes available certain child care funds to assist the residents of areas affected by the flooding of the Red River of the North and other areas flooding in the area. It has been cleared on both sides. I ask it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 151) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to yield to the Senator from New Jersey for such time as he needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I thank the Senator from Alaska [Mr. STEVENS]; the Senator from Vermont [Mr. JEFFORDS]; and the Senator from Massachusetts [Mr. KENNEDY], for their assistance in what is, for the State of New Jersey, a very important matter.

Mr. President, while the people of the Dakotas were realizing an extraordinary emergency of massive proportions, which the entire Nation was witnessing, the people of Ocean County, NJ, were witnessing an equally devastating, though not nearly so noticed, tragedy in their lives. Extraordinarily high rates of childhood cancer, brain cancers, and neurological cancers were occurring in only a few individual communities in Ocean County, NJ.

I am extremely proud that the Department of Health of the State of New Jersey and, in the Federal Government, the Centers for Disease Control responded immediately in undertaking studies to find possible environmental causes for these high rates of cancer. Today, with the help of Senators BOND, STEVENS, KENNEDY, and JEFFORDS, we are responding in this emergency supplemental appropriations bill. We are authorizing the continuation of the study to try to find the reasons for these childhood cancers.

I am very grateful for this Federal response. This legislation assures that these studies will continue to their conclusion, possibly, and hopefully finding the reasons for these tragedies. For this, I am very grateful to my colleagues, Mr. President. I wanted to express my thanks.

Mr. STEVENS. Mr. President, I yield a minute to the Senator from Minnesota.

Mr. GRAMS. Mr. President, as we know, the eyes of thousands of residents of Minnesota and North Dakota and South Dakota have been watching this debate today. I want to thank the chairman, Senator STEVENS of Alaska, and all the others who have worked on this, like my colleague from Minnesota and the Senators from the Dakotas, for helping to provide flexible funding for the flooding disaster that ravaged our State and the Dakotas. We look to our colleagues in the House now to ensure that this additional money and community development block grants are preserved and the dollars make it into the hands of those who need it in these communities.

I wanted to take a moment to say thank you very much, Mr. President, for all their hard work and for all the hard work on the floor. I know the eyes and ears of Minnesotans and South Dakota and North Dakota residents have been watching and they thank you as well.

Mr. STEVENS. I thank the Senator.

SECTION 417

Mr. CONRAD. Mr. President, as Chairman BOND knows, last week I discussed the impact of recent floods along the Red River Valley on education communities in North Dakota, South Dakota, and Minnesota, specifically on local school districts that have enrolled displaced students from the Grand Forks and other communities. I mentioned that 11,000 elementary and secondary students from Grand Forks, ND, were displaced and attending class in more than 30 school districts across the State. More than 20,000 students are displaced in Minnesota.

At the time, I outlined the concerns of local school districts who were hit with unanticipated educational operating expenses as a result of enrolling displaced students in communities surrounding Grand Forks. After discussing the availability of emergency assistance with officials of the Federal Emergency Management Agency [FEMA], I was advised that while FEMA had authority to assist communities with the repair of educational facilities, the agency did not have authority under section 403, Essential Assistance, to assist a local district with emergency education operating expenses, for example, additional staffing, instructional materials.

In response to the concerns expressed by the North Dakota Department of Public Instruction, and local school districts, I introduced legislation on May 1, 1997, to authorize FEMA under section 403 to provide emergency education operations assistance to elementary and secondary schools.

Since the introduction of this legislation, I have been informed by FEMA officials, that following a review of authorized programs, FEMA will use authority under section 417, Community Disaster Loans, to provide a local school district with emergency education operating expenses. Under the Community Disaster Loans Program, the President is authorized to make loans to a local government agency which has suffered substantial loss of tax and other revenues as a result of a major disaster.

Mr. President, I know the chairman has been very understanding of the concerns of local school districts in the Upper Midwest, and have been working to respond to the concerns of local North Dakota communities. As you have been involved in discussions with FEMA officials regarding these emergency disaster funds, is it your understanding that FEMA may exercise existing authority under section 417 to provide funds for unanticipated emergency education operating needs of local school districts? These funds would be used to provide services for displaced students including emergency staffing and instructional materials.

Mr. BOND. Section 417 authorizes loans to local governments to carry on existing local government functions of a municipal operation character or to expand such functions to meet disaster-related needs. My understanding is that this would include emergency education operating needs.

EMERGENCY DRINKING WATER NEEDS

Mr. DASCHLE. I would like to engage my colleagues on the Senate Agriculture Appropriations Subcommittee in a colloquy.

Mr. COCHRAN. I would be happy to engage in a colloquy with my colleague from South Dakota.

Mr. BUMPERS. I am pleased to do so, as well.

Mr. DASCHLE. As a result of the flooding and the extremely high water levels on Lake Oahe this year, its banks are sloughing, causing the intake pipes for the Gettysburg drinking water system to crack and break, endangering the water supply for the city.

The best solution to this problem is to connect the city to the Mid-Dakota Rural Water System. The city is scheduled to be connected to the Mid-Dakota RWS in 1998 or 1999, at a cost of $1.5 million. If this money were made available this year, we could ensure that the residents of Gettysburg will have a safe stable supply of drinking water, despite these flooding-related problems.

It is my understanding that the Appropriations Committee has provided $6.5 million in the emergency supplemental spending bill for the Rural Utilities Service to address problems such as this. I very much appreciate the committee's willingness to add these funds to the bill. It is my hope and expectation that some of those funds could be used to help Gettysburg connect to the Mid-Dakota project this year.

Mr. BUMPERS. It is my expectation that the funds that were included for the Rural Utilities Service in the emergency funding bill will be used for a variety of disaster-related purposes, including providing assistance to communities, such as Gettysburg, to address emergency drinking water needs. It appears to me, based on your description of the problem, that the city of Gettysburg could qualify for some of these funds.

Mr. COCHRAN. That is my understanding as well. Addressing the emergency drinking water needs of rural communities is one of the purposes of this funding.

Mr. STEVENS. The Senator from Texas seeks to offer an amendment.

How much time does the Senator want?

Mrs. HUTCHISON. Five minutes is all right.

AMENDMENT NO. 62

(Purpose: To provide for enrollment flexibility)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] for herself and Mr. GRAMM proposes an amendment numbered 62.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ENROLLMENT FLEXIBILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State plan (including any subsequent technical, clerical, and clarifying corrections submitted by the State) relating to the integration of eligibility determinations and enrollment procedures for Federally-funded public health and human services programs administered by the Department of Health and Human Services and the Department of Agriculture through the use of automated data processing equipment or services which was submitted by a State to the Secretary of Health and Human Services and to the Secretary of Agriculture prior to October 18, 1996, and which provides for a request for offers described in subsection (b), is deemed approved and is eligible for Federal financial participation in accordance with the provisions of law applicable to the procurement, development, and operation of such equipment or services.

(b) Request For Offers Described.—A request for offers described in this subsection is a public solicitation for proposals to integrate the eligibility determination functions for various Federally and State funded programs within a State that utilize financial and categorical eligibility criteria through the development and operation of automated data processing systems and services.

Mrs. HUTCHISON. Mr. President, 6 months ago, the State of Texas started the process of asking for a request for offers, permission from the Federal Government to consolidate services in its welfare system. It would allow a welfare recipient to come into one place to get AFDC, food stamps, Medicaid, or disaster assistance. It would allow the State of Texas to run its own welfare system. Now, Mr. President, that is exactly what Congress asked the States to do. We said we are going to give you block grants, we want you to be more efficient, we want you to save money. The State of Texas is complying. In fact, Mr. President, Massachusetts is doing much the same as the State of Texas is now trying to do. Wisconsin is doing it, and Arizona is looking at it. It really is the beginning of what we have asked the States to do, and that is to become more efficient and do a better job for the recipients of welfare.

The State of Texas has been waiting for 6 months and has gotten no answer from this administration. My amendment would grant the request for offers that Texas has put forward so that they can, in fact, consolidate their services and go out for bids to do it more efficiently.

Our Governor has said he believes the State of Texas is losing $10 million a month while this request is pending. There is precedent in Congress to grant waivers such as this. Washington State and New York State were granted child support waivers.

Mr. President, Congress has spoken. We have asked the States to do a job. The State of Texas is trying to comply, and others States are following along, and I am sorry to say that this administration is impeding the progress. They are thwarting the will of Congress. Mr. President, we must take action. We must take action so that the will of Congress can be done, which is to save welfare dollars and give the best service possible to welfare recipients. The will of Congress must go forward. I hope the President is not playing a game with the State of Texas. I hope the President is not waiting until this bill is finished and on his desk to turn down this request, because, in fact, Texas has met all of the requirements of the Federal Government.

I have spoken to Secretary Donna Shalala about this, and I have talked to other people in the White House. I have done everything I can do to speed up this process. My colleague, Senator Gramm, who cosponsors this amendment, has also made the calls and written the letters to ask that this request be granted.

Mr. President, this is the wave of the future. Texas is trying to save the taxpayer dollars of our States and, at the same time, save the taxpayer dollars of all Americans. This will not cost anything; this will save money. I know that everyone is ready to vote on this bill. It is very important to my State that we grant this request for offers so that Texas can fulfill its mission, which is to give the best service in the most efficient way, and that is exactly what we asked them to do.

I urge adoption of my amendment.

Mr. WELLSTONE. Mr. President, parliamentary inquiry. Is the pending amendment germane?

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not germane.

Mr. WELLSTONE. Mr. President, I make a point of order that the amendment is not in order because it is not germane post-cloture.

The PRESIDING OFFICER. The point of order is sustained.

Mrs. HUTCHISON. Mr. President, I will not appeal the ruling of the Chair, but I believe that Congress has to step up to the line and do what is right by the States. We have asked them to do more; they are trying to comply. Texas will not be the last one to come forward. I am going to pursue this legislatively if the President of the United States does not grant this request for offers, which meets all of the standards Congress has put forward. I will be back, Senator Gramm will be back, and there will be other States that will be affected by this. I hope that the Senate will be able to help us when we are able to put a germane amendment on a bill. Thank you.

Mr. WELLSTONE. Mr. President, I say to the Senator from Texas, we will be ready for debate, and it will be a substantive debate.

I thank the Chair.

Mr. STEVENS. Mr. President, I want to take a moment to thank the floor staff, particularly the Parliamentarian, the people who really represent the Senate. The public sees them and hardly knows who they are, unfortunately, because we don't address each other by name on the floor.

We had 109 first-degree amendments and 75 second-degree amendments. We have handled a series of other amendments that were not presented, but we have done it by unanimous consent. We have gone through this bill. It is a disaster bill of monstrous proportions, and it is very vitally needed.

Unfortunately, we cannot pass it yet because of the tradition of the Senate awaiting passage by the House of appropriations bills. It is a tradition that we have honored and I seek to honor it again now.

I thank all of those who have helped us.

I want to put in the Record at this point the names of the people who have been on the staff of the Appropriations Committee on both sides, who worked on this bill and enabled us to get where we are now.

There being no objection, the list was ordered to be printed in the Record, as follows:

[Names of Majority Staff in roman; Names of Minority Staff in italics]

Staff Director, Steven J. Cortese, Deputy Staff Director, Lisa Sutherland, Assistant Staff Director, Christine Ciccone, Chief Clerk, Dona Pate, *James H. English*, *Terry Sauvain*.

FULL COMMITTEE

Senior Counsel, Al McDermott, Communications Director, John Raffetto,

Professional Staff Members: John J. Conway, Robert W. Putnam, Mary Beth Nethercutt.

Security Manager:, Justin Weddle, Staff Assistant: Jane Kenny, Doug Shaftel, *Mary Dewald*, *C. Richard D'Amato*.

SUBCOMMITTEES

Agriculture, Rural Development, and Related Agencies, Rebecca Davies, Martha Poindexter, C. Rachelle Graves-Bell, *Galen Fountain*, *Carole Geagley*.

Commerce, Justice, State, the Judiciary: Jim Morhard, Kevin Linskey, Paddy Link, Dana Quam, *Scott Gudes*, *Emelie East*, *Karen Swanson Wolf*.

Defense: Steven J. Cortese, Sid Ashworth, Susan Hogan, Jay Kimmitt, Gary Reese, Mary C. Marshall, John J. Young, Mazie R. Mattson, *Charles J. Houy*, *C. Richard D'Amato*, *Emelie East*.

District of Columbia, Mary Beth Nethercutt, *Terry Sauvain*, *Liz Blevins*.

Energy and Water Development: Alex W. Flint, W. David Gwaltney, Lashawnda Leftwich, *Greg Daines*, *Liz Blevins*.

Foreign Operations, Export Financing, and Related Programs, Robin Cleveland, Will Smith, *Tim Rieser*, *Emelie East*.

Interior and Related Agencies: Bruce Evans, Ginny James, Anne McInerney, Kevin Johnson, *Sue E. Masica*, *Carole Geagley*.

Labor, HHS, Education: Craig A. Higgins, Bettilou Taylor, Dale Cabaniss, Lula Edwards, *Marsha Simon*, *Carole Geagley*.

Legislative, Christine Ciccone, *James H. English*.

Military Construction: Sid Ashworth, Mazie R. Mattson, *C. Richard D'Amato*, *Emelie East*.

Transportation: Wally Burnett, Reid Cavnar, Joyce C. Rose, *Peter Rogoff*, *Carole Geagley*.

Treasury and General Government: Pat Raymond, Tammy Perrin, Lula Edwards, *Barbara A. Retzlaff*, *Liz Blevins*.

VA, HUD: Jon Kamarck, Carolyn E. Apostolou, Lashawnda Leftwich, *Andy Givins, Liz Blevins.*

Editorial and Printing: Richard L. Larson, Robert M. Swartz, Bernard F. Babik, Carole C. Lane.

Mr. STEVENS. Mr. President, I now move that the bill advance to third reading and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, before the vote, I yield to my friend from West Virginia.

Mr. BYRD. Mr. President, I will be brief. This is the first appropriations bill that Senator STEVENS has managed since he assumed the chairmanship of the committee. On behalf of all Senators, I want to congratulate him on the skill and expertise which he has demonstrated in the handling of this bill. It is a complex and difficult bill. It is an exceedingly important bill. Although I shall vote against it for other reasons, I feel it incumbent upon me, especially, to call attention to his excellent management of this bill. I would have expected that out of him, as I have watched him over the years. He is an outstanding member of the Appropriations Committee and takes his responsibilities very seriously there. As always, he is so gentlemanly and considerate of the needs of other Senators with respect to their representations of their respective States. I thank him for his dedication and, once again, I salute him and congratulate him on the fine example he has shown. It is an example which I hope we all will attempt to emulate.

Mr. STEVENS. The words of the Senator are very kind. If I have any ability to work on the floor, it is because I have watched masters work before me.

I ask for the vote.

The PRESIDING OFFICER. The question is on the motion offered by the Senator from Alaska that the bill be read the third time.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—78

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Feinstein
Ford
Frist
Glenn
Gorton
Grams
Grassley
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Landrieu
Leahy
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—22

Byrd
Dodd
Durbin
Faircloth
Feingold
Graham
Gramm
Gregg
Hagel
Helms
Kohl
Kyl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Nickles
Santorum
Sarbanes
Sessions
Smith (NH)

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, for the information of all Senators, in light of this vote on the supplemental appropriations bill, there will be no further votes this evening.

The Senate will be in session tomorrow for general debate on the comptime-flextime bill. However, no votes will occur during Friday's session of the Senate.

The Senate will be in session on Monday to consider the IDEA, the individual disabilities education bill, hopefully, under a time agreement that we are still working on. I urge that all my colleagues agree to be brief on the time agreement that we can reach so that we can complete this very important legislation that has very broad based bipartisan support. If that agreement can be reached, any votes ordered then will be stacked on Tuesday at the request of a number of Senators. I fear that if the Senate cannot consider this bill on Monday, that events then will cause—because of the budget and other bills that we do have to consider, including the Chemical Forces in Europe Treaty, it would be pushed off until after the Memorial Day recess and everybody would like to get the IDEA bill done.

On Tuesday, the Senate will begin formal consideration of the flextime-comptime bill.

UNANIMOUS-CONSENT AGREEMENT

I now ask unanimous consent that we begin consideration of S. 4 at 10 a.m. on Tuesday, May 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues for their cooperation. I now ask there be a period for the transaction—Mr. President I withhold.

Does the Senator have further business?

Mr. STEVENS. I have other business on this bill, if I may.

Mr. LOTT. I will withhold that request at this time, and I yield the floor for the time being, Mr. President.

AMENDMENT NO. 239

(Purpose: To provide relief to agricultural producers who granted easements to, or owned or operated land condemned by, the Secretary of the Army for flooding losses caused by water retention at the dam site at Lake Redrock, Iowa, to the extent that the actual losses exceed the estimates of the Secretary)

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment to S. 672 that I send to the desk be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The clerk will report.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The clerk will report.

Is there objection?

Mr. BYRD. I have no objection to reporting of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRASSLEY, proposes an amendment numbered 239.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RELIEF TO AGRICULTURAL PRODUCERS FOR FLOODING LOSS CAUSED BY DAM ON LAKE REDROCK, IOWA.

(a) ELIGIBILITY.—To be eligible for assistance under this section, an agricultural producer must—

(1)(A) be an owner or operator of land who granted an easement to the Federal Government for flooding losses to the land caused by water retention at the dam site at Lake Redrock, Iowa; or

(B) have been an owner or operator of land that was condemned by the Federal Government because of flooding of the land caused by water retention at the dam site at Lake Redrock, Iowa; and

(2) have incurred losses that exceed the estimates of the Secretary of the Army provided to the producer as part of the granting of the easement or as part of the condemnation.

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Army shall compensate an eligible producer described in subsection (a) for flooding losses to the land of the producer described in subsection (a)(2) in an amount determined by the Federal Crop Insurance Corporation.

(2) REDUCTION.—If the Secretary maintains a water retention rate at the same site at Lake Redrock, Iowa, of—

(A) less than 769 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 10 percent;

(B) not less than 769 feet and not more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 7 percent; and

(C) more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 3 percent.

(c) CROP YEARS.—This section shall apply to flooding loses to the land of a producer described in subsection (a)(2) that are incurred during the 1997 and subsequent crop years.

Mr. STEVENS. Mr. President, I do ask that we consider this amendment at this time, and I further ask that upon its adoption it be placed in the bill that's just been passed as this action was completed prior to voting upon advancing this bill to third reading.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD addressed the chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Will the distinguished manager of the bill explain why this amendment is being called up following the final action on the bill?

Mr. STEVENS. Mr. President, by mistake this bill was deemed to have been objected to, and upon review after the bill, S. 672, was advanced to third reading, it was determined that the objection had not in fact been placed by the Senator that was purported to have placed an objection. It has been cleared on both sides, and it is matter now of trying to correct it and get this amendment of Senator GRASSLEY back to where it should have been adopted prior to the advancing of this bill to third reading.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska. I have no objection to the action requested.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 239) was agreed to.

Mr. STEVENS. Mr. President, I ask that this bill, S. 672, be postponed and set aside until the House bill arrives and this unanimous consent agreement may be fulfilled.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The bill has been set aside.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Has a quorum been put in place, Mr. President?

The PRESIDING OFFICER. No quorum call has been placed.

MORNING BUSINESS

Mr. LOTT. Then, Mr. President, I thank my colleagues for their cooperation on the agreement we just reached on S. 4, and I now ask there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each, with the exception of Senator BYRD, who will speak on Mother's Day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LOUISIANA CONTESTED ELECTION

Mr. WARNER. Mr. President, I would like to report to the Senate that the Committee on Rules and Administration is about to embark on a bipartisan investigation into allegations that fraud, irregularities, and other errors, affected the outcome of the 1996 election for U.S. Senator from Louisiana—the first such Senate investigation into vote fraud since the early 1950's.

A review of the basis for this investigation and the developments to date is an obligation I have as chairman.

On November 5, 1996, Ms. MARY LANDRIEU and Mr. Louis "Woody" Jenkins competed in a very close election in which Ms. LANDRIEU was declared the victor by Louisiana State officials, by a margin of 5,788 votes out of approximately 1.7 million total votes cast. This margin represented a percentage difference of only 0.34 percent, one of the closest contested elections in U.S. Senate history.

On December 5, 1996, Mr. Jenkins filed a petition with the U.S. Senate asking that the election be overturned because of vote fraud and irregularities which he believed affected the outcome of the election. Along with an amended petition, Mr. Jenkins filed supporting evidence with the Senate on December 17.

Senator LANDRIEU filed a response to the petition on January 17, 1997. On February 7, 1997, Mr. Jenkins then submitted an answer to Senator LANDRIEU's filing.

In accordance with Senate precedent, Ms. LANDRIEU was seated "without prejudice" as the Senator from Louisiana on January 7, 1997, with all of the privileges and authority of a U.S. Senator. Majority Leader LOTT quoted former Majority Leader Robert Taft in defining the term "without prejudice" when Senator LOTT spoke on the floor on January 7:

> [T]he oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest and without prejudice to the right of anyone protesting or asking expulsion from the Senate to proceed.

The U.S. Constitution provides that the Senate is—and I quote from article I, section 5—"the Judge of the Elections, Returns, and Qualifications of its own Members. * * *" The U.S. Supreme Court has reviewed this Constitutional provision on several occasions and held in the 1928 case of *Reed et al.* v. *The County Comm'rs of Delaware County, Penn.* [277 U.S. 376, 388 (1928)]:

> [The Senate] is the judge of elections, returns and qualifications of its members. . . It is fully empowered, and may determine such matters without the aid of the House of Representatives or the Executive or Judicial Department.

In discussing the responsibilities of the Senate, Senator Robert C. BYRD, who has been a member of the Committee on Rules and Administration since 1963, stated on the floor of the Senate on January 15, 1975, as part of the debate on the New Hampshire contested election:

> . . . The Constitution of the United States places in this body the responsibility of being the sole judge of the elections, returns, and qualifications of its own members. Article 1, section 5, does not say that the Senate may be the judge; it says the Senate *shall* be the judge.
>
> . . . The Constitution vested in this body not only the power but the *duty* to judge, when there is a challenged election result involving the office of U.S. Senator. [Congressional RECORD Vol. 121, Part 1, page 440. (emphases added).]

And indeed, the Senate has taken this constitutional responsibility very seriously, handling approximately 100 contested cases over its 208-year history. Under the current Senate Rules, responsibility for developing the facts and recommendations for the full Senate in contested elections lies with the Committee on Rules and Administration.

Following the precedent of the Huffington versus Feinstein contest in 1995, I and ranking member, Mr. FORD, retained two outside counsel who are experts in the field of election law: Mr. William C. Canfield III, and Mr. Robert F. Bauer. These are the same two attorneys who assisted the committee in the Huffington contest.

Senator FORD and I requested that these experts review the pleadings and provided the following guidance:

> We request a written analysis of the sufficiency of the petition, based on the precedents and rules of the Senate, with specific reference to any documentation submitted by Mr. Jenkins or Ms. Landrieu relevant to the petition. The opinion should focus on the question of whether the petition is subject to dismissal without further review, or requires additional review or investigation, and, if so, the scope and structure of such review or investigation.

On April 8, 1997, these two counsel submitted a joint report which, in summary, recommended that the committee conduct "a preliminary, limited investigation into the sufficiency of claims in three areas, and the dismissal of claims in four areas." The areas counsel recommended further review of were: vote buying, multiple voting, and fraudulent registration.

Mr. Canfield and Mr. Bauer then appeared before the committee, in open session, on April 10 to describe their review and recommendations, and to answer questions from the members of the Rules Committee.

On April 15, 1997, again in open session, Mr. Jenkins and attorneys for Senator LANDRIEU made presentations to the committee which laid out their respective views of the contest, the allegations made and evidence presented, and the standards of pleading and proof required to warrant further committee action.

As I stated at those hearings, I believe the counsel's report is a valuable contribution to the committee's evaluation of the contest. Nevertheless, it is important to remember that these lawyers were not asked to conduct an investigation, and they did not do so. Rather, they reviewed and analyzed only the petition and facts submitted by both Mr. Jenkins and Senator LANDRIEU.

When the committee met on April 17, 1997, to determine a further course of action, I advised my colleagues that I agreed with our counsel that an investigation was warranted. Indeed, I believed that Senate precedent dictated that an investigation be conducted. It was also my opinion that the committee's investigation should:

First, not be limited to specific areas which might preclude investigation of other potential sources of evidence; and

Second, should involve the use of attorneys with investigative experience to conduct an initial investigation in Louisiana within approximately a 45-day period.

In furtherance of these objectives, the committee met on April 17, and I offered a committee motion to authorize such an investigation. After several amendments, the committee authorized the chairman, in consultation with the ranking member to conduct an investigation,

> * * * into illegal or improper activities to determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities or other errors, in the aggregate, affected the outcome of the election for United States Senator in the State of Louisiana in 1996.

Since the committee hearing of April 17, I have worked with Senator FORD toward jointly selecting—as required by 2 U.S.C. 72a(I)(3)—the consultants that would assist the committee in the conduct of its investigation. The contracts hiring these consultants were signed by me and Senator FORD on May 7.

The investigative team will be headed by Richard Cullen, a former U.S. Attorney in Virginia, and George Terwilliger, also a former U.S. Attorney and later Deputy Attorney General of the United States, both with Republican affiliations, of the law firm McGuire Woods Battle & Boothe. They will be assisted by several of their firm's colleagues, including Jim Dyke, former top official for Vice President Walter Mondale and Gov. Doug Wilder, Bill Broddaus, former Democratic Attorney General of Virginia, and Frank Atkinson, former counsel to Gov. George Allen, comprising a well-experienced, bipartisan team who will take direction from me.

Participating fully in the investigation—pursuant to a protocol establishing the basic procedures under which all counsel will conduct the investigation—will be a second team of attorneys selected by Senator FORD and headed by Robert Bauer and John Hume of the law firm Perkins Coie, with Democrat affiliations.

This protocol, which was jointly drafted by the two teams, includes procedures for subpoenaing witnesses and documents, and conducting interviews and taking depositions. It establishes confidentiality procedures to protect the integrity of the investigation.

As Senator FORD and I worked toward the selection of our consultants and a joint investigation, I also spoke with the Governor of Louisiana, Mike Foster, who has assured the fullest cooperation with the Senate's investigation. And, committee staff is coordinating with the Federal Bureau of Investigation and the General Accounting Office seeking a detail of personnel to assist the committee.

The Senate's investigation in Louisiana is about to begin. Records will shortly be requested from the State, and the teams of counsel will go down to Louisiana next week to establish a local headquarters and make initial coordination with appropriate State and local officials, and prepare for witness interviews.

Mr. President, in the course of one's career as a Senator there are responsibilities you must perform. I did not seek this task, but I will truly and faithfully discharge a duty I have been given as chairman of the Rules Committee.

I have but one goal: to see that my work is performed in keeping with the tradition of the Senate in past cases and to give the full Committee my honest judgement of the established facts, and so that the Committee might give to the Senate its honest judgement of these facts, respecting the Senate's duty under article 1, Section 5 of the Constitution of the United States.

It is my intention that this investigation will determine the existence, or absence, of that body of credible fact that would justify the Senate in making a determination that fraud or irregularities or other errors, in the aggregate, did or did not, affect the outcome of the 1996 election for U.S. Senator in the State of Louisiana—thereby fulling the Senate's constitutional duty of judging the results of that election.

COMMENDING GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. FORD. Mr. President, I want to draw special attention today to five young women from northern Kentucky. These five young women from the Licking Valley Girl Scout Council are recipients of the Girl Scout Gold Award—the highest achievement a Girl Scout can earn. Each one has demonstrated outstanding achievements in the area of leadership, community service, career planning, and personal development.

Girl Scouts of the U.S.A. serves over 3.5 million girls and has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. Recipients of the award have not only earned patches for the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and the Career Exploration Pin, but also designed and implemented a Girl Scout Gold Award project.

But perhaps most important, these five Gold Award recipients have made a commitment to community that should not go unrecognized.

Kelly Buten, Mary Jane Hendrickson, Alyssa Hensley, Mandy Radle, and Becky Thomas have put an extraordinary amount of work into earning these awards, and in the process have received the community's and the Commonwealth's respect and admiration for their dedication and commitment. Their projects included teaching beginning violin classes to local elementary school children, organizing a fundraising breakfast for local elementary schools and holding a children's Christmas party.

For 85 years, the Girl Scouts have provided an informal educational program to inspire girls with the highest ideals of character, conduct, patriotism, and service so they will become resourceful, responsible citizens. The Licking Valley Girl Scouts alone serve over 5,000 girl and adult members.

Mr. President, I know my colleagues share my enthusiasm and admiration for the Girl Scouts' commitment to excellence. And, I know you will agree with my belief that this award is just the beginning of a long list of accomplishments and successes from these five Girl Scouts.

AMERICAN INTERESTS IN THE CASPIAN SEA REGION

Mr. BYRD. Mr. President, American involvement and interests in the Caspian Sea Region, have been increasing recently. While this region is new on the political map of American policymakers, in that the newly-sovereign nations there were formerly Republics under the rule of the Soviet Union, they represent very substantial new opportunities for the United States.

From the point of view of energy reserves, the tremendous hydrocarbon resources which are available for development in the region are of world-class potential. The extent of the resources which apparently exist, particularly in Kazakstan, Azerbaijan, and Turkmenistan could well serve as a long-term alternative to Western dependence on vulnerable supplies of Persian gulf oil. The proper development of the energy resources of the Caspian Sea region should also provide an invaluable impetus to the economic development of all the nations of the region. As a result of this growing potential, the Foreign Operations Appropriations Act for FY 1997 included a provision that I proposed for the Administration to develop a plan of action for the United States Government to assist and accelerate the earliest possible development and shipment of oil from the Caspian Sea region to the United States and other Western markets.

Mr. President, the Secretary of State has forwarded to the Congress, on April 15, 1997, the study which was required by the Appropriations Committee, and I am pleased to include the Summary, as well as recommended legislative and executive actions proposed by the report. It is a good report and should be of assistance to the Congress as it deliberates how to provide incentives for the United States to help promote the development of this new source of Western energy supplies, and to promote the future stability of the nations of the Caspian region, which is so necessary in order that our companies can operate effectively with the governments of those nations in developing these energy resources.

Mr. President, the full report is available from the Department of State, which originated it. I would, however, like to point out that the interagency group which developed the recommendations puts great emphasis on the need for the Congress to review the prohibition on direct bilateral assistance to Azerbaijan which is contained in Section 907 of the Freedom Support Act. The report indicates that Section 907 has the effect of limiting the influence of the United States in Azerbaijan, including the ability of the United States government to "provide financial support, such as risk insurance and grants for pipeline studies, to companies that are involved with the Azerbaijani government," thereby giving advantage to other governments who have no such limitations placed on their ability to assist their companies in the competition for access and opportunities in Azerbaijan. Revisiting the necessity of retaining, revising, or eliminating Section 907, would allow our institutions, such as the Trade and Development Agency, the Department of Commerce's Foreign Commercial Service, and the Overseas Private Investment Corporation, to assist U.S. companies to compete against foreign corporations, which presently enjoy the support of their own governments in the competition for business and opportunities in Azerbaijan. The report also encourages high-level political and business visits to and from the region, and in this regard I would encourage the President to invite the President of Azerbaijan, Mr. Heydar Aliyev, to make an official visit to Washington. Furthermore, the report encourages the United States to continue to play a mediation role among the countries of the Caspian region, when they are involved in disputes. This is particularly important today with regard to the dispute between Armenia and Azerbaijan, which has inhibited joint development of energy and other projects, and has caused the dislocation and suffering of up to a million refugees in the region. As the report concludes, from a U.S. policy standpoint, "Caspian energy development is not a zero sum game—all can benefit from the region's rapid economic development, including Russia."

Mr. President, the Senate will soon be taking up the Treaty on Conventional Armed Forces in Europe (CFE) Revisions of the Flank Agreement. I find it disturbing that some of the governments most directly affected by this agreement, particularly the governments of Georgia, the Ukraine, and Azerbaijan have refused to sign the agreement. I have received a letter from the ambassador from Azerbaijan on May 5, 1997, Mr. Hafiz Pashayev, in which he expresses his concern over what he describes as an imbalance of forces in the flank area, which includes his country, and says that the agreement poses a security concern for Azerbaijan. In this regard, he points out that there are credible reports of the provision of massive Russian arms shipments to Armenia, which could well have the effect of further destabilizing the situation in the caucasus. It is important to note that the chairman of the Defense Committee of the Duma, the lower house of the Russian parliament, Mr. Lev Rokhlin, is reported, by Russian newspaper Nezavisimaya gazeta, to have revealed that elements of the Russian government or armed forces, from 1993–96, shipped some $1 billion in arms to Armenia, including 32 R-17's, or Scud missiles and associated launchers, 82 T-72 tanks, 50 armored combat vehicles, various howitzers, grenade launchers, and other missiles and armaments. This, of course, has alarmed American oil companies located within range of these missiles in Azerbaijan, and the ambassador says in his letter that there is concern in his country that these military shipments have caused an imbalance in forces in the so-called "flank" area, and pose a "security concern for Azerbaijan."

The Russian Government, or elements of it, appears to have used its armed forces in recent years in Georgia, in Azerbaijan, certainly in Chechnya, and perhaps other states in the region to exert influence and pressure on those governments. I note that Russia has maintained military bases in both Georgia and Armenia, and I have been informed that Russian officials have brought pressure on the government of Azerbaijan to allow Russian forces to establish a base in that nation. The government of Azerbaijan has, wisely I believe, resisted these pressures and retains its sovereignty without the presence of Russian forces on its soil. Administration officials testified last week, on April 29, 1997, before the Senate Foreign Relations Committee, in connection with the CFE Flank agreement, and have pointed out that it is the policy of the United States not to support the stationing of foreign troops such as Russian forces on the territory of any other states unless that is achieved by means of free negotiations and with full respect for the sovereignty of the states involved. We need to be careful that we do not in any way appear to countenance the imposition of Russian forces or equipment on any nation through heavy-handed tactics, tactics which might push the states of the Caspian region into positions that they would not otherwise freely assent to. Thus, it is certainly of legitimate concern that key states of the Caspian region have not agreed to the terms of the terms of the revisions of the CFE Treaty. This is a matter which I am sure the knowledgeable Senators on the Foreign Relations Committee will be discussing when that Treaty comes to the Senate floor for consideration, and I look forward to that discussion.

I ask unanimous consent that the letter from the Ambassador from Azerbaijan and the letter of transmittal with the accompanying report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE
REPUBLIC OF AZERBAIJAN,
Washington, DC, May 5, 1997.

Hon. ROBERT BYRD,
U.S. Senate
Washington, DC.

DEAR SENATOR BYRD: During Senate consideration of the CFE Treaty, I hope, members of the Senate will address concerns of the Government of Azerbaijan regarding this Treaty.

Specifically we are concerned about of an imbalance forces in "flank" area, which could pose security concern for Azerbaijan.

I would also remind you about the one billion an illegal arms shipments from unofficial sources in Russia to Armenia, which has already created a strategic imbalance for my country.

Sincerely,

HAFIZ M. PASHAYEV,
Ambassador.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 15, 1997.

Hon. ROBERT BYRD,
Committee on Appropriations,
U.S. Senate.

DEAR SENATOR BYRD: On behalf of the Secretary of State, I am transmitting to you a report as requested by the Joint Explanatory Statement of the Committee of Conference accompanying the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as enacted in P.L. 104-208, that contains a plan for action for the United States Government to assist and accelerate the earliest possible development and shipment of oil from the Caspian Sea region to the United States and other Western markets.

Please do not hesitate to contact us if you have questions on this issue or on any other matter.

Enclosure: Report on the Caspian Region Energy Development.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

CASPIAN REGION ENERGY DEVELOPMENT REPORT, AS REQUIRED BY H.R. 3610

SUMMARY

This report to congress addresses the request of the FY 97 statement of managers accompanying the FY 97 Foreign Operations bill as incorporated in Public Law (104–208).

The Caspian Basin region is made up of the five littoral states of the Caspian Seas (Azerbaijan, Iran, Kazakstan, Russia, and Turkmenistan). With potential reserves of as much as 200 billion barrels of oil, the Caspian region could become the most important new player in world oil markets over the next decade. The United States supports the development of secure, prosperous, and independent energy-exporting states at peace with each other and their neighbors in the region. We want to see these countries fully integrated into the global economy. As the newly independent countries of the Caspian region work to enhance their sovereignty and to create stability within their own borders and in the region, energy resource development has emerged as a critical factor and means to these ends. The speed and depth of macroeconomic reforms and democratization of these states will provide the foundation for a favorable climate to attract foreign investment and will determine their future economic prosperity as well as the extent of their integration into the world economy. Resolution of regional conflicts in Nagorno-Karabakh, Abkhazia, and Chechnya is also critical for successful and comprehensive energy development in the region.

As a consumer nation, the United States is interested in enhancing and diversifying global energy supplies. It is the Clinton Administration's policy to promote rapid development of Caspian energy resources through multiple pipelines and diversified infrastructure networks to reinforce Western energy security, and provide regional consumers alternatives to Iranian energy. It is our judgment that the scale of Caspian basin energy resources not only justifies—but will demand—multiple transportation options for moving production out into world markets. Multiple pipelines will prompt competition, will ensure reliable, more efficient operations, and will promote commercial viability.

The United States has a policy that focuses on expanding and strengthening the web of relations with the region's newly independent states across bilateral, regional and multilateral levels; supporting the development and diversification of regional infrastructural networks and transportation corridors to tie the region securely to the West and providing alternatives to Iran; and constructively engaging these states in a dialogue on Caspian energy development, particularly through trade and investment.

We are encouraging these countries to adopt open, fair, and transparent investment regimes which will create favorable climates for U.S. companies to participate directly in the development of the region's energy resources. We are confident that their participation will bring strong partners and environmentally sound technology and practices to the countries in the region. The Clinton Administration has an active dialogue with the private sector and has developed working relations with the countries in the region to reduce or remove barriers to investment by U.S. companies. However, U.S. companies are disadvantaged in some crucial respects, preeminently by the burden that Section 907 of the FREEDOM Support Act places on companies working in Azerbaijan. Furthermore, foreign companies benefit significantly from unrestricted political and financial support from their governments.

In addition, the division of development rights to the significant oil and gas deposits beneath the Caspian Sea remains a critical issue for the five littoral states. The U.S. Government has encouraged the littoral states to adopt a legal regime in the Caspian Sea which includes the division of seabed resources through clearly established property rights and unrestricted transportation.

Another U.S. policy goal is to continue to isolate the Iranian regime until such time as its unacceptable practices, including support for international terrorism, cease. Iran's economic isolation imposed by U.S. sanctions is leading Teheran to look for new opportunities as well as new markets in the region. This presents a particular challenge as the USG works to balance its commercial interests in the region with its foreign policy goals.

An interagency working group for Caspian energy chaired by the National Security Council meets regularly to discuss U.S. policy toward the Caspian Basin. The Administration believes that significant progress is being made on these goals but suggests the following steps which can further advance U.S. interests in the region:

(1) Repeal Section 907 of the FREEDOM Support Act which restricts the provisions of USG assistance to the Government of Azerbaijan and limits U.S. influence and assistance in Azerbaijan;

(2) Take the necessary legislative and administrative actions to make TDA, OPIC, and EXIM programs available to our companies in the Caucasus, Central Asia, Afghanistan, and Pakistan;

(3) Encourage high-level visits to and from the region;

(4) Continue active U.S. support for international and regional efforts to achieve balanced and lasting political settlement of conflicts in Nagorno-Karabakh, Abkhazia, and elsewhere in the region. Be prepared to contribute a fair share to reconstruction and development costs of warn-torn zones following achievement of peace agreements;

(5) Make available USG resources to support a UN-led peace process in Afghanistan if/when the Afghan parties agree on terms for these elements;

(6) Encourage installation of upgraded navigation systems in the Bosporus;

(7) Encourage the development of new markets in the Black Sea region;

(8) Structure assistance to the region to encourage economic reform and the development of appropriate investment climates in the region.

RECOMMENDED LEGISLATIVE AND EXECUTIVE ACTIONS

1. Repeal Section 907 of the FREEDOM Support Act (FSA) which limits U.S. influence and assistance in Azerbaijan.

Section 907 of the FSA, enacted in 1992, provides that U.S. assistance "may not be provided to the Government of Azerbaijan until the President determines, and so reports to Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh." Unfortunately, this statutory restriction on assistance to the Government of Azerbaijan limits our ability to advance U.S. interests in Azerbaijan. The Clinton Administration has from the start opposed this restriction on assistance to the Government of Azerbaijan. Section 907 hinders U.S. policy objectives, including the provision of humanitarian aid, support for democratic and economic development, support for the Nagorno-Karabakh peace process, and promotion of U.S. investment opportunities in Azerbaijan. Section 907 restrictions have placed American firms at a disadvantage because they limit the ability of the U.S. Government to provide financial support, such as risk insurance and grants for pipeline studies to companies that are involved with the Azerbaijani government of its institutions, including the State Oil Company of Azerbaijan (SOCAR), on projects that involve substantial Azerbaijani government ownership or control. Section 907 prevents the U.S. from offering many kinds of technical assistance and exchange programs offered to other governments throughout the NIS and which are needed to help create an attractive business climate and commercial infrastructure. When the European Union, Japan, or International Financial Institutions step in to fill this void, the U.S. loses influence and U.S. businesses lose opportunities. This also creates hostility towards the U.S. and U.S. businesses. As foreign competition for oil and gas resources in the region increases, American companies—particularly smaller firms—will lose out and may be unable to compete with other, government-supported, foreign companies in Azerbaijan due to the restrictions Section 907 places on U.S. Government-funded support for American investment involving Government of Azerbaijan owned or controlled enterprises in Azerbaijan.

2. Take the necessary legislative and administrative actions to make TDA, OPIC and EXIM programs available to our companies in the Caucasus, Central Asia, Afghanistan and Pakistan.

Since U.S. companies will frequently not be participating as majority owners in pipeline and consortia agreement, we need to find creative ways in which we can assure their access to these programs within existing requirements on U.S. content and equity participation. Our competitors, as noted below, are already operating in the area with government-backed credit lines. Repealing Section 907 of the FREEDOM Support Act would make it easier for these programs to operate effectively throughout the Caspian region. We recognize that opening these programs in individual countries is contingent upon decisions from respective Boards of Directors taking into account legal strictures and country risk assessment.

3. Encourage high-level visits to and from the region.

Many observers point to high-level visible government support as major factor in the successful involvement of British, French, and Japanese firms throughout the Caspian region—support which gives these companies a significant competitive edge against American companies. This support typically takes two forms—high level, high visibility trade missions and export credits. The Caspian Basin is new to many political and business leaders in the U.S. High-level congressional, administration, and business travel to the region—for example cabinet-level participation in the oil and gas shows in Baku, Ashgabat, and Almaty, and in support of companies' bids for contracts—would be particularly useful. These visits should be reinforced by invitations to decision-makers from the region to come to the U.S.

4. Continue active U.S. support for international and regional efforts to achieve balanced and lasting political settlement of conflicts in Nagorno-Karabakh, Abkhazia, and elsewhere in the region (e.g. Chechnya, Tajikistan). Be prepared to contribute a fair share to reconstruction and development costs of war-torn zones following achievement of peace agreements.

5. Make available USG resources to support a UN-led peace process in Afghanistan if/when the Afghan parties agree on terms for these elements.

A lasting Afghanistan peace settlement is not only in the interests of the Afghan people but would promote regional stability and development. U.S. companies are eager to participate in exporting Caspian energy via Afghanistan.

6. Encourage installation of upgraded navigation systems in the Bosporus.

This issue should be kept separate from consideration of a main export pipeline through Turkey: it stands on its own merits. As noted earlier, the capacity of the Bosporus to carry Caspian oil safely and efficiently will eventually be exceeded. The present system is inadequate and needs replacement regardless of the additional volume of oil which transits this area. Turkish concerns for the safety of the 13 million people who live along the straits are valid and we should work through the International Maritime Organization (IMO) to set reasonable standards for safe and secure transit through the Straits. The adoption of more advanced technology would further improve the flow of traffic in the Straits and increase safety for shippers and reduce the risk of an environmentally devastating oil spill. Currently, while there are some aids to navigation, there is no continuous tracking of ships. The USG should continue to urge and work with the Turkish government to install a state-of-the-art Vessel Tracking System (VTS) for the Turkish Straits, preferably from an American supplier, which would provide complete radar coverage throughout the Straits and would have the ability to communicate with ships by radio. The U.S. Coast Guard is currently working on installing 17 such systems across the United States. The Coast Guard estimates that complete coverage of the Straits would cost $60 million to install, and up to $1 million annually to operate. The Turkish government has prepared a tender to install a world class VTS three times. The USG should support efforts to secure international financing for such a system.

7. Encourage the development of new markets in the Black Sea Region.

All current oil export routes from the Caspian Basin terminate at the Black Sea. Given the limitations on the volume of oil which can be exported through the Bosporus as outlined above, alternatives to the Straits must be identified and developed. One possibility is to develop the oil, gas, and power markets in the Black Sea Region and to develop the infrastructure to transport Caspian energy to other markets. Additional sources of energy for the countries of this region and increased transit fees would stimulate economic development, reduce existing monopolies over supplies, and provide lucrative marekts for the producing countries.

8. Structure assistance to the region to encourage economic reform and the development of appropriate investment climates in the region.

Continued USG support through technical assistance is essential in assisting these countries to establish strong market economies and encourage the emergence of a financially vibrant energy sector. Transparent legal and regulatory environment, and restructured and privatized energy sectors in these countries will ensure the commercial viability of new investments and expand opportunities for U.S. industry. To a great extent, the Clinton Administration's ability to tailor assistance strategies to address U.S. interests is hampered by restrictions on how assistance money can be spent. Besides the restrictions imposed by Section 907 of the FSA on USG funded assistance to the Government of Azerbaijan, Congressional earmarks limit assistance flexibility and often channel money away from projects and programs which might further U.S. interests more rapidly. We recommend that earmarks and other restrictions be kept as low as possible, if not completely eliminated.

TRIBUTE TO THOMAS SALMON

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Tom Salmon, president of the University of Vermont, who will be retiring later this month.

Tom and I have worked together for nearly three decades. First as young lawyers in our hometown of Rutland, VT, and then in the general assembly. While he went on to serve as Governor for two terms, I went to Washington to serve in Congress. Although we represented different political parties, we shared a love for Vermont which enabled us to work together and put politics aside.

More recently, during Tom Salmon's tenure as president of the University of Vermont, we have had the opportunity to work closely again. His commitment to improving the quality of education has been outstanding, and I have watched with admiration as the university has flourished under his guidance. His capacity to make tough decisions while also connecting with students at the university has contributed to his success. No one could ever question Tom Salmon's dedication after hearing about the time he had to excuse himself from an important meeting of the Governor's council of economic advisors because it conflicted with his graduate school seminar. This has been a job that Tom has loved, and one that he has done well.

As I think back over the years, one thing is very clear, Tom Salmon is a man who cares about the State of Vermont and its citizens. Be it as Governor, teacher, chairman of the board, or adviser, his outstanding ability always shines through making him one of Vermont's most successful leaders.

COMMENDATION FOR LINDA ESPINOSA

Mr. CAMPBELL. Mr. President, I would like to take the time today to commend an amazing young woman from my home State of Colorado.

Linda Espinosa is a very special person. Not only has she been named the valedictorian of her school in Colorado Springs, but she is also one of only six people each year to be awarded the Junior Achievement Award by Amway Corp. This achievement is even more significant because the award is given to outstanding individuals who have excelled in a particular area, despite suffering from hardship or disability. Linda's triumph has been overcoming deafness to lead her class at the Colorado School for the Deaf and Blind.

I admire Linda's determination and scholarship, and ask my colleagues to join me in recognizing her accomplishment. I wish Linda the best of luck in her future endeavors. We can all learn a lesson in perseverance from this courageous young woman.

Thank you, Mr. President. I yield the floor.

SUMMARY OF A REPORT OF THE SENATE DELEGATION VISIT TO ASIA

Mr. DASCHLE. Mr. President, I ask unanimous consent to insert in today's RECORD a summary of a longer report on a November 1996 trip taken by a congressional delegation consisting of Senators GLENN, LEAHY, DORGAN, KEMPTHORNE, and myself. The delegation traveled to Vietnam, China, Hong Kong, and Taiwan, meeting with senior government officials in each location. The summary discusses the highlights of the trip. The full report is also available. As the trip report summary highlights, members of the delegation raised important U.S. national priorities in each country and gained valuable insight into the leaders' views.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

REPORT OF THE SENATE DELEGATION VISIT TO ASIA, NOVEMBER 8-17, 1996

SUMMARY AND FINDINGS

A delegation from the United States Senate, consisting of Democratic Leader Tom Daschle (D-SD), Senator John Glenn (D-OH), Senator Patrick Leahy (D-VT), Senator Byron Dorgan (D-ND) and Senator Dirk Kempthorne (R-ID), met with leading officials in Vietnam, China, Hong Kong and Taiwan during a trip to that region from November 8-17, 1996. The delegation's mission was to explore firsthand U.S. policy issues in this part of the world where the United States has important national security, humanitarian and economic interests.

In each country, the delegation discussed various aspects of U.S. policy with high level government officials. In meetings in Vietnam, they raised a variety of important U.S. policy interests, beginning with the high priority the United States places on resolving remaining cases of U.S. service members reported missing in action (MIA). They also discussed the need for a comprehensive trade agreement and the issues that must be addressed before one can be completed. They raised a number of other issues, including urging greater cooperation on Agent Orange research issues; pressing the need or improvements in Vietnam's human rights practices; requesting that the U.S. Embassy in

Hanoi be relocated to a more central location in the city closer to most of the organizations with which it works; and encouraging the Vietnamese to resolve remaining immigration issues and remove existing obstacles to trade.

In these meetings, the Vietnamese expressed a willingness to work with the U.S. to resolve problems in U.S.-Vietnamese bilateral relations. They clearly understood the importance of the MIA issue and pledged cooperation. They appeared to welcome the trade that has taken place in the absence of a comprehensive trade agreement and looked forward to expanding trade with such an agreement. The Vietnamese acknowledged that they had a way to go in modifying their laws and practices to enter fully the international marketplace. In addition, they were eager to have the National Assembly, their legislative branch, host a congressional delegation for the first time. They expressed strong interest in expanding contracts between our respective legislative branches in the future.

The Chinese leaders with whom the delegation met appeared very interested in moving U.S.-Chinese relations in a more positive direction. The delegation had a good exchange of views with the Chinese in a number of areas, including expressing the importance to the United States of human rights practices; the need for improvements in China's trade policies to open its markets and increase opportunities for U.S. exports; and the need for additional attention in the area of nuclear proliferation. They heard varying levels of acknowledgment of U.S. positions and willingness to work with us.

The delegation also discussed with the Chinese the upcoming July 1, 1997 transition in which Hong Kong reverts to Chinese sovereignty. The delegation indicated that it is very important to the U.S. that the transition go smoothly, and the Chinese said that they wished to see that outcome as well. The delegation also met with a wide range of Hong Kong residents to assess their views on the transition. Some were quite optimistic, as were the U.S. businesses with whom the delegation met. Others were more cautious and pointed out the potential for conflict.

The delegation had a number of discussions with leaders in China and Taiwan about the relations between Taiwan and the Mainland. Both sides indicated that tensions had diminished since the U.S. sent carriers to the Taiwan Straits shortly before Taiwan's March 1996 election. However, the delegation observed a wide gulf between each side's interpretation of the relations between them and the prospects for reunification.

TOM DASCHLE,
JOHN GLENN,
PATRICK LEAHY,
BYRON DORGAN,
DIRK KEMPTHORNE.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 7, 1997, the Federal debt stood at $5,336,081,916,565.07 (five trillion, three hundred thirty-six billion, eighty-one million, nine hundred sixteen thousand, five hundred sixty-five dollars and seven cents).

One year ago, May 7, 1996, the Federal debt stood at $5,093,910,000,000 (five trillion, ninety-three billion, nine hundred ten million).

Five years ago, May 7, 1992, the Federal debt stood at $3,883,035,000,000 (three trillion, eight hundred eighty-three billion, thirty-five million).

Ten years ago, May 7, 1987, the Federal debt stood at $2,272,537,000,000 (two trillion, two hundred seventy-two billion, five hundred thirty-seven million).

Fifteen years ago, May 7, 1982, the Federal debt stood at $1,057,931,000,000 (one trillion, fifty-seven billion, nine hundred thirty-one million) which reflects a debt increase of more than $4 trillion—$4,278,150,916,565.07 (four trillion, two hundred seventy-eight billion, one hundred fifty million, nine hundred sixteen thousand, five hundred sixty-five dollars and seven cents) during the past 15 years.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WE CAN SAY WE WERE PART OF SOMETHING

Mr. DASCHLE. Mr. President, the tragic days of the Dirty Thirties are still remembered by many in my State. As an unbreakable drought settled over our region, the fields dried and the crops withered. Hot, dry winds whipped the dust into dark clouds that blew over the land and settled in great drifts on the ground. It was a desperate time for our State. Destitute and facing foreclosure, many South Dakotans had no choice but to abandon the farms in which they had invested countless years of labor. These losses rippled through our economy with a devastating effect, stripping businesses of their livelihood and farmworkers of their jobs. As the lines of the unemployed grew, so did a feeling of hopelessness among our people.

It was in the midst of this terrible Depression that one of our Nation's greatest Presidents, Franklin Delano Roosevelt, offered hope to the people of South Dakota. Through the Civilian Conservation Corps and the Works Progress Administration [WPA], he provided jobs for South Dakotans, and gave us back the dignity that comes with earning your keep. Roosevelt's mark can still be seen across the State, where the thousands of people he put to work left stadiums, sewer systems, and miles of highways and sidewalks as their legacy.

In Milbank, a quiet, friendly town in the northeast corner of my State, the WPA-built municipal water system still ingeniously delivers water from springs outside of town without the work of a single pump. And only recently was the stretch of Highway 12 that runs through Milbank, built by WPA workers and nearly six decades old, finally repaved.

After all Franklin Roosevelt gave to South Dakota and the people of Milbank, I am pleased to say that we have had the rare and wonderful opportunity to give something back to him. Mr. President, last week the long-awaited memorial to Franklin Roosevelt was unveiled. Over 800 feet long, its rough-hewn granite walls form outdoor rooms that honor each of Roosevelt's four terms as President.

I am proud to say that the stone for this memorial was quarried by workers in Milbank. Nearly 60 years after Roosevelt put the citizens of Milbank to work in the WPA, they have again been hard at work for him, cutting and hammering the granite for our memorial to the man who led our Nation through its worst depression and most terrible war.

Quarrying this granite has been a source of deep inspiration and pride for the workers of the Cold Springs Granite Co., which owns the quarry. Often working in the bitter cold, their fierce dedication ensured that the 4,500 hundred tons of stone they cut reached Washington safely and on schedule.

This was no mean feat—to meet the needs of the memorial, the 3-billion-year-old layer of granite that runs beneath Milbank was cut in pieces weighing up to 100 tons. These monstrous stones then had to be carefully raised, without cracking or falling, from the base of a pit 140 feet beneath the ground. Once they reached the surface, the stones were sent by flatbed truck to Cold Springs, MN, where workers shaped them according to the models of Lawrence Halprin, the designer of the monument. According to workers like Frank Hermans, who has worked in the quarry his entire adult life, the job gave him and his coworkers the chance to leave their mark in history. "We can say we were part of something," he said. "Not many get the chance to say that."

I know I speak for my colleagues as I say thank you to the workers of Milbank for their dedication and hours of labor. Their efforts have helped the Nation to honor a man who gave us hope when we were hopeless and the determination to fight when our freedom was threatened.

Mr. President, the Washington Post recently printed an outstanding article on quarrying of the memorial's granite. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 2, 1997]

BY PROUD TOIL, STONE IS HEWN INTO HISTORY

(By Peter Finn)

MILBANK, S.D.—The wind chill was 70 below one Saturday last November when the six quarrymen working in a deep gouge in the earth here had to move one last piece of granite. It was a 65-ton clossus.

The rock had been quarried loose a month earlier, but the permit to transport it on state roads to a factory in Cold Spring, Minn., for cutting and shaping stated that it had to go that day, bonechilling temperatures not withstanding.

"We had the warn clothes on," said Frank Hermans, the quarry foreman. "But your face hurt. It was a cold one."

It took three excruciating hours to bring the granite up from the 140-foot-deep quarry, making sure it did not fall or crack. Hermans, his face chapped and burnished, felt a fierce satisfaction as he watched it leave on a flatbed truck.

"We can say we were part of something," said the 46-year-old, who has worked down in "the hole," as he calls it, since he was a teenager. "Not many get to say that."

Now, six months later, that piece of granite is a base stone in one of four fountains at the Franklin Delano Roosevelt Memorial, which will be dedicated today on a 7½-acre site by the Tidal Basin.

The memorial's dominant feature is its granite spine, an 800-foot-long meandering wall that forms four outdoor rooms, each representing one of FDR's presidential terms. The 12-foot-high wall defines the memorial sculpture and fountains, embracing and guiding the visitor through Roosevelt's time, the years of the Great Depression and World War II.

"As the stone gets rougher and rougher, the emotion builds up," said landscpe architect Lawrence Halprin, the memorial's designer. With the progression of the wall into the room representing World War II, the stone's face becomes increasingly irregular. "I'm choreographing experiences."

From the quarry here on the dull Dakota flatlands to Washington, where today's dignitary-studded dedication will take place, the hands of many people gave physical life to Halprin's artistry. Working hands. Hands that hammered and gouged and chiseled the stone. Hands that blistered and calloused and ached. Hands that bled passion as well as sweat.

The schedule wore on the workers. One got shots of cortisone in his shoulder to keep working. Another, who was responsible for coordinating all the stonework, literally lost his hair last year under the strain of meeting deadlines. When it grew back this year, it had turned white.

"This was very personal for us," said LaVern Maile, 55, a stonecutter at Cold Spring Granite Co., which owns the quarry and cut the stone for the memorial—enough to build an 80-story building.

"It was a monster of a job," he said. "I don't think any of us realized until we were halfway into it just how big it was. And probably that was just as well."

The Millbank quarry, once a natural outcropping of stone valued for its reddish hue, is now a vast tear that extends 1,000 feet long and 650 feet across as it falls in terraces to its deepest point of 140 feet. Surveys estimate that the granite runs for 12 miles under this desolate plain. Each year this slice of earth yields 463,000 tons of stone for malls, banks, office buildings and grave markers.

Here, in the swirl of red and gray dust kicked up daily by heavy machinery and the boom of explosives cracking rock, Halprin first laid hands on his creation. He chose this granite 22 years ago because the rock closely resembled the stone FDR had selected for additions to the family estate at Hyde Park, N.Y.

The granite is called carnelian, a derivative of the Latin word for flesh. It is 2 billion years old, dating from the pre-Cambrian era, the period before there was abundant life on Earth. The granite formed when molten rocks deep in the earth's crust solidified and either rose to the surface or were exposed by erosion.

Halprin says the wall, too, will endure. He promises it will still be standing 3,000 years from now.

The architect drew and made models of every stone he wanted in the memorial—their lengths, shapes, protrusions, recesses, smoothness and roughness. "I could see every stone in my mind," said Halprin, comparing the process to the way a composer documents musical arrangements.

If Halprin was the composer and conductor, a select group of Minnesota stonecutters was his orchestra.

Stonecutter Wally Leither, 55, carried drawings of each block as he prowled the quarry looking for granite that matched Halprin's specifications.

Usually, granite is blasted loose with explosives, but because Halprin's demands were so specific and explosives leave long rivets on the outside of the stone, Leither had to cut most of the blocks for the memorial by hand.

Using jackhammers, he drilled holes into the stone every four inches, shaping a piece of stone. Two pieces of steel were placed in the shallow holes, and an iron wedge was hammered between them.

"We'd let it sit like that overnight, and the stone would crack with the pressure," said Leither, whose graying mustache doesn't quite hide a persistent smile. "It was slow work."

Stone was first cut for the memorial in 1991 after Congress appropriated the $42.5 million in public funds needed to build it. (An additional $5.5 million came in private donations.) Over the last six years, 15,000 tons of stone was chipped from the earth in South Dakota and trucked two hours east to Minnesota to the Cold Spring Granite Co., where 4,500 tons of it was cut and shaped. The contract for quarrying and preparing the granite was $6.35 million, according to the National Park Service.

Halprin visited the quarry frequently, sometimes becoming seized with excitement when he saw a particular stone and adjusting his design to incorporate it if Leither told him the men could get it out just as Halprin imagined it would look.

"I've never seen anyone look at stone quite like him," said Don Noll, 57, the West Coast Salesman for Cold Spring Granite, who accompanied Halprin on some of his trips to South Dakota. "Each stone has a personality with him. Where I saw nothing except a chunk of rock, he saw part of a fountain. He'd stand in front of stone and say, 'Do you see it? Do you see it?' And I'd say, 'See what, Larry? What do you see?'"

Some uses of the granite came about by happenstance.

In 1978, at the New Jersey studio of George Segal, one of four sculptors who worked on the memorial, Halprin and the others were discussing how to depict World War II in stone. But their ideas seemed uninspired. As they stood over a stone model of the wall, someone waved his hand in agitation, knocking down a section and creating a pile of rubble.

"Suddenly we all realized we had captured the destructive image that expressed what we needed," Halprin recalled.

The Cold Spring Granite Co.'s fabrication plant in Minnesota is a sea of thundering industry: furnaces that blast granite at 1,800 degrees to give it a thermal finish, 10-foot-high wire saws that pulsate rhythmically as they slice the stone, and huge polishing units that smooth the granite. High above the shop floor, cranes straddle the width of the factory, lifting slabs of granite some weighing several tons, with suction cups.

That machinery cut and finished the granite paving stones that visitors to the memorial will walk on, as well as the smooth blocks on which carver John Benson sandblasted some of FDR's words.

But no machine could give the wall stone the roughness that the landscape architect desired.

Leither and Maile and three other stonecutters, Mervile Sabrowsky, 56, Dean Hemmech, 39, and Kraig Kussatz, 38, began work on the rock faces the public would view. They started with 16-pound hammer sets, then moved to smaller and smaller chisels until the stone began to resemble Halprin's drawings.

"It looks easy, but if you take too much, you ruin the granite," Leither said. "Sometimes we had to compromise with Larry. He wanted it a certain way, and we had to say we can't take that much off."

Over the last three years, the pace has been furious. The team of four stonecutters tried to work on at least nine blocks a day, always starting three and finishing three each shift.

Some of the larger stones could not fit in the factory, so the cutters had to work outside, standing on massive chunks of stone and hammering away. One stone was reduced from 92 tons to 40 tons before it was sent to Washington.

Part of the wall's effect is the sense that one huge block is stacked atop another. In fact, in much of the wall the granite is no more than 10 inches thick, the back having been sheared away. Behind it, in a two-inch space, stainless steel anchors hook the granite slabs to an unseen concrete wall that runs inside the memorial, ensuring that the granite cannot fall.

Neither Maile nor Leither has any specific memories of FDR; each was a young child when the President died in 1945. "My day was strong Democratic," Maile said. "He talked about him. He enjoyed him."

Through the FDR Memorial, however, Maile and Leither, along with hundreds of other Cold Spring Granite employees, felt the excitement of leaving a little stamp on history, a mark not easily made in the anonymity of small-town factory work.

"Someday I know that my grandchildren or my great-grandchildren will see this memorial," Maile said, "and in the stone they'll see a little piece of me."

When the last block left the factory late last year, Maile said he felt like retiring.

"We'll never work on something like this again. It's part of history," he said. "And we were all giving 100 percent and a little bit more. When the last piece went out, it was a letdown in some ways. We did nothing else for years."

Construction on the memorial site began in October 1994. It took 210 flatbed truck trips to transport the 4,000 wall stones and 27,239 paving stones from Cold Spring to Washington, the last arriving late last year.

The peninsula on which the memorial sits was formed from mud dredged from the Tidal Basin in the late 1800s and early 1900s. Tests indicated it could not support the 4,500-ton memorial, so about 900 steel pilings were driven down 100 feet to the solid ground under the settled mud. Concrete beams were then built over the pilings.

"It's like it is built on a bridge," Halprin said.

The four sections of the wall were built one by one over the last 30 months, with cranes hoisting the granite stones into position so they could be hooked to the concrete wall behind. The William V. Walsh Construction Co. of Rockville with the primary contractor on site.

Halprin and the workers at Cold Spring had built mock-ups of the wall in Minnesota to see how corners, buttresses and ground connections could best be assembled when the stone reached Washington. Those mock-ups also gave Benson, the inscription designer and carver, an opportunity for some trial runs on the heavily pillowed granite.

He chose a form of Roman inscription that was refined in his studio in Newport, R.I., but the actual carving was done on the erected memorial. Benson traced the letters, some 16 inches tall, onto the granite with water-based paint. Once he saw how the rough surface distorted the appearance of the letters, he repainted them before carving the quotations, using a chisel driven by a pneumatic hammer.

Benson, whose stone-carving business is the oldest in the country, dating to 1705, said he cut at a rate of about two letters a day.

"You don't make mistakes," he said. "You can't make a mistake. The wall was up."

The stonecutters from Cold Spring also worked on site in the last four months, making last-minute cuts at Halprin's direction.

"That was awful scary," Leither said. "Mess up and the whole wall has to come down."

On one of the last pieces the cutters worked on—a bench—Maile gave the 16-pound hammer to Halprin so he could pitch away a piece of stone.

"I couldn't let it pass without him taking one swing," Maile said.

Halprin kept the piece of stone as a souvenir.

Leither and Maile, along with 30 other people from Cold Spring, will be at the dedication today.

"When we said those stones, all finished, it'll be almost like a family reunion," Leither said. "We gave birth to them out in Millbank, nurtured them in Cold Spring and sent them off like grown children to Washington, D.C."

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACK SWIGERT STATUE PLACEMENT IN NATIONAL STATUARY HALL

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 25, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 25) providing for acceptance of a statue of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I am proud to announce on behalf of the State of Colorado that today the Senate will have the opportunity to approve House Resolution 25 to allow the placement of the statue of Jack Swigert in National Statuary Hall.

Coloradans chose astronaut Jack Swigert as the second State statue to be placed in the U.S. Capitol. He was elected to the U.S. House of Representatives in 1982 representing the Sixth Congressional District. Unfortunately, his successful campaign was beset by his battle with bone-marrow cancer. The cancer spread quickly but he insisted on traveling from Colorado to Washington despite his failing health. The Representative-elect died only days before the swearing in ceremony.

Mr. Swigert is well known as one of the astronauts on the famous *Apollo 13* mission. The details of the mission are familiar to many; the suspenseful story of the astronauts' journey was recently depicted in a major movie. The ship and crew of *Apollo* suffered several complications and disasters, including an oxygen tank explosion that threatened the lives of the crew. It was the relentless determination and competence demonstrated by Jack Swigert and the other crew members that made it possible for the return of the spacecraft to Earth.

Jack Swigert was born in Denver. He began flying while he was in high school and dedicated himself to becoming a pilot. After graduating from the University of Colorado at Boulder he joined the Air Force and served as a pilot during the Korean war. His strong desire to become an astronaut inspired him to return to school after twice being rejected by NASA's space program. He was admitted to the program at NASA on his third try.

The statue of Jack Swigert will join the statue commemorating Colorado native Dr. Florence Rena Sabin. Dr. Sabin broke many barriers for women in the field of medicine. She entered medical school in 1893 and pursued a career in medical teaching and research. At a time when women were not considered eligible for the medical teaching profession, she became the first woman to attain the position of full professor at Johns Hopkins University in Baltimore. She also was the first woman to be invited to join the Rockefeller Institute.

Upon returning to Colorado, Dr. Sabin was appointed to a subcommittee on public health and helped to draft legislation reorganizing the State health department. At the age of 76, Dr. Sabin took on the duties of manager of the Department of Health and Welfare of Denver and continued to implement public health legislation.

The passage of House Concurrent Resolution 25 will mark the triumphant end to a 10-year effort to honor Mr. Swigert. The striking statue, which was cast by the Lundeen brothers in my hometown of Loveland, CO, will be provided entirely by private funding.

Jack Swigert's close friends remember him for his humbling tenacity and courage. I remain in awe of his achievements and spirit, and I am pleased that this statue will join Dr. Sabin in representing the State of Colorado to everyone who visits the Capitol.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, today I join my colleague from Colorado, Senator WAYNE ALLARD, in supporting adoption of House Concurrent Resolution 25, which authorizes the placement of the statue of Jack Swigert in Statuary Hall of the U.S. Capitol. This important resolution was submitted by our colleague, Congressman DAN SCHAEFER, in the House of Representatives, who is the dean of our delegation.

The inclusion of this statue would not be possible without the efforts of many Coloradans, who I would like to thank for their dedicated efforts. Among these groups, the Arapahoe County Republican Men's Club stands out for its large contribution. Club members lobbied the state legislature and donated substantial amounts of money in an effort to commission the statue.

Also a key supporter of this effort was Veterans of Foreign Wars Chapter 11229. This chapter was commissioned solely for the purpose of persuading the state legislature to create the statue of Mr. Swigert and put the initiative on the ballot. Mr. Swigert was a lifelong member of VFW Post #1, which is the oldest VFW in the Nation, founded after the Spanish-American War.

Among the many individuals who worked on this honor, Mr. Hal Schroyer, who lives north of Denver, should be mentioned for 10 years of work on this project.

Mr. Swigert was an extraordinary individual, even before his flight in the Apollo 13 spacecraft, made famous by the movie in 1996 that my colleague mentioned.

Jack learned to fly at age 16, while attending Denver East High School, and was on the move ever since. Jack served in the Air Force in Korea, where he flew jet fighters. Even after his plane crashed into a radar unit on a Korean airstrip, Jack continued to fly. After leaving the service, he was a test pilot to 10 years. He kept busy, earning two master's degrees as a followup to his 1953 mechanical engineering degree.

What Jack is best remembered for though, is his fateful aborted trip to the moon in 1970, as part of the *Apollo 13* mission. Jack joined the crew at the last minute, after his colleague, Thomas Mattingly, was exposed to German Measles and could not make the trip. He had no idea just how exciting this trip would become when he started. After an oxygen tank exploded, the three-member crew used all their knowledge and ingenuity to bring the disabled ship home safely. Because of their quick thinking and grace under extreme pressure, all three members, Jack Haise, James Lovell and Jack Swigert returned safely to Earth.

Following his service with NASA, Swigert put his extensive aeronautical expertise to use as the executive director of the House Committee on Science and Technology. He held the position until 1977, when he decided to run for the U.S. Senate. He was defeated by his friend William Armstrong in the primary and returned to private industry as the vice president for two prominent Denver companies.

In 1982, Jack made a successful bid for a House seat, even after learning that he had cancer. Jack's courageous battle was an effort to prove that, to use his words, "technology and commitment can overcome any challenge." Unfortunately, Jack did not win his battle with bone cancer, and, in December 1982, a month after winning the election, Jack passed away.

Jack Swigert will be remembered and honored with this statue we dedicate to him as a true American hero. And, his statue will represent Colorado with honor and distinction here in the U.S. Capitol for years to come. To my knowledge, this will be the first space age statue to be included. With my colleague from Colorado, I urge my colleagues to support passage of this important resolution.

I yield the floor.

Mr. ALLARD. Mr. President, I ask unanimous consent that H. Con. Res. 25 be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 25) was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

MR. KEMPTHORNE. I thank the Chair.

(The remarks of Mr. KEMPTHORNE, Mr. CRAIG and Mr. TORRICELLI, pertaining to the introduction of S. 730 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from Arizona [Mr. McCAIN], ex officio, as chairman, from the Committee on Commerce, Science, and Transportation;

The Senator from Missouri [Mr. ASHCROFT], from the Committee on Commerce, Science, and Transportation;

The Senator from South Carolina [Mr. HOLLINGS], from the Committee on Commerce, Science, and Transportation; and

The Senator from Washington [Mrs. MURRAY], at large.

The Chair, on behalf of the Vice President, pursuant to title 46, section 1295(b), of the United States Code, as amended by Public Law 101-595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from Arizona [Mr. McCAIN], ex officio, as chairman, from the Committee on Commerce, Science, and Transportation;

The Senator from Maine [Ms. SNOWE], from the Committee on Commerce, Science, and Transportation;

The Senator from Louisiana [Mr. BREAUX], from the Committee on Commerce, Science, and Transportation; and

The Senator from Hawaii [Mr. INOUYE], at large.

MESSAGES FROM THE HOUSE

At 3:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 25. Concurrent Resolution providing for acceptance of a statue of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall.

The message also announced that the Speaker appoints the following Members on the part of the House to the Advisory Commission on Intergovernmental Relations: Mr. SHAYS and Mr. SNOWBARGER.

The message further announced that the Speaker appoints the following Member on the part of the House to the Congressional Award Board: Mrs. CUBIN.

The message also announced that the Speaker appoints the following individual on the part of the House to the Advisory Committee on the Records of Congress: Dr. Joseph Cooper of Baltimore, Maryland.

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3. An act to combat violent youth crime and increase accountability for juvenile criminal offenses.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3. An act to combat violent youth crime and increase accountability for juvenile criminal offenses; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1807. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, a report entitled "Minority Small Business and Capital Ownership Development"; to the Committee on Small Business.

EC-1808. A communication from the General Counsel of the Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Classification, Downgrading, Declassification and Safeguarding of National Security Information," (RIN0348-AB34) received on May 2, 1997; to the Select Committee on Intelligence.

EC-1809. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, a rule relative to filing of disclosure, received on May 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1810. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, a rule relative to trader reports, received on May 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1811. A communication from the General Counsel of the Treasury, transmitting, a draft of proposed legislation to authorize debt buybacks and sales for debt swaps of certain outstanding concessional obligations; to the Committee on Agriculture, Nutrition, Forestry.

EC-1812. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to karnal bunt regulated areas, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1813. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pink bollworn regulated areas, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1814. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to zoological park quarantive, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1815. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to genetically engineered organisms, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1816. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of fourteen naval vessels to certain foreign countries; to the Committee on Armed Services.

EC–1817. A communication from the Under Secretary of Defense, transmitting a notice relative to the Defense Manpower Requirements Report; to the Committee on Armed Services.

EC–1818. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Armed Services.

EC–1819. A communication from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize debt buybacks and sales for debt swaps of certain outstanding concessional obligations; to the Committee on Foreign Relations.

EC–1820. A communication from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize debt relief for poor countries; to the Committee on Foreign Relations.

EC–1821. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the Broadcasting Board of Governors annual report for calendar year 1996; to the Committee on Foreign Relations.

EC–1822. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96-03; to the Committee on Appropriations.

EC–1823. A communication from the General Counsel of the Department of Defense, transmitting two drafts of proposed legislation to ease current restrictions which preclude the procurement of certain items; to the Committee on Appropriations.

EC–1824. A communication from the Attorney General of the United States, transmitting, pursuant to law, the 1996 annual report on the Federal Prison Industries, Inc.; to the Committee on Governmental Affairs.

EC–1825. A communication from the Secretary of the Commission of Fine Arts, transmitting a notice relative to internal controls and financial systems in effect; to the Committee on Governmental Affairs.

EC–1826. A communication from the Office of the Independent Counsel, transmitting, pursuant to law, the report on audit and investigative activities for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–1827. A communication from the Director of the Office of Personnel Management, transmitting a report relative to political recommendations for federal jobs; to the Committee on Governmental Affairs.

EC–1828. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1829. A communication from the Chairman, Cost Accounting Standards Board, Executive Office of the President, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Governmental Affairs.

EC–1830. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–1831. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for March 1997; to the Committee on Governmental Affairs.

EC–1832. A communication from the Acting Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1833. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on accounting for U.S. assistance under the Cooperative Threat Reduction Program for calendar year 1996; to the Committee on Governmental Affairs.

EC–1834. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "University of the District of Columbia Report of Revenues and Expenditures for the Graduate Program for Academic Years 94–95 and 95–96"; to the Committee on Governmental Affairs.

EC–1835. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule relative to summer employment, (RIN3206-AG21) received on April 21, 1997; to the Committee on Governmental Affairs.

EC–1836. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Administration and General Provisions" (RIN3206–AH66) received on April 25, 1997; to the Committee on Governmental Affairs.

EC–1837. A communication from the Executive Director of the U.S. National Commission on Libraries and Information Science, transmitting, pursuant to law, the report under the Inspector General and Federal Managers' Financial Integrity Acts for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1838. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation relative to the U.S. Secret Service Uniformed Division; to the Committee on Governmental Affairs.

EC–1839. A committee from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on April 24, 1997; to the Committee on Governmental Affairs.

EC–1840. A communication from the General Counsel of the District of Columba Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a notice relative to the report entitled "A Crisis in Management"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 58. A resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 342. A bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 536. A bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amended preamble:

S. Con. Res. 6. A concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 21. A concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Joel I. Klein, of the District of Columbia, to be an assistant attorney general.

By Mr. HELMS, from the Committee on Foreign Relations:

Stuart E. Eizenstat, of Maryland, to be an Under Secretary of State.

Thomas R. Pickering, of New Jersey, to be an Under Secretary of State.

Karen Shepherd, of Utah, to be U.S. director of the European Bank for Reconstruction and Development, to which position she was appointed during the last recess of the Senate.

Jeffrey Davidow, of Virginia, a career member of the Senior Foreign Service, class of minister-counselor, to be a member of the Board of Directors of the Inter-American Foundation, for a term expiring September 20, 2002.

Letitia Chambers, of the District of Columbia, to be a representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Prezell R. Robinson, of North Carolina, to be an alternate representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

James Catherwood Hormel, of California, to be an alternate representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably five nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of February 13, April 8, and April 25, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officer of Class One, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Kathleen Therese Austin, of the District of Columbia

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

John Wesley Harrison, of Virginia
Carol R. Kalin, of New York
Karen Eastman Klemp, of Illinois
Ronna Sharp Pazdral, of California
Robert Walter Pons, of New Jersey

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Brian D. Goggin, of Virginia

DEPARTMENT OF STATE

Gregory Jon Adamson, of California
Cherrie Sarah Daniels, of Texas
Martha J. Haas, of Texas
Paul Horowitz, of Oregon
John Kevin Madden, of Arkansas
Deborah Rutledge Mennuti, of Texas
Manish Kumar Mishra, of Pennsylvania
William E. Moeller, III, of Florida
William E. Shea, of Florida
Marco Aurelio Ribeir Sims, of the District of Columbia
Mark L. Strege, of Florida
Joni Alicia Treviss, of Massachusetts
David H.L. Van Cleve, of California

The following-named Members of the Foreign Service of the Department of Commerce and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

James Robert Addison, of Virginia
Amy Marie Allen, of Arizona
Emily Jane Allt, of Connecticut
Gregory R. Alston, of Virginia
Margaret Jane Armstrong, of Virginia
William H. Avery, of Florida
Charles R. Banks, of Virginia
Stephen B. Banks, of Virginia
Stephen A. Barneby, of Nevada
William G. Basil, of Maryland
Stephan Berwick, of Virginia
Mark W. Blair, of Virginia
Joshua Blau, of California
Christopher J. Bort, of Maryland
Bridget A. Brink, of Michigan
Jennifer Chintana Bullock, of Pennsylvania
David W. Carey, of Virginia
Paul M. Carter, Jr., of Maryland
Joseph F. Chernesky, of Virginia
Rachel M. Coll, of Virginia
Colin Thomas Robert Crosby, of Ohio
Robert Clinton DeWitt, of Texas
Ali Diba, of Virginia
Joseph A. Dogonniuck, of Virginia
Fred D. Enochs, of Florida
Naomi Catherine Fellows, of California
Barbara J. Fleshman, of Virginia
Mary Anne Flauta Francisco, of Virginia
Robert R. Gabor, of California
Jeffrey E. Galvin, of Colorado
Katherine Gamboa, of Virginia
Roger Z. George, of Virginia
Lisa M. Grasso, of Virginia
Gregory S. Groth, of California
Edward G. Grulich, of Texas
Douglas E. Haas, of Virginia
Mark W. Jackson, of Virginia
Kipling Van Kahler, of Texas
Craig K. Kakuda, of Virginia
Yuri Kim, of Guam
Jennifer A. Koella, of Virginia
Henry P. Kohn, Jr., of Virginia
Paula J. Labuda, of Virginia
John T. Lancia, of Pennsylvania
Jennifer M. Lee, of Virginia
Glenn A. Little, of Virginia
Gregory Michael Marchese, of California
William M. Marshall III, of Virginia
Robert B. Mooney, of California
Kevin L. O'Donovan, of Virginia
Ann A. Omerzo, of Pennsylvania
Robert Anthony Pitre, of Washington
Jennifer L. Savage, of Virginia
Brandon P. Scheid, of Virginia
Carmen A. Seltzer, of Virginia
Russell Schiebel, of Texas
Micaela A. Schweitzer, of the District of Columbia
Stefano G. J. Serafini, of the District of Columbia
Robert E. Setlow, of Washington
Andrew Shaw, of New York
Scott A. Shaw, of Illinois
David William Simons, of Colorado
James Douglas Smith III, of Virginia
Matthew Alexander Spivak, of California
Daisy D. Springs, of Virginia
Cheryl S. Steele, of Massachusetts
Hector J. Tavera, of the District of Columbia
Martina Anna Tkadlec, of Texas
Bonnie J. Toeper, of Virginia
Bryant P. Trick, of California
Mark E. Twambly, of Virginia
Patrick Timothy Wall, of Alabama
Mark A. Weaver, of Washington
Michael Edward Widener, of Virginia
Christine Williams, of Virginia
Thomas A. Witecki, of Virginia
William H. S. Wright, of Virginia
Ronda S. Zander, of Maryland

The following-named career members of the Senior Foreign Service of the United States Information Agency for promotion in the Senior Foreign Service to the classes indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Kenton W. Keith, of California

Career members of the Senior Foreign Service of the United States of America Class of Minister-Counselor:

George Frederic Beasley, of Maryland
John P. Dwyer, of Connecticut
Harriet Lee Elam, of Maryland
Mary Eleanor Gawronski, of New York
David P. Good, of New York
Terrence H. Kneebone, of Utah
John K. Menzies, of California

The following-named career members of the Foreign Service of the United States Information Agency for promotion into the Senior Foreign Service as indicated:

Career members of the Senior Foreign Service of the United States of America, Class of Counselor:

John H. Brown, of the District of Columbia
Guy Burton, of New Jersey
Helena Kane Finn, of New York
Stedman D. Howard, of Florida
Gerald E. Huchel, of Virginia
Mark B. Krischik, of Florida
Nicholas Robertson, of California
Charles N. Silver, of Virginia
Marcelle M. Wahba, of California
Laurence D. Wohlers, of Washington
Mary Carlin Yates, of the District of Columbia

The following-named career member of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Counselor:

Terrence W. Sullivan, of New York

The following-named career members of the Senior Foreign Service of the Department of Agriculture for the promotion in the Senior Foreign Service to the classes indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Career Minister.

Daniel B. Conable, of New York

Career members of the Senior Foreign Service of the United States of America, Class of Career Minister-Counselor:

William L. Brant II, of Oklahoma
Warren J. Child, of Maryland
Mattie R. Sharpless of the District of Columbia

The following-named career members of the Senior Foreign Service of the Department of Agriculture for the promotion in the Senior Foreign Service to the class indicated:

Career members of the Senior Foreign Service of the United States of America, Class of Counselor:

Norval E. Francis, of Virginia
Francis J. Tarrant, of Virginia

The following-named career members of the Senior Foreign Service of the Department of Commerce for promotion in the Senior Foreign Service to the classes indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Kenneth P. Moorefield of Maryland

Career members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Jonathan M. Bensky, of Washington
John Peters, of Florida

The following-named career members of the Foreign Service for promotion into the Senior Foreign Service, as indicated:

Career members of the Senior Foreign Service of the United States of America, Class of Counselor:

Thomas Lee Boam, of Utah
Stephen K. Craven, of Florida
Lawrence I. Eisenberg, of Florida
Edgar D. Fulton, of Virginia
Samuel H. Kidder, of Washington
Bobette K. Orr, of Arizona
James Wilson, of Pennsylvania

The following-named career members of the Foreign Service of the United States Information Agency for promotion into the Senior Foreign Service to the class indicated, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Counselor:

Susan B. Aramayo, of Maryland
Joy Boss, of Texas
Robert S. Morris, of California

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 13, April 8, and April 25, 1997, at the end of the Senate proceedings.)

By Mr. Thurmond, from the Committee on Armed Services:

The following-named officers for promotion in the Regular Air Force of The United States to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Gary A. Ambrose, 0398.
Col. Frank J. Anderson, Jr., 9288.
Col. Thomas L. Baptiste, 1125.
Col. Barry W. Barksdale, 4599.
Col. Leroy Barnidge, Jr., 7882.
Col. Randall K. Bigum, 5457.
Col. Richard B. Bundy, 7270.
Col. Sharla J. Cook, 0473.
Col. Tommy F. Crawford, 8769.
Col. Charles E. Croom, Jr., 6468.
Col. Richard W. Davis, 4196.
Col. Robert R. Dierker, 7380.
Col. Jerry M. Drennen, 2464.
Col. Carol C. Elliot, 7798.
Col. Paul W. Essex, 5243.
Col. Michael N. Farage, 3352.
Col. Randall C. Gelwix, 4009.
Col. James A. Hawkins, 6268.
Col. Gary W. Heckman, 6559.
Col. Hiram L. Jones, 6366.
Col. Joseph E. Kelley, 2386.
Col. Christopher A. Kelly, 6369.
Col. Jeffrey B. Kohler, 6994.
Col. Edward L. LaFountaine, 5918.
Col. William J. Lake, 1783.
Col. Dan L. Locker, 0497.
Col. Teddie M. McFarland, 0563.
Col. Michael C. McMahan, 7967.
Col. Duncan J. McNabb, 2295.
Col. Richard A. Mentemeyer, 6097.
Col. James W. Morehouse, 7472.
Col. Paul D. Nielsen, 2184.
Col. Thomas A. Oriordan, 0904.
Col. Bentley B. Rayburn, 1485.
Col. Regner C. Rider, 7161.
Col. Gary L. Salisbury, 4579.
Col. Klaus O. Schafer, 3320.
Col. Charles N. Simpson, 2150.
Col. Andrew W. Smoak, 5760.
Col. John M. Speigel, 5018.
Col. Randall F. Starbuck, 7495.
Col. Scott P. Van Cleef, 7075.
Col. Glenn C. Waltman, 8185.
Col. Craig P. Weston, 3970.
Col. Michael P. Wiedemer, 1040.
Col. Michael W. Wooley, 9379.
Col. Bruce A. Wright, 5759.

The following U.S. Army Reserve officers for promotion in the Reserve of the Army to the grades indicated under title 10, United States Code, sections 14101, 14315 and 12203(a):

To be major general

Brig. Gen. William F. Allen, 7630.
Brig. Gen. Craig Bambrough, 1885.
Brig. Gen. Peter A. Gannon, 8325.
Brig. Gen. Francis R. Jordan, Jr., 8000.

To be brigadier general

Col. James P. Collins, 2607.
Col. William S. Crupe, 1989.
Col. Alan V. Davis, 9373.
Col. John F. Depue, 7819.
Col. Bertie S. Dueitt, 9342.
Col. Calvin D. Jaeger, 4491.
Col. John S. Kasper, 8271.
Col. Richard M. O'Meara, 9750.
Col. James C. Price, 4708.
Col. Richard O. Wightman, 6480.

The following-named officer for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Gregory A. Rountree, 9047.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably one nomination list in the Navy which was printed in full in the Congressional Record of February 25, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators:

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 25, 1997, at the end of the Senate proceedings.)

The following-named officers for regular appointment to the grades indicated in the U.S. Navy under title 10, United States Code, section 531:

To be captain

Michael J Bailey, 8840
Jeffrey F Brookman, 5257
James L Buck, 5585
Dana C Covey, 1202
David W Ferguson, 3273
David Leivers, 8507

To be commander

Daniel C Alder, 2746
Monte L Bible, 2616
John T Biddulph, 2995
Jeffrey M Bikle, 1697
David A Bradshaw, 1962
Harpreet S Brar, 2188
Frank J Carlson, 7267
John R Carney, 9646
Ronald F Centner, 9685
Gerald A Cohen, 2320
Walter J Coyle, 9641
James M Craven, 3255
Michael J Curren, 8321
David L Daugherty, 2647
Marlene Demaio, 5420
Raymond J Emanuel, 9637
Wesley W Emmons, 6977
William Erndehazy, 9005
Andrew L Findley, 2336
Scott D Flinn, 9599
Frederick O Foote, 1480
Michael J Francis, 2207
Michael W Gallagher, 6723
John H Greinwald, Jr, 8421
Thomas M Gudewicz, 3074
Albert S Hammond, III, 8198
Terry A Harrison, 7698
John P Heffernan, 5665
Byron Hendrick, 3284
Robert E Hersh, 3972
Hal E Hill, 2771
Walter R Holloway, 3869
Mark J Integlia, 7065
Jerome C Kienzle, 5437
Kerry J King, 2670
Kenneth D Klions, 4313
Eric R Lovell, 8088
John D Lund, 3161
Andrew T Maher, 1310
Randall C Mapes, 2323
Robert D Matthews, 6126
Martin McCaffrey, 8641
Francis X McGuigan, 1327
James J Melley, 2746
Vernon D Morgan, 0647
Gary L Munn, 2949
James D Murray, 5198
Meenakshi A Nandedkar, 7975
William F Nelson, 7091
Patrick T Noonan, 8771
Joseph R Notaro, 8419
Lachlan D Noyes, 2604
Paul J OBrien, 1777
Christopher A Ohl, 2143
John C Olsen, 2377
Howard A Oriba, 7801
Jennifer B Ota, 1000
Robert K Parkinson, 2982
John S Parrish, 6277
Paul Pearigen, 7444
Peter J Peff, 7802
Wendell S Phillips, 1221
David N Rickey, 4054
Eric H Schindler, 0515
James M Sheehy, 4288
Wyatt S Smith, 4397
Ricky L Snyder, 9716
Henry E Sprance, 8244
Douglas M Stevens, 1194
Thomas A Tallman, 7993
Thomas K Tandy, III, 6836
Jon K Thiringer, 6547
Anthony M Trapani, 3248
Patricia L Verhulst, 1525
Maryann P Wall, 8013
Diane J B Watabayashi, 2589
Joseph R Wax, 6049
Jerry W White, 9504
Edward A Wood, 7664
Jacob N Young, 1758

To be lieutentant commander

Clete D Anselm, 6238
Elicia Bakerrogers, 2849
Simon J Bartlett, 1804
Kenneth R Bingman, Jr, 8301
Dawn A Blackmon, 3346
Janet M Bradley, 3455
Arthur M Brown, 9738
Jon J Brzek, 2521
David B Byres, 5602
Lea B Cadle, 4737
Lucio Cisneros, Jr, 5747
Sean P Clark, 7052
Gary W Clore, 1672
Walker L A Combs, 2840
Elizabeth B Cotten, 1745
Donna M Crowley, 8408
Gregory J Danhoff, 5563

Nancy J Dober, 4188
Sandra L Doucette, 3671
Paul X Dougherty, 1497
David A. Farmer, 2211
Luis Fernandez, 0155
Wayne R. Freiberg, 4948
Paul N. Fujimura, 6553
Michael P. Garvey, 4411
Barbara A. Gies, 8635
Gregory D. Gjurich, 3729
Carolyn G. Goergen, 0093
Virginia P. Haviland, 8767
John S. Hickman, 4280
Susan E. Holt, 7011
Loretta A. Howerton, 5394
Steven R. Huff, 1674
Aaron Jefferson, Jr, 4486
Tommie L. Jennings, 8420
David P. Johnson, 5425
Phillip A. Kanicki, 9536
Maurice S. Kaprow, 7685
William M. Kennedy, 3139
Jamie M. Kersten, 6972
Alan F. Kukulies, 4246
Teresa A. Langen, 9564
Alison C. Lefebvre, 2591
Kim L. Lefebvre, 8873
Margaret A. Lluy, 6756
Steven L. Lorcher, 7092
Michelle L. McKenzie, 7736
Bruce D. Mentzer, 6359
Christine T. Miller, 9608
Craig G. Muehler, 5387
John J. Nesius, 9795
Cathy J. Olson, 6172
Carol A. Papineau, 1131
Joseph R. Petersen, 5222
Nicholas Petrillo, 1658
Herman G. Platt, 0993
Shirley K. Price, 4359
Sabrina L. Putney, 5115
Ann Rajewski, 1741
Abraham I. Ramirez, 5632
Douglas E. Rosander, 2998
Gilbert Seda, 7107
Charles H. Shaw, 4073
Amanda G. Sierra, 2965
Sandra S. Skyles, 2521
John C. Smajdek, 5274
Betsy J. Smith, 5816
Scott A. Smith, 9853
Vanessa D. Smith, 6663
Joseph M. Snowberger, 2244
Dovie S. Soloe, 2995
Amy L. Spearman, 7065
Richard G. Steffey, Jr., 3431
Dana G. Stuartmagda, 3464
Milan S. Sturgis, 0879
Scott C. Swanson, 2082
Atticus T. Taylor, 4226
Benjamin F. Taylor, 6128
Mary W. Tinnea, 1855
Nelida R. Toledo, 6001
Karen D. Torres, 3996
Dick W. Turner, 2289
Barbara J. Votypka, 0311
Christine M. Ward, 1542
Terese M. Warner, 6679
Matthew L. Warnke, 7312
Jan P. Werson, 2028
Michelle S. Williams, 3315
Wayne E. Wiseman, 6225
Stan A. Young, 5178

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. Ashcroft, Mr. Wyden, and Mr. Campbell):

S. 718. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 719. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. Inouye, Mr. Frist, and Mr. Graham):

S. 720. A bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availability of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the medicare and medicaid programs; to the Committee on Finance.

By Mr. TORRICELLI:

S. 721. A bill to require the Federal Trade Commission to conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS:

S. 722. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mrs. Boxer, and Mr. Kerry):

S. 723. A bill to increase the safety of the American people by preventing dangerous military firearms in the control of foreign governments from being imported into the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. NICKLES (for himself, Mr. Rockefeller, Mr. Lott, Mr. Breaux, Mr. Hatch, Ms. Moseley-Braun, Mr. Murkowski, Mr. D'Amato, Mr. Gramm, Mr. Mack, Mr. Lieberman, Mr. Cochran, Mr. Brownback, Mr. Enzi, and Mr. Hutchinson):

S. 724. A bill to amend the Internal Revenue Code of 1986 to provide coporate alternative minimum tax reform; to the Committee on Finance.

By Mr. CAMPBELL:

S. 725. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. Graham, Mrs. Boxer, Ms. Snowe, Mr. Reid, Mr. Johnson, Ms. Moseley-Braun, Ms. Landrieu, Mr. Harkin, Mr. D'Amato, Mr. Specter, Mrs. Murray, and Mr. Mack):

S. 726. A bill to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. Mikulski, Mr. Wellstone, Mr. Johnson, and Mrs. Murray):

S. 727. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. Mack, Mr. D'Amato, Mr. Reid, and Mr. Johnson):

S. 728. A bill to amend title IV of the Public Health Service Act to establish a Cancer Research Trust Fund for the conduct of biomedical research; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. Lott, Mr. Hollings, Ms. Landrieu, Mr. Roberts, and Mr. Brownback):

S. 729. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in a mobile workforce, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open markets, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KEMPTHORNE (for himself, Mr. Craig, Mr. Torricelli, Mr. Thomas, and Mr. Enzi):

S. 730. A bill to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll; to the Committee on Veterans' Affairs.

By Mr. BUMPERS:

S. 731. A bill to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FAIRCLOTH (for himself, Mr. Helms, Mr. DeWine, Ms. Snowe, Ms. Collins, Mr. Roberts, Mr. Mack, Mr. Domenici, Mr. Abraham, Mr. Santorum, Mr. Thomas, Mr. Warner, Mr. Dodd, Mr. Cochran, and Mr. Murkowski):

S. 732. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK:

S. Con. Res. 26. A concurrent resolution to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. Ashcroft, Mr. Wyden, and Mr. Campbell):

S. 718. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

THE JUVENILE CRIME CONTROL AND COMMUNITY PROTECTION ACT OF 1997

Mr. DOMENICI. Mr. President, I rise today, with the Senator from Missouri, Senator ASHCROFT, and the Senator from Oregon, Senator WYDEN, to introduce the Juvenile Crime Control and Community Protection Act of 1997. I don't think there is anything that is worrying the American people more than what is happening to the criminal justice system in their cities, their counties, and their States.

Senator ASHCROFT, a former attorney general from Missouri, knows a lot about these matters on a firsthand basis from having been there. I am hopeful he will arrive before the time expires to speak to one aspect of the bill, which we are introducing, and then I will, as soon as I can, yield to Senator WYDEN for some of his observations.

Last year, I had field hearings in New Mexico to hear the concerns and problems faced by all of the people affected by juvenile crime. We heard from the police, prosecutors, judges, social workers and, most important, Mr. President, as you well know, the victims who reside in our communities.

The sentiments expressed at these hearings are the same ones felt by people all over this country: One, some juveniles are out of control and the juvenile justice system cannot cope with them; second, other children do not have enough constructive things to do to keep them from sliding into delinquency; third, the current system does little, if anything, to protect the public from senseless youth violence; and fourth, the current system has failed its victims.

I want to tell my colleagues about an 18-year-old girl from New Mexico named Renee Garcia who was stabbed and left paralyzed by a 15-year-old gang member. The stabbing was part of that gang's initiation ritual. The gang member later received only a sentence of 4 years in a juvenile facility. This is what Renee Garcia had to say about the current justice system as it applied to her and her family:

> The outdated laws which exist in our legal system today are nothing but a joke to juveniles. Our laws were meant for juveniles who were committing [small] crimes like truancy and breaking curfews. They are not designed to deal with violent crimes that juveniles are committing today.

Renee has made quite a recovery from her attack, and we are quite pleased that she is doing reasonably well in our community and in our State.

The time has come, in my opinion, for the U.S. Government to be a better partner in a major American effort to improve the criminal juvenile justice system across this land. For many, it is well known, we have an adult juvenile system that developed over a long period of time, but we have a juvenile justice system that sort of evolved willy-nilly. It has never reached the stature of the adult system. There are vagaries and much has been left to judges who are asked to respond to the young criminals in a way completely different than if they were adults.

Some statutes were passed that made this response mandatory, and those statutes still exist today. Still today, in many States, you do not disclose to the public the name and detailed information about juvenile criminals who are committing adult crimes. Their fingerprints and their records are not part of law enforcement's ability to cope with repeated crime, committed over and over, from one State to another by some of these same teenage criminals.

The Federal Government, in my opinion, should get involved. As we do this, however, we should expect the States to get tough on youth sentencing. We should reward States for enacting law enforcement and prosecutorial policies designed to take violent juvenile criminals off the streets.

This bill makes some fundamental changes to the crime-fighting partnership which exists between the States and the Federal Government. It contains two important ideas: One, strict law enforcement and prosecution policies for the most violent offenders. We cannot tell the States they must do that, but in this bill, we set up a very significant grant program, part of which goes to States that do certain minimal things to improve their system. If they do not, they do not get that money. It goes to States that choose to modernize their system in accordance with a series of options that we have found are clearly necessary today.

This approach is going to help States fight crime as well as prevent juveniles from entering the juvenile justice system in the first place. It makes important fundamental changes to the Federal juvenile justice system, and I am going to leave an explanation of how we change our Federal juvenile justice system and modernize it to the Senator from Missouri. It would be a shame if we tell the States to do things better, but we leave the prosecutions in the Federal juvenile justice system alone.

The bill adopts an approach that I suggested last year as part of a juvenile justice bill. It authorizes—we do not have it appropriated yet—but we authorize $500 million to provide the States with two separate grant programs: One, with virtually no strings attached, based on a current State formula grant program; the second is a new incentive grant for States that enact what we call "best practices" to combat and prevent juvenile violence.

This bill authorizes $300 million, divided into two $150 million pots, for a new grant program, the purpose of which is to encourage States to get tough and enact reforms to their juvenile justice systems.

I am not going to proceed with each one, but I will just read off the suggested reforms that will comprise "getting tough" and "best practices":

Victims' rights, including the right to be notified of the sentencing and release of the offender;

Mandatory victim restitution;

Public access to juvenile records;

Parental responsibility laws for acts committed by juveniles released to their parents' custody;

Zero tolerance for deadbeat juvenile parents, a requirement that juveniles released from custody attend school or vocational training and support their children;

Zero tolerance for truancy;

Character counts training, or similar programs adopted and enacted among the States;

And mentoring.

These programs are a combination of reforms which will positively impact victims, get tough on juvenile offenders, and provide states with resources to implement prevention programs to keep juveniles out of trouble in the first place.

The bill also increases from around $68 million to $200 million the amount available to states under the current OJJDP grant program. It also eliminates many of the strings placed on states as a condition of receiving those grants.

In my home state of New Mexico, juvenile arrests increased 84 percent from 1986 to last year.

In 1996, 36,927 juveniles were referred to the state juvenile parole and probation office. Some 39 percent of those referred have a history of 10 or more referrals to the system.

While the Justice Department has said that the overall juvenile crime rate in the United States dropped last year, States like New Mexico continue to see yearly increases in the number of juveniles arrested, prosecuted and incarcerated.

I mention these numbers because they have led to a growing problem in my home State, a problem which this bill will help fix.

More juvenile arrests create the need for more space to house juvenile criminals. But, because of burdensome federal "sight and sound separation" rules, New Mexico has been unable to implement a safe, reasonable solution to alleviate overcrowding at its juvenile facilities.

Instead, the state has been forced to consider sending juvenile prisoners to Iowa and Texas to avoid violating the federal rules and losing their funding. That is unacceptable and this bill will fix that.

Mr. President, I am pleased to work with the Senator from Missouri on this important legislation. I know that many of my colleagues share my concerns about the need to update our juvenile justice system. I hope that they will examine our bill and lend their support.

I am going to stop here. I ask unanimous consent that the entire bill and a summary of the bill be printed in the RECORD, and that it be appropriately referred. It will bear the signatures today of Senator ASHCROFT, Senator WYDEN, and Senator CAMPBELL as cosponsors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Crime Control and Community Protection Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—REFORM OF EXISTING PROGRAMS

Sec. 101. Findings and purposes.
Sec. 102. Definitions.
Sec. 103. Office of Juvenile Justice and Delinquency Prevention.
Sec. 104. Annual report.
Sec. 105. Block grants for State and local programs.
Sec. 106. State plans.
Sec. 107. Repeals.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

Sec. 201. Incentive grants for accountability-based reforms.

TITLE III—REFORM OF FEDERAL JUVENILE JUSTICE SYSTEM

Sec. 301. Juvenile adjudications considered in sentencing.
Sec. 302. Access to juvenile records.
Sec. 303. Referral of children with disabilities to juvenile and criminal authorities.
Sec. 304. Limited disclosure of Federal Bureau of Investigation records.
Sec. 305. Amendments to Federal Juvenile Delinquency Act.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Authorization of appropriations.

SEC. 2. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—REFORM OF EXISTING PROGRAMS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) FINDINGS.—Congress finds that—

"(1) the Nation's juvenile justice system is in trouble, including dangerously overcrowded facilities, overworked field staff, and a growing number of children who are breaking the law;

"(2) a redesigned juvenile corrections program for the next century should be based on 4 principles, including—

"(A) protecting the community;

"(B) accountability for offenders and their families;

"(C) restitution for victims and the community; and

"(D) community-based prevention;

"(3) existing programs have not adequately responded to the particular problems of juvenile delinquents in the 1990's;

"(4) State and local communities, which experience directly the devastating failure of the juvenile justice system, do not have sufficient resources to deal comprehensively with the problems of juvenile crime and delinquency;

"(5) limited State and local resources are being unnecessarily wasted complying with overly technical Federal requirements for 'sight and sound' separation currently in effect under the 1974 Act, while prohibiting the commingling of adults and juvenile populations would achieve this important purpose without imposing an undue burden on State and local governments;

"(6) limited State and local resources are being unnecessarily wasted complying with the overly restrictive Federal mandate that no juveniles be detained or confined in any jail or lockup for adults, which mandate is particularly burdensome for rural communities;

"(7) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the area of sentencing;

"(8) local school districts lack information necessary to track serious violent juvenile offenders, information that is essential to promoting safety in public schools;

"(9) the term 'prevention' should mean both ensuring that families have a greater chance to raise their children so that those children do not engage in criminal or delinquent activities, and preventing children who have engaged in such activities from becoming permanently entrenched in the juvenile justice system;

"(10) in 1994, there were more than 330,000 juvenile arrests for violent crimes, and between 1985 and 1994, the number of juvenile criminal homicide cases increased by 144 percent, and the number of juvenile weapons cases increased by 156 percent;

"(11) in 1994, males age 14 through 24 constituted only 8 percent of the population, but accounted for more than 25 percent of all homicide victims and nearly half of all convicted murderers;

"(12) in a survey of 250 judges, 93 percent of those judges stated that juvenile offenders should be fingerprinted, 85 percent stated that juvenile criminal records should be made available to adult authorities, and 40 percent stated that the minimum age for facing murder charges should be 14 or 15;

"(13) studies indicate that good parenting skills, including normative development, monitoring, and discipline, clearly affect whether children will become delinquent, and adequate supervision of free-time activities, whereabouts, and peer interaction is critical to ensure that children do not drift into delinquency;

"(14) school officials lack the information necessary to ensure that school environments are safe and conducive to learning;

"(15) in the 1970's, less than half of our Nation's cities reported gang activity, while 2 decades later, a nationwide survey reported a total of 23,388 gangs and 664,906 gang members on the streets of United States cities in 1995;

"(16) the high incidence of delinquency in the United States results in an enormous annual cost and an immeasurable loss of human life, personal security, and wasted human resources; and

"(17) juvenile delinquency constitutes a growing threat to the national welfare, requiring immediate and comprehensive action by the Federal Government to reduce and eliminate the threat."; and

(2) in subsection (b)—

(A) by striking "further"; and

(B) by striking "Federal Government" and inserting "Federal, State, and local governments".

(b) PURPOSES.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"SEC. 102. PURPOSES.

"The purposes of this title and title II are—

"(1) to assist State and local governments in promoting public safety by supporting juvenile delinquency prevention and control activities;

"(2) to give greater flexibility to schools to design academic programs and educational services for juvenile delinquents expelled or suspended for disciplinary reasons;

"(3) to assist State and local governments in promoting public safety by encouraging accountability through the imposition of meaningful sanctions for acts of juvenile delinquency;

"(4) to assist State and local governments in promoting public safety by improving the extent, accuracy, availability, and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system to the public;

"(5) to assist teachers and school officials in ensuring school safety by improving their access to information concerning juvenile offenders attending or intending to enroll in their schools or school-related activities;

"(6) to assist State and local governments in promoting public safety by encouraging the identification of violent and hardcore juveniles and in transferring such juveniles out of the jurisdiction of the juvenile justice system and into the jurisdiction of adult criminal court;

"(7) to provide for the evaluation of federally assisted juvenile crime control programs, and training necessary for the establishment and operation of such programs;

"(8) to ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

"(9) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.".

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by inserting "punishment," after "control,";

(2) in paragraph (22)(iii), by striking "and" at the end;

(3) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(24) the term 'serious violent crime' means—

"(A) murder or nonnegligent manslaughter, or robbery;

"(B) aggravated assault committed with the use of a dangerous or deadly weapon, forcible rape, kidnaping, felony aggravated battery, assault with intent to commit a serious violent crime, and vehicular homicide committed while under the influence of an intoxicating liquor or controlled substance; or

"(C) a serious drug offense;

"(25) the term 'serious drug offense' means an act or acts which, if committed by an adult subject to Federal criminal jurisdiction, would be punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); and

"(26) the term 'serious habitual offender' means a juvenile who—

"(A) has been adjudicated delinquent and subsequently arrested for a capital offense, life offense, first degree aggravated sexual offense, or serious drug offense;

"(B) has had not fewer than 5 arrests, with 3 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period;

"(C) has had not fewer than 10 arrests, with 2 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period; or

"(D) has had not fewer than 10 arrests, with 8 or more arrests for misdemeanor crimes involving theft, assault, battery, narcotics possession or distribution, or possession of weapons, and not fewer than 3 arrests occurring within the most recent 12-month period.".

SEC. 103. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1)—

(A) by striking "shall develop" and inserting the following: "shall—

"(A) develop";

(B) by inserting "punishment," before "diversion"; and

(C) in the first sentence, by striking "States" and all that follows through the end of the paragraph and inserting the following: "States; and

"(B) annually submit the plan required by subparagraph (A) to the Congress.";

(2) in subsection (b)—

(A) in paragraph (1), by adding "and" at the end; and

(B) by striking paragraphs (2) through (7) and inserting the following:

"(2) reduce duplication among Federal juvenile delinquency programs and activities conducted by Federal departments and agencies.";

(3) by redesignating subsection (h) as subsection (f); and

(4) by striking subsection (i).

SEC. 104. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended to read as follows:

"SEC. 207. ANNUAL REPORT.

"Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Governor of each State, a report that contains the following with respect to such fiscal year:

"(1) SUMMARY AND ANALYSIS.—A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the number of repeat juvenile offenders, the number of juveniles using weapons, the number of juvenile and adult victims of juvenile crime and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

"(A) the types of offenses with which the juveniles are charged, data on serious violent crimes committed by juveniles, and data on serious habitual offenders;

"(B) the race and gender of the juveniles and their victims;

"(C) the ages of the juveniles and their victims;

"(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

"(E) the number of juveniles who died while in custody and the circumstances under which they died;

"(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school;

"(G) the number of juveniles who are substance abusers; and

"(H) information on juveniles fathering or giving birth to children out of wedlock, and whether such juveniles have assumed financial responsibility for their children.

"(2) ACTIVITIES FUNDED.—A description of the activities for which funds are expended under this part.

"(3) STATE COMPLIANCE.—A description based on the most recent data available of the extent to which each State complies with section 223 and with the plan submitted under that section by the State for that fiscal year.

"(4) SUMMARY AND EXPLANATION.—A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.

"(5) EXEMPLARY PROGRAMS AND PRACTICES.—A description of selected exemplary delinquency prevention programs and accountability-based youth violence reduction practices.".

SEC. 105. BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.

(a) SECTION 221.—Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Administrator";

(B) by inserting ", including charitable and religious organizations," after "and private agencies";

(C) by inserting before the period at the end the following: ", including—

"(A) initiatives for holding juveniles accountable for any act for which they are adjudicated delinquent;

"(B) increasing public awareness of juvenile proceedings;

"(C) improving the content, accuracy, availability, and usefulness of juvenile court and law enforcement records (including fingerprints and photographs); and

"(D) education programs such as funding for extended hours for libraries and recreational programs which benefit all juveniles"; and

(D) by adding at the end the following:

"(2)(A) State and local governments receiving grants under paragraph (1) may contract with religious organizations or allow religious organizations to accept grants under any program described in this title, on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

"(B) A State or local government exercising its authority to contract with private agencies or to allow private agencies to accept grants under paragraph (1) shall ensure that religious organizations are eligible, on the same basis as any other private organization, as contractors to provide assistance, or to accept grants under any program described in this title so long as the programs are implemented consistent with the Establishment Clause of the United States Constitution. Neither the Federal Government nor a State or local government receiving funds under such programs shall discriminate against an organization which is or applies to be a contractor to provide assistance, or which accepts grants, on the basis that the organization has a religious character.

"(C)(i) A religious organization that participates in a program authorized by this title shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(ii) Neither the Federal Government nor a State or local government shall require a religious organization—

"(I) to alter its form of internal governance; or

"(II) to remove religious art, icons, scripture, or other symbols,

in order to be eligible to contract to provide assistance, or to accept grants funded under a program described in this title.

"(D) A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1a) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in this title.

"(E) If a juvenile has an objection to the religious character of the organization or institution from which the juvenile receives, or would receive, assistance funded under any program described in this title, the State in which the juvenile resides shall provide such juvenile (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection with assistance from an alternative provider that is accessible to the juvenile and the value of which is not less than the value of assistance which the juvenile would have received from such organization.

"(F) Except as otherwise provided in law, a religious organization shall not discriminate against an individual in regard to rendering assistance funded under any program described in this title on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

"(G)(i) Except as provided in clause (ii), any religious organization contracting to provide assistance funded under any program described in this title shall be subject to the same regulations as other contractors to account in accord with generally accepted accounting principles for the use of such funds provided under such programs.

"(ii) If such organization segregates Federal funds provided under such programs into separate accounts, then only the financial assistance provided with such funds shall be subject to audit.

"(H) Any party that seeks to enforce its rights under this section may assert a civil action for injunctive relief exclusively in an appropriate Federal district court against the official or government agency that allegedly commits such violation.

"(I) No State or local government may use funds provided under this title to fund sectarian worship, proselytization, or prayer, or for any purpose other than the provision of social services under this title."; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) Of amounts made available to carry out this part in any fiscal year, $10,000,000 or 1 percent (whichever is greater) may be used by the Administrator—

"(A) to establish and maintain a clearinghouse to disseminate to the States information on juvenile delinquency prevention, treatment, and control; and

"(B) to provide training and technical assistance to States to improve the administration of the juvenile justice system.".

(b) SECTION 223.—Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) by striking "or through" and inserting "through"; and

(2) by inserting "or through grants and contracts with religious organizations in accordance with section 221(b)(2)(B)" after "agencies,".

SEC. 106. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) by striking the second sentence;

(B) by striking paragraph (3) and inserting the following:

"(3) provide for an advisory group, which—

"(A) shall—

"(i)(I) consist of such number of members deemed necessary to carry out the responsibilities of the group and appointed by the chief executive officer of the State; and

"(II) consist of a majority of members (including the chairperson) who are not full-time employees of the Federal Government, or a State or local government;

"(ii) include members who have training, experience, or special knowledge concerning—

"(I) the prevention and treatment of juvenile delinquency;

"(II) the administration of juvenile justice, including law enforcement; and

"(III) the representation of the interests of the victims of violent juvenile crime and their families; and

"(iii) include as members at least 1 locally elected official representing general purpose local government;

"(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

"(C) shall be afforded an opportunity to review and comment, not later than 30 days after the submission to the advisory group, on all juvenile justice and delinquency prevention grants submitted to the State agency designated under paragraph (1);

"(D) shall, consistent with this title—

"(i) advise the State agency designated under paragraph (1) and its supervisory board; and

"(ii) submit to the chief executive officer and the legislature of the State not less frequently than annually recommendations regarding State compliance with this subsection; and

"(E) may, consistent with this title—

"(i) advise on State supervisory board and local criminal justice advisory board composition;

"(ii) review progress and accomplishments of projects funded under the State plan; and

"(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;";

(C) in paragraph (10)—

(i) in subparagraph (N), by striking "and" at the end;

(ii) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(P) programs implementing the practices described in paragraphs (6) through (12) and (17) and (18) of section 242(b);";

(D) by striking paragraph (13) and inserting the following:

"(13) provide assurances that, in each secure facility located in the State (including any jail or lockup for adults), there is no commingling in the same cell or community room of, or any other regular, sustained, physical contact between—

"(A) any juvenile detained or confined for any period of time in that facility; and

"(B) any adult offender detained or confined for any period of time in that facility.";

(E) by striking paragraphs (8), (9), (12), (14), (15), (17), (18), (19), (24), and (25);

(F) by redesignating paragraphs (10), (11), (13), (16), (20), (21), (22), and (23) as paragraphs (8) through (15), respectively;

(G) in paragraph (14), as redesignated, by adding "and" at the end; and

(H) in paragraph (15), as redesignated, by striking the semicolon at the end and inserting a period; and

(2) by striking subsections (c) and (d).

SEC. 107. REPEALS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in title II—

(A) by striking parts C, E, F, G, and H;

(B) by striking part I, as added by section 2(i)(1)(C) of Public Law 102–586; and

(C) by amending the heading of part I, as redesignated by section 2(i)(1)(A) of Public Law 102-586, to read as follows:

"PART E—GENERAL AND ADMINISTRATIVE PROVISIONS"; and

(2) by striking title V, as added by section 5(a) of Public Law 102-586.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

SEC. 201. INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part B the following:

"PART C—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

"SEC. 241. AUTHORIZATION OF GRANTS.

"The Administrator shall provide juvenile delinquent accountability grants under section 242 to eligible States to carry out this title.

"SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.

"(a) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application at such time, in such form, and containing such assurances and information as the Administrator may require by rule, including assurances that the State has in effect (or will have in effect not later than 1 year after the date on which the State submits such application) laws, or has implemented (or will implement not later than 1 year after the date on which the State submits such application)—

"(1) policies and programs that ensure that all juveniles who commit an act after attaining 14 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution, unless on a case-by-case basis, as a matter of law or prosecutorial discretion, the transfer of such juveniles for disposition in the juvenile system is determined to be in the interest of justice, except that the age of the juvenile alone shall not be determinative of whether such transfer is in the interest of justice;

"(2) graduated sanctions for juvenile offenders, ensuring a sanction for every delinquent or criminal act, ensuring that the sanction is of increasing severity based on the nature of the act, and escalating the sanction with each subsequent delinquent or criminal act; and

"(3) a system of records relating to any adjudication of juveniles less than 15 years of age who are adjudicated delinquent for conduct that if committed by an adult would constitute a serious violent crime, which records are—

"(A) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(B) submitted to the Federal Bureau of Investigation in the same manner in which adult records are submitted;

"(C) retained for a period of time that is equal to the period of time that records are retained for adults; and

"(D) available to law enforcement agencies, prosecutors, the courts, and school officials.

"(b) STANDARDS FOR HANDLING AND DISCLOSING INFORMATION.—School officials referred to in subsection (a)(3)(D) shall be subject to the same standards and penalties to which law enforcement and juvenile justice system employees are subject under Federal and State law for handling and disclosing information referred to in that paragraph.

"(c) ADDITIONAL AMOUNT BASED ON ACCOUNTABILITY-BASED YOUTH VIOLENCE REDUCTION PRACTICES.—A State that receives a grant under subsection (a) is eligible to receive an additional amount of funds added to such grant if such State demonstrates that the State has in effect, or will have in effect, not later than 1 year after the deadline established by the Administrator for the submission of applications under subsection (a) for the fiscal year at issue, not fewer than 5 of the following practices:

"(1) VICTIMS' RIGHTS.—Increased victims' rights, including—

"(A) the right to be treated with fairness and with respect for the dignity and privacy of the victim;

"(B) the right to be reasonably protected from the accused offender;

"(C) the right to be notified of court proceedings; and

"(D) the right to information about the conviction, sentencing, imprisonment, and release of the offender.

"(2) RESTITUTION.—Mandatory victim and community restitution, including statewide programs to reach restitution collection levels of not less than 80 percent.

"(3) ACCESS TO PROCEEDINGS.—Public access to juvenile court delinquency proceedings.

"(4) PARENTAL RESPONSIBILITY.—Juvenile nighttime curfews and parental civil liability for serious acts committed by juveniles released to the custody of their parents by the court.

"(5) ZERO TOLERANCE FOR DEADBEAT JUVENILE PARENTS.—A requirement as conditions of parole that—

"(A) any juvenile offender who is a parent demonstrates parental responsibility by working and paying child support; and

"(B) the juvenile attends and successfully completes school or pursues vocational training.

"(6) SERIOUS HABITUAL OFFENDERS COMPREHENSIVE ACTION PROGRAM (SHOCAP).—

"(A) IN GENERAL.—Implementation of a serious habitual offender comprehensive action program which is a multidisciplinary interagency case management and information sharing system that enables the juvenile and criminal justice system, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

"(B) MULTIDISCIPLINARY AGENCIES.—Establishment by units of local government in the State under a program referred to in subparagraph (A), of a multidisciplinary agency comprised of representatives from—

"(i) law enforcement organizations;

"(ii) school districts;

"(iii) State's attorneys offices;

"(iv) court services;

"(v) State and county children and family services; and

"(vi) any additional organizations, groups, or agencies deemed appropriate to accomplish the purposes described in subparagraph (A), including—

"(I) juvenile detention centers;

"(II) mental and medical health agencies; and

"(III) the community at large.

"(C) IDENTIFICATION OF SERIOUS HABITUAL OFFENDERS.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, criteria to identify individuals who are serious habitual offenders.

"(D) INTERAGENCY INFORMATION SHARING AGREEMENT.—

"(i) IN GENERAL.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, an interagency information sharing agreement to be signed by the chief executive officer of each organization and agency represented in the multidisciplinary agency.

"(ii) DISCLOSURE OF INFORMATION.—The interagency information sharing agreement shall require that—

"(I) all records pertaining to serious habitual offenders shall be kept confidential to the extent required by State law;

"(II) information in the records may be made available to other staff from member organizations and agencies as authorized by the multidisciplinary agency for the purposes of promoting case management, community supervision, conduct control, and tracking of the serious habitual offender for the application and coordination of appropriate services; and

"(III) access to the information in the records shall be limited to individuals who provide direct services to the serious habitual offender or who provide community conduct control and supervision to the serious habitual offender.

"(7) COMMUNITY-WIDE PARTNERSHIPS.—Community-wide partnerships involving county, municipal government, school districts, appropriate State agencies, and nonprofit organizations to administer a unified approach to juvenile delinquency.

"(8) ZERO TOLERANCE FOR TRUANCY.—Implementation by school districts of programs to curb truancy and implement certain and swift punishments for truancy, including parental notification of every absence, mandatory Saturday school makeup sessions for truants or weekends in jail for truants and denial of participation or attendance at extracurricular activities by truants.

"(9) ALTERNATIVE SCHOOLING.—A requirement that, as a condition of receiving any State funding provided to school districts in accordance with a formula allocation based on the number of children enrolled in school in the school district, each school district shall establish one or more alternative schools or classrooms for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons and shall require that such juveniles attend the alternative schools or classrooms. Any juvenile who refuses to attend such alternative school or classroom shall be immediately detained pending a hearing. If a student is transferred from a regular school to an alternative school for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons such State funding shall also be transferred to the alternative school.

"(10) JUDICIAL JURISDICTION.—A system under which municipal and magistrate courts have—

"(A) jurisdiction over minor delinquency offenses such as truancy, curfew violations, and vandalism; and

"(B) short term detention authority for habitual minor delinquent behavior.

"(11) ELIMINATION OF CERTAIN INEFFECTIVE PENALTIES.—Elimination of 'counsel and release' or 'refer and release' as a penalty for juveniles with respect to the second or subsequent offense for which the juvenile is referred to a juvenile probation officer.

"(12) REPORT BACK ORDERS.—A system of 'report back' orders when juveniles are placed on probation, so that after a period of time (not to exceed 2 months) the juvenile appears before and advises the judge of the progress of the juvenile in meeting certain goals.

"(13) PENALTIES FOR USE OF FIREARM.—Mandatory penalties for the use of a firearm during a violent crime or a drug felony.

"(14) STREET GANGS.—A prohibition on engaging in criminal conduct as a member of a street gang and imposition of severe penalties for terrorism by criminal street gangs.

"(15) CHARACTER COUNTS.—Establishment of character education and training for juvenile offenders.

"(16) MENTORING.—Establishment of mentoring programs for at-risk youth.

"(17) DRUG COURTS AND COMMUNITY-ORIENTED POLICING STRATEGIES.—Establishment of courts for juveniles charged with drug offenses and community-oriented policing strategies.

"(18) RECORDKEEPING AND FINGERPRINTING.—Programs that provide that, whenever a juvenile who has not achieved his or her 14th birthday is adjudicated delinquent (as defined by Federal or State law in a juvenile delinquency proceeding) for conduct that, if committed by an adult, would constitute a felony under Federal or State law, the State shall ensure that a record is kept relating to the adjudication that is—

"(A) equivalent to the record that would be kept of an adult conviction for such an offense;

"(B) retained for a period of time that is equal to the period of time that records are kept for adult convictions;

"(C) made available to prosecutors, courts, and law enforcement agencies of any jurisdiction upon request; and

"(D) made available to officials of a school, school district, or postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed to enroll, and that such officials are held liable to the same standards and penalties that law enforcement and juvenile justice system employees are held liable to, for handling and disclosing such information.

"(19) EVALUATION.—Establishment of a comprehensive process for monitoring and evaluating the effectiveness of State juvenile justice and delinquency prevention programs in reducing juvenile crime and recidivism.

"(20) BOOT CAMPS.—Establishment of State boot camps with an intensive restitution or work and community service requirement as part of a system of graduated sanctions.

"SEC. 243. GRANT AMOUNTS.

"(a) ALLOCATION AND DISTRIBUTION OF FUNDS.—

"(1) ELIGIBILITY.—Of the total amount made available to carry out Part C of this title for each fiscal year, subject to subsection (b), each State shall be eligible to receive the sum of—

"(A) an amount that bears the same relation to one-third of such total as the number of juveniles in the State bears to the number of juveniles in all States;

"(B) an amount that bears the same relation to one-third of such total as the number of juveniles from families with incomes below the poverty line in the State bears to the number of such juveniles in all States; and

"(C) an amount that bears the same relation to one-third of such total as the average annual number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data are available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

"(2) MINIMUM REQUIREMENT.—Each State shall be eligible to receive not less than 3.5 percent of one-third of the total amount appropriated to carry out Part C for each fiscal year, except that the amount for which the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands is eligible shall be not less than $100,000 and the amount for which Palau is eligible shall be not less than $15,000.

"(3) UNAVAILABILITY OF INFORMATION.—For purposes of this subsection, if data regarding the measures governing allocation of funds under paragraphs (1) and (2) in any State are unavailable or substantially inaccurate, the Administrator and the State shall utilize the best available comparable data for the purposes of allocation of any funds under this section.

"(b) ALLOCATED AMOUNT.—The amount made available to carry out Part C of this title for any fiscal year shall be allocated among the States as follows:

"(1) 50 percent of the amount for which a State is eligible under subsection (a) shall be allocated to that State if it meets the requirements of section 242(a).

"(2) 50 percent of the amount for which a State is eligible under subsection (a) shall be allocated to that State if it meets the requirements of subsections (a) and (c) of section 242.

"(c) AVAILABILITY.—Any amounts made available under this section to carry out Part C of this title shall remain available until expended.".

"SEC. 244. ACCOUNTABILITY.

"A State that receives a grant under section 241 shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Administrator, and shall ensure that any funds used to carry out section 241 shall represent the best value for the State at the lowest possible cost and employ the best available technology.

"SEC. 245. LIMITATION ON USE OF FUNDS.

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under section 241 shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(b) ADMINISTRATIVE AND RELATED COSTS.—Not more than 2 percent of the funds appropriated under section 299(a) for a fiscal year shall be available to the Administrator for such fiscal year for purposes of—

"(1) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part; and

"(2) technical assistance relating to the use of grants made under section 241, and development and implementation of policies, programs, and practices described in section 242.

"(c) CARRYOVER OF APPROPRIATIONS.—Funds appropriated under section 299(a) shall remain available until expended.

"(d) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a proposal, as described in an application approved under this part.".

TITLE III—REFORM OF FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 301. JUVENILE ADJUDICATIONS CONSIDERED IN SENTENCING.

Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that offenses contained in the juvenile record of an adult defendant shall be considered as adult offenses in sentencing determinations if such juvenile offenses would have constituted a felony had they been committed by the defendant as an adult.

SEC. 302. ACCESS TO JUVENILE RECORDS.

Section 5038(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7) inquiries from officials of a school, school district, or any postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed or ordered to enroll.".

SEC. 303. REFERRAL OF CHILDREN WITH DISABILITIES TO JUVENILE AND CRIMINAL AUTHORITIES.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(g) REFERRALS TO JUVENILE AND CRIMINAL AUTHORITIES.—

"(1) REPORTING.—Nothing in this part shall be construed to prohibit an agency from reporting a criminal act committed by a child with a disability to the police or a juvenile authority, or to prohibit a State juvenile or judicial authority from exercising the responsibility of the authority with regard to the application of a juvenile or criminal law to a criminal activity committed by a child with a disability.

"(2) FILING PETITIONS.—Nothing in this part shall be construed to require a State educational agency or local educational agency to exhaust the due process procedures under this section or any other part of this Act prior to filing a petition in a juvenile or criminal court with regard to a child with a disability who commits a criminal act at school or a school-related event under the jurisdiction of the State educational agency or local educational agency.".

SEC. 304. LIMITED DISCLOSURE OF FEDERAL BUREAU OF INVESTIGATION RECORDS.

Section 534(e) of title 28, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3)(A) The Director of the Federal Bureau of Investigation, Identification Division, shall provide, upon request, the information received under paragraph (3) of section 242(a) of the Juvenile Justice Delinquency and Prevention Act of 1974, to officials of a school, school district, or postsecondary school where the individual who is the subject of such information seeks, intends, or is instructed or ordered to enroll.

"(B) School officials receiving information under subparagraph (A) shall be subject to the same standards and penalties to which law enforcement and juvenile justice system employees are subject under Federal and State law for handling and disclosing information referred to in subparagraph (A).".

SEC. 305. AMENDMENTS TO FEDERAL JUVENILE DELINQUENCY ACT.

(a) PROSECUTION OF JUVENILES AS ADULTS.—Section 5032 of title 18, United States Code, is amended by inserting before the first undesignated paragraph the following:

"Notwithstanding any other provision of law, a juvenile defendant 14 years of age or older shall be prosecuted as an adult, and this chapter shall not apply, if such juvenile is charged with an offense that constitutes—

"(A) murder or attempted murder;

"(B) robbery while armed with a dangerous or deadly weapon;

"(C) battery or assault while armed with a dangerous or deadly weapon;

"(D) forcible rape;

"(E) any serious drug offense which, if committed by an adult, would be punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); and

"(F) the third or subsequent occasion, unrelated to any previous occasion, on which such juvenile engages in conduct for which an adult could be imprisoned for a term exceeding 1 year, unless, on a case-by-case basis—

"(i) a court determines that trying such a juvenile as an adult is not in the interest of justice, except that the age of the juvenile alone shall not be determinative of whether or not such action is in the interest of justice;

"(ii) the court records its reasons for making such a determination in writing and makes such record available for inspection by the public; and

"(iii) the court makes a record in writing of the disposition of the juvenile in the juvenile justice system available to the public, notwithstanding any other law requiring such information to be withheld or limited in any way from access by the public.".

(b) AMENDMENTS CONCERNING RECORDS.—Section 5038 of title 18, United States Code, is amended—

(1) by striking subsections (d) and (f);

(2) by redesignating subsection (e) as subsection (d); and

(3) by adding at the end the following:

"(e)(1) The court shall comply with the requirements of paragraph (2) if—

"(A) a juvenile under 14 years of age has been found guilty of committing an act which, if committed by an adult, would be an offense described in the first undesignated paragraph of section 5032; or

"(B) a juvenile, age 14 or older, is adjudicated delinquent in a juvenile delinquency proceeding for conduct which, if committed by an adult, would constitute a felony.

"(2) The requirements of this paragraph are that—

"(A) a record shall be kept relating to the adjudication that is—

"(i) equivalent to the record that would be kept of an adult conviction for such an offense;

"(ii) retained for a period of time that is equal to the period of time that records are kept for adult convictions;

"(iii) made available to law enforcement agencies of any jurisdiction;

"(iv) made available to officials of a school, school district, or postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed to enroll; and

"(v) made available, once the juvenile becomes an adult or is tried as an adult, to any court having criminal jurisdiction over such an individual for the purpose of allowing such court to consider the individual's prior juvenile history as a relevant factor in determining appropriate punishment for the individual at the sentencing hearing;

"(B) officials referred to in clause (iv) of subparagraph (A) shall be held liable to the same standards and penalties that law enforcement and juvenile justice system employees are held liable to under Federal and State law for handling and disclosing such information;

"(C) the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division, and shall otherwise be made available to the same extent that fingerprints and photographs of adults are made available; and

"(D) the court in which the adjudication takes place shall transmit to the Federal Bureau of Investigation, Identification Division, information concerning the adjudication, including the name, date of adjudication, court, offenses, and disposition, along with a prominent notation that the matter concerns a juvenile adjudication.

"(3) If a juvenile has been adjudicated to be delinquent on 2 or more separate occasions based on conduct that would be a felony if committed by an adult, the record of the second and all subsequent adjudications shall be kept and made available to the public to the same extent that a record of an adult conviction is open to the public.".

TITLE IV—GENERAL PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by striking subsections (a) through (e) and inserting the following:

"(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—There are authorized to be appropriated for each of fiscal years 1998, 1999, 2000, 2001, and 2002, such sums as may be necessary to carry out part A.

"(b) Block Grants for State and Local Programs.—There is authorized to be appropriated $200,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, to carry out part B.

"(c) Incentive Grants for Accountability-Based Reforms.—There is authorized to be appropriated $300,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, to carry out part C.

"(d) Source of Appropriations.—Funds authorized to be appropriated by this section may be appropriated from the Violent Crime Reduction Trust Fund.".

SUMMARY OF DOMENICI-ASHCROFT-WYDEN "JUVENILE CRIME CONTROL AND COMMUNITY PROTECTION ACT OF 1997"

Funding—$500 million authorization for juvenile justice grants: $200 million for current OJJDP state formula grants (increase of $113 million from $86.5 million in FY 1997); $300 million for new incentive grants.

To qualify for the first $150 million, states must enact three reforms: (1) mandatory adult prosecution for juveniles age 14 and over who commit serious violent crimes or serious drug felonies; (2) graduated sanctions, so that every bad act receives punishment; and (3) adult recordkeeping, including fingerprints and photographs for juveniles under age 15 who commit serious violent crimes.

To qualify for the next $150 million, states must enact 5 of 20 suggested reforms.

They include:

(1) Increased victims' rights, including notification of release or escape of the offender who committed a crime against a particular victim.

(2) Victim and community restitution.

(3) Public access to juvenile court delinquency proceedings.

(4) Nighttime curfews and parental responsibility laws, holding parents civilly liable for the delinquent acts of their children.

(5) Zero tolerance for deadbeat juvenile parents—require as a condition of parole that juvenile parents pay child support and attend school or vocational training.

(6) SHOCAP—interagency information sharing and monitoring of the most serious juvenile offenders across the state.

(7) Zero tolerance for truancy—parental notification of every absence, mandatory make-up sessions, and denial of participation in extra-curriculars for habitual truants.

(8) Alternative schools and classrooms for expelled or suspended students.

(9) Judicial jurisdiction for local magistrates over minor delinquency offenses and short-term detention authority for habitual delinquent behavior.

(10) Elimination of 'counsel and release' as a penalty for second or subsequent offenses.

(11) Report-back orders for juveniles on probation—must appear before the sentencing judge and apprise the judge of the juvenile's progress in meeting certain goals.

(12) Mandatory penalties for the use of a firearm during a violent crime.

(13) Anti-gang legislation.

(14) Character Counts—character education and training.

(15) Mentoring.

(16) Drug courts, special courts or court sessions for juveniles charged with drug offenses.

(17) Community-wide partnerships involving all levels of state and local government to administer a unified approach to juvenile justice.

(18) Adult recordkeeping for juveniles age 14 and under who commit any felony under state law.

(19) Boot camps, which include an intensive restitution and/or community service component.

(20) Evaluation and monitoring of the effectiveness of State juvenile justice and delinquency prevention programs reducing crime and recidivism.

Mandates—reforms or eliminates 3 of the most burdensome federal mandates found in the 1974 Juvenile Justice and Delinquency Prevention Act.

Modifies mandatory sight and sound separation of juveniles and adults in secure facilities by prohibiting "regular, sustained physical contact" between juveniles and adults in the same facility. States would provide assurances that there will be no commingling or regular physical contact between juveniles and adults in the same cell or community room. This will reduce costs for rural communities, which often do not have a separate space to house juveniles which meets the current strict sight and sound requirement.

Eliminates two other mandates: (1) prohibition on placing juveniles in any adult jail or lock-up; and (2) prohibition on placing "status offenders" in secure facilities.

FEDERAL REFORMS

Adult prosecution. Requires mandatory adult prosecution for juveniles age 14 or over for serious violent crimes and major drug offenses. Also requires mandatory "three strikes" adult prosecution for juveniles age 14 and over when a juvenile commits a third offense chargeable as a felony. Judge has discretion under the "three strikes" provision to refuse to prosecute the juvenile as a adult if the "interests of justice" determine that adult prosecution is inappropriate.

Adult records. Requires equivalent of an adult record for juveniles under age 14 who commit serious violent crimes and for juveniles over age 14 who commit acts chargeable as felonies. Includes fingerprints and photographs.

Access to juvenile records. Allows courts to consider juvenile offenses when making adult sentencing decisions, if juvenile offenses would have been felonies if committed by adults. Gives school officials access to federal juvenile records and FBI files, as long as confidentiality is maintained.

IDEA amendment. Overturns court decision prohibiting school officials from unilaterally reporting to authorities or filing petitions in juvenile or criminal courts with regard to criminal acts at school committed by children covered by the IDEA.

Mr. DOMENICI. Mr. President, I yield to Senator WYDEN at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the Senator from New Mexico, and want him to know I very much appreciate the chance to join him and Senator ASHCROFT on this bipartisan bill.

Mr. President, I say to my colleagues, it is very clear that the juvenile justice system today in our country is very much like a revolving door. A young person can commit a violent crime, a series of violent crimes, be apprehended, visit the juvenile justice system—and that is really an appropriate characterization—and be back on the street virtually immediately. In fact, in our newspaper, the Oregonian, it was recently reported that a child committed 52 crimes, 32 of which were felonies, before the juvenile justice system took action to protect the community.

I felt—and I think this is the focus of the legislation that the Senator from New Mexico, the Senator from Missouri and I bring to the floor today—that there should be three principles for the new juvenile justice system for the 21st century.

The first ought to be community protection; the second should be accountability; and the third should be restitution. The principle of accountability is especially important with young people. I even see it with my own small kids, a 7-year-old and a 13-year-old. If they act up, there needs to be some consequences.

I am particularly pleased that the legislation the Senator from New Mexico brings to the floor today puts a special focus on trying to deal with offenses perpetrated by young people that have not yet risen to that level of violent crime and, in effect, try to send a message to young people that there will be consequences.

The last point that I will make, because I know time is short and we have much to do today, is that this legislation is particularly important in such areas as recordkeeping. We have found across the country that it has not even been possible to keep tabs on the violent juveniles, because there are so many gaps in the recordkeeping in the States. Both the Senator from New Mexico and the Senator from Missouri have done yeoman work in this regard.

This is a balanced bill; it is a bipartisan bill. It moves to update the laws dealing with juveniles for the 21st century.

I thank my friend from New Mexico and the Senator from Missouri for allowing me to be part of this bipartisan coalition. They included a number of provisions that are important to our State in the drafting that went on in the last week. I thank the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator CAMPBELL be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I am proud to join with the Senators DOMENICI and WYDEN in introducing the Juvenile Crime Control and Community Protection Act of 1997 to reform the juvenile justice system in order to protect the public and hold juvenile offenders accountable for their actions.

In 1994, juvenile courts handled an estimated 120,200 drug offense cases, a jump of 82 percent from 1991. Violent crime arrests among juveniles in 1995 was 12 percent higher than the level in 1991 and 67 percent above the level in 1986.

This year, Mr. President, it seems as though incidents of juvenile violence are occurring every day and everywhere.

In Alton, IL, two teens were gunned down—one shot twice in the face and the other shot once in the back of the head when he turned to flee—by a 15-year-old of East St. Louis who had driven 30 miles to carry out the shooting.

In Dayton, KY, a 15-year-old killed her 5-month-old son. She was given the maximum sentence—30 days of detention.

In Montgomery County, MD, a 14-year-old girl along with three adults were arrested for two bank robberies in Silver Spring.

In Boston, MA, three schoolgirls—two 14-year-olds and one 15-year-old—were charged with putting knives to the throat or stomach of classmates and stealing their gold jewelry and lunch money.

As these incidents demonstrate, the perpetrators of violence and their victims are getting younger. Similarly, gang activity is getting worse in our inner cities, suburbs, and rural communities. A 1995 nationwide survey of law enforcement agencies reported a total of 23,388 gangs, and 664,906 gang members in their jurisdiction. In comparison, a 1993 survey showed an estimated 4,881 gangs with 249,324 gang members in the United States.

The need for juvenile justice reform is clear, especially in light of the fact that probation was the sentence handed out for 56 percent of the 1992 juvenile court cases in which the juvenile was adjudicated delinquent whether the offense was a felony or misdemeanor in nature.

Mr. President, this bill takes substantial steps toward addressing the problems of violent juvenile offenders and the prevalence of youth gangs. The Federal Government would assist State and local efforts in dealing with the epidemic of juvenile crime by helping target the most violent and problematic offenders.

Mr. President, the Juvenile Crime Control and Community Protection Act of 1997 would provide $1.5 billion over 5 years in incentive grants to encourage and assist States in reforming their juvenile justice systems.

States are encouraged to revise their laws to reflect three much-needed reforms. First, juveniles age 14 or older who commit serious violent crimes—such as murder, forcible rape, aggravated assault, or serious drug offenses—should be tried as the adult criminals they are. By making sure that the punishment fits the seriousness of the crime, this proposal would deter juveniles who currently believe that the law cannot touch them.

Second, the States are encouraged to ensure that records of juveniles under age 15, who are found to be delinquent regarding serious violent crimes and serious drug offenses, are maintained and made available to law enforcement agencies, including the Federal Bureau of Investigation, prosecutors, adult criminal courts, and appropriate school officials.

Finally, the States are encouraged to establish graduated sanctions for juvenile offenders, ensuring a sanction for every delinquent or criminal act and that the sanctions increase in severity based on the nature of the act. The sanctions should also escalate with each subsequent delinquent or criminal act, and should include mandatory restitution to victims, longer sentences of confinement, or mandatory participation in community service.

For States that enact such reforms, additional grant funds would be made available to implement at least 5 of 18 accountability-based practices including: record-keeping for juvenile criminals age 14 or older who commit offenses equivalent to an adult felony; increasing victims' rights concerning information about the conviction, sentencing, imprisonment, and release of their juvenile attackers; mandatory restitution to victims of juvenile crimes; public access to juvenile court proceedings; parental responsibility laws; zero tolerance for deadbeat juvenile parents; implementation of a Serious Habitual Offenders Comprehensive Action Program [SHOCAP]—a comprehensive and cooperative information and case management process for police, prosecutors, schools, probation departments, corrections facilities, and social and community aftercare services; establishment of community-wide partnerships involving county, municipal government, school districts, and others to administrator a unified approach to juvenile delinquency; antitruancy initiatives; alternative schooling for juvenile offenders or juveniles who are expelled or suspended from school for disciplinary reasons; tougher penalties for criminal street gang crimes; and the establishment of penalties for juvenile offenders who use a firearm during a violent crime or a drug felony.

The bill would provide $200 million in formula grants, a $130 million increase over the FY1997 level for each fiscal year, FY1998 through FY2002. Under current law, states and localities must comply with several mandates to be eligible for these funds. For example, states must currently ensure that (1) no status offender may be held in secure detention or confinement; (2) juveniles cannot be held in jails and law enforcement lockup in which adults may be detained or confined for any period of time; and (3) complete sight and sound separation of juvenile offenders from adult offenders in secure facilities.

These mandates are costly and burdensome on state and local law enforcement efforts. For example, in February of this year, I visited with law enforcement and juvenile justice officials in Kirksville, MO, a rural community in Northeast Missouri, who told me about a problem that is all too common for rural communities. A deputy juvenile officer said that local law enforcement officers were able to apprehend four Missouri 15-year-olds who had brutally murdered a Iowa farm wife in October of 1994, and were even able to secure confessions to the murder. However, the Kirksville police could not detain the murderers because the Federal law prohibits juveniles from being held in jails in which adults may be detained and Kirksville did not have secure detention facilities.

As a result, the teens had to be detained in other Missouri facilities. Two of the teen had to be transported to Boone County, MO—100 miles from Kirksville—while the other two teens had to be taken to Union, MO, more than 200 miles away.

The legislation introduced today would eliminate this absolute jail and lockup prohibition. If enacted, the Kirksvilles of our country would no longer have to bear additional costs in trying to find a completely separate facility in order to detain violent juvenile offenders.

A thorough reform of juvenile justice systems must also include participation by our charitable and faith-based organizations. Government needs to rebuild civil society by fostering a partnership with charitable and faith-based organizations to promote civic virtues and individual responsibility.

Govenrment needs to look beyond its bureaucratic, one-size-fits-all programs and give assistance to those groups toiling daily in our communities, often publicly unnoticed and virtually unaided by Government.

For example, Teen challenge, which is headquartered in Missouri, receives little or no local, State, or Federal government financial assistance. Teen Challenge is a nonprofit, faith-based organization that works with youth, adults and families. Teen challenge has 16 adolescent programs in several states, including Florida, Indiana, and New Mexico.

Most of the juveniles in the program has drug or alcohol problems. A large number of the adolescents have been physically or sexually abused. Almost all of them had a major problem with rebelling against authority, according to a 1992 survey of Indianapolis Teen Challenge. Thirteen percent were court-ordered placements. This same study indicated that 70 percent of the graduates were abstaining from illegal drug use.

Mr. President, this bill would amend the Juvenile Justice and Delinquency Prevention Act to allow states to conduct with, or make grants to, private, charitable and faith-based organizations to provide programs for at-risk and delinquent juveniles.

Charitable and faith-based organizations have a proven track record of transforming shattered lives by addressing the deeper needs of people, by instilling hope and values which help change behavior and attitudes. Under this bill states would be allowed to enroll these organizations as full-fledged participants in caring for and supporting juveniles who are less fortunate.

The bill also proposes reforms to the federal criminal justice system consistent with those it encourages those states to adopt. The legislation strengthens the federal law by requiring the adult prosecution of any juvenile age 14 or older who is alleged to have committed murder, attempted murder, robbery while armed with a dangerous or deadly weapon, assault or battery while armed with a dangerous weapon, forcible rape or a serious drug offense. Repeat juvenile offenders would also be subject to transfer to adult court, if they have 2 previous adjudications for offenses that would amount to a felony if committed by an adult.

Juvenile criminals found delinquent in U.S. district courts of violent crimes would be fingerprinted and photographed, and then the fingerprints and photograph are sent to the FBI to be made available to the same extent as that of adult felons to law enforcement agencies, school officials, and courts for sentencing purposes.

In addition, the bill would clearly express the intent of Congress with regard to special education students who commit criminal acts at school or school-related events. Earlier this year, the Sixth Circuit Court of Appeals, in *Morgan* v. *Chris L.*, upheld the ruling of a district court that the Knox County Tennessee Public School violated the procedural requirements of the Individuals with Disabilities Education Act (IDEA) by in essence filing criminal charges against a student with a disability. IDEA provides grants to states and creates special due process procedures for children with disabilities.

In this case, a student diagnosed as suffering from attention deficit hyperactivity disorder kicked a water pipe in the school lavatory until it burst—a crime against property—resulting in about $1,000 water damage. The Knox County School District filed a petition in juvenile court against the child. The disabled student's father filed for a due process hearing under the IDEA to review the filing of the petition in juvenile court by the school. The hearing officer ordered the school district to seek dismissal of its juvenile court petition and that decision by the hearing officer was upheld by the Federal District Court and the Sixth Circuit Court of Appeals.

The Court of Appeals concluded that under "IDEA's procedural safeguards, the school system must adopt its own plan and institute a [multi-disciplinary] team meeting before initiating a juvenile court petition." The problem with the circuit court's holding is that the special due process procedures for disabled students take several months, and sometimes a year, to complete. The practical effect of the ruling is that schools, as a matter of law, cannot unilaterally file charges against disabled students unless students' parents consent to such referrals. Schools must keep a student in school—potentially endangering others—and wait until the completion of the due process procedures required by IDEA.

In addition to Tennessee, other States—such as Georgia, Ohio, Minnesota, Illinois, Michigan, Rhode Island, and New Hampshire—allow individuals, including school officials who witness students committing crimes at school, to file petitions in juvenile courts against the students. School officials should not be required to exhaust the IDEA's significant due process procedures before filing criminal juvenile petitions against students with disabilities.

The ramifications of the sixth circuit's ruling have been immediate and troubling for school districts. Citing the ruling of the Chris L holding as authority, a Knox County, TN chancellor recently set aside the juvenile conviction of a high school special education student—because he is deaf in his right ear—who brought a butterfly knife to school. The chancellor court based its decision on the fact that the school had failed to convene a multidisciplinary team before referring the student with a disability to the juvenile court. The chancellor, when asked about his ruling, reportedly said, "There's a serious question to whether or not a student under this IDEA program can be charged at all."

The bill we are introducing today would make it clear to the Tennessee chancellor and other courts that students with disabilities who commit criminal acts on school property are not shielded from immediate referral to juvenile court or law enforcement authorities under IDEA's special due process procedures. We must restore the capacity of schools to create secure environments where all students can learn and achieve their highest potential.

Mr. President, this bill would assist State and local governments in increasing public safety by holding juvenile criminals accountable for their serious and violent crimes, by encouraging accountability through the imposition of meaningful sanctions for delinquent acts, and by improving the extent, accuracy, availability, and usefulness of juvenile criminal records and public accessibility to juvenile court proceedings.

In short, Mr. President, enactment of the Juvenile Crime Control and Community Protection Act of 1997 would be a significant step in the right direction toward addressing America's juvenile crime problem.

Mr. WYDEN. Mr. President, last month, I talked about the importance of the innovative "Community Justice" model for juvenile justice being developed in Deschutes County and Multnomah County, OR. Today, Senators DOMENICI and ASHCROFT and I are introducing legislation that incorporates many important pieces of this Oregon model and also represents an effort to bring some new, bipartisan thinking to the issue of juvenile justice.

Oregon's idea is that the juvenile justice system should weave the community into the very fabric of juvenile justice. This entails treating the victim as a customer of the juvenile justice system and realizing that when a crime is committed the whole community is the victim. There is a reciprocal obligation in communities—first, to give children the values and tools to ensure that youth crime is prevented and second, to look for at-risk children and try to form a net of services to keep these children from getting into trouble. However, once a young person steps over the line and commits a crime, part of the reciprocity involves the youth making the community whole through restitution and community service.

I was pleased to work with Senators DOMENICI and ASHCROFT to include some of these Oregon ideas into this bill. In particular, I think that the second tier of incentive grants will help encourage States to come up with ways to integrate the community into the juvenile justice process. In particular, the bill promotes consideration for victims and restitution for all crimes. It will also ensure that this restitution is collected. The legislation encourages States to look at mentorship programs, parent accountability, and ways to bring together service providers to form a network of information sharing to prevent juvenile crime.

One of the key aspects of the Deschutes County model that is so impressive is the coordination between schools, juvenile justice services, child protection services, police, district attorneys, judges, and others. Not only does this build a broad base of support for the juvenile justice system, but it allows these agencies to identify the most at-risk youth early, to see whether efforts to divert them from delinquency are effective and to concentrate resources on them.

When I began working on this issue in 1995, I laid out three principles for a new juvenile justice system: community protection, accountability, and restitution. We need to keep our streets safe, punish criminals, and make sure victims—including the community itself—are repaid. This legislation will encourage States to develop systems based on these principles and to add to the the important ingredient of community involvement in the juvenile justice system.

I thank the Senators from Missouri and New Mexico for their bipartisan effort to develop juvenile justice legislation that takes a balanced approach to juvenile justice.

By Mr. WELLSTONE:

S. 719. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

THE HMONG VETERANS' NATURALIZATION ACT OF 1997

• Mr. WELLSTONE. Mr. President, today, I have introduced the Hmong Veterans' Naturalization Act of 1997.

The purpose of this bill is to help expedite the naturalization of Hmong veterans who served and fought alongside the United States during the United States secret war in Laos. This legislation acknowledges their service and officially recognizes the service of Hmong and other ethnic Lao veterans who sacrificed and loyally fought for America and its principles of freedom, human rights, and democracy.

This legislation continues the tradition of recognizing the service of those who came to the aid of the United States in times of war. Current law permits aliens or noncitizens who served honorably in the U.S. military forces during wartime to be naturalized, regardless of age, period of U.S. residence, or physical presence in the United States. However, expedited naturalization does not apply to Hmong and Lao veterans and their families because of the covert status of their work. This bill would help expedite this process by eliminating the literacy requirement in the naturalization process.

Classified studies conducted by the defense policy think tank RAND have recently been declassified. They show the unique and important role that the Hmong people played during the Vietnam war. The studies reveal that this group, the "Secret Army," specially created by the United States Government, played a critical role in the clandestine military activities in Laos.

Hmong men, women, and children of all ages fought and died alongside U.S. military personnel in units recruited, organized, trained, funded and paid by the U.S. Government. It is estimated that during the United States involvement in Vietnam, 35,000 to 40,000 Hmong veterans and their families' were killed in conflict. 50,000 to 58,000 were wounded in conflict and an additional 2,500 to 3,000 were declared missing.

During the Vietnam conflict, Hmong forces were responsible for risking their lives by crossing enemy lines to rescue downed American pilots. It is estimated that they saved at least 60 American lives and often lost half their troops rescuing one soldier.

When the United States withdrew from Southeast Asia, thousands of Hmong were evacuated by the U.S. Government. However, many were left behind and experienced mass genocide at the hands of Communists. Many fled to neighboring Thailand. During their journey, many were murdered before they reached the Thai border. Even today, despite official denial by the Lao Government, the Communist regime of Laos continues to persecute and discriminate against the Hmong specifically because of their role in the United States secret army.

Edgar Buell, the senior U.S. CIA official who worked with the Hmong secret army, explained their critical role on national television:

"Everyone of them (Hmong) that died, that was an American back home that didn't die, or one that was injured that wasn't injured. Somebody in nearly every Hmong family was either fighting or died from fighting. They became refugees because we (the United States) encouraged them to fight for us. I promised myself: "'Have no fear, we will take care of you.'"

It is now time to live up to earlier promises and take care of this group that so valiantly fought alongside American forces. We can only make good on our word by passing this legislation.

Currently, many of the 45,000 former soldiers and their refugee family members living in the United States cannot become citizens because they lack the sufficient English language skills to pass the naturalization test. The intense and protracted war in Laos and the subsequent exodus of the Hmong veterans into squalid refugee camps did not permit these veterans the opportunity to attend school and learn English. Also, many suffer from injuries that occurred during the war that make learning difficult and frustrating.

Because of the welfare and immigration reform bill enacted last Congress, aging, elderly, illiterate (in English), semiliterate and wounded soldiers—usually with large families—will suffer greatly because they are now facing the almost impossible task of immediately learning English and finding gainful employment. People like Chanh Chantalangsy are faced with an uncertain future:

Chanh served in the secret army and was seriously wounded in his head, arm, and legs. After being in the hospital for 7 months, he returned to combat, serving in a CIA sponsored unit. Fleeing Laos, he spent 14 years in a refugee camp in Thailand. Realizing that the conditions in his country would not improve, Chanh left the refugee camp and came to the United States. He studied English for 5 years but it became evident that mental and physical injuries prevented him from learning English. In 1993, he was classified disabled and now receives $561 a month in SSI benefits. As of August, he could lose this small benefit.

Given the unique role that the veterans served on behalf of the U.S. national security interests, we should waive the difficult naturalization requirements for this group. We have a responsibility to these people. This responsibility was supported by former CIA Director William Colby when he said to a House subcommittee:

"The basic burden (of fighting in Laos) was born by the Hmong. We certainly encouraged them to fight. We enabled them to fight in many cases, and I think the spirit that they developed was in part a result of our offering of support and our provision of it."

Mr. President, it is now time to give our support. These people fought for our country for 15 years and came to the United States with an understanding that they would be cared for. One act of Congress, the welfare reform law, wiped out this understanding and threw the Hmong into a state of despair. They neither have the capacity to care for themselves if benefits are terminated, nor the ability to return to their homeland. I implore my colleagues to support one more act of Congress that would fulfill our pledge and our obligation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hmong Veterans' Naturalization Act of 1997".

SEC. 2. WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

SEC. 3. NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.

(a) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United

States during the period of the Vietnam hostilities.

(b) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in subsection (a) through—

(1) review of refugee processing documentation for the alien,

(2) the affidavit of the alien's superior officer,

(3) original documents,

(4) two affidavits from person who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(5) other appropriate proof.

The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.●

By Mr. GRASSLEY (for himself, Mr. INOUYE, and Mr. FRIST):

S. 720. A bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availability of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the medicare and medicaid programs; to the Committee on Finance.

THE PACE PROVIDER ACT OF 1997

● Mr. GRASSLEY. Mr. President, I am pleased to introduce today, along with Senator INOUYE, the distinguished Senator from Hawaii, the PACE Provider Act of 1997. PACE, the Program of All-Inclusive Care for the Elderly, is a unique system of integrated care for the frail elderly. This Act increases the number of PACE sites authorized to provide comprehensive, community-based services to frail, elderly persons.

As our population ages, we must continue to place a high priority on long-term care services. Giving our seniors alternatives to nursing home care and expanding the choices available, is not only cost effective, but will also improve the quality of life for older Americans.

PACE programs achieve this goal. PACE enables the frail elderly to remain as healthy as possible, at home in their communities. By doing so, elderly individuals maintain their independence, dignity and quality of life.

Each PACE participant receives a comprehensive care package, including all Medicare and Medicaid services, as well as community-based long-term care services. Each individual is cared for by an interdisciplinary team consisting of a primary care physician, nurse, social worker, rehabilitation therapist, home health worker, and others. Because care providers on the PACE team work together, they are able to successfully accommodate the complex medical and social needs of the elderly person in fragile health.

What's more, PACE provides high-quality care at a lower cost to Medicare and Medicaid, relative to their payments in the traditional system. Studies show a 5–15 percent reduction in Medicare and Medicaid spending for individuals in PACE.

The potential savings to Medicare and Medicaid is significant. PACE programs provide services for one of our most vulnerable, and costly, population: frail, elderly adults who are eligible for Medicare and Medicaid. In many cases, these "dually eligible" individuals have complex, chronic care needs and require ongoing, long-term care services. The current structure of Medicare and Medicaid does not encourage coordination of these services. The result is fragmented and costly care for our nation's most vulnerable population.

The PACE Provider Act does not alter the criteria for eligibility for PACE participation in any way. Instead, it makes PACE programs more available to individuals already eligible for nursing home care, because of their poor health status. PACE is a preferable, and less costly, alternative. Specifically, this Act increases the number of PACE programs authorized from 15 to 40, with an additional 20 to be added each year, and affords regular "provider" status to existing sites.

The PACE Provider Act allows the success of PACE programs to be replicated throughout the country. And, with an emphasis on preventative and supportive services, PACE services can substantially reduce the high-costs associated with emergency room visits and extended nursing home stays often needed by the frail elderly in the traditional Medicare and Medicaid programs.

My sponsorship of this bill grows out of my Aging Committee hearing on April 29, Torn Between Two Systems: Improving Chronic Care in Medicare and Medicaid. The plight of the dual eligibles is unacceptable. This bill is an immediate and positive step in the right direction.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Programs of All-inclusive Care for the Elderly (PACE) Coverage Act of 1997".

SEC. 2. COVERAGE OF PACE UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"PAYMENTS TO, AND COVERAGE OF BENEFITS UNDER, PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

"SEC. 1894. (a) RECEIPT OF BENEFITS THROUGH ENROLLMENT IN PACE PROGRAM; DEFINITIONS FOR PACE PROGRAM RELATED TERMS.—

"(1) BENEFITS THROUGH ENROLLMENT IN A PACE PROGRAM.—In accordance with this section, in the case of an individual who is entitled to benefits under part A or enrolled under part B and who is a PACE program eligible individual (as defined in paragraph (5)) with respect to a PACE program offered by a PACE provider under a PACE program agreement—

"(A) the individual may enroll in the program under this section; and

"(B) so long as the individual is so enrolled and in accordance with regulations—

"(i) the individual shall receive benefits under this title solely through such program, and

"(ii) the PACE provider is entitled to payment under and in accordance with this section and such agreement for provision of such benefits.

"(2) PACE PROGRAM DEFINED.—For purposes of this section and section 1932, the term 'PACE program' means a program of all-inclusive care for the elderly that meets the following requirements:

"(A) OPERATION.—The entity operating the program is a PACE provider (as defined in paragraph (3)).

"(B) COMPREHENSIVE BENEFITS.—The program provides comprehensive health care services to PACE program eligible individuals in accordance with the PACE program agreement and regulations under this section.

"(C) TRANSITION.—In the case of an individual who is enrolled under the program under this section and whose enrollment ceases for any reason (including the individual no longer qualifies as a PACE program eligible individual, the termination of a PACE program agreement, or otherwise), the program provides assistance to the individual in obtaining necessary transitional care through appropriate referrals and making the individual's medical records available to new providers.

"(3) PACE PROVIDER DEFINED.—

"(A) IN GENERAL.—For purposes of this section, the term 'PACE provider' means an entity that—

"(i) subject to subparagraph (B), is (or is a distinct part of) a public entity or a private, nonprofit entity organized for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986, and

"(ii) has entered into a PACE program agreement with respect to its operation of a PACE program.

"(B) TREATMENT OF PRIVATE, FOR-PROFIT PROVIDERS.—Clause (i) of subparagraph (A) shall not apply—

"(i) to entities subject to a demonstration project waiver under subsection (h); and

"(ii) after the date the report under section 5(b) of the Programs of All-inclusive Care for the Elderly (PACE) Coverage Act of 1997 is submitted, unless the Secretary determines that any of the findings described in subparagraph (A), (B), (C) or (D) of paragraph (2) of such section are true.

"(4) PACE PROGRAM AGREEMENT DEFINED.—For purposes of this section, the term 'PACE program agreement' means, with respect to a PACE provider, an agreement, consistent with this section, section 1932 (if applicable), and regulations promulgated to carry out such sections, between the PACE provider and the Secretary, or an agreement between the PACE provider and a State administering agency for the operation of a PACE program by the provider under such sections.

"(5) PACE PROGRAM ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this section, the term 'PACE program eligible individual' means, with respect to a PACE program, an individual who—

"(A) is 55 years of age or older;

"(B) subject to subsection (c)(4), is determined under subsection (c) to require the level of care required under the State medicaid plan for coverage of nursing facility services;

"(C) resides in the service area of the PACE program; and

"(D) meets such other eligibility conditions as may be imposed under the PACE program agreement for the program under subsection (e)(2)(A)(ii).

"(6) PACE PROTOCOL.—For purposes of this section, the term 'PACE protocol' means the Protocol for the Program of All-inclusive Care for the Elderly (PACE), as published by On Lok, Inc., as of April 14, 1995.

"(7) PACE DEMONSTRATION WAIVER PROGRAM DEFINED.—For purposes of this section, the term 'PACE demonstration waiver program' means a demonstration program under either of the following sections (as in effect before the date of their repeal):

"(A) Section 603(c) of the Social Security Amendments of 1983 (Public Law 98–21), as extended by section 9220 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272).

"(B) Section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509).

"(8) STATE ADMINISTERING AGENCY DEFINED.—For purposes of this section, the term 'State administering agency' means, with respect to the operation of a PACE program in a State, the agency of that State (which may be the single agency responsible for administration of the State plan under title XIX in the State) responsible for administering PACE program agreements under this section and section 1932 in the State.

"(9) TRIAL PERIOD DEFINED.—

"(A) IN GENERAL.—For purposes of this section, the term 'trial period' means, with respect to a PACE program operated by a PACE provider under a PACE program agreement, the first 3 contract years under such agreement with respect to such program.

"(B) TREATMENT OF ENTITIES PREVIOUSLY OPERATING PACE DEMONSTRATION WAIVER PROGRAMS.—Each contract year (including a year occurring before the effective date of this section) during which an entity has operated a PACE demonstration waiver program shall be counted under subparagraph (A) as a contract year during which the entity operated a PACE program as a PACE provider under a PACE program agreement.

"(10) REGULATIONS.—For purposes of this section, the term 'regulations' refers to interim final or final regulations promulgated under subsection (f) to carry out this section and section 1932.

"(b) SCOPE OF BENEFITS; BENEFICIARY SAFEGUARDS.—

"(1) IN GENERAL.—Under a PACE program agreement, a PACE provider shall—

"(A) provide to PACE program eligible individuals, regardless of source of payment and directly or under contracts with other entities, at a minimum—

"(i) all items and services covered under this title (for individuals enrolled under this section) and all items and services covered under title XIX, but without any limitation or condition as to amount, duration, or scope and without application of deductibles, copayments, coinsurance, or other cost-sharing that would otherwise apply under this title or such title, respectively; and

"(ii) all additional items and services specified in regulations, based upon those required under the PACE protocol;

"(B) provide such enrollees access to necessary covered items and services 24 hours per day, every day of the year;

"(C) provide services to such enrollees through a comprehensive, multidisciplinary health and social services delivery system which integrates acute and long-term care services pursuant to regulations; and

"(D) specify the covered items and services that will not be provided directly by the entity, and to arrange for delivery of those items and services through contracts meeting the requirements of regulations.

"(2) QUALITY ASSURANCE; PATIENT SAFEGUARDS.—The PACE program agreement shall require the PACE provider to have in effect at a minimum—

"(A) a written plan of quality assurance and improvement, and procedures implementing such plan, in accordance with regulations, and

"(B) written safeguards of the rights of enrolled participants (including a patient bill of rights and procedures for grievances and appeals) in accordance with regulations and with other requirements of this title and Federal and State law designed for the protection of patients.

"(c) ELIGIBILITY DETERMINATIONS.—

"(1) IN GENERAL.—The determination of whether an individual is a PACE program eligible individual—

"(A) shall be made under and in accordance with the PACE program agreement, and

"(B) who is entitled to medical assistance under title XIX, shall be made (or who is not so entitled, may be made) by the State administering agency.

"(2) CONDITION.—An individual is not a PACE program eligible individual (with respect to payment under this section) unless the individual's health status has been determined, in accordance with regulations, to be comparable to the health status of individuals who have participated in the PACE demonstration waiver programs. Such determination shall be based upon information on health status and related indicators (such as medical diagnoses and measures of activities of daily living, instrumental activities of daily living, and cognitive impairment) that are part of a uniform minimum data set collected by PACE providers on potential eligible individuals.

"(3) ANNUAL ELIGIBILITY RECERTIFICATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the determination described in subsection (a)(5)(B) for an individual shall be reevaluated not more frequently than annually.

"(B) EXCEPTION.—The requirement of annual reevaluation under subparagraph (A) may be waived during a period in accordance with regulations in those cases where the State administering agency determines that there is no reasonable expectation of improvement or significant change in an individual's condition during the period because of the advanced age, severity of the advanced age, severity of chronic condition, or degree of impairment of functional capacity of the individual involved.

"(4) CONTINUATION OF ELIGIBILITY.—An individual who is a PACE program eligible individual may be deemed to continue to be such an individual notwithstanding a determination that the individual no longer meets the requirement of subsection (a)(5)(B) if, in accordance with regulations, in the absence of continued coverage under a PACE program the individual reasonably would be expected to meet such requirement within the succeeding 6-month period.

"(5) ENROLLMENT; DISENROLLMENT.—The enrollment and disenrollment of PACE program eligible individuals in a PACE program shall be pursuant to regulations and the PACE program agreement and shall permit enrollees to voluntarily disenroll without cause at any time.

"(d) PAYMENTS TO PACE PROVIDERS ON A CAPITATED BASIS.—

"(1) IN GENERAL.—In the case of a PACE provider with a PACE program agreement under this section, except as provided in this subsection or by regulations, the Secretary shall make prospective monthly payments of a capitation amount for each PACE program eligible individual enrolled under the agreement under this section in the same manner and from the same sources as payments are made to an eligible organization under a risk-sharing contract under section 1876. Such payments shall be subject to adjustment in the manner described in section 1876(a)(1)(E).

"(2) CAPITATION AMOUNT.—The capitation amount to be applied under this subsection for a provider for a contract year shall be an amount specified in the PACE program agreement for the year. Such amount shall be based upon payment rates established under section 1876 for risk-sharing contracts and shall be adjusted to take into account the comparative frailty of PACE enrollees and such other factors as the Secretary determines to be appropriate. Such amount under such an agreement shall be computed in a manner so that the total payment level for all PACE program eligible individuals enrolled under a program is less than the projected payment under this title for a comparable population not enrolled under a PACE program.

"(e) PACE PROGRAM AGREEMENT.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—The Secretary, in close cooperation with the State administering agency, shall establish procedures for entering into, extending, and terminating PACE program agreements for the operation of PACE programs by entities that meet the requirements for a PACE provider under this section, section 1932, and regulations.

"(B) NUMERICAL LIMITATION.—

"(i) IN GENERAL.—The Secretary shall not permit the number of PACE providers with which agreements are in effect under this section or under section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 to exceed—

"(I) 40 as of the date of the enactment of this section, or

"(II) as of each succeeding anniversary of such date, the numerical limitation under this subparagraph for the preceding year plus 20.

Subclause (II) shall apply without regard to the actual number of agreements in effect as of a previous anniversary date.

"(ii) TREATMENT OF CERTAIN PRIVATE, FOR-PROFIT PROVIDERS.—The numerical limitation in clause (i) shall not apply to a PACE provider that—

"(I) is operating under a demonstration project waiver under subsection (h), or

"(II) was operating under such a waiver and subsequently qualifies for PACE provider status pursuant to subsection (a)(3)(B)(ii).

"(2) SERVICE AREA AND ELIGIBILITY.—

"(A) IN GENERAL.—A PACE program agreement for a PACE program—

"(i) shall designate the service area of the program;

"(ii) may provide additional requirements for individuals to qualify as PACE program eligible individuals with respect to the program;

“(iii) shall be effective for a contract year, but may be extended for additional contract years in the absence of a notice by a party to terminate and is subject to termination by the Secretary and the State administering agency at any time for cause (as provided under the agreement);

“(iv) shall require a PACE provider to meet all applicable State and local laws and requirements; and

“(v) shall have such additional terms and conditions as the parties may agree to consistent with this section and regulations.

“(B) Service area overlap.—In designating a service area under a PACE program agreement under subparagraph (A)(i), the Secretary (in consultation with the State administering agency) may exclude from designation an area that is already covered under another PACE program agreement, in order to avoid unnecessary duplication of services and avoid impairing the financial and service viability of an existing program.

“(3) Data collection.—

“(A) In general.—Under a PACE program agreement, the PACE provider shall—

“(i) collect data,

“(ii) maintain, and afford the Secretary and the State administering agency access to, the records relating to the program, including pertinent financial, medical, and personnel records, and

“(iii) make to the Secretary and the State administering agency reports that the Secretary finds (in consultation with State administering agencies) necessary to monitor the operation, cost, and effectiveness of the PACE program under this Act.

“(B) Requirements during trial period.—During the first three years of operation of a PACE program (either under this section or under a PACE demonstration waiver program), the PACE provider shall provide such additional data as the Secretary specifies in regulations in order to perform the oversight required under paragraph (4)(A).

“(4) Oversight.—

“(A) Annual, close oversight during trial period.—During the trial period (as defined in subsection (a)(9)) with respect to a PACE program operated by a PACE provider, the Secretary (in cooperation with the State administering agency) shall conduct a comprehensive annual review of the operation of the PACE program by the provider in order to assure compliance with the requirements of this section and regulations. Such a review shall include—

“(i) an on-site visit to the program site;

“(ii) comprehensive assessment of a provider's fiscal soundness;

“(iii) comprehensive assessment of the provider's capacity to provide all PACE services to all enrolled participants;

“(iv) detailed analysis of the entity's substantial compliance with all significant requirements of this section and regulations; and

“(v) any other elements the Secretary or State agency considers necessary or appropriate.

“(B) Continuing oversight.—After the trial period, the Secretary (in cooperation with the State administering agency) shall continue to conduct such review of the operation of PACE providers and PACE programs as may be appropriate, taking into account the performance level of a provider and compliance of a provider with all significant requirements of this section and regulations.

“(C) Disclosure.—The results of reviews under this paragraph shall be reported promptly to the PACE provider, along with any recommendations for changes to the provider's program, and shall be made available to the public upon request.

“(5) Termination of PACE provider agreements.—

“(A) In general.—Under regulations—

“(i) the Secretary or a State administering agency may terminate a PACE program agreement for cause, and

“(ii) a PACE provider may terminate an agreement after appropriate notice to the Secretary, the State agency, and enrollees.

“(B) Causes for termination.—In accordance with regulations establishing procedures for termination of PACE program agreements, the Secretary or a State administering agency may terminate a PACE program agreement with a PACE provider for, among other reasons, the fact that—

“(i) the Secretary or State administering agency determines that—

“(I) there are significant deficiencies in the quality of care provided to enrolled participants; or

“(II) the provider has failed to comply substantially with conditions for a program or provider under this section or section 1932; and

“(ii) the entity has failed to develop and successfully initiate, within 30 days of the receipt of written notice of such a determination, and continue implementation of a plan to correct the deficiencies.

“(C) Termination and transition procedures.—An entity whose PACE provider agreement is terminated under this paragraph shall implement the transition procedures required under subsection (a)(2)(C).

“(6) Secretary's oversight; enforcement authority.—

“(A) In general.—Under regulations, if the Secretary determines (after consultation with the State administering agency) that a PACE provider is failing substantially to comply with the requirements of this section and regulations, the Secretary (and the State administering agency) may take any or all of the following actions:

“(i) Condition the continuation of the PACE program agreement upon timely execution of a corrective action plan.

“(ii) Withhold some or all further payments under the PACE program agreement under this section or section 1932 with respect to PACE program services furnished by such provider until the deficiencies have been corrected.

“(iii) Terminate such agreement.

“(B) Application of intermediate sanctions.—Under regulations, the Secretary may provide for the application against a PACE provider of remedies described in section 1876(i)(6)(B) or 1903(m)(5)(B) in the case of violations by the provider of the type described in section 1876(i)(6)(A) or 1903(m)(5)(A), respectively (in relation to agreements, enrollees, and requirements under this section or section 1932, respectively).

“(7) Procedures for termination or imposition of sanctions.—Under regulations, the provisions of section 1876(i)(9) shall apply to termination and sanctions respecting a PACE program agreement and PACE provider under this subsection in the same manner as they apply to a termination and sanctions with respect to a contract and an eligible organization under section 1876.

“(8) Timely consideration of applications for PACE program provider status.—In considering an application for PACE provider program status, the application shall be deemed approved unless the Secretary, within 90 days after the date of the submission of the application to the Secretary, either denies such request in writing or informs the applicant in writing with respect to any additional information that is needed in order to make a final determination with respect to the application. After the date the Secretary receives such additional information, the application shall be deemed approved unless the Secretary, within 90 days of such date, denies such request.

“(f) Regulations.—

“(1) In general.—The Secretary shall issue interim final or final regulations to carry out this section and section 1932.

“(2) Use of PACE protocol.—

“(A) In general.—In issuing such regulations, the Secretary shall, to the extent consistent with the provisions of this section, incorporate the requirements applied to PACE demonstration waiver programs under the PACE protocol.

“(B) Flexibility.—The Secretary (in close consultation with State administering agencies) may modify or waive such provisions of the PACE protocol in order to provide for reasonable flexibility in adapting the PACE service delivery model to the needs of particular organizations (such as those in rural areas or those that may determine it appropriate to use non-staff physicians accordingly to State licensing law requirements) under this section and section 1932 where such flexibility is not inconsistent with and would not impair the essential elements, objectives, and requirements of the this section, including—

“(i) the focus on frail elderly qualifying individuals who require the level of care provided in a nursing facility;

“(ii) the delivery of comprehensive, integrated acute and long-term care services;

“(iii) the interdisciplinary team approach to care management and service delivery;

“(iv) capitated, integrated financing that allows the provider to pool payments received from public and private programs and individuals; and

“(v) the assumption by the provider over time of full financial risk.

“(3) Application of certain additional beneficiary and program protections.—

“(A) In general.—In issuing such regulations and subject to subparagraph (B), the Secretary may apply with respect to PACE programs, providers, and agreements such requirements of sections 1876 and 1903(m) relating to protection of beneficiaries and program integrity as would apply to eligible organizations under risk-sharing contracts under section 1876 and to health maintenance organizations under prepaid capitation agreements under section 1903(m).

“(B) Considerations.—In issuing such regulations, the Secretary shall—

“(i) take into account the differences between populations served and benefits provided under this section and under sections 1876 and 1903(m);

“(ii) not include any requirement that conflicts with carrying out PACE programs under this section; and

“(iii) not include any requirement restricting the proportion of enrollees who are eligible for benefits under this title or title XIX.

“(g) Waivers of Requirements.—With respect to carrying out a PACE program under this section, the following requirements of this title (and regulations relating to such requirements) are waived and shall not apply:

“(1) Section 1812, insofar as it limits coverage of institutional services.

"(2) Sections 1813, 1814, 1833, and 1886, insofar as such sections relate to rules for payment for benefits.

"(3) Sections 1814(a)(2)(B), 1814(a)(2)(C), and 1835(a)(2)(A), insofar as they limit coverage of extended care services or home health services.

"(4) Section 1861(i), insofar as it imposes a 3-day prior hospitalization requirement for coverage of extended care services.

"(5) Sections 1862(a)(1) and 1862(a)(9), insofar as they may prevent payment for PACE program services to individuals enrolled under PACE programs.

"(h) DEMONSTRATION PROJECT FOR FOR-PROFIT ENTITIES.—

"(1) IN GENERAL.—In order to demonstrate the operation of a PACE program by a private, for-profit entity, the Secretary (in close consultation with State administering agencies) shall grant waivers from the requirement under subsection (a)(3) that a PACE provider may not be a for-profit, private entity.

"(2) SIMILAR TERMS AND CONDITIONS.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), and paragraph (1), the terms and conditions for operation of a PACE program by a provider under this subsection shall be the same as those for PACE providers that are nonprofit, private organizations.

"(B) NUMERICAL LIMITATION.—The number of programs for which waivers are granted under this subsection shall not exceed 10. Programs with waivers granted under this subsection shall not be counted against the numerical limitation specified in subsection (e)(1)(B).

"(i) MISCELLANEOUS PROVISIONS.—Nothing in this section or section 1932 shall be construed as preventing a PACE provider from entering into contracts with other governmental or nongovernmental payers for the care of PACE program eligible individuals who are not eligible for benefits under part A, or enrolled under part B, or eligible for medical assistance under title XIX.".

SEC. 3. ESTABLISHMENT OF PACE PROGRAM AS MEDICAID STATE OPTION.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended—

(1) in section 1905(a) (42 U.S.C. 1396d(a))—

(A) by striking "and" at the end of paragraph (24);

(B) by redesignating paragraph (25) as paragraph (26); and

(C) by inserting after paragraph (24) the following new paragraph:

"(25) services furnished under a PACE program under section 1932 to PACE program eligible individuals enrolled under the program under such section; and";

(2) by redesignating section 1932 as section 1933, and

(3) by inserting after section 1931 the following new section:

"SEC. 1932. PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE).

"(a) OPTION.—

"(1) IN GENERAL.—A State may elect to provide medical assistance under this section with respect to PACE program services to PACE program eligible individuals who are eligible for medical assistance under the State plan and who are enrolled in a PACE program under a PACE program agreement. Such individuals need not be eligible for benefits under part A, or enrolled under part B, of title XVIII to be eligible to enroll under this section.

"(2) BENEFITS THROUGH ENROLLMENT IN PACE PROGRAM.—In the case of an individual enrolled with a PACE program pursuant to such an election—

"(A) the individual shall receive benefits under the plan solely through such program, and

"(B) the PACE provider shall receive payment in accordance with the PACE program agreement for provision of such benefits.

"(3) APPLICATION OF DEFINITIONS.—The definitions of terms under section 1894(a) shall apply under this section in the same manner as they apply under section 1894.

"(b) APPLICATION OF MEDICARE TERMS AND CONDITIONS.—Except as provided in this section, the terms and conditions for the operation and participation of PACE program eligible individuals in PACE programs offered by PACE providers under PACE program agreements under section 1894 shall apply for purposes of this section.

"(c) ADJUSTMENT IN PAYMENT AMOUNTS.—In the case of individuals enrolled in a PACE program under this section, the amount of payment under this section shall not be the amount calculated under section 1894(d), but shall be an amount, specified under the PACE agreement, which is less than the amount that would otherwise have been made under the State plan if the individuals were not so enrolled. The payment under this section shall be in addition to any payment made under section 1894 for individuals who are enrolled in a PACE program under such section.

"(d) WAIVERS OF REQUIREMENTS.—With respect to carrying out a PACE program under this section, the following requirements of this title (and regulations relating to such requirements) shall not apply:

"(1) Section 1902(a)(1), relating to any requirement that PACE programs or PACE program services be provided in all areas of a State.

"(2) Section 1902(a)(10), insofar as such section relates to comparability of services among different population groups.

"(3) Sections 1902(a)(23) and 1915(b)(4), relating to freedom of choice of providers under a PACE program.

"(4) Section 1903(m)(2)(A), insofar as it restricts a PACE provider from receiving prepaid capitation payments.

"(e) POST-ELIGIBILITY TREATMENT OF INCOME.—A State may provide for post-eligibility treatment of income for individuals enrolled in PACE programs under this section in the same manner as a State treats post-eligibility income for individuals receiving services under a waiver under section 1915(c).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "(25)" and inserting "(26)".

(2) Section 1924(a)(5) of such Act (42 U.S.C. 1396r–5(a)(5)) is amended—

(A) in the heading, by striking "FROM ORGANIZATIONS RECEIVING CERTAIN WAIVERS" and inserting "UNDER PACE PROGRAMS", and

(B) by striking "from any organization" and all that follows and inserting "under a PACE demonstration waiver program (as defined in subsection (a)(7) of section 1894) or under a PACE program under section 1932.".

(3) Section 1903(f)(4)(C) of such Act (42 U.S.C. 1396b(f)(4)(C)) is amended by inserting "or who is a PACE program eligible individual enrolled in a PACE program under section 1932," after "section 1902(a)(10)(A),".

SEC. 4. EFFECTIVE DATE; TRANSITION.

(a) TIMELY ISSUANCE OF REGULATIONS; EFFECTIVE DATE.—The Secretary of Health and Human Services shall promulgate regulations to carry out this Act in a timely manner. Such regulations shall be designed so that entities may establish and operate PACE programs under sections 1894 and 1932 for periods beginning not later than 1 year after the date of the enactment of this Act.

(b) EXPANSION AND TRANSITION FOR PACE DEMONSTRATION PROJECT WAIVERS.—

(1) EXPANSION IN CURRENT NUMBER OF DEMONSTRATION PROJECTS.—Section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, as amended by section 4118(g) of the Omnibus Budget Reconciliation Act of 1987, is amended—

(A) in paragraph (1), by inserting before the period at the end the following: ", except that the Secretary shall grant waivers of such requirements to up to the applicable numerical limitation specified in section 1894(e)(1)(B) of the Social Security Act"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", including permitting the organization to assume progressively (over the initial 3-year period of the waiver) the full financial risk"; and

(ii) in subparagraph (C), by adding at the end the following: "In granting further extensions, an organization shall not be required to provide for reporting of information which is only required because of the demonstration nature of the project.".

(3) ELIMINATION OF REPLICATION REQUIREMENT.—Subparagraph (B) of paragraph (2) of such section shall not apply to waivers granted under such section after the date of the enactment of this Act.

(4) TIMELY CONSIDERATION OF APPLICATIONS.—In considering an application for waivers under such section before the effective date of repeals under subsection (c), subject to the numerical limitation under the amendment made by paragraph (1), the application shall be deemed approved unless the Secretary of Health and Human Services, within 90 days after the date of its submission to the Secretary, either denies such request in writing or informs the applicant in writing with respect to any additional information which is needed in order to make a final determination with respect to the application. After the date the Secretary receives such additional information, the application shall be deemed approved unless the Secretary, within 90 days of such date, denies such request.

(c) PRIORITY AND SPECIAL CONSIDERATION IN APPLICATION.—During the 3-year period beginning on the date of enactment of this Act:

(1) PROVIDER STATUS.—The Secretary of Health and Human Services shall give priority, in processing applications of entities to qualify as PACE programs under section 1894 or 1932 of the Social Security Act—

(A) first, to entities that are operating a PACE demonstration waiver program (as defined in section 1894(a)(7) of such Act), and

(B) then entities that have applied to operate such a program as of May 1, 1997.

(2) NEW WAIVERS.—The Secretary shall give priority, in the awarding of additional waivers under section 9412(b) of the Omnibus Budget Reconciliation Act of 1986—

(A) to any entities that have applied for such waivers under such section as of May 1, 1997; and

(B) to any entity that, as of May 1, 1997, has formally contracted with a State to provide services for which payment is made on a capitated basis with an understanding that the entity was seeking to become a PACE provider.

(3) SPECIAL CONSIDERATION.—The Secretary shall give special consideration, in the processing of applications described in paragraph (1) and the awarding of waivers described in paragraph (2), to an entity which as of May

1, 1997 through formal activities (such as entering into contracts for feasibility studies) has indicated a specific intent to become a PACE provider.

(d) REPEAL OF CURRENT PACE DEMONSTRATION PROJECT WAIVER AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the following provisions of law are repealed:

(A) Section 603(c) of the Social Security Amendments of 1983 (Public Law 98–21).

(B) Section 9220 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272).

(C) Section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509).

(2) DELAY IN APPLICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the repeals made by paragraph (1) shall not apply to waivers granted before the initial effective date of regulations described in subsection (a).

(B) APPLICATION TO APPROVED WAIVERS.—Such repeals shall apply to waivers granted before such date only after allowing such organizations a transition period (of up to 24 months) in order to permit sufficient time for an orderly transition from demonstration project authority to general authority provided under the amendments made by this Act.

SEC. 5. STUDY AND REPORTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in close consultation with State administering agencies, as defined in section 1894(a)(8) of the Social Security Act) shall conduct a study of the quality and cost of providing PACE program services under the medicare and medicaid programs under the amendments made by this Act

(2) STUDY OF PRIVATE, FOR-PROFIT PROVIDERS.— Such study shall specifically compare the costs, quality, and access to services by entities that are private, for-profit entities operating under demonstration projects waivers granted under section 1894(h) of the Social Security Act with the costs, quality, and access to services of other PACE providers.

(b) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall provide for a report to Congress on the impact of such amendments on quality and cost of services. The Secretary shall include in such report such recommendations for changes in the operation of such amendments as the Secretary deems appropriate.

(2) TREATMENT OF PRIVATE, FOR-PROFIT PROVIDERS.—The report shall include specific findings on whether any of the following findings is true:

(A) The number of covered lives enrolled with entities operating under demonstration project waivers under section 1894(h) of the Social Security Act is fewer than 800 (or such lesser number as the Secretary may find statistically sufficient to make determinations respecting findings described in the succeeding subparagraphs).

(B) The population enrolled with such entities is less frail than the population enrolled with other PACE providers.

(C) Access to or quality of care for individuals enrolled with such entities is lower than such access or quality for individuals enrolled with other PACE providers.

(D) The application of such section has resulted in an increase in expenditures under the medicare or medicaid programs above the expenditures that would have been made if such section did not apply.

(c) INFORMATION INCLUDED IN ANNUAL RECOMMENDATIONS.—The Physician Payment Review Commission shall include in its annual recommendations under section 1845(b) of the Social Security Act (42 U.S.C. 1395w–1), and the Prospective Payment Review Commission shall include in its annual recommendations reported under section 1886(e)(3)(A) of such Act (42 U.S.C. 1395ww(e)(3)(A)), recommendations on the methodology and level of payments made to PACE providers under section 1894(d) of such Act and on the treatment of private, for-profit entities as PACE providers.•

• Mr. FRIST. Mr. President, I join my colleagues in introducing the PACE Provider Act of 1997. I am pleased to support this very worthy program, aimed at increasing community based long term care options for seniors which was initiated and pursued by Senator Dole over the past several years.

This bill amends present law by increasing the number of high quality, comprehensive, community based services available to seniors who would otherwise be forced into nursing homes.

Frail older people, particularly those 85 years and older are the fastest growing population group in this country and have multiple and complex chronic illnesses. More than 50 percent of this population require some assistance with activities of daily living.

At the same time, the cost of caring for the frail elderly is skyrocketing. Many elderly and individuals with disabilities are eligible for both Medicare and Medicaid. These dual eligibles have multidimensional, interdependent, and chronic health care needs. They are at risk for nursing home placement and require acute and long-term care service integration if they are to remain at home. However, as currently structured, the Medicare and Medicaid Programs are not sufficiently coordinated to serve many of these complex health needs. In addition, these programs have traditionally favored institutional care rather than community based or home care. These problems result in duplication and fragmentation of services as well as increased health costs.

In my own State of Tennessee, the home health industry has come under fire because of high Medicare utilization rates. This is partly because there are almost no Medicaid long term care options available to Tennesseans who want to stay at home. Consequently, nursing home care is the only option for frail elders unless they have enough money to pay privately for their care or if family members can afford to be the primary giver. Tennesseans should be able to choose from a broad array of community based long term care services and should not be limited to institutional care.

So, if we are to control costs while providing high quality care to this vulnerable population, we must increase long term care opportunities and provide better coordination between Medicare and Medicaid reimbursement systems.

PACE, Program for All-inclusive Care of the Elderly, is the only program which integrates acute and long term care service delivery and finance. Designed to help the at-risk elderly who need service integration, it represents a fundamental shift in the way needed health services are accessed. By using capitation mechanisms which pool funds from Medicare, Medicaid and private pay sources, this program joins medical services with established long term care services. Care is managed and coordinated by an interdisciplinary team that is responsible for service allocation decisions.

As a result: duplicate services and ineffective treatments are eliminated; participants have access to the entire spectrum of acute and long-term care services, all provided and coordinated by a single organization; and enrollees are relieved of the burden of independently navigating the bewildering health-care maze.

How well has it worked? The accomplishments of PACE include: controlled utilization of both outpatient and inpatient services; controlled utilization of specialist services; high consumer satisfaction; capitation rates which provide significant savings from per capita nursing home costs or community long term care costs; and ethnic and racial distributions of beneficiaries served which reflect the communities from which PACE draws its participants.

Most importantly, PACE has been able to shift location of care from the inpatient acute care setting to the community setting. By integrating social and medical services through adult day health care, PACE has made it possible for frail elders to continue to live at home, not in a nursing care facility.

Are there other alternatives? Medicare HMO's and Social HMO's have also attempted to control costs while providing access to high quality care. However, Medicare HMO's exclude long term care and typically do not serve many frail older persons on an ongoing basis. Social HMO's also limit the long term care benefits available to their members. These programs are important, but simply do not meet the needs of this particular population. PACE, on the other hand, serves frail elders exclusively and provide a continuum of care. It provides all acute and long term care services according to participant needs and without limits on benefits.

Unfortunately, the number of persons enrolled in PACE nationally is minuscule compared with other managed care systems. States such as Tennessee are eager to participate. However, the number of participating sites has been capped under current legislation.

The PACE Provider Act of 1997 increases the number of sites authorized to provide comprehensive, community-based services to frail, older adults from 15 to 40 with an additional 20 to be added each year; and affords regular provider status to existing sites.

Specifically, the bill:

Specifies that PACE sites be lower in cost than the alternative health care services available to PACE enrollees, a goal which has already been accomplished; includes quality of care safeguards; gives States the option of utilizing PACE programs based on their need for alternatives to long-term institutional care and the program's continuing cost-effectiveness; and allows for-profit entities to participate in PACE as a demonstration project.

PACE services frail older people of diverse ethnic heritage and has operated successfully under different state and local environments. This program deserves expansion.

The PACE Provider Act of 1997 does exactly that. It makes the PACE alternative available for the first time to many communities. It also allows more entities in the healthcare marketplace to participate in a new way of providing care for frail elders. PACE gives us a chance to contain costs while providing high quality care to one of our most vulnerable populations.

The PACE program's integration of health and social services, its cost-effective, coordinated system of care delivery and its method of integrated financing have wide applicability and appeal. It is an exciting way to satisfying an urgent need and I wholeheartedly support it.•

• Mr. INOUYE. Mr. President, I introduce the PACE Provider Act of 1997 with my distinguished colleague Senator GRASSLEY.

The Program for All-inclusive Care for the Elderly [PACE] Act of 1997 began in 1983 with the passage of legislation authorizing On Lok, the prototype for the PACE model, as a demonstration program. In 1986 Congress passed legislation to test the replicability of On Lok's success by authorizing Medicare and Medicaid waivers for up to 10 replication sites; and in 1989 the number of authorized sites was increased to 15. The PACE Provider Act of 1997 is the next step in a series of legislative actions taken by Congress to develop PACE as a community-based alternative to nursing home care.

Currently PACE programs provide services to approximately 3,000 individuals in eight States: California, Colorado, Massachusetts, New York, Oregon, South Carolina, Texas, and Wisconsin. There are also 15 PACE programs in development which are operational, although not involved in Medicare capitation. In addition, a number of other organizations are actively working to develop PACE programs in other States including: Florida, Hawaii, Illinois, New Mexico, Michigan, Ohio, Pennsylvania, Virginia, and Washington.

PACE is unique in a variety of ways. First, PACE programs serve only the very frail—older persons who meet their States' eligibility criteria for nursing home care. This high-cost population is of particular concern to policy makers because of the disproportionate share of resources they use relative to their numbers.

Second, PACE programs provide a comprehensive package of primary acute and long-term care services. All services, including primary and specialty medical care, adult day care, home care, nursing, social work services, physical and occupational therapies, prescription drugs, hospital and nursing home care are coordinated and administered by PACE program staff.

Third, PACE programs are cost-effective in that they are reimbursed on a capitated basis, at rates that provide payers savings relative to their expenditures in the traditional Medicare, Medicaid, and private pay systems. Finally, PACE programs are unique in that a mature program assumes total financial risk and responsibility for all acute and long-term care without limitation.

The PACE Provider Act does not expand eligibility criteria for benefits in any way. Rather, it makes available to individuals already eligible for nursing home care, because of their poor health status, a preferable, and less costly alternative.

By expanding the availability of community-based long-term care services, On Lok's success of providing high quality care with an emphasis on preventive and supportive services, can be replicated throughout the country. PACE programs have substantially reduced utilization of high-cost inpatient services. Although all PACE enrollees are eligible for nursing home care, just 6 percent of these individuals are permanently institutionalized. The vast majority are able to remain in the community and PACE enrollees are also hospitalized less frequently. Through PACE, dollars that would have been spent on hospital and nursing home services are used to expand the availability of community-based long-term care.

This bill would expand the number of non-profit entities to become PACE providers to 45 within the first year and allow 20 new such programs each year thereafter. In addition, the PACE Provider Act of 1997 will establish a demonstration project to allow no more than 10 for-profit organizations to establish themselves as PACE providers. The number of for-profit entities will not be counted against the numerical limitation specified for non-profit organizations.

Analyses of costs for individuals enrolled in PACE show a 5- to 15-percent reduction in Medicare and Medicaid spending relative to a comparably frail population in the traditional Medicare and Medicaid systems.

States have voluntarily joined together with community organizations to develop PACE programs out of their commitment to developing viable alternatives to institutionalization. This legislation provides States with the option of pursuing PACE development; and, as under present law, State participation would remain voluntary.

As our population ages, we must continue to place a high priority on long-term care services. Giving our seniors alternatives to nursing home care and expanding the choices available, is not only cost-effective, but will also improve the quality of life for older Americans.•

By Mr. TORRICELLI:

S. 721. A bill to require the Federal Trade Commission to conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers; to the Committee on Commerce, Science, and Transportation.

THE PERSONAL COMPUTER TRUTH IN ADVERTISING ACT OF 1997

• Mr. TORRICELLI. Mr. President, today I am introducing "The Personal Computer Truth in Advertising Act of 1997," which is designed to ensure that consumers are provided with accurate information about the performance of what is becoming one of the most important consumer products in the Nation, the personal computer.

My bill requires the Federal Trade Commission to investigate and conduct a study of the marketing and advertising practices of personal computer manufacturers and retailers with regard to possibly misleading claims made about the performance of their products.

As we head into the next century, the personal computer is quickly becoming one of the most important consumer products. Indeed, the market for computers in the home has exploded in recent years with the market expected to double by 2000. Still, despite their growing popularity, purchasing a personal computer involves technology and terminology that can be very intimidating and confusing to the average consumer.

Of particular concern to me is a practice by personal computer retailers and manufacturers in how they advertise the speed of the central processing unit (CPU) of the personal computer. Indeed, when marketing and advertising personal computers, the CPU speed is a prominent selling point and consumers are frequently charged hundreds of dollars more for models with faster CPU's.

The CPU is to the personal computer as an engine is to an automobile. Measured in millions of cycles per second [mhz], the faster the CPU, the better the software performs. The CPU's in personal computers, including the popular Pentium chip, operate at two speeds, an external speed and an internal speed. The external speed affects computing activity the user sees in action—the scrolling of a web page or a word processing document, the smoothness of an animated interactive storybook and the complexity and frame rate of a flight simulator. The internal speed of the CPU involves activity invisible to the user—spreadsheet calculations, spell checking and database organization.

Nonetheless, personal computers are commonly marketed according to their internal, and faster, speed. For example, a Pentium computer advertised as a 200 mhz screamer runs at only 66 mhz externally. Still, most advertisements fail to mention this discrepancy and retailers and manufacturers charge hundreds of dollars more for the 200 mhz than they would for a 66 mhz model.

Moreover, driving the sales of personal computers has been the availability of advanced multimedia and interactive entertainment software. This is the very software whose performance depends greatly on the CPU's external clock speed.

My legislation would require the Federal Trade Commission to conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers, with particular emphasis on claims made about the CPU. My bill requires the FTC to perform their study within 180 days of enactment of the bill. I had previously written to the FTC on this issue as a member of the House.

Car manufacturers provide both highway and city mileage performance figures for the performance of their engines and computer manufacturers should follow the same logic with the engines of the personal computer, the CPU.

I urge my colleagues to cosponsor this bill and I will work hard for its enactment into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Computer Truth in Advertising Act of 1997".

SEC. 2. FINDINGS.

(b) FINDINGS.—Congress finds that—

(1) computer manufacturers and retailers commonly refer to the speed of the central processing unit of a personal computer in selling a personal computer;

(2) computer manufacturers and retailers commonly charge hundreds of dollars more for a CPU that has a faster speed;

(3) all CPUs operate at 2 speeds (measured in megahertz (MHz)), an external speed and an internal speed;

(4) the external speed of a personal computer affects computing activities that computer users experience, including the scrolling of a word processing document, the smoothness of an animation, and the complexity and frame rate of a flight simulator;

(5) the internal speed of a personal computer, which is faster than the external speed of the computer, affects activities, such as spreadsheet calculations, spelling checks, and database organizations;

(6) it is common for manufacturers and retailers to mention the internal speed of a CPU without mentioning its external speed for the marketing and advertising of a personal computer; and

(7) a study by the Federal Trade Commission would assist in determining whether any practice of computer retailers and manufacturers in providing CPU speeds in advertising and marketing personal computers is deceptive, for purposes of the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) CENTRAL PROCESSING UNIT; CPU.—The term "central processing unit" or "CPU" means the central processing unit of a personal computer.

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(3) MANUFACTURER.—The term "manufacturer" shall have the meaning provided that term by the Commission.

(4) MEGAHERTZ.—The term "megahertz" or "MHz", when used as a unit of measurement of the speed of a CPU, means 1,000,000 cycles per second.

(5) RETAILER.—The term "retailer" shall have the meaning provided that term by the Commission.

SEC. 4. PERSONAL COMPUTER MARKETING AND ADVERTISING STUDY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers.

(b) CONTENTS OF STUDY.—In conducting the study under this subsection, the Commission shall give particular emphasis to determining—

(1) whether the practice of the advertising of the internal speed of a CPU in megahertz, without mentioning the external speed of a CPU, could be considered to be an unfair or deceptive practice, within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45); and

(2) the extent to which the practice referred to in paragraph (1) is used in the marketing and advertising of personal computers.

(c) REPORT.—Upon completion of the study under subsection (a), the Chairman of the Commission shall transmit to Congress a report that contains—

(1) the findings of the study conducted under this section; and

(2) such recommendations as the Commission determines to be appropriate.●

By Mr. THOMAS:

S. 722. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RESTRUCTURING EMPOWERMENT AND COMPETITIVENESS ACT OF 1997 [EURECA]

Mr. THOMAS. Mr. President, I rise today to introduce the Electric Utility Restructuring Empowerment and Competitiveness Act of 1997. This legislation, which gives states the authority to order the delivery of electric energy to all retail consumers, is based on the idea that less government intervention is the best way to achieve affordable, reliable and competitive options for retail electric energy services.

This is a substantially different approach from other measures that have been introduced in both the House and Senate to restructure the nation's electric utility industry. I do not believe that a federal mandate on the states requiring retail competition by a date certain is in the best interest of all classes of customers. I am concerned that this method could result in increased electricity rates for low-density states or states that have relatively low-cost power. Electricity is an essential commodity critical to everyday life in this country. It is also an industry heavily regulated at the Federal and State levels. If the Congress is going to make fundamental changes to the last major regulated monopoly, its role should be to help implement competitive changes in a positive manner, rather than interject the heavy hand of government with a "Washington-knows-best" mentality.

This legislation comes down on the side of States' rights. Having been involved in the electric power industry, I understand the unique characteristics of each State. As most everyone knows, California was the first State to pass a retail choice law. Since that time, Arizona, Massachusetts, New Jersey, Pennsylvania, New Hampshire, Texas, Montana, Oklahoma and others have followed suit.

According to Bruce Ellsworth, President of the National Association of Regulatory Utility Commissioners [NARUC], "more than one-third of the Nation's population live in states that have chosen within the last year to move to open-access, customer choice markets." All told, every state except one is in the process of either examining or implementing policies for retail consumers of electric energy. States are clearly taking the lead—they should continue to have that role—and this bill confirms their authority by affirming States' ability to implement retail choice policies.

This initiative leaves important functions, including the ability to recover stranded costs, establish and enforce reliability standards, promote renewable energy resources and support public benefit and assistance to low-income and rural consumer programs in the hands of State Public Service Commissions [PUC's]. If a State desires to impose a funding mechanism—such as wires charges—to encourage that a certain percentage of energy production comes from renewable alternatives, they should have that opportunity. However, I do not believe a nationally mandated set-aside is the best way to promote competition. Likewise, individual states would have the authority over retail transactions. This ensures that certain customers could not bypass their local distribution system and avoid responsibility for paying their share of stranded costs.

One of the most important aspects of this debate—assuring that universal service is maintained—is a critical function that each State PUC should have the ability to oversee and enforce. In my legislation, nothing would prohibit a state from requiring all electricity providers that sell electricity to retail customers in that state to provide electricity service to all classes and consumers of electric power.

Mr. President, at the wholesale level, my proposal attempts to create greater competition by prospectively exempting the sale of electricity for resale from rates determined by the Federal Energy Regulatory Commission [FERC]. Although everyone talks about "deregulating" the electricity industry, it is really the generation segment that will be deregulated. The FERC will continue to regulate transmission in interstate commerce, and State PUC's will continue to regulate retail distribution services and sales.

When FERC issued Order 888 last year, it allowed utilities to seek market-based rates for new generating capacity. This provision goes a step further and allows utilities to purchase wholesale power from existing generating facilities, after the date of enactment of this Act, at prices solely determined by market forces.

Furthermore, the measure expands FERC authority to require non-public utilities that own, operate or control transmission to open their systems. Currently, the Commission cannot require the Federal Power Marketing Administrations [PMA's], the Tennessee Valley Authority [TVA], municipalities and cooperatives that own transmission, to provide wholesale open access transmission service. According to Elizabeth Moler, Chairwoman of FERC, approximately 22 percent of all transmission is beyond open access authority. Requiring these non-public utilities to provide this service will help ensure that a true wholesale power market exists.

One of the key elements of this measure is streamlining and modernizing the Public Utility Regulatory Policies Act of 1978 [PURPA] and the Public Utility Holding Company Act of 1935 [PUHCA]. While both of these initiatives were enacted with good intentions, and their obligations fulfilled, there is widespread consensus that the Acts have outlived their usefulness.

My bill amends section 210 of PURPA on a prospective basis. Current PURPA contracts would continue to be honored and upheld. However, upon enactment of this legislation, a utility that begins operating would not be required to enter into a new contract or obligation to purchase electricity under section 210 of PURPA.

With regard to PUHCA, I chose to incorporate Senator D'AMATO's recently introduced legislation in my bill. As Chairman of the Senate Banking Committee, which has jurisdiction over the issue, he has crafted a proposal that I believe will successfully reform the statute and I support his efforts. Under his proposal, the provisions of PUHCA would be repealed 18 months after the Act is signed into law. Furthermore, all books and records of each holding company and each associate company would be transferred from the Securities and Exchange Commission [SEC]—which currently has jurisdiction over the 15 registered holding companies—to the FERC. This allows energy regulators, who truly know the industry, to oversee the operations of these companies and review acquisitions and mergers. These consumer protections are an important part of PUHCA reform.

Mr. President, an issue which must be resolved in order for a true competitive environment to exist is that of utilities receiving special "subsidies" by the federal government and the U.S. tax code. For years, investor-owned utilities [IOU's] have claimed inequity because of tax-exempt financing and low-interest loans that municipalities and rural cooperatives receive. On the other side of the equation, these public power systems maintain that IOU's are able to receive special tax treatment, not offered to them, which amounts to a "tax free" loan. The jury is still out on how best to deal with this thorny and, undoubtedly complex matter, but make no mistake about it, changes will be made.

A viable option the Congress should consider is to "build a fence" around governmental utilities. Sales in existing service territories could continue to be financed using current methods. However, for sales outside of their traditional boundaries, these systems should operate on the same basis and play by the same rules as other competitors.

The Congress should also address existing tax structures to determine if the "benefits" tax-paying utilities receive results in unfair advantages against their competitors. While tax initiatives, such as accelerated depreciation and investment tax credits, are available to all businesses that pay income tax, if this amounts to "subsidies" reforms may have to be made.

My bill would direct the Inspector General of the Department of Treasury to file a report to the Congress detailing whether and how tax code incentives received by all utilities should be reviewed in order to foster a competitive retail electricity market in the future. Furthermore, I am pleased that Senator MURKOWSKI, Chairman of the Senate Energy and Natural Resources Committee, requested a report by the Joint Committee on Taxation to review all subsidies and incentives that investor-owned, publicly-owned and cooperatively-owned utilities receive.

Mr. President, I believe EURECA is a common-sense approach that attempts to build consensus to solve some of the critical questions associated with this important issue. The states are moving and should continue to have the ability to craft electricity restructuring plans that recognize the uniqueness of each state. This legislation is the best solution to foster the debate and allow us to move forward with a better product for all classes of consumers and the industry as a whole.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. KERRY):

S. 723. A bill to increase the safety of the American people by preventing dangerous military firearms in the control of foreign governments from being imported into the United States, and for other purposes; to the Committee on Foreign Relations.

THE ANTI-GUN INVASION ACT OF 1997

• Mr. LAUTENBERG. Mr. President, today Senators BOXER and KERRY and I are introducing legislation to ensure that millions of lethal American-manufactured military weapons will not be imported into this country. Representatives PATRICK KENNEDY and MALONEY are introducing companion legislation in the House of Representatives.

The bill we are introducing repeals a loophole in the law that could allow U.S. military weapons that were provided to foreign countries to be sold back to gun dealers in this country. The loophole permits the import of so-called "curios or relics"—weapons considered to have historic value or which are more than 50 years old. About 2.5 million American-manufactured military weapons that the U.S. Government gave away, sold, or were taken as spoils of war by foreign governments are at issue. This includes 1.2 million M–1 carbines, which are easily converted to fully automatic weapons. Though these weapons are older, they are lethal. I don't want them flooding America's streets. And I don't want foreign governments making a windfall by selling them to commercial gun dealers.

As some of my colleagues may know, the term "curios or relics" was originally used in the Gun Control Act of 1968 to make it easier for licensed collectors to buy curios or relics weapons from outside his or her State of residence. The Treasury Department came up with a definition and list of "curios or relics" for this purpose. At that time, importation of surplus military weapons—whether of United States or foreign origin—was prohibited, and the curios or relics list had nothing to do with importing weapons.

Nearly 20 years later, in 1984, a law was passed that expanded the scope of the curios or relics list in ways never foreseen at the time the list was first created. The modified law said that guns that were on the curios or relics list could not just be sold interstate within this country, but could be imported as well.

However, the Arms Export Control Act still prohibited the importation of U.S. military weapons that had been furnished to foreign governments. Although a 1987 amendment to that Act authorized the importation of U.S.-origin military weapons on the curios or relics list as well, only one import license has been granted under the curios or relics exception. Since that isolated incident, every administration—Reagan, Bush, and Clinton—has adopted a policy established by the Reagan administration and based on the Arms Export Control Act of denying these kinds of import licenses.

Though the Clinton administration and the past two Republican administrations have opposed importing these lethal weapons, the NRA supports importing them and it has allies on the Hill. Last year, an effort was made in the Commerce, Justice, State appropriations bill to force the State Department to allow these weapons to be imported for any reason. That effort was killed as part of the negotiations on the catchall appropriations bill that was signed into law on September 30.

The provision included in the Senate version of the C, J, S appropriations bill last year, section 621, would have prohibited any agency of the Government—notwithstanding any other provision of law—from using appropriated funds to deny an application for a permit to import previously exported United States-origin military firearms, parts, or ammunition that are considered to be curios or relics. The provision would have forced the State Department to allow large numbers of U.S. military firearms that are currently in the possession of foreign governments to enter the United States commercially. Because so many of those firearms can be easily converted to automatic weapons, it would have undermined efforts to reduce gun violence in this country. In addition, it could have provided a windfall for foreign governments at the expense of the taxpayer.

Certainly the dangers posed by many guns on the curios or relics list—in particular the M-1 carbine, which is easily converted into an automatic weapon—are an important reason for preventing imports of those guns. It is the main reason I am proposing legislation to clarify the law to prevent imports in the future. But the provisions of the Arms Export Control Act that limit the imports are not merely technical. They support a principle, included in the Arms Export Control Act, that is basic to the integrity of our foreign military assistance program: No foreign government should be allowed to do anything with weapons we have given them that we ourselves would not do with them. For example, the Department of Defense does not transfer weapons to a country that is our enemy; no foreign government should be allowed to use U.S.-supplied weapons in that way. The Department of Defense does not sell its excess guns directly to commercial dealers in the United States, and foreign governments should not be able to do so either.

As recently as 1994, the General Services Administration Federal weapons task force reviewed U.S. policy for the disposal of firearms and confirmed a longstanding Government policy against selling or transferring excess weapons out of Government channels. The Federal Government has made a decision that it should not be an arms merchant. The Federal regulations that emerged from that task force review are clear. They say surplus firearms may be sold only for scrap after total destruction by crushing, cutting, breaking, or deforming to be performed in a manner to ensure that the firearms are rendered completely inoperative and to preclude their being made operative. These are sound regulations. The Department of Defense does not sell its guns to private arms dealers. Under the Arms Export Control Act, we should not allow foreign governments to sell 2.5 million U.S. military weapons to private arms dealers either.

Flooding the market with these curios and relics would only make it harder for law enforcement to do its job. The Bureau of Alcohol, Tobacco, and Firearms has already seen an increase in M-1 carbines that have been converted to fully automatic machine guns due to the availability and relatively low cost of the weapons. The more military weapons there are in this country, the more likely they are to fall into criminal hands. Surplus military weapons are usually cheap, and, if a government sells its whole stockpile, plentiful. A sudden increase in supply of M-1 garands and carbines and M-1911 pistols would drive down the price, making them less attractive to the collector and more attractive to the criminal.

In fact, the administration opposed last year's provision, in part, because of the increased availability of low-cost weapons for criminals that invariably would have resulted. According to the administration, "The criminal element thrives on low-cost firearms that are concealable, or capable of accepting large-capacity magazines, or capable of being easily converted to fully automatic fire. Thus, such weapons would be particularly enticing to the criminal element. In short, the net effect of the proposal would be to thwart the administration's efforts to deny criminals the availability of inexpensive, but highly-lethal, imported firearms."

We know that the M-1 carbine has already been used to kill at least 6 police officers. Another 3 were killed with M-1911 pistols. As recently as this January, two sheriff's deputies, James Lehmann, Jr. and Michael P. Haugen, were killed with an M-1 carbine while responding to a domestic violence call in Cabazon, CA. In October 1994, in Gilford, NH, Sgt. James Noyes of the State Police Special Weapons and Tactics Unit was killed in the line of duty with an M-1 carbine. In December 1992, two Richmond, CA police officers were killed with an M-1 carbine. In just one State, Pennsylvania, at least 10 people were killed using U.S.-origin military weapons during a recent 5-year period. To those who would argue that "curios and relics" are not used in crimes, I would say talk to the families of these victims.

American-manufactured weapons were sold to foreign governments—often at a discount rate subsidized by the U.S. taxpayer—because we believed it was in our foreign policy interest to strengthen and assist our allies. We did not intend to enable foreign governments to make a profit by turning around and selling them back to commercial gun dealers in the U.S. We certainly did not help our allies so they could turn around and flood America's streets with lethal guns.

We also did not provide weapons to foreign governments so they could reap a financial windfall at the expense of the taxpayer. Although the law could allow the U.S. Government to receive the net proceeds of any sales made by foreign governments of defense articles it received on a grant basis, the provision in the appropriations bill last year would have forced the administration—notwithstanding any other law —to approve the import license, even if a foreign government would not agree to provide proceeds of the sale. As such, it would undermine our government's ability to require foreign governments to return proceeds to the United States and could result in a windfall for foreign governments.

Even more, some countries like Vietnam, which hold a significant quantity of spoils of war weapons, including "curios or relics," could sell those "spoils of war" to U.S. importers at a financial gain. And, the Government of Iran, which received more than 25,000 M-1911 pistols from the United States Government in the early 1970's, could qualify to export weapons to the United States at a financial gain as well.

Allowing more than 2 million U.S.-origin military weapons to enter the United States would profit a limited number of arms importers. But it is not in the interest of the American people. I don't believe private gun dealers should have the ability to import these weapons from foreign governments. These weapons are not designed for hunting or shooting competitions.

They are designed for war. Our own Department of Defense does not sell these weapons on the commercial market for profit. Why should we allow foreign countries to do so?

Mr. President, this bill would confirm the policy against importing these lethal weapons by removing the "curios or relics" exception from the Arms Export Control Act. Under this legislation, U.S. military weapons that the U.S. Government has provided to foreign countries could not be imported to the United States for sale in the United States by gun dealers. If a foreign government had no use for surplus American military weapons, those weapons could be returned to the Armed Forces of the United States or its allies, transferred to State or local law enforcement agencies in the United States, or destroyed. The legislation also asks the Treasury Department to provide a study on the importation of foreign-manufactured surplus military weapons.

Mr. President, I ask unanimous consent that a copy of this legislation appear in the RECORD, and I urge my colleagues to support this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Gun Invasion Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1950, the United States Government has furnished to foreign governments at least 2,500,000 military firearms that are considered to be "curios or relics" under the Gun Control Act of 1968.

(2) These firearms include more than 1,200,000 M-1 Carbine rifles and 250,000 M1911 pistols of United States manufacture that have been furnished to foreign governments under United States foreign military assistance grant, loan, or sales programs.

(4) Criminals tend to use low-cost firearms that are concealable, capable of accepting large-capacity magazines, or are capable of being easily converted to fully automatic fire.

(5) An M-1 Carbine can be converted easily to a fully automatic weapon by disassembling the weapon and reassembling the weapon with a few additional parts.

(6) An M1911 or M1911A pistol is easily concealable.

(7) At least 9 police officers have been murdered in the United States using M-1 Carbines or M1911 pistols in the past 7 years.

(8) The importation of large numbers of "curio or relic" weapons would lower their cost, make them more readily available to criminals, and constitute a threat to public safety and to law enforcement officers.

(9) The importation of these "curios or relics" weapons could result in a financial windfall for foreign governments.

(10) In order to ensure that these weapons are never permitted to be imported into the United States, a provision of the Arms Export Control Act must be deleted.

SEC. 3. REMOVAL OF EXEMPTION FROM PROHIBITION ON IMPORTS OF CERTAIN FIREARMS AND AMMUNITION.

(a) REMOVAL OF EXEMPTION.—Section 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)) is amended by striking subparagraph (B), as added by section 8142(a) of the Department of Defense Appropriations Act, 1988 (contained in Public Law 100–202).

(b) SAVINGS PROVISION.—The amendment made by subsection (a) shall not affect any license issued before the date of the enactment of this Act.

SEC. 4. REPORT ON IMPORTS OF FOREIGN-MADE SURPLUS MILITARY FIREARMS THAT ARE CURIOS OR RELICS

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury, acting through the Bureau of Alcohol, Tobacco and Firearms, shall submit a report to Congress on the scope and effect of the importation of foreign-made surplus military firearms under section 925(e) of title 18, United States Code. The report shall contain the following:

(1) CURRENT IMPORTATION.—A list of types and models of military firearms currently being imported into the United States as "curios or relics" under section 925(e) of title 18, United States Code, which would otherwise be barred from importation as surplus military firearms under section 925(d)(3) of that title.

(2) IMPORTATION DURING PRECEDING 5 YEARS.—A list of the number of each type and model listed under paragraph (1) that has been imported into the United States during the 5 years preceding the date of submission of the report.

(3) EASE OF CONVERSION.—A description of the ease with which each type and model listed under paragraph (1) may be converted to a semi-automatic assault weapon as defined in section 921(a)(30)(B) of that title or to a fully automatic weapon.

(4) INVOLVEMENT IN CRIMINAL ACTIVITIES.—Statistics that may be relevant to the use for criminal activities of each type and model of weapons listed in paragraph (1), including—

(A) statistics involving the use of the weapons in homicides of law enforcement officials; and

(B) the number of firearm traces by the Bureau of Alcohol, Tobacco and Firearms that involved those weapons.

(5) COMPREHENSIVE EVALUATION.—A comprehensive evaluation of the scope of imports under section 925(e) of that title and the use of such weapons in crimes in the United States.●

By Mr. NICKLES (for himself, Mr. ROCKEFELLER, Mr. LOTT, Mr. BREAUX, Mr. HATCH, Ms. MOSLEY-BRAUN, Mr. MURKOWSKI, Mr. D'AMATO, Mr. GRAMM, Mr. MACK, Mr. LIEBERMAN, Mr. COCHRAN, Mr. BROWNBACK, Mr. ENZI, and Mr. HUTCHINSON):

S. 724. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Finance.

THE ALTERNATIVE MINIMUM TAX REFORM ACT OF 1997

Mr. NICKLES. Mr. President, today I join my colleague from West Virginia, Senator ROCKEFELLER, to introduce legislation to reform the Alternative Minimum Tax, or AMT. We are joined in this effort by 13 of our colleagues, including a total of 10 Finance Committee members.

Congress created the AMT in 1986 to prevent businesses from using tax loopholes, such as the investment tax credit or safe harbor leasing, to pay little or no tax. The use of these tax preferences sometimes resulted in companies reporting healthy "book" income to their shareholders but little taxable income to the government.

Therefore, to create a perception of fairness, Congress created the AMT. The AMT requires taxpayers to calculate their taxes once under regular tax rules, and again under AMT rules which deny accelerated depreciation, net operating losses, foreign tax credits, and other deductions and credits. The taxpayer then pays the higher amount, and the difference between their AMT tax and their regular tax is credited to offset future regular tax liability if it eventually falls below their AMT tax liability.

Unfortunately, Mr. President, in the real world the AMT has reached far beyond its original purpose. As it is currently structured, the AMT is a massive, complicated, parallel tax code which places huge burdens on capital intensive companies. Corporations must now plan for and comply with two tax codes instead of one. Further, the elimination of accelerated depreciation increases the cost of investment and makes U.S. businesses uncompetitive with foreign companies.

It makes little sense, Mr. President, to allow a reasonable business deduction under one tax code, and then take it away through another tax code. Perhaps there are some bureaucrats who believe regular tax depreciation is too generous and should be curtailed, but the AMT is an extremely complicated and convoluted way to accomplish that goal.

The legislation I am introducing today would correct this problem by allowing businesses to use the same depreciation system for AMT purposes as they use for regular tax purposes. This one simple reform removes the disincentive to invest in job-producing assets and greatly simplifies compliance and reporting. In fact, this reform was first suggested by President Clinton in 1993.

Further, my bill helps AMT taxpayers recover their AMT credits in a more reasonable timeframe than under current law. Many capital-intensive businesses have become chronic AMT taxpayers, a situation that was not contemplated when the AMT was created. These companies continue to pay AMT year after year with no relief in sight, and as a matter of function they accumulate millions in unused AMT credits. These credits are a tax on future, unearned revenues which may never materialize, and because of the time-value of money their value to the taxpayer decreases every year.

Since Congress did not intend for the AMT to become a permanent tax system for certain taxpayers, my bill would allow chronic AMT taxpayers to use AMT credits which are 5 years old or older to offset up to 50 percent of their current-year tentative minimum tax. This provision will help chronic AMT taxpayers dig their way out of the AMT and allow them to recoup at least a portion of these accelerated tax payments in a reasonable manner and time-frame.

Mr. President, as the Senate begins working out the details of the recent bipartisan budget accord and the resulting tax bill, I hope we will not forget the importance of savings and investment. In that regard, there are few tax code changes we could make which are more important than eliminating the investment disincentives created by the AMT.

Does my legislation fix all of the AMT's problems? No, it does not. This bill specifically addresses the depreciation adjustment, but there are many other AMT adjustments, preferences, and limitations which are unchanged. Some of these, such as the 90-percent net operating loss limitation and the foreign tax credit limitation, are very damaging to business profitability and competitiveness. I hope all these issues will be examined when the Senate Finance Committee considers AMT reform.

Mr. President, I ask unanimous consent that there appear in the RECORD a list of the original cosponsors of this legislation, as well as statements of support by the U.S. Chamber of Commerce and the National Association of Manufacturers. I encourage my colleagues to join Senator ROCKEFELLER and me in this important initiative.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALTERNATIVE MINIMUM TAX REFORM ACT COSPONSORS, 105TH CONGRESS

(15 total, 10 from Committee on Finance)

Sponsor: NICKLES.

Cosponsors: ROCKEFELLER, LOTT, BREAUX, HATCH, MOSELEY-BRAUN, MURKOWSKI, D'AMATO, GRAMM, MACK, LIEBERMAN, COCHRAN, BROWNBACK, ENZI, and HUTCHINSON.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, May 8, 1997.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: The U.S. Chamber of Commerce—the world's largest business federation representing an underlying membership of more than three million businesses and organizations of every size, sector, and region—supports your legislation to reform the Alternative Minimum Tax (AMT).

The current AMT system unfairly penalizes businesses that invest heavily in plant, machinery, equipment and other assets. The AMT significantly increases the cost of capital and discourages investment in productivity-enhancing assets by negating many of the capital formation incentives provided under the regular tax system, most notably accelerated depreciation. To make matters worse, many capital-intensive businesses have been perpetually trapped in the AMT system, and unable to utilize their suspended AMT credits. Furthermore, the AMT is extremely complex, burdensome and expensive to comply with.

Your legislation addresses many of the problems of the current AMT and its passage will spur capital investment, help businesses to sustain long-term grown and create jobs. Recent analysis by Data Resources, Inc. demonstrates that your reform bill will result in an increase in GDP of 1.6 percent, the creation of 100,000 new jobs each year, and an increase in worker productivity of about 1.6 percent.

Thank you for introducing this important legislation, and we look forward to working with you for its passage.

Sincerely,

R. BRUCE JOSTEN.

STATEMENT OF NATIONAL ASSOCIATION OF MANUFACTURERS

NAM CALLS THE ALTERNATIVE MINIMUM TAX THE "ANTI-MANFACTURING TAX"

Urges Support of AMT Reform Legislation

WASHINGTON, DC., MAY 8, 1997.—Calling the alternative minimum tax (AMT) a disincentive for capital investment and job creation, the National Association of Manufacturers urged lawmakers to support AMT reform legislation introduced today by Senators DON NICKLES (R-OK) and JOHN D. ROCKFELLER (D-WV).

"The alternative minimum tax is a fundamentally flawed, counter-productive tax that stifles the creation of high-skilled, high-paying manufacturing jobs," said Gil Thurm, vice president taxation and economic policy, in support of the reform bill. "It's little wonder that many believe that AMT really stands for 'Anti-Manufacturing Tax.'"

The legislation substantially reforms the AMT to allow businesses to use the same depreciation rules for AMT purposes as they use for their regular tax depreciation rules. It also allows AMT taxpayers to recover their existing tax credits quicker than under current law.

"No other industrialized country imposes such a penalty tax on investment made by capital intensive companies. Furthermore, when businesses report little or no profit, they are still frequently required to pay the AMT," said Thurm.

"Substantially reforming the alternative minimum tax will result in greater economic growth by creating thousands of new jobs, stronger growth in GDP, increased productivity and improved cash flow, especially for those companies that have been penalized the most under the AMT," according to Thurm.

The NAM continues to lead a coalition of more than 100 companies and associations in support of complete repeal of the AMT. However, absent complete repeal, the AMT Coalition for Economic Growth supports substantive AMT reform.

• Mr. ROCKEFELLER. Mr. President, I am pleased to join my Senate Finance Committee colleague, Senator NICKLES, in introducing an Alternative Minimum Tax [AMT] reform bill. Our bill will: first, allow businesses to use the same depreciation system for AMT as they do under regular tax, and second, permit businesses to use their AMT credits more easily than under current law. It will help make it easier for U.S. businesses to compete and reduce the unintended inequity of current law.

For several years, I have looked for an opportunity to fix the problems that AMT creates especially for capital intensive industries. Two years ago, I introduced my own bill to reform the aspects of AMT that I believe are most detrimental to businesses for which AMT is frequently their method of tax payment. Unfortunately, with the controversies and difficulties that made it impossible to enact a budget plan in the last Congress, there was no ability to move that effort forward.

This year, I am pleased to work with Senator NICKLES to make the AMT fairer. I hope this means we have a real chance of working together in a bipartisan manner to compel Congress, the Finance Committee in particular, to figure out a way to deal with some of the unintended consequences of AMT as part of this year's budget deal. I think previous efforts at AMT reform have failed in the part because it is very tough to focus on the merits of certain corporate tax changes. That remains true today in the context of a larger budget agreement, but if we keep our perspective, I think AMT reform will win support on its merits and Congress can responsibly find a way to finance it.

I am well aware of the fact that as we introduce this legislation, there is no specific provision for AMT relief in the budget deal which the President and Congressional leadership have struck in outline form. As I have noted, the constraints of balancing the budget will require us to carefully examine how much AMT relief is practical this year, as part of an agreement to balance the budget over the next 5 years. I understand that very well, as does Senator NICKLES. I think that means we will have to zero in on the aspects of AMT relief that are most doable this year—and which can be financed without harming other priorities. I am prepared to do that and recognize that it also means the scope of the AMT bill we submit today will have to be tailored accordingly. That does not mean that we should put off AMT relief for another day, it just means we will have to be honest about what is critical to do and what portions of this bill will have to remain on the to-do list. I say all this because it is important to understand the context for our introducing this relief bill now, and as the budget agreement places some high hurdles on what can realistically be accomplished.

I also would like to say that it is my strong belief that the excruciating specifics of the budget agreement which relate to matters under the jurisdiction of the Finance Committee are best left to the expertise on that Committee. The Finance Committee serves an extremely important role in the legislative process. That role cannot and should not be supplanted by private negotiations between the administration and congressional leadership—however worthwhile the overall purpose. Reaching consensus on the approach to balancing the budget and protecting priorities of the administration and both sides of the aisle in congressional leadership provides the Finance Committee with the framework for its detailed work. The Finance Committee will soon have to work its will within the appropriate parameters of its reconciliation instructions. When that happens, I think the committee must address AMT relief, and I intend to work to build support for it as we wend our way through the committee process.

Let me return to the substance of the bill we submit for our colleagues' consideration today. First, I want to make it absolutely clear—this bill does not repeal AMT. AMT has created during the 1986 Tax Reform Act in response to the problem raised when companies would report profits to stockholders and yet claim losses to the IRS. However, in an effort to simplify the code depreciation under AMT was treated as an adjustment—which amounts to an increase in income. This penalizes low-profit, capital intensive companies, like steel companies. Compared to other countries, after 5 years, a U.S. steelmaker under AMT recovers only 37 percent of its investment in a new plant and equipment. The recovery of investment in other countries is much higher—for example, in Japan it's 58 percent, in Germany companies recover 81 percent, Korea is 90 percent, and in Brazil it's 100 percent.

The problem is not unique to the steel industry though. Other capital-intensive industries that also have long-lived assets lose under the current AMT. The chemical industry has 9½ years to depreciate under the AMT, as opposed to 5 years under the regular tax. And for paper, they have 13 years to depreciate under the AMT, as opposed to 7 years under the regular tax. We need to fix the AMT so that industries with very high capital costs which they cannot recover for years are not put at such a disadvantage.

Today's AMT discourages investment in new plants and equipment, while under our regular tax system depreciation investments are encouraged. The need to improve our tax system to make it fairer to capital intensive industries is clear—fixing the AMT is one way to do that.

U.S. companies have to be able to compete in an increasingly competitive global market—that's almost an adage. It's what our trade laws and agreements seek to ensure. We'll never be able to sufficiently promote U.S. exports if we don't being to equalize the effects of our tax laws on American companies as well.

This bill would eliminate depreciation as an adjustment under AMT—treating AMT taxpayers the same as those companies that pay under our regular tax system. It would also allow tax payers who have not used their accumulated minimum tax credits which are at least 5 years old to use those credits to offset up to 50 percent of their current year AMT liability—with a provision to ensure that taxpayers could not reduce their current payment below their regular tax liability for that year.

AMT has become the standard method of tax payment for many of our Nation's capital intensive industries and it is not working the way Congress initially intended. It's time to fix it.

The bill Senator NICKLES and I submit for your consideration today will fix the AMT so it works the way I believe Congress originally intended. It will have the consequence of improving the competitiveness of American business. It is time to stop talking about AMT and do something that figures out how to address this real problem. I urge my colleagues to cosponsor this legislation and work with me and my Finance Committee colleagues to find a way to act on this important issue in this year's budget bill.●

By Mr. CAMPBELL:

S. 725. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District; to the Committee on Energy and Natural Resources.

THE COLLBRAN PROJECT UNIT CONVEYANCE ACT

● Mr. CAMPBELL. Mr. President, today I reintroduce legislation to transfer the Collbran project from the Federal Government back to the people it serves. The bill is designed with only one goal in mind, to guarantee the growing population in the Grand Valley of Colorado a supply of water that they have relied on for the last 30 years.

At the same time, this legislation will be a model for transitioning the Federal Government out of the daily operations of facilities where its useful participation has ceased. This transfer will also be an important and symbolic step in downsizing the Federal Government, returning power to the States and localities, while contributing to our continuing efforts to balance the Federal budget.

The Western slope of Colorado, like the rest of the Colorado Plateau, has a unique blend of rich natural resources and beautiful scenery. This fortunate combination attracts and sustains a strong economy of both industry and tourism. Much of this booming economic development and recreational opportunities would not exist if not for the water and electricity provided by the various Federal reclamation projects in the West. These projects were authorized in the Federal Reclamation Act in 1902 by a visionary Congress which saw the need and importance of water projects to the development of the West. Without such projects, there would be virtually no farming, mining, or ranching and little tourism.

It is appropriate for the Federal Government to shed the Collbran project at this time because the goals of the project have been met. The project, completed in 1964, provides a reliable supply of irrigation water to the users on the arid west slope of Colorado. This project is the main water supplier for a growing population in the Grand Valley, currently serving over 55,000 people. It also provides electric power to the grid that serves several Western States.

It is also time now to transfer the Collbran project because, as the Bureau of Reclamation has acknowledged, due to unanticipated circumstances this project has been a net-cash drain on the Treasury. The Ute Water Conservancy District, the public entity that will purchase the project, will pay the remaining debt on the project, reimbursing the Government completely, returning over $12 million to the Federal Treasury. It is time for the Government to stand aside.

Let me stress that this transfer will not in any way jeopardize any of the recreation opportunities available in Vega Reservoir and related Collbran project reservoirs. In fact, this legislation will transfer the Vega Reservoir from the Federal Government to the State of Colorado, ensuring continued recreation opportunities there. This bill also preserves all water and power operations of the existing Collbran project.

I also want to emphasize that we have striven to accommodate environmental groups' concerns. Although there is no reason to think that a mere transfer of ownership, without affecting the operations, should require the water district to perform an environmental impact statement under the National Environmental Policy Act, I have accommodated the environmental community's requests and eliminated any reference to NEPA. In this way, I have ensured that the transfer will fully comply with all environmental laws.

Finally, as a symbol of the Ute Water Conservancy's good faith, this bill explicitly requires that the conservancy district contributes $600,000 to the Colorado River Endangered Fish Recovery Program and that the project itself will remain subject to future ESA-related obligations that could be imposed on similar projects.

Again, the object of this legislation is merely to ensure a reliable supply of quality water for the residents of the Grand Valley who have depended upon this supply for the last 30 years. This bill proposes a fiscally and environmentally sound and sensible transfer of an existing Federal project to the people it serves.

I look forward to working with all interested parties as this bill proceeds. I urge my colleagues to join me and support this bill.

Thank you, Mr. President. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Collbran Project Unit Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term "District" means the Ute Water Conservancy District and the Collbran Conservancy District (including their successors and assigns), which are political subdivisions of the State of Colorado.

(2) FEDERAL RECLAMATION LAWS.—The term "Federal reclamation laws" means the Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto (32 Stat. 388, chapter 1093; 43 U.S.C. 371 et seq.) (including regulations adopted under those Acts).

(3) PROJECT.—The term "project" means the Collbran Reclamation project, as constructed and operated under the Act of July 3, 1952 (66 Stat. 325, chapter 565), including all property, equipment, and assets of or relating to the project that are owned by the United States, including—

(A) Vega Dam and Reservoir (but not including the Vega Recreation Facilities);

(B) Leon-Park dams and feeder canal;

(C) Southside Canal;

(D) East Fork diversion dam and feeder canal;

(E) Bonham-Cottonwood pipeline;

(F) Snowcat shed and diesel storage;

(G) Upper Molina penstock and power plant;

(H) Lower Molina penstock and power plant;

(I) the diversion structure in the tailrace of the Lower Molina power plant;

(J) all substations and switchyards;

(K) a nonexclusive easement for the use of existing easements or rights-of-way owned by the United States on or across non-Federal land that are necessary for access to project facilities;

(L) title to land reasonably necessary for all project facilities (except land described in subparagraph (K) or paragraph (1) or (2) of section 3(a));

(M) all permits and contract rights held by the Bureau of Reclamation, including contract or other rights relating to the operation, use, maintenance, repair, or replacement of the water storage reservoirs located on the Grand Mesa that are operated as part of the project;

(N) all equipment, parts inventories, and tools;

(O) all additions, replacements, betterments, and appurtenances to any of the land, interests in land, or facilities described in subparagraphs (A) through (N); and

(P) a copy of all data, plans, designs, reports, records, or other materials, whether in writing or in any form of electronic storage, relating specifically to the project.

(4) VEGA RECREATION FACILITIES.—The term "Vega Recreation Facilities" includes—

(A) buildings, campgrounds, picnic areas, parking lots, fences, boat docks and ramps, electrical lines, water and sewer systems, trash and toilet facilities, roads and trails, and other structures and equipment used for State park purposes (such as recreation, maintenance, and daily and overnight visitor use), at and near Vega Reservoir;

(B) lands above the high water level of Vega Reservoir within the area previously defined by the Secretary as the "Reservoir Area Boundary" that have not historically been utilized for Collbran project water storage and delivery facilities, together with an easement for public access for recreational purposes to Vega Reservoir and the water surface of Vega Reservoir and for construction, operation, maintenance, and replacement of facilities for recreational purposes below the high water line; and

(C) improvements constructed or added under the agreements referred to in section 3(f).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—

(1) CONVEYANCE TO DISTRICTS.—

(A) IN GENERAL.—On or before the date that is 1 year after the date of enactment of this Act, the Secretary shall convey to the Districts all right, title, and interest of the United States in and to the project by quitclaim deed and bill of sale, without warranties, subject only to the requirements of this Act.

(B) ACTION PENDING CONVEYANCE.—Until the conveyance under subparagraph (A) occurs, the Director of the Bureau of Reclamation shall continue to exercise the responsibility to provide for the operation, maintenance, repair, and replacement of project facilities and the storage reservoirs on the Grand Mesa to the extent that the responsibility is the responsibility of the Bureau of Reclamation and has not been delegated to the Districts before the date of enactment of this Act or is delegated or transferred to the Districts by agreement after that date, so that at the time of the conveyance the facilities are in the same condition as, or better condition than, the condition of the facilities on the date of enactment of this Act.

(2) EASEMENTS ON NATIONAL FOREST SYSTEM LANDS.—

(A) IN GENERAL.—On or before the date that is 1 year after the date of enactment of this Act, the Secretary of Agriculture shall grant, subject only to the requirements of this section—

(i) a nonexclusive easement on and across National Forest System land to the Districts for ingress and egress on access routes in existence on the date of enactment of this Act to each component of the project and storage reservoir on the Grand Mesa in existence on the date of enactment of this Act that is operated as part of the project;

(ii) a nonexclusive easement on National Forest System land for the operation, use, maintenance, repair, and replacement (but not enlargement) of the storage reservoirs on the Grand Mesa in existence on the date of enactment of this Act to the owners and operators of the reservoirs that are operated as a part of the project; and

(iii) a nonexclusive easement to the Districts for the operation, use, maintenance, repair, and replacement (but not enlargement) of the components of project facilities that are located on National Forest System land, subject to the requirement that the Districts shall provide reasonable notice to and the opportunity for consultation with the designated representative of the Secretary of Agriculture for nonroutine, nonemergency activities that occur on the easements.

(B) EXERCISE OF EASEMENT.—The easement under subparagraph (A)(ii) may be exercised if the land use authorizations for the storage reservoirs described in subparagraph (A)(ii) are restricted, terminated, relinquished, or abandoned, and the easement shall not be subject to conditions or requirements that interfere with or limit the use of the reservoirs for water supply or power purposes.

(3) EASEMENTS TO DISTRICTS FOR SOUTHSIDE CANAL.—On or before the date that is 1 year after the date of enactment of this Act, the Secretary shall grant to the Districts, subject only to the requirements of this section—

(A) a nonexclusive easement on and across land administered by agencies within the Department of the Interior for ingress and egress on access routes to and along the Southside Canal in existence on the date of enactment of this Act; and

(B) a nonexclusive easement for the operation, use, maintenance, repair, and replacement of the Southside Canal, subject to the requirement that the Districts shall provide reasonable notice to and the opportunity for consultation with the designated representative of the Secretary for nonroutine, nonemergency activities that occur on the easements.

(b) RESERVATION.—

(1) IN GENERAL.—The conveyance of easements under subsection (a) shall reserve to the United States all minerals (including hydrocarbons) and a perpetual right of public access over, across, under, and to the portions of the project that on the date of enactment of this Act were open to public use for fishing, boating, hunting, and other outdoor recreation purposes and other public uses such as grazing, mineral development, and logging.

(2) RECREATIONAL ACTIVITIES.—The United States may allow for continued public use and enjoyment of such portions of the project for recreational activities and other public uses as are conducted as of the date of enactment of this Act.

(c) CONVEYANCE TO STATE OF COLORADO.—All right, title, and interest in the Vega Recreation Facilities shall remain in the United States until the terms of the agreements referred to in subsection (f) have been fulfilled by the United States, at which time all right, title, and interest in the Vega Recreation Facilities shall be conveyed by the Secretary to the State of Colorado, Division of Parks and Outdoor Recreation.

(d) PAYMENT.—

(1) IN GENERAL.—At the time of the conveyance under subsection (a)(1), the Districts shall pay to the United States $12,900,000 ($12,300,000 of which represents the net present value of the outstanding repayment obligations for the project), of which—

(A) $12,300,000 shall be deposited in the general fund of the Treasury of the United States; and

(B) $600,000 shall be deposited in a special account in the Treasury of the United States and shall be available to the United States Fish and Wildlife Service, Region 6, without further Act of appropriation, for use in funding Colorado operations and capital expenditures associated with the Grand Valley Water Management Project for the purpose of recovering endangered fish in the Upper Colorado River Basin, as identified in the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado

River Basin, or such other component of the Recovery Implementation Program within Colorado as may be selected with the concurrence of the Governor of the State of Colorado.

(2) SOURCE OF FUNDS.—Funds for the payment to the extent of the amount specified in paragraph (1) shall not be derived from the issuance or sale, prior to the conveyance, of State or local bonds the interest on which is exempt from taxation under section 103 of the Internal Revenue Code of 1986.

(e) OPERATION OF PROJECT.—

(1) IN GENERAL.—

(A) DECLARATION.—The project was authorized and constructed under the Act of July 3, 1952 (66 Stat. 325, chapter 565) for the purpose of placing water to beneficial use for authorized purposes within the State of Colorado.

(B) OPERATION.—The project shall be operated and used by the Districts for a period of 40 years after the date of enactment of this Act for the purpose for which the project was authorized.

(C) CHANGES IN OPERATION.—The Districts shall attempt, to the extent practicable, taking into consideration historic project operations, to notify the State of Colorado of changes in historic project operations which may adversely affect State park operations.

(2) REQUIREMENTS.—During the 40-year period described in paragraph (1)(B)—

(A) the Districts shall annually submit to the Secretary of Agriculture and the Colorado Department of Natural Resources a plan for operation of the project, which plan shall—

(i) report on project operations for the previous year;

(ii) provide a description of the manner of project operations anticipated for the forthcoming year, which shall be prepared after consultation with the designated representatives of the Secretary of Agriculture, the Board of County Commissioners of Mesa County, Colorado, and the Colorado Department of Natural Resources; and

(iii) certify that the Districts have operated and will operate and maintain the project facilities in accordance with sound engineering practices; and

(B) subject to section 4, all electric power generated by operation of the project shall be made available to and be marketed by the Western Area Power Administration.

(f) AGREEMENTS.—Conveyance of the project shall be subject to the agreements between the United States and the State of Colorado dated August 22, 1994, and September 23, 1994, relating to the construction and operation of recreational facilities at Vega Reservoir, which agreements shall continue to be performed by the parties to the agreements according to the terms of the agreements.

SEC. 4. OPERATION OF THE POWER COMPONENT.

(a) CONFORMITY TO HISTORIC OPERATIONS.—The power component and facilities of the project shall be operated in substantial conformity with the historic operations of the power component and facilities (including recent operations in a peaking mode).

(b) POWER MARKETING.—

(1) EXISTING MARKETING ARRANGEMENT.—The post-1989 marketing criteria, which provide for the marketing of power generated by the power component of the project as part of the output of the Salt Lake City area integrated projects, shall no longer be binding on the project upon conveyance of the project under section 3(a).

(2) AFTER TERMINATION OF EXISTING MARKETING ARRANGEMENT.—

(A) IN GENERAL.—

(i) FIRST OFFER.—After the conveyance under section 3(a), the Districts shall offer all power produced by the power component of the project to the Western Area Power Administration or its successors or assigns (referred to in this paragraph as "Western"), which, in consultation with its affected preference customers, shall have the first right to purchase such power at the rates established under subparagraph (B).

(ii) SECOND OFFER.—If Western declines to purchase the power after consultation with its affected preference customers, the power shall be offered at the same rates first to Western's preference customers located in the Salt Lake City area integrated projects marketing area (referred to in this paragraph as the "SLCAIP preference customers").

(iii) OTHER OFFERS.—After offers have been made under clauses (i) and (ii), power may be sold to any other party, but no such sale may occur at a rate less than a rate established under subparagraph (B) unless the power is offered at the lesser rate first to Western and second to the SLCAIP preference customers.

(B) RATE.—The rate for power initially offered to Western and the SLCAIP preference customers under this paragraph shall not exceed that required to produce revenues sufficient to provide for—

(i) annual debt service or recoupment of the cost of capital for the amount specified in section 3(d)(1)(A) less the sum of $310,000 (which is the net present value of the outstanding repayment obligation of the Collbran Conservancy District); and

(ii) the cost of operation, maintenance, and replacement of the power component of the project.

(C) DETERMINATION OF COSTS AND RATE.—Costs and a rate under subparagraph (B) shall be determined in a manner that is consistent with the principles followed, as of the date of enactment of this Act, by the Secretary and by Western in its annual power and repayment study.

SEC. 5. LICENSE.

(a) IN GENERAL.—Before conveyance of the project to the Districts, the Federal Energy Regulatory Commission shall issue to the Districts a license or licenses as appropriate under part I of the Federal Power Act (16 U.S.C. 791 et seq.) authorizing for a term of 40 years the continued operation and maintenance of the power component of the project.

(b) TERMS OF LICENSE.—

(1) IN GENERAL.—The license under subsection (a)—

(A) shall be for the purpose of operating, using, maintaining, repairing, and replacing the power component of the project as authorized by the Act of July 3, 1952 (66 Stat. 325, chapter 565);

(B) shall be subject to the condition that the power component of the project continue to be operated and maintained in accordance with the authorized purposes of the project; and

(C) shall be subject to part I of the Federal Power Act (16 U.S.C. 791 et seq.) except as stated in paragraph (2).

(2) LAWS NOT APPLICABLE.—

(A) FEDERAL POWER ACT.—

(i) IN GENERAL.—The license under subsection (a) shall not be subject to the following provisions of the Federal Power Act: the 4 provisos of section 4(e) (16 U.S.C. 797(e)); section 6 (16 U.S.C. 799) to the extent that the section requires acceptance by a licensee of terms and conditions of the Act that this subsection waives; subsection (e) (insofar as the subsection concerns annual charges for the use and occupancy of Federal lands and facilities), (f), or (j) of section 10 (16 U.S.C. 803); section 18 (16 U.S.C. 811); section 19 (16 U.S.C. 812); section 20 (16 U.S.C. 813); or section 22 (16 U.S.C. 815).

(ii) NOT A GOVERNMENT DAM.—Notwithstanding that any dam under the license under subsection (a) may have been constructed by the United States for Government purposes, the dam shall not be considered to be a Government dam, as that term is defined in section 3 of the Federal Power Act (16 U.S.C. 796).

(iii) STANDARD FORM LICENSE CONDITIONS.—The license under subsection (a) shall not be subject to the standard "L-Form" license conditions published at 54 FPC 1792–1928 (1975).

(B) OTHER LAWS.—The license under subsection (a) shall not be subject to—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) section 2402 of the Energy Policy Act of 1992 (16 U.S.C. 797c);

(iii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iv) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(vi) the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(vii) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(viii) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(ix) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.); or

(x) any other Act otherwise applicable to the licensing of the project.

(3) LAWS ENACTED AFTER ISSUANCE OF LICENSE.—The operation of the project shall be subject to all applicable State and Federal laws enacted after the date of issuance of the license under subsection (a).

(c) LICENSING STANDARDS.—The license under subsection (a) is deemed to meet all licensing standards of the Federal Power Act (16 U.S.C. 791 et seq.).

(d) POWER SITE RESERVATION.—Any power site reservation established under section 24 of the Federal Power Act (16 U.S.C. 818) or any other law that exists on any land, whether federally or privately owned, that is included within the boundaries of the project shall be vacated by operation of law on issuance of the license for the project.

(e) EXPIRATION OF LICENSE.—All requirements of part I of the Federal Power Act (16 U.S.C. 791 et seq.) and of any other Act applicable to the licensing of a hydroelectric project shall apply to the project on expiration of the license issued under this section.

SEC. 6. INAPPLICABILITY OF PRIOR AGREEMENTS AND OF FEDERAL RECLAMATION LAWS.

On conveyance of the project to the Districts—

(1) the repayment contract dated May 27, 1957, as amended April 12, 1962, between the Collbran Conservancy District and the United States, and the contract for use of project facilities for diversion of water dated January 11, 1962, as amended November 10, 1977, between the Ute Water Conservancy District and the United States, shall be terminated and of no further force or effect; and

(2) the project shall no longer be subject to or governed by the Federal reclamation laws.

SEC. 7. LIABILITY OF THE DISTRICTS.

The Districts shall be liable, to the extent allowed under State law, for all acts or omissions relating to the operation and use of the project by the Districts that occur subsequent to the conveyance under section 3(a), including damage to any Federal land or facility that results from the failure of a project facility.

SEC. 8. EFFECT ON STATE LAW.

Nothing in this Act impairs the effectiveness of any State or local law (including a regulation) relating to land use.

SEC. 9. TREATMENT OF SALES FOR PURPOSES OF CERTAIN LAWS.

The sales of assets under this subchapter shall not be considered to be a disposal of Federal surplus property under—

(1) section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484); or

(2) section 13 of the Surplus Property Act of 1944 (50 U.S.C. App. 1622).●

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, Mrs. BOXER, Ms. SNOWE, Mr. REID, Mr. JOHNSON, Ms. MOSELEY-BRAUN, Ms. LANDRIEU, Mr. HARKIN, Mr. D'AMATO, Mr. SPECTER, Mrs. MURRAY, and Mr. MACK):

S. 726. A bill to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

THE BREAST CANCER RESEARCH STAMP ACT

● Mrs. FEINSTEIN. Mr. President, I, along with Senators BOXER, GRAHAM, SNOWE, MOSELEY-BRAUN, LANDRIEU, HARKIN, SPECTER, D'AMATO, MACK, JOHNSON, REID, and MURRAY would like to introduce the Breast Cancer Research Stamp Act.

In a time of shrinking budgets and resources for breast cancer research, this legislation would provide an innovative way to provide additional funding for breast cancer research.

This bill would: authorize the U.S. Postal Service to issue an optional special first class stamp to be priced at 1 cent above the cost of normal first-class postage; earmark a penny of every stamp for breast cancer research; provide administrative costs from the revenues for post office expenses; allow 100 percent of the proceeds from the stamp to fund HHS breast cancer research projects; clarify current law, in that any similar stamp would require an act of Congress to be issued in the future.

If only 10 percent of all first class mail used this optional 33 cent stamp, $60 million could be raised for breast cancer research annually.

There is wide support for this legislation. Congressman FAZIO, along with over 100 cosponsors have already introduced the companion bill (H.R. 407) in the House.

The breast cancer epidemic has been called this Nation's best kept secret. There are 2.6 million women in America today with breast cancer, one million of whom have yet to be diagnosed with the disease.

In 1996, an estimated 184,000 were diagnosed with breast cancer. It is the number one killer of women ages 40 to 44 and the leading cause of cancer death in women ages 15 to 54, claiming a woman's life every 12 minutes in this country (source: National Breast Cancer Coalition).

For California, 17,100 women were diagnosed with breast cancer and 4,100 women will die from the disease (source: American Cancer Society cancer facts and figures, 1996).

In addition to the cost of women's lives, the annual cost of treatment of breast cancer in the United States is approximately $10 billion.

Over the last 25 years, the National Institutes of Health has spent over $31.5 billion on cancer research—$2 billion of that on breast cancer. In the last 6 years alone, appropriations for breast cancer research have risen from $90 million in 1990 to $600 million today. That's the good news.

But, the bad news is that the national commitment to cancer research overall has been hamstrung since 1980. Currently, NIH is able to fund only 23 percent of applications received by all the institutes. For the Cancer Institute, only 23 percent can be funded—a significant drop from the 60 percent of applications funded in the 1970's.

Most alarming is the rapidly diminishing grant funding available for new researcher applicants.

In real numbers, the National Cancer Institute will fund approximately 3,600 research projects, of which about 1,000 are new, previously unfunded activities. For investigator-initiated research, only 600 out of 1,900 research projects will be new.

The United States is privileged to have some of the most talented scientists and many of the leading cancer research centers in the world such as UCLA, UC San Francisco, Memorial Sloan-Kettering, and the M.D. Anderson.

This lack of increase in funding is starving some of the most important research, because scientists will have to look elsewhere for their livelihood.

The U.S. must increase the research funds if these scientists and institutions are to continue to contribute their vast talents to the war on cancer and finding a cure.

What is clear is that there is a direct correlation between increase in research funding and the likelihood of finding a cure.

Cancer mortality has declined by 15 percent from 1950 to 1992 due to increases in cancer research funding. In fact, federally-funded cancer research has yielded vast amounts of knowledge about the disease—information which is guiding our efforts to improve treatment and search for a cure. We have more knowledge and improvements in prevention through: identification of a "cancer gene", use of mammographies, clinical exams, and encouragement of self breast exams. Yet there is still no cure.

The Bay Area has one of the highest rates of breast cancer incidence and mortality in the world. According to data given to my staff by the Northern California Cancer Center, Bay Area white women have the highest reported breast cancer rate in the world, 104 per 100,000 population. Bay Area African-American women have the fourth highest reported rate in the world at 82 per 100,000 (source: Northern California Cancer Center).

I want to recognize Dr. Balazs (Ernie) Bodai who suggested this innovative funding approach. Dr. Bodai is the Chief of the Surgery Department at the Kaiser Permanente Medical Group in Sacramento, California. He is the founder of Cure Cancer Now, which is a nonprofit organization committed to developing a funding source for breast cancer research.

This legislation is supported by the American Cancer Society, American Medical Association, American Hospital Association, Association of Operating Room Nurses, California Health Collaborative Foundations, YWCA-Encore Plus, the Sacramento City Council and Mayor Joe Serna, Siskiyou County Board of Supervisors, Sutter County Board of Supervisors, Nevada County Board of Supervisors, Yuba City Council, California State Senator Diane Watson and California State Assemblywoman Dede Alpert as well as the Public Employees Union, San Joaquin Public Employees Association, and Sutter and Yuba County Employees Association and many more on the attached list.

Given the intense competition for Federal research funds in a climate of shrinking budgets, the Breast Cancer Research Stamp Act would allow anyone who uses the postal service to contribute in finding a cure for the breast cancer epidemic.

In a sense, this particular proposal is a pilot. I recognize that the postal service may oppose this since it hasn't been done before. I also recognize that in a day of diminishing federal resources, this innovation is an idea whose time has come.

It will make money for the post office and for breast cancer research. No one is forced to buy it, but women's organizations may even wish to sell the stamps in a fundraising effort.

The administrative costs can be handled with the 1 cent added on to the cost of a first class stamp and conservatively it can make from $60 million per year for breast cancer research.

We need to find a cure for breast cancer and I believe the Breast Cancer Research Stamp Act is an innovative response to the hidden epidemic among women. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECITON 1. SHORT TITLE.

This Act may be cited as the "Breast-Cancer Research Stamp Act".

SEC. 2. SPECIAL POSTAGE STAMPS.

(a) IN GENERAL.—In order to afford the public a convenient way to contribute to funding for breast-cancer research, the United States Postal Service shall establish a special rate of postage for first-class mail under this section.

(b) HIGHER RATE.—The rate of postage established under this section—

(1) shall be 1 cent higher than the rate that would otherwise apply;

(2) may be established without regard to any procedures under chapter 36 of title 39, United States Code, and notwithstanding any other provision of law; and

(3) shall be offered as an alternative to the rate that would otherwise apply.

The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

(c) USE OF FUNDS.—

(1) IN GENERAL.—

(A) PAYMENTS.—The amounts attributable to the 1-cent differential established under this Act shall be paid by the United States Postal Service to the Department of Health and Human Services.

(B) USE.—Amounts paid under subparagraph (A) shall be used for breast-cancer research and related activities to carry out the purposes of this Act.

(C) FREQUENCY OF PAYMENTS.—Payments under subparagraph (A) shall be paid to the Department of Health and Human Services no less than twice in each calendar year.

(2) AMOUNTS ATTRIBUTABLE TO THE 1-CENT DIFFERENTIAL.—For purposes of this subsection, the term "amounts attributable to the 1-cent differential established under this Act" means, as determined by the United States Postal Service under regulations that it shall prescribe—

(A) the total amount of revenues received by the United States Postal Service that it would not have received but for the enactment of this Act, reduced by

(B) an amount sufficient to cover reasonable administrative and other costs of the United States Postal Service attributable to carrying out this Act.

(d) SPECIAL POSTAGE STAMPS.—The United States Postal Service may provide for the design and sale of special postage stamps to carry out this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) nothing in this Act should directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services or any other agency or instrumentality of the Government (or any component or other aspect thereof) below the level that would otherwise have been anticipated absent this Act; and

(2) nothing in this Act should affect regular first-class rates or any other regular rate of postage.

SEC. 3. ANNUAL REPORTS.

The Postmaster General shall include in each annual report rendered under section 2402 of title 39, United States Code, information concerning the operation of this Act.

ORIGINAL COSPONSORS

Tony Hall (OH)—original.
Charles Norwood (GA)—original.
Lynn Woolsey (CA)—original.
George Brown (CA).
Tom Barrett (WI).
Carrie Meek (FL).
Nancy Pelosi (CA).
Bernie Sanders (VT).
Robert Matsui (CA).
Corrine Brown (FL).
Eni Faleomavaega (AS).
Barney Frank (MA).
Tom Lantos (CA).
Gene Green (TX).
Lynn Rivers (MI).
Sheila Jackson-Lee (TX).
Gary Condit (CA).
Jose Serrano (NY).
Zoe Lofgren (CA).
Sam Farr (CA).
Carolyn Maloney (NY).
Bob Filner (CA).
Connie Morella (MD).
Martin Frost (TX).
Mike McNulty (NY).
Loretta Sanchez (CA).
Tom Coburn (OK).
John Dingell (MI).
Mel Watt (NC).
Sherrod Brown (OH).
Pete Stark (CA).
Anna Eshoo (CA).
John Olver (MA).
Paul McHale (PA).
Susan Molinari (NY).
Eleanor Holmes-Norton (DC).
Gary Ackerman (NY).
Jerry Lewis (CA).
Louise Slaughter (NY).
Frank Lobiando (NJ).
Kay Granger (TX).
Sam Gejdenson (CT).
Henry Gonzalez (TX).
Floyd Flake (NY).
Danny K. Davis (IL).
Elizabeth Furse (OR).
Eddie Bernice Johnson (TX).
Major Owens (NY).
William Jefferson (LA).
Thomas Foglietta (PA).
Ed Pastor (AZ).
John Ensign (NV).
John Tierney (MA).
Ron Packard (CA).
Ellen Tauscher (CA).
Rosa DeLauro (CT).
Brian Bilbray (CA).
Barbara Kennelly (CT).
Scott Klug (WI).
James McGovern (MA).
John Conyers (MI).
Carolyn Kilpatrick (MI).
J.D. Hayworth (AZ).
Gerald Kleczka (WI).
Robert Wexler (FL).
Richard Neal (MA).
Sue Kelly (NY).
John Doolittle (CA).
George Miller (CA).
Donna Christian-Green (Virgin Islands).
David Camp (MI).
Martin Meehan (MA).
Carlos Romero-Barcello (PR).
David Minge (MN).
Sonny Callahan (AL).
Peter Deutsch (FL).
John Baldacci (ME).
Harold Ford (TN).
Cynthia McKinney (GA).
Charlie Rangel (NY).
Nick Lampson (TX).
Richard Burr (NC).
Jim McDermott (WA).
Earl Hilliard (AL).
David Bonior (MI).
Frank Pallone (NJ).
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SUPPORTERS OF H.R. 407

American Association of Health Education.
American Association of Critical-Care Nurses.
American Cancer Society—National.
American College of Surgeons.
American Medical Association.
American Medical Student Association.
American Society of Anesthesiologists.
American Society of Clinical Pathologists.
American Society of Internal Medicine.
American Society of Plastic and Reconstructive Surgeons.
Association of Operating Room Nurses.
California Health Collaboration Foundations.
California Medical Association.
California Nurses Association.
California Schools Employees Association.
California State.
Committee for Freedom of Choice in Medicine, Inc.
Emergency Nurses Association.
Health Education Council.
Kaiser Permanente—Sacramento.
Louisiana Breast Cancer Task Force.
Merced County Board of Supervisors.
National Cancer Registrars Association.
National Lymphedema Network.
National Osteoporosis Foundation.
Nevada County Board of Supervisors.
ONE-California, organization of nurse leaders.
Public Employees Union—Local One.
Sacramento Area Mammography Society.
Sacramento City Council.
Sacramento-El Dorado Medical Society.
San Joaquin Public Employees Association.
Santa Cruz County Board of Supervisors.
Save Ourselves-Y-Me.
Sonoma County Board of Supervisors.
Sutter County Board of Supervisors.
The Breast Cancer Fund.
United Farm Workers of America AFL–CIO.
Vital Options TeleSupport Cancer Network.
WIN Against Breast Cancer.
YWCA–ENCORE.
Hadassah The Women's Zionist Organization of America, Inc.
Foundation Health Corporation.
American Association of Health Plans.
American College of Osteopathic Surgeons.
Association of Reproductive Health Professionals.●

By Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JOHNSON, and Mrs. MURRAY):

S. 727. A bil to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Finance.

PRIVATE INSURANCE UNIFORM COVERAGE OF MAMMOGRAPHY LEGISLATION

● Mrs. FEINSTEIN. Mr. President, I am introducing a bill today to try to bring some uniform coverage of mammography to private insurance, Medicare and Medicaid, consistent with the

American Cancer Society and the National Cancer Institute guidelines. Joining me as cosponsors are Senators MIKULSKI, WELLSTONE and JOHNSON.

I am introducing this bill because I believe mammography is our best tool for finding breast cancer early and women will not get mammograms without good insurance coverage. We now have the two leading organizations, the American Cancer Society and the National Cancer Institute, agreeing on screening guidelines and we cannot assume that insurance companies will rush to follow those guidelines. In the current highly competitive climate of managed care, with plans and providers reducing services and benefits, with employers cutting back on coverage, only congressional action will guarantee women the health care they need, especially preventive services like this.

BREAST CANCER'S TOLL

Breast cancer is the most common cancer among women, after skin cancer. In 1996, 184,300 new cases were diagnosed and 44,300 women died. Breast cancer is the second leading cause of cancer deaths among women, after lung cancer. Breast cancer is the leading cause of cancer death in women between ages 40 and 55.

Most women diagnosed with breast cancer are over age 50. For women age 40 to 44, the incidence rate is 125.4 per 100,000 women; for women ages 50 to 54, it jumps to 232.7 per 100,000.

EARLY DETECTION SAVES LIVES

The sooner breast cancer is detected, the better the survival rate. If breast cancer is diagnosed when it is local—confined to the breast—the 5-year survival rate is 96 percent. If diagnosed later, when cancer has metastasized, the survival rate is 20 percent.

Regularly scheduled mammography screening offers the single best method of finding breast cancer early. Mammograms, while never absolutely certain, can detect cancer several years before physical symptoms are obvious to a women or her doctor. Mammography has a sensitivity that is 76–94 percent higher than that of a clinical breast exam. Its ability to find an absence of cancer is greater than 90 percent. For women over 50, mammography can reduce breast cancer mortality by at least 30 percent.

Earlier this year, the National Cancer Institute recommended that asymtomatic women in their 40s have a screening mammogram every one to two years. The American Cancer Society recommends that all women over age 40 should have annual screening mammograms.

A February 1997 CBS poll found that 71 percent of women think early detection of breast cancer significantly increases a woman's chances of surviving. 85 percent believe mammograms are safe and 88 percent trust the accuracy of mamograms. Between 1987 and 1992, the National Health Interview survey found that there was at least a two-fold increase in the percentage of women of all ages who had a recent mammogram.

COMPLIANCE WITH GUIDELINES LOW

So women by and large understand the need for mammograms. However, a study by the Centers for Disease Control found that only 41 percent of women age 40 to 49 reported having a recent mammogram. Only half of women aged 50 to 64 had a recent mammogram. And only 39 percent of women over age 65 reported a recent mammogram.

LACK OF INSURANCE A DETERRENT

So the question is, if women understand the importance of mammograms, why is adherence to the guidelines so low? The CDC study said, "Health insurance coverage and educational attainment were both strongly associated with [mammograms] for women 40–49 years of age."

A survey by the Jacob Institute of Women's Health likewise found that 56 percent of women in their 40's and 47 percent of women in the 50's were meeting the ACS screening guideline. After lack of a family history, the cost of a mammogram was the principal reason for not having a mammogram.

The lack of insurance coverage, the CDC study found, is an important factor in determining which women follow the recommended guidelines. Among commercially insured women, more than half were following the guidelines. However, for women in government insurance programs, between 58 percent and 66 percent were not following the guidelines. For women with no insurance of any kind, 84 percent were not in compliance with the guidelines.

The cost of a mammogram also varies widely, depending on the radiologist's technique, the location, the interpretation needed. One unofficial estimate of cost is that a mammogram ranges from $75.00 to $200.00 per visit. A $200 medical charge is not something most Americans want to bear out of pocket. They expect their insurance plan to cover medically necessary services.

COVERAGE VARIES WIDELY

Commercial insurance coverage for mammograms varies widely, differing in terms of the age of the covered person and frequency of the service. Many plans follow the American Cancer Society's guidelines, but this is not documented. At least 38 states have mandated some type of coverage for commercial plans, but again the details vary. Medicare covers mammograms every other year. Federal law does not require Medicaid to have specific coverage. A 1993 Alan Guttmacher study attempting to describe coverages of commercial health insurance coverage of reproductive services is aptly titled "Uneven & Unequal." So in summary, insurance coverage is "all over the map."

THE BILL

The bill addresses private commercial group and individual insurance plans, Medicare and Medicaid. It would—

Require private plans that cover diagnostic mammograms for women under 40 to also cover annual screening mammography.

Require Medicare and Medicaid to cover annual screening mammography for women over age 40. (Medicare now covers biannual screening. Federal law does not require State Medicaid programs to cover mammography for any age and State approaches vary widely.)

Prohibits plans from denying coverage for annual screening mammography because it is not medically necessary or not pursuant to a referral or recommendation by any health care provider;

Deny a woman eligibility or renewal to avoid these requirements;

Provide monetary payments or rebates to women to encourage women to accept less than the minimum protections of the bill;

Financially reward or punish providers for withholding mammographies.

SUPPORT FOR THE BILL

The bill is supported by the American Cancer Society, the National Breast Cancer Coalition, the Susan B. Komen Breast Cancer Foundation, the Breast Cancer Resource Committee, the Association of Women's Health, Obstetrics, and Neonatal Nurses.

I believe this bill will put some important principles into insurance coverage for this very necessary service. I hope my colleagues will join me in promptly moving this bill to enactment.●

By Mrs. FEINSTEIN (for herself, Mr. MACK, Mr. D'AMATO, Mr. REID, and Mr. JOHNSON):

S. 728. A bill to amend title IV of the Public Health Service Act to establish a Cancer Research Trust Fund for the conduct of biomedical research; to the Committee on Finance.

THE CANCER RESEARCH FUND ACT OF 1997

● Mrs. FEINSTEIN. Mr. President, today Senators MACK, D'AMATO, REID, and I are introducing a bill to give citizens two ways to contribute to the Nation's cancer research program. In connection with their annual tax return, taxpayers could make a tax deductible contribution for cancer research of not less than $1 and could check off or designate a contribution of not less than $1 from their tax refund owed them by the Government.

The bill establishes a Cancer Research Trust Fund and directs the National Institutes of Health to use the funds for research on cancer. It prohibits expenditures from the fund if appropriations in any year for the NIH are less than the previous year so that these funds do not supplant appropriated funds.

In fiscal 1997, the National Cancer Institute could only fund 26 percent of grants received with appropriated funds. This approval rate dropped from 29 percent in 1996 and 32 percent in 1992. Under the President's budget request for fiscal 1998, the success rate is estimated to drop again, to 25 percent.

While we do not have a specific estimate for how much our bill for cancer research would raise, a Federal tax checkoff for health research could raise $35 million in revenues for health research, if the average contribution were $2, according to Research America. If taxpayers gave $10, it would raise $410 million. Their study shows that the average contribution would be $23 and at that rate, $1.1 billion could be raised. In 1994, U.S. taxpayers contributed $25.7 million through State checkoffs.

I believe Americans would be very willing to make a contribution to health research and using the tax return is a very easy way. Sixty percent of Americans say they would check off a box on the tax return for medical research. The median amount people are willing to designate is $23.

Virtually everyone is touched by disease and has had some experience with incurable diseases. We all fear dreaded diseases. A May 1996 California poll found that 59 percent of my constituents would pay an extra dollar a week in taxes to support medical research. An overwhelming 94 percent of Americans believe it is important that the United States maintains its role as a world leader in medical research and medical research takes second place only to national defense for tax dollar value.

Cancer mortality has risen in the past half-century. By the year 2000, cancer will overtake heart disease as the leading cause of death of Americans. Over 40 percent of Americans will develop cancer and over 20 percent of us will die from cancers. Cancer is causing twice as many deaths as in 1971. Cancer's total economic costs in 1995, according to the National Institutes of Health, came to $104 billion.

In my own State of California, in 1996, 125,800 new cases of cancer were diagnosed and 51,200 people died. The incidence of certain cancers, specifically cervical, stomach, and liver, is higher than national rates. The San Francisco area has some of the highest rates of breast cancer in the world. There are areas in my State, such as Alameda County, where prostate cancer incidence exceeds the national rate. In my State, African-American women have a 60-percent higher risk of developing cervical cancer than white women. Hispanic women have the highest risk of cervical cancer in my State. Asian-Americans in California are twice as likely to develop stomach cancer and five times more likely to develop liver cancer than whites.

We have made great strides in understanding cancer, particularly the genetics of cancer and what makes a normal cell become a cancer cell. Because of research, cancer survival rates have increased for some cancers. But we cannot rest until we find a cure.

The National Cancer Institute's bypass budget identifies five promising areas of research and with 74 percent of grants going unapproved, the scientific talent is there. As the National Cancer Advisory Board said in its 1994 report to Congress, "Current investment is insufficient to capitalize on unprecedented opportunities in basic science research." Clearly additional funds can be well used by some of the world's leading cancer researchers.

By introducing this bill, I do not believe giving taxpayers an opportunity to contribute to cancer research will or should be the mainstay of funding for our national war on cancer. Congress needs to continue increasing appropriations and I am disappointed that the President's fiscal year 1998 budget for the National Cancer Institute represents only a 2.5-percent increase over fiscal 1997. I hope we can do better and I pledge my help in doing that. To insure that these taxpayer contributions generated by this bill do not supplant Congressionally appropriated funds, the bill includes a provision that prohibits expenditures from the cancer research fund if appropriations in any year for the NIH are less than the previous year.

Twenty-six years of research since the 1971 passage of the National Cancer Act has brought great progress, but some say that the war on cancer has really only been a skirmish. We must escalate that war, we must launch an armada of scientists, we must push vigorously ahead, we must find a cure for cancer. I hope this bill will help to escalate that battle.●

By Mr. KEMPTHORNE (for himself, Mr. CRAIG, Mr. TORRICELLI, Mr. THOMAS, and Mr. ENZI):

S. 730. A bill to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll; to the Committee on Veterans' Affairs.

MEDAL OF HONOR ROLL LEGISLATION

Mr. KEMPTHORNE. Mr. President, I rise today to introduce legislation that is the final step toward correcting a wrong—a wrong which lingered for more than 50 years.

In January of this year, I attended a moving ceremony at the White House where the Congressional Medal of Honor was presented to seven African-Americans who had been denied the award during World War II. I can tell you, it was a solemn and dignified ceremony in the East Room of the White House last January, when the medals were awarded. Unfortunately, only one of the soldiers—Lt. Vernon Baker—was able to receive the medal in person. The other six died, unaware their heroism would one day be acknowledged.

Like the medal itself, the financial rewards that normally accompany the honor are also past due. My bill offers the stipend that would have been earned by the three heroes who survived the heroic act which earned them the Congressional Medal of Honor.

This bill, co-sponsored by Senators CRAIG, TORRICELLI, THOMAS, and ENZI, provides Lt. Vernon Baker and the surviving spouse or children of S. Sgt. Edward A. Carter, Jr., and Maj. Charles L. Thomas with the financial benefits normally given to recipients of the Congressional Medal of Honor. The other Medal of Honor recipients, S. Sgt. Ruben Rivers, 1st Lt. John R. Fox, Pfc. Willy F. James, Jr., and Pvt. George Watson were all killed in action performing acts of heroism, and have no surviving family members.

Mr. Vernon Baker, the only living survivor, now makes his home in the quiet north Idaho community of St. Maries. He is a soft spoken, humble man, almost embarrassed by all the national and international attention given him as a result of heroism. In April 1945, on a hill in Italy, Lt. Vernon Baker performed acts of bravery above and beyond the normal call of duty, risking his life to save the lives of others and taking a strategically important position, which saved countless other American lives.

Following the battle, Lieutenant Baker's commander recommended this hero for our Nation's top military honors. But during World War II, no African-American soldier received the Medal of Honor, and so Lieutenant Baker never received the commendation due him—until 50 years after the fact.

An Army review board studied thousands of service records and reports, and determined that seven African-Americans should have been awarded the Congressional Medal of Honor. I am proud the last Congress finally stepped up to the challenge and overturned this stain on the Nation's history, when it authorized the President to award the Congressional Medal of Honor to Vernon Baker.

My bill will provide Mr. Baker and the surviving spouse or children of S. Sgt. Edward A. Carter, Jr., and Maj. Charles L. Thomas with the Congressional Medal of Honor pension that they would have received had they been rightly given the award in 1945. My bill does not adjust the pension for inflation nor does it offer interest. Instead, the bill I am introducing today offers three American heroes only what they rightly earned in combat defending our Nation and the free world.

The people of Idaho have embraced Vernon Baker as a true American hero. The State's Governor has awarded Mr. Baker Idaho's top civilian honor. The Nation has bestowed upon him its highest military honor.

This is a fair bill that will help provide three American heroes with the reward they rightly earned. I urge my colleagues to take a look at this important bill and I urge its adoption.

Mr. President, in closing, I will just say that as an Idahoan and as an American, I am so proud to have been able to get to know Vernon Baker, a truly great American, and his wife Heidi. I wish them all the best success and joy as they continue a wonderful life in the State of Idaho.

Again, as an American, I salute him and the other six African Americans who are true American heroes.

Mr. President, I send to the desk the bill. I know that Senator CRAIG wishes to now address this issue as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me first thank my colleague, Senator KEMPTHORNE, for his action and the work in developing this legislation that appropriately recognizes Vernon Baker, Edward A. Carter, Jr., and Charles L. Thomas in what I think can best be called retroactivity, certainly recognizing that there is a special pension tied to the Medal of Honor.

The Medal of Honor was given to these African American soldiers and citizens and wonderful people in the appropriate fashion, finally, after a long, long wait. We had the opportunity to be at the White House for the ceremonies, and it was truly moving.

Recognition of their outstanding courage and daring leadership during their service to their country in World War II was far too long coming, as I mentioned. However, their rewards should not be based upon the delay in their recognition, but based on the moment of their heroism.

In the case of Vernon Baker, one of my fellow Idahoans—as Senator KEMPTHORNE said, we had the privilege of getting to know he and his wife—more than 50 years have passed before the Nation did the appropriate thing in recognizing their courageous actions and bestowing them with the Congressional Medal of Honor. Now fairness demands that we couple this honor with the benefits entitled to them and the next of kin in the case of the deceased, effective to the dates corresponding to their actions.

Mr. President, on behalf of a grateful Nation, I once more thank Vernon Baker for his gallant actions on that April day so long ago and encourage the support of my colleague's legislation to resolve this issue for America for all time.

Mr. TORRICELLI. Mr. President, I rise today in strong support of Senator KEMPTHORNE's effort to provide Medal of Honor recipient Vernon Joseph Baker, and the heirs of Medal of Honor recipients Edward Carter and Charles Thomas, with retroactive compensation for their awards.

During World War II, Mr. Baker was an Army 2d lieutenant serving with the 92d Infantry Division in Europe. During a 2-day action near Viareggio, Italy, he single handedly wiped out two German machinegun nets, led successful attacks on two others, drew fire on himself to permit the evacuation of his wounded comrades, and then led a battalion advance through enemy minefields. Mr. Baker is the only one of these three men still alive today, and he currently resides in St. Maries, ID.

Edward Carter, of Los Angles, was staff sergeant with the 12th Armored Division when his tank was destroyed in action near Speyer, Germany, in March 1945. Mr. Carter led three men through extraordinary gunfire that left two of them dead, the third wounded and himself wounded five times. When eight enemy riflemen attempted to capture him, he killed six of them, captured the remaining two and, using his prisoners as a shield, recrossed an exposed field to safety. The prisoners yielded valuable information. Mr. Carter died in 1963.

Charles Thomas, of Detroit, was a major with the 103d Infantry Division serving near Climbach, France, in December 1944. When his scout car was hit by intense artillery fire, Mr. Thomas assisted the crew to cover and, despite severe wounds, managed to signal the column some distance behind him to halt. Despite additional multiple wounds in the chest, legs, and left arm, he ordered and directed the dispersion and emplacement of two antitank guns that effectively returned enemy fire. He refused evacuation until certain his junior officer was in control of the situation. Mr. Thomas died in 1980.

I commend Mr. Baker, Mr. Carter, and Mr. Thomas for their bravery and Senator KEMPTHORNE for leading this effort.

As a result of their heroics these men had clearly met the criteria for being awarded a Medal of Honor, the Nation's highest award for valor. This medal is only awarded to a member of the U.S. armed services who "distinguishes themselves conspicuously by gallantry and intrepidity at the risk of their life and beyond the call of duty," with an act "so conspicuous as to clearly distinguish the individual above their comrades." However, because of the racial climate of the time and the segregated nature of the Army in 1945, African-Americans were denied the Medal of Honor. It is a sad testament to America's legacy of discrimination that although 1.2 million African-Americans served in the military during the Second World War, including Mr. Baker, Mr. Carter, and Mr. Thomas, none received 1 of the 433 Medals of Honor awarded during the conflict.

This past January our Nation took an important step in correcting this injustice by awarding Mr. Vernon Joseph Baker, and six of his dead comrades, the Medal of Honor during a long-overdue ceremony at the White House. This recognition of these men's extraordinary courage was a vindication for all African-American heroes of World War II. In order to further demonstrate our profound thanks to these brave men, I support Senator KEMPTHORNE's effort to retroactively compensate Mr. Baker, and the heirs of Mr. Carter and Mr. Thomas for the money that they would have received from the Army for receiving the Medal of Honor. The other three heroes died as a result of the brave deeds which qualified them to receive the Medal, and thus would not have received any compensation by the military.

Each recipient of this Medal is entitled to receive a token monthly stipend from their respective branch of the military after they leave active duty service. In 1945 the stipend was $10 and today it has risen to $400. Since he was denied the Medal more than a half century ago, Mr. Baker and the survivors of Mr. Carter and Mr. Thomas, deserve to receive the same amount of money that they would have received had they been awarded the Medal at the close of World War II. American is profoundly thankful for the patriotism of these men, and awarding retroactive compensation to them is a simple way to express our gratitude for their service. For these reasons I stand today to recognize Mr. Baker, Mr. Carter, and Mr. Thomas, and support retroactively compensating them for their accomplishments.

By Mr. FAIRCLOTH (for himself, Mr. HELMS, Mr. DEWINE, Ms. SNOWE, Ms. COLLINS, Mr. ROBERTS, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. SANTORUM, Mr. THOMAS, Mr. WARNER, Mr. DODD, Mr. COCHRAN, and Mr. MURKOWSKI):

S. 732. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903; to the Committee on Banking, Housing, and Urban Affairs.

THE FIRST FLIGHT COMMEMORATIVE COIN ACT

Mr. FAIRCLOTH. Mr. President, I rise today, joined by my colleague from North Carolina, Senator HELMS, and 12 other Senators to introduce the First Flight Commemorative Coin Act. This revenue-neutral legislation instructs the Treasury Secretary to mint coins in commemoration of the Wright Brothers' historic 1903 flight on the North Carolina coast.

Mr. President, in the cold morning hours of December 17, 1903, a small crown watched the Wright Flyer lift off the flat landscape of Kitty Hawk. Orville Wright traveled just 120 feet—less than the wingspan of a Boeing 747—in his 12-second flight. It was, however, the first time that a manned machine sailed into the air under its own power. The residents of Kitty Hawk, then an isolated fishing village, thus bore witness to the realization of the centuries-old dream of flight.

The significance of the Wright Brothers' flight reaches far beyond its status as the first flight. Their flight represented the birth of aviation. On that morning, aeronautics moved from untested theory to nascent science, and it triggered a remarkable technological evolution. In fact, just 24 years after their fragile craft rose unsteadily and took to the air, Charles Lindbergh crossed the Atlantic Ocean. In 1947, less than half a century after the pioneer 31 m.p.h. flight over Kitty Hawk, Chuck Yeager shattered the sound barrier over the Mojave Desert.

The rapid aeronautical progression, which the Wright Brothers initiated on that December morning in Kitty Hawk, is, of course, remarkable. Mr. President, it was just 66 years after the Wright Brothers' 120-foot flight—a timespan equivalent to the age of many Members of this body—that Neil Armstrong traveled 240,000 miles to plant the American flag on the moon. Today, some 86,000 planes lift off from American airports on a daily basis, and air travel is routine. It was with a sprinkling of onlookers, however, that the Wright Brothers ushered in the age of flight on that cold winter morning in Kitty Hawk.

The site of the first flight, at the foot of Kill Devil Hill, was initially designated as a national memorial in 1927 and is visited by close to a half-million people each year.

I think that First Flight Commemorative Coin Act is a most appropriate tribute to the Wright Brothers as the centennial anniversary of the first flight approaches. The coin will be minted in $10, $1, and 50¢ denominations, and its sales will fund educational programs and improvements to the visitor center at the memorial. These commemorative coins are struck to celebrate important historical events, and, of course, the proceeds are an important revenue source to the custodians of these legacies. The centennial anniversary of the Wright Brothers' flight merits our observance.

Mr. President, because all of the funds raised under this legislation will be used to, build, repair or refurbish structures all within a national park, I have added an exemption to the mintage levels as required by coin reform legislation last year. Nevertheless, so that coin collectors can enjoy some certainty that the coin will be of value in the future, the Mint can reduce the mintage levels as it deems necessary.

Mr. President, I ask my colleagues for their support, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Flight Commemorative Coin Act of 1997".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $10 GOLD COINS.—Not more than 500,000 $10 coins, each of which shall—

(A) weigh 16.718 grams;

(B) have a diameter of 1.06 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 3,000,000 $1 coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 10,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) REDUCED AMOUNTS.—If the Secretary determines that there is clear evidence of insufficient public demand for coins minted under this Act, the Secretary of the Treasury may reduce the maximum amounts specified in paragraphs (1), (2), and (3) of subsection (a).

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold and silver for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2003"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. PERIOD FOR ISSUANCE OF COINS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may issue coins minted under this Act only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(b) EXCEPTION.—If the Secretary determines that there is sufficient public demand for the coins minted under section 2(a)(3), the Secretary may extend the period of issuance under subsection (a) for a period of 5 years with respect to those coins.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of—

(1) $35 per coin for the $10 coin;

(2) $10 per coin for the $1 coin; and

(3) $1 per coin for the half dollar coin.

(e) MARKETING EXPENSES.—The Secretary shall ensure that—

(1) a plan is established for marketing the coins minted under this Act; and

(2) adequate funds are made available to cover the costs of carrying out that marketing plan.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(1) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(2) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

SEC. 10. WAIVER OF COIN PROGRAM RESTRICTIONS.

The provisions of section 5112(m) of title 31, United States Code, do not apply to the coins minted and issued under this Act.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. ASHCROFT, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 67

At the request of Ms. SNOWE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 67, a bill to amend the Public Health Service Act to extend the program of research on breast cancer.

S. 98

At the request of Mr. HUTCHINSON, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 98, a bill to amend the Internal Revenue Code of 1986 to provide a family tax credit.

S. 143

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 191

At the request of Mr. HELMS, the names of the Senator from Alabama [Mr. SESSIONS] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 191, a bill to throttle criminal use of guns.

S. 253

At the request of Mr. LUGAR, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 253, a bill to establish the negotiating objectives and fast track procedures for future trade agreements.

S. 263

At the request of Mr. MCCONNELL, the names of the Senator from Florida [Mr. MACK] and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 311

At the request of Mr. GRAHAM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 311, a bill to amend title XVIII of the Social Security Act to improve preventive benefits under the medicare program.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 335

At the request of Mr. WARNER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 335, a bill to authorize funds for construction of highways, and for other purposes.

S. 350

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 350, a bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 387

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 433

At the request of Mr. BROWNBACK, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 476

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 476, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 497

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 535

At the request of Mr. MCCAIN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 555

At the request of Mr. ALLARD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 555, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act.

S. 572

At the request of Mr. ALLARD, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Arizona [Mr. KYL], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 572, a bill to amend the Internal Revenue Code of 1986 to repeal restrictions on taxpayers having medical savings accounts.

S. 616

At the request of Mr. ALLARD, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 616, a bill to amend titles 23 and 49, United States Code, to improve the designation of metropolitan planning organizations, and for other purposes.

S. 620

At the request of Mr. GREGG, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 620, a bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes.

S. 717

At the request of Mr. JEFFORDS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 717, a bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. DODD, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from California [Mrs. BOXER], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Minnesota [Mr. GRAMS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 51

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Resolution 51, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Hawaii [Mr. AKAKA], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace or liberty around the world.

AMENDMENT NO. 66

At the request of Mr. WARNER the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of amendment No. 66 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

At the request of Mr. KOHL his name was added as a cosponsor of amendment No. 66 proposed to S. 672, supra.

At the request of Mr. LUGAR his name was added as a cosponsor of amendment No. 66 proposed to S. 672, supra.

AMENDMENT NO. 80

At the request of Ms. SNOWE the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Maine [Ms. COLLINS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Hampshire [Mr. SMITH], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of amendment No. 80 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 134

At the request of Mr. STEVENS the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of amendment No. 134 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 139

At the request of Mr. KEMPTHORNE the names of the Senator from Nevada [Mr. REID], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. CRAIG], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of amendment No. 139 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

SENATE CONCURRENT RESOLUTION 26—TO PERMIT THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. BROWNBACK submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 26

Whereas Mother Teresa of Calcutta has greatly enhanced the lives of people in all walks of life in every corner of the world through her faith, her love, and her selfless dedication to humanity and charitable works for nearly 70 years;

Whereas Mother Teresa founded the Missionaries of Charity, which includes more than 3,000 members in 25 countries who devote their lives to serving the poor, without accepting any material reward in return;

Whereas Mother Teresa has been recognized as an outstanding humanitarian around the world and has been honored by: the first Pope John XXIII Peace Prize (1971); the Jawaharal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); and the Presidential Medal of Freedom (1985).

Whereas Mother Teresa has forever enhanced the culture and history of the world; and

Whereas Mother Teresa truly leads by example and shows the people of the world the way to live by love for all humanity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on June 5, 1997, for a congressional ceremony honoring Mother Teresa. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED

THE SUPPLEMENTAL APPROPRIATIONS ACT

COCHRAN AMENDMENT NO. 236

Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 13, line 4, strike "$161,000,000" and insert in lieu thereof "$171,000,000".

DORGAN (AND OTHERS) AMENDMENT NO. 237

Mr. STEVENS (for Mr. DORGAN for himself, Mr. CONRAD, Mr. GRAMS, Mr. DASCHLE, Mr. WELLSTONE, and Mr. JOHNSON) proposed an amendment to the bill, S. 672, supra; as follows:

On page 30, line 11, strike "$100,000,000" and insert "$500,000,000".

On page 31, line 4, insert after the colon the following: "*Provided further*, the Secretary of Housing and Urban Development shall publish a notice in the federal register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, that for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts:".

On page 31, line 13, strike "$3,500,000,000" and insert "$3,100,000,000".

On page 31, line 17, strike "$2,500,000,000" and insert "$2,100,000,000".

MURRAY (AND GORTON) AMENDMENT NO. 238

Mr. STEVENS (for Mrs. MURRAY, for herself and Mr. GORTON) proposed an amendment to the bill, S. 672, supra; as follows:

On page 17 of the bill, line 5, after "Administration" insert the following:

Operations, Research, and Facilities

Within amounts available for "Operations, Research and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to continue the salmon fishing permit buyback program implemented under the Northwest Economic Air Package to provide disaster assistance pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $7,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided, further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

GRASSLEY AMENDMENT NO. 239

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . RELIEF TO AGRICULTURAL PRODUCERS FOR FLOODING LOSS CAUSED BY DAM ON LAKE REDROCK, IOWA.

(a) ELIGIBILITY.—To be eligible for assistance under this section, an agricultural producer must—

(1)(A) be an owner or operator of land who granted an easement to the Federal Government for flooding losses to the land caused by water retention at the dam site at Lake Redrock, Iowa; or

(B) have been an owner or operator of land that was condemned by the Federal Government because of flooding of the land caused by water retention at the dam site at Lake Redrock, Iowa; and

(2) have incurred losses that exceed the estimates of the Secretary of the Army provided to the producer as part of the granting of the easement or as part of the condemnation.

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Army shall compensate an eligible producer described in subsection (a) for flooding losses to the land of the producer described in subsection (a)(2) in an amount determined by the Federal Crop Insurance Corporation.

(2) REDUCTION.—If the Secretary maintains a water retention rate at the dam site at Lake Redrock, Iowa, of—

(A) less than 769 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 10 percent;

(B) not less than 769 feet and not more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 7 percent; and

(C) more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 3 percent.

(c) CROP YEARS.—This section shall apply to flooding losses to the land of a producer described in subsection (a)(2) that are incurred during the 1997 and subsequent crop years.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President. I would like to announce for the benefit of Members and the public that the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on S. 417, reauthorizing EPCA through 2002; S. 416, administration bill reauthorizing EPCA through 1998; and S. 186, providing priority for purchases of SPR oil for Hawaii; and the energy security of the United States. In addition to these bills the committee will also consider S. 698, the Strategic Petroleum Reserve Replenishment Act.

The hearing will take place on Tuesday, May 13, 1997 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record should contact Karen Hunsicker, counsel to the committee at (202) 224-3543 or Betty Nevitt, staff assistant, at (202) 224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 8, 1997, at 5 p.m. in executive session, to consider certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 8, 1997, to conduct a mark-up on S. 462, the Public Housing Reform and Responsibility Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 8, 1997, at 10:30 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 8, 1997, at 10 a.m. for a hearing on the Government's Impact on Television Programming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, May 8, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 8, 1997, at 2 p.m. to hold a hearing on: S. 43, Criminal Use of Guns.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 8, 1997, beginning at 9:30 a.m. to consider revisions of Title 44/GPO.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Senate Committee on Commerce, Science and Transportation be authorized to meet on May 8, 1997, at 10:30 a.m. on the Hazardous Materials Transportation Reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AMENDMENT ON WZLS RADIO STATION

• Mr. FAIRCLOTH. Mr. President, I have agreed not to offer an amendment to the supplemental appropriations bill regarding a radio station in my State, because I am told that a point of order may be raised against it. But, Mr. President, I will continue to probe this matter further. I intend to request documents from the FCC on this issue. Further, I think that the Commerce Committee should hold a hearing to investigate the irregularities concerning this case.

Mr. President, in 1987, Zeb Lee and his family attempted to get a new FM station license in Asheville, NC. At the time, Mr. Lee had owned and operated a successful AM station in the area for 40 years.

By all accounts, Mr. Lee has been a model citizen and a model radio station operator, this is in stark contrast to a lot of what is taking place on radio today.

In 1993, a full 6 years later, Mr. Lee was awarded the station on a temporary basis, beating out 12 other applicants. Several of his competitors were found to be unqualified. In fact, one lied about his ability to operate a station. Another lied about his heritage in order to obtain a minority preference.

Pending final approval, Mr. Lee was required by the FCC to sell his AM station and to begin constructing a new FM tower. In reliance on the Government, he did both. A week after Zeb Lee was on the air, the FCC issued a public notice freezing all licensing proceedings affected by the Bechtel versus FCC case.

In an unusual move, in 1996, the full FCC Board reversed all previous decisions and awarded temporary operating authority to the four opponents of Zeb Lee in the original application process. The four opponents were acting as a group by this time.

Mr. President, here we are, 10 years later—and Mr. Lee is still fighting his case with the FCC. He was on the air for 3 years—only to be told by the FCC that he would now be taken off the air, once his opponents could go on.

Mr. President, this is a highly unusual case. This was the only station, affected by the Bechtel case, where the initial decision was reserved. Furthermore, the FCC has never issued final regulations pursuant to the Bechtel case.

And what did the four opponents who got the radio station do with the new license—they have shopped for another buyer.

The four opponents have now turned over their temporary license to a large out of state radio company.

The fact of the matter is that the opponents in the licensing process had no intention of running a radio station. They only hope was that Zeb Lee would buy them off—in other words pay "blackmail." If that did not work—and they did win the radio station—they would transfer those rights for a big profit.

Mr. President, this process is wrong. It is deeply flawed.

Any bureaucratic process that takes 10 years, by itself is an outrage.

But the process that bankrupts an 80 year old man is truly wrong.

If he losses the station, the end result will be that a family owned radio business, located in Asheville area for 40 years, will have lost the radio license in a deeply flawed process.

His four opponents never had any intention of operating a radio station, they only wanted to flip the license to a larger company.

This is wrong, and it must stop.

Mr. President, my amendment would have provided that Zeb Lee could continue to operate his station for a period of 6 more months. This would allow the Congress to review this matter. It would allow us to get to the bottom of what the FCC is doing.

We have to make certain that this process has been fair and even handed, but quite frankly, judging from the facts, there have been serious problems with this entire issue.

Mr. President, in conclusion, I can assure all the citizens in Asheville that I will continue to pursue this matter with vigor.●

ARSON AWARENESS WEEK

● Mr. MOYNIHAN. Mr. President, as I am sure many of my colleagues are aware, this week—May 4-May 10—is Arson Awareness Week. All over the Nation, people are coming together to combat arson and take back their communities. One such place where this has been happening is Utica, a city of about 70,000 people in upstate New York. Utica is a pilot city in the Federal Emergency Management Agency's [FEMA] Partnership for Arson Awareness and Prevention. FEMA Director James Lee Witt is heading up the National Arson Prevention Initiative [NAPI], a combined effort of FEMA and the Departments of Housing and Urban Development, Justice, and the Treasury. President Clinton asked Director Witt to create the NAPI in response to the many church fires which recently occurred in the South.

In March, Utica Mayor Edward Hanna and Oneida County Executive Ralph Eannace formed a local arson prevention coalition and have been working with FEMA officials. Throughout this week and in the future, the people of Utica will band together to take back their city from scourge of arson fires which it has recently seen.

On Tuesday, students at the Martin Luther King School heard a public education program on arson from officers of the Utica Fire Department and the New York State Office of Fire Prevention. On Wednesday, risk assessments were conducted at senior citizen's centers, and on Friday, the Utica National Insurance Co's. are presenting a fire prevention grant to residents of the neighborhood near the intersections of South and Steuben Streets.

On Saturday, Director Witt will cap off the week with a visit to Utica. The day's activities will include boarding up abandoned structures to make them less susceptible to arson and conducting fire drills at several churches in the morning and having a parade and arson prevention rally in the afternoon. I would like to thank Director Witt for making Utica a pilot city in this program and for visiting Utica. Working together, the people of Utica will reclaim their city from arson.

Mr. President, I ask that an article by Director Witt on Arson Awareness Week be printed in the RECORD.

The article follows:

WHAT ARE YOU DOING TO TARGET ARSON IN YOUR COMMUNITY?

WASHINGTON.—In the wake of the church fires last summer, the President asked me to lead a National Arson Prevention Initiative. He wanted to focus the efforts and the resources of the Federal government on supporting community-based activities to prevent arson.

The initiative the President implemented was national in scope—not regional, and not focused on houses of worship exclusively. This effort represents the commitment by numerous Federal agencies, governments at all levels, the private sector, and the voluntary community to greatly reduce the 750 fatalities and over $2 billion in losses caused by arson in this country every year.

National Arson Awareness Week, which begins Sunday (May 4) and runs through Saturday, May 10th, is the culmination of this initiative. In a very real sense, it marks the first anniversary of an unprecedented crusade to combat a national problem that far too often maims and kills and can destroy the fabric of our communities. The theme of this week is "Target Arson," and each community should ask themselves what they are doing in the fight against arson.

Arson is preventable. What is disturbing is that one out of every four fires is intentionally set. That means that someone—a fellow human being—consciously decides for whatever reason to destroy a home, a car, a house of worship, or a business. And in that moment they have attacked the lives, the livelihoods, and the spirit of a community. Arson is a national problem, but it is fundamentally a local problem. This war—like most wars—must be won in the trenches. Local fire and police departments are well-trained and ready to mount heroic efforts. But when the doors of the fire station go up to respond, you have already lost the battle to prevent that fire from happening. In the end, the real responsibility for stopping arson lies with the community—with students, teachers, business leaders, parents, the clergy, and civic organizations.

Arson does affect everyone—and every taxpayer should be vitally concerned about arson's destructive and deadly toll. Think of the cost of rolling out fire trucks to deal with a toilet paper fire at a school. Consider that teenagers account for more than 55 percent of all deliberately set blazes, and if you include youth 20 years and younger that figure climbs to 61.2 percent. Then think of the cost of teachers and students killed or scarred for the rest of their lives and a smoldering school that must be rebuilt. Think again of the houses and businesses that disappear from the tax rolls because of arson, and the services that suffer in a community as the result. Imagine what it's like to pull up outside your church or house of worship, and realize that it disappeared in flames the night before.

As we observe National Arson Awareness Week, three communities—Charlotte, NC; Macon, GA; and Utica, NY—will be launching grassroots arson prevention coalitions that could well become models for other American cities. These are communities that took firm hold of their arson problems and have put together a partnership from across their community to prevent future arson fires.

These communities will step forward as model arson prevention partnerships with a flurry of week-long activity, that includes boarding up abandoned buildings, cleaning up litter and debris from vacant properties, conducting arson prevention training programs in schools and community centers, and promoting arson awareness through public education campaigns and neighborhood watch rallies. Dozens of other cities across the country will also be hosting National Arson Awareness Week events.

The most effective way of combating any problem, including arson, it to prevent it from happening. That takes more than federal agencies and federal dollars. It takes you and your family and your friends. It takes your entire community.

So ask yourself this week—what you are doing to "target arson" in your community? Then get involved—organize a neighborhood watch, assess arson risks in your community, participate in prevention training programs, call your local fire department or call the National Arson Prevention Clearinghouse at 1–888–603–3100 for some arson prevention ideas. Remember fire stops with you.●

CAPT. JAMES HUARD

● Mr. ABRAHAM. Mr. President, I rise today to pay my respects to Air Force Capt. James Huard, buried on Thursday, May 1 with full military honors at Arlington National Cemetery. The day was long overdue; 25 years, in fact, since the Dearborn, MI native's plane disappeared in a mission over North Vietnam.

In July 1972, Captain Huard's death left behind a young wife, three small children, and countless other family and friends. His memory lives on today, however, evident in the attendance at Arlington of a number of members of the Vietnam Veterans of America James L. Huard Chapter 267, named in his honor.

As fitting and well deserved a tribute as last week's ceremony was, it also serves as a stirring reminder of those who still wait for return of the remains of their loved ones. For one quarter of a century, over 2,000 families have so far been denied the opportunity to properly bring closure to this difficult period in their lives.

As Paul Kane, one of Captain Huard's fellow veterans told the Detroit News, "This ends the Vietnam war for Dearborn, finally. Today, the good captain comes home to rest."

It is my sincere hope the other families and communities across this country waiting to honor those servicemen still missing in action will one day, if they have not already, find a similar peace themselves. Until then, we cannot and will not waver or rest in our solemn task of returning every American home for recognition as heroes by the country in whose service they made the ultimate sacrifice.●

NATIONAL SAFE KIDS WEEK 1997

● Mr. ABRAHAM. Mr. President, I rise today to recognize May 10 through 18 as National Safe Kids Week 1997. The National Safe Kids Campaign is a joint effort of the Children's National Medical Center and its founding sponsor Johnson & Johnson to promote basic child safety precautions among America's parents.

To illustrate the importance of this cause, consider the following facts. Unintentional injury is the number one killer of children ages 14 and under. Every day, more than 39,000 children are injured seriously enough to require emergency medical treatment. That is more than 14 million each year. These statistics are all the more tragic because so many of these accidents could have been prevented with adequate basic child safety education.

Earlier today, the National Safe Kids Gear Up Games kicked off here in Washington. The Gear Up Games will move to New York tomorrow, Los Angeles on Saturday, and on to communities across the country in the days ahead. The primary awareness program of National Safe Kids Week 1997, the Gear Up Games are an interactive safety obstacle course with events centered around the childhood injury risk areas depicted in the Safe Kids Gear Up Guide.

Mr. President, I am honored to say my wife Jane is a honorary chairperson of the Detroit Safe Kids Campaign. She joins such respected national figures as former United States Surgeon General C. Everett Koop, our distinguished colleagues from Connecticut and Ohio, CHRIS DODD and MIKE DEWINE, respectively, and countless others in this worthwhile initiative.

During National Safe Kids Week 1997, and beyond, I plan to have available in both my Washington and Michigan offices copies of the Safe Kids Gear Up Guide. Jane and I join Senators DODD and DEWINE in urging other Senators to do likewise. As the parents of three children, all under the age of 4, my wife and I believe there is no more important task than working to ensure all of America's children have safe home and play environments in which to grow up.

I commend those involved in the National Safe Kids Campaign and the good works they do, and look forward to the day accidental childhood injuries are eliminated entirely.●

HOPE SCHOLARSHIP PROGRAM

● Mr. CLELAND. Mr. President, I rise today to acknowledge and commend the State of Georgia's HOPE Scholarship program. The HOPE Scholarship, which stands for helping outstanding pupils educationally, has served as a model of excellence in education for a number of other States, and indeed the entire Nation. I am honored to represent a State, which in my opinion, has one of the most innovative educational programs in the country.

The HOPE Scholarship provides eligible students wishing to attend a Georgia Pubic College or University with tuition, mandatory fees and a $100 book allowance. The HOPE Scholarship also provides eligible students wishing to attend a Georgia Private College or University with $3000 per academic school year and an additional $1000 in Georgia Tuition Equalization Grants per academic year. To be eligible, students must be a Georgia resident, graduated from high school after a certain date and have completed high school with a "B" average. Students must continue to perform well academically and maintain a "B" average while in college to continue to receive the HOPE Scholarship.

Students wishing to attend a Georgia Public Technical Institute are also eligible for the HOPE Scholarship. The HOPE scholarship provides tuition, mandatory fees and a $100 book allowance for students attending these technical institutions.

Since the program began in September of 1993, more than 238,500 Georgia students have been awarded HOPE Scholarships. Because of the HOPE Scholarship college enrollment is up 1.2 percent, full-time private college enrollment is up 32 percent and technical school enrollment is up 24 percent in Georgia. At the University of Georgia, 97 percent of the entering in-state freshman were on HOPE Scholarships for the Fall 1996 quarter. At the Georgia Institute of Technology, 96 percent of in-state entering students in 1996 were on HOPE Scholarships.

The HOPE Scholarship has given, and will continue to give, thousands of Georgia students the financial encouragement both to attend college and to persist and gain a degree. Students in Georgia know that if they work hard and do well academically, despite the rising cost of higher education, they will be provided the resources needed to further their education. Not only does the HOPE Scholarship reward those students who are willing to work hard with tuition money, but it also serves as incentive to keep Georgia's best and brightest in the great state of Georgia.

A lack of financial resources should not prevent any American from pursuing a college education and thanks to the Georgia HOPE Scholarship, in Georgia, it doesn't. Unfortunately, however, the lack of financial resources remains the number one obstacle to higher education for many American students and their families. This is why it is so important that the necessary financial resources are provided to all students pursuing a higher education and why the importance of current education legislation, such as S. 12, that addresses this crucial need cannot be overlooked.

I believe that federal support for education is one of the best investments our nation can make to ensure future security and prosperity. In keeping with this commitment to education I am a proud co-sponsor of S.12. The goal of S. 12 is to make higher education more accessible and affordable for all students. S. 12, "The Education for the 21st Century Act," includes two new forms of assistance to help families meet the costs of higher education. The first form of assistance, also called the HOPE Scholarship, is a $1500 per year refundable tax credit for the first two years of post-secondary education. To qualify for the credit, students must have a "B" average and be drug-free. S. 12 also includes a tax deduction of up to $10,000 per year for qualified education expenses.

In these days of budget cuts, we must not forget that the future of our country depends on the youth of today. If we deny our youth the necessary tools to grow and learn we deny ourselves a better tomorrow. The Georgia HOPE Scholarship is a shining example of how the people and the government can come together to create an efficient, highly successful program that benefits everyone.

The Georgia HOPE Scholarship has been an overwhelming success and Georgians have been very fortunate to have reaped such a wealth of benefits from this innovative program. S. 12 is an attempt to provide similar opportunities for all Americans. We must work together as a nation to ensure that barriers to higher education continue to fall for all Americans. It is my sincere hope that the entire nation will follow Georgia's lead and make education a top priority. The future of our country depends on it.•

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

• Mr. THOMPSON. Mr. President, I ask unanimous consent that the Rules of Procedure for the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, as adopted, April 28, 1997, be printed in the RECORD.

The rules of procedure follow:

105TH CONGRESS—RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS AS ADOPTED, APRIL 28, 1997

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the ranking minority Member or the approval of a majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The ranking minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee majority staff upon the approval of the Chairman and notice of such approval to the ranking minority Member or the minority counsel. Preliminary inquiries may be undertaken by the minority staff upon the approval of the ranking minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the ranking minority Member with notice of such approval to all members.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him, with notice to the ranking minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and ranking minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him, immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and ranking minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and ranking minority Member that, in his opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its dates and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

Five (5) Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights, Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the ranking minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths.

Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him. If the Chairman or designated Member overrules the objection, he may refer the matter to the Subcommittee or he may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the ranking minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the ranking minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

18. The ranking minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the minority and such other professional staff members and clerical assistants as he deems advisable. The total compensation allocated to such minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The minority staff members shall work under the direction and supervision of the ranking minority Member. The Chief Counsel for the minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and ranking minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and ranking minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.●

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

USE OF THE ROTUNDA OF THE CAPITOL FOR A CONGRESSIONAL CEREMONY HONORING MOTHER TERESA

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 26, which was submitted earlier today by Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26) to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 26) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 26

Whereas Mother Teresa of Calcutta has greatly enhanced the lives of people in all walks of life in every corner of the world through her faith, her love, and her selfless dedication to humanity and charitable works for nearly 70 years;

Whereas Mother Teresa founded the Missionaries of Charity, which includes more than 3,000 members in 25 countries who devote their lives to serving the poor, without accepting any material reward in return;

Whereas Mother Teresa has been recognized as an outstanding humanitarian around the world and has been honored by: the first Pope John XXIII Peace Prize (1971); the Jawaharal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); and the Presidential Medal of Freedom (1985).

Whereas Mother Teresa has forever enhanced the culture and history of the world; and

Whereas Mother Teresa truly leads by example and shows the people of the world the way to live by love for all humanity: Now, thereore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on June 5, 1997, for a congressional ceremony honoring Mother Teresa. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

ORDERS FOR FRIDAY, MAY 9, 1997

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 a.m., on Friday, May 9. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until 12:30 p.m., with Senators to speak for up to 10 minutes each, with the following exception: Senator D'AMATO for up to 30 minutes from 9:15 to 9:45.

I further ask unanimous consent that the time in morning business from 9:45 to 12:30 be equally divide between the majority leader or his designee and the Democratic leader or his designee for opening remarks relating to the flex time/comp time legislation known as the Family Friendly Workplace Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ASHCROFT. Mr. President, for the information of all Senators, tomorrow Senators will speak on the subject of the flex time/comp time bill, the Family Friendly Workplace Act, until the hour of 12:30. However, no rollcall votes will occur during Friday's session of the Senate.

On Monday the Senate will consider the IDEA legislation and/or the CFE Treaty. If an agreement can be reached for the consideration of the IDEA bill for Monday, then any votes ordered with respect to that bill would be stacked to occur on Tuesday. As always, all Senators will be notified when any votes are ordered.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. ASHCROFT. Mr. President, I understand that S. 672 now is ready to be read for a third time.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

Mr. ASHCROFT. Mr. President, I now ask unanimous consent S. 672 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Friday, May 9, 1997, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, May 8, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 1997.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

At our best moments, O God, when we think we have accomplished so much, we acknowledge our dependence on You. When we stand for our precepts and creeds, we realize we do not stand alone. When we are proud of our ideas or ideals, we admit that there have been those foundations that have girded and guided us throughout the years. We offer this prayer of thanksgiving, gracious God, for those people who, from the beginning of our lives, have encouraged and supported us in good times and bad. Bless them and us and keep us all in Your grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. DELAURO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain seven 1 minutes on each side.

FEDERAL FUNDING OF EDUCATION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I am a firm believer that when money is allocated for a specific purpose, it should be used for that purpose. This is not the case with Federal dollars allocated to improving our educational system. A recent study has estimated that 15 percent of every Federal dollar earmarked for education is eaten up by the Washington bureaucracy before the funds even reach the local school districts.

To top that off, as a part of a committee project to determine what works and what is wasted in American education, we found that it takes local school districts nearly 480 steps and 26 weeks just to receive a grant from the Federal Government. Local school districts have to put time, money, and staff into obtaining Federal money earmarked for education and then watch as 15 percent of every dollar is spent before the funds even reach the school. After you factor in local costs, imagine how much more Federal money does not get to our children.

If the Federal Government is going to be about providing funds for education, let us ensure that the dollars get down to the local school districts and free school districts from costly paperwork tied to Federal funds.

CHOOSE FOR CHILDREN

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I appeal this morning to my Republican colleagues to choose for children. I urge them to restore the $38 million their leaders cut from the President's supplemental appropriation request for the Women, Infants and Children Program and, as we move forward in the budget process, to support full funding for WIC.

WIC pays for milk, cereal, and formula, basics that we know reduce low birth weight, infant mortality, and child anemia. The GAO says that every dollar invested in WIC's prenatal program saves $3.50 in Medicaid spending. That is why AT&T's CEO Robert Allen calls WIC "the health care equivalent of a Triple-A investment."

Mr. Speaker, when it comes to the budget, our job is to make choices. Republican leaders have chosen to cut 180,000 mothers and children from the WIC Program. I urge the Republican rank-and-file to join the Democrats. Choose for children, invest in the mothers and their children who benefit from the WIC Program. It is the right choice for children. It is the right choice for families. It is the right choice for America.

NUCLEAR WASTE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, legislation is pending that will cause great economic and environmental harm to communities all across this country. It will require that toxic nuclear waste be shipped near homes, playgrounds, churches, schools, et cetera, on its way to a central storage facility in Nevada.

If an accident were to occur, disaster would be imminent as dangerous radioactive materials could be released into the environment. Studies estimate that even minor damage in an accident would be sufficient to contaminate an area half the size of the city of Las Vegas. Cleanup efforts would take well over a year in a rural setting and even longer in an urban area.

Before we place the property, health, safety, and welfare of American citizens in jeopardy, much more detailed scientific studies are necessary to safeguard against such accidents. I urge my colleagues on both sides of the aisle to oppose storing nuclear waste at Yucca Mountain.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

KEEP WIC AFLOAT

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, how can the Republicans deny milk, cereal, and formula, I have some dry milk up here, that is provided by the WIC Program to young children, to infants? I cannot imagine how they do not see this as a priority. That is what the Federal Government should be trying to do, to protect people who fall through the cracks. I have two young children myself, and I just cannot imagine the situation where I would not be able to provide them with the basic necessities of life.

I know that the Republicans are saying that they do not need this money, that there is already carryover money from last year to pay for this WIC Program, but that is simply not true. What the Republicans fail to understand is that the 1996 funds have already been calculated into determining what funding is necessary to keep the WIC Program afloat. We need the supplemental appropriation to make sure that the kids get food in the morning.

Republicans have to listen to their own Governors. It is the Republican Governors in California and Louisiana who are saying that this program has been cut and that they already have had to start denying children milk and cereal. Let us get together on this one. Let us make sure that we are not denying these kids the basic necessities of life.

A REPUBLICAN RESPONDS TO CUTS IN WIC PROGRAM

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I know the term "confused Democrat" is a little bit redundant, but here we go again with WIC, demagoguing it. From the crowd that told our seniors that a $190 billion base in Medicare increased to $270 billion was a cut. From the group that said moving from $26 billion to $41 billion on student loans was a cut. From the group that said a 4½-percent increase in the School Lunch Program was a cut. They are now saying that full funding of WIC is a cut. We have in the WIC escrow account $100 million that is unused right now. In the supplemental appropriations bill, we have increased WIC funding $38 million.

What is the problem in this House? Is integrity such a scarcity that we cannot have an honest dialog without calling everything a cut, without saying we are going to starve children? Let us have a little bit of truth and respect in this body, Mr. Speaker.

WIC DEBATE CONTINUES

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, 2 weeks ago the Committee on Appropriations rejected the President's request for full funding of WIC through the end of this fiscal year. Once again, the majority party here and its leadership is asking us to literally take the food out of children's mouths. First it was the school lunch cuts in 1995, then the $23 billion in cuts to food stamps in the 1996 welfare bill, and now in 1997 as many as 180,000 pregnant women, nursing mothers, and children under age 5 will be denied basic nutrition.

WIC is not Government waste. In fact, it is one of the most highly regarded Government programs. Extensive research shows that WIC has proven to reduce the incidence of low birth weights, infant mortality, and child anemia. And it is cost effective. According to the GAO, each $1 spent on prenatal WIC services saves the Government $3.50 in Medicaid and other costs. We need this program. Let us fund it fully and appropriately for the benefit and welfare of young families in America.

THE FEDERAL EDUCATION DOLLAR

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, in recognition of National Teacher Appreciation Week, I want to mention an issue I believe all teachers support, getting more of our Federal education dollars into the classroom. When we vote here in Congress to spend money on education, how much actually reaches our children? As I am sure most teachers can attest, too little.

An Ohio study determined a local school may have to submit as many as 170 Federal reports totaling more than 700 pages during a single year. Ohio gets 6 percent of its money on education from Washington, yet over 50 percent of the time it spends filling out forms come from right here in Washington. These unnecessary bureaucratic procedures consume vital resources while doing nothing to improve the quality of education that our children receive.

As my colleague, the gentleman from Michigan [Mr. HOEKSTRA], has found through the Crossroads Project, there are approximately 760 Federal education programs covering 39 Federal agencies. I say we need to put an end to the wasteful bureaucracy from here in Washington that siphons off our precious education dollars. Let us spend the dollars where they ought to be spent, in the classroom. Let parents, teachers, and local schools decide where the money should be spent.

NO SUNSHINE AT FEDERAL RESERVE BOARD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, school boards, council meetings, all public meetings in America are subject to the sunshine law, except the Federal Reserve Board. The Fed says what America does not know is good for America. If that is not enough to starch your leotards, check this out:

The Federal Reserve Bank of Kansas City allowed 28 officials from China, Japan, and Europe to attend one of their meetings where they discussed monetary policy. Unbelievable. The American people are shut out, even Congress is shut out, but the Chinese, the Japanese, and the Europeans are allowed in.

Beam me up, Mr. Speaker. It is time for Congress to audit and investigate these bunch of internationalists setting our monetary policy that allow the Chinese and the Japanese in.

American sunshine, no way. Rising sun, welcome. The last I heard, Uncle Sam controlled the Fed, not Uncle Sucker. Let us get our job done.

AMENDMENT TO PREVENT GOVERNMENT SHUTDOWNS

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the support for the Gekas shutdown prevention amendment is growing every minute. It is a simple proposition, one that says that if at the end of a budget period no budget has been negotiated, then there will be an instant replay of last year's budget. Thus we would prevent Government shutdowns that caused so much havoc in the last several years. The most recent level of support has come from the Citizens Against Government Waste who sent me a letter just yesterday which says, among other things, "For too long Americans have watched the Congress and the President wrangle over the annual appropriations process to keep the Government running. Your Government shutdown prevention amendment would eliminate the absurd politics that lead to temporary shutdowns of the Federal Government."

Mr. Speaker, we have had 53 continuing resolutions, temporary funding measures, in the last 15 years. We have had eight Government shutdowns, the worst of which were the last two. Let us prevent it this time by adopting the Gekas amendment to the supplemental appropriations.

□ 1015

GETTING TOUGH ON JUVENILE CRIME

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. In America, Mr. Speaker, more violent crime is committed by juveniles ages 15 to 19 than in any other age group. If present trends continue, juvenile arrests for violent crime will more than double by the year 2010. Under the juvenile crime control bill, which creates a $1.5 billion grant, only 12 States would qualify to receive the Federal funds necessary to fight juvenile crime.

In the United States of America, Mr. Speaker, four cities, in four cities one-third of all juvenile crimes occur: in Los Angeles, New York, Chicago, and in Detroit. Yet under this juvenile crime bill, Mr. Speaker, grant money would not find its way into the neighborhoods of Chicago, the barrios of Los Angeles, or in downtown Detroit. It could, however, find its way in Jackson Hole, WY, and in Stowe, VT.

Mr. Speaker, major cities in fact will lose money under this legislation. The local law enforcement block grant which provided $18 million to the city of Chicago could be lost under this legislation. The city credits this program for a 18-percent decrease in homicides, a 19 percent decrease in robberies, and a 24-percent decrease in narcotics.

Mr. Speaker, we need the resources to fight crime at the local level. Those resources ought to be in those areas where crimes occur.

WHAT AMERICANS WANT CONGRESS TO DO ABOUT EDUCATION

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, what do the American people want Congress to do about education?

Let me quote from a letter from Mrs. Jan Horan of Westminster, MD. And I quote:

> Enough is enough, and the American people have had enough. When is the Congress of this country going to realize that the government is the problem and not the solution?
>
> For years, the Congress has continued to throw money at what they perceive to be the 'problem' . . . the government at all levels is throwing money at education, and our educational system continues to deteriorate.
>
> The government to the rescue . . . while creating all of these safety nets . . . a tax burden for the middle class has been created that is to the point of enslavement.
>
> I want my children and grandchildren to have a future free of this tax burden, to be able to live in a country that does not have a substandard public education system
>
> When are you, the elected officials, going to come out of your glass bubble and see what you are doing to this Nation?
>
> Common sense is what it takes from the elected officials. Let's try using it.

Mrs. Horan, I could not agree more. I hope everyone in Congress is listening and will follow that advice.

RESTORE FUNDS TO THE WIC PROGRAM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, in this body we all talk about putting our families first and about balancing the budget. But I find it very difficult to understand how Republicans have cut $38 million from the WIC Program when the WIC Program is the single best bipartisan program to help us put our families and our children first and take care of women that are pregnant, to deliver healthy children, and, and to save us money; because for every dollar we invest in WIC we save $3.50. So cutting $38 million is probably going to end up costing us over $120 million in added benefits down the line.

I encourage my Republican colleagues to act in a bipartisan way to restore these very, very important funds to a program that has always had wide bipartisan support.

THE DECLINING INFRASTRUCTURE IN AMERICA'S SCHOOLS

(Mr. DAN SCHAEFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, let me begin today by expressing my appreciation to members of the Committee on Education and the Workforce for their efforts in trying to strengthen the Nation's school system. As a former educator, I am interested in the Clinton administration's attention to the declining infrastructure in American schools.

It is clear that the direct assistance is going to be certainly advantageous to the schools, but we cannot overlook some of the costs that are out there, and electricity is one of those expenditures, and the utility companies are the largest nonlabor expense for schools. Under the current system, everything, everything is a negotiable expense for schools except electricity, and in the case of electricity there is no mechanism at all out there that schools have an opportunity to shop around for. Direct savings on electric bills are estimated to range from 25 to 40 percent for inner city schools, districts and States with high electric costs. Such savings, freed up for use in upgrading infrastructure and teacher salaries, are certainly there.

In Dade County in Miami, FL, spent $30 million; in Chicago, $40 million; in Fairfax County right across the river here, $30 million.

We cannot prepare our students for the future without saving some electricity costs. I urge my colleagues to look closely at the restructuring bill that we are coming up with in Congress.

THE FACTS ABOUT THE WIC PROGRAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, my colleague from Georgia said earlier let us talk about the facts of WIC. Here are the facts about the Women, Infant and Children Program.

It feeds women, infants, and children. It provides necessary and critical prenatal services to pregnant women in our country. Fact: It works. It has in the past been a bipartisan effort, and the General Accounting Office of this Government has said for every $1 invested in the WIC Program we save $3½ in other kinds of expenses. Fact: There is a $76 million shortfall in the program, meaning that we will not be able to provide for 360,000 women, infants, and children. Fact: The congressional majority, the Republicans in this body, voted to cut, voted only to provide $38 million for this program, thereby leaving it $38 million short. Fact is that 180,000 women and children will be removed from the WIC Program if this current bill passes.

This is about our values and our priorities in this country. We should not be passing legislation that denies food, breakfast cereal, formula, to women, infants, and children in this country. That is not what this great Nation is about. The fact is we ought to make sure that we have $76 million to continue this working program.

THE JOURNAL

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 56, not voting 27, as follows:

[Roll No. 110]

YEAS—350

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Walsh
Waters
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—56

Abercrombie
Berry
Borski
Clyburn
Collins
Costello
Cubin
DeFazio
English
Ensign
Forbes
Fox
Gephardt
Gibbons
Green
Gutierrez
Gutknecht
Hansen
Hefley
Hill
Hilleary
Hilliard
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (RI)
Kucinich
LaFalce
Lewis (CA)
Lewis (GA)
LoBiondo
McDermott
McNulty
Menendez
Nussle
Oberstar
Pallone
Pascrell
Pickett
Poshard
Pryce (OH)
Ramstad
Sabo
Salmon
Slaughter
Stupak
Taylor (MS)
Thompson
Thune
Velázquez
Visclosky
Wamp
Watt (NC)
Watts (OK)
Weller
Wicker

NOT VOTING—27

Andrews
Blunt
Brown (CA)
Chambliss
Clay
Cox
Davis (FL)
Dixon
Doolittle
Doyle
Engel
Filner
Granger
Hefner
Herger
Jenkins
Kasich
Livingston
McKinney
Porter
Riggs
Schiff
Sessions
Souder
Wexler
White
Wolf

□ 1044

Mr. WAMP changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, I missed the Journal vote this morning due to constituent meetings. Had I been present, I would have voted "yes."

□ 1045

JUVENILE CRIME CONTROL ACT OF 1997

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 143 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 7, 1997, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of an amendment under the 5-minute rule, and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Crime Control Act of 1997".

TITLE I—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

"§5032. Delinquency proceedings or criminal prosecutions in district courts

"(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

"(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

"(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

"(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

"(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, and

"(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is

shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

“(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

“(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

“(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

“(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

“(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

“(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

“(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

“(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

“(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

“(B) an offense described in section 844 (d), (k), or (l), or subsection (a)(6), (b), (g), (h), (j), (k), or (l) of section 924;

“(C) a violation of section 922(o) that is an offense under section 924(a)(2);

“(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

“(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

“(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

“(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

“(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

“(f) The Attorney General shall annually report to Congress—

“(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

“(2) the race, ethnicity, and gender of those juveniles;

“(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

“(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

“(g) As used in this section—

“(1) the term ‘State’ includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

“(2) the term ‘serious violent felony’ has the same meaning given that term in section 3559(c)(2)(F)(i).”.

SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

“§5033. Custody prior to appearance before judicial officer

“(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile’s rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile’s parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

“(b) The juvenile shall be taken before a judicial officer without unreasonable delay.”.

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking “The” each place it appears at the beginning of a paragraph and inserting “the”;

(2) by striking “If” at the beginning of the 3rd paragraph and inserting “if”;

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

“In a proceeding under section 5032(a)—”.

SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

“§5035. Detention prior to disposition or sentencing

“(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

“(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

“(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

“(b) A juvenile proceeded against under section 5032 shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

“(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.”.

SEC. 105. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking “If an alleged delinquent” and inserting “If a juvenile proceeded against under section 5032(a)”;

(2) striking “thirty” and inserting “45”; and

(3) striking “the court,” and all that follows through the end of the section and inserting “the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.”.

SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

“§5037. Disposition

“(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile’s counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile’s parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

“(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term

that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(2) ten years; or

"(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

"(2) Such list shall—

"(A) be comprehensive in nature and encompass punishments of varying levels of severity;

"(B) include terms of confinement; and

"(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.".

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).".

SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

"§5038. Juvenile records and fingerprinting

"(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

"(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

"(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

"(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

"(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

"(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

*(1) in the heading of such section, by striking "**magistrate**" and inserting "**judicial officer**"; and*

(2) by striking "magistrate" each place it appears and inserting "judicial officer".

SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

"CHAPTER 403—JUVENILE DELINQUENCY

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings or criminal prosecutions in district courts.
"5033. Custody prior to appearance before judicial officer.
"5034. Duties of judicial officer.
"5035. Detention prior to disposition or sentencing.
"5036. Speedy trial.
"5037. Disposition.
"5038. Juvenile records and fingerprinting.
"5039. Commitment.
"5040. Support.
"5041. Repealed.
"5042. Revocation of probation.".

TITLE II—APPREHENDING ARMED VIOLENT YOUTH

SEC. 201. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

(c) ARMED VIOLENT YOUTH DEFINED.—As used in this section, the term "armed violent youth" means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE III—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Juvenile Accountability Block Grants Act of 1997".

SEC. 302. BLOCK GRANT PROGRAM.

(a) In General.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

"(a) In General.—The Director of the Bureau of Justice Assistance is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to eligible units.

"(b) Authorized Activities.—Amounts paid to a State, a unit of local government, or an eligible unit under this part shall be used by the State, unit of local government, or eligible unit for the purpose of promoting greater accountability in the juvenile justice system, which includes—

"(1) building, expanding or operating temporary or permanent juvenile correction or detention facilities;

"(2) developing and administering accountability-based sanctions for juvenile offenders;

"(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

"(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

"(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

"(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts; and

"(11) establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

"SEC. 1802. GRANT ELIGIBILITY.

"(a) State Eligibility.—To be eligible to receive a grant under this section, a State shall submit to the Director an application at such time, in such form, and containing such assurances and information as the Director may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

"(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

"(A) restitution;

"(B) community service;

"(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

"(D) fines; and

"(E) short-term confinement;

"(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

"(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

"(b) Local Eligibility.—

"(1) Subgrant eligibility.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

"(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

"(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

"(2) Special rule.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Director under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Director.

"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) State Allocation.—

"(1) In general.—In accordance with regulations promulgated pursuant to this part, the Director shall allocate—

"(A) 0.25 percent for each State; and

"(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

"(2) Proportional reduction.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Director shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

"(3) Prohibition.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(b) Local Distribution.—

"(1) In general.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

"(A) the sum of—

"(i) the product of—

"(I) two-thirds; multiplied by

"(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(ii) the product of—

"(I) one-third; multiplied by

"(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

"(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

"(2) Expenditures.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(3) Reallocation.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

"(c) Unavailability of Data for Units of Local Government.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

"(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(d) Local Government With Allocations Less Than $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

"(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Director, the Director shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to eligible units which meet the requirements for funding under subsection (b).

"(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Director may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

"SEC. 1804. REGULATIONS.

"The Director shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Director regarding the proposed use of funds made available under this part.

"SEC. 1805. PAYMENT REQUIREMENTS.

"(a) TIMING OF PAYMENTS.—The Director shall pay each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Director with the assurances required by subsection (c),

whichever is later.

"(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—From amounts appropriated under this part, a State shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is not expended by the State within 2 years after receipt of such funds from the Director.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to States.

"(c) ADMINISTRATIVE COSTS.—A State, unit of local government or eligible unit that receives funds under this part may use not more than one percent of such funds to pay for administrative costs.

"(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States, units of local government, or eligible units shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

"(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1801(a)(2).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—A State that receives funds under this part shall—

"(1) establish a trust fund in which the government will deposit all payments received under this part; and

"(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

"(3) designate an official of the State to submit reports as the Director reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) TITLE I PROVISIONS.—The administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"(7) The term 'Director' means the Director of the Bureau of Justice Assistance.

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 1998;

"(2) $500,000,000 for fiscal year 1999; and

"(3) $500,000,000 for fiscal year 2000.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1998 through 2000 shall be available to the Director for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Director shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.".

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"Sec. 1801. Program authorized.
"Sec. 1802. Grant eligibility.
"Sec. 1803. Allocation and distribution of funds.
"Sec. 1804. Regulations.
"Sec. 1805. Payment requirements.
"Sec. 1806. Utilization of private sector.
"Sec. 1807. Administrative provisions.
"Sec. 1808. Definitions.
"Sec. 1809. Authorization of appropriations.".

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–89, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 105–89.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer amendment No. 1 in the nature of a substitute.

The CHAIRMAN. Is the gentleman from Michigan [Mr. STUPAK] the designee of the minority leader?

Mr. STUPAK. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Families First Juvenile Offender Control and Prevention Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS
Sec. 101. Short title.
Sec. 102. Grant program.
TITLE II—VIOLENT JUVENILE OFFENDERS
Sec. 201. Time limit on transfer decision.
Sec. 202. Increased detention, mandatory restitution, and additional sentencing options for youth offenders.

Sec. 203. Juvenile handgun possession.
Sec. 204. Access of victims and public to records of crimes committed by juvenile delinquents.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

Sec. 301. Study by national academy of science.

TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 101. SHORT TITLE.

This title may be cited as the “Juvenile Offender Control and Prevention Grant Act of 1997”.

SEC. 102. GRANT PROGRAM.

(a) In General.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

“PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

“SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

“(a) Payment and Uses.—

“(1) Payment.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

“(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

“(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

“(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

“(2) Uses.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

“(A) Preventing juveniles from becoming involved in crime or gangs by—

“(i) operating after-school programs for at-risk juveniles;

“(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

“(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

“(iv) establishing peer medication programs in schools;

“(v) establishing big brother programs and big sister programs;

“(vi) establishing anti-truancy programs;

“(vii) establishing and operating programs to strengthen the family unit;

“(viii) establishing and operating drug prevention, treatment and education programs; or

“(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

“(B) Establishing and operating early intervention programs for at-risk juveniles.

“(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

“(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

“(E) Implementing graduated sanctions for juvenile offenders.

“(F) Establishing initiatives that reduce the access of juveniles to fire arms.

“(G) Improving State juvenile justice systems by—

“(i) developing and administering accountability-based sanctions for juvenile offenders;

“(ii) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced; or

“(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable.

“(H) Providing funding to enable prosecutors—

“(i) to address drug, gang, and violence problems involving juveniles more effectively;

“(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

“(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders.

“(I) Hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency.

“(J) Providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

“(3) Geographical Distribution of Grants.— The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

“(b) Prohibited Uses.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

“(1) tanks or armored personnel carriers;

“(2) fixed wing aircraft;

“(3) limousines;

“(4) real estate;

“(5) yachts;

“(6) consultants; or

“(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

“(c) Repayment of Unexpended Amounts.—

“(1) Repayment required.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

“(A) paid to the unit from amounts appropriated under the authority of this section; and

“(B) not expended by the unit within 2 years after receipt of such funds from the Director.

“(2) Penalty for failure to repay.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

“(d) Nonsupplanting Requirement.—Funds made available under this part to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources.

“(e) Matching Funds.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

“SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

“(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part—

“(1) $500,000,000 for fiscal year 1998;

“(2) $500,000,000 for fiscal year 1999; and

“(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

“(b) Oversight Accountability and Administration.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

“(c) Availability.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

“SEC. 1803. QUALIFICATION FOR PAYMENT.

“(a) In General.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

“(b) Program Review.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

“(c) General Requirements for Qualification.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

“(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

“(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

“(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

“(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

“(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

“(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

"(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2); and

"(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference.

"(d) Sanctions for Noncompliance.—

"(1) In general.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

"(2) Notice.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

"(e) Maintenance of Effort Requirement.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.".

(b) Technical Amendment.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

"Part R—Juvenile Crime Control Grants

"Sec. 1801. Payments to local governments.

"Sec. 1802. Authorization of appropriations.

"Sec. 1803. Qualification for payment.".

TITLE II—VIOLENT JUVENILE OFFENDERS

SEC. 201. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting "The transfer decision shall be made not later than 90 days after the first day of the hearing." after the first sentence of the 4th paragraph.

SEC. 202. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) In General.—

"(1) Hearing.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

"(2) Report.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

"(3) Order of restitution.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

"(4) Release or detention.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) Term of Probation.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) Term of Official Detention.—

"(1) Maximum term.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(B) 10 years; or

"(C) the date on which the juvenile achieves the age of 26.

"(2) Applicability of other provisions.—Section 3624 shall apply to an order placing a juvenile in detention.

"(d) Term of Supervised Release.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

"(e) Custody of Attorney General.—

"(1) In general.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

"(2) Outpatient basis.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

"(3) Contents of study.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

"(4) Submission of results.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

"(5) Exclusion of time.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f) Conviction as Adult.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

"(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

"(2) As used in this subsection, the term 'substantially segregated'—

"(A) means complete sight and sound separation in residential confinement; but

"(B) is not inconsistent with—

"(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

"(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles."

SEC. 203. JUVENILE HANDGUN POSSESSION.

Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking all that precedes subparagraph (B) and inserting the following:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, and for a second or subsequent violation, or for a first violation committed after an adjudication of delinquency for an act that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c) of this title), shall be fined under this title, imprisoned not more than 5 years, or both.";

(2) in subparagraph (B)(i), by striking "one year" and inserting "5 years"; and

(3) in subparagraph (B)(ii), by striking "not more than 10 years" and inserting "not less than 3 nor more than 10 years".

SEC. 204. ACCESS OF VICTIMS AND PUBLIC TO RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "Throughout and upon" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding pursuant to 5032(a), the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

(2) in subsection (a)(3), by inserting before the semicolon "or analysis requested by the Attorney General";

(3) in subsection (c), inserting before the comma and after "relating to the proceeding" the phrase "other than necessary docketing data"; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting "pursuant to section 5032 (b) or (c)" after "adult" in subsection (d) as so redesignated, and by adding at the end new subsections (e) and (f) as follows:

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 924(a)(6), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult pursuant to sections 5032 (b) or (c), shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan [Mr. STUPAK] and a Member opposed will each control 30 minutes.

Is the gentleman from Florida [Mr. MCCOLLUM] opposed to the amendment in the nature of a substitute?

Mr. McCOLLUM. I am opposed, Mr. Chairman, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Stupak-Stenholm-Lofgren-Scott substitute takes the approach that juvenile crime can best be battled at the local level. In our bill we set aside the same $1.5 billion over 3 years for local initiatives. Our Crime Task Force went to the communities around this Nation and they asked us, give us the flexibility and give us local control. We need help from the Federal Government. We do not need mandates.

Unfortunately, the majority legislation here, the majority bill, puts down four mandates that each State must follow. In those mandates, if we do not follow those mandates, our State is denied any access to the $1.5 billion. In the most recent list that has been compiled, in reviewing the majority's bill, only six States may be eligible. Forty-four other States would be denied access to any funds in fighting juvenile crime.

Mr. Chairman, the Democratic substitute is a balanced approach to the problem of juvenile crime. It is an approach that includes enforcement, intervention, prevention, and we reform the juvenile justice system to target violent kids, and they would be locked up underneath our bill.

We allow the local community approach and not the federalism approach. The National Conference of State Legislators has written to each Member of Congress and they asked us not to pass this bill, not to pass the majority bill, adopt the Democratic substitute. Why do they not want the Republican bill? Because there are mandates there. It is a continuation of federalism, with four different mandates that most States cannot comply with.

Since when has the Federal Government, who does not have juvenile courts, who does not have juvenile probation officers, since when have we become the experts, and we are telling the rest of the country how to fight juvenile crime? The Democratic substitute is a smart bill, a fair bill, a tough bill, and everyone gets to join in, and we work with our local officials.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the substitute.

Mr. Chairman, let me begin by expressing my sincere appreciation to my chairman for his leadership in this process. I want to talk about this amendment, though, for a second, if I could, and my biggest concern with this is that this amendment is a very, very serious matter in terms of the fact that it completely changes the bill that we are dealing with here today, both for what it does and what it fails to do.

First, I want to make it clear what this amendment would do. It would mandate that the States and localities spend at least 60 percent of their juvenile crime funds on prevention programs. It is a prevention mandate. Such a mandate is exactly the wrong approach to take in this bill, for four reasons.

First, the Committee on Education and the Workforce will be reporting out a justice and delinquency prevention program within 6 weeks which has prevention as its primary focus. Chairman RIGGS has been working with the gentleman from Virginia [Mr. SCOTT] on this bipartisan bill, which is primarily prevention oriented, and which focuses resources on at-risk youth.

Second, this bill focuses on the problems of a broken juvenile justice system, that is what the underlying bill is all about, which chronically fails to hold juvenile offenders accountable. It does so by providing assistance to the

States and localities to reform their juvenile justice systems by embracing accountability-based reforms.

The minority substitute mandated prevention spending would divert desperately needed resources from the juvenile justice system. It would divert resources from the prosecutors, the courts, the probation officers who represent the means of ensuring meaningful accountability for juvenile offenders.

The third reason why this amendment is a bad idea, and it is a bad idea to mandate that 60 percent of the funds be spent on prevention, is because of the extensive prevention resources already provided for in prevention programs of the Federal Government.

According to the General Accounting Office, the Federal Government programs already funded for at-risk and delinquent youth number as follows: 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs. Yet, there is currently not even one Federal program to support States in their efforts to reform their juvenile justice systems and embrace accountability-based reforms.

That is what this bill, the underlying bill, is all about. The amendment would gut that, change that, turn this into a prevention grant program, adding to all the others that are out there, and not helping the States do what they need to do to hire the probation officers, juvenile judges, build the detention facilities, and so forth to make their juvenile justice system work.

The fourth reason I oppose the prevention mandate is because of the recent data which calls into question the effectiveness of many of the government prevention programs. While locally developed, community-based prevention programs are often extremely effective, there is a growing body of research that suggests that Government-sponsored prevention programs are of limited benefit. According to a comprehensive Justice Department Commission study published last month, "Recreational enrichment and leisure activities such as after-school programs are unlikely to reduce delinquency."

The study went on and stated, "Midnight basketball programs are not likely to reduce crime." With a crisis of violent youth crime and the broken juvenile justice system demanding action, there is no time to be spreading out limited Federal resources among hundreds of Government programs that have not been shown to work.

The minority substitute also requires that not less than 10 percent of funds be spent on building or expanding secure juvenile correction or detention facilities for violent juvenile offenders, and that not less than 20 percent of the funds be spent on graduated sanctions and hiring prosecutors.

In other words, the substitute amendment establishes categorical spending requirements that all States and localities must adhere to, whether or not these spending categories reflect their own priorities.

In other words, they are setting out a math deal, that 10 percent of the funds can be spent on building or expanding secure juvenile corrections, 20 percent on graduated sanctions and hiring prosecutors. Suppose a community thinks they need to spend 50 percent or a State needs to certainly spend 50 percent or better of its money on juvenile detention facility construction in order to be able to detain those violent youthful offenders in segregated cells, instead of mixing with adults, that all of us want in the bill and the underlying bill mandates.

They could not do it because they could only spend 10 percent of their funds on building a secure juvenile center, or the same could be true about spending funds on graduated sanctions or hiring prosecutors. One community needs a lot of prosecutors and another community needs a lot of juvenile judges. It is just nonsensical to give them the kind of straitjackets this amendment would do.

In other words, the substitute amendment establishes the spending requirements they have to adhere to, whether they believe it or not. When you do the math, you realize 90 percent of the funds must be spent under this amendment according to the categorical requirement, leaving locals only 10 percent of the funds in this bill to allocate according to their own priorities. This is, in my judgment, a level of micromanagement that must be avoided.

The second reason I oppose the substitute amendment is because of what it fails to do. As a substitute, it fails to turn the already existing Federal juvenile justice system into a model. I am of the view that the first step to encouraging the States to put accountability back into their juvenile systems is to do in our own juvenile system what we think needs to be done.

Right now the Federal juvenile justice is as bad or worse than that of any State. Now it is true that the Federal juvenile justice deals with fewer than 500 juveniles a year, some say as few as 300, but somewhere in that neighborhood. But I still believe it is our responsibility to make sure that that system is as effective as possible, and the minority substitute guts the sensible and overdue reforms that H.R. 3 makes to the Federal juvenile justice system.

Consider the following. It maintains, under the amendment that is being offered as a substitute, it maintains the status quo of current law, which gives judges the unfettered authority to decide when a violent juvenile can be prosecuted as an adult. Second, it rejects the smart and tough provisions which put the safety of the public first through the establishment of a presumption in favor of adult prosecution of a juvenile when the crime committed is a serious violent felony or a serious drug crime, an extremely violent and serious type of crime.

It rejects the provision which would allow, not mandate, prosecutors to prosecute juveniles who commit serious violent felonies or serious drug crimes as adults, and leaves us with the anomaly of current law.

Under current law prosecutors have the discretion to prosecute 13-year-old juveniles for only certain serious crimes and lack the discretion for numerous other more serious crimes. And it rejects, the amendment does, some of the key sentencing provisions of H.R. 3 which provide judges a greater range of sanctions, including allowing judges to issue orders to the juveniles' parents, guardian or custodian regarding their conduct with respect to the juvenile.

For all of these reasons, I must strongly oppose the amendment that the minority is offering as a substitute. I would point out again that the underlying premise of this bill, which this amendment guts, is that we need to provide a change, a repair, in a broken juvenile justice system in this Nation.

We have 1 out of every 5 violent crimes in America being committed by those under 18 years of age, and of those who are under 18 that are adjudicated for a violent crime, or convicted, if you will, we are finding that only 1 out of 10 of those ever serve any time in a secure detention facility of any sort.

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We are finding that based on statistics and demographics, there is a huge population of teenagers ready to come upon us that causes the FBI to predict that by the year 2010 we will more than double the number of violent youth crimes if we keep up this trend.

The only way we can solve this problem is if we, first of all, correct the broken juvenile justice systems that are primarily in the States. The premise of the bill is to provide a core grant program, an incentive grant program to the States that says, here is $500 million a year, $1.5 billion for 3 years, if you will make four key changes that will repair your juvenile justice systems. You do not have to do that. You do not have to accept the money. But if you do, you are going to have to assure the Federal Government that you are going to provide a sanction for the very first delinquent act, such as throwing a rock through a window or ripping off a hubcap or spray painting a building.

That is not happening in virtually any community in this country today, and it should be. We need to do that if we are going to put consequences back into the juvenile justice system and assure that young people understand if they commit an early offense, there really are consequences to it so that later they will not evolve to the point when they pick up a gun some day as an older teenager that they think pulling the trigger means they will not get any consequences.

Second, it requires that the States assure the Federal Government to get the money that their prosecutors have the flexibility if they choose to try as adults 15 years old and older juveniles who commit serious violent crimes, murders, rapes, and robberies and that if there has been a felony committed by a juvenile and that is the second or greater number of juvenile offenses that youngster has committed, that the records will be maintained and made available to all involved just as they would be if they were adults.

We are destroying records now. We are closing cases and not preserving records after 18 and the States need to do that to fix the juvenile justice system.

And last but not least, it does say that judges need to have no impediments that would keep them as juvenile judges from being able to hold a parent accountable, not for the juvenile delinquent's act, but for those things that the juvenile judge charges them with the responsibility of doing to oversee the child.

Those are the things that are needed to be done to fix basically the States critical juvenile justice systems. States may not choose to take this money. They may not want it, but the whole reason for this bill is to correct that system and to provide a Federal model for the limited number of Federal juvenile justice system cases that are tried here in the Federal system every year.

It is not to provide prevention, though I must say I believe we should have precontact with the juvenile authorities prevention programs. They are important. But there is going to be another bill out here another day for us to debate the prevention and provide the prevention moneys. It is not in this bill. It is not this bill's purpose to do that.

The substitute amendment guts the underlying purpose of this bill, destroys the incentive grant program, removes it altogether from this bill, destroys the Federal model, reforms and substitutes in its stead basically a prevention program which, as I said, is coming, a bill like that is coming out of the Committee on Education and the Workforce in a couple of weeks. I urge defeat of this amendment.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I think we will use our own time to go through. I think there are some inaccuracies in the gentleman's representation about the amendment, but I do want to address this issue which is the quote the gentleman read about the study of what works.

I think it is important to read the whole sentence, which reads, "Simply spending time in these activities is unlikely to reduce delinquency," which the gentleman read. The rest of the sentence says, "Unless they provide direct supervision when it would otherwise be lacking." That goes to the 22 percent of violent juvenile crime that occurs between the hours of 2 p.m. and 6 p.m. I just wanted to correct that.

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, there are lots of things that go on between 3:00 in the afternoon and 6:00, 9:00 at night. That is generally when juveniles commit most juvenile offenses, when they are not supervised. There are all kinds of problems we need to deal with. This bill simply is not focusing on all of that.

We have other legislation we are trying to do to help the States come along. This bill is to correct, to provide the incentives and to provide the money to correct a failed, broken juvenile justice system. That is the focus of the bill.

Let us not destroy the focus of this bill in the name of doing something else. Apples and oranges. Let us take care of the apples today. Let us take care of the oranges in a future bill.

Do not take away any of the resources we need for the apples to give to the oranges. Let us give to the oranges as well, but let us do that on another day, another time, another bill, not gut the underlying bill with this substitute amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. STUPAK. Mr. Chairman, I yield myself 15 seconds.

In response to the gentleman from Florida, we are going to go back and forth here all day. Let me remind my colleague what Mr. Ralph Martin, a Republican district attorney in Boston stated. It is in today's Washington Post. As to my colleague's bill, he says, and I quote, "There is a lot of concern among a lot of State prosecutors because we do not want to see overfederalization of juvenile crime."

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I thank the gentleman from Michigan [Mr. STUPAK] for leading the effort to bring a commonsense approach to this issue. First of all, there is purposeful misconstruing of our bill. Our bill does provide for States to apply for dollars right in the bill itself to local communities to hire law enforcement officers or officers of the corps, that may include police officers, juvenile judges, and probation officers.

Mr. Chairman, there has been an attempt by some on the other side of the aisle to paint this as being soft on crime. It is not soft on crime. Nothing could be further from the truth. Our bill expedites the time that a judge has to decide whether to transfer a juvenile to adult court, increases the penalties for juveniles who possess a handgun and expands the use of the juvenile records for Federal law enforcement purposes.

However, in addition to that, we must focus on the majority of our young people, who follow the law. They need opportunity so that they do not cross that line. If we focus solely on the few who are convicted with juvenile crimes, we are surely going to lose the war on youth violence in America. Our bill is balanced. There is nothing wrong with funding boys and girls clubs. In fact, unlike the provisions of the McCollum bill, funding prevention has proven to work.

Mr. Chairman, this is a critical issue for the country. I ask us to have an open mind of how we are really going to help our young people instead of pounding our chests and having poor results.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I thank my colleague, the gentleman from Michigan [Mr. STUPAK] for leading this effort.

Mr. Chairman, I rise in strong opposition to H.R. 3, the so-called Juvenile Crime Control Act, and in support of the Democratic substitute. We might as well call the Republican version the throw away the key act. Instead of providing education for children, the Republicans offer them prison with adults. Instead of offering programs to inspire and challenge children in poor communities, the Republicans offer them prison with adults. Instead of properly protecting children from firearms and drugs, the Republicans offer them prison with adults.

Mr. Chairman, the Republicans think that this is the way to solve crime. How naive. My colleagues across the aisle do not seem to want to save these precious lives. They want to take these kids, put them in prison and throw away the key. Mr. Chairman, this is mean, shortsighted legislation. Vote no for H.R. 3 and yes to the Democratic substitute.

Mr. McCOLLUM. Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me.

The American people across the Nation are constantly shocked by the brutality and viciousness of some of the crimes that are being committed by 13 and 14 and 15 year olds. And they are equally shocked, the American people are, when they see a system that treats these juveniles as something less than the predators that they seem to be even at that early age. And what happens? They produce this juvenile system which, as we know it today, produces a cycle of recidivism among the juveniles that commit these vicious crimes.

If we adopt the Gephardt or minority substitute, as it is now known, we are going to remove the emphasis on trying to treat these special brutal types of crimes that are committed by juveniles to give additional discretion to prosecutors to treat them as adults for the purpose of prosecution and revert back to the coddling type of, we want to be fair. So, adoption of the minority substitute eviscerates the efforts that are being made to treat the juvenile violent offenders when they do adult crimes as adults. That is one thing.

The second thing is, again, the minority is throwing money at a problem when they want to have 60 percent of the resources thrown into prevention. We have, I say to the gentleman from New Jersey, for the youths that are trying to obey the law, job training, counseling, street gang prevention types of things, substance abuse programs, hundreds of programs at which we have thrown millions of dollars. Yet the only answer that we come up with in this substitute is to throw money again into more kinds of programs that will join a passel of programs that have failed in the past. It is time now to move into a new cycle to treat the accountability of the juvenile, No. 1.

Mr. STUPAK. Mr. Chairman, for the last speaker, I hope he understands that his State of Pennsylvania does not qualify for any fund or help underneath the majority bill, but underneath the minority bill they could, with local initiatives.

Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Chairman, I just want to be very clear that the statements that were made by the preceding speaker relative to juvenile murders, murderers, not currently being treated as adults by the State juvenile courts and by the State courts in this Nation is absolutely incorrect. I would suggest that the gentleman take a review and get his facts straight.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. TURNER], a valuable member of our task force and former State senator.

Mr. TURNER. Mr. Chairman, I come forward today as a former member of the State senate in Texas where we passed one of the toughest juvenile justice laws in the country just last session, a bipartisan bill supported by a Republican Governor and our then-Democratic State legislature.

I think it is hypocritical to suggest that this Congress, by mandating requirements on the States, is somehow going to provide leadership on juvenile justice. Our States are responding. And I think it is hypocritical for this Congress to pass a bill and suggest that we are going to mandate our States to be even tougher than they already are.

This bill says Washington knows best, and that is why we support this substitute that we are offering today. I think it is time to get fiscally conservative in fighting juvenile crime. Our substitute devotes 60 percent of that $1.5 billion to prevention programs. I suggest to my colleagues this morning that any elementary school in the classroom today can identify the at-risk children who are going to be in the juvenile justice system 5 and 10 years from now. We need to follow that commonsense approach and invest 60 percent of the $1.5 billion in prevention activities.

Our substitute is tough on crime. It is smart on crime. It is fiscally responsible. It is a balanced budget and provides the seed money that our communities need to mobilize hundreds of volunteers that must be a part of the solution to juvenile crime. Communities will solve the problem of juvenile crime, not this Congress by mandating that our States enact certain laws simply to make the Congress look like we are tough on crime when our States already are.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time and applaud his leadership on this very important issue.

□ 1115

Mr. Chairman, I think the big differences between H.R. 3 and our Democratic substitute are that, for one, H.R. 3 says that Washington knows best. We are going to tell the States how to run their programs and if they do not do it our way they do not get any money.

Our bill says we rely on local prosecutors and police and parents to submit the grants and then they get the grants to their local community from Washington, DC.

The second big difference: Under H.R. 3, 12 States are eligible for all these moneys, $1.5 billion. Under our bill, every single State can qualify.

The third big difference, Mr. Chairman, is that our bill builds prisons and it builds hope, because it invests in making sure that our children have alternatives to prison. Sure, we expand. We are tough on crime. We target juvenile offenders, seven new ways we put them in jail when they commit the crime, but we also say to the hundreds of thousands of good kids, we want to give you a place to go after school that is safe, where you can play at a computer to get prepared for school the next day, and we do not assume that you are a criminal tomorrow.

We just had a tragic situation in South Bend where two people shot a woman up in Michigan that are juveniles. This would put them in jail, but we also want to make sure that the thousands of children that are not doing that get hope in their future.

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FARR], our delegate to the Summit on Volunteerism and Hope for America.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong opposition to the bill that is on the floor and in strong support for the substitute that we are debating at this time.

I was a former local elected official as a county supervisor in California and after that a member of the State legislature. We learned from our local and State practices, and frankly, if we look at it, almost all laws are prosecuted in State courts under State laws using the State criminal justice system and juvenile justice system, and what we have learned is that no one sock or one shoe fits everybody. Each community, based on the resources and based on the attitude of the community, whether it is small or large, has a different approach to it.

H.R. 3, as it has come to the floor, I think is very poorly drafted. I think it is contrary to the entire spirit of Philadelphia. Philadelphia and the Presidents all said that no one is broken so far that they cannot be fixed. This bill, as it goes before us, just says the solution is to lock everybody up and not to educate them, not to try to prevent crime.

Frankly, I feel that Presidents Reagan, Bush, and Ford, none of them would support H.R. 3 as it comes on the floor. I urge all my colleagues to support the substitute. The substitute is a bill that is well thought out and looks at the way communities can do it. It does not have a Washington approach to everything, it has community-based support. Community action works. Please support the substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Texas [Mr. SANDLIN], a great addition to our caucus.

Mr. SANDLIN. Mr. Chairman, in this country today, obviously, we have a problem with juvenile crime. It seems to me that we must decide what to do about that problem and who should do it. The Democratic alternative addresses those issues.

As a former judge, I have heard thousands of juvenile cases. Many times we must deal seriously with juveniles. Some must be incarcerated. However, as the father of four children, as a former youth baseball, basketball, and softball coach, as someone active in the Boy Scouts of America, I can tell my colleagues that the children of America are worth saving.

Just like they must be responsible for their acts, we must be responsible, the U.S. Congress, for providing opportunities for children to stay out of the system. We know what does not work. We know that.

We know that spending more and more tax dollars to build more and more facilities to lock up more and more children without hope is not the answer, but we have to provide alternatives. We need to incarcerate some juveniles, but we need to provide for education. We need to provide for intervention. We need to provide for community support, and the Democratic alternative does that.

Who knows best how to handle these problems? Who knows best how to handle things in Texas, in New York, in California, in Mississippi, in Iowa, in Illinois, in Massachusetts? People in those communities do, that is who does, not Washington. Under the substitute legislation, local communities receive local grants to solve local problems. Let us let local teachers, local preachers, local parents, local friends handle local problems in our States.

One point I have not heard discussed is the fact our friends on the other side of the aisle are attempting to model the juvenile system after the adult system. Like it is some model. Is that not dandy? The adult system has not worked either. Treating juveniles and modeling the juvenile system after a failed adult system is certainly ridiculous.

It is time for a new approach. Our States do not need to change, our local communities do not need to change, Washington needs to change.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a member of the subcommittee.

Mr. HUTCHINSON. Mr. Chairman, I rise in opposition to the substitute bill and in strong support of H.R. 3.

One thing is clear in the debate today and what is going on in our country, and that is there is a serious growing threat of youth violence. Both the President in the State of the Union Address and Members of Congress agree that there is this problem in America, a growing threat of youth violence. The question is what do we do about it?

Does the substitute bill address the problem in the right way or does H.R. 3? It is my belief that the substitute amendment should be opposed not only for what it does but, more importantly, for what it does not do. Let me focus on what it does first.

The substitute requires that the States and localities spend at least 60 percent of their juvenile crime grant funds on prevention programs. While this is laudatory to a certain extent, this requirement comes despite the fact that there are billions of dollars that are currently being spent each year on prevention programs, and this bill addresses a different side of it, which is the enforcement.

Agencies as diverse as the Department of Agriculture, the Department of Defense, the Appalachian Regional Commission run programs for at-risk youth. That is already being met. The General Accounting Office compiled a list of all Federal programs targeted at juveniles to assist them. The GAO found that the taxpayers already support 21 gang intervention programs, 35 mentoring programs, 42 job training programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

We spent $44 billion in programs in fiscal year 1995, and so there is not a lack of funds for prevention programs, but there is not one grant program, not one, that addresses the need for supporting the States in their reform of the juvenile justice system, and that is what this bill does.

Certainly we need prevention programs. We support those. There are programs for that. But we need assistance, as the prosecutors from my State have argued, we need assistance for our States in developing and strengthening our juvenile system programs. So that is why I support this.

In addition to the negative aspects of the substitute, the Democrat alternative falls short for what it does not do. The substitute bill does not establish a model system for our States to look at when reforming their own juvenile procedures. H.R. 3 does that. It does not mandate changes in the laws, but it does provide a model system for the States to follow, to borrow from, if they choose.

The substitute does not provide the flexibility that the principal bill does, H.R. 3, and flexibility is critically important to our States and localities.

In Arkansas we want to provide them with flexibility. I have examined the law in our State. And, true, we might not comply specifically, but it would be very simple to bring it into compliance, to make the improvements if they decide to do so. They might decide not to do so. But these funds are available for them if they wish, and we provide that model for our States.

Second, the substitute does not encourage the States to provide graduated sanctions. Although some States do that in a model fashion, other States do not. This encourages them to have graduated sanctions for every act of wrongdoing, starting with the first offense and increasing in severity with each subsequent offense. I believe this is important.

The substitute maintains the current impediments to prosecuting violent juveniles as adults. We have to give more latitude and encourage, when necessary, the prosecution of violent juveniles. Not all juveniles, but violent juveniles. That small percentage of juveniles that cross the line, we need to prosecute those as adults.

And so the main bill is a good bill that gives flexibility to the States, provides a model for them to follow, provides funding for the important programs of building their juvenile systems rather than simply focusing on what we are already providing $4 billion for, and that is the prevention programs. For that reason I encourage my colleagues to reject the substitute.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the last gentleman that spoke from Arkansas [Mr. HUTCHINSON], he said his prosecutors have asked for help from the Federal Government. I am pleased to see that he acknowledged that they would not get any help underneath the majority bill without changing the law in Arkansas to reflect this poorly drafted bill called H.R. 3. That is why the gentleman should support the Democratic substitute because we do at least give them some help in Arkansas.

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Iowa [Mr. BOSWELL], another new member of our caucus.

(Mr. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the people from the majority for at least addressing this bill. I thank them for taking it on. We need to do that. But times have changed. Single parents, both parents working, somewhat different than my time.

When I got home after school, I knew what I was going to be doing for the next 2 or 3 or 4 hours, whatever it took, as we went home to the farm. But times have changed. We have got to have balance and we have got to realize that is going to take the whole community, the whole block, whatever we are talking about, to reach out to these kids.

I believe that any debate regarding juvenile crime must also take into account prevention measures. We simply cannot write off a generation of young people, still in their teens, without making an investment in their future productivity to our society.

We can agree that young people who commit violent crime must be held accountable and punished accordingly. I understand there are certain incorrigible young people who must and should be incarcerated. But let us be smart about juvenile crime. We need a balanced approach. Locking them up and throwing away the key is not always the solution. That approach is just closing the barn door after the horses are out, as we say down on the farm.

I do not believe that we should abandon our attempts to put in place programs designed to prevent wayward youths from pursuing a path of crime and despair. We all have responsibility to see that our kids are provided with the guidance, opportunity and support for becoming successful and productive adults.

Today's youth will serve as the backbone of tomorrow's workforce. They are our future leaders, workers and parents. To only look toward the criminal justice system as the key to combating juvenile crime is shortsighted. More prisons at a cost of $25,000 to $30,000 per bed annually is not the single solution.

I would just like to leave this thought with my colleagues: They are our kids. They are not the next town over. They are our kids. They are our future. To educate and early intervene is something we can surely do better so that they do not move into that population of 14 or 15, and we have to go ahead and do the things suggested. Let us give it careful thought. Let us do it for the future of our kids.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I agree with my colleagues that our juvenile justice system is in desperate need of attention. There is no question that juvenile crime is on the rise. We must stop this violence.

Now the question is: Are we going to sit here in Washington, DC, 3,000 miles away from our communities, and try to solve our juvenile crime problem, or are we going to trust our local communities and give them the resources they need to stop juvenile violence? Are we going to keep coming up with piecemeal quick-fixes, or are we going to look at a comprehensive program to stop juvenile crime?

I have made a point to meet with the people of my district, people who really understand juvenile justice. I have talked with our sheriffs and our law enforcement officials, our judges and our prosecutors. They all agree that this proposal, which focuses on prevention, intervention and sanctions, is the only way to stop juvenile crime.

We also need to look at programs that have worked. I can guarantee we will get more accountability from proven programs than we will from plans that we draw up in Washington. This proposal asks our community members to work together to share methods of decreasing crime in their neighborhoods. When people work together on a plan, I will guarantee that they will take a lot more interest and it will be much more successful than a plan that we dictate from thousands of miles away.

Our proposal gives communities the tools they need to work together to support our kids before they become juvenile delinquents. Our proposal also has a strong intervention component for those juveniles who can be steered away from the path of crime.

We can also stop our juvenile delinquents from committing more crimes if we make sure they have immediate consequences to their problems no matter how minor the infraction. They need to know they will be punished if they break the law. We must also get tough on kids that commit violent crimes and prosecute those kids to the fullest extend of our laws.

This is a comprehensive juvenile justice plan that stops teenage violence by giving incentives to communities that work together and come up with a plan that works in their communities. We will measure the results and hold them accountable for decreasing juvenile crime.

My question is, are we going to dictate solutions to juvenile crime from D.C. or are we going to trust our communities, invest in our future, and vote for a bill that will reduce juvenile violence?

□ 1130

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, the substitute addresses the real concerns of my constituents. On Tuesday in Warren, the third largest city in the State, concerned officials and residents held the first meeting of the city's new antigang task force to discuss their concerns about increased gang activity and juvenile crime in their neighborhoods. Concerned residents spoke about the need for measures that get violent juvenile offenders off the streets and in prevention programs. Police officials asked for more support to help hire more backup personnel to free up front-line officers to patrol the streets. And police officials and educators both called for more money to help fund after and in-school prevention programs. This substitute legislation does what residents in Warren and other communities are asking for.

Mr. Chairman, we need to pass a bill that gets at the real problems. Most juvenile crime is State and local. What we need is a bill that gives local communities and States flexibility to handle these problems, not a bill that forces States to accept a one-size-fits-all fix.

Mr. Chairman, I urge a "yes" vote on the community-based Democratic substitute.

Mr. McCOLLUM. Mr. Chairman, I yield 4½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, this is a good bill. It is a good bill not because it is a great, learned, eloquent exposition of great enlightened theories of criminal justice. It is a good bill because it is practical and it is mainstream, and it is based not on listening to a bunch of folks in ivory towers but listening to prosecutors, juvenile justice administrators in our court systems, parole officers, jailers and local law enforcement officials all across America.

They need practical help. They do not need treatises on enlightened theories of criminal justice. They need practical help, and this bill will give it to them. It will give it to them because it gives them flexibility and it removes barriers that we have allowed to build up, like scales in pipes, year after year after year, that have tied the hands of our local prosecutors and our Federal prosecutors.

This bill is practical because it removes Federal restrictions on how juveniles can be dealt with. It is practical because it allows citizens in our communities to understand the most violent juveniles who may be among them, a right that is now denied our citizens and our schools.

To say that this bill removes flexibility is absolutely laughable. This bill provides the maximum flexibility and options and practical alternatives to our local prosecutors and our Federal prosecutors that are possible and necessary. This bill does not mandate one single thing. It does just the opposite.

It allows State prosecutors who wish to see their cases that are denied to them to be prosecuted as adults, our most violent offenders, to get into the Federal system. It does indeed set a model and a standard through reforms of our Federal system. And through its block grant approach with incentive grants, it provides an incentive, not a mandate, to our State governments.

It also avoids the trap into which this Congress fell back in 1994, to add yet more specific programs with mandates and with paperwork and with cost. It does not add to the currently 131 different programs already administered federally by 16 different departments and other agencies to benefit at-risk or delinquent youth.

A vote for this bill and a vote against the substitute amendment says we want our States to have maximum flexibility, we want our prosecutors to have the tools and to have their hands untied by the shackles of bureaucratic regulations and red tape that now prevent them from removing from America's streets the most dangerous, violent youth among us. That has been the one thing that they have told us that they need.

Yes, they need prevention moneys. Yes, it is important to solve the long-term problem of juvenile crime in America, to focus a great deal of energy and resources on prevention. But we are doing that. This bill adds to that.

This bill, in allowing our prosecutors to take the most violent juvenile offenders off the streets, prosecute them, treat them as adults, reflecting the seriousness of the crimes with which they are charged and eventually convicted, disperse them through the Federal system across the country, we deny them the ability to maintain their tentacles in communities in America, and that after all is the very best prevention on which we could be expending our money and devoting our resources. I urge support for the bill and rejection of this amendment.

Mr. STUPAK. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, as to the gentleman from Georgia, his State will not even qualify. The police unions, the International Union of Police Associations, the International Brotherhood of Police Officers, all support our legislation.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. I thank the gentleman from Michigan for yielding me this time and also for his leadership on this bill.

Mr. Chairman, I rise today in strong support of the Democratic alternative and in strong opposition to H.R. 3. The Democratic alternative is both tough and smart. It strikes the proper balance between toughness and also prevention. On the other hand, H.R. 3 is dumb and dumber.

Let me be clear. I support charging violent juveniles as adults. The problem is we can already do it. In each and every State, the prosecutor can petition and the judge has the discretion, local judges that are elected or that are appointed locally have the discretion to charge juveniles as adults. So do not believe that this is a legitimate issue before the Congress today. We can address this problem.

Prosecutors, police, the people on the front lines, however, will tell my colleagues that prosecution is not the answer. The issue is prevention. That is why this amendment is smart, because it puts most of the money into prevention programs that really matter, gang prevention, safe havens, programs that help divert young people from a life of crime.

I said H.R. 3 was dumb and dumber. Here is why. Under their bill, only 12 States would qualify to get the money. They come up and tell Members how critical fighting juvenile crime is, but they introduce before this body a piece of legislation under which only 12 States could qualify; 38 States cannot qualify. Even the sponsors of this legislation could not get money into their own States. That is dumb. We need a balanced bill. The Democratic alternative meets that criterion.

Mr. STUPAK. Mr. Chairman, I yield 1¾ minutes to my good friend, the gentlewoman from Michigan [Ms. KILPATRICK], former member of the Michigan legislature, head of the appropriations and especially appropriations on prisons.

Ms. KILPATRICK. Let me thank my good friend from Michigan for yielding me this time and also for his leadership.

Mr. Chairman, let us be clear. America's greatest problem today is what we will do with our young people as we move to the new millennium, how we will educate them, how we will treat them and how we will offer them the opportunity they need to become productive citizens in this world.

Let us be clear. H.R. 3, $1.5 billion, only addresses 12 States. Thirty-eight States cannot even get in the front door of H.R. 3 in its present form.

Let us talk about what our children need. They need opportunity. They need hope. Over 300,000 of them find themselves in the juvenile system. They need hope. They want us to work with them. We want to put the toughest in prison. We think violent offenders must be incarcerated. Over 98 percent of the bill before us, H.R. 3, only talks about enforcement. Nothing about hope. All studies show that children need to be educated, disciplined, counseled and loved. H.R. 3 in its present form does not do that. The Democratic substitute does offer hope.

I want to talk a bit about HIDTA, high intensity drug trafficking areas, that is now part of the Federal budget and goes out to many communities across America. Again, enforcement dollars. It is okay to have enforcement, as the previous speaker mentioned. We want the most violent juvenile offenders to be locked up.

Judges. We elect judges. Local communities ought to be able to decide what to do with their juvenile offenders. We should not be dictating in Washington. $1.5 billion. Do we want to build 25 new prisons with that money? Or do we want to put it into alternatives to incarceration, save our children and give hope to America's future?

This bill will not solve the problem of juveniles and crime. As a matter of fact, only 6 percent of juvenile arrests in 1992 were for violent crimes. With one exception, the level of juvenile crime has declined over the past 20 years. There are only 197 juveniles currently serving Federal sentences. Juvenile crime is almost exclusively a State and local issue.

This bill is a waste of taxpayers dollars. In the Wall Street Journal of March 21, 1996 high risk youths who are kept out of trouble through intervention programs could save society as much as $2 million per youth over a lifetime. This bill puts more money into police and prisons, tactics that simply do not work without adequate prevention programs. The $1.5 billion in funding in the bill is conditioned on the willingness of States to try youths as adults. Even at that caveat, only 12 States would be eligible for this funding.

Most police chiefs believe that prevention programs are the most effective crime reduction strategy versus hiring additional police officers.

H.R. 3 takes an extreme approach to juvenile justice, without any evidence that these approaches actually work. Under H.R. 3, 13-year-old children could be tried as adults; provides no funding for prevention programs, and is not supported by a single major social service organization.

Who opposes H.R. 3? Among other organizations, the YMCA, the American Psychological Society, the National Recreation and Park Association, the National League of Cities, the National Association of Child Advocates, the Chief Welfare League of America, among many others.

We need to put our scarce resources into programs and projects that work. The Democratic alternative to H.R. 3 gives us that chance. It is a balanced approach to fighting juvenile crime that includes enforcement, intervention, and prevention. These funds go directly to local communities to implement a variety of comprehensive prevention initiatives—initiatives that work.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CUMMINGS]. He has been a valuable member of our task force who helped put this bill together, along with the gentleman from Virginia [Mr. SCOTT], the gentlewoman from California [Ms. LOFGREN] and the gentleman from Texas [Mr. STENHOLM]. The gentleman was a great addition to our team.

Mr. CUMMINGS. Mr. Chairman, the folks who support H.R. 3 just do not get it. They just do not get it.

Our children need help. They need a lot of help. They do not need a kick in the behind. A young man who was placed in a Maryland prison, 15 years old, killed himself. But just before he killed himself, he wrote a poem that is embedded in the DNA of every cell of my brain. It is entitled, "All Cried Out."

> I'm all cried out from the pain and sorrow, Wondering if I'll live to see tomorrow. I'm tired of my feelings getting hurt. It feels like the stuff of life getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt. This is my fight with life and I'm at the end of my bout.
>
> I'm a victim of society and a victim of circumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody. I've been put down, put out and even cursed out but somehow I still rise to the top.
>
> I'm tired of crying my pain away because even after the tears are gone, I still feel the pain each and every day.
>
> This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Mr. Chairman, last week, I hosted two townhall meetings in my district of Baltimore and the overwhelming message that I received from my constituents is their overpowering fear of crime.

My constituents told me that they are afraid to walk to the bus stop to get to work—they are frightened that their homes will be burglarized. I, myself, had a shotgun pinned to the back of my head—splayed out on the sidewalk right outside my home.

And more and more, these are young people committing these crimes.

I am angry. I am angry because I feel so helpless. I didn't have an answer last weekend and I don't have one now * * * but I do know one thing—the bill we are considering today is not the answer.

I commend the authors of this bill because I recognize that juvenile crime is among the most pressing crime problems facing the Nation, and that Federal legislation addressing this problem is warranted.

However, this bill in its present form has serious and fundamental flaws.

One of my primary concerns with this bill is that it allows juveniles to be housed with adults. And even more disturbing, children that have been charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Children as young as 13 to 15 years old can be placed with adult offenders if juvenile facilities are not readily available. Children 16 years and older can be detained and mixed with adults regardless of the availability of juvenile facilities.

I know there are some in this body that are not sympathetic to this notion. They will say—if you're old enough to do the crime, you are old enough to do the time.

According to the American Psychological Association, children confined in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children detained in juvenile facilities.

The youthful offenders that we are treating like adults are the same kids that we saw playing hopscotch, jumping rope, and playing tag. What happened to them? Whose fault is it that they fell from grace? Who is responsible for their failures?

I understand the need to make a statement to the citizens back home and to all that are watching us today on C–SPAN across the country. I understand how polls work and the need to communicate to one's constituency about "going to Washington and doing something about crime." Yes, I am cynical and this bill is not the solution.

We are ignoring prevention and early intervention programs, which are the most effective means of reducing crime. We are ignoring rehabilitation methods such as getting to these kids while they are still impressionable, allowing them to reverse the path and mistakes that they have made. Are we as a collective body going to throw away kids that are 13 or 14 or 15 years old?

I'M ALL CRIED OUT

That is the title of a poem that a young man from Maryland wrote before he killed himself.

This young man was only 15 years old. The local law enforcement authorities placed him in an adult prison for a petty offense and he wrote this poem, which was found on a scrap of paper at his feet:

ALL CRIED OUT

I'm all cried out from the pain and sorrow,
Wondering if I'll live to see tomorrow.
I'm tired of my feelings getting hurt.
It feels like the stuff of life keeps getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt.
This is my fight with life and I'm at the end of my bout.
I'm a victim of society and a victim of cricumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody.
I've been put down, put out and even cursed out but somehow I still rise to the top.
I'm tired of crying my pain away because even after the tears are gone,
I still feel the pain each and every day.
This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Another area in which this bill fails is that it fails to deal with the problem of disproportionate minority confinement.

Although African-American juveniles age 10 to 17 constitute 15 percent of the total population of the United States, they constitute 26 percent of junvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of the juveniles detained in delinquency cases, 46 percent of the juveniles in correctional institutions, and 52 percent of the juveniles transferred to adult criminal court after judicial hearings.

We are doing nothing to address this serious issue. Under this legislation, we can expect to see a significant increase in the number of African-American juveniles receiving mandatory minimum sentences.

Further, this bill does not address fundamental law enforcement issues including juvenile gun use, drug use, or gang activity and prevention.

Localities and urban areas across the country are looking for guidance from the Federal Government and we are dropping the ball.

I go home every night to Baltimore and I hear it when I walk up the steps to my home, I hear it when I fill my car with gas, I hear it in the supermarket—our young people need somewhere to go and something to do.

We need to provide local governments with money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place.

We need to focus on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes—before the juvenile becomes involved with the criminal justice system.

I'm not ready to throw these kids away and I'm not willing to vote for a bill that emanates political grandstanding without real solutions.

I urge my colleagues to vote against this bill in its present form and support the Democratic substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

□ 1145

Mr. KENNEDY of Rhode Island. Mr. Chairman, the base bill, the McCollum bill, is a joke. Anybody in juvenile corrections knows it is a joke. It ignores the facts. The facts are these:

When we put kids in adult prison, guess what? They do not serve as much time because the judges do not have the heart to sentence a kid for as long as an adult. Second, if the kid is in jail, we are lucky they do not end up murdered or committing suicide, as my former colleague just said. Third, if they stay there long enough, they come out meaner and harder than you sent them in to begin with.

Now this bill is a joke because it ignores these facts, and what is more, it ignores the fundamental truth that prevention works. And if my colleagues need to talk to States attorneys and local people, probation officers, and the like, they will tell them prevention works.

Now are my colleagues serious about reducing crime or do my colleagues just want to play politics with this issue? It seems to me they just want to play politics because only 12 States will receive money on their side of the bill whereas all the States will be eligible for money with the Democratic substitute.

Vote for the Democratic substitute for real solutions to this problem.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I am particularly troubled by the provisions of H.R. 3, and my colleagues should be too. What this is strong on is political rhetoric. What it is weak on is substance.

Early intervention, childhood development, and prevention we know are the keys to making sure that we keep kids out of prisons and making sure that we make a better society. But what does this bill do? This bill gives bragging rights to people who can say, "I'm putting people in prison." Is that really what we want to do?

The other day Jimmy Carter quoted. What he said was an uneasy feeling he had about the trend in prisons. Twenty-two years ago when he was Governor of Georgia the bragging rights of Governors were alternative sentencing program, keeping people out of prisons. Now Governors go around the country saying how many prison cells they are building, how many people they are putting behind bars.

Let us not forsake our children for the bragging rights of just building prisons. Let us be strong on crime but even stronger on crime prevention.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. BLAGOJEVICH] a new Member.

Mr. BLAGOJEVICH. Mr. Chairman, I want to thank the gentleman from Michigan for yielding this time to me. One needs about a minute to say my name. It is "Bla-goy-a-vich."

Mr. Chairman, I just want to comment briefly about H.R. 3 and the funding situation. It seems odd to me that 12 States will qualify for funding and 38 States will not, and when we break it down in reality, the fact of the matter is that when we consider that one-third of all murders happen in four cities, Los Angeles, New York, Chicago, and

Detroit, three of those cities, none of the Federal funds would arrive, not in the northwest side of Chicago, not in the barrios of Los Angeles, nor a dime to the downtown section of Detroit. Yet under this bill, among those 12 States, it is conceivable Federal funds to fight juvenile crime could trickle down to Jackson Hole, Wyoming, and Stowe, VT.

Now, I am aware that there are juvenile problems on the ski slopes in Jackson Hole, where they like to snowboard and get in the way of skiers, but in our communities in big cities kids have assault weapons and they have handguns and they are very serious. It seems to me if this bill is going to address crime nationally, we ought to have funding available to all 50 States, particularly those communities where crimes occur.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Chairman, I express my absolute opposition to H.R. 3.

Mr. Chairman, I rise in opposition to H.R. 3 and in support of the substitute before us now. The Juvenile Crime Control Act is just focused in the wrong direction. There are only 197 juveniles currently serving Federal sentences. Yet this legislation focuses on the punishment of this tiny segment of juvenile offenders, while ignoring the far greater numbers who are handled at the State and local level.

If you want to reach out to troubled youth, you have to have proven intervention strategies to stop offenders before they are entrenched in criminal activities. If you want to have a broad impact on American society, you have to work to prevent juvenile crime before it starts. Fortunately, we have experience doing these things; we know what works. But you would never know that to look at this bill.

Look instead at the substitute amendment now being offered. It targets a much larger population than H.R. 3. It is tough on violent juvenile offenders. It contains early intervention programs, and it provides local authorities with the flexibility to initiate prevention programs that work in their communities.

I urge my colleagues to support the substitute and oppose H.R. 3. Let's focus on real solutions—not rhetorical ones.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ETHERIDGE], another new Member.

Mr. ETHERIDGE. Mr. Chairman, I rise to support the Stenholm-Stupak substitute.

Over the past several weeks I have had the opportunity to ride with extensive law enforcement officers in my district. I have ridden with police chiefs. I have ridden with sheriffs who on a daily basis put their lives on the line protecting property and protecting lives. The challenges facing these brave men and women are daunting. Each day they confront the ugly face of drugs, violence, and crime that is more serious than ever and is being committed by younger and younger individuals.

Mr. Chairman, local police officers need our help in fighting juvenile crime. They have asked me to tell Congress that they need the tools and the flexibility to respond effectively to this growing threat. This substitute is tough, but it is smart. My mother taught me a long time ago that an ounce of prevention is worth a pound of cure. I am all for locking up violent criminals, but we must also be smart enough to invest an ounce of prevention to save the costs of the heavy cure.

Mr. STUPAK. Mr. Chairman, I yield 45 seconds to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Chairman, I thank the gentleman from Michigan for yielding this time to me.

As my colleagues know, as a former prosecutor in the State of Wisconsin I am just trying to find some philosophical consistency with this bill. On the one hand, we are talking about it should be a State and local responsibility to teach our children, and there is very little disagreement about that. But when it comes time to punishing violent juveniles, we are saying with this bill being proposed today that Washington knows best, and perhaps one of the most troubling aspects of this entire bill is the lack of any type of oversight or review regarding prosecutorial discretion.

I am telling my colleagues as long as the criminal justice system is made up of human beings errors will be made. I wish I believed in the infallibility of prosecutors when it came to making these very important and very crucial decisions on whether or not to prosecute a child as an adult. We need some type of review process in place in order to protect against errors that are going to be made.

I do not think this bill addresses that concern. I think the substitute that is being offered does provide the tools and the resources and especially the prevention that communities need to combat juvenile crime.

I urge my colleagues today to support the substitute, to think about what we are trying to do, what we are trying to mandate on the States from Washington. Let us give the States some credit. They are doing a good job.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise to state my objection to H.R. 3 and my support for the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Chairman, I listened to the debate last night and listened with interest, and so this morning I went back to my office, and I called our State capital and talked to the secretary about the Department of Juvenile Justice, and I want to tell my colleagues what he says about H.R. 3.

Our State statute mandates already that adult filings, regardless of age in serious offenses, carjackings, death, rape, any kinds of issues like that. However, our statute also gives broad discretion to prosecutors to enter those juveniles into the juvenile system if they choose to based on the crime itself.

Now we went through this about 4 years ago in Florida because we had a very serious problem, and we did a major reform. We committed a quarter of a billion dollars in Florida to this reform in which we created some hard beds that we locked up violent juvenile offenders, and we also created some prevention and some rehab beds so that we could turn those young people around who were not yet hardened, and I want to tell my colleagues that this H.R. 3 undoes some of that, and Florida will not qualify under this proposal.

Mr. Chairman, I support the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I reserve the balance of my time as we have one more speaker left to close.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I rise in strong support for H.R. 3. As a former mayor of a large city, I have been for years deeply involved in trying to solve the problems, not only of juvenile crime, but of crime in general, and also from the standpoint of looking at prevention programs as well as justice solutions. Unfortunately, our area is growing very fast, and with that comes increased juvenile crime, like the rest of the country is experiencing.

I am very sad to say as mayor I attended more funerals of 13-, 14-, and 15-year-old children than I care to remember, senseless murders and young people who did these things that I would talk to afterward who would have absolutely no remorse for their actions. This bill helps our system deal with these problems.

I also have a son who is a law enforcement officer. I spent many hours on the streets with the police and the sheriff and other people. So I come to this having had some experience with the issue.

I would like to say that the majority is not ignoring prevention. We recognize the need for prevention. However, accountability is prevention. We have got to teach children that their actions hold consequences, and many youthful offenders that face those consequences of their actions stop their criminal careers before they start a life of crime.

H.R. 3 is only a part of our effort to combat juvenile crime. The Committee on Education and the Workforce is currently working on a bill aimed directly at prevention, and it should be coming to the floor in the upcoming weeks.

I would also like to remind my colleagues that that bill is part of more than $4 billion this Federal Government is spending on at-risk and delinquent youths this year.

I also support the bill because it is not a mandate to the States, and as a former and local official I am very sensitive to that issue.

The States are not mandated to do anything by H.R. 3. They are given the incentive to reform their juvenile justice system, which is not unlike the truth in sentencing incentive grant program that provided certain grant programs for things like more prisons. That program has been successful, and so will H.R. 3.

H.R. 3 provides funds to the States who access those incentives to be used for a wide variety of juvenile crime fighting activities, building and expanding juvenile detention centers, establishing drug courts, hiring prosecutors, establishing accountability programs that work, the juvenile offenders who are referred by law enforcement agencies.

So I urge support of H.R. 3 and urge rejection of the substitute.

Mr. STUPAK. Mr. Chairman, I yield 15 seconds to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make sure that my colleague from North Carolina understood that while this bill does not mandate taking any money North Carolina would have to make substantial changes. We do not meet 3 out of the 4 criteria that this bill sets up, and right now North Carolina, which has one of the most aggressive juvenile justice programs, would not qualify.

Mr. STUPAK. Mr. Chairman, I yield the remaining time to the gentleman from Texas [Mr. STENHOLM], who helped draft this proposal and is one of the chief sponsors, along with the gentlewoman from California [Ms. LOFGREN], the gentleman from Virginia [Mr. SCOTT], and myself.

Mr. STENHOLM. Mr. Chairman, this has been a good debate and a true competition of ideas. Today I find myself in the past agreeing quite often with the chairman from Florida, but today I respectfully differ with the bill that he brings to the floor and enthusiastically support the substitute.

When I first became involved in the issue of juvenile justice, I contacted judges, police chiefs, sheriffs, prosecutors, educators and other folks in my district who deal with this problem on a daily basis to ask for their input. The input I received was very useful to me in helping my colleagues craft this substitute. The folks in my district told me that we do need to get tough with juvenile offenders from the first offense, but we also need to focus on prevention efforts to deal with at risk kids before serious problems occurred. They told me that in order to truly address the problems of juvenile crime we need to focus on parents as well as kids. Most importantly, local officials that deal with juvenile crime in my district ask that they be able to develop the programs in their own communities without mandates in micro-management from the Federal or the State government.

The substitute will provide funding and technical assistance directly to local communities. Local educators who contacted my office warned me that we will never stop the cycle of juvenile delinquency without dealing with the problems of the family unit. The substitute give priorities to programs that focus on strengthening the family. The substitute will provide States with additional funds to establish detention centers for juvenile offenders that provide discipline, education, and training.

The substitute allows States, and this is the fundamental difference, the substitute allows States to use these funds for punishment programs that are already working in their States.

By contrast, H.R. 3 requires that States comply with several Federal mandates in order to receive any Federal assistance. My State of Texas would be required to rewrite the juvenile justice legislation that Governor Bush passed with bipartisan support in the last session of the Texas Legislature in order to receive additional funds.

□ 1200

Texas has a successful program of determinant sentencing. I do not know where we get the idea that Congress knows how to deal best with juvenile crime, better than State and local officials. If my colleagues agree with me, I ask my colleagues to support the substitute.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have heard a lot of discussion from the other side about what is wrong with the underlying bill and how the substitute they are offering today would be far preferable. I think the arguments come down to really two or three things.

First of all, the other side in their substitute is arguing the emphasis should be on prevention, that this bill we bring out today should have pretime before one ever gets into any effective contact with the juvenile justice system, any delinquent act or whatever, prevention moneys, moneys for programs I presume that could go for purposes that do not have anything to do with the system.

I would suggest, as the gentlewoman from North Carolina said just a moment ago, we are going to have legislation on the floor out here in just a couple of weeks that deals with that from the Committee on Economic and Educational Opportunities. It is like apples and oranges. Nobody disagrees. We need to do both things. We need to deal with correcting a broken juvenile justice system, that this bill deals with, and we need to deal with the prevention programs. That is not, however, what this bill does. The objective is not to do prevention out here today, and therefore the underlying amendment that basically destroys the incentive grant program in this bill is a very flawed substitute.

The incentive grant program, I would remind my colleagues, is not a mandate program, it is patterned precisely after the program that has been very successful, that we passed a few years ago here in this body to provide incentive grants to States to change their laws to require those who are going through the revolving door, those violent felons, to serve at least 85 percent of their sentence.

At the time that we passed that grant program, States like Illinois that was cited earlier, did not qualify. There were only six States that qualified for money under that program. I do not think there were any more than 6 States, although I heard the number 12 mentioned, who qualified for the money, but there may be more that qualify for the money in this bill than they did for that program.

But now, today, more than half the States are receiving money, qualified, changed their laws and are receiving money under that truth-in-sentencing program because they are requiring the violent felons in that State to serve at least 85 percent of their sentences.

The fact that we do not have a bunch of States qualifying, North Carolina or Florida or whatever, is no reason to vote against this bill, no reason to vote for the substitute. In fact, it is the essence of this bill. It is the essence, that we want these States to correct a broken juvenile justice system.

I challenge anybody; there are a lot of Members out here saying today that their States have wonderful juvenile justice systems. I went all over the country, had six regional hearings, had every State represented, every State represented over the last 2 years, and that is not what I heard. I heard every State juvenile justice authority telling me that they had huge problems with their system, and this is the kind of stuff in the underlying bill that we need to correct.

Last but not least, why my colleagues should vote against this substitute that guts the underlying incentive grant program in this bill is that it also guts the Federal reform, the program reforms for those juvenile cases we want to bring.

It is weaker on a very critical item, and that is gang warfare. The Justice Department has asked, and we put in this bill, provisions that would allow more flexibility in cases where we have major gang problems in cities for the Federal prosecutors to get in there and prosecute, help the local authorities prosecute in the Federal system juveniles where we need to have them prosecuted in that system, and then spread them all around across the country.

That flexibility, that opportunity, that ability to get at the gangs in that way in the Federal system on a limited basis would be taken out by the substitute amendment. I do not know if the authors of it realized they were doing that or not, but they did. As a result of that, it has weakened considerably the tough provisions in this bill that would let us get at the truly violent juveniles.

Let me tell my colleagues, there are violent juveniles. Fortunately there are very few. Most kids are good kids. The essence of what we are doing today is to try to fix the juvenile justice system so that the very bad are removed from society because they commit the most heinous of crimes that we have here. We need to be tough with them, but we allow that choice at the State level to be made, we do not dictate, prosecute if they want at that level. But we also get at the young, first-time offender that really is not getting any sanction today and is not being held accountable and does not realize the consequences.

Vote "no" on the substitute and sustain the underlying bill that puts consequence back into the juvenile justice systems of the Nation

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. STUPAK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 224, answered "present" 1, not voting 8, as follows:

[Roll No. 111]

AYES—200

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—224

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—8

Clay
Costello
Filner
Hefner
Lewis (CA)
McKinney
Pickering
Schiff

□ 1227

Mr. CRAMER changed his vote from "aye" to "no."

Mr. HALL of Texas changed his vote from "no" to "aye."

Ms. WATERS changed her vote from "present" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–89.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment,

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:

Page 4, beginning in line 15, strike "that felony" and all that follows through line 18 and insert "a serious violent felony.".

Page 6, beginning in line 15 strike "or a conspiracy" and all that follows through "846" in line 18.

Page 6, beginning in line 23, strike "or a conspiracy" and all that follows through line 2 on page 7 and insert a period.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. WATERS] and a Member opposed, the gentleman from Florida [Mr. McCOLLUM] will each control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

□ 1230

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would delete in H.R. 3 the provision that requires the prosecution as adults of juveniles who are charged with conspiracy to commit drug crimes under the Controlled Substance Act and the Controlled Substance Import and Export Act. H.R. 3 would for the first time allow juveniles to be prosecuted for conspiracy and result in another attempt to ensnare our youth into the criminal justice system.

For those who consider ourselves pro-youth or supportive of families, this huge new prosecutorial device should cause great alarm. Young people often do not have the ability to protect themselves from those situations which lead to conspiracies in criminal activity. Juveniles are not wise enough to pick up and understand that they may be used. The application of conspiracy laws to young people who may not have the common sense, experience, or awareness to know that they are in danger is a terrible idea. Sophisticated criminals are experts in manipulating inexperienced and naive people in general and youth in particular. Our goal should be to protect our young people from these older and sophisticated criminals, not punish them for finding themselves at the wrong place at the wrong time.

The fact is that many of our young people live in communities where drugs and gangs are indeed prevalent. Conspiracy as defined in this legislation would put many young people at risk for prosecution by simply visiting their next-door neighbor in a particular apartment building or housing project or by visiting a popular hangout that may be frequented by people who are doing wrong. College students living in a dormitory would be subject to conspiracy charges defined in this bill. Many of our youth live in surroundings that put them at risk every day. Instead of creating more elaborate ways to prosecute these young people, we should be exploring ways to give them the resources and the skills to create better opportunities for their lives.

This bill would expand the concept of guilt by association of many of our youth.

I urge Members' support for this most important amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CONYERS], ranking member of the Committee on the Judiciary.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

The amendment that the gentlewoman offers would strike the language in this bill which allows juveniles to be prosecuted as adults for the purposes of a conspiracy to commit a drug offense. I would suggest that a 16-year-old who is sitting in the back of a room planning an operation of major drug trafficking proportions is in more need of being prosecuted and tried for that than perhaps the street runners that he is directing. The conspiracy is what he is involved with though he may never touch physically a single quantity of drugs but he plans it. He is the mastermind. Sadly, that is what often does happen. Gangs are conspiracies. We all know the trade of gangs are drugs. Prosecuting gang members for conspiracy to commit drug crimes is at the heart of what it takes to undo the viselike grip gangs have on all too many of our Nation's children.

A conspiracy charge is a critical tool for prosecutors. Without it we will never be able to attack gangs themselves. The Waters amendment simply serves to further protect gang members from Federal prosecution, which is one of the primary thrusts of this bill, is to open up the opportunity on limited occasions for the Federal prosecutors to tackle gangs. A conspiracy requires an agreement. It is not something ominous; it has been around Federal law forever and State law. It is a traditional part of all criminal law. A conspiracy requires an agreement to commit a crime and an act in furtherance of the conspiracy. This is the law in every Federal courtroom in America.

It is also true that every conspirator must knowingly engage in the conspiracy. Answering a phone call or simply being in the same house as the conspirators is not good enough. Ironically, the effect of this amendment that the gentlewoman from California [Ms. WATERS] offers will be to hamper Federal prosecution of those juveniles who are actively organizing and running the sale of drugs but who are also crafty enough to avoid any actual distribution of the drugs.

The Waters amendment will simply insulate any juvenile leaders and planners of the drug rings from prosecution. The Supreme Court has recognized the vital significance of the conspiracy tool. Justice Felix Frankfurter wrote in Callanan versus the United States:

> Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Combination in crime also makes more likely the commission of crimes unrelated to the original purpose for which the group was formed. In sum, the danger which a conspiracy generates is not confined to the substantive offense which is the immediate aim of the enterprise.

I urge a "no" vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Without objection, the gentleman from Michigan [Mr. CONYERS] controls the time in support of the amendment.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding to me.

Now we have it, folks, now we have it. Remember we were just hearing a few moments ago about these particularly heinous crimes that we needed to lock these kids up for good, wave them into the adult system because the system needed to be corrected. Remember all that rhetoric.

Now we are talking about what they are really after: putting conspirators, kids, 14 years old, 8th grade, in Federal court. I mean, just now, can we understand where they are going? They are playing politics with kids. It is wrong. We need to pass this amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is probably fundamental to the whole juvenile justice bill because now we are going to take the last resort of prosecutors: When there is nothing left, you cannot get any substantive case, you can always tack on a conspiracy charge, always. Now we are going to go to 13-year-olds and 14-year-olds to nail them.

Well, one picks up his big brother's phone, and it is a drug something going on, and the kid picks up the phone. The phone is tapped. He is brought in with his brother. He says: Well, I do not even know what you are talking about. They say: Well, kid, you were not in on the drug deal but you were in on the planning of it because we have got your voice on the phone.

Get him out of that, Mr. Chairman. We cannot get him out of that because the prosecutor does not have anything else to get him on.

Now we are stooping to the lowest statutory tactic that prosecutors frequently, not all of them, but frequently use.

How could we not support the amendment of the gentlewoman from California?

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 30 seconds remaining, and the gentleman from Florida [Mr. McCOLLUM] has 2½ minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I believe I have the right to close, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Under the legislation, if a 14-year-old commits conspiracy, they can be tried as an adult. That is the other part of this. Not only do we nail a kid on conspiracy, but under the McCollum bill, the base bill, he will be tried as an adult. Guess what kind of sentences we are talking about when an adult gets nailed for conspiracy? Mandatory minimums kick in. Nice going, nice going.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

What we have been listening to is a discussion by those who I understand do not agree with the conspiracy as a part of criminal law particularly as it pertains to younger people for reasons that they have, and I guess I respect that. But I just do not agree with it. The bottom line is that the Justice Department has asked us to have the type of revisions that are in our bill. They support keeping the conspiracy in for a 14-year-old who is committing the kind of crime that we are trying to get at here, a drug-related crime, which this is; 15-year-old, 16-year-old, if that person is sitting in the back of the room is the organizer and director of a major criminal enterprise, drug trafficking enterprise in large quantities of drugs, which is frequently the case, he or she is actually the one we really want to get at, even though they may not actually put their hands on the drugs at all. In order to get at them, we have to have the conspiracy law. It is a traditional law.

The word "conspiracy" conjures up all kinds of images and so on, but this has been in common law from the days of England. It has been in our criminal statutes in the States and Federal system forever and ever. It is a fundamental part of criminal law that allows prosecutors in their discretion to be able to get at those like gang members who are involved in plotting the process, directing the process, even though they themselves may not go out and carry out the ultimate crime of moving the drugs themselves directly.

Mr. Chairman, I think that we would be very wrong if we took this out and prohibited Federal prosecutors from doing what they should be able to do at any age group where we are involved with this. This, by the way only applies, this amendment and the underlying bill, to the reforms and the things and changes we are making in the Federal juvenile justice proceedings. This has nothing to do with the States. The amendment does not and this portion of the debate does not.

So everybody is clear about it, we are talking about restricting by the Waters amendment, restricting Federal prosecutors from being able to go after gang leaders in gangs in the cities when they are dealing in drugs, which mostly is what the gangs do. That is wrong. It is wrong. They should be able to prosecute them, and they should be able to prosecute them as adults; and the conspiracy theory is the only way they can get at them.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman agree first of all that this is not limited to drugs, this is limited to all of the crimes that is identified trying juveniles as adults? And would the gentleman agree that, if a 14-year-old sits around a table with five or six other people and talks about——

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, the amendment applies to all drug cases. My colleague's amendment only applies to them, not anything else. It is a conspiracy, and it will undermine the right for gang's prosecution. I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 105–89.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CONYERS:

Page 4, beginning in line 24, strike "if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General." and insert ", upon approval of the Attorney General, if the juvenile is alleged to have committed, after the juvenile has attained the age of 13 years and before the juvenile has attained the age of 14 years, an act which if committed by an adult would be an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan [Mr. CONYERS] and a Member opposed will each control 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I claim the 5 minutes in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

What we do here is try to deal with the problem of 13-year-olds in this juvenile justice bill. This is really a crime bill. The only reason this is called the juvenile bill is because we are dealing with kids. But the whole idea is to bring them into the criminal justice process.

In a word, what we try to stop the McCollum base bill from achieving is to allow the prosecutors to determine which 13-year-olds will be prosecuted for any felony, any felony.

I stand here as one that says there are some crimes that 13-year-olds should be prosecuted for, but not any felony.

□ 1245

And therein lies the difference. And certainly not to let the prosecutor unilaterally determine who is going to be tried. Where is the judge?

And so for that reason, I merely strike the provisions in H.R. 3 that would allow 13-year-olds to be tried as adults at the discretion of the prosecutor for any felony.

For goodness sakes, what is going on here? Why do we need this? Judges and prosecutors can try 13-year-olds now under the Federal law, under the Federal crime bill of 1994. The gentleman from Florida passed it. It was his bill, so he knows what is in it.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose the Conyers amendment because it weakens H.R. 3 and takes us back to current law with respect to juvenile offenders who are 13 or older and commit extremely violent and serious crimes.

Current law provides that a juvenile 13 years of age or older may be prosecuted as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed, on Federal property, murder, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm is alleged to have committed a robbery, bank robbery or aggravated sexual abuse. That is current law.

As such, the current law creates the anomaly of being able to prosecute such a juvenile as an adult when he has committed a robbery on Federal lands with a firearm, but not a rape committed at knife point on Federal lands. In other words, current law fails to include several extremely violent crimes.

The underlying bill that the gentleman from Michigan would strike the provision from provides that a juvenile 13 years of age or older may be prosecuted, it is permissible but not mandatory, as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed a serious violent felony or a serious drug offense.

These terms include such heinous crimes as murder, manslaughter, assault with intent to commit murder or rape; aggravated sexual abuse, abusive sexual contact; kidnapping; robbery, carjacking; arson; or any attempt, conspiracy, or solicitation to commit one of these offenses; any crime punishable by imprisonment for a maximum of 10 years or more that involves the use or threatened use of physical force against another; the manufacturing, distributing or dispensing of 1 kilogram or more of heroin, 5 kilograms or more of cocaine, 50 grams or more of crack, 100 grams or more of PCP, 1,000 kilograms of marijuana, or 100 grams of methamphetamine, which are huge quantities of these; and the drug kingpin offense under section 848 of title 18.

The President's bill recommended these crimes be listed and be made available for prosecution for 13-year-olds. So I think if my colleagues think as I do, that prosecutors should have the discretion to prosecute 13-year-olds for manslaughter, all rape offenses, arson, carjacking, then Members should vote no on the Conyers amendment.

If my colleagues strongly oppose, as I do, the Conyers amendment, I hope they will vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

If my colleagues think as I do, we will leave the Federal law alone, which already allows the enumerated crimes in the Federal crime bill of 1994 that now gives the prosecutor the option on major crimes, murder, attempted murder, possessing firearms during an offense, aggravated sexual abuse, robbery, and bank robbery. We already have those crimes.

Now, what is the point? Is giving 13-year-olds adult sentences at the discretion of the prosecutor going to reduce juvenile crime in the United States? Well, I guess if 13-year-olds are reading the Federal criminal statute and realize what the McCollum provision will do, quite likely some of them will not do it.

Please, why are we going to this clinical obsession with getting kids? For what purpose? For what satisfaction? For what national Federal objective? For what purpose? To reduce crime in America? Well, of course, there is not any.

By what authority do we even dare bring this provision up? Any quotes, any reports, any studies, any Department of Justice? None. It is just that the chairman of the Subcommittee on Crime feels this would be a good way to get more 13-year-olds. Try them as adults. A questionable theory in and of itself.

And that way, then give the prosecutor. What about the judge? Federal judges, what do they know? Give it to the U.S. prosecutor and let him build his rep and in that way we will fight juvenile crime in the United States. I think that is not sick, but not healthy either.

Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 2½ minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

I think something needs to be clearly explained in this process and that is simply that the law today reads that assault with intent to commit murder and some other things are clearly something that the prosecutors have the discretion to prosecute, and that the issue here is what are we going to give them in addition to that.

As I said earlier, there is a hole in the law. The fact of the matter is, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm, et cetera, to commit robbery, bank robbery, or aggravated sexual abuse, the Federal prosecutors already have the right to prosecute a juvenile if they want to for those things, 13 years of age or older.

We are simply spelling out some of the loopholes they have in here so that for kidnapping and carjacking and arson, and some other very, very bad crimes, that the prosecutors have that discretion to do it.

I am opposed very strongly to the Conyers amendment, and I would urge my colleagues to oppose that amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Michigan [Mr. CONYERS] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], and amendment No. 3 offered by the gentleman from Michigan [Mr. CONYERS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 320, not voting 13, as follows:

[Roll No. 112]

AYES—100

Abercrombie
Allen
Baldacci
Barrett (WI)
Becerra
Bishop
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Capps
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kennedy (RI)
Kennelly
Kilpatrick
Lantos
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Slaughter
Stabenow
Stark
Stokes
Thompson
Thurman
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOES—320

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)

King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bliley
Clay
Costello
Diaz-Balart
Filner
Hefner
McKinney
Peterson (PA)
Pickering
Sanchez
Scarborough
Schiff
Watts (OK)

□ 1314

The Clerk announced the following pairs:

On this vote:

Mr. Filner for, Mr. Diaz-Balart against.

Ms. McKinney for, Mr. Scarborough against.

Messrs. HEFLEY, McNULTY, TORRES, STUPAK, TAUZIN, TIERNEY, STRICKLAND, NEAL of Massachusetts, and Mrs. CUBIN changed their vote from "aye" to "no."

Mr. MINGE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Chairman, on rollcall No. 112, I was inadvertently detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 288, not voting 16, as follows:

[Roll No. 113]

AYES—129

Abercrombie
Ackerman
Allen
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Capps
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Doggett
Duncan
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Franks (NJ)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—288

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Blagojevich
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Bonilla
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Brady
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Bunning
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Davis (VA)
Deal
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Deutsch
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Doyle
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Edwards
Ehrlich
Emerson
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Etheridge
Everett
Ewing
Fawell
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Fowler
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Frelinghuysen
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Gallegly
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Gibbons
Gilchrest
Gillmor
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Goode
Goodlatte
Goodling
Gordon
Goss
Graham
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Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
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McIntyre
McKeon
Menendez
Metcalf
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Miller (FL)
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barr
Bliley
Clay
Costello
DeLay
Diaz-Balart
Filner
Frank (MA)
Hansen
Hefner
McKinney
Nadler
Pickering
Sanchez
Scarborough
Schiff

□ 1323

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Mr. GORDON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. Hansen. Mr. Chairman, on rollcall No. 113, I was inadvertently detained. Had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–89.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCOTT:
Page 22, strike lines 14 through 16.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Virginia [Mr. SCOTT] and a Member opposed will each control 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I request the 5 minutes in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the bill, underlying bill, authorizes $500 million a year in spending. This amendment strikes prison construction as allowable use of the money.

Mr. Chairman, this is for two reasons. First, $500 million nationally in prison construction cannot have any effect on crime. For example, Virginia is in the process of spending almost $1 billion a year on new prisons over the next 10 years. If all of Virginia shared this money, that is, if we qualified, which we do not, but if all the money were used in prisons, instead of $1 billion a year we would be spending $1.01 billion a year on prisons, obviously not enough to cause a difference in crime that anybody would notice.

The second reason, Mr. Chairman, is that if we used up the money on prisons, there would not be anything left over for the other worthwhile uses of the money.

Mr. Chairman, we already lock up more people than anywhere else on Earth. Some communities have more young men in jail than in college, and several States already spend more money for prisons than higher education. So States do not need the encouragement to build prisons, they need encouragement to spend money on other initiatives where little money can actually make a difference in public safety.

So, Mr. Chairman, I hope this House will adopt the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment of the gentleman from Virginia [Mr. SCOTT] would strike the provision which allows States and localities to use the block grant funds in the bill for building, operating, and expanding juvenile correction and detention facilities. These are not prisons, these are juvenile correction and detention facilities, and we are really short on those in many of the States.

We went around the country, had several big meetings with juvenile authorities all over the country over the past couple of years, and what they want are more tools, they want more probation officers; in some cases, more judges, more social workers, and, yes, more juvenile detention facilities because we want these juveniles to be housed separately from adults. But when they commit serious offenses, then we need to detain them.

So it is not practical to strike this from the bill. It is part of the discretion. We take away some discretion, the States would not have any money to be able to build any more detention facilities when we want them to do that, and it is an essential part of correcting the broken juvenile justice system. There is some price to house the juveniles separate and apart from prisons where only adult prisoners are housed.

So I urge a no vote "on" this.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Chairman, I rise to support enthusiastically the amendment of the gentleman from Virginia [Mr. SCOTT]. As he has indicated, building prisons is the fastest growing business in the United States. We are very willing and generously spending money to build new jails and prisons, and we are annihilating any possibility for potential criminals to have an opportunity to be educated.

It is my express opinion based on the facts of this bill that we should be earmarking money for prevention and for allowing people access to education. We spend $40,000 a year for one individual in institutionalizing them instead of giving them an educational opportunity.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

□ 1330

Mr. CUNNINGHAM. Mr. Chairman, I laud the gentleman from Virginia [Mr. SCOTT]. He and I have worked on the Committee on Education and the Workforce, and if the gentleman from Virginia [Mr. SCOTT] could listen for a moment, I do not have time to yield, but I would like the gentleman to really listen to what I have to say, because I have worked with the gentleman on the committee.

Let me tell my colleagues what some of our frustrations are. The amendments and the substitute focus on programs that are working from my colleagues' side. We find ourselves in a very critical situation today, and we find that in many cases it is not working.

Many of us, and I have had Members from the other side come across, a lot of us have personal problems with our own children that we are looking at. Do we want our children in prison systems? No. We want them in a boot camp where they can be taken care of where there are counselors, and not even juveniles, but maybe a first-time offender that we can reach out to.

However, we have been stymied, and I would like to go over a few of those frustrations. I have just met with the police chief in the District of Columbia, and yet there has been very little activity between law enforcement and the schools and the education systems. New York came and testified before the Subcommittee on the District of Columbia, but yet the school systems are a disaster in New York; but they have cleaned up the law enforcement. We need the gentleman from Virginia's help on that, because these are all pieces of the puzzle that we are trying to work on.

In education, the comment is we are trying to take the Federal Government out of it and let it do it on a State level, but yet every day we fight the same battle from our side trying to take the power out of Washington and back down. In education, a classic example, we get less across the country than about 50 cents on a dollar down to our education programs, and that is a key part of law enforcement and especially juvenile justice, but yet we cannot break that.

When we talk about jails, in California, I would tell the gentleman from Virginia [Mr. SCOTT], we have 18,000 to 22,000 illegal felons, illegals, just in our prison system. We would not have to build any more prisons if we could get help on the illegal immigration.

When we talk about the State level, Proposition 187, which about two-thirds of the Californians voted for, would have taken care of that; yet a single Federal judge overruled the wishes of two-thirds of the Californians.

We have in the State of California over 400,000 illegals in our education system. At $5,000 a year, that is $2 billion a year. All of these are symptomatic of problems that we have. These are the kinds of things and the pieces of the puzzle, not just this particular bill, that my colleagues' side of the aisle is very concerned about, and so are we. But understand the frustrations that we have, and we are trying to fight for these things, knowing that they are a piece of that puzzle and we cannot get support for it.

The welfare bill, 16 years average, and those children having two and three babies. What happens to those children? They are the ones we are talking about, because they end up in the gangs and having the problems. We need help on that, and that is why it is so important to us. I think we can work together a lot better than we have on these things; and I do oppose the gentleman's bill, but I would like to work with him.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD], the youngest Member of the U.S. House, to speak on the juvenile justice bill.

Mr. FORD. Mr. Chairman, I thank the gentleman. Let me say that this piece of legislation sends a perverse message, Mr. Chairman, to young people in our gallery and young people throughout this Nation.

As we talk about, as the gentleman from Florida [Mr. MCCOLLUM] did in this morning's newspaper, national leadership on the issue of juvenile crime, if we cannot provide national leadership in our educational system, why is it that we ought to be providing and usurping local control in the juvenile justice arena?

The crisis we face in our juvenile justice system, Mr. Chairman, is no less than dire, no less than catastrophic. If we are serious about preparing this next generation of Americans for the challenges of the new marketplace in the 21st century, then let us get serious about a national role in education as we are about a national role in juvenile justice.

I would submit to this body and submit even to the President of the United States, if we talk about arresting 13-year-olds and not about intervention and rehabilitation and prevention, we will be debating 2 years from now how we arrest 5-year-olds, 8-year-olds, and 11-year-olds.

Mr. Chairman, I plead to my friends on the other side of the aisle and even Democrats, do the right thing for young people, do the right thing for our future, provide us some real meaningful opportunities and chances, and all of us will benefit from it.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding me this time.

One important point is to listen to those who are in the war. The chiefs of police of the United States of America say, nearly four times in their ranking, increasing investment in programs that help all children and youth get a good start is better and more effective than trying more juveniles as adults and hiring additional police officers. Listen to the experts. Prevention and intervention is what this bill should have, and it does not. Vote down H.R. 3.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Rhode Island [Mr. KENNEDY], the second youngest Member of the House.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Virginia for his leadership on this issue.

I have to say at the outset how dismayed I have been with the votes that we have just had. I would say to the gentleman from Florida [Mr. MCCOLLUM] that we might as well scrap the whole juvenile justice system, we might as well do that, because picking away at this a little bit at a time really makes no sense at all.

If the gentleman thinks that kids should not be distinguished from adults with respect to their crimes, just be honest with everybody and tell them what the gentleman is really doing, and that is just scrapping the whole juvenile justice system. This stuff about 13-year-olds and 14-year-olds is just out of hand.

I think the Scott amendment is just the way we need to go. We know the facts are that prevention works. I will give my colleagues a few statistics that I wish that the gentleman's bill had recognized.

In Salt Lake City a gang prevention program led to a 30 percent reduction in gang related crimes. In Washington State, gang prevention programs reduced violence, reduced violence, that is less victims, less victims by 80 percent. The gentleman's bill puts $102,000 per cell, it costs to construct those cells, $102,000. Imagine how far that could go in putting that money behind prevention programs that work.

Mr. McCOLLUM. Mr. Chairman, I yield the final 1 minute to the gentleman from Texas [Mr. BRADY] for purposes of closing debate.

Mr. BRADY. Mr. Chairman, over the past year I served on the juvenile justice committee for the Texas Legislature. We rewrote our juvenile justice laws in trying to curb gang violence, and we found a number of things. One is that we met and saw a 12-year-old from Dallas who raped and bludgeoned a classmate and threw her body on the top of a local convenience store to hide her body. We learned that juveniles today are more violent and more mean and more mentally unstable than ever before in committing crimes. We find ourselves in a position of having to choose between building beds to house the most violent juveniles and choosing between a sanction process that we knew could make a difference.

Had we had this bill, had we had this incentive, we would have been able to do both and put them in place immediately to make a difference.

Finally, I would say the reason juvenile beds are so expensive is that we are trying to find out if there are kids who are rehabilitatable. For that reason we have to build additional classrooms, we have to build additional amenities. We are trying to allow, we want to give them a chance to come back to society if possible. We need these dollars, and I oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 105-89.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. LOFGREN:

Page 24, after the line 9, insert the following:

"(12) preventing young Americans from becoming involved in crime or gangs by—

"(A) operating after school programs for at-risk youth;

"(B) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

"(C) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

"(D) establishing peer mediation programs in schools;

"(E) establishing big brother/big sister programs;

"(F) establishing anti-truancy programs;

"(G) establishing community based juvenile crime prevention programs that include a family strengthening component;

"(H) establishing community based juvenile crime prevention programs that identify and intervene with at-risk youth on a case-by-case basis;

"(I) establishing drug prevention, drug treatment, or drug education programs;

"(J) establishing intensive delinquency supervision programs;

"(K) implementing a structured system of wide ranging and graduated diversions, placements, and dispositions that combines accountability and sanctions with increasingly intensive treatment and rehabilitation services in order to induce law-abiding behavior and prevent a juvenile's further involvement with the juvenile justice system; that integrates the family and community with the sanctions, treatment, and rehabilitation; and is balanced and humane; and

"(L) establishing activities substantially similar to programs described in subparagraphs (A) through (K).

"(c) REQUIRED USE.—A unit of local government which receives funds under this part shall use not less than 50 percent of the amount received to carry out the purposes described in subsection (b)(12).".

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. LOFGREN] and a Member opposed will each control 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

I would like to offer this amendment to the body, although it is not as strong as the substitute that was just narrowly defeated. It certainly does commit some of our taxpayers' funds to not just prevention, but intensive supervision, early intervention and rehabilitation for young people who are at risk of becoming involved in crime or who are already starting down the path in this behavior.

I am pleased that I have just received a letter from the Department of Justice indicating that they support this amendment and urge its adoption, and I would urge my colleagues to do so.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must oppose strongly this amendment by the gentlewoman, even though I understand that what she is trying to do is with honorable intention. She believes deeply that we should have prevention moneys in this bill. But what she is doing is forgetting a couple of things. One is that we have another bill coming along that is designed to do that out of the Committee on Education and the Workforce. This bill is not designed for that.

The gentlewoman is going to take 50 percent of the money in this bill and divert it to prevention programs when we need every penny in this bill to go for what its intended purpose is, and that is for probation officers and juvenile judges and juvenile detention facilities and those things which are important to the juvenile justice system itself, not simply to prevent juvenile crime, which is a separate bill.

I wish they both were out here today. In fact, I had wanted in my manager's amendment to be able to offer, if the Committee on Rules allowed me, a great big $500 billion a year crime block grant program that would have allowed any amount of money that the local community wanted to spend on prevention to be used for that purpose, but that did not happen and we are not out here with it today.

But the fact is that, if we designate 50 cents and tell the States and the local communities, that is what the gentlewoman is doing with her amendment, that they must spend 50 cents of every dollar they get on prevention, then they are not going to have the flexibility. They are being mandated by the gentlewoman's amendment to spend 50 cents on every dollar on prevention when a local community may very well need to have more money than they are getting even for probation officers, for judges and so on, if we are going to begin to do what we need to do. And that is sanction every juvenile for the very early delinquent acts that they are committing and they are not being sanctioned for with community service or whatever when they vandalize a store or home or spray paint a building or whatever.

The only way they can do that is if they get more resources, more social workers, caseworkers, more probation officers, more juvenile judges, more detention space. That is what this bill is all about. Therefore, the gentlewoman's amendment really guts this bill, and we ought to wait until the Committee on Education and the Workforce bill comes along for the other type of prevention programs. It is apples and oranges, and I urge a no vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

One of the problems with the amendment is that it does nothing about the preconditions for the allocation of funds. Currently we believe only six States qualify.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to amend the amendment in the following way: To amend section 1802, the applicability section, to provide that the requirements of that section shall not apply to the provision of these funds, that would be the prevention intervention funds, that has been suggested by the Justice Department.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 5 offered by Ms. LOFGREN:

Page 2, after line 25 of amendment No. 5 insert "(D) Section 1802 Applicability.

The requirements of Section 1802 shall not apply to the funds available under this section."

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

□ 1345

Mr. McCOLLUM. Mr. Chairman, reserving the right to object, I do not understand what this amendment does. I heard the gentlewoman, but could she explain it again?

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, as the gentleman knows, as the author of the bill, in order for States to qualify for the funding in the final section of the gentleman's bill, four conditions must be met by State law.

The Justice Department has suggested, and I concur, that as to the 50 percent of the funds that would be dedicated under this amendment to prevention, intervention, rehabilitation, and the like, as outlined in the amendment, those preconditions would not apply for these prevention, intervention, rehab funds to flow to States.

Mr. McCOLLUM. Mr. Chairman, unfortunately, at this point I must object, I am sorry, to the unanimous consent request.

The CHAIRMAN. Objection is heard.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER], my colleague on the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, I want to rise in support of the Lofgren prevention amendment. This amendment is not about prevention versus punishment. It has always been my belief we can do both. We have to do both.

I am speaking as someone who believes in tough punishment. I wrote a whole series of tough punishment laws. But punishment is only half of the solution. We have to make sure that today's second- and third-graders do not become the violent gang members of tomorrow. That is every bit as important in fighting crime as punishing those who, unfortunately, have become violent.

The overwhelming majority of kids, and I emphasize this is true in every neighborhood in this country, want to lead honest, decent lives. We know. We have had hard evidence from communities across the country. What this amendment does is it provides for kids growing up in desperate circumstances a place to go after school, volunteering as a Big Brother. These little things which we might take for granted can help kids go into the mainstream of society.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to my colleague, the gentlewoman from California, Mrs. ELLEN TAUSCHER.

Ms. TAUSCHER. Mr. Chairman, I rise today in support of my fellow Californian and the amendment of the gentlewoman from California [Ms. LOFGREN] to H.R. 3, the Juvenile Crime Control Act. Juvenile crime has become an epidemic in our country. We are losing our children to crime at a more rapid rate and at an earlier age than ever before. Tougher laws for juvenile criminals are essential to solving the problem. However, it is only part of the answer to preventing our children from falling into a life of crime.

After-school programs, drug prevention programs, community youth organizations offer our children alternatives to criminal activity. Effective community-based programs can and will keep our kids off the streets and out of trouble. Federal funding for proven, effective prevention programs is one of the most powerful commitments we can make to ending juvenile crime in this country. Early intervention through juvenile crime prevention programs helps put our kids back on the right track.

The amendment of the gentlewoman from California would permit grant funds under H.R. 3 to be used for proven and effective juvenile crime prevention programs. I support this bill and its tough approach to juvenile crime. I believe it will be a better bill with this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, I think what we are debating here today really needs to be put in the context of what the Government is currently doing and what remains undone, which is what this bill, H.R. 3, aims to do.

Mr. Chairman, lest anybody be left with the impression that the Federal Government is not expending tremendous sums of taxpayer money on prevention, at-risk, and delinquent youth programs, I have here two charts that list in summary form various of the 131 current programs administered by 16 different departments and other agencies totaling $4 billion, that is $4 billion, that are currently being used of Federal taxpayer money in communities all across America for prevention programs involving the youth of our country.

Mr. Chairman, I would like to see those on the other side that believe so strongly in prevention work with us to determine if any of these programs are not working, so that we can reconfigure the Federal moneys, change these programs, perhaps consolidate some of them, perhaps so they work better, because they are not working comprehensively now.

A case in point, and this is the chink in the armor that H.R. 3 must fill, just a couple of months ago in Atlanta, GA, in my home State, a 13-year-old youth, a drug gang wanna-be, was walking down the streets of Atlanta in broad daylight, and shot to death a father walking with his two children. That murder took place by a 13-year-old, who apparently feels no remorse, from the stories I have read, for what he did because it was part of a gang initiation.

All of these prevention moneys, $4 billion worth, did not prevent that. What we are trying to do, what the people of this country are demanding that we do as reflected in H.R. 3, is to develop programs that provide the States and the Federal Government the flexibility to stop that type of violent crime.

All the prevention moneys in the world are not working. There is a place for prevention. There is a place for this $4 billion, and perhaps more. But let us not lose sight of the forest for the trees. There is a serious problem on the streets of America with violent youth, and we must stop it. H.R. 3 will do that. The amendment will gut the ability of this bill to be effective in meeting those needs. I urge the defeat of the amendment and support of H.R. 3.

Ms. LOFGREN. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, let me briefly say to my colleague, the gentleman from Georgia, what the American people are demanding we do on this issue of crime is to prevent crime, not lock up kids after they have committed the crimes.

Mr. Chairman, and Chairman MCCOLLUM, I applaud the gentleman for his leadership and interest and certainly his convictions on this issue, but let us give these kids a chance. Let us prevent this crime, provide them with meaningful opportunities, show some national leadership on that front, instead of building cell after cell after cell. Tell these young people in this Chamber and in Florida and Tennessee and throughout this Nation that we care. Show them we care about doing the right thing. Support the Lofgren amendment.

Ms. LOFGREN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think it is important to comment on the frequently repeated claim that we are already spending $4 billion on prevention programs. The YMCA, the Young Men's Christian Association, did a good analysis of that assertion, and concluded that it is actually about $70 million, based on the GAO report. There are a number of other initiatives that actually have very little to do with prevention, and even though the $70 million is really for postcrime intervention, the programs have very little to do with preventing kids from getting into trouble.

I think it is important that we stand up for our future. We all know that there are young people who have done awful things. They need to be held to account for their crimes. Some of them need to be tried as adults. We acknowledge that. But if we do only that, if we do only that, we will never get ahead of the problem of youth violence and crime that besets our communities.

I have heard much about the amendment that will reach us or the prevention bill from the Committee on Education and the Workforce. The authorization available to that committee is $70 million for the entire United States. We are talking here about $1.5 billion. Our priorities are all wrong if we look at only reacting to problems, and never to taking the longer view and preventing problems from occurring.

Mr. Chairman, I recently read a statement from Mark Klaas, whose daughter Polly Klaas was brutally murdered, and I am glad that her murderer received the death penalty which he so richly deserved, but that will not bring back Polly. Mr. Klaas said that building prisons prevents crime about as much as building cemeteries prevents disease.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I must oppose the amendment, again. As the gentlewoman knows, there is a bill coming out of the Committee on the Judiciary that is going to provide at least $150 million a year for prevention. There are many other programs we heard demonstrated out here for prevention, and we may have a $500 million a year general block grant program, as we had last year, that could be used for that purpose.

But by the gentlewoman's amendment, she guts the underlying effort of this bill to address an equally important problem, and that is what do we do about the violent youth of this Nation. We have to have the money for juvenile justice and probation officers and detention facilities for them. That is what this bill would provide.

She would require 45 cents on every dollar from this bill to go to something else. We need every penny in this bill for the purpose of juvenile justice, and I urge a no vote on her amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. LOFGREN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Chairman, on that I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. LOFGREN] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 321, not voting 11, as follows:

[Roll No. 114]

AYES—101

Ackerman
Barrett (WI)
Becerra
Berry
Bishop
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Ehlers
Ensign
Eshoo
Evans
Farr
Fattah
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Goodling
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (RI)
Kennelly
Kilpatrick
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lofgren
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wynn
Yates

NOES—321

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Clay
Costello
Diaz-Balart
Filner
Hefner
Johnson, Sam
Kaptur
McKinney
Northup
Pickering
Schiff

☐ 1416

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Ms. DELAURO, Mrs. TAUSCHER, and Messrs. DAVIS of Florida, PALLONE, NADLER, MATSUI, FAZIO of California, HOYER, WEXLER, and WEYGAND changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Chairman, on rollcall No. 114, I was inadvertently detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 227, not voting 15, as follows:

[Roll No. 115]

AYES—191

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goodling
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)

Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—227

Abercrombie
Aderholt
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Archer
Blagojevich
Boucher
Buyer
Clay
Costello
Cox
Diaz-Balart
Filner
Hefner
Hooley
Johnson (CT)
McKinney
Pickering
Schiff

☐ 1424

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 115, the Lofgren amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Chairman, during the vote on the Lofgren amendment to H.R. 3, rollcall vote No. 115, I was unavoidably detained in a meeting. Had I been present for the vote, I would have voted "aye."

ANNOUNCEMENT REGARDING AMENDMENTS TO FOREIGN POLICY REFORM ACT

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

Mr. SOLOMON. Mr. Chairman, the Committee on Rules will be meeting early next week to grant a rule which may limit the amendments to be offered to H.R. 1486, the Foreign Policy Reform Act. Among other things, this bill contains authorizations for the State Department and various foreign aid programs.

Subject to the approval of the Committee on Rules, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Tuesday, May 13, to the Committee on Rules, at room H-312 in the Capitol.

Amendments should be drafted to the text of a bill as reported by the Committee on International Relations. The bill and report are to be filed tomorrow, and until such time as the text is available in the document room, it will be available in the Committee on International Relations, if Members want to get the bill there.

Just summarizing, Mr. Chairman, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 105–89.

AMENDMENT NO. 6 OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MEEHAN:

Add at the end the following:

TITLE —SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. . SPECIAL PRIORITY.

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Massachusetts [Mr. MEEHAN] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment states that once the Director of the Bureau of Justice Assistance decides to make Byrne discretionary grants available on a competitive basis to public agencies for antigang law enforcement initiatives, she must give special priority to those agencies that have proposed, in their applications already implemented, strategies tracing the sources of those guns provided to juveniles.

We all know too well the problem of juvenile gun violence. Specifically, virtually all of the striking increase in the juvenile homicide rate between 1987 and 1994 was associated with guns. A 1993 survey of male students in 10 inner city public schools revealed that 65 percent of those surveyed thought it would be no trouble at all to get their hands on a gun. An ex-gang member from Minnesota recently stated that for teenagers, acquiring guns is as easy as ordering pizza.

The evidence is clear, thanks to both big-time interstate gun runners and small-time black market dealers, juveniles have easy access to guns and are using them to kill one another. Over the past few years, the city of Boston has shown us a way to make a serious dent in the illicit gun sales to juveniles and thus cut down on deadly youth violence.

The Boston gun project began with a simple idea: If we want to stop kids from shooting each other, we have to get the guns out of their hands.

☐ 1430

This meant that when police recovered guns from juveniles during or after the commission of a crime, they could no longer afford to lock these guns away as evidence and forget about them. Instead, the police were called upon to work with State and Federal law enforcement agencies to trace the source of these guns. This commonsense policy yielded striking results.

For example, in their gun tracing efforts, police found guns being used by gang members in one Boston neighborhood all originated from Mississippi. They were purchased there by one neighborhood student who transported those guns to Boston for illegal sales in the neighborhood. When that student was arrested, the shootings in the neighborhood declined from 91 in 5 months to the arrest of 20 in the following 5-month period. Indeed, the Boston gun project was a critical component that has achieved once unthinkable results.

Mr. Chairman, my amendment seeks to encourage the widespread adoption of a law enforcement strategy that clearly works. My amendment requires that when the BJA decides on its own to do this, it should give special priority to the applicants, the public agencies, where they have implemented these proposals pursuant to a crime gun tracing in cooperation with State and Federal law enforcement officials.

Mr. Chairman, crime gun tracing will keep guns out of the hands of our children. If we want to stop kids from shooting one another, we have to attack the supply of the gun market. I urge my colleagues from both sides of the aisle to assist in this amendment.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I want to support the gentleman's amendment, and I want to make sure that I am right about a couple of things so my colleagues understand it.

I am correct, am I not, that this amendment does not criminalize any activity nor does it propose to create any new crimes; is that correct?

Mr. MEEHAN. The gentleman is correct.

Mr. McCOLLUM. Also, my understanding is all the gentleman is really doing, and I think it is a very important thing, is instructing the Bureau of Justice Assistance to give priority for Byrne discretionary grants to those public agencies which propose cooperative strategies to disrupt the illegal sale of firearms to juveniles; is that correct.

Mr. MEEHAN. The gentleman is correct.

Mr. McCOLLUM. That is what it does. It is a very simple measure, but I think it is a very important one. The purpose is good. We ought to have a bipartisan, cooperative, a full "aye" vote for the Meehan amendment. I strongly support it. I thank the gentleman for yielding.

Mr. MEEHAN. I thank the gentleman from Florida for his cooperation on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 105-89.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

Ms. DUNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. DUNN:

Add at the end the following new title:

Title —GRANT REDUCTION

SEC. 01. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(g) INFORMATION ACCESS.—

"(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

"(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1997, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

"(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

"(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

"(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Washington [Ms. DUNN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I and my colleagues from New Jersey and California offer the Dunn-Pappas-Cunningham amendment to the Juvenile Crime Control Act of 1997. This week as the trial of Megan Kanka's accused killer begins, we are reminded how important it is to have a process in place that will ensure that communities will be notified when a violent sexual predator is released.

We offer today, Mr. Chairman, an amendment to take Megan's Law one prudent step further. Our amendment will require States to submit a plan to the U.S. Attorney General describing a process by which parents will be notified when a juvenile sex offender is released and readmitted into a school system.

Some of our colleagues may wonder why notification under Megan's Law is not enough. Mr. Chairman, sometimes our schools include students from a variety of communities. Community notification, therefore, will not reach some of the parents of these children. Without this knowledge, parents would not be able to take the necessary precautions to protect their children from being victims of a possible reoffense.

It would be wrong and very possibly tragic, Mr. Chairman, to put juvenile sex offenders back into the school system without notifying the parents of the other students. We offer this amendment to H.R. 3 to complement Megan's Law and empower parents whose children attend schools outside their communities, as well as those whose children go to neighborhood schools.

We simply cannot let what happened to Megan Kanka happen again, not in any community and especially not on a playground during recess.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to read portions of a letter from the National Center for Missing and Exploited Children. They indicate in their letter, as Congress is well aware, juvenile offenses are increasing and the current means of addressing these offenders is inadequate for public safety purposes.

However, it is also consistently demonstrated by treatment clinicians and research academics that juvenile offenders, if given the proper treatment and supervision, are the most amenable to long-term rehabilitation efforts. NCMEC has always supported the efforts of the treatment community to identify and contain these individuals at an early age, in an effort to assist these young offenders to turn their lives around and become positive, participating members of society.

This legislation fails to recognize that not all offenders are the same. A violent 17-year-old serial rapist is a different character from a confused, perhaps abused 10-year-old involved in weekly therapy sessions. I might point out, Mr. Chairman, that 17-year-old serial rapists are already treated as adults in every State, and they would be covered by Megan's Law.

This proposal would no doubt interfere with the treatment of these young and most amenable offenders. The more violent repetitive offenders must be addressed, but not at the cost of the less dangerous youths.

Mr. Chairman, they go on to say that this proposed legislation would make no distinction between violent, repetitive youthful offenders and first-time, confused, treatable offenders, and raises constitutional considerations.

They also say that it would make school situations more difficult for victims of abuse. Since most juvenile offenders offend against members of their own nuclear or extended family, the schoolhouse spotlight would further implicate the victims as questions are raised and accusations are made. Furthermore, many families would not report offenses committed by children they knew or were part of their family if it meant automatic notification of the entire student body.

For these reasons, Mr. Chairman, I think we should oppose this amendment.

Ms. DUNN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from Washington.

Ms. DUNN. I do want to answer the gentleman's question, Mr. Chairman, and be very clear that this amendment neither sets the scope of notification nor the degree of risk that would necessitate notification. What we request is a report to the U.S. Attorney General on how the State intends to notify. It would give the States the flexibility to determine that process, which students would be potential threats as they return into the school system and how to notify parents of that threat.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would point out that those who are serious offenders are routinely treated as adults in every State. If it is a juvenile conviction, Mr. Chairman, we have no idea what they may have been convicted for, even a 10-year-old kissing a classmate. Those are the kinds of things that would get wrapped up in it.

Mr. Chairman, I reserve the balance of my time.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM] who has been very involved in the community notification for sexual predators beginning with our successful effort to get Megan's law into the crime bill of 1994.

Mr. CUNNINGHAM. Mr. Chairman, one minute on a subject like this that is so critical, I think, to the future is by far not enough and we spend two days on an open rule on housing and in something like this that affects our children.

I would like to thank the gentlewoman from Washington. We have just seen two little girls, sisters, that were dumped in a river. We just saw a little girl last month that was found under a pile of rocks. And Megan in New Jersey, and in California. The highest recidivism rate they have, whether it is a juvenile or a senior, is in the sexual abuse area.

I have two daughters. I do not care if it is a date rape, if they are on a college level or if it happens, God forbid, what happened to these little girls. It is about time, Mr. Chairman, that we support the victims instead of quit trying to protect the guilty and the lawbreakers.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS] who represents the county in which Mr. and Mrs. Kanka, parents of Megan Kanka, live and who has contributed a great deal to this debate.

Mr. PAPPAS. I thank the gentlewoman for yielding me this time.

Mr. Chairman, New Jersey has been witness to the tragic results of a judicial system that failed to adequately protect its citizens. The tragedies of Megan Kanka and Amanda Weingart are daily reminders that no community is safe from the scourge of sex offenders.

Amanda Weingart was killed by a convicted juvenile sex offender who was her neighbor. She was left alone with this man because no one was aware of his juvenile sex offense record, a record that was kept private, part of a system that is more concerned about protecting criminals' rights than children's rights. The entire State of New Jersey was devastated by this murder and the tragic murder of Megan Kanka a few months later.

I wholeheartedly support the gentlewoman from Washington [Ms. DUNN] and her continued leadership on tough crime legislation that cracks down on sex offenders. This amendment puts children first. Parents have the right to know how best to protect their children. We need to pass this amendment so that no family has to endure the tragedies that have been suffered by the Kankas and the Weingarts.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I must say I am a little puzzled about this amendment, because I support notification when sex offenders are released. I was the original cosponsor of Megan's law in Colorado.

My concern, though, is when we have a requirement that the parents be notified directly in this situation rather than the school officials. I am concerned about innocent people mistakenly being identified and neighbors or parents having some kind of vigilantism.

So I guess I would have a question for the sponsor: If States promulgated laws which notified school officials and then they could decide how to notify the parents, would that be acceptable and make the States eligible for the Byrne grant funding under this amendment?

If so, I will support the amendment. If not, I think it could encourage vigilantism which could even be worse for students, innocent students, if the parents were directly notified and a student had erroneously been identified as a sex offender.

Ms. DUNN. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Chairman, we believe, to answer the gentlewoman's question, that juvenile sex offenders present a unique danger to other youth. First of all, in a school, juvenile offenders are in constant contact with other children who are potential victims on a daily basis. In a community, individuals and families can avoid all contact.

Second, a system to prevent sexual crimes against children must be developed immediately. As I have said previously to the gentleman from Virginia, this notification is up to the freedom of the State. All they have to do is submit the plan and let the U.S. Attorney General know.

□ 1445

Ms. DUNN. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MCCOLLUM], the subcommittee chairman, who has been a great supporter.

Mr. MCCOLLUM. Mr. Chairman, I want to say I strongly support the gentlewoman's amendment, and I applaud her efforts to assure the communities are notified when convicted sexual predators move into neighborhoods. She has done it with Jacob Wetterly, she has done it with the Megan's Law, she is doing it here again today.

I do have some reservations of a technical nature which I think we can correct in conference, which the gentlewoman and I have discussed. The amendment is a good amendment though. It should be supported today. It further improves the laws on notification, and I do not think the objections I have heard deserve a no vote. I think she deserves a yes vote, and I encourage it.

Ms. DUNN. I yield myself the balance of the time, Mr. Chairman. How much time do I have remaining?

The CHAIRMAN. The gentlewoman from Washington [Ms. DUNN] has 1 minute remaining, and the gentleman from Virginia [Mr. SCOTT] has 30 seconds remaining.

Ms. DUNN. Mr. Chairman, I yield myself the balance of the time.

A few additional facts:

According to the Department of Justice, the total number of arrests of juvenile offenders in 1995 was over 16,000 in this Nation, and I believe we are compelled to put a system in place that will prevent possible reoffense.

Let me offer some facts from a study that was published by the Washington State Institute for Public Policy. It is very deeply disturbing.

Juveniles who recommitted sexual offenses continue to offend against children. The sexual recidivists were arrested for new offenses very soon after they had been let out of institutions. In Washington State alone 716 juveniles are registered as sex offenders and are under State or county supervision. These juveniles either attend school or work. This number, moreover, does not reflect the number of juveniles who are no longer under supervision. These two studies and the statistics alone give us reason enough to implement immediately a process of parental notification.

Mr. Chairman, the whole intention behind all our work on Megan's Law was to protect innocent women and children from sexual predators. All this amendment does is require each State to submit the method by which it will notify parents, a simple refinement of the work we have done.

I encourage Congress to pass this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Indiana [Mr. BUYER].

The CHAIRMAN. The gentleman from Indiana is recognized for 30 seconds.

Mr. BUYER. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding this time to me.

I have grave reservations about this. I applaud the gentlewoman for all of her work on child notification, but I find myself involved in investigation of sexual misconduct in the military and now sexual misconduct, fraternization and sexual harassment in the VA. The victims are very real here.

Let us not get lost in the high weeds. The juvenile justice system is about rehabilitation, also. So when my colleagues talk about the exploration of sex and first-time experiences, let us not forget about victims of potential sexual offenses while they are also juveniles and the further exploitation and the fear of these now children victims in being able to come forward.

So I have some very strong concerns, and I think the letter that was referred to from the National Center for Missing and Exploited Children in not supporting the legislation as written should be taken with great notice and this should be corrected in conference.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Washington [Ms. DUNN].

The question was taken; and the chairman announced that the ayes appeared to have it.

Ms. DUNN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from Washington [Ms. DUNN] will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 105–89.

AMENDMENT NO. 8 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCOLLUM:

Page 4, line 21, strike "public safety" and insert "justice".

Page 22, beginning in line 4, strike "Director of Bureau of Justice Assistance" and insert "Attorney General".

Page 24, beginning in line 12, strike "Director" and insert "Attorney General".

Page 24, line 14, strike "Director" and insert "Attorney General".

Page 27, lines 10, 12, and 16, strike "Director" and insert "Attorney General".

Page 28, beginning in line 7, and in line 19, strike "Director" and insert "Attorney General".

Page 31, lines 5, 12, 16, 19, 22, strike "Director" each place it appears and insert "Attorney General".

Page 32, lines 4, 10, 11, 13, beginning in line 15, and on line 19, strike "Director" and insert "Attorney General".

Page 34, line 2, strike "Director" and insert "Attorney General".

Page 36, strike lines 3 through 4 and insert the following:

"'(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

Page 36, lines 15 and 19, strike "Director" and insert "Attorney General".

Page 22, line 14, after "expanding" insert ", renovating,".

Page 22, line 16, before the semicolon insert ", including training of correctional personnel".

Page 32, line 1, strike "90" and insert "180".

Page 32, line 24, strike "one" and insert "10".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Florida [Mr. MCCOLLUM] and a Member opposed will each control 5 minutes.

Mr. SCOTT. Mr. Chairman, as a Member of the committee I will ask for the time in opposition, although I am not in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

This manager's amendment contains small but helpful changes to H.R. 3. Most of them have been requested by the administration.

The first change, requested by the Justice Department, modifies the basis for a Federal prosecutor's determination not to prosecute a violent juvenile as an adult in the Federal system. Currently, Title I of H.R. 3, which strengthens the Federal juvenile justice system, provides that a juvenile alleged to have committed a serious violent felony or a serious drug offense does not have to be prosecuted as an adult if the prosecutor certifies to the court that the interests to public safety are best served by proceeding against the juvenile as a juvenile. This is why those who say that H.R. 3 mandates prosecution of 14-year-olds for certain crimes are mistaken.

This amendment would change the basis for such a determination from the interests of public safety to the interests of justice. This change will provide the prosecutor with even more flexibility in making this important determination while ensuring that considerations of public safety are still included.

The second change that this amendment would make to H.R. 3 has also been requested by the Department of Justice. It would assign responsibility for administering the accountability incentive grant program to the Attorney General rather than to the Director of the Bureau of Justice Assistance. This change would provide the Attorney General greater flexibility in determining which office within the department should administer the program. This change would enable the department to insure that the program is expeditiously implemented and efficiently managed.

The third change made by this amendment is to define the term "serious violent crime" as it appears in title III of the bill. One of the requirements of the accountability incentive grant program of title III is that States allow prosecutors to make the decision of whether to prosecute a juvenile who has committed a serious violent crime as an adult. This amendment would define the term "serious violent crime" narrowly so as to include only murder, aggravated sexual assault and assault with a firearm. By explicitly limiting the term to these serious offenses, the likelihood of any problem associated with different State definitions is kept to a minimum.

This amendment also includes a provision that my friend from Indiana and a member of the committee, the gentleman from Indiana [Mr. PEASE], has worked on. This provision would explicitly provide that grant funds received under title III could be used not merely to build, expand or operate juvenile correction detention facilities, but also to renovate such facilities and to train correctional personnel to operate such facilities. This provides additional flexibility to States and localities seeking to increase and make better use of their juvenile facilities.

Finally, the amendment increases the period of time provided for the Department of Justice to make grant awards from 90 to 180 days as requested by the Department. This establishes a more realistic timeframe for grants, for getting the grant funds out to the States and localities.

In my view, Mr. Chairman, this amendment is noncontroversial and makes a better bill, and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding this time to me and appreciate the vigorous debate that we have had and his leadership on these issues.

I simply want to acknowledge that this manager's amendment is one that obviously, with the corrections that are being made, those of us who attempted first to have a bipartisan bill in H.R. 3 are glad for these particular technical corrections, and I thank the gentleman from Florida [Mr. McCOLLUM] for them.

If he would allow me, I do want to acknowledge before asking to enter into a colloquy with him, and if he would suffer my disagreement on some aspects, if he would, that I was hoping that we might have been able to add a very important provision dealing with requirement on trigger locks. This I know the gentleman from Florida does not agree with, and I am not certainly asking him to respond to this. This would have been an appropriate place to add the Federal requirement that federally licensed firearm dealers provide a child safety lock with each firearm sold. I say that because 80 percent of Americans have agreed with that policy. It is only the National Rifle Association that disagrees.

Having said that, let me thank the gentleman from Florida [Mr. McCOLLUM], as I said, for these manager corrections and particularly thank him for working with me on protecting those youth who may be housed in an institution that may have adults. We have discussed the fact that this bill in fact does not change current law, which does allow children and adults be housed together. Amendments that were proposed and were not accepted would have eliminated that danger. But I do appreciate the gentleman's interest in an amendment that I offered that had to do with the penalty for an adult that rapes a juvenile who may be incarcerated in the vicinity or in the facility of that adult.

I would like to engage the gentleman from Florida [Mr. McCOLLUM] in a colloquy on two points, and that is the penalty for rape of juveniles in prison, and I would ask the gentleman the ability to work together with him to ensure that this provision might work its way into this legislation.

Mr. McCOLLUM. Mr. Chairman, would the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, the gentlewoman knows I tried to put this in the manager amendment. I think having this penalty for rape by a corrections guard in a prison is a very important amendment, and enhances the penalties for that, but unfortunately the Committee on Rules determined that that would open the scope of the whole bill if it were adopted to a lot more amendments than would otherwise be permitted on a variety of subject matters.

So I will work with the gentlewoman in conference. Hopefully, we can get this into this bill and maybe into an other piece of legislation, but I strongly support that provision, and I hope we can get it through, and we will work for it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Florida, and let me just quickly say that, unfortunately, we had a situation where a young person was put in for a truancy offense. This goes to my housing juveniles with adults, existing law that I would like to change, and this bill does not, and that individual ultimately committed suicide. I hope that we prospectively can look at those issues, but moving from that let me also raise with my colleague very quickly:

As the gentleman well knows I filed the Hillory J. Farias Date Rape Prevention Act. I appreciate the discussion we had in the committee. We were not able to get this legislation in this particular bill. In fact, I think that is good, because it is important to have this issue aired. This young lady would have graduated this year. She is now dead for the DHB drug. We have determined that there is no medically redeeming quality to this drug and DEA has confided, or at least affirmed that is the case. I would like to engage the gentleman in a very brief colloquy about the opportunity to have hearings and to see the devastating impact of the DHB so that this can pass.

Mr. McCOLLUM. Mr. Chairman, if the gentlewoman would yield, I fully intend to hold hearings on this and a number of other Members' bills. It is my intent as the chairman of the subcommittee to hold a number of our bills before hearings that Members have, including the one the gentlewoman has proferred here tonight that she is talking about, and that will occur over the next few months as we get to Members' individual bills.

So I look forward to the hearing on it. I do not know my position on the bill yet, but I will certainly anticipate holding a hearing on it and giving the gentlewoman every opportunity to convince me and others that this is the measure we should adopt. I understand it is a serious problem, and we certainly should look at the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think the Hillory J. Farias bill will get the gentleman's attention, and I thank him very much as chairman.

Mr. SCOTT. Mr. Chairman I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Virginia is recognized for 30 seconds.

Mr. SCOTT. Mr. Chairman, as the gentlewoman from Texas has indicated, we would have liked other amendments, but these amendments are clearly technical and clarifying, and I would ask the House to support this manager's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. McCOLLUM. Mr. Chairman, may I inquire what amount of time I have left?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 2 minutes remaining, and the gentleman from Virginia [Mr. SCOTT] is out of time.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of the time, and I appreciate very much. I want to take this opportunity to say this, I appreciate very much the opportunity to work with the gentleman from Virginia [Mr. SCOTT] as well as the gentleman from New York [Mr. SCHUMER] and all of the members of the subcommittee on both sides of the aisle.

In crafting the bill that is before us today, the manager's amendment I know is not controversial. I do not expect a recorded vote on it. We have outlined it already. But I would like to take the remaining few seconds to finally express and summarize what is in this bill, and I know the bill does not contain everything everybody wants. There are a lot of other things we need to do to fight juvenile crime that are not in this bill, and it has been understood from the beginning by me and by those of us who support it. But the bill is a solid good product and it deserves my colleagues' support.

It is a bill that will go a long way to correcting a collapsing, failing juvenile justice system in this Nation. Unfortunately, one out of every five violent crimes in the country are committed by those under 18, and we only put in detention or any kind of incarceration 1 out of every 10 juveniles who are adjudicated or convicted of violent crimes.

Now we have an overwhelming number coming aboard as the demographics change. The FBI estimates doubling the number of teenage violent crimes if we do not do something about them in the next few years. Most of this is State. We are dealing with both Federal and State in this bill, and we are encouraging through an incentive grant program States to take those steps, including sanctions from the very early, very first delinquent act, that are necessary to try to keep some of these kids through the juvenile justice system from progressing further and committing these violent crimes ultimately.

We want them to understand there are consequences to their acts and, even when they throw a brick through a window, run over a parking meter or spray paint a building, they should get at least community service or some kind of sanction. It is terribly important. That is what this bill would encourage States to do and provide a pot of money for the States to improve their juvenile justice systems by hiring more probation officers, juvenile judges, building more detention facilities and the like.

It is not a comprehensive juvenile crime bill. There are other pieces of this to come later, but it is a very comprehensive approach to correcting a broken, flawed, failed juvenile justice system throughout the United States, and I urge my colleagues in the strongest of terms to vote for the final passage of H.R. 3.

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The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. McCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington [Ms. DUNN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 398, noes 21, not voting 14, as follows:

[Roll No. 116]

AYES—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—21

Becerra
Buyer
Campbell
Conyers
Dingell
Fattah
Foglietta
Gilman
Greenwood
Hastings (FL)
Hinchey
McDermott
Rangel
Sabo
Scott
Stark
Stokes
Towns
Waters
Watt (NC)
Yates

NOT VOTING—14

Boucher
Capps
Clay
Costello
Diaz-Balart
Fawell
Filner
Hefner
Kasich
McKinney
Paxon
Pickering
Schiff
Spratt

☐ 1518

Mr. HASTINGS of Florida changed his vote from "aye" to "no."

Messrs. GIBBONS, HOEKSTRA, and McDADE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAPPS. Mr. Chairman, earlier today the House voted on rollcall No. 116, the Dunn amendment to the Juvenile Justice Act. Because of a voting machine malfunction, my vote was not recorded. I wish the record to reflect that I attempted to vote in favor of this amendment.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. HYDE. Mr. Chairman, I rise in strong support of H.R. 3, the Juvenile Crime Control Act of 1997. H.R. 3 gets tough on the No. 1 public safety problem in America—juvenile crime. It attacks the key problem with the juvenile justice system in America—its failure to hold all juvenile criminals accountable for their offenses.

Our Nation's juvenile justice system is completely dysfunctional and badly in need of reform. Remarkably, most juveniles receive no punishment at all. Nearly 40 percent of violent juvenile offenders who come into contact with the system have their cases dismissed—and only 10 percent of these criminals receive any sort of institutional confinement.

By the time the courts finally lock up an older teen on a violent crime, the offender often has a long rap sheet with arrests starting in the early teens. Juveniles who vandalize stores and homes—or write graffiti on buildings—rarely come before a juvenile court. Kids don't fear the consequences of their actions because they are rarely held accountable.

How did we let this happen? First, there isn't enough detention space for juvenile criminals. Second, there are not enough alternative punishments. And third, there are still too many well intended but mistaken judges who view juvenile criminals as merely children in need of special care.

Now, here's the really bad news. Experts say that juvenile arrests for violent crimes will more than double by 2010. The FBI predicts that juveniles arrested for murder will increase by 145 percent; forcible rape arrests will increase by 66 percent; and aggravated assault arrests will increase by 129 percent. In the remaining years of the decade and throughout the next, America will experience a 31-percent increase in the teenage population—as children of baby boomers come of age. In other words, we are going to have a surge in the population group that poses the biggest threat to public safety.

H.R. 3 would establish a Federal model for holding juvenile criminals accountable through workable procedures, adult punishment for serious violent crimes, and graduated sanctions for every juvenile offense. The bill directs the Attorney General to establish an aggressive program for getting gun-wielding, repeat violent juveniles off the streets.

H.R. 3 also encourages the States, with incentive grants for building and operating juvenile detention facilities, to punish all juvenile criminals appropriately. Punishing juvenile criminals for every offense is crime prevention. When youthful offenders face consequences for their wrongdoing, criminal careers stop before they start. H.R. 3 encourages States to provide a sanction for every act of wrong doing—starting with the first offense—and increasing in severity with each subsequent offense, which is the best method for directing youngsters away from a path of crime while they are still amenable to such encouragements.

I should emphasize that H.R. 3 is part of a larger legislative effort to combat juvenile crime. The prevention funding in the administration's juvenile crime bill falls under the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill within the next several weeks. It is my hope that a bipartisan agreement will be reached that funds $70 to $80 million in new prevention block grants to the States—these grants will target at-risk and delinquent youth. In addition, that bill will be a small but significant part of the more than $4 billion that the Federal Government will spend this year on at-risk and delinquent.

Accountability and prevention are not mutually exclusive. We need to restore the foundation of our broken juvenile justice system by holding young offenders accountable for their crimes, and we need to invest in prevention programs that work. I believe that this dual approach will put a real dent in juvenile crime across the Nation.

H.R. 3 addresses the crisis of juvenile crime in America today by establishing model procedures for prosecuting juveniles and by giving significant incentives to the States to fix their juvenile justice systems.

I urge you to support this bill and begin the process of repairing America's collapsed juvenile justice system.

Mr. GEPHARDT. Mr. Chairman, I strongly support this Democratic amendment to the Juvenile Crime Control Act because it accomplishes what the Republican bill does not: It heeds the cry of law enforcement officers who are asking for help at the local level, in the precinct and on the beat, and it adheres to the values that make our communities safe and our families strong. It provides the resources to those who are on the front lines of law enforcement, at the local level: the police officer, district judges, and DA's and community leaders who are rallying together to stop the scourge of gang violence and drugs in their streets. It confronts the tragedy of juvenile crime through a balanced approach of tough enforcement and smart intervention and prevention.

The Republican bill is weak on crime because it starts at the jail-house door. The bill that Republicans present to us today fails on several accounts: It is extreme in treating children as adults in the Federal juvenile justice system—it offers no assistance to local law enforcement unless they get in line with the new federalism forced on local jurisdictions as proscribed by Republican criteria—and, finally, it is unbalanced because it ignores what law-enforcement officials have been telling us for years: if you want to curb juvenile crime, you've got to be tough, you've got to be fair, and you've got to be hands-on, child-by-child to intervene before they experiment with drugs and join gangs and prevent them from becoming another fatality of a justice system that has been designed by political sound-byte rather than a smart and effective anticrime strategy.

The first question we have to ask ourselves, as a society, as parents, as human beings, is this: Do we want a system of justice that places the highest premium on warehousing juvenile offenders, in jails which propagate further criminal behavior, or do we want to provide local communities and law enforcement with the ability to put in place the mechanisms to help us as a society, deal with the reasons that lead our kids to use drugs and join gangs, because they have grown up in a situation where they have nowhere else to turn?

It ignores what is going on with our kids. Every day in America, 5,711 juveniles are arrested—more than 300 children are arrested for violent crimes. Every day, more than 13,000 students are suspended from public schools and more than 3,300 high school students drop out altogether. Drug use is on the rise for 13 to 18-year-olds, violent gang-related crimes are being committed by hardened juvenile criminals, and teen pregnancy is still a major problem. But I would argue that these are indirect social costs of something deeper and more pervasive that is going on. When you consider what is happening to our communities and the family, when you consider that there are no safe havens for many kids who are literally growing in communities that are under fire from gang activity and drug trafficking, you come to a different place in this debate.

At a time when child care experts are telling us that the formative years of a child's life determines whether that child will be well-balanced or emotionally challenged for the remainder of his or her life, we need to pay attention to the environment in which our children are growing up in: Kids go to schools shadowed by hunger because they haven't had a proper breakfast, they are sent to second-rate, crumbling schools that are dangerous to their health and contrary to a positive learning environment, they go home each night in many cases without adult supervision are left to fend for themselves. And the younger kids are often left in understaffed day-care facilities that operate like kennels.

Our kids need to learn responsibility and respect. They need to learn how to make smart, good choices in a world full of bad ones. But how can they when all of the odds are stacked against them? We can't afford to play these odds any more—our children, our futures are at stake.

This is not about codding hardened criminals that lack a conscience and who take it out on innocent people who happen to be in the wrong place at the wrong time. This is not about giving a break to children because they are children, when they are killing other children. This is about giving the people who must apprehend, prosecute, and sentence these juveniles—the ability to hold these children accountable for their actions, and giving them a choice in how they will do that. This gives communities the ability to get to these kids before they ruin their lives and the lives of those around them. This gives families the means to prevent their kids from becoming both the victims of as well as the perpetrator of crimes, this gives kids the opportunity to choose another path.

We call for a zero-tolerance policy toward gang activity. We taught juvenile delinquents who commit violent crimes and crimes involving firearms. We provide resources for local communities to hire more police to prevent juvenile crime, more drug intervention efforts to provide drug treatment, education, and enforcement. And we provide resources to localities to set up antigang police units and task forces.

When Democrats first designed this approach in our families first agenda last year, we talked to the people who are most affected by crime: Average working families in neighborhoods all across this great Nation. They told us this is what they wanted to help them deal locally with the threats that face them and their children. Let us give the people what they are asking for today, let us give them a balanced approach to juvenile justice, give us your vote on the Stupak-Stenholm-Lofgren-Scott substitute.

Ms. DEGETTE. Mr. Chairman, I would like to qualify my vote for Representative DUNN's amendment to H.R. 3, the Juvenile Crime Control Act of 1997. Representative DUNN has advised me that it is her intention that her amendment would allow States to develop plans which provide for the notification of school officials of the presence of juvenile sex offenders, and for those officials to appropriately inform parents. States with plans such as this would qualify for the Byrne grant funds.

I support appropriate notification of communities when sex offenders are released but I am also concerned that direct notification of parents could cause vigilantism. The rationale behind notification is to provide for the safest environment to the community. Providing this information, without context or supervision by school officials, could undermine the intended results.

An example of the unfortunate circumstances that this amendment could lead to happened quite recently. In Manhattan, KS, the completely innocent Lumpkins family was unfairly victimized by their community when a list of sexual offenders in the area included their address. People threw rocks at their home and their daughter was harassed by neighbors. The Kansas Bureau of Investigation admitted it was an easy mistake to make.

In schools, similar vigilante action would be prevented by notification of official and development by the school of guidelines for the method and details of parents suitable to the situation.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act of 1997. Let me state from the beginning that I recognize the challenge we face in curbing crime in our Nation. In fact, I have been a longstanding advocate for strong congressional action to reduce and prevent violence and crime. Nonetheless, I cannot support crime control measures which compromise our commitment to preventative or rehabilitative strategies for our Nation's most valuable resource, our children. Therefore, I must oppose this measure before us today.

Mr. Chairman, the stated objective of the Juvenile Crime Control Act of 1997 is to revise provisions of the Federal criminal code to permit Federal authorities to prosecute juveniles, as young as 13 years of age, as adults. It is my belief that our judicial system's major focus should be to protect its children from harm, not to throw them into our society as hardened criminals without any attempt to reform them.

H.R. 3 would essentially give up on America's juvenile justice system and ultimately give up on America's troubled youth. The bill would allow State and Federal courts to try and imprison children in facilities with adults. Instead of improving the current system of rehabilitating underage offenders, or funding proven and cost-effective prevention programs, this legislation would have the courts give up on at-risk youth.

In addition, H.R. 3 is based on assumptions proven to be ineffective. Studies have shown that children who are housed in juvenile facilities are 29 percent less likely to commit another crime than those jailed with adults. In addition, the danger to children housed with adults is real. In 1994 alone, 45 children died while they were held in State adult prisons or adult detention facilities.

Mr. Chairman, there can be no doubt that the draconian measures mandated by this legislation will have a disproportionally unfair impact on African-American young people. A Washington-based advocacy group, known as the "Sentencing Project," confirmed this fact when it reported that a shocking one-third, or 32.2 percent of young black men in the age group 20–29 is in prison, jail, probation, or on parole. In contrast, white males of the same age group are incarcerated at a rate that is only 6.7 percent.

As the Nation experiences a slight overall decline in the crime rate, 5,300 black men of every 100,000 in the United States are in prison or jail. This compares to an overall rate of 500 per 100,000 for the general population, and is nearly five times the rate which black men were imprisoned in the apartheid era of South Africa. America is now the biggest incarcerator in the world and spends billions of dollars each year to incarcerate young people.

Mr. Chairman, the number of African-American males under criminal justice control is over 827,000. This figure exceeds the number of African-American males enrolled in higher education. The Juvenile Justice Act of 1997 is a step in the wrong direction. We need to do all that we can to promote crime prevention measures to ensure that our children never start a life of crime. Furthermore, we must not give up on our Nation's most valuable resource, our young people. I urge my colleagues to protect our youth, and vote down this unconscionable measure.

Mr. CALVERT. Mr. Chairman, due to previously scheduled commitments in my district, I am unable to make the final two votes on H.R. 3, the Juvenile Crime Control Act. I strongly support the bill, and have voted today for many amendments to strengthen the bill. I oppose the motion to recommit with instructions because such a move would strip the bill of the very provisions which make it good legislation. Thus, I support final passage of the bill. I hope that the Senate will take up this measure quickly and that the President will sign the Juvenile Crime Control Act as soon as possible. Unfortunately, there are cases of juvenile crime where Federal prosecutors need the authority to try juvenile offenders as adults. This legislation would grant that authority and make available block grants to restore the effectiveness of State and local juvenile justice systems. This is good legislation which all Members of the House should support.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of H.R. 3, the Juvenile Crime Control Act of 1997. This highly focused bill deals with violent juvenile offenders on the Federal level. H.R. 3 addresses the issue of incarcerating violent juvenile offenders at the Federal level by lowering the age at which a judge may waive a violent juvenile offender into adult court; treats juvenile records the same as adult records; and increases accountability for juveniles adjudicated delinquent and their parents. The measure also encourages placing juveniles younger than 16 in suitable juvenile facility prior to disposition or sentencing. For juveniles 16 and older, it provides for their detention in a suitable place designated by the Attorney General. This by no means requires that juvenile offenders on the Federal level be housed with adults. In addition, H.R. 3 provides that every juvenile detained prior to disposition or sentencing shall be provided with reasonable safety and security.

H.R. 3 provides incentives for States to emulate this new approach. The grant program in H.R. 3 would be authorized at $500 million for 3 years. States must meet certain requirements if they are to obtain money from grants authorized by H.R. 3—e.g., they must try violent juvenile felons as young as 15 as adults; they must treat juvenile records like adult records; and they must permit parent-accountability orders. States which meet all the criteria could use the money for various initiatives such as establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed in cooperation with law enforcement officials, to protect students and school personnel from drugs, gangs, and youth violence.

Although I support H.R. 3, I realize it does not address the issue of nonviolent offenders on the State and Federal level, nor does it provide prevention and rehabilitation programs for juvenile offenders. These issues should be addressed when Congress reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. That is the appropriate time and the correct venue to aid our communities in developing programs to help youth stay away from crime, gangs, drugs and guns. Juvenile justice officials in Hawaii have asked for help in funding prevention programs, substance abuse programs, support programs for children who have little or no family life, and programs that would give State court judges an alternative program to deal with certain juvenile offenders instead of sending them to correctional facilities. I am sure my colleagues have heard similar requests from juvenile justice officials in their districts.

Sending children to jail and throwing away the key while ignoring prevention and rehabilitation programs will not effectively reduce juvenile crime or be cost-effective. A 1996 study by the RAND Corp. found that early intervention and prevention programs are, indeed, cost-effective solutions for reducing the juvenile crime rate. The study indicates that prevention programs which focus on early intervention in the lives of children who are at greatest risk of eventual delinquent behavior are effective in reducing arrest and rearrest rates.

We need to send a message to juveniles: If you commit a violent offense you will be punished accordingly. However, at the same time we must continue our attempt to reach kids, to get them involved in their communities, and to prevent them from taking part in dangerous activities in the first place. I urge my colleagues to vote for H.R. 3 and to strongly support a debate occurring this year on reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

Ms. BROWN of Florida. Mr. Chairman, I rise to speak in opposition to H.R. 3, the Juvenile Crime Control Act or what I call the Anti-Florida/Anti-Juvenile Justice Act.

Although the author of this bill is from my home State of Florida, this bill does nothing to assist Florida's juvenile justice system.

As a former Florida State representative, with a degree in criminology, and a longstanding member of the State Corrections Committee, I can say that Mr. MCCOLLUM's proposal is anti-Florida and does nothing to address crime prevention.

According to the Florida Department of Juvenile Justice, H.R. 3 should not be mandatory and connected to purse strings. The proposed Federal mandate will eliminate the State's attorney's discretion to prosecute adolescent offenders in juvenile court.

In fact, the bill will have the opposite effect of what it is intended to do. With the discretion of the Florida State's attorney, the majority of 15-year-olds receive tougher sentence in a juvenile correctional facility. If tried as an adult, H.R. 3 will actually give Florida's 15-year-olds lighter sanctions. I thought Mr. MCCOLLUM wanted to increase juvenile punishments, not reduce them.

Under H.R. 3, 75 percent of the funding formula will be given to county governments. Florida has a State-financed and operated juvenile justice system. Instead of providing money for existing State programs, this bill will create yet another level of bureaucracy. I don't understand why the author of such legislation would want to bypass his own State's juvenile justice system.

Now let's talk about the children. Under H.R. 3, juveniles as young as 13 can be tried and jailed as adults, their records will be opened to public scrutiny, and they will live side by side with society's most violent criminals. To punish these young children as adults is severe, to say the least.

This so-called juvenile justice bill doesn't care much for children. H.R. 3 will put more 15-year-olds in jail with violent adults than ever before. I don't think child abuse, rape, and suicide of jailed children is a justifiable punishment for simple misdemeanors and property crimes.

As leaders of our country, we should give our children opportunities to excel and reasons to turn away from crime and delinquency. It is proven that focus on prevention and early intervention are most effective at deterring juveniles from committing crimes.

H.R. 3 does nothing to prevent crime or offer solutions to juvenile crime. If you're in favor of putting these children with child abusers, rapists, and murderers, vote for H.R. 3. If you want to contribute to the problem of overcrowded correctional facilities, which is our Nation's fastest growing industry, vote for H.R. 3.

Instead of increasing the prison population and encouraging our children to become career criminals, let's spend our time and resources finding ways to contribute to our children's future, not destroying it.

Vote against H.R. 3, the Anti-Florida/Anti-Juvenile Justice Act.

Mr. OXLEY. Mr. Chairman, I rise today to offer my best wishes and support to the Lima-Allen County, OH, branch of the NAACP, as its members make their final preparations for their annual radiothon. The event, planned for May 24 at the Bradfield Community Center in Lima, will join the Lima-Allen County branch with other branches of the NAACP from across the Nation in an effort to attract new members from the Lima-Allen County community, as well as to inspire old members to renew their commitment.

The chapter president, Rev. Robert Curtis, and my friend Malcolm McCoy, deserve special recognition for their work with the organization. I wish them success in their upcoming radiothon and particularly commend their positive influence on the young people of Lima and Allen County.

Mr. SKAGGS. Mr. Chairman, this bill holds out a false hope. It may reduce some juvenile crime by forcing States to impose longer sentences on young offenders. But in return, it will guarantee that many of those young offenders will become career criminals. We should not pay that price. Nor should we force the States to forfeit their freedom and ingenuity in how they handle juvenile offenders as the price for Federal assistance in preventing and punishing juvenile violence.

Very few Federal crimes are committed by juveniles. Rather, almost all juvenile crime—including almost all violent crime—is State crime. So what this bill really intends is to require the States to prosecute more juveniles as adults. In fact, for most heinous crimes, the States already prosecute most juvenile offenders as adults.

I'm somewhat surprised that so many of my colleagues think that we in the House of Representatives know better than the States how to deal with juvenile crime. We've heard for the last several years that State and local officials know best about other problems. What makes this subject so different?

Let the States decide how to handle the complex problems associated with juvenile crime. We have supported the States in their juvenile justice efforts, and we don't need to impose our views about when to prosecute children as adults. Nor do we need to push the States to ease States restrictions on incarcerating juveniles separately from adult offenders.

What happens when you incarcerate children with adult violent offenders? You get eight times as many suicides; you get dramatic increases in acts of sexual assault and brutality against those children; and you increase the likelihood that the children will become career criminals.

Unfortunately, this bill would push the States to mix violent adult offenders not just with violent convicted juveniles but also with nonviolent offenders and even with children awaiting trial who've never been convicted. William R. Woodward, who is the director of the Division of Criminal Justice in the Colorado Department of Public Safety, and Bob Pence, who is chair of the Colorado Juvenile Justice and Delinquency Prevention Council, agree that H.R. 3's provisions on incarcerating children with adults would be counterproductive.

It's tough enough to try to steer juvenile offenders away from a life of crime. H.R. 3 would make it much tougher.

H.R. 3 also unwisely intrudes on State authorities requiring that State judges be stripped of their power to determine whether young people charged with crimes should be tried as adults. How far do the bill's supporters want to meddle in State matters? What does this legislation do to encourage the States to deal with the prevention of Juvenile crime? Nothing. We should be supporting State efforts to prevent young people from getting into criminal behavior, efforts such as mentoring programs and after-school programs. Instead, this bill would direct resources from these efforts.

The Democratic substitute contains the ounce of prevention that deserves our enthusiastic support. H.R. 3 is punitive and misguided, and it should be defeated.

Mr. POMEROY. Mr. Chairman, I rise today in reluctant opposition to the Juvenile Crime Control Act currently before the House. I firmly believe we must be tough on repeat juvenile offenders. Juvenile crime is not only continuing to grow, but it is one of the most troubling issues facing law enforcement officials and the communities they seek to protect. This bill doesn't make productive changes in this area. Rather, it preempts State authority, imposes a one-size-fits-all solution, and has a discriminatory impact on native American youth. I would like to elaborate on my concerns at this time.

First, this bill takes extreme steps to preempt State authority in determining how prosecutors will deal with those who violate State laws. North Dakota communities, including those on our four Indian reservations, need additional resources to build, expand, and operate juvenile correction and detention facilities. But in order to get this help, they must sign off lock-stock-and-barrel on the Federal prescriptions contained in H.R. 3 about the prosecution of State crimes. I have the utmost confidence in the sound judgment of North Dakota prosecutors, judges, parents, and community leaders to determine how best to deal with juvenile crime in our State.

Second, this bill imposes a Washington one-size-fits-all solution to the problem of juvenile crime. North Dakota is not similar to downtown Los Angeles. While the problem of juvenile crime in my State is significant and growing worse, it bares no relationship to what is happening in our Nation's urban centers. North Dakota law enforcement officials take this issue seriously and are taking steps to address the problem.

One example of the overly prescriptive nature of this bill that I would like to cite, is the requirement that each U.S. attorney's office establish a task force to coordinate the apprehension of armed violent youth with State and local law enforcement. This may be an urgent problem in New York or Los Angeles; it is not a problem currently facing our communities. Law enforcement officials need to be given the resources and then be allowed to determine how best to deal with juvenile crime.

Third, I have serious concerns about this bill's impact on native American youth. The only real arena in my State where Federal courts are the primary courts for addressing juvenile crime are crimes that occur on Indian reservations. By modifying Federal law to treat juveniles—as young as 13—as adults, this bill has a discriminatory impact on youth living on our Nation's reservations. I don't believe it is fair for these kids to be singled out for tougher punishment than their classmates who are non-Indians.

As a whole, this bill represents a flawed strategy for dealing with juvenile crime. While I believe incarceration of violent youth offenders should be used as a tool to combat teenage crime, it should not be the only tool. H.R. 3 completely ignores the possibility that these juvenile offenders—as young as 13—can be rehabilitated. Rather than allow some of the funds contained in the bill to be used for programs to turn these kids around, this bill limits the funding strictly to incarceration of these youths. If we have no hope of rehabilitating 13-year-olds, then by passing this bill, we are making a very sad statement about the future of our country.

The substitute I supported, embodied a more balanced approach to this serious problem. It required that 60 percent of the $500 million annual authorization be given to local communities for prevention programs. Funding could also be used to establish comprehensive treatment, education, training, and after-care programs for juveniles in detention facilities; implementing graduated sanctions for juvenile offenders; and for juvenile courts to implement intensive delinquency supervision efforts.

These concerns were paramount in my consideration of this bill. An additional factor that led me to oppose the bill is the fact that North Dakota does not currently qualify for the 3-year funding included in H.R. 3. Even if my State were to decide to abide by the Federal prescriptions over violations of State laws in order to gain additional resources, our legislature does not meet again until 1999. I am hopeful that when H.R. 3 reaches the Senate, reasonable modifications can be made to make the bill both tough and smart in dealing with juvenile crime.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act. This piece of legislation is too extreme in its treatment of juveniles in the system, both in its insistence on prosecuting more juveniles as adults and in allowing juveniles to be housed with adults, and because it fails to include any measures aimed at preventing juvenile crime. Moreover, as written, the bill fails to include provisions crucial to the fight against crime including real prevention funding, drug control efforts, gun control efforts, and provisions aimed at targeting gang activity.

Mr. Chairman, it is in my opinion that we need to foster a relationship between communities, law enforcement, schools, social services, business communities, and government agencies in order to create partnerships that thwart juvenile violence. Initiatives that target truants, dropouts, children who fear going to school, suspended or expelled students, and youth going back into school settings following release from juvenile correctional facilities, are needed to keep the minds of our youth on the path of righteousness instead of destruction.

Mr. Chairman, another one of my primary concerns with the majority's legislation is that it allows juveniles to be housed with adults. First, the bill allows juveniles and adults to be housed together in pretrial detention. Perhaps most disturbingly, this provision would permit children who have not been accused of violent crimes to be held in adult jails. Children charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Mr. Chairman, most significantly, H.R. 3 fails to include a meaningful prevention program. The Federal Government should give local governments money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place. Money should be available for boys and girls clubs, mentoring programs, after school activities, and other programs that are researched-based and have been proven to work and are cost effective. In the same vein, money should also be spent on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes.

Mr. Chairman, I would hope that we can work in a more bipartisan manner when it comes to juvenile crime. We all know and understand that crime, on any level, is not partisan—it affects us all—so let us try to bring forth legislation that is both fair and sensible to all.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Gephardt-Stupak-Stenholm substitute to H.R. 3. The substitute places the focus where it belongs—on prevention of youth violence and crime. The majority's attempt to get tough on crime is not tough, it is cruel, and it lacks a basic understanding or caring for youth violence prevention.

Prevention and early intervention are effective solutions to youth violent crime. Yet the block grant provided in H.R. 3 does not provide funds for prevention programs. Mentoring and after school programs can be successful in deterring youth violence. But this bill focuses only on tougher punishment.

Trying young offenders as adults is not proven to deter crime. In fact, the Department of Justice reports that children tried as adults have a higher rate as repeat offenders than children tried as juveniles. Juveniles charged in the Federal adult or juvenile Justice systems should be placed in juvenile facilities, where they can receive counseling and rehabilitation.

What is the purpose of H.R. 3. Will it reduce crime? No. It treats youth as adults in detention, which diminishes the chance for their rehabilitation. This will not deter young people from violence. It will just eliminate the opportunity for first time youth offenders to change their lives for the better.

We can already charge violent juveniles as adults. Our emphasis must be on prevention if we really want to get tough on youth violence and crime. I urge my colleagues to support the Gephardt-Stupak-Stenholm substitute. Our focus and our efforts must be expended on preventing the increase of violent young criminals, not on increasing their hopelessness.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to H.R. 3, the Juvenile Crime Control Act. The problem of juvenile crime is so intricate that is defies easy solutions. However, in the drive to increase public safety and reduce juvenile crime, the measure reported to the House has lost sight not only of the complexity of the juvenile crime problem but also the success of existing local enforcement agencies and community initiatives in keeping juveniles out of gangs and crime free. There is a richness of policy choices that we could implement to combat juvenile crime and delinquency if Congress chooses to provide funds and help. H.R. 3, however, does not capitalize on the proven success of early intervention and prevention programs, but rather relies on get tough measures that do little to reduce crime or address its root causes. It favors reactionary measures rather than a proactive approach.

Let me be clear that there is a need for swift and effective punishment for incarceration and according adult treatment for the juveniles that commit violent crimes. However, the emphasis to make real progress does not rest solely on providing $30,000.00 per year for each youth held in juvenile detention facilities; rather it is in changing the outcome by earlier intervention.

Given the alarming rate of crime and the disproportionate amount committed by juveniles, punitive provisions and get tough provisions are widely attractive and politically appealing. Yet, such punitive measures repeatedly fail to deliver the results promised by their proponents. Evidence suggests that routinely trying juveniles as adults actually results in increased recidivism. States with higher rates of transferring children to adult court, as a glaring example, do not have lower rates of juvenile homicide. Finally, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility. Treating more children as adults in the criminal justice system does not move us any closer to our common goal—it does not create safer communities.

On the other hand, several studies have highlighted the long-term positive impact of prevention programs. Prevention works—it is the most effective and cost-efficient crime deterrent. According to a recent Rand Corp. study, prevention programs stop more serious crimes per dollar spent than incarceration. H.R. 3 ignores these findings and travels down a shortsighted policy path that cuts social spending to fund prison construction suggesting that another measure will address this issue, as if we can afford to spend these funds irrationally and let the prevention matters rest with traditional education and recreation programs.

H.R. 3 poses ineffective gang and gun violence solutions. Because youth gangs and guns play a disproportionate role in ascending juvenile violence, any strategy to reduce youth crime must contain sound provisions that combat the spread and growing violence of gang and gun violence nationwide. Between 1992 to 1996 the number of gang-related crimes has increased a staggering 196 percent. Juvenile gang killings, the fastest growing of all homicide categories, rose by 371 percent from 1980 to 1992. Despite this reality, H.R. 3 contains no provisions to curb gang violence.

This measure reflects a failed policy path, not a break with the past but a radical untested or inappropriate response to the needs of our youth juvenile crime circumstance.

I think that Members on both sides of the aisle should agree with the common facts, that when it comes to addressing the unique public safety concerns of our districts, the programs and responses must be built on the unique situations within the community. Different problems and populations require specific solutions. However, H.R. 3 prescribes inflexible Federal solutions to what is uniquely a problem of State and local jurisdiction. Currently there are only 197 juveniles serving Federal sentences. Local governments, on the other hand, are fighting the crime problem on many fronts, including innovative policing and social programs. By exercising air-tight controls over the grant money that is offered to States and local communities, H.R. 3 denies them the flexibility required to respond to situations on the ground. Local governments need more flexibility, not Federal mandates. Federally imposed strategies which limit the ability of local governments to respond to community needs, ensure that the war on crime is not fought with the efficiency or effectiveness that is necessary to reduce the incidence of crime and attain the safe environment our constituents seek.

Mr. FAZIO of California. I rise today in support of the Juvenile Offender Control and Prevention Act, the Democratic substitute to H.R. 3. This substitute addresses a serious problem that affects all of America. That problem is juvenile crime. House Democrats have worked long and hard during the 105th Congress to develop an approach to juvenile crime that is both tough and smart.

Our proposal includes elements that crack down on violent juvenile offenders and juvenile gangs along with provisions to support prevention and intervention initiatives that keep kids out of trouble. We believe in strengthening the juvenile justice system to reduce crime, while at the same time working to prevent juveniles from becoming delinquents.

No one disputes the fact that we must be tough on youth who commit crimes, particularly those crimes that are violent in nature. However, study after study shows that prevention efforts are the best way to permanently reduce juvenile crime. The RAND Corp., a conservative think tank, concluded in a recent study that cost-effective crime reduction can be achieved through prevention strategies. The study found that incarceration without prevention and intervention does not go far enough in reducing crime. H.R. 3, the McCollum bill, contains not a single provision for prevention efforts. The Democratic substitute is a balanced approach that includes enforcement and prevention. The prevention initiatives that could be funded through our proposal are community-based, research-proven, and cost-effective.

Notice that I said community-based. We believe that local communities know best how to deal with the juvenile crime that affects their neighborhoods. Our proposal would provide funding for prosecutors to develop antigang units and other such mechanisms to address juvenile violence in their communities. The needs of one city or town may be vastly different from the needs of another. The Democratic substitute would allow one town to obtain funding to build a much-needed juvenile detention facility, while a larger city nearby might hire additional juvenile court judges. This flexibility is an essential part of our proposal.

The Republican juvenile crime bill is extreme, and would undoubtedly prove ineffective in reducing and preventing crime. Our substitute combines enforcement with prevention for a tough and smart approach to fighting juvenile crime. I urge your support for the Democratic substitute to H.R. 3.

Mrs. FOWLER. Mr. Chairman, the time has come to address the issue of juvenile crime in our country. Teenagers are committing more crimes than ever. Over one-fifth of all violent crimes committed in America are committed by individuals under the age of 18.

This statistic is alarming, and clearly signals that we need to take action. young people must be held accountable for their actions. Currently, only 10 percent of violent juvenile offenders—those convicted of murder, rape, robbery, or assault—receive any sort of confinement outside the home. What kind of a deterrent is that? And what does it say to these young people about accountability? Not must.

I believe that accountability, combined with stepped-up prevention efforts, is the key to reducing juvenile crime; and the Juvenile Crime Control Act of 1997 is a great start toward reaching that goal. This bill lets young people know that if they are going to behave like adults, they will have to take on personal responsibility of adults—and face the consequences of their actions.

I urge my colleagues to support H.R. 3, the Juvenile Crime Control Act of 1997.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 3, the Juvenile Crime Control Act.

While the overall crime rate in the United States has fallen in recent years, violent juvenile crime has increased drastically. And what is more shocking and more alarming, is that violent crime can be perpetrated by 12-year-olds. Instead of playing baseball or fishing, many of today's juveniles are engaging in mayhem. Between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent; the number of 13- and 14-year-olds rose 301 percent; and the number of 15-year-olds arrested for violent crime rose 297 percent. We are not talking about shoplifting or truancy, or petty thievery. We are talking about violent crime: murder, rape, battery, arson, and robbery.

Older teenagers, ages 17, 18, and 19, are the most violent in America. More murder and robbery are committed by 18-year-old males than any other group.

We have seen this increase in juvenile crime occur at a time when the demographics show a reduced juvenile population overall. Soon we will see the echo boom of the baby boomers' children reaching their teenaged years. If the current trend in juvenile crime is left unchanged, the FBI predicts that juvenile arrests for violent crime will more than double by the year 2010. That results in more murder, more rape, more aggravated assault, and unfortunately, more victims of crime.

I salute the gentleman from Florida [Mr. MCCOLLUM] for his hard work to head off the coming crime wave. H.R. 3 would provide resources to States and local communities to address their juvenile crime needs, to get tough on juvenile offenders, and to provide fairness to the victims of violent juvenile crime.

Individuals must be held accountable for their actions. Juveniles particularly need to get the message that actions have consequences. Unfortunately, today nearly 40 percent of violent juvenile offenders have their cases dismissed. By the time a violent juvenile receives any sort of secure confinement, the offender has a record a mile long. We need to change the message from one of "getting away with it" to one of accountability. States and localities who enforce accountability will be able to get Federal resources to help.

Law-abiding citizens, young and old alike, need assurance that violent criminals, even if they are teenagers, will be held accountable and sanctioned and that the victims will receive justice.

I urge the adoption of H.R. 3.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in defense of our children.

The crime bills under consideration by this Congress all seek to reduce the age and increase the likelihood that children as young as 13 would be tried as adults.

They further lessen restrictions on housing them with generally more hardened adults, and increases mandatory sentencing for this age group.

I strongly object all of these provisions.

First, while children who commit crimes must be punished, they should be treated and sentenced as the children that they are. We must remember that regardless of the crime, they have not yet achieved the degree of insight, judgment, or level of responsibility attributable to adults. They are also open to rehabilitation.

Trying them as adults and housing them with adults have never been shown to reduce crime. Instead we have been shown time and time again that if it does anything at all, it increases criminal behavior rather than reduces it.

We must not forget that young people of 13, 14, 15, and 16 are still children, and understand how they think. Because adolescents are notorious for their feeling of invulnerability, we have to recognize that they will never be motivated or respond to stiffer penalties.

From our own experience as parents, when our small child plays with an electrical outlet, or near a stove, we don't ignore it until he or she burns themselves, but early on we rap them on their hands to send them a clear and strong behavior changing message.

This is what we need to do in the case of our young people, who we must also remember ended up in the courts because we as a society have neglected their needs for generations. We have funded programs that reach them early and deal with them in an immediate and tangible manner that redirects their behavior in a more positive way.

And we must reach them before they get to the despair that juvenile delinquency represents, not only by funding after school activities, but by improving their in-school experience, by reinstating school repair and construction funding in the 1998 budget, by equiping those schools and by providing meaningful opportunities for them when they do apply themselves, and as our President likes to say, play by the rules.

Communities across America have found successful ways of dealing with this issue. Prosecutors, correction facility directors, policemen and women, attorneys, doctors, crime victims, community organizations, and others have come together to ask that we pass meaningful and effective legislation, and they stress that the focus must be on prevention.

We must stop crime, and we must save our children

I ask my colleagues to support the Democratic bill because it employs strategies that have been proven to effectively achieve both of these goals.

Mr. PAUL. Mr. Chairman, I rise today in opposition to the Juvenile Crime Control Act of 1997. This bill, if passed, will further expand the authority of this country's national police force. Despite the Constitutional mandate that jurisdiction over such matters is relegated to the States, the U.S. Congress refuses to acknowledge that the Constitution stands as a limitation on centralized Government power and that the few enumerated Federal powers include no provision for establishment of a Federal juvenile criminal justice system. Lack of Constitutionality is what today's debate should be about. Unfortunately, it is not. At a time when this Congress needs to focus on ways to reduce the power of the Federal Government and Federal spending, Congress will instead vote on a bill which, if passed, will do just the opposite.

In the name of an inherently-flawed, Federal war on drugs and the resulting juvenile crime problem, the well-meaning, good-intentioned Members of Congress continue to move the Nation further down the path of centralized-Government implosion by appropriating yet more Federal taxpayer money and brandishing more U.S. prosecutors at whatever problem happens to be brought to the floor by any Members of Congress hoping to gain political favor with some special-interest group. The Juvenile Crime Control Act is no exception.

It seems to no longer even matter whether governmental programs actually accomplish their intended goals or have any realistic hope of solving problems. No longer does the end even justify the means. All that now matters is that Congress do something. One must ask how many new problems genuinely warrant new Federal legislation. After all, most legislation is enacted to do little more than correct inherently-flawed existing interventionary legislation with more inherently-flawed legislation. Intervention, after all, necessarily begets more intervention as another futile attempt to solve the misallocations generated by the preceding iterations.

More specific to H.R. 3, this bill denies localities and State governments a significant portion of their autonomy by, among other provisions, directing the Justice Department to establish an Armed Violent Youth Apprehension program. Under this program, one Federal prosecutor would be designated in every U.S. Attorney's office and would prosecute armed violent youth. Additionally, a task force would coordinate the apprehension of armed violent youth with State and local law enforcement. Of course, anytime the Federal Government said it would "coordinate" a program with State officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, many of whom are elected, to the control of Federal prosecutors is certainly reinventing government but it is reinventing a government inconsistent with the U.S. Constitution.

This bill also erodes State and local autonomy by requiring that States prosecute children as young as 15 years old in adult court. Over the past week, my office has received many arguments on both the merits and the demerits of prosecuting, and punishing, children as adults. I am disturbed by stories of the abuse suffered by young children at the hands of adults in prison. However, I, as a U.S. Congressman, do not presume to have the breadth and depth of information necessary to dictate to every community in the Nation how best to handle as vexing a problem as juvenile crime.

H.R. 3 also imposes mandates on States which allow public access to juvenile records. These records must also be transmitted to the FBI. Given the recent controversy over the misuse of FBI files, I think most citizens are becoming extremely wary of expanding the FBI's records of private citizens.

This bill also authorizes $1.5 billion in new Federal spending to build prisons. Now, many communities across the country might need new prisons, but many others may prefer to spend that money on schools, or roads. Washington should end all such unconstitutional expenditures and return to individual taxpayers and communities those resources which allow spending as those recipients see fit rather than according to the dictates of the U.S. Congress.

Because this legislation exceeds the Constitutionally-imposed limits on Federal power and represents yet another step toward a national-police-state, and for each of the additional reasons mentioned here, I oppose passage of H.R. 3, the Juvenile Crime Control Act of 1997.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. KINGSTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, pursuant to House Resolution 143, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves that the bill be recommitted to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—TREATMENT OF JUVENILES AS ADULTS

SEC. 101. TREATMENT OF JUVENILES AS ADULTS.

The fourth undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking "an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a) or 2241(c)," and insert "any serious violent felony as defined in section 3559(c)(2)(F) of this title,".

SEC. 102. RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "Throughout and" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

(2) in subsection (a)(3), by inserting before the semicolon "or analysis requested by the Attorney General";

(3) in subsection (a), so that paragraph (6) reads as follows:

"(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, official representative's, allocution at disposition."; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting "pursuant to section 5032 (b) or (c)" after "adult" in subsection (d) as so redesignated, and by adding at the end new subsections (e) through (f) as follows:

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 922(x), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

SEC. 103. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting "The transfer decision shall be made not later than 90 days after the first day of the hearing." after the first sentence of the 4th paragraph.

SEC. 104. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) IN GENERAL.—

"(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

"(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

"(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

"(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) TERMS OF OFFICIAL DETENTION.—

"(1) MAXIMUM TERM.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(B) 10 years; or

"(C) the date on which the juvenile achieves the age of 26.

"(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

"(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

"(e) CUSTODY OF ATTORNEY GENERAL.—

"(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

"(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

"(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

"(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

"(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

"(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

"(2) As used in this subsection, the term "substantially segregated"—

"(A) means complete sight and sound separation in residential confinement; but

"(B) is not inconsistent with—

"(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift.

"(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles."

TITLE II—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Juvenile Offender Control and Prevention Grant Act of 1997".

SEC. 202. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

"SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

"(a) PAYMENT AND USES.—

"(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

"(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

"(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

"(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

"(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

"(A) Preventing juveniles from becoming envied in crime or gangs by—

"(i) operating after-school programs for at-risk juveniles;

"(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

"(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

"(iv) establishing peer medication programs in schools;

"(v) establishing big brother programs and big sister programs;

"(vi) establishing anti-truancy programs;

"(vii) establishing and operating programs to strengthen the family unit;

"(viii) establishing and operating drug prevention, treatment and education programs; or

"(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

"(B) Establishing and operating early intervention programs for at-risk juveniles.

"(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

"(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

"(E) Implementing graduated sanctions for juvenile offenders.

"(F) Establishing initiatives that reduce the access of juveniles to firearms.

"(G) Improving State juvenile justice systems by—

"(i) developing and administering accountability-based sanctions for juvenile offenders;

"(ii) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced; or

"(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable;

"(H) providing funding to enable prosecutors—

"(i) to address drug, gang, and violence problems involving juveniles more effectively;

"(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

"(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(I) hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency; or

"(J) providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

"(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

"(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

"(1) tanks or armored personnel carriers;

"(2) fixed wing aircraft;

"(3) limousines;

"(4) real estate;

"(5) yachts;

"(6) consultants; or

"(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

"(c) Repayment of Unexpended Amounts.—

"(1) Repayment required.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

"(A) paid to the unit from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within 2 years after receipt of such funds from the Director.

"(2) Penalty for failure to repay.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

"(3) Deposit of amounts repaid.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

"(d) Nonsupplanting Requirement.—Funds made available under this part to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amounts of funds that would, in the absence of funds made available under this part, be made available from State or local sources.

"(e) Matching Funds.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 1998;

"(2) $500,000,000 for fiscal year 1999; and

"(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

"(b) Oversight Accountability and Administration.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

"(c) Availability.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 1803. QUALIFICATION FOR PAYMENT.

"(a) In General.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

"(b) Program Review.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

"(c) General Requirements for Qualification.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

"(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

"(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

"(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

"(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

"(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

"(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

"(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2);

"(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference;

"(d) Sanctions for Noncompliance.—

"(1) In general.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

"(2) Notice.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

"(e) Maintenance of Effort Requirement.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.".

(b) Technical Amendment.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

"Part R—Juvenile Crime Control Grants

"Sec. 1801. Payments to local governments.
"Sec. 1802. Authorization of appropriations.
"Sec. 1803. Qualification for payment.".

SEC. 203. MODEL PROGRAMS TO PREVENT JUVENILE DELINQUENCY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall provide, through the clearinghouse and information center established under section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)), information and technical assistance to community-based organizations and units of local government to assist in the establishment, operation, and replication of model programs designed to prevent juvenile delinquency.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) In General.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) National Academy of Sciences.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a).

If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) Assistance.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) Reporting Requirements.—

(1) In general.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) Contents.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) Funding.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

Mr. McCOLLUM. Mr. Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Conyers] is recognized for 5 minutes in support of his motion to recommit.

Mr. CONYERS. Mr. Speaker, the motion to recommit is essentially the Conyers-Schumer substitute which we will now offer as the motion to recommit. It is both smart and tough. We have almost brought juvenile justice law to the point where the only thing left on the other side was to offer an amendment abolishing the distinction between juveniles and adults in our system. Because of a determination on germaneness made by the Speaker and the leaders, we have taken out the child safety lock provision. Sixteen children are killed every single day in the United States of America, and that provision now cannot be debated or voted on in any provision, neither the base bill or the substitute.

The funding, great, $1.5 billion; but only five States meet the qualifications. Five States. It will be years before anybody will ever receive any money at the State and local level in this regard. Then, of course, we take the question of whether juveniles should be prosecuted as adults out of the judge's discretion and given to the prosecutors; great day in America in fighting juvenile crime.

We have, most importantly, the only meaningful prevention in a juvenile justice bill, meaningful prevention based on research, which is cost-effective and which provides States and local governments maximum flexibility. It rejects the Washington-knows-best approach. It is smart and tough and compassionate, and I urge Members to join us in the motion to recommit.

Mr. Speaker, I include for the Record a letter from the National Conference of State Legislatures expressing opposition to H.R. 3.

The letter referred to is as follows:

National Conference of
State Legislatures,
Washington, DC, May 7, 1997.

Dear Member of Congress: We are writing to express our opposition to mandates in H.R. 3, the Juvenile Crime Control Act of 1997. Mandates in existing law require that states deinstitutionalize status offenders, remove juveniles from jails and lock-ups, and separate juvenile delinquents from adult offenders. Under H.R. 3, the federal government would apply new rules nationwide relating to juvenile records, judicial discretion and parental and juvenile responsibility. These present new obstacles for states that need federal funds.

States are enacting many laws that attack the problem of violent juvenile crime comprehensively. Many have lowered the age at which juveniles may be charged as adults for violent crimes; others have considered expanding prosecutors' discretion. Without clear proof that one choice is more effective than the other, Congress would deny funding for juvenile justice to states where just one element in the state's comprehensive approach to juvenile justice differs from the federal mandate.

The change of directions ought to make Congress wary of inflexible mandates. For example, until federal law was changed in 1994 states were forbidden to detain juveniles for possession of a gun—because possession was a "status" offense. The federal response was not merely to allow states to detain children for possession, but to create a new federal offense of juvenile possession of a handgun. (Pub. L. 103-322, Sec. 11201). The advantage of states as laboratories is that their choices put the nation less at risk. This bill would make the nation the laboratory.

NCSL submits that the proposed mandates, however well-intentioned, are short-sighted and counter-productive. We urge you to strike the mandates from H.R. 3.

Sincerely,

William T. Pound,
Executive Director.

Mr. Speaker, I yield to the gentleman from New York, Mr. Charles Schumer, former chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I urge a vote for recommittal. Let me say, Mr. Speaker, on the issue of crime, this body has made great progress in the last several years because we have been both tough on punishment and smart on prevention. We have said to violent repeat offenders, you will pay a severe price. But we have also said that we are going to do our darnedest to prevent and decrease the number of violent severe offenders.

The Conyers-Schumer substitute is really the only, only proposal that has been out there today that is both tough on punishment and smart on prevention. It is where America is, it is where this body ought to be, and it is what we all should vote for.

Mr. Speaker, the crime issue had long been a political football. Everyone was talking values; no one was getting anything done. Several years ago this Congress changed that and started looking at programs that work on both the punishment and the prevention side. As a result, in part, our crime rate has decreased. Let us not forget that. Let us not go back to either a policy that just punishes and throws away hope or a policy that forgets that there are violent criminals among us, at whatever age, and they must be punished. The only proposal on the floor that really does that is Conyers-Schumer, and I urge a vote for it.

Mr. McCOLLUM. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The gentleman from Florida [Mr. McCollum] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. McCOLLUM. Mr. Speaker, this amendment that would be adopted by the motion to recommit, if we were to vote for it, has a big problem. The amendment is not either tough or smart. The fact of the matter is that what we are about in this bill, underlying bill today, is to try to help the States correct the juvenile justice systems of this Nation that are broken.

As I said many times today in the debate on this bill, unfortunately we have one out of every five violent crimes in America committed by those who are under the age of 18, and less than 1 out of every 10 who are adjudicated guilty of those violent crimes who are juveniles are ever incarcerated for a single day. The FBI predicts that by the year 2010, which is just a few years away, we will have more than double the number of violent crimes committed by juveniles if we keep on this track; part of that because of demographics.

□ 1530

All of us will agree that the solution to a violent juvenile crime is a comprehensive thing that takes a lot of different components. This bill today before us is not designed as a prevention bill. It is intended to be in the traditional sense of prevention, although certainly putting consequences back into the law of this Nation for juveniles.

It says that, if you commit a simple delinquent act such as a vandalization of a home or spray painting a building, you ought to get community service or some kind of sanction, which is what we are encouraging by the bill. It is not very important to prevention, but there are going to be other traditional prevention programs that are going to out here on the floor from other committees.

This bill is designed to repair a broken juvenile justice system. In the motion to recommit is an offering of another amendment that replicates several that have already been offered today. What it does is a couple of things.

One is, it mandates that 60 percent of all the spending in this bill go to prevention programs, says that is what you have to spend it on, States and local governments. It is more than the Lofgren amendment that was overwhelmingly defeated just a few minutes ago.

In addition to that, it strips from this bill the very effective provisions that we have in the bill to fix the juvenile justice system and the whole program of incentive grants. And equally important, on the tough side, it strips out the toughest provisions that we have in this bill for repairing the Federal juvenile justice system that the administration wants repaired.

If this amendment that is offered by the motion to recommit were to pass, the tough antigang provisions in this bill would disappear where we would permit Federal prosecutors in limited cases to go in and help take apart the gangs in big cities where we have to take juveniles and spread them across the Nation.

This motion to recommit, the underlying amendment is neither smart nor tough. We need a no vote on it. We need a yes vote on the underlying bill, H.R. 3, on final passage to give us a chance to revitalize and rebuild and repair a completely broken juvenile justice system, to not only correct the problems with violent youth today in this Nation but let the juvenile justice systems of this Nation in the various States finally get the resources that they so vitally need to repair that system and begin sanctioning from the very beginning delinquent acts so kids will understand there are consequences to their acts.

And if they understand there are consequences to the less serious crimes they commit, maybe, just maybe some of them will not pull the trigger when they get a gun later, as they do now, thinking there are no consequences.

This may be the most important criminal justice bill many of us in the years we have served here ever had a chance to vote on, because it really does repair a broken justice system. We will have another day for other measures, but this is the day for repairing the juvenile justice systems in the Nation. A no vote is absolutely essential on the motion to recommit, it guts the underlying bill; and a yes vote for final passage for juvenile justice system.

The SPEAKER pro tempore (Mr. LaHood). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 243 not voting 16, as follows:

[Roll No. 117]

AYES—174

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—243

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Calvert
Clay
Costello
Diaz-Balart
Filner
Gutierrez
Hastings (WA)
Hefner
Istook
Matsui
McCrery
McKinney
Moakley
Paxon
Pickering
Schiff

☐ 1549

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Calvert against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MOAKLEY. Mr. Speaker, on rollcall No. 117, had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. LaHood). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 132, not voting 15, as follows:

[Roll No. 118]

AYES—286

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—132

Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Berman
Berry
Blagojevich
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cannon
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Doggett
Doyle
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Hastings (FL)
Hilliard
Hinchey
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shadegg
Skaggs
Slaughter
Snyder
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—15

Calvert
Clay
Costello
Diaz-Balart
English
Filner
Gutierrez
Hastings (WA)
Hefner
McCrery
McKinney
Moakley
Paxon
Pickering
Schiff

☐ 1605

The Clerk announced the following pairs:

On this vote:

Mr. Diaz-Balart for, with Mr. Filner against.

Mr. Calvert for, with Mr. Moakley against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 118, final passage of H.R. 3. I was unavoidably detained in my office and was unable to appear to cast my vote prior to the close of the rollcall. Had I been present, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3, the Clerk be authorized to correct section numbers, cross-references and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, for the purpose of engaging in a colloquy on the schedule for today, the rest of the week and next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have just had our last vote for the week. However, this afternoon the House will continue to debate amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. Members should note that any recorded votes ordered on the housing bill today will be postponed until Tuesday, May 13, after 5 p.m.

I would like to outline, Mr. Speaker, next week's schedule.

The House will meet on Monday, May 12, for a pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 13, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we will not hold any recorded votes before 5 p.m. on Tuesday next.

The House will consider the following bills, all of which will be under suspension of the rules:

H.R. 5, the IDEA Improvement Act of 1997.

H.R. 914, a bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, as amended.

House Concurrent Resolution 49, authorizing use of the Capitol grounds for the Greater Washington Soap Box Derby.

House Concurrent Resolution 66, authorizing use of the Capitol grounds for the National Peace Officers' Memorial Service.

House Concurrent Resolution 67, authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol grounds.

House Concurrent Resolution 73, a concurrent resolution concerning the death of Chaim Herzog.

And House Resolution 103, expressing the sense of the House of Representatives that the United States should maintain approximately 100,000 United States military personnel in the Asia and Pacific region until such time as there is a peaceful and permanent resolution to the majority security and political conflicts in the region.

After consideration of the suspensions on Tuesday, the House will resume consideration of amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. We hope to vote on final passage of the public housing bill on Wednesday morning.

Mr. Speaker, on Wednesday, May 14, and Thursday, May 15, the House will meet at 10 a.m., and on Friday, May 16, the House will meet at 9 a.m. to consider the following bills, all of which will be subject to rules:

H.R. 1469, the Fiscal Year 1997 Supplemental Appropriations Act; and H.R. 1486, the Foreign Policy Reform Act.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 2 p.m. on Friday, May 16.

Finally, Mr. Speaker, I would like to take this occasion to notify all Members of some potential changes in the schedule as it affects the month of June.

Mr. Speaker, because we anticipate a heavy work month with appropriations bills and budget reconciliation bills throughout the month of June, I should like to advise all Members that contrary to the published schedule in their possession, that they should expect and we anticipate that we will have votes on Monday, June 9; Friday, June 13; and Monday, June 23. Appropriate notification will be sent to Members' offices. We will keep Members posted about those dates, but I think in all deference to their June scheduling concerns, Members should have this notice as soon as I can give it and, therefore, it is given at this time.

Mr. BONIOR. Can I just repeat those dates, because I think they are important. Monday, June 9, Friday, June 13, and Monday, June 23 we will be meeting.

Mr. ARMEY. The gentleman is correct.

Mr. BONIOR. I thank the gentleman.

I noticed on the schedule that we are going to have two athletic events on the Capitol grounds, the Greater Washington Soap Box Derby and the Special Olympics Torch Relay to be run through the Capitol grounds.

I am wondering if the gentleman from Texas would be interested in engaging someone here on the minority, namely myself, in the soap box derby with the winner writing the tax bill. What does the gentleman think?

Mr. ARMEY. I am not quite sure. If the soap box derby is racing, I think I might be willing, but if it is orating, I would never want to engage the gentleman in such a derby.

Mr. BONIOR. I have just two brief questions, if the gentleman would indulge me.

On the supplemental, it is an emergency bill that is badly needed for relief of flood victims. It has been pulled for the past 2 weeks. What day next week do we expect that? Do we expect that on Wednesday or Thursday?

Mr. ARMEY. If the gentleman will yield further, it is our expectation that it will be on Wednesday and we should hope to have it completed on Wednesday morning.

Mr. BONIOR. And the budget resolution, can the gentleman enlighten us on this side of the aisle when we expect to have that resolution before us? Before the Memorial Day break? After?

Mr. ARMEY. Again if the gentleman will yield, the Budget chairman and the ranking member on Budget have been discussing that, and I believe they are prepared to go to markup on Wednesday next on that in committee. It is our expectation that we would have it on the floor for consideration on Tuesday, May 20. Then, of course, we would hope that the other body would keep pace and we would hope to have that resolution agreed upon between the two bodies and passed in final conference report before the recess.

Mr. BONIOR. I thank the gentleman.

Finally, just one other inquiry. On Friday next, is it my understanding from the gentleman's comments that we will be meeting in session next Friday?

Mr. ARMEY. If the gentleman will yield further, yes, we do anticipate being in session and voting on Friday next with, of course, every effort to have our Members' work completed by 2 p.m. for their Friday departure.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I wanted by way of this inquiry to thank the majority leader for visiting the Red River Valley area in my home State, in his home State of North Dakota, but we had contemplated dealing with some emergency regulatory suspension with regards to the Committee on Banking and Financial Services to accommodate the needs of the Red River Valley and the Minnesota River Valley area in both the Dakotas and Minnesota.

We were hopeful that the gentleman would consult with the chairman of the Committee on Banking and Financial Services with whom I have consulted and we are trying to do that, and I would hope that it would be possible to bring that measure up on suspension next Tuesday. I note that it was not addressed in the gentleman's outline and I would just want to request the gentleman's attention to that matter and hope that we can work out something along those lines.

Mr. ARMEY. I thank the gentleman for his inquiry.

If the gentleman will yield further, I see the distinguished chairman of the Committee on Banking and Financial Services is here. We will discuss it privately. Certainly I understand the gentleman's concern and the gentleman's anxiety. We will try to be as responsive as possible on that matter.

☐ 1615

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. (Mr. LAHOOD). Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 7, 1997, title III was open for amendment at any point.

Are there any amendments to title III?

AMENDMENT NO. 12 OFFERED BY MR. KENNEDY OF MASSACHUSETTS.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. KENNEDY of Massachusetts:

Page 174, line 20, insert "**VERY**" before "**LOW-INCOME**".

Page 175, line 11, insert "very" before "low-income."

Page 187, line 5, insert "VERY" before "LOW-INCOME."

Page 187, line 10, insert "very" before "low-income."

Page 187, strike lines 13 through 22 and insert the following:

(b) INCOME TARGETING.—

(1) PHA-WIDE REQUIREMENT.—Of all the families who initially receive housing assistance under this title from a public housing agency in any fiscal year of the agency, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income.

(2) AREA MEDIAN INCOME.—For purposes of this subsection, the term "area median income" means the median income of an area,

as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsection (a) if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Page 205, line 7, insert "very" before "low-income".

Page 205, line 24, insert "very" before "low-".

Page 211, line 6, insert "very" before "low-income".

Page 214, line 1, insert "very" before "low-income".

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment deals with the issue of the concentration of very poor people in the voucher program. The voucher program is an important aspect of our overall housing policy in this country where instead of having families that live in public housing units where they are concentrated in large numbers, in many cases in some of the kind of monstrosities that we have come to think of as public housing, but rather as a different type of program where any individual that is eligible for the program simply receives a voucher and can take that voucher really to any building in any given locality. It is a tremendously effective program; it is one that has broad bipartisan support. However, we have to, I believe, recognize that the major efforts that have been made by the chairman of the Subcommittee on Housing and Community Opportunity has been to show his concern in H.R. 2 of the concentration of the number of very poor people that live in public housing.

Now, as a result of pursuing that policy, we have tried to pass amendments that would have allowed the glidepath of the number of very low-income people that occupy public housing units to decrease to about 50–50. In other words, 50 percent of the people in public housing units would have been people that were very low income and 50 percent of the people would be essentially working families.

That amendment was defeated, and instead we go back to the underlying language in H.R. 2 which would mean that about 80 percent of the people in public housing would be people with incomes that would be around $30 to $40,000 a year, or working families. While that is debated to be a positive aspect of the new H.R. 2's housing policy, it does beg the question as to what occurs with the 5.3 million families in this country who are very, very poor, the vast majority of whom are children.

Now what occurs of course is that those families simply will be without any housing assistance whatsoever. As I have noted on previous occasions, we have already cut the number of the amount of funding for homeless programs by over 25 percent, we have cut the funding for housing programs by about 25 percent, and so therefore we end up in a situation by fixing public housing of simply throwing out millions of, or hundreds of thousands of families, and perhaps not throwing them out on the street, but nevertheless not providing them with any assistance.

Now the basic rationale is that we need to have more working families in public housing. While that may be a desirable public policy, as we have already debated, it does not seem to me to hold up in any way, shape or form when it comes to the voucher program. There is no concentration of very poor people in any communities in this country using the voucher program. And yet the Republican plan calls for under H.R. 2 a reduction in the number of very poor families that would receive funding under the voucher program, again decreasing dramatically from the 75 percent of the people that currently receive the vouchers at below 30 percent of median income to about 80 percent of the families over the period of the next few years going to incomes above 80 percent of median.

And so what we have is a situation where working families will end up receiving the voucher program, and while people can argue that this is what they want in terms of public housing or the assisted housing policy, this is an issue where I think it is crystal clear that we do not have to throw out and turn our backs on the very, very poor in order to have the kind of income mix and the kind of neighborhood mix that I think is desirable in our country.

It seems to me that even in the richest neighborhoods of America it would not be bad to necessarily have a few poor people living in apartments that are being rented in those areas, if in fact those apartments are available to the section 8 program. If we want to have mixed income communities, if that is the ultimate desire of good housing policy, then it seems to me that we ought to continue to keep the concentration levels up to 75 percent that we have seen in the past under the amendment that I am proposing.

Now this amendment that we propose actually amends that program to allow for an even greater mix of working families to participate in the voucher program.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I am not going to object, but at one time we discussed time limitation; I thought perhaps agreement as to that. If we can do that, that would be helpful.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would entertain imposing a time limitation if it appears at a certain point we would be going well beyond—I do not think we agreed to a time limitation on this amendment. If the gentleman would recognize it is only a few Members in the Chamber, we do not expect this debate is going to last very long, and I would appreciate the gentleman, maybe if we get beyond 20 minutes on each side we could entertain a limitation.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman allowing the use he requests.

The point of this amendment is really very simple. It essentially, H.R. 2, reduces the percentage of section 8 certificates that must go to the very, very poor to only 40 percent from the current levels of 75 percent. It also permits up to 60 percent of the new section 8 assistance to go to those with incomes as high as 80 percent of median, as high as $41,600 in cities like Boston and New York. Over time, millions of very, very poor families could be denied assistance in addition to 13 million individuals and families with acute housing problems.

Do not be fooled by arguments from the other side about the concentrations of the very poor in public housing. This amendment has nothing to do with public housing or warehousing individuals, since section 8 assistance is portable.

The choice here is simple: Should we target scarce Federal resources to those in greatest need? I believe we ought to. This amendment makes sure that it will be done.

Mr. Chairman, I yield back the balance of my time.

Mr. LEACH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would respond to the gentleman by saying I think he makes a number of very good arguments and that this is a reasonably close call, but I would come down on the other side because in the final measure there are some ramifications that are imperfect, and let me just go over a couple.

One is that all of a sudden we develop a system in which the incentives are not to work, and so this is a disincentive-to-work provision.

Let me explain why it works out that way, why if we pass this amendment, we will in effect be locking out the working poor from these programs.

For instance, in the State of Iowa, and we have developed charts on a number of States, 83 percent of the districts in which families of four with two parents working full-time at a minimum wage would be excluded from this program under the Kennedy approach.

Let me finish and then I will be happy to yield.

If we take the State of Massachusetts, 44 percent of the districts in which families of four with two parents working full-time at no more than 55 cents above the minimum wage would be excluded from this program. When we exclude the working poor from the program, what we do—even though the gentleman is partly right that with voucher program we do not segregate the poor quite as dramatically, or the poorest of the poor quite as dramatically as we do in the nonvoucher approach, although there are in practice sometimes a little bit of choice-based movement into concentrated areas that may occur—we give people an incentive to have a program benefit instead of work.

Virtually all that we are trying to do in this bill is work in a direction that is a bit different than current policy, and I acknowledge that, and it has some disadvantages, and I would acknowledge that as well. But we are trying to move in the direction of having more mixed approaches involving the poorest of the poor and the working poor being equal beneficiaries of, or if not equal at least being accommodated under Federal programs, and then to say to those that are not working, that there are more incentives to work.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to the gentleman I do not know where he got his statistics, but the basic statistic that I think everyone acknowledges, and certainly, because I know the gentleman from Iowa voted for the minimum wage bill, I believe he referenced that in the debate the other day. Does the gentleman understand if one works a 40-hour week at minimum wage in this country, their income is about $11,000 a year; that is below the 30 percent that I am referring to in our targeting numbers?

So what I am trying to suggest here, I do not know where the gentleman gets the 55 cents and all the rest of that stuff and he gave a bunch of these statistics the other day. I am just pointing out to the gentleman that the families that we are talking about, 75 percent of which are below 30 percent, in most cases are working.

So what we are saying is that even if one works full time at a minimum wage job, they are still below the 30 percent targeting cutoff that we are trying to acknowledge is an important cutoff for the purposes of making certain that we take care of the very poor.

Mr. LEACH. Reclaiming my time, Mr. Chairman, I appreciate what the gentleman is saying, and there is an aspect about targeting the poorest of the poor that has great attractiveness. On the other hand, all I know is that we have asked our very professional staff to go through an assessment and do the statistical analysis, and I have a chart in front of me of, oh, 15 States that at a minimum have 67 percent and up to a maximum of 94 percent of districts in which families of four with two parents working full time at minimum wage will be excluded, and I stress this, excluded from choice-based assistance; yes, it is under the gentleman's amendment.

Mr. KENNEDY of Massachusetts. Just if the gentleman will yield for clarification purposes, he is counting two incomes and I am counting one. I am saying $11,000 a year.

Mr. LEACH. We are counting two incomes of minimum wage with a family of four.

Mr. KENNEDY of Massachusetts. It is $25,000 a year, Mr. Chairman. I mean these are statistics that we went through at length under the minimum wage bill.

Mr. LEACH. All I am saying is the gentleman has a philosophical point that is deeply worthy of respect, and all I am trying to say is unfortunately when we work it through, there are counterproductive ramifications, and I tried to lay out precisely what they are.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when we debated this question of restricting aid to the very poorest, and that is what we are talking about, the bill says we should do less than we have been doing for the very poorest people.

□ 1630

The argument in favor of cutting back on what we do for the poorest of the poor, and remember that among the poorest of the poor, and many of them are just children and we are talking about small children who made the mistake of being born to very poor parents. The argument was with regard to public housing; if we do not cut back on what we are doing for the poorest of the poor, we will hurt them.

The gentleman from Louisiana said well, maybe we are going to be doing less for the poorest of the poor, but we will be improving the quality in the housing projects by reducing economic segregation. Well, this amendment is one to which that argument simply does not apply, despite the effort of the gentleman from Iowa to try and drag it in sideways.

The fact is that in public housing we have concentration by definition of people who are in public housing. When we are talking about section 8, we are talking about, particularly now since we are not talking about project-based where we construct these buildings, we are talking about tenant-based vouchers in section 8's. They choose, they can be moved about, so the concentration argument simply has no relevance. We are now being told even without concentration, we simply should not help as many very poor people.

Why? Well, one argument, the gentleman from Iowa says the amendment of my friend from Massachusetts, [Mr. KENNEDY] has a lot of appeal, but he has to vote against it. I want to commend the gentleman from Iowa [Mr. LEACH] because, as we debate the housing bill time and again the gentleman gets up and acknowledges the appeal, acknowledges the cogency of it. He is a man of iron discipline. He can resist more things that appeal to him by anybody I have met. He will time and again tell us that that is a good point, and that reaches a strong emotion, but we must be tough.

But on whom are we being tough, some 3-year-old with a poor mother? Why are we being tough on her? Because if we allow her housing, we will give her a disincentive to work. That was the argument. If we do not cut back on what we give to the poorest of the poor, it will be a disincentive to work.

The gentleman is suffering from cultural lag, Mr. Chairman, which I believe is a parliamentarily approved condition, he forgets about the welfare bill.

Does the gentleman not remember that the majority reformed welfare? They no longer have the option of refusing to work if they are eligible to work. As a matter of fact, they cannot even refuse to work under the law now, even if there is no job. Whether or not there is a job for them is irrelevant. They will be punished if they do not go to work.

So this notion that we are giving people a disincentive forgets about the welfare bill. Welfare is time-limited. The argument that we are giving people a disincentive to work does not make any sense, because they will be cut off altogether. The question is simply whether they are working, and at minimum wage jobs, the number of two-parent families is probably not as great as some one-parent families.

We have a one-parent family on minimum wage, they are fully eligible here. And the notion that we are giving people a disincentive, I mean, what the gentleman is saying is, if we tell the very poorest of the poor that they can get housing, they will say oh, wonderful. I get to live in section 8 housing; even though my welfare is going to expire in 2 years, I no longer have to work.

Mr. Chairman, I do not think that is the way it will happen.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would like to explain to the gentleman from Massachusetts [Mr. FRANK] who the Kennedy amendment would exclude, and this is staff analysis.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time briefly, and I will yield back, but I regret that the Rules of the House do not allow us to yield to staff, because we could probably, by cutting out the middleman, have a more cogent debate; but given that is the rule, I will yield again to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, in Brownsville, TX, a family making $15,750 will be excluded from this program. However, the fair market rent there is about $510, which is 39 percent of income.

After paying for the year's rent, that family will have only $9,631 to pay all other expenses from food to clothing to medical expenses.

Mr. FRANK of Massachusetts. Mr. Chairman, again reclaiming my time, how does this exclude them? I think the gentleman misstates when he says that they will be excluded. I think he is inaccurately suggesting that the amendment of my friend from Massachusetts will totally restrict them from the program and will exclude them. Will he explain to me how they will be excluded?

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, what the amendment of the gentleman from Massachusetts does and one of the reasons I think this is such a close call is suggest that only the poorest of the poor would be targeted.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, let me say this: Amendments do not suggest, amendments say, they are wording. And I think, Mr. Chairman, I believe that the chairman of the committee is being a little more ambiguous than the rules allow in this sense.

I challenge the notion that this excludes people. It does not suggest that they are excluded, it is amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask for 2 additional minutes.

Mr. LAZIO of New York. Mr. Chairman, reserving my right to object, I would just like to ask if the gentleman from Massachusetts [Mr. FRANK] will yield to me.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, the inaccurate statement has been made, in all good faith, that this excludes people, and I do not believe it excludes them. This is not, as I understand, I would just say in 10 more seconds I will yield, I have previously supported amendments to the Federal preference system because they had the effect of totally excluding people above poverty. This is not an effort totally to exclude them, nor do I believe the amendment does exclude them.

Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman. I would just say in the gentleman from Massachusetts' amendment, the eligibility for choice-based assistance is restricted to families with incomes of 50 percent or below of median income.

Mr. FRANK of Massachusetts. Mr. Chairman, I would inquire of the gentleman, 50 percent, not 30 percent.

Mr. LAZIO of New York. Mr. Chairman, to respond, no, but the language of the gentleman's amendment is that anybody above 50 percent is excluded, and that is what the gentleman from Iowa [Mr. LEACH] is taking.

Mr. FRANK of Massachusetts. Reclaiming my time, I think there is a clear misunderstanding here. My impression was from the gentleman from Iowa, and maybe I misheard him, was talking about 30 percent. If we were talking about 50 percent, it would be different. I thought there was a suggestion that the amendment excluded people above 30 percent of median, not 50 percent. That is a very different set of categories. I thought we were talking about people at 30 percent. If we are talking about 50 percent, it is a different story, but I thought there were statistics being given of people at 30 percent.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out to my good friend that even HUD's own document here says that the likelihood of households having severe housing problems declines sharply as incomes rise above 30 percent of median. Over 70 percent of unassisted renters with incomes below 30 percent of median have priority problems compared with only 23 percent of unassisted renters with incomes between 31 and 50 percent.

What all that means is that the acute housing needs of people with incomes below $25,000 are where the housing demand is. If we have incomes above $25,000, people generally can afford housing.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, my clear understanding is the gentleman from Ohio was talking about 30 percent below median, not 50 percent, and 50 percent is the accurate people, people not being excluded below 30 percent.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is a very interesting debate trying to decide how many vouchers we should have and how we can fairly distribute these vouchers. I think it would be fair to say that it would be very difficult ever to come up with a completely fair answer for everybody. I do not think there is a right answer. I think the whole debate over public housing is an interesting debate and, for me, a very disappointing debate. I do not know what number day this is, but it must be the 4th or 5th day we have been into the debate over public housing, and the differences between the two major debates here seems to be so little, from my viewpoint.

Mr. Chairman, what we are really dealing with, and I think everybody is concerned about it, and that is how do we provide the maximum number of houses for poor people. That is what we want to do. We have different versions of this effort, but the detail on how to do this, and this micromanagement, even like who gets vouchers and how to declare and what is happening, this is just a very, very strange debate for somebody like myself who comes from a free market constitutional position. But nevertheless, I hear this debate.

I do know, though, that if we look in general terms throughout the world, the more socialized a country is, the more interventionist it is, the more the government is involved in housing, the less houses we have for poor people. The more freedom a country has, the more houses there are.

We have only been in the business of really working to provide housing for our poor people in the last 30 years, and I do not think we have done that good a job. I think we have plenty of poor people. As a matter of fact, there are probably more homeless now than there were even 30 years ago. However, I think someday we might have to wake up and decide that public housing might not be the best way to achieve housing for poor people.

The basic assumption here in public housing is that if somebody does not have a house and another person has two houses, if we take one house from him and give it to the other one, that this would be fair and equitable. For some reason, this is not very appealing to me and to many others. As a matter of fact, if there was some slight degree of success on this, it would create a very dull society; it would cause a very poor society as well. But the efforts by government to redistribute houses never works, and we have to finally, I think, admit to this.

Mr. Chairman, the effort to pay for public housing is another problem. It is always assumed that there is going to be some wealthy individual that will pay for the house for the poor individual. But the assumption is always that the wealthy will pay for it, but unfortunately, due to our tax system and due to the inflationary system that we have, low, middle income and middle class individuals end up paying the bills.

This whole process is a snowball effect. The more effort we put out, the more problems it leaves, the more deficits we have, the more inflation we have, the more people become unemployed, and the more poor people we have, and the more pressure there is to build houses. This is what is going on. That is why people decry the fact that there are more homeless than ever before. And I grant, I believe there probably is, but I also believe that we are on the wrong track. I do not see how public housing has been beneficial. I believe, quite frankly, that it has been very detrimental.

The two approaches that I hear, one wants to raise the budget by $5 billion on our side of the aisle, and the other side complains it is not enough. I mean, how much more money? Is money itself going to do it?

The basic flaw in public housing is that both sides of this argument that I hear is based on a moral assumption that I find incorrect. It is based on the assumption that the government has the moral authority to use force to redistribute wealth, to take money from one group to give to another. In other words, it endorses the concept that one has a right to their neighbor's property.

This, to me, is the basic flaw that we accept, we do not challenge. I challenge it because I believe a free society is a more compassionate society. A free society can produce more houses than any type of government intervention or any government socialization of a program.

Compassion is a wonderful thing, but if it is misled by erroneous economic assumptions, it will do the opposite. The unintended consequences of government intervention, government spending, government inflation is a very serious problem, because it literally creates more of the problem that we are trying to solve.

So I would suggest that we should think more favorably about freedom, the marketplace, and a sound currency.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. GONZALEZ] for yielding to me.

I would just like to point out a number of income levels at the 50 percent of median that the amendment calls for. In Los Angeles, one can make $25,650 a year, and this really goes to the chairman of the full committee's numbers that he was citing earlier.

I just want to point out to the gentleman that that definitely covers two minimum wage income families, or wage earners. In New York it would $24,500. Washington, DC would be $34,150. Boston, MA, $28,250. In all of those circumstances, two minimum wage job earners in a single family would still qualify for this program.

So what it really comes down to, and if the gentleman from Iowa [Mr. LEACH] would engage in just a brief colloquy, I would appreciate it, because what we are really talking about, the gentleman understands that this no longer is an amendment that applies to public housing, it simply applies to the voucher program.

I think we have answered the issue as to whether or not this is somehow a disincentive to work. This indicates that two people working in the same family at minimum wage jobs would still be eligible for this program in almost every major city in America. And so what we are trying to suggest is that we have a real problem here where it is in fact the largest single growing area of our population, the very, very poor.

So the question before us is whether or not we are going to provide the housing to those very, very poor people under the voucher program.

Now, there are other programs that exist in the Federal Government such as housing finance agencies, all sorts of subsidy programs for homeownership, that incomes of $25,000, $30,000, $35,000 a year are all eligible. The low income housing tax credit, there are a whole range of additional programs that meet those individuals' needs.

□ 1645

We ought to be encouraging home ownership among those folks. This is a program that has no concentration problems, has no problems with regard to creating these monstrosities of old public housing units, but what it does do is say that, please, let us try and provide this resource to the families that have the greatest need.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to reemphasize the point my friend just made, this is the only program which you can get into, basically, if you are 50 percent and below. There are other programs, not as much. There is the low-income housing tax credit which helps people at 70 and 80 and 90 percent and 60 percent. There is the home program.

We have traditionally had in housing programs what we call deep subsidy programs and shallower subsidy programs. The problem we have is this: There is no way people at 30 and 40 percent can work their way into the lower subsidy programs. They cannot work up to that. They will never have enough money. So what you are doing is excluding to a great extent many of the poorest people from the only program they can afford. We have a range of programs, and you are skewing what has been a more balanced mix.

I never wanted this to be only for the very poor, and I fought some of the Federal preferentials that made it only for the very poor, but the point is when you talk about the exclusion of working people you are forgetting the low-income housing tax credit, you are forgetting tax-exempt bonds for State housing finance agencies, you are forgetting the home program, elderly housing programs, you are forgetting a whole range of other things which provide only for people at the upper end of eligibility, and you are denying it to people for whom it is the only resource.

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would just stress that this program as currently drafted in the statute applies to the poorest of the poor, and it also applies to the working poor. The amendment of the gentleman from Massachusetts will exclude in many instances the working poor.

The second gentleman from Massachusetts notes, quite properly, that there are other programs that also deal with the working poor. But just so that there is no misunderstanding, because the gentleman cited some inner city circumstances that this amendment would not be exclusive of, in 16 States, 67 percent or more of HUD districts, families of four with two parents working full time at the minimum wage, would be excluded from this program.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

(On request of Mr. KENNEDY of Masssachusetts and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would also say that in addition to the 16 States, where two-thirds of the districts would be excluded, even in Massachusetts, which is not as affected as some other States, 44 percent of HUD districts would be excluded, of families of four with two parents working full time at no more than 55 cents above the minimum wage.

So what this amendment does that is good is it targets the poorest of the poor. What it does that is imperfect is that it gives disincentives to work and it excludes many members of the relatively working poor.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I would just like to respond, Mr. Chairman, that the gentleman from Iowa has generally been a fair-minded chairman, and I think that he would perhaps admit that before this bill becomes law, some of these targeting amendments will change. So I find it surprising that he is going to argue this on merits.

Those families that the gentleman just cited I believe would all be eligible for home ownership programs throughout the State of Massachusetts and all the other 17 States the gentleman just identified.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this notion of a work disincentive, given the existence of the welfare bill, would cut you off just comes out of thin air. The notion that people quit jobs or refuse to get jobs because they might get a section 8 when they would have no other means of support simply does not make any sense at all.

Do the Members on the other side not remember what they did in the welfare bill? I thank the gentleman for yielding to me.

Mr. LAZIO of New York. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I would like to try and put this whole debate into perspective. Under H.R. 2, the bill that we have been discussing for the last 4 or 5 days, under the choice-based program, which is commonly known as the voucher program, if a local community chooses they may target every single one of the vouchers to people below 30 percent of area median income, the poorest of the poor. If they choose, they can target them all to 20 percent, or 15 percent, or 10 percent. The idea is that the local community can choose.

To the extent that the amendment of the gentleman from Massachusetts [Mr. KENNEDY] handcuffs the hands of local authorities and says that they must set aside x amount of units to people below 30 percent of area median income, and no vouchers to those families making over 50 percent of area median income, what it says is that the local communities, the housing authority cannot make a rational distinction for families that may be at 51 percent of area median income but have special needs. They are shut out.

Make no mistake about it, this is about local control, this is about flexibility, this is about local communities being able to set their own goals with the understanding that at a minimum under this bill, at a minimum, that they must devote 40 percent of the units to people making under 30 percent of area median income, the poorest of the poor, at a minimum 40 percent of the units. But they can do 50 or 60 or 70 or 80, depending on the local characteristics, and depending on the need of the people who are asking to be served, because some people will fall 1 or 2 or 5 or 8 percentage points higher, and they will have special needs that make them deserving of getting that voucher.

Now, it is entirely correct, entirely correct, because when we are using HUD statistics, that if the amendment of the gentleman from Massachusetts [Mr. KENNEDY] is adopted, families with two incomes, a husband and a wife at minimum wage or a few pennies above minimum wage, like 50 cents over minimum wage, will be completely shut out from vouchers, a family of four.

For example, in Pennsylvania, a family of four with two wage earners, a mom and dad at minimum wage, living in 61 percent of HUD's fair market rent areas will not be eligible to receive the voucher benefit; none, no families. In Illinois, 70 percent of the fair market rent areas would have families of four that would be wholly ineligible under the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] to receive a voucher; in Arkansas, 93 percent; in Louisiana, 94 percent; 94 percent. Do Members want to know who is excluded? The families with two parents working at minimum wage, that is who would be excluded under the amendment offered by the gentleman from Massachusetts.

So if we took it to its logical extension, if people responded to the incentives that would be created by the gentleman's amendment, they would choose not to marry or they certainly would choose, they would certainly choose not to work, and so they would make no income. Therefore they would respond to the incentives under the amendment offered by the gentleman from Massachusetts to receive the benefit. But if they are workers at minimum wage and trying to make it, trying to live by the rules, they are shut out.

We are not saying under H.R. 2 that poor people should not get help, because under H.R. 2 we are saying at a minimum, at a minimum, 40 percent of those vouchers ought to go to people of very low income. There is no maximum of vouchers to the very poor, but it is up to the local community to decide. We are not prescribing from Washington. We are not saying, again, Big Brother will tell you exactly what to do and what percentages you are going to set, because in the real world, in the real world, percentages do not accurately reflect the needs of families and individuals.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, is the gentleman seriously trying to stand up before us and tell us that if we target housing to very poor families, that that is a disincentive to get married?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, what I am suggesting is that the gentleman's amendment, if adopted, would do precisely that. It would create that level of incentive, because I would say to the gentleman, again, if you have a family of two making minimum wage, you would not be eligible under the gentleman's amendment to receive vouchers in a vast amount of areas throughout the country. But if you chose not to get married or if you chose not to work, then you would be eligible. That is the incentive that the gentleman's amendment would create. That is why I am opposed to the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been fascinated by this debate, and a little perplexed. I kind of came in when the gentleman from Texas [Mr. PAUL] was making his comments, and noted that there were some striking similarities between what we were debating today and what we debated last week.

Last week we were trying to tell our colleagues on the other side, including the gentleman from Texas [Mr. PAUL], that if you take a house away from one person and give it to another, you are creating a problem for the one from whom you took it. That is why we said, hey, unless you are creating more housing, every time you take a public housing unit away from the very poor and give it to the working poor you are disadvantaging the very poor and putting them on the street.

The gentleman from Texas is not here, but I wanted to tell him that I certainly agree with his notion that if you take a house away from somebody and give it to somebody else, the person you took it from has been disadvantaged, but that was true last week as well as it is this week. It did not change from last week to this week. The same theory applies. It was true then, it is true now.

I wanted to tell him that while he may be right that public housing is a problem, we are not talking about public housing now. This is about vouchers, and so we are not talking about public housing projects or public housing communities this week. We had that discussion last week.

I certainly want to tell the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee, that it is fine for him to talk about local flexibility today, but where was all the local flexibility last week when we were debating this issue, or earlier this week, when we were debating this issue? He values local flexibility now, it seems to me he would have valued it then.

But first and foremost, I cannot understand why last week and earlier this week the objective was to come up with a mix, and all of a sudden now we are on the other side of that issue. It is okay to mix in public housing working poor, even if it is at the expense of the very poor, but it is not okay to mix into the voucher program more poor people because that vouchered housing is out in some other parts of the community. If it is a good policy to support mixing income levels, then, my goodness, is it not a good policy running in both directions? It cannot be only a one-way street.

I do not understand, Mr. Chairman, why we have gotten ourselves into this, except that again the committee chairman and the subcommittee chairman are defending this bill at all costs, as if it was some perfect vehicle. This bill is not perfect. The problem is we have got a limited number of units and they have to go to somebody. We have a limited number of vouchers and they have to go to somebody.

We are trying to figure out some way to get not only poor people, the working poor taken care of, but we are trying to figure out a way to get the very poor taken care of, because if we do not do that, those people are going to end up on the street.

☐ 1700

They do not have any options. And so while the Kennedy solution is not a perfect solution, the only perfect solution is to come up with more housing units for public housing and more vouchers for nonpublic housing to accommodate all of the people who do not have enough housing. That is the only perfect solution. I would submit to my colleagues that the solution of the gentleman from Massachusetts [Mr. KENNEDY] is a lot better than the solution that is provided for in the base bill.

I encourage my colleagues to support the Kennedy amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I want to respond just briefly to a number of these issues. We hear an awful lot of heated rhetoric here. I think when we get to a point where we are suggesting that by looking out for very poor people that we are somehow dealing with a disincentive to get married, we have reached a new low in terms of how we characterize this debate. This is very simply an issue of the fact that there are not enough resources to take care of the housing needs of very poor people.

The chairman of the committee understands very clearly that we did cut 25 percent of the Nation's homeless budget in these last 2 years. We have also dramatically cut back on housing funding by another 25 percent. The number of poor people that we are going to be able to affect in terms of housing policy has shrunk, not grown. The number of poor people that are eligible for this housing has grown substantially, not shrunk. So we have a bigger problem with shorter resources.

The question is whether or not in terms of these public housing projects, whether or not we should have a better mix of working families in those projects. I believe we should. I think that the Republican solution went too far in terms of public housing itself. However, we lost that debate. I accept that loss.

This is a different debate. This deals with the voucher program where the Government gives them a voucher. They can take it to any neighborhood. Where a landlord will accept payment in that neighborhood, they can get the unit. It has nothing to do with concentrations.

We have other housing programs with people, and I am sure in the State of Iowa, the State of Massachusetts, two very different States, I have spent time in both, when there are States as varying as those two, they are able to, with incomes of $25,000, $28,000, $30,000 a year, incomes with two parents working, they are eligible for a broad array of homeownership programs, including many programs that are offered by private sector banks, many of whom are incentivized through the Community Reinvestment Act.

There are banks that would line up to get families that have that kind of income to make loans to them, to buy condominiums that might be worth, $60,000, $70,000, $80,000 to $100,000 in all, a broad array of these markets. They are not the individuals that badly need the voucher program.

The families that need the voucher program are the very poor. It is the single largest growing portion of the American population. For us to say, using just the rhetoric of public housing projects, to denounce and to suggest that somehow by looking out for very poor people, this bill has fungibility built in, a new policy that I strongly object to, because what it enables us to do is to take and strip people out of various projects and take them out of the public housing program and put them into the voucher program or vice versa.

The chairman would understand that there is an incentive brought by the local public housing authority to take in more upper-income people. It means that there are going to be very many more, very low income people that are not going to have any government assistance, nobody is going to take care of them. They are going to be out on the street. That is ultimately the policy that we are endorsing here. It is not antimarriage. It is not antilove. It is not antianything. It is just saying, can we find it in our souls to just be a little compassionate?

We have told the poor people they have to go to work. We have told the poor people that they cannot have dogs and cats. Well, OK, if we want to say that. We have told them all sorts of things in this bill. They have got to file personal improvement programs. They have to go to work. They have got all sorts of different requirements placed on them. What we are just trying to suggest is put whatever requirements we have to, but please give this housing to those families that have the greatest need.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, there are two statistics that I think one has to be very careful of. The gentleman has used 25 percent and with the time frame, but it must be placed in the RECORD that this bill that we have before us is 100 percent of the administration's request this year.

Mr. NADLER. Mr. Chairman, reclaiming my time, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, the gentleman from Iowa knows that the funding levels that we have already suggested, that the President was wrong at the funding levels. I know my colleague makes the case that that means that we are out of touch.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, what I am pointing out to the gentleman is that it was the Republican Congress, it was under his leadership that this committee cut the homeless budget by 25 percent and cut the housing budget by 25 percent as well. It was those actions that ended up with the lower funding levels at $20 billion a year and less than a billion dollars a year in homeless funding. That is what happened. It was under the Republican leadership, under the Contract With America, under the rescission bill that that took place. And that is why we are at the level of funding we are today. It is unconscionable that President Clinton accepted those funding levels. And if he were here on this floor today, I would tell him to his face.

This is a terrible level of housing assistance but it does not provide an excuse for us going along with it.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, first I want to be very precise on several points. The gentleman has referred to a reduction in spending for several programs as part of a 95 supplemental which was not passed out of our committee. This was not a committee that passed that out. So the gentleman is making a point in attempting to assert a degree of personal responsibility for which I think he should be very cautious.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, did the gentleman from Iowa vote for that budget?

Mr. LEACH. Yes, Mr. Chairman, and the President of the United States signed it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have said that I do not go along with the President of the United States on this. I certainly did not vote for it. The gentleman's side initiated it and his side voted for it.

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would also stress again, what this bill does, as it is currently constituted, is target to the poorest of the poor, but then it does not say that the near-poor are excluded. What the Kennedy amendment does is exclude the near-poor. In this regard, we are also saying that it is local discretion. There is no binding exclusion which the Kennedy amendment implies. But under the committee approach, 100 percent would go to the poorest of the poor.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has again expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 1 additional minute.)

Mr. NADLER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just wonder if perhaps the solution to this issue would be to go back to what is current policy. Would the gentleman from Iowa object to a provision that would suggest that we keep 75 percent of the units at below 30 percent and allow the other 25 percent to go to whatever income levels that the gentleman chooses?

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would be happy to look carefully at language that comes before the committee. We will seriously review it. That will become a conferenceable issue. This chairman of this committee would have an open mind.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would suggest to the gentleman that we are in the midst of a markup. We are at a situation right now, Mr. Chairman, where we have the possibility. I have the authority to accept that provision. It goes back to existing law. We do not need a lot of studies. We have a lot of years of experience. I wonder whether or not the chairman would convince the chairman of the Subcommittee on Housing to accept that right now.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has again expired.

(On request of Mr. LAZIO of New York, and by unanimous consent, Mr. NADLER was allowed to proceed for 30 additional seconds.)

Mr. LAZIO of New York. Mr. Chairman, I would say that the very essence of H.R. 2 is local flexibility. That is not in current law. Current law suggests, again, go back to the same old Washington prescription. This is why we want to have this kind of flexibility so that working people, families making, a family of four with two wage earners at minimum wage would not be shut out as they are, both under the Kennedy amendment and under current law.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I cannot sit here and listen to the chairman of our subcommittee say that with a straight face after the debate we had last week. The essence of this bill is certainly not local flexibility, far from it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. Kennedy of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment is as follows:

Amendment offered by Mr. NADLER:

Page 184, strike lines 5 through 8 and insert the following:

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(1) such sums as may be necessary to renew any contracts for choice-based assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act) that expire during such fiscal year, only for use for such purpose; and

(2) $305,000,000, only for use for incremental assistance under this title.

Mr. LAZIO of New York. Mr. Chairman, we have negotiated a time limitation on this amendment of 26 minutes, evenly divided, the gentleman from New York controlling half the time and myself controlling half the time.

I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 26 minutes, evenly divided between the gentleman from New York [Mr. NADLER] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] and the gentleman from New York [Mr. NADLER], each will control 13 minutes.

The Chair recognizes the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to this bill that would, I would like to commend the gentleman from New York on the other side and the gentleman from Massachusetts for their hard work on this bill. This bill is seriously deficient because it reneges on our national commitment to create decent affordable housing. This bill provides absolutely no specific funding to make any new housing available to low income or moderate income families.

My amendment, which the gentleman from New York [Mr. SCHUMER] joins me in offering, would authorize 50,000 new section 8 vouchers to help low income families afford safe decent housing. We must send the appropriators a message that we believe the creation of new section 8 vouchers is a priority.

I would like to thank the chairman of the subcommittee and gentleman from Massachusetts for including language in the bill so that funding will be available to renew all existing section 8 vouchers. It is vitally important that those families currently benefiting from this program not be suddenly thrown out on the street. But it is not enough. The need for housing assistance remains staggering. Today 5.3 million poor families either pay more than 50 percent of their income for rent or live in severely substandard housing.

President Franklin Delano Roosevelt, founder of the public housing system in our Nation, spoke eloquently in 1944 of the fact that, and I quote, "True individual freedom cannot exist without economic security and independence. Necessitous men are not free men."

FDR was right. Every family has the right to a decent home, or do we no longer believe this to be so?

President Roosevelt's commitment to provide decent, safe, affordable housing to those that cannot afford the rent in the private market continued through administrations both Republican and Democratic. Richard Nixon, Ronald Reagan and George Bush all to some degree continued that commitment. But 2 years ago, the majority in Congress decided that commitment was no longer worth keeping. For the first time since the program began, no money was provided in that budget for new section 8 vouchers.

Our amendment will return to the legacy of the past half century. It will authorize funding to provide for an additional 50,000 certificates, equal to the President's request. I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. The tenant-based section 8 program is one of the most successful housing programs in existence. Section 8 pays a portion of a qualified family's rent. Each family commits 30 percent of their income to rent. The rest is paid by the section 8 voucher.

Overall rents are capped at fair market value. Thanks to section 8, families are able to afford decent safe housing; nothing extravagant and frankly sometimes not very nice at all, but much better than the alternative. For these families section 8 is more than a contract or a subsidy. It is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they live, creating better income mixes throughout our communities.

□ 1715

Today over a million families receive section 8 vouchers, which give them the mobility to choose their own decent housing. Yet over 5 million households are defined by HUD as having worst case housing needs; that is, paying over 50 percent of their income in rent or living in severely substandard housing. Not one of these 5 million families receives any Federal housing assistance. Their need is desperate. We must not turn our backs on the realities of the housing market and our people's desperate needs.

Our amendment will allow 50,000 more families to live in safe, affordable, decent housing. It is not asking for much. We only ask that today we commit to meet 1 percent of the need for affordable housing in our Nation. We can and should do more, but today, I will ask only for a very modest downpayment.

Some will say even helping 1 percent will cost too much. Some will say we cannot afford to pay the $6,000 per family it would cost to provide decent housing for these families. The reality is we cannot afford to shirk this responsibility.

The money is there. The chairman of the Committee on the Budget has taken the lead in pointing out the billions of dollars we spend each year on corporate welfare. The GAO recently reported that the Department of Defense has $2.7 billion in inventory items which are not needed to meet the services' operating and reserve requirements. Simply eliminating from the defense budget just the storage cost of these unnecessary inventory items would save $382 million annually, substantially more than the cost of this amendment.

That is the choice before us today: Pay for outdated, archaic, inflated needs, and we can find them throughout the budget, or focus our scarce resources on programs that, without question, do much good. Which is more important, unnecessary rivets collecting dust in a warehouse somewhere or a roof over a family's head?

Mr. Chairman, I ask support for this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for allowing me to proceed, and I thank the other gentleman from New York [Mr. NADLER] for yielding me this time.

Mr. Chairman, next week the House will consider a supplemental appropriations bill to help the victims of the Red River flood. I will join most Members in supporting this legislation because the families of Grand Forks need and deserve our help. But the offset for this emergency assistance is, once again, housing.

It seems that every time we cut the budget or provide relief to victims of natural disasters, the first account we look to is the housing account. In this latest supplemental we are cutting housing programs by $3.5 billion. These funds were put aside by housing authorities at our discretion to begin to cover the massive payment we all know is coming due for expiring project-based assistance.

These are not just my views. This week the chairman of the Senate Committee on the Budget, PETE DOMENICI, said expiring section 8 contracts will gobble up discretionary spending. So, with no thought to the consequences, we will soon vote to eliminate funding for 500,000 federally assisted housing units.

The amendment I offer, with my good friend from New York, Mr. NADLER, says we must stop using HUD for spare parts. Under Presidents Richard Nixon, Gerald Ford, Ronald Reagan, and George Bush, Congress and the President managed to find at least some new money for housing. But last year, for the first time in 50 years, we provided nothing, no new money for housing construction and no new money for section 8.

It is not because we solved the housing crisis. As we all know too well, 5.3 million families still pay over half their income in rent and live in substandard units, the likes of which my colleagues and I would be repulsed by.

Our amendment provides a modest increase of $300 million for section 8 housing each year over the next 5 years. Our amendment lets 50,000 new families each year receive desperately needed housing assistance. It is identical to the President's request, which means that in the context of balancing the budget, we can afford it.

I commend the gentleman from New York, Chairman LAZIO, for many of the reforms in this bill, particularly in the area of public housing. I understand he is under a great deal of pressure to cut spending, and he has received no support from those on his side of the aisle to fight for funding.

This is, indeed, a well-intentioned bill, but it is not enough. We have a 50-year streak of helping those with housing needs. Let us not jeopardize it. Support the Nadler-Schumer amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I want to say, first of all, that under the terms of H.R. 2, the bill we are debating today, we do authorize incremental or new vouchers. In the language of the bill we simply authorize that such sums as may be necessary are authorized. The reason for that is because we do not have any basis for fixing a sum.

For example, certain buildings in public housing will be demolished, in which case some of those residents may receive vouchers. In some cases the cost of remodeling will be so great that it will be more cost effective and the choice will be better for the tenant to receive a voucher, and they will receive that voucher. In other situations, people that may be displaced are seniors or disabled and will be receiving vouchers but, again, we are not sure exactly how many there are.

So we have tried to make it clear from an authorizing standpoint that we are for additional new vouchers, but we cannot exactly say for sure because there is no basis to say for sure how many new vouchers we are authorizing.

Now, under the amendment offered by the gentlemen from New York, they are requesting a sum certain, $350 million in budget authority for new section 8 certificates and vouchers of the choice-based program under the terms of the bill. According to the General Accounting Office, there is no basis in fact in which to determine, other than this objective, that 50,000 vouchers is the appropriate amount of vouchers. It may be too little or it may be too much, but there is no certainty.

That is why we have allowed maximum flexibility in the bill but, at the same time, a statement that we believe that additional vouchers should be authorized, they are authorized and should be appropriated for.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Let me just say first that the reason we put a specific amount in here, and the specific amount is the amount suggested in the President's budget, is that we believe that given the fact that in this year's budget, the budget we are living under now, there is zero appropriation for new section 8 housing, and an open-ended authorization of whatever may be necessary will not get anything from the appropriators. So we think that we should have a sum certain.

I would ask the gentleman if he would, whether this amendment passes or fails, if he would join us in asking the Committee on Appropriations for a sum certain. I would ask for this amount, the gentleman may pick some other number, but a sum certain so that we know that in this budget we will at least continue our commitment to new section 18?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would say to the gentleman that I would be happy to advocate to the Committee on Appropriations for additional vouchers, choice-based vouchers.

If we could find an appropriate basis to fix an authorization number, I would even be willing, in the event this amendment fails, to include that, if we could, at conference level.

My position is that I do not have any basis right now in order to fix a number. I would also add that the appropriators, of course, even with an authorization, chose not to appropriate money. So there is really no reason, simply because we have a fixed number of $350 million, to presume that alone would lead the appropriators to appropriate money for that account. Because there is, of course the gentleman knows, a crisis in the project-based section 8 which needs to be resolved, and I understand that and I sympathize with the appropriators, but I am happy and pleased to advocate for additional vouchers because the need is clearly there.

Mr. NADLER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman from New York [Mr. NADLER] for yielding.

Mr. Chairman, I rise to support this amendment, and I do so because it attempts to recognize one of the great needs in our society. Almost any evening across urban America, you can walk down the streets and see hundreds of men and women lined up trying to get in shelters because they have no place to go.

This amendment would, at least, give 50,000 additional homeless families in America a place to live. I strongly support it. I commend the gentleman for introducing it and hope that it will pass.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentleman from New York [Mr. LAZIO], the chairman of the Subcommittee on Housing and Community Opportunity, for agreeing with the need for additional vouchers and for his agreeing to go to the Committee on Appropriations and urge additional vouchers.

I would suggest, however, that we all know, that the gentleman from New York knows and I know and everyone knows, that given the fiscal stringencies in the balanced budget agreement, whatever happens to the politics of that over the next few weeks and months, that the odds of getting a real appropriation, a sizable appropriation, are very small. The odds of getting an appropriation that exceeds the amount suggested in this authorization in this amendment is, I would suggest, nil.

So I would urge the gentleman to accept this amendment as a ceiling on what we can realistically expect and as an expression by the House to the appropriators that may strengthen our hand in getting some reasonable fraction of this as an appropriation. I hope the gentleman will see the reasoning of that.

But, in any event, I would urge the passage of this amendment, if only to say morally that this House demands, that the House wants and knows that we need additional section 8 vouchers. I suspect that by putting a specific number in it, it really does strengthen our hand with the appropriators, although it obviously does not guarantee it.

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I have no other speakers on this amendment. If I may inquire of the gentleman from New York [Mr. NADLER] if he has additional speakers.

Mr. NADLER. Mr. Chairman, we have no other speakers. I yield myself such time as I may consume.

Mr. Chairman, in summary, we need more section 8 vouchers. It is the only program we have going for additional low-income and moderate-income housing units. We have 5.3 million households. That is probably 15 or 16 million people in desperate need of new housing.

Last year was the first year since 1937, with the possible exception of a couple years in World War II, in which we had a zero budget for new low- and moderate-income housing. I think it imperative that we speak out by adoption of this amendment that we do not mean to make permanent this turning away from our 60 years' commitment to house our people decently. So I urge the adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wonder if I could enter into a colloquy with the gentleman from New York [Mr. NADLER]. First of all, let me compliment the gentleman for his interest in housing and community development. I am well aware of it in the New York metropolitan area.

Second of all, let me inquire of the gentleman if it would be acceptable to the gentleman if he received a commitment from this Member to work with him to establish a fixed amount in terms of authorization or, in the alternative, to go to the Committee on Appropriations to argue with the gentleman for an appropriate amount for which we could establish some logical basis, if the gentleman would consider withdrawing the amendment for now and working with this Member?

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I am not clear on what the gentleman is suggesting. Is the gentleman suggesting that we would simply go to the Committee on Appropriations and that we would seek a different amount to put in as an amendment to this bill?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would suggest that we could pursue either or both strategies as long as we get a reasonable basis in order to fix an amount.

Mr. NADLER. Mr. Chairman, if the gentleman will continue to yield, I appreciate the commitment of the gentleman and willingness or eagerness to join in going to the Committee on Appropriations to urge a specific amount. I do think this bill should contain a specific amount.

I would be willing to withdraw this amendment if we have the agreement that we will try to work out by Tuesday a specific amount which we would then put into the bill and, if we do not reach that, we can have at least a voice vote on this amendment.

□ 1730

But I do think we should have a specific amount, not simply in mind with which to go to the Committee on Appropriations but in the bill.

Mr. LAZIO of New York. If I could reclaim my time, the best case scenario from this Member's perspective would be if the gentleman would withdraw the amendment and we would work to see if we could establish some good basis in order to make a judgment. But if that were not the case that we could do that by Tuesday, it might take longer. But I am committing to the gentleman that I would work with the gentleman to advocate for additional vouchers as long as we have a reasonable amount. Otherwise, I am afraid that we would be asking for an amount that has no clear basis. It has merit but not a factual basis.

Mr. NADLER. If the gentleman will yield further, I understand what the gentleman means. I would be willing on that basis to withdraw the amendment until Tuesday so we could if we reach an agreement, an agreed amount, put it in and do that then. I do not think I could withdraw the amendment without that.

Mr. LAZIO of New York. I thank the gentleman. We will have to take the vote on this. I thank the gentleman and look forward to working with him either way.

Mr. NADLER. If the gentleman will yield further, I appreciate the gentleman's comments. I look forward to working with him whatever happens to this amendment at this point.

Mr. LAZIO of New York. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LAZIO of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from New York [Mr. NADLER] will be postponed.

Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

SEC. 401. PURPOSE.

The purpose of this title is to give local governments and municipalities the flexibility to design creative approaches for providing and administering Federal housing assistance based on the particular needs of the communities that—

(1) give incentives to low-income families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient;

(2) reduce cost and achieve greater cost-effectiveness in Federal housing assistance expenditures;

(3) increase housing choices for low-income families; and

(4) reduce excessive geographic concentration of assisted families.

SEC. 402. FLEXIBLE GRANT PROGRAM.

(a) AUTHORITY AND USE.—The Secretary shall carry out a program under which a jurisdiction may, upon the application of the jurisdiction and the review and approval of the Secretary, receive, combine, and enter into performance-based contracts for the use of amounts of covered housing assistance in a period consisting of not less than 1 nor more than 5 fiscal years in the manner determined appropriate by the participating jurisdiction—

(1) to provide housing assistance and services for low-income families in a manner that facilitates the transition of such families work;

(2) to reduce homelessness;

(3) to increase homeownership among low-income families; and

(4) for other housing purposes for low-income families determined by the participating jurisdiction.

(b) INAPPLICABILITY OF CATEGORICAL PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 405, the provisions of this Act regarding use of amounts made available under each of the programs included as covered housing assistance and the program requirements applicable to each such program shall not apply to amounts received by a jurisdiction pursuant to this title.

(2) APPLICABILITY OF CERTAIN LAWS.—This title may not be construed to exempt assistance under this Act from, or make inapplicable any provision of this Act or of any other law that requires that assistance under this Act be provided in compliance with—

(A) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(B) the Fair Housing Act (42 U.S.C. 3601 et seq.);

(C) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(D) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

(F) the Americans with Disabilities Act of 1990; or

(G) the National Environmental Policy Act of 1969 and other provisions of law that further protection of the environment (as specified in regulations that shall be issued by the Secretary).

(c) EFFECT ON PROGRAM ALLOCATIONS FOR COVERED HOUSING ASSISTANCE.—The amount of assistance received pursuant to this title by a participating jurisdiction shall not be decreased, because of participation in the program under this title, from the sum of the amounts that otherwise would be made available for or within the participating jurisdiction under the programs included as covered housing assistance.

SEC. 403. COVERED HOUSING ASSISTANCE.

For purposes of this title, the term "covered housing assistance" means—

(1) operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the effective date of this Act);

(2) modernization assistance provided under section 14 of such Act;

(3) assistance provided under section 8 of such Act for the certificate and voucher programs;

(4) assistance for public housing provided under title II of this Act; and

(5) choice-based rental assistance provided under title III of this Act.

Such term does not include any amounts obligated for assistance under existing contracts for project-based assistance under section 8 of the United States Housing Act of 1937 or section 601(f) of this Act.

SEC. 404. PROGRAM REQUIREMENTS.

(a) ELIGIBLE FAMILIES.—Each family on behalf of whom assistance is provided for rental or homeownership of a dwelling unit using amounts made available pursuant to this title shall be a low-income family. Each dwelling unit assisted using amounts made available pursuant to this title shall be available for occupancy only by families that are low-income families at the time of their initial occupancy of the unit.

(b) COMPLIANCE WITH ASSISTANCE PLAN.—A participating jurisdiction shall provide assistance using amounts received pursuant to this title in the manner set forth in the plan of the jurisdiction approved by the Secretary under section 406(a)(2).

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

(d) HOUSING QUALITY STANDARDS.—

(1) COMPLIANCE.—A participating jurisdiction shall ensure that housing assisted with amounts received pursuant to this title is maintained in a condition that complies—

(A) in the case of housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with housing quality standards established under paragraph (2).

(2) FEDERAL HOUSING QUALITY STANDARDS.—the Secretary shall establish housing quality standards under this paragraph that ensure that dwelling units assisted under this title are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extend practicable, be consistent with the standards established under sections 232(b) and 328(c). The Secretary shall differentiate between major and minor violations of such standards.

(e) NUMBER OF FAMILIES ASSISTED.—A participating jurisdiction shall ensure that, in providing assistance with amounts received pursuant to this title in each fiscal year, not less than substantially the same total number of eligible low-income families are assisted as would have been assisted had the amounts of covered housing assistance not been combined for use under this title.

(f) CONSISTENCY WITH WELFARE PROGRAM.—A participating jurisdiction shall ensure that assistance provided with amounts received pursuant to this title is provided in a manner that is consistent with the welfare, public assistance, or other economic self-sufficiency programs operating in the jurisdiction by facilitating the transition of assisted families to work, which may include requiring compliance with the requirements under such welfare, public assistance, or self-sufficiency programs as a condition of receiving housing assistance with amounts provided under this title.

(g) TREATMENT OF CURRENTLY ASSISTED FAMILIES.—

(1) CONTINUATION OF ASSISTANCE.—A participating jurisdiction shall ensure that each family that was receiving housing assistance

or residing in an assisted dwelling unit pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title shall be offered assistance or an assisted dwelling unit under the program of the jurisdiction under this title.

(2) Phase-in of Rent Contribution Increases.—For any family that was receiving housing assistance pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title, if the monthly contribution for rental of a dwelling unit assisted under this title to be paid by the family upon initial applicability of this title is greater than the amount paid by the family immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contributions before initial applicability.

(h) Amount of Assistance.—In providing housing assistance using amounts received pursuant to this title, the amount of assistance provided by a participating jurisdiction on behalf of each assisted low-income family shall be sufficient so that if the family used such assistance to rent a dwelling unit having a rent equal to the 40th percentile of rents for standard quality rental units of the same size and type in the same market area, the contribution toward rental paid by the family would be affordable (as such term is defined by the jurisdiction) to the family.

(i) Portability.—A participating jurisdiction shall ensure that financial assistance for housing provided with amounts received pursuant to this title may be used by a family moving from an assisted dwelling unit located within the jurisdiction to obtain a dwelling unit located outside of the jurisdiction.

(j) Preferences.—In providing housing assistance using amounts received pursuant to this title, a participating jurisdiction may establish a system for making housing assistance available that provides preference for assistance to families having certain characteristics. A system of preferences established pursuant to this subsection shall be based on local housing needs and priorities, as determined by the jurisdiction using generally accepted data sources.

(k) Community Work Requirement.—

(1) Applicability of Requirements for PHA's.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 of the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) Local Community Service Alternative.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) Income Targeting.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

SEC. 405. APPLICABILITY OF CERTAIN PROVISIONS.

(a) Public Housing Demolition and Disposition Requirements.—Section 261 shall continue to apply to public housing notwithstanding any use of the housing under this title.

(b) Labor Standards.—Section 112 shall apply to housing assisted with amounts provided pursuant to this title, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

SEC. 406. APPLICATION.

(a) In General.—The Secretary shall provide for jurisdictions to submit applications to receive and use covered housing assistance amounts as authorized in this title for periods of not less than 1 and not more than 5 fiscal years. An application—

(1) shall be submitted only after the jurisdiction provides for citizen participation through a public hearing and, if appropriate, other means;

(2) shall include a plan developed by the jurisdiction for the provision of housing assistance with amounts received pursuant to this title that takes into consideration comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for meeting each of the requirements under section 404 and this title;

(3) shall describe how the plan for use of amounts will assist in meeting the goals set forth in section 401;

(4) shall propose standards for measuring performance in using assistance provided pursuant to this title based on the performance standards under subsection (b)(2);

(5) shall propose the length of the period for which the jurisdiction is applying for assistance under this title; and

(6) may include a request assistance for training and technical assistance to assist with design of the program and to participate in a detailed evaluation.

(7) shall—

(A) in the case of the application of any jurisdiction within whose boundaries are areas subject to any other unit of general local government, include the signed consent of the appropriate executive official of such unit to the application; and

(B) in the case of the application of a consortia of units of general local government (as provided under section 409(1)(B)), include the signed consent of the appropriate executive officials of each unit included in the consortia;

(8) shall include information sufficient, in the determination of the Secretary—

(A) to demonstrate that the jurisdiction has or will have management and administrative capacity sufficient to carry out the plan under paragraph (2);

(B) to demonstrate that carrying out the plan will not result in excessive duplication of administrative efforts and costs, particularly with respect to activities performed by public housing agencies operating within the boundaries of the jurisdiction;

(C) to describe the function and activities to be carried out by such public housing agencies affected by the plan; and

(D) to demonstrate that the amounts received by the jurisdiction will be maintained separate from other funds available to the jurisdiction and will be used only to carry out the plan; and

(9) shall include information describing how the jurisdiction will make decisions regarding asset management of housing for low-income families under programs for covered housing assistance or assisted with grant amounts under this title.

A plan required under paragraph (2) to be included in the application may be contained in a memorandum of agreement or other document executed by a jurisdiction and public housing agency, if such document is submitted together with the application.

(b) Review, Approval, and Performance Standards.—

(1) Review.—The Secretary shall review applications for assistance pursuant to this title. If the Secretary determines that the application complies with the requirements of this title, the Secretary shall offer to enter into an agreement with jurisdiction providing for assistance pursuant to this title and incorporating a requirement that the jurisdiction achieve a particular level of performance in each of the areas for which performance standards are established under paragraph (2). If the Secretary determines that an application does not comply with the requirements of this title, the Secretary shall notify the jurisdiction submitting the application of the reasons for such disapproval and actions that may be taken to make the application approvable. Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.

(2) Performance Standards.—The Secretary shall establish standards for measuring performance of jurisdictions in the following areas:

(A) Success in moving dependent low-income families to economic self-sufficiency.

(B) Success in reducing the numbers of long-term homeless families.

(C) Decrease in the per-family cost of providing assistance.

(D) Reduction of excessive geographic concentration of assisted families.

(E) Any other performance goals that the Secretary may prescribe.

(3) Approval.—If the Secretary and a jurisdiction that the Secretary determines has submitted an application meeting the requirements of this title enter into an agreement referred to in paragraph (1), the Secretary shall approve the application and provide covered housing assistance for the jurisdiction in the manner authorized under this title. The Secretary may not approve any application for assistance pursuant to this title unless the Secretary and jurisdiction enter into an agreement referred to in paragraph (1). The Secretary shall establish requirements for the approval of applications under this section submitted by public housing agencies designated under section 533(a) as troubled, which may include additional or different criteria determined by the Secretary to be more appropriate for such agencies.

(c) Status of PHA's.—Nothing in this section or title may be construed to require any change in the legal status of any public housing agency or in any legal relationship between a jurisdiction and a public housing agency as a condition of participation in the program under this title.

SEC. 407. TRAINING.

The Secretary, in consultation with representatives of public and assisted housing interests, shall provide training and technical assistance relating to providing assistance under this title and conduct detailed evaluations of up to 30 jurisdictions for the purpose of identifying replicable program models that are successful at carrying out the purposes of this title.

SEC. 408. ACCOUNTABILITY.

(a) PERFORMANCE GOALS.—The Secretary shall monitor the performance of participating jurisdictions in providing assistance pursuant to this title based on the performance standards contained in the agreements entered into pursuant to section 406(b)(1).

(b) KEEPING RECORDS.—Each participating jurisdiction shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts provided pursuant to this title, to ensure compliance with the requirements of this title and to measure performance against the performance goals under subsection (a).

(c) REPORTS.—Each participating jurisdiction agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. The reports shall—

(1) document the use of funds made available under this title;

(2) provide such information as the Secretary may request to assist the Secretary in assessing the program under this title; and

(3) describe and analyze the effect of assisted activities in addressing the purposes of this title.

(d) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

(e) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

SEC. 409. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) JURISDICTION.—The term "jurisdiction" means—

(A) a unit of general local government (as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act) that has boundaries, for purposes of carrying out this title, that—

(i) wholly contain the area within which a public housing agency is authorized to operate; and

(ii) do not contain any areas contained within the boundaries of any other participating jurisdiction; and

(B) a consortia of such units of general local government, organized for purposes of this title.

(2) PARTICIPATING JURISDICTION.—The term "participating jurisdiction" means, with respect to a period for which such approval is made, a jurisdiction that has been approved under section 406(b)(3) to receive assistance pursuant to this title for such fiscal year.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 13 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 13 offered by Mr. KENNEDY of Massachusetts:
>
> Page 220, strike line 12 and all that follows through line 12 on page 237 (and redesignate subsequent provisions and any references to such provisions, and conform the table of contents, accordingly).

Mr. LAZIO of New York. Mr. Chairman, I understand in speaking to the gentleman from Massachusetts that there is a proposed agreement to limit time to 20 minutes, 10 minutes controlled by the gentleman from Massachusetts [Mr. KENNEDY], 10 minutes controlled by myself. If that is acceptable to the gentleman from Massachusetts, if I could make that unanimous-consent request.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would amend the unanimous-consent request to go 5 and 5.

Mr. LAZIO of New York. Mr. Chairman, the gentleman from Massachusetts is very generous and I accept it.

The CHAIRMAN. And that includes all amendments thereto?

Mr. KENNEDY of Massachusetts. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals with, I think, one of the most devious and unfortunate elements in this bill, and, that is, the block granting of the entire title IV.

H.R. 2, title IV, is simply a gigantic, untested block grant scheme. It will increase political influence over public housing authorities, increase HUD's cost and personnel, remove vital tenant protections, and create duplication of services that is simply unworkable.

Quite simply, title IV permits local jurisdictions, most likely cities, to apply for the same public housing and section 8 assistance that is currently going to local public housing authorities. My amendment would simply eliminate the block grant scheme.

First and foremost, I am concerned about the undue political influence. The worst public housing authorities are those that are controlled by local political influences. Why then would we try to increase such local political influences by giving the money directly to politicians?

It expands HUD costs and personnel. At a time when the Republicans repeatedly criticize HUD, why do they want to increase the burden of HUD staff to create additional costs by requiring HUD to sift through potentially thousands and thousands of block grant proposals to evaluate who would do the best job at the local level?

It removes tenant protections. Title IV removes vital Brooke protections and income targeting protections altogether.

And it is redundant with the public housing authorities locally. We have heard a great deal of rhetoric about providing funding back to the local folks. That is fine. I am not sure that that means we hand it to the local cities themselves. We want to make sure that the public housing goes to people that have housing knowledge and housing as their priority.

First, it is unclear why we should allow redundant, separate local jurisdictions to compete with each other for the administration of Federal housing assistance. We already have procedures to take over the administration of badly run or badly managed public housing authorities.

Title IV as proposed under the bill is opposed by several organizations, including the National Association of Housing and Rural Development Agencies, NAHRO; the Council of Large Public Housing Authorities; and the Public Housing Authorities Directors Association. All are uniquely and uniformly opposed to this.

The Council of Large Public Housing Authorities says:

> Title IV ignores the well-documented history of public housing: excessive direct involvement of local elected officials in the operations has frequently resulted in patronage employment, corrupt contracting practices and troubled PHA's. One need look no further than out your window for a prime example, the District of Columbia Housing Authority, which is now being revived under an able receiver after years of costly decline.

According to the Public Housing Authorities Directors Association, PHADA believes, quote, that the home rule plan is ill-advised because it could very well detract scant housing funds from their intended purpose. Indeed, in the few instances where the locality has had a significant amount of control over the local housing authority's operation, Washington D.C. and New Orleans, for example, disastrous results have occurred.

And NAHRO also supports this amendment which deletes title IV of the bill. It says, quote, as we have expressed to Chairman LAZIO, NAHRO supports what we believe to be the desire to foster local innovation and greater working relationships between housing authorities and local governments. However, we believe the provision, as currently drafted, is not the proper vehicle to accomplish that purpose.

The NAHRO chapter in my own home State of Massachusetts noted, "The home rule block grant program potentially could mean the end of low-income public housing, with our own local officials dealing the death blow. This is a very bad idea."

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1½ minutes.

Title IV of this bill would provide maximum flexibility for new ideas, new innovation. It does not preclude the housing authorities from participating in the new idea. It simply says that a municipal leader, a mayor, would be able to come forward and suggest a plan to HUD with certain protections that are built into the bill, including protecting the same amount of low-income people in terms of housing that would be true if we did not choose this option.

What we are trying to do is to allow the creative inspiration of people at the municipal level to put forward plans subject to the approval of the Federal Government, the Department of Housing and Urban Development. There are protections that are built into this plan. For example, rent-setting protections are built into this plan serving the same amount of low income people; that is built into the plan. But we are trying to develop a system in which local leaders like mayors are more inclined to invest their own resources in economic development and housing for low-income people.

Right now we have had mayors testify before the committee that they are not inclined to invest their own dollars into their own cities because they feel removed from the decisionmaking, because they feel they have no valid input. But if they were included in it, if they were allowed to participate, they would bring the full panoply of resources at the disposal of municipalities in a creative way, in an integrated way, to help deal with the root causes of poverty and to address the housing concerns of that individual or that particular community.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I include for the RECORD the following letter from the National League of Cities. The National League of Cities supports this amendment.

NATIONAL LEAGUE OF CITIES,
1301 PENNSYLVANIA AVENUE NW.,
Washington, DC, May 1, 1997.

Hon. JOSEPH KENNEDY,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KENNEDY: The National League of Cities (NLC) urges you to vote no on H.R. 2, the "Housing Opportunity and Responsibility Act of 1997," and to support a superior substitute bill which will be offered by Joseph P. Kennedy, II during floor debate in the House this week. We are especially opposed to the proposed repeal of the "United States Housing Act of 1937" and the proposal to give the Administration authority to impose sanctions on cities and towns.

H.R. 2 would repeal the "United States Housing Act of 1937" which has provided the underpinning for the Department of Housing and Urban Development's basic purpose for more than 60 years. The Act set a national goal to provide every American with safe, sanitary, affordable housing. In NLC's National Municipal Policy, our housing goal is to "provide for every American a decent home in a suitable living environment with adequate financial stability to maintain it." We believe that abandoning this basic goal would be a disservice to every American who is struggling to provide adequately for his or her family. Housing is essential if families are to be safe and if those responsible for food and shelter are to seek and find permanent employment.

The bill would also propose new sanctions on cities and towns over the condition of a municipality's public housing authority. This implies there is a cause and effect when, in fact, the federal government and some state governments have far greater and more effective control over public housing authorities than mayors and city councils. In most cities and towns, the local government may have the authority to appoint members to the PHA board when a vacancy occurs. This is the extent of local control.

We oppose the inclusion of the Community Development Block Grant sanction on cities included in H.R. 2. This sanction would be imposed by the Secretary of HUD by withholding or redirecting a city's CDBG funding for an indefinite period of time. This sanction would go into effect if the Secretary determines that a PHA has become troubled due to the action or inaction of local government.

NLC has fought this provision since it first appeared in last year's public housing reform bill, H.R. 2406. It is ill-conceived and unnecessarily punitive. NLC has recommended that any public housing reform bill include incentives to encourage cooperation between cities and public housing authorities (PHAs). It would be much more appropriate to recommend positive remedial actions long before imposing sanctions. Also, sponsors of this provision can only sight four cities that have "substantially" contributed to the troubled status of their PHAs. They are Chicago, New Orleans, Detroit, and Camden, N.J. It is extreme to threaten to sanction the other 3,395 local governments with PHAs in their communities.

Let me thank you in advance for your support of constructive reform of public housing, an essential national housing resource.

Sincerely,

MARK SCHWARTZ,
President.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. GONZALEZ], the former chairman of the full committee.

The CHAIRMAN. The gentleman from Texas is recognized for 30 seconds.

Mr. GONZALEZ. Mr. Chairman, I rise very strongly to support the Kennedy amendment. I find this home rule flexible block grant program just simply outrageous and it must be struck from the bill.

I can recall the horrendous times when there were no such things as housing assistance programs. I recall vividly families in the most distressed areas of our area in and around my hometown that I would visit as I had worked as a chief two-and-out probation officer for a while and would find these hovels with dirt floors and no privy or anything. Those were horrendous times. The way we are going, we are going right back to them.

Mr. LAZIO of New York. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BEREUTER], a distinguished member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Chairman, I think we have to go back and remember what the situation is. In some parts of the country, the public housing agencies and programs they run for the working poor, for the poor, for less privileged Americans, are an absolute disgrace. We are trying to provide some innovation here, some flexibility so that innovation can come forth. What is being proposed to be struck here is the home rule flexibility grant option.

Let us take a look briefly at what we are attempting to do here. We are trying to encourage innovation in housing programs at the local level. We are trying to give localities the ability to present to HUD an alternative plan to provide housing for the community. This is where we have the troubled housing authorities that have failed.

Currently there is very little incentive for local leaders to attempt to solve some of the problems in local housing. In some cases they have no option. The public housing authority operates as a very separate entity. There are also no incentives really for local leaders to contribute scarce resources where needed.

Title IV tells local leaders if they are serious about making contributions to solving some of the problems of housing in their communities, then they are going to be given the flexibility to do that. Everything, however, requires HUD approval, ensuring a responsible Federal oversight role in the process, despite what we might have heard a few minutes ago.

In an attempt to accommodate and to take into account some of the concerns raised in the committee or at subcommittee discussions earlier, there are a number of protections in the manager's amendment that has been adopted.

For example, we require that the Secretary ensure that the jurisdiction has management capability to carry out the plan they propose. Second, the plan does not lead to excessive duplication of administrative efforts. Third, the plan demonstrates the functions and the activities of the local PHA.

Next, it ensures housing funds are specifically used for housing purposes by requiring a separate housing fund, so these funds cannot be diverted for other purposes, to suit the mayor's attention.

It provides an opportunity for the PHA to comment upon the alternative plan. They are not shut out of the process. It provides flexibility to the HUD

Secretary to establish different requirements for troubled housing authorities. It requires jurisdictional consent when there are other cross-jurisdictional concerns. And it clarifies that this title, title IV, does not require a city government takeover or legal status change of the PHA.

The flexibility is there, the protections are there to the American taxpayer, to the people in the community who are not being served well now by these troubled housing authorities. This is a basic and important reform. We need to keep title IV in and reject the amendment.

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent, if we might, to allow the gentleman from Texas [Mr. GONZALEZ], the former chairman, the ranking member, 2 additional minutes to complete his statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 2 additional minutes.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from Massachusetts very much because this goes to the very essence of my presence in the United States House of Representatives.

I came from my hometown with a housing background and can recall vividly, and I am old enough to, the outrageous situation that was costing lives and the city, my home city, the dubious distinction of the tuberculosis capital of the country. We are fast pulling the clock back if we continue.

Mr. Chairman, there are no guarantees that the current public housing inventory will have to be maintained under this because there are no guarantees that the public housing authorities will receive funding from the city. This is not only outrageous, it is inviting the disinvestment in $90 billion of Federal investment, and of course it is duplicative.

Indeed, the cities may choose to start up a new quote, unquote, public housing program and let the current housing inventory deteriorate. But the reason we came to the Federal level is that the cities and the States and the counties would not do anything. That has been the history of all of our social legislation.

I know that there is a provision which protects the public housing authorities from disillusion, disillusion, but there are no similar protections that they will be given the money to operate with. It is somewhat ironic that with this block grant we could be taking money from the public housing authorities that this legislation purports to support. After all, the goal of this legislation is to provide housing authorities with the flexibility they need to operate and to untie their hands from unnecessary rules, regulations and requirements.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 1 minute.

Mr. LAZIO of New York. Mr. Chairman, let me just say I think, to paraphrase a 20th century President, we have nothing to fear but fear itself on this, and what we want to do is create the sense of ideas of innovation. We should not be afraid of new ideas, we should not be afraid of allowing a local elected leader to come forward and say I think I have a better way of doing it, I think we can develop a better partnership, I think that maybe in our community, in our community, that the fixed way of having a public housing authority may not be necessarily the best way. We may want to have a joint venture with the public housing authority, we may want to have not-for-profits work along with them or community development corporations or resident-inspired groups.

The idea behind this provision of the bill would be subject to the provisions of protection that are already in the bill to provide the level of creativity, innovation, and this amendment would strike that, and for those reasons, Mr. Chairman, I would urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

VACATING VOTE ON AMENDMENT NO. 18 OFFERED BY MR. NADLER

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to vacate the vote with regard to amendment No. 18 offered by the gentleman from New York [Mr. NADLER] and that the Chair restate the question.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

SEC. 501. IN GENERAL.

The Secretary of Housing and Urban Development shall provide under section 505 for a study to be conducted to determine the effectiveness of various alternative methods of evaluating the performance of public housing agencies and other providers of federally assisted housing.

SEC. 502. PURPOSES.

The purposes of the study under this subtitle shall be—

(1) to identify and examine various methods of evaluating and improving the performance of public housing agencies in administering public housing and tenant-based rental assistance programs and of other providers of federally assisted housing, which are alternatives to oversight by the Department of Housing and Urban Development; and

(2) to identify specific monitoring and oversight activities currently conducted by the Department of Housing and Urban Development that are insufficient or ineffective in accurately and efficiently assessing the performance of public housing agencies and other providers of federally assisted housing, and to evaluate whether such activities should be eliminated, modified, or transferred to other entities (including government and private entities) to increase accuracy and effectiveness and improve monitoring.

SEC. 503. EVALUATION OF VARIOUS PERFORMANCE EVALUATION SYSTEMS.

To carry out the purpose under section 502(1), the study under this subtitle shall identify, and analyze and assess the costs and benefits of, the following methods of regulating and evaluating the performance of public housing agencies and other providers of federally assisted housing:

(1) CURRENT SYSTEM.—The system pursuant to the United States Housing Act of 1937 (as in effect upon the enactment of this Act), including the methods and requirements under such system for reporting, auditing, reviewing, sanctioning, and monitoring of such agencies and housing providers and the public housing management assessment program pursuant to subtitle C of this title (and section 6(j) of the United States Housing Act of 1937 (as in effect upon the enactment of this Act)).

(2) ACCREDITATION MODELS.—Various models that are based upon accreditation of such agencies and housing providers, subject to the following requirements:

(A) The study shall identify and analyze various models used in other industries and professions for accreditation and determine the extent of their applicability to the programs for public housing and federally assisted housing.

(B) If any accreditation models are determined to be applicable to the public and federally assisted housing programs, the study shall identify appropriate goals, objectives, and procedures for an accreditation program for such agencies housing providers.

(C) The study shall evaluate the effectiveness of establishing an independent accreditation and evaluation entity to assist, supplement, or replace the role of the Department of Housing and Urban Development in assessing and monitoring the performance of such agencies and housing providers.

(D) The study shall identify the necessary and appropriate roles and responsibilities of various entities that would be involved in an accreditation program, including the Department of Housing and Urban Development, the Inspector General of the Department, an accreditation entity, independent auditors and examiners, local entities, and public housing agencies.

(E) The study shall determine the costs involved in developing and maintaining such an independent accreditation program.

(F) The study shall analyze the need for technical assistance to assist public housing agencies in improving performance and identify the most effective methods to provide such assistance.

(3) PERFORMANCE BASED MODELS.—Various performance-based models, including systems that establish performance goals or targets, assess the compliance with such goals or targets, and provide for incentives or sanctions based on performance relative to such goals or targets.

(4) LOCAL REVIEW AND MONITORING MODELS.—Various models providing for local, resident, and community review and monitoring of such agencies and housing providers, including systems for review and monitoring by local and State governmental bodies and agencies.

(5) PRIVATE MODELS.—Various models using private contractors for review and monitoring of such agencies and housing providers.

(6) OTHER MODELS.—Various models of any other systems that may be more effective and efficient in regulating and evaluating such agencies and housing providers.

SEC. 504. CONSULTATION.

The entity that, pursuant to section 505, carries out the study under this subtitle shall, in carrying out the study, consult with individuals and organization experienced in managing public housing, private real estate managers, representatives from State and local governments, residents of public housing, families and individuals receiving choice- or tenant-based assistance, the Secretary of Housing and Urban Development, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States.

SEC. 505. CONTRACT TO CONDUCT STUDY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall enter into a contract with a public or nonprofit private entity to conduct the study under this subtitle, using amounts made available pursuant to section 507.

(b) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—The Secretary shall request the National Academy of Public Administration to enter into the contract under paragraph (1) to conduct the study under this subtitle. If such Academy declines to conduct the study, the Secretary shall carry out such paragraph through other public or nonprofit private entities.

SEC. 506. REPORT.

(a) INTERIM REPORT.—The Secretary shall ensure that not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the entity conducting the study under this subtitle submits to the Congress an interim report describing the actions taken to carry out the study, the actions to be taken to complete the study, and any findings and recommendations available at the time.

(b) FINAL REPORT.—The Secretary shall ensure that—

(1) not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the study required under this subtitle is completed and a report describing the findings and recommendations as a result of the study is submitted to the Congress; and

(2) before submitting the report under this subsection to the Congress, the report is submitted to the Secretary and national organizations for public housing agencies at such time to provide the Secretary and such agencies an opportunity to review the report and provide written comments on the report, which shall be included together with the report upon submission to the Congress under paragraph (1).

SEC. 507. FUNDING.

Of any amounts made available under title V of the Housing and Urban Development Act of 1970 for policy development and research for fiscal year 1998, $500,000 shall be available to carry out this subtitle.

SEC. 508. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act.

Subtitle B—Housing Evaluation and Accreditation Board

SEC. 521. ESTABLISHMENT.

(a) IN GENERAL.—There is established an independent agency in the executive branch of the Government to be known as the Housing Foundation and Accreditation Board (in this title referred to as the "Board").

(b) REQUIREMENT FOR CONGRESSIONAL REVIEW OF STUDY.—Notwithstanding any other provision of this Act, sections 523, 524, and 525 shall not take effect and the Board shall not have any authority to take any action under such sections (or otherwise) unless there is enacted a law specifically providing for the repeal of this subsection. This subsection may not be construed to prevent the appointment of the Board under section 522.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 522. MEMBERSHIP.

(a) IN GENERAL.—The Board shall be composed of 12 members appointed by the President not later than 180 days after the date of the final report regarding the study required under subtitle A is submitted to the Congress pursuant to section 506(b), as follows:

(1) 4 members shall be appointed from among 10 individuals recommended by the Secretary of Housing and Urban Development.

(2) 4 members shall be appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) 4 members appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(b) QUALIFICATIONS.—

(1) REQUIRED REPRESENTATION.—The Board shall at all times have the following members:

(A) 2 members who are residents of public housing or dwelling units assisted under title III of this Act or the provisions of section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(B) At least 2, but not more than 4 members who are executive directors of public housing agencies.

(C) 1 member who is a member of the Institute of Real Estate Managers.

(D) 1 member who is the owner of a multifamily housing project assisted under a program administered by the Secretary of Housing and Urban Development.

(2) REQUIRED EXPERIENCE.—The Board shall at all times have as members individuals with the following experience:

(A) At least 1 individual who has extensive experience in the residential real estate finance business.

(B) At least 1 individual who has extensive experience in operating a nonprofit organization that provides affordable housing.

(C) At least 1 individual who has extensive experience in construction of multifamily housing

(D) At least 1 individual who has extensive experience in the management of a community development corporation.

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

A single member of the board with the appropriate experience may satisfy the requirements of more than 1 subparagraph of this paragraph. A single member of the board with the appropriate qualifications and experience may satisfy the requirements of a subparagraph of paragraph (1) and a subparagraph of this paragraph.

(c) POLITICAL AFFILIATION.—Not more than 6 members of the Board may be of the same political party.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 4 years, except as provided in paragraphs (2) and (3).

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 3 shall be appointed for terms of 2 years;

(C) 3 shall be appointed for terms of 3 years; and

(D) 3 shall be appointed for terms of 4 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Board shall elect a chairperson from among members of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(g) VOTING.—Each member of the Board shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Board.

(h) PROHIBITION ON ADDITIONAL PAY.—Members of the Board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 523. FUNCTIONS.

The purpose of this subtitle is to establish the Board as a nonpolitical entity to carry out, not later than the expiration of the 12-month period beginning upon the appointment under section 522 of all of the initial members of the Board (or such other date as may be provided by law), the following functions:

(1) ESTABLISHMENT OF PERFORMANCE BENCHMARKS.—The Board shall establish standards and guidelines for use by the Board in measuring the performance and efficiency of public housing agencies and other owners and providers of federally assisted housing in

carrying out operational and financial functions. The standards and guidelines shall be designed to replace the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the enactment of this Act) and improve the evaluation of the performance of housing providers relative to such program. In establishing such standards and guidelines, the Board shall consult with the Secretary, the Inspector General of the Department of Housing and Urban Development, and such other persons and entities as the Board considers appropriate.

(2) ESTABLISHMENT OF ACCREDITATION PROCEDURE AND ACCREDITATION.—The Board shall—

(A) establish a procedure for the Board to accredit public housing agencies to receive block grants under title II for the operation, maintenance, and production of public housing and amounts for housing assistance under title III, based on the performance of agencies, as measured by the performance benchmarks established under paragraph (1) and any audits and reviews of agencies; and

(B) commence the review and accreditation of public housing agencies under the procedures established under subparagraph (A).

In carrying out the functions under this section, the Board shall take into consideration the findings and recommendations contained in the report issued under section 506(b).

SEC. 524. POWERS.

(a) HEARINGS.—The Board may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places as the Board determines appropriate.

(b) RULES AND REGULATIONS.—The Board may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any department or agency of the Federal Government such information as the Board may require for carrying out its functions, including public housing agency plans submitted to the Secretary by public housing agencies under title I. Upon request of the Board, any such department or agency shall furnish such information.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board, on a reimbursable basis, such administrative support services as the Board may request.

(3) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Upon the request of the chairperson of the Board, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Board in carrying out its functions under this subtitle.

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of audits of public housing agencies. The Inspector General may advise the Board with respect to other activities and functions of the Board.

(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Board may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts with private firms, institutions, and individuals for the purpose of conducting evaluations of public housing agencies, audits of public housing agencies, and research and surveys necessary to enable the Board to discharge its functions under this subtitle.

(f) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Board, who shall be compensated at a rate fixed by the Board, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) OTHER PERSONNEL.—In addition to the executive director, the Board may appoint and fix the compensation of such personnel as the Board considers necessary, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) ACCESS TO DOCUMENTS.—The Board shall have access for the purposes of carrying out its functions under this subtitle to any books, documents, papers, and records of a public housing agency to which the Secretary has access under this Act.

SEC. 525. FEES.

(a) ACCREDITATION FEES.—The Board may establish and charge reasonable fees for the accreditation of public housing agencies as the Board considers necessary to cover the costs of the operations of the Board relating to its functions under section 523.

(b) FUND.—Any fees collected under this section shall be deposited in an operations fund for the Board, which is hereby established in the Treasury of the United States. Amounts in such fund shall be available, to the extent provided in appropriation Acts, for the expenses of the Board in carrying out its functions under this subtitle.

SEC. 526. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

SEC. 531. INTERIM APPLICABILITY.

This subtitle shall be effective only during the period that begins on the effective date of this Act and ends upon the date of the effectiveness of the standards and procedures required under section 523.

SEC. 532. MANAGEMENT ASSESSMENT INDICATORS.

(a) ESTABLISHMENT.—The Secretary shall develop and publish in the Federal Register indicators to assess the management performance of public housing agencies and other entities managing public housing (including resident management corporations, independent managers pursuant to section 236, and management entities pursuant to subtitle D). The indicators shall be established by rule under section 553 of title 5, United States Code. Such indicators shall enable the Secretary to evaluate the performance of public housing agencies and such other managers of public housing in all major areas of management operations.

(b) CONTENT.—The management assessment indicators shall include the following indicators:

(1) The number and percentage of vacancies within an agency's or manager's inventory, including the progress that an agency or manager has made within the previous 3 years to reduce such vacancies.

(2) The amount and percentage of funds obligated to the public housing agency or manager from the capital fund or under section 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), which remain unexpended after 3 years.

(3) The percentage of rents uncollected.

(4) The energy consumption (with appropriate adjustments to reflect different regions and unit sizes).

(5) The average period of time that an agency or manager requires to repair and turn-around vacant dwelling units.

(6) The proportion of maintenance work orders outstanding, including any progress that an agency or manager has made during the preceding 3 years to reduce the period of time required to complete maintenance work orders.

(7) The percentage of dwelling units that an agency or manager fails to inspect to ascertain maintenance or modernization needs within such period of time as the Secretary deems appropriate (with appropriate adjustments, if any, for large and small agencies or managers).

(8) The extent to which the rent policies of any public housing agency establishing rental amounts in accordance with section 225(b) comply with the requirement under section 225(c).

(9) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.

(10) Any other factors as the Secretary deems appropriate.

(c) CONSIDERATIONS IN EVALUATION.—The Secretary shall—

(1) administer the system of evaluating public housing agencies and managers flexibly to ensure that agencies and managers are not penalized as result of circumstances beyond their control;

(2) reflect in the weights assigned to the various management assessment indicators the differences in the difficulty of managing individual developments that result from their physical condition and their neighborhood environment; and

(3) determine a public housing agency's or manager's status as "troubled with respect to modernization" under section 533(b) based upon factors solely related to its ability to carry out modernization activities.

SEC. 533. DESIGNATION OF PHA'S.

(a) TROUBLED PHA'S.—The Secretary shall, under the rulemaking procedures under section 553 of title 5, United States Code, establish procedures for designating troubled public housing agencies and managers, which procedures shall include identification of serious and substantial failure to perform as measured by (1) the performance indicators specified under section 532 and such other factors as the Secretary may deem to be appropriate; or (2) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or other entity managing public housing, which system may be in addition to or in lieu of the performance indicators established under section 532. Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.

(b) AGENCIES TROUBLED WITH RESPECT TO CAPITAL ACTIVITIES.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are troubled with respect to capital activities.

(c) AGENCIES AT RISK OF BECOMING TROUBLED.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are at risk of becoming troubled.

(d) EXEMPLARY AGENCIES.—The Secretary may also, in consultation with national organizations representing public housing agencies and managers and public officials (as the Secretary determines appropriate), identify and commend public housing agencies and managers that meet the performance standards established under section 532 in an exemplary manner.

(e) APPEAL OF DESIGNATION.—The Secretary shall establish procedures for public housing agencies and managers to appeal designation as a troubled agency or manager (including designation as a troubled agency or manager for purposes of capital activities), to petition for removal of such designation, and to appeal any refusal to remove such designation.

SEC. 534. ON-SITE INSPECTION OF TROUBLED PHA'S.

(a) IN GENERAL.—Upon designating a public housing agency or manager as troubled pursuant to section 533 and determining that an assessment under this section will not duplicate any other review previously conducted or required to be conducted of the agency or manager, the Secretary shall provide for an on-site, independent assessment of the management of the agency or manager.

(b) CONTENT.—To the extent the Secretary deems appropriate (taking into consideration an agency's or manager's performance under the indicators specified under section 532, the assessment team shall also consider issues relating to the agency's or manager's resident population and physical inventory, including the extent to which—

(1) the public housing agency plan for the agency or manager adequately and appropriately addresses the rehabilitation needs of the public housing inventory;

(2) residents of the agency or manager are involved in and informed of significant management decisions; and

(3) any developments in the agency's or manager's inventory are severely distressed (as such term is defined under section 262.

(c) INDEPENDENT ASSESSMENT TEAM.—An independent assessment under this section shall be carried out by a team of knowledgeable individuals selected by the Secretary (referred to in this title as the "assessment team") with expertise in public housing and real estate management. In conducting an assessment, the assessment team shall consult with the residents and with public and private entities in the jurisdiction in which the public housing is located. The assessment team shall provide to the Secretary and the public housing agency or manager a written report, which shall contain, at a minimum, recommendations for such management improvements as are necessary to eliminate or substantially remedy existing deficiencies.

SEC. 535. ADMINISTRATION.

(a) PHA'S.—The Secretary shall carry out this subtitle with respect to public housing agencies substantially in the same manner as the public housing management assessment system under section 6(j) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) was required to be carried out with respect to public housing agencies. The Secretary may comply with the requirements under this subtitle by using any regulations issued to carry out such system and issuing any additional regulations necessary to make such system comply with the requirements under this subtitle.

(b) OTHER MANAGERS.—The Secretary shall establish specific standards and procedures for carrying out this subtitle with respect to managers of public housing that are not public housing agencies. Such standards and procedures shall take in consideration special circumstances relating to entities hired, directed, or appointed to manage public housing.

Subtitle D—Accountability and Oversight Standards and Procedures

SEC. 541. AUDITS.

(a) BY SECRETARY AND COMPTROLLER GENERAL.—Each block grant contract under section 201 and each contract for housing assistance amounts under section 302 shall provide that the Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the public housing agency (or other entity) entering into such contract that are pertinent to this Act and to its operations with respect to financial assistance under the this Act.

(b) BY PHA.—

(1) REQUIREMENT.—Each public housing agency that owns or operates 250 or more public housing dwelling units and receives assistance under this Act shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this Act in order to make audit examinations, excerpts, and transcripts.

(2) WITHHOLDING OF AMOUNTS.—The Secretary may, in the sole discretion of the Secretary, arrange for, and pay the costs of, an audit required under paragraph (1). In such circumstances, the Secretary may withhold, from assistance otherwise payable to the agency under this Act, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit, including, when appropriate, the reasonable costs of accounting services necessary to place the agency's books and records in auditable condition.

SEC. 542. PERFORMANCE AGREEMENTS FOR AUTHORITIES AT RISK OF BECOMING TROUBLED.

(a) IN GENERAL.—Upon designation of a public housing agency as at risk of becoming troubled under section 533(c), the Secretary shall seek to enter into an agreement with the agency providing for improvement of the elements of the agency that have been identified. An agreement under this section shall contain such terms and conditions as the Secretary determines are appropriate for addressing the elements identified, which may include an on-site, independent assessment of the management of the agency.

(b) POWERS OF SECRETARY.—If the Secretary determines that such action is necessary to prevent the public housing agency from becoming a troubled agency, the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which may be selected by existing tenants through administrative procedures established by the Secretary), for any case in which such agents may be needed for managing all, or part, of the housing or functions administered by the agency; or

(2) solicit competitive proposals from other public housing agencies and private entities with experience in construction management, for any case in which such authorities or firms may be needed to oversee implementation of assistance made available for capital improvement for public housing of the agency.

SEC. 543. PERFORMANCE AGREEMENTS AND CDBG SANCTIONS FOR TROUBLED PHA'S.

(a) IN GENERAL.—Upon designation of a public housing agency as a troubled agency under section 533(a) and after reviewing the report submitted pursuant to section 534(c) and consulting with the assessment team for the agency under section 534, the Secretary shall seek to enter into an agreement with the agency providing for improving the management performance of the agency.

(b) CONTENTS.—An agreement under this section between the Secretary and a public housing agency shall set forth—

(1) targets for improving performance, as measured by the guidelines and standards established under section 532 and other requirements within a specified period of time, which shall include targets to be met upon the expiration of the 12-month period beginning upon entering into the agreement;

(2) strategies for meeting such targets;

(3) sanctions for failure to implement such strategies; and

(4) to the extent the Secretary deems appropriate, a plan for enhancing resident involvement in the management of the public housing agency.

(c) LOCAL ASSISTANCE IN IMPLEMENTATION.—The Secretary and the public housing agency shall, to the maximum extent practicable, seek the assistance of local public and private entities in carrying out an agreement under this section.

(d) DEFAULT UNDER PERFORMANCE AGREEMENT.—Upon the expiration of the 12-month period beginning upon entering into an agreement under this section with a public housing agency, the Secretary shall review the performance of the agency in relation to the performance targets and strategies under the agreement. If the Secretary determines that the agency has failed to comply with the performance targets established for such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 545.

(e) CDBG SANCTION AGAINST LOCAL GOVERNMENT CONTRIBUTING TO TROUBLED STATUS OF PHA.—If the Secretary determines that the actions or inaction of any unit of general local government within which any portion of the jurisdiction of a public housing agency is located has substantially contributed to the conditions resulting in the agency being designated under section 533(a) as a troubled agency, the Secretary may redirect or withhold, from such unit of general local government any amounts allocated for such unit under section 106 of the Housing and Community Development Act of 1974.

SEC. 544. OPTION TO DEMAND CONVEYANCE OF TITLE TO OR POSSESSION OF PUBLIC HOUSING.

(a) AUTHORITY FOR CONVEYANCE.—A contract under section 201 for block grants under title II (including contracts which amend or supersede contracts previously made (including contracts for contributions)) may provide that upon the occurrence of a substantial default with respect to the covenants or conditions to which the public housing agency is subject (as such substantial default shall be defined in such contract), the public housing agency shall be obligated, at the option of the Secretary, to—

(1) convey title in any case where, in the determination of the Secretary (which determination shall be final and conclusive), such conveyance of title is necessary to achieve the purposes of this Act; or

(2) deliver to the Secretary possession of the development, as then constituted, to which such contract relates.

(b) Obligation to Reconvey.—Any block grant contract under title II containing the provisions authorized in subsection (a) shall also provide that the Secretary shall be obligated to reconvey or redeliver possession of the development, as constituted at the time of reconveyance or redelivery, to such public housing agency or to its successor (if such public housing agency or a successor exists) upon such terms as shall be prescribed in such contract, and as soon as practicable after—

(1) the Secretary is satisfied that all defaults with respect to the development have been cured, and that the development will, in order to fulfill the purposes of this Act, thereafter be operated in accordance with the terms of such contract; or

(2) the termination of the obligation to make annual block grants to the agency, unless there are any obligations or covenants of the agency to the Secretary which are then in default.

Any prior conveyances and reconveyances or deliveries and redeliveries of possession shall not exhaust the right to require a conveyance or delivery of possession of the development to the Secretary pursuant to subsection (a) upon the subsequent occurrence of a substantial default.

(c) Continued Grants for Repayment of Bonds and Notes Under 1937 Act.—If—

(1) a contract for block grants under title II for an agency includes provisions that expressly state that the provisions are included pursuant to this subsection, and

(2) the portion of the block grant payable for debt service requirements pursuant to the contract has been pledged by the public housing agency as security for the payment of the principal and interest on any of its obligations, then—

(A) the Secretary shall (notwithstanding any other provisions of this Act), continue to make the block grant payments for the agency so long as any of such obligations remain outstanding; and

(B) the Secretary may covenant in such a contract that in any event such block grant amounts shall in each year be at least equal to an amount which, together with such income or other funds as are actually available from the development for the purpose at the time such block grant payments are made, will suffice for the payment of all installments of principal and interest on the obligations for which the amounts provided for in the contract shall have been pledged as security that fall due within the next succeeding 12 months.

In no case shall such block grant amounts be in excess of the maximum sum specified in the contract involved, nor for longer than the remainder of the maximum period fixed by the contract.

SEC. 545. REMOVAL OF INEFFECTIVE PHA'S.

(a) Conditions of Removal.—The actions specified in subsection (b) may be taken only upon—

(1) the occurrence of events or conditions that constitute a substantial default by a public housing agency with respect to (A) the covenants or conditions to which the public housing agency is subject, or (B) an agreement entered into under section 543; or

(2) submission to the Secretary of a petition by the residents of the public housing owned or operated by a public housing agency that is designated as troubled pursuant to section 533(a).

(b) Removal Actions.—Notwithstanding any other provision of law or of any block grant contract under title II or any grant agreement under title III, in accordance with subsection (a), the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary) and, if appropriate, provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other functions of the agency;

(2) take possession of the public housing agency, including any developments or functions of the agency under any section of this Act;

(3) solicit competitive proposals from other public housing agencies and private entities with experience in construction management and, if appropriate, provide for such authorities or firms to oversee implementation of assistance made available for capital improvements for public housing;

(4) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and assisted families under title III for managing all, or part of, the public housing administered by the agency or the functions of the agency; or

(5) petition for the appointment of a receiver for the public housing agency to any district court of the United States or to any court of the State in which any portion of the jurisdiction of the public housing agency is located, that is authorized to appoint a receiver for the purposes and having the powers prescribed in this section.

(c) Emergency Assistance.—The Secretary may make available to receivers and other entities selected or appointed pursuant to this section such assistance as is fair and reasonable to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety and welfare of public housing residents or assisted families under title III.

(d) Powers of Secretary.—If the Secretary takes possession of an agency, or any developments or functions of an agency, pursuant to subsection (b)(2), the Secretary—

(1) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after efforts to renegotiate such contracts have failed and the Secretary has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(2) may demolish and dispose of assets of the agency in accordance with section 261;

(3) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies;

(4) may consolidate the agency into other well-managed public housing agencies with the consent of such well-managed authorities;

(5) shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the Secretary, substantially impede correction of the substantial default or improvement of the classification, but only if the Secretary has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction; and

(6) shall have such additional authority as a district court of the United States has the authority to confer under like circumstances upon a receiver to achieve the purposes of the receivership.

The Secretary may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the Secretary's responsibility under this paragraph for the administration of a public housing agency. The Secretary may delegate to the administrative receiver any or all of the powers of the Secretary under this subsection. Regardless of any delegation under this subsection, an administrative receiver may not require the establishment of one or more new public housing agencies pursuant to paragraph (3) unless the Secretary first approves such establishment. For purposes of this subsection, the term "public housing agency" includes any developments or functions of a public housing agency under any section of this title.

(e) Receivership.—

(1) Required appointment.—In any proceeding under subsection (b)(5), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, the Secretary, or any other appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

(2) Powers of receiver.—If a receiver is appointed for a public housing agency pursuant to subsection (b)(5), in addition to the powers accorded by the court appointing the receiver, the receiver—

(A) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after bona fide efforts to renegotiate such contracts have failed and the receiver has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(B) may demolish and dispose of assets of the agency in accordance with section 261;

(C) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies, to the extent permitted by State and local law; and

(D) except as provided in subparagraph (C), shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the receiver, substantially impede correction of the substantial default or improvement of the classification, but only if the receiver has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction.

For purposes of this paragraph, the term "public housing agency" includes any developments or functions of a public housing agency under any section of this title.

(3) Termination.—The appointment of a receiver pursuant to this subsection may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency will be able to make the same amount of progress in correcting the management of the housing as the receiver.

(f) Liability.—If the Secretary takes possession of an agency pursuant to subsection (b)(2) or a receiver is appointed pursuant to subsection (b)(5) for a public housing agency, the Secretary or the receiver shall be deemed to be acting in the capacity of the public housing agency (and not in the official capacity as Secretary or other official) and any liability incurred shall be a liability of the public housing agency.

(g) Effectiveness.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the effective date of this Act.

SEC. 546. MANDATORY TAKEOVER OF CHRONICALLY TROUBLED PHA'S.

(a) Removal of Agency.—Notwithstanding any other provision of this Act, not later than the expiration of the 180-day period beginning on the effective date of this Act, the Secretary shall take one of the following actions with respect to each chronically troubled public housing agency:

(1) Contracting for management.—Solicit competitive proposals for the management of the agency pursuant to section 545(b)(1) and replace the management of the agency pursuant to selection of such a proposal.

(2) Takeover.—Take possession of the agency pursuant to section 545(b)(2) of such Act.

(3) Petition for receiver.—Petition for the appointment of a receiver for the agency pursuant to section 545(b)(5).

(b) Definition.—For purposes of this section, the term "chronically troubled public housing agency" means a public housing agency that, as of the effective date of this Act, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) as a troubled public housing agency and has been so designated continuously for the 3-year period ending upon the effective date of this Act; except that such term does not include any agency that owns or operates less than 1250 public housing dwelling units and that the Secretary determines can, with a reasonable amount of effort, make such improvements or remedies as may be necessary to remove its designation as troubled within 12 months.

SEC. 547. TREATMENT OF TROUBLED PHA'S.

(a) Effect of Troubled Status on CHAS.—The comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the State or unit of general local government in which any troubled public housing agency is located shall not be considered to comply with the requirements under section 105 of the Cranston-Gonzalez National Affordable Housing Act unless such plan includes a description of the manner in which the State or unit will assist such troubled agency in improving its operations to remove such designation.

(b) Definition.—For purposes of this section, the term "troubled public housing agency" means a public housing agency that—

(1) upon the effective date of this Act, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) as a troubled public housing agency; and

(2) is not a chronically troubled public housing agency, as such term is defined in section 546(b) of this Act.

SEC. 548. MAINTENANCE OF RECORDS.

Each public housing agency shall keep such records as may be reasonably necessary to disclose the amount and the disposition by the agency of the proceeds of assistance received pursuant to this Act and to ensure compliance with the requirements of this Act.

SEC. 549. ANNUAL REPORTS REGARDING TROUBLED PHA'S.

The Secretary shall submit a report to the Congress annually, as a part of the report of the Secretary under section 8 of the Department of Housing and Urban Development Act, that—

(1) identifies the public housing agencies that are designated under section 533 as troubled or at-risk of becoming troubled and the reasons for such designation; and

(2) describes any actions that have been taken in accordance with sections 542, 543, 544, and 545.

SEC. 550. APPLICABILITY TO RESIDENT MANAGEMENT CORPORATIONS.

The Secretary shall apply the provisions of this subtitle to resident management corporations in the same manner as applied to public housing agencies.

SEC. 551. ADVISORY COUNCIL FOR HOUSING AUTHORITY OF NEW ORLEANS.

(a) Establishment.—The Secretary and the Housing Authority of New Orleans (in this section referred to as the "Housing Authority") shall, pursuant to the cooperative endeavor agreement in effect between the Secretary and the Housing Authority, establish an advisory council for the Housing Authority of New Orleans (in this section referred to as the "advisory council") that complies with the requirements of this section.

(b) Membership.—

(1) In general.—The advisory council shall be appointed by the Secretary, not later than 90 days after the date of the enactment of this Act, and shall be composed of the following members:

(A) The Inspector General of the Department of Housing and Urban Development (or the Inspector General's designee).

(B) Not more than 7 other members, who shall be selected for appointment based on their experience in successfully reforming troubled public housing agencies or in providing affordable housing in coordination with State and local governments, the private sector, affordable housing residents, or local nonprofit organizations.

(2) Prohibition on additional pay.—Members of the advisory council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board using amounts from the Headquarters Reserve fund pursuant to section 111(b)(4).

(c) Functions.—The advisory council shall—

(1) establish standards and guidelines for assessing the performance of the Housing Authority in carrying out operational, asset management, and financial functions for purposes of the reports and finding under subsections (d) and (e), respectively;

(2) provide advice, expertise, and recommendations to the Housing Authority regarding the management, operation, repair, redevelopment, revitalization, demolition, and disposition of public housing developments of the Housing Authority;

(3) report to the Congress under subsection (d) regarding any progress of the Housing Authority in improving the performance of its functions; and

(4) make a final finding to the Congress under subsection (e) regarding the future of the Housing Authority.

(d) Quarterly Reports.—The advisory council shall report to the Congress and the Secretary not less than every 3 months regarding the performance of the Housing Authority and any progress of the authority in improving its performance and carrying out its functions.

(e) Final Finding.—Upon the expiration of the 18-month period that begins upon the appointment under subsection (b)(1) of all members of the advisory council, the council shall make and submit to the Congress and the Secretary a finding of whether the Housing Authority has substantially improved its performance, the performance of its functions, and the overall condition of the Authority such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority. In making the finding under this subsection, the advisory council shall consider whether the Housing Authority has made sufficient progress in the demolition and revitalization of the Desire Homes development, the revitalization of the St. Thomas Homes development, the appropriate allocation of operating subsidy amounts, and the appropriate expending of modernization amounts.

(f) Receivership.—If the advisory council finds under subsection (e) that the Housing Authority has not substantially improved its performance such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority, the Secretary shall (notwithstanding section 545(a)) petition under section 545(b) for the appointment of a receiver for the Housing Authority, which receivership shall be subject to the provisions of section 545.

(g) Exemption.—The provisions of section 546 shall not apply to the Housing Authority.

AMENDMENT NO. 25 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. Vento: Page 244, strike line 1 and all that follows through line 8 on page 254, and insert the following:

Subtitle C—Public Housing Management Assessment Program

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I understand that we have an understanding or negotiation that we would be able to seek an outside parameter of time, 20 minutes, to hear this amendment, 10 minutes to be controlled by the gentleman from Minnesota [Mr. VENTO] and 10 minutes to be controlled by myself.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the 20 minutes allocated to this be equally divided between the gentleman from New York [Mr. LAZIO] and myself.

The CHAIRMAN. It is the Chair's understanding that this includes all amendments thereto.

Mr. VENTO. That is correct, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 10 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment in this title V provides for a study of the evaluation of the HUD evaluation system and performance of public housing agencies; provides a half million dollar study for that purpose, but ironically then, and I think in a contradicting manner, moves ahead and establishes an accreditation board, another Federal board of 12 appointed individuals to that particular board.

Mr. Chairman, this is a contradiction. This is basically either one thing or the other. If we are going to do the study, we need to evaluate what the consequences, the outcome, of that study is. I would agree that a study is appropriate in this instance because there have been many questions that have arisen with regards to HUD and the performance evaluations that it has done of public housing agencies. In fact, it is a rather new effort on their part that has existed for the last 6 or 7 years to make that effort.

As we repeatedly heard with regard to 3,400 agencies, there are some 75 that are troubled, that house a considerable number of individuals in the 4½ million housing units. But to set up a study and then to automatically set up the board really predetermines what the outcome of the study is. The study may in fact find other alternatives that are preferable, for instance, in terms of reinforcing the existing authority within HUD, but beyond that it simply opens up the possibility of having two competing entities; that is to say HUD itself, which has responsibility, and I might say the lines are not clearly defined with regards to this board that is established, the accreditation board, and HUD itself and the fighting between one another as to what the requirements, who has what responsibilities.

It is in fact the report language that we have in the bill that the majority's report language on page 115 goes on to even point out this particular abnormality. It says if such study concludes, and I quote, "If such study concludes that an accreditation system would be unwise for the public housing program, then Congress will be in a position to either change the focus of the accreditation board, this new Federal agency, in accordance with the study's findings or to simply eliminate the board."

So here we have in one case a study that is suggesting that if the study suggests something else that we are going to eliminate the board. Well, I got news for my colleagues. Once this board gets appointed and we have 12 appointed people by the Speaker, by the President, by the ranking members in the House and Senate, they are going to be a board in search of a mission. Once we set up this type of federal bureaucracy, we are not going to dismiss it. They are going to be out there looking for something to do.

So I mean I do not understand the purpose of doing this. As my colleagues know, Congress is going to be back in session in 1998. My colleague will still be, I guess, I assume, the chairman of the subcommittee when this study comes back. We are going to spend a half million dollars on it, and I think that, as my colleagues know, in terms of trying to be objective about this we ought to at least try and get the results of the study before we presuppose what the results are. If that is the case, then why do they have the study in here? And I would suggest that there are many contradictions in competition that come up; in fact this has been pointed out repeatedly.

This board will have the power to mail, will have the power to hire executives, to hire staff. As my colleagues know, if they love rules and regulations, they are going to love this new bureaucracy that is being set up here. As my colleagues know, if they do not agree with the job HUD is doing, I think then maybe we need to take issue with that with the new Secretary or the former Secretary, as we have. But to set up another board, a redundant board, I think is the height of cynicism.

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I wish every public housing authority throughout the Nation was a high performing, competent housing authority that performed to levels of excellence, and if that were the case, as the saying goes, if men were angels, we would not need such a thing as an accreditation board. But in fact there are some housing authorities throughout the country that are not doing a very good job. Some have been dismal failures and some need more help, some need more encouragement.

In the academic world accreditation is used in order to ensure minimum levels of excellence in terms of colleges and universities, and it is a stamp of approval for people when they look at colleges and universities or law schools or graduate schools. It gives people a comfort level that they know that these institutions are performing at these minimal levels. And they are staffed and developed by a system of peers. The same is true with hospitals throughout the Nation.

But with housing that monitoring takes place in-house in HUD. HUD itself monitors the housing authorities, and they have been doing an exceptionally mediocre, some would say a quite poor, job of that evaluation. In fact, according to the General Accounting Office in an independent study, one-half of HUD's confirmatory reviews of their in-house assessment program showed that their scores were shown to be inaccurate. Fifty-eight percent of the time that the scores were shown to be inaccurate, HUD lowered the scores by an average of 14 points or a very substantial shift on a score of 1 to 100.

Mr. Chairman, there is no doubt that the evaluation procedure that currently exists is faulty; it is inherently flawed, it is unreliable and lacks credibility, and that is one of the reasons why housing authorities that have been performing at very low standards are permitted to continue to operate where we continue to be able to—not just able, but we are almost forced or encouraged to throw good money after bad to keep feeding housing authorities when they are performing at very low management levels.

The National Commission on Severely Distressed Housing advocated an accreditation system to better evaluate the effectiveness of public housing management, and it felt that industry peers with experience running housing authorities similar to those that they are assessing are in a better position to develop performance standards, reevaluate an organization against its own needs and requirements and differentiate among conditions or issues of concern that may exist in a development, but not in others, and also to offer technical assistance in specifically each authority and help it to learn how to meet accreditation standards and management. We need an independent accreditation board.

We are also saying by authorizing a study within the course of this section of the bill that we should have a study and have them report back to us so that we can fully flesh out what this independent accreditation board should have in terms of its overall and underlying mission, but we do make a statement in this bill that we need independence, that we need an accreditation board that ought to be staffed by peers and people with industry experience, and it ought to be used to help prompt housing authorities to be all that they can be to perform to levels of excellence and for those who do not, to report back so that we can take appropriate action to defund the housing authorities that are doing a dismal job.

Mr. Chairman, I reserve the balance of my time.

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Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY] the ranking Member.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let me thank my good friend, Mr. VENTO, for once again taking on an issue that, while it is perhaps off the beaten path in terms of normal debate that we hear around the Congress of the United States, is nonetheless central to I think the proper administration of housing programs in this country.

People are so fond of beating up on HUD and beating up on badly run public housing agencies, badly run public housing authorities and projects, they will simply jump at any possible solution to the problem, no matter how well that idea is going to work. We have heard a lot of rhetoric about the fact that we should be open to new ideas. I say maybe the other side ought to be open to a bad idea, and perhaps when they see a bad idea they ought to be willing to shut it down. This qualifies as a bad idea.

We all agree that we need to tear down bad public housing and take over troubled housing authorities, but we can and we have been doing that without creating a costly, independent and duplicative accreditation board.

I support the Vento amendment that maintains H.R. 2's industry study of current accreditation systems and makes recommendations to the Congress on improving and monitoring the evaluation of public housing authorities. Upon completion of the study, my colleagues have our commitment to review the study in an expedited manner and move to legislation, if needed, that would implement the study's thoughtful suggestions.

We need to support Mr. VENTO's amendment that strikes the implementation of an accreditation board despite what the 6-month study might recommend. The committee heard testimony from all of the national representatives of public housing directors, such as the Council of Large Public Housing Authorities, the Public Housing Directors Association, the National Association of Redevelopment and Housing Directors that opposed instituting H.R. 2's accreditation board.

Secretary Cuomo and HUD's Inspector General also offered testimony against the independent evaluation board included in the board. Secretary Cuomo recognized that an outside accreditation board would replace the current responsibilities of HUD in evaluating PHA's, yet the PHA's would remain fiscally accountable to HUD. With HUD's oversight role so greatly diminished by establishing an accreditation board, how could the Department certify that PHAs were responsible?

As we move toward a balanced budget, why are we mandating and paying for an accreditation study and then refusing to see what the study says before we move to policy development?

I just believe, when all is said and done, this is the worst kind of legislating. It is saying, listen, we have an idea, we are such true believers in our idea that we are going to create a study, and regardless of what the study ends up suggesting or saying, we are going to go forward with the idea nonetheless.

If we are going to do this, why not just go forward with the accreditation board and at least save the taxpayers a study.

Mr. LAZIO of New York. Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

I would just say that effectively there have been no answers to the questions that we have raised. The gentleman's own report language suggests that if the study turns out differently, then we can come back and repeal the board.

Mr. Chairman, it is a $500,000 study, I say to my colleagues. It is going to set up appointments by the Speaker, by the minority leader, by the President; 12 Members are going to be out there looking for a mission. We know how these sorts of examples function.

I would say that my distinguished colleague from New York, Mr. LAZIO, the subcommittee chairman, pointed out that the GAO gave an evaluation of HUD. How does this deal with changing HUD? HUD still has the responsibility; and I might say in reference to this that HUD has, and in this bill, in fact, there is even more authority being given to local governments and to the public housing authorities. The presumption is that they have the ability to in fact function in that regard.

I would suggest that this is not accreditation. We have building standards and many requirements that are local. This is a balancing act that we do when we are dealing with housing. It is not as though that they have absolute autonomy in terms of what they are doing, as we might find in hospitals or in education institutions where in fact the accreditation issue is even being devalued. Some of the best schools in this country, incidentally, do not go through accreditation. There are questions about the hospital process even today as we sit here, yet we are going ahead and having a study.

I think that in fact that the study is quite appropriate and I support it, but why not wait until we get it back to find out what the best way to implement this is? Do we need another board within HUD, without HUD? Do we need another level of bureaucracy? Do we need HUD in essence competing with this accreditation board? That is what this invites.

The lines of authority and the way that this is written is not clear. I do not doubt the gentleman's good intentions in terms of what he is trying to do, but I think it needs a further evaluation. That is why I think that Secretary Cuomo has spoken out strongly against this; why Secretary Cisneros was very concerned about this in the previous example of this legislation. While the Inspector General of HUD, I misspoke when I said the GAO, but the Inspector General of HUD has suggested that it would not work, the GAO has pointed out that the accreditation model also had questions about it, and most of the public housing agencies, the housing authorities directors association, are very concerned and have spoken out against this.

So I do not understand where the support for this comes, other than the fact that if we get a study back in a year that is commissioned, why can we not take up the study at that time and then allocate the responsibilities appropriately in terms of how we evaluate housing agencies? It is not all bad. They did pick St. Paul, MN, as the No. 1 public housing agency, I might say to my friend, so there are I think some good aspects to it, but why are we setting this up and having the motion that we will in essence lose control of it? We will have little influence in that particular case. Adopt the Vento amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Let me begin by saying that I know that the gentleman from Minnesota offers the amendment not just in good faith, but with a good deal of passion, and I appreciate his concern for housing. He has been a very credible and productive member of the Committee on Banking and Financial Services, and I appreciate him.

However, let me say this about the gentleman's amendment. We want to make a statement here that we are going to hit the ground running. We are not going to wait for further activity; we are not going to condemn another generation to live in substandard conditions. We are going to acknowledge the fact that the HUD evaluations of housing authorities have been chronically flawed and faulty. That is not speculation, that is fact. That is the conclusion of the General Accounting Office.

What we are saying in the bill is that we need an independent entity to ensure and demand that the housing authorities are performing to levels of excellence. I can understand why HUD might want to keep control of this, and I can understand why some housing authorities might not want to have an independent evaluation, but let me say that is exactly what they need. It is unfair to the taxpayers and unfair to the residents when housing authorities, performing under abysmal standards, are evaluated by HUD and given passing grades, and that is exactly what has been criticized by both the General Accounting Office and by the inspector general when they found fault with the internal accounting system of the evaluation system within HUD.

In fact, there are plenty of housing authorities, plenty of housing authorities, according to the testimony that the committee heard, that while they have received pretty decent scores, in fact they had poor maintenance, windows broken, doors broken, graffiti, criminal activity, poor management, money wasted, and because of the faulty evaluation, and in my opinion, this member's opinion, because of a lack of independence in terms of the evaluation, that was allowed to continue. The net effect of that is that another generation is condemned to live in poor conditions.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I cannot differ with the gentleman in terms of some of the deplorable problems that have occurred, but is it not the function of the Inspector General of HUD that has done some of the criticism or the GAO or the oversight work of our committee that can, in fact, hold them accountable? Is this the only means available?

If this study goes through the process and indicates that it is preferable, I will join the gentleman in supporting it. But I think the essence is, why do we not look at what the alternatives are? Of course we know that HUD itself has renewed its efforts in these areas.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, it is absolutely the responsibility of the committee in terms of oversight. It is absolutely the responsibility of the inspector general. It is absolutely the responsibility of the General Accounting Office, to the extent that they are directed to report back to Congress, to evaluate the information that is provided.

The idea here is to ensure that we have credible, independent information provided so that we can make reasonable judgments, and that is why this bill stands for the independent accreditation system outside of HUD that will report to us and allow us to make decent decisions about what we should do when we have chronic failure.

Of course, H.R. 2 speaks to that. We fired the ones that are doing the poor job, and what we should do with those housing authorities that are doing a good job, and again H.R. 2 speaks to this, we should provide more flexibility. But we should be getting additional information upon which we can make judgments.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would ask of the gentleman from New York, is it not true that in the legislation that the gentleman wrote, that he included new regulations regarding FEMAC that actually deal with the building inspection program that the gentleman just cited in order to improve how those inspections are being done?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, since we have asked for a study to be implemented, we have interim regulations in place so that there is not a void until the accreditation board is fully operational, in which case that would substitute.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I appreciate that, but I would point out to the gentleman that he has designed and pointed out some problems that have existed; he has taken steps to try to deal with those problems, and then he has said maybe the entire system needs to have a new look, and he has created a $500,000 study to look at that new look. The trouble is that the gentleman implements the results of the study before the study has been completed.

So I just pose the question to the gentleman from New York [Mr. LAZIO], if you are going to do that, why do the study? Why not just save the taxpayers $500,000 and go forward?

Mr. LAZIO of New York. Mr. Chairman, again reclaiming my time, I think it was Members of the minority who asked for the study, as a matter of fact. I would say to the gentleman it was the Members of the minority that asked for the study. We established the plan. Because we have a study and we are trying to be flexible and respond to the minority by having the study, we can obviously not implement the accreditation board immediately, so we have interim rules and regulations so that we do not have an absolute void in terms of evaluation, and that all seems entirely responsible and rational, based on some of the concerns that have been expressed by Members of the minority.

We are happy to have the study in there to ensure that we have all the relevant input that we might need in order to have the strongest possible accreditation board, which would have independence and still have credibility.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

The CHAIRMAN. Are there further amendments to title V?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that the following Members be permitted to offer their amendments to title V even after the reading has progressed beyond that title, and that is subject to discussions I have had with both of these Members, and I have made a personal commitment that I will support this unanimous-consent request. That would be the amendment by the gentleman from New York [Mr. TOWNS] and the amendment by the gentleman from Illinois [Mr. DAVIS].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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The CHAIRMAN. If there are no further amendments to title V, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—REPEALS AND RELATED AMENDMENTS

Subtitle A—Repeals, Effective Date, and Savings Provisions

SEC. 601. EFFECTIVE DATE AND REPEAL OF UNITED STATES HOUSING ACT OF 1937.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act and the amendments made by this Act shall take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act, except as otherwise provided in this section.

(2) EXCEPTION.—If the Secretary determines that action under this paragraph is necessary for program administration or to avoid hardship, the Secretary may, by notice in accordance with subsection (d), delay the effective date of any provision of this Act until a date not later than October 1, 1998.

(3) SPECIFIC EFFECTIVE DATES.—Any provision of this Act that specifically provides for the effective date of such provision shall take effect in accordance with the terms of the provision.

(b) REPEAL OF UNITED STATES HOUSING ACT OF 1937.—Effective upon the effective date under subsection (a)(1), the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is repealed, subject to the conditions under subsection (c). Subsection (a)(2) shall not apply to this subsection.

(c) SAVINGS PROVISIONS.—

(1) OBLIGATIONS UNDER 1937 ACT.—Any obligation of the Secretary made under authority of the United States Housing Act of 1937 shall continue to be governed by the provisions of such Act, except that—

(A) notwithstanding the repeal of such Act, the Secretary may make a new obligation under such Act upon finding that such obligation is required—

(i) to protect the financial interests of the United States or the Department of Housing and Urban Development; or

(ii) for the amendment, extension, or renewal of existing obligations; and

(B) notwithstanding the repeal of such Act, the Secretary may, in accordance with subsection (d), issue regulations and other guidance and directives as if such Act were in effect if the Secretary finds that such action is necessary to facilitate the administration of obligations under such Act.

(2) Transition of funding.—Amounts appropriated under the United States Housing Act of 1937 shall, upon repeal of such Act, remain available for obligation under such Act in accordance with the terms under which amounts were made available.

(3) Cross references.—The provisions of the United States Housing Act of 1937 shall remain in effect for purposes of the validity of any reference to a provision of such Act in any statute (other than such Act) until such reference is modified by law or repealed.

(d) Publication and Effective Date of Notices of Delay.—

(1) Submission to congress.—The Secretary shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of any proposed notice under subsection (a)(2) or any proposed regulation, guidance, or directive under subsection (c)(1)(B).

(2) Opportunity to review.—Such a regulation, notice, guidance, or directive may not be published for comment or for final effectiveness before or during the 15-calendar day period beginning on the day after the date on which such regulation, notice, guidance, or directive was submitted to the Congress.

(3) Effective date.—No regulation, notice, guideline, or directive may become effective until after the expiration of the 30-calendar day period beginning on the day after the day on which such rule or regulation is published as final.

(4) Waiver.—The provisions of paragraphs (2) and (3) may be waived upon the written request of the Secretary, if agreed to by the Chairmen and Ranking Minority Members of both Committees.

(e) Modifications.—Notwithstanding any provision of this Act or any annual contributions contract or other agreement entered into by the Secretary and a public housing agency pursuant to the provisions of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), the Secretary and the agency may by mutual consent amend, supersede, or modify any such agreement as appropriate to provide for assistance under this Act, except that the Secretary and the agency may not consent to any such amendment, supersession, or modification that substantially alters any outstanding obligations requiring continued maintenance of the low-income character of any public housing development and any such amendment, supersession, or modification shall not be given effect.

(f) Section 8 Project-Based Assistance.—

(1) In general.—The provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall remain in effect after the effectiveness of the repeal under subsection (b) with respect to all section 8 project-based assistance, pursuant to existing and future contracts, except as otherwise provided by this section.

(2) Tenant selection preferences.—An owner of housing assisted with section 8 project-based assistance shall give preference, in the selection of tenants for units of such projects that become available, according to any system of local preferences established pursuant to section 223 by the public housing agency having jurisdiction for the area in which such projects are located.

(3) 1-year notification.—Paragraphs (9) and (10) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) shall not be applicable to section 8 project-based assistance.

(4) Lease terms.—Leases for dwelling units assisted with section 8 project-based assistance shall comply with the provisions of paragraphs (1) and (3) of section 324 of this Act and shall not be subject to the provisions of 8(d)(1)(B) of the United States Housing Act of 1937.

(5) Termination of tenancy.—Any termination of tenancy of a resident of a dwelling unit assisted with section 8 project-based assistance shall comply with the provisions of section 324(2) and section 325 of this Act and shall not be subject to the provisions of section 8(d)(1)(B) of the United States Housing Act of 1937.

(6) Definition.—For purposes of this subsection, the term "section 8 project-based assistance" means assistance under any of the following programs:

(A) The new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983).

(B) The property disposition program under section 8(b) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(C) The loan management set-aside program under subsections (b) and (v) of section 8 of such Act.

(D) The project-based certificate program under section 8(d)(2) of such Act.

(E) The moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991).

(F) The low-income housing preservation program under Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987 (as in effect before November 28, 1990).

(G) Section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act.

(g) Effective Date.—This section shall take effect on the date of the enactment of this Act.

SEC. 602. OTHER REPEALS.

(a) In General.—The following provisions of law are hereby repealed:

(1) Assisted housing allocation.—Section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439).

(2) Public housing rent waivers for police.—Section 519 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a-1).

(3) Treatment of certificate and voucher holders.—Subsection (c) of section 183 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(4) Excessive rent burden data.—Subsection (b) of section 550 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(5) Moving to opportunity for fair housing.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(6) Report regarding fair housing objectives.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(7) Special projects for elderly or handicapped families.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(8) Access to pha books.—Section 816 of the Housing Act of 1954 (42 U.S.C. 1435).

(9) Miscellaneous provisions.—Subsections (b)(1) and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97-35, 95 Stat. 406; 42 U.S.C. 1437f note).

(10) Payment for development managers.—Section 329A of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437j-1).

(11) Procurement of insurance by pha's.—In the item relating to "administrative provisions" under the heading "Management and Administration" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, the penultimate undesignated paragraph of such item (Public Law 101-507; 104 Stat. 1369).

(12) Public housing childhood development.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z-6 note).

(13) Indian housing childhood development.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z-6 note).

(14) Public housing comprehensive transition demonstration.—Section 126 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(15) Public housing one-stop perinatal services demonstration.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(16) Public housing mincs demonstration.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(17) Public housing energy efficiency demonstration.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(18) Omaha homeownership demonstration.—Section 132 of the Housing and Community Development Act of 1992 (Public Law 102-550; 106 Stat. 3712).

(19) Public and assisted housing youth sports programs.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

(20) Frost-Leland provisions.—Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100-202; 101 Stat. 1329-213); except that, notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of such appropriations Act (as such section existed immediately before the date of enactment of this Act) shall be eligible for demolition—

(A) under section 14 of the United States Housing Act of 1937 (as such section existed upon the enactment of this Act); and

(B) under section 9 of the United States Housing Act of 1937.

(21) Multifamily financing.—The penultimate sentence of section 302(b)(2) of the National Housing Act (12 U.S.C. 1717(b)(2)) and the penultimate sentence of section 305(a)(2) of the Emergency Home Finance Act of 1970 (12 U.S.C. 1454(a)(2)).

(22) Conflicts of interest.—Subsection (c) of section 326 of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437f note).

(23) CONVERSION OF PUBLIC HOUSING.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–279)).

(b) SAVINGS PROVISION.—Except to the extent otherwise provided in this Act—

(1) the repeals made by subsection (a) shall not affect any legally binding obligations entered into before the effective date of this Act; and

(2) any funds or activities subject to a provision of law repealed by subsection (a) shall continue to be governed by the provision as in effect immediately before such repeal.

Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs

SEC. 621. ALLOCATION OF ELDERLY HOUSING AMOUNTS.

Section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)) is amended by adding at the end the following new paragraph:

"(4) CONSIDERATION IN ALLOCATING ASSISTANCE.—Assistance under this section shall be allocated in a manner that ensures that the awards of the assistance are made for projects of sufficient size to accommodate facilities for supportive services appropriate to the needs of frail elderly residents.".

SEC. 622. PET OWNERSHIP.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

"SEC. 227. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

"(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payment of a nominal fee and pet deposit by residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

"(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

"(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

"(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

"(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

"(E) assisted under title V of the Housing Act of 1949; or

"(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

"(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

"(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued not later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".

SEC. 623. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary of Housing and Urban Development shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to the Congress regarding the findings under the investigation. With respect to each such contract, the report shall (1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations, and (2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary of Housing and Urban Development.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary of Housing and Urban Development shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 624. AMENDMENTS TO PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

"(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.".

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.".

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

"SEC. 5125. GRANT PROCEDURES.

"(a) PHA'S WITH 250 OR MORE UNITS.—

"(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

"(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

"(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

"(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

"(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

"(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing.".

(d) Definitions.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

"(3) Public housing agency.—The term 'public housing agency' has the meaning given the term in section 103 of the Housing Opportunity and Responsibility Act of 1997.".

(e) Implementation.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Housing Opportunity and Responsibility Act of 1997".

(f) Reports.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "drug-related crime in" and inserting "crime in and around"; and

(2) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable".

(g) Funding and Program Sunset.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

"SEC. 5130. FUNDING.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) Allocation.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) Retention of Proceeds of Asset Forfeitures by Inspector General.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.".

(h) Conforming Amendments.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

"Chapter 2—Community Partnerships Against Crime";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new item:

"Sec. 5130. Funding.".

(i) Treatment of NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) Effective Date.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing

SEC. 641. SCREENING OF APPLICANTS.

(a) Ineligibility Because of Eviction.—Any household or member of a household evicted from federally assisted housing (as such term is defined in section 645) shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years that begins on the date of such eviction, unless the evicted member of the household successfully completes a rehabilitation program; and

(2) in the case of an eviction for other serious violations of the terms or conditions of the lease, for a reasonable period of time, as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) Ineligibility of Illegal Drug Users and Alcohol Users.—

(1) In general.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency or owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) Consideration of rehabilitation.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(A) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) Authority To Deny Admission to Criminal Offenders.—Except as provided in subsections (a) and (b) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing (as applicable) determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any criminal activity (including drug-related criminal activity), the public housing agency or owner may—

(1) deny such applicant admission to the program or to federally assisted housing;

(2) consider the applicant (for purposes of any waiting list) as not having applied for the program or such housing; and

(3) after the expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the public housing agency or owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such reasonable period.

(d) Authority To Require Access to Criminal Records.—A public housing agency and an owner of federally assisted housing may require, as a condition of providing admission to the program or admission to or occupancy in federally assisted housing, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain the records described in section 644(a) regarding such member of the household from the National Crime Information Center, police departments, other law enforcement agencies, and State registration agencies referred to in such section. In the case of an owner of federally assisted housing that is not a public housing agency, the owner shall request the public housing agency having jurisdiction over the area within which the housing is located to obtain the records pursuant to section 644.

(e) Admission Based on Disability.—

(1) In general.—Notwithstanding any other provision of law, for purposes of determining eligibility for admission to federally assisted housing, a person shall not be considered to have a disability or a handicap solely because of the prior or current illegal use of a controlled substance (as defined in section 102 of the Controlled Substances Act) or solely by reason of the prior or current use of alcohol.

(2) Continued occupancy.—This subsection may not be construed to prohibit the continued occupancy of any person who is a resident in assisted housing on the effective date of this Act.

SEC. 642. TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.

Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing (as applicable), shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow the agency or owner (as applicable) to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

SEC. 643. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

(2) grounds for termination of tenancy shall include any criminal or other activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenant or employees of the owner or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

SEC. 644. AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) CRIMINAL CONVICTION INFORMATION.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(2) INFORMATION REGARDING CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and any local law enforcement agency authorized by the State agency shall provide to a public housing agency the information collected under or such State registration program regarding an adult applicant for, or tenant of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such State registration agency or other local law enforcement agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(3) DELAYED EFFECTIVE DATE FOR OWNERS OTHER THAN PHA'S.—The provisions of paragraphs (1) and (2) authorizing obtaining information for owners of federally assisted housing other than public housing agencies shall not take effect before—

(A) the expiration of the 1-year period beginning on the date of enactment of this Act; and

(B) the Secretary and the Attorney General of the United States have determined that access to such information is feasible for such owners and have provided for the terms of release of such information to owners.

(4) EXCEPTION.—The information provided under paragraphs (1), (2), and (3) shall include information regarding any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) CONFIDENTIALITY.—A public housing agency or owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the agency or owner and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to a public housing agency or owner is used, and confidentiality of such information is maintained, as required under this section.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance under for federally assisted housing on the basis of a criminal record, the public housing agency or owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a). A public housing agency may require an owner of federally assisted housing (that is not a public housing agency) to pay such fee for any information that the agency acquires for the owner pursuant to section 641(e) and subsection (a) of this section.

(e) RECORDS MANAGEMENT.—Each public housing agency and owner of federally assisted housing that receives criminal record information pursuant to this section shall establish and implement a system of records management that ensures that any criminal record received by the agency or owner is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term "person" as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency or owner.

(g) CIVIL ACTION.—Any applicant for, or tenant of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer, employee, or authorized representative of any public housing agency or owner of federally assisted housing, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency or owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or tenant resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) DEFINITION.—For purposes of this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 645. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means a dwelling unit—

(A) in public housing (as such term is defined in section 102);

(B) assisted with choice-based housing assistance under title III;

(C) in housing that is provided project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) or pursuant to section 601(f) of this Act, including new construction and substantial rehabilitation projects;

(D) in housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(E) in housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(F) in housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(G) in housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(H) in housing insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act;

(I) for purposes only of subsections 641(c), 641(d), 643, and 644, in housing assisted under section 515 of the Housing Act of 1949.

(2) OWNER.—The term "owner" means, with respect to federally assisted housing, the entity or private person (including a cooperative or public housing agency) that has the legal right to lease or sublease dwelling units in such housing.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the Housing Opportunity and Responsibility Act [H.R. 2]. Among many things, H.R. 2 would dismantle the 30-year bedrock principle of U.S. housing policy—the Brooke amendment. With the punitive undertones of the bill and several proposed amendments, H.R. 2 represents Welfare Reform Part II . . . punishing the less fortunate for being poor. Using such euphemisms as local flexibility, income diversity, work incentives, and self-sufficiency, H.R. 2 would shamefully take from those who have the least resources and are the most vulnerable the right to something as basic as food and clothing: a decent place to sleep at night.

If we are going to have an honest debate about the best way to allocate federal resources to address the housing needs of this nation, then we need to place all of the facts on the table: U.S. housing policy is embarrassingly inequitable. Despite the low-income housing needs of this country, only 20 percent of housing outlays is allocated for providing housing assistance and subsidies to lower-income families. The other 80 percent is tax expenditures enjoyed by wealthier families who are able to deduct mortgage interest, property taxes, capital gains, and other investor-homeowner "perks" from their tax liabilities. The result of this unjust, inequitable housing policy: Over 70 percent of the families who qualify for low-income housing assistance are not receiving it.

Without regard to this imbalance in Federal housing policy, H.R. 2 would blatantly ignore those Americans who truly need housing assistance. H.R. 2 would mandate that housing authorities reserve a paltry 35 percent of new public housing units for families earning 30 percent or less of the median income in a local area (i.e., the very low-income). The remaining slots would be reserved for families earning up to 80 percent of the area's median income. (Under current law, 85 percent of public housing units must be provided to families with incomes at or below 50 percent of the area's median income.) In most communities, 30 percent of the area's median income is roughly equivalent to the poverty line. (In New York City, 30 percent of median income equals $11,700 for a two-person household.) To reserve such a small percentage of public housing for our poorest families, given the dramatic evidence of unaddressed needs, is an unforgivable act by my Republican colleagues.

To add insult to injury, H.R. 2 includes a "fungibility" clause that would create a loophole that further weakens targeting provisions. H.R. 2 would allow public housing authorities to satisfy their meager 35 percent targeting reserve for the very low-income by counting the number of Section 8 vouchers granted to such families. (The Section 8 Program would be required to reserve only 40 percent of the slots for the very low-income.) Thus, if a public housing authority gives 75 percent of Section 8 vouchers to the very poor, it would NOT be required to make public housing units available to such families. In effect, public housing would be offered to higher-income families, while the very low-income would be offered housing vouchers. On the surface it appears that public housing would then become more diversely populated and the very low-income would be free to secure housing outside of the traditional public authority "warehouse." However, it is unreasonable to assume the private housing market could reasonably accommodate the elderly, disabled and large low-income families who have very special housing needs.

H.R. 2 would cleverly erode the protections of the Brooke Amendment. Under current law, this amendment sets the maximum percentage that tenants could be charged for rent at 30 percent of adjusted gross income (AGI). However, H.R. 2 would introduce a deceitful practice touted as giving the tenant a "choice" in rent calculations. H.R. 2 would allow the tenant to choose between two different calculations: (1) the tenant could choose a rent calculation based on income, in which case the rent could not exceed the 30 percent cap; or (2) the tenant could choose a flat-rate determined by the housing authority based on the rental value of the housing. This leads to an obvious question: What assurances are there that the tenant will not mistakenly choose the rate that will be more costly to him or her?

Moreover, H.R. 2 would require housing authorities to set monthly minimum rents at $25 to $50, and authorities could grant hardship exemptions from such minimum rent requirements. To individuals who make more than $100,000 per year, a minimum rent of $25 to $50 may seem reasonable. Such reasoning only illustrates how out of touch supporters of this bill are with the people they represent. For the state of New York, a $50 minimum rent would affect 900 households, and a $25 minimum rent would affect 1,828 households. For homeless families utilizing special rent assistance, but who have no income, this minimum rent would be a hardship. For large families receiving AFDC in low benefit states, this minimum rent would be a hardship. For families awaiting determination of eligibility for public benefits, this minimum would be a hardship. For individuals and families transitioning from homelessness to housing, this minimum rent would be a hardship. Yes, many of the people that we represent have little to no income at all. The Congress should be compassionate enough to grant these families some leeway. Support the Velázquez amendment that would only allow a minimum rent up to $25 and would grant the U.S. Department of Housing and Urban Development (HUD) the authority to define eligibility for the exemption.

Finally, H.R. 2 would permit the shortsighted, misguided practice of turning over state public housing funds to local governments in the form of a block grant without regard to vital protections. The Home Rule Flexibility Grant could be utilized by cities and towns to develop and administer their own low-income housing programs. Again, the perverse possibilities of such a fund are crystal clear. Local governments, already grappling with fiscal viability, may choose to use federal housing funds for other city needs. Local governments would be free to establish their own rules and regulations regarding income targeting provisions, 30 percent rent ceilings and other tenant protections.

Undoubtedly, H.R. 2 is a bad bill. It is not a marked improvement over last year's failed effort to reform the nation's public housing policy. It contains minor provisions that do some overall good for the community development and housing needs of our most vulnerable: permitting HUD to take over chronically troubled housing authorities; permitting the demolition of obsolete, dilapidated urban public housing; and permitting "elderly only" or "disabled only" public housing buildings. However, these are crumbs compared to the overall famine in housing face by 5.3 million poor families who pay more than 50 percent of their income for rent and/or live in substandard housing. This bill does little to provide "a housing opportunity" for our vulnerable citizens and abdicates a great deal of federal "responsibility." Vote "no" on the so-called "Housing Opportunity and Responsibility Act."

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. STEARNS) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

SALUTING THE SPIRIT OF VOLUNTEERISM AND THE WORK OF LEO FRIGO OF GREEN BAY, WI

(Mr. JOHNSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to salute the spirit of volunteerism, and to bring to Members' attention the work of one Leo Frigo of Green Bay, WI.

Leo Frigo exemplifies the very spirit of volunteerism that inspired a national volunteer summit last month in Philadelphia I was privileged to attend. In my city, Leo Frigo makes a difference to the community and to our country. He was honored last night with a 1997 Green Bay Rotary Free Enterprise Award.

In business, Leo Frigo led a successful cheesemaking company in Wisconsin, but in retirement he set an amazing example for a community; 14 years in retirement focused on feeding the hungry.

He convinced the local St. Vincent de Paul Society into making space at its store for food donations. Thus was born Paul's Pantry. Today it is a thriving food pantry for the hungry.

Leo Frigo's title is volunteer executive director, but what he does every day is more remarkable: collecting food, sorting food, driving a forklift. Leo does whatever is required so others in need may eat. Last year he directed more than 5,000 volunteers in giving out millions of dollars' worth of food, feeding families who otherwise would go hungry.

Leo Frigo is a great example of volunteer citizen service at its purest. He is an inspiration to us all, and I join all of northeast Wisconsin in thanking him for his tremendous work.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 9, 1997, TO FILE REPORT ON H.R. 1486, FOREIGN POLICY REFORM ACT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until midnight, Friday, May 9, 1997, to file a report on the bill, H.R. 1486, the Foreign Policy Reform Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 12, 1997

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 13, 1997

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 12, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, May 13, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HONORING THE TEACHERS OF THE TITLE I RESOURCE PROGRAM AT THE MT. HOPE/NANJEMOY ELEMENTARY SCHOOL

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, this is National Teacher Recognition Week. I rise today to recognize three very special teachers in my district: Debbie Lane, Kathleen Donahue, and Deborah Walker. Together they run the title I resource program at Mt. Hope/Nanjemoy Elementary School in Nanjemoy, MD. The Mt. Hope/Nanjemoy Elementary School placed almost a full three points above the countywide average in the Maryland school performance assessment program. This improvement over last year's below average score is due in part to the efforts of these three very distinguished teachers.

The Department of Education joins me in recognizing the Mt. Hope/Nanjemoy Elementary School. This title I program is part of a select group honored by the Department of Education this week.

I salute, Mr. Speaker, these three teachers and the title I resource program for its outstanding success. They touch the future, and the future will be better for their efforts.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TAX FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it has been a long day. The Chamber is thinning out. Members are on their way back to their districts. But tomorrow is coming. Tomorrow, May 9, is Tax Freedom Day, the day that working Americans can finally begin to keep the money they earn rather than paying it to the Government in taxes.

The fact is the tax burden most Americans face has been increasing every year. I am pleased that Congress, through the balanced budget agreement reached with the President, is actively pursuing some relief in the areas of the family tax credit, capital gains, and estate tax relief.

The budget agreement provides for a total of $135 billion in tax relief over the next 5 years. That is a big step. I hope this will be a first step on a longer road toward true tax relief, including real tax reform. Congress has to find ways to provide additional relief and give due consideration to alternatives to the current tax system, which is unfair and inefficient.

Mr. Speaker, dare we look forward to a day when the average American no longer spends more in total taxes than on food, clothing, and housing combined? We are spending more on taxes than we are spending on food, clothing, and housing for our families. Something is wrong.

Washington speaks of this beginning tax relief as Washington's generosity. I have a bulletin for taxpayers: It is not Washington's money, it is your money. Yes, most Americans agree we should pay some taxes; a safety net for the less fortunate, national defense, things like that we all understand. Most Americans also agree we are now taxed too much to support too much government.

But I think all Americans, every American, agrees that not every hard-earned dollar sent to Washington is well spent by Washington. There is waste and fraud and abuse and redundancy and patronage and other spending foolishness, and we all know it. So spend smarter and less, and tax smaller and fairer. That would be a very good wake-up call tomorrow morning across our land on Tax Freedom Day.

I wonder how many Americans, Mr. Speaker, remember back to New Year's Eve, December 31, 1996? I wonder how many Americans know that ever since then, every dollar earned by the average American worker has been taken for taxation by the Government. I wonder how many Americans are as disgusted by that fact as I am.

PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to join my colleagues in commemorating National Public Service Recognition Week. I spoke earlier tonight of teachers. This more general recognition week was established in 1986. It is a week of national effort to educate and inform Americans about the range and quality of services provided by our public employees on the Federal, State, and local level.

As part of the national recognition effort, this weekend down on the Mall there are scores of exhibits that allow everyone to explore and learn more about the important work our civil servants perform across the country. I encourage any who can to attend.

Mr. Speaker, it gives me great pleasure to have this opportunity to pay tribute to the hundreds of thousands of hardworking civil servants across the country, many of whom devote their entire careers to serving others and strengthening this great Nation.

At the outset I would like to commend the efforts of my friend, the gentleman from Baltimore, MD, Mr. ELIJAH CUMMINGS, the new ranking member of the Subcommittee on Civil Service. I would also like to thank the members the Bipartisan Federal Government Task Force, which I cochair, for continuing to fight for the hard-working Federal employees.

Mr. Speaker, in describing our Nation's civil servants, President Clinton recently noted, and I quote, "Each day in schools and offices across the country, in hospitals, parks, museums, and on military installations, America's public employees dedicate their time, energy, and talent to create a brighter future for their fellow citizens and for our Nation."

I could not agree with the President more. Of course, I hold a special affinity for our Nation's Federal work force. I represent thousands of Federal employees and retirees. I have worked hard to protect and preserve their pay and benefits over the years. Mr. Speaker, I will continue to do so.

Last Friday, I joined President Clinton to announce the balanced budget deal at a press conference in Baltimore. While it is not the deal that I would have written, I am pleased that the final package will apparently not contain a delay in cost of living adjustments for Federal retirees or require Federal employees to pay a higher percentage of the overall contribution to their health benefit package. I hope that ends up being in the agreement. We are working toward that end.

Over the last 20 years the Federal work force, Mr. Speaker, has lost an estimated $220 billion in pay and benefits to which it was entitled under law existing in 1980.

□ 1830

Let me repeat that for those who are listening. We have a budget deficit. The Federal work force has contributed mightily to solving that deficit by facing changes in law affecting their pay and benefits to the extent that they have received in pay and benefits $220 billion less over the last 17 years than they would have if the law had not been changed.

We must remain vigilant to ensure that we do not single out our Federal employees for cuts to pay and benefits. We must not balance the budget on the backs of hard-working Americans, hard-working Americans who work for the Federal Government.

Mr. Speaker, all too often some paint a picture of our public servants as incompetent, uncaring paper pushers. At times we even vilify our hard-working Government employees, sometimes with tragic results.

Mr. Speaker, last month we paid tribute to the men and women who lost their lives in the tragic Oklahoma City bombing. The majority of these people, the overwhelming majority were hard-working Federal employees. They were not nameless, faceless, presumably defenseless bureaucrats, as some would say.

Let me be perfectly clear and to the point. I get angry, and I hope many Members in this House do, over those who would denigrate our civil servants. All too often it is the prevailing habit of this body to attack the character and devotion of our Federal employees, even our own.

Mr. Speaker, we must stop the senseless scapegoating and needless bashing of our civil servants. Federal employees play an integral, albeit often invisible, role in our daily lives. Federal employees make sure that our senior citizens get their monthly Social Security checks and that our veterans get the care and treatment they need. Federal employees are responsible for printing our money and even insuring it when it makes deposits at the bank.

Mr. Speaker, I appreciate this time to stand and say that we appreciate the efforts of those who work for our Federal Government, including most specifically those who work for this House of Representatives.

DISASTER ASSISTANCE NOW

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from South Dakota [Mr. THUME] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I am very disturbed by what has been going on around here lately. We have a disaster bill that is awaiting action by this body, but it is getting bogged down by all kinds of shenanigans, every shenanigan known to man. Granted, a supplemental appropriations bill always ends up being a Christmas tree that everybody tries to hang their favorite ornament on, but in the meantime we have people who are desperately in need of assistance.

I have seen in my home State of South Dakota and the States of North Dakota and Minnesota the displaced families, the devastated homes and businesses, the dead livestock, some 200,000 in my State alone. I have seen the roads and bridges that have been obliterated by this year's weather. If we are going to help these people, then let us get on with it. Construction season in my State is very short. We have a limited amount of time to get the work done that is necessary to get our people back on their feet.

I would be the first one in this body to admit that we have a budget process that is broken. In fact I am willing to lead the charge to fix it. An automatic continuing resolution has been suggested as a possible solution. I am the cosponsor of a bill that I think is a better solution, a budget reform act that would change the 1974 Budget Act and make it workable. But I do not think this is the time or the place to have a discussion about this issue. We are going to have an automatic continuing resolution. It may be good policy, but it is bad timing.

I would suggest to this body that the people of my home State of South Dakota—and those like them in North Dakota and Minnesota and around this country who have been affected by disasters and are waiting the assistance that is in this disaster package—deserve to have that assistance. I am getting tired of all the games that are being played, the political games. We have loaded up this bill to the point that we cannot even recognize it anymore.

The supplemental appropriations bill has desperately needed disaster assistance in it, and I think that it is high time that we took the action that is necessary to move the disaster bill forward through the House. The bill came out of the Senate today. Let's get it to conference and get the assistance to the people who really need it. If we do not do that, the people who have been affected by this disaster are going to be the real losers.

I urge my colleagues in the House to move quickly and decisively next week to see that we in a very expeditious way get disaster assistance in the hands of the people in our States who are desperately in need of assistance.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. THUNE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I just wanted to comment on the gentleman's statement, as I just spoke about Federal employees. Obviously the shutdown of Government which the continuing resolution to which he speaks attempts to preclude that from happening, but I want to join the gentleman in his remarks that getting this disaster relief and getting this bill to the President as soon as possible ought to be our priority. Then he and I and others who want to make sure that the Federal Government does stay in operation so that not only employees but, as important if not more important, those who government serves are not adversely affected, will continue. But I agree with the gentleman that we ought to stop trying to load up this supplemental and move it as quickly as possible. I hope the gentleman's efforts are successful in that regard.

Mr. THUNE. Mr. Speaker, I would say to the gentleman from Maryland that I very much want to avert any future Government shutdowns. This is not the appropriate vehicle to deal with that.

EXCHANGE OF SPECIAL ORDER TIME

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Maryland [Mr. WYNN].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNUAL COMMEMORATION OF PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. CUMMINGS] is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I wish to call attention of our colleagues to the annual commemoration of Public Service Recognition Week and to related activities occurring here in Washington this week. As I do so, however, I wish to take just a moment to point out that, as we celebrate the good news about Federal employees achievements, they have just received a dose of bad news from the budget negotiators who have agreed to cut Federal pay in order to reduce the deficit.

I am opposed to this cut and I along with the gentleman from Maryland [Mr. HOYER] have recently introduced House Resolution 71, which rejects it. The gentleman from Maryland [Mr. HOYER] is to be commended for his tireless work on behalf of Federal employees. I thank him for his leadership in this area.

Mr. Speaker, each May the President's Council on Management Improvement and the Public Employees Roundtable launch activities in cities across our Nation which highlight excellence in public service at the Federal, State, and local government levels. The organization's objectives are to inform Americans about the contributions of public employees, to the quality of our lives, to encourage excellence in Government and to promote public service careers.

Activities in my own hometown were kicked off last Friday by the Baltimore Federal Executive Board which held its 30th annual excellence in Federal career awards program at Martin's West in Baltimore County. Forty-one Federal agencies submitted a total of 202 nominations for the board's consideration. Among the 13 first-place gold award winners were Henry Powell, a customer service representative with the IRS who was recognized for community service; Mary Lisa Ward, a special agent with the U.S. Customs Service, who was recognized as an outstanding administrator; and Richard Laughlin, a quality assurance specialist at the Defense Contract Management Command, who was recognized as an outstanding technician.

Mr. Speaker, while I only have time to call a few names out, I believe that each award recipient and each person nominated deserve recognition and our thanks. This past Monday, the Public Employees Roundtable held a ceremony here on Capitol Hill and presented its breakfast of champions awards to representatives of exceptional programs at each level of Government.

Among the 1997 award winners at the Federal level were the Internal Revenue Service telefile program and the Department of State's Overseas Citizens Service. Other programs receiving special recognition this year were the Defense Personnel Center in Philadelphia, PA, the Veterans Benefits Administration in Muskogee, OK, and the U.S. Army Europe's foreign military interaction program.

Beginning today, May 8, and continuing through May 11, over two dozen Federal agencies and employee organizations will have exhibits set up in large tents on the national Mall at Third and Independence Avenues here in Washington. The public is invited to come out to learn more about the functions of these agencies and the services that each provides. Some of our military bands and other groups will provide entertainment during this family oriented event.

Mr. Speaker, Public Service Recognition Week offers all Americans, especially young people, the opportunity to learn more about the Government and the rewarding careers available. It also provides the opportunity to thank those who serve us daily for their efforts. I believe that our public service employees should be valued and respected by all Americans, and the activities occurring this week across the Nation make it crystal clear why this is so.

AVOIDING ANOTHER GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to speak out about an important initiative that I will be supporting next week and have been supporting up until now, which is an effort to avoid another Government shutdown. There is a disaster appropriations bill that should be coming to the floor next week, and I support an initiative to attach a feature to that appropriations bill that would be a safety measure to avoid another Government shutdown. The gentleman from Pennsylvania [Mr. GEKAS] has been the primary mover behind this, and I rise to speak out strongly in support of this initiative.

I believe that the Government shutdowns that we had last year were generally agreed by people on both sides of the aisle as well as the President and the Vice President to have been counterproductive and to have been something that we should have avoided. And we have an excellent opportunity right now to attach an amendment to this appropriations bill that simply stated what it would do is, it would in the event that we cannot reach agreement with the White House on an appropriations bill, that the Government would stay open at a given funding level, whether it is 100 percent or 98 percent of the previous year's funding level, so that we do not get into this scenario where the Government is shut down.

Mr. Speaker, as many Americans know, on September 30, the previous year's appropriation bill expires, and we need a new appropriations bill to go into effect on October 1. This continuing resolution or safety measure that I am talking about tonight would simply keep the Government open. A safety CR would ensure that on October 1 all of the appropriations bills that have not been signed into law, such as those that fund the Veterans' Administration, NASA, the Social Security Administration, to make sure Social Security checks continue to get funded, as well as other programs that affect retirees, all Federal agencies that would be covered by this safety CR would be able to stay open at that level of funding which they received last year or, if it is agreed, to be slightly below the previous year's level of funding.

I think that this measure has several good, important features, one of which, it ensures that both Congress and the President negotiate in good faith and that they do not use a threat of a Government shutdown as a bargaining tool or bargaining chip, so to speak.

Let me answer a couple of questions first off. Many people are asking, is this a new concept? Is passing a continuing resolution a new concept? No, it is not. We have passed 53 different continuing resolutions in the Congress since 1982. So this is not a new concept at all. I believe that this is good preventative medicine.

Some people are asking, why is it really needed? Well, last year we experienced several Government shutdowns, and we all agreed that it was just a very, very ineffective thing to do. I believe that this continuing resolution attached to the disaster bill makes good sense. I believe that the Government shutdowns in many ways was a disaster for many of the agencies that were affected by it. And by passing this safety CR, attaching it to the supplemental bill that will come up next week, we will make sure that the Government stays open and many of the people who are dependent on the Federal Government in many ways will continue to be able to have, whether it is in the form of a Social Security check or whether it is in the form of disaster relief, they will be able to continue to use those resources. Therefore, I encourage all of my colleagues on both sides of the aisle as well as the White House to support the safety CR.

□ 1845

LEGISLATION CORRECTING FLAWS IN NEW WELFARE LAW

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today we debated new ways to punish juvenile offenders, but last Congress the Republican majority enacted a welfare reform law that punishes children whose only crime is being poor. It is time for us to address the problems in the new welfare law.

So today I, along with my colleague, Delegate ELEANOR HOLMES NORTON from the District of Columbia, introduced two pieces of legislation that would correct some of the flaws in the new welfare legislation. We did this to give parents and kids on welfare a fighting chance.

Mr. Speaker, I am a former welfare mother, so I understand what goes on inside a welfare mother's mind. The main thing is anxiety. Will there be enough food for our children? Are my kids safe at home and at school? Am I doing what is best for them? Will I ever be able to get out of this mess?

These questions have always been tough to answer, but the new welfare law has made it even tougher. Parts of this law actually penalize moms who are trying to protect their children and improve their prospects for a better future.

So today, Delegate NORTON and I introduced two essential bills aimed at correcting serious flaws in the law. Our bills give welfare moms a fighting chance. One bill helps ensure that the children of welfare mothers are safe, as we wish all of our children to be; the other gives moms on welfare the educational opportunities that the rest of us take for granted.

The first bill is called the home alone bill. It is called that because it is aimed at preventing kids from being left home alone, unsupervised and unsafe. Right now, under this welfare bill that was passed, moms with kids age 6 and above can be forced to leave their children at home while they work, even if there is no suitable child care available. In fact, if they do not go to work, no matter that they have to leave their children home alone, they lose their welfare benefits.

Our bill is very simple. It raises the age from 6 years old to 11 years old. It protects kids and it protects their moms. This is really not asking too much. Would any of us put up with being required to leave a 6-year-old home alone? No, we would not.

Mr. Speaker, welfare recipients generally live in the poorest neighborhoods, neighborhoods where child care is not always available. That leaves children to the school of the streets, a tough school, a school known for its lessons in drugs, violence and crime. Home alone, if we are to protect a generation of children, should not be. There should be no place like it for our children.

The second bill, one that we introduced today also, allows welfare recipients to meet the work requirements of the new welfare law by acquiring the skills needed for permanent employment. It lets education qualify as work under the new welfare law. Americans have long realized that education is the door to success, but our new welfare law has basically told welfare recipients that the only door open to them is the employees' entrance to McDonald's. And, Mr. Speaker, statistics show that, even though low-paying jobs are easily lost during bad economic times.

How did I get off welfare? I had determination and I had an education. But only 32 percent of welfare recipients have a high school diploma. Only 10 percent ever attended a college class. Let us not condemn people who are striving to get off welfare to a lifetime of low wages and drudgery. Let us not condemn their children to the rules of the streets.

If we want welfare recipients to work, let us make welfare reform work for them. If we want the poor to aspire to a better life, let us make it attainable for them. That is what our bill does, Mr. Speaker. It makes education qualify as work under the new welfare law. It moves us closer to what welfare reform is supposed to be, permanent self-sufficiency.

These two bills are just the start. In coming months to Progressive Caucus will introduce other legislation designed to assist welfare recipients to get off welfare permanently, and they will be intended to help people get off welfare through jobs that pay a livable wage, jobs that they can support their families on.

These two bills that we introduced today correct some of the flaws in the welfare law, and we plan to fight hard to see that these laws in these bills will be enacted. I personally plan to keep fighting for welfare moms and their families.

WELFARE REFORM BILL NEEDS REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I want to thank the gentlewoman from California [Ms. WOOLSEY] for the way in which she has worked to put welfare reform back on the 105th Congress' map and to leave no stone unturned and to put on notice this Congress that reform of the welfare system has yet to come.

"If at first you do not succeed," the cliche goes. Well, we have not succeeded and what we are going to do is try harder. The welfare reform bill needs reform. The only question is when are we going to do it. The flaws that are revealing themselves are already legion.

Congress has taken a wait for the crisis attitude. That is of course the way we do business in a number of areas. When it comes to children, particularly given all the pro-family rhetoric that adorns this hall every day, one would think that we must move before the crisis.

The gentlewoman from California, who is cochairing with me a task force to introduce an omnibus bill of reforms, has given an indication of the kinds of bills the omnibus bill will contain. Rather than repeat more about those bills, let me give other examples as well.

Let us do first things first. The President has offered forth 10,000 jobs he controls in his executive agencies for welfare recipients. It is Congress' move now. What will we do?

I have a bill that I have introduced on March 12 that would encourage every Member to offer a full-time job in her office to a welfare recipient. In order to accommodate this, the House would increase staff allotments by one, but not our budget. Many Members could then hire a welfare recipient. They might not otherwise be able to do so, especially Members who come from districts that are broadly spaced through rural areas or large States.

But if we said to the Member, or if the Member knows that she has the money but needs the staff member, at no cost to the government, we could do our part. I do not see how in the world we can continue to monitor welfare reform if we do not step up the way the President has. We must lead by example. If we mean it, we have to do it first.

I expect that the omnibus bill will contain a number of correctives. Let me give examples.

I will be introducing an anti-displacement bill. There is a perverse effect here, Mr. Speaker. What we are finding is that people who have gone out and gotten their own low-paying jobs are being displaced by welfare recipients. If that is not a perverse effect, I do not know what is.

Two similarly situated youngsters in the District of Columbia gets pregnant at 16. One goes and finds her own job in the hotel industry and the other sits at home. Maybe she sits at home because she does not have a babysitter, maybe she does it for other reasons. But the fact is there is an incentive for employers to hire the young woman who went out and got her own job, so the employer displaces the woman who went out and got it herself. We cannot have that. It is not what anybody intended.

I will be introducing an anti-displacement bill so that similarly situated people will not feel that I have to go get on welfare in order to get a job; that is the way to do it. The message is go out and get your own job, and only if you cannot get one should you be on welfare at all.

Mr. Speaker, I have a bill that pertains to the District of Columbia, which does not have a State but has a State quota which it cannot possibly meet. By 2002 every State has to have 50 percent of all its families in work or work activities. The State of New York or the State of California or the State of Wyoming, for that matter, will gather them from all over the State. No other State has to gather that whole 50 percent from a central city. It cannot be done.

My bill would give the District no preference. It would simply say that using a formula, which we extract from what other inner cities have done, we say that the District has to fill that number and not a number that is given to an entire State.

I will be introducing a bill to exempt relative caretakers from the 20 percent rule. Twenty percent of cost can be exempted from work activity. Surely we do not mean to say that a grandmother has to go out and find a job. These are effects that are beginning to come through. These are reforms that need to be done. I expect to do so.

CELEBRATING THE ROLE OF WOMEN IN AMERICAN FAMILY LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, on Sunday we will observe Mother's Day, a day when we pause to celebrate the role of women in the life of American families. While celebrating the roles of women we also essentially celebrate infant and children, the true symbol of motherhood.

It is, therefore, appropriate, in light of this celebration, that we examine the Federal programs that affect women, infants and children. It is appropriate at this time when we revere mothers, their infants, their children, the foundation of American families, that we examine the impact of our relevant action in Congress.

The most relevant action is the current debate over funding for the nutritional program for women, infants and children, the WIC program. Mr. Speaker, WIC works. The data shows that for every dollar spent on the WIC program, between $2 and $4 are saved in health care costs, yet some 180,000 women and children face the loss of this vital support that has been proven effective because some would imbalance the lives of thousands of women, infants and children in order to balance the book of a few.

On April 24 of this year the majority on the House Committee on Appropriations voted to provide only $38 million in special supplementary funds for the WIC program. The President had asked for $76 million as a compromise for the $100 million in his original request.

If the supplemental funding is not provided at the level requested, thousands of current participants will be dropped from the program. The shortfall in funding could not be anticipated. Milk prices, for example, have grown faster than was projected. Consequently, program costs have grown. The additional $38 million needed to reach the $76 million request is a sound investment in the future of our Nation.

The WIC program provides nutritional assistance to poor women, infants and children up to the age of 5 who are at nutritional risk. This assistance, as I indicated, has proven to be effective in reducing low birth weight babies, infant mortality, and child anemia.

WIC program funding has also been cited as a source of improving early learning abilities in children. In short, Mr. Speaker, the WIC program really pays for itself and advantages America.

Of the 104 million women in America within the age range of childbearing, some 74 million are mothers. On average, these women bear close to three children during their lifetime. They produce the children who become the laborers and leaders for the future. They produce the children who become the Members of Congress generation after generation.

Mother's Day, therefore, is not about a few flowers, a box of candy or a restaurant dinner. Mother's Day is about honoring and respecting those persons, the women of America, who play a significant role in the life of our Nation.

It seems to me that the best way to celebrate Mother's Day is to honor all mothers. Poor mothers have produced productive children. The WIC program is not charity, the WIC program is a chance, a chance for our children who happen to be born in poverty to have sufficient nurturing to carry the oppression of poverty to the opportunity that America is offered. It is the chance any child has when a healthy start is available to them.

□ 1900

Mr. Speaker, the WIC Program works. Let us make it work for all of our children who are also in poverty. Let us make Mother's Day a day when we commit to the cause of all women, infants and children.

IN SUPPORT OF INCREASED FUNDING FOR CRIME PREVENTION

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentlewoman from California [Ms. MILLENDER-MCDONALD] is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, today this body was presented with legislation that was called the Juvenile Crime Act of 1997, long on language but short on a balanced approach to this problem.

I recognize that violent crime must be met with punitive actions. But nonviolent crime must give juvenile delinquents an opportunity to change. That is why I tried to influence and offer this amendment that I had today calling on more funding for preventive measures, but I was unable to submit it. So I objected to H.R. 3, because no juvenile crime bill will be worth the paper it is written on without full and adequate resources for juvenile crime prevention. There is no way we can lock up or imprison a generation of troubled young people. We must provide meaningful alternatives to deter our young people from a life of crime.

In California, the total juvenile arrests in 1994 were 257,389 young folks. Of those arrested, only 22,053 or 8 percent were violent offenders. That leaves 235,336 nonviolent juvenile arrests. Those are the young people we can save and that we must reach out and work with.

Mr. Speaker, we must be tough with violent criminals, even young violent criminals. But in California only 8 percent of all juvenile offenders are violent, and we must deal with them appropriately. They must be locked up. But the 235,336 whom we can save, we must provide the programs for those in a way that we can turn their lives around.

That is why my amendment would increase funding for crime prevention programs by $2.3 billion. We have got to reach at-risk juveniles before they begin committing violent offenses. Our communities must reach out to them through education and crime deterrent programs when they cry out for attention through infractions of the law.

My amendment would also make sure that funds would be there for crime prevention. It places our Federal priorities first on crime prevention, not building more prisons. We have more prisons in California than any other State, but our crime rates are not the lowest. Prisons alone will not solve the problem. Crime prevention is what we need.

Mr. Speaker, we must provide more resources for drug prevention, for nonviolent crime; we must have more education initiatives. We must increase the penalty for the transfer of a handgun to a juvenile or for a juvenile who possesses a handgun. This is why I introduced my bill, the Firearm Child Safety Lock Act of 1997, which prohibits the transfer of a firearm without a child safety lock as an integral component.

I am committed to helping the juvenile delinquents who are nonviolent in Watts, Willowbrook, Compton, Lynwood, Long Beach, Wilmington and all over my district who have had minor infractions with the law; to seek and help them, through preventive measures, to turn their devious behaviors into more positive outcomes. We can do that, Mr. Speaker. We must do that. They are asking for our help. We must be there to provide that safety net before they become violent offenders. We can do no less.

SALVAGING SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I learned yesterday afternoon of an awfully interesting woman, a woman by the name of Osceola McCarthy of Hattiesburg, Mississippi. I think to a great degree she represents what the American dream is all about, because the American dream is built around the very simple idea of being able to get ahead, of actually being able to build something, of actually being able to build wealth.

Because what is interesting about Osceola McCarthy, a woman of age 87, is that she worked her entire lifetime as a washer woman. Yet toward the end of her life, she went to the local college and said, "I'd like to help out." They were thinking, well, maybe she will give us a cloth doily or maybe a bath mat or something that she had made. Instead she gives them a couple of hundred thousand dollars. The New York Times found this story so interesting that it actually went down and asked her, "How did you end up with a couple of hundred thousand dollars only working as a washer woman?" She said, "Well, I put a little bit away whenever I got a chance, and I put it away for a long time." I think in doing so, she hints at what could be one of the keys to, I think, saving Social Security as we know it. Because Einstein was once asked, "What is the most powerful force in the universe?" His reply was, "Compound interest."

As we all know, it is amazing what one can end up with at the end of a working lifetime by simply putting a little bit away over a long enough period of time. Because what the Social Security trustees have said is that if we do nothing, Social Security goes bankrupt in 2029, and it begins to run deficits in 2012, such that either we have got to look at raising payroll taxes by about 16 percent or we have got to look at cutting benefits by about 14 percent. Neither one of those seem to me to be acceptable options. If we look at the other options that are out there, I think they are non-options as well because the other options basically are driven by the fact the demographics have changed. A, as a country we are living longer. That is a great thing. Every year that I grow older, I hope that medicine keeps making medical advances such that they keep moving it out on that front. Average life expectancy when Social Security was created was 62. Today it is 76. That creates a real strain on a pay-as-you-go system. The other demographic fundamental that we are not going to change is that we have gone from having big families on the farm to having relatively small families today. We have gone from having 42 workers for every retiree to having 3.2 workers for every retiree, to being well on our way to having 2 workers for every retiree. Again, that is a fundamental that we are not going to change. So the question I think we are all left with is what do you do? I think that what Osceola McCarthy did has a lot to do with what we can do. That is, build a system that is based on the simple power of compound interest.

When one talks about changing Social Security, we need to define what that change might be, what it might look like. Change for me does not mean in any way yanking the rug out from underneath seniors. My mom is retired. She has no ability to alter her income. You do not go and yank the rug out from under people like my mom. What it means is we leave people 65 and older alone. But what I think it can also mean is we give people below that age simply the choice. If you want to stay on existing Social Security, great, do so. But if you want to look at the idea of personal savings accounts, to build on Einstein's power of compounding, then you can do that, too.

What are some of the benefits that might come with that? One benefit that I think is definitely worth noting is that you could choose for you your retirement age. If you think about it, our existing system comes at a tremendous cost in terms of human happiness. Because in my home State, we have got STROM THURMOND who wants to work until he is 100, yet I have got plenty of other friends that say, "Work is great but fishing is even better. I want to retire when I'm 50." With your own personal savings account, you could decide for you when you want to retire rather than a Congressman or a Senator or a bureaucrat defining for you your retirement age. I think that to be a big benefit. Again we have so many choices in America, we can choose between 25 different kinds of toothpaste, 30 different kinds of detergent, but you cannot choose for you when you want to retire.

Mr. Speaker, I can see I am beginning to rub up against my 5 minutes, I will yield back the balance of my time, but again want to leave in everybody's thoughts the idea of Osceola McCarthy and this simple theme of compound interest.

DEDICATION OF ETERNITY HALL

The SPEAKER pro tempore (Mr. RIGGS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes as the designee of the minority leader.

Mr. ABERCROMBIE. Mr. Speaker, it is a matter of some coincidence that today is Humanities on the Hill Day, and we had an opportunity, many of us, to meet with the representatives of the Endowment for the Humanities in our local jurisdictions from all over the country.

In that context, I had the privilege of addressing the group who came here this morning for a few minutes, and had a chance to comment to them about a recent event in Hawaii at Schofield Barracks where I had the opportunity to deliver remarks at the dedication of Eternity Hall, Eternity Hall in Quadrangle D at Schofield Barracks. That occasion was on April 2, 1997.

Tomorrow, Mr. Speaker, marks the 20th anniversary of the death of James Jones, the author of "From Here to Eternity." I would like to take this opportunity, then, today to deliver yet again the comments that were made on that occasion, to indicate to my colleagues that tomorrow the film "From Here to Eternity" will be shown at Schofield Barracks, because the young soldiers that are there have taken a renewed interest in their history, have taken a renewed interest in Schofield Barracks and in World War II and, by extension, the author who made it possible for us to understand more about ourselves as a result of the great art that is "From Here to Eternity."

Mr. Speaker, "From Here to Eternity," like all great works of art, transcends its form. In this instance, the novel. Like all great works of art, it transforms those who experience it, its readers. It transposes its content, the characters and their actions, into a larger vision of life itself, a dimension of depth beyond the story itself.

Schofield Barracks is the stage upon which the story unfolds. But it is not events of which we learn. Rather, we learn the meaning of integrity, honesty, honor, and above all, what it takes to be human. This is what it meant to me. "From Here to Eternity" shaped the basic values I hold to this day.

So it was with a sense of outrage that I read a sneering, wounding article about James Jones just before leaving for Europe in 1967 on a backpack trek around the world. I had no idea I would literally walk into him in Paris some weeks later.

I knew it was him the moment I saw this short, square block of a man plowing down the avenue. In my mind's eye now I see a cigar clamped in his clenched jaw, but perhaps it is only because I like to believe it was there. All I really saw were his eyes. How could such gentle eyes be locked into such a rugged mug of a face?

To his friend William Styron, and I quote, "was there ever such a face, with its Beethovenesque brow and lantern jaw and stepped-upon-looking nose. A forbidding face until one realized that it only seemed to glower, since the eyes really projected a skeptical humor that softened the initial impression of rage."

On impulse, I spoke to him.

"Don't pay any attention to the critics. You write for us, for me. We're the readers. Pruitt, Warden, Maggio, they're real for us. "From Here to Eternity" means everything for us. What you write is important to us. To hell with the critics. Keep writing for us." Or some such blither.

□ 1915

I felt a total fool. He stared at me, and I bolted away. A few days later I found myself outside his home on the Ile St. Louis behind Notre Dame. The San Francisco Diggers who fed the homeless during those years had published a directory of Americans worldwide who could be counted on to be kind to American travelers in need. I had come upon it in a Left Bank book store, and Jones's name and address were in it.

I rang the bell on impulse out of both a desire to apologize and yet tell him again more clearly how much he meant to us as readers. A suspicious housekeeper somehow agreed to tell him that the man who stopped him on the Right Bank the other day wanted to see him.

Amazingly she returned animated. By all means Mr. Jones would see me. He was anxious to see me. Please come up. Would it be possible to wait a few minutes while he finished his writing for the day. Please don't leave.

I was a bit dazed as I sat on a stool on what appeared to be a tiny bar and library area. Suddenly he burst through a door, barrel-chested, huge smile, moving like a pulling guard on a halfback sweep.

"Am I glad to see you. I told Gloria," his wife Gloria, "I told Gloria all about our meeting. I've been writing on the energy of it for the past two weeks. I never seem to meet readers any more. It's always somebody who wants something from me. How about a drink?"

From that moment, I ceased to be a fan. I became a fierce partisan. I had never met anyone so nakedly honest in his observations and inquiries, so plain-spokenly straight. No rhetorical brilliance, just easy-fit words and thoughts expressed as solid and simple as a beating heart, just like From Here to Eternity.

In 1951, the Los Angeles Times said:

> James Jones has written a tremendously compelling and compassionate story. The scope covers the full range of the human condition, man's fate and man's hope. It is a tribute to human dignity.

The book was From Here to Eternity. Its author was 30 years old. In March of 1942, he had written to his brother Jeff from his bunk at Schofield Barracks.

> Sometimes the air is awfully clear here. You can look off to sea and see the soft, warm, raggedy roof of clouds stretching on and on and on. It almost seems as if you can look right on into eternity.

It is 20 years tomorrow since James Jones died, leaving his work to speak for him and to us.

Biographer George Garret said,

> Boy and man, Jones never lost his energetic interest, his continual curiosity, the freshness of his vision. It was these qualities, coupled with the rigor of his integrity, which defined the character of his life's work.

Others, of course, recognize these qualities and wish to speak for and about James Jones on this anniversary of his passing.

Winston Groom, George Hendrick, Norman Mailer, William Styron, whose Forward to To Reach Eternity: The letters of James Jones, I include here in its totality and from which I will read, Mr. Speaker, excerpts, and Willie Morris, friend and biographer of his last days, all are represented in the remarks which follow.

First is a letter to me from Winston Groom:

> Dear Congressman ABERCROMBIE: Gloria Jones asked me to write to you regarding the dedication of a building in Schofield Barracks in honor of her late husband, James Jones.
>
> This is a wonderful and fitting tribute to a fine soldier and a great writer who contributed perhaps more than any other to the public understanding of the military during the World War II era.
>
> Long before I wrote Forrest Gump I began a friendship with Jim Jones which was cut far too short by his untimely death. He was always kind and giving to the younger generation of writers and took time to help me with my first novel. Better Times Than These, which was about the Vietnam War. In fact, I dedicated that book to Jim.
>
> I congratulate you and all the others who worked to create this very appropriate memorial to a great American patriot and champion of the common soldier.
>
> Respectfully yours, Winston Groom.

I received a letter from George Hendrick, a professor of English at the University of Illinois. Urbana-Champaign.

> Dear Neil: I'm sending along, as promised, the statement for the Schofield Barracks ceremony. I am certainly pleased to know about this important event and to play some small part in it.
>
> The university library has acquired the manuscript of From Here To Eternity and The Pistol, and they will be on exhibit at the next meeting of the James Jones Literary Society in Springfield on November 4 of this year. I hope you can attend.

Professor Hendrick's comments are as follows:

> Pvt. James Jones, then a member of the air corps, transferred to the 27th Infantry Regiment at Schofield Barracks in September of 1940. Jones, not yet 19 years old, was already an aspiring novelist, and he was later to have a clear recollection of life in F Company in Quad D, of the lives of officers and enlisted men, and of the landscape around Schofield. In From Here to Eternity he made this peacetime army uniquely his own.
>
> When Jones was finishing Eternity in 1949 he wrote a chapter about the events of December 7, 1941, at Pearl Harbor, with emphasis on the strafing of Schofield Barracks that day. He wrote his editor about the chapter.

And I quote:

> Here is the piece de resistance, the tour de force, the final accolade and calumnity, the climax, peak, and focus.
>
> Here, in a word, is Pearl Harbor . . . I personally believe it will stack up with Stendhal's Waterloo or Tolstoy's Austerlitz. That is what I was aiming at, and wanted it to do, and I think it does it. I don't think it does, send it back, and I'll rewrite it. Good isn't enough, not for me, any way; good is only middling fair. We must remember people will be reading this book a couple of hundred years after I'm dead . . .
>
> The chapter did not need rewriting. In fact, his intent throughout the novel had been to aim high and capture for all time the complex world of Schofield Barracks as it was in 1940 and 1941.
>
> From Here To Eternity is now a classic American novel, and Schofield Barracks is preserved in it as if in amber.

Norman Mailer, along with William Styron and James Jones, the great trio of writers to come out of World War II said, and I quote:

> The only one of my contemporaries who I felt had more talent than myself was James Jones, and he has also been the one writer of my time for whom I felt any love. We saw each other only six or eight times over the years, but it always gave me a boost to know that Jim was in town. He carried his charge with him, he had the talent to turn a night of heavy drinking into a great time. I felt then and can still say now that From Here To Eternity has been the best American novel since of the Second World War, and if it is ridden with faults, and ignorances, and a smudge of the sentimental, it has the force that few novels one could name. What was unique about Jones was that he had come out of nowhere, self-taught, a clunk in his lacks, but the only one of us who had the guts of a broken-glass brawl.

William Styron faxed to me his introduction to the volume of Jim Jones's letters. He asked that certain passages, those which he thought were most effective for illuminating James Jones, be read at the ceremony. He invited me to feel free to use any part of the essay, not just the circled passages, and I think that I have the essence of it here from William Styron:

> From Here To Eternity was published at a time when I was in the process of completing my own first novel. I remember reading Eternity when I was living and writing in a country house in Rockland County, not far from New York City, and as has so often been the case with books that have made a large impression on me, I can recall the actual reading, the mood, the excitement, the surroundings. I remember the couch I lay on while reading, the room, the wallpaper, white curtains stirring and flowing in an indolent breeze, and cars that passed on the

road outside. I think that perhaps I read portions of the book in other parts of the house, but it is that couch what I chiefly recollect, and myself sprawled on it, holding the hefty volume aloft in front of my eyes as I remained more or less transfixed through most of the waking hours of several days enthralled, to the story's power, its immediate narrative authority, its vigorously peopled barracks and barrooms its gutsy humor and its immense harrowing sadness.

The book was about the unknown world of the peace time army. Even if I had not suffered some of the outrages of military life, I am sure I would have recognized the book's stunning authenticity, its burly artistry, its sheer richness as life. A sense of permanence attached itself to the pages. This remarkable quality did not arise from Jones's language, for it was quickly apparent that the author was not a stylist, certainly not the stylist of refinement and nuance that former students of creative writing classes had been led to emulate.

The genial rhythms and carefully wrought sentences that English majors had been encouraged to admire were not on display in Eternity, nor was the writing even vaguely experimental; it was so conventional as to be premodern. This was doubtless a blessing, for here was a writer whose urgent, blunt language with its off-key tonalities and hulking emphasis on adverbs wholly matched his subject matter. Jones's wretched outcasts and the narrative voice he had summoned to tell their tale had achieved a near-perfect synthesis. What also made the book a triumph were the characters Jones had fashioned—Prewitt, Warden, Maggio, the officers and their wives, the Honolulu whores, the brig rats, and all the rest. There were none of the wan, tentative effigies that had begun to populate the pages of postwar fiction during its brief span, but human beings of real size and arresting presence, believable and hard to forget. The language may have been coarse-grained but it had Dreiserian force, and the people were as alive as those of Dostoevski.

It has been said that writers are fiercely jealous of one another. Kurt Vonnegut has observed that most writers display towards one another the edgy mistrust of bears. This may be true, but I do recall that in those years directly following World War II, there seemed to be a moratorium on envy, and most of the young writers who were heirs to the Lost Generation developed, for a time at least, a camaraderie, or a reasonable compatibility, as if there were glory enough to go all around for all the novelists about to try to fit themselves into the niches alongside those of the earlier masters.

When I finished reading From Here to Eternity, I felt no jealousy at all, only a desire to meet this man just four years older than myself, who had inflicted on me such emotional turmoil in the act of telling me authentic truths about an underside of American life I barely knew existed. I wanted to talk to the writer who had dealt so eloquently with those lumpen warriors and who had created scenes that tore at the guts. Jim was serious about fiction in a way that now seems a little old-fashioned and ingenuous, with the novel for him in magisterial reign. He saw it as sacred mission, as icon, as Grail. Like so many American writers of distinction, Jim had not been granted the benison of a formal education, but like these dropouts he had done a vast amount of impassioned and eclectic reading; thus while there were gaps in his literary background that college boys like me had filled, he had absorbed an impressive amount of writing for a man whose schoolhouse had been at home or in a barracks. He had been, and still was, a hungry reader, and it was fascinating in those dawn sessions with him to hear this fellow built like a welterweight boxer, speak in his gravelly drill sergeant's voice about a few of his more recherche loves. Virginia Woolf was one, I recall; Edith Wharton another. I did not agree with Jim much of the time, but I usually found that his tastes and judgments were, on their own terms, gracefully discriminating and astute.

Basically it had to do with men at war, for Jim had been to war, he had been wounded on Guadalcanal, had seen men die, had been sickened and traumatized by the experience. Hemmingway had been to war too, and had been wounded, but despite the gloss of misery and disenchantment that overlaid his work, Jim maintained he was at heart a war lover, a macho contriver of romantic effects, and to all but the gullible and wishful, the lie showed glaringly through the fabric of his books and in his life.

□ 1930

He therefore had committed the artist's chief sin by betraying the truth. Jim's opinions of Hemingway, justifiable in its harshness or not, was less significant than what it revealed about his own view of existence, which at its most penetrating, as in From Here to Eternity and later in The Pistol and The Thin Red Line, was always seen through the soldier's eye, in a hallucination where the circumstances of military life cause men to behave mostly like beasts and where human dignity, while welcome and often redemptive, is not the general rule.

Jones was among the best anatomists of warfare in our time, and in his bleak, extremely professional vision he continued to insist that war was a congenital and chronic illness from which we would never be fully delivered. War rarely ennobled men and usually degraded them. Cowardice and heroism were both celluloid figments, generally interchangeable, and such grandeur as could be salvaged from the mess lay at best in pathos, in the haplessness of men's mental and physical suffering.

Living or dying in war had nothing to do with valor, it had to do with luck. Jim had endured very nearly the worst. He had seen death face to face. At least partially as a result of this, he was quite secure in his masculinity and better able than anyone else I have known to detect muscle-bound pretense and empty bravado. It is fortunate that he did not live to witness Rambo or our high-level infatuation with military violence. It would have brought out the assassin in him.

The next major work of war was The Thin Red Line, a novel of major dimensions whose rigorous integrity and disciplined art allowed Jim once again to exploit the military world he knew so well. Telling the story of GIs in combat in the Pacific, it is squarely in the gritty, no-holds-barred tradition of American realism, a genre that even in 1962, when the book was published, would have seemed oafishly out of date had it not been for Jim's mastery of the narrative and his grasp of sun-baked milieu of bloody island warfare, which exerted such a compelling hold on the reader that he seemed to breathe new life into the form.

Romain Gary had commented about the book: "It is essentially a love poem about the human predicament and like all great books it leaves one with a feeling of wonder and hope." The rhapsodic note is really not all that overblown.

Upon rereading, The Thin Red Line stands up remarkably well, one of the best novels written about American fighting men in combat. The Thin Red Line is a brilliant example of what happens when a novelist summons strength from the deepest wellsprings of his inspiration. In this book, along with From Here to Eternity and Whistle, a work of many powerful scenes that suffered from the fact that he was dying as he tried unsuccessfully to finish it, Jim obeyed his better instincts by attending to that forlorn figure whom in all the world he had cared for most and understood better than any other writer alive, the common foot soldier, the grungy enlisted man.

His friend at the end, Willie Morris, wrote these words:

Dear Congressman ABERCROMBIE, I hope this is what you had in mind. My friend Jim Jones was sent to Schofield Barracks at the age of 18 in 1939 as a private in the old Hawaii Division, which later became the 25th Tropical Lightning Infantry Division. He was a member of Company F. It would be the division of the memorable characters in Jones's classic novel From Here to Eternity: Prewitt and Maggio and Warden and Chief Choate and Stark and Captain Dynamite Holmes and the others, and it would go through Guadalcanal and New Georgia and the liberation of the Philippines all the way to the occupation of mainland Japan, although Jim's own fighting days would end when he was wounded at Guadalcanal.

Schofield Barracks resonates with the memory of James Jones and the imperishable characters and events he placed here in his fiction, the sounds of the drills, the echoes of Private Robert E. Lee Prewitt's Taps across the quadrangle, the Japanese planes swooping over the barracks of the fateful morning of December 7, 1941.

On the morning of December 7, after the attack started, Jim went to the guard orderly desk outside the colonel's office of the old 27th Regiment quadrangle to carry messages for distraught officers, wearing an issue pistol he was later able to make off with as his fictional Private Mast did in The Pistol.

In mid-afternoon of that day his company, along with hundreds of others, pulled out of Schofield for their defensive beach positions. As they passed Pearl Harbor, they could see the rising columns of smoke for miles around. Jones wrote:

"I shall never forget the sight as we passed over the lip of the central plateau and began the long drop down to Pearl City. Down toward the towering smoke columns as far as the eye could see, the long line of Army trucks would serpentine up and down the draws of red dirt through the green of cane and pineapple. Machine guns were mounted on the cab roofs of every truck possible. I remember thinking with the sense of the profoundest awe that none of our lives would ever be the same, that a social, even a cultural watershed had been crossed which we could never go back over, and I wondered how many of us would survive to see the end results. I wondered if I would. I had just turned 20 the month before."

It is fitting that Eternity Hall be dedicated to James Jones. He was one of the greatest writers of World War II. Many consider him the foremost one. His spirits will dwell forever on these grounds.

On my last night in Paris heading for Africa and beyond, I left Jim and Gloria vowing someday somehow would I see From Here to Eternity and Jim honored at Schofield Barracks.

James Jones had said to his brother in 1942,

> I would like to leave books behind me to let people know what I have lived. I'd like to think that people would read them avidly, as I have read so many, and would feel the sadness and frustration and joy and love I tried to put in them, that people would think about that guy James Jones and wish they had known the guy that could write like that.

They know you at Schofield Barracks, Jim, today, in Eternity Hall. The ghosts of all those who came before to this quadrangle and the shades of all those who will come, know you and they know you love them.

As he neared death, he struggled to finish Whistle, to complete what he had begun with Eternity. The final scene of the novel became the ultimate expression of his passion. Facing the end, he wrote of "taking into himself all the pain and anguish and sorrow and misery that is the lot of all soldiers, taking it into himself and into the universe as well."

The universe for James Jones in From Here to Eternity began and ended at Schofield Barracks. The measure of this universe and the final judgment of and about James Jones is to be found in the simple declaration of his dedication:

> To the United States Army. I have eaten your bread and salt. I have drunk your water and wine. The deaths ye died I have watched beside, and the lives ye led were mine. From Rudyard Kipling.

"I write," Jim said, "to reach eternity." You made it, Jim. Today in Eternity Hall, in Quadrangle D, in Schofield Barracks, you made it. Welcome home, Jim.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, the session has now truly begun. We are now contemplating the parameters of the budget. There has been a budget agreement reached between the President and the Members of the House and the Senate, and now we can go forward in a session that has sort of been marking time up to now.

Nothing is more important than the discussion of the budget. Our Nation's values are all locked up into the way it proceeds with its budget. What we really care about we can discover by watching the figures in the budget and understanding that what is really important to this Nation will be reflected in how we score our budget.

The parameters are there. Discussion will go forward. Maybe we will restore the Democratic deliberation process back to the Congress. We were beginning to lose it because discussions were taking place out of sight, off center. Most of the Members were being excluded. There is a budget committee, which we assume would be the primary focus of deliberations on the budget, but that did not happen.

I am told by my colleagues that serve on the Budget Committee that very little discussion has taken place on the Budget Committee about the budget. It was off limits for most of the Members. We have experienced a lot of that this year. It seems that after 1994 and the 104th Congress, when we had the Contract with America, everything was laid out as to where the majority Republicans wanted to take us.

It was refreshing to see clearly what the goals and objectives were. The American people behaved accordingly. Knowing fully well what the party and power wanted to do, they reacted, they responded. There had to be a lot of adjustments and corrections before the election, and things proceeded as they proceeded.

But at least there was a dynamic interaction, a public discussion. We knew that there was a proposal to eradicate the Department of Education, and the republic reacted to that. We knew that there was a proposal to cut Head Start drastically, to cut title 1 programs. We knew those things. The reactions of the public helped to guide what was happening, including guiding the party and powers, to the point where they reversed themselves and changed their minds on some of those critical areas.

This time it is a stealth process, it is a stealth operation, it is an underground operation, it is a guerilla operation. Very little is discussed and laid on the table. We find out about it later. Not only in the discussions of the budget do you have a situation where you have a closed circle, a commanding control group somewhere, at the White House probably most of the time, deciding what the parameters of the budget would be, but the whole process is repeated throughout the entire Congress.

In both parties it seems that there is a great love affair with oligarchists and kleptocracists, whatever you want to call them, small groups that have the power to make decisions. They think they have the power to make the decisions, they make the decisions and then they hand them down to the body, both Republicans and Democrats.

I understand there is more and more of that happening at the committee level, instead of the whole committee operating the way it did previously at the level of the subcommittee. A subcommittee is a small working group. We have committees, and then the committees are broken down into subcommittees. The whole idea is that you need to get down to a level where it is reasonable for people who are here for the process of deliberation to conduct themselves in a process of Democratic deliberation and come out of it with practical results.

But this year you have subcommittees being upstaged by working groups, small groups selected by somebody, oligarchists and kleptocracists at the lowest level, and then they come back and announce to everybody else that we have made this decision, take it or leave it. We do not want it disturbed. Here is the manna from heaven; eat.

It runs contrary to the democratic process. I hope that now we have had enough of that in the budget discussions and that we are now going to have a chance really to talk about what it is that the White House has agreed with the Congress to do and how can we really discard some of it and adopt some of it, expand on some of it and go forward to do the business that we were elected to do. We are all Members of Congress. We all come from a district about the same size. We are all elected and we are all basically equal. We ought to have the right, we ought to have the opportunity to at least deliberate.

The majority party has the votes and eventually they will decide what happens. But let us have the dialogue. Let us have the chance to have the discussion. Let us have the American people hear the discussion. Your common sense out there is probably far more valuable than anything that can be done or said in these closed circles.

The average American is superior to the oligarchy that people seem to set up. We always criticize these command and control processes. The Soviet Union collapsed because it had a command and control secret, closed-circle operation. So good sense, common sense could never get into that circle. They kept doing things and making decisions that were out of touch with reality. The reality of the economy, the reality of the Soviet people where they were, all of that was lost because the oligarchy, the kleptocracy, the closed central committee circle made the decisions and everybody else was shut out.

So let us go forward in the budget making process and let everybody have an opportunity to see how the process goes and where we are in this Nation. The President has said that we are the indispensable nation. I really agree.

In this critical 1997, just a few years away from the year 2000, the next century, I think we are the indispensable nation. I really think we ought to think about that responsibility of being the indispensable nation as we shape a budget for this year and for the next year. We are the indispensable nation.

The whole world does not depend on us, but we have a pivotal role. Some things will never happen for the good of the world unless we make them happen. Some things will never happen for the good of our own Nation unless we make them happen, this pivotal generation we are in. Some things will not happen for our own constituency that ought to happen that are positive unless we make them happen.

We have a burden on us and we have an opportunity that we never have had before. We do not have the burden of the cold war on our backs anymore. We do not have to carry the burden of an arms race to the extent we had to carry it before. We do not have to carry the burden of secrecy and suspicion among the largest nations of the world. Most of the industrialized nations of the world are not at war, cold war, hot war with each other. So we can jettison that and go forward.

☐ 1945

We ought to realize that probably few Congresses in the history of the United States have had such an abundance of resources and an atmosphere in which to utilize those resources which might do so much for the world and maybe for the universe. We are every day discovering more and more about the universe, and maybe life is out there and maybe we are going to be colonizing moons and planets, and so forth. But here is an opportunity, a golden opportunity.

I had a delegation of the women's group that wanted to get more resources to fight breast cancer. Breast cancer, they say, is escalating, that there is a great increase, geometrical increase in the number of cases of breast cancer. Breast cancer not only is increasing in America and in the developed nations, which always thought that they had the highest incidence, but now they see an increase in breast cancer in places that did not have so much breast cancer before; and other kinds of cancer of course also seem to be on the rise.

I do not see why the meager resources that are available for this kind of research, research of other presently incurable diseases, or diseases with a high rate of fatalities, I do not see why we should hesitate, I do not see why we do not have crash programs, I do not see why we do not dedicate ourselves to the proposition that everything that can be done to eliminate, eradicate, or reduce the damage done by these diseases can be done.

Mr. Speaker, we are the indispensable Nation, we are the pivotal generation within an indispensable nation with the resources available. There has never been a nation as rich as the United States of America, never the kind of resources available. I do not see why we cannot look at the President's education proposals and say that those are part of our responsibility as an indispensable nation. Let us look at the fact that we are in a position to educate more people than any other nation in the world, educate people in the sciences that relate to health care, that relate to finding cures for diseases like breast cancer or diseases like AIDS, et cetera.

We do not have to carry the burden on our backs totally for the whole world. We should not be so arrogant as to believe we do, but we are pivotal. We can do more than anybody else, and to do less is to fail the world at a point in history where it needs us very badly.

If we had an education agenda which said we are going to go forward and educate as many young people as possible, give them everything that they need in order to fully realize their capabilities and their abilities all the way, so that they can become the scientists, the technicians, the writers, whatever we need in order to help guide the world, they can become that.

In the area of science, in the area of biology, in the area of medicine, we know that if we have more people working, looking for the solution, working toward a solution, looking for a solution, if we have more people doing research, if we have all of the combinations and permutations being examined and reviewed, tested, then we are more likely to get a cure, we are more likely to get close to the kind of protocols which reduce the damage, et cetera. We know that there is a cause and effect, not a cause and effect, but if we take certain steps with respect to putting researchers out there with the proper equipment, with the proper guidance, we get a result. So we should have no less than we can.

Our schools and our universities should be turning out more students at every level, and when we get to the university level and the graduate level and the level where people do research, we should not have pools of people who are scarce, but the maximum number should be involved. That is what the Nation should dedicate itself toward.

Mr. Speaker, we should have a budget which is not apologizing for the amount of money in it for education. True, we do not know always the best ways to spend money, but I think there is a clear need in certain areas that we ought to address. We ought to address the areas that are obvious first, and we ought to address the areas that are experimental, the areas that have to be tested, and address those with greater gusto. I mean we ought to have more experiments, not less. We ought to have more attempts to examine what does work and to take what works and expand it, to examine the things that are basic to any workability of an education process and expand those.

Mr. Speaker, I want to talk maybe about education and some new developments in education that we ought to be very happy about. I want to talk about the education budget and some disappointments in the budget agreement related to education, but I think we need to see it in the context of the bigger budget. The bigger budget is that this great rich Nation of ours is going to be spending billions of dollars, and is it moving to focus the expenditure of those dollars in the wisest direction. How much discussion is there, there is almost none, by the way, of the defense budget and the waste in that budget. How long are we going to continue to waste billions of dollars on defense while we force other programs into a discussion of scarcity? We make it appear that there is an environment of scarcity, of poverty for domestic programs, for programs that really are designed to help people. At the same time, we are flagrant in our waste. Nobody wants to even challenge the obvious waste that takes place in the defense budget. The CIA budget, we are wasting billions of dollars, and in this discussion we are not even talking about it, we are talking about wasting Medicaid or wasting Medicare, and there is always some waste in any program where human beings are involved.

I will not stand here and say that there is no waste. The problem is, the greatest waste is where the greatest amount of money is, and that is in the defense budget. And yet, there is no discussion of why we are going to continue to waste money on defense.

We could get the money we need for breast cancer research. We could get the money we need for HIV research; there are a lot of different causes which are human causes, causes which uplift humanity and will carry us to a new dimension as we go into the 21st century, and they are going to bleed. They are going to compete with each other while we continue to waste money on the expenditure of aircraft that we do not really need, on the expenditure of forces that we do not need overseas, or if we need them overseas, then certainly the countries where they are stationed are the ones who benefit most by their presence, the countries that ought to be the ones who pay for the overseas bases.

We have said this many times, of course, on this floor, but I am going to continue to say it because I think it will get through to the common sense of the American people. There is something that takes place in the atmosphere of Washington that makes people timid about expressing the obvious truth. We do not have a command and control situation here. It is not as tight as the Soviet Union, but I can understand how the go-along-to-get-along theory that Sam Rayburn or some of the other Speakers have counseled young people who come in here, get along to go along or go along to get along theories infect people who come into this body. And there are certain things that become off limits, certain things that they will not challenge.

The young child who saw the emperor was really naked is a good example for us to always keep in mind. Hans Christian Andersen's story of the Emperor's New Clothes, somebody told the emperor he had the best clothes possible and he was finely dressed and they had a cloth that was invisible. And the emperor fell for it, he walked out naked, and everybody was afraid to say what was obvious; everybody was afraid of the emperor, they were afraid of his guards, they were afraid of the whole system, they did not want to be ostracized, they did not want to be called troublemakers. And of course it took a little kid to point, with obvious amazement, that the emperor is naked, the emperor has no clothes on.

The tax structure of the United States is an abominable structure. I have said it many times here and I must repeat it. It is not under discussion. Corporate welfare is rampant as it was before and it still is now. After years of discussion, nobody has the guts to stand up to corporate welfare.

We heard from the chairman of the Committee on the Budget, the majority party's chairman, make some very bold and brave statements months ago about cutting corporate welfare. Well, where are the proposed cuts to corporate welfare in the proposed budget agreement? We do not see any cuts to corporate welfare. Where are the cuts? Where is the attempt to begin to equalize the tax burden between corporations and individuals? Corporations now pay a little more than 11 percent of the income tax burden where individuals are paying 44 percent, individuals and families, and we have talked about this many times before. It was not always that way. They once had a situation where corporations were paying more, and then there was a tremendous shift under Ronald Reagan where corporations went down as low as 6 percent of the overall tax burden and individuals shot up to 48 percent. They made an adjustment, and now it is individuals and families are paying a little more than 44 percent and corporations are paying between 11 and 12 percent.

That discussion is not allowed, it is off limits. We cannot obviously pursue that at all, and there is no discussion whatsoever of doing something about the tax burden, adjusting it, in this budget.

There are some additional goodies for the people who benefit most from corporate wealth. The gap in income is continuing to grow, and whereas we were once a nation that had one of the smallest gaps between the richest people and the poorest people, we now have the largest gap between the rich and the poor. And the gap is growing all the time, but yet we have focused on capital gains tax cuts in this budget agreement. Capital gains tax cut cost us $112.4 billion over a 10-year period, according to some calculations that have been done by some Democratic colleagues of mine; $112.4 billion over a 10-year period will go to the people who are already the richest people in America. Why are we preoccupied with those people, while at the same time we are cutting the budget for Medicare and Medicaid, while at the same time we say we cannot increase the budget for research on incurable diseases.

□ 2000

In the case of the National Institutes of Health, those kind of constructive budgets for life, we cannot increase them but we can decrease the revenue in order to give a tax cut and more money to the richest people.

The estate and gift tax credit will cost us about $40 billion over a 10-year period. The people who will benefit by this particular new provision in the code, the Tax Code, if it is passed, are people who already are the richest people in America. About 3 percent of the people in America would benefit from this gift of $40 billion over a 10-year period.

Why are we doing this in this indispensable nation? Why is the pivotal generation, the people who have a chance to do so much for the world, piling dollars on top of dollars for people who already leave the most dollars? The common sense of the American voters is the only salvation we have, possible salvation. Now is the time for the common sense of the American voters to come to our aid; look at the budget very closely, follow these discussions very closely.

It is confusing, I know, because we have not really made any decisions yet. The budget is behind schedule, and we do not even have an alternative proposed by the majority party.

The President produced a budget in February. The alternative budget or the budget to counter that budget that the majority party usually produces was not produced this time. They decided not to have a budget. It is part of the stealth policy.

Speaker GINGRICH says politics is war without blood. In the theater of war, they decided to try a new tactic, the stealth policy. The gorilla warfare is not to put your cards on the table, so we did not have the majority Republicans producing a budget. They went to the White House instead and said, we will negotiate something and come out with an agreement first.

That has kept it out of sight, off center stage, and now we have an agreement which a lot of people in America think is finalized. It is not. The agreement is not final. There are some things that this oligarchy of negotiators have decided which will not hold, necessarily. The Members of Congress certainly are not puppets. Members of Congress are certainly not paralyzed. It is possible to make this oligarchy back down, and to have some things done with this budget which have not been done. Nothing is impossible, and certainly a lot of things are possible.

There are going to be a lot of changes. We would like to have those changes be made in favor of the people who have the greatest needs. We do not need anymore tax cuts for the richest people in America. We do need to address Medicare and Medicaid in a new way, and stop the assumption that that is the place where most of the money is, and therefore we can keep cutting Medicare and Medicaid.

Members might have heard and read in the newspapers that this budget is good because it restored disability benefits to legal immigrants. Let us applaud that. Let us celebrate that. Members might have heard that Medicare recipients will pay a higher premium, also, $4 more each month; it does not sound like much, does it; or $4.50 per month. It does not sound like much, but why, in the richest Nation in the world, the richest Nation that ever existed, why are we cutting money on the one hand, cutting taxes for the richest people, and on the other hand, we are going to make Medicare recipients pay $4.50 more per month?

The savings that Medicare will yield will come from cutting payments to providers, mainly hospitals and health care plans, as well as the savings that will be gained by the increase in monthly premiums. Why? Why are we being forced to move in a way which will penalize the elderly and the poorest people?

Members might have read also that budget negotiators have agreed to expand health care for about 5 million poor children. That is, again, good news. But there are people who do not agree with that. That is what the negotiators have agreed to do, and it is still in jeopardy because there is a great deal of disagreement about how that should be done.

Five million poor children is one-half the estimated number of children who need coverage. They say there are about 10 million children who need coverage. We think the estimate is much higher, but let us be grateful for a small step forward. Half of the children, 5 million of the 10 million who need coverage, half will be covered with this $17 billion over 5 years.

Will it be coverage by Medicaid, or will they give the money to the States, which is always a very dangerous proposition, and let the States decide? Because States are notorious for ignoring the people with the least amount of power in their States, within their borders. They are notorious for ignoring the poor, and the New Deal and all the programs that were generated by Franklin Delano Roosevelt in the 1930's were designed to make up for what the States had refused to do to compensate.

So when you are giving money to the States, always be aware of the fact that they are part of the problem, not part of the solution. If the money to cover children is handed to them totally, without any oversight, which is quite strict, I fear many children who need the coverage will not get coverage.

Administration officials said this budget deal also will cover disabled legal immigrants who were in the country on August 22, when the bill was passed. That is another bright spot. We have proposals to deal with a problem that has overwhelmed some of the congressional offices. I have more people seeking help with immigration problems and problems relating to the immigration reform than any other problem in my office. There are just hundreds of people who fear that they are in dire straits, and are. The threat to their well-being is tremendous.

There are nursing homes that will not admit elderly people who are not citizens, even before the September cutoff point goes into effect. They do not want to have people in the nursing home who are not eligible for Medicaid and then they have to kick them out, so they are just preempting the situation by refusing to admit them. Anybody who is a legal immigrant who needs nursing home care cannot get it, because of the fear that they will not be able to get reimbursed for their services, and already they have begun the tragic course of triage; throwing the elderly overboard.

I just want to break in with a note of optimism, some good news. In the budget the agreement still calls for an increase in the funds for telecommunications and for revamping our schools, so the schools can make full use of the new educational technology efforts. Technology literacy will be promoted as never before, and schools will be all wired early in the next century. All that is very optimistic language, and I prefer to believe we can make that happen.

In connection with that, there was a development which should help schools and students all over the country that took place yesterday. I want to pause from my review of some of the negative elements of this budget agreement to point out the fact that something amazing happened yesterday, and we should all take note of it. It helped the children in Brooklyn in the 11th Congressional District and everywhere else across America. That was an agreement reached by the FCC.

The FCC voted to implement a mandate of Congress. When Congress passed the 1996 Telecommunications Act they mandated that the FCC should make provisions for the provision of discounted or free services to libraries and schools. The FCC acted on a subcommittee recommendation yesterday, and we are off and moving. It is a historic occasion.

The Federal Communications Commission has adopted the joint board's recommendations for providing eligible schools and libraries discounts on the purchase of all commercially available telecommunications services, Internet access, and internal connections. Eligible schools and libraries will enjoy discount rates ranging from 20 to 90 percent, with the higher discounts being provided to the most disadvantaged schools and libraries and those in high-cost areas.

Total expenditures for universal service support for schools and libraries is capped at $2.25 billion per year, with a rollover into the following years of funding authority, if necessary, for funds not dispersed in any one year. That means that $2.25 billion is available for schools and libraries, and those that are in the richest neighborhoods or the more affluent neighborhoods can get a discount of at least 20 percent off the telecommunications service. That includes telephone, by the way.

Most schools in my district have only a few telephones, because telephones at present charge the business rate to schools. They cannot afford to have even enough telephones. There is already technology related to telephones which will allow a school to program their phones so every child who is absent and does not show up, the home of that child can be called off the program that is set up over the phone. But we do not have, in many cases, the adequate phones to do that. We do not have phones adequate enough for the teacher to make the trip to the phone and make the call, because there are not enough available. The teacher would have to stand in line, they would have to go downstairs, in many cases, and deal with lining up at the office, et cetera. Just more telephones would greatly improve the ability of our schools to function.

But more than telephones are involved here. The internal connections, wiring of the schools inside, that can be part of the discounted cost. You can engage a contractor and the contractor can get paid from the funds from the telecommunications industry. In a poor school in an inner city the community, the neighborhood of Brownsville, parts of East Flatbush and parts of Bedford-Stuyvesant, they would be paying only 10 cents for every dollar's worth of services. A 90-percent discount would mean, and I hope I am not oversimplifying it, on your phone bill related to this process you would be paying only 10 cents for every dollar's worth of service. That is a great step forward.

The high cost of wiring internally, the high cost of hooking up to the Internet and maintaining on-line services, all that will be discounted for the poorest schools down to the level of a 90-percent discount. This is not just for this year or next year, it is for eternity. Theoretically it goes on forever.

That is a revolution. That is a monumental achievement, to have that kind of opportunity provided for the schools of America, and the libraries. Schools and libraries are all eligible; not just public school, private schools. Everything that falls in the category of providing an education to elementary and secondary education students is eligible.

This is a great revolution. It is a revolutionary action, in my opinion. We did not hear any fireworks yesterday, there was no great celebration, only a few people announced it on the television news. McNeil/Lehrer did have a special discussion of it. But it is revolutionary.

It is like the Morrill Act which established the land grant colleges in every State. The Morrill Act is unknown to most Americans. The Morrill Act is unknown. Morrill himself was a congressman who was unknown, but the Morrill Act established land grant colleges in every State in the United States. Every State has a land grant college now, and some of the great universities of America are those land grant colleges. It had an explosion of higher education over a short period of time, relatively.

Morrill proposed it during the Civil War, when America was at its lowest ebb in terms of its attention being focused on education. It was proposed during the Civil War, and later on enacted after the Civil War and fully given appropriations, and it took off.

Practical education was the emphasis. They copied the model of Thomas Jefferson at the University of Virginia, where practical education was the emphasis. Agricultural and mechanical colleges they were called at first, but they understood that they had to teach literature, English, et cetera.

So everything the higher education institutions were responsible for, the land grant colleges became responsible for them, too. They just had an emphasis which was different. They emphasized practical education. The great experiments in agriculture that we have had in this country which put our agricultural industry way ahead of all other economies with respect to the ability to grow food and produce food at a cheaper cost resulted as a result of the Morrill Act.

The Morrill Act created the colleges which set up the experimental stations. They created the colleges which established the county agents who went out to the farmers and got the farmers to make use of the theoretical knowledge that the universities had produced, a great revolution that most of us do not know about, but it was a government action. It was a government action with ramifications and results that continue to flow to the benefit of the American people.

What was done yesterday by the FCC in my opinion will have the same kind of impact and effect. There was another government action when they decided the transcontinental railroad. Most people do not know, it was not private industry that built the railroads across America.

Private industry has always run the railroads and private industry has always been up front, but the government made the contracts and the government offered the prizes to those companies that could build the railroads and link the east coast with the west coast.

□ 2015

They came through mountains and swamps, and they did all kinds of things, but they were paid by the Congress. And Congress had a bonus. If you were going through difficult territory, mountainous terrain, Congress gave more money to the companies than they gave to those who were going across the plains.

The great transcontinental railroad was a government project, and it unified the country in a way which, if we had not had the transcontinental railroad, the country would never have been unified. It made America America, from the Atlantic to the Pacific.

That was a government action. The Morrill Act, the transcontinental railroad and then the GI bill following World War 2.

The GI bill was another one of those governmental actions with revolutionary implications and impact on the American economy in terms of large numbers of men returning to the peacetime economy who got a chance to get an education and who boosted America's industrial might, technological know-how, carried us forward in ways that we never would have gone forward if those men had not had the opportunity to be educated in all walks of life.

I meet lots of millionaires who got their start with the GI Bill of Rights. So governmental action.

Yesterday the FCC took another governmental action which really has to be carried out mostly by private enterprise, but it started with the Congress. It was the Congress that mandated that you have to do this. The mandate to the FCC came from the Telecommunications Act of 1996, and the FCC has followed through on that.

I am very optimistic about the impact of that, because the President of the United States knows the value of telecommunications on education. They have taken steps already. We have funds flowing already to the State education departments and down to the local education agencies to get ready for this technological revolution and take advantage of it.

Any teacher will tell you that their presentation in the classroom can be greatly enhanced if they can use some of the material that comes via the Internet or if they can use videotape of a key moment or if they can use a CD ROM at a key moment. It can be greatly enhanced.

We talk a lot about doing things in the area of education assistance, which gets down to the classroom. Here is one that really can get down to the classroom.

One of the unfortunate things in New York City is that we did a survey several years ago and found that two-thirds of the teachers of math and science in the junior high schools had never majored in math and science. Things have not gotten any better since then, because New York City has had a great program of encouraging the most experienced teachers to retire. In order to save money, the teachers at the upper end of the pay scale had been encouraged to get out of the system. They have been given buyouts and all kinds of inducements.

We have drained some of our best teachers away in the last 3 or 4 years. So the teaching of math and science certainly has not improved as a result of these buyouts and the people leaving the system.

It is as bad as it was 3 or 4 years ago. One way to compensate for that is to have teachers who are not as experienced in teaching math and science, even some who did not major in math and science, have the benefit of the back up of some of the courses that they can get on the Internet or the courses that they can get via educational television or via videos. There are ways to supplement what happens in the classroom, as we try to get over this period of the scarcity of teachers in the classroom, particularly in inner city communities where there are other hardships and problems. Teachers continue to be in great shortage.

The number of teachers who are substitute teachers in my district is far greater than the number of substitute teachers in most other school districts across the country, because they cannot find the teachers who are really qualified and meet all the requirements and can pass the State tests, et cetera. So what you end up with is people in the classrooms, but they are really not the best quality teachers.

We keep imposing new curriculum requirements on the students. We insist that they must take tests, but we have not solved the problem of getting decent teachers.

Finally the biggest problem we have not solved is the problem of physical space and equipment and supplies. It is the most basic problem. One would think that in the richest Nation that ever existed on the face of the earth every student, every citizen could be guaranteed that you can go to school in a safe environment, free of health hazards. That is a basic. That is a basic that we thought the President would help us with in terms of the construction initiatives, school construction initiative that was in the budget before the negotiators finished.

Somehow mysteriously it got kicked out. The President's education initiatives are 80 percent intact after the budget negotiations. We have a lot of things to be happy and optimistic about, but the school construction initiative probably is the one that would have helped the poorest children in America the most.

School construction initiative would have helped to guarantee that the revolution that took place yesterday, revolutionary decision with respect to telecommunications, becomes a reality in the inner city schools. There are inner city schools, there are schools in my district that will not be able to use the 90 percent discount for telecommunications, because the wiring in the school is such that they cannot be wired for modern telecommunications.

There are some others where they can be wired. However, they have an asbestos problem. If you bore holes, you will find asbestos and the law says that you have to have a certified asbestos removal contractor there. And that is very costly, because we do not have any place in the city to store asbestos. They have to store it in expensive places. It becomes a big problem.

We had NetDay in New York State in September 1996. And in New York City, which is half the population of New York State, very little happened with NetDay. NetDay is a day where you have volunteers come out, and they wire the schools for $500. They get a package which includes all the equipment they need, all the wiring. And they have enough equipment and wiring to wire the library of the school plus five classrooms. So a school is considered wired for NetDay if it wires its library plus five classrooms.

In New York City we could not get even 5 of the 1,000 schools in New York wired in the way in which NetDay really dictates. They claim they wired some schools because they put a special telephone line in. We later found that they were calling that wiring of schools, and it was far removed from the kind of thing that NetDay should produce in terms of the wiring for telecommunications. An enhanced set of telephone lines was not enough. We had far too few schools in a city with 1,000 schools that were wiring for NetDay.

As a result of being disappointed with the results of NetDay, during National Education Funding Day, which was October 23 of last year, the Central Brooklyn Martin Luther King Commission, which is my advisory committee for education, pledged to wire 10 schools in 10 weeks to overcome the problems experienced on NetDay. We picked our 10 schools and said we would wire them in 10 weeks.

We had the assistance of a group called the Hussain Institute of Technology, a volunteer group that has set up a computer practicing center with about 20 computers, free instruction. And they have done wonders with helping people learn how to use computers on the Internet and those people who already knew how to use them have improved their skills so they could get promotions on their jobs and are going to better jobs somewhere else.

The combination of the Hussain Institute of Technology, Martin Luther King Commission seeking to wire 10 schools in 10 weeks has run into all kinds of obstacles, mostly related to asbestos. And we have not wired a single school since October 23. It is now May 8. We have not completed a single school because the wiring cannot go forward until we solve the asbestos problem.

We do not have the money to pay an asbestos contractor to come in. We wrote letters to the board of education, have been on television appealing for help. All kinds of things have happened. All we have gotten is a response from one asbestos contractor who wanted the publicity and said he would provide free service, but when we went to get the free service, he changed his mind.

That kind of cynical playing with children resulted from publicizing our plight. One thousand schools are in New York City and we cannot wire 10. In my district there are 70 schools. Those schools, I only wanted to wire 10, and I cannot get even one wired as of today. We hope we will have a breakthrough soon. The breakthrough will come in the form of giving up on going into the walls, a technique where you wire by stringing the wire outside. It is ugly. It alters the way the building looks. It is another way you communicate to children that your school is not like the others, but it would get the job done.

The proposal is to wire some schools by stringing the wire outside the walls in full view and, of course, the danger is they will be tampering with the wires, but we will go forward and try to get it done. But across the country in all of the inner city communities, you have the same kind of problems: old schools, asbestos problems.

In New York City you have many schools that still have coal burning boilers, boilers that are burning coal. We recently had an announcement by the mayor, this is an election year in New York City, and the mayor, following the precedent set by the White House, is sort of doing what you call the continuing campaign, the continuing campaign as focused on education and schools. Because when the polls were taken, the one area that the mayor of New York City was clearly graded with an F was in the area of education.

The mayor of the city had cut the school budget dramatically by almost a billion and a half dollars. The mayor had waged war on the previous school chancellor. We do not have a superintendent. We are so large we have a chancellor. The previous chancellor had a plan for renovating, building and repairing schools over a 7-year period. He produced a plan that would cost $7 billion, I think. And the mayor literally ran him out of town. He kept after him until finally the previous chancellor resigned, went out of town. Gave up.

The building plan for construction, for renovation, for repairs that the previous superintendent, Mr. Ray Cortines, had prepared, is sitting there on the shelf and still needed because when schools opened last September, September 1996, there were 91,000 children in New York who did not have a place to sit, 91,000 who could not be safely seated.

They say they have solved most of the problems now and when you go to investigate what is happening with the 91,000 that could not be seated, most schools will say, we have taken care of it.

What they have done is they have put children in closets, hallways. They are even a few cases where bathrooms have been converted to classrooms. They say they have solved the problem and school is not overcrowded. But when you go and you ask the question, how many lunch periods do you have, the lunch period is an indicator that it is overcrowded, they cannot feed children within a reasonable period of time. You know they have too many. Some schools, most schools have three lunch periods, three lunch periods. Children start eating at 10:30.

One school I found had five lunch periods. Children started eating lunch at 9:45. They say they are not overcrowded, but if they are forced to start children eating lunch at 9:45 in order to accommodate them, they are overcrowded. We have gotten so used to abominable conditions, conditions which are atrocities against children, until we take them for granted. It is quite all right to feed children lunch at 9:45.

We are moving to try to get some kind of regulation installed or health department edict, something to stop feeding children at 9:45 or even at 10:30. It is bad enough, the period between 11:30 and 1:30, to have children, that is more reasonable, but to go to 9:45 for children who are in junior high school and say you have to eat lunch is child abuse. And it seems to me that something about the physiology of the child is greatly impaired if they are being forced to cram in lunch, and they just had breakfast. But the atrocities are great.

□ 2030

Overcrowding and the lack of attention to facilities, the lack of money for construction over the years. They have been scrimping and refusing to put the money forward for construction. We have had to close down some buildings because they literally were really falling apart.

Recently the mayor launched an offensive to prove that he really cares about schools, although he ran the chancellor out of town. He did not come forward with another plan. He is now saying he has a long-term plan for the renovation and repair of schools.

Looking at an article that appeared in one of my favorite community papers, the Flatbush Courier Life, it has a very lengthy article describing what happened to the schools, what may happen to the schools in Brooklyn as a result of the mayor's election year initiative.

They had $275 million. The mayor's long-term plan opens up with $275 million allocated to schools for the entire city. When we talk to people across the country about New York City schools, they always get bewildered because the figures are so great. We are talking about a thousand schools. We are talking about a million students. We are talking about 60,000 teachers. So I know one can get dizzy, and that $275 million seems like a lot of money to help renovate and repair schools.

Brooklyn received 44 percent of the allocation, according to the Flatbush Courier Life; $121 million, again, looks like big money but it will only pay for 78 projects in 48 schools. Forty-eight elementary, intermediate and high schools in Brooklyn will get some of the money to pay for 78 projects within their schools.

Now, remember, I have 70 elementary, intermediate and high schools in my district. I have 70. The Borough of Brooklyn has 2.5 million people. So we can see we would have many, many more. Only 48 of our schools will be able to get the assistance for 78 projects.

In Brooklyn we still have more than 100 schools that have coal burning boilers. That should be a first priority, because coal burning boilers produce pollutants. We all know about that. We have the highest asthma rate of any large city in the country in New York City, and we wonder why we have a large asthma rate among children if they are sitting in schools which are burning coal.

New York City is broken down into 32 different school districts. There is a chancellor and then 32 superintendents and one of the superintendents, John Comer, community superintendent of District 22, said, "We were delighted to receive the preliminary plan which will only enhance our buildings for the children and professional staff. It was long overdue. Hopefully, we can get money every year to restore the buildings in this great city to what they once were. Money like this hasn't come in a long, long time."

It is just a tiny amount for Brooklyn, $12.1 million. Everyone is singing the praises, but with this piecemeal approach we will fall further and further behind because these are buildings that are 100 years old. In many cases they need new roofs, new boilers, and on and on it goes.

Mitch Wesson, another superintendent for district 21, a school in my Congressional District, "stressed the importance of boiler replacement. He said about a third of the district's schools were still heated by coal." In his part of the district there is a concentration of these coal burning furnaces or boilers. "We are looking forward to having our coal-fired buildings converted," he said. "Obviously, we're pleased the work is being done. Our superintendent and school board pushed the issue. We hope these repairs are accelerated not just for three of our buildings, but for all of our buildings."

Desperately everybody is hanging on to hope that the mayor's small beginning will become a reality. It will not be a reality unless we get some help from the Federal Government. It will not be a reality if the President continues to go along with the negotiation that has been reached.

The school construction initiative is no longer on the table, and we are told it cannot be restored. The Congressional Black Caucus pledged that this will be our No. 1 priority. We will fight to get it back into the budget. The school construction initiative must go forward. And if people in certain parts of the country feel it is not needed, let us have an emergency school construction initiative in the inner city schools where these atrocities against children are being committed.

Phyllis Gonon, superintendent of District 18, District 18 has a large number of schools in my Congressional District, he said "Most of our schools need capital improvements. Most of our schools are falling apart. This building as well." The one she is in. "The roof has leaked for 18 years." I repeat, the roof has leaked for 18 years.

District 18 offices are located in the P.S. 279 Annex building, prospective repairs to which she is referring, that is the building where the roof has been leaking for 18 years. She added, "We haven't been satisfied with the work that has been done on District 18's buildings in the past. Even where they're doing expansions, she continued, at P.S. 233, for instance, which isn't listed, the work has to be done over and over again."

The buildings are so old. It would be better in some cases to tear them down and start all over again because the repairs do not hold.

Eric Ward, community superintendent of District 17, District 17 has about 26,000 students, it is the largest one of the local districts in my Congressional District, it is wholly within my Congressional District, District 17's superintendent says, "We are grateful for any capital improvement that occurs in the District. But for every one that has been approved, I have about five others that need to be done. New York City, Mr. Ward adds, has many historic buildings that are beautiful. The city needs to have in place a system for updating, renovating and repairing them. Until the city devises a systematic plan, they will be behind the eight ball."

Now, Chancellor Cortinez had a systematic plan prepared. Mayor Giuliani has only discovered education is important in this election year. We are going to elect a new mayor in the fall of 1997 and suddenly education is on the agenda of the mayor. But even with city hall making it a priority, the amount of money we can see in comparison with the magnitude of the problem is far too small.

David Gulob, who is a spokesman for the board of education, when he was questioned as to how did they select 48 schools out of a thousand—48 are in Brooklyn, I am sorry, but for the whole city the number will not be more than a 100. A hundred schools in the city at this rate would receive some kind of emergency help.

How did they select them? It appears that there were two pieces to this selection process. Schools that had needs and had submitted those needs were considered because they were on record. And then the board of education sent the list over to city hall and to the city council and they made political decisions about which of the victims would be salvaged first.

We are into a situation where it is so horrendous. The school construction problem, the problem of providing a safe and decent place for children to go to school is such that it has become a political football.

The scarcity of the resources are such that they have to run it past the political process. There is no system where they have an objective list which says that the emergencies are greater here and they have some kind of prioritization of the emergency so that we get the worst situations first. No, it is run by the city council and the mayor, so that political decisions can be made in this great economy of scarcity.

I want to close on a note of optimism. We welcome the revolutionary decision of the FCC to provide telecommunication services to all the schools and libraries in the country at a great discount rate, the discount rate being weighted so that the poorest areas will get the biggest discount. That can do a great deal for the children with the greatest needs.

If they do not have, however, the complementary program of the school construction initiatives proposed by the President, many of the schools who have the greatest needs will not have the buildings in position to take advantage of this great revolutionary achievement of the government and the private sector.

We hope that all Members will hear the common sense of the people out there and understand children need safe places to sit. The school construction initiative of the President must be supported by both parties as we go forward in a bipartisan quest to improve education in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. COSTELLO (at the request of Mr. GEPHARDT), for today, after 12 noon, on account of the death of his mother.

Mr. SKELTON (at the request of Mr. GEPHARDT), for May 13, 14, 15, and 16, on account of a personal family matter.

Ms. MCKINNEY (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. PICKERING (at the request of Mr. ARMEY), for today after 12 noon, on account of a previously scheduled constituent meeting.

Mr. DIAZ-BALART (at the request of Mr. ARMEY), for today after 12:15 p.m., on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mr. WYNN, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.
Mr. THUNE, for 5 minutes, today.
Mr. DELAY, for 5 minutes on May 14.
Mr. BUYER, for 5 minutes, today.
Ms. GRANGER, for 5 minutes, today.
Mr. COBLE, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. GOODLATTE, for 5 minutes, today.
Mr. DEAL of Georgia, for 5 minutes, today.
Mr. PEASE, for 5 minutes, today.
Mr. BRADY, for 5 minutes, today.
Mr. WELDON of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SANFORD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. GOODLING.
Mr. BURR.
Mr. RADANOVICH.
Mr. BURTON of Indiana.
Mr. SESSIONS.
Mr. FORBES.
Mr. MICA.
Mr. OXLEY.
Mr. FOX of Pennsylvania.
Mr. ARCHER.
Mr. COX of California.
Mr. WELLER.
Mr. CRANE.
Mr. COBLE.
Mrs. MORELLA.
Mr. STEARNS.
Mr. QUINN.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. TORRES.
Mr. KUCINICH.
Mr. CONDIT.
Ms. FURSE.
Mrs. MALONEY of New York.
Mr. SAM JOHNSON of Texas.
Ms. CHRISTIAN-GREEN.
Mr. LANTOS.
Mr. TOWNS.
Ms. SANCHEZ.
Mr. BORSKI.
Mr. HOYER.
Mr. BAESLER.
Mr. TRAFICANT.
Mr. MILLER of California.
Mr. FROST.
Mr. CAPPS.
Mrs. MEEK of Florida.
Mr. BERMAN.
Mr. SHERMAN.
Mr. POMEROY.
Mr. MENENDEZ.
Mr. ABERCROMBIE.
Mr. STARK.
Mr. FOGLIETTA.
Mr. MURTHA.
Ms. BROWN of Florida.
Mr. VISCLOSKY.
Mr. BENTSEN.
Mr. ENGEL.
Ms. DEGETTE.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. CUNNINGHAM.
Ms. JACKSON-LEE of Texas.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, May 12, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3179. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Grower's Referendum Results [Docket No. TB–97–01] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3180. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's "Major" final rule—Importation of Pork from Sonora, Mexico [APHIS Docket No. 94–106–6] (RIN: 0579–AA71) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3181. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Accredited Veterinarians; Optional Digital Signature [APHIS Docket No. 96–075–2] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3182. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Agency's final rule—Pork and Pork Products from Mexico Transiting the United States [APHIS Docket No. 96–076–2] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyfluthrin; Pesticide Tolerance [OPP–300484; FRL–5175–6] (RIN: 2070–AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Plant Extract Derived From Opuntia Lindheimeri (Prickly Pear Cactus), Quercus falcata (Red Oak), Rhus aromatica (Sumac), and Rhizophoria mangle (Mangrove): Exemption from the Requirement of a Tolerance [OPP–300472; FRL–5600–1] (RIN: 2070–AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3185. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Aminoethoxyvinylglycine; Pesticide Tolerances [OPP–300480; FRL–5713–5] (RIN: 2070–AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3186. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps program in the Department for fiscal year 1996, pursuant to 16 U.S.C. 1705; to the Committee on Agriculture.

3187. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case No. 96–08, which totaled $1.3 million, occurred in the fiscal year 1990 Military Construction, Army National Guard appropriation at the Mobile District of the U.S. Army Corps of Engineers in Mobile, AL, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3188. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Navy violation, case No. 94–05, which totaled $7.9 million, occurred in the Phoenix missile program at the Naval Air Systems Command [NAVAIR], pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3189. A letter from the Secretary of Defense, transmitting the Department's annual report to the President and the Congress, April 1997, pursuant to 10 U.S.C. 113; to the Committee on National Security.

3190. A letter from the Under Secretary of Defense, transmitting certification with respect to the Chemical Demilitarization major defense acquisition program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on National Security.

3191. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration [MARAD] for fiscal year 1996, pursuant to 46 U.S.C. app. 1118; to the Committee on National Security.

3192. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification that the 1998 Defense Manpower Requirements Report will be submitted by July 1, 1997; to the Committee on National Security.

3193. A letter from the Secretary of Defense, transmitting the Department's report on the state of the Reserves and their ability to meet their missions, pursuant to Public Law 104–201, section 1212 (110 Stat. 2691); to the Committee on National Security.

3194. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act in order to carry out the purposes of the decision of January 27, 1997, of the Executive Board of the International Monetary Fund relating to the new arrangements to borrow, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

3195. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3196. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99–472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

3197. A letter from the Director, Office of Thrift Supervision, transmitting the Office of Thrift Supervision's 1996 annual report to Congress on the preservation of minority savings institutions, pursuant to 12 U.S.C. 1462a(g); to the Committee on Banking and Financial Services.

3198. A letter from the Assistant Secretary, Department of Education, transmitting notice of final funding priorities for fiscal year 1997–98 for a knowledge dissemination and utilization project, research and demonstration projects, and rehabilitation research and training centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3199. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on technology innovation challenge grants, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3200. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on final funding priorities for fiscal years 1997–98 for research and demonstration projects, rehabilitation research and training centers, and a knowledge dissemination and utilization project, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3201. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled the "Adult Basic Education and Literacy for the Twenty-First Century Act"; to the Committee on Education and the Workforce.

3202. A letter from the Secretary of Energy, transmitting the Department's annual report for the Strategic Petroleum Reserve, covering calendar year 1996, pursuant to 42 U.S.C. 6245(a); to the Committee on Commerce.

3203. A letter from the Secretary of Transportation, transmitting the Department's 21st annual report to Congress entitled "Automotive Fuel Economy Program," pursuant to 49 U.S.C. 32916; to the Committee on Commerce.

3204. A letter from the Administrator, Energy Information Administration, transmitting the Administration's report "Uranium Industry Annual 1996," pursuant to section 1015 of the Energy Policy Act of 1992; to the Committee on Commerce.

3205. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Redesignation; Maine; Redesignation of Millinocket to Attainment for Sulfur Dioxide [ME3–1–5258a; A–1–FRL–5815–2] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3206. A letter from the Acting Inspector General, Environmental Protection Agency, transmitting the annual report to Congress summarizing the Office of Inspector General's work in the Environmental Protection Agency's Superfund Program for fiscal 1996, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

3207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees [OPP–30113; FRL–5714–1] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3208. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Allotment of Drinking Water State Revolving Fund Monies; Notice [FRL–5708–2] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3209. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ23–1–164; FRL–5823–9] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—15 Percent Rate of Progress Plan [DE027–1006; FRL–5823–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3211. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Enhanced Motor Vehicle Inspection and Maintenance Program [DE–28–1009; FRL–5823–4] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3212. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and State Operating Permit Programs; State of Missouri [MO 021–1021; FRL–5817–5] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3213. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—Regulation 24—Control of Volatile Organic Compound Emissions, Section 47—Offset Lithographic Printing [DE026–1005; FRL–5820–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation, Maintenance Plan, and Emissions Inventories for Reading; Ozone Redesignations Policy Change [PA036–4060; FRL–5819–8] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3215. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan [OH104–1a; FRL–5822–5] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3216. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of a Revision to a State Implementation Plan; Oklahoma; Revision to Particulate Matter Regulations [OK–13–1–7080a; FRL–5822–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3217. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 023–1023(a); FRL–5822–9] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3218. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wake Village, Texas) [MM Docket No. 96–236, RM–8907] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3219. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charlevoix, Michigan) [MM Docket No. 97–42, RM–8988] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3220. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Poplar Bluff, Missouri) [MM Docket No. 97–54, RM–8989] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3221. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section

73.202(b), Table of Allotments, FM Broadcast Stations (Garden City, Missouri) [MM Docket No. 97-53, RM-9003] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3222. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Forest City, Pennsylvania) [MM Docket No. 96-235, RM-8909] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3223. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clear Lake, South Dakota) [MM Docket No. 96-224, RM-8906] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3224. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's report entitled "Evaluation of the Grant Program for Rural Health Care Transition," report to Congress 1997, pursuant to 42 U.S.C. 1395ww note, to the Committee on Commerce.

3225. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

3226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Malaysia (Transmittal No. DTC-48-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3227. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Removal of Entry (Office of Foreign Assets Control) [31 CFR Part V] received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3228. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Additional Designations and Supplemental Information (Office of Foreign Assets Control) [31 CFR Part V] received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Visa Fees [Public Notice 253] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3230. A letter from the Director, United States Information Agency, transmitting a copy of the Broadcasting Board of Governors' 1996 annual report, pursuant to 22 U.S.C. 6204; to the Committee on International Relations.

3231. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code, section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

3232. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Travel and Relocation Expenses Cases [48 CFR Part 6104] (RIN: 3090-AG06) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3233. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Transportation Rate Cases [48 CFR Part 6103] (RIN: 3090-AG05) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3234. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Decisions Authorized Under 31 U.S.C. 3529 [48 CFR Part 6105] (RIN: 3090-AG29) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3235. A letter from the Chairman, Cost Accounting Standards Board, Office of Federal Procurement Policy, transmitting the seventh annual report of the Cost Accounting Standards Board, pursuant to Public Law 100-679, section 5(a) (102 Stat. 4062); to the Committee on Government Reform and Oversight.

3236. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Employment (General) [5 CFR Part 300] (RIN: 3206cAH71) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3237. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Official Duty Station Determinations for Pay Purposes [5 CFR Parts 530, 531, and 591] (RIN: 3206-AH84) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3238. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the U.S. Capitol Preservation Commission fund for the 6-month period which ended on December 31, 1996, pursuant to Public Law 100-696, section 804 (102 Stat. 4610); to the Committee on House Oversight.

3239. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

3240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Impact Assessment of Nongovernmental Activities in Antarctica [FRL-5818-81] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3241. A letter from the Acting Chair, National Indian Gaming Commission, transmitting a draft of proposed legislation that would allow the National Indian Gaming Commission [NIGC] to assess fees on tribes for class II and class III, casino, gaming; to the Committee on Resources.

3242. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1995 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3243. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, transmitting the Bureau's final rule—Residency Requirements for Persons Acquiring Firearms [T.D. ATF-389] (RIN: 1512-AB66) received April 22, 1997, pursuant to the Committee on the Judiciary.

3244. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the availability of bomb making information, the extent to which its dissemination is controlled by Federal law, and the extent to which such dissemination may be subject to regulation consistent with the first amendment to the U.S. Constitution, pursuant to Public Law 104-132, section 709(b) (110 Stat. 1297); to the Committee on the Judiciary.

3245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Nonimmigrant Visas [Public Notice 2538] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3246. A letter from the Chairman, Federal Election Commission, transmitting the text of final regulations adopted by the Commission, pursuant to 2 U.S.C. 438(d); to the Committee on the Judiciary.

3247. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the post authorization change report on the San Luis Rey River, CA, local flood protection project, pursuant to Public Law 104-303, section 301(a)(3) (110 Stat. 3707); to the Committee on Transportation and Infrastructure.

3248. A letter from the Secretary of Transportation, transmitting the Department's third annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels; to the Committee on Transportation and Infrastructure.

3249. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Schedule of Fees for Access to NOAA Environmental Data and Information and Products Derived Therefrom [Docket No. 970306046-7046-01] (RIN: 0648-ZA25) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3250. A letter from the Administrator, Small Business Administration, transmitting the annual report on minority small business and capital ownership development for fiscal year 1996, pursuant to Public Law 100-656, section 408 (102 Stat. 3877); to the Committee on Small Business.

3251. A letter from the Secretary of Defense, transmitting the Department's report on small business loans for members released from Reserve service during contingency operations, pursuant to Public Law 104-201, Section 1234 (110 Stat. 2697); to the Committee on Veterans' Affairs.

3252. A letter from the Acting Secretary of Labor, transmitting the 12th report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

3253. A letter from the Secretary of Defense, transmitting the Department's report concerning incentives to employers of members of the Reserve components, pursuant to Public Law 104-201, Section 1232 (110 Stat. 2697); to the Committee on Ways and Means.

3254. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Disposition of Excluded Articles Pursuant to the Anticounterfeiting Consumer Protection Act [T.D. 97-30] (RIN: 1515-AC09) received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3255. A letter from the Assistant Secretary for Civil Rights, Office for Civil Rights, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413 (b)(1); jointly, to the Committee on Education and the Workforce and the Judiciary.

3256. A letter from the Acting Administrator, Agency for International Development, transmitting notification of the Agency's continuation of support for the activities of PVO's in Yemen is in the national interest of the United States; jointly, to the Committee on International Relations and Appropriations.

3257. A letter from the Director, Office of Personnel Management, transmitting the Office's report on congressional recommendations on certain personnel decisions in the executive branch; jointly, to the Committees on Government Reform and Oversight and Appropriations.

3258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Brazil has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

3259. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

3260. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of May 13, 1954, Public Law 358 (33 U.S.C. 981, et seq.), as amended, to improve the operation, maintenance, and safety of the St. Lawrence Seaway, within the territorial limits of the United States, by establishing the Saint Lawrence Seaway Development Corporation as a performance based organization in the Department of Transportation; jointly, to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1385. A bill to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes; with an amendment (Rept. 105-93). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana (for himself, Mr. WAXMAN, and Mr. STOKES):

H.R. 1553. A bill to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON (for himself, Mr. BLUNT, Mr. SANDLIN, and Mr. EDWARDS):

H.R. 1554. A bill to amend the Internal Revenue Code of 1986 to provide that the commercial activities of an Indian tribal organization shall be subject to the unrelated business income tax; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. CONYERS, Ms. JACKSON-LEE, Mrs. MEEK of Florida, Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. PAYNE, Mr. FROST, Mr. RUSH, Mr. CLAY, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Mr. FORD, Mr. JEFFERSON, Ms. CARSON, Mr. BLUMENAUER, Mr. GEPHARDT, Mr. CLYBURN, Mr. SHAYS, Mr. HASTINGS of Florida, Ms. DEGETTE, Mr. DELLUMS, Mr. FILNER, Mr. MARTINEZ, Mr. EVANS, Mr. BORSKI, Mr. HILLIARD, Mr. MASCARA, Mr. FALEOMAVAEGA, Mr. WAXMAN, Ms. KILPATRICK, Mr. FOGLIETTA, Mr. COYNE, Mr. BROWN of California, Mr. LEWIS of Georgia, Ms. CHRISTIAN-GREEN, Mr. FLAKE, Ms. KAPTUR, Mr. ALLEN, Mr. TOWNS, Ms. WATERS, Mr. SNYDER, and Mr. RANGEL):

H.R. 1555. A bill to amend the Housing and Community Development Act of 1974 and the Federal Home Loan Bank Act to authorize Federal Home Loan Banks to make guaranteed advances for community development activities to units of general local government and advances of future community development block grant entitlement amounts, and to expand the community participation requirements relating to community development loan guarantees to include participation of major community stakeholders, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BOUCHER (for himself and Mr. GILCHREST):

H.R. 1556. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. ARCHER:

H.R. 1557. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion under section 911 of such Code to reflect inflation since the current limitation was imposed; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. MCCRERY, Mr. COOKSEY, and Mr. JOHN):

H.R. 1558. A bill to authorize the relocation of the Gillis W. Long Hansen's Disease Center, to provide for the transfer to the State of Louisiana of the current site of such center, and for other purposes; to the Committee on Commerce.

By Mr. BARTLETT of Maryland (for himself, Mr. WATTS of Oklahoma, Mr. BONO, Mr. GRAHAM, Mr. HUNTER, Mr. HILLEARY, Mr. MCKEON, Mr. STUMP, Mr. LIVINGSTON, Mr. DELAY, Mr. SOLOMON, Mr. SAM JOHNSON, Mrs. CUBIN, Mr. WELDON of Florida, Mr. BURTON of Indiana, Mrs. CHENOWETH, Mr. LARGENT, Mr. SMITH of New Jersey, Mr. LEWIS of Kentucky, Mr. JONES, Mr. SNOWBARGER, Mr. DICKEY, Mr. HOSTETTLER, Mr. PETERSON of Pennsylvania, Mr. COBURN, Mr. PITTS, Mr. HERGER, Mr. DOOLITTLE, Mr. MCINTOSH, Mrs. NORTHUP, Mr. STEARNS, Mr. SCARBOROUGH, Mr. MCHALE, Mr. TAYLOR of North Carolina, Mr. COLLINS, Mr. CRANE, Mr. SALMON, Mr. FOX of Pennsylvania, Mr. BACHUS, Mr. WHITFIELD, Mr. CRAPO, Mr. DEAL of Georgia, Mr. TRAFICANT, Mr. SHUSTER, Mr. TAYLOR of Mississippi, Mr. ROHRABACHER, Mr. METCALF, Mr. HALL of Texas, Mr. BARCIA of Michigan, Mr. GILCHREST, Mr. CAMPBELL, Mr. WATKINS, Mr. MICA, Mr. BARR of Georgia, Mr. HASTERT, Mr. KNOLLENBERG, Mr. BLILEY, Mr. EHRLICH, Mr. COBLE, Mr. EHLERS, Mr. PACKARD, Mr. SKEEN, Mr. SAXTON, Mr. BUNNING of Kentucky, Mr. WICKER, Mr. BATEMAN, Mr. HUTCHINSON, Mr. BRYANT, Mr. BARTON of Texas, Mr. COOKSEY, Mr. CALVERT, Mr. SENSENBRENNER, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. WAMP, Mr. BROWN of California, Mr. PARKER, Mr. BALLENGER, Mr. SHADEGG, Mr. EVERETT, Mrs. EMERSON, and Mr. ISTOOK):

H.R. 1559. A bill to amend title 10, United States Code, to require that recruit basic training in the Army, Navy, Air Force, and Marine Corps be conducted separately for male and female recruits; to the Committee on National Security.

By Mr. BEREUTER:

H.R. 1560. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. CHRISTIAN-GREEN (for herself, Mr. FALEOMAVAEGA, and Mr. UNDERWOOD):

H.R. 1561. A bill to amend the National Highway System Designation Act of 1995 and title 23, United States Code, to allow the Virgin Islands and the other territories to participate in the State infrastructure bank program and to use surface transportation program funds for construction of certain access and development roads; to the Committee on Transportation and Infrastructure.

By Mr. CLAY (for himself and Mr. KILDEE):

H.R. 1562. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the national educational goals for all citizens, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COSTELLO:

H.R. 1563. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. Dingell, Mr. Brown of Ohio, and Mr. Waxman):

H.R. 1564. A bill to amend title XIX of the Social Security Act to permit presumptive eligibility for low-income children under the Medicaid Program; to the Committee on Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Watts of Oklahoma, Mr. Fox of Pennsylvania, and Mr. Graham):

H.R. 1565. A bill to amend the Internal Revenue Code of 1986 to increase the amount of depreciable business assets which may be expensed, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1566. A bill to amend the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act of 1996 relating to the exclusion from the United States of certain aliens; to the Committee on International Relations.

By Mr. HANSEN (for himself, Mr. Smith of Oregon, Ms. Dunn of Washington, Mr. Crapo, Mr. McKeon, Mr. Skeen, Mr. Hill, Mr. Hastings of Washington, Mr. Hayworth, and Mrs. Chenoweth):

H.R. 1567. A bill to provide for the designation of additional wilderness lands in the eastern United States; to the Committee on Resources.

By Mr. HOYER:

H.R. 1568. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on National Security.

By Mrs. JOHNSON of Connecticut:

H.R. 1569. A bill to require the same distribution of child support arrearages collected by Federal tax intercept as collected directly by the States, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mrs. Maloney of New York):

H.R. 1570. A bill to amend the Arms Export Control Act to remove an exemption from the prohibition on imports of certain firearms and ammunition; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. Shays, Ms. Molinari, Ms. Waters, Ms. Pelosi, Mrs. Meek of Florida, Mr. Boehlert, Mr. Delahunt, Mr. Cummings, Mr. Gilchrest, Mr. McDermott, Mr. Filner, Mr. Horn, Mr. Hinchey, Mr. Payne, Mrs. Maloney of New York, Ms. Lofgren, Mr. Boucher, Mr. Conyers, Ms. Christian-Green, Ms. Woolsey, Mr. Stark, Mr. Thompson, and Ms. Brown of Florida):

H.R. 1571. A bill to amend the Public Health Service Act to establish programs of research with respect to women and cases of infection with the human immunodeficiency virus; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. Leach, Mrs. Johnson of Connecticut, Mr. Davis of Virginia, Mrs. Tauscher, Mr. Ford, Mr. Gejdenson, Mr. English of Pennsylvania, and Mr. Boehlert):

H.R. 1572. A bill to provide for teacher technology training; to the Committee on Education and the Workforce.

By Mr. OBERSTAR (for himself, Mr. Hyde, Mr. Conyers, Mr. Burton of Indiana, Mr. Dellums, Mr. Frost, Mr. Klug, Mr. Rahall, Mr. Clement, Mr. Frank of Massachusetts, Mr. Ackerman, Mrs. Maloney of New York, Ms. Lofgren, Mr. Peterson of Minnesota, Mr. Sanders, Mr. McDermott, Mr. Gejdenson, Ms. Stabenow, Mr. Gutierrez, and Ms. Norton):

H.R. 1573. A bill to provide equal leave benefits for parents who adopt a child or provide foster care for a child; to the Committee on Education and the Workforce.

By Mr. SALMON (for himself, Mr. Mica, Mr. Ballenger, Mr. Bartlett of Maryland, Mr. Campbell, Mr. Cannon, Mr. Cooksey, Mrs. Cubin, Mr. Cunningham, Mr. Duncan, Mr. Ensign, Mr. Foley, Mr. Goss, Mr. Hayworth, Mr. Hilleary, Mrs. Kelly, Mr. Kolbe, Mr. McCrery, Mr. Nethercutt, Mr. Norwood, Mr. Packard, Mr. Paul, Mr. Scarborough, Mr. Bob Schaffer, Mr. Sensenbrenner, Mr. Shadegg, Mr. Skeen, Mr. Souder, Mr. Stump, and Mr. Walsh):

H.R. 1574. A bill to amend chapter 89 of title 5, United States Code, to permit Federal employees and annuitants to elect to receive contributions into medical savings accounts under the Federal Employee Health Benefits Program [FEHBP]; to the Committee on Government Reform and Oversight.

By Mr. SAXTON:

H.R. 1575. A bill to establish a limitation on the vessels that may engage in harvesting Atlantic mackerel or Atlantic herring within the exclusive economic zone; to the Committee on Resources.

By Mr. STARK (for himself, Mr. Brown of California, Mr. Dellums, Mr. Filner, Mr. Matsui, Ms. Eshoo, Mrs. Tauscher, Mr. Miller of California, Mr. Berman, and Mr. Torres):

H.R. 1576. A bill to provide for the continuation of the operations of the California Urban Environmental Research and Education Center; to the Committee on Education and the Workforce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. Royce, Mr. Armey, Mr. DeLay, Mr. Boehner, Mr. Kasich, Mr. Solomon, Mr. Livingston, Mr. Coburn, Mr. Bartlett of Maryland, Mr. Hostettler, Mr. Shadegg, Mr. Neumann, Mr. Scarborough, Mr. Smith of Michigan, Mr. Rohrabacher, Mrs. Myrick, Mr. Herger, Mr. Klug, Mr. Blunt, Mr. Graham, Mr. Sanford, Mr. Souder, Mr. Christensen, Mr. Pappas, Mr. Largent, Mr. Latham, Mr. Doolittle, Mr. McIntosh, Mr. Ryun, Mr. Goss, Mr. Radanovich, Mr. LoBiondo, Mr. Snowbarger, Mr. Sam Johnson, Mr. Pitts, Mr. Paul, Mr. McCollum, Mr. Hill, Mr. Pombo, Mr. Parker, Mr. Petri, Mr. Miller of Florida, Mr. Peterson of Pennsylvania, Mrs. Kelly, and Mr. Moran of Kansas):

H.R. 1577. A bill to abolish the Department of Energy; to the Committee on Commerce, and in addition to the Committees on National Security, Science, Resources, Rules, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISTOOK (for himself, Mr. Bishop, Mr. Aderholt, Mr. Armey, Mr. Bachus, Mr. Baker, Mr. Ballenger, Mr. Barcia of Michigan, Mr. Barr of Georgia, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bliley, Mr. Blunt, Mr. Bonilla, Mr. Bunning of Kentucky, Mr. Burton of Indiana, Mr. Callahan, Mr. Calvert, Mr. Campbell, Mr. Chambliss, Mrs. Chenoweth, Mr. Christensen, Mr. Coburn, Mr. Collins, Mr. Combest, Mr. Condit, Mr. Cook, Mr. Crane, Mr. Crapo, Mrs. Cubin, Mr. Cunningham, Mr. Deal of Georgia, Mr. DeLay, Mr. Diaz-Balart, Mr. Dickey, Mr. Doolittle, Mr. Duncan, Mrs. Emerson, Mr. Everett, Mr. Flake, Mr. Gingrich, Mr. Goode, Mr. Goodling, Mr. Graham, Mr. Hall of Texas, Mr. Hansen, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hill, Mr. Hilleary, Mr. Hoekstra, Mr. Hunter, Mr. Hutchinson, Mr. Inglis of South Carolina, Mr. Sam Johnson, Mr. Jones, Mr. Kasich, Mr. Kim, Mr. Kingston, Mr. LaHood, Mr. Largent, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lipinski, Mr. Livingston, Mr. Lucas of Oklahoma, Mr. McCollum, Mr. McCrery, Mr. McHugh, Mr. McInnis, Mr. McIntosh, Mr. McKeon, Mr. Mica, Mrs. Myrick, Mr. Neumann, Mr. Norwood, Mr. Packard, Mr. Pappas, Mr. Parker, Mr. Paul, Mr. Paxon, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Pitts, Mr. Pombo, Mr. Radanovich, Mr. Rahall, Mr. Riley, Mr. Rogers, Mr. Rohrabacher, Mr. Royce, Mr. Scarborough, Mr. Bob Schaffer, Mr. Sessions, Mr. Skeen, Mr. Smith of New Jersey, Mrs. Linda Smith of Washington, Mr. Snowbarger, Mr. Solomon, Mr. Spence, Mr. Stearns, Mr. Stenholm, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Taylor of Mississippi, Mr. Thornberry, Mr. Thune, Mr. Tiahrt, Mr. Traficant, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Whitfield, Mr. Wicker, and Mr. Young of Alaska):

H.J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H. Con. Res. 77. Concurrent resolution expressing the sense of the Congress that Federal civilian and military retirement cost-of-living adjustments should not be delayed; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. Etheridge, Ms. McCarthy of Missouri, Mr. Walsh, and Mr. McGovern.

H.R. 96: Mr. LaHood and Mr. Hill.

H.R. 122: Mr. SNOWBARGER, Mr. CHRISTENSEN, and Mrs. MYRICK.

H.R. 127: Mr. DAVIS of Illinois and Ms. DELAURO.

H.R. 145: Mr. BARRETT of Wisconsin, Mr. KANJORSKI, Mr. BOSWELL, Mr. FAZIO of California, Mr. BONIOR, and Mr. GEJDENSON.

H.R. 158: Mr. TORRES and Mrs. CHENOWETH.

H.R. 159: Mr. CAMP.

H.R. 160: Mr. ENSIGN.

H.R. 165: Ms. WOOLSEY.

H.R. 176: Ms. STABENOW, Mr. MARTINEZ, Mr. BRYANT, Ms. WOOLSEY, Mr. WALSH, and Mr. DELLUMS.

H.R. 192: Mr. REYES, Mr. TAYLOR of North Carolina, Mr. KILDEE, and Mr. MINGE.

H.R. 218: Mr. GALLEGLY, Mr. TRAFICANT, and Mr. WELDON of Pennsylvania.

H.R. 230: Mr. BLUNT.

H.R. 335: Mr. WHITFIELD.

H.R. 339: Mr. HASTINGS of Washington.

H.R. 399: Mr. LATOURETTE and Mr. POSHARD.

H.R. 402: Mr. FROST.

H.R. 404: Mr. HINCHEY, Mr. BONIOR, and Mr. WISE.

H.R. 406: Mr. FOX of Pennsylvania.

H.R. 407: Mr. GRAHAM, Mr. MCDADE, Mr. ROGERS, Mr. ENGLISH of Pennsylvania, and Mr. CUNNINGHAM.

H.R. 409: Mr. MANTON, Mr. REGULA, Mr. WATTS of Oklahoma, Mr. ROHRABACHER, Mr. CLEMENT, Mr. HINCHEY, and Mr. CUNNINGHAM.

H.R. 411: Mr. MATSUI, Mr. PAYNE, Mr. Hilliard, and Mr. OLVER.

H.R. 414: Mr. REYES, Mr. TAYLOR of North Carolina, and Mr. KILDEE.

H.R. 426: Mr. HOUGHTON, Mr. FOLEY, Mr. EDWARDS, Ms. HOOLEY of Oregon, and Mr. WALSH.

H.R. 450: Mr. SKEEN.

H.R. 465: Mr. WELLER.

H.R. 471: Mr. KIM.

H.R. 475: Mr. HILLIARD.

H.R. 479: Mr. KOLBE.

H.R. 530: Mr. SPENCE, Mr. BAKER, and Mr. PITTS.

H.R. 535: Mr. CLYBURN.

H.R. 536: Mrs. MCCARTHY of New York.

H.R. 548: Mr. ENGEL.

H.R. 563: Ms. SLAUGHTER, Mr. OWENS, Mr. BURR of North Carolina, Ms. RIVERS, and Mr. THOMPSON.

H.R. 586: Ms. HOOLEY of Oregon, Mr. MOAKLEY, and Mr. WATT of North Carolina.

H.R. 598: Mr. ADAM SMITH of Washington.

H.R. 604: Mr. MCGOVERN and Mr. ABERCROMBIE.

H.R. 611: Mr. PRICE of North Carolina, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. GONZALEZ, Ms. NORTON, Mr. MALONEY of Connecticut, Mr. COSTELLO, Mr. SKAGGS, Mr. FAZIO of California, Mr. RANGEL, and Mr. DELAHUNT.

H.R. 614: Mr. SOLOMON, Mr. MEEHAN, and Mr. GOSS.

H.R. 630: Ms. ROYBAL-ALLARD.

H.R. 659: Ms. GRANGER, Mr. BALLENGER, Mrs. MYRICK, and Mr. COBLE.

H.R. 687: Mr. DEFAZIO.

H.R. 695: Mr. WEXLER and Mr. WELLER.

H.R. 716: Mr. PACKARD and Mr. NEUMANN.

H.R. 724: Ms. WOOLSEY.

H.R. 753: Mr. SPRATT, Mr. SKAGGS, and Mr. MALONEY of Connecticut.

H.R. 755: Mr. ENGEL, Mr. FATTAH, Mr. MALONEY of Connecticut, and Mr. ENGLISH of Pennsylvania.

H.R. 777: Mr. UNDERWOOD, Mr. BAKER, Mr. GREENWOOD, Mr. SANDERS, Mr. THOMPSON, Mr. GONZALEZ, Mr. MALONEY of Connecticut, and Ms. BROWN of Florida.

H.R. 778: Mr. CAPPS.

H.R. 780: Mr. CAPPS.

H.R. 784: Mr. HORN.

H.R. 794: Mr. MARKEY.

H.R. 818: Ms. KILPATRICK.

H.R. 819: Ms. KILPATRICK.

H.R. 840: Mr. TORRES.

H.R. 850: Ms. DEGETTE.

H.R. 871: Ms. KAPTUR and Mr. LEWIS of Georgia.

H.R. 877: Mr. PARKER, Mr. MARTINEZ, Mr. SNOWBARGER, Mr. LEACH, Mr. PAYNE, Mr. GILMAN, Mrs. NORTHUP, and Mr. DEFAZIO.

H.R. 902: Mr. TAUZIN and Mr. PORTER.

H.R. 907: Mr. WICKER and Mr. HUTCHINSON.

H.R. 911: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. NEUMANN, and Mr. SHAW.

H.R. 937: Mr. COYNE.

H.R. 950: Ms. CHRISTIAN-GREEN.

H.R. 955: Mr. HILLEARY, Mr. CHRISTENSEN, Mr. TIAHRT, and Mr. FOX of Pennsylvania.

H.R. 988: Mr. ENGEL and Mr. PAYNE.

H.R. 989: Mr. KIND, Mr. BARRETT of Wisconsin, Ms. LOFGREN, Mr. ACKERMAN, Mr. EVENS, Mr. STARK, Mr. LIPINSKI, Mr. RUSH, Mr. MCGOVERN, Mr. MANTON, Mr. CASTLE, Mr. LAFALCE, Ms. MOLINARI, Mr. KLUG, and Mr. GILMAN.

H.R. 992: Mr. RADANOVICH, Mr. MCHUGH, and Mr. SKEEN.

H.R. 1009: Mr. CANNON and Mr. SMITH of Michigan.

H.R. 1010: Mr. MCINTYRE, Mr. SMITH of New Jersey, Mr. GOSS, Mr. BARCIA of Michigan, Mr. GRAHAM, and Mrs. NORTHUP.

H.R. 1037: Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. ENSIGN, Mr. WATKINS, and Mr. HOUGHTON.

H.R. 1043: Ms. BROWN of Florida and Mr. PARKER.

H.R. 1053: Mr. NORWOOD and Mr. LEWIS of Georgia.

H.R. 1054: Mr. GRAHAM and Mr. ROGAN.

H.R. 1059: Mr. KING of New York, Mr. BUNNING of Kentucky, Mr. DAVIS of Virginia, Mr. NEUMANN, Mr. OXLEY, and Mr. WAMP.

H.R. 1062: Mr. YOUNG of Alaska.

H.R. 1064: Mr. LIPINSKI.

H.R. 1068: Mr. CRANE, Mr. ENSIGN, and Mr. PETERSON of Minnesota.

H.R. 1070: Mr. STRICKLAND, Mr. FOX of Pennsylvania, Mrs. MCCARTHY of New York, Mr. KLUG, Mr. ENGEL, Mr. FILNER, and Mr. WAXMAN.

H.R. 1077: Mr. MCGOVERN and Mr. MOAKLEY.

H.R. 1125: Mr. ENGEL.

H.R. 1130: Mr. CONYERS and Mr. POSHARD.

H.R. 1151: Ms. STABENOW.

H.R. 1162: Mr. GRAHAM.

H.R. 1169: Mr. LEWIS of California, Mr. WELLER, and Ms. DUNN of Washington.

H.R. 1188: Mr. MARTINEZ.

H.R. 1219: Mr. KUCINICH, Ms. DEGETTE, Ms. KILPATRICK, Mr. BOUCHER, and Mr. MALONEY of Connecticut.

H.R. 1248: Mr. BISHOP and Mr. WHITFIELD.

H.R. 1263: Ms. KILPATRICK.

H.R. 1285: Mr. SAM JOHNSON, Mr. MCCOLLUM, Ms. HARMAN, and Mr. MCINNIS.

H.R. 1299: Mr. SHUSTER and Mrs. NORTHUP.

H.R. 1315: Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, and Mr. FOX of Pennsylvania.

H.R. 1323: Mr. QUINN.

H.R. 1329: Ms. BROWN of Florida.

H.R. 1333: Mr. SENSENBRENNER.

H.R. 1348: Mr. HUNTER, Mr. COBLE, Mr. GILCHREST, Mr. WHITFIELD, Mr. CONDIT, Mr. PARKER, Mr. MORAN of Virginia, Mr. LEWIS of California, and Mr. CUNNINGHAM.

H.R. 1353: Mr. PETERSON of Minnesota.

H.R. 1362: Mr. SOLOMON, Mr. HOLDEN, Mr. SANDERS, Mr. METCALF, Mr. HINCHEY, Mr. WATTS of Oklahoma, Mr. LIPINSKI, Mr. BLUNT, Mr. GOODE, Mr. CLEMENT, and Mr. BLUMENAUER.

H.R. 1367: Mr. THOMPSON.

H.R. 1369: Mr. GRAHAM.

H.R. 1375: Mr. DELLUMS.

H.R. 1382: Ms. SLAUGHTER and Mr. BORSKI.

H.R. 1383: Mr. EVANS, Ms. LOFGREN, Mr. SANDLIN, Ms. DELAURO, Mr. DOYLE, Ms. ESHOO, and Mr. RANGEL.

H.R. 1395: Mr. LEWIS of Georgia.

H.R. 1430: Mr. MCINTYRE.

H.R. 1432: Ms. LOFGREN, Mr. FROST, Mr. ENGEL, Mr. FOX of Pennsylvania, and Mrs. MALONEY of New York.

H.R. 1434: Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. RAMSTAD, Mr. COLLINS, Mr. FROST, and Mr. HEFLEY.

H.R. 1438: Mr. DELLUMS.

H.R. 1441: Mr. BARCIA of Michigan.

H.R. 1468: Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. RAHALL, Mr. SAWYER, Mr. MEEHAN, Mr. FILNER, Mr. GONZALEZ, Mr. FROST, Ms. CHRISTIAN-GREEN, Mr. THOMPSON, and Mr. KENNEDY of Rhode Island.

H.R. 1475: Mr. RAMSTAD and Mr. MILLER of Florida.

H.R. 1492: Mr. LINDER.

H.R. 1493: Mr. LIPINSKI.

H.R. 1496: Mr. NETHERCUTT.

H.R. 1503: Ms. GRANGER.

H.R. 1505: Mrs. THURMAN, Mr. NEY, Mr. WALSH, Mr. CAMPBELL, and Mr. YATES.

H.R. 1506: Ms. CHRISTIAN-GREEN, Ms. RIVERS, Mr. FORD, Mr. FATTAH, Mr. MCGOVERN, and Mr. SCHUMER.

H.R. 1526: Mr. BONO, Mr. GORDON, Mr. HOUGHTON, Mr. DOYLE, Mr. BONILLA, Mr. CLEMENT, Mrs. ROUKEMA, Mr. BOSWELL, and Mrs. TAUSCHER.

H.R. 1532: Mr. LIPINSKI, Mr. BERRY, Mr. PASTOR, Mr. CLEMENT, Mr. KILDEE, Mr. KUCINICH, Mr. METCALF, Mr. CONDIT, and Mr. VISCLOSKY.

H.R. 1543: Mr. COOK.

H.R. 1549: Mr. HALL of Ohio.

H.J. Res. 72: Mr. BOB SCHAFFER.

H. Con. Res. 54: Mr. LIPINSKI.

H. Con. Res. 65: Mr. DEFAZIO, Mr. MALONEY of Connecticut, Mr. VISCLOSKY, Mr. KUCINICH, Mr. PASTOR, Ms. CHRISTIAN-GREEN, Mr. JOHN, Mr. COOKSEY, and Mr. LOBIONDO.

H. Con. Res. 75: Ms. KAPTUR and Mr. POSHARD.

H. Res. 37: Mr. PORTER and Mr. SHAYS.

H. Res. 61: Mr. LUTHER.

H. Res. 103: Mr. ACKERMAN, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. OXLEY, and Mr. WHITFIELD.

H. Res. 111: Mr. BONO, Mr. LINDER, Mr. STUMP, and Mr. PACKARD.

H. Res. 138: Ms. STABENOW.

PETITIONS, ETC.

Under clause 1 of rule XXII,

12. The SPEAKER presented a petition of the Mayor's Council of Guam, relative to Council Resolution No. 97–01, relative to expressing the sentiment of the mayors and vice mayors of Guam in welcoming the U.S.S. *Independence;* which was referred to the Committee on National Security.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. TOWNS

AMENDMENT NO. 53: Page 256, after line 9, insert the following:

(10) Whether the agency has conducted and regularly updated an assessment to identify

any pest control problems in the public housing owned or operated by the agency and the extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 106.

Page 256, line 10, strike "(10)" and insert "(11)".

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 2: Page 51, after line 23, insert the following new title:

TITLE IV

UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

SEC. 4001. SHORT TITLE.

This title may be cited as the "United States Armed Forces in Bosnia Protection Act of 1997".

SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December 20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2) if—

(A) the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after the date otherwise applicable under subsection(a); and

(B) a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 4003, the term "joint resolution" means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on ________", the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: "Joint resolution approving the request by the President for an extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997.".

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calender of the House involved.

(d) RULES OF THE SENATE AND HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ("Bosnian Entities").

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4006. REPORT.

(a) IN GENERAL.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovnia. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104–122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

SEC. 4007. DEFINITIONS.

As used in this Act:

(1) BOSNIAN ENTITIES.—The term "Bosnian Entities" means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term "Implementation Force" means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as "IFOR"), authorized under the Dayton Peace Agreement.

(4) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term "Stabilization Force" means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as "SFOR"), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 3: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IV

UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

SEC. 4001. SHORT TITLE.

This title may be cited as the "United States Armed Forces in Bosnia Protection Act of 1997".

SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December 20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(A) PROHIBITION.—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after the date otherwise application under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 4003, the term "joint resolution" means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on _________", the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: "Joint resolution approving the request by the President for an extension of the deployment on the grounds of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997.".

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calender of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) Consideration by Other House.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) Rules of the Senate and House.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ("Bosnian Entities").

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4006. REPORT.

(a) In General.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104–122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) Form of Report.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

SEC. 4007. DEFINITIONS.

As used in this Act:

(1) Bosnian entities.—The term "Bosnian Entities" means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) Dayton peace agreement.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) Implementation force.—The term "Implementation Force" means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as "IFOR"), authorized under the Dayton Peace Agreement.

(4) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(5) Stabilization force.—The term "Stabilization Force" means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as "SFOR"), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1486

Offered By: Mr. Gilman

(Amendment in the Nature of a Substitute

Amendment No. 1: Strike all after the enacting clause and insert in lieu thereof:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Policy Reform Act".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) Divisions.—This Act is organized into two divisions as follows:

(1) Division A—International Affairs Agency Consolidation, Foreign Assistance Reform, and Foreign Assistance Authorizations.

(2) Division B—Foreign Relations Authorizations.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—INTERNATIONAL AFFAIRS AGENCY CONSOLIDATION, FOREIGN ASSISTANCE REFORM, AND FOREIGN ASSISTANCE AUTHORIZATIONS

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Declaration of policy.

TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES

Chapter 1—General Provisions

Sec. 201. Short title
Sec. 202. Definitions.

CHAPTER 2—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SUBCHAPTER A—ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Sec. 211. Abolition of United States International Development Cooperation Agency.
Sec. 212. Transfer of functions to United States Agency for International Development.
Sec. 213. Transition provisions.

SUBCHAPTER B—CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE

Sec. 221. Continuation of United States Agency for International Development and placement of Administrator of Agency under the direction of the Secretary of State.

SUBCHAPTER C—CONFORMING AMENDMENTS

Sec. 231. Conforming amendments.
Sec. 232. Other references.
Sec. 233. Effective date.

TITLE III—FOREIGN ASSISTANCE REFORM

Sec. 301. Graduation from development assistance.
Sec. 302. Limitation on government-to-government assistance.
Sec. 303. Micro- and small enterprise development credits.
Sec. 304. Microenterprise development grant assistance.
Sec. 305. Private sector enterprise funds.
Sec. 306. Development credit authority.
Sec. 307. Foreign government parking fines.
Sec. 308. Withholding United States assistance to countries that aid the Government of Cuba.

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SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Assistance Reform Act of 1997".

SEC. 102. DECLARATION OF POLICY.

The Congress declares the following:

(1) United States leadership overseas must be maintained to support America's vital national security, economic, and humanitarian overseas interests.

(2) As part of this leadership, United States foreign assistance programs are essential to support America's overseas interests.

(3) Following the end of the Cold War, foreign assistance programs must be reformed to take advantage of the opportunities for the United States in the 21st century.

TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. SHORT TITLE

This title may be cited as the "International Affairs Agency Consolidation Act of 1997".

SEC. 202. DEFINITIONS.

The following terms have the following meanings for the purposes of this title:

(1) The term "USAID" means the United States Agency for International Development.

(2) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(3) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

CHAPTER 2—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Subchapter A—Abolition of United States International Development Cooperation Agency and Transfer of Functions to United States Agency for International Development

SEC. 211. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The United States International Development Cooperation Agency is hereby abolished.

(b) CONFORMING AMENDMENTS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Sections 1-101 through 1-103, sections 1-401 through 1-403, and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1-6 of such Delegation of Authority.

(4) Section 3 of Executive Order 12884 (58 Fed. Reg. 64099; relating to the delegation of

functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(c) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.

SEC. 212. TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—There are transferred to the Administrator of the United States Agency for International Development all functions of the Director of United States International Development Cooperation Agency and all functions of such Agency and any officer or component of such agency under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title.

(b) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.

SEC. 213. TRANSITION PROVISIONS.

(a) TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND UNEXPENDED BALANCES.—

(1) PERSONNEL, PROPERTY, AND RECORDS.—So much of the personnel, property, and records of the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for International Development at such time or times as the Director of the Office of Management and Budget shall provide.

(2) UNEXPENDED BALANCES.—To the extent provided in advance in appropriations Acts, so much of the unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available to the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for International Development at such time or times as the Director of Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made.

(b) TERMINATING AGENCY AFFAIRS.—The Director of the Office of Management and Budget shall provide for terminating the affairs of the United States International Development Cooperation Agency and for such further measures and dispositions as such Director deems necessary to accomplish the purposes of this subchapter.

Subchapter B—Continuation of United States Agency for International Development and Placement of Administrator of Agency under the Direction of the Secretary of State

SEC. 221. CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE.

(a) CONTINUATION OF USAID AS FEDERAL AGENCY.—The United States Agency for International Development, established in the Department of State pursuant to the State Department Delegation of Authority Numbered 104 (26 Fed. Reg. 10608) and subsequently transferred to the United States International Development Cooperation Agency pursuant to the International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), shall be continued in existence as a Federal agency of the United States.

(b) PLACEMENT OF ADMINISTRATOR OF USAID UNDER DIRECTION OF SECRETARY OF STATE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a))—

(A) shall continue to head such Agency; and

(B) shall be under the direction of the Secretary of State.

(2) OTHER REQUIREMENTS.—Except to the extent inconsistent with other provisions of this Act, the Administrator—

(A) shall continue to exercise all functions that the Administrator exercised before the effective date of this Act; and

(B) shall exercise all functions transferred to the Administrator pursuant to section 212.

(c) OTHER OFFICERS OF AID.—The other officers of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall continue to exercise such functions as the Administrator deems appropriate.

Subchapter C—Conforming Amendments

SEC. 231. CONFORMING AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking "the United States International Development Cooperation Agency" and inserting "the United States Agency for International Development".

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 8A) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by striking "Agency for International Development—" and all that follows through "shall supervise" and inserting "Agency for International Development shall supervise"; and

(C) by striking "; and" at the end and inserting a period;

(2) by striking subsection (c); and

(3) by striking subsection (f).

(c) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980.—Section 316 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2151 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development"; and

(B) in the second sentence, by striking "Director" and inserting "Administrator"; and

(2) in subsection (b), by striking "Director" and inserting "Administrator".

(d) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—(1) Section 25(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2697(f)) is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(2) Section 26(b) of such Act (22 U.S.C. 2698(b)) is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(3) Section 32 of such Act (22 U.S.C. 2704) is amended in the second sentence by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(e) FOREIGN SERVICE ACT OF 1980:—(1) Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(2) Section 210 of such Act (22 U.S.C. 3930) is amended in the second sentence by striking "United States International Development Cooperation Agency" and inserting "United States Agency for International Development".

(3) Section 1003(a) of such Act (22 U.S.C. 4103(a)) is amended by striking "United States International Development Cooperation Agency" and inserting "United States Agency for International Development".

(4) Section 1101(c) of such Act (22 U.S.C. 4131(c)) is amended by striking "United States International Development Cooperation Agency" and inserting "United States Agency for International Development".

(f) TITLE 26, UNITED STATES CODE.—(1) Section 170(m)(7) of title 26, United States Code, is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(2) Section 2055(g)(6) of title 26, United States Code, is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(g) TITLE 49, UNITED STATES CODE.—Section 40118(d) of title 49, United States Code, is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(h) EXPORT ADMINISTRATION ACT OF 1979.—Section 6(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(1) in the third sentence, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development";

(2) in the fourth sentence, by striking "Director" and inserting "Administrator"; and

(3) in the sixth sentence, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

SEC. 232. OTHER REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States International Development Cooperation Agency or any other officer or employee of the United States International Development Cooperation Agency shall be deemed to refer to the Administrator of the United States Agency for International Development; and

(2) the United States International Development Cooperation Agency shall be deemed to refer to the United States Agency for International Development.

SEC. 233. EFFECTIVE DATE.

This subchapter shall take effect 6 months after the date of the enactment of this Act.

TITLE III—FOREIGN ASSISTANCE REFORM

SEC. 301. GRADUATION FROM DEVELOPMENT ASSISTANCE.

Section 634 of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) is amended to read as follows:

"SEC. 634. CONGRESSIONAL PRESENTATION DOCUMENTS.

"(a) REQUIREMENT FOR SUBMISSION.—As part of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall prepare and transmit to the Congress annual congressional presentation documents for the programs authorized under this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(b) MATERIALS TO BE INCLUDED.—The documents submitted pursuant to subsection (a) shall include—

"(1) the rationale and direct United States national interest for the allocation of assistance or contributions to each country, regional, or centrally- funded program, or organization, as the case may be;

"(2) a description of how each such program or contribution supports the objectives of this Act or the Arms Export Control Act, as the case may be;

"(3) a description of planned country, regional, or centrally-funded programs or contributions to international organizations and programs for the coming fiscal year; and

"(4) for each country for which assistance is requested under this Act or the Arms Export Control Act—

"(A) the total number of years since 1946 that the United States has provided assistance;

"(B) the total amount of bilateral assistance provided by the United States since 1946, including the principal amount of all loans, credits, and guarantees; and

"(C) the total amount of assistance provided to such country from all multilateral organizations to which the United States is a member, including all international financial institutions, the United Nations, and other international organizations.

"(c) GRADUATION FROM DEVELOPMENT ASSISTANCE.—

"(1) DETERMINATION.—As part of the congressional presentation documents transmitted to the Congress under this section, the President shall make a separate determination for each country identified in such documents for which bilateral development assistance is requested, estimating the year in which each such country will no longer be receiving bilateral development assistance.

"(2) DEVELOPMENT ASSISTANCE DEFINED.—For purposes of this section, the term "development assistance" means assistance under—

"(A) chapter 1 of part I of this Act;

"(B) chapter 10 of part I of this Act;

"(C) chapter 11 of part I of this Act; and

"(D) the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).".

SEC. 302. LIMITATION ON GOVERNMENT-TO-GOVERNMENT ASSISTANCE.

(a) IN GENERAL.—For each of the fiscal years 1998 and 1999, the President should allocate an aggregate level to private and voluntary organizations and cooperatives under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) which reflects an increasing level allocated to such organizations and cooperatives under such Act since fiscal year 1995.

(b) DEFINITION.—For purposes of this section, the term "private and voluntary organization" means a private non-governmental organization which—

(1) is organized under the laws of a country;

(2) receives funds from private sources;

(3) operates on a not-for-profit basis with appropriate tax-exempt status if the laws of the country grant such status to not-for-profit organizations;

(4) is voluntary in that it receives voluntary contributions of money, time, or in-kind support from the public; and

(5) is engaged or intends to be engaged in voluntary, charitable, development, or humanitarian assistance activities.

(c) REPORT.—

(1) IN GENERAL.— Not later than September 30, 1997, the United States Agency for International Development shall submit a report to the Congress on the amount of its funding being channeled through and private and voluntary organizations.

(2) ADDITIONAL REQUIREMENTS.—(A) The report should use fiscal year 1995 as a baseline and include an implementation plan for steadily increasing the percentage of assistance channeled through such organizations, consistent with the funding commitment announced by Vice President Gore in March 1995.

(B) The report should also indicate the proportion of funds made available under the following provisions and channeled through such organizations:

(i) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(ii) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(iii) Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346).

SEC. 303. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

"(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated the following amounts for the following purposes (in addition to amounts otherwise available for such purposes):

"(A)(i) $1,500,000 for each of the fiscal years 1998 and 1999 to carry out subsection (b)(1).

"(ii) Funds authorized to be appropriated under this subparagraph shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under such subsection.

"(B) $500,000 for each of the fiscal years 1998 and 1999 to carry out paragraphs (2) and (3) of subsection (b).

"(2) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.".

SEC. 304. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108, as amended by this Act, the following new section:

"SEC. 108A. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for micro enterprises in developing countries.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

"(A) shall meet the needs of the very poor members of society, particularly poor women; and

"(B) should provide loans of $300 or less in 1995 United States dollars to such poor members of society.

"(4) The Administrator should continue support for mechanisms that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

"(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator shall, in accordance with section 1115 of title 31, United States Code (relating to performance plans), establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women.".

SEC. 305. PRIVATE SECTOR ENTERPRISE FUNDS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 601 the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

"(2) Funds may be made available under this section notwithstanding any other provision of law, except sections 502B and 490 of this Act.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(d)).

"(2) The authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

"(c) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives Funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

"(d) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(p)), that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year, shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(e) FUNDING.—(1) Amounts made available for a fiscal year to carry out chapter 1 of part I of this Act (relating to development assistance) and to carry out chapter 4 of part II of this Act (relating to the economic support fund) shall be available for such fiscal year to carry out this section, in addition to amounts otherwise available for such purposes.

"(2) In addition to amounts available under paragraph (1) for a fiscal year, amounts made available for such fiscal year to carry out chapter 10 of part I of this Act (relating to the Development Fund for Africa) shall be available for such fiscal year to carry out this section with respect to countries in Africa.".

SEC. 306. DEVELOPMENT CREDIT AUTHORITY.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 the following:

"SEC. 107A. DEVELOPMENT CREDIT AUTHORITY.

"(a) GENERAL AUTHORITY.—The President is authorized to use credit authority (loans, loan guarantees, and other investments involving the extension of credit) to achieve any of the development purposes of this part in cases where—

"(1) the borrowers or activities are deemed sufficiently creditworthy and do not otherwise have access to such credit; and

"(2) the use of credit authority would be appropriate to the achievement of such development purposes.

"(b) PRIORITY SECTOR POLICIES AND ACTIVITIES.—

"(1) IN GENERAL.—To the maximum extent practicable, preference shall be given to the use of credit authority to promote—

"(A) micro- and small enterprise development policies of section 108;

"(B) sustainable urban and environmental activities pursuant to the policy directives set forth in this part; and

"(C) other development activities that will support and enhance grant-financed policy and institutional reforms under this part.

"(2) DEVELOPMENT CREDIT AUTHORITY.—The credit authority described in paragraph (1) shall be known as the 'Development Credit Authority'.

"(c) GENERAL AUTHORITY.—

"(1) AUTHORITY.—Of the amounts made available to carry out this chapter, chapters 10 and 11 of this part, chapter 4 of part II of this Act, and the Support for East European Democracy (SEED) Act of 1989 for fiscal years 1998 and 1999, not more than $13,000,000 for each such fiscal year may be made available to carry out this section.

"(2) LIMITATIONS.—(A) Funds made available under paragraph (1) shall be used for activities in the same geographic region for which such funds were originally allocated.

"(B) The President shall notify the congressional committees specified in section 634A at least fifteen days in advance of each transfer of funds under paragraph (1) in accordance with procedures applicable to reprogramming notifications under such section.

"(3) SUBSIDY COST.—Amounts made available under paragraph (1) shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.

"(4) ADMINISTRATIVE EXPENSES.—

"(A) AMOUNTS MADE AVAILABLE.—Of the amounts made available under paragraph (1) for a fiscal year, not more than $1,500,000 may be made available for administrative expenses to carry out this section.

"(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated for administrative expenses to carry out this section and section 221 $6,000,000 for each of the fiscal years 1998 and 1999.

"(C) TRANSFER AUTHORITY.—Amounts made available under and subparagraph (A) and amounts authorized to be appropriated under subparagraph (B) may be transferred and merged with amounts made available for 'Operating Expenses of the Agency for International Development'.

"(5) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

"(d) GENERAL PROVISIONS APPLICABLE TO DEVELOPMENT CREDIT AUTHORITY.—

"(1) POLICY PROVISIONS.—In providing the credit assistance authorized by this section, the President should apply, as appropriate, the policy provisions in this part applicable to development assistance activities.

"(2) DEFAULT AND PROCUREMENT PROVISIONS.—

"(A) DEFAULT PROVISION.—The provisions of section 620(q) of this Act, or any comparable provisions of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

"(B) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a) of this Act.

"(3) TERMS AND CONDITIONS OF CREDIT ASSISTANCE.—(A) Assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the President may determine.

"(B) The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single country or borrower, may not exceed $100,000,000.

"(C) No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(4) FULL FAITH AND CREDIT.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

"(5) CO-FINANCING AND RISK SHARING.—

"(A) IN GENERAL.—(i) Assistance provided under this section shall be in the form of cofinancing or risk sharing.

"(ii) Credit assistance may not be provided to a borrower under this section unless the Administrator of the United States Agency for International Development determines that there are reasonable prospects of repayment by such borrower.

"(B) ADDITIONAL REQUIREMENT.—The investment or risk of the United States in any one development activity may not exceed 80 percent of the total outstanding investment or risk.

"(6) ELIGIBLE BORROWERS.—

"(A) IN GENERAL.—(i) In order to be eligible to receive credit assistance under this section, a borrower shall be sufficiently credit worthy so that the estimated costs (as defined in section 502 of the Federal Credit Reform Act) of the proposed credit assistance for the borrower does not exceed 30 percent of the principal amount of credit assistance to be received.

"(ii)(I) In addition, with respect to the eligibility of foreign governments as an eligible borrowers under this section, the Administrator of the United States Agency for International Development shall make a determination that the additional debt of the government will not exceed the debt repayment capacity of the government.

"(II) In making the determination under subclause (I), the Administrator shall consult, as appropriate, with international financial institutions and other institutions or agencies that assess debt service capacity.

"(7) ASSESSMENT OF CREDIT RISK.—(A) The Administrator of the United States Agency for International Development shall use the Interagency Country Risk Assessment System (ICRAS) and the methodology approved by the Office of Management and Budget to assess the cost of risk credit assistance provided under this section to foreign governments.

"(B) With respect to the provision of credit to nongovernmental organizations, the Administrator—

"(i) shall consult with appropriate private sector institutions, including the two largest United States private sector debt rating agencies, prior to establishing the risk assessment standards and methodologies to be used; and

"(ii) shall periodically consult with such institutions in reviewing the performance of such standards and methodologies.

"(C) In addition, if the anticipated share of financing attributable to public sector owned or controlled entities, including the United States Agency for International Development, exceeds 49 percent, the Administrator shall determine the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of such assistance by using the cost and risk assessment determinations of the private sector co-financing entities.

"(8) USE OF UNITED STATES TECHNOLOGY, FIRMS, AND EQUIPMENT.—Activities financed under this section shall, to the maximum extent practicable, use or employ United States technology, firms, and equipment.".

SEC. 307. FOREIGN GOVERNMENT PARKING FINES.

(a) IN GENERAL.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 620K. FOREIGN GOVERNMENT PARKING FINES.

"(a) IN GENERAL.—An amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, Virginia, Maryland, New York, and New York City by the government of a foreign country as of the end of a fiscal year, as certified and transmitted to the President by the chief executive officer of each State, City, or District, shall be withheld from obligation for such country out of funds available in the next fiscal year to carry out part I of this Act, until the requirement of subsection (b) is satisfied.

"(b) REQUIREMENT.—The requirement of this subsection is satisfied when the Secretary of State determines and certifies to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, Virginia, Maryland, and New York.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fines certified as of the end of fiscal year 1998 or any fiscal year thereafter.

(c) TECHNICAL AMENDMENT.—The second section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104–164 (110 Stat. 1436)—

(1) is redesignated as section 620J of such Act; and

(2) is inserted after section 620I of such Act.

SEC. 308. WITHHOLDING UNITED STATES ASSISTANCE TO COUNTRIES THAT AID THE GOVERNMENT OF CUBA.

(a) IN GENERAL.—Except as provided in subsection (a), not later than 180 days after the date of the enactment of this Act, the President shall withhold assistance under the Foreign Assistance Act of 1961 to any foreign government providing economic, development, or security assistance for, or engaging in nonmarket based trade with the Government of Cuba.

(b) WAIVER.—The President may waive the provisions of subsection (a) if the President certifies to the appropriate congressional committees that the provision of United States assistance is important to the national security of the United States.

(c) NONMARKET BASED TRADE DEFINED.—For the purpose of this section, the term "nonmarket based trade" means exports, imports, exchanges, or other arrangements that are provided for goods and services on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

(1) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

(2) imports from the Cuban Government at preferential tariff rates;

(3) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

(4) the exchange, reduction, or forgiveness of debt of the Cuban Government in exchange for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

TITLE IV—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—NARCOTICS CONTROL ASSISTANCE

SEC. 401. DEFINITION.

(a) IN GENERAL.—Section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)) is amended—

(1) in subparagraph (A)(ii), inserting "or under chapter 5 of part II" after "(including chapter 4 of part II)"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", other than sales or financing provided for narcotics-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)(1)) is amended by striking "$147,783,000 for fiscal year 1993 and $171,500,000 for fiscal year 1994" and inserting "$230,000,000 for each of the fiscal years 1998 and 1999".

SEC. 403. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.

(a) IN GENERAL.—Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended to read as follows:

"SEC. 490. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.

"(a) IN GENERAL.—For every country identified in the report under section 489(a)(3), the President shall, on or after March 1, 1998, and March 1 of each succeeding year, to the extent considered necessary by the President to achieve the purposes of this chapter, take one or more of the following actions:

"(1) Withhold from obligation and expenditure any or all United States assistance allocated each fiscal year in the report required by section 653 for each such country.

"(2) Instruct the Secretary of the Treasury to instruct the United States Executive Director of each multilateral development bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any such country.

"(b) CONSIDERATIONS.—In determining whether or not take one or more actions described in subsection (a), the President shall consider the extent to which—

"(1) the country has—

"(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement;

"(C) reached agreement, or is negotiating in good faith to reach agreement, to ensure that banks and other financial institutions of the country maintain adequate records of large United States currency transactions;

"(D) reached agreement, or is negotiating in good faith to reach agreement, to establish a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings; and

"(E) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts; and

"(2) such actions will—

"(A) promote the purposes of this chapter; and

"(B) affect other United States national interests.

"(c) CONSULTATIONS WITH THE CONGRESS.—

"(1) CONSULTATIONS.—The President shall consult with the Congress on the status of counter-narcotics cooperation between the United States and each major illicit drug producing country, major drug-transit country, or major money laundering country.

"(2) PURPOSE.—

"(A) IN GENERAL.—The purpose of the consultations under paragraph (1) shall be to facilitate improved discussion and understanding between the Congress and the President on United States counter-narcotics goals and objectives with regard to the countries described in paragraph (1), including the strategy for achieving such goals and objectives.

"(B) REGULAR AND SPECIAL CONSULTATIONS.—In order to carry out subparagraph (A), the President (or senior officials designated by the President who are responsible for international narcotics programs and policies) shall meet with Members of Congress—

"(i) on a quarterly basis for discussions and consultations; and

"(ii) whenever time-sensitive issues arise.

"(d) DEFINITION.—For purposes of this section, the term 'multilateral development bank' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.".

(b) CONFORMING AMENDMENTS.—(1) Section 481(e)(8) of such Act (22 U.S.C. 2291(e)(8)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(2) Section 485(b) of such Act (22 U.S.C. 2291d(b)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(3) Section 488(a)(3) of such Act (22 U.S.C. 2291g(a)(3)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(4) Section 489(a) of such Act (22 U.S.C. 2291h(a)) is amended—

(A) in paragraph (3)(A), by striking "as determined under section 490(h)"; and

(B) in the matter preceding subparagraph (A) of paragraph (7), by striking "paragraph (3)(D)" and inserting "paragraph (3)(C)".

CHAPTER 2—NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS

SEC. 411. NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following (and conforming the table of contents accordingly):

"CHAPTER 9—NONPROLIFERATION, ANTITERRORISM, DEMINING AND RELATED PROGRAMS

"SEC. 581. NONPROLIFERATION AND DISARMAMENT FUND.

"(a) ESTABLISHMENT OF FUND.—The President shall establish a Nonproliferation and Disarmament Fund, which may be used notwithstanding any other provision of law, to promote bilateral and multilateral nonproliferation and disarmament activities—

"(1) to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons;

"(2) to dismantle and destroy nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

"(3) to prevent the diversion of weapons-related scientific and technical expertise; and

"(4) to support science and technology centers in Russia and the Ukraine.

"(b) PROHIBITED ACTIVITIES.—Amounts made available to carry out subsection (a) may not be used to implement United States obligations pursuant to bilateral or multilateral arm control treaties or nonproliferation accords, including the payment of salaries and expenses.

"(c) ADDITIONAL REQUIREMENTS.—

"(1) NOTIFICATION.—Amounts made available to carry out subsection (a) may be provided only if the congressional committees specified in section 634A of this Act are notified at least fifteen days before providing funds under such subsection in accordance with procedures applicable to reprogramming notifications under such section.

"(2) ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION AND INTERNATIONAL ORGANIZATIONS.—Amounts made available to carry out subsection (a) may only be provided for the independent states of the former Soviet Union and international organizations if the Secretary of State—

"(A) determines it is in the national interest of the United States to do so; and

"(B) includes such determination in the notification described in paragraph (1).

"(d) AVAILABILITY OF AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available to carry out this chapter for fiscal years 1998 and 1999—

"(A) not less than $15,000,000 for each such fiscal year may be made available to carry out subsection (a); and

"(B) not more than $5,000,000 of the amount made available under subparagraph (A) for fiscal year 1998, and not more than $3,000,000 of such amount made available in fiscal year 1999, may be used to support export control programs.

"(2) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

"SEC. 582. ASSISTANCE FOR ANTITERRORISM.

"Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out chapter 8 of part II of this Act.

"SEC. 583. ASSISTANCE FOR DEMINING.

"The President is authorized to provide assistance for demining activities, notwithstanding any other provision of law, including—

"(1) to enhance the ability of countries, international organizations, and nongovernmental organizations to detect and clear landmines; and

"(2) to educate affected populations about the dangers of landmines.

"SEC. 584. ASSISTANCE FOR RELATED PROGRAMS.

"(a) IN GENERAL.—Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out section 301 of this Act for voluntary contributions to the International Atomic Energy Agency (IAEA) and the Korean Peninsula Energy Development Organization (KEDO) and to programs administered by such organizations.

"(b) LIMITATION.—Of the amounts made available under subsection (a) for fiscal years 1998 and 1999, not more than $30,000,000 may be made available for each fiscal year to KEDO for the administrative expenses and heavy fuel oil costs associated with implementation of the Agreed Framework.

"SEC. 585. DEFINITIONS.

"As used in this chapter—

"(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the documents agreed to between the United States and the Democratic People's Republic of Korea on October 21, 1994, regarding elimination of the nuclear weapons program of the Democratic People's Republic of Korea and the provision of certain assistance to that country.

"(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term 'independent states of the former Soviet Union' has the meaning given such term in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

"SEC. 586. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $110,000,000 for fiscal year 1998 and $111,000,000 for fiscal year 1999, in addition to amounts otherwise available for such purposes, to carry out the purpose of this chapter.

"(b) ADMINISTRATIVE AUTHORITIES.—Any agency of the United States Government may utilize such funds in accordance with authority granted under this Act or under authority governing the activities of that agency.

"(c) DESIGNATION OF ACCOUNT.—Appropriations pursuant to subsection (a) may be referred to as the "Nonproliferation, Antiterrorism, Demining and Related Programs Account" or "NADR Account".

(b) REFERENCE IN OTHER PROVISIONS OF LAW.—A reference in any other provision of law to section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) shall be deemed to include a reference to chapter 9 of part II of the Foreign Assistance Act of 1961, as added by subsection (a).

(c) CONFORMING AMENDMENTS.—(1) Section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) is hereby repealed.

(2) The table of contents of such Act is amended by striking the item relating to section 504.

CHAPTER 3—FOREIGN MILITARY FINANCING PROGRAM

SEC. 421. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,318,000,000 for fiscal year 1998; and

(2) $3,274,250,000 for fiscal year 1999.

SEC. 422. ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT—Such assistance shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) Advanced Weapons Systems.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 423. ASSISTANCE FOR EGYPT.

(a) Minimum Allocation.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program" account), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) Terms of Assistance.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

SEC. 424. AUTHORIZATION OF ASSISTANCE TO FACILITATE TRANSITION TO NATO MEMBERSHIP UNDER NATO PARTICIPATION ACT OF 1994.

(a) Minimum Allocation.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not less than $50,900,000 for each such fiscal year shall be made available for the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

(b) Terms of Assistance.—The assistance provided under subsection (a) may be provided on a grant basis, and may also be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans to countries eligible for assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

SEC. 425. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal year 1998 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) not more than $12,850,000 shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) not more than $33,150,000 shall be made available for such subsidy cost of direct loans for Turkey.

SEC. 426. LIMITATIONS ON LOANS.

Of the amounts made available for fiscal year 1999 under section 23 of the Arms Export Control (22 U.S.C. 2763) for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans, no such amounts shall be made available to any country which has an Inter-Agency Country Risk Assessment Systems (ICRAS) rating of less than grade C-.

SEC. 427. ADMINISTRATIVE EXPENSES.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not more than $23,250,000 for each of the fiscal years 1998 and 1999 may be made available for necessary expenses for the general costs of administration of military assistance and sales, including expenses incurred in purchasing passenger motor vehicles for replacement for use outside the United States.

CHAPTER 4—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking "$56,221,000 for the fiscal year 1986 and $56,221,000 for the fiscal year 1987" and inserting "$50,000,000 for each of the fiscal years 1998 and 1999".

SEC. 432. IMET ELIGIBILITY FOR PANAMA AND HAITI.

Notwithstanding section 660(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(c)), assistance under chapter 5 of part II of such Act (22 U.S.C. 2347) may be provided to Panama and Haiti for each of the fiscal years 1998 and 1999.

CHAPTER 5—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

SEC. 441. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) Brazil.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the "HUNLEY" class submarine tender HOLLAND (AS 32).

(b) Chile.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "KAISER" class oiler ISHERWOOD (T-AO 191).

(c) Egypt.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the "KNOX" class frigates PAUL (FF 1080), MILLER (FF 1091), JESSE L. BROWN (FFT 1089), and MOINESTER (FFT 1097), and the "OLIVER HAZARD PERRY" class frigates FAHRION (FFG 22) and LEWIS B. PULLER (FFG 23).

(d) Israel.—The Secretary of the Navy is authorized to transfer to the Government of Israel the "NEWPORT" class tank landing ship PEORIA (LST 1183).

(e) Malaysia.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship BARBOUR COUNTY (LST 1195).

(f) Mexico.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the "KNOX" class frigate ROARK (FF 1053).

(g) Taiwan.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "KNOX" class frigates WHIPPLE (FF 1062) and DOWNES (FF 1070).

(h) Thailand.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the "NEWPORT" class tank landing ship SCHENECTADY (LST 1185).

(i) Form of Transfers.—Each transfer authorized by this section shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

SEC. 442. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this chapter shall be charged to the recipient.

SEC. 443. EXPIRATION OF AUTHORITY.

The authority granted by section 451 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 444. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this chapter, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

CHAPTER 6—INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT

SEC. 451. SHORT TITLE.

This chapter may be cited as the "Indonesia Military Assistance Accountability Act".

SEC. 452. FINDINGS.

The Congress finds the following:

(1)(A) Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian.

(B) The government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military.

(C) The government requires allegiance to a state ideology known as "Pancasila", which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements.

(2) The Government of Indonesia recognizes only one official trade union, has refused to register independent trade unions such as the Indonesian Prosperity Trade Union (SBSI), has arrested Muchtar Pakpahan, the General Chairman of the SBSI, on charges of subversion, and other labor activists, and has closed the offices and confiscated materials of the SBSI.

(3) Civil society organizations in Indonesia, such as environmental organizations, election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, and community organizations, have been harassed by the Government of Indonesia through such means as detentions, interrogations, denial of permission for meetings, banning of publications, repeated orders to report to security forces or judicial courts, and illegal seizure of documents.

(4)(A) The armed forces of Indonesia continue to carry out torture and other severe violations of human rights in East Timor, Irian Jaya, and other parts of Indonesia, to detain and imprison East Timorese and others for nonviolent expression of political views, and to maintain unjustifiably high troop levels in East Timor.

(B) Indonesian civil authorities must improve their human rights performance in East Timor, Irian Jaya, and elsewhere in Indonesia, and aggressively prosecute violations.

(5) The Nobel Prize Committee awarded the 1996 Nobel Peace Prize to Bishop Carlos Felipe Ximenes Belo and Jose Ramos Horta for their tireless efforts to find a just and peaceful solution to the conflict in East Timor.

(6) In 1992, the Congress suspended the international military and education training (IMET) program for Indonesia in response to a November 12, 1991, shooting incident in East Timor by Indonesian security forces against peaceful Timorese demonstrators in which no progress has been made in accounting for the missing persons either in that incident or others who disappeared in 1995-96.

(7) On August 1, 1996, then Secretary of State Warren Christopher stated in testimony before the Committee on Foreign Relations of the Senate, "I think there's a strong interest in seeing an orderly transition of power there [in Indonesia] that will recognize the pluralism that should exist in a country of that magnitude and importance.".

(8) The United States has important economic, commercial, and security interests in Indonesia because of its growing economy and markets and its strategic location astride a number of key international straits which will only be strengthened by democratic development in Indonesia and a policy which promotes political pluralism and respect for universal human rights.

SEC. 453. LIMITATION ON MILITARY ASSISTANCE TO THE GOVERNMENT OF INDONESIA.

(a) In General.—The United States shall not provide military assistance and arms transfers programs for a fiscal year to the Government of Indonesia unless the President determines and certifies to the Congress for that fiscal year that the Government of Indonesia meets the following requirements:

(1) Domestic monitoring of elections.—(A) The Government of Indonesia provides official accreditation to independent election-monitoring organizations, including the Independent Election Monitoring Committee (KIPP), to observe national elections without interference by personnel of the Government or of the armed forces.

(B) In addition, such organizations are allowed to assess such elections and to publicize or otherwise disseminate the assessments throughout Indonesia.

(2) Protection of nongovernmental organizations.—The police or military of Indonesia do not confiscate materials from or otherwise engage in illegal raids on the offices or homes of members of both domestic or international nongovernmental organizations, including election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, community organizations, environmental organizations, and religious organizations.

(3) Accountability for attack on PDI headquarters.—As recommended by the Government of Indonesia's National Human Rights Commission, the Government of Indonesia has investigated the attack on the headquarters of the Democratic Party of Indonesia (PDI) on July 27, 1996, prosecuted individuals who planned and carried out the attack, and made public the postmortem examination of the five individuals killed in the attack.

(4) Resolution of conflict in East Timor.—

(A) Establishment of dialogue.—The Government of Indonesia is doing everything possible to enter into a process of dialogue, under the auspices of the United Nations, with Portugal and East Timorese leaders of various viewpoints to discuss ideas toward a resolution of the conflict in East Timor and the political status of East Timor.

(B) Reduction of troops.—The Government of Indonesia has established and implemented a plan to reduce the number of Indonesian troops in East Timor.

(C) Release of political prisoners.—Individuals detained or imprisoned for the nonviolent expression of political views in East Timor have been released from custody.

(5) Improvement in labor rights.—The Government of Indonesia has taken the following actions to improve labor rights in Indonesia:

(A) The Government has dropped charges of subversion, and previous charges against the General Chairman of the SBSI trade union, Muchtar Pakpahan, and released him from custody.

(B) The Government has substantially reduced the requirements for legal recognition of the SBSI or other legitimate worker organizations as a trade union.

(b) Waivers.—

(1) In general.—The limitation on United States military assistance and arms transfers under subsection (a) shall not apply if the President determines and notifies the Congress that—

(A) an emergency exists that requires providing such assistance or arms transfers for the Government of Indonesia; or

(B) subject to paragraph (2), it is in the national interest of the United States to provide such assistance or arms transfers for the Government of Indonesia.

(2) Applicability.—A determination under paragraph (1)(B) shall not become effective until 15 days after the date on which the President notifies the Congress in accordance with such paragraph.

(c) Effective Date.—The limitation on United States military assistance and arms transfers under subsection (a) shall apply only with respect to assistance provided for, and arms transfers made pursuant to agreements entered into, fiscal years beginning after the date of enactment of this Act.

SEC. 454. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

As used in this chapter, the term "military assistance and arms transfers" means—

(1) small arms, crowd control equipment, armored personnel carriers, and such other items that can commonly be used in the direct violation of human rights; and

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training or "IMET"), except such term shall not include Expanded IMET, pursuant to section 541 of such Act.

CHAPTER 7—OTHER PROVISIONS

SEC. 461. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES.

Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1998 and 1999".

SEC. 462. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.

(a) Authority.—

(1) In general.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) Items described.—The items described in this paragraph are equipment, tanks, weapons, repair parts, and ammunition that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, are located in a stockpile in the Republic of Korea.

(b) Concessions.—The value of the concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Advance Notification of Transfer.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the congressional defense committees a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) Expiration of Authority.—No transfer may be made under the authority of this section more than two years after the date of the enactment of this Act.

SEC. 463. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) Value of Additions to Stockpiles.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) Requirements Relating to the Republic of Korea and Thailand.—Section 514(b)(2)(B) of such Act (22 U.S.C 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

SEC. 464. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C.2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

SEC. 465. CASH FLOW FINANCING NOTIFICATION.

Section 25 of the Arms Export Control Act (22 U.S.C. 2765) is amended—

(1) in the second subsection (d)—

(A) by striking "(d)" and inserting "(e)"; and

(B) by striking the semicolon at the end and inserting a period; and

(2) by adding at the end the following:

"(f) For each country that has been approved for cash flow financing (as defined in subsection (e)) under section 23 of this Act (relating to the 'Foreign Military Financing Program'), any letter of offer and acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act and through the regular notification procedures of the Committee on Appropriations.".

SEC. 466. MULTINATIONAL ARMS SALES CODE OF CONDUCT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall convene negotiations with all Wassenaar Arrangement countries for the purpose of establishing a multinational arms sales code of conduct.

(b) CONDUCT OF NEGOTIATIONS.—Such negotiations shall achieve agreement on restricting or prohibiting arms transfers to countries that—

(1) do not respect democratic processes and the rule of law;

(2) do not adhere to internationally-recognized norms on human rights; or

(3) are engaged in acts of armed aggression.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall prepare and transmit to the Committee on International Relations of the House of Representative and the Committee on Foreign Relations of the Senate a report on—

(1) efforts to establish a multinational arms sales code of conduct;

(2) progress toward establishing such code of conduct; and

(3) any obstacles that impede the establishment of such code of conduct.

TITLE V—ECONOMIC ASSISTANCE

CHAPTER 1—ECONOMIC SUPPORT ASSISTANCE

SEC. 501. ECONOMIC SUPPORT FUND.

Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2.388,350,000 for fiscal year 1998 and $2,350,600,000 for fiscal year 1999.".

SEC. 502. ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) CASH TRANSFER.—The total amount of funds allocated for Israel for each fiscal year under subsection (a) shall be made available on a grant basis as a cash transfer.

(2) EXPEDITED DISBURSEMENT.—Such funds shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) ADDITIONAL REQUIREMENT.—In exercising the authority of this subsection, the President shall ensure that the amount of funds provided as a cash transfer to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 503. ASSISTANCE FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

(b) ADDITIONAL REQUIREMENT.—In exercising the authority of this section, the President shall ensure that the amount of funds provided as a cash transfer to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(c) DECLARATION OF POLICY.—The Congress declares the following:

(1) Assistance to Egypt is based in great measure upon Egypt's continued implementation of the Camp David accords and the Egyptian-Israeli peace treaty.

(2) Fulfillment by Egypt of its obligations under the agreements described in paragraph (1) has been disappointing, particularly the failure by Egypt to meet fully its commitment made at Camp David to establish with Israel "relationships normal to states at peace with one another", and in its recent support for reimposing the Arab economic boycott of Israel.

(3) Support for future funding levels of assistance for Egypt will be determined largely on whether Egypt fulfills its obligations to develop normal relations with Israel and to promote peace with Israel and other critical United States interests both in Egypt and the wider Arab world.

SEC. 504. INTERNATIONAL FUND FOR IRELAND.

(a) FUNDING.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not more than $19,600,000 for each of the fiscal years 1998 and 1999 shall be available for the United States contribution to the International Fund for Ireland in accordance with the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415).

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentences: "United States contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment significantly higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions shall be used to benefit individuals residing in such communities.".

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(ii) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(iii) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(B) may be provided to an individual or entity in Northern Ireland only if such individual or entity is in compliance with the principles of economic justice."; and

(B) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking "principle of equality" and all that follows and inserting "principles of economic justice; and"; and

(B) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering the highest rates of unemployment".

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) each individual or entity receiving assistance from United States contributions to the International Fund has agreed in writing to comply with the principles of economic justice.".

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.".

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) the term 'Northern Ireland' includes the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh; and

"(4) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

SEC. 505. ASSISTANCE FOR TRAINING OF CIVILIAN PERSONNEL OF THE MINISTRY OF DEFENSE OF THE GOVERNMENT OF NICARAGUA.

Notwithstanding section 531(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(e)), amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of such Act (22 U.S.C. 2346; relating to the economic support fund) may be made available for assistance and training for civilian personnel of the Ministry of Defense of the Government of Nicaragua if, prior to the provision of such assistance, the Secretary of State determines and reports to the Congress that such assistance is necessary to establishing a civilian Ministry of Defense capable of effective oversight and management of the Nicaraguan armed forces and ensuring respect for civilian authority and human rights.

SEC. 506. AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $2,000,000 for each such fiscal year shall be made available to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 6001 et seq.).

CHAPTER 2—DEVELOPMENT ASSISTANCE

Subchapter A—Development Assistance Authorities

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

(a) Development Assistance Fund.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 and before section 107A, as added by this Act, the following:

"SEC. 107. DEVELOPMENT ASSISTANCE FUND.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to the President to carry out sections 103 through 106, in addition to amounts otherwise available for such purposes, $1,203,000,000 for each of the fiscal years 1998 and 1999.

"(b) Additional Use of Amounts.—Of the amounts authorized to be appropriated under subsection (a)—

"(1) the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980;

"(2) $2,500,000 for fiscal year 1998 and $4,000,000 for fiscal year 1999 may be made available to carry out section 510 of the International Security and Development Cooperation Act of 1980 (relating to the African Development Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 510 of such Act); and

"(3) $2,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999 may be made available to carry out section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 401 of such Act).

"(c) Availability.—The amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.".

(b) Development Fund for Africa.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended to read as follows:

"(a) In General.—Of the amounts made available to carry out sections 103 through 106 (including section 104(c)) for fiscal years 1998 and 1999, not less than $700,000,000 for each of the fiscal years 1998 and 1999 shall be made available to carry out this chapter (in addition to amounts otherwise available for such purposes).

"(b) Availability.—Amounts made available under subsection (a) are authorized to remain available until expended.".

(c) Assistance for the Independent States of the Former Soviet Union.—Section 498C(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295c(a)) is amended by striking "for fiscal year 1993 $410,000,000" and inserting "for economic assistance and related programs, $839,900,000 for fiscal year 1998 and $789,900,000 for fiscal year 1999".

(d) Assistance for East European Countries.—

(1) In general.—There are authorized to be appropriated to the President, in addition to amounts otherwise available for such purposes, $471,000,000 for fiscal year 1998 and $337,000,000 for fiscal year 1999 for economic assistance and related programs for Eastern Europe and the Baltic states under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(2) Debt relief for Bosnia and Herzegovina.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated for fiscal years 1998 and 1999 under paragraph (1), not more than $5,000,000 may be made available for the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of modifying direct loans and loan guarantees for Bosnia and Herzegovina.

(3) Availability.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(e) Inter-American Foundation.—Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the President to carry out programs under this section, in addition to amounts otherwise available for such purposes, $20,000,000 for fiscal year 1998 and $15,000,000 for fiscal year 1999.

"(B) Amounts authorized to be appropriated under subparagraph (A) are authorized to remain available until expended.".

(f) African Development Foundation.—The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h–8) is amended by striking "$3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987" and inserting "$11,500,000 for fiscal year 1998 and $10,000,000 for fiscal year 1999.".

SEC. 512. CHILD SURVIVAL ACTIVITIES.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended to read as follows:

"(c) Assistance for Child Survival, Health, Basic Education for Children, and Disease Prevention.—

"(1) Authority.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for child survival and health programs, including programs that address the special health and nutrition needs of children and mothers, and basic education programs for children. Assistance under this subsection may be used for the following:

"(A) Activities whose primary purpose is to reduce child morbidity and child mortality and which have a substantial, direct, and measurable impact on child morbidity and child mortality, such as—

"(i) immunization;

"(ii) oral rehydration;

"(iii) activities relating to Vitamin A deficiency, iodine deficiency, and other micronutrients;

"(iv) programs designed to reduce child malnutrition;

"(v) programs to prevent and treat acute respiratory infections;

"(vi) programs for the prevention, treatment, and control of, and research on, polio, malaria and other diseases primarily affecting children; and

"(vii) programs whose primary purpose is to prevent neonatal mortality.

"(B) Other child survival activities such as—

"(i) basic integrated health services;

"(ii) assistance for displaced and orphaned children;

"(iii) safe water and sanitation;

"(iv) health programs, and related education programs, which primarily address the needs of mothers and children; and

"(v) related health planning and research.

"(C) Basic education programs for mothers and children.

"(D) Other disease activities such as programs for the prevention, treatment and control of, and research on, tuberculosis, HIV/AIDS, and other diseases.

"(2) Priority.—Child survival activities administered by the United States Agency for International Development under this subsection shall be primarily devoted to activities of the type described in paragraph (1)(A).

"(3) Application of other authorities.—Funds made available to carry out this subsection that are provided for countries receiving assistance under chapters 10 and 11 of part I of this Act or the Support for East European Democracy (SEED) Act of 1989, may be made available—

"(A) only for the activities described in of paragraph (1); and

"(B) except to the extent inconsistent with subparagraph (A), pursuant to the authorities otherwise applicable to the provision of assistance for such countries.

"(4) International organizations.—Funds made available to carry out this subsection may be used to make contributions on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of this Act.

"(5) PVO/child survival grants program.—Of amounts made available to carry out this subsection for a fiscal year, not less than $30,000,000 should be provided to the private and voluntary organizations under the PVO/Child Survival grants program carried out by the United States Agency for International Development.

"(6) Report.—The Administrator of the United States Agency for International Development shall report to Congress, as part of the congressional presentation document required under section 634 of this Act, the total amounts to be provided for activities under each subparagraph of paragraph (1).

"(7) Authorization of appropriations.—(A) In addition to amounts otherwise available for such purposes, and in addition to amounts made available under section 107, there are authorized to be appropriated to the President $600,000,000 for each of the fiscal years 1998 and 1999 for use in carrying out this subsection.

"(B) Amounts appropriated under this paragraph are authorized to remain available until expended.

"(8) Designation of fund.—Appropriations pursuant to this subsection may be referred to as the 'Child Survival and Disease Programs Fund'.".

SEC. 513. REQUIREMENT ON ASSISTANCE TO THE RUSSIAN FEDERATION.

(a) In General.—Of the amounts made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999, not more than $95,000,000 for each such fiscal year may be provided to the Russian Federation unless the President determines and reports to the Congress for each such fiscal year that—

(1) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, ballistic missile or nuclear programs in Iran, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such programs in Iran by persons and entities subject to its jurisdiction; and

(2) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, nuclear reactor projects in Cuba, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such projects in Cuba by persons and entities subject to its jurisdiction.

(b) Additional Limitation.—

(1) In general.—Notwithstanding subsection (a), none of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS-N-22 missile system to the People's Republic of China.

(2) Exception.—Paragraph (1) shall not apply if the President determines that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

SEC. 514. HUMANITARIAN ASSISTANCE FOR ARMENIA AND AZERBAIJAN.

(a) Sense of the Congress.—It is the sense of the Congress that the President should seek cooperation from the governments of Armenia and Azerbaijan to ensure that humanitarian assistance, including assistance delivered through nongovernmental organizations and private and voluntary organizations, shall be available to all needy citizens within Armenia and Azerbaijan, including those individuals in the region of Nagorno-Karabakh.

(b) Report.—The President shall prepare and transmit a report to the Congress on humanitarian needs throughout Armenia and Azerbaijan and the provision of assistance to meet such needs by United States and other donor organizations and states.

SEC. 515. AGRICULTURAL DEVELOPMENT AND RESEARCH ASSISTANCE.

(a) Findings.—The Congress finds that the proportion of United States development assistance devoted to agricultural development and research has declined sharply from 17 percent in 1990 to 8 percent in 1996.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) United States investment in international agricultural development and research has been a critical part of many economic development successes;

(2) agricultural development and research advance food security, thereby reducing poverty, increasing political stability, and promoting United States exports; and

(3) the United States Agency for International Development should increase the emphasis it places on agricultural development and research and expand the role of agricultural development and research in poverty relief, child survival, and environmental programs.

SEC. 516. ACTIVITIES AND PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION AND THE ASIA AND THE PACIFIC REGION.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under sections 103 through 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a through 2151d), including assistance under section 104(c) of such Act (22 U.S.C. 2151b(c)), the amount made available for activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region should be in at least the same proportion to the total amount of such assistance made available as the amount identified in the congressional presentation documents for development assistance for each of the fiscal years 1998 and 1999, respectively, for each such region is to the total amount requested for development assistance for each such fiscal year.

SEC. 517. SUPPORT FOR AGRICULTURAL DEVELOPMENT ASSISTANCE.

(a) In General.—For each of the fiscal years 1998 and 1999 the President should allocate an aggregate level to programs under section 103 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a; relating to agriculture, rural development, and nutrition) in amounts equal to the level provided to such programs in fiscal year 1997.

(b) Increasing Levels.—If appropriations for programs under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance) increase in fiscal year 1998 or 1999 above levels provided in fiscal year 1997, the President should allocate an increasing level for programs under section 103 of such Act (22 U.S.C. 2151a: relating to agriculture, rural development, and nutrition).

Subchapter B—Operating Expenses

SEC. 521. OPERATING EXPENSES GENERALLY.

Section 667(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)(1)) is amended to read as follows:

"(1) $473,000,000 for fiscal year 1998 and $465,000,000 for fiscal year 1999 for necessary operating expenses of the United States Agency for International Development (other than the Office of the Inspector General of such agency);".

SEC. 522. OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.

Section 667(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)), as amended by this Act, is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) $29,047,000 for each of the fiscal years 1998 and 1999 for necessary operating expenses of the Office of the Inspector General of such agency; and".

CHAPTER 3—URBAN AND ENVIRONMENTAL CREDIT PROGRAM

SEC. 531. URBAN AND ENVIRONMENTAL CREDIT PROGRAM.

(a) In General.—The heading for title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended to read as follows:

"TITLE III—URBAN AND
ENVIRONMENTAL CREDIT PROGRAM".

(b) Repeals.—(1) Section 222(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182(k)) is hereby repealed.

(2) Section 222A of such Act (22 U.S.C. 2182a) is hereby repealed.

(3) Section 223(j) of such Act (22 U.S.C. 2183(j)) is hereby repealed.

CHAPTER 4—THE PEACE CORPS

SEC. 541. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $222,000,000 for fiscal year 1998 and $225,000,000 for fiscal year 1999.

"(2) Amounts authorized to be appropriated under paragraph (1)—

"(A) with respect to fiscal year 1998 are authorized to remain available until September 30, 1999; and

"(B) with respect to fiscal year 1999 are authorized to remain available until September 30, 2000.".

SEC. 542. ACTIVITIES OF THE PEACE CORPS IN THE FORMER SOVIET UNION AND MONGOLIA.

Of the amounts made available for fiscal years 1998 and 1999 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance for the independent states of the former Soviet Union), not more than $11,000,000 for each such fiscal year shall be available for activities of the Peace Corps in the independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992) and Mongolia.

SEC. 543. AMENDMENTS TO THE PEACE CORPS ACT.

(a) Terms and Conditions of Volunteer Service.—Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (f)(1)(B), by striking "Civil Service Commission" and inserting "Office of Personnel Management";

(2) in subsection (h), by striking "the Federal Voting Assistance Act of 1955" and all that follows through the end of the subsection and inserting "sections 5584 and 5732 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section 5732), section 1 of the Act of June 4, 1920 (22 U.S.C. 214), and section 3342 of title 31, United States Code."; and

(3) in subsection (j), by striking "section 1757 of the Revised Statutes" and all that follows through the end of the subsection and inserting ‘section 3331 of title 5, United States Code.".

(b) General Powers and Authorities.—Section 10 of such Act (22 U.S.C. 2509) is amended—

(1) in subsection (a)(4), by striking "31 U.S.C. 665(b)" and inserting "section 1342 of title 31, United States Code"; and

(2) in subsection (a)(5), by striking "*Provided*, That" and all that follows through the end of the paragraph and inserting ", except that such individuals shall not be deemed employees for the purpose of any law administered by the Office of Personnel Management.".

(c) Utilization of Funds.—Section 15 of such Act (22 U.S.C. 2514) is amended—

(1) in the first sentence of subsection (c)—

(A) by striking "Public Law 84–918 (7 U.S.C. 1881 et seq.)" and inserting "subchapter VI of chapter 33 of title 5, United States Code (5 U.S.C. 3371 et seq.)''; and

(B) by striking ''specified in that Act''and inserting ''or other organizations specified in section 3372(b) of such title''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''section 9 of Public Law 60–328 (31 U.S.C. 673)'' and inserting ''section 1346 of title 31, United States Code'';

(B) in paragraph (6), by striking ''without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)'';

(C) in paragraph (11)—

(i) by striking ''Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.),'' and inserting ''Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (12), by striking the period at the end and by inserting ''; and''; and

(E) by adding at the end the following:

''(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States without regard to section 40118 of title 49, United States Code.''.

(d) PROHIBITION ON USE OF FUNDS FOR ABORTIONS.—Section 15 of such Act (22 U.S.C. 2514) is amended, as amended by this Act, is further amended by adding at the end the following new subsection:

''(e) Funds made available for the purposes of this Act may not be used to pay for abortions.''.

CHAPTER 5—INTERNATIONAL DISASTER ASSISTANCE

SEC. 551. AUTHORITY TO PROVIDE RECONSTRUCTION ASSISTANCE.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking ''and rehabilitation'' and inserting '', rehabilitation, and reconstruction, as the case may be,'';

(2) in subsection (b), by striking ''and rehabilitation'' and inserting '', rehabilitation, and reconstruction''; and

(3) in subsection (c), by striking ''and rehabilitation'' and inserting '', rehabilitation, and reconstruction''.

SEC. 552. AUTHORIZATIONS OF APPROPRIATIONS.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. (22 U.S.C. 2292a(a)) is amended in the first sentence to read as follows: ''There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $190,000,000 for each of the fiscal years 1998 and 1999.''.

CHAPTER 6—DEBT RELIEF

SEC. 561. DEBT RESTRUCTURING FOR FOREIGN ASSISTANCE.

Chapter 6 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2271 et seq.) is amended to read as follows:

''CHAPTER 6—DEBT RELIEF

''SEC. 461. SPECIAL DEBT RELIEF FOR POOR COUNTRIES.

''(a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States Government by a country described in subsection (b) as a result of—

''(1) loans or guarantees issued under this Act; or

''(2) credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(b) COUNTRY DESCRIBED.—A country described in this subsection is a country—

''(1) with a heavy debt burden that is eligible to borrow from the International Development Association but not from the International Bank for Reconstruction and Development (commonly referred to as an 'IDA-only' country);

''(2) the government of which—

''(A) does not have an excessive level of military expenditures;

''(B) has not repeatedly provided support for acts of international terrorism; and

''(C) is not failing to cooperate with the United States on international narcotics control matters;

''(3) the government (including the military or other security forces of such government) of which does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

''(4) that is not ineligible for assistance because of the application of section 527(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

''(c) LIMITATIONS.—The authority under subsection (a) may be exercised—

''(1) only to implement multilateral official debt relief ad referendum agreements (commonly referred to as 'Paris Club Agreed Minutes'); and

''(2) only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

''(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to the exercise of authority under subsection (a)—

''(1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country; and

''(2) may be exercised notwithstanding section 620(r) of this Act or any comparable provision of law.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President for the purpose of carrying out this section and the Foreign Operations, Export Financing, and Related Programs Supplemental Appropriations Act, 1994 (title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994; Public Law 103-306) $32,000,000 for each of the fiscal years 1998 and 1999.

''(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.''.

SEC. 562. DEBT BUYBACKS OR SALES FOR DEBT SWAPS.

Part IV of the Foreign Assistance Act of 1961 (22 U.S.C. 2430 et seq.) is amended by adding at the end the following:

''SEC. 711. AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES.

''(a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

''(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to this Act, to the government of any eligible country, as defined in section 702(6), or on receipt of payment from an eligible purchaser or such eligible country, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

''(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

''(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities (i) that link conservation and sustainable use of natural resources with local community development, and (ii) for child survival and other child development activities, in a manner consistent with sections 707 through 710, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

''(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

''(3) ADMINISTRATION.—The Facility, as defined in section 702(8), shall notify the Administrator of the United States Agency for International Development of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

''(4) LIMITATION.—To the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are necessary, the authorities of this subsection shall be available only where such appropriations are made in advance.

''(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in an account or accounts established in the Treasury for the repayment of such loan.

''(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

''(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.''.

CHAPTER 7—OTHER ASSISTANCE PROVISIONS

SEC. 571. EXEMPTION FROM RESTRICTIONS ON ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

''(e)(1) Subject to paragraph (3), restrictions contained in this Act or any other provision of law with respect to assistance for a country shall not be construed to restrict assistance under this chapter, chapter 10, and chapter 11 of this part, chapter 4 of part II, or the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), in support of programs of nongovernmental organizations.

''(2) The President shall take into consideration, in any case in which a restriction on assistance for a country would be applicable but for this subsection, whether assistance for programs of nongovernmental organizations is in the national interest of the United States.

"(3) Whenever the authority of this subsection is used to furnish assistance in support of a program of a nongovernmental organization, the President shall notify the congressional committees specified in section 634A(a) of this Act in accordance with procedures applicable to reprogramming notifications under that section. Such notification shall describe the program assisted, the assistance provided, and the reasons for furnishing such assistance.".

SEC. 572. FUNDING REQUIREMENTS RELATING TO UNITED STATES PRIVATE AND VOLUNTARY ORGANIZATIONS.

(a) IN GENERAL.—Section 123(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(g)) is amended to read as follows:

"(g) Funds made available to carry out this chapter or chapter 10 of this part may not be made available to any United States private and voluntary organization, except any cooperative development organization, that obtains less than 20 percent of its total annual funding for its international activities from sources other than the United States Government.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to funds made available for programs of any United States private and voluntary organization on or after the date of the enactment of this Act.

SEC. 573. DOCUMENTATION REQUESTED OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by inserting after subsection (v), as added by this Act, the following:

"(w) None of the funds made available to carry out this Act shall be available to any private and voluntary organization which—

"(1) fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development; or

"(2) is not registered with the United States Agency for International Development.".

SEC. 574. ENCOURAGEMENT OF FREE ENTERPRISE AND PRIVATE PARTICIPATION.

Section 601(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2351(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding the following:

"(2) To the maximum extent feasible, in providing assistance under Part I of this Act, the President should give special emphasis to programs and activities that encourage the creation and development of private enterprise and free market systems, including—

"(A) the development of private cooperatives, credit unions, labor unions, and civic and professional associations;

"(B) the reform and restructuring of banking and financial systems; and

"(C) the development and strengthening of commercial laws and regulations, including laws and regulations to protect intellectual property.".

SEC. 575. SENSE OF THE CONGRESS RELATING TO UNITED STATES COOPERATIVES AND CREDIT UNIONS.

It is the sense of the Congress that—

(1) United States cooperatives and cooperative development organizations and credit unions can provide an opportunity for people in developing countries to participate directly in democratic decisionmaking for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings; and

(2) such organizations should be utilized in fostering democracy, free markets, community-based development, and self-help projects.

SEC. 576. FOOD ASSISTANCE TO THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

None of the funds made available in this division and the amendments made by this division shall be made available for assistance for food to the Democratic People's Republic of Korea unless the President certifies to the Congress that—

(1) the Government of the Republic of Korea does not oppose the delivery of United States assistance for food to the Democratic People's Republic of Korea;

(2) the United States Government is confident that previous United States assistance for food and official concessional food deliveries have not been diverted to military needs;

(3) military stocks of the Democratic People's Republic of Korea have been tapped to respond to unmet food aid needs;

(4) the World Food Program and other international food delivery organizations have been permitted to take and have taken all reasonable steps to ensure that all upcoming food aid deliveries will not be diverted from intended recipients; and

(5) the Government of the United States has directly acted to encourage, and acting through appropriate international organizations, has encouraged such organizations to urge, the Democratic People's Republic of Korea to initiate fundamental structural reforms of its agricultural sector.

SEC. 577. WITHHOLDING OF ASSISTANCE TO COUNTRIES THAT PROVIDE NUCLEAR FUEL TO CUBA.

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.".

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

TITLE VI—TRADE AND DEVELOPMENT AGENCY

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 661(f)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)(A)) is amended to read as follows:

"(1) AUTHORIZATION.—(A) There are authorized to be appropriated for purposes of this section, in addition to funds otherwise available for such purposes, $43,000,000 for each of the fiscal years 1998 and 1999.".

TITLE VII—SPECIAL AUTHORITIES AND OTHER PROVISIONS

CHAPTER 1—SPECIAL AUTHORITIES

SEC. 701. ENHANCED TRANSFER AUTHORITY.

Section 610 of the Foreign Assistance Act of 1961 (22 U.S.C. 2360) is amended to read as follows:

"SEC. 610. TRANSFER BETWEEN ACCOUNTS.

"(a) GENERAL AUTHORITY.—Whenever the President determines it to be necessary for the purposes of this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.), not to exceed 20 percent of the funds made available to carry out any provision of this Act (except funds made available pursuant to title IV of chapter 2 of part I) or section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

"(1) may be transferred to, and consolidated with, the funds in any other account or fund available to carry out any provision of this Act or the Arms Export Control Act; and

"(2) may be used for any purpose for which funds in that account or fund may be used.

"(b) LIMITATION ON AMOUNT OF INCREASE.—The total amount in the account or fund for the benefit of which transfer is made under subsection (a) during any fiscal year may not be increased by more than 20 percent of the amount of funds otherwise made available.

"(c) NOTIFICATION.—The President shall notify in writing the congressional committees specified in section 634A at least fifteen days in advance of each such transfer between accounts in accordance with procedures applicable to reprogramming notifications under such section.".

SEC. 702. AUTHORITY TO MEET UNANTICIPATED CONTINGENCIES.

Paragraph (1) of section 451(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended by striking "$25,000,000" and inserting "$50,000,000".

SEC. 703. SPECIAL WAIVER AUTHORITY.

(a) LAWS AFFECTED.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended by striking subsections (a)(1) and (a)(2) and inserting the following:

"(a) AUTHORITY TO AUTHORIZE ASSISTANCE, SALES, AND OTHER ACTIONS; LIMITATIONS.—(1) The President may authorize assistance, sales, or other action under this Act, the Arms Export Control Act, or any annual (or periodic) foreign assistance authorization or appropriations legislation, without regard to any of the provisions described in subsection (b), if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

"(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or assistance, sales, or other actions under the Arms Export Control Act, that to do so is vital to the national security interests of the United States; and

"(B) with respect to other assistance or actions that to do so is important to the national interests of the United States.

"(2) The President may waive any provision described in paragraph (1), (2), or (3) of subsection (b) that would otherwise prohibit or restrict assistance or other action under any provision of law not described in those paragraphs if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the national interests of the United States.".

(b) Annual Ceilings.—Section 614(a)(4) of such Act (22 U.S.C. 2364(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "$750,000,000" and inserting "$1,000,000,000";

(B) in clause (ii), by striking "$250,000,000" and inserting "$500,000,000"; and

(C) in clause (iii), by striking "$100,000,000" and inserting "$200,000,000"; and

(2) in subparagraph (C)—

(A) by striking "$50,000,000" and inserting "$75,000,000"; and

(B) by striking $1,000,000,000" and inserting "$1,500,000,000".

(c) Laws Which May Be Waived.—Section 614 of such Act (22 U.S.C. 2364) is amended by striking subsections (b) and (c) and inserting the following:

"(b) Laws Which May Be Waived.—The provisions referred to in subsections (a)(1) and (a)(2) are—

"(1) the provisions of this Act;

"(2) the provisions of the Arms Export Control Act;

"(3) the provisions of any annual (or periodic) foreign assistance authorization or appropriations legislation, including any amendment made by any such Act;

"(4) any other provision of law that restricts assistance, sales or leases, or other action under the Acts referred to in paragraph (1), (2), or (3); and

"(5) any law relating to receipts and credits accruing to the United States.".

(d) Conforming Amendment.—Section 614(a)(4)(B) of such Act (22 U.S.C 2364(a)(4)(B)) is amended by striking "the Arms Export Control Act or under".

SEC. 704. TERMINATION OF ASSISTANCE.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

"SEC. 617. TERMINATION OF ASSISTANCE.

"(a) In General.—(1) In order to ensure the effectiveness of assistance provided under this Act, notwithstanding any other provision of law, funds made available under this Act or the Arms Export Control Act to carry out any program, project, or activity of assistance shall remain available for obligation for a period not to exceed 8 months after the date of termination of such assistance for the necessary expenses of winding up such programs, projects, or activities, and funds so obligated may remain available until expended.

"(2) Funds obligated to carry out any program, project, or activity of assistance before the effective date of the termination of such assistance are authorized to be available for expenditure for the necessary expenses of winding up such programs, projects, and activities, notwithstanding any provision of law restricting the expenditure of funds, and may be reobligated to meet any other necessary expenses arising from the termination of such assistance.

"(3) The necessary expenses of winding up programs, projects, and activities of assistance include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

"(b) Liability to Contractors.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor to carry out any program, project, or activity of assistance under this Act that was subsequently terminated pursuant to law.

"(c) Guarantee Programs.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments that were entered into before the effective date of the termination of assistance.".

SEC. 705. LOCAL ASSISTANCE TO HUMAN RIGHTS GROUPS IN CUBA.

Section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039) is amended by adding at the end the following:

"(d) Local Assistance.—

"(1) In general.—For the purposes of providing assistance to independent nongovernmental organizations and individuals in Cuba as authorized by subsection (a), amounts made available under such subsection may be used for assistance to individuals and nongovernmental organizations in Cuba and for local costs incurred in delivering such assistance.

"(2) Certification.—A certification by a representative of a United States or local nongovernmental organization, or other entity, administering assistance described in paragraph (1), that such assistance is being used for its intended purpose, shall be deemed to satisfy any accountability requirement of the United States Agency for International Development for the administration of such assistance.".

CHAPTER 2—REPEALS

SEC. 711. REPEAL OF OBSOLETE PROVISIONS.

(a) 1987 Foreign Assistance Appropriations Act.—Section 539(g)(2) of the Foreign Assistance and Related Programs Appropriations Act, 1987, as included in Public Law 99-591, is hereby repealed.

(b) 1986 Assistance Act.—The Special Foreign Assistance Act of 1986 is hereby repealed except for section 1, section 204, and title III of such Act.

(c) 1985 Assistance Act.—The International Security and Development Cooperation Act of 1985 is hereby repealed except for section 1, section 131, section 132, section 502, section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(d) 1985 Jordan Supplemental Act.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is hereby repealed.

(e) 1985 African Famine Act.—The African Famine Relief and Recovery Act of 1985 is hereby repealed.

(f) 1983 Assistance Act.—The International Security and Development Assistance Authorization Act of 1983 is hereby repealed. .

(g) 1983 Lebanon Assistance Act.—The Lebanon Emergency Assistance Act of 1983 is hereby repealed.

(h) 1981 Assistance Act.—The International Security and Development Cooperation Act of 1981 is hereby repealed except for section 1, section 709, and section 714.

(i) 1980 Assistance Act.—The International Security and Development Cooperation Act of 1980 is hereby repealed except for section 1, section 110, section 316, and title V.

(j) 1979 Development Assistance Act.—The International Development Cooperation Act of 1979 is hereby repealed.

(k) 1979 Security Assistance Act.—The International Security Assistance Act of 1979 is hereby repealed.

(l) 1979 Special Security Assistance Act.—The Special International Security Assistance Act of 1979 is hereby repealed.

(m) 1978 Development Assistance Act.—The International Development and Food Assistance Act of 1978 is hereby repealed, except for section 1, title IV, and section 603(a)(2).

(n) 1978 Security Assistance Act.—The International Security Assistance Act of 1978 is hereby repealed.

(o) 1977 Development Assistance Act.—The International Development and Food Assistance Act of 1977 is hereby repealed except for section 1, section 132(b), and section 133.

(p) 1977 Security Assistance Act.—The International Security Assistance Act of 1977 is hereby repealed.

(q) 1976 Security Assistance Act.—The International Security Assistance and Arms Export Control Act of 1976 is hereby repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(r) 1975 Development Assistance Act.—The International Development and Food Assistance Act of 1975 is hereby repealed.

(s) 1975 BIB Act.—Public Law 94-104 is hereby repealed.

(t) 1974 Assistance Act.—The Foreign Assistance Act of 1974 is hereby repealed.

(u) 1973 Emergency Assistance Act.—The Emergency Security Assistance Act of 1973 is hereby repealed.

(v) 1973 Assistance Act.—The Foreign Assistance Act of 1973 is hereby repealed.

(w) 1971 Assistance Act.—The Foreign Assistance Act of 1971 is hereby repealed.

(x) 1971 Special Assistance Act.—The Special Foreign Assistance Act of 1971 is hereby repealed.

(y) 1969 Assistance Act.—The Foreign Assistance Act of 1969 is hereby repealed except for the first section and part IV.

(z) 1968 Assistance Act.—The Foreign Assistance Act of 1968 is hereby repealed.

(aa) 1964 Assistance Act.—The Foreign Assistance Act of 1964 is hereby repealed.

(bb) Latin American Development Act.—The Latin American Development Act is hereby repealed.

(cc) 1959 Mutual Security Act.—The Mutual Security Act of 1959 is hereby repealed.

(dd) 1954 Mutual Security Act.—Sections 402 and 417 of the Mutual Security Act of 1954 are hereby repealed.

(ee) Department of State Authorization Act, Fiscal Years 1982 and 1983.—Section 109 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, is hereby repealed.

(ff) Department of State Authorization Act, Fiscal Years 1984 and 1985.—Sections 1004 and 1005(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985, are hereby repealed.

(gg) Savings Provision.—Except as otherwise provided in this Act, the repeal by this Act of any provision of law that amended or repealed another provision of law does not affect in any way that amendment or repeal.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS ACT

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999" and shall be effective for all purposes as if enacted as a separate Act.

SEC. 1002. STATEMENT OF HISTORY OF LEGISLATION.

This division consists of H.R. 1253, the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, which was introduced by Representative Smith of New Jersey on April 9, 1997, and amended and reported by the Subcommittee on International Operations and Human Rights of the Committee on International Relations on April 10, 1997.

SEC. 1003. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "AID" means the Agency for International Development.

(2) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee of Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "Secretary" means the Secretary of State.

(7) The term "USIA" means the United States Information Agency.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) Diplomatic and Consular Programs.—For "Diplomatic and Consular Programs", of the Department of State $1,291,977,000 for the fiscal year 1998 and $1,291,977,000 for the fiscal year 1999.

(2) Salaries and Expenses.—

(A) Authorization of Appropriations.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998 and $363,513,000 for the fiscal year 1999.

(B) Limitations.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) Capital Investment Fund.—For "Capital Investment Fund", of the Department of State $64,000,000 for the fiscal year 1998 and $64,000,000 for the fiscal year 1999.

(4) Security and Maintenance of Buildings Abroad.—For "Security and Maintenance of Buildings Abroad", $373,081,000 for the fiscal year 1998 and $373,081,000 for the fiscal year 1999.

(5) Representation Allowances.—For "Representation Allowances", $4,300,000 for the fiscal year 1998 and $4,300,000 for the fiscal year 1999.

(6) Emergencies in the Diplomatic and Consular Service.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal 1998 and $5,500,000 for the fiscal year 1999.

(7) Office of the Inspector General.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998 and $28,300,000 for the fiscal year 1999.

(8) Payment to the American Institute in Taiwan.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998 and $14,490,000 for the fiscal year 1999.

(9) Protection of Foreign Missions and Officials.—For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998 and $7,900,000 for the fiscal year 1999.

(10) Repatriation Loans.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998 and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) Assessed Contributions to International Organizations.—There are authorized to be appropriated for "Contributions to International Organizations", $960,389,000 for the fiscal year 1998 and $987,590,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) Voluntary Contributions to International Organizations.—

(1) Authorization of Appropriations.—There are authorized to be appropriated for "Voluntary Contributions to International Organizations", $199,725,000 for the fiscal year 1998 and $199,725,000 for the fiscal year 1999.

(2) Limitations.—

(A) World Food Program.—Of the amounts authorized to be appropriated under paragraph (1), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(B) United Nations Voluntary Fund for Victims of Torture.—Of the amount authorized to be appropriated under paragraph (1), $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(C) International Program on the Elimination of Child Labor.—Of the amounts authorized to be appropriated under paragraph (1), $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(3) Availability of Funds.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(c) Assessed Contributions for International Peacekeeping Activities.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $240,000,000 for the fiscal year 1998 and $240,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(d) Voluntary Contributions to Peacekeeping Operations.—There are authorized to be appropriated for "Peacekeeping Operations", $87,600,000 for the fiscal year 1998 and $67,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

(e) International Conferences and Contingencies.—There are authorized to be appropriated for "International Conferences and Contingencies", $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(f) Foreign Currency Exchange Rates.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) Limitation on United States Voluntary Contributions to United Nations Development Program.—

(1) Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year, the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SLORC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) International Boundary and Water Commission, United States and Mexico.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $18,490,000 for the fiscal year 1998 and $18,490,000 for the fiscal year 1999; and

(B) for "Construction" $6,493,000 for the fiscal year 1998 and $6,493,000 for the fiscal year 1999.

(2) International Boundary Commission, United States and Canada.—For "International Boundary Commission, United

States and Canada", $785,000 for the fiscal year 1998 and $785,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,225,000 for the fiscal year 1998 and $3,225,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998 and $14,549,000 for the fiscal year 1999.

SEC. 1104. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $623,000,000 for the fiscal year 1998 and $623,000,000 for the fiscal year 1999.

(2) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(b) REFUGEES RESETTLING IN ISRAEL.—There are authorized to be appropriated $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 for assistance for refugees resettling in Israel from other countries.

(c) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—There are authorized to be appropriated $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(d) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to be available until expended.

SEC. 1105. ASIA FOUNDATION.

There are authorized to be appropriated for "Asia Foundation", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to Asia Foundation and to carry out other authorities in law consistent with such purposes.

SEC. 1106. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $434,097,000 for the fiscal year 1998 and $434,097,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For "Technology Fund" for the United States Information Agency, $6,350,000 for the fiscal year 1998 and $6,350,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $94,236,000 for the fiscal year 1998 and $94,236,000 for the fiscal year 1999.

(B) SOUTH PACIFIC EXCHANGES.—For the "South Pacific Exchanges", $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(C) EAST TIMORESE SCHOLARSHIPS.—For the "East Timorese Scholarships", $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(D) TIBETAN EXCHANGES.—For the "Educational and Cultural Exchanges with Tibet" under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(E) OTHER PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", and "Institute for Representative Government", $97,995,000 for the fiscal year 1998 and $97,995,000 for the fiscal year 1999.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Activities", $334,655,000 for the fiscal year 1998, and $334,655,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $30,000,000 for the fiscal year 1998, and $30,000,000 for the fiscal year 1999.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For "National Endowment for Democracy", $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South" $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999.

SEC. 1107. UNITED STATES ARMS CONTROL AND DISARMAMENT.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

(1) $44,000,000 for the fiscal year 1998 and $44,000,000 for the fiscal year 1999; and

(2) such sums as may be necessary for each of the fiscal years 1998 and 1999 for increases in salary, pay, retirement, other employee benefits authorized by law, and to offset adverse fluctuations in foreign currency exchange rates.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

(a) IN GENERAL.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—(1) There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) The rewards program established by this section shall be administered by the Secretary of State, in consultation, where appropriate, with the Attorney General.

"(b) PURPOSE.—(1) The rewards program established by this section shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(2) At the sole discretion of the Secretary of State and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(B) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(C) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States narcotics laws and which is such that the individual would be a major violator of such laws; or

"(ii) the killing or kidnapping of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(iii) an attempt or conspiracy to commit any of the acts described in clause (i) or (ii); or

"(D) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in subparagraphs (A) through (C); or

"(E) the prevention, frustration, or favorable resolution of an act described in subparagraphs (A) through (C).

"(c) COORDINATION.—(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

"(d) Funding.—(1) There is authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out the purposes of this section, notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

"(2) No amount of funds may be appropriated which, when added to the amounts previously appropriated but not yet obligated, would cause such amounts to exceed $15,000,000.

"(3) To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) Amounts appropriated to carry out the purposes of this section shall remain available until expended.

"(e) Limitation and Certification.—(1) A reward under this section may not exceed $2,000,000.

"(2) A reward under this section of more than $100,000 may not be made without the approval of the President or the Secretary of State.

"(3) Any reward granted under this section shall be approved and certified for payment by the Secretary of State.

"(4) The authority of paragraph (2) may not be delegated to any other officer or employee of the United States Government.

"(5) If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) Ineligibility.—An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) Reports.—(1) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Not later than 60 days after the end of each fiscal year, the Secretary of State shall submit an annual report to the appropriate congressional committees with respect to the operation of the rewards program authorized by this section. Such report shall provide information on the total amounts expended during such fiscal year to carry out the purposes of this section, including amounts spent to publicize the availability of rewards.

"(h) Publication Regarding Rewards Offered by Foreign Governments.—Notwithstanding any other provision of this section, at the sole discretion of the Secretary of State the resources of the rewards program authorized by this section, shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) Definitions.—As used in this section—

"(1) the term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate;

"(2) the term 'act of international terrorism' includes, but is not limited to—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or any nuclear explosive device (as defined in section 830(4) of that Act) by an individual, group, or non-nuclear weapon state (as defined in section 830(5) of that Act); and

"(B) any act, as determined by the Secretary of State, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j) of the Export Administration Act of 1979;

"(3) the term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(4) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.

"(j) Determinations of the Secretary.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.".

(b) Use of Earnings From Frozen Assets for Program.—

(1) Amounts to be made available.—Up to 2 percent of the earnings accruing, during periods beginning October 1, 1998, on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) shall be available, subject to appropriations Acts, to carry out section 36 of the State Department Basic Authorities Act, as amended by this section, except that the limitation contained in subsection (d)(2) of such section shall not apply to amounts made available under this paragraph.

(2) Control of funds by the President.—The President is authorized and directed to take possession and exercise full control of so much of the earnings described in paragraph (1) as are made available under such paragraph.

SEC. 1202. FOREIGN SERVICE NATIONAL SEPARATION LIABILITY TRUST FUND.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 4012a) is amended by adding at the end the following new subsection:

"(e) Interest.—The Secretary of the Treasury shall deposit amounts in the fund in interest-bearing accounts. Any interest earned on such deposits may be credited to the fund without further appropriation.".

SEC. 1203. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a) by inserting "and enhancement" after "procurement";

(2) in subsection (c) by striking "are authorized to" and inserting "shall";

(3) in subsection (d) by striking "for expenditure to procure capital equipment and information technology" and inserting in lieu thereof "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) Reprogramming Procedures.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogrammings under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710).".

SEC. 1204. INTERNATIONAL CENTER RESERVE FUNDS.

Section 5 of the International Center Act (Public Law 90-533) is amended by adding at the end the following new sentence: "Amounts in the reserve may be deposited in interest-bearing accounts and the Secretary may retain for the purposes set forth in this section any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation.".

SEC. 1205. PROCEEDS OF SALE OF FOREIGN PROPERTIES.

Section 9 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by adding at the end the following new subsection:

"(d) Any proceeds held or deposited pursuant to this section may be deposited in interest bearing accounts. The Secretary of State may retain interest earned on such deposits for the purposes of this section without returning such interest to the Treasury of the United States and interest earned may be obligated and expended without further appropriation.".

SEC. 1206. REDUCTION OF REPORTING.

(a) Report on Foreign Service Personnel in Each Agency.—Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is repealed.

(b) Report on Participation by U.S. Military Personnel Abroad in U.S. Elections.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

(c) Country Reports on Economic Policy and Trade Practices.—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711) is repealed.

(d) Annual Report on Social and Economic Growth.—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104-107) is repealed.

(e) Report.—Section 308 of the Chemical and Biological Weapons and Warfare Elimination Act of 1991 (22 U.S.C. 5606) is repealed.

SEC. 1207. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 5 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 1208. PREADJUDICATION OF CLAIMS.

Section 4(a) of the International Claims Settlement Act (22 U.S.C. 1623(a)) is amended—

(1) in the first sentence by striking "1948, or" and inserting "1948,";

(2) by inserting before the period at the end of the first sentence ", or included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State"; and

(3) in paragraph (1) by striking "the applicable" and inserting "any applicable".

SEC. 1209. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by striking "extraordinary".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 1210. ESTABLISHMENT OF FEE ACCOUNT AND PROVIDING FOR PASSPORT INFORMATION SERVICES.

(a) DISPOSITION OF FEES.—Amounts collected by the Department of State pursuant to section 281 of the Immigration and Nationality Act (8 U.S.C. 1351), section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), section 16 of the Act of August 18, 1856 (22 U.S.C. 4219), and section 9701 of title 31, United States Code, shall be deposited in a special fund of the Treasury.

(b) USE OF FUNDS.—Subject to subsections (d) and (e), amounts collected and deposited in the special fund in the Treasury pursuant to subsection (a) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for the following purposes:

(1) To pay all necessary expenses of the Department of State and the Foreign Service, including expenses authorized by the State Department Basic Authorities Act of 1956.

(2) Representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress.

(3) Acquisition by exchange or purchase of passenger motor vehicles as authorized by section 1343 of title 31, United States Code, section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), and section 7 of the State Department Basic Authorities Act (22 U.S.C. 2674).

(4) Expenses of general administration of the Department of State.

(5) To carry out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-300) and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851).

(c) AVAILABILITY OF FUNDS.—Amounts collected and deposited in the special fund pursuant to subsection (a) are authorized to remain available until expended.

(d) LIMITATION.—For any fiscal year, any amount deposited in the special fund under subsection (a) that exceeds $455,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.

(e) PASSPORT INFORMATION SERVICES.—For each of the fiscal years 1998 and 1999, $5,000,000 of the amounts available in the fund shall be available only for the purpose of providing passport information without charge to citizens of the United States, including—

(1) information about who is eligible to receive a United States passport and how and where to apply;

(2) information about the status of pending applications; and

(3) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

SEC. 1211. ESTABLISHMENT OF MACHINE READABLE FEE ACCOUNT.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) by redesignating paragraph (4) as paragraph (6);

(2) by striking paragraph (5);

(3) by striking paragraphs (2) and (3) and inserting the following:

"(2) Amounts collected under the authority of paragraph (1) shall be deposited in a special fund of the Treasury.

"(3) Subject to paragraph (5), fees deposited in the special fund pursuant to paragraph (2) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated name-check process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

"(4) Amounts deposited pursuant to paragraph (2) shall remain available for obligation until expended.

"(5) For any fiscal year, any amount collected pursuant to the authority of paragraph (1) that exceeds $140,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.".

SEC. 1212. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "$700,000 of the" and inserting "all";

(2) at the end of paragraph (1) by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph (3):

"(3) the enhancement of defense trade export compliance and enforcement activities to include compliance audits of United States and foreign parties, the conduct of administrative proceedings, end-use monitoring of direct commercial arms sales and transfer, and cooperation in criminal proceedings related to defense trade export controls.".

SEC. 1213. TRAINING.

(a) INSTITUTE FOR TRAINING.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (d)(4) as subsection (g); and

(2) by inserting after paragraph (3) of subsection (d) the following new subsections:

"(e)(1) The Secretary of State may, in the discretion of the Secretary, provide appropriate training and related services through the institution to employees of United States companies engaged in business abroad, and to the families of such employees.

"(2) In the case of any company under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training and related services to any company employee who is performing such services.

"(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the judiciary.

"(2) Congressional staff members and employees of the judiciary may participate on a reimbursable, space-available basis in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department of State and of other agencies in the field of foreign relations.".

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding after section 52 the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center Facility of the Department of State. Funds collected under the authority of this section, including reimbursements, surcharges, and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

SEC. 1214. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking ''and'' after ''employees,'', and

(B) by inserting before the period '', and (for care provided abroad) such other persons as are designated by the Secretary of State'';

(2) in subsection (d), by inserting '', subject to subsections (g) through (i)'' before ''the Secretary''; and

(3) by adding at the end the following new subsections:

''(g)(1)(A) In the case of a covered beneficiary who is provided health care under this section and who is enrolled in a covered health benefits plan of a third-party payer, the United States shall have the right to collect from the third-party payer a reasonable charge amount for the care to the extent that the payment would be made under such plan for such care under the conditions specified in paragraph (2) if a claim were submitted by or on behalf of the covered beneficiary.

''(B) Such a covered beneficiary is not required to pay any deductible, copayment, or other cost-sharing under the covered health benefits plan or under this section for health care provided under this section.

''(2) With respect to health care provided under this section to a covered beneficiary, for purposes of carrying out paragraph (1)—

''(A) the reasonable charge amount (as defined in paragraph (9)(C)) shall be treated by the third-party payer as the payment basis otherwise allowable for the care under the plan;

''(B) under regulations, if the covered health benefits plan restricts or differentiates in benefit payments based on whether a provider of health care has a participation agreement with the third-party payer, the Secretary shall be treated as having such an agreement as results in the highest level of payment under this subsection;

''(C) no provision of the health benefit plan having the effect of excluding from coverage or limiting payment of charges for certain care shall operate to prevent collection under subsection (a), including (but not limited to) any provision that limits coverage or payment on the basis that—

''(i) the care was provided outside the United States,

''(ii) the care was provided by a governmental entity,

''(iii) the covered beneficiary (or any other person) has no obligation to pay for the care,

''(iv) the provider of the care is not licensed to provide the care in the United States or other location,

''(v) a condition of coverage relating to utilization review, prior authorization, or similar utilization control has not been met, or

''(vi) in the case that drugs were provided, the provision of the drugs for any indicated purpose has not been approved by the Federal Food, Drug, and Cosmetic Administration;

''(D) if the covered health benefits plan contains a requirement for payment of a deductible, copayment, or similar cost-sharing by the beneficiary—

''(i) the beneficiary's not having paid such cost-sharing with respect to the care shall not preclude collection under this section, and

''(ii) the amount the United States may collect under this section shall be reduced by application of the appropriate cost-sharing;

''(E) amounts that would be payable by the third-party payer under this section but for the application of a deductible under subparagraph (D)(ii) shall be counted towards such deductible notwithstanding that under paragraph (1)(B) the individual is not charged for the care and did not pay an amount towards such care; and

''(F) the Secretary may apply such other provisions as may be appropriate to carry out this section in an equitable manner.

''(3) In exercising authority under paragraph (1)—

''(A) the United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer;

''(B) the United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this section; and

''(C) the Secretary may compromise, settle, or waive a claim of the United States under this section.

''(4) No law of any State, or of any political subdivision of a State, shall operate to prevent or hinder collection by the United States under this section.

''(5) If collection is sought from a third-party payer for health care furnished a covered beneficiary under this section, under regulations medical records of the beneficiary shall be made available for inspection and review by representatives of the third-party payer for the sole purpose of permitting the third-party payer to verify, consistent with this subsection that—

''(A) the care for which recovery or collection is sought were furnished to the beneficiary; and

''(B) except as otherwise provided in this subsection, the provision of such care to the beneficiary meets criteria generally applicable under the covered health benefits plan.

''(6) The Secretary shall establish (and periodically update) a schedule of reasonable charge amounts for health care provided under this section. The amount under such schedule for health care shall be based on charges or fee schedule amounts recognized by third-party payers under covered health benefits plans for payment purposes for similar health care services furnished in the Metropolitan Washington, District of Columbia, area.

''(7) The Secretary shall establish a procedure under which a covered beneficiary may elect to have subsection (h) apply instead of this subsection with respect to some or all health care provided to the beneficiary under this section.

''(8) Amounts collected under this subsection, under subsection (h), or under any authority referred to in subsection (i), from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended.

''(9) For purposes of this section:

''(A) The term 'covered beneficiary' means a member or employee (or family member of such a member of employee) described in subsection (a) who is enrolled under a covered health benefits plan.

''(B)(i) Subject to clause (ii), the term 'covered health benefits plan' means a health benefits plan offered under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

''(ii) Such term does not include such a health benefits plan (such as a plan of a staff-model health maintenance organization) as the Secretary determines pursuant to regulations to be structured in a manner that impedes the application of this subsection to individuals enrolled under the plan. To the extent practicable, the Secretary shall seek to disseminate to members of the Service and designated employees described in subsection (a) who are eligible to receive health care under this section the names of plans excluded under this clause.

''(C) The term 'reasonable charge amount' means, with respect to health care provided under this section, the amount for such care specified in the schedule established under paragraph (6).

''(D) The term 'third-party payer' means an entity that offers a covered health benefits plan.

''(h)(1) In the case of an individual who—

''(A) receives health care pursuant to this section; and

''(B)(i) is not a covered beneficiary (including by virtue of enrollment only in a health benefits plan excluded under subsection (g)(9)(B)(ii)), or

''(ii) is such a covered beneficiary and has made an election described in subsection (g)(7) with respect to such care,

the Secretary is authorized to collect from the individual the full reasonable charge amount for such care.

''(2) The United States shall have the same rights against such individuals with respect to collection of such amounts as the United States has with respect to collection of amounts against a third-party payer under subsection (g), except that the rights under this subsection shall be exercised without regard to any rules for deductibles, coinsurance, or other cost-sharing.

''(i) Subsections (g) and (h) shall apply to reimbursement for the cost of hospitalization and related outpatient expenses paid for under subsection (d) only to the extent provided in regulations. Nothing in this subsection, or subsections (g) and (h), shall be construed as limiting any authority the Secretary otherwise has with respect to obtaining reimbursement for the payments made under subsection (d).''.

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall apply to items and services provided on and after the first day of the first month that begins more than 1 year after the date of the enactment of this Act.

(2) In order to carry out such amendments in a timely manner, the Secretary of State is authorized to issue interim, final regulations that take effect pending notice and opportunity for public comment.

SEC. 1215. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding after section 53 (as added by section 213(b)) the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

''The Secretary of State is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under the authority of this section (including any reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

SEC. 1216. FEES FOR COMMERCIAL SERVICES.

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) is amended in subsection (b) by adding at the end the following: "Funds deposited under this subsection shall remain available for obligation until expended.".

SEC. 1217. BUDGET PRESENTATION DOCUMENTS.

The Secretary of State shall include in the annual Congressional Presentation Document and the Budget in Brief, a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also include the previous year's collection and the projected expenditures from all collections accounts.

SEC. 1218. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, 1998, and 1999"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1999"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 1219. GRANTS TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the children of United States citizen employees of an agency of the United States Government who are stationed outside the United States attend educational facilities assisted by the Department of State under this section, such agency is authorized make grants to, or otherwise to reimburse or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities.".

SEC. 1220. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

(a) Grant Authority.—Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100-300) is amended by adding at the end the following new subsection:

"(e) Grant Authority.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the convention and this Act.".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1241. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103-317; 22 U.S.C. 214), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1242. CONSULAR OFFICERS.

(a) Persons Authorized To Issue Reports of Birth Abroad.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by inserting "(or any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe)" after "consular officer".

(b) Provisions Applicable to Consular Officers.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689, 22 U.S.C. 4191), is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) Persons Authorized to Authenticate Foreign Documents.—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

(d) Persons Authorized to Administer Oaths.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

SEC. 1243. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214) (concerning accounting for consular fees) are repealed.

SEC. 1244. ELIMINATION OF DUPLICATE PUBLICATION REQUIREMENTS.

(a) Federal Register Publication of Travel Advisories.—Section 44908(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(b) Publication in the Federal Register of Travel Advisories Concerning Security at Foreign Ports.—Section 908(a) of the International Maritime and Port Security Act of 1986 (Public Law 99-399; 100 Stat. 891; 46 U.S.C. App. 1804(a)) is amended by striking the second sentence.

CHAPTER 3—REFUGEES AND MIGRATION

SEC. 1261. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall include in the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

SEC. 1262. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended by adding at the end the following new subsection:

"(c) Emergency Waiver of Notification Requirement.—The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the appropriate congressional committees shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) Establishment.—Section 1(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)) is amended—

(1) by striking "In" and inserting the following:

"(1) In"; and

(2) by inserting at the end the following:

"(2) Coordinator for Counterterrorism.—

"(A) There shall be within the office of the Secretary of State a Coordinator for Counterterrorism (hereafter in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B)(i) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(ii) The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(C) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.".

(b) Technical and Conforming Amendments.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking subsection (e).

(c) Transition Provision.—The individual serving as Coordinator for Counterterrorism of the Department of State on the day before the effective date of this division may continue to serve in that position.

SEC. 1302. ELIMINATION OF STATUTORY ESTABLISHMENT OF CERTAIN POSITIONS OF THE DEPARTMENT OF STATE.

(a) Assistant Secretary of State for South Asian Affairs.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is repealed.

(b) Deputy Assistant Secretary of State for Burdensharing.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

(c) ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is repealed.

SEC. 1303. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RESOURCES.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended by adding after paragraph (2) the following new paragraph:

"(3) ASSISTANT SECRETARY FOR HUMAN RESOURCES.—There shall be in the Department of State an Assistant Secretary for Human Resources who shall be responsible to the Secretary of State for matters relating to human resources including the implementation of personnel policies and programs within the Department of State and international affairs functions and activities carried out through the Department of State. The Assistant Secretary shall have substantial professional qualifications in the field of human resource policy and management.".

SEC. 1304. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) as amended by section 1303 is further amended by adding after paragraph (3) the following new paragraph:

"(4) ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.—There shall be in the Department of State an Assistant Secretary for Diplomatic Security who shall be responsible to the Secretary of State for matters relating to diplomatic security. The Assistant Secretary shall have substantial professional qualifications in the field of Federal law enforcement, intelligence, or security.".

SEC. 1305. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President should appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet should—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1306. RESPONSIBILITIES FOR BUREAU CHARGED WITH REFUGEE ASSISTANCE.

The Bureau of Migration and Refugee Assistance shall be the bureau within the Department of State with principal responsibility for assisting the Secretary in carrying out the Migration and Refugee Assistance Act of 1962 and shall not be charged with responsibility for assisting the Secretary in matters relating to family planning or population policy.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1321. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1998 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1998—

(1) for the Department of State, shall not exceed 8,700, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,000, of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1070, of whom not more than 140 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1999 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1999—

(1) for the Department of State, shall not exceed 8,800, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, not to exceed 1,000 of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1065 of whom not more than 135 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term "members of the Foreign Service" is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under non-career limited appointments.

(d) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsection (a) or (b) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on International Relations of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 1322. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.".

SEC. 1323. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking "A member" and inserting "Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member".

SEC. 1324. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following sentence: "Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment to training or to another assignment that consists primarily of paid time to conduct a job search and without other substantive duties, except that career members of the Service who upon their separation are not eligible to receive an immediate annuity and have not been assigned to a post in the United States during the 12 months prior to their separation from the Service may be permitted up to 2 months of paid time to conduct a job search.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 1325. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall annually submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written foreign service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written foreign service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral foreign service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minorities in the Foreign Service officer corps.

(6) The numbers and percentages of all minority Foreign Service officers at each grade, particularly at the senior levels in policy directive positions.

(7) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

SEC. 1326. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A) by inserting "or any other applicable provision of chapter 84 of title 5, United States Code," after "section 811,";

(2) in subsection (a) by inserting "or section 855, as appropriate" after "section 806"; and

(3) in subsection (b)(2)—

(A) by inserting "(A) for those participants in the Foreign Service Retirement and Disability System," before "a refund"; and

(B) by inserting before the period at the end "; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851"; and

(C) by inserting "(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)" after "age 60".

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1) by inserting "611," after "608,";

(2) in paragraph (1) by inserting "and for participants in the Foreign Service Pension System" after "for participants in the Foreign Service Retirement and Disability System"; and

(3) in paragraph (3) by striking "or 610" and inserting "610, or 611".

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 after January 1, 1996.

SEC. 1327. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes an officer occupying a position under title II of Public Law 99–399 if—

"(A) subject to subparagraph (C), such officer meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof);

"(B) the primary duties of the position held by such officer consist of performing—

"(i) protective functions; or

"(ii) criminal investigations; and

"(C) such officer satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to an officer under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99–399)" and inserting "Public Law 99–399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code." and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 1328. LABOR MANAGEMENT RELATIONS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 1329. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding after paragraph (3) the following new paragraphs:

"(4) In the case of a formal interview where an employee is the likely subject or target of an Inspector General criminal investigation, the Inspector General shall make all best efforts to provide the employee with notice of the full range of his or her rights, including the right to retain counsel and the right to remain silent, as well as the identification of those attending the interview.

"(5) In carrying out the duties and responsibilities established under this section, the Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.".

(b) REPORT.—Not later than April 30, 1998, the Inspector General of the Department of State shall submit a report to the appropriate congressional committees which includes the following information:

(1) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any employee or official of the Department of State, the United States Information Agency, or the Arms Control and Disarmament Agency.

(2) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipiert of the information, the date of the disclosure, and the internal clearance process for the disclosure.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

SEC. 1401. EXTENSION OF AU PAIR PROGRAMS.

Section 1(b) of the Act entitled "An Act to extend au pair programs." (Public Law 104–72; 109 Stat. 1065(b)) is amended by striking ", through fiscal year 1997".

SEC. 1402. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned by be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 1403. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208(e) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075(e)) is amended by striking "$10,000,000" and inserting "$4,000,000".

SEC. 1404. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended by inserting "educational advising and counseling, exchange visitor program services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe," after "library services,".

SEC. 1405. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in the first sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,"; and

(2) in the second sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,".

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by striking "Soviet Union" each place it appears and inserting "Independent States of the Former Soviet Union"; and

(2) in the section heading by inserting "INDEPENDENT STATES OF THE FORMER" after "FROM THE".

SEC. 1406. WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government Sponsored International Exchanges and Training (hereinafter in this section referred to as "the Working Group").

"(2) For purposes of this subsection, the term 'Government sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative designated by the Secretary of State.

"(C) A senior representative designated by the Secretary of Defense.

"(D) A senior representative designated by the Secretary of Education.

"(E) A senior representative designated by the Attorney General.

"(F) A senior representative designated by the Administrator of the Agency for International Development.

"(G) Senior representatives of other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the adviser and the director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government sponsored international exchange and training programs, to identify how each Government sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop and thereafter assess, annually, a coordinated and cost-effective strategy for all United States Government sponsored international exchange and training programs, and to issue a report on such strategy. This strategy will include an action plan for consolidating United States Government sponsored international exchange and training programs with the objective of achieving a minimum 10 percent cost saving through consolidation or the elimination of duplication.

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility of transferring funds and program management for the ATLAS and/or the Mandela Fellows programs in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost advantages of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report promulgated pursuant to paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.".

SEC. 1407. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) IN GENERAL.—For each of the fiscal years 1998 and 1999, at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 1408. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REVISION OF NAME OF COMMISSION.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Commission shall be designated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) REVISION OF NAME OF TRUST FUND.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Trust Fund shall be designated as the "United States-Japan Trust Fund". Any reference in any provision of law , Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 1409. SURROGATE BROADCASTING STUDIES.

(a) RADIO FREE AFRICA.—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

(b) RADIO FREE IRAN.—Not later than 6 months after the date of the enactment of this Act, the United States Information

Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of a Radio Free Europe/Radio Liberty broadcasting service to Iran and transmit the results of the study to the appropriate congressional committees.

SEC. 1410. AUTHORITY TO ADMINISTER SUMMER TRAVEL/WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel/work programs without regard to preplacement requirements.

SEC. 1411. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 1412. AUTHORITIES OF THE BROADCASTING BOARD OF GOVERNORS.

(a) Authorities.—Section 305(a)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(1)) is amended by striking "direct and".

(b) Director of the Bureau.—The first sentence of section 307(b)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C.6206(b)(1)) is amended to read as follows: "The Director of the Bureau shall be appointed by the Board with the concurrence of the Director of the United States Information Agency.".

(c) Responsibilities of the Director.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C.6206) is amended by adding at the end the following new subsection:

"(c) Responsibilities of the Director.—The Director shall organize and chair a coordinating committee to examine long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of RFA, RFE/RL, the Broadcasting Board of Governors, and, as appropriate, from the Office of Cuba Broadcasting, the Voice of America, and WorldNet.".

(d) Radio Broadcasting to Cuba.—Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

(e) Television Broadcasting to Cuba.—Section 244(a) of the Television Broadcasting to Cuba Act (22 U.S.C. 1465cc(a)) is amended in the third sentence by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) In General.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, he is entitled to the rate of basic pay to which he would have been entitled had he remained in the civil service. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. The period of separation caused by his employment with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) Application.—The amendment made by subsection (a) shall apply with respect transfers which take effect on or after the date of the enactment of this Act.

SEC. 1502. ORGANIZATION OF AMERICAN STATES.

Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States, which is uniquely dependent on United States contributions and is continuing fundamental reforms in its structure and its agenda.

CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

SEC. 1521. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) Assessed Contributions.—Of amounts authorized to be appropriated for "Assessed Contributions to International Organizations" by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the Secretary of State determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) Notice to Congress.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) Contributions for Prior Years.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

(d) Report to Congress.—Not later than February 1 of each year, the President shall submit to the appropriate congressional committees a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

SEC. 1522. REPORTS ON EFFORTS TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) Congressional Statement.—It is the sense of the Congress that the United States must help promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) Reports to Congress.—Not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate):

(1) Actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc.

(2) Efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body.

(3) Specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

(4) Other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SEC. 1523. UNITED NATIONS POPULATION FUND.

(a) Limitation.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) Prohibition on Use of Funds in China.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) Conditions on Availability of Funds.—

(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) Reports.—

(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

SEC. 1524. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1601. COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES.

Section 39 of the Arms Control and Disarmament Act (22 U.S.C. 2579) is repealed.

SEC. 1602. USE OF FUNDS.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by striking "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" and inserting "any other Act".

TITLE XVII—FOREIGN POLICY PROVISIONS

SEC. 1701. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—No funds authorized to be appropriated by this division shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967.

(b) MIGRATION AND REFUGEE ASSISTANCE.—No funds authorized to be appropriated by section 1104 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—The United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings given such terms under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States resolution of advice and consent to ratification to such convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1703. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Within 60 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, shall report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) TERMINATION.—Subsection (a) shall cease to have effect when the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

SEC. 1704. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of resources and oversight dedicated to such policies;".

SEC. 1705. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

Section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091) is amended by adding at the end the following:

"(e) REPORTS TO CONGRESS.—The Secretary of State shall, not later than 30 days after the date of the enactment of this subsection and every 3 months thereafter, submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this section. Each report shall include—

"(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to this section;

"(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to this section;

"(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to this section;

"(4) an explanation of the status of the review under way for the cases referred to in paragraph (1); and

"(5) an unclassified explanation of each determination of the Secretary of State under subsection (a) and each finding of the Secretary under subsection (c)—

"(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

"(B) in the preceding 3-month period, in the case of each subsequent report.".

SEC. 1706. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which the appropriate authorities of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States.

(C) Each case in which the United States has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(3) SERIOUS CRIMINAL OFFENSE DEFINED.—The term "serious criminal offense" means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

(D) driving under the influence of alcohol or drugs or driving while intoxicated if the case involves personal injury to another individual.

(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

SEC. 1707. CONGRESSIONAL STATEMENT WITH RESPECT TO EFFICIENCY IN THE CONDUCT OF FOREIGN POLICY.

It is the sense of the Congress that the Secretary, after consultation with the appropriate congressional committees, should submit a plan to the Congress to consolidate some or all of the functions currently performed by the Department of State, the agency for International Development, and the Arms Control and Disarmament Agency, in order to increase efficiency and accountability in the conduct of the foreign policy of the United States.

SEC. 1708. CONGRESSIONAL STATEMENT CONCERNING RADIO FREE EUROPE/RADIO LIBERTY.

It is the sense of the Congress that Radio Free Europe/Radio Liberty should continue surrogate broadcasting beyond the year 2000 to countries whose people do not yet fully enjoy freedom of expression. Recent events in Serbia, Belarus, and Slovakia, among other nations, demonstrate that even after the end of communist rule in such nations, tyranny under other names still threatens the freedom of their peoples, and hence the stability of Europe and the national security interest of the United States. The Broadcasting Board of Governors should therefore continue to allocate sufficient funds to Radio Free Europe/Radio Liberty to continue broadcasting at current levels to target countries and to increase these levels in response to renewed threats to freedom.

SEC. 1709. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) Withholding of United States Proportional Share of Assistance.—

(1) In general.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(A) by striking "The limitations" and inserting "(1) Subject to paragraph (2), the limitations"; and

(B) by adding at the end the following:

"(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

"(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

"(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

"(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

"(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(III) incorporates internationally accepted nuclear safety standards.".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on October 1, 1997, or the date of the enactment of this Act, whichever occurs later.

(b) Opposition to Certain Programs or Projects.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) Reporting Requirements.—

(1) Request for IAEA reports.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) Annual reports to the congress.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

SEC. 1710. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) Limitation.—Of the amounts authorized to be appropriated by section 1101(4) for "Acquisition and Maintenance of Buildings Abroad" $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 is authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) Limitation on Use of Funds for Consulate in Jerusalem.—None of the funds authorized to be appropriated by this division may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) Limitation on Use of Funds for Publications.—None of the funds authorized to be appropriated by this division may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) Record of Place of Birth.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, upon request, the Secretary of State shall permit the place of birth to be recorded as Jerusalem, Israel.

SEC. 1711. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.

Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the fiscal years 1998 and 1999, the Secretary shall provide to the appropriate congressional committees a report on the compliance with the provisions of the Hague Convention on the Civil Aspects of International Child Abduction by the signatories to such convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of such convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of the Congress that the United States—

(1) should recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) should encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law; and

(3) should use its good offices to encourage the reopening of the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SEC. 1713. RETURN OF HONG KONG TO PEOPLE'S REPUBLIC OF CHINA.

It is the sense of the Congress that—

(1) the return of Hong Kong to the People's Republic of China should be carried out in a peaceful manner, with respect for the rule of law and respect for human rights, freedom of speech, freedom of the press, freedom of association, freedom of movement; and

(2) these basic freedoms are not incompatible with the rich culture and history of the People's Republic of China.

SEC. 1714. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.

(a) Findings.—The Congress finds the following:

(1) The United States stands as a beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Republic of Serbia completed municipal elections on November 17, 1996.

(5) In 14 of Serbia's 18 largest cities, and in a total of 42 major municipalities, candidates representing parties in opposition to the Socialist Party of President Milosevic and the Yugoslav United Left Party of his wife Mirjana Markovic won a majority of the votes cast.

(6) Socialist Party-controlled election commissions and government authorities thwarted the people's will by annulling free elections in the cities of Belgrade, Nis, Smederevska Palanka, and several other cities where opposition party candidates won fair elections.

(7) Countries belonging to the Organization for Security and Cooperation in Europe (OSCE) on January 3, 1997, called upon President Milosevic and all the political forces in

the Republic of Serbia to honor the people's will and honor the election results.

(8) Hundreds of thousands of Serbs marched in the streets of Belgrade on a daily basis from November 20, 1996, through February 1997, demanding the implementation of the election results and greater democracy in the country.

(9) The partial reinstatement of opposition party victories in January 1997 and the subsequent enactment by the Serbian legislature of a special law implementing the results of all the 1996 municipal elections does not atone for the Milosevic regime's trampling of rule of law, orderly succession of power, and freedom of speech and of assembly.

(10) The Serbian authorities have sought to continue to hinder the growth of a free and independent news media in the Republic of Serbia, in particular the broadcast news media, and harassed journalists performing their professional duties.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States, the Organization for Security and Cooperation in Europe (OSCE), and the international community should continue to press the Government of the Republic of Serbia to ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997, and to fully abide by their outcome;

(2) the United States, the OSCE, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(3) the normalization of relations between the Federal Republic of Yugoslavia and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997;

(B) abide by the outcome of such elections; and

(C) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law.

SEC. 1715. RELATIONS WITH VIETNAM.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the development of a cooperative bilateral relationship between the United States and the Socialist Republic of Vietnam should facilitate maximum progress toward resolving outstanding POW/MIA issues, promote the protection of human rights including universally recognized religious, political, and other freedoms, contribute to regional stability, and encourage continued development of mutually beneficial economic relations;

(2) the satisfactory resolution of United States concerns with respect to outstanding POW/MIA, human rights, and refugee issues is essential to the full normalization of relations between the United States and Vietnam;

(3) the United States should upgrade the priority afforded to the ongoing bilateral human rights dialog between the United States and Vietnam by requiring the Department of State to schedule the next dialog with Vietnam, and all subsequent dialogs, at a level no lower than that of Assistant Secretary of State;

(4) during any future negotiations regarding the provision of Overseas Private Investment Corporation insurance to American companies investing in Vietnam and the granting of Generalized System of Preference status for Vietnam, the United States Government should strictly hold the Government of Vietnam to internationally recognized worker rights standards, including the right of association, the right to organize and bargain collectively, and the prohibition on the use of any forced or compulsory labor; and

(5) the Department of State should consult with other governments to develop a coordinated multilateral strategy to encourage Vietnam to invite the United Nations Special Rapporteur on Religious Intolerance to visit Vietnam to carry out inquiries and make recommendations.

(b) REPORT TO CONGRESS.—In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary shall report to the appropriate congressional committees, not later than 90 days after the enactment of this Act and every 180 days thereafter during fiscal years 1998 and 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved POW/MIA cases and the recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including but not limited to Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including, but not limited to, unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including, but not limited to, sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 1716. STATEMENT CONCERNING RETURN OF OR COMPENSATION FOR WRONGLY CONFISCATED FOREIGN PROPERTIES.

The Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative, pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia, and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally obtained property confiscated from Holocaust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

DIVISION C—FUNDING LEVELS

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS.

Subject to section 634A of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for fiscal year 1998, $116,878,000. Amounts made available pursuant to such authorization shall be transferred to and merged with funds made available to accounts authorized to be appropriated by this Act (and amendments made by this Act) that are below the President's fiscal year 1998 request. Amounts transferred and merged under this subsection may not increase an appropriation account above the President's fiscal year 1998 request.

EXTENSIONS OF REMARKS

LEGISLATION TO MAKE THE IRC SECTION 911 EXCLUSION MORE EQUITABLE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. ARCHER. Mr. Speaker, today I am introducing legislation to correct one of the more misguided provisions of the 1986 Tax Reform Act.

Section 911 was added to the Tax Code to help U.S. businesses increase their exports of goods and services. These increased exports in turn helped to create jobs in the United States.

Unfortunately, section 911 has been viewed more as a source of increased revenues than increasing U.S. jobs. Because of this misguided philosophy, the Tax Reform Act of 1986 froze the section 911 earned income exclusion at $70,000. Thus, since 1986 the section 911 exclusion has not kept pace with inflation or other cost-of-living increases.

The legislation I am introducing today will correct the current inequities facing section 911 and allow the section 911 exclusion to reflect cost-of-living increases since 1986.

I hope Members on both sides of the aisle will join me and support this long-needed legislation.

AIDS—THIRD LEADING CAUSE OF DEATH IN YOUNG WOMEN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MORELLA. Mr. Speaker, today I am joined by 23 of my colleagues in reintroducing legislation to address the need for increased research on HIV/AIDS in women.

Despite the reduction in overall AIDS deaths in 1996, HIV/AIDS continues to be the third leading cause of death among women who are 25–44 years of age, according to the Centers for Disease Control and Prevention. The death rate for women actually increased by 3 percent in 1996, resulting in a record 20 percent of reported AIDS cases in adults. Women are the fastest growing group of people with HIV, with low-income women and women of color being hit the hardest by this epidemic. African-American and Latina women represent 78 percent of all U.S. women diagnosed with AIDS.

Since 1990, I have introduced legislation to ensure Federal support for research on HIV/AIDS in women. While progress has been made, there are still many unanswered questions about the disease in women, which affects their access to effective therapies and prevention methods.

The bill includes several major elements, including funding for research on methods of protection from the transmission of HIV and sexually transmitted diseases, with an emphasis on methods that women can afford and control without the cooperation or knowledge of their male partners. We must acknowledge and respond to the issues of low self-esteem, economic dependency, fear of domestic violence, and other factors that are barriers to empowering women to negotiate safer sex practices. The bill also includes additional funding to continue the Women's Interagency HIV Study, the ongoing study of HIV progression in women, and to conduct other research to determine the impact of potential risk factors for HIV transmission to women.

I urge my colleagues to join us as cosponsors of this legislation.

HOLOCAUST IN AFRICA

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MICA. Mr. Speaker, this week in Israel, in the Rotunda of the United States Capitol, and around the world for a few moments the horror of World War II's Holocaust was remembered.

"Never again" was the theme often repeated. This week in Zaire they removed the corpses of refugees from boxcars, and continued the body count of innocent African men, women, and children.

The Rebel Tutsi-dominated army has massacred thousands of Hutu refugees.

The modern day slaughter and holocaust of Rwanda is being repeated in Zaire.

While I strongly support our former colleague and present U.N. Ambassador's role in seeking peace in this war-torn region of Africa—Ambassador Richardson—every American and world citizen and every holocaust survivor must also seek justice.

Today we cannot turn our backs or look the other way as they did five decades past. In Africa, those responsible for murder, genocide, and slaughter must be brought to justice.

This Congress, our Nation, and the United Nations should not rest while this slaughter in Africa continues. If not, the words of yesterday's Holocaust remembrance will, both today and tomorrow, have a hollow ring.

A TRIBUTE TO FRANK SENDLEWSKI FOR 50 YEARS OF SERVICE TO THE RIVERHEAD FIRE DEPARTMENT

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FORBES. Mr. Speaker, I rise to day to pay tribute to a smalltown hero from Riverhead, Long Island, NY. On May 13, 1997, Mr. Frank Sendlewski will be honored by his family and friends for his 50 years of dedicated service to the Riverhead Volunteer Fire Department.

Born on Sweezey Avenue, Frank Sendlewski joined the Riverhead Volunteer Fire Department in 1947, shortly after fulfilling his service to the U.S. Navy during World War II. Frank's selfless commitment to protecting the lives and property of his Riverhead neighbors enabled him to rise to the rank of captain of the Riverhead Fire Department by 1957, a position he served in for 2 years.

The son of one of the founders of the Riverhead Volunteer Fire Department, Frank has devoted himself to the community where he and Florence Sendlewski, his wife of 48 years, have raised their four children, Mary Ann, Madelyn, Michael, Martin. Frank and Florence are now the proud grandparents of six: Christy, Ashley, Andy, Jennifer, Jeffrey, and Jason.

The Sendlewski's raised their wonderful family in the proud, historic area of Riverhead known as Polish Town, where they still live on Lincoln Avenue. A cobbler by trade, Frank owned a shop on Railroad Avenue for more than 5 years, until the shop was destroyed by fire. Through he eventually rebuilt the shop, Frank ultimately went to work as a sheet metal mechanic at the U.S. Department of Agriculture's facility on Plum Island.

Mr. Speaker, Frank Sendlewski is one of Riverhead's most cherished citizens because he gives so much of himself to the community. Frank is also an active member of the American Legion Post and St. Isadore's Roman Catholic Church. Every Christmas, Frank puts on his red suit and white beard to play Santa Claus to hundreds of Riverhead children.

Here on eastern Long Island, we cherish the close-knit smalltown feel of our communities, where people wave hello when they see you on the street and neighbors help each other out in times of need, without having to be asked. Mr. Speaker, it is no accident that Riverhead is that type of community. It is because of the commitment and hard work of family's like the Sendlewskis.

That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting Frank Sendlewski on the occasion of his 50th anniversary of service to the Riverhead Volunteer Fire Department. Because of that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lifetime of devotion to his community, a man like Frank Sendlewski is as valuable to America as he is to Riverhead.

TAIWAN DEMOCRACY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the impressive strides that the Government and people of Taiwan have made in strengthening democracy and a free market system in their country. I have visited Taiwan in the past and during my visit, I was struck with the industriousness of the people and, particularly, with their heartfelt embrace of democracy. I am proud to count among my friends many of the Taiwanese Government officials, business leaders, and ordinary citizens that I met during my all-too-brief visit. The Taiwanese have created a society that is characterized by a vibrant culture, hardworking people, and a burgeoning economy.

All of the positive developments in Taiwan today are directly attributable to the commitment of the Taiwanese people to democratic government and democratic principles. While Taiwan cannot claim over 200 years of experience with democratic government as we in the United States can, Taiwan's relatively young democracy has demonstrated resilience and vitality in the face of enormous external and internal pressures. As to those pressures, we are all aware of the tension between Taiwan and the People's Republic of China related to the issue of reunification. Additionally, like any country experiencing rapid economic growth, there are increased pressures brought to bear on the societal fabric by the unique changes such growth creates.

A significant amount of credit for the stability and economic growth that Taiwan is experiencing should go to President Lee Teng-hui—who will be celebrating his first anniversary in office on May 20—and his administration. Among other things, through his leadership of Taiwan, President Lee has fostered an economic environment that stimulates technological and industrial innovation. He has also set a course for Taiwan that is moving the country closer to the goal of reconciliation and reunification with mainland China. He is to be commended for his leadership of Taiwan. In closing, therefore, I applaud the people and Government of Taiwan for persevering in their pursuit of democracy and free enterprise.

CONGRATULATIONS TO BYRAN HIGH SCHOOL NATIONAL FED CHALLENGE CHAMPIONS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BRADY. Mr. Speaker, I rise today to recognize six students from Bryan High School who competed in the National Fed Challenge sponsored by the Federal Reserve System. These students claimed the National Fed Challenge title for Bryan High for the second consecutive year. Team members include Jesse Dyer, C.W. Faulkner, Sarah Henry, William Scarmardo, Sarah Stasny, and William Strawser. They were coached by teachers Laura Wagner and Janyce Kinley.

The Fed Challenge competition seeks to increase students's knowledge and understanding of economics, monetary policy, and the role of the Federal Reserve in the national economy. Competition requires six-member teams to research and analyze economic policy and present recommendations to a panel of judges at a mock meeting of the Federal Open Market Committee.

The Bryan High School team won the championship in Washington, DC, on May 1, 1997, competing against teams from other Federal Reserve districts. Judges for the national title event included Alice Rivlin, vice chair, Broad of Governors; Donald L. Kohn, director of monetary affairs, Board of Governors; and Al Broaddus, president, Federal Reserve Bank of Richmond.

I congratulate the students for their hard work and dedication. Their commitment to academic excellence is a tribute to Bryan High School, their families, and the State of Texas. I am confident that these fine students will grow to become solid citizens and community leaders.

HAPPY BIRTHDAY JOE DUDLEY

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BURR of North Carolina. Mr. Speaker, I rise today to wish a happy 60th birthday tomorrow to a great entrepreneur and humanitarian, Mr. Joe Louis Dudley, Sr. Joe was born the fifth of seven children on May 9, 1937 to Gilmer L. and Clara Yeates Dudley in Aurora, NC. In his 60 years, Joe overcame many obstacles to become the president and CEO of Dudley Products, Inc., one of the world's largest manufacturers and distributors of ethnic hair care products, and to serve as a role model for all youth wanting to succeed in their own business.

As a child, Joe suffered from a speech impediment and was labeled mentally retarded, but through hard work and his mother's strong encouragement, he surpassed everyone's expectations. It was at North Carolina A & T University that Joe got his start in the beauty industry. He invested $10 in a Fuller products sales kit and made his way through college. During his summer vacation in 1960, he worked for Fuller in Brooklyn, NY where he met his wife, Eunice, who was also working her way through college. Upon graduation, they moved to New York where they worked for 5 years.

In 1967, Joe and Eunice Dudley returned to North Carolina, and 2 years later, they opened their own business with beauty products they made in the family kitchen. Today, Dudley Products has grown to be one of the most successful businesses of its kind—making Joe Dudley a millionaire by the age of 40. He employs 475 people and markets his products in 40 States. Joe and Eunice also founded the Dudley Cosmetology University in Kernersville, NC. It currently operates 16 beauty schools including one here in Washington, DC.

But, I am not here today to wish Joe Dudley a happy birthday just because he is a successful businessman. He has also dedicated himself to sharing his success with the community. He chaired the Direct Selling Association's Inner City Program which is designed to help inner city youths combat joblessness and also serves on the board of trustees of his alma mater North Carolina A & T University. He and his wife have been honored by the city of Kernersville, NC, as the First Citizens of the Year, and President Bush honored them with the 467th Point of Light for establishing the Dudley Fellows Program which, along with the Dudley Ladies Program, provides mentors to high school students. In addition, Joe's company awards 32 full scholarships annually to N.C. A & T University and Bennett College in Greensboro, NC. Joe, however, does not limit his giving nature to just North Carolina. In 1992, Dudley Products established the Resurrection to Beauty Fund to help cosmetologists rebuild businesses destroyed in the Los Angeles riot.

Finally, Mr. Speaker, it is easy to see why Joe Louis Dudley, Sr. deserves this special happy birthday wish on his 60th birthday. He has used his success to help others achieve the American dream who may not otherwise be able to make it. Through their support of educational programs, he and his wife continue to dedicate themselves to insuring that future generations have the knowledge and skills necessary to achieve great things for our community and our country. So, Joe Dudley, for your selflessness and dedication, we wish you a happy 60th birthday.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SESSIONS. Mr. Speaker, yesterday, when the House voted on House Resolution 93, expressing the sense of the Congress regarding the Consumer Price Index. I was unavoidably detained, and could not record my vote on this important resolution. The Consumer Price Index is appropriately monitored by the Bureau of Labor Statistics. I would like the record to reflect that I would have voted in the affirmative on this resolution.

ON PAUL SPATHOLT'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Paul Spatholt of Fairview Park, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering Scouting achieve this rank.

Paul's Eagle project involved the refurbishment of the press box at Fairview Park High School's football stadium. Paul solicited donations from local businesses for the tools and materials he needed to repaint the press box. He also cleared brush and helped to trim bushes in front of the high school.

My fellow colleagues, let us join Boy Scouts of America Troop 293 in recognizing and praising Paul for his achievement.

75TH ANNIVERSARY OF KENNEDY CROSSAN ELEMENTARY SCHOOL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BORSKI. Mr. Speaker, I rise today in honor of the 75th anniversary of Kennedy Crossan Elementary School. Kennedy Crossan has delivered a quality education to generations of children in the Burholme community.

The elementary school was named after its founder, Mr. Kennedy Crossan. During a time of great need in the community, Mr. Crossan built a two story school building and donated it to the neighborhood. Kennedy Crossan was a self-made man, who worked his way across America, eventually returning to Philadelphia at the age of 21. He formed a company that built railroads and the Million Dollar Pier in Atlantic City. Profits from this company were set aside to build what became Kennedy Crossan Elementary School.

Nearly 25,000 students have passed through the hallways of this school. The students of Kennedy Crossan have entered the world prepared, and have become proud, productive citizens. The academic success that this school has achieved is based on a cooperative effort between teachers, administrators, parents, and the community.

The Home and School Association has faithfully served and supported both the staff and the students at Kennedy Crossan. The school also receives support from outside adopters which are: Councilman Brian O'Neill, Pizza Hut, The Sheriff's Office, Kiwanis Club, Blue Ribbon Services, The Protestant Home, The Brass Boudoir, Ron Donachie from the 2d Police Precinct and the Rising Sun Avenue Post Office.

The precedent of community and school cooperation has also continued in the form of grants. In 1994, teachers secured a grant from Learn and Serve. This grant went to developing a program in which students learned tolerance and respect for different races and ages, as well as environmental studies. A computer lab was created with an additional grant. In this lab, students and staff work together to gain vital working knowledge of computers and the functions that they serve in the outside world.

John Meehan, a community artists, and the students from last year's fifth grade, worked together to create a mural on the kindergarten portable facing Bleigh Street. The students also formed a partnership with the Philadelphia Zoo, to adopt the zoo's only cheetah.

The perseverance and dedication of students, staff, parents, and the community, have enabled Kennedy Crossan Elementary School to deliver an education program that is phenomenal in its results. It is an honor for me to congratulate them on their 75th anniversary, and the achievements they have made thus far. I wish them continued success.

A TRIBUTE TO SAM SALTSMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, my colleague, Mr. BERMAN, and I are honored today to pay tribute to Sam Saltsman. Mr. Saltsman is being honored with the Inaugural Presentation of the David Ben Gurion Award for his outstanding service and dedication to the United Jewish Fund.

Sam has a long history of service and dedication going back to his years as a Commander in the U.S. Navy during World War II. His service was commemorated by the British Government with the Distinguished Service Cross and the U.S. honored his service with two Bronze Stars. Since his time in the military, his sense of civil duty has guided him to leadership positions in the business and the religious communities.

As a manufacturer of shoe accessories, Sam has maintained production and employment of his company in the southern California area for many years. Sam also finds time to serve as a sensible civilian in arbitrations dealing with fee disputes for the Los Angeles Bar Association. While Mr. Saltsman devotes his energies to many worthy causes, his top priority is volunteering in his local religious community.

When Disraeli said "duty cannot exist without faith," it seems he had individuals like Sam in mind. Sam's religious devotion and spirit of volunteerism are inextricably intertwined. From 1967–1969 he served as congregation president to the Temple Beth and led the effort to build a new activities building. Sam and his wife, Helen, are currently endowment contributors to Temple Beth Hillel, ensuring the Temple's future for generations to come. He has served as chairman of the United Jewish Campaign where he played an active role in raising funds to support social services in Los Angeles, Israel and 60 other countries. Mr. Saltsman has been active as a charter member of El Caballero Country Club to raise contributions for the United Jewish Fund and the Anti-Defamation League.

Indeed, it is an honor to recognize Sam Saltsman as the inaugural recipient of the David Ben Gurion Award. His lifetime of service and dedication serves as an example to us all.

A SALUTE TO GOLD STAR MOTHERS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, mothers have born the armies of war throughout history. Whether a victorious or defeated Nation, these Gold Star Mothers have lost their sons and daughters for our Nations' defense.

We must offer the gratefulness of this Nation for the sacrifices of mothers all, who have given us our freedoms through their childrens' lost lives.

God bless them and we humbly offer our tears and humility as a Nation. God bless them and we also humbly offer our thankfulness and gratitude.

God love and protect them all and we pray no more lives lost; no more war.

INTRODUCTION OF THE TEACHER TECHNOLOGY TRAINING ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation that will provide teachers with the technology training they need to meet the classroom challenges of the 21st century.

The Teacher Technology Training Act of 1997 would include technology in teacher training and professional development programs authorized under the Elementary and Secondary Schools Act of 1994. This legislation would require States to incorporate technology requirements in teacher training content and performance standards. School districts and local education agencies that receive Federal funding would have to include technology classes in their programs, and institutions of higher education would be encouraged to incorporate technology into their education curriculum.

During the 104th Congress, language was included in the Telecommunications Act to provide affordable access to the Internet for our Nation's schools. The Federal Communications Commission [FCC] yesterday announced final regulations for the implementation of this language, which means that schools across the country will receive meaningful discounts for the latest telecommunications technologies. Access to the Internet will only be helpful to our educational system if teachers are equipped with the knowledge to use that technology.

The Office of Technology Assessment [OTA] recently released a study showing that a majority of teachers feel they need additional training in order to adequately use a personal computer. School districts across the United States spend less than 15 percent of their technology budgets on teacher training.

The Subcommittee on Technology, which I chair, held a hearing this week on technology in the classroom. Witnesses included education technology specialists from around the country, and each one testified that there is a lack of teachers who understand how to incorporate technology into the classroom curriculum. Kalani Smith, who is an instructional specialist in the Office of Global Access Technology in the Montgomery County, MD, Public Schools, told the subcommittee that training should focus on helping teachers to use the computers in their classrooms as tools to teach what they have always been teaching, but in new and innovative ways.

Kathleen Fulton, the associate director of the Center for Learning and Educational Technologies at the University of Maryland, used to work for the OTA. She said that OTA also studied the competence of new teachers just entering the classroom. The study, "Teachers and Technology" was less than promising, for it showed that "most new teachers graduate from teacher preparation institutions with limited knowledge of the way technology can be used in their professional practice."

Advanced technology has improved America's economic competitiveness and improved the quality of life for millions of Americans. By the year 2000, just 3 years away, 60 percent of American jobs will require technological skills. Our classrooms must have teachers who know how to use technology in order for our children to succeed into the next century. We are taking steps to put computers in our classrooms; now we must make sure that our teachers know how to use them effectively.

TRIBUTE TO ALICE SACHS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to honor the memory of Alice Sachs, whose lifetime was dedicated to her party and her community. Alice Sachs passed away last month.

Alice Sachs began her career in politics with the American Labor Party. After World War II, when most Labor Party members left to form the Liberal Party, Alice became a Democrat, thus beginning her lifelong dedication to the Democratic Party on the upper east side of Manhattan. In 1949, she founded the Lexington Democratic Club, an organization dedicated to reforming the political club system prevalent at the time. The club insisted that membership be open to all Democrats and that all endorsements be voted on by the full membership.

By 1953, the Lexington Club—under the direction of Alice Sachs as District Leader—had become the official club for its assembly district. Alice served as District Leader for 30 years, until she became the club's State Committeewoman in 1983.

During her years with the Lexington Democratic Club, Alice Sachs was twice their candidate for State assembly and once for State senate. Although she never won a legislative seat, she campaigned tirelessly and with innovation: in 1962, she handed out fortune cookies with the message "Alice Sachs for State senate." Alice was also a delegate to three national nominating conventions and Commissioner of Elections for 20 years. She was a founding member of Americans for Democratic Action [ADA] and served on its national board for 50 years. In 1962, she was an initial appointee to community board 8 on the upper east side, and remained a member until her resignation 2 years ago.

Alice Sachs led a distinguished career of commitment to her party and her community; all of her actions, whether campaigning or fighting for tenants' rights, were based on the concepts of honesty, integrity, and fair play.

Mr. Speaker, I respectfully ask that my colleagues rise with me in this tribute and take a moment today to remember Alice Sachs, a woman who represented everything that was noble about political involvement.

H.R. 1553, 1-YEAR EXTENSION OF AUTHORIZATION OF THE ASSASSINATION RECORDS REVIEW BOARD

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BURTON of Indiana. Mr. Speaker, today I am introducing H.R. 1553, which amends the President John F. Kennedy Assassination Records Collection Act of 1992—Public Law 102–526—to provide 1 additional year for the Assassination Records Review Board to complete its work. This legislation would extend the Review Board's September 30, 1997, termination date under current law to September 30, 1998. H.R. 1553 authorizes $1.6 million in fiscal year 1998 for this purpose. I am pleased that the Honorable HENRY WAXMAN, the ranking minority member on the Committee on Government Reform and Oversight, and the Honorable LOUIS STOKES, who sponsored the 1992 Act and who chaired the House Select Committee on Assassinations that was established in 1976, are original cosponsors of H.R. 1553.

The purpose of the 1992 legislation was to publicly release records relating to the Kennedy assassination at the earliest possible date. The Assassination Records Review Board was set up to review and release the voluminous amounts of information in the Government's possession. The FBI, the Secret Service, the CIA, the Warren Commission, the Rockefeller Commission, the Church Committee in the Senate, and the House Select Committee on Assassinations have all held assassination records, and records have also been in the possession of certain State and local authorities as well as private citizens. When this legislation was considered, nearly 1 million pages of records compiled by official investigations of the assassination had not been made available to the public, some 30 years after the tragedy. Congress believed that simply making all relevant information available to the public was the best way to respond to the continuing high level of interest in the Kennedy assassination, and was preferable to undertaking a new congressional investigation. The 1992 law requires the Review Board to presume that documents relating to the assassination should be made public unless there is clear and convincing evidence to the contrary. I believe that the release of this information is important to ensure accountability in the Government and to clearly demonstrate to Americans that the Government has nothing to hide.

As a result of the Review Board's efforts, over 10,000 documents have been transferred to the national archives and Records Administration for inclusion in the JFK collection. At the end of 1996, that collection totaled approximately 3.1 million pages and was used extensively by researchers from all over the United States. The Review Board was in the news last month when it voted to make public the Abraham Zapruder film of the Kennedy assassination.

The President John F. Kennedy Assassination Records Collection Act of 1992 originally provided a 3-year timetable for the Assassination Records Review Board to complete its work. Unfortunately, there were lengthy delays in the appointment of Board members, and as a consequence the Review Board was scheduled to cease operations before it even began its work. As a result, in 1994 Congress restarted the clock by extending the 1992 law's termination date for 1 year, until September 30, 1996. The Review Board subsequently exercised its authority to continue operating for 1 additional year, until September 30, 1997. Because the review process proved to be more complex and time-consuming than anticipated, the President included in his fiscal year 1998 budget a request for a 1-year extension of the Review Board's authorization.

I support the Assassination Records Review Board's request for a 1-year extension of its authorization so that it can complete its mission in a professional and thorough manner. I have always believed very strongly that Congress should not indefinitely continue funding for Federal entities that were clearly intended to be temporary in nature. The Review Board has informed me that it is confident that it will be able to finish its work and complete its final report if Congress will extend its life for 1 additional year, until September 30, 1998.

ON DALE POPP'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Dale Popp of Cleveland, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving, first aid, citizenship in the community, citizenship in the Nation, citizenship in the world, personal management of time and money, family life, environmental science, and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting law, which holds that he must be trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering Scouting achieve this rank.

Dale's Eagle project involved both the organizing of a food drive in his neighborhood in which he collected canned food for hungry Clevelanders, and the beautification of a street island in his neighborhood. Dale organized the cleanup of the neglected area and the mulching and planting of a flower garden.

My fellow colleagues, let us join Boy Scouts of America Troop 293 in recognizing and praising Dale for his achievement.

FIFTIETH WEDDING ANNIVERSARY OF RUSS AND BETTY COPE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BORSKI. Mr. Speaker, I rise today to honor Russ and Betty Cope, as they celebrate their 50th wedding anniversary. Fifty years of marriage is a celebration of love, commitment, and dedication to vows made to each other.

Now retired, Russ worked as a rural mail carrier, and Betty as a teacher. In their years of marriage, the Copes had three children: Brian Cope, Judy Gallagher, and Diane Lloyd. Their children also made them the proud grandparents of Tonya Malaga; Neil, Danny, and Christie Cope; and Layla Lloyd.

The Copes should be a reminder to us of the sanctity of marriage. Russ and Betty Cope should be honored for their continued commitment. I congratulate them on 50 years of devotion to each other, and the promise that they made. May they experience many more years of happiness and love.

A TRIBUTE TO PETER AGUIRRE, JR.

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the late Deputy Peter Aguirre, Jr., a man who made the ultimate sacrifice to his fellow citizens—he gave up his life in the line of duty. Even as we mourn the death of Deputy Peter Aguirre, we remember and celebrate his life, the family and friends that love him, his work as a deputy, and the ideals that he lived by.

After graduating from California State University at Northridge in 1994, Peter attended the Ventura County Sheriff's Academy. On April 24, 1994, he was sworn in as a deputy, and was assigned to Detention Services in the Ventura County Main Jail. In January 1996 he was given his second assignment, patrol at the Ojai substation. Despite his short time as a law enforcement officer, Peter's fellow officers were impressed by his hard work and reliability.

On July 17, 1996, Deputy Aguirre and other officers responded to a domestic disturbance call. Shortly after arriving at the scene the suspect opened fire on the deputies, fatally wounding Deputy Aguirre. The Ventura County community felt a great loss with Peter's tragic death. The sacrifice he made was best put by his boss, Sheriff Larry Carpenter:

> Peter did something extraordinary, something courageous, something valorous. Peter gave all that he had. Peter also gave up much. He gave up ever seeing his beautiful wife after working long shifts. He gave up the ability to hold his precious daughter in his hands. He gave up spending Sunday afternoons with his mother and father. He gave up everything, simply so that you and I could do all those things with our families.

Deputy Aguirre's bravery for the sake of our community is truly remarkable. He put his life on the line to protect the safety of our families and our community, indeed we all owe him a great debt. Mr. Speaker, I would like to take this moment to recognize not only Peter, but the 53 law enforcement officers that gave up their lives last year in the line of duty. It is only through the self-sacrifice and dedication of these individuals that we are able to enjoy the freedom and safety that make this Nation great.

A TRIBUTE TO THE HONORABLE CARLOS RODRIGUEZ UPON HIS RETIREMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend, Judge Carlos Rodriguez, upon his retirement after over 21 years of service on the bench of the State of California Workers' Compensation Appeals Board. Judge Rodriguez will be honored on Friday, May 9, 1997, at a special ceremony held in his honor in Los Angeles, CA.

Judge Rodriguez was appointed to the Workers' Compensation Board in 1975. He was a trailblazer, as the only Latino judge on the State of California Workers' Compensation Board. Recognizing a need for Latino representation in his field, he sought to recruit Latino lawyers and judges. His efforts led him to conduct legal seminars, where he informed and encouraged lawyers to improve themselves and their practice.

The son of Mexican immigrants, Judge Rodriguez attended public school in the Los Nietos and Whittier area. His father, Refugio Rodriguez, was a shift foreman at a laminated plastics fabrication plant and his mother, Felicia Rodriguez, worked at a food processing plant. During high school, Judge Rodriguez worked on a farm feeding chickens and rabbits, at a car wash, and later in a machine shop. He continued working in the machine shop as he pursued his Bachelor of Arts degree in business from the University of California, Los Angeles. After graduating from UCLA, he was drafted into the Army and sent to France, where he spent 2 years as a data processing machine operator. After completing his tour of duty, he worked at the Los Angeles County Probation Department as a clerical aide, while he attended law school.

Judge Rodriguez planned to practice criminal defense and after being admitted to practice law he became a prosecutor with the Los Angeles County District Attorney's Office, to obtain the critical trial experience he would need as a criminal defense lawyer. He later joined the law firm of Sillas and Castillo, winning the first personal injury case he was assigned. He then moved to the Law Offices of Nephan and Foglia, where he did criminal defense and some worker's compensation cases. His experience in worker's compensation cases led Judge Rodriguez to the law firm of Manuel Hidalgo to handle that firm's worker's compensation cases.

During this time, Judge Rodriguez decided to take the examination for worker's compensation specialist and for judge of the Workers' Compensation Appeals Board. While he had only taken the judge examination to gain the experience, he passed both tests and later accepted an appointment as judge to the Workers' Compensation Appeals Board.

His tenure has been a commitment to serving the community and his profession with distinction. He has dedicated many hours to providing legal seminars, which he intends to continue in his retirement. Also, Judge Rodriguez, plans to continue his advocacy and active volunteerism. He is a member of the Mexican American Bar Association and Mensa, an organization of individuals with a genius IQ.

Mr. Speaker, it is with pride that I ask my colleagues to join me and Judge Rodriguez's friends and family in paying tribute to the Honorable Carlos Rodriguez, for his many years of dedicated service on the California State Workers' Compensation Appeals Board.

THE RETIREMENT OF DANIEL F. CASSIDY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. GOODLING. Mr. Speaker, I rise to congratulate Mr. Daniel F. Cassidy upon his retirement on June 3, 1997. He will complete 38 years of distinguished service with the Federal Government, the last 26 with the Federal Aviation Administration's [FAA] Harrisburg, PA, Airports District Office.

A civil engineering graduate of the University of Notre Dame, Mr. Cassidy began his Federal service in 1959 with the Air Navigation Facilities Division of the Federal Aviation Administration. As a young engineer, he served as resident engineer on a variety of air navigation facility installations in the Northeast. In 1964, Mr. Cassidy transferred to the Airports Division's Harrisburg District Office as an airport planner. He subsequently relocated to the Cleveland Airports Area Office as project manager, taking on responsibilities for construction work in Ohio, Kentucky, and western Pennsylvania.

In 1971, with the reopening of the Harrisburg Airports District Office, Mr. Cassidy returned to central Pennsylvania as assistant manager, providing direction in the planning, programming and construction of airport improvement projects in Pennsylvania and Delaware. Mr. Cassidy has greatly contributed to the development of a safe and efficient system of airports in the mid-Atlantic region. Of particular note were his contributions to the development of new terminal facilities and increased runway capacity at Pittsburgh International Airport. In addition, Mr. Cassidy has been a leader in implementing compatible land use and safety recommendations at Federal agreement airports. He has worked with airport sponsors and elected Federal, State, and local officials to resolve complex funding and technological issues in a timely and positive manner.

Mr. Speaker, Mr. Cassidy's service to his country and dedication to duty have reflected credit to himself and the Federal Aviation Administration. I wish him the best.

TRIBUTE TO 1997 EXCELLENCE IN BUSINESS AWARD RECIPIENTS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the recipients of the 1997 Excellence in Business Awards. Sponsored by a distinguished newspaper in the Central Valley of California, the Fresno Bee, the awards are designed to honor businesses and one individual from the community who have demonstrated high ethical standards, corporate success and growth, employee and customer service, and concern for the environment. The recipients will be honored at a luncheon given in their honor on Thursday, May 8, 1997, in Fresno, CA.

Dozens of nominations were submitted and the following were selected to represent the breadth of businesses throughout the Valley:

INTERNATIONAL AGRI-CENTER (TULARE)

AGRICULTURE

Although the center is staffed by just 10 employees, a volunteer staff of more than 600 people make up the strength of this business. Through the assistance of all, the International Agri-Center produces the annual California Farm Equipment Show, the greatest international event of its kind.

FRESNO RESCUE MISSION/CRAYCROFT YOUTH CENTER (FRESNO)

CHARITABLE

The only organization of its kind, the Fresno Rescue Mission/Craycroft Youth Center represents the sole Fresno County receiving home for abused and neglected children. Services offered through the center include counseling, education services, and health exams. The most unique feature of the center is that it allows for siblings to remain together at one location, thereby keeping families intact.

BUCKMAN-MITCHELL INSURANCE (VISALIA)

FINANCE

Working on its 81st year in business, Buckman-Mitchell Insurance has more than 60 employees and clients throughout the world. The company is known well throughout the Central Valley for its high ethical standards and community involvement. Such an example of the level of dedication that exists within the company is evidenced by the fact that the company donates as much as $100,000 a year to the Visalia community.

ST. AGNES MEDICAL CENTER (FRESNO)

HEALTH CARE

St. Agnes, the fourth largest employer in Fresno County, opened its doors in 1929. Since then, the staff at St. Agnes has made continuous strides in the health care field. Between 1993 and 1996, outpatient volumes at the medical center increased by more than 76,400. The medical center is also helping to find positions outside of the hospital, as they assist in funding a case worker for Fresno Unified School District's teen parenting program, Future Positive.

GRUNDFOS PUMPS CORPORATION (CLOVIS)

MANUFACTURING

An example of a home-based operation, Grundfos Pumps, was first established in the cellar of Paul Due Jensen's home in Denmark in 1945. Since then the company has expanded and opened its operation for U.S. manufacturing in Clovis in 1974. The company's continuous commitment to excellence and education has continued to grow over the years. Since 1987, Grundfos has been a business partner with Clovis Unified School Districts and continues to place great importance on employee training and training.

FRESNO ZOOLOGICAL SOCIETY (FRESNO)

NON-PROFIT

The Chafee Zoological Gardens at Roeding Park was incorporated in 1949. Visited by more than 400,000 people the society grossed more than 1.78 million in 1995 from combined fundraising activities. The Society remains a source of attraction to the Fresno area due to an outstanding membership organization. Growing from 2,500 in 1988 to 6,400 in 1997, the society recently recognized Director David W. Kyle as Outstanding Fund-raising Executive of the Year by the National Society of Fundraising Executives.

BAKER, MANOCK & JENSEN ATTORNEYS AT LAW (FRESNO)

PROFESSIONAL SERVICES

As one of the oldest and most-established law firms in the Valley, Baker, Manock & Jensen employs 47 lawyers, 10 paralegals, and more than 50 other staff members in support positions. The firm is recognized as a member of commercial law affiliates, an association of A-rated firms throughout the world. In addition to a heavy and extremely active work load, members of the firm devote numerous personal hours to assist with more than 20 nonprofit organizations throughout the community.

LA TAPATIA TORTILLERIA, INC. (FRESNO)

RETAIL/WHOLESALE

La Tapatia is a homegrown business built from the ground up. Helen Chavez-Hansen first purchased the business in 1969 for $1,900. Since then, La Tapatia has grown from 6 employees and one tortilla oven to a staff of over 155. La Tapatia's 40,000-square-foot plant can produce 5,500 dozen tortillas per hour. The intense quality control program of the plant assures that an individual is receiving the best commercial product available.

FORTIER TRANSPORTATION (FRESNO)

SMALL BUSINESS

In 1911, Fortier Stage Lines was founded and provided passenger service to its customers. In 1991, the business went back to its original function as a regulated interstate motor freight carrier. Kathy Fortier, the owner of Fortier Transportation, began with one part-time driver in 1992. Today, the business employs office staff, shop personnel, and five company drivers.

HALL OF FAME AWARD

CLAUDE LAVALL III

As President of Lavall-Separator Corp., Claude Lavall III's high standards and work ethic have become the hallmarks of his business. Lavall has been actively involved in the expansion of his business, recently growing into Mexico. As a businessman in the international marketplace, Lavall Corp. believes that sales and service personnel are responsible for advancing the standards that have made this business so successful. From the business to the education and community sector, Claude Lavall III is currently in partnership with Erickson School, a companywide effort

In conclusion, Mr. Speaker, the 1997 Excellence in Business Awards highlights the top representatives in numerous fields throughout the Valley. I commend these businesses for their successes, as well as the men and women who own them, for they believe—and have proven—that hard work is the foundation for individual and community-oriented successes. I ask my colleagues to join me today to salute all of the recipients of this award. They embody the highest ethical standards and concern both for themselves and their community.

WIC SAVES MONEY

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. FURSE. Mr. Speaker, the Supplemental Program for Women, Infants and Children is one of the most cost-effective investments we make. It is exactly what is needed from to serve human needs and to be fiscally responsible.

WIC prevents problems from occurring in the future. We now know that early childhood cognitive development is crucial for that child's long-term growth and ability to learn.

Every dollar spent on WIC saves $3 in health care costs. Further, WIC is not a feeding program, it is a health program. It ensures that pregnant mothers will receive some attention to their health.

The reduction in WIC in this supplemental appropriation means that, for the first time, we will be dropping participants from the rolls rather than adding them. We must care about kids not only from conception to birth but as they grow and develop as well. Adequate funding of WIC is an excellent way to start.

OPPOSITION TO CHANGES IN FEDERAL PROCUREMENT POLICY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues and to the readers of the RECORD a letter that was sent to me by one of my constituents, Bob Affel. Bob is the president of Sun Electric Co. in Knoxville, TN.

As many of you may know, President Clinton recently created a huge controversy when he announced that his administration would be changing the Federal procurement policy. The proposed changes could be used to unfairly discriminate against businesses that operate without a union. In addition, the changes could cost taxpayers billions of dollars.

Bob is uniquely aware, from a businessman's perspective, of exactly how the current regulations work. Since he has read through and tried to comply with these illogical bureaucratic requirements, his letter gives an excellent discussion of the issues surrounding President Clinton's latest proposal.

In addition to Bob's comments, I would personally add that I have seen estimates that the proposed policy would end up raising the cost of Federal Government construction spending by $4.8 billion annually or reduce the amount of construction by 30 percent. With our Nation more than $5.5 trillion in debt, we should not be encouraging this sort of wasteful spending.

I request that a copy of the attached letter be placed in the RECORD at this point. I hope that my colleagues will join me and Bob Affel in opposing President Clinton's unfair proposal.

SUN ELECTRIC CO.,
Knoxville, TN, April 21, 1997.

Representative JOHN DUNCAN,
Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DUNCAN: We oppose the President's project labor agreement executive order. Listed below are some of our reasons.

HOW PUBLIC PROJECT LABOR AGREEMENTS HURT OPEN SHOP CONTRACTORS

Public project labor agreements exclude open shop contractors from the competition for public work. Labor unions often note that open shop contractors can also sign and work under such agreements but in doing so, the unions conveniently disregard the way the agreements actually work.

The problem is rarely the wage rates or fringe benefits that the agreements mandate. The Davis-Bacon Act or one of its many counterparts already require open shop and all other contractors to pay prevailing wages and benefits to those working on most public projects. The problem is that the agreements permit open shop firms to use few if any of their current employees. The also require open shop firms to organize their work around the rigid lines that define each union's jurisdiction. Public project labor agreements can require open shop firms to use three or more employees to perform a task that a one multicraft worker would otherwise perform. Open shop contractors can work under public project labor agreements but not without greatly increasing their cost of performing the work.

Thus, it is true but irrelevant that open shop firms are free to work under such agreements. What matters is that the agreements require open shop contractors to fundamentally change the way they do business that such firms cannot effectively compete.

HOW PUBLIC PROJECT LABOR AGREEMENTS HURT UNION CONTRACTORS

As a threshold matter, a public project labor agreement may well increase even a union contractor's cost of constructing a public facility. Such contractors may find that they have to employ the members of new and different unions. Many such contractors have agreement with only two or three unions, while public project labor agreements can involve as many as seventeen.

More importantly, public project labor agreements disrupt local bargaining for area-wide agreements. They may require wage rates or fringe benefits that exceed the prevailing ones. They often establish new work rules or reinstate old work rules or set other costly or otherwise damaging precedents. Because they typically prohibit lockouts, such agreements may also encourage unions to strike other projects in the area. They certainly undermine the direct face-to-face negotiations that lie at the heart of collective bargaining, as both unions and contractors turn to owners for the concessions that they cannot get from each other.

In sum, public project labor agreements substitute government bureaucrats for the industry's own negotiators. Whatever their intentions, such bureaucrats lack the experience to advance the construction industry's interests. They are schooled in neither construction nor labor-management relations.

QUALITY AND FREEDOM

To the great extent that they limit the competition for public work, or otherwise increase the cost of improving our schools, hospitals, bridges and other public infrastructures, public project labor agreements threaten everyone's quality of life. They also threaten individual rights and freedoms. They typically include "union security" clauses that effectively mandate union membership denying construction workers the right to decide whether to join or otherwise support a labor union.

A DANGEROUS PRECEDENT

Inevitably, public project labor agreements increase the cost of all construction, including the private work the manufacturers and other industries. The President's plan raises ominous questions about the government's role anywhere in the private sector. Having set the precedent, will the government presume to negotiate collective bargaining agreements for the aerospace and automobile industries? At what point will the federal government dictate the terms of a collective bargaining agreement between Intel and its employees?

CONCLUSION

While some federal agencies have long used project labor agreements, the proposed executive order takes the threat of such agreements to new and extremely troubling heights. For the reasons already noted, this executive order would have a negative impact on the entire construction industry, including the substantial segment that continues to work with and under collective bargaining agreements.

Sincerely,

BOB AFFEL,
President, Sun Electric Company.

"IF NOT NOW . . ."—MARY FISHER'S POWERFUL CALL TO ACTION IN SUPPORT OF THE AIDS DRUG ASSISTANCE PROGRAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. UPTON. Mr. Speaker, I recently had the honor of meeting personally with Mary Fisher, founder of the Family Aids Network, and of hearing her address a congressional briefing on the AIDS Drug Assistance Program [ADAP]. Her speech, "If Not Now . . ." is one of the most powerful and compelling statements I have heard on the need for a strong national commitment to assist persons with HIV and AIDS. Due to remarkable progress in the development of AIDS drug therapies, we now have combination drugs that can dramatically lower virus levels, that appear to be transforming AIDS from a fatal illness to a manageable chronic condition, and that may actually eliminate the virus entirely or almost entirely from the body.

But, Mary asks, do we have the national will to make these drugs available to all who need them? That is the question posed by the availability of these new therapies.

I am entering Mary's speech in today's CONGRESSIONAL RECORD because I believe it should be required reading for every Member of Congress—and every American.

"IF NOT NOW . . ."

(By Mary Fisher)

Thank you very much, Bill. I appreciate your kind words.

In order to be very brief today, I intend also to be very direct. I do not mean to be brusque, but I do want to be blunt. The good news is that I won't elongate your program with a massive keynote address. The bad news is that I have no time for good jokes.

Let me begin with a happy idea. We should be ashamed of ourselves. Like evangelists caught in cheap motels with bad magazines, we are where we ought not to be: Nearly two decades into an epidemic that has killed hundreds of thousands of Americans, we have gathered to discuss how many more should die. I regret that we have come to this point and, as an American, I am ashamed of it. And I want you to be ashamed of it too. We should never have gotten ourselves to the place we find ourselves. And we should get out of this as soon as possible.

Pharmaceuticals represented here this noon have, by virtue of hard work and well-principled research, produced drugs that may prolong my life and the lives of others with AIDS. They should take great pride in what they have achieved. I am in their debt.

Members of Congress and their staff here this noon have, through consensus-building and budget-brawling, protected funds needed for AIDS research, AIDS-caregiving, and AIDS-intervention. I am also in your debt.

And colleagues from the AIDS community are here who've fought this epidemic with unimagined creativity and unheralded courage, not out of a desire for national recognition but out of a commitment to keep alive those who are dying. I take enormous pride in being one of you, and in the moral legacy written by pilgrims on the road to AIDS and those who have cared for them.

In this afternoon's program, expert colleagues are going to explain hard facts, large figures and complicated realities. I am here not to give their speeches, but simply to set a context. And the context I want to set is, in a word, shame.

For twenty years, this nation has treated persons with AIDS as uniquely responsible for their own condition. Despite what we know about smoking and cancer, we have not done to smokers what we have done to persons with AIDS; despite what we know about diet, we have not done to heart-attack sufferers what we have done to persons with AIDS; despite what we know about bucking horses and skydiving, we have not done to Christopher Reeves what we have done to persons with AIDS. Senators debating HIV-infected immigrants have used, as their point of useful reference, "infested fruits"—a double entendre' on both "infection" and the word "Fruit."

And because we have labored against such stigma and dsicrimination, such ignorance and evil, we have not reached common agreement on the most basic of all understandings: That Americans with AIDS do not deserve their disease but do deserve our assistance.

Failure to achieve consensus across moral and political lines on that fundamental reality has done more to contribute to the destruction of the AIDS community than the virus itself. So deep has the stigma been, so controversial the epidemic, that more than a hundred thousand Americans had died of the disease before an American president dared say the word "AIDS" in public. Tens of thousands of obituaries have lied about the cause of death, out of families' fear of shame. And those of us who are left are often mute. How do I explain to my sons Max and Zachary their father's death and my disease, on the one hand, and the nation's response on the other, with anything less than shame?

Archbishop Desmond Tutu once said that the South African Truth Commission was created to "release our shame, to move us from anger to healing, from futility to hope." It is Tutu's sense of shame—an active shame, a useful shame; shame that says "for crying outloud, it's enough already"—which should motivate us to do what we've not done before.

The epidemic is nearly two decades long. Hundreds of thousands of Americans have died. Hundreds of thousands more are in danger of dying. What stands between these Americans and death is drugs; what stands between these Americans and drugs is money; and what stands between these Americans and money is...us, the American people, the United States government, and the AIDS Drug Assistance Program.

I've spoken in many settings, but I've never before stood in public to argue for any single piece of legislation. I've worked quietly, confidentially, off-the-record with countless legislators and leaders, including some of you here today. But the time has come for many of us to do what we've not done before, including me. I need to say publicly that we, as a nation, should be ashamed at how we have treated those with AIDS. And I need to call all of us, you and me, to assure that life-prolonging and death-deferring drugs are available for every HIV-infected person in this nation, not when we stand at death's door, but while we stand in the public square. Politics and science make it possible, economics and morality make it imperative. If we do not embrace the opportunity now, we have consciously and unconscionably prolonged the legacy of shame.

We have a new person filling the position popularly known as "AIDS czar." Sandy Thurman is a good and decent person, committed and compassionate. She has no history in this position and, therefore, no enemies' list. Democrats and Republicans alike have every reason to work with Sandy. And if she requires the assistance of people from both sides of the aisle—whether we are homemakers or newsmakers—if we understand the shame that our national response to date has earned us, we will work with her.

The Vice President has argued, recently, for expanding Medicaid coverage to provide interventions earlier in the case of persons who are infected. This proposal makes enormous sense scientifically, morally, and economically—it will absolutely decrease, not increase, Medicaid spending. To my knowledge, no Republicans have responded with assaults. Therefore, the idea is still alive that common sense and common decency would have a place in common policies.

We need not have another bureau or department to consume funds, nor does ADAP propose one. We need not have another study to justify funds, nor does ADAP require one. What we need is consensus that those who are infected deserve an opportunity to live. It is a proposition so simple, and so morally compelling, that both AIDS Action and the Catholic Archbishops can agree on it. It is, at its simplest root, merely a pro-life argument.

Others here today will present the scientific data and the economic numbers. I do not doubt how convincing the case will be. What I wonder about, even worry about, is this: that after two decades of death and dying, we will not yet have the will to move toward hope, even when hope is staring us in the face.

I spoke last week in Arthur Ashe's hometown. I admitted that the AIDS community is no longer certain what to hope for. My own care for my late husband Brian, in the days before he died, is not uncommon—many of us with AIDS are cared for by others with AIDS. But now we face an altogether new situation, unimaginable the Sunday morning Brian died.

One of us will respond well to the new [drug] cocktail, and one of us will not. How then will we live together as one rises up from the grave and another sinks into it? Does "survivor guilt" leave room for love?

"One of us will be able to afford protease inhibitors," I said in Richmond, "and one of us will not. How, then, will we live together in community? How will I love you, if I know you are staying with your children while, for lack of money, I am losing mine?" The fragile bonds that hold together the weakening, fragile AIDS commnity, cannot withstand such division. Which is why I have come to argue for a legislative action.

Make no mistake about it: the reason AIDS-related death rates have gone down for American men and gone up for American women[1] is access to drugs—early access, complete access, sustained access. In the AIDS community, the great difference between men without children, and women with children, is this: One group is living longer, and one is not.

The power to change these deathrates is in this room. If those of you who are Republican leaders will say to those who are Democrats, "We should be ashamed of these deaths," these statistics can be changed. We have no cure, but we have within our power the ability to end the immoral discrepancy between those who live and those who die for lack of access to drugs.

If the AIDS organizations will work with the religious community; if the pharmacies will work with the legislators; if those on the Hill will work with those in the White House; if staff members from both sides of the aisle will make vulnerable lives more important than political ambitions—it can be done. We can have the experience with AIDS that South Africa has had with apartheid: we can put behind us the darkest days.

When I imagine that goal being attainable, and I look at an audience of such concentrated power, I cannot refrain from asking, "If not you, who? And if not now, my God, when?"

You must go explain your actions to your colleagues and your constituents. I must go explain mine to two children not-yet-ten years old. But both you and I must first explain them to ourselves and to Our Maker. In that private chamber of our own souls, surely we can agree that there's been dying enough, and discrimination enough, and injustice enough.

What's offered us here, today, of science economics, of policies and protocols, may not give us a cure. But it can take us away from shame toward hope. If you would act on that, then I and my fellow-pilgrims on the road to AIDS will offer you more than our thanks, and more than our votes. We will offer on your behalf this ancient prayer, "Grace to you, and peace."

TRIBUTE TO ROYCE E. DAVIS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, Shakespeare once wrote "As he was valiant, I honor him * * *" Today, I rise to honor and congratulate Royce E. Davis for his valor and bravery. His work for our community is being recognized today as he is named Woodland Hills Paramedic of the Year.

Royce has been with the Los Angeles Fire Department for 23 years. His commitment and dedication to his job have brought honor and excellence to our community. He has received countless awards, including the Los Angeles Fire Department Medal of Valor, the California State Firefighters Association Medal of Valor and the City of Los Angeles Career Service Award to name just a few.

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[1] The CDC recently released a morbidity report on American AIDS-related deathrates, 1996, showing that such deathrates had decreased 21% for Caucasians, decreased 10% for Hispanics, and decreased 2% for African Americans; decreased 15% for males and increased 3% for heterosexual transmissions.

Royce has also had a full career outside of the fire department. He is the former Chief of Emergency Medical Services for the City of Filmore, CA, and has served as a Physician's Assistant [PA]. Currently he is employed at a cardiology practice, while coming to the aid of the West Hills community in his spare time.

Besides his professional duties and community service, Royce's top priority is his family. He and his wife have been married for 36 years and have been blessed with six children and sixteen grandchildren. Indeed, Royce's years as a firefighter, civil servant, father, and husband are exemplary.

I join the citizens of Woodland Hills, West Hills, and Canoga Park to thank Royce E. Davis for his years of service to our communities. I believe he stands as a model for others in our area and around the Nation, and I am honored, as his Congressional Representative, to send my warm congratulations and best wishes as he is honored as Woodland Hills Paramedic of the Year.

IN HONOR OF INTERNATIONAL BOXING REFEREE JOE CORTEZ: MAKING A DIFFERENCE IN THE RING OF LIFE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to Joe Cortez, a man of uncommon kindness and dedication to his family and his community. Mr. Cortez has devoted much of his time and energy throughout his life to help others in the fight against drugs, as well as outreach programs to help the sick and needy. His contributions will be recognized at the monthly business luncheon of the New Jersey Hispanic Mercantile Federation on May 9 in Union City, NJ.

Mr. Cortez was born and raised in New York City's Spanish Harlem. There he began his amateur boxing career, winning the Golden Gloves Bantamweight Championship title four times prior to turning professional in 1963. In his 4 years as a professional, Mr. Cortez earned a record of 18 wins and only 1 loss. Upon retiring from professional fighting, Mr. Cortez began a successful career in hotel management, rising to the position of assistant casino operating manager for a major company with properties in New York and Puerto Rico. Mr. Cortez's professional life came full circle when he returned to the boxing ring as a referee. He has since presided over 89 World Title Championship Fights in 11 countries.

Mr. Cortez's humanitarian efforts are truly impressive and admirable. Through his involvement with an anti-drug task force in Yonkers, Mr. Cortez saw the need to ensure a smooth and successful transition back into society for former drug addicts and delinquents. He has been an integral part of a number of community based efforts, including a successful vision outreach program to provide eye care to those in need, fundraising events for the Juvenile Diabetes Foundations, and the youth-oriented Project Return.

Family has been an important part of Mr. Cortez's life. He has been married to his wife Sylvia for 31 years and together they have three wonderful daughters. Following a crippling auto accident involving his beloved wife and daughter, Mr. Cortez has refocussed his efforts to raising awareness and money for spinal cord research.

I ask that my colleagues join me in honoring this remarkable gentleman. Mr. Cortez's determination to excel in everything he does and desire to use his status to help those less fortunate, serve as shining examples for us all.

TRIBUTE TO DUNCANVILLE HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FROST. Mr. Speaker, I rise to congratulate the cosmetology department students and faculty at Duncanville High School for winning first place in the national American Set-a-Good-Example competition. And I also congratulate Duncanville High School for their selection as this year's Learning Improvement Award winner.

Duncanville High School is only the second school in the past two decades to win both these national awards in the same year. As a result, Duncanville High School will receive $7,500 in grant funds for these honors.

Mr. Speaker, I would also like to commend the Concerned Businessmen's Association of America for sponsoring this competition and also Dr. Phyllis Mack of Savannah, GA, for funding these grants. With the program now in its 11th year, it is an excellent tool to recognize outstanding achievements in our public schools, and to reward that success with funding to help further enhance education.

Mr. Speaker, I know that the young people of Duncanville High School worked hard to earn this recognition and by their participation have shown they can indeed take actions to better their own lives, their communities, and thereby improve the world we all share.

Once again I would like to send my heartiest congratulations to Principal Mike Chrietzberg and all the teachers, parents and students who share in these incredible achievements.

TRIBUTE TO GEORGE WHEELER, A HERO FOR CHARLES COUNTY SENIORS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to a man who dedicated his time, energy, and spirit to bettering his community and the entire senior population of Charles County, MD. George E. Wheeler spent the majority of his adult life serving southern Maryland as an area agricultural engineer with the U.S. Department of Agriculture working on such projects as the Maryland Delaware Watershed Unit and establishing the first resource conservation and development project in Maryland. This work was important in coordinating efforts between the farming and conservation communities to assure the two worked together for their mutual interests.

But it is the work George Wheeler did within his community which we recognize him for today. Always there to lend a hand, George Wheeler became actively involved in advocating and initiating projects to benefit the senior community. Appointed to the Charles County Commission on Aging in 1972 and the Area Council on Aging in 1979, it became Mr. Wheeler's mission to make certain seniors in the community had the resources and programs for each of them to have a fulfilling and meaningful role in making their town and neighborhoods an enriching place to live.

George Wheeler had the dream of having a place where seniors could gather; a place where they could meet their friends and participate in activities and educational programs and work on projects to benefit the entire community; a place where seniors can exercise in the state of the art fitness center and a place where they know they can get some of the best meals in town.

Through hours of discussions, planning, and problem solving, George Wheeler spoke of the interests of seniors and laid out the vision of the beautiful facility called the Richard R. Clark Senior Center. In 1987, as chairman of the building committee for the center, Mr. Wheeler joined in the opening of this wonderful facility and saw his dream become a reality. He was never deterred by obstacles, but maintained a positive attitude, knowing that one way or another he would achieve his goal. And once the center was built, he continued in that spirit to bring in the best of programs and people to enhance the center.

It is George Wheeler's long hours of time, devotion and dedication which the seniors of Charles County benefit from today. We celebrate his tireless efforts in making the Richard R. Clark Senior Center possible and congratulate his wife, Erma and his children, Richard and Chris, as we dedicate this plaque in his honor.

TRIBUTE TO QUEEN MOTHER MOORE: BELOVED ACTIVIST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. TOWNS. Mr. Speaker, I rise today to pay homage to Audrey (Queen Mother) Moore a leader and activist in New York City who passed away at the age of 98.

Queen Mother Moore is beloved in the African-American community for her life-long dedication to the upliftment of the disaffected, disenfranchised and the neglected. She was named Queen Mother by the Ashanti Tribe in Ghana, West Africa. Queen Mother Moore was a stalwart in the cause of civil rights, and believed that self-pride, dignity, honor, and hard work were the foundation upon which success and self-respect are built.

Born in New Iberia, LA, she spent her life trying to educate African-Americans about the past glory and contributions of African societies, and encouraged young people to make a commitment to educationally, economically, and politically strengthen the black community. She worked to organized domestic workers in the city of New York, fought to overturn the eviction of black tenants, and sought to integrate major league baseball.

Indeed, Queen Mother Moore established a legacy of love and commitment that spanned the decades of her life. In her passing years she suffered with declining health, but continued her strong convictions on behalf of the causes she held dear, social justice and political empowerment. Her passionate voice and vibrant spirit will be sorely missed. I salute her work and dedication.

TRIBUTE TO RICHARD ANDERT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend Richard Andert, as he is named Los Angeles Police Department Police Officer of the Year. The Woodland Hills community joins me in praising him for his commitment and dedication to making our area a safer place to live.

Officer Andert's commitment to the safety and well-being of our citizens should serve as an inspiration to all Americans. He is a role model not only to younger but also to higher ranking police officers on the force. Of the countless examples of his leadership, none stand out more than his commitment to traffic safety. He single-handedly implemented a crackdown on speeding drivers in order to ensure the safety of the children in our neighborhood and return the neighborhood to the safe and quiet area it should be.

Officer Andert practices kindness, caring, and compassion in even the most routine situations. One day a panicked West Valley resident arrived at the police station, unable to enter a house where she was responsible for feeding a cat and dog. Upon investigating the situation Officer Andert discovered the woman was attempting to enter the wrong house and then assisted her in entering the correct home. It is Officer Andert's willingness to go the extra mile that has distinguished his career.

In closing Mr. Speaker, if this Nation had more Richard Anderts on America's police forces, our neighborhoods would be safer places to live. It is a personal honor to me, as his Congressman, to acknowledge his accomplishments which bring deep honor to our community, and to offer my warm congratulations and heartfelt thanks.

NATIONAL WRITE YOUR CONGRESSMAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. TRAFICANT. Mr. Speaker, today, I want to recognize an organization that I became familiar with soon after arriving in Washington as a freshman in 1985. National Write Your Congressman has been providing me and my office with important and intelligent information from our district since 1953.

Their legislative updates, entitled "We The People," arrived monthly in my office, sometimes with copies of my 1-minute speeches from the House floor printed in the Congressional Comments section. In June 1994, National Write Your Congressman featured my bill to move the burden of proof from the taxpayer to the IRS in civil tax court as the topic of a survey. The results astounded me: Ninety-three percent of their readers favored my bill, and soon afterword, I had over 300 cosponsors.

National Write Your Congressman's opinion ballots are some of the only polls I trust. Their members respond because they want to participate in the democratic process, not because some polling organization called them.

I find that letterwriters from National Write Your Congressman are well informed about issues in Washington that effect their lives. Their readers should know that they do have clout in Washington because their voices are heard monthly.

Mr. Speaker, I want to compliment National Write Your Congressman for its work for nearly 40 years to bring the opinions of Americans to their Federal representatives in Washington.

THE 75TH ANNIVERSARY OF THE LOYAL ORDER OF THE MOOSE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. STEARNS. Mr. Speaker, this year marks the 75th anniversary of the Moosehaven facility, which provides residential care to older members of the Loyal Order of the Moose. I am proud to have this outstanding facility, located in Orange Park, FL, as part of my district.

The Loyal Order of the Moose will be holding its international convention in Florida this summer. They have selected Florida as the convention site for the purposes of acknowledging the Moosehaven facility.

Founded in 1922, the Moosehaven facility is unique in the fraternal world. The self-funded facility currently provides free care to 420 men and women who are members of the Moose Order. The infinite need for organizations to provide community-based solutions is exemplified by the success of the Moosehaven facility.

I ask my colleagues to join me in congratulating the Moosehaven facility on its 75th anniversary, and I look forward to its continued growth and progress in the future.

IN HONOR OF THE NORTH HUDSON COMMUNITY ACTION CORPORATION: PROUD PARTICIPANT IN COMMUNITY ACTION WEEK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a truly exceptional organization, the North Hudson Community Action Corporation [NHCAC]. On May 9, a celebration commemorating Community Action Week will officially open the NHCAC's one-stop Health Center located at their newly consolidated facility in West New York, NJ.

National Community Action Week is dedicated to raising awareness about the importanct of community-based action, making this a fitting opportunity to recognize the contributions of the NHCAC. This respected institution has provided much needed assistance to the residents of Northern Hudson County, NJ, for over 30 years. Its mission of people helping people is exemplified in the more than 20 programs and 37,000 clients served by NHCAC.

The types of assistance offered by NHCAC are as diverse as the population it serves. NHCAC provides services in health care, nutrition, substance abuse treatment, emergency food and shelter shortages, social and home services, and early childhood development through Head Start. Specifically, programs benefiting North Hudson residents include the Women, Infants and Children [WIC] nutrition plan, Senior Treatment and Education Program [STWP], a food pantry, limited transitional housing, immigration and naturalization help, tenant and landlord relations, job placement, and home weatherization and maintenance. Everyone who has utilized NHCAC's services may attest to the compassionate nature of this outstanding group of individuals.

The official opening of North Hudson Communication Action Corporation's Health Center at West New York is another step along the road to ensuring quality and affordable health services for the entire community. Staffed by medical professionals, the health center provides a broad range of health services including family care, gynecology and family planning, premarital examinations, dental screening, mental health, diagnosis and treatment of diseases, and counseling and health education workshops.

The men and women of the North Hudson Community Action Corporation give new meaning to the words community action. Under the direction of executive director Michael Leggiero, NHCAC has gained national recognition for dedicated and caring service to the community. I am proud to have this extraordinary organization working on behalf of the members of my district.

HONORING JOHN "JACK" PIDGEON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to tell my colleagues about the retirement of a singular individual who is legendary in his achievements in the academic world. His name is John "Jack" Pidgeon.

Jack Pidgeon grew up in a poor working class town in Massachusetts. He won a scholarship to prestigious Andover Prep School, where he studied alongside former President Bush and Actor Jack Lemmon. After being seriously wounded in WWII, he went on to devote his life to giving that gift of educational opportunity to other bright young students hundreds of times over.

And he did it against some incredible odds.

In 1952, Jack Pidgeon left a secure teaching job at Deerfield Academy to become the headmaster of a sickly, broke, rundown 350-acre prep school called Kiski in western Pennsylvania. When he arrived, the school, founded in 1888, had a few dilapidated buildings, no running water, no furniture, no credit, no donor support, no gate. It was $200,000 in debt. Jack Pidgeon took a look around and started up a bulldozer himself to clear the grounds and enlisted faculty and students to mow, paint, even tar roofs.

Seven years later, after everyone told him the school had no chance, Kiski received a $10,000 donation—its first donation of over $1,000 in the history of the school. Finally, in 1966, after years of dogged efforts by this devoted crusader, the late Sarah Mellon Scaife gave the school $50,000. That was a turning point, and Jack Pidgeon never looked back.

On May 16 of this year, Jack Pidgeon is retiring as headmaster of Kiski, leaving behind not only a student and alumni population that thinks of him as a father, but a financially robust institution entirely of his crafting, with property worth about $20 million, an endowment of about $10 million, and the wherewithal to grant $350,000 per year in scholarships.

But financial success is not his most lasting legacy to this institution. Jack Pidgeon personally shaped the character of every student to who attended Kiski. His no-nonsense, pragmatic philosophy imbued generations of graduates with a realistic but profound belief in themselves and a clear sense of who they are. He stressed good manners, humility, self-respect, and drive. He is a man who gave his life to quality education and giving thousands of young boys the ability to realize their full potential as business leaders, civic leaders, and citizens. His greatest satisfaction came from offering poorer students scholarships.

I heartily commend Jack Pidgeon for his great achievements. He is a man of vision who never heard of giving up.

TRIBUTE TO GERALD R. BALDELLI

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Gerald Baldelli, on the occasion of his retirement.

Jerry served the Frontier Central School District with distinction in several capacities from 1961 to 1996, including teacher, coach, mathematics department chairman, director of community education, middle school principal, high school principal, and assistant superintendent for personnel service. As a teacher and former supervisor of the Town of Hamburg, I witnessed first hand Jerry's commitment to our community, and his professionalism, and integrity.

In addition to his work with Frontier Schools, Jerry has served as president of the Erie County Interscholastic Conference, president of the Erie County High School Principals' Association, president of the Western New York Association of School Personnel Administrators, and as chairman of New York State Public High School Athletic Association.

In recognition of that commitment to education, Jerry was honored as the 1966 Hamburg Junior Chamber of Commerce Outstanding Young Educator, the 1988 New York State Athletic Administrators' Association "Outstanding Commitment to Interscholastic Athletics in New York State" award recipient, and as the 1996 Town of Hamburg Service Youth Award winner.

Further, Jerry has played an important and active role in our community through his work with Our Lady of Perpetual Help Church.

Mr. Speaker, today I would like to join with Jerry's wife, Marie; his children, Gerald, Carla, Mark, and Elizabeth; the Frontier Central School District; and our Hamburg community to pay tribute to Mr. Gerald R. Baldelli. With retirement comes many new opportunities. May he meet every opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

Thank you, Jerry, for your tireless effort and personal commitment to our western New York community. As you enter retirement, I wish you nothing but the best.

TRIBUTE TO JOSE J. ACOSTA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Jose J. Acosta as the California Highway Patrol, West Valley area, American Legion Officer of the year. Abigail Adams once questioned: "If we do not lay out ourselves in the service of mankind, whom should we serve?" Each and every day, Officer Acosta puts his life on the line in order to serve mankind by guaranteeing the safety of the Woodland Hills community. He is truly worthy of this award.

In his short time on the force Officer Acosta has been a quick study. His hard work and dedication have honed his investigative skills and earned him the respect of his supervisors and peers. In addition, he has fought to ensure the safety of our roads through his aggressive pursuit of drunk drivers. In a 12-month period he made over 70 arrests, demonstrating his skills in apprehension.

Officer Acosta's service to our community does not end with his shift. He understands that a smile and kind word can go a long way in a difficult situation. For proof one only need look at the letters of commendation detailing time and time again he is willing to lend a helping hand to motorists in distress.

West Valley is fortunate to have Officer Acosta, and I am confident that his dedication will serve as a model for other highway patrol officers in the Nation and lead to safer roads for everyone. I commend Officer Acosta for his dedication and hard work and congratulate him as he is honored as the California Highway Patrol Officer of the year.

TRIBUTE TO JOHN D. "JACK" GOEKEN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of an inspiring inventor and enterprising leader, John D. "Jack" Goeken.

Jack Goeken is a much celebrated pioneer in the world of telecommunications. Jack Goeken has been referred to by Business Week magazine as, "the phone world's most prolific inventor." Former Federal Communications Commission Chairman Alfred C. Skies, recognized Goeken as, "one of America's genuine communications pioneers." His accomplishments and awards are as impressive as they are vast.

Jack Goeken has built an international reputation in the communications industry while founding communications giants such as MCI, FTD Mercury Network, Airfone, In-Flight Phone, and now Goeken Group companies.

Jack Goeken pioneered the concept of constructing a microwave system between Chicago and St. Louis, improving customers channel capacity and range, enabling truck drivers to use their two-way radios along the highway.

In 1963, Jack Goeken and four friends established Microwave Communications, Inc., MCI. In fact, Jack Goeken's development of a microwave network eventually lead to a victorious legal battle which is credited with the breakup of the Bell monopoly and opening of the telecommunications industry to competition.

For Jack Goeken, this was only the beginning of an impressive series of inventions and enterprising successes. He then founded the FTD Mercury Network, the world's largest online computer network, processing and delivering over 30 million smiles a year in floral orders.

Next, Jack Goeken founded Ralifhone Inc., CML Communications which provided domestic satellite service, Spectrum Analysis Frequency Plan.

In the mid 70's, Goeken created the air-to-ground communications industry that exists today. Goeken founded the Airfone Corporation that travelers commonly see and use on commercial airlines. Goeken's invention lead to the founding of the In-Flight Phone Corporation in 1989, which provides the clear telephone service and transmission air travelers enjoy today.

Today, Goeken serves as chairman and CEO of the Goeken Group Companies which provide life saving technology and services. Goeken Group Companies includes; Global MED-NET, Personal Guardian, and Personal Safetywear.

On May 9, 1997, Jack Goeken will be honored at the 1997 Joliet UNICO Citizen of the Year Banquet for a lifetime achievement of "service above self," UNICO's motto.

I request that this body honor Jack Goeken for his incredible spirit of invention and remarkable forward thinking.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FILNER. Mr. Speaker, while on official business I was unable to be present for two rollcall votes on May 7, 1997. Had I been present, I would have voted as follows: Rollcall No. 109—"no;" rollcall No. 108—"yes."

FREEDOM AND DEMOCRACY IN TAIWAN

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. COX of California. Mr. Speaker, as Members know, 11 Members of the House and I traveled to Asia over the Easter recess. Among our stops was a very successful visit to the Republic of China on Taiwan.

President Lee Tung Hui offered a typically warm welcome, and stressed the fact that Taiwan now lives under a fully free and democratic government. In fact, I would note that on May 20th President Lee will celebrate his first anniversary of his inauguration as Taiwan's first democratically elected President. In fact, I had the privilege to offer my congratulations to President Lee in person 1 month after that first free election in nearly 5,000 years of recorded Chinese history.

I offer my congratulations to him on this first anniversary of the election and ask that his welcome to our delegation be reprinted in the RECORD:

Honorable Speaker Gingrich, Honorable Representatives, Ladies and Gentlemen:

Good morning. This is a very important moment. On behalf of the people and the government of the ROC on Taiwan, I would like to extend my heartiest welcome to all of you. Particularly, I would like to express my sincere appreciation to you for your decision to visit my country out of such a busy schedule on your Asia evaluation tour. The time of your stay is very short, but the most important thing is that you didn't forget this island ROC on Taiwan. It has at least two very significant meanings: First, the ROC on Taiwan is the best friend of the United States in the world and the symbol of American value system and idealism, Freedom and Democracy. Second, the island is geographically important for US military strategy in the West Pacific area, and particularly in North-East Asia.

Domestically, the ROC on Taiwan is now considered a fully free country by the Freedom House based in New York City following our first direct popular presidential election in March 1996. In order to improve our competitiveness, we are now in the process of streamlining the government structure through constitutional reform and establishing an Asian Pacific Regional Operations Center here.

Our mainland China policy remains unchanged. Eventual reunification of China under freedom, democracy, and social justice is still our future goal, but the fact remains: China is divided. We in the ROC on Taiwan would like to use the next thirty years to build an even more free, democratic and prosperous country, so that when the opportune time arises, we can hold talks of reunification with the other side on an equal footing.

In the interest of time, I would like to listen to you; any questions put forward to me are welcome. As to the purposes of this trip, you already mentioned in the news conference on the 23rd of March. We have already prepared answers to those questions, and will provide the materials to you for your convenience. Thank you very much for your attention. Now, I would like to listen to your comments and advice.

IN HONOR OF CHIEF LARRY J. HOLMS, DIRECTOR OF FIRE SERVICES FOR THE ORANGE COUNTY FIRE AUTHORITY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to honor Larry J. Holms, Director of Fire Services for the Orange County Fire Authority. Chief Holms is retiring after 35 years of exemplary service to the citizens of Orange County and the State of California.

Chief Holms served as the Director of Fire Services since the inception of the Orange County Fire Department in 1980. He is retiring as the director of the Orange County Fire Authority. He has been responsible for the largest regional firefighting department in California, staffed by over 935 career firefighters and 750 paid-call firefighters.

After the devastating 1993 Laguna Beach fires, Chief Holms was instrumental in establishing a helicopter program for the Orange County Fire Authority. This is the only Fire Service helicopter program in Orange County.

Chief Holms has been in the Fire Service for over 35 years. Prior to his current position, he was the Fire Chief in the city of Tustin Fire Department, a Battalion Chief for the California Department of Forestry and worked for the Huntington Beach Fire Department for 9 years.

His many career accomplishments include: past President of the Orange County Fire Chief's Association; member, Board of Directors for the Governor's Office of Emergency Services FIRESCOPE; member, the Governor's Office of Emergency Services Standardized Emergency Management System [SEMS] Development Advisory Committee; appointed member of the Building Standards Commission; served as Acting County Administrative Officer in 1985; past member of the Board of Directors for the Orange County Red Cross; and, past member of the Board of Directors for the Orange County Poison Prevention Foundation.

I would like my colleagues in Congress to join me in recognizing Chief Holms for his outstanding service to his community. There are many deeds and courageous acts that easily distinguish Chief Holms as a firefighter, a citizen, and a leader. The citizens of Orange County have been very fortunate to have such a remarkable individual watching over them. Let us wish Chief Holms many years of enjoyment and happiness in his retirement.

MOTHER'S DAY 1997

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute to all mothers, with special admiration and appreciation for the two important mothers in my life, my own mother, Mr. Ivalita Jackson and my mother-in-law, Mrs. E. Theophia Lee.

I would like to thank my mother for her commitment and dedication to our family. My mother worked very hard to do the best for her children in this world by instilling the values of God, family, and community. She set before me the goal of working to accomplish success in life by not resting on the laurels of yesterday, but on the promise of another tomorrow. She offered strength and dignity in the face of difficulty.

I thank her, not only for the gift of my life, but the joy she provided in my experience of growing up.

I would like to also extend a special Mother's Day greeting to my mother-in-law, Theophia Lee. I hold her in great esteem and respect for the devotion she showed as a mother to my husband, Elwyn, who is the man he is today because of her nurturing.

This Mother's Day greeting is not only for the two mothers I have singled out, but it is also a tribute to all of the mothers of the 18th Congressional District who will be honored this Sunday, May 11, on our Nation's day for mothers.

This Mother's Day is for grandmothers, mother-in-laws, stepmothers, foster mothers, godmothers, mothers who take in children, mothers who adopt, those who act as mothers, for those women who have no relations by blood but who give the gift of mothering to children.

Our Nation's mothers are the foundation for the most prosperous and productive country in the history of the world. They are the nurturers, and care' givers that prepare our Nation's young for the challenges that life may hold. Their work may be inside or outside of the home, or both, and their contributions to this society can never be fully appreciated or valued.

Mothers bring a unique and valuable perspective to all aspects of American life. Today, thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women, and children throughout the Nation. They serve with distinction as legislators, mayors, judges, doctors, lawyers, and administrators, and their impact in these areas has proved to be monumental.

I could not find words descriptive enough to fully express the depth of admiration for women who fill this import role in our society. They are committed to their families and community not for public acclaim, but for love. Many of them are single and have no real financial support save for the income provided by their own efforts.

They may feel the crushing weight of the glass ceiling, in limited promotional opportunities, and most acutely when pressures of home and work conflict. This conflict should not be seen as a detraction from your ability to be a leader in corporate America, but a vital leadership skill to hold or to have held the rank of mother.

Many mothers in this country are members of our working poor. They work for minimum wage at jobs that make great physical and emotional demands while meeting the challenge of providing guidance and support to their children. Every day, I am humbled by the accomplishments of these mothers.

I would like to also extend a special Mother's Day wish to new mothers. Know that you are loved and appreciated in your new roles as care givers to our Nation's next generation. Mother is the highest title which you will hold for the rest of your life.

I wish all mothers a blessed and joyous Mother's Day.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. PICKERING. Mr. Speaker, this afternoon I must return to my congressional district for a previously scheduled constituent meeting and will miss the following votes:

Rollcall vote No. 111, the Stupak amendment (#1) to H.R. 3 to authorize discretionary grants for juvenile crime prevention and control and strengthen federal juvenile court proceedings for dealing with violent juveniles. Had I been here I would have voted "nay."

Rollcall vote No. 112, the Waters amendment (#2) to H.R. 3 to strike the provision that requires juveniles who are accused of conspiracy to commit drug crimes to be prosecuted as adults. Had I been here, I would have voted "nay."

Rollcall vote No. 113, the Conyers amendment (#3) to H.R. 3 to strike provisions in the bill relating to the prosecution of 13-year-olds as adults. Had I been here, I would have voted "nay."

Rollcall vote No. 114, the Scott amendment (#4) to H.R. 3 to strike provisions in the bill that allow states to use block grant funds to build prisons and detention centers. Had I been here, I would have voted "nay."

Rollcall vote No. 115, the Lofgren amendment (#5) to H.R. 3 to earmark 50 percent of block grant funds for juvenile crime prevention programs. Had I been here, I would have voted "nay."

Rollcall vote No. 116, the Dunn amendment (#7) to H.R. 3 to require States, in order to receive Byrne Grant funding from the Bureau of Justice Assistance, to submit a plan to the Attorney General to notify parents whenever a juvenile who has been found guilty of committing sexual offenses is enrolled in an elementary or secondary school. Had I been here, I would have voted "aye."

Rollcall vote No. 117, a motion to recommit H.R. 3. Had I been present, I would have voted "nay."

Rollcall vote No. 118, final passage of H.R. 3. Had I been present, I would have voted "aye."

TRIBUTE TO LEO DOZORETZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BERMAN. Mr. Speaker, my colleague, Mr. Sherman, and I are honored to pay tribute to Leo Dozoretz, who this year is receiving the inaugural David Ben Gurion Award for outstanding service and commitment to the United Jewish Fund. He is being honored by the Jewish Federation/Valley Alliance.

Leo is an ideal choice for this award. Indeed, we can think of few people as dedicated to the Jewish people and the UJF as Leo Dozoretz.

Many of Leo's good deeds have been undertaken in the San Fernando Valley, where he resides. For years he has been heavily involved with the Jewish Federation/Valley Alliance Major Gifts Campaign for the UJF, personally raising more than $500,000 in campaign contributions every year. Leo has also chaired numerous UJF campaigns for the Jewish Federation/Valley Alliance, raising money to support vital social services in Los Angeles, Israel and 60 countries around the world.

In the early 1960's Leo chaired the building fund at Temple Adat Ariel, where he was a member, that resulted in construction of the Temple sanctuary and the first Jewish school in the San Fernando Valley.

Leo also has a distinct way of combining his professional life, his social life and Jewish causes. For example, as a charter member of the El Caballero Country Club he has chaired an annual gold tournament to raise money for the UJF. A longtime employee—now retired—of Willamette Industries, Leo was instrumental in getting the company to expand its matching gifts program. A number of non-profit organizations, including the UJF, benefitted as a result.

Leo and his wife, Elaine, have been active members of two grassroots community support groups—"The Society of Individual Responsibility" and the Brunch Bunch—for more than 30 years.

We ask our colleagues to join us today in saluting Leo Dozoretz, whose dedication, humanity and compassion are examples to us all.

INTRODUCTION OF A TRANSPORTATION BILL

HON. DONNA M. CHRISTIAN-GREEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to introduce a bill to allow the Virgin Islands and the other U.S. territories to participate in the Federal Highway Administration's State Infrastructure Bank [SIB] Program and to use surface transportation program funds for construction of certain access and development roads.

Mr. Speaker, the State Infrastructure Bank Program began in early 1996 as a pilot or experimental program with 10 States. It was extended to other States in late 1996. It is a new Federal Highway Administration initiative designed to leverage investment in surface transportation projects and thereby increase the number of these projects. It is expected that under the reauthorization of the Intermodal Surface Transportation Efficiency Act, [NEXTEA], the State Infrastructure Bank Program will be made permanent.

Mr. Speaker, the importance of surface transportation to the economy of the U.S. Virgin Islands cannot be overstated. Our tourism-based economy and indeed the quality of life for our residents are dependent on transportation.

Since 1989, the Virgin Islands has been battered by three devastating hurricanes. Those storms have made funding for capital infrastructure projects almost impossible. It is estimated that the Virgin Islands will need to invest over $125 million over the next 5 years in order to maintain the current conditions and level of service of our surface transportation system. Inclusion in the SIB program will enhance public-private infrastructure investment opportunities in the Virgin Islands and go a long way in assisting us in addressing our transportation needs. I look forward working with the chairman and ranking member of the Transportation and Infrastructure Committee in getting this proposal enacted into law.

NATIONAL MILITARY MUSEUM FOUNDATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. HOYER. Mr. Speaker, today I am introducing legislation to create a National Military Museum Foundation to provide much-needed support to our Nation's 90 military museums.

These museums, scattered across 34 States, tell the proud history of our armed services. Ever since the Revolution, the Department of War and its successor organizations have preserved historic military artifacts.

But today, many of these invaluable collections are in jeopardy. Museum facilities are deteriorating and there has been inadequate funding to maintain these historic collections.

A 1994 study by the Advisory Council on Historic Preservation found that inadequate staffing and funding has been dedicated to these national assets.

The museums in Maryland, including the one at the Patuxent River Naval Air Station, need additional financial assistance. I am confident that my colleagues will find similar needs in their own States.

My legislation, introduced in the Senate last week by Senator PAUL SARBANES, would allow private sector support to be funneled throughout the country. The Foundation would be governed by a nine-member board chosen by the Secretary of Defense. In order to get it started, I am proposing a one-time $1 million appropriation and shared use of DOD personnel and facilities. After that, the Foundation would be self-sufficient and would actually save the Department money.

I urge support for establishment of a National Military Museum Foundation.

TRIBUTE TO JAMES "JIM" CHIPPONERI

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CONDIT. Mr. Speaker, I rise today to honor a close friend and neighbor, Mr. James "Jim" Chipponeri, who is being recognized as the Agri-Business Man of the Year by the Ceres Chamber of Commerce.

Jim and I have been friends for a number of years. He has always been ready to lend a helping hand or volunteer his time and resources to help our community.

Since his days as a student at Ceres High School, he has been an active participant in the agricultural community. Jim has worked tirelessly on behalf of the farmers. He has been a great asset to many service organizations, including the Stanislaus County Farm Bureau and Growers Harvesting Committee.

His labor has produced some of the best peaches, grapes, and almonds in the Valley. He is currently in the process of patenting his own almond product called "Chips Special".

In addition to Jim's efforts in the farming community, he has been a member of the Ceres Lions Club for 45 years. It is a pleasure to have this opportunity to recognize Jim's service and dedication to our community.

I would also like to extend my best wishes and congratulations to Jim and his wife, Laura, who will be celebrating their 50th wedding anniversary later this year.

TRIBUTE TO KATHARINE HEPBURN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to legendary actress and long time resident of the Turtle Bay section of Manhattan, Katharine Hepburn, on the occasion of her 90th birthday and the dedication of the Katharine Hepburn Garden in the Dag Hammarskjold Plaza.

Ms. Hepburn is most famous for film career: She has won three Academy Awards, for "Morning Glory," "Guess Who's Coming To Dinner," and "The Lion In Winter," and eight other Oscar nominations. But among her friends and neighbors, Katharine Hepburn is renowned and cherished for her endless passion for flowers and gardening. In fact, her two passions merged in one of her most classic film lines, "the calla lilies are in bloom again," from "Stage Door."

Katharine Hepburn first moved to Turtle Bay in 1932 when the area was still overshadowed by the Second and Third Avenue Els and the United Nations was not yet built. She began enhancing the area by transplanting flowers from her family's Connecticut home to her backyard garden. Her active involvement in the community began when she joined the newly formed Turtle Bay Association in 1957. With the Association, Ms. Hepburn fought vigorously to halt the destruction of trees and prevent the city's plans to widen Turtle Bay streets by cutting back sidewalks.

In 1987, Katharine Hepburn lent her name to the successful campaign to rezone Turtle Bay's midblocks for low-rise construction limitations. Her fund raising support for neighborhood safety and beautification have been central to the Turtle Bay Association's 40-year growth as a volunteer group comprised of tenants, home owners and small business.

The city of New York and Turtle Bay's residents are presenting Katharine Hepburn with a great honor as they dedicate a beautiful and serene garden in the midst of Midtown Manhattan in her name.

Mr. Speaker, I ask my colleagues to rise with me in this tribute to Katharine Hepburn on her 90th birthday. Not only has she enriched the lives of New Yorkers, but she has touched all of us with her outstanding and heartfelt performances over the years.

A TRIBUTE TO MARILYN DIGIACOBBE ON THE OCCASION OF HER APPOINTMENT AS SPECIAL ASSISTANT TO THE PRESIDENT FOR PUBLIC LIAISON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Marilyn DiGiaccobe. She has been promoted to the position of special assistant to the President for public liaison, and will be honored in my district on May 17.

Marilyn was born in the great city of Philadelphia and raised across the Delaware River in Glendora, NJ. After receiving her bachelor's degree in political science fro Rutgers University, Marilyn worked as a counselor for disadvantaged teens enrolled in Camden County, New Jersey's summer employment and training program. She then got her introduction to politics as an intern in the office of our former colleague, Jim Florio. Marilyn has since worked on the staff of the Presidential transition team and the Democratic National Committee. She has also worked on political campaigns in Pennsylvania and New Jersey, and established her own small business, DiGiaccobe and Associates.

Enroute to her latest position, Marilyn has honored her skills for communicating the President's policies to diverse constituencies on a wide range of issues. In addition, she has assisted in the planning of special events such as the October 1995 visit of Pope John Paul II to the United States, White House Conferences for Trade and Investment in Northern Ireland and Central and Eastern Europe, and has coordinated and participated in Presidential delegations to Ireland and Poland. Based on her work in the Italian-American community, Marilyn was honored with the Democrat of the Year Award by the Italian-American Democratic Leadership Council in October 1995.

As someone who has been fortunate enough to know Marilyn on both a personal and professional basis, I am confident that the President has made the right choice in appointing her as special assistant for public liaison. Mr. Speaker, in light of her many past accomplishments and her recent appointment, I ask that my colleagues join me today in extending their congratulations and best wishes to Marilyn DiGiaccobe.

TRIBUTE TO GARTH C. REEVES, SR.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise this afternoon to pay tribute to a great Floridian and a great American, Garth C. Reeves, Sr.: reporter, editor, publisher, banker, entrepreneur, community activist, and humanitarian.

Tomorrow Mr. Reeves will receive the honorary Doctor of Journalism degree from the University of Miami in recognition of his professional commitment and contributions as a leader of the Nation's African-American press, as well as his personal involvement in promoting understanding in South Florida and beyond. Garth Reeves currently serves as publisher emeritus of the Miami Times, a newspaper founded by his father, Henry E.S. Reeves, in 1923.

Garth Reeves' life has been dedicated to the achievement of excellence and service to humankind. Owner of the Miami Times, he has served South Florida for more than 50 years. He has been a reporter, columnist, managing editor, and publisher since 1940 when he earned his B.S. degree in printing at Florida A&M University.

Garth Reeves' community involvement has not been limited to publishing the Miami Times. His impressive resume does not reveal the depth of his participation in struggles to bring civil rights to all Dade Countians. In the 1950's, for example, Reeves was part of a group who filed lawsuits to open up previously all-white public beaches and golf courses. His non-public actions indicate a quite, low-profile man who has been known to pay hospital and funeral bills and school expenses for the less fortunate and then seek to avoid any fanfare for himself.

In professional journalism activities, Reeves served as a juror for the prestigious Pulitzer Prizes in 1977 and 1978 and was chosen Publisher of the year by the National Newspaper Publishers Association, which he once served as president, on three separate occasions.

In education, Reeves served as vice chairman of the Miami-Dade Community College board of trustees and as a trustee of Barry University, Bethune-Cookman College, and Florida Memorial College. He has earned service awards from Florida A&M University (1965 and 1974), Florida memorial, and Barry.

He has been justifiably honored for his youth work with the Boy Scouts of America and the YMCA. Reeves also has been active in attempting to create new opportunities for south Floridians through banking and his involvement in numerous foundations and charities. Predictably, this involvement has brought him a long list of awards.

Florida A&M University has recognized him for his leadership and service by creating the one million dollar Garth C. Reeves Eminent Scholars Chair in Journalism. The Reeves chair honors Garth's contributions to his profession and provides support for the education of aspiring journalists.

Garth Reeves' caring commitment to his fellow man and his service to his community have taken him to where few others have gone before. The University of Miami is right to bestow one of it's highest awards on this true son of South Florida. Garth C. Reeves, Sr., servant of the people, community activist, journalist, great Floridian, and great American.

THE STAIN OF NAZI GOLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. LANTOS. Mr. Speaker, as the only survivor of the Holocaust ever elected to the Congress of the United States, I want to share with my colleagues a thoughtful editorial from the New York Times, entitled "The Stain of Nazi Gold."

Under Secretary of Commerce Stuart Eizenstat, one of our Nation's most respected and serious public servants, deserves enormous credit for having pursued this entire matter with extraordinary diligence, intelligence, and integrity. We all owe him a debt of gratitude.

THE STAIN OF NAZI GOLD

The honest excavation of history can bring sobering discoveries, as the American Government has now found in an examination of Nazi Germany's stolen gold and its redistribution after the war. No nation emerges unscathed from this investigation, including the United States, and many are disgraced. It is saddening but not altogether surprising to learn that morality and justice, especially the international obligation to look after the survivors of the Holocaust, were swiftly sacrificed to expediency when the gold was divvied up after the war. Remedying this failure, as the report rightly notes, is the unfinished business of World War II.

The extraordinary inquiry, which involved the declassification of nearly one million pages of documents, was initiated by President Clinton after Switzerland coldly rebuffed Jews seeking to recover gold and other assets their families had deposited in Swiss banks before the war. Under the determined direction of Stuart Eizenstat, the Under Secretary of Commerce, and William Slany, a State Department historian, it touches on wartime economic collaboration with Germany but deals mainly with the anemic postwar effort to restore gold and other valuables to the nations and peoples from which they had been stolen.

Sweden, Portugal, Spain, Turkey and Argentina will want to take notice. The extent of their economic cooperation with the Nazis has been slowly unfolding in recent years, but Mr. Eizenstat makes clear they profited from their neutrality. Even as the threat of German invasion waned in the last years of the war, Sweden sold Germany iron ore and ball bearings, Portugal provided tungsten for steelmaking, Spain traded goods and raw materials and Turkey shipped chrome. Argentina defied efforts to prevent the transfer of German funds there from Europe.

Switzerland is properly singled out. Though helpful to the Allies as a base for spying, it served as Nazi banker, gold keeper and financial broker. Switzerland provided Germany with arms, ammunition, aluminum and agricultural products.

These countries made only a fitful effort after the war to return the looted gold and other assets they received in payments from Germany during the war. Here America bears considerable responsibility. It led the postwar effort to recover and distribute the gold. Yet only a small portion of the $580 million in gold stolen from conquered governments, worth some $5.6 billion today, was ever recovered. Even less of the millions of dollars in gold and other assets taken from individuals was returned.

Switzerland was aggressively unhelpful, resisting accounting and recovery efforts for years and not honoring agreements to liquidate German assets held in Switzerland. The American report estimates that as much as $400 million in German-looted gold remained in the Swiss National Bank at the end of the war, but no more than $98 million was returned.

The task of tracing and apportioning the gold and other assets was daunting, but American officials tolerated intransigence by other nations and accepted pitiful restitution agreements in the name of cold-war solidarity. Eager to obtain access to an Azores air base in the 1950's, Washington let Portugal surrender only about one-tenth of the German gold it held at the end of the war.

Spain eventually returned just $114,000 in looted gold from a stockpile of $30 million. Turkey, which held $44 million in Nazi assets and $5 million in looted gold, made no restitution. Only Sweden paid up.

The victims of this dismal record were the survivors of the Holocaust and others left homeless and stateless by the war. Assets that could have been used to help them were never returned to the countries plundered by Germany. Worse still, gold and other valuables found in Germany that had been seized from millions of individuals and households across Europe were knowingly mingled with assets stolen from European governments by the Nazis. As a result, gold that should have gone to help individuals through relief and compensation programs ended up in European and American government vaults, where some remains today.

These matters remained too long obscured from public view, shielded by excessive secrecy and national pride. It is late to redress the wrongs, but every effort should now be made to return gold and other assets to those with a legitimate claim. Switzerland, after long delay, is finally making an effort to trace and return assets deposited before the war. Mr. Eizenstat and Mr. Slany have performed a high public service by digging for the truth.

HONORING KEEP HOUSTON BEAUTIFUL'S 2D ANNUAL NEIGHBORHOOD CLEANUP

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the efforts of Keep Houston Beautiful and the success of the second annual neighborhood cleanup in making Houston a better—and cleaner—place to live.

On May 3 more than a thousand volunteers across the city committed to improving the quality of life in Houston in wrapping up the 1997 neighborhood cleanup effort. Boy Scouts, students from area schools, parents and children worked side by side at the Thank You Celebration at the Fondren YMCA. It was quite an experience. For almost 2 months, thousands of people all across the city of Houston bagged thousands of pounds of trash and gathered hundreds of tons of recyclables, all in an effort to make their community a better place to live. Because of the efforts of these volunteers, our neighborhoods are cleaner, our parks are more fun, and our environment is safer.

Each and every person who took time to participate in the Keep Houston Beautiful effort understands the importance of community, that it thrives on involvement and starves from apathy. They understand that it is our government, our schools, our churches and our neighborhoods that they make better when they take the time to get involved. They understand that, when they take an hour, a day, or a week to clean up their community, the effects are felt for much longer. They are setting an example for others to follow, sowing the seeds for the success of future cleanup efforts.

This year, Keep Houston Beautiful launched its biggest attack on litter yet, enlisting nearly 35,000 volunteers in their effort to get trash off our streets. Keep Houston Beautiful has done a tremendous service to the people of Houston by organizing a neighborhood cleanup event in our community. Working with the city of Houston, the Board of Realtors, and civic and neighborhood groups, Keep Houston Beautiful is doing its part to make a long-term difference in Houston.

But neighborhood clean-up is not just occurring in Houston. Now entering its 12th year, this program is America's largest organized cleanup effort, involving 1 million volunteers in 100 cities nationwide. These volunteers have collectively removed more than 178 million pounds of debris from public lands so far.

I commend the great work of Keep Houston Beautiful and their efforts to cleanup our city through community cleanup events. And I congratulate the thousands of volunteers who gave their time to clean up their neighborhoods and make Houston an even better place to live and raise a family.

THE HAMMOND POLICE DEPARTMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. VISCLOSKY. Mr. Speaker, It gives me great pleasure to announce that the Hammond Police Department will represent northwest Indiana in the Police Memorial Week taking place in our Nation's Capital from May 11 to 16, 1997. The Hammond police motorcycle brigade, comprised mainly of traffic enforcement officers, will leave northwest Indiana tomorrow for their day long journey to Washington, DC.

The Hammond Police Department, which conducts its own memorial ceremony for its fallen officers every year, will be the first police department in northwest Indiana to participate in the Police Memorial Week. On May 11, the Hammond police officers will gather with other motorcycle officers from across the country at Robert F. Kennedy Stadium to attend the Law Ride Motorcycle Parade, which will include a procession to Judiciary Square. During the week, the officers will be given the chance to attend seminars, candlelight vigils, and the main memorial on May 16 at Judiciary Square. The Hammond motorcycle brigade, which has expressed interest in participating in this memorial in past years, took the initiative in earning the necessary funds by conducting a raffle and securing donations from Hammond businesses. Any remaining money will be generously donated to the Indiana Surviving Families Fund, which helps families who have lost a police officer in the line of duty.

Those Hammond police officers who will ride in the brigade tomorrow include: Lt. John Pohl, Sg. Dennis Serafin, Cpl. Anthony Sonaty, Cpl. Charles Legg, Cpl. Danny Small, Cpl. George Gavrilos, Cpl. Kerry Newman, Officer Bret Plemons, and Officer Richard Tumidalsky. In addition, Chief of Hammond Police, Fred Behrens, will be joining the aforementioned police officers in Washington on Wednesday, May 14.

Mr. Speaker, I would like to take this opportunity to welcome the Hammond police brigade to our Nation's Capital as they remember police officers who have been killed in the line of duty. I would also like to take this opportunity to commend the Hammond police, as well as police officers across our Nation, on the dedication and courage they demonstrate daily in working to keep our communities safe.

TRIBUTE TO ROLLING MEADOWS CHAMBER OF COMMERCE 1996 HONOREES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CRANE. Mr. Speaker, I rise today to recognize three very special business leaders and one special community leader in my district who will be honored today by the Rolling Meadows Chamber of Commerce.

Daniel Sawusch, President of Citadel Management and general partner of Woodfield Gardens Apartments, will be honored as the 1996 Business Leader of the Year. Under Dan's guidance, Woodfield Gardens has been turned into the showplace it now is. In addition to receiving the Exemplary Business Partnership Award from Governor Edgar and the C.A.M.M.E. [Chicagoland Apartment Management and Marketing Excellence] Award for its ongoing public relations programs, Woodfield Gardens has been awarded the Grand C.A.M.M.E. Award for property excellence for being the best in the business.

Mr. Philip Burns, Fire Chief of Rolling Meadows, will be honored as the 1996 Community Leader of the Year. Aside from serving residents as Fire Chief, Mr. Burns has belonged to, and held positions in, a wide range of local and State organizations. Over the years he has served as President of the Rotary, President of Great Lakes Division of the international Fire Chiefs, and Chairman of the Resource Committee of Illinois Fire Chiefs. Other activities that have benefited the community include his involvement with Community Make a Difference Day and Clearbrook Olympics and Tag Day.

Meadows Funeral Home will be honored with the 1996 Business Beautification Award. Bill Haberichter, proprietor of Meadows Funeral Home, took an unattractive, undeveloped piece of property and transformed it into an attractive, functional building and grounds that serve the community well. The funeral home is on approximately 2 acres of land which required 11,000 yards of fill to bring the parcel of property up grade level.

G.L. Technology also will be honored as the Small Business of the Year for 1996. Company president Samuel Kim has over 20 years of product design and development experience in the coin-operated and consumer electronic industries. To date, Mr. Kim has been issued 35 patents for his designs. G.L. Technology is a leading developer and manufacturer of sports games which are distributed throughout the U.S., Canada, and over 20 other countries worldwide. The success of G.L. Technology's games has earned the company a reputation for being able to develop innovative games that people enjoy playing.

Mr. Speaker, I would like to congratulate these leaders of Rolling Meadows for their hard work and dedication. Rolling Meadows and the Eighth Congressional District of Illinois is a better place to live because of them.

TRIBUTE TO RICHARD R. CASANOVA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I come before you today to honor Richard R. Casanova, who has been named Los Angeles Fire Department's Firefighter of the Year. Mr. Casanova is driven by a sense of civic responsibility to protect our community while he is on-duty and to volunteer his services while he is off-duty.

Richard currently serves as a member of the Los Angeles Fire Department in a dual capacity as both a Paramedic and Firefighter. His extensive training as an Emergency Medical Technician (EMT), a paramedic and as a first aid instructor for the American Red Cross, combined with his many years of dedicated service makes him a valuable asset to the citizens of West Valley.

In addition, Richard is deeply devoted to his wife Peggy and their six children, and is a tireless volunteer in the community. At his local parish he does everything from serve as a youth ministry team member to serve as the disaster preparedness coordinator. Among other numerous activities, he also conducts first aid and CPR instruction for Scouts, local schools, and businesses and is the American Red Cross On-Call Instructor for CPR and First Aid.

The West Valley Community recognizes Richard as an outstanding father, fireman, and community servant. As his Representative in the U.S. Congress, I join the citizens of the West Valley in thanking him for his years of dedicated service to our community, and in extending our warm congratulations and best wishes on his recognition as Firefighter of the Year.

"RESOLUTION SUPPORTING THE END TO HUMAN RIGHTS ABUSES IN U.S. TERRITORY"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MILLER of California. Mr. Speaker, I am pleased to have received a copy of a resolution passed by the Federation of Asian People of Guam in support of H.R. 1450, the Insular Fair Wage and Human Rights Act. This legislation is urgently needed to stop the inexcusable pattern of labor and human rights abuses in the U.S. Commonwealth of the Northern Mariana Islands [CNMI].

Over 35 Members of the House, as well as prominent human rights and religious groups, and national labor organizations are unified in their support of this legislation. This bill would mandate needed reforms in the CNMI's minimum wage and immigration policies that have allowed the recruitment of a disenfranchised, low paid foreign workforce that now outnumbers the local, indigenous population. These workers are treated as commodities, with little individual value, and are regularly denied the labor, health and safety protections guaranteed by U.S. law. We must send a strong message to the CNMI government that these continued abuses will not be tolerated on U.S. soil.

The resolution that follows was adopted by the Federation of Asian People on Guam, an umbrella organization of several Asian-American interest groups on Guam. The resolution states, in part, the CNMI can no longer conceal the evidence of ongoing labor and immigration abuses and these same problems were pointed out to Gov. Froilan Tenorio and local and Federal officials in the FADG Resolution 94–1 3 years ago. The resolution further states that H.R. 1450 will hopefully stem the corruption which consumes everyone including the innocent in the CNMI.

I thank the Federation of Asian People for their strong support on this most important issue and ask that the Resolution 97–1 be printed here in full.

Federation of Asian People on Guam (FAPG) Resolution No. 97-1

Relative to commending and supporting Representative GEORGE MILLER on his legislation to strip CNMI of many of its immigration and labor powers.

Be It Resolved By The Board of Directors of the Federation of Asian People of Guam:

Whereas, the Honorable George Miller, a Senior U.S. Congressman, Chairman of the U.S. House of Representatives Committee on Resources who has the jurisdiction over Territorial Issues, aims to introduce a legislation to remove the power of the Commonwealth of the Northern Marianas Islands on Immigration and Labor Control; and

Whereas, according to continuing reports, the CNMI can no longer conceal the evidence of ongoing labor and immigration abuses; that the CNMI is accused of using that local control to import and abuse thousands of low-paid Asian workers; that these same problems were pointed out to Governor Froilan Tenorio and to local and federal officials in the FAPG Resolution 94.1 three years ago; and

Whereas the CNMI were branded "Hell Holes" for foreign workers during the announcement of new legislation aimed at the Commonwealth, according to a statement read on behalf of John Sweeney, President of the American Federation of Labor and Congress of Industrial Organizations; and

Whereas, "this continued pattern of abuse and indifference to human exploitation demands a rapid and bipartisan response from the Congress and the Clinton Administration", to quote Representative George Miller while announcing the new initiative which declares to one and all that these sordid conditions not be tolerated on U.S. soil, and

Whereas, we pray that the first Twenty Five stout-hearted Congressmen sponsors of the bill to remove CNMI's local authority to set minimum wage rates, enforce U.S. immigration law and limit use of "Made in the USA" labels to garment factories that abide by U.S. labor standards be joined by others to restore the integrity of the CNMI Government; and

Whereas, this legislation will hopefully stem the malignant growth of CNMI's social cancer which consumers everyone including the innocent, brought about by illegal drugs, public corruption, victimization of guest workers through violations of their human rights, abuse, neglect and discrimination, forced prostitution, exploitation of minors, and other depravities crying for vengeance in heaven; and therefore be it

Resolved, the Federation of Asian People on Guam commends, expresses gratitude to the sponsors of the bill entitled Insular Fair Wage and Human Rights Act of 1997, and extends strong support and full endorsement of Congressman George Miller's endeavors to preserve Universal Human Rights and the U.S. brand of Justice; and be it further

Resolved, that the FAPG President certify to and the Federation's Secretary attest the adoption hereof, and that copies of the same be thereafter transmitted to Honorable George Miller; to the Speaker of the House of Representatives, Newt Gingrich; to Jaime Cardinal Sin, Archdiocese of manila, Philippines; to Archbishop Anthony S. Apuron, of Agana Basilica; to Bishop Thomas Camacho of Chalan Kanoa, Saipan; to the supporters of this bill representing groups and agencies in California, Hawaii, Alaska, Florida, Guam, CNMI, all of U.S.A., the Philippines & other Pacific Basin/Rim jurisdictions; to members of the electronic and printed media; to the U.S. Departments of Interior, Labor, Justice and Commerce and to his Excellency, Bill Clinton, President of the United States of America.

Robert Kao, President FAPG, Former President, United Chinese Association; Irene Cheng, Secretary, FAPG; Roger Ruelos, President, Filipino, Community of Guam; John Vega, Public Relations Officer, FAPG, Former President, FAPG & FCG; Charles Lee, Vice President, FAPG, President, Korean Association of Guam; Calvin Lai, Treasurer, FAPG, President, Vietnamese-Chinese Association; Pete Hemlani, President, Indian, Community of Guam; Resty Albeza, Board Member, FAPG; Eddie del Rosario, Chartered Member, FAPG, Former President, Filipino Community of Guam.

FRANK KELLY'S VISION FOR HUMANITY

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CAPPS. Mr. Speaker, we in Santa Barbara are blessed to have as our neighbor and community leader Frank Kelly, the Vice President of the Nuclear Age Peace Foundation. Frank has been a voice for peace, justice and basic human rights for many years, and I am pleased to count him as a close friend.

Recently, Frank authored a thought-provoking article in the Santa Barbara News-Press calling on Congress to enact a resolution calling for "A Day of Celebration for Humanity." I commend Frank's piece to my colleagues, and I look forward to discussing the important issues raised in it as we debate the critical public policy decisions of the 105th Congress.

[From the Santa Barbara News-Press, Mar. 30, 1997]

A CHAIR FOR EVERYONE AT HUMANITY'S TABLE

(By Frank K. Kelly)

By kneeling at the feet of grieving Israeli families whose daughters had been killed by a Jordanian soldier, King Hussein of Jordan demonstrated the compassion that goes beyond all boundaries.

He kissed them and asked to be regarded as a member of each family. To the parents of one girl he said: "I feel like I have lost a child."

In the wars of this bloody century, millions of children have been slaughtered. All of them belonged to the great human family. All of us have been wounded by those losses, although we may not realize it. We are all related to one another—and the King of Jordan brought that home to us in a powerful way.

The time has come for the human family to celebrate its unity, its diversity, its tremendous gifts, its abilities in many fields, its infinite capacities for compassion and creativity. Although this is an age of terrible tragedies and immense sufferings, it is also an age of unprecedented strides in many areas.

I believe we should consider "A Day of Celebration for Humanity"—an annual festival to remind us of the marvelous capacities of human beings.

There are many acts of kindness, many outpourings of love and devotion, many works of art emerging from the minds and souls of those who share the DNA molecules that make us human.

Let us salute one another, let us bow down as the King of Jordan did to comfort the afflicted ones among us, let us blow horns around the world, let us dance and be grateful for all the blessings we have, for the hopes we have, for the signs of love we can see everywhere if we open our eyes.

In the midst of our celebration, we will not forget that we have to help one another, care for one another, extend our hands to those who need food and shelter and encouragement. We will take everyone into the circle of humanity—and leave no one out.

Each year—perhaps on New Year's Day—there should be a 24-hour, worldwide remembrance of the achievements of people around the Earth. The resources of the Information Age are available now to bring together all of us in that commemoration.

Artists, musicians, film producers, writers, dancers, singers and composers, sculptors and painters, television and radio communicators, could be asked to give their services for a "Festival of the Human Family."

It could be organized by a Committee for Humanity, formed by representatives of the arts and sciences. Jacques Cousteau, the oceanographer; Yehudi Menuhin, the violinist; King Hussein of Jordan; and Maya Angelou, the poet, might be asked to serve as honorary chairpersons.

The committee could include leaders from all countries represented at the United Nations, journalists and educators from every continent, legislators and judges, business executives, presidents of trade unions, philosophers and members of all religions, children of all ages, women from many backgrounds, and Nobel Prize winners. Its headquarters might be in Geneva, where many international organizations have offices.

On the day of celebration, the creative attainments and highest qualities of compassion and courage demonstrated by human beings would be presented in global broadcasts—perhaps with introductory statements by George Lucas and Steven Spielberg, visionary film producers, and Arthur Clarke, author of "2001," on their hopes for humanity in the coming century.

On that day, the noblest aspirations of human beings would be hailed. The finest works of the human spirit would shine around the world. The day would be an occasion of renewed confidence for every human person on this planet—every member of the huge family which now includes millions of mysterious beings. it would depict the crises through which humanity has passed in its epic journey from the seas to the stars. All the peaks of human experience would be recognized and acclaimed.

The day might end with the singing of the "Ode to Joy" which concludes Beethoven's Ninth Symphony—with choirs from every nation, with voices being heard from every part of the beautiful planet on which humanity arose.

Such a day could give us new ways of seeing that Thomas Merton was right when he said: "It is a glorious destiny to be a human being."

We were created with divine sparks that cannot be extinguished. We were shaped by a mind which gave us a sense of belonging to the universe. With the creative power shared with us by that loving mind, we can find the ways out of our tremendous problems and overcome the dangers that beset us in this time of testing.

In his inaugural address in January of this year, President Clinton urged us to remember that the greatest progress we have yet to make is in the human heart. He referred to Martin Luther King's high dream of human equality and he declared: "King's dream was the American dream. His quest is our quest."

King's vision was more than an American vision. It was a vision for the whole human family. It is time to revive that vision—and to join with people everywhere to show what can be done by the members of that awesome stream of people moving forward together.

I urge the U.S. Congress to adopt a nonpartisan resolution calling for "A Day of Celebration" and urging legislators and other leaders of all nations to join Americans in making that day a worldwide day for human unity. I urge the president and the executives of all countries to give their support to that proposal.

The time has come to take a giant step for humanity!

AUTHORIZING A CALIFORNIA URBAN ENVIRONMENTAL RESEARCH CENTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. STARK. Mr. Speaker, today I am reintroducing legislation to authorize the Environmental Protection Agency [EPA] to establish a California Urban Environmental Research and Education Center [CUEREC].

I am honored to be joined in this effort by nine California colleagues: Mr. DELLUMS, Mr. MATSUI, Mr. GEORGE MILLER, Ms. ESHOO, Mr. TORRES, Mr. BROWN, Mrs. TAUSCHER, Mr. BERMAN, and Mr. FILNER.

Legislation to authorize EPA research programs was unfortunately not acted upon in the last Congress. However, CUEREC did receive a line item in the 1995 Department of VA, HUD and independent agencies appropriations bill to cover start-up costs. This line item has allowed CUEREC to begin its first year of operation and the Center was dedicated on October 21, 1994 at a tree planting ceremony on the Cal State Hayward campus.

The bill requests $4.5 million for fiscal year 1998 because CUEREC is mandated to work with all 22 California State Universities in its second year of operation and because CUEREC will need this level of support to carry out the activities set out for it in the legislation.

Currently, CUEREC is in the process of linking California's major university system—the Cal State University [CSU] campuses, the University of California [UC] campuses, as well as private universities and colleges—to deal with the employment and environmental challenges of California's military base closures and defense conversion. Among other activities CUEREC will: help remove market barriers for small environmental business enterprise development; help in military base conversion and utilization focused on increasing sustainable economic development and job creation throughout California; encourage the transfer of government developed and/or sponsored environmental technology to the private sector while working closely with such laboratories as Lawrence Livermore, Sandia, and Lawrence-Berkeley; encourage the funding of viable environmental projects throughout California; assist women and minority owned small businesses in complying with local, state, and federal environmental regulations and taking advantage of opportunities in sustainable economic development; avoid duplication in environmental research and education programs by developing an on-line data base of such activities available to all California universities and colleges; help coordinate Cal State and UC environmental applied research and education programs; and advise local, state, and federal officials on the economic and environmental implications of development programs throughout California.

Prior to CUEREC, no EPA sponsored research center had been established in California, Seventeen such EPA sponsored research centers have already been established in other states. CUEREC would be the first to focus on urban environmental policy, base closures, and defense conversion environmental problems. CUEREC would also be the first to include all of the universities and colleges in a single state.

Both Senators were very supportive of the legislation last year. CUEREC is a unique program, providing many important benefits for California and a cost effective model university based program for the nation and I urge my California colleagues to support it.

WOMEN'S HIGH SCHOOL BASKETBALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. COBLE. Mr. Speaker, next year, women's high school basketball in the Sixth District of North Carolina should be extremely interesting. The reason being that two of the State champions from this year will play in the same conference. Ledford High School, located just outside Thomasville, NC, and High Point Central High School in High Point, NC, secured the championships in the 2–A and 3–A divisions of the State playoffs respectively.

The end of March brought the State 2–A season to a close. Ledford High School, in an impressive victory over St. Pauls, captured the State 2–A championship. This is only the second championship victory in the school's history.

After an impressive 29–2 season, the Ledford Panthers faced the Saint Pauls Bulldogs (28–2) in the season finale. Both teams were anxious to take home the victory and the game proved to be a challenge for all those involved. Head coach John Ralls, with the assistance of Joe Davis and Allen Patterson led the Panthers to a 59–57 come-from-behind victory on March 22. Principal Max Cole and Athletic Director Gary Hinkle also provided the team with support and encouragement in their impressive victory.

Junior Stacey Hinkle, second-time MVP, proved to be an integral part of the team with 22 points. Leslie Thomas also helped the Panthers by scoring 8 of the 13 bench points scored during the game. Two players, Laurie Smith and Amanda Reece, braved recent surgery worries in order to play in the championship game. Stephanie Sharp, Lauren Craven, Misty Sharp, Brooke Embler, Kristin Berrier, Whitney Patterson, Amy Wells, Amanda Besaw, and Julie Reece all aided in Ledford's successful season and victory against Saint Pauls.

A championship is a great accomplishment but, for High Point Central High School, this 3–A basketball State title means so much more. During the season, the women's basketball team lost more games than the previous 3 years combined. However, the team pulled together to win the one game that meant the very most. Coach Kenny Carter was quoted in the High Point Enterprise explaining the journey that his team has faced, "Early in the year I didn't know if they believed everything that I said could happen." The team succeeded in allowing all 13 members of the team to make a basket during the course of the game. The most memorable shot was made in the closing 3.4 seconds of the game by Tameika McRae which clinched the 66–64 victory.

The score was close for the entire game with the half time score being tied at 21. Supreme efforts were made by all of the players of the team, the Most Valuable Player, Mandy Hall, Katie Copeland, Lee Culp, Sherelle Gladney, Ashley Hedgecock, Brendle Howard, Staci Murray, Kaneica Obie, Elizabeth Redpath, Jenni Tinsley, Mandi Tinsley, and Katie Yoemans, to secure the victory of the Bisons. The coaches of this championship team are Kenny Carter, Jetanna McClain, Scotti Carter, and Steve Martin who have help from the managers Michelle McCallum and Charita Clark and the trainers Brandy Owen and Steven Goodrich. Overseeing this group are athletic director Gary Whitman, statistician Kim Liptrap, and principal Bill Collins.

These two supreme teams will have a difficult year ahead of them as they are forced to play each other in the same conference. On behalf of the citizens of the Sixth District of North Carolina, we congratulate these teams for winning the women's State 2–A and 3–A basketball championships.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 110. If present, I would have voted "aye" on rollcall 110.

WARM WELCOME TO EAST JESSAMINE MIDDLE SCHOOL

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BAESLER. Mr. Speaker, I am pleased to welcome the eighth-grade class from East Jessamine Middle School. These students traveled from Nicholasville, KY to explore the Capital of the United States. This city is alive with history, educational adventures, and stunning monuments. I am proud that these eighth graders are taking advantage of the opportunity to visit Washington, DC. I am sure that many fond memories will be created. I wish these outstanding young men and women the best for a bright and successful future.

THE POTOMAC—AN ENDANGERED RIVER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CUNNINGHAM. Mr. Speaker, this morning the Congressional Sportsmen's Caucus held its monthly information briefing. This morning's briefing was on fishing in the Washington, DC area. Each month these breakfasts focus on different aspects of wildlife conservation. This morning's breakfast hit home with many of the Members because it highlighted the area where many of us live and fish. I have attached an article written by Charles Verharen that highlights the threats to the Potomac fishery. I hope that my colleagues will read this article and work to restore and protect our local fishery.

THE POTOMAC—AN ENDANGERED RIVER?

(By Charles C. Verharen)

Imagine standing at the base of Little Falls on a brilliant spring day on the Potomac, just above Chain Bridge in Washington, D.C. Flocks of black cormorants stream north. Thousands of silver and black hickory shad fight their way up the surging rapids. Sparkling emerald water breaks against black granite. This wilderness-like setting in the Capital's city limits takes your breath away—until you look downstream.

Just below the falls what looks like gusher of Texas crude oil jets into the crystalline water. A hundred yards below the falls, green and black merge into dismal gray. A motorist on Chain Bridge can look upstream and see a Potomac that's in "better shape today than it has been in a century," according to Bill Matuszeski, director of the Chesapeake Bay Program (Post, 4/17/97, D8).

That same motorist can look downstream and see a Potomac that deserves its place on the list of America's endangered rivers. Beth Norcross, a director of the American Rivers group that maintains the list, admits that the "Potomac is in fabulous shape." Maybe she doesn't know about the black filth surging into the Potomac at Little Falls. She thinks the primary threat is bacteria-laden run-off from poultry farms in West Virginia. The U.S. and West Virginia Departments of Agriculture acknowledge the problem as well.

In an ironic twist of fate, bacteria are the indirect cause of the gouts of black ooze. A by-product of the Washington Aqueduct water treatment plant, the black goo is sediment from the plant's holding basins, containing such chemicals as aluminum silicate, copper, chlorine, and heavy metals from Potomac run-off.

The treatment plant discharges its waste into the Potomac above and below Little Falls. On some days Little Falls creek above the falls runs milky white like a glacial stream with aluminum silicate discharge from Washington Aqueduct. On the other days it runs a bright fluorescent green with copper silicate discharge.

Fishermen on the Potomac downstream of the falls report that discharges from the treatment plant have increased since the EPA found evidence of contamination of drinking water in the Washington area last year. They claim that the discharge endangers the spawning fish. The fish simply disappear during the discharge period.

Thomas P. Jacobus, chief of the U.S. Army Corp of Engineers division that runs the Washington Aqueduct, said he's discharging heavily in the period from March to June to help the spawning fish. He said he thought the spawning season was from June through August.

When he learned that the spawning season is on right now, he said he couldn't stop the discharge in any event. His regulatory agencies, including the Environmental Protection Association, forbid discharge during summer's typically low river flow to protect fish habitats.

The American Rivers group, the EPA, and the Army Corp of Engineers need to get together with the Atlantic Marine Fisheries Commission and sport fishing associations to settle on a water treatment discharge schedule that will protect the spawning fish.

And politicians and residents of the Washington area need to figure out a way to purify Potomac water without polluting it.

REMARKS BY BENJAMIN MEED ON THE OCCASION OF THE DAYS OF REMEMBRANCE CEREMONY IN THE U.S. CAPITOL ROTUNDA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. LANTOS. Mr. Speaker, today at a most moving ceremony in the Rotunda of the U.S. Capitol, Members of Congress, members of the Diplomatic Corps, representatives of the Executive and Judicial branches, and hundreds of survivors of the Holocaust and their friends gathered to commemorate the National Days of Remembrance.

The theme of this year's Days of Remembrance commemoration was "From Holocaust to New Life." This remarkable ceremony celebrated the lives and legacy of those who survived those darkest days, triumphed with hope and compassion. One of those survivors was my dear friend, Benjamin Meed, who serves as chairman of the Days of Remembrance Committee. Ben has dedicated his life to keeping the lessons and memories of the Holocaust alive. I encourage my colleagues to read Benjamin Meed's outstanding remarks from today's ceremony.

Justice Scalia, distinguished Ambassadors, Members of the United States Senate and House of Representatives, fellow survivors, ladies and gentleman:

When we, survivors of the Holocaust, see the American flag and the flag of the United States Army that liberated the concentration camps march into this hall, we feel pride as Americans. They are symbols of hope and freedom—and may they always be. We feel gratitude for this great nation, and a strong sense of hope for the future.

Half a century ago, a continent away from these beautiful shores and worlds away from the reality we share today, the American army began entering some of the Nazi German concentration camps. Those brave soldiers came too late for many, yet just in time for some.

We will remain forever grateful to our liberators.

Over fifty years ago we survivors were considered "displaced persons." The cities of our youth had changed. The streets were familiar, but where were our mothers and fathers, sisters and brothers, and especially our children? Please imagine more than a million children murdered. Not even a trace of the once vibrant Jewish life remained. We had endured the worst reign of tyranny and murder in history. We became refugees determined to build a future in freedom, to go on with lives which had been so cruelly interrupted.

For many, Israel offered an answer—the promise to change our destiny and a symbol of defiance to those who would have us disappear. For others, America offered freedom and the promise of good future. Most of us came here with little more than the clothing on our backs. Vladka and I came with eight dollars in our possession.

Today, survivors are found in every State of the Union and in every walk of life—we are artists and musicians, lawyers and doctors, writers and philosophers, philanthropists and industrialists, rabbis and teachers.

Our children, conceived in freedom, nurtured on two great traditions—Jewish and American—have taken their own places in this country's life. Survivors as well as their children have served in the House and Senate, in the White House and in the Cabinet, on the Bench and in the United Nations.

Survivors have become witnesses. We share our memories with others. We believe that in remembrance lies hope and the protection of another generation who might otherwise be abandoned and forgotten—even tortured and killed. The Holocaust was unparalleled and unique but its lessons are universal.

Survivors have not demanded vengeance, but rather remembrance. Survivors helped to establish the United States Holocaust Memorial Museum in Washington. Without the involvement and dedication of survivors, institutions of remembrance would not have been built in Houston, Dallas, Los Angeles, Miami, Boston, Chicago and Montreal, to name only a few. Without the help of survivors, the Days of Remembrance would not have entered the American consciousness.

Survivors can speak today of achievement. Look at us and see the power of the those whose answer to death was love and hope. We have lived three lives—before, during and after the Holocaust. We have traversed years, continents and worlds. We have witnessed horror and death, courage, and determination, faith in the future and respect of the past. We have spent a half century uniting the different threads of our lives into a fabric that is whole.

All that we have seen, all that we have done, all that we created, is for a purpose. To bear witness. We hope that future generations of Americans will remember and use the power of this vision to protect people everywhere.

Rooted in a past that was shattered, we have become a cry of conscience to the world and a voice determined to create a future that is worthy of our journey to hell and back—from darkness to light, from tyranny to freedom, from Holocaust to new life.

We have rebuilt our lives not because our losses can be replaced, but so our call will be heeded by those future generations whose losses can yet be prevented. We say to you, and through you them—more urgently now, for each day we are fewer—remember with us.

Thank you.

SENATE—*Friday, May 9, 1997*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of the Universe and Lord of our lives, by the revolution of the Earth around the Sun, You have brought forth a new day. Just as You have made the sunrise, You have made us what we are; just as we cannot take credit for the sunrise, we dare not take pride in what we have made of ourselves. We can, however, be humbly grateful. To fail to glorify You for either the new day or the miracle You have made of each of our lives would be blasphemy. Help us to praise You both for this new day and the privilege of living life to the fullest. All that we have and are is Your gift. This day will be like no other day past or to come.

You who are everlasting Mercy, give us tender hearts toward all those for whom the morning light brings less joy than it does to us, those for whom the beginning of a new day does not bring rejoicing, but grief, suffering, or trouble. Free us to do all we can for all to whom we can communicate Your care. As we seek to make this a great day for others we will discover the practical love You want to communicate through our words and actions, deliberations and decisions. This is the day You have made and we will rejoice and be glad in You. Through our Lord and Saviour, Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, Senator D'AMATO from New York, is recognized.

Mr. D'AMATO. Mr. President, it is indeed a pleasure to be with you today.

SCHEDULE

Mr. D'AMATO. Mr. President, on behalf of the majority leader, there will be a period of morning business to allow a number of Senators to speak. The time between 9:45 and 12:30 will be equally divided for statements regarding the Family Friendly Workplace Act. As previously announced, no rollcall votes will occur during today's session of the Senate.

On Monday, the Senate will consider the IDEA legislation and/or the CFE treaty. If an agreement can be reached for the consideration of those measures, the majority leader has stated it may be possible to stack any votes ordered until Tuesday. All Members will be notified accordingly when those agreements are reached and when the Senators can anticipate the next rollcall vote.

I thank my colleagues for their attention and I thank the President pro tempore for his recognition.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, there will now be a period for the transaction of morning business.

RECOVERY OF WORLD WAR II GOLD

Mr. D'AMATO. Mr. President, pursuant to the order, I rise today to speak to the release of the report, and I will show you this report. The report is entitled, and I think the title is important, "U.S. and Allied Efforts To Recover and Restore Gold Stolen by Germany During World War II." I think that description of the report is totally inadequate. It is a great report. The author and the person who has worked so hard, Ambassador Stuart Eizenstat, Under Secretary of Commerce and soon to be Assistant Secretary for Economic Affairs in the State Department, should be proud. We should all commend him for his efforts at getting the truth.

What this report might better be called is the report on the greatest robbery that mankind has seen take place under the guise of the law and under the guise of civilized conventions and under and with the approval of Allies who did not face the killing machine of the German Nazi armies. This was after the war that the greatest looting continued and this conspiracy continued for 50-plus years.

Let me say we owe a great debt of gratitude to Stuart Eizenstat because he comes forward with the truth—not all of it, because not all of the documents and not all of the evidence are available or have been made available, but it is a beginning. His dedication to the truth and the perseverance he has demonstrated, and those who work with him, to bring us to this point should be commended. He has done this despite opposition from many quarters, quarters within our own Government, the State Department. The State Department was not happy; they were not happy campers. He pushed forward and he saw to it that this report was released. It really cracks the conspiracy, the veil of secrecy that has existed for 50-plus years. It begins to unravel the web and the deception that has been continued for 50 years, the so-called neutrality of some nations, and particularly the Swiss.

Simply put, this report details the greatest robbery in the history of mankind. It underscores the necessity for a complete review and release of all of the documents and a full accounting of the assets that the Swiss held during the war and continued to hold for the past 50 years. It is outrageous that this crime could continue and that there were nations and citizens and representatives of this country, as well as our allies, as well as the French, as well as the English, who countenanced this. There were no great German armies threatening them at that point in time. The Swiss cannot claim that they were fearful because they were surrounded and they were a tiny little nation.

The report demonstrates beyond a shadow of a doubt the guilt and complicity of the Swiss Government as the bankers for the Nazis during World War II. Holocaust victims and their families have to shudder when they read this report. It leaves the unmistakable conclusion that we have to look carefully and ask our allies to look with us at whether or not we should reopen the Washington accords. The Washington accords set the basis for the distribution of billions and billions of dollars worth of gold.

Literally, let me say that it would appear that the Swiss Government withheld billions. I will get into some detail and indicate how much. It is very clear that the Swiss Government was not forthcoming, that they were deceptive in terms of how much in the way of assets they were holding, that the Nazi killing machine had deposited with them. They kept these billions of dollars illegally and improperly, notwithstanding the bonafideness they might claim as a result of the accords being agreed to by the Allies.

Some of this money, unmistakably, came from the death camps, places like Auschwitz and Treblinka, as well as from the peoples throughout Europe who were slaughtered when the Nazi killing machine swept across the Continent. In the 1946 accords between the Allies and Switzerland, the Swiss Government only agreed to give the Allies $58 million in gold. That would be the equivalent of about $580 million today, despite the fact that even some of our negotiators knew they had at least $398 million, or worth close to $4 billion today. So, while they had $4 billion that never belonged to them, they distributed and agreed to distribute a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

small portion of that. They basically said, "We have it, we are not telling you how much, and this is how much we are going to give you."

The report indicates that the Swiss refused to give the Allies any more than $28 million in what we call German external assets. Those are the assets that are stocks and bonds and insurance policies, real estate, and others. Despite the fact that we knew that they had the equivalent of between $4 and $8 billion, they said, "We will give the equivalent of less than $300 million."

There is a movie that has become somewhat famous called "Jerry Maguire." In that, the athlete, I think the movie star Cuba Gooding Jr., has a great line when he says, "Show me the money." Well, Mr. President, it is about time we said to the Swiss, "Show us the money," give to the world a full and proper accounting, reopen those accords.

There was a claim by the Swiss Ambassador the other day saying, "You cannot hold us responsible for what took place 50 years ago." To that extent I can say, that is correct. Most of the individuals today in Government or in positions of responsibility were nowhere around then. They did not make those decisions. They did not make the decisions relating to trafficking with the Nazis, being their bankers, or, indeed, keeping the loot thereafter and refusing to meet their legitimate obligations. But we can hold them accountable now. We can and we must.

There are going to be great pressures to say, "Come on, stop rocking the boat." There are tremendous international consequences in terms of the international corporations that these banks do business with and/or control and/or work with. These billions of dollars that they have had and have used all these years at their disposal, they are not so anxious to depart with them. Indeed, if one were to say, "Give us a real accounting, show us all of the money, the money and profits that were made as a result of the billions of dollars that you have kept over the years," wouldn't that be interesting.

The question as to where did all of that money go becomes important. Who concealed it for all these years? Why did it take a righteous man like Christophe Meili, a young bank guard, to stop the records of these transactions from being shredded? He attempted to. He is a young bank guard who stumbled upon Union Bank of Switzerland shredding records 5 months ago. Should we say anyone who is alive today is responsible for what took place 50 years ago when they were not there? We can certainly say, why would you shred records now, records that related to great companies and corporations and the business activities that they had with the Germans, records that, it would seem, indicated that there were properties of Jews that were forced to leave, forced sales? Why would the bank historian do this, and what was the fate of this particular young man?

This week we heard testimony from Mr. Meili, who, as a result of turning over some documents to the Jewish Historical Society, who then turned them over to the Swiss police, has come under tremendous pressure. Instead of being held as a righteous person and a man who did what was correct, he has received hundreds of death threats, in writing—not just by way of the telephone. His children have been the subject of harassment, and they are 2 and 4 years old. He has been threatened and the lives of his children—it has been indicated they would be kidnapped in retaliation for his act of courage. Here is a young man who acted as a righteous person, and instead of beinging treated as a hero for standing up and doing what is right, he has been treated like a criminal.

Yes, the Swiss Government and their Ambassador has said, "Do not judge us on the events that occurred 50 years ago but on what we do today." Certainly, if the treatment of Mr. Meili is any indication of their commitment to finding truth, then it makes it rather difficult to hold out hope that they are really dedicated to attempting to deal with the horrors that took place and have been concealed for 50 years.

The Swiss bankers owe the world a total and full accounting, as do our allies. It is about time that our allies and this Government put aside the diplomatic niceties and do what they should have done 50 years ago and do the right thing. You don't have to be a rocket scientist to know that there are going to be great pressures to put this aside. I think what is taking place is unconscionable, and it is time to set the record straight.

Because of the importance of the report of Mr. Eizenstat, as well as the great work of Mr. Slany, the historian of the State Department, we will be holding Banking Committee hearings on Thursday, May 15. We will hear from Ambassador Eizenstat, and Mr. Slany, the State Department historian. They will discuss the findings of the report, what it covers, what it doesn't cover. We will also hear from Ambassador Borer, of the Swiss Foreign Ministry; he is their special ambassador. Finally, we will hear from Tom Bower, author of the book "Nazi Gold," which traces the history of the Swiss banks during World War II, and Rabbi Marvin Hier, of the Simon Weisenthal Center in Los Angeles. Rabbi Hier has played a major role in tracing the flow of assets of Europe to South America during this period.

Mr. President, the world deserves the truth. For 50 years, it has been hidden in the archives while justice has been denied to the victims of the Holocaust and the survivors. This is the greatest tragedy, a tragedy of indifference, a tragedy of the indifference of the Swiss bankers and it is disgraceful. They knew they were accepting laundered gold and that they were financing the Nazi war machine. As Secretary Eizenstat said, the Swiss bankers extended the war. How many people died because of this? We don't know. We may never know the answer. But it is our duty to get the facts and have a full accounting from the bankers.

During these "Days of Remembrance" of the Holocaust, it is our duty to go forward to try to achieve some measure of justice for those who cannot fight for themselves. In memory of those who died in the Holocaust, and the people who still act courageously, like Christophe Meili, we must continue the inquiry so that the full truth be known.

This past Tuesday, Mr. President, Mr. Meili came before the Banking Committee. His testimony was chilling, to say the least. As we reached the end, I asked him several questions. I turn to page 40 of the transcript. Mr. President, let me say that this was not a Q and A in which the questions were known to the person who was being asked, nor did I have any idea or know how Mr. Meili—the 28-year-old bank guard who came from Switzerland this past Friday, and is in this country now—would respond. I said:

> Let me, if I might, just ask several other questions, and then put some letters . . . into the record.

And I turned to him and I said:

> What made you, Christophe, think that the records you found were important and should be saved from destruction?

Through his interpreter, Mr. Meili said this:

> A few months before, I had seen the movie "Schindler's List." And that's how, when I saw these documents, I realized I must take responsibility; I must do something.

He is a 28-year-old bank guard in Switzerland. He did something that was right, that was courageous. He is a non-Jew, but he had seen "Schindler's List" and he was moved, he was compelled to respond, to stop the shredding of these documents or the destruction, to report them to someone, and to say should this be done?

And then, Mr. President, if that wasn't chilling enough—and, really, it seems to me a call for those of us who have the power and the responsibility of righting these wrongs—I asked him if there were any closing remarks he would like to make, that we would be glad to receive them. I asked that question of the three witnesses who appeared before us. Here is what Mr. Meili said:

> Please protect me in the United States and in Switzerland. I think I become a great problem in Switzerland. I have a woman, two little children, and no future. I must see

> what goes on in the next days for me. Please protect me. That is all. Thank you, Mr. Chairman.

Mr. President, it is not good enough for the Swiss Ambassador to say, "You can't hold us responsible for what took place 50 years ago," when a young man who has attempted to do what is right finds himself ostracized, finds the power of the Swiss Government and the Swiss banks—who indeed run the Swiss Government, as a practical matter—and that remark may draw their ire and their fire and their protest, that a young man who acted courageously now finds himself a victim scorned, the lives of his wife and children threatened. How can we do any less than what one individual, Christophe Meili, attempted to do, and that is to do what is right?

So, Mr. President, I hope that this week when we have these hearings, this will be a new beginning and it will energize our Government and our allies to come forward in a united way, to put aside the diplomatic niceties that have shrouded this over the years, to seek a full accounting and to seek justice once and for all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, it is my understanding that we are now on general debate on S. 4; is that the order of business?

The PRESIDING OFFICER. Actually, we are in morning business until 12:30.

Mr. JEFFORDS. Fine. I will proceed anyway.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

THE FAMILY FRIENDLY WORKPLACE ACT

Mr. JEFFORDS. Mr. President, the legislation that we are discussing today, S. 4, the Family Friendly Workplace Act, is timely, commonsense legislation designed to give working families a much-needed option in balancing their busy work and family schedules. I am extremely pleased that the leadership has made passage of this bill a high priority.

The Family Friendly Workplace Act is intended to provide private-sector employers and employees with the same optional workplace flexibility benefits that public-sector employees have enjoyed since 1978. S. 4 provides three alternative work schedule options: One, compensatory time off in lieu of monetary overtime pay; two, biweekly work schedules; and three, flexible credit hours. I will explain each of these in more detail in a minute. In addition to the workplace scheduling option, S. 4 offers much-needed salary basis reform, and this is a very important problem that we now have as a result of recent court decisions.

Mr. President, there seem to be many misconceptions about what this legislation does and what it doesn't do. I appear today to clear that up.

I wanted to go over, first, the four components of S. 4. I believe this will give some of my colleagues a better understanding of this bill.

The first component of S. 4 is the compensatory time provision. S. 4 would amend the Fair Labor Standards Act's overtime provisions to allow employers to offer their employees the option of compensatory time off instead of traditional overtime pay.

In other words, you can trade the time and a half pay for compensatory time off. This provision will allow hourly employees the ability to take time off as a result of having worked overtime. Like State and local government employees, private sector employees would accrue comptime at the same rate as an employer's normal rate of overtime pay, that is 1½ hours of compensatory time off for every hour of overtime worked.

This legislation is not mandatory. It does not require employers to offer compensatory time off. If employers decide to offer the comptime option to their employees, it is up to the employees to decide whether or not to accept it. Employees who are members of unions will choose compensatory time through the collective bargaining process. Nonunion employees, on the other hand, must "knowingly and voluntarily" enter into an agreement with their employer for comptime before they perform any overtime work. Again, I want to stress that this provision is purely voluntary.

Mr. President, this legislation goes to great lengths to protect employees. If a nonunion employee does not like the comptime program, he or she may withdraw at any time by providing his or her employer with written notice. The withdrawal of employees who are members of unions will be controlled by the collective bargaining agreement.

I see no reason why unions should be in opposition to this bill.

If an employer finds that its comptime program is not working out, it can cancel its compensatory time off policy by providing the employees who have elected to earn comptime with 30 days with written notice. Again, there is nothing compulsory about this law at all.

Employees are also permitted to cash out—receive the case equivalent of their accrued comptime—at any time.

Let me repeat that. Employees are permitted to cash out—receive the pay equivalent of their accrued comptime—at any time. So even if an employee selects the comptime option, if that employee decides at a later date that he or she needs the overtime pay instead of time off, the employee has the ability to cash out, to get cash for their overtime work.

An employee will also receive the cash equivalent of any unused compensatory hours whenever an employer discontinues its compensatory time policy or in situations where an employee withdraws, resigns or is terminated.

The employer must cash out the employee's compensatory time at either the employee's overtime rate or the employee's final rate of pay, depending on which is greater.

The legislation allows an employee to accrue up to 240 hours of compensatory time during a 12-month period. If, after the 12-month period, an employee has not used his accrued time, the employer has 31 days to remit the cash equivalent of those hours. If an employee has accrued over 80 hours at any time, an employer may remit the cash equivalent of those excess hours, in lieu of the employee taking time off.

While opponents of the legislation fear that employers will control when an employee will be able to use accrued compensatory time off, their concern is unfounded. The bill clearly states that an employee must be allowed to use his or her accrued compensatory time off within a reasonable period of time provided that the time off will not unduly disrupt the workplace. This portion of the bill mirrors what is already firmly established, strongly recognized, and upheld in the FLSA and the regulations applying to the public sector.

Under a compensatory time off program, an employee enjoys the preexisting protections of the Fair Labor Standards Act, including prohibitions against violations of section 7 and FLSA's discrimination provision, as well as S. 4's anticoercion provision, which will be an additional provision of FLSA. No employee may be coerced, intimidated or threatened to accept any of the bill's flexible workplace options. Violation of any of these provisions submits an employer to additional liability including liquidated damages and any other viable remedy at law or equity.

BIWEEKLY WORK SCHEDULES

The second alternative is a work scheduling option called biweekly work schedules. Biweekly schedules give employees the option of scheduling 80 hours at any time within a 2 week period rather than confining employees to scheduling 40 hours in 1 week. This greater flexibility gives employees the ability to create schedules that coordinate their work responsibilities with their personal obligations.

That is an important thing to know. This gives the employees the flexibility to try to manage their hours within the 2-week period to take care of their own personal problems, whether it is with schools, day care, or whatever else it is—to make everything a little bit more flexible, a little bit more friendly to the family.

Just as the election of compensatory time is voluntary, so too, is the election of biweekly work schedules. Employers do not have to offer biweekly schedules and any employee who is not interested in a biweekly schedule and may keep a traditional work schedule.

Again, I want to emphasize that the biweekly schedule is completely voluntary. Employees who are satisfied with the existing 40 hour work week are under no obligation to enter into a biweekly schedule arrangement with their employer.

An employee who wants to work under a biweekly schedule must meet with his or her employer prior to each 2-week work period and prearrange a schedule for that period. Regardless of how the hours are divided, the employee will not be required to work past 80 hours during the 2-week period. An employer will have to pay overtime for any deviations from the schedule. Any hours that an employer requests the employee to work beyond the predetermined 80 scheduled hours are considered overtime.

So overtime provisions are maintained. Again, it is totally voluntary. So the employees have flexibility and have an understanding of what happens if the employer asks them to deviate from that schedule.

Once the biweekly period begins, an employer cannot alter an employee's scheduled hours to meet the employer's overtime needs. Even if the employee has worked less than 40 hours during the week, if an employer asks the employee to work hours in addition to the preset schedule, the additional time is considered overtime.

Under S. 4's biweekly work schedule provisions, employees enjoy the preexisting safeguards of the FLSA. Employees will also benefit from S. 4's provisions prohibiting an employer from directly or indirectly intimidating, threatening, or coercing an employee to participate in a biweekly schedule program.

Again, there is very strong protection for the employee to be protected against any abuse by the employer.

For union employees, the particulars of a biweekly work schedule, such as hours to be worked and methods of withdrawal, will be set forth in a collective bargaining agreement.

There is no reason why any union should disagree with this. If unions do not care for the biweekly scheduling option, they do not have to select it.

In the nonunion setting, an employee would enter into an agreement with his or her employer. Again, it is totally at the option of the employer and the employee.

Because biweekly work schedule programs are voluntary, nonunion employees may withdraw their agreement to participate by providing written notice to the employer. Similarly, an employer may discontinue a biweekly work schedule program upon 30 days notice to all participating employees.

The third provision may seem new to some of you but, again, we have taken this concept—that of flexible credit hours—from the public sector.

FLEXIBLE CREDIT HOURS

It is not uncommon for employees to need to take unpaid leave for common life events such as caring for a loved one, assisting an elderly parent or studying for an exam. Employees may wish to work additional hours, in excess of the traditional 40 hour week, in order to bank those additional hours for future use.

Under the FLSA, however, an hourly employee is not permitted to carry over additional hours for use in a future work week. Instead, the employer would have to pay overtime for the additional hours worked by that employee. Employers who have no need for their employees to work extra hours are unlikely to be willing to pay employees an overtime premium. As a result, there is really a disincentive under the FLSA for employers to provide employees with the flexibility that they demand.

To assist employees who would like to accrue hours for future use, the third provision in this legislation is the flexible credit hour program. The flexible credit hour program would allow an employee to request to work up to 50 hours over his or her regularly scheduled hours.

Flexible credit hours are awarded on a one-to-one ratio: 1 credit hour for one hour over an employee's regular schedule. Each hour is a flexible credit hour which is then banked for future use. When employees use their flexible credit hours they are compensated for their time off at their regular rate of pay.

Therefore, employees wishing to take an additional week of vacation would have the ability to work 2 extra hours a week for 20 weeks and then use the 40 flexible credit hours that they have banked so that they collect a regular paycheck on their extra week off.

It is very, very important for workers that are trying to plan their time off and who are trying to coincide with school vacations, or other family events that will require them to be away from work.

Allowing employees to bank hours would also provide the millions of Americans who do not work overtime hours with more flexibility because it would give them the ability to work additional hours so that they could use the paid time off when necessary.

As with compensatory time and biweekly programs, an employer has the initial decision of whether to offer the flexible credit hour program. However, once an employer offers the program, whether an employee participates is 100 percent voluntary. If an employee elects to participate, the employer and the employee jointly designate hours for the employee to work that are in excess of the basic work requirement of the employee so that the employee can accrue flexible credit hours.

The anticoercion, remedy, and sanction provisions applicable to compensatory time-off options and biweekly work schedule programs apply to the flexible credit programs as well.

Compensation for unused accrued credit hours is handled in much the same way that compensation for unused compensatory time is handled. If an employee has not used all his or her credit hours within a 1-year period, the employer is required to cash out the employee's remaining credit hours at the employee's normal rate of pay. An employee must be allowed to use accrued credit hours within a reasonable period of time following the request so long as doing so will not unduly disrupt the workplace. This program's particulars also track those of both the compensatory time off option and the biweekly work schedule program. Employees remain entitled to the same protections and remedies, agreement, accrual, withdrawal, and notice requirements.

These are all just merely required because the FLSA and the 40-hour work week are so rigid that it is very difficult for employees and employers to arrange things such that they can help employees to better manage the obligations of work and family.

The final provision of S. 4, the salary basis fix, may seem a bit arcane, but it is a very serious problem.

The fourth provision impacts the treatment of salaried employees rather than hourly wage employees.

The final portion of this legislation helps clarify a problem that has arisen under the "salary basis" test. In recent decisions, courts have clouded the salary basis test and caused unnecessary litigation and windfall awards for highly paid employees. This portion of the legislation simply clarifies who is and who is not an exempt employee to prevent additional unfair payments of overtime back pay to salaried employees.

Under the salary basis test, an employee is considered to be paid on a salary basis, and thus exempt from FLSA, if that employee regularly receives a straight salary. The FSLA provides that an exempt employee's salary cannot be—subject to reduction for absences of less than a day. A number of court cases, however, have interpreted this language to mean that the theoretical possibility of a salary being docked—that is, decreased—for an absence of less than a day is enough to destroy the employee's exemption even if that employee has never experienced an actual deduction.

It is one of those things where the Court has found something they believe to be an accurate interpretation of the law. When in fact it is not Congress' intent for the law to work this way. The impact that it has can be incredibly destructive.

For more than 5 decades the "subject to" language generated little or no controversy. In recent years, however, courts began to interpret the salary-basis standard, seizing upon the "subject to" language, large groups of employees, many of them who are highly compensated, have won multimillion-dollar judgments. These awards have been granted in spite of the fact that many of the plaintiff employees have never actually experienced a pay deduction of any kind and have never expected to receive overtime pay in addition to their "executive administrative or professional" salaries. This problem has been particularly onerous in the public sector.

I want to be clear that the bill is intended to clarify that an employee would not lose his or her exempt status just because his or her employer has a policy on the books that provides for a reduction in pay for absences of less than a full day or less than a full week. Those employees should remain exempt and this bill would ensure that happens. However, if an employee's salary was actually docked, the legislation would not affect the outcome as to that employee.

Again, I want to emphasize that if an employer docks the pay of a salaried employee, that employee could still lose his or her exempt status, but only if it has been docked.

The legislation also clarifies that employers may give bonuses and overtime payments to salaried employees without destroying their exemption from the FLSA. That is the opposite side of the equation.

Finally, Mr. President, while the FLSA was enacted to protect workers, many of today's work force view certain of the FLSA provisions as harmful rather than helpful. Given the overwhelming success of public sector programs which S. 4 is modelled after here, I believe it is important that Congress now extend the same freedom and flexibility to private workers.

Again, I emphasize this is voluntary for both parties. The flexible work schedules would give employees more control over their lives by giving them a better tool to balance their family and work obligations. Employers and hourly employees must be given the ability to reach agreement on flexible schedules beyond the standard of the inflexible 40-hour workweek and to bank compensatory time in lieu of cash overtime where such an agreement is mutually beneficial, and voluntarily entered into. Salary-basis reform for nonexempt employees would also increase flexibility options.

The FLSA should be amended to assist workers in balancing the needs of an evolving work environment and quality family time.

I thank most of all Senator ASHCROFT, who has been the leader in this fight and who has done an outstanding job of bringing the attention to this legislation, not only to the Members, but nationwide. I look forward to working with him and Senator DEWINE on this bill. Mr. President, as I discuss the wonderful provisions in this legislation I can't help but wonder why anybody could oppose it, but I expect that some of my colleagues will express a differing view.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Ohio is recognized.

Mr. DEWINE. Madam President and colleagues, let me first congratulate Senator JEFFORDS for bringing this bill to the floor and for a very eloquent statement about the merits of this bill. I see Senator ASHCROFT, who is the author of the bill, in the Chamber. I know he wishes to speak about the bill, as I do. I also see Senator KENNEDY, who wishes to speak as well. Before I begin to talk about this bill, I would like to talk about two other items.

SHERIFF RUSSELL A. BRADLEY

Mr. DEWINE. Madam President, I rise this morning to note the passing of a friend and former colleague. Russell A. Bradley died yesterday morning. It was to me rather ironic that as I heard the news, I was preparing to go to a Judiciary Committee hearing to talk about the crime problem in this country because Sheriff Bradley, Russell Bradley, was my home county sheriff for 30 years. Russell Bradley was a dedicated public servant, a great politician, and was my friend. Russell Bradley served as Greene County Sheriff from 1957 to 1987. For 30 years, Russ Bradley was the sheriff. Elected eight times, he built the Greene County sheriff's office into the professional organization that it is today and that today we, frankly, take for granted. It was not so when he became sheriff in January 1957.

I first met Russ Bradley when I was a young boy growing up in the village of Yellow Springs. Russ Bradley at that time was the chief of police. Russ Bradley was a person whom you would go to if you had a problem in the community. I remember talking with him, being with him, fishing with him when I was a very, very young boy. In 1956, when I was 9, Russ Bradley was elected county sheriff. He ran in the Republican primary and beat the incumbent, a shock to everyone across the county. Frankly, it was a shock to most of us who were his friends because we did not think he could win. That was the first of eight victories he won running for the office of sheriff in Greene County.

He remained sheriff long enough so that a 9-year-old boy who knew him when he was first elected had an opportunity to grow up, go away to college, go to law school, come back home and become assistant county prosecutor and then have the opportunity to work on a professional basis with Sheriff Bradley. I had a chance for a little over 2 years to serve as assistant county prosecutor, then to serve as the elected county prosecutor for 4 more years. I had the opportunity then to see this man whom I had known as a young boy, to see him up close and personal and work with him literally on a daily basis as we dealt with crime problems in our county.

Russ Bradley really taught a whole generation, really two generations of Greene County and Ohio public servants and politicians how to win elections. He was the person we watched, we copied, we emulated, we stole ideas from. He was literally the master and we were the students. He taught us how to campaign door to door and the significance of that, the tenacity to continue to do that night after night. He taught us how to work the county fair. He even taught us things such as how to go out and put your signs along the road to make sure the signs were positioned in exactly the right position so that the headlights of the car would strike that sign just as you came around the corner. He had it all, he did it all, and he taught us very well.

The most important thing that he taught politicians and people in public office in our area was how to be a public servant. He taught us the essential lesson of politics, that public service is good politics and good politics is public service, and that the way to ensure being elected, the way to ensure being successful is always remember where you came from and always remember who you serve.

Russ Bradley was a person who was dedicated to service. He delivered service every single day. I remember talking to him when I was county prosecutor. He would say: Mike, you are worried about this and you are worried about that. The only thing you really have to worry about is giving people service. Give them what they are paying you to do. When anybody comes in here with a problem, you try to help them solve that problem. And even if you cannot solve it, if you try to help them solve the problem, that is what you should be doing.

That is a lesson I certainly have never forgotten.

Russ Bradley was a great investigator. I have been involved and seen an awful lot of people in law enforcement over my now quarter-of-a-century career. I have never seen anyone as good as Russ Bradley at heading up an investigation. The tougher the case, the better he was.

I remember many days going into his office as he assembled his team at 8 o'clock in the morning, his detectives and his road men. You have to keep in mind this was not a huge department. Our county is only 130,000, 135,000. But we would have, unfortunately, our share of murders, our share of very difficult cases. I remember him bringing people together every day, and he orchestrated how his men and women were to go out that day and continue to follow every lead they could come up with.

Russ Bradley knew what all people in law enforcement know. This is not a glamorous job. It is a tough job. It is hard work. It is grunt work, really, and following leads and being lucky if 1 out of 100 turns into anything. And if you are lucky, that 1 out of 100 turns into something else and you can keep trying to unravel the crime and try to put the puzzle together to solve the crime.

He was an expert at what, for want of a better word, I would call the drive-by shooting, the roadside murder where, when the police get there, the sheriff gets there, the only thing they can find is the body. There is just no other evidence at all. I have seen him take cases like that and reconstruct those cases and slowly build them week after week after week and ultimately lead to a conviction of the person who committed the murder.

Russ Bradley was the best I have known at getting a confession, and he managed to operate in the pre-Miranda days and in the post-Miranda days, which is quite an accomplishment. As Russ said, if anyone could get a confession, I could. If I couldn't get them, nobody could. He would laugh with people. He would cry with them. He would pray with them, whatever it took, but he would get that person's confidence and he would ultimately get that person to tell him what the facts were. He was a master at that.

Sheriff Bradley was also a great judge of people. When I would go into a case, the first thing, of course, you do in a case, as a prosecutor, you begin the process of selecting the jury. That is a judgment call of who you want to serve on that jury. I always wanted Russ Bradley right by my side to eyeball that jury and tell me who he thought would be a good juror, who he thought might not be such a good juror. He was able to do this, not only because he knew about everybody in the county or knew their sister or brother or cousin or somebody, but also because he was a consummate judge of human nature. He knew people very well and could size a person up, his or her character, what kind of people they were—he could do that probably better than just about anybody that I know or ever met.

This is a time to recall Sheriff Bradley, though it is not a time to be sad. I do not think anyone who knew Russ Bradley could think of Russ Bradley without smiling. He was someone who was a great practical jokester, someone who loved to laugh, someone who loved to hunt, someone who loved to fish, someone who loved to have a good time.

He was a tremendous coon hunter. I remember many mornings coming in and, as we were about to start a trial at 9 o'clock, in Judge Aultman's court or Judge Weber's court, the sheriff would come rolling in. I would meet him at the courtroom. I would look over and say, "Russ, you been out coon hunting?"

He would say, "Oh, no, just a little bit last night."

Then it would come out from one of his deputies he had been up to 4 a.m., gone home, taken a shower, a little catnap, and was able to come into court raring to go. He was able to do that night after night.

Russ Bradley was once interviewed about his prowess as a coon hunter. He said: "A coon hunter has got to be tough. There's a lot of them who can walk faster than I can, but not many who can walk longer than I can."

Russ Bradley, a great coon hunter, a great fisherman, someone who liked to have a good time as well as someone who was a great politician and a great public servant. I pause at this point to remember my friend, Russ Bradley. There will never be another like him. He is someone who taught me a great deal over the years. He is someone whom we should honor. It was an honor for me to actually serve with him on a daily basis for 4 years when I was county prosecutor, but it was also, frankly, a lot of fun to serve with him as well. For the rest of my life I will have great memories of him, what kind of person he was and the fun that we had with him, all the time he continued to do an excellent job as our county sheriff.

HAITI

Mr. DEWINE. Madam President, let me at this point turn to another topic, which I believe is very timely. It has to do with a meeting that President Clinton is having tomorrow.

Madam President, President Clinton will be meeting tomorrow with President Preval of Haiti. This is a very important meeting. It is important because Haiti is at a crossroads and the United States needs to provide all the leadership it can to help Haiti choose the right path. In view of this important meeting, I think it is important to review Haiti's situation. I have visited the country of Haiti four times in the last 2 years, most recently just this past month. I have done so to examine the conditions there and to find out about the progress being made by U.S. policies in regard to that country.

Let me begin, if I could, by talking about the economy. The economy is today, as it has been for many years, to put it bluntly, in a shambles. Unemployment—no one knows how high the unemployment is, but it is said to be running at about a 65 percent rate. Privatization has yet to occur, but it is essential. It must occur if Haiti is to recover. While it has not occurred yet, the good news is the Haitian Government has announced a calendar for privatization, something we had not seen before the last several months. There is a calendar, there is a schedule. Everyone from President Preval, through the president of Haiti's central bank, to members of the legislature, all personally assured me that this privatization calendar will be maintained, it will be met. Privatization will, in fact, occur, they tell me, and guaranteed to me, while I was there, that this would happen.

Let me say, for the good of the people of that country, this privatization simply must begin to take place. The people of Haiti have to have jobs. They need hope. They are not going to have jobs, they are not going to have hope unless privatization begins, because it is only with privatization that they will be able to get the economy moving again. It is only by privatization that the climate will be created and the right signals will be sent to the world so the world community will begin to invest in Haiti. Promises will not create jobs. The people of Haiti have been fed on promises for two centuries. Only action will create jobs and only action will start to break this cycle of despair.

This privatization is important for basic economic reasons, but it is also essential for the preservation of democracy, a goal for which this country risked American lives and has already spent hundreds and hundreds of millions of dollars. For democracy to survive in Haiti, people need to see real improvement in the lives of their families, of their children, of their loved ones. Real improvement in their lives will only come with privatization. If democracy is to survive, it is not enough to have elections. People have to have something to eat as well. Elections are just not enough and people know that. The turnout in the recent legislative elections in Haiti was less than 10 percent. I believe we have to view that as a vote of no confidence in the progress being made by the Haitian Government. Clearly Haiti needs to turn it around. They need, if I can use the term—they need some victories. All politicians need victories. The Government of Haiti has to have some victories. They need to take the kind of action that will inspire confidence in their common future, the kind of confidence that is a prerequisite for economic success. The way to do this is to send the right message to the rest of the world. That message is that Haiti is serious about participating in the global economy. Only by doing this, by doing what is necessary to participate in the rising tide of international growth, can Haiti hope to spark a real economic upturn.

The first privatization is scheduled for this July. They first start with cement factories and the flour mills. The schedule further calls for, in November, the Haitian Popular Bank to privatize; in December, the National Port Authority; in January, the airport and the National Bank of Credit; finally, in February, the telephones and in March the electric company. When I was in Haiti last month I stressed to my hosts that they must act on this plan. Frankly, no one in Congress was going to believe what they said or be convinced that they were serious until, actually, some action took place.

I have also spoken to President Clinton about this matter, and I have asked the President, when he meets with President Preval tomorrow, to stress the importance of this privatization, to make sure the President of Haiti understands our very legitimate concern that this privatization really take place.

Madam President, another key area in which Haiti needs to follow through is the investigation of the political murders. Palace security forces are alleged to have killed two prominent opposition politicians, Mr. Fleurival and Reverend Leroy. In response to these murders, the Government of Haiti suspended the chief of palace security, they suspended his deputy and seven Presidential Security Unit guards who were allegedly at the scene.

The Haitian Government needs to send the strongest possible message that this kind of subversion of democracy, murder of political opponents, will simply not be tolerated. There is a reasonable chance the Leroy case will be solved, but only if there is adequate leadership from the top of the Haitian political system. In my view, this is a test case of the rule of law, one that President Clinton must take up with President Preval at their meeting tomorrow.

In other areas, Haiti is making real and measurable progress. One such area is the civilian police. In my visit to Haiti, I met again with United States police officers who are helping retrain the Haitian police. These are Haitian-born, Creole-speaking United States citizens on leave from their jobs as city police officers in this country. They come from cities such as Boston—I see Senator KENNEDY on the floor. I met with a number of those police officers from Boston. They come from New York. They come from Miami. They are veterans, and they are mentoring these inexperienced, young Haitian police recruits.

Madam President, nobody expected miracles from this training program, but they are making slow but solid progress. This is a program that works. I am glad the State Department has responded positively to my urging that the number of United States advisers be doubled. That has taken place, and we are now up to the number of 49. Frankly, I believe it is in our national interest to again significantly increase the number of these dedicated United States police officers who are serving in Haiti. I met with these advisers during my recent visit. I was gratified by what I saw. They are doing an excellent job and they need our continuing support. These advisers, I believe, are America's signal to the Haitian people that we will help them in the difficult process of building the rule of law in their country.

I, later today, will continue to discuss the situation in Haiti. At that time I intend to talk about the agricultural situation and several other suggestions that I have that I believe will help the situation there.

I believe, in conclusion for now, the meeting the President of the United States is having tomorrow with President Preval is a crucial meeting. I believe Haiti is at a crossroads. I believe it is important for our country to continue to work internally in this country to develop a bipartisan foreign policy in regard to Haiti. But, ultimately, it is abundantly clear that, no matter what we do, the important players are really the Haitian politicians, Haitian Government officials, and the Haitian people. Our message to President Preval and to the Haitian people must simply be this: We can and we will help you, but the destiny of your country really lies in your own hands.

Madam President, I will turn to this later in the day. I also will have the opportunity, later, to discuss the comptime and flextime bill.

I do see my colleague from Massachusetts on the floor, so at this time I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE FAMILY FRIENDLY WORKPLACE ACT

Mr. KENNEDY. Madam President, I welcome the opportunity to make some brief comments on the measures which are before us here this morning, and that is on the legislation which is, allegedly, the family friendly workplace legislation. I will just take a brief time, but I want, just at the outset, to indicate where we are in terms of working families in this country.

We have made important progress in the last Congress in increasing the minimum wage.

It was not long ago that we made real progress in trying to provide employees who have worked over a long period of time in a plant or a factory with notification when there was going to be a plant closing, so that men and women who worked years, for some a lifetime, in a particular plant would not show up on Monday and find the doors boarded up. In the past, individuals like these were often virtually cast out into the dark without any kind of notification whatsoever. We tried to give, at least for the larger companies that were included in that legislation, notice to the employees so that they would be treated more respectfully and have more time to find a new job. That law has worked very well despite the dire predictions of some in the U.S. Senate.

Then we had the battle on family and medical leave which gives parents who have a sick child the opportunity to take unpaid leave. Every other industrial nation in the world has paid leave under those circumstances, yet it took a lengthy battle in the U.S. Senate to get unpaid leave. We were able to pass it for employers with 50 or more employees. I will come back to that issue in just a few moments. That battle was led by our friend and colleague, Senator DODD of Connecticut. I welcomed the chance to join with him on that. It was a 5-year battle in the Senate. Twelve million Americans have taken advantage of it, the law has worked very well and most Americans wonder why it took us so long.

Those are just three examples of issues, Madam President, which we have fought for on behalf of working men and women. There have been many others. What is so interesting is that in each and every one of those battles, we faced opposition from the National Association of Manufacturers; the Labor Policy Association, which is comprised of many different companies and employers; the National Restaurant Association; and the NFIB. It is very interesting that now on the floor of the U.S. Senate, on legislation that is supposed to protect workers, those four organizations are trying to portray themselves as friends of the worker.

It is very interesting that those groups, and many others that have opposed every single protection for workers in the past, are embracing S. 4 and are now suddenly going to protect all the employees in America.

As we begin this debate, I think it is worthwhile to examine those that are for this legislation and those who are critical of this particular legislation. We should ask who has credibility as advocates for America's workers and who does not. This bill has been described by its authors as "a Mother's Day gift to America's working women." Nothing could be further from the truth. It is a Mother's Day hoax. A more appropriate description would be the "Employer Choice and Paycheck Reduction Act," and it has four fatal flaws.

First, it would result in a pay cut for many working families. The bill eliminates the guarantee of pay for overtime work for 65 million employees. Many of them are already struggling to make ends meet. Nearly half of those who earn overtime pay have a total income of $16,000 a year or less. More than 80 percent of them earn under $28,000 a year. Employees could allocate all overtime work to employees who agree to accept time off instead of extra pay for working overtime. Those who insist on receiving overtime pay will no longer get overtime work.

Second, the bill provides no employee choice. Let me repeat that, because that is the heart, I think, of this whole debate: Will the employee have the right to make the decision to take time off when he or she needs it, to go with a child to that school meeting or to that play or to the dentist appointment? Or will the employer have the ultimate authority and power to say no?

Under the terms of S. 4, the employer is given the power to dictate when workers can use comptime. S. 4 would not let working mothers choose when to take their hard-earned comptime. That is the key to what is wrong with this bill. It is the heart of the debate: Where is the power, who determines when the employee can use the comptime which has been earned. This bill provides no employee choice.

Third, the bill will cut benefits for many workers; because it does not count hours of comptime as hours worked. Health and retirement benefits are widely based on the number of hours worked by employees. But under the Republican bill, comptime hours do not count as hours worked. As a result, employees can lose eligibility for health coverage while they are working, and lose eligibility for pension benefits when they retire.

And fourth, the Republican proposal effectively abolishes the 40-hour workweek. An employer can literally require employees to work up to 80 hours in a single week without overtime pay. As long as the 2-week total does not exceed 80 hours, the workers would not be entitled to extra pay. A company can schedule a worker for 60 hours in one week, and 20 in the next, all without a penny of overtime pay. That is hardly a gift to working mothers, forcing them to try to arrange child care to coincide with such an erratic work schedule.

Madam President, I will just take a moment or two this morning to talk about the issue of employee choice. I have listened to the eloquent remarks of our friends and colleagues who are supporting this proposal. Talk is pretty cheap around here, and it is important that we look at the legislative language.

The bill gives employees, as I mentioned, no right to use the comptime when he or she needs it. Instead, the bill makes it easy for employers to discourage the use of the comptime during the busy periods on the job. The bill says this, Madam President: "The employee shall be permitted to use comptime within a reasonable period after making the request if the use of comptime off does not unduly disrupt the operations of the employer."

The employer gets to decide what is a "reasonable period" and what "unduly disrupt" means. The bill does not define those terms. The employer, not the employee, makes those judgments. In practice, for example, the employee cannot use comptime to go to the school play the next afternoon if the employer decides that the employee has not asked far enough in advance. Another example, if the employee plans to take a child to a dentist appointment during a school vacation, the employer can refuse to let the employee use the comptime for that purpose on the grounds that the absence would unduly disrupt the employer's business.

Madam President, the bill also provides no penalty, no enforcement. Unless you provide a remedy, you are not giving a right. We have seen that time and time again. The bill provides no penalty at all if the employer violates this reasonable period/unduly disrupt standard—none.

If the employer unreasonably denies the employee's request to use the comptime, the employee has no recourse. We will hear how in the legislation there is going to be a balance between the employer and the employee, and the terms will have been agreed upon before the parties. But, in reality, that is not the case. We will get back to that in the course of the debate.

One of the problems in the bill is that it can be an oral agreement. The employer can say, "Look, we had an agreement, this employee wanted to have time off later on. Don't you remember our conversation around the water cooler? You don't remember it? I remember it." And the employee has the burden of challenging that representation.

Contrast this with the Family and Medical Leave Act. Under that law, if the employer denies the worker's request to take family leave, the worker can recover damages, including money spent on child care, compensatory damages and the like. The supporters of S. 4 say the unduly disrupt standard comes from the Family and Medical Leave Act. That is what they say. "Senator, you don't really understand, the unduly disrupt standard is the same language as the Family and Medical Leave Act."

This is not true, Madam President. The FMLA has two types of medical leave, unforeseen serious illness and foreseeable medical treatment. For the unforeseen illness, such as hepatitis, pneumonia, or the like, the employee has a right to take up to 12 weeks of unpaid medical leave. Any disruption to the employer's operation is irrelevant. The employee makes the judgment.

For foreseeable medical treatment, such as elective surgery or removal of wisdom teeth, the employee retains the right to take the medical leave, but the employee must make a reasonable effort to schedule the treatment at a time that does not unduly disrupt the employer's operation. If the employee's reasonable efforts fail, the worker can still take the time for the surgery. The decision is made by the employee under the Family and Medical Leave Act. It has worked and worked well. I will come back to that when we have more of a chance to debate this. We will go through family and medical leave act and the evaluations of it demonstrating that there have not been abuses. However, under S. 4 just the opposite is done. The employer makes the final judgment on when the comptime can be used.

The Ashcroft unduly disrupt language differs from the Family and Medical Leave Act standard in critical ways. First of all, the Ashcroft language gives no right to the employee to take comptime under any circumstances, even for unforeseen illness or other uncontrollable events. The employer can deny a worker's request to use the comptime if a child's babysitter calls in sick at the last moment, docking the employee's pay even if she has comptime in the bank. This does not help the working families.

Second, the Ashcroft language deletes the requirement that workers make only a reasonable effort to schedule time off so it will not unduly disrupt an employer's operation.

For example, a waitress makes a reasonable effort to schedule her child's immunization for the week after Christmas when the restaurant business is slow, but the doctor is on vacation that week. The waitress wants to use comptime to get the immunization the week after New Year's. The employer says no, citing that it will be unduly disruptive. The worker does not use comptime, and the child does not get immunized. This is not family friendly. This is an outrage.

Let's talk about who these hourly workers are. They are the workers at the lower rung of the economic ladder. Sixty percent of them have only a high school education. Eighty percent of them make less than $28,000. A great percentage of them are single mothers with children who are depending on that overtime. Many of them are already having trouble making ends meet. They need every dollar they can earn to support their families.

The extraordinary comment which a witness from the NFIB made at the February 13, 1997 Labor Committee hearing proves that the real goal of the business advocates of this bill is to reduce the pay of these vulnerable workers:

> [Small businesses] can't afford to pay their employees overtime. This is something they can offer in exchange that gives them a benefit.

This statement is so harsh and blunt that even supporters of the bill have been embarrassed by it, and they are attempting to retract it.

That says it all, Madam President. When you take away all of the rhetoric, that says it all. They do not want to pay hard-working Americans who are at the lower rung of the economic ladder overtime. That is what this bill is about—not giving the employee the opportunity to make the choice, but giving it to the employer. The employer has the whip hand under the provisions of S. 4.

There is a dramatic difference between the flexible credit hour provisions applicable to Federal employees in title 5, United States Code, and in the flexible credit hour provisions of S. 4.

> The credit hours mean any hours within a flexible schedule which are in excess of the employee's basic workweek which the employee elects to work so as to vary the length of the workweek or workday.

With Federal employees, who makes the judgment? Is it the employee and the employer? It is the employee who makes it with regard to the Federal employees. But, that is not the case with S. 4's credit hour program. Under this provision, the final say as to when an employee can take the time off rests with the employer.

The heart of the section, page 13, lines 12 through 17, these lines provide: "An employee shall be compensated for flexible hours at the employee's regular rate." That is, an employee that works 45 hours in a week can take 5 hours of flexible credit time at some point in the future.

This, too, is a pay cut. Current law would require the worker to get paid time-and-a-half for those 5 hours. But this bill would compensate a worker at the straight-time rate for those hours.

That is another section we will have an opportunity, Madam President, to get into in greater detail.

But the idea that this is giving to the working moms the kind of flexibility to meet responsibilities is a hoax.

What would do it is Senator MURRAY's amendment to the Family and Medical Leave Act to give up to 24 hours of leave per year to be used at the employee's discretion. This would allow employees to go to a teacher's conference, take their child to the dentist, or go to the Christmas play that their children are involved in.

But Senator MURRAY's amendment was defeated on a party-line vote in the committee. "No way we're going to take that, Senator MURRAY. No way we're going to let them have 24 hours where the employee—the employee—is going to make the decision. No. We're not going to do that. No way." We are talking about only 24 hours a year. But the Republicans say no. We are not going to do that. That is not acceptable. We will not include that provision in this bill. We are not going to do that for those workers.

The Republicans are not even going to say to the employees of smaller businesses—those with 25 to 50 employees—that they too are entitled to the benefits of family and medical leave. This applies to 13 million Americans not currently covered by FMLA. They must continue to choose between the needs of their family and the demands of their employer. No, said the majority, we are not going to give the employees that kind of right. Senator DODD's amendment would lower the threshold of the FMLA to apply to employers with at least 25 employees. But the Repubicans said, "No." Let us really do something today that can make a difference for these workers as it already has for more than 12 million Americans, mothers and fathers that have used the leave because they had a sick child.

Everyone in this body knows that if you have a parent or a loved one that cares for a child who is ill, that child recovers at about 40 to 50 percent faster than if the child is just isolated and trying to recover on his or her own. That is one of the principal reasons for family and medical leave—unpaid family medical leave.

But when we tried with Senator DODD to reduce the eligibility threshold, the Republicans said no way. And they said no to the Murray amendment for 24 hours to give the employee the opportunity to attend a school event.

We have to ask ourselves, Madam President, at the beginning of this debate, whose side are we on? Whose side are we on? Who are we going to say is really protecting the interests and the rights of workers? Is it those people who have stood up time and time again on plant closing legislation to protect workers, minimum wage, family and medical leave? Or are we going to believe that business groups and organizations that have opposed every one of those programs for workers are suddenly undergoing a conversion and are sincerely interested in employee well-being?

Madam President, we will have a chance at a later time to examine in detail the other provisions of this legislation. I would just hope as we celebrate this Mother's Day, we will tell the truth to America's working mothers. S. 4 is a cruel hoax. It will not provide you the time off you need when you need it.

Finally, I would just ask, Madam President, who are the ones that are really benefiting from the overtime? About 80 percent of those that receive overtime pay are employees that are making less than $28,000 a year, and trying to take care of their families. Most of them want to work overtime so they can earn the extra pay to look after their kids. Let us not lose sight of that.

Madam President, this is a pay cut bill. This is a pay cut bill.

Last year, we had 147,000 decisions made by the NLRB about violations of even paying overtime. Over $100 million in back wages awarded by the Labor Department to workers in 1996. You can imagine if we pass S. 4, what do you think they are going to do? You have half the garment shops in this country today who are not paying the minimum wage and not paying overtime. Industries with records like that cannot be trusted with the kind of power this bill would give them.

So, Madam President, I look forward to this debate, because I believe what we have seen in recent years is a growing disparity between the resources of those at the top level versus those struggling Americans who are the heart and soul of the country—the men and women that clean these buildings, clean the companies, are teachers' aides and are working in nursing homes and health assistance. They are barely able to make it with overtime. We cannot in good conscience take that overtime pay away from them.

I thank the Chair.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President.

I am pleased we have had the opportunity to begin the debate on the Family Friendly Workplace Act. The Senator from Massachusetts has referred to this act as a hoax, and indicated that it would not be in the best interest of workers. Frankly, it is troublesome to me to find that kind of disconnect with what is happening to workers, because I have letters from people who are having a tough time making time for their families and making time for their jobs. These workers want us to address this important issue. Particularly, mothers—who are in the work force in increasingly high numbers—need to have flexibility so in order to meet the needs of their families, financially by being in the workplace, and emotionally by being able to spend time with their families.

There are a couple—as a matter of fact, there are a whole series of things that the Senator from Massachusetts stated which are substantially inaccuracies as it relates to the bill.

The suggestion, for instance there is no employee choice. This bill is predicated upon employee choice. There is no ability of any employer to impose anything on any employee contained in this bill. The provisions of this bill are available only—only and exclusively—when the employee agrees. If the employer so much as suggests that the employee work overtime—the employee would be entitled to overtime compensation at one-and-one-half times the employees regular rate of pay. Any time the employer goes to an employee and asks for additional time beyond the 40-hour week it is automatically overtime.

The difference in this bill is that the employee would have the chance to say, "You know, I would like to take time-and-a-half sometime instead of being paid overtime for this work because I'm having such a tough time spending enough time with my family." That is employee choice.

The Senator went through a long and rather arduous explanation about how that was not employee choice. The truth of the matter is, if the employee—at any time after the employee has opted for compensatory time—if the employee decides, "well, I think I want the money instead, the second level of employee choice arises." That is, the choice to change his or her mind.

Employees are not just endowed with the choice originally to ask for compensatory time. If an agreement has been reached that compensatory time will be allowed, then a second option comes to the employee, the option to say, "Well, I don't think I really wanted to take the time off after all. Give me the money." You still have the money. This suggestion that there are no employee choices in this bill is simply not borne out by the bill itself.

For instance, if the employer asks that the extra time be worked, if there is extra time that comes as a result of a request by the employer, or if the request is initiated by the employer, it is automatically overtime.

One interesting case that came up really stunned me. During the winter of 1996, the Washington, DC area had a big, heavy snowstorm. A woman named Arlyce Robinson spoke before the Labor and Human Resources and testified that she was called on a Friday morning and told not to come to work due to the heavy snowfall. Therefore, Arlyce, along with all of her coworkers missed 1 day of work and suffered a 20-percent decrease in her salary. She and a couple hundred other people at her plant wanted to have that money. They needed the money—their fuel bills were going up because of the severe winter. They wanted, during the following week, to add 1 hour and 40 minutes a day to their work schedule so they could make up for the Friday missed. The current laws make it illegal for the employer to allow them to work that extra hour and 40 minutes on each of the days the next week in order to make up for the time lost on Friday.

The Senator from Massachusetts is correct, these people are the poorest of the people that are working by the hour. They are suffering financial stress. If the employer is willing to let them work additional hours to make that up, what does the law say? The law says it is illegal, we cannot allow that to happen. Our bill would allow the employer to let that happen, allow the employer to say you can make up time or you can make up time in advance. You can bank flexible hours in order to ameliorate these stresses—these stresses that attend the work of the most needy of the workers.

The Senator from Massachusetts kept asking the rhetorical question, who are we for? I tell you who we are for; we are for the working people here. Guess who already has flextime? The guys in the boardroom already have flextime. The guys with the paneled offices already have flextime. They never have to worry if they need to take time off to watch their son or daughter get an award at the high school.

When Arlyce Robinson came to talk to us about this bill, she said she needed to have time off during the day occasionally to attend those responsibilities of her four grandchildren. She said, "More and more, the extracurricular activities are in the daytime because it is safer for people to go to extracurricular activities in the daytime, safer for the kids if they are scheduled in the day," and she wanted to see one of her grandchildren play in sports or do other things.

The guys in the boardroom with the walnut-paneled walls can take the time off. The supervisors paid on salary can take the time off. The folks who work for the Federal Government have flextime already. We have flextime for far more people than those who do not. There are about 79 million people in this country who are eligible for flextime while the people at the bottom end of the ladder—people who need to be able to spend time with their kids—who are trying to make ends meet, families where both parents have to be in the work force in order to have enough money to make ends meet. This group who does not have access to flexible work arrangments includes a large number of the most stressed people in this culture—the single parents who must spend the time working, they are the ones who desperately need flexible schedules.

Whose side are we on? I tell you whose side we are on. We are not on the side of the guys who already have it. Sure, we are glad that Federal workers have flextime. If you interview the Federal workers, they tell you how well it works. Federal workers interviewed by the General Accounting Office—this is not a polling firm going out to get one result or another. The chairman of the committee, who has been so good in pushing this bill forward, knows the General Accounting Office is a governmental agency that just wants to get to the facts and the truth. They interviewed the hourly workers at the Federal Government who have basically the same components of this plan. What do they say? Mr. President, by a 10-to-1 ratio they say, "This is great. We like this. We want this." That is whose side we are on.

The Senator from Massachusetts suggests that the 40-hour work week is abolished. I do not know how you can read this bill and come to the conclusion that the 40-hour week is abolished. Everything in this bill is voluntary. Anyone who does not want to agree—and it takes the agreement of both the employer and the employee—cannot be forced to working such schedules.

The single most popular program for Federal workers, the 2.9 million Federal workers in the country that enjoy this provision, is the ability to take a weekday off every other week so every other Friday or every other Monday is off.

That means if they need to take a child to a doctor or schedule things, if they want to go fishing, hunting, or take a day of vacation with their children, it is something they can do. It is something they can do on their own without taking a pay cut.

This does not empower employers to demand it. It empowers workers, if they can cooperate with their employers, to get it. No employer can mandate any provision in this bill. It is that simple. If the employer is not cooperating to give people time off the way they would otherwise want the time off, what is the choice of the worker? The worker can immediately say, "Give me the money." This bill allows the worker to cash in any of the banked benefits or compensatory time benefits at any time.

In case someone is worried—we do not want anything that would not protect the worker. We have gone to great lengths, we have doubled the penalties for abuses under the bill. We have said that at any time the employee wants the money instead of the time, they can automatically call for it. We have said that at the end of the year if the time has not been taken, give them the money. In every respect, any time this is not working, the current law prevails, the money is paid at regular overtime rates, individuals fall back to the normal 40-hour week. This is a voluntary measure.

Some strange suggestion was made that because this was not exactly like family and medical leave, it did not have merit. I would like to ask those who would make that argument, like the Senator from Massachusetts, whether he believe that this abolishes family and medical leave? Every benefit that is available to people under family and medical leave will continue to be available to them. After this is enacted, after this is signed by the

President, people will still have family and medical leave, so that all of the obligations available to them under that setting and in that situation still will be available to them. This is simply an additional way for people to accommodate the needs of their families.

I do not think we would be getting the kind of letters we are; I do not think we would have Working Women's magazine, Working Mother magazine say, "Get this done." I do not think newspapers like the New York Times, the Chicago Tribune would be endorsing this proposal. I do not think we would have people asking us to do something if family and medical leave were all that people wanted. This bill does not repeal or adjust or otherwise diminish family and medical leave. It simply says there are flexibilities that workers need in addition to that.

There are differences between this and family and medical leave, and one of those differences is something that hard working Americans will really appreciate. The biggest single difference between this measure and family and medical leave is that family and medical leave has people taking time off without pay. I think most people would rather try to plan their schedules and develop the capacity to make up for things in advance so they did not have to take a pay cut every time they wanted to take some time off. I think that the people of the United States of America really want to be good moms and dads without taking a pay cut, because in a very strange way, whenever you take the pay cut, you impair your ability to be the kind of parent you want to be. Most people have both spouses working so they can meet the financial needs of their families. If meeting the needs of your family for time means you have less capacity to meet the need of your family for finances, it creates undue stress. This is a stress reduction matter. I am surprised that the Senator would indicate that somehow this competes with family and medical leave. This adds to the options of American workers.

Sure, they are different. There are different standards for this iteration or that iteration. The primary difference is that this does not require you to take a pay cut to take time off. Family and medical leave simply requires you to take a pay cut to take time off.

It is appropriate we will be getting this bill to the floor. We will have the full range of debate on it. It is important we be engaged on this matter. I think it is important we understand that workers need something more than what we already have. Workers are feeling this tension.

I look at today's Washington Times, and it contains an article that said "Moms of Today Don't Think They Are Doing As Good As Our Own Moms, Poll Says." I think we all sense the stresses of modern day life. It recounts a study that says a substantial number of moms today just feel that "We really have a lot of juggling to do and unfortunately * * * our children suffer because of what we have to do * * * to maintain a living." "We are doing a worse job than our mothers did." Well, I think mothers are doing a valiant job, but people are feeling the pressure.

The study also found more than half the mothers who worked full time were burdened with time pressures and trying to balance motherhood with other aspects of their lives. "Some of the pressures cited by mothers include trying to be in three places at once, making sure they get everything done without being stressed out and having enough time for themselves."

Mr. President, I ask unanimous consent the article from the Washington Times regarding mothers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, May 9, 1997]

MOTHERS OF TODAY DON'T THINK THEY'RE DOING AS GOOD AS OWN MOMS, POLL SAYS

Saundra Watson is a successful professional who has raised a well-adjusted 18-year-old son.

Still, she is often racked by guilt because she's not there for him when he returns from school to ask how his day was, go over his homework with him and eat dinner with him.

"We really have a lot of juggling to do and unfortunately . . . our children suffer somewhat because of what we have to do . . . to maintain a living," said Mrs. Watson, 42, an accounting manager. "We're doing a worse job than our mothers did."

Mrs. Watson is not alone in thinking that way. According to a study released yesterday, just before Mother's Day weekend, 56 percent of the women surveyed think their mothers were better parents than they are.

But on a more cheerful note, most mothers said they are mostly or very satisfied with the job they're doing raising their children.

The study by the Pew Research Center questioned 1.101 women, 74 percent of them mothers. Of the total sample 42 percent were employed full time, 15 percent part time, 21 percent retired and 22 percent not employed outside the home. The study has a margin of error of plus or minus 3 percentage points.

The researchers found that the problems and challenges faced by 1990s moms are related to changes in the lives of women and the evolution of the American family.

Mrs. Watson agrees.

"I think that parenting has somewhat taken a back seat to our lives and that should not be," said Mrs. Watson. "A lot of kids are somewhat having to raise themselves."

According to the survey, a large proportion of the women favored more traditional family settings.

Only 17 percent said most divorced couples who split custody of their children can do a good job of parenting; and fewer than 30 percent said most single mothers, stepmothers and couples in which both parents work full time can do a good job.

The study also found that more than half the mothers who worked full time were burdened with time pressures and trying to balance motherhood with other aspects of their lives compared with 18 percent of mothers who work part time or not at all.

Some of the pressures cited by mothers include trying to be in three places at once, making sure they get everything done without being stressed out and having enough time for themselves.

But the survey found that disciplining children is a problem all mothers face whether or not they work outside the house.

Despite the guilt, the self-recrimination and the worry, Mrs. Watson says, being a mother "is definitely worth it."

Mr. ASHCROFT. This sensitivity is not just felt in polls. It is felt in the lives of real individuals. With this Mother's Day weekend in view, I will take you through the life of a mother who came to testify on this bill. Her job was incredible. People talk about overtime work. As far as I am concerned, there is not a mother in the United States of America who does not work overtime. I have observed only two mothers very closely, my own mother, and my wife, who is the mother of our three kids, and working overtime is an understatement. I am sure the chairman would agree. It is work all the time. I think it is important to provide some flexibility.

Let me give a little schedule out of the life of Christine Korzendorfer, an executive assistant in a TRW's northern Virginia office, is one of the individuals who came to talk about the need for flexible working arrangements. This is Christine's picture here.

She gets up at 5:30 in the morning and gets herself together by showering and dressing. About 6:30, she gets up her 2-year-old son, Ryan, to give him breakfast, yogurt and bananas.

Those were the days, I remember them, and I am sure the Senator from Vermont remembers them. It is one thing to coax a child to eat, but if the child decides he is not going to eat, it can ruin your whole day. You better be well protected or poorly dressed. You are at the child's mercy if he decides not to eat.

At 6:30 you put the yogurt and bananas together, feed the toddler, and you may have to bathe the toddler. I know Christine says she bathes the kid before he goes to bed at night, but sometimes a 2-year-old has to be bathed again in the morning. Then the 14-year-old in the household wakes up. So then from 7 to 7:15—after getting up at 5:30, a 6:30 feeding, getting up the 2-year-old and helping the 14-year-old get things together. At 7 or 7:15 in the morning, strap Ryan into the baby seat of the van and drive to the day care center. Of course, you have to leave your 14-year-old, at that point, with the right instructions and asking for the personal discipline on her part to get ready to go to junior high. Christine gets to the day care center and has to partly undress the kid she just dressed a short time ago. He is anxious about leaving his mom. Christine has to start distracting him, showing him something or another that might capture his attention, quiet him as much as possible before kissing him goodbye and sneaking out. And sometimes the sneak doesn't work. We have all been there, where the child clings. We have all had the scratches on the back of our necks or on our faces from a child who simply doesn't want to be left. Then, from 7:15 from 8 a.m. Christine drives to work. At work, she immediately is thrust into the day, sifting through, organizing.

For Christine, an easy workday is from 8 to 4. She loves her job. Her coworkers really are another family to her. She works hard to keep them doing what they need to do, and she works hard to keep from being burned out. She eats lunch on the job, with ordered-in food from a fast-food chain. At 3:30, her daughter, Jennifer, the 14-year-old, gets home from school before Christine even leaves work. So she tries to get a call from her daughter. She would like to be home, but she cannot be, so she is sort of making up. The stress is there, but she is at least checking by phone. On the easy day, she drives home between 4 and 5 o'clock, picks up Ryan, straps him back into the seat. Sometimes—very often—she has to work overtime, but when she doesn't, she arrives home at 5 o'clock. Everybody wants a snack right off the bat. They are too impatient to wait for dinner. The snacks come first and then the dinner begins. Her husband plays with Ryan in the yard; dinner is at 6. Then Ryan wants to go back outside and play while mom is cleaning up the kitchen. Christine bathes Ryan, maybe, for a second time during the day, and everybody tries to go to bed in time to get up again at 5:30 in the morning.

All the errands are run on the weekends, which really makes it tough because, in that setting, the time we would normally have for repose, relaxation, and recovery is spent grocery shopping, clothes shopping, running around. The one thing that interrupts the schedule is when the junior high student needs the assistance of a parent with homework, and it often means that a couple extra hours are injected.

According to Christine, her daughter Jennifer had to have oral surgery a couple of weeks ago. Christine had to take unpaid leave on Wednesday, Thursday, and Friday afternoon to take care of Jennifer at home. And because Christine has a lot of overtime—we have said that her short days are the 8 to 4 days—and she would very much like to have been able to spend comptime or flextime for those 3 days. However, since those options are not available, Christine had to take a 3-day pay cut for her to be the kind of mother she wants to be. This is one very conscientious woman. I might add that Christine and her husband now are expecting their third child. So this pressure is not likely to be abated. During her testimony before the Labor and Human Resources Committee's Employment and Training Subcommittee hearing, Christine asked the members to hurry up and pass the legislation so she could bank some comptime to use at the end of her current pregnancy. Mr. President, if we hurry, we might just make it.

The point I want to make is that, as we approach this Sunday when we honor mothers who don't work just overtime, they work all the time, we have a responsibility to do what we can to give them at least the category of flexibility that the majority of workers in our culture enjoy. The boardroom enjoys flextime options; the managers enjoy flextime—the ones not paid by the hour, and most of them are not—Government workers enjoy flextime and comptime, and, frankly, it is time for the working mothers of America to enjoy a comptime option.

Harvard economist Juliet Schor has chronicled the crazy schedules that Americans are put through in a 1992 book called "The Overworked American." She found that between 1969 and 1987, men worked an average of 98 more hours per year at the end of the period than they did at the beginning of the period. Here is the staggering statistic: during that same period—between 1969 and 1987—the average woman worked 305 more hours at the end of the period per year than she did at the beginning of the year.

Not only are we working more, but the demands that we have for our families are not less; they may be more. There are more threatening influences on our families, I believe, in today's culture than there have been in the past. The need for direct parental involvement is something I believe the Senator from Massachusetts and I can agree to. I think kids do respond to direct parental involvement. He cited the fact that children actually recover faster from illness when there is more time with parents. I can agree to that. We need to provide a way for parents to do that, and we should not ask them to take a pay cut in order to be able to spend more time with their children, whether it is recovering from an illness or whether it is something else. Again, 305 additional hours, on the average, women at work in 1987 than there was in 1969.

Working mothers are stressed. Millions of moms wake up at 6, or earlier, in the morning to hustle their kids out of bed, make breakfast and lunch before sending the kids to the bus or dropping them off at day care. After the hectic morning hours, they show up for work ready to meet the demands of the day. We enjoy a great standard of living, a high level of productivity in the United States of America. There are lots of reasons for it, but one of the primary reasons we have the standard of living we do is that women work in the marriage. When the Fair Labor Standards Act went into effect in the 1930's, only one out of six mothers of school-aged children was in the work force. But today, about 75 percent—or 9 out of 12—of the mothers of school-aged children are in the work force. There is a benefit to the culture in that. We have a high standard of living. As a nation, we are competitive and productive. To think that somehow we can ignore the needs of the people who are the source of that productivity and competitive standing is just to have our heads in the stand.

After 8 or 9 hours of work, women pick up the kids from some practice, or a babysitter, and go home to make dinner, sometimes with the assistance of the family, sometimes not. Often, each person in the family has a different shift, and that makes the schedule even more hectic. But there is a real challenge here. I think it is very important. The study indicates that, in addition to the 40-plus hours a week a working mom puts in on the job, the average mother adds about 25 to 45 additional hours at home. That is not just overtime, that is where we talk about the fact that women are working all the time.

You know the problems that can exist often in the middle of a school day: a school nurse calls to announce a child is ill and needs to be picked up. Under today's labor law, a mother who takes Friday afternoon off to take her flu-stricken son home can't make up that time on the following Monday. She must suffer a pay loss for those hours. We want to correct that. She can't go to a "bank" of pre-work time and say, I have 3 or 4 hours in reserve so that I won't have to have my pay disrupted; I can go and I don't have to choose between my paycheck and my child. No one wants to do that. No one would choose their paycheck. We don't want to put people under that stress. They could just go to an account that they would have for flexible working arrangements or compensatory time, and employers who understand the value of workers are eager to cooperate with workers to help them meet the needs of their families.

The Senator from Massachusetts made a number of remarks that, in my judgment, suggest that employers aren't eager to help employees resolve these difficulties. I think that may have been the case at some time in history. But there are many, many employers who are very eager to help their employees do well with both their families and on the job. As a matter of fact, Working Women magazine features the 100 best companies each year, and companies compete for this. They say, "You should work for us because we have this kind of willingness to work with you, and we should be partners in an enterprise that isn't just a business enterprise, but the enterprise of helping you be successful."

Well, I believe that our ability to add to the arsenal of things that can help people meet the needs of their families and the workplace is a tremendous responsibility, and we should take that responsibility seriously and we should address it. To suggest that to have flexible working arrangements means that we can't have or won't have the family and medical leave opportunity is simply wrong. To suggest that if these new arrangements aren't identical to family and medical leave, they are bad, is to ignore the fact that family and medical leave can meet one category of demand, and flexible working arrangements can meet another category of demand. And to ignore the fact that the category of need exists for flexible working arrangements is to ignore the thousands of workers that have contacted us, and to ignore the experience of people in the public sector and salaried workers and people in the boardroom who have been using flexible work approaches for a long time.

I am very grateful to the chairman of the Labor Committee, the Senator from Vermont, and to the chairman of the subcommittee, the Senator from Ohio, for their excellent work in this respect. I look forward to the debate.

This is not a pay reduction bill. I kind of get the idea that those who oppose this bill know that it is not, because this is a way for people to take time off without taking the pay cut. I kind of get the idea that those who oppose this bill feel like a good offense must be their best defense because, frankly, to suggest that this is a pay cut bill is to misrepresent it in terms of the thing that makes it most strong, and that is this is the ability of people to meet the needs of their families, without sacrificing their pay in order to do so.

It is with that in mind that I look forward to the debate next week and to the ultimate passage of this measure by the U.S. Senate. It, indeed, would be the very single best Mother's Day gift that this Government could extend to the people of America.

I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I want to commend the Senator from Missouri for his eloquent, compassionate statement on behalf of the families of America and on behalf of the Mothers of America. I appreciate his leadership on this bill.

EXPANDED PORTABILITY AND HEALTH INSURANCE COVERAGE ACT

Mr. HUTCHINSON. Mr. President, yesterday, I introduced legislation that I believe is desperately needed by millions of uninsured Americans who are employed by small businesses.

The problem of the uninsured—both children and adults—is largely a problem of small businesses lacking access to affordable health insurance.

When I first came to Congress in 1993 on the House side, health insurance coverage and accessibility was at the forefront of public debate. This year, it seems as if all of the attention is focused upon health insurance coverage for children—a very important topic indeed.

If we can provide access for millions of adults in this country, we can extend access to health care for millions of children. We know that there are more than 40 million uninsured Americans, and that 10 million of those 40 million Americans are children. It is these children who are the most vulnerable in our society. If we do not provide these children with quality health care in their early years, we will find the cost of providing health care for them as they grow older to be ever higher. Not providing quality health care for our children translates into higher health costs for all of us.

A closer examination reveals that 80 percent of these individuals—that is the 40 million who are uninsured—live in families with an employed worker who is likely to work for a small employer, or who is self-employed. That is, they are drawing a paycheck. And, yet, they don't have health insurance.

In fact, only 26 percent of the workers in companies of 10 employees or less receive health insurance through their employer, while nearly all workers in Fortune 500 companies have health insurance available to them. This, of course, is because many small employers simply cannot afford high health premiums and the high administrative costs associated with health insurance today.

So, if you work for a small business with 10 employees or less, the odds are three to one that you don't have health insurance.

If we can solve this problem so that millions of Americans who are working for small businesses can obtain health insurance, we will have taken a huge step toward providing health insurance for all Americans.

According to a February General Accounting Office study, while many employers remain committed to providing employee and family coverage, the percentage of people with private coverage is declining in America. At the very time that we want to expand health insurance for millions of children in this country, at the very time that we have a goal of providing universal health coverage to all Americans, we are finding that the percentage of people with health coverage is declining. One of the primary reasons for this decline is eroding financial support. Each year between the late 1980's and 1994, increases in employers' cost to provide health insurance to their employees and their employees' families outpaced inflation, with cost growth of 18 percent in one single year.

With the surge in health insurance premium costs, many employers have reevaluated their commitment to provide health coverage to employees and their families. It is understandable. With health care inflation, increasing at as much as 18 percent a year in certain instances, it is little wonder that employers are reevaluating whether they are going to be able to afford to provide health coverage to their employees and to their employees' families. Some employers—particularly smaller employers—have dropped their health care coverage altogether. Many employers that have chosen to continue to offer benefits, have been forced to raise employees' premiums, creating more out of pocket expenses for their employees—which is essentially a pay cut.

The percentage of Americans with private health insurance dropped from 75 percent in 1989 to 71 percent in 1995. During the same time period, private health insurance coverage for children under the age of 18 decreased from 73 percent to 66 percent. If private coverage levels had not decreased, it is estimated that about 5 million more children and 5 million more adults would have private health insurance.

To my colleagues, I say that we are actually losing ground in our efforts to provide health insurance for all Americans.

Small employers also cannot afford costly State mandated benefit requirements, which studies show can add up to 30 percent of health care costs. According to a December 1996 study by Blue Cross-Blue Shield, the number of State mandated benefit requirements has soared over the past 20 years. For example, the State of Florida had enacted only two insurance related mandates in 1976. In just 20 years, the number of State insurance mandates in the State of Florida has increased to 36. In my home State of Arkansas, the number has more than quintupled over the same 20-year period. State mandates are increasing exponentially all over the Nation.

It is important to realize that while the number of people with private insurance has declined, the number of people with Medicaid coverage has increased. Unless the decline in private coverage abates, taxpayers may face increased costs for health care as we see more and more people enroll in the Medicaid system.

The Expanded Portability and Health Insurance Coverage Act, which I introduced yesterday, will help alleviate the problem of the uninsured by removing barriers that prevent small businesses from providing health insurance to their employees. Most small businesses want to provide these benefits, but they find that there are innumerable, costly barriers that prevent them from doing so. This legislation will give associations and franchise networks the opportunity to form multistate purchasing groups under a single set of national rules, through the Employment Retirement Income Security Act, ERISA. The EPHIC bill will make health insurance more affordable for small employers in several important ways.

First, it will lower administrative costs. Second, it will provide greater bargaining power to smaller employers to negotiate better agreements with health plans and providers. Finally, it will eliminate the need for small businesses to comply with costly State-mandated benefit requirements which, as I mentioned, studies indicate amount to 30 percent in additional cost.

To put this in this perspective, just last week, a constituent came into my office and told me the following story. He is an employer with about 150 employees in Little Rock, AR. He shopped around for health insurance for his employees, and generously agreed to pay 90 percent of their health insurance premiums. Just last year, he was faced with a 25-percent increase in his health care costs—a 25-percent increase. Now, his only choices are to drastically decrease the amount of benefits provided to his employees, or raise the premiums for his employees and the portion they pay, or, as so many small businesses are doing today, drop coverage altogether.

The EPHIC bill will help millions of employers who, like my constituent in Little Rock, AR, really want to provide health benefits to their employees.

While expanding insurance coverage to American workers and their families, the EPHIC bill also contains important consumer safeguards that would apply to multigroup plans that self-insure. They include mandatory stop-loss insurance, reserve requirements, solvency indemnification standards, and strict fiduciary responsibilities, and nondiscrimination requirements.

The EPHIC bill is supported by a broad coalition of over 100 organizations, and has bipartisan support in both the House of Representatives and the Senate. There are over 100 cosponsors of this bill in the House of Representatives.

I am very pleased that Senator LOTT, Senator HOLLINGS, Senator BROWNBACK, Senator ROBERTS, and Senator LANDRIEU have joined as original cosponsors of this very, very important legislation.

I urge the rest of my colleagues to join in support of this legislation as well.

Thank you, Mr. President. I yield the floor.

Mr. HOLLINGS. Mr. President, last Congress we were able to enact some important reforms to greatly improve access to health care for millions of Americans. The Kennedy-Kassenbaum Health Insurance Portability and Accountability Act improved the insurance marketplace so workers with preexisting medical conditions or who were at risk of losing health insurance when they changed jobs are more likely to have coverage.

We were successful because we applied certain principles learned in the experience with President Clinton's Health Care Security Act. In the Senate, we worked in a bipartisan manner to fix a targeted number of our Nation's problems in a way that does not completely overhaul our current health care system. Because we did not fix the whole system, there is still work to be done. Today, Senator HUTCHINSON and I are proposing the next step in an incremental approach. We hope that the Senate can continue to work in a bipartisan way to achieve additional reforms to improve our citizens' access to what many say is the finest health care system in the world—if you have a ticket to get in.

The Expanded Portability and Health Insurance Coverage Act that we introduced yesterday focuses on improving the health insurance market place so that workers in small businesses and their families can enjoy the health benefits and freedom from fear of a catastrophic illness as employees of large businesses.

Many of us are greatly concerned about the 40 million or so Americans who currently have no health insurance, 10 million of them children. Looking closely at the problem, you see that over 80 percent of those uninsured live in a family with an employed worker who is likely to work for a small employer or be self-employed. Only 26 percent of workers in companies of 10 or less employees get health insurance through their employer, while virtually all workers in Fortune 500 companies do so. This leads to the inevitable conclusion that, in order to get a handle on the problem of the uninsured, we have to address the health insurance marketplace for small employers.

A recent study by the National Federation of Independent Businesses, entitled "Small Business Problems and Priorities," ranked the cost of health insurance as the No. 1 problem that small businesses face today. The great majority of small business owners want to provide coverage for their workers and families but they do not have affordable coverage options currently available to them.

Our bill seeks to address this problem by allowing small businesses to form multi-state purchasing groups under a single set of national rules. This is done through the Employee Retirement Income Security Act. Such a change in law will make health insurance more affordable for small businesses in several important ways:

First, it will lower the administrative costs of health care coverage for small employers,

Second, it will give greater bargaining power to small employers so they can negotiate better deals with the health plans and providers, and

Third, it will eliminate the need for small businesses to have to comply with some costly benefits mandated in some States.

Administrative costs account for nearly 30 percent of health insurance premiums, so lowering administrative costs will result in decreased premiums. A study by the Congressional Research Service and the Ways and Means Committee of the House of Representatives shows that the administrative costs of insurance for small employers are up to 30 percent higher than for large employers due to the fact that it costs insurers and health plans more to market to these small groups. The per-person cost of processing claims and the general management of benefits is also much higher. Costs are dramatically lower for larger groups. Allowing small employers to form large groups will result in lower administrative costs.

The bill, in permitting the formation of multi-state purchasing groups under ERISA, will give small employers much greater purchasing power than they have under current law. It will be far easier and safer for the small businesses to self-insure through a purchasing group. Enabling small employers to do this will give the groups the opportunity to get better value for each health care dollar spent. They will be able to act like large employers and directly contract with health plans and providers. In negotiating with health plans and providers like larger companies, they will be able to actively negotiate lower prices in exchange for a large group of users. This will make health insurance more affordable.

That mandated benefits significantly add to the cost of providing health insurance was documented in an August 1996 GAO Report, "Health Insurance Regulation, Varying State Requirements Affect the Cost of Insurance." Also, a study by the NFIB Education Foundation shows that State-mandated benefits can add up to 30 percent to the cost of health insurance premiums. Essentially the bill levels the playing field so that small employers can operate health plans under the same set of rules as large employers. Allowing small businesses to operate under a single set of national rules will eliminate the need for such groups to have to comply with each State's list of rules regarding benefit packages, claims and solvency. Instead, the groups will need to follow one set of rules under the ERISA. The rules are changed so that consumer protections and safeguards will apply to these multi-state purchasing groups. For example, only a legitimate association that is certified by the U.S. Department of Labor could become a purchasing group. They are subject to strict standards concerning sponsor eligibility, nondiscrimination, fiduciary, solvency, reporting, disclosure and plan termination standards. States would be permitted to enforce these Federal standards.

While it is difficult to predict exactly how much coverage will increase through this legislation, at a hearing held by the House Education and Workforce Committee last year, the National Business Coalition on Health and the National Association of Manufacturers predicted about 20 million uninsured adults and children could be covered as a result of this legislation. The Employee Benefit Research Institute estimates that 55 percent of uninsured children have a parent who works full time for the entire year. So a great majority of the uninsured children are likely to benefit from this bill as well. And, the beauty of this legislation is that it enables millions of currently uninsured people to have health care through the private sector, so no new entitlements involving huge costs to the Government are involved.

The Expanded Portability and Health Insurance Coverage Act gives us an opportunity to enact essential reform to strengthen our current health care system. It is an important step forward in the effort to find solutions to our Nation's health care problems and I encourage my colleagues to support this legislation.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Vermont.

Mr. LEAHY. Mr. President, I would like to take 10 minutes under the procedure that we now have, and I do not expect that I will require more time than that. If I do, I will take a few minutes off the bill on this side.

The PRESIDING OFFICER. The Senator has that right.

Mr. LEAHY. I thank the Chair.

JACK BARRY, A VERMONT TREASURE

Mr. LEAHY. Mr. President, in Vermont, you have to wait until May to see signs of life, signs of spring. But this May has been unseasonably cold, and got a little colder earlier this week when Vermont lost Jack Barry—one of the true, enduring treasures of the most special State in the Union.

Jack Barry left us on Sunday, May 4, at the age of 70, after a long struggle with cancer. He was in his third year as a senator, he was my first press secretary when I came to Washington as a 34-year-old Senator. But most of all he was an extraordinary and beloved broadcaster on radio and television whose ubiquitous presence on the Vermont airwaves has made thousands of Vermonters feel as though Jack Barry has been a member of the family.

In fact, he really was a member of thousands of Vermont families, and more welcome in their homes than just about anybody else.

Jack achieved legendary status among Vermont broadcasters. As an interviewer, he had an unparalleled ability to get to the essence of a person and an issue.

Jack's life in radio and television makes any review of his achievements read like a broadcasting directory. As you might expect, Jack had an on-air personality and voice to die for, and he was the same off the air, as fresh and genuine as the Green Mountains that he loved.

He hosted call-in shows where civility and common sense were the standard, he moderated and produced several public affairs programs where he was the most prepared person there. And he was a popular master of ceremonies for a wide range of nonprofit and public interest causes. He was Vermont's Sportscaster of the Year in 1972 and the Vermont Association of Broadcasters gave him the Distinguished Broadcasting Award in 1981 and, to make sure that everyone knew, they installed him into their Hall of Fame in 1995. He was the Rutland Herald's Vermonter of the Year in 1991. He lent his considerable talents to many community organizations including St. Michael's College—his alma mater, and mine—the Vermont Special Olympics, United Way, and the Vermont Cancer Society. He was past chairman of the Vermont Heart Association and was serving on the national board of the American Heart Association. For the last 3 years he served in the Vermont Senate, where, as Senate President pro tempore Peter Shumlin puts it, Jack "was like a kid in a candy shop."

He loved people. He truly loved people—all people—just as he truly loved politics. And he did not shrink from controversy to act on his convictions. He embraced controversy, if need be, because he never gave up his convictions, as when he forcefully argued against the popular rush to criminalize the rare instances of flag burning. And our State agreed with him.

I want to put into the RECORD at the end of my remarks a selection of the many news accounts, columns, and editorials this week that recite so many more of his achievements. But first I want to recount some of the personal recollections about Jack from his friends and colleagues that have come my way since Sunday.

George Goldring, who works at WVMT, recalls the days when he and Jack broadcasted University of Vermont football—Jack, for WVMT, and George, for WJOY.

He fondly remembers one night after a game in Pennsylvania, when they were sitting around a hotel room with a couple of other Vermont broadcasters. Nobody went to bed. The night dissolved into morning as Jack regaled them with story after story and joke after joke, keeping everyone in stitches all night long.

Mr. President, having been one of those fortunate enough to have sat in on one of these evenings—you do not want the night to end. It is the best of Irish storytelling.

George says that Jack was a professional's professional in front of a microphone. He was never at a loss for words.

John Goodrow of my staff and Jack both worked at WJOY in Burlington in different eras. Last November, the station threw a party to mark its 50th anniversary, and through the evening all the former on-air personalities were introduced. But when Jack Barry was introduced, the applause was the loudest and the longest, the most fervent, the most heartfelt.

John's father, Goody Goodrow, recalls getting to know Jack while Goody was a student at St. Michael's College after serving in the Navy in the Second World War. He was one of the many St. Mike's students who would phone in music requests to Jack's radio show. Goody himself was a musician who once played piano in Artie Shaw's military band, and he made a living in the Burlington area as a musician—in fact, as a young student, I danced some of those times he played—including stints, after those years at St. Mike's, playing the piano on Jack's radio shows on WJOY.

Joel Najman engineered Jack's show at WJOY for years, and he now works at WDEV. He tells about Jack's natural curiosity about the world. He was a sponge for information and ideas. Joel said he had time to read just one newspaper before Jack's morning show, but before airtime, Jack already had read four or five newspapers, and from personal experience I know he committed them virtually to memory.

Ken Horseman was an executive producer at Vermont ETV—public television in Vermont—and also produced Jack's radio show for a time. And Ken's fondest memories of Jack center on the old Vermont ETV auction which Ken produced and Jack hosted. Jack would hold forth through 10 hours of live television, and he would do this for 10 straight days. He would prime the pump for the station's coffers, and people all over the State and in nearby

Canada and everywhere else would tune in to see Jack Barry.

Jerry Lewis has nothing on Jack Barry as a telethon maestro. More than 3,000 Vermonters volunteered during the auction over those 10 days. To them and to the viewing audience, Jack was the auction's symbol. I was fortunate enough to have had a chance to be on some of those auctions as a volunteer, as was, I think, the whole Vermont congressional delegation at one time or another, because Jack would just grab everybody. You could be the person who runs the gas station; you could be the Governor of the State. Jack Barry would say: "Now here is the time you are going to auction," and you would.

He thrived on the unpredictability of live television. He was steady in the midst of chaos, as Ken remembers.

Mike Donoghue of the Burlington Free Press grew up in Vermont listening to Jack on the radio. Like all of us, he remembers his signature line at the end of every radio spot: "Don't forget to tell 'em Barry brought ya." Of course, that is exactly what people did.

Jack brought us the warmth of his smile. He nourished our sense of community and purpose in Vermont. And he brought us the gift of his friendship.

Last September, Marcelle and I attended Jack's surprise 70th birthday party at his son-in-law's camp in Jonesville, VT.

Mr. President, if there is any way that I would remember Jack, it was at this party. It was vintage. He was surrounded by the family he adored and who adored him even more. Politicians and political junkies were everywhere, from both parties, and, of course, Jack was at center stage holding forth and carrying the day. I took photograph after photograph, although in one way I did not need to because the memories are as clear as the photographs are. Everybody came in, and it would be like they were the one person there with Jack. He would hug them and they would hug him. And the children were around. It was chaotic and it was fun. It was very, very, very Irish. It is that sunny day in Jonesville that sticks most in my mind when I think of Jack.

But I also think of Monday of this week when Marcelle and I went to Jack's home and visited with his wife, Bunny, a dear friend, the woman he loved so much, and with other family members, and the stories about Jack's humor and generosity and humanity rose easily and quickly to the surface as they always have when talking about Jack. One minute Marcelle and I were crying; the next minute we were laughing with everybody else there. Kathy, Maureen, and Bridget were there, Bunny's daughter Brigid and others, Tim and Wright, and we talked with Bridget and Kathy and Maureen about the time when Jack Barry was first down here as press secretary, and Marcelle was taking the kids on a ride in the car coming back from somewhere and two cars stopped in front of us—and I mean this is 20 years ago, Mr. President. Some of the people were getting out of the two cars in front of Marcelle, and they were getting into a fight and Marcelle was telling the children, "Get down! Get down!" And they were saying, "We want to see! We want to see!" And it was typical of what any one of Jack's kids would want: "But I want to see what's going on!"

I think of all the times I would call him for advice, in good times and in some very sad times. Jack was always there. We might not have talked to each other for weeks and we would pick up the conversation as though it ended minutes before. I remember calling him and asking him for a joke because I was going to be speaking somewhere, and to start off he would say, "Well, there were these two Irish guys," and we would both be laughing, and I hadn't even heard the joke. We would start laughing right away because we knew how funny it would be.

I recall a Christmas when Marcelle was on duty at the hospital and I was calling friends, and I called up Jack, after he had taken up his new duties in the Vermont Statehouse, and I said, "Hi, Senator." He said, "Hi, Senator." And we were going on calling each other Senator for a couple minutes until we were both laughing so hard we sort of lost it.

We go back a long time, Mr. President. His father and mother and my father and mother were friends. Jack and I knew each other forever it seems. I think of the days when he was down here, when we first moved down a few days before the swearing-in. It was New Year's Eve. We had rented a townhouse. And the moving van came that day. We were unloading boxes, and Jack shows up, and a couple other Vermonters were here with me, and we decided we would have a New Year's Eve party. We invited the two moving van people. We sat around on crates and boxes and opened them up trying to find a plate, a glass or silverware, ordering in pizza and soda and beer and what not. Jack put us all at ease. He started telling stories. Midnight came and midnight went, and that party went on and on.

How much I wish it could still go on today. I think of people that Jack helped during his years here in Washington, people who were cursed with the affliction that some have of drinking, and Jack would work with AA. He would be the person they would call when they really needed help and he would go. And after that time I heard from so many Members of Congress and others who would come to me and tell me, "Jack Barry really saved my life."

I remember him interviewing Cabinet Members down here for Vermont ETV and them telling me afterward that he was the most prepared interviewer they ever had.

So I have lost a dear, dear friend. Marcelle and I have spent a lot of time talking this week about how much he meant to us. We also know that Vermont has lost one of its real treasures. So Marcelle and I join all Vermonters in extending wishes of comfort and appreciation to Bunny and to all the family. I will put, as I said, items in the RECORD, but one especially from Bridget Barry Caswell—his daughter who we know and love and are so proud of, a great journalist in her own right and one who learned so much from her father—the eulogy she gave this week in his memory at St. Michael's College.

I will say this to the family, as my Great-Aunt Kate, who came here from Ireland, would say of a good Irish person when they would leave this vale of tears: "He went straight up." Jack Barry went straight up, and I cannot help but think of the Irish jokes that are going through the heavens tonight.

Mr. President, in yielding the floor, I ask unanimous consent that these other items be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOR YOU, DAD

(By Bridget Barry Caswell)

To borrow one of my father's favorite words . . . he would be just tickled to see all of you here today, to celebrate his life and his final passage into peace. He'd probably look around and say, "Fantastic! I didn't know I had so many friends." But he certainly did . . . and then some.

My Dad was truly one of a kind, as you know. He was enthusiastic, he was warm . . . he was a true humanitarian and he was the most optimistic person I know.

I am so proud to be a part of my Dad. We are all so proud to say we are of him . . . we are a product of Jack Barry.

He was a passionate man. He was passionate about public service and his career . . . a news junkie to the bone. And he was passionate about learning and his family.

My father's life was dedicated to public service . . . he was absolutely loyal to everything he cared about and fought for. We will probably never know all of the people he influenced or aided in one way or another . . . either through his thousands of programs on issues affecting everyday Vermonters . . . or the endless speaking engagements he said yes to year after year. He couldn't say no and he was able to use his public persona in so many good ways. And he didn't do it for his own gratification . . . that didn't matter to him . . . for he said yes whether it was a request for a 500-person gala or a request to play auctioneer at an elementary school fundraiser. I can remember as a child, my father was always out . . . lending his name to one cause or another. I don't think I realized at the time all of the good he was doing. I'd like to share with you one example of my father's dedication and loyalty to an organization. Shortly after I was born—30 something years ago—I was diagnosed with a serious heart defect. It was eventually repaired through surgery, but that event in my father's life marked the beginning of a lifetime of service to the Vermont Heart Association

. . . my family dove into volunteer work immediately and my father's never ended. He served on the board as member and eventually chairman. He spoke at endless Heart Association events, and at the time of his death was serving on the national board of the American Heart Association. He considered that a great honor . . . and his work finally came full circle when he became the beneficiary of Heart Association research.

My Dad was also passionate about learning . . . he was a life-long learner, always on a quest to improve his mind. And it showed. He was a voracious reader. He read seven newspapers every day . . . and devoured every news magazine possible. On top of that, he always, and I mean always, had a novel or two going. He would go on vacation to Florida for two weeks and finish off a half-dozen books . . . and I mean books like this. He loved to share them too . . . a few of you probably still have a few of his out there!! I know I do! But it didn't stop there. Whenever my nieces and nephew, who live out of state, would come to visit, they always had their own special time with my father, their grandfather. He would take them out . . . not to a movie or a fun park. He took them to the Oasis for breakfast and then they went shopping . . . for books. Every time they visited, that was their "tradition" with my Dad. He instilled in them a love of reading and to this day, it is an area in school where they all excel. He was very proud of that.

And finally, as I said earlier, my father was passionate about his family. You probably got a little tired of hearing about us all the time . . . he talked about us incessantly on the air. His listeners knew of every milestone in our lives. But that made us feel special. And *he* made us feel special in the little things he did . . . a personal note on our "big" birthdays . . . the Sweet 16th, the 21st, the quarter-of-a-century, and the 30th. And as some of you may have read, at our family dinners—which meant anywhere from 10 to 22 people at the table —my father led us with a toast before each meal, and to him that meant a time to note our accomplishments, large and small. He didn't forget anyone . . . and he welcomed each and every one of us to share in the meal, usually gourmet and always cooked and served to perfection.

My father loved to cook . . . as my aunt said the other day, if you needed a good recipe, you called Jack. If you needed a good joke, you called Jack. And if you needed a good book, you called Jack.

But he wasn't alone in his love for a good book, a good joke or a good recipe. My Dad and Bunny were a team . . . true soulmates and best friends . . . and they wore their love on their sleeves. My Dad was passionate about Bunny . . . on the air he often referred to her as "that beautiful thing I'm married to." And at home . . . it usually went something like this, "Hey Bare. You can carve the meat now" and he'd say, "Anything you say, Baby." Even to the end, they exchanged love names. Bunny will probably never forgive me for telling you this, but even during the last difficult days of my father's life, when he continued to fight so valiantly, she would walk into his hospital room—after catching maybe an hour or two of sleep—and she'd say "Jackie-Poo, I'm here." She made all of us smile during those dark days last week and my sisters and I will be forever grateful for the love and care she gave to my Dad during his illness.

Boy we loved him . . . he was truly an exceptional human being. In just a moment we'd like to invite you to sing with us one of my father's favorite songs, "When Irish Eyes Are Smiling." My Dad always had a smile in his eyes . . . and we all know that he was certainly a proud Irishman.

In closing, I'd like to share with you a poem that was sent to my father in February by his old buddy, John Zampieri. The two of them were battling their own health problems and they often exchanged notes sending words of encouragement. Just two weeks ago, I sent out for my Dad his last note to "Zamp," as he called him. It was a photo on election night . . . and they looked fabulous. Anyway, just yesterday, we found this poem that John sent to my father a few months ago. It was the first we'd seen of it . . . and we found it most appropriate in light of my Dad's incredible optimism, his courage and his pledge to never give up his fight. It's called "Don't Quit."

DON'T QUIT

When things go wrong, as they sometimes will
And the road you're trudging seems all uphill
When the funds are low and the debts are high
And you want to smile but you have to sigh
When care is pressing you down a bit—
Rest if you must but don't you quit

Life is queer with its twists and turns,
As every one of us sometimes learns
And many a fellow has turned about
When he might have won if he'd stuck it out
And he learned too late when the night came down
How close he was to the golden crown

Success is failure turned inside out,
The silver tint of the clouds of doubt
And you never can tell how close you are
You may be near when it seems so far
So stick to the fight when you're hardest hit
It's when things seem worst that you mustn't quit

That's All Folks . . . "Don't forget to remind 'em that Barry brought you."

BARRY BROUGHT ME

(By Peter Freyne)

[From the Column "Inside Track" Seven Days, Burlington, VT, May 7, 1997]

They're burying Jack Barry today. It'll be a good turnout. Jack always loved a crowd. Just given him a microphone and turn him loose, and the kid from Waterbury Center, Vermont, would crank up those marvelous Irish pipes with the lilt and the blarney and the gift of the gab.

As far as the airwaves go, this was Jack Barry's town. He loved it and he lived it—oh did he live it! From the days of "It's Your Nickel" to "Open Mike" to "The Jack Barry Show," to "Vermont Report" and "Vermont This Week" on Vermont ETV, Jack was the man who could turn your average story into a marvelous tale. Before talk radio became king in the 1980s, he was already sitting in the throne. "Be sure and tell'em Barry brought you," was his trademark refrain.

Jack wasn't one of those wishy-washy types who'd try to please everyone. He had values and principles and opinions, and he laid it on the line. He also had a fiery passion for politics. For decades on the local airwaves he defended a women's right to choose, and boldly called for an end to the war in Vietnam, the war in Vietnam, the war that he personally checked out in a 1968 visit. Once he saw firsthand what a "bright shining lie" that war was, Jack wasn't afraid to change his position.

Jack was the best sort of friend a guy could have, the kind who was there for you not just when you were on top of the world, but when the world had beaten you down. I know. When I hit bottom, Jack Barry was there for me.

He loved the ponies—oh, did he love the ponies—and he loved Saratoga in August. And, coincidentally, there was a horse in the Kentucky Derby the day before he passed away, by the name of Jack Flash. But most of all he loved his Bunny, the Murphy girl he married and laughed with through the best years of his life.

Well, Jack Barry's crossed the finish line now—in a flash. No need to wait for the stewards to develop the photo. It wasn't even close. Jack Barry won . . . going away.

[From the Rutland Herald, May 6, 1997]

JACK BARRY, A MAN OF THE AIRWAVES

(By Christopher Graff)

MONTPELIER—Jack Barry was radio's biggest cheerleader.

Sure, he loved public television. And he was passionate about politics. But radio was his true love.

"Radio was everything," Barry once said, reminiscing about the glory days before the dawn of television. "Radio was drama. Radio was sports. Radio was a window on the world."

"Radio, pre-television, was everything," he said. "And it was a central part of everyone's lives."

And Jack Barry, for many decades, was a central part of Vermonters' lives.

Barry died Sunday at the age of 70. He was in his third year as a state senator, a position that allowed him a seat at center stage of the political world he loved. But it was as a radio and television host that Barry became a household name.

* * * * *

"I just always had this radio bug," he later said.

In 1948 he went to WJOY in Burlington, then owned by The Burlington Free Press, where he helped air the 11 p.m. news live from the Free Press newsroom and then stayed to play poker with the editors while the paper ran off the presses.

In 1954 he and his pal Vin D'Acuti provided competition for WJOY by launching WDOT. They did it all themselves, working 18-hour days. Barry raced around to fires and car accidents and plane crashes in a Ford station wagon. He could—and did—broadcast live anywhere, anytime.

He entered the world of talk shows, the forum in which he would excel, becoming the daily visitor into the homes of Vermonters.

* * * * *

Barry later entered television. There was a time he did a morning show on WVMT radio in Colchester 6 a.m. to 9 a.m., then a television show on WVNY-TV from 10 to 11 and then back to WVMT for his "Open Mike" show from noon to 2 p.m.

In the evenings he was off to do play-by-play sports broadcasts—baseball, basketball, football, hockey or boxing.

He started volunteering at Vermont ETV in 1970 and went on the payroll in 1973. He took a brief time out for his first round in politics, serving two years as press secretary for Sen. Patrick Leahy, D-Vt.

He was back in 1976, juggling his morning radio shows and his evening television appearances right up to his retirement from Vermont ETV in 1991. The radio continued for a bit until elective politics beckoned and he became a state senator.

Last year his life's passions came together briefly when the Senate considered a proposal to cut ETV's state funding from $762,500 to $1.

Barry, although ill, traveled to the State House to make an impassioned plea for ETV. He talked about his experiences, his interviews, the reaction from viewers. "There are moments at ETV that transcend anything I can recall," he told his colleagues, who restored half of the money.

One of his greatest pleasures in a wide world of broadcasting was when he found himself on the other side of the microphone.

Vermont ETV, on Barry's final day on the job, set up a surprise interview of Barry by his daughter, Bridget Barry Caswell, herself a television reporter.

"I am very proud you have come into this field," Barry told his daughter on the air. "It's a honorable profession and a very good one. Without the Fourth Estate, we'd all be in big trouble.

"I hope your career is long and pleasant and you get to achieve the things that give you as much satisfaction as my career has given to me."

[From the Burlington (VT) Free Press, May 6, 1997]

A MAN OF JOY

Jack Barry found what many Vermonters spend a lifetime seeking: a family he treasured, public service work he loved, and an optimism that sustained him to the end.

Barry, who died Sunday of liver cancer at 70, will be missed.

Sen. Jack Barry, D-Chittenden, was a decent man. For decades, his loyalty was to his many listeners on Burlington's radio stations and Vermont ETV. In the end, it was the residents of Chittenden County who came first.

As a radio and television interviewer, Barry quizzed politicians, journalists and entertainers alike. He was polite, yet thorough. Barry's balance and fairness kept loyal listeners tuning in.

He brought the same balance to his state Senate job, refusing to be sucked into partisan Statehouse games.

* * * * *

And Barry's interviewing skills will also be missed. In committee meetings, he quickly drove to the heart of issues, politely steering witnesses in the right direction.

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Through it all, he smiled. Barry smiled during broadcast work, floor speeches and committee discussions. In fact, he hid the severity of his illness behind a grin of pure joy during his Senate tenure.

"He just loved it," said fellow Sen. Richard Mazza, one of Barry's closest friends. Mazza's right.

Goodbye, friend.

[From the Vermont Times, May 7, 1997]

EDITORIAL

This week, Vermont lost one of its richest gems and tireless spirits. For most of us, State Senator Jack Barry's beaming smile and clear, deep voice were as recognizable as the profile of Mount Mansfield.

Jack Barry's stature in Vermont, especially in his home turf of Chittenden County, was like that of Walter Cronkite. As a Democrat, he steadfastly believed in speaking up for the people. He did this by keeping people focused on the heart of the matter at hand, and not drifting into political bickering.

* * * * *

For decades, Vermonters have had someone in their corner when a public official or some other potentate had something to say to us Vermonters. For there behind the microphone, or on camera, was Jack Barry—asking the questions to which we all wanted answers.

Jack Barry's style as a journalist and a professional broadcaster was one which we should all strive to live up to: He was polite and pesky, thoughtful and thorough. That's probably why he was loved and respected by so many people.

To the man with the silver voice and the silver hair, thank you. Thank you Jack Barry.

TOBACCO TAXES

Mr. KENNEDY. Mr. President, last Friday's Wall Street Journal published the results of an April 1997 poll it conducted with NBC News. One of the questions in the survey deserves special attention.

The poll asked whether the American people support increasing the cigarette taxes by 43 cents a pack, and returning much of the revenues to the States to provide health care for the Nation's uninsured children. An overwhelming 72 percent of the respondents favored this proposal, which is contained in the legislation that Senator HATCH and I have introduced last month.

The detailed breakdown of the responses shows that the plan has broad support among people of all ages, incomes, ethnicities, educational backgrounds, party affiliations, and geographical regions. Support is at least 2 to 1 in all 36 groups, and it is 3 to 1 or even 4 to 1 in 17 of the groups. North, south, east, west—the American people support the Hatch-Kennedy bill.

Mr. President, I ask unanimous consent that the detailed breakdown of the Wall Street Journal-NBC poll be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WALL STREET JOURNAL/NBC NEWS POLL, APRIL 26–28, 1997

Question: Two Senators, a Republican and a Democrat, have proposed increasing cigarette taxes by 43 cents a pack, and giving much of the money raised to help states provide health insurance for uninsured children. Based on this description, do you favor or oppose this plan?

[In percent]

	Favor	Oppose	Not sure
All Adults	72	24	4
Men	67	30	3
Women	76	20	4
Northeast	73	20	7
Midwest	73	26	1
South	69	28	3
West	74	23	3
Whites	70	26	4
Blacks	80	16	4
18 to 34	73	25	2
Age 35 to 49	74	23	3
Age 50 to 64	66	30	4
Age 65 and Over	72	21	7
Under $20,000 Income	74	23	3
$20,000–$30,000	76	21	3
$30,000–$50,000	70	28	2
Over $50,000	70	26	4
Urban	76	21	3
Suburb/Towns	70	26	4
Rural	70	28	2
Registered Voters	73	23	4
Non-Registered Adults	65	32	3
Democrats	79	18	3
Republicans	67	29	4
Independents	69	27	4
Clinton Voters	80	17	3
Dole Voters	64	31	5
Liberals	79	19	2
Moderates	79	19	2
Conservatives	64	31	5
Professionals/Managers	76	21	3
White Collar Workers	77	20	3
Blue Collar Workers	62	35	3
High School or Less	66	30	4
Some College	75	22	3
College Graduates	75	21	4

Mr. KENNEDY. I thank the Chair.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 8, 1997, the Federal debt stood at $5,330,417,059,281.37. (Five trillion, three hundred thirty billion, four hundred seventeen million, fifty-nine thousand, two hundred eighty-one dollars and thirty-seven cents)

One year ago, May 8, 1996, the Federal debt stood at $5,094,597,000,000. (Five trillion, ninety-four billion, five hundred ninety-seven million)

Five years ago, May 8, 1992, the Federal debt stood at $3,881,282,000,000. (Three trillion, eight hundred eighty-one billion, two hundred eighty-two million)

Ten years ago, May 8, 1987, the Federal debt stood at $2,270,169,000,000. (Two trillion, two hundred seventy billion, one hundred sixty-nine million)

Twenty-five years ago, May 8, 1972, the Federal debt stood at $426,287,000,000 (Four hundred twenty-six billion, two hundred eighty-seven million) which reflects a debt increase of nearly $5 trillion—$4,904,130,059,281.37 (Four trillion, nine hundred four billion, one hundred thirty million, fifty-nine thousand, two hundred eighty-one dollars and thirty-seven cents) during the past 25 years.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

MOTHER'S DAY

Mr. BYRD. Mr. President, this coming Sunday, May 11, is Mother's Day. It used to be that Members of the House and Senate would call attention to special days, days of special significance such as Mother's Day, Father's Day, Memorial Day, Columbus Day, Independence Day, and so on. I do not hear much of that being done anymore, but I like to stay with tradition. I believe that is the tried and true way. The Bible says, "Remove not the ancient landmark which thy fathers have set."

Mother's Day came about through the efforts of a dedicated mother and daughter from Grafton, WV. Since 1914, the United States has set aside the second Sunday in May to honor mothers. Anna Maria Reeves Jarvis, a remarkable woman who championed the cause of sanitation and family health throughout her entire life and whose establishment of Mother's Day Work Clubs kept bound the fragile ties of families and communities throughout the Civil War, was a heroine to her daughter, Anna M. Jarvis. Due to Anna M. Jarvis' efforts, she also serves as the source of a beautiful sentiment for all of us today. In honoring her mother's hope that a post-Civil War "Mothers' Friendship Day" might someday become an annual event commemorating the service that mothers render to humanity in every field, Anna M. Jarvis has provided each of us with an opportunity to remember and to delight in the love and support which our own mothers have offered to us.

My own dear angel mother died when I was little less than a year old. She was a victim of the virulent Spanish influenza pandemic that swept the globe and swept the Nation in 1918, killing an estimated 20 million people around the world; 500,000 in this country alone. Her name was Ada Kirby Sale. In the one photograph which I have of her, gazing back at me is a blue-eyed, fair-complexioned, pretty young woman with a serious, yet sweet, expression on her face and a large bow of ribbon in her hair. How I wish that I had known her, even for one day! Even in her own distress, she thought of me, her youngest child, when she asked her sister-in-law and brother-in-law to raise me if she, my mother, did not recover from the flu. In those days they were stricken on one day and died the next. So, she asked my aunt and her husband to raise me if she, my mother, did not recover, while my father looked after my four older siblings. I had three brothers and one sister, and my father had 10 sisters and two brothers, so my father gave to various sisters my three brothers, and to Titus Dalton Byrd and my aunt, I was given. And my father kept my sister. I have always carried with me that remembrance of my mother's love for me, because she gave me two foster parents for the hard work of raising a child.

I, therefore, was reared by my Aunt Vlurma and her husband, Titus Dalton Byrd. My name was not Byrd at that time, my name was Sale. My ancestor came from England in the year 1657, and was an indentured worker 7 years to pay for the trip across the waters. He ended up down along the Rappahannock River, in Virginia. So I am his ninth generation descendant. His name was James Sale.

My foster mother and my natural mother were as different in appearance as two women can be. My aunt Vlurma was stocky, stockily built, olive-complexioned, and a laconic woman with dark-brown eyes. She was very religious. She did not make a big whoop-de-do about it. She was not of the religious right or the religious left. She just believed in the old-time religion. She was religious, straightforward in her dealings with people, and a good shot with a pistol. She was very good to me, though she never displayed much affection. I have no recollection of ever receiving a kiss from her. But I have many recollections of hearing her prayers as they wafted through the stillness of the night from the other room. Many times I have seen her on her knees, praying. It used to be, when I would leave Raleigh County, West Virginia, to return to Washington on a Sunday afternoon, having been back in my congressional district, she would say, "You be a good boy, Robert. I always pray for you."

So, she was a major influence in my life, and I thank her to this day for accepting responsibility for me out of affection and kinship with my mother, and for instilling in me strong values—strong values, a sense of duty, a sturdy work ethic, and an unshakable—unshakable faith in the Creator.

How proud man, vain man has become. How arrogant, who has the audacity to say there is no God! I read, just a few days ago, about a poll that was taken among scientists—of all people, who should believe and who should realize that there is a Creator. And I noted that only 40 percent of those scientists, according to the poll, believed in a Creator. That was amazing. It was the same percentage as resulted from a similar poll among scientists in 1916. I took the occasion a few days ago to read from Darwin's "Origin of Species," and to read where Darwin made reference to a Creator, made reference to God; and Darwin asked the question: Is it possible that the Creator may be so superior in intellect to the intellect of man as the human eye is superior to the man-made camera? Here was a scientist who did not deny the existence of a Creator.

I ask doctors—when I go to the office of a physician, I say, "Doctor, do you believe that there is a Creator?" And I have yet to come across a doctor who has not answered without hesitation, "I do. I believe in a Creator." I had one doctor less than a week ago talk with me in his office. I asked him the same question. And I sat, open-mouthed and open-eyed, listening to him talk about the audacity of men who would say there is no God.

Raising a child is hard work. Even though the endeavor is leavened with joy, lightened with laugher, and sweetened with children's kisses, raising a child is a demanding job. Every mother who takes on the challenge and raises a responsible, caring individual, merits applause from all of us.

Emerson said, "Men are what their mothers made them." The mother figure is certainly the strongest influence over the character and development of a child in its early years. Motherhood is the most important of life's assignments. There is none other that will equal that. And the responsibility of motherhood is a particularly challenging endeavor, especially in today's world, where parenting responsibilities often have to be juggled with work responsibilities and housekeeping chores.

I often stop to marvel at the many young mothers who work in my own office and in the various Senate offices and throughout the Government and the Nation. Poised, cool, and professional at work, one might never suspect that, after work, they must still dash to the day-care center, race home, feed husbands and children, spend quality time with the family, buy groceries, do the laundry, clean the house, and be back at the office the next morning to begin the cycle all over again. So, I take my hat off to all working mothers as we honor mothers this weekend. They maintain a heroic pace and the Nation owes them a debt that can never be paid.

But, I also salute those women in our society who stick to the more traditional role of keeper of the home and the hearth, for theirs is a difficult job as well, and it is a job for which they receive no pay and little recognition in exchange for their priceless contribution to society.

Anne Morrow Lindbergh said: "By and large, mothers and housewives are the only workers who do not have regular time off. They are the great vacationless class."

Sometimes it seems to me that the traditional stay-at-home mom is not as much appreciated today. I have always believed that a great deal of credit should go to those women who make the decision to work in the home. Theirs is the oldest profession in the history of the world: The home maker, the housewife. Managing a home and raising children are serious responsibilities, which, if well carried out, can make a significant contribution to the stability and well-being of our own country.

I recall the story of a great painter, a great artist, Benjamin West, who went to his mother and showed her the little drawings of birds that he had made with pencil and crayon on pieces of paper. And then she took him and sat him gently on her knee and kissed him on the cheek and said, "You will grow up to be a great painter." And Benjamin West attributed his greatness in that art as having originated with a mother's kiss.

My own treasured wife, Erma, with whom I have been blessed to share the past 60 years—as of 2 weeks and 6 days from today—has devoted her life to caring for me and our household, our children and our grandchildren. With her capable hand in charge on the home front, I have had the luxury to devote myself to the duties of the Senate, free from any domestic worries. And it's a great luxury. I could not have put in the countless hours required by my office without her extreme patience and forbearance, understanding and good humor and support. Erma is the epitome of traditional family values, and my pride in the accomplishments of my daughters and their children is a clear reflection of the values and lessons that they learned from their mother and grandmother.

While I was out campaigning in the early years, while I was out knocking on doors, driving over the hills and up the hollows and down the creeks campaigning, she was at home, my wife, with those two young daughters. It is one of the great sacrifices that I have made in public life, one that I can never retrieve—the time that I would like to have spent but didn't spend with my two daughters. But she, my wife, was there, at home and at the hearth with them.

Family values and family structure have traditionally served as the strong backbone of the Nation, and we ought to stop and think about that, not just on Mother's Day, but every day. This strong backbone of our Nation has suffered from osteoporosis in recent years, but it is currently enjoying a resurgence of strength and appreciation because of a collective realization that most of society's ills are not a result of the success or failure of any Government program, but rather have their roots, as well as their solutions, in the most basic building blocks of our culture, like the quality of the home and the cohesion of the family.

Society is a collection of individuals, each of which is shaped, first and foremost, in large part, by his or her own mother. The values that we all cherish, and on which society depends—like caring for others, respect for the law, tolerance, comity, perseverance, loyalty, dedication, patriotism, faith in God—are learned earliest and best from the examples set by our mothers. The woman who raised me didn't hold any doctorates, master's degree, baccalaureate degrees. I don't know that she ever went to school a day in her life, but she taught me how to live. And with that kind of teaching, one may stray from time to time throughout the years of one's life, but they will always come back—they will always come back.

When I think of her, and I can say much about the man who was her husband, also—I will save that for another day—when I think of her stalwart faith in a supreme, omnipotent, omniscient, omnipresent God, I think of something that made this a great country, and the same thing made the ancient Romans a great people. Theirs were pagan gods, but they believed in their gods. They venerated their ancestors. They honored their parents. The Bible says, "Honor thy father and thy mother." When I think of the woman who took me to raise—I never knew any other mother—I think of one who was as unshakable in her faith as are the mountains of West Virginia, and she ingrained that faith in me.

Churches and schools are important places of learning, but it is the constant encouragement and attitude of our mothers that instill in children the proper respect for church and school in the first place. We learn to pray at our mother's knee, and to read while sitting on her lap.

In my view, we desperately need a serious bolstering of our national regard for the position of the family in our national life. One day we ought to take the people who do the TV programming that spews filth and violence and sex into the homes of America and shake them with legislation—and the day will come, I believe—that will teach those people that if they will not clean up their act, somebody else will do it for them.

We need more Anna Maria Reeves Jarvises and more daughters like Anna M. Jarvis, who could so effectively mobilize a nation in honor of her own heroic mother and all mothers, and we should honor the role of mothers, not only this weekend, but every day.

So this weekend, especially, let us recognize the role of motherhood, with all of the sentimentality and sweet remembrance that a day set aside for honoring unselfish love should invoke. Let us also realize that proper mothering is a tough job, with the future of our Nation riding, to a great extent, on the success of that endeavor, and let that realization guide us as we contemplate policies for an ailing society sorely in need of a strong dose of moral direction and support.

ROCK ME TO SLEEP

Backward, turn backward, O time, in your flight,
Make me a child again just for tonight!
Mother, come back from the echoless shore,
Take me again to your heart as of yore;
Kiss from my forehead the furrows of care,
Smooth the few silver threads out of my hair;
Over my slumbers your loving watch keep;—
Rock me to sleep, Mother—rock me to sleep!

Over my heart, in the days that are flown,
No love like mother-love ever has shone;
No other worship abides and endures—
Faithful, unselfish, and patient like yours:
None like a mother can charm away pain
From the sick soul and the world-weary brain.
Slumber's soft calms o'er my heavy lids creep;—
Rock me to sleep, Mother—rock me to sleep!

Tired of the hollow, the base, the untrue,
Mother, O Mother, my heart calls for you!
Many a summer the grass has grown green,
Blossomed and faded, our faces between:
Yet, with strong yearning and passionate pain,
Long I tonight for your presence again.
Come from the silence so long and so deep;—
Rock me to sleep, Mother—rock me to sleep!

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, it is always a real treat to be on the Senate floor when my friend and colleague and neighbor from West Virginia speaks. That was a very moving and eloquent statement about Mother's Day, but, of course, also about his own natural mother and also about the mother who raised him.

FAMILY FRIENDLY WORKPLACE ACT

Mr. DEWINE. Mr. President, we have been this morning, now this afternoon, talking about the issue of the Family Friendly Workplace Act. I would like to spend just a few more minutes talking about this issue.

We are proud, once again, to bring before the Senate this piece of legislation that we believe will help bring the American workplace into the 21st century. The Family Friendly Workplace Act will make our Nation's working environments more flexible, more productive and more hospitable to the changing needs of the American family.

Last week, in my opening comments about this bill, I described what we discovered in the hearings, and I use the term "discover" rather loosely because, really, I think we all knew what we saw in those hearings, what we heard in the Senate Labor and Human Resources Committee. The testimony was very clear that the American workplace today is a dramatically different place than it was when the underlying bill was enacted 60 years ago.

The facts are that the stereotypical roles of management and labor and of male and female workers really no longer apply. The testimony in front of our committee was that individual workers are too often faced with a brutal squeeze today, a squeeze between their duties at work, their obligations, and what they want to do with their families. This worker squeeze is so great that I believe it calls for immediate action. And this bill is that action.

The static and outdated Fair Labor Standards Act that was enacted over 60 years ago must be modified, must be changed. It must be changed to allow American workers today the flexibility that they demand, the flexibility that they want.

The facts are fairly clear. When the underlying legislation, the underlying bill was enacted in 1938, less than 16 percent of married women worked outside the home. Today, more than 60 percent of married women work outside the home. And 75 percent of mothers with school-aged children today work outside the home. And according to a survey conducted by the U.S. Department of Labor, Women's Bureau, the top concern—top concern—of working women is flexible scheduling in the workplace, flexible scheduling which will allow them to balance their responsibilities at work with the needs of their children and the needs of their families.

The chart that is behind me depicts the pattern of change the American workplace has undergone over the last 25 years. "The Changing Labor Force Trends of Families, 1940–1995."

Look at the complete contrast between the family structure today and the family structure as it existed in 1940—1940—only 2 years after the enactment of the Fair Labor Standards Act.

In 1940, Mr. President, 67 percent of all families had a working husband and a wife who stayed at home, what we considered in those days, the typical family. At the same time, only 9 percent of families had two working spouses. And in 1940 only 5 percent of the families were actually headed by women.

Clearly, this is no longer the case.

By 1995, only 17 percent of families had a working husband and a wife who stayed at home. And 43 percent of American families had two working spouses. And 12 percent were actually families headed by women.

Society, Mr. President, has changed. But the workplace, at least the laws governing the workplace, has not kept pace. I believe that Americans are crying out for relief. They are demanding of this Congress that we change the law, that we change the law to reflect the way people really live today.

Take for example, the Morris family. Clayton Morris—father, husband—is a public employee. As a public employee he has the option of choosing compensatory time over traditional monetary overtime pay. He gets a choice which way he wants it. He is free to spend important extra time with his 2½-year-old son Domenic, while his wife Ann, a sales assistant for a Cleveland area business form company, cannot. She is prohibited by law from having that option.

This is what Ann has said:

> He [referring to her husband Clayton] has the ability if he works overtime to store [up] those hours . . . [he] can use the stored comp time to be at home where he is needed. [However, when] I need to be able to leave work, I end up having to take sick time or vacation time to do that. [That's what I have to do.] It would be really nice if I had a flexible schedule [also].

Mr. President, seemingly countless studies and surveys have pointed out time and time again that Americans overwhelmingly need, desire, want, and support a more flexible workplace schedule and the changes the Family Friendly Workplace Act would bring about.

Let me take the opportunity now to highlight what this bill will do, S. 4, and explain briefly the different provisions of the bill.

The first option of the bill we refer to as comptime. This allows workers to voluntarily—voluntarily—choose to take their overtime pay as time off instead of taking their overtime pay in money. They get the time off as opposed to taking the money. But it is the worker's choice.

Under this bill, compensation in the form of compensatory time off is paid out at the same rate as an employee's normal rate of overtime pay. That is, one-half hour of compensatory time off for every hour of overtime worked.

Mr. President, under this option employers and employees must agree to provide and receive, respectively, compensatory time in lieu of monetary overtime pay. It is an agreement, a voluntary agreement entered into by both the employer and the employee, an agreement that does not take place under this bill or situation that does not take place unless both sides voluntarily say, "That's what I want to do."

Union employees do this through the collective bargaining process. Nonunion employees must do so by agreement prior to the performance of the overtime worked. The employee must enter this agreement—this is from the bill—"knowingly and voluntarily." A nonunion employee's decision to participate in a compensatory time off program must be in writing or must be otherwise verifiable and kept by the employer, according to the Fair Labor Standards Act's recordkeeping provision.

An employer may withdraw from his decision to provide a compensatory time off program by providing 30-day written notice to the participating employees. On the other hand, nonunion employees may withdraw by providing written notice to their employer. The terms of a union employee's withdrawal would be reflected in the collective bargaining agreement.

Mr. President, upon an employer's discontinuance of this compensatory time off policy, or on the occasion of an employee's withdrawal, the resignation or termination, an employee is then entitled to the cash equivalent of any unused comptime hours. An employee under this bill may accrue up to 240 hours of compensatory time during a 12-month period. If after the 12-month period an employee has not used his accrued time, the employer has 31 days, under the bill, to remit the cash equivalent of those hours.

An employee must be allowed to use any accrued comptime within a reasonable period, a reasonable period of time after the request is made provided that it does not duly disrupt the workplace.

Under a compensatory time-off program, an employee enjoys the preexisting protections of the Fair Labor Standards Act. These are not impacted. The underlying bill is still there. And the underlying protections are still there.

These protections include prohibitions against violation of section 7, the FLSA discrimination provision, as well as S. 4's anticoercion provision. No employee may be coerced, intimidated, or threatened to accept or deny participation in any of the bill's flexible workplace options.

To be absolutely perfectly clear, let me spell out what the penalties under this bill will be.

First, S. 4, as an amendment to section 7(r), will enjoy the already established penalties provided in the Fair Labor Standards Act. This will obviously include the new amending provision in S. 4.

The penalties are:

First, the availability of criminal penalties in the event of a willful violation;

Next, civil penalties in the event of repeated or willful violations;

They will include the remittance of unpaid overtime compensation and liquidated damages;

It will also include appropriate legal or equitable relief and liquidating damages for any retaliation by the employer against an employee who complains of or testifies about an employer's conduct, as well as attorney fees and costs to the employee who sues for retaliation.

Additionally, the Secretary of Labor may take action to acquire the employee's unpaid overtime compensation and liquidated damages.

As stated, in addition to the penalties already provided by the Fair Labor Standards Act for a violation of section 7(r), S. 4 provides additional penalties for direct and indirect intimidation, threats, and coercion. Furthermore, S. 4 dictates penalties for any violation of this anticoercion language.

Further, this bill provides for unpaid overtime compensation and liquidated damages or injunctive relief should the Secretary be required to bring a cause of action against the employer.

Mr. President, behind me is a picture, headlined "Akron Beacon Journal," and "A Juggling Act." It is a picture of a real family, the Morris family of Ohio, and a description that I think, in the story, tells the importance of this bill. I think this family demonstrates why we need to have this bill. Here is what it says:

> Ann Morris of Akron has to use vacation or sick days when two-year-old Domenic is sick, while her husband Clayton has the option of using comp time.

That is what this bill is about, Mr. President. This bill is about some equity and equality in the workplace. Does it make any sense to have a law today, as we do, that says to an hourly worker, who doesn't work for the Government, the Federal Government is going to prohibit you and your employer from entering into agreements that are flexible and allow you to spend more time with your family? That is what current law says today.

Current law discriminates against the person who works by the hour, and it says that in a business or in a shop, if there is a worker who works by the hour and right next to him or her is a worker who is paid salary, the person who is paid salary may have comp time or flextime, but the person who works by the hour is denied that. Does that make any sense?

In the case of this family, the discrimination exists right in that family. The husband has these benefits, has these rights; yet, the Federal law says that the wife, the mother, can't have them. What this bill does is change that and eliminates that discrimination. It says to all American workers that whether you work for the Federal Government or don't, whether you work by the hour or are salaried, as long as the employer and employee both agree, voluntarily, you can do many different things in regard to flextime and comptime and making your life easier, making it better, accommodating the workplace rules to the way people have to live today.

Mr. President, I began a few minutes ago, a discussion of the four principal parts of this bill. I talked about the comptime section. I now want to move to the second section of biweekly work schedules.

Mr. President, let me turn to the biweekly work schedules. The second option this bill provides is the biweekly work schedules. Under this option, an employee may choose to work 80 hours over 2 weeks, in any combination that that employee works out with the employer. For example, a worker may choose to work 9 hour days but, every other Friday, get the whole Friday off. Maybe that worker wants to spend time with his or her children. Maybe they want to go hunting or fishing, or maybe they don't want to do anything. They have the right to make that agreement and have that long weekend. Biweekly work schedule programs are simply another way to ensure workplace flexibility. Biweekly work schedules enable employees to craft schedules that coordinate their work obligations to go along with their personal obligations.

Mr. President, here is how it would work in practice. If an employer chooses to offer a biweekly schedule option, and if the employee elects to participate—it is purely voluntary—prior to each 2-week work period, the employer and employee will arrange a schedule for the 2-week period. Regardless of how the hours are divided, the employee will be paid overtime for working over 80 hours during the 2-week period. Again, the decision is to be made together, mutually, voluntarily.

Additionally, employees would be entitled to overtime for all hours worked that are outside that predetermined biweekly work schedule. For example, if an employee agrees to work 45 hours during the first week, 35 hours during the second week, any hours worked above 45 in the first week would, of course, be overtime, and any hours worked over 35 during the second week would also be overtime, because that is what they had agreed on. Simply, Mr. President, if an employee is required to work any additional hours above the agreed-to schedule, he gets overtime.

Let me turn to the third provision of this bill, flexible credit hours. The third option that this bill provides that is not provided under current law, Mr. President, is flexible credit hours. Under this option, an employee may choose to work additional hours. That is more than 40 hours, more than 40 hours a workweek in order to use these extra hours to shorten another week at a later date.

Biweekly schedules and flexible credit hours provide flexibility to employees who may not traditionally work a great deal of overtime. The flexible credit hour program would give more employees a greater ability to balance work with family. A flexible credit hour program would allow an employee to bank—"to bank"—up to 50 hours over his or her regularly scheduled hours. The employee under this bill may use those banked hours at any future date to reduce the workday or a workweek.

Mr. President, when used, the flexible credit hours represent time off from work at the employee's regular rate of pay. An employee must be allowed to use accrued credit hours within a reasonable period of time following his or her request, so long as doing so will not unduly disrupt the workplace.

As is true with comptime and biweekly programs, an employer has the initial decision of whether to offer the flexible credit hour program at all. Then participation in a flexible credit hour program is, of course, voluntary on the employer's part and on the employee's part. An interested employee must elect to participate. If he or she does not, then the status quo under current law would be in effect.

Mr. President, union employees can do this in accordance with their collective bargaining agreements. Nonunion employees must submit a written or otherwise verifiable statement acknowledging his or her participation in the program. The anticoercion remedy sanctions provision which we talked about before are applicable to the comptime and biweekly schedules and are also applicable to this flexible credit program as well.

Mr. President, let me turn now to the fourth major provision of the bill clarifying Federal law.

I have talked about the three chief options provided by the bill.

Let me also point out in the interest of completeness that S. 4 also makes important clarifications in the regulations delineating the salary basis test. The bill makes it clear that the fact that a particular employee is subject to a deduction in pay for absence of less than a full workday or less than a full workweek may not be considered in determining whether that employee enjoys exempt status. Only actual reductions in pay may be considered.

Mr. President, for more than five decades the "subject to" language generated little or no controversy. However, in recent years courts have begun to reinterpret the salary basis test. Seizing on the phrase "subject to" in the regulations, large groups of employees have won multimillion-dollar judgments. These awards have been given in spite of the fact that many of the plaintiff employees have never actually experienced a pay reduction of any kind and have never expected to receive overtime pay in addition to their executive, administrative, or professional salaries.

Mr. President, included in this bill—in part to stop the large number of cases that are being brought against State and local governments—it is true that the Department of Labor attempted to solve this problem through regulations as they applied to State and local employees in 1992. This legislation in no way preempts those regulations.

The legislation also clarifies that employers may give bonuses and may give overtime payments to salaried employees without destroying their exemption from FLSA.

In summary, Mr. President, let me talk again briefly about the four provisions.

Comptime, first of all, allows workers to voluntarily choose to take their overtime pay as time off instead of as overtime pay.

Biweekly schedules, the second provision, allows workers to choose to work their 80 hours for 2 weeks in any combination that they so elect and if they agree with their employer.

Flexible credit hours, the third provision, allows workers to choose to work additional hours and to bank these hours for use as time off at some point in the future.

All of these flexible workplace options are designed to expand the choices available to working families. They are, Mr. President, completely voluntary. No employee can be forced to participate in a flexible workplace option. No employer can be forced to offer one. If any employer directly or indirectly coerces employees to participate in a particular option, the employer can be punished under the Fair Labor Standards Act, be forced to pay back wages, and maybe even face imprisonment.

Mr. President, that is what the bill would accomplish.

This bill would accomplish a real change for the betterment of the lives of working families, and the American people absolutely agree with this. A national poll conducted in September 1995 shows that the American work force endorses flexible work options. When asked, Mr. President, about a proposal to allow hourly employees the choice of time and a half in wages or time off with pay, 75 percent of the workers agree with that proposal; 65 percent said they favored more flexible work schedules.

Mr. President, according to a poll recently taken, 88 percent of all workers want more flexibility, either through scheduling flexibility or choice of compensatory time in lieu of traditional overtime pay. In that same poll, 75 percent of the workers favored changes in the law that would permit hourly workers such a choice. The evidence is overwhelming about what the American workers want.

I think these poll results square with what most of us know, frankly, intuitively. As both the economy and the American family and life grow more and more complex, the men and women in America's work force want greater flexibility to be able to cope with all of the changes that we have in life today. I think that this consensus presents us, this Senate, with a remarkable opportunity.

I look forward to working with my colleagues as we work on what should be a bipartisan approach to this bill.

Mr. President, this bill is about equity. It is about equality. It is about families such as this that are pictured behind us. Families want options. They want flexibility. This is what this bill gives them.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. Time for morning business has expired.

Mr. DEWINE. Mr. President, I ask unanimous consent for 10 additional minutes. I advise my colleagues, I do not believe I will use 10 minutes, but I ask for that in a unanimous consent at this time.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I say to my friend from Ohio, I am in a bit of a time crunch. I need 5 minutes. I do not know what your schedule is like.

Mr. DEWINE. My colleague can proceed and I will come back at an appropriate time to finish my remarks.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President.

Mr. President, I would urge my colleague not to travel too far. I was about to talk about a bill we are working on together.

Let me begin by thanking my colleague from Ohio. I will be only a few minutes here. I will try to be brief.

COMMENDING SENATOR BYRD

Mr. DODD. Mr. President, I join my colleague in commending our colleague from West Virginia. For those of us who were here on the floor of the Senate, we had the privilege once again to listen to our distinguished colleague, the senior Senator from West Virginia, eloquently describe the great institution of motherhood and its great contribution made to this great Nation.

I recommend everyone in this country, if they did not hear the Senator from West Virginia, that they might read the CONGRESSIONAL RECORD and enjoy the benefit of his remarks.

BETTER PHARMACEUTICALS FOR CHILDREN ACT

Mr. DODD. Mr. President, I rise here this morning to comment on a piece of legislation that my colleague from Ohio, Senator DEWINE, and I introduced actually a few days ago, but because of the pressing nature of the business on the floor of the Senate, did not get a chance to actually discuss it here.

I would like to describe what we have introduced and urge our colleagues to join us in this effort and urge the administration to join us as well.

The legislation we introduced is called the Better Pharmaceuticals for Children Act. It is a piece of legislation that we think has great value.

According to the American Academy of Pediatrics, only one-fifth, or 20 percent, of all drugs on the market in the United States have been tested for their safety and effectiveness in children. Children are not simply smaller versions of adults. Their bodies actually metabolize drugs quite differently as they grow older.

The lack of information about how drugs work in children can place pediatricians in an untenable position. They can either prescribe powerful drugs for their young patients that have only been tested in adults or they can deny them access to life-saving therapies.

This dilemma is dramatically illustrated in the case of children with AIDS. The hopes of tens of thousands of adult AIDS patients were raised last year by the promising benefits of protease inhibiters. However, the families of very young children have much less to be hopeful about.

None of these drugs is yet approved for newborns and infants. This is despite the fact that the earliest days of a child's life may be the most promising time to reverse the effects of HIV. As unbelievable as it may seem, physicians are forced to treat these children without the benefit and guidance of research.

Even in adults, getting the proper dosage of these powerful drugs is tricky indeed. Too large a dose can cause severe side effects; too small a dose can make the HIV virus mutate into a far more dangerous, drug-resistant strain. In children, the effects are compounded. A full-strength dose can kill a toddler.

Other examples of this problem, Mr. President, are also quite disturbing. Despite the fact that asthma is one of the most common chronic illnesses in children, and the most common cause of children's admissions to hospitals all across this country, there is only one asthma drug that has been tested for children under 5 years of age.

In fact, my colleague from Ohio personally and eloquently related a situation with one of his own children who has asthma that I am sure he will comment on at some appropriate time. It is alarming that with asthma we have the single most common reason for admission to the hospital for children and yet we have no drugs tested to treat children under the age of 5.

As other examples, despite the fact that sedatives are used to help treat sick and injured children, not a single sedative has been specifically tested for safety and efficacy in children under the age of 2. In addition, virtually every medication currently used to treat stomach and intestinal diseases in children has only been tested in adults.

While this so-called off label prescribing is neither illegal or improper, it forces doctors to practice hand-me-down medicine for pediatric cases, which is unacceptable, to put it mildly.

I think it is about time, Mr. President, we took the guesswork out of children's medicine. The Better Pharmaceuticals for Children's Act is a simple solution to this problem. It provides a fair and reasonable market incentive for drug companies to make the extra effort needed to test their products for use by children. It grants an additional 6 months of market exclusivity for drugs which have undergone pediatric studies at the request of the Secretary of Health and Human Services.

I want to briefly point to something most parents are all too familiar with—the disclaimers that appear on the labels of so many of the pharmaceutical products that are needed and used by children: "Not recommended for use in children, as no clinical studies have been performed to determine risks, benefits, and dosages." Another says, "Safety and effectiveness in children younger than the age of 2 has not been established." Or, "Safety and effectiveness in children younger than age 12 have not been established." And, "Safety and efficacy in children younger than age 18 have not been established."

We have labels on the food that children eat; we have labels now for the programs that children watch on television. I think we would all agree that it is about time we have labels that parents and physicians can rely on when they give children medicine.

The bill that Senator DEWINE and I have introduced is a sensible way to keep our children healthier. That is why it has enjoyed broad bipartisan support both in and outside of the Congress.

In fact, the bill is endorsed by the American Academy of Pediatrics, the Pediatric AIDS Foundation, the National Association of Children's Hospitals, and PHRMA, the trade association of the pharmaceutical industry. Senators MIKULSKI and KENNEDY have signed on as cosponsors, and I know that Representative GREENWOOD will soon be introducing this bill in the other body.

Mr. President, this is commonsense legislation. I call on our colleagues to join Senator DEWINE and myself in this effort. We hope we can get passage quickly. I urge my colleagues to support this bill.

HAPPY BIRTHDAY, KATHARINE HEPBURN

Mr. DODD. I join together with my colleague from Connecticut, Senator LIEBERMAN, in recognizing the birthday of an individual with whom we are all familiar. Our constituent in Connecticut, Katharine Hepburn, will turn 90 on Monday. She probably will not be happy to have her Senator reveal her age on television.

Katharine Hepburn is a national treasure. We take pride in the fact that she is a native of Connecticut, of Hartford, and today lives in Old Saybrook. She is world renown and has made a great contribution to the arts. At the Bushnell Memorial in Hartford, where there is a "wall of fame," she scribbled next to her name, "Local girl." We cannot say that about everyone on that wall. She has a career spanning seven decades and is the only person in the history of film in this country who has received 12 Academy Award nominations. She won four awards, for "Morning Glory" in 1933, "Guess Who's Coming to Dinner," "Lion in Winter," and "On Golden Pond."

She won three Oscars after she turned age 60. For people in this country who wonder whether you can have a productive life after the age of 60, certainly Katharine Hepburn offers vivid proof that productive years lie ahead.

On behalf of all of us in Connecticut, Mr. President, and my colleagues here, we wish Miss Hepburn a very, very happy birthday.

IN MEMORY OF ANN PETRY

Mr. DODD. Ironically, in the same town of Old Saybrook, CT, we have a sadder piece of news about a wonderful constituent of my State. Ann Petry, an African-American writer whose life is described in an article by David Streitfeld last Saturday in the Washington Post, has died. She was well into her nineties at the time of her death and was truly a remarkable person.

Mr. President, I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 3, 1997]

ANN PETRY'S STORIED LIFE—AUTHOR LEFT INDELIBLE MARK

(By David Streitfeld)

Ann Petry lived in Connecticut in a 200-year-old sea captain's house that smelled of old wood and homemade bread. Her husband, the taciturn but adoring George, was her constant companion; their one child, Liz, had ended a promising law career because she wanted to live near her parents, because she liked them.

It seemed a pretty idyllic way to finish a life. Petry, who died Monday in a convalescent home at the age of 88, was well known enough to need an unlisted phone number but not so famous that people were constantly on her doorstep. She knew her books would be remembered, and that—along with her family and friends and the warm spring mornings out in her garden—provided pleasure. I think she died without regrets, which has to be unusual.

Petry's family was firmly rooted in Old Saybrook; her father had opened a pharmacy there in 1902, and Ann was trained to follow him. As much as possible for a black woman in the first half of this century, she escaped the effects of racism.

It was a life in sharp contrast to that of her most famous heroine, Lutie Johnson in "The Street." Lutie is a single mother in Harlem in the 1940s who has the misfortune to be good-looking. White or black, the men want only one thing. Lutie tries to protect her 8-year-old son and her virtue, an impossible task:

"Streets like the one she lived on were no accident. They were the North's lynch mobs, she thought bitterly; the method the big cities used to keep Negroes in their place. And she began thinking of Pop unable to get a job; of Jim slowly disintegrating because he, too, couldn't get a job, and of the subsequent wreck of their marriage; of Bub left to his own devices after school. From the time she was born, she had been hemmed into an ever-narrowing space, until now she was very nearly walled in and the wall had been built up brick by brick by eager white hands."

"The Street" was based on the nine years Petry spent in Harlem, working primarily as a journalist. "I can only guess at what she went through when she moved to New York and saw all those disenfranchised people, totally lacking power in a way that she and our family never did," her daughter once told me. "Her way of dealing with the problem was to write this book."

"The Street" was well reviewed when it appeared in 1946, enough to become a best-seller, and it went on to become a classic. It will always have a place in literary history because it was the first book by a black woman to sell more than 1 million copies, but the real reason it will survive is because it's good, a triumph of realism.

Sadly, the book is also a measure of how far we have fallen.

In 1992, when the original publisher, Houghton Mifflin, bought back the rights and reissued "The Street," it got a front-page review in the Los Angeles Times Book Review. Petry's Harlem, Michael Dorris wrote, "hard as it was, now seems in some respects almost nostalgically benign. The streets of New York, as she describes them in the mid-1940's were indisputably mean to the downtrodden, but in those days it was still possible for a Lutie Johnson to walk 12 blocks safely, at midnight, or to ride the last subway alone. It was a place where the worst thing a child might bring to public school was a penknife, a place where neighbors tried to watch out for one another, where violent death was a rare and awful occurrence."

After "The Street," Petry wrote in quick succession two other novels for adults, "Country Place," a story about a Connecticut town that featured no black characters, and "The Narrows" about a doomed interracial love affair. During the '50s, she wrote several fiction and nonfiction books for young people. While "The Narrows," particularly, has its supporters, her fame primarily rests on "The Street."

One of the problems with interviewers is that they ask pesky questions like "When are you going to publish a new book?" Five years ago, Petry answered that she was working on things, but I didn't really believe it and I don't think she expected me to believe it. She had said what she had to say, and saw no need to obscure it with inferior work. It's a lesson many other novelists could learn.

Petry had little tolerance for fools or academics, two categories she regarded as essentially synonymous. From a 1989 interview with a scholar who wrote "the first post-structuralist study to reveal a hidden text" in Petry's novels:

Q. Richard Wright mentions in "How Bigger Was Born" that he experienced "mental censorship" when writing "Native Son," that he worries about what blacks and whites would say about Bigger and whether Bigger would perpetuate stereotypes. How much mental censorship did you experience when you were writing "The Street"?

A. None.

Q. Were there ever concerns on your part or on the part of your editor about "The Street" being overshadowed by or having to measure up to "Native Son"?

A. No.

When I interviewed Petry in 1992, she said that I should stop by the next time I was in the area. This is the sort of thing interview subjects often say; what they really mean is that they hope you're not going to write something nasty. They don't actually expect or want you to come visit.

Petry, though, did. So a few times when I was in that corner of Connecticut I called her up and dropped in for a couple of minutes. I last saw her about two years ago. She was a little more stooped but seemed as if she would live forever. George, who survives her, puttered around and didn't say much as usual. I walked down the block to the old family drugstore, where I looked out the window that Petry's father would look out Sunday mornings to catch a glimpse of his wife coming back from church.

"Come here," he would tell Ann. "Look at your mother. Isn't she beautiful?"

Tuesday, I noticed a teenage girl on the Metro reading a beat-up paperback of Petry's biography of Harriet Tubman. Although I didn't know it, Petry had died the day before. Like any good writer, her work survives.

Mr. DODD. Ann Petry's father was a pharmacist who opened up a pharmacy in 1902 in Old Saybrook, CT. Although she learned the pharmacy trade from her father, her contribution, of course, was in literature.

Her famous novel, "The Street," written in the 1940's, was a remarkable piece of journalism that is still read today by younger generations. She followed that novel with two others that received wide recognition, "The Narrows," and "A Country Place," about a Connecticut town that many thought could be Old Saybrook. She wrote a number of short stories and articles. Ann Petry was truly a very remarkable person.

She did not have much use for fools and academicians, she once said, and she said she was usually speaking about one and the same person when talking of fools and academicians. I do not know that I agree, but she was a person of curt opinion, straightforward talk, and was well admired and loved in the town of Old Saybrook. Her contributions to literature have brightened the lives of many, many people.

We express our sorrow for the loss of Ann Petry.

Mr. DORGAN. Mr. President, my colleague from Ohio has indicated I should proceed to seek 10 minutes of time, at which point he intends to resume his discussion. I appreciate his courtesy.

I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTER SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, yesterday we completed a disaster supplemental appropriations bill that addresses some of the needs of the serious disaster that occurred in my State of North Dakota and the three-State region of South Dakota, North Dakota, and Minnesota. I am pleased to say at the end of the day Senator STEVENS, Senator BYRD, and so many others, on a bipartisan basis, in this Chamber were willing to add sufficient resources so that people who lost their homes, people who lost their businesses, who feel helpless and hopeless, will now have some hope that there will be recovery in our region of the country.

Mr. President, 25,000 people in Grand Forks, ND, woke up this morning, not in their own bed, not in their own home, some in a shelter, many with friends, some in other towns, because much of that town is still evacuated. In East Grand Forks, across the river, 9,000 people have left the town. The entire community was evacuated, and the mayor indicates nearly none of them are back.

The blizzards, the floods, and the fires were the worst we have ever seen. The need for the rest of the country to extend a helping hand, to say we want you to recover and rebuild and get back on your feet, is welcome news. I appreciate very much the resources, some $500 million of community development block grant funds, that resulted, finally, in this legislation enacted yesterday by the U.S. Senate.

I thank all my colleagues for that help, on behalf of all North Dakotans.

THE BUDGET

Mr. DORGAN. On another subject, Mr. President, I want to encourage those who are negotiating on a budget deal. I happen to think there is great merit in reaching a bipartisan agreement on a balanced budget deal, and when I use the term "deal," I am talking about the negotiations between the principals about how to get to a balanced budget.

I am inclined, based on what I know, to support it. I have observed and asked those involved in the negotiations to consider that the Social Security surpluses are still not dealt with appropriately, and they need to do more in order to make certain that we have not claimed to have balanced the budget, when, in fact, we have done so by using Social Security surpluses. That will not complete the job. I hope those who are negotiating that will not stop short of the goal. We need a balanced budget and we need to preserve the Social Security surpluses above that to save for the baby boom generation when it retires.

AMERICA'S JUSTICE SYSTEM

Mr. DORGAN. Finally, Mr. President, on a subject I came to the floor to speak about for a couple of minutes, I have been to the floor of the Senate repeatedly to talk about our justice system. Our judicial system, in many respects, is a remarkable and interesting system. In some respects, it is broken.

I have talked on this floor of case after case of violent crimes, committed by violent criminals, who we knew were violent, but yet were turned out of prison, and in many cases turned them out of prison or jail early because they earned good time for early release.

Parole, probation, early release for good time means that the young boy I have spoken about on the floor of the Senate, Jonathan Hall, murdered, stabbed over 50 times, by a man who had kidnapped and murdered twice before and was out early on good time, living in young Jonathan Hall's neighborhood, killed that young boy and threw him down a pond. The young boy, when they found him, had dirt and grass between his fingers, because he obviously had not been dead, despite being stabbed 50 times, and tried to climb out of the pond before he died.

Why was he dead? Because someone was let out of jail early to live in that neighborhood and kill young Jonathan.

Bettina Pruckmayr, a young woman who came to Washington, excited about a wonderful future, stabbed many, many times by someone at an ATM machine, someone who had been in jail and let out of jail early, who should never have been let out on the streets. I will come again to talk about that.

It is disgraceful that the average sentence served for committing murder in this country is 7½ years. The average sentence served in jail or prison is 7½ years—that is a broken system.

There is more to the broken system that I want to mention today. That is the trial that is now going on in Denver, CO, about the Oklahoma City bombing case. I will not talk about the merits or what I think about the case, but I want to talk about something that is haywire in the public defender system.

The 6th amendment to the Constitution offers a right to every American to a fair trial. Therefore, an indigent defendant has a right to a public defender. We have an alleged murderer on trial in Denver who drove a truck up in front of a courthouse and killed many, many people. No one will forget the memory of the fireman holding that young child from the day care center in his arms, dead as a result of some murderous coward who decided to kill innocent people with a truck bomb.

Now, what happens when someone who is indigent is arrested and goes on trial for committing a crime of that type? Let me tell you what happens.

The public defender system in this country today offers that defendant, on trial now in Denver, 14 attorneys. Yes, Mr. McVeigh has 14 lawyers working for him, paid for by us, and 6 investigators on top of the 14 lawyers. We are also paying 25 expert witnesses, and we paid for 9 foreign trips by his lawyers and his investigators to Israel, trips to Italy, Great Britain, Syria, Jordan, Hong Kong, the Philippines, and all these trips were paid for by the American taxpayer under the public defender system, which offers someone who allegedly committed murder by a truck bomb at the Oklahoma City courthouse offers him 14 lawyers, 6 investigators, 25 witnesses, and 9 foreign trips to 8 foreign countries. It is estimated to cost $10 million of taxpayers' money for a defense.

I support the sixth amendment. I support public defenders being offered to indigent people accused of crimes. But, Mr. President, the Administrative Office of the Courts estimates that there is a 68-percent jump in the cost of court-appointed attorneys in Federal capital cases. In 1 year alone, there is a 68-percent jump in the cost. The Administrative Office of the Courts will overrun 1997 appropriations for these expenditures. The appropriation was $308 million. It will overrun by $25 million.

Now, I am not a lawyer. I suppose some will say, well, you need to understand this. I do not understand this. The sixth amendment guarantees the right to a fair trial. I believe it guarantees the right for an indigent defendant to be given a defense, and for that defense to be paid for by the American taxpayer. I do not believe any twisted interpretation of that should persuade us, the American taxpayer, to pay for 14 lawyers, 6 investigators, 25 expert witnesses, and trips to foreign countries in a case like the Oklahoma City bombing case.

Now, I don't know what the answer is. But I know this is broken. I am hoping, as I sift through this with some of my colleagues, that we can find a way, yes, to preserve the rights under the sixth amendment to every defendant, but to stop this sort of nonsense. The records, incidentally, in this case are sealed, so we don't know exactly what has been spent. It has been estimated that from $3 million to $10 million, in early April, was spent in this circumstance. But when I see this sort of thing happening, I get angry again about a judicial system that seems broken. I am tired of people being let out of jail early to kill again. We have over 3,000 people in prison in this country right now who were in for having committed a murder and, while they were out early, have committed another capital crime. At least 3,000 families ought to feel that someone is an accomplice when they let out a known violent criminal early only to commit murder again.

That system is broken, and one more evidence of a broken system is the lack, somehow, of restraint in a circumstance where we take a public defender requirement under the sixth amendment and decide this is a pot of money that has no bottom, hire as many lawyers as you want, and somebody will say, yes, dig as deep as you like and some will say, yes, because the old taxpayer pays for that. There ought to be a limit, and we ought to start talking about it when we see this kind of twisted logic resulting in this kind of waste. I think it is time for Congress to act.

Do I know the specific answer? No, I don't. But I think we need to define, decide, and discuss limits in this area, so we tell those folks involved in the public defender system that there is a limit. No, there is not a limit on sixth amendment rights, but there is a limit on the use of taxpayer funds to hire 6, 8, 10, 12, or 14 lawyers. It is time that we use a little common sense. I hope when we come around on the appropriations side—and I am on the Appropriations Committee—and look at appropriating again in this account, we can start thinking about how this money ought to be used. Is there a sensible limit? I sure hope to be one of those who helps to find that out in the future.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Connecticut.

HAPPY BIRTHDAY KATHARINE HEPBURN

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Ohio, who has quite graciously allowed me to go forward for a few moments to join my colleague from Connecticut in kind of a statement of pride and gratitude, to commemorate and recognize the birthday this Monday of a beloved constituent but really one of the great motion picture actresses of all time, Katharine Hepburn.

As Senator DODD said, we have known Katharine Hepburn in Connecticut not only as one of our own, but as somebody who, quite appropriately, has preserved her privacy. We try our best to do that, and I suppose it is inconsistent to publicly acknowledge that this great lady is approaching her 90th birthday, on May 12. But in this case, we respectfully and humbly break the privacy and want to publicly honor her for the extraordinary career that she has had.

She grew up in a small Connecticut town and has always consider herself—and still does—the "local girl," as she puts it. She is the only four-time winner of the Academy Award for best actress, as I say, for the great roles she has played, 3 of which were won after the age of 60. Katharine Hepburn is, in the words of my colleague—and it is interesting that we both chose the same phrase, working independently—a national treasure.

For nearly 70 years of a brilliant acting career, she has captured the essence of not just what it means to be a great woman and a great person, but the American spirit both on and off the silver screen. In her leading roles and in her life, Katharine Hepburn has stood as a symbol of dignity and of independence, someone who, in the best American/New England traditions, has proudly lived life on her own terms, and with it, great results came.

Katharine Hepburn once said of her home in Connecticut, "I think I'm lucky because people with careers are attracted to the big city and lose track of where they come from. This"—speaking of our State and her beloved town—"is where I come from. I have roots, a sense of belonging somewhere."

As much as we are honored that Katharine Hepburn has said she belongs in Connecticut, we are very proud to say that we belong to her and she to us. People around the Old Saybrook section of the State will tell you how thrilled they are to have seen her taking those dips into Long Island Sound, not only in the summer but occasionally in winter, and how grateful they are for the way in which, in her quiet way, she has become involved in the kinds of concerns that local communities have, such as buying a ladder truck for the fire department. She reaches an extraordinary age this Monday and can look back on a remarkable career.

Katharine Hepburn's artistic brilliance, her outlook on life, her spirit, have served as a beacon of light and of truth for people in America and, really, throughout the world. I am delighted to join with my colleague, and I am sure everyone else in our State and everyone here in the Senate, in thanking her for what she has meant to us as an artist, in expanding our own sense of reality, our own horizons, our own appreciation of life. She reaches a substantial age on Monday, but the truth is that Katharine Hepburn, through the miracle of the movies, is ageless and immortal, forever beautiful, forever graceful, forever magnificently intelligent, forever brilliant, forever spirited, forever Katharine Hepburn. Happy 90th birthday.

I thank the Chair and yield the floor.

HAITI

Mr. DEWINE. Mr. President, I would like at this point to turn to a topic that I began the discussion about this morning. That is the topic of Haiti.

I said this morning, Mr. President, that the situation in Haiti is at another critical point. President Clinton will meet tomorrow with the President of Haiti, President Preval. In that discussion, what will take place, I think, is very, very important.

I talked earlier today about my recent trip to Haiti, which was the fourth trip that I have taken to Haiti in the last 2 years.

I talked about what I considered to be some of the imperatives, some of the things that absolutely have to take place if this fledgling democracy in Haiti is to survive.

They have to have privatization. They have a schedule now for privatization. It is laid out with a timetable. Everyone who I talked to in Haiti, all Government officials, assured me that they would follow this timetable. But, as I expressed to them, no one, frankly, in this country is going to take that seriously until we actually see privatization take place.

So it is important that, as we approach the date of the first privatization in July, it actually takes place. It is important because that democracy cannot survive just on elections. People have to have hope. People will only have hope if there is food to feed their children and if there is hope and opportunity for their future and the future of their children. That will only occur if some of the state-controlled industries that have really strangled the economy in Haiti for so long can be freed up, if they can be privatized, and if the economy can then begin to grow.

Privatization is also important because by privatizing these industries, that will send a sign to the international community that the leadership in Haiti, from President Preval down, is in fact serious about doing the things to create a market-oriented economy that will in fact allow Haiti's economy to begin to grow.

That is No. 1.

No. 2 is Haiti must make progress in regard to these high-profile political murders. Based on my own investigation when I went to Haiti, I believe they have the capability of doing this. I believe that some of these cases can in fact be solved—the case for example, of Reverend Leroy. I believe that case can be solved. But it can only be solved if there is political leadership. It can only be solved if there is leadership from the top, from President Preval down saying it is a priority that we bring these people who committed this act to justice.

I would like to turn now, Mr. President, to a third area; that is, the agricultural situation in Haiti.

Seventy percent of Haiti's people live in rural areas. That is about 4 million out of a total population of 7 million. Eighty percent, it is estimated, of these rural Haitians farm on hillsides. But Haiti's agriculture clearly is troubled, to say the least. Haiti loses about 36 million metric tons of topsoil every year to erosion. That is enough to cover, they tell me, about 15,000 acres. About half a million people in the northwest part of Haiti are facing today a very serious drought.

Mr. President, 30 years or so ago Haiti produced most of its own food. Today it imports two-thirds of its food. Haiti is having trouble feeding itself, and a number of causes have been assigned to that. I will mention just a few.

The environment in Haiti is certainly fragile. Seventy percent is hillside land. Intensive cropping of 60 percent of the land-surface businesses have been decapitalized—less capital. Effective loss of capital has been magnified by the 1991-1994 embargo. Land plots are sometimes too small. There is a lack of land security under the land tenure system, and, as a result of the country's weak infrastructure, farmers are many times isolated from their markets.

The USAID has instituted two programs to address these programs. The Agriculturally Sustainable Systems for Environmental Transformation, or ASSET, as it is called, is a $45 million program to improve hillside farming to help poor urban neighborhoods, improve water supply and waste management, and strengthen the Haitian Government's agricultural food security and environmental policy.

Mr. President, the Program for the Recovery of the Economy in Transition, or PRET, is an $8 million program aimed at strengthening the Haitian private sector's role in national economic and business policymaking, providing innovative sources of credit, and helping key industries export the domestic market potential.

Mr. President, under ASSET's coffee project, USAID has helped over 20,000 coffee farmers produce a premium coffee that is now marketed under the trademark of "Haitian Blue." Since 1990, farmers have exported almost 200,000 pounds of this coffee. USAID has implemented a program of tree planting to reverse the impact of almost 30 million trees being cut each year. USAID plans to expand the ASSET program to assist the Haitian Government in establishing an agricultural data collection system, disseminate technology, and provide environmental management.

There is currently not a single—this is amazing—not a single source of information on agricultural production in Haiti, no central collection of this data, even though agricultural production affects the lives of approximately 70 percent of the people who live in Haiti.

The USAID Agribusiness Loan Guarantee Fund provides incentives for financial institutions to extend credit to midsized agribusinesses. By financing these businesses such lending institutions also help small farmers from whom the middlemen buy their goods. In the first 18 months of its operation, the fund had resulted in 1,300 permanent jobs and 10,000 seasonal jobs.

While our program has shown some success, I think it is important to point out to my colleagues in the Senate that United States assistance in the agricultural area still only reaches approximately 1 out of 7 Haitian farmers. Clearly the goal of our policy is and always must be self-sufficiency for Haiti.

The outlines of the bipartisan United States policy toward Haiti I think are clear. The United States should help Haiti become self-sufficient in food. We should help them build a system of law and order. After all, United States law enforcement is the best in the world and the Haitians can benefit greatly from our expertise. We should help the Haitians attract the kind of private investment that is the cornerstone of long-term economic growth.

I cannot stress enough that our good intentions cannot succeed, will not succeed in and of themselves. No matter how much we want to help Haiti, there is a limit to what we can do. There is a limit to what we will do. Ultimately, the democracy that is slowly growing in Haiti can only be preserved by Haitians themselves. Haiti has to have the will, Haiti has to have the perseverance to carry through with the real reforms that we have talked about today. And that is what I believe President Clinton must underscore in the conversation that he will have tomorrow with Haitian President Preval. Our message to President Preval and to the Haitian people must be very simply this. We can help you, we will help you, but the destiny of your country really lies in your own hands.

CHARLES D. "CHUCK" SHIPLEY

Mr. DEWINE. Mr. President, this afternoon I honor the memory of a truly great figure in the history of Ohio, Charles D. "Chuck" Shipley, who died on April 5 of this year at the young age of 54.

Chuck Shipley leaves Ohio a better place than he found it. Chuck dedicated his whole life to public service, to improving the lives of his fellow Ohioans. He first spent 16 years in the Ohio State Highway Patrol. Chuck was later director of the Ohio Department of Public Safety and served under Gov. George Voinovich in that position from 1991 to 1997. He served as the director of the department of public safety for the entire 4 years that I served as Lieutenant Governor of the State of Ohio. While he served in that capacity, he was in charge of several agencies including the highway patrol, and he was in charge in general of highway safety for the 11 million people who live in our great State.

Chuck and I both had experiences in law enforcement that dramatically shaped our attitudes toward highway safety. I had been a local county prosecutor and in that capacity I dealt with the shattered lives of families who had lost loved ones who had been killed in auto fatalities, sometimes by drunk drivers.

When I was in the State senate, a little 7-year-old boy in my home county, a little boy by the name of Justin Beason was struck and killed by a driver who had been driving and drinking. Little Justin was killed as he was getting off his school bus. In response to this tragedy, with the help of Mothers Against Drunk Drivers, we succeeded in 1983 in writing a tough new drunk driving law in the State of Ohio.

While I was working on safety issues as a prosecutor and as a State senator, Chuck Shipley was on the front lines as a highway patrolman. He saw much more often than I ever did the devastation that is brought by highway fatalities. It was Chuck who was often the one to notify the parents of a child who had been killed in a highway accident.

Chuck told me about that experience, and as he told me about it I could see it had left an unbelievable impression on him. He told me it was the toughest thing he ever had to do in his life, and tragically he had to do that more than once. That kind of experience, as Chuck told me, leaves a deep impression on a person. It certainly left an impact on Chuck.

Chuck Shipley became a committed, dedicated fighter in the cause of highway safety. When I was Lieutenant Governor and he was director of the public safety department, I was, frankly, very grateful time and time again for the passion that Chuck brought to his work. It was contagious. His energy and enthusiasm helped him change attitudes. It helped him win converts who had worked to make Ohio safer.

Chuck and I spent a great deal of time together traveling the State, many times on holidays because that is when you always try to put the emphasis on highway safety—Memorial Day, Labor Day, or some other holiday. We spent a lot of time talking and a lot of time traveling the State to promote antidrunk-driver campaigns or designated-driver campaigns and just overall highway safety. Chuck helped us implement, among other things, administrative license suspensions, to help crack down on drunk drivers, and he took many, many other actions in his official capacity to save lives in Ohio. He was a worker, a hard worker in a good cause, and Chuck got results. I can truly say something about Chuck Shipley that any of us would be incredibly proud to have said about ourselves: There are people alive today who would not be alive but for Chuck Shipley.

I join all Ohioans in being grateful for the life he dedicated to our State but even more I am grateful for our friendship. He was a wonderful human being, a person who would not get upset even in the most difficult circumstance. I do not ever recall, all the hours I spent with Chuck, him ever getting upset. He always had a smile. He was always calm. He always went about his business. I am very proud to have known Chuck Shipley, and I want to express my condolences to Chuck's family, express to all of them my greatest sympathy for the loss of Chuck, to his wife Jana, their children David and Carli, and their family. Their loss is great, and so is Ohio's.

BETTER PHARMACEUTICALS FOR CHILDREN ACT

Mr. DEWINE. Mr. President, I turn at this point to a matter that was brought up a little while ago by my distinguished colleague from Connecticut, Senator CHRIS DODD. He spoke very eloquently about the piece of legislation that he and I are introducing, a piece of legislation that we believe will dramatically improve health care available to America's children.

We as a nation need to do a better job making sure our children get the pharmaceuticals that are appropriate for them. This is a matter I have been concerned about for some time, and it is a matter that as the father of eight children is near and dear to my heart.

We are introducing the Better Pharmaceuticals for Children Act. This legislation will provide an incentive in the form of 6 months of market exclusivity to encourage pharmaceutical companies to conduct the necessary clinical trials for FDA approval of their products for children. These studies would take away the guesswork that too many physicians and parents go through in trying to treat their sick children. These studies would do away with this guesswork by giving an incentive to the drug companies, by giving them a 6-months extension on their patent exclusivity so as to give them the incentive to do the trials and do the studies that would give parents and give physicians better information.

This is not a new product. Let me give several examples to show my colleagues what the problem is. The first example goes back to 1960. There was a drug called chloramphenicol that was approved for use in adults to control bacterial infections. This drug was widely used with adults and it was successful, but when it was used on children the results were devastating. It shut down their liver. Many children got sick and, tragically, a number of them died. This came to be known as the gray baby syndrome.

Let me give another example of the problem that our bill attempts to address. There was a little 4-year old leukemia patient named Stewart Baxter who had to scream through a spinal tap, had to go through immense pain because the doctors were advised they could not give him an anesthetic. The anesthetic was thought to be harmful to young patients. However, later they found that was not true. A few weeks later he was allowed to undergo the same procedure—this time, however, under the anesthetic. Better information earlier would have prevented that child's agony and would have made it possible for the parents not to have had to undergo that trauma as well in watching their child go through that pain.

Let me give you another example. Dr. Ralph Kaufman, representing the American Academy of Pediatrics, testified in the House of Representatives about a 1-month-old infant that he treated. He was treating it for a life-threatening infection, the kind of infection that was resistant to all available antibiotics except one. That one antibiotic was not labeled for children. They had not done the testing. And it certainly was not labeled for a 1-month-old infant. But Dr. Kaufman took the chance, combining his knowledge with the physiology of the 1-month-old child with how the instructions said the antibiotic should be used for adults. In this case Dr. Kaufman said the gamble paid off. But sometimes the outcome is not so favorable. Physicians have to gamble, due to a lack of information. Sometimes physicians do not take the chance and they lose the availability of a very useful drug. Other times they do take the chance and maybe the results are not what they had expected. By passing this bill, we will change that. As a result, children can be treated for diseases with greater safety and with greater confidence.

The problem this bill addresses is a very serious one. About 80 percent of the drugs on the market today have not been approved by the FDA for use in at least one pediatric age group—80 percent. As a consequence, the drugs do not carry labeling information explaining how they should be taken by children. This is because clinical trials are expensive. It is a dollars-and-cents issue, and often there is little market incentive for pharmaceutical companies to conduct these tests. The result is that drugs are usually prescribed for children on the basis of adult trials and the pediatrician's own experience. Children are not just small adults, and therefore this is a somewhat risky business. Physicians deserve better information and children deserve, as well as their parents, better information.

I had experience in my own family. Senator DODD alluded to this a moment ago. He just heard me talk about it. When you have children, you have a lot of medical experiences. But a number of years ago, my daughter Becky, who was very young, had developed asthma. As is the experience, sadly, of many parents who have children with asthma, we ended up spending many evenings and sometimes the middle of the night in emergency rooms when Becky would have an attack.

Finally, the physician who was treating Becky said: Look, we need to do something about this. I don't think we should allow this to continue. There is something that is on the market today. We have information about its use by adults. I think we should go ahead and try it and I think we should see if it will work with Becky.

He prescribed to her an inhaler that looks similar to the one that I am carrying right now, and gave it to Becky. She was able to use that. I was able to help her, and it lessened the trips to the emergency room for asthma attacks. She was able to get through childhood without anymore serious, horrible trauma, going to the emergency rooms because of asthma attacks.

So I think this is an experience that many people have had. It is important, I think, to make the change in the law to give the drug companies the incentive so they can go out and do these tests. There are many drugs that are in this category, including those used to treat AIDS, as well as, as I mentioned, those to ease asthma attacks, drugs to alleviate pain, drugs even to treat other illnesses. Too often, physicians and parents are forced to guess about dosages or possible side effects. They should not have to play this kind of Russian roulette with their sick children.

This problem has been around for a long time. In the last session of Congress this bill was passed by the Labor Committee, but unfortunately it did not reach the floor.

We have had extensive discussions with the Food and Drug Administration, pediatric community, pharmaceutical companies, and makers of generic drugs. I am confident that we have come up with a practical way to remedy this problem. This bill is supported by health providers, including the American Academy of Pediatrics, the National Association of Children's Hospitals, and the Pediatric AIDS Foundation.

I intend and hope to work with the FDA to solve this problem and find the best approaches, both legislatively as well as administratively. I look forward to continuing our dialog with the FDA. But I am not going to and Senator DODD is not going to wait around for a proposal that they might make. This is our proposal. It is a legislative proposal. I believe it will do the job. I look forward to moving this bill through the Senate.

Mr. President, we all want to see better labeling for drugs used to treat our sick children. Today, I believe, with this bill, we are taking the first step to resolve a very serious national health problem. Senator DODD and I are serious about seeing this legislation pass both Houses of Congress this session. This project is a very high priority and we will do all we can to make it happen. I encourage my colleagues to cosponsor the legislation and encourage their help and assistance when the bill reaches the floor.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 717) to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes (Rept. No. 105–17).

EXECUTIVE REPORT OF COMMITTEES

The following executive report of committee was submitted:

Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 105–5 Flank Document Agreement to the CFE Treaty (Exec. Rept. No. 105–1):

TREATY DOC. NO. 105–5

The Committee on Foreign Relations to which was referred the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996 ("The Flank Document")—The Flank Document is Annex A of the Final Document of the First CFE Review Conference, having considered the same, reports favorably thereon with 14 conditions and recommends that the Senate give its advice and consent to ratification thereof subject to the 14 conditions as set forth in this report and the accompanying resolution of ratification.

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the CFE Flank Document (as defined in section 3 of this resolution), subject to the conditions in section 2.

SEC. 2. CONDITIONS.

The Senate's advice and consent to the ratification of the CFE Flank Document is subject to the following fourteen conditions, which shall be binding upon the President:

(1) POLICY OF THE UNITED STATES.—Nothing in the CFE Flank Document shall be construed as altering the policy of the United States to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of the Russian Federation that are deployed on the territories of the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act) without the full and complete agreement of those states.

(2) VIOLATIONS OF STATE SOVEREIGNTY.—

(A) FINDING.—The Senate finds that armed forces and military equipment under the control of the Russian Federation are currently deployed on the territories of States Parties without the full and complete agreement of those States Parties.

(B) INITIATION OF DISCUSSIONS.—The Secretary of State should, as a priority matter, initiate discussions with the relevant States Parties with the objective of securing the immediate withdrawal of all armed forces and military equipment under the control of the Russian Federation deployed on the territory of any State Party without the full and complete agreement of that State Party.

(C) STATEMENT OF POLICY.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that the United States and the governments of Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom have issued a joint statement affirming that—

(i) the CFE Flank Document does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (B) and (C) of the Treaty) conventional armaments and equipment limited by the Treaty on the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party;

(ii) the CFE Flank Document does not alter or abridge the right of any State Party under the Treaty to utilize fully its declared maximum levels for conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty; and

(iii) the CFE Flank Document does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Document.

(3) FACILITATION OF NEGOTIATIONS.—

(A) UNITED STATES ACTION.—

(i) IN GENERAL.—The United States, in entering into any negotiation described in clause (ii) involving the government of Moldova, Ukraine, Azerbaijan, or Georgia, including the support of United States intermediaries in the negotiation, will limit its diplomatic activities to—

(I) achieving the equal and unreserved application by all States Parties of the principles of the Helsinki Final Act, including, in particular, the principle that "States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular, the right of every State to juridical equality, to territorial integrity, and to freedom and political independence.";

(II) ensuring that Moldova, Ukraine, Azerbaijan, and Georgia retain the right under the Treaty to reject, or accept conditionally, any request by another State Party to temporarily deploy conventional armaments and equipment limited by the Treaty on its territory; and

(III) ensuring the right of Moldova, Ukraine, Azerbaijan, and Georgia to reject, or to accept conditionally, any request by another State Party to reallocate the current quotas of Moldova, Ukraine, Azerbaijan, and Georgia, as the case may be, applicable to conventional armaments and equipment limited by the Treaty and as established under the Tashkent Agreement.

(ii) NEGOTIATIONS COVERED.—A negotiation described in this clause is any negotiation conducted pursuant to paragraph (2) or (3) of Section IV of the CFE Flank Document or pursuant to any side statement or agreement related to the CFE Flank Document concluded between the United States and the Russian Federation.

(B) OTHER AGREEMENTS.—Nothing in the CFE Flank Document shall be construed as providing additional rights to any State Party to temporarily deploy forces or to reallocate quotas for conventional armaments and equipment limited by the Treaty beyond the rights accorded to all States Parties under the original Treaty and as established under the Tashkent Agreement.

(4) NONCOMPLIANCE.—

(A) IN GENERAL.—If the President determines that persuasive information exists that a State Party is in violation of the Treaty or the CFE Flank Document in a manner which threatens the national security interests of the United States, then the President shall—

(i) consult with the Senate and promptly submit to the Senate a report detailing the effect of such actions;

(ii) seek on an urgent basis an inspection of the relevant State Party in accordance with the provisions of the Treaty or the CFE Flank Document with the objective of demonstrating to the international community the act of noncompliance;

(iii) seek, or encourage, on an urgent basis, a meeting at the highest diplomatic level with the relevant State Party with the objective of bringing the noncompliant State Party into compliance;

(iv) implement prohibitions and sanctions against the relevant State Party as required by law;

(v) if noncompliance has been determined, seek on an urgent basis the multilateral imposition of sanctions against the noncompliant State Party for the purposes of bringing the noncompliant State Party into compliance; and

(vi) in the event that noncompliance persists for a period longer than one year after the date of the determination made pursuant to subparagraph (A), promptly consult with the Senate for the purposes of obtaining a resolution of support for continued adherence to the Treaty, notwithstanding the changed circumstances affecting the object and purpose of the Treaty.

(B) AUTHORITY OF DIRECTOR OF CENTRAL INTELLIGENCE.—Nothing in this section may be construed to impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)).

(C) PRESIDENTIAL DETERMINATIONS.—If the President determines that an action otherwise required under subparagraph (A) would impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the President shall report that determination, together with a detailed written explanation of the basis for that determination, to the chairmen of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than 15 days after making such determination.

(5) MONITORING AND VERIFICATION OF COMPLIANCE.—

(A) DECLARATION.—The Senate declares that—

(i) the Treaty is in the interests of the United States only if all parties to the Treaty are in strict compliance with the terms of the Treaty as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply; and

(ii) the Senate expects all parties to the Treaty, including the Russian Federation, to be in strict compliance with their obligations under the terms of the Treaty, as submitted to the Senate for its advice and consent to ratification.

(B) BRIEFINGS ON COMPLIANCE.—Given its concern about ongoing violations of the Treaty by the Russian Federation and other States Parties, the Senate expects the executive branch of Government to offer briefings not less than four times a year to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives on compliance issues related to the Treaty. Each such briefing shall include a description of all United States efforts in bilateral and multilateral diplomatic channels and forums to resolve compliance issues relating to the Treaty, including a complete description of—

(i) any compliance issues the United States plans to raise at meetings of the Joint Consultative Group under the Treaty;

(ii) any compliance issues raised at meetings of the Joint Consultative Group under the Treaty; and

(iii) any determination by the President that a State Party is in noncompliance with or is otherwise acting in a manner inconsistent with the object or purpose of the Treaty, within 30 days of such a determination.

(C) ANNUAL REPORTS ON COMPLIANCE.—Beginning January 1, 1998, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a certification of those States Parties that are determined to be in compliance with the Treaty, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to the adherence of the country to its obligations under the Treaty;

(iii) for those countries not certified pursuant to clause (i), the steps the United States has taken, either unilaterally or in conjunction with another State Party—

(I) to initiate inspections of the noncompliant State Party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant State Party with the objective of bringing the noncompliant State Party into compliance;

(iv) a determination of the military significance of and broader security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant State Party in question to actions undertaken by the United States described in clause (iii).

(D) ANNUAL REPORT ON WITHDRAWAL OF RUSSIAN ARMED FORCES AND MILITARY EQUIPMENT.—Beginning January 1, 1998, and annually thereafter, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the results of discussions undertaken pursuant to subparagraph (B) of paragraph (2), plans for future such discussions, and measures agreed to secure the immediate withdrawal of all armed forces and military equipment in question.

(E) ANNUAL REPORT ON UNCONTROLLED TREATY-LIMITED EQUIPMENT.—Beginning January 1, 1998, and annually thereafter, the Director of Central Intelligence shall submit to the Committees on Foreign Relations, Armed Services, and the Select Committee on Intelligence of the Senate and to the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) the status of uncontrolled conventional armaments and equipment limited by the Treaty, on a region-by-region basis within the Treaty's area of application;

(ii) the status of uncontrolled conventional armaments and equipment subject to the Treaty, on a region-by-region basis within the Treaty's area of application; and

(iii) any information made available to the United States Government concerning the transfer of conventional armaments and equipment subject to the Treaty within the Treaty's area of application made by any country to any subnational group, including any secessionist movement or any terrorist or paramilitary organization.

(F) COMPLIANCE REPORT ON ARMENIA.—Not later than August 1, 1997, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether Armenia was in compliance with the Treaty in allowing the transfer of conventional armaments and equipment limited by the Treaty through Armenian territory to the secessionist movement in Azerbaijan; and

(ii) if Armenia is found not to have been in compliance under clause (i), what actions, if any, the President has taken to implement sanctions as required by chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance to the independent states of the former Soviet Union) or other provisions of law.

(G) REPORT ON DESTRUCTION OF EQUIPMENT EAST OF THE URALS.—Not later than January 1, 1998, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether the Russian Federation is fully implementing on schedule all agreements requiring the destruction of conventional armaments and equipment subject to the treaty but for the withdrawal of such armaments and equipment by the Soviet Union from the Treaty's area of application prior to the Soviet Union's deposit of its instrument of ratification of the Treaty; and

(ii) whether any of the armaments and equipment described under clause (i) have been redeployed, reintroduced, or transferred into the Treaty's area of application and, if so, the location of such armaments and equipment.

(H) DEFINITIONS.—

(i) UNCONTROLLED CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY.—The term "uncontrolled conventional armaments and equipment limited by the Treaty" means all conventional armaments and equipment limited by the Treaty not under the control of a State Party that would be subject to the numerical limitations set forth in the Treaty if such armaments and equipment were directly under the control of a State Party.

(ii) UNCONTROLLED CONVENTIONAL ARMAMENTS AND EQUIPMENT SUBJECT TO THE TREATY.—The term "uncontrolled conventional armaments and equipment subject to the Treaty" means all conventional armaments and equipment described in Article II(1)(Q) of the Treaty not under the control of a State Party that would be subject to information exchange in accordance with the Protocol on Information Exchange if such armaments and equipment were directly under the control of a State Party.

(6) APPLICATION AND EFFECTIVENESS OF SENATE ADVICE AND CONSENT.—

(A) IN GENERAL.—The advice and consent of the Senate in this resolution shall apply only to the CFE Flank Document and the documents described in subparagraph (D).

(B) PRESIDENTIAL CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that, in the course of diplomatic negotiations to secure accession to, or ratification of, the CFE Flank Document by any other State Party, the United States will vigorously reject any effort by a State Party to—

(i) modify, amend, or alter a United States right or obligation under the Treaty or the CFE Flank Document, unless such modification, amendment, or alteration is solely an extension of the period of provisional application of the CFE Flank Document or a change of a minor administrative or technical nature;

(ii) secure the adoption of a new United States obligation under, or in relation to, the Treaty or the CFE Flank Document, unless such obligation is solely of a minor administrative or technical nature; or

(iii) secure the provision of assurances, or endorsement of a course of action or a diplomatic position, inconsistent with the principles and policies established under conditions (1), (2), and (3) of this resolution.

(C) Substantive modifications.—Any subsequent agreement to modify, amend, or alter the CFE Flank Document shall require the complete resubmission of the CFE Flank Document, together with any modification, amendment, or alteration made thereto, to the Senate for advice and consent to ratification, if such modification, amendment, or alteration is not solely of a minor administrative or technical nature.

(D) Status of other documents.—

(i) In general.—The following documents are of the same force and effect as the provisions of the CFE Flank Document:

(I) Understanding on Details of the CFE Flank Document of 31 May 1996 in Order to Facilitate its Implementation.

(II) Exchange of letters between the United States Chief Delegate to the CFE Joint Consultative Group and the Head of Delegation of the Russian Federation to the Joint Consultative Group, dated July 25, 1996.

(ii) Status of inconsistent actions.—The United States shall regard all actions inconsistent with obligations under those documents as equivalent under international law to actions inconsistent with the CFE Flank Document or the Treaty, or both, as the case may be.

(7) Modifications of the CFE flank zone.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that any subsequent agreement to modify, revise, amend, or alter the boundaries of the CFE flank zone, as delineated by the map entitled "Revised CFE Flank Zone" submitted by the President to the Senate on April 3, 1997, shall require the submission of such agreement to the Senate for its advice and consent to ratification, if such changes are not solely of a minor administrative or technical nature.

(8) Treaty interpretation.—

(A) Principles of treaty interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) Construction of senate resolution of ratification.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses.

(C) Definition.—As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

(9) Senate prerogatives on multilateralization of the ABM treaty.—

(A) Findings.—The Senate makes the following findings:

(i) Section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) states that "the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution".

(ii) The conference report accompanying the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) states ". . . the accord on ABM Treaty succession, tentatively agreed to by the administration, would constitute a substantive change to the ABM Treaty, which may only be entered into pursuant to the treaty making power of the President under the Constitution".

(B) Certification required.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that he will submit for Senate advice and consent to ratification any international agreement—

(i) that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(ii) that would change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

(C) ABM treaty defined.—For the purposes of this resolution, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

(10) Accession to the CFE treaty.—The Senate urges the President to support a request to become a State Party to the Treaty by—

(A) any state within the territory of the Treaty's area of application as of the date of signature of the Treaty, including Lithuania, Estonia, and Latvia; and

(B) the Republic of Slovenia.

(11) Temporary deployments.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that the United States has informed all other States Parties to the Treaty that the United States—

(A) will continue to interpret the term "temporary deployment", as used in the Treaty, to mean a deployment of severely limited duration measured in days or weeks or, at most, several months, but not years;

(B) will pursue measures designed to ensure that any State Party seeking to utilize the temporary deployments provision of the Treaty will be required to furnish the Joint Consultative Group established by the Treaty with a statement of the purpose and intended duration of the deployment, together with a description of the object of verification and the location of origin and destination of the relevant conventional armaments and equipment limited by the Treaty; and

(C) will vigorously reject any effort by a State Party to use the right of temporary deployment under the Treaty—

(i) to justify military deployments on a permanent basis; or

(ii) to justify military deployments without the full and complete agreement of the State Party upon whose territory the armed forces or military equipment of another State Party are to be deployed.

(12) Military acts of intimidation.—It is the policy of the United States to treat with the utmost seriousness all acts of intimidation carried out against any State Party by any other State Party using any conventional armament or equipment limited by the Treaty.

(13) Supplementary inspections.—The Senate understands that additional supplementary declared site inspections may be conducted in the Russian Federation in accordance with Section V of the CFE Flank Document at any object of verification under paragraph 3(A) or paragraph 3(B) of Section V of the CFE Flank Document, without regard to whether a declared site passive quota inspection pursuant to paragraph 10(D) of Section II of the Protocol on Inspection has been specifically conducted at such object of verification in the course of the same year.

(14) Designated permanent storage sites.—

(A) Finding.—The Senate finds that removal of the constraints of the Treaty on designated permanent storage sites pursuant to paragraph 1 of Section IV of the CFE Flank Document could introduce into active military units within the Treaty's area of application as many as 7,000 additional battle tanks, 3,400 armored combat vehicles, and 6,000 pieces of artillery, which would constitute a significant change in the conventional capabilities of States Parties within the Treaty's area of application.

(B) Specific report.—Prior to the agreement or acceptance by the United States of any proposal to alter the constraints of the Treaty on designated permanent storage sites, but not later than January 1, 1998, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a detailed explanation of how additional Treaty-limited equipment will be allocated among States Parties;

(ii) a detailed assessment of the location and uses to which the Russian Federation will put additional Treaty-limited equipment; and

(iii) a detailed and comprehensive justification of the means by which introduction of additional battle tanks, armored combat vehicles, and pieces of artillery into the Treaty's area of application furthers United States national security interests.

SEC. 3. DEFINITIONS.

As used in this resolution:

(1) Area of application.—The term "area of application" has the same meaning as set forth in subparagraph (B) of paragraph 1 of Article II of the Treaty.

(2) CFE flank document.—The term "CFE Flank Document" means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996 (Treaty Doc. 105-5).

(3) Conventional armaments and equipment limited by the treaty; treaty-limited equipment.—The terms "conventional armaments and equipment limited by the Treaty" and "Treaty-limited equipment" have the meaning set forth in subparagraph (J) of paragraph 1 of Article II of the Treaty.

(4) Flank region.—The term "flank region" means that portion of the Treaty's area of application defined as the flank zone by the map depicting the territory of the former Soviet Union within the Treaty's area of application that was provided by the former Soviet Union upon the date of signature of the Treaty.

(5) Full and complete agreement.—The term "full and complete agreement" means agreement achieved through free negotiations between the respective States Parties with full respect for the sovereignty of the State Party upon whose territory the armed forces or military equipment under the control of another State Party is deployed.

(6) FREE NEGOTIATIONS.—The term "free negotiations" means negotiations with a party that are free from coercion or intimidation.

(7) HELSINKI FINAL ACT.—The term "Helsinki Final Act" refers to the Final Act of the Helsinki Conference on Security and Cooperation in Europe of August 1, 1975.

(8) PROTOCOL ON INFORMATION EXCHANGE.—The term "Protocol on Information Exchange" means the Protocol on Notification and Exchange of Information of the CFE Treaty, together with the Annex on the Format for the Exchange of Information of the CFE Treaty.

(9) STATE PARTY.—Except as otherwise expressly provided, the term "State Party" means any nation that is a party to the Treaty.

(10) TASHKENT AGREEMENT.—The term "Tashkent Agreement" means the agreement between Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russia, and Ukraine establishing themselves as successor states to the Soviet Union under the CFE Treaty, concluded at Tashkent on May 15, 1992.

(11) TREATY.—The term "Treaty" means the Treaty on Conventional Armed Forces in Europe, done at Paris on November 19, 1990.

(12) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the CFE Flank Document.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 733. A bill to amend the Clean Air Act to expand the coverage of the single transport region established to control interstate pollution and to apply control measures throughout the region, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 733. A bill to amend the Clean Air Act to expand the coverage of the single transport region established to control interstate pollution and to apply control measures throughout the region, and for other purposes; to the Committee on Environment and Public Works.

THE ACID DEPOSITION AND OZONE CONTROL ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to introduce legislation to address a scourge that has long afflicted the State of New York and many parts of the Northeast. That scourge is acid rain.

Ending the scourge of acid rain will not be easy. In fact, it is likely that additional congressional efforts will be necessary to fully address this issue and I intend to continue to work on such efforts. However, I believe that it is necessary to introduce this legislation at this time to make the Senate aware that serious measures must be taken to solve the acid rain problem that continues to impact New York and the Northeast. I look forward to working with my colleagues to develop the most sensible and cost-effective approach to eliminate the damages of acid rain.

Over the past 15 years, Congress and the Federal Government have attempted to address this problem. Unfortunately, efforts to date have not yielded the success in may State that New Yorkers had wished. Lakes, streams, and trees in the Adirondacks are still dying due to sulfur dioxide and nitrogen oxide emissions that are transported from upwind sources. The health of New Yorkers and New York's environment continue to be affected by fuel burning activities in other regions of our Nation. That must change. This bill will see that significant reductions in sulfur dioxide and nitrogen oxides are achieved so that New Yorkers and also others in the Northeast will be able to enjoy a cleaner environment.

Acid rain forms when sulfur dioxide [SO_2] and nitrogen oxides [NO_x]—created from the burning of fossil fuels—react with water vapor in the atmosphere to create dilute amounts of sulfuric and nitric acid. These acids then fall to Earth either through precipitation or as gases and dry particles—dry deposition. Congress first passed legislation to address acid rain in the 1982 Clean Air Act amendments. It soon became clear, though, that the provisions would not effectively curb acid rain. The New York State Legislature in 1984 recognized this problem and enacted programs leading to specific reductions of in-State acid rain sources. The success of those efforts have produced a 40-percent reduction to date of in-State emissions of sulfur dioxide and nitrogen oxides.

New York's efforts notwithstanding, only a small amount of the acid rain that impacts New York State actually originates in New York State. To truly protect New York's environment, it was necessary for facilities in other parts of our Nation to reduce their emissions. Partly as a result of New York's efforts, Congress included title IV in the 1990 Clean Air Act amendments to require a 50-percent decrease nationwide in sulfur dioxide emissions by the year 2000. Because of the requirements of title IV, significant reductions in sulfur dioxide have occurred already. Nevertheless, these reductions are not enough to fully protect the Adirondacks, nor will they reverse the damage that has been done. To do this, further decreases in sulfur dioxide emissions will be necessary.

Even with all the many efforts to date and those that need to be achieved in the future, reductions in sulfur dioxide alone will not be sufficient to protect New York's environment from continued acid deposition. Other pollutants, mainly nitrogen oxides [NO_x], have also been shown to play a significant role in the acidification of our waters and forests. Without further controls of nitrogen oxides, the EPA estimates that the number of acidic lakes in the Adirondacks will increase to 43 percent by the year 2040. Such an increase will see approximately 1,300 lakes out of the 3,000 in the Adirondacks become chronically acidic. This is not the kind of legacy that we should pass along to future generations.

Even with the controls that the Clean Air Act of 1990 imposed, more must be done if the Adirondacks are to be spared further acidification. This legislation will require the Environmental Protection Agency [EPA] to promulgate regulations to reduce utility emissions of sulfur dioxide and nitrogen oxides by two-thirds from 1990 levels. This legislation targets those areas of the Nation that are the primary contributors of these pollutants. Such reductions will produce dramatic decreases in acid deposition in New York and throughout the Northeast, as well as decreases in the level of fine particulates, ozone and haze.

The bill would also expand the membership of the existing Ozone Transport Commission from the current 12 States to include additional States that have been shown to contribute to the long-range transport of ozone and acid rain. The Ozone Transport Commission is authorized under the Clean Air Act to make recommendations for pollution controls to be enacted by member States. The EPA can either approve or disapprove any recommendations. However, the EPA would have to provide equivalent alternatives in those cases where it disapproves the recommendations.

Once enacted, this bill would require those States that contribute to acid rain pollution to implement control measures like those currently in place in New York and the Northeast. These include activities like scrubbers on smokestacks, low NO_x burners, and the use of low-sulfur coal, although the bill would not mandate which technology to use.

For some time now, New York has played by the rules and has gone the extra mile to reduce the emissions that cause acid rain within her borders. While I recognize that the reductions associated with title IV of the Clean Air Act will move us in the right direction, no amount of effort on the part of New York or other similarly afflicted States in the Northeast can be effective if other parts of our Nation do not do their fair share. Enough is enough. I only ask for equity from our neighbors so that New York may be able to enjoy a cleaner environment and the resulting health benefits. It can be done.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Acid Deposition and Ozone Control Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) reducing atmospheric nitrogen oxide will reduce acidic deposition, and the serious adverse effects of acidic deposition on public health, natural resources, building structures, and ecosystems; and

(B) acidic deposition has been demonstrated to result in increased morbidity in fish and severe damage to water bodies and forest lands;

(2)(A) reducing atmospheric nitrogen oxide will provide further benefits by decreasing ambient levels of tropospheric ozone, fine particulate matter, and regional haze associated with poor visibility; and

(B) such conditions have been demonstrated to result in severe threats to public health, including lung irritation, increased incidence of asthma and bronchitis, and increased human morbidity;

(3)(A) nitrogen deposition into affected watersheds can result in excessive nutrient enrichment leading to algal blooms and increased biological oxygen demand; and

(B) such conditions can lead to increased morbidity in marine life and severe degradation of economic and recreational opportunities;

(4) additional reductions in sulfur dioxide beyond levels currently required by the Clean Air Act (42 U.S.C. 7401 et seq.) will result in decreases in acidic deposition, regional haze, and ambient levels of fine particulates;

(5) the allowance trading program established in the Clean Air Act for the reduction of emissions of sulfur dioxide has been highly effective at creating cost-effective control measures;

(6) the technology exists to inexpensively reduce sulfur dioxide emissions beyond the levels currently required by the Clean Air Act;

(7) the ozone transport region established by the Clean Air Act to reduce long-range transport of ozone does not currently include all the States necessary to achieve the intended reduction; and

(8) this Act shall support the Environmental Protection Agency's stated objective of controlling ground level ozone through regional controls, as developed by the Ozone Transport Assessment Group and referred to in the January 10, 1997, advanced notice of proposed rulemaking for State implementation plans under section 110(k)(5) of the Clean Air Act (42 U.S.C. 7410(k)(5)).

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the scientific evidence that emissions of nitrogen oxide present a substantial threat to public health and the environment;

(2) to require reductions in the emission of nitrogen oxide;

(3) to recognize that the means exist to cost-effectively reduce emissions of sulfur dioxide beyond the levels currently required by the Clean Air Act;

(4) to require reductions in the emission of sulfur dioxide;

(5) to recognize that tropospheric ozone is a regional problem;

(6) to recognize that the single ozone transport region created by the Clean Air Act does not currently include all the States necessary to adequately address the problem of ozone; and

(7) to amend the Clean Air Act to expand the membership in the ozone transport region by using the best currently available science to include those States that contribute to ozone levels in noncompliance areas within the current single ozone transport region.

SEC. 3. CONTROL OF INTERSTATE OZONE AIR POLLUTION.

(a) ADDITIONAL STATES.—Section 184(a) of the Clean Air Act (42 U.S.C. 7511c(a)) is amended after the first sentence by inserting the following: "The Administrator, using the best available science and models developed by the Ozone Transport Assessment Group, shall add any State to the single ozone transport region that contributed 4 parts per billion or more to ozone via aerial transport to the ozone level of any noncompliant area in the single ozone transport region for any 1 of the second through tenth worst ozone days that occurred during the previous 10 years.".

(b) CONTROL MEASURES.—Not later than 18 months after the date of enactment of this Act, any control measure adopted under section 184(a) of the Clean Air Act (42 U.S.C. 7511c(a)) before the date of enactment of this Act shall apply to any State added to the single ozone transport region under the second sentence of section 184(a) of the Clean Air Act (42 U.S.C. 7511c(a)) after the date of enactment of this Act.

SEC. 4. ADDITIONAL NITROGEN OXIDE EMISSIONS REDUCTIONS.

Section 184 of the Clean Air Act (42 U.S.C. 7511c) is amended by adding at the end the following:

"(e) ADDITIONAL EMISSIONS REDUCTIONS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall promulgate regulations requiring reductions in the emissions of nitrogen oxide and sulfur dioxide in any State added to the single ozone transport region under the second sentence of subsection (a) to ⅓ of the 1990 levels by the year 2003.

"(2) AFFECTED UNITS.—The regulations shall apply to affected units, as defined under section 402.

"(3) ALLOWANCE PROGRAM.—The Administrator may establish an allowance trading program to carry out this subsection.

"(4) EFFECT ON OTHER LAW.—This subsection shall not affect any law (including regulations) that requires a greater reduction in emissions of nitrogen oxide or sulfur dioxide than is required by this subsection.".

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. SMITH, the names of the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Oklahoma [Mr. INHOFE], the Senator from Wyoming [Mr. THOMAS], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 8, a bill to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980, and for other purposes.

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 293

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 422

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 713

At the request of Mr. DODD, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 713, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes.

TAX FREEDOM DAY

• Mr. GORTON. Mr. President, today is National Tax Freedom Day—the day when families around the country finally start working for themselves and not for the Government. For families in my home State of Washington, however, Tax Freedom Day does not come until May 14. In Washington State, families must work 5 additional days before the income they earn can go to meet their own needs and not the Government's.

The residents of Washington State will bear the Nation's fifth highest tax burden in 1997 with each man, woman, and child of the State owing $6,572 in Federal taxes. Add this with State and local taxes and each Washington citizen will owe $9,881 or almost 37 percent of the average, annual income to support the Government.

It is no wonder today's families are feeling squeezed. It is no wonder more and more families must rely on dual incomes and parents must work longer and longer hours. Families are paying more in taxes today than ever. They are now spending more just on taxes then they do on food, clothing, shelter, and transportation combined.

This is not fairness. It is robbery.

Clearly, it is time for Congress to seriously reexamine our current tax system. As Betty Dursh from Spokane, WA, stated in her recent letter to me:

> It is past time to reform the Tax Code. We are now in our fifth year, hear this, our fifth year, of working almost half the year before the taxes are paid. That is unconscionable! It is wrong!

Yes, Ms. Dursh, it is wrong and it is far past the time for Congress to begin the work of reforming our tax system.

The budget agreement announced by the President and Congress 1 week ago today gives me hope—hope that we can finally begin to put our fiscal house in order and provide some tax relief for the American people. If our efforts are successful this summer and we are able to begin the job of reforming some of our most oppressive taxes it will be a good step. But it will only be the first, small step in the direction of the real reform we need—reform that will, at last, provide us with a tax system that respects the right of American's to keep their earnings and investments. This will require much more than one or two changes to the volumes of provisions in the Tax Code, however. It will require a complete examination and, eventually, overhaul of the entire system.

I want to leave my colleagues with one final thought—the words of a 52-year-old woman from Marysville, WA who lost both her husband and her job this past year and who is unable to sell her home to make ends meet because she would be required to give the Government 40 percent of the proceeds of the sale in capital gains tax. Ms. Linda Blasengame has this message for all of us here in Congress:

> I have lost so much and have always fought back but I can't imagine the pain of having to lose my dignity too. Please, look inside your heart and help me and so many others that are in my shoes. . . . I don't need a handout, I need your help.

Congress must heed the cries for help from people like Ms. Blasengame and we must respond to the outrage of people like Ms. Dursh. The American people are slowly losing patience with our bandaid approaches. Americans overwhelming want a fairer and simpler tax system. They deserve this and they are relying on us to work toward this end.●

MURRAY KEMPTON

● Mr. MOYNIHAN. Mr. President, on Monday of last week, Murray Kempton died. With his passing, we mark the end of a legend in New York, and in American journalism. Kempton was the kindest man and toughest reporter we have known in our time. A certain incandescent sweetness now departs. Yet his memory and, yes, his legacy remain.

The Daily News' columnist Sidney Zion captured Kempton's unique ability and thus legacy when Zion wrote: "Kempton used his power to condemn, but loved his right to absolve. And when he absolved the sinner, he owned the territory."

This was Kempton's singular power. With characteristic flair, Kempton would challenge corruption with voracity. Then instead of reveling in victory, would show compassion for the humans beneath the deeds and absolve the sins of some of the greatest losers in New York's history. Carmine DeSapio, Alger Hiss, Carmine Persico, Roy Cohn. Such was the power of the words which Kempton wielded.

When the reformers in the City had finally overcome DeSapio, one of the great Tammany bosses, Kempton wrote, as only he could: "The age of Pericles had begun because we were rid of Carmine DeSapio. One had to walk carefully to avoid being stabbed by the lilies bursting in the pavements. I wish the reformers luck—with less Christian sincerity than Carmine DeSapio does. I will be a long time forgiving them on this one." Kempton felt sympathy and respect even for the rogue. He stood up for the loser whether it was Carmine DeSapio, a deposed dictator, or a shunned local New Yorker.

J. Edgar Hoover once called Mr. Kempton a snake and a rat. From one who was once referred to by Mr. Hoover as a skunk, I take pride in knowing that my work was seen in the same light as Kempton's. But I fear no one else has what the Washington Post called, "[Kempton's] skeptical sympathy" required to continue his work.

The Age of Kempton is over. Budding writers would do well to re-read and emulate his work; public figures continue to thank and rue the day Kempton chose them to be subject of his column; and for we who knew him, only sorrow bursts through the cracks in our hearts today.

I ask that the following articles about Murray Kempton be printed in the RECORD at the conclusion of my remarks.

[From the New York Post, May 9, 1997]

KEMPTON'S FUNERAL IS A LESSON IN SIMPLICITY

(By Christopher Francescani)

Even in death, Murray Kempton's disarming humility ruled the day.

There were no eulogies at the legendary columnist's simple Upper West Side funeral yesterday, although hundreds of the city's greatest literary, political and newspaper voices were on hand.

There were no limousines, although Kempton was considered royalty among the city's press corps.

And there were no gaudy floral tributes, only small bursts of potted cherry blossoms, Casablanca lilies and white azaleas perched unassumingly on the altar.

But the Pulitzer Prize-winning columnist, who sounded off for decades on every aspect of the city he loved, was remembered—and remembered well.

"The funeral was pure Murray," Post columnist Jack Newfield said. "His manner, his grace, his kindliness, his humility beyond self-effacement. He was the benchmark."

Kempton, 79, whose gentle elegance and amusing eccentricities won him the respect of virtually all of his "fellow workers," died Monday at a Manhattan nursing home.

In a note written in 1989, entitled, "My Funeral," he'd requested a brief ceremony with no eulogies. His body was cremated earlier this week.

"He chose a simple ceremony in the classic Anglican manner, which focuses on God's love and the equality of all persons in the face of death," said the Rev. Gaylord Hitchcock of the Church of St. Ignatius of Antioch.

"His [funeral] runs against the grain of most American funerals, where the Mass turns into a celebration of the person."

Kempton, known among his colleagues as much for his intricate sentence structure as for riding his three-speed bicycle to news events—jazz humming through his headphones—spent most of his 55-year career at the New York Post and Newsday.

The Baltimore-born scribe, who once ran copy for H.L. Mencken, won a Pulitzer for commentary in 1985.

The pews of the tiny Gothic-style church where Kempton worshiped for decades were filled to capacity 30 minutes before the ceremony began.

William F. Buckley Jr. and Mayor Giuliani pressed their way through the crowd. Writer Nora Ephron sat pensively in a rear pew as the church bell rang out 79 times, once for each year of Kempton's life.

Columnist Jimmy Breslin, Post editor Ken Chandler, Daily News editor Pete Hamill, writers Kurt Vonnegut, Phillip Roth and Calvin Trillin, and cartoonist Jules Feiffer were there—as were former Mayor David Dinkins, Manhattan Borough President Ruth Messinger and hosts of other dignitaries.

Off to the side of the altar, a choir clad in black sung hymns softly in Latin.

Some of Kempton's favorite passages from the Bible took the place of speeches.

Instead, eulogies were whispered between pews and among the crowd of mourners outside the chapel.

"He was the last great gentleman poet," said Post columinist Liz Smith.

Writer David Halberstam said.

"I'll miss meeting him on the street, and having the choice of talking about the Knicks, the mayor, the Clintons, anything. He was great fun on every subject."

"He was the soul of kindness," said WCBS Radio reporter Irene Cornell.

New York Post managing editor Marc Kalech edited Kempton's copy in the late 1970s, when the columnist worked at The Post.

"Editing Kempton was like editing Shakespeare," Kalech said. "You'd read it, you'd struggle to understand it, and then you wouldn't touch it."

But perhaps the greatest tribute to one of New York's greatest columnists came from someone who never met Kempton.

"I'm just a reader," explained Ray Belsky, a retired health-care consultant who sat alone in the back of the church.

"He touched me with his integrity. There was a courtliness about everything he wrote. Even when he wrote about common men, and common problems, he gave them the dignity they deserved.

"I never met him. I just admired him and I read him . . . every day."

[From the Daily News, May 8, 1997]

Murray Kempton Was No Paper Saint

(By Sidney Zion)

I left the courtroom for the newsroom 35 years ago by parodying Murray Kempton, and if I were true to his newly minted ghost, I'd slip this fact into a fog bank somewhere around midstream in this piece.

But every journalist who got a nod from Kempton became his memorialist before I could get a word in edgewise, given the tyranny of column calendars. He died Monday, and here it is Thursday, so I play my credentials on top.

In December 1962 the New York newspapers were in the throes of their longest strike. Victor Navasky, today the publisher of The Nation, decided to put out a parody of the New York Post, and he asked me to do Kempton. I was an assistant U.S. attorney in New Jersey, but Navasky knew I was a Kempton buff.

I wrote the column, and the next thing I knew I was being pursued by the Post. I took a leave of absence from the Justice Department and never got back to court.

Murray was bemused. He thought I was more than a little crazy for this move, but I insist that it establishes me as his true short biographer. Who else changed his profession, his life, because of Kempton?

And I say that he wouldn't like the canonization that greeted his death. Nothing bothered him more than good intentions, so I feel free to patronize those who sentimentalized him as the patron saint of the losers of the world.

The losers' dressing room was indeed his locker, but only because there were winners. He used his power to condemn, but loved his right to absolve. And when he absolved the sinner, he owned the territory.

Carmine DeSapio, Alger Hiss, Carmine Persico, Roy Cohn—all cases in point.

Every phone call I received upon Kempton's death from old pals mentioned first his great column on DeSapio the day the Village reformers destroyed the Tammany boss.

Kempton had been in the forefront on the reform movement, but when DeSapio was beaten, he wrote: "The Age of Pericles had begun because we were rid of Carmine DeSapio. One had to walk carefully to avoid being stabbed by the lilies bursting in the pavements. I wish the reformers luck—with less Christian sincerity than Carmine DeSapio does. I will be a long time forgiving them this one."

This column drove the Village reformers crazy. But it was classic, and Kempton repeated the theme until his death. Let anyone else praise DeSapio, and Murray would have at him. He knew why DeSapio was a dignified loser, but if you said so, watch out.

The same with Hiss, and then some. Murray knew Hiss was guilty because like Hiss, Kempton was a shabby-genteel Gentile out of Baltimore—and a former Communist. (Everybody I knew, Jew or Gentile, assumed Murray was a Jew—who knew his first name was James?—and he wrote for the then-liberal-Jewish New York Post.)

But Kempton had no time for the right-wing attackers of Hiss. Hiss was his, and the rest were know-nothings.

None of this came to me until the day Murray ran into me on Broadway and said he had attacked my book on Cohn. Always the gentleman, Kempton said: "Don't worry, I put it in a paper that nobody will read."

I said, "But you were at every party for Roy, and with a better table than I had."

Murray cringed, and in that cringe I recognized that only he could absolve the sinner. I had crossed over the line and had to be punished.

He was the best there was in his time, don't get me wrong. But he was the best because he was sly, he knew everything about everybody, and only when he didn't want you to know it he ran into fog banks, each one chartered by Kempton out of Henry James.

And he was always "cosmic," despite his denials. Murray Kempton knew the cosmos and played it every time, whether with Adlai Stevenson or John Gotti. They bury him today. He smiles at the Maker, and vice versa.

[From Newsday, May 6, 1997]

"One of a Kind"—Murray Kempton Dies; "Kindest Man, Toughest Reporter"

(By Fred Bruning)

Murray Kempton, the erudite, pipe-smoking scribe whose penetrating intellect made complicated issues seem simple and whose audacious sentences made the English language more joyously complex, died yesterday at the Kateri Residence, a skilled nursing facility in Manhattan. Kempton was 79.

A son, Arthur Kempton, 48, said his father died at 4:40 a.m., apparently of heart failure.

In January, Kempton, a columnist at Newsday since 1981, was diagnosed with pancreatic cancer, his son said. Kempton recently underwent surgery and was being treated by physicians at the Memorial Sloan-Kettering Cancer Center in Manhattan.

Kempton's death prompted expressions of sympathy from a multitude of admirers—President Bill Clinton among them.

"Hillary and I were deeply saddened today to learn of the death of Murray Kempton," Clinton said in a statement. "Murray's reporting during his illustrious 45 years in journalism was marked by courage, honesty and compassion. He represented the very finest of his profession and we will all miss him."

Kempton covered the campaign of Republican challenger Robert Dole last year. Yesterday, Dole mourned Kempton. "Murray is a longtime friend," Dole said. "I enjoyed his presence on the campaign plane. He will be greatly missed by friends and family and his objective voice will be missed in the world of journalism."

Sen. Daniel Patrick Moynihan (D-N.Y.) said of Kempton: "He was the kindest man and toughest reporter we have known in our time. A certain incandescent sweetness now departs."

Newsday publisher Raymond Jansen said Kempton's absence from the paper represented a major loss. "We certainly are going to be poorer for his not appearing in our pages any longer," Jansen said. "He was unique. That term so many times applies to people who really aren't, but in this case he was truly one of a kind."

Jansen said Times Mirror of Los Angeles, Newsday's parent company, was to have presented Kempton with its Special Distinction Award tomorrow in recognition of achievements "epitomizing the very top of his field."

For colleagues at Newsday, and for thousands of devoted readers in New York and elsewhere, it will be difficult to imagine a world without the wry, unyielding Murray Kempton to help sort out the daunting issues of the day.

His last columns, published in January, were typically eclectic—the pieces dealt with Presidential politics, bad cops and corporate greed—and resonated with trumpet blasts of the brash but sophisticated voice that Kempton had cultivated over a half-century.

Writing about a woman who was suing the manufacturer of artificial breast implants, Kempton said: "Her case, whether won or lost, will likely pass unremarked, because we are already satiated with reminders that American corporations are fixedly future-blind in engagements with the welfare of their customers and for that matter of themselves."

The paragraph was vintage Kempton—insightful, challenging, artfully obtuse. In characteristic fashion, Kempton was gleefully standing newspaper convention on its head by taking the longest, not the shortest, path between two points. Aware that his prose was viewed by some as unorthodox and difficult, Kempton joked that he likely never would be successfully sued for libel because no judge or jury would be able to untangle his sentences.

Kempton could afford to be self-effacing. He knew that many considered him a master of contemporary letters, a reporter who took the journalistic form about as far as it could go, a rare breed who found a way to survive as much on his powers of analysis and abstraction as the assorted facts scribbled in his notebook.

"He was like one of those comets hurtling past," said Les Payne, a News Day assistant managing editor and a long-time friend of Kempton." We will not likely see his kind again."

In addition to the admiration of fans and co-workers, Kempton earned the esteem of the publishing establishment. He won a Pulitzer Prize for commentary in 1985 and twice took the respected George Polk Award. His book "The Briar Patch" won the National Book Award for contemporary affairs in 1974, as well as a number of other honors. Among his most cherished was a 1987 Grammy from the National Academy of Recording Arts for liner notes accompanying the album, "Sinatra—Standards."

Though he wrote regularly for News Day, Kempton contributed to a wide range of publications. Over the years, his work appeared in Esquire, Playboy, Commonweal, Life, Harper's, and Atlantic Monthly.

He published four books. The last "Rebellions, Perversities, and Main Events," released in 1994, was dedicated to his old pal, William F. Buckley Jr. The conservative stance of Buckley, editor of the National Review, did nothing to discourage Kempton, whose politics strayed in another direction.

Kempton enjoyed persons who held contrary views and, in turn, was revered by

Americans of many persuasions. "Murray set a high journalistic standard," Sen. Alfonse D'Amato (R–N.Y.) said. "He was tough, but fair."

Since a young man, James Murray Kempton prepared himself to move easily among the American throng—as attentive to the struggles of the ordinary citizen as the maneuverings of the rich and powerful.

He was born in Baltimore on Dec. 16, 1917, and, as a young man, became a devoted reader of the Baltimore Evening Sun—and particularly of the Sun's iconoclastic essayist H.L. Mencken. Drawn to newspaper work, Kempton found a job at the Sun, attending his first national convention as a copy boy for Mencken, his hero.

After graduation from Johns Hopkins University, Kempton followed his leftist political instincts. He worked as a labor organizer, wrote for the Young People's Socialist League and the American Labor Party. Even in later years as a reporter, Kempton played off his lefty background by greeting colleagues as "fellow workers."

In 1942, Kempton joined the New York Post as a reporter but with World War II intensifying, soon enlisted in the Air Force.

During a three year hitch, Kempton served in New Guinea and the Philippines. He once noted that he was assigned to a unit called the Cyclone Division. "They call it the Cyclone Division because all its tents got blown down on maneuvers," said Kempton. "That's how it is with my team every time."

After the war, Kempton returned to New York and began his writing career in earnest. He worked again for the Post and then a succession of other publications—New Republic magazine, New York World Telegram, New York Review of Books. He taught journalism at Hunter College and "political journalism" at the Eagleton Institute at Rutgers University.

While covering the civil rights movement for the Post in 1961, Kempton showed his wily instincts. Freedom Riders were traveling by bus through the South to illustrate how blacks were denied access to public accommodations. There had been violence along the way, and likely, there would be more. In Montgomery, Ala., journalists were told a busload of Freedom Riders were heading out at 7 a.m. Other reporters piled into cars to follow the bus. Kempton went them one better—he bought himself a ticket that allowed him on the bus.

"He wrote a helluva story," said Michael Dorman, who covered the Freedom Rides. "It was a master stroke to buy that ticket—and just the sort of thing Murray would do."

At Newsday, Kempton's reputation preceded him but the new man—a star by any measure—proved affable and without the aura of celebrity.

Working out of the now defunct New York Newsday, Kempton looked like an aging Ivy Leaguer—shirt and tie, natty suit well-pressed—but had a gift for gab and generous nature that neatly undercut his formal bearing. He loved jazz and the blues and, as if that weren't enough to cement his man-of-the-people reputation, Kempton traveled to the office by bicycle. Murray Kempton couldn't drive.

On his 75th birthday, Kempton got a plant from a fan—the wife of alleged mobster Carmine Persico, about whom Kempton had written. Kempton said he had no talent for horticulture and gave the plant, an amaryllis, to staff member Anthony Destefano. The amaryllis thrived, but never flowered until this spring, Destefano said, when it bloomed red, and bright.

By then, Kempton was seriously ill and his own brilliant season almost through. But even feeling poorly, Kempton kept his edge. Spencer Rumsey, a Newsday editor who checked Kempton's columns, said that Kempton told him he likely got sick because New York Mayor Rudolph Giuliani kicked the Mafia out of the Fulton Fish Market. "When the mob was in charge, you could always count on safe fish," Kempton said.

It was Kempton as Kempton would want to be remembered—sassy, sardonic and unexpected. "He represented the very best that there is in this business," said Newsday Editor Tony Marro. "It was our great good fortune to have him as a colleague and mentor, and we'll miss him terribly."

Kempton is survived by three sons, Arthur, of Massachusetts; David, of Fallsburg, N.Y. and Christopher, of New York; and a daughter, Durganandа, also of Fallsburg. His first wife, Mina, lives in Princeton, M.J. His second wife, Beverly, died last year. A son, Murray Jr., died in an auto accident in 1971. Kempton also leaves a companion, Barbara Epstein.

A funeral is set for 11 a.m. Thursday at St. Ignatius Episcopal Church, 552 West End Avenue, New York.

[From the New York Post, Tuesday, May 6, 1997]

MURRAY KEMPTON (1917–1997)

Murray Kempton, who died yesterday at 79, was one of the mainstays of New York journalism. For more than half a century—most of that time here at The Post—he brought to his craft a unique perspective that made him a legend.

Though his famously wordy style could be dizzying, Kempton had a reputation as a master phrasemaker. A congressman once said that "Sometimes I can't understand what he's saying, but the end effect is enormous."

Kemption never thought of himself as an oracle, but rather as an observer. He was attracted to society's rogues and underdogs and made an art form out of covering criminal trials.

He described himself as a Normal Thomas Socialist—but he avoided political orthodoxies of any stripe and believed journalists should not wear labels.

"The trouble with thinking of yourself as a liberal or a conservative," Kempton once wrote, "is the danger that you might unwittingly die to preserve an unconscious image. It's not the reporter's responsibility to lie for a political party, no matter what it is."

Such attitudes might explain the esteem in which Kempton was held by ideological friends and foes alike. When Kempton won a Pulitzer Prize in 1985, George Will proclaimed him "the class of our class." William F. Buckley, Jr., even while chiding his good friend's political naivete added: "As a columnist, Murray Kempton is the noblest of us all."

[FROM THE DAILY NEWS, MAY 6, 1997]

ONE OF A KIND

The death of columnist Murray Kempton will provide over the coming days an outpouring of praise and affection from the journalistic community. And not a few anecdotes aiming to capture Kempton's huge talent and equal heart.

What is remarkable is that all the best eulogies will have the distinct advantage of being true. Kempton was a giant, a man whose contributions to his craft, his city and his country were unique to his generation. To say he will be missed doesn't begin to capture the void he leaves.●

NATIONAL ARSON AWARENESS WEEK

● Mr. ROCKEFELLER. Mr. President, today I rise to recognize the end of a significant week in our Nation. May 4 through May 10 was National Arson Awareness Week around the country. This year's theme was "Target Arson." The Federal Emergency Management Agency [FEMA], along with local law enforcement officers, firefighters, and teachers chose a tremendously important and vulnerable group close to my heart for special emphasis in their crusade to promote safety and crime prevention—children. Their mission was and is to educate children on the dangers of fire by asking parents to control their children's access to matches and cigarette lights, and asking all adults to set a good example for our Nation's youth.

Arson affects all Americans. It accounts for more than 700,000 deaths nationwide and causes more than $2 billion worth of property damage. The cost to the community as a whole is great when we consider that the taxpayer must foot the expenses for the fire, police, and medical personnel who are needed when a fire occurs, and not to mention the losses to a community when a church, business, or home is destroyed. That is why it is imperative that we work together to prevent arson from destroying another community, and most important, another life.

Today I commend FEMA and communities across the country for their laudable efforts in raising awareness about the tragic consequences of arson and its devastating effect on our communities.●

ORDERS FOR MONDAY, MAY 12, 1997

Mr. DEWINE. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Monday, May 12. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and that there then be a period of morning business until 11 a.m., with Senators to speak for up to 5 minutes each with the following exceptions: Senator SNOWE for up to 10 minutes, Senator DORGAN for up to 30 minutes, and Senator BUMPERS for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, further, on behalf of the majority leader, for the information of all Senators, Monday the Senate will, hopefully, begin consideration of the CFE treaty. However, no rollcall votes will occur during Monday's session of the Senate. Any votes ordered with respect to the treaty will be stacked to occur at a later date. As always, all Senators will be notified when any votes are ordered.

It is the hope of the majority leader that the Senate could also consider the IDEA bill, possibly under a time agreement. Again, any votes ordered with respect to that bill will also be postponed to occur at a later date.

I thank my colleagues for their cooperation on both of these matters.

ADJOURNMENT UNTIL 10 A.M., MONDAY, MAY 12, 1997

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:52 p.m., adjourned until Monday, May 12, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 12, 1997*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 40:

Blessed is man who makes the Lord his trust, who does not turn to the proud, to those who go astray after false gods. Thou hast multiplied O Lord my God, Thy wondrous deeds and Thy thoughts toward us; none can compare with Thee. Were I to proclaim and tell all of them, they would be more than can be numbered. But may all who seek Thee rejoice and be glad in Thee; may those who love Thy salvation say continually, "Great is the Lord." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. YOUNG of Florida). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes as the designee of the minority leader.

THE FUTURE OF THE U.S. MILITARY

Mr. SKELTON. Mr. Speaker, Gen. George Patton, as vigorous a proponent of advanced military technology as ever served in the U.S. Armed Forces, once said, "Wars may be fought with weapons, but they are won by people."

Today, in the last of three speeches I am making on the future of the U.S. military, I want to talk about the most important resource that the Nation has in protecting its security: Our people, the men and women who serve in the Armed Forces and the civilians who support them.

As I have emphasized in each of my previous speeches, under the Constitution it is Congress' responsibility to ensure that U.S. forces are able to carry out their duties. Article 1, section 8 of the Constitution gives Congress the power to raise and support armies; to provide and maintain a Navy; and to make rules for the Government and regulation of the land and naval forces.

Unfortunately, Congress has not always fulfilled its responsibility to provide for the common defense. Too often in the past, indeed perhaps most often in this century, the United States has been unprepared for the military challenges it has faced. As George C. Marshall lamented in a 1923 speech that I quoted earlier, immediately following a war, Congress and the public remember the terrible price paid by young Americans at the start of a war for which we were unprepared. But very soon thereafter, under the weight of the public debt, the costs of war are forgotten and military strength is allowed to erode.

In earlier speeches, I discussed military strategy and defense budgets. In those statements, I said, first, that the strategy which appears to be emerging from the Quadrennial Defense Review or QDR that is now underway in the Pentagon appears to be correct and appropriately broad and demanding.

I said, second, however, that the resources that the QDR anticipates to be available appear inadequate to support the strategy. I am concerned especially that the QDR will require reductions in active duty troop levels, and I do not feel that any reductions are warranted in view of the demands on the force. I am even more concerned that this round of force cuts will be followed by a perpetual cycle of budget shortfalls and additional cuts in the future, unless defense budgets grow modestly over time.

Those are critically important issues, in large part because of how they bear on the matters I will discuss today. An ambitious strategy accompanied by inadequate resources is a prescription for placing tremendous strain on the people who serve. As it has been said, all of the money for defense that Congress may provide, all of the weapons that the services may buy, all of the logistics infrastructure that may undergird the force, all of the military doctrine that strategists may pronounce, all of the campaign plans that commanders may devise, all of these things ultimately come down to a single soldier walking on point.

It is also true, as a corollary, that the men and women who serve in the Armed Forces deserve material and moral support sufficient to allow them to do what we ask of them. In peacetime, however, we most often forget the costs of war and neglect to pay the price of peace. Sometimes I worry that this tendency to forget those who wear the uniform is inherent in a democratic society.

The famous British poet Rudyard Kipling wrote a poem entitled "Tommy," about the treatment of soldiers in time of peace. It is written from the point of view of a British infantryman dressed in his red coat who was refused a pint of beer in a public house, and he complains:

> 'For It's Tommy this, an' Tommy that, an'
> 'Chuck him out, the brute!'
> But it's 'Savior of 'is country'
> When the guns begin to shoot.'

Like the British public a century ago, we Americans, too, have loudly cheered the troops coming home from war, only to turn away from these troops when the garlands of victory are no longer fresh. Remember the yellow ribbons that were so prominent during the Persian Gulf crisis in 1990 and 1991? Recall the welcome home parade for our victorious troops? I fear that those moments of pride and glory are no longer in the consciousness of most Americans or of this Congress.

Today, I want to focus our attention on the men and women who serve, but I want to do it with some care. In assessing how we treat our people, I am torn between two strong feelings. On the one hand, I am concerned that the pressures we are putting on servicemembers and on DOD civilians are growing to the breaking point. On the other hand, I do not want to discourage those who are willing to serve either from joining their Armed Forces or from staying in. On the contrary, and all I will say, I hope to encourage those who are willing and able to serve their country.

The fact that we are now at peace and that no single great enemy threatens us does not mean that military service is any less necessary or any less to be valued than in the past. On the contrary, the burden of maintaining the peace lies on the shoulders of those who serve, and it is no less critical a mission than any soldier, sailor, marine, or airman has ever had before.

So though I am going to discuss at length all of the problems that those who serve may encounter, I do not want to dishearten the patriotic people that the mission of defense requires.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, one of the things that most impressed me and many others about former Secretary of Defense Perry was his focus on people. When he first became Secretary, one of the things he did most was to travel to military bases around the country, indeed, all around the world, and talk to the servicepeople he met there; management by walking around, he called it.

As a result of this walking around was the persistent emphasis he put on improving the quality of life in the military. For those of us who had known William Perry for many years to be a hardware expert, his focus on people was an unexpected side of his character that was greatly welcomed.

The value of Secretary Perry's focus on people was, above all, the message that it sent to the troops. I can tell the Members that it was noticed throughout the military and did much to prevent an unbridgeable rift from opening between the civilian leaders of the Clinton administration and the men and women in the Armed Forces.

The example of Secretary Perry's focus on people is one that those of us in policymaking positions should take to heart. The U.S. military is a complex human culture, and its human dimensions must always be considered in making choices on strategy, budgets, programs, social rules, and regulations, or any other aspect of policy.

In retrospect, therefore, I believe it was a mistake that the Quadrennial Defense Review did not include a separate panel on people. As many of my colleagues are aware, the work of the QDR has been carried out by six panels on strategy, force structure, modernization, readiness, infrastructure, and a late addition, intelligence, with an integration panel linking it all together.

As I have been thinking recently about the issues that the QDR is addressing, so many of them, it seems to me, come down to people. Many people issues are integral to the work of the QDR's six panels. What stresses and strains are put on people by the strategy, given the force structure available to implement it? How does the quality of life in the military affect readiness to carry out missions?

□ 1215

How does military training, education and leadership development affect the military's ability to exploit new technology effectively? How will reductions in the defense infrastructure affect the morale of people in the services and of the civilians who support them?

All of the QDR panels, therefore, will touch on people to some extent, but not as an explicit focus of attention. Moreover, many critically important people issues may not be addressed at all in the QDR. Do the people in the military have a clear sense of the manner in which the jobs they do contribute to the common defense? How are all the changes in the society as a whole affecting the military, changes that include increasing opportunities for women, the growing proportion of two-earner households, the problems of sexual harassment, the dynamics of race relations? Is there, as many fear, a growing gap between the culture of the U.S. military and of that civilian society, and how will this affect public support for national security and the willingness of many people to serve?

The Quadrennial Defense Review will probably not address these questions; and yet, in the end, such matters have as much to do with national security as the size of the budget or the quality of new weapons technology. So in this speech, I want us to focus on the people who protect our national security and to raise some questions which I think need to be considered as Congress evaluates the forthcoming Quadrennial Defense Review.

Above all, Mr. Speaker, I am concerned that if pressures on U.S. military forces do not ease, then the military will begin to lose many of its best and brightest people. Those I have talked to in the services most often cite three reasons why good people leave the force: First, because the operational tempo is too high; second, because of concerns about their families; and, third, because of uncertainty about the future.

In the remainder of this speech, I will address each of these concerns. Certainly, the most immediate people issue on the agenda is how current demands in the force are affecting the troops. Two years ago, Lt. Gen. Ted Stroup, the Assistant Army Chief of Staff for Personnel, was asked what it was like for soldiers who served in an Army that was then composed of 520,000 active duty personnel. Soldiers, he said, were "stretched and stressed" by all the demands being put on them. He was asked what the effect would be when the numbers dropped to 495,000, as was then planned. He answered, "stretched and stressed all the more."

Recently, however, the Department of Defense has proposed reducing the size of the Army to 475,000, which the Army has resisted. Meanwhile, the actual strength of the Army has eroded to about 490,000, even though the official end-strength target required by current law remains at 495,000. It is widely reported that the QDR will reduce Army end-strength by 15,000 or more. So Army people will be stretched and stressed even more. At what point does all this stretching and stressing reach the breaking point?

Each of the other services has to face the same issues. Recently a senior Navy official testified at length before the Committee on National Security about the difficulty the Navy has had keeping forces on station as much as it had planned. In large part, this is because the Navy, to its credit, rightly tries to limit overseas deployment to 6 months and puts other constraints on the amount of time units may be away from home. In the same testimony, however, the official had to defend the decision to reduce the Navy's end-strength by 11,000, in order to find money for equipment maintenance.

The two issues cannot be separated. As end-strength declines, you can either increase personnel deployment times, which is damaging to your people and which the Navy has correctly refused to do, or you can reduce deployments, which means you are not fully supporting the military strategy.

In the other services, and in the Army especially, the ability to limit deployments is not as great. Requirements for Army personnel are driven by overseas duty tours and by the increasing number of military operations, which are not as easy to limit as the number of ship days on station. As a result, too many people in the Army are being stretched and stressed individually by the demands of military operations.

For those of us who spent any amount of time out talking to people in uniform, this message comes across very loudly. I spent the Thanksgiving weekend last year on a trip to visit United States troops in Aviano, Italy, Bosnia, and Hungary. In Hungary, I spent some time with soldiers from Missouri, and I recall asking each of them how many military deployments they had been involved in during recent enlistment periods. Several had two deployments, a few had three, and one sergeant had five deployments.

Every time I visit the troops, I hear similar stories. As a result, I have been thinking about the extent of the problem, its causes and its solutions. I am convinced, first of all, that the extent of the problem is not adequately identified by current measures. As I said, the Navy has in place a set of rigid limits on unit deployments abroad. Even in the Navy, however, the pace of deployment for individual personnel is not directly measured and limited. In other services, there is no systematic, effective way to measure the extent of individual deployments. So we really do not know how much stress we are putting on individuals in uniform.

One of the things the QDR should have considered, therefore, is how to measure the strain put on individuals in the uniformed services and means of controlling it. I have recently seen a draft list from the Air Force of some things we should be measuring. It includes:

How many people have temporary duty assignments of less than 90 days a year, 90 to 120 days, or over 120 days a year? If too many people are being deployed away from home on a constant basis, that is a sure sign of an excessive operating tempo.

What is the average duty week for people on their assignments? 40 to 45 hours a week; 45 to 55; or over 55? Some jobs require long hours, but if the trend over the whole force is up over time, that is also a cause for stress.

How many aircraft crews receive waivers of training hour requirements? If the trend is up, then too many people are being asked to do too many other things besides their primary jobs.

How many major exercises are people engaged in, on average, per year?

How many people are delayed in meeting training qualification requirements for position upgrades?

What share of enlisted personnel are pursuing college degrees and what share of officers are pursuing advanced degrees? What share of each disenroll from course work? A decline in the number of people pursuing advanced education is a good measure of stress on the force.

How many people have accrued leave exceeding 60 days?

How many fathers have missed a child's birth due to a temporary duty assignment? How many have been assigned to duty away within 30 days of a child's birth?

The list goes on, and I could add to it. I am convinced, just by talking to people, that measures such as these will show a dramatic increase in the tempo of work in all of the services. Unless we get a handle on the degree of strain we are putting on the force, and do some things to control it, then we are heading for real trouble in retaining good people.

What are the causes of such apparent problems? To me, the root cause is a tendency to underestimate how much is required to carry out military operations while still preparing adequately for full scale war. After all, it is the military's main mission to fight and win America's wars. In the past, the military services did not worry very much about the impact that smaller scale military operations would have on the force, first, because the cold war era force was relatively large, so a small deployment was not felt, and, second, because smaller military operations were relatively rare. That is the main reason why measures of stress on the force are inadequate.

Now the force is smaller, and military operations have become more frequent and also, often, of very long duration. One calculation in this year's Army Posture Statement is striking. Over the 40 years from 1950 through 1989, the Army was engaged in 10 deployments. In the 7 years between 1990 and 1996, the Army was engaged in 25 deployments. Meanwhile, the size of the Army has declined by a third and the budget has dropped by 39 percent.

Les Aspin's bottom-up review of 1993 did not come to grips with the impact of a larger number of operations on a smaller force. The bottom-up review simply assumed that a force designed to fight 2 major regional conflicts would be large and diverse enough to handle any number of smaller operations. Only now are the services beginning to understand why such a cold war way of thinking will not do.

The Army, for example, now has a way of assessing the impact of smaller conflicts that begins to explain the stresses. For each unit deployed in an ongoing operation, the Army says, four units are needed in the force. One unit is deployed. Another unit is preparing for deployment. A third unit is coming off deployment and needs time to restore its readiness. And a fourth unit is depleted because some of its troops were drawn on to fill out the unit that is deployed.

Add to this the fact that only a part of the Army is available for deployments, because a portion is undergoing education and skills training, is in transit, or is in support functions and other positions. According to the General Accounting Office, 63 percent of active duty Army troops are deployable at any given time. So out of the 495,000 total, 312,000 troops are available for operations. At the end of 1996, the Army says, 35,800 troops were deployed in operations, mainly in Bosnia. This does not count the number of troops forward deployed in Korea, by the way, who probably ought to be counted as deployed and not simply as forward based. Multiply 35,800 by 4 and the number of troops affected by deployments is 143,200, which is 46 percent of the deployable force. The other 54 percent of the force, of course, is supposed to be training hard to be ready for two major regional wars.

Mr. Speaker, this is what has me so concerned about the impact of further reductions in Army force levels. At any one time, a large part of the Army is either involved in operations or is directly affected by them. Already the Army has to draw people away from their normal assignments in order to fill out units that are being employed. To me, this is especially straining for Army people, because such assignments are not planned and often are for temporary duty of 179 days, without any offsetting benefits. Moreover, the people left in the unit from which people were taken away have to work twice as hard to accomplish the workload, which of course does not decline. Now the plan is to further reduce the overall number of personnel without reducing the number of divisions. If the reductions are made from division strengths, then some specialties will have even lower manning levels. If the reductions are made from support positions, which is presumably the rationale, then the opportunity for Army personnel to serve in slots that are somewhat less subject to uncertainty will decline.

I do not believe that the Defense Department has an accurate level of understanding of the strains that these further reductions will put on the force. I fear that such reductions will break the force. And, this will be a national tragedy.

So how can we resolve these problems? Each of the services has been searching for ways to manage resources to meet the needs, but I am not sure how successful the solutions have been or, if successful from the present, how successful they will remain in the future.

One solution has been to use volunteer reservists to fill out deployed units. The key issue here is when we will reach the limit of reserve availability. Reservists willing and able to volunteer have likely come forward already for one duty tour, and enough may not be available in the future. Involuntary mobilization of reservists would soon cause many of them to quit. In addition, mobilization of reservists is expensive. Reservists receive full active duty pay and benefits when they are on active duty. Because Congress insists on offsetting supplemental funding for military operations with rescissions, such costs have to be absorbed within the overall defense budget.

Another potential solution may be to reduce nondivision support troop levels in order to fill out division slots. But too often we lose sight of the fact that support personnel carry out assignments that are critical to mission effectiveness.

□ 1230

Intelligence, for example, is considered a support function but operations cannot proceed without adequate, timely, usable intelligence. Nor can operations proceed without supplies or medical care or any other basic services provided through support activities.

I intend to look very critically at the Quadrennial Defense Review to see how attentive the Defense Department has been to the issue of personnel and operating tempos. I believe there is a vast underestimation of the strain that ongoing smaller scale operations put on the force, that means of measuring the strain are inadequate, and that further force reductions may severely aggravate the problems.

The second reason people cite for leaving the force is concern about their families. The U.S. military today is an All-Volunteer Force. Because of this, it is very different from the draft armies of the past. A larger and larger share of the force is composed of people who choose the military as a career, which is a positive trend, because modern, sophisticated weapons and ways of fighting require well-trained, professional people. The professional U.S. military force is the envy of the rest of the world. It sets the standard to which other nations aspire.

As a result of this evolution, the force is, on the whole, older than in the past and, most often, married. Today 64 percent of active duty Army personnel are married and, except for the Marine Corps, the proportion is similar in the other services. The modern American military cannot maintain its high quality, therefore, without adequately taking care of military families. The common phrase now is, "We enlist soldiers, we reenlist families."

Early on in the days of the All-Volunteer Force, we did not do a good job of taking care of families. Military pay levels eroded after the All-Volunteer Force was instituted in 1973. Military housing and other military facilities, following the war in Vietnam, were in awful condition. Social problems that plagued the rest of society, including drug use and racial tensions, also affected the military.

Since the late 1970's, attention to the needs of military families has improved dramatically. Pay raises in 1979 and 1980 and much more attention to family needs in the years since then have had tremendously beneficial effects. The military has led the way in responding to social problems; I say this fully aware of some continued shortcomings. The results have been seen in the quality of people recruited into the Armed Forces and the ability to retain good people with the necessary skills.

I am concerned, however, that the strains on military families are growing and that we are not doing as good a job as we should in protecting families. To be sure, many of the strains on military families are inherent in the nature of military life. Military personnel are necessarily away from home for extended periods of time. Military families move frequently, which makes it difficult for spouses to build careers, and which itself puts a strain on marriages.

These factors make it all the more important that we devote special care and attention to the condition of military families. The most important correction needed is to limit personnel and operating tempos so that military personnel are not away from their families for longer times than necessary.

It is especially important that temporary duty assignments away from home be kept within limits. We also need to ensure that military pay keeps up with pay in the civilian sector. I am concerned that pay levels have eroded over time because of the way we calculate pay raises.

In addition, we need to be careful to preserve some of the benefits which military families rely on. I am disturbed by proposals to eliminate military commissaries and exchanges. Because of the demands of jobs in the military, I believe it is critically important to assist military families in having access to quality child care. Quality health care for military families must be protected. I think it was a mistake to allow impact aid for schools with military bases to decline as it has. Military families care deeply about education for their children, and we need to ensure that the highest quality education is available wherever they are based.

One of the most important initiatives the Defense Department has under taken recently is the effort to improve military housing. While much military housing is very good, much of it is not. I have seen military housing with broken appliances, cracked walls, warped floors, peeling tile, inadequate heat, stopped up drains, and with very poor responsiveness from maintenance staffs. We have to change this and we have to do it as quickly and efficiently as possible.

I fear that the QDR will suffer from a major gap if it does not address the quality of life of military families.

A third reason people cite for leaving the force is uncertainty about the future. Many military people have been willing to tolerate the stresses that have been placed on the force in recent years because they believe things will get better in the future. If things do not soon get better, however, I am afraid that the best people will throw in the towel and get out of the military.

As I noted in this speech on defense budgets that I made a week ago, we have already gone through a defense drawdown that has reduced active duty force levels by about a third. This drawdown has imposed an immense burden on military personnel. It has meant that people have had to move to new jobs much more frequently than before because of the need to replace the large number of people who were leaving. It has imposed this strain on the military education and training system, and often people have started new jobs without complete training. It has made the military personnel system rather brutally competitive, the pressure to force people out means that any single mistake will cost a good soldier his or her career.

This has directly affected people's ability to meet their career goals. Officers cannot count on receiving the education they need to advance. The amount of time that officers spend in command assignments, where they really can learn their trade, has declined significantly. Officers used to have 2 years of previous command experience at lower levels before they rose to be battalion commanders. Now they have a year or a year and a half. As a result, we are not adequately seasoning our officers, we are sometimes setting them up for failure, and we are not offering people the command experience for which they joined the force.

All of these changes in the force, together with the high operating tempo, have created a great deal of uncertainty about the future. As a result, unless we stabilize the force, unless we pay attention to training and education, unless we allow good people to progress through the ranks in a predictable, fair way, we will discourage the best people from remaining in the force.

Already we see signs of good people beginning to leave. It would be wrong to attribute the exodus to external factors. Pilots are leaving in large numbers, many say, because the airlines are hiring again. I will acknowledge that may be a factor but not the main one. The best people in the military services will always be confident of opportunities in the civilian sector. The people we want most to keep in the force are precisely the people who can always find lucrative careers on the outside. The issue therefore is not what lures people out but what drives them to leave.

Good people do not sign up for the military as a career because they expect to make a lot of money. They need enough to provide security for their families but they are not going to be lured away by simply higher salaries. If good people are leaving, it is because military service no longer offers them the rewards they expected or because the burdens of service have become too great. If we continue to cut budgets, to reduce force levels, to require people to do more with less, we will drive away the best and the brightest.

Mr. Speaker, these are the problems that I believe may in time lead too many good people to leave the force: High operating tempos, eroding support for families, and uncertainty about the future. There are other people issues that the Quadrennial Defense Review should also be expected to address. One is the very broad issue of civil-military relations. While there are many aspects to the issue, I am concerned especially about a potentially growing gap in culture between those who serve in the military and civilian society.

We ask a great deal of people in the military. Sometimes, I think, we may expect too much. When we see failures in the military such as evidence of sexual harassment at Aberdeen or in the Tailhook episode, the cultural gap may grow wider unless parties on all sides are careful in their judgments. When issues such as these arise, some within the military react by criticizing civilian society for imposing too much on the military, while some outside conclude that military culture itself is flawed. Both are wrong. Yes, I think there are failures within the military, but I also believe that the military can be counted on to identify and correct its failures. No, I do not think that the military can be exempted from advancing social norms, including requirements for sexual and racial equality, nor do I think that the military is identical to civilian society. Within the Congress, we have a special responsibility to take care of the military personnel from whom we ask so much. We are responsible under our Constitution to make rules for the Government and regulation of the land and naval forces. It is incumbent upon us therefore not to allow the gap between military and civil society to grow into a gulf.

Mr. Speaker, over the past 2 weeks I have delivered three speeches on the future of the U.S. military. In each of these statements, I have called attention to the fact that Congress has often failed in its responsibility to provide for the common defense.

I have said that I fear we are again embarked on a course which will leave our forces ill-prepared for challenges to come. More than that, I have argued that failure to maintain military strength will encourage the evolution of new international threats in the future that otherwise would not arise to challenge our security.

This is a strong message. It is a sincere message. It is one that, I expect, some of my colleagues will find difficult to accept. I have tried to state it carefully and to explain my reasoning and to use good facts and figures to support my conclusions. Sometimes, however, an argument such as this needs something stronger. I am reminded in this regard of a passage in Gen. Douglas MacArthur's autobiography entitled "Reminiscences," in which MacArthur discussed a meeting he had with President Roosevelt in the late 1930's. At the time, MacArthur was Army Chief of Staff, and he was meeting with the President, along with the Secretary of War, to make an appeal for more defense spending.

Secretary Dern, wrote MacArthur, quietly explained the deteriorating international situation and appealed to the President not to economize on the military. Roosevelt, however, was unmoved and reacted to Dern with biting sarcasm. Then MacArthur joined the argument, which became more and more heated. Here is how MacArthur describes what followed:

> In my emotional exhaustion, I spoke recklessly and said something to the general effect that when we lost the next war, and an American boy, lying in the mud with an enemy bayonet through his belly and an enemy foot on his dying throat, spat out his last curse, I wanted the name not to be MacArthur but Roosevelt. The President grew livid. You must not talk that way to the President, he roared. He was, of course, right, and I knew it almost before the words had left my mouth. I said I was sorry and apologized. But I felt my Army career was at an end. I told him he had my resignation as Chief of Staff. As I reached the door his voice came with that cool detachment which so reflected his extraordinary self-control, "Don't be foolish, Douglas; you and the budget must get together on this." Neither the President nor I ever spoke of the meeting, but from that time on he was on our side.

Mr. Speaker, I hope that this Congress will not require an appeal like MacArthur's to remember the lessons of the past, that the price of unpreparedness is paid in war. The price of peace is much less.

Let us, therefore, treasure those Americans who wear the uniform of our country. Let us appreciate them, encourage them, and care for them. For after all, it is they who bear the burdens of defending that precious American virtue: freedom.

MONETARY POLICY OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Massachusetts [Mr. FRANK] is recognized for 60 minutes.

Mr. FRANK of Massachusetts. I am encouraged, Mr. Speaker, by articles that appeared in the financial sections of the Washington Post and the New York Times over the past few days and, in particular, by a speech given by Chairman Alan Greenspan to see that we are now having a genuine debate, thoughtful, on the merits, about the monetary policy of the United States.

Chairman Greenspan, to his credit, in a speech he gave on May 8, last Thursday to the business school at NYU, acknowledged that the recent decision by the Federal Open Market Committee to raise interest rates by a quarter percent had generated what he called more than the usual share of attention and criticism.

□ 1245

And he went on to say, I believe the critics deserve a response. I mean quite sincerely to welcome this, because what Chairman Greenspan then proceeded to give was a response, reasoned, on the merits, imputing no ill motives to anyone. I would hope we could continue this debate and I would hope we could continue it in the way in which I think it has been carried on.

This is a serious policy disagreement about very important issues. I regard Alan Greenspan as one of the great public servants of our time, a man who has devoted himself to the difficult, challenging and, from his standpoint, not terribly financially rewarding position of Chairman of the Federal Reserve, as he has performed in public positions before.

I disagree with much of what he is doing, but I recognize his motivation as a genuine desire to do best for the economy. And I honor him for his willingness to conduct the debate. Indeed, I wish some of Mr. Greenspan's defenders shared Mr. Greenspan's commitment to a public debate.

One thing I must say I regret, Mr. Speaker, is that we are having this discussion in a somewhat artificial fashion. I and others take the floor of Congress to voice our criticisms of what the Federal Reserve has done. The Democratic leader, the gentleman from Missouri, convened a press conference a few weeks ago in which several Members of this body and the other body spoke out on our views. Letters have gone back and forth.

The one thing we have not had is a forum in which Chairman Greenspan and other members of the Federal Reserve System can speak out, be challenged and questioned and, in some cases, affirmed by Members of Congress; a forum in which people in the organized labor community, the AFL-CIO, and the business community, the Chamber of Commerce and the National Association of Manufacturers, all three of those organizations have differed with Chairman Greenspan, a forum in which they could voice their criticisms or their agreement; others could do that.

This is a situation which cries out for a hearing by the Congress. Unfortunately, the chairman of the House Committee on Banking and Financial Services has told us essentially that he does not share the view that the current debate over whether or not the Federal Reserve ought to continue trying to slow down the economy is a suitable one for the Congress to engage in at this time.

A few weeks ago, joined by the gentleman from New York [Mr. LAFALCE], I sent a letter which was signed by all but one of the Democratic and Independent members of the Committee on Banking and Financial Services, and the one who did not sign at the time has since indicated his agreement with us. So the 26 combined Democratic and Independent members of the Committee on Banking and Financial Services have asked the chairman to have a hearing on this subject.

The Committee on Banking and Financial Services, under the rules of the House, has jurisdiction over the Federal Reserve. We have not proposed legislation at this point. We asked for the kind of debate we have been trying to have, which Chairman Greenspan, to his credit, participated in last May, which, also to his credit, Laurance Meyer, one of the members of the Board of Governors of the Fed engaged in on April 24.

So rather than them making speeches and us then answering the speeches, nowhere near each other, we asked this be done in a forum, a congressional hearing. The chairman of the committee wrote back and said that he thought this would be tampering with the independence of the Federal Reserve System and second-guessing them.

He is wrong, Mr. Speaker. He is, I understand, thinking that he is protecting the Fed, but I think we ought to be clear. It seems to me he is protecting people who need not that sort of protection.

Alan Greenspan and Laurance Meyer and the other members of the Federal Reserve System are not hypertense, frail, intellectually challenged individuals who are unable to defend themselves in a public forum. Indeed, as Mr. Greenspan and Mr. Meyer pointed out, their viewpoint is served well by a chance to argue.

The worst situation is the one we have had in the past, in which the Federal Reserve issues pronouncements and the rest of us are simply supposed to meekly acquiesce to them.

Indeed, the newspapers bear some of the responsibility here. I was pleased in the past couple of months to see the newspapers, particularly in the financial pages, breaking out of what seemed to me to be an inappropriate kind of situation in which genuine debate about monetary policy was somehow discouraged.

Members of Congress are encouraged to debate war and peace and unemployment and environmental protection and civil liberties, but when it comes to discussing what is the appropriate trade-off between fear of inflation and desire to reduce unemployment, somehow that was not considered fit for debate. To voice one's disagreement with decisions of the Federal Reserve, that was considered Fed bashing.

Indeed, the President of the United States is criticized, these days all Presidents are criticized by the press for almost anything, but the Washington Post criticized President Clinton, it seemed to me, last week because he gave a speech in the rain. And the Washington Post seemed to think there was something unseemly about giving a speech in the rain in a rain forest.

But there was one exception. Presidents who in the past, or members of their administration, who have dared to express disagreement with the Federal Reserve Board have been criticized by the press, ironically, for speaking out on an issue. This is the one issue where Presidents are supposed to not say anything. It is the issue where the press attacks them if they do not duck, and I think that is wrong. I think we have seen clear evidence that that was wrong.

By the way, 10 years ago the Federal Reserve used to have a meeting of the Federal Open Market Committee, decide to raise interest rates and then not tell anybody officially for some time. The markets and everybody else were left to guess for weeks whether that happened. Minutes were never published.

The former chairman of the House Committee on Banking and Financial Services, the gentleman from Texas [Mr. GONZALEZ], led a crusade for years against those practices. He said, no, they were being unduly secretive.

The gentleman from Texas was told by the guardians of the Federal Reserve, the people who would protect the Federal Reserve from general democratic debate, that, "Oh, no, you must not say that, you must not do that, you must not interfere with this secrecy. You are breaching the wall and, oh, terrible things will happen."

Well, in tribute to the persistence of the gentleman from Texas, and also I believe to the intellectual force of his arguments that fundamental economic decisions in a democracy ought not to be so secretly made and so protected from discussion, the Federal Reserve relented. We now get announcements on the same day of their decision, and we get minutes published with some time lag, and none of the negative effects predicted by the critics of those moves have taken effect.

We can go back, as staff of the minority on the House Committee on Banking and Financial Services has done, and compile the list of comments people made at the time about how disruptive it would be to have this publicity. They were all wrong. The publicity has been good. It has been useful and it has been healthy.

So I want to return to the question of the chairman of the Committee on Banking and Financial Services and urge him to reconsider; 26 of the 56 members of the Committee on Banking and Financial Services have asked him now for a hearing. There are constraints against members of one party trying to push a chairman into doing something of their own party.

I have spoken to several Republican Members who, I believe, want there to be hearings. A couple of them, I hope, will succeed in prodding the chairman into it. One or two were afraid to be seen as unduly pushing. We should have had that hearing a couple of weeks ago.

There has been an interesting debate. There have been speeches on April 24 by Mr. Meyer, and Mr. Greenspan on May 8; a press conference that we have had here. There is interesting and genuine intellectual disagreement, and factual questions, and questions of what the statute ought to be and how to interpret it. They are very important. The single most important economic decisions being made this year-to-date have been made by the Federal Reserve.

Maybe there will be a budget deal of great proportions and that may become a single more important factor, but the Federal Reserve is making very important economic decisions and they are going undebated in Congress in the kind of structured way that ought to be the crowning glory of a democracy in which there is give and take and back and forth.

People could be watching on C-SPAN the members of the Federal Reserve and Members of Congress who agree and disagree debate the question of whether or not there is a fixed rate of unemployment below which we get inflation; whether or not there have been genuine productivity increases in the economy sufficient so that we can now get more employment at a lower inflation rate. All of those issues need to be talked about. Whether or not, if we are not months and months ahead of the slightest outbreak of inflation, we will somehow lose control of the situation.

All of those should be debated, and the chairman or the Committee on Banking and Financial Services mistakenly says no, that is second-guessing the Fed and tampering with its independence. He did in his letter to us acknowledge that we could have a hearing in July. He pointed out the statute requires that. That was no concession on his part.

Well, the Federal Open Market Committee will meet next week. We do not know what they are going to do. Fortunately, thanks to the gentleman from Texas, who worked so hard on this, we will know the day they do it what they did, but we will not have had any structured discussion about the pros and cons and what the elected officials think and what the public thinks before that.

And then there is going to be another meeting in July and, according to the chairman's timetable, there will be two meetings of the Federal Open Market Committee before we again deal with it. But what if they raise again next week? Do we still sit and not debate this in Congress? What if they do not? Would it not be helpful for them to have a forum to say, look, here is why we think things are looking better?

So I welcome the fact we are now having debate. And I started to say before I am glad the newspapers have joined in. I, myself, have been pleased to have had a chance to talk to the financial pages of The Washington Post and the Boston Globe on this subject, while others who have disagreed with me were quoted.

The New York Times, I must say, Mr. Speaker, has been a little laggard here. We had the press conference, which I thought was somewhat interesting, with the Democratic leader and former Democratic Presidential candidate, the Senator from Iowa, and some others, very thoughtful spokesmen on economic issues, the senior Senator from North Dakota, the gentleman from New York [Mr. HINCHEY], myself, and the junior Senator from Rhode Island, and the New York Times did not appear to quote a word of any of our criticisms of the decision to raise the rates until the chairman decided he wanted to respond.

It was interesting. We will find reference to our criticisms of the Federal

Reserve's decision to raise rates in the New York Times on Friday and Saturday. It was never independently reported, as nearly as I can see, but when Mr. Greenspan decided to respond, then I guess it would have been a little odd to have reported his response to our criticism without at least acknowledging the fact we had made the criticism. But I think the New York Times' attitude there bespeaks this old sense that the Fed and monetary policy are things of great delicacy. The roughness of democratic debate somehow would be fatal to them.

Mr. Greenspan, to his credit, understands that is nonsense, and I hope that the New York Times business pages, having reported the debate now that Mr. Greenspan appears to have given them implicitly the OK to do it, will continue to report the debate even when Mr. Greenspan is not ready for their pronouncements.

I also note it was interesting that once again the defenders came into play. In Saturday's New York Times there is an article, not of a news sort, of an analysis sort, which says that indeed Mr. Greenspan has been far more supportive of jobs and far less willing to restrict growth than some people thought. And there was even a quote from, I think it was Mr. Blinder, a former vice chair of the Fed, in which he said Mr. Greenspan has been more supportive of growth even than he has seemed to be and that his words have indicated.

It reminded me a little bit of the great comment by Mark Twain that the music of Wagner is better than it sounds. Apparently Mr. Greenspan is more progrowth than we can tell from watching him. That is encouraging. But once again that is the kind of issue that we should be debating.

Now, Mr. Speaker, I want to turn to that debate. I wish I did not have to spend all this time debating whether we should have a debate, but again I have to say to some extent the newspapers have been reluctant. It seemed to me the New York Times was reluctant to allow this debate until Mr. Greenspan signaled it could go forward. It was almost as if reporting criticism of him in his absence was, I do not know, sacrilegious. And it is certainly the case that the chairman of the Committee on Banking and Financial Services continues to be resistant to allowing this discussion to go forward.

□ 1300

Mr. Greenspan, in his speech on May 8, says once again that he acknowledges that there was no sign of inflation. What is interesting is what he says and what he implicitly refutes. The most striking thing to me about this is the difference between the April 24 speech of Mr. Meyer and the May 8 speech of Mr. Greenspan.

For example, Mr. Meyer on April 24 explicitly reaffirms his belief in the existence of the concept known as the NAIRU, the nonaccelerating inflation rate of unemployment. That is a concept which says that there is a number in the unemployment figure which we can go below only if we are prepared to see inflation. If we get unemployment too low, this says, inflation inevitably results. Mr. Meyer is one of the members of the Board of Governors, one of the seven.

Mr. Greenspan told the Committee on Banking and Financial Services when we were last able to talk to him, because it was a hearing that had to be held statutorily, the chairman could not prevent it from happening; Mr. Greenspan said that he did not believe in the NAIRU, he did not believe in that concept, the notion that there was a fairly clear number fixed somewhere. Maybe not a clear but a fixed number which, if you went below it, would cause inflation. Frankly, many of us were pleased to hear him say that because we had thought that the Federal Reserve not only believed in such a concept but for many years, and this is very relevant as we analyze what is happening here, for many years it seemed clear that the Federal Reserve thought 6 percent was the number. It seemed clear that the Federal Reserve, certainly a lot of economists who were supporters of the Fed's approach wrote that 6 percent was the number, and that if we got unemployment down below 6 percent that we would be having serious problems. That, of course, means millions and millions of Americans out of work. I believe 1 percent is 1,360,000. So we are talking about 7 or 8 million people out of work, who are trying to find work, as defined, not counting people who have gotten discouraged and are not even trying.

Then the unemployment rate began to drop, and it dropped to 5.5 percent. And no inflation appeared. This is important. We are not talking about whether or not once we get below the number, we have been lucky not to see any inflation temporarily. The unemployment rate has clearly been significantly below what mainstream Federal Reserve opinion thought was the inflation accelerator for some time and it has not happened.

Finally, it went below 5.5. It went to 5.2. Then it went to 4.9. At 5.2 the Fed jumped in. It did seem clear that that 0.3 percent, at least for Mr. Meyer, was kind of the trigger point. Understand, 0.3 percent of unemployment, and Mr. Meyer in his April 24 speech said that while he would rather not see more unemployment, he did not consider it a bad result if the Fed made the mistake of being tight when it need not be as opposed to the mistake of not being tight when it should have been. He said, an increase in the modest unemployment rate of 0.3 percent, is what I am imputing is what he means, that that was not a bad result although it was not his preferred result. He said many people, implicitly people at the Fed, thought that was a good thing. That is 400,000 people out of work, 418,000 people out of work. That is not a bad thing, that is a terrible thing. That is devastation for perhaps 1 million families. We simply cannot allow that degree of casualness.

Mr. Greenspan tries to repair the damage. Mr. Greenspan implicitly repudiates, it seems to me, much of what Mr. Meyer said. Mr. Greenspan said, "No, no, no, we are not indifferent to unemployment. I wanted to raise interest rates because I think that is the best way to prevent unemployment."

I think once again, Mr. Speaker, we have seen why we need to have hearings. Is there or is there not a belief in the concept of the nonaccelerating inflation rate of unemployment? Mr. Greenspan says no; Mr. Meyer says yes. That is perfectly legitimate for members of a board to disagree. What is not legitimate is for the Congress not to be able to have a public debate about this.

But then let me go back to Mr. Greenspan. He does have one strawman in here, Mr. Speaker, and I think in general he does a very fair job of debating this, as I said, accepting the bona fides of the opposition as we accept his; but he says at one point, while he acknowledges that there have been structural changes in the economy which allow us to have more employment, less unemployment, without inflation, he does say, however, "Our production system and the notion of capacity are far more flexible than they were 10 or 20 years ago." That is his concession, or his acknowledgment. I should not say concession; that is his acknowledgment that we can be more productive and therefore have less unemployment without inflation.

But he then goes on to say, "Nonetheless, any inference that our productive capacity is essentially unlimited is clearly unwarranted." Mr. Speaker, that inference is not only unwarranted, it is uninferred. That is an unworthy strawman. No one I know of, and I have been very critical of the decision to raise interest rates and of the Fed's general orientation, and I have worked with a lot of the others who have been critical, no one has come close to suggesting that our productive capacity is unlimited, or even essentially unlimited.

We have said that the evidence is clear that the Fed has been unduly pessimistic, that there are significant structural changes that allow us to do better than we have been doing, and we believe on that basis that the decision to raise by 0.25 percent was a mistake.

Mr. Greenspan says here, more carefully than Mr. Meyer, "Well, maybe it was a mistake, but if it was, it was a pretty small mistake and it will not have any serious negative consequences." That I agree with, if it is

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he essentially acknowledges that what we had was a fear that something that is not now happening might happen in the future because they really cannot believe that things can go this well.

Well, they have believed that for some time, and they have been going this well, and I am hoping that we can get Mr. Greenspan and his colleagues to be willing to accept a little victory. But while obviously there is room for decent people of good will to differ about this, there ought not to be room for difference about whether or not this is a subject to be debated in Congress.

And I will close as I began, Mr. Speaker, by welcoming Mr. Greenspan's vigorous and thoughtful and respectful entrance into this debate and by regretting the fact that because the Republican leadership of the House does not appear to me to have enough confidence in the democratic processes, that this debate is going on largely outside of our Chambers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YOUNG of Florida). The Chair would remind all Members as a matter of comity to refrain from characterizing Senate action.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, may we characterize Senate inaction?

The SPEAKER pro tempore. The characterization of Senate action or inaction is not proper, as a matter of comity.

INFORMATION ON H.R. 1486, THE FOREIGN POLICY REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, in what I am advised is a practically unprecedented move, the minority leadership, apparently acting on behalf of minority members of the Committee on International Relations, indicated that they would interpose an objection to the committee majority's request to file a supplemental report on the bill, H.R. 1486, the Foreign Policy Reform Act. The supplemental report would have provided the cost and mandate estimate of the Congressional Budget Office and the "Ramseyer print" of the amendment ordered reported by the International Relations Committee.

For the information of the Members, the CBO report is printed below. The Ramseyer print, which would cost $30,000 or more to print in the RECORD according to an informal estimate from the GPO, will be available for Members to review in the offices of the International Relations Committee.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 12, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1486, the Foreign Policy Reform Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts an Joseph C. Whitehill and Sunita D'Monte.

Sincerely,

JUNE E. O'NEILL.
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE

H.R. 1486—Foreign Policy Reform Act

Summary: H.R. 1486 would consolidate various international affairs agencies, would authorize appropriations for foreign assistance programs, the Department of State, and related agencies, and would authorize the sale of 14 naval vessels.

Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 1486 would result in additional discretionary spending of $33 billion over the 1998–2002 period. The legislation would increase direct spending by $11 million in 1998 and by $0.3 billion over the next five years; therefore, pay-as-you-go procedures would apply. The sale of naval vessels would generate an estimated $163 million in offsetting receipts.

The bill contains a provision that would result in costs to state, local, or tribal governments. CBO is unsure whether this provision constitutes an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but mandate costs, if any, would be well below the threshold established in the law ($50 million in 1996, adjusted annually for inflation). H.R. 1486 would impose no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1486 is shown in the table. For the purpose of this estimate, CBO assumes that all amounts authorized would be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns.

	By fiscal year in millions of dollars					
	1997	1998	1999	2000	2001	2002
DIRECT SPENDING						
Proposed changes, refugee determination:[1]						
Estimated budget authority	0	0	20	60	70	80
Estimated outlays	0	0	20	60	70	80
Other proposed changes:						
Estimated budget authority	0	11	15	15	16	17
Estimated outlays	0	11	15	15	16	17
Total changes in direct spending:						
Estimated budget authority	0	11	35	75	86	97
Estimated outlays	0	11	35	75	86	97
ASSET SALES[2]						
Estimated budget authority	0	−163	0	0	0	0
Estimated outlays	0	−163	0	0	0	0
SPENDING SUBJECT TO APPROPRIATION						
Spending under cuttent law:[3]						
Estimated authorization level[4]	15,740	0	0	0	0	0
Estimated outlays	16,322	7,073	2,974	1,513	702	383
Proposed changes:						
Estimated authorization level	0	16,467	16,099	621	633	646
Estimated outlays	0	9,337	13,547	6,031	2,592	1,601
Spending under the bill:[3]						
Estimated authorization level[4]	15,740	16,467	16,099	621	633	646
Estimated outlays	16,322	16,410	16,521	7,544	3,294	1,984

[1] Spending for Medicaid, Food Stamps, and Supplemental Security Income. Under current law, CBO estimates that spending for these programs will be $150 billion in 1997 and will rise to $208 billion in 2002.

[2] Under recent budget resolutions, proceeds from asset sales are counted in the budget totals for puropses of Congressional scoring. Under the Balanced Budget Act, however, proceeds from asset sales are not counted in determining compliance with the discretionary spending limits or pay-as-you-go requirement.

[3] Funding for foreign assistance programs, the Department of State, and related agencies.

[4] The 1997 level is the amount appropriated for that year.

Basis of estimate:

DIRECT SPENDING

This bill would increase direct spending by an estimated $0.3 billion over the next five years.

Refugee determination.—Section 1218 would extend a provision of U.S. immigration law that favors the automatic admission as refugees of certain nationals of the former Soviet Union (chiefly Jews and evangelical Christians), Vietnam, Laos, and Cambodia. Applicants for admission need only assert that they have a fear of persecution and a "credible basis" (not the stricter "well-founded basis" that others must prove) for that fear. (These provisions are commonly known as the Lautenberg criteria.)

These criteria were first enacted in November 1989, and have been renewed several times since then. They currently cover applicants for refugee status who apply through September 30, 1997. Section 1218 would extend that deadline for two years, through September 30, 1999.

Under current law (section 207 of the Immigration and Nationality Act), the annual ceiling on refugee admissions is set by the President after consultation with the Congress. The refugees affected by this bill are accommodated within that ceiling. However, CBO believes that these criteria lead the President and the Congress to set a higher ceiling for refugee admissions than they otherwise would. That is, without these criteria, refugee admissions would be lower. There is no mechanism by which lower admissions of, for example, Soviet Jews and evangelicals would automatically lead to higher admissions of, say, Rwandans or Bosnians.

According to the Department of State, approximately 2,000 people in the former Soviet Union currently apply for admission each month as refugees, and about three-quarters of them are found to meet those criteria. (They are the principal beneficiaries of the provision.) Those figures are significantly smaller than the peak levels of the early 1990s. Because there are lags in scheduling applicants for interviews and then in assembling travel documents, CBO expects that extending the criteria for fiscal years 1998 and 1999 would boost the number of entries in 1999 and 2000. By the end of 1999, an estimated 18,000 more refugees would be in the United States as a result of the extension; by the end of 2000, an estimated 36,000.

According to the annual Report to the Congress of the Office of Refugee Resettlement in the Department of Health and Human Services, about 10 percent of these refugees go on Supplemental Security Income (SSI), 60 percent on Food Stamps, and up to 60 percent on Medicaid. (Also, some go on Aid to Families with Dependent Children, which has now been converted to a block grant at fixed levels of funding; on general assistance, which is state-funded; or on short-term refugee assistance, a federally-funded program that is subject to appropriation.) Last year's welfare reform law, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193), curtailed the eligibility of most immigrants for welfare benefits, but spared refugees during their first five years in the United States. Based on these past patterns of welfare participation, CBO estimates that extra outlays in the SSI, Food Stamp, and Medicaid programs would total $20 million in 1999 and would grow to $80 million in 2002.

Appropriation of interest.—The bill contains several sections that authorize the deposit of certain funds into interest-bearing accounts and the spending of subsequent interest earnings without further appropriation. Sections 1205, 1202, and 1204 provide this authority for proceeds from the sale of overseas property, the Foreign Service National Separation Liability Trust Fund and the International Center Reserve Fund, respectively. CBO estimates that these provisions would increase direct spending by $7 million to $10 million a year. Section 1402 authorizes recipients of grants from the National Endowment for Democracy to deposit grant funds in interest-bearing accounts and to use the interest for the same purpose for which the grant was made. Under current law, the grantees refund their interest earnings to the government. CBO estimates that under this provision the Treasury would forgo collections of less than $60,000 a year.

Recovery of health care costs.—Section 1214 would authorize the Secretary of State to recover from insurance companies the reasonable costs of health care services provided by the department and to deposit the funds as offsetting collections. These amounts would be available for spending. The provision would increase mandatory payments for Federal Employee Health Benefits (FEHB) and discretionary appropriations. CBO estimates that the department would collect and spend $12 million in 1998. Collections in 1999 through 2002 were estimated assuming that collections grow at the same rate as inflation in health care costs, rising to $17 million by 2002.

CBO assumes that, after a short lag, insurance companies would recover the amount paid to the State Department plus 15 percent for administrative overhead through higher FEHB premiums. The government pays 72 percent of FEHB premiums; of this, 45 percent is paid through a mandatory government payment for annuitants and 55 percent is paid through discretionary appropriations. Additional mandatory spending would average about $5 million a year, and increases in discretionary spending would average $6 million a year.

Reappropriations.—The bill contains two provisions that would extend the availability of funds by specifying that the funds "shall" remain available until expended. Section 1203 would extend the availability of funds deposited into the Capital Investment Fund and section 1216 would extend the availability of fees for commercial services. CBO estimates that reappropriations from both sections would be less than $500,000.

Authority to provide services on a reimbursable basis.—H.R. 1486 contains several provisions that would allow the Department of State to provide various services on a fee-for-service or reimbursable basis. CBO estimates that collections and spending from the provisions would total less than $500,000 per year. Section 1209 allows the department to accept reimbursement for the expenses of pursuing a claim against a foreign government or entity. Section 1213 authorizes the department to provide training services to corporate employees, their families, and Congressional employees on a reimbursable basis and to collect a new fee for the use of the Foreign Affairs Training Center. And finally, section 1215 would authorize the department to collect a new fee for the use of diplomatic reception rooms. All provisions specify that amounts collected would be deposited as offsetting collections and would remain available until expended.

Termination expenses.—Section 704 authorizes the President to deobligate and reobligate development assistance funds for countries whose assistance program is terminated. The reobligation would cover equitable settlements of third parties whose contracts were canceled when the assistance ended. CBO cannot estimate the budgetary effect of this section.

ASSET SALES

Chapter 5 would authorize the Secretary of the Navy to sell 14 naval vessels to certain foreign countries. Based on information from the Navy, CBO estimates the sale would generate $163 million in offsetting receipts in 1998.

Under recent budget resolutions, proceeds from asset sales have been counted in the budget totals for purposes of Congressional scoring. Under the Balanced Budget Act, however, proceeds from asset sales are not counted in determining compliance with the discretionary spending limits or pay-as-you-go requirement.

SPENDING SUBJECT TO APPROPRIATIONS

CBO estimates the bill would authorize appropriations of $16.5 billion in 1998, $16.1 billion in 1999, and $0.6 billion per year thereafter for foreign assistance programs, the Department of State, and other related agencies. The estimate includes authorizations that specify both the dollar amounts and fiscal years, and the permanent, indefinite authorization for the appropriation of collections in special funds in the amounts discussed below under governmental receipts. In addition, the bill would authorize indefinite appropriations discussed below.

Department of State rewards program.—Subject to appropriations action, section 1201 would authorize the President to take up to 2 percent of the earnings from the assets of foreign governments that have been blocked under the International Emergency Powers Act. Based on information from the Treasury Department, CBO estimates that 2 percent of the earnings on blocked assets would be $2 million per year. The funds would be available for the Department of State to pay rewards for the prevention of international terrorism, narcotics trafficking, and other crimes. The assets affected are not the property of the U.S. government. Any taking would create a claim against the U.S. Government that would need to be resolved when normal relations between the United States and the countries are restored. The Department of State currently provides rewards totaling approximately $2 million a year, and this estimate assumes that section 1201 would result in an authorization of that amount each year.

Indefinite authorizations for currency fluctuations.—Section 1102(f) authorizes such sums as may be necessary in 1998 and 1999 for international organizations and programs to compensate for adverse fluctuations in exchange rates. Any funds appropriated for this purpose would only be obligated and expended subject to an OMB certification. Section 1107 authorizes such sums as may be necessary in 1998 and 1999 for the Arms Control and Disarmament Agency (ACDA) to compensate for increases in pay, employee benefits, and adverse fluctuations in exchange rates.

Currency fluctuations are extremely difficult to estimate in advance. The spending to meet the foreign currency requirements for the two programs could be higher or lower than the amounts specifically authorized in the bill. Therefore, this estimate includes no costs associated with currency fluctuations.

GOVERNMENTAL RECEIPTS

The bill contains two provisions that would authorize collections of certain passport and consular fees to be deposited into special funds of the Treasury. CBO estimates these provisions would not affect governmental receipts or direct spending. The State Department already has the authority to collect these fees, and the authority to spend them would be subject to appropriation and is included as such in the table above.

Section 1210 would authorize the deposit of passport and consular fees into a special fund of the Treasury. These collections would be available to the Department of State in such amounts as are provided for in advance in appropriations acts. CBO estimates the department would collect $446 million in 1998 and $483 million in 2002.

Similarly, section 1211 would establish a Machine Readable Visa fee account such that collections of the fee, a surcharge for processing certain types of visas, would be deposited into a special fund of the Treasury and would be available to the department in such amounts as are provided for in advance in appropriations acts. CBO estimates that the department would collect $143 million in 1998 and $155 million in 2002.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 establishes pay-as-you-go procedures for legislation affecting direct spending or receipts through fiscal year 1998. CBO estimates that enactment of H.R. 1486 would cause an increase in direct spending of $11 million in 1998.

Estimated impact on State, local, and tribal governments: While H.R. 1486 would, by itself, establish no new enforceable duties on state, local, or tribal governments, increasing the number of refugees admitted to the United States, as required by the bill, would increase the costs associated with state SSI supplementary payments. Approximately ten percent of the additional refugees would be eligible for federal SSI payments. Most states would be required under current law to supplement the federal payments to these individuals. CBO cannot determine whether these additional payments would be considered the direct costs of a mandate for the purposes of UMRA. In any event, CBO estimates that the additional costs to states would not exceed $5 million annually.

States would face other costs as a result of the increases in the number of refugees admitted to the United States, but these costs would result either from state public assistance requirements that are not controlled by the federal government, or from an increase in the number of people eligible for federal entitlement programs. Because the bill would not increase the stringency of conditions for these entitlement programs, the costs associated with these provisions do not constitute mandate costs under the law.

The bill also contains a provision that could encourage foreign governments to pay parking fines they owe to Maryland, Virginia, New York State, New York City, and the District of Columbia. Section 308 of the bill would require that an amount equal to 110 percent of the total unpaid parking fines owed by foreign governments be withheld from the foreign aid for those countries. The funds would become available for obligation once the parking fines are paid.

Estimated impact on the private-sector: H.R. 1486 would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Cost: Joseph C. Whitehall and Sunita D'Monte (226–2840); Kathy Ruffing and Dorothy A. Rosenbaum (226–2820); Robin Rudowitz and Jeffrey Lemieux (226–9010); impact on State, Local, and Tribal Governments: Pepper Santalucia (225–3220); impact on the Private Sector: Lesley Frymier (226–2940).

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. YOUNG of Florida) to revise and extend their remarks and include extraneous material:)

Mr. SESSIONS, for 5 minutes, on May 14.

Mr. CANADY of Florida, for 5 minutes, on May 14.

Mr. NEUMANN, for 5 minutes each day, on May 13, 14, and 15.

Mr. GILMAN, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, on May 14.

Mr. SHAYS, for 5 minutes, on May 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. MCHALE.

Mr. WALSH.

(The following Members (at the request of FRANK of Massachusetts) and to include extraneous matter:)

Mr. FORBES.

Mr. FILNER.

Mr. KUCINICH in two instances.

ADJOURNMENT

Mr. FRANK of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 26 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 13, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3261. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Revision of User Fees for 1997 Crop Cotton Classification Services to Growers [CN–97–001] received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3262. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorphy; Pesticide Tolerances for Emergency Exemptions [OPP–300483; FRL–5715–5] (RIN: 2070–AB78) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3263. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerance for Emergency Exemptions [OPP–300485; FRL–5716–1] (RIN: 2070–AB78) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3264. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Preemption of Local Zoning Regulation of Satellite Earth Stations [IB Docket No. 95–59] and Implementation of Section 207 of the Telecommunications Act of 1996; Restrictions on Over-the-Air Reception Devices: Television Broadcast Service and Multichannel Multipoint Distribution Service [CS Docket No. 96–83] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3265. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Italy (Transmittal No. DTC–56–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3266. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Italy (Transmittal No. DTC–34–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3267. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Italy (Transmittal No. DTC–47–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3268. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3269. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List (ID–97–010] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3270. A letter from the Secretary of Education, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3271. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Technical Amendment for the Black Sea Bass Fishery [Docket No. 960805216–7098–05; I.D. 041097D] (RIN: 0648–AH06) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3272. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fisheries by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 050597A] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3273. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administrator, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Modify Prior Notice of Landing Requirement [Docket No. 970206022–7102–02; I.D. 012197C] (RIN: 0648–AJ35) received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3274. A letter from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Administration's final rule—Increased Fine for Notice Posting Violations [29 CFR Part 1601] received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3275. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Arbitrage Restrictions on Tax-Exempt Bonds [TS 8718] (RIN: 1545–AS49) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3276. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Termination of a Partnership under Section 708(b)(1)(B) [TD 8717] (RIN: 1545–AU14) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3277. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Interest Rate to be Used in the Determinations for a "Modified Guaranteed Contract" [Notice 97–32] received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 8, 1997 the following report was filed on May 9, 1997]

Mr. GILMAN: Committee on International Relations. H.R. 1486. A bill to consolidate international affairs agencies, to reform foreign assistance programs, to authorize appropriations for foreign assistance programs, and for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes; with an amendment (Rept. 105-94). Referred to the Committee of the Whole House on the State of the Union.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors wee added to public bills and resolutions as follows:

H.R. 55: Mr. ACKERMAN and Mrs. KELLY.

H.R. 124: Mr. WATTS of Oklahoma and Mr. GRAHAM.

H.R. 306: Mr. PASCRELL, Ms. WOOLSEY, Mr. BISHOP, and Mr. BACHUS.

H.R. 689: Mr. THOMPSON.

H.R. 805: Mr. PITTS.

H.R. 1355: Mr. HOLDEN, Mr. BOYD, and Mr. SAWYER.

H.R. 1461: Mr. THUNE, Mr. RAMSTAD, Mr. GUTKNECHT, Mrs. ROUKEMA, and Mr. LUTHER.

H. Con. Res. 52: Mr. PASTOR, Mr. DIXON, Mr. CLEMENT, Mr. HINCHEY, Ms. SLAUGHTER, and Mr. FARR of California.

H. Con. Res. 73: Mr. MATSUI, Mrs. KELLY, Mr. FROST, Mr. FILNER, Mr. MASCARA, Mr. NADLER, Mr. LAZIO of New York, Mr. SAXTON, Mr. TALENT, Mr. BENTSEN, Ms. BROWN of Florida, Mr. SKAGGS, Mr. MALONEY of Connecticut, Mrs. MEEK of Florida, Mr. MCNULTY, Ms. HARMAN, and Mr. BERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 54. Page 294, strike line 5 and all that follows through page 297, line 4, and insert the following:

SEC. 622. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

"SEC. 227. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES IN FEDERALLY ASSISTED RENTAL HOUSING.

"(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing who is an elderly person or a person with disabilities may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payments of a nominal fee and pet deposit by such residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discrimination against any elderly person or person with disabilities in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

"(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

"(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

"(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

"(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

"(E) assisted under title V of the Housing Act of 1949; or

"(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

"(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

"(3) ELDERLY PERSON AND PERSON WITH DISABILITIES.—The terms 'elderly person' and 'persons with disabilities have the meanings given such terms in section 102 of the Housing Opportunity and Responsibility Act of 1997.

"(d) REGULATIONS.—Subsections (a) through (c) of this section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued no later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".

SENATE—*Monday, May 12, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for politics and the political process. We live in a time in which there are suspicion and cynicism about politics and politicians. Today, we claim the primary etymology of politics as the science of government and not the denigrated definition of manipulated maneuvering. We praise You for the women and men of this Senate who have accepted politics as a high calling from You and use political process as a way to solve the perplexities of our time and ensure the full potential of Your plan for our beloved Nation. Help them to envision and enable Your very best for the spiritual and moral character of the United States. We believe that character does count. May the Nation be able to turn to this Senate for an example of God-centered character. With the same intentionality help the Senators to confront the soul-sized issues that hold progress at bay. Grant them courage and power for the facing of this hour. May they lead a movement and not just preserve a bureaucracy. We turn to You for Your wisdom to tackle perplexities great and small. Help us to do that with a sense of mission and conviction that politics is a ministry ordained by You. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator ENZI, is recognized.

Mr. ENZI. Thank you, Mr. President.

SCHEDULE

Mr. ENZI. Mr. President, for the information of all Senators, today there will be a period for morning business to allow a number of Senators to speak until 11 a.m. It is hoped that following morning business, the Senate will be able to begin consideration of the IDEA legislation. As the majority leader previously announced, no rollcall votes will occur during today's session of the Senate. Any votes ordered with respect to the IDEA bill will be stacked to occur at a later date. As always, all Senators will be notified when any votes are ordered. It is also possible that the Senate could consider the CFE Treaty during today's session. Again, any votes ordered with respect to that treaty will be postponed to occur at a later date.

I thank my colleagues for their cooperation in both these matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I ask unanimous consent to be able to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, it is a delight to be able to come here on the day following Mother's Day to talk about the very best present for Mother's Day that the U.S. Senate could possibly give to the families of America.

I am talking about the need for families to be able to spend time together, and that need is reflected in the fact that families are composed differently than they used to be, that instead of having just one family member earning the living for the family, many family members work. As we have an increase in the number of family members that are in the work force, it becomes more and more important for us to have the capacity for those family members to adjust and arrange their schedules in ways that allow for the right kind of time that parents can spend with their children.

This is extremely important, because I think all of us know that the success of America depends far more on America's families and what happens there than depends on America's Government. The job of Government is to make it possible for families to do the job of families. And when people in families can do their jobs well, the jobs of those of us in Government will be much easier.

Who among us really does not think that the crime problem is in many respects a family problem? Who among us does not really understand that the welfare problem is really in many respects a family problem? Who among us does not understand that if we would really have and maximize and increase and enhance the capacity of families to work together as families that we would not elevate substantially the way in which we live in the United States?

That is why the Family Friendly Workplace Act, Senate bill 4, S. 4, is on the top of our agenda. That is why it is one of our priority measures. That is why we debated the bill substantially in the last several weeks. That is why on Friday we spent time talking about S. 4. And that is why S. 4 will be the topic of our debate tomorrow morning when we return to the bill.

It is an understanding that we need strong families and that the workplace competes with the home place. We need to make sure that the laws of this country do not keep people from spending the kind of high-quality time they need to spend with each other and their children.

It is a really big problem for families, now that two breadwinners are in the average family. But think of how much more important flexible working arrangements are when there is only one adult in the family? To be able to trade an hour on Friday afternoon or work an extra hour on Friday so you can take an hour off on Monday to see your child get an award at the school or to watch your daughter play in a soccer game or your son play in a football game in the afternoon during working times normally is a tremendous asset if we could just give people that kind of flexibility. And, you know, so many more of our children's activities are now in the afternoons.

Arlyce Robinson, one of the individuals who testified before our committee, said she had four grandchildren and many of their activities are now scheduled, in the Washington, DC, area, in the afternoon because it is much safer to have activities during daylight hours. She cannot see them. She wants to see them. She wants to support them. She wants to reinforce their positive behavior. She needs to be able to have the flexible working arrangements to do it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The family has changed. This chart shows just how things have almost totally flipped. Back in 1938, when we developed our labor laws—1938—only 2 out of every dozen—only 2 out of 12—women with school-aged children were working outside the home. Now only three such women are inside the home. So that instead of having two outside the home, we have nine outside the home. So we have had a real change. This has been a sea change. And the stresses that have come to families have really been substantial.

Let us take a look at how times have changed. Only 2 out of 12 women worked outside the home with school-aged children; today, 9 out of 12 women with school-aged children work outside the home.

Families are stressed. A recent poll taken in the week before Mother's Day: 91 percent of the mothers said flexible working arrangements would be very important to them. They understand, basically, on a close to 10-to-1 ratio, how important it would be.

Interestingly enough, Federal workers have flextime. Federal workers, the ratio of their response to a study conducted about flextime in the Federal Government, at a 10-to-1 rate, they said this is a good thing. Federal workers have had this since 1978.

As a matter of fact, it is the hourly workers of America that do not have this. The guys in the walnut boardroom, you know, the guys who take time off to play golf on Friday afternoon, they have flexible working arrangements, believe me. They do not get their pay docked every time they need to do something or want to do something. Neither does the president, the CEO, the treasurer or the manager or the supervisor. They are salaried employees, and all salaried employees have flexibility in this country.

Of course, all of the Government workers, even the Government workers for the Federal Government who work by the hour, they have flextime and flexible working arrangements.

State government workers all have comptime, as was granted to them by the U.S. Congress, the ability to say instead of taking overtime pay, when we want to, we should have the option to take some time off.

We have left the hard-working, laboring people of the United States as a group of second-class citizens who do not have the capacity for flextime and comptime. They ought to have it. They are in a minority. They are the only ones left. And, frankly, it is not fair, because they have the responsibilities of being at home. Their families are stressed, just like other families are stressed. Federal workers already have it. It is time that the stressed families of hourly paid workers have it as well.

We enacted laws making it illegal to add an hour to one week in return for taking an hour off the next week in 1938. The Fair Labor Standards Act was a great step forward for protecting workers. However, that protection now has become a real hindrance. As a matter of fact, it has been more difficult in recent times for families to meet their own needs. They are endorsing the idea of flexibility in work schedules in overwhelming numbers.

Now, there are some things that we do in order to give people the ability to accommodate their families. We have, for most hourly workers, this ability to take what is called family and medical leave. That came from the Family and Medical Leave Act, referred to as FMLA. It is the ability to take time off for a sick child, but you have to do that without pay, so that when you take time off you have a pay cut.

Now, most people find that to be very discomforting. They are working and taking time away from their families because they need the money to support their families. They have a lot of tension financially which drives them into the work force. That elevates the tension socially. And yet in order to accommodate this social tension, when your family has a need, the current law says you have to take a pay cut. That means you help resolve one tension but you increase another tension. It is like jumping out of the proverbial frying pan into the fire.

What flextime, what the Family Friendly Workplace Act would do, basically it would say if you worked a few extra hours from time to time that you and your employer agreed on, you could put those in a bank, in an account of hours, so that if you needed to take time off you would not have to have your paycheck cut for taking time off. If your child gets sick, you can say, "OK, I have an hour in the savings bank," and instead of being stressed financially by helping your child, you can take the time off without taking a pay cut. I think when we have an opportunity to do that, we ought to make that available. Someone might say, well, that is pretty risky, tampering with the laws of the 1930's. The truth of the matter is we would not impose this on anyone. We would give people this opportunity to ask for this and to choose this.

Second, if you put the hours in the bank and later decided you wanted the money under the law, you could ask for the money and the employer would have to give you the money.

Third, Federal employees have had this for the last 19 years. We know how this system works. It works extremely well to meet the needs of families. When interviewed by the General Accounting Office—which is not a political arm of Government; it is a bunch of accountants—they said, "How do you like this?" At a rate of better than 10 to 1, the Federal employees said, "This is great, the best thing since sliced bread. This works." It is something that the boardroom folks have, the boss has, the managers have it, the supervisors have, all the Government workers in Federal Government have, all the State workers have comptime provisions in their legal framework, but it is against the law to give hourly working people that kind of benefit. That is a law that, really, is against the hourly working people, not for them. We need to make sure we have the right safeguards in the law to make sure employers do not abuse that. We have done that. We have doubled the penalties for normal overtime violations so that if there are coercive activities—either direct or indirect—as specified in the bill, then serious penalties are occasioned.

I believe this bill, which we will be back discussing and debating, will be the official agenda of the Senate. We will be on the bill tomorrow morning. It is a bill in favor of the American people. It is a bill that is in favor of the 59 million hourly wage people in the country. We have about 130 million employees in the country, and a majority of them, the vast majority of them, have the capacity for flextime. It is that hourly wage group that does not. It is time they had the same kind of flexibility. Their families are just as important to the future of America as the families of the boardroom folks are, as the families of the managers, the owners, as families of Government workers. It is time we allowed them to do that.

I believe we will provide a bill that the President will want to sign. The President of the United States campaigned on flextime. He understands this need. Mrs. Clinton has spoken clearly on the need for flextime and the importance of having time with children. The President mentioned it in his State of the Union Message, specifically calling for flextime, the ability to have flexible working arrangements and schedules. The President, when he found that there was a narrow niche, a narrow sliver, a small group of Federal employees that did not have it when he took the Office of President, he extended it by Executive order. So there is no question in my mind that he really knows the value, the Clinton family understands the need of other families in this situation. Although the President does know that the only organized opposition, really, the only opposition to this whole proposal, has been through labor leaders of organized labor. I do not say organized labor generally, because so many working people want this. If you talk to the working mothers, it is almost a 10 to 1 ratio in favor of this. I believe we will have an opportunity to send to the President of the United States a bill which he will want to sign.

My question is whether or not somehow his sense of indebtedness to the labor leaders in Washington, DC, organized labor leaders, will in some measure inhibit his capacity to sign something that would be good for the American people. I hope it will not. He should understand, and I think he does, there are 28.9 million hourly paid working women in America. They need the relief of flexible working arrangements so they can spend time with their families, as well as accommodate the demand of the workplace.

I close with this point. One of the reasons we have prosperity in America, the standard of living we enjoy, is so many women are working and doing such a great job. I do not think there is a culture anywhere in the world that can match the United States in terms of the contribution that working women make to the way we live and the way we want to live, the way we aspire to live. We need these women to be productive and contributors to the marketplace as we are competing against the rest of the world, but while we need them, we owe them, and we owe them the opportunity to spend time with their family. That could be achieved if we had a reasonable approach to directing work arrangements and allowing them to make choices.

Never in this bill is there an opportunity for an employer to impose upon a worker the requirement to work in return for time off, instead of working in return for pay. Whenever a person says, "I would like to work for comptime," that means they will be able to take time off and still get pay, and if they decide they want to take time off and still get pay and before they take the time off they change their mind and they want the time-and-a-half pay, they get the time-and-a-half pay. This is a measure that is designed to give workers choice and to give them the opportunity to do what we need for them to do the most, which is to be the kind of parents they ought to be.

It is not like the Family and Medical Leave Act, which says when you take time off it is without pay. This is the capacity of Americans to be good parents and not take a pay cut. We should not, as a Government, say to people that in order to be a good parent you have to take a pay cut. We should develop a capacity for flexible working arrangements in this country which allows parents to be what they need to be and what we need them to be, and that is good parents, and to do so in the context of providing for their families.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to use the time allotted to me during morning business at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MINING LAW OF 1872

Mr. BUMPERS. Mr. President, on this beautiful Monday morning when there is absolutely nothing going on in the Senate or in the entire Congress, it is an ideal time to remind the Members of Congress and the American people that 125 years ago this past Saturday, Ulysses Grant, who was President of the United States, signed a bill called the mining law of 1872. This is now my ninth year of trying to get this law repealed. It is probably the biggest single scam that continues in effect in America today.

In the past several years I have brought up numerous amendments to try to modify or repeal the mining law. Each time some of my colleagues, who do not have any hard-rock mining in their State, voted with western Senators to oppose my amendment. The western Senators always argue the reason they do not want to require the mining companies to pay a royalty for mining on public land and the reason they want the mining companies to buy this land for $2.50 an acre is because it creates jobs. That is absurd Mr. President. We do not tolerate that in the private sector. We do not tolerate it anyplace else in the public sector. We should not tolerate it here.

Let me just refresh people's memory on how the mining law works. Under the law that Ulysses Grant signed, which was designed primarily to encourage people to move west, anybody who wanted to could go out on Federal lands and drive four stakes in the ground and claim 20 acres for the purpose of extracting hard-rock minerals.

I never will forget when I described what an outrage this was to one of my former colleagues. I was trying to get him to cosponsor the bill with me. When I got through explaining it to him, I said, "Well, will you help me with this?" He said, "No, I am going out west and start staking claims. I didn't know you could do that."

If you drive four stakes in the ground you own 20 acres of minerals as long as you want to hold that claim. And you can file as many of them as you want. If at some point you find that there is gold, silver, platinum, palladium, copper—you name it, under that 20 acres, you go to the Department of the Interior, to the BLM.

Let's say you have 100 acres, five claims, and you want to mine it because you think it has gold under it. If you can convince BLM that, yes, indeed, there is gold under it, they are obligated by law, and have been for 125 years, to give you a deed to that 100 acres for $250 or $500. Some claims go for $2.50 per acre and others go for $5.00 an acre. I will come back to that in a moment.

The big mining companies usually approach these people that have staked claims and they say, "You know, we think this is a good claim. We will buy that claim from you and we will give you a royalty." So the farmer in Arizona or Wyoming or Idaho or Montana says, "Here, take it." The mining companies will usually pay him a substantial royalty. What do they pay the United States, who gave it to him for $5 or for $2.50 an acre? Absolutely nothing.

Nothing has changed since 1872. The United States has not collected one dime of royalty on the more than 3 million acres that it has deeded away for either $2.50 an acre or $5 an acre.

Mr. President, I cannot believe I am standing here for the ninth year trying to educate my colleagues on this. But I will say this. The news magazines, from "60 Minutes" to "Prime Time Live" to "20/20", they have all done it. And NBC just as recently as 2 months ago, did a segment on this.

Is it not strange that we have no compunction about cutting $55 billion out of welfare, $16 billion out of Medicaid for the poorest children's health care in America and $115 billion from Medicare—you can say you are going to take it out of providers. If you take it out of providers, the beneficiaries are going to suffer. An assault, literally, on the most vulnerable people in America—the elderly, the poor, and the children—and allow the biggest mining companies on Earth to buy Federal land with billions of dollars worth of gold under it for $2.50 an acre. The Mineral Policy Center estimates that over the past 125 years we have deeded land containing $243 billion worth of minerals for which we received not one red cent.

Anybody who thinks this is all conjured up, just check the facts, check with anybody you want to. I have heard every argument under the shining Sun to keep from doing something about this. So, we now have 600 patent applications pending. I have had some partial success in the last 3 years in my efforts to do something about this. We have put a moratorium on the issuance of any additional patents. But we have been doing it on a yearly basis. We first imposed the moratorium in 1995. This moratorium has been renewed the last 2 years. GEORGE MILLER and I have a bill pending in both the House and Senate that would make that permanent—no more giveaway of the public domain.

There is not a Senator in this body who has not gone home and told the chamber of commerce and the Rotary

Club what a magnificent steward he is of their money, their tax money. And when they run, what do they say? "I'll treat your money like it was my own." Really? Do they?

You know, Barrick Resources, which is the biggest gold company in the world pays private landowners substantial royalties. But suggest they pay poor old Uncle Sam, who literally gave them the minerals in the land, suggest they pay him cent farthing, and they come unglued.

No, we can't do that.

How about the State of Nevada? Do you pay them anything?

Oh, yes, we pay Nevada. We pay a severance tax. But Uncle Sugar? Just can't do it. It will cost jobs.

You think about 260 million people in this country who own those minerals and Congress insisting that they be kept in the dark about what has been going on. Of the 600 patents now pending, we have literally stopped 235 of those. There may be no way legally that we can stop the others. Sooner or later those patents will probably be issued—hopefully for not a lot of gold. If my and GEORGE MILLER's bill passes this year, there will be no more patents without royalties and reclamation fees mining companies will no longer be able to take a depletion allowance deduction on their tax returns.

You think about these people getting depletion allowances. The very nature of depletion is to recover your cost of a depleting mineral. Your cost? They do not have any cost. They did not pay anything for it. How can you deplete something you did not pay for? So GEORGE MILLER and I say, yes, in the future we are going to take this depletion allowance away from you.

Mr. President, think about this, as we have gone home and told the people, "My No. 1 priority is to balance the budget. I will spend your money like it was my own." On December 1, 1995, ASARCO received a deed to 349 acres in Arizona.

Did you know Bruce Babbitt has no choice? It is not up to him. This is the law. He has to comply with the law. So he gives ASARCO a deed, for $1,745—$1,745, that is about how much a Senator makes in a week. For 349 acres they pay $1,745. Do you know the rest of the story? Underneath that 347 acres is $3 billion worth of copper and silver. Do you know what the United States will get in royalties, reclamation fees? Zip, zero, not a dime.

And then on September 6, 1995, Faxe Kalk, a Danish corporation—incidentally, many of the biggest mining companies including Barrick are foreign. I do not have any objection to that. Barrick is a Canadian company. How would you like to be a miner and go up to Canada and say, "I want to buy a couple of acres of land with billions of dollars worth of minerals. I will give you $10,000 for it." They would probably put you in jail for being insane. And yet that is what we do. And here is a Danish corporation called Faxe Kalk. They only wanted 110 acres. And Bruce Babbitt had no choice. The law required him to give this Danish corporation a deed for that land for $275, about 1 day's pay for a U.S. Senator. And what do you think it had under it? One billion dollars worth of travertine. So for $275 we gave them $1 billion, and what did we get in return in for the $1 billion? Zip, zero, nothing.

On May 10, 1994, American Barrick, as I said the biggest gold mining operation probably in the world, received 1,800 acres of land in Nevada. They paid $9,000—$5 an acre—for that 1,800 acres and they got $11 billion worth of gold.

The Stillwater Mining Co. in Montana has not received a full patent yet. They have what is called a first half certificate, but they are one of the companies that had to be grandfathered in the moratorium, and Stillwater wants about 2,000 acres in Montana.

But Stillwater Mining Co.—and this is in their prospectus. These are not my figures. This is what they say—for 2,000 acres, for which they will pay $10,000—$5 an acre—they get $38 billion worth of palladium and platinum—their figures—and the U.S. taxpayer gets nothing.

Mr. President, these things are literally unbelievable. I have made this speech here for 9 years, and I must say that while for a long, long time it fell on deaf ears, it is now getting to the point where Senators—and I do not want to make this a partisan issue, but Senators on that side of the aisle with the exception of six or seven have stood fast to continue this, and the time is coming because of all these news magazine stories where you are going to see 30-second spots next fall on how people voted to give away the public domain. I can see a spot now saying, did you know so and so voted to continue the giveaway of gold and minerals? Did you know we have given away $243 billion worth of gold, silver, platinum, and so on, in the past 125 years, and he votes to continue that. They haul out all the votes that we have had on amendments that I have offered on this floor just in the last 3 years. The Mineral Policy Center said of the $243 billion worth of gold, silver, et cetera, that we have given away in the past 125 years, if we had the kind of royalty which GEORGE MILLER and I have in our bill the taxpayers would have received $12 billion.

Mr. President, I would like to summarize the legislation that I and Congressman MILLER have introduced. Mining companies would have to pay a 5-percent net smelter return royalty for operations on public land. Now, this is another dimension that I have not mentioned, and that is a lot of people in this country are mining claims on Federal lands that have not been patented. Once you patent it, they give you a deed for it and it is yours. But there are a lot of minerals being mined in this country on unpatented lands though they are Federal lands. They do not pay any royalty either. So that net smelter return is on unpatented lands and it is predicted to save $175 million over the next 5 years.

A second part of the legislation is a claim maintenance fee. Until about 5 years ago, when you filed a claim, you had to submit some proof to BLM that you had done some work on it. You could go out there with a pick and shovel and work for about an hour, and then you sent it into the BLM and said I worked hard on my claim and I still haven't found anything. That was enough to renew it.

About 4 years ago I finally got this body and the Congress to put a $100 annual fee on these claims, 20-acre claims. That is $5 an acre a year to hold the claim. We had 800,000 claims at that time. We now have 330,000, which shows you that people were just willy-nilly filing claims hoping that Barrick or some other big gold mining company would come by and make an offer for it. Isn't it interesting that very seldom does a major mining company ever find this stuff. They buy the claim from some old nester who has had it for 50 or 100 years. They do not go out and explore for it until after they buy the claim. Now, they have a pretty good idea of what is there, but what they do is they buy claims from a guy who has owned it for the last 20 to 50 years and give him a royalty and yet they say they cannot give us one.

But in any event, our bill continues the $100 annual fee on existing claims, and we make it $125 on new claims. So if anybody goes out and files a claim under this bill for 20 acres, the new fee will be $125. And that is only on unpatented lands, of course. Then we have a reclamation fee that ranges on a sliding scale from 2 percent to 5 percent of net income depending on the profitability of the company. Mr. President, you cannot charge a royalty to somebody who already owns the land even though we gave it to them. You take American Barrick that just in 1994 got $11 billion worth of gold. It is theirs. You cannot charge somebody for mining on their own property. But you can charge a reclamation fee, and we calculate that is worth $750 million over the next 5 years. Do we need a reclamation fee? The Bureau of Mines says there are 250,000—listen to this—sites on BLM land that have been abandoned and need to be reclaimed, 2,000 claims in national parks, if you can believe it—abandoned, and the Mineral Policy Center says there are 557,000 mines that have been abandoned in this country on both public and private lands—557,000 mine sites that need to be cleaned up. Do you know what they estimate the cost of cleaning them up to be? Somewhere between $32.7 billion and $71.5 billion.

So here we have given away 3 million acres that had $243 billion worth of gold, silver, platinum, and palladium under it, and what have we gotten in return? We have gotten 250,000 sites that we have to clean up on BLM sites and 2,000 in the national parks. Sometimes I have a hard time believing my own words. If I did not do so much research on this all the time, I would not believe it. So why not charge a reclamation fee and say we are at least going to start cleaning up these sites.

Now, these people not only get the land for $2.50 per acre, they not only get $1 billion worth of gold for which they pay the U.S. Government not one cent, they also leave an unmitigated environmental disaster. Listen to this; 59 of the sites on the Superfund National Priority List are directly related to hardrock mining. Who could argue that we need to charge a reclamation fee to help reclaim the hundreds of thousands of acres that have been abandoned by the mining companies.

And finally, Mr. President, I have already alluded to the fact that our bill contains a fourth provision and that is a depletion allowance repeal. I forget exactly what it is. I think it is 15 percent for gold, for silver and copper, and 22 percent for palladium and platinum. We have always allowed depletion on oil because it was a depleting resource, gas because it was a depleting resource, and, yes, a depletion allowance on private land would make some sense. But to allow people to get land from the U.S. Government for virtually nothing, leave us an unmitigated disaster to clean up, and then get a 15 to 22 percent depletion allowance to deplete a resource that they paid nothing for. That is absurd.

Congressman MILLER and I will be working very hard to pass this bill this year. I would like to think that the time has come when Senators did not feel they could just accommodate their good friends. They are my good friends, too. Some of the people I debate this with—and the debate could get very loud and raucous—are my best friends. It is kind of like trial lawyers. Trial lawyers fight all day long and go out to dinner together. I have done that, too. This is not aimed at anybody individually. This is aimed at trying to bring some fundamental fairness to what simply is so intolerable it cannot be tolerated any longer.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 9, 1997, the Federal debt stood at $5,331,940,681,736.92. (Five trillion, three hundred thirty-one billion, nine hundred forty million, six hundred eighty-one thousand, seven hundred thirty-six dollars and ninety-two cents.)

One year ago, May 9, 1996, the Federal debt stood at $5,088,829,000,000. (Five trillion, eighty-eight billion, eight hundred twenty-nine million.)

Twenty-five years ago, May 9, 1972, the Federal debt stood at $426,455,000,000 (four hundred twenty-six billion, four hundred fifty-five million), which reflects a debt increase of nearly $5 trillion—$4,905,485,681,736.92 (four trillion, nine hundred five billion, four hundred eighty-five million, six hundred eighty-one thousand, seven hundred thirty-six dollars and ninety-two cents), during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 46, S. 717.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 717) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Jim Downing, a fellow with the Committee on Labor and Human Resources, and Mark Hall, a fellow with the leader's office, be accorded privilege of the floor during Senate consideration of the Individuals With Disabilities Education Act Amendments of 1997, S. 717.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, today is a special occasion for me and I am proud to be with my distinguished colleagues to consider S. 717, the Individuals With Disabilities Education Act Amendments of 1997.

I was there in the beginning, in 1975, Congress faced with a patchwork of court decisions, first took the historic step in assuring educational opportunities for some of the most vulnerable in our society, children with disabilities.

In 1975, the Education of All Handicapped Children Act, or Public Law 94–142, was enacted to assist States in meeting the goal of providing a free appropriate public education and offering an equal educational opportunity to all children.

Public Law 94–142 has done much to meet the educational needs of children with disabilities.

Over the life of this historic legislation we have seen many advances toward the attainment of these goals—advances in educational technique, advances in technology, advances in opportunity, and advances in our expectations. Children with disabilities are now being educated alongside their peers in unprecedented numbers. Children with disabilities are now achieving beyond our wildest dreams.

Before Public Law 94–142, society placed little value on the lives of children with disabilities. Millions of children with disabilities were denied access to education, and we invested few resources in anything more than simple caretaking. We have now learned that investment in the education of children with disabilities from birth throughout their school years has rewards and benefits, not only for children with disabilities and their families, but for our whole society.

We have proven that investment in educational opportunity for all of our kids enriches society. We have proven that promoting educational opportunity for our children with disabilities directly impacts their opportunity to live independent lives as contributing members to society. Most importantly, we have learned to value all of America's children.

Public Law 94–142 was written in different times to address basic concerns. Concerns that have evolved into expectations. With this evolution in expectations has come an evolution in other concerns that its drafters could never have anticipated. Concerns that must be addressed if we are to continue in the advancement and development of educational programs that have done so much for America's children, our children.

This year, Mr. President, I have worked hand in hand with majority leader TRENT LOTT and Chairman GOODLING in the development of this agreement. We have also worked hand in hand with Senators KENNEDY and HARKIN here in the Senate. A bicameral, bipartisan agreement has been reached.

The process in itself is historic, one in which Democrats, Republicans, the House and Senate, worked together alongside the administration in crafting this consensus bill.

We held weekly townhall-type meetings that enabled varying stakeholders to provide their input. These stakeholders included parents of the children with disabilities, school administrators, special educators, general educators, and children with disabilities themselves.

The principal members of the working group were Senator COATS, Senator HARKIN, Senator KENNEDY, and their staffs; Members of the House of Representatives, Mr. RIGGS, Mr. MARTINEZ, Mr. SCOTT, and their staffs; the Assistant Secretary of the Department of Education, Judith Heumann, and the Director of Special Education, Tom Hehir. I would like to thank each and every one of them for their efforts. It was an incredible effort.

We owe much to Senator FRIST, who laid the groundwork last year upon which we were able to build this consensus agreement, and for his unwavering support in our efforts this year. We were further aided in our efforts this year by Senator GREGG and Senator ASHCROFT and their staffs.

I would like to thank the following organizations for their participation, guidance and support during our efforts this year. Their support for the final passage of S. 717 is crucial to the overall success of the Individuals With Disabilities Education Act Amendments of 1997. I wish to commend them for this support.

The National Parent Network on Disabilities, the Learning Disabilities Association, the ARC, the National Easter Seal Society, the American Association of School Administrators, the National Education Association, the Autism Society of America, the National Association of the Deaf, the National Down's Syndrome Society, the Epilepsy Foundation of America, the American Academy of Child and Adolescent Psychiatry, the American Association of University Affiliated Programs, the American Foundation for the Blind, the American Physical Therapy Association, the American Speech-Language-Hearing Association, the Association for Education and Rehabilitation of the Blind and Visually Impaired, the National Association of Developmental Disabilities Councils, the National Association of State Directors of Special Education, the National Coalition of Deaf-Blindness, the National Mental Health Association, the National Therapeutic Recreation Society, the United Cerebral Palsy Associations, the Council of Great City Schools, Children and Adults with Attention Deficit Disorders [CHADD], the Rehabilitation Engineering and Assistive Technology Society of North America, the National Association School Psychologist, the Higher Education Consortium for Special Education, the Council for Exceptional Children, the National Association of Elementary School Principals, Federal Advocacy for California Education [FACE], and the American Federation of Teachers.

I would like to take my colleagues through the steps we took to strengthen and improve IDEA. These steps were not taken lightly. They built upon the procedural protections expressed and the flexibility inherent in current law. I anticipate that when parents and educators have a full and accurate understanding of what we have done, they will embrace this law and these amendments as tools for making the future what it could be, what it should be, for the over 5 million children with disabilities.

First, we invested in the principle of prevention. No child should have to fail in order to be helped. No child should need a label of disability in order to be helped. We reauthorized the early intervention program for infants and toddlers with disabilities. This very successful program, originally authorized in 1986, gives parents direct support and infants and toddlers appropriate services from the moment a disability is known. Over the years, and recently by Rob Reiner, Americans have been told of the consequences of investing and not investing in the earliest years of a child's life. By assisting families with infants and toddlers through IDEA's early intervention program in the last 11 years, we have brought quality of life opportunities to these children and their families that they would not have had. We have mitigated or reduced the effects of disabilities, so that later in life, the children are more successful and less in need of special education and related services. In S. 717 we retain this vital program, and add provisions to encourage States to identify and assist, to the extent they are not doing so now, infants and toddlers who are at risk of developing developmental delays. Such children are those whose special needs are not easily detected in the earliest years, but who clearly do not develop at the same rate or degree as their same age peers in terms of physical, cognitive, emotional, and social development. We also add a provision encouraging States to provide early intervention services to infants and toddlers in natural environments where such children are typically found—the home and with other children of the same age.

We invested in prevention in other ways as well. S. 717 gives States and local school districts the option of referring to children, eligible for services, as developmentally delayed if they are between the ages of 3 through 9. I believe this simple step will move us a way from investing resources in confirming a specific disability and stamping a specific disability label on a child, and move us toward concentrating our resources on what we can do to help a child succeed in school.

For the first time, we authorize school-based improvement plans to encourage educators and parents at the school building level to work together to set goals to help children, with and without known disabilities succeed. For the first time, we authorize State improvement plans to be developed in collaboration with State and local educators, parents, and others interested in improving educational opportunities and results for children with disabilities. The emphasis in such plans is to ensure better trained and equipped personnel, especially regular education personnel. If teachers are prepared to detect and address a child's problem when it first appears, and make appropriate adjustments in the child's instructional program, the child is less likely to experience failure, and less likely to need special education and related services.

The focus we bring to prevention in S. 717, means increased flexibility and cost savings for school districts. But more importantly, this focus creates new opportunities for partnerships between parents and educators, and more opportunities for children, all children, to experience a greater degree of success while in school and later in life as well.

Second, the bill reflects the principle that procedures and paperwork should be driven by common sense, a need to know, and accountability for results that matter. Should parents participate in establishing their child's eligibility for special education and related services? Should parents influence what goes into their child's IEP? Should parents influence the selection of the educational placement of their child? Should a child's regular education teacher influence what goes into a child's IEP? S. 717 dictates that the answer be yes, but so does common sense.

Should educators and parents share information, including evaluation information, with each other in a timely manner? Should parents know what the rights and protections that IDEA guarantees their child as early as possible, in language that they can understand? S. 717 dictates that the answer be yes, but so does common sense.

Should educators have an opportunity to offer a free appropriate public education to a child with a disability, before the child's parents place the child in a private school and send the school district the bill? Should educators have a timely, clear, and specific indication that parents intend to request a due process hearing, before they actually do it? S. 717 dictates that the answer be yes, but so does common sense.

Should educators have the opportunity to explain the benefits of mediation to parents before proceeding to due process? Should educators be responsible for reporting on a child's progress to the child's parents? Along with other children, to the community? To the State? S. 717 dictates that the answer be yes, but so does common sense.

The third principle that influenced this legislation was that educators and parents need, in fact desperately deserve, the codification of all Federal policy governing how and when a child with a disability could be disciplined by removal from his or her current educational placement. Right now, parts of that policy are in IDEA, parts are in informal policy guidance prepared by the U.S. Department of Education, and still other parts are found in case law. The effects of this have been both unfair and unfortunate. Many educators, unaware of or unsure of their range of discretion when a child with a disability breaks a school rule, do little or nothing. Many parents, unaware or unsure of the protections IDEA affords their child, allow their child to go without educational services. We could not let the current situation stand. S. 717 attempts to correct it, through a balanced approach, an approach which recognizes both the need to maintain safe schools and the need to preserve the civil rights of children with disabilities.

When a child with a disability violates school rules or codes of conduct through possession of weapons, drugs, or demonstration of behavior that is substantially likely to result in injury to the child or others in the school, the bill provides clear and simple guidance about educators' areas of discretion, the parents' role, and procedural protections for the child.

If we adopt this legislation, dangerous children can be removed from their current educational placements. Specific standards must be met to sustain any removal. If a behavior that is subject to school discipline is not a manifestation of a child's disability, the child may be disciplined as children without disabilities. If parents do not agree with the removal of their child from his or her current educational placement, they can request an expedited due process hearing. If educators believe that a removal of a child from his or her educational placement must be extended, they can ask for an extension in a expedited due process hearing.

If S. 717 is enacted, under no circumstances would educational services to a child with a disability cease. If a child with a disability violates a school rule, and the child's behavior is not a manifestation of the child's disability, the local educational agency, in which the child attends school, must continue educational services to the child. If the policy of the local educational agency, in which the child attends school, prevents it from doing so, the State must assume the responsibility to continue the child's education. This obligation under section 612(a)(1) should not be construed to prevent schools from suspending children with disabilities for up to 10 days, consistent with the provisions in section 615(k)(1)(A)(i).

The fourth principle which influenced our efforts was that local school districts need options for fiscal relief. Over the life of IDEA they have borne the lion's share of the costs. While retaining a single line of authority, we direct governors to devise ways for noneducational agencies, which could or should bear costs of certain special educational and related services to children with disabilities, to assume responsibility for these costs. We clarify State and local maintenance of effort requirements. States must maintain the State level of dollars spent on special education and related services. Local school districts must maintain local dollars spent on special education and related services. In addition, once IDEA funding reaches $4.1 billion, local school districts may treat as local dollars 20 percent of IDEA dollars that represent an increase from their previous year IDEA allotment.

The amendments we are considering today, in so many ways, are not only based on common sense, but common practice, on best practice. We do not and would not impose on educators or parents the specific means by which they should respond to these amendments. Their responses will be shaped by local resources and relationships. Such responses, whatever form they actually take in communities across this Nation, will have positive consequences. And that leads me to my fifth, and last point.

Most children with disabilities are being educated and are succeeding because of IDEA. Less than 1 percent of these children and their families are experiencing disagreements with educators about whether a child has a disability, how a child should be educated, or where a child should be educated, because of the child's disability. However, increasingly, actual disagreements and the likelihood of disagreements are shaping how parents and educators view each other and each other's motivations and actions. This trend is not healthy for the children involved, nor their families, nor their teachers, nor their principals. We must create an atmosphere in which the event of designing a child's education is premised on constructive dialog, common goals, and the child, not premised on the avoidance of a lawsuit.

In S. 717 we require States to offer voluntary mediation to parents. We attach specific consequences for educators and parents, who fail to share or disclose information that, if provided, may lessen disagreements and legal disputes. We retain provisions added in 1986 to IDEA, that put limits on the conditions under which prevailing parents may receive reimbursement of attorneys' fees. We add other provisions that reflect current policy and legislative history with regard to the use and reimbursement of parents for attorneys' time spent in IEP meetings or mediation.

I would like to thank the staff members also: Pat Morrissey and Jim Downing, from my staff, Townsend Lange and Bobby Silverstein, Danica Petroshius, Sally Lovejoy, Todd Jones, Bob Bacon, Alex Nock, Theresa Thompson, and most importantly, Dave Hoppe, for without his hard work we could not have achieved our goal.

Mr. President, I thank my colleagues, and ask unanimous consent that my full statement be included in the RECORD as if read.

Mr. President, I thank my colleagues.

I yield to my colleague from Iowa.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Mr. Tom Irvin, a detailee from the Department of Education to the Labor Committee staff, be accorded privileges during debate and amendments on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I rise in support of S. 717, the Individuals with Disabilities Education Act Amendments of 1997.

On February 20, 1997, a bipartisan, bicameral working group was established to develop a bill reauthorizing the Individuals with Disabilities Education Act [IDEA]. The working group included a representative from the Department of Education, Judy Heumann, Assistant Secretary for Special Education and Rehabilitative Services, and congressional staff representing Senators JEFFORDS, KENNEDY, COATS, HARKIN, FRIST, and DODD; and Representatives GOODLING, MARTINEZ, RIGGS, MILLER, CASTLE, and SCOTT. The facilitator of the group was David Hoppe, the majority leader's chief of staff.

The mission of the working group was to review, strengthen, and improve IDEA to better educate children with disabilities, and enable them to receive a quality education. With this mission in mind, the group agreed to start with current law and build on the actions, experiences, information, and research gathered over the life of the law, particularly over the past 3 years. The group further agreed that it must distinguish between problems of implementation and problems with the law, and respond appropriately, according to the issue raised.

After 10 weeks of marathon negotiations, an agreement was reached on all outstanding issues. S. 717 is the outcome of this effort.

Mr. President, IDEA is a powerful civil rights law with a long and successful history. More than 20 years ago, Congress passed Public Law 94-142, a law that gave new promises, and new guarantees, to disabled children and their parents under part B of the Education of the Handicapped Act, now known as IDEA.

Prior to the enactment of Public Law 94–142, 1 million children with disabilities were excluded entirely from the public school system, and more than half of all disabled children in the United States did not receive appropriate educational services that would enable them to enjoy full equality of opportunity.

On that day in 1975, when Public Law 94–142 was enacted, we lit a beacon of hope for millions of children with disabilities and their families, we exclaimed that the days of exclusion, segregation, and denial of educational opportunity were over in this country.

We recognized that the right of disabled children to a free appropriate public education is a constitutional right established in the early 1970's by two landmark Federal district court cases—Pennsylvania Association for Retarded Children versus Commonwealth in 1971 and Mills versus Board of Education of the District of Columbia in 1972.

Thus, IDEA was enacted for two reasons: First, to establish a consistent policy of what constitutes compliance with the equal protection clause so that there would be no need to continue pursuing separate court challenges around the country. Second, to help States meet their constitutional obligations.

IDEA is landmark legislation that has literally changed the lives of millions of children with disabilities and their families.

IDEA has been a very successful law that has made significant progress in addressing the problems that existed in 1975. Today, every State in the Nation has laws in effect assuring the provision of a free appropriate public education for all children with disabilities. Over 5,000,000 children with disabilities are now receiving special education and related services.

The number of young adults enrolled in postsecondary education has tripled, and the unemployment rate for individuals with disabilities in their twenties is almost half that of their older counterparts.

And, because of a promise made in 1986, all States now provide early intervention services to infants and toddlers with disabilities and their families.

For many parents who have disabled children, IDEA is a lifeline of hope. As one parent recently told me:

> Thank God for IDEA. IDEA gives us the strength to face the challenges of bringing up a child with a disability. It has kept our family together. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as "one of the guys." I am now confident that he will graduate high school prepared to hold down a job and lead an independent life."

IDEA helps preserve and strengthen the family unit. Because of IDEA, disabled children will grow up with their siblings and parents, and worship and play with neighbors and friends.

IDEA teaches personal responsibility by tailoring education to meet each child's unique needs.

IDEA empowers disabled children to grow up to lead productive lives in the mainstream of society.

Because of IDEA, we hear less anger and frustration from parents than in the past. We now hear a greater sense of optimism, as I heard from a parent in Iowa writing about her 7-year-old daughter with autism. She said, "I have no doubt that my daughter will live nearly independently as an adult, will work, and will be a very positive contributor to society. That is very much her dream, and it is my dream for her. IDEA has made this dream capable of becoming a reality."

Mr. President, these are not isolated statements from a few parents in Iowa. They are reflective of the general feeling about the law across the country.

But despite the tremendous progress that has been made since 1975, we know that our work is not over, and significant challenges still remain. The unfortunate truth is that, for far too many disabled children, the promise of IDEA is not yet a reality.

For example, too many students with disabilities are still failing courses and dropping out of school. Almost twice as many disabled students drop out of school, as compared to nondisabled students. And when disabled students drop out, they are less likely to ever return to school and are more likely to be unemployed or have problems with the law.

Enrollment of disabled students in postsecondary education is still too low. And too many of these students are leaving school ill-prepared for employment and independent living.

Of further concern is the continued inappropriate placement of children from minority backgrounds and children with limited English proficiency in special education classrooms with low expectation for these children. In addition, school officials and others complain that current law is unclear and focuses too much on paperwork and process rather than on improving results for children.

And it is distressing to observe that the law is not being consistently implemented across the Nation, or even within individual States. Why is it that in one school district, the number of suspensions and drop outs is very high, whereas in a neighboring district within the same State, these problems do not exist? Unfortunately, this is not an isolated situation.

In February, just after the working group began its effort to improve IDEA, I received a copy of a letter to David Hoppe from the Disability Rights Education and Defense Fund relating to implementation problems with IDEA in the city of Los Angeles. The letter states, "We implore you to read the enclosed report prepared by well qualified, unbiased, independent consultants hired by the Los Angeles Unified School District in California and parents of children with disabilities in their efforts to resolve a lawsuit in Los Angeles for violations of IDEA." The letter adds:

> The findings of the consultants/experts are astounding. Twenty years after the passage of IDEA, the consultants were "compelled to conclude that the District suffers from a pervasive, substantial, and systematic inability to deliver special education and related services in compliance with special education laws.". . . The harm suffered by children with disabilities, their parents and their communities is incalculable, tragic and unacceptable.

As a result of IDEA, most children are now in school. But it is clear that we must ensure that IDEA is fully and consistently implemented. And we need to place greater emphasis on improving educational results for these children. Careful strengthening and refocusing of the law is necessary in order to build upon 20 years of success while ensuring resolution of existing problems.

In addressing these challenges, the bipartisan, bicameral working group established a set of principles to guide its efforts, including adopting the following three goals:

The first goal was to review, strengthen, and improve IDEA to better educate children with disabilities and enable them to receive a quality education by:

First, ensuring access to the general education curriculum and reforms;

Second, strengthening the role of parents;

Third, focusing on teaching and learning while reducing unnecessary paperwork requirements;

Fourth, giving increased attention to racial, ethnic, and linguistic diversity to prevent inappropriate identification and mislabeling;

Fifth, ensuring that schools are safe and conducive to learning;

Sixth, encouraging parents and educators to work out their differences by using nonadversarial means; and

Seventh, assisting educational agencies in addressing the costs of improving special education and related services to children with disabilities.

The second goal was to encourage exemplary practices that lead to improved teaching and learning experiences, and which in turn result in productive independent adult lives.

The third goal was to assist States in the implementation of early intervention services for infants and toddlers with disabilities and their families and support the smooth and effective transition of these young children to preschool.

The bill that we are considering today, S. 717—the Individuals with Disabilities Education Act Amendments of

1997—has been developed with these three goals in mind.

A basic framework used by the working group was developed by the Clinton administration during the 104th Congress. Without this framework provided by the administration, we would not have been able to achieve such a successful outcome. I was proud to have introduced, along with Senator KENNEDY, the administration's proposed amendments to improve IDEA (S. 1075). In submitting the bill to Congress, Secretary Riley said:

> The IDEA has helped millions of disabled Americans to finish school, get a job, and make their civic contribution like other working americans. These amendments build on two decades of research and experience to meet the needs of the classrooms of today. They aim to ensure that students with disabilities are offered challenging materials in classrooms with well-prepared teachers. We want the focus of the IDEA today to be on better teaching and learning—and not on unnecessary paperwork.

Much of the work of the administration in proposing improvements to IDEA has been because of the vision and leadership Judy Heumann, the Assistant Secretary of the Office of Special Education and Rehabilitative Services. Ms. Heumann testified at the January 29, 1997, hearing on IDEA conducted by the Committee on Labor and Human Resources. In her testimony, she explained how important this legislation is to children with disabilities and their families:

> Through IDEA programs, millions of children with disabilities have received the education they need to become fully participating, fully contributing members of our society. The IDEA is not just a law on paper. To most families with disabled children, it is the bedrock foundation upon which the future of their children depend . . . Disabled students and their families do not want to be shut away from the rest of society or given a watered-down curriculum; they want an opportunity to study and to work so that they can contribute to society. The IDEA has changed the role of government from one of caretaker of dependent individuals to one that opens the door to education and empowers people with disabilities to fully participate in their community.

This IDEA reauthorization bill that we are considering today has enjoyed strong bipartisan support. Last Wednesday, May 7, 1997, the Committee on Labor and Human Resources unanimously approved the Individuals with Disabilities Education Act Amendments of 1997 as an original bill. And the House Committee on Education and the Workforce voted out an identical bill. On the next day, S. 717 was formally introduced by Senator JEFFORDS and Senator HARKIN, along with Senators LOTT, KENNEDY, COATS, DODD, GREGG, MIKULSKI, FRIST, DEWINE, ENZI, HUTCHINSON, MURRAY, COLLINS, WARNER, MCCONNELL and REED.

Mr. President, I am pleased to learn that this bill has the endorsement of 25 national disability groups. And the major organizations representing general education have also endorsed the bill. I ask unanimous consent that a list of these groups be printed in the RECORD.

I am particularly pleased that I recently received a letter from Justin Dart, a friend and leader in the disability community, endorsing the bill:

> Colleagues, the agreement is the result of valiant efforts of disability advocates across the country. It maintains the fundamental right to a free appropriate public education for all children with disabilities. Without agreement, many of the fundamental protections for children and families afforded under the IDEA would have been dramatically weakened or even eliminated. Please join me in voicing your support for this legislation—and the principles of equality, inclusion, and education for all, on which we all agree. Let us unite, each of us communicating our common goal according to his or her own conscience. Together, we shall overcome.

I am also pleased that the bill retains all of the basic rights and protections available under current law, while providing needed improvements. Based on 20 years of experience and research in the education of children with disabilities, we have learned many new things that are important if we are to ensure an equal educational opportunity for all children with disabilities.

Consistent with the basic principles adopted by the working group in February, I would like to briefly describe some of the major changes to current law that are proposed in S. 717:

IMPROVING RESULTS FOR DISABLED CHILDREN

Mr. President, the single most important principle addressed in S. 717 is improving results for disabled children—by ensuring their access to the general curriculum and general educational reforms. All of the other principles support this overarching goal.

The bill includes a number of provisions to address this goal. For example, it enhances the participation of disabled children in the general curriculum through improvements to the IEP—by relating a child's education to what nondisabled children are receiving; providing for the participation of regular education teachers in developing, reviewing, and revising the IEP; and requiring that the IEP team consider the specific needs of each child, as appropriate, such as the need for behavior interventions, and assistive technology.

The bill also requires that schools report to parents on the progress of their disabled child as often as such reports are provided to nondisabled children; and it also provides for transition planning for disabled students beginning at age 14. In addition, the bill makes procedures for evaluating disabled children more instructionally relevant. It also provides for the inclusion of disabled children in State and district assessments, and requires the development of State performance goals for children with disabilities, and regular reports to the public on progress toward meeting the goals.

STRENGTHENING THE ROLE OF PARENTS

In order to achieve better outcomes for disabled children, it is critical to strengthen the role of parents. S. 717 includes specific provisions related to this goal. For example, it provides that public agencies must ensure that parents are included in any group that makes placement decisions about their child. And it requires that, at a minimum, parents be offered mediation as a voluntary option whenever a hearing is requested to resolve a dispute between the parents and the agency about any matters specified in the bill.

The bill also requires that parents receive regular reports on their child's progress, by such means as report cards, as often as reports are provided to parents of nondsabled children; and it supports parent training and information centers in every State to assist parents to better understand the nature of their child's disability and educational needs, and to enable them to participate effectively in developing their child's IEP. In addition, because some parents feel threatened by attending IEP meetings with school staff, the bill retains the longstanding policy of allowing parents to bring other individuals to the meeting who they deem necessary to be effective partners.

REDUCING UNNECESSARY PAPERWORK AND OTHER BURDENS

S. 717 includes several provisions that reduce unnecessary paperwork, and directs resources to teaching and learning. For example, the bill permits initial evaluations and reevaluations to be based on existing evaluation data and reports, and does not require that eligibility be reestablished when the triennial evaluation is conducted if the team agrees that the child continues to have a disability. The bill eliminates unnecessary paperwork requirements that discourage the use of IDEA funds for teachers who work in regular classrooms, while ensuring the needs of students with disabilities are met.

In addition, the bill permits States and local educational agencies and lead agencies for the Infants and Toddlers Program to establish eligibility only once. Thereafter, only amendments to the State or local application necessitated by compliance problems or changes in the law would be required.

PREVENTING INAPPROPRIATE IDENTIFICATION AND MISLABELING OF MINORITIES

There is general agreement today at all levels of government that State and local educational agencies must be responsive to the increasing racial, ethnic, and linguistic diversity that prevails in the Nation's public schools today. This is especially true in cases involving overrepresentation of minorities. S. 717 addresses this goal by codifying the nondiscriminatory testing procedures from the current part B regulations; and by requiring States to collect and examine data to determine if significant disproportionality based on race is occurring with respect to particular disability categories or types of educational settings, and if it is occurring, to take appropriate corrective action. The bill also requires States to determine if there is a disproportionate number of long-term suspension and expulsions of disabled children, and if so, to ensure that the agency's policies are consistent with the act.

ENSURING THAT SCHOOLS ARE SAFE AND CONDUCIVE TO LEARNING

Mr. President, one of the most emotional issues in the process of reauthorizing IDEA related to discipline policies and procedures of disabled children. There is a critical need to ensure that our schools are safe and conducive to learning for all children. S. 717 includes several specific provisions related to this goal, while retaining the fundamental protections of IDEA:

For example, the bill retains the stay put provision, and includes two limited exceptions. First, the bill allows school personnel to move a child with disabilities to an interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline but for not more than 45 days, if that student has brought a weapon to school or a school function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. Second, local authorities can secure authority to remove a child from his or her current educational setting for up to 45 days from a hearing officer, if they can demonstrate by substantial evidence—that is, beyond a preponderance of the evidence—that maintaining the child in the current placement is substantially likely to result in injury to the child or others. Further, the bill makes clear that services may not cease for any IDEA-eligible child.

The interim alternative educational setting must enable the child to participate in the general curriculum and continue to receive those services and modifications, including those described in the child's current IEP, so that the child will meet he goals set out in that IEP. In addition, the child must receive services and modifications in the interim alternative educational setting designed to address the child's behavior that was subject to disciplinary action so that the behavior does not recur.

FOSTERING PARTNERSHIPS BETWEEN PARENTS AND SCHOOLS

If the parents of disabled children and school staff can work together in a constructive manner, this will help significantly to meet the goal of improving results for these children. S. 717 includes several provisions aimed at accomplishing this and specifically in encouraging parents and educators to work out their difference through nonadversarial means.

For example, the bill promotes the involvement of parents in their child's education by including them in placement decisions and providing them with regular reports on their child's progress.

It also ensures that a voluntary mediation process is available to all parents and school districts. Mediation is a low-cost, effective means for resolving many of the disputes between parents and school districts. In cases where parents do not choose to participate in mediation, the bill authorizes school districts to require parents to meet with representatives from the Parent Training Centers or other dispute resolution people to explain the benefits of and encourage the use of mediation before going to due process.

ASSISTING EDUCATIONAL AGENCIES WITH THE COST OF SPECIAL EDUCATION AND RELATED SERVICES

The Federal contribution to the education of children with disabilities, notwithstanding the authorization level of 40 percent, has been relatively constant but low, approximately 7 to 8 percent of the cost. In order to provide additional help for LEA's in their efforts to provide for the education of these children, the bill includes several provisions related to providing financial assistance:

Authorization levels: The bill includes significant increases in the authorization levels for the preschool program—$500 million, compared to a current appropriation of $360—and for the early intervention program under part H—$400 million compared to a current appropriation of $315.

Noneducational agencies paying their fair share: The bill requires noneducational State agencies to pay or reimburse local educational agencies for the cost of services such agencies would normally cover.

Although data regarding potential savings to LEA's on a national basis are not available, in States that have voluntarily provided interagency supports, cost savings to LEA's have been significant. For instance, the Chicago public schools receives $40 million in support for medically related services for students with disabilities, which has enabled the district to contain costs for related services and increased the access of poor children with disabilities to comprehensive health care services.

State maintenance of effort: The bill adds a State maintenance of effort provision, to ensure that increases in Federal appropriations are not offset by State decreases.

Estimated savings for triennial evaluations. The bill reduces the need to conduct unnecessary assessments in relationship to the triennial evaluation. Although no national data are available, the Education Department estimates that the projected savings to LEA's under this provision, based on data prepared by the State of Michigan, would be nearly $765 million.

Children enrolled by their parents in private schools. The bill includes several critical provisions relating to the extent to which IDEA applies to children who are enrolled in private schools by their parents. These provisions and clarifications are very important because of the number of conflicting court rulings that have been issued within the last few years.

For example, the bill clarifies that public agencies are required to spend a proportionate amount of IDEA funds on special education and related services for disabled children enrolled in private and parochial, for example, 10 percent if 10 out of 100 disabled children attend parochial schools, and that services may be provided on the premises of the private or parochial school, to the extent consistent with State law.

In addition, the bill reiterates current policy that a public agency is not required to pay for special education and related services at a private school if that agency made a free appropriate public education available to the child.

State set-aside. Currently, a State may retain 25 percent of the State allocation, 5 percent for administrative purposes, and the remainder for monitoring, technical assistance, personnel development, and other direct and support services. Some States retain the full 25 percent set-aside while others pass through a large amount to local school districts.

The bill continues to authorize that States may retain a portion of their State allotments with certain changes effective for fiscal year 1998. First the 5 percent for administrative purposes is capped at the 1997 level, with future annual increases limited to the lesser of the rate of inflation or the rate of Federal appropriation increases. The remaining 20 percent of the State's share of its part B allotment is capped in the same manner. Any excess above inflation in any year goes into a new 1-year fund that must be distributed that year through grants to LEA's for local systemic improvement activities or for specific direct services. In the next year, the amounts expended for such activities must be distributed to LEA's based on the part B formula.

Local maintenance of effort. The bill codifies the local maintenance of effort provision from the current regulations, except makes it applicable only to local funds, and includes additional exemptions for when a local school district need not maintain effort, for example, a teacher at the high end of the pay scale retires and is replaced by a recent graduate.

In addition, the bill also provides some relief to LEA's by allowing LEA's to replace local funds with a portion of new Federal dollars. Once the appropriation for the program reaches $4.1 billion LEA's would be allowed to replace local funds with up to 20 percent of the increase in their Federal funds over the prior year. However, SEA's could prevent LEA's from doing this in cases in which the SEA determined it was necessary to ensure compliance with the IDEA.

ENCOURAGING EXEMPLARY PRACTICES THROUGH THE DISCRETIONARY PROGRAMS

The bill consolidates 14 authorities under current law down to 6. The changes promotes the improvement of educational results for disabled children and early intervention services for disabled infants and toddlers by supporting system change activities carried out by State educational agencies in partnership with LEA's and others, through a State improvement plan, coordinated research and personnel preparation, and coordinated technical assistance, dissemination, and support and technology development and media services. The bill retains the separate program supporting parent training and information centers.

Mr. President, I have a brother who is deaf; and so, I am particularly pleased to learn that the loan program for the deaf is preserved by S. 717.

ASSISTING STATES WITH THE INFANT AND TODDLER PROGRAM

The bill includes improvements in the early intervention program for infants and toddlers with disabilities, including clarifying that these children should receive services in natural environments where appropriate, for example, in their home; and providing improved requirements designed to ensure a smooth and effective transition from the early intervention program under part C, part H under current law. The bill also significantly increases the authorization level for this program from $315 to $400 million.

STRENGTHENING ENFORCEMENT RESPONSIBILITIES

Mr. President, I have set out the major improvements that have been added by this bill. However, another critical addition to IDEA that is added by this bill relates to strengthening the enforcement responsibilities of the Department of Education and each of the State educational agencies in ensuring full and consistent implementation of IDEA. As I mentioned earlier in my statement, 22 years after the basic provisions of IDEA were passed the law is not being implemented consistently across the Nation, or even within individual States. S. 717 adds additional enforcement teeth to the bill:

The bill provides the Secretary of Education with greater authority to enforce the law, for example, authority to withhold all or some funds, including funding for administrative salaries when violations are found and refer the matter to the Department of Justice for appropriate enforcement action, including the failure to comply with the terms of any agreement to achieve compliance within the timelines specified in the agreement. Authority to withhold in whole or in part is also provided to SEA's. In addition, the bill requires that the public be notified when enforcement action is contemplated. Further, the local school district must make available to parents of disabled children and the general public all documents relating to the eligibility of the agency.

I am pleased that these enforcement provisions are in the bill.

In closing, Mr. President, I would like to quote Ms. Melanie Seivert of Sibley, IA, who is the parent of Susan, a child with Downs Syndrome. She states:

> Our ultimate goal for Susan is to be educated academically, vocationally, [and] in life-skills and community living so as an adult she can get a job and live her life with a minimum of management from outside help. Through the things IDEA provides . . . we will be able to reach our goals.
>
> Does it not make sense to give all children the best education possible? Our children need IDEA for a future.

Mr. President, IDEA is the shining light of educational opportunity. And we, in the Congress, must make sure that the light continues to burn bright.

We still have promises to keep.

I urge all of my colleagues to join me in supporting S. 717 the IDEA Amendments of 1997.

AMENDMENT NO. 240

(Purpose: To modify the provisions relating to the limitation on the provision of a free appropriate public education to children with disabilities)

Mr. JEFFORDS. Mr. President, I have a managers' amendment at the desk which has been cleared on both sides.

The PRESIDING OFFICER (Mr. FRIST). The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 240.

Mr. JEFFORDS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Beginning on page 65, strike line 25 and all that follows through page 66, line 4 and insert the following: "part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility—
>
> "(I) were not actually identified as being a child with a disability under section 602(3); or
>
> "(II) did not have an individualized education program under this part.

Mr. JEFFORDS. Mr. President, this amendment clarifies that the obligation to make a free appropriate education to children with disabilities does not apply with respect to children age 19 through 21 to the extent that State law does not require special education-related services under part B of IDEA.

We provided for children with disabilities who, in the educational placement prior to incarceration in an adult correctional facility first, were not actually identified as a child with a disability under section 6023 or did not have an individualized educational program.

This is a technical amendment to clarify for which children a State does or does not have an obligation to provide special education-related services relative to incarcerated individuals. The same technical amendment is to be incorporated as a technical amendment when it is to be considered by the full House when it considers its companion bill tomorrow.

This is agreed to by both Houses, as well as by both sides in this. I ask the amendment be considered agreed to.

Mr. HARKIN. Mr. President, we wholeheartedly support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 240) was agreed to.

AMENDMENT NO. 241

(Purpose: To modify the provision relating to the authorization of appropriations for special education and related services to authorize specific amounts of appropriations)

Mr. GREGG. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 241.

Mr. GREGG. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 64, strike lines 19 and 20, and insert the following: "there are authorized to be appropriated to the Secretary not less than $4,107,522,000 for fiscal year 1998, not less than $5,607,522,000 for fiscal year 1999, not less than $7,107,522,000 for fiscal year 2000, not less than $8,607,522,000 for fiscal year 2001, not less than $10,107,522,000 for fiscal year 2002, not less than $11,607,522,000 for fiscal year 2003, not less than $13,107,522,000 for fiscal year 2004, and such sums as may be necessary for each succeeding fiscal year.".

Mr. GREGG. Mr. President, first, let me begin by speaking a little bit about the underlying bill and congratulating the chairman of the committee, Senator JEFFORDS, and the Presiding Officer for their extraordinary work in developing this bill. The Senator from Tennessee, the Senator from Vermont, and the Senator from Iowa, of course, have been involved in this issue for years and years and have worked very hard together, as have a number of Members of the Senate and House.

It has been acknowledged that Senator LOTT, through his excellent representation and his chief of staff, David Hoppe, has done an extraordinary amount of lifting to make sure that this process has come to closure. It was not an easy one. Meetings went on for dramatic lengths of time. There were complications, controversial issues which people had vested interests in which were very deep and intensely felt. The fact that a final product was reached, and an agreement has been brought before the Senate, reflects the genuine effort of a lot of very good people. It is a product which will benefit many children in this country as it goes forward and represents a new day for special education. It is really not a reauthorization of the special education bill but basically a new bill, a new approach, in many ways. It should be looked on as such.

I got involved in special education a long time ago, in fact, before I was even able to vote. I was working at a center called the Crotched Mountain Rehabilitation Center, which began as a center to care for children who have polio, and when that disease was, fortunately, beaten, it moved on to care for children who had problems with hearing, deaf children, specifically, and then when that issue was resolved in many ways relative to needing special schools and those children could find their way into the mainstream, it moved on to dealing with children with very complex physical disabilities, sometimes emotional disabilities. It is and continues to be the premier facility, or one of the premier facilities, in the country for caring and educating—that is the basic goal of the Crotched Mountain Rehabilitation Center—children with disabilities, and does it in a variety of ways.

When 94–142 came along, we saw it as a great step forward because it meant the school systems would begin to have to be involved in educating children who we felt should have remained in school systems, but because school systems were not able to do it, ended up at Crotched Mountain. It gave us the opportunity to move kids back into education in the much more comfortable environment of their home and community, who should have been in their home and their community being educated. We continue to work with those who really needed some special attention.

So the issue of special education is something I have had a lot of personal involvement with. I think that 94–142 is a bill with really strong decisions made by this legislature over the years in the area of education. But as part of that concept, there was an element of sharing of the effort. Originally, when it was passed, 40 percent of the cost of special education was going to be borne by the Federal Government, the balance being borne by the local communities and the State. This was a reasonable cost-sharing concept.

Unfortunately, over the years, although the bill itself continues to work and kids are getting educated, the cost sharing has not occurred. The Federal Government's participation in helping to bear the burden of educating children who have special needs has dropped to about 7 percent, or did drop to about 7 percent a year and a half ago. That meant that the local communities and the States have had to step in and pick up the Federal share of the cost.

What has this done? Unfortunately, it has perverted the process. The practical effect of this is not only that the Federal Government has not come up with the dollars that have been owed the local communities, the practical effect has been in two ways extraordinarily detrimental. First, it has meant that the special-needs child and their parents have found themselves in a constant confrontation—almost, in many instances, an actual confrontation, but certainly a tension with the parents of children who are not special-needs children and with the school boards, because the demand to educate and the cost to educate the special-needs child is in many instances so high.

I know of a number of instances in New Hampshire where special-needs-children costs have been upward to $100,000. It is certainly not unusual for it to be in the $10,000 to $20,000 range. That has meant that resources which parents of children who are not special-needs children felt was available to them, in many instances, because of the need to pick up the Federal cost, have had to go to benefit the special-needs child, because we are dealing, in many instances, with a pie that could not be expanded, and therefore the slicing of the pie ended up with the special-needs child obtaining, appropriately, a significant support level. But because the Federal Government was not coming in and paying its fair share, the support level for other children in the school systems dropped off or was less—maybe not dropped off, but was less than what was, many people thought, needed.

So this tension occurred and it does occur and it still exists out there. I know in my own school systems in New Hampshire it still exists, and it is difficult on the parents. It is hard enough on the parents to have a special-needs child. It is more difficult when you put them in the position of being faced with this controversy over how the funds are being allocated in the school system. So that was one of the detriments of this failure of the Federal Government to live up to what it said it would do.

The second detriment of the Federal Government's failure to living up to what it said it would do, it perverted the tax base of many communities. I know in my State and throughout New England, and it may be true in other parts of the country, real estate taxes pay a tremendous percentage of the costs of education. What happens when the Federal Government fails to come forward with its full share of the special-education need, then that means that cost falls back on the property tax owner, the homeowner in the community, who is already under significant stress with the tax burden. This, again, creates tension, an inappropriate tension, between the homeowners and the communities, and property taxpayers in the communities who maybe do not have schoolchildren, and particularly special needs children, and the school system itself, which sees needs that it feels it has to pay for, but it does not feel it can go back to the property tax owner or to the State tax treasury for. In many States, that may be the effect. You have an intense confrontation in many areas, and the intensity of it is undermining the confidence in the school systems and the quality of the school systems and, unfortunately, the character of the school systems as a positive environment which the community has supported in many areas.

So, that, again, is almost a direct function of the Federal Government's failure to pay its fair share. Why do I say that? Because in New Hampshire, in the average school district in New Hampshire, 20 percent of the costs of the school districts go to special education—20 percent—and New Hampshire may be low compared to other States. I think in Massachusetts it is somewhere around 30 percent. However, what you can see when the Federal Government fails to come forward and pay its fair share of that cost, of that 20 percent, is that has a disproportionate impact on the community, on the students, and on the tax base.

So what we have here is the Federal Government having created an obligation—and an inappropriate obligation—on the communities and States, having said it would fund that obligation at the level of 40 percent, but only funding it at the level of 7 percent, 2 years. We are getting that amount up a little bit because of efforts made by the leader, Senator LOTT, but not up enough.

So we have probably the single largest unfunded mandate of the Federal system outside of the environmental area in this area of special education. One of the primary commitments of the Republican Congress was that we would stop unfunded mandates. So as an effort to do that, we passed as a Congress—and I think it was passed almost unanimously, so we had bipartisan support—a bill that was authored by Senator KEMPTHORNE from Idaho, was passed during the last session, and that bill said there would be no more unfunded mandates, or if there were unfunded mandates, it would take a supermajority to pass, in most instances, or at least we have to have full disclosure.

Well, I think that should apply to reauthorizations, and especially reauthorizations which are essentially a creation of a new approach, in many ways, to the law.

On the balance of what we have already done as a Congress, clearly, we have an obligation to live up to the 40 percent, but more importantly, we have an obligation to live up to it because it is needed, it is appropriate, and it is the right thing to do.

I have offered this amendment, which I brought forward today, which essentially will get us to the 40 percent. While it does not get us there immediately, it gets us there, I believe, by the year 2004. It is a scaling up, and I believe with some of the incentives for a little more efficiency which this bill puts in place, especially in reducing, hopefully, some of the attorney's fees and consultant fees, that we will be able to reduce some costs in special education and, at the same time, be increasing the Federal share. I believe that, as a result of those two functions, we will get to the 40 percent level, which is the goal we should attempt to obtain here.

Let me tell you a little bit of the history of the funding of this issue. Last year, we considered this to be so important that as we completed the omnibus appropriations bill, Senator LOTT, to his credit—and he never got much credit for it, which I thought was ironic—insisted that as part of the settlement with the White House, we would put an additional $780 million into special education. That brought the special education total to about $3 billion. That was a major step forward. That meant significant, new, or additional dollars in special education. But it only meant that we essentially went from 6 or 7 percent up to about 8, 8.5 percent of the funding levels of the special ed cost for the country. So we are still well below the 40 percent we should be at. But at least we put our dollars where our talk was and we showed that we were willing to make that decision as a Republican Congress. We were willing to put dollars on the table in support of special education. We didn't get any credit for it. In fact, during the election, in many instances, we were rather vilified by our position on education by some of our opposition. But the fact is that we have been there with dollars and commitment.

Now, as this Congress began, I thought the President would want to join us in this effort. I regret to say that he has not. He has put forward a lot of funding initiatives in education. He has talked about them everywhere. Obviously, he has made education a priority. But for some reason, in doing that, he has overlooked, ignored, what is the primary Federal education obligation today in the elementary and secondary school system, which is special education funding. As he has created all these new programs for educational funding, he has failed to, in any significant way, go back and fulfill our obligation of the 40 percent. In fact, his budget proposed only an additional $141 million. That is a lot of money, but in the context of what we are talking about relative to the cost of special education, it is really a very, very, very insignificant commitment, especially when you consider the fact that he is talking multiple billions—somebody said it was $30 billion—of new funding for education and discretionary accounts over the term of the next budget cycle. That may be high, but we know it is a very big number. It hasn't been settled, but it is a huge number.

So it didn't surprise me, really, that he failed to put this on his list of issues that should be addressed, because this is an obligation the Federal Government presently had. So it is my belief that before we start—most of these educational issues are new initiatives—before we start creating a new obligation for the Federal Government in education that we are going to do this, this and that for the public, we ought to fulfill the obligation we made back in 1976, which was that we would fund 40 percent of the special ed need, an obligation which not only should we fulfill because we said we would by law, but because it is the right thing to do and because it works. Special needs kids who go through the system learn and they participate in the mainstreaming of education, and they have an opportunity to have a better lifestyle.

So if you want to help education, this is a great way to do it. Not only would it help a special needs child, but, equally important, if we fully fund the 40 percent of special education accounts, we will, in fact, be helping education at the elementary and secondary school level dramatically because we will be infusing a significant amount of funds into a system that is under strain right now, according to the President, and I believe it is, also.

Those funds will give the local school systems new flexibility in order to address other needs of the school system because, under this bill, one of the positive aspects of this bill is after we get to a certain funding level, which we haven't quite reached yet, local communities will have a chance to take a percentage of the special needs dollars and apply them for other educational activity, which is the way it should be, because, right now what is happening is that the local dollars are being used to fund the Federal share. When the Federal Government starts to fund its share, the local dollars should be freed up to fund other educational initiatives, those which are important in the community. That is the concept of this bill, in part. So this attempt to fully fund the special needs program is critical, not only to help the special needs child but also to free up the funds and give the local school system some flexibility as to how they address the coming years of cost and expense and education of our children.

So this amendment that I am offering today, which has broad bipartisan support, is a statement of our belief as an authorizing committee that we shall pay the obligations of the special ed bill as it was originally intended. We don't get there immediately. We propose about a $1 billion increase this year, followed by a billion and a half or so each year thereafter until we get to approximately the 40 percent level. We need this authorization, obviously, in order to give the appropriating committees the directions that will allow them to make the proper allocation for the new education dollars that are going to be flowing. If the appropriating committee does not see from the authorizing committee that we consider this to be a priority, then the appropriating committee may want to put the money somewhere else. But, obviously, this is a priority for us.

This has been a key piece of legislation. The chairman has worked on this and has been committed to this for years. The Senator from Iowa has an equal commitment, as do the members of the committee. Of course, the majority leader, through actions last year and through the involvement of his chief of staff this year, has shown his tremendous commitment.

I should mention one other item relative to commitment from the Republican side. The Republican Congress and the Senate listed the top 10 issues that we intend to pass in this session. The No. 1 bill that we put forward, S. 1, was a bill that called for funding for special education exactly in line with this amendment. So this amendment is essentially an assertion of what is the Republican senatorial conference's position relative to funding special education and has been rated the No. 1 priority of this Republican Congress by its designation as Senate bill 1.

So let me conclude there. But first let me make a couple of points. I want to, again, note what the chairman noted, which is that the Senator occupying the chair now, the Senator from Tennessee, was the energizer of this effort. He put thousands of hours, I suspect, or hundreds anyway, into this effort last year and did an extraordinary job of getting us almost to the finish line—close enough so that it was able to be crossed this year. Second, I thank the chairman for his excellent effort in this area. He has been a committed individual in the area of education and all of the aspects of education, as we know, for many years. This is another in the long list of successes he has had.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend the Senator from New Hampshire for his amendment, although I will have to oppose it for reasons unrelated to its value. The situation is this, and I want to bring to the attention of my colleagues the situation we face with respect to any amendments. As I earlier expressed and took some time to disclose the tremendous difficulty we have had in getting a consensus—and the Presiding Officer knows how difficult it was because he worked long and hard to obtain a consensus last year, and we thought we had a consensus. At the last moment, it dissolved, it disappeared. Why? Because some people went out and really distorted the great work that had been done—this is such an emotional issue with educators and parents of the disabled—and the whole thing unraveled.

This year, we started where Senator FRIST's efforts stopped and built on that, and not only that, but in the leadership's office with the data, we went the furthest mile possible to make sure everybody understood exactly what was in the bill. It was argued and debated. It was from one part of the country to another. Finally, it was agreed that we would all hold hands and work until the last hour of the time possible to make sure that we had every amendment that could be agreed upon done. We finished that effort earlier. However, the situation is this. The House has passed the bill. We will pass that bill on the suspension calendar with the little amendment we had this morning. Once that is done, then it will come over to us and we intend to pass ours. If they are identical, there is no chance of this falling apart. However, if there is an amendment that is of significance, even though I agree with the intent of the Senator from New Hampshire, the thing will fall apart. There is a chance that it won't, but having gone through that experience last year, I don't want to go through it again.

Let me explain, also, why the Gregg amendment is not necessary. First of all, there are no set authorization levels in the bill, nor have there been in previous legislation. It says such sums as are appropriated and defined. So there is no limit. There is no limit down; there is no limit up. So everything that the Senator from New Hampshire wants to accomplish can be accomplished without his amendment.

I want to reassure everyone that if the Appropriations Committee decides that it will follow, as it did last year, to add the additional billion dollars, that will be done. On the other hand, if we don't, if we can't agree, we could really have an impasse here. I want to commend the Senator from New Hampshire because I was present in the leadership office when we were discussing these matters at the end of last year when we were trying to reach agreement on the total amount of money that would be spent. He was the one that brought to the attention of Senator LOTT the great need—and I backed him up on that—that if we wanted to help the local school districts in this country and really improve the ability to improve education, what we had to do was live up to our commitment to the 40 percent. I was on the conference committee that made that commitment we should provide 40 percent.

I also want to explain, though a little differently than the Senator from New Hampshire, that, in my mind, this is not a Federal mandate. There were 26 State cases where it was determined there was a constitutional right for an appropriate education. That right included mainstreaming. As a result of that difficulty created throughout the country, the Congress decided that what had to happen was for the Congress to step in and establish those principles that would comply with the constitutional mandate of an appropriate education containing mainstreaming. So that is why, in 1975, we spent many days putting together the legislation which has finally resulted in being here today.

The mandate is on the States to provide an appropriate education. We devised 94–142 in this law in order to ensure that there were a sense of generally agreed upon principles as well as specific approaches on how to put a bill together that would ensure that the States comply with a constitutional mandate, and everyone would agree upon that.

So I understand the call for mandate. But I wanted to give that history because I think that is important.

Also, under the leadership of Senator GREGG some time ago—back about 3 years ago—he came forward with an amendment that we agreed to work on, one that we could pass. I think all of my colleagues should remember this.

Hopefully, we will remind you today and tomorrow that Senator GREGG and I passed an amendment that said as soon as reasonably possible we will fully fund IDEA. In my mind, that time is here. It is reasonably possible. The money is there. We just have to do it.

So we don't need another amendment because we voted 93 to 0 in this body to say as soon as reasonably possible we will fully fund it. So we don't need the Gregg amendment. But we need to bring it out of the Appropriations Committee in order to bring that to a reality. As has been pointed out, that is part of the majority view on what should happen this year with respect to the budget.

We should get ourselves on a path to fully fund this over a reasonable length of time. We can't do it all in 1 year. We know that. But if we go forward and use the guidelines set out in the Gregg amendment we could get there.

But we don't need this amendment to do that, it has already been done. This amendment raises this issue once again. I praise the Senator from New Hampshire for doing that. It makes it apparent to all of us what needs to be done. It lays the groundwork.

So at the appropriate time I will ask hopefully that this amendment be withdrawn, or some other way taken to make sure that we do not add the amendment to the bill.

So I want to again thank the Senator from New Hampshire who has been tireless in his efforts to make sure that we do adequately and appropriately fund 94–142.

I would also like to point out what the bill does in that regard because I think it is important to know.

As the Senator from New Hampshire pointed out, the greatest burden has been placed not where it should be on the States but on the local communities. What we want to do—I agree with him on that—is try to make sure that any additional funds that are placed in the appropriations process must be passed through to the town. That is extremely important. That is in this bill. This bill say to the States that, if we give them more money, they can't just reduce their share. We say they have to maintain their share. Not only that, they have to flow that money through to the local governments where the greatest pressure problems are.

So this bill I think accomplishes our goals already without this amendment, everything that the Senator from New Hampshire wants to accomplish. It has the flowthrough to make sure, as he wants to see and I want to see, that the local governments have adequate funding, and that the States can't hog it or reduce their own share.

So I, unfortunately, must oppose the amendment. But, again, I praise the Senator from New Hampshire for bringing it before us.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I want to join with our committee Chair, Senator JEFFORDS, in reluctantly perhaps opposing the amendment offered by the Senator from New Hampshire. As I said in my opening remarks, Senator GREGG has been a leader on the issue ensuring that we had adequate funding to help the States and local school districts meet their constitutional obligations.

However, again, as Chairman JEFFORDS said, this bill was a compromise worked out after long negotiations, and certainly there is nothing in the bill that would restrict us in any way from reaching the levels that Senator GREGG wants to reach in the future. So that the door is open.

Hopefully we will find those resources that would enable us to help the States meet their obligations. So I join with the chairman in opposing the amendment.

Mr. President, there was something else that was said. Again, my colleague, Senator JEFFORDS, responded adequately to it. But I would like to just add my remarks to buttress what Senator JEFFORDS said regarding the statement made by my friend, Senator GREGG, about this being some kind of unfunded mandate and falling under the unfunded mandate law of the Congress. Quite frankly, Mr. President, many people still have this concept that IDEA is an unfunded mandate. It is simply not correct. Again I want to set the record straight. Part B of IDEA is not an unfunded mandate.

The notion that Congress imposed a mandate on the States and school districts to educate children with disabilities and then refused to pay for it is simply not the case.

The truth is that the right of children with disabilities for free appropriate public education is a constitutional right. It is not something that we mandated here in Congress. It was established in the early 1970's, as I said earlier, by two landmark court cases—Pennsylvania Association for Retarded Children versus Commonwealth, in 1971, and Mills versus Board of Education of the District of Columbia, in 1972.

Again, these established the right. Basically, in my own view, what they said is, "Look, if a State guarantees to its children a free public education, it can then not discriminate against other children because of disabilities."

Again, the Constitution certainly wouldn't allow a State to say we are going to provide free public education to all children but only if they are caucasian. Obviously, the Supreme Court would strike that down in a minute; or, we are going to provide a free public education to all males but not females. They will strike that down in a minute, too. You can think of all kinds of scenarios.

What has been happening in the past is we were providing a free public education to kids but not to kids with disabilities. And the courts said, "Wait a minute. That falls under the same equal protection clause of the 14th amendment of the Constitution." So the courts struck it down. They said if the States provide that public education it can then not discriminate on the basis of disability.

So it is not a mandate of Congress. It is a constitutional mandate. What Congress said was OK in 1974. Senator JEFFORDS was the leader at that time on the bill. But the Congress said it is OK. We understand that local school districts have a responsibility to provide a free and appropriate public education to disabled children. The Federal Government should help States meet their constitutional responsibility. And we set up the basic provisions of part B to make sure that the States meet the court judgments.

As the Senate report stated, passage of the act, "It is the intent of the Committee to establish and protect the right to education for all handicapped children and to provide assistance to the States in carrying out their responsibilities under State law and the Constitution of the United States to provide equal protection under the law."

So again there is not an unfunded mandate of the Federal Government. Of course, again when the law was passed it was stated that the goal was for the Federal Government to eventually fund 40 percent of the cost. We are still down around 7 percent. So we have a long way to go to get to 40 percent.

But again, that was never a requirement in law. It was a goal we set up. Again, I agree with Senator GREGG. It is a goal that we ought to be working toward. The Federal Government ought to provide greater assistance to local school districts to help them meet their constitutional responsibilities. We have a national goal. We have a national commitment to this. We ought to help solve that problem on a national basis.

So, while I agree with Senator GREGG and his comments regarding trying to get the Federal role up, I do not agree with him that this is an unfunded mandate at all. The law and the record is clear on that.

Also, IDEA is a program exempted from coverage under the Unfunded Mandates Reform Act of 1995. That was also introduced I believe by Senator GREGG. That would fall under that act that we passed a couple of years ago.

The Congressional Budget Office explicitly recognized this fact in the House and Senate report accompanying the bill.

I will read this. This is from page 45 of the report.

> Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from consideration under that Act any bill that would "establish or enforce statutory rights that prohibit discrimination on the basis of . . . handicap, or disability." S. 717 fits within that exclusion because it would ensure that the rights of children with disabilities are protected in the public education system.

So clearly it does not fall under the Unfunded Mandates Reform Act of 1995.

So, again, Mr. President, it is a good goal. There is nothing in this bill that prohibits us from meeting that goal. Hopefully those on the Appropriations Committee, of which I am one, will in the coming years ensure that the Federal Government meets more of the needs out there. I will not say "obligation" but "meet" more of the needs of what the Federal Government ought to be providing the States and local governments.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise in support of the passage of the Individuals with Disabilities Education Act Amendments of 1997, commonly known as IDEA.

The Individuals with Disabilities Education Act is a civil rights law that ensures that children with disabilities have access to a free appropriate public education. The 22-year-old law has been a tremendous success.

During the 104th Congress I had the opportunity—in fact, the privilege—to serve as chairman of the Subcommittee on Disability Policy. In that capacity, I worked on a bipartisan basis, especially with my friend Senator HARKIN, in establishing a commonsense approach to the reauthorization of this vital critical law. Unfortunately, as you heard earlier on the floor, time ran out before we could fully achieve the broad widespread consensus that we set out for, and, thus, IDEA is before the Senate today.

Throughout the last Congress we elected to keep the high ground and use our efforts to work together on a bipartisan basis to establish the consensus that we have achieved today. Yet, I am pleased to say it has become the foundation of the bill that is on the floor. I am glad to see that all of those efforts on behalf of so many people over the last Congress are reaching fruition.

I especially want to thank Senator HARKIN for the leadership that he showed and has shown on this issue through this Congress, through the past Congress, and throughout his tenure in the U.S. Congress.

I also want to thank his staff, Bobby Silerstien and Tom Irvin. I recognize and thank my former staff director of the Subcommittee on Disability Policy, Dr. Patricia Morrissey, and the staff of this subcommittee, which at that time included David Egnor, Sue Swenson, and Dr. Robert Stodden, for their tireless efforts really day and night during the 104th Congress.

I also want to thank David Larson, who worked diligently on the Subcommittee on Disability Policy in the last Congress and has remained on my staff to advise me on disability policy issues.

We have heard, and will continue to hear over the course of today and tomorrow, about the efforts that have gone on in this Congress—really historic efforts—to achieve a bipartisan consensus working with the House and the Senate to put together and to fashion a bill that is on the floor today. I know from experience over the last Congress how difficult and how hard it is to achieve this commonsense consensus approach. And, thus, I think we will hear both today and tomorrow that there will be amendments that come to the floor that we very much support in substance, in spirit, but which may be just enough to set off the very delicate balance that we have in the bill that has been brought forward.

I want to salute all of the members and the staffs who have spent the days and nights reaching this agreement: David Hoppe has been mentioned repeatedly for his wisdom, for his judgment, and for his commonsense approach, and, on top of all that, his courage and patience in this effort. I also want to thank my colleagues, Senators LOTT, JEFFORDS, COATS, KENNEDY, and HARKIN once again for their efforts in this process, and, of course, Senator JEFFORDS who worked on the original passage over 22 years ago. And it is really fitting that the chairman of the Labor and Human Resources Committee be present and providing the key leadership in amending it 22 years later.

These amendments reflect the reality, the recognition that our Nation's schools are moving past that initial challenge of providing access to educate children with disabilities to a new step in that process to educate children with disabilities so that they can become productive and independent citizens. The IDEA amendments of 1997 will help the Nation's schools succeed in that effort.

Twenty-two years ago, before IDEA, a newborn with a disability had little hope of receiving help during the critical early years of development; children with disabilities who went to school were segregated in buildings away from their siblings and peers, and many young people with disabilities were destined to spend their lives in institutions. Young people with less-obvious disabilities, like learning disabilities and attention deficit disorder, were denied access to public education because they were considered too disruptive or unruly. These children tended to grow up on the streets and at home with no consistent access to an appropriate education.

Today, infants and toddlers with disabilities receive early intervention services; many children with disabilities attend school together with children without disabilities, and many young people with disabilities learn study skills, life skills, and work skills that will allow them to be more independent and productive adults.

Children without disabilities are learning first-hand that disability is a natural part of the human experience, and they are benefiting from individualized education techniques and strategies developed by the Nation's special educators.

Children with disabilities are now much more likely to be valued members of school communities, and the Nation can look forward to a day when the children with disabilities currently in school will be productive members of our community. As a nation, we have come to see our citizens with disabilities as contributing members of society, not as victims to be pitied. As a nation, we have begun to see that those of us who happen to have disabilities also have gifts to share, and are active participants in American society who must have opportunities to learn.

While there is no doubt that the Nation is accomplishing its goals to provide a free, appropriate public education to children with disabilities, many, many challenges remain. We have made an effort to deal with them in the amendments, the IDEA Amendments of 1997 that we now have before us.

IDEA was originally enacted by that 94th Congress as a set of consistent rules to help States provide equal access to a free, appropriate public education to children with disabilities. But, over the years, that initial need to provide those consistent guidelines to States has sometimes become misinterpreted as a license to write burdensome compliance requirements. In addition, it has become clear that new guidelines on procedural safeguards are needed.

The IDEA Amendments of 1997 address these issues. These amendments give educators the flexibility and the tools they need to achieve results and ease the paperwork burden that has kept teachers from spending the maximum amount of time teaching. By shifting the emphasis of IDEA from simply providing access to schools to helping schools help children with disabilities achieve true educational results, we are able to reduce many of the burdensome administrative requirements currently imposed on States and local school districts. The amendments do that.

The IDEA Amendments of 1997 streamline planning and implementation requirements for local school districts as well as States. In assessment and classification, these amendments would allow schools to shift emphasis from generating data, data dictated by bureaucratic needs, to gathering relevant information that is really needed to teach a child. These amendments also give schools and school boards more control over how they use special purpose funds to provide training and research and information dissemination. We want to encourage every school in America to create programs that best serve the needs of all of their students, with and without disabilities.

The IDEA Amendments of 1997 clarify that the general education curriculum and standards, the standards associated with that curriculum, should be used to teach children with disabilities and to assess their educational process. Educators at the local and State levels will use indicators of student progress that allow them to focus on quality of educational programming and track the progress of children with disabilities in meaningful ways along with the progress of other children.

In an effort to reduce confrontation and costly litigation, the IDEA Amendments of 1997 require States to offer a system of voluntary schools mediation to parents who have a dispute over children's education.

The amendments also address the serious issue of disciplining children with disabilities who break school rules that apply to all children. By providing fair and balanced guidelines to help schools discipline students with disabilities, the IDEA amendments will ensure that all children in our public schools are given the opportunity to learn in a safe environment.

By preserving the right of children with disabilities to a free, appropriate public education and by providing school districts with new degrees of procedural, fiscal, and administrative flexibility, and by promoting the consideration of children with disabilities in actions to reform schools and make them accountable for student progress, IDEA will remain a viable, useful law that will provide guidance well into the next century.

In closing, we must remember that, no matter how careful we are in this Chamber to adopt good Federal policy, no matter how diligent each doctor and teacher and parent is across out Nation, the world is and always will be unpredictable. Children with disabilities will always be born. Children will develop disabilities through injury or disease. Their disabilities will almost always take their families completely by surprise. We may be certain that our own families and our own friends will be touched by disability, through we will not know when or how.

The great power of IDEA, reinforced and preserved by these amendments, is that it brings people with disabilities into the heart of our communities and our schools, where we learn that disability does not divide us, but binds us to each other.

When we take the time to know children with disabilities and their needs, we learn a great deal. From families who have children with disabilities, we learn that even though everyday life may pose great challenges, nothing interferes with the love a parent feels for a child. From the excellent teachers who work with children with disabilities, we learn that even though teaching such a child may stretch one's abilities, it can be the most rewarding experience in a teacher's career, often renewing their faith in their own skills and in the system that supports them. From the children who attend school together, we learn that children with disabilities can be valued friends whose hopes and dreams are respected and nurtured on an equal basis with those of their peers.

As I mentioned earlier, and as we have heard in the Chamber, the bill as it stands is built on a very delicate consensus achieved over the course of more than 2 years of hard work, culminating in what I feel will be a historic effort in the next several days in Congress. We all know how difficult consensus agreements are and how difficult they are to maintain over time. There is always a group that is going to be a bit unhappy, a bit dissatisfied with what they had to give up to reach this consensus, while at the same time those groups tend to forget a little bit what they received in exchange, and they begin to feel maybe they can push a little bit harder and get a little bit more. They forget that the other side also is not entirely satisfied.

To my colleagues who have not yet decided which way to vote on this bill or as amendments come to the floor, I ask all of you simply to look at what really does hang in the balance: the first real changes in IDEA in more than 22 years; substantial new relief for schools; new tools for teachers; and a new focus on achieving results for children with disabilities. I hope all of my colleagues will step beyond the last-minute clamor for changes or adding additional amendments and even to really look beyond what may be the unhappiness of a few people that I am sure will arise over the next day or so. Instead, we need to look to those goals and to the needs of the Nation. And I ask my colleagues to join me in supporting this very important package of amendments and bring this important law into the next century.

Mr. President, before stepping down, let me simply comment briefly on the amendment which was just introduced by my colleague, Senator GREGG. I think he and the subsequent Senators who came to the floor to speak have outlined the history behind funding for IDEA, and therefore I will not recount that. The funding today is currently at about $4 billion for fiscal year 1997, which, as has been pointed out, is an increase of about $700 million from the previous year. And again, I extend my thanks and my appreciation to my colleagues, including Senator LOTT and Senator GREGG, who were so instrumental in seeing that that $780 million was added.

As has been pointed out, when IDEA was originally enacted, essentially a promise—I guess we can debate whether or not it is called a mandate or not, but a promise was made that the Federal Government would pay 40 percent of the cost of IDEA, and at that time 40 percent, I believe, was the estimate it would cost to provide services for a child with disabilities as opposed to a regular education student, and again, as we have heard, currently instead of paying 40 percent of the cost of IDEA, we, the Federal Government, the U.S. Congress, is paying about 8 percent—not 40 percent, 8 percent. Thus, we have fallen far short on our promises to the States.

Senator GREGG worked through last year, the last Congress, and he continues today working very hard on this important issue. It is an issue that I think all of us can gather around, this increased funding, funding which was promised to assure a free, appropriate public education for individuals with disabilities. Senator GREGG, along with 20 other of our colleagues, including myself, sent a letter to President Clinton this past February requesting that the President work with us to increase funding for IDEA. I would love for some of the $35 billion that the President wishes to spend and has put forward as part of the current budget proposal be directed to this obligation—I would call it an obligation or a promise—that we made to our States in terms of funding IDEA. We have fallen far short.

Senator GREGG is absolutely correct on the issue, and I look forward to working with him again on whatever vehicle possible to increasing funding for IDEA. I was, in fact, disappointed that this amendment—after all of our consensus working group effort, bringing people together in a bipartisan and a bicameral way, I would love to have seen this amendment as part of the final agreement, yet it was not part of that final agreement, and therefore I will support those who have spoken over the last few minutes who will end up opposing this amendment on this vehicle. I hope Senator GREGG will consider withdrawing the amendment, again recognizing that all of us support the substance and the intent of the amendment, but just that we are very, very concerned, after working together, establishing the bipartisan and, in effect, bicameral bill, this may upset that balance just enough where we would lose the entire bill.

Again, I thank Senator GREGG for persistently and tenaciously addressing this underfunding by the Federal Government in promises it has previously made.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mr. FRIST assumed the Chair.)

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, today I want to share with my colleagues some concerns and views on this very important piece of legislation, S. 717, the Individuals with Disabilities Education Act Amendments of 1997. I express my appreciation to the distinguished chairman of the committee for the good work he and the ranking member and the entire committee have done on this bill.

We all know that since the enactment of the Individuals with Disabilities Education Act in 1975, tremendous improvements have been made in the lives of millions of children with disabilities, providing them with a full array of outstanding educational services to meet their individual needs.

Mr. President, going back about a year before that, in the State of Missouri, when I was Governor, we passed our Special Education Act in 1974, one of the first major pieces of legislation adopted during my first term as Governor. House bill 474 was an effort at the State level to assure that children with disabilities received educational opportunities and received educational services that were designed to meet their abilities and to compensate for any difficulties or deficiencies they might have.

I think it is clear that we have come a long way. Clearly, there was much that needed to be done, and many of those children, with grave needs, were not being taken care of, they were not being served, and certainly they have a right to be served.

I think as we move through this bill, preserving the rights of special-needs children to a free appropriate public education so that they can become productive and responsible citizens is an absolutely essential goal that we must keep in mind.

I have had the opportunity to hear from many, many groups in Missouri who are concerned about how this bill is being carried out, how IDEA is being implemented. Without dissent, there is unanimous agreement that the goals are worthy, the objectives are right, the need is there, more needs to be done. Unfortunately, because of the way the law has been carried out, the way it has been interpreted, there are disruptions to classrooms, there is needless danger to other students and to teachers in the classroom, and there is also a shortage of funds to carry out the worthwhile objectives of this act.

As I traveled throughout Missouri over the last couple of weekends when I was home, I talked with school superintendents, principals, school board members, special education directors, parents and others who are concerned, and the two top concerns that were mentioned just about every place I went was safety and discipline for all students in the public school system.

The number of instances where there have been serious disruption and violent acts on students was hair raising. There was a lot of interest and focus in the St. Louis area on a tragic murder that occurred in one of the schools. A young woman was brutally beaten to death. It turns out that the young man who commited the crime was a young man with disabilities. He had transferred into that school district from another school district where he had been cited many times for bad behavior. The receiving school district did not know anything about his past activities because they did not know about his behavioral problems. So the first thing they requested was that they get information on a student's past activities, if there has been discipline, what the discipline had been and why the discipline was administered.

Second, they told me some hair-raising stories about children with disabilities who committed violent acts. In one classroom, in a commercial art class, a young man picked up a knife and stabbed a fellow student several times and told the school administrators that since he qualified under a certain specific section of the act, they couldn't do anything to him, that they could only take him out of the classroom for 10 days, and then he would be back in there.

They told me about another student, one of two students, who had been apprehended for selling drugs. The one student who did not have a disability was expelled for 175 days. The other student, a year later, was still in the classroom. His parents had retained an attorney, which the school district was paying for, and they carried on the process. A year later, that student who sold the drugs was still in the classroom.

Earlier, I introduced legislation, the School Security Improvement Act of 1997, which is designed to do a couple of things: No. 1 is to create a safe learning environment for all children. We have to continue to provide support and assistance for disabled students, but where there is a clear-cut example of behavior that is incompatible with a decent learning environment, the schools have to be able to take some action. One principal told us, "You cannot learn in chaos. A child cannot learn in chaos. A teacher cannot teach in chaos."

When they have students with disabilities whose violent acts have been judged to be a manifestation of their disability and they have to come back into the classroom after 10 days, other students live in fear, teachers are apprehensive about the impact on their class and, according to the teachers, the administrators, the parents, the job of education comes to a halt.

The measure that I introduced, the School Security Improvement Act of 1997, will eliminate the double standard that currently exists between special education and general education children. All children, disabled or not, should receive the same discipline for the same behavior. I believe this is appropriate wherein the behavior of the child is not related to the disability. Children must learn that there are consequences for violating the rules. Good education means discipline and standards of conduct. If there is a violent act that is a manifestation of the disability, if it is a dangerous act, if it is a violent act, then that child ought to be put in a learning situation where there will not be a danger to fellow students of committing a similar act.

In addition, this measure would require schools to include in the record of a child with a disability a statement of any disciplinary action taken against the student, and that should be available for a student transferring within a State or from State to State, so that the receiving school will know if there are problems with the student who has come to them.

The record issue, as I indicated previously, has been brought to the forefront because of the tragic murder of a young woman in north St. Louis County.

This measure that I have proposed will enable the school administrators to remove dangerous children with disabilities who pose a threat to the safety of others from the classroom and make temporary alternative placements to ensure that the safety of all students is secure until a more appropriate placement is determined.

In addition, the current IDEA provision requiring local school districts to reimburse attorneys fees incurred by parents who elect to initiate litigation has had what, unfortunately, is a predictable result of encouraging litigation and of driving up special education costs. It appears that the dispute-resolution procedures have become extremely adversarial and costly. Studies have found that the amount of special education litigation has dramatically increased in recent years. Too often, the litigation can be used as a fishing expedition to threaten districts with protracted litigation.

The practice serves to reduce district funds available to meet the needs of students with disabilities, and we clearly need reforms of the dispute-resolution process to ensure that scarce educational funds are used for educational services for the children for whom they were intended. But because of the explosion of litigation in this area, educational services for students are put at risk.

Under the measure I introduced, local school districts would be permitted to provide alternative education placements to children who threaten the safety of others. For some children, it is absolutely appropriate to remove them swiftly and permanently from the regular classroom setting. And under the law that I proposed, school officials would be permitted, on their own authority, to discipline dangerous and unruly students.

Again, the measure I introduced would give the school districts the authority and flexibility to ensure that the students and the personnel are provided educational and working environments that are safe and orderly.

Finally, I point out that when the Federal Government enacted IDEA, it promised to fund 40 percent of the national average per-pupil expenditure. Today, the Federal Government funds only 7 percent. That is why I am very pleased today to join with my colleague from New Hampshire, Senator GREGG, to provide in this legislation explicit direction to Congress to fund fully IDEA.

I congratulate the committee and its leadership for having made so many necessary reforms in the reauthorization of the Individuals With Disabilities Education Act. I hope we can take the next very important step and assure the funding. Congress only recently has come up with 7 percent of the funding rather than 40 percent.

Last week, a major network news story featured a story on a school in my home State in Maryville, MO. The Maryville R-II School District did not have the revenue to repair its deteriorating classrooms. After six unsuccessful attempts to pass local bond issues, the district was able to pass a bond issue to renovate the schools.

The Maryville school district spends approximately $434,800 on special education, of which $68,200 is Federal funds, all of which is spent on mandates. If the district were not bound by the paperwork requirements and other costly mandates of the law, they would have more money to improve their facilities and their classrooms.

The skyrocketing costs of our special-needs children being served by IDEA places local school districts in a bind with little assistance from the Federal Government.

An Economic Policy Institute study on school funding found that new money for education went disproportionately to fund deficits in special education funding caused by increasing requirements for services coupled with the Federal failure to meet its promised commitment.

We have been in this body in an effort sometimes called devolution, sometimes called enhanced federalism, more often, in my view, called the commonsense approach of letting the level of Government which delivers the service make the decisions.

Over the last few years, it says we ought to be allowing the school district if it is an educational decision, or the water district if it is a water-related problem, or the justice system if it is a justice problem make the decisions of how it works.

We need to be providing more resources and less good ideas to local governments. That is particularly important in this field with the Individuals With Disabilities Education Act. I can tell you that the goals and the objectives are understood, they are strongly felt by the people who serve in the school system and who support the school system, but they have too many requirements that prevent them from getting the job done. That is why I think we need to provide some flexibility for local school districts. We need to reestablish and restore to local school districts, to school administrators, and others the ability to use common sense in maintaining discipline and order and safety in the classroom.

We also in this body need to step up to the plate and make sure that we come through with the funding that is needed to carry out these mandates.

When I talked with the school principals, administrators, and teachers, I said, "After what you have told me, we need to give you some freedom to do these things." They said, "Well, how about a little money to help us with the burdens you put on us?" I said, "That makes sense." They said, "Look, to handle these children with disabilities who are violent, we need to have the resources to provide them the alternative education which is appropriate for them and which will not subject their fellow students to risks." It is going to be more expensive, and there is not the money there yet.

I am hoping that if we can increase the funding that is needed for these services, we are going to see not only order and discipline and conduct restored in the normal classrooms but a much higher quality of educational services delivered to the children with disabilities.

Again, I commend and thank the committee for making the many reforms it has done in this bill. And I say that the School Improvement Security Act of 1997, which I described briefly, most of which is very significantly incorporated in this measure—I have been advised that the following organizations strongly support the provisions of it: The Missouri School Boards Association, the Missouri Association of Elementary School Principals, the Missouri Association of Secondary Principals, the Missouri State Teachers Association, the Missouri Federation of Teachers & School Related Personnel, the Fort Zumwalt School District.

I think, I say to the chairman, that we could get a list a half-mile long of organizations in my State that are behind you in the efforts to reform and reauthorize this measure. I know they are going to be behind Senator GREGG's and my efforts to get more funding.

So I congratulate you on the measure. We look forward to working with you. We want to see if there is a way that we can provide the funding that is so badly needed for this very important service and for the well-being of the entire educational system in our country.

I thank the Chair and thank the distinguished managers of the bill.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I thank wholeheartedly the Senator from Missouri for his comments. I also want to thank him for his introduction of the legislation last year which we found immensely helpful in being able to amend the present law and used to make sure that we did a better job in handling the very difficult situations which the Senator from Missouri referred to. He has been a tireless worker in many areas. This is one of those where he has demonstrated his keen ability to be of assistance in very difficult areas. I thank the Senator very much for his statement.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I do want to thank my colleague from Missouri for his long efforts to make sure that the law works and works well, not only on behalf of disabled students, but on behalf of all students. Certainly there is always room for discussion, debate, and trying to get a meeting of the minds and get people together on this. That is what I think we have done in this bill.

As my friend from Missouri pointed out at the closure of his remarks, this does have a broad base of support, from the National School Boards Association, Parent-Teacher Association, school officers, disability rights groups. It has a broad base of support, cutting across all these lines, which I think indicates we have, indeed, through the leadership of Senator JEFFORDS, met our obligation to ensure that our constitutional requirements are fulfilled and at the same time to ensure that our schools are safe and conducive to learning for all students.

I might just say to my friend from Missouri, about the case of which he spoke, about the tragic case of the young woman who was murdered, we had looked into that case in great detail. The American Law Division of the Congressional Research Service looked into the facts of the case whether IDEA had any relevance at all to the case.

I will, just for the record, read the last paragraph of their analysis of the tragic death of Christine Smetzer. It said:

> Although IDEA's provisions did not appear to be directly implicated by the factual pattern involved in Christine Smetzer's death, questions were raised concerning other laws, namely those involving the confidentiality of juvenile records. The youth charged in the case apparently had a juvenile police record which was unavailable to the school officials. This situation apparently led to the amendment of state statutes regarding juvenile crime. The new statute provides in part that the juvenile court can give school administrators information about past histories of delinquents upon request, and schools may suspend a student who has been charged or convicted of a felony in adult court.

Just for my friend's knowledge, in our bill we address that. We said here—I want to read for the RECORD, and I am told Senator ASHCROFT was responsible on our committee for putting this on the committee level. It says:

> Disciplinary Information.

This is right on the point with this case I think.

> The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include [must include] both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.

So I hope that reaches this tragic case. I hope that would settle it.

I yield to my friend.

Mr. BOND. I thank my colleague from Iowa.

As I hope I indicated in this case, the Christine Smetzer tragedy was not a case where a student was kept in the classroom as a result of IDEA. I think I attempted to point out that the past disciplinary records of the student had not been transferred.

Mr. HARKIN. That is right.

Mr. BOND. The school district and the parents and everybody associated with it are still in great shock. They feel that they may have had a much better opportunity to prevent that had they been advised. That is why I thank the distinguished Senator from Iowa and the chairman of the committee, particularly my colleague, Senator ASHCROFT, for getting that records provision in there.

The teachers who have been on the front line, some stated to me, and, frankly, with fear in their eyes, "If a child is coming in who has a record of violent behavior, at least let us know, at least let us know." To me, that is just—I mean, that is an unanswerable, that is an unanswerable position. There is no reason why we should not let them know.

The State of Missouri has made significant changes in the policy for transfers within the State. Our State has the tremendous distinction of bordering on eight other States, including Senator HARKIN's State of Iowa. About everything in the Midwest, we border on them. When a student comes in from another State, or when a student from our State goes to another State, it is only fair that the teachers and the administrators know if there is a problem. Frankly, it probably is a help for the students who have no problem because they are not treated with suspicion. If a student is without problems, it is a help to know that as well.

But I do commend the committee and the occupant of the chair, who has taken an active role in this, particularly my colleague from Missouri, Senator ASHCROFT, on crafting a bill that deals with these provisions.

I hope that you will be able to take and accommodate the provisions for funding that Senator GREGG and I support.

I thank the Chair and yield the floor.

Mr. HARKIN. I thank my colleague from Missouri. I know he has been on this issue for some time.

I remember last year when we were working on the bill, it came to light, after we finished working on the bill at the committee level but before we went to the floor. I was informed by my staff that this amendment was part of the managers' amendment. We just did not get the bill up last year. I know the occupant of the chair was the leader of our subcommittee, and we had the bill ready to go last year. He worked his heart out to get the darned thing through, but for whatever reason it did not happen.

I thank the Senator from Missouri for his long-time interest in this area and for working with us. I know sometimes the bills seem to get through exceedingly slow, but we finally got it accomplished, and hopefully it will be through in a couple of days.

I also wanted to respond—and this is something I always like to point out when we talk about the high cost of educating kids with disabilities—I know it seems like it is a high cost, but then you have to look at the other side of the ledger. What is happening to these kids later on, what is society spending or saving later on during the lifetime of these young people as they go through school?

I have some data here showing in 1974, the year before enactment of the 94–142, there were 70,655 children and youth with disabilities living in State institutions. By 1994, 20 years later, as a result of IDEA, the number had fallen to 4,001, less than 6 percent of what it was 20 years earlier. In 1994, the average State institution cost was $82,256 per person in an institution, with 66,654 fewer children institutionalized than in 1974. Because the States were footing the bill, the savings to the States is $5.46 billion per year that the States do not have to come up with for institutionalized care. The savings do not include the savings in welfare, social services and other costs for people with disabilities who are now able to live independently and be employed and pay taxes as a result of the special education they have received.

A young friend of mine, Danny Piper, from Iowa, who I have followed for years, came and testified once before our Disabilities Policy Subcommittee. He is 26 years old, with an IQ of 39. When he was born, his parents were told to institutionalize him. They did not do it. They put him through school with IDEA, and he went through regular high school. He acted in a school play. He was a manager of the football team.

To make a long story short, since graduating he has become a taxpayer. He has recently moved into his own apartment. He takes his own bus to work and is paying his own way.

We figured out once with his folks what the total cost to taxpayers for his special education over this 18-year period was. He received early intervention, special education. The best they could come up with was a total additional cost of $63,000 for him for special education. The cost to taxpayers if he had been institutionalized would have been $5 million over his lifetime.

Again, I know people think, gosh, it costs a lot of money, but we have to think where we were before and how much we were spending before for institutionalization, for a lot of people that did not need to be in institutions. Certainly Danny is one. He is out working and buying color TV's and things like that.

I wanted to make that point because I know it is an expense and we have to think of the other side of the ledger.

Since I talked about Danny Piper, I ask unanimous consent to have printed in the RECORD an article recently from the Des Moines Register about Danny entitled "Shooting for Independence." This is the whole story about Danny Piper and what he is doing, including competing in the Special Olympics. It talks about the medals he has received for basketball, track, bowling, and golf, competing in the Special Olympics. It is a story about one young man and what he has been able to accomplish because he got that kind of education.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Des Moines Register, Mar. 22, 1997]

SHOOTING FOR INDEPENDENCE

BE IT A MEDAL OR A FRIEND, DAN PIPER PUSHES LIMITS TO WIN

(By Jeff Eckhoff)

The bedroom walls of Dan Piper's Ankeny apartment are covered with his trophies:

Photos of Piper with Sen. Tom Harkin at a rally promoting the Americans with Disabilities Act. A photo of a grinning Piper sporting slicked-back hair and a leather jacket for his high school production of "Grease." Framed newspaper articles and letters.

And the medals. Four of them. Gold and silver dangling from shiny blue ribbon. For basketball and track and bowling and golf. There are more in the closet, along with ribbons from scores of other events in scores of different Special Olympics competitions spread over the 26 years of Dan Piper's life.

But it's the medals that seem most important to Piper. Because he wants another one.

The state Special Olympics basketball competition is scheduled to start at 1:30 p.m. today in the University of Iowa Field House in Iowa City. And Piper, who hit 49 out of 50 free throws at a regional event last month, is expected to do well.

For his part, Piper is certainly expecting to do well.

"He's very competitive," explains a laughing Sylvia Piper, Dan's mother. "He's not a good sport at all . . . . Dear God, if he doesn't get a blue ribbon, we're all going to be tortured unbelievably."

Not that ribbons are all that's on Dan Piper's mind these days. Leaning over a table in the back room of Ankeny's Osco Drug last week, he talked about his job, about his friends there and about the relative merits of Rocky Balboa movies.

But mostly he talked of his friend, Melissa Berry—and of a dance that was scheduled to take place at an Iowa City hotel Friday night.

"My Mom's going to dance with my Dad," Piper explained. "Me, I've got to dance with my woman."

He was born Oct. 2, 1970, the son of a communications engineer and a woman whose sole prior knowledge of mental disabilities had been a field trip to a state hospital when she was in junior high school.

The doctors didn't call it Down's syndrome then. They were far less politically correct. And they were unswerving in their belief that Gary and Sylvia Piper should institutionalize their new retarded son.

Instead, the Pipers took Dan home—and set about making sure he had every possible chance to succeed.

They fought to keep 8-year-old Dan in a "normal" classroom when they discovered he performed better there than at the "special" schools. Eight years later, they and other parents threatened legal action in order to get the Ankeny school district to start its first special-education classes.

"Dan is the teacher and we've been the students," Sylvia said. "That holds until this day. I have learned never to say 'Never' to him."

In 1993, the school district, the Heartland Area Education Agency and a group of Ankeny families that included the Pipers helped form Creative Community Options, an agency designed to help the mentally disabled live with as much independence as possible.

The agency now serves 21 individuals living in Ankeny and Des Moines, said its director, Marci Davis. Thanks to special training from the agency, thirteen of those people hold regular jobs in the Ankeny area.

Eleven of the 21 receive visits from agency workers who help them with things such as making dinner and going shopping. Six of those 11, including Piper, live in their own apartments.

The goal of all of this, Davis said, is to prove that people with mental disabilities can live in society, do real work and pay real taxes—they don't have to be shunted into special occupations or homes.

"There's this balance (we seek from employers) between charity and providing a real job," Davis said. "What we're looking for is a real job with the understanding that this person may take a little longer to do it."

Piper gets to Osco Drug at 8:30 every morning, gets his list from his boss and sets to work on the day's chores. For three hours a day, he cleans the store, stocks shelves, and handles all the returned cans and bottles.

In between, he makes a lot of friends. That, say store officials, is probably his only fault.

"He does his three or four things very well," said Osco general manager Tom Rotherham. "He doesn't always come back for more things to do, but that's OK. Sometimes, we'll find him in the aisles talking to people. . . . The customers seem to like him."

Piper is easy to talk to but difficult to follow. The words sometimes get caught in feedback loops, cycling endlessly around a thought that never quite makes it out of his mouth. But his enthusiasm is contagious.

On a recent tour of the Osco back room, he pointed with pride at the restrooms he cleans. Out front, he pointed out the frozen pizza, the Coke and the bottled water "that you have to pay for."

He lingered longer over the video rack. Piper is legendary among friends for his adoration of Darth Vader, the Jackson Five and all movies involving a certain Philadelphia boxer who, no matter what obstacles are set in front of him, refuses to give up.

"That guy was in Rocky IV," Piper said pointing to a Dolph Lungren flick. "He's a great fighter."

He has always liked sports. Just as he has always liked Melissa Berry, another Creative Community Options client. The two were inseparable in high school, friends say. It was Melissa whom Dan first thought of when it came time to make plans for this weekend's trip.

They don't see enough of each other Piper thinks. The reasons why have to do both with parental concerns and the practical considerations of two people who are not quite independent.

Ed Berry, Melissa's father, said she "is the same as any other child. I'm not certain when anyone can say it's time to open the magic door up and say, 'She's ready (to be on her own).' But I'm not sure you can say that with any child."

After several weeks of Piper's persistence, he, Melissa and several other agency clients were scheduled to leave for Iowa City in their own van Friday afternoon.

His parents decided to make the trek to Iowa City this morning—that way he could enjoy Friday's dance without them there.

"Dan thinks there's something strange about dancing with your parents," explained Tina Fessler, a Creative Community Options worker who helps Piper with lunch, shopping and getting around town each weekday. "He has a real hard time with that."

Mr. HARKIN. Lastly, Mr. President, we just had a report from the Census Bureau which did a study that showed the employment population ratio for persons with severe disabilities increased from 23.3 percent in 1991, when ADA went into effect, to 26.1 in 1994, meaning there are 800,000 more severely disabled working in 1994 than in 1991, which is a 27-percent increase.

So, again, I think what this Congress did with Public Law 94-142 in 1975, with the addition of part H in 1986, and then capped with the Americans With Disabilities Act in 1990, have not only made us a more decent and caring society, a more inclusive society, but in the long run it will save us money because we are putting the money in at the front end, getting these kids early intervention programs, good education, integrating them with people they will live with all their lives.

I remember some years ago when my daughter was in public school, coming home and talking about how they had a couple of kids with disabilities in the classrooms, just like it was normal. They are there every day. These are people we live with all our lives. Rather than segregating them out, we bring them in and include them.

Even though it may cost some upfront, the savings, if you look in hard economic terms, the savings are tremendous later on. Of course, that is not counting the quality of life, the independence, the ability of people to have a better life for themselves even though they may have disabilities.

All in all, it is a great bill, and the reauthorization and the amendments we have added, I believe, meet a lot of the concerns people have, legitimate concerns. I hope and trust this will provide for a more cooperative framework for parents, teachers, school administrators, and local law enforcement officials to work together in a very cooperative spirit to ensure that all kids with disabilities have that right to a free and appropriate public education.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2:30 p.m. today.

There being no objection, the Senate, at 1:53 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

The Senate continued with the consideration of the bill.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 241, which has been offered to S. 717.

Mr. JEFFORDS. Mr. President, I understand the Senator from Washington desires to speak shortly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I want to take a moment to explain where we are. We have one amendment pending, the Gregg amendment, which has been offered and which we all would love to do. Again, I want to explain to my colleagues why we are in a position where it is difficult, if not impossible, for us to accept any amendments, notwithstanding how much we would like to do so.

The House will be passing in the morning the same bill, identical. We hope to pass here the same bill. The reason for that is one that is hard to explain because I don't like to have this kind of a situation. But as I explained this morning to my colleagues, last year, we came very close to passing the bill which was almost identical to what we have, but we have made some changes to reconcile some of the problems that were raised. At the time, we tried to do that, the word got out and erroneous statements were made about it. This is such a volatile area, where you are dealing with young people with disabilities and educational settings and the concept of mainstreaming and all these things. It is a very emotional subject. The whole thing fell apart.

What we have done this year with the leadership in the Senate pulling together, with David Hoppe and the groups from all over the country, we finally reached, the other night, the final, final agreement. Everybody is holding hands. Notwithstanding that, there are people today spreading incorrect information around the country that certain things have happened and people are getting concerned. We are trying to make sure we don't have any opportunity for this bill to fall apart. It is so important, so emotional, and so difficult, so we are trying to do that. At times, I will have to speak against things that I agree with. We have the Gregg amendment pending right now. It is a concept I think everybody in the Senate agrees with. In fact, they voted 93 to 0 to do what he wants to do some time ago on the Goals 2000 bill. To do that again would create a problem. I have already announced my support for us to reach the goal of 40 percent to fund the total cost of problems with disabilities in this bill.

We started off when we passed it back in 1975 with funding at 12 percent. It went down as low as about 5 percent. We are now back up to about 8 percent, around the efforts of Senator GREGG, primarily, last year. I hope we will get that kind of a commitment. I agree with everything Senator GREGG is doing, but I have to oppose it because it would create a problem we don't want to create. With that piece of knowledge, as soon as the Senator from Washington is ready, he can speak; he has an amendment. I wanted to lay out what I will do when he is finished.

I thank the Chair and yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I stand before you and my colleagues here in the Senate today in a situation for which I can remember no parallel during the course of my career. It is a position with which I have struggled considerably, not just as we worked toward the scheduling of this bill, but for the course of more than the last 2 years.

I have an amendment to this bill, which I will introduce later on this afternoon, which I suspect, given the nature of this debate, has very little chance of acceptance. I will oppose this bill as one that I consider imposes not only an unfunded but an unwarranted mandate literally on every school district, every school director, every school administrator, every teacher in the public school systems of the United States.

At the same time, Mr. President, I want to pay heartfelt tribute to the distinguished Senator from Vermont, who is managing the bill, to the distinguished junior Senator from Tennessee, who has perhaps spent more time on it during his 2-plus years in the U.S. Senate than he has on any other issue and, probably, than any other Senator has in that time. From their perspective—and it is a valid perspective—this bill represents a substantial step in the right direction from the current Individuals With Disabilities Education Act, or IDEA.

It represents a careful balancing on their part of the many, the strong, the articulate lobbies on each side of the disability issues that surround this bill. In fact, it represents an exquisite compromise dealing effectively with at least some of the interests of every group involved in public education, except for the students and the quality of education that they are provided in our public schools.

Education may be the single issue with the highest degree of prominence that will be discussed during the course of this Congress. The President has made both some real progress and far more rhetorical progress in bringing the quality of education provided for our students today, as they move into their lives in the 21st century, than he has on any other issue. This bill, however, has not played a significant part in that rhetoric. And almost nothing in the drafting or the debate over this bill has concerned itself with the overall quality of education that will be provided to the great mass of our young people as they move into an increasingly competitive world and increasingly competitive environment.

No, Mr. President, this bill is aimed, as is its predecessor, at a relatively small, though growing—and I will speak to the nature of that growth a little later—element in our population who are subject to a number of disabilities. Like so many of our other statutes in many other fields, its focus is so narrow that it avoids entirely, or interferes with, the overall quality of education provided to all of our young people, together with the rights of those who are closest to those young people—their parents, their teachers, their school administrators, their elected school board members—to make judgments about how best to provide the best possible education for the largest number of students. We hear soaring rhetoric about the need for higher educational standards as we move into the 21st century. But, Mr. President, I regret to say that this bill will not help us in any way in providing those higher standards. In fact, it will increasingly interfere with and frustrate their attainment. And yet, I must return to the very real tribute and credit that ought to be paid to those on the committee of jurisdiction who have drafted this, not on a blank slate, but on the slate that has been inscribed with the current IDEA.

Some of the remarks that I will make during the course of this debate, coming from individual parents or school districts, will of course relate to the enforcement of the law as it exists at the present time. But I believe, very much to my regret, that they will apply with equal force and merit to the bill that is before us, should it become law.

The fundamental flaw with this bill, and with the present law, Mr. President, is that it imposes on every school district in the United States a double standard with respect to school discipline, with respect to order in the classroom, with respect to priorities in connection with the financial, the fiscal investment in our children's education. It is overwhelmingly an unfunded mandate of exactly the type the last Congress, at least so far as the future was concerned, tried to avoid. It is, however, an unfunded mandate in another sense. There is hardly a Member of this body, Republican or Democrat, who does not give eloquent lip service to the proposition of local control and local influence over our schools, particularly in their day-to-day operations, and even when we feel that certain national levels of achievement ought to be set—perhaps not imposed, but at least set against which to measure attainment.

Yet, I pick up this bill, S. 717, and I note that it is 327 pages long, every page of which imposes a detailed mandate on the system of schools in New York City, NY, on the system of schools in the smallest and most rural district in the State of Kansas, or in the State of Washington—rules which cannot possibly be set in a universal fashion applicable to every student in every situation in every school district in a world which truly values education and truly believes that so much of education results from the dynamics of an individual teacher and an individual student.

I had intended literally to read some of these requirements to you here, and I must confess that unless I wished to engage in a filibuster, I do not have time to do so. But in this bill, beginning on page 141, there are detailed procedural safeguards on behalf of any individual who claims a disability and who claims that that disability has not been dealt with precisely according to the rules in the other 300-plus pages of the statute. Those procedural requirements begin on page 141 and end on—well, I have not gotten to the end yet. I am at page 156 and working through this set of requirements—20, 30 or more pages simply of procedural requirements applicable to each disabled student, applicable to each school district, applicable to each individual determination. The only thing missing in those procedural requirements is the slightest expression of concern for any of the great majority of students who are not disabled, of the problems of individual teachers and individual classrooms or of the overall quality of education that will be provided by school districts subjected to the mandates included in this statute.

The amendment that is before the body now proposed by the Senator from New Hampshire [Mr. GREGG] would raise from about 7 percent the current level of support from the Federal Government to defray the mandates imposed by this bill to somewhere closer to 40 percent that the original Individuals With Disabilities Education Act purported to mandate or at least to authorize.

The Senator from Vermont has said that he has great sympathy with the Gregg amendment but that he must oppose it, and it will undoubtedly be defeated. We can afford to make the requirements but we cannot afford to pay for them. Why? Perhaps the Senator from Vermont will correct me on this. Because if we were to do so, if we were to pay entirely for the requirements we lay out in this statute, we would not have any money left over for any other educational purpose from K through 12. None of the wonderful promises of the President or of a multitude of Members of this body.

In fact, Mr. President, I will be blunt. If the Congress were forced to pay all of the costs that it imposes by this bill or by its predecessor on individual school districts, there is not the remotest chance that the statute would ever have been passed in the first place or be passed here today. It would simply be too expensive. We can, however, please certain interest groups by making these requirements and by requiring someone else to pay for them.

I suspect that you, Mr. President, and the Senator from Vermont and I all remember that magnificent motion picture about World War II, "Bridge on the River Kwai." I think that is what this bill is. The sponsors or their predecessors who wrote the first bill have built a magnificent bridge that is a tremendous engineering feat, the net result of which is to lower the quality of education in the United States. We are looking at the bridge and not at the results of building that bridge.

I spoke a little earlier about double standards. Overwhelmingly, the double standards in this bill have to do with rules of discipline. Perhaps the most fundamental authority in a local school district or of a State educational authority is setting rules of discipline designed for two purposes: one, to ensure to the maximum possible extent the physical safety of schools and teachers in schools and in an educational situation, and, second, to see to it that the atmosphere in those schools is one that is as conducive to learning as it can possibly be. And for the entire history of the Republic until the passing of the predecessor to this bill that authority, subject only to the Constitution, was delegated entirely to individual school districts.

This bill, as its predecessor, sets up a dramatic double standard. For a nondisabled student, there is no change. For a disabled student, there is a tremendous change. Disciplinary procedures are greatly limited, are subjected to all of the procedural requirements that—I was going to say outlined—the details of which I described earlier, in such fashion that the slowest student cannot possibly escape as a part of his or her learning process if there is one rule for you and a very, very different rule for me, one that you can't get away with that I can get away with—not a very good set of lessons for impressionable young people on their way to becoming productive citizens.

Now, what does this double standard do? Well, the proponents of the bill say, accurately, it prevents discrimination against students with disabilities, a wholesome and a valuable goal—a goal, I may say, incidentally, I think most school districts believe in and would reasonably enforce without any interference by the Federal Government, a goal on which most States have statutes themselves, here preempted by what we do.

But there are other consequences of this double standard. The first is an overwhelming incentive for parents and for lawyers and for certain students to act in such a fashion that they can receive the designation that they are disabled because once you find yourself so designated, most disciplinary rules fly out the window or are greatly limited. You are likely to be entitled to a personal education plan, the cost of which is absolutely unlimited in present law or this bill. You are likely, in a controversy with your school district, to be entitled to a lawyer who will end up being paid for by the school district, that is to say, by the taxpayers, by the other students. And as I have said, whatever the average per student expenditure is in a school district is out the window. The administrative procedure, including a Federal district court, complete with lawyers and attorney's fees, can order any educational setting, any educational expenditure that it deems warranted, looking only at the disabled student, not viewing in any respect whatsoever the impact of those costs on the ability of the school district to provide an education for others.

(Ms. COLLINS assumed the chair.)

Mr. GORTON. Is it any wonder that every year, in school district after school district, more and more students find themselves denominated disabled? The incentives to do so are extremely significant. It is reported by the Advisory Council on Intergovernmental Relations that this current bill, of all Federal regulatory statutes, ranks fourth in the amount of litigation that it creates. That is a pretty good record. Of all of the regulatory statutes in the United States, this ranks fourth in the amount of litigation it creates.

I note another element in that connection. We recently had a decision by the Supreme Court of the United States on a particular form of environmental litigation in which the successful challengers to a particular statute received their attorney's fees. In this bill, however, attorney's fees are a one-way street. If the representative of the individual student claiming discrimination under the statute prevails, that student or that student's family is awarded his or her attorney's fees. If the school district prevails, no attorney's fees can be awarded against the losing party. What does this do? Of course, it encourages litigation. The litigation is free. It also overwhelmingly encourages settlements which many school districts may regard as very, very unwise, simply because the potential downside is so great—again adding immensely to costs imposed on school districts.

We tend to say "school districts," but obviously in every case, every dollar paid out in attorney's fees, every disproportionate dollar paid out as a result of litigation or determinations pursuant to the statute, comes out of the finite pool of money that provides education for other students. A marvelous example of the way this works in the real world has taken place right here in the District of Columbia. Recently, the Washington Post highlighted the law firm that makes easy money by bringing administrative complaints and lawsuits over the shortcomings of the District of Columbia's schools' special education system. One of the lawyers quoted in the argument said, "Winning those cases is like taking candy from a baby."

I am not here to defend the quality of education in the District of Columbia. I think it is a magnificent paradox that it may spend more money per student than any other school district in the United States, or very close to that, and has pretty close to the worst results, but at least a modest portion of that has to be covered because of the fishing expeditions encouraged by this law that makes winning these cases "like taking candy from a baby." In my own State of Washington, with which I am more familiar than others, lawyers' costs range from $60,000 a year, $90,000 a year, $300,000 a year, all coming out of the pool of money that would otherwise be used for educating particular children.

However, I spoke a little earlier about the impact of this legislation on other, nondisabled schoolchildren. On that subject we received a letter from a concerned mother in California. She was working as a parent volunteer in her 5-year-old son's kindergarten classroom. In doing so she observed a student disrupting the classroom with loud outburst, running, kicking, screaming, hitting the teacher and aides. The child was in the class because of what is called, in this law, a full inclusion order. The net result was that my correspondent's 5-year-old child suffered from headaches every day the disruptive child was present in the classroom, was one of the victims of the child's outbursts, was punched by the child. The parent of the disabled child rejected the use of any normal method to control her child. The mother, who wrote me, writes that finally she had no choice but to remove her child from the school. She wrote,

> Fearing for my son's physical and emotional well-being, I finally removed my child from the kindergarten system. This occurred after the Federal court ordered the school district to readmit the special education student in spite of all the documented behavior aberrations.

The statute did not protect that volunteer's child in school. It did not provide for her education. It did not guarantee her constitutional right to an adequate public education, because that child, together with the vast majority of other schoolchildren in all of the school systems in the United States, are nonpersons for the purpose of this statute. They do not count. Their safety does not count. The ability to learn in an orderly atmosphere for them does not count because the Congress of the United States has told them that it does not. All that can be considered in these cases is the situation surrounding plaintiff child, the child with a disability.

One of my own favorite superintendents, who only recently retired, L.E. Scarr, superintendent of the Lake Washington school district, a large suburban district east of Seattle, put it a little differently when he wrote this to me.

> A process which is supposed to result in an education program agreed to by parents and school personnel at times becomes a battleground on which procedures become more important than educational results.

Teacher after teacher, school district after school district say that this process depreciates, worsens the educational standards that they are able to impose. Dedicated schoolteachers give up their careers because of their frustration at being able to operate in what they consider to be an appropriate educational manner. We simply have not created a situation here in which there can be any balance. Even if it is appropriate for the Congress of the United States to pass legislation on this subject, even if it is appropriate to pass a 327-page bill setting out all of these requirements, is it not appropriate to give to each school district some method by which to determine the best educational outcome for the majority of its students? Isn't there some way to say there is some limitation on the amount of limited school district assets that have to be spent on any individual? Isn't there some limitation on the amount of litigation and the amount of attorney's fees that can be imposed on our educational system? Isn't it appropriate that some consideration be given to the safety and educational environment in which the vast majority of our young people are educated? But we do not see that here in this bill.

I must return one more time to the proposition that, yes, it is an improvement over the present situation. My friend from Vermont, in a less public conversation, said I was not giving him enough credit when I said it was minimal or modest. It was substantial. I may be willing to stand corrected on that and say that there are an additional number of factors relating to immediate physical safety which will authorize at least some discipline against a dangerous but disabled student. And that is a step forward. That is why I, along with many of my colleagues, are, to a certain degree, on the horns of a dilemma when we deal with this bill.

It would be easy to vote "no" if there were "no" Federal legislation on the subject at all. It is much more difficult when you must admit that, for all the criticisms you can make about the regime which this 327 pages creates, it is still something that is viewed with relief by the National Association of School Boards and the principals' and most of the teachers' organizations. But, it seems to me, that shows not how good this bill is, but how bad the current legislation is: the degree of desperation on the part of our school authorities, who have been willing to sign up for this proposal. I sympathize with them. I think, were I in their position, I would probably have done exactly the same thing, because the consequences of not agreeing were the continuation of the status quo.

But, here we are, 100 of us in this peaceful but highly artificial set of surroundings, pretending that we are wiser than all of the school board members in the United States of America, pretending that we know more about their business than they do, making frequent speeches about the genius of local school systems and of local school boards but acting in a way that is totally inconsistent with that lip service.

One of the features I have had in my service in the U.S. Senate in the last 8 years is to create advisory committees in every one of the 39 counties in the State of Washington. I meet with each one of them at least once a year, several of them more than once a year. I have made a conscious attempt in every one of these advisory committees to have at least one member, and sometimes more, who is a teacher, a school administrator, a school board member, in many cases recently a student, so I can hear, each time I meet with one of these groups, about their concerns with respect to the Federal involvement in public education.

Madam President, I can say—and I am probably understating it—that in the course of the last 2 years, at least three-quarters of the comments that I have received from these people from education has been with respect to this law and the frustrations and the disruptions attendant upon its implementation.

And so, I must say with some regret that I will feel constrained to vote against this bill for the reasons that I have stated. In preparing for this debate, I agreed with the sponsors that we can probably focus on one, not more than two, particular amendments to set out the differences that we have, and the proponents asked me to come to the floor this afternoon, both to engage in a discussion that is almost complete and to offer an amendment.

I must say, through the Chair, to the chairman, while my first and perhaps my only amendment is relatively simple, I don't have it in form to offer at this moment, because I didn't like the form in which it arrived in my office from legislative drafting service.

Unlike the 327-page bill, however, it will take up less than 1 page. It will simply state that notwithstanding any other provision in this statute, each local school authority shall have the right to set rules respective of the safety and educational atmosphere for students in that school system. I hope that I will have the final form of the amendment before this afternoon is up, but we do have another amendment pending at the present time, the funding amendment of the Senator from New Hampshire.

So at this point, I simply want to say that the amendment that I will present and probably will not need to explain to the length I have explained my general position over the course of the last half-hour, the amendment that I will present goes to one element of the heart of this legislation, and that is, who makes decisions with respect to the safety of students in a given school system, who makes decisions with respect to the educational environment in which those students are educated? It does not go to the problem of attorney's fees or elaborate hearings or costs or the like, matters that I think are important but, perhaps, not quite so central to this legislation.

I will explain it. We will vote on it. I believe that while in our heart of hearts perhaps a majority of the Members of this body agree with me in theory, I am not going to hold my breath until the amendment, or that matter the amendment of the Senator from New Hampshire, is adopted. But it is healthy, I think vital, that we debate these fundamental concepts when we are talking about the education of our most priceless resource: our young people.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Madam President, I thank the Senator from Washington for a very detailed and very well-done discussion of the bill that we are considering, IDEA. However, I have to differ and would like to explain some of the areas where I think there may be confusion, if it is not explained.

First of all, I reiterate the situation that we have with respect to the requirements of States to provide an education to children with disabilities. This matter was brought up in the late sixties, early seventies in some 26 courts. Two decisions finally were utilized to define what was required.

First of all, there is no constitutional requirement to provide an education by a State. However, if a State does provide a free education to students, it cannot discriminate, and, therefore, it must provide an appropriate—and that is the keyword the courts used—an appropriate education for a child with disabilities.

Because this was nationwide in its decision, and since the States all provided a free education, it became necessary to define, in a sense, what was appropriate, and the courts labored to do that. In the consensus decree developed by the parties involved, those kinds of requirements and specificities were defined in that court decree.

As a result of that, the Congress decided that since this affected all the States, that it be wise if they assisted the States in being able to meet the mandates of the court regarding the requirements of the States to provide an appropriate education. We did that, taking the words from the courts' decisions which defined appropriate education must also, when appropriate, have a mainstreaming component and, thus, we have set out in the early version, 94–142, what was to be done to reach the courts' mandates, not the Congress' mandates but the courts' mandates of constitutional law.

The Senator from Washington brings up a problem of which we should all be aware, and that is there are limited funds available for our school systems to utilize, and any time that the courts mandate that certain things must be done, that necessarily is going to utilize those additional resources to handle those that are being discriminated against in order to give them an appropriate education.

That was done. Whether it affects the other young people by having resources not appropriately assigned to the various groups, that is a question which is of interest and of importance for us to take a look at. I personally feel strongly that right now in our country, we have to look at all of the young people and determine that question ourselves.

I would say that the results of those that are noncollege bound and those that are not under the law with disabilities may have an argument that they are not getting a qualified education, because when we graduate 51 percent of those young people—frankly, all of the young people in that forgotten half group who are graduating from high school functionally illiterate don't have the standards necessary to meet the needs, as the Senator from Washington pointed out, of our society for the next century and may have an argument. That is another case. We are here looking at how to protect children with disabilities in conformance with the courts' mandates regarding States which offer free education.

Also, he grossly overstated the cost of this in the public school systems. If you take a look at what the costs are, I think the total cost for all of special education is over $30 billion—$38 billion. That is nowhere near what we spend totally on education in this country; certainly nowhere near what perhaps one would think we spend. I do not know what the total is we spend, but it is far in excess of that.

He also got into the question of uniformity, that there is a double standard. He thinks the States should decide, that they don't need the Federal Government to give them any uniformity. I think that would have been totally disruptive to the system. I think the courts were appropriate to bring the consensus decision they did, and I think the Federal Government appropriately stepped in with this law to say let's have uniformity, let's establish what the standards are that must be met to take care of those children with disabilities.

A great deal of time was spent on lawyer's fees. I am not going to spend much time on that. I could read the requirements. First of all, there is no requirement for any attorney's fees. There is nothing in the law that says you have to pay. It says the courts may order—they may order—attorney's fees under certain circumstances. If you look at those circumstances, you will see they are all very reasonable ones. It is all may, may, may. There is no requirement that any attorney's fees be paid. I don't want to spend much time on that one.

I just have to comment on District of Columbia because I love this city, but they do have terrible problems all the way down, it is not just in special education. They have terrible problems up and down. We are trying to correct those. Actions have been taken. But as far as the amount of litigation, there were only 100 cases brought in 1993. We don't have the figures since then. That is hardly any. You have 110,000 schools. There has been a court case in a tenth of 1 percent of the schools. It is not a huge problem in that respect.

I am personally appreciative of the effort of the Senator from Washington at explaining his position. I think it helps elevate the understanding of the people as to what is in this law. But I disagree with most of the comments made. We do represent—I know from going around—the feelings and opinions of a number of people, and it is appropriate, therefore, for us to discuss, as best we can, these concerns and to alleviate these concerns. I think we have done an excellent job with respect to trying to take care of the problems.

The final thing I will mention is with respect to discipline and a child that may be dangerous in a school room. I think as has been pointed out, there is a very substantial change to protect the children in a disrupted classroom. A child may be removed now and may be removed continuously, following appropriate procedures, until such time as that child really settles down and is no longer dangerous.

So it is not the kind of a situation we had before this bill which left, in many cases, the school system pretty helpless when dealing with a disruptive child. I believe we have done an excellent job of taking care of that and, hopefully, my colleagues will read those provisions and agree with me that we have made a great step forward in undoing what has happened in so many of the classrooms in some areas where a child is dangerous and disrupted the school setting. Madam President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Madam President. I congratulate the majority leader, Senator LOTT, for helping bring this matter to a place where it can be debated and where this reform in the IDEA law can, in fact, be implemented.

I want to thank a number of individuals who worked on this: Senator JEFFORDS, Senator HARKIN, a wide variety of others; my colleague from the State of Missouri, Senator BOND has been active in working to make sure we had the right components.

I am grateful that the Individuals with Disabilities Education Act Amendments of 1997, S. 717, is before us, and that we will have a chance to vote on it. I believe its passage would result in a substantial improvement in the ability to deal with disruptive individuals. The committee chairman was speaking about that just a few moments ago. Last year, I objected to the Individuals with Disabilities Education Act, commonly known as IDEA, passing into law because I believed there were problems regarding discipline and discipline records of students that needed to be remedied. We worked those out at the close of the session last year in some rather arduous negotiations. This year I continued to work with the IDEA working group to get improvements in this regard that will make it possible for us to have safer school districts, safer school rooms, and safer environments in which students can learn and teachers can teach.

Schools need to provide a safe learning environment. Fear is not an emotion that is consistent with a learning environment. We need, regardless of whether a student was disabled or not, to be able to have appropriate disciplinary measures that would enable us to have learning environments which would be effective.

One of the problems that really had troubled me about our previous situation and will trouble me until it is corrected by this reform or some other, is the problem that discipline records frequently did not transfer with students from one school to the next. When a student arrives at a new campus without the discipline record, the following results can be disastrous.

There is a case in Missouri where those results were fatal.

My own interest in this particular area of the law was occasioned by an outrageous incident which I think shocked the conscience of virtually everyone who was aware of it. Two years ago, in my home State of Missouri, a 15-year-old young woman was at her high school. She had gone to the girl's restroom when a student with a learning disability and behavior disorder followed her into the restroom, and that was the beginning of a series of events which eventually led to her losing her life, after other unspeakable things were done.

This incident occurred on the disabled student's second day at the school where the incident occurred. He had been transferred from another school in accordance with IDEA procedures, but when this incident occurred the officials at the school where the assault took place say they were not aware of the prior disciplinary history.

The chronology of events leading up to this horrific incident are very troubling.

In September 1994, the disabled student was enrolled as a ninth grade student at one high school.

In October 1994, the disabled student exhibited uncooperative behavior in class. He was the prime suspect of vandalism in the classroom. He was suspected of urinating on objects in the classroom.

Later that same month, the 15-year-old student was suspended pending a psychological evaluation by the district psychologist after being found in the girl's restroom. This is obviously not behavior which was unrelated to what eventually happened.

You go through a wide variety of other chronological events which finally find the student being transferred to another school, the school at which the death of the young woman occurred, at his hands and in another restroom. But the school officials did not have the information of the previous disciplinary incidents as a part of the transfer.

I felt it essential—I felt it would be totally inappropriate for us to allow a so-called reform to go into effect and allow students to precede their disciplinary records. The incident in Missouri demonstrates dramatically that if you precede your record by as much as 2 days it may be long enough for another student to lose his or her life.

When the officials at the second school said that they did not know about the disabled student's disciplinary past, they were pointing to a tremendous, gaping hole in the framework for safety that we ought to provide in IDEA legislation.

Together with Senator BOND's and Senator HARKIN's help, we have been able to address this concern. I want to thank them both and the committee chairman. I am grateful. To me, it seems that this is not the kind of thing that ought to divide us; this is the kind of thing that ought to unite us.

Whenever any of the child's records are transmitted to another school, the student's discipline record and the individual education program must be included in the transmission, so that school officials and teachers will know. They will know the past disciplinary records of a disabled student on his first day in the school. They will know in time to take corrective action. They will know in time to do what they can.

This will not make all of our schools perfectly safe, but it will elevate our capacity to do what we can do and ought to do by giving us timely information.

Moreover, when the school or school district reports a crime to law enforcement or juvenile justice authorities, copies of the student's disciplinary records must be transmitted for consideration to that authority.

In those circumstances where the public agency initiates disciplinary procedures against a student, the agency must ensure that the disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination.

We have had a disconnect between our schools and our justice system. Frankly, it is time, when serious, dangerous behavior that literally threatens the life and safety of other individuals, we do not have an artificial barrier that keeps the education agencies from talking to the criminal justice agencies or the juvenile justice agencies. This law now provides that school officials may report incidents to proper authorities.

Not long ago, in Tennessee, a student with a disability kicked a water pipe in the school lavatory until it burst, resulting in $1,000 worth of water damage.

When the school officials filed the petition against the child, a hearing officer ordered the school district to dismiss its juvenile court petition, a decision which was upheld by the Sixth Circuit Court of Appeals. The court faulted the school for not holding a multidisciplinary meeting before initiating a juvenile court petition.

I think it is clear that if students commit crimes that are worthy of prosecution, the school should be able to file or cause to be filed a case against the students. The practical effect of the court's ruling is that schools as a matter of law cannot unilaterally refer disabled students to juvenile court for committing acts of violence unless the student consents to such referrals. So prior to filing the case, you would have to get the consent of the parents of the disabled child or a court order. Otherwise, it would not happen. It is important that we say to students: Your disabilities will not be a license for you to violate the law or threaten the health and safety and security of others.

This bill moves toward abolishing a double standard for individuals who claim disabilities as a shield for potentially life threatening behavior.

Regular education students are subject to a range of disciplinary actions. Disabled students, on the other hand, even those who are violent or seriously disruptive, can stay put at their current educational environment, even if the actions are criminal. This is a double standard, and has been, and it is wrong. While we want to protect disabled students from discrimination, we also have a duty to protect other children from harm.

Senate bill 717 now gives greater flexibility to school officials to remove dangerous students from the current school. If the child carries a weapon to school or to a school function or if the child knowingly possesses or uses illegal drugs, the bill allows school officials to move the child to an alternative interim setting for the same amount of time that a regular education student would be subject to discipline, but not for more than 45 days.

Moving away from this double standard which had existed is a step in the right direction on the part of this bill.

A trend developed recently under the bill, the law which we now have—which needs the reform which this bill would provide —that students would not be known as "disabled" or even claim disability until after they had committed some serious wrong; and after they had committed some serious wrong, to avoid penalties, they would shout: Well, I'm disabled in one way or another, either that I don't read well or that I have a kind of nervousness or even some kind of other subjective claim of disability.

This measure, for which I am grateful, basically provides remedies that are fundamental to improving the environment for learning in the school.

It requires that the student's disciplinary records accompany the student's individualized education program when the student transfers to another school, so no student goes to a new school without the officials at the school learning about their prior discipline history, a major achievement.

Second, it holds children with violent or other bad behavior to the same disciplinary standards of other students when the behavior is unrelated to their disabilities. You cannot claim you are a slow reader and, as a result of being a slow reader, you have the right to assault another student. That simply will not cut it anymore.

Third, it will allow school officials to report crimes committed by disabled students to police and juvenile authorities before meeting with the Individualized Education Program team, a special team that agrees on an education program for disabled students.

It seems to me, especially since that committee is composed of individuals like family members of the student and others who would not allow the crime to be reported, that we need to give schools clear authority to make the communication with law enforcement officials when even disabled students have committed what is clearly a criminal activity.

I opposed the bill last year because it did not have these safeguards.

I want to commend the committee chairman, Senator JEFFORDS. I want to commend BILL FRIST, the Senator from Tennessee, who has worked so hard on this. I want to thank my colleague Senator BOND, and Senator HARKIN from our neighboring State of Iowa, for their work in this respect.

I believe the bill is a substantial improvement, and when it is enacted, the young people of the United States will be safer. We have not sacrificed the rights of students with disabilities to be educated, but we have enhanced the capacity of students generally to get the kind of education they deserve.

I thank the Chair.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I want to thank the Senator from Missouri for a very articulate explanation of the most difficult area that we faced, and that is how to handle disruptive children in the school. That has been a very, very troubling problem for schools to handle. It has been one which has led to considerable concern about the effectiveness of special education.

The Senator's help in producing this amendment and in these things, I think, has done more to get this bill quickly in shape where I think it will have close to unanimous passage. I deeply appreciate all the help the Senator has given.

Mr. ASHCROFT. Thank you.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, I have just a brief supplement to the remarks that I made earlier.

I referred in general terms to the cost of the mandates under this bill and under the current IDEA legislation. I have checked it, and, at the present time, the current funding level is just over $3 billion.

The amendment proposed by the Senator from New Hampshire [Mr. GREGG] would, over roughly a 7-year period, reach the authorized level of having us here in Congress pay for 40 percent of the cost of IDEA and would reach, I am told, something like $13 billion or $13.5 billion. It seems to me that is a little short. My own figures are, if we were to fund it at 40 percent for next year, for 1998, the cost to the Congress, to the Federal Government, would be just over $14 billion. Now, that is 40 percent.

My grade school arithmetic tells me that if the cost were $14 billion at 40 percent, the cost of 100 percent funding would be $35 billion. So we have created and will continue to impose a $35 billion cost on the school districts of the United States for the implementation of the requirements that are set out in the statute.

Madam President, I went into the Cloakroom and checked how much we put into title I, which is, I believe, the single most expensive of all of our Federal aid to education in specific bills for all the disadvantaged children.

The basic grants for the current year for title I are a little over $6 billion. When you add all of the special categories under title I, you get almost to $8 billion.

I am told, without having checked every single one of these, that the second most expensive are the drug-free schools programs, which is roughly $4 billion.

Now, if I am correct in these, Madam President, I simply go back to the proposition that here we are creating a set of mandates far more expensive than all, I think, of the programs of direct aid for education from kindergarten through the 12th grade.

I guess I have to ask the manager of the bill, the chairman of the committee, if, in fact, we had to come up with $35 million right now for 1998 to pay all of the costs of this bill, and if, in fact, we had to work within the balanced budget agreement that has been entered into between the President and the leadership in the Congress, and if, in fact, paying for this bill caused us to either repeal or substantially wipe out a huge range of other programs of education assistance, would we be imposing this mandate?

Now, I ask that question rhetorically. I know the answer. Of course we would not be. It is real easy to do it, Madam President, when somebody else has to pay the bill. But the Senator from Vermont is going to oppose even Senator GREGG's amendment, which allows us 7 years to get to 40 percent.

Now, it is wonderful for us to say our educational theory is this or our educational theory is that. We think this is the way schools ought to be managed or we think that is the way schools ought to be managed. There are two objections to it. First, we do not know as much about the subject as educators do; and, second, I think we have a requirement to put our money where our mouth is. We are not putting our money where our mouth is in this bill. We never have, as long as this predecessor has been the law.

How do we get to the point at which we tell everybody else in the United States how to run their businesses, but do not pay for it?

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Just to get back to the Gregg amendment very quickly, there is no limit as to what we can appropriate by any authorization level that we could set. We could go for 40 percent tomorrow. There is no requirement.

Even Senator GORTON voted back in 1994 when the vote was 93 to 0—I have not checked the seven absences, but I do not think the Senator was absent—that as soon as reasonably possible, we ought to fund IDEA.

There is no necessity for the Gregg amendment. We can do that now. It does set out for my colleagues a very reasoned way to do it, which is in S. 1, a commitment that the Republicans here—that we do it. I think that is important to keep in mind.

What the Senator from Washington has talked about, well, that would skew things. But look where the money would go. That money would go to the local school districts. That is where it goes. In the bill, right now, as this is written, if we went up to full funding, that money would all flow to local school districts that have any children at all with disabilities. That is where it would go. The States have to keep their levels. So we would help the local school districts so they could use the money and spend it on people you are concerned about that do not have adequate resources.

This is an excellent way of pushing money to your local school districts. You ought to be yelling and shouting for it. It is exactly what you have always said, that we have to help the local school districts have more flexibility. This gives great flexibility.

I yield the floor.

Mr. GORTON. Will the Senator yield?

Mr. JEFFORDS. I am happy to yield to the Senator.

Mr. GORTON. I spoke to the Senator recently, Madam President. I have one more modest redraft on my amendment and then we will be able to submit it during the course of the afternoon, I hope in the course of the next hour. I gather there is an attempt to see to it that there is some overall reasonable limitation of debate on the amendments and on the bill to which this Senator is certainly in accord.

So, we will have that here so Members can read it so the Senator can critique it, as he will, in a relatively short period of time.

Mr. JEFFORDS. I thank the Senator from Washington.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, I have the privilege today to be here on the floor to support S. 717, the Individuals With Disabilities Education Act.

First of all, I find it important to congratulate Senator JEFFORDS, Senator COATS, and Senator LOTT, who have worked hard to reach a compromise that I believe this legislation supports. It is an important compromise because this is necessary and important legislation.

As my colleagues have stated so well here today on the floor, IDEA is our Nation's core special education statute for children with disabilities. In 1975, when the original IDEA passed, Congress accepted responsibility in this area. Now it is our turn to live up to this commitment.

I happen to have a son-in-law who is a fifth grade schoolteacher. He speaks to me about the difficulties in the classroom when there are not enough resources to be able to handle children who find themselves with these difficulties and the average child who is there in the classroom to learn. He finds himself dividing his time up among these, and sometimes in an inappropriate way, and not offering to all of the children the kind of time that their teacher and their instructor ought to give.

In the bill before the Senate today we have a balanced approach which takes into account the needs and rights of the local school boards, teachers, parents and, most important, the students. Among its chief provisions is the flexibility it affords local school officials in making alternative interim placement of children with disabilities who bring weapons or drugs to school. This was an area of heated debate, and I am pleased to see the final bill includes an arrangement we can all work with.

Likewise, I am pleased with the progress the committee has made on other controversial issues such as the recovery of attorney's fees and succession of services. While no parties involved will receive all that they hoped for, this balanced approach is fair, and, I think, it is sound public policy.

There is, however, some work left to be done. Though perhaps not today, this Congress will, in the very near future, have to take up the issue of full funding for IDEA. There is a role for the Federal Government to play in education, and while those of us who believe in the right of the State and, most important, the right of the local school district to have the primary responsibility, the area of funding of targeted needs and special needs has been something the Federal Government has done well over the last good number of years, and IDEA, in my opinion, is one of those.

When the law was originally passed in 1975, Congress promised to provide appropriations equal to 40 percent of the national average per pupil expenditure for education. Since S. 717 makes progress toward that important goal, I remained committed to seeing us reach the full funding level. I am confident, however, that this issue will be addressed during our consideration of the budget. Accordingly, I do not see the need for amending S. 717 at this time.

Again, Madam President, I state my thanks for the work that has been done by all of those involved in the lengthy but successful process of bringing S. 717 to the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. FORD. Mr. President, what is the order of business?

The PRESIDING OFFICER. The pending business is the Gregg amendment, No. 241.

Mr. FORD. Mr. President, I would like to speak on the bill itself rather than the amendment. I believe that is appropriate.

The PRESIDING OFFICER. Yes, it is.

Mr. FORD. Mr. President, I rise today to speak about the reauthorization of the Individuals With Disabilities Education Act, or IDEA, as it is commonly referred to. This legislation has had a long and difficult journey. The coalitions supporting this bill do not all agree on all of its points. In fact, there are a few things in this legislation that I would have preferred to have seen strengthened. However, as the great Kentucky statesman Henry Clay once said, "compromise is mutual sacrifice."

It is my understanding that modifications to this legislation will doom the bill to failure. While I have a few reservations, I am certain that this reauthorization is better than not reauthorizing the current statute. Therefore, this Senator will not vote for any amendment that will prevent this legislation from being signed into law. Let me repeat that. This Senator will not vote for any amendment that will prevent this legislation from being signed into law, and I hope others will follow that lead. We simply cannot fail to reauthorize this important statute. Our disabled children and our educators have waited long enough.

A few years back, I read a journalist's observation that "We are defined by who we have lost." It wasn't until this time last year, Mr. President, when I got word of the death of a young woman from Berea, KY, that I really understood the journalist's words. Twenty-three years ago, when I was Governor of Kentucky, Susy Riffe was just a child with Down's syndrome. But she became a symbol of great potential and great promise as she sat on my lap and helped me sign a bill guaranteeing public education for disabled children in Kentucky.

Susy went on to lead a full and productive life, completing her education and giving back a great deal to the community as a volunteer, an employee, and a dear friend. Her life came to define the potential that exists for all Americans when the greater community provides them with the tools they need to succeed. They say that 250 people came to Susy Riffe's memorial service. But that number represents only a small fraction of the children and families she touched and the world of possibilities she helped define.

Just 1 year after I signed that law onto the books in Kentucky, the Individuals With Disabilities Act was passed into law here in Washington, helping millions of children across this great land of ours. We must always remember that the mission of this law is that the right to a free and appropriate public education is the right of all American children. While IDEA provides critical education assistance from the Federal Government to the State and local education agencies, it is the guarantee of disabled children's rights to an education that makes this statute great.

I want to take this opportunity to thank my colleagues, the floor managers, members of the Labor Committee, the majority leader, and their staffs for their efforts in bringing this reauthorization to the Senate floor today. It is a herculean task that has not gone unnoticed by this Senator.

Finally, Mr. President, I ask unanimous consent that my name be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I rise today to commend my colleagues in both the House and Senate, from both sides of the aisle, for their diligent work on S. 717, the IDEA Improvement Act of 1997: Their commitment to ensuring that children with disabilities have continued access to the opportunities and resources essential to becoming independent and contributing members of society.

Since Congress first enacted legislation to ensure that students with disabilities were no longer denied educational services, few changes have been made. Today, the world is a very different place, and Congress needs to address the issues currently facing both students and educators. These include changes to ensure States have flexibility in using Federal funds; the ability for schools to effectively discipline disruptive children; and provisions to encourage alternative dispute resolution procedures to ensure timely and cost-effective responses to the needs and concerns of parents and administrators. S. 717 accomplishes these important goals.

Discipline of special education students has been a matter of contention for several years. Currently, except in cases involving firearms, schools are hindered from removing a disabled child from their current educational setting unless the parents of the child agree with the removal decision. Under S. 717, schools can discipline a disabled child just as they would on a nondisabled child if the behavior is determined not to be a manifestation of the child's disability. A hearing officer would then be able to remove the child from his or her current educational placement. This is an important change because, currently, a court injunction is required to remove a dangerous child.

S. 717 also prohibits States from ceasing to provide services to a child whose behavior warrants expulsion from school. In cases such as this, States would be required to educate the child in an alternative setting, which is a continuation of the guarantee of a free, appropriate, public education.

This bill ensures parents have continued access to due process by requiring States to offer voluntary mediation services to parents and schools. Currently, 39 States offer mediation to parents in an effort to resolve disputes concerning their children. Florida is one of these States, and its mediation program has been an overwhelming success since it was instituted in 1992. A majority of all mediation cases in Florida are reconciled, reducing the need for more costly litigation.

Mr. President, this bill will aid in the education of the 319,012 disabled students in Florida. I am pleased that Members of Congress and the administration have been able to come together to reach a consensus on this bill. It will shift current policy from a focus on bureaucracy and paperwork to educating our students. I want to commend Chairmen JEFFORDS and GOODLING, Senator LOTT, as well as Senators FRIST and COATS for the leadership they have shown on this important issue. I also want to commend State of Florida officials who have already enacted many of the changes contained in this bill.

I urge my colleagues to support this bill.

Mr. KENNEDY. Mr. President, I was proud to serve on the committee that passed the original Individuals With Disabilities Education Act in 1975, and I am proud to support the current reauthorization.

I commend Chairman JEFFORDS, Senator COATS, Senator FRIST, and Senator HARKIN for their leadership in negotiating this needed legislation to reauthorize IDEA. I commend the House Members who worked closely with us—Representative GOODLING, Representative RIGGS, Representative CASTLE, Representative GRAHAM, Representative MARTINEZ, Representative SCOTT, Representative MILLER, and Representative CLAY. I also especially commend our distinguished Senate majority leader, Senator LOTT, for his effective leadership in bringing all sides together and making this needed compromise possible.

For 22 years, IDEA has held out hope to young persons with disabilities that they too can learn, and that their learning will enable them to become independent and productive citizens, and live fulfilling lives. For millions of children with disabilities, IDEA has meant the difference between dependence and independence, between lost potential and productive careers.

In 1975, 4 million handicapped children did not receive the help they needed to be successful in school. Few disabled preschoolers received services, and 1 million children with disabilities were excluded from public school. Now, IDEA serves 5.4 million children with disabilities from birth through age 21. Every State in the Nation offers public education and early intervention services to children with disabilities.

Fewer than 6,000 children with disabilities are living in institutional settings away from their families today, compared to 95,000 children in 1969. This transformation represents a major accomplishment in keeping families together, and it also reflects a significant reduction in the cost to the Government and taxpayers of paying for institutional care, which averages $50,000 a year for each child.

Students with disabilities are making great progress. The number of students with disabilities completing high school with a diploma or certificate increased from 55 percent in 1984 to 64 percent in 1992.

Some 44 percent of all people with disabilities have some college education today, compared to only 29 percent in 1986. This dramatic increase demonstrates the success of the equal access provisions of IDEA; 47 percent of people without disabilities have some college education, so the gap has almost closed.

For young people with disabilities, as for so many others, education leads to economic success; 57 percent of people with disabilities are competitively employed within 5 years of leaving school today, compared to an employment rate of only 33 percent for older people with disabilities who have not benefited from IDEA. With this reauthorization, we are taking needed additional steps to see that disabled children can grow up with the skills they need to get a job and live independently.

This bill will direct the attention of teachers and schools away from paperwork and toward the academic progress of students with disabilities. The bill changes the Federal formula from one based on child counts to one based on census and poverty data. This revised formula in no way changes the commitment and obligation of education agencies to identify and serve children with disabilities. Changes in the Federal formula and in other areas of the bill are intended to help schools and school districts improve the quality of services the children receive.

The bill strengthens the individualized education plan, by tying a child's education to the general curriculum and ensuring accountability for results. It also urges schools to see that students are not being referred to special education when their needs can be better met in regular classes.

We also address another serious problem—the disproportional representation of minority students in special education. This bill makes States responsible for monitoring the impact of policies on identification and placement of minority students. Through the development of coordinated service systems in schools, prereferral intervention programs, including behavior management and academic skill development, will be more available to academically challenged students and help reduce the number of minority students wrongly referred to special education. It also gives parents better information about these issues so they can be more effective in helping their children.

In addition, the bill continues and strengthens early intervention and preschool programs for disabled infants and toddlers. By establishing better relationships with other public and private programs, early childhood programs under IDEA can be a resource for young children with disabilities as well as for children at risk of disability. It will make it easier for schools and districts to collect funds from other agencies, without allowing schools to abdicate their responsibility for making sure that disabled students get the services they need.

It also requires States to offer mediation, but makes it voluntary for both parties to determine whether they want to participate. In addition, the bill authorizes school districts to require parents to meet with representatives from parent training centers or other alternative dispute resolution experts to explain the benefits of mediation.

Schools have asked for additional leeway to discipline students with disabilities to help guarantee a safe learning environment for all students. This bill gives schools more discretion in disciplining students with disabilities, while still protecting those students. The bill provides the authority for school personnel to remove children with disabilities from their current placement into an interim alternative educational setting for up to 45 days in two specific cases: First, if the child carries a weapon or knowingly possesses, uses, or sells illegal drugs of controlled substances; or second, if the school obtains such authority from a hearing officer after demonstrating that maintaining a child in the current placement is substantially likely to result in injury to the child or others.

Although the bill provides more flexibility for schools to discipline students, discipline should never be used as an excuse to exclude or segregate children with disabilities because of the failure to design behavioral management plans, or the failure to provide support services and staff training. It is critical that schools use the new discretion with utmost care. Research tells us that suspension and expulsion are ineffective in changing the behavior of students in special education. When students with disabilities are suspended or expelled and their education is disrupted, they are likely to fall farther behind, become more frustrated, and drop out of school altogether.

Children who leave school become a burden on society. Dropouts are three times more likely to be unemployed than high school graduates. Nearly half of the heads of households on welfare and half of the prison population did not finish high school.

We have also made changes to see that the provisions of IDEA are more vigorously enforced by giving the U.S. Secretary of Education and State education agencies greater power to enforce the law, including greater discretion to withhold funds when violations are found and explicit statutory authority to refer cases of noncompliance to the Department of Justice for enforcement action. We expect the Department of Justice to act on such referrals in a timely and appropriate manner. This referral authority is particularly critical for instances when a State fails to implement corrective action within the time specified in the State monitoring plan. We expect the Secretary to use enforcement authorities when applicable to ensure that failure to comply with the law will not go without remedy.

In addition, the Department of Education is expected to report annually on the status of State monitoring and compliance. We also expect the Department of Education to include parents more actively in the State and local monitoring process.

We must never go back to the days when large numbers of school-age children with disabilities were excluded from public school, when few if any pre-school children with disabilities received services, and when most children in school did not get the help they deserve. The goal of public education is to give all children the opportunity to pursue their dreams. We must be committed to every child—even the ones who aren't easy to teach.

I commend all the students, parents, teachers, and administrators who have left an indelible mark on this legislation. Their commitment to this law and their willingness to put aside the divisions of the past and find constructive compromises will improve the education of students with disabilities, and enable schools to implement the law as effectively as possible.

I also commend and thank all the staff members of the working group for their skillful assistance in making this process successful: Pat Morrissey and Jim Downing of Senator JEFFORDS' staff; Townsend Lange of Senator COATS staff; Bobby Silverstein and Tom Irvin of Senator HARKIN's staff; David Hoppe and Mark Hall of Senator LOTT's staff; and Kate Powers, Connie Garner, and Danica Petroshius of my own staff. I also commend the hard work of the House staff on the working group, including Sally Lovejoy and Todd Jones of the House committee majority staff; Alex Nock of the House committee minority staff, Theresa Thompson of Representative SCOTT's staff, and Charlie Barone of Representative MILLER's staff.

This bill deserves the support of every Member of Congress. It means a new day of hope and opportunity for children with disabilities.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1841. A communication from the Acting President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–1842. A communication from the Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, a rule entitled "Revisions and Clarifications" (RIN0694–AB56) received on May 1, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1843. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule including a definition (RIN3235–AH14) received on May 1, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1844. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report on Bradley Vehicle Systems acquisition program; to the Committee on Armed Services.

EC–1845. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report on Chemical Demilitarization aquisition program; to the Committee on Armed Services.

EC–1846. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation that addresses several management concerns; to the Committee on Armed Services.

EC–1847. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Intergovernmental Personnel Act Mobility Program" (RIN3206–AG61) received on April 30, 1997; to the Committee on Governmental Affairs.

EC–1848. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule relative to employment, (RIN3206–AH66) received on April 30, 1997; to the Committee on Governmental Affairs.

EC–1849. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Official Duty Station Determination for Pay Purposes" (RIN3206–AH84) received on May 8, 1997; to the Committee on Governmental Affairs.

EC–1850. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation to reform government-wide acquisition; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself, Mr. MACK, Mr. GRAHAM, and Mr. DORGAN):

S. 734. A bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the medicare program; to the Committee on Finance.

By Mr. D'AMATO:

S. 735. A bill to amend title 10, United States Code, to restore the Department of Defense loan guarantee program for small and medium-sized business concerns that are economically dependent on defense expenditures; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, Mr. MACK, Mr. GRAHAM, and Mr. DORGAN):

S. 734. A bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program; to the Committee on Finance.

THE MEDICARE HOSPICE BENEFIT AMENDMENTS OF 1997

• Mr. BREAUX. Mr. President, I introduce legislation to make technical changes to the Medicare hospice benefit which will ensure that high-quality hospice services will be available to all terminally ill Medicare beneficiaries. This legislation is identical to H.R. 521, introduced by Representative CARDIN.

Hospices care for and comfort terminally ill patients at home or in home-like settings. There are 2,800 hospice programs in all 50 States and in 1995 they cared for more than 390,000 patients. One out of every three people who died from cancer or AIDS were cared for by hospice.

Services provided under the Medicare hospice benefit include physician services, nursing care, drugs for symptom management, pain relief, short term inpatient and respite care, and counseling both for the terminally ill and their families. But terminally ill patients who elect hospice care opt out of most other Medicare services related to their terminal illness.

Hospice services permit terminally ill people to die with dignity, usually in the comforting surroundings of their own homes with their loved ones nearby. Hospice is also a cost-effective form of care. At a time when Medicare is pushing to enroll more beneficiaries in managed care plans, hospice is already managed. Hospices provide patients with whatever palliative services are needed to manage their terminal illness, and they are reimbursed a standard per diem rate, based on the intensity of care needed and the location of the provision of care.

With 28 percent of all Medicare costs now going toward the care of people in their last year of life, and almost 50 percent of those costs spent during the last 2 months of life, cost-effective alternatives are needed. Studies show hospices reduce Medicare spending. A 1995 Lewin study showed that for every dollar Medicare spent on hospice, it saved $1.52 in Medicare part A and part B expenditures. Similarly, a 1989 study commissioned by the Health Care Financing Administration showed savings of $1.26 for every Medicare dollar spent on hospice.

Since 1982, when the hospice benefit was added to the Medicare statute, more and more Americans have chosen to spend their final months of life in this humane and cost-effective setting. Yet in recent years, it has become clear that certain technical changes are needed in the Medicare hospice benefit to protect beneficiaries and ensure that a full range of cost-effective hospice services continue to be available. The bill I am introducing today makes these necessary technical changes.

First, the Medicare Hospice Benefits Amendments of 1997 restructure the hospice benefit periods. The basic eligibility criteria do not change. Under this bill, as in current law, a person is eligible for the Medicare hospice benefit only if two physicians have certified that the patient is terminally ill with a life expectancy of six months or less. Patients who elect to receive hospice benefits give up most other Medicare benefits unless and until they withdraw from the hospice program.

While this bill does not change hospice eligibility criteria, it does change how the benefit periods are structured. Currently, the Medicare benefit consists of four benefit periods. At the end of each of the first three periods, the patient must be recertified as being terminally ill. The fourth benefit period is of unlimited duration. However, a patient who withdraws from hospice during the fourth hospice period forfeits his ability to elect hospice services in the future. Thus, patients who go into remission, and are thus no longer eligible for hospice because their life expectancy exceeds 6 months, cannot return to hospice when their condition worsens.

This bill restructures the hospice benefit periods to eliminate the existing open-ended fourth benefit period and to provide that after the first two 90-day periods, patients are reevaluated every 60 days to ensure they still qualify for hospice services. This restructuring ensures that those receiving Medicare benefits are able to receive hospice services at the time they need them and can be discharged from hospice care with no penalty if their prognosis changes.

Second, the bill clarifies that ambulance services, diagnostic tests, radiation, and chemotherapy are covered under the hospice benefit when they are included in the patient's plan of care. No separate payment will be made for these services, but hospices will have to provide them when they are found to be necessary as a palliative measure. This change conforms the statute to current Medicare regulatory policy and does not cost Medicare any additional money because payments are covered by the current per-diem payments.

Third, the bill also permits hospices to have independent contractor relationships with physicians. Under current law, hospices must directly employ their medical directors and other staff physicians. This creates a legal problem in some States which prohibit the corporate practice of medicine, and the requirement has made it increasingly difficult to recruit part-time hospice physicians.

Fourth, the bill creates a mechanism to allow waiver of certain staffing requirements for rural hospices, which often have difficulty becoming Medicare-certified because of shortages of certain health professionals. Currently, about 80 percent of hospices are Medicare-certified or pending certification.

Finally, this bill provides some administrative flexibility regarding certification of terminal illness. Currently, the statute requires that paperwork documenting physician certification of a patient's terminal illness be completed within a certain number of days of the patient's admission to hospice. This bill will eliminate the strict statutory requirements. It gives the Health Care Financing Administration the discretion, as it currently has with home health certifications, to require hospice certifications to be on file before a Medicare claim is submitted.

The Medicare Hospice Benefit Amendments of 1997 are noncontroversial and should not affect Medicare spending, but they will make important and necessary changes to the Medicare hospice benefit, to enable hospices to provide high-quality, cost-effective care to the terminally ill, and to protect beneficiaries who depend on these services.

I urge my colleagues to support this bill, and I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Hospice Benefit Amendments of 1997".

SEC. 2. HOSPICE CARE BENEFIT PERIODS.

(a) RESTRUCTURING OF BENEFIT PERIOD.—Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended in subsections (a)(4) and (d)(1), by striking ", a subsequent period of 30 days, and a subsequent extension period" and inserting "and an unlimited number of subsequent periods of 60 days each".

(b) CONFORMING AMENDMENTS.—

(1) Section 1812 of the Social Security Act (42 U.S.C. 1395d) is amended in subsection (d)(2)(B) by striking "90- or 30-day period or a subsequent extension period" and inserting "90-day period or a subsequent 60-day period".

(2) Section 1814(a)(7)(A) of the Social Security Act (42 U.S.C. 1395f(a)(7)(A)) is amended—

(A) in clause (i), by inserting "and" at the end;

(B) in clause (ii)—

(i) by striking "30-day" and inserting "60-day"; and

(ii) by striking ", and" at the end and inserting a period; and

(C) by striking clause (iii).

SEC. 3. OTHER ITEMS AND SERVICES INCLUDED IN HOSPICE CARE.

Section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by striking the period at the end and inserting ", and"; and

(3) by inserting after subparagraph (H) the following:

"(I) any other item or service which is specified in the plan and for which payment may otherwise be made under this title.".

SEC. 4. CONTRACTING WITH INDEPENDENT PHYSICIANS OR PHYSICIAN GROUPS FOR HOSPICE CARE SERVICES PERMITTED.

Section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)) is amended—

(1) in subparagraph (A)(ii)(I), by striking "(F),"; and

(2) in subparagraph (B)(i), by inserting "or under contract with" after "employed by".

SEC. 5. WAIVER OF CERTAIN STAFFING REQUIREMENTS FOR HOSPICE CARE PROGRAMS IN NONURBANIZED AREAS.

Section 1861(dd)(5) of the Social Security Act (42 U.S.C. 1395x(dd)(5)) is amended—

(1) in subparagraph (B), by inserting "or (C)" after "subparagraph (A)" each place it appears; and

(2) by adding at the end the following:

"(C) The Secretary may waive the requirements of clauses (i) and (ii) of paragraph (2)(A) for an agency or organization with respect to the services described in paragraph (1)(B) and, with respect to dietary counseling, paragraph (1)(H), if such agency or organization—

"(i) is located in an area which is not an urbanized area (as defined by the Bureau of Census); and

"(ii) demonstrates to the satisfaction of the Secretary that the agency or organization has been unable, despite diligent efforts, to recruit appropriate personnel.".

SEC. 6. LIMITATION ON LIABILITY OF BENEFICIARIES AND PROVIDERS FOR CERTAIN HOSPICE COVERAGE DENIALS.

Section 1879(g) of the Social Security Act (42 U.S.C. 1395pp(g)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving those subparagraphs 2 ems to the right;

(2) by striking "is," and inserting "is—";

(3) by making the remaining text of subsection (g) (as amended) that follows "is—" a new paragraph (1) and indenting that paragraph 2 ems to the right;

(4) by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(2) with respect to the provision of hospice care to an individual, a determination that the individual is not terminally ill.".

SEC. 7. EXTENDING THE PERIOD FOR PHYSICIAN CERTIFICATION OF AN INDIVIDUAL'S TERMINAL ILLNESS.

Section 1814(a)(7)(A)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(A)(i)(II)) is amended by striking ", not later than 2 days after hospice care is initiated (or, if each certify verbally not later than 2 days after hospice care is initiated, not later than 8 days after such care is initiated)," and inserting "at the beginning of the period".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act apply to benefits provided on or after the date of enactment of this Act, regardless of whether or not an individual has made an election under section 1812(d) of the Social Security Act (42 U.S.C. 1395d(d)) before that date.●

By Mr. D'AMATO:

S. 735. A bill to amend title 10, United States Code, to restore the Department of Defense loan guarantee program for small and medium-sized business concerns that are economically dependent on defense expenditures; to the Committee on Armed Services.

THE SMALL BUSINESS ADMINISTRATION DEFENSE LOAN AND TECHNICAL ASSISTANCE LOAN EXTENSION ACT OF 1997

● Mr. D'AMATO. Mr. President, I introduce legislation that will extend the Small Business Administration Defense Loan and Technical Assistance [DELTA] Loan Program. There are many areas in the country still in the process of trying to transition from defense into commercial product lines. The proposed legislation would extend the program to September 30, 1999, and broadens the eligibility to include companies that derived at least 25 percent of its sales from defense-related contracts in any 1 of 7 prior years and increases the loan guarantee to 90 percent. Since the funds have already been appropriated no additional funds are required.

Presently under the current DELTA Program, a company must have 25 percent of its sales coming from defense contracts in the prior year and guarantees 75 percent of the loan. The current DELTA Program has a sunset clause which goes into effect at the end of fiscal year 1998.

Without this legislation, the DELTA Program expires before companies have been given ample opportunity to make this very difficult transition. We have an obligation to provide extended support for small businesses in areas that have been hard hit by defense downsizing.

If the DELTA Program is allowed to expire, all the undedicated monies would revert back to the General Treasury. Of the $30 million appropriated, only slightly more than $3 million has been utilized.

Mr. President, I urge my colleagues on both sides of the aisle to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF LOAN GUARANTEE PROGRAM FOR DEFENSE DEPENDENT SMALL AND MEDIUM-SIZED BUSINESS CONCERNS.

(a) DELTA LOAN GUARANTEE PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by inserting before section 2525 the following new section:

"§2524. Loan guarantees for defense dependent small and medium-sized business concerns

"(a) LOAN GUARANTEES AUTHORIZED.—The Secretary of Defense may provide support under this section for programs sponsored by the Federal Government, regional entities, States, local governments, and private entities and nonprofit organizations that assist small business concerns and medium-sized business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities through the provision of loan guarantees to such business concerns under the terms and conditions specified under this section and other applicable law.

"(b) TRANSFER OF ADMINISTRATION.—(1) The Secretary of Defense may enter into a memorandum of understanding with the Administrator of the Small Business Administration, the Administrator of the Economic Development Administration of the Department of Commerce, or the head of any other Federal agency having expertise regarding the provision of loan guarantees, under which the agency may—

"(A) process applications for loan guarantees under this section;

"(B) guarantee repayment of the resulting loans; and

"(C) provide any other services to the Secretary to administer the loan guarantee program under this section.

"(2) From funds made available for the loan guarantee program under this section, the Secretary of Defense may transfer to the agency or agencies that are parties to the memorandum of understanding such sums as may be necessary for the agency or agencies to carry out activities under the loan guarantee program.

"(3) The Secretary of Defense shall enter into the memorandum of understanding authorized by paragraph (1) within 60 days after the date of the enactment of this section.

"(c) CONDITION ON OPERATION.—The Secretary shall carry out the loan guarantee program authorized under this section during any fiscal year for which funds are specifically made available to cover the costs of loan guarantees to be issued pursuant to such section.

"(d) SPECIAL REQUIREMENTS REGARDING LOAN GUARANTEES.—(1) Competitive procedures shall be used in the selection of small business concerns and medium-sized business concerns to receive loan guarantees under this section.

"(2) The criteria used for the selection of a small business concern or medium-sized business concern to receive a loan guarantee under this section shall include the following:

"(A) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

"(B) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

"(C) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

"(3) Except as provided in paragraph (4), to be eligible for a loan guarantee under this section, a borrower must demonstrate to the satisfaction of the Secretary that, during any one of the seven preceding operating years of the borrower, at least 25 percent of the value of the borrower's sales were derived from—

"(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

"(B) subcontracts in support of defense-related prime contracts.

"(4)(A) An individual described in subparagraph (B) shall be eligible for a loan guarantee under this section to establish, or acquire and operate, a small business concern in an area that the Secretary determines is (or reasonably can be expected to be) detrimentally affected by reductions in defense spending, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

"(B) An individual referred to in subparagraph (A) is an individual—

"(i) who is a former employee of the Department of Defense or a defense contractor; and

"(ii) whose employment was terminated as a result of reductions in defense spending, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

"(e) MAXIMUM AMOUNT OF LOAN PRINCIPAL.—The maximum amount of loan principal for which the Secretary may provide a guarantee under this section during a fiscal year may not exceed—

"(1) $1,250,000, with respect to a small business concern; and

"(2) $10,000,000 with respect to a medium-sized business concern.

"(f) LOAN GUARANTY RATE.—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 90 percent.

"(g) ALLOCATION OF FUNDS BETWEEN SMALL AND MEDIUM BUSINESSES.—The total amount available for a fiscal year to cover the costs of loan guarantees under this section shall be divided between small business concerns and medium-sized business concerns as follows:

"(A) 60 percent for small business concerns.

"(B) 40 percent for medium-sized business concerns.

"(h) MEDIUM-SIZED BUSINESS CONCERN DEFINED.—In this section, the term 'medium-sized business concern' means a business concern that is not more than two times the maximum size specified by the Administrator of the Small Business Administration for purposes of determining whether a business concern furnishing a product or service is a small business concern.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by inserting before the item relating to section 2525 the following new item:

"2524. Loan guarantees for defense dependent small- and medium-sized business concerns.".

(b) CONTINUED AVAILABILITY OF EXISTING FUNDS.—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103-335 (108 Stat. 2613) shall be available until September 30, 1999—

(1) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under section 2524 of title 10, United States Code, as added by subsection (a); and

(2) to cover the reasonable costs of the administration of loan guarantees referred to in such section.•

ADDITIONAL COSPONSORS

S. 376

At the request of Mr. LEAHY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 376, a bill to affirm the rights of Americans to use and sell encryption products, to establish privacy standards for voluntary key recovery encryption systems, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 394

At the request of Mr. HATCH, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 535

At the request of Mr. MCCAIN, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 620

At the request of Mr. GREGG, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 620, a bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes.

S. 717

At the request of Mr. FORD, his name was added as a cosponsor of S. 717, a bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 82

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of Senate Resolution 82, a resolution expressing the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 cruise missiles.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

AMENDMENTS SUBMITTED

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENT ACT OF 1997

JEFFORDS AMENDMENT NO. 240

Mr. JEFFORDS proposed an amendment to the bill (S. 717) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes; as follows:

Beginning on page 65, strike line 25 and all that follows through page 66, line 4 and insert the following: "part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility—

"(I) were not actually identified as being a child with a disability under section 602(3); or

"(II) did not have an individualized education program under this part."

GREGG AMENDMENT NO. 241

Mr. GREGG proposed an amendment to the bill, S. 717, supra; as follows:

On page 64, strike lines 19 and 20, and insert the following: "there are authorized to be appropriated to the Secretary not less than $4,107,522,000 for fiscal year 1998, not less than $5,607,522,000 for fiscal year 1999, not less than $7,107,522,000 for fiscal year 2000, not less than $8,607,522,000 for fiscal year 2001, not less than $10,107,522,000 for fiscal year 2002, not less than $11,607,522,000 for fiscal year 2003, not less than $13,107,522,000 for fiscal year 2004, and such sums as may be necessary for each succeeding fiscal year.".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Tuesday, May 13, 1997, at 10:30 a.m. in room 485, Russell Senate Office Building to conduct an oversight hearing on Public Law 102–477, the Indian Employment, Training and Related Services Demonstration Act of 1992.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy Research, Development, Production and Regulation of the Committee on Energy and Natural Resources will hold a hearing to review H.R. 363, a bill to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program.

The hearing will take place on Monday, May 19 in room SD–366 of the Dirksen Senate Office Building starting at 11:30 a.m. Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information please contact David Garman or Shawn Taylor at 202–224–8115.

ADDITIONAL STATEMENTS

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

• Mr. MURKOWSKI. Mr. President, I want to express my support for this emergency supplemental appropriations legislation that will provide much needed relief to citizens in 33 States who have lived through some of the most catastrophic weather emergencies we have ever witnessed in this country. And this legislation also provides much needed funding for our brave service men and women who are keeping the peace in Bosnia.

We have spent the entire week on this legislation and its successful completion is a tribute to the leadership of the new chairman of the Appropriations Committee, my distinguished senior colleague and close friend TED STEVENS and his staff for their hard work on this important piece of legislation.

Mr. President, not only will this legislation provide important financial relief to citizens in hundreds of communities, but it will ensure that we will not see a repeat of the shutdown of the Government that occurred in 1995. And it removes the arbitrary policy of the Interior Department which would terminate the 130-year-old policy that allows States to continue to have access across public lands.

I want to congratulate Senator STEVENS on the passage of this, the first legislation reported by the Appropriations Committee under his chairmanship. I look forward to working with him on many more appropriations bills and am certain that the leadership he has demonstrated on this bill will be repeated several times over in the years to come.•

HELPMATE ROBOTICS OF DANBURY, CONNECTICUT

• Mr DODD. Mr. President, I am proud of the many distinguished people, places, and enterprises in my great State of Connecticut. One of them is a company in which innovative spirit, entrepreneurial zest, and good will combine to create products that truly make our lives better. I am speaking of HelpMate Robotics of Danbury, CT.

HelpMate invented and manufactures the first hospital care robot. The robot performs tasks such as delivering food, medicine, and lab samples, so that nurses and orderlies can concentrate on what they do best: caring for patients. Many hospitals are relying on HelpMate's hospital robot to cut costs while improving patient care.

HelpMate's success is due largely to the vision of its founder, Dr. Joseph Engleberger. Dr. Engleberger is widely known as the father of the industrial robot. After building a successful company around the hospital robot, he and HelpMate are now developing an elder-care robot that would help older or infirmed people live at home independently.

Mr. President, I speak about this company and its products today not just to share a home State success story, but to make the larger point that research in one sector often leads to applications in several others. Such cost-effective investments of Federal research dollars ought to be encouraged. The HelpMate hospital robot and anticipated elder-care robot exemplify such a process. The technology they use was initially born out of research for space robotics funded by a NASA Small Business Innovative Research award, and this same technology will ultimately help drive down health care costs.

I urge my colleagues to read more about this company and their remarkable work in the March 3, 1997, Business Week article that I now submit for the RECORD.

The article follows:

[From Business Week, Mar. 3, 1997]

INVASION OF THE ROBOTS

(By Otis Port)

At age 71, Joseph F. Engelberger knows time is running out on his lifelong ambition. He is already acclaimed around the world as the father of the industrial robot. But the workaholic chairman of the HelpMate Robotics Inc. in Danbury, Conn., would rather be remembered as the father of the home robot. "Common sense tells you it's got to end up a bigger market than factory robots," he says.

Don't expect the Smiths and Joneses to turn their housekeeping chores over to a robot soon. The first model—which Engelberger has promised to his wife, Margaret, even though she's not crazy about the idea—won't roll off an assembly line until 30 months after Engelberger amasses at least $5 million to finish development. "The clock starts ticking when I get the money," he says.

People who know Engelberger figure he'll pull it off. "Joe is a very charismatic guy," says Brian R. Carlisle, president of robot maker Adept Technology Inc. in San Jose, Calif. "He's really able to make you believe in his visions." Just ask his kids. Daughter Gay, age 41, is HelpMate's marketing director, and son Jeff, 38, is an engineer at Adept Technology. "When you grow up with someone like him," Gay says, "how could you not want to get into this business?" Investors also are under Engelberger's spell. In January, 1996, HelpMate's initial public offering was a sellout, even though the company had an accumulated deficit of more than $13 million.

Why are so many people rooting for Engelberger? Because without him, Detroit auto workers might still be welding and painting cars by hand. Today's robot industry stems from a 1956 cocktail party in Westport, Conn., where science-fiction fan Engelberger met inventor George Devol. When Devol mentioned he had applied for a patent on a punch-card-controlled mechanical arm for doing repetitive jobs in factories, Engelberger was hooked.

He persuaded his employer, Consolidated Controls Co., to buy Devol's patent. The first prototype dubbed Unimate, was finished in 1959 and went to work unloading a die-casting machine in a General Motors Corp. factory. But two years later, Consolidated lost interest and told Engleberger to close his shop. "I went to Barnes & Noble and bought six books on finance—and earned my MBA over the weekend," he quips. On Monday, he proposed a spin-off and was given four months to find a backer. He did, and Unimation Inc. was born.

Sputtering. During the 1960s, Engleberger fought an uphill battle to persuade skeptical U.S. manufacturers to employ his programmable arms. He got a warmer reception in Japan—and Japanese robot makers quickly rose to world domination. Among Japanese managers, Engelberger is "a legendary figure," says Shikgeaki Yanai, a researcher at the Japan Robot Assn.

Unimation held its own against the Japanese, but in 1983 its cash-strapped owner, Condec Corp., sold the company to Westinghouse Electric Corp. for $107 million. "They picked a great time to sell," notes Engleberger. America's U.S. robot business soon sputtered, after dozens of companies jumped into the market and sold some systems that didn't live up to promises. Sales peaked in 1984 at $484 million, then headed south.

Engleberger had hoped Westinghouse would see an opportunity in home robots. When it didn't, he quit and bought a 62-foot, $800,000 sailboat with part of his $3 million take from Unimation's sale. He planned to enjoy life as a gentleman of leisure. That lasted for two months. "I got bored pretty quick," he admits. In late 1984, he formed HelpMate, initially called Transitions Research Corp.

To pave the way for home robots, Engelberger decided to use hospitals as a test bed. In 1988, he sold his first medical unit to Danbury Hospital, which now has two. They roam the hallways running errands—delivering medications, meals, X-rays, and patients' records. Handing these chores to machines frees more time for nurses and orderlies to concentrate on caring for patients, says HelpMate President Thomas K. Sweeny.

Word of HelpMate's robots is spreading. Baylor University Medical Center in Dallas has 4 machines, with 11 more on order. All told, 144 have been hired by 85 hospitals in the U.S. Canada, 18 in Japan, and 10 in Europe. Purchased outright, the robots cost $110,000, so most are rented for $4 to $6 an hour.

Outwardly, the 4-foot-6-inch robots resemble the box-on-wheels systems that carry the mail in some offices. But there's a crucial difference: A HelpMate doesn't follow a fixed track, such as a wire in the floor. Instead, its electronic memory contains a floor map of the hospital. When summoned by radio or pointed to a location on a built-in video screen, the robot's microprocessor brain calculates the quickest way to get there. En route, the robot uses infrared and ultraviolet beams to dodge people, food carts, and gurneys in busy corridors, and it summons elevators and opens doors with radio signals.

Sweeny says large hospitals can economically justify one HelpMate for every 100 beds, so "our total potential market in the U.S. is 10,000 robots." But that number would leap if the robots had arms. Then they could make beds, help patients out of bathtubs, and relieve nurses of other menial tasks. These expanded capabilities would also be needed in home robots, which is why HelpMate with arms are next on Engelberger's list. Once HelpMates have been fitted and arms, they could be programmed for such household chores as cooking, washing dishes, and sweeping. Considering the precision factory jobs that Unimation's arms still perform using yesterday's technology, Engelberger foresees no major hurdles in creating household robots. And his chances of attracting a backer are looking up.

In 1992, the U.S. robot business finally turned around. Lately, sales of industrial robots have been posting successive all-time highs (chart). In 1995, American industry found jobs for 10,198 steel-collar workers worth $898 million, according to the Robotic Industries Assn.

Now that industrial robots have recovered their sparkle and HelpMate has moved into bigger quarters—Unimation's former home—Engelberger is eager to launch an elder-care robots. Most old folks who enter nursing homes are mentally alert and healthy, Engelberger notes. "They just aren't nimble enough to care for themselves." All the technology developed for patient care would be useful for elder-care robots. Adding certain repetitive household jobs, such as loading the dishwater or microwave oven, would be fairly easy. Others, including meal preparation, might involve special-purpose attachments. And for finding packaged foods, the robot could have a built-in bar-code reader.

Even a $100,000 home robot would soon pay for itself by enabling people to stay out of nursing homes. With the population quickly aging, demand could surge, bringing down costs to "something more in line with the cost of a car," says Sweeny.

Guess who Engelberger thinks should market them? "If the auto makers want to diversify, they need a product that sells at roughly the same price point and in the same volume," he says. Next, the father of the industrial robot hopes to become the proud papa of Chevybots, Hondabots, and Volvobots.●

FORTY YEARS OF NOVAK

● Mr. MOYNIHAN. Mr. President, I rise to record and to celebrate Robert D. Novak's 40 years of Washington journalism, as he himself records this morning in a Washington Post column "What a Change 40 Years Makes." Forty years in journalism, as he writes, "an association with Congress that continues today." An association of rare civility and, too often alas, of deadly accuracy. His access, energy, good spirits, and rage for the truth are equaled only by his lifelong friend and partner Rowland Evans. Top Drawer and Front Page, there has never been the like of them, and I choose to think never will be, for there are some national treasures that truly are unique.

Senators will note Mr. Novak's observation that "The capital city of 1957 was at once shabbier and far better governed than today's glittering but pothole-scarred Washington." A concise way to make the point that as American Government has reached for beyond its grasp on so many social issues, it has accepted an appalling decline in the fundaments of good government, such as street paving. He notes that in 1957 Congress itself "was vastly less imperial. Admission to the Capitol and office buildings was open, without the need for photo ID cards and security checks." One might add our buildings were not surrounded by concrete barriers and guardposts. One could even go so far as to note that one could even drive down Pennsylvania Avenue in front of the White House. That thoroughfare having now been blocked off. Albeit, ever alert to the need for austerity it has, in its eastern reaches at 15th Street, been turned into a parking lot complete with parking meters.

I came to Washington in 1961 with the Kennedy administration. Bob Novak was a force for government openness even then. Irresistible as a friend and devastating as an analyst. Why only last week he revealed to an unwary world that the proposal for a more accurate cost of living adjustment in Federal finances was the "culmination of Senator DANIEL PATRICK MOYNIHAN's masterful campaign to perpetuate big government * * *"

No matter, just so long as his concern over big Government serves to perpetuate Bob Novak. Let us agree for at least a half century. Let hope, as indeed we may, that his beloved Geraldine will see to this.

He fought for his Nation as a lieutenant during the Korean war and has been fighting for it ever since.

Mr. President, I ask that Mr. Novak's column from today's Washington Post be printed in the RECORD.

The column follows:

[From the Washington Post, May 12, 1997]

WHAT A CHANGE 40 YEARS MAKES

(By Robert D. Novak)

On May 13, 1957, I reported to the Associated Press bureau in Washington as a reporter transferred from Indianapolis. I was immediately dispatched to Capitol Hill for Midwestern regional coverage. Within a week, I was detailed to help report the uproarious hearings of the Senate Rackets Committee, which was engaged in a bipartisan assault on Jimmy Hoffa.

That put me in personal contact with John F. Kennedy, Bobby Kennedy, Barry Goldwater, Edward Bennett Williams and Pierre Salinger—heady stuff for a 26-year-old. So began my 40 years in Washington and association with Congress that continues today. The transformation of the city and the institution over four decades has been breathtaking.

The capital city of 1957 was at once shabbier and far better governed than today's glittering but pothole-scarred Washington. Neither chic restaurants nor huge lawyer-lobbyist firms had yet appeared (Bob Strauss's arrival was years in the future). The city was a little more Southern and far less New Yorkish than today. The smell of money was not yet redolent. Nobody came to Washington then seeking the equivalent of a 1997 seven-figure income, but they sure do today.

Congress was not yet consumed with fund raising and was vastly less imperial. Admission to the Capitol and office buildings was open, without the need for photo ID cards and security checks. Members of Congress had not yet adopted Japanese-style boutonnieres, and few employed a press secretary. Nearly all readily responded to telephone calls from a low-level AP reporter without an aide asking what he wanted.

Accessibility stemmed in part from many fewer staffers on Capitol Hill—4,500 then, compared with 16,000 now (filling three additional big office buildings). In 1957, $117 million was appropriated to run Congress, but only $67 million ($386 million adjusted for inflation) was spent. That compares with $2.2 billion in 1997.

With fewer staffers, lawmakers did much of their own work. At night on his portable typewriter, Sen. Everett McKinley Dirksen wrote summaries of every bill reported by every Senate committee. Unlike today, floor leaders—including the imperious Sen. Lyndon B. Johnson—actually spent hours on the floor.

Floor debate was spirited—sometimes mean-spirited. It was the summer of 1957 when Democratic Sen. Robert S. Kerr called Republican Sen. Homer Capehart, to his face, "a rancid tub of ignorance." But issues were not polarized along party lines, with a bipartisan conservative coalition often in control. Both congressional parties shared the conviction that the less government the better—an attitude assailed as "extreme" today.

"Ike Fights to Save Budget," said an eight-column front-page Post headline my first week in Washington, referring to a nationally televised plea by President Dwight D. Eisenhower for public support against congressional budget-cutting. Eisenhower the previous November had become the first Republican president reelected since 1900 and promptly faced the Democratic-controlled Congress seeking to reduce his $71.8 billion budget substantially—about $449.9 billion in 1997 money (less than one-third of President Clinton's $1.7 trillion budget).

The government then was taxing 17.8 percent and spending 17 percent of gross domestic product; the comparable figures for 1997 are 19.2 percent and 20.8 percent. In 1957, it ran a budget surplus at 0.8 percent of GDP, compared with today's hoped-for deficit of 1.8 percent.

The government had not grown since New Deal days and would not until Lyndon Johnson's Great Society eight years in the future. In 1957, regulation was but a glimmer of what it would become.

There was no Education Department, no Energy Department, no Environmental Protection Agency, no Legal Services Corp., no National Endowment for the Arts, no Corporation for Public Broadcasting, no Women, Infants and Children food program. Nor, except for factions on the left in both parties, was there demand for all this.

Libertarians such as Charles Murray would like to peel back to 1957, but it is hard to find any member of Congress who agrees. Rather, Republicans now acquiesce in Clinton's insistence on still greater expansion of government. Americans unquestionably are less free than they were in 1957. Whether, on balance, they in return have been blessed with a better life is doubtful.●

ORDERS FOR TUESDAY, MAY 13, 1997

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Tuesday, May 13. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then begin consideration of S. 4, the Family Friendly Workplace Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 until 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the Family Friendly Workplace Act.

It is also hoped that the Senate will be able to complete action on S. 717, the IDEA legislation.

As always, all Members will be notified as to when to anticipate any rollcall votes on either of these two matters.

The Senate may also consider any other legislation or executive item that can be cleared for action.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:18 p.m., adjourned until Tuesday, May 13, 1997, at 10 a.m.

EXTENSIONS OF REMARKS

INTERNATIONAL CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 1997

Mr. FORBES. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing May 12, 1997, as International Chronic Fatigue Immune Dysfunction Syndrome [CFIDS] Awareness Day. We recognize the need to raise public awareness of this debilitating, yet still largely ignored disease that medical experts believe strikes an estimated 2 to 3 million Americans.

Over the past 2 years, I have met many times with the CFIDS patients, many of whom are waging a valiant battle to direct more public attention and resources toward the search for a cure. It is absolutely heartbreaking to see our parents, neighbors, spouses, and children, or anyone suffer through the enduring pain and pervasive weakness of CFIDS. To see vibrant, energetic people stricken with a mysterious ailment that medical professionals cannot cure and others do not understand is both sad and confounding.

Currently, there are relatively few treatments for this terrible disease, and those that doctors do employ have marginal effectiveness. For reasons that researchers do not understand, Chronic Fatigue Syndrome is diagnosed mostly in white women, typically in their thirties, though a growing number of children appear to have CFIDS and more men are also being diagnosed. In my home area of eastern Long Island, this cruel disease has stricken a disproportionately high number of people. Experts say an estimated 2,000 cases of Chronic Fatigue Syndrome have been diagnosed throughout Suffolk County. I am committed to supporting every effort to eradicate this horrible malady, and helping those who suffer its disabling wrath.

The sad fact is that doctors and scientists have few answers to this puzzling disease. Though still often treated as depression, researchers have unearthed evidence of subtle abnormalities in the immune systems of CFIDS sufferers. This has led to widely held consensus that Chronic Fatigue is the manifestation of an immune system that has turned on the body that it is supposed to protect.

The National Institute of Allergy and Infectious Diseases has assured me that it is also committed to supporting research that will lead to the discovery of the cause of CFIDS. Just as importantly, we must emphasize the need to develop effective methods for diagnosing, treating, and preventing this crippling disorder.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing International Chronic Fatigue Immune Dysfunction Syndrome [CFIDS] Awareness Day on May 12. Only through raising recognition of this mysterious ailment can we hope to discover a cure and attain some measure of relief for those who are caught in its debilitating grip.

IN RECOGNITION OF HELP TO OTHERS, LAKEWOOD, OH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 1997

Mr. KUCINICH. Mr. Speaker, I rise in recognition of the accomplishments of an innovative youth program in Lakewood, OH, known as Help To Others [H_2O].

Help To Others is a youth volunteer program sponsored jointly by the city of Lakewood/Division of Youth Services and Lakewood city schools. It was started in early 1993 to enable young people to identify community needs and develop solutions to those needs. The young participants engage in problem solving with adults and institutions. They prove that with an organizational backing, young people can and will choose to get involved in their community.

Help To Others has involved over 350 students from Lakewood High School in over 230 service projects. Those students have donated over 12,000 hours of service.

One of Help To Others' most recognized projects is "Home Alone," a workshop for students in grades 3–5 to help them feel safer and cope better when they are home alone. The young students learn first aid, phone/door greetings, and fire safety. They learn how to deal with general house concerns such as power failure and an overflowing toilet, and they learn coping skills that help them resolve conflicts with siblings and friends.

Home Alone prepares youngsters for the times when they must be responsible for themselves or other children when there are no adults to help. While Home Alone was designed to assist families with latchkey concerns, parents of all children have recognized the value of the information on safety.

Home Alone was created and is staffed by Lakewood High School students. It draws on the knowledge and talents of experts from the Lakewood Division of Youth, Lakewood Hospital, Lakewood Police Department, Lakewood Fire Department, and Cleveland Electric Illuminating Company.

Home Alone was recently recognized by the Points of Light Foundation and was a winner of the BEST Practices Award, which is sponsored by the Ohio Department of Education.

INTERNATIONAL CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 1997

Mr. McHALE. Mr. Speaker, I would like to take this opportunity to honor and recognize May 12, as International Chronic Fatigue and Immune Dysfunction Syndrome [CFIDS] Awareness Day. This proclamation was presented to the Chronic Fatigue Syndrome Association of the Lehigh Valley, PA:

PROCLAMATION—INTERNATIONAL CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley joins The CFIDS Association of America, the world's largest organization dedicated to conquering CFIDS, in observing May 12, 1997 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley is celebrating its fifth year of service to the CFIDS community; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley Recently received its second CFIDS Support Network Action Award for excellence in service in the area of CFIDS Awareness Day in 1996; and

Whereas, chronic fatigue and immune dysfunction syndrome (CFIDS), also known as chronic fatigue syndrome, is a complex illness which affects many different body systems and is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue and numerous other symptoms that can be severely debilitating; and,

Whereas, conservative estimates suggest that hundreds of thousands of American adults and children have CFIDS; and

Whereas, it is imperative that education and training of health professionals regarding CFIDS be expanded and that public awareness of this serious health problem be increased.

Now, Therefore, Congressman Paul McHale does recognize May 12, 1997 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness, commends the Chronic Fatigue Syndrome Association of the Lehigh Valley on its 5th anniversary and pays tribute to its efforts to conquer CFIDS on behalf of those battling this disabling illness.

Signed and Sealed this Ninth Day of May, One Thousand Nine Hundred and Ninety-seven.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RACE FOR THE CURE IN SYRACUSE, NY, HELPS FIGHT BREAST CANCER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 1997

Mr. WALSH. Mr. Speaker, I am proud to be a cochair with my wife, De De, of an upcoming event in Syracuse which not only means something to survivors of breast cancer but promises great hope for us all—because statistics show that one out of eight American families will be touched by the disease. The Susan G. Komen Breast Cancer Foundation Race for the Cure proposes to do something about that.

We are going to defeat this disease if it takes us a lifetime. I am happy to join chapter president Mickey Spanfelner, organizers Barbara Schwartz and Kathy Lahey, and promoters like Big Mike Fiss and Y94 FM radio, as we plan, publicize, and experience the race.

Breast cancer means something personal to both De De and me. Her mother is a vivacious and really outstanding individual, a survivor of the disease. My mother did not survive her bout with breast cancer. But the memory of her courageous fight against all adversity pushes me to join the battle against breast cancer.

That's why we want to invite everyone to join us in celebrating the survivors, and remembering the loved ones we've lost while we support the people who are working so hard to wipe out the disease.

This family event will be held May 17 at Shoppingtown Mall in DeWitt and is open to all. Registration is at 7 a.m. on race day. Live entertainment will begin at 9 a.m. At 10 a.m., the 1-mile walk will begin and at 10:30 a.m. the 5k walk/run will take place.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 1997

Mr. FILNER. Mr. Speaker, while on official business I was unable to be present for two rollcall votes on May 7, 1997. Had I been present, I would have voted as follows: Rollcall No. 109—"no"; rollcall No. 108—"yes."

ON TORRANCE T. TREFZ'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 1997

Mr. KUCINICH Mr. Speaker, I rise to honor Torrance T. Trefz of Avon Lake, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: Lifesaving, first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: Trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering Scouting achieve this rank.

My fellow colleagues, let us join Boy Scouts of America Troop 41, in recognizing and praising Torrance for his achievement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 13, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 14

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Office of National Drug Control Policy.

SD–192

Commerce, Science, and Transportation

To hold hearings to examine program efficiencies at the Department of Commerce and the National Science Foundation.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Rules and Administration

To hold hearings on the campaign finance system for presidential elections, focusing on the growth of soft money and other effects on political parties and candidates.

SR–301

10:00 a.m.

Judiciary

To hold hearings on the nomination of Eric H. Holder Jr., of the District of Columbia, to be Deputy Attorney General, Department of Justice.

SD–226

2:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

2:30 p.m.

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings on S. 39, to revise the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean.

SR–253

Select on Intelligence

To resume closed hearings on the nomination of George John Tenet, of Maryland, to be Director of Central Intelligence.

SH–219

MAY 15

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine spectrum issues.

SR–253

Small Business

To resume hearings on the Small Business Administration's finance programs.

SR–428A

Veterans' Affairs

To hold hearings to examine allegations of sexual harassment in the Department of Veterans Affairs.

SH–216

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the United States and allied efforts to recover and restore gold and other assets stolen or hidden by Germany during World War II.

SD–106

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on student aid delivery systems.

SD–430

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on combatting infectious diseases worldwide.

SD–138

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine terrorism in Sudan.

SD–419

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on staff reducations for fiscal year 1997 and 1998 for the National Weather Service.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement.
SD–366

MAY 16

10:00 a.m.
Labor and Human Resources
To hold hearings to examine adult education programs.
SD–430

MAY 19

2:00 p.m.
Special on Aging
To hold hearings to examine the current Medicare payment system, focusing on managed care payment.
SD–562

MAY 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–124

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Capitol Police Board, the Congressional Budget Office, and the Office of Compliance.
S–128, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station.
SR–253

Labor and Human Resources
To hold hearings to examine the quality of various health plans.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to examine the Federal Communications Commission implementation of the Telecommunications Act of 1996, focusing on efforts to implement universal telephone service reform and FCC proposals to assess new per-minute fees on Internet service providers.
SR–253

MAY 21

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine program efficiences at the Department of Transportation and NASA.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Indian Affairs
To hold oversight hearings on programs designed to assist Native American veterans.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine the United States implementation of prison labor agreements with China.
SD–419

MAY 22

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the professional boxing industry.
SR–253

Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.
SH–216

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to review the activities of the Substance Abuse and Mental Health Services Admninistration, Department of Health and Human Services.
SD–430

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold a workshop on the proposed "Public Land Management Responsibility and Accoutability Act".
SD–366

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the antitrust implications of the college bowl alliance.
SD–226

JUNE 4

9:00 a.m.
Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD–226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

CANCELLATIONS

MAY 13

10:00 a.m.
Budget
Business meeting, to mark up a proposed concurrent resolution on the fiscal year 1998 budget for the Federal Government.
SD–608

Commerce, Science, and Transportation
To hold hearings on State pre-emption of TELCO.
SR–253

Governmental Affairs
To hold hearings on the nominations of Patricia A. Broderick and Mary Ann Gooden Terrell, both to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

POSTPONEMENTS

MAY 15

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on the export of the Iranian revolution.
SD–419

SENATE—*Tuesday, May 13, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, help us to pray what we mean and mean what we pray. May our prayers never be perfunctory. We ask You to fill this Chamber with Your holy presence and glory and acknowledge that all we do and say today, as well as our attitudes and our relationships, will be observed by You. We pray for Your inspiration for the quality of life of the Senate and realize that we are accountable to You for the depth of caring we express to one another beyond party loyalties. We intercede for our Nation and You give us vision that will require united, bipartisan support of legislation to solve problems and grasp Your larger plan. We ask for strength to work creatively and energetically and You impinge on our minds waiting for our invitation for You to empower us with Your spirit. Dear God, help us to pray with expectancy. In the name of our Lord who taught us to ask, seek, and knock in prayer, knowing that with You nothing is impossible. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. ASHCROFT. I thank the Chair.

SCHEDULE

Mr. ASHCROFT. On behalf of the majority leader, I announce that this morning the Senate will turn to the consideration of S. 4, the Family Friendly Workplace Act. It is also hoped that the Senate will be able to return to S. 717, the IDEA, Individuals With Disabilities Education Act, legislation and complete action on that bill today. As always, all Members will be notified as to when to anticipate any rollcall votes on either of these two matters. In addition, the Senate may also consider any other legislative or executive items that can be cleared for action. I remind all Members that the Senate will be in recess from 12:30 to 2:15 for the weekly policy luncheons to meet.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, leadership time is reserved.

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Friendly Workplace Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to assist working people in the United States;

(2) to balance the demands of workplaces with the needs of families;

(3) to provide such assistance and balance such demands by allowing employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate; and

(4) to give private sector employees the same benefits of compensatory time off, biweekly work schedules, and flexible credit hours as have been enjoyed by Federal Government employees since 1978.

SEC. 3. WORKPLACE FLEXIBILITY OPTIONS.

[(a) COMPENSATORY TIME OFF.—

[(1) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

["(r) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

["(1) GENERAL RULE.—

["(A) COMPENSATORY TIME OFF.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

["(B) DEFINITION.—For purposes of this subsection, the term 'employee' does not include an employee of a public agency.

["(2) CONDITIONS.—An employer may provide compensatory time off to employees under paragraph (1)(A) only pursuant to the following:

["(A) Such time may be provided only in accordance with—

["(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employees recognized as provided in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

["(ii) in the case of employees who are not represented by a labor organization recognized as provided in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if such agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

["(B) If such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time off in lieu of monetary overtime compensation.

["(C) If the employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by paragraph (3).

["(3) HOUR LIMIT.—

["(A) MAXIMUM HOURS.—An employee may accrue not more than 240 hours of compensatory time off.

["(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employee's employer shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (6). An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

["(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time off in excess of 80 hours at any time after giving the employee at least 30 days' notice. Such compensation shall be provided at the rate prescribed by paragraph (6).

["(D) POLICY.—An employer that has adopted a policy offering compensatory time off to employees may discontinue such policy upon giving employees 30 days' notice.

["(E) WRITTEN REQUEST.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at any time. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time off accrued that has not yet been used.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (6).

[“(4) PROHIBITION OF COERCION.—

[“(A) IN GENERAL.—An employer that provides compensatory time off under paragraph (1) to employees shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

[“(i) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours; or

[“(ii) requiring the employee to use such compensatory time off.

[“(B) DEFINITION.—As used in subparagraph (A), the term ‘intimidate, threaten, or coerce’ has the meaning given the term in section 13A(d)(3)(B).”.

[(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

[(A) in subsection (b), by striking “(b) Any employer” and inserting “(b) Except as provided in subsection (f), any employer”; and

[(B) by adding at the end the following:

[“(f)(1) An employer that violates section 7(r)(4) shall be liable to the employee affected in an amount equal to—

[“(A) the product of—

[“(i) the rate of compensation (determined in accordance with section 7(r)(6)(A)); and

[“(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

[“(II) the number of such hours used by the employee; and

[“(B) as liquidated damages, the product of—

[“(i) such rate of compensation; and

[“(ii) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee.

[“(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).”.

[(3) CALCULATIONS AND SPECIAL RULES.—Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by paragraph (1), is amended by adding at the end the following:

[“(5) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time off in accordance with paragraph (6).

[“(6) RATE OF COMPENSATION FOR COMPENSATORY TIME OFF.—

[“(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, such compensation shall be paid at a rate of compensation not less than—

[“(i) the regular rate received by such employee when the compensatory time off was earned; or

[“(ii) the final regular rate received by such employee,

[whichever is higher.

[“(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time off shall be considered unpaid monetary overtime compensation.

[“(7) USE OF TIME.—An employee—

[“(A) who has accrued compensatory time off authorized to be provided under paragraph (1); and

[“(B) who has requested the use of such compensatory time off,

[shall be permitted by the employer of the employee to use such time within a reasonable period after making the request if the use of the compensatory time off does not unduly disrupt the operations of the employer.

[“(8) DEFINITIONS.—The terms ‘monetary overtime compensation’ and ‘compensatory time off’ shall have the meanings given the terms ‘overtime compensation’ and ‘compensatory time’, respectively, by subsection (o)(7).”.

[(4) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations published at 29 C.F.R. 516.4, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that such notice reflects the amendments made to such Act by this subsection.

[(b) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.—

[(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following new section:

[“SEC. 13A. BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.

[“(a) PURPOSES.—The purposes of this section are—

[“(1) to assist working people in the United States;

[“(2) to balance the demands of workplaces with the needs of families;

[“(3) to provide such assistance and balance such demands by allowing employers to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate; and

[“(4) to give private sector employees the same benefits of biweekly work schedules and flexible credit hours as have been enjoyed by Federal Government employees since 1978.

[“(b) BIWEEKLY WORK PROGRAMS.—

[“(1) IN GENERAL.—Notwithstanding any other provision of law, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

[“(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

[“(B) in which more than 40 hours of the work requirement may occur in a week of the period.

[“(2) COMPUTATION OF OVERTIME.—In the case of an employee participating in such a biweekly work program, all hours worked in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by an employer, shall be overtime hours.

[“(3) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

[“(4) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7 or any other provision of law that relates to premium pay for overtime work, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

[“(c) FLEXIBLE CREDIT HOUR PROGRAMS.—

[“(1) IN GENERAL.—Notwithstanding any other provision of law, an employer may establish flexible credit hour programs, under which, at the election of an employee, the employer and the employee jointly designate hours for the employee to work that are in excess of the basic work requirement of the employee so that the employee can accumulate flexible credit hours to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

[“(2) COMPUTATION OF OVERTIME.—In the case of an employee participating in such a flexible credit hour program, all hours worked in excess of 40 hours in a week that are requested in advance by an employer, other than flexible credit hours, shall be overtime hours.

[“(3) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

[“(4) COMPENSATION FOR FLEXIBLE CREDIT HOURS.—Notwithstanding section 7 or any other provision of law that relates to premium pay for overtime work, an employee shall be compensated for each flexible credit hour at a rate not less than the regular rate at which the employee is employed.

[“(5) ACCUMULATION AND COMPENSATION.—

[“(A) ACCUMULATION OF FLEXIBLE CREDIT HOURS.—An employee who is participating in such a flexible credit hour program can accumulate not more than 50 flexible credit hours.

[“(B) COMPENSATION FOR FLEXIBLE CREDIT HOURS OF EMPLOYEES NO LONGER SUBJECT TO PROGRAM.—Any employee who was participating in such a flexible credit hour program and who is no longer subject to such a program shall be paid at a rate not less than the regular rate at which the employee is employed on the date the employee receives such payment, for not more than 50 flexible credit hours accumulated by such employee.

[“(C) COMPENSATION FOR ANNUALLY ACCUMULATED FLEXIBLE CREDIT HOURS.—

[“(i) IN GENERAL.—Not later than January 31 of each calendar year, the employer of an employee who is participating in such a flexible credit hour program shall provide monetary compensation for any flexible credit hours accumulated as described in subparagraph (A) during the preceding calendar year that were not used prior to December 31 of the preceding calendar year at a rate not less than the regular rate at which the employee is employed on the date the employee receives such payment.

[“(ii) DIFFERENT 12-MONTH PERIOD.—An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case such compensation shall be provided not later than 31 days after the end of such 12-month period.

[“(d) PARTICIPATION.—

[“(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

[“(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists, an employee may only be required to participate in such a program in accordance with the agreement.

["(3) PROHIBITION OF COERCION.—

["(A) IN GENERAL.—An employer may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of such employee under this section to elect or not to elect to work a biweekly work schedule, to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours (including working flexible credit hours in lieu of overtime hours).

["(B) DEFINITION.—As used in subparagraph (A), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

["(e) APPLICATION OF PROGRAMS IN THE CASE OF COLLECTIVE BARGAINING AGREEMENTS.—

["(1) APPLICABLE REQUIREMENTS.—In the case of employees in a unit represented by an exclusive representative, any biweekly work program or flexible credit hour program described in subsection (b) or (c), respectively, and the establishment and termination of any such program, shall be subject to the provisions of this section and the terms of a collective bargaining agreement between the employer and the exclusive representative.

["(2) INCLUSION OF EMPLOYEES.—Employees within a unit represented by an exclusive representative shall not be included within any program under this section except to the extent expressly provided under a collective bargaining agreement between the employer and the exclusive representative.

["(3) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefits program or plan that provides lesser or greater rights to employees than the benefits established under this section.

["(f) DEFINITIONS.—As used in this section:

["(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

["(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the exclusive representative of employees in an appropriate unit to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

["(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

["(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

["(5) EMPLOYEE.—The term 'employee' means an employee, as defined in section 3, except that the term shall not include an employee, as defined in section 6121(2) of title 5, United States Code.

["(6) EMPLOYER.—The term 'employer' means an employer, as defined in section 3, except that the term shall not include any person acting in relation to an employee, as defined in section 6121(2) of title 5, United States Code.

["(7) EXCLUSIVE REPRESENTATIVE.—The term 'exclusive representative' means any labor organization that—

["(A) is certified as the exclusive representative of employees in an appropriate unit pursuant to Federal law; or

["(B) was recognized by an employer immediately before the date of enactment of this section as the exclusive representative of employees in an appropriate unit—

["(i) on the basis of an election; or

["(ii) on any basis other than an election;

[and continues to be so recognized.

["(8) FLEXIBLE CREDIT HOURS.—The term 'flexible credit hours' means any hours, within a flexible credit hour program established under subsection (c), that are in excess of the basic work requirement of an employee and that, at the election of the employee, the employer and the employee jointly designate for the employee to work so as to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

["(9) OVERTIME HOURS.—The term 'overtime hours'—

["(A) when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer.

["(B) when used with respect to flexible credit hour programs under subsection (c), means all hours worked in excess of 40 hours in a week that are requested in advance by an employer, but does not include flexible credit hours.

["(10) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

[(2) PROHIBITIONS.—

[(A) PURPOSES.—The purposes of this paragraph are to make violations of the biweekly work program and flexible credit hour program provisions by employers unlawful under the Fair Labor Standards Act of 1938, and to provide for appropriate remedies for such violations, including, as appropriate, fines, imprisonment, injunctive relief, and appropriate legal or equitable relief, including liquidated damages.

[(B) REMEDIES AND SANCTIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended by inserting before the semicolon the following: ", or to violate any of the provisions of section 13A".

[(c) LIMITATIONS ON SALARY PRACTICES RELATING TO EXEMPT EMPLOYEES.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

["(m)(1)(A) In the case of a determination of whether an employee is an exempt employee described in subsection (a)(1), the fact that the employee is subject to deductions in compensation for—

["(i) absences of the employee from employment of less than a full workday; or

["(ii) absences of the employee from employment of less than a full pay period,

[shall not be considered in making such determination.

["(B) In the case of a determination described in subparagraph (A), an actual reduction in compensation of the employee may be considered in making the determination.

["(C) For the purposes of this paragraph, the term 'actual reduction in compensation' does not include any reduction in accrued paid leave, or any other practice, that does not reduce the amount of compensation an employee receives for a pay period.

["(2) The payment of overtime compensation or other additions to the compensation of an employee employed on a salary based on hours worked shall not be considered in determining if the employee is an exempt employee described in subsection (a)(1).".]

(a) COMPENSATORY TIME OFF.—

(1) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

"(1) VOLUNTARY PARTICIPATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no employee may be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation. The acceptance of compensatory time off in lieu of monetary overtime compensation may not be a condition of employment.

"(B) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the representative of the employees that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), an employee may only be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation in accordance with the agreement.

"(2) GENERAL RULE.—

"(A) COMPENSATORY TIME OFF.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

"(B) DEFINITIONS.—In this subsection:

"(i) EMPLOYEE.—The term 'employee' does not include an employee of a public agency.

"(ii) EMPLOYER.—The term 'employer' does not include a public agency.

"(3) CONDITIONS.—An employer may provide compensatory time off to employees under paragraph (2)(A) only pursuant to the following:

"(A) The compensatory time off may be provided only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employee that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

"(ii) in the case of an employee who is not represented by a labor organization that is recognized as provided for in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) The compensatory time off may only be provided to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time off in lieu of monetary overtime compensation.

"(C) An employee shall be eligible to accrue compensatory time off if such employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by paragraph (4).

"(4) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee may accrue not more than 240 hours of compensatory time off.

“(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (8). An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

“(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time off in excess of 80 hours at any time after providing the employee with at least 30 days' written notice. The compensation shall be provided at the rate prescribed by paragraph (8).

“(5) DISCONTINUANCE OF POLICY OR WITHDRAWAL.—

“(A) DISCONTINUANCE OF POLICY.—An employer that has adopted a policy offering compensatory time off to employees may discontinue the policy for employees described in paragraph (3)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (3)(A)(ii).

“(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (3)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time off accrued that has not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (8).

“(6) ADDITIONAL REQUIREMENTS.—

“(A) PROHIBITION OF COERCION.—

“(i) IN GENERAL.—An employer that provides compensatory time off under paragraph (2) to an employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

“(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

“(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

“(III) requiring the employee to use the compensatory time off.

“(ii) DEFINITION.—In clause (i), the term ‘intimidate, threaten, or coerce’ has the meaning given the term in section 13A(d)(2).

“(B) ELECTION OF OVERTIME COMPENSATION OR COMPENSATORY TIME.—An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

“(i) the payment of monetary overtime compensation for the workweek; or

“(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.”.

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

“(f)(1) In addition to any amount that an employer is liable under subsection (b) for a violation of a provision of section 7, an employer that violates section 7(r)(6)(A) shall be liable to the employee affected in an amount equal to—

“(A) the product of—

“(i) the rate of compensation (determined in accordance with section 7(r)(8)(A)); and

“(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

“(II) the number of such hours used by the employee; and

“(B) as liquidated damages, the product of—

“(i) such rate of compensation; and

“(ii) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee.

“(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).”.

(3) CALCULATIONS AND SPECIAL RULES.—Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by paragraph (1), is amended by adding at the end the following:

“(7) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (2) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time off in accordance with paragraph (8).

“(8) RATE OF COMPENSATION FOR COMPENSATORY TIME OFF.—

“(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, the compensation shall be paid at a rate of compensation not less than—

“(i) the regular rate received by such employee when the compensatory time off was earned; or

“(ii) the final regular rate received by such employee,

whichever is higher.

“(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time off shall be considered unpaid monetary overtime compensation.

“(9) USE OF TIME.—An employee—

“(A) who has accrued compensatory time off authorized to be provided under paragraph (2); and

“(B) who has requested the use of the accrued compensatory time off,

shall be permitted by the employer of the employee to use the accrued compensatory time off within a reasonable period after making the request if the use of the accrued compensatory time off does not unduly disrupt the operations of the employer.

“(10) DEFINITIONS.—The terms ‘monetary overtime compensation’ and ‘compensatory time off’ shall have the meanings given the terms ‘overtime compensation’ and ‘compensatory time’, respectively, by subsection (o)(7).”.

(4) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

(b) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

“SEC. 13A. BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.

“(a) VOLUNTARY PARTICIPATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

“(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists, an employee may only be required to participate in such a program in accordance with the agreement.

“(b) BIWEEKLY WORK PROGRAMS.—

“(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

“(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

“(B) in which more than 40 hours of the work requirement may occur in a week of the period.

“(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

“(A) AGREEMENT OR UNDERSTANDING.—The program may be carried out only in accordance with—

“(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employees that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

“(ii) in the case of an employee who is not represented by a labor organization that is recognized as provided for in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

“(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

“(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

“(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

“(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

“(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

“(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (2)(A)(ii).

“(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

“(c) FLEXIBLE CREDIT HOUR PROGRAMS.—

“(1) IN GENERAL.—Notwithstanding section 7, an employer may establish flexible credit hour

programs, under which, at the election of an employee, the employer and the employee jointly designate hours for the employee to work that are in excess of the basic work requirement of the employee so that the employee can accrue flexible credit hours to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

"(2) CONDITIONS.—An employer may carry out a flexible credit hour program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT OR UNDERSTANDING.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employees that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

"(ii) in the case of an employee who is not represented by a labor organization that is recognized as provided for in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(C) HOURS.—An agreement or understanding that is entered into under subparagraph (A) shall provide that, at the election of an employee, the employer and the employee will jointly designate, for an applicable workweek, flexible credit hours for the employee to work.

"(D) LIMIT.—An employee shall be eligible to accrue flexible credit hours if the employee has not accrued flexible credit hours in excess of the limit applicable to the employee prescribed by paragraph (3).

"(3) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee who is participating in such a flexible credit hour program may accrue not more than 50 flexible credit hours.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employer of an employee who is participating in such a flexible credit hour program shall provide monetary compensation for any flexible credit hours accrued during the preceding calendar year that were not used prior to December 31 of the preceding calendar year at a rate not less than the regular rate at which the employee is employed on the date the employee receives the compensation. An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

"(4) COMPENSATION FOR FLEXIBLE CREDIT HOURS.—Notwithstanding section 7, in the case of an employee participating in such a flexible credit hour program, the employee shall be compensated for each flexible credit hour at a rate not less than the regular rate at which the employee is employed.

"(5) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of 40 hours in a week that are requested in advance by the employer, other than flexible credit hours, shall be overtime hours.

"(6) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(7) USE OF TIME.—An employee—

"(A) who has accrued flexible credit hours; and

"(B) who has requested the use of the accrued flexible credit hours,

shall be permitted by the employer of the employee to use the accrued flexible credit hours within a reasonable period after making the request if the use of the accrued flexible credit hours does not unduly disrupt the operations of the employer.

"(8) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a flexible credit hour program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all flexible credit hours accrued that have not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due at a rate not less than the regular rate at which the employee is employed on the date the employee receives the compensation.

"(d) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(A) interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule;

"(B) interfering with the rights of the employee under this section to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours (including working flexible credit hours in lieu of overtime hours);

"(C) interfering with the rights of the employee under this section to use accrued flexible credit hours in accordance with subsection (c)(7); or

"(D) requiring the employee to use the flexible credit hours.

"(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(e) DEFINITIONS.—In this section:

"(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the representative of employees of the employer that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

"(5) EMPLOYEE.—The term 'employee' does not include an employee of a public agency.

"(6) EMPLOYER.—The term 'employer' does not include a public agency.

"(7) FLEXIBLE CREDIT HOURS.—The term 'flexible credit hours' means any hours, within a flexible credit hour program established under subsection (c), that are in excess of the basic work requirement of an employee and that, at the election of the employee, the employer and the employee jointly designate for the employee to work so as to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

"(8) OVERTIME HOURS.—The term 'overtime hours'—

"(A) when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer; or

"(B) when used with respect to flexible credit hour programs under subsection (c), means all hours worked in excess of 40 hours in a week that are requested in advance by an employer, but does not include flexible credit hours.

"(9) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

(2) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(c) LIMITATIONS ON SALARY PRACTICES RELATING TO EXEMPT EMPLOYEES.—

(1) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(m)(1)(A) In the case of a determination of whether an employee is an exempt employee described in subsection (a)(1), the fact that the employee is subject to deductions in pay for—

"(i) absences of the employee from employment of less than a full workday; or

"(ii) absences of the employee from employment of less than a full pay period,

shall not be considered in making such determination.

"(B) In the case of a determination described in subparagraph (A), an actual reduction in pay of the employee may be considered in making the determination for that employee.

"(C) For the purposes of this paragraph, the term 'actual reduction in pay' does not include any reduction in accrued paid leave, or any other practice, that does not reduce the amount of pay an employee receives for a pay period.

"(2) The payment of overtime compensation or other additions to the compensation of an employee employed on a salary based on hours worked shall not be considered in determining if the employee is an exempt employee described in subsection (a)(1).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to any civil action—

(A) that involves an issue with respect to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)); and

(B) in which a final judgment has not been made prior to such date.

The PRESIDING OFFICER. The Senator from Vermont.

MODIFICATION OF COMMITTEE AMENDMENT

Mr. JEFFORDS. On behalf of the committee, I modify the committee amendment as follows, and I send the modified committee amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Family Friendly Workplace Act”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to assist working people in the United States;

(2) to balance the demands of workplaces with the needs of families;

(3) to provide such assistance and balance such demands by allowing employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate; and

(4) to give private sector employees the same benefits of compensatory time off, biweekly work schedules, and flexible credit hours as have been enjoyed by Federal Government employees since 1978.

SEC. 3. WORKPLACE FLEXIBILITY OPTIONS.

(a) COMPENSATORY TIME OFF.—

(1) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

“(r)(1)(A) Except as provided in subparagraph (B), no employee may be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation. The acceptance of compensatory time off in lieu of monetary overtime compensation may not be a condition of employment.

“(B) In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation in accordance with the agreement.

“(2)(A) An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

“(B) In this subsection:

“(i) The term ‘employee’ means an individual—

“(I) who is an employee (as defined in section 3);

“(II) who is not an employee of a public agency; and

“(III) to whom subsection (a) applies.

“(ii) The term ‘employer’ does not include a public agency.

“(3) An employer may provide compensatory time off to employees under paragraph (2)(A) only pursuant to the following:

“(A) The compensatory time off may be provided only in accordance with—

“(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

“(ii) in the case of an employee who is not represented by a labor organization described in clause (i), an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

“(B) The compensatory time off may only be provided to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to receive compensatory time off in lieu of monetary overtime compensation.

“(C) No employee may receive, or agree to receive, the compensatory time off unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

“(D) An employee shall be eligible to accrue compensatory time off if such employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by paragraph (4).

“(4)(A) An employee may accrue not more than 240 hours of compensatory time off.

“(B) Not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (8). An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

“(C) The employer may provide monetary compensation for an employee's unused compensatory time off in excess of 80 hours at any time after providing the employee with at least 30 days' written notice. The compensation shall be provided at the rate prescribed by paragraph (8).

“(5)(A) An employer that has adopted a policy offering compensatory time off to employees may discontinue the policy for employees described in paragraph (3)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (3)(A)(ii).

“(B) An employee may withdraw an agreement or understanding described in paragraph (3)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time off accrued that has not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (8).

“(6)(A)(i) An employer that provides compensatory time off under paragraph (2) to an employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

“(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

“(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

“(III) requiring the employee to use the compensatory time off.

“(ii) In clause (i), the term ‘intimidate, threaten, or coerce’ has the meaning given the term in section 13A(d)(2).

“(B) An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

“(i) the payment of monetary overtime compensation for the workweek; or

“(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.”.

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

“(f)(1) In addition to any amount that an employer is liable under subsection (b) for a violation of a provision of section 7, an employer that violates section 7(r)(6)(A) shall be liable to the employee affected in an amount equal to—

“(A) the product of—

“(i) the rate of compensation (determined in accordance with section 7(r)(8)(A)); and

“(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

“(II) the number of such hours used by the employee; and

“(B) as liquidated damages, the product of—

“(i) such rate of compensation; and

“(ii) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee.

“(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).”.

(3) CALCULATIONS AND SPECIAL RULES.—Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by paragraph (1), is amended by adding at the end the following:

“(7) An employee who has accrued compensatory time off authorized to be provided under paragraph (2) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time off in accordance with paragraph (8).

“(8)(A) If compensation is to be paid to an employee for accrued compensatory time off, the compensation shall be paid at a rate of compensation not less than—

“(i) the regular rate received by such employee when the compensatory time off was earned; or

“(ii) the final regular rate received by such employee;

whichever is higher.

“(B) Any payment owed to an employee under this subsection for unused compensatory time off shall be considered unpaid monetary overtime compensation.

“(9) An employee—

“(A) who has accrued compensatory time off authorized to be provided under paragraph (2); and

"(B) who has requested the use of the accrued compensatory time off;

shall be permitted by the employer of the employee to use the accrued compensatory time off within a reasonable period after making the request if the use of the accrued compensatory time off does not unduly disrupt the operations of the employer.

"(10) The terms 'monetary overtime compensation' and 'compensatory time off' shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7).".

(4) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

(b) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOUR PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

"(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(B) in which more than 40 hours of the work requirement may occur in a week of the period.

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT OR UNDERSTANDING.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

"(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

"(c) FLEXIBLE CREDIT HOUR PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish flexible credit hour programs, under which, at the election of an employee, the employer and the employee jointly designate hours for the employee to work that are in excess of the basic work requirement of the employee so that the employee can accrue flexible credit hours to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

"(2) CONDITIONS.—An employer may carry out a flexible credit hour program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT OR UNDERSTANDING.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

"(ii) in the case of an employee who is not represented by a labor organization described in clause (i), an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(C) HOURS.—An agreement or understanding that is entered into under subparagraph (A) shall provide that, at the election of an employee, the employer and the employee will jointly designate, for an applicable workweek, flexible credit hours for the employee to work.

"(D) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

"(E) LIMIT.—An employee shall be eligible to accrue flexible credit hours if the employee has not accrued flexible credit hours in excess of the limit applicable to the employee prescribed by paragraph (3).

"(3) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee who is participating in such a flexible credit hour program may accrue not more than 50 flexible credit hours.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employer of an employee who is participating in such a flexible credit hour program shall provide monetary compensation for any flexible credit hours accrued during the preceding calendar year that were not used prior to December 31 of the preceding calendar year at a rate not less than the regular rate at which the employee is employed on the date the employee receives the compensation. An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

"(4) COMPENSATION FOR FLEXIBLE CREDIT HOURS.—Notwithstanding section 7, in the case of an employee participating in such a flexible credit hour program, the employee shall be compensated for each flexible credit hour at a rate not less than the regular rate at which the employee is employed.

"(5) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of 40 hours in a week that are requested in advance by the employer, other than flexible credit hours, shall be overtime hours.

"(6) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(7) USE OF TIME.—An employee—

"(A) who has accrued flexible credit hours; and

"(B) who has requested the use of the accrued flexible credit hours;

shall be permitted by the employer of the employee to use the accrued flexible credit hours within a reasonable period after making the request if the use of the accrued flexible credit hours does not unduly disrupt the operations of the employer.

"(8) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a flexible credit hour program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (2)(A)(ii).

"(B) Withdrawal.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all flexible credit hours accrued that have not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due at a rate not less than the regular rate at which the employee is employed on the date the employee receives the compensation.

"(9) Payment on termination of employment.—An employee who has accrued flexible credit hours under paragraph (1) shall, upon the voluntary or involuntary termination of employment, be paid for the unused flexible credit hours at a rate not less than the final regular rate received by the employee.

"(d) Prohibition of Coercion.—

"(1) In general.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(A) interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule;

"(B) interfering with the rights of the employee under this section to elect or not to elect to participate in a flexible credit hour program, or to elect or not to elect to work flexible credit hours (including working flexible credit hours in lieu of overtime hours);

"(C) interfering with the rights of the employee under this section to use accrued flexible credit hours in accordance with subsection (c)(7); or

"(D) requiring the employee to use the flexible credit hours.

"(2) Definition.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(e) Definitions.—In this section:

"(1) Basic work requirement.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) Collective bargaining.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) Collective bargaining agreement.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) Election.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

"(5) Employee.—The term 'employee' means an individual—

"(A) who is an employee (as defined in section 3);

"(B) who is not an employee of a public agency; and

"(C) to whom section 7(a) applies.

"(6) Employer.—The term 'employer' does not include a public agency.

"(7) Flexible credit hours.—The term 'flexible credit hours' means any hours, within a flexible credit hour program established under subsection (c), that are in excess of the basic work requirement of an employee and that, at the election of the employee, the employer and the employee jointly designate for the employee to work so as to reduce the hours worked in a week or a day subsequent to the day on which the flexible credit hours are worked.

"(8) Overtime hours.—The term 'overtime hours'—

"(A) when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer; or

"(B) when used with respect to flexible credit hour programs under subsection (c), means all hours worked in excess of 40 hours in a week that are requested in advance by an employer, but does not include flexible credit hours.

"(9) Regular rate.—The term 'regular rate' has the meaning given the term in section 7(e).".

(2) Prohibitions.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(3) Remedies and sanctions.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216), as amended in subsection (a)(2), is further amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after "7 of this Act" the following: ", or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A"; and

(II) by striking "wages or unpaid overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and";

(ii) in the second sentence, by striking "wages or overtime compensation and" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and"; and

(iii) in the third sentence—

(I) by inserting after "first sentence of such subsection" the following: ", or the second sentence of such subsection in the event of a violation of section 13A,"; and

(II) by striking "wages or unpaid overtime compensation under sections 6 and 7 or" and inserting "wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or";

(B) in subsection (e)—

(i) in the second sentence, by striking "section 6 or 7" and inserting "section 6, 7, or 13A"; and

(ii) in the fourth sentence, in paragraph (3), by striking "15(a)(4) or" and inserting "15(a)(4), a violation of section 15(a)(3)(B), or"; and

(C) by adding at the end the following:

"(g)(1) In addition to any amount that an employer is liable under the second sentence of subsection (b) for a violation of a provision of section 13A, an employer that violates section 13A(d) shall be liable to the employee affected for an additional sum equal to that amount.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17.".

(4) Notice to employees.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

(c) Limitations On Salary Practices Relating To Exempt Employees.—

(1) In general.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(m)(1)(A) In the case of a determination of whether an employee is an exempt employee described in paragraph (1) or (17) of subsection (a), the fact that the employee is subject to deductions in pay for—

"(i) absences of the employee from employment of less than a full workday; or

"(ii) absences of the employee from employment of less than a full workweek;

shall not be considered in making such determination.

"(B)(i) Except as provided in clause (ii), in the case of a determination described in subparagraph (A), an actual reduction in pay of the employee may be considered in making the determination for that employee.

"(ii) For the purposes of this subsection, an actual reduction in pay of an employee of a public agency shall not be considered in making a determination described in subparagraph (A) if such reduction is permissible under regulations prescribed by the Secretary under section 541.5d of title 29, Code of Federal Regulations (as in effect on August 19, 1992).

"(C) For the purposes of this paragraph, the term 'absences' includes absences as a result of a disciplinary suspension of an employee from employment.

"(D) For the purposes of this paragraph, the term 'actual reduction in pay' does not include any reduction in accrued paid leave, or any other practice, that does not reduce the amount of pay an employee receives for a pay period.

"(2) The payment of overtime compensation or other additions to the compensation of an employee employed on a salary based on hours worked shall not be considered in determining if the employee is an exempt employee described in paragraph (1) or (17) of subsection (a).".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to any civil action—

(A) that involves an issue with respect to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)); and

(B) in which a final judgment has not been made prior to such date.

Mr. JEFFORDS. Mr. President, I would like to take this opportunity to once again thank everyone who has worked so hard to bring S. 4, the Family Friendly Workplace Act, to the floor. In particular, I would like to recognize the efforts and hard work of

Senator MIKE DEWINE, the chairman of the Subcommittee on Employment and Training, and Senator JOHN ASHCROFT, the author and original sponsor of the bill. I am especially gratified to be working with Senators ASHCROFT and DEWINE on this important bill.

We are here today because we share the belief that S. 4 could make a world of difference in the lives of millions of Americans. During the markup of S. 4, a number of issues were brought to the committee's attention by my esteemed colleagues in the minority. At that time, Senator DEWINE and I committed to look into several of the issues that were raised and to resolve them to the extent practicable. In the days following the markup, I have worked closely with Senator DEWINE and other Members to address these issues. I am extremely pleased with the results of this process. I believe that the changes proposed in the committee amendment will result in an even stronger piece of legislation. The Senator from Ohio will discuss the changes that have been made in the committee substitute to S. 4, the Family Friendly Workplace Act.

After spending a great deal of time working with the language of this bill and the committee amendment, I am more convinced than ever that S. 4 will assist American workers to balance work and family, and I urge all of my colleagues to join me in supporting the Family Friendly Workplace Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are on this legislation again today. I have a great appreciation for the leadership in attempting to try to juggle a variety of very important pieces of legislation. We have had the emergency appropriations which I think all of us would agree is the first order of business that we want to get passed. As to this legislation, we have been on again, off again. We are glad to debate these issues, but I understand some of the frustration of some of our colleagues during the course of this debate where the bill is on for an hour or two, and they try to begin to follow it, and then it is off again and we are uncertain when it will be be brought up again. That is something we have to deal with, but we will do the best that we can in attempting to deal with the on again, off again nature of this debate and respond to the questions which have been raised over this.

As we continue this debate, I want again to outline for the Members, who it is who supports this legislation because there have been a variety of different observations about the degree of support, who is supporting it, and who is opposing it. Those of us who have concerns about this legislation have enormous empathy and sympathy for families. That has been the focus over time of our Labor and Human Resources Committee, as well as others here. It is not just Members on this side of the aisle. It is many of our colleagues on the other side of the aisle who have made the cause of working families their cause.

But nonetheless, as we deal with this issue, it is important to know who is supporting it and who is against. I want to say again at the outset that we believe working families have been hard pressed over the last 25 years since about 1972 when their incomes effectively became stagnant. In the last 5 to 7 years we have seen that families are working longer and harder to make ends meet and are very hard pressed to rise every morning and deal with their family's issues as well. And so at the outset this legislation has some appeal, and if it was exactly as has been described it might have some merit. But the concern that many of us have is that it really gives the whip hand, so to speak, to the employers and it does appear to many of us that this is really a subterfuge to permit employers to avoid paying overtime.

We even had testimony from witnesses who were supporting the legislation who told the Labor and Human Resources Committee that that was the principal reason why they were supporting it. The National Federation of Independent Businesses told the Committee, "Small businesses can't afford to pay their employees overtime. This is something they can offer in exchange that gives them a benefit."

So we ought to understand right at the outset why many of those who do support comptime, also support the inclusion of Senator MURRAY's amendment. That amendment would have given absolute discretion to employees to take up to 24 hours a year to be able to attend a parents' meeting at school to consider the child's educational progress, or other such educational activities. Such an amendment was offered in the committee, but it was defeated along party lines.

That amendment was offered. It was supported by the President, and supported overwhelmingly by the majority of the American people. Under the amendment, the decision was the employee's. But the committee rejected that amendment along straight party lines. It was rejected. It was rejected. It was rejected.

We have also heard a great deal about the needs that families have to get some time off when they have a sick child. No employees in this country ought to have to make the choice between the job that they need and the child that they love. We passed the Family and Medical Leave Act to address those needs. That effort was achieved in a bipartisan way. But it was limited to those employers that had more than 50 employees. It has worked and worked well. And, under the Family and Medical Leave Act, if there is a medical emergency, if the need for treatment is not foreseeable, the employee has an absolute right to take time off. The employee has that right. If the medical condition is forseeable, then the employee has to make a reasonable effort to schedule the treatment at a time that does not unduly disrupt the operations of the employer. We offered an amendment in the committee to allow employees to use compensatory time under this same standard. That is, an employee has the right to use comptime at any time for reasons that would qualify under the Family and Medical Leave Act. But that amendment, too, was rejected along strict party lines.

The Family and Medical Leave Act applies to firms with 50 and more. Senator DODD offered an amendment in the committee to lower that threshold to 25 employees. That amendment, too, was rejected on party lines.

That is why the real issue regarding comptime is who is going to make the decision. If it is going to be the employee, put my name on it. Put my name on it. And I bet you would get the overwhelming majority of the Members on this side. If the employers are the ones who are going to make the decision—certainly you are not going to have my support, and you are going to be hard pressed to get the support of those who have been championing workers' rights.

That leads me to another point, and that is who are the supporters. Are these concerns just mine, or those of my good friend and colleague, Senator WELLSTONE, or Senator DODD, Senator HARKIN, Senator MOSELEY-BRAUN, and many others? No, that was a conclusion reached by the League of Women Voters, the National Women's Political Caucus, the National Women's Law Center, the Women's Legal Defense Fund.

It is very interesting why these organizations which have been the champion of women's issues and women's rights oppose this bill. It is because many of the people who are going for the overtime are women, single moms. You would think these organizations that have been fighting for women's rights and workers' rights would be out here supporting it, saying why are you battling it? Why are you battling it? These organizations that day in and day have been championing the economic rights of women universally reject the conclusions that have been drawn by some of our friends and colleagues on the other side of the aisle—that the employees are going to make all of these decisions, that it is going to benefit the single moms for employers to make the judgments about when they can be with their children.

That is not my reading of this bill, and many others agree. It is the conclusion of those organizations—not that we have to be on the side always of these organizations; they are not always correct. But it is interesting that every one of the organizations that have been championing women's economic rights and rights for children are all opposed to it. Why?

The Leadership Conference on Civil Rights:

> The legislation could reduce the income of many working families and make it more difficult for them to balance competing work and family responsibilities.

That theme runs all the way through. I will include it in the RECORD, Mr. President. The Leadership Conference on Civil Rights draws the same conclusion that I and many others have drawn, and that is after all is said and done it is the employer that is going to make the judgment about whether employees choose whether to earn comptime and when to use it if they've earned it. So these wonderful speeches that I read over the course of the weekend in support of comptime, which were well stated and eloquently stated in many instances, beg the fundamental issue: that is, who is going to make the judgment about that sick child, about that sick relative, about the necessity for going to a teachers' conference or to a child's play. That has been the subject of debate here for more than 10 years. When we finally achieved it, in the Family and Medical Leave Act, it is the employee who has the right.

But now we have this different bill. As I mentioned, those who are opposing it not only include those women's organizations but also the Council on Senior Citizens, the NAACP, disability rights organizations, the National Council of Churches, a whole host—I will have the list of those included in the RECORD—let alone the unions, in spite of the fact that they are outside the coverage of this legislation. Unionized employees are outside. They are not affected by this legislation unless they choose to try to achieve comptime in the collective bargaining process. It is other workers, who are not unionized. But, nonetheless, these organizations understand what is happening out in the plants and factories. They supported the increase in minimum wage, as they support child care, as they supported family and medical leave and plant closing legislation—the whole range of issues that can offer some empowerment to workers dealing with a lot of challenges in the workplace. They have been, obviously, fighting for those rights, and they reached the same conclusion as well.

On the other side, those supporting this bill include the principal organizations that said "thumbs down on the increase in the minimum wage," even though 65 percent of the people who were getting the minimum wage were women, a great percent of them with small children—thumbs down on that; thumbs down on family and medical leave, thumbs down on that. That is the decision that no worker ought to have to make, that decision between the child they love and the child they leave—thumbs down on that. And, as to plant closing legislation, which requires employers to give some notice to workers so they can go out and get other jobs if a business shuts down—thumbs down on that.

But these organizations that fought all of these worker protections just cannot wait to get this bill passed. They just cannot wait to get this passed. And one, I think, can reasonably assume that they are trying to get this passed for the very reason that was stated by the National Federation of Independent Businesses, because they do not want to pay overtime to workers.

I also want to describe the people who get overtime. Let us take a look at who are going to be the ones affected by this bill. To understand the real world impact of the bill, you have to look at the workers who are currently depending on overtime—that is what we are talking about, on overtime—to make ends meet. Mr. President, 44 percent of those who depend on overtime earn $16,000 a year or less—44 percent. More than 80 percent of them have annual earnings of less than $28,000 a year. These are hard-working Americans who are on the bottom steps of the economic ladder. They are the hard-working Americans who have a sense of pride, a sense of dignity—in so many instances they are the ones who clean these buildings at night, separated from their families. They are the teachers' aides, they are the health aides who work in nursing homes. They are men and women facing tough life decisions in tough economic times. Mr. President, 80 percent of them earn less than $28,000 a year. These are people who need every dollar they can earn just to make ends meet. They are men and women who are supporting families.

If this bill passes many of them will lose the overtime dollars they need so badly. Employers will give all the work to employees who agree to take the comptime. There will not be any overtime work for those who insist on being paid. Under the Ashcroft bill, discrimination in awarding overtime will be perfectly legal. Do we understand that? Discrimination against workers who refuse to sign on for the comptime provisions, the flexible credit hours or the so-called 80-hour biweekly schedule—discrimination against such workers will be perfectly legal. For example, let's take a worker in a plant who says, I am not going to go for that program. I want to play by the rules just as we have them now, a 40-hour week. I want to work overtime and get my time and a half. This bill gives the employer new powers—new powers. Time-and-a-half pay for overtime was the rule for all the workers in that place. Now, under this bill, it is different. Now the employer can go up and say, OK, so that is your position. The employer can then go to the next worker and say, What about you? Do you want to sign on for the flexible credit program that means you work overtime this week and get paid straight time without time and a half? Would you like to do that? Do you want that instead of time and a half?

Let's assume that this worker says, OK, I'll take that. I ought to be getting time and a half, which I would under the present law, but we have a new law. We have a new law called the comptime law, and it's supposedly family friendly. So if that is what I have to do, OK, I'll do it. I will work the extra time and just get paid straight time.

Now, what happens next? You come now to the third worker who says, All right, I will take the abolition of the 40-hour week. I'll work 60 or 70 hours one week and 10 in the next. So this worker is signed up.

Then, assume that the business gets a little overtime work. Do you think they are going to go back to the person who wants to get paid time and a half? Or do you think they will go to the person who takes the straight time, requiring no extra pay? Of course, the business will go to that person. That is what this bill is all about.

When we said in the Labor Committee, all right, if you are going to go this route, don't discriminate against those who participate, who want the existing law now—that amendment was rejected. Turned down, by a party line vote.

I wonder if, in the back of the minds of those who are the principal supporters, they know exactly what they are going to do. If they have this bill passed, they are not going to give any of the overtime to those people who insist on getting time and a half pay for overtime work. Instead, they'll assign the overtime work to workers who will accept flexible credit hours. Flexible credits are nothing more than saying I will do overtime but I will get paid straight time.

We must remember, again, who we are talking about. We are talking about the people who will get hurt the most. Mr. President, 56 percent of employees earning overtime have only a high school diploma or less. Do you know how hard it is to get ahead today, no matter how hard you work, without more education? We don't seem to dwell on that here on the floor of the Senate of the United States. The more you learn the more you earn. It is not always true, but it is by and large true. Yet these are the hard-working people who need the overtime pay to continue their education.

Millions of those affected by this bill rely on the overtime to make ends meet because they only earn the minimum wage. They are minimum wage earners—60 percent of them are women, a third of them are the sole breadwinner in their families. Mr. President, 2.3 million children rely on parents who earn the minimum wage, parents who hope their children do not get sick because they cannot afford a doctor. They are out there working, but they cannot afford a doctor for their children. If they make a little more money, it makes them ineligible for Medicaid, but they cannot afford the premiums for private health insurance. Children make up another group we are trying to provide some relief for, under the leadership of Senator HATCH, to try to make sure at least they are going to get some health care. I hope those on the other side of the aisle who are speaking so eloquently about the needs of these working families are going to be out there giving us a hand in trying to do something about their health care costs.

Interviews conducted by the Women's Legal Defense Fund demonstrate the sacrifice American women are making in support of corporate flexibility, such as a waitress who was involuntarily changed to a night shift despite the fact she had no child care for evening hours. One working mother expressed the bitter frustration of many when she said, "My life feels like I am wearing shoes that are two sizes too small." Millions of these low-wage workers are already working two jobs to make ends meet. They need to work every hour they can and be paid for it. Over 400,000 employees, well over half of them women, are working two jobs. They need the resources so badly they are working two jobs. But this bill is going to open up the opportunity for their exploitation.

I want to comment on what is, I believe, the fundamental issue. We now know who is really for this bill. We know that amendments to try to strengthen the bill against the possibility of exploitation were defeated in committee. I also mentioned others we offered to try to deal with other very important features of the bill.

But I also want to offer a general response to some of the points that were brought up by my friend and colleague from Missouri last Friday. After I discussed the Family and Medical Leave Act he said: I would like to ask the Senator from Massachusetts whether he believes that this abolishes the Family and Medical Leave Act.

Let me tell my colleague why I raised the Family and Medical Leave Act. I raised it on the floor because the Republicans rejected the two amendments to expand the Family and Medical Leave Act in committee. The Senator from Missouri said Friday that the Family and Medical Leave Act and S. 4 are compatible. Obviously, his Republican colleagues in the committee did not think so. On a straight party line vote, as I mentioned earlier, Senator DODD's amendment to extend the availability of family and medical leave to workers in businesses with between 25 and 50 employees was rejected. On a similar vote they rejected Senator MURRAY's amendment to allow 24 hours of leave a year to attend parent-teacher meetings.

This debate is not about the changing demographics of the work force. We are all aware that in more than 60 percent of two-parent families with young children, both parents are now working outside the home. Working parents need more opportunity to take time off from their work to be with their children. The debate is over how best to provide that time.

Those of us who oppose S. 4 believe that it does a very poor job of providing employees with time off at those times when they need it most. S. 4 is designed to meet employer needs, not employee needs. The legislation purports to let employees make the choice between overtime pay and comptime, but it does not contain the protections necessary to ensure that employees are free to choose without fear of reprisal. It is the employer, not the employee, who decides what forms of comptime and flextime will be available at the workplace. There is no freedom of choice for workers.

This is really a Hobson's choice. It says: We are going to change today's existing protections for what is really a pig in a poke. So if the employee signs on, he or she is going to have a series of choices. But they are all going to be bad choices. They are all going to be bad choices, that are not in the employee's interest. Under this bill, employees will indeed have some choices, but they are all going to be the bad choices. Let me explain.

The worker goes to work in the plant. The employer comes up and says, This is a voluntary program. You can either play by the rules as we do at the present time or, as I mentioned, you can sign on for the comptime provisions. Or you can do the flexible credit hours, and we can abolish the 40-hour week. Which one of these, or all of them, do you want? You would like all of them? If the employee agrees, that agreement does not even have to be a written statement. It can be an oral statement. It has to be written if employees are trying to get out of one of these programs, but it can be oral for employees to get in. Very interesting; I wonder why. Why do they not treat the employer and employee the same way? If employees believe somehow they are in the program, they have to write a written statement to get out. But an oral statement is enough to get you in.

Again, that doesn't apply to the Federal employees, which we hear so much about; again, that is a decision made purely by the employee.

Imagine a situation where employees say, Look, I really need that money. I like time and a half. That's what I get now. But I need this money so badly in order to provide for my kids, getting their teeth fixed, I will work the extra hours just for straight time.

The employer will respond, Fine. You are on. You are on. Look, it's voluntary. You are on. You wanted to do that, you are stating that, OK, you are on.

Now imagine that the employer needs a little overtime work. Do you think he is going back to the person who wants time and a half? Of course not. Of course not. Of course not.

They are going to go to the employee who says, "Look, you can work me 60 hours a week." So that employer is going to say, "I'm going to assign overtime work only to those who go for the flexible credit hours, and those who will go for the 60- or 70-hour week, because then I don't have to pay the overtime."

Mr. President, that is what this bill provides. We can hear this is voluntary. But we all know that it isn't really voluntary for those workers who need the overtime work so much that they will agree to work for less than time and a half. This bill is really voluntary only for the employer. The employer can decide unilaterally to which employees they will assign overtime work, and choose options from this bill that cut workers' pay and undermine the 40-hour week.

I also want to mention what the current law permits, and then I will come back to the analysis.

If employers want to provide family friendly arrangements, they can do so under the current law. The key is the 40-hour week. Normally, employees work five 8-hour days a week, but more flexible arrangements are possible. Employers can schedule workers for four 10-hour days a week, with the fifth day off, paid at the regular rate for each hour. No overtime is required. Employers have that flexibility today.

Supporters of S. 4 ask, "What if you want Friday off?" Well, you can have Friday off under current law if employers want to benefit their employees. We heard so much during last week's debate on this bill that employers care so much about the employees that they are really going to take care of them. But employers can do that today under the existing law. They can give employees a half day off on Fridays, and no overtime is required. They can arrange a work schedule for four 9-hour days plus a 4-hour day on the fifth day, again without paying a dime of overtime.

Under the current law, employees can even vary their hours enough to have a 3-day weekend every other week.

Employers can also offer genuine flextime. This allows employers to schedule an 8-hour day around core hours of 10 to 3 and let employees decide whether they want to work 7 a.m.

to 3 p.m. or 10 a.m. to 6 p.m. This, too, costs employers not a penny more.

But only a tiny fraction of the employers use these or the many other flexible arrangements available under current law. The Bureau of Labor Statistics found in 1991, that only 10 percent of hourly employees are offered flexible schedules. The current law offers a host of family friendly flexible schedules today, yet virtually no employers provide them.

This bill, Mr. President, has to lead us to a different conclusion. If employers have the flexibility today, if they can do it, and they are not doing it, I think it is fair to reach a simple conclusion. That is, employers want to offer flexible working arrangements only if they can also cut workers' wages. That is why employer groups support this bill. That is the record. All the employer groups unanimously support it. Obviously, it is not just small businesses which wish to cut the pay and substitute some less expensive benefit instead.

As I was just mentioning about the comments made on the floor last week, this bill gives the employer choices, and not employees. Those of us who oppose S. 4 believe it does a very poor job of providing employees the time off at the times they need it. S. 4 is designed to meet the employer's needs, not the employee's needs. I mentioned last week one of the key differences between this bill and the Federal employee program—that is, the transfer in the decisionmaking power from the employee to the employer. We heard so much about Federal employees: "We are just doing here for the private sector what the Government has already done for Government employees." We heard that for a long time. But then, last week I picked up the statute book and saw that, in the Federal Government, the employees make the decision. But not under this bill, Mr. President.

The way this bill is designed, which I described in some detail last Friday, gives the employer the ultimate decision about whether he or she has been given reasonable notice of a worker's request to use comptime and whether the use of the time will unduly disrupt the employer's operations. Even if the employer violates this standard, even if the employer arbitrary denies a reasonable request, do you think that there is any enforcement mechanism in the bill? Do you think there are any penalties in this area? Absolutely none. What do you think that says to the employers? That gives them the whole enchilada. They make the decision on whether the request is reasonable, they make the decision whether it will unduly disrupt, and if they make it wrong, there is nothing that will happen to them. Mr. President, who are we kidding—that gives all the authority and all the power to those employers.

An employer can lawfully deny all overtime work to those employees who want to be paid and give overtime exclusively to workers who will accept the comptime in lieu of pay. There is no freedom of choice for workers.

A working mother may want a particular day off so that she can accompany her child to a school event or a doctor's appointment. Nothing in this legislation requires the employer to give her the day off she requests. The employer decides when it is convenient for her to use her accrued comptime. There is no freedom of choice for workers.

The employee witnesses cited in the Republican majority report, Christine Korzendorfer and Sandie Moneypenny, emphasized the importance of employee choice in their testimony. Ms. Korzendorfer, on whom the Senator from Missouri focused in his remarks, told the Employment and Training Subcommittee: "What makes this idea appealing is that I would be able to choose which option best suits my situation." But those who brought Ms. Korzendorfer to testify did not tell her who controlled that decision. Under S. 4, it is the employer alone who determines what flexibility is available in her schedule.

Ms. Moneypenny testified, "If I could 'bank' my overtime, I wouldn't have to worry about missing work if my child gets sick on a Monday or Tuesday." The problem is that the Republican bill doesn't give her that opportunity. Her employer has no obligation to let her use the accrued comptime on the days her child needs to see a doctor. There is no guarantee in this bill—absolutely none.

The Senator from Missouri went to great lengths to rebut my contention that on crucial issues, S. 4 gives the choice to the employer, not the employee. His defense of the legislation is that the employee can choose not to participate in the first place and can choose to withdraw from the program later. He refers to this as the choice to change his or her mind if the program is not working fairly. Contrary to the Senator from Missouri, I do not consider that to be much of a choice at all.

If workers try to opt out, if they say, "I have worked these flexible credit hours until I am blue in the face and I'm not getting the pay or the time off that I need, so I want out of it," does anybody think that that individual is ever, ever going to be assigned overtime work again?

This bill totally ignores what is really happening in the workforce. Last year, the Department of Labor awarded backpay for unpaid overtime to 170,000 employees. The Department ordered the payment of over $100 million to those workers, whose employers had unlawfully failed to pay them overtime. That is the reality of the workplace today.

And where is it happening? Among hourly workers—precisely those who would be affected by this bill. That is happening in workplaces all across the country as we sit here in this Chamber. The president of the U.S. Chamber of Conmmerce testified before the Labor Committee that we did not need to be concerned about abuses under this bill, or about exploitation of workers under this bill because, as he put it "Employers cherish their employees." Yet that same individual testified that the 170,000 workers who were illegally denied overtime pay in 1996 alone were just a microdot on the economy. What kind of cherishing is that? The supporters of this bill have their heads in the sand. Their idea of the American workplace defies the reality of what is happening to hourly workers, over 80 percent of whom earn $28,000 or less. We know where those employees are working. We know about the failure to give them overtime. We know what those working conditions are. How many studies, how many reviews, how many inspections have to be done? We know what will happen to an employee when he or she says, "Well, I'm out of it now, I want to get out of it."

If we are truly concerned about the employee's need for flexibility to juggle work and family obligations, we should design a program that really works. I do not consider it to be an appropriate response to say, in essence, if the employees don't like what we give them, they can reject it and get no time off at all. I think we have a greater obligation to draft legislation which genuinely addresses the real needs of workers.

The Senator from Missouri denied this bill will result in a pay cut. As presented, S. 4 would allow an employer to deny overtime work to employees who insisted on receiving overtime pay. All the overtime work could go to the employees who agreed to take comptime. Those who wanted overtime pay would no longer receive any of the extra work. Their paychecks would be reduced, and, in plain English, that is a cut in pay.

Furthermore, under the biweekly work schedule and the flexible credit hour provisions, employees who work more than 40 hours a week will no longer receive time and a half in their wages or in time off. For example, Mr. President, imagine an employee who says, "Look, I really need to get that time for my children on Monday—let me use 8 hours of comptime on Monday." And let's imagine that the employer says, "OK, you can use 8 hours of comptime on Monday." But, the way this bill is drafted, when the employee comes back to work, he or she can be forced to make up the time on Saturday, and the employer doesn't even have to pay time-and-a-half.

So mom or dad gets the children on Monday but loses them on Saturday.

These are the kinds of things that this bill permits. We offered an amendment in the committee to fix this problem. It would have required that comptime hours when used be counted as hours worked for purposes of calculating workers' entitlement to overtime and benefits. Do you think we got support? We tried to make those adjustments in the legislation. "No, no," said our Republican colleagues, in another straight party-line vote.

As the Senator from Missouri noted, a loss of pay "creates undue stress." We should not permit it to happen, but it will happen if S. 4 is enacted.

All of the problems with S. 4 I have described this morning—the failure to ensure employees the right to use comptime when they choose; the failure to prevent employers from discriminating in allocating overtime work; the failure to preserve the principle of the 40-hour workweek; and the failure to treat comptime hours used as hours worked could easily be corrected. In the Labor Committee, the Democratic members offered amendments to correct these flaws. Each was rejected. Each was rejected. Each one of those would have given greater power to the employees. All of them were turned down.

The refusal of the Republican majority to make these changes—to present legislation that would truly empower workers to make real choices—speaks for itself. The real intent of S. 4 is to create choices for employers, not employees. We can do better. Let's enact a bill that gives those choices to working men and women so they are free to do what is best for their families.

Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, last Friday, we had the privilege of beginning our discussion of the Family Friendly Workplace Act. During that debate, the Senator from Massachusetts asked an important question of the sponsors of S. 4. He put the question this way: Who's side are you on?

I want to answer that question very clearly: We are on the side of the workers of this great nation. We are on the side of giving American workers the capacity to be better fathers and mothers, sons and daughters. We are on the side of providing a framework so workers can adequately balance the competing demands of work and family. We are on the side of giving the 59.2 million private sector hourly workers the ability to work flexible work schedules that already are enjoyed by the 66 million American workers who enjoy flexible working arrangements.

Who's for flextime? I think it is an important question that has been asked. A Penn and Schoen survey reports that 75 percent of the public supports the choice of comptime; 64 percent of the public prefers time off to more pay, given the choice. They want to have the choice to take time off instead of receiving more pay.

Federal workers now have the same flextime arrangements that are offered in this legislation; 74 percent say that it boosts their morale; 72 percent have more time with their families.

It is time to provide this same benefit we provide in Government to people in the private sector. Working Woman and Working Mother magazines both endorse this particular proposal of flextime, because they believe that it is essential that we have more capacity to accommodate the competing demands of flexible working arrangements and our families. We are on the side of working women who have said that flexibility is what they need to meet the competing demands of work and family. We are for women who, in the Department of Labor's working women count report to the President stated that, "The No. 1 issue women want to bring to the attention of the President is the difficulty of balancing work and family obligations."

As I mentioned, Working Mother magazine says it supports this legislation. Working Woman magazine also supports this legislation—in its approval of this bill—the editors said that we should give women what they want and not what Congress thinks they need.

Why should we want to give flexible work arrangements to these workers? What does it mean for their families? What does it mean for their lives? The workers enjoying the benefits can tell you. The executives in the boardroom can tell you how important it is to be able to accommodate their family needs through flexible scheduling. The salaried workers of America—supervisors, managers, stockbrokers, bankers, and lawyers can tell you how flexible working arrangements give them opportunities to leave work early when needed to watch their child play in a ball game or go talk to a parent-teacher conference, or take care of personal business that cannot be done on the weekend.

Of course, Federal workers, and many State and local government workers, who have comptime can tell you what the benefit of being able to go home to be with their sick child instead of worrying about that child. Congress recognized the benefit of flexible work arrangements and passed the Federal Employees Flexible and Compressed Work Schedules Act almost 20 years ago. This act allowed Federal Government employees to enjoy flexible work schedules, which still are illegal for the rest of America's private sector hourly workers. That disparity between what we have provided as an opportunity for Federal workers and which we make illegal for people in the private sector is a disparity which the people of America are uncomfortable with, and they expect us to change.

The Federal Employees Flexible and Compressed Work Schedules Act allows hourly workers to work an extra hour one week in order to work 1 hour less the following week, something that is illegal now. It allows Federal Government employees paid by the hour to work on biweekly schedules, at their option. This allows a worker to work 5 days one week, 4 days the next, and have every other Friday off.

When surveyed about the program among the workers who have it in the Federal Government, it is interesting that Federal workers, on a 10-to-1 basis—actually, better than 10-to-1 basis—stated they like the program and they wanted it to continue. No wonder. Today, almost 20 years after giving this benefit to workers in the Federal Government, it is still illegal for private sector employers to cooperate with their employees in the same respect.

As far back as 1945, the Congress of the United States recognized that some times, when employees work overtime, they would rather have some extra time off rather than the money. Congress recognized that no matter how much money you get for overtime, you cannot replace the time you need with your family, so they amended the Federal Employees Pay Act to allow Federal Government employees the choice between being compensated for overtime work and being able to take time off with pay. In 1985, Congress gave the same choice to State and local government employees, in terms of comptime opportunities. These workers can take time off with pay at a later date, instead of being paid cash for time-and-a-half overtime.

Congress acknowledged that sometimes time is more valuable than money and that Congress is not in a place to make that decision for every worker. However, right now Congress is making that decision for private sector hourly workers. Congress is making that decision because there is no option, under the law, for employees to choose to take time off later over monetary compensation.

Now, the squeeze on people for time has never been more dramatic than it is at this time. Yet some Members of Congress continue to fight giving the same option of flexible scheduling to private sector employees that we have given to Federal Government employees. They fight giving compensatory time off options to private sector workers even though they supported such measures for State and local government employees just 12 short years ago.

The Family Friendly Workplace Act would give all hourly workers this same opportunity to make such choices.

Now, President Clinton recognized the benefits of flexible work schedules himself when he directed the use of flexible work arrangements for executive branch employees. On July 11, 1994, he said:

> Broad use of flexible working arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

It sounds like the President was endorsing the concept. I agree with his statement. I urge him to be on the side of the rest of the workers, not just the Government workers of America. I urge him to join us in saying that all hourly paid workers in America should have this opportunity to cooperate with their employers to work for comptime off instead of paid overtime when they prefer comptime off.

It is important to note that this legislation would impose taking time off on no one, and anyone, even if they made a choice to take time off, could later convert that to paid time merely by saying so. The bill provides that second choice.

I think it is important for us to say whose side are we on. I think we are on the side of the private sector, hourly workers in this country. Everyone agrees that flexible work arrangements have been good for Federal employees, for salaried workers, for State and local workers in terms of comptime provisions. Every study that has ever been done on the subject concludes that these arrangements are beneficial to workers.

So why is that group of hard-working Americans, the laborers of this Nation who work on an hourly basis—the store clerks, the mechanics, the factory workers, the clerical workers, baggage handlers, gas station attendants—why are they denied the opportunities for this benefit? Could it be that the Congress has the arrogance to decide that no worker could make such a choice for himself, that these workers are incapable?

I believe that is outrageous. We should no longer say, "You cannot make this decision, we must make it for you." We should say to these workers, you have the same capacity and right to cooperate with your employer to make decisions about time off and about flexible working arrangements, and about scheduling as do the Federal workers and workers at State and local governmental entities.

That is whose side we are on. Everyone in the culture, other than hourly workers, now has a real shot at flexible working arrangements and compensatory time. The boardroom has it. When the boss goes to play golf on Friday afternoons, he knows of the value of flextime. It is high time, if the boss is capable of doing that, he should at least be able to cooperate with employees who need to spend time with their family to provide such opportunities for hourly workers, as well.

So I ask the opponents of this legislation, whose side are you on? Are you on the side of working women who sit at their desk worrying about a sick child because they cannot afford to take time off from work without pay, while their salaried coworkers leave for their sons' soccer games? Are you on the side of working men who pack their lunch every day and go to work only to go home to look at pictures of their child's award assembly, pictures which show that the business executives were proudly at the side of their children while his child accepts the award?

Are you on the side of Christine Kordendorfer who wanted the option of occasionally taking her overtime compensation in the form of time off rather than pay to care for her growing family and take care of her health in the last stages of her pregnancy? Are you on the side of Arlyce Robinson who came in to testify that she wants to take some time off as a result of flextime, so she can participate in her four grandchildren's extracurricular activities? Or are you on the side of the special interests? Are you on the side of the organizations designed to represent the interests of America's workers, who just this Sunday began running ads opposed to this legislation?

Let me just say I was stunned when those organizations, which purport to be helping American workers, began running television ads against this legislation. The television ads were replete with misrepresentation. Here is the text of the ad: "Big business is moving to gut a law protecting our right to overtime pay. If they win, employers could pay workers with time off instead of money." That is simply false, that the employer would have a unilateral right. As a matter of fact, it takes a request by the employee in order for that to happen. They say that the choice will be up to employers. They say that there are no real safeguards to keep employers from pressuring workers to accept time off or to telling them when to take the time off.

The fact of the matter is the bill itself contains safeguards that are substantial. The bill provides that there can be no coercion, either direct coercion or indirect coercion. I will read from the bill, line 14 on page 15: "An employer that provides compensatory time off under paragraph 2 to an employee shall not directly or indirectly intimidate, threaten, coerce or attempt to intimidate, threaten or coerce any employee for the purpose of," and then it goes on, "including interfering with the rights of the employee to use accrued compensatory time off in accordance with this law, or requiring, threatening or coercing them in terms of requiring the employee to use compensatory time off." When you go to the definition provided in the law about intimidation and coercion, either direct or indirect, you find out that relates to conferring a benefit or denying a benefit.

Now the Senator from Massachusetts has repeatedly said employers would be free to offer benefits like overtime work and extra pay, which he categorizes as a benefit to those who would choose one form or another of compensation. The bill itself unmistakably challenges the charges levied in the AFL–CIO spots against this matter.

This ad says, "You could work up to 40 additional hours in a week before qualifying for overtime." Up to 40 additional hours in a week before qualifying for overtime, suggesting that an employer could make an employee work an 80-hour week. That is a total falsehood. To do that, to say that, knowing this bill does not provide that, is to lie.

It is important for us to know that the real provisions of this bill outlaw specifically direct and indirect coercion. They outlaw intimidation. They outlaw the promise of a benefit, or the conference of a benefit to an individual to shape or to otherwise distort the decisionmaking that is voluntary, and it is supposed to be voluntary and guaranteed to be voluntary under this bill.

I think it is shameful that the AFL–CIO would seek to impair the ability of hourly workers in this country to have the benefit. It is the same kind of flexibility that workers at the salaried level, at the boardroom, at the management level, at the supervisory level, have long had. It is sad—twisted, that these ads began running on Mother's Day. Frankly, the best Mother's Day present we could have given to the United States of America would have been flexible working arrangements that would have made possible mothers spending more time with their families, fathers spending more time with their families, fathers and mothers spending more time with each other and their children. On the day set aside to recognize the valuable contributions that mothers make in our society, the labor lobby was beginning a campaign opposing this bill rather than embracing a change that would enhance the lives of mothers across this great land.

Rather than supporting public policy to make workers' lives easier, the labor lobby found out that the Members on the other side of the aisle recognize how important it is to give American workers these options. The labor lobby realized that Congress is going to work together to ensure America's families a brighter future, so the labor lobby interests in Washington took money, paid out of the pockets of hard-working Americans—it is from the very workers who would benefit from these scheduling options—yet they are spending the worker's money on ads opposing this legislation. These ads are a lie. These ads were strategically targeted to those Members on the other side of the aisle who have expressed an interest in working with us on this issue.

When I first introduced this legislation back in 1995, the labor lobby ran similar ads in my State. However, the ads backfired as their lies were exposed. As concerned constituents called my office, they found out the truth about the legislation. Many of them told me not to listen to the voice of the opposition coming from the labor lobby. They told me that, as workers, they were interested in this kind of flexibility. They told me that these scheduling options would enhance their lives. They recognized the fact that the labor lobby should be leading this fight, leading the charge to help get workers more scheduling options. In fact, these constituents resented the fact that the labor lobby in Washington had abandoned their traditional promoting of workers' interests.

Knowing that some of this body's strongest opponents of this bill supported these flexible scheduling options for Federal Government workers makes me wonder whose side they are on. Knowing that just 12 years ago these same opponents not only supported comptime options for State and local government employees, but cosponsored the legislation, I wonder whose drum they are marching to now. Is it the drumbeat of the American worker who needs to have the opportunity for flexible scheduling? Or is it the cadence that is being called by the labor union leaders in Washington? I wonder whose side they are on when there are much greater protections in this bill than the bills they have supported in the past.

This bill is replete with protections for workers that are not included in the bill that is providing the same framework of options for Federal employees. Under the legislation giving State and local government workers comptime options, cosponsored by the opponents, comptime can be made a condition of employment. It can't be a condition of employment here. There is no protection of a worker against coercion. Under this legislation coercion or even attempted coercion would be a violation of the law. We have rules against coercion and intimidation. State and local government agencies can force the employee to use their comptime when it is convenient for the agency, even though that practice has been successfully challenged in some courts. That is the provision they allowed in the bill they passed for State and local governments. We have protections against that happening in this bill.

Last but not least, in the bill that they sponsored and passed for State and local government authorities, there were absolutely no cash-out provisions for the workers. The bill that is before us allows a worker who has said, "I will take my time in comptime," any time prior to taking the time off with pay, later on, can say, "No, I would like the money, the time and a half overtime. I will be working to gain additional hours later." So the worker has a choice in the first instance to say, yes, I would like to have some comptime or not and work time and a half—that is the worker's choice. It can't be imposed on him, by the terms of the legislation, with a stiff penalty.

A second choice is an option of the worker. At any time prior to taking the time off, the worker can say, "I changed my mind. I would like to have the money." That is not an option under legislation cosponsored by opponents of this bill. That is not a protection that was included by those who sponsored the measure for State and local governments. They didn't have that protection there. We have it here. Further, there is another protection. At the end of every year, these hours have to be cashed out if they are not taken in this bill. Were those protections in the items sponsored by those who oppose this bill for State and local workers? Not on your life. They are demanding a much higher standard here because they are marching to the beat of a different drum.

I submit to you that it is important to know whose side we are on in this legislation. I say it is time that we be on the side of American workers and their families. For a long enough time we have been on the side of those individuals whose effort is made in Government. For the last 20 years, we have had these kinds of flexible arrangements. Federal Government workers enjoy using them at a 10-to-1 rate. They say these schedules improve their morale and give workers more time to spend with their families. Last week, they interviewed working mothers in the United States of America, and 81 percent of them said flexible working arrangements would be very important. Yes, that is whose side are we on?

Now, those who oppose this call this a "paycheck reduction act." I don't know how they can call this the paycheck reduction act with a straight face, because there answer it to create more unpaid leave. They say we should not do this, we should expand family and medical leave. Family and medical leave is nothing more than the right to take time off without pay. Here we have a flexible working arrangement proposal which would give people the right to take time off with pay. I think the American people want to have time off with pay. So who's side are we on?

Let's go to the statistics from the Family and Medical Leave Commission report. The Family and Medical Leave Commission report says what happens when people take time off without pay—which is really the way you reduce your paycheck, by taking time off without pay. Here is what happens: Twenty-eight percent of all the people who took time off had to make ends meet by borrowing money. This is from the report of the Commission on Family and Medical Leave. Senator DODD chaired this Commission. The Commission reported that 28.1 percent had to borrow money; 10.4 percent of the people who took time off under family and medical leave went on welfare in order to accommodate the reduction in pay; 41.9 percent said they had to put off paying bills. The opponents of this legislation are just offering more additional leave without pay, so that another 40, 41, or 42 percent of the people have to go without paying their bills, or another 10.5 percent will have to go on welfare, or close to 30 percent will have to go out and borrow money.

Whose side are we on? How can you call this the paycheck reduction act, which would provide individuals the opportunity to take time off without taking the pay cut? They could use comptime or take time off by using flextime. It just is beyond me to think that we would reject this opportunity for Americans to spend time with their families. It is beyond me that we would reject this opportunity to give Americans time to accommodate their needs outside the workplace by taking comptime off or using flextime and still get paid for it only to have the other side allege that this is a paycheck reduction act. I cannot believe that after calling this bill the paycheck reduction act, that they can claim the real solution to this problem is to put more people in the position where, according to the Family and Medical Leave Commission, 28.1 percent of them had to borrow money, 10.4 percent had to go on welfare, and 41.9 percent had to say to creditors, "I am not going to be able to pay you." This isn't what Americans want. No wonder 75 out of 100 people in this culture say we really want more flexible working arrangements.

Now, I just add that nothing in this measure impairs the ability of anyone to take time off under family and medical leave. That time is still available. This doesn't abolish family and medical leave. Every single hour of family and medical leave that exists—if a person prefers to take time off with a pay cut, they will be able to use that and there will be times when they may have to. This is a different set of options.

This bill doesn't say we will no longer have family and medical leave. It is not incompatible with it. It doesn't outlaw it. People will be able to, if they need or want to, say, "Because I meet the conditions of the Family and Medical Leave Act, I am going to take time off." That is appropriate. We want workers to have that choice and to add to workers another range of choices. It doesn't in any way impair their ability to choose time off under family and medical leave. That is still there. This is merely a way to say to them, if you don't find that comfortable, if you are tired of having to go on welfare and put off bills or borrow money in order to take time off under family and medical leave—you might want to try another way of doing it. Instead of being paid time and a half sometime when you have overtime to work, you would put it in a comptime bank, so later on, when you needed time off to be with a sick child or to go get your car license renewed and stand in that silly line at the department of motor vehicles during working hours when you normally can't do that, you could do it and you don't have to take a pay cut.

The truth of the matter is, this is not the paycheck reduction act at all. This is the way to take time off with pay. The American people believe, I think, a lot of things and, given the amount of misinformation, I guess that is expected. But they will not believe that compensatory time off is taking a pay cut. If you earn time and a half as a result of working some overtime and you are going to take time off the next week and still get paid for it, that means you get time off without a pay cut, not that you get time off with a pay cut. So I think it is important for us to understand that.

The Senator from Massachusetts thinks that there are tremendous opportunities for abuse, in the event we would average the work week over 80 hours instead of 40 hours and only at the option of the worker—only with the approval of the worker. He talks about the potential abuse of an employer choosing one person as opposed to another person for overtime. Yet, he lauds the current system. I guess his point is that if they want somebody to work overtime on Monday, they can say, "Who will work it tonight and take a couple hours off on Friday afternoon?" He thinks that is OK as long as it is done within 1 week. But over a 2-week period it is somehow a great threat. Employers would be abusive in a 2-week stretch, but not in a 40-hour stretch.

Get serious. The truth of the matter is that we ought to understand that, where there are abuses, we ought to have strict, tough enforcement, and I think we can agree on that. We have doubled the penalty for abuses under this law. But to make it illegal for an individual to take an hour off on Friday and make it up the next Monday is inappropriate and should be changed. For the life of me, I can't believe that we should persist in that respect. We have seen how this works. We have watched it work in State and local government and in the Federal Government. We haven't been overrun by a series of complaints. We certainly haven't been inundated by a demand to change the bill. It has been in place for 19 years now and is working very well. You would think if this is the kind of thing that was abusive, we would at least have some people talking about it.

I should emphasize, and I want to make very clear to those who would be watching, that nothing in this law mandates any worker to take time off instead of being paid time and a half for overtime. Everything in this law provides penalties for an employer who would coerce a worker into doing so. Nothing in this law provides any mandate that a worker would have to build up a bank of flextime hours. A lot of workers might like to do that. In the event they needed time off, they would not have to take a pay cut in order to get it.

Flexible working arrangements are enjoyed by the managers, by those in the boardroom, by supervisors, Presidents, CEO's, and corporate treasurers. As a matter of fact, 66 million workers have flexible working arrangements. Only 59 million hourly paid individuals don't. It is time for us to accord to these individuals the same option of working together with their employers so they can accommodate the needs of their families and work at their jobs. It should be unnecessary to take a pay cut to be a good mom or dad in America. Flexible working arrangements would make it possible for people to meet the needs of their families without taking a pay cut.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Minnesota.

Mr. HARKIN addressed the Chair.

Mr. WELLSTONE. Mr. President, I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that there is no time control.

The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Senator. I should not take more than 15 minutes. Mr. President, listening to my friend from Missouri expound on the wonders and benefits of this bill, once again, reminds me of what I have often said about the U.S. Senate and the 100 Members that comprise this body. There are no bad people in the U.S. Senate. I can honestly say that I like each and every individual here in the Senate. There are no bad people here.

There are just a lot of bad ideas. Listening to this explanation of this bill reminds me once again of that truth. The Senator from Missouri is a friend, and he is a good guy, but this happens to be a very bad idea. I think it is terribly mistaken—what this bill would do in the force and effect of this bill. I am going to get into some of those in my remarks, especially on whether or not this really is a paycheck reduction act, because it really is. Of the three options that people have, it actually would reduce their paychecks.

Mr. President, as our workplace has changed the number of two-parent families has increased. Workers deserve relief to meet the demands of everyday life. That is why, for example, I support, like a number of people here, the Family and Medical Leave Act to allow workers to take time off to care for newborn children, or ailing relatives, without fear of losing their jobs.

Mr. President, millions of Americans have been helped by this landmark law. Now I believe it is time that we expand this profamily protection to provide parents with a little time off from work to attend a parent-teacher conference, or a doctor's appointment for their child.

I have worked my entire career in the House and the Senate to try to improve the lives of working families, and that includes comptime. I support giving families more flexibility to balance their work and family lives, and I am hopeful that we can pass such a bill. However, this bill before us, designated S. 4, is truly a wolf in sheep's clothing. It is a sham. This bill offers the appearance of employee choice but it is not the reality. The appearance but not the reality. In the Labor Committee markup of this bill several amendments were offered to improve this bill to provide real choice and protection for workers. All were rejected on party-line votes. I am going to go through some of them.

I am deeply concerned that this legislation will actually take families in the wrong direction. It gives the employers more flexibility to get out of their overtime obligations rather than giving employees more flexibility to spend time with their families. It will leave workers with less money, not more flexibility, and should be really titled "Paycheck Reduction Act." A genuine comptime bill must provide employees with choice, protection, and flexibility. It has to be commonsense and profamily, and S. 4 falls short on all of those counts.

Supporters claim that S. 4 allows employees to make the choice between overtime pay and comptime, but it doesn't contain the protections that are necessary to ensure that employees have free choice and are free from reprisal. Under this legislation, the employer holds all the cards. The employer chooses what options to provide the flexible work options to, and when the employees can exercise the options. It is also seriously lacking in other important employee protection measures which would ensure flexibility and not a reduction in benefits.

S. 4 outlines three flexible work options, the employer—not the employee—gets to pick what flexible options to provide. An employer could either offer comptime in lieu of overtime pay; second, a biweekly work schedule; third, flexible credit hours. Two of these three options would effectively relieve an employer of their overtime obligations, and result in an actual paycheck reduction for the employee. In effect, S. 4 would eliminate the guarantee of pay for overtime work for over 64 million workers.

Again, when I think about it, what rational employer would not want to maximize profits and savings with their company? The employer has to answer to the shareholders, to the stockholders. They want to maximize that. I understand that dynamic. But on the other side of that equation there must be provisions to protect the employee so that you can have a balance in those scales. This bill does not provide that kind of balance. All of the help goes to the employer and not to the employee.

Again, I understand that employers want to maximize profits. That is their business. They want to ensure that their shareholders get the best return. That is their business. Our business ought to be to ensure that the workers have their rights protected to even out that balance to provide the kind of support for the workers so that this time and their work and their schedules are not totally determined by the employer. That is what this bill does. This bill gives it all to the employer. For example, under the biweekly work schedule, the employer could choose to abandon the 40-hour work week altogether. An employer would not be obligated to pay overtime until an employee works over 80 hours during a 2-week period. So in effect an employee could work 60 hours one week, 20 hours the next week, and receive no overtime pay, or even comptime. Under this scheme an employer could rig it so that overtime hours are never approved and, therefore, the employer has no overtime obligations. That is factual. I challenge anyone to dispute what I just said right there. It is not in the bill. That is what an employer could do. So not only would this result in less income than the employee would receive under current law for working those same hours and no comptime for those who want that time instead of pay but, I submit to you, Mr. President and others, that a 60-hour workweek isn't very family friendly. Under the biweekly schedule it would be extremely difficult for those workers to arrange for child care, or to plan time with their families if their employer could constantly change their work schedule. That is exactly what could happen: 60 hours one week, 20 the next, 50 the next, 30 the next, 60 one week and 20 the next. How could any employee and their family arrange for child care, or to reasonably plan their schedule? That is one of the options under this bill. So we can see that it really is not very family friendly, and it would take away overtime pay and even comptime.

Under the flexible credit hours provision, an employer could offer the employee an option to work the extra hours but receive only 1 hour of overtime for each extra hour worked. Under existing law an employee would be paid time and a half for extra hours worked. Even with comptime, the employee would at least receive 1½ hours of overtime for every extra hour worked. It is hard to believe that any employee would choose this, unless he or she wasn't given any other choice.

In addition, under S. 4, the flexible work hour arrangements would not have to be made available to all employees. The employer picks who gets to participate. The employer could legally discriminate against workers who need and who want overtime pay instead of comptime, and there are no remedies available to the employee to protect it. Again, let me repeat that. The employer could legally discriminate against workers who need and want overtime pay instead of comptime, and there are no remedies available to the employee which might prevent this.

Instead of having a choice, workers may have it chosen for them, or suffer the consequences. For example, the Senator from Missouri cited parts of the bill which say that the employer could not directly or indirectly intimidate, threaten, coerce, et cetera, or anything like that. OK. But what if the employer did this? He could lawfully stop offering overtime to employees who do not participate in flexible options, or they could give promotions and raises only to those employees who participate. There is nothing in the bill that prohibits that. That sends a strong signal to the employees that they had better participate in what the employer has decided, or they will not get offered overtime, or they don't get the right to promotion, or they don't get the right to raises. There is nothing in this bill that prevents that. So it may be a good deal for the employer but it is a raw deal for the worker who usually receives overtime pay.

This fundamental flaw was outlined clearly during the Labor Committee markup. Senator KENNEDY offered an amendment that would have expressly made it unlawful for an employer to discriminate in awarding overtime, or in awarding overtime based on an employee's willingness to accept comptime instead of overtime pay. It was defeated on a straight party-line vote. Supporters of S. 4 say it prohibits coercion. The bill does not account for the mild but effective pressure employees feel to accommodate their employer. Hourly workers have little leverage in the workplace and are least likely to challenge the employer when it could mean their job, or loss of a promotion, or raise. The workers who rely most heavily on overtime pay are the most vulnerable employees. Consider the following Department of Labor statistics: One-fourth of workers who depend on overtime earn under $12,000 per year. Sixty-one percent earn $20,000, or less. More than 80 percent of overtime recipients earn less than $28,000 a year. When you are making that kind of money, you can't afford to offend your employer.

Supporters of S. 4 often point out that there are remedies when an employer coerces an employee to participate, again a very hollow right. Without more resources for Department of Labor enforcement this is a sham, hollow promise. Employers violate current overtime provisions at an alarming rate. One-third, or 13,687, of the investigations by the Department of Labor in 1996 disclosed overtime violations. The Department ordered over $100 million in back pay for 170,000 workers who were victims of those overtime violations. In addition, there was a backlog of 16,000 unexamined complaints pending at the Department of Labor at the end of 1996. That backlog accounts for about 40 percent of the annual number of complaints. In committee markup, Senator WELLSTONE offered an amendment that would delay the implementation of this bill until the backlog could be reduced to 10 percent. Again, it was defeated on a party-line vote.

You say the employee has a right. They can go to the Department of Labor. They can file a complaint. But look at the odds against you. Look at the odds that you will ever be seen, at the odds that you will ever be compensated if 40 percent of them are still backlogged cases. Plus the fact many of these are low-income workers. They do not know about filing complaints. They don't have an attorney. They are mainly scraping by week to week to take care of their families. If they get in trouble on something like this, they talk about filing a complaint and the employer says, "You know something. I don't like the way you are performing your job." Out the door, fired. They are going to say, "Boy, I am going to take my time and I am going to file this complaint with the Department of Labor, and I am going to hire me an attorney, and I am going to get what is due me"? No. You know what they are going to do? They are out the door looking for a job. They don't have the time and wherewithal to do that. They are out on the streets. They have some kids to feed, and the rent to pay. So when you say that there are remedies, believe me those are very hollow remedies when you look at these statistics.

Again, despite the statistics that demonstrate overtime violations are just the cost of doing business for some industries, S. 4 doesn't make any attempt to exempt such industries from coverage under this bill. For example, even though the Department of Labor has found that half the garment shops in the United States unlawfully pay less than the minimum wage, fail to pay overtime, or use child labor, S. 4 provides this industry a lawful way to get out of their overtime obligations. Think about that. The Department of Labor found that half of the garment shops pay less than the minimum wage, fail to pay overtime, or use child labor. S. 4 would effectively say to this industry you are exempt. This is the way to get out from underneath that. Again, workers in these industries are the most vulnerable to employee coercion, and the least likely to file any complaints.

During the committee markup, Senator WELLSTONE offered an amendment to exclude from coverage workers who would be particularly vulnerable to exploitation should comptime be offered at their worksites. The Wellstone amendment would have excluded employees in the garment industry as well as part-time seasonal and temporary employees, the most vulnerable in our society. Again, the amendment was defeated on a party-line vote.

Under this bill the employer has the last word when an employee can use their comptime. The employer could lawfully deny comptime for any reason and the employee has no recourse. Let me repeat that. The employee has no recourse if the employer denies comptime for any reason. This bill, S. 4, provides that an employee who requests the use of comptime off shall be permitted to use the comptime "within a reasonable period," if it "does not unduly disrupt the operations of the employer." But nowhere in the bill are the terms "reasonable period" and "unduly disrupt" defined. They are not defined. So an employee might give an employer 2 weeks' notice of his or her intent to use comptime to take a child to the doctor and have that request denied on the grounds of insufficient notice or the employer could claim that the time off might unduly disrupt business.

There is no definition in the bill of these terms. Employees work hard to earn their comptime. They should be able to use it within a reasonable time unless it substantially interferes with the employer's operations. No one would want to change that.

Now, again, Senator WELLSTONE offered an amendment to ensure that an employee could actually use the earned comptime when he or she needed to, but, again, the amendment was rejected on a straight party-line vote. Supporters claim they want to offer employees more flexibility, but if the employee has little control over when they can use comptime, where, I ask you, is the flexibility? There is none.

And as if giving the employer all the flexibility was not enough, S. 4 does not even provide for the protection of an employee's comptime. Accumulated comptime is an earned benefit that is accepted instead of overtime pay. S. 4 does not contain sufficient protection to ensure that workers whose employers go bankrupt will have some claim on their unpaid comptime. Let us be straight about this. Comptime is what an employee chooses in lieu of overtime pay. I think that is pretty well accepted by everyone on both sides of the aisle. But what happens when an employer goes bankrupt? Do you have a claim on that? No. In 1994, 845,300 businesses filed for bankruptcy. The rate of failure in the garment industry was 146 per 10,000 firms, twice the national average. In construction the rate of business failure was 91 per 10,000 firms. So comptime should be treated as unpaid wages during a bankruptcy.

In addition, comptime should be calculated as hours worked for the purpose of calculating an employee's entitlement to overtime and certain benefits tied to the number of hours worked. No such protection is found in this bill. No such protection. For example, a worker decides to use 8 hours of banked comptime in order to take a 3-day weekend by taking a Monday off. There is no provision in this bill that would prevent an employer from requiring that employee to work 10 hours Tuesday through Friday without paying overtime because only 40 hours would have been counted as worked.

So you bank the comptime. You take a Monday off for a 3-day weekend. Your kid has a day off from school. There is a teacher conference or something like that. Your kid gets a day off from school on Monday. You say we are going to spend some family time this weekend. So I have got my banked comptime. I want to take Monday off. I come back to work on Tuesday and the employer says, OK, you are working 10 hours every day this week and no overtime. No overtime. Why? Because there would only be 40 hours a week. Talk about a disincentive to take comptime.

So, again, businesses go bankrupt. You have overtime pay that is due you. You have a claim in that bankruptcy court. But if you have banked comptime, you are out of luck. Well, it ought to provide that if you have banked comptime and it goes bankrupt, you ought to have a claim, just as if you had banked overtime pay due you.

Also, there is another interesting little feature about this bill I do not think has been pointed out adequately enough. In many industries, contributions to pensions are made for each hour that the employee works. Overtime hours are considered hours worked for purposes of making contributions to these plans. But under this proposal, workers taking comptime not only will lose overtime pay, but they will suffer a reduction in pension benefits as well.

Imagine that. Imagine that. Now we have said, OK, guess what, employee. We are going to make this flexible, as they say in this bill. As I just pointed out, there isn't really much flexibility for the employee. You can now take comptime in lieu of overtime. But what happens if you have a defined benefit plan, a pension benefit plan. Hours worked including overtime hours would mean that you could also make contributions to that benefit plan. Well, if you take comptime; first of all, you lose the overtime pay. You say, OK, that's fine. I am willing to lose the overtime pay for my comptime. OK, fine, but then you suffer a reduction in your pension benefits as well. Another little twist in this bill that makes it harder for employees to take comptime in lieu of overtime pay.

Now, again, in markup, Senator WELLSTONE offered an amendment to count comptime as hours worked for this very purpose of making contributions to their pension programs. Again, it was defeated on a party line vote.

Now, my friend from Missouri talked a lot about he just wants for people in the private sector to have what Federal employees have because Federal employees have this comptime, so he wants private sector people to have the same thing. Well, all right, first of all, I do not believe that Federal employees should enjoy more rights than private sector employees. I supported the Congressional Accountability Act when we passed it in the last Congress. However, the public and private sector operate under very different circumstances. For one, Government agencies do not go in and out of business like thinly capitalized enterprises in the private sector often do. So when a public sector employee accrues comptime, they can count on eventually receiving the benefits.

But as I just pointed out, in the garment industry or construction, where they have high rates of bankruptcies and failures, you may bank the comptime. They go out of business. You are out of luck. Not so if you work for the Government. You are going to get it.

Also, private sector employers are driven by the profit motive. That is as it should be. And as such they are more likely to press their employees to take comptime rather than to pay overtime. Obviously, as I said, what manager does not want, what employer does not want to maximize their profits to make a higher rate of return for their shareholders? That is their business. So, driven by the profit motive, they would want an employee to take comptime rather than overtime pay.

In addition, aside from having a higher rate of unionized workplaces compared to the private sector, most public workplace employees are under the protection of civil service laws. That means if they are, in fact, singled out because of the choices they have made on the job, there is a set body of law that provides for both substantive remedies and a meaningful procedure in order to enforce their rights. Civil service laws.

For example, in the private sector, an employee can be fired for any reason at the will of the employer. In the public sector, employees can only be fired for good cause. They are entitled to a hearing to determine this. So in the private sector, an employee could be fired for not taking comptime, but not in the public sector—a big difference.

Also, Federal employees are entitled by law to paid sick leave, paid vacation, health and retirement benefits. If we could amend this bill to provide private sector employees with all of that, maybe I could support this bill. So I would challenge those on the other side, especially my friend from Missouri, amend the bill, provide the same kind of legal protections to employees in the private sector as employees have in the public sector working for the Federal Government. Maybe you could make a case for this bill. But I daresay they are not going to want to do that.

Lastly, I would like to point out that much of the flexibility the supporters of this legislation claim to want to offer is available right now. It is available now under existing law. So one has to wonder that if employers can do these things now but they are not, what is the real motivation, what is really behind their desire to get rid of the 40-hour workweek? Is it really to provide the comptime on the employer's side, or is it a way of saying, hey, this is a way I can improve my bottom line, increase my profit margin, pay a little bit more to the shareholders.

We got a real hint of this, Mr. President, at the Employment and Training Subcommittee hearing on February 13 of this year. A representative of the National Federation of Independent Businesses said:

> Real small businesses. . . our members cannot afford to pay their employees overtime. This (comptime) bill is something they can offer in exchange that gives them a benefit.

Gives the employer some benefit.

Well, if S. 4 is supposed to be family friendly, employee driven, giving flexibility to the employee as the supporters suggest, why are we looking for ways to give the employer more benefits? But that is what the NFIB representative said, I think in a moment of unguarded candor, if I might so state.

So the bottom line is this. When considering altering overtime protections in current law, the rights of employees must be of paramount importance to any proposal affecting their time and compensation. This proposal before us appears to be neither worker friendly nor family friendly, and the result of its enactment would require employees to work longer hours for less pay.

Lastly, the Senator from Missouri went on at great lengths to say that the special interests are ganging up to defeat this. Special interests? Let me just read a few of the groups opposed to this bill: the League of Women Voters, American Association of University Women, National Council of Senior Citizens, the NAACP, the National Council of La Raza, the Disability Rights Education and Defense Fund, the Union of American Hebrew Congregations, the Southern Christian Leadership Conference, the National Council of Churches, on and on and on. Special interests?

The fact remains, Mr. President, that every group that represents low-income workers is opposed to this bill. Every group that represents low-income workers is opposed to this bill. That is a fact. Special interests? Not at all. Special interests, not opposed to this bill. But those who understand what real life is about and who understand what these low-income workers have to go through, they are opposed to this bill.

Mr. KENNEDY. Will the Senator yield just for a brief question?

Mr. HARKIN. I will yield to the Senator.

Mr. KENNEDY. I know there are others who want to speak. I see my friend, Senator WELLSTONE, in the Chamber. I commend Senator HARKIN for making an excellent presentation. I hope the Senator will perhaps mention the coalition Members that are in support of this bill. The National Association of Manufacturers, the National Federation of Independent Businesses, the National Restaurant Association—they are not shrinking violets in terms of special interest groups. But the bottom line is, as I understand the Senator from Iowa and the Senator from Minnesota, we oppose comptime where employees cannot make the decisions, as they can under the Family and Medical Leave Act and as Federal employees can. The situation might be different if the employee could genuinely make the choice, but, under this bill, there is no choice for the employee. Therefore, we oppose the bill. We draw the line where we say this is basically stacked against the employees. I tried to spell that out earlier. But I just welcome getting the Senator's reaction on that issue.

We are for trying to get those kinds of protections. We were for it in the committee, as the Senator knows, when we tried to get the Murray amendment to give the 24 hours with the decision to be made by the employees. It was voted down by the Republicans unanimously. In terms of the Dodd amendment, it was voted down by them again—where the employee has it. When we get to the bottom line, is that not really the basic issue which is at stake?

Mr. HARKIN. I think the Senator is correct. That is the bottom line at stake. Are we really going to give the employee—are we going to empower the employee to make those decisions? This bill does not do that. This bill actually just gives more power to the employer. It gives more power to the employer to take away from the employee the benefits they have right now for overtime pay and the benefits they would have from, really, accruing comptime.

As I said earlier, again, this is another one of the very bad ideas that periodically come up through the Senate. It sounds good. What's it called? The Family Friendly Workplace Act? Ridiculous. I don't know who thinks up all these titles and these names. Nothing could be farther from the truth.

This is a bill—the intent may be good. I do not question the intent or motivation of my friend from Missouri at all. I just think it is going in the wrong direction. There are ways we can improve this bill. We offered these amendments to the committee. Senator WELLSTONE, Senator KENNEDY, and Senator MURRAY offered amendments to really make this more like what Federal employees have now. The Senator from Missouri is right. Federal employees do have this—with good protection, good comptime. As I point out in my statement, there is a lot of difference between the private sector employer and the public sector. If the Senator from Missouri wants to amend this bill to give private sector employees the same protections as civil service laws give Federal employees, maybe he can make a case for this bill. But that is not the case right now. So you cannot compare Federal employees with employees in the private sector.

This is just an example of good intentions gone awry. Good intentions, I think, messed up by other special interest groups that have come in, as Senator KENNEDY pointed out. Who is for the bill? As I pointed out, every group representing low-income workers is opposed to this bill. If this was such a good bill, they would be for it. I think that is the proof of what this bill is all about. It is a bad bill. It ought to be defeated. I am sure we will have some amendments, and I am sure the Senate in its wisdom will defeat this bill and put it back in the files where it belongs. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, Federal employees have enjoyed flexible work schedules since 1978. It is time to give private sector employees the same options. Today's work rules are too inflexible, and this legislation changes that to meet the needs of today's working families.

The bill provides employees with several options in determining their work schedules.

First, workers would have the option of paid flexible leave. An employee might choose to work 35 hours one week and 45 hours the next, and still receive a full paycheck.

Second, an employee could set 2-week schedules totaling 80 hours in any combination. This would not change the 40-hour work week, as some have said. The Family Friendly Workplace Act simply adds a section to the Fair Labor Standards Act to create options for employees who want flexible work schedules. In addition, this cannot be forced upon an employee. It must be agreed to by the employee and the employer.

Third, employees could choose to take time and a half off instead of overtime. Up to 240 hours of comptime could be banked. Employees would also have the option of cashing out accrued hours for overtime pay at a later date.

No employee would be required to participate in any of these programs, and coercion or intimidation by the employer with respect to participation is prohibited. Strict penalties in this bill ensure that these arrangements will be voluntary. Let me reiterate that all of these options are 100 percent voluntary for workers. Nothing would change for employees who want to work a standard schedule. Employers would still have to pay time and a half for any overtime hours put in by an employee in any week, if that is what the employee wants.

According to the Bureau of Labor Statistics, in 1960 just 39 percent of women who had children between the ages of 6 and 17 were in the work force. Today, 76 percent of mothers with school-age children are working. This increase of working families is not compatible with the one-size-fits-all workplace laws enacted in the 1930's.

I urge my colleagues to support giving working families the opportunity to balance their work and family obligations by supporting this legislation.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, there are a number of Senators on the floor. We are undoubtedly going to be back on this bill with plenty of opportunity for amendments and work on it, so I am going to try to be very brief in deference to a number of colleagues. I know my colleague from Texas has to leave very soon, and I see a colleague from Maine here.

My disappointment is that the version of S. 4 that we see right now on the floor is a harsh version. It is not going to pass. It is going to go nowhere.

I would really like to see us do some work together. We had several subcommittee hearings that I thought were productive. I thank my colleague, Senator DEWINE from Ohio, for his leadership. We had a respectful markup. There was discussion in the markup, where amendments were voted down on a straight party vote, in which some of our colleagues appeared interested in modifications and ways of making this a better bill, changes that could bring people together—fixing the bill. That just has not happened. I know there is a managers' amendment. But a lot of concerns that have been raised just have not been spoken to.

The House bill, remember, passed narrowly. That bill was a much more moderate version than this Senate bill. It did not have the 80-hour biweekly work period framework. It did not have the so-called flextime. It was a straight comptime bill. In my view, anything that essentially takes the Fair Labor Standards Act and turns it on its head is not going to go anywhere. That is what the 80-hour framework does. And flextime, which offers little to the employee, does the same thing. I don't believe that anything that is hour for hour as opposed to time and a half is going to go anywhere either.

So I find it surprising and discouraging that we are discussing this particular version of this bill. It is not going to be enacted into law. I really wonder why we are debating it in its present form.

I believe there is some work we can do on the bill. Maybe we can do it through amendments and come out of here with a piece of legislation that we can all get behind. But whatever the bill's press materials promise about it, the fact of the matter is that in its current form the bill turns the clock back half a century. It is simply not going to work. My colleague, for example, came to the floor and was angry about ads that have been run. This is the first time I heard what those ads have to say. But reading from the script of one of the ads, a portion of the voiceover says:

> Big business is moving to gut a law protecting our right to overtime pay. If they win, employers could pay workers with time off instead of money.

That is true. That is absolutely true.

In theory, you could say employees have a right to choose. But the reality of the pattern of power between employees and employers is that quite often employees do not have that power to choose.

Then the ad says:

> They say the choice will be up to us. But there are no real safeguards to keep employers from pressuring workers to accept time off, or telling them when to take it.

That also is true. I pointed out in subcommittee and in committee examples of ways in which overtime law is being violated right now. There is a backlog of complaints at the Department of Labor. Regardless of the theory of the bill, it could very well happen that coercion will take place.

Finally, and I know my colleague from Missouri, whom I enjoy as a friend, was very worked up about this portion:

> You could work up to 40 additional hours a week before qualifying for overtime pay.

That provision is not in the House version of comptime. But in theory, that is true of this Senate version. I don't think it would happen, but the fact of the matter is, when you go from a 40-hour week to an 80-hour biweekly timeframe, that is exactly what could happen. Somebody could work 80 hours one week and not work the next week at all, but for the 80 hours they worked for that first week, there would be no overtime pay for the hours worked over 40 hours. That could happen. That is true. I don't think it would happen. But there is a real danger here, if you don't limit the bill to comptime, of employers being in a situation—and they really do have the power most of the time—where they basically can say to employees: We are interested in the flextime option. We are interested in your working overtime 1 week and taking more time off the next week. But we are not interested in time and a half, premium compensation, which you would earn with comptime.

Employers are in the driver's seat. The real problem is that the bill does not provide the flexibility that it purports to provide. That is a huge problem.

There are two principles, and I am skipping over a lot of what I wanted to say. There are two basic principles at a minimum, I say to my colleague from Missouri, that will be required to make comptime work for employees and give them real flexibility. These should be the basis for the work we do together.

First, it has to be truly voluntary. There has to be some language that puts more teeth into the voluntariness. Frankly, there is not right now.

Second, employees must really get to use their accumulated comptime when they want and need to use it. That was the why of one of the amendments I introduced, which said we have the Family and Medical Leave Act. FMLA makes clear in which cases we let families take some time off, even though millions of people are not covered right now. In any case, this bill would be an opportunity to say to somebody with banked comptime: It's your time. You have earned it. If you have that time and now you need to take time off because you need to go to a PTA meeting or have an illnes in the family, or for that matter you are having problems at home and have been battered, where there are problems of domestic abuse and you need to take time off, you should be able to take that time off. There should not be any question about it. You have earned it as compensation for hours worked. It should not be up to the employer to decide whether you can use it if FMLA reasons exist.

So I just want to make it clear that at the moment I do not see this as a Family Friendly Workplace Act. I do not see it as a Mother's Day present. It is not truly voluntary. We cannot change a piece of legislation that people have given their sweat, blood and tears for, which is what we are talking about when we talk about the Fair Labor Standards Act, unless you keep the integrity of it. We are not doing that here.

So there are some huge problems. The bill is not truly voluntary, No. 1. It moves away from a 40-hour week. It sets up a 2-week, 80-hour framework. That is not in the House bill. I think that has to be out of the bill. It has a flextime option which is just hour for hour. In my view, if we want to get something passed here, we should be making it comptime and we should then say to people, look, we want to give you real choice and the flexibility of using that time when you want and need to use it.

But I say to my colleagues that at this point in time, I don't know what the majority leader's intentions were, but I think it is fine to debate, it is fine to talk. It is not pointless, but this legislation is not going anywhere, not in its present form.

I believe Senator DEWINE is very committed to working out a compromise, and I believe my colleague from Missouri is also committed to a compromise. Maybe the strategy is to stake out an extreme position, with the idea that it helps for negotiating purposes. I don't mean to incur my colleagues' wrath—but I say to them, this is not a Mother's Day present, not in its present form. It is not a Family Friendly Workplace Act, not in its present form. However you package it, and however you try to market it, and however you try to advertise it, the fact of the matter is, you don't have the flexibility for the employee; you take the Fair Labor Standards Act and you turn it on its head. You go to an 80-hour framework and you should not. Then on comptime, you don't really make sure employees truly will have the choice, which is what I thought it was about.

We had some amendments that lost on a straight party-line vote. So let's get rid of the extreme provisions of this legislation, let's talk about the comptime part. Let's talk about how a family, a woman or a man can have this choice between time and a half for overtime pay or time-and-a-half overtime for time needed to be with family. Let's make sure that employees have the flexibility to truly be able to make this choice, that it is not one sided and just for employers. Let's make sure that we really establish a kind of cooperative arrangement. But that is not what this bill does.

I say with some disappointment to a good friend, I oppose it. I think that we will have a strong vote against it. I have to say, it is one of these situations—I promise my colleague from Texas, I will be done in 1 minute now, I know she wants to speak—but really Florence Reese wrote the song, "Which Side Are You On?" I heard my colleague from Missouri cite that lyric. I know it by heart because my wife is from Harlan County, KY. It is a great song. It was written during all the coal mining strikes. Of course, you know it's a strong union song.

The fact of the matter is, when I look at the lineup of who is opposed to this bill, and I see all these unions and all these organizations that have fought for civil rights and human rights and for women over the years, I guess I do know who's side I am on. I am on the side of working people.

This piece of legislation could be for working people, but in its present form, it is going nowhere. There are going to be Senators, and I certainly count myself as one of them, who will oppose this with everything we have, and I think we can stop it. I hope we get to the point of having some amendments, figuring out ways we can come together and pass a piece of legislation, but not in this form. I yield the floor.

Mr. WELLSTONE. Mr. President, it is somewhat surprising, and not very encouraging, that we are considering such a harsh version of S. 4 today. The bill before us is essentially the version which was reported out of the Labor Committee on a straight party-line vote. That vote followed rejection by a majority on the committee of a number of amendments which would have improved the bill considerably. All those amendments were defeated on a straight party-line vote.

This version of S. 4 makes almost no changes which directly address the serious and substantive problems in the bill during committee consideration. The managers' amendment has just been made available this morning, so we have not been able to examine it in detail. But it does not appear to be much of an effort to make the bill more acceptable to those who have made a real effort to improve the bill so far.

It is surprising and discouraging that we are considering this particular version of S. 4 for two reasons.

First, many of our colleagues are aware that a comptime bill has passed the House of Representatives. That bill is considerably milder than this bill in its undermining of basic, long-respected labor protections. The House-passed bill does not directly undercut the 40-hour workweek. It does not give employers the option of offering only hour-for-hour compensatory time off in exchange for overtime work—so-called flextime.

Still, the House bill passed narrowly, and it passed under the threat of a likely veto by the President. The President has said he would like to sign a comptime bill. But the Department of Labor has signaled that the President would likely veto a bill like the House bill. In my opinion, a veto of the House-passed bill would clearly be warranted because that bill does not meet the standards of anyone who is serious about trying to help employees cope with the competing demands of work and families.

The House has narrowly passed a bill which likely would, and certainly should, be vetoed. So what is the Senate doing today? Here in the Senate we are considering a bill that is a far blunter and a far more dangerous attack on workers with families, a bill which we all know cannot be enacted in its present form. We know an 80-hour biweekly work period will not become law. Why are we debating it? Do we think the public is fooled by a bill which does away with the 40-hour workweek simply because the measure's proponents say it is voluntary?

It is somewhat absurd. If a Member came and offered a bill doing away with the minimum wage—but on a voluntary basis—we would not take it seriously. If a bill offered employees the voluntary choice of working regularly in conditions which threaten life and limb, we would not take it seriously. A bill doing away with the 40-hour workweek cannot be enacted as drafted, and it should not even be taking our time here today.

The second reason I find it surprising and discouraging that we are discussing this particular version of comptime is that I sat through two hearings on this topic in the Labor Subcommittee on Employment and Training, where I serve as ranking minority member. I heard a great deal of illuminating testimony during the subcommittee hearings. I also engaged, as did others in the Labor Committee, in a respectably rigorous markup of this bill in the full committee.

During these subcommittee and committee meetings we heard a number of expressions of sympathy and concern from Republican colleagues regarding criticisms of S. 4 raised by myself and others. These expressions of concern might have been slightly more persuasive if even one Republican could have found a way to vote for even one Democratic amendment in the committee. Nonetheless, I thought I detected a desire to make this a workable bill. There were suggestions that ways might be found to fix problems in the bill.

Some of us thought that there would be an effort to address the more serious of our concerns between committee and the floor. But the minor changes in the managers' amendment, with one exception do not begin to do that. I will come back to the managers' amendment and our detailed criticisms of this bill's comptime provisions later.

But what we have before us today is hardly an effort at accommodation. The bill in its current form is little more than an affront. Not only have the most offensive provisions for employees—the 80-hour biweekly work period and so-called flextime—not been pulled from the bill. But the comptime provisions which could be the basis of discussion and agreement remain largely unchanged.

Mr. President, many of us on the minority side would like nothing better than to help provide genuine flexibility to working Americans with families. That is what this bill's press materials promise it would do. That is what some of us set out to do 4 years ago when we pushed hard to win eventual passage of the Family Medical Leave Act. Some of today's proponents of S. 4 issued dire warnings back then that the FMLA would harm businesses and the economy. It hasn't. The FMLA has worked well.

That is why our side offered two amendments to S. 4 in committee which would have expanded the FMLA. Millions of workers do not currently enjoy the benefits of the FMLA. Millions who do are able to use it only for medical reasons, not for other times of true family need and importance, such as parent-teacher conferences. This bill purports to provide greater flexibility to employees, so we sought to expand the ability to take unpaid leave in exceptional family circumstances. Unfortunately, both amendments to that effect were defeated.

Many of us on the minority side also would like nothing better than to allow working Americans with families to get more control over their work schedules. What could be more important than to help people juggle work and family by getting more control over their work schedules?

That was the motivation behind an amendment I offered in committee which would have ensured that employees who accumulate comptime as envisioned by this bill would actually get to use it when they want and need to use it. That seemed simple enough.

If the idea of the bill is to help employees get control of their work schedules, if the idea is to be family friendly, then people who accumulate comptime under this bill, which is compensation that has already been earned at some prior date, not vacation or some other benefit conferred by the employer, but previously earned compensation, should be able to use it when they want and need to use it.

My amendment included very reasonable restrictions to avoid harm to employers. It was an honest amendment. It sought to take this bill at its word. At least it sought to take the bill at the word of its own advertising. It sought to provide employees who have families just a little more control over their work schedules by allowing them to choose when it is that they use their earned comptime.

In the case of this bill, however, its advertising and its content are not the same thing at all. Undoubtedly, many workers who may have heard this bill described by it proponents, who may even have heard it described as a Mother's Day gift to working mothers, probably have assumed that if the bill passes and they earn comptime, then they will be able, within reason, to choose when to use that comptime. Sadly, they would be wrong. This bill does not provide for that. My amendment sought to repair this fairly obvious, fairly egregious flaw. But it was defeated.

Many of us on the minority side even find the idea of a truly voluntary choice between cash overtime on one hand, and paid time off at a premium rate on the other—in other words, between cash overtime and comptime—to be an attractive idea on its face. We think comptime might be able to work to the benefit of both employers and employees if it is drafted properly.

Therefore, in the committee we offered a number of additional amendments whose purpose was to take seriously the idea that comptime is indeed meant to deliver on what the title of S. 4 promises. The bill is called the Family Friendly Workplace Act. All those amendments were defeated.

Comptime will not be an easy idea to make work in a way that is truly voluntary. A lot of care must go into drafting such a bill. It is worth remembering that the Fair Labor Standards Act has served both employers and employees well since its initial passage in 1938. We should amend it with care. Nonetheless, the whole law is not sacred. Democrats and working people are not stuck in the past. If we can move forward, and not turn back the clock, it might be possible and desirable to change the Fair Labor Standards Act. But not in the way this bill suggests—not in a way that attempts to turn back the clock when it comes to basic workplace protections.

After the two hearings we held in the Labor Committee's Subcommittee on Employment and Training, I was frankly skeptical about whether comptime could be made truly voluntary and beneficial for employees. It was the testimony of some of the majority witnesses which made me even more skeptical than I was before the hearings. Looking at the version of the bill which has now been brought to the floor, my skepticism appears to have been justified. But still I think comptime could be attractive for many working people if it is drafted properly.

There are two basic principles which at a minimum are required to make comptime attractive for employees: First, it must be truly voluntary; second, employees must really get to use their accumulated comptime when they want and need to use it.

A number of additional protections would be necessary as details to make comptime work. But these two principles are fundamental.

As currently drafted, S. 4 fails both tests. It has additional problems, but above all S. 4 as drafted barely even pretends to be about providing flexibility for working people. It is flexibility for employers. It is flexibility for employers, combined with ways to cut pay for employees. It disfigures what could be a decent idea, comptime, and it adds provisions that even leaders in the House of Representatives did not attempt, which would directly cut workers' pay.

Mr. President, we all understand the game of staking out an extreme position in the hope that you can get more of what you want through creating the illusion of compromise from a drastic proposal. I hope we will not spend our time on that game. But it appears that is the game we are playing with this bill.

Let us just drop the 80-hour biweekly work period from the bill. It is not a real proposal. It is an insult to working people with families. Many workers face enough indignities without Congress adding to them. Let us drop this frontal attack on the principle of the 40-hour work week.

Second, let us drop the flex hours provision from this bill. That is the provision which would ask workers to work overtime with no premium compensation, only hour-for-hour paid time off.

These are provisions which not even the House of Representatives included in their bill. No one can argue with a straight face that these are not pay-cut provisions. Their purpose is to cut pay. The President will not sign a bill with such provisions. The 80-hour and the flextime provisions simply detract and distract from the debate we should have about comptime.

Mr. President, I would like to conclude with some remarks about working families.

S. 4 is called the Family Friendly Workplace Act. I believe the friendliest thing we could probably do for most working people who have families in America would be to increase their pay. We did that for millions of American workers last year. Perhaps the minimum wage bill which was so fiercely resisted by a number of colleagues on the majority side and by a number of groups who are supporting S. 4 should have been called the Family Friendly Workplace Act.

But whether that is true or not, I believe it is safe to say that any objective person who reads this bill, S. 4, carefully, a person with some familiarity with modern workplaces, might wonder whether its title is actually a grim attempt at humor. They might wonder whether the title, "Family Friendly Workplace Act," is really a mean-spirited and sarcastic message to working Americans. That is because no one who reads this bill carefully, in its current form, could reasonably describe it as family friendly.

S. 4 as written is family-unfriendly. It is a thinly disguised effort to reduce pay and to help employers avoid paying overtime. That is not just rhetoric. That is the bill. I wonder how many families will consider this bill to represent a friendly gesture when we strip it of its happy-face packaging and expose it for what it is: an effort to reduce pay and to help employers avoid paying overtime?

Plenty of employers do try to avoid paying overtime already under current law. And far too many succeed, as we will see later during our debate. We don't need to provide encouragement to cut more pay and avoid paying more overtime.

We will continue to debate S. 4. I look forward to a debate over a number of amendments. I hope to offer one or more myself. I hope that debate can focus on how to construct a truly voluntary and beneficial comptime bill.

But a bill which features two pay-cutting options out of a total of three options for employers and employees is not family friendly.

Mr. President, I would also like to add a brief remark concerning the Managers' amendment. I appreciate the Senator from Ohio's description of it. While we are only seeing it now for the first time, I think we can say that it doesn't go very far toward addressing the deep, substantive concerns many of us have raised against S. 4.

We had some discussion during the committee markup. There was some hope that we could actually work together to make this bill acceptable. But this amendment, as I understand it, makes fairly minor changes—with one exception.

My understanding of the managers' amendment is that it changes the bill's definition of who would be considered a covered employee. That is a substantive step. The change takes a step toward addressing a criticism we raised in committee. It ensures that many part-time and temporary workers would not be covered by the bill's provisions. I don't believe the change goes nearly far enough in exempting vulnerable workers. But it is a move in the correct direction.

The additional changes, again, as I understand them, we are just now seeing them, are minor. One change which we discussed, and which I had hoped we would have agreement on, concerned bankruptcy. I was prepared to offer an amendment in committee to ensure that workers with accumulated comptime would be able to collect on that earned compensation in case of employer bankruptcy. The Senator from Ohio [Mr. DEWINE] indicated that he hoped to address the problem. It is my understanding now that the majority does intend to fix that portion of the bill, although the problem is not addressed by the managers' amendment. I hope we can correct that flaw.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, if I were just a person sitting out there watching this debate, I think my first question would be, "Well, why can't an employee go to his or her employer and say, 'I'd like to take time off at 3 o'clock on Friday, and could I work extra next week?'" I am sure people are scratching their heads and saying, "What would prevent them from doing that?"

The law prevents them from doing that if they are hourly employees. The great Big Brother Federal Government says "No, no, Mrs. Smith, you cannot go to your employer and ask for time off at 3 o'clock to attend John's soccer game on Friday afternoon and suggest making it up next week. You can't do it if you are an hourly employee," because the Fair Labor Standards Act, which was passed in 1938 when fewer than 10 percent of families had both spouses in the workplace, prohibits Dorothy Smith from being able to go in and say, "I'd like to go to John's soccer game on Friday afternoon, and could I work an extra hour on Monday and Tuesday?"

So now Dorothy, who is one of two-thirds of the working women in America who have school-age children, is being subject to a law that was passed in 1938 that does not even relate to the workplace today.

Mr. President, with the Family Friendly Workplace Act we are trying to bring our labor laws into the 21st century to reflect the changing face of working America and to meet the growing demands of work and family. We realize that two-thirds of the working women in this country have school-age children, and that what they need most is a little relief from the stress caused by being both the provider at work and the caretaker at home. When their child comes up to them and says, "Mommy, can't you come to my tennis game," "Can't you come to my baseball game this afternoon," mommy will no longer have to say, "No, I'm sorry, there is just no way because Federal law won't allow me to do it.

I have to say, Senator ASHCROFT has provided great leadership on this issue, because until he proposed this bill, I was not fully aware of the restrictions the Fair Labor Standards Act was placing on the hourly working men and women of this country. I, like most Americans, thought it common sense that an hourly employee would have the ability to work a few extra hours 1 week in order to take a few hours off in another week. In fact, as the need for this bill demonstrates, the hourly employee in America has fewer hours than virtually every other class of workers. A salaried employee can work out flexible work arrangements with his or her employer. A Federal employee at any level can do this, but not an hourly employee in the private sector.

Mr. President, I don't see the logic. In fact, when the bill was passed in 1978 to allow hourly Federal workers to have this right, this very important flextime/comptime right, Senator KENNEDY, who is now opposing comptime/flextime for private sector workers, cosponsored that very legislation.

I heard the distinguished Senator from Massachusetts say that our legislation could allow coercion of employers into taking or not taking time off in lieu of overtime pay. In fact, the bill that he cosponsored to extend comptime and flextime to Federal workers allows Federal agencies to make acceptance of comptime in lieu of overtime a condition of employment.

Mr. President, I suggest it is the legislation that the Senator from Massachusetts supported, not the present bill, that allows for coercion. Far from allowing employers to make comptime or flextime a condition of employment, S. 4 gives employees the absolute right to refuse any of these new options, and provides for severe penalties for employers who might pressure employees one way or the other.

In fact, neither the employee or the employer has the ability to dictate whether the other chooses to participate in a comptime or flextime option. Either side can say, "No thank you." If the employer says on Friday, "I need you to work 2 extra hours today," the employee then has the right to say, "That's fine, and I will take that in overtime pay," or "That's fine, and I would like to bank that at a time-and-a-half rate to take later on as free time." Likewise, if an employee goes to the employer and says, "I would like to work 2 overtime hours this Friday and take those off with pay next Monday," the employer has the right to say, "I'm sorry, but it doesn't work into the schedule this week."

But, Mr. President, let me make one point clear. Once an employee has accrued either comptime or flextime, the employee would have the legal right to take that time, with pay, with reasonable notice to the employer, so long as taking the time does not unduly disrupt the operations of the business. If the standard were otherwise, Mr. President, scant few employers would even want to offer comptime or flextime, for fear that it might shut down their business if too many employees left at some critical time. A florist simply could not afford to lose his or her employees around Valentine's or Mother's Day, for example. For my colleagues on the other side of the aisle to argue that employees should have the absolute, unfettered right to take time off whenever they choose for other than serious health or family needs is disingenuous. They know that doing so is unreasonable and would prevent workers from having any flexibility because most employers would not be able to offer a comptime or flextime program.

In fact, in the bill that was sponsored by Senators KENNEDY, DODD and others that extended comptime and flextime to Federal workers recognized this. The bill they supported also allows Federal workers to take comptime only within a reasonable period after the employee makes the request and only if the use does not unduly disrupt the operations of the Government agency. That is exactly the same standard in our bill today. By the way, Mr. President, it is also the exact same standard that provides for non-emergency leave under the Family and Medical Leave Act, again supported by my many if not most of my colleagues who now oppose this bill.

But, Mr. President, I think the essence of this bill is not whether the employer or the employee have the upper hand legally speaking, because this bill puts them on an even playing field. Rather, it is a matter of the employee and the employer coming together. The only reason an employee would want to take comptime or flextime is so that they can restore some measure of control and sanity to their workweek. The only reason an employer would want to offer comptime or flextime is so that his or her employees will be more engaged, fulfilled, and ultimately more productive at their jobs. This bill truly will create millions of win-win arrangements throughout this country, where both employer and employee walk away happy.

The employer might say, "Gosh, we've got a big order that has to go out on Friday. Could we, instead, have you work overtime Friday rather than Monday," assuming that wasn't the time the employee asked for time off, say it was Thursday. So, of course, the employer can say, "Well, could you do it at this time?" I think reasonable people will be able to work this out.

I thought it was very interesting that the distinguished Senator from Iowa, Senator HARKIN said, "Gosh, what if you have biweekly schedules and a person works 60 hours in 1 week and 20 hours the next week? That may make it harder to find child care." What if the person is having a hard time finding child care in the Monday and Tuesday of the following week and would like to go to her employer and say, "I would like to work extra hours this week when I have child care and take off 2 days next week when I don't have child care?"

The point, Mr. President, is that we are trying to give more options to the hourly employee of this country. I ask the labor unions, what are you afraid of? Why wouldn't you want hourly employees to have this right, because, in fact, you know we have protected labor union contracts in this bill. If employees are under a labor union contract, then this law simply does not apply. If the labor union doesn't allow them to, this bill would not extend to them the right to take comptime or flextime. Labor contracts will not in any way be violated. So why is labor so afraid of this bill? Why would they not allow the hourly employees of our country who don't have labor contracts to have the right to have some added flexibility and manageability in their schedules.

Mr. President, I think it is very important for us to put in perspective that we are adding another option for the hourly employees of this country, because we know that what moms need most if they are working is relief from stress. They need the option of time. This doesn't say they have to take comptime instead of overtime; but it gives them the option.

Recent polls show that these are options that working Americans are overwhelmingly demanding. More and more people in the workplace are saying, "I'd rather have the time. I would rather have the ability to go home and spend more time with my children, without losing any money in my paycheck."

A recent Money magazine survey found 64 percent of the public and 68 percent of women would choose time off over cash for overtime work. So, why would we not give the option to those working women to get that time—without wrecking their budgets, I might add?

The Family and Medical Leave Act, as some have called for expanding, gives them time off, but it is not paid time off. We are talking about paid time off in this bill, so that working parents do not have to worry about making the mortgage payment or making the car payment if they take that 2 hours off for their child's soccer game. If their budget is a little tight this month because they had an extra visit to the dentist or the car breaks down, then the employee always has the right to take the cash for the hours he or she has banked. But if they have a secure budget and would rather have a little extra paid time to go to the soccer game, to go to the PTA meeting, to go to the baseball game, the Family Friendly Workplace Act gives them that option. It is an added advantage. It takes nothing away. That is what is important for all of us to remember.

When the labor unions say, "We think this is a bad bill," what are they afraid of? The Federal employees who have this right now love it. The polls show they love it. A recent Government Accounting Office survey found that Federal employees are pleased with their comptime and flextime options, 10 to 1. They love being able to work flexible schedules, like the very popular 9-hour days for 8 days, 8 hours the next day, then taking every other Friday off. They love that option to get to go on a camping trip on Friday or participate in a child's school activity. One parent here in the Washington, DC, area even talked about how wonderful it was that she and so many other parents at her child's school who were Federal employees are able to attend plays, football games, and other school activities on Fridays. She talked about the pride she felt at being able to see her son play football at so many Friday games. I think it is high time that every hourly worker in America have that same ability and right.

Mr. President, we will apparently have a long time to talk about this bill because Senator WELLSTONE and others have signaled they may try and filibuster this bill. He is going to try to avoid a vote on the floor of the Senate on whether we are going to give the 60 million hourly working men and women in this country the same opportunity for flexible scheduling that the rest of the country enjoys. They want to avoid a vote to be able to tell that working mother that "Yes, you can take Friday afternoon off, with pay, in order to see your child in a school play or to take your child to the doctor.

I think for them to filibuster this bill and not give that added right to hourly employees begs—begs—for an explanation.

Mr. President, I see our distinguished majority leader has come to the floor. I am happy to yield the floor and just say, in closing, that we will not give up this bill. If they are going to filibuster it, they will know we are going to fight for the hourly working moms in this country to spend more time with their children and at the same time be able to make the home mortgage payment and the car payment. Thank you, Mr. President, and I again want to thank the distinguished gentleman from Missouri, Senator ASHCROFT, as well as the distinguished committee and subcommittee chairmen, Senator JEFFORDS and Senator DEWINE, for their leadership and hard work on this most important bill.

I yield the floor.

Mr. LOTT. Mr. President, first, I commend the distinguished Senator from Texas for her remarks today and on several occasions with regard to the working mothers of this country and the women who would benefit from this opportunity, as well as her work on the spousal IRA last year. In so many ways she has raised our sensitivity to ways that we can help the working women and the moms of America.

She was on the air this morning shortly after 7 o'clock, speaking up about this important legislation. I hear her often at all hours of the day. She is doing a great job. I commend her for her leadership.

I also want to thank the Senator from Missouri, Senator ASHCROFT, Senator DEWINE from Ohio, Senator JEFFORDS, all of the Members who have worked to bring this legislation to the floor. S. 4 is probably one of the most important things we can do this year to help the workers of America have flexibility with their work schedules, to deal with the comptime issue in a different way that is more beneficial to them. This is very important legislation.

I had hoped we could come together on an agreement on getting it completed and moving it through the Congress and on to the President for his signature. There were indications in the administration that they would like to do it, and from the Democratic leadership. So far, it has not happened. But we feel this is so important we must bring it to a foreseeable conclusion and make sure that the amendments that are offered are relevant.

CLOTURE MOTION

Mr. LOTT. Therefore, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee amendment to calendar No. 32, S. 4, the Family Friendly Workplace Act of 1997.

Trent Lott, John Ashcroft, Susan M. Collins, Kay Bailey Hutchison, Mike DeWine, Judd Gregg, Paul Coverdell, Gordon Smith, John W. Warner, Thad Cochran, Conrad Burns, Fred Thompson, Don Nickles, Wayne Allard, Jeff Sessions, Dirk Kempthorne.

Mr. LOTT. For the information of all Senators, the cloture vote on S. 4 will occur on Thursday, May 15, and I ask unanimous consent the vote time be determined by the majority leader after consultation with the Democratic leader and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to speak in opposition to S. 4, the Family Friendly Workplace Act. At a time when we should be debating ways to raise the wages of working Americans to reverse two decades of decline, S. 4 proposes comptime policies which will place additional downward pressure on the standard of living of working Americans. Rather than seeking a bipartisan solution to give great flexibility to workers without jeopardizing their income, S. 4 unnecessarily undermines longstanding wage protections afforded American workers.

The problem is simple: Working families today find both their time and financial resources stretched to the breaking point. The average working family has not seen their income increase over the past 20 years. In almost two-thirds of families, both mom and dad have to work to make ends meet. Financial resources and family time both are at a premium.

Manifestations of the problem are easy to manage, and they occur in various forms every day. We have heard much discussion about the working mom and her problems. The working mom, for example, might get a call from her daughter's school, and the teacher requests a meeting explaining that the child's grades have slipped, and normally the child is a very attentive child, but she has become disruptive. Concerned about her daughter, who is usually a good student, mom seeks to schedule a teacher conference as quickly as possible without diminishing her income. The factory where she works is currently busy, so she approaches the manager and requests to work an hour of overtime this week so she can take an hour and a half to see her daughter's teacher next Thursday.

How would S. 4 address this problem? Unfortunately, the answer is, inadequately, if at all. First, under S. 4, a worker cannot avail herself of the program. Comptime is provided solely at the discretion of the employer. It is a program that only the employer can offer. Second, even if the employee had been offered comptime and, indeed, had already worked an hour of overtime, there is no guarantee that she will receive the time off that she needs. The Republican bill nebulously allows an employee to take time off within a reasonable period after making the request time does not unduly disrupt the employer.

There are no further guidelines. So, if an employer found the timing of the mother's request was not reasonable or if the time would be unduly disruptive, the request could be denied. Considering the fact that the worker has already earned the right to this compensation, her request for a particular time off deserves deference.

Inexplicably, the sponsors of S. 4 rejected an amendment offered in the Labor and Human Resources Committee that would have ensured a worker receive the time requested if the request was made 2 weeks in advance and would not cause the employer substantial injury. This bill offers quite a bit more flexibility to the employer than it does to the employee, and it does not represent another real option for the wage earner, the hourly wage earner in America.

In addition, there are serious concerns regarding how much choice employees actually will have. The bill contains hortatory language dictating that programs be the voluntary choice of the employee and that employers cannot coerce employees into taking time off in lieu of pay. However, S. 4 fails to provide a verifiable system by which employees choose to take comptime. Indeed, the bill fails to stipulate safeguards concerning potential discrimination.

Under the bill, employees will be quickly divided into two groups: those who accept time off as overtime and those who want pay. The bill does not explicitly or effectively prevent an employer from offering overtime only to those who will accept time off. Again, in committee, the sponsors of S. 4 rejected amendments which would have clarified the principle that employees cannot be distinguished based on their willingness to take nonpaid overtime.

Most seriously, the current Family Friendly Workplace Act contains a provision which devastates the family's ability to both schedule time together and make ends meet: the evisceration of the 40-hour workweek. Under this legislation, an employer would be permitted to schedule employees to work 50, 60, 70, even 80 hours a week without providing any overtime pay. Overtime pay would only be required after working 80 hours in a 2-week period. It is difficult to contemplate how an employee scheduled to work 70 or 80 hours a week at the discretion of the employer will be able to better schedule time to attend to the needs of his or her family. Supporters of the bill may argue that the program is voluntary. Yet the bill's sponsors have denied workers the ability to refuse this voluntary program when the employers offer it.

S. 4 proposes to eliminate a very clear standard; namely, that employees who work more than 40 hours in a week are entitled to premium wages for those extra hours. In its place, the so-called Family Friendly Workplace Act leaves workers with a nebulous framework. Most of S. 4's provisions are aimed at hourly employees who depend upon their overtime pay. Eight million overtime workers will hold down two jobs in an effort to make financial ends meet and are the most likely targets of this legislation. More than 80 percent of these individuals make less than $28,000 a year. For these people, overtime pay can represent as much as 15 percent of their wages. These workers already face precarious financial situations. The reality is that they cannot risk their job by challenging their employer's application of comptime or realistic demanding wages rather than comptime or flextime. Without clear rules, these workers will be left without redress and left extremely vulnerable.

Would most employers implement comptime in an equitable manner? I am sure many would. However, S. 4 gives managers the authority to effectively eliminate all overtime pay, and truth be told, there are significant numbers of employers who already abuse the current system. Indeed, last year, the Department of Labor awarded $100 million in overtime pay which was wrongly denied by employers. Labor examiners report that half the garment industry now fails to pay the minimum wage. This bill would only protect those who currently violate the law. We should simply exempt these troubled industries from comptime legislation. Yet this was another suggestion rejected by the sponsors of S. 4.

Many Democrats, including myself, would be interested in crafting legislation which ensures flexibility while guaranteeing protections to ensure employee choice—true employee choice. Last year, President Clinton suggested legislation addressing many of these goals. My colleagues should make no mistake, there are solutions to the growing time demands on working families such as the extremely successful Family and Medical Leave Act.

The Family and Medical Leave Act guarantees employees the right to take 12 weeks of unpaid leave for certain family emergencies. Since being enacted in 1993, the Family and Medical Leave Act has been embraced by the vast majority of employers and employees who have been governed by its regulations. Employers have found that it has only incrementally increased the benefits, hiring, and administrative costs they face. The law readily defines eligibility and lengths of benefits. The Family and Medical Leave Act administration costs have been low, if nonexistent, and its benefits extraordinary. Comptime, properly structured comptime, legislation protecting the workers, particularly the most vulnerable workers, could provide the same types of benefits.

Now, proponents of this bill claim that this legislation provides flexibility to needy families. We should be clear. The bill will impact the 50 percent of American workers who receive hourly compensation and are thus classified as hourly wage employees. These are our most economically vulnerable citizens.

A recent article in the Wall Street Journal points out that more and more progressive employees are implementing, under current law, flexible workplace schedules for both hourly and salaried employees. Indeed, as the article points out, one such company, Chevron, has implemented a flexibility option which would allow an employee to work four 10-hour days and have the fifth day off to tend the family. Again, these options are provided under current law.

Now, I compliment these progressive companies for their policies. But I also believe that the Wall Street Journal article points out the reality of some of the fears that are being expressed today on the floor. Businesses are appropriately concerned, first and foremost, with their bottom line. As one corporate manager was quoted in the Wall Street Journal article, "You have to look at [the work-friendly arrangements] as a business strategy, rather than an accommodation" because the accommodation doesn't get to the bottom line. Employers will move toward plans that make economic sense to them. Yet, S. 4 provides all the wrong incentives. It potentially discriminates against workers who request pay instead of time off, as well as being inflexible in granting workers' requests for time off.

The PRESIDING OFFICER. The hour of 12:30 has arrived.

Mr. DEWINE. Will the Senator yield?

Mr. REED. Yes.

Mr. DEWINE. How much longer would the Senator like to go so that we can get a unanimous-consent for him to finish?

Mr. REED. Approximately 2 minutes.

Mr. DEWINE. Mr. President, I ask unanimous consent that the time be extended for the recess by an additional 20 minutes. That would enable, I think, the Senators who are now on the floor to make their statements. I ask unanimous consent that we extend our time until 12:50.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I would like to take one moment on a point that has been addressed periodically throughout the course of the debate. First is the argument that this legislation simply gives to private sector employees the same benefits enjoyed by public employees. Public employees do have certain flexibilities, but they also have a great deal more protection than typical hourly wage earners. When we tried to provide some of these additional protections to the private sector at the committee level that are enjoyed by public sector workers, they were rejected.

Public employees can only be fired for cause, unlike most private sector employees, who have at-will contracts. Most public sector employees have grievance systems, which assure them that any disagreements with their employer will receive equitable redress. Public employees need not worry about the bankruptcy of their employer. The list goes on. Public employees have the power to ensure that flexibility works for them. If the sponsors of this legislation had been willing to provide any of these types of protections to those impacted by this bill, I think their argument would have some merit. Unfortunately, my colleagues have been unwilling to incorporate any significant worker protections into their bill.

Mr. President, I believe that this bill has been offered in good faith. Many employers would implement this legislation equitably. However, some employers would not. And, sadly, large sectors of employers do not follow even the current rules.

Unfortunately, portions of this legislation have been hijacked by those same interests who opposed an increase in the minimum wage, the implementation of the Family and Medical Leave Act, and who now impose the implementation of employee-oriented flexible work schedules. This well-intentioned idea now contains large loopholes by which some employers could dramatically reduce the pay of employees.

Mr. President, I hope these problems can be addressed so we can provide today's workers stretched thin by demands of work and family, the power with which to make use of flexible work schedules. I hope we can work to amend this so that it would reflect a bill that is balanced between the needs for employees and time with their families and giving them the opportunities to make the choices so that they can effect the policies for their families and improve the quality and climate of the workplace. I hope that we all can work toward that end.

I thank the Chair and yield back my time.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today not only as a proud original cosponsor of S. 4, the Family Friendly Workplace Act, but also as a parent of three wonderful children. I am a working parent of three wonderful children. Many of my colleagues know from personal experience that being a parent is tough work—even for Senators.

I come to the floor today to speak as an advocate for more family time. My family is my lifeblood. They were by my side long before I became a Senator, and they will be by my side long after I leave this job. If I had to make a choice between politics and parenting, my duties as a father would receive my vote.

Having said that, I think it is important that my colleagues keep in mind that there are millions of working American parents in their States who confront far greater difficulties managing work and families than we do. As a Senator, I have flexibility to spend time with my family. But what about the millions of working parents that want paid time off with their kids? They can't have it because they remain tethered to a 60-year-old act that prevents them from crossing that bridge to the 21st century.

This is a different world from 60 years ago. In 1938, only 2 out of 12 mothers worked. Now, 9 out of 12 mothers work. We have had so much Government help that two parents in a family have to work. One works to pay the bills; the other one works to pay the taxes. We have to reverse that trend. Until we do, we have to find ways that they can keep the family together and have time to spend with their families.

S. 4 would amend the Fair Labor Standards Act of 1938—not eliminate it from the pages of history, as the opponents of this bill would like us to believe. This vital piece of legislation would provide American working parents with flexible work schedules and increase their choices and options for their time at work and quality time with their families, even if they don't work for the Federal Government. Ensuring that such opportunities are provided for working parents can only serve to strengthen our American families.

I do recognize that there are changes in this Nation's work force that have been made over the past 60 years. There has been this influx of women into our Nation's work force. According to the Bureau of Labor statistics, 63 percent of mother and father households now see both parents working outside the home. Moreover, 76 percent of mothers with school-age children now work.

Americans want flexibility. This month's Money magazine shows that 64 percent of the American public and 68 percent of women would prefer time off to overtime pay—if they had a choice. I predict that these percentages will continue to increase. I urge my colleagues to invest now, while it is still a meager 68 percent. That number will continue to rise and the payoff will be big for our Nation's workers—not just in paid time off from work, but paid time off with family—a true investment in America's future.

Wage payers are not the heartless and cruel reincarnations of Ebenezer Scrooge and Simon Legree, like we keep hearing on the floor here. Having played the wage payer role for more than 26 years, I take great offense when employers are characterized as being the bad guys in this thing. I have been a small businessman, and my wife and I had shoe stores, small shoe stores, family shoe stores. We employed, in each store, three to five people. It gives you a different perspective on the world and on flexibility. Back here, I have been in partisan discussions where we have talked about whether small businesses have 500 employees or 125 employees. I have to tell you, that isn't even close. Small businesses have 1 to 5 employees. These are small businesses where the guy that owns the business sweeps the front walk, cleans the toilet, and waits on customers. That is a focus that we have to get in this United States. We have to think about those small businesses and the flexibility they need, instead of overburdening with continuous regulations and tough forms to fill out for taxes. Eighty percent of the American work force works in those small businesses—90 percent in my State.

Now, they used to have flextime. Why don't they now? They can't afford to litigate. We have become a Nation of victims. If something doesn't go just exactly the way we want it to work, we complain about it, try and figure out how we have been a victim, and we try to figure out how to make somebody pay for it. When it gets into a contentious situation like that, some of the things not provided for in law have to be watched very carefully. That is why there isn't as much flextime now as there used to be. I went to a small business hearing in Casper, and when it was over, the news media said, "You only had 75 people here at a time. Why were there not more here?" They are kind of prohibited from coming to daytime hearings, because if they had an extra person to be able to attend the hearing, they would fire them because it would be too much overhead.

That is the kind of perspective we have to look at. Those are the people this seeks to work with. It seeks to give people working in the small businesses some flexibility so they can do the things they need to, without being overburdened by the problems that are provided in the Family and Medical Leave Act. That excludes businesses under 50, and there is a good reason for it. If they have employees with less than 50, they have problems filling out just the paperwork for that bill with 300 pages of regulation. This is a 45-page bill. I can picture small businessmen trying to handle what we may force on them with this many pages of legislation. As for the Ebenezer Scrooges and Simon Legrees, they are probably out there; 2 percent of the businessmen probably fall into that category. We have to quit writing laws to take care of the 2 percent in this country and write laws that take care of the 98 percent, the good employers that want to work together, that want to keep their business going. That is a focus we lost in this discussion.

Part of the reason for this flextime is so that the business can still function. They say, why isn't there a provision in here that absolutely guarantees the employee to take off any time that he wants to? If you only have three people and the other two who don't have an investment in the business insist they are going to leave tomorrow morning, you don't have enough help to take care of the customers. If you do that a few days in a row, you don't have anymore customers. If you don't have the customers, then you don't have a business. I have to tell you, in small business, the employee understands that. He is more sensitive to the business than anybody in the big businesses, and he knows that it is his job that goes. So he is interested in having a flexible work situation that we are trying to provide with this bill and that it does provide with this bill, without putting anybody out of business and taking away all three to five of those jobs.

I have heard some things against the Family Friendly Workplace Act besides the ones mentioned on the floor. Employees have talked to me and say, "How come there are limits in this bill on how many hours I can collect?" They would like to work extra so they could have the biggest anniversary party you could ever imagine. They may have a son graduating from college and they want some extended time together, probably their last time together. They may want to build up some hours for that. In this bill, there are limitations on that. So they are going to have to pick one or the other, or maybe neither. I hear the employer saying, well, by golly, this puts us in a bit of a bind, because if there is enough work force around here now, and they have enough flexibility on where they go to work. If my competitor offers this flex, then I am going to have to offer the flex. So it isn't a perfect bill for anybody. But it is a perfect bill for most and it will provide solutions in the work force.

Four years ago, the President signed the Family and Medical Leave Act into law. While well intended, the Federal Government took 13 pages and made it into 300 pages, instead of targeting employees with choices and options, and overburdened everybody with a bunch of paperwork. It is making a difference, but it is unpaid time, without any option in the private sector to change that around so it is paid time.

One of the things that came up in the committee was a request or suggestion that people could take their time, time and a half, take the money, and when they had an emergency or just wanted to see a ball game, they could just pay for it. That isn't how America works. When you get that money, you spend it. Particularly with working mothers, if they get the paycheck, they say this paycheck is now my family's and it has to go for the bills. But they can bank hours; the hours are theirs. The hours are theirs to spend the way they want to. It is a way to bank it. Then if they run into that family emergency where the refrigerator breaks down, they can make that trade and take the money. This bill says you can take the cash if you want to. You can bank the hours, and you can take cash.

It is a much easier situation than trying to meet all of the Federal guidelines on everything else that we have. I have to tell you one of the reasons I am in on this bill. When I was in my campaign, I was in Cheyenne, WY, a company down there does first-day stamp covers; it's one of the biggest ones in the world. If you want a first-day cover on any stamp, there is a place in Cheyenne—not just for the ones that are going to happen, but for the ones that already happened. It's one of the greatest museums of stamps. When the Federal Government passed this law that said that employees can have flextime and comptime in the Federal Government, the same proposals we are talking about here, some of the people working for that company were married to Federal employees. Now, the ones working for the Federal Government could do that kind of time. The ones working for the private business could not. So they got the employees together and said let's offer this opportunity, and they took it to management and management said, "why not?" They offered it to the employees. Then they got in trouble because it is only a Federal law. I ask you, how fair is Government if two people in the same family don't have the same advantages and the one that gets all the advantages is the one working for the Federal Government? Businesses are not Ebenezer Scrooges or Simon Legrees. They are the ones who want it to work for the employees. They have worked on this for 19 years now, and they are overjoyed that we are considering this at this moment. They sent somebody back at their expense to testify on behalf of the employee to get this kind of flex in the schedule.

I ask you, are those people working for Unicover crazy? No, they want flextime in their schedule. Private sector employees know that the Federal employees have this flexibility.

I urge my colleagues to join me in giving the employees the opportunity to balance their work and family obligations. This bill is just common sense. We can put all kinds of smoke screens behind it. We can make it look like it is just for big business.

But, please, on behalf of the small businesses of this country, on behalf of the working people, particularly the working mothers of this country, let's give them some flexibility in their work schedule so that they can have better families. If we have better families, we will have a better America. And the Family Friendly Workplace Act will provide that.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I rise to support the Family Friendly Workplace Act once again. Senator JEFFORDS earlier today submitted to the Senate the committee substitute. I would like to take a few moments now to explain the terms of that substitute to the Senate.

I note the time. I, therefore, ask unanimous consent that our time for the recess be extended by an additional 7 minutes.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. DEWINE. I thank the Chair.

Mr. President, as has been pointed out by my colleague, Senator WELLSTONE, we had the opportunity to have hearings. We had the opportunity to thoroughly discuss this bill in not only the subcommittee but the committee. We listened to the criticism. We listened to the constructive comments that were made. I believe that the committee substitute that has been brought forward today addresses the legitimate concerns that were, in fact, raised by many of our colleagues on the other side of the aisle. I think this committee substitute is a fine work product. I am pleased to be able to discuss today some of the details.

First, the collective bargaining process.

When we drafted this bill, we wanted to give nonunion employees the ability to select flexible work options through individualized agreements with their employers—and to give union members the ability to select these options collectively. We wanted all unionized employees to use the collective bargaining process to select these options. During the markup, however, it was pointed out by Senator KENNEDY that the bill actually limited the scope of coverage to unions who are recognized representatives of the employees under section 9(a) of the National Labor Relations Act [NLRA]. It's true that a great many unions are recognized under section 9(a)—but that provision does not, in fact, cover all union members.

Under the committee substitute before us today, all employees who are members of unions will obtain their flexible work options through the collective bargaining process. The new language says, and I quote, "where a valid collective bargaining agreement exists between an employee and a labor organization that has been certified or recognized as the representative of the employees of employer under applicable law," end of quote, the employee may obtain flexible work options through collective bargaining.

I would like to point out, Mr. President, that notwithstanding this amendment, it has always been our intention to ensure that employees participate in S. 4's flexible options through agreements with their employer. Under no circumstances can an employer provide flexible options to an employee without either a written agreement from a nonunion employee or collective bargaining agreement on behalf of a union employee.

This measure, along with the bill's anticoercion measures, was intended and designed to protect employees from being forced to participate in any of the options available under S. 4. Today we simply strengthen that policy.

Senator WELLSTONE expressed concerns about the tenuous and short-lived nature of certain types of jobs in certain industries—questioning the ability of some workers to use and benefit from the flexible work options provided by S. 4. To address this concern, Senator WELLSTONE offered an amendment in markup which would have exempted part-time, seasonal, temporary, and garment-industry workers from the comptime provisions of the bill.

Even though we found Senator WELLSTONE's concerns legitimate, the majority of the committee disagreed with the proposed solution—the exemption of whole industries and classes of workers as well as giving the Secretary of Labor broad authority to determine the eligibility of other industries.

We believe that workers should be protected from potentially abusive situations and that employees and employers that enter into any agreements have a stable relationship. However, we believe that it would be unfair to exempt whole industries and classes of workers—eliminating even the possibility of participating in a flexible work option, even if they have worked with the same employer for many years.

The solution provided by the committee substitute states that before an employee is eligible for a flexible work option, or before an employer can offer a flexible work option, the employee must work for the employer for 12 months and 1,250 hours within 1 year—ensuring that a stable relationship exists between the employer and the employee.

This solution may sound familiar. That's because it's the same basic requirement that exists under the Family and Medical Leave Act.

This requirement effectively creates the exception Senator WELLSTONE suggested. Employees whose duration is too short-lived or tenuous to take advantage of S. 4's options are excluded. However, employees who are not so situated have an opportunity to develop a stable trusting relationship with their employer.

In addition to satisfying Senator WELLSTONE's concerns, this change will allow long-term employees an opportunity to determine whether their employer is the type to respect the parameters of S. 4's flexible options and to determine if they want to participate or not.

The purpose of this provision—as of the bill in its entirety—is to increase the freedom and flexibility of the workers.

Mr. President, let me now turn to a third change we propose in the bill. We propose aligning the potential damages available for violations of S. 4's biweekly and flexible credit hour provisions. Some of our colleagues appear to believe that it's impossible to modify the Fair Labor Standards Act and still provide adequate protection to working men and women.

If my friends believe this, they are wrong. The purpose of our bill is worker protection. There are severe penalties for employers who violate the workers' rights.

S. 4 had strong penalties under the comptime provisions. The committee substitute takes these strong penalties and extends them to violations under the other flexible workplace options.

Mr. President, the committee substitute will also include an addition to the provisions for biweekly work schedules and flextime options. It will require the Department of Labor to revise its Fair Labor Standards Act posting requirements so employees are on notice of their rights and remedies under the biweekly and flextime options as well as the comptime option.

Let me now discuss the salary basis provision. Under the FLSA's salary basis standard, an employee is said to be paid on a salary basis—and thus exempt from the FLSA overtime requirements—if he or she regularly receives a straight salary rather than hourly pay. These individuals are usually professionals or executives. Furthermore, the FLSA regulations state that an exempt employee's salary is not subject to an improper reduction.

For years this subject to language was noncontroversial. Recently, however, some courts have reinterpreted this language to mean that even the possibility of an employee's salary being improperly docked can be enough to destroy the employee's exemption, even if that employee has never personally experienced a deduction. Seizing upon this reinterpretation, large groups of employees, many of whom are highly compensated, have won multimillion-dollar judgments in back overtime pay—even though many of them never actually experienced a pay deduction of any kind. This problem is especially rife in the public sector.

Mr. President, this legislation would not affect the outcome in cases where a salary has in fact been improperly docked. If an employer docks the pay of a salaried employee because the employee is absent for part of a day or a week, the employee could still lose his or her exempt status.

The purpose of S. 4, in this regard, is to make clear that the employee will not lose his or her exempt status just because he or she is subject to—or not actually experiencing—an improper reduction in pay.

Mr. President, we're making progress on this legislation—a bill that would help give American workers the flexibility they need and deserve as they confront the challenges of a dynamic new century.

This bill will strengthen America's families, by allowing millions of hourly workers to balance family and work. Let's move forward in a bipartisan way to get it passed.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m.; whereupon, the Senate resembled when called to order by the Presiding Officer [Mr. COATS].

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. JEFFORDS. Mr. President, I call for the regular order with respect to S. 717.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 717) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes.

The Senate resumed consideration of the bill.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I would like to take just a couple of minutes to rise in support of the Individuals With Disabilities Education Act. I have a particular interest in this bill in that I have been involved for a very long time with disabilities, chairman of the disabilities council in Wyoming, my wife teaching special kids, and so I wanted to comment very briefly.

I rise in support of the current bill to reauthorize IDEA, the Individuals With Disabilities Education Act. The Federal Government, in my view, should and does play a rather limited role in elementary and secondary education. This is the responsibility generally of communities, those of us who live there. State and local control, I think, is the strength of our educational system, and yet I believe strongly that this is an appropriate Federal responsibility. This is dealing with that kind of a special problem which exists in all places to ensure that every child has the opportunity to be the best that he or she can be.

IDEA helps local schools meet their constitutional responsibilities to educate everyone, and that is what we want to do. Today nearly twice as many students with disabilities drop out of school compared to students without disabilities, and that is what it is about, to have a program that helps keep students in school.

S. 717 does not have as much punch as legislation considered in the last Congress. Some issues about discipline and litigation were impossible to resolve last year, and therefore there was no reauthorization. This bill, as I understand it, represents a consensus. It is a product of negotiation. No party involved, as usual, received all they had hoped for, but nevertheless it is a fair approach. It is a step in the right direction. This bill has had a very long journey. We owe it to our local school districts to pass this reauthorization legislation that has been stymied for several years.

Education is clearly an issue that is on the minds of all of us. It is on the minds of Wyomingites. There is a great deal of uncertainty regarding the future and shape of secondary and elementary schools in Wyoming. State legislators currently are scrambling to provide a solution to a Supreme Court ruling that funding and opportunities must be allocated more uniformly and fairly across districts in Wyoming. I am hopeful that Congress can pass this IDEA legislation and eliminate at least one of the sources of uncertainty for educators and, more particularly, for parents in my State.

Since its original passage in 1975, it has become clear that there are improvements that are necessary to IDEA. Wyoming teachers and administrators have contacted me expressing concern about the endless paper trail. I hear that every night, as a matter of fact, at home; as I mentioned, my wife teaches special kids and spends, unfortunately, as much time in paperwork as she does with kids. That is too bad.

They complain the current law is unclear and places too much emphasis on paperwork and process rather than actually working hands-on with children. The bill we have before us today attempts to reduce paperwork associated with the individualized educational plan. Teachers and administrators also write to me, and I am sure to my fellow Senators, to ask for strengthening of the discipline and school safety provisions of the law. They want power to take steps necessary to assure that schools are safe for all children. S. 717 would give the power to school officials to remove disabled students who bring weapons or drugs to school and keep them out for as long as 45 days pending a final decision. This will give educators a clearer understanding of how they are able to exercise discipline with disabled children, as they should be able to.

IDEA has also proved to be a highly litigated area of law. This bill will require that mediation be made available in all States as an alternative to the more expensive court hearings. Mediation has been shown effective in resolving most of these kinds of disputes. Meeting with the mediator will help school professionals and parents reach agreements more quickly.

In summary, S. 717 will help cut down on the overregulatory nature of IDEA. It will allow parents and educators to work out differences by using noncontroversial and nonadversarial methods. It will go a long way toward allowing all children to learn free from danger and serious disruption. And, therefore, Mr. President, I urge that this bill be passed, that we make more certain the opportunities for disabled children in schools throughout the country.

I yield the floor.

Mr. JEFFORDS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 242

(Purpose: To make technical amendments)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair will advise the Senator from Vermont there is a pending amendment.

Mr. JEFFORDS. I ask unanimous consent the pending amendment be laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS. I offer the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 242.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike the item relating to section 641 of the Individuals with Disabilities Education Act and insert the following:

"Sec. 641. State Interagency Coordinating Council.

On page 3, strike the item relating to section 644 of the Individuals with Disabilities Education Act and insert the following:

"Sec. 644. Federal Interagency Coordinating Council.

On page 19, line 19, strike "Alaskan" and insert "Alaska".

On page 26, line 4, strike "are" and insert "is".

On page 26, line 12, strike "are" and insert "is".

On page 26, line 15, strike "include" and insert "includes".

On page 35, line 5, strike "identify" and insert "the identity of".

On page 55, line 17, strike "ages" and insert "aged".

On page 55, line 19, insert "the" before "Bureau".

On page 94, line 24, strike "Federal or State Supreme court" and insert "Federal court or a State's highest court".

On page 102, strike line 3 and insert the following:

"(i) Notwithstanding clauses (ii) and

On page 140, line 15, strike "team" and insert "Team".

On page 140, line 22, strike "team" and insert "Team".

On page 177, line 8, strike "661" and insert "661.".

On page 196, line 18, strike "allocations" and insert "allotments".

On page 201, line 22, insert "with disabilities" after "toddlers".

On page 203, line 23, insert ", consistent with State law," after "(a)(9)".

On page 208, line 22, strike "636(a)(10)" and insert "635(a)(10)".

On page 216, line 6, strike "the child" and insert "the infant or toddler".

On page 216, line 7, strike "the child" and insert "the infant or toddler".

On page 221, line 5, strike "A" and insert "At least one".

On page 221, line 8, strike "A" and insert "At least one".

On page 226, line 4, strike "paragraph" and insert "subsection".

On page 226, line 7, strike "allocated" and insert "distributed".

On page 229, line 20, strike "allocations" and insert "allotments".

On page 229, lined 24 and 25, strike "allocations" and insert "allotments".

On page 231, strike line 17, and insert the following:

ferred to as the "Council") and the chairperson of

On page 260, line 4, strike "who" and insert "that".

On page 267, line 15, insert "paragraph" before "(1)".

On page 326, between lines 11 and 12, insert the following:

"(D) SECTIONS 611 AND 619.—Section 611 and 619, as amended by Title I, shall take effect beginning with funds appropriated for fiscal year 1998.

Mr. JEFFORDS. Mr. President, this amendment is purely to make some technical corrections in some misspelled words and a little bad grammar, which we would hardly like to have on an education bill. This was passed by the House this morning and is made part of the House bill. I know of no problems with it from either side and ask unanimous consent that it be considered as adopted.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 242) was agreed to.

Mr. JEFFORDS. Mr. President, I now will be going forward with the bill. There will be two amendments to be offered, one by Senator GORTON and the other by Senator SMITH of New Hampshire. They have agreed to a time limitation. I do not know whether it has been shared with the minority or not. Under the agreement, there would be 2 hours equally divided between Senator GORTON and myself, which I will share with Senator HARKIN.

I ask unanimous consent that with respect to the amendment offered by Senator GORTON, there be 2 hours for debate equally divided between Senator GORTON and myself, and I will share with Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. And I add to that unanimous consent that no second-degree amendments shall be considered in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I yield the floor.

AMENDMENT NO. 243

(Purpose: To permit State educational agencies and local educational agencies to establish uniform disciplinary policies)

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be laid aside and that the clerk report the amendment which I send to the desk.

The PRESIDING OFFICER. Without objection, the amendment will be laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself and Mr. SMITH of New Hampshire, proposes an amendment numbered 243:

On page 169, between lines 11 and 12, insert the following:

"(10) UNIFORM DISCIPLINARY POLICIES.—Notwithstanding any other provision of this Act, each State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction to ensure the safety and appropriate educational atmosphere in its schools.

On page 169, line 12, strike "(10)" and insert "(11)".

Mr. GORTON. Mr. President, as you know, it is the custom in the Senate to ask unanimous consent that the reading of the amendment be dispensed with. I did not ask for that unanimous consent this afternoon because I wanted to demonstrate that the amendment before us is exactly 7 lines long, to be added to a bill which is 327 pages long—327 pages of detailed requirements imposed on each and every school district in the United States of America from New York City to Los Angeles to one of my own, Harrington, WA, a small school district in a rural farm area.

I will recap only briefly the remarks that I made yesterday relating to this entire bill, and then I will attempt to fit this amendment into some of the objections, perhaps the single most important objection that I have to the bill that is before us.

As was the case yesterday, I must start by saying that we are not operating here today on a clean slate. An Individuals With Disabilities Education Act has been a part of the law of the United States for the last couple of decades. This revises and reauthorizes that proposal. On the narrow question of whether or not this bill is somewhat easier for school districts to administer and grants them somewhat more authority than they have at the present time, the answer can only be in the affirmative. If our only choice was between a continuation of the current law and the adoption of this bill, I would have to confess that this bill would be superior. Nevertheless, it retains all of the profound policy and balancing of power objections that are applicable to the current law to such extent that the relatively modest improvements in this bill simply do not make it an appropriate law to be passed by the Congress of the United States and imposed on every school authority and on every student and on every teacher of the United States. So it is with deep regret, and in spite of the view that the education of the disabled is an important priority, that some aid and assistance, at least, of the Federal Government to that end is an important priority, that I present this amendment and oppose the bill as a whole.

It seems to me that fundamentally the objections to the bill fall into two quite separate categories. The first and the easiest to understand is that this bill, as is the case with the current IDEA statute, imposes a huge unfunded mandate on all of the school systems of the United States. We are told, I believe by the Congressional Budget Office, that the costs imposed on the school districts of the United States next year, 1998, in that 1 year alone, will be $35 billion. That number is greater than the sum of all of the discretionary appropriations for education from kindergarten through high school passed by this Congress. As against that $35 billion mandate, we will appropriate somewhere between $3 and $4 billion to the States and the school districts when we have finished our work for the year. For the current year, the figure is just over $3 billion. So, perhaps for every $10 of costs and expenses we impose on our school districts, we will reimburse our schools $1.

It is difficult for me to imagine any Member of the U.S. Senate standing up on this floor supporting this bill if that Senator had to persuade the Congress to appropriate $35 billion to enforce it. Given the nature of our budget challenges, given our bipartisan desire for a balanced budget, given the agreement between the President of the United States and the leadership of the Congress on the budget for this year, we would not be able to find that $35 billion without repealing all of the other aid to K–12 education bills and a number of our higher education expenditures as well.

So, what Congress is doing in this bill, just as it has done for the last 20 years, is saying to each school district: We know what is best for you. We are going to tell you what you have to do. But we are not going to pay for it. This is, I am informed, the largest unfunded mandate we impose in the U.S. Congress except for some of our environmental mandates that are spread out over the private sector as well as over the public sector. It is, we are told by the Advisory Council on Intergovernmental Relations, the piece of legislation that creates the fourth greatest amount of litigation of any of the statutes of the United States. Why? Because of its immense complexity.

So, fundamentally, it is wrong that we should be debating a bill like this, or its predecessor, because we are not willing to pay for the consequences of our own actions. We make the rules. We do not pay the bills. That is the first objection to the bill, and I must confess the amendment I have just introduced does nothing about that unfunded mandate whatsoever.

The second objection has to do with the highly valid but nevertheless extremely narrow focus of the bill. The theory of the bill, the philosophy of the bill, is to guarantee a free public education to all disabled students or potential students of a grade-school or high-school age. The focus is narrow because the bill allows school districts, in providing this education, to focus on nothing else. With respect to the bill and its mandates, no other interests are even relevant. The costs of providing the education are not relevant. The individual education plan can be literally unlimited in the cost for an individual student—costs which obviously come out of the same pool of money which educates every other student and thus deprives each and every other student of what that money could furnish. The safety of the schoolroom or the school grounds is not a relevant consideration, with the narrowest of limitations, slightly broadened by this bill over current law. The classroom environment for all of the other students is not relevant in the decisions that are made under this bill.

So, whatever the impact on all of the other students, the school district simply may not consider them. Only the beneficiaries of the bill and their perceived welfare, by their parents or by an administrative officer or by a court, may be considered.

One parent in the State of Washington wrote to me on this subject and made the following statement:

> I recently asked my school district attorney what rights I had as a parent when the education program of my child was interrupted by the behaviorally disabled due to legal decisions. His response was, you have no rights.

"You have no rights."

Yesterday, I shared with my colleagues a letter from a parent in California who responded, as I suspect thousands of others have responded, to this frustrating decision by taking her child out of the school system entirely. She was required to find privately financed education for just such a student. In this connection, the fundamental flaw in this law, as in its predecessor, is the double standard it sets both for disciplinary proceedings and for classroom environment. Every school district in the United States retains all of the powers that it had previously to discipline students for what in a different context would be criminal offenses—weapons, drugs, assaults and the like. Every school district retains the authority to act on behalf of the majority of its students with respect to classroom atmosphere and environment so a learning environment conducive to the learning of all can be enforced.

If, however, a student is disabled or contrives to get a finding of disability, all of those rules go out of the window. Discipline is severely limited. The right of ultimate and complete expulsion is wiped out entirely, and an elaborate set of requirements that take up many of the 327 pages of this bill are substituted, including legal proceedings in which attorney's fees can be imposed against the school district but not against a parent, even if the parent loses that litigation. And, inevitably, this double standard communicates itself to the students, to the subjects of our education system.

Again, Mr. President, I would like to share with you a comment from the superintendent of the Edmonds School District in the State of Washington. Edmonds is a relatively prosperous, relatively large Seattle suburban school district. Brian Benzel, its superintendent, writes:

> Our major frustration is that we continue to have high expectations for programs thrust on us by the regulations with very little resources to achieve those expectations.
>
> The result is that good people do not understand why we do some of the things we do because they defy common sense. When we try to explain the regulations and the requirements, we all come away as losers and the public support necessary for the public schools is undermined.
>
> We have had several incidents with guns and dangerous knives. We have a strong policy and clearly set an expectation that possession of these items will result in expulsion. At same time, we often get into time-consuming and expensive due process hearings where our principals are the focus of concern rather than the student's behavior. We all begin to think we're attorneys rather than educators.

Another letter from the superintendent of the Othello School District, a rural school district:

> Already this morning I have received two phone calls from principals asking for advice regarding disciplining disabled students. One

> student is in possession of a knife for the second time this year, and another middle school student has threatened to kill another student. Each time the principal is faced with one of these situations, s/he should not have to worry about negative consequences for trying to provide a safe environment for all of their staff and students. . . . please don't tie the hands of the administrators that are trying so hard to provide a safe learning environment for all of their students.

This is a field which has made modest progress, but it is very modest. Expulsion, as one of the superintendents spoke about, still is not an alternative. And so, Mr. President, the amendment that I have sent to the desk, and I wish to read it just once again, in its entirety it reads:

> Notwithstanding any other provision of this Act, each State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction to ensure the safety and appropriate educational atmosphere in its schools.

No more and no less than that. No more and no less than considering maybe perhaps our local school boards, our principals and our teachers know more about running their classrooms and are equally concerned with all of their children as we are, we, in this artificial atmosphere, setting out 327 pages of regulations for the ordering of our public schools. Mr. President, that would be wrong if we paid for it, and, as I said earlier, we are not paying for it. Most States have laws relating to the education of the disabled. Most teachers in school districts would do the best job they possibly could in the absence of regulations, even from the State, and yet we feel in our wisdom we can set up one set of rules applicable to every school district across the country that ignores completely individual situations taking place in individual school rooms, each slightly different than the other, and that we can ignore completely the educational atmosphere in which the vast majority of our students live and work.

Is it any wonder that since the passage of this act, we have a constantly increasing number of students who are denominated disabled, when every incentive to a parent is to get such a designation, when we have a large number of so-called experts who will say that the very fact that a student disrupts the classroom is proof of disability, so that the disruption cannot be effectively sanctioned?

I believe that it is inevitable that even if we pass this slightly improved law, the number, the share of those who are denominated disabled will continue to increase; the percentage, the share of the limited dollars available for education will continue to increase. The amount of litigation and lawyer's fees, coming straight out of the educational budget, will continue to increase. One size does not fit all, and my amendment will not cure all of the shortcomings of this bill. It will leave intact the absolute requirement that a free public education be provided to every individual, disabled or not. That will not be affected. It will not solve the money problem of an unfunded mandate.

It will, however, allow the reimposition of a single standard for discipline, classroom safety and classroom environment to be determined by the school authorities most affected by those standards. It will end the process of student after student leaving the public schools because of the impact of the bills, teachers leaving the profession because of the impact of those bills, and the fact that many of us, I know in my own case, receive more complaints about this aspect of the Federal program for education in the United States than we do on any other single subject.

So, knowing in this case that the odds are stacked against me, I have tried to present this amendment in the simplest possible fashion. You either believe in a single standard of discipline and safety and educational atmosphere or you do not. If you believe in it, if you believe in the essential goodness and expertise of the people who are providing our children with their education, you will vote for the amendment. If you disbelieve in that good faith, if you disbelieve in that expertise, your problems and our problems with our public schools are far greater than those dealt with in this amendment. Free our school boards and our teachers and our administrators to provide the education we demand of them for all of our children. Free them by adopting this amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in strong opposition to the amendment of the Senator from the State of Washington. I can understand his particular concern, given that the State of Washington at one time had the highest percentage of due process hearings that resulted in court cases of any State in the country. I would note that the State has taken dramatic action in the last couple of years which has greatly reduced the amount of litigation.

But first of all, let me talk about the word "mandate," as it is used not only the Senator from Washington but also by many others. The indication is that IDEA somehow is a Federal mandate.

Back in the early seventies, there were many court cases and some 26 States were told that they must provide an appropriate education for children with disabilities. In order to provide national uniformity, a national consent decree was developed. The decree provided that, if a State provides for a free education, then it must provide it for everyone and, with respect to students with disabilities, it must provide a free and appropriate education. Part of the definition of "appropriateness" were the words "shall contain mainstream provisions," or words to that effect.

It is not just an issue of court cases in those States. This is a constitutional matter—a matter of equal protection.

Congress responded by developing a bill that provided uniformity and attempted to provide information, guidelines, and rules for the States as to how to provide an appropriate education consistent with mainstreaming. It is amazing that, since that bill was written in 1975, there have been no amendments to it other than the 1986 amendments which dealt with other matters, such as early intervention as well as attorney's fees. I hope that sets the background with respect to where we are today.

Now let me talk about the cost of this education. Yes, it is costly. It costs right around $35 billion a year, of which the Federal Government provides only a relatively small amount, some 7 percent to 8 percent. The Gregg amendment, which has already been offered, attempts to rectify our failure to provide the 40 percent we promised back in 1975, but that is another issue.

The Republican education bill, S. 1, delineates a path toward living up to our promise to finance 40 percent of the cost of this education. I hope we do carry out that plan. At the same time, I do not believe we should add any amendments on that issue at this time.

What will the Gorton amendment do? If you talk about lawsuits, if you talk about lawyer's fees, it is a bonanza. This proposal may take care of some of the less than fully employed lawyers around the country. We have 16,000 school districts and, under this amendment, we would have 16,000 sets of rules. It will take us a long time to figure out what that means—which ones do you use and where do you go? Senate bill 717 sets specific rules for everybody across the country, so every State has uniformity. Therefore, I think contrary to the desire of the Senator from Washington, his amendment will exacerbate the problem rather than solve it.

Also, I would like to point out, as to the total cost, you have to consider that it is a constitutional mandate, so it is a necessary cost. It is not something which was added in order to try and benefit some people. This is a constitutional mandate. If you measure those costs and you compare them with the savings that have occurred by virtue of providing this education, then you will come up with a totally different picture.

All of us have observed in our States what has happened. Almost all the institutions which used to house children with disabilities, children who were not able to function in our society, have been closed in Vermont. Even those children who have a particularly difficult time, those who are less educable, are in private foster homes. Millions and millions of dollars have been saved in our State by that alone.

Second, there is the issue of the quality of life of individuals who are able to participate in a school system and are able to have functional lives and be employed. There is story after story after story of young people who have come through the system and become an important part of society—employed and paying their own way. To say that the cost is so high, this amendment will do nothing but increase the cost.

As I indicated earlier, I understand the concern of the Senator from Washington. In 1993, the State of Washington had 72 hearings, 26 of which resulted in court cases. The State of California, on the other hand, had 849 hearings requested—only 10 of which resulted in court cases.

The State of Washington recognized that they had to make some changes, and they did. They implemented a process of getting people together to talk these things over and find a resolution, and the figures have changed abruptly. They now have a lot of mediation proceedings and few, if any, court cases. In 1995 and 1996, there were 137 mediations in the State of Washington, with 6 pending at the end of the year. Just about all of the cases were settled. During that same period, only three hearings were held.

In view of these improvements, I urge the Senator from Washington to withdraw his amendment. I hope we can take a look at what could happen. If this amendment passes, it would destroy a system which has apparently been working very well and would put us in a position where we would be back to court in about every case.

I hope that the Senator will end this instead of creating a problem which would destroy all of the efforts that the State of Washington has made in the last few years to get rid of the problems they had.

Mr. President, I ask unanimous consent that the facts contained in "Mediation Due Process Procedures in Special Education Analysis of State Policies" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINDINGS: DUE PROCESS HEARINGS

With few exceptions, states were able to provide statistics in response to survey items that asked for numbers of hearings requested, held and appealed for the years 1991, 1992 and 1993. The data is displayed in Table 6. In some states, data concerning appeals of hearing decisions to state or federal court are not provided to the department of education.

STATE DUE PROCESS HEARINGS 1991, 1992, 1993

State	Hearings requested			Hearings held			Appeals to court		
	1991	1992	1993	1991	1992	1993	1991	1992	1993
AL	27	44	53	10	10	19	1	2	2
AK	4	2	0	4	2	0	1	0	(1)
AZ	(1)	(1)	(1)	7	5	7	(1)	1	1
AR	46	15	39	6	2	13	0	1	0
CA	611	772	849	74	72	58	18	15	10
CO	16	27	26	4	3	2	1	0	0
CT	227	195	278	51	56	77	8	5	8
DE	7	10	5	2	4	3	1	0	0
FL	37	43	31	12	12	17	(1)	(1)	(1)
GA	28	48	57	10	9	24	1	0	2
HI	22	23	25	6	7	6	1	1	0
ID	8	2	6	1	1	2	1	0	(1)
IL	466	507	393	130	133	105	(1)	(1)	(1)
IN	82	59	62	32	19	17	0	1	3
IA	32	25	28	6	5	5	0	0	1
KS	(1)	(1)	31	8	4	11	0	0	0
KY	33	34	50	7	8	9	1	1	0
LA	6	7	20	3	3	7	0	0	1
ME	53	35	64	22	10	23	6	1	2
MD	26	40	50	16	19	46	0	7	14
MA	379	343	458	95	111	89	6	3	2
MI	42	34	33	14	14	19	1	3	1
MN	4	19	16	4	0	3	0	0	0
MS	2	4	23	2	4	10	(1)	(1)	(1)
MO	(1)	(1)	(1)	5	5	7	(1)	(1)	(1)
MT	6	4	10	1	2	3	1	2	0
NE	14	9	3	7	3	1	4	1	0
NV	14	31	28	2	6	5	0	0	0
NH	77	80	74	20	16	15	(1)	(1)	(1)
NJ	643	555	740	(1)	(1)	176	(1)	(1)	(1)
NM	2	5	9	0	0	1	0	0	0
NY	465	500	609	465	500	609	(1)	(1)	(1)
NC	14	24	14	2	3	2	0	1	0
ND	2	4	3	0	2	0	1	0	0
OH	47	49	51	12	12	10	4	4	2
OK	99	83	19	33	16	5	(1)	2	1
OR	26	43	56	5	5	7	(1)	(1)	(1)
PA	264	256	213	112	106	78	6	1	2
RI	32	20	25	6	2	4	0	1	3
SC	1	5	3	1	5	3	0	0	0
SD	16	19	6	3	6	1	0	2	0
TN	40	58	56	(1)	19	12	(1)	(1)	(1)
TX	131	134	118	(1)	(1)	(1)	2	3	1
UT	7	8	5	1	1	0	0	1	0
VT	12	25	22	1	9	7	0	2	2
VA	(1)	63	66	(1)	25	39	(1)	(1)	(1)
WA	(1)	(1)	(1)	19	64	72	5	13	26
WV	29	34	28	4	5	8	(1)	(1)	(1)
WI	24	23	25	5	8	9	1	1	0
WY	2	3	1	2	3	1	0	0	0

[1] No data submitted.

Note.—Responses to items 15, 16 and 18 of the Survey on Selected Features of State Due Process Procedures conducted by the National Association of State Directors of Special Education, 1994.

As shown in Table 7, states are evenly split in the design of their systems as one or two tiered. In a two-tiered system, the initial hearing is at a local or county level with appeal or review available at the state (SEA) level. One-tiered states have a single hearing process provided by the state either directly or through a contract arrangement. An appeal to court after exhausting administrative remedies is an available option for all types of hearing systems.

Mr. JEFFORDS. Mr. President, let me discuss the bill and what it does to take care of these situations. Senate bill 717 provides one set of rules with discretion for school districts and protection for children.

The Gorton amendment, if passed, will kill the bipartisan, bicameral consensus that this measure enjoys. We simply cannot destroy all the work that has gone on throughout this country in bringing us the bill we have today—we all remember what happened last year when we thought we had a consensus. Issues similar to those raised by the Senator from Washington came up, and the whole thing fell apart. We cannot let that happen again.

If the Gorton amendment were to pass, school districts would get no relief. All the major educational organizations support S. 717, and they would all oppose this amendment.

Let me lay out a rationale of how we approach the sensitive issue of handling the discipline problems. Educators and parents need, deserve, and—in fact—have asked for the codification of major Federal policy governing how and when a child with a disability may be disciplined by removal from his or her current educational placement.

The bill takes a balanced approach to discipline. It recognizes the need to maintain safe schools and the same need to preserve the civil rights of children with disabilities.

This bill brings together, for the first time, in the statute the rules that apply to children with disabilities who are subject to disciplinary action and clarifies for school personnel, parents, and others how school disciplinary rules and the obligation to provide a free, appropriate education fit together. The bill provides specificity about important issues such as whether educational services can cease for a disabled child—they cannot—how manifestation determinations are made, what happens to a child with disabilities during the parent appeals, and how to treat children not previously identified as disabled.

We have gone through all that and we worked hard all across the country. We have a consensus on this very difficult issue, one that has been the most contentious for several years. We now have an agreement on how to handle it.

When a child with a disability violates school rules or codes of conduct through possession of weapons, drugs, or demonstration of behavior that is substantially likely to result in injury to the child or others in the school, the bill provides clear and simple guidance about educators' areas of discretion, the parents' role, and the procedural protections for the child. The Gorton amendment would say to a town or a school district that they could throw all this out and put its own in.

Dangerous children can be removed from their current educational placement. Specific standards must be met to sustain any removal. If a behavior that is subject to school discipline is not a manifestation of the child's disability, the child may be disciplined the same as children without disabilities. So, that group which has been troublesome certainly is treated just like any other child. If parents disagree with the removal of their child from his or her current educational placement, they can request an expedited due process hearing. If educators believe that the removal of a child from his or her educational placement must be extended, they can ask for an extension in an expedited due process hearing. So there is a process to make sure that no child who is dangerous is forced on the other children in the classroom.

The bill allows school personnel to move a child with disabilities to an interim, alternative educational setting for up to 45 days if that student has brought a weapon to school or a school function or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function.

The bill gives school personnel the option of requesting that a hearing officer move a child with a disability to an interim, alternative educational setting for up to 45 days if the child is substantially likely to injure themselves or others in their current placement.

I commend the Senator from Washington. He worked so hard last year to make us aware of the need to change this. We took into consideration his advice and counsel. We came up with a version which everybody in the country has agreed to. Why does he now want to supersede it and say, "Do away with that, let the communities decide what they want to do themselves"?

Including the regular education teacher in an IEP meeting should help to reassure that children with disabilities get appropriate accommodations and support in regular educational classrooms, decreasing the likelihood for a need for discipline.

Under no circumstances can educational services to a child with a disability cease. If a local educational agency has a policy which prevents it from continuing services when a child is given a long-term suspension or is expelled, the State must assume the obligation to provide educational services to the child with a disability. The disabled child is protected, also.

The discipline records of the child with the disabilities will be transferred when the child changes schools to the same extent that the records of a non disabled child transfer. That is another thing, which I think was also at the suggestion of the Senator from Washington last year, that you ought to be able to provide that record with the child so the school district that receives a child has warning that there may be problems. Prior discipline records will be provided to officials making decisions about a current violation by a child with a disability.

We have gone out of our way to accommodate the suggestions of the Senator from Washington which he made last year. I think he helped us craft a very excellent bill. Why does he now want to throw it all away and say, "Yes, notwithstanding that we took care of all these problems, we will let the communities decide how they want to do it"?

This would create chaos, and, therefore, I have to very strongly oppose the amendment of the Senator from Washington.

Mr. President, I yield such time as he may consume to the Senator from Indiana.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Indiana is recognized.

Mr. COATS. I do not intend to take a great deal of time. I wanted to comment on this particular legislation.

Mr. President, I, like most Members, if not all Members, have been back at home discussing at official forums, school meetings, and with teachers, educators, parents, and students the impact of the current statute relative to education for children with disabilities.

Clearly, there have been problems. There have been discipline problems, as the Senator from Washington has enunciated. There have been problems of excess regulations and paperwork for teachers. There have been accountability problems for schools. There have been funding problems due to the Federal Government not living up to its promise to fund up to 40 percent of the cost of this particular education.

Now, there have been numerous attempts over the years since this was first introduced—in 1975, I believe—numerous attempts to modify and correct some of these problem areas. Most of those have not succeeded and many of the situations that have been enumerated by the Senator from Washington have continued.

By the same token, there has been nowhere near consensus in this body to revoke that statute. I think there is a solid commitment to provide educational opportunities for students with disabilities. There has been strong support for that. There will continue to be strong support for that.

The question this body has been faced with over the past 3 years is whether or not we could make substantive, important changes addressing many of the problems that arise under the current statute. Our task has been to make effective changes, gain a consensus in support for those changes, and preserve the essence of the statute. These amendments seek to provide all children with disabilities in America with the opportunity for education and do so in a way that provides more accountability, ensures a safe environment for all students, and addresses a number of the other perceived flaws in the current statute.

This has been a 3-year effort. Senator FRIST, from the Labor and Human Resources Committee, undertook the effort as subcommittee chairman last year under the chairmanship of Senator Kassebaum and spent an enormous amount of time and effort trying to pull a consensus together. We were not able to do that by the end of the session.

That effort was restarted in this new Congress under the direction of the majority leader. The majority leader appointed a special task force of Members—a bicameral, bipartisan task force of Members—to see if it was possible to get everybody in one room around one table and address these issues on an issue-by-issue basis and come to some type of an agreement. Now, when you do that, you clearly end up with a piece of legislation that is not perfect from any particular person's point of view. It leaves probably more to be discussed and debated and perhaps corrected in future efforts, but the goal here was to see if we could substantially improve the current legislation.

My colleagues need to understand that the choice here today is not between repealing the statute as it currently exists on the books and going back and writing a new one from scratch. I doubt very much we would be able to successfully do that, or at least come up with something that is in any measure different from the current statute. The choice is: Given the statute on the books; given what we know through experience over 20 years with this particular law and its implications for parents, teachers, students, educators, Members of Congress and appropriators, and others; given the need to put together a consensus that will allow us to substantially improve that current statute; the choice today is, stay with the existing law, with all of the problems that it has, all of the concerns that people have, or move forward on legislation which, while it does not give any one person everything they wanted, moves the mark very substantially toward a better bill.

I think we have done that with S. 717. We have made a better piece of legislation, a better IDEA. It is better for children, better for parents, and it is better for educators.

First, we increase substantially the role that parents play in their children's education. This is a very important principle, to involve the parents more thoroughly, engage them more in the decisions of placement, provide them with information that parents of general education students receive, and give parents access to all their children's records. This provision helps provide accountability, and helps provide a framework for understanding the problems that the teacher might be dealing with in school.

Second, we include children with disabilities in State- or district-wide assessments, and in doing so, we provide systemwide accountability. Schools will now be responsible for what children in special education are learning.

Third, S. 717 moves us toward a much better understanding of the inequity and imbalance that exists in the funding of IDEA whereby the Federal Government has not lived up to its promise to provide 40 percent of the costs of special education. We are actively engaged now in working with the appropriators and others to increase the Federal funding for this act. In fact, the Republican Party, as part of its top priority as defined in our caucus at the beginning of this session; committed to making good on the promise of the

Federal Government to pay its full share of IDEA funding, and to no longer leave this obligation and burden on the States and local districts. I am hopeful that the Appropriations Committee can help us this year in making a very substantial step in that direction.

We have taken special care to address the question of the amount of regulations and paperwork that educators have to deal with. This bill provides far more flexibility for teachers and will allow them to spend more time with the children and less time filling out forms.

Finally, we have worked very carefully and very thoroughly to try to craft a discipline provision in this reauthorization bill that addresses many of the concerns raised by the Senator from Washington.

This is a particularly contentious area, and it is important that we understand that the task force looked at this very, very carefully and worked very hard to try to address these concerns.

Now, in regard to specific discipline procedures, we came to the belief that parents needed and, in fact, deserved codification of major Federal policy governing how and when a child with a disability may be disciplined by removal from their current educational placement. Here we have a disagreement with the Senator from Washington. I understand where he is coming from. But to avoid having literally tens, if not hundreds or thousands of different standards, the Federal statute must include guidelines for a consistent standard that parents and educators can understand, so that everybody knows where we are coming from on this.

The bill takes a balanced approach to discipline procedures. It does not go all the way in the direction that the Senator from Washington would like to go, and it probably goes further than others would like to go. That, again, was part of the consensus that we reached on this legislation. But we do recognize in the discipline section the need to maintain safe schools, and to balance that with the need to retain and preserve the civil rights of children with disabilities. We are dealing with a whole series of court cases. We are dealing with legislation here that has to stand the scrutiny of the courts. So we have to pay attention, obviously, to those cases and try to craft legislation which would give us a constitutionally sound and civil rights compliant discipline procedure.

For the first time, this bill brings together the rules that apply to children with disabilities who are subject to disciplinary action and clarifies for school personnel, parents, and others, how these disciplinary rules work in conjunction with the school's obligation to provide a free, appropriate education. We have to meld these two concepts together to make an effective discipline procedure. The bill provides specificity about important issues, such as whether educational services can cease for disabled children—they cannot. But also how manifestation determinations are made, what happens to a child with a disability during parent appeals, and how to treat children not previously identified as disabled. In each of these categories, we have taken a very substantial step forward, and made very substantial improvement to the current legislation.

When a child with a disability violates school rules or codes of conduct through possession of weapons, drugs, or a demonstration of behavior that is substantially likely to result in injury to the child, or to others in the school, the bill provides clear and simple guidance about educators' areas of discretion, the parent's role, and procedural protections for the child.

Clearly, we must remember that we are dealing here with the potential for litigation, with court cases, with the civil rights of children, the rights of the parents, and the responsibilities that we give to educators. Finding the appropriate balance is not easy. It is very difficult to find that balance that will allow us to meet all these concerns and tests.

Dangerous children can be removed from their current educational placement. I want to stress this. There is a belief here that there is nothing we can do with children whose behavior is disruptive, if they bring violence to the classroom or to themselves, or if they possess weapons or drugs; this is not true. Under this legislation that we are debating and will be voting on, dangerous children can be immediately removed from their current educational placements. Specific standards must be met to sustain their removal.

So you can remove the child, but S. 717 states that you must then apply specific standards in order to sustain that removal. And it is possible to sustain that removal. If a behavior that is subject to school discipline is not a manifestation of the child's disability, the child can be disciplined the same as children without disabilities.

If, however, it is determined that the behavior was a manifestation of their disability, then, obviously, there is a separate standard to follow. If parents disagree with the removal of their child from his or her current educational placement, they can request an expedited due process hearing. These are the parent's rights. If educators believe that the removal of a child from their educational placement must be extended, they can ask for an extension in an expedited due process hearing—once again, the balance of the rights of the parents, the child and the educators.

The bill allows school personnel to remove a child with disabilities to an interim alternative educational setting for up to 45 days if that student has brought a weapon to school or to a school function, or knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function. The bill gives school personnel the option of requesting that a hearing officer move a child with a disability to an interim alternative educational setting for up to 45 days if a child is substantially likely to injure themselves or others in their current placement.

There are some other provisions here, Mr. President, which, in the interest of time and because others want to speak, I won't state. I just say to my colleagues that I very much believe we have made substantial improvements and addressed some of the major concerns in the current statute. I don't discount all the things the Senator from Washington says because many in my State have indicated the same to me. We have tried to address those concerns, balancing the civil rights of those students and what we believe are important educational opportunities for those students, with the rights and the needs of teachers to have an orderly and safe classroom.

We have put all this together in this consensus bill which has been crafted with bipartisan support on a bicameral basis. I think we have a bill—maybe the only bill—that can pass. Failure to pass this reauthorization bill, or alternatively passage of the amendments being offered, would undermine the consensus process and put us back to the status quo. We would be right back to a situation where none of the complaints or concerns arising from the current statute are addressed, and we would probably go an even more considerable amount of time before Congress is able to put together consensus to address these significant concerns.

So I hope we will look past what we believe to be perfect and look instead toward what I think is a good, substantial move forward in terms of this statute. I commend the chairman of the committee for his diligent work in that, and Senator HARKIN for his long time support for this and the many others, including the majority leader, who worked so diligently to achieve this legislation.

I thank the Chair and yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am sorry to interrupt. I know the Senator from Iowa wishes to speak, as do some Senators on this side. Unfortunately, I am now 1 hour late to a hearing that I am supposed to preside over. So I would like to make just one or two remarks after which I will yield the balance of my time to the control of Senator SMITH and he can proceed as he wishes.

Mr. President, I believe firmly that the case for my amendment has been established by the last two speakers, the Senator from Vermont and the Senator from Indiana. We have heard a wave of arguments about manifestation determinations and individual education plans and the fine distinctions between various forms of violence and disorder. My good friend from Vermont has informed me not only that he knows more about education in the State of Washington than I do, but that he knows more about education in the State of Washington than do the superintendents of my schools in the State of Washington. Mr. President, that is the heart of this debate.

If, in fact, you believe the Senator from Vermont knows more about how education ought to be provided to students in the State of Washington and in your State of Idaho, Mr. President, than do the professionals, the teachers and the administrators and the citizen school board members in your State and mine, then by all means, you should vote against my amendment and you should vote for this bill. If you believe that what uniformity means in education in the United States is that we should have exactly the same rules relating to discipline applicable to every one of the thousands of school districts and millions of students in the United States, then you should vote against my amendment and you should vote for this bill. If, however, you believe that uniformity means something quite different, and that is that the rules should be uniform with respect to every student in a given school rather than a demonstrable double standard, in which the student sitting at this desk is subject to one set of rules and the student at that desk, a totally different set of rules, that that student can do things without significant discipline that this student can't, then you should vote for my amendment.

Somewhat naively, I had thought that all of us believed that education was so important that the most vital decisions relating to it ought to be made as close to the student and parent as possible. My friend from Indiana spoke of involving the parents more in these decisions. This bill does, but only those parents whose children can be determined to be disabled. What about the parents of the nondisabled students? Well, the quote from the letter to me, I simply need to repeat:

> I recently asked my school district attorney what rights I had as a parent when the education program of my child was interrupted by the behavioral disabled due to legal decisions. His response was, "You have no rights."

Yes, if uniformity means the same rule for every school district, for every school board member, for every principal across the country, then this bill is going in the right direction and my amendment is going in the wrong direction, except, of course, that we are making the rules but we are not paying the bills.

I heard something about this being a constitutional responsibility. Well, Mr. President, if it were a constitutional responsibility, we would not have to legislate at all. But just recently, under the present law, the U.S. Circuit Court of Appeals in the State of Virginia ruled that the Virginia law that stated that there were certain offenses that were egregious enough to allow for the absolute expulsion of a student applied equally to the disabled and to the nondisabled.

No constitutional right for this egregious behavior was found to limit the discretion of the school authorities of Virginia. This bill reverses that decision. It says, "Oh, no, Virginia, you have to have a double standard. You can expel the nondisabled. You cannot expel the disabled no matter what the offense."

That is what this bill says. That is not required by the Constitution of the United States. That is a value judgment made by the sponsors and the writers of this bill.

Mr. President, I said yesterday—and it bears repeating just one more time—I have asked school districts to serve as advisory committees to me in every county of the State of Washington with whom I visit. I try to visit at least once a year, and sometimes more than once. Every one of them has someone who is a teacher or a school board member or a principal. This subject is the one brought up by far the most often by all of the people who actually provide education—the interference in the system. Oh, it is true, as the Senator from Vermont said, there are fewer lawsuits over it now than there were a few years ago. Why? Because the school district can't win the lawsuit. So it now surrenders before the process is so much as started. But the costs of that surrender are paid by every other student in those schools.

So I repeat one last time. Mr. President, if the Senators in this body who have written this bill know more about schools and about education—not just another Senator—than the people who have devoted their lives to public schools and to education, then you should follow their example.

Of course, many of the educational organizations have agreed with this bill. Their alternative was even worse—the present system. I don't blame them. I commend them for doing so. But, Mr. President, that doesn't mean they like it. That doesn't mean they think we know what we are doing. That means they were told that this was the most they could get, and you either go along or get lost. And they have chosen to go along. And they made a wise decision. But we don't have to make that decision. We can decide, if we wish, that these are the decisions that ought to be made by educators—not Senators. And, if you believe that, you vote for the Gorton amendment.

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the distinguished Senator from Iowa, a leader in this area.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr HARKIN. Mr. President I thank Senator JEFFORDS.

First of all, I thank Senator COATS for his recent statement that he just made on the floor. He hit all the right points. He talked about how long this bill had been in the making and the delicate balance that we reached. I thank Senator COATS for his efforts over a long period of time in this area to reach this very delicate balance.

I also see my colleague, Senator FRIST, on the floor. I want to publicly thank Senator FRIST again for his great leadership in this area.

I was just looking up today, and it was on May 9, 1995, that Senator FRIST held the first hearing on this bill—2 years ago. It has taken us 2 years to get to this point. He has worked day and night on this to try to get it through. Last year we had a lot of problems, and Senator FRIST hung in there every step of the way making sure that we got this bill through. It took 2 years. But we no have a well-balanced bill. I want to publicly thank Senator FRIST for hanging in there and not giving up. I appreciate that very much.

Of course, I thank Senator JEFFORDS, our leader on the committee, again for leading us in this area. Again, Senator JEFFORDS was one of the few around here who was there when Public Law 94–142 was passed. He was a leader at that time 22 years ago. He is still here to lead the charge on this landmark legislation.

I want to talk for a couple of minutes with regard to some of the things that Senator GORTON brought up.

First, Senator GORTON said there are two main objections he had to the bill. The first was that it was an unfunded mandate. This is, of course, not an unfunded mandate at all. No matter how many times someone may say it or how strongly they may say it, this is not an unfunded mandate. The Congressional Budget Office, the American Law Division of the Library of Congress, and the Supreme Court, have all said this does not fall under the unfunded mandate legislation. So it is not an unfunded mandate. It is a civil rights bill, it is a law implementing the equal protection clause of the 14th amendment to the U.S. Constitution. It is not an unfunded mandate.

In other words, Mr. President, let me put it this way. The State of Idaho does not have to provide a free public education to its kids. If the State of Idaho decided to stop that, they can do it. But as long as the State of Idaho decides that they will provide a free public education to all their kids, then the State of Idaho can then not discriminate against kids because they are black or they are brown or they are female or they are disabled. That free education must be available to all kids. The Supreme Court has decided that.

So it is a constitutional mandate, not an unfunded mandate.

What we have said with IDEA—Public Law 94-142—is, "Look, we will try to help the States meet that obligation because it will cost some money, and we will help them meet that." That is why Senator GREGG moved in this area to get the Federal Government to pick up more of that obligation. We should. But I do not want to go into that anymore. Senator JEFFORDS responded to that.

But this is a civil rights bill.

What Senator GORTON's amendment basically says is, if you just read the first words, "Notwithstanding any other provision of this act," each State educational agency, et cetera, can decide for themselves what they want to do. Notwithstanding anything else, they can do whatever they want to do.

Would Senator GORTON apply that same reasoning to the Civil Rights Act of 1964—notwithstanding any other provision of the law, if a jurisdiction wants to discriminate against African-Americans, they can do so, they can fashion whatever framework they want? Would Senator GORTON apply that to title IX and say, "Well, with regard to women, each jurisdiction can decide whatever they want and how it applies to women"? We can do that with the civil rights bill? Of course not. Civil rights applies to all in this country.

The second thing he brought up was the cost. He mentioned something about the cost of this in terms of the mandate. There are a lot of ways to look at the cost. But what is the marginal cost of this? We have some figures here. You have to look at the savings. The average per student in America for those in special education the average cost is $6,100.

So it costs about 14 percent more marginally to educate a kid with disabilities than a child without disabilities.

Well, is it worth it? We have to ask: Is it worth it to spend that 14 percent?

Look at it this way, Mr. President, in 1974, before the enactment of this bill, 70,655 children were living in State institutions. By 1994, 20 years later, as a direct result of this bill, that number went to 4,001—less than 6 percent of what it had been 20 years before.

What is the cost? What is the savings? The average State institution cost was $82,256 per person in 1994.

So, if you take the difference of $66,654 for kids that are not institutionalized but are in school learning, that is a savings to the State of $5.46 billion each and every year. That doesn't include the savings later on in welfare costs.

For example, my friend, Danny Piper, who got special education, went to school. We figured up for Danny Piper that the total cost of his special education was $63,000. That is what it cost. Danny Piper today is living on his own in an apartment and takes the bus to work. He is employed. He is a taxpayer. He is not in an institution. But when he was born with Down's syndrome, the doctors told his parents, "Put him in an institution." They refused to do so. Because of IDEA, they got him in school in special education. He did well in high school. Now he is working and making money. The cost to the taxpayers of the State of Iowa to institutionalize Danny Piper would have been $5 million. Do you know what it cost us? $63,000 to get him his education.

So you can look at it from the cost, but you have to look at it from the other side—the savings side, not to mention lifestyles, quality of life, and what it means to the Danny Pipers and others not to be institutionalized.

Lastly, Senator GORTON talks about the double standard. I am sorry. That is just not so. There is no double standard here at all.

I guess what we have to ask is, What do we want at the end of the day? At the end of the day, we want a safe classroom with an environment that is conducive to learning for all students. That is what we are all about. What we want to do is teach children behavior that will lead to that safe, quiet classroom that is conducive to learning. Under IDEA, we want to use discipline as a tool to learn and not just as a punishment and to ensure that each child receives the supportive services necessary to function appropriately in a classroom environment.

For example, we have some examples of kids. Here is one. I have hundreds of these examples. Here is one, Nick Evans in Wisconsin. I have a letter here dated January 24, 1997. He was in school. He was fighting. We are told that they did not know what to do with him. We are told by the school that they felt Nick was emotionally disturbed, mentally retarded, and did not belong in the school. They did not know what to do. But they sought an evaluation at the clinic in La Crosse, WI. They met with the child's specialist. He had a superior IQ of over 130. His behavior problem stemmed from tremendous frustration of an unidentified, profound learning disability. Once that was recognized, once he got the supportive services, his behavior problems literally disappeared overnight. Now he is an A, honor roll, student. The kids want to work with him. When he is doing a class work science project, the classmates choose to work with him. This is a kid who the school said, "Kick him out. Get rid of him. He is disturbing everybody. He is dangerous." But he got the supportive services and the proper kind of discipline—the discipline to teach him how to act within that environment.

I can go through a lot of them. Here is Molly, who was very abusive to others, hitting and pushing them; teachers wanting the child removed. A speech language pathologist was called in. They commenced a program and found out that she had a communications problem. Within 12 weeks her ability to talk to her peers grew. Her behavior problems faded away.

Here is a family of three. The children engaged in fighting, aggressive outbursts, name calling. Frustrated by lack of support by the school system, they moved to a neighboring district where they found the support, and now all three of their kids are honor roll students and doing well.

Let me talk about Mike McTaggart of Sioux City, something closer to my home. I visited the school last year. Mike McTaggart is the principal of West Middle School in Sioux City. Listen to this. There are 650 students in the middle school. Student population is 28 percent minority, 32 percent are children with disabilities, and one out of three have IDP. One year prior to Dr. McTaggart coming there and taking over this school, there were 692 suspensions, and of those suspended, 220 were disabled children. The absenteeism rate was 25 percent, and there were 267 referrals to juvenile authorities in 1 year.

In 1 year, Dr. McTaggart came in, and 1 year later the number of suspensions of nondisabled children went from 692 to 156. The number of suspensions of disabled children went from 220 to zero. Attendance has gone from 72 percent to 98.5 percent. Juvenile court referrals went from 267 to 3.

What happened in that 1 year? We had a principal who came in—who brought a different philosophy, a philosophy of using discipline as a tool to teach rather than to punish, and turned that school around by involving kids and involving their parents. That school is very successful today. But if you had looked at that school before he got there, there was a lot of blame on the kids—blame the kids, blame their parents. They shouldn't be there. They are dangerous. Get them out of there. There were 267 referrals to juvenile authorities—from that to 3 in 1 year—and 220 disabled kids were suspended. It went to zero the next year.

I am just saying that is again bringing in someone who understands a different philosophy, that you use discipline as a method of teaching and enabling—not just as a method of punishment.

Lastly, the Senator from Washington State kept asking the question. He had a letter that he was reading from a parent in Washington who basically said that I asked my attorney—and I am paraphrasing here. But the letter the Senator read into the RECORD was, what rights do I have for my child to be free from all this commotion, and dangerous activity in school. And the attorney said, "You have no rights." Well, first of all, I would suggest that parent get a different attorney because you do have rights.

That parent has the right to demand of that school a safe and conducive learning environment. They have a right to demand that. They ought to demand it. What they don't have the right to do is to demand that a disabled kid gets kicked out of school. They don't have that right.

It would be like this. Let's say, Mr. President, that a caucasian kid came to school and had to sit next to an African-American. They said, "Well, I don't like that. I don't like this integration." I am conjuring up memories of a few years ago. "Oh, no. Those kids cause all kinds of problems in school. They couldn't be conducive to a learning environment." Well, we found out that wasn't so, as long as teachers and principals and parents got together, and in sort of an atmosphere of working together, it was fine; no problems.

Let's say that a child went to school, and all of a sudden sitting next to him was a physically disabled child who made them nervous because they didn't look the same, they didn't act the same, they had a physical disability that, well, maybe they weren't like the rest of the kids. Would a parent who said, hey, wait a minute. My kid has to sit there and it's disturbing; it confuses him; it is not a good, conducive atmosphere for him to learn—would that parent have the right to say, kick that disabled kid out of school? No. But what the parent has the right to do is demand of the school that they provide a safe and conducive learning environment.

That means at least to this Senator that the school has to develop strategies to make the classroom safe and quiet and conducive to learning. If kids are disturbed by someone who is in the classroom, by their appearance or by their actions, that means you develop a strategy to deal with it and bring the parents in and provide for an atmosphere where kids can learn, not just a knee-jerk reaction and say, well, the easiest course of action is to expel them, kick them out, get rid of them, segregate them, exclude them.

We have been down that road before. The whole theory of IDEA, the Individuals With Disabilities Education Act, is to mainstream, is to bring people together, not to segregate people.

So I would say to the person who wrote that letter to Senator GORTON, yes, you have that right; go to that school and demand the safe, conducive learning environment. You have that right. But you do not have the right to demand the kid gets kicked out because he or she is disabled. You do not have that right. So I would suggest that perhaps they ought to get a different attorney. I just wanted to make those comments. I did not have the time before.

There was one other thing. Again, showing how things can happen if people really do want to make it work, will work together, on January 29 of this year Elizabeth Healy, a member of the Pittsburgh School Board, testified before our committee. She said she thought IDEA was a good law; it is working. She said the Pittsburgh School District has adopted a family centered inclusive approach to provide special education. Because of what they did in Pittsburgh, because of this family centered approach, the number of due process hearings has plummeted.

Unlike reports from other urban school districts regarding the due process hearings, last year there was only one due process hearing and one special education mediation in the entire school district in Pittsburgh. I do not know a lot about Pittsburgh, but it is a pretty urban city. One due process hearing, one special education mediation in the entire school district.

I might suggest to the Senator from Washington that he might want to take the principal of this school that he keeps talking about with all these problems and maybe send him to Pittsburgh and have him look at what they did there or send him to Sioux City, IA, and we will have him look at what Principal Mike McTaggart did there. And maybe, and I say this in all candor and seriousness, they could pick up some pointers on how to structure the school environment, how to involve the families, so that they will have the same results as Sioux City or the same results as Pittsburgh.

So I am saying it is not impossible. It is very possible to have a safe and conducive learning environment and to meet at the same time the requirements of the Individuals With Disabilities Education Act. What it really takes is a commitment by the school boards, teachers and principals, parents and the community to work together in an atmosphere of mutual accommodation and understanding and support. If they do that, there won't be that many problems. Oh, you will always have some problems, but, my gosh, Pittsburgh went down to one due process hearing. That is the kind of goals we ought to be looking for.

That is what this bill does. That is what this bill does. I have to tell you, Mr. President, a lot of times my heart goes out to teachers who are in the classroom and they are confronted with situations where they have emotionally disturbed kids, physically disabled kids, mentally disabled kids, and that teacher does not have the proper support and learning and training to know how to deal with it. Teachers need that support. They need that kind of training and that kind of educational support that will help them. That is what we are talking about here. If they do that, IDEA will work, but it will not work if our reaction is, first of all, notwithstanding any other provision of this act, let each school district decide for themselves.

That is what the Gorton amendment does. That is not conducive to an inclusionary-type of principle where we are going to bring kids together. We are a much better society today because we have included people with disabilities. We are a stronger society. As President Clinton says so often, as we enter the next century, we cannot leave one person behind, and we certainly should not leave people behind just because they have a physical or mental disability.

That is what this bill does. It provides those kids with that support and those opportunities the kind of education that allows kids to dream and allows kids with disabilities to know that they can fulfill their potential. We all have different potentials. Kids with disabilities are no different. They have potential, too, to achieve, to dream, and to do wonderful things. We have seen it happen because of the Individuals With Disabilities Education Act.

This bill that we have before us, this reauthorization, as I said, is carefully crafted, very balanced. I think it meets all of the needs of parents and school administrators and, most importantly, meets the needs of the kids themselves not to be segregated out but to be included, to make sure they have the support they need so that they can become fully self-sufficient, productive, loyal American citizens in their adulthood. That is what this bill is all about.

Mr. President, are there situations where a school officials must take immmediate action to remove a disabled child from his or her current placement? The answer is yes, and this bill provides for two limited exceptions to the stay put provision under which children with disabilities are entitled to stay in their current placement pending appeals.

Under the first exception to the stay put provision, school officials are provided authority to remove a child from his or her current placement into an interim alternative educational setting for the same amount of time they could remove a nondisabled child, but for not more than 45 days, if the child carries a weapon or knowingly possesses, uses, or sells illegal drugs or controlled substances.

Under the second exception to the stay put provision, local authorities can secure authority from an impartial hearing officer—in addition to a court—to remove a child from his or her current educational placement into an interim alternative educational setting for up to 45 days if the school officials can demonstrate by substantial evidence—that is, beyond a preponderance of the evidence—that maintaining the child in the current placement is substantially likely to result in injury to the child or others.

Some of my colleagues have raised concerns about allowing impartial hearing officers to make these critical decisions. I support this provision for several reasons.

First, this standard codifies the holding in Honig versus Doe. In that case, the burden was clearly placed on the school officials to rebut the presumption in favor of maintaining the child in the current placement. Thus, the case does not deal with perceptions or stereotypes about disabled children but provides authority to remove a child who truly is dangerous.

Second, in giving the authority to make these determinations to impartial hearing officers, the proposal not only includes the "substantial likelihood of injury" standard, but also specifies that the hearing officer must consider the appropriateness of the child's current placement and whether reasonable efforts have been made by the local school officials to minimize the risk of harm, including the use of supplementary aids and services, and if the child is moved, the hearing officer must determine that the new placement will allow the child to continue to participate in the general curriculum and to meet the goals of the IMP and that the child will receive services that are designed to address the behavior that led to the removal.

Third, in placing this additional authority with hearing officers, the bill recognizes the important role already assigned to these individuals in guaranteeing the rights of disabled children. It is because of the importance of this role that the act requires that hearing officers be impartial. This means, for example, that a hearing officer could not be an employee of the child's school district. It is my expectation that the Department will re-examine current policies concerning impartiality in order to ensure that, to the maximum extent feasible, the integrity of these persons, and thus the system, is ensured.

It is also my expectation that hearing officers will be provided appropriate training to carry out this new responsibility in an informed and impartial manner and that both SEA's and the Secretary will closely monitor the implementation of this provision.

In sum, Mr. President, we do not have to choose between school chaos and denying education to children with disabilities in order to maintain schools that are safe and conducive to learning. If anything, parents with disabled children want schools that are safe and conducive to learning more than other parents because their children are frequently more distractible and more likely to be the brunt of attacks and abuse.

Parents who have disabled children are not asking that they be excused from learning responsibility and discipline. What they are asking for is that the approaches used be individually tailored to accomplish the objectives of maintaining a school environment that truly is safe and conducive to learning for all children, including children with disabilities.

Mr. President, this bill provides a fair-balanced approach to ensuring school environments that are safe and conducive to learning. I urge my colleagues to support the underlying bill and reject the Gorton amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I compliment my good friend from Iowa, who, along with me, came in about the time that this special education legislation was enacted back in 1975, and we have worked closely together on matters of disabilities ever since that time. It is a pleasure to work with the Senator. I think we have had pretty successful adventures along this line.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield 10 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for up to 10 minutes.

Mr. FRIST. I thank the Chair.

The amendment that I wish to talk to is the amendment on discipline which would instruct local education agencies to set their own policy in disciplining disabled students. In short, each school district could then have its own distinct policy defined for itself in how to discipline children with and without disabilities. I oppose such an amendment.

A statement was made that the underlying bill is leading us in the wrong direction and that this amendment would set us back in the right direction, at least in that one area of discipline. I disagree.

In the statement, the case was cited that there were two schoolchildren sitting together, one with a disability and one without a disability, and that they both should be treated exactly the same.

I would argue that that is difficult to do. Let me give two brief examples where I find it hard to have a different process other than the one spelled out by Senator JEFFORDS and as spelled out in the definitions. And, yes, it is several pages long because it takes that sort of detail when we are dealing with the issue of individuals with disabilities.

Let us say that one of the people in these chairs has a syndrome called Tourette's syndrome. That individual who would be sitting in that chair could learn just as well as the other individual, could take advantage of the education just as well as that other individual. If that individual has a disability, a disability called Tourette's syndrome where, with everything else hooked up in a normal way, there is one little cross-connection in one little tiny part of the brain that causes that individual, while they are sitting there studying and learning with the same capacity as everybody else, with the potential to be as successful an individual as anybody else, for some reason we do not understand—as a physician, I do not understand, scientists do not understand yet; hopefully, we will change that—that individual all of a sudden blurts out something that does not relate to anything at all.

Should that person have the same process for disciplining as the individual next to him? Some people would say yes. I would say no, that some attention needs to be paid that that is a manifestation. And, yes, we spell it out in the bill. What if we did not? What would we go back to—22, 24 years ago where that student would be thrown out of the classroom and thrown out of school through no fault of their own when they can learn just as well as anybody else? I say no, the process needs to be different. And it is spelled out in detail as the Senator from Vermont has read from the bill earlier—a different process. You can call that a double standard, I guess, because people will react to that and say, no, double standards are wrong. I call it a different process and for a very good reason. If you go back 25 years, you see why.

Or let us say there is another student. Let us call him Tom. Let us put him in the fourth grade. Let us say he can learn well, he has the potential to be everything that one would wish his son to be in the future, yet Tom has a severe developmental disability. Say he is an individual with mental retardation. I do not know exactly what that means, but most people understand generally what I am talking about. And let us say somebody comes up to Tom in the fourth grade—and we all know bullies like this. This is the reality. This is the reality of the classroom today. A bully comes up and says, we are going to get Tom; let's give Tom this little toy gun. "Tom, this is a little toy gun." In truth, this is not a toy gun. In truth, that bully brought it from home, put it in his pocket, and he knows how to get Tom and he gives it to Tom. And Tom says it looks like a toy gun. As a father, I can't tell the difference between toy guns and real guns. I look at them closely. Tom looks at it and says, yes, and I appreciate the gift, and so he puts it in his locker. Now the principal or teacher comes forward and opens the locker and finds what Tom thinks is a toy gun. Remember, Tom can learn just as well as anybody else, can benefit from an education. Should the process be to throw him out of school when it probably is a manifestation of his disability? And so, yes, you can call it a double standard. I call it a process, a very specific process where we do have to spell out manifestation and, yes, it takes more than six lines on one page to do that.

It is not quite so simple, and I would argue that with two people sitting in the same room, if one of them has a manifestation of a disability, we need—and not just we but people across all 16,000 school districts—to have a process, a fair and equitable way, to discipline that individual.

Senator HARKIN mentioned that 2 years ago I held a hearing, and it was really the first hearing I held as chairman of the Subcommittee on Disability Policy. It was about the original enactment and what led to that enactment. I was looking at those hearings, and it was really powerful. I encourage my colleagues to go back and look at that 20-year history, what led up to it. It was very clear that IDEA, the Individuals With Disabilities Education Act, was enacted to establish a consistent policy, not what Senator GORTON's amendment would do, have 16,000 school districts each with their own policy to handle the sort of situation, but it was enacted to establish a consistent policy that people could read and understand for States and school districts to comply with. With what? The equal protection clause under the 14th amendment of the U.S. Constitution.

We hear the words "unfunded mandate" and "mandated." We passed IDEA. Unfunded, yes. I will not argue with that. A mandate? This goes back to a civil rights issue as defined by the Supreme Court decision after IDEA was enacted. The Supreme Court, under Smith versus Robinson, recognized IDEA as "a civil rights statute that aids States in complying with the equal protection clause under the 14th amendment." Again, it was very clear to me in those hearings 2 years ago as we went back and looked at the decisions, two landmark decisions that Senator HARKIN talked about yesterday, in 1972 which established the constitutional rights—not a mandate, the constitutional rights—for individuals with disabilities to receive a free, appropriate public education.

So now what we want to do is turn back to allow 16,000—it may be 15,000, it may be 17,000—individual school districts to try to go through this definition to really throw aside what we have learned over the last 20 years, which we have modernized through our current bill, to go back and allow 16,000 school districts to reinvent the wheel, to try to learn once again what we have learned over the last 20 years—potentially 16,000 separate policies.

Talk about lawsuits. We have had many people comment on attorneys and attorney's fees and how difficult it is. Talk about lawsuits with 16,000 different policies. I can see somebody moving from Davidson County where I live to Williamson County only because, as parents of a child with disabilities, they think that the discipline requirements might be fairer. I think lawsuits will explode. Our bill provides one set of rules, an update, defining, yes, manifestation and, yes, discipline if it is not a manifestation in a very clear way, with discretion for school districts, with protection for children.

The whole manifestation issue I do not think we need go into now. The Senator from Vermont went through it in pretty much detail. But let me just point out again for weapons or drugs—and it has been expanded to cover weapons, possession and use or distribution of illegal drugs—if it is not a manifestation of that disability, the school would discipline that student just as they would a nondisabled student who engaged in such behavior. There is nothing exceptional about that. If it was a manifestation, very clearly—so all 16,000 school districts can understand this civil rights issue—how to discipline that student in an orderly way that parents understand, the individuals with disabilities understand, the principals understand. For all other behavior subject to disciplinary action, again, if it is not a manifestation, that is, other than weapons and other than drugs, again, students are treated just as those without disabilities. If it is a manifestation, again, it is spelled out in IDEA.

I just close and simply say that all major educational organizations do support this bill. It is not perfect. We sat around the table night after night and day after day bringing people together. It is not perfect. But they say support this bill. Why support this bill? Because this bill as clearly defined is the way that we can improve the treatment of individuals with disabilities in discipline.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Minnesota 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. GRAMS. I thank the Chair.

Mr. President, I want to take this opportunity to commend my friend and colleague, Chairman JEFFORDS, for the exemplary work he has done in regard to the reauthorization of the Individuals With Disabilities Education Act. That this is the first time in 22 years that Congress has attempted major changes to its law with any likelihood of success speaks volumes about the time, energy, and commitment Senator JEFFORDS and others have devoted to it.

Over the last 5 months, I have listened to the concern of school board members, students, parents, principals, teachers, and administrators from all over Minnesota on the issue of IDEA. Primarily, each of these groups stressed concern over proliferating litigation, program inflexibility in regard to discipline, and the tremendous cost burdens associated with the mandates that have been placed on our schools.

In regard to the issue of discipline, this legislation provides additional flexibility to deal with children who are disruptive in the classroom or who are otherwise a danger to themselves or others. Clearly, this is an instance where the interests of the child and the interests of sound learning in the classroom must be carefully balanced to ensure that neither are breached. Unfortunately, current Federal law dictates that a child may only be removed from school if the parents consent to removal or if the student brings a firearm to school.

Mr. President, this is not balance at all. This legislation makes considerable strides toward restoring some balance by returning more decisionmaking to the people who know best, and that is those who actually teach our children.

Another issue is litigation. According to a study done by the Minnesota State Legislature, one of the largest factors contributing to the increased costs in educating their children is the cost of special education. Unfortunately, too many of these expenses have nothing to do with buying things such as Braille for the visually impaired or providing instruction for children with disabilities. Many of these expenses are legal fees resulting from litigation between schools and the parents of children with disabilities.

In light of the limited resources available to pay for the mandates imposed by IDEA, this is a glaring flaw that is ripe for reform. Toward this end, S. 717 requires States to establish a mediation system and provides incentives for parents to avail themselves of mediation instead of litigation to amicably resolve their differences.

The one issue that is not addressed in this legislation, however, and it is, in my view, a critical one, is the issue of funding. The Senator from Vermont has urged Senators to wait for another day to tackle this issue. The Senator's objection to dealing with funding at this juncture is not based on substance but, rather, on process, and I fully appreciate these constraints. We need to pass this bill.

However, because I believe the issue of funding is so vital to the success of IDEA's reforms, I must reluctantly part paths with the chairman. I believe the funding issue should be addressed now. As Senator GORTON has pointed out, IDEA is an unfunded mandate on our 50 States and our schools. As such, consistent with the spirit, if not the letter, of the unfunded mandates legislation we approved last Congress, the mandate imposed by IDEA should either be repealed or it should be paid for. As it stands, the Federal Government pays a mere 7 percent of the total cost we impose on our schools through IDEA. It is my considered opinion that the Federal Government should put its money where its mouth is. In short, Congress must fully appreciate the consequences of its actions. If Congress places a premium on a desired goal or sets a priority for States or local governments to attain, the Federal Government must ante up or then reconsider that mandate. And because I believe IDEA serves an important role in the education of our disabled children in Minnesota and throughout the Nation, in this case I believe Congress should ante up. Accordingly, if it is offered, I will support the Gregg amendment to fully fund the Individuals With Disabilities Education Act.

In conclusion, Mr. President, I just wanted to say again I support S. 717 because it does improve upon the commitment we have made to disabled students in Minnesota and throughout the country. Although I wish it would have gone a little farther, I support the Gregg amendment, as I said, because it backs up this profound commitment. But in my view, if we at the Federal level really desire to help our Nation's schools, we will finish the jobs we started. Beyond this, the Federal Government's next job in furthering the education of our children is to step aside and allow parents and school boards to do the job they were designed to do and not the Federal Government.

I thank the Chair. I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 27½ minutes.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 minutes to my distinguished colleague from West Virginia.

Mr. BYRD. Mr. President, I thank my friend, the Senator from New Hampshire [Mr. SMITH].

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, the Senate is expected to vote shortly on S. 717, the Individuals With Disabilities Education Amendments Act of 1997, also known as the IDEA bill. Mr. President, I compliment the managers of the bill, Mr. HARKIN and Mr. JEFFORDS. They have worked hard and the legislation is certainly an improvement over the current situation.

I do have some reservations about the contents of the bill—I intend to vote for it—and about the manner in which it was brought up for consideration.

Before I cast my vote, I would like to take this opportunity to express my concern with the legislation. First, and foremost, a committee report on S. 717 was not available until early on Monday, yesterday, and the Senate proceeded to debate S. 717 on Monday. That is not anything new around here. We are witnessing more and more of it, and too much of it. I was not able to secure a copy of the report until yesterday afternoon, which constrained my ability to read the committee report as thoroughly as I would have liked. It is unfortunate and unnecessary that our independent judgment as Senators is so often being subjected to narrow time constraints to render a decision on the ramifications of important bills such as this one.

In addition, I have been contacted by a number of West Virginians who have raised concerns about the "stay-put" clause in the current law for violent and disabled students. The "stay-put" provision means that a disabled student cannot be removed from his or her current classroom until a hearing is held to resolve the matter. Under S. 717, steps have been taken to attempt to correct this matter by permitting local school authorities to relocate a disabled child into an alternative educational environment for up to 45 days pending an appeal if he or she brings a weapon to a school or a school function, or consumes or solicits a controlled substance.

I think these provisions are improvements, as I say, over the present. But I don't think they go far enough. Why should school authorities be limited to a period of 45 days for the removal of a disabled student—disabled or any other student—who carries a weapon to school or uses drugs at school or school-sponsored events? Why not 90 days? Why not longer, if the situation warrants it? While I applaud the efforts of the sponsors to provide the local schools with more authority to deal with a violent and disabled child, I am disappointed that more stringent discipline provisions are not included in the final draft of the bill. We ought to consider the security and educational needs of every student in the class, in addition to the disabled child.

Finally, I have, over the years, detailed the national problem of alcohol abuse, and have urged people, young and old, not to drink and drive—but not to drink, period. That is the way I feel about it: Not to drink. I have urged people, young and old, to abstain from drinking alcohol. Yet, S. 717 makes no reference to a disabled child who brings or consumes alcohol on school property. I know the sponsors would argue that the bill contains language that would allow local school officials to exact discipline under the same terms that a nondisabled student would face. But it is my opinion that alcohol is just as evil as any other drug defined by the Controlled Substance Act, to which S. 717 refers. Therefore, I believe that the bill should include alcohol under the provisions that relate to school officials' authority for the immediate removal of a disabled child who possesses a weapon or a controlled substance on school property. I hope that, when the managers again consider legislation of this type, they will consider carefully the inclusion of the word "alcohol." It does not hurt to have it in, and it may help.

In conclusion, I will vote for S. 717, the Individuals With Disabilities Education Amendments Act of 1997, but I would like to inform my fellow Senators that the manner in which we have arrived at this point troubles me. Proponents of the bill have argued that the quick markup of the bill and its subsequent expeditious floor clearance was necessary to avoid a subsequent demolition of the fragile agreement that has been reached. Mr. President, if it is all that fragile, perhaps we ought to start over. Mr. President, efforts to ram legislation through, not only in this case but all too many other cases, as we have seen around here in late years, are not consistent with the duties of the Senate to adequately deliberate on a matter that affects millions of disabled and nondisabled children who have a right to a safe and appropriate public education.

Mr. President, I thank the distinguished Senator from New Hampshire for yielding me the time. I again congratulate the managers of the bill and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I want to indicate, first and foremost, that I understand what the sponsors of the bill are trying to do. I support the concept of reforming the IDEA law. I do not fault them for trying to make the changes. What I fault is the process in which we bring the bill to the floor with a locked-up agreement. One of the greatest aspects of the U.S. Senate is that we have the opportunity to debate, and hopefully sometimes have a couple of people listen to what we say and influence an outcome. I realize that does not happen very often around here. But in this particular case, we do not have the opportunity to influence the outcome because we are told: A deal has been struck between the House and the Senate, minority and majority, White House and everybody else. It is just one happy old time here, everything is done and we do not need to debate it, we do not need to suggest any changes.

Perhaps an analogy might be if we had an agreement to spend $1 billion on cancer research and somebody told us if we spent another $50 million we could cure cancer, I think we would be prepared to amend the bill to add the $50 million to the $1 billion in a hurry. So I do not support this kind of process. I do not think it is right, and I think that we can strengthen a bill and, if somewhere along the line the President specifically decides to veto the bill with the strengthened provision, we have a constitutional process—the Founding Fathers thought it out very clearly—which says that bill would come back here, to the Senate and House, and we could override his veto or not. So I do not think anything is lost by allowing Senator GORTON and myself the opportunity to offer amendments in good faith.

You might say, You are offering your amendments. Yes, we are, but we are offering them with just about everybody out there against us, even though I believe our ideas are good.

Senator GORTON made some very interesting points on his amendment, and I rise in strong support of that amendment, which is the business before us. He made the interesting point that he did not feel U.S. Senators necessarily knew more about what was happening in the various school districts in Washington State or in New Hampshire, for that matter, than the people in those districts did. I could not agree with him more. I bring perhaps a different perspective than many of my colleagues here in the Senate. I spent 6 years in the classroom as a teacher. I also spent 6 years on a school board. I know what Public Law 194 is, and I know the good things that that law has done for people who are in need of special education. It has done wonders for many, many students who were in need.

The Senator from Iowa made specific reference to one individual who had been helped under this program. I applaud that. That is not what we are talking about. What we are talking about is this basically distorting the process to write individualized education plans for people who perhaps should not have IEP's; who really are not in the same category as the young man who was mentioned by the Senator from Iowa.

I took the opportunity, even though this is not a bill that is in the jurisdiction of any of my committees—that is Senator JEFFORDS' committee—I did something that perhaps is not always done around here, I wrote to all the school districts in my State and I asked for input on this legislation. I informed them I felt there was a good opportunity, that Senator JEFFORDS and others were moving the bill through the process here, that it was going to improve the special education program or IDEA as we know it, and I think Senator JEFFORDS has done that. He has improved it. But the question again goes back to my original point. Can we improve it more? I think Senator GORTON's amendment does that. I would like to explain why I think that is the case. I would like to explain the rationale for the amendment, which is intended to ensure that the education of all students not be compromised.

This is an important issue. I wish we had the opportunity for more debate, but unfortunately we do not have that. The problem the Gorton-Smith school safety amendment addresses is, I believe, one of the most serious problems in all of the legislation. A safe school environment is a precondition for learning.

I listened to my colleague, for whom I have the greatest respect, Dr. FRIST, the Senator from Tennessee. He used some medical examples and indicated that there are times when these unexplained medical occurrences occur. I understand that. I respect that. I do not claim to challenge his medical knowledge. But I hope we might speak from the teacher's point of view, because that is what this is all about. We are not talking, here, just about helping children who need help. That is one part of it. There are children who need help. But there are also children, for whatever reason—whether it is because they need help or because they got an IEP that they should not have gotten, an individual educational plan—they are disrupting the classroom. And there are other students in that classroom.

When I am standing before that classroom, trying to teach 25 other students, and this student blurts something out and disrupts the class, or waves a gun in class, or brings drugs into class, or shouts obscenities, or whatever else the student may decide to do, it really, as far as the other 25 students in the class are concerned—I do not really think that they are overly concerned at that point, when the classroom is disrupted and education is disrupted, as to what the cause is, or what the problem may be specifically with this child. It is a problem. If it is a medical problem, it ought to get medical attention. If it is a discipline problem, it ought to get disciplinary attention. That disciplinary attention ought to come from the decisions of the teacher, parents, school board, school administrators—not from the Federal Government. Not from the U.S. Senate.

So, the school safety amendment is a commonsense addition to this bill. That is all it is. It simply ensures that the rules governing discipline in schools may be formulated in such a way as to treat all students uniformly. Without this amendment, S. 717 will preserve the double standard that exists under current law. Students will see there is one standard for students diagnosed with disabilities and another one for those who do not have such a diagnosis.

Recently, my office received a call from a school board chairman in New Hampshire complaining that a student in one of the districts had brought a gun to school. He reported that because the student had been diagnosed with a disability, the school board was powerless to intervene. It goes without saying that without the diagnosis, the situation would have been different.

I ask you, Mr. President, if you are standing in that classroom trying to teach those other students and a kid waves a gun around, at that point, do you really care specifically what his problem is? When somebody walks into a bank and waves a firearm at a clerk, at that point in time, are we really concerned about how difficult his or her childhood may have been, or are we concerned about dealing with the now, what is of utmost urgency, and that is the violence that is pending, immediately and then deal with the other problem? Doesn't that make more sense, I say to my colleagues? That is all Senator GORTON is trying to do. That is all his amendment does.

If you read on page 157 in the bill, basically what it says is that if you have that student waving that gun, you can get that student out of the classroom, according to the Federal Government now dictating to the school district. You can get the student out of the classroom for 45 days. That is very nice that the Federal Government and the Senate and the House and the President have given the school districts a directive that, yes, if you have a kid waving a gun around in Mrs. Jones' class, let's say in the sixth grade, you can take the kid out of school for 45 days. That is very good of the Federal Government to allow that to happen. I applaud them for letting that happen.

In addition, to show the kindness of the Federal Government even more, if you provide an IEP, an individual education plan, for that student who is waving a gun around—you have to do that—you have to provide that help for this student while he or she is out for 45 days and then, after the 45 days, you have to bring the student back into the classroom again. Now, that is real nice for the Federal Government to get into that kind of micromanaging.

As a teacher who has the responsibility for educating the students and, in this particular case, the safety of the students, we need a better way. I do not want the Federal Government to make that decision. I want the teacher on the spot, the administrators on the spot to get that student out of the classroom and to find out whatever the problem is. If it is a medical problem, fine, then deal with it as a medical problem outside the parameters of the school district. The school district is not a hospital, it is not a social service agency, it is an educational institution, and we have lost sight of that. Everybody in America knows it, the school districts know it, the students know it, in some cases.

I believe honestly that without this amendment we will eventually be forced to revisit this problem. This is not going to resolve the problem despite our best intentions. We are going to be sending the message that the Federal Government is not a help but an impediment to efforts to provide students with a safe learning environment. By sending that message, we will give citizens who want safe schools for their children reason to doubt that the Federal Government considers their concerns worthy of serious attention.

I do not believe we should send that message, Mr. President.

Throughout this debate, we have heard that any successful effort to amend this bill, no matter how worthy, is going to imperil the entire legislation. I ask my colleagues to think about that for a moment. How does it imperil this legislation to say to a local school district, if you have somebody waving a gun around in a classroom, or doing drugs in a classroom, or in other ways disrupting the classroom, how does it imperil this legislation to say that we want to add an amendment on this bill that says that the school district, the teacher, the principal, the enforcement official, the police department, whatever it takes in that local community, should be able to address that problem as they would if any other student were causing it. Deal with the other problems, the problems behind this incident later, but get the child out of the classroom. That is all Senator GORTON and I are asking with this amendment.

It is not unreasonable, Mr. President. Schools should not be forced to adapt their own behavior policies on the basis of IDEA. This is a reasonable amendment. I encourage my colleagues to search their conscience, in spite of the effort to stop all amendments, in spite of the effort to say this will destroy the bill. I plead with my colleagues to support the Gorton amendment because of the reasons I have given.

Bear in mind, we all understand the rules, we understand the constitutional provisions of what we do in the Senate. We all understand that if a bill is defeated, it can be defeated because the President vetoes it, it can be defeated because the Senate or the House defeats it, but in this case, if the Senate passes it with this amendment and the House passes it with this amendment, who knows, the President may sign it with this amendment. We do not know the answer to that. And if he does not sign it, we can override his veto, and if we do not override his veto, we go right back to where Senator JEFFORDS is now. So what have we lost? A little time, that is all.

But I guarantee you, if you talk to those teachers out there in those inner cities and other locations where these kinds of things are happening, it would be very interesting to hear their remarks in terms of how they feel about this.

Let me close by saying, again, I understand and respect what Senator JEFFORDS is trying to do. This is an advancement of current law in the right direction. I applaud that and support that, but I resent the fact that we cannot make an attempt, where there are deficiencies overlooked, where we are denied the opportunity to make the attempt to reform them because we are going to "undo" some compromise on the legislation.

Mr. President, I yield the floor and reserve any time I have.

Mr. REED. Will the Senator yield?

Mr. SMITH of New Hampshire. Yes.

Mr. REED. If I may, I would like to comment on the bill in general and the Gorton amendment specifically, if the Senator will yield?

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. SMITH of New Hampshire. I see no people on my side. I yield the remainder of my time to the Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator for his gracious efforts.

I rise today to support the reauthorization of the Individuals with Disabilities Education Act, and also to oppose the proposed Gorton amendment.

This legislation represents remarkable progress to date, building on progress in the last 20 years with respect to IDEA. In 1975, when IDEA was first passed, 1 million children were excluded from the public school system and another 4 million children did not receive appropriate educational services.

Working in a bipartisan manner years ago, Congress passed IDEA, creating a situation in which all children are entitled to a free appropriate public education.

IDEA has made a real difference in the lives of children throughout this country. Over 5 million children from birth through age 21 are now enjoying the benefits of the Individuals With Disabilities Education Act, and it has made a real difference. Indeed, the number of children with disabilities entering college more than tripled during the period between 1978 and 1991. The unemployment rate for those individuals with disabilities in the twenties is half that for the older generation. Simply put, IDEA demonstrates the positive and powerful role that Congress can play and has played. Today's bipartisan and bicameral effort builds on that great success of the last 20 years.

I commend particularly Senator LOTT, Senator HARKIN, Senator KENNEDY, Senator JEFFORDS, Senator FRIST, and Assistant Secretary for Special Education and Rehabilitative Services, Judith Heumann, for all of their efforts in leading this reauthorization process.

In March, I went up to Rhode Island and met with many of the teachers, administrators, parents and families who are deeply involved and deeply concerned about special education. We talked to them, we got their ideas, and I am very pleased to say this legislation incorporates so many of the important ideas that they expressed to us.

For example, this legislation promotes greater parental participation by providing parents with regular reports about the progress of their children. It also includes parents in group placement decisions which is so critical to the success of their child. This legislation strengthens the individual education plan, the IEP, by including children with disabilities in school reform efforts and also ensuring that performance assessments includes all children, including children with disabilities. All of these efforts will strengthen the education that is provided to these young Americans.

In addition, this legislation strengthens and emphasizes early intervention services which are absolutely critical. In my home State of Rhode Island, we screen every child for disabilities and follow through with those children. People up in Rhode Island speak with great conviction and passion about the success of this aspect of the IDEA bill, and we are building on that success today.

This legislation also reduces the paperwork and the litigation that we have seen in the past and strengthening and emphasizing mediation and reconciliation processes rather than going to immediate litigation. Indeed, it also requires that complaints be specified so that we don't get into an endless litigation process. All these things together add, I think, to the sensibility and the streamlining that this legislation represents.

With respect to the amendment before us at the moment, it would undercut, I think, most of the progress we have made to date in this reauthorization. It would essentially undercut all of the specific goals and objectives that we have laid out carefully after considering this legislation. It would also, in a sense, undo so much of what has been done so positively and progressively by all parties coming together to deal with this legislation.

To defer, once again, to local control I think is to invite what took place before IDEA, not because of insensitivity or any maligned intent, but the fact is, quite frankly, that millions of children with disabilities did not receive an appropriate education. It was only with the passage of IDEA in 1975 that we committed ourselves to ensure that every child, including those with disabilities, would have an appropriate education.

This is the commitment we continue today. This is the work of many months by my colleagues who worked so diligently. I hope today we not only will reject this amendment but that we will overwhelmingly reaffirm the work that has been done, pass this bill, move it forward, let the President sign it and let us build on more than two decades of success and, once again, reaffirm our commitment that in this country, every child, regardless of their abilities or disabilities, will have a free appropriate public education.

I thank the Senator and yield back the remainder of my time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, we are coming to the end of the discussion on this amendment. It is my intention to have it set aside. I would like to point out that this is not just JIM JEFFORDS versus the cities and towns of America, as Senator GORTON stated. He indicated that the teachers wouldn't like it, but actually, this bill is backed by the National Parent Network on Disabilities, the AFT, and the NEA. It also has the support of the American Association of School Administrators, the National Association of Developmental Disabilities, the Council of Great City Schools, the National Association of Elementary School Principals, and 32 other organizations representing millions of people. I urge everyone to vote against the Gorton amendment.

I yield back the remainder of my time and I ask unanimous consent that the Gorton amendment be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH of New Hampshire. Is the pending business now the Smith amendment?

The PRESIDING OFFICER. The Senator has not called up his amendment yet.

AMENDMENT NO. 245

(Purpose: To require a court in making an award under the Individuals with Disabilities Education Act to take into consideration the impact the granting of the award would have on the education of all children of State educational agencies and local educational agencies)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. GORTON, proposes an amendment numbered 245.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 156, between lines 8 and 9, insert the following:

"(I) LIMITATION ON AWARDS.—Notwithstanding any other provision of this Act (except as provided in subparagraph (C)), a court in issuing an order in any action filed pursuant to this Act that includes an award shall take into consideration the impact the award would have on the provision of education to all children who are students served by the State educational agency or local educational agency affected by the order.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that with respect to the amendment offered by Senator SMITH, there be 1 hour for debate, equally divided between Senator SMITH and myself. I also ask unanimous consent that no second-degree amendments be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I appreciate the Senator from Vermont working with me on this amendment. I do not intend to use the full 30 minutes on my side. If it helps to yield back some time on both sides to expedite things, I am more than pleased to do that.

This, again, Mr. President, is another opportunity to strengthen this bill. Like the Gorton amendment, it is just a commonsense amendment that simply underlines a commitment to fairness and equity that I believe every Member in this body shares. My amendment would require a court making an award under the Individuals With Disabilities Education Act to take into consideration the impact the granting of the award would have on the education of all children in that State or locality.

The problem that the Smith amendment addresses is a very real one. Again, talking with school boards, having served on a school board, I can tell you that litigation costs are consuming a lot of resources that would otherwise be dedicated to education services or infrastructure development.

In one instance, a school district was forced to pay $13,000 in attorney's fees as a result of a dispute over less than $1,000. I simply ask my colleagues if that is reasonable.

I ask unanimous consent that Senator GORTON be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, Senator GORTON, in discussing his previous amendment, which did not relate directly to attorney's fees, has provided me a copy with some of the litigation costs in various school districts in his State of Washington. I will not go through them all, but if you added all of the litigation costs up in 1 year, the 1994–95 school year, it would be almost $1 million in litigation costs just on special education, $330,000 in Seattle, alone.

Now, if you add up all of those thousands and thousands of dollars and you end up with a total in excess of $1 million, if you are a teacher or an administrator or a private citizen thinking of your own school district, you might ask "How many teachers, how many textbooks, how much infrastructure could you provide for $330,000?"

We have an adverse reaction around here when we try to get anything done to knock any attorneys out of a dollar or two. There was a Washington Post story recently quoting lawyers bragging—and I will not cite names here, I do not think that is important—but there was a law firm in the city that got $2.4 million, according to school budget records, just on special education, just on this law. In fact, one person was quoted as saying, "Winning those cases is like taking candy from a baby."

I might just say, why is that? Well, I took the time, Mr. President, to talk to my school districts—not all of them, but I wrote to them and got a lot of input back and attended some school board meetings. I attended school board meetings, about one a week for 6 years, when I served on the school board in another life before I came here to Congress. Believe me, I have heard a lot of reasons and a lot of things about what is wrong with this law as well as what is good with it. We know there are good things about it.

The Manchester school district, which has 100,000, roughly, citizens—not 100,000 students—a district of a little over 100,000 people, pays litigation costs on this issue alone of between $110,000 and $125,000 every year. That is the cost of three teachers. This may be justified, but sometimes it is not, is the point I am making.

Using the example I cited in my last speech of the youngster with a gun in the classroom, if somebody determines that youngster must have an individual education plan, and the school district says, "Now, wait a minute. Hold on. This kid has disciplinary problems. He does not have medical problems. He has disciplinary problems. We want to discipline him. We want to get him out of this classroom." But somebody disagrees. Maybe the parents, maybe somebody representing the parents, maybe the Civil Liberties Union—whoever—but somebody disagrees. So sometimes when the school district looks at the ramifications, they think, "Well, if we go to court and fight this and lose, it could cost us $300,000. If we give in and we cave in and say, 'Well, OK, the kid is waving a gun around, he must have a medical problem somewhere, something is wrong, he is waving a gun around a classroom, we need an IEP,' we might as well cave in because that will cost $100,000, and it is better to pay $100,000 than $300,000."

That is exactly what happens, Mr. President, over and over again, year after year, district after district, all over America. They simply throw up their hands and look at it simply on the basis of a bottom line. "If I go to court and I lose, I will owe $300,000 in legal fees. If I go to court and win, maybe I will not owe them. But if I lose I will have to pay, and for the sake of $100,000 IEP, knowing that the legal fees' estimate may be three times that, why, then, would I take the risk?" That is exactly what happens, Mr. President. I have sat as chairman of the school board and seen it happen and participated in those decisions. They were bottom-line decisions.

Now, let me tell you why this hurts children in those schools. Maybe I am mistaken, but I think we are trying to reform this law because we want to help students get a better education. Now, the question you must ask the question you might want to ask is: Is it fair to provide this kind of education, this kind of alternative, at the expense of other students? If it is going to cost $300,000 to go to court, then I have to think, if I am a school board chairman, well, how about the other kids? What happens to them? Let me tell you what happens: Those dollars go to the lawyers. That is what happens. And we are letting it happen.

I thought the point of a civil rights law was to protect people from discrimination, especially minorities, not to provide minority group members with benefits not available to the rest of us. That is what I thought. Maybe I am somehow mistaken in that regard.

So, all my amendment does, all it does, is it simply requires a court, in making an award under the IDEA legislation, to take into consideration the impact the granting of that award would have on the education of all the children, all the children, in the school district—not just one, all of them.

I might say to you, is it fair to take education away from kids who want it, who need it, who deserve it, who ask for it, for the sake of someone who is a discipline problem? Not someone who has a handicap or someone who has a need. I want to make that clear, because I will be accused otherwise. That is not what we are talking about when we talk about kids who have legitimate needs. We are talking about these outrageous individual education plans that are written, and the outrageous examples of the kind that I gave you, a kid is selling drugs on the school ground, you have a kid waving a gun in the classroom, you have a kid shouting obscenities in the classroom, and instead of worrying about getting the kid out of there and out of that environment which is destroying the educational opportunities of other students, we are worried about what the background is, what the reason is for it. There is a justification for finding out the reason, but get them out of the school classroom where these problems are occurring.

We are not talking about a child with Down's syndrome here or a child who is blind or deaf or who needs some special education to help that child learn. We are not talking about that. I voted for hundreds of thousands of dollars of taxpayer dollars to help those children as a school board member and as a Senator. I am talking about some type of reasonable restriction on outrageous legal fees that come right smack out of the pockets of those good kids, good kids who simply want to learn, those good kids and decent parents who say, "You know, I am sending my child into school. I know the teachers are imperfect. We are all imperfect. We are human beings. I do not expect them to be perfect. I do not expect the school or the administrator to be perfect or the classroom environment to be perfect, but I am asking they be free from the threat of violence, they be free from the threat of drugs, free from the threat of outrageous outbursts of obscenities and other things that may cause an impact on my child or their child's education." That is all parents are asking. What is so unreasonable about that?

Who are we in the Federal Government or the U.S. Senate or the House of Representatives or the White House to tell the school district that they can't correct this? Who are we to do that? If you can find that in the Constitution, Mr. President, somewhere, anywhere, even implied, I will withdraw the amendment. It is not there. It is absolutely not there. We need to do something about it.

There was a principal from a school in New Hampshire who wrote to me saying that because of litigation costs, "funding of other regular education programs is being seriously jeopardized." He describes himself, this principal, as a member of a generation that sought to extend equal opportunity to all. He concluded, with regret, that as a result of excessive litigation the IDEA has become "a law gone crazy. The students that are disadvantaged now are the regular education children."

I include in regular education children those who have a disability, who need help. Let me repeat that: I include in regular education, children in that category, those children who have a special need, who need extra help—not the ones that are causing these problems that are so outrageous in these classrooms.

I wish I could say this was just one mere anecdotal example out of millions and that it was not a big deal, but it is not. A study that was conducted by the Advisory Commission on Intergovernmental Relations shows that the IDEA is the fourth most litigated law in its study of unfunded mandates—unfunded Federal mandates. Is it any wonder that some lawyer from Washington, DC would say "winning those cases is like taking candy from a baby?" It is not.

I have talked to the school board members. They throw their hands up in the air. It is costing them money by the hundreds of thousands and millions of dollars, money that could be spent on educating, yes, the truly needy special needs kids, as well as the people in that classroom.

Again, for emphasis, I repeat what I said earlier. Can you imagine being in a classroom, as a teacher or as a student, with that kind of outrageous behavior occurring, and then knowing as a school board member that you have to tolerate it unless you want to break the bank with legal expenses?

So, basically, what this amendment does that I am offering, it simply allows the court to pull back on these court costs, to have the flexibility to say, look, $13,000 for a $1,000 IEP or $350,000 for a $10,000 IEP, those kind of fees are outrageous. They are not going to be tolerated because we are not going to let some lawyer who wants to fatten his wallet do so at the expense of decent children in some school district in Anywhere, USA, from having the opportunities of getting what he or she deserves in that classroom.

That is wrong, Mr. President. That is absolutely wrong to let that happen. Yet, it is happening and we are encouraging it to happen. We are encouraging it to happen because we have some deal struck that no one wants to break and, therefore, we can't offer an amendment. "Yes, you can offer an amendment, Senator SMITH, but everybody is going to oppose it. If you get five votes, good luck." Well, I just ask the American people to look very carefully at the votes, frankly. Those of you out there in the school districts around America, look at who votes on the Gorton amendment and Smith amendment and see whether they are there for you or not, because that is what it amounts to.

I don't care what anybody tells you on the floor of this Senate, it is absolutely not true to say that this bill will be defeated if this amendment passes or the Gorton amendment passes. That is not true, because it can be defeated here and the President could veto it, but we can override the veto. That is the constitutional process.

The need to address the problem of litigation costs seems all the more pressing at a time when some of my colleagues have begun calling for the Federal Government to take over the job of building and maintaining the schools from State and local governments. They want to take it over. Can you imagine that? The U.S. Senate, in this vote, is going to use the power of the Federal Government to prevent you from getting that child waving the gun or using the drugs out of the classroom but that same Federal Government is going to take over the job of maintaining school buildings. Can you imagine that?

Do we really want to do for public schools what we have done for public housing? I think some do. I don't. Perhaps we in Congress would do better to ease the burdens of excessive regulation and litigation so that States and localities can devote more of their resources to repairing or replacing crumbling school buildings.

You know, it might be a good idea—I hadn't thought of it; it just came to mind—when the lawyers get the big fat settlements or legal fees by winning these cases, which they take with great glee—"like taking candy from a baby"—maybe we ought to have an amendment that says they ought to give 90 percent of it back to the school district. Maybe they get an IEP or two for some of these kids that really need it. But that would be wrong. That is in violation of capitalism, I guess, isn't it?

Well, all you have to do, Mr. President, is look and see where all the money goes from the legal community and who they are giving it to. There are a lot of lawyers in here and they do pretty well. So it is tough to beat the lawyers in this body.

I ask my colleagues simply to search your consciences, read the two amendments, the Smith and Gorton amendments, read what they do and ask yourself, is it the end of the world if this passes and this bill takes a few more weeks running through the process of getting changed? That is all we are asking. If the process around here is to strike a deal before we get stuff to the floor, I am going to be the first Senator out on the floor the next time that somebody who votes for this bill says, "I would like to offer an amendment." I am going to say, "Excuse me, why are you offering an amendment? I thought we had a deal here. Isn't that the way you want to govern—strike the deal before you bring the bill to the floor so nobody can make any amendments?"

This amendment would make this legislation a responsible piece of legislation if we were to pass it. That is all I ask. I am not asking for anything else. I am asking for the Senate to adopt this amendment to strengthen this bill, to take money out of the pockets of lawyers and put it into the educational opportunities of young girls and boys throughout this country. That is all my amendment does. If you want it in the pockets of lawyers, vote against me. If you want it to be spent for the schoolchildren, then vote for me. That is it, pure and simple.

Mr. President, I will reserve the remainder of my time and yield the floor.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Smith amendment. I will not go into all I have said before about why that is necessary. But the House today has completed debate of a version which is identical to the bill before us, and any amendment to it would require us to go to conference. The delay would give time for those who are opposed to the bill to try to scuttle it, as they did last year successfully.

I want to point out several things with respect to the Senator's amendment. First, it is not necessary. Under the bill as written, there is no award for legal fees without the courts saying there should be; it's purely discretionary. The courts, with their discretion, can take into account the effect of the award on the school districts, or whomever else. So there is that ability to try to reduce the awards. It is in there now. The amendment is also not necessary, because mediation is working. Due to changes in the approaches that have been taken, the cost of litigation and the number of court suits that have been brought as a result of appeals has gone way, way, way down. So we are talking about something that used to be a problem but is not a problem anymore.

As I pointed out before in addressing Senator GORTON's amendment, I think he is talking about the State of Washington of old, not the State of Washington of the present. In fact, given the dramatic success with voluntary mediation in Washington State and given the success and cost-benefit advantage associated with voluntary mediation of 38 other States, the bill requires all States to offer voluntary mediation.

So the bill is going to try to help replicate what happened in Washington, which has decreased the number of appeals so substantially—a 96-percent decline in due process hearings held between 1993 and 1996. It is a problem of old. We can forget about it.

As far as the comments about waving the gun and there being no remedy, that is not accurate. If a child's behavior is not connected to a disability, then he or she is treated like any other child except that there can be no cessation of services. So that certainly takes care of that. If the behavior is related to the disability, the child can usually be removed for not more than the amount of time that the school system would remove a child without disabilities but for not more than 45 days. If at the end of 45 days the school personnel propose to change the child's placement and the parents disagree with the proposal, the child must return to the placement prior to the interim placement except if the school personnel maintain that it is dangerous to do so and make a demonstration to the hearing officer that this is so. And that could go on until there is no risk.

The best way to help the communities is to vote for this bill. It is important to understand that, if we increase IDEA funding—and that is the effort this body and its Republican Members are putting their full weight behind—all that increased funding will not go to States. Rather, it will flow to the local governments. So, if you want to help local governments take care of problems—and sometimes there are problems—this money going directly to them will assist them more than anything else. The States can't pick any of it off. It goes right to the local government. So I just emphasize that, in my mind, we have taken care of the problems. We are, again, in the position of considering an amendment which could be seriously disruptive. If adopted, it will have no impact on solving real problems, but it would raise the possibility of killing the bill.

Let me give you an idea about the lawyer's fees and the history of that and let you know exactly what has to occur before you can get an award. There was a case called Smith versus Robinson in 1984. This was a case that came to the U.S. Supreme Court. They went through it and found out that, actually, there was no ability to award attorney's fees. So we went into the 1986 session and said there ought to be an award for some under certain circumstances, but we should make sure that it is not in any way automatic and is purely at the discretion of the court. Let me read some of the phrases:

> In any action or proceeding brought by IDEA, or the parent or child with disability against the school, the court may award reasonable attorney's fees.

"May." That is discretionary. They could take into consideration everything Senator SMITH wants them to. There is no limit on the discretion. Also:

> Attorney's fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent, and if they had a good deal and didn't accept it, they don't get attorney's fees.
>
> Attorney's fees may not be awarded related to any meeting of the IEP team unless such meeting is convened as a result of administrative proceeding or judicial action or at the discretion of the State or a mediation is conducted prior to the filing of the complaint.

I can go through more. I think you get the drift. It is very hard to get attorney's fees. Therefore, that is really not the problem. Plus the mediation process has reduced almost to zero the number of court appeals—only a hundred all last year. I think we are talking about solving a nonproblem and creating a huge problem with respect to the possibility that this bill might be, as happened last year, scuttled at the last minute.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes. The other side has 22½ minutes.

Mr. SMITH of New Hampshire. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. Mr. President, I yield the remainder of my time.

Mr. JEFFORDS. Mr. President, I yield as much time as the Senator from Iowa desires.

Mr. SMITH. Then I will yield the remainder of my time to the Senator from Vermont.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Thank you, Mr. President. I don't intend to take a long period of time. I wanted to respond to my friend from New Hampshire. Let me, first of all, recap a little history on the provisions in the bill which provide for reasonable attorney's fees—again, keeping in mind you have to prevail in this case.

The provision here, what is in the bill, is nothing new. This has been in the bill for a long time. In fact, I did a little bit of research and found out that this first came under S. 415, the Handicapped Children's Protection Act of 1986. And the person who was in charge of this provision was none other than our own Senator ORRIN HATCH of Utah. I just thought I would read into the RECORD, again, what he said at that time on July 17, 1986.

He says that the agreement we are now considering is a compromise which I feel accomplishes two major objectives.

First, it provides the reward of reasonable attorneys' fees to prevailing parents in Education of Handicapped Act proceedings.

Second, it includes the application provisions from some court cases, which he mentioned, which I don't have to go through.

In order to protect against excessive reimbursements. Senator HATCH goes on to say, "Let me again emphasis that the conference agreement developed was a compromise. Without the passage of this carefully crafted document, handicapped children and their parents cannot be fully protected since they have no recourse under current law, if their rights are violated."

Again, that law now provides that a court may award reasonable attorneys' fees as part of the cost of the parents of a child with a disability who is the prevailing party in a due process proceeding, or court action.

In other words, if a parent prevails at an administrative hearing, they are entitled to fees. What fees? Reasonable? They must be based on rates prevailing in the community for that time, and quality of services performed. Unlike other civil rights statutes, no bonus or multiplier may be used to increase the amount of fee awards. No award of fees may be made for services performed subsequent to the time a written statement offer is made to the parents, if, among other things, the relief finally obtained by the parent is not more favorable to the parents than the offer of settlement.

I think this is really a critical point. Again, I apologize to the Senator from New Hampshire. I do not know if he covered this or not.

Let's say they have a written statement of offer to settle. The parents decide not to do that, and they go on. From that point on, if the final judgment is not more favorable than the written statement offer, they get nothing beyond that point. They go at their own peril.

So, again, how can that be unreasonable attorneys' fees?

And the court must reduce the amount of the fee award whenever the court finds the following:

First, the parent unreasonably protracted the final resolution;

Second, the amount of fees unreasonably exceeds the hourly rate prevailing in the community;

Third, the time spent on the legal services furnished were excessive considering the failure of the action or proceeding.

So this is all in current law—adequate protections to make sure that there are not unreasonable attorney fees in these cases.

So really this amendment offered by the Senator from New Hampshire really undermines the rationale for having attorney's fees.

Again, let's keep in mind one other very important fact that I think keeps being ignored here when we are talking about IDEA. The Individuals With Disabilities Education Act is a civil rights statute. It talks about civil rights for kids with disabilities. I already went through that earlier today talking about not discriminating on the basis of race, sex, creed, or national origin. Well, the courts have now said disability too. You can't discriminate on that basis.

I have here a copy of all of the statutes under which attorneys' fees may be awarded by Federal courts and agencies in other civil rights cases. The Civil Rights Act of 1964; Public Facilities; Equal Opportunities; Fair Housing Act; title 8; Employment Act of 1967; Fair Labor Standards; Voting Rights Act of 1965; the Equal Credit Opportunity Act; the Age Discrimination Act; the Rehab Act of 1973. And all of those we get reasonable attorneys' fees.

So now are we going to say, "But, for the civil rights of kids with disabilities and their parents, no, that is different"? Why don't we carve out the Civil Rights Act of 1964, or public accommodations on the basis of race or color? Why don't we say, "Well, if you have a civil rights case and it is based on race, you don't get attorneys' fees, if you prevail?" Why not? The Senator from New Hampshire says we will carve it out for kids with disabilities. Why don't we carve it out on the basis of race?

How about religion? What if you got a complaint based upon violations of civil rights based on religion, and you prevail? You say you don't get attorneys' fees? No. We say in the law you get attorneys' fees, if you prevail.

Equal employment I mentioned.

Title IX dealing with discrimination based upon sex, we say, "Oh. Well, in this case, however, if you are female, your civil rights have been violated under title IX, and you bring action. No. We are not going to give you attorney's fees."

Why don't we have those amendments offered around here? It is only the kid with disabilities. It doesn't make any sense at all.

So let's keep all of our civil rights laws the same. If your civil right is violated on the basis of race, I submit to you it is no more onerous than if your civil rights is violated based upon disabilities. And we shouldn't discriminate under the Civil Rights Act, and we shouldn't here either.

So I oppose the amendment because it undermines the rationale. It subjects the parents of children to a double standard compared to other civil rights bills. We have to keep these things the same.

Last, the data doesn't support the assertions that the fee is a result of proliferation of litigation. I looked up New Hampshire. For 1 year—1995-1996—New Hampshire had 10 complaints that went through due process. Do you know how many become court cases? Zero. This is an amendment looking for a problem.

There is no problem out there. Vermont has zero. Arkansas has zero.

Again, it is just not a big problem out there at all.

In my State—I might as well talk about Iowa—we had four due process hearings, and we had three cases go to court.

Out of the thousands—this is what is interesting. In California, one of the largest States, we had 1,289 requests for due process hearings. Out of that, 1,114 were disposed in mediation. We had 57 hearing decisions rendered out of 1,289 requests. That is just not much of a problem. That is out of 550,000 students in California receiving special education. Out of 550,000 students, only 57 had a hearing decision rendered.

So, again, the number of due process hearings per year averages about one-hundredth of 1 percent of the number of children served. The law specifically provides for reasonable attorney's fees, and I just outlined what that means when Senator HATCH put this in the bill 11 years ago.

And, third, we would not—no one here, I would think—would want to discriminate on the basis of civil rights that in one civil rights case you get attorneys' fees but in another civil rights case you don't. No. We don't want any of that around here. For those reasons, while I have every respect for the Senator from New Hampshire—and he is a good friend of mine—this is just a bad idea, quite frankly. And I hope Senators will reject this approach of trying to divide out kids with disabilities and their families away from everybody else under the purview of civil rights laws.

Mr. President, I yield the floor.

Mr. JEFFORDS. Right now I would just like to say a couple of things. I think it is very clear that both of these amendments are not necessary—in fact, would create problems rather than solve them, and that what we have is a bill which, if we are able to pass, will save money. That has not been mentioned, but the estimates are it will save up to $4 billion a year in reduced litigation and all of the other problems that are inherent in the process as well as the fact that both amendments are trying to solve problems that are no longer there. In fact, the Gorton amendment will create a monstrous problem and solve none.

Mrs. MURRAY. Mr. President, I rise today to send a message to parents and educators across this nation. No matter if they are the parents of a disabled child, or the superintendent of a rural or urban school system, each one of them will have something to be pleased about in the 1997 reauthorization of IDEA. As with most legislation, no one is completely happy with every paragraph and clause. And yet, with issues so complex and needs so great, I find it remarkable that we have before us such a potentially successful bill.

It is testament to the work we have done over the past 2 months that we have brought the discussions over the past 20 years of IDEA to a productive next step. I have always believed that we do our best work when we agree to sit down, put differences aside, and work toward the common good, using common sense. This is exactly what the American public expects us to do. The negotiations over the IDEA bill represent this philosophy and put it into action.

I want to congratulate Senators HARKIN, KENNEDY, LOTT, JEFFORDS, and FRIST for all the great work they and others have done. I also want to thank the education community for working together through differences, to get to a bill that can pass and will work for students in regular education and special education in schools and communities across the land.

The Individuals With Disabilities in Education Act is 20 years old this year. It has represented a major change in the way our society views students with disabilities—and has helped us take concrete, measurable steps toward improving the lives and education of all American students.

In this process this year, it is my view that we have preserved the basic civil rights protections that were part of IDEA when it was passed, and that we have granted important flexibility to local schools and parents to work together in the best interest of children.

One thing evident from the process of writing this bill—we do a great job here in the Senate in cranking out pieces of legislation, but we must do more to monitor implementation of these laws. Practices in the field of special education have improved dramatically over 20 years; yet our methods of disseminating information—even in the information age—have not kept pace. Much of the disagreement in the classrooms and communities of America between special education folks and regular education folks is because we have let the ball drop on implementation of IDEA. The sad part is that it didn't have to happen—the information was there.

Information about how much more effective it is to use mediation as an option to legal action. Information about what strategies of communication, teaching, and problem-solving can be used to prevent situations from escalating to the point where they need mediation. In places where people have good information, and exercise leadership, you just see fewer problems.

It has been obvious for some time to educators and parents alike that—as with other Federal laws—there is a wide variety in what special education means from community to community. Some of this variety is as it should be. Decisions about how educational services are delivered are best made with local flexibility. But basic protections afforded by civil rights law, and effective techniques that improve student learning, should not be subject to the whims of geography.

The IDEA reauthorization legislation recognizes this, and makes several changes that will benefit all students and members of their community.

First, the new law codifies court decisions, regulations, and other interpretive documents so that the law itself better reflects its current uses.

Second, the law improves educator training, methods for sharing information, and improves the process for developing and using the individualized education plan—the key to disabled students getting the services and challenges they need.

Third, practices to achieve safe and well-disciplined schools have been improved or more clearly articulated in the bill—so it will be clear that students whose behavior causes disturbance in the classroom will get help if that behavior is part of their disability, and if the behavior is determined not to be part of their disability, they are subject to appropriate disciplinary action.

This bill represents improved results for all students in our schools. It ties a student's individualized education plan to the educational goals and assessments for nondisabled students—so we set high expectations and provide clear opportunities for achievement. The bill includes parents in decisions regarding placement, because we recognize that a child's needs are uniquely the concern of her or his parents.

This bill will serve as a vehicle to increase funding for IDEA, so the Federal Government can meet its obligations to disabled students. The bill holds outside agencies responsible for their share of the health or other costs of serving disabled students, so we can clarify that local schools do not bear all responsibility for these costs.

People from different perspectives will find things to praise in this bill. Perhaps the best thing is that we will reauthorize IDEA this year, so people can predict what the future will hold, and have access to more and better information. The tension in this country between regular education and special education has boiled for too long. This IDEA reauthorization bill will not pit people against one another; it will bring us together in service to all students.

IDEA

Mr. WELLSTONE. Mr. President, at a time when communities are demanding that schools provide quality education; at a time when many schools talk of scarce resources; at a time when parents ask that their children's schools be safe and orderly places to learn—it is easier sometimes to find a scapegoat than to address the real problems. I am greatly concerned that the scapegoat has become children with disabilities. Even though they have only had the right to an education for 22 years—I have heard over and over again that it is those children who gobble up scarce resources and who prevent other children from receiving a decent education.

But I have heard from parents whose children have disabilities, I have met these children. They just want to learn. And the civil rights statute that we passed 22 years ago says that to not educate them is to illegally discriminate against them. But still, these students and parents are afraid that schools will retreat to segregation and separate schooling. We must listen to these voices of pleading and concern.

There are 100,000 children in Minnesota that are protected by this statute, and up to 200,000 parents. IDEA strives to keep these students in school in as normal an environment as possible because integration gives them the chance they deserve. What a noble goal. What achievements we have seen over the years since the law was written. The first generation of IDEA educated children are just now coming into their own in this country and I believe that we all benefit immeasurably from their developed talents and abilities. While there have been problems with IDEA, it is my belief that the problems stem not from the law itself, but from the enforcement and implementation of this law.

I know the bill we have before us represents a delicate compromise—and that any successful amendment has the potential to make the deal crumble. I have not come to the floor this morning seeking to change this bill. But I cannot vote for this bill without pointing out the trouble spots I see. The disability community has not had much time to fully analyze this bill. This is a fact that I mentioned in my letter last Monday to Chairman JEFFORDS and Senator KENNEDY, while asking them to postpone this markup.

A quick review of this bill shows that, at least among parents and students, the discipline section has raised the most red flags. There is a concern that a manifestation determination review will be a very difficult process for parents, particularly low-income parents who may not have access to psychologists and other professionals. Advocates are particularly worried about the courts being replaced by an administrative hearing officer because they may be appointed by an LEA, there are different rules of evidence and there is no assurance that they will be attorneys or appropriately qualified. Another concern raised by parents is how substantially likely to result in injury to self or others will be interpreted. Children with autism, Tourette's syndrome, ADHD or ADD and severe emotional disturbances are especially at risk.

And last we need to ask where children will be placed—what alternative placements are available? If the primary alternative is home-bound placement we will see families facing incredible stress and financial hardships. If the primary alternative is a segregated setting we run the risk of returning to a system that offered minimal education to children in isolated, warehouse-like settings.

That said, I would like to congratulate the leadership team that assembled this bill in marathon sessions for the last 8 weeks. On February 20, 1997 a bipartisan, bicameral working group was established to develop a compromise bill. This working group included a representative from the Department of Education—Judy Heumann, Assistant Secretary for Special Education and Rehabilitative Services—and the following offices: Harkin, Kennedy, Dodd, Jeffords, Coats, Frist, Martinez, Scott, Miller, Goodling, Riggs, and Castle. The facilitator of the group was David Hoppe, the majority leader's chief of staff. A member of my staff was intimately involved in this process, and by his and all accounts this was an impressive display of bipartisan negotiation.

The first work product of the group was a statement of principles. The major goal of the working group was to review, strengthen, and improve IDEA to better educate children with disabilities, and enable them to receive a quality education. With this goal in mind, the working group agreed to start with current law and build on the actions, experiences, information, and research gathered over the life of the law, particularly over the past 3 years. The group met for 7 weeks, often for 12 hours a day, to reach an agreement that all could support.

I believe that the bill improves current law in several ways. The bill includes significant increases for the IDEA preschool program and significant increases for the early intervention program under part H.

The final agreement significantly improves and strengthens the Individualized Education Plan [IEP] by, among other things, relating a child's education to what children without disabilities are receiving and providing report cards just like nondisabled students receive. Of great concern to my home State of Minnesota, the bill retains short-term objectives which are planned goals in the education of children with disabilities that parents consider a crucial device for ensuring success and accountability. The bill also specifies that regular teachers will be part of the IEP team, where appropriate, and the report language encourages the participation of school health professionals where appropriate.

The new bill requires parents to be included in the group making placement decisions about their child, as opposed to current law, which in some States allows another group other than the IEP team to make placement decisions.

The new bill ensures that States and local school districts include children with disabilities in their performance goals, indicators, and general assessments. The bill ensures parental consent for triennial reevaluations—not just initial evaluations as under current law—and ensures that evaluations are relevant to the child's instructional needs.

The bill includes improvements in the early intervention program, including clarification that infants and toddlers should receive services in natural environments, such as their homes, where appropriate.

IDEA funding will now cover support services related to a student's disability. For example, the final agreement now lists orientation and mobility services for vision-impaired children as a related service—currently required by interpretation—and includes report language clarifying that children with disabilities should receive travel training—including how to use public transportation where it is deemed appropriate as part of their IEP.

The bill requires States to monitor school districts to determine whether they are disproportionately segregating minority children in certain placements and to determine whether there is a disproportionate number of long-term suspensions and expulsions of children with disabilities.

The bill gives the Secretary and State educational agencies [SEA's] greater power to implement the law by providing authority to withhold all or some funds when schools violate IDEA. Currently, the Secretary is required to withhold all funds if there is a violation; this punishment was viewed as too strict and never applied.

The bill contains provisions to ensure that increases in Federal appropriations are not offset by State decreases in spending. The State maintenance of effort provisions give reasonable authority to the Secretary of Education to establish criteria for exceptions if necessary.

The bill codifies local maintenance of effort provisions from regulations and includes reasonable additional exemptions for when a locality need not maintain financial efforts for special education—for example when a teacher at the high end of the pay scale retires and is replaced by a recent graduate.

The bill reduces paperwork. State and local applications need be submitted only once and thereafter they need to submit only amendments necessitated by compliance problems or changes in the law.

Importantly, when it comes to discipline, the bill provides for no cessation of services for IDEA students, no separate IDEA provision on the treatment of disruptive children, and no unilateral authority to determine who is dangerous and remove them.

These improvements in the IDEA law do make a difference and I'm pleased that they were adopted. But the drawbacks I mentioned earlier hamper my enthusiasm for the bill. While I will vote for the bill today, I have chosen not to cosponsor this bill. I hope that Members will continue to listen to the voices of parents, who are faced with the daily task of raising and educating their children. They know firsthand how IDEA is implemented at the local level and thus we must listen to—and address—the concerns that they raise. Let us all remember who this bill is for, and strive to make it work for them.

Ms. MIKULSKI. Mr. President, I am pleased to join with my colleagues in cosponsoring this important legislation, S. 717, to reauthorize the Individuals With Disabilities Education Act [IDEA].

S. 717 is the result of a bipartisan effort, which included parents, special interest groups, and educators. My colleagues in both the House and Senate worked hard in crafting this legislation.

I believe that this bill will strengthen the current law. IDEA is a civil rights statute. It guarantees that every child with a disability has the right to a free appropriate public education. Public education is one of the core values of our country.

Before the enactment of IDEA in 1975, children with disabilities had little opportunity to receive a public education. Over 20 years later, IDEA has been successful in providing opportunity to children with disabilities.

S. 717 retains the principles outlined in the current law. There are five principles that IDEA encompasses: First, educational planning for a child with a disability should be done on an individual basis; second, parents of a child with a disability should participate in educational planning for their child; third, decisions about a child's eligibility and education should be based on objective and accurate information; fourth, if appropriate for a child with a disability, he or she should be educated in general education with necessary services and supports; and fifth, parents and educators should have means of resolving differences about a child's eligibility, IEP, educational placement, or other aspects of the provision of a free appropriate public education to the child.

Under current law infants and toddlers have the right to receive early intervention services and children with disabilities are placed alongside children without disabilities. Children with disabilities deserve no less than fair treatment.

Over 5 million special education students are served under IDEA. Decades of research have shown that educating children with disabilities is successful by having high expectations of special education students; strengthening the role of parents in the education of their child; coordinating State- and district-wide assessments; providing an education in the least restrictive environment; and supporting professional development for teachers who work with special education students.

I am concerned, however, about the disproportionate number of minority students who are identified as special education students. I support the goal of this legislation to provide greater efforts to prevent the problems associated with mislabeling and the high dropout rates among minority children with disabilities.

My State of Maryland will receive approximately $61 million this year to provide support services to over 100,000 students with disabilities in local school systems. I believe this legislation will help support my State's efforts to educate disabled children.

I support Federal funding for implementation of IDEA. I believe that funds should keep pace with student enrollment. This legislation maintains part of the formula in current law, which provides part B funds based on the number of children with disabilities served. Once a trigger of $4.9 billion is reached, which amounts to approximately $850 per child, a new formula based on census, 85 percent, and poverty, 15 percent, will apply to any new funds in excess of the appropriation for the previous year.

Although I have some concerns about how States will be able to implement and handle the additional administrative burdens under the new formula, I believe that this approach goes in the right direction.

S. 717 focuses on the crucial areas of increasing funding for special education, teacher training, and early intervention for children with disabilities.

This legislation reaffirms our country's commitment to educating disabled children. I urge my colleagues to support this legislation.

Mr. DODD. Mr. President, I rise today in strong support of the legislation before us today to reauthorize the Individuals With Disabilities Education Act. It is a strong, balanced bill. One that I am a proud cosponsor of and one that I believe we should all be proud to support.

Getting to this point has not been easy and I would like to thank our majority leader, Senator LOTT, Senator JEFFORDS, Senator KENNEDY, Senator HARKIN, and others for all of the time they have invested in putting together this strong and balanced bill and for assigning it such a high priority for consideration by the full Senate.

There has been a great deal of debate about this bill in the last several years. But one thing is very clear. In its over 20 years, IDEA has made an incredible difference to millions of American children, their families, and society as a whole.

Before the passage of this landmark legislation, children with disabilities were frequently excluded from schools, and some had absolutely no opportunity for education at all. Expectations for these children were low. Not only was great potential undervalued and lost, but also we lost as taxpayers who often picked up the tab for a lifetime of support. State and communities were struggling with increasing litigation and state court rulings requiring them to serve all children in the schools.

IDEA brought us all together—the Federal Government, States, local communities, schools, parents and students—behind a firm commitment, a promise to meet the educational needs of children with disabilities.

Since that time, we have made huge improvements in affording children with disabilities the same opportunities open to other students. Today, more than half of all students with disabilities go onto college and 57 percent of youth with disabilities are competitively employed within 5 years of leaving school.

These students go on to good jobs in every sector of our economy. Not only are they workers, they are taxpayers.

But the impact of IDEA is broader; it works for all students. Nondisabled students live, work, and learn alongside all the members of their community. Those are skills that over the long run make our whole society stronger.

Unfortunately, over the last several years, concerns have been raised about IDEA—concerns about cost of services, discipline, the low Federal contribution, litigation and inclusion. There is no question, it has been a difficult few years. But we have something to show for all the debates and questions: this bill.

One thing has not changed in this bill—children with disabilities remain at its core. But in this reauthorization, we have improved IDEA to ensure that the law does not stand in the way of meeting children's needs.

Administrative requirements are clarified and streamlined. Discipline procedures, which have been the focus of so much attention, are modified to provided school officials with additional tools to ensure the safety of all children. Mediation systems to resolve disputes about the placements of children are required in each State. We also clarified that attorney's fees are not allowed during the development of the Individual Education Plan or in pre-complaint mediation. In addition, parents must provide school districts with more detailed information on their concerns to avoid protracted legal battles.

This bill also better defines the role of other partners in the effort to meet these special needs. Regular classroom teachers are clearly defined as part of the students' IEP team. The parents' role is strengthened or clarified. In addition, states have new authority to collect from noneducational agencies for noneducational services, such as speech therapy. The IDEA bill before us also provides new enforcement tools for the Department of Education to ensure that this law is properly implemented and enforced.

Beyond the larger issues, there were several issues of deep importance to me that I am pleased to see in this final bill. Language is included reaffirming the importance of braille instruction to students with visual impairments. The bill also reauthorizes a program providing support for an unique and wonderful effort, the National Theater of the Deaf. The Theater, which is based in Chester, CT, has traveled across the country and world inspiring and entertaining hearing and nonhearing audiences.

Mr. President, fundamentally, this is a good bill—a strong bill that will guarantee us the full potential of all of our children. I am hopeful that my colleagues will join me in strong support of this effort.

SECTION 685 COORDINATED TECHNICAL ASSISTANCE DISSEMINATION—NATIONAL CLEARINGHOUSES

Mr. BYRD. Under section 685(d) National Information Dissemination the first five authorized activities listed have traditionally been performed utilizing the services of the national clearinghouses.

The national clearinghouses, which have been in existence for over 25 years, have developed very effective, specialized and targeted lines of communications to State and local entities serving this population of special needs as well as to individual families. Representatives in my own State of West Virginia have communicated to me that they want to continue to be able to be serviced by these clearinghouses with whom they have developed longstanding and trusting relationships.

Does the bill continue to authorize all the activities currently carried out by the national clearinghouses?

Mr. HARKIN. Yes. The bill authorizes all the current activities and allows the Secretary to support national clearinghouses.

Mr. BYRD. I note in section 685 that the statutory language states—and I will paraphrase—that the Secretary should provide these authorized services utilizing "mechanisms as institutes which include regional resource centers, clearinghouses, and programs that support State and local entities."

I want to make sure that this language, even though somewhat general would allow the Secretary to utilize a Federal resource center, as well as regional centers. The Federal center provides a longstanding, vital, and supporting role in keeping regional centers supplied with and connected to the latest technical information and research development within this specialized field, in addition, the Federal resource center has traditionally coordinated some of the activities of the regional centers.

Does S. 717 allow the Secretary to utilize a Federal resource center in this role?

Mr. HARKIN. The bill allows the Secretary flexibility in the mechanisms used to provide State and local entities the technical assistance they need to improve results for children, youth, infants, and toddlers with disabilities. A Federal resource center is one mechanism the Secretary could use to carry out his responsibilities under this section.

TREATMENT OF PERSONS WITH DISABILITIES IN ADULT PRISONS

Mrs. BOXER. Mr. President, I would like to enter into a colloquy with Senators HARKIN and JEFFORDS regarding the treatment of those with disabilities who are convicted as adults and incarcerated in adult prisons.

Mr. HARKIN. I would be pleased to enter into a colloquy with my colleague, Senator BOXER.

Mrs. BOXER. As my colleagues are aware, the Department of Education has determined that the requirement that States provide eligible students with a free, appropriate public education extends to people under age 21 convicted of felonies as adults and incarcerated in adult prisons. Under current law, if a State fails to provide special education services to eligible prisoners, that State faces the loss of all Federal special education funding. I believe strongly that this mandate is wrong. I introduced legislation last week, S. 702, which would amend IDEA to exempt people convicted as adults and incarcerated in adult prisons.

This issue is particularly important to the State of California. My State does not provide special education services in adult prisons, and as a result, faces the loss of over $300 million in Federal special education assistance. It seems unconscionable to me that the needs of approximately 600,000 California special needs children could be jeopardized because my State does not provide special education services to an estimated 1,500 prisoners.

It is my understanding that this bill makes several significant amendments to these provisions and dramatically changes the scope of sanctions that can be imposed on States for failing to provide special education services to those incarcerated in adult prisons. Would the Senator elaborate on these changes?

Mr. HARKIN. Under the legislation, States are authorized to transfer the responsibility for educating juveniles with disabilities convicted as adults and incarcerated in adult prisons from State and local education agencies to other agencies deemed appropriate by the Governor, such as the State Department of Corrections.

Mrs. BOXER. What are the consequences of the transfer of authority in terms of the ability of the Secretary to withhold IDEA funds allotted to the State?

Mr. HARKIN. If a State makes such a transfer and if the Secretary finds that the public agency is in noncompliance, the Secretary must limit any withholding action to that agency. Furthermore, any reduction or withholding of payments must be proportionate to the number of disabled children in adult prisons under the supervision of that agency compared to the number served by local school districts. For example, if 1 percent of the disabled students were in adult prisons, the Secretary could only withhold 1 percent of the funds.

Mrs. BOXER. In the State of California, approximately one-fourth of 1 percent of all people eligible for special education are convicted of felonies as adults and incarcerated in adult prisons.

It is my understanding that under this bill, if California does not provide special education services in prisons it stands to lose only one-fourth of 1 percent of its allotted share. California would no longer face the possible loss of 100 percent of its allotted special education funds. I would ask the Senator from Iowa, is my understanding correct?

Mr. HARKIN. The Senator is correct that any withholding of Federal funds will be limited to the proportional share attributable to disabled students in adult prisons. Other funds would not be withheld.

Mrs. BOXER. I would ask the distinguished chairman of the committee, Mr. JEFFORDS, if he agrees that under this bill, States do not face the total loss of Federal special education funds for failing to provide special education services to those convicted as adults and incarcerated in adult prisons.

Mr. JEFFORDS. I do agree.

Mrs. BOXER. I am particularly troubled that under current law, States are required to develop an IEP for eligible students even if they have been sentenced to life without the possibility of parole or even sentenced to death. Would the Senator from Iowa comment on the authority to modify an IEP for such incarcerated individuals?

Mr. HARKIN. Public agencies may modify an IEP for bona fide security or compelling penological reasons. For example, the public agency would not be required to develop an IEP for a person convicted as an adult and incarcerated in an adult prison who is serving a life sentence without the possibility of parole or is sentenced to death.

This exception applies to those inmates for whom special education will have no rehabilitative function for life after prison. Our aim in assuring that prisoners receive special education is to make them better able to cope after prison, resulting in a safer environment for all of us. This goal does not apply for those who will not return to society.

In addition, the provisions requiring participation of students with disabilities in statewide assessments will not apply. Further, the transition services requirements will not apply to students whose eligibility will terminate before their release from prison.

Finally, the obligation to make a free appropriate public education available to all disabled children does not apply with respect to children and 18 to 21 to the extent that State law does not require that special education and related services under this part be provided to children with disability, who, in the education placement prior to their incarceration in an adult correction facilities, were not identified as being a student with a disability, or did not have an IEP.

Mrs. BOXER. Does the legislation modify in any way the responsibilities of adult prisons to prisoners with disabilities under section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act?

Mr. HARKIN. No, these laws still apply.

Mrs. BOXER. Does the bill make any changes to current law with respect to disabled students incarcerated in juvenile facilities?

Mr. HARKIN. No.

Mrs. BOXER. I thank the Senator for entering into this colloquy with me.

Mr. HARKIN. I thank the Senator for raising these important issues.

Mr. JEFFORDS. Mr. President, I would make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Reserving the right to object, I would like to just get us out of the situation we are in and then be happy to turn it over to morning business, if that is all right with the Senator.

Mr. WELLSTONE. I am sorry. Yes, of course.

Mr. JEFFORDS. I yield back the remainder of my time.

MORNING BUSINESS

Mr. JEFFORDS. I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I yield the floor.

RELEASE WEI JINGSHENG

Mr. WELLSTONE. Mr. President, I rise today to ask the Chinese Government that the Chinese Government immediately release Wei Jingsheng, an extraordinary man who tells truth to power, authoritarian and arbitrary power. I meant to bring his book to the floor. It is being released today, May 13.

Mr. President, the publication date of this book is today. The title of the book is "Courage To Stand Alone." I have very limited time, but I just want to say on the floor of the Senate, because I really believe there ought to be a focus on Wei Jingsheng, that this is a man of tremendous courage. I have had a chance to skim-read the book. I am going to read it word for word.

I know that Wei Jingsheng was in prison from 1979, I believe, until 1993. Then he was released, and then again he spoke out, as anyone should do, about the importance of freedom and democracy, and again he finds himself in prison.

Mr. President, I hope that my colleagues will all help me in calling for his release. I know Senator HELMS has signed this letter. So has Senator KENNEDY. I am very pleased to work with both of those Senators, and, in addition, Senator MOYNIHAN has signed this letter as well. We are going to add more and more signatures. We are talking about a man who is in very poor health. I just want to quote from Wei's outline of "My Defense" which was delivered at his trial on December 13, 1995.

> To sum up, the basic error of the indictment . . . is that it confounds the actions of defending human rights and promoting democracy and reform with "conspiracy to subvert the government." Therefore, anything that can be linked to the "Democracy Movement" or "human rights" is an act of conspiracy and subversion. . . . A government that can be subverted by a movement of human rights and democracy can only be a government with a contradictory and opposite nature, a government that does not respect human rights or promote democracy, a government of "feudal, fascist dictatorship." . . . According to our Constitution and laws, the people are the owner of this nation and the government is merely an agent of the people. The government must respect the sovereignty of the people, namely the individual freedoms and political rights of each citizen, including the right of people to know, the right to criticize and supervise the government, even to replace the government. If the government abolishes or suppresses such democratic rights, then it becomes an illegal government and loses its legitimacy, which is based on the Chinese Constitution. Therefore, if the general charges brought by the indictment against the human and democracy movement are valid, then the government it represents is not the legal Chinese Government and the charges it brings are illegal.

Mr. President, these are words that might have been uttered by Thomas Jefferson. I again want to just rise in the Senate today and call on all of my colleagues to stand up for Wei Jingsheng, this extraordinary man. He has now been sentenced to 14 years in prison under austere conditions that threaten his life. Today is the publication of the book, "Courage To Stand Alone." This is a collection of Wei's letters to Chinese leaders, prison officials, and to his family.

He is a remarkable man, as I have said before. This is an extremely important work. He is eloquent. If you think about the conditions under which he has written these letters, it makes this all the more remarkable.

It is not only urgent that the Chinese Government release Wei, but also that it provide him with the medical care that he desperately needs but has been denied. He has a heart disease that threatens his life, severe hypertension, and a serious back ailment that renders him unable to hold his head erect. The Chinese Government ought to release this courageous man. He is a prisoner of conscience.

Today is the publication of a remarkable book, "Courage to Stand Alone." Wei Jingsheng is a man who represents the very best of the tradition of our country. He is a man who has spoken up for human rights and democracy and has paid a terrible price for it. I believe it is important for all of us, regardless of political party, all of us in our country to speak up for prisoners of conscience. In this particular case, I take the Senate floor to call on the Chinese Government to release Wei Jingsheng from prison, to release him from prison today and to provide him with the medical care that he needs.

Mr. President, again, I hope my colleagues will join me in this effort. I hope my colleagues will have a chance to read this remarkable work, "Courage To Stand Alone." I hope it becomes a best seller in the United States of America.

In the 30 seconds I have left, let me just say, personally I do not know how people find the courage. If I lived in such a country and I thought that by speaking up I could wind up in prison, or even worse, that my children could be rounded up and that they could end up being tortured or they could end up being in prison, which so often happens in these countries headed by repressive governments, I do not think I could find the courage to speak up.

I think it is time all of us in the U.S. Congress speak up for men and women like Wei Jingsheng who have had the courage to stand alone. I think it is extremely important that we do everything we can to call on the Chinese Government and to make it crystal clear to the Chinese Government that they ought to release this courageous man from prison, and other prisoners of conscience as well. If they do not do that, then I think all of us ought to look at trade relations and other relations with China and other countries that violate the basic human rights of their citizens. We need to exert leadership and we need to make a difference.

I yield the floor.

FREEDOM FOR CHINESE DISSIDENT WEI JINGSHENG

Mr. KOHL. Mr. President, I rise today to call for justice for Wei Jingsheng. Mr. Wei is a Chinese citizen who has devoted his life to the cause of democracy and tolerance in the People's Republic of China. In exchange for his selfless effort, Mr. Wei has spent almost 20 years in prison. We must, as a Senate and as a country, call upon Chinese leaders to recognize Mr. Wei's genuine love of his country, to respect his right to dissent, and to set him free to live his life in peace.

I have chosen to make this statement today because today we celebrate the publication of Mr. Wei's book, "The Courage to Stand Alone: Letters from Prison and Other Writings." In these unadorned yet powerful reflections, Mr. Wei provides insight into the tortures he has suffered in prisons and labor camps, as well as the passion and commitment which have maintained his fighting spirit. His straightforward missives on the obvious need for democracy remind us all of our fundamental civic values.

Wei Jingsheng is a hero. With a background as an electrician, and with the weight of the Communist leadership against him, he became what the New York Times called the strongest voice of China's democracy movement. It is with awe and sadness that I note Mr. Wei's ability to persevere these many years despite his and other Chinese dissidents' virtual invisibility on the international scene.

We can not allow Mr. Wei to be invisible. As Americans we have always supported the cause of democracy and tolerance. In our own country we are lucky. Democracy as law and tolerance, though we must always be vigilant for transgressions against it, is an integral part of our social fabric. In other parts of the world, including the People's Republic of China, democracy and tolerance remain elusive. Mr. Wei is a hero because he fights against the tide. The leaders of China will be heroes when they realize that men and women like Wei Jingsheng can strengthen and enrich their country—if only they are set free.

CALLING FOR THE RELEASE OF WEI JINGSHENG

Mr. ASHCROFT. Mr. President, I join with other Senators today in calling for the immediate release of Chinese dissident Wei Jingsheng. Wei Jingsheng exemplifies China's best aspirations for democracy, and his imprisonment exemplifies the worst of the Communist cadre that stands in the way of freedom for a nation of over 1 billion people. Wei's imprisonment is only one story in the broader tragedy of brutal political repression that has silenced all voices of dissent in China. In a world that is increasingly open to the benefits of freedom and the potential of free markets, the great hope is that the growth of capitalism in China will undermine Beijing's tyranny. The growth of free markets alone, however, will never replace individual acts of courage and conviction by people who defy China's Communist leadership. People willing to spend their lives for the freedom of their countrymen are mankind's true heroes.

Mr. President, Wei Jingsheng was first imprisoned in 1979 after criticizing the Government's suppression of the Democracy Wall movement in China. Since that time, he has spent all but 6 months of the last 18 years in prison. Inside China's prison system, Wei has been a constant target for harassment and reeducation by China's prison guards. Wei has fought the daily battle to maintain his integrity, the strength of his principles, and the conviction of his beliefs. After 14 years in prison, Wei was released in 1993 and promptly began condemning the Government's horrific record of political repression. He was imprisoned again for his courage and remains in a Chinese prison today suffering from a life-threatening heart condition.

Wei's love for his country is most clearly seen in the personal sacrifice associated with his forthright and constant stand against political tyranny. The Clinton administration could learn a lesson from Mr. Wei. In the long run, honesty is the best policy, and a forthright discussion of the atrocities being committed by Beijing will do more for a stable United States-China relationship than repeated acts of appeasement. True constructive engagement means that China is required to honor the trading agreements it signs, to avoid proliferating weapons of mass destruction, and to respect international norms for human rights. We in America need to realize what Wei recognized long ago—that the forces of justice and liberty are at work in the Chinese people just as they have been at work with such stunning effect in other nations around the world.

In the battle between liberty and tyranny in China, I am placing my wager on the side of freedom. As Ronald Reagan said, "Democracy is not a fragile flower. Still, it needs cultivating. If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy."

Mr. President, we must ask ourselves if we are taking those actions to cultivate the flower of liberty in China. Has our commitment to human rights and civil liberties been constant? Have we defended international norms against weapons proliferation that the free people of the world have embraced for their mutual protection? One need only look at the record of political repression in China and China's arming of Iran to see that the Clinton administration is failing to press our concern for international human rights and protect our own long-term national security interests.

American foreign policy needs to return to its most enduring and noble aspect: our willingness as a nation to sacrifice in order to help other peoples achieve the individual liberties we enjoy. When the Chinese people eventually rid themselves of tyrannical leadership and establish a democracy—and they will just as the South Koreans, the Japanese, and the Taiwanese have done before them—I hope they will be able to say that America stood by them in their darkest hours. For the Chinese people, the torch lit in Tiananmen Square is flickering. The American people want to stand by the Chinese. The Clinton administration has been less clear. The administration can stand up for America and the Chinese people by insisting that Wei Jingsheng be released.

THE COURAGE TO STAND ALONE

Mr. MOYNIHAN. I rise today to bring to the attention of my colleagues the publication of "The Courage to Stand Alone," the letters of Wei Jingsheng, a fearless and outspoken dissident currently imprisoned by the People's Republic of China. For two decades Wei Jingsheng has been a leader in the struggle for democracy in China, as well as a passionate advocate of human rights for the people of Tibet.

Among the many crimes for which Wei has spent the last 18 years in prison, perhaps none is so onerous to his persecutors as his presumption to hold the totalitarian regime of the People's Republic of China to its own standard of law. As Andrew J. Nathan writes in his Foreword:

> Wei's powerful statement of self-defense [at his 1979 trial] exposes how little difference there is between the new legal system and the old absence of a legal system. The prosecutors and judges search for a crime and find none, but they obey orders. They sentence Wei to fifteen years.
>
> The outside world is outraged, but most Chinese at the time are wiser. They see Wei as the victim of his own naivete. He failed to appreciate the unwritten limits to free speech and legal reform. He committed the greatest offense in a dictatorship: taking words at face value.

The Courage to Stand Alone serves as a testament of resistance to the totalitarian phenomenon so brilliantly dissected in our century by the likes of Hannah Arendt and George Orwell. Wei's letters stand as the literary equivalent of the famous photograph of the lone Chinese individual confronting a column of tanks during the 1989 Tiananmen Square massacre.

In his letter of June 15, 1991 Wei writes:

> It is precisely because human rights are independent of the will of the government,

> and even independent of the will of all mankind, that people fight for the realization and expansion of human rights as a natural and unprovoked matter of course. They gradually come to the realization that the more widespread and reliable the protection of human rights is, the more their own human rights are protected. Just as man's understanding of objective truths and objective laws is a gradual process, man's understanding and comprehension of human rights is a gradual process. Just as man's grasp and utilization of objective laws is a progressive process, man's protection of the theory and practice of human rights is a progressive process.

Wei Jingsheng—by his words and conduct—has done much to advance our understanding of human rights in China and throughout the world. I commend "The Courage to Stand Alone" to all Senators, and I look forward to the day when Wei Jingsheng will again be free to stand together with other Chinese dissidents who struggle to bring a measure of democracy to their ancient and long-suffering homeland.

WEI JINGSHENG

Mr. LEAHY. Mr. President, there are some individuals whose personal courage is almost impossible to fathom, who will be long remembered for the example they set in standing up for what they believed for the sake of all of us. Wei Jingsheng, who is perhaps China's most famous political prisoner, is one such individual. Today I join Senators MOYNIHAN, HELMS, WELLSTONE and KENNEDY in recognizing today's publication of Mr. Wei's collection of letters to Chinese leaders and members of his family, and essays about democracy, "The Courage to Stand Alone: Letters from Prison and Other Writings."

Known as the intellectual leader of the Democracy Wall movement, China's first prodemocracy protest, Mr. Wei has spent nearly all of the last 18 years in prison for his outspoken, unrelenting criticism of China's political leaders and his thoughtful and inspiring writings about the need for democratic change and the rule of law in China. In one essay, Mr. Wei describes the law in China as, "merely a 'legal weapon' that anyone in power can wield against his enemies."

In an effort to convince the International Olympic Committee to award China the 2000 Olympic Games, the Chinese Government released Mr. Wei in late 1993. The cynicism of that decision was exposed just 6 months later, when he was rearrested and held incommunicado for 20 months, in part for meeting with Assistant Secretary of State John Shattuck. He is currently serving a 14-year sentence.

In addition to the egregious violations of the rights to freedom of expression, due process, and freedom from arbitrary arrest and detention, I am very concerned about Mr. Wei's health. He is suffering from high blood pressure and a heart condition, and has not received the medical attention he needs. He is not permitted to go outside, nor is he allowed physical exercise. I am told that prison authorities have moved other prisoners into Mr. Wei's cell to monitor and limit his political writing. If Mr. Wei serves all of his current 14-year prison sentence, he will be 60 years old when he is released. His health is so fragile it is uncertain whether he will ever get out alive.

Mr. President, Mr. Wei is one of thousands of courageous people who have been thrown in prison, tortured or otherwise silenced in order to squelch any expression for democratic change in China. Despite repeated attempts by our administration to discuss human rights with Chinese authorities, the Chinese Government has continued to insist that internationally recognized human rights are an internal matter. The situation has gotten worse, not better.

I urge all Senators read "The Courage to Stand Alone," and to remember Wei Jingsheng and the thousands of other Chinese citizens who have remained steadfast in support of democracy and human rights, in the face of repression.

RELEASE OF WEI JINGSHENG

Mr. GRAMS. Mr. President, I join my colleagues urging the release of Wei Jingsheng, currently imprisoned in China for his efforts to promote democracy in China. Serving his second long-term sentence, Mr. Wei is seriously ill without access to proper medical care. He has served nearly 18 years in various prisons and labor camps and will not be released until 2009. It is doubtful he will last that long without medical attention.

I hope the leaders of China will grant Mr. Wei's release as an humanitarian gesture that would show the world that China has a commitment to improve the human rights of its citizens.

TRIBUTE TO WEI JINGSHENG

Mr. LUGAR. Mr. President, I rise today to join my colleagues in urging the authorities in Beijing to provide immediate medical care to Wei Jingsheng and to end his prolonged incarceration in Chinese prison. Granting these requests would not only be an act of official compassion but it would also signal to others that the introduction of economic liberalism—and the remarkable economic advancements that it spawned—is leading to improvements in internal freedom, human rights practices, and the quality of life in the People's Republic of China.

Responding to our modest requests would be a positive sign that China, as it seeks to be more fully integrated into the global system, is increasingly self-confident about itself, about the image it projects to the rest of the world and about the role it intends to play in the world.

Wei Jingsheng has spent the better part of his adult life in detention, in jail, and in labor camps. Most of his past 18 years have been spent in solitary confinement in unusually harsh conditions. His health has deteriorated badly and he is deprived of most normal privileges available to political prisoners. Those conditions and these deprivations would have broken the spirit of defiance in most human beings. Not so for Wei Jingsheng.

Wei Jingsheng's remarkable prison letters to the Chinese leadership will be published today, May 13. His book, "The Courage to Stand Alone: Letters from Prison and Other Writings," is a splendid testament to the yearning for democracy by a political dissident who has never experienced true freedom in a land and country that has never experienced true democracy or anything approximating an open society. His writings speak to us about the need for democratic reform at a time when China exhibits little internal visible dissent. There is now no visible political dissent in China because political dissidents have either gone into exile, are in prison, or have redirected their energies in new-found entrepreneurial enterprises.

Mr. President, we are here today not only to laud the publication of Wei Jingsheng's book of letters or to urge Beijing to discard its harsh treatment of its leading political dissident, we are here to honor a true democrat. We should honor true democrats and democracy anywhere, and under any circumstances. We can and should promote human rights practices and democracy abroad just as we pursue other important national interests.

Our foreign policy must express both our values and our interests. That is why we must continue to support the development of political and economic reforms abroad while endorsing those democracy-promoting programs undertaken by such nongovernment organizations as the National Endowment for Democracy [NED] and the Center for Democracy.

Wei Jingsheng's current prison term expires in the year 2009 but his health is reportedly so poor that he may not survive until then. Keeping Wei Jingsheng in prison under such difficult conditions would be a permanent stain on China's claim that it is misunderstood by the rest of the world. To release this man and other prisoners of conscience would bring good will to China and assure the outside world that China enjoys the self-confidence to change.

I join with my colleagues in the hope that Wei Jingsheng will be released from prison in the very near future.

Thank you.

URGING THE GOVERNMENT OF CHINA TO RELEASE WEI JINGSHENG—A POLITICAL PRISONER

Mr. DODD. Mr. President, I rise today with a simple message, a message to the Government of China to release Wei Jingsheng. Who is Wei Jingsheng? Born in China, Wei Jingsheng is a dreamer, a political activist, a writer, a silenced leader, an inspiration, a nurturing older brother, and one who possesses an unparalleled faith in democracy and its place in modern China. He is the kind of man who if living in America would undoubtedly grace these Halls. But Wei Jingsheng does not live in the United States, he lives in China, where the courage of his convictions have not been appreciated, in fact quite the opposite, Wei Jingsheng has been severely punished.

In speaking out for democracy and reform, Wei Jingsheng has suffered great consequences—consequences including nearly 18 years of solitary confinement, torturous treatment, the lack of medical attention, and numerous other methods known to squelch a man's spirits and weaken his convictions.

Now that we know about his punishment, let us consider Wei Jingsheng's crimes: numerous writings on democracy, a series of letters to China's paramount leader Deng Xiaoping before his death, communicating with foreign journalists, participating in the 1979 Democracy Wall movement, and most recently meeting with John Shattuck, the United States Assistant Secretary of State for Democracy, Human Rights, and Labor in 1994. Frankly, these do not strike me as crimes, or actions that warrant any sanctions by the state, and most certainly are not at all commensurate with the punishment Wei Jingsheng has endured.

Respect for human rights is an international concept. We only need look to the Universal Declaration of Human Rights to see a sample of the international consensus on human rights. While China may resent United States scrutiny on this topic, we do in fact have a legitimate right, as well as a moral obligation, to call for improved conditions. We can and should have a human rights dialog with Chinese leaders, and I encourage the administration to make more opportunities for such high level discussions to take place.

Wei Jingsheng is reported to be near the end of his life—a life of struggle and hardship. His recently published book "The Courage To Stand Alone: Letters From Prison and Other Writings" underscore Wei Jingsheng's struggle to promote democracy in China. I stand with my other colleagues in the Senate today to encourage the Government of China to immediately release Wei Jingsheng.

WEI JINGSHENG

Mr. KENNEDY. Mr. President, I join today with my colleagues in solidarity with a courageous Chinese advocate of human rights, Wei Jingsheng.

Each year, the family and friends of Robert F. Kennedy, and those who honor his legacy present a human rights award in my brothers name. In 1994, Wei Jingsheng won that award.

Except for a brief period in late 1993 and early 1994, Wei has been imprisoned since 1979 because he dared to call for democracy and freedom of expression in his country.

Wei never feared to tell the story of the abysmal conditions imposed on those who dare to speak for human rights, democracy, and freedom of expression in China.

He was an electrician at the Beijing Zoo in 1979, when he earned international praise during the Democracy Wall movement for his courageous essays criticizing the Chinese leadership and calling for democratic reforms.

In his 1978 journal, "Explorations," he publicly exposed the torture of political prisoners. He later wrote one of the most famous essays of the democracy movement, arguing eloquently and powerfully that democracy and free speech were preconditions for China's economic and social growth. In another essay, he challenged China's leader at the time, Deng Xiaoping, saying: "We cannot help asking Deng what his idea of democracy is. If the people have no right to express freely their opinions or to enjoy freedom of speech and criticism, then how can one talk of democracy? * * * Only a genuine general election can create a government and leaders ready to serve the interests of the electorate."

For his refusal to remain quiet, he was arrested in 1979, tried secretly, and sentenced to 15 years in prison—most of which he spent in solitary confinement. He was repeatedly tortured.

In September 1993, Wei was released as part of China's public relations attempt to win the opportunity to host the Olympic Games in the year 2000. Upon leaving prison, Wei immediately resumed his leading role in the democracy movement.

On April 1, 1994, after Wei met with Assistant Secretary of State for Human Rights, John Shattuck, he was arrested again and held incommunicado for 20 months. He was formally charged in November 1995 and, after a 1-day trial, was convicted of "engaging in activities in an attempt to overthrow the Chinese Government."

Wei is now in a prison cell serving a 14-year sentence. His health is poor, his conditions are deplorable, and he is repeatedly tortured.

Today we celebrate the latest publication of his writings, "The Courage to Stand Alone." Wei has often stood alone against the Chinese Government. But he does not stand alone, and he will not stand alone in the wider world. He will never stand alone, as long as there are those who care about human rights and who are willing to speak out on his behalf. We will go on doing so until Wei is released, all political prisoners in China are released, and the basic human rights he so bravely fights for are enjoyed by all the people of China.

MR. WEI JINGSHENG

Mr. KEMPTHORNE. Mr. President, I rise today to discuss the important issue of political prisoners in China. I want to thank Senators HELMS, MOYNIHAN, KENNEDY, and WELLSTONE for focusing the Senate's attention on this topic.

As we consider United States-China relations, respect for human rights must be at the top of our Nation's agenda. In that regard, today I call on the Government of China to release Mr. Wei Jingsheng from prison so that he may receive the immediate medical care he desperately needs.

Further, I call upon President Clinton to make the release of Mr. Wei Jingsheng, and all Chinese political prisoners, such as the Tibetan prisoners of conscience, a top priority as our Nation discusses our relationship with China.

The first amendment of our Constitution guarantees citizens of the United States freedom of speech, the right of people to peaceably assemble and the right to petition the government for a redress of grievances. Mr. Jingsheng does not have these rights, and so I join my colleagues asking for his freedom.

In the United States of America "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

That all men are created equal. This is one of our Nation's unswerving principles and we have never and should never be willing to, as President John F. Kennedy stated in his inaugural address, "permit the slow undoing of human rights to which this nation has always been committed." And, as my colleagues know, there is a tragic lack of respect for human rights in China, which is why we are making these statements today.

Mr. Wei Jingsheng's courage and conviction should be a beacon to all of us. He has received the Robert F. Kennedy Human Rights Award and I would like to quote Senator Robert F. Kennedy:

> Some men see things as they are and say "why?"
>
> I dream things that never were and say "why not?"

Mr. Jingsheng has that courage to ask "why not." So today, Mr. President, I rise and ask the Government of China: Why not—why not release Mr. Wei Jingsheng.

WEI JINGSHENG

Mr. FEINGOLD. Mr. President, I rise today to call for the immediate release of Wei Jingsheng, China's most prominent political prisoner.

Wei Jingsheng is no stranger to harsh unjust treatment. He has spent all but 6 months of the last 18 years in prisons or in labor camps, often in solitary confinement. Now serving his second sentence of 14 years for the crime of peacefully advocating democracy and human rights, Wei Jingsheng is terribly ill. His expected release date is 12 years from now—the year 2009—and that is assuming he lives that long.

At 46 years of age, Wei suffers from life-threatening heart disease, he cannot lift his head, and he complains of severe back pain. His requests for medical attention have gone unfulfilled and all indications are that he has not seen a doctor in more than a year.

A former electrician at the Beijing Zoo, Wei has been one of the strongest voices of China's democratic movement. In recognition of his efforts, Wei was named the 1994 Robert F. Kennedy Human Rights Award laureate and, every year since 1995, Members of Congress have nominated him for the Nobel Peace Prize.

While in prison serving his first sentence, Wei was allowed to write letters on certain topics to his family, prison authorities, and China's leaders. Because most of these letters urged democratic reforms, they were seized by authorities and never sent. Wei was later able to retrieve them and release them publicly, and they have now been translated and published as a book. Today, May 13, is the publication date of this book, "The Courage To Stand Alone: Letters From Prison and Other Writings." This book states what is obvious to Wei and should be clear to Americans: China needs democratic freedoms. Unfortunately, China's leaders continue to show a flagrant disregard for human rights.

In 1994, over the strenuous objections of those of us concerned over China's atrocious and repeated violations of international standards of human rights, the administration delinked granting of most-favored-nation trade status to China to improvements in its human rights record. The administration argued then that through constructive engagement on economic matters, and dialog on other issues, including human rights, the United States could better influence Chinese behavior. That was a mistake.

Let those who support constructive engagement visit the terribly ill Wei Jingsheng in his prison cell, and ask him if developing markets for toothpaste or breakfast cereal will help him win his freedom or save his life. I do not see how closer economic ties alone will somehow transform China's authoritarian system into a more democratic one. Unless we press the case for improvement in China's human rights record, using the leverage afforded us by the Chinese Government's desire to expand its economy and increase trade with us, I do not see how conditions will get much better.

In fact, the harsh prison conditions and lack of medical attention provided to Mr. Wei demonstrate that, after nearly 4 years, dialog and constructive engagement have made no impact on Chinese behavior. We should make it clear that human rights are of real—as opposed to rhetorical—concern to this country. Until Wei Jingsheng and others committed to reform in China are allowed to speak their voices freely and work for change, American-Chinese relations should not be based on a business-as-usual basis. I hope the administration will do everything possible to demand the immediate release of Wei Jingsheng and urge Chinese authorities to provide him with access to medical care that he urgently requires.

CALLING FOR THE IMMEDIATE RELEASE OF WEI JINGSHENG

Mr. D'AMATO. Mr. President, I rise today to call for the release of Wei Jingsheng who has been imprisoned for almost 18 years under the harshest of circumstances in China. Mr. Wei was first jailed in 1979 for advocating democratic reform in China. Can you imagine? The free exchange of such ideas which we take for granted every day in the United States cost Mr. Wei his freedom.

Mr. Wei was released in 1993 in an act which curiously coincided with an upcoming vote by the International Olympic Committee on China's application to host the Olympic games in the year 2000. China's bid for the Olympic games was unsuccessful and shortly thereafter Mr. Wei was imprisoned again. He is not scheduled for release until 2009. This overtly politically motivated move is unconscionable.

Through these years of personal terror Mr. Wei has frequently been held in solitary confinement. He was been the victim of cruelty and mistreatment which had a serious effect on Mr. Wei's health. I am told that Mr. Wei is suffering from heart disease but does not have access to proper medical care. This treatment is simply wrong.

The People's Republic of China wants to assume the status of a responsible nation in the world community. And yet they continue to subjugate the people of Tibet. As a case in point, I spoke earlier this year on the floor about Ngawang Choephel, a former Fulbright scholar at Middlebury College and a friend of the United States, who is serving an 18-year prison term for supposed espionage activities.

The People's Republic of China wants to assume the status of a responsible nation in the world community. And yet they continue to subjugate their own people as well. Mr. Wei is a case in point. The State Department in its annual human rights record for 1996 hit the nail on the head. It said that China "continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms."

Mr. President, Mr. Wei has suffered enough. The people of Tibet have suffered enough. The people of China have suffered enough. It is time for a change. We must work for that change in areas we can influence. And let's start by calling for the release of Mr. Wei.

THE UNJUST IMPRISONMENT OF WEI JINGSHENG

Mr. DASCHLE. Mr. President, today it is my unhappy duty to note the continued imprisonment of Wei Jingsheng by the Government of China. In an attempt to silence his bold voice for democracy, Mr. Wei has been jailed in solitary confinement or forced to work in a labor camp for all but 6 months of the past 18 years. As a result of his mistreatment, he suffers from a life-threatening heart condition and cannot lift his head due to a neck injury. Today I join my colleagues to call for his immediate and unconditional release, and urge the Government of China to provide him with medical attention.

Mr. Wei's commitment to democracy and freedom despite such mistreatment is a testament to the strength of the human spirit and the power that words hold over the human soul. He was first jailed in 1978 after founding an independent magazine and daring to call for democracy. Despite the hard conditions of prison life, Mr. Wei refused to abandon his beliefs. Over the next decade, he wrote many letters—some to his family telling of his daily life, others to the leaders of his nation urging them to take immediate steps toward democracy. Virtually all were confiscated by prison authorities and never sent. Released as a result of international pressure in 1993, Mr. Wei immediately resumed his advocacy of democracy despite all that he had suffered. Within 6 months he was sentenced to another 14 years in prison. Today Chinese officials consider his writings so threatening that he is constantly monitored by criminal inmates whose job it is to ensure that he puts no words down on paper.

Despite these measures, Mr. Wei's words have echoed throughout China and the world. In 1989, demands for his release helped to stir the demonstration in Tiananmen Square. He also has been honored with the Robert F. Kennedy Human Rights Award, the Sakharov Prize for Freedom, and been nominated many times for the Nobel Prize for Peace.

I am confident that the Chinese Government's attempts to silence Mr. Wei will not succeed. Mr. Wei's letters, which he reclaimed as a condition of his release in 1993, are published in "The Courage To Stand Alone: Letters From Prison and Other Writings," to be released today. It is my hope that these words will continue to echo throughout the world, and help to bring freedom and democracy to the people of China.

Thinking of Mr. Wei, I am reminded of the words of another man imprisoned for his uncompromising beliefs. As he wrote from his cell:

> Only one thing has remained: the chance to prove—to myself, to those around me and to God—that . . . I stand behind what I do, that I mean it seriously and that I can take the consequences.

Today I will meet the writer of those words, President Vaclav Havel of the Czech Republic. I am filled with hope as I think of President Havel's extraordinary life and his path from political prisoner to president. I know that Mr. Wei shares President Havel's determination to stand behind his beliefs. It is my hope that one day he also will be free to travel to Washington and that this day will come soon. Mr. Wei's unjust imprisonment must end, and I appeal to the Government of China to release him immediately.

CALLING FOR RELEASE OF CHINESE DISSIDENT WEI JINGSHENG

Mr. BIDEN. Mr. President, today marks the publication date of a remarkable compilation of letters from a remarkable man, imprisoned Chinese political dissident Wei Jingsheng. His book, "The Courage To Stand Alone: Letters From Prison and Other Writings," should be required reading for anyone who takes for granted the freedoms enshrined in our Constitution and Bill of Rights. Wei is currently serving 14 years for the crime of advocating democracy in a country where freedom of speech does not extend to criticism of government authorities.

An electrician by training, Wei lacks the formal education of some other famous 20th century champions of democracy and civil rights—Vaclav Havel, Andrei Sakharov, or Martin Luther King—but whatever he may lack in sophistication, he more than makes up for with his blunt eloquence.

Just days before the Chinese crackdown against pro-democracy protesters in Tiananmen Square, Wei offered some candid advice for China's top leaders from his prison cell, urging them to "take great strides to implement a democratic government as quickly as possible." A great tragedy might have been avoided if Beijing's gerontocracy had heeded Wei's call.

Wei was first imprisoned from 1979 to 1993 on charges of "counter-revolutionary propaganda and incitement," the result of his participation in the Democracy Wall Movement. During this brief flowering of officially authorized political dissent in China, Wei had the nerve to argue that China's modernization goals could not be met without democratic reform. For this affront, he was severely punished.

In 1993, on the eve of the International Olympic Committee's decision about whether to award the 2000 Olympics to Beijing, China briefly released Wei in an effort to strengthen its Olympic bid. On April 1, 1994, just days after meeting with U.S. Assistant Secretary of State for Democracy, Human Rights, and Labor, John Shattuck, Wei was detained once more.

He was subsequently sentenced to 14 years for trying to "overthrow the Chinese Government." The actions cited as proof of Wei's "counter-revolutionary" intent included publishing articles critical of the government and raising funds for the victims of political persecution in China.

Wei has spent most of his last 18 years in solitary confinement, enduring a variety of physical and psychological hardships. He is now widely reported to be in very poor health, suffering from heart and back ailments that require urgent medical attention. Attention he is currently denied.

Today, I join with my colleagues to urge the Chinese Government to take all necessary steps to release Wei Jingsheng from prison on humanitarian grounds. Chinese authorities should ensure that Wei immediately receives the medical care he requires. Wei's imprisonment comes as a result of his peaceful advocacy of democracy and basic human rights. His words warrant our admiration, not a death sentence.

WEI JINGSHENG

Mr. HELMS. Mr. President, today is the publication date of a book of prison letters by Wei Jingsheng, "The Courage to Stand Alone: Letters From Prison and Other Writings." Wei's book is the subject of a May 5 editorial in the New York Times; I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, Wei is China's most prominent dissident. Perhaps I should say that he is China's most prominent dissident in jail. In any event, there are no active dissidents in China, according to this year's State Department human rights report—they are all in jail, or silent.

Wei became famous for his powerful, articulate statements during the Democracy Wall movement. After his release in 1993, he returned his advocacy of democratic reform. After 6 months, he was rearrested and held incommunicado for almost 2 years before being sentenced to another 14-year prison term in 1996.

Wei shows no concern for himself. His health is poor, threatened by heart problems. Yet he continues to stand up to the Chinese Government, demanding freedom and democracy for the people of China.

Wei's letters reveal courage in the face of a brutal and immoral regime. His example is bound to humble any one who dares take for granted the freedoms enjoyed by the American people.

I hope that, somehow, Wei will learn of the enormous respect and support he has from the American people. I urge Senators to join in calling upon the Chinese Government to release Wei and immediately provide him with the medical treatment he so badly needs.

EXHIBIT 1

[From the New York Times, Monday, May 5, 1997]

LETTERS FROM A CHINESE JAIL—THE BLUNT DEMANDS OF WEI JINGSHENG

(By Tina Rosenberg)

For nearly 20 years, the Chinese government has sought to silence one of the world's most important political prisoners, Wei Jingsheng. Once an electrician in the Beijing Zoo, Mr. Wei is the strongest voice of China's democracy movement. He has spent all but six months of the last 18 years in prisons and labor camps, most in solitary confinement in conditions that would have killed a less stubborn man long ago and may soon kill Mr. Wei, who is 46 and very ill.

Now serving a second long sentence, he is watched around the clock by non-political criminal prisoners who insure he does not put pen to paper. But during his first imprisonment he was permitted to write letters on certain topics to his family, prison authorities and China's leaders. Most were never sent. But they have now been translated and published. They form a remarkable body of Chinese political writing.

The book, "The Courage to Stand Alone," is published by Viking. It shows why the Chinese Government is so afraid of Mr. Wei. His weapon is simplicity. Unlike other Chinese activists, Mr. Wei does not worry about tailoring his argument to his audience and does not indulge in the Chinese intellectual tradition of flattering the powerful. He does not worry about being seen as pro-Western, or a traitor to China. He writes as if what is obvious to him—that China needs democratic freedoms—should be clear to anyone.

"Dear Li Peng: When you've finished reading this letter, please pass it on to Zhao Ziyang and Deng Xiaoping," begins one typical letter to three top Chinese leaders. "I would like to offer several concrete suggestions." The first suggestion: "take great strides to implement a democratic government as quickly as possible."

He wrote this letter on May 4, 1989, one month before the massacre in Tiananmen

Square, ordered by Li Peng and Deng Xiaoping.

Although he was not allowed to write of his worst mistreatment, his letters describe his health and request books, a heater, medicine or a hutch to breed rabbits when he is in a labor camp. The Government expected Mr. Wei to show he was being "re-educated." Instead, he wrote essays on democratic restructuring of the Government.

Mr. Wei has always been uncompromising. In 1978, Mr. Deng was fighting for control of the leadership and encouraged reformist thinking. The activists created a Democracy Wall along a highway outside Beijing, where writers put up posters with their thoughts. Mr. Wei wrote the boldest poster, a tract arguing for real democracy and criticizing Mr. Deng, who was then revered by the activists. Mr. Wei then founded an independent magazine. He was arrested in March 1979, given a show trial and sentenced to 15 years.

He was released six months before completing his sentence, as part of China's bid to win the Olympics in 2000. He refused to leave before getting back letters the prison authorities had confiscated. Once free, he immediately resumed his work for democracy. He was rearrested, and after a 20-month incommunicado imprisonment he was sentenced to another 14 years.

Although censorship insured that few Chinese heard of Mr. Wei after 1979, he has remained a touchstone of the democracy movement. In January 1989, Fang Lizhi, the astrophysicist, wrote a public letter to Mr. Deng asking for amnesty for political prisoners, mentioning only Mr. Wei by name. That letter touched off more letters and petitions and was one of the sparks of the student movement and the occupation of Tiananmen Square.

There is no visible dissent in China today. Some of the activists went into exile, many were arrested, others gave up politics and turned their talents to commerce.

The moral force of Mr. Wei's writing recalls the prison letters of other famous dissidents, such as Martin Luther King Jr.'s "Letter From the Birmingham Jail," Adam Michnik's "Letters From Prison" and Vaclav Havel's "Letters to Olga." Mr. Wei's letters are less eloquent, however. He is not a man of words, and he was probably not writing with an eye to publication.

But the most important thing the others had that Mr. Wei does not is widespread international support. Mr. King, Mr. Michnik and Mr. Havel knew that people all over the world were looking out for them and their governments were under pressure to free them, treat them well and heed their cause.

This security is as important to a political prisoner's survival as food and water, and Mr. Wei and his fellow Chinese dissidents do not have it. Their names are not widely known. While some American and other officials have brought them up during talks with Chinese leaders, in general the outside world treats Beijing officials with the deference due business partners.

Today Mr. Wei suffers from life-threatening heart disease. Because of a neck problem, he cannot lift his head. All indications are that he has not seen a doctor in more than a year. He is due to be released in 2009—if he lives that long.

The PRESIDING OFFICER. The Senator from North Carolina.

VISIT TO THE SENATE BY THE PRESIDENT OF THE CZECH REPUBLIC, HIS EXCELLENCY VACLAV HAVEL

Mr. HELMS. Mr. President, I am proud to present the President of the Czech Republic, His Excellency, Mr. Vaclav Havel. He is here on the floor.

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent the Senate stand in recess for 7 minutes, so the Senate may greet him.

There being no objection, at 5:35 p.m., the Senate recessed until 5:43 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SMITH of Oregon].

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

ORDERS FOR WEDNESDAY

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that at 9:15 a.m. on Wednesday, the Senate resume consideration of S. 717 and Senator GREGG be recognized for up to 10 minutes in order to withdraw his amendment, and there be, then, 20 minutes of debate equally divided between Senators GORTON and JEFFORDS; and immediately following that debate, the Senate proceed to a vote on or in relation to the Gorton amendment No. 243, to be followed by a vote on or in relation to the Smith amendment No. 245; immediately following that vote, the bill be read a third time and the Senate proceed to a vote on passage of H.R. 5, the House companion measure, if it is received from the House and if the Senate language is identical to the House bill. I further ask consent that there be 4 minutes of debate, equally divided in the usual form prior to the second vote and 4 minutes equally divided between the chairman and ranking member prior to the third vote and, additionally, the second and third votes be limited to 10 minutes in length; and, finally, immediately following those votes, Senator STEVENS be recognized to speak in morning business for not to exceed 45 minutes, to be followed by Senator LEAHY for not to exceed 45 minutes, and further, following that time, the Senate proceed to the immediate consideration of Calendar No. 31, H.R. 1122, a bill to ban partial-birth abortions.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEI JINGSHENG

Mr. HUTCHINSON. Mr. President, most of the time when I stand on this floor following Senator WELLSTONE, I will be on the opposite side of Senator WELLSTONE's comments. This evening, I would like to associate myself with the comments that Senator WELLSTONE made. I think between the two of us, we pretty well cover the political spectrum as we stand today on the floor of the United States Senate and call for the immediate release of Wei Jingsheng, China's most prominent political prisoner.

Because of his courageous stand as a voice for democracy and human rights, Wei Jingsheng was sentenced in 1979 to 15 years in prison. He served 14½ years of his term and was released in September 1993 as part of China's bid to host the Olympic Games in the year 2000. Wei continued to speak out for human rights and was detained, again, by the Chinese Government less than 6 months after his release.

Wei Jingsheng was first jailed in 1979 because of his peaceful activities and writings during China's democracy wall movement, notably his famous essay, "The Fifth Modernization—Democracy." Following his release from prison in September 1993, he met with journalists and diplomats, wrote articles for publications abroad and continued to assert the rights and aspirations of the Chinese people.

Mr. President, on December 13, 1995, Wei Jingsheng was tried and convicted of the totally unfounded charge of conspiring to subvert the Chinese Government. He was sentenced to 14 years in prison and 3 years deprivation of his political rights.

Human rights organizations and governments around the world have condemned the trial and severe sentence. We, the Congress, have unanimously adopted resolutions calling for Wei's immediate and unconditional release. The European Parliament has also called for his release, declaring that Wei had been "persecuted because he was demanding democratic rights for Chinese people."

Mr. President, it is my understanding that Wei's family has appealed to the United Nations for help, increasingly concerned about his failing health, which has further deteriorated. Though he is no longer in solitary confinement, Wei is under constant surveillance from other inmates while cell lights are on 24 hours a day, visits by his family are restricted, and he has no access to outside medical care.

Wei Jingsheng remains a symbol of hope in China for those within China who are voiceless. They have steadfastly refused to give up their beliefs, their principles and their commitment to democratic reforms, despite the suffering and punishment that they have endured.

I believe that by honoring Wei for his courageous commitment to human rights and fundamental freedoms, we will draw attention to the ongoing struggle for fundamental human rights in the People's Republic of China at a crucial time in that nation's history.

Calling for the immediate release of Wei sends a strong message to China on behalf of the entire international community.

On Friday of last week, I joined a bipartisan and bicameral effort in honoring Dr. Nguyen Dan Que, along with Mr. Harry Wu, at the third anniversary of the Vietnam Human Rights Day. As I speak today, Dr. Que still remains in prison unable to leave Vietnam to seek medical attention and unable to speak freely about the abuses he has suffered at the hands of the Vietnamese Government. Of course, Mr. Wu, who fought for representative government and human rights in China for many years, was persecuted and held as a prisoner of conscience by China's Communist dictatorship. He was eventually allowed to emigrate to the United States where he has, thankfully, continued his efforts to help the Chinese people gain liberty and human dignity.

On August 25, 1995, Mr. Wu was expelled from China and returned safely to San Francisco. While this case was notable because Mr. Wu is a naturalized American citizen, the Chinese Government holds many thousands of prisoners who, like Mr. Wu and Wei Jingsheng, are guilty of nothing more than speaking out in defense of human liberty.

While the cases of Mr. Wu, Wei Jingsheng and Dr. Nguyen Dan Que may differ, they are all representative of human rights abuses around the world, and especially by the Chinese Government.

For too many years, Mr. President, these courageous individuals have been deprived of the opportunity to exercise the right to self-determination concerning fundamental human and political aspirations. I say again, for too many years, they have been denied those rights.

Furthermore, it has been almost 3 years since the United States formally delinked American trade with China from its human rights performance of abuse. I say to my colleagues that much has changed in China, but it has not changed for the better. We now see a human rights situation that is worse by every measure: persecution of Christians, forced abortions, sterilization of the mentally handicapped and kangaroo courts for democratic dissenters.

Mr. President, I am deeply concerned with the mounting campaign of religious persecutions waged by the rulers of China. The Roman Catholic Church has effectively been made illegal in China. Priests, bishops, and people of faith have been imprisoned and harassed.

China's recent moves have menaced Hong Kong, in violation of their agreements with Britain and their assurances to the United States. Forty percent of education and social services in that colony are currently run by church-related agencies. China's action in suspending the Hong Kong Bill of Rights threatens the freedom of speech, the freedom of assembly and the freedom of religion.

I believe that these arguments will come to a boil again in coming weeks, when this Congress votes once more on most-favored-nation status for China. It is the obligation of the American Government to uphold the principles of democracy and freedom for all peoples. We must not turn a blind eye to the oppressed in the interest of expanded trade opportunities. The idea that expanded trade would somehow result in improved human rights conditions in China has been disproved. It simply has not happened.

Today's statements calling for the immediate release of Wei Jingsheng heeds hope for those who are victims of oppression. I look forward to the day when all peoples enjoy the countless freedoms that we have in the United States. I salute the efforts of Wei Jingsheng, Mr. Harry Wu, Dr. Nguyen Dan Que, and I urge my colleagues to stand up and voice their opposition to the treatment of these political dissenters and these defenders of liberty and, furthermore, we should stand against all human rights abuses around the world.

Thank you, Mr. President. I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that I be able to speak as in morning business for as long as necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION

Mr. SANTORUM. Mr. President, I rise today to begin the debate on the issue of partial-birth abortion. This is an issue that, obviously, has garnered a lot of attention over the past couple of years, both in the House and Senate and across the country. While the bill is not formally before us tonight, the bill will come up tomorrow. I have been informed that it will come up approximately at noon tomorrow, when we can actually begin debate on the bill itself.

So the debate on partial-birth abortion will begin tomorrow in the U.S. Senate. For those who have been following this issue, the questions that I have been asked, and Members are being asked on both sides of this issue, is not whether this bill will pass. I believe this bill will pass. The question is whether we are going to have sufficient votes to override what appears to be an almost certain Presidential veto.

In the House a few weeks ago, the House passed the legislation with 295 votes, more than the 290 needed to override the President's veto. We only need 67 votes in the U.S. Senate to be able to override the President's veto.

At this point, I think by all accounts, we are not there yet. We are still several votes short of the 67 votes committed publicly to supporting this legislation on final passage and supporting it in the face of a Presidential veto.

I will say we are at least four or five votes short at this time, and we are narrowing down the time here in which decisions have to be made.

So while I am not particularly optimistic of our opportunities at this point to get the votes necessary to override the President's veto, I think this is an issue that is going to continue to percolate, not only from the time that we debate in the Senate over the next few days, but also after the vote is taken, during the time that the President is considering it, and when the bill comes back here. So there will be plenty of opportunities for further debate, further evaluation as to whether the votes cast by all the Members are the votes that, in fact, will be the votes on the override vote itself.

What I would like to do in starting the debate is to fill in for those Members who may not have been involved in the partial-birth abortion debate—and we have a lot of new Members this year—to fill in the who, what, when, where, why, how and how many. All of the questions that normally would be asked about anything, let's ask them about the issue of partial-birth abortion.

This has been an interesting topic of discussion only because of the fabrications that have been built around what this procedure is about, when it is used, how often it is used, who it is used on, where it is used, how many there are. Those have been the subject of a lot of publications and debate about how the people who oppose this legislation have constructed a fantasy, if you will, as to what this procedure is all about.

So today, as I tried to in the previous debate, I am going to attempt to lay out the truth as we know it. I say as we know it, because a lot of the truth is based upon what the opponents of this legislation tell us is the truth. An example of that is how many of these abortions are performed. The Centers for Disease Control do not track how many partial-birth abortions are done. They only track the abortions and when they are done. They do not track the procedure that is used to perform the abortion. The only people who track that, at least we are told the only people who track that, are the abortion clinics themselves who oppose this legislation vehemently. They are the ones that those of us who have to argue for its passage have to rely upon for the number of partial-birth abortions that are done. That is hardly a comforting position when you have to rely on your opponent for the information that you are to use in challenging the procedure.

But let me, if I can, walk through first what is a partial-birth abortion. I caution those who may be listening, this is a graphic description of this procedure. I just want to alert anyone who might be watching who might feel uncomfortable with that.

A partial-birth abortion is, first, an abortion that is used in the second and third trimester, principally in the second trimester. It is used at 20 weeks gestation and beyond by most practitioners of partial-birth abortion. So, by definition, it is later term, you are into the fifth and sixth month of pregnancy.

The procedure is done over 3 days. You will hear comments by Members who come to the floor of the Senate and suggest this procedure needs to remain legal to protect the life and the health of the mother. First, there is a life-of-the-mother exception in the bill. Very clear. It satisfies any definition of what life-of-the-mother exception needs to be.

Second, health of the mother. I just question anyone, just on its face, not as a medical practitioner, which I am not, but on the face of it, if the health of the mother is in danger, particularly if there are serious health consequences, why would you do a procedure that takes 3 days? That is what this procedure takes. It is a 3-day procedure. You have a mother who is at 20 weeks, or more, gestation, who has to have her cervix dilated. In other words, they have to create the opening through which the baby can come in the womb, in the uterus. And so it takes 2 days of drugs given to the mother. She does not stay at the hospital. It is not an inpatient procedure. She takes the drugs and goes home. If there are complications they happen at home, not anywhere else.

The cervix is dilated. When you dilate the cervix, that opens the womb up to infection, but for a 2-day period, the cervix is dilated. On the third day, after a third day of dilation, the mother comes into the abortion clinic. The procedure then proceeds as follows.

The doctor is guided by an ultrasound, and the abortionist reaches up with forceps and grabs the baby, which is normally in a position head down, grabs the baby by its foot, turns the baby around in the uterus, in the womb, and then pulls the baby out feet first in what is called a breech position. You may have heard of breech birth and the danger of birthing in a breech position. Here we have a doctor who deliberately turns the baby around and delivers it in a breech position.

You may want to ask the question, why do they go through the trouble of pulling the baby out feet first? Why do they not simply deliver the baby head first and do what I will describe later? The reason they pull the baby out feet first and deliver the baby, as the next chart will show, all but the head—they deliver the baby out of the mother, with the exception of the head.

Why do they leave the head? Why do they not take the head out first, which would be a normal delivery, a safer delivery? The reason they do not deliver the head first is because once the head exits the mother, it has constitutional protection and it cannot be killed, because once the head exits the mother, it is considered a live birth and you cannot kill the baby. So they take the baby out feet first so they can then take a pair of scissors, puncture the back of the baby's skull to create a hole, open the scissors up to create a hole large enough for a suctioning tube to be put in the baby's head, and the brains suctioned out, thereby completing the murder of this baby and then having the baby delivered.

I just remind you the reason they do not do it head first is because if they did it head first, which would be safer than reaching in with forceps and grabbing the baby out from a breech position, if they did it head first, they could not do this, because once the baby is outside the mother they could not kill the baby.

Who is this procedure used on? It is used on fully formed babies from 20 weeks on. Now, we will discuss what has been said in the past about who this has been used on. The abortion industry has made claims that this procedure was a rare procedure that was just used—and I will read some quotes—quoting from the Feminist Majority Foundation, "A procedure used less than 600 times a year, and in every case, to protect the life or health of the woman." "The procedure is used only," according to the Feminist News, "600 time a year to save the life, health, or future fertility of the woman and in cases of severe fetal abnormality." Here is another feminist news article, "used less that 500 times a year when necessary to protect the health of the woman facing severe problems due to the pregnancy." This is the National Abortion Federation factsheet on February 26, 1997: "This particular procedure is used in about 500 cases per year, generally after 20 weeks of pregnancy, and most often when there is severe fetal anomaly or a maternal health problem detected late in pregnancy."

The Alan Guttmacher Institute, as well as Planned Parenthood, the National Organization for Women [NOW], Zero Population Growth Fund, Population Action International, and the National Abortion Federation sent a letter October 2, 1995, to the Congress that said, "This surgical procedure is used only in rare cases, fewer than 500 per year. It is most often performed in the cases of wanted pregnancy gone tragically wrong, when a family learns late in pregnancy of severe fetal anomalies or a medical condition that threatens the pregnant woman's life or health."

Kate Michelman, President of NARAL, on June 2, 1996: "These are rare terminations. They occur very rarely. They occur under the most difficult of circumstances. As I said, these are pregnancies that have gone awry."

Let me tell you what Members of the Congress said. From Pat Schroeder, "There are very, very, very few of these procedures. These procedures are heart-break procedures." Senator KENNEDY, the Senator from Massachusetts, said, "The procedure involved in this case is extremely rare. It involved tragic and traumatic circumstances late in pregnancy, in cases where the mother's life or health is in danger." Senator FEINGOLD, "In fact, these abortions take place only when the life or health of the mother is at risk." Senator DASCHLE, "This is an emergency medical procedure reserved for cases where the life and health of the mother could be endangered or where severe fetal abnormalities are a major factor in the decision made by a woman and her physician." Senator CAROL MOSELEY-BRAUN, "Partial-birth abortion is a rare medical procedure used to terminate pregnancies late in the term of when the life and health of the mother is at risk or when the fetus has severe abnormalities."

That is what we were told over and over. That is what the media bought. That is exactly how they covered this issue. They covered this issue as a very tragic, rare procedure used only in cases of life, health, and fetal abnormality—in only a few hundred cases.

Now, we knew different. I argued it. Check the record from the last debate, that this was not as rare as they suggested. In fact, I entered into the RECORD an article written last fall by the Bergen County Sunday Record in New Jersey, where a reporter who took the time to do something reporters usually do not do on debate, particularly when it has to do with checking people in the abortion industry on their facts. She actually checked the facts. This reporter checked at an abortion clinic in northern New Jersey how many of the procedures were performed, and the reporter talked to two doctors, two abortionists, who said that they performed 1,500 partial-birth abortions every year, and not on fatally defective babies or not on unhealthy mothers or unhealthy babies, but usually in the fifth and sixth month for no health reasons at all—healthy moms, healthy babies, healthy pregnancies.

We had that article already printed. That did not deter the President from saying what he said. We have quotes from the President here. "I came to understand that this is a rarely used procedure, justifiable as a last resort when doctors judge it is necessary to save a woman's life or to avert serious health consequences to her."

Now, the President knew better when he said that. That information was available to the President. It is available to him now. But what happened between now and then that has caused such a stir? Well, I can tell you, unfortunately, the media has not done a very good job of exposing this. I do not know of any other reporters who made calls to their abortion clinics. They will not tell me or National Right-to-Life when they call, but they might. Sometimes they do not. I know of a reporter at the Baltimore Sun who tried to contact abortion clinics in Baltimore, and at least what she related to me was they would not talk to her, they would not tell her. I do not know of any reporters who have taken the time to actually check the facts.

What are the facts as we know them now? Well, thanks to Ron Fitzsimmons, who heads up an organization of abortion clinics—let me repeat this, a man who runs an association here in the Washington area—that represents some 200 abortion clinics all over the country, came out just a couple of months ago and said that he had lied through his teeth and he could not live with it anymore. He had lied through his teeth about what had been said by the abortion industry about the issue of partial-birth abortions. He said that this was not, in fact, a rare procedure, used only in the late term for unhealthy pregnancies and for maternal health reasons or because of a severe fetal abnormality, but this was a procedure used principally in the fifth and sixth month on healthy babies and healthy mothers. In fact, I think the figure 90 percent was used. Then he said, "We estimate the number of these procedures that are done at between 3,000 and 5,000, not 500." He said, "We have known this all along." He said as soon as the bill was introduced he called some of his providers, and he knew this from day one of this debate, of, now, I think, 2 or 3 years ago. Yet the industry, knowing this, up until literally the day before, and in fact on the Web page of some of the abortion rights groups, you still find claims that this is a rare procedure used only in the cases of fetal abnormality. So they continue to try to perpetrate the lie, and they certainly did until Ron Fitzsimmons blew the whistle.

So what do we know now? I am not too sure we know too much. We know from the Abortion Provider Organization that they are willing to admit to 3,000 to 5,000. There is no check on what that number is. It could be 3,000 to 5,000, 5,000 to 10,000, 10,000 to 20,000, 20,000 to 30,000. There is no independent verification of that number, and we have to rely on the organization that is here fighting this bill to give us the information which we want to fight over. So we know of at least 3,000 to 5,000, but we also know that in one abortion clinic alone 1,500 were performed last year, and the doctors who were interviewed for that story in the Bergen County Sunday RECORD said they had trained other abortion doctors in the New York area who also performed the procedure. The other people who were known to perform the procedure and teach it do not reside in the New York area. And we also have reports from a doctor in Nebraska who said that he has performed 1,000 of these abortions.

So I just caution, as we begin the debate here, that we are debating on some very soft ground when it comes to how many of these abortions are performed, when we make this claim that it is only a few thousand. Maybe I am making too much of the fact that it is a few thousand as opposed to a few hundred. I guess I make the point because it points out the inaccuracy of the opposition's information. Frankly, if it was one, it is as much of a crime, in my mind, and I hope in most Americans' minds. If we subject one baby unnecessarily to this barbarism, is that not enough? Do we need 500? Do we need 1,000? Do we need 3,000 to 5,000? Is that the threshold where Americans will look up and say maybe we should do something about it? One is not enough. It does not stir up moral outrage if it is only 1, 2, 200, or 500.

Why is this procedure used? As I said before, they suggested that this procedure was used to protect the life and health of the mother. That was the argument being used. As I said before, 90 percent of the abortions, according to the people who oppose this bill, 90 percent of the abortions, are performed electively, for no reason other than the mother decides late in pregnancy that she does not want to carry the baby.

The question is, is it ever medically necessary to use this? Because that is the argument, that we need to keep this procedure legal because it is medically necessary to protect, as the amendment from the Senator from California, Senator BOXER, which we anticipate being offered, it is necessary to keep this procedure legal to protect the life and health of the mother. But we have the life-of-the-mother exception in the bill. So we have taken care of the first issue. Although, as I said before, I cannot imagine—and I have asked on the floor this question, and I ask it again—any circumstance where a mother presents herself in a life-threatening situation where you would then conduct a procedure that takes 3 days in which to abort the child. Again, I am a lay person here, not a physician. I have talked to physicians, and they say there is no such situation. But as a lay person, you don't have to be a doctor to figure this one out. You are rushed and presented to a doctor with a life-threatening situation and they say, let me give you medicine and come back, and then give you medicine again and come back, and they give you more medicine and send you home. That isn't going to happen. But to take care of those who have an objection, we put a life-of-the-mother exception in there.

Now they want a health-of-the-mother exception. Let's first look at whether this would be used to protect the health of the mother. I have talked to a lot of physicians, obstetricians who have stated very clearly to me that a partial-birth abortion is never necessary to protect the life or health of a mother. That is a group of more than 400 obstetricians, principally obstetricians and gynecologists, and some other physicians, including C. Everett Koop, former Surgeon General of the United States, who, prior to his fame as Surgeon General, was a well-respected and well-known pediatric surgeon who dealt with children shortly after birth, trying to fix some of the problems that they were born with. So we have clear medical judgment that this procedure is never necessary to protect the health of the mother. In fact, they make the argument that it is contraindicated, that it, in fact, threatens the health of the mother for a variety of different reasons. So we have doctors who say that this is not necessary to protect the health of the mother.

Now, I will ask—and I have asked Members on the other side of this issue—when would this procedure be used to protect the health of the mother? Remember, it is a 3-day procedure. I have talked to physicians who say there are times when the life of the mother is in danger or the health of the mother is in danger and they need to separate the child from the mother. But in none of those cases is it necessary to deliberately kill the baby. They can induce labor, deliver the child vaginally and give it a chance to live. They can do a Cesarean section and deliver the child that way and give the child a chance to live. At no time is an abortion necessary that kills the baby in order to protect the health of the mother. And so why is it performed?

The answer is very simple. It was given by the person who designed the procedure, who is not an obstetrician. He is a family practitioner who does abortions. He designed this procedure, very candidly, because this was a procedure that he could do on an outpatient basis. The woman would present herself after 3 days of having her cervix dilated, and he would be able to quickly do this procedure, so that he could do more in 1 day. It is done for the convenience of the abortionist. That is why. It is not done to protect anybody's life or health. It is done to make it easier on the abortionist. And it is used, again, on healthy moms, healthy babies in the fifth and sixth month of pregnancy, in almost all cases.

(Mr. BROWNBACK assumed the chair.)

Mr. SANTORUM. Where is this procedure done? Will you find this procedure done in the finest hospitals in this country? Will you find it even described in a medical book? Will you find it taught at any school in this country? The answer to all of those questions is "no." This is not taught anywhere. This has not been peer-reviewed anywhere. This is not used in any major medical center. It is used in abortion clinics exclusively. No hospital will get near this procedure. It is not a peer-reviewed procedure. It is not an accepted medical procedure. It is not in any textbooks or in any kind of educational literature. It is a fringe procedure by someone who wanted to make it easy on themselves to do more late-term abortions and do more of them in 1 day.

So that sort of sums up the who, what, when, why, where, and how many of this procedure. Now, why do we think it is important to outlaw this procedure? Well, there are lots of reasons why I think we should outlaw this procedure. No. 1, because it is a barbaric procedure. I hope that it would shock the consciousness of every Member of the Senate that we would allow innocent human life to be treated in such a deplorable fashion, to be manhandled and destroyed, as we would not even allow a dog to be destroyed. So, on the surface of it, the obvious reason is that this goes beyond the pale of what should be acceptable in our society. I can't imagine a Senator from the United States of America standing on the floor of the U.S. Senate 30 years ago with these charts and having to argue—argue—that this should be illegal in our country. Absolutely incomprehensible. Yet, 30 years later, as a result of Roe versus Wade, we have become so desensitized to the humanity of a baby inside the mother that we will allow this to occur—and defend it, defend it, vehemently defend it as a right.

The abortion debate in this country since Roe versus Wade has focused on the issue of rights, of choice. The reason I think the abortion industry and abortion rights advocates are so upset about this debate is because, in a partial-birth abortion, you can't miss what is at stake here. This is not about a right. It is about a baby. You can't miss the baby here. It is right here before your eyes. It is right there where you can see it. It is outside of the mother and you can't avoid it. That is why they just cringe when this bill comes to the floor, because now we are talking about the dirty little secret we have had in this country for a long, long time, that abortion—and I will use the words of Ron Fitzsimmons—"One of the facts of abortion is that women enter abortion clinics to kill their fetuses. It is a form of killing. You're ending a life." Bravo for Mr. Fitzsimmons for stating the obvious. But that is something that the abortion industry has steadfastly avoided. He is talking about what abortion really is. It is about ending a life. And in this case, you can't miss the life. It is right here, right before your eyes, fully formed. The argument about just a blob of tissue or some protoplasm doesn't hold up at this late stage of a pregnancy. This is a baby. It is a fully-formed little baby. In many cases, it's a viable little baby.

I mentioned Roe versus Wade. There are some people who will argue that this goes over the line, that this violates the provisions of Roe versus Wade. Let me address that issue very briefly and I will refer not only to the committee report in the House, the House Judiciary Committee report, but also the remarks made by my colleague from Pennsylvania, Senator SPECTER, on this issue. It was one of the reasons he supports the ban. When the baby is here in the mother's uterus, Roe versus Wade applies. Roe versus Wade says that, basically, for the first two trimesters, the woman has the right to do whatever she wants to do with that child in her womb. That is what Roe versus Wade says. They said, in the third trimester—it is definitely implied if not stated—because of the fetus', the baby's, potential viability, the rights of the baby come into play and there are limitations on abortion.

Well, see, we have an interesting case here because this procedure takes the baby outside. The baby is not only outside of the uterus, except for the head, but outside of the mother almost completely, and is in the process of being born. In fact, the baby is almost completely born, hence the procedure's name, "partial birth." So the baby is no longer completely within the domain of the uterus and then ruled by Roe versus Wade. By leaving the uterus, the baby gains rights that it didn't have inside.

As an aside, don't you find it an interesting irony that inside the mother's womb this little baby, surrounded by fluid and warmth, is the most vulnerable to be killed and has no protection against someone who wants to kill it. Once it leaves what would be seen by the baby as a safe environment, then it could be protected. But in the place where you would think that the baby would be most secure is the one place where it is the most vulnerable to being killed, and only because this procedure involves partial birth, only because the baby leaves the mother does Roe versus Wade not apply. And so those who argue that we banned second-trimester abortions by banning this procedure—and we would because most do take place in the second trimester—that we violate Roe versus Wade, they don't understand Roe versus Wade. That child is no longer in the uterus and that child, now that it is born and still alive, still feeling, able to feel pain, cannot be killed; or at least we can ban it under Roe versus Wade because it has rights. The baby has rights.

So we very strongly believe that these spurious arguments that somehow or another Roe versus Wade is being violated—by the way, there is nothing more I would rather see than Roe versus Wade being violated, but it doesn't do it here. This procedure does not do it. This procedure falls well within the constitutional boundaries of Roe versus Wade and Doe versus Bolton.

Another issue that is being charged against this procedure—or it comes out in favor of this procedure—is the issue of a fetal abnormality. I am going to have a lot to say about the issue of fetal abnormality. But let me just say this for now. We have had Members of the U.S. Senate stand here in some of the finest hours of the U.S. Senate, and argue forcefully, gallantly, to protect the rights, the health, the safety, the security of disabled children. We passed the Americans With Disabilities Act. We are debating ironically—the irony is not lost—IDEA, which has the rights of disabled children in our discussion today. That bill is actually the bill before us as I speak. You will hear such passion. You should listen to some of the debate—those of you who did not—the passion of the Senators defending the right for children with disabilities to have access to educational opportunities so they can maximize their human potential. Yet, unfortunately some of the most passionate speakers on that issue—turn around and passionately argue that because of their disability we should be able to kill them before they are born.

Abraham Lincoln used a Biblical verse. "A house divided against itself cannot stand." How can you with any kind of reflective conscience argue that the right to be so that children with disabilities have the ability to maximize their human potential and the Government should be there to ensure that their rights are not trampled upon and then not be willing to give them the most precious of all rights, the right to live in the first instance? How can you be a champion of the disabled when you will use fetal abnormality as an excuse to kill them in the first place?

It is a shocking realism in this country that goes back to what I suggested before, which is we have become so desensitized to human life to kill a little baby, that unseen, unborn child, that because it is unseen you can just put it out of your mind, it is not really seen. That desensitization has consequences. We are seeing the consequence right now. We are debating this procedure. It is incredible to me that we even have to debate this. But it is here because people just have forgotten what life is all about, and what life means.

We have across the street, at the Supreme Court, the issue of doctor-assisted suicide. We have had lower courts say that doctor-assisted suicides are OK. We have massive organizations —I do not know how massive—at least organized organizations that advocate for allowing people to kill themselves and to have doctors help them. Again, I look back at 20 or 30 years ago and wonder whether that debate could have occurred at this time. But do not be surprised, particularly if this bill is unsuccessful, if we send the message out to the country that says human life isn't really that valuable, that we can in fact brutalize the most innocent children who have done nothing wrong to anybody.

It is amazing. You can describe this procedure. I saw a television commercial put out by one of the groups who showed a prisoner shackled, both arms and legs, walking down death row and being put in a chair. While he was walking and he was led to the chair, what if a voice describes the procedure, describes taking the scissors and puncturing the base of the skull and sticking a vacuum tube in the base of the skull and suctioning the brain out? The courts would clearly find that cruel and unusual punishment and violative of the Constitution. But you can do that to a little baby who hasn't killed anybody. It hasn't robbed, raped, stolen, nor harmed a soul. And then we wonder what is happening to our culture. We wonder, as we sit at home and we listen to the news, and we listen and we read the papers, and we see the young people out there, and we wonder. Why have they gone astray? What is happened to the fabric of our culture? Why don't they have respect for our country, for people's goods, for other people's lives? Why, indeed? You need to look only this far: 1.5 million abortions a year, as public, and as customary, and as usual, and, as a matter of fact, as any number you will hear on the U.S. floor—1.5 million abortions.

OK, what is next? You will hear it discussed in the news: Abortion. It is a matter of choice. It is someone else's decision. I do not want to get involved. It has nothing to do with me. Look around you. Things are coming to roost in this country. When you have such disdain for human life that we are seeing exemplified, magnified, by allowing this procedure to go forward, by allowing this innocent little baby to be mutilated, butchered in such a way. People who vote for this to remain legal have answered their own question as to why our culture is the way it is, because the great, great leaders of our country, the role models—that is what we are, whether we like it or not. Every Senator who goes into a school—and I go into a lot of them—particularly young kids. I am sure the Presiding Officer now sees this as a new Member of the Senate. Oh, they would love to have your autograph. They want to have your picture taken with them because you are someone to look up to. You are someone who has achieved a level of excellence that we admire in this country. You are in a position of authority. What you say and think matters. And they look up to us.

Is this what you want them to see? Is this what you want to teach the next generation, that this kind of brutality is OK, and then you wonder why you see random acts of violence and you wonder why you see no respect for human life? The consequences are real. They are here. We don't have to speculate as to what the consequences of this are. They are here, and we are living with it.

All we want to do here is to take one little step in creating some decency again, one meek little message for the people in this country that life should be respected, that children should not be brutalized unnecessarily. That is what this procedure does.

You will hear arguments that this will not stop abortions. It may be true. I wish I could say this would stop hundreds and thousands of abortions. But I am not too sure that it will.

What I am sure of is that this brutality will stop and we will send a very clear, positive message to Americans and to the world that this kind of barbarism has no place in American culture, certainly no place in the laws of our country.

So I hope that as Members come tomorrow and we begin the formal debate on this bill that they will come with open minds and open hearts, that they will seek the truth. This debate has been surrounded by lies from those defending the procedure. Hopefully those admissions of lies will give people the opportunity to look anew at what the facts are, not just the facts of when this is used, but how it is used. I went through all of those things—but what the ramifications are for this country and for our society.

The abortionists are probably right. We are not going to stop a lot of abortions. There are other methods of abortion available if we outlaw this. Abortions unfortunately on babies this age will continue. But we send a signal, as small as it is.

That is why I guess I am so shocked at the vehemence of the opposition, the opposition that says this will not stop abortions, the opposition that admits that this is rare and that this is a fringe procedure. They admit it is not a commonly used procedure, that it is not in the medical literature. They know all of that. Yet, they stand here, backs to the wall, fighting for every last inch of not defendable territory. Folks, this is not defendable territory.

We may not win this time. I don't know what God has planned for this debate. But we may not win this time. That is OK. We will be back.

This is wrong. So when people in the U.S. Senate who believe something is wrong don't stand up and fight to overturn that wrong, we will be in for very serious, even more serious, consequences for this country.

So I hope that my colleagues, enough of my colleagues, would share my concern, would look at the new evidence. There are new facts that are accurate to the degree they can be accurate relying on the other side. There are more accurate facts available now on this debate. There is ample reason to reconsider this vote.

I hope that they would be led by both their hearts and their minds because on both scores we win. There is no medical reason for this procedure to occur. You will not find any physician anywhere describing any condition where this procedure is necessary and is the only one available to be used for whatever situation. In fact, as I said before and I will say over and over again, this is a 3-day procedure. Why would it ever be used in a life-threatening situation when there is imminent health damage? It would not be used. We have hundreds of physicians who have testified via letters that this procedure is never medically indicated.

So on the facts, on the medical facts, using their brain only, this is not only unnecessary, unwarranted, but unhealthy.

I will share one other statistic from the Alan Guttmacher Institute, one of the signatories of the letter I referred to earlier with NOW and NARAL. This is an organization which is very much proabortion. This is a very, very radical group. And here is what their numbers say. After 20 weeks gestation, after roughly 4 and a half months, abortion is twice as dangerous to maternal health as delivering a baby. So to even suggest that abortion is necessary in cases of whatever, fetal abnormality or just because you do not want to have the child, that that is safer for the mother than delivering the baby either via Cesarean section or by vaginal delivery, the pro-choice institute, Alan Guttmacher Institute, says that it is twice as dangerous to the life of the mother to have an abortion after 20 weeks as it is to deliver the baby.

So if you are really wrapped up on this issue of health, abortions are more dangerous than delivering the baby. There is no health reason to do this procedure. In fact, because it is a blind procedure—the abortionist cannot see the base of the skull, and so they have to feel—as you see, they have to feel with their hands and then take a blunt instrument and puncture the base of the skull, which can cause bone fragments. This is a very blood-rich area, a lot of veins exposed. There can be damage done by doing this blind procedure. This is not a procedure that protects the health of the mother.

So using your brain, looking at the facts, this is a no. We should not allow this. This is dangerous. This is wrong.

And I would think—I cannot speak to the heart, but I would think that your heart and that your conscience and the reason that so many Members have struggled so hard with this—and I know they have, people who I know believe deeply in this right of privacy and the right to abortion as enumerated in Roe versus Wade, that they have made their moral judgment that this is OK, but even to those Members this stirs a disquiet. This stirs some uncomfortableness in them. Follow your heart. Your brain is there. If you look at the facts, the brain is going to be there. The only thing stopping you is your heart. Open your heart to these babies. Do not let this kind of barbarism continue. Stop the murder, stop the infanticide, and you will not be violating Roe versus Wade, not one word of it.

So as we start this debate tomorrow, I intend to debate the facts. I intend to stand up and go through all of the arguments not only on this procedure but on Senator DASCHLE's amendment, Senator BOXER's amendment, and talk about why those two amendments, particularly the Daschle amendment, I might add, not only is a sham in the sense it is just political cover, which is exactly what it is, it does not accomplish anything. The Daschle amendment which we will debate, I am sure, tomorrow will not stop one partial birth abortion, not one. The Daschle amendment will not stop any abortion. In fact, I will argue tomorrow, and I think I can point out clearly from the language of the text, the Daschle amendment expands Roe versus Wade. Yes, this amendment which is supposed to be a compromise—interesting we use the term "compromise" when the Democratic leader never talked to anybody on our side of the issue. You would think when you are trying to compromise with someone you would talk to the other side in reaching a compromise.

That did not happen. I did not receive one phone call or even the hint of a phone call. No one else that I know of who supports the bill—of the 42 cosponsors of the bill, it is my understanding none of them received a phone call. And so this compromise, which was drafted by people who oppose this bill to give political cover by saying things like, well, we are going to ban all postviability abortion, then leaves it to the abortionist to decide what is viable and what is a health exception because they have a health exception—we will ban all postviability abortions except for life and health. Who determines health? The person performing the abortion.

Wait a minute. Let me get this straight. You have someone performing an abortion. They are doing it. They are performing an abortion on a client. They are killing a baby. After they finish killing the baby, then they have to certify whether this baby was either viable or there was an exception for the life or health of the mother.

Put yourself in the position of the abortionist. Are you going to say the baby was viable and I killed it? There was no health exception and I went ahead and killed the baby. Raise your hands. How many people think that the abortionist is going to claim that they violated the law? Because they are the only ones who certify to it. No one else can. Many times I have seen in the paper this debate has been analogized to the debate on the second amendment, the right to bear arms.

Let me give you this analogy. It is like passing a piece of legislation on assault weapons. That was a very popular topic. It is like passing a piece of legislation on assault weapons and saying that the gun dealer will define what an assault weapon is for purposes of whether they break the law.

That is exactly what this bill does. It allows the doctor to define what the law is, in other words, what the exceptions to the law are, and no mentally competent abortionist who has just aborted a baby is going to claim they broke the law, just like no mentally competent arms dealer is going to sell a howitzer and say it is an assault weapon. They are not going to say it is an assault weapon. I broke the law. You let me certify it. A howitzer is not an assault weapon. And under the Daschle bill, if we could apply it to guns, the arms dealer is OK. Wait a minute. We have the certification here. No problem. He certified it is not a howitzer. He said it is not an assault weapon. He said it is something else.

Again, just remember the people offering this amendment have a 100 percent voting record against pro-life issues. They have vehemently opposed this bill from day one. You can always tell the validity of this kind of legislation by who supports and who opposes.

Now, you would think that an industry—and that is what abortion, unfortunately, has turned into with 1.5 million a year. It is an industry. You would think that an industry that has gone to tremendous lengths and expense to oppose a ban on a procedure which they admit is infrequent, that does not happen very often, that is only an alternative and others could be done in place of it, that they argue is not going to stop one abortion, that they would fight vehemently against this that will not, in their own words, stop one abortion, they argue against this, yet they support Senator DASCHLE's proposed amendment.

Now, wait a minute. If Senator DASCHLE's proposal actually stopped abortion, do you think they would support it? I think you can answer that for yourself. The people who oppose it are people like myself who understand what it is. It is a sham. The proposal does nothing except one potentially very dangerous thing. By giving the abortionist the right to determine what health and viability is, you expand Roe versus Wade because under Roe versus Wade at least third-trimester babies are somewhat protected. Under the DASCHLE proposal, there is no protection, none. It is whatever the abortionist wants to do and the mother agrees to do at any time. Oh, you can probably string the viability issue along to 35 or 36 weeks and you probably have to admit that after 35 weeks that baby is viable. But the health, there is all sorts of health things that can go on even at that late time.

So I would just caution my colleagues who are considering this legislation that this is a real change in the law. This will have an impact on stopping a procedure that has no place in American society. The Daschle proposal not only does not change the face as far as the existing rights of abortionists and abortion, I have argued and will continue to argue that it expands the right to abortion. Anyone voting for the amendment of the Senator from South Dakota will vote to strike this procedure—in other words, vote against this procedure because his amendment which will be offered tomorrow strikes this procedure from the bill. In other words, cuts it, amends it out and replaces it, substitutes it with his phony ban which not only does not ban anything but expands the right to an abortion.

So I would just caution Members when they vote on Senator DASCHLE's amendment that they are doing two things, one of which they will admit they are doing. They are getting rid of this legislation. That is No. 1. So they will be voting against this procedure being banned. And No. 2, they will be expanding the rights of abortionists and abortion beyond what Roe versus Wade currently does by allowing the abortionist to have complete authority over what is a health exception, what is viability.

So, this is really a very clear debate, and we will commence tomorrow in formality between those who want to at least take a procedure and say this goes too far, that the right to an abortion is not so absolute as to allow this kind of barbarism to occur, and others who believe that Roe versus Wade did not go far enough. In spite of all the rhetoric we will hear tomorrow, the bottom line, with the amendment of the Senator from South Dakota, is that he will be arguing in fact—not by his words, because I am sure he will not agree with that—but in fact—read the language, his amendment will loudly say that Roe versus Wade is not broad enough, that we need more access to abortion than we have today.

I think, of anything that I have learned in dealing with this issue, particularly when it comes to children who are in utero, with disabilities, that the issue is not the ability to get an abortion in this country. If you have a child with a disability, and it is diagnosed in utero, I guarantee not only will the abortion option be made available to you, because they are legally required to do that, but if they see a badly deformed baby, they will do everything, most of the physicians, most genetic counselors, will do everything to encourage you to have an abortion.

I will talk about one such instance tomorrow. For those Members I spoke about earlier who can come to terms with this debate on the intellectual level and have trouble crossing the threshold of the heart, I will put a face on partial-birth abortion. It will put a face on what is going on out in our country, with doctors who are so afraid of malpractice, so afraid of difficult and complicated deliveries that they choose the easy way out. "Let's get her to abort the baby now so we don't have to deal with this."

Many of you are thinking, "Oh, I can't believe that." Believe it. Believe it. It happens every day. You do not see any wrongful death suits, do you, against abortionists for terminating a pregnancy? I am not aware of any. But you will see wrongful birth suits for children born, and their parents, incredibly, believe that their child was better off dead than born.

So, for doctors, as normal human beings, risk averse, it is easier to abort. You can't get sued when you abort. They sign all these waivers and consents. We will be fine. But they can sue us if we do not do everything we can to get them to abort beforehand and we have a complicated delivery and things happen, or the baby is deformed and we did not explain maybe well enough how deformed the baby was.

I would argue it is easier to get an abortion in this country when you are carrying a child with a fetal abnormality than it is to find a doctor who will deliver it. I will tell you a story tomorrow of exactly that case. I am sure there are other cases out there. In fact, I know there are other cases out there.

It goes back to the point I was making. Not only do we as a society, but unfortunately the people who are most responsible for delivering our children become so callous, many of them—not all of them. Certainly not all of them. I hope most would understand the significance of a human life and protect it and honor it and dignify it. But, sadly, that is not the case in far too many instances with the professionals in the field of genetics counseling.

My father-in-law, Dr. Kenneth Garver, went into genetic counseling when he was a pediatrician in Penn Hills, PA. He decided to go into genetic counseling and medical genetics. I know one of the reasons that drove him to do so was not only the fascinating developments in medical genetics, which were certainly a lure to someone as bright as he and as interested as he was in the subject, but a fear, that has been borne out to be a legitimate fear, that the people who have been drawn to that field are people who do not believe that that baby has a right to life, who very much believe in abortion and counsel for it and, in far too many cases, encourage it. It is a field that he got into because he wanted at least someone—someone—where men and women who are going through a difficult pregnancy could come and not be browbeaten into having an abortion.

You say, "Oh, Senator, you are being extreme here." I will tell you the story of little Donna Joy Watts and you tell me how extreme I am. And I will tell the stories of people who have written to me and talked to me and called me and e-mailed me about situation after situation where those same set of facts have come forward. What have we come to when we encourage people who desperately want to hold onto their children that this is the only way?

Some will say it is by ignorance. I suggest in many cases it is ignorance, but in many cases it is ignorance of convenience that a lot of these physicians would just rather not have to deal with the situation. So the first knee-jerk reaction is, "Well, the baby is not going to live long. Abort it." Or, "The baby is going to have all sorts of complications. Abort it."

All we are trying to do here is to say stop the infanticide. That is the term used by the Senator from New York, Senator MOYNIHAN, and I believe the Senator from Pennsylvania, Senator SPECTER—both of whom are generally on the opposite side of the issue on the issue of abortion. But they recognize that when a baby is outside the mother's womb and, as nurse Brenda Shafer said, moving its arms and legs, in the case that she described, the partial-birth abortion she described, the baby had the face of an angel. It was a perfectly healthy, normal baby.

It thought—and yes, thought, because babies have brains; they are human beings—thought as it was leaving this environment that was so warm and protected, little did it know that it would meet with this kind of brutality. Folks, it's not just once, or twice, or 10, or 20, or 100, or 500—thousands. Untold thousands.

I am hopeful that, as a result of all the things that were discussed for the past several months as a result of the statements by Ron Fitzsimmons, Members of this Senate will look again, look at this procedure, look at the consequences, real consequences of what the U.S. Senate and the Government of the United States will convey to the young people of our country, to any person in our country, that we will allow these innocent babies to be murdered like this.

If we send that kind of message, I guarantee I will be down here when one of the Senators who did not support this stands up and beats his breast, complaining about why the crime rate is so high, why there is no respect for property, why there is no respect for life, why there is no respect for—you name it.

Kids aren't dumb. They pay attention. I have a 6-year-old and a 4-year-old and a 1-year-old. It frightens me how much they pay attention to everything you do, whether you know it or not. They pick up so much.

You see yourself. You know. You see yourself in your kids so much you just don't even realize all the little things that you do that they see. They will see this. They will understand what this means. They will understand that life is not important, that, unless you are big, strong, healthy, able to protect yourself, there is no protection. It is survival of the fittest. We wonder why we have a cynical generation X; everyone believes they are out for themselves, that everyone does things in their own self-interest. What could be more in self-interest than this? What can be more selfish than this? What kind of message are we conveying? This is ultimate selfishness. It was not convenient. I was not ready. I—I—I—I.

This is a baby. It is not "I," it is "we." But we have told the message to the young people, only "I" matters. Then we wonder why they feel the way they do. We wonder why they act the way they do. We wonder what has happened to our culture, what has happened to our society. You need only look this far. You need only look at the selfishness, the individual self-centeredness of this procedure. A procedure we would not do on Jeffrey Dahmer, a procedure we would not do on the worst criminal in America, we will do on a healthy little baby.

I hope the Senate says no. I hope the Senate can just muster the moral courage to say no and live up to the dignity of this place. It is an impressive place. Great men and great women have stood in this hall and fought for noble causes. I cannot think of any more noble a cause than protecting a helpless, beautiful—whether deformed or not, in the eyes of God, beautiful baby.

I ask everyone within the sound of my voice to pray that that happens, that the Senate says no more, this is where we begin to draw the line. I ask you not only to contact your Senators by e-mail or write or call or drop by their offices, I ask you to pray that somehow their eyes will open to what the consequences of our actions are, what it means to us as a society, as a culture. What the reporters are writing today is this bill will fall short of the 67 votes needed to override the President's veto. If you do, those things I have asked, who knows?

Mr. President, I yield the floor.

CONGRATULATIONS TO FATHER THOMAS J. DUGGAN ON HIS 50TH YEAR IN THE PRIESTHOOD

Mr. ASHCROFT. Mr. President, I rise today to congratulate Father Thomas J. Duggan as he celebrates 50 years as a priest. I want to commend him for the outstanding service he provides to the Catholic Church in the central Missouri area.

This historic occasion commemorates Father Duggan's labor both now and in days past. His 50 years of dedication have served many important missions: From caring for young World War II victims in the Manchester-Liverpool area of England to serving, since 1960, the diocese of Jefferson City. The high standards he has been able to maintain are a tribute to his faithfulness. As our Nation looks increasingly for moral guidance in this period of moral decay, his example provides a standard for others to follow.

I wish Father Duggan a memorable celebration as he renews his commitment to the redemptive mission of Christ. May God bless his ministry with many more years of celebrations.

HONORING THE 200 YEARS OF MARRIAGE OF THE CHILDREN OF MORRIS AND IDA MILLER

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor the children of Morris and Ida Miller, who will celebrate together 200 years of marriage:

Son—Dennis and Marcella Miller, married June 7, 1946; Daughter—Eileen and Bill Keehr, married April 8, 1947; Daughter—Melda and Merwin Miller, married July 3, 1947; Son—Loren and Miriam Miller of Bois D'Arc, Missouri, married September 1, 1947.

My wife, Janet, and I look forward to the day we can celebrate a similar milestone. These families' commitment to the principles and values of their marriage deserves to be saluted and recognized.

HONORING THE BARLOWS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Harold and Helen Barlow of Raytown, MO, who on May 17, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Barlows' commitment to the principles and values of their marriage deserves to be saluted and recognized.

LAUREN'S RUN AGAINST PEDIATRIC CANCER

Mr. COVERDELL. Mr. President, it is a great honor for me to draw the attention of my distinguished colleagues to a very special event which will take place in Atlanta this coming Sunday, May 18—the Fifth Annual Lauren's Run.

Lauren's Run is a fantastic kids-only fun run which is held every year at Zoo Atlanta. The purpose of the event is to raise funds for the Lauren Zagoria Pediatric Cancer Research Fellowship at City of Hope National Medical Center in Duarte, CA. The fellowship assists in the fight against pediatric cancer in all its forms through advanced research and clinical treatments at City of Hope, an institution renowned for the compassionate care it brings to children suffering from life-threatening diseases.

Mr. President, all of us in this body have undoubtedly devoted ourselves at one time or another to worthy causes and humanitarian endeavors. But in my opinion, Lauren's Run is a truly special cause, and this is so for two reasons.

First, because it honors a very special and beautiful little girl named Lauren Zagoria who was diagnosed when she was only 21 months old with neuroblastoma, a rare and fatal form of pediatric cancer. Lauren's parents, Janis and Marvin Zagoria, watched as their precious daughter was transformed not only by the ravages of the disease, but also by the ordeal of radiation treatments, bone marrow biopsies, and surgery. As Janis and Marvin have written about Laura, "She never complained; she never quit; she never stopped loving or trusting those who cared for her. After 14 months of struggling, the disease was just too big for one little girl."

Lauren's Run was borne of that child's tragic and painful struggle. Determined to honor Lauren's life and to sustain her legacy, Janis and Marvin Zagoria began to lay the groundwork for the children's run just 2 months after her death in March 1992. The first Lauren's Run was held in 1993.

I will have the honor of attending the Fifth Annual Lauren's Run on May 18, and I will be presenting an American Hero award to Janis and Marvin Zagoria on that occasion. They are truly two wonderful points of light—people who inspire others in their community to do what is right on behalf of those in need.

Mr. President, the other reason that I believe Lauren's Run is a special cause is because little Lauren Zagoria could have been any child in America today. We owe it to Lauren and to all the children we know and love to do everything in our power to eradicate the scourge of pediatric cancer. At City of Hope, pioneering work is underway to increase the long-term survival rate of children suffering from such illnesses. There is hope indeed that one day we may overcome the tragedy of pediatric cancer—provided that we open our hearts and, yes, our pocketbooks to enable research to discover the cures which are surely within reach.

Mr. President, I ask all of my colleagues to join me in honoring the memory of Lauren Zagoria and the work of two great Americans, Janis and Marvin Zagoria. And I ask that this body recognize the special significance and importance of the Fifth Annual Lauren's Run on May 18 in Atlanta.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 12, 1997, the Federal debt stood at $5,344,444,824,118.40. (Five trillion, three hundred forty-four billion, four hundred forty-four million, eight hundred twenty-four thousand, one hundred eighteen dollars and forty cents)

Five years ago, May 12, 1992, the Federal debt stood at $3,886,829,000,000. (Three trillion, eight hundred eighty-six billion, eight hundred twenty-nine million)

Ten years ago, May 12, 1987, the Federal debt stood at $2,271,664,000,000. (Two trillion, two hundred seventy-one billion, six hundred sixty-four million)

Fifteen years ago, May 12, 1982, the Federal debt stood at $1,060,830,000,000. (One trillion, sixty billion, eight hundred thirty million)

Twenty-five years ago, May 12, 1972, the federal debt stood at $427,349,000,000 (Four hundred twenty-seven billion, three hundred forty-nine million) which reflects a debt increase of nearly $5 trillion—$4,917,095,824,118.40 (Four trillion, nine hundred seventeen billion, ninety-five million, eight hundred twenty-four thousand, one hundred eighteen dollars and forty cents) during the past 25 years.

NET DAYS

Mr. KENNEDY. Mr. President, last year Massachusetts was ranked 48th in the Nation in networked classrooms. Only 30 percent—700 out of our more than 2,400 schools—had adequate computer technology and wiring. In a State with such a critical mass of knowledge-based industries requiring a highly-trained, highly skilled work force, this was unacceptable.

So in May 1996, we created the MassNetworks Educational Partnership as a nonprofit collaborative effort to assist our schools in becoming wired to the Internet, and to coordinate what are now called NetDays not only in Massachusetts but all across the country.

We began this effort, to be sure, with an advantage over most other States. Our information technology industries have grown rapidly in recent years. We enjoy strong labor unions and highly dedicated teachers, principals and superintendents, which have combined their expertise to allow us to accomplish much in a brief amount of time.

For our two State NetDays since last May, we have had more than 14,000 volunteers help wire over 800 additional schools in Massachusetts. These volunteers, aided by 15 million dollars' worth of donated and discounted goods, services, and technical support, already have had an enormous impact on the future of Massachusetts. We have truly become a model to the Nation.

However, this effort is not limited to these two NetDays, and we are far from finished. All across the State, parents, children, educators, labor leaders, businesspeople, public servants, and others who care so deeply about education will be continuing to work together to wire more schools, train more teachers and install more hardware throughout the rest of the school year and summer.

The investment we are making will continue to pay off in better results in our schools—students with sharper skills, improved grades, lower absenteeism, improved grades, reduced drop-out rates, and improved standards of living when they enter the work force. Studies show that in the year 2000, 70 percent all new jobs will require the type of high-technology skills that only 20 percent of our work force currently possess. If we are to succeed in our endeavor, we must prepare our children with the knowledge they need to be competitive in the next century.

Toward that end, I will work to help Massachusetts be the first State in the Nation to meet President Clinton's goal of wiring all of America's schools to the Internet by the year 2000.

The Internet is the ticket to the information superhighway. The effort taking place in Massachusetts is putting this incredible resource within reach of all students. I strongly commend all those involved.

Education is one of the best investments we can make in the future of this State, and wiring students to the Internet is one of the wisest forms our investment can take. The Internet is the blackboard of the 21st century, and we should be prepared to use it to the fullest of our capability. The Internet is the newest world of information, and the newest frontier to conquer. Much like the shot heard around the world, our dedication to our students must be heard all over the globe.

Ultimately, the strength of this effort comes not from computers and wire, but from our ability to help schools teach and help students learn in new ways. I am confident that we will make the most of the tremendous opportunity that is at hand.

FAMILY CHILD CARE APPRECIATION DAY

Mr. HATCH. Mr. President last Friday, May 9, was "Family Child Care Provider Appreciation Day" in Utah and perhaps in other States as well. It is fitting to pay tribute to family-based child care providers who are an essential component of our child care system, both in Utah and throughout the United States.

Family Child Care Providers are self-employed business people caring for up to six children at a time in their own homes for as much as 50 hours per week. Utah has over 2,000 family child care homes which service about half of the children in child care. Currently, it is estimated that 65 percent of mothers with children under 5 work outside the home, so the need certainly exists for a variety of child care options. Child care provided in individual family homes is one such option.

Some parents for a variety of reasons prefer home environments for their children. Debbie, a child care provider in West Valley City, UT, watched a 2-year-old who was on a feeding tube. It is often very difficult to find care for sick or disabled children; but, in the flexible setting of her home, Debbie was able to provide the personal attention and care needed, making this particular child's experience as positive as possible.

Vicki is a family child care provider in Cedar City, UT. She has provided help for parents who are trying to rebuild their lives. In one case, she provided care for a little girl while her father was in jail and her mother was working, but not earning a lot. Vicki says this family is doing better now. The father is out of jail and holding down a job. Vicki is still caring for their son while his mother works. Vicki says she likes to help families to get off of welfare and to build a better future.

Family child care providers help families like these to achieve the American Dream. Family child care not only helps parents in the work force with peace of mind, but it also provides a supplemental income for mothers who want to be home with their own children.

But do not confuse family child care providers with babysitters. Family care providers in Utah follow the highest of standards; they renew their licences every year by taking 12 credit hours of classes and updating certification in both CPR and first aid on a yearly basis. Utah has over 2,000 family child care homes which service about half of the children in child care. These statistics as well as the level of professionalism in which family child care providers operate is very important when it comes to quality care for our children.

The future of our country depends on the quality of the early childhood experiences provided to young children today. Family child care providers provide important choices for parents who must work. As a strong advocate for putting our children first, I am pleased to honor these outstanding citizens in our communities who are making such a difference. I am happy to join in recognizing their achievements as well as their importance as part of our child care system.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 34

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report of November 14, 1996, concerning the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA). This report covers events through March 31, 1997. My last report, dated November 14, 1996, covered events through September 16, 1996.

1. The Iranian Assets Control Regulations, 31 CFR Part 535 (IACR), were amended on October 21, 1996 (61 *Fed. Reg.* 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The amendment increases the maximum civil monetary penalty provided in the Regulations from $10,000 to $11,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public

Law 103-322, September 13, 1994, 108 Stat. 2147. Finally, the amendment notes the availability of higher criminal fines for violations of IEEPA pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the period covered in my last report, the Tribunal has rendered eight awards. This brings the total number of awards rendered to 579, the majority of which have been in favor of U.S. claimants. As of March 24, 1997, the value of awards to successful U.S. claimants from the Security Account held by the NV Settlement Bank was $2,424,959,689.37.

Since my last report, Iran has failed to replenish the Security Account established by the Algiers Accords to ensure payment of awards to successful U.S. claimants. Thus, since November 5, 1992, the Security Account has continuously remained below the $500 million balance required by the Algiers Accords. As of March 24, 1997, the total amount in the Security Account was $183,818,133.20, and the total amount in the Interest Account was $12,053,880.39. Therefore, the United States continues to pursue Case A/28, filed in September 1993, to require Iran to meet its obligation under the Algiers Accords to replenish the Security Account. Iran filed its Rejoinder on April 8, 1997.

The United States also continues to pursue Case A/29 to require Iran to meets its obligation of timely payment of its equal share of advances for Tribunal expenses when directed to do so by the Tribunal. The United States filed its Reply to the Iranian Statement of Defense on October 11, 1996.

Also since my last report, the United States appointed Richard Mosk as one of the three U.S. arbitrators on the Tribunal. Judge Mosk, who has previously served on the Tribunal and will be joining the Tribunal officially in May of this year, will replace Judge Richard Allison, who has served on the Tribunal since 1988.

3. The Department of State continues to pursue other United States Government claims against Iran and to respond to claims brought against the United States by Iran, in coordination with concerned government agencies.

On December 3, 1996, the Tribunal issued its award in Case B/36, the U.S. claim for amounts due from Iran under two World War II military surplus property sales agreements. While the Tribunal dismissed the U.S. claim as to one of the agreements on jurisdictional grounds, it found Iran liable for breach of the second (and larger) agreement and ordered Iran to pay the United States principal and interest in the amount of $43,843,826.89. Following payment of the award, Iran requested the Tribunal to reconsider both the merits of the case and the calculation of interest; Iran's request was denied by the Tribunal on March 17, 1997.

Under the February 22, 1996, agreement that settled the Iran Air case before the International Court of Justice and Iran's bank-related claims against the United States before the Tribunal (reported in my report of May 17, 1996), the United States agreed to make ex gratia payments to the families of Iranian victims of the 1988 Iran Air 655 shootdown and a fund was established to pay Iranian bank debt owed to U.S. nationals. As of March 17, 1997, payments were authorized to be made to surviving family members of 125 Iranian victims of the aerial incident, totaling $29,100,000.00. In addition, payment of 28 claims by U.S. nationals against Iranian banks, totaling $9,002,738.45 was authorized.

On December 12, 1996, the Department of State filed the U.S. Hearing Memorial and Evidence on Liability in Case A/11. In this case, Iran alleges that the United States failed to perform its obligations under Paragraphs 12-14 of the Algiers Accords, relating to the return to Iran of assets of the late Shah and his close relatives. A hearing date has yet to be scheduled.

On October 9, 1996, the Tribunal dismissed Case B/58, Iran's claim for damages arising out of the U.S. operation of Iran's southern railways during the Second World War. The Tribunal held that it lacked jurisdiction over the claim under Article II, paragraph two, of the Claims Settlement Declaration.

4. Since my last report, the Tribunal conducted two hearings and issued awards in six private claims. On February 24-25, 1997, Chamber One held a hearing in a dual national claim, *G.E. Davidson* v. *The Islamic Republic of Iran*, Claim No. 457. The claimant is requesting compensation for real property that he claims was expropriated by the Government of Iran. On October 24, 1996, Chamber Two held a hearing in Case 274, *Monemi* v. *The Islamic Republic of Iran*, also concerning the claim of a dual national.

On December 2, 1996, Chamber Three issued a decision in *Johangir & Jila Mohtadi* v. *the Islamic Republic of Iran* (AWD 573-271-3), awarding the claimants $510,000 plus interest for Iran's interference with the claimants' property rights in real property in Velenjak. The claimants also were awarded $15,000 in costs. On December 10, 1996, Chamber Three issued a decision in *Reza Nemazee* v. *The Islamic Republic of Iran* (AWD 575-4-3), dismissing the expropriation claim for lack of proof. On February 25, 1997, Chamber Three issued a decision in *Dadras Int'l* v. *The Islamic Republic of Iran* (AWD 578-214-3), dismissing the claim against Kan Residential Corp. for failure to prove that it is an "agency, instrumentality, or entity controlled by the Government of Iran" and dismissing the claim against Iran for failure to prove expropriation or other measures affecting property rights. Dadras had previously received a substantial recovery pursuant to a partial award. On March 26, 1997, Chamber Two issued a final award in Case 389, *Westinghouse Electric Corp.* v. *The Islamic Republic of Iran Air Force* (AWD 579-389-2), awarding Westinghouse $2,553,930.25 plus interest in damages arising from the Iranian Air Force's breach of contract with Westinghouse.

Finally, there were two settlements of claims of dual nationals, which resulted in awards on agreed terms. They are *Dora Elghanayan, et al.* v. *The Islamic Republic of Iran* (AAT 576-800/801/802/803/804-3), in which Iran agreed to pay the claimants $3,150,000, and *Lilly Mythra Fallah Lawrence* v. *The Islamic Republic of Iran* (AAT 577-390/381-1), in which Iran agreed to pay the claimant $1,000,000.

5. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1997.*

MESSAGES FROM THE HOUSE

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 66. Concurrent resolution authorizing the use of the Capitol grounds for the sixteenth annual National Peace Officers' Memorial Service.

At 6:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

MEASURES REFERRED

The following concurrent resolution, previously from the House for the concurrence of the Senate, was read, and referred as indicated:

H. Con Res. 8. Concurrent resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1851. A communication from the Chief Financial Officer of the Department of State, transmitting, pursuant to law, a rule entitled "Visas" received on April 30, 1997; to the Committee on Foreign Relations.

EC-1852. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-1853. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of the proposed issuance of an export license; to the Committee on Foreign Relations.

EC-1854. A communication from the President of the Inter-American Foundation, transmitting, a draft of proposed legislation to authorize funds for fiscal year 1999; to the Committee on Foreign Relations.

EC-1855. A communication from the Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, fifteen rules including rules relative to FM radio stations; to the Committee on Commerce, Science, and Transportation.

EC-1856. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, thirty-nine rules including a rule entitled "Public Availability of Information" (RIN2105-AC58, 2125-AE12, 2115-AA97, 2115-AE47, 2120-AF08, 2120-AA66, 2120-AA64, 2120-A64, 2120-AG24, 2105-AB73, 2105-AC36, 2115-AA97, 2115-AE46, 2115-AF24, 2115-AE84, 2137-AD00, 96-ASW-36, 96-ASW-35, 96-ASW-34, 2120-AG17); to the Committee on Commerce, Science, and Transportation.

EC-1857. A communication from the Acting Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration, transmitting jointly, pursuant to law, a report on subsonic noise reduction technology; to the Committee on Commerce, Science, and Transportation.

EC-1858. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report on polar issues; to the Committee on Commerce, Science, and Transportation.

EC-1859. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Saint Lawrence Seaway Development Corporation Performance Based Organization Act of 1997"; to the Committee on Commerce, Science, and Transportation.

EC-1860. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize certain programs of the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1861. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the guarantee of obligations; to the Committee on Commerce, Science, and Transportation.

EC-1862. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Maritime Administration for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-1863. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Automotive Fuel Economy Program"; to the Committee on Commerce, Science, and Transportation.

EC-1864. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, eight rules including a rule entitled "Fisheries Off West Coast and Western Pacific States" (RIN0648-AJ09, AJ39); to the Committee on Commerce, Science, and Transportation.

EC-1865. A communication from the Acting Assistant Administrator For Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Financial Assistance for Research and Development Projects" (RIN0648-ZA09) received on May 5, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1866. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled "Fisheries Off West Coast States" (RIN0648-AI19, 0648-XX77); to the Committee on Commerce, Science, and Transportation.

EC-1867. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, three rules including a rule entitled "Fisheries in the Exclusive Economic Zone Off Alaska" (RIN064-AJ35, ZA28); to the Committee on Commerce, Science, and Transportation.

EC-1868. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries Off West Coast and Western Pacific" received on April 25, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1869. A communication from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Schedule of Fees" received on May 7, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1870. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska"; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 736. A bill to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 737. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 736. A bill to convey real property within the Carlsbad project in New Mexico to the Carlsbad Irrigation District; to the Committee on Energy and Natural Resources.

THE CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

● Mr. DOMENICI. Mr. President, today I am introducing legislation that will convey tracts of land, referred to as "acquired lands," to the Carlsbad Irrigation District in New Mexico. These are lands that were once owned by the beneficiaries of the irrigation project, and acquired by the Federal Government when the Bureau of Reclamation assumed the responsibility of construction and operation of the irrigation project in the early part of this century. Since that time, the Carlsbad Irrigation District has repaid its indebtedness to the Federal Government, which included not only its contractual share of construction costs, but also all costs associated with the project land and facilities that were acquired from the project beneficiaries.

This legislation is specific to the Carlsbad project in New Mexico, and directs the Carlsbad Irrigation District to continue to manage the lands as they have been in the past, for the purposes for which the project was constructed. It will accomplish three things: First, convey title to acquired lands and facilities to the District; second, allow the District to assume the management of leases and the benefits of the receipts from these acquired lands; and third, provide authority for the Bureau of Reclamation to cooperate with the Carlsbad Irrigation District on water conservation projects at the Carlsbad project. This bill protects the interests that the State of New Mexico has in some of those lands.

During the 104th Congress, the Carlsbad Irrigation District presented testimony related to the transfer of acquired lands before the Committee on Energy and Natural Resources on one occasion, and before the House Committee on Resources on two occasions. Additionally, the administration expressed on several occasions before these two committees that they want to move forward with acquired land transfers where they make sense. The Commissioner of the Bureau of Reclamation, Eluid Martinez, has informed the district and me that he believes that the Carlsbad project is one of several projects where the Bureau would like to pursue transfer opportunities. With this in mind, I believe that the legislation I am introducing today will provide the Bureau with the ability to accomplish their stated goal in a fair and equitable manner.

Mr. President, I understand that similar legislation will soon be introduced in the House of Representatives by Congressman JOE SKEEN, and I am hopeful that we will be able to move this bill through Congress, and coordinate our efforts with the administration's stated objectives. I encourage my colleagues to support this legislation, and ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carlsbad Irrigation Project Acquired Land Transfer Act".

SEC. 2. CONVEYANCE.

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to the conditions set forth in subsection (c) and section 2(b), the Secretary of the Interior (in this Act referred to as the "Secretary") is hereby authorized to convey all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the "acquired lands") in addition to all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the "District").

(2) LIMITATIONS.—

(A) The Secretary shall retain title to the surface estate of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir diversion structure.

(B) The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands in section (7) of the "Status of Lands and Title Report: Carlsbad Project" as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, consistent with existing management of such lands and other adjacent project lands.

(2) Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2-LM-40-00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7-07-57-X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) The District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) The District shall not be entitled to any receipts or revenues generated as a result of either agreement.

(d) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should complete the conveyance authorized by this Act, including such action as may be required under the National Environmental Policy Act of 1969 (42 U.S.C. et seq.) within 9 months of the date of enactment of this Act.

(e) REPORT TO CONGRESS.—If the conveyance authorized by this Act is not completed by the Secretary within 9 months of the date of enactment of this Act, the Secretary shall prepare a report to the Congress which shall include a detailed explanation of problems that have been encountered in completion of the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance. The Secretary's report shall be transmitted to the Committee on Resources of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate within 30 days after the expiration of such 9 month period.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act, and the Secretary of the Interior shall notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses and permits accruing after the date of conveyance: *Provided*, That all such receipts shall be used for purposes for which the project was authorized. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project: *Provided further*, That all future mineral leases from acquired lands within a one mile radius of Brantley and Avalon dams shall subject to the approval of the Secretary prior to consummation of the lease.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—Receipts paid into the reclamation fund which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359) as amended shall be made available to the District as credits towards its ongoing operation and maintenance obligation to the United States until such credits are depleted: *Provided*, That immediately following the enactment of this Act, such receipts collected by the Minerals Management Service, not to exceed $200,000, shall be made available to the Secretary for the purpose of offsetting the actual cost of implementing this Act: *Provided further*, That any receipts collected by the Minerals Management Service, prior to the actual date of conveyance, which are in excess of $200,000 shall be deposited into the reclamation fund and added to existing construction credits to the Carlsbad Project.

SEC. 4. WATER CONSERVATION PRACTICES.

The Secretary, in cooperation with the District, is hereby authorized to expend not to exceed $100,000 annually, from amounts appropriated for operation and maintenance within the Bureau of Reclamation, for the purposes of implementing water conservation practices at the Carlsbad Irrigation Project, including but not limited to phreatophyte control: *Provided*, That matching funds shall be provided by the District in direct proportion to the amount of project lands held by the District in relation to withdrawn or other project lands held by the United States: *Provided further*, That nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.●

By Mr. BAUCUS (for himself and Mr. CHAFEE):

S. 737. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

CHINA TRADING RELATIONS LEGISLATION

Mr. CHAFEE. Mr. President, today I am joining with Senator BAUCUS to introduce legislation authorizing the President to extend most-favored-nation, or normal trading relations, status to China on a permanent basis.

Since 1989, Congress has engaged in an annual, and very public, debate about the extension of MFN to China. These debates have been highly charged. But over the years, the repetition of this debate has carried a heavy price tag, with little to no positive results to show for it.

In fact, the constant debate as to whether or not the United States should continue normal trade relations with China has come at great expense to the overall health of the bilateral relationship between these two great and powerful nations. And that, in turn, has had real—and negative—repercussions for the United States, its citizens, and even the Chinese people themselves. We need to look toward a day where this annual MFN rollercoaster will be replaced by a stable, long-term economic foundation between these two superpowers. It is toward that end that we are introducing this legislation.

CONDITIONING MFN IN ORDER TO INFLUENCE CHINA'S BEHAVIOR HAS NOT WORKED

China has received MFN treatment every year since 1980. In 1989, however, after the brutal suppression of demonstrators at Tiananmen Square, some legislators proposed trying to influence Chinese behavior by threatening to revoke China's MFN status, starting this cycle of highly charged—and often political—debates.

But is MFN an effective tool for influencing Chinese behavior, as those legislators hoped? No. We saw that all too clearly in 1993, when President Clinton attempted to condition further renewal upon improvements in human rights. Were there improvements during that time? No. Finally, in 1994 the President came to the conclusion that retaining MFN, rather than threatening its removal, "offers us the best opportunity to lay the basis for long-term sustainable progress in human rights, and for the advancement of our other interests with China."

It is clear that revoking MFN is not an effective tool for promoting change in China—a fact other nations recognized long ago. Therefore, we should begin removing MFN entirely from the debate, and eventually render it permanent.

ANNUAL MFN DEBATE OVERALL HAS NOT BEEN PRODUCTIVE FOR THE UNITED STATES-CHINA RELATIONSHIP

Not only is MFN status a poor tool for spurring change in China, but the annual debate itself has contributed to poor United States-China relations. By focusing solely on the renewal of MFN, we in the United States have found ourselves distracted from the larger, critically important issues involving the United States-China bilateral relationship. Indeed, I believe that for the past 8 years, the ability of the two nations to work together productively has been partly paralyzed by the ongoing MFN debate.

Progress on important matters—both those in which we and China have a common interest, such as stability in Asia, and those in which our two nations do not see eye to eye—such as international involvement in human rights—has not been helped by the continuing controversy over MFN. The Chinese, who, as history has shown, tend to react negatively to public confrontation, have been less open to working with the United States to address issues of common concern. The United States, which must continue to deal with China as an emerging superpower, has been forced on the defensive when dealing with the Chinese.

This state of affairs cannot continue indefinitely. We need to move toward removing MFN as a factor in our already complicated and complex bilateral relationship with China if we want to stabilize that relationship and make progress on issues that matter to the American public. Too much else is at stake—for both nations.

THE STABILITY OF THE UNITED STATES-CHINA RELATIONSHIP IS IMPORTANT FOR AMERICANS—AND FOR THE CHINESE PEOPLE

Why is a stable United States-China relationship important for Americans? For a number of reasons.

First, Americans traditionally have worked to promote democratic ideals around the globe. As a society, we have an interest in encouraging such ideals as respect for human rights in other nations. A solid, stable relationship with the Chinese can, over time, bring such improvements to pass—with great benefit for the Chinese people.

Second, American have a vested interest in promoting international security. Securing nuclear nonproliferation and defusing regional conflicts overseas mean a great deal to the overall well-being of Americans and their families. If we want to see these goals advanced, we must work with China, an emerging superpower.

Third, and very importantly, Americans have a direct economic tie to the Chinese economy. We now export some $12 billion worth of goods to China—exports that include plastic packaging systems made by the 125 employees at Marshall & Williams Co. in Providence, Rhode Island. And we import nearly four times as much—$46 billion—from China—imports that include toys for children. Not only do families across the United States buy those toys, but the 1,600 workers at Hasbro in Pawtucket, RI, rely on those sales to keep their company strong and their jobs in place. Clearly, there is much to do to address the enormous trade imbalance between our two nations. But notwithstanding that imbalance, the current level of the United States/China economic interaction is so significant that if it were disrupted, the negative repercussions for our own economy would be staggering.

In sum, we have many important challenges facing us that require a steady, stable United States/China relationship. Whether it is nuclear nonproliferation, adherence to human rights, security around the globe, protection of intellectual property, or the transition of Hong Kong, we must continue to work with the Chinese, using the tools of diplomacy and of laws that are tailored to those purposes.

PERMANENT MFN WILL BE ESPECIALLY APPROPRIATE AS CHINA ENTERS THE GLOBAL TRADING SYSTEM

The eventual adoption of permanent MFN for China is in the interests of the United States. Our actions today are meant to encourage Congress and the administration to begin consideration of that next step. We do not expect or intend for this bill to be considered this year.

But our action does come at an important time. The Chinese Government now is taking steps to join the world community and its institutions. Chief among these steps is China's bid to join the global trading system known as the World Trade Organization. If successful, this move will bring China into line with the trading practices of the 120-plus nations that now are WTO members.

To be successful, China will have to agree to accede to the WTO on terms that are commercially viable—or to put it more simply, that are fair to other nations in terms of market access, nondiscrimination, enforcement, and other important areas. Should China enter the global trading system on such terms, it would be a natural point at which the United States could move forward with permanent MFN.

If we begin considering this issue now, it may ripen at a time that is beneficial to both the United States and China.

SUMMARY: PERMANENT MFN IS IN THE BEST INTEREST OF THE UNITED STATES

In sum, the permanent grant of MFN to China is in the best interest of the United States and her citizens. It will end for once and for all the annual debate that is actively hindering—not helping—the achievement of important American goals, thereby allowing the establishment of a stable relationship that would bring prosperity and growth to both nations. Over the next year, as China takes serious steps toward full integration in the global economy, the granting of permanent MFN will make more and more sense. We think the United States should begin laying the groundwork now, and we are introducing our bill today toward that end.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the names of the Senator from Nevada [Mr. REID], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 143

At the request of Mr. DASCHLE, the name of the Senator from Georgia [Mr. CLELAND] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 294

At the request of Mrs. HUTCHISON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 294, a bill to amend chapter 51 of title 18, United States Code, to establish Federal penalties for the killing or attempted killing of a law enforcement officer of the District of Columbia, and for other purposes.

S. 369

At the request of Mr. JEFFORDS, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 369, a bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trail program.

S. 387

At the request of Mr. HATCH, the names of the Senator from Florida [Mr. MACK] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 422

At the request of Mr. DOMENICI, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 460

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 460, bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts and that require employees to pay union dues or fees as a condition of employment.

S. 586

At the request of Mr. MOYNIHAN, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 586, a bill to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes.

S. 609

At the request of Mr. KENNEDY, the names of the Senator from Georgia [Mr. CLELAND], the Senator from Arkansas [Mr. BUMPERS], and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of S. 609, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies.

S. 693

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 693, a bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent.

S. 717

At the request of Mr. COVERDELL, the name was added as a cosponsor of S. 717, a bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 16

At the request of Mr. LUGAR, the name of the Senator from Arkansas [Mr. HUTCHINSON] was withdrawn as a cosponsor of Senate Resolution 16, a resolution expressing the sense of the Senate that the income tax should be eliminated and replaced with a national sales tax.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Georgia [Mr. COVERDELL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nevada [Mr. REID], the Senator from Idaho [Mr. CRAIG], the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Mr. BREAUX], the Senator from Florida [Mr. MACK], the Senator from Wyoming, [Mr. ENZI], the Senator from Ohio [Mr. DEWINE] were added as cosponsors of Senate Resolution Act 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

SENATE RESOLUTION 85

At the request of Mr. GREGG, the names of the Senator from New Jersey, [Mr. TORRICELLI] and the Senator from Pennsylvania [Mr. SANTORUM], were added as cosponsors of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

AMENDMENTS SUBMITTED

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

JEFFORDS AMENDMENT NO. 242

Mr. JEFFORDS proposed an amendment to the bill (S. 717) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes; as follows:

On page 3, strike the item relating to section 641 of the Individuals with Disabilities Education Act and insert the following:

"Sec. 641. State Interagency Coordinating Council."

On page 3, strike the item relating to section 644 of the Individuals with Disabilities Education Act and insert the following:

"Sec. 644. Federal Interagency Coordinating Council."

On page 19, line 19, strike "Alaskan" and insert "Alaska".

On page 26, line 4, strike "are" and insert "is".

On page 26, line 12, strike "are" and insert "is".

On page 26, line 15, strike "include" and insert "includes".

On page 35, line 5, strike "identify" and insert "the identity of".

On page 55, line 17, strike "ages" and insert "aged".

On page 55, line 19, insert "the" before "Bureau".

On page 94, line 24, strike "Federal or State Supreme court" and insert "Federal court or a State's highest court".

On page 102, strike line 3 and insert the following: "(i) Notwithstanding clauses (ii) and".

On page 140, line 15, strike "team" and insert "Team".

On page 140, line 22, strike "team" and insert "Team".

On page 177, line 8, strike "661" and insert "661,".

On page 196, line 18, strike "allocations" and insert "allotments".

On page 201, line 22, strike "with disabilities" after "toddlers".

On page 203, line 23, strike ", consistent with State law," after "(a)(9)".

On page 208, line 22, strike "636(a)(10)" and insert "635(a)(10)".

On page 216, line 6, strike "the child" and insert "the infant or toddler".

On page 216, line 7, strike "the child" and insert "the infant or toddler".

On page 221, line 5, strike "A" and insert "At least one".

On page 221, line 8, strike "A" and insert "At least one".

On page 226, line 4, strike "paragraph" and insert "subsection".

On page 226, line 7, strike "allocated" and insert "distributed".

On page 229, line 20, strike "allocations" and insert "allotments".

On page 229, line 24 and 25, strike "allocations" and insert "allotments".

On page 231, strike line 17, and insert the following "ferred to as the "Council") and the chairperson of".

On page 260, line 4, strike "who" and insert "that".

On page 267, line 15, strike "paragraph" before "(1)".

On page 326, between lines 11 and 12, insert the following:

"(D) SECTIONS 611 AND 619.—Sections 611 and 619, as amended by Title I, shall take effect beginning with funds appropriated for fiscal year 1998."

GORTON (AND SMITH OF NEW HAMPSHIRE) AMENDMENT NO. 243

Mr. GORTON (for himself and Mr. SMITH of New Hampshire) proposed an amendment to the bill, S. 717, supra; as follows:

On page 169, between lines 11 and 12, insert the following:

"(10) UNIFORM DISCIPLINARY POLICIES.—Notwithstanding any other provision of this Act, each State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction to ensure the safety and appropriate educational atmosphere in its schools."

On page 169, line 12, strike "(10)" and insert "(11)".

THE FAMILY FRIENDLY WORKPLACE ACT OF 1997

MURRAY AMENDMENT NO. 244

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; as follows:

At the end, add the following:

TITLE II—SCHOOL INVOLVEMENT LEAVE

SEC. 201. SHORT TITLE.

This title may be cited as the "Time for Schools Act of 1997".

SEC. 202. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) DEFINITIONS.—In this paragraph:

"(i) FAMILY LITERACY PROGRAM.—The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) LITERACY.—The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) SCHOOL.—The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE.—In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 203. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) In this paragraph:

"(i) The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 204. EFFECTIVE DATE.

This title takes effect 120 days after the date of enactment of this Act.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

SMITH OF NEW HAMPSHIRE (AND GORTON) AMENDMENT NO. 245

Mr. SMITH of New Hampshire (and Mr. GORTON) proposed an amendment to the bill, S. 717, supra; as follows:

On page 156, between lines 8 and 9, insert the following:

"(I) LIMITATION ON AWARDS.—Notwithstanding any other provision of this Act (except as provided in subparagraph (C)), a court in issuing an order in any action filed pursuant to this Act that includes an award shall take into consideration the impact the award would have on the provision of education to all children who are students served by the State educational agency or local educational agency affected by the order.".

THE FAMILY FRIENDLY WORKPLACE ACT OF 1997

McCAIN AMENDMENTS NOS. 246–252

(Ordered to lie on the table.)

Mr. MCCAIN submitted seven amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 246

On page 10, strike lines 4 through 7 and insert the following:

"(10) In this subsection—

"(A) the terms 'monetary overtime compensation' and 'compensatory time off' shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7); and

"(B) the term 'unduly disrupt the operations of the employer', used with respect to the use of compensatory time off by an employee of the employer, means create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

On page 23, strike line 23 and insert the following: has the meaning given the term in section 7(e).

"(10) UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER.—The term "unduly disrupt the operations of the employer', used with respect to the use of flexible credit hours by an employee of the employer, means create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

AMENDMENT NO. 247

On page 10, strike lines 4 through 7 and insert the following:

"(10) In this subsection—

"(A) the terms 'monetary overtime compensation' and 'compensatory time off' shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7); and

"(B) the term 'unduly disrupt the operations of the employer', used with respect to the use of compensatory time off by an employee of the employer, means create a situation (as determined by the employer, acting in good faith) in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

AMENDMENT NO. 248

On page 23, strike line 23 and insert the following: has the meaning given the term in section 7(e).

"(10) UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER.—The term 'unduly disrupt the operations of the employer', used with respect to the use of flexible credit hours by an employee of the employer, means create a situation (as determined by the employer, acting in good faith) in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

AMENDMENT NO. 249

In lieu of the matter proposed to be inserted, insert the following:

"(10) In this subsection—

"(A) the terms 'monetary overtime compensation' and 'compensatory time off' shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7); and

"(B) the term 'unduly disrupt the operations of the employer', used with respect to the use of compensatory time off by an employee of the employer, means create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

AMENDMENT NO. 250

In lieu of the matter proposed to be inserted, insert the following:

has the measuring given the term in section 7(e).

"(10) UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER.—The term 'unduly disrupt the operations of the employer', used with respect to the use of flexible credit hours by an employee of the employer, means create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

AMENDMENT NO. 251

On page 10, strike lines 4 through 7 and insert the following:

"(10) In this subsection—

"(A) the terms 'monetary overtime compensation' and 'compensatory time off shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7); and

"(B) the term 'unduly disrupt the operations of the employer', used with respect to the use of compensatory time off by an employee of the employer, means create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

AMENDMENT NO. 252

On page 23, strike line 23 and insert the following: has the meaning given the term in section 7(e).

"(10) UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER.—The term 'unduly disrupt the operations of the employer', used with respect to the use of flexible credit hours by an employee of the employer, means create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

GRASSLEY AMENDMENT NO. 253

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

On page 28, after line 16, insert the following:

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$6,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or all accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13A of the Fair Labor Standards Act of 1938)".

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES—SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 21, 1997, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on Senate Resolution 57, to support the commemoration of the bicentennial of the Lewis and Clark Expedition; S. 231, the National Cave and Karst Research Institute Act of 1997; S. 312, to revise the boundary of the Abraham Lincoln Birthplace National Historic Site in Larue County, KY; S. 423, to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; S. 669, to provide for the acquisition of Plains Railroad Depot at the Jimmy Carter National Historic Site; and S. 731, to extend the legislative authority for construction of the National Peace Garden Memorial.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on National Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight field hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will take place Saturday, June 21, 1997 at 9:30 a.m. in the Saddle Mountain Intermediate School Gymnasium, 500 Riverview Drive, Mattawa, WA. The purpose of this hearing is to review issues and management options associated with the Hanford Reach of the Columbia River and to receive testimony on S. 200, a bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river.

The committee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Senator GORTON's office in Kennewick at (509) 783-0640 or Senator MURRAY's office in Spokane at (509) 624-9515. The deadline for signing up to testify is Friday, June 13, 1997. Every attempt will be made to accommodate as many witnesses as possible, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing, it is not necessary to submit any testimony in advance, Statements may be also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Committee on Energy and Nature Resources, U.S. Senate, 354 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Jim O'Toole of the committee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 13, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 417, reauthorizing EPCA through 2002; S. 416, administration bill reauthorizing EPCA through 1998; S. 186, providing priority for purchases of SPR oil for Hawaii; S. 698, the Strategic Petroleum Reserve Replenishment Act, and the energy security of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 13, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, May 13, 1997, at 1 p.m. for a hearing on the President's plan for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, May 13, 1997, at 10:30 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on Public Law 102-477, the Indian Employment, Training and Related Services Demonstration Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 13, 1997, at 10 a.m. to hold a hearing on chemical weapons implementing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Aviation of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on May 13, 1995, at 2:30 p.m. on barriers to entry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF WORLD WAR II EXERCISE TIGER OPERATION

• Mr. BOND. Mr. President, during the Memorial Day weekend, Veterans of Foreign Wars Post 280 in Columbia, MO will recognize a group of heroic men. Until recently, few people knew of the secret operation code named "Exercise Tiger," because the details of the tragedy were not disclosed until after the Battle of Normandy and even then proper recognition was not given.

In December 1943, several training operations began in order to prepare for the Battle of Normandy. These operations, organized by the United States Army, were undertaken off a beach in Devon, England. It was known by all participating parties the dangers they could encounter. At the time, several German ships patrolled this stretch of water looking for American and English ships. One such evening during practice operations, with only one English ship to guard, there was a surprise attack on the American ships.

On April 28, 1944, the German Navy "E," patrolling the English Channel, attacked the eight American tank landing ships who became aware of the attack only after the U.S.S. *LST–507* was struck by an incoming torpedo. Next, the U.S.S. *LST–531* was attacked and sunk in a matter of minutes. The convoy returned fire and the last ship to be torpedoed, the U.S.S. *LST–289*, made it safely to shore.

Even after this frightening turn of events, to it's credit, Exercise Tiger continued operations and remained on schedule. Normandy was attacked as planned and the D-day invasion was a success.

Information of the fatalities was not released until after the D-day invasion due to the secrecy of the mission and in order to keep the Germans from becoming aware of the impending strike. It took many years, and the passage of the Freedom of Information Act, to learn of the significance of these missions. I feel now is the time for these courageous men to get the long awaited recognition they deserve.

Four thousand men partook in this operation and of those, nearly a quarter was reported missing or dead. Records from the Department of Defense estimate 749 men died in addition to 441 Army and 198 Navy casualties. Approximately 200 of these men were from my home State of Missouri.

This Memorial Day weekend commemorates the heroic actions of the men who participated in Exercise Tiger and particularly the ones who lost their lives in this crucial preparation for the D-day invasion. VFW Post 280 has the great privilege of being the first in the State of Missouri to recognize these brave individuals.

In the words of Gen. Douglas MacArthur, "Old soldiers never die, they just fade away * * *." I hope that through this long delayed acknowledgment of these fine soldiers, their memory will not fade away, but will remain in our minds and hearts for years to come. These men were an example for all American soldiers to live by and a credit to the United States as it remains the free and great country that it is today.●

PAUL CHARRON ON CHILD LABOR

● Mr. HARKIN. Mr. President, on April 17, 1997, a momentous occasion took place at the White House when a group of apparel manufacturers, importers, labor officials, and President Clinton announced their actions to reduce the incidence of abusive child labor in the manufacturing of imported articles into the United States. As one who has been working on this issue for many years, I am pleased with the progress that is being made, although I recognize we have a long way to go. Most importantly, we need leaders in the apparel industry who are willing to take that step forward and work to include all manufacturers and importers in this effort to ban abusive and exploitative child labor. In the recent past, many apparel manufacturers have resisted this effort, supposedly in the name of "free trade," but I suspect there was probably another reason. On the other hand, there have been manufacturers and importers, who have stepped forward to courageously take the different course and that is to do everything they can to ensure that their products are not made with exploitative child labor.

One such person is Mr. Paul Charron, the chief executive officer of the Liz Claiborne Corp. He has been in the forefront of the fight to ban the use of exploitative child labor in the manufacturing of wearing apparel. Mr. Charron gave remarks at the White House that day, which I found to be most encouraging. His comments, indeed, echo my feelings, and I know the feelings of President Clinton when he said that ensuring human rights is the right thing to do, and it is the smart thing to do. Good working conditions are productive working conditions. He is absolutely right, and I want to applaud Mr. Charron and thank him for his courageous stance and leadership on this issue. I would also like to encourage the participants of the White House Apparel Industry Partnership to take the next step and adopt a labeling system giving consumers the information they need and companies the recognition they deserve.

At this point, I submit Mr. Charron's remarks into the RECORD, and I urge my colleagues and their staffs to review his remarks.

The remarks follow:

REMARKS FOR THE WHITE HOUSE APPAREL INDUSTRY PARTNERSHIP: PAUL R. CHARRON, APRIL 14, 1997

Thank you, Linda.

And thank you, Mr. President, for having the foresight to recognize that companies could work together with labor, human rights and consumer organizations towards the common goal of improving labor conditions around the world.

But let's not forget the contributions of this administration, particularly the Department of Labor and former Labor Secretary Robert Reich. I also want to acknowledge the tireless efforts of Maria Echaveste and Gene Sperling.

Furthermore, I would like to express my deep appreciation to all those from the industry, labor, human rights, consumer groups who contributed to this effort. And, of course, I would like to thank Roberta Karp, Liz Claiborne's general counsel, who co-chaired the task force.

The standards and processes developed by the Apparel Industry Partnership are groundbreaking. Together we have built a framework to more credibly address a serious and complex problem.

But the success of the Partnership's framework for improving working conditions depends upon the industry's ability to recruit its peers.

We must be realists. We must be problem solvers. And our first challenge is this: persuading our colleagues in the apparel and footwear industries—colleagues who are not represented here today—to join the fight.

In short, we have come here not to announce victory, but to proclaim a new challenge. And that is to make this a truly industry-wide effort. There is no other way.

The skeptics may ask—why do this? The answer is simple: it's good business. Some in the industry may think the companies standing here are taking an unnecessary risk; they may wonder how we can afford to make this commitment.

I would ask them in return—how can we afford not to?

Ensuring human rights is the right thing to do, and it is the smart thing to do. Good working conditions are productive working conditions.

Let me emphasize that we are faced with a unique opportunity to make further progress, and, again, our goal is to make this into an unprecedented industry-wide effort. This is only the start—the truly great accomplishments are yet to come.

Please join us to help this Partnership fulfill its potential.

And now, it is my great honor to introduce the President of the United States. Mr. President. . . .●

THE 50TH ANNIVERSARY OF THE TRANSISTOR

● Mr. LAUTENBERG. Mr. President, I rise today to mark one of those rare discoveries which not only make history, but actually change history. On December 16, 1947, three Bell Laboratories scientists, Nobel Prize winners John Bardeen, Walter Brattain and William Shockley, working in Murray Hill, NJ, successfully operated the world's first transistor. The transistor allows the flow of electrons through solid materials to be controlled without requiring any moving parts.

Mr. President, I'm not a scientist, so I don't completely understand the technology that makes this tiny device work. But I do understand that, without it, an amazing array of products which have revolutionized our lives could simply not work. In fact, the transistor's impact on microelectronics, computers, telecommunications, and so much more reminds me of the words of Ralph Waldo Emerson, "The creation of a thousand forests is in one acorn." And the forests of products which have sprung from the transistor is indeed dazzling.

Mr. President, not only is the transistor practically ubiquitous in our society, there is neither an individual nor an industry that has not benefited from this device. It has helped us advance the study of biology and medicine, permitting us to understand and heal the human body in ways that our ancestors could never even have imagined. It has altered our sense of community by permitting us to negate the effects of both time and distance through the development of worldwide communication networks. By doing so, the transistor changed the way we learn by instantly placing knowledge at our fingertips. And it has allowed us to explore the depths of the ocean, walk on the moon, and chart the solar system and the invisible domains of the universe. Obviously, the transistor not only revolutionized our lives, it has helped to lengthen our lives, enrich our lives, and provide our lives with greater meaning.

Mr. President, the tradition and tenacity of Bell Laboratories lives on in its linear descendent, Lucent Technologies. The men and women of Lucent continue to make innovative communications products using solid state technologies that are an outgrowth of the transistor's development. I salute their work, and as the direct heirs of Bell Laboratories, I congratulate them on the 50th anniversary of the transistor.●

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, his appointment of C. John Sobotka, of Mississippi, to the Advisory Committee on the Records of Congress.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic leader, pursuant to Public Law 101–509, his reappointment of John C. Waugh, of Texas, to the Advisory Committee on the Records of Congress.

ORDERS FOR WEDNESDAY, MAY 14, 1997

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:15 a.m. on Wednesday, May 14. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately resume consideration of S. 717, the Individuals With Disabilities Education Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Members, tomorrow morning, the Senate will resume the IDEA bill under the earlier time agreement. All Senators can expect a series of three rollcall votes beginning at approximately 9:45 or 9:50 a.m. Senators should be prepared to be on the floor for the stacked votes beginning early Wednesday morning in that the second and third votes will be limited to 10 minutes in length. Following the votes and a short period for morning business, the Senate will begin consideration of the partial-birth abortion ban. The Senate might also consider the CFE Treaty during Wednesday's session. As always, Senators will be notified as to when any additional votes are scheduled.

ADJOURNMENT UNTIL WEDNESDAY, MAY 14, 1997, AT 9:15 A.M.

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Wednesday, May 14, 1997, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 13, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. SUNUNU].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 13, 1997.

I hereby designate the Honorable JOHN E. SUNUNU to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Nevada [Mr. GIBBONS] for 5 minutes.

VOTE "NO" ON MOVING NUCLEAR WASTE TO NEVADA

Mr. GIBBONS. Mr. Speaker, I come here after reading an early morning report in the Congressional Quarterly that a House bill moving nuclear waste to Nevada is rapidly moving to the House floor for consideration of passage. Before House Members consider this bill, I would like to address two issues, the first being that the Senate companion bill to this, Senate bill 104, was narrowly passed in the Senate and will be vetoed by the President under his promise.

Second is the issue that I ask both sides of the aisle to consider, and that is the issue of safety; safety in that they should not vote on a bill that is going to move nuclear waste through their communities, endangering the lives, the health, and the safety of their constituents; throwing away a vote on that issue, throwing away the lives and the health and safety of their constituents, just to prove a point.

Mr. Speaker, I would urge both sides of this House to vote no on moving nuclear waste to Nevada, House bill 1270, and I would issue this proclamation: that the Members should consider that their constituents should come first, that their safety and their lives are at issue here.

WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized during morning hour debates for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning, and certainly to ask the President to disallow portions of the State of Texas welfare reform plan that includes the Texas Integrated Eligibility System, TIES, or which would allow the State to privatize the eligibility determination for social services.

All of us remember very vividly the vigorous debate on welfare reform that this Congress engaged in. At the crux of that issue was the ability to help Americans move from welfare to work. It was a recognition, as I recognized in my own 18th Congressional District, that many of those on welfare wanted to move from welfare to work, and looked forward to the additional job training and opportunity to be able to work and contribute to their own livelihood.

In the State of Texas alone, it has 690,000 recipients of its Aid to Families and Dependent Children, and 1.4 million recipients of food stamps as well. The process that we presently use in the Texas Department of Human Services. Many professionals, social service professionals and social workers, have worked in that effort for many, many years. In the process of welfare reform, not only does Congress but the State itself and the legislature and the Governor recognize that we could do it better. We do not disagree with that, that we could make it more efficient, more effective, and certainly more responsive.

The TIES Program does not do that. It puts in a profit mode with a private company the whole concept of eligibility determination. That means when a mother or a dependent who needs welfare comes to an office, they deal with a cold and uncaring professional, someone whose basic motive is profit, and may be given incentives for how many individuals you deny in getting the need that they have to have.

In the 18th Congressional District alone, there are 109,596 women, infants, and children who receive WIC services, a basic nutrition program that has proven itself to be supportive of the early growth of our children. This means that in Harris County, TX, there are 12,917 pregnant women, 5,259 breastfeeding mothers, 9,448 postpartum mothers who have recently given birth who may be in need of these social services, and 29,000 infants and 52,000 children. It is inappropriate to leave their destiny in the hands of a computer.

Even just recently the Legislature in the State of Texas said that they were concerned that the executive branch might have gone too far in implementing what we authorized in the welfare reform bill. This legislation makes it clear that the legislature retains authority to make these decisions, and makes it clear in statute that the intention is to pursue privatizing only the automation part, not the intake part, not the sensitivity part, and not to, overall, castigate the thousands of State employees who over the years have been particularly sensitive to the intake process, asking the hard questions and trying to find solutions to those who have problems and who need welfare.

Finding out eligibility is not only in numbers and statistics, it is funding out the problems, the source of the need, why this person is in your office, who else can help them, why do they need to be on welfare. Maybe they only need to be on for a short period of time. A machine and a private company with an incentive for profit only cannot make this system work.

There may be some effort this week to add to the supplemental appropriations bill an amendment to approve this privatized system under the Texas welfare reform package. This should not be approved, for we should have a vigorous debate on the best way to provide efficient, safe, and productive services to the least of those who are in need in our country. Welfare reform, yes, but a totally incentive-based program profit-motivated, to the detriment of women and children and the elderly who need our care and consideration, that is absolutely wrong.

I would hope, first of all, that my colleagues will vote against any amendment that would offer to approve this system, and I would ask the President to disallow this particular provision, for it does not answer the question of efficiency in automation, but it really responds to the question of profit and profit incentive, and it eliminates, as I said, thousands of very valuable State

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

employees who are trained professionally to answer these questions and concerns of the most needy.

We can have welfare reform. Let welfare reform be the kind of welfare reform that responds to the needs of all Americans.

CONGRATULATING FORT BENNING FOR BEING NAMED 1997 ARMY COMMUNITY OF EXCELLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Georgia [Mr. COLLINS] is recognized during morning hour debates for 5 minutes.

Mr. COLLINS. Mr. Speaker, it is with great pride that I rise today to recognize Fort Benning, GA, the "home of the infantry" and the Army's premier installation, for being named a 1997 community of excellence.

On May 2, Fort Benning was awarded the Commander in Chief's Award for the third time in the last 4 years. This award is given annually to recognize the best Army installation in the world. Additionally, on May 1 Fort Benning was awarded the Chief of Staff Army Award for the fifth consecutive year. This award recognizes the best Army installation in the Continental United States. Fort Benning is also the sole nominee of the 1997 Presidential Award for Quality as the Best Agency in the Federal Government.

These awards are indicative of both the ability and professionalism of the tens of thousands of soldiers that pass through Fort Benning's gate each and every year, and of the successful partnership that has been developed over the years between Fort Benning and the Columbus, GA, and Phenix City, AL, districts.

No military facility can be fully effective without developing a positive relationship with the local community. Fort Benning has accomplished this, and has developed a military-civilian team that is unmatched in efficiency and effectiveness.

In spite of the fact that the military population of Fort Benning is in a continuous state of transition, the installation has been able to maintain its high standards of quality. This is, in large part, thanks to nearly 7,000 civilians who work behind the scenes to advance Fort Benning's mission. These are individuals, like Sarah McLaney, Fort Benning's Army Community of Excellence coordinator, who has seen the facility receive the Commander in Chief Award under three different commanding generals. Dedicated workers like Sarah have been instrumental not only in achieving Fort Benning's military mission, but also in development of strong ties that bind Fort Benning with the Columbus and Phenix City communities.

General Ernst and his able staff have further reinforced Fort Benning's longstanding commitment to military quality, focusing on the watchwords "First in training, first in readiness, and first in quality of life." Fort Benning soldiers constitute a cornerstone of our Nation's Armed Forces.

Since 1918 Fort Benning has operated the world's foremost military institutional training center. As the home of the infantry, Fort Benning's mission is to produce the world's finest combat-ready infantrymen, to provide the Nation with a power projection platform capable of rapid deployment, and to continue the Army's premier installation and home for soldiers, families, civilian employees, and military retirees. This mission is achieved with distinction on a daily basis.

While the infantry remains the central focus of activity at Fort Benning, a number of other types of units have been added over the years, enhancing the ability of the installation to accomplish its mission.

In addition to being home of the infantry, Fort Benning now houses the Airborne School, the Army Ranger School, the 29th Infantry Regiment, a training unit for the Bradley fighting vehicle, the 36th Engineer Group, and the U.S. Army School of the Americas. Each of these units work tirelessly to defend our national interests around the world and to serve our communities at home.

To the military and civilian personnel of Fort Benning, I offer my sincere thanks and congratulations for a job well done.

TRIBUTE TO PETER TALI COLEMAN, FORMER GOVERNOR OF AMERICAN SAMOA AND PACIFIC ISLAND LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to Peter Tali Coleman, former Governor of American Samoa and highly regarded Pacific Island leader who passed away on April 28 and was buried last Saturday in Hawaii. He was 77 years of age.

He served as the first popularly elected Governor of American Samoa, was elected again in 1988, and also had the distinction of being Samoa's first and only federally-appointed native-born Governor in the 1950's. His appointment by the Eisenhower administration made him one of the first islanders to serve as the head of a government anywhere in the Pacific, along with Joseph Flores from Guam.

After his appointive term in American Samoa ended, the Governor spent nearly 17 years in the U.S. Trust Territory of the Pacific Islands where, as the first Pacific Islander to head the governments of what are now the Republic of the Marshall Islands from 1961 to 1965, and now the Commonwealth of the Northern Marianas Islands, 1965 to 1969, he is believed to be the only Pacific Islander to have headed 3 of the 21 governments of what is now considered the modern insular Pacific. He was also the first U.S. citizen ever to have been awarded an honorary Marshall Island citizenship, an honor accorded to him by a special act of the Nitijela, the Marshalls' Parliament.

During the Nixon administration Governor Coleman was appointed deputy high commissioner of the Trust Territory, the second-ranking position in the central Government of Micronesia. While in Micronesia, he and his wife were the only Americans invited to participate in a private ceremony sponsored by the Japan-based Association of Bereaved Families, in recognition of his efforts to repatriate to Japan the remains of World War II servicemen who died in action on Saipan.

□ 1245

Upon the resignation of the High Commissioner, Coleman was appointed as his successor in an acting capacity. A widely recognized regionalist, Governor Coleman was active in numerous Pacific organizations throughout his public career. He was a member of either the United States or American Samoa delegations to the South Pacific Conference nine times between 1958 and 1992 and was head of the delegation to the Conference annually between 1980 and 1984, except for 1982 when he both hosted and chaired the conference in Pago Pago.

At a special SPC meeting in Canberra, Australia, in 1983 and later that year at the conference in Saipan, Coleman was a leading voice in the debate which eventually led to equal membership in SPC for Pacific territories. A founding member of the Pacific Basin Development Council, Coleman was also the first territorial Governor to be elected president of that organization in 1982 and served a second term in 1990.

Peter Tali Coleman was born on December 8, 1919, in Pago Pago, American Samoa, where he received his primary education. He graduated from St. Louis High School in Honolulu, joined the National Guard, and then enlisted in the U.S. Army at the outbreak of World War II. Assigned to the Pacific during the war, he was stationed in the Solomon Islands and Vanuatu in addition to Hawaii, ultimately rising to the rank of captain.

Professionally, as an attorney, he was a member of the bars of the U.S. district court, U.S. Court of Appeals for the District of Columbia, the U.S. District Court in Hawaii, and the High Courts of American Samoa and the old Trust Territory of the Pacific Islands, as well as the Supreme Court of the

United States. Granted an honorary LLD by the University of Guam in 1970 when he was cited as "Man of the Pacific," he also received an honorary doctorate from Chaminade College in Hawaii.

Governor Coleman was a true Pacific hero whose service took him well beyond his native Samoa. He accurately saw himself as a developer of indigenous governments, bringing Pacific islanders to full recognition of their right to self-government and their capacity to implement the same.

Coleman was married to the former Nora K. Stewart of Hawaii, his wife of 55 years. Together they had 13 children, 12 of whom are living, 24 grandchildren and 8 great grandchildren. We will all miss him, and we all send his family our condolences.

CBO VERSUS OMB: WHO IS RIGHT?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, my point in coming to the well this morning is to talk about CBO and OMB. These are Beltway terms, I know. The Congressional Budget Office is the CBO; and the Office of Management and Budget Office is the OMB. OMB is used by the White House. That is their in-house accounting firm. The CBO is our in-house accounting firm here in Congress. We use it for out budget analysis.

I wish every Member had an opportunity this afternoon to listen to what I have to say because it brings great bearing on our debate today on the budget and for the remaining 2 or 3 months. In March 1996, with only 6 months left in the fiscal year, OMB projected that the deficit for fiscal year 1996 would be $154 billion. They were wrong, overestimating by almost 44 percent.

Now let us look at CBO. In May 1996, just 4 months remaining in the fiscal year, CBO anticipated the budget deficit for the year would be $144 billion. They too were wrong, overestimating by more than 34 percent. We went from 6 months to 4 months. Now let us go to 1 month and see if these folks are accurate.

With 1 month left in fiscal year 1996, both CBO and OMB estimated that the budget deficit for the year would be around $117 billion. The actual deficit for the year was $107 billion. Both agencies, despite the short period of anticipation, were off by 10 percent.

Mr. Speaker, in other words, neither CBO nor OMB could estimate the budget deficit for the year just 30 days, 30 days, prior to the end of the fiscal year. Yet despite these seemingly inexactitudes, politicians from both sides of the aisle consistently place great credence on these agencies' predictions, often going so far as to base America's entire fiscal policy on their estimates. Sometimes policies are enacted by employing the assumptions from these agencies for as long as the next 5 years in estimating budget data.

Mr. Speaker, if they cannot estimate the budget in 30 days, in 4 months, and in 6 months, how can we expect them to estimate over the next 5 years? CBO and OMB usually disagree sharply on their budget projections, and depending upon which side of an issue one is on, one side is either siding up with OMB or CBO.

In general, CBO is more pessimistic, OMB is more optimistic. Thus, siding with the CBO makes balancing the budget a more daunting task. Despite all of this, both agencies, as I am going to show, are typically wrong altogether. That is, they both err on the same side of the budget. Recently, both agencies have been too pessimistic, consistently overestimating the actual deficit. In the 1980's and in the 1990's, both agencies consistently underestimated the deficit.

Let us now go to the budget agreement that has been recently in the news. When viewed as part of the big picture, the two estimates are essentially identical. For fiscal year 2002, for example, the difference in deficit predictions was $52 billion. But given the odds that both will be off by about $300 billion, you know, it is really almost meaningless to talk about what they are projecting in 5 years.

Furthermore, the agencies' forecasts for the size of the national economy in the year 2002 are almost identical at 10.00, a trillion, for CBO, 10.087 trillion for OMB. To be blunt, Mr. Speaker, any discussion about who is right and who is wrong just does not make any sense given the magnitude of these figures especially when we are talking about a budget projection 5 years from now.

More interestingly than who is closer to right is often the fact that both of them have been essentially wrong and cannot even predict the budget within 30 days. It must be noted that a study of the two agencies' predictions over the last 20 years shows CBO to be closer to right more than OMB. So, perhaps CBO is the one we should follow, although I question that. Fortunately, CBO conducted a large majority of the study, so they had a higher percentage of opportunities to prove they were right.

So, Mr. Speaker, what is the point of all this, what is the lesson to be learned when we look at CBO and OMB and ask them to project out over 5 years? Well, both agencies are quick to point out that the differences between themselves are insignificant and are not good indication of future performance. And I do not know if past performance is a good indication of future performance.

The only certainty that we have this afternoon is that neither one will be absolutely right, and we as Members of Congress should not put a great deal of emphasis on these individual agencies because they both have been wrong. Let me conclude by saying economics is not an exact science and we have to rely on all of us to work together continually to reach a balanced budget and that is the only way we know to reduce the deficit.

NATIONAL HOME OWNERSHIP WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon on a particularly happy occasion. I am pleased to see my good friend and colleague, the gentleman from California [Mr. LEWIS], from the other side of the aisle here as well, because I think we come to talk virtually in unison about the same subject. We have just come from a press conference involving Democrats and Republicans to kick off National Home Ownership Week.

I want to thank the gentleman from California [Mr. LEWIS] for deciding to do so with a wonderful initiative here in the District.

The idea, let me be quick to say, is the idea of Representative JERRY LEWIS, who has come forward with an idea that is likely to win favor throughout the country and to be copied throughout the country. Instead of just celebrating National Home Ownership Week with a lot of rhetoric on the floor, true to form, Representative LEWIS would have us do something to indicate our commitment, our continuing commitment, to the proposition that every family in the United States deserves its own home in which to live. So, in early June, Members of the House will help to build a house in the Capital of the United States.

I expect Members to rush back to their districts this year and next to try to carry out the idea of the gentleman from California [Mr. LEWIS] all over this country. If the spirit of Hershey is alive anywhere, it will be alive, and I believe the date is June 6, when I urge Members from both sides of the aisle to follow the lead of Mr. LEWIS and come to the southeast section of Washington and help us build the house that Congress built.

If Hershey is alive, it will be alive on June 6. If Philadelphia, where the President and where President Bush as well came forward to promote voluntarism, if voluntarism that they promoted is alive as well, it will be alive in June with this action, which should inspire similar action around the country.

Habitat for Humanity is where the expertise is. Here we have also an indication of how an organization can inspire Members to work together from both sides of the aisle, because when you have Representative NEWT GINGRICH and former President Carter working hard always for Habitat and bringing that partnership to Washington, we see bipartisanship at its best.

Habitat for Humanity has quietly been doing this work all over the District of Columbia and all over the country for a very long time, but its meaning is especially deep when Habitat decides to build a house with Members of Congress doing the building, hammering the nails. Posters and shirts with a wonderful design by Vanessa Compos, a fourth grader at a public school in the District, Hyde Elementary School, will be worn on that day, and this poster will be shown all over the United States.

In the resolution sponsored by Mr. LEWIS, there is an important line, among many, "Whereas, the United States is the first country in the world to make owning a home a reality for a vast majority of families, however, more than a third of the families in the United States are not homeowners."

Think about how marvelous it is that the average family does own its own home. And when you think about how far we have come, it becomes unthinkable to leave out a minority of families in rural and urban areas who have not yet been able to afford a home.

Affordable housing is not an oxymoron; it is something that this Congress on both sides of the aisle, together with the private sector, know we can make a reality. It is remarkable what we have done. We cannot slide back to where youngsters now wonder if they too can have the kind of home ownership that their parents have. We know they can. When the Congress of the United States moves forward to make the point, even metaphorically, we send a powerful message.

I want to thank the gentleman from California [Mr. LEWIS] as well for reminding us at the press conference that the District of Columbia is one of the Congress' five priorities, not simply building homes, but rebuilding the city itself. It is my hometown, but it is your Capital. The Control Board, together with the city, are making incredible progress starting from the ground to build up. The way to build up for the average family is for Congress to go forward on June 6 offering to do what all of us can do who work together. I thank the gentleman from California [Mr. LEWIS].

THE HOUSE THAT CONGRESS BUILT RESOLUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California [Mr. LEWIS] is recognized during morning hour debates for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I want to express my special appreciation to the gentlewoman from Washington, DC, Ms. ELEANOR HOLMES NORTON, my Congresswoman, for most Members live in the Capitol city when Congress is in session. The gentlewoman mentioned an initiative announced earlier in the day, when we were joined by Speaker NEWT GINGRICH, my colleague, the gentleman from Ohio, LOU STOKES, as well as the founder and President of Habitat for Humanity, Millard Fuller. Also, two very special families gathered at that session to celebrate the initiation of an important event in the history of the Congress and the District of Columbia.

These bipartisan leaders gathered to announce their intent to build "the House that Congress Built," in a unique partnership involving Congress, Housing Secretary Andrew Cuomo, leaders of the National Partners and Homeownership, and others.

□ 1300

On June 5, 6, and 7, 1997, these leaders will begin construction of two Habitat for Humanity homes in Southeast Washington. Each "House that Congress Built" is a powerful symbol demonstrating the commitment of a bipartisan Congress and numerous organizations to one common goal: providing a decent and affordable home for every American family. It is also an appropriate way to kick off National Homeownership Week, which extends from June 7 through June 14, a campaign to emphasize local and national efforts to make the American dream of living in a home a reality.

"The House that Congress Built" is supported by the National Partners in Homeownership, an unprecedented public-private partnership of organizations working to dramatically increase homeownership in America. Presently this partnership consists of 63 members representing real estate professionals, home builders, nonprofit housing providers, as well as local, State, and Federal levels of government. The goal of this partnership is to achieve an all-time high of homeownership of 67 percent of all American households by the end of the year 2000. There is still much work to be done.

This effort is only possible because of the inspiring work of Millard Fuller, the founder and president of Habitat for Humanity International, who has built over 20 years a worldwide Christian housing ministry. Since its creation in 1976, Habitat for Humanity and its volunteers have built homes with 50,000 families in need in more than 1,300 cities and 50 countries. As a result of Mr. Fuller's vision, more than 250,000 people across the globe now have safe, decent, affordable homes.

In Philadelphia recently, President Clinton, President Bush, retired Gen. Colin Powell and others gathered together to salute the spirit of volunteer service that exists in this country. No other organization better illustrates this spirit than Habitat for Humanity. Habitat is an organization that brings people together. Its volunteers are as diverse as the people who live in the United States itself. Most important, Habitat for Humanity promotes what Millard Fuller describes as the theology of the hammer, namely, putting faith and love into action to serve others.

In this case, the theology of the hammer will be applied to assist two very special, soon-to-be homeowners, Marlene Hunter and her family, and Mary Collins and her family. Even before the first nail has been driven, Members of Congress, corporate sponsors and these families have made a commitment that will be fulfilled as these two homes are built this summer entirely by Members of Congress and their staff.

I want to thank my colleagues, the gentleman from Georgia [Mr. GINGRICH], the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from Ohio [Mr. STOKES], the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] for their commitment to this unique effort and for joining me in introducing this resolution today. Beyond that, I hope my colleagues and their staff will join us throughout Homeownership Week and throughout the summer to complete the project well before ribbon-cutting time early in the fall.

FEDERAL RESERVE AND INTEREST RATES

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning hour debates for 5 minutes.

Mr. SAXTON. Mr. Speaker, few issues are as important as those policies of the Federal Reserve that affect American money. Policies of the Federal Reserve can determine whether there is high inflation or low inflation. Those policies can determine as well whether we can influence interest rates both in the short as well as in the long term.

Sound monetary policies can create a framework favorable to economic growth, while policies that permit inflation to take place undermine economic growth. We are all concerned about job creation. We are all concerned about good wages. And it is primary to the policies that come out of the Federal Reserve as to whether or not those issues are able to take place.

Over the last few months I have released a number of studies on Federal Reserve policy in my capacity as chairman of the Joint Economic Committee.

We call the committee the JEC. These studies explain the reasons why inflation or the lack of it, known as price stability, should remain as the central focus of Federal Reserve policy. According to this research, the Federal Reserve's anti-inflation policy has worked well over the last few years. However, more recently, I have had some disagreements with the Fed about price stability and how it should be implemented.

Is inflation taking place? It does not look so. But our JEC research suggests that, if there is inflation, it should be visible in real terms, in price measures such as the Consumer Price Index, which indicate today no inflation or no appreciable inflation. It should also be evident in prices of raw materials like commodity prices. It should also be evident in the value of the dollar as opposed to the German mark or the Japanese yen. It does not seem like there is any inflation there. And it should be evident in bond yields.

Now, according to these price measures, there is no real evidence of inflation to justify Federal Reserve increases in interest rates. Yet the Federal Reserve seems to view economic growth itself as potentially inflationary. Now, imagine that for a minute, economic growth as being bad because economic growth means inflation. I do not think that is true.

Based on our research, in fact, the JEC has done, I have opposed the increase in interest rates announced by the Federal Open Market Committee of the Fed on March 25. According to price measures used by the Joint Economic Committee, there is no indication of inflation justifying this increase in interest rates. For the same reason, I do not think the evidence would support an increase in interest rates at the FOMC next Tuesday.

In connection with this research, I have also suggested that more openness is needed with Fed policy. Why should we as members of the public be trying to guess about what they are going to do? It creates instability. It creates guessing. People should not have to make investments based on their best guess. They should do so for good sound reasons.

Having to guess about Fed policy is not good for our economy.

In conclusion, there is no substantial evidence of inflation to support Federal Reserve action to raise interest rates. I am extremely supportive of the objective of price stability. Nobody wants inflation. But I do not agree with those at the Fed who tend to view economic growth itself, economic growth itself as potentially inflationary.

Furthermore, Federal Reserve efforts to be more open and transparent should be encouraged and continued.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2:00 p.m. today.

Accordingly (at 1 o'clock and 7 minutes p.m.) the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. PEASE] at 2 p.m.

PRAYER

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

We offer our thanks and praise to You, O gracious God, for all of those gifts of life that make our days worthwhile and our relationships more meaningful. On this day we are especially aware of the blessings of joy and happiness that can come from Your hand and which we can share with each other. In spite of the difficulties of every decision, and the anxieties associated with every day, we are delighted that we can experience the elation and jubilation that comes when these special gifts brighten our vision and give us new horizons on which to focus. May joy and happiness brighten our lives and may Your benediction, O God, never depart from us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. WICKER] come forward and lead the House in the Pledge of Allegiance.

Mr. WICKER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 9, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday, May 9, 1997 at 10:34 a.m.:

That the Senate passed without amendment H. Con. Res. 25

That the Senate passed S. Con. Res. 26

That the Senate appointed Commission on Maintaining U.S. Nuclear Weapons Expertise

That the Senate appointed Board of Visitors of the U.S. Coast Guard Academy, and

That the Senate appointed Board of Visitors of the U.S. Merchant Marine Academy.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

TRIBUTE TO MARGARET MARTIN BROCK

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it saddens me to inform the House that this past Saturday, America lost noted philanthropist and political activist, Margaret Martin Brock.

Margaret Brock was a leader in education, civic organizations and in State and national Republican politics. She was a close personal friend of five U.S. Presidents and served proudly as a member of Ronald Reagan's kitchen cabinet. She was a confident and counselor to officeholders throughout the Nation, many here in the Congress who benefited from her encouragement, support, political insight, and friendship.

Her genuine interest was in young people. She actively sought out and helped many students further their education. She believed that her investments in young people, especially through funding of scholarships, were investments in the future of our country. She was a strong supporter of my alma mater, Claremont McKenna College, Pepperdine University, and the University of Southern California, in addition to her own Mt. Vernon College located here in our Nation's Capital.

She was proud to be a native Californian and throughout her life contributed to the betterment of our State. She actively supported the Los Angeles Mission, Salvation Army, Goodwill Industries, and the Boy Scouts of America. She was a founding member of the Los Angeles Music Center and a founding member of the Junior League of Los Angeles.

Margaret Brock's generous encouragement led many of us to choose public service. Her support of higher education and the Republican Party leaves a legacy that will continue for generations to come.

NAFTA IS NOT WORKING

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the White House says NAFTA is creating new and exciting jobs. I did some research on those jobs: zipper trimmer, brassiere tender, jelly roller, bosom presser, chicken sexer, sanitary napkin specialist, and a pantyhose crotch closer machine operator. That is what I call exciting jobs, Mr. Speaker.

According to the Philadelphia Inquirer, they are so great that 90 percent of the American workers are literally worried sick about losing their jobs and losing their homes. Beam me up. I say NAFTA is working for Mexico, Chile, Canada, yes, even Japan and China. Think about it.

With that I yield back all the balance of those unsexed chickens.

BALANCED BUDGET AGREEMENT IS GOOD NEWS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, when politicians get together and tell me what a wonderful job they are doing, I start to get nervous. But every once in a while, people on both sides of the aisle do manage to arrive at a good agreement.

Now, of course, the media will be annoyed; they need conflict. In fact, it is great fun watching the media desperately search for conflict in the balanced budget agreement that was reached between President Clinton and Congress. Even though the media hates good news, the good news needs to be reported.

The story that must be reported is that this balanced budget agreement is a win for every American family. It contains permanent tax relief, it contains the largest entitlement reform in history, it expands Medicare choices for seniors, it balances the budget for the first time since 1969. In a town where good news is sometimes hard to find, let us go forward and pass this historic agreement and send a little good news to American families.

RESTORE WIC FUNDING

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, I rise today to urge my colleagues on the Committee on Rules to support an amendment to restore the full $76 million needed for the women, infants and children program. Let me make three important points about this funding.

WIC is a program that works. If we restore the $38 million today, we will actually save the Federal Government over $100 million down the road. Second, the States, not the administration, not the Democrats in Congress, the States say that they need this money or else they will be forced to remove women and children from the WIC Program.

Finally, let us remember the values that made this Nation great. We simply cannot in good conscience take food off the breakfast tables of the most vulnerable members of our society. I urge the Committee on Rules to allow this amendment. I urge my colleagues to restore the full amount of the President's authorization for women, infants, and children in this country.

DEFICIT SPENDING BAD HABIT NEEDS TO BE BROKEN

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, bad habits are hard to break. In fact, the longer one engages in a bad habit, the harder it is to break.

Deficit spending is an excellent example of a bad habit. Deficit spending means spending more money than we have. This is what the Government does year after year. If we add up all of the deficit, we will find out that the national debt now stands over $5 trillion.

Washington has not managed to balance the budget since 1969. The tragedy in this is that the politicians who vote to run up deficits year after year are not the ones who suffer the consequences of their spending habits. Who suffers the consequences? You guessed it. Future generations, our children and grandchildren, the children are stuck with the debt. That is not right, that is not fair to children growing up today who deserve the same opportunities that we have.

Mr. Speaker, it is time to break the bad habit. It is time that this Congress pass a balanced budget.

BALANCED BUDGET AGREEMENT PLEDGE FOR BETTER TOMORROW

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, let's see if I have this straight. We are supposed to be impressed that the Government is not going to spend more money than it has. We are supposed to rejoice that Government is not going to make our $5 trillion national debt any worse. I am supposed to brag to my constituents that Washington is finally going to balance the budget.

Well, Mr. Speaker, by Washington standards, a balanced budget is a cause for celebration. Balancing the budget should not be a big deal, it should not be treated as some great achievement, but I must say after 30 years of an ever-expanding welfare state, balancing the budget is no mean feat. Balancing the budget, which to millions of Americans is nothing but common sense, is extraordinary in a town that has seen budget deficits since 1969.

This new balanced budget agreement is proof of two things. First, the new Republican Congress is serious about its pledge to make Government live within its means; and second, deficit spending does not have to be a way of life. That is a cause for celebration.

HISTORY OF DALLAS, GA

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BARR of Georgia. Mr. Speaker, yesterday I had the honor of appearing in Dallas, GA at a ceremony marking the 145th anniversary of this beautiful and wonderful community located in the heart of the 7th District of Georgia. Dallas, GA is named after a distinguished American, George Mifflin Dallas, a former U.S. Senator and Vice President of the United States under President Polk.

Dallas, GA has a quality of life, Mr. Speaker, that is an envy of communities all across America and around the world. This is especially true under the leadership of our current mayor, Mr. Boyd Austin, just recently and very appropriately named citizen of the year by the Paulding County Chamber of Commerce.

I rise today to honor this great American community whose greatest days lie yet ahead, Dallas, GA.

TIME TO BITE THE BULLET FOR BALANCED BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, why is it so important to balance the budget? I get that question quite a bit when I speak to school groups back in my district.

Well, it is a fair question. After all, the economy has been doing OK lately and we have not had a balanced budget. Perhaps the best way to answer this question is to consider a person using a credit card who spends a little bit more than he makes each month. Every month when the bill comes, he pays off part of it, maybe just the minimum amount possible. Well, he can keep that up for a while, but eventually the mounting debt will overwhelm him and threaten his standard of living. The interest payments he is required to make each month just keep getting bigger and bigger.

Well, that is exactly what has happened to the Federal Government. A $5 trillion debt that we have, unbelievable. It is time to get a grip. We need to balance the budget and start putting our financial house in order before it is too late.

Let us cut the tax rate on the American people. The people of this country are overtaxed. Let us do something about it and let us do it now.

OPPORTUNITY FOR BALANCED BUDGET IS HERE

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, for a lot of us conservatives, the key question we are asking about the balanced budget agreement between Congress and the President is whether the agreement on the whole represents a step forward or a step backward. Does this bipartisan compromise bring us closer or farther away from our goals to balance the budget, provide tax relief for American families, and reduce the size of government?

Mr. Speaker, this is not a decision that I take lightly. I would like to see deeper tax cuts, more substantial entitlement reform, and more reductions in domestic spending. Nonetheless, we should not underestimate the opportunity this budget agreement represents.

Unlike past budget agreements that promised to balance the budget, with a Republican Congress, this one actually will. It contains permanent tax cuts, it takes a first step toward entitlement reform, and this represents a step forward.

I compliment the budget negotiators and look forward to receiving the details of this plan.

BALANCED BUDGET AGREEMENT IS SOLID FIRST STEP

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, as a member of the House Committee on the Budget, I rise in strong support of the balanced budget plan of 1997. After months of unceasing work, the Republican majority has delivered a balanced budget plan where every American wins.

While all the details have not been worked out yet, like the level of funding for transportation, this agreement is a solid first step in the Republican goals of balancing our budget, reducing the size and scope of the Federal Government and providing permanent tax relief for American families.

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With this agreement, American families will pay $135 billion less in taxes over the next 5 years. It will save Medicare for seniors, produce approximately $700 billion in entitlement savings over the next 10 years, and finally, ensure that every American benefits from the economic boon of a balanced budget by 2002. That means lower interest rates, higher-paying jobs, and long-term economic growth.

Mr. Speaker, compromise is essential with divided government. I applaud those who achieve this compromise. I look forward to passing the balanced budget plan of 1997 and the accompanying bills, which will be a first step in getting our fiscal house in order.

DO THE RIGHT THING FOR WIC

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, tomorrow the Republican leadership will have a chance to redeem itself and prove they are for America's children.

A few weeks ago in the Committee on Appropriations, Republicans largely voted to gut the women, infants and children's WIC nutrition program. Republican leaders denied the nutrition needs of approximately 880,000 at-risk children by not supporting the full funding request that was made by all 50 Governors and the administration.

Republican extremists are arguing that WIC does not need full funding. They would rather deny children their nutrition needs than make up the $38 million shortfall. Mr. Speaker, many religious and antihunger advocates such as Catholic Charities, U.S.A., have written me citing that WIC is effective, efficient, and cost-beneficial. They are urging Congress to be compassionate to children, and meet their needs.

Mr. Speaker, let us do the right thing and get our priorities straight as we go into the budget process. In order to accomplish that, we need to fully fund the WIC Program.

A BUDGET FOR THE TAXPAYERS

(Mr. COOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOK. Mr. Speaker, I think the middle class has been getting a raw deal long enough. It should be getting easier to start a family and to buy a house, not harder. It should be getting easier to save for college tuition for your kids, not harder. It should be getting easier to make ends meet, not harder.

So what is the problem? The problem is simple. It is the fact that Congress has not been presenting budgets that are balanced, and it is because Congress has been presenting budgets that raise taxes. I think it is time Congress does exactly the opposite. I think it is time the middle class got a break, instead of giving all the breaks to the special interest groups.

That is why this balanced budget agreement should be ratified. It should be supported and voted on here in the House. It lets American families keep a lot more of what they earn, and it balances the budget for the first time since 1969.

This is a budget for the forgotten middle class. I think it is time to pass a budget for the taxpaying middle class.

A REALISTIC PROJECTION BY THE CONGRESSIONAL BUDGET OFFICE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the budget agreement that has been pretty much accomplished is nobody's gift to the conservatives or the liberals. It has good news and bad news. We now have a Federal Government that has become very big, very large, very intrusive—taxing too much and borrowing too much. This budget agreement moves us in the right direction of reducing some of those huge tax increases of 1990 and 1991 and reducing spending over the long run.

I questioned the analysis of the Congressional Budget Office in coming up with a last-minute $225 billion. But in talking to CBO, they have predicted ups and downs, some recession in the economy, but the average estimated increase in the GDP over the next 5 years is 2.1 percent. Probably not overoptimistic.

I see some of the bad news as provisions in the agreement that only allows for a net tax reduction of $85 billion over the next five years. However for the good news, there will be a tax decrease, a tax cut, over the next 10 years of $250 billion.

Cut wasteful Government spending and we'll be moving in the right direction.

URGING MEMBERS TO READ AND CONSIDER "LETTERS FROM A CHINESE JAIL"

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, for nearly 20 years the Chinese Government has sought to silence one of the great advocates of human freedom and democracy, Wei Jingsheng.

Wei recently published a book. It is out today. Viking Press has produced it. It consists largely of his letters from prison, where he has spent so much of his adult life, where he is today, assembled by people who believe in human rights around the world. The publication of this book in America has today prompted the Communist Chinese Government to say that we, by publishing Wei's book, are interfering with the independence of China's judiciary.

Wei Jingsheng is not a well man. He suffers from life-threatening heart disease. He has a neck problem that prevents him from lifting his head. All of this has developed as a result of the abysmal conditions that he faces in prison, where he was recently sentenced to another 14 years. He is due to be released in the year 2009, if he lives that long.

I hope all of us in Congress will remember Wei Jingsheng, buy his book and read it, as we deliberate on the important questions of human freedom that are before us today.

REFORMING THE WIC PROGRAM REQUIRES BIPARTISAN COOPERATION

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, I heard the gentleman from New Jersey, our colleague, talk about the women's, infants' and children's program, so I wanted to take the floor just to explain for a moment that through the years the WIC Program, as it is known, has received strong bipartisan support from both Republicans and Democrats because of its effectiveness in reducing low weight births and reducing birth defects resulting from nutritional deficiencies during pregnancy.

The administration did request $76 million for additional enrollments in the WIC Program as part of the supplemental appropriations bill that will be on the floor tomorrow, and that bill actually contains half of the administration's request, $38 million.

I am going to offer an amendment to restore the other $38 million, but with a caveat, that being that later this fall in the committee that I chair on children, youth, and families, we are going to be looking at a number of structural and policy issues associated with this program, why it must have $100 million in carryover funds, why the administration has asked for an additional $100 million on our contingency funds in their 1998 budget request.

I hope we can get the same sort of bipartisan support and cooperation on the necessary policy reforms to the WIC Program as I suspect we will on my amendment to the supplemental appropriations bill tomorrow.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individuals with Disabilities Education Act Amendments of 1997".

TITLE I—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. 101. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Parts A through D of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) are amended to read as follows:

"PART A—GENERAL PROVISIONS

"SEC. 601. SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES.

"(a) SHORT TITLE.—This Act may be cited as the 'Individuals with Disabilities Education Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"PART A—GENERAL PROVISIONS

"Sec. 601. Short title; table of contents; findings; purposes.
"Sec. 602. Definitions.
"Sec. 603. Office of Special Education Programs.
"Sec. 604. Abrogation of State sovereign immunity.
"Sec. 605. Acquisition of equipment; construction or alteration of facilities.
"Sec. 606. Employment of individuals with disabilities.
"Sec. 607. Requirements for prescribing regulations.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"Sec. 611. Authorization; allotment; use of funds; authorization of appropriations.
"Sec. 612. State eligibility.
"Sec. 613. Local educational agency eligibility.
"Sec. 614. Evaluations, eligibility determinations, individualized education programs, and educational placements.
"Sec. 615. Procedural safeguards.
"Sec. 616. Withholding and judicial review.
"Sec. 617. Administration.
"Sec. 618. Program information.
"Sec. 619. Preschool grants.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"Sec. 631. Findings and policy.
"Sec. 632. Definitions.
"Sec. 633. General authority.
"Sec. 634. Eligibility.
"Sec. 635. Requirements for statewide system.
"Sec. 636. Individualized family service plan.
"Sec. 637. State application and assurances.
"Sec. 638. Uses of funds.
"Sec. 639. Procedural safeguards.
"Sec. 640. Payor of last resort.
"Sec. 641. State Interagency Coordinating Council.
"Sec. 642. Federal administration.
"Sec. 643. Allocation of funds.
"Sec. 644. Federal Interagency Coordinating Council.
"Sec. 645. Authorization of appropriations.

"PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

"SUBPART 1—STATE PROGRAM IMPROVEMENT GRANTS FOR CHILDREN WITH DISABILITIES

"Sec. 651. Findings and purpose.
"Sec. 652. Eligibility and collaborative process.
"Sec. 653. Applications.
"Sec. 654. Use of funds.
"Sec. 655. Minimum State grant amounts.
"Sec. 656. Authorization of appropriations.

"SUBPART 2—COORDINATED RESEARCH, PERSONNEL PREPARATION, TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION

"Sec. 661. Administrative provisions.

"CHAPTER 1—IMPROVING EARLY INTERVENTION, EDUCATIONAL, AND TRANSITIONAL SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES THROUGH COORDINATED RESEARCH AND PERSONNEL PREPARATION

"Sec. 671. Findings and purpose.
"Sec. 672. Research and innovation to improve services and results for children with disabilities.
"Sec. 673. Personnel preparation to improve services and results for children with disabilities.
"Sec. 674. Studies and evaluations.

"CHAPTER 2—IMPROVING EARLY INTERVENTION, EDUCATIONAL, AND TRANSITIONAL SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES THROUGH COORDINATED TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION

"Sec. 681. Findings and purposes.
"Sec. 682. Parent training and information centers.
"Sec. 683. Community parent resource centers.
"Sec. 684. Technical assistance for parent training and information centers.
"Sec. 685. Coordinated technical assistance and dissemination.
"Sec. 686. Authorization of appropriations.
"Sec. 687. Technology development, demonstration, and utilization, and media services.

"(c) FINDINGS.—The Congress finds the following:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

"(2) Before the date of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142)—

"(A) the special educational needs of children with disabilities were not being fully met;

"(B) more than one-half of the children with disabilities in the United States did not receive appropriate educational services that would enable such children to have full equality of opportunity;

"(C) 1,000,000 of the children with disabilities in the United States were excluded entirely from the public school system and did not go through the educational process with their peers;

"(D) there were many children with disabilities throughout the United States participating in regular school programs whose disabilities prevented such children from having a successful educational experience because their disabilities were undetected; and

"(E) because of the lack of adequate services within the public school system, families were often forced to find services outside the public school system, often at great distance from their residence and at their own expense.

"(3) Since the enactment and implementation of the Education for All Handicapped Children Act of 1975, this Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

"(4) However, the implementation of this Act has been impeded by low expectations, and an insufficient focus on applying replicable research on proven methods of teaching and learning for children with disabilities.

"(5) Over 20 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—

"(A) having high expectations for such children and ensuring their access in the general curriculum to the maximum extent possible;

"(B) strengthening the role of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;

"(C) coordinating this Act with other local, educational service agency, State, and Federal school improvement efforts in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where they are sent;

"(D) providing appropriate special education and related services and aids and supports in the regular classroom to such children, whenever appropriate;

"(E) supporting high-quality, intensive professional development for all personnel who work with such children in order to ensure that they have the skills and knowledge necessary to enable them—

"(i) to meet developmental goals and, to the maximum extent possible, those challenging expectations that have been established for all children; and

"(ii) to be prepared to lead productive, independent, adult lives, to the maximum extent possible;

"(F) providing incentives for whole-school approaches and pre-referral intervention to reduce the need to label children as disabled in order to address their learning needs; and

"(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results.

"(6) While States, local educational agencies, and educational service agencies are responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

"(7)(A) The Federal Government must be responsive to the growing needs of an increasingly more diverse society. A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

"(B) America's racial profile is rapidly changing. Between 1980 and 1990, the rate of increase in the population for white Americans was 6 percent, while the rate of increase for racial and ethnic minorities was much higher: 53 percent for Hispanics, 13.2 percent for African-Americans, and 107.8 percent for Asians.

"(C) By the year 2000, this Nation will have 275,000,000 people, nearly one of every three of whom will be either African-American, Hispanic, Asian-American, or American Indian.

"(D) Taken together as a group, minority children are comprising an ever larger percentage of public school students. Large-city school populations are overwhelmingly minority, for example: for fall 1993, the figure for Miami was 84 percent; Chicago, 89 percent; Philadelphia, 78 percent; Baltimore, 84 percent; Houston, 88 percent; and Los Angeles, 88 percent.

"(E) Recruitment efforts within special education must focus on bringing larger numbers of minorities into the profession in order to provide appropriate practitioner knowledge, role models, and sufficient manpower to address the clearly changing demography of special education.

"(F) The limited English proficient population is the fastest growing in our Nation, and the growth is occurring in many parts of our Nation. In the Nation's 2 largest school districts, limited English students make up almost half of all students initially entering school at the kindergarten level. Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education. The Department of Education has found that services provided to limited English proficient students often do not respond primarily to the pupil's academic needs. These trends pose special challenges for special education in the referral, assessment, and services for our Nation's students from non-English language backgrounds.

"(8)(A) Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.

"(B) More minority children continue to be served in special education than would be expected from the percentage of minority students in the general school population.

"(C) Poor African-American children are 2.3 times more likely to be identified by their teacher as having mental retardation than their white counterpart.

"(D) Although African-Americans represent 16 percent of elementary and secondary enrollments, they constitute 21 percent of total enrollments in special education.

"(E) The drop-out rate is 68 percent higher for minorities than for whites.

"(F) More than 50 percent of minority students in large cities drop out of school.

"(9)(A) The opportunity for full participation in awards for grants and contracts; boards of organizations receiving funds under this Act; and peer review panels; and training of professionals in the area of special education by minority individuals, organizations, and historically black colleges and universities is essential if we are to obtain greater success in the education of minority children with disabilities.

"(B) In 1993, of the 915,000 college and university professors, 4.9 percent were African-American and 2.4 percent were Hispanic. Of the 2,940,000 teachers, prekindergarten through high school, 6.8 percent were African-American and 4.1 percent were Hispanic.

"(C) Students from minority groups comprise more than 50 percent of K–12 public school enrollment in seven States yet minority enrollment in teacher training programs is less than 15 percent in all but six States.

"(D) As the number of African-American and Hispanic students in special education increases, the number of minority teachers and related service personnel produced in our colleges and universities continues to decrease.

"(E) Ten years ago, 12 percent of the United States teaching force in public elementary and secondary schools were members of a minority group. Minorities comprised 21 percent of the national population at that time and were clearly underrepresented then among employed teachers. Today, the elementary and secondary teaching force is 13 percent minority, while one-third of the students in public schools are minority children.

"(F) As recently as 1991, historically black colleges and universities enrolled 44 percent of the African-American teacher trainees in the Nation. However, in 1993, historically black colleges and universities received only 4 percent of the discretionary funds for special education and related services personnel training under this Act.

"(G) While African-American students constitute 28 percent of total enrollment in special education, only 11.2 percent of individuals enrolled in preservice training programs for special education are African-American.

"(H) In 1986–87, of the degrees conferred in education at the B.A., M.A., and Ph.D levels, only 6, 8, and 8 percent, respectively, were awarded to African-American or Hispanic students.

"(10) Minorities and underserved persons are socially disadvantaged because of the lack of opportunities in training and educational programs, undergirded by the practices in the private sector that impede their full participation in the mainstream of society.

"(d) PURPOSES.—The purposes of this title are—

"(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living;

"(B) to ensure that the rights of children with disabilities and parents of such children are protected; and

"(C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all children with disabilities;

"(2) to assist States in the implementation of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families;

"(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting systemic-change activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services; and

"(4) to assess, and ensure the effectiveness of, efforts to educate children with disabilities.

"SEC. 602. DEFINITIONS.

"Except as otherwise provided, as used in this Act:

"(1) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of a child with a disability.

"(2) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

"(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

"(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

"(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

"(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

"(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

"(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

"(3) CHILD WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'child with a disability' means a child—

"(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as 'emotional disturbance'), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

"(ii) who, by reason thereof, needs special education and related services.

"(B) CHILD AGED 3 THROUGH 9.—The term 'child with a disability' for a child aged 3 through 9 may, at the discretion of the State and the local educational agency, include a child—

"(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

"(ii) who, by reason thereof, needs special education and related services.

"(4) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency'—

"(A) means a regional public multiservice agency—

"(i) authorized by State law to develop, manage, and provide services or programs to local educational agencies; and

"(ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State; and

"(B) includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.

"(5) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school that provides elementary education, as determined under State law.

"(6) EQUIPMENT.—The term 'equipment' includes—

"(A) machinery, utilities, and built-in equipment and any necessary enclosures or structures to house such machinery, utilities, or equipment; and

"(B) all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published, and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

"(7) EXCESS COSTS.—The term 'excess costs' means those costs that are in excess of the average annual per-student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting—

"(A) amounts received—

"(i) under part B of this title;

"(ii) under part A of title I of the Elementary and Secondary Education Act of 1965; or

"(iii) under part A of title VII of that Act; and

"(B) any State or local funds expended for programs that would qualify for assistance under any of those parts.

"(8) FREE APPROPRIATE PUBLIC EDUCATION.—The term 'free appropriate public education' means special education and related services that—

"(A) have been provided at public expense, under public supervision and direction, and without charge;

"(B) meet the standards of the State educational agency;

"(C) include an appropriate preschool, elementary, or secondary school education in the State involved; and

"(D) are provided in conformity with the individualized education program required under section 614(d).

"(9) INDIAN.—The term 'Indian' means an individual who is a member of an Indian tribe.

"(10) INDIAN TRIBE.—The term 'Indian tribe' means any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaska Native village or regional village corporation (as defined in or established under the Alaska Native Claims Settlement Act).

"(11) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with section 614(d).

"(12) INDIVIDUALIZED FAMILY SERVICE PLAN.—The term 'individualized family service plan' has the meaning given such term in section 636.

"(13) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability' has the meaning given such term in section 632.

"(14) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

"(A) has the meaning given that term in section 1201(a) of the Higher Education Act of 1965; and

"(B) also includes any community college receiving funding from the Secretary of the Interior under the Tribally Controlled Community College Assistance Act of 1978.

"(15) LOCAL EDUCATIONAL AGENCY.—

"(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes—

"(i) an educational service agency, as defined in paragraph (4); and

"(ii) any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs, but only to the extent that such inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(16) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited English proficiency, means the language normally used by the individual, or in the case of a child, the language normally used by the parents of the child.

"(17) NONPROFIT.—The term 'nonprofit', as applied to a school, agency, organization, or institution, means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(18) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(19) PARENT.—The term 'parent'—

"(A) includes a legal guardian; and

"(B) except as used in sections 615(b)(2) and 639(a)(5), includes an individual assigned under either of those sections to be a surrogate parent.

"(20) PARENT ORGANIZATION.—The term 'parent organization' has the meaning given that term in section 682(g).

"(21) PARENT TRAINING AND INFORMATION CENTER.—The term 'parent training and information center' means a center assisted under section 682 or 683.

"(22) RELATED SERVICES.—The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

"(23) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.

"(24) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(25) SPECIAL EDUCATION.—The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

"(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

"(B) instruction in physical education.

"(26) SPECIFIC LEARNING DISABILITY.—

"(A) IN GENERAL.—The term 'specific learning disability' means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

"(B) DISORDERS INCLUDED.—Such term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

"(C) DISORDERS NOT INCLUDED.—Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

"(27) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(28) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"(29) SUPPLEMENTARY AIDS AND SERVICES.—The term 'supplementary aids and services' means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with section 612(a)(5).

"(30) TRANSITION SERVICES.—The term 'transition services' means a coordinated set of activities for a student with a disability that—

"(A) is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

"(B) is based upon the individual student's needs, taking into account the student's preferences and interests; and

"(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

"SEC. 603. OFFICE OF SPECIAL EDUCATION PROGRAMS.

"(a) ESTABLISHMENT.—There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs, which shall be the principal agency in such Department for administering and carrying out this Act and other programs and activities concerning the education of children with disabilities.

"(b) DIRECTOR.—The Office established under subsection (a) shall be headed by a Director who shall be selected by the Secretary and shall report directly to the Assistant Secretary for Special Education and Rehabilitative Services.

"(c) VOLUNTARY AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary is authorized to accept voluntary and uncompensated services in furtherance of the purposes of this Act.

"SEC. 604. ABROGATION OF STATE SOVEREIGN IMMUNITY.

"(a) IN GENERAL.—A State shall not be immune under the eleventh amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.

"(b) REMEDIES.—In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as those remedies are available for such a violation in the suit against any public entity other than a State.

"(c) EFFECTIVE DATE.—Subsections (a) and (b) apply with respect to violations that occur in whole or part after the date of the enactment of the Education of the Handicapped Act Amendments of 1990.

"SEC. 605. ACQUISITION OF EQUIPMENT; CONSTRUCTION OR ALTERATION OF FACILITIES.

"(a) IN GENERAL.—If the Secretary determines that a program authorized under this Act would be improved by permitting program funds to be used to acquire appropriate equipment, or to construct new facilities or alter existing facilities, the Secretary is authorized to allow the use of those funds for those purposes.

"(b) COMPLIANCE WITH CERTAIN REGULATIONS.—Any construction of new facilities or alteration of existing facilities under subsection (a) shall comply with the requirements of—

"(1) appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the 'Americans with Disabilities Accessibility Guidelines for Buildings and Facilities'); or

"(2) appendix A of part 101-19.6 of title 41, Code of Federal Regulations (commonly known as the 'Uniform Federal Accessibility Standards').

"SEC. 606. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

"The Secretary shall ensure that each recipient of assistance under this Act makes positive efforts to employ and advance in employment qualified individuals with disabilities in programs assisted under this Act.

"SEC. 607. REQUIREMENTS FOR PRESCRIBING REGULATIONS.

"(a) PUBLIC COMMENT PERIOD.—The Secretary shall provide a public comment period of at least 90 days on any regulation proposed under part B or part C of this Act on which an opportunity for public comment is otherwise required by law.

"(b) PROTECTIONS PROVIDED TO CHILDREN.—The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act that would procedurally or substantively lessen the protections provided to children with disabilities under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

"(c) POLICY LETTERS AND STATEMENTS.—The Secretary may not, through policy letters or other statements, establish a rule that is required for compliance with, and eligibility under, this part without following the requirements of section 553 of title 5, United States Code.

"(d) CORRESPONDENCE FROM DEPARTMENT OF EDUCATION DESCRIBING INTERPRETATIONS OF THIS PART.—

"(1) IN GENERAL.—The Secretary shall, on a quarterly basis, publish in the Federal Register, and widely disseminate to interested entities through various additional forms of communication, a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of this Act or the regulations implemented pursuant to this Act.

"(2) ADDITIONAL INFORMATION.—For each item of correspondence published in a list under paragraph (1), the Secretary shall identify the topic addressed by the correspondence and shall include such other summary information as the Secretary determines to be appropriate.

"(e) ISSUES OF NATIONAL SIGNIFICANCE.—If the Secretary receives a written request regarding a policy, question, or interpretation under part B of this Act, and determines that it raises an issue of general interest or applicability of national significance to the implementation of part B, the Secretary shall—

"(1) include a statement to that effect in any written response;

"(2) widely disseminate that response to State educational agencies, local educational agencies, parent and advocacy organizations, and other interested organizations, subject to applicable laws relating to confidentiality of information; and

"(3) not later than one year after the date on which the Secretary responds to the written request, issue written guidance on such policy, question, or interpretation through such means as the Secretary determines to be appropriate and consistent with law, such as a policy memorandum, notice of interpretation, or notice of proposed rulemaking.

"(f) EXPLANATION.—Any written response by the Secretary under subsection (e) regarding a policy, question, or interpretation under part B of this Act shall include an explanation that the written response—

"(1) is provided as informal guidance and is not legally binding; and

"(2) represents the interpretation by the Department of Education of the applicable statutory or regulatory requirements in the context of the specific facts presented.

"PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

"SEC. 611. AUTHORIZATION; ALLOTMENT; USE OF FUNDS; AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS TO STATES.—

"(1) PURPOSE OF GRANTS.—The Secretary shall make grants to States and the outlying areas, and provide funds to the Secretary of the Interior, to assist them to provide special education and related services to children with disabilities in accordance with this part.

"(2) MAXIMUM AMOUNTS.—The maximum amount of the grant a State may receive under this section for any fiscal year is—

"(A) the number of children with disabilities in the State who are receiving special education and related services—

"(i) aged three through five if the State is eligible for a grant under section 619; and

"(ii) aged six through 21; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

"(b) OUTLYING AREAS AND FREELY ASSOCIATED STATES.—

"(1) FUNDS RESERVED.—From the amount appropriated for any fiscal year under subsection (j), the Secretary shall reserve not more than one percent, which shall be used—

"(A) to provide assistance to the outlying areas in accordance with their respective populations of individuals aged three through 21; and

"(B) for fiscal years 1998 through 2001, to carry out the competition described in paragraph (2), except that the amount reserved to carry out that competition shall not exceed the amount reserved for fiscal year 1996 for the competition under part B of this Act described under the heading "SPECIAL EDUCATION" in Public Law 104-134.

"(2) LIMITATION FOR FREELY ASSOCIATED STATES.—

"(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (1)(B) to award grants, on a competitive basis, to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated States to carry out the purposes of this part.

"(B) AWARD BASIS.—The Secretary shall award grants under subparagraph (A) on a competitive basis, pursuant to the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii. Those recommendations shall be made by experts in the field of special education and related services.

"(C) ASSISTANCE REQUIREMENTS.—Any freely associated State that wishes to receive funds under this part shall include, in its application for assistance—

"(i) information demonstrating that it will meet all conditions that apply to States under this part;

"(ii) an assurance that, notwithstanding any other provision of this part, it will use those funds only for the direct provision of special education and related services to children with disabilities and to enhance its capacity to make a free appropriate public education available to all children with disabilities;

"(iii) the identity of the source and amount of funds, in addition to funds under this part, that it will make available to ensure that a free appropriate public education is available to all children with disabilities within its jurisdiction; and

"(iv) such other information and assurances as the Secretary may require.

"(D) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated States shall not receive any funds under this part for any program year that begins after September 30, 2001.

"(E) ADMINISTRATIVE COSTS.—The Secretary may provide not more than five percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

"(3) LIMITATION.—An outlying area is not eligible for a competitive award under paragraph (2) unless it receives assistance under paragraph (1)(A).

"(4) SPECIAL RULE.—The provisions of Public Law 95-134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to those areas or to the freely associated States under this section.

"(5) ELIGIBILITY FOR DISCRETIONARY PROGRAMS.—The freely associated States shall be eligible to receive assistance under subpart 2 of part D of this Act until September 30, 2001.

"(6) DEFINITION.—As used in this subsection, the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(c) SECRETARY OF THE INTERIOR.—From the amount appropriated for any fiscal year under subsection (j), the Secretary shall reserve 1.226 percent to provide assistance to the Secretary of the Interior in accordance with subsection (i).

"(d) ALLOCATIONS TO STATES.—

"(1) IN GENERAL.—After reserving funds for studies and evaluations under section 674(e), and for payments to the outlying areas and the Secretary of the Interior under subsections (b) and (c), the Secretary shall allocate the remaining amount among the States in accordance with paragraph (2) or subsection (e), as the case may be.

"(2) INTERIM FORMULA.—Except as provided in subsection (e), the Secretary shall allocate the amount described in paragraph (1) among the States in accordance with section 611(a)(3), (4), and (5) and (b)(1), (2), and (3) of this Act, as in effect prior to the enactment of the Individuals with Disabilities Education Act Amendments of 1997, except that the determination of the number of children with disabilities receiving special education and related services under such section 611(a)(3) may, at the State's discretion, be calculated as of the last Friday in October or as of December 1 of the fiscal year for which the funds are appropriated.

"(e) PERMANENT FORMULA.—

"(1) ESTABLISHMENT OF BASE YEAR.—The Secretary shall allocate the amount described in subsection (d)(1) among the States in accordance with this subsection for each fiscal year beginning with the first fiscal year for which the amount appropriated under subsection (j) is more than $4,924,672,200.

"(2) USE OF BASE YEAR.—

"(A) DEFINITION.—As used in this subsection, the term 'base year' means the fiscal year preceding the first fiscal year in which this subsection applies.

"(B) SPECIAL RULE FOR USE OF BASE YEAR AMOUNT.—If a State received any funds under this section for the base year on the basis of children aged three through five, but does not make a free appropriate public education available to all children with disabilities aged three through five in the State in any subsequent fiscal year, the Secretary shall compute the State's base year amount, solely for the purpose of calculating the State's allocation in that subsequent year under paragraph (3) or (4), by subtracting the amount allocated to the State for the base year on the basis of those children.

"(3) INCREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this paragraph for the preceding fiscal year, those allocations shall be calculated as follows:

"(A)(i) Except as provided in subparagraph (B), the Secretary shall—

"(I) allocate to each State the amount it received for the base year;

"(II) allocate 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 21 who are of the same age as children with disabilities for whom the State ensures the availability of a free appropriate public education under this part; and

"(III) allocate 15 percent of those remaining funds to States on the basis of their relative populations of children described in subclause (II) who are living in poverty.

"(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

"(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

"(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

"(ii) No State's allocation shall be less than the greatest of—

"(I) the sum of—

"(aa) the amount it received for the base year; and

"(bb) one third of one percent of the amount by which the amount appropriated under subsection (j) exceeds the amount appropriated under this section for the base year;

"(II) the sum of—

"(aa) the amount it received for the preceding fiscal year; and

"(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

"(III) the sum of—

"(aa) the amount it received for the preceding fiscal year; and

"(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

"(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

"(I) the amount it received for the preceding fiscal year; and

"(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

"(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

"(4) DECREASE IN FUNDS.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) If the amount available for allocations is greater than the amount allocated to the States for the base year, each State shall be allocated the sum of—

"(i) the amount it received for the base year; and

"(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over the base year bears to the total of all such increases for all States.

"(B)(i) If the amount available for allocations is equal to or less than the amount allocated to the States for the base year, each State shall be allocated the amount it received for the base year.

"(ii) If the amount available is insufficient to make the allocations described in clause (i), those allocations shall be ratably reduced.

"(f) State-Level Activities.—

"(1) General.—

"(A) Each State may retain not more than the amount described in subparagraph (B) for administration and other State-level activities in accordance with paragraphs (2) and (3).

"(B) For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

"(i) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

"(ii) the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

"(C) A State may use funds it retains under subparagraph (A) without regard to—

"(i) the prohibition on commingling of funds in section 612(a)(18)(B); and

"(ii) the prohibition on supplanting other funds in section 612(a)(18)(C).

"(2) State administration.—

"(A) For the purpose of administering this part, including section 619 (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities)—

"(i) each State may use not more than twenty percent of the maximum amount it may retain under paragraph (1)(A) for any fiscal year or $500,000 (adjusted by the cumulative rate of inflation since fiscal year 1998, as measured by the percentage increase, if any, in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), whichever is greater; and

"(ii) each outlying area may use up to five percent of the amount it receives under this section for any fiscal year or $35,000, whichever is greater.

"(B) Funds described in subparagraph (A) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

"(3) Other State-level activities.—Each State shall use any funds it retains under paragraph (1) and does not use for administration under paragraph (2) for any of the following:

"(A) Support and direct services, including technical assistance and personnel development and training.

"(B) Administrative costs of monitoring and complaint investigation, but only to the extent that those costs exceed the costs incurred for those activities during fiscal year 1985.

"(C) To establish and implement the mediation process required by section 615(e), including providing for the costs of mediators and support personnel.

"(D) To assist local educational agencies in meeting personnel shortages.

"(E) To develop a State Improvement Plan under subpart 1 of part D.

"(F) Activities at the State and local levels to meet the performance goals established by the State under section 612(a)(16) and to support implementation of the State Improvement Plan under subpart 1 of part D if the State receives funds under that subpart.

"(G) To supplement other amounts used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section. This system shall be coordinated with and, to the extent appropriate, build on the system of coordinated services developed by the State under part C of this Act.

"(H) For subgrants to local educational agencies for the purposes described in paragraph (4)(A).

"(4)(A) Subgrants to Local Educational Agencies for Capacity-Building and Improvement.—In any fiscal year in which the percentage increase in the State's allocation under this section exceeds the rate of inflation (as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor), each State shall reserve, from its allocation under this section, the amount described in subparagraph (B) to make subgrants to local educational agencies, unless that amount is less than $100,000, to assist them in providing direct services and in making systemic change to improve results for children with disabilities through one or more of the following:

"(i) Direct services, including alternative programming for children who have been expelled from school, and services for children in correctional facilities, children enrolled in State-operated or State-supported schools, and children in charter schools.

"(ii) Addressing needs or carrying out improvement strategies identified in the State's Improvement Plan under subpart 1 of part D.

"(iii) Adopting promising practices, materials, and technology, based on knowledge derived from education research and other sources.

"(iv) Establishing, expanding, or implementing interagency agreements and arrangements between local educational agencies and other agencies or organizations concerning the provision of services to children with disabilities and their families.

"(v) Increasing cooperative problem-solving between parents and school personnel and promoting the use of alternative dispute resolution.

"(B) Maximum subgrant.—For each fiscal year, the amount referred to in subparagraph (A) is—

"(i) the maximum amount the State was allowed to retain under paragraph (1)(A) for the prior fiscal year, or for fiscal year 1998, 25 percent of the State's allocation for fiscal year 1997 under this section; multiplied by

"(ii) the difference between the percentage increase in the State's allocation under this section and the rate of inflation, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

"(5) Report on Use of Funds.—As part of the information required to be submitted to the Secretary under section 612, each State shall annually describe—

"(A) how amounts retained under paragraph (1) will be used to meet the requirements of this part;

"(B) how those amounts will be allocated among the activities described in paragraphs (2) and (3) to meet State priorities based on input from local educational agencies; and

"(C) the percentage of those amounts, if any, that will be distributed to local educational agencies by formula.

"(g) Subgrants to Local Educational Agencies.—

"(1) Subgrants required.—Each State that receives a grant under this section for any fiscal year shall distribute any funds it does not retain under subsection (f) (at least 75 percent of the grant funds) to local educational agencies in the State that have established their eligibility under section 613, and to State agencies that received funds under section 614A(a) of this Act for fiscal year 1997, as then in effect, and have established their eligibility under section 613, for use in accordance with this part.

"(2) Allocations to local educational agencies.—

"(A) Interim procedure.—For each fiscal year for which funds are allocated to States under subsection (d)(2), each State shall allocate funds under paragraph (1) in accordance with section 611(d) of this Act, as in effect prior to the enactment of the Individuals with Disabilities Education Act Amendments of 1997.

"(B) Permanent procedure.—For each fiscal year for which funds are allocated to States under subsection (e), each State shall allocate funds under paragraph (1) as follows:

"(i) Base payments.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for the base year, as defined in subsection (e)(2)(A), if the State had distributed 75 percent of its grant for that year under section 611(d), as then in effect.

"(ii) Allocation of remaining funds.—After making allocations under clause (i), the State shall—

"(I) allocate 85 percent of any remaining funds to those agencies on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

"(II) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(3) Former chapter 1 State agencies.—

"(A) To the extent necessary, the State—

"(i) shall use funds that are available under subsection (f)(1)(A) to ensure that each State agency that received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 receives, from the combination of funds under subsection (f)(1)(A) and funds provided under paragraph (1) of this subsection, an amount equal to—

"(I) the number of children with disabilities, aged 6 through 21, to whom the agency was providing special education and related services on December 1 of the fiscal year for which the funds were appropriated, subject to the limitation in subparagraph (B); multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) may use those funds to ensure that each local educational agency that received fiscal year 1994 funds under that subpart for children who had transferred from a State-operated or State-supported school or program assisted under that subpart receives, from the combination of funds available under subsection (f)(1)(A) and funds provided under paragraph (1) of this subsection, an amount for each such child, aged 3 through 21 to whom the agency was providing special education and related services on December 1 of the fiscal year for which the funds were appropriated, equal to the per-child amount the agency received under that subpart for fiscal year 1994.

"(B) The number of children counted under subparagraph (A)(i)(I) shall not exceed the number of children aged 3 through 21 for whom the agency received fiscal year 1994 funds under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965.

"(4) Reallocation of funds.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this part that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities residing in the areas they serve.

"(h) Definitions.—For the purpose of this section—

"(1) the term 'average per-pupil expenditure in public elementary and secondary schools in the United States' means—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the 50 States and the District of Columbia); plus

"(ii) any direct expenditures by the State for the operation of those agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year; and

"(2) the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(i) Use of Amounts by Secretary of the Interior.—

"(1) Provision of amounts for assistance.—

"(A) In general.—The Secretary of Education shall provide amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of such payment for any fiscal year shall be equal to 80 percent of the amount allotted under subsection (c) for that fiscal year.

"(B) Calculation of number of children.—In the case of Indian students aged 3 to 5, inclusive, who are enrolled in programs affiliated with the Bureau of Indian Affairs (hereafter in this subsection referred to as 'BIA') schools and that are required by the States in which such schools are located to attain or maintain State accreditation, and which schools have such accreditation prior to the date of enactment of the Individuals with Disabilities Education Act Amendments of 1991, the school shall be allowed to count those children for the purpose of distribution of the funds provided under this paragraph to the Secretary of the Interior. The Secretary of the Interior shall be responsible for meeting all of the requirements of this part for these children, in accordance with paragraph (2).

"(C) Additional requirement.—With respect to all other children aged 3 to 21, inclusive, on reservations, the State educational agency shall be responsible for ensuring that all of the requirements of this part are implemented.

"(2) Submission of information.—The Secretary of Education may provide the Secretary of the Interior amounts under paragraph (1) for a fiscal year only if the Secretary of the Interior submits to the Secretary of Education information that—

"(A) demonstrates that the Department of the Interior meets the appropriate requirements, as determined by the Secretary of Education, of sections 612 (including monitoring and evaluation activities) and 613;

"(B) includes a description of how the Secretary of the Interior will coordinate the provision of services under this part with local educational agencies, tribes and tribal organizations, and other private and Federal service providers;

"(C) includes an assurance that there are public hearings, adequate notice of such hearings, and an opportunity for comment afforded to members of tribes, tribal governing bodies, and affected local school boards before the adoption of the policies, programs, and procedures described in subparagraph (A);

"(D) includes an assurance that the Secretary of the Interior will provide such information as the Secretary of Education may require to comply with section 618;

"(E) includes an assurance that the Secretary of the Interior and the Secretary of Health and Human Services have entered into a memorandum of agreement, to be provided to the Secretary of Education, for the coordination of services, resources, and personnel between their respective Federal, State, and local offices and with State and local educational agencies and other entities to facilitate the provision of services to Indian children with disabilities residing on or near reservations (such agreement shall provide for the apportionment of responsibilities and costs including, but not limited to, child find, evaluation, diagnosis, remediation or therapeutic measures, and (where appropriate) equipment and medical or personal supplies as needed for a child to remain in school or a program); and

"(F) includes an assurance that the Department of the Interior will cooperate with the Department of Education in its exercise of monitoring and oversight of this application, and any agreements entered into between the Secretary of the Interior and other entities under this part, and will fulfill its duties under this part.

Section 616(a) shall apply to the information described in this paragraph.

"(3) Payments for education and services for Indian children with disabilities aged 3 through 5.—

"(A) In general.—With funds appropriated under subsection (j), the Secretary of Education shall make payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of the above to provide for the coordination of assistance for special education and related services for children with disabilities aged 3 through 5 on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payments under subparagraph (B) for any fiscal year shall be equal to 20 percent of the amount allotted under subsection (c).

"(B) Distribution of funds.—The Secretary of the Interior shall distribute the total amount of the payment under subparagraph (A) by allocating to each tribe or tribal organization an amount based on the number of children with disabilities ages 3 through 5 residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.

"(C) Submission of information.—To receive a payment under this paragraph, the tribe or tribal organization shall submit such figures to the Secretary of the Interior as required to determine the amounts to be allocated under subparagraph (B). This information shall be compiled and submitted to the Secretary of Education.

"(D) Use of funds.—The funds received by a tribe or tribal organization shall be used to assist in child find, screening, and other procedures for the early identification of children aged 3 through 5, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(E) Biennial report.—To be eligible to receive a grant pursuant to subparagraph (A), the tribe or tribal organization shall provide to the Secretary of the Interior a biennial report of activities undertaken under this paragraph, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the one in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis in the report to the Secretary of Education required under this subsection. The Secretary of Education may require any additional information from the Secretary of the Interior.

"(F) Prohibitions.—None of the funds allocated under this paragraph may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

"(4) Plan for coordination of services.—The Secretary of the Interior shall develop and implement a plan for the coordination of services for all Indian children with disabilities residing on reservations covered under this Act. Such plan shall provide for the coordination of services benefiting these children from whatever source, including tribes, the Indian Health Service, other BIA divisions, and other Federal agencies. In developing the plan, the Secretary of the Interior shall consult with all interested and involved parties. It shall be based on the needs of the children and the system best suited for meeting those needs, and may involve the establishment of cooperative agreements between the BIA, other Federal agencies, and other entities. The plan shall also be distributed upon request to States, State and local educational agencies, and other agencies providing services to infants, toddlers, and children with disabilities, to tribes, and to other interested parties.

"(5) ESTABLISHMENT OF ADVISORY BOARD.—To meet the requirements of section 612(a)(21), the Secretary of the Interior shall establish, not later than 6 months after the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1997, under the BIA, an advisory board composed of individuals involved in or concerned with the education and provision of services to Indian infants, toddlers, children, and youth with disabilities, including Indians with disabilities, Indian parents or guardians of such children, teachers, service providers, State and local educational officials, representatives of tribes or tribal organizations, representatives from State Interagency Coordinating Councils under section 641 in States having reservations, and other members representing the various divisions and entities of the BIA. The chairperson shall be selected by the Secretary of the Interior. The advisory board shall—

"(A) assist in the coordination of services within the BIA and with other local, State, and Federal agencies in the provision of education for infants, toddlers, and children with disabilities;

"(B) advise and assist the Secretary of the Interior in the performance of the Secretary's responsibilities described in this subsection;

"(C) develop and recommend policies concerning effective inter- and intra-agency collaboration, including modifications to regulations, and the elimination of barriers to inter- and intra-agency programs and activities;

"(D) provide assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved educational programming for Indian infants, toddlers, and children with disabilities; and

"(E) provide assistance in the preparation of information required under paragraph (2)(D).

"(6) ANNUAL REPORTS.—

"(A) IN GENERAL.—The advisory board established under paragraph (5) shall prepare and submit to the Secretary of the Interior and to the Congress an annual report containing a description of the activities of the advisory board for the preceding year.

"(B) AVAILABILITY.—The Secretary of the Interior shall make available to the Secretary of Education the report described in subparagraph (A).

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated such sums as may be necessary.

"SEC. 612. STATE ELIGIBILITY.

"(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State demonstrates to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets each of the following conditions:

"(1) FREE APPROPRIATE PUBLIC EDUCATION.—

"(A) IN GENERAL.—A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

"(B) LIMITATION.—The obligation to make a free appropriate public education available to all children with disabilities does not apply with respect to children:

"(i) aged 3 through 5 and 18 through 21 in a State to the extent that its application to those children would be inconsistent with State law or practice, or the order of any court, respecting the provision of public education to children in those age ranges; and

"(ii) aged 18 through 21 to the extent that State law does not require that special education and related services under this part be provided to children with disabilities who, in the educational placement prior to their incarceration in an adult correctional facility:

"(I) were not actually identified as being a child with a disability under section 602(3) of this Act; or

"(II) did not have an Individualized Education Program under this part.

"(2) FULL EDUCATIONAL OPPORTUNITY GOAL.—The State has established a goal of providing full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal.

"(3) CHILD FIND.—

"(A) IN GENERAL.—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

"(B) CONSTRUCTION.—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

"(4) INDIVIDUALIZED EDUCATION PROGRAM.—An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

"(5) LEAST RESTRICTIVE ENVIRONMENT.—

"(A) IN GENERAL.—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

"(B) ADDITIONAL REQUIREMENT.—

"(i) IN GENERAL.—If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting in which a child is served, the funding mechanism does not result in placements that violate the requirements of subparagraph (A).

"(ii) ASSURANCE.—If the State does not have policies and procedures to ensure compliance with clause (i), the State shall provide the Secretary an assurance that it will revise the funding mechanism as soon as feasible to ensure that such mechanism does not result in such placements.

"(6) PROCEDURAL SAFEGUARDS.—

"(A) IN GENERAL.—Children with disabilities and their parents are afforded the procedural safeguards required by section 615.

"(B) ADDITIONAL PROCEDURAL SAFEGUARDS.—Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(7) EVALUATION.—Children with disabilities are evaluated in accordance with subsections (a) through (c) of section 614.

"(8) CONFIDENTIALITY.—Agencies in the State comply with section 617(c) (relating to the confidentiality of records and information).

"(9) TRANSITION FROM PART C TO PRESCHOOL PROGRAMS.—Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

"(10) CHILDREN IN PRIVATE SCHOOLS.—

"(A) CHILDREN ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS.—

"(i) IN GENERAL.—To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary and secondary schools, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

"(I) Amounts expended for the provision of those services by a local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

"(II) Such services may be provided to children with disabilities on the premises of private, including parochial, schools, to the extent consistent with law.

"(ii) CHILD-FIND REQUIREMENT.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including parochial, elementary and secondary schools.

"(B) CHILDREN PLACED IN, OR REFERRED TO, PRIVATE SCHOOLS BY PUBLIC AGENCIES.—

"(i) IN GENERAL.—Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all children with disabilities within such State.

"(ii) STANDARDS.—In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies.

"(C) PAYMENT FOR EDUCATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS WITHOUT CONSENT OF OR REFERRAL BY THE PUBLIC AGENCY.—

"(i) IN GENERAL.—Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

"(ii) REIMBURSEMENT FOR PRIVATE SCHOOL PLACEMENT.—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

"(iii) LIMITATION ON REIMBURSEMENT.—The cost of reimbursement described in clause (ii) may be reduced or denied—

"(I) if—

"(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

"(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

"(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

"(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

"(iv) EXCEPTION.—Notwithstanding the notice requirement in clause (iii)(I), the cost of reimbursement may not be reduced or denied for failure to provide such notice if—

"(I) the parent is illiterate and cannot write in English;

"(II) compliance with clause (iii)(I) would likely result in physical or serious emotional harm to the child;

"(III) the school prevented the parent from providing such notice; or

"(IV) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I).

"(11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

"(A) IN GENERAL.—The State educational agency is responsible for ensuring that—

"(i) the requirements of this part are met; and

"(ii) all educational programs for children with disabilities in the State, including all such programs administered by any other State or local agency—

"(I) are under the general supervision of individuals in the State who are responsible for educational programs for children with disabilities; and

"(II) meet the educational standards of the State educational agency.

"(B) LIMITATION.—Subparagraph (A) shall not limit the responsibility of agencies in the State other than the State educational agency to provide, or pay for some or all of the costs of, a free appropriate public education for any child with a disability in the State.

"(C) EXCEPTION.—Notwithstanding subparagraphs (A) and (B), the Governor (or another individual pursuant to State law), consistent with State law, may assign to any public agency in the State the responsibility of ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons.

"(12) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES.—

"(A) ESTABLISHING RESPONSIBILITY FOR SERVICES.—The Chief Executive Officer or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (B) and the State educational agency, in order to ensure that all services described in subparagraph (B)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during the pendency of any dispute under clause (iii). Such agreement or mechanism shall include the following:

"(i) AGENCY FINANCIAL RESPONSIBILITY.—An identification of, or a method for defining, the financial responsibility of each agency for providing services described in subparagraph (B)(i) to ensure a free appropriate public education to children with disabilities, provided that the financial responsibility of each public agency described in subparagraph (B), including the State Medicaid agency and other public insurers of children with disabilities, shall precede the financial responsibility of the local educational agency (or the State agency responsible for developing the child's IEP).

"(ii) CONDITIONS AND TERMS OF REIMBURSEMENT.—The conditions, terms, and procedures under which a local educational agency shall be reimbursed by other agencies.

"(iii) INTERAGENCY DISPUTES.—Procedures for resolving interagency disputes (including procedures under which local educational agencies may initiate proceedings) under the agreement or other mechanism to secure reimbursement from other agencies or otherwise implement the provisions of the agreement or mechanism.

"(iv) COORDINATION OF SERVICES PROCEDURES.—Policies and procedures for agencies to determine and identify the interagency coordination responsibilities of each agency to promote the coordination and timely and appropriate delivery of services described in subparagraph (B)(i).

"(B) OBLIGATION OF PUBLIC AGENCY.—

"(i) IN GENERAL.—If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or pursuant to subparagraph (A), to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in sections 602(1) relating to assistive technology devices, 602(2) relating to assistive technology services, 602(22) relating to related services, 602(29) relating to supplementary aids and services, and 602(30) relating to transition services) that are necessary for ensuring a free appropriate public education to children with disabilities within the State, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement.

"(ii) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY.—If a public agency other than an educational agency fails to provide or pay for the special education and related services described in clause (i), the local educational agency (or State agency responsible for developing the child's IEP) shall provide or pay for such services to the child. Such local educational agency or State agency may then claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism described in subparagraph (A)(i) according to the procedures established in such agreement pursuant to subparagraph (A)(ii).

"(C) SPECIAL RULE.—The requirements of subparagraph (A) may be met through—

"(i) State statute or regulation;

"(ii) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

"(iii) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer.

"(13) PROCEDURAL REQUIREMENTS RELATING TO LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing.

"(14) COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT.—The State has in effect, consistent with the purposes of this Act and with section 635(a)(8), a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified special education, regular education, and related services personnel that meets the requirements for a State improvement plan relating to personnel development in subsections (b)(2)(B) and (c)(3)(D) of section 653.

"(15) PERSONNEL STANDARDS.—

"(A) IN GENERAL.—The State educational agency has established and maintains standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained.

"(B) STANDARDS DESCRIBED.—Such standards shall—

"(i) be consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services;

"(ii) to the extent the standards described in subparagraph (A) are not based on the highest requirements in the State applicable to a specific profession or discipline, the State is taking steps to require retraining or hiring of personnel that meet appropriate professional requirements in the State; and

"(iii) allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under this part.

"(C) POLICY.—In implementing this paragraph, a State may adopt a policy that includes a requirement that local educational agencies in the State make an ongoing good-faith effort to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in subparagraph (B)(i), consistent with State law, and the steps described in subparagraph (B)(ii) within three years.

"(16) PERFORMANCE GOALS AND INDICATORS.—The State—

"(A) has established goals for the performance of children with disabilities in the State that—

"(i) will promote the purposes of this Act, as stated in section 601(d); and

"(ii) are consistent, to the maximum extent appropriate, with other goals and standards for children established by the State;

"(B) has established performance indicators the State will use to assess progress toward achieving those goals that, at a minimum, address the performance of children with disabilities on assessments, drop-out rates, and graduation rates;

"(C) will, every two years, report to the Secretary and the public on the progress of the State, and of children with disabilities in the State, toward meeting the goals established under subparagraph (A); and

"(D) based on its assessment of that progress, will revise its State improvement plan under subpart 1 of part D as may be needed to improve its performance, if the State receives assistance under that subpart.

"(17) PARTICIPATION IN ASSESSMENTS.—

"(A) IN GENERAL.—Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the State or local educational agency—

"(i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs; and

"(ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

"(B) REPORTS.—The State educational agency makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

"(i) The number of children with disabilities participating in regular assessments.

"(ii) The number of those children participating in alternate assessments.

"(iii)(I) The performance of those children on regular assessments (beginning not later than July 1, 1998) and on alternate assessments (not later than July 1, 2000), if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children.

"(II) Data relating to the performance of children described under subclause (I) shall be disaggregated—

"(aa) for assessments conducted after July 1, 1998; and

"(bb) for assessments conducted before July 1, 1998, if the State is required to disaggregate such data prior to July 1, 1998.

"(18) SUPPLEMENTATION OF STATE, LOCAL, AND OTHER FEDERAL FUNDS.—

"(A) EXPENDITURES.—Funds paid to a State under this part will be expended in accordance with all the provisions of this part.

"(B) PROHIBITION AGAINST COMMINGLING.—Funds paid to a State under this part will not be commingled with State funds.

"(C) PROHIBITION AGAINST SUPPLANTATION AND CONDITIONS FOR WAIVER BY SECRETARY.—Except as provided in section 613, funds paid to a State under this part will be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to children with disabilities under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all children with disabilities have available to them a free appropriate public education, the Secretary may waive, in whole or in part, the requirements of this subparagraph if the Secretary concurs with the evidence provided by the State.

"(19) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

"(A) IN GENERAL.—The State does not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year.

"(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the allocation of funds under section 611 for any fiscal year following the fiscal year in which the State fails to comply with the requirement of subparagraph (A) by the same amount by which the State fails to meet the requirement.

"(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for one fiscal year at a time, if the Secretary determines that—

"(i) granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State; or

"(ii) the State meets the standard in paragraph (18)(C) of this section for a waiver of the requirement to supplement, and not to supplant, funds received under this part.

"(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State's support.

"(E) REGULATIONS.—

"(i) The Secretary shall, by regulation, establish procedures (including objective criteria and consideration of the results of compliance reviews of the State conducted by the Secretary) for determining whether to grant a waiver under subparagraph (C)(ii).

"(ii) The Secretary shall publish proposed regulations under clause (i) not later than 6 months after the date of the enactment of the Individuals with Disabilities Education Act Amendments of 1997, and shall issue final regulations under clause (i) not later than 1 year after such date of enactment.

"(20) PUBLIC PARTICIPATION.—Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities.

"(21) STATE ADVISORY PANEL.—

"(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

"(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, that is representative of the State population and that is composed of individuals involved in, or concerned with, the education of children with disabilities, including—

"(i) parents of children with disabilities;

"(ii) individuals with disabilities;

"(iii) teachers;

"(iv) representatives of institutions of higher education that prepare special education and related services personnel;

"(v) State and local education officials;

"(vi) administrators of programs for children with disabilities;

"(vii) representatives of other State agencies involved in the financing or delivery of related services to children with disabilities;

"(viii) representatives of private schools and public charter schools;

"(ix) at least one representative of a vocational, community, or business organization concerned with the provision of transition services to children with disabilities; and

"(x) representatives from the State juvenile and adult corrections agencies.

"(C) SPECIAL RULE.—A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities.

"(D) DUTIES.—The advisory panel shall—

"(i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;

"(ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;

"(iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;

"(iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and

"(v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

"(22) SUSPENSION AND EXPULSION RATES.—

"(A) IN GENERAL.—The State educational agency examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

"(i) among local educational agencies in the State; or "(ii) compared to such rates for nondisabled children within such agencies.

"(B) REVIEW AND REVISION OF POLICIES.—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.

"(b) STATE EDUCATIONAL AGENCY AS PROVIDER OF FREE APPROPRIATE PUBLIC EDUCATION OR DIRECT SERVICES.—If the State educational agency provides free appropriate public education to children with disabilities, or provides direct services to such children, such agency—

"(1) shall comply with any additional requirements of section 613(a), as if such agency were a local educational agency; and

"(2) may use amounts that are otherwise available to such agency under this part to serve those children without regard to section 613(a)(2)(A)(i) (relating to excess costs).

"(c) EXCEPTION FOR PRIOR STATE PLANS.—

"(1) IN GENERAL.—If a State has on file with the Secretary policies and procedures that demonstrate that such State meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the Secretary shall consider such State to have met such requirement for purposes of receiving a grant under this part.

"(2) MODIFICATIONS MADE BY STATE.—Subject to paragraph (3), an application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State deems necessary. This section shall apply to a modification to an application to the same extent and in the same manner as this section applies to the original plan.

"(3) MODIFICATIONS REQUIRED BY THE SECRETARY.—If, after the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), or there is a new interpretation of this Act by a Federal court or a State's highest court, or there is an official finding of noncompliance with Federal law or regulations, the Secretary may require a State to modify its application only to the extent necessary to ensure the State's compliance with this part.

"(d) APPROVAL BY THE SECRETARY.—

"(1) IN GENERAL.—If the Secretary determines that a State is eligible to receive a grant under this part, the Secretary shall notify the State of that determination.

"(2) NOTICE AND HEARING.—The Secretary shall not make a final determination that a State is not eligible to receive a grant under this part until after providing the State—

"(A) with reasonable notice; and

"(B) with an opportunity for a hearing.

"(e) ASSISTANCE UNDER OTHER FEDERAL PROGRAMS.—Nothing in this title permits a State to reduce medical and other assistance available, or to alter eligibility, under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for children with disabilities in the State.

"(f) BY-PASS FOR CHILDREN IN PRIVATE SCHOOLS.—

"(1) IN GENERAL.—If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency is prohibited by law from providing for the participation in special programs of children with disabilities enrolled in private elementary and secondary schools as required by subsection (a)(10)(A), the Secretary shall, notwithstanding such provision of law, arrange for the provision of services to such children through arrangements which shall be subject to the requirements of such subsection.

"(2) PAYMENTS.—

"(A) DETERMINATION OF AMOUNTS.—If the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services for a fiscal year an amount per child that does not exceed the amount determined by dividing—

"(i) the total amount received by the State under this part for such fiscal year; by

"(ii) the number of children with disabilities served in the prior year, as reported to the Secretary by the State under section 618.

"(B) WITHHOLDING OF CERTAIN AMOUNTS.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection, the Secretary may withhold from the allocation of the affected State educational agency the amount the Secretary estimates would be necessary to pay the cost of services described in subparagraph (A).

"(C) PERIOD OF PAYMENTS.—The period under which payments are made under subparagraph (A) shall continue until the Secretary determines that there will no longer be any failure or inability on the part of the State educational agency to meet the requirements of subsection (a)(10)(A).

"(3) NOTICE AND HEARING.—

"(A) IN GENERAL.—The Secretary shall not take any final action under this subsection until the State educational agency affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why such action should not be taken.

"(B) REVIEW OF ACTION.—If a State educational agency is dissatisfied with the Secretary's final action after a proceeding under subparagraph (A), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the Secretary's action, as provided in section 2112 of title 28, United States Code.

"(C) REVIEW OF FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(D) JURISDICTION OF COURT OF APPEALS; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of a petition under subparagraph (B), the United States court of appeals shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SEC. 613. LOCAL EDUCATIONAL AGENCY ELIGIBILITY.

"(a) IN GENERAL.—A local educational agency is eligible for assistance under this part for a fiscal year if such agency demonstrates to the satisfaction of the State educational agency that it meets each of the following conditions:

"(1) CONSISTENCY WITH STATE POLICIES.—The local educational agency, in providing for the education of children with disabilities within its jurisdiction, has in effect policies, procedures, and programs that are consistent with the State policies and procedures established under section 612.

"(2) USE OF AMOUNTS.—

"(A) IN GENERAL.—Amounts provided to the local educational agency under this part shall be expended in accordance with the applicable provisions of this part and—

"(i) shall be used only to pay the excess costs of providing special education and related services to children with disabilities;

"(ii) shall be used to supplement State, local, and other Federal funds and not to supplant such funds; and

"(iii) shall not be used, except as provided in subparagraphs (B) and (C), to reduce the level of expenditures for the education of children with disabilities made by the local educational agency from local funds below the level of those expenditures for the preceding fiscal year.

"(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures where such reduction is attributable to—

"(i) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

"(ii) a decrease in the enrollment of children with disabilities;

"(iii) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

"(I) has left the jurisdiction of the agency;

"(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

"(III) no longer needs such program of special education; or

"(iv) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

"(C) TREATMENT OF FEDERAL FUNDS IN CERTAIN FISCAL YEARS.—

"(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds $4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 20 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for the previous fiscal year.

"(ii) Notwithstanding clause (i), if a State educational agency determines that a local educational agency is not meeting the requirements of this part, the State educational agency may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, only if it is authorized to do so by the State constitution or a State statute.

"(D) SCHOOLWIDE PROGRAMS UNDER TITLE I OF THE ESEA.—Notwithstanding subparagraph (A) or any other provision of this part, a local educational agency may use funds received under this part for any fiscal year to carry out a schoolwide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount so used in any such program shall not exceed—

"(i) the number of children with disabilities participating in the schoolwide program; multiplied by

"(ii)(I) the amount received by the local educational agency under this part for that fiscal year; divided by

"(II) the number of children with disabilities in the jurisdiction of that agency.

"(3) PERSONNEL DEVELOPMENT.—The local educational agency—

"(A) shall ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, consistent with the requirements of section 653(c)(3)(D); and

"(B) to the extent such agency determines appropriate, shall contribute to and use the comprehensive system of personnel development of the State established under section 612(a)(14).

"(4) PERMISSIVE USE OF FUNDS.—Notwithstanding paragraph (2)(A) or section 612(a)(18)(B) (relating to commingled funds), funds provided to the local educational agency under this part may be used for the following activities:

"(A) SERVICES AND AIDS THAT ALSO BENEFIT NONDISABLED CHILDREN.—For the costs of special education and related services and supplementary aids and services provided in a regular class or other education-related setting to a child with a disability in accordance with the individualized education program of the child, even if one or more nondisabled children benefit from such services.

"(B) INTEGRATED AND COORDINATED SERVICES SYSTEM.—To develop and implement a fully integrated and coordinated services system in accordance with subsection (f).

"(5) TREATMENT OF CHARTER SCHOOLS AND THEIR STUDENTS.—In carrying out this part with respect to charter schools that are public schools of the local educational agency, the local educational agency—

"(A) serves children with disabilities attending those schools in the same manner as it serves children with disabilities in its other schools; and

"(B) provides funds under this part to those schools in the same manner as it provides those funds to its other schools.

"(6) INFORMATION FOR STATE EDUCATIONAL AGENCY.—The local educational agency shall provide the State educational agency with information necessary to enable the State educational agency to carry out its duties under this part, including, with respect to paragraphs (16) and (17) of section 612(a), information relating to the performance of children with disabilities participating in programs carried out under this part.

"(7) PUBLIC INFORMATION.—The local educational agency shall make available to parents of children with disabilities and to the general public all documents relating to the eligibility of such agency under this part.

"(b) EXCEPTION FOR PRIOR LOCAL PLANS.—

"(1) IN GENERAL.—If a local educational agency or State agency has on file with the State educational agency policies and procedures that demonstrate that such local educational agency, or such State agency, as the case may be, meets any requirement of subsection (a), including any policies and procedures filed under this part as in effect before the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the State educational agency shall consider such local educational agency or State agency, as the case may be, to have met such requirement for purposes of receiving assistance under this part.

"(2) MODIFICATION MADE BY LOCAL EDUCATIONAL AGENCY.—Subject to paragraph (3), an application submitted by a local educational agency in accordance with this section shall remain in effect until it submits to the State educational agency such modifications as the local educational agency deems necessary.

"(3) MODIFICATIONS REQUIRED BY STATE EDUCATIONAL AGENCY.—If, after the effective date of the Individuals with Disabilities Education Act Amendments of 1997, the provisions of this Act are amended (or the regulations developed to carry out this Act are amended), or there is a new interpretation of this Act by Federal or State courts, or there is an official finding of noncompliance with Federal or State law or regulations, the State educational agency may require a local educational agency to modify its application only to the extent necessary to ensure the local educational agency's compliance with this part or State law.

"(c) NOTIFICATION OF LOCAL EDUCATIONAL AGENCY OR STATE AGENCY IN CASE OF INELIGIBILITY.—If the State educational agency determines that a local educational agency or State agency is not eligible under this section, the State educational agency shall notify the local educational agency or State agency, as the case may be, of that determination and shall provide such local educational agency or State agency with reasonable notice and an opportunity for a hearing.

"(d) LOCAL EDUCATIONAL AGENCY COMPLIANCE.—

"(1) IN GENERAL.—If the State educational agency, after reasonable notice and an opportunity for a hearing, finds that a local educational agency or State agency that has been determined to be eligible under this section is failing to comply with any requirement described in subsection (a), the State educational agency shall reduce or shall not provide any further payments to the local educational agency or State agency until the State educational agency is satisfied that the local educational agency or State agency, as the case may be, is complying with that requirement.

"(2) ADDITIONAL REQUIREMENT.—Any State agency or local educational agency in receipt of a notice described in paragraph (1) shall, by means of public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(3) CONSIDERATION.—In carrying out its responsibilities under paragraph (1), the State educational agency shall consider any decision made in a hearing held under section 615 that is adverse to the local educational agency or State agency involved in that decision.

"(e) JOINT ESTABLISHMENT OF ELIGIBILITY.—

"(1) JOINT ESTABLISHMENT.—

"(A) IN GENERAL.—A State educational agency may require a local educational agency to establish its eligibility jointly with another local educational agency if the State educational agency determines that the local educational agency would be ineligible under this section because the local educational agency would not be able to establish and maintain programs of sufficient size and scope to effectively meet the needs of children with disabilities.

"(B) CHARTER SCHOOL EXCEPTION.—A State educational agency may not require a charter school that is a local educational agency to jointly establish its eligibility under subparagraph (A) unless it is explicitly permitted to do so under the State's charter school statute.

"(2) AMOUNT OF PAYMENTS.—If a State educational agency requires the joint establishment of eligibility under paragraph (1), the total amount of funds made available to the affected local educational agencies shall be equal to the sum of the payments that each such local educational agency would have received under section 611(g) if such agencies were eligible for such payments.

"(3) REQUIREMENTS.—Local educational agencies that establish joint eligibility under this subsection shall—

"(A) adopt policies and procedures that are consistent with the State's policies and procedures under section 612(a); and

"(B) be jointly responsible for implementing programs that receive assistance under this part.

"(4) REQUIREMENTS FOR EDUCATIONAL SERVICE AGENCIES.—

"(A) IN GENERAL.—If an educational service agency is required by State law to carry out programs under this part, the joint responsibilities given to local educational agencies under this subsection shall—

"(i) not apply to the administration and disbursement of any payments received by that educational service agency; and

"(ii) be carried out only by that educational service agency.

"(B) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of this subsection, an educational service agency shall provide for the education of children with disabilities in the least restrictive environment, as required by section 612(a)(5).

"(f) COORDINATED SERVICES SYSTEM.—

"(1) IN GENERAL.—A local educational agency may not use more than 5 percent of the amount such agency receives under this part for any fiscal year, in combination with other amounts (which shall include amounts other than education funds), to develop and implement a coordinated services system designed to improve results for children and families, including children with disabilities and their families.

"(2) ACTIVITIES.—In implementing a coordinated services system under this subsection, a local educational agency may carry out activities that include—

"(A) improving the effectiveness and efficiency of service delivery, including developing strategies that promote accountability for results;

"(B) service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as title I of the Rehabilitation Act of 1973 (vocational rehabilitation), title XIX of the Social Security Act (Medicaid), and title XVI of the Social Security Act (supplemental security income);

"(C) developing and implementing interagency financing strategies for the provision of education, health, mental health, and social services, including transition services and related services under this Act; and

"(D) interagency personnel development for individuals working on coordinated services.

"(3) Coordination with certain projects under Elementary and Secondary Education Act of 1965.—If a local educational agency is carrying out a coordinated services project under title XI of the Elementary and Secondary Education Act of 1965 and a coordinated services project under this part in the same schools, such agency shall use amounts under this subsection in accordance with the requirements of that title.

"(g) School-Based Improvement Plan.—

"(1) In general.—Each local educational agency may, in accordance with paragraph (2), use funds made available under this part to permit a public school within the jurisdiction of the local educational agency to design, implement, and evaluate a school-based improvement plan that is consistent with the purposes described in section 651(b) and that is designed to improve educational and transitional results for all children with disabilities and, as appropriate, for other children consistent with subparagraphs (A) and (B) of subsection (a)(4) in that public school.

"(2) Authority.—

"(A) In general.—A State educational agency may grant authority to a local educational agency to permit a public school described in paragraph (1) (through a school-based standing panel established under paragraph (4)(B)) to design, implement, and evaluate a school-based improvement plan described in paragraph (1) for a period not to exceed 3 years.

"(B) Responsibility of local educational agency.—If a State educational agency grants the authority described in subparagraph (A), a local educational agency that is granted such authority shall have the sole responsibility of oversight of all activities relating to the design, implementation, and evaluation of any school-based improvement plan that a public school is permitted to design under this subsection.

"(3) Plan requirements.—A school-based improvement plan described in paragraph (1) shall—

"(A) be designed to be consistent with the purposes described in section 651(b) and to improve educational and transitional results for all children with disabilities and, as appropriate, for other children consistent with subparagraphs (A) and (B) of subsection (a)(4), who attend the school for which the plan is designed and implemented;

"(B) be designed, evaluated, and, as appropriate, implemented by a school-based standing panel established in accordance with paragraph (4)(B);

"(C) include goals and measurable indicators to assess the progress of the public school in meeting such goals; and

"(D) ensure that all children with disabilities receive the services described in the individualized education programs of such children.

"(4) Responsibilities of the local educational agency.—A local educational agency that is granted authority under paragraph (2) to permit a public school to design, implement, and evaluate a school-based improvement plan shall—

"(A) select each school under the jurisdiction of such agency that is eligible to design, implement, and evaluate such a plan;

"(B) require each school selected under subparagraph (A), in accordance with criteria established by such local educational agency under subparagraph (C), to establish a school-based standing panel to carry out the duties described in paragraph (3)(B);

"(C) establish—

"(i) criteria that shall be used by such local educational agency in the selection of an eligible school under subparagraph (A);

"(ii) criteria that shall be used by a public school selected under subparagraph (A) in the establishment of a school-based standing panel to carry out the duties described in paragraph (3)(B) and that shall ensure that the membership of such panel reflects the diversity of the community in which the public school is located and includes, at a minimum—

"(I) parents of children with disabilities who attend such public school, including parents of children with disabilities from unserved and underserved populations, as appropriate;

"(II) special education and general education teachers of such public school;

"(III) special education and general education administrators, or the designee of such administrators, of such public school; and

"(IV) related services providers who are responsible for providing services to the children with disabilities who attend such public school; and

"(iii) criteria that shall be used by such local educational agency with respect to the distribution of funds under this part to carry out this subsection;

"(D) disseminate the criteria established under subparagraph (C) to local school district personnel and local parent organizations within the jurisdiction of such local educational agency;

"(E) require a public school that desires to design, implement, and evaluate a school-based improvement plan to submit an application at such time, in such manner, and accompanied by such information as such local educational agency shall reasonably require; and

"(F) establish procedures for approval by such local educational agency of a school-based improvement plan designed under this subsection.

"(5) Limitation.—A school-based improvement plan described in paragraph (1) may be submitted to a local educational agency for approval only if a consensus with respect to any matter relating to the design, implementation, or evaluation of the goals of such plan is reached by the school-based standing panel that designed such plan.

"(6) Additional requirements.—

"(A) Parental involvement.—In carrying out the requirements of this subsection, a local educational agency shall ensure that the parents of children with disabilities are involved in the design, evaluation, and, where appropriate, implementation of school-based improvement plans in accordance with this subsection.

"(B) Plan approval.—A local educational agency may approve a school-based improvement plan of a public school within the jurisdiction of such agency for a period of 3 years, if—

"(i) the approval is consistent with the policies, procedures, and practices established by such local educational agency and in accordance with this subsection; and

"(ii) a majority of parents of children who are members of the school-based standing panel, and a majority of other members of the school-based standing panel, that designed such plan agree in writing to such plan.

"(7) Extension of plan.—If a public school within the jurisdiction of a local educational agency meets the applicable requirements and criteria described in paragraphs (3) and (4) at the expiration of the 3-year approval period described in paragraph (6)(B), such agency may approve a school-based improvement plan of such school for an additional 3-year period.

"(h) Direct Services by the State Educational Agency.—

"(1) In general.—A State educational agency shall use the payments that would otherwise have been available to a local educational agency or to a State agency to provide special education and related services directly to children with disabilities residing in the area served by that local agency, or for whom that State agency is responsible, if the State educational agency determines that the local education agency or State agency, as the case may be—

"(A) has not provided the information needed to establish the eligibility of such agency under this section;

"(B) is unable to establish and maintain programs of free appropriate public education that meet the requirements of subsection (a);

"(C) is unable or unwilling to be consolidated with one or more local educational agencies in order to establish and maintain such programs; or

"(D) has one or more children with disabilities who can best be served by a regional or State program or service-delivery system designed to meet the needs of such children.

"(2) Manner and location of education and services.—The State educational agency may provide special education and related services under paragraph (1) in such manner and at such locations (including regional or State centers) as the State agency considers appropriate. Such education and services shall be provided in accordance with this part.

"(i) State Agency Eligibility.—Any State agency that desires to receive a subgrant for any fiscal year under section 611(g) shall demonstrate to the satisfaction of the State educational agency that—

"(1) all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that those children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) the agency meets such other conditions of this section as the Secretary determines to be appropriate.

"(j) Disciplinary Information.—The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.

"SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

"(a) Evaluations and Reevaluations.—

"(1) INITIAL EVALUATIONS.—

"(A) IN GENERAL.—A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation, in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

"(B) PROCEDURES.—Such initial evaluation shall consist of procedures—

"(i) to determine whether a child is a child with a disability (as defined in section 602(3)); and

"(ii) to determine the educational needs of such child.

"(C) PARENTAL CONSENT.—

"(i) IN GENERAL.—The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3)(A) or 602(3)(B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

"(ii) REFUSAL.—If the parents of such child refuse consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

"(2) REEVALUATIONS.—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted—

"(A) if conditions warrant a reevaluation or if the child's parent or teacher requests a reevaluation, but at least once every 3 years; and

"(B) in accordance with subsections (b) and (c).

"(b) EVALUATION PROCEDURES.—

"(1) NOTICE.—The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

"(2) CONDUCT OF EVALUATION.—In conducting the evaluation, the local educational agency shall—

"(A) use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities;

"(B) not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

"(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

"(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—

"(A) tests and other evaluation materials used to assess a child under this section—

"(i) are selected and administered so as not to be discriminatory on a racial or cultural basis; and

"(ii) are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

"(B) any standardized tests that are given to the child—

"(i) have been validated for the specific purpose for which they are used;

"(ii) are administered by trained and knowledgeable personnel; and

"(iii) are administered in accordance with any instructions provided by the producer of such tests;

"(C) the child is assessed in all areas of suspected disability; and

"(D) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

"(4) DETERMINATION OF ELIGIBILITY.—Upon completion of administration of tests and other evaluation materials—

"(A) the determination of whether the child is a child with a disability as defined in section 602(3) shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

"(B) a copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

"(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION.—In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is lack of instruction in reading or math or limited English proficiency.

"(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS.—

"(1) REVIEW OF EXISTING EVALUATION DATA.—As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall—

"(A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers observation; and

"(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

"(i) whether the child has a particular category of disability, as described in section 602(3), or, in case of a reevaluation of a child, whether the child continues to have such a disability;

"(ii) the present levels of performance and educational needs of the child;

"(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

"(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

"(2) SOURCE OF DATA.—The local educational agency shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

"(3) PARENTAL CONSENT.—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(C), prior to conducting any reevaluation of a child with a disability, except that such informed parent consent need not be obtained if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

"(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED.—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, the local educational agency—

"(A) shall notify the child's parents of—

"(i) that determination and the reasons for it; and

"(ii) the right of such parents to request an assessment to determine whether the child continues to be a child with a disability; and

"(B) shall not be required to conduct such an assessment unless requested to by the child's parents.

"(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY.—A local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

"(d) INDIVIDUALIZED EDUCATION PROGRAMS.—

"(1) DEFINITIONS.—As used in this title:

"(A) INDIVIDUALIZED EDUCATION PROGRAM.—The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

"(i) a statement of the child's present levels of educational performance, including—

"(I) how the child's disability affects the child's involvement and progress in the general curriculum; or

"(II) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

"(ii) a statement of measurable annual goals, including benchmarks or short-term objectives, related to—

"(I) meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and

"(II) meeting each of the child's other educational needs that result from the child's disability;

"(iii) a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

"(I) to advance appropriately toward attaining the annual goals;

"(II) to be involved and progress in the general curriculum in accordance with clause (i) and to participate in extracurricular and other nonacademic activities; and

"(III) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

"(iv) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii);

"(v)(I) a statement of any individual modifications in the administration of State or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and

"(II) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of—

"(aa) why that assessment is not appropriate for the child; and

"(bb) how the child will be assessed;

"(vi) the projected date for the beginning of the services and modifications described in clause (iii), and the anticipated frequency, location, and duration of those services and modifications;

"(vii)(I) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);

"(II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

"(III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m); and

"(viii) a statement of—

"(I) how the child's progress toward the annual goals described in clause (ii) will be measured; and

"(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

"(aa) their child's progress toward the annual goals described in clause (ii); and

"(bb) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

"(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of—

"(i) the parents of a child with a disability;

"(ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

"(iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;

"(iv) a representative of the local educational agency who—

"(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

"(II) is knowledgeable about the general curriculum; and

"(III) is knowledgeable about the availability of resources of the local educational agency;

"(v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);

"(vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

"(vii) whenever appropriate, the child with a disability.

"(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

"(A) IN GENERAL.—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

"(B) PROGRAM FOR CHILD AGED 3 THROUGH 5.—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—

"(i) consistent with State policy; and

"(ii) agreed to by the agency and the child's parents.

"(3) DEVELOPMENT OF IEP.—

"(A) IN GENERAL.—In developing each child's IEP, the IEP Team, subject to subparagraph (C), shall consider—

"(i) the strengths of the child and the concerns of the parents for enhancing the education of their child; and

"(ii) the results of the initial evaluation or most recent evaluation of the child.

"(B) CONSIDERATION OF SPECIAL FACTORS.—The IEP Team shall—

"(i) in the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;

"(ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;

"(iii) in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

"(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and

"(v) consider whether the child requires assistive technology devices and services.

"(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(iii).

"(4) REVIEW AND REVISION OF IEP.—

"(A) IN GENERAL.—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

"(i) reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and

"(ii) revises the IEP as appropriate to address—

"(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;

"(II) the results of any reevaluation conducted under this section;

"(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

"(IV) the child's anticipated needs; or

"(V) other matters.

"(B) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER.—The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the review and revision of the IEP of the child.

"(5) FAILURE TO MEET TRANSITION OBJECTIVES.—If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(vii), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

"(6) CHILDREN WITH DISABILITIES IN ADULT PRISONS.—

"(A) IN GENERAL.—The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

"(i) The requirements contained in section 612(a)(17) and paragraph (1)(A)(v) of this subsection (relating to participation of children with disabilities in general assessments).

"(ii) The requirements of subclauses (I) and (II) of paragraph (1)(A)(vii) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

"(B) ADDITIONAL REQUIREMENT.—If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP Team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to require the IEP Team to include information under one component of a child's IEP that is already contained under another component of such IEP.

"(f) EDUCATIONAL PLACEMENTS.—Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

"SEC. 615. PROCEDURAL SAFEGUARDS.

"(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.

"(b) TYPES OF PROCEDURES.—The procedures required by this section shall include—

"(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

"(2) procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child) to act as a surrogate for the parents;

“(3) written prior notice to the parents of the child whenever such agency—

“(A) proposes to initiate or change; or

“(B) refuses to initiate or change;

the identification, evaluation, or educational placement of the child, in accordance with subsection (c), or the provision of a free appropriate public education to the child;

“(4) procedures designed to ensure that the notice required by paragraph (3) is in the native language of the parents, unless it clearly is not feasible to do so;

“(5) an opportunity for mediation in accordance with subsection (e);

“(6) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child;

“(7) procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice (which shall remain confidential)—

“(A) to the State educational agency or local educational agency, as the case may be, in the complaint filed under paragraph (6); and

“(B) that shall include—

“(i) the name of the child, the address of the residence of the child, and the name of the school the child is attending;

“(ii) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; and

“(iii) a proposed resolution of the problem to the extent known and available to the parents at the time; and

“(8) procedures that require the State educational agency to develop a model form to assist parents in filing a complaint in accordance with paragraph (7).

“(c) Content of Prior Written Notice.—The notice required by subsection (b)(3) shall include—

“(1) a description of the action proposed or refused by the agency;

“(2) an explanation of why the agency proposes or refuses to take the action;

“(3) a description of any other options that the agency considered and the reasons why those options were rejected;

“(4) a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;

“(5) a description of any other factors that are relevant to the agency's proposal or refusal;

“(6) a statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and

“(7) sources for parents to contact to obtain assistance in understanding the provisions of this part.

“(d) Procedural Safeguards Notice.—

“(1) In general.—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents, at a minimum—

“(A) upon initial referral for evaluation;

“(B) upon each notification of an individualized education program meeting and upon reevaluation of the child; and

“(C) upon registration of a complaint under subsection (b)(6).

“(2) Contents.—The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents, unless it clearly is not feasible to do so, and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

“(A) independent educational evaluation;

“(B) prior written notice;

“(C) parental consent;

“(D) access to educational records;

“(E) opportunity to present complaints;

“(F) the child's placement during pendency of due process proceedings;

“(G) procedures for students who are subject to placement in an interim alternative educational setting;

“(H) requirements for unilateral placement by parents of children in private schools at public expense;

“(I) mediation;

“(J) due process hearings, including requirements for disclosure of evaluation results and recommendations;

“(K) State-level appeals (if applicable in that State);

“(L) civil actions; and

“(M) attorneys' fees.

“(e) Mediation.—

“(1) In general.—Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter described in subsection (b)(6) to resolve such disputes through a mediation process which, at a minimum, shall be available whenever a hearing is requested under subsection (f) or (k).

“(2) Requirements.—Such procedures shall meet the following requirements:

“(A) The procedures shall ensure that the mediation process—

“(i) is voluntary on the part of the parties;

“(ii) is not used to deny or delay a parent's right to a due process hearing under subsection (f), or to deny any other rights afforded under this part; and

“(iii) is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

“(B) A local educational agency or a State agency may establish procedures to require parents who choose not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with—

“(i) a parent training and information center or community parent resource center in the State established under section 682 or 683; or

“(ii) an appropriate alternative dispute resolution entity;

to encourage the use, and explain the benefits, of the mediation process to the parents.

“(C) The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

“(D) The State shall bear the cost of the mediation process, including the costs of meetings described in subparagraph (B).

“(E) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

“(F) An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

“(G) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

“(f) Impartial Due Process Hearing.—

“(1) In general.—Whenever a complaint has been received under subsection (b)(6) or (k) of this section, the parents involved in such complaint shall have an opportunity for an impartial due process hearing, which shall be conducted by the State educational agency or by the local educational agency, as determined by State law or by the State educational agency.

“(2) Disclosure of evaluations and recommendations.—

“(A) In general.—At least 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

“(B) Failure to disclose.—A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

“(3) Limitation on conduct of hearing.—A hearing conducted pursuant to paragraph (1) may not be conducted by an employee of the State educational agency or the local educational agency involved in the education or care of the child.

“(g) Appeal.—If the hearing required by subsection (f) is conducted by a local educational agency, any party aggrieved by the findings and decision rendered in such a hearing may appeal such findings and decision to the State educational agency. Such agency shall conduct an impartial review of such decision. The officer conducting such review shall make an independent decision upon completion of such review.

“(h) Safeguards.—Any party to a hearing conducted pursuant to subsection (f) or (k), or an appeal conducted pursuant to subsection (g), shall be accorded—

“(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

“(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

“(3) the right to a written, or, at the option of the parents, electronic verbatim record of such hearing; and

“(4) the right to written, or, at the option of the parents, electronic findings of fact and decisions (which findings and decisions shall be made available to the public consistent with the requirements of section 617(c) (relating to the confidentiality of data, information, and records) and shall also be transmitted to the advisory panel established pursuant to section 612(a)(21)).

“(i) Administrative Procedures.—

“(1) In general.—

“(A) Decision made in hearing.—A decision made in a hearing conducted pursuant to subsection (f) or (k) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (g) and paragraph (2) of this subsection.

“(B) Decision made at appeal.—A decision made under subsection (g) shall be final, except that any party may bring an action under paragraph (2) of this subsection.

"(2) RIGHT TO BRING CIVIL ACTION.—

"(A) IN GENERAL.—Any party aggrieved by the findings and decision made under subsection (f) or (k) who does not have the right to an appeal under subsection (g), and any party aggrieved by the findings and decision under this subsection, shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

"(B) ADDITIONAL REQUIREMENTS.—In any action brought under this paragraph, the court—

"(i) shall receive the records of the administrative proceedings;

"(ii) shall hear additional evidence at the request of a party; and

"(iii) basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(3) JURISDICTION OF DISTRICT COURTS; ATTORNEYS' FEES.—

"(A) IN GENERAL.—The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

"(B) AWARD OF ATTORNEYS' FEES.—In any action or proceeding brought under this section, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents of a child with a disability who is the prevailing party.

"(C) DETERMINATION OF AMOUNT OF ATTORNEYS' FEES.—Fees awarded under this paragraph shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

"(D) PROHIBITION OF ATTORNEYS' FEES AND RELATED COSTS FOR CERTAIN SERVICES.—

"(i) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under this section for services performed subsequent to the time of a written offer of settlement to a parent if—

"(I) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than ten days before the proceeding begins;

"(II) the offer is not accepted within 10 days; and

"(III) the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

"(ii) Attorneys' fees may not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action, or, at the discretion of the State, for a mediation described in subsection (e) that is conducted prior to the filing of a complaint under subsection (b)(6) or (k) of this section.

"(E) EXCEPTION TO PROHIBITION ON ATTORNEYS' FEES AND RELATED COSTS.—Notwithstanding subparagraph (D), an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

"(F) REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—Except as provided in subparagraph (G), whenever the court finds that—

"(i) the parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

"(ii) the amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;

"(iii) the time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

"(iv) the attorney representing the parent did not provide to the school district the appropriate information in the due process complaint in accordance with subsection (b)(7);

the court shall reduce, accordingly, the amount of the attorneys' fees awarded under this section.

"(G) EXCEPTION TO REDUCTION IN AMOUNT OF ATTORNEYS' FEES.—The provisions of subparagraph (F) shall not apply in any action or proceeding if the court finds that the State or local educational agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of this section.

"(j) MAINTENANCE OF CURRENT EDUCATIONAL PLACEMENT.—Except as provided in subsection (k)(7), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.

"(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—

"(1) AUTHORITY OF SCHOOL PERSONNEL.—

"(A) School personnel under this section may order a change in the placement of a child with a disability—

"(i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and

"(ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if—

"(I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

"(II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

"(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)—

"(i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or

"(ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

"(2) AUTHORITY OF HEARING OFFICER.—A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer—

"(A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

"(B) considers the appropriateness of the child's current placement;

"(C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

"(D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

"(3) DETERMINATION OF SETTING.—

"(A) IN GENERAL.—The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

"(B) ADDITIONAL REQUIREMENTS.—Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

"(i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and

"(ii) include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

"(4) MANIFESTATION DETERMINATION REVIEW.—

"(A) IN GENERAL.—If a disciplinary action is contemplated as described in paragraph (1) or paragraph (2) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies to all children—

"(i) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and

"(ii) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

"(B) INDIVIDUALS TO CARRY OUT REVIEW.—A review described in subparagraph (A) shall be conducted by the IEP Team and other qualified personnel.

"(C) CONDUCT OF REVIEW.—In carrying out a review described in subparagraph (A), the IEP Team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP Team—

"(i) first considers, in terms of the behavior subject to disciplinary action, all relevant information, including—

"(I) evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child;

"(II) observations of the child; and

"(III) the child's IEP and placement; and

"(ii) then determines that—

"(I) in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;

"(II) the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and

"(III) the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

"(5) Determination that behavior was not manifestation of disability.—

"(A) In general.—If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in section 612(a)(1).

"(B) Additional requirement.—If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

"(6) Parent appeal.—

"(A) In general.—

"(i) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.

"(ii) The State or local educational agency shall arrange for an expedited hearing in any case described in this subsection when requested by a parent.

"(B) Review of decision.—

"(i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).

"(ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

"(7) Placement during appeals.—

"(A) In general.—When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the State or local educational agency agree otherwise.

"(B) Current placement.—If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

"(C) Expedited hearing.—

"(i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.

"(ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards set out in paragraph (2).

"(8) Protections for children not yet eligible for special education and related services.—

"(A) In general.—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

"(B) Basis of knowledge.—A local educational agency shall be deemed to have knowledge that a child is a child with a disability if—

"(i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;

"(ii) the behavior or performance of the child demonstrates the need for such services;

"(iii) the parent of the child has requested an evaluation of the child pursuant to section 614; or

"(iv) the teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

"(C) Conditions that apply if no basis of knowledge.—

"(i) In general.—If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B)) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

"(ii) Limitations.—If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

"(9) Referral to and action by law enforcement and judicial authorities.—

"(A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

"(B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

"(10) Definitions.—For purposes of this subsection, the following definitions apply:

"(A) Controlled substance.—The term 'controlled substance' means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

"(B) Illegal drug.—The term 'illegal drug'—

"(i) means a controlled substance; but

"(ii) does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

"(C) Substantial evidence.—The term 'substantial evidence' means beyond a preponderance of the evidence.

"(D) Weapon.—The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

"(l) Rule of Construction.—Nothing in this part shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (f) and (g) shall be exhausted to the same extent as would be required had the action been brought under this part.

"(m) Transfer of Parental Rights at Age of Majority.—

"(1) In general.—A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

"(A) the public agency shall provide any notice required by this section to both the individual and the parents;

"(B) all other rights accorded to parents under this part transfer to the child;

"(C) the agency shall notify the individual and the parents of the transfer of rights; and

"(D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

"(2) Special rule.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

"SEC. 616. WITHHOLDING AND JUDICIAL REVIEW.

"(a) Withholding of Payments.—

"(1) In general.—Whenever the Secretary, after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or State agency affected by any failure described in subparagraph (B)), finds—

"(A) that there has been a failure by the State to comply substantially with any provision of this part; or

"(B) that there is a failure to comply with any condition of a local educational agency's or State agency's eligibility under this part, including the terms of any agreement to achieve compliance with this part within the timelines specified in the agreement;

the Secretary shall, after notifying the State educational agency, withhold, in whole or in part, any further payments to the State under this part, or refer the matter for appropriate enforcement action, which may include referral to the Department of Justice.

"(2) NATURE OF WITHHOLDING.—If the Secretary withholds further payments under paragraph (1), the Secretary may determine that such withholding will be limited to programs or projects, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or State agencies affected by the failure. Until the Secretary is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in subparagraph (A) or (B) of paragraph (1), payments to the State under this part shall be withheld in whole or in part, or payments by the State educational agency under this part shall be limited to local educational agencies and State agencies whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, State agency, or local educational agency that has received notice under paragraph (1) shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency.

"(b) JUDICIAL REVIEW.—

"(1) IN GENERAL.—If any State is dissatisfied with the Secretary's final action with respect to the eligibility of the State under section 612, such State may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings upon which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.

"(2) JURISDICTION; REVIEW BY UNITED STATES SUPREME COURT.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) STANDARD OF REVIEW.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) DIVIDED STATE AGENCY RESPONSIBILITY.—For purposes of this section, where responsibility for ensuring that the requirements of this part are met with respect to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons is assigned to a public agency other than the State educational agency pursuant to section 612(a)(11)(C), the Secretary, in instances where the Secretary finds that the failure to comply substantially with the provisions of this part are related to a failure by the public agency, shall take appropriate corrective action to ensure compliance with this part, except—

"(1) any reduction or withholding of payments to the State is proportionate to the total funds allotted under section 611 to the State as the number of eligible children with disabilities in adult prisons under the supervision of the other public agency is proportionate to the number of eligible individuals with disabilities in the State under the supervision of the State educational agency; and

"(2) any withholding of funds under paragraph (1) shall be limited to the specific agency responsible for the failure to comply with this part.

"SEC. 617. ADMINISTRATION.

"(a) RESPONSIBILITIES OF SECRETARY.—In carrying out this part, the Secretary shall—

"(1) cooperate with, and (directly or by grant or contract) furnish technical assistance necessary to, the State in matters relating to—

"(A) the education of children with disabilities; and

"(B) carrying out this part; and

"(2) provide short-term training programs and institutes.

"(b) RULES AND REGULATIONS.—In carrying out the provisions of this part, the Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements of this Act.

"(c) CONFIDENTIALITY.—The Secretary shall take appropriate action, in accordance with the provisions of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by State and local educational agencies pursuant to the provisions of this part.

"(d) PERSONNEL.—The Secretary is authorized to hire qualified personnel necessary to carry out the Secretary's duties under subsection (a) and under sections 618, 661, and 673 (or their predecessor authorities through October 1, 1997) without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates, except that no more than twenty such personnel shall be employed at any time.

"SEC. 618. PROGRAM INFORMATION.

"(a) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary—

"(1)(A) on—

"(i) the number of children with disabilities, by race, ethnicity, and disability category, who are receiving a free appropriate public education;

"(ii) the number of children with disabilities, by race and ethnicity, who are receiving early intervention services;

"(iii) the number of children with disabilities, by race, ethnicity, and disability category, who are participating in regular education;

"(iv) the number of children with disabilities, by race, ethnicity, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;

"(v) the number of children with disabilities, by race, ethnicity, and disability category, who, for each year of age from age 14 to 21, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services;

"(vi) the number of children with disabilities, by race and ethnicity, who, from birth through age two, stopped receiving early intervention services because of program completion or for other reasons; and

"(vii)(I) the number of children with disabilities, by race, ethnicity, and disability category, who under subparagraphs (A)(ii) and (B) of section 615(k)(1), are removed to an interim alternative educational setting;

"(II) the acts or items precipitating those removals; and

"(III) the number of children with disabilities who are subject to long-term suspensions or expulsions; and

"(B) on the number of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as described in section 632), and who are receiving early intervention services under part C; and

"(2) on any other information that may be required by the Secretary.

"(b) SAMPLING.—The Secretary may permit States and the Secretary of the Interior to obtain the data described in subsection (a) through sampling.

"(c) DISPROPORTIONALITY.—

"(1) IN GENERAL.—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—

"(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3); and

"(B) the placement in particular educational settings of such children.

"(2) REVIEW AND REVISION OF POLICIES, PRACTICES, AND PROCEDURES.—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act.

"SEC. 619. PRESCHOOL GRANTS.

"(a) IN GENERAL.—The Secretary shall provide grants under this section to assist States to provide special education and related services, in accordance with this part—

"(1) to children with disabilities aged 3 to 5, inclusive; and

"(2) at the State's discretion, to 2-year-old children with disabilities who will turn 3 during the school year.

"(b) ELIGIBILITY.—A State shall be eligible for a grant under this section if such State—

"(1) is eligible under section 612 to receive a grant under this part; and

"(2) makes a free appropriate public education available to all children with disabilities, aged 3 through 5, residing in the State.

"(c) Allocations to States.—

"(1) In general.—After reserving funds for studies and evaluations under section 674(e), the Secretary shall allocate the remaining amount among the States in accordance with paragraph (2) or (3), as the case may be.

"(2) Increase in funds.—If the amount available for allocations to States under paragraph (1) is equal to or greater than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A)(i) Except as provided in subparagraph (B), the Secretary shall—

"(I) allocate to each State the amount it received for fiscal year 1997;

"(II) allocate 85 percent of any remaining funds to States on the basis of their relative populations of children aged 3 through 5; and

"(III) allocate 15 percent of those remaining funds to States on the basis of their relative populations of all children aged 3 through 5 who are living in poverty.

"(ii) For the purpose of making grants under this paragraph, the Secretary shall use the most recent population data, including data on children living in poverty, that are available and satisfactory to the Secretary.

"(B) Notwithstanding subparagraph (A), allocations under this paragraph shall be subject to the following:

"(i) No State's allocation shall be less than its allocation for the preceding fiscal year.

"(ii) No State's allocation shall be less than the greatest of—

"(I) the sum of—

"(aa) the amount it received for fiscal year 1997; and

"(bb) one third of one percent of the amount by which the amount appropriated under subsection (j) exceeds the amount appropriated under this section for fiscal year 1997;

"(II) the sum of—

"(aa) the amount it received for the preceding fiscal year; and

"(bb) that amount multiplied by the percentage by which the increase in the funds appropriated from the preceding fiscal year exceeds 1.5 percent; or

"(III) the sum of—

"(aa) the amount it received for the preceding fiscal year; and

"(bb) that amount multiplied by 90 percent of the percentage increase in the amount appropriated from the preceding fiscal year.

"(iii) Notwithstanding clause (ii), no State's allocation under this paragraph shall exceed the sum of—

"(I) the amount it received for the preceding fiscal year; and

"(II) that amount multiplied by the sum of 1.5 percent and the percentage increase in the amount appropriated.

"(C) If the amount available for allocations under this paragraph is insufficient to pay those allocations in full, those allocations shall be ratably reduced, subject to subparagraph (B)(i).

"(3) Decrease in Funds.—If the amount available for allocations to States under paragraph (1) is less than the amount allocated to the States under this section for the preceding fiscal year, those allocations shall be calculated as follows:

"(A) If the amount available for allocations is greater than the amount allocated to the States for fiscal year 1997, each State shall be allocated the sum of—

"(i) the amount it received for fiscal year 1997; and

"(ii) an amount that bears the same relation to any remaining funds as the increase the State received for the preceding fiscal year over fiscal year 1997 bears to the total of all such increases for all States.

"(B) If the amount available for allocations is equal to or less than the amount allocated to the States for fiscal year 1997, each State shall be allocated the amount it received for that year, ratably reduced, if necessary.

"(4) Outlying areas.—The Secretary shall increase the fiscal year 1998 allotment of each outlying area under section 611 by at least the amount that that area received under this section for fiscal year 1997.

"(d) Reservation for State Activities.—

"(1) In general.—Each State may retain not more than the amount described in paragraph (2) for administration and other State-level activities in accordance with subsections (e) and (f).

"(2) Amount described.—For each fiscal year, the Secretary shall determine and report to the State educational agency an amount that is 25 percent of the amount the State received under this section for fiscal year 1997, cumulatively adjusted by the Secretary for each succeeding fiscal year by the lesser of—

"(A) the percentage increase, if any, from the preceding fiscal year in the State's allocation under this section; or

"(B) the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(e) State Administration.—

"(1) In general.—For the purpose of administering this section (including the coordination of activities under this part with, and providing technical assistance to, other programs that provide services to children with disabilities) a State may use not more than 20 percent of the maximum amount it may retain under subsection (d) for any fiscal year.

"(2) Administration of part c.—Funds described in paragraph (1) may also be used for the administration of part C of this Act, if the State educational agency is the lead agency for the State under that part.

"(f) Other State-Level Activities.—Each State shall use any funds it retains under subsection (d) and does not use for administration under subsection (e)—

"(1) for support services (including establishing and implementing the mediation process required by section 615(e)), which may benefit children with disabilities younger than 3 or older than 5 as long as those services also benefit children with disabilities aged 3 through 5;

"(2) for direct services for children eligible for services under this section;

"(3) to develop a State improvement plan under subpart 1 of part D;

"(4) for activities at the State and local levels to meet the performance goals established by the State under section 612(a)(16) and to support implementation of the State improvement plan under subpart 1 of part D if the State receives funds under that subpart; or

"(5) to supplement other funds used to develop and implement a Statewide coordinated services system designed to improve results for children and families, including children with disabilities and their families, but not to exceed one percent of the amount received by the State under this section for a fiscal year.

"(g) Subgrants to Local Educational Agencies.—

"(1) Subgrants required.—Each State that receives a grant under this section for any fiscal year shall distribute any of the grant funds that it does not reserve under subsection (d) to local educational agencies in the State that have established their eligibility under section 613, as follows:

"(A) Base payments.—The State shall first award each agency described in paragraph (1) the amount that agency would have received under this section for fiscal year 1997 if the State had distributed 75 percent of its grant for that year under section 619(c)(3), as then in effect.

"(B) Allocation of remaining funds.—After making allocations under subparagraph (A), the State shall—

"(i) allocate 85 percent of any remaining funds to those agencies on the basis of the relative numbers of children enrolled in public and private elementary and secondary schools within the agency's jurisdiction; and

"(ii) allocate 15 percent of those remaining funds to those agencies in accordance with their relative numbers of children living in poverty, as determined by the State educational agency.

"(2) Reallocation of funds.—If a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all children with disabilities aged three through five residing in the area served by that agency with State and local funds, the State educational agency may reallocate any portion of the funds under this section that are not needed by that local agency to provide a free appropriate public education to other local educational agencies in the State that are not adequately providing special education and related services to all children with disabilities aged three through five residing in the areas they serve.

"(h) Part C Inapplicable.—Part C of this Act does not apply to any child with a disability receiving a free appropriate public education, in accordance with this part, with funds received under this section.

"(i) Definition.—For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(j) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated to the Secretary $500,000,000 for fiscal year 1998 and such sums as may be necessary for each subsequent fiscal year.

"PART C—INFANTS AND TODDLERS WITH DISABILITIES

"SEC. 631. FINDINGS AND POLICY.

"(a) Findings.—The Congress finds that there is an urgent and substantial need—

"(1) to enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;

"(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

"(3) to minimize the likelihood of institutionalization of individuals with disabilities and maximize the potential for their independently living in society;

"(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

"(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of historically underrepresented populations, particularly minority, low-income, inner-city, and rural populations.

"(b) POLICY.—It is therefore the policy of the United States to provide financial assistance to States—

"(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

"(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

"(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

"(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

"SEC. 632. DEFINITIONS.

"As used in this part:

"(1) AT-RISK INFANT OR TODDLER.—The term 'at-risk infant or toddler' means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

"(2) COUNCIL.—The term 'council' means a State interagency coordinating council established under section 641.

"(3) DEVELOPMENTAL DELAY.—The term 'developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1).

"(4) EARLY INTERVENTION SERVICES.—The term 'early intervention services' means developmental services that—

"(A) are provided under public supervision;

"(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

"(C) are designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas—

"(i) physical development;

"(ii) cognitive development;

"(iii) communication development;

"(iv) social or emotional development; or

"(v) adaptive development;

"(D) meet the standards of the State in which they are provided, including the requirements of this part;

"(E) include—

"(i) family training, counseling, and home visits;

"(ii) special instruction;

"(iii) speech-language pathology and audiology services;

"(iv) occupational therapy;

"(v) physical therapy;

"(vi) psychological services;

"(vii) service coordination services;

"(viii) medical services only for diagnostic or evaluation purposes;

"(ix) early identification, screening, and assessment services;

"(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

"(xi) social work services;

"(xii) vision services;

"(xiii) assistive technology devices and assistive technology services; and

"(xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

"(F) are provided by qualified personnel, including—

"(i) special educators;

"(ii) speech-language pathologists and audiologists;

"(iii) occupational therapists;

"(iv) physical therapists;

"(v) psychologists;

"(vi) social workers;

"(vii) nurses;

"(viii) nutritionists;

"(ix) family therapists;

"(x) orientation and mobility specialists; and

"(xi) pediatricians and other physicians;

"(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

"(H) are provided in conformity with an individualized family service plan adopted in accordance with section 636.

"(5) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability'—

"(A) means an individual under 3 years of age who needs early intervention services because the individual—

"(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or

"(ii) has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay; and

"(B) may also include, at a State's discretion, at-risk infants and toddlers.

"SEC. 633. GENERAL AUTHORITY.

"The Secretary shall, in accordance with this part, make grants to States (from their allotments under section 643) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

"SEC. 634. ELIGIBILITY.

"In order to be eligible for a grant under section 633, a State shall demonstrate to the Secretary that the State—

"(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and

"(2) has in effect a statewide system that meets the requirements of section 635.

"SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.

"(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:

"(1) A definition of the term 'developmental delay' that will be used by the State in carrying out programs under this part.

"(2) A State policy that is in effect and that ensures that appropriate early intervention services are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.

"(3) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State, and a family-directed identification of the needs of each family of such an infant or toddler, to appropriately assist in the development of the infant or toddler.

"(4) For each infant or toddler with a disability in the State, an individualized family service plan in accordance with section 636, including service coordination services in accordance with such service plan.

"(5) A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources.

"(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information for parents on the availability of early intervention services, and procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.

"(7) A central directory which includes information on early intervention services, resources, and experts available in the State and research and demonstration projects being conducted in the State.

"(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, that is consistent with the comprehensive system of personnel development described in section 612(a)(14) and may include—

"(A) implementing innovative strategies and activities for the recruitment and retention of early education service providers;

"(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;

"(C) training personnel to work in rural and inner-city areas; and

"(D) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part to preschool or other appropriate services.

"(9) Subject to subsection (b), policies and procedures relating to the establishment and maintenance of standards to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including—

"(A) the establishment and maintenance of standards which are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which such personnel are providing early intervention services; and

"(B) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State;

except that nothing in this part, including this paragraph, prohibits the use of paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, to assist in the provision of early intervention services to infants and toddlers with disabilities under this part.

"(10) A single line of responsibility in a lead agency designated or established by the Governor for carrying out—

"(A) the general administration and supervision of programs and activities receiving assistance under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part;

"(B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources;

"(C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;

"(D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers;

"(E) the resolution of intra- and interagency disputes; and

"(F) the entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

"(11) A policy pertaining to the contracting or making of other arrangements with service providers to provide early intervention services in the State, consistent with the provisions of this part, including the contents of the application used and the conditions of the contract or other arrangements.

"(12) A procedure for securing timely reimbursements of funds used under this part in accordance with section 640(a).

"(13) Procedural safeguards with respect to programs under this part, as required by section 639.

"(14) A system for compiling data requested by the Secretary under section 618 that relates to this part.

"(15) A State interagency coordinating council that meets the requirements of section 641.

"(16) Policies and procedures to ensure that, consistent with section 636(d)(5)—

"(A) to the maximum extent appropriate, early intervention services are provided in natural environments; and

"(B) the provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

"(b) POLICY.—In implementing subsection (a)(9), a State may adopt a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in subsection (a)(9), consistent with State law, within 3 years.

"SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.

"(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive—

"(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

"(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

"(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e).

"(b) PERIODIC REVIEW.—The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

"(c) PROMPTNESS AFTER ASSESSMENT.—The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

"(d) CONTENT OF PLAN.—The individualized family service plan shall be in writing and contain—

"(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;

"(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;

"(3) a statement of the major outcomes expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

"(4) a statement of specific early intervention services necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;

"(5) a statement of the natural environments in which early intervention services shall appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

"(6) the projected dates for initiation of services and the anticipated duration of the services;

"(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons; and

"(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

"(e) PARENTAL CONSENT.—The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then the early intervention services to which consent is obtained shall be provided.

"SEC. 637. STATE APPLICATION AND ASSURANCES.

"(a) APPLICATION.—A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—

"(1) a designation of the lead agency in the State that will be responsible for the administration of funds provided under section 633;

"(2) a designation of an individual or entity responsible for assigning financial responsibility among appropriate agencies;

"(3) information demonstrating eligibility of the State under section 634, including—

"(A) information demonstrating to the Secretary's satisfaction that the State has in effect the statewide system required by section 633; and

"(B) a description of services to be provided to infants and toddlers with disabilities and their families through the system;

"(4) if the State provides services to at-risk infants and toddlers through the system, a description of such services;

"(5) a description of the uses for which funds will be expended in accordance with this part;

"(6) a description of the procedure used to ensure that resources are made available under this part for all geographic areas within the State;

"(7) a description of State policies and procedures that ensure that, prior to the adoption by the State of any other policy or procedure necessary to meet the requirements of this part, there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities;

"(8) a description of the policies and procedures to be used—

"(A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool or other appropriate services, including a description of how--

"(i) the families of such toddlers will be included in the transition plans required by subparagraph (C); and

"(ii) the lead agency designated or established under section 635(a)(10) will—

"(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

"(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, up to 6 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and

"(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

"(B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and

"(C) to establish a transition plan; and

"(9) such other information and assurances as the Secretary may reasonably require.

"(b) ASSURANCES.—The application described in subsection (a)—

"(1) shall provide satisfactory assurance that Federal funds made available under section 643 to the State will be expended in accordance with this part;

"(2) shall contain an assurance that the State will comply with the requirements of section 640;

"(3) shall provide satisfactory assurance that the control of funds provided under section 643, and title to property derived from those funds, will be in a public agency for the uses and purposes provided in this part and that a public agency will administer such funds and property;

"(4) shall provide for—

"(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part; and

"(B) keeping such records and affording such access to them as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal funds under this part;

"(5) provide satisfactory assurance that Federal funds made available under section 643 to the State—

"(A) will not be commingled with State funds; and

"(B) will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds;

"(6) shall provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to ensure proper disbursement of, and accounting for, Federal funds paid under section 643 to the State;

"(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, and rural families, in the planning and implementation of all the requirements of this part; and

"(8) shall contain such other information and assurances as the Secretary may reasonably require by regulation.

"(c) STANDARD FOR DISAPPROVAL OF APPLICATION.—The Secretary may not disapprove such an application unless the Secretary determines, after notice and opportunity for a hearing, that the application fails to comply with the requirements of this section.

"(d) SUBSEQUENT STATE APPLICATION.—If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets a requirement of this section, including any policy or procedure filed under part H (as in effect before July 1, 1998), the Secretary shall consider the State to have met the requirement for purposes of receiving a grant under this part.

"(e) MODIFICATION OF APPLICATION.—An application submitted by a State in accordance with this section shall remain in effect until the State submits to the Secretary such modifications as the State determines necessary. This section shall apply to a modification of an application to the same extent and in the same manner as this section applies to the original application.

"(f) MODIFICATIONS REQUIRED BY THE SECRETARY.—The Secretary may require a State to modify its application under this section, but only to the extent necessary to ensure the State's compliance with this part, if—

"(1) an amendment is made to this Act, or a Federal regulation issued under this Act;

"(2) a new interpretation of this Act is made by a Federal court or the State's highest court; or

"(3) an official finding of noncompliance with Federal law or regulations is made with respect to the State.

"SEC. 638. USES OF FUNDS.

"In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

"(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;

"(2) to expand and improve on services for infants and toddlers and their families under this part that are otherwise available;

"(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year; and

"(4) in any State that does not provide services for at-risk infants and toddlers under section 637(a)(4), to strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services, and personnel for the purposes of—

"(A) identifying and evaluating at-risk infants and toddlers;

"(B) making referrals of the infants and toddlers identified and evaluated under subparagraph (A); and

"(C) conducting periodic follow-up on each such referral to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part.

"SEC. 639. PROCEDURAL SAFEGUARDS.

"(a) MINIMUM PROCEDURES.—The procedural safeguards required to be included in a statewide system under section 635(a)(13) shall provide, at a minimum, the following:

"(1) The timely administrative resolution of complaints by parents. Any party aggrieved by the findings and decision regarding an administrative complaint shall have the right to bring a civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate.

"(2) The right to confidentiality of personally identifiable information, including the right of parents to written notice of and written consent to the exchange of such information among agencies consistent with Federal and State law.

"(3) The right of the parents to determine whether they, their infant or toddler, or other family members will accept or decline any early intervention service under this part in accordance with State law without jeopardizing other early intervention services under this part.

"(4) The opportunity for parents to examine records relating to assessment, screening, eligibility determinations, and the development and implementation of the individualized family service plan.

"(5) Procedures to protect the rights of the infant or toddler whenever the parents of the infant or toddler are not known or cannot be found or the infant or toddler is a ward of the State, including the assignment of an individual (who shall not be an employee of the State lead agency, or other State agency, and who shall not be any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parents.

"(6) Written prior notice to the parents of the infant or toddler with a disability whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, or placement of the infant or toddler with a disability, or the provision of appropriate early intervention services to the infant or toddler.

"(7) Procedures designed to ensure that the notice required by paragraph (6) fully informs the parents, in the parents' native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section.

"(8) The right of parents to use mediation in accordance with section 615(e), except that—

"(A) any reference in the section to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

"(B) any reference in the section to a local educational agency shall be considered to be a reference to a local service provider or the State's lead agency under this part, as the case may be; and

"(C) any reference in the section to the provision of free appropriate public education to children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"(b) SERVICES DURING PENDENCY OF PROCEEDINGS.—During the pendency of any proceeding or action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents otherwise agree, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

"SEC. 640. PAYOR OF LAST RESORT.

"(a) NONSUBSTITUTION.—Funds provided under section 643 may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source, including any medical program administered by the Secretary of Defense, but for the enactment of this part, except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by an infant, toddler, or family in a timely fashion, funds provided under section 643 may be used to pay the provider of services pending reimbursement from the agency that has ultimate responsibility for the payment.

"(b) REDUCTION OF OTHER BENEFITS—Nothing in this part shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under title V of the Social Security Act (relating to maternal and child health) or title XIX of the Social Security Act (relating to medicaid for infants or toddlers with disabilities) within the State.

"SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—A State that desires to receive financial assistance under this part shall establish a State interagency coordinating council.

"(2) APPOINTMENT.—The council shall be appointed by the Governor. In making appointments to the council, the Governor shall ensure that the membership of the council reasonably represents the population of the State.

"(3) CHAIRPERSON.—The Governor shall designate a member of the council to serve as the chairperson of the council, or shall require the council to so designate such a member. Any member of the council who is a representative of the lead agency designated under section 635(a)(10) may not serve as the chairperson of the council.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The council shall be composed as follows:

"(A) PARENTS.—At least 20 percent of the members shall be parents of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger.

"(B) SERVICE PROVIDERS.—At least 20 percent of the members shall be public or private providers of early intervention services.

"(C) STATE LEGISLATURE.—At least one member shall be from the State legislature.

"(D) PERSONNEL PREPARATION.—At least one member shall be involved in personnel preparation.

"(E) AGENCY FOR EARLY INTERVENTION SERVICES.—At least one member shall be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies.

"(F) AGENCY FOR PRESCHOOL SERVICES.—At least one member shall be from the State educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency.

"(G) AGENCY FOR HEALTH INSURANCE.—At least one member shall be from the agency responsible for the State governance of health insurance.

"(H) HEAD START AGENCY.—At least one representative from a Head Start agency or program in the State.

"(I) CHILD CARE AGENCY.—At least one representative from a State agency responsible for child care.

"(2) OTHER MEMBERS.—The council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs, or where there is no BIA-operated or BIA-funded school, from the Indian Health Service or the tribe or tribal council.

"(c) MEETINGS.—The council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

"(d) MANAGEMENT AUTHORITY.—Subject to the approval of the Governor, the council may prepare and approve a budget using funds under this part to conduct hearings and forums, to reimburse members of the council for reasonable and necessary expenses for attending council meetings and performing council duties (including child care for parent representatives), to pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business, to hire staff, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part.

"(e) FUNCTIONS OF COUNCIL.—

"(1) DUTIES.—The council shall—

"(A) advise and assist the lead agency designated or established under section 635(a)(10) in the performance of the responsibilities set forth in such section, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

"(B) advise and assist the lead agency in the preparation of applications and amendments thereto;

"(C) advise and assist the State educational agency regarding the transition of toddlers with disabilities to preschool and other appropriate services; and

"(D) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

"(2) AUTHORIZED ACTIVITY.—The council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children from birth through age 5. The council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

"(f) CONFLICT OF INTEREST.—No member of the council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

"SEC. 642. FEDERAL ADMINISTRATION.

"Sections 616, 617, and 618 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

"(1) any reference in such sections to a State educational agency shall be considered to be a reference to a State's lead agency established or designated under section 635(a)(10);

"(2) any reference in such sections to a local educational agency, educational service agency, or a State agency shall be considered to be a reference to an early intervention service provider under this part; and

"(3) any reference to the education of children with disabilities or the education of all children with disabilities shall be considered to be a reference to the provision of appropriate early intervention services to infants and toddlers with disabilities.

"SEC. 643. ALLOCATION OF FUNDS.

"(a) RESERVATION OF FUNDS FOR OUTLYING AREAS.—

"(1) IN GENERAL.—From the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve up to one percent for payments to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands in accordance with their respective needs.

"(2) CONSOLIDATION OF FUNDS.—The provisions of Public Law 95-134, permitting the consolidation of grants to the outlying areas, shall not apply to funds those areas receive under this part.

"(b) PAYMENTS TO INDIANS.—

"(1) IN GENERAL.—The Secretary shall, subject to this subsection, make payments to the Secretary of the Interior to be distributed to tribes, tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or consortia of the above entities for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for such fiscal year.

"(2) ALLOCATION.—For each fiscal year, the Secretary of the Interior shall distribute the entire payment received under paragraph (1) by providing to each tribe, tribal organization, or consortium an amount based on the number of infants and toddlers residing on the reservation, as determined annually, divided by the total of such children served by all tribes, tribal organizations, or consortia.

"(3) INFORMATION.—To receive a payment under this subsection, the tribe, tribal organization, or consortium shall submit such information to the Secretary of the Interior as is needed to determine the amounts to be distributed under paragraph (2).

"(4) USE OF FUNDS.—The funds received by a tribe, tribal organization, or consortium shall be used to assist States in child-find, screening, and other procedures for the early identification of Indian children under 3 years of age and for parent training. Such funds may also be used to provide early intervention services in accordance with this part. Such activities may be carried out directly or through contracts or cooperative agreements with the BIA, local educational agencies, and other public or private nonprofit organizations. The tribe, tribal organization, or consortium is encouraged to involve Indian parents in the development and implementation of these activities. The above entities shall, as appropriate, make referrals to local, State, or Federal entities for the provision of services or further diagnosis.

"(5) REPORTS.—To be eligible to receive a grant under paragraph (2), a tribe, tribal organization, or consortium shall make a biennial report to the Secretary of the Interior of activities undertaken under this subsection, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the 2 years following the year in which the report is made. The Secretary of the Interior shall include a summary of this information on a biennial basis to the Secretary of Education along with such other information as required under section 611(i)(3)(E). The Secretary of Education may require any additional information from the Secretary of the Interior.

"(6) PROHIBITED USES OF FUNDS.—None of the funds under this subsection may be used by the Secretary of the Interior for administrative purposes, including child count, and the provision of technical assistance.

"(c) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States.

“(2) MINIMUM ALLOTMENTS.—Except as provided in paragraphs (3) and (4), no State shall receive an amount under this section for any fiscal year that is less than the greatest of—

“(A) one-half of one percent of the remaining amount described in paragraph (1); or

“(B) $500,000.

“(3) SPECIAL RULE FOR 1998 AND 1999.—

“(A) IN GENERAL.—Except as provided in paragraph (4), no State may receive an amount under this section for either fiscal year 1998 or 1999 that is less than the sum of the amounts such State received for fiscal year 1994 under—

“(i) part H (as in effect for such fiscal year); and

“(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as in effect on the day before the date of the enactment of the Improving America's Schools Act of 1994) for children with disabilities under 3 years of age.

“(B) EXCEPTION.—If, for fiscal year 1998 or 1999, the number of infants and toddlers in a State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for the State shall be reduced by the same percentage by which the number of such infants and toddlers so declined.

“(4) RATABLE REDUCTION.—

“(A) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allotments to such States for such year.

“(B) ADDITIONAL FUNDS.—If additional funds become available for making payments under this subsection for a fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis they were reduced.

“(5) DEFINITIONS.—For the purpose of this subsection—

“(A) the terms ‘infants’ and ‘toddlers’ mean children under 3 years of age; and

“(B) the term ‘State’ means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

“(d) REALLOTMENT OF FUNDS.—If a State elects not to receive its allotment under subsection (c), the Secretary shall reallot, among the remaining States, amounts from such State in accordance with such subsection.

“SEC. 644. FEDERAL INTERAGENCY COORDINATING COUNCIL.

“(a) ESTABLISHMENT AND PURPOSE.—

“(1) IN GENERAL.—The Secretary shall establish a Federal Interagency Coordinating Council in order to—

“(A) minimize duplication of programs and activities across Federal, State, and local agencies, relating to—

“(i) early intervention services for infants and toddlers with disabilities (including at-risk infants and toddlers) and their families; and

“(ii) preschool or other appropriate services for children with disabilities;

“(B) ensure the effective coordination of Federal early intervention and preschool programs and policies across Federal agencies;

“(C) coordinate the provision of Federal technical assistance and support activities to States;

“(D) identify gaps in Federal agency programs and services; and

“(E) identify barriers to Federal interagency cooperation.

“(2) APPOINTMENTS.—The council established under paragraph (1) (hereafter in this section referred to as the “Council”) and the chairperson of the Council shall be appointed by the Secretary in consultation with other appropriate Federal agencies. In making the appointments, the Secretary shall ensure that each member has sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that the member represents.

“(b) COMPOSITION.—The Council shall be composed of—

“(1) a representative of the Office of Special Education Programs;

“(2) a representative of the National Institute on Disability and Rehabilitation Research and a representative of the Office of Educational Research and Improvement;

“(3) a representative of the Maternal and Child Health Services Block Grant Program;

“(4) a representative of programs administered under the Developmental Disabilities Assistance and Bill of Rights Act;

“(5) a representative of the Health Care Financing Administration;

“(6) a representative of the Division of Birth Defects and Developmental Disabilities of the Centers for Disease Control;

“(7) a representative of the Social Security Administration;

“(8) a representative of the special supplemental nutrition program for women, infants, and children of the Department of Agriculture;

“(9) a representative of the National Institute of Mental Health;

“(10) a representative of the National Institute of Child Health and Human Development;

“(11) a representative of the Bureau of Indian Affairs of the Department of the Interior;

“(12) a representative of the Indian Health Service;

“(13) a representative of the Surgeon General;

“(14) a representative of the Department of Defense;

“(15) a representative of the Children's Bureau, and a representative of the Head Start Bureau, of the Administration for Children and Families;

“(16) a representative of the Substance Abuse and Mental Health Services Administration;

“(17) a representative of the Pediatric AIDS Health Care Demonstration Program in the Public Health Service;

“(18) parents of children with disabilities age 12 or under (who shall constitute at least 20 percent of the members of the Council), of whom at least one must have a child with a disability under the age of 6;

“(19) at least 2 representatives of State lead agencies for early intervention services to infants and toddlers, one of whom must be a representative of a State educational agency and the other a representative of a noneducational agency;

“(20) other members representing appropriate agencies involved in the provision of, or payment for, early intervention services and special education and related services to infants and toddlers with disabilities and their families and preschool children with disabilities; and

“(21) other persons appointed by the Secretary.

“(c) MEETINGS.—The Council shall meet at least quarterly and in such places as the Council deems necessary. The meetings shall be publicly announced, and, to the extent appropriate, open and accessible to the general public.

“(d) FUNCTIONS OF THE COUNCIL.—The Council shall—

“(1) advise and assist the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, and the Commissioner of Social Security in the performance of their responsibilities related to serving children from birth through age 5 who are eligible for services under this part or under part B;

“(2) conduct policy analyses of Federal programs related to the provision of early intervention services and special educational and related services to infants and toddlers with disabilities and their families, and preschool children with disabilities, in order to determine areas of conflict, overlap, duplication, or inappropriate omission;

“(3) identify strategies to address issues described in paragraph (2);

“(4) develop and recommend joint policy memoranda concerning effective interagency collaboration, including modifications to regulations, and the elimination of barriers to interagency programs and activities;

“(5) coordinate technical assistance and disseminate information on best practices, effective program coordination strategies, and recommendations for improved early intervention programming for infants and toddlers with disabilities and their families and preschool children with disabilities; and

“(6) facilitate activities in support of States' interagency coordination efforts.

“(e) CONFLICT OF INTEREST.—No member of the Council shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law.

“(f) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the establishment or operation of the Council.

“SEC. 645. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, there are authorized to be appropriated $400,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

“PART D—NATIONAL ACTIVITIES TO IMPROVE EDUCATION OF CHILDREN WITH DISABILITIES

“Subpart 1—State Program Improvement Grants for Children with Disabilities

“SEC. 651. FINDINGS AND PURPOSE.

“(a) FINDINGS.—The Congress finds the following:

“(1) States are responding with some success to multiple pressures to improve educational and transitional services and results for children with disabilities in response to growing demands imposed by ever-changing factors, such as demographics, social policies, and labor and economic markets.

“(2) In order for States to address such demands and to facilitate lasting systemic change that is of benefit to all students, including children with disabilities, States must involve local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations in carrying out comprehensive strategies to improve educational results for children with disabilities.

“(3) Targeted Federal financial resources are needed to assist States, working in partnership with others, to identify and make needed changes to address the needs of children with disabilities into the next century.

"(4) State educational agencies, in partnership with local educational agencies and other individuals and organizations, are in the best position to identify and design ways to meet emerging and expanding demands to improve education for children with disabilities and to address their special needs.

"(5) Research, demonstration, and practice over the past 20 years in special education and related disciplines have built a foundation of knowledge on which State and local systemic-change activities can now be based.

"(6) Such research, demonstration, and practice in special education and related disciplines have demonstrated that an effective educational system now and in the future must—

"(A) maintain high academic standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students who are children with disabilities have maximum opportunities to achieve those standards and goals;

"(B) create a system that fully addresses the needs of all students, including children with disabilities, by addressing the needs of children with disabilities in carrying out educational reform activities;

"(C) clearly define, in measurable terms, the school and post-school results that children with disabilities are expected to achieve;

"(D) promote service integration, and the coordination of State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who require significant levels of support to maximize their participation and learning in school and the community;

"(E) ensure that children with disabilities are provided assistance and support in making transitions as described in section 674(b)(3)(C);

"(F) promote comprehensive programs of professional development to ensure that the persons responsible for the education or a transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children;

"(G) disseminate to teachers and other personnel serving children with disabilities research-based knowledge about successful teaching practices and models and provide technical assistance to local educational agencies and schools on how to improve results for children with disabilities;

"(H) create school-based disciplinary strategies that will be used to reduce or eliminate the need to use suspension and expulsion as disciplinary options for children with disabilities;

"(I) establish placement-neutral funding formulas and cost-effective strategies for meeting the needs of children with disabilities; and

"(J) involve individuals with disabilities and parents of children with disabilities in planning, implementing, and evaluating systemic-change activities and educational reforms.

"(b) PURPOSE.—The purpose of this subpart is to assist State educational agencies, and their partners referred to in section 652(b), in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

"SEC. 652. ELIGIBILITY AND COLLABORATIVE PROCESS.

"(a) ELIGIBLE APPLICANTS.—A State educational agency may apply for a grant under this subpart for a grant period of not less than 1 year and not more than 5 years.

"(b) PARTNERS.—

"(1) REQUIRED PARTNERS.—

"(A) CONTRACTUAL PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities.

"(B) OTHER PARTNERS.—In order to be considered for a grant under this subpart, a State educational agency shall work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including—

"(i) the Governor;

"(ii) parents of children with disabilities;

"(iii) parents of nondisabled children;

"(iv) individuals with disabilities;

"(v) organizations representing individuals with disabilities and their parents, such as parent training and information centers;

"(vi) community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

"(vii) the lead State agency for part C;

"(viii) general and special education teachers, and early intervention personnel;

"(ix) the State advisory panel established under part C;

"(x) the State interagency coordinating council established under part C; and

"(xi) institutions of higher education within the State.

"(2) OPTIONAL PARTNERS.—A partnership under subparagraph (A) or (B) of paragraph (1) may also include—

"(A) individuals knowledgeable about vocational education;

"(B) the State agency for higher education;

"(C) the State vocational rehabilitation agency;

"(D) public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice; and

"(E) other individuals.

"SEC. 653. APPLICATIONS.

"(a) IN GENERAL.—

"(1) SUBMISSION.—A State educational agency that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary may require.

"(2) STATE IMPROVEMENT PLAN.—The application shall include a State improvement plan that—

"(A) is integrated, to the maximum extent possible, with State plans under the Elementary and Secondary Education Act of 1965 and the Rehabilitation Act of 1973, as appropriate; and

"(B) meets the requirements of this section.

"(b) DETERMINING CHILD AND PROGRAM NEEDS.—

"(1) IN GENERAL.—Each State improvement plan shall identify those critical aspects of early intervention, general education, and special education programs (including professional development, based on an assessment of State and local needs) that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(16).

"(2) REQUIRED ANALYSES.—To meet the requirement of paragraph (1), the State improvement plan shall include at least—

"(A) an analysis of all information, reasonably available to the State educational agency, on the performance of children with disabilities in the State, including—

"(i) their performance on State assessments and other performance indicators established for all children, including drop-out rates and graduation rates;

"(ii) their participation in postsecondary education and employment; and

"(iii) how their performance on the assessments and indicators described in clause (i) compares to that of non-disabled children;

"(B) an analysis of State and local needs for professional development for personnel to serve children with disabilities that includes, at a minimum—

"(i) the number of personnel providing special education and related services; and

"(ii) relevant information on current and anticipated personnel vacancies and shortages (including the number of individuals described in clause (i) with temporary certification), and on the extent of certification or retraining necessary to eliminate such shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs;

"(C) an analysis of the major findings of the Secretary's most recent reviews of State compliance, as they relate to improving results for children with disabilities; and

"(D) an analysis of other information, reasonably available to the State, on the effectiveness of the State's systems of early intervention, special education, and general education in meeting the needs of children with disabilities.

"(c) IMPROVEMENT STRATEGIES.—Each State improvement plan shall—

"(1) describe a partnership agreement that—

"(A) specifies—

"(i) the nature and extent of the partnership among the State educational agency, local educational agencies, and other State agencies involved in, or concerned with, the education of children with disabilities, and the respective roles of each member of the partnership; and

"(ii) how such agencies will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of these persons and organizations; and

"(B) is in effect for the period of the grant;

"(2) describe how grant funds will be used in undertaking the systemic-change activities, and the amount and nature of funds from any other sources, including part B funds retained for use at the State level under sections 611(f) and 619(d), that will be committed to the systemic-change activities;

"(3) describe the strategies the State will use to address the needs identified under subsection (b), including—

"(A) how the State will change State policies and procedures to address systemic barriers to improving results for children with disabilities;

"(B) how the State will hold local educational agencies and schools accountable for educational progress of children with disabilities;

"(C) how the State will provide technical assistance to local educational agencies and schools to improve results for children with disabilities;

"(D) how the State will address the identified needs for in-service and pre-service preparation to ensure that all personnel who work with children with disabilities (including both professional and paraprofessional personnel who provide special education, general education, related services, or early intervention services) have the skills and knowledge necessary to meet the needs of children with disabilities, including a description of how—

"(i) the State will prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities, including how the State will work with other States on common certification criteria;

"(ii) the State will prepare professionals and paraprofessionals in the area of early intervention with the content knowledge and collaborative skills needed to meet the needs of infants and toddlers with disabilities;

"(iii) the State will work with institutions of higher education and other entities that (on both a pre-service and an in-service basis) prepare personnel who work with children with disabilities to ensure that those institutions and entities develop the capacity to support quality professional development programs that meet State and local needs;

"(iv) the State will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of such a program of preparation;

"(v) the State will work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel;

"(vi) the State will enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of children with disabilities that impedes the learning of children with disabilities and others;

"(vii) the State will acquire and disseminate, to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources, and how the State will, when appropriate, adopt promising practices, materials, and technology;

"(viii) the State will recruit, prepare, and retain qualified personnel, including personnel with disabilities and personnel from groups that are underrepresented in the fields of regular education, special education, and related services;

"(ix) the plan is integrated, to the maximum extent possible, with other professional development plans and activities, including plans and activities developed and carried out under other Federal and State laws that address personnel recruitment and training; and

"(x) the State will provide for the joint training of parents and special education, related services, and general education personnel;

"(E) strategies that will address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel;

"(F) how the State will disseminate results of the local capacity-building and improvement projects funded under section 611(f)(4);

"(G) how the State will address improving results for children with disabilities in the geographic areas of greatest need; and

"(H) how the State will assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective; and

"(4) describe how the improvement strategies described in paragraph (3) will be coordinated with public and private sector resources.

"(d) Competitive Awards.—

"(1) In general.—The Secretary shall make grants under this subpart on a competitive basis.

"(2) Priority.—The Secretary may give priority to applications on the basis of need, as indicated by such information as the findings of Federal compliance reviews.

"(e) Peer Review.—

"(1) In general.—The Secretary shall use a panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this subpart.

"(2) Composition of panel.—A majority of a panel described in paragraph (1) shall be composed of individuals who are not employees of the Federal Government.

"(3) Payment of fees and expenses of certain members.—The Secretary may use available funds appropriated to carry out this subpart to pay the expenses and fees of panel members who are not employees of the Federal Government.

"(f) Reporting Procedures.—Each State educational agency that receives a grant under this subpart shall submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. The reports shall describe the progress of the State in meeting the performance goals established under section 612(a)(16), analyze the effectiveness of the State's strategies in meeting those goals, and identify any changes in the strategies needed to improve its performance.

"SEC. 654. USE OF FUNDS.

"(a) In General.—

"(1) Activities.—A State educational agency that receives a grant under this subpart may use the grant to carry out any activities that are described in the State's application and that are consistent with the purpose of this subpart.

"(2) Contracts and subgrants.—Each such State educational agency—

"(A) shall, consistent with its partnership agreement under section 652(b), award contracts or subgrants to local educational agencies, institutions of higher education, and parent training and information centers, as appropriate, to carry out its State improvement plan under this subpart; and

"(B) may award contracts and subgrants to other public and private entities, including the lead agency under part C, to carry out such plan.

"(b) Use of Funds for Professional Development.—A State educational agency that receives a grant under this subpart—

"(1) shall use not less than 75 percent of the funds it receives under the grant for any fiscal year—

"(A) to ensure that there are sufficient regular education, special education, and related services personnel who have the skills and knowledge necessary to meet the needs of children with disabilities and developmental goals of young children; or

"(B) to work with other States on common certification criteria; or

"(2) shall use not less than 50 percent of such funds for such purposes, if the State demonstrates to the Secretary's satisfaction that it has the personnel described in paragraph (1)(A).

"(c) Grants to Outlying Areas.—Public Law 95–134, permitting the consolidation of grants to the outlying areas, shall not apply to funds received under this subpart.

"SEC. 655. MINIMUM STATE GRANT AMOUNTS.

"(a) In General.—The Secretary shall make a grant to each State educational agency whose application the Secretary has selected for funding under this subpart in an amount for each fiscal year that is—

"(1) not less than $500,000, nor more than $2,000,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

"(2) not less than $80,000, in the case of an outlying area.

"(b) Inflation Adjustment.—Beginning with fiscal year 1999, the Secretary may increase the maximum amount described in subsection (a)(1) to account for inflation.

"(c) Factors.—The Secretary shall set the amount of each grant under subsection (a) after considering—

"(1) the amount of funds available for making the grants;

"(2) the relative population of the State or outlying area; and

"(3) the types of activities proposed by the State or outlying area.

"SEC. 656. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 1998 through 2002.

"Subpart 2—Coordinated Research, Personnel Preparation, Technical Assistance, Support, and Dissemination of Information

"SEC. 661. ADMINISTRATIVE PROVISIONS.

"(a) Comprehensive Plan.—

"(1) In general.—The Secretary shall develop and implement a comprehensive plan for activities carried out under this subpart in order to enhance the provision of educational, related, transitional, and early intervention services to children with disabilities under parts B and C. The plan shall include mechanisms to address educational, related services, transitional, and early intervention needs identified by State educational agencies in applications submitted for State program improvement grants under subpart 1.

"(2) Participants in plan development.—In developing the plan described in paragraph (1), the Secretary shall consult with—

"(A) individuals with disabilities;

"(B) parents of children with disabilities;

"(C) appropriate professionals; and

"(D) representatives of State and local educational agencies, private schools, institutions of higher education, other Federal agencies, the National Council on Disability, and national organizations with an interest in, and expertise in, providing services to children with disabilities and their families.

"(3) Public comment.—The Secretary shall take public comment on the plan.

"(4) Distribution of funds.—In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds are awarded to recipients under this subpart to carry out activities that benefit, directly or indirectly, children with disabilities of all ages.

"(5) Reports to congress.—The Secretary shall periodically report to the Congress on the Secretary's activities under this subsection, including an initial report not later than the date that is 18 months after the date of the enactment of the Individuals with Disabilities Act Amendments of 1997.

"(b) Eligible Applicants.—

"(1) In general.—Except as otherwise provided in this subpart, the following entities are eligible to apply for a grant, contract, or cooperative agreement under this subpart:

"(A) A State educational agency.

"(B) A local educational agency.

"(C) An institution of higher education.

"(D) Any other public agency.

"(E) A private nonprofit organization.

"(F) An outlying area.

"(G) An Indian tribe or a tribal organization (as defined under section 4 of the Indian Self-Determination and Education Assistance Act).

"(H) A for-profit organization, if the Secretary finds it appropriate in light of the purposes of a particular competition for a grant, contract, or cooperative agreement under this subpart.

"(2) SPECIAL RULE.—The Secretary may limit the entities eligible for an award of a grant, contract, or cooperative agreement to one or more categories of eligible entities described in paragraph (1).

"(c) USE OF FUNDS BY SECRETARY.—Notwithstanding any other provision of law, and in addition to any authority granted the Secretary under chapter 1 or chapter 2, the Secretary may use up to 20 percent of the funds available under either chapter 1 or chapter 2 for any fiscal year to carry out any activity, or combination of activities, subject to such conditions as the Secretary determines are appropriate effectively to carry out the purposes of such chapters, that—

"(A) is consistent with the purposes of chapter 1, chapter 2, or both; and

"(B) involves—

"(i) research;

"(ii) personnel preparation;

"(iii) parent training and information;

"(iv) technical assistance and dissemination;

"(v) technology development, demonstration, and utilization; or

"(vi) media services.

"(d) SPECIAL POPULATIONS.—

"(1) APPLICATION REQUIREMENT.—In making an award of a grant, contract, or cooperative agreement under this subpart, the Secretary shall, as appropriate, require an applicant to demonstrate how the applicant will address the needs of children with disabilities from minority backgrounds.

"(2) OUTREACH AND TECHNICAL ASSISTANCE.—

"(A) REQUIREMENT.—Notwithstanding any other provision of this Act, the Secretary shall ensure that at least one percent of the total amount of funds appropriated to carry out this subpart is used for either or both of the following activities:

"(i) To provide outreach and technical assistance to Historically Black Colleges and Universities, and to institutions of higher education with minority enrollments of at least 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this subpart.

"(ii) To enable Historically Black Colleges and Universities, and the institutions described in clause (i), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities.

"(B) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated under this subpart to satisfy the requirement of subparagraph (A).

"(e) PRIORITIES.—

"(1) IN GENERAL.—Except as otherwise explicitly authorized in this subpart, the Secretary shall ensure that a grant, contract, or cooperative agreement under chapter 1 or 2 is awarded only—

"(A) for activities that are designed to benefit children with disabilities, their families, or the personnel employed to work with such children or their families; or

"(B) to benefit other individuals with disabilities that such chapter is intended to benefit.

"(2) PRIORITY FOR PARTICULAR ACTIVITIES.—Subject to paragraph (1), the Secretary, in making an award of a grant, contract, or cooperative agreement under this subpart, may, without regard to the rule making procedures under section 553 of title 5, United States Code, limit competitions to, or otherwise give priority to—

"(A) projects that address one or more—

"(i) age ranges;

"(ii) disabilities;

"(iii) school grades;

"(iv) types of educational placements or early intervention environments;

"(v) types of services;

"(vi) content areas, such as reading; or

"(vii) effective strategies for helping children with disabilities learn appropriate behavior in the school and other community-based educational settings;

"(B) projects that address the needs of children based on the severity of their disability;

"(C) projects that address the needs of—

"(i) low-achieving students;

"(ii) underserved populations;

"(iii) children from low-income families;

"(iv) children with limited English proficiency;

"(v) unserved and underserved areas;

"(vi) particular types of geographic areas; or

"(vii) children whose behavior interferes with their learning and socialization;

"(D) projects to reduce inappropriate identification of children as children with disabilities, particularly among minority children;

"(E) projects that are carried out in particular areas of the country, to ensure broad geographic coverage; and

"(F) any activity that is expressly authorized in chapter 1 or 2.

"(f) APPLICANT AND RECIPIENT RESPONSIBILITIES.—

"(1) DEVELOPMENT AND ASSESSMENT OF PROJECTS.—The Secretary shall require that an applicant for, and a recipient of, a grant, contract, or cooperative agreement for a project under this subpart—

"(A) involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the project; and

"(B) where appropriate, determine whether the project has any potential for replication and adoption by other entities.

"(2) ADDITIONAL RESPONSIBILITIES.—The Secretary may require a recipient of a grant, contract, or cooperative agreement for a project under this subpart—

"(A) to share in the cost of the project;

"(B) to prepare the research and evaluation findings and products from the project in formats that are useful for specific audiences, including parents, administrators, teachers, early intervention personnel, related services personnel, and individuals with disabilities;

"(C) to disseminate such findings and products; and

"(D) to collaborate with other such recipients in carrying out subparagraphs (B) and (C).

"(g) APPLICATION MANAGEMENT.—

"(1) STANDING PANEL.—

"(A) IN GENERAL.—The Secretary shall establish and use a standing panel of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this subpart that, individually, request more than $75,000 per year in Federal financial assistance.

"(B) MEMBERSHIP.—The standing panel shall include, at a minimum—

"(i) individuals who are representatives of institutions of higher education that plan, develop, and carry out programs of personnel preparation;

"(ii) individuals who design and carry out programs of research targeted to the improvement of special education programs and services;

"(iii) individuals who have recognized experience and knowledge necessary to integrate and apply research findings to improve educational and transitional results for children with disabilities;

"(iv) individuals who administer programs at the State or local level in which children with disabilities participate;

"(v) individuals who prepare parents of children with disabilities to participate in making decisions about the education of their children;

"(vi) individuals who establish policies that affect the delivery of services to children with disabilities;

"(vii) individuals who are parents of children with disabilities who are benefiting, or have benefited, from coordinated research, personnel preparation, and technical assistance; and

"(viii) individuals with disabilities.

"(C) TRAINING.—The Secretary shall provide training to the individuals who are selected as members of the standing panel under this paragraph.

"(D) TERM.—No individual shall serve on the standing panel for more than 3 consecutive years, unless the Secretary determines that the individual's continued participation is necessary for the sound administration of this subpart.

"(2) PEER-REVIEW PANELS FOR PARTICULAR COMPETITIONS.—

"(A) COMPOSITION.—The Secretary shall ensure that each sub-panel selected from the standing panel that reviews applications under this subpart includes—

"(i) individuals with knowledge and expertise on the issues addressed by the activities authorized by the subpart; and

"(ii) to the extent practicable, parents of children with disabilities, individuals with disabilities, and persons from diverse backgrounds.

"(B) FEDERAL EMPLOYMENT LIMITATION.—A majority of the individuals on each sub-panel that reviews an application under this subpart shall be individuals who are not employees of the Federal Government.

"(3) USE OF DISCRETIONARY FUNDS FOR ADMINISTRATIVE PURPOSES.—

"(A) EXPENSES AND FEES OF NON-FEDERAL PANEL MEMBERS.—The Secretary may use funds available under this subpart to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

"(B) ADMINISTRATIVE SUPPORT.—The Secretary may use not more than 1 percent of the funds appropriated to carry out this subpart to pay non-Federal entities for administrative support related to management of applications submitted under this subpart.

"(C) MONITORING.—The Secretary may use funds available under this subpart to pay the expenses of Federal employees to conduct on-site monitoring of projects receiving $500,000 or more for any fiscal year under this subpart.

"(h) PROGRAM EVALUATION.—The Secretary may use funds appropriated to carry out this subpart to evaluate activities carried out under the subpart.

“(i) Minimum Funding Required.—

“(1) In general.—Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, at least the following amounts are provided under this subpart to address the following needs:

“(A) $12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

“(B) $4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

“(C) $4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

“(2) Ratable reduction.—If the total amount appropriated to carry out sections 672, 673, and 685 for any fiscal year is less than $130,000,000, the amounts listed in paragraph (1) shall be ratably reduced.

“(j) Eligibility for Financial Assistance.—Effective for fiscal years for which the Secretary may make grants under section 619(b), no State or local educational agency or educational service agency or other public institution or agency may receive a grant under this subpart which relates exclusively to programs, projects, and activities pertaining to children aged three to five, inclusive, unless the State is eligible to receive a grant under section 619(b).

“Chapter 1—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities through Coordinated Research and Personnel Preparation

“SEC. 671. FINDINGS AND PURPOSE.

“(a) Findings.—The Congress finds the following:

“(1) The Federal Government has an ongoing obligation to support programs, projects, and activities that contribute to positive results for children with disabilities, enabling them—

“(A) to meet their early intervention, educational, and transitional goals and, to the maximum extent possible, educational standards that have been established for all children; and

“(B) to acquire the skills that will empower them to lead productive and independent adult lives.

“(2)(A) As a result of more than 20 years of Federal support for research, demonstration projects, and personnel preparation, there is an important knowledge base for improving results for children with disabilities.

“(B) Such knowledge should be used by States and local educational agencies to design and implement state-of-the-art educational systems that consider the needs of, and include, children with disabilities, especially in environments in which they can learn along with their peers and achieve results measured by the same standards as the results of their peers.

“(3)(A) Continued Federal support is essential for the development and maintenance of a coordinated and high-quality program of research, demonstration projects, dissemination of information, and personnel preparation.

“(B) Such support—

“(i) enables State educational agencies and local educational agencies to improve their educational systems and results for children with disabilities;

“(ii) enables State and local agencies to improve early intervention services and results for infants and toddlers with disabilities and their families; and

“(iii) enhances the opportunities for general and special education personnel, related services personnel, parents, and paraprofessionals to participate in pre-service and in-service training, to collaborate, and to improve results for children with disabilities and their families.

“(4) The Federal Government plays a critical role in facilitating the availability of an adequate number of qualified personnel—

“(A) to serve effectively the over 5,000,000 children with disabilities;

“(B) to assume leadership positions in administrative and direct-service capacities related to teacher training and research concerning the provision of early intervention services, special education, and related services; and

“(C) to work with children with low-incidence disabilities and their families.

“(5) The Federal Government performs the role described in paragraph (4)—

“(A) by supporting models of personnel development that reflect successful practice, including strategies for recruiting, preparing, and retaining personnel;

“(B) by promoting the coordination and integration of—

“(i) personnel-development activities for teachers of children with disabilities; and

“(ii) other personnel-development activities supported under Federal law, including this chapter;

“(C) by supporting the development and dissemination of information about teaching standards; and

“(D) by promoting the coordination and integration of personnel-development activities through linkage with systemic-change activities within States and nationally.

“(b) Purpose.—The purpose of this chapter is to provide Federal funding for coordinated research, demonstration projects, outreach, and personnel-preparation activities that—

“(1) are described in sections 672 through 674;

“(2) are linked with, and promote, systemic change; and

“(3) improve early intervention, educational, and transitional results for children with disabilities.

“SEC. 672. RESEARCH AND INNOVATION TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

“(a) In General.—The Secretary shall make competitive grants to, or enter into contracts or cooperative agreements with, eligible entities to produce, and advance the use of, knowledge—

“(1) to improve—

“(A) services provided under this Act, including the practices of professionals and others involved in providing such services to children with disabilities; and

“(B) educational results for children with disabilities;

“(2) to address the special needs of preschool-aged children and infants and toddlers with disabilities, including infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them;

“(3) to address the specific problems of over-identification and under-identification of children with disabilities;

“(4) to develop and implement effective strategies for addressing inappropriate behavior of students with disabilities in schools, including strategies to prevent children with emotional and behavioral problems from developing emotional disturbances that require the provision of special education and related services;

“(5) to improve secondary and postsecondary education and transitional services for children with disabilities; and

“(6) to address the range of special education, related services, and early intervention needs of children with disabilities who need significant levels of support to maximize their participation and learning in school and in the community.

“(b) New Knowledge Production; Authorized Activities.—

“(1) In general.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that lead to the production of new knowledge.

“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

“(A) Expanding understanding of the relationships between learning characteristics of children with disabilities and the diverse ethnic, cultural, linguistic, social, and economic backgrounds of children with disabilities and their families.

“(B) Developing or identifying innovative, effective, and efficient curricula designs, instructional approaches, and strategies, and developing or identifying positive academic and social learning opportunities, that—

“(i) enable children with disabilities to make effective transitions described in section 674(b)(3)(C) or transitions between educational settings; and

“(ii) improve educational and transitional results for children with disabilities at all levels of the educational system in which the activities are carried out and, in particular, that improve the progress of the children, as measured by assessments within the general education curriculum involved.

“(C) Advancing the design of assessment tools and procedures that will accurately and efficiently determine the special instructional, learning, and behavioral needs of children with disabilities, especially within the context of general education.

“(D) Studying and promoting improved alignment and compatibility of general and special education reforms concerned with curricular and instructional reform, evaluation and accountability of such reforms, and administrative procedures.

“(E) Advancing the design, development, and integration of technology, assistive technology devices, media, and materials, to improve early intervention, educational, and transitional services and results for children with disabilities.

“(F) Improving designs, processes, and results of personnel preparation for personnel who provide services to children with disabilities through the acquisition of information on, and implementation of, research-based practices.

“(G) Advancing knowledge about the coordination of education with health and social services.

“(H) Producing information on the long-term impact of early intervention and education on results for individuals with disabilities through large-scale longitudinal studies.

“(c) Integration of Research and Practice; Authorized Activities.—

“(1) In general.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that integrate research and practice, including activities that support State systemic-change and local capacity-building and improvement efforts.

“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

“(A) Model demonstration projects to apply and test research findings in typical service settings to determine the usability, effectiveness, and general applicability of such research findings in such areas as improving instructional methods, curricula, and tools, such as textbooks and media.

“(B) Demonstrating and applying research-based findings to facilitate systemic changes, related to the provision of services to children with disabilities, in policy, procedure, practice, and the training and use of personnel.

“(C) Promoting and demonstrating the coordination of early intervention and educational services for children with disabilities with services provided by health, rehabilitation, and social service agencies.

“(D) Identifying and disseminating solutions that overcome systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services to children with disabilities.

“(d) Improving the Use of Professional Knowledge; Authorized Activities.—

“(1) In general.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that improve the use of professional knowledge, including activities that support State systemic-change and local capacity-building and improvement efforts.

“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

“(A) Synthesizing useful research and other information relating to the provision of services to children with disabilities, including effective practices.

“(B) Analyzing professional knowledge bases to advance an understanding of the relationships, and the effectiveness of practices, relating to the provision of services to children with disabilities.

“(C) Ensuring that research and related products are in appropriate formats for distribution to teachers, parents, and individuals with disabilities.

“(D) Enabling professionals, parents of children with disabilities, and other persons, to learn about, and implement, the findings of research, and successful practices developed in model demonstration projects, relating to the provision of services to children with disabilities.

“(E) Conducting outreach, and disseminating information relating to successful approaches to overcoming systemic barriers to the effective and efficient delivery of early intervention, educational, and transitional services, to personnel who provide services to children with disabilities.

“(e) Balance Among Activities and Age Ranges.—In carrying out this section, the Secretary shall ensure that there is an appropriate balance—

“(1) among knowledge production, integration of research and practice, and use of professional knowledge; and

“(2) across all age ranges of children with disabilities.

“(f) Applications.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002.

“SEC. 673. PERSONNEL PREPARATION TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

“(a) In General.—The Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, eligible entities—

“(1) to help address State-identified needs for qualified personnel in special education, related services, early intervention, and regular education, to work with children with disabilities; and

“(2) to ensure that those personnel have the skills and knowledge, derived from practices that have been determined, through research and experience, to be successful, that are needed to serve those children.

“(b) Low-Incidence Disabilities; Authorized Activities.—

“(1) In general.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that benefit children with low-incidence disabilities.

“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

“(A) Preparing persons who—

“(i) have prior training in educational and other related service fields; and

“(ii) are studying to obtain degrees, certificates, or licensure that will enable them to assist children with disabilities to achieve the objectives set out in their individualized education programs described in section 614(d), or to assist infants and toddlers with disabilities to achieve the outcomes described in their individualized family service plans described in section 636.

“(B) Providing personnel from various disciplines with interdisciplinary training that will contribute to improvement in early intervention, educational, and transitional results for children with disabilities.

“(C) Preparing personnel in the innovative uses and application of technology to enhance learning by children with disabilities through early intervention, educational, and transitional services.

“(D) Preparing personnel who provide services to visually impaired or blind children to teach and use Braille in the provision of services to such children.

“(E) Preparing personnel to be qualified educational interpreters, to assist children with disabilities, particularly deaf and hard-of-hearing children in school and school-related activities and deaf and hard-of-hearing infants and toddlers and preschool children in early intervention and preschool programs.

“(F) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities.

“(3) Definition.—As used in this section, the term ‘low-incidence disability’ means—

“(A) a visual or hearing impairment, or simultaneous visual and hearing impairments;

“(B) a significant cognitive impairment; or

“(C) any impairment for which a small number of personnel with highly specialized skills and knowledge are needed in order for children with that impairment to receive early intervention services or a free appropriate public education.

“(4) Selection of recipients.—In selecting recipients under this subsection, the Secretary may give preference to applications that propose to prepare personnel in more than one low-incidence disability, such as deafness and blindness.

“(5) Preparation in use of braille.—The Secretary shall ensure that all recipients of assistance under this subsection who will use that assistance to prepare personnel to provide services to visually impaired or blind children that can appropriately be provided in Braille will prepare those individuals to provide those services in Braille.

“(c) Leadership Preparation; Authorized Activities.—

“(1) In general.—In carrying out this section, the Secretary shall support leadership preparation activities that are consistent with the objectives described in subsection (a).

“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

“(A) Preparing personnel at the advanced graduate, doctoral, and postdoctoral levels of training to administer, enhance, or provide services for children with disabilities.

“(B) Providing interdisciplinary training for various types of leadership personnel, including teacher preparation faculty, administrators, researchers, supervisors, principals, and other persons whose work affects early intervention, educational, and transitional services for children with disabilities.

“(d) Projects of National Significance; Authorized Activities.—

“(1) In general.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), that are of national significance and have broad applicability.

“(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

“(A) Developing and demonstrating effective and efficient practices for preparing personnel to provide services to children with disabilities, including practices that address any needs identified in the State's improvement plan under part C;

“(B) Demonstrating the application of significant knowledge derived from research and other sources in the development of programs to prepare personnel to provide services to children with disabilities.

“(C) Demonstrating models for the preparation of, and interdisciplinary training of, early intervention, special education, and general education personnel, to enable the personnel—

“(i) to acquire the collaboration skills necessary to work within teams to assist children with disabilities; and

“(ii) to achieve results that meet challenging standards, particularly within the general education curriculum.

“(D) Demonstrating models that reduce shortages of teachers, and personnel from other relevant disciplines, who serve children with disabilities, through reciprocity arrangements between States that are related to licensure and certification.

“(E) Developing, evaluating, and disseminating model teaching standards for persons working with children with disabilities.

“(F) Promoting the transferability, across State and local jurisdictions, of licensure and certification of teachers and administrators working with such children.

“(G) Developing and disseminating models that prepare teachers with strategies, including behavioral interventions, for addressing the conduct of children with disabilities that impedes their learning and that of others in the classroom.

“(H) Institutes that provide professional development that addresses the needs of children with disabilities to teachers or teams of teachers, and where appropriate, to school board members, administrators, principals, pupil-service personnel, and other staff from individual schools.

“(I) Projects to improve the ability of general education teachers, principals, and other administrators to meet the needs of children with disabilities.

“(J) Developing, evaluating, and disseminating innovative models for the recruitment, induction, retention, and assessment of new, qualified teachers, especially from groups that are underrepresented in the teaching profession, including individuals with disabilities.

“(K) Supporting institutions of higher education with minority enrollments of at least 25 percent for the purpose of preparing personnel to work with children with disabilities.

“(e) HIGH-INCIDENCE DISABILITIES; AUTHORIZED ACTIVITIES.—

“(1) IN GENERAL.—In carrying out this section, the Secretary shall support activities, consistent with the objectives described in subsection (a), to benefit children with high-incidence disabilities, such as children with specific learning disabilities, speech or language impairment, or mental retardation.

“(2) AUTHORIZED ACTIVITIES.—Activities that may be carried out under this subsection include the following:

“(A) Activities undertaken by institutions of higher education, local educational agencies, and other local entities—

“(i) to improve and reform their existing programs to prepare teachers and related services personnel—

“(I) to meet the diverse needs of children with disabilities for early intervention, educational, and transitional services; and

“(II) to work collaboratively in regular classroom settings; and

“(ii) to incorporate best practices and research-based knowledge about preparing personnel so they will have the knowledge and skills to improve educational results for children with disabilities.

“(B) Activities incorporating innovative strategies to recruit and prepare teachers and other personnel to meet the needs of areas in which there are acute and persistent shortages of personnel.

“(C) Developing career opportunities for paraprofessionals to receive training as special education teachers, related services personnel, and early intervention personnel, including interdisciplinary training to enable them to improve early intervention, educational, and transitional results for children with disabilities.

“(f) APPLICATIONS.—

“(1) IN GENERAL.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) IDENTIFIED STATE NEEDS.—

“(A) REQUIREMENT TO ADDRESS IDENTIFIED NEEDS.—Any application under subsection (b), (c), or (e) shall include information demonstrating to the satisfaction of the Secretary that the activities described in the application will address needs identified by the State or States the applicant proposes to serve.

“(B) COOPERATION WITH STATE EDUCATIONAL AGENCIES.—Any applicant that is not a local educational agency or a State educational agency shall include information demonstrating to the satisfaction of the Secretary that the applicant and one or more State educational agencies have engaged in a cooperative effort to plan the project to which the application pertains, and will cooperate in carrying out and monitoring the project.

“(3) ACCEPTANCE BY STATES OF PERSONNEL PREPARATION REQUIREMENTS.—The Secretary may require applicants to provide letters from one or more States stating that the States—

“(A) intend to accept successful completion of the proposed personnel preparation program as meeting State personnel standards for serving children with disabilities or serving infants and toddlers with disabilities; and

“(B) need personnel in the area or areas in which the applicant proposes to provide preparation, as identified in the States' comprehensive systems of personnel development under parts B and C.

“(g) SELECTION OF RECIPIENTS.—

“(1) IMPACT OF PROJECT.—In selecting recipients under this section, the Secretary may consider the impact of the project proposed in the application in meeting the need for personnel identified by the States.

“(2) REQUIREMENT ON APPLICANTS TO MEET STATE AND PROFESSIONAL STANDARDS.—The Secretary shall make grants under this section only to eligible applicants that meet State and professionally-recognized standards for the preparation of special education and related services personnel, if the purpose of the project is to assist personnel in obtaining degrees.

“(3) PREFERENCES.—In selecting recipients under this section, the Secretary may—

“(A) give preference to institutions of higher education that are educating regular education personnel to meet the needs of children with disabilities in integrated settings and educating special education personnel to work in collaboration with regular educators in integrated settings; and

“(B) give preference to institutions of higher education that are successfully recruiting and preparing individuals with disabilities and individuals from groups that are underrepresented in the profession for which they are preparing individuals.

“(h) SERVICE OBLIGATION.—

“(1) IN GENERAL.—Each application for funds under subsections (b) and (e), and to the extent appropriate subsection (d), shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently provide special education and related services to children with disabilities for a period of 2 years for every year for which assistance was received or repay all or part of the cost of that assistance, in accordance with regulations issued by the Secretary.

“(2) LEADERSHIP PREPARATION.—Each application for funds under subsection (c) shall include an assurance that the applicant will ensure that individuals who receive a scholarship under the proposed project will subsequently perform work related to their preparation for a period of 2 years for every year for which assistance was received or repay all or part of such costs, in accordance with regulations issued by the Secretary.

“(i) SCHOLARSHIPS.—The Secretary may include funds for scholarships, with necessary stipends and allowances, in awards under subsections (b), (c), (d), and (e).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002.

“SEC. 674. STUDIES AND EVALUATIONS.

“(a) STUDIES AND EVALUATIONS.—

“(1) IN GENERAL.—The Secretary shall, directly or through grants, contracts, or cooperative agreements, assess the progress in the implementation of this Act, including the effectiveness of State and local efforts to provide—

“(A) a free appropriate public education to children with disabilities; and

“(B) early intervention services to infants and toddlers with disabilities and infants and toddlers who would be at risk of having substantial developmental delays if early intervention services were not provided to them.

“(2) AUTHORIZED ACTIVITIES.—In carrying out this subsection, the Secretary may support studies, evaluations, and assessments, including studies that—

“(A) analyze measurable impact, outcomes, and results achieved by State educational agencies and local educational agencies through their activities to reform policies, procedures, and practices designed to improve educational and transitional services and results for children with disabilities;

“(B) analyze State and local needs for professional development, parent training, and other appropriate activities that can reduce the need for disciplinary actions involving children with disabilities;

“(C) assess educational and transitional services and results for children with disabilities from minority backgrounds, including—

“(i) data on—

“(I) the number of minority children who are referred for special education evaluation;

“(II) the number of minority children who are receiving special education and related services and their educational or other service placement; and

“(III) the number of minority children who graduated from secondary and postsecondary education programs; and

“(ii) the performance of children with disabilities from minority backgrounds on State assessments and other performance indicators established for all students;

“(D) measure educational and transitional services and results of children with disabilities under this Act, including longitudinal studies that—

“(i) examine educational and transitional services and results for children with disabilities who are 3 through 17 years of age and are receiving special education and related services under this Act, using a national, representative sample of distinct age cohorts and disability categories; and

“(ii) examine educational results, postsecondary placement, and employment status of individuals with disabilities, 18 through 21 years of age, who are receiving or have received special education and related services under this Act; and

“(E) identify and report on the placement of children with disabilities by disability category.

“(b) NATIONAL ASSESSMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a national assessment of activities carried out with Federal funds under this Act in order—

“(A) to determine the effectiveness of this Act in achieving its purposes;

"(B) to provide information to the President, the Congress, the States, local educational agencies, and the public on how to implement the Act more effectively; and

"(C) to provide the President and the Congress with information that will be useful in developing legislation to achieve the purposes of this Act more effectively.

"(2) Consultation.—The Secretary shall plan, review, and conduct the national assessment under this subsection in consultation with researchers, State practitioners, local practitioners, parents of children with disabilities, individuals with disabilities, and other appropriate individuals.

"(3) Scope of assessment.—The national assessment shall examine how well schools, local educational agencies, States, other recipients of assistance under this Act, and the Secretary are achieving the purposes of this Act, including—

"(A) improving the performance of children with disabilities in general scholastic activities and assessments as compared to nondisabled children;

"(B) providing for the participation of children with disabilities in the general curriculum;

"(C) helping children with disabilities make successful transitions from—

"(i) early intervention services to preschool education;

"(ii) preschool education to elementary school; and

"(iii) secondary school to adult life;

"(D) placing and serving children with disabilities, including minority children, in the least restrictive environment appropriate;

"(E) preventing children with disabilities, especially children with emotional disturbances and specific learning disabilities, from dropping out of school;

"(F) addressing behavioral problems of children with disabilities as compared to nondisabled children;

"(G) coordinating services provided under this Act with each other, with other educational and pupil services (including preschool services), and with health and social services funded from other sources;

"(H) providing for the participation of parents of children with disabilities in the education of their children; and

"(I) resolving disagreements between education personnel and parents through activities such as mediation.

"(4) Interim and final reports.—The Secretary shall submit to the President and the Congress—

"(A) an interim report that summarizes the preliminary findings of the assessment not later than October 1, 1999; and

"(B) a final report of the findings of the assessment not later than October 1, 2001.

"(c) Annual Report.—The Secretary shall report annually to the Congress on—

"(1) an analysis and summary of the data reported by the States and the Secretary of the Interior under section 618;

"(2) the results of activities conducted under subsection (a);

"(3) the findings and determinations resulting from reviews of State implementation of this Act.

"(d) Technical Assistance to LEAS.—The Secretary shall provide directly, or through grants, contracts, or cooperative agreements, technical assistance to local educational agencies to assist them in carrying out local capacity-building and improvement projects under section 611(f)(4) and other LEA systemic improvement activities under this Act.

"(e) Reservation for Studies and Technical Assistance.—

"(1) In general.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, the Secretary may reserve up to one-half of one percent of the amount appropriated under parts B and C for each fiscal year to carry out this section.

"(2) Maximum amount.—For the first fiscal year in which the amount described in paragraph (1) is at least $20,000,000, the maximum amount the Secretary may reserve under paragraph (1) is $20,000,000. For each subsequent fiscal year, the maximum amount the Secretary may reserve under paragraph (1) is $20,000,000, increased by the cumulative rate of inflation since the fiscal year described in the previous sentence.

"(3) Use of maximum amount.—In any fiscal year described in paragraph (2) for which the Secretary reserves the maximum amount described in that paragraph, the Secretary shall use at least half of the reserved amount for activities under subsection (d).

"Chapter 2—Improving Early Intervention, Educational, and Transitional Services and Results for Children With Disabilities Through Coordinated Technical Assistance, Support, and Dissemination of Information

"SEC. 681. FINDINGS AND PURPOSES.

"(a) In General.—The Congress finds as follows:

"(1) National technical assistance, support, and dissemination activities are necessary to ensure that parts B and C are fully implemented and achieve quality early intervention, educational, and transitional results for children with disabilities and their families.

"(2) Parents, teachers, administrators, and related services personnel need technical assistance and information in a timely, coordinated, and accessible manner in order to improve early intervention, educational, and transitional services and results at the State and local levels for children with disabilities and their families.

"(3) Parent training and information activities have taken on increased importance in efforts to assist parents of a child with a disability in dealing with the multiple pressures of rearing such a child and are of particular importance in—

"(A) ensuring the involvement of such parents in planning and decisionmaking with respect to early intervention, educational, and transitional services;

"(B) achieving quality early intervention, educational, and transitional results for children with disabilities;

"(C) providing such parents information on their rights and protections under this Act to ensure improved early intervention, educational, and transitional results for children with disabilities;

"(D) assisting such parents in the development of skills to participate effectively in the education and development of their children and in the transitions described in section 674(b)(3)(C); and

"(E) supporting the roles of such parents as participants within partnerships seeking to improve early intervention, educational, and transitional services and results for children with disabilities and their families.

"(4) Providers of parent training and information activities need to ensure that such parents who have limited access to services and supports, due to economic, cultural, or linguistic barriers, are provided with access to appropriate parent training and information activities.

"(5) Parents of children with disabilities need information that helps the parents to understand the rights and responsibilities of their children under part B.

"(6) The provision of coordinated technical assistance and dissemination of information to State and local agencies, institutions of higher education, and other providers of services to children with disabilities is essential in—

"(A) supporting the process of achieving systemic change;

"(B) supporting actions in areas of priority specific to the improvement of early intervention, educational, and transitional results for children with disabilities;

"(C) conveying information and assistance that are—

"(i) based on current research (as of the date the information and assistance are conveyed);

"(ii) accessible and meaningful for use in supporting systemic-change activities of State and local partnerships; and

"(iii) linked directly to improving early intervention, educational, and transitional services and results for children with disabilities and their families; and

"(D) organizing systems and information networks for such information, based on modern technology related to—

"(i) storing and gaining access to information; and

"(ii) distributing information in a systematic manner to parents, students, professionals, and policymakers.

"(7) Federal support for carrying out technology research, technology development, and educational media services and activities has resulted in major innovations that have significantly improved early intervention, educational, and transitional services and results for children with disabilities and their families.

"(8) Such Federal support is needed—

"(A) to stimulate the development of software, interactive learning tools, and devices to address early intervention, educational, and transitional needs of children with disabilities who have certain disabilities;

"(B) to make information available on technology research, technology development, and educational media services and activities to individuals involved in the provision of early intervention, educational, and transitional services to children with disabilities;

"(C) to promote the integration of technology into curricula to improve early intervention, educational, and transitional results for children with disabilities;

"(D) to provide incentives for the development of technology and media devices and tools that are not readily found or available because of the small size of potential markets;

"(E) to make resources available to pay for such devices and tools and educational media services and activities;

"(F) to promote the training of personnel—

"(i) to provide such devices, tools, services, and activities in a competent manner; and

"(ii) to assist children with disabilities and their families in using such devices, tools, services, and activities; and

"(G) to coordinate the provision of such devices, tools, services, and activities—

"(i) among State human services programs; and

"(ii) between such programs and private agencies.

"(b) Purposes.—The purposes of this chapter are to ensure that—

"(1) children with disabilities, and their parents, receive training and information on their rights and protections under this Act, in order to develop the skills necessary to effectively participate in planning and decisionmaking relating to early intervention, educational, and transitional services and in systemic-change activities;

"(2) parents, teachers, administrators, early intervention personnel, related services personnel, and transition personnel receive coordinated and accessible technical assistance and information to assist such persons, through systemic-change activities and other efforts, to improve early intervention, educational, and transitional services and results for children with disabilities and their families;

"(3) appropriate technology and media are researched, developed, demonstrated, and made available in timely and accessible formats to parents, teachers, and all types of personnel providing services to children with disabilities to support their roles as partners in the improvement and implementation of early intervention, educational, and transitional services and results for children with disabilities and their families;

"(4) on reaching the age of majority under State law, children with disabilities understand their rights and responsibilities under part B, if the State provides for the transfer of parental rights under section 615(m); and

"(5) the general welfare of deaf and hard-of-hearing individuals is promoted by—

"(A) bringing to such individuals understanding and appreciation of the films and television programs that play an important part in the general and cultural advancement of hearing individuals;

"(B) providing, through those films and television programs, enriched educational and cultural experiences through which deaf and hard-of-hearing individuals can better understand the realities of their environment; and

"(C) providing wholesome and rewarding experiences that deaf and hard-of-hearing individuals may share.

"SEC. 682. PARENT TRAINING AND INFORMATION CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, parent organizations to support parent training and information centers to carry out activities under this section.

"(b) REQUIRED ACTIVITIES.—Each parent training and information center that receives assistance under this section shall—

"(1) provide training and information that meets the training and information needs of parents of children with disabilities living in the area served by the center, particularly underserved parents and parents of children who may be inappropriately identified;

"(2) assist parents to understand the availability of, and how to effectively use, procedural safeguards under this Act, including encouraging the use, and explaining the benefits, of alternative methods of dispute resolution, such as the mediation process described in section 615(e);

"(3) serve the parents of infants, toddlers, and children with the full range of disabilities;

"(4) assist parents to—

"(A) better understand the nature of their children's disabilities and their educational and developmental needs;

"(B) communicate effectively with personnel responsible for providing special education, early intervention, and related services;

"(C) participate in decisionmaking processes and the development of individualized education programs under part B and individualized family service plans under part C;

"(D) obtain appropriate information about the range of options, programs, services, and resources available to assist children with disabilities and their families;

"(E) understand the provisions of this Act for the education of, and the provision of early intervention services to, children with disabilities; and

"(F) participate in school reform activities;

"(5) in States where the State elects to contract with the parent training and information center, contract with State educational agencies to provide, consistent with subparagraphs (B) and (D) of section 615(e)(2), individuals who meet with parents to explain the mediation process to them;

"(6) network with appropriate clearinghouses, including organizations conducting national dissemination activities under section 685(d), and with other national, State, and local organizations and agencies, such as protection and advocacy agencies, that serve parents and families of children with the full range of disabilities; and

"(7) annually report to the Secretary on—

"(A) the number of parents to whom it provided information and training in the most recently concluded fiscal year; and

"(B) the effectiveness of strategies used to reach and serve parents, including underserved parents of children with disabilities.

"(c) OPTIONAL ACTIVITIES.—A parent training and information center that receives assistance under this section may—

"(1) provide information to teachers and other professionals who provide special education and related services to children with disabilities;

"(2) assist students with disabilities to understand their rights and responsibilities under section 615(m) on reaching the age of majority; and

"(3) assist parents of children with disabilities to be informed participants in the development and implementation of the State's State improvement plan under subpart 1.

"(d) APPLICATION REQUIREMENTS.—Each application for assistance under this section shall identify with specificity the special efforts that the applicant will undertake—

"(1) to ensure that the needs for training and information of underserved parents of children with disabilities in the area to be served are effectively met; and

"(2) to work with community-based organizations.

"(e) DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall make at least 1 award to a parent organization in each State, unless the Secretary does not receive an application from such an organization in each State of sufficient quality to warrant approval.

"(2) SELECTION REQUIREMENT.—The Secretary shall select among applications submitted by parent organizations in a State in a manner that ensures the most effective assistance to parents, including parents in urban and rural areas, in the State.

"(f) QUARTERLY REVIEW.—

"(1) REQUIREMENTS.—

"(A) MEETINGS.—The board of directors or special governing committee of each organization that receives an award under this section shall meet at least once in each calendar quarter to review the activities for which the award was made.

"(B) ADVISING BOARD.—Each special governing committee shall directly advise the organization's governing board of its views and recommendations.

"(2) CONTINUATION AWARD.—When an organization requests a continuation award under this section, the board of directors or special governing committee shall submit to the Secretary a written review of the parent training and information program conducted by the organization during the preceding fiscal year.

"(g) DEFINITION OF PARENT ORGANIZATION.—As used in this section, the term 'parent organization' means a private nonprofit organization (other than an institution of higher education) that—

"(1) has a board of directors—

"(A) the majority of whom are parents of children with disabilities;

"(B) that includes—

"(i) individuals working in the fields of special education, related services, and early intervention; and

"(ii) individuals with disabilities; and

"(C) the parent and professional members of which are broadly representative of the population to be served; or

"(2) has—

"(A) a membership that represents the interests of individuals with disabilities and has established a special governing committee that meets the requirements of paragraph (1); and

"(B) a memorandum of understanding between the special governing committee and the board of directors of the organization that clearly outlines the relationship between the board and the committee and the decisionmaking responsibilities and authority of each.

"SEC. 683. COMMUNITY PARENT RESOURCE CENTERS.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts and cooperative agreements with, local parent organizations to support parent training and information centers that will help ensure that underserved parents of children with disabilities, including low-income parents, parents of children with limited English proficiency, and parents with disabilities, have the training and information they need to enable them to participate effectively in helping their children with disabilities—

"(1) to meet developmental goals and, to the maximum extent possible, those challenging standards that have been established for all children; and

"(2) to be prepared to lead productive independent adult lives, to the maximum extent possible.

"(b) REQUIRED ACTIVITIES.—Each parent training and information center assisted under this section shall—

"(1) provide training and information that meets the training and information needs of parents of children with disabilities proposed to be served by the grant, contract, or cooperative agreement;

"(2) carry out the activities required of parent training and information centers under paragraphs (2) through (7) of section 682(b);

"(3) establish cooperative partnerships with the parent training and information centers funded under section 682; and

"(4) be designed to meet the specific needs of families who experience significant isolation from available sources of information and support.

"(c) DEFINITION.—As used is this section, the term 'local parent organization' means a parent organization, as defined in section 682(g), that either—

"(1) has a board of directors the majority of whom are from the community to be served; or

"(2) has—

"(A) as a part of its mission, serving the interests of individuals with disabilities from such community; and

"(B) a special governing committee to administer the grant, contract, or cooperative agreement, a majority of the members of which are individuals from such community.

"SEC. 684. TECHNICAL ASSISTANCE FOR PARENT TRAINING AND INFORMATION CENTERS.

"(a) In General.—The Secretary may, directly or through awards to eligible entities, provide technical assistance for developing, assisting, and coordinating parent training and information programs carried out by parent training and information centers receiving assistance under sections 682 and 683.

"(b) Authorized Activities.—The Secretary may provide technical assistance to a parent training and information center under this section in areas such as—

"(1) effective coordination of parent training efforts;

"(2) dissemination of information;

"(3) evaluation by the center of itself;

"(4) promotion of the use of technology, including assistive technology devices and assistive technology services;

"(5) reaching underserved populations;

"(6) including children with disabilities in general education programs;

"(7) facilitation of transitions from—

"(A) early intervention services to preschool;

"(B) preschool to school; and

"(C) secondary school to postsecondary environments; and

"(8) promotion of alternative methods of dispute resolution.

"SEC. 685. COORDINATED TECHNICAL ASSISTANCE AND DISSEMINATION.

"(a) In General.—The Secretary shall, by competitively making grants or entering into contracts and cooperative agreements with eligible entities, provide technical assistance and information, through such mechanisms as institutes, Regional Resource Centers, clearinghouses, and programs that support States and local entities in building capacity, to improve early intervention, educational, and transitional services and results for children with disabilities and their families, and address systemic-change goals and priorities.

"(b) Systemic Technical Assistance; Authorized Activities.—

"(1) In general.—In carrying out this section, the Secretary shall carry out or support technical assistance activities, consistent with the objectives described in subsection (a), relating to systemic change.

"(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

"(A) Assisting States, local educational agencies, and other participants in partnerships established under subpart 1 with the process of planning systemic changes that will promote improved early intervention, educational, and transitional results for children with disabilities.

"(B) Promoting change through a multistate or regional framework that benefits States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes.

"(C) Increasing the depth and utility of information in ongoing and emerging areas of priority need identified by States, local educational agencies, and other participants in partnerships that are in the process of achieving systemic-change outcomes.

"(D) Promoting communication and information exchange among States, local educational agencies, and other participants in partnerships, based on the needs and concerns identified by the participants in the partnerships, rather than on externally imposed criteria or topics, regarding—

"(i) the practices, procedures, and policies of the States, local educational agencies, and other participants in partnerships; and

"(ii) accountability of the States, local educational agencies, and other participants in partnerships for improved early intervention, educational, and transitional results for children with disabilities.

"(c) Specialized Technical Assistance; Authorized Activities.—

"(1) In general.—In carrying out this section, the Secretary shall carry out or support activities, consistent with the objectives described in subsection (a), relating to areas of priority or specific populations.

"(2) Authorized activities.—Examples of activities that may be carried out under this subsection include activities that—

"(A) focus on specific areas of high-priority need that—

"(i) are identified by States, local educational agencies, and other participants in partnerships;

"(ii) require the development of new knowledge, or the analysis and synthesis of substantial bodies of information not readily available to the States, agencies, and other participants in partnerships; and

"(iii) will contribute significantly to the improvement of early intervention, educational, and transitional services and results for children with disabilities and their families;

"(B) focus on needs and issues that are specific to a population of children with disabilities, such as the provision of single-State and multi-State technical assistance and inservice training—

"(i) to schools and agencies serving deaf-blind children and their families; and

"(ii) to programs and agencies serving other groups of children with low-incidence disabilities and their families; or

"(C) address the postsecondary education needs of individuals who are deaf or hard of hearing.

"(d) National Information Dissemination; Authorized Activities.—

"(1) In general.—In carrying out this section, the Secretary shall carry out or support information dissemination activities that are consistent with the objectives described in subsection (a), including activities that address national needs for the preparation and dissemination of information relating to eliminating barriers to systemic-change and improving early intervention, educational, and transitional results for children with disabilities.

"(2) Authorized activities.—Examples of activities that may be carried out under this subsection include activities relating to—

"(A) infants and toddlers with disabilities and their families, and children with disabilities and their families;

"(B) services for populations of children with low-incidence disabilities, including deaf-blind children, and targeted age groupings;

"(C). the provision of postsecondary services to individuals with disabilities;

"(D) the need for and use of personnel to provide services to children with disabilities, and personnel recruitment, retention, and preparation;

"(E) issues that are of critical interest to State educational agencies and local educational agencies, other agency personnel, parents of children with disabilities, and individuals with disabilities;

"(F) educational reform and systemic change within States; and

"(G) promoting schools that are safe and conducive to learning.

"(3) Linking states to information sources.—In carrying out this subsection, the Secretary may support projects that link States to technical assistance resources, including special education and general education resources, and may make research and related products available through libraries, electronic networks, parent training projects, and other information sources.

"(e) Applications.—An eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"SEC. 686. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out sections 681 through 685 such sums as may be necessary for each of the fiscal years 1998 through 2002.

"SEC. 687. TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND UTILIZATION, AND MEDIA SERVICES.

"(a) In General.—The Secretary shall competitively make grants to, and enter into contracts and cooperative agreements with, eligible entities to support activities described in subsections (b) and (c).

"(b) Technology Development, Demonstration, and Utilization; Authorized Activities.—

"(1) In general.—In carrying out this section, the Secretary shall support activities to promote the development, demonstration, and utilization of technology.

"(2) Authorized activities.—Activities that may be carried out under this subsection include activities such as the following:

"(A) Conducting research and development activities on the use of innovative and emerging technologies for children with disabilities.

"(B) Promoting the demonstration and use of innovative and emerging technologies for children with disabilities by improving and expanding the transfer of technology from research and development to practice.

"(C) Providing technical assistance to recipients of other assistance under this section, concerning the development of accessible, effective, and usable products.

"(D) Communicating information on available technology and the uses of such technology to assist children with disabilities.

"(E) Supporting the implementation of research programs on captioning or video description.

"(F) Supporting research, development, and dissemination of technology with universal-design features, so that the technology is accessible to individuals with disabilities without further modification or adaptation.

"(G) Demonstrating the use of publicly-funded telecommunications systems to provide parents and teachers with information and training concerning early diagnosis of, intervention for, and effective teaching strategies for, young children with reading disabilities.

"(c) Educational Media Services; Authorized Activities.—In carrying out this section, the Secretary shall support—

"(1) educational media activities that are designed to be of educational value to children with disabilities;

"(2) providing video description, open captioning, or closed captioning of television programs, videos, or educational materials through September 30, 2001; and after fiscal year 2001, providing video description, open captioning, or closed captioning of educational, news, and informational television, videos, or materials;

"(3) distributing captioned and described videos or educational materials through such mechanisms as a loan service;

"(4) providing free educational materials, including textbooks, in accessible media for visually impaired and print-disabled students in elementary, secondary, postsecondary, and graduate schools;

"(5) providing cultural experiences through appropriate nonprofit organizations, such as the National Theater of the Deaf, that—

"(A) enrich the lives of deaf and hard-of-hearing children and adults;

"(B) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

"(C) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences; and

"(6) compiling and analyzing appropriate data relating to the activities described in paragraphs (1) through (5).

"(d) APPLICATIONS.—Any eligible entity that wishes to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1998 through 2002.".

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. EFFECTIVE DATES.

(a) PARTS A AND B.—

(1) IN GENERAL.—Except as provided in paragraph (2), parts A and B of the Individuals with Disabilities Education Act, as amended by title I, shall take effect upon the enactment of this Act.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Sections 612(a)(4), 612(a)(14), 612(a)(16), 614(d) (except for paragraph (6)), and 618 of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on July 1, 1998.

(B) SECTION 617.—Section 617 of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on October 1, 1997.

(C) INDIVIDUALIZED EDUCATION PROGRAMS AND COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT.—Section 618 of the Individuals with Disabilities Education Act, as in effect on the day before the date of the enactment of this Act, and the provisions of parts A and B of the Individuals with Disabilities Education Act relating to individualized education programs and the State's comprehensive system of personnel development, as so in effect, shall remain in effect until July 1, 1998.

(D) SECTIONS 611 AND 619.—Sections 611 and 619, as amended by title I, shall take effect beginning with funds appropriated for fiscal year 1998.

(b) PART C.—Part C of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on July 1, 1998.

(c) PART D.—

(1) IN GENERAL.—Except as provided in paragraph (2), part D of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on October 1, 1997.

(2) EXCEPTION.—Paragraphs (1) and (2) of section 661(g) of the Individuals with Disabilities Education Act, as amended by title I, shall take effect on January 1, 1998.

SEC. 202. TRANSITION.

Notwithstanding any other provision of law, beginning on October 1, 1997, the Secretary of Education may use funds appropriated under part D of the Individuals with Disabilities Education Act to make continuation awards for projects that were funded under section 618 and parts C through G of such Act (as in effect on September 30, 1997).

SEC. 203. REPEALERS.

(a) PART I.—Effective October 1, 1998, part I of the Individuals with Disabilities Education Act is hereby repealed.

(b) PART H.—Effective July 1, 1998, part H of such Act is hereby repealed.

(c) PARTS C, E, F, AND G.—Effective October 1, 1997, parts C, E, F, and G of such Act are hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, today the House of Representatives considers H.R. 5, the Individuals with Disabilities Education Act Amendments of 1997. This bill is the culmination of over 2 years of work by the Committee on Education and the Workforce.

Republicans believe that there is nothing more important to the future of our country than providing the opportunity for a high-quality education for all Americans. We believe this can be achieved by working together to build on what works, improving basic academics, increasing parental involvement, and moving dollars to the classroom.

In my view, H.R. 5 represents a significant step in that direction. H.R. 5 focuses the act on children's education instead of process and bureaucracy. This legislation has taken a unique path toward enactment, and I am proud to have led it to where it stands today.

Earlier this year, Chairman JEFFORDS, the gentleman from California, Mr. RIGGS, and I decided to establish a bipartisan, bicameral negotiating process to develop a consensus bill acceptable to all Members of Congress. In February we proposed this idea to our Democrat counterparts and to the administration.

As part of this process, we proposed to invite members of the interested public to participate in the development of the legislation, including educators, parents, and disability advocates. Our House and Senate Democrat colleagues accepted our offer, as did the Department of Education, and for the last 3 months we have worked to create that consensus legislation.

This process was truly historic. I never saw this happen in the 20 years that I have been here. The discussions were an open public dialog on the content of legislation, right down to every line of text that we will pass today.

During weekly sessions since mid-March, educators, parents, and other professionals from around the country have flown to Washington, DC, at their own expense to suggest changes to IDEA. In off-the-record meetings open to any member of the general public, people expressed honest views with candor and thought, and their voices have strongly influenced the work that makes up the bill.

The change in the IDEA amendments will have positive impacts in the lives of millions of students with disabilities. There will be an emphasis on what works, instead of filling out paperwork. These changes will mean more time for teachers to dedicate to their students, and fewer resources wasted on process. The bill will assure parents' ability to participate in key decisionmaking meetings about their children's education. It ensures that States will offer mediation service to resolve disputes, and will reform the litigation system that too often impedes children's education instead of giving them access to education.

Local principals and school administrators will be given more flexibility. The bill includes a provision that will give local schools tremendous relief from IDEA funding mandates, which I might indicate came from the Federal Government, by giving schools the flexibility to actually reduce their own IDEA funding levels. This is an action unprecedented in Federal law.

The bill also ensures that local schools receive more Federal funds by capping State administrative costs at current dollar levels, to ensure that 90 to 98 percent of appropriations increases will go to local schools. The bill will make schools safer for all students, disabled and nondisabled, and for their teachers.

The bill codifies existing authority to suspend a student for 10 days without educational services, and expands upon current procedures for students with firearms. We will enable schools to quickly remove students who bring weapons or drugs to school, regardless of their disability status.

The legislation will also ensure that disability status will not affect the school's general disciplinary procedures where appropriate. Where a child's actions are not a manifestation of his or her disability, schools will need to take the same action with disabled children as they would with any child.

Finally, I would like to talk about the Federal funding formula. This is a major step in the move to reduce the overidentification of children as disabled, particularly African-American males who have been pushed into the special education system in disproportionate numbers.

Changes to IDEA in this bill have garnered broad support and praise from educators and disability groups. Before closing, I would like to particularly thank several of my colleagues who have worked on this historic markup. The subcommittee chairman, the gentleman from California [Mr. RIGGS], has worked many hours on the legislation, and I thank him for his work. In addition, the gentleman from Delaware [Mr. CASTLE] and the gentleman from South Carolina [Mr. GRAHAM] have participated as House Republicans.

I would like to thank my Democrat colleagues, the gentleman from Missouri, Mr. CLAY, the gentleman from California, Mr. MARTINEZ, the gentleman from California, Mr. MILLER, and the gentleman from Virginia, Mr. SCOTT, who worked with us in this process, and our Senate colleagues, Majority Leader LOTT and Senators JEFFORDS, COATS, KENNEDY, and HARKIN. The Department of Education, and its staff, particularly Assistant Secretary Judy Heumann, are to be thanked as well.

Our congressional staffs have spent hours and hours and hours, and I want to thank all on both sides of the aisle. I particularly want to recognize Todd Jones, who, as I said the other day, can probably recite any line in this legislation. All you have to do is ask him, and he will tell you the page and probably the line. I thank all for this historic day.

Mr. Speaker, I include for the RECORD the following letters regarding the legislation.

The letters referred to are as follows:

AMERICA ASSOCIATION OF SCHOOL ADMINISTRATORS,
Arlington, VA, May 5, 1997.

Hon. WILLIAM F. GOODLING,
House Education and the Workforce Committee 2181 Rayburn House Office Building, Washington, DC

DEAR CHAIRMAN GOODLING: The American Association of School Administrators (AASA) would like to thank you for the wonderful manner in which you guided the reauthorization of the Individuals with Disabilities Education Act through difficult negotiations. AASA is in full support of the IDEA as reported by the House and Senate working group. Your plan of creating one set of negotiations worked better than any of us could ever have predicted.

Local superintendents have been particularly alarmed by the fact that local school districts were bearing the entire brunt of paying for IDEA as costs escalated over the last ten years. Paying for IDEA required not one single legislative fix, but a combination of changes that included: large increases in federal funds; driving a greater share of those funds to schools; creating fairer expectations for state and local sharing of IDEA costs; forced cost sharing of related service with other local and state agencies; and cutting costs of IDEA without hurting children. We are pleased that you addressed all of our concerns regarding the costs of IDEA.

As with most legislation, there is considerable give and take and no one can be pleased with every single provision of the bill. However, because H.R. 5 puts children first we can support it. Children with disabilities are the clear victors in this bill because the program is simpler and better connected to schools in general, especially where children are directly affected, such as evaluations, instruction, and related services. All children are winners because students who bring weapons or drugs to school are easier to remove to alternative settings, as would happen to any student in a similar situation. Make no mistake, IDEA is still a complicated program to administer. Involving parents and other agencies (such as health care) in planning and service delivery may be a challenge, but the bill shifts these complications away from educators who are already over burdened with paperwork.

We thank you for your leadership in crafting a bill that addresses the cost concerns of superintendents, simplifies the process for children, and eliminates some paperwork for educators. This is a remarkable accomplishment.

Sincerely,

BRUCE HUNTER,
Senior Associate Executive Director.

NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS,
Alexandria, VA, May 6, 1997.

DEAR REPRESENTATIVE:

The National Association of Elementary School Principals (NAESP), representing 27,000 elementary and middle school principals, urges your support of the Individuals With Disabilities Act (IDEA) reauthorization bill when it comes before the Education and the Workforce Committee for a mark-up on Wednesday, May 7. While the bill does not make all the changes NAESP has sought, it represents a reasonable compromise that will help to update the IDEA.

We appreciate the expansion of the discipline provisions to enhance the power of principals to take quick action to make schools safe for all students. We are also pleased that the draft reauthorization bill makes some reasonable changes in the attorneys' fees provision and encourages the use of mediation to solve disputes between families and school personnel. The provision subjecting U.S. Department of Education policy letters to public review and comment is a welcome one. Finally, we are very pleased that the bill has no provision allowing for the cessation of educational services.

NAESP congratulates the leaders in both chambers, the committee and subcommittee chairmen and ranking members, and IDEA staff working group on the prodigious work on an issue that elicits strong emotions on all sides. We hope the legislation will proceed smoothly through action in committee and on the House and Senate floors and be readily enacted into law.

Sincerely,

SALLY N. MCCONNELL,
Director of Government Relations.

This letter is being sent to members of the Committee on Education and the Workforce.

COUNCIL OF THE GREAT CITY SCHOOLS,
Washington, DC, May 5, 1997.

Hon. WILLIAM GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Council of the Great City Schools, a coalition of the nation's largest central city school districts, writes to support H.R. 5, the IDEA Reauthorization bill, based on the drafts and explanations which we have received to date. The Council's fifty urban schools districts represent a major segment of the national public education system, enrolling six and a half million children, over 35% of the nation's poor children, 40% of the nation's minority children, and nearly ¾ million disabled children in 8000 schools with 300,000 teachers.

From the outset of your IDEA legislative effort back in 1995, the Council called for a balance bill which would make significant progress in delivering effective services to disabled school children and relieve some of the costs, requirements, and financial burdens placed upon local school districts. Although some issues of importance to the Council might have been addressed more fully, the Council's overall conclusion regarding the bill is distinctly positive.

We believe that H.R. 5, the IDEA Reauthorization, makes significant progress over current law, while retaining the critical protections and directions of this landmark federal statute. H.R. 5 deserves expeditious passage by the 105th Congress without substantial change.

Sincerely,

MICHAEL CASSERLY, *Executive Director.*

BOARD OF EDUCATION OF THE CITY OF NEW YORK,
Brooklyn, NY, May 6, 1997.

Hon. WILLIAM GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of H.R. 5, the IDEA Reauthorization bill, based on the drafts and explanations that we have received to date.

The provision of special education services and programs to all eligible students has become one of the biggest challenges facing school districts today, especially large urban school districts. Although significant progress has been made in providing a free and appropriate education to all disabled students, the New York City school district, as well as school systems across the nation, continues to struggle with the following issues:

A virtual absence of support services in general education which precludes the provision of prevention/intervention services.

An excess of students being inappropriately referred to special education services when service should be provided in general education.

A focus on compliance-driven model with little attention to student achievement.

A systematic provision of special education services in separate classes.

The need to reduce inappropriate and disproportionate referrals and placement of minority and LEP students in special education.

Based on our analysis of the working drafts, I believe that this bill goes a long way toward addressing many of these issues. Although in any sizable draft legislation, there will be areas of concern and disagreement, the bill overall appears to be balanced and fair. Some costly requirements have been removed or modified from current law, and some of the financial burdens now shouldered by local school districts appear to have been relieved. These revisions should result in improvement of services for disabled children and a more manageable special education program in general.

For the foregoing reasons, I urge you to move expeditiously H.R. 5 through the legislative process without changing the substantive provisions which have produced this balanced bill.

Sincerely yours,

RUDOLPH F. CREW, *Chancellor.*

Los Angeles Unified School District,
Los Angeles, CA, May 6, 1997.
Hon. William Goodling,
Chair, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Dear Congressman Goodling: The Los Angeles Unified School District supports H.R. 5, the Individuals with Disabilities Education Act (IDEA) reauthorization bill, based on the drafts and explanations that we have received to date.

Together with representatives of a number of other large school districts across the country, our staff went to Washington for two days last week to review the product of the IDEA working group. Although in any sizable legislative draft, there may be issues that produce concern, the bill overall appears balanced, fair, workable, and not overly prescriptive—an improvement of the current law. Some costly requirements have been removed or modified, such as interagency state maintenance. These revisions should result in improved services for disabled children and a more manageable special education program in general.

We respectfully request that the proposed IDEA reauthorization be moved expeditiously through the legislative process without changing the substantive provisions that have produced a balanced bill.

Sincerely,

Ronald Prescott,
Associate Superintendent.

Chicago Public Schools,
Chicago, IL, May 5, 1997.
Hon. William Goodling,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Dear Mr. Chairman: As Chief Executive Officer of the Chicago Public Schools, I am writing to voice my strong support of H.R. 5, the IDEA Reauthorization bill. Based on the drafts and explanations which I have received to date, the bill contains significant improvements over the current Federal special education law.

The work product of the IDEA Working Group provides a number of changes to the current law that would enable our staff to spend a greater period of time on direct services to children. Although suggestions could be given for any draft of legislation, the bill appears to be balanced and fair. Several costly requirements have been removed or modified from current law, such as relief in the area of attorney fees and reimbursement of unilateral placements by parents. These revisions should result in improvement of services for students with disabilities and a more manageable special education services in general.

I urge you to expeditiously move this IDEA Reauthorization through the legislative process without changing the substantive provisions which have produced this balanced bill.

Sincerely,

Paul Vallas,
Chief Executive Officer.

School District of Philadelphia,
Philadelphia, PA, May 5, 1997.
William Goodling,
an, Committee on Education and the
force, House of Representatives, Wash-
n, DC.

r. Chairman: Our participation in
ns, sponsored by the Council of the
Schools on the reauthorization of
d us to include that the bill represents a step forward in service for children with special needs. We recommend adoption of the present IDEA reauthorization.

We have expressed our suggestions through the Council of the Great City Schools, for certain clarifications in wording as well as potential issues regarding over regulation. Despite these reservations, we do believe that this legislation, particularly its modification of financial assignments, will help us to better serve the school children of Philadelphia.

We recommend your full support to bring the presently drafted IDEA reauthorization to law.

Sincerely,

David W. Hornbeck, *Superintendent.*

Boston Public Schools,
Boston, MA, May 6, 1997.
Hon. William Goodling,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

Dear Mr. Chairman: As Superintendent of the Boston Public School District, I write to support H.R. 5, the IDEA Reauthorization bill, based on the drafts and explanations which we have received to date.

Together with a number of other major school districts across the country, our staff came to Washington for two days last week to review the work product of the IDEA Working Group. Although in any sizable draft piece of legislation or legislative analysis there will be issues which produce concern, overall the bill appears balanced and fair. It seems to be a workable revision of this landmark Act, which if not over-regulated, would be an improvement to current law. Some costly requirements have been removed or modified from current law, and some of the financial burdens now shouldered by local school districts appear to have been relieved. These revisions should result in improvement of services for disabled children and a more manageable special education program in general.

I encourage you to expeditiously move this IDEA Reauthorization through the legislative process without changing the substantive provisions which have produced this balanced bill.

Sincerely,

Thomas W. Payzant, *Superintendent.*

The Arc of the United States,
Governmental Affairs Office,
Washington, DC, May 5, 1997.
Congressman Bill Goodling,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

Dear Chairman Goodling: The Arc, the nation's leading organization advocating for children and adults with mental retardation and their families, has great interest in the reauthorization of the Individuals with Disabilities Education Act. More than 10% of students with disabilities served by IDEA have the label mental retardation.

The Arc wishes to convey its deep appreciation to you and your staff, particularly Sally Lovejoy and Todd Jones, for your untiring efforts to achieve the reauthorization of this vital law.

A review of the IDEA Staff Working Group draft in circulation as of today reveals some changes in the law that, if enacted, would improve educational opportunities for students with mental retardation. The Arc appreciates especially the removal from the draft bill of provisions regarding the cessation of educational services and the disciplining of students with disabilities alleged to be "disruptive". Other modifications may not be so clearly beneficial or may even be detrimental.

Although each provision in this bill requires scrutiny, it is important that the bill as a whole be assessed. Consequently, taken as a whole, The Arc has determined that the bill is balanced. Thus, we urge this Congress to reauthorize IDEA in accordance with the bill as developed by the Working Group.

Sincerely,

Quincy Abbot,
President.

National Down Syndrome Society,
New York, NY, May 6, 1997.
Hon. William F. Goodling,
U.S. House of Representatives, Rayburn Office Building, Washington, DC.

Dear Congressman Goodling: Thank you for your continued efforts on behalf of reauthorizing the Individuals with Disabilities Education Act (IDEA). The consensus process initiated last year under your leadership has now culminated in a bill with bipartisan, bicameral support. You and your staffs continued involvement and hard work to achieve agreement on the IDEA reauthorization are very much appreciated.

The proposed bill, circulated by the IDEA Working Group on May 2, contains a number of important provisions that will improve educational outcomes for students, strengthen accountability, and increase parental participation. While we do have concerns about certain provisions of the bill, particularly some of the changes to personnel standards and discipline, we recognize that this legislation represents a delicate balance of competing concerns and interests. Taken as a whole, it represents a fair balance among those interests and should be passed.

In closing, please note that our organization, the National Down Syndrome Society, is separate from the National Down Syndrome Congress. Due to the similarity of the names, these two organizations are sometimes confused. Thank you again for your work to reauthorize the IDEA. We look forward to continuing to work with you and your staff through the legislative process.

Sincerely,

Elizabeth Goodwin,
President.

National Association of
School Psychologists,
Bethesda, MD, May 6, 1997.
Hon. William Goodling,
Chairman, House Education and Workforce Committee, U.S. House of Representatives, Washington, DC.

Dear Chairman Goodling: The National Association of School Psychologist commends your leadership in establishing the historic consensus building in the drafting of legislative language for the amendments to and reauthorization of IDEA. This historic, cooperative effort produced legislation which has the potential for improving the educational results for all our children and youth with disabilities. It shows that Republicans and Democrats under your leadership, in cooperation with Assistant Secretary Judith Heumann, can produce positive, family-friendly legislation with a focus on positive academic and behavioral results for children with disabilities.

The National Association of School Psychologists will strive to turn this legislation into practice through school based teamwork with parents, teachers and administrators that ensures effective evaluations, instructional and behavioral interventions, measurement and analysis of results, and careful concern for individualization, inclusion and non-biased services. We will partner with others to ensure that all children will be educated in schools and classrooms that are safe and conducive to learning for all. School psychologists, working with others, will assist teachers, design and provide interventions to help all children with disabilities reach their goals and ensure that those children with challenging behaviors will be supportively educated with their peers as this law intends.

We thank the Committee and its leadership for truly making a good law better by improving the focus on results. We look forward to effective implementation, ongoing meaningful monitoring, and researched findings leading toward national best practices for the more than five million children served under IDEA.

Sincerely,

KEVIN P. DWYER,
NCSP, Assistant Executive Director.

MAY 6, 1997.

Congressman WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, U.S. House of Representatives, Rayburn Building, Washington, DC.

DEAR MR. GOODLING: I am writing to commend you and to express my gratitude to you, particularly you, but also to your colleagues in the House of Representatives and the Senate, for the courage you have exhibited in creating the Individual With Disabilities Education Act (IDEA) Working Group and the IDEA Working Group process. In developing an admirably fair and democratic discussion open to the organizations and individuals interested in the IDEA, the final product is a draft piece of legislation that focuses on achieving strong educational outcomes of children. The bill, if enacted, will allow increased fiscal flexibility as well as greater school-based innovation and accountability. I strongly urge you to support the passage of this bill.

Sincerely,

MADELEINE C. WILL,
Former Assistant Secretary, Reagan Administration.

AMERICAN PSYCHOLOGICAL ASSOCIATION,
Washington, DC, May 7, 1997.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the American Psychological Association (APA), its 151,000 members and affiliates, and the families and children they serve, I would like to commend the Working Group on the Individuals with Disabilities Education Act (IDEA) for the thoughtful effort that has gone into developing the current IDEA draft. APA appreciates that the draft represents significant effort on the Working Group's part to balance the sometimes conflicting needs of various interest groups toward timely reauthorization of this important Act.

APA is particularly pleased with several provisions of the draft language. These include:

Provisions that enable children under age nine to obtain special education and related services upon manifestation of a developmental delay and without the need for disability labelling;

Provisions that guarantee continuation of free and appropriate public educational services for children with disabilities regardless of their placement;

The requirement that states establish voluntary mediation procedures prior to due process hearings;

The elimination of the nebulous category of "seriously disruptive" as justification for suspension or expulsion of a child with a disability;

The elimination of cessation of services as an appropriate option for discipline of children with disabilities;

The attempts to increase the participation of students with disabilities in state and district-wide assessments; and

The provisions surrounding the conduct of evaluations that emphasize the need for a variety of assessment tools and strategies, the use of multiple measures, and the assessment of cognitive and behavioral factors in addition to physical and developmental factors.

These changes enable APA to support the draft, with the following modifications suggested.

(1) Qualifications of supervisors of paraprofessionals need to be specified. In Section 612(15)(C) the Working Group draft allows appropriately trained paraprofessionals who are supervised to provide special education and related services in areas where personnel shortages occur. The language does not, however, specify that supervisors of paraprofessionals should be qualified (i.e., certified or licensed) service providers and should only supervise paraprofessionals in their own discipline. Adding this requirement (A) enhances and ensures the quality of service, and (B) reduces cost and potential liability from due process proceedings alleging inaccurate diagnosis or inappropriate treatment and placement provided by less than qualified service providers.

(2) Individual IEP team members should be restricted to interpretation of assessment results for which they are qualified (i.e., discipline-specific). Section 614(a)(4)(A) calls for the determination of disability to be made by a team of qualified professionals (i.e., the IEP team). Section 614(d)(1)(B)(v) requires that an individual who can interpret the instructional implications of the assessment results be included in the IEP team. Although it seems that the Act's intent is for the composition of the IEP team to include professionals qualified to interpret assessment results in their respective areas of qualification (e.g., a medical professional to interpret medical findings, a psychologist to interpret psychological findings), the existing language does not clearly or sufficiently specify this intent.

A specific requirement that qualified assessment professionals be included in the IEP team and interpret and apply assessment findings only within their respective disciplines will ensure cost-effectiveness in IEP diagnosis, treatment planning, and placement by (A) ensuring accurate assessment interpretation and application, and (B) reducing potential due process liability resulting from allegations of inappropriate interpretation and application of assessment data. Furthermore, if appropriately qualified assessment professionals are included in the IEP team, their expertise also will be cost-effective for interpreting and applying assessment findings for disciplinary manifestation determinations.

On behalf of the APA and children with and without disabilities and the adults who care for them, I thank you for your tireless efforts toward achieving a balanced IDEA draft. Please feel free to contact me if APA can be of any assistance as IDEA continues through the legislative and regulatory process.

Sincerely,

RAYMOND D. FOWLER, Ph.D.,
Executive Vice President and Chief Executive Officer.

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, May 12, 1997.

Hon. WILLIAM F. GOODLING,
U.S. House of Representatives,
Washington, DC.

DEAR REP. GOODLING: I am writing on behalf of the American Bar Association to express our strong support for H.R. 5, legislation approved by the House Committee on Education and the Workforce May 7, 1997, to reauthorize the Individuals with Disabilities Education Act (IDEA). We applaud your leadership in particular in working to resolve differences that had stalled action on the reauthorization of IDEA for over a year, and we urge the Senate to support the bill that has now come forward.

IDEA is an essential component of the federal government's commitment to the civil rights of persons with disabilities. Like other civil statutes, IDEA provides legal recourse for parents of children with disabilities when school districts refuse to comply with the law. Under current law, parents are entitled to a due process hearing to challenge the identification, evaluation and educational placement of their child.

The ABA supports the proposed provision in H.R. 5 to expand the Act's due process guarantees to include a right to pursue a claim through mediation. If properly implemented, mediation can be a cost-effective form of alternative dispute resolution. However, proper implementation requires that the mediation process include adequate safeguards to protect the constitutional rights of students with disabilities to a free appropriate education. In this regard, the Education and the Workforce-reported bill is a distinct improvement on previous versions of IDEA reauthorization legislation. It permits parents to participate in mediation with their attorneys present. Previous bills would have removed attorneys from participation in a mediation or allowed their participation only at a second mediation, which we believe would have limited the efficacy and usefulness of the process. This change is consistent with our own experience in successful mediation. Our ABA Section of Dispute Resolution advises that mediation is more successful when there is the opportunity for voluntary participation by all individuals who are essential to resolving the dispute. It is important that the mediator ensure that the individuals necessary for the effective resolution of the matter participate in the first mediation.

Attorneys who represent a party are essential for a full and fair airing of the dispute and to arrive at an agreement. Clearly, this version of the bill will yield more favorable results in the mediation of these disputes.

The ABA strongly supports reauthorization of IDEA with expanded mediation opportunities. IDEA expresses the clear intent of Congress that children with mental, physical, or emotional disabilities should receive free appropriate public education. The Act also includes administrative and judicial remedies to protect the educational rights of children with disabilities and the rights of their parents or guardians to informed decision-making and participation in the provision of appropriate educational opportunities for their children. Your leadership and the hard work of your staff and many others has produced a strong, worthy bill, and we urge the strong support of the House for H.R. 5 and prompt reauthorization of IDEA.

Sincerely,

ROBERT D. EVANS.

MAY 6, 1997.

Hon. WILLIAM F. GOODLING,
U.S. House of Representatives, Rayburn Office Building, Washington, DC.

DEAR CONGRESSMAN GOODLING: We, the undersigned national organizations, wish to commend the Members of Congress and their staff for their extraordinary efforts to reauthorize the Individuals with Disabilities Education Act. The bill as drafted by the IDEA Working Group as circulated on May 2 is, on the whole, fair and balanced legislation and should be adopted.

On behalf of:
National Parent Network on Diabilities.
Learning Disabilities Association.
The Arc.
National Easter Seal Society.
American Association of School Administrators.
National Education Association.
Autism Society of America.
National Association of the Deaf.
National Down Syndrome Society.
Epilepsy Foundation of America.
American Academy of Child & Adolescent Psychiatry.
American Association of University Affilated Programs.
American Foundation for the Blind.
American Physical Therapy Association.
American Speech-Language-Hearing Association.
Association for Education & Rehabilitation of the Blind and Visually Impaired.
National Association of Developmental Disabilities Councils.
National Association of Protection and Advocacy.
National Association of School Phychologists.
National Association of State Directors of Special Education.
National Coalition on Deaf-Blindness.
National Mental Health Association.

Mr. CLAY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, since the 104th Congress our committee has sought to reauthorize the Individuals with Disabilities in Education Act, particularly because it supports vitally important discretionary and early intervention programs for disabled children and their families. That objective has been a most daunting task, but today I am proud that we are one giant step closer to our goal. The bill before us not only reauthorizes the core of IDEA, but it also significantly builds and improves upon existing law.

Mr. Speaker, before IDEA was enacted in 1975, almost 2 million children with disabilities were denied a basic education.

□ 1430

Another 2½ million received grossly inadequate educational services; 25 years ago, millions of American children were effectively denied the basic dignity of an education simply because they were disabled.

Mr. Speaker, today some 6 million children are educated under IDEA and they are able to enjoy productive, meaningful lives. There are many outstanding aspects of this reauthorization bill. It strengthens the role of parents in their children's education, it guarantees that educational services for even the most troubled children will continue, it maintains high personnel standards, and it provides for a nonadversarial context in which parents and school officials can voluntarily mediate their disputes.

Mr. Speaker, achievement of this consensus bill before us today is a truly remarkable example of what we can accomplish when we work together, Democrats and Republicans, the Congress and the administration, when we work together to address the needs of the most vulnerable in our society.

I wish to thank my House colleagues, particularly the chairman, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and the gentleman from California [Mr. MARTINEZ] for their leadership and commitment to make this process work. In addition, I also want to thank the respective staffs for their dedication to this task.

As my colleagues consider this bill today, let me remind them that it represents a very delicate compromise meant to balance the various concerns of many who care deeply about the children and the families affected by IDEA. I know that Chairman GOODLING and I have received many letters of support and encouragement from education and disability groups, as well as from parent organizations and individual parents. We very much appreciate their kind words.

Mr. Speaker, I urge my colleagues to support this remarkable legislation.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. RIGGS], the subcommittee chairman, who worked long and hard on the legislation.

Mr. RIGGS. Mr. Speaker, today is truly a remarkable and historic day. It is, I guess, a real tribute to the hard work of our staffs on a bipartisan basis that we could bring this bill, reforming and improving the landmark Federal civil rights and special education statute to the House floor under suspension of the rules, and I want to salute all involved.

As Chairman GOODLING has said, the Individuals with Disabilities Education Act will help children with disabilities by focusing on their education instead of process and bureaucracy, by increasing the participation and the role of parents in the education of their children, and by giving teachers the tools that they need to teach all children.

Let me just explain that the bill that we are considering on the floor today improves the connection of students with disabilities to the regular education curriculum and provides for increased accountability for educational results. It is really significant that we are changing the focus of the bill by raising expectations for the educational achievement for all students, especially those with learning disabilities.

States under the legislation must establish goals for the performance of children with disabilities and develop indicators to judge their progress. A child's individualized educational program, otherwise known as an IEP, will focus on meaningful and measurable annual goals.

Children's IEP teams will include, to the extent appropriate, their regular education teacher. Where localities or States use assessment instruments, children with disabilities will either be included in those assessments or be given alternate assessments to meet their needs. Educational accountability also means informing parents about the educational progress of their children.

Under the IDEA amendments of 1997, parents of children with disabilities will be informed about the educational progress of their children as often as parents of children without disabilities. But even more fundamental than that, parents will be assured the ability to participate in all IEP team decisions, including those related to the placement of their child and the development of the IEP itself. Parents will also be able to access all records relating to their child, including evaluations and recommendations based on those records.

The chairman mentioned the improvements that we are making in the area of mediation and school discipline policies. I also mentioned that this bill will ensure that teachers have the tools to teach all children. Specifically, the bill will shift decisions on the expenditure of Federal training funds from the Federal Government to States and localities. That change will mean more general and special education teachers receiving the in-service training that they need instead of preservice training for special educators that universities desire. So we are shifting the focus more again to staff development and in-service training rather than teacher education in the colleges and universities.

Finally, I would like to mention two other areas that have required attention in the bill. One is the support for charter schools. First, charter schools that are recognized or chartered as their own local education agency, LEA, may opt to be merged into larger LEAs unless the State law specifically prevents this.

Second, non-LEA charter schools, public choice schools, must receive IDEA funds in the same manner as other schools in the same LEA. Third, charter schools are eligible for State discretionary program grant funds under the amendments.

I am also pleased, Mr. Speaker, to report that the bill clarifies, this is a very important point, particularly to my home State of California, it clarifies how services are to be provided to individuals in adult prisons who have been tried and convicted as adults.

A State may now delegate its obligation to oversee prison education to the prison system or the State adult correctional department. Standards relating to IDEA services, placement, and paperwork may also be relaxed to acknowledge the unique security requirements of the prison environment. This bill also allows States, at their discretion, to deny services for adult prisoners while forfeiting only the pro rata share of Federal funding for that small segment of the total IDEA eligible population.

So if this bill becomes law and California decides to deny services to adult prison inmates, the U.S. Department of Education can only reduce California's total Federal allocation by a small percentage instead of withholding the entire allocation, as the department is currently threatening to do.

As the chairman said, this bill represents an unprecedented bipartisan, bicameral effort, bringing together folks on all sides of this issue. I too want to salute the staff for their many, many hours of hard work and say, Mr. Speaker, in conclusion, that this is a bill we can be very proud of. It is a good bill for students with disabilities, their parents, teachers, principals, and school board members. I urge my colleagues to support H.R. 5 today.

Mr. CLAY. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I thank the gentleman from Missouri for yielding the time.

Mr. Speaker, I am extremely pleased to join with the Members on the floor today on both sides of the aisle in supporting this important and historic piece of legislation, historic because of the cooperation of all parties involved. This reauthorization is the product of over 2 years of work. But unlike the past 2 years, the most recent 2½ months of negotiations were bipartisan. As has been said before, these negotiations were aimed at maintaining the safeguards provided in current law and making modifications where the last 22 years has shown the need for change.

The discussions between House and Senate Democrats and Republicans and the administration began with current law as its starting point. Careful consideration was given to the provisions of the current statute and, where necessary, it was amended to reflect the current difficulties in providing children with disabilities a free and appropriate public education.

Since this law is an extremely important civil rights initiative, I can assure my colleagues that the test used to modify current law was extremely high. This bill before us today makes several much needed changes to current law.

Included in this reauthorization are an affirmative statement barring the cessation of educational services for children with disabilities; provisions requiring that alternative educational settings be designed to allow the child to progress in the general education curriculum; and mediation which is voluntary with respect to the participation of both schools, parents and all those involved. Also included in this bill is the maintenance of high personnel standards, and improved enforcement provisions designed to give the Department of Education and the States the ability to require proper implementation of the act.

Specifically, this bill makes several significant changes to current law, including a change in the Federal funding formula from one directed by child count to a formula based on population and poverty. I want to stress that no one should view this change in Federal formula to reflect the lack of need to identify children with disabilities.

Under the act, States and localities will still be charged with identifying children with disabilities and providing proper educational and related services. In addition, the bill also makes changes regarding the mandate that States serve juveniles in adult correctional facilities.

While the bill before us today provides several exemptions for serving disabled children in adult correction facilities, States will still be required to serve those who had an individualized education program in their last educational placement. Members need to understand that disabled children do not often go straight from school to jail. However, the high dropout rate of children with disabilities often lead to these individuals encountering our justice system.

Fortunately, the provisions in this bill will ensure that those children who drop out and then get into difficulties with our justice system will continue to be served in adult correctional facilities. Like those who have gone before me, I want to thank the Members that have worked on this bill: the chairmen, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. RIGGS], the ranking member, the gentleman from Missouri [Mr. CLAY], the gentleman from California [Mr. MILLER], the gentleman from Missouri [Mr. KILDEE], the gentleman from Virginia [Mr. SCOTT], the gentleman from Delaware [Mr. CASTLE], and the gentleman from South Carolina [Mr. GRAHAM].

The contributions of these Members and their staffs to this measure were essential to creating its carefully balanced nature. The staff in particular worked long into the night and on weekends, and this effort should not go unnoticed.

In total, Members need to remember this measure is a carefully crafted compromise that means that both sides have to negotiate with the aim of finding a middle ground upon which we could agree. This bill is reflective of this throughout the provisions it contains because it contains provisions from both sides of the aisle.

While the bill before us provides several exemptions for serving disabled children at adult correctional facilities, States will still be required to serve those individuals who had individualized education programs in the last educational placement.

Mr. Speaker, this bill is one that deserves the merit and support of all the Members of Congress, and I urge all my colleagues to support this bill.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding. The Individuals With Disability Act has been in existence since 1975 to ensure that all children have access to a free and appropriate public education.

Prior to the enactment of IDEA, disabled children were often denied adequate public education. This legislation is critically important to millions of disabled children in America, not to mention their families, their friends, and their teachers. This law, however, has had unintended and costly consequences.

For example, it has resulted in children being labeled as disabled when they were not. It has resulted in school districts unnecessarily paying expensive private school tuition for children. It has resulted in cases where lawyers have gamed the system to the detriment of schools and children. It has resulted in unsafe schools where teachers and administrators cannot discipline or remove violent disabled students.

While this consensus bill does not contain everything I would like, I give it my strong endorsement. It contains a number of important reforms that address some of current law's unintended and costly consequences. To save Members the trouble of reading this 100-plus page bill and pulling out specific reforms themselves, I have compiled the following top 10 list of reasons to support the bill, and I would deliver it David Letterman style:

No. 10. This bill encourages use of mediation, promoting cost-effective resolution of conflicts.

No. 9. This bill makes it harder for parents to unilaterally place a child in elite private schools at public taxpayer expense, lowering costs to local school districts.

No. 8. This bill sends more money to local schools, alleviating their financial burdens.

No. 7. This bill modifies attorneys' fees, reducing litigation and eliminating the incentive that lawyers have to try and game the system.

No. 6. This bill makes changes to the formula, reducing incentives to overidentify children.

No. 5. This bill prevents the identification of children as disabled if they actually have reading problems instead, also reducing overidentification of children with disabilities.

No. 4. This bill eliminates the two-track disciplinary system in schools, making schools safer and more conducive to learning.

No. 3. This bill gives parents access to more information, empowering parents to become more involved in their child's education.

No. 2. This bill reduces paperwork requirements, lessening the amount of time wasted filling out mind-numbing forms.

No. 1. This bill protects the rights of disabled children to receive a free, appropriate, public school education, assisting them in their efforts to become productive and fulfilled adults.

□ 1445

The committee had an important opportunity to approve IDEA and build on its previous successes, and it worked in a bipartisan manner to achieve this goal. I want to commend the committee leadership and staff for its excellent work in drafting this bill. I urge my colleagues to give this bill their support.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

I am pleased to join my colleagues in both parties today in support of this remarkable achievement on behalf of children with disabilities and their families. I have always believed that it is an honor and a privilege to serve in Congress. I believed that 23 years ago when I was one of the original coauthors of this legislation, and I believe that today as we seek to revise this legislation to make it meet the needs of both our children and the school districts which educate them.

We had some very serious disagreements when we started this process two years ago and at that time we had several critical points that prevented us from coming together. I believed then and still believe that all children regardless of the nature or severity of their disability must be guaranteed a free and appropriate education and that no child should be denied an education. I believed then and still believe that the treatment of children with disabilities should be guided by what we know about the nature of the child's disability and its effect on his or her behavior. I believed then and still believe that parents are entitled to pursue all legal avenues available for them to ensure that the child is treated fairly. Unfortunately, some have argued for provisions which would have curtailed or severely diminished these rights. I am pleased that the bill before us maintains the fundamental rights we established in that groundbreaking law 23 years ago.

This progress was not easy. We had to overcome some real and difficult disagreements. Those of us who believed the rights of the children and parents were going to suffer were able to work with our colleagues in Congress who saw the issue differently and were able to agree that the rights should be protected. What we strove to achieve and what I believe we accomplished is a bill that protects the rights of children with disabilities and at the same time fosters cooperation between parents, teachers, school boards, administrators, and State and local agencies to help ensure that each recognizes their responsibilities and that each must make a commitment to work collaboratively to serve the best interests of all children.

Mr. Speaker, during our deliberations on this act, I received in the mail a letter from an old friend of mine, retired Superior Court Judge Robert J. Cooney, enclosing a book written by his son Peter describing what life was like for a child with Down's syndrome and for that child as he becomes an adult and seeks his place in American society. Over the years I have had the opportunity to watch Peter grow as he progressed through school, participated in the Special Olympics and achieved greater and greater independence.

Peter makes it clear in his book the importance of family and available resources. He says it is the love of parents and others that make a person special. We need help sometimes. Parents and teachers and counselors should help us when we need their help, but do not do too much for us. Some counselors need to think of us as special. Part of their job is helping us become independent.

Peter is now 32 years old, lives in a residential facility, and works in the food service business at Cosumnes River College in Sacramento when he is not attending his book signings.

Mr. Speaker, this legislation is about empowering parents and students to be able to get the best education they can so that, like Peter, they will have a chance to participate fully in American society.

Before this law, Mr. Speaker, was on the books more than a million children with disabilities were not allowed to be educated. This rewrite makes sure that they continue to have those rights.

Mr. GOODLING. Mr. Speaker, I yield 1 minute the gentleman from California [Mr. MCKEON], subcommittee chairman.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding me the time.

I rise today in support of H.R. 5, the Individuals With Disabilities Education Amendments Act. This legislation is a result of several years work with input from individuals and organizations representing the disabled, the education community, and parents. The outcome of this great effort is legislation that will substantially improve the current system of education for the disabled. In fact, this is the first major overhaul of the IDEA legislation in over 20 years. I commend the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and all the Members involved in this vast undertaking.

H.R. 5 contains key reforms which increase parent participation, better connect students to the regular curriculum, provide support for the unique needs of individual students, provide more dollars to the classroom, reduce the costs of litigation, and reduce paperwork and process costs. There is no question these reforms will create a better system. I ask all to support the passage of this bill.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I rise to join my colleagues in strong support of H.R. 5, the amendments to the Individuals With Disabilities Education Act, and I want to thank the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], the gentleman from Missouri [Mr. CLAY], and the gentleman from California [Mr. MARTINEZ], ranking Members, and the leadership of the Senate for their leadership in crafting this truly remarkable bill. This legislation is extraordinary, not only because of its bipartisan bicameral and administration support, but also because it improves educational opportunities for children with disabilities.

With the enactment of the Individuals With Disabilities Education Act, twenty-two years ago, Congress recognized that 3.5 million of the children with disabilities in the United States were not receiving appropriate educational services and more than a million children were excluded from school altogether.

Today Congress not only reaffirms our commitment to education generally, but we are also reaffirming our commitment to ensuring that children with disabilities receive a free and appropriate education.

While some may argue that the price is too high, we know that our failure to provide appropriate education to any child will cost us even more in the long run and we know that children with disabilities who do not complete their education are less likely to be employed, more likely to rely on public assistance, and substantially more likely to be involved in crime than those others who complete high school. While the same can be said for the outcomes of children without disabilities, research demonstrates that these correlations are even stronger for children with disabilities.

Today we are here to support H.R. 5, because it significantly moves us towards fulfilling the promise we set 22 years ago, to provide a free and appropriate public education for all children with disabilities. So, Mr. Speaker, I would encourage all of my colleagues to support this remarkable legislation.

Mr. GOODLING. Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. BARRETT], another member of the committee.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, ask any school official to identify the one program in their school in which costs have increased dramatically and that person will probably identify the special education program. Ask any parents of a disabled child the greatest source of their frustrations in the school system and they will probably point to the school's special education program.

This bill presents schools and parents with needed changes to Federal mandates that have gone underfunded. The bill would reduce paperwork and process costs without jeopardizing the educational services needed by our disabled children. It gives parents and schools the opportunity to seek mediation of their disputes before heading to costly court action.

But one particular provision will take an unprecedented step in Federal education law, by allowing local schools to actually cut back on their special education spending, once Federal appropriations reach $4.1 billion, which is $1 billion more than the current appropriations. I think it is proper to allow schools to relieve themselves somewhat from the burden of shouldering the cost of an underfunded Federal mandate. As Federal appropriations will be used to help supplement local spending, disabled students should not experience a decrease in their services.

I want to express my deep appreciation to the staff and to the subcommittee chairman, the gentleman from California [Mr. RIGGS] and to the chairman, the gentleman from Pennsylvania [Mr. GOODLING], and to the majority leader for crafting a bill that will provide relief to schools and parents and maintain our commitment to the educational services needed by our disabled children.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MCCARTHY].

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of H.R. 5. As someone that has learning disabilities, I knew what it was like to grow up and not have the educational opportunities. Luckily, my son was able to go to school and at that time they dealt with learning disabilities. It was during that time as he went to school I learned how to read, I learned how to study.

What this bill does is give children hope, certainly, but it gives them an opportunity to go out in the work field. The most important thing, though, it does allow the children to have self-esteem, and I think that is the most important thing.

I stand here because I am a Member of Congress now. I want the children out there to know, even though you have learning disabilities, you have a chance to learn and certainly you can do anything with your life that you want to.

I am pleased that H.R. 5 addresses concerns that my constituents have raised. It provides financial relief to school districts that struggle with the high cost of educating students with disabilities. It also addresses the issues of transportation training, which ensures that students have access to education and to jobs later in life.

Most of all, I am pleased that this bill is the product of bipartisan process. Educating children with disabilities is not a Democratic or a Republican issue, but a priority for all of us that must be addressed. It has been a pleasure working on this bill with both sides of the aisle and my colleagues. I think everyone did a wonderful job and everyone should be commended. But the bottom line is, we have remembered the children, and they are our best product for this country and they are the future of this country.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to gentleman from Georgia [Mr. DEAL], another member of the committee.

Mr. DEAL of Georgia. Mr. Speaker, I commend the gentleman and commend the subcommittee chairman and the staff for their hard work and to the minority for their hard work in the development of this piece of legislation.

I rise in support of H.R. 5. As someone who is involved with education through my wife's teaching in a middle school in my district, I think that I can share with my colleagues the same concern that most administrators and teachers would say when they consider the Disabilities Act in terms of its impact on education. That specific area that I wish to touch on is the area of discipline.

It is indeed difficult to balance and achieve a reasonable balance between those who suffer from disabilities and those who are being educated along with them who are not under those disabilities. In the area of discipline, it is a difficult subject. This bill provides some necessary relief. Under this legislation, if a child is involved with drugs or with a weapon and is a disability child, it increases to 45 days the time in which they may be placed in an alternative teaching environment. It also increases to 45 days the time in which a child that is involved in a disciplinary problem in which danger to other children is involved.

Mr. Speaker, I commend the committee and thank the gentleman for yielding the time to me.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I rise to commend my colleagues on the Committee on Education and the Workforce for their efforts to create this bipartisan piece of legislation. Reauthorization of the Individuals With Disabilities Education Act, H.R. 5, was a high priority for me in this session of Congress. I was proud to be a part of a bipartisan effort to ensure that 5.8 million disabled children receive an opportunity to succeed in the classroom.

For students and parents in Orange County, CA, in my hometown, this bill envisions high expectations and standards for children in special education by requiring that they participate in State and district assessments with appropriate accommodations where necessary.

H.R. 5 would expand the authority of school officials to protect the safety of all of our children in the classroom. In addition, the bill will allow school districts to get financial relief through new cost sharing provisions and the reduction of paperwork required from teachers, from school districts, and from States.

□ 1500

I urge my colleagues to support this critical piece of legislation because it affirms that educational services will not be terminated for any child with a disability.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, this bill is a monumental bill. My colleagues on the other side, the gentleman from Missouri [Mr. CLAY], and the rest of them, and the gentleman from Michigan [Mr. KILDEE], we worked on this bill when I was chairman of the subcommittee.

If we look at the difficulty of getting a bill through, between parent groups and schools, what the committee has done is monumental. On one hand we have parents that are thrust into an environment they never planned on having with a special education child and they are bewildered. On the other side there are the immense costs to the schools. And to bring those two groups together, I applaud both sides of the aisle.

I think for the first time we have been able to enhance the amount of dollars and the services available to these children but, at the same time, giving the schools the flexibility that they need to handle the special education needs.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to compliment the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], the gentleman from Missouri [Mr. CLAY], the gentleman from California [Mr. MARTINEZ], and the gentleman from Michigan [Mr. KILDEE], and I want to thank them for including the language from my Braille Literacy Act that I submitted several years ago.

Just briefly, in 1968 there were 20,000 visually impaired students; 40 percent could read Braille, 45 percent could read large print. In 1993, there were 50,000 visually impaired students; fewer than 9 percent could read Braille, 27 percent could not read print, and, Congress, 40 percent of those visually impaired students could not read either or at all.

I want to thank my colleagues for including language from my bill, the Braille Literacy Rights for Blind Americans Act. I want to compliment Tom Anderson, a constituent from my district, for his efforts in this as well. It basically says in the case of a child who is blind or visually impaired, it provides for instruction in Braille and the use of Braille, and also to consider the communication needs of the child. In the case of a child who is deaf, hard of hearing, blind or communicatively disabled, consider the language and communication needs of the child.

I think we have done more with this bill than we may realize. I thank my colleagues for working with me and including language from my bill.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Ohio's partner on my side of the aisle and a former teacher.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman for yielding me this time. I will speak quickly since I only have 1 minute.

I want to congratulate the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and all the members of the Committee on Education and the Workforce for their hard work and perseverance.

This really is a historic bill. What has been done in terms of making it bicameral and bipartisan, it passed out of both the House and the Senate committees without one dissenting vote. It will continue to make it possible for millions of children and youth with disabilities to gain a meaningful education.

Before IDEA, the vast majority of children with disabilities were unserved and underserved. IDEA has created a future for these children with real opportunities and has been a real success in human terms. I can think of Cecilia Pauley in my district who had Down's syndrome. With the support of a loving family, she graduated from high school and is attending college. She could not have done this without IDEA.

The bill on the floor today will help other parents provide that kind of support for other children just like Cecilia. It encourages parents to be involved in their children's education, takes into consideration parental preferences and concerns in the development of an individualized education plan, which is guaranteed for every child in a special education program.

I am also pleased they worked out some of the problems we had last year in terms of providing for alternative settings so that students with disabilities who are expelled can continue their education. I just think this is a terrific bill and I ask the support of this entire body and congratulate all involved, Members and staff.

Mr. CLAY. Mr. Speaker, may I inquire as to how much time is left on both sides?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Missouri [Mr. CLAY] has 3½ minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 3 minutes.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Today, Mr. Speaker, I rise in support of the reauthorization of the act, and I am very pleased this Congress has been able to develop a bipartisan bill. I am especially pleased that the territories and freely associated states were appropriately considered and included in the crafting of funding mechanisms.

Disabled students and their parents on Guam and in the other territories are as eager for access to quality education as their peers in the States, and they certainly need the same tools as their peers to succeed academically. Access to quality education and a chance to succeed is all our students want, whether they are disabled or not.

The reauthorization of IDEA will go a long way in providing this opportunity, and I am proud to support this very bipartisan effort. I want to congratulate Members and staffs on both sides of the aisle who have worked out a compromise on the inclusion of the territories and the three freely associated states, the Republic of Palau, the Republic of the Marshall Islands and the Federated States of Micronesia, in this important legislation.

Sometimes it certainly seems to those of us in the islands that there are as many funding strategies as there are Federal programs, and this is especially true for us. The chairman may remember discussions I have had with him about this issue during the 104th Congress, and I thank him for his efforts in this regard.

H.R. 5 allows the territories to take advantage and participate in any increases in appropriations while providing funds for the freely associated states through a competition with the Pacific territories for the next 4 years. While I have continuing concerns about using a nongovernment entity as a broker of funds intended for areas in which there are some very complex relationships, I certainly support the intent of this funding.

I am informed that this mechanism will also be used as a model for future education and training legislation in an effort to clarify the patchwork nature of territorial funding.

I congratulate the chairman and ranking member on their successful bipartisan effort, and I urge my colleagues to approve H.R. 5 on behalf of our children, whether they are in urban centers or suburbs or rural areas, or what we sometimes think of as very faraway islands, especially in those islands, areas where specialized services are rare or simply unavailable.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time, and I would close by merely again thanking all on both sides of the aisle for all their efforts to put together this bipartisan, bicameral bill, and all those from the outside who worked diligently to bring this about.

I should mention Sally Lovejoy on the staff, who has been at this legislation for 13 years. So we want to pay tribute to her. She is only 25, but she has been at the legislation for 13 years.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to commend the House of Representatives on considering H.R. 5, a bill to reauthorize and reform the Individuals With Disabilities Act [IDEA]. This bill renews and strengthens our promise to children with disabilities and their families that they will receive an education equal to that of their peers.

While the original IDEA legislation was critical in opening up educational opportunities to disabled students and enhancing efforts to include them in classes with other students, this legislation continues the commitment of the previous Congress to address the issue of actually providing adequate resources to individual States in educating children with disabilities. Last year, the Appropriations Committee, of which I am a member, increased funding for IDEA by almost $800 million to $3.1 billion for fiscal year 1997, the most in IDEA's history. H.R. 5 authorizes a $1 billion increase for IDEA in fiscal year 1998 and, within 7 years, funding for the program increases to $11 billion.

This bill, if enacted, will also improve the way States, schools, teachers, and parents work together to provide better education for children with disabilities. The new IDEA reform legislation will help children with disabilities by focusing on their education, instead of process and bureaucracy. It will also give parents increased participation and give teachers the tolls they need to teach all children. Moreover, this bipartisan legislation fulfills a proper Federal responsibility of protecting individual rights by insuring that children with disabilities have an equal opportunity to learn and succeed.

Although there were a number of contentious issues involved while drafting H.R. 5, Chairman GOODLING did a tremendous job of leading a bipartisan efforts in working with the many organizations representing the concerns of individuals with disabilities, their families and teachers, as well as school administrators and nurses. Today's vote in support of the IDEA reauthorization is a testament to the bipartisan and overwhelming support of this House to the needs of children with disabilities.

Mr. CONDIT. Mr. Speaker, I rise today to alert you to my concerns with certain provisions contained in H.R. 5, the Individuals With Disabilities Act Amendments of 1997.

Specifically, I am opposed to the provisions in this bill that require States to provide special education services to disabled individuals aged 16 to 21 who are incarcerated. I have always been supportive of an all out effort to provide educators with the necessary resources to properly train and educate those with disabilities. For this reason, I must object to requiring States to spend their scare education resources to serve prisoners.

As you may be aware, both the Governor of California and California's legislative bodies have registered their disapproval of provisions mandating that the State provide special education services to convicted felons. While there may be prisoners who would benefit from such services, the States ought to be trusted to make this decision on their own. Equally disturbing is the provision allowing the Department of Education to penalize States who fail to comply with this requirement by withholding all special education money granted to a State.

Notwithstanding my objections to these provisions, the overall merits of H.R. 5 warrant my support at this time. The objectionable provisions must be revisited by Congress.

Chairman BILL GOODLING, Representative BILL CLAY, Representative FRANK RIGGS, and Representative MATTHEW MARTINEZ are to be commended for expediting this reauthorization process and I look forward to working with all of them to address the concerns raised by the State of California.

Mr. DUNCAN. Mr. Speaker, I rise in support of this legislation which makes some very important changes to the Individuals With Disabilities Education Act.

We need to do our very best in educating the young people in our country. In addition, I believe we especially need to help those with disabilities.

I admire the people who work very closely with these children on a daily basis. In fact, I would say that these are the people who, along with the parents, are most concerned with how this program is operating. They feel that too much money has been wasted in legal fees. Instead, they would like to see much more of the funding go directly to helping these special students. I agree.

A few years ago, I met with a school superintendent from my district, Allen Morgan, and one of his main concerns was the cost of legal fees associated with this program. As a result, on August 5, 1993, I introduced H.R. 2882, which would have reduced the amount of money school systems have to spend for attorney fees. Do you want the money spent on lawyers or on severely disabled students?

Under the legislation I introduced, State and local education agencies would not have had to pay attorney fees for preliminary administrative hearings and negotiations. This would have saved many millions of dollars across the country. However, it would still have allowed parents who prevailed in a civil action to be reimbursed for legal expenses. I am pleased to know that the authors of this bill have included similar language in this legislation.

The bill on the floor today will save direly needed funds for educating the disabled by reducing the amount of money spent on overly excessive attorney fees. I urge my colleagues to support this legislation which will help get more money to the children who need it the most.

Mrs. ROUKEMA. Mr. Speaker, I rise today to clarify some of the language in the Individuals With Disabilities Education Act that we are looking to enact into law today. This is a much needed piece of legislation which has been created with the participation and consideration of a large variety of interests. We should be proud of this historic moment.

The section I would like to clarify involves personnel standards. This section has some potentially unclear language, which I would like to make clear. When the bill refers to the qualified individual who must be making satisfactory progress toward completing applicable course work necessary to meet the standards described earlier in the legislation, it is referring to the standards that are consistent with State law applicable to the profession or discipline. This clarification is important to answer an confusion that may arise.

Mr. GOODE. Mr. Speaker, today, with reservations, I support H.R. 5, the Individuals With Disabilities Education Act Improvement Act of 1997.

Even before I came to Congress in January of this year, local school administrators and school board members from my home in Franklin County, VA, had alerted me to the grave fiscal dilemma they face in attempting to comply with IDEA. These local school officials and many of their colleagues in similar rural areas are finding it increasingly difficult to meet the needs of students with disabilities because of inadequate Federal funding and overly stringent Federal restrictions.

These local officials are sincere in their commitment to provide an education to every young person that they serve, whether that person is faced with a disability or not. They are, however, increasingly confronted with nearly impossible dilemmas as the costs of special education rapidly increase. With this bipartisan bill, we will give these dedicated local officials some relief and will begin to meet the commitment to the level of funding that Congress made to States and localities when IDEA was enacted.

There is one section of this bill that does trouble me. In some instances, a student may engage in egregious misconduct that would result in expulsion except that such student is covered by IDEA. In those instances, I believe expulsion is merited and should be left to policies developed by the States and the localities. On February 5, 1997, the Circuit Court of Appeals for the Fourth Circuit ruled that the U.S. Department of Education was without authority to condition receipt by the Commonwealth of Virginia of IDEA funding on the continued provision of free education to disabled students who have been expelled or suspended long term for criminal or other serious misconduct unrelated to their disability. I agree that decisionmaking on these very case-specific instances should be left to localities and States and disagree with this aspect of this bill.

On the whole, however, this bill offers improvements and gives schools greater flexibility, promotes cost-sharing between State and local agencies and recognizes the role of teachers.

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise in support of H.R. 5, the IDEA Improvement Act. I am pleased to see it moving toward enactment, hopeful that continued improvements can be made, and thankful to those citizens, staff, and members who have made it possible.

The Individuals with Disabilities Education Act, or IDEA, is based on one principle: That children with disabilities deserve a fighting chance to achieve the American Dream. Since its enactment in the 1970's, this law has made education and opportunity available for millions of children with disabilities. Many of these Americans, who once would have been consigned to costly institutions for life, have used their education to sustain themselves and become contributing members of society. They are better for it, and the country is better, too.

But the law has not been perfect. Over time, cooperation in pursuit of education has gradually given way to divisive and costly litigation that usurps scarce resources from children's schooling. Congress and successive administrations have failed to keep their promise to fund 40 percent of States' costs to comply with IDEA and provide free, appropriate public education in the least restrictive environment, as the law requires. And the distribution of funds among the States has grown unfair and unequal, with some States receiving substantially more funding per school-age child than others.

In the 104th Congress, we pledged and worked to do better. And we did. I was privileged at the time to serve as chairman of the House Subcommittee on Early Childhood, Youth and Families. We assembled a historic coalition of citizen representatives of children with disabilities, educators, the administration, Republicans, and Democrats to develop an IDEA Improvement Act that we could all agree upon. We reported a bill out of subcommittee, to the full committee, to the House, and forwarded it to the Senate by voice vote. Unfortunately, the late-session crunch and latent divisions forestalled its enactment. Nevertheless, Congress recognized the progress we had made by providing an equally historic, first-time substantial increase in IDEA funding, some $4 billion total in fiscal year 1997, $700 million more than in fiscal year 1996.

Now, the 105th Congress is completing the work we began in the 104th Congress. Under the leadership of Education Committee Chairman BILL GOODLING, Early Childhood Subcommittee Chairman FRANK RIGGS, and the majority leader of the other body, we now have an IDEA Improvement Act that all sides agree is an improvement. It focuses anew on the education of children with disabilities. It improves schools' administration of special education. It assures that additional IDEA appropriations are distributed in a more equitable manner, freeing the Appropriations Committee on which I now serve to fund IDEA more robustly and responsibly. And it replaces litigation and division with mediation and a more cooperative process for resolving disputes.

Like the IDEA Improvement Act of the 104th Congress, this measure before us today is not perfect. H.R. 5 does not address the inequitable distribution of current IDEA funding. It does not give States enough relief from certain mandates, particularly those relating to IDEA-mandated educational services for convicts in jail. And it does not give schools and communities as much flexibility as I would prefer in implementing an educational program, and ensuring the fair conduct of disciplinary procedures. It is a product of compromise and a great deal of hard work and sacrifice from all parties. And I am glad to say that it is, on balance, a very good bill that will do well by our children and our schools.

Finally, I would like to publicly recognize a number of the people who made this measure possible. Chairmen GOODLING and RIGGS, and my former Early Childhood Subcommittee ranking member DALE KILDEE—now ranking on the Higher Education Subcommittee—have done yeoman's work in carrying this difficult task through. The Senate majority leader, and his chief of staff, David Hoppe, coordinated a months-long march of meetings between all parties to hammer out an agreeable bill, and they have done marvelously. And Jay Eagen, Sally Lovejoy, and Todd Jones of the Education and Workforce Committee staff deserve recognition for distinguished service on this issue on behalf of many Members of the Congress. I was privileged to work with all of them in the 104th Congress. Many others deserve special recognition, especially the families, special education students, teachers, school board members, and administrators who contributed their work and experience to this measure.

I urge Members to support H.R. 5. It goes to show that when we work together, we can get the job done.

Mr. PAUL. Mr. Speaker, I rise to oppose H.R. 5, the Individuals with Disabilities Reauthorization Act of 1997 [IDEA]. I oppose this bill as strong supporter of doing all possible to advance the education of persons with disabilities. However, I do not think that a huge bureaucracy is the best way to educate disabled children. Parents and local communities know their children so much better than any Federal bureaucrat, and they can do a better job of meeting a child's needs than we in Washington. There is no way that the unique needs of my grandchildren, and some young boy or girl in Los Angeles, CA or New York City can be educated by some sort of "Cookie Cutter" approach.

At a time when Congress should be returning power and funds to the States, IDEA increases Federal control over education. According to the Congressional Budget Office Federal expenditures on IDEA will reach over $20 billion by the year 2002. This flies in the face of many Members' public commitment to place limits on the scope of the Federal bureaucracy.

H.R. 5 imposes significant costs on State governments and localities. For example, the new bill requires one regular education teacher to take part in each individual education plan [IEP]. According to certain education experts, this could require as many as 10 to 15 teachers be present at each IEPO meeting. This bill also requires States to include disabled students in all statewide assessments by 1998 and develop alternatives for students unable to participate in the regular exams by the year 2000. According to the National Association of State Boards of Education [NASBE], this mandate will increase assessment costs by 12 percent.

NASBE's May 9 letter to Congress identifies several other provisions in H.R. 5 that will impose new financial burdens on the States. I ask that the letter be read into the RECORD.

As I see Members of Congress applaud the imposition of more mandates on States, I cannot help but think of a letter I received from the high school principal asking for some relief from Federal mandates imposed on her by laws like IDEA. I would ask all my colleagues to consider whether we are truly aiding education by imposing new mandates or just making it more difficult for hard-working, education professionals like this principal to properly educate our children?

The major Federal mandate in IDEA is that disabled children be educated in the least restrictive setting. In other words, this bill makes mainstreaming the Federal policy. Many children may thrive in a mainstream classroom environment, however, I worry that some children may be mainstreamed solely because school officials believe it is required by Federal law, even though the mainstream environment is not the most appropriate for that child.

On May 10, 1994, Dr. Mary Wagner Testified before the Education Committee that disabled children who are not placed in a mainstream classrooms graduate from high school at a much higher rate than disabled children who are mainstreamed. Dr. Wagner quite properly accused Congress of sacrificing children to ideology.

Mr. Speaker, it is time to stop sacrificing children on the alter of ideology. Every child is unique and special. Given the colossal failure of Washington's existing interference, it is clear that all children will be better off when we get Washington out of their classroom and out of their parents' pocketbooks. I therefore urge my colleagues to cast a vote for constitutionally limited government and genuine compassion by opposing H.R. 5.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, May 9, 1997.

DEAR REPRESENTATIVE: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. We are writing to express our opposition to the changes made to the state set-aside formula in the compromise agreement on the individuals with Disabilities Education Act (IDEA).

Under the new legislation, the state share is capped at the FY97 level, with all future increases equal to the rate of inflation or the federal appropriations increase—whichever is less. This new formula also applies to the state's 5% administration reserve. This limit, especially as applied to state administration, will place severe burdens on already strained state education budgets and will result in an enormous federally unfunded mandate.

IDEA is a highly prescriptive law requiring vigilant state monitoring and evaluation to ensure disabled students are receiving all appropriate educational services. The new mandates will create even more administrative and oversight responsibilities for state education agencies (SEAs), while at the same time significantly decreasing the federal funds necessary to carry out such functions. Because of the artificial limits placed on the states' administrative share, the excess costs of administering the programs, distributing grants and ensuring local education agency (LEA) compliance with the law will be borne solely by the SEA.

In addition, the proposed legislation directs the states to implement the following new programs: (1) Include disabled students in all state-wide assessments by 1998 and to develop alternatives for students unable to participate in regular exams by the year 2000. (At the very least, this mandate will increase state assessment costs by 12%, the national average of disabled students in the general school population); (2) Establish and operate a mediation system for use by LEAs and parents; (3) Develop and implement state performance goals and indicators for disabled students.

The states are responsible for all of the costs incurred by creating and maintaining the above programs. The federal government is providing absolutely no new financial assistance to help offset these expenses.

The reduction of the state set-aside severely undermines the historic federal, state and local partnership and 20-year old cost-sharing arrangement that have worked so well in delivering a free, appropriate public education to disabled students. We urge you to amend the IDEA compromise agreement by allowing funding increases of up to 5% annually for state administration.

Sincerely,

BRENDA L. WELBURN,
Executive Director.

Mr. GILMAN. Mr. Speaker, I rise today in support of the Individuals With Disabilities Education Improvement Act, H.R. 5, and commend its sponsor, the distinguished chairman of the Committee on Education and the Workforce, Mr. GOODLING, and the chairman of the Subcommittee on Early Childhood, Youth and Families, Mr. RIGGS, for their diligent work in bringing this important bipartisan legislation to the floor.

This measure effectively incorporates numerous initiatives that have been proposed by educators and school board members in my district. This bill seeks to give the classroom teacher the ability to maintain adequate discipline with regard to special education students. While previous law prohibited a school from suspending or expelling a disabled student for more than 10 days, except in the situation where the student has brought a gun to school, this bill provides for removal to an alternative placement for students who bring weapons to school, bring illegal drugs to school, or illegally distribute drugs in schools, students who engage in assault or battery and students, who by proof of substantial evidence present a danger to himself or others. I believe that this bill effectively addresses that issue of classroom safety, while still maintaining protection for the students against arbitrary placement changes.

Furthermore, this measure requires States to make mediation available to school authorities and parents who disagree over a disabled student's educational plan, instead of forcing the parties to move their dispute into the court. It is our hope that an increase in the use of mediation will reduce the acrimony involved in these disputes and will save money that has in the past been spent on attorney fees. Furthermore, it is my hope that the new formula changes phased in over 10 years will reduce overidentification and promote the effective use of government resources.

Accordingly, Mr. Speaker, I urge my colleagues to support this worthy measure to reform our Nation's special education programs.

Mr. GOODLATTE. Mr. Speaker, I want to first congratulate the chairman on his dedication to this important issue and his hard work toward crafting a bill that will help schools improve the quality of education for students with disabilities.

This bill includes a number of provisions that I strongly support. It streamlines and consolidates the requirements that States must meet for individualized education plans, allows parents to participate in all IEP decisions, guarantees that parents have access to all records relating to their children, and includes a number of provisions to limit attorney's fees and reduce litigation.

While I support most of the provisions in this bill, I am deeply concerned that in an effort to reach a compromise with the administration, this bill includes language that tramples the rights of States and localities to ensure safety and discipline in their classrooms.

The bill includes a provision that effectively overturns a recent Federal Appeals Court decision allowing States to suspend or expel disabled students for criminal or other serious misconduct when the action is unrelated to their disability. The administration's policy, which not only exceeds the mandate of IDEA, sets a glaring double standard by establishing two discipline codes—one for disabled students and another for nondisabled students. Including this provision in the bill ties the hands of States and localities when it comes to effectively disciplining students.

While I believe that the overall bill is good for disabled students, good for parents and teachers, and good for the American taxpayers, it would have been a great deal better had this provision not been included. With that, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 5, as amended.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONCURRING IN SENATE AMENDMENT TO H.R. 914, TECHNICAL CORRECTIONS IN HIGHER EDUCATION ACT, WITH AMENDMENTS

Mr. McKEON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 145) providing for the concurrence of the House with the amendment of the Senate to H.R. 914, with amendments.

The Clerk read as follows:

H. RES. 145

Resolved, That upon the adoption of this resolution the bill (H.R. 914), to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, shall be considered to have been taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to with amendments as follows:

Insert before section 1 the following:

TITLE I—TECHNICAL AMENDMENTS

Redesignate sections 1 through 5 as sections 101 through 105, and at the end of the bill add the following:

SEC. 106. PAYMENTS RELATING TO FEDERAL PROPERTY.

Section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended to read as follows:

"(i) PRIORITY PAYMENTS.—

"(1) IN GENERAL.—Notwithstanding subsection (b)(1)(B), and for any fiscal year beginning with fiscal year 1997 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996—

"(A) the Secretary shall first use the excess amount (not to exceed the amount equal to the difference of (i) the amount appropriated to carry out this section for fiscal year 1997, and (ii) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2); and

"(B) the Secretary shall use the remainder of the excess amount to increase the payments to each eligible local educational agency under this section.

"(2) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this paragraph is a local educational agency that—

"(A) received a payment under this section for fiscal year 1996;

"(B) serves a school district that contains all or a portion of a United States military academy;

"(C) serves a school district in which the local tax assessor has certified that at least 60 percent of the real property is federally owned; and

"(D) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.".

TITLE II—COST OF HIGHER EDUCATION REVIEW

SEC. 201. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Cost of Higher Education Review Act of 1997".

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980–1981 through school year 1994–1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 202. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this Act referred to as the "Commission").

SEC. 203. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(1) Two individuals shall be appointed by the Speaker of the House.

(2) One individual shall be appointed by the Minority Leader of the House.

(3) Two individuals shall be appointed by the Majority Leader of the Senate.

(4) One individual shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairperson and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) The Chairman of the Committee on Education and the Workforce may act under

such subsection for the Speaker of the House of Representatives.

(2) The Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives.

(3) The Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate.

(4) The Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 204. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 205. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this Act. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this Act.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this Act.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 206. EXPENSES OF COMMISSION.

There are authorized to be appropriated to pay any expenses of the Commission such sums as may be necessary not to exceed $650,000. Any sums appropriated for such purposes are authorized to remain available until expended, or until one year after the termination of the Commission pursuant to section 207, whichever occurs first.

SEC. 207. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 204(b).

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 914. H.R. 914 was originally passed by the House of Representatives on March 11, 1997, under suspension of the rules. It made two simple amendments to the student right to know provisions of the Higher Education Act. These amendments changed the date for which schools had to report graduation rates in order to lessen the reporting requirements faced by schools while improving the quality of information that students would receive.

On April 16, 1997, the Senate passed H.R. 914 after adding impact aid technical amendments to the legislation. Those amendments would: extend the deadline for filing for equalized States which deduct impact aid revenue in their computation of general State aid for education; extend the hold harmless for section 8002 payments for property to cover fiscal years 1997 through the year 2000; and add expenditure data as a factor to be considered when determining a school district's financial profile under the section of the law, 8003(f), dealing with heavily impacted school districts.

Today, we are again considering H.R. 914 under suspension of the rules. The legislation before us today includes the impact aid technical amendments passed by the other body and one additional impact aid technical amendment added by the House to clarify that appropriations over and above the amount appropriated for section 8002 for fiscal year 1997 are to be distributed to all eligible school districts. However, it also includes one more very important piece of legislation. H.R. 914, as it is before us today, includes the Cost of Higher Education Review Act of 1997. I would like to focus my remarks on these very important provisions.

In today's technology and information-based economy, getting a high quality postsecondary education is more important than ever. For many Americans it is the key to the American dream.

Let me tell my colleagues how I see higher education in the future. I would hope that men and women, young and old, will have access to postsecondary education when they need it. Some would go to college for undergraduate or graduate degrees. Others would choose to go to school or go back to school for much shorter periods of time in order to improve or upgrade their schools for a better job and a better future. Many could just take a class or two from home over the Internet. But I want to see every American who so chooses have the option of receiving a quality education at an affordable price.

As my colleagues know, the Subcommittee on Postsecondary Education, Training and Life-Long Learning has already begun the process of reauthorizing the Higher Education Act, which will provide $35 billion in student financial aid this year alone. We have been holding hearings around the country on the reauthorization of the Higher Education Act, and a consistent question we get from students and parents is why is college so expensive and why are college prices rising so quickly.

However, my interest in higher education goes well beyond the role I play as chairman of that subcommittee. I am a parent and a grandparent, and I know students who are pursuing or will pursue a postsecondary education. I have constituents, students and parents, who are worried about their abilities to afford a college education.

Historically, the cost of getting a postsecondary education has increased at a rate slightly above the cost of living. However, a recent General Accounting Office report tells us that over the last 15 years the price of attending a 4-year public college has increased over 234 percent while the median household income has risen by only 82 percent and the CPI only 74 percent. A recent survey of college freshmen found that concern over college affordability is at a 30-year high. Parents and students across the country are understandably worried about the rising cost of higher education.

In order to control the cost of obtaining a postsecondary education, parents, students, and policymakers must work together with colleges and universities to slow tuition inflation, or for many Americans college will become unaffordable.

That is not to say that there are not affordable schools. There are some affordable schools and there are college presidents who are committed to keeping costs low. There are schools that are trying very innovative things to reduce tuition prices.

□ 1515

However, the trend in higher education pricing is truly alarming. This trend is especially alarming in that it only seems to apply to higher education. There are many endeavors and many businesses that must keep pace with changing technologies and Federal regulations. However, in order to stay affordable to their customers and stay competitive in the market, they manage to hold cost increases to a reasonable level.

The Cost of Higher Education Review Act contained in H.R. 914 will establish a commission on the cost of higher education. This commission will have a very short life span. Over a 4-month period the commission will study the reasons why tuitions have risen so quickly and dramatically, and report on what schools, the administration and the Congress can do to stabilize or reduce tuitions.

There is a great deal of conflicting information around the country with respect to college costs. This commission will be comprised of seven individuals with expertise in business and business cost reduction programs, economics, and education administration. Their job will be to analyze this information and give us a true picture of why costs continue to outpace inflation and what can be done to stop this trend.

Members of the commission will be appointed by the House and Senate leadership and the Secretary of Education. The commission will have 4 months to perform its duties. The commission will then sunset within 2 months of finishing its job. The cost for this commission will not exceed $650,000.

Mr. Speaker, as I noted earlier, this year we will be reauthorizing the Higher Education Act, which will provide $35 billion this year alone in Federal student financial aid. As we go through this process, our goals will be to make higher education more affordable, simplify the student aid system, and stress academic quality.

In order to update and improve the Higher Education Act in a way that truly helps parents and students, a thorough understanding of tuition trends will be essential. The Cost of Higher Education Review Act will give us that information and shed light on a topic which is of utmost concern to our constituents. I urge my colleagues to join me in this effort, and I urge a "yes" vote on H.R. 914.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the hearing on the costs of higher education, I expressed deep concern over the rising costs of a college education. At that time I also expressed concern that we avoid Federal intrusion into the day-to-day operations of American higher education. As I see it, our job is to work with our colleges as they, and not we, seek to bring costs under control. I do not believe that the American people want the Federal Government to step into the management of our colleges and universities, and I for one would oppose any such move.

I voted to report this legislation out of committee and shall vote for its passage today. I do so, however, with both concerns and misgivings.

I believe, for example, that the executive branch should have equal representation on the commission. Examining the costs of a college education is not a partisan issue, and I fear that not giving the executive branch equal participation gives the commission a possible partisan tinge it should not have.

I also believe that we are asking the commission to issue a final report in too short a time. The issues to be addressed by the commission are very complex, and I am not at all sure that we can get the substantive answers we are seeking in a 4-month period.

Despite these and other reservations, Mr. Speaker, I am willing to give the gentleman from California [Mr. MCKEON], my very good friend, and chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the benefit of the doubt, and not to oppose adding this legislation to H.R. 914.

Mr. Speaker, I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the full committee.

Mr. GOODLING. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 914, which makes a technical correction to the student right-to-know provisions of the Higher Education Act, includes technical amendments to the impact aid program, and authorizes the timely creation of a commission to review the costs of higher education.

The House passed the technical amendments to the student right-to-know provision of the Higher Education Act in March. The Senate then added several amendments dealing with impact aid funds.

The first provision amends the provisions of the impact aid law dealing with equalized States. Current law requires such States to file notices of intent to deduct impact aid revenue in their computation of general State aid by March 3, 1997. Several States missed the filing deadline, and the Department of Education does not have the authority to waive the statutory filing deadline. This amendment provides such authority, but I would caution States, all 50, not to miss the deadline again. It is entirely too expensive for States to take that risk.

The second amendment extends the hold-harmless provision for section 8002, Federal property payments, to cover fiscal years 1997 through 2000. Due to a formula change in the 1994 Improving America's Schools Act, the Department of Education has not been able to determine exact payments. Extending the hold-harmless at the fiscal year 1997 level through fiscal year 2000 will allow this issue to be reviewed as part of the next review of the Elementary and Secondary Education Act.

The third amendment adds an important factor to a school district's financial profile for purposes of payments to heavily impacted school districts. During the 104th Congress, we modified this section to allow schools to use data from 2 years prior instead of relying on current year data which delayed payments for an extended period of time. However, in revising this section, the use of expenditure data was not included accidentally. This provision simply adds that expenditure data to the financial pool.

These are the impact aid changes contained in the Senate bill. One additional technical amendment has been added, and this amendment clarifies that funds over and above the amount necessary to ensure that the Highland Falls School District receives at least one-half of the amount they would receive under section 8002 if the program was fully funded is to be distributed to all eligible school districts.

In addition to the impact aid amendments, we have added language from H.R. 1511 which the Committee on Education and the Workforce reported last week. The language we have included authorizes the creation of a commission to review college costs. This bipartisan effort reflects a common goal of Members of this body. We want college to be affordable for students and families across the country.

The only answer we keep getting from the college presidents and university presidents is that they have to increase their costs because they keep giving more money of their own to students in need. That is called sticker price and discount price. I do not know what role we play in that on the Federal level. All I know is that when one college eliminated their discounted price and stuck to their sticker price, they lowered tuition for everybody, and in doing that, they had more students than they had room for. I think all colleges can take a hint.

I am happy to see that we are finding that they are getting costs under control. I believe they are down closer to 6 and 7 percent. I think they can still do better.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from New York.

Mrs. KELLY. Mr. Speaker, could the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the full committee, clarify the intent of section 106? Am I correct in understanding that this section merely clarifies that the difference in funding for section 8002 between the amount appropriated in fiscal years 1996 and 1997 will first be used to pay 50 percent of the maximum amount for any school district described in paragraph 2 of section 8002(i), and that any remaining funds plus any additional amounts appropriated for fiscal year 1998 and succeeding years will then be distributed to increase payments to other school districts which qualify under 8002?

Mr. GOODLING. The gentlewoman is correct. Section 106 of the bill amends section 8002(i) of the Elementary and Secondary Education Act to clarify that, beginning in the fiscal year 1997, priority payments for amounts appropriated above the appropriated level for section 8002 for 1996 shall be made to a local education agency which meets certain specified criteria, not to exceed 50 percent of their maximum payment. The Secretary shall then use any funds in excess of this amount, plus any additional amounts appropriated for fiscal year 1998 and succeeding years to increase payments to each eligible school educational agency under this section.

Mrs. KELLY. This section will in no way result in any reductions in funding to the local education agency described in paragraph 2 of section 8002(i)?

Mr. GOODLING. The gentlewoman is correct. The only way such payments would be reduced would be if appropriations fell to or below the amount appropriated in 1996.

Mrs. KELLY. With that understanding, I thank the gentleman.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 914 and in particular the inclusion of H.R. 1511 which establishes a commission to study the costs of higher education.

As pointed out by the chairman, a recently released GAO report found that the price of a 4-year public institution has increased by 234 percent in the past 15 years. I urge Members to support this commission so that as a body we are well informed about the many factors which contribute to the increased price of college.

As a former college administrator, I can tell my colleagues that the issues surrounding the price of tuition are complex and establishing a commission dedicated to studying this issue will be very helpful. More importantly, this commission will report back to Congress and the administration to provide suggestions on how to stabilize tuition rates. Many proposals have come forth from this Congress to help families pay for these increasing costs, but few if any have attempted to deal directly with the institutions themselves. It is at the institutional level rather than in the Tax Code that I believe this problem will be successfully addressed. Extravagant tuition increases become not only an economic problem for individual families but a social problem for entire communities and our Nation as a whole. When tuition increases as drastically as it has, more and more students are left behind, students who otherwise would be attending college. If the current trend continues, only the very wealthy will be able to afford college and lower income families will not have the educational tools with which to compete in the work force of the 21st century, and we will all suffer. The commission will cost relatively little and provide valuable information which will help us address this growing problem. I urge my colleagues to support the bill.

As a former college administrator, I can help explain these tuition costs as needed and justifiable. As a parent, I feel helpless on the onslaught of tuition increases beyond inflation. But as Members of Congress, we must respond intelligently to this situation which impacts on our growth, and this legislation does exactly that.

Mr. McKEON. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. I thank the gentleman for yielding me this time.

Mr. Speaker, while this bill makes several technical corrections to already existing law, I want to speak to one provision that creates the National Commission on the Cost of Higher Education. Normally I am not particularly thrilled with the establishment of new commissions since they tend to take a little too long to complete their work and very often their recommendations have little or no impact on our deliberations. However, in this case, the $650,000 expenditure of already appropriated funds for this commission and the fact that it must provide Congress with its recommendations within 4 months means that Congress will have an opportunity to review the recommendations during our consideration of the Higher Education Act. As the gentleman from California [Mr. MCKEON], the chairman, has already mentioned, since 1980 the cost of 4-year public colleges and universities has increased by 234 percent and the tuition at private 4-year institutions is already increasing at a rate of about 8 percent annually. Yet the causes for these increased tuition costs and whether the Federal policies or programs contribute are very complex and they deserve study. I recommend the study and I recommend the adoption of H.R. 914.

Mr. McKEON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL], a member of the committee.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend the gentleman and the staff for their fine work in the bringing of this bill to the floor.

I, too, like the speaker who preceded me, am not particularly fond of commissions, but this one is of short duration, 4 months, and will address some very serious issues that we need to be concerned about.

We are spending $35 billion in Federal aid this year for student aid programs, but we also know that for many students who are graduating that the cost of loan repayments is a significant burden that they will face in the near future. This commission has some important questions to answer: What is the role of the Federal Government? Do we have a role? What can we do? Are there regulatory reforms that are called for that will slow down or reduce the cost of rising tuition?

These are the kinds of questions that deserve our answers. These are the kinds of questions that must be answered before we reauthorize the Higher Education Act.

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Mr. McKEON. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I rise today to urge support of H.R. 914 and would like to congratulate the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for bringing this legislation to the floor. Unlike the authorization of the seven-member panel of experts to examine exploding costs of higher education, the work of this panel will provide important information as we strive to make a college education an affordable reality for American students and their families. This legislation also contains language which is necessary for the States of Kansas and New Mexico to count the Federal impact aid they receive as part of their overall State education budget. This will save the State of Kansas $6.5 million this year alone. This technical correction will result in no costs to the Federal Government. It simply allows Kansas to recognize the Federal impact aid it receives as part of the State's overall education budget.

Mr. Speaker, this provision has been approved by the members of the Committee on Education and the Workforce and passed by unanimous consent in the Senate. I appreciate the assistance of the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for including this provision for the State of Kansas, and I urge the passage of H.R. 914.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Speaker, I commend the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] for their excellent work on this legislation. Today Congress has the opportunity to take an important bipartisan step in addressing an issue which affects so many American families, the rising costs of higher education. There is perhaps no long-term issue more important to our Nation than providing Americans opportunities within our educational system.

Shortly after I arrived in Congress just 2 years ago, I, along with other concerned Members of the House, made a bipartisan request that the GAO investigate the recent history of increases in college and university costs. The results of their report were disturbing: a 234 percent increase in the cost of attending a 4-year public college over the last 15 years, placing a college education and the American dream out of reach for many Americans. The legislation before us today will allow Congress the benefit of expert recommendations by an independent nonpartisan commission on what can be done to address rising college costs.

Mr. Speaker, I urge my fellow House Members to support H.R. 914.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, today I rise to voice my strong support for the Costs of Higher Education Review Act of 1997, a commission which will create a short-term commission to study the reasons for the constant increases in the costs of postsecondary education. As we embark upon a debate over the reauthorization of the Higher Education Act, the hard work and findings of this commission could be invaluable to our efforts, Mr. Speaker. The inescapable reality is we need to find ways to ensure that colleges, universities, and vocational institutions remain affordable for all Americans. Anything less and this Nation's young people will not be prepared to confront and overcome the challenges of the high-technology skills-dependent workplace of the 21st century.

The need for cost containment is real. In fact, over the last several months I have had numerous students and parents, as I would surmise many of my colleagues around the Nation have had, in Memphis voice their concerns over the cost of college, the rising costs of college. Several young people in my district who have decided to pursue a postsecondary education and are doing extremely well in the classroom are nevertheless facing the prospect of having to take a semester off or drop out altogether because they cannot qualify for loans, and/or their Pell or school-based grants are insufficient to cover the costs of tuition, room and board, and books. It is our duty as public policymakers to do all that we can to make sure that young people like those in my district who have worked hard, played by the rules and stayed in school, that they have a meaningful opportunity to pursue a postsecondary education. I am confident that if we work together Congress, the President, higher education administrators, parents, and students can find the will and the way to open and keep open the doors of educational opportunity for all Americans.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE], the former Governor.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from California for yielding the time. I want to make it clear from the beginning that I am a strong supporter of higher education. The productivity and performance of our economy is inextricably entwined with the investments in education that we individually and collectively make as a nation. Clearly, higher education is a valuable commodity, and it behooves us to make it readily available to our young people, our veterans, and to all Americans.

Put simply, I want everyone who possibly can to have the opportunity to pursue higher education, but I fear that college may be eluding many Americans because of the costs of attending. College tuition is one of the most important determinants of student access. Unfortunately, it has been rising at an astronomical rate. Over the last 3 years tuition costs have been rising at roughly 6 percent or twice the rate of inflation, which is a vast improvement over prior years. Years of unchecked growth and not entirely necessary growth have left a legacy of inefficiency in many of our colleges and universities which should be reviewed.

Mr. Speaker, H.R. 914 authorizes a short-term commission to study the rising costs of higher education and to recommend possible solutions. I would hope that this commission focuses on identifying plausible solutions rather than identifying the problem. I think that anyone who has spent time looking at this issue knows what the problem is and could identify causes. That is the easy part. The tough part is asking the tough questions and developing creative and reasonable policies to fix the problem.

Do colleges and universities need to examine and refine their mission? What is a critical mass of academic programs, of professors, of support staff and of students necessary to sustain a college or university as a viable institution? What can colleges and universities learn from the numerous examples of corporate restructuring in the 1980's? Can they grow smaller without compromising the richness and depth of their academic programs? Should they carve out a niche and specialize in a few areas? What exactly are the components of a quality education?

As a former Governor I know well the challenges facing presidents of colleges and universities who seek to restructure the system, make it more efficient and reduce costs while maintaining support from their constituencies professors, administrations, and students. It is no easy task, and I would urge us all to support the commission bill.

Mr. KILDEE. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, today higher education is a virtual necessity, but there is a tremendous difficulty in achieving that necessity, and that is the significantly increased cost of higher education. If my colleagues go back over either a 10-year or a 20-year period, they will see that the costs of higher education have increased at both public and private colleges and universities at a rate of approximately two to three times that of the rate of inflation. If my colleagues look at the increase in the cost of higher education and the increase in median income, they will see that higher education costs have again increased at about two to three times the increase in the median income.

So how can individuals afford a higher education? They cannot afford to go to school; they cannot afford not to go to school. They are in a bind. What happens? More and more often, students are borrowing money, they are going into deep debt, and it is not unusual today for a college student to graduate with a minimum of $10,000 in personal indebtedness, but very, very frequently considerably more: $20, $30, $40, $50,000. This imposes a huge burden on their entire future.

Mr. Speaker, at the very least we should examine a number of issues, and I congratulate the gentleman from California on his initiative. This is necessary. All we are doing by this commission is saying let us look at this problem, let us find out why costs have increased two to three times the median income, two to three times the cost of inflation, et cetera. We have got to do something.

Who is we? Everybody. We in the Congress, yes, of course; in the States, yes, of course; administrators at school, yes; boards of trustees, faculties, yes. The easy answer is to just say, well, increase tuition to whatever it might be because the students must go to college and they will borrow more and more and more. They have been doing this. We must bring that to a halt. We must analyze the possibility of tying future financial assistance to some leveling off of these constant increases in the costs of higher education. That is further than the bill goes, but it might well be necessary.

Mr. Speaker, I applaud the gentleman once again for his initiative, and I urge everyone to support it.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, we have no further speakers, but I yield myself such time as I may consume to take just a minute to thank those on the other side who have been so helpful in bringing us to this point. As my colleagues know, we have been working on this committee in a bipartisan nature. The gentleman from Michigan [Mr. KILDEE], the ranking member, has been very supportive, even though he does have some concerns on this. He has worked with us to make this bill better, to bring it to the floor, and supports it at this point. The gentleman from Minnesota [Mr. LUTHER] has been very helpful and very supportive on this bill, and I would like to thank him, the gentleman from Tennessee [Mr. FORD], and others.

Once one starts naming names, it is a danger because they always leave out some people that have been so helpful, but I would like to thank those Members and others who have been helpful, and especially our staff who have worked night and day to get this to this point, because it is urgent that we get this bill passed quickly so that we can get the results back in time to use them for the higher ed reauthorization.

Mr. FAWELL. Mr. Speaker, I rise in support of the Impact Aid Technical Amendments to H.R. 914. I have long been a supporter of the Impact Aid Program, and I believe these amendments add necessary clarifications to ensure the integrity of the section 8002 funding disbursement.

As we all know, States and localities provide approximately 94 percent of education funding in the United States. The largest source of this funding is local property taxes. When a school district loses 10 percent of its taxable property, the local schools are severely impacted.

In 1950, Congress responded to this problem by creating the Impact Aid Program. The 1950 statute requires that the Federal Government reimburse each section 2 school district for each year in "such amount as * * * is equal to the continuing Federal responsibility for the additional burden with respect to current expenditures placed on such school district by such acquisition of property." The meaning of this language is very clear to me—the Department of Education should reimburse each section 2 school district by the amount which the Federal presence negatively impacts the school district.

My district in Illinois is home to a number of school districts eligible for assistance under section 8002. These funds help guarantee that the quality education they provide to their students will not be adversely affected due to the loss of tax revenue on federally-owned property.

Technical corrections authorization legislation enacted by Congress in 1996, had the impact of directing a large portion of the Impact Aid section 8002 funds to one school district. I am pleased at the way the House has chosen to address this inequity. Technical amendments enacted today will ensure that all funds appropriated to the Impact Aid section 8002 program will be allocated on the basis of the formula, ensuring that schools are allowed to compete on a level playing field. I strongly support this provision which will ensure an equitable disbursement of funds to all eligible schools who receive funds under section 8002.

I thank the chairman and ranking member for their work on this bill and urge Members to support H.R. 914.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD) The question is on the motion offered by the gentleman from California [Mr. MCKEON] that the House suspend the rules and agree to the resolution, H.Res. 145.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.Res. 145.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING USE OF THE CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 49) authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

The Clerk read as follows:

H. CON. RES. 49

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (hereinafter in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol grounds on July 12, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capital and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 49 simply authorizes the use of the Capitol grounds for the Greater Washington Soap Box Derby races to be held on July 12, 1997. This free event is sponsored by the All American Soap Box Derby and its local affiliate, the Greater Washington Soap Box Derby Association. Its participants are young girls and boys from 9 to 16 who reside in the greater Washington metropolitan area. Winners in the various age groups will advance to the national championship in Akron, OH. Pursuant to this resolution the association will assume full responsibility for any expenses or any liability related to the event. This association also agrees to make any necessary arrangements for the races with the approval of the Architect of the Capitol and the Capitol Police Board.

Mr. Speaker, for over 50 years the soap box derby races have taken place in Washington, DC. It is truly an exciting event for the family, and I support the resolution and urge my colleagues to pass the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

□ 1545

Mr. Speaker, I join the gentleman from California [Mr. KIM] in supporting H. Con. Res. 49. I would like to just compliment Rick Barnett and Susan Brita, the staff, for all of the work they do on many of these things that are more laborious than seem to be substantive, but they do serve a good purpose.

The 1996 event produced three winners, who then went on to win the National Derby held in Akron, OH. Two of these winners were brother and sister. The Washington event has grown in size and now has become one of the best attended in the country.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure that appropriate rules and regulations are in place. It is a good initiative. I join Mr. KIM in supporting it.

Mr. HOYER. Mr. Speaker, I rise enthusiastically today in support of House Concurrent Resolution 49, a resolution authorizing the use of the grounds of the U.S. Capitol for a truly wonderful and family-oriented event: the Greater Washington Soapbox Derby. For the past 6 years, I have sponsored this legislation, and I would like to offer my very sincere thanks to the chairman and ranking member of the Subcommittee on Public Buildings and Economic Development—Mr. KIM and Mr. TRAFICANT—and to the chairman and ranking member of the full Committee on Transportation and Infrastructure—Mr. SCHUSTER and Mr. OBERSTAR—for their commendable work in bringing this legislation to the floor in so timely a manner.

This resolution authorizes the use of Constitution Ave. between Delaware Ave. and Third St. for the 56th running of the Greater Washington Soap box Derby on July 12, 1997. The competition is part of the All-American Soap box Derby which will be held later this year.

The resolution also authorizes the Architect of the Capitol and the Capitol Police to negotiate a licensing agreement with the Greater Washington Soap Box Derby Association ensuring full compliance with the rules and regulations governing use of the Capitol Grounds.

I am happy once again to have the support of Members from the Washington metropolitan region as cosponsors. Ms. NORTON, Mr. MORAN, Mr. WOLF, Ms. MORELLA, and Mr. WYNN have been enthusiastic supporters in years past and they are again this year.

This event provides young boys and girls, ages 9 to 16, with an invaluable opportunity to develop and practice both good sportsmanship and engineering skill. This year, there will once again be over 50 participants from Washington, DC, and the surrounding communities of northern Virginia and Maryland participating in the derby events. I am especially pleased that boys and girls representing four of the five counties in my district will be competing in this year's derby.

The Soap box Derby promotes a fun, positive and character-building activity for our young people to participate in. At a time when our newspapers are filled with stories about the transgressions and negative conduct of our youth, and at a time when Congress has been forced to confront juvenile crime as an issue of national scope and magnitude, it is certainly a pleasure to be involved in an event which provides a positive outlet for kids and teenagers from the region.

I like to recall a statement made to me by Ken Tomasello, director of the Greater Soap Box Derby Association, when I introduced the first resolution authorizing the use of the Capitol Grounds for this event. Ken said, in short, "The derby doesn't keep kids off the street; it gives them a drug-free activity on the street."

The young people involved in this event spend many months preparing for this race—building their derby cars from the ground up. The day they actually compete provides a genuine sense of accomplishment and camaraderie—for the participants, and their families and friends alike. This worthwhile event also provides visitors to the Capitol and local residents with a safe and enjoyable day of activities.

I would like to take this opportunity to offer my sincere congratulations to all of this year's participants for their hard work and dedication and I wish them all well in this year's race.

Again, I want to thank the Transportation Committee for its consistent support of the Greater Washington Soap Box Derby and I encourage all of my colleagues to attend this year's race.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 49.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 49.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 66) authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 66

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police, and its auxiliary shall be permitted to sponsor a public event, the sixteenth annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the more than 117 law enforcement officers who died in the line of duty during 1996.

SEC. 2. TERMS OF CONDITIONS.

(a) In General.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) Expenses and Liabilities.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) Structures and Equipment.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) Additional Arrangements.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. Kim] and the gentleman from Ohio [Mr. Traficant] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. Kim].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 66 authorizes the use of the Capitol Grounds for the 16th annual Peace Officers' Memorial Service on May 15, 1997. The service will honor over 117 Federal, State, and local law enforcement officers killed in the line of duty in 1996.

The National Fraternal Order of Police will sponsor the event and agree to make all the necessary arrangements with the Architect of the Capitol and the Capitol Police Board. In addition, the sponsor will assume all expenses and all liability in connection with the event. The event will be free of charge and open to the public.

This is a fitting tribute to the men and women who gave their lives for our lives. I support this measure, and I urge my colleagues to support this resolution.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

I want to join with the gentleman from California [Mr. Kim] in supporting H. Con. Res. 66. Sadly, this event has become a tradition during which families, friends, and fellow officers gather to honor the lives and sacrifices of peace officers who die in the line of duty. On average, Mr. Speaker, one law enforcement officer is killed somewhere in the United States nearly every other day.

In 1981, when I was sheriff of Mahoning County, OH, one of my deputies, John "Sonny" Litch, was killed in the line of duty. Sonny was then transporting a prisoner to the hospital. His name is on the National Law Enforcement Officers Memorial in Washington, DC.

No one gave more for our community than the Litch family, and to find Sonny in a position without compensation, Mr. Speaker, was a marvel in itself.

During 1996, seven law enforcement officers from the State of Ohio were killed in the line of duty. I want to place their names in this Record.

James Gross, Ohio State Highway Patrol; Brian Roshong, Canton Police Department; Jason Grossnickle, Dayton Police Department; Douglas Springer, Coldwater Police Department; Derrik Lanier, Cuyahoga Metro Housing Authority Police; Duane Guhl, Fulton County Sheriff's Office; Hilary Cudnik, Cleveland Police Department.

The names of these officers, Mr. Speaker, will all be engraved on the National Law Enforcement Officers Memorial in Washington, DC. It is most fitting and commendable that we honor the service of these great patriots who have given so much for our country and our communities.

Mr. CUNNINGHAM. Mr. Speaker, I am proud to support House Concurrent Resolution 66, authorizing the use of the U.S. Capitol Grounds for the 16th annual National Peace Officers' Memorial Day services on Thursday, May 15.

In memory of the law officers who have given their last full measure of devotion to their communities and their country in service of public safety, and in tribute to their families and their colleagues, the flags atop the U.S. Capitol will be flown at half-staff on National Peace Officers' Memorial Day. I would like to recognize Speaker Newt Gingrich for his leadership in helping us make this tribute possible.

I also thank Chairman Jay Kim and Ranking Member James Traficant, of the House Subcommittee on Public Buildings and Infrastructure, for their timely and expeditious work in support of our peace officers' use of the Capitol Grounds.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Kim] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 66.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 66.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING 1997 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH CAPITOL GROUNDS

Mr. KIM. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 67) authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read as follows:

H. Con. Res. 67

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On June 13, 1997, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1997 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. Kim] and the gentleman from Ohio [Mr. Traficant] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. Kim].

Mr. KIM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 67 authorizes the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds. This relay is part of the journey of the Special Olympics torch to the District of Columbia Special Olympics Summer Games to be held at Gallaudet University on June 13, 1997. The U.S. Capitol Police will host opening ceremonies for the torch run on Capitol Hill, and the event will be free of charge and open to the public.

Each year, over 1,000 law enforcement representatives from 60 local and Federal law enforcement agencies in Washington, DC, participate in this annual event to show their support of the Special Olympics. This is a very worthy endeavor which I am proud to support, and I urge my colleagues to pass this resolution, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the distinguished sponsor of the Soap Box Derby legislation.

Mr. HOYER. Mr. Speaker, I thank my friend from Ohio, [Mr. TRAFICANT], for yielding, and I thank the gentleman from California, [Mr. KIM], as well.

Obviously, Mr. Speaker, I am in very strong support of the pending resolution on the Special Olympics. It is an extraordinarily worthwhile endeavor, giving hope and opportunity to so many folks, and it is worthwhile that the Capitol Grounds be allocated for that particular purpose.

In addition, Mr. Speaker, I was a little late getting here and it passed with such efficiency and effectiveness that I failed to timely reach the floor. But I appreciate the gentleman from Ohio yielding and his suggestions as well and rise in strong support of H. Con. Res. 49, which authorizes the use of the grounds of the U.S. Capitol for a truly wonderful and family-oriented event, the Greater Washington Soap Box Derby.

Mr. Speaker, I have sponsored this resolution for the past 6 years, and I want to thank the committee and its staff for assuring the timely passage of this resolution in each one of those years. This Soap Box Derby is an American tradition. The Hill, Capitol Hill, is an excellent hill from which to do that, and it is certainly appropriate that on July 12, just a week after the birthday of our Nation, that this very American of traditions is carried out in the site of the U.S. Capitol.

It is a tradition which teaches to young people self-reliance, the worth of competition, and the worth of adding their hands and their talent to constructing something of worth.

So I again express my strong support not only of the resolution already passed on the Soap Box Derby, but on this one as well.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Soap Box Derby is an institution, as is the gentleman from Maryland [Mr. HOYER], and we appreciate his work with our subcommittee each year, and we thank him for his support and leadership.

I would like to speak out for this resolution. The D.C. Special Olympics has participants from over 100 public schools, group homes, agencies and associations serving citizens with developmental disabilities. The D.C. chapter reaches over 25 percent of all eligible citizens. No other city or State does it any better.

So I want to join with the gentleman from California [Mr. KIM], the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Pennsylvania [Mr. SHUSTER] and with the staff, Mr. Barnett and Ms. Brita, in support of this resolution and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. KIM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 67.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 67.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONCERNING THE DEATH OF CHAIM HERZOG

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 73) concerning the death of Chaim Herzog.

The Clerk read as follows:

H. CON. RES. 73

Whereas Chaim Herzog, the sixth President of the State of Israel, passed away on Thursday, April 17, 1997;

Whereas Chaim Herzog, in his very life exemplified the struggles and triumphs of the State of Israel;

Whereas Chaim Herzog had a brilliant military, business, legal, political, and diplomatic career;

Whereas Chaim Herzog represented Israel at the United Nations from 1975–1978 and with great eloquence defended Israel and its values against the forces of darkness and dictatorship;

Whereas Chaim Herzog, as President of Israel from 1983–1993, set a standard for honor and rectitude; and

Whereas Chaim Herzog was a great friend of the United States of America and as President of Israel had the honor of addressing a joint meeting of the United States Congress on November 10, 1987: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress of the United States notes with great sadness the passing of Chaim Herzog, a great leader of Israel and a great friend of America and the Congress sends its deepest condolences to the entire Herzog family and to the Government and people of Israel; and

(2) a copy of this resolution shall be transmitted to the Speaker of the Knesset in Jerusalem, to President Ezer Weizman of Israel, and to Mrs. Aura Herzog of Herzlia, Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this resolution is very simple: it is to express the condolences of the House to the family of Chaim Herzog, the late President of the State of Israel, and to the people and Government of that State. Chaim Herzog was, as many know, the son of a rabbi, in fact, the son of the Chief Rabbi of Ireland. He became a soldier in the British Army, landing in Normandy and running British intelligence in northern Germany. Later he was a lawyer and a diplomat serving in the Israeli Embassy in Washington, and as Permanent Representative to the United Nations. In the culmination of his career, he became the President of the State of Israel.

The President of Israel is its Head of State, standing above politics but critical to the public life of the country and a symbol of its unity.

Mr. Speaker, this Member joins with my colleagues in expressing our thanks for the life of Chaim Herzog and our condolences to his family in Israel and his friends and admirers around the world.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. BURTON] for bringing this resolution before the House. I commend both of them for their leadership on this resolution.

As has been explained by the distinguished gentleman from Nebraska, Chaim Herzog was the sixth President of the State of Israel. He had a very brilliant military, business, legal, political, and diplomatic career. He was a great leader of Israel, and a great friend of America. Those of us who knew him personally knew him to be a man of extraordinary compassion, exceedingly gracious, and had about him a great lack of pretense, despite his extraordinary achievements.

□ 1600

It is fitting that the Congress commemorate his life and his work, and send its deepest condolences to the entire Herzog family, and to the Government and the people of Israel. I urge the adoption of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note the assistance of Mr. James Soriano, a Pearson Fellow from the Department of State who has been on our full committee staff for the past year, and helped us with this resolution and many other items during that period.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the gentleman from Indiana [Mr. BURTON] for offering this sense-of-Congress resolution commemorating the life of former President of Israel Chaim Herzog. I appreciate the vice chairman of our committee, the gentleman from Nebraska [Mr. BEREUTER], for bringing this measure to the floor at this time. I want to commend the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], for his support of the resolution.

Mr. Speaker, we were all saddened to learn of the passing last month of former President of Israel Chaim Herzog. Mr. Herzog's life mirrored the birth and early history of the State of Israel, and during his career he served as a distinguished soldier, author, and diplomat.

Mr. Herzog was born in Belfast, Ireland, in 1918, the son of a rabbi. He emigrated to Mandatory Palestine in 1935. He served as an officer in the British Army during World War II, and landed with allied troops in Normandy in 1944. Later on he served with distinction in defending Israeli from Arab attack during Israel's war of independence in 1948.

After the June 1967 war Mr. Herzog was appointed Israel's first military governor of the West Bank. In the 1970's he served at the Israeli Embassy in Washington, and was later named Israel's ambassador to the United Nations. He was the author of several books, including "Israel's Finest Hour," a historical account of the 1967 war. This illustrious career continued with his service as Israel's President in 1983.

Mr. Speaker, Chaim Herzog has been described by his contemporaries as a man of war who loved peace. We extend to his family and to the people of Israel our deepest condolences for the passing of a true gentlemen, a true leader who helped shape the history of Israel and who also pursued peace. We once again thank the gentleman from Indiana [Mr. HAMILTON] for his thoughtfulness in supporting this measure, and I thank the gentleman from Nebraska [Mr. BEREUTER] for his leadership.

Ms. HARMAN. Mr. Speaker, the world lost a great statesman and a friend of peace last month when former Israeli President Chaim Herzog passed away.

Today, the House considers a resolution which expresses the condolences of the American people to the Herzog family and the people of Israel on the occasion of President Herzog's death. As a cosponsor of the resolution I strongly urge its passage.

Chaim Herzog led an extraordinary and inspiring life, playing a role in many of the events central to the international Jewish community during the 20th Century. The son of Ireland's Chief Rabbi, later Chief Rabbi of Israel, Herzog first came to the Jewish homeland in 1935 as a yeshiva student. By the age of 16, he had joined the Haganah, the underground precursor to today's Israel Defense Forces. During World War II, as an officer in the British Army, he was part of the first Allied formation to cross into Germany and was present at the liberation of the Bergen-Belsen concentration camp.

Herzog also played a vital role in the political and military development of the State of Israel from the date of its establishment. He helped design the new state's famed intelligence agency and served as a general in its army. In the aftermath of the Six-Day War, Herzog became the military governor of the West Bank and Jerusalem.

But Herzog's greatest contributions on the world stage came during his tenure as Israel's Ambassador to the United Nations, where he forcefully battled unfair resolutions equating Zionism with racism, and as President of Israel, a position he held for 10 years.

Last Summer, it was my privilege to welcome Ambassador Herzog to my congressional district where he spoke at Temple Ner Tamid.

Mr. Speaker, throughout his long and distinguished career, Chaim Herzog held a firm and clear vision of a safe Israel in a peaceful Middle East. We would all do well to follow his example in our pursuit of that same goal. I urge my colleagues to pass this resolution, as a tribute to this great man.

Mr. BURTON of Indiana. Mr. Speaker, I am very proud to have introduced this resolution expressing the sympathy of the Congress and of the American people over the death of Chaim Herzog. I am very pleased that we were able to move this resolution to the floor very quickly and I thank the chairman of the International Relations Committee, my friend Ben Gilman of New York for his support and leadership.

All of us were sadded to learn recently about the death of Chaim Herzog at the age of 78. As staunch friends of the State of Israel and the people of Israel, we share their grief and their sorrow.

Chaim Herzog was truly a hero of Israel and also a great friend of America. Like Yitzhak Rabin, whose death we also mourned all too early, Chaim Herzog lived a life that was a mirror of the drama of his country. Born in Belfast, he was the son of the Chief Rabbi of Ireland. As a boy, he moved to the land of Israel, where his father became Chief Rabbi.

Chaim Herzog fought in the British Armed Forces in World War II and participated in the liberation of the death camps, an experience that influenced the rest of his life. During Israel's war of independence Herzog played a critical role in the battle for Jerusalem. He then became chief of military intelligence.

During the Six Day War—almost 30 years ago—General Herzog's radio broadcasts helped to lift the morale of the people of Israel.

In 1975, he was named Israel's Ambassador to the United Nations where he served with courage and defended his country with great eloquence. It was Herzog who stood up to defend Israel against the odious and false charge that Zionism is a form of racism. This is what Herzog said in his brilliant speech on that occasion: "The vote of each delegation will record in history its country's stand on antisemitic racism and anti-Judaism. You, yourselves bear the responsibility for your stand before history. For as such, you will be viewed in history * * *. For us, the Jewish people, this is but a passing episode in a rich and event-filled history * * *. This resolution based on hatred, falsehood, and arrogance is devoid of any moral or legal value."

Mr. Speaker, to this day, the fact that the United Nations General Assembly passed that resolution stands as a severe indictment of the United Nations itself. I am very proud to have been a delegate to the United Nations in 1991 when that immoral resolution was finally repealed and I am proud to have participated in the effort to repeal it.

Let me conclude by noting that Chaim Herzog capped this event-filled and achievement-filled life with his election as President of Israel in 1983. He served for 10 years, set a new standard for dignity, honor, and decency and he also addressed a joint meeting of the U.S. Congress in 1987.

Mr. Speaker, it is fitting and appropriate that this Congress express its sadness over the death of Chaim Herzog and convey its sympathy to the people of Israel and to the Herzog family, Mrs. Aura Herzog and her children Joel, Michael, Isaac, and Ronit and their respective families.

I urge the unanimous adoption of this resolution. Mr. Speaker, I would also like to submit into the record the historic and moving speech given by Chaim Herzog at the United Nations to which I referred. And the obituary written about him in the New York Times.

[From the New York Times, Apr. 18, 1997]

CHAIM HERZOG, 78, FORMER PRESIDENT OF ISRAEL

(By Eric Pace)

Chaim Herzog, Israel's outspoken president from 1983 to 1993, died on Thursday at Tel Hashomer Hospital in Tel Aviv. He was 78, and lived in Herzliya Pituach, a suburb of Tel Aviv.

The cause was heart failure after he contracted pneumonia on a recent visit to the United States, said Rachel Sofer, spokesman for the hospital.

Herzog, a former general, was Israel's chief delegate to the United Nations from 1975 to 1978, a critical period, after serving as its director of military intelligence and, in 1967, as the first military governor of the occupied West Bank. Over the years, he was also a businessman, a lawyer, an author and a Labor Party member of the Israeli Parliament.

In his two successive five-year terms as Israel's sixth chief of state, he strove to enlarge the president's role, which in Israel is largely ceremonial, by making public declarations on issues that leaders in government would not, or could not, address.

Herzog argued in favor of greater rights for the Druse and Arab populations in Israel, declaring: "I am the president of Arabs and Druse, as well as Jews." He worked actively to make political pariahs of Rabbi Meir Kahane and his fervently anti-Arab Kach Party.

In addition, Herzog was an outspoken though unsuccessful lobbyist for comprehensive change in the Israeli voting system, which has spawned a jigsaw-puzzle of political parties and frequent parliamentary stalemates.

By late 1987, as his first term was drawing to a close and while a national unity government was in power, he had probably become more influential and popular than any previous Israeli president.

This was largely because the Labor and Likud party partners in that government were always bickering and frequently turned to him to arbitrate their disagreements. Moreover, groups of Israelis, like farmers and nurses, were always looking to him for aid that they could not get from the deadlocked Cabinet.

Through the years, Herzog also made use of the Israeli president's power to pardon convicted criminals—and sometimes was criticized for doing so. In addition, he exercised the president's power to determine, after elections, which political party has the first opportunity to assemble a government.

His urbane, outgoing nature and his earlier roles in his country's life fitted him to serve as a symbol of Israeli unity during his years as president.

A descendant of rabbis, and a witness of Nazi concentration-camp horrors while he was an officer in the British army in World War II, he was steeped in the splendors and sorrows of Jewish history. He was also cosmopolitan, with the trace of a brogue from his native Belfast, Northern Ireland, and an education gained largely in Britain.

As the chief delegate to the United Nations, Herzog led Israel's defense against Arab attempts to oust it. In 1975, when the General Assembly passed a resolution equating Zionism with racism, he went to the rostrum and defiantly tore a copy of the resolution in two. Seventeen years later, the Assembly repealed the resolution.

Herzog was in the Israeli Defense Force at his country's birth in 1948, rose to the rank of major general and served twice as director of military intelligence, from 1948 to 1950 and from 1959 to 1962.

Then he retired, only to return as the West Bank's military governor just after the 1967 Arab-Israeli war, in which Israel, in an overwhelming victory, captured the West Bank and other territory from neighboring Arab countries.

He also became noted, among Israelis, for radio commentaries he gave on military subjects before and during that six-day war. He used the radio to urge Israelis to stay in their air-raid shelters during alerts, and in one widely quoted broadcast he told his listeners that they were in much less danger where they were than was the attacking Egyptian air force.

Herzog was first elected president by the Israeli Parliament, in 1983, in a rebuff to Prime Minister Menachem Begin's governing coalition of that day. By a vote of 61 to 57, with two blank ballots, Parliament chose him over the government's candidate, Justice Menachem Elon of the Supreme Court, to succeed President Yitzhak Navon of the Labor Party.

In 1988, Herzog was elected by Parliament to a second term, the maximum permitted by Israeli law. In that balloting, he was unopposed, having the sponsorship of the Labor Party as well as wide backing from the right-wing Likud bloc, Labor's partner in the coalition government of the time.

He was succeeded on May 13, 1993, by Ezer Weizman, a former defense minister and the nephew of Israel's first president, Chaim Weizman. Ezer Weizman had been elected by Parliament on March 24, 1993.

As president, Herzog was sometimes acid in his criticisms of the Israeli national voting system. In an interview in 1992, he said: "The system we have is a catastrophe. It allows for fragmentation and wheeling and dealing and gives inordinate power to small groupings."

He was also something of a gadfly on a variety of other issues during his presidency. He was one of the few prominent figures in Israeli politics to comment regularly on Israel's high incidence of fatal vehicular accidents. By late 1992, drivers had killed 20 times more Israelis in the last five years than had the Palestinian uprising, almost 2,300 people.

"If the enemy had slain us to this extent, the country would quake and we would be shaking in our foundations," Herzog declared then in a message for the Jewish New Year.

Earlier that year, at a time when Jewish settlers in the Israeli-occupied territories had taken various measures in retaliation for Arab acts of violence, he denounced vigilantism, saying in a radio broadcast: "The phenomenon of taking the law into one's hands, of attacking innocents and interfering with the dedicated work of the security forces, endangers our foundations and future."

Later in the year, with Israel not able to integrate all the new arrivals from the former Soviet republics fully into its economic life, Herzog proposed setting up soup kitchens for immigrants, and was criticized for doing so.

He also spurred controversy sometimes by his use of the presidential power to pardon. In the mid-1980s, he was criticized for pardoning agents of the Shin Bet security service and its chief, who was charged with commanding that two Palestinian bus hijackers be summarily executed.

In an interview in early 1993, Herzog noted that he had condemned "what had happened." But he added that Israel was locked in combat with terrorists, and that to take the security-service personnel "and put them on trial, and have each one bringing all sorts of evidence to prove that he wasn't the worst and so on, could have torn the Shin Bet to pieces just when we didn't need that."

In addition, loud dissent arose after Herzog commuted the sentences of members of what was called a Jewish underground organization that had tried to kill local Palestinian functionaries.

He later contended that reducing the penalties against some of the convicted members, and making them decry their deeds, had helped to shatter their group.

As president, he traveled widely. He was among the world figures who, along with survivors of the Holocaust, gathered in Washington in April 1993 to dedicate the U.S. Holocaust Memorial Museum. There he described his horror when he came upon Bergen-Belsen and other Nazi death camps as a British officer.

"No one who saw those terrifying scenes," he said, "will ever forget."

In 1992, to mark the 500th anniversary of the expulsion of the Jews from Spain, Herzog went to Madrid and prayed together with Spain's king, Juan Carlos, in a gesture symbolizing reconciliation between their peoples.

But Herzog did not become reconciled with the nations that had presented the 1975 U.N. resolution. In the 1993 interview, while still president, he said:

"Of the three countries that presented the Zionism as racism resolution, one has relations with us although no embassy—that's Benin. Two still don't have relations—one which has relations with nobody, namely Somalia, and one which is in great trouble, namely Cuba. They were the three sponsors of that resolution, these bastions of democracy and freedom."

Herzog was born on Sept. 17, 1918, in Belfast, the son of Rabbi Isaac Halevy Herzog, who was the chief rabbi of Ireland and later became the first Ashkenazi chief rabbi of Israel, and the former Sarah Hillman.

The Herzog family emigrated to Palestine in the mid-1930s, and the future president had three years of schooling at the Hebron Yeshiva there. The educational institutions where he later studied included Wesley College in Dublin, the Government of Palestine Law School in Jerusalem, and London and Cambridge universities.

In the British army during World War II, he served with the Guards Armored Division and in intelligence on the Continent. He was discharged and then joined the Jewish underground in Palestine before Israel was founded.

After his retirement from the military in 1962, he was for some years a high executive of a conglomerate of industrial enterprises that Sir Isaac Wolfson, a British businessman, owned in Israel.

Over the years he wrote, was a co-author of, or edited more than half a dozen books, including "The Arab-Israeli Wars" (Random House and Vintage, 1982), "Heroes of Israel" (Little, Brown, 1989) and "Living History: A Memoir" (Pantheon, 1996).

He is survived by his wife of 50 years, the former Aura Ambache; three sons Joel, Michael and Yitzhak, and a daughter, Ronit Bronsky. All his children live in Israel except for Joel, who lives in Geneva. Herzog is also survived by eight grandchildren.

In his memoirs he wrote: "I pray that my children and grandchildren will see a strong and vigorous Israel at peace with its neighbors and continuing to represent the traditions that have sustained our people throughout the ages."

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to add my support for this resolution honoring Chaim Herzog, former President of Israel and friend of America.

When Chaim Herzog gave that tremendously moving speech at the United Nations, he was defending not only Israel, but democracy and decency everywhere.

The United Nations which condemned Zionism also gave Fidel Castro a standing ovation. The fight for moral values which Chaim Herzog carried out with such courage, still continues.

In this very Chamber, Chaim Herzog addressed a joint meeting of this Congress on November 10, 1987, the anniversary of his U.N. speech and of Kristallnacht, the Nazi riots that signaled the beginning of the Holocaust in 1938. Chaim Herzog will be missed, but will always be remembered.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 73.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–82)

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report of November 14, 1996, concerning the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA). This report covers events through March 31, 1997. My last report, dated November 14, 1996, covered events through September 16, 1996.

1. The Iranian Assets Control Regulations, 31 CFR Part 535 (IACR), were amended on October 21, 1996 (61 Fed. Reg. 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The amendment increases the maximum civil monetary penalty provided in the Regulations from $10,000 to $11,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103–322, September 13, 1994, 108 Stat. 2147. Finally, the amendment notes the availability of higher criminal fines for violations of IEEPA pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

2. The Iran-United States Claims Tribunal (the "Tribunal"), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the period covered in my last report, the Tribunal has rendered eight awards. This brings the total number of awards rendered to 579, the majority of which have been in favor of U.S. claimants. As of March 24, 1997, the value of awards to successful U.S. claimants from the Security Account held by the NV Settlement Bank was $2,424,959,689.37.

Since my last report, Iran has failed to replenish the Security Account established by the Algiers Accords to ensure payment of awards to successful U.S. claimants. Thus, since November 5, 1992, the Security Account has continuously remained below the $500 million balance required by the Algiers Accords. As of March 24, 1997, the total amount in the Security Account was $183,818,133.20, and the total amount in the Interest Account was $12,053,880.39. Therefore, the United States continues to pursue Case A/28, filed in September 1993, to require Iran to meet its obligations under the Algiers Accords to replenish the Security Account. Iran filed its Rejoinder on April 8, 1997.

The United States also continues to pursue Case A/29 to require Iran to meet its obligations of timely payment of its equal share of advances for Tribunal expenses when directed to do so by the Tribunal. The United States filed its Reply to the Iranian Statement of Defense on October 11, 1996.

Also since my last report, the United States appointed Richard Mosk as one of the three U.S. arbitrators on the Tribunal. Judge Mosk, who has previously served on the Tribunal and will be joining the Tribunal officially in May of this year, will replace Judge Richard Allison, who has served on the Tribunal since 1988.

3. The Department of State continues to pursue other United States Government claims against Iran and to respond to claims brought against the United States by Iran, in coordination with concerned government agencies.

On December 3, 1996, the Tribunal issued its award in Case B/36, the U.S. claim for amounts due from Iran under two World War II military surplus property sales agreements. While the Tribunal dismissed the U.S. claim as to one of the agreements on jurisdictional grounds, it found Iran liable for breach of the second (and larger) agreement and ordered Iran to pay the United States principal and interest in the amount of $43,843,826.89. Following payment of the award, Iran requested the Tribunal to reconsider both the merits of the case and the calculation of interest; Iran's request was denied by the Tribunal on March 17, 1997.

Under the February 22, 1996, agreement that settled the Iran Air case before the International Court of Justice and Iran's bank-related claims against the United States before the Tribunal (reported in my report of May 17, 1996), the United States agreed to make *ex gratia* payments to the families of Iranian victims of the 1988 Iran Air 655 shootdown and a fund was established to pay Iranian bank debt owed to U.S. nationals. As of March 17, 1997, payments were authorized to be made to surviving family members of 125 Iranian victims of the aerial incident, totaling $29,100,000.00 In addition, payment of 28 claims by U.S. nationals against Iranian banks, totaling $9,002,738.45 was authorized.

On December 12, 1996, the Department of State filed the U.S. Hearing Memorial and Evidence on Liability in Case A/11. In this case, Iran alleges that the United States failed to perform its obligations under Paragraphs 12–14 of the Algiers Accords, relating to the return to Iran of assets of the late Shah and his close relatives. A hearing date has yet to be scheduled.

On October 9, 1996, the Tribunal dismissed Case B/58, Iran's claim for damages arising out of the U.S. operation of Iran's southern railways during the Second World War. The Tribunal held that it lacked jurisdiction over the claim under Article II, paragraph two, of the Claims Settlement Declaration.

4. Since my last report, the Tribunal conducted two hearings and issued awards in six private claims. On February 24–25, 1997, Chamber One held a hearing in a dual national claim, *G.E. Davidson* v. *The Islamic Republic of Iran*, Claim No. 457. The claimant is requesting compensation for real property that he claims was expropriated by the Government of Iran. On October 24, 1996, Chamber Two held a hearing in Case 274, *Monemi* v. *The Islamic Republic of Iran*, also concerning the claim of a dual national.

On December 2, 1996, Chamber Three issued a decision in *Johangir & Jila Mohtadi* v. *The Islamic Republic of Iran* (AWD 573–271–3), awarding the claimants $510,000 plus interest for Iran's interference with the claimants' property rights in real property in Velenjak. The claimants also were awarded $15,000 in costs. On December 10, 1996, Chamber Three issued a decision in *Reza Nemazee* v. *The Islamic Republic of Iran* (AWD 575–4–3), dismissing the expropriation claim for lack of proof. On February 25, 1997, Chamber Three issued a decision in *Dadras Int'l* v. *The Islamic Republic of Iran* (AWD 578–214–3), dismissing the claim against Kan Residential Corp. for failure to prove that it is an "agency, instrumentality, or entity controlled by the Government of Iran" and dismissing the claim against Iran for failure to prove expropriation or other measures affecting property rights. Dadras had previously received a substantial recovery pursuant to a partial award. On March 26, 1997, Chamber Two issued a final award in Case 389, *Westinghouse Electric Corp.* v. *The Islamic Republic of Iran Air Force* (AWD 579–389–2), awarding Westinghouse $2,553,930.25 plus interest in damages arising from the Iranian Air Force's breach of contract with Westinghouse.

Finally, there were two settlements of claims of dual nationals, which resulted in awards on agreed terms. They are *Dora Elghanayan, et al.* v. *The Islamic Republic of Iran* (AAT 576–800/801/802/803/804–3), in which Iran agreed to pay the claimants $3,150,000, and *Lilly Mythra Fallah Lawrence* v. *The Islamic Republic of Iran* (ATT 577–390/391–1), in which Iran agreed to pay the claimant $1,000,000.

5. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents an unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

William J. Clinton.

The White House, *May 13, 1997.*

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 2.

□ 1607

In the Committee of the Whole

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. LaHood Chairman pro tempore in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, May 8, 1997, title VI was open for amendment at any point.

Are there any amendments to title VI?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to protect two amendments in title VI, if we are to close this title, amendment No. 7 by the gentleman from Illinois [Mr. Gutierrez], and amendment No. 54 by the gentleman from Michigan [Mr. Smith]. I ask unanimous consent that if it is the expectation of the Chair that we will close title VI, that there be permission on the part of the Chair to entertain these 2 amendments.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Are there other amendments to title VI?

The Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

SEC. 701. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: ", and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000".

SEC. 702. TREATMENT OF OCCUPANCY STANDARDS.

The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

SEC. 703. IMPLEMENTATION OF PLAN.

(a) Implementation.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law.

(2) Waivers.—In carrying out paragraph (1), the Secretary shall consider and make any waivers to existing regulations and other requirements consistent with the plan described in paragraph (1) to enable timely implementation of such plan, except that generally applicable regulations and other requirements governing the award of funding under programs for which assistance is applied for in connection with such plan shall apply.

(b) Report.—

(1) In general.—Not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000, the city described in subsection (a)(1) shall submit a report to the Secretary on progress in implementing the plan described in that subsection.

(2) Contents.—Each report submitted under this subsection shall include—

(A) quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the consolidated plan of the city;

(B) identification of regulatory and statutory obstacles that—

(i) have caused or are causing unnecessary delays in the successful implementation of the consolidated plan; or

(ii) are contributing to unnecessary costs associated with the revitalization; and

(C) any other information that the Secretary considers to be appropriate.

SEC. 704. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) Home Investment Partnerships.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) Definitions.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(2) Income targeting.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) By striking "high or".

(3) Rent limits.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) By striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) By striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) The Secretary may—

"(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

"(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.".

SEC. 705. PROHIBITION OF USE OF CDBG GRANTS FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

"(h) Prohibition of Use of Assistance for Employment Relation Activities.—Notwithstanding any other provision of law, no amount from a grant under section 106 made in fiscal year 1997 or any succeeding fiscal year may be used for any activity (including any infrastructure improvement) that is intended, or is likely, to facilitate the relocation of expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.".

SEC. 706. USE OF AMERICAN PRODUCTS.

(a) Purchase of American-Made Equipment and Products.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 707. CONSULTATION WITH AFFECTED AREAS IN SETTLEMENT OF LITIGATION.

In negotiating any settlement of, or consent decree for, any litigation regarding public housing or rental assistance (under title III of this Act or the United States Housing Act of 1937, as in effect before the effective date of the repeal under section 601(b) of this Act) that involves the Secretary and any public housing agency or any unit of general local government, the Secretary shall consult with any units of general local government and public housing agencies having jurisdictions that are adjacent to the jurisdiction of the public housing agency involved.

SEC. 708. USE OF ASSISTED HOUSING BY ALIENS.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) in subsection (b)(2), by striking "Secretary of Housing and Urban Development" and inserting "applicable Secretary";

(2) in subsection (c)(1)(B), by moving clauses (ii) and (iii) 2 ems to the left;

(3) in subsection (d)—

(A) in paragraph (1)(A)—

(i) by striking "Secretary of Housing and Urban Development" and inserting "applicable Secretary"; and

(ii) by striking "the Secretary" and inserting "the applicable Secretary";

(B) in paragraph (2), in the matter following subparagraph (B)—

(i) by inserting "applicable" before "Secretary"; and

(ii) by moving such matter (as so amended by clause (i)) 2 ems to the right;

(C) in paragraph (4)(B)(ii), by inserting "applicable" before "Secretary";

(D) in paragraph (5), by striking "the Secretary" and inserting "the applicable Secretary"; and

(E) in paragraph (6), by inserting "applicable" before "Secretary";

(4) in subsection (h) (as added by section 576 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public 104–208))—

(A) in paragraph (1)—

(i) by striking "Except in the case of an election under paragraph (2)(A), no" and inserting "No";

(ii) by striking "this section" and inserting "subsection (d)"; and

(iii) by inserting "applicable" before "Secretary"; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) may, notwithstanding paragraph (1) of this subsection, elect not to affirmatively establish and verify eligibility before providing financial assistance"; and

(ii) in subparagraph (B), by striking "in complying with this section" and inserting "in carrying out subsection (d)"; and

(5) by redesignating subsection (h) (as amended by paragraph (4)) as subsection (i).

SEC. 709. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgage ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.".

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

SEC. 710. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Are there any amendments to title VII?

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are now near the end, I believe, of consideration of amendments to H.R. 2, and at this point I think it is appropriate that we reflect on the fact that the central tenets of the bill and the themes of the bill are left intact by one of the actions of the House to this point, and that is mainly to create an environment where we can begin to successfully address core issues of poverty.

H.R. 2 says, in a very significant way, that we will not be able to end poverty or legislate the end of poverty from Washington or from any of the State capitols. In fact, if we are to make progress in our war against poverty, if we are to begin to transform communities, if we are to begin to empower communities and individuals and families, that will happen because we create the right set of incentives for responsibility, for work, for family, for economic development, for jobs, for empowerment, for rebuilding communities.

That will happen at the grassroots level, and it will happen because we empower and we create incentives so leaders of the community will arise and begin to form coalitions and groups that begin to transform their own backyard.

In this bill that we have before the House right now, Mr. Chairman, we begin that process by removing the disincentives to work which exist right now, by allowing local housing authorities more responsibility in meeting their local concerns and challenges, by ensuring that we maintain the synergy of having the working class, the working poor, living side by side with those that are unemployed; not because we want to deny benefits to people who are unemployed, but because we understand that it has been a disastrous experience to superconcentrate poverty in certain areas.

When I think back to some of the trips that I have made throughout the country to meet with people of low-income areas, and I think about places like State Street in Chicago, there are 4½ straight miles of nothing but public housing, 20-story buildings one after another, where because of Federal policy we have superconcentrated poverty, creating an environment where virtually everybody is unemployed, and I mean the unemployment rate is approximately 99 percent, Mr. Chairman; creating an environment where halls are sealed off so criminal activity can take place, terrorizing the law-abiding that are trying to live by the rules that happen to be in public housing.

We are saying in H.R. 2 we are going to put an end to that, we are going to stop looking the other way, we are going to stop tolerating that. We are going to look forward to the fact that we expect levels of responsibility, that we are going to expect people who are law-abiding to be protected, that we are not going to be standing with the people who are breaking the law, who are terrorizing those who are trying to live peaceably. We are going to be standing with the families, with the people that have the capacity to take a job, and who want to take a job and want to earn more money for their families. We are going to be standing with them, so we eliminate the rules that punish them and that work against them.

We are going to be standing with the communities that want the empowerment, that want that flexibility in order to remake themselves, to reconnect themselves with their own civic responsibility, and yes, we are for community service. We believe that is an important part of all this, because we think out there, Mr. Chairman, that there are hundreds of thousands of tenants in low-income areas in public housing that, not because of legislation in Washington, not because of legislation in the State capitols, but because it is the right thing to do, will begin the process of transforming their own communities.

We are not asking people to serve Big Brother, we are not asking people to serve some far-off master or some State capitol decision. We are asking people to give of themselves in their own community and in their own building, in their own hallway. These are the things that we are asking in H.R. 2, to enable communities to assume responsibility for their own destiny, to give them the right set of incentives so they can meet those to allow people to be everything they can be; not to punish work, but rather to create the incentives for the people who can work, want to work, have the ability to work, who can do that, so we do not close them out.

□ 1615

I know that the gentleman from Massachusetts [Mr. KENNEDY] has been deeply committed to many of these same goals of creating mixed income and creating environments where we can begin to try and attack the core issues of poverty. I know the gentleman would certainly agree that it is both cost-effective and far more humane to begin to get to the root causes of poverty, to begin to address them. That is what the people in the community need. That is what the people of low income need and certainly, I think, what taxpayers want. They want to know that they are getting value for the dollar and they want to see that the people who have ability to transition back into the work force or to transition back to market-rate units can do that.

Although we have had some concerns about how we get there, I know when this is said and done, this bill is up for final passage, that we will be able to move forward and achieve those goals.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 287, after line 15, insert the following:

"(6) COMMUNITY WORK REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), as a condition of continued assistance under any existing contract for section 8 project-based assistance and of entering into any new or renewal contract for such assistance, each adult owner of the housing subject to (or to be subject to) the contract shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the housing is located, which may include work performed on locations other than the housing.

"(B) EXEMPTIONS.—The requirement under subparagraph (A) shall not apply to any owner who is an individual who is—

"(i) an elderly person;

"(ii) a person with disabilities;

"(iii) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

"(iv) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

"(C) DEFINITION.—For purposes of this paragraph, the term 'owner' includes any individual who is the sole owner of housing subject to a contract referred to in subparagraph (A), any member of the board of directors of any for-profit or nonprofit corporation that is an owner of such housing, and any general partner or limited partner of any partnership that is an owner of such housing.".

Page 287, line 16, strike "(6)" and insert "(7)".

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, we have debated long and hard on this bill, the idea of a mandatory work requirement that is referred to as mandatory voluntarism. We have spent hours debating the provision in H.R. 2 which would require public housing residents, including mothers of young children, to perform 8 hours of community service each month. Whether this represents mandatory voluntarism, as Democrats have charged, or work for benefit, as Republicans have claimed, the sponsors of H.R. 2 were adamant that public housing residents who are not employed should be required to perform community service or be evicted from public housing.

Well, fair is fair. This amendment would take the very same requirement, the very same idea, the very same sense of giving back something to our country and apply it to owners of section 8 housing.

These owners get a clear financial benefit from the Government, federally subsidized rents on projects owned by such owners. Without such assistance, many such properties would go bankrupt, potentially bankrupting their owners.

Therefore, all this amendment says is that, if public housing residents who get a financial benefit from the Government should perform community service, so should the landlords. Please note that my amendment contains identical language and the provisions as those contained in H.R. 2 in the section dealing with public housing residents. We include exceptions for the elderly. We include exceptions for the disabled. And we include exceptions for anyone working or complying with welfare requirements.

This amendment only applies to idle landlords, those who simply collect rent checks from the Federal Government or spend their days watching Oprah Winfrey or playing golf all day. In other words, basically what we are suggesting here, Mr. Chairman, is what is good for the goose is good for the gander. What we want to do is make certain that this is not a punitive provision that is contained in H.R. 2, which would suggest only people in public housing who get a benefit from the Government who are not working should go ahead and volunteer but, rather, anyone who gets a benefit from public housing programs who does not work ought to also volunteer as well.

I hope that the gentleman from New York would consider accepting this amendment in the spirit of voluntarism which he has so adeptly included in the rest of this bill.

The CHAIRMAN pro tempore. Does the gentleman from New York [Mr. LAZIO] withdraw his point of order?

Mr. LAZIO of New York. Mr. Chairman, I withdraw my point of order.

Mr. Chairman, I move to strike the last word.

This amendment is offered obviously in response to the various attempts to strike the community service requirement in the bill and in fact, if adopted, would have the counterproductive effect of discouraging additional units of housing for low income people under the section 8 program.

The differentiation is, in this case, the program was created in order to encourage owners to develop properties and to dedicate their units to service for people of low income, low and moderate income.

So in that sense, there is very much a public mission involved in this. We are not extending a benefit to owners of low-income housing, which only moves one way, in the direction of the owner. In fact, in this sense there is a sense of reciprocity, that the benefit, to the extent that there is one, is the incentive to develop properties for low-income individuals and that in exchange for these incentives that the owner would commit by law to ensure that those units in his building or her building were only available to those of low income or moderately low income.

Of course, the adoption of this amendment, as I say, is in response, I believe, to the actions of this House in defense of the community service requirement but would have the perverse effect, in the end, of potentially undermining our ability to expand our affordable housing stock, ensuring that we have fewer owners who are participating in this program. And I would say, Mr. Chairman, in the end as we begin to think about restructuring this entire section 8 portfolio, which is an exceptional challenge, that the timeliness of such an amendment could not be worse in terms of trying to preserve the affordability of certain of these amendments.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding to me. I would point out to the gentleman that it seems to me that we were talking about an awfully important lofty principle last week in terms of making certain that people get a benefit from the Government in the form of subsidized housing ought to be required to give something back to the country in terms of volunteering.

We are not suggesting that anybody that is working or anybody that is elderly or anybody that is disabled should be covered by this amendment. We are saying if you are a coupon clipper, if you are just sitting back at home and you have instructed some——

Mr. LAZIO of New York. Reclaiming my time, Mr. Chairman, let me say to the gentleman, the difference is clearly here that we are, the community is receiving something back from the owners. They are receiving the commitment by the owners that they will develop property and they will make all the units available to people of low and moderate income. So there is a sense of reciprocity.

In fact, when we did do the community service, we did have a hearing in this House over the community service amendments, there was a sense on the part of this House that we thought that it was entirely appropriate for people who were residents in public housing who were tenants and who received the benefit of public housing and very often had their utilities paid for, that they could, that we would ask the nonelderly, the nondisabled, the people that are not involved in educational or work experiences to give of themselves to help rebuild their own communities: 2 hours a week, 8 hours a month, 15 hours a day, an entirely reasonable request in return for the benefit.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, does the gentleman feel that only the poor should be required to give something back to their country?

Mr. LAZIO of New York. Reclaiming my time, Mr. Chairman, I would say to the gentleman, wherever there is a one-way street, wherever an individual, no matter what income, is receiving the benefit and giving nothing back to the community, then in those situations we believe community service and community work are appropriate. In those situations, as in the case of owners of section 8 housing, where we have encouraged them, the Federal Government went on and encouraged, enticed them to make the commitment to build affordable units, that is a two-way street.

The real bottom line here is that we have an enormous human potential of hundreds of thousands of Americans who are tenants in public housing that can be marshaled to bring about the level of change where we can begin to attack these core issues of poverty because in the end we have a great deal of talent at our disposal. We are not going to legislate the end of poverty. We are going to have change in our communities because people in these communities can begin to transform their own backyards.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman from New York yielding to me.

I would just like to point out that this is a very clear and, I think, important amendment. It is establishing, I think, a reasonable principle, that just because you have money in America does not mean you should be exempted from these requirements that we seem to be so intent on putting on the poor, that the poor should work, that the poor are really the root cause of the moral decay of America because they are on welfare or because they accept public housing, that that is really the problem, the cancer that is eating at the soul of America.

I would just suggest that, having spent enough time around these so-called hallowed halls of justice in Washington, DC, that we see every bit as much immorality take place on this floor or around this city as we do any place else in America. I do not think that it is right that we say, listen, if you are a passive investor, we are not suggesting if you are actually managing the project, if you are working in the community, if you are actually building the housing, if you are involved in some way, that you should be covered under this requirement. We are just saying, if you are simply a passive investor, if you are not working in any other cause of employment, if you are just sitting back at home clipping coupons and investing and getting almost a guaranteed give-back from the Federal Government for providing project based section 8s, one of the richest programs in this country, one of the programs that the other side of the aisle suggests needs to be reformed, and I could not agree with more, we need to reform it. I have worked with Secretary Cuomo very closely. I have worked with the gentleman from California [Mr. LEWIS] on the Committee on Appropriations in trying to fashion some new ways of dealing with the overrich subsidies that go to some of the landlords that invest in the project based section 8 programs.

All we are suggesting is, hey, look, you want to sit back and get 20, 30, 40 percent on your money at taxpayer subsidy and then not do any work for it and you are not working in any other job throughout the year, maybe, just maybe it ought to be a reasonable premise that we expect you to do some volunteer work. It is only 8 hours a month, as the gentleman points out, only 15 minutes a day. All we want these passive investors, these coupon clippers to do is give us 15 minutes a day of volunteer work.

I would hope that the gentleman from New York would be willing to stand up to some of the wealthy and powerful investors and landlords of this country just as we are willing to stand up to those poor people that live in public housing and ask those wealthy and powerful individuals to give just as much back to America who are getting so much out of America. If you look at the kinds of subsidies that are received in terms of the amount of money that an individual who occupies a single unit of public housing receives versus the kind of money that comes back to passive investors in the project based section 8 program lining their pockets, believe me, a lot more money flows into the back pockets of project based section 8s than it does of public housing.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would just mention that in my background the only kind of coupon clipping that I was ever aware of was when my mom clipped the coupons for the supermarket.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I am glad that the gentleman now knows that there are other kinds of coupons that are clipped in America.

□ 1630

Because, believe me, if we are going to sit in the Congress of the United States, we should know that there are other people that are picking the pockets of those kind of coupon clippers that the gentleman grew up with.

I would suggest to the gentleman that it is important that we be aware of just how much they get out of this country and how many hundreds of billions of dollars comes out of the Congress of the United States that goes into their back pockets. Because that is really what goes on in this Chamber and that is really where the dollars need to be saved if we are to balance the budget.

We have cut the housing budget from $28 billion a year down to $20 billion a year. We have cut the homeless spending by a quarter. And what we do is we are going to say then that we are going to jack up the rents on the people that go into public housing, we are going to increase the incomes on the people that go into public housing, we will not do anything for the very poor that will no longer be eligible for public housing. They will not be taken care of; we will not even provide them with homeless programs. But boy, oh, boy, we should certainly not ask the landlords that are profiting so much on these projects, we should not ask them that are not working, are not disabled, are not elderly to just give 15 minutes a day, 15 minutes a day to volunteer on behalf of helping others.

I do not think it is a lot to ask. I think we are asking the same thing of people involved in public housing themselves, and I would hope, again, that the gentleman from New York would end up accepting this very small requirement.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 335, after line 6, insert the following new section:

SEC. 709. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949), the property known as 252 Seventh Avenue in New York County, New York is authorized to be conveyed in its existing condition under a public benefit discount to a nonprofit organization that has among its purposes providing housing for low-income individuals or families provided, that such property is determined by the Administrator of General Services to be surplus to the needs of the government and provided it is determined by the Secretary of Housing and Urban Development that such property will be used by such non-profit organization to provide housing for low- and moderate-income families or individuals.

(b)(1) PUBLIC BENEFIT DISCOUNT.—The amount of the public benefit discount available under this section shall be 75 percent of the estimated fair market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified due to any benefit which will accrue to the United States from the use of such property for the public purpose of providing low- and moderate-income housing.

(2) REVERTER.—The Administrator shall require that the property be used for at least 30 years for the public purpose for which it was originally conveyed, or such longer period of time as the Administrator feels necessary, to protect the Federal interest and to promote the public purpose. If this condition is not met, the property shall revert to the United States.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator shall determine estimated fair market value in accordance with Federal appraisal standards and procedures.

(4) DEPOSIT OF PROCEEDS.—The Administrator of General Services shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States and to accomplish a public purpose.

Mr. NADLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Chairman, I rise today to offer this amendment to H.R. 2. I would like to thank first of all the gentleman from New York [Mr. LAZIO], the gentleman from Massachusetts [Mr. KENNEDY], the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana [Mr. BURTON], and the chairman of the Subcommittee on Government Management, Information and Technology, the gentleman from California [Mr. HORN], and their staffs for their hard work and cooperation on this amendment. I deeply appreciate the bipartisan goodwill that was demonstrated in the process of bringing this amendment to the floor.

In this era of severely limited resources, we must do all we can with what we have to create affordable housing in both the public and private sectors. This amendment will do just that in a little way. This amendment will give the General Services Administration and the Department of Housing and Urban Development the option to transfer a parcel of surplus property in my district in New York to a nonprofit agency to provide low- and moderate-income housing.

The parameters laid out in the amendment are strict. The nonprofit agency must be experienced in the provision of housing for low-income families or individuals. The property must be used for low- and moderate-income housing for at least 30 years. If it is not, its title will revert back to the United States.

The Department of Housing and Urban Development will be allowed to require any additional terms and conditions, such as, for example, evidence of adequate financing, evidence of financial responsibility and so forth, that it deems necessary to protect the interests of the United States and to accomplish the goals of providing low- to moderate-income housing.

While this amendment does not mandate the General Services Administration to transfer this property in so many words, it is our intent to strongly encourage GSA to allow for the conversion of this space to affordable housing.

Let me make it quite clear that such a transfer is the intent of this amendment. This amendment does not mandate the GSA to transfer the property, only to allow for the unlikely possibility that no proposal meets the strict requirements set forth in the amendment, although we believe that there will be such a proposal.

I again thank my colleagues on both sides of the aisle for the degree of collegiality and cooperation they have shown in bringing this amendment to the floor.

Mr. LAZIO of New York. Mr. Chairman, I rise in support of the gentleman's amendment, and I congratulate the gentleman from New York for bringing forth this amendment. We have had a chance to work together and I want to thank him for his cooperation in working with the committee staff.

I believe this is an appropriate and positive reuse for this particular property, and I am supportive of the gentleman's efforts and will be supportive of this amendment when it comes to a vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

I wanted to just get clear on how long a period of time. We have already, as I understand it, about a 60-day set-aside for homeless programs that are able to bid on these properties. I wondered if the gentleman from New York has any idea of what time period that the properties would then be held for.

First, let me say that I think the intent of the gentleman from New York is something I very strongly would favor, I think he is doing the people that are providing low-income housing a real service in terms of providing this amendment on the House floor, and I very much appreciate the gentleman's thoughtful and helpful suggestions.

I want to just try to understand how long the properties themselves, if the gentleman has an understanding of how long those might be tied up for.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, it is one piece of property, first of all. This only applies to one piece of property, by its terms. A particular address is set in the bill. This particular piece of property has already been declared not usable for McKinney Act purposes. So that is not a question.

It is our belief that this will be transferred within a period of months, hopefully, to the agency for low income cooperative housing, and that it will proceed to develop it for such purposes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman's clarification. This is just for this single piece of property; it is not a provision across the board?

Mr. NADLER. If the gentleman would continue to yield, yes, that is correct.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman's clarification.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was agreed to.

Mr. ROEMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from New York [Mr. LAZIO], the distinguished chairman of the Subcommittee on Housing and Community Opportunity, and the gentleman from California [Mr. CALVERT].

Mr. Chairman, one of the primary purposes of the bill we are discussing today is to provide affordable housing for Americans. Certainly one major source of affordable, quality and unsubsidized housing is manufactured housing. At an average cost of $37,000, manufactured housing provides ownership opportunities to a wide range of Americans, including single parents, first-time home buyers, senior citizens, and young families, and now represents one out of every three new homes sold in the United States of America.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, although the manufactured housing program is largely financed through industry-funded label fees and currently has a surplus of $7.5 million, there are significant staffing shortfalls in the Manufactured Housing and Standards Division in the Department of Housing and Urban Development. Currently there are only 10 professional and 3 clerical staff administering the entire program, compared with the staffing level of 35 in 1984 when production levels were significantly lower.

Even though these personnel costs are primarily funded by the manufactured housing industry, and there are more than enough funds to pay for some reasonable personnel additions, program staffing levels are subject to overall HUD and OMB salary and expense caps.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I would add that while there is not necessarily a need to return to the 1984 staffing levels, there is concern that the basic functions of the manufactured housing programs, such as issuing interpretations and updating even noncontroversial standards, are falling behind schedule.

In order to provide adequate staffing and administration of this program, I would like to work with the gentleman from New York [Mr. LAZIO], the gentleman from California [Mr. CALVERT], and other Members of this body, including the gentleman from Massachusetts [Mr. KENNEDY], in a bipartisan manner to set separate and distinct salary and expense caps for the manufactured housing program.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I wanted to thank both the gentleman from California and the gentleman from Indiana for their interest and commitment to manufactured housing. It is one of the preeminent affordable housing tools that we have in America, and I want to say that we should be taking every reasonable action to preserve the Federal manufactured housing program.

In order to provide for the adequate staffing of the manufactured housing program, which is largely, as the gentleman said, self-funded through industry label fees and currently has a surplus in excess of $7 million, I recognize that it may be necessary to exempt the manufactured housing program from overall HUD and OMB salary and expense caps and create separate and distinct caps for the program. That would only be fair and reasonable under the circumstances. In fact, I circulated a letter to Secretary Cuomo signed by 72 Democrats and Republicans in the House expressing support for such changes.

I certainly look forward to working with my colleagues to make this important modification, and would tell both the gentleman from California and the gentleman from Indiana that, in addition, we have been working with the gentleman from Indiana [Mr. MCINTOSH] on this, and that I greatly appreciate their interest and commitment to this and look forward to working together in a collaborative way to make sure these changes take place.

Mr. ROEMER. Mr. Chairman, reclaiming my time, I thank the chairman and the gentleman from California and the gentleman from Massachusetts for their help on this very important issue to my district, to Indiana and to America, and look forward to working in a bipartisan way to solve this problem.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to thank my good friend from Indiana for the work he has done. He has brought this to a lot of people's attention in the past and hosted meetings and the like trying to make certain that manufactured housing folks get the necessary personnel they need out of HUD, and we appreciate the gentleman's hard work on this issue.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT NO. 53 OFFERED BY MR. TOWNS

Mr. TOWNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. TOWNS:

Page 256, after line 9, insert the following:

"(10) Whether the agency has conducted and regularly updated an assessment to identify any pest control problems in the public housing owned or operated by the agency and the extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 106.".

Page 256, line 10, strike "(10)" and insert "(11)".

Mr. TOWNS. Mr. Chairman, in a study released last week, scientists reported that children who are allergic to cockroaches and heavily exposed to other insects were three times more likely to be hospitalized than other asthmatic youth. Many of these youngsters live in the poorest areas of our Nation, areas with a high concentration of public housing units.

In response to the findings of this study, I rise today to offer an amendment which will help to save the lives of many asthmatic children who live in public housing. We all know that asthma is one of the most common chronic childhood diseases and we know now that there is a strong link between cockroaches and asthma. According to the New England Journal of Medicine, cockroaches cause one quarter of all asthma in inner cities. Asthma is increasing in cities and in suburbs, but it is especially bad in our inner cities.

My amendment would permit the Secretary to provide for assessments to identify any pest control programs and evaluate the performance of public housing agencies as it relates to the eradication or control of the pest problem in public housing.

This year in the Committee on Commerce we have had numerous hearings on ozone and particulate matter and its possible effects on children with asthma. As we try to find reasonable solutions to this environmental issue, let us take this opportunity to solve a problem that we know is a major cause of asthma in inner city children.

I would also like to point out that in 1990, and we are spending a lot more now than then, that we spent $6.2 billion in terms of dealing with asthma. Now that we know that cockroaches have a lot to do with it, we will be able to save some money. So I am hoping that my colleagues will join me in supporting this amendment because this is a money-saving amendment that also makes it possible to improve the quality of life for so many people.

□ 1645

I urge the adoption of this amendment because it saves money and it also protects lives and improves the quality of health.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from New York [Mr. TOWNS] for offering this amendment. It is in response, I believe in part, certainly to the experiences of the gentleman in traveling around various urban areas and also to the recent articles that have been published with respect to the incidence of asthma among young people, among children in particular, who have been in contact with cockroaches. The very fact that certain housing developments have infestations of cockroaches and other pests, and I have been in some of the units where there has been what can only be described as sort of a proliferation of these pests where they are overrunning the unit. It is unbelievable that in America we tolerate this, but it is also a reflection of the fact that there has been some very poor performance on the part of certain housing authorities in ensuring that this is taken care of.

Although I compliment the gentleman, we should not need to have legislation in order to deal with this problem. This should be expected in terms of the performance of the housing authorities to ensure that there are healthy and sanitary conditions in these units. In fact, this is a significant problem. It is a significant problem, especially among inner city populations, but not only among inner city populations.

Therefore, it is entirely appropriate that the gentleman offers this amendment, that this subject be part of the evaluation that takes place when we determine how well a housing authority is doing in discharging its basic duties. I offer my basic support and expect to be voting in favor of this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want my colleagues to know that my good friend from New York, in promoting the so-called RADAC this evening, has once again shown that he is interested in cleaning up the house. The gentleman from New York [Mr. TOWNS] has always been dedicated to serving the needs of some of the very poor people in his district he has very, very well represented and fought for here in the Congress. He is a close friend of mine, someone whose work I deeply admire. I appreciate the fact that he is trying to make sure that people who live in public housing are not forced to live in the conditions that all too often find themselves infested with cockroaches. Once again leading the charge on cleaning up the house is the gentleman from New York [Mr. TOWNS].

The CHAIRMAN pro tempore [Mr. LAHOOD]. The question is on the amendment offered by the gentleman from New York [Mr. TOWNS].

The amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word to join in a colloquy with the gentleman from New York [Mr. LAZIO], the chairman.

Mr. Chairman, I am very concerned about where we go on section 8 project housing. As we have reviewed this issue in the Committee on the Budget over the last several years, it probably presents one of the toughest issues facing Congress. Left unchecked, section 8 contracts will deplete significantly our HUD funds. I did take to the desk an amendment that would have limited subsidies to section 8 housing contracts that were in excess of 120 percent of the fair market rental rates. The fact is that we need legislation that will end excessive taxpayer subsidies to landlords and bring back into line these excessive subsidies of rents.

We have made many contractors and landlords millionaires while shortchanging low income renters and the American taxpayer. We need legislation that will end excessive taxpayer subsidies to landlords and bring back into line excessive subsidized rents. Out-of-wack rents that Uncle Sam pays must be brought into line with what everyone else pays.

These out-of-wack rents for section 8 assisted housing, often are more than twice as high as fair market rents. In Las Vegas, the average federally assisted apartment is $820, while the private market rate is $380. Section 8 project owners have hit the jackpot here. In Pittsburgh, the comparison is $773 to $397. In Detroit, it's $751 to $479.

Expiring subsidy contracts on FHA insured section 8 project-based properties is one of the toughest issues facing Congress. Let unchecked section 8 contracts will deplete all HUD funds for affordable housing and community development in a few years. Equally important is the portfolio restructuring—thousands of families are at risk of losing affordable housing.

This year a record number of project-based and tenant-based section 8 contracts will expire. And between 1998 and 2002 section 8 budget authority will need to almost double from $9.2 billion to $18.1 billion. By 2002, approximately 2.7 million units or over 5 million low-income individuals will be affected.

PORTFOLIO RESTRUCTURING

The Congress and the administration are working together to reform section 8 FHA insured housing units. Unfortunately, the value of many properties in the insured section 8 portfolio is lower than the actual mortgages on the properties. Four objectives should be paramount—

First, reducing the Federal Government's exposure to default, waste, and other expenses;

Second, restructuring should be fair to the taxpayer;

Third, insuring peace of mind and security for current residents of section 8 housing; and

Fourth, ending rent subsidies that are higher than fair market value.

LEGISLATIVE ACTION NEEDED

I have suggested limiting Federal payments to 120 percent of fair market rents and giving HUD authority to renegotiate section 8 mortgages. We need to provide tax provisions that allow section 8 owners to not be penalized, and insure that owners agree in exchange to preserve affordable units for low-income families.

I would just like to inquire of the chairman of what he sees as the progress of legislation dealing with this issue, since the bill before us today does not deal with that issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, as the gentleman realizes, this problem was created not last year or 2 years ago or 5 years ago, but over 20 years ago when the section 8 program was created. At that time the Federal Government, in its infinite wisdom to encourage people to invest in low-income housing and develop housing that moved away from public housing to a more appropriate blend of private and public partnership, created the section 8 program.

Unfortunately, when they created that program, we ended up on both sides of the deal, so to speak. By that I mean that we guaranteed mortgages through the FHA fund at the Federal Government for 40 years, but we guaranteed cash flow through the section 8 program for 20 years to the owners. So we are on both ends of the deal. To the extent that we rachet down the annual costs to keep up the units precipitously, which I believe we all would like, I certainly would like to see that happen, we risked that certain of these properties would end up in default as owners simply walk away from them, because these loans are guaranteed 100 cents on the dollar by the Federal Government. That simply means that the Federal Government would receive the property back and would be stuck for the entire bill because it would be responsible for repaying the bank for any money that is owed because we have guaranteed that mortgage. It is an enormous problem, I would say to the gentleman, because we have at-risk people there, we have seniors and disabled, we have people who are very vulnerable who are in section 8 project-based assistance where apartments are subsidized. There is an effect on the community in terms of stabilization, and there is a potential effect on assessments in the area as a poorly maintained property could have a very deleterious effect on the surrounding community.

Mr. SMITH of Michigan. If I can reclaim my time for a question, is there a timetable? Does the gentleman plan to bring out a bill dealing with this problem?

Mr. LAZIO of New York. I would say to the gentleman, bills have already been introduced to deal with this problem. There is one bill that has been introduced by myself at the request of the administration which I think has some merit, that we have some disagreements with, but I think is appropriate in the sense that it moves toward the same themes of mixed income that we have been talking about in the context of H.R. 2, the bill before us today.

There is another bill that has been introduced by the gentlewoman from Ohio [Ms. PRYCE] and the gentleman from Virginia [Mr. MORAN] that seeks to deal with this. My staff in working with the Senate has been working on this for months. It is a very difficult problem in the sense that there are tax consequences involved in this, there are potential issues of phantom income, there are potential consequences to the community in terms of assessments and tax bases. There are States involved in this program through risk sharing. Their ability to be properly rated is affected. It is a very, very complex problem that we want to completely understand. We are hampered, I would say to the gentleman, by an unbelievable lack of data on the part of HUD in order to make reasonable assumptions to have good policy.

Mr. SMITH of Michigan. I thank the gentleman.

AMENDMENT NO. 54 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. SMITH of Michigan:

Page 294, strike line 5 and all that follows through page 297, line 4, and insert the following:

SEC. 622. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

"SEC. 227. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES IN FEDERALLY ASSISTED RENTAL HOUSING.

"(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing who is an elderly person or a person with disabilities may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payments of a nominal fee and pet deposit by such residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any elderly person or person with disabilities in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of such person.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

"(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

"(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

"(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

"(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

"(E) assisted under title V of the Housing Act of 1949; or

"(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

"(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

"(3) ELDERLY PERSON AND PERSON WITH DISABILITIES.—The terms 'elderly person' and 'persons with disabilities' have the meanings given such terms in section 102 of the Housing Opportunity and Responsibility Act of 1997.

"(d) REGULATIONS.—Subsections (a) through (c) of this section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued no later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".

AMENDMENT NO. 54, AS MODIFIED, OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that the changes at the desk to that amendment be accepted as the amendment under consideration.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 54, as modified, offered by Mr. SMITH of Michigan:

Page 294, strike line 5 and all that follows through page 297, line 4, and insert the following:

SEC. 622. PET OWNERSHIP BY ELDERLY PERSONS AND PERSONS WITH DISABILITIES.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

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"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any elderly person or person with disabilities in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

"(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

"(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

"(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

"(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston—Gonzalez National Affordable Housing Act);

"(E) assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

"(F) assisted under title V of the Housing Act of 1949; or

"(G) insured, assisted, or held by the Secretary of a State or State agency under section 236 of the National Housing Act.

"(2) Owner.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

"(3) Elderly person and person with disabilities.—The terms 'elderly person' and 'persons with disabilities' have the meanings given such terms in section 102 of the Housing Opportunity and Responsibility Act of 1997.

"(d) Regulations.—Subsections (a) through (c) of this section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued not later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, this is at the very least a sensitive amendment. I think the question is not whether or not we support pets. The question is: Should we pass a new Federal law that mandates an extension and expansion of existing law that pets be allowed in all subsidized housing?

Currently the law allows pets for individuals that are senior citizens and individuals that are disabled citizens, and the bill before us expands that to every renter in every subsidized housing.

I think the question before us is should the Federal Government pass a law making it less attractive for local landlords to participate in housing programs for low income to the extent that our mandates under Federal law limit the number of people willing to pursue our goal of providing affordable housing for individuals.

Again, I would remind my colleagues that the bill before us expands current law tenfold. My proposed amendment, in effect, continues the existing law that pets be allowed for senior citizens and for the disabled. It actually expands the number of seniors and disabled that would be allowed to have pets. I am suggesting to my colleagues that we should not so drastically expand present law with strong arm mandates of Federal Government. Applying so many regulations and so many rules, discourage many local landlords from participating in a program to provide low-income housing. We acknowledge that it is advisable to allow pet ownership in housing projects, but that decision deserves local input.

In the private sector, pets are often allowed. It is reasonable to assume that all of those affordable housing facilities that can accommodate pets will accommodate pets because it is reasonable, it is often healthful and it is the desire of those renters to have that kind of freedom.

So Mr. Chairman, I would hope that we consider passing legislation that leaves the law substantially as it is and does not so greatly expand that law with more mandates from Washington.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we went through an extended debate on this issue last year. I appreciate the fact that the gentleman from New York [Mr. Lazio], the chairman, has seen the light and I think recognizes that the issue of whether or not we ought to be able to have pets in our subsidized housing or public housing is one that really ought to be left up to the individual resident.

I think, after an enormously informative and entertaining debate last year, the Congress overwhelmingly endorsed that policy; and I think the good chairman has seen fit to include the expanded policy in the underlying bill and it is something that I believe most Members of the House strongly endorse.

My understanding is that the amendment actually would, in some difference to the way it was described, would actually expand to public housing as well as section 8. Current law, obviously, is only in the public housing, it does not include the section 8 portion. But I do think that this is an issue that all families and people, whether they are residents of public housing, private housing, or any housing, can recognize some wonderful benefits of having a dog or a cat or a fish, everything but a cockroach, according to the gentleman from New York [Mr. Towns].

So I think what we ought to do here is try to make certain that we have an expansive policy on this issue. I do not think that there is any clear reasoning why we should not allow people to have whatever reasonable pets they want.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, it is not a question that does not seem to me as allowing people to have those pets. What it is is a mandate that every landlord has to allow regardless of the facility, regardless of the conditions, that those tenants have a pet if they want a pet. So the latitude of describing that pet is also broad.

I would also like to call to the attention of my colleague, the gentleman from Massachusetts [Mr. Kennedy], that I did not intend to call for a Record rollcall vote on this. I think there is a feeling that if you love a pet, somehow you are going to say there should be a Federal mandate that should require the landlords to allow pets.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman's clarification on the issue. I would just suggest that if the landlords wanted the tenants well enough, they ought to be willing to accept the pets as well.

There are provisions that allow for how those pets would be treated and under what terms and conditions are allowed under the legislation that has been proposed. I very much appreciate Chairman Lazio's efforts on this issue.

I think, in particular, I want to acknowledge the efforts of the gentlewoman from New York [Mrs. Maloney], who I think the Chairman would acknowledge was really the driving force behind a lot of these policy changes and someone who, although she cannot be on the floor at the moment, I think strongly supports the chairman's position on this issue. I look forward to moving on to other issues as quickly as possible.

□ 1700

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I just wanted to mention obviously this particular issue was debated thoroughly last year, and I know the gentleman from Massachusetts recalls my position on this, but the House has worked its will, and I respect that and have reflected both the act of last year in approving the amendment on the floor and a sort of sense of fairness that, if we are going to allow that in public housing, if we are going to allow pets in public housing, then so should people in section 8 struggle with that same problem.

Mr. KENNEDY of Massachusetts. Or solution.

Mr. LAZIO of New York. Or solution.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Michigan [Mr. SMITH].

The amendment, as modified, was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois: Page 275, after line 17, insert the following:

"(g) OPTION TO EXEMPT APPLICABILITY OF CERTAIN REQUIREMENTS.—If the Secretary takes possession of an agency or any developments or functions of an agency pursuant to subsection (b)(2) or has possession of an agency or the operational responsibilities of an agency pursuant to the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act), the Secretary may provide that, with respect to such agency (or the Secretary acting in the place of such agency), the public housing developments and residents of such agency, and the choice-based housing assistance provided by the agency and the assisted families receiving such assistance, as appropriate, the following provisions shall not apply:

"(1) COMMUNITY WORK.—The provisions of section 105(a) (relating to community work), any provisions included in a community work and family self-sufficient agreement pursuant to section 105(d) regarding such community work requirements, and any provisions included in lease pursuant to section 105(e) regarding such community work requirements.

"(2) TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—The provisions of section 105(b) (relating to agreements establishing target dates for transition out of assisted housing) and any provisions included in a community work and family self-sufficiency agreement pursuant to section 105(d) regarding such target date requirements.

"(3) MINIMUM RENTS.—The provisions of sections 225(c) and 322(b)(1) (regarding minimum rental amounts and minimum family contributions, respectively).".

Page 275, line 18, strike "(g)" and insert "(h)".

Mr. DAVIS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, today I rise on behalf of a constituency that during the past few weeks we have heard a great deal about but very little from, and as I sat watching and listening to the debate, as I listened to many of the myths and stereotypes of poor people which have sprung up because their voices often are not heard in the great decision and influence making centers of our society, I wondered why. As I sat and watched and listened, I found myself wondering why the gallery was not filled with poor people and with advocates for the poor, with lobbyists pushing their position. I wondered why there were not thousands of people surrounding the Capitol or holding meetings and rallies in public housing developments throughout the land.

Then it occurred to me that public housing residents are oftentimes easy targets, oftentimes poor, uneducated, unemployed, unskilled, unorganized, unregistered, underfed, undernourished and physically segregated. Therefore, many of the people see no need to challenge the myths, stereotypes, preconceptions, misconceptions and erroneous notions about who they are and how they live in public housing.

As my wife and I were having Mother's Day dinner on Sunday, we met a lady who was helping to serve. She was bubbling over with enthusiasm and told us that her daughter had just graduated from SIU, Southern Illinois University, with a law degree. Then she said that she lived in Cabrini Green Housing Development and that she was proud of all her children. Her son had earned a doctorate degree and was teaching. Another son was working at the Post Office, and another one at Northwestern Hospital, all raised in Cabrini Green.

So, Mr. Chairman, life for many residents is more than an 8-second sound bite on the evening news. Public housing residents do not all belong to gangs, are not all unemployed, do not all sit around daily living the good life, sleeping late, eating ham hocks, doing drugs and watching Oprah. They are not all lazy, shiftless and immoral. They do have commendable values and a sense of community.

Having created a stereotypical, fantasized world, afflicted with fantasy problems, it becomes easy to design fantasy solutions if we have already determined that public housing residents live in public housing because they do not want to work and have nothing to do all day. Then it makes sense and is easy to prescribe a little therapeutic required volunteerism as a solution.

Why then should we be concerned about the increase in numbers of people who are condemned to a career as a temporary worker without benefits or minimum wage workers, people who work every day and still need public help?

If my colleagues think that public housing residents are addicted to free housing, then it makes perverted sense to require that they simply cut it out, just say no. If my colleagues feel that people who live in public housing are just social misfits, then they believe that they can be improved by getting rid of them, just put them out.

We have a public housing system which for a variety of reasons, none of which are addressed in H.R. 2, we have a public housing system which has often failed to meet the needs of residents or the needs of our Nation. It has become commonplace to proclaim that the problem is with too much government, that government is too big, it helps the poor too much, that public housing residents have their hands out. When we hand out $150 billion in corporate welfare each year, we do not call it welfare or handouts. We call it stimulating the economy.

H.R. 2 demands public service from public housing residents. Fine. But let us also demand some public services from those receiving corporate welfare. H.R. 2 demands personal responsibility contracts from public housing residents. Fine. But let us also demand written contracts detailing how those receiving corporate welfare would get out of the public trough. H.R. 2 demands higher minimum rents from those in public housing. Fine. But let us also develop minimum social paybacks from those receiving corporate welfare.

Mr. Chairman, our society, our economy grows strongly in direct proportion to how well we involve every member in the productive process. Let us be fair. Let us have a uniform set of rules for everyone.

Mr. Chairman, this amendment is designed to give public housing authorities the flexibility to make their own individual decisions about whether or not to implement the most onerous portions of H.R. 2. I think it is a good way to give those individuals who have been most abused an opportunity for redress.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I could not think of a better example of why we believe in community service and why we believe in the maintenance of H.R. 2 of mixed income and removing the work disincentives that are in current law of creating the incentives for entrepreneurial activity than Chicago itself.

Now, it is true that throughout the entire Nation virtually every community, especially communities that are particularly underserved or that are particularly challenged by poverty, will benefit under the terms of H.R. 2. But in Chicago, they stand probably to gain the most.

I just want to refer, if I can, attention and recommend to the Members a recent report which I would be glad to make available to any Member who is interested, and it is from the Institute of Metropolitan Affairs of Roosevelt University, and it has to do with the ranking of the poorest neighborhoods in America, and it is interesting because 11 of the 15 poorest communities in the Nation are in Chicago. One might think if they posed that question they would find it somewhere in the deep South or some State that has a very low median income or some other place that one does not ordinarily think of when they think of the Gold Coast in Chicago and one of the Nation's largest cities. But in fact there has been exceptional failure in terms of addressing poverty in Chicago, and it has been a combination of things, a combination of looking the other way, of tolerating failure, of not seizing the housing authority when we should have done it over a decade ago, of moving slowly, of looking the other way.

In just one of these examples, Stateway Gardens in Chicago had a 42 percent drop in per capita income in the 10 years between 1979 and 1989, 42 percent drop in income in what was already one of the poorest of the poor neighborhoods. The consequence of that has been that we continue to concentrate poverty, that we create environments where virtually everybody is unemployed, where there are no working role models, where we do not have any services.

I am familiar with many of these neighborhoods in Chicago that are listed in the survey because I have been there, and I will tell my colleagues that the consequences of our policy have been that there are no supermarkets, that there are no banks, that there are no laundromats, there are no services that help keep the working poor, the working class in and around these communities that are under siege.

Mr. Chairman, this House needs to come to grips with the fact that we have failed these residents, that we have created disincentives to work and to family, that we have contributed to the pathologies that have undermined the ability to turn these communities around, and through the programs that we have in H.R. 2, not the least of which is the community service program, where we can begin to mobilize not people from Washington or the State capital or from some other State to go in from the outside and come in and pose what they think is a right solution for their own communities, but we mobilize the people in their own backyards, these same people of low income whose talents are untapped, whose potential is significant to begin to transition and transform their own communities by working with each other, by marshaling their services, by having common goals, setting objectives and making the changes; we believe in this because we know that the end of poverty will not come because of the bill that we have in this House or in the other body, we know that it will not be something that was signed into law, and we know that it will not happen because of some leader, elected leader, in the State capital or even in the city, some mayor. It will happen because of the dynamic, charismatic people in and of the community that begin to transform their own neighborhoods, their own backyards, their own buildings.

Mr. Chairman, this is the change that we are looking for, this is the change in H.R. 2, and it is well time that we stop tolerating the failure that exists in Chicago and all the other Chicagos that we have around the Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DAVIS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Illinois. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Illinois [Mr. DAVIS] will be postponed.

Are there further amendments to title VII?

Are there further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 133, proceedings will now resume on those amendments on which further proceedings were postponed on May 8 and earlier today, in the following order: Amendment No. 12 offered by the gentleman from Massachusetts [Mr. KENNEDY], amendment No. 13 offered by the gentleman from Massachusetts [Mr. KENNEDY], amendment No. 25 offered by the gentleman from Minnesota [Mr. VENTO]; also, the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] and the amendment offered by the gentleman from Illinois [Mr. DAVIS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to know what is happening with the suspension votes. Does that come before or after all these votes?

The CHAIRMAN. The suspension votes will be after these votes.

AMENDMENT NO. 12 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. KENNEDY of Massachusetts:

Page 174, line 20, insert "VERY" before "LOW-INCOME".

Page 175, line 11, insert "very" before "low-income".

Page 187, line 5, insert "VERY" before "LOW-INCOME".

Page 187, line 10, insert "very" before "low-income".

Page 187, strike lines 13 through 22 and insert the following:

(b) INCOME TARGETING.—

(1) PHA-WIDE REQUIREMENT.—Of all the families who initially receive housing assistance under this title from a public housing agency in any fiscal year of the agency, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income.

(2) AREA MEDIAN INCOME.—For purposes of this subsection, the term "area median income" means the median income of an area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsection (a) if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Page 205, line 7, insert "very" before "low-income".

Page 205, line 24, insert "very" before "low-".

Page 211, line 6, insert "very" before "low-income".

Page 214, line 1, insert "very" before "low-income".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 260, not voting 11, as follows:

[Roll No. 119]

AYES—162

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reyes

Rivers
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stark
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NOES—260

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—11

Abercrombie
Blagojevich
Conyers
Hefner
Hinchey
Kingston
Rush
Schiff
Skelton
Taylor (NC)
Young (AK)

□ 1734

Mr. LATHAM and Mr. GREENWOOD changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Chairman, I missed rollcall No. 119, due to airplane mechanical problems. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Chairman, I was unavoidably detained on rollcall 119. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further consideration.

AMENDMENT NO. 13 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 13 offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 220, strike line 12 and all that follows through line 12 on page 237 (and redesignate subsequent provisions and any references to such provisions, and conform the table of contents, accordingly).

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 270, not voting 10, as follows:

[Roll No. 120]

AYES—153

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doyle
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Moakley
Mollohan
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NOES—270

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski

Livingston
LoBiondo
Lofgren
Lucas
Luther
Manzullo
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—10

Blagojevich
Hefner
Hinchey
Kingston
Rangel
Rush
Schiff
Skelton
Taylor (NC)
Young (AK)

☐ 1744

Mr. DICKS changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Chairman, I missed rollcall No. 120 due to airplane mechanical problems. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Chairman, during consideration of H.R. 2 on the Kennedy amendment, recorded vote number 120 on Amendment #13, I inadvertently cast my vote against this amendment. On this particular vote I meant to cast a "yes" vote.

AMENDMENT NO. 25 OFFERED BY MR. VENTO

The CHAIRMAN pro tempore [Mr. LAHOOD]. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota [Mr. VENTO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. VENTO: Page 244, strike line 1 and all that follows through line 8 on page 254, and insert the following:

Subtitle C—Public Housing Management Assessment Program

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 5, as follows:

[Roll No. 121]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—228

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryoe (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—5

Hefner
Rush
Schiff
Skelton
Young (AK)

☐ 1754

Mr. GREEN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I request that the Chair could verify that the coming amendment is the one that would impose the same 8-hour per month voluntary work requirement imposed in H.R. 2 on public housing residents to investors in the section 8 project-based housing.

The CHAIRMAN pro tempore. The gentleman from Massachusetts is not stating a parliamentary inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I was wondering what the next amendment might be.

The CHAIRMAN pro tempore. The next amendment is the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by a voice vote, and the Chair is ready to call for a recorded vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a further parliamentary inquiry. Is that the amendment which imposes a work requirement on investors in section 8 project-based housing?

The CHAIRMAN pro tempore. The gentleman is not stating a further parliamentary inquiry, and the gentleman knows that he was not making a parliamentary inquiry.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 341, not voting 5, as follows:

[Roll No. 122]

AYES—87

Abercrombie
Allen
Becerra
Bishop
Blagojevich
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeGette
Delahunt
Dellums
Duncan
Edwards
Evans
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gonzalez
Green
Gutierrez
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
Lantos
Lewis (GA)
Markey
Martinez
McGovern
McKinney
Meehan
Meek
Millender-McDonald
Mink
Moakley
Neal
Oberstar
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rodriguez
Roybal-Allard
Sanchez
Sanders
Scott
Serrano
Slaughter
Stark
Stokes
Strickland
Stupak
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Waters
Wynn
Yates

NOES—341

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

NOT VOTING—5

Hefner
Rush
Schiff
Skelton
Young (AK)

□ 1805

Messrs. BERRY, KILDEE, and FARR of California changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

The CHAIRMAN pro tempore [LAHOOD]. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. DAVIS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 282, not voting 6, as follows:

[Roll No. 123]

AYES—145

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink

Moakley
Mollohan
Murtha
Nadler
Neal
Northup
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Snyder
Stabenow
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOES—282

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Mascara
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—6

Gekas
Hefner
Rush
Schiff
Skelton
Young (AK)

□ 1813

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1815

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that this body will be gravely disappointed to know that this bill is nearing conclusion. I understand that all titles have been closed, is that correct, Mr. Chairman, if that is appropriate to direct that question to the Chair?

The CHAIRMAN pro tempore (Mr. LAHOOD). Title VII is open at any point.

Mr. LAZIO of New York. I would ask that after the close of title VII that I be permitted to offer a unanimous-consent request pursuant to the discussions that we have had with the gentleman from Massachusetts concerning time limitations. I will be making a motion to rise at the end of this, and we will probably resume again on Thursday to take up the substitute and to take up final passage. At that time I understand that there has been some agreement on time limitations involving the Kennedy substitute. The suggestion would be that there would be 60 minutes for the substitute, 30 minutes controlled by the gentleman from Massachusetts [Mr. KENNEDY], 30 minutes controlled by myself, and I just wanted to inquire if that was the understanding of the gentleman from Massachusetts [Mr. KENNEDY] and if he would be concurring with that time limitation.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I had spoken with the chairman's staff and we had indicated that because of the large number of speakers and because this bill has been so much fun for the last 3 weeks that we would not necessarily want to cut the debate short on Thursday morning, but we are looking forward to perhaps finding a way to achieve a limitation on Thursday. But I would rather wait until then to determine the level of intensity on our side.

Mr. LAZIO of New York. If I could just reclaim my time, is the gentleman saying that an hour would not be an appropriate amount of time to debate the substitute?

Mr. KENNEDY of Massachusetts. I am hopeful we can reach agreement on an hour, but I would like to reserve that right until Thursday and make that determination at that time.

Mr. OXLEY. Mr. Speaker, I rise today in support for H.R. 2, the Housing Opportunity and Responsibility Act. As a cosponsor of this important legislation I believe that it will go a long way toward reforming our current public housing system. I am particularly enthusiastic about Title IV, the Home Rule Flexible Grant Option, portion of the overall legislation. The provisions included in Title IV would provide local government leaders with the flexibility to implement new locally developed proposals for meeting the specific housing needs of their communities.

Whereas under our current system Public Housing Authorities administer all aspects of sometimes highly regulated Federal housing programs, this new grant would give interested localities the flexibility to implement new innovative programs targeted to meet the housing needs of their own citizens.

In the city of Lima, a town in my district, a situation has developed recently that has divided local housing authorities and local government leaders. The situation began when the city's Public Housing Authority went forward with plans to build 28 scattered-site low-income public housing units. With city officials contending that these units are not scattered, and in fact concentrated in one particular area of the city, they filed suit contending that the Public Housing Authority broke Ohio law by not presenting the project to the Lima Planning Commission before going ahead with construction. In an effort to bring both sides together and resolve their differences, at my request, a meeting was set up between HUD officials and officials from the Lima City Council. In fact, a public meeting was also held on this issue, again with HUD officials being present. While HUD officials soon agreed with city officials that indeed they had some legitimate concerns on the 28 scattered-site housing units being congested in one area, ultimately no concrete resolutions came out of these meetings.

Unfortunately, the situation worsened. With no resolution from the meetings, and with the city proceeding with the lawsuit, city officials soon found themselves receiving a letter of warning from HUD. The letter stated that as a result of the city's lawsuit against the Public Housing Authority, the department would therefore be withholding funds for both the city's Community Development Block Grant and HOME Programs.

Clearly this situation should never have developed to the point where HUD bureaucrats would feel the need to threaten to withhold funds for programs that have absolutely nothing to do with the city's initial lawsuit. In fact, had all sides sat down and actually addressed each others concerns in the first place, all of this could have possibly been resolved.

It is this exact situation that Title IV of H.R. 2 aims to address. By encouraging city officials and Public Housing Authorities to work together to meet the housing needs of their community, conflicts such as the one taking place in Lima today can be averted. While both sides in this dispute clearly have the best interests of community in mind, it is the current housing program framework itself that has pitted both sides against one another. It is clear to me that the Home Rule Flexible Grant Option provisions in this bill would help to encourage greater cooperation between Public Housing Authorities and local elected officials.

As one who has witnessed first-hand the negative consequences of having local Public Housing Authorities and local government leaders work at odds with each other, it is clear to me that this new approach is needed. For these reasons I urge all Members to support passage of the Housing Opportunity and Responsibility Act.

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. KOLBE] having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 590

Mr. BLUMENAUER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. JOHNSON] be removed as a cosponsor of H.R. 590.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 695.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 5, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 3, not voting 10, as follows:

[Roll No. 124]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—3

Bateman
LaHood
Paul

NOT VOTING—10

Becerra
Blagojevich
Gutierrez
Hefner
Pastor
Rush
Schiff
Schumer
Skelton
Young (AK)

□ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 124, I was detained at a meeting with Mr. Bob Nash of the White House personnel office. Had I been present, I would have voted "yea."

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KOLBE). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPUBLICAN TACTICS HURT WEAKEST OF OUR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. HILLIARD] is recognized for 5 minutes.

Mr. HILLIARD. Mr. Speaker, this week the Republican Congress will officially take food out of the mouths of babies when they follow the lead of the House Committee on Appropriations. Last week this Republican-controlled committee cut the women, infants and children nutrition program. If the Congress follows their lead, many poor, helpless, underrepresented and overly persecuted American citizens will be without the necessities of life.

Mr. Speaker, the full House of Representatives will soon vote on this bill which, if passed, will cause a cut in WIC nutrition programs of 180,000 women, infants and children who would have to go without food and medicine. These proposed cuts in this program are not fancy frills, but basic staples of life: food and medicine.

I understand the desire of certain Members of this Congress who believe in cutting programs to balance the budget. However, let me assure my colleagues that this is one of the most noble Federal programs that we have ever funded.

Mr. Speaker, I would understand the opposition if the WIC Program were a typical pork barrel project, but it is not. It is not even the equivalent of the recent legislative luxuries proposed by the Republican's own plan to grant a monstrously large and obscene tax break for the Nation's most wealthy.

The WIC Program allocates nothing but bottom line necessities of life: food, nutritious programs and, yes, medicine, the very essential necessities of life.

What on Earth could be objectionable about these programs? It is not a program for the able, it is not a program that feeds foreign kids. It is a program that feeds hungry children here in America. It is a program that protects pregnant women here in America. It is a program that benefits Americans.

Mr. Speaker, these infants who are on the WIC Program do not need to be hurt or harassed by this Congress. They need help. Not only is the House Committee on Appropriations' decision cruel and unusual, but it is ill-advised.

The Center on Budget and Policy Priority, their executive director, Mr. Robert Greenstein stated:

> The Appropriation Committee's decision to allow WIC participation levels to be cut by 180,000 low-income women, children and infants is extremely ill-advised.

□ 1845

To agree with cutbacks to the number of poor women and children who are aided in what is probably known as the singly most successful program which is run in any level of our government is hard to understand.

It may be hard for him to understand, but those of us who have been around in politics for a while understand the realities of the Republican strategy: To take the food out of the mouths of those 180,000 men and women, little kids, to give a tax break, once again, to the wealthy.

My friends on the radical Republican side of this Congress are misjudging, once again, the American people, as they did with the Medicare and Medicaid cuts of last year. I do not believe our citizens will sit by while the service of big business and the wealthy, the Republicans, send 180,000 poor people into the streets begging for food and medical care. It should not happen here in America.

How many more children must suffer before we retain the moral conscience of our Nation? How many more babies must cry through the night before we remember the golden rule? How many more mothers will go full term through a pregnancy without seeing a physician?

The weak, the poor, the least of those in our society are those we should always protect. It is the cornerstone of our Nation to look out for those who are lost and those who are least able to fend for themselves. If we have feelings, if we are compassionate, if we have a heart, we will take care of our young. Please vote to take care of the infants, the pregnant women, and the little kids.

DEMOCRATS LAUNCH HEALTH PLAN FOR CHILDREN, WHILE GOP LEADERS DENY CHILDREN BASIC NUTRITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last month Democrats urged Republican leaders to move forward on legislation to help provide health care coverage for America's uninsured children by Mother's Day. Instead of developing a plan for the more than 10 million uninsured children, Republican leaders have been outspoken in denying milk, formula, and other basic nutrition needs for approximately 180,000 children in the Women, Infants and Children, or WIC Program, that my colleague from Alabama just previously spoke about.

Since the Republicans have failed in developing a plan to assist the Nation's uninsured children, Democrats have taken the initiative and have put together a children's health care proposal which we unveiled last week.

The proposal is called the Families First Health Care Coverage for Children, and it seeks to help those working families who do not currently qualify for Medicaid, because they are above the Federal poverty level, but are nevertheless without health insurance for a number of reasons.

I would like to discuss, Mr. Speaker, this plan right now. It is basically a three-pronged approach. First, it encourages, but does not mandate, States to expand the Medicaid floor for health insurance for low-income children, while assisting local communities in developing outreach to the 3 million children who are uninsured, but already do qualify for Medicaid assistance. Now, what we found is that a lot of children are out there and qualify under the current Medicaid law, but are not taking advantage of it, so we do need an outreach program.

Most children in families at low income levels currently receive their health care from the Medicaid program, and we are just trying to ensure that these low-income families do not fall through the cracks.

The second prong of the Democrats' families first children's health care proposal creates a matching grant program for the States, and it is called Medikids. It is a grant program that will be targeted to those families, if we use a family of four, who make between $16,000 and $48,000 a year. Medikids will give the States the flexibility and the additional moneys they need to be creative in meeting the needs of a State's uninsured children's population.

Now, when I talk about flexibility, States can form public-private partnerships, use the money to build upon existing State programs and to create new initiatives unique to the State's own needs. Again, Medikids is voluntary to the States, but in order for States to qualify for the Medikids matching grant they must provide Medicaid coverage for pregnant women up to 185 percent of the poverty level and children through age 18 of families up to 180 percent of the poverty level, or $16,000 in a family of four.

So what we are doing here, Mr. Speaker, is expanding Medicaid, the floor of the Medicaid Program, and then providing matching grants so States can go beyond that up to families of four with incomes of $48,000.

Finally, I wanted to say that our third prong, which basically came from the gentlewoman from Oregon [Ms. FURSE], who is part of our health care task force, this would seek private health insurance reforms and make it easier for families of all income levels to provide for their children's health care needs. It is not income-based.

This third prong would require insurers to offer group-rated policies for children only, which means a relatively inexpensive health insurance policy. Additionally, families who qualify for health insurance under current law, the COBRA law, that cannot afford the premium for the entire family, will have the option to purchase a children's only health insurance policy. This last portion, again that was provided and suggested and is in a bill that the gentlewoman from Oregon [Ms. FURSE] has introduced, basically benefits working families of all income levels.

Mr. Speaker, I have to say that this Democratic proposal can all be achieved within the context of the balanced budget agreement that was announced by the President a few weeks ago. Democrats, I believe, Mr. Speaker, are moving forward because Republicans in effect are lacking leadership in this arena of children's health. I once again have to point out that instead of seeking a solution to children's health care, we see the Republican leadership determined to stop full funding of the WIC Program that their own Governors have requested.

Mr. Speaker, I just want to point out, the Democrats from last year, when we put forward our families first agenda, were trying to respond to the real needs of the average American family, and I think that is what this health care initiative does again. It addresses the fact that we have so many children out there who are not covered, who are responding to that need, and we hope we can get bipartisan support for this initiative.

CHRONIC FATIGUE IMMUNE DYSFUNCTION SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today to ask my colleagues to join with me in recognizing that yesterday, Monday, May 12, was International Chronic Fatigue Immune Dysfunction Syndrome Awareness Day.

We in the Congress must realize the need to heighten public awareness of this most debilitating, yet still largely ignored, disease that caring medical experts believe strikes a conservative number of Americans, 2 to 5 million annually, and an estimated 11,000 individuals in New York, New Jersey, and Connecticut.

First brought to the public's attention back in 1984 during an outbreak at Lake Tahoe, NV, the number of chronic fatigue sufferers has grown dramatically. That is due, in part, because more physicians are being trained to identify the symptoms of chronic fatigue syndrome and, in addition, some physicians have understood that chronic fatigue syndrome and its symptoms are better understood today than they have been in the past.

Unfortunately, a shocking number of physicians still believe that the disease really is not a disease such as this, but it is depression. They often tell their patients to just snap out of it. This has really added a burden on a lot of Americans, particularly those who reside in my part of the world, on Long Island, and we have an unbelievable number of chronic fatigue syndrome sufferers.

Over the last 2 years, I have met with many of these individuals who are really waging a valiant battle, not only to try to educate more and more physicians that this is a very real disease, but also to bring greater public awareness and resources to the research of this malady and to find a cure. It is absolutely heartbreaking to see parents and neighbors, spouses and children, or anyone suffering from the enduring pain and pervasive weakness of chronic fatigue, to see vibrant, energetic people all of a sudden stricken with a mysterious ailment that medical professionals cannot cure and, unfortunately, too many others think it is something else or choose to ignore this chronic fatigue syndrome.

I am particularly shocked that here in the United States, where this disease has been known since 1984, we are spending a paltry $5 million annually to try to figure out where this disease comes from and specifically how can we treat it. I would also reference the fact that while there are very few successful treatments for this terrible disease, those that doctors do employ quite honestly have a marginal effectiveness. For reasons that researchers still do not understand, chronic fatigue syndrome is diagnosed mostly in white women, typically in their 30's, though now there are a growing number of children who have been identified with having chronic fatigue syndrome.

In my home area on eastern Long Island, this cruel disease has stricken, as I said earlier, a disproportionate number of people. There are some 2,000 cases that have been identified, but I would suggest that the number is probably three times that.

Mr. Speaker, I yield at this time, if I could, to the gentleman from New York [Mr. LAZIO], my good friend and colleague from Long Island who has some personal experience with this dreaded disease.

Mr. LAZIO of New York. Mr. Speaker, I want to congratulate the gentleman from New York [Mr. FORBES] on taking this time out to help build an awareness across our country of the struggles that families and individuals suffering with chronic fatigue syndrome are going through.

As the gentleman had remarked, it is particularly hurtful when people who do not understand the syndrome mock their ailment or the illness because of a lack of information about this. Of course this also has a devastating effect on the children of some of the caregivers who have chronic fatigue syndrome. It is a very difficult problem.

I have to agree with the gentleman that we need to marshal our public and private resources to begin the process of overcoming this terrible disease. Of course I have been touched with this in my own family, as the gentleman had mentioned.

I want to thank the gentleman for his interest and for allowing me a few minutes to align myself and associate myself with the gentleman's interests in battling this terrible disease.

Mr. FORBES. Mr. Speaker, I thank the gentleman. I would like to recognize my other colleagues from Long Island: the gentleman from New York [Mr. ACKERMAN], the gentleman from New York [Mr. KING], and the gentlewoman from New York [Mrs. MCCARTHY], who equally have been working on this issue. We will be taking this floor several days this week to talk in extended terms about the chronic fatigue syndrome. It is a serious illness and one that we as a nation need to deal with in a more aggressive manner.

Mr. ACKERMAN. Mr. Speaker. I rise today to acknowledge Annual International Awareness Day for Chronic Immunological and Neurological Diseases. These illnesses are among the fastest growing health concerns in our country and constitute a large and neglected area in medical research. Chronic fatigue immune dysfunction syndrome [CFIDS] and fibromyalgia syndrome [FMS] are illnesses which affect at least a half million American adults and children. It is imperative that increased funding for research for CFIDS and FMS be approved in a timely fashion.

CFIDS is a serious and complex illness that affects nearly every aspect of an individual's life. It is characterized by incapacitating fatigue, neurological problems and numerous other symptoms. Approximately 1,000 individuals in Suffolk County alone suffer from this disease. One of my constituents, named Anthony Wasneuski, was diagnosed with chronic fatigue syndrome in 1990. Mr. Wasneuski was a furniture salesman in New York City. He was also an accomplished artist who received a scholarship from the Brooklyn Museum. Unfortunately, because of this illness he must now remain at home, and now has difficulty even signing his own name. Mr. Wasneuski's story represents a real life experience behind the cold numbers and statistics of this debilitating disease.

Fibromyalgia syndrome is a chronic, widespread musculoskeletal pain and fatigue disorder for which the cause is unknown. Research studies have indicated that approximately 2 percent of the general population are afflicted with FMS. The majority of FMS patients are female and symptoms may begin in young, school-aged children. Tragically, it takes approximately 3 years and costs thousands of dollars just to receive a diagnosis of the disease.

Chronic fatigue immune dysfunction system and fibromyalgia clearly affect people from all walks of life. As the 1998 appropriations process gets underway, we need to focus upon ways that we can provide more research funding for these debilitating conditions.

Mrs. MCCARTHY of New York. Mr. Speaker, I would also like to take the opportunity to thank my colleague, Mr. FORBES, for organizing this opportunity to speak out on chronic fatigue and immune dysfunction syndrome [CFIDS].

I would like to take this opportunity to talk about a little known but devastating disease: CFIDS. Once dismissed by doctors, this syndrome is now being taken seriously. Studies vary on how many people are affected by this disease but a conservative estimate is about 390,000 adult cases in the United States.

In the tristate area of New York, New Jersey, and Connecticut, approximately 4,094 to 11,000 people have CFIDS.

CFIDS is truly a terrible disease. It ranges in severity from patients who are just able to maintain a job, and may have to give up other aspects of their lives, to those who are bedridden and unable to take care of themselves.

While CFIDS traditionally affects young women in the prime of their lives, a growing number of children appear to have CFIDS. The fact that this disease is striking young children is particularly disturbing. This disabling illness will have a disastrous effect on the economy by preventing young children from becoming income-earning, tax-paying citizens.

While CFIDS is not known to be a killer, it has no proven treatment and no cure. Moreover, it is difficult and, unfortunately, nearly impossible to get a timely and correct diagnosis.

Because patients go to many different doctors to find a diagnosis, they often are subjected to unnecessary, costly, and potentially harmful treatments.

Mr. Speaker, this must change. Doctors, medical professionals, and those who are entering the medical fields must be educated about CFIDS. Delaying diagnosis is not only harmful to the patient, it is not cost effective. Treating individuals early in the disease process offers more promise for return to normal and productive living.

GENERAL LEAVE

Mr. FORBES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this very important special order.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from New York?

There was no objection.

HONORING AMELIA EARHART

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. RYUN] is recognized for 5 minutes.

Mr. RYUN. Mr. Speaker, today I rise to honor a great woman, a great Kansan, and a great American. Amelia Mary Earhart was born on July 24, 1897 in Atchison, KS as the grandchild of original Kansas pioneers.

The pioneering spirit never left Amelia as she achieved a collection of firsts and world records in which we should all take pride. These include the first woman to receive pilot certification, the first woman to fly nonstop across the United States; the first woman to fly solo across the Atlantic Ocean; and the first woman to receive the Distinguished Flying Cross.

Amelia Earhart was an early advocate of commercial aviation and lectured in the 1930's that one day people would fly through the sky every day to get from one place to another.

Earhart's commitment to aviation was equaled by her commitment to advancing equality and opportunity for women. She served as an aeronautical adviser and women's career counselor at Purdue University. She promoted equality for women in public presentations and appearances, but most importantly, Amelia Earhart led by example, by doing things that no one thought possible.

□ 1900

Even in her disappearance, Amelia Earhart was striving to do that which had never been done, to become the first woman to circle the globe. This year marks the centennial celebration of the life and achievements of Amelia Earhart. We recognize this daughter of Atchison, KS, and honor her extraordinary contributions to women, science, aeronautics, and the Nation.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE TRAGEDY OF ALCOHOL-RELATED DEATHS ON OUR NATION'S HIGHWAYS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, the National Highway Traffic Safety Administration estimates that two in every five Americans, 40 percent, will be involved in an alcohol-related crash at some time in their lives. I rise today to reflect on the tragedy that drunk driving has brought to victims and their families around the United States. I was encouraged to learn that from 1990 to 1994, there was a 20-percent decline in alcohol-related deaths on our Nation's roads. However, in 1995, alcohol-related traffic deaths increased for the first time in a decade. These statistics deeply trouble me, especially since our Nation has made a commitment to educate the public on the dangers of driving while under the influence of alcohol.

Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I am very pleased to be part of this special order, because 45 percent of the fatalities on our Nation's highways are alcohol-related. It is, as the gentleman mentioned, a tremendous problem. One of the things that I was most shocked about was to find that in emergency rooms across this Nation, emergency room personnel are very often not allowed to give information when a person comes in from a traffic accident with a high blood alcohol level, so a wonderful woman from Oregon came to me, a nurse, and she had changed the law in Oregon which said that emergency room personnel may make this information available.

As the gentleman knows, last year we passed a bill here in this House asking for a study to see about just allowing that emergency room personnel to report high blood alcohol levels. What we found in Oregon was absolutely shocking. Sixty-seven percent of the people who came in through emergency rooms with high blood alcohol level, who had been driving, were never charged with drunk driving because they were unable to give this information out.

So, Mr. Speaker, I really recommend what the gentleman is saying, that we need to educate people that this is a major, major problem in our country. We have young people, I believe it is six young people a day, who die on our highways in alcohol-related accidents. So I am hoping this study will show that where we can have emergency room personnel involved with the law enforcement to let people know, let law enforcement know that there has been alcohol involved in an accident, we may be able to reduce this tremendous carnage on our highways.

I really thank the gentleman for holding this special order, because it is, obviously, a major health problem in our country.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman for her involvement in this and in so many other issues. She has just been so stellar on my Subcommittee on Health on all issues, particularly preventive health care. That is basically what we are talking about here, preventive, the education that goes along with us. I thank the gentlewoman for joining us.

Mr. Speaker, in 1995, more than 17,000 people were killed in alcohol-related traffic crashes, including 2,206 youths. Mothers Against Drunk Driving, MADD, and many other important organizations, such as "Remove Intoxicated Drivers," RID, Students Against

Driving Drunk, SADD, and Campaign Against Drunk Driving, CADD, have been working to protect people from being injured or killed in drunk driving-related crashes.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today in strong support of my colleagues' efforts to bring attention to the tragedy of drunk driving, and to discuss briefly a bill I have introduced with 20 of our colleagues on both sides of the aisle to establish a national commission on alcoholism to deal with this fatal disease in a comprehensive and cost-effective way.

Mr. Speaker, alcoholism killed over 100,000 Americans last year. That is more than all illegal drugs combined. Half of our Nation's convicted murderers committed their crimes under the influence of alcohol. My colleague, the gentleman from Florida, and my colleague, the gentlewoman from Oregon, already discussed the devastation caused by drunk drivers. Alcoholism is truly a painful struggle with a staggering public cost. Untreated alcoholics incur health care costs at least double those of nonalcoholics. In indirect and direct costs together, the public, the American taxpayer, pays at least $86 billion because of alcoholism.

I recently spoke with a former radio talk show host and city council member from Minneapolis. Her name is Barbara Carlson. Barbara told me the absolutely heartrending story of a young neighbor of hers killed by a drunk driver. It had so affected Barbara that she called her old station and asked for special air time, just to talk about this terrible tragedy and the scourge of drunk driving in this country.

Mr. Speaker, Barbara Carlson put it best when she said we will never reduce the 17,000 deaths that occurred last year alone in alcohol-related crashes unless and until we address the root cause of alcoholism. That is why we are introducing this legislation to create a national commission on alcoholism, to develop a practical, achievable public policy to deal with this costly, fatal disease. Mr. Speaker, we need a national strategy. To deal with illegal drugs, we have the Office of Drug Control Policy. We do not have a concerted national effort to deal with our No. 1 killer, alcoholism.

Let me just explain this bill very briefly, Mr. Speaker. This bill, H.R. 1549, would establish the Harold Hughes-Bill Emerson Commission on Alcoholism, named after two exceptional public servants who everyone in this body knows and who passed away last year; Harold Hughes, a very distinguished Democrat Governor and former U.S. Senator from Iowa, and Bill Emerson, a colleague of ours, a Republican member from Missouri. Both men were passionate advocates in the struggle against alcoholism, and both men strongly advocated the creation of this commission, and they handed this off to me to chief sponsor.

This temporary commission to deal with the problem of alcoholism will include 12 appointed members and also the director of the National Institute on Alcohol Abuse and Alcoholism. I foresee prevention and treatment experts on this commission, representatives of Mothers Against Drunk Driving, academic and medical professionals, representatives of the business community, recovering people, and Members of Congress.

The commission will be charged with specific tasks, including ways to streamline existing treatment and prevention programs, and develop a national strategy to counter this deadly and costly epidemic. Within 2 years the commission will be charged with submitting its recommendations to the Congress and the President, and then disband. I strongly urge my colleagues to cosponsor H.R. 1549.

Mr. Speaker, only by addressing the underlying problem of alcoholism will we ever reduce the incidence of drunk driving in America. Again, I thank the gentleman for yielding, and for his efforts in this important effort to deal with drunk driving.

Mr. BILIRAKIS. I thank the gentleman for his great work on this issue, Mr. Speaker.

Mr. Speaker, Mr. Tom Carey, who is a resident of my district in Florida and a co-founder of Remove Intoxicated Drivers, RID, is with us tonight. Tom lost his wife to a drunk driver, and has been an inspiration to those who have lost their loved ones to drunk driving.

Over the past 4 days MADD held its National Youth Summit on Underaged Drinking right here in Washington, DC. The event included high school students from each of the 435 congressional districts across the country. These students joined together to develop creative approaches to fight drunk driving. This afternoon the students who attended the summit met with Members of Congress and their staffs to share their suggestions. I am particularly proud to see students involved in such a noble cause, and I am convinced that their efforts this past weekend will go a long way towards saving lives.

Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I want to thank my colleague, the gentleman from Florida [Mr. BILIRAKIS], for coordinating this very important discussion on the problem of drunk driving in America.

As the House sponsor of the 1995 zero tolerance law for underage drunk driving and the current cosponsor of two pieces of legislation that will strengthen our Nation's drunk driving laws, I wholeheartedly agree that Congress must focus more attention on this issue. As we heard tonight, drunk driving fatalities are on the rise for the first time in a decade. In 1995, the year for which most of the recent statistics are available, more than 17,000 Americans were killed in alcohol-related traffic fatalities.

The sad reality is that our drunk driving laws have failed thousands of families across the Nation. Our criminal justice system has been too lax for too long on drunk drivers. In fact, impaired driving is the most frequently committed violent crime in America. That is an outrage. A license to drive should not be a license to kill.

Back in 1995, Senator BYRD and I launched an effort with Mothers Against Drunk Driving to close a legal loophole in 26 States that allowed underage drivers to drive legally with alcohol in their system, as long as their blood alcohol content did not exceed the State's legal DWI limit. That loophole existed, despite the lethal consequences of teenagers who mixed drinking and driving. In fact, 40 percent of traffic fatalities, as the gentleman knows, involve underage drivers, and they are alcohol-related.

As a result of this law, 39 States have now adopted zero tolerance laws that send a very clear message: If you are under 21, consumption of alcohol combined with driving will be treated under State law as driving while intoxicated, end of story. These laws have saved hundreds of lives across the country, and I am very hopeful that all 50 States will make zero tolerance the law of the land.

Zero tolerance was an important victory in our war on drunk driving, but we must do more, much more. That is why Senator FRANK LAUTENBERG, Senator MIKE DEWINE and I have joined Mothers Against Drunk Driving, highway safety advocates, law enforcement groups, drunk driving victims, in introducing two important pieces of legislation to strengthen our Nation's drunk driving laws.

Using the proven sanctions methods of the 1984 national minimum drinking age law and the 1995 zero tolerance law, these bills will compel States to lower the legal level of driving while intoxicated to a more reasonable level, and strengthen penalties for repeat drunk drivers.

Mr. Speaker, more than 3,700 Americans were killed in 1995 by drivers with blood alcohol concentration below .1. This is the legal definition of driving while intoxicated in 36 States. In recognition of this problem, 14 States, including Florida, California, Virginia, and Illinois, have adopted laws lowering the DWI level to .08. The .08 laws have also been adopted by many industrialized nations. Lowering the DWI level to .08 is supported by the American Automobile Association, the National Sheriffs Association, the International Association of Chiefs of Police, the National Highway Traffic Safety Administration, and our Nation's largest insurance companies. The American Medical Association even recommends .05 DWI.

Why should we lower the DWI standard to .08? First, .08 is a level of intoxication at which critical driving skills are impaired for the vast majority of drivers.

Second, the risk of a crash increases substantially at .08 and above. In fact, a driver with .08 BAC is 16 times more likely to be in a fatal crash than a driver with no alcohol in his system.

Third, Americans overwhelmingly agree that you should not drive after three or four drinks in one hour on an empty stomach, the equivalent of .08 blood alcohol level.

Last, but certainly not least, .08 laws save lives. A study of the first five States to enact .08 found that those States experienced a 16-percent reduction in fatal crashes involving drivers with a BAC of .08 or higher, and an 18-percent decrease in fatal crashes involving drivers with a BAC of .15 or higher.

□ 1715

Overall, the study concluded that up to 600 lives would be saved each year nationwide if every State adopted the .08 standard. Now there are some who are trying to claim that .08 BAC is too low a level of intoxication and that our bill will target social drinkers who drink in moderation. This could not be further from the truth. It takes a lot of alcohol to reach .08 BAC.

According to the National Highway Traffic Safety Association, a 170-pound man with an average metabolism would reach .08 only after consuming four drinks in 1 hour on an empty stomach. A 137-pound woman with an average metabolism would need three drinks in an hour to reach that level.

We should keep in mind that if you have any food in your stomach or you snack while you are drinking, you could drink even more if you choose and not reach .08. That is a lot of liquor. In addition to lowering the legal definition of DWI, we need legislation to establish mandatory minimum penalties to convict drunk drivers and keep them off our roads. We must stop slapping drunk drivers on the wrist and start taking their hands off the wheel.

That is why The Deadly Driver Reduction Act will require States to mandate a 6-month revocation for the first DWI conviction, a 1-year revocation for two alcohol-related convictions, and a permanent license revocation for three alcohol-related offenses.

Studies by the National Highway Traffic Safety Administration show that about one-third of all the drivers arrested or convicted of DWI each year are repeat offenders. Drivers with prior DWI convictions are also more likely to be involved in fatal crashes. This second piece of legislation will close the loopholes in State laws that too often allow convicted drunks drivers to get right back behind the wheel.

Mr. Speaker, last Friday at the National Press Club, Redbook magazine and Mothers Against Drunk Driving honored five mothers who are the foot soldiers in this battle. These courageous women have vowed to make something good come out of a tragic loss of a child to a drunk driver.

One of those mothers, Mary Aller, is a constituent from Mamaroneck, NY, whose 15-year-old daughter, Karen, was killed by a drunk driver in 1991 who spent only a few months in jail. Mary went on to establish the Westchester County chapter of MADD. She is truly an inspiration to us all.

The evidence, Mr. Speaker, is compelling that adopting .08 as the national DWI standard and establishing mandatory minimum penalties will reduce the carnage on our Nation's roads. Our Government has an obligation to act when lives are at stake, and we owe it to all those mothers to adopt these bills.

I thank my colleague for having this session tonight. I appreciate the opportunity to share some words with you.

Mr. Speaker, I want to commend to all my colleagues' attention the article "Drunk Driving Makes a Comeback" from the May edition of Redbook magazine, and I submit that article for the RECORD.

[From Redbook, May 1997]

DRUNK DRIVING MAKES A COMEBACK

(By Joey Kennedy)

Anyone who knew Dana Ogletree knew he was a devoted father. Whether the 36-year-old Brooks, Georgia, resident was fishing with his five children, taking them to the Six Flags amusement park, or going to car races with his only son, Dana Jr., he was involved with his family. But today Shandra Ogletree, 37, is raising her children (now ages 10 to 20) alone. On December 20, 1995, as Dana was riding to work with a coworker, the car was struck broadside by a 17-year-old boy who had been drinking and also smoking marijuana. Dana died the following morning, after emergency surgery. Also killed were his coworker, David Harris, and the three young children of David's fiancée, whom he was going to drop off at their father's.

"It has been hard," Shandra Ogletree admits. "We think of all the things Dana won't get to see. The birthdays. The graduations. He won't ever get to walk his daughters down the aisle. And my son won't get to have man-to-man talks with his dad." She is also bitter that the driver received a prison term of only ten years—"though he killed five people." Meanwhile, Shandra notes, "I lost my husband of 19 years, my high school sweetheart. And my children lost a wonderful father."

Dana Ogletree was one of 17,274 people who died in alcohol-related traffic crashes in 1995, the last year for which statistics are available. Each of those deaths represents a catastrophe for another American family.

What's shocking to many is that the figure also represents, for the first time in almost a decade, an increase in the number of drunk-driving fatalities compared to the preceding year. The long national campaign against drunk driving has stalled, it seems. While deaths from drunk driving are up, fund-raising for Mothers Against Drunk Driving (MADD) is down, as is the amount of media coverage given to the drunk-driving issue. Efforts to lower the legal blood alcohol concentration from .10 to .08 percent continue to founder in many states, thanks to vigorous lobbying by the liquor and hospitality (restaurant and bar) industries. Nationwide, the number of arrests for driving while intoxicated went down from 1.8 million in 1990 to 1.4 million in 1995.

Despite these discouraging facts, the anti-drunk-driving campaign—begun by MADD in 1980 and joined by legislators, the law enforcement community, and other public safety groups—can look back on notable successes. Public awareness of the issue has dramatically improved. "There was a time when drunk driving was treated pretty much as a joke, like some kid caught with his hand in the cookie jar," says Dwight B. Heath, Ph.D., an anthropologist at Brown University who studies behavior related to alcohol. "Not anymore." Efforts by MADD and others have led to raising the minimum drinking age to 21 and to so-called zero-tolerance laws that punish underage drinkers who are caught driving with any alcohol content in their blood. "You've heard so much about drunk driving that there is a perception that it's a problem either fixed or almost fixed," says Katherine Prescott, national president of MADD.

But the problem is not fixed, as so many families can attest. In fact, 41 percent of all traffic fatalities involve alcohol. While the anti-drunk-driving message has clearly gotten through to many Americans (see Redbook's national survey, page 93), thousands of husbands, wives, and children are still being killed by those who party hard and get behind the wheel. "There's still a segment of our population that thinks it's perfectly appropriate when you drink, to drink all you can," says Susan Herbel, Ph.D., vice president of the National Commission Against Drunk Driving. Researchers who conducted a recent large-scale national survey of drinking-and-driving behavior estimated that there were 123 million incidents of drunk driving in the U.S. in 1993.

Is there any way to jolt legislators and the public out of their complacency, make drunk driving a hot issue again—and make the roads safer for our families? Anti-drunk-driving advocates are urging action on a number of fronts.

GET THROUGH TO THE GUYS

If drunk driving is, as MADD says, a "violent crime," then who is committing it? Says Dr. Herbel, "Drunk driving is very much a male problem." Men are four times more likely than women to drive after they've been drinking, one study found. And the segment of the population most likely to drink and drive is made up of white males between the ages of 21 and 34, in blue-collar jobs, with a high school education or less, according to a study by the Harvard School of Public Health.

How to stop them? Strict law enforcement—sobriety check-points, saturation patrols by police departments—does change drinking-and-driving behavior in the short term. But Dr. Herbel points out that these efforts require a huge commitment of resources by state and local police, and their effects taper off unless they are kept up consistently.

"There are those who feel you can rely on enforcing laws to solve the drunk-driving problem, but I don't agree with that," she says. "Until drunk driving gets to be a behavior that is just not socially acceptable, we're not going to stop it." Dr. Herbel believes the anti-drunk-driving message should be modeled after the antismoking campaign, with its many community-awareness programs and education efforts that start in grade school.

Employers could play a role as well through education efforts and even spot-checks of the status of employees' drivers' licenses. "The men who are most likely to drink and drive usually work, and their jobs are important to them," Dr. Herbel says. "Employers should make it clear that drinking and driving is not acceptable." Better yet, employers could refer at-risk workers to counseling programs—so long as local communities cooperate by making such programs readily available.

The best way to reach at-risk men may be through their wives or girlfriends. Focus groups have found that men aged 21 to 34 are more likely to be influenced on the drinking-and-driving issue by the women in their lives than by public service announcements, bartenders, or male friends, according to Bob Shearouse, national director of public policy at MADD. Experts are unsure how to translate this finding into a public-awareness campaign, however. The Harvard study on at-risk men found that some of their wives and girlfriends "described fear of verbal or even physical retribution" for trying to stop drinking-and-driving behavior. "For the unlucky woman involved with a man who has a tendency to be violent, especially after drinking, intervening could be dangerous," note MADD's Prescott. "You have to be careful about advising women to do that."

LET THE MEDIA SEND THE MESSAGE

While a certain segment of males may be the most likely to drink and drive, they obviously aren't the only culprits; the gospel about drunk driving must be preached to everybody. And Jay Winsten, Ph.D., director of the Center for Health Communication at the Harvard School of Public Health, says the message is fading and deaths are up for one reason: "The mass media is paying far less attention to this problem than it was several years ago."

Since the issue of drunk driving was widely covered in the eighties and early nineties, it stands to reason that there would be fewer news stories on the issue now. After all, why should journalists report on a story that already feels familiar to much of the public? Because doing so saves lives, Dr. Winsten says. He cites a period of high media attention in 1983 and 1984—a time when MADD was fresh on the national scene—that was accompanied by a drop in alcohol-related deaths. In 1986, Dr. Winsten says, deaths went up and remained fairly level until 1988, when the Harvard School of Public Health recruited the entertainment industry to help promote the notion of the designated driver (an idea imported from Scandinavia). During the next four television seasons, more than 160 episodes of prime-time shows, including Cheers, L.A. Law, and The Cosby Show, featured designated drivers in some way, and networks sponsored public-service announcements. The result? A 26 percent decline in drunk-driving fatalities over that four-year period.

"These days, we're getting designated-driver mentions in about a half dozen episodes per season," says Dr. Winsten. "The public has bought the concept of the designated driver, but they have to make the decision to use it over and over and over again. And they rely in part on cures and reminders from the media."

MADD's Prescott acknowledges that her organization is no longer a "hot topic" with the media. "It's as though our having becoming credible and being successful hasn't helped us with the media. Now, we're like all the other charities." Further crowding MADD's issue are major news stories that thrust other worthy causes, such as car-air-bag safety, into the spotlight. "That's been a major topic of conversation in Washington. Now, the last thing I want to do is offend anyone who has lost a child," emphasizes Prescott, who herself lost a son to drunk driving. "But we're talking about a dozen deaths in 1995, when we know that more than 17,000 people died in 1995 because of drunk driving."

As advocates for a variety of causes, from breast cancer research to recycling, have discovered, those who want coverage for their message must find ways to make it feel fresh. Dr. Winsten thinks that, for drunk driving, a debate over "social host responsibility" might serve that purpose. "Should you be liable for a civil lawsuit if your party guest kills someone on the way home, as is already the case in some states?" he asks. "People disagree on this issue, but it doesn't matter as long as the issue of drunk driving is being discussed."

One of the ways MADD will bid for a higher profile this year is to focus on drinking by people under age 21. "Our current environment makes it acceptable for underage people to drink, to walk into a store and buy liquor even though it's illegal," Prescott says. "We think this youth initiative will get the public's attention. Underage drinking has to be dealt with by communities, schools, churches, and homes." MADD will kick off its effort this month by hosting a National Youth Summit on Underage Drinking in Washington, D.C. Student delegates from each of the nation's 435 congressional districts will discuss possible solutions to the underage-drinking problem and deliver recommendations to members of Congress.

And in June, the National Highway Traffic Safety Administration hopes to stir public debate when it launches Partners in Progress, an ambitious program that has brought together numerous groups to develop strategies to curtail drunk driving. Their goal: to reduce yearly alcohol-related fatalities to no more than 11,000 by the year 2005.

TAKE ON THE ALCOHOL LOBBYISTS

Anti-drunk-driving advocates have also been tangling with the liquor and hospitality industries over the issue of lowering the legal blood alcohol concentration limit from .10 to .08 percent, an effort that has thus far been successful in only 14 states (see "How to Save Hundreds of Lives This year," page 92). In practical terms, .08 means that an average 160-pound man can still have four drinks in one hour on an empty stomach before he would reach the legal limit for driving—a level that seems surprisingly lenient to many people. Dr. Herbel says the liquor and hospitality industries are fighting hard against the .08 limit because they see it as a step toward zero tolerance—that is, making illegal any amount of alcohol in the bloodstream of someone who is driving—which could, obviously, have a big impact on their businesses. "Those industries believe that, as soon as .08 passes in all states, somebody will start a movement for .06 or .04," says Dr. Herbel.

While that battle is being waged, anti-drunk-driving advocates are pursuing other legislative remedies: the Crime Victims' Bill of Rights, sponsored by Senator Dianne Feinstein (D–CA), which would ensure that victims of all kinds of crime, including drunk driving, have certain basic rights; and the Deadly Driver Reduction Act, which would entail license revocation for drunk-driving offenders.

The boy who killed Dana Ogletree was an underage drinker. "Where did he get that beer?" asks Shandra Ogletree, angry that the details haven't come out. "Did someone sell it to him? Or did he have an older friend buy it for him?"

Until everyone who might be responsible for a drunk-driving accident—not only the drinker, but store clerks, friends—recognizes his or her role, the problem won't be solved, Shandra argues. And thousands of families will continue to suffer the consequences.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman for sharing in this very important special order and for all of her work and research and the study on this subject. We oftentimes ask ourselves, what is the proper role of Government? Certainly, we on this level have not really done enough on this subject, and we need to continue to look at it and do more.

Mr. Speaker, I recognize the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Speaker, I thank the gentleman for yielding, and I certainly want to commend him for holding this very important special order to call attention to the problems of underage drinking and drunk driving.

Mr. Speaker, few tragedies bring as much pain to families and communities as fatal accidents caused by drunk driving, especially when young people are involved. The community of Santa Barbara, which I am very proud to represent, was struck by this plague over the weekend when 3 college students were killed when their truck veered off Gibraltar Mountain road.

Alcohol was a factor in this accident, and all 3 were under the legal drinking age. My heart truly goes out to the grieving family and to the friends of these young people, many of whom I know personally. Nothing that we can say or do today will bring them back, but we must all try to learn important lessons from this terrible loss of life.

Mr. Speaker, it is sometimes useful for us in Congress to share personal stories from our own lives in order to advance important policy objectives. The issue of drunk driving has had a profoundly personal impact on my own life. On May 23, I will commemorate the 1-year anniversary of a horrible car accident that nearly claimed my life and the life of my beloved wife Lois.

Returning home from a campaign appearance, our car was struck by a drunk driver. I had to be cut from the wreckage with the "jaws of life." I suffered serious injuries that required surgery and months of rehabilitation. This coming week, next week, my family and friends will gather together for a celebration of gratitude for all those who saved us, helped us heal, brought us back to life.

I will always be grateful to the police, to the rescue personnel, to the doctors, the nurses, the physical therapists, family, and others who brought us back to life. Without them, I would never be standing here in this great Chamber this evening.

But tragically, many families are not as fortunate as we were. And that is why it is so important to convene events like MADD National Youth Summit. This week, hundreds of young people, including Amy Yglesias from Santa Maria, CA, which I am also very proud to represent, have come to this Nation's capital for this unprecedented summit meeting. Here, they will discuss and develop solutions to the problems of underage drinking and drunk driving.

Back home in our district, MADD is also sponsoring important events. This past Sunday, for example, my wife and daughter and I ran in a MADD-DASH, a 5-mile benefit run near Highway 154, the very road on which our accident occurred.

Congress can pass important laws on this subject. We can pass laws on the drinking age, on alcohol accessibility, on alcohol advertising. But only when our young people are fully engaged in the battle themselves will we have a chance to succeed.

I commend Mothers Against Drunk Driving and all those who worked to make this week's summit a reality and for putting together innovative events in our districts.

Mr. Speaker, I know my colleagues on the floor this evening all join me in pledging to work toward the day when our communities will no longer suffer the heartbreaking pain brought on by drunk driving accidents that claim the lives of young people and too many of our citizens.

Mr. Speaker, I thank the gentleman for the leadership he is giving to this effort.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for sharing his own personal story with us. I am not sure that there are too many Members of Congress who do not have similar stories to tell either about close friends or family members.

Mr. Speaker, Mothers Against Drunk Driving should also be commended for the Youth in Action Campaign, which is dedicated to educating students about the dangers of drinking and driving. I mentioned a statistic earlier that more than 17,000 individuals died in 1995 from alcohol-related crashes. It is all too easy for us to forget that this number is not just a statistic. These were 17,000 people who also had stories. They had families and friends who cared for them and loved them dearly.

One of those stories happened in Spring Hill, FL. On December 22, 1995, Monica Nicola and her 2 daughters Danielle, 9 years old, and Stephanie, 8 years old, went to the mall to have their pictures taken with Santa Claus. After having their pictures taken, Monica was driving her daughters home when a van in front of her car suddenly swerved. By the time Monica realized that the van was swerving, it was too late to react. A car had crossed the centerline, missed the van and hit Monica's car head on.

When she regained consciousness, Monica realized that she had a broken leg. She could see Danielle, who suffered a broken arm and bruises, but she could not see 8-year-old Stephanie. Stephanie was pinned down, out of sight, and died immediately at the scene.

Stephanie was not the only one who tragically lost her life in a terrible accident. A passenger who was riding with the drunk driver also died. Monica and the man who caused the accident were airlifted to the hospital together. The man's breath smelled so strongly of alcohol that it was overpowering.

It turns out that the driver had a number of accidents since 1982, several DUI's, no license, and no insurance. But none of that stopped him from driving that night. In January of 1997, the driver was sentenced to 40 years, 40 years in prison, but not before the Nicola family had to endure an entire year without justice.

Today the Nicola family, John, Monica, and Danielle, reside in Pinellas County, FL, my county. The Nicolas are not alone in their suffering, but their story is so very important for all of us to hear. It awakens us to the fact that there are real people behind the statistics we hear so often.

Drunk driving knows no social or economic boundaries. Indeed, I am sure that we all know, as I said earlier, of a relative, friend, or celebrity who at one time or another got behind the wheel of a car after one too many drinks.

Many Floridians may recall the story of Olympic diver Bruce Kimball and the night he killed two teenagers in Brandon, FL. Ironically, Bruce Kimball has experienced both sides of a drunk driving collision, first as the victim and then as the offender.

For those of you who are not familiar with this story, let me take a few minutes to review this tragic story. Bruce Kimball won a silver medal in diving at the 1984 Summer Olympics. Just prior to the 1988 Olympics, he had a few drinks and got in his car to drive. The Houston Chronicle wrote an article on Bruce in October of 1994 which recounts his story. To paraphrase the Chronicle, his father Dick was, and still is, the diving coach at Michigan, and so Bruce Kimball gravitated naturally to that sport. Bruce blossomed quickly, eventually winning 14 Junior Olympic national titles, and at 17 stamped himself as one of this country's top prospects with a fifth-place finish at the 1980 Olympic trials. The following October, as he was driving friends home, his van was hit head on by a drunk driver and suddenly Bruce was fighting not only for his future, but for his life as well. His skull was cracked. Every bone in his face was broken. His spleen was ruptured. His liver was lacerated. His left leg was broken. His bleeding was torrential, and 14 hours of reconstructive surgery was needed to put him back together.

Yet, a mere 9 months later, he returned to diving. He was often referred to as "the Comeback Kid." And when he won a silver medal in platform diving at the 1984 Games of Los Angeles, he stood as a true profile in courage.

As he trained in Florida for the 1988 Olympic trials, he was still considered the second best diver in the world. Those trials were less than 3 weeks away on the night of August 1, when Bruce Kimball roared down a dark and narrow street in Brandon behind the wheel of a speeding sports car.

About 30 teenagers were gathered at the end of that dead-end street in a place they called the spot, and in an instant Kimball plowed into them, killing 2 of them and injuring 4 others. His blood alcohol level, a prosecutor later claimed, was .2, which was twice the legal limit under Florida law. His speed at impact was estimated at 75 miles per hour.

Kimball was sentenced to 17 years in prison, but in November 1993, after undergoing extensive drug and alcohol rehabilitation at four different Florida institutions, he was released after serving 5 years. After being released, Bruce started a part-time job in a Chicago high school coaching diving. Two times Bruce Kimball has had the opportunity to rebuild his life. Unfortunately, the victims of this tragedy will never have that chance.

Mr. Speaker, the stories about Stephanie Nicola and Bruce Kimball remind us that drunk driving can affect anyone's life. Yet, what is most unfortunate is that these terrible events did not have to occur. They could have been avoided had the drivers taken responsibility for themselves and not driven their cars while impaired.

These drunk drivers are not evil people, Mr. Speaker. They are just irresponsible. They go out on the town to have fun. They have a few too many drinks and, believing that they are okay to drive, turn the ignition on and zoom off.

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If they are lucky, they make it home. But all too often something terrible happens, someone gets hurt or, even worse, someone gets killed.

Last week a North Carolina jury held a drunk driver Thomas Jones to the highest level of accountability for killing two Wake Forest University students. The jury sentenced Mr. Jones to life in prison for his actions.

I believe that this verdict, Mr. Speaker, is evidence that Americans are no longer willing to tolerate this type of irresponsible behavior.

Much of this change in attitude is in large part due to the grassroots organizations throughout the United States which have taken the lead in educating students and parents about the dangers of drinking and driving. Groups like MADD, CADD, SADD, and RID have made tremendous progress in promoting responsibility and raising awareness about the dangers of drunk driving. These grassroots organizations have pushed for legislative changes regarding drunk driving.

In my home State of Florida, they played an integral role in lowering the legal blood alcohol content from .10 to .08. According to the Centers for Disease Control, States that have lowered the legal blood alcohol content to .08 have experienced a significant decline in the proportion of fatal crashes relative to other States which have not adopted these laws.

Other examples of success by grassroots campaigns in Florida during the past 10 years include raising the legal drinking limit to 21 years of age and instituting mandatory license revocation for anyone caught drinking and driving.

However, Mr. Speaker, I am convinced that the most significant accomplishment by drunk driving opponents has been, as mentioned earlier, the nationwide awareness and acceptance that drinking and driving is a serious problem. I want to commend all of those who have given their time and energy to make this cause very worthwhile.

Mr. Speaker, we must continue our fight to end this terrible problem which affects so very many of us. We in Congress have a moral obligation to join together with grassroots organizations in raising the awareness about the dangers of drunk driving. I thank my colleagues for joining me in this special order to strengthen our commitment and resolve to keep our Nation's roads safe from drunk drivers.

I have a number of facts here. I call it the Fact Sheet on Alcohol-Impaired Driving. This is from the Centers for Disease Control, dated May 13, 1997. I am going to submit that as a part of the RECORD in the interest of time here this evening.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding to me. I am happy to join the gentleman tonight. I want to thank him for taking the time and the effort to bring this critical problem to our awareness.

Young people unfortunately oftentimes do not plan ahead as they should. They sometimes act impulsively when they should not. As I have visited many high schools in my district, recently have been encouraged to see banners decorating the hallways and the lobby areas reminding young people that, as prom season approaches, this is a very critical time. It is a time when they need to be sensitized to the dangers of drinking and driving.

I would like to say that I am encouraged as I have seen high schools especially making special efforts to see that prom night is a time of safety as well as entertainment and enjoyment for our young people. And they have done that by not only trying to educate the young people regarding the dangers of drinking and driving but also making after-prom activities available which in some cases last all night in a safe and secure and well-supervised setting.

I think the gentleman is right. The greatest effort that we can make in terms of keeping our young people safe during this prom season is to educate them to the dangers and then to take those steps necessary to make sure that their activities are well supervised. Nearly every year in my State of Ohio, we read some tragic story about young people who have gone to the prom and then had a tragic accident. I am hopeful that this year in my State and in my district as well as across the country that the efforts that the gentleman and others are making to raise this issue in terms of public awareness will prevent such a tragedy from happening. I am happy to join the gentleman and to thank him for his efforts.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Ohio, who is a very busy and active member of my Committee on Commerce. And I also thank the gentleman for reminding us that this is prom season. We have talked about MADD and SADD and RID and CADD, et cetera. There are other organizations out there that have helped. But one of the things that has really pleased me is for instance Busch Gardens down in Tampa, FL, and so many other private entities, if you will, have gotten really involved and have invited the young people into their facilities during this period of time so that they can have a good time and not have to travel long distances and go from one location to another for their proms. All of that is helping. Of course what we do here is going to be of great help, too. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I appreciate the gentleman's leadership on this issue. In addition to commenting on this, there is another related matter I want to raise tonight. I appreciate the gentleman yielding some time.

I met earlier today with Michael Larrance from Hamilton High School in my district who is out here for the conference. He has formed a group at his high school of students who are committed not only to trying to combat alcohol abuse but also drug abuse, teen pregnancy and other issues and the need to stress abstinence in these areas.

I worked recently to put together a play that he has taken to other schools, too, to try to address this. I think it is very important that we encourage efforts among the students themselves to combat this. Having a son 17 who is a junior in high school and a daughter who is 19, I am very concerned when they have hit prom season and a lot of the spring seasons and the various trips that they go on, about what they and their friends, and you always worry about who they are riding with, not only their behavior.

I also know that my friend, Senator Tom Wyss, in Indiana has been battling hard with open container laws and various things in Indiana that have been huge fights because there is a lot of money that goes into trying to keep us from putting difficult standards on. But the zero tolerance type of policies a lot of schools are putting in, efforts of police forces to crack down on this, is not only good for our kids but for the rest of us. It is frightening to think of somebody who is alcohol drenched or drug crazed driving down the highway, and you are minding your own business and all of a sudden your life is taken out of your hands because of someone else's behavior.

One of the things I visited over 20 years in the last 6 months, talking about particularly narcotics abuse but including alcohol and tobacco abuse, and one of the things that I have become concerned with is a bill that we are dealing with later this week regarding narcotics. I am afraid and I am sorry to announce this, but apparently our war against drugs is over. That is the good news. Unfortunately, if this bill we are working on later this week on international issues survives the legislative process, the drug producers and the drug shippers will have won instead of our Nation, because we are now going to give up the current drug certification process.

Many Americans will wonder what I am talking about. Section 490 of H.R. 1486 ends, repeat, kills off provisions in current law which require the President to certify to Congress if a country produces illegal drugs or ships them to kill U.S. children. In place of the current law, the bill the House is considering replaces drug certification with a pile of loopholes and exceptions that are virtually certain to mean no country, including Mexico, will ever been decertified for U.S. foreign aid.

Here is what section 490 does. It allows the President to, and I quote, "to the extent considered necessary by the President," end quote, to hold back foreign aid or instruct the U.S. representative at the World Bank to vote against loans to countries if a series of conditions suggested in the legislation are violated.

Just to be sure that the law is absolutely weak, the legislation allows the President to ignore even the new and timid standards if acting against a pro-drug country, including Mexico, will, and I quote again, "affect other United States national interests."

When I read this provision in the bill, I thought to myself, what a nice gift this will be for President Clinton's weak-on-drugs choice to be U.S. Ambassador to Mexico to take with him. We are looking at appointing an ambassador to Mexico who believes in so-called medicinal use of marijuana. There is no medicinal use of marijuana.

There is a medicinal use of THC, which is found in other drugs. It is a back-door effort to legalize drugs. If the policy of the Congress is not to stand up when we send an ambassador to Mexico who is supporting back-door legalization and we take out the drug certification process, what message is this to the kids? We are telling them on one hand, do not drink, do not do drugs. On the other hand, what we are saying is, if trade is more important and all of us, and I know in Florida it is important, in Indiana it is increasingly important. Nobody is saying that trade is not important, nobody is saying we do not have huge immigration questions to deal with. At the same time, we cannot be so concerned about risking some trade or irritation as we work through this that we back off our focus on the drug war.

So I hope to have more to say on this later this week. But I wanted to take this opportunity to come down and say that sometimes we only talk about marijuana and cocaine, and we forget that alcohol is the No. 1 problem among teens. But we also need to understand as a Nation that these things are closely interrelated, and abusers of one are abusers of another. We need to send a clear, concise, consistent message across the board that we stand against this abuse. It is critical for our country, for the future of our young people. It is important in our international policy. We cannot send our children the message that money is more important to us than our lives and safety and their own character development which gets impaired when you use any kind of narcotics, whether it is alcohol, marijuana, cocaine, heroin.

I know in Florida we have had an outburst of the heroin problem, too. We need to look at all these things. I commend the gentleman again tonight for his efforts on drunk driving and all those teens and parents who have been involved in SADD and MADD and those who have been particularly affected by this. Nothing is more tragic than to talk with somebody, as we have had in all of our districts and all over the country, somebody who has lost a life—lost a mother, a father, or lost one of their cherished children because somebody could not handle the alcohol and somebody was not responsible and because of that, somebody else is dead.

I thank the gentleman for his efforts and thank him for yielding me time tonight.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for reminding us that these drugs, if you will, and alcohol are certainly very interrelated. And our wars, in terms of trying to protect our young people, must include both drugs as well as alcohol and other ills that are really out there, so many of them.

I thank the gentleman for his great work on this subject.

Mr. PAPPAS. Mr. Speaker, just a few weeks ago, several of my colleagues and I came to the floor to discuss the increasingly growing problem of juvenile crime in our Nation. All too many of the stories and statistics that I heard my colleagues discuss stemmed from alcohol abuse.

Alcohol abuse among our Nation's youth has indeed become a very serious problem. According to a recent Washington Post-ABC News survey of teens and parents, alcohol abuse was identified as the biggest drug problem facing young people today. I have also seen several studies and reports that reveal that possibly more than half of the country's population that is over the age of 12 is currently using alcohol.

Let me just repeat that: more than 50 percent of the Nation's teenagers use alcohol. We are talking about 8th, 9th, and 10th graders.

Among other things, this is the same age when many young people are first learning to drive. Simply stated, the two do not mix. We cannot begin to tackle the problems of drunk driving without at the same time addressing underage drinking.

For the past few years, I have stood on the steps of the Somerset County Courthouse in a candlelight vigil as the names of victims of drunk driving are read. I pray that next year fewer names are read off.

We are all probably aware of the tremendous peer pressure that so many young people face today. But this week, students from across the country gathered in Washington for the National Youth Summit To Prevent Underage Drinking. These students discussed ideas and made recommendations to curb this problem.

The idea of students and elected officials working together to tackle this problem has been very successful in Somerset County, NJ. While serving as a Somerset County freeholder, I helped form the Somerset County Youth Council in which I asked local school principals to recommend young people to come together and form a council to advise the local elected officials about the pressures facing our youth and strategies for addressing those needs.

This youth council became involved in a wide variety of youth related efforts such as substance abuse prevention ideas, self-esteem building projects, peer leadership programs, and community service and civic projects.

I am also proud to say that I have been involved for a number of years in the 4–H program, and have always felt that this program goes a long way in directing our Nation's youth in positive directions.

I applaud the efforts of the students that came to Washington this week. I wish them well as they return home to share their efforts and recommendations with their classmates and friends. I also want to call upon the Nation's elected officials, leaders, teachers, and parents to encourage these efforts and provide a positive model for these youngsters.

Maybe, if we all put our shoulders to the same wheel, we can work to create a brighter future for America.

NAFTA UPDATE

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes as the designee of the minority leader.

Ms. KAPTUR. Mr. Speaker, I am pleased to be the first speaker this evening in a special order devoted to the North American Free Trade Agreement, NAFTA. Tonight we are going to talk about, since the agreement was signed and passed over the objections of many, many of us here in the House, passed in January 1994, what have been the repercussions in our country and what have been the repercussions in the other two nations on the continent, Canada and Mexico, that are participating in this agreement with us?

This past week we saw our President travel to Mexico and to other nations of Latin America to promote additional nations being added to the NAFTA accord. And the question many of us have in the Congress today is, based on the results of the existing NAFTA, the flaws inherent in that agreement, why would anyone want to expand NAFTA rather than fixing the agreement we have now?

Since NAFTA's passage, the United States has not exported more than it has imported from either Mexico or Canada. In fact, we have now racked up trade deficits annually with Mexico totaling $16 to $18 billion a year, and with Canada $20 billion a year. If each billion dollars translates into lost jobs in this country and we have racked up on average $40 billion in trade deficit every year since NAFTA's passage, how can the overall agreement be working to the advantage of our Nation and its workers?

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If we think about it, with our economy on the rebound and holding its own, without NAFTA we would be growing even faster. Because, in fact, NAFTA acts not as a net positive but as a net negative in terms of job creation and wealth creation in the United States of America.

Tonight we want to talk a little bit about what is happening inside this agreement and the people across our country who are literally the casualties of NAFTA that are never talked about in the press, that are not heard from, but they number in the thousands in our country, and in Mexico they number in the millions.

But if we look at who the President talked to last week in Mexico, the audiences were self-selected. He was cordoned off. People were bussed into events. They were told when to cheer, even told when to wave flags.

But the real people of Mexico, the peasants who have been uprooted from their subsistence farms, the 28,000 businesses in that country that have gone belly up, the people whose wages have been cut by 70 percent, the President really did not hold state level meetings with them. Yet they live on this continent, too. And it is really tragic.

But in a way I am beginning to see a pattern here, because the President and the supporters of NAFTA will not meet with the casualties in our country either. And tonight I want to tell my friends about one casualty, but there are thousands. In fact, the Federal Government's Trade Adjustment Assistance Program for dislocated workers has already certified over 125,000 Americans who have managed to even find that this program exists. There are thousands and thousands more across our country who do not even know if they lose their job because the production has moved to Mexico or Canada, we will try to help them.

But I want to tell my colleagues about one of their stories, because it is very troubling to me that American citizens who have been hard-working, who have paid their taxes and then get hurt because of an action of their government, become nonentities. They become faceless people.

They remind me of the Vietnam war, when people were being killed in the countryside and the body bags came home and they tried to hide them in the hangars at the various bases around our Nation until it began to be reported on the evening news. Well, my friends there are NAFTA casualties and nobody wants to talk about it. But we are going to talk about it tonight.

One of the casualties is a woman that I have had the pleasure of only talking with on the telephone and corresponding with in the mail, and I want to use her as my example and I want to tell my colleagues her story because it is repeated from coast to coast. Her name is Wanda Napier. She is a resident of the State of Missouri. She lives in Marshfield, and I want to read into the RECORD a letter that she recently wrote me.

She wrote me after she became frustrated, and I will read those letters tonight, too, in writing to the President of our country, to her Senators, to her representatives at the State level in Missouri, to her Governor, to the Department of Labor. And to see the answers that this woman got from the Government officials of her State and our Nation is truly an embarrassment.

Here is what she writes me:

Dear Marcie: I am writing concerning the closure of my apparel plant in Seymour, MO. I called you with my concerns in January on the North American Free-Trade Agreement and its cost of American jobs like mine. This trade agreement has made it easier and more profitable for companies such as the Lee Apparel Co. to take American jobs to other countries like Mexico. It is my understanding that representatives want to extend that agreement to cover other countries as well. But let me tell you my story.

The Lee Apparel Co., a subsidiary of Vanity Fair Corp., was one of the two main employers in Seymour, MO. The employees were hard working people who had helped the Lee Co. through many hard times. In 1988, we accepted the Lee COMPETE plan which gave us an immediate cut in pay and tightened our incentive rates and made it harder to make a decent living. We took this cut to help make the jobs in Seymour more secure.

But we found out 8 years later on September 26, 1996, that our hard work and willingness to help the Lee Co. would be thrown back into our faces by the Lee Co. sending our jobs to Mexico and Costa Rica. By sending our jobs to Mexico, the Vanity Fair Corp., through low wages and corporate greed, have not even allowed the Mexican people to make a living.

With one stroke the Vanity Fair Corp., has weakened the American economy and depressed the Mexican people. I know that the people who worked in the Seymour, MO, plant deserve better. Many of the employees had devoted 5, 10, 20, even 25 or more years to the Lee Co., and this was their reward. We certainly were not making extremely high wages. The average for the last quarter we worked was only $7.84 per hour.

A total of almost 2,000 American jobs have been lost just since December of 1995—she says 2,000 jobs just in this one company, in the Lee Apparel Co.—including the closing of the St. Joseph, MO, plant; Fayetteville, TN; Seymour, MO; Dalton, GA; Bayou La Batre, AL; and the downsizing of jobs in the Winston-Salem, NC, plant. The other plants now working are in danger of losing their jobs to foreign countries and live in constant threat of plant closure. When will it stop?

I believe that the Government representatives of this country have allowed this to happen by passing the trade agreements such as NAFTA and GATT. Even though most will tell me that these trade agreements will be better in the long run, it does not help the 2,000 American workers who lost their jobs this year from the Lee Apparel Co., who need to support and feed their families.

I believe that when we combine the unconcern of the Government representatives of this country with the greed and coldness of the American corporations such as the Vanity Fair Corp., we will continue to have lost jobs and an increase of American work given to foreign governments.

The tax dollars generated in the city of Seymour, in Webster County, in the State of Missouri, and the United States, will be lost and services to those communities decreased due to lack of funds because of this closure. The same will be true in other communities that contained Lee apparel plants that were closed and the ones that will be closed in the future due to American work being sent out of the United States.

In a news bulletin dated October 18, 1995, the Vanity Fair Corp. stated, "Clearly, though, Vanity Fair remains committed to a strong domestic manufacturing capability that provides quick response to our retail partners, flexibility to changing product trends and support to the local communities in which we operate."

She says, I guess somewhere along the line the Vanity Fair Corp. forgot the American community and the American people to whom they sell their product.

Through the closing of these domestic plants, many American communities will suffer. Not only the employees of the closed Lee Apparel plants but also the businesses who rely on the money generated through wages spent. They will suffer too. That is some commitment on behalf of the Vanity Fair Corp.

We were told that if your plant must be closed, this is the best way because of the provision for job training provided by the NAFTA agreement. But in the case of Missouri, this is not proving to be the case. The employees of Seymour are having to fight to get the training entitlement under this plan. Many are having to fight many battles with the Employment Security Office that approves this training to get the high-technology training that is supposed to lessen the chance of our future jobs being given to foreign governments. Not only have we lost our jobs, but we now must fight our own Government to get good training.

I don't know, but doesn't it seem like there should be a better way of doing things? When will the American Government start requiring accountability for these trade agreements? When will the American people that they represent start requiring accountability for the bills passed by our Government?

I hope you will read this letter to your fellow Representatives on the floor of Congress. Somewhere the system has gone against the American people and we need help. Thank you for your time and concern, I appreciate all you have contributed to the American worker.

Now I want to put Wanda's letter in the RECORD:

JANUARY 12, 1997.

Congresswoman MARCIE KAPTUR,
State of Ohio, Rayburn Building, Washington, DC.

DEAR CONGRESSWOMAN KAPTUR: I am writing concerning the closure of my apparel plant in Seymour, Missouri. I called your radio program on 1-12-97 with my concerns on the North American Free Trade Agreement and its cost of American jobs like mine. This Trade agreement has made it easier and more profitable for companies such as the Lee Apparel Company to take American jobs to other countries like Mexico. It is my understanding that representatives want to extend that agreement to cover other countries as well. This is my story:

The Lee Apparel Company, a subsidiary of the Vanity Fair Corporation, was one of the two main employers in Seymour, Missouri. The employees were hard working people who had helped the Lee Company through many hard times. In 1988, we accepted the Lee COMPETE plan which gave us an immediate cut in pay and tightened our incentive rates and made it harder to make a decent living. We took this cut to help make the jobs in Seymour more secure.

We found out on September 26, 1996 that our hard work and willingness to help the Lee Company would be thrown back into our faces by the Lee Company sending our jobs to Mexico and Costa Rica. By sending our jobs to Mexico, the Vanity Fair Corporation, through low wages and corporate greed have not even allowed the Mexican people to make a living. With one stroke, the Vanity Fair Corporation has weakened the American economy and depressed the Mexican people. I know that the people who worked in the Seymour, Missouri plant deserve better. Many of the employees had devoted 5, 10, 20, and even 25 or more years to the Lee Company and this was their reward. We certainly were not making extremely high wages. The average for the last quarter we worked was only $7.84 per hour.

A total of almost 2000 American jobs have been lost just since December of 1995 in the Lee Apparel Company, including the closing of the St. Joseph, Missouri; Fayetteville, TN.; Seymour, Missouri; Dalton, GA.; Bayou La Batre, Al.; and the down-sizing of jobs in the Winston-Salem, N.C. plant. The other plants now working are in danger of losing their jobs to foreign countries and live in constant threat of plant closure. When will it stop?

I believe that the government representatives of this country have allowed this to happen by passing the trade agreements such as NAFTA and GATT. Even though most will tell me that these trade agreements will be better in the long run, it does not help the 2000 American workers who lost their jobs this year from the Lee Apparel Company support and feed their families. I believe that when we combine the unconcern of the government representatives of this country with the greed and coldness of American corporations such as the Vanity Fair Corporation, we will continue to have lost jobs and an increase of American work given to foreign governments. The tax dollars generated in the city of Seymour, Webster County, the State of Missouri, and the United States will be lost and services to the communities decreased due to lack of funds because of this closure. The same will be true in the other communities that contained Lee Apparel plants that were closed and the ones that will be closed in the future due to American work being sent out of the United States.

In a news bulletin dated October 18, 1995, the Vanity Fair Corporation stated, "Clearly, though, VF remains committed to a strong domestic manufacturing capability that provides quick response to our retail partners, flexibility to changing product trends and support to the local communities in which we operate." I guess somewhere along the line, the VF Corporation forgot the American community and the American people to whom they sell their product. Through the closing of these domestic plants, many American communities will suffer. Not only the employees of the closed Lee Apparel plants, but also the businesses who rely on the money generated through wages spent will suffer. That is some commitment on the behalf of the Vanity Fair Corporation!

We were told that if your plant must be closed, this is the best way because of the provision for job training provided by the NAFTA agreement. In the case of Missouri, this is not proving to be the case. The employees of Seymour are having to fight to get the training entitlement under this plan. Many are having to fight many battles with the Employment Security office that approves this training to get the high-tech training that is supposed to lessen the chance of our future jobs being given to foreign governments. Not only have we lost our jobs, but now we must fight our own government to get good training.

I don't know, but doesn't it seem like there should be a better way of doing things? When will the American government start requiring accountability for these trade agreements? When will the American people that they represent start requiring accountability for the bills passed by our government?

I hope you will read this letter to your fellow representatives on the floor. Somewhere the system has gone against the American people and we need help! Thank you for your time and concern. I appreciate all you have contributed to the American worker.

Sincerely yours,

WANDA J. RAPIER.

But what is very interesting is she sent a similar letter to the President of the United States. I am going to read his answer and put that in the RECORD this evening as well, because it is an answer that goes to the hundreds of thousands of people in our country who have lost their jobs to NAFTA as well as to the people in Mexico who are getting the short end of the stick.

This is what he said to Wanda, the President of the United States, in a letter dated January of this year.

DEAR WANDA: Thank you for sharing your views about the North American Free Trade Agreement. America's continued prosperity depends, as never before, on our ability to tap growing markets around the world.

NAFTA represents a great opportunity to create new, high-wage jobs here in America and to improve our ability to compete with Asia and Europe. And, as a result of this agreement, the Mexican and Canadian markets are beginning to open for the first time on a fair and equal basis to U.S. goods and services. More than 2 million American jobs are supported by exports to Canada and Mexico, and that number is growing in large part due to the NAFTA market-opening provisions.

Congress passed NAFTA in a historic demonstration of bipartisan support, and our country has chosen to compete, not retreat, and to reassert our leadership in the global economy. I hope you will continue to stay involved as we work to move our country forward.

Sincerely, Bill Clinton, President of the United States.

THE WHITE HOUSE,
Washington, January 14, 1997.

Ms. WANDA J. NAPIER,
Marshfield, MO.

DEAR WANDA: Thank you for sharing your views about the North American Free Trade Agreement. America's continued prosperity depends, as never before, on our ability to tap growing markets around the world.

NAFTA represents a great opportunity to create new, high-wage jobs here in America and to improve our ability to compete with Asia and Europe. And, as a result of this agreement, the Mexican and Canadian markets are beginning to open for the first time on a fair and equal basis to U.S. goods and services. More than two million American jobs are supported by exports to Canada and Mexico, and that number is growing in large part due to the NAFTA market-opening provisions.

Congress passed NAFTA in a historic demonstration of bipartisan support, and our country has chosen to compete—not retreat—and to reassert our leadership in the global economy. I hope you will continue to stay involved as we work to move our country forward.

Sincerely,

BILL CLINTON.

Now, Wanda also wrote her Senators, and I am going to read the answer that she got, and we wonder why the American people stop voting, because nobody is listening. And here is what one of the Senators said, and I will place this in the RECORD:

Dear Ms. Napier: Thank you very much for sharing your thoughts. I am always happy to hear from Missourians and am interested to know your thoughts on this issue.

Again, thank you for taking the time to inform me of your views. If I can be of further assistance, please do not hesitate to contact me.

U.S. SENATE,
Washington, DC, October 16, 1996.

Ms. WANDA J. NAPIER,
Route 4, Box 3810, Marshfield, MO

DEAR MS. NAPIER: Thank you very much for sharing your thoughts on supporting the NAFTA Accountability Act. I am always happy to hear from Missourians and am interested to know your thoughts on this issue.

Again, thank you for taking the time to inform me of your views. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

CHRISTOPHER S. BOND,
U.S. Senator.

Then she wrote a senator in her home State, and I will not read the entire letter here this evening, but I will read a portion of it and place the entire letter of reply in the RECORD. The gentleman, who is a senator in Jefferson City, says to Wanda:

The question was posed as to how we were allowing this to happen. I do not know that anyone was allowing this to happen. Competition in the sewing industry has been very intense for several years, and now that we have a Mexican labor market so open to us, there is even greater pressure from competition.

MISSOURI SENATE,
Jefferson City, October 16, 1996.

MS. WANDA NAPIER,
Marshfield, MO.

DEAR MS. NAPIER: I have received four letters which were identical so, therefore, I am taking the liberty of sending each of you the same letter.

I am very sorry that the Lee Company found it necessary to close the Seymour plant and I know it will be a burden and hardship on 350 individuals as well as their families. The economic impact on the county is also obvious.

The Department of Economic Development has assured me that they will do all they can do to see that a new employer is able to move into the Seymour community at the earliest date possible.

The question was posed as to how we were allowing this to happen. I don't know that anyone was allowing this to happen. Competition in the sewing industry has been very intense for several years and now that we have a Mexican labor market so open to us there is even greater pressure from competition.

I doubt that any one of us wants to live in a state or nation that would nationalize businesses (take the companies over).

You may wish to correspond directly with Congressman Skelton and Senators Bond and Ashcroft. Their addresses are enclosed.

Be assured of my interest and willingness to help in any way I can. I do believe that there will be job opportunities for the work force in the Seymour area. The availability of the plant facilities and trained work force has to be a real asset for the city of Seymour to offer a prospective company.

I know it is a difficult time but by working together there will be a brighter day.

Sincerely,

JOHN T. RUSSELL.

At least he was honest. At least he was honest, and what he is really saying is that here in the United States what we are doing is, we are in a race to the bottom. Lowering our standards continually, wages not rising, benefits being cut, whether it is in health, whether it is in retirement, workplace standards deteriorating because we do not have proper rules of engagement with nations that are not at our level and standard of living.

Now, she also wrote the Secretary of Labor of the United States of America. I am going to place that response in the RECORD, as well, because essentially what they say to her is that the President and the Secretary of Labor have been raising the issue of corporate responsibility, and they are telling her that while change is inevitable, profit should not be the only factor considered when companies reorganize, merge, or downsize.

And, in fact, the Secretary of Labor informs her that the President of the United States recently hosted the White House Conference on Corporate Citizenship, gee, would that not make her feel good, to continue the national discussion, discussion of how the corporate sector can ensure growth and profitability while not denying people the opportunity to make the most of their lives.

They go on to say that more than 300 business leaders came to the White House, including a sizable number of those businesses that are leaders in one or more of the five critical aspects of corporate responsibility. And listen to what the White House thinks are the elements of corporate responsibility: family-friendly work practices, health care and retirement, safe and secure workplaces, education and training, and employer-employee partnerships.

But where is jobs in America? Where is the issue of holding these corporations responsible for productive, high-wage jobs in the United States of America? Not even discussed.

U.S. DEPARTMENT OF LABOR, OFFICE
OF THE ASSISTANT SECRETARY FOR
POLICY,
Washington, DC, October 28, 1996.

MS. WANDA NAPIER,
Marshfield, MO.

DEAR MS. NAPIER: Thank you for writing. The Secretary of Labor has asked me to respond on his behalf.

The President and the Secretary are committed to doing all they can to assist workers, such as those at the Lee Company plants cited in your letters, who have lost or are in danger of losing their positions as a result of downsizing. The Administration is fighting to ensure that adequate funding is provided for training programs for dislocated workers, to help them land on their feet.

The President and the Secretary are also raising the issue of corporate responsibility. While change is inevitable, profits should not be the only factor considered when companies reorganize, merge, or downsize. Corporate decisions and actions must accommodate the interests of employees as well.

The President recently hosted the White House Conference on Corporate Citizenship to continue the national discussion of how the corporate sector can ensure growth and profitability while not denying people the opportunity to make the most of their lives. More than 300 business leaders attended the Conference, including a sizeable number of those businesses that are leaders in one or more of five critical aspects of corporate responsibility: family-friendly work practices, health care and retirement, safe and secure workplaces, education and training, and employer-employee partnerships.

Thank you for sharing your thoughts and concerns on these important economic issues with the Administration.

Sincerely,

EMIL PARKER,
Office of the Assistant Secretary for Policy.

It was interesting, she wrote her Governor. I will not read the answer from the Governor of Missouri, but basically it is a letter saying, I want to hear the concerns of citizens and be of assistance, but because your problem of losing your job falls under the jurisdiction of the Department of Labor and Industrial Relations, he is bucking the letter to the Department of Industrial Relations, which basically tells her that they have a listing of computerized building and site information that they make available to potential companies that want to locate in Missouri.

OFFICE OF THE GOVERNOR,
STATE OF MISSOURI,
Jefferson City, November 26, 1996.

MS. WANDA NAPIER,
Marshfield, MO.

DEAR MS. NAPIER: Thank you for your letter. I want to hear the concerns of citizens and to be of assistance when possible.

Because the matter addressed in your letter falls under the jurisdiction of the Department of Labor and Industrial Relations, I have forwarded your letter to the department director's office for review and response. You should receive a reply in the near future. If you do not, please let me know.

Very truly yours,

MEL CARNAHAN.

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I can tell my colleagues I spoke to Wanda on Sunday again. She has no job. Her fellow employees, if they have been able to scrape anything together in that part of the country, are earning half of what they used to earn, and they only earned about $7.85 an hour anyway.

This is what one citizen has tried to do to get anybody to listen to her story. This is someone who could be completely down and out, but she refuses to back down because she wants an answer. So what is she doing? She has rewritten the President of the United States another letter. She said, "Mr. President, I do not think you read my letter because the answer I got could not have been to the letter that was addressed to you."

She wrote that letter a few months ago and she finally got an answer dated May 5, again from the White House, exactly the same letter, word for word, except for the date, that she received in the first place. I am going to place that letter in the RECORD as well at this point.

THE WHITE HOUSE,
Washington, May 5, 1997.

MRS. WANDA J. NAPIER,
Marshfield, MO.

DEAR WANDA: Thank you for sharing your views about the North American Free Trade Agreement. America's continued prosperity depends, as never before, on our ability to tap growing markets around the world.

NAFTA represents a great opportunity to create new, high-wage jobs here in America and to improve our ability to compete with Asia and Europe. And, as a result of this agreement, the Mexican and Canadian markets are beginning to open for the first time on a fair and equal basis to U.S. goods and services. More than two million American jobs are supported by exports to Canada and Mexico, and that number is growing in large part due to the NAFTA market-opening provisions.

Congress passed NAFTA in a historic demonstration of bipartisan support, and our country has chosen to compete—not retreat—and to reassert our leadership in the global economy. I hope you will continue to stay involved as we work to move our country forward.

Sincerely,

BILL CLINTON.

She has been e-mailing the White House. This is a woman who will not give up. I give her so much credit. She has been e-mailing the White House almost every other day. It is interesting when she writes the e-mail to explain her problem, whoever is down in that office in the e-mail office, here is what they answer her:

> Thank you for writing to President Clinton via electronic mail. Since June 19, 1993, the White House has received over 1 million e-mail messages from people across the country and around the world. We are excited about the progress of online communication as a tool to bring government and the people closer together. Your continued interest and participation are very important to that goal. Sincerely, Stephen Horn, Director, Presidential E-mail, the Office of Correspondence.

If you were Wanda sitting out there in Missouri, how would you feel? I promised her that I am going to keep repeating her story until she gets a decent answer from the highest officeholder in this land who is elected, not appointed, and who is the promoter, the chief promoter of this agreement, along with the Speaker of this institution. It seems to me that Wanda and the 125,000 citizens of this country who have completely lost their jobs, in California, in Missouri, in Florida, in Michigan, in Tennessee, in Kentucky, in Alabama, in Texas due to NAFTA, do they not have a right to more consideration than this?

Today in Ohio we had major news. In the Warren, OH area, 8,500 workers at a major General Motors plant have gone on strike. What are they striking about? Let me read from the AP wire service. They walked off the job at General Motors Corp. where they make electric wiring for 20 automakers worldwide. The walkout began at 12 o'clock today, the deadline set by their union representatives to reach a contract agreement on local pension and pay issues with Delphi-Packard systems. Talks broke off on the issue of job security. Specifically, the union's contention is that the company in recent years has shifted thousands of jobs to Mexico, which it has. It employs over 37,000 people in Mexico today. General Motors is the largest employer in the nation of Mexico after the Government of Mexico.

> The company wanted to reserve the right to move any work out of Ohio to Mexico at any time and that they did not have to meet with us about it, and that's when the bargaining committee said we can't live with that.
>
> The concern is for our members working here to be able to retire from here.

Their story, their strike is connected to Wanda. It is over the same issue: fair treatment of workers across this continent. It is very interesting that when Mexico got in trouble last year and they had to be bailed out with the peso bailout, the investors on Wall Street and the investors on the Mexico City stock exchange had such important seats at the table that our own Government became the insurance company for Mexico and our taxpayer dollars, through the U.S. Treasury, were used to prop Mexico up. But when the American people lose their jobs to another nation, or they are threatened with losing their shirts, they have no seat at the table. There is no place under NAFTA where the workers of our country, and, for that matter, the workers of Mexico and the farmers of both nations, where they get a break, where they get anybody to pay attention to their story. Do my colleagues think the Secretary of the Treasury even would sit down with Wanda? I would love to see that. The President of the United States will not even answer her repeated letters and repeated e-mails.

So here tonight we give voice to her, we give voice to the 8,500 General Motors workers in Warren, OH, who are standing firm. Their fight is a fight for every working family in America, because they are saying, we do not want our jobs outsourced. We do not want to have our wages reduced and our benefits cut and our health benefits plan gutted because we have to go in competition with a nation that will not even permit its own citizens to have their wages rise with rising productivity.

Let me mention that this Warren-based company of General Motors has 17 manufacturing plants and an engineering center in the Warren-Youngstown region in northeast Ohio, and they make wiring harnesses. Half their production goes into GM vehicles. As with Wanda's company, Vanity Fair, which had branches all over the United States, Delphi Packard has factories in Alabama, Arizona, California, and Mississippi. The workers who are standing the ground in Ohio tonight are standing in firm solidarity with workers across this Nation and, in fact, across this continent.

The striking workers have set up picket lines in Ohio. Production was stopped and no new talks were scheduled. One of the company spokesmen said today, "One real key point for us is that Delphi Packard has worked long and hard to build a diverse customer base, a lot of non-GM customers. The difficulty of winning and growing non-GM business is so challenging that when you interrupt that supply line, the risk is you can damage that relationship."

Union members have complained about retirement incentives for older workers and wages and benefits for newer employees who make up 55 percent of the most senior hourly workers.

What they are really fighting about are standard of living questions, living wage questions, questions of whether their contract, given their work, deserves a fair day's pay. With whom are they competing? People who do not have the ability to raise their standard of living in a nation like Mexico.

Mr. Speaker, I would like to place this story about what is happening in Ohio in the RECORD this evening at this point.

8,500 DELPHI WORKERS STRIKE IN WARREN, CITE MEXICO THREAT

WARREN, OH (AP).—A key auto industry supplier was struck today by 8,500 hourly workers who walked off the job at a General Motors Corp. subsidiary that makes electric wiring for 20 automakers worldwide.

The walkout began at 12:01 a.m., the deadline set by the International Union of Electronic Workers to reach a contract agreement on local pension and pay issues with Delphi Packard Electric Systems.

Talks broke off over the issue of job security, specifically the union's contention that the company in recent years has shifted thousands of jobs to Mexico, Mike Kowach, Local 717 vice president, said today.

"The company wanted to reserve the right to move any work out of Ohio to Mexico at any time and that they did not have to meet with us about it, and that's when the bargaining committee said we can't live with that.

"The concern is for our members working here to be able to retire from here," Kowach said.

A message seeking the company's response on that issue was not immediately returned.

Most pay and benefit issues were settled earlier in a national agreement between GM and the union. The contract governing local issues expired in September.

The Warren-based company has 17 manufacturing plants and an engineering center in the Warren-Youngstown region in northeast Ohio, and makes wiring harnesses. Half of its production goes into GM vehicles.

Delphi Packard also has factories in Alabama, Arizona, California and Mississippi that are not involved in the strike.

Both sides have been negotiating on local issues since mid-1996.

The striking workers set up picket lines, but other employees reported to their jobs, leading to some minor confrontations at the plant gates, according to police and the union.

Production was stopped and no new talks were scheduled, Delphi Packard spokesman Jim Kobus said today.

"One real key point for us is that Delphi Packard has worked long and hard to build a diverse customer base, a lot of non-GM customers. The difficulty of winning and growing non-GM business is so challenging that when you interrupt that supply line, the risk is you can damage that relationship," Kobus said.

He said it was too early to comment on when automakers might feel the effects of the walkout.

Union members have complained about retirement incentives for older workers and wages and benefits for newer employees who make 55 percent of the most senior hourly workers.

Mr. Speaker, I see that we have been joined by the gentleman from Michigan [Mr. BONIOR], our very esteemed leader. I very much appreciate the opportunity to be able to tell the story of Wanda Napier this evening. I hope at some point we can bring her to Washington and let her tell her own story. I also appreciate being able to talk about the very brave workers in Ohio who run the risk of losing their jobs because they are standing firm at a time when they feel like pawns in a very powerful system of production globally. We just want them to know that we stand with them and our hearts are with them tonight.

Mr. BONIOR. I thank my colleague for taking the time and for her leadership on this issue and for caring so much for those who have been in many ways brutalized by a system that has run amuck in our country today and for putting a human face on this issue tonight by telling a story of a person who has gone through the difficulties and the sorrows and the change. Putting a human face on these issues is so important. We can talk numbers and we can talk statistics, but these are real people with real lives, who have families, who have hopes, who have dreams. We are watching these policies snatch away those hopes and those dreams. We have got to fight it. The gentlewoman has been at the forefront of doing that for years.

My friend from Ohio talked about what is happening in outsourcing in Warren, OH. Of course, my colleagues know that recently the Goodyear Tire & Rubber Co. was on strike. I do not know if the gentlewoman alluded to that. I was not here.

Ms. KAPTUR. I did not allude to it.

Mr. BONIOR. There were 12,500 people that went on strike to demand decent wages and benefits and to limit outsourcing, which is a serious problem. Let me say that one of the major issues of that strike was the announcement by Goodyear that it was transferring production from Akron, OH to Santiago, Chile, resulting in 150 job losses. This issue is going to continue on and on unless we seriously address the wages and worker rights in our trade agreements. That is what we are here for today. We are talking about something that the administration wants to bring to the House floor. It is called fast track. It is a way to do trade negotiations without including the Congress in the formulation of that agreement. Agreements are made, they are brought to the Congress, and it is an up-or-down yes vote on the whole agreement and we do not have a say in it. That one might be OK from our perspective if we knew that in the core agreements, there would be negotiations dealing with the environmental issues, with labor issues, the trade issue, the whole question of wages and pensions and benefits and human rights. But they are not part of these discussions, and that is why we are so concerned about them.

I would like to talk about one other thing tonight, if I could, because it is an article that appeared, and I know that we have discussed it on the floor today, the gentlewoman from Ohio [Ms. KAPTUR] and myself, and I see the gentleman from Ohio [Mr. KUCINICH] here who has an article I am going to talk about that appeared in the New York Times, I believe it was last week, it was on the front page of the business section, it says "Borderline Working Class." This piece deals with the whole question of what has happened to the workers in Texas, in El Paso and all the border towns along that area.

One would have expected that there would have been a boom from listening to all the proponents of NAFTA, that this would have changed the direction of the Texas economy for the better and there would be just great trade between El Paso and these other border towns and Mexico.

I want to draw the attention of my colleagues this evening to what I call a casualty of NAFTA. It might surprise my colleagues to know that El Paso, TX, right along the border with Mexico, is a casualty of NAFTA. In last Thursday's New York Times, in the business section, there were a couple of stories. We would expect the city of El Paso, as I said, to be a winner under NAFTA. At least that is what the proponents said. But as the article in the New York Times shows, the exact opposite has taken place. The article first describes a situation of Sun Apparel, where workers stitch clothes for Polo, Fila, and Sassoon. Some of the women who work at Sun Apparel in El Paso made slightly more than $4.75 an hour, which is the minimum wage. Even after 15 years of work, these women are making $4.75 an hour. But last month, Sun Apparel eliminated 300 jobs at the plant and shifted work to Mexico. Those workers, and 320 more who lost their job last year, were certified by the Labor Department as having lost their jobs through NAFTA. In Mexico, garment workers are usually paid $1 an hour. So the minimum wage does not even protect you anymore.

Mr. Speaker, El Paso is where the rest of America is starting to catch up to, becoming fully integrated with the Mexican economy. Workers in El Paso must accept the minimum wage because the wages are so much lower just across the border. El Paso has lost more jobs to Mexican trade as certified by the Labor Department than anywhere else. Of the 5,600 workers who have been certified, only a fraction took advantage of the retraining program for NAFTA job loss victims. According to this Times article, and this is significant, that program left these workers with no skills or no jobs. The Federal Government has spent $18 million on retraining people in El Paso under this program, without any real results, and will be spending another $4.5 million more to retrain workers yet again. In fact, the mayor of El Paso, who was once a champion of NAFTA, is now a critic of the agreement. El Paso's unemployment rate is soaring. It is up to 11 percent. Juarez, just across the border from El Paso, has 177,000 maquiladora jobs by the end of last year. It has gained 77,000 of those jobs in the last 2 years alone. NAFTA has driven thousands of jobs out of El Paso and depressed the wages of its workers.

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Ms. KAPTUR. Mr. Speaker, that is some level of a sucking sound south, is it not?

Mr. BONIOR. It is certainly one of the largest Hoover vacuum cleaners that I have ever heard.

Ms. KAPTUR. And by the way, they are moving jobs, if the gentleman will yield, out of Canton, OH, to Mexico as well.

Mr. BONIOR. Canton, OH, and I can name some places in Michigan, and of course our friend, the gentlewoman from Missouri [Ms. DANNER] was up here the other day talking about the two plants in her district that have moved entirely out.

But you know it is not just the jobs. It is that downward pressure on wages. And I want to emphasize that tonight because we talk about jobs, but it is that constant pressure of the American worker that the employer comes to the bargaining table with them and says: "Listen, if you do not take a freeze in your wages or a cut in your wages or a cut in your health benefits, your pension benefits, we are out of here. We are going south."

And as the chart that is next to the gentlewoman from Ohio illustrates, there was a study done by the Labor Department recently that was suppressed that showed that 62 percent of United States employers threatened to close plants rather than negotiate with or recognize a union implying or explicitly threatening to move jobs to Mexico; 62 percent.

They said to these folks, "You know, we can just go south, and we will go south," and that is driving down wages.

Now for those people who actually do lose their job, and we have had anywhere between a quarter of a million and 600,000; we do not know the exact figure, but it is high; and we know we have got a trade deficit with Mexico now. We had a surplus of about $2 billion before NAFTA; it is about $16 billion deficit now, and that translates into about 600,000 jobs if you use the proponents' formula. We know that of those people who have lost their jobs a good many of them, probably most of them, have gotten other jobs.

Mr. SANDERS. Will the gentleman yield?

Mr. BONIOR. I will. When I make my point, I will yield to my friend from Vermont. The problem is the jobs that they have got, they have gotten at about two-thirds the wage level which they were making before the original job is lost. And of course that just puts incredible pressure on them to reach a sustainable living wage for their families. So they get another job, they are sort of working two jobs, and when they are working two jobs or three jobs, they are not home for their kids' soccer game, they are not home for PTA meetings or school nights out, and then the whole family structure suffers.

So it is more than just jobs and wages. It is the whole social fabric of our society today.

And I yield to my friend from Vermont if the gentlewoman from Ohio will yield.

Ms. KAPTUR. Mr. Speaker, I am pleased to yield to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I am pleased to be here with the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Michigan [Mr. BONIOR] and the gentleman from Ohio [Mr. KUCINICH], who are leading the fight against NAFTA.

The gentleman from Michigan makes an important point about wages, and let me ask my friends this question:

Every day that we pick up the newspaper we hear about the booming American economy. Do we not? In fact there was an article in the paper about how we have to clamp down on the boom, it is just off the wall it is so fantastic. But if you read page 62 in the little print about the boom when they talk about the wages that middle-class workers are getting in the midst of this boom, what do you find? My goodness. The real wages for American workers are continuing to decline.

Yes, the CEO's of major corporations saw a 54-percent increase in their compensation. Yes, the stock market is hitting off the wall. Yes, the rich are getting richer. But what about the average worker?

Mr. Speaker, the front pages of corporate America's newspapers do not talk about it, but for the average American worker, despite all of the so-called boom, the real wages are going down, people continue to work longer hours for low wages, and one of the reasons why is precisely what the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from Michigan [Mr. BONIOR] are talking about. If our workers are forced to compete against desperate people in Mexico or in China who are trying to get by on starvation wages, if we merge these economies what is the ultimate result?

Mr. Speaker, it does not take an Einstein to figure it out. If there is an employer over here who is going to pay somebody 50 cents an hour, why are they going to pay you $15 or $20 an hour?

I would submit for the RECORD a remarkable article. Many of you must have seen it. It was April 27, 1997, the Associated Press, and what they talk about is Nike in Vietnam. Now Nike has a habit of going to wherever in the world wages are at rock bottom. Mexico is much too high wage for Nike. They are now in Vietnam. They have determined that wages in Vietnam are the lowest in the world.

Let me quote this:

> In demonstrations on Friday workers burnt cars and ransacked the factory's office saying the company, Nike, was not paying them a $2.50 cents a day minimum wage.

That is our competition. That is what, much of what, the global economy is about.

American workers, you really want to compete? Are you ready to go below $2.50 an hour? Nike might come back to America and hire you if you are ready to go for $2 a day. Ready to do that?

And that is, I think, the point that we are trying to make, and that is how it ties into the most important issue which is the declining wages.

Mr. BONIOR. And I think the Nike Corp., and correct me if I am wrong, you have the article in front of you; they are paying the workers in Vietnam 30 cents an hour.

Mr. SANDERS. That is about right.

Mr. BONIOR. Thirty cents an hour.

Now I mean the Disney Corp. engages in the same situation. I mean they had a guy who they fired as their president, Michael Ovitz. They paid him $90 million, severance package; he got $90 million to be fired, and the guy who fired him got $776 million over a 10-year period in the contract.

Now having said that, they make their clothes not in Texas, not in North Carolina, not in Illinois. They have those sweat shirts and those hats all stitched down in Haiti where they pay people 28 cents an hour.

I was watching the evening news, I forgot what network had it on this weekend, but they did a story about the Caribbean basin, I suspect a followup or during the President's visit down there. They are losing jobs to Mexico, the Caribbean basin countries. The Caribbean basin countries are losing all types of jobs to Mexico because they are getting a better deal in Mexico because of the NAFTA agreement and the low wages and the guaranteed investment.

This NAFTA is broken. I mean, they want us to move ahead with the fast track that will include other countries based on what we have under NAFTA, and it is like your house being on fire and your basement being flooded. You do not add another addition while that is all happening. You fix it first before you go on. And before we move ahead on fast track it seems to me, and to us, I think, is that we have got to correct a very inequitable, unfair situation in which the gentlewoman from Ohio has depicted in human terms very well this evening, and I thank her for it.

Ms. KAPTUR. Mr. Speaker, if I might just reclaim a moment here before recognizing our wonderful colleague from Ohio? The gentleman from Michigan [Mr. BONIOR] has been a champion. I remember during the NAFTA debate he said this is our way of life, we are fighting for our way of life, this is who we are. We are not talking about something that is out there; it is about the struggle that we have had to create a middle class and allow people to sustain themselves and to experience the best that American life has to offer, and the country owes the gentleman a debt of gratitude, not just our region, but the whole country, and I thank the gentleman for sticking with us on this. I just wanted to mention that when you were saying that probably the biggest threat in these trade agreements when they are not well-balanced and people, many people, are not at the table, creates this downward pressure on our living standards, on our wages.

This is an excellent poster that we have blown up here that came from a company in Illinois, and they told their workers that the workers' jobs might go south for more than just the winter, and it says on the bottom this was posted on the company bulletin board. This is an automotive plant. It says, "There are Mexicans willing to do your job for $3 to $4 an hour. The free trade treaty allows this."

And that is not just a subtle message to the work force, but it is that the downward pressure is heavy duty, and that is why workers at plants like the Delphi plant in Warren, OH, have said, all right, you want to draw a line in the sand, we are drawing the line for America.

So I think this is proof in the pudding of exactly what you are talking about, and I wanted to thank the gentleman from Vermont [Mr. SANDERS] for coming down here this evening and being with us. It seems like we were here before, we were here before and we tried to tell this story. Now we have 3 years of experience to measure, and we intend to measure, and we have new Members like the gentleman from Ohio [Mr. KUCINICH] who has hit the ground running here, who comes from having been mayor of Cleveland and comes from a place that has experienced the industrial and agricultural transformation over the last several decades, has lots to say on this, and we welcome you this evening.

Mr. KUCINICH. Thank you very much, and I am certainly glad to join the delegation of which you are a leader in this effort to call to the attention of the American people so many of the inequities which exist in our trade agreement known as NAFTA, and it is certainly a pleasure to be in the Congress of the United States with such leaders as you and the gentleman from Michigan [Mr. BONIOR] and the gentleman from Vermont [Mr. SANDERS] who are outstanding spokespersons on this issue to let the American people know what is going on because people who follow government always want information so that they can make intelligent decisions about whether or not they support policies.

And when I saw the gentlewoman from Ohio [Ms. KAPTUR] produce that poster, which I have a copy of as well, with the UAW: Your jobs may go south for more than just the winter; this was distributed in an attempt to frustrate what we in this country recognize as the basic right of working people to associate and organize. And when an organizing drive was occurring in Macomb, IL, at this company, it was NTN Bauer, these leaflets began appearing throughout the plant. There are Mexicans willing to do your job for $3 to $4 an hour; free trade treaty allows that.

So what NAFTA has produced is a different type of behavior on the part of those who are running the companies where workers are now threatened, and they are threatened in an insidious way because, if we in this country do not always have the ability to exercise our most basic rights as citizens, which we recognize as the right of association guaranteed in the first amendment and derived from that the right to organize, the right to be able to affiliate, the right to be able to extend into areas like collective bargaining; if we have a trade agreement that effectively can lead others to trash those basic rights, then we have a trade agreement which abrogates some of the rights which the people of this country gained when this country was founded over 200 years ago.

Now what then can be the remedy? Well, there certainly is a remedy, and that is the Fast Track Accountability Act which specifically provides that workers' rights must be protected, that we would adopt and enforce laws to extend internationally recognized workers' rights in any country involved, and those rights would include, and we would codify this, this would be in the law, the rights of freedom of association, the right to organize, which Congressman SANDERS talked about in one of our last discussions, the right to organize and bargain collectively, the prohibition of force or compulsory labor, establishment of a minimum wage for the employment of children and acceptable working conditions with respect to minimum wage and hours of work and occupational safety and health.

Some will say, well, we have some of that in existing NAFTA. We have very weak side agreements which are not really enforceable, and there is no punishment if someone does not abide by and respect the rights of workers. The same is true of environmental standards. NAFTA is causing a leveling down of environmental standards.

We know also from other trade agreements the World Trade Organization can in fact impose, in effect abrogating our Constitution, can attack our sovereignty by saying that our environmental standards, which help to assure the quality of life in this country, in effect are an impermissible trade barrier and therefore the United States must either pay a fine or other action will be taken against the country. This attacks our sovereignty as a nation.

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So we need in a fast track agreement guarantees not only to protect workers, not only to protect labor, but to protect the environment as well, which would mitigate global climate change, which would cause a reduction in the production of ozone depleting substances, which would ban international dumping of highly radioactive waste and all of these things which we need to put in the law. That is the only way that fast track should ever be considered. Those must be in the law, and once it gets into law, if there is a violation, then we could treat it as an actionable unfair trade practice, subject to potential sanctions such as withdrawal of free trade privileges.

Now, we are not helpless in this country. We have the ability to retake, to regain control of our destiny. We have an ability to reclaim our sovereignty so that the World Trade Organization is not in effect nullifying the laws made by this Congress. But the only way we can do that is that as long as NAFTA exists, and I certainly am not an advocate for that, but as long as it does exist, the only way we can move forward is through having labor and environmental standards, high standards which must be at the core of any agreement.

Mr. Speaker, that is something I offer for my colleagues' consideration, because I think that is something that would enable the public, which watches these events so carefully, to have a little bit more confidence in these kinds of agreements. We must secure workers' rights. If we do not do that, if we are not willing to do that in international trade agreements, we will sacrifice the rights of workers here at home, and that will lead to a deterioration of our democratic society.

Mr. BONIOR. Mr. Speaker, if the gentleman would yield on that point, because that is really a key point here. When we talk about these agreements, we talk about them in terms of trade, we talk about them in terms of tariff, and I tried to broaden it with my colleagues here this evening to talk about the environment and labor rights and human rights.

The gentleman mentioned something just now that goes deeper than even that, it goes to the depths of what we are about as a country, it goes to the heart of our system, it goes to democracy. The gentleman used the word democracy. That is what this is about.

The proponents of this fairlyland globalized trade scheme that we are now engaged in want to take us back to the 19th century, before people had these basic rights. I am talking about worker rights now, the right to organize, to assemble, to freely associate, to form unions, to collectively bargain, the right to strike, the right to have certain labor standards and job protections and safety standards.

That just did not happen, that happened because a lot of people struggled for 100 years to make it happen. They marched, they were beaten, they lost their jobs, they were killed, they were assassinated in order for us to have these rights, to be able to come together and bargain for our work.

As a result of those sacrifices, the wealthiest and most prosperous Nation in the world and the largest middle class in the history of the Earth, of this world, was developed. And now, we are, through our trade agreements, creating a situation in which there is a rush to the bottom rung to roll back all of these rights.

The woman who works at Sun Apparel making $4.75 an hour lost her job, making the minimum wage. The minimum wage does not even help her anymore, because we have made a marriage with Mexico on the economy and it is across the border. Now she has to compete at a lower level, she has to compete without job security, she has to compete without environmental safeguards there along the border and along the river.

So it is more than just jobs and tariffs and downward pressures on wages, it is about being able to come together as people and organize and to assemble and to bargain for your sweat.

Mr. SANDERS. Mr. Speaker, if the gentleman would yield, I think the proof basically is in the pudding; is it not? Now, if the trade policies and our current economic policies are working well, then the proof is there. Then we will have an expanding middle class; right? Then the new jobs that are being created will pay people decent wages; is that not correct? Then we will have a society where the gap between the rich and the poor grows narrower.

But what in fact has been happening since the development of these trade policies? What we now have in the United States is the wealthiest 1 percent of the population owning 42 percent of the wealth, which is more than the bottom 90 percent. Now I think we have not been totally fair tonight, because I think we should acknowledge that these trade agreements do do some people good.

Mr. BONIOR. They do, Mr. Speaker.

Mr. SANDERS. Mr. Speaker, we have to be honest about it, yes, for the vast majority of workers, wages are going down. Yes, we have lost hundreds of thousands of jobs for our working people, but we have not been totally fair tonight; and that is we must acknowledge that some people are doing well. We have to say that, and we do have to point out that the CEO's of major American corporations last year, and I am sure everybody will be happy to hear this, especially if you are among the richest 1 percent, saw a 54 percent increase in their compensation.

So some people are doing very well. The average worker has seen a decline in his or her wages, but the richest people in America have never had it so good. So that explains to us why they pour millions and millions of dollars into their lobbyist friends and their television ads and newspaper ads telling us why we should support NAFTA and GATT.

The trade agreement is working for all of you out there who are millionaires and billionaires. In fact, over the last 15 years it is rather remarkable. While the real wages of American workers have gone down, we have seen a proliferation of millionaires.

In 1982 there were 12 billionaires in the United States, 12 billionaires. Today there are 135. So in all fairness, these trade agreements are working very well for millionaires and billionaires. But for the vast majority of our people, they are resulting in significant job loss and the pressure to lower wages.

Now, some people will say, I do not work in a factory, it does not affect me. What is my problem? It does affect you, it affects you because when UAW workers see their wages go down, then when your employer, even if you are in a nonunion shop, has to deal with you, what he will say is, hey, I do not have to pay you $15 an hour, I can pay you $12, I can pay you $8 an hour. If we have Mexican workers prepared to work for 50 cents an hour, I will start you off at $5 an hour.

Mr. Speaker, one of the scariest aspects about the new economy is the decline in real wages of high school graduates. These are the young people who have never gone to college. What we are talking about is entry level jobs for young Americans graduating high school, for young men it is 30 percent less than what it was 15 years ago. For young women it is 17 percent less.

Mr. BONIOR. Mr. Speaker, that is a phenomenal figure. If the gentleman will repeat that again, because some of us are aware of it, but a lot of folks in this country do not understand that as the gentleman points out, the people at the very top, in fact, it goes down. People in the top 5 percent in America are doing very well today, but beyond that, it slips dramatically.

Mr. SANDERS. Mr. Speaker, for young people graduating high school, their entry level jobs are now paying 30 percent less than was the case 15 years ago. For young women, it is about 17 or 18 percent less.

Furthermore, Americans at the lower end of the wage scale are now the lowest-paid workers in the industrialized world. Eighteen percent of American workers with full-time jobs are paid so little that their wages do not enable them to live above the poverty level. Welcome to the global economy.

The point that the gentleman from Michigan [Mr. BONIOR] made earlier, in many ways, what this economy is looking like is what Mexico is: a few people at the top, and millions of people struggling just to exist.

Ms. KAPTUR. Mr. Speaker, if I could just make a brief point, last night I was in Lima, OH, giving a speech to a large number of people. And afterwards three different citizens came up to me, two who were high school graduates, and one a mother of a gentleman who is 30 years old but is working in a temporary position. And that is the fastest work category in our country, fastest growing category, temporary work. She said: "Marcy, my son is worried because in two weeks he loses his temporary job."

It is not just low wages of these workers, it is the insecurity of not knowing whether there will be a job for them. The other two young men that were there were just seeking work, seeking to better themselves, having to work at jobs like Payless Shoes, which imports all of its shoes. And when you are a manager for a lot of those jobs, you qualify for food stamps.

Is this the kind of America that we want to produce, one where when you work, and in Mexico, as we were told by the people down there, they work for hunger wages. These people in Lima, OH last night had several problems in trying to locate steady, well-paying jobs where they could secure a future for themselves and their family.

Mr. BONIOR. Mr. Speaker, as the gentlewoman knows, the largest employer in the country today is not General Motors, it is Manpower temporary services. The company pays no health benefits, no pensions. It is temporary work, the largest employer, and it is moving more and more in that direction.

I wanted to expand on what both of my colleagues have just said about the workers. Because it is not just happening here in America, in the United States, it is occurring, as the gentleman pointed out, in Mexico as well.

When we began the NAFTA debate, the worker in Mexico was making $1 an hour. Now that worker, and I have seen it with my own eyes in a trip that I took down there two months ago, is making 70 cents an hour. The people at the top in Mexico, they have created an incredible burst of billionaires, a class of billionaires down there.

I have a friend who told me, and I do not know if this is true, but I am reluctant to repeat it tonight, but I have a sense that it is, because he is very conservative in his estimates and he understands these issues very well. And he is a very learned person; who told me that in Del Mar, a little town north of San Diego in California, there are 600, 600 millionaires with Mexican citizenship, 600. So the wealthy make their money, they live often across the border here, and the workers are being paid 70 cents an hour. Their value of their wages have, since NAFTA, declined 30, 40 percent. So it is workers on both sides of the border.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield on one point?

As the gentleman is talking, I am thinking about when NAFTA was discussed here, and we were told President Salinas had the greatest democratic heart, with a small D, beating in this century. Can you imagine a President of the United States being so disgraced that he then is a man without a country?

That gentleman who headed Mexico now may be living in Ireland, for all we know, and his brother is in jail, and will be standing trial for drug-related charges, and we act, I mean the proponents act as if nothing happened.

Mr. BONIOR. Mr. Speaker, all the editorial writers in the country, they thought Mr. Salinas was a great guy. He went to Harvard and he is going to take Mexico into the next millennium and they were just as proud as punch to be affiliated and associated with him. The fact of the matter is he has not turned out very well, nor has his brother, nor has his policies. You would expect somebody to recognize this and say well, we made a mistake, but no, they cannot admit they made a mistake. My goodness, gracious, they are infallible, because they are, as the gentleman from Vermont [Mr. SANDERS] says, part of this whole corporate machine, this multinational transnational machine which spews this stuff out in the press on a daily basis about the upstanding, wonderful nature of these leaders and tries to pull the wool over everyone's eyes.

Mr. SANDERS. Mr. Speaker, if the gentleman would yield for a moment, I remember during the NAFTA debate, one of the frustrations that we had is that virtually every major newspaper, without exception, every major newspaper in America told us how great the NAFTA agreement would be.

Now I am wondering if anybody here tonight knows if there has been one of those newspapers yet that has apologized to their readers and has said, whoops, we were wrong. Are my colleagues aware of any newspapers that have made that statement?

Ms. KAPTUR. Mr. Speaker, I am not aware of a single one, I would say to my colleague.

Mr. BONIOR. Mr. Speaker, I am not either, but just in 30 seconds here, I read the New York Times very carefully, because it is a good newspaper and I generally agree with them, not all of the time, with their editorials, and they are starting to express themselves in ways that they understand that there was something very wrong with NAFTA.

They are not going to admit that they were wrong, but they have been writing editorials recently with respect to the environment and Chile and labor standards, and so there is starting to be a slight sign, but that is about it. The rest of the business has been very silent, as the gentleman has indicated.

Ms. KAPTUR. Mr. Speaker, we just want to thank all of the membership for listening and for those who are tuned in on public broadcasting or C–SPAN, we want to thank the public for their interest in NAFTA, and more to come.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1469, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1997

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–96) on the resolution (H. Res. 146) providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of funeral for a family member.

Mr. SCHIFF (at the request of Mr. ARMEY), through June 30, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. LOWEY) to revise and extend their remarks and include extraneous material:)

Mr. HILLIARD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, on May 14.

Mr. FORBES, for 5 minutes each day, on today and May 14.

Mr. DREIER, for 5 minutes each day, on May 14, 15, and 16.

Mr. GIBBONS, for 5 minutes, on May 14.

Mr. METCALF, for 5 minutes, on May 14.

Mr. RYUN, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, on today and May 15.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. LOWEY) to revise and extend their remarks and include extraneous material:)

Mr. DOYLE.
Mr. UNDERWOOD.
Mrs. MEEK of Florida.
Mr. HAMILTON.
Mr. LANTOS.
Mr. LIPINSKI.
Mr. HINCHEY.
Mr. KENNEDY of Massachusetts.
Mr. FROST.
Mr. KUCINICH.
Mr. SCOTT.
Mr. GEJDENSON.
Mrs. LOWEY.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. FORBES.
Mr. DAVIS of Virginia.
Mr. KIM.
Mrs. ROUKEMA.
Mr. GRAHAM.
Mr. GINGRICH.
Mr. SOLOMON.
Mr. SOUDER.
Mr. WATTS of Oklahoma.
Mr. GILMAN.

(The following Members (at the request of Mr. McINNIS to revise and extend their remarks and include extraneous material:)

Mr. ACKERMAN.
Mr. BROWN of California.
Ms. HOOLEY of Oregon.
Mr. CARDIN.
Mr. GILCHREST.
Mr. SKAGGS.
Mr. PACKARD.
Mr. SAM JOHNSON of Texas.
Mr. MILLER of California.
Mr. BORSKI.
Mr. HINOJOSA.
Mr. SHERMAN.
Mr. ENGEL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 26. Concurrent resolution to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa; to the Committee on House Oversight.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 14, 1997, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various Committee, House of Representatives, during the 1st quarter of 1997, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Eva Clayton	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Hon. Calvin M. Dooley	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Hon. Thomas Ewing	1/23	1/26	Argentina		798.00		3,649.95				4,447.95
	1/26	1/28	Chile		531.11						531.11
Hon. Sam Farr	1/23	1/26	Argentina		798.00		3,771.95				4,569.95
	1/26	1/28	Chile		531.11						531.11
Hon. Robert F. Smith	1/23	1/26	Argentina		798.00		3,324.95		58.40		4,181.35
	1/26	1/28	Chile		531.11						531.11
Hon. Charles Stenholm	1/23	1/26	Argentina		798.00		3,352.95				4,150.95
Hon. Lynn Gallagher	1/23	1/26	Argentina		798.00		3,545.95				4,343.95

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/26	1/28	Chile		531.11						531.11
Hon. Laverne Hubert	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Bryce Quick	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Paul Unger	1/23	1/26	Argentina		798.00		3,545.95				4,343.95
	1/26	1/28	Chile		531.11						531.11
Hon. Sanford Bishop	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Saxby Chambliss	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Helen Chenoweth	3/26	3/28	Canada		446.85		(3)				446.85
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Michael Crapo	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Hon. Earl Hilliard	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Frank Lucas	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Collin Peterson	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Hon. Nick Smith	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Robert F. Smith	3/22	3/28	Canada		1,338.05		(3)		2,894.39		4,232.44
	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Hon. Charles Stenholm	3/23	3/28	Canada		1,231.78		[4] 329.00				1,560.78
Andrew Baker	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/30	4/4	Mexico		995.50		[5]1,251.42				2,246.92
Sharla Moffett	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Michael Neruda	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Bryce Quick	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/30	4/5	Mexico		1,178.50		[5] 1,348.42				2,526.92
Jason Vaillancourt	3/22	3/28	Canada		1,338.05		(3)				1,338.05
Mason Wiggins	3/31	4/5	Mexico		1,008.00		(3)				1,008.00
Paul Unger	3/22	3/28	Canada		1,338.05		(3)				1,338.05
	3/30	4/5	Mexico		1,178.50		[5] 1,926.42				3,104.92
Committee total					40,573.67		40,230.76		2,952.79		83,757.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] In addition to military transportation.
[5] Commercial airfare.

BOB SMITH, Chairman, Apr. 28, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sonny Callahan	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. Jay Dickey	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Thomas Foglietta	3/7	3/10	Haiti		736.00		1,005.95				1,741.95
Hon. Michael Forbes	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. Joe Knollenberg	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. Nita Lowey	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/19	Ireland		176.00		(3)				176.00
Commercial airfare							684.93				684.93
Hon. Dan Miller	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon Ron Packard	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Hon. John Porter	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Joe Skeen	1/29	2/1	Panama		225.00		(3)				225.00
Commercial airfare							1,330.95				1,330.95
Hon. John Murtha	3/24	3/25	Macedonia		199.00		(3)				199.00
	3/25	3/25	Bosnia								
	3/25	3/26	Hungary		247.00		(3)				247.00
	3/26	3/27	Belgium		292.00		(3)				292.00
Hon. Charles Taylor	2/16	2/21	Russia		1,537.00		(3)				1,537.00
Commercial airfare							1,885.95				1,885.95
Hon. James Walsh	2/14	2/15	Ireland		543.00		(3)				543.00
	2/15	2/18	England		1,002.00		(3)				1,002.00
Commercial airfare							449.15				449.15

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Roger Wicker	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Frank Wolf	1/9	1/11	Thailand						115.00		115.00
	1/12	1/16	Indonesia		781.00		(3)				781.00
	1/16	1/17	Hong Kong		205.00		(3)				205.00
Commercial airfare							5,096.57				5,096.57
John Blazey II	1/10	1/11	Panama		378.00		(3)		45.00		423.00
	1/12	1/15	Bolivia		448.00		(3)				448.00
	1/16	1/17	Colombia		424.00		(3)				424.00
	1/17	1/20	Puerto Rico		600.00		(3)				600.00
Commercial airfare							977.00				977.00
James Dyer	1/14	1/16	Egypt		701.00		(3)				701.00
	1/16	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Commercial airfare							2,275.20				2,275.20
James Dyer	3/24	3/25	Macedonia		199.00		(3)				199.00
	3/25	3/25	Bosnia								
	3/25	3/26	Hungary		247.00		(3)				247.00
	3/26	3/27	Belgium		292.00		(3)				292.00
Charles Flickner	1/14	1/16	Egypt		701.00		(3)				701.00
	1/16	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Commercial airfare							2,275.20				2,275.20
Douglas Gregory	2/16	2/17	Panama		129.00		(3)				129.00
	2/17	2/18	Colombia		162.00		(3)				162.00
Stephanie Gupta	1/26	1/29	Luxembourg		816.00		(3)		63.74		879.74
Commercial airfare							3,212.85				3,212.85
William Inglee	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Therese McAuliffe	1/10	1/11	Panama		378.00		(3)				378.00
	1/12	1/15	Bolivia		448.00		(3)				448.00
	1/16	1/17	Colombia		424.00		(3)				424.00
	1/17	1/20	Puerto Rico		635.00		(3)				635.00
Commercial airfare							1,208.00				1,208.00
Carol Murphy	1/29	2/1	Panama		225.00		(3)				225.00
Commercial airfare							638.95				638.95
Mark Murray	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00						195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
John Plashal	3/24	3/25	Macedonia		199.00		(3)				199.00
	3/25	3/25	Bosnia								
	3/25	3/26	Hungary		247.00		(3)				247.00
	3/26	3/27	Belgium		292.00		(3)				292.00
John Shank	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
John Ziolkowski	1/29	2/1	Panama		225.00		(3)				225.00
Commercial airfare							638.95				638.95
Committee total					41,452.00		21,679.65		223.74		63,355.39
Committee on Appropriations, Surveys and Investigations staff:											
Bertram F. Dunn	1/28	1/30	Okinawa		326.25		4,611.22		102.00		5,039.47
Norman H. Gardner, Jr	1/18	1/25	Japan		1,349.00		4,982.03		29.70		6,361.63
	1/25	1/30	Korea		1,310.00						1,310.00
Carroll L. Hauver	1/18	1/25	Japan		1,349.00		4,982.93		48.50		6,380.43
	1/25	1/30	Korea		1,310.00						1,310.00
Robert J. Reitwiesner	1/26	1/30	Korea		1,048.00		3,577.95		39.80		4,665.75
R.W. Vandergrift, Jr	1/18	1/22	Japan		813.25		4,905.43		63.90		5,782.58
Peter T. Wyman	1/28	1/30	Okinawa		326.25		4,611.22		76.00		5,013.47
Committee total					7,831.75		27,671.68		359.90		35,863.33

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BOB LIVINGSTON, Chairman, May 6, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Constance Morella	1/9	1/12	Beijing		702.00		30.29		128.90		861.19
	1/12	1/13	Thailand		217.00		19.19		256.48		492.67
	1/14	(3)	Vietnam		555.00		190.50		121.50		867.00
	(3)	1/18	Hong Kong		(3)		(3)		(3)		
Committee total					1,474.00		239.98		506.88		2,220.86

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Information not available from Department of State, May 5, 1997.

DAN BURTON, Chairman, May 5, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Israel, Jordan, Egypt and Morocco, January 11–18, 1997:											
Hon. Terry Everett	1/11	1/13	Israel		417.00						417.00
	1/13	1/14	Jordan		251.00						251.00
	1/14	1/17	Egypt		701.00						701.00
	1/17	1/18	Morocco		195.00						195.00
Commercial airfare							2,743.68				2,743.68
Visit to Japan, Korea and Thailand, January 13–20, 1997:											
Hon. Floyd D. Spence	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Duncan Hunter	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Solomon P. Ortiz	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
Commercial airfare							1,379.95				1,379.95
Hon. Owen B. Pickett	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Steve Buyer	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Tillie Fowler	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Howard "Buck" McKeon	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Hon. Andrew K. Ellis	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Peter M. Steffes	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Andrea K. Aquino	1/13	1/15	Japan		656.00						656.00
	1/15	1/17	Korea		624.00						624.00
	1/17	1/20	Thailand		651.00						651.00
Visit to China, Hong Kong and Taiwan, January 23–31, 1997:											
Hon. Curt Weldon	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Hon. Solomon P. Ortiz	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Hon. John M. McHugh	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Stephen P. Ansley	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
David J. Trachtenberg	1/23	1/28	China		1,170.00						1,170.00
	1/28	1/29	Hong Kong		394.00						394.00
	1/29	1/31	Taiwan		564.00						564.00
Delegation expenses	1/23	1/28	China				1,980.09		770.64		2,750.73
	1/28	1/29	Hong Kong				302.88		1,994.82		2,297.70
Visit to Panama, Colombia, and Honduras, February 14–20, 1997:											
Hon. Gene Taylor	2/14	2/19	Panama		895.00						895.00
	2/15	2/15	Colombia		0.00						0.00
	2/19	2/20	Honduras		158.00						158.00
Commercial airfare							370.40				370.40
George O. Withers	2/15	2/19	Panama		716.00						716.00
	2/19	2/20	Honduras		158.00						158.00
Commercial airfare							948.00				948.00
Visit to Russia, February 17–21, 1997:											
Hon. Curt Weldon	2/17	2/21	Russia		1,537.00						1,537.00
Commercial airfare							1,852.66				1,852.66
Visit to China, March 24–28, 1997:											
Hon. Curt Weldon	2/24	2/28	China		(3)						
Commercial airfare							3,986.95				3,986.95
Visit to Panama, March 26–28, 1997:											
Hon. Lindsey O. Graham	3/26	3/28	Panama		202.00						202.00
Committee total					34,529.00		13,564.61		2,765.46		50,859.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Per diem amounts unavailable at this time.

FLOYD SPENCE, Chairman, Apr. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
T.E. Manase Mansur	1/28	1/31	Marshall Islands		519.33		2,008.95				2,528.28
Bonnie Bruce	3/15	3/24	Italy	2,361,735	1,395.00		779.85				2,174.85
Jean Flemma	3/15	3/23	Italy	2,361,735	1,395.00		779.85				2,174.85
Committee total					3,309.33		3,568.65				6,877.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, Apr. 15, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN, JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Oberstar	1/16	1/16	Canada		75.00		706.40				781.40
Michael Strachn	1/16	1/16	Canada		75.00		706.40				781.40
Arthur Chan	1/16	1/16	Canada		75.00		706.40				781.40
Hon. William Lipinski	1/9	1/12	China		702.00						702.00
	1/12	1/13	Thailand		217.00						217.00
	1/13	1/15	Cambodia		555.00						555.00
	1/15	1/18	Hong Kong		1,163.00						1,163.00
Hon. Jerry Costello	1/9	1/12	China		702.00		(3)				702.00
	1/12	1/13	Thailand		217.00		(3)				217.00
	1/13	1/15	Cambodia		555.00		(3)				555.00
	1/15	1/18	Hong Kong		1,163.00		(3)				1,163.00
Hon. Charles Pickering	2/17	2/18	Italy		242.00						242.00
	2/18	2/20	Germany		546.00						546.00
Hon. Charles Bass	2/17	2/18	Italy		242.00		(3)				242.00
	2/18	2/20	Germany		546.00		(3)				546.00
Committee total					7,075.00		2,119.20				9,194.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military airfare.

BUD SHUSTER, Chairman, Apr. 30, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Norm Dicks	2/16	2/23	South Asia		987.00						987.00
Commercial airfare							8,273.65				8,273.65
Michael Sheehy	2/16	2/20	South Asia		987.00						987.00
Commercial airfare							8,273.65				8,273.65
Ken Kodama	2/16	2/20	South Asia		987.00						987.00
Commercial airfare							8,193.65				8,193.65
Hon. David Skaggs	2/20	2/24	Europe		1,228.00				78.95		1,306.95
Commercial airfare							412.35				412.35
Committee total					4,189.00		25,153.30		78.95		29,421.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, Apr. 30, 1997.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3278. A letter from the Acting Assistant Secretary for International Security Policy, Department of Defense, transmitting notification that the calendar year 1996 report on accounting for United States assistance under the Cooperative Threat Reduction [CTR] Program will be submitted on or about April 30, 1997; to the Committee on International Relations.

3279. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

3280. A letter from the General Manager, Washington Metropolitan Area Transit Authority [METRO], transmitting the comprehensive annual financial report [CAFR] for the fiscal year ended June 30, 1996, pursuant to 31 U.S.C. 3512(c)(3); jointly, to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 5. A bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes; with an amendment (Rept. 105–95). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 146. Resolution providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 105–96). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARDIN (for himself and Mr. GILCHREST):

H.R. 1578. A bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself and Mr. CARDIN):

H.R. 1579. A bill to establish a Chesapeake Bay Gateways and Watertrails Network, and for other purposes; to the Committee on Resources.

By Mr. GILMAN:

H.R. 1580. A bill to amend title 38, United States Code, to provide for certain improvements in the way in which health-care resources are allocated by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COBLE:

H.R. 1581. A bill to reauthorize the program established under chapter 44 of title 28, United States Code, relating to arbitration; to the Committee on the Judiciary.

By Mr. COOKSEY:

H.R. 1582. A bill to amend the Internal Revenue Code of 1986 to repeal restrictions on taxpayers having medical savings accounts; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon (for herself and Mr. COOKSEY):

H.R. 1583. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from estate tax for family-owned businesses; to the Committee on Ways and Means.

By Mr. SAM JOHNSON (for himself, Mr. BURTON of Indiana, Mr. TIAHRT, Mr. BARR of Georgia, Mr. CRANE, Mr.

Pombo, Mr. Lewis of Kentucky, Mr. Hostettler, Mr. Sessions, Mr. Chabot, Mr. Bob Schaffer, and Mr. Graham):

H.R. 1584. A bill to amend the Internal Revenue Code of 1986 to provide all taxpayers with a 50-percent deduction for capital gains, to index the basis of certain capital assets, to provide credits for families, to phase-out the estate and gift taxes, and for other purposes; to the Committee on Ways and Means.

By Ms. MOLINARI (for herself, Mr. Fazio of California, and Mr. Norwood):

H.R. 1585. A bill to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase to certain specially issued U.S. postage stamps; to the Committee on Government Reform and Oversight, and in addition to the Committees on Commerce, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS:

H.R. 1586. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce.

By Mr. RUSH:

H.R. 1587. A bill to amend title 49, United States Code, to prohibit the transportation to chemical oxygen generators as cargo on any aircraft carrying passengers or cargo in air commerce, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SNOWBARGER (for himself, Mr. Coburn, Mr. Hastings of Washington, Mr. Pitts, Mr. Weldon of Florida, Mr. Peterson of Pennsylvania, Mrs. Northup, Mr. Dickey, Mr. Jones, Mr. Lewis of Kentucky, Mr. Bartlett of Maryland, Mr. Graham, Mr. Hilleary, Mr. Ryun, and Mr. Tiahrt):

H.R. 1588. A bill to prohibit the payment of any arrearages for prior years in the assessed contribution of the United States to the United Nations until certain reforms in the United Nations have been implemented and a certification of such reforms has been approved by the Congress; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH:

H. Con. Res. 78. Concurrent resolution rejecting the need for an additional round or rounds of military base closures; to the Committee on National Security.

By Mr. McKEON:

H. Res. 145. Resolution providing for the concurrence of the House with the amendment of the Senate to H.R. 914, with amendments; considered and agreed to.

By Mr. LEWIS of California (for himself, Mr. Gingrich, Mr. Gephardt, Mr. Stokes, Mr. Lazio of New York, Mr. Kennedy of Massachusetts, and Ms. Norton):

H. Res. 147. Resolution expressing the sense of the House of Representatives that the House of Representatives should participate in and support activities to provide decent homes for the people of the United States, and for other purposes; to the Committee on Banking and Financial Services.

MEMORIALS

Under clause 4 of rule XXII,

83. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 76 HD2 supporting implementation of expedited automatic border clearance; extension of the Visa Waiver Program; and elimination of visa requirements where possible; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FORBES introduced a bill (H.R. 1589) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Precious Metal*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. Blagojevich.

H.R. 59: Mr. Salmon, Mr. Tiahrt, Mrs. Fowler, Mr. Bateman, Mr. Manzullo, Mr. Spence, Mr. Weldon of Florida, and Mr. Wolf.

H.R. 69: Mr. Lewis of Georgia and Mr. Snowbarger.

H.R. 71: Mr. Calvert.

H.R. 96: Mr. Bishop, Mr. Campbell, Mr. Shuster, and Mr. Foglietta.

H.R. 145: Mr. Pascrell, Mr. Barcia of Michigan, and Mr. Cramer.

H.R. 245: Mr. Canady of Florida.

H.R. 264: Mr. Meehan and Mr. Towns.

H.R. 306: Mr. Foley, Mr. Manton, and Mr. Baldacci.

H.R. 328: Mr. Hunter.

H.R. 407: Mr. Dooley of California, Ms. Waters, Mr. Fox of Pennsylvania, Mr. Pallone, Mr. Holden, Mrs. McCarthy of New York, and Mr. Horn.

H.R. 411: Mr. Jackson and Mr. Sabo.

H.R. 450: Mr. Cardin.

H.R. 475: Mrs. Lowey, Mr. Farr of California, and Mr. Turner.

H.R. 598: Mr. Peterson of Pennsylvania.

H.R. 616: Mr. Cooksey and Mr. Engel.

H.R. 630: Ms. Eshoo.

H.R. 639: Mrs. Chenoweth.

H.R. 681: Mr. Bilbray, Mr. Fazio of California, Mr. Kim, Mr. Gallegly and Mr. Thomas.

H.R. 725: Mr. Deal of Georgia.

H.R. 744: Mr. Martinez, Mr. Ford, Ms. Kilpatrick, Mr. Klink, and Ms. Eddie Bernice Johnson of Texas.

H.R. 754: Mrs. Tauscher.

H.R. 758: Mr. Hilleary, Mr. Istook, Mr. Bonilla, Mr. Blunt, Mr. Combest, Mr. Stump, and Mr. Stearns.

H.R. 789: Mrs. Northup.

H.R. 805: Mrs. Thurman.

H.R. 816: Mrs. Johnson of Connecticut, Mrs. Emerson, and Mr. King of New York.

H.R. 864: Ms. Christian-Green, Mr. Jackson, Mrs. Clayton, Mr. Engel, Mr. Horn, Mr. Fox of Pennsylvania, Mr. Hefley, Mr. Lewis of Georgia, and Mr. Schumer.

H.R. 875: Mr. Rahall, Mr. Markey, Mr. Wamp, Mr. Shuster, Mr. Chambliss, Mr. Barr of Georgia, Mr. Kolbe, Mr. Weldon of Pennsylvania, Mrs. Meek of Florida, and Mr. Hilliard.

H.R. 901: Mr. Camp, Mr. King of New York, Mr. Pappas, Mr. Sessions, Ms. Granger, Mr. Dan Schaefer of Colorado, and Mr. Packard.

H.R. 911: Mr. Blunt.

H.R. 915: Mr. Filner, Mr. Doyle, Mr. Shays, Mr. Clement, Mr. Barcia of Michigan, Mr. Martinez, Mr. Quinn, Mr. Dan Schaefer of Colorado, Mr. Blagojevich, Ms. Norton, Mr. Mascara, Mr. Cook, Mr. Conyers, Mr. Rahall, Mr. Torres, Ms. Woolsey, Mr. McGovern, Mr. Rothman, and Ms. Lofgren.

H.R. 919: Mr. Pascrell.

H.R. 920: Ms. DeLauro, Mr. Ford, Ms. Kilpatrick, Mr. Holden, Ms. DeGette, and Mr. Shays.

H.R. 952: Mr. Jackson.

H.R. 955: Mr. Stump, Mr. Hunter, Mr. Paul, Mr. Gillmor, and Mr. Skeen.

H.R. 956: Mr. McCollum and Mr. Hobson.

H.R. 977: Mr. Christensen, Mr. Evans, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Mr. Davis of Virginia, Ms. Kaptur, Mr. Sawyer, and Mr. Hilliard.

H.R. 979: Mr. Camp, Mr. Aderholt, Mr. Etheridge, Mr. Ford, Mr. Brown of California, Mr. Farr of California, Ms. Hooley of Oregon, Mr. Ensign, Mr. McGovern, and Ms. Pelosi.

H.R. 991: Mr. Lewis of California.

H.R. 1022: Mr. Pitts and Mrs. Lowey.

H.R. 1038: Mr. Evans and Mr. Martinez.

H.R. 1046: Mr. Hall of Ohio.

H.R. 1063: Mr. LaTourette, Mr. Boswell, Mr. Barcia of Michigan, Mr. Baker, Mr. Price of North Carolina, and Mr. Blunt.

H.R. 1104: Ms. Brown of Florida, Mr. Clyburn, Mr. Jackson, Ms. Jackson-Lee, Mrs. Meek of Florida, and Mr. Towns.

H.R. 1120: Mr. Capps, Mr. Poshard, and Mr. Andrews.

H.R. 1130: Ms. Eshoo.

H.R. 1146: Mr. Hall of Texas.

H.R. 1147: Mr. Canady of Florida.

H.R. 1156: Mr. Rothman.

H.R. 1162: Mr. Canady of Florida.

H.R. 1165: Mr. Graham.

H.R. 1204: Mr. Kingston.

H.R. 1215: Mr. Neal of Massachusetts, Mr. Blagojevich, and Mr. Kennedy of Massachusetts.

H.R. 1245: Mr. Thompson.

H.R. 1248: Mr. Watts of Oklahoma, Mr. Bunning of Kentucky, and Mr. Turner.

H.R. 1252: Mr. Sensenbrenner.

H.R. 1260: Mr. Cramer, Mr. Leach, Mr. Tanner, Mr. Maloney of Connecticut, Mr. Goode, Mr. Farr of California, and Mr. Watt of North Carolina.

H.R. 1270: Mr. Rohrabacher, Mr. Ryun, Mr. Hilleary, Mr. Moran of Kansas, Mr. Coble, Mr. Weller, Mr. Taylor of North Carolina, Mr. Canady of Florida, Mr. Sanford, Mr. Diaz-Balart, and Mr. Duncan.

H.R. 1285: Mr. Crane and Mr. Fox of Pennsylvania.

H.R. 1288: Mr. Matsui, Mr. Hinchey, and Mr. Lewis of Georgia.

H.R. 1302: Mr. Lewis of Georgia and Ms. DeGette.

H.R. 1306: Mr. Gilman, Mr. Christensen, and Mr. LoBiondo.

H.R. 1321: Mr. Price of North Carolina.

H.R. 1329: Mr. Bachus, Mr. Farr of California, Mr. Evans, and Mr. Lewis of Georgia.

H.R. 1335: Mr. Brown of California.

H.R. 1353: Mr. Neumann and Mr. Barrett of Wisconsin.

H.R. 1377: Mr. Kolbe, Mr. Olver, Mr. Graham, and Mr. Miller of California.

H.R. 1379: Mrs. Chenoweth.

H.R. 1419: Mr. Canady of Florida and Mr. Schiff.

H.R. 1425: Mr. Capps, Mr. Filner, Mr. Vento, and Mr. Waxman.

H.R. 1437: Mr. Hinchey and Mr. Traficant.

H.R. 1443: Mr. Cox of California and Mr. Camp.

H.R. 1450: Mr. Gephardt and Mr. Lewis of Georgia.

H.R. 1455: Mr. Dellums, Mr. Payne, Mr. Fox of Pennsylvania, Mr. Stark, Mr. Kennedy of Rhode Island, and Mr. Manton.

H.R. 1461: Mr. McCollum.

H.R. 1464: Mr. McNulty.

H.R. 1480: Ms. Brown of Florida.

H.R. 1496: Mr. Shays.

H.R. 1500: Mr. Pascrell and Mr. Adam Smith of Washington.

H.R. 1503: Mrs. Northup.

H.R. 1507: Mr. Gilman, Mr. Fazio of California, Mr. Clyburn, Mr. Hinchey, Mr. McGovern, and Mr. Hilliard.

H.R. 1511: Mr. Buyer and Mr. Pascrell.

H.R. 1515: Mr. Buyer, Mr. Jackson, Mr. Taylor of North Carolina, Mr. Hutchinson, Mr. Klug, and Mr. Coble.

H.R. 1532: Mr. Cunningham, Mr. Talent, Mr. Lantos, Mr. Gutierrez, Mr. Underwood, and Mr. Cox of California.

H.R. 1549: Mr. Evans and Mr. Blunt.

H.R. 1550: Mr. Sensenbrenner and Mr. Rothman.

H.J. Res. 59: Mrs. Emerson.

H.J. Res. 65: Mr. Thompson.

H.J. Res. 67: Mr. Sensenbrenner, Mr. Manton, Mr. Whitfield, Mr. Blunt, Mr. Hilleary, Mr. Archer, and Mr. Barton of Texas.

H.J. Res. 76: Mr. English of Pennsylvania, Mr. Engel, Ms. Eshoo, Mr. Filner, Mr. Frank of Massachusetts, Mr. Lantos, Mr. Matsui, Mr. McHale, and Mr. Yates.

H. Con. Res. 12: Mr. Holden.

H. Con. Res. 13: Mr. Jackson.

H. Con. Res. 55: Ms. Roybal-Allard and Mr. Rothman.

H. Con. Res. 65: Mr. Johnson of Wisconsin, Mr. Tauzin, Mrs. Meek of Florida, Mr. Farr of California, Mr. Frank of Massachusetts, Mr. Stump, Mr. King of New York, Mr. Walsh, Mrs. Tauscher, Mr. Evans, Mr. Diaz-Balart, Mr. Bateman, Mr. Calvert, and Ms. Millender-McDonald.

H. Con. Res. 75: Ms. Brown of Florida, Mr. Lampson, and Mr. Schiff.

H. Res. 37: Mr. Hoyer.

H. Res. 103: Mr. Barrett of Nebraska, Mr. Cunningham, and Mr. Stearns.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 590: Mr. Johnson of Wisconsin.

H.R. 695: Ms. Eddie Bernice Johnson of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

Offered By: Mr. Nadler

Amendment No. 55: Page 335, after line 6, insert the following new section:

SEC. 709. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) In General.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949), the property known as 252 Seventh Avenue in New York County, New York is authorized to be conveyed in its existing condition under a public benefit discount to a non-profit organization that has among its purposes providing housing for low-income individuals or families provided, that such property is determined by the Administrator of General Services to be surplus to the needs of the government and provided it is determined by the Secretary of Housing and Urban Development that such property will be used by such non-profit organization to provide housing for low- and moderate-income families or individuals. .

(b)(1) Public Benefit Discount.—The amount of the public benefit discount available under this section shall be 75 percent of the estimated fair market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified due to any benefit which will accrue to the United States from the use of such property for the public purpose of providing low- and moderate-income housing.

(2) Reverter.—The Administrator shall require that the property be used for at least 30 years for the public purpose for which it was originally conveyed, or such longer period of time as the Administrator feels necessary, to protect the Federal interest and to promote the public purpose. If this condition is not met, the property shall revert to the United States.

(3) Determination of fair market value.—The Administrator shall determine estimated fair market value in accordance with Federal appraisal standards and procedures.

(4) Deposit of proceeds.—The Administrator of General Services shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

(5) Additional terms and conditions.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States and to accomplish a public purpose.

H.R. 1469

Offered By: Mr. Barr of Georgia

(Supplemental Appropriations, FY97)

Amendment No. 4: Add at an appropriate place the following:

SEC. . USE OF FUNDS FOR STUDIES OF MEDICAL USE OF MARIJUANA.

None of the funds appropriated by this Act or any other Act shall be used now or hereafter in any fiscal year for any study of the medicinal use of marijuana.

H.R. 1469

Offered By: Mr. Barr of Georgia

(Supplemental Appropriations, FY97)

Amendment No. 5: Page , after line , insert the following:

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000.

H.R. 1469

Offered By: Mr. Barr of Georgia

(Supplemental Appropriations, FY97)

Amendment No. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

FIREARMS PROHIBITIONS APPLICABLE BY REASON OF A DOMESTIC VIOLENCE MISDEMEANOR CONVICTION NOT TO APPLY TO CONVICTIONS OBTAINED BEFORE THE PROHIBITIONS BECAME LAW

Sec. . Subsections (d)(9), (g)(9), and (s)(3)(B)(i) of section 922 of title 18, United States Code, are each hereafter amended by inserting ", on or after September 30, 1996," before "of a misdemeanor".

H.R. 1469

Offered By: Mr. Davis of Virginia

Amendment No. 7: Page 51, after line 23, add the following new title:

TITLE IV—PREVENTION OF GOVERNMENT SHUTDOWN

SHORT TITLE

Sec. 401. This title may be cited as the "Government Shutdown Prevention Act".

CONTINUING FUNDING

Sec. 402. (a) If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 percent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

TERMS AND CONDITIONS

Sec. 403. (a) An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriation Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(c) Notwithstanding any other provision of this Act, whenever the rate for operations for any continuing project or activity would result in a furlough or a reduction-in-force of Government employees, that rate for operations may be increased to a level that would enable the furlough or a reduction-in-force to be avoided.

COVERAGE

Sec. 404. Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

EXPENDITURES

SEC. 405. Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY

SEC. 406. No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

PROTECTION OF OTHER OBLIGATIONS

SEC. 407. Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

DEFINITION

SEC. 408. In this title, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities.

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

H.R. 1469

OFFERED BY: MR. FAZIO

AMENDMENT NO. 8: Page 5, after line 7, insert the following:

In addition, for replacement of farm labor housing under section 514 of the Housing Act of 1949 that was lost or damaged by flooding that occurred as a result of the January 1997 floods, $1,000,000, to be derived by transfer from amounts provided in this Act for "Federal Emergency Management Agency—Disaster Relief": *Provided*, That, notwithstanding any other provision of law, any county designated as a disaster area by the President shall be eligible to apply to the Secretary of Agriculture for assistance from such funds, which shall be immediately dispersed by the Secretary upon documented loss of farm labor housing units: *Provided further*, That such funds shall be used by the recipient counties to assist the purchase of farm labor housing, including (but not limited to) mobile homes, motor homes, and manufactured housing.

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT NO. 9: Page 51, after line 23, insert the following:

PROHIBITION OF FUNDS FOR NEW NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this or any other Act for fiscal year 1997 or any prior fiscal year for the Fund for the Improvement of Education under the heading "DEPARTMENT OF EDUCATION—Education Research, Statistics, and Improvement" may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 10: Page 28, line 5, after the dollar amount, insert the following: "(reduced by $2,387,677,000)".

Page 28, line 6, strike "$2,387,677,000" and all that follows through line 7.

Page 35, strike lines 8 through 25.

Page 51, after line 23, insert the following new section:

FURTHER RESCISSIONS IN NONDEFENSE ACCOUNTS

SEC. 3003. (a) RESCISSION OF FUNDS.—Of the aggregate amount of discretionary appropriations made available to Executive agencies in appropriation Acts for fiscal year 1997 (other than for the defense category), $3,600,000,000 is rescinded.

(b) ALLOCATION AND REPORT.—Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) allocate such rescission among the appropriate accounts in a manner that will achieve a total net reduction in outlays for fiscal years 1997 through 2002 resulting from such rescission of not less than $3,500,000,000; and

(2) submit to the Committees on Appropriations of the House of Representatives and the Senate a report setting forth such allocation.

(c) DEFINITIONS.—

(1) The terms "discretionary appropriations" and "defense category" have the respective meanings given such terms in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The term "Executive agency" has the meaning given such term in section 105 of title 5, United States Code.

H.R. 1469

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 11: Page 28, line 5, after the dollar amount, insert the following: "(reduced by $2,387,677,000)".

Page 28, line 6, strike "$2,387,677,000" and all that follows through line 7.

H.R. 1469

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 12: Page 28, line 5, after the dollar amount, insert the following: "(reduced by $1,700,000,000)".

Page 28, line 6, after the dollar amount, insert the following: "(reduced by $1,700,000,000)".

H.R. 1469

OFFERED BY: MS. PELOSI

AMENDMENT NO. 13: Page 18, after line 4, insert the following new chapter:

CHAPTER 4A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for "Health Resources and Services" for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act, $68,000,000.

Page 35, line 16, after the dollar amount, insert the following: "(increased by $68,000,000)".

Page 35, line 18, after the dollar amount, insert the following: "(increased by $68,000,000)".

H.R. 1469

OFFERED BY: MR. SANDERS

AMENDMENT NO. 14: Page 18, after line 4, insert the following new chapter:

CHAPTER 4A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for "National Institute of Environmental Health Sciences", $10,000,000, for emergency research of and treatment for the synergistic impact of chemicals on the soldiers who served in the Persian Gulf and who are currently suffering form Gulf War Syndrome.

Page 37, line 11, after the dollar amount, insert the following: "(reduced by $10,000,000)".

H.R. 1469

OFFERED BY: MR. SCARBOROUGH

AMENDMENT NO. 15: Page 51, after line 23, insert the following new section:

ELIMINATION OF NONEMERGENCY DISCRETIONARY FUNDS

SEC. 3003. Each amount otherwise appropriated in this Act that is not designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, and is not required to be appropriated or otherwise made available by a provision of law, is hereby reduced to $0.

H.R. 1486

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: After chapter 6 of title V add the following (and redesignate the subsequent chapter and conform the table of contents accordingly):

CHAPTER 7—PHASE-OUT OF EXISTING PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS AND PROHIBITION ON NEW ENTERPRISE FUNDS AND ASSISTANCE FOR CERTAIN OTHER FUNDS

SEC. 571. PHASE-OUT OF EXISTING PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS.

(a) IN GENERAL.—Beginning 2 years after the date of the enactment of this Act, none of the funds appropriated or otherwise available to the United States Agency for International Development may be obligated or expended for assistance to the following enterprise funds (or any successor enterprise funds):

(1) The Albanian-American Enterprise Fund.

(2) The Baltic-American Enterprise Fund.

(3) The Bulgarian American Enterprise Fund.

(4) The Central Asian-American Enterprise Fund.

(5) The Czech and Slovak American Enterprise Fund.

(6) The Hungarian-American Enterprise Fund.

(7) The Polish-American Enterprise Fund.

(8) The Romanian American Enterprise Fund.

(9) The Southern Africa Regional Enterprise Fund.

(10) The U.S. Russia Investment Fund.

(11) The Western NIS Enterprise Fund.

(b) Transition.—The President (acting through the Administrator of the United States Agency for International Development), in conjunction with the board of directors of each enterprise fund referred to in paragraphs (1) through (11) of subsection (a), shall, as soon as practicable after the date of the enactment of this Act, take the necessary steps to wind up the affairs of each such enterprise fund.

(e) Repeals.—

(1) Existing enterprise funds.—(A) The following provisions of law are hereby repealed:

(i) Subsection (c) of section 498B of the Foreign Assistance Act of 1961 (22 U.S.C. 2295b(c)).

(ii) Section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

(B) The repeals made by subparagraph (A) shall take effect 2 years after the date of the enactment of this Act.

(2) Trans-caucasus enterprise fund.—Subsection (t) under the heading "Assistance for the New Independent States of the Former Soviet Union" of the Foreign Operation, Export Financing, and Related Programs Appropriations Act, 1996, is hereby repealed.

SEC. 572. PROHIBITION ON NEW PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS.

(a) In General.—Beginning on March 12, 1998, the President may not provide for the establishment of, or the support for, any enterprise fund for the purposes of promoting private sector development, or promoting policies and practices conducive to private sector development, in any foreign country.

(b) Definition.—For purposes of this section, the term "enterprise fund" means a private, nonprofit organization designated by the President in accordance with procedures applicable to the procedures used to designate enterprise funds under section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

SEC. 573. PROHIBITION ON ASSISTANCE FOR EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT FUNDS AND OTHER INTERNATIONAL FINANCIAL INSTITUTION FUNDS.

(a) Prohibition on United States Assistance.—Beginning 2 years after the date of the enactment of this Act, none of the funds appropriated or otherwise available to the United States Agency for International Development may be obligated or expended for assistance to any private sector development enterprise fund in which the European Bank for Reconstruction and Development (or any other international financial institution of which the United States is a member) participates, or which is financed by that Bank (or international financial institution), including the following enterprise funds (or any successor enterprise funds):

(1) The Russia Small Business Fund.

(2) The Regional Venture Fund for the Lower Volga Region.

(3) The Slovenia Development Capital Fund.

(b) Opposition to Multilateral Assistance.—The President shall instruct the United States Executive Director of the European Bank for Reconstruction and Development and any other international financial institution of which the United States is a member to use the voice and vote of the United States to oppose the participation of that Bank or institution in, or financing by that Bank or institution of, any private sector development enterprise fund, including any enterprise fund referred to in paragraphs (1) through (3) of subsection (a).

H.R. 1486

Offered By: Mr. Traficant

Amendment No. 3: At the end of chapter 1 of title VII (relating to special authorities and other provisions of foreign assistance authorizations) add the following (and conform the table of contents accordingly):

SEC. 706. LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES.

Funds made available for assistance for fiscal years 1998 and 1999 under the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law described in this division for which amounts are authorized to be appropriated for such fiscal years, may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles, or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided;

(3) the Congress has specifically authorized procurement outside the United States or less developed countries; or

(4) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

H.R. 1486

Offered By: Mr. Traficant

Amendment No. 4: At the end of division A (relating to international affairs agency consolidation, foreign assistance reform, and foreign assistance authorizations) add the following (and conform the table of contents accordingly):

TITLE VIII—REDUCTION IN AUTHORIZATIONS

SEC. 801. REDUCTION IN AUTHORIZATIONS.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this division, each amount authorized to be appropriated for each of the fiscal years 1998 and 1999 under this division, or any amendment made by this division, is hereby reduced by 5 percent, except for the following:

(1) Chapter 1 of title IV (relating to narcotics control assistance).

(2) Chapter 2 of title IV (relating to nonproliferation, antiterrorism, demining, and related programs).

(3) Section 511(b) (relating to the Development Fund for Africa).

(4) Section 511(f) (relating to the African Development Foundation).

(5) Section 512 (relating to child survival activities).

(6) Chapter 5 of title V (relating to international disaster assistance).

H.R. 1486

Offered By: Mr. Traficant

Amendment No. 5: At the end of division A (relating to international affairs agency consolidation, foreign assistance reform, and foreign assistance authorizations) add the following (and conform the table of contents accordingly):

TITLE VIII—REDUCTION IN AUTHORIZATIONS

SEC. 801. REDUCTION IN AUTHORIZATIONS.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this division, each amount authorized to be appropriated for each of the fiscal years 1998 and 1999 under this division, or any amendment made by this division, is hereby reduced by 10 percent, except for the following:

(1) Chapter 1 of title IV (relating to narcotics control assistance).

(2) Chapter 2 of title IV (relating to nonproliferation, antiterrorism, demining, and related programs).

(3) Section 511(b) (relating to the Development Fund for Africa).

(4) Section 511(f) (relating to the African Development Foundation).

(5) Section 512 (relating to child survival activities).

(6) Chapter 5 of title V (relating to international disaster assistance).

H.R. 1486

Offered By: Mr. Traficant

Amendment No. 6: At the end of division A (relating to international affairs agency consolidation, foreign assistance reform, and foreign assistance authorizations) add the following (and conform the table of contents accordingly):

TITLE VIII—FUNDING LEVELS

SEC. 801. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1998 AND 1999 NOT TO EXCEED APPROPRIATIONS FOR FISCAL YEAR 1997.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this division, each amount authorized to be appropriated for each of the fiscal years 1998 and 1999 under this division, or any amendment made by this division, shall not exceed the amount appropriated for each such provision for fiscal year 1997.

H.R. 1486

Offered By: Mr. Traficant

Amendment No. 7: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. UNITED STATES POLICY CONCERNING IRANIAN RESISTANCE.

It is the sense of the Congress that the Secretary of State should recognize and engage in substantive dialogue with those groups inside and outside Iran that support the restoration of democratic government in Iran, including the National Council of Resistance of Iran.

EXTENSIONS OF REMARKS

DAVIS OF VIRGINIA/WYNN/MORELLA/MORAN OF VIRGINIA/CUMMINGS/HOYER/WOLF GOVERNMENT SHUTDOWN PREVENTION AMENDMENT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. DAVIS of Virginia. Mr. Speaker, this week the House is scheduled to vote on H.R. 1469, the Disaster Recovery Act of 1997, at which time we intend to offer our Government shutdown prevention amendment. This amendment will provide 100 percent of fiscal year 1997 spending levels through the end of fiscal year 1998, in the absence of regular appropriations bills. In addition, our amendment specifically ensures that no Federal employees will be furloughed or RIF'd because of this temporary funding level.

This amendment will guarantee that the Federal Government does not hold Federal employees hostage during a stalled appropriations process. In the State of Texas alone, this amendment will ensure that almost 200,000 hard-working Federal employees and their families will not have to face the prospect of unknown periods of unemployment when the Government shuts down. This is a commonsense amendment which will work as a safety net until the normal fiscal year 1998 appropriations process is completed.

In sum, this 100-percent safety net is an effective way to provide an immediate guarantee that: First, the Federal Government will always remain open and working for the taxpayer; second, we will meet our commitment to keep America's civil servants on the job; and third, we will meet our shared goal of controlling Federal spending.

AN ACHIEVABLE DREAM

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SCOTT. Mr. Speaker, I rise to call my colleagues' attention to the remarkable work of An Achievable Dream, a true success story in my district. It was 5 years ago when Walter Segaloff founded the An Achievable Dream Academy for academically at-risk students, many of whom have demonstrated that they are ready and willing to learn, if just given the proper environment. Sadly, their home environment is too often not conducive to learning. That's where An Achievable Dream, or AAD, steps in.

By instilling a love of learning and enabling each child to develop a personal, achievable dream leading to academic and subsequent professional success, AAD puts its arm around the shoulder of these kids who may otherwise be headed for academic and social failure as a result of poverty, family problems, or low self-esteem. Many of these children have been stigmatized, seeing only what they can't achieve. But Walter Segaloff and the others who direct AAD have shown them a different path, one toward personal success and price.

AAD's achievements are based on the combined efforts of dedicated individuals, who provide the vision and hard work, and local corporations and businesses, who have provided much-needed and appreciated monetary support. It is this community interest and assistance which helps set AAD apart, making it a role model for the rest of this Nation as we search for ways to improve education.

Reader's Digest magazine recently awarded AAD with their American Heroes in Education Award, a fitting tribute to a great program. This is only the most recent award garnered by AAD: The program has also been honored by a joint award sponsored by Business Week magazine and the McGraw-Hill Educational Publishing Group, in cooperation with the American Association of School Administrators, for educational innovation.

I would like to add my words of appreciation and thanks today to An Achievable Dream and the dramatic contributions the program has made to the Newport News community in Virginia, and to the Nation as a whole.

PARLIAMENTARY ELECTIONS IN YEMEN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. HAMILTON. Mr. Speaker, I want to draw the attention of my colleagues to the recent parliamentary elections in Yemen. The Congress doesn't often pay attention to Yemen, but what transpired there on April 27 was impressive. In a country that recently experienced civil war, that is one of the poorest countries on Earth, and that is in a part of the world where elections are not the norm, Yemen's electoral experience is worth noting.

On the spectrum of elections in the Arab world, these elections were perhaps the most positive outcome ever. The elections were competitive, they were open to all adult men and women, and political parties had the opportunity to get their message out.

What is particularly impressive is the commitment of the people of Yemen to the electoral process. Three separate national networks of independent election monitors watched ballot boxes throughout the country. In a country of high illiteracy, especially female illiteracy, the Arab Democratic Institute and other nongovernmental organizations worked hard to increase voter turnout, especially among rural women. The participation of women, 30 percent was low, but it was significantly higher than the level in the 1993 parliamentary elections, 19 percent.

The elections were not without flaws—there were some ballot box irregularities, there was too much military presence at voting places, there was some violence, and the elections did not fundamentally alter political power in Yemen, which remains in the hands of President Saleh.

The true test of the elections in Yemen depends on what happens next—whether the new Parliament will take up its responsibility to serve as an effective check on executive power, and whether the Parliament will work to improve life in Yemen.

I believe that it is in the United States national interest to support the development of a civil society in Yemen, and to enhance the effectiveness of Yemen's Parliament—not only because of the positive benefits for the people of Yemen but because of the importance of this example and experience for the entire Arab world.

TRIBUTE TO A YOUNG BENEFACTOR AND ROLE MODEL, MR. MICHAEL CARRICARTE, JR.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor and great privilege to pay tribute to one of Miami's young unsung heroes, Michael Carricartre, Jr. Thanks to his efforts, on May 15, 1997, the students and staff of St. Francis Xavier School, an inner-city elementary school located in Miami-Overtown community, will join Archbishop John Clemente Favalora and the clergy in blessing and opening the doors to new classrooms and playground. Myriads of supporters and volunteers will be joining in to celebrate this historic occasion in my district.

This event was made possible by this young entrepreneur whose immense love for children is beyond measure. Armed with a vision toward making a difference in the Overtown children's future, 27-year-old Michael Carricarte, Jr., president of Dade County-based Amedex Insurance Co., vowed to provide a better environment for their learning. Reaching out to these inner-city children he is indeed making a difference in their lives.

Not oblivious of the drama of poverty, along with the problems of growing up, he took up the challenge that the children of St. Francis Xavier School will have a place where they can study and learn and obtain a God-loving environment. In his role as chairman of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

school's building fund project, he begun raising money from personal friends and corporations, maximizing it with a personal loan he obtained from a local bank.

While there are special cases of individuals who go above and beyond the call of duty toward their fellowmen, Michael Carricarte, Jr., ensured that his vision is accompanied by his personal touch of concern and devotion to children's learning. His persistent consecration to this agenda is personified by his goal that "" * * a new modern building will be constructed with three big classrooms for the teaching of children, where they can go to school from kindergarten to the 6th grade * * * so that children can stay away from drugs and delinquency—and where they can get quality education in hopes of becoming good citizens of the future."

Ever since he begun this project in 1992, he has been immensely gratified in helping these inner-city children. "They too are entitled to a good education, just like the rest of America's children, because they truly represent our future," he is wont to say.

Mr. Carricarte has truly become the consummate community activist who abides by the dictum that children who have less in life, through no fault of their own, should have more from those of us who are more fortunate, regardless of race, creed, gender, or political affiliation. The collective testimony from parents and community leaders represents an unequivocal testimony of the utmost respect he enjoys from our community.

To date his undaunted efforts on behalf of the schoolchildren of St. Francis Xavier are succinctly shaping and forming the consolidation of efforts on the part of countless supporters and organizations. His word is his bond to those who have dealt with him—not only in moments of triumphal exuberance in helping our wayward youth turn the corners around, but also in his quest to transform this inner-city school into a veritable oasis where children's academic achievement and mastery of the basic schools are fully assured.

Michael Carricarte, Jr., truly exemplifies a fresh and unique leadership whose courageous vision and utmost caring for less fortunate children genuinely appeal to the noblest character of our humanity. I truly salute him on behalf of our grateful community.

IN HONOR OF ELINOR BOURJAILY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Elinor Bourjaily, whose life of service in Cleveland and North Royalton, OH, has been an inspiration to all who know her.

Elinor is a dedicated woman. She has worked hard for her church community. From 1950 to 1991, she worked in a number of capacities lending crucial help to St. George Antiochian Church in Cleveland. She taught in the church school and served as its superintendent. She was a member of the Ladies Guild, then became an officer and later president. She chaired numerous committees and functions, organized dinners and served Mercy Meals. From 1991 to the present, she has served St. Matthew Antiochian Church in North Royalton. She has served as Ladies Guild president, an officer and president of the Midwest Antiochian Orthodox Christian Women of North America and the governing council of The Order of St. Ignatius of Antioch.

She has been a devoted mother, grandmother, and wife. Elinor and Fred were married for 43 years until Fred's passing in 1993. Elinor's children, son, Fred Nick Bourjaily, and daughters, Anne Katherine Bourjaily Thomas and Beth Marie Bourjaily Goff, are accomplished, upstanding citizens. Elinor also has four wonderful grandchildren.

Mr. Speaker, on Sunday, May 18, family, friends, and admirers will join together to celebrate the gift that Elinor Bourjaily bestows upon everyone who knows her. We are lucky to have her in our midst.

TAIWAN'S GROWING DEMOCRACY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. UNDERWOOD. Mr. Speaker, March 20, 1997, is a significant date for Taiwanese citizens. It marks the first year anniversary of direct presidential elections, an unprecedented event for the people of Taiwan. Taiwan's stellar rise from an agricultural, authoritarian regime to an increasingly democratic economic powerhouse is testimony to its reform-minded policies.

Significant events which led to the 1996 presidential elections include the termination of martial law in July, 1987, by President Chiang Ching-kuo. In 1990, the National Assembly chose Mr. Lee Teng-hui for the presidency and he proceeded with various reforms, such as legalizing opposition parties and restructuring the parliamentary groups. As a result, not only has there been a trend toward decentralizing political power, greater personal freedom, and less restrictions on the press are also other beneficial results of these reforms.

Taiwan is an emerging democracy, one which is a major political and economic player in the Asia-Pacific region. As our Asian neighbors, the people of Guam appreciate Taiwan's contributions to the economic transactions in the region. March 20 is certainly an important date, not only for the people of Taiwan, but for democratically minded citizens everywhere. It is further affirmation that democratic principles are not confined to certain groups, it is a universal conviction.

I offer my congratulations to President Lee Teng-hui for the immense progress he and the Government of Taiwan have achieved. His victory in last year's popular presidential elections confirm Taiwanese commitment to Mr. Lee's capable leadership and vision for the future.

RECOGNITION OF NATIONAL BOARD OF DIRECTORS OF THE NAACP—QUARTERLY MEETING IN ARLINGTON/FORT WORTH, TX—MAY 13, 1997

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. FROST. Mr. Speaker, I rise today to congratulate the national board of directors of the National Association for the Advancement of Colored People, on the occasion of their quarterly board meeting in Arlington/Fort Worth, TX. The meeting is being held from May 14 through May 17, 1997.

The national board meetings of the NAACP have traditionally been held on the east coast throughout the history of the organization. Bringing this meeting to Arlington/Fort Worth, TX, signals a new era in which the national board of the NAACP can have a presence throughout the United States.

Additionally, the location of this quarterly meeting is not only convenient for board members and other interested parties from Texas and the southwestern region, but is also expected to boost the economy in our area and save individual board members and the NAACP organization tens of thousands of dollars in travel and lodging expenses.

I especially want to congratulate the Arlington and Fort Worth NAACP branches on their hard work and persistence in attracting this meeting to Tarrant County, TX, and for their diligent preparations to make the board members' stay a productive, exciting and comfortable one.

The Nation's oldest civil rights organization continues to evolve and adapt to the challenges it faces in working toward equal justice and opportunities for all Americans, and especially African-Americans who have struggled as a race of people for more than 200 years to enjoy basic civil liberties.

Mr. Speaker, I would again like to congratulate and welcome the national board of directors of the NAACP to Arlington/Fort Worth, Texas.

TRIBUTE TO THE INDUSTRY ADVISORY BOARD OF THE SMITHTOWN CENTRAL SCHOOL DISTRICT

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Industry Advisory Board of the Smithtown Central School District, a group of more than 140 area businesses, that is celebrating 20 productive years of partnership between local industry and the Smithtown schools.

In today's fast-paced, technology-driven society, it is imperative that our schools prepare students with the skills they will need to excel in the modern workplace, and in the future. Preparing our students for a competitive and rapidly evolving global marketplace requires innovative new partnerships between school, businesses, government, communities, and families. Since 1977, the industry advisory board has forged that creative partnership with Smithtown schools, helping its teachers and administrators prepare our students for the demands of the 21st century workplace.

The first on Long Island to create such a partnership with its business and community leaders, an alliance that has enhanced school curriculum and markedly improved student achievement, Smithtown schools and local businesses have both benefited from this synergistic association. It all started with the practical goal of providing training and job opportunities to cooperative education students. Today, under the visionary guidance of Director Susan Gubing, more than 140 member organizations work to integrate the resources of industry and the skills of educators to develop strategies that will best prepare Smithtown students.

During its 20 years of operations, more than 10,000 students have taken advantage of the industry advisory board's career development programs, such as its job fairs, internships, cooperative work experience, and mentoring programs. Just as importantly, more than 200 educators have taken part in the industry advisory board's programs, learning innovative techniques that they use to supplement their course plans.

Since 1977, the partnership between Smithtown schools and its business community has created a powerful synergy that can be used as a model for creative school-community partnerships throughout America. Therefore, I ask my colleagues in the U.S. House of Representatives to join me in honoring the Smithtown school's industry advisory board as it celebrates its 20th anniversary on May 16, 1997.

MOTORCYCLE AWARENESS MONTH

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. KIM. Mr. Speaker, I rise today to recognize May as Motorcycle Awareness Month. In my home State of California alone, there are over 1 million motorcycle riders and passengers. Having owned a motorcycle myself, I know that motorcycles are efficient and a fun means of transportation. Motorcyclists are an equal partner on the road and because of their small size, it is important for all road users to be aware of each other and learn to share the road. Though many people believe motorcycle drivers represent a select group, they are quite a diverse group of individuals that include lawyers, doctors, teachers, engineers, architects, law enforcement officers, military personnel laborers, business owners and operators, veterans, city, county, State, and Federal employees, elected officials, both male and female. Therefore it is important to recognize that motorcyclists are a large part of our community.

Since motorcyclists are at more of a risk due to their size, most riders take the California Motorcycle Safety course in order to be better equipped to share the road. Furthermore, since the inception of the course, motorcycle accidents have decreased by 30 percent. But, they are only half of the equation because it is also important for cars, trucks, buses, and all other motor vehicles to realize it is necessary to look out for one another on the road and be cognizant of each other. If this were to be possible, accidents were decrease by even an larger percentage.

Motorcyclists are also recognized for their substantial contributions to the community given as individuals as well as through a number of organizations such as the Confederation of Motorcycle Clubs, the Modified Motorcycle Association, the American Motorcylist Association, the California Motorcyclist Association, the Harley Owners Group, the Goldwing Touring Association, the Goldwing Road Riders Association, the American Brotherhood Aimed Toward Education Motorcycle Rights Organization, and many more. Through these organizations, motorcyclists are able to promote motorcycle awareness and safety throughout their community areas.

It is important to recognize the need for keen awareness on the part of all drivers that motorcycle riders are sharing the road with them. It is also essential to honor motorcyclists for their many contributions to the communities in which they live and ride. Thus, we should all take time out this month to make ourselves aware of motorcyclists and keep this awareness alive with every month that follows.

SALUTING NOVA SOUTHEASTERN UNIVERSITY COLLEGE OF OSTEOPATHIC MEDICINE, RECIPIENT OF THE PRESTIGIOUS 1997 ANNUAL PAUL R. WRIGHT EXCELLENCE IN MEDICAL EDUCATION AWARD

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise with pride to congratulate Nova Southeastern University College of Osteopathic Medicine on receiving the Paul R. Wright Excellence in Medical Education Award. It is the most prestigious award given by the American Medical Student Association, and Nova College of Osteopathic Medicine is the first osteopathic medical school in the United States to be selected for this honor.

In receiving this award, the Nova College of Osteopathic Medicine joins the ranks of the most distinguished medical schools in the country including Harvard Medical School, Mount Sinai School of Medicine, and the Baylor College of Medicine. This award recognizes the Nova School of Osteopathic Medicine as a leader in the Florida community and health care field and as a school of high quality medical education. It also serves as a milestone for other osteopathic medical colleges all over the country, heralding them as institutions of scholastic excellence.

I believe osteopathy's innovative educational methods and determined efforts to deliver high-level patient care are noteworthy. In 1996, 10,781 individuals competed for 2,200 slots in the 17 osteopathic medical colleges located throughout the Nation. The American Medical Student Association cited the Nova School of Osteopathic Medicine for its "exceptional integration of interdisciplinary education into the training of tomorrow's physicians". This award highlights the unique position of this outstanding institution as a leader in the advancement and enrichment of osteopathic medical education.

Mr. Speaker, I am proud and honored to represent the Nova School of Osteopathic Medicine in the 17th Congressional District of Florida. On behalf of our entire community, I applaud them for their commitment to the highest standards of patient care and I extend my best wishes for their continued success.

TRIBUTE TO MS. CHIA-LING YU

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. DOYLE. Mr. Speaker, I rise today to honor Chia-Ling Yu from Gateway High School. Chia-Ling is the top winner of the 1997 18th Congressional District High School Art Competition, An Artistic Discovery.

Chia-Ling's artwork was chosen from an outstanding collection of entries. Her mixed-media portrait which is entitled "Jonay" illustrates her strong individualized style. She is a young woman of considerable talent sure to have many successes in her future.

I look forward to seeing Chia-Ling's artwork displayed along with the artwork of the other competition winners from across our country. I am pleased to be associated with Chia-Ling's artistic talents.

Congratulations, Chia-Ling. I wish you all the best of luck in the future.

HONORING THOMAS W. ROACH, JR.

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. HINCHEY. Mr. Speaker, I would like to take this opportunity to recognize a man who has given his life to aiding the poor and underprivileged of New York's Ulster County.

Thomas W. Roach, Jr. began his long and distinguished career in public service as a captain in the U.S. Marine Corps. After leaving the military, he spent 30 years working in the insurance industry. During that time, beginning in 1974, Mr. Roach served in several capacities on the Ulster County Legislature, including minority leader from 1978 to 1979, and chairman from 1980 to 1983. While a member of the legislature, Mr. Roach was the chairman of the mental health committee for 2 years, and chairman of the public health committee for 4 years, while sitting on several other committees as well.

When Mr. Roach left the legislature, it was to continue his devotion to Ulster County as the county commissioner of social services. Under his leadership, the Ulster County Department of Social Services became known throughout New York as a model in innovative program development and initiative. Healthy Start, a home-visitor based early intervention program, the Family Violence Investigative Unit, and the Social Services Roundtable, which has greatly improved communication between the commissioner, staff, and clients of social services, are only a few of the programs developed by Commissioner Roach.

Outside of his professional commitment to Ulster County and the welfare of its people, Thomas Roach has also participated in many community activities in this area. He served as president of the Maternal-Infant Services Network Board, the American Cancer Society-Ulster County Chapter, and the New York State Public Welfare Association, of which he is still a board member, and many other organizations.

To my great sadness, Thomas W. Roach, Jr. has decided to retire from his position as Ulster County Commissioner of Social Services after 12 years of dedicated service. His departure will be keenly felt by those he worked with, the many people he helped during his tenure, and our entire community. I can only hope that his successor will be able to continue the precedent he has set for dedication, innovation, and collaboration, and that he continues the charitable work in our community which he has been involved in for so many years. He has always been and will continue to be a good citizen and a great friend.

REMARKS OF MILES LERMAN, CHAIRPERSON OF THE U.S. HOLOCAUST MEMORIAL COUNCIL AT THE NATIONAL DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. LANTOS. Mr. Speaker, at an extremely moving ceremony in the rotunda of the United States Capitol last Thursday, Members of Congress, the diplomatic corps, representatives of our Nation's executive and judicial branches, and hundreds of survivors of the Holocaust with their friends and family gathered to commemorate the National Days of Remembrance. This was an occasion when we take the time to remember the horror and inhumanity of the Holocaust.

In 1933, more than 9 million Jews lived in continental Europe. Over the next decade the countries where these men and women and children lived were invaded, occupied, or annexed by Nazi Germany. By the end of the Second World War, 2 of every 3 of these European Jews were dead, and European Jewish life was forever changed. As my colleagues know, I was one of those fortunate individuals who survived that horrible era.

Mr. Speaker, in recognition of the unspeakable horror of the Holocaust and the importance that we never forget that tragedy, the U.S. Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. One of the most important tasks in this effort is the annual Days of Remembrance commemoration in the rotunda of our Nation's Capitol. I commend both the Council and the members of the Days of Remembrance Committee for their achievement this year, and I want to pay particular tribute to the chairperson of the Council, my dear friend Miles Lerman, for his extraordinary effort.

The time of this year's Days of Remembrance commemoration was "From Holocaust to New Life." This remarkable ceremony celebrated the lives and legacy of those on those who survived those darkest of days, and came to a new beginning here in the United States. As one survivor explained "America gave me the opportunity to be a human being again." I fully understand those feels, Mr. Speaker.

At the national civic commemoration, Chairperson Miles Lerman, delivered an outstanding speech on this solemn occasion. Mr. Speaker, I ask that his remarks be placed in the RECORD, and I urge my colleagues to read them.

Salutations! In the days when the Jewish communities of Europe were rapidly being wiped off from the surface of the Earth and in the moments of our deepest despair, we clung to hope in spite of hopelessness. We dared to dream without really believing that our dreams would ever come true.

Who of us would have believed then that the day would come when hundreds of survivors would gather in the Capitol rotunda in the heart of historic America to demonstrate our commitment to remembrance.

Today as we commemorate the milestone of 50 years of new life in America, we must bear in mind that this milestone is not a celebration.

This can only be a commemoration.

The loss is too enormous, the pain is too deep and the memories are too traumatic.

So let us use this auspicious moment to take stock of our accomplishments of the last fifty years.

When the Nazi nightmare finally ended, we stood on the smoldering ruins of a devastated Europe, our families murdered, our homes destroyed or occupied by strangers and our dreams completely shattered.

We had every reason to feel bitter with the world, suspicious and distrustful.

As a matter of fact, there were those who believed that we survivors would never be able to fit in and readjust to a normal society again.

Fortunately, we proved them wrong.

We have mastered the strength to rebuild our lives and become a constructive part of the communities that we live in.

We have every reason to be proud of our accomplishments.

Fifty years ago we came to the shores of America not knowing the language or the customs of this country. Most of us came here penniless and most of us without any technical or professional training. But in spite of these shortcomings by sheer tenacity, by hard work and decent conduct, the survivors have managed to make an impact on the economic and cultural development of their respective communities or even beyond.

Some of you whom we have chosen as symbols of this miraculous revival, created new industries and are giving employment to thousands of people.

With your entrepreneurial spirit, some of you have managed to change the skylines of many cities in America.

We survivors have every reason to be especially proud of our families and the children we have managed to raise.

We succeeded to instill in them all the positive characteristics mankind has to offer; healthy work habits, love for study, and a desire to aim for excellence.

As a result of this, our children have reached very impressive levels in the fields of science, technology and performing arts.

So let us commemorate the 50th anniversary of new life in America with a sense of gratitude that it was our fate to defy Hitler's evil plans.

A sense of achievement for having been able to play a role in re-igniting the sparks of Jewish creativity.

But above all, we are here to express our deep gratitude to our new homeland, the United States of America and its people, for giving the survivors of the Holocaust an opportunity to pick up the broken shards and start rebuilding our devastated lives all over again. This is a gratitude that we will carry deep in our hearts forever and ever.

I commend Ben Meed, the chairman of the National Days of Remembrance and his committee for designating this year's remembrance ceremony as a day of contemplation and a day of thanksgiving.

However, we must bear in mind the expressions of gratitude cannot be limited to words only. Remembrance is only meaningful if it is translated into deeds—tangible deeds.

During the creation and the building of the Holocaust Memorial Museum, survivors have demonstrated by tangible deeds that they do remember and know what to do with these memories.

I am fully confident that survivors will continue to be in the forefront of remembrance because all of us firmly believe that destiny has chosen us to survive and become the guardians of this sacred flame.

This is a legacy we must fulfill. This is an obligation that we and our children will carry for the rest of our days.

Thank you.

A TRIBUTE TO FIREFIGHTER McELVAIN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SHERMAN Mr. Speaker, I rise today to honor "Red" McElvain for his lifetime of service with the Los Angeles City Fire Department. Indeed his dedication to serve our Nation and community is a model of civic duty.

Red grew up in the San Fernando Valley and graduated from North Hollywood High School. While in high school he excelled in football, track, baseball, and basketball lettering in each sport. Although his athletic prowess earned him scholarship offers to several colleges, he opted to serve his Nation in the Army. As an enlisted man, he was part of the Elite 11th and 82d Airborne Ranger Divisions.

Upon completing his tour in the Army, Red became a firefighter. In his 39 years as a firefighter he has had experience in several different types of companies. Among his assignments, he has worked on both engine and truck companies, and he has specialized in airport crash and helicopter operations. His experience not only makes him extremely versatile, but allows him to serve as a mentor to many of the new recruits.

When away from work Red is actively involved in his local community. He donates his time to local youth sports, school visitations, and other charitable events. Firefighter McElvain lives his life in accordance with William Penn's sentiments when he wrote, "The public must and will be served."

Mr. Speaker, I am privileged to represent Red McElvain, he is a deserving recipient of the City Fire Department's Outstanding Performance Award.

FLOOD RELIEF—FALMOUTH, KY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, in the wake of the flooding along the Licking River in Kentucky, I would like to recognize the following 56 men who gave of their personal money, time, and energy to assist with flood relief. At the invitation of Senator Gex Williams, they served in and around the towns of Butler and Falmouth, KY, for a period of 3 weeks from March 7–28, 1997. During this time they assisted the local emergency relief agencies in the salvage, cleanup, and demolition of homes and businesses that had been damaged, while spreading goodwill, faith, hope, and charity wherever they went. Their sacrifice, diligence, and thoroughness conveyed a true sense of brotherly love to the citizens of Butler and Falmouth. The experiences these men received while serving will enrich their lives permanently, causing them to become better citizens, and thus have a greater impact on the world around them.

LISTING OF STUDENTS AND (STATES)

Ryan Batterton (WA), Joel Beaird (TX), Johnathan Bowers (TN), Michael Braband (MO), Jason Butler (AL), David Carne (OR), Thomas Chapman (MI), Charles Churchill II (NC), James Clifford (ON), Andrew Cope (SC), Geoff Davis (KY), Timothy Davis (CA), Benjamin Easling (WA), Paul Ellis (MS).

Steve Dankers (WI), Paul Elliott (WY), Ron Fuhrman (MI), Matthew Harry (MI), Timothy Hayes (NY), James Huckabee, Jr. (MO), Hans Jensen (CA), Joshua Johnson (WA), Daniel Lamb (CA), Aaron Lantzer (MI), Eric Lantzer (MI), Clayton Lord (KS), Jason Luksa (TX), Joshua Menge (GA).

Larry Mooney (OH), John Nix (TX), Steve Nix (TX), Daniel Norwood (GA), Keon Pendergast (CA), Matthew Pennell (DE), James Penner (OH), Daniel Reynolds (MN), Tim Rogers (NY), Gregg Rozeboom (MI), Joshua Schoenborn (WA), David Servideo (VA), Adam Shelley (MO), Michael Shoemaker (IN).

Chad Sikora (MI), Jeremy Smith (KY), Chuck Stewart (WV), Daniel Strahan (IN), Joshua Tanner (MI), David Thomas (MI), Timothy Tuttle (OR), Arial Vanderhorst (KS), Daniel Weed (NY), Scott Westendorf (OR), Shane White (KY), Jared Wickam (IL), Brian Wicker (AZ), Matthew Wood (WA).

IN SUPPORT OF WEI JINGSHENG

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to urge the Chinese Government to release Wei Jingsheng and allow him to receive the medical treatment he desperately needs. Wei has been an outspoken and articulate advocate for democratic reform in China and is currently imprisoned for his efforts.

Wei has spent much of his adult life in prison. He was arrested in 1979 for his participation in the Democracy Wall movement, during which he argued that the government's modernization plans were impossible without democratic reform. He remained in prison until 1993 when he was released on the eve of the International Olympic Committee's decision about whether to award the 2000 Olympics to Beijing.

Wei was arrested again in 1994, for his continued outspokenness and only days after meeting with Assistant Secretary for Democracy, Human Rights, and Labor, John Shattuck. Wei was held incommunicado for 20 months and has been sentenced to another 14 years imprisonment. He is due to be released in 2009. Wei's family has not been able to see him since February and he is very ill. He suffers from arthritis, high blood pressure, and heart disease, but is not receiving effective medical treatment.

Today, we mark the publication of Wei's book, "The Courage to Stand Alone: Letters From Prison and Other Writings." Wei has received the 1994 Robert F. Kennedy Human Rights Award as well as the Sakarov Prize for Freedom of Thought.

Mr. Speaker, I urge all my colleagues to call on the Chinese Government to release Wei Jingsheng.

IN SUPPORT OF WEI JINGSHENG

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. GEJDENSON. Mr. Speaker, I rise again today to express my support for Wei Jingsheng and to call upon the Government of the People's Republic of China to release Mr. Wei immediately and to provide him with proper medical care.

As the title of his book indicates, Wei Jingsheng has had the courage to stand alone in his demands for democracy in China. China's most famous political prisoner has been incarcerated for almost 20 years. But this has not kept him silent. His collection of letters "The Courage to Stand Alone" revives echoes of Martin Luther King, Jr.'s "Letters From a Birmingham Jail." The moral power of Wei's words inspire the international campaign to nominate him for the Nobel Peace Prize.

Mr. Speaker, recent alarming news from Wei's family underscore his need for immediate medical attention. His long suffering from heart disease and arthritis is now being compounded by debilitating back pain. A worsening neck problem is preventing him from even lifting his head. Reports indicate he has not seen a doctor in more than a year. This medical neglect must end, he must be given proper medical treatment.

Mr. Speaker, Wei Jingsheng languishes in a prison because he refuses to be silent in his support of democracy and human rights. The world's focus on fellow dissidents such as Vaclev Havel and Adam Michik helped turn the tide in other oppressive societies. That same glare of moral outrage must now shift to China's treatment of Wei Jingsheng.

The cases of Wei Jingsheng, Hao Fuyuan, and so many others jailed in the People's Republic of China represent an ongoing struggle. It is a battle that not only their families and friends must wage but a fight that all who believe in justice and freedom must join.

And so, Mr. Speaker I ask my colleagues and supporters of liberty throughout this country and across the globe to join me in demanding freedom and proper medical care for Wei Jingsheng.

A TRIBUTE TO EDWARD HERNANDEZ

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise to pay tribute to an exceptional young police officer, Edward Hernandez. In only a few years Officer Hernandez has established himself as one of the San Fernando Police Department's top officers.

Officer Hernandez joined the San Fernando Police Department in 1993, after graduating from the Rio Hondo Police Academy. While at the academy he was voted the No. 1 cadet in his class. As a rookie on the force, Edward quickly earned the respect of his fellow officers with his maturity, quick learning ability, and thorough training. Within his first year on the force he was consistently at the top of productivity statistics. Edward has qualified for the highly prestigious 10851 CVC Award every year that he has been on the force.

Officer Hernandez has become a crucial member of the department's Special Response Team. Drawing upon his background in the U.S. Marine Corps, he has helped to train the team for tactical situations. Edward has received numerous commendations for his high quality work and consistent professionalism.

Officer Hernandez' hard work and professionalism make him an extraordinary law enforcement officer. These traits, coupled with his leadership abilities, ensure that he will have a significant impact on the San Fernando Police Department for years to come. Indeed, the people of San Fernando are safer with Officer Hernandez on the force.

As Theognis stated, "* * * but to few men comes the gift of excellence." Edward Hernandez is one of those few to whom excellence is not a goal, but an expectation. His work exemplifies the values and work ethic of the residents of San Fernando. I am honored to recognize his service.

RUSSIA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, as this Congress deliberates the issues facing our Nation and the world today, I would like to bring to your attention a group of young people and families who are taking significant steps to strengthen society in our country and around the globe. In particular, I would like to commend 384 such individuals who have recently returned from Moscow, Russia, where they have been involved over the 1995–96 school year in providing character education for orphans, public school children, college young people, juvenile delinquents, and families. They have been serving at their own expense under the authority and official invitation of the Moscow department of education. Their success continues to be heralded throughout Moscow by television, newspaper, and word of mouth among the citizens and leaders of Russia. Furthermore, the credentials and strengthening that this experience provides for those who have taken part will heighten the success of their work in their own home communities as they continue to serve families and young people through positive character training and practical assistance.

John Arnett (NC), Breton Alberty (LA), Evangeline Alexander (AL), Adam Allen (CA), Hugh Allen (CA), Karen Allen (CA), Matthew Allen (CA), Rachelle Allen (CA), Charles Astone (AZ), Jeri Lynn Backus (AR), Jerome Backus (AR), Martha Backus (AR), Sunny Barja (NC), Donny Barr (GA), Lindsay Bain (NZ), Simon Bain (NZ), Aileen Bair (OH), David Bair (OH), John Bair (OH), Peter Bair (OH), Robert Bair (OH), Stephen Bair (OH), Kelly Battson (CA), James Beaird (TX), Amy Beckenhauer (CA), Gail Beckenhauer (CA), Kurt Beckenhauer (CA), Adam Bell (TX), Anthony Bender (CA), Patricia Bender (CA), Steven Bender (CA), Karine Bergeron (Canada), Matthew Berholic (WA), Jason Beverly, Richard Blair (CA), Nicole Blockeel (Canada), Dean Boehler (CO), Justin Boehler (CO), Rebekah Boehler (CO), Stacy Boehler (CO), James Brock (GA), Joshua Brock (GA), Sandra Brock (GA), Vann Brock (GA).

Paul Brooker (GA), Calyton Browning (NY), Rachel Browning (NY), Ralph Browning (NY), Robert Browning (Canada), Sandra Browning (NY), Wanda Browning (NY), Christopher Brudi (MI), Nathan Bultman (MI), Reuben Burwell (TX), Laura Grace Butler (AL), James Cade (MS), Laura Cade (MS), Melonie Cade (MS), Andrew Campbell (NZ), Daniel Campbell (NZ), Holly Cannon (OK), David Carne (OR), Adriane Cecil (GA), Andy Cecil (GA), Angela Chetta (GA), Marc Chetta (GA), Marc A. Chetta (GA), Matthew Cheeta (GA), Christel Clark (MI), Daniel Clark (MI), James Clark (MI), Lisa Clark (MI), Susan Clark (MI), Nathan Clausen (MN), Michael Clement (NE), David Coggin (VA), David Cohen (ND), Matthew Coker (OK), Jonathan Cole (ID), Alan Buck Collie (CA), David Collie (CA), Sarah Collie (CA), Susan Collie (CA), Timothy Collie (CA), Ryan Costello (FL), Richard Coulson (KS), Aarie Courneya (MN), Annalisa Craig (NE).

Daniel Craig (NE), David Craig (NE), Mary Craig (NE), Neil Craig (NE), Stephen Craig (NE), Timothy Craig (NE), James Crenshaw (FL), Kerri Lynn Crist (CA), Jonathan Davis (CA), Denise Diouhy (MN), Steven Diouhy (MN), Reuben Dozeman (MI), Annie DuBreuil (IL), Joshua Dunlap (FL), Bruce Eagleson (PA), Naomi Ellis (OR), Joseph Farley (CA), Jana Farris (CA), Alyson Fitch (NC), Tory Francis (KS), John French (CA), Jesse Fuqua (CA), Doran Gaines (TN), Terrianne Gaines (TN), Thomas Gaines (TN), Gerald Garcia (WI), Kriselda Garza (TX), Deborah Geiger (NC), Rhiannon Geraci (OH), Vicki Geraci (OH), William Geraci (OH), Charles Gergeni (IN), Jeremy Goertz (Canada), Jenna Golman (VA), William Gothard (IL), Alison Gracom (CA), Robert Greenlaw (TX), Christine Griesemer (SC), Andrew Griffin (TN), Craig Guy (MO), Peter Guy (CA), Marie Hackleman (MI), Ronald Hair (GA), Tamala Hair (GA).

Susan Hall (MI), James Harper (CA), Shirley Harper (CA), Natalie Harper (CA), Sally Hawkins (OR), Susan Hawkins (OR), Tim Hayes (NY), Louise Henne (MI), Clinton Hilman (OR), Judy Himan (OR), Kaarina Hilman (OR), Alan Holmes (NC), Julie Howard (FL), Kristen Howard (FL), Spencer Howard (FL), Walter Howard (FL), Walter S. Howard (FL), Aimee Howd (IA), Christonpher Hulson (OK), Terrill Hulson (OK), Wil Hunsucker (NC), Julianne Hunsucker (NC), Wilburn Hunsucker (NC), James Hynes (IN), Blayne Hutchins (ON), Judith Hynds (TX), Michael Jacquot (SD), Brian Jacynyk, Christina Jare (LA), Matthew Jett (AL), Anna Jones (GA), David Jones (CA), Donald Jones (MT), John Jones (GA), John D. Jones (GA), Joseph Jones (GA), Pamela Jones (GA), Elizabeth Joyner (NC), Christopher Keller (TX), Jessica Keller (TX), Judith Keller (TX), Robert Keller (TX), Stephanie Keller (TX), Joshua Kempson (NJ), Cara Kerr (FL).

Corrine Kerr (FL), Mary Ann Kerr (FL), W. Randall Kerr (FL), Dean Kershner (MD), Jason Kingston (TX), Daniel Koller (MO), Hermann Koller (MO), C. John Krabill (OR), Michael Krabill (OR), Candace Lacey (FL), Cherie Lacey (FL), Aaron Laird (MT), Dacon Laird (MT), Katherine Laird (MT), Nena Laird (MT), Zachary Laird (MT), James Lane (FL), Sondra Lantzer (MI), Amy Lee (CA), David Lee (CA), Katie Lee (CA), Cecelia Leininger (TX), James Leininger (TX), Kelly Leininger (TX), Tracey Leininger (TX), David Lent (GA), Deena Lent (GA), George Lent (GA), Marywinn Lent (GA), Michael Lent (GA), Rachel Lent (GA), Elizabeth Long (GA), James Long (GA), John Long (GA), Jadon Lord (KS), Mark Maier (WA), John Mardirosian (OK), Todd Marshall (MI), Joshua Martin (PA), Joshua Mather (NY), George Mattix (WA), Patricia Mattix (WA), Aaron Mattox (MO), Jennifer Mattox (MO), Kathleen McConnell (MO).

Benjamin McKain (IN), Patricia McKain (IN), Sarah McKain (IN), Shannon McKain (IN), Thomas McKain (IN), Sonshine Meadows (GA), Charles Mehalie (NY), Debra Mehalie (NY), Rachel Mehalie (NY), Rebekah Mehalie (NY), Sandra Mehalie (NY), Sarah Mehalie (NY), T.C. Mehalie (NY), Stephen Midkiff (WA), Sarah Millard (OR), Amy Miller (MN), Rachel Miller (MT), Alan Mills (IN), Nancy Ruth Mirecki (Canada), Ira Moore (AL), Julia Moore (AL), Owen Moore (AL), Sarah Moore (AL), Robert Moore (AL), Joy Morgan (TN), Ann Phyllis Murphy (AR), Garland Doty Murphy (AR), Phyllis Murphy (AR), Zachary Murphy (AR), Kathleen Nicolosi (TX), Jerome Nicolosi (TX), Regina Nicolosi (TX), Vanessa Nicolosi (TX), Veronique Nicolosi (TX), Rachel Noel (OH), Hannah Oehlschlaeger (OR), Anne Oldham (TN), Alicia Olson (WY), Vladimir Osherov (Aust.), Jonna Patterson (GA), Glory Perkins (GA), Heather Perkins (GA), James Perkins (GA), Lea Perkins (GA), Timothy Peters (TX).

Janice Petersen (GA), John Petersen (GA), Timothy Petersen (GA), Gregory Phillips (WA), Beverly Pike (FL), Joshua Ramey (CA), Randall Rankin (AL), A. Marie Ratcliff (NC), Carolyn Ratcliff (NC), Paul Ratcliff (NC), William Ratcliff (NC), Christianna Reed (TX), Mary Regenold (TN), Jessica Reiter (CA), Beryl Richards (MI), Jerome Richards (MI), Jerome Richards, Jr. (MI), Veronica Richards (MI), Benjamin Riddering (CO), Jessica Riness (MI), Lindsay Rink (KS), Russell Risona (CA), Forest Robertson III (IN), Leigh Anne Robinson (TN), Debbie Rogers (LA), Deborah Rogers (LA), Jonathan Rogers (LA), Steven Rogers (LA), Charles Rogers III (LA), Charles Rogers, Jr. (LA), Joann Roof (NY), Charles Ross (IN), Charity Ross (IN), Jedidiah Ross (IN), Mary Ross (IN), Stephen Ross (IN), Rebekah Ross (IN), Rebecca Rowe (PA), Keith Rumley (MI), Laura Rumley (MI), Peter Rumley (MI), Holly Rupp (IL), Stacey Rupp (IL), Stephen Sallows (IL), Shanon Schneider (KS).

James Schroeder (TX), Molly Schultz (OR), Ashley Sell (WY), Harry Shedd (ME), Robert Sherwood (CA), Cherylynn Sherwood (CA), Valerie Sherwood (CA), William Sivells (TX), Cynthia Smith (PA), Daniel Smith (PA), Elizabeth Smith (PA), Timothy Smith (PA), James Sneed (MO), Laura Spencer (NC), Jesse Spivey (LA), Robert Spivey (LA), Wendi Sundsted (TX), Beau Taylor (WI), Jonathan Trotter (MO), Mark Trotter (MO), Daniel Truitt (TX), Jeffrey Truitt (TX), Harold Veltkamp (MT), Jennifer Waite (IL), Kenneth Waite (IL), Matthew Waite (IL), Nancy Waite (IL), Sarah Waite (IL), Dane Walker (VA), Jamie Walker (VA), Sarah Walker (VA), Thomas Walker (VA), Nicholas Wall (CO), Laura Warren (FL), William Warren (FL), Matthew Watkins (CA), William Watkins (LA), Aaron Watson (WA), David Watson (WA), Jonathan Watson (WA), Virginia Watson (WA), Matthew Webster (CO), Emily Weidler (NY), Shannon Welborn (FL), Heather Wenstrom (FL).

James Whitfield (KY), Daniel Whitten (CO), Jamie Whitten (CO), Jesse Whitten (CO), Jon Whitten (CO), Josiah Whitten (CO), Kim Whitten (CO), Linda Whitten (CO), Manoah Whitten (CO), Ryan Whitten (CO), Seth Whitten (CO), Stephen Whitten (CO), Susannah Whitten (CO), Daniel Wideman (Canada), Ted Williams (CT), Adam Wolsfeld (IL), Barbara Wood (VA), Harold Wood (VA), Timothy Wood (VA), John Worden (CA), Angela Zimmerman (NC), Christine Zimmerman (NC), John Zimmerman (NC).

TRIBUTE TO BOB KRIEBLE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. GINGRICH. Mr. Speaker, Bob Krieble passed away last week. In addition to being a friend, he was a scientist, an entrepreneur and an investor. But most importantly, he was a man who loved his country and loved freedom. He may not have been known to many

Americans, but his influence spread far and wide in this country and abroad.

As a scientist, he invented the chemical mixture to help metal tighten to metal. From there, as a entrepreneur with his father, he founded Loctite Corporation. He held patents in the field of silicones, anaerobic adhesives and petrochems.

As an investor, he sought out emerging markets, including Korea and encouraged entrepreneurs wherever he went.

Yes, he was a patron of the conservative movement and a great one at that. In 1978, he joined the Heritage Foundation, and through his leadership, helped build one of the premier think tanks in the country today. In addition to Heritage, Bob also sat on the boards of Empower America, the Free Congress Foundation and was an active participant in many other conservative organizations. But it is not merely in the furtherance of a particular ideology that Bob's impact was felt.

Most significantly, in 1989, he founded the Krieble Institute to promote democracy, elections and free enterprise in the Soviet Union and Eastern Europe—before the fall of the Berlin Wall. He made more than 80 trips over there, conducting seminars, meeting with leaders and training a full-time network of over 20,000 field experts to establish political economic reform.

At the time, he shared this sentiment with a friend: "I'm 76 and I'm in a hurry to help these people achieve the freedom that so many Americans take for granted." Bob Krieble had the vision to see that rapid change in Eastern Europe could happen. Others thought it would take more than a decade, but Bob put his money, mind and commitment where his heart was and helped bring about the change he knew was possible.

Bob Krieble was right, and so much of what has changed in the world today is a tribute to Bob's work, insights and influence.

He will be sorely missed.

I enter into the CONGRESSIONAL RECORD a further remembrance of Bob Krieble from our mutual friend Richard Rahn.

DR. ROBERT KRIEBLE, AUGUST 22, 1916–MAY 8, 1997

(By Richard Rhan)

THOUGHTS ON A GIANT OF A MAN

It is rare to be able to make the unambiguous statement that an individual has made the world, not a better place, but a significantly better place, because of what he has done during his life. Bob Krieble was one of those very rare individuals—a world-class scientist, a highly successful entrepreneur and businessman, a philanthropist, an adventurer, an extraordinary fighter for freedom and liberty who altered the course of history, a visionary, and always a kind and generous gentleman.

Bob Krieble invented what are commonly known as super adhesives where the bond is stronger than the materials it holds together. This invention has made life better and easier for virtually every manufacturer, hobbyist and homeowner on the globe. He literally changed the way many things are put together, from engines to toys. Starting with $100,000 from family and friends in the 1950's, he built a billion dollar multinational corporation. He created tens of thousands of well-paying jobs all over the world.

Bob was a distinguished chemist who did not forget that the scientific method has equal applicability to the political and economic sciences. He was a successful entrepreneur and investor because he understood it is better to place your assets in those countries that are pursuing relatively pro-growth economic policies, and are moving towards freedom rather than away from it. Though not a trained economist, he understood far better than many in the economics profession that low tax rates, a low level of economic regulation and government spending, sound money, and strong enforcement of property rights and civil contracts do far more to better the human condition than government transfer payments. He not only understood these things, he acted to bring them about across the globe through his energy and his financial support of politicians and institutions that were moving the world towards freedom and away from statism.

There are literally dozens of pro-democracy and pro-free market institutions that Bob Krieble generously supported, and in many cases helped to create. For example, he was one of the key early supporters of both the Heritage Foundation and the Free Congress Foundation. In addition, he gave away millions to help individuals who were in trouble all over the world, whether it was because of personal hardship, or because some totalitarian thug was trying to suppress the liberties of the people. His wonderful family, wife Nancy, daughter Helen, and son Fred shared his values, and have been supporting his work in their own right.

When the conventional wisdom was that the Soviet empire would go on many more years, Bob Krieble saw the rot and decided to push the demise a bit faster. In the 1980's he began financially supporting many of the dissident pro-democracy groups in Eastern Europe and the Soviet Union. He bought and delivered to them computers and fax machines. The US media, business, and political establishment ridiculed him. Business Week ran a derisive article entitled. "The Quixotic Quest of Robert Krieble." Bob, of course, remained undeterred, and as usual was soon proven right, as the walls came a-tumbling down. Bob not only fought communism and helped to speed its demise, but understood that the destruction of communism was not enough. He realized that to have a safe, prosperous and free world, you have to have people in place who understand democracy and free markets. He created the Krieble Institute and spent millions of dollars of his own money on building a network of influential people in the former communist countries and on political and economic training, to help ensure that qualified people would be available to serve in the new non-communist governments.

Almost no one in the United States had heard of Boris Yeltsin until Bob Krieble got some of the Republican Congressional leaders to invite him for a trip to the US, which Bob helped to underwrite. Bob was one of Yeltsin's first American friends and apparently had a strong influence on him. A couple of years after the fall of communism in Russia, Bob was attacked by some communist deputies in the Russian Duma and in the communist press, as the evil capitalist who brought down communism. Bob's response was to fly to Moscow and hold a press conference to respond to his critics. He began by explaining that as much as he was honored by their accusations, he felt that he could only take a little credit for the end of communism.

For all of his accomplishments and wealth, Bob was a modest man who sought few creature comforts. In his travels in Eastern Europe and the former Soviet Union, he rarely stayed in the first class hotels—in those few cities where they were available—but preferred to stay in hotels that could be afforded by the locals, which most of us Americans viewed as only one step up from camping. In Washington, he drove a little Ford Festiva. After a typically hair-raising ride with him one day (Bob drove more like an eighteen-year-old than an eighty-year-old), I asked him why he did not buy a bigger and safer car. He said, "The less money I spend on myself, the more I have to give away."

Bob was a man of great physical courage and energy. The day the Russian tanks were shelling the Russian "White House," Bob was in Moscow. He walked to the Moscow river embankment down below the building so that he "could have a close look." Bob was a pilot who enjoyed flying acrobatic airplanes until he was well in his seventies. Scuba diving was another of his hobbies. On one occasion, a couple of the Novecon board members and I met him at the bar in the Radisson Hotel in Moscow. There he was sitting on the bar stool waiting for us, and after a bit, he casually informed us that he had spent the previous night in a hospital in Minsk because of illness, but there he was ready to go to work the next day in Moscow.

Bob was a rarity among businessmen; he did not try to curry favor in Washington, yet he was among the most influential of all businessmen in the Nation's Capital. The influence came, not just for his support of members of Congress who agreed with him, but because he was so principled. For example, when the US Chamber of Commerce reversed long-standing policies against socialized health care and tax increases, in a short-lived attempt to gain favor with the Clinton Administration, Bob Krieble was among only a handful of Board members who had the courage to resign in a public protest. Within a number of months he was again proven right, as the Chamber's membership forced it back to the principled position.

Many new companies around the world owe their very existence to Bob Krieble. He delighted in helping new entrepreneurs, particularly in newly freed economies. He understood that without a vibrant private business sector in the former communist countries, democracy would not prevail. He often talked to me about the need to build business partnerships in the transition countries. As a result, he co-founded the Novecon companies with me in our attempt to create profitable entrepreneurial partnerships in the former communist lands. His love of new technology never waned. Just a few weeks ago, I took him to Novecon Technologies' new little silicon carbide wafer plant in Herndon, Virginia, to meet with Gene Lewis, Jim LeMunyon and the Russian scientists who had developed the process. He took a great interest in Gene's explanation of the new and unique technological process. On our drive back to Washington, he had the enthusiasm of a twelve-year-old boy as he slapped the dashboard and said, "Those fellows really have something there."

Bob Krieble never gave up the fight for freedom. Each week, until he was stricken last month, he would commute from his estate in Old Lyme, Connecticut to his office and little apartment in Washington. He spent his time helping people and advising and supporting political leaders, institutions, and influential individuals to do the right thing. After a life of extraordinary accomplishment, Bob Krieble could have easily chosen a life of quiet retirement. Instead, he remained a vigorous revolutionary for free peoples and free markets to the end.

A TRIBUTE TO THE FORT WAYNE, IN, HABITAT FOR HUMANITY

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SOUDER. Mr. Speaker, I think we all agree that it is helpful for us as a body to periodically turn our attention from our business here in Washington to our constituents back home. It is important that we remember what individual citizens encounter during day-to-day life, and most importantly, learn from them how they meet these challenges.

We are familiar with Habitat For Humanity and the wonderful work it has done in fulfilling housing needs internationally. I submit for the RECORD a list of some of the students and faculty from Bishop Dwenger, Northrop, Canterbury, North Side, South Side, Carroll, Paul Harding, Bishop Luers, and Snider High Schools in Fort Wayne, IN, who devoted 14 days to building homes in the Fort Wayne area during these students' spring break. For 12 hours a day, this group worked with professional contractors on this labor of love. Since 1987, the Fort Wayne Habitat for Humanity chapter has built 32 homes.

These individuals didn't assume a government program was going to address the problem, they recognized a need and worked for a solution. I am proud to represent these Hoosiers and share them with the Members of this body as an example of what the future generation looks like in Indiana.

BISHOP DWENGER HIGH SCHOOL

STUDENTS

Dan Adams, Erica Aguirre, Ryan Aldin, Amanda Ballard, Stephanie Bianco, Gina Blum, Michelle Boicey, Joe Brownfield, Amanda Brudi, Josh Butler, Liz Christman, Audi Coonan, Angie Cutigni, Colleen Delaney, Aaron Dailey, Mary DeArmond, Erica Dray, Sarah Dumas, Natalie Florea, Jenny Furniss.

Chris Grashoff, Nikki Halley, Becky Harmon, Jill Hayden, Tom Hobler, Heather Hull, Christie Lott, Jenni Johnson, Cindy Jordan, Katherine Kuhne, Kelly Keating, Katie Kearney, Kourtney Kindt, Melissa Koors, Darren Kraft, Koe Krouse, Kerri Kumfer, Amanda Kumfer, Russell Lauer, Steve Ludwiski.

Matt Lung, Matt Manes, Laura Mangan, Laurie Marqueling, Katie McCarthy, Krissi McGarry, Hector Mercedes, Jenny Moeller, Andrea Moll, Joe Michaels, Tracey Neuman, B.C. O'Rourke, Jim Porter, Stece Preston, Carrie Przbycin, Nick Radford, Whitney Reeves, Jessica Reith, John Resig, Matt Robinson.

Michelle Rorick, Audrey Rosswurm, Stacy Sandor, Pete Schultz, James Schwartz, April Simon, Tom Smith, Robert Stazewski, Danielle Stewart, Matt Stier, Amanda Stier, Hanne Tenggren, Jared Thompson, Nate Till, Emilt Tippman, Julie Todoran, Devon Ullman, Zak Vrba, Julie Waikel, Kim Wheeler.

Eric Wilkins, Aimee Wyatt, Dan Zach, Andy Baltes, Chris Bouza, Beth Brown, Dave Brown, Jeff Cramer, Rene Espinosa, Matt Flaherty, Amber Franze, Andrea Freiburger, Marie Gonya, Kellie Hamrick, Sara Harmon, Nathan Hartman, Laura Helmkamp, Katie Hoffman, Vanessa Hogan, Stave Howell.

Meghan Johns, Tra Kennedy, Don Kimes, Cyndi Ley, David Luetzelschwab, Maria McGuire, Amanda Meyers, Matt Miller, Andra Monnig, Ebony Nichols, Amy O'Neil, Reid Pfleuger, Nika Porter, Casey Ryan, Julie Sanger, Tim Schenkel, Jessica Sikora, Marie Sordelet, Ben Sproat, Anton Talamantes.

Alex Tone, Greg Veerkamp, Rick Walz, Zack Ziembo, Betsy Blum, Bill Burich, Marcie Burke, LaKesha Carter, Nicole Chamberlin, Adam Christman, Leslie Colone, Ryan Cox, Mary Etter, Renee Geist, Emily Gill.

Amber Halley, Ben Henry, Allison Higi, Stephanie Irvin, Corey Johnson, Margaret Kearney, Andria Kowal, Suzie Loeffler, Janelle Lynch, Katie Mavis, Michelle McCarthy, Molly McCarthy, Missy Mountz, Ann Nguyen, Kyle Panther, Beth Quinn, Sabra Snyder, Becky Stewart, Emily Stucky, Gina Tippmann, Sara Todoran, Victoria Truesdell, Rob Waikel, Heidi Winebrenner, Sean Luetzelschwab, Brian Veerkamp, Patrick Walz.

NORTHROP HIGH SCHOOL

FACULTY

Mr. Timon Kendall, Mr. David Murphy, Mrs. Lee Murphy, Mr. Rob Mikol, Ms. Darlene Butler, Mrs. Mary Lou Eddy, Mr. Greg Pressley, Mrs. Carol Freck, Mrs. Lisa Helmuth, Mr. John McCory, Mr. Bob Trammel, Mr. Steve Mock, Mr. Val Harker, Mrs. Nancy Pressley, Mr. Bernie Booker, Mrs. Shari Miller, Mrs. Cheryl Strader.

Mrs. Shirley Johnson, Mrs. Jane Kimmel, Mrs. Mary Blaettner, Mrs. Jeanne Sheridan, Mr. Sam Diprimio, Mrs. Terri Springer, Mrs. Mary Collinsworth, Mrs. B.J. Harper, Mr. Al Jacquay, Mr. Bob Roebuck, Mrs. Marjorie Keever, Mr. Bernie Booker, Mrs. Lee Murphy, Mrs. Lilly Mikol, Mrs. Mary Lou Eddy, Ann Roth, Rebecca Smith.

STUDENTS

Jack Murphy, Michelle Ping, Carrie Dixon, Heidi Freudenstein, Samay Jain, Ann Roth, Jena Banasiak, Ycwubdar Manmektot, Angie Wareing, Bob Chu, Jane Terfler, Rachel Lesser, Michelle O'Brien, Jeanie Mora, Miles Stucky, Gina Love, Jill Koenig, Violet Vandever, Aaron Smits, Bryan Redmon.

Rebecca Smith, Sarah Jarosh, Jenn Boggs, Devina Mistry, Sara Nider, Amy Melchi, Tony Tuesca, Nicole Fisher, Lani Aker, Leak Seitz, Saray Raynor, Jody Orendorff, Kelly Rolf, Shannon Kelly, Jenny Moore, Twila Jones, Tiffany Huffine, Sam Derheimer, Lindsay Fetro, Sarak Bricker.

George McCue, Ryan McNeil, Bianca Mata, Sarah Shepler, Jon Hayhurst, Nate Wong, Brandon Blacctner, Megan Bowton, John Byerly, Amy Callison, Dustin Carboni, Ryan Dickey, Carrie Dixon, Jamie Durmford, Mindy Graf, Scott Eldridge, Jill Freck, Heidi Freudenstein, Heather Hansa, Candy Hilver.

Mandy Holifield, Sheena Jackson, Twila Jones, Shannon Kelley, Danielle Kiplinger, Jill Koenig, Lashonda Lapsley, Scott Lankcnau, Rachel Lesser, Tiffany Huffine, Zehra Mecuk, Sarah Milestone, Sarah Jarosh, Mary Legler, Jena Banasiak, David Weeks, Bianca Mata, Nate Wong, Chris Farr, Andy Howard.

B.J. McKinley, Liz Niemic, Michelle Ping, Josh Richardson, Ben Ridgley, Kelly Rolf, Anita Robertson, Ann Roth, Nathan Schaffer, Major Shear, Rachel Shepler, Rebecca Smith, Aaron Smits, Michelle Stenger, Amy Sturgis, Suzi Simerman, Violet Vanderver, Tony Weber, Angie White, Ryan Wigmore, Jane Terfler, Patrick Murphy, Brooke Ulrich, Laurel Longardner, Jodi Orendorff, Zack McKissik, Anthony Farr.

CANTEBURY HIGH SCHOOL

FACULTY

Ramona Fisher, Ted King, Nancy Vacanti, Rita Hayes, Bob Schantz.

STUDENTS

Ben Downie, Becca Downie, Kiya Bajpai, Lee Crawford, Dan Barrett, Seth Fischer, Avinash Mantravadi, Tracy Hayes, Ian Sambur, Dan Limburg, Abbie Vacanti, McLean Karr.

Emilie Powell, Charity Fesler, Anne Johnson, Kathryn Johnson, Sam Kaplan, Jessie Wickham, Make Najdeski, Kyle Michel, Maria Cipolone, Cecilia Taylor, Tina Zurcher, Neha Sharma, Katie Nichols, Lili Fuhr, Xenia Olajosova.

SOUTH SIDE HIGH SCHOOL

FACULTY

Ronald Holmes, Joann Piatt.

STUDENTS

Mindy Rorick, Nicole Hoffman, Nichole Pallard, Dan Hagen, Megan Pahmier, Metti Shank, David Miller, Josh Deyer, India Simmons, Leah Ahrensen, Steve Hill, Khalid Jaboori, Amarin Sengthongsava, Allyson Shadnagle.

CARROLL HIGH SCHOOL

FACULTY

Mike Cheviron, Judy Quinn, Sherrie Shade, Susan Terfler, Judy Schaubschlager, Steve Burner, Jo Bergstedt, Becky Reece, Susan Thompson, Cindy Vanvleet, Bill Mallers, Alison Hoff, Bonnie Wyss, Marti Weihe.

STUDENTS

Mary Slater, Amanda Repine, Amanda McClurg, Sara Zeiger, Matt Landin, Martha Boggs, Anna Hudson, Sherene Bucher, Rob Wermuth, Van Gardner, Kristie Stenger, Trey Begin, Faith Begin, Abi Iczkovitz, Dan Douglas.

Rula Mourad, Stephanie Simmerman, Andrew Krouse, Jeff Welch, Julie Baker, Erin Miller, Carrie Lane, Sarah Dick, Emily Richardson, Jennifer Burns, Jill Gilbert, Chad Freeland, Stacy Gephart, Amber Bond, Jennifer Osborne, Sarah Stephenson, Breanna Schaubschlager, Cathy Slater.

PAUL HARDING HIGH SCHOOL

FACULTY

Pam Butts, Mike Weidemeier, Mary Lou Renier, Craig Hissong, Alice Sheak, Neal Brown, Peggy Ruzzo, Mary Overmeyer.

STUDENTS

Kara Pettey, Adriana Lopez, Aundrea Sanders, Matt Bolden, Shakeira Drake, Kevin Neal, Augusta Harshman, Stephanie Barkley, Clara McCarley, Josh Summers, Meliss Krueger, Miracle Campbell, Tisha Hill, Sabrina Kitsos.

Chris LaPan, Doug Becker, Teresa Rittmeyer, Suraya Zaman, Stephany Jonas, Terence Johnson, Zach Evans, Daniel Rittmeyer, Josh Zaman, Nathan Yoder, Crystal Chatman, Paul Curl, She Kilso, Jason Griffin, Lamar Harvey, Cary Land, Joe Sauer, Noakem Zayyacheck, Glynnis Vann.

BISHOP LUERS HIGH SCHOOL

FACULTY

Terry Winkeljohn, Amber Booker, Dominic Freiburger, Wendy Breuggman, Cory Roffelsen.

STUDENTS

Vince Serrani, Mike Henz, Pete Hall, Betsy Quinn, Greg Witt, Angie Helmsing, Amanda Bratmiller, Steve Turner, Emily Lomont, Andy Blauvelt, Christopher Becker, Justin Rhoades, Theresa Wall, Rachel Heath, Matt Rurnschlag, T.J. Dickerson, Dacid Clough, Matt Freiburger, Nora Presswood, Ryann Harrington.

Andy Blauvelt, Katie Shank, Gretchen Augsburger, Nick Klingler, David Bugert, Allie Wyss, Joshua Booker, Marie Magers, Katie Rorick, Lindsey Giant, Scott Hartman, Laura Cost, Mandy Sroufe, Carmen Butler, Katie Colone, Jeni Lebrato, Pam Smith.

Becky Kelty, Beth Newell, Jennifer Wynt, Matt Dowling, Marcus Lummier, Courtney Furrow, Monica Guerra, Erin Spireth, Rachel Sorg, Melissa Castleman, Kendra Shuler, Beverly Wedler, Kathy Blankman, Sarah Thomas, Amy Creager, Elizabeth Wright.

A TRIBUTE TO KEN ERICSSON

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SHERMAN. Mr. Speaker, I would like to bring to your attention Officer Ken Ericsson. This week Mr. Ericsson is being honored by the California Highway Patrol with the 1997 Valley Community Legal Foundation's Outstanding Performance Award.

Officer Ericsson is a 19 year veteran of the force who has served his entire career in the West San Fernando Valley. Those that have had the privilege of working with Ken describe him as a dedicated, reliable, and enthusiastic officer. During his tenure as an officer he has developed a special interest in officer safety.

While off-duty Officer Ericsson has attended various officer safety courses ranging from firearm safety to officer survival training. These skills paved the way for him to become the West Valley Office's safety instructor. In that post, he has helped officers become more aware of and prepared for potential dangers.

In addition to helping fellow officers, Ken's farsightedness and safety training saved his own life in June 1996. While conducting a traffic stop on the shoulder of the Ventura Freeway, he was hit by an errant driver and thrown down the freeway's embankment. Had he not been standing in the proper position on the shoulder, as he had been trained, his injuries would have likely been fatal. Fortunately, Ken was able to return to work a short time later.

Mr. Speaker, I ask that you join me, Ken's family and friends, and the residents of the San Fernando Valley in recognizing the outstanding and invaluable service to the community of Officer Ken Ericsson.

DISASTER RELIEF—LITTLE ROCK, AR

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, in the wake of the tornado disaster in Arkansas, I would like to recognize the following 56 young men who gave of their personal money, time, and energy to assist with tornado relief. At the invitation of Gov. Mike Huckabee and Mayor Jim Dailey of Little Rock, AR, and their direction, they served in and around the city for a period of 4 weeks from March 3–28. 1997. During this time they assisted the mayor's office and city Department of Code Enforcement in removal of trees from homes and cleanup of house debris, while spreading goodwill, faith, hope, and charity wherever they went. Their sacrifice, diligence, and thoroughness conveyed a true sense of brotherly love to the citizens of Little Rock. The experiences these men received while serving will enrich their lives permanently, causing them to become better citizens, and thus have a greater impact in the world around them.

LISTING OF STUDENTS

Joseph Armis (IN), Robert Armstrong (WA), Jonathan Barber (GA), Adam Becker (OH), Jonathan Bendickson (BC), Evan Bjorn (WA), Daniel Boyd (TX), Nathan Bultman (MI), Alex Burrell (MI), Seth Campbell (ID), Shane Campbell (ID), Philip Codington (SC), Reuben Dozeman (MI), Brian Dye (CO), Jonathan Elam (IN), Jonathan Farney (KS), Steven Farrand (CO), Ron Fuhrman (MI), Gerald Garcia (MI), and Ryan Gearhart (TX).

Joel George (CO), Avione Heaps (MT), Burton Herring (MI), Marvin Heikkila (MN), William Hicks (CA), John Iliff (KS), Zachary Jaeger (IA), Caleb Kaspar (OR), Joshua Knaak (AB), David Kress (AL), Stephen Leckenby (IN), Andrew Leonhard (VA), Matthew Lindquist (CA), Brandon Lo Verde (NY), Andrew Lundberg (WA), Stephen Lundberg (WA), David Mason (GA), John Munsell (OH), Ryan Petersen (MN), and Timothy Petersen (GA).

Matthew Pierce (MS), Carl Popowich (CO), Daniel Powell (AL), Paul Southall (CA), Kevin Staples (AB), Joshua Syenhard (CA), Nathanael Swanson (NB), John Tanner (MI), Beau Taylor (WI), Joshua Thomas (OR), Daniel Thompson (CA), Seth Tiffner (WV), Roy Van Cleve (WA), Nathan Williams (KS), Joshua Wright (AR), and Jesse Young (AR).

ON WEI JINGSHENG

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, in 1995 it took a Chinese court less than 6 hours to convict Nobel Peace Prize nominee Wei Jingsheng of conspiring to subvert the Government. He was sentenced to 14 years in prison.

Wei was first imprisoned from 1979–1993, and has spent most of this last 18 years in solitary confinement. Yet the only crime that he has committed was standing up against tyranny and calling for democracy in China.

Today marks the publication of Wei's book—"The Courage To Stand Alone: Letter From Prison and Other Writings"—in which he writes about his belief in democracy and human rights. But despite international pressure and opposition, people in China continue to be detained and sentenced for standing up for their fundamental rights.

The trial and sentencing of Wei Jingsheng is a gross violation of the core ideals of democracy and freedom. In April 1994 Wei disappeared in the Beijing bureaucracy. For 19 months he was not allowed to communicate with his family, with legal counsel, or with his colleagues. In December 1995 Wei had only a few days to prepare a trial and obtain a lawyer.

Today Wei languishes in a cell where he spent the last years of his previous prison term. His health is poor and the conditions are deplorable. He suffers from arthritis, high blood pressure and heart disease, but his request for urgent medical attention have gone unfulfilled.

I applaud Wei's courage and strength to speak out in opposition to the tyranny of his government. I appeal to the Government of China to release this man, guilty only of believing in freedom and democracy. And I call on the President of the United States to continue to press for the release of Wei Jingsheng, and not to relent until he is free.

THE ATTORNEY GENERAL SHOULD LISTEN TO FBI DIRECTOR FREEH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SOLOMON. Mr. Speaker, the evidence and implications keep piling up around President Clinton's administration regarding fundraising abuses which potentially led to breaches of national security and economic espionage. I know I have been heard many times in this section of the RECORD and during various congressional debates, but that is only because of the grave concern I have about the depth of the potential foreign influence and infiltration into our Government. And I don't doubt that there are many people of all political persuasions who share my concerns based on these developments.

I feel I can say that Mr. Speaker because I know that Director Freeh of the FBI has been investigating these very serious matters for months and hopes to get to the roots of the scheme both here and abroad. Another reason I feel we have reached a sort of critical mass is because of the response of the media over the last 6 months or more who have helped uncover and draw attention to the dealings of fellows like John Huang, Charlie Trie, and Johnny Chung within this administration, the White House, and the Democratic National Committee. Included is the New York Times who has repeatedly called for an independent counsel, almost as much as I have, to investigate these matters. The bottom line is, we are dealing with what is turning out to be a sensitive investigation of our national security and economic security that may have been compromised for political gain. We need to remove those politics and handle it with the seriousness of purpose it deserves and I hope the President and his Attorney General, Janet Reno, would feel the same. And they don't have to listen to me, they can listen to Director Freeh and the following editorial from the New York Times which I would like to submit to the RECORD.

[From the New York Times, May 9, 1997]

GOOD ADVICE FROM MR. FREEH

According to numerous news accounts, the head of the Federal Bureau of Investigation, Louis Freeh, has given Attorney General Janet Reno some sound advice for carrying out her duty in the White House fund-raising scandals. Unfortunately, Ms. Reno still refuses to heed it, despite the mounting damage to the Justice Department's reputation and her own.

Mr. Freeh has urged Ms. Reno to seek the appointment of an independent counsel to conduct the investigation into possibly corrupt fund-raising practices in President Clinton's 1996 re-election drive. He cited the gravity and sprawling nature of the case, plus early evidence pointing to high-level White House involvement. In addition to offering this wise counsel, the F.B.I. Director has just shown his concern about the widening campaign-finance inquiry by more than doubling the number of bureau employees assigned to it.

Of course, Mr. Freeh's agency faces its own internal problems, and in advising the Attorney General of the need for an independent counsel, he was only relaying what has been apparent for months now, and not just to Republican partisans in Congress. Still, it is reassuring to know that at least someone high up in the Justice Department understands the serious nature and sensitivity of the White House fund-raising mess, and the unavoidable conflict of interest it has created for Ms. Reno and the Justice Department.

Less reassuring is Ms. Reno's response. In defending her refusal to seek an independent counsel, she has expressed confidence in the expertise and judgment of law enforcement professionals within the Justice Department's criminal division. These professionals have argued against shifting the investigation from their control to an outside prosecutor, based on a dubious reading of the known evidence and the applicable campaign-finance laws. Now it turns out that Mr. Freeh, one of the nation's highest-ranking law enforcement officials, has been offering precisely the opposite advice.

Yesterday Ms. Reno tried to downplay the significance of this conflict within her department over the need for an independent counsel. But she has yet to give a convincing explanation of why she has chosen to reject Mr. Freeh's counsel.

Senator Orrin Hatch, a Republican and chairman of the Judiciary Committee, who sparred with Ms. Reno at a hearing last week, said he was not surprised by Mr. Freeh's stance. "Who better than the F.B.I. Director could determine whether there are 'grounds to investigate' whether senior White House officials were implicated in violations of the law?" Mr. Hatch asked by way of making a point that Ms. Reno must at long last grasp.

ENHANCING THE CHESAPEAKE BAY RESTORATION PROGRAM

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. CARDIN. Mr. Speaker, today Representative WAYNE GILCHREST and I are joining in a unique, bipartisan partnership to promote the next stage of the Chesapeake Bay restoration effort. Over the past 20 years the Federal Government has played a vital role in coordinating and encouraging intergovernmental work to reverse declines in the bay ecosystem. The bills Representative GILCHREST and I are introducing today will build upon the success of this program as the preeminent national model for cooperative, regional environmental restoration. Our joint effort speaks to the importance of both these bills.

The Chesapeake Bay Restoration Act, H.R. 1578, which I introduced with Representative GILCHREST as the lead cosponsor, reauthorizes Federal participation with State and local governments in implementing the Chesapeake Bay agreement.

The bill: clarifies the leading role of the Environmental Protection Agency's Chesapeake Bay Program Office in coordinating scientific information, public outreach, and the activities and responsibilities of varying Federal agencies in the restoration; integrates ongoing habitat protection and enhancement, toxics reduction and prevention, nutrient management and water quality control efforts in the watershed with the overall bay program; establishes a program of small technical assistance and watershed improvement grants to communities, local governments, nonprofit organizations, and individuals to assist in projects complementing tributary basin strategies; assures the participation and compliance of Federal agencies owning or operating facilities in the Chesapeake watershed with the bay program; directs the EPA Administrator, working with the other signatories to the bay agreement, to regularly report to Congress on progress toward the goals established under the agreement; and authorizes $30 million per year between 1998 and 2003 for these purposes.

This legislation enhances and better coordinates the efforts of the Federal Government as a partner in the Chesapeake Bay restoration, while providing resources in line with current funding of the varying programs integrated under H.R. 1578.

Representative GILCHREST today introduced legislation, the Chesapeake Bay Gateways and Watertrails Act, H.R. 1579, that will complement the Restoration Act. I am joining him as the lead cosponsor of H.R. 1579. The Gateways and Watertrails Act will improve access and knowledge of the "Jewels of the Chesapeake" to those in our region and Nation. The bill directs the Secretary of the Interior to identify key sites and waterways in the watershed, work to protect them, and link them by roads, scenic byways, courses by water, and other means. It is an innovative project that will further enhance the goals of the bay program. Senator SARBANES, with many of his colleagues from the region, has introduced companion legislation to both the bills Representative GILCHREST and I are introducing today.

At a recent meeting of the Maryland congressional delegation held in the Capitol to review the Chesapeake Bay Program it was stated that the bay's restoration is not an event, but a process. The Chesapeake Bay is our Nation's largest estuary and the foundation for the ecological and economic health of the mid-Atlantic region. Nearly 15 million people live within its six State watershed and enjoy the many benefits of a healthy bay. Over the past two decades the overwhelming majority of the citizens in our region have committed to restoring the Chesapeake with a unanimity rarely found in public affairs.

Intergovernmental and private efforts to save the bay over the past generation have realized real successes in understanding and reversing declines in the Chesapeake ecosystem. But pressures on the bay continue to grow and for every victory, like the return of striped bass, there are many more challenges, from the devastated oyster population to the loss of wetlands. I ask my colleagues to join my distinguished friend from Maryland, WAYNE GILCHREST, and I in building on the successes of the bay program and taking on the new challenges we face.

Mr. Speaker, I ask unanimous consent that the text of the Chesapeake Bay Restoration Act, H.R. 1578, be printed in the RECORD at this point.

H.R. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Restoration Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) in recent years, the productivity and water quality of the Chesapeake Bay and the tributaries of the Bay have been diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia have committed as Chesapeake Bay Agreement signatories to a comprehensive and cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"CHESAPEAKE BAY

"SEC. 117. (a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than January 1, 1999, and each 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1998 through 2003.".

INTRODUCTION OF THE CHESAPEAKE BAY RESTORATION ACT OF 1997 AND THE CHESAPEAKE BAY GATEWAYS AND WATERTRAILS ACT OF 1997

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. GILCHREST. Mr. Speaker, today, I am pleased to introduce, with my distinguished colleague from my home State of Maryland, Mr. CARDIN, two bills to continue the protection, restoration, and public access and education efforts in the Chesapeake Bay watershed.

Our Nation's largest and most productive estuary, the Chesapeake Bay, is almost 200 miles long and is fed by 48 major rivers and hundreds of smaller rivers and streams. It is home to more than 2,700 plant and animal species and is the recreational destination of millions of people. The Chesapeake Bay also plays a primary role in this region's economy. In Maryland alone, the estimated value of commercial and recreational fishing, boating, hunting, and observing, feeding, and photographing wildlife in the Chesapeake Bay is $2.6 billion a year.

Draining into the Chesapeake are some 64,000 square miles; the bay's watershed covers most of Maryland, Virginia, and Pennsylvania, parts of Delaware, New York and West Virginia and all of the District of Columbia, and is home to over 15 million people. From the headwaters near Cooperstown, to the Appalachians in southwest Virginia and the Delmarva peninsula to the east of the bay, everything that affects the land, ultimately affects the bay. Every drop of rain, every ounce of polluted runoff, every best management practice, every tree planted within those 64,000 square miles makes the bay what it is.

It is the recognition of this connection that makes the Chesapeake so special. Sadly, the Chesapeake Bay had to fall victim to unchecked pollution, degradation of water quality, loss of underwater vegetation, and diminution of key fisheries before this connection between land and estuary was really understood. Like many other water bodies in the United States, unchecked and unregulated activities threatened wildlife habitat, commercially important fish species, and human health. In the late 1970's the problems in the Chesapeake Bay estuary were brought to light and Congress rallied to provide Federal dollars and structure to what became known as the Chesapeake Bay Program.

Since 1983, when the first Chesapeake Bay Agreement was signed by the Governors of the States of Virginia, Maryland, and Pennsylvania, the Mayor of the District of Columbia, the Chesapeake Bay Commission, and the Administrator of the EPA, the Chesapeake Bay Program has been a Federal-State cooperative responsible for restoring and protecting the bay. It has become the national model for interstate and intrastate cooperative efforts when a resource of regional and national significance is shared, as is the Chesapeake Bay.

The two bills we introduce today are a testimony to that initial recognition of the bay's unique value, the link between land and water and the need for additional education and outreach to continue the conservation, restoration and appreciation for the natural, cultural, historical, economical and recreational resources that the Chesapeake Bay provides this region.

The first bill we are introducing today, the Chesapeake Bay Restoration Act of 1997, is designed to build upon the Federal role in the Chesapeake Bay restoration efforts by maintaining the EPA Bay Program Office and highlighting the important technical and financial assistance, research and monitoring and educational and outreach programs the office fosters. The bill specifically establishes a small watershed grants program to provide Federal assistance to local governments and nonprofit organizations within the watershed for locally significant restoration, protection and education initiatives.

The second bill we are introducing today, the Chesapeake Bay Gateways and Watertrails Act of 1997, would further the connection of natural, historic, cultural and recreational resources to create an innovative Chesapeake Bay gateways and watertrails network throughout the bay and its tributaries. This bill directs the Secretary of the Interior to identify and protect resources throughout the watershed, to identify these individual sites as Chesapeake Bay gateways, and to link them with trails, tour roads, scenic byways and other sites. It also directs the Secretary to establish important water routes as Chesapeake Bay watertrails, and connect these watertrails with gateways sites and other land resources to create a Chesapeake Bay gateways and watertrails network. This bill encourages the affiliation among all of these sites in an effort to improve overall access to the bay and its resources, as well as provide opportunities for education of visitors and residents alike.

A similar effort is already underway in Maryland, where our Department of Natural Resources has been working on a program to feature the connections among a variety of protected lands, parks, and other special natural areas. This bay link system, as it is called, seeks to highlight each site's role in maintaining the integrity of the Chesapeake Bay ecosystem while providing a unique recreational opportunity. The collection of sites also acts to educate visitors as to the regional significance of the site by providing historical and ecological information. Such information will eventually be provided to virtual visitors who visit the bay via the Internet as well.

Many residents of the watershed are familiar only with specific sites; many visitors to the bay are exposed only to particular areas. The Chesapeake Bay Gateways and Watertrails Act of 1997 would promote the creation of a network of important sites across the entire watershed and provide residents and visitors alike the opportunity to recognize the connections between different parts of the watershed. It would provide financial and technical assistance for the conservation of important areas in the bay's watershed and promote linkages among national parks, waterways, local or regional heritage sites, wildlife refuges and other regionally or locally significant areas in the watershed. While encouraging visitors to experience the history and beauty of the bay, the gateways and watertrails network would also enhance public education, outreach and access around the bay and its tributaries.

Mr. Speaker, I welcome this opportunity to let everyone know just how special the Chesapeake Bay is to Marylanders and everyone in our region. I am pleased to be introducing these two bills to further coordinate efforts to protect and conserve the treasures of the Chesapeake Bay and her watershed. I ask unanimous consent that the text of H.R. 1579, the Chesapeake Bay Gateways and Watertrails Act, be printed in the RECORD at this point.

H.R. 1579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Gateways and Watertrails Act of 1997".

SEC. 2. DEFINITIONS.

In this Act:

(1) CHESAPEAKE BAY GATEWAYS SITES.—The term "Chesapeake Bay Gateways sites" means the Chesapeake Bay Gateways sites identified under section 5(a)(2).

(2) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—The term "Chesapeake Bay Gateways and Watertrails Network" means the network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails created under section 5(a)(5).

(3) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay Watershed" shall have the meaning determined by the Secretary.

(4) CHESAPEAKE BAY WATERTRAILS.—The term "Chesapeake Bay Watertrails" means the Chesapeake Bay Watertrails established under section 5(a)(4).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior (acting through the Director of the National Park Service).

SEC. 3. FINDINGS.

Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of international significance;

(2) the region within the Chesapeake Bay watershed possesses outstanding natural, cultural, historical, and recreational resources that combine to form nationally distinctive and linked waterway and terrestrial landscapes;

(3) there is a need to study and interpret the connection between the unique cultural heritage of human settlements throughout the Chesapeake Bay Watershed and the waterways and other natural resources that led to the settlements and on which the settlements depend; and

(4) as a formal partner in the Chesapeake Bay Program, the Secretary has an important responsibility—

(A) to further assist regional, State, and local partners in efforts to increase public awareness of and access to the Chesapeake Bay;

(B) to help communities and private landowners conserve important regional resources; and

(C) to study, interpret, and link the regional resources with each other and with Chesapeake Bay Watershed conservation, restoration, and education efforts.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to identify opportunities for increased public access to and education about the Chesapeake Bay;

(2) to provide financial and technical assistance to communities for conserving important natural, cultural, historical, and recreational resources within the Chesapeake Bay Watershed; and

(3) to link appropriate national parks, waterways, monuments, parkways, wildlife refuges, other national historic sites, and regional or local heritage areas into a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

SEC. 5. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.

(a) IN GENERAL.—The Secretary shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(1) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(2) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(3) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(4) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(5) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(b) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(1) State or Federal parks or refuges;

(2) historic seaports;

(3) archaeological, cultural, historical, or recreational sites; or

(4) other public access and interpretive sites as selected by the Secretary.

SEC. 6. CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(b) CRITERIA.—The Secretary shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(c) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(1) shall not exceed 50 percent of eligible project costs;

(2) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(3) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $3,000,000 for each fiscal year.

A TRIBUTE TO WILLIAM JENSEN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize a truly remarkable individual, Firefighter William Jensen. This week William's years of dedication and service to his community are being recognized by the Valley Community Legal Foundation as he is being presented with the outstanding performance award from the Los Angeles County Fire Department.

Bill joined the city of Glendale fire department in 1969. In his years in the department he has consistently brought an upbeat hardworking attitude to his work. When off duty Bill enjoys spending time with his wife, children, and grandchildren. He also volunteers in the community by maintaining the trees, shrubs, and yards for his older retired neighbors and friends. Nearing his own retirement Bill was looking forward to 1998 and spending more time with his family and friends when he was called to fight the Malibu-Calabasas fire.

The date was October 22, 1996. Bill was in Corral Canyon fighting the brush fire when he became trapped in a firestorm. He was caught by a sudden wind shift and engulfed by the flames. He was rushed to a local hospital where surgeons doubted that he would survive the second and third degree burns that covered over 70 percent of his body. However, Bill is not only a firefighter but a fighter as well. After enduring numerous surgeries and blood transfusions in his 3½ months in the hospital, he was finally able to return home.

Bill's incredible recovery did not come as a surprise to many of his coworkers, as one said, "If anyone could survive something like this, it would be Bill." On February 2 Bill returned home to celebrate his birthday with his family, friends, and a community that has rallied around him. His story is remarkable and should serve as an inspiration to us all.

Bill's heroism was recently recognized by the Glendale Fire Department as they honored him with the medal of valor. This week he is being recognized with the outstanding performance award from the Los Angeles County Fire Department. Truly these accolades are long overdue to a man who has been a model civil servant, community volunteer, and family man for many years. I am proud to salute Bill and his service to our community.

HUMANITARIAN AID—MOSCOW, RUSSIA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, in a day and age where responsibility is shirked and leisure is honored over discipline, I would like to commend to you 14 young men who have shouldered responsibility beyond their years. These men served as Ambassadors of good will and friendship to the city of Moscow, Russia, under the direct invitation and authority of the Moscow Department of Education, between July 19 and September 3, 1996, as a part of Operation Flexibility 96–2. During this time they were involved in community assistance, demolition, construction, renovation projects, and meeting the basic needs of those around them. Their work and influence has not gone unnoticed by the Russian authorities, and indeed, the rest of the world, as they have been acclaimed and invited to several States and nations to continue the same tradition of service. The lessons and character that they are developing though their constant ministry, has and will continue to affect the lives of those they serve and meet in a positive manner.

Seth Campbell (ID), Andrew Cope (SC), Paul Elliott (WY), Ryan Gearhart (OK), Robert Myer (FL), Timothy Rogers (NY), David Servideo (VA), Adam Shelley (MO), Michael Shoemaker (IN), Scott Westendorf (OR), Brian Wicker (AZ), Matthew Yordy (IN), Joshua Meals (TN), Joshua Tanner (MI).

SUPPORT FOR ENDING ABUSE OF HUMAN RIGHTS IN CNMI

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. MILLER of California. Mr. Speaker, one of the major newspapers of the Pacific region has added its highly influential support to efforts to end the well-documented pattern of systematic human rights and labor abuses in the U.S. Commonwealth of the Northern Mariana Islands [CNMI]. I would like to bring to the attention of my colleagues this editorial from the April 25, 1997, Pacific Daily News, a newspaper based in Guam with widespread circulation both in the Pacific and the United States.

The article, "Plans to Strip CNMI of its Labor, Immigration Authority Not Surprising," supports legislation I recently introduced with nearly 40 of our colleagues to bring immigration and minimum wage policies in the CNMI under Federal jurisdiction. H.R. 1450 also would require that goods made in the CNMI be labeled "Made in USA" only if all U.S. labor laws were adhered to in the manufacture of the goods.

Contrary to promises by the CNMI government to crack down on continuing labor and human rights abuses, the government has actually rolled back worker protections. Just last week, the CNMI governor announced that he will seek to repeal current law that would have provided a 15-cent increase in the existing subminimum wage for the garment and construction industry—an increase that would at least have brought the wages of these workers into conformity with other industries. The lowest paid workers in America, these foreign laborers—and especially the women—work long hours, are often denied overtime wages, live and work in unsanitary and unhealthy conditions, and face physical and mental abuse from employers.

The editorial strongly states "If even a fraction of the numerous allegations of tolerance for illegal and immoral recruiting practices, human rights abuses and uncontrolled immigration are true, the CNMI deserves to be censured." Based on information contained in a report recently released by the Resources Committee, Economic Miracle or Economic Mirage, this threshold is easily met.

The Pacific Daily News editorial articulates the concerns of many Members of Congress, religious and human rights organizations, labor unions, and U.S. citizens, when it notes that if the CNMI government and local businesses "want to benefit from America's reputation, then they need to subscribe to the principles that founded this nation."

The article follows:

[From the Pacific Daily News, Apr. 25, 1997]

PLANS TO STRIP CNMI OF ITS LABOR, IMMIGRATION AUTHORITY NOT SURPRISING

If U.S. Congressman George Miller has his way, the Commonwealth of the Northern Marianas will be stripped of its power to control immigration, set its own labor standards or sell goods with the label "Made in the USA."

That announcement should not come as a surprise, because U.S. lawmakers and federal officials who have oversight of the commonwealth's affairs have threatened to do that for several years because of continued reports of abuse of these powers.

Besides curtailing CNMI immigration and labor powers, Miller has written legislation that will force the Saipan government to increase its minimum wage—something that Northern Marianas leaders have been reluctant to enact.

For years the commonwealth has been the subject of numerous investigations and scathing criticism about indiscriminately importing thousands of alien workers to fill low-paying jobs—frequently described as sweat shops.

Even with repeated promises from CNMI leaders to comply with federal demands to clamp down on admitted abuses, Miller isn't buying that anymore.

Along with his bill, Miller will release a 21-page report that details "systematic labor, human rights and immigration abuses in the Commonwealth of the Northern Marianas and attempts to shield these abuses from public scrutiny."

If Miller, who is the senior-ranking Democrat on the House Resources Committee, gets the support he needs, this may be the end of the line for unchecked control of immigration and labor in the Northern Marianas.

If even a fraction of the numerous allegations of tolerance for illegal and immoral recruiting practices, human rights abuses and uncontrolled immigration are true, the CNMI deserves to be censured.

There must be competitive balance for states and territories that comply with federal rules. And it's not right that foreign workers are treated so shabbily while someone else profits.

If the CNMI government and businesses that indulge in this practice want to benefit from America's reputation, then they need to subscribe to the principles that founded this nation.

Otherwise, sew a label on every garment that says: "Made in the CNMI by Low Paid Alien Workers."

RHAWNHURST-BUSTLETON AMBULANCE ASSOCIATION, INC., 35 YEARS OF SERVICE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. BORSKI. Mr. Speaker, I rise today in honor of the Rhawnhurst-Bustleton Ambulance Association. For over 35 years, the volunteers of the Ambulance Association have been unselfishly dedicated to helping their friends and neighbors in need.

The members of the Ambulance Association exemplify volunteerism. They give of themselves without compensation, and often put themselves at risk. Regardless of weather or hour of the day, volunteers transport members of the community to and from hospitals.

The contributions that the Rhawnburst-Bustleton Ambulance Association makes to the neighborhood are vital and indispensable. In the case of an emergency, this group of people can be counted on to aide those in distress and need of care.

The volunteers of this community driven organization should be honored and congratulated on 35 years of service to their fellow citizens. I applaud them for the contributions they have made, and for the people they have helped. I wish them continued success in the future.

WIC

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. HINOJOSA. Mr. Speaker, I rise today to talk about the Women, Infants, and Children [WIC] Nutrition Program. First, I want to say this is a program I wholeheartedly support. Second, I want to say I support it because it is very important to the health of this Nation, and specifically to the health of the 15th Congressional District, which I represent. I mean this literally.

You see, the WIC Nutrition Program is probably the single most successful of all Federal social programs. It has a proven track record of helping women deliver more healthy babies. Women in WIC are more likely to receive prenatal care. It has proven to lower the medical expenses of pregnant women. In fact, the Government Accounting Office estimates that every dollar spent on WIC saves $3.50 in Social Security and Medicaid benefits. Additionally, and perhaps most importantly, WIC has been linked to improved cognitive development among children.

In my district alone, a total of 60,115 women, infants, and children benefit from this nutrition program each month. This includes 12,641 infants, 34,293 children under the age of five, 6,231 pregnant women, and 6,850 postpartum/breast-feeding women. These numbers speak for themselves and tell why it is WIC is so important to so many in south Texas.

There are those who believe that the WIC Program is adequately funded. I, however, am not one of those and must take issue. WIC needs to be better funded, and should receive full supplemental funding at the administration's $78 million request.

Our Nation cannot afford to ignore the health and well being of our women, children and infants. Reducing nutrition programs geared toward the most vulnerable of our citizens is not the answer to reducing the budget deficit.

While I am new to these halls, one subject I hear discussed regularly is health care. WIC, in my eyes, is one of the best health care programs in place today, and as such, it is an outstanding investment in our Nation's future. By supporting this we are supporting better health for our Nation's children. This must always be among our foremost priorities here in Congress.

RECOGNITION OF GEN. RANDALL RIGBY

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. WATTS of Oklahoma. Mr. Speaker, it is my distinct privilege to represent Fort Sill, OK, in the U.S. Congress. Since 1902, tens of thousands of U.S. Army personnel have trained and have raised their families at Fort Sill and the neighboring city of Lawton, and many of these same men and women have retired near the post and built a community of families, businesses, and friends. In the Army and in Oklahoma, we are very proud of Fort Sill and its contributions to Oklahoma and to the Nation.

We are also proud of the fact that Fort Sill has always been blessed with outstanding leadership, and its current commander, Gen. Randy Rigby, is no exception. General Rigby came to Fort Sill as commander in June of 1995, 25 years after his first official arrival at the fort as a second lieutenant and student in the field artillery officer basic course. Even then, however, he was no stranger to Fort Sill since General Rigby is a native of neighboring Lawton, OK. In fact, General Rigby did his undergraduate schooling in Oklahoma. He then went on to build a distinguished record of military service that represents the absolute finest of that which we respect in our military's leadership.

Fort Sill has been blessed by General Rigby's strong and inspiring leadership. His dedication to the highest standards have reverberated through every corner of this important military facility.

Regretfully, in the Army, the time always comes when it's time to move on, and the Army has fouhd a new and challenging position for General Rigby in Washington, DC. The Lawton/Fort Sill community will sorely miss Randy and his remarkable wife Carol who have been such extraordinary good neighbors in both the personal and the professional sense.

I would like to take this opportunity to wish Randy and Carol the very best for continued good success as they move on to their new assignment in the Nation's Capitol.

MOTHERS AGAINST DRUNK DRIVING YOUTH SUMMIT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. PACKARD. Mr. Speaker, all too often the headlines we read about young people today are punctuated with tragedy and violence. Today, however, I have a positive story to tell about young people from every congressional district who are here today to make a difference.

Today, 435 kids from across the Nation will be visiting each and every one of us to talk about what they are doing to stop underage drinking and driving. In California, where I am from, drinking related accidents accounted for more than 40 percent of traffic fatalities during 1995.

You might be surprised to learn that eight young people a day die in alcohol-related crashes. Many of us read and hear about the kids addicted to crack cocaine, heroin, and marijuana, but the No. 1 drug among young people is alcohol and it kills.

However, the young people visiting our offices today are working to change that. Over the weekend they met to discuss solutions to this problem and will discuss their finding with each of us. I listened carefully to both Marlena Plummer from El Camino High School and Anne Carriker from Carlsbad High School. I urge you to place close attention to the high school students visiting your offices.

I applaud these young people for their dedication and commitment. I look forward to the day when the headlines about young people are punctuated with their accomplishments rather than their tragedies.

TRIBUTE TO DANNY MASTRO

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Sergeant Danny Mastro. It is a privilege to recognize someone like Sergeant Mastro who has consistently served the area while wearing his Los Angeles Police Department uniform as well as a volunteer in the community.

Sergeant Mastro's enthusiasm and leadership have served as a catalyst to his colleagues on the force, as they have joined him in his many community efforts. When those closest to Danny are asked what drives him the reply is simple: He cares about his community, especially its children.

In 1992, Sergeant Mastro created an antigang, antidrug billboard campaign directed at the youth of our community. Danny took this innovative idea and made it a reality. He raised several thousand dollars in donations to pay for printing costs and was able to get local companies to donate over 100 billboards. The billboards pictured Sergeant Mastro with a local hockey and football star and the slogan "Who Is Your Role Model Going to Be?" It is my sincere hope that the children of Los Angeles will follow Danny's lead and choose people like him as their role models.

Danny has played a vital role in numerous volunteer activities and community development programs. As part of an antigang unit, he counseled at-risk youths teaching them to focus their energy away from violence toward more productive and meaningful activities. He has galvanized support within the LAPD for several fund raising drives. He has also volunteered extensively in the Special Olympics, the Boy Scouts, and the local Head-Start Program. Indeed, the Sergeant has freely given of himself to his community.

Danny's presence in the community and on the force is a sure indicator that the strong ties will continue to be forged between the people of Los Angeles and the LAPD. I salute him for his efforts.

HOUSE OF REPRESENTATIVES—*Wednesday, May 14, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 14, 1997.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that You have surrounded us with family and colleagues who support us and encourage us. We are also aware that we are encompassed about with our communities from all over this land. O gracious God, from whom we receive our strength and to whom we belong, remind us every day that we do not live or serve alone nor do we have the abilities to run only our course, but are dependent upon others to truly know ourselves and to be Your faithful people. May we be ready to assist those about us just as they sustain us in our concerns. So be with us in our work, and may Your blessings be upon us and all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. MENENDEZ] come forward and lead the House in the Pledge of Allegiance.

Mr. MENENDEZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

TRIBUTE TO THE LATE UNIVERSITY OF NEBRASKA FOOTBALL COACH AND ATHLETIC DIRECTOR, BOB DEVANEY

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, last Friday, Nebraska lost one of its finest. Former University of Nebraska football coach and athletic director Bob Devaney passed away, but not before leaving a legacy that will never be forgotten in the Cornhusker State and in the rank and file of college football.

Anyone familiar with college football knows the outstanding accomplishments that Coach Devaney achieved. He took an average college football program and led the Cornhuskers to back-to-back national titles in 1970 and 1971.

Bob Devaney not only ushered in a new era of college football, he brought Nebraskans together and gave our great State a team and an institution to be proud of.

Most of all, Coach Devaney put life in perspective.

In 1965, Devaney told fans before a game that there are 800 million people in China who could care less if Nebraska won or lost because there are bigger things in life than whether your team wins or loses.

Coach Devaney taught sportsmanship and unity, lessons from which we all can learn.

So, Mr. Speaker, as Coach Bob Devaney is laid to rest this afternoon, I think that I can speak for all Nebraskans and all college football fans across this country alike when I say, "Coach, thanks for the memories."

IRISH DEPORTEES

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today on behalf of Noel Gaynor, his family, and six other families on whom injustice has fallen across the ocean from Ireland to America.

The Irish political deportees, as they are referred to, left Ireland to restart their lives in America. Today they are engaged in a different struggle with the U.S. Department of Justice which relentlessly seeks to deport them for their political beliefs. Each man is married to an American citizen or permanent resident.

These men are not wanted by anyone. They were prosecuted for political reasons in the British Diplock Courts. That means one British judge, no jury, confessions which were extracted under torture and duress, and as such, they were sentenced and held with a special political status, a direct acknowledgment of their status as British political prisoners.

All of them have proven through years of residence their commitment to their families, communities, and indeed to the American dream.

This is a photo of Sinead Gaynor holding a sign at a demonstration which says "Don't Deport My Daddy." She and the other nine American children are the reason we are here today. Sinead deserves the same opportunity to live in America and realize her dream as any other child. These people should not be deported.

NEWLY ASSUMED POLICE POWERS BRUCE BABBITT AND THE BUREAU OF LAND MANAGEMENT ALLEGE TO POSSESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I would like to discuss the newly assumed police powers Bruce Babbitt and the Bureau of Land Management allege to possess. Although the BLM claims these regulations are merely a recodification of the current regulations and do not result in the creation of new authority, this is simply not the case. The proposed law enforcement regulations are an attempt to vastly, and in most cases unlawfully, expand BLM's law enforcement authority.

The Constitution of the United States guarantees proper notice describing those actions which may subject its citizens to criminal punishment. However, in this case, BLM has criminalized thousands of minor violations of Federal, State, and local rules that previously were not criminal. The proposed regulations' vague references to any law or ordinance are not constitutionally sufficient, thus making the proposed regulations unlawful and, indeed, unconstitutional.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Tomorrow, Mr. Speaker, the Subcommittee on National Parks and Public Lands of the Committee on Resources will bring BLM and the Department of the Interior before our committee and the American people to explain their new regulations, which have begun to put a stranglehold on the western part of this country. To that extent, we may never recover.

LET US FEED OUR CHILDREN AND EDUCATE THEM

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, last night the majority Republicans made a wise decision in including full funding for the WIC programs. They threatened originally to cut the President's $76 million request for additional fiscal year 1997 funds in half, which would have forced 180,000 women, infants, and children to be kicked off of the nutrition program.

I join a lot of my colleagues today in breathing a sigh of relief now, although we hear that WIC has been replaced by education cuts.

Under their new proposals there are several red flags. Under this Republican proposal, 86,000 children will be cut from Head Start, 360,000 fewer students would be eligible for Pell grants for college or job training, and nearly 500,000 fewer children would have teachers to help them with basic math and reading skills.

Congress has enacted a safeguard for our country's pregnant women and infants and children by not removing them from the WIC rolls. Now let us make sure they can also educate our children. Let us not only feed our children, but let us educate them.

CONDEMNING THE JUSTICE DEPARTMENT'S EFFORTS TO DEPORT IRISH-AMERICAN FAMILIES

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, I rise today to denounce the outrageous decision by the Justice Department to deport Irish nationals from this country. As my friend, the gentleman from New Jersey [Mr. MENENDEZ] has said, we are talking about 10 men and women who have lived in this country a number of years, who have never violated any laws of the United States, who are legally in the United States, who are married either to American citizens or foreign-born residents of this country.

The fact is these men are outstanding members of this community. They have raised their children who go to our schools, they have raised families, they have worked hard, they have contributed to this country. Yet, in a mean-spirited action, the Justice Department is moving to deport them. Their only crime is they were politically convicted in nonjury political courts in Britain years ago. They were political prisoners. They entered this country legally. Now, for no reason whatsoever, our Justice Department is moving to deport them.

The gentleman from New York [Mr. GILMAN] and I had the opportunity to testify for one of these men, Brian Pearson. At his trial the judge found that he was entitled to status in this country, and refused to deport him. Yet the Justice Department has decided to appeal that decision, in direct violation of President Clinton's campaign pledge that there would be no more Joe Doherty's. This is another Joe Doherty. The decision is wrong, it is outrageous, and I condemn it.

CONGRESS SHOULD TAKE A LOOK AT CHINA, THE NEXT MAJOR NATIONAL SECURITY THREAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China violates American trade laws, China threatens to nuke their neighbors, China sells nuclear weapons to our enemies, China tries to influence American elections, and to boot, there is no political freedom in China. There is no religious freedom in China. Let us not forget China is still a Communist dictatorship.

Mr. Speaker, if that is not enough to compromise your samurai, there is a group of Washington politicians who want to reward China with permanent, that is right, permanent most-favored-nation trade status. Beam me up.

I say there should be some permanent brain surgery for these permanent politicians performed by some permanent proctologist; permanent this, China. Congress had better take a look at the next major national security threat that is a dragon about ready to eat our assets.

A SALUTE TO CHRIS ALLEN, MAKING A DIFFERENCE IN THE LIVES OF CHILDREN

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, how do you follow that?

Mr. Speaker, I, too, rise today to commend and salute one man in Chattanooga, TN, who is making a huge difference in the life of children. His name is Chris Allen. He is a reporter with WDEF Channel 12 in Chattanooga, but he is being recognized this month by the President of the United States as one of 28 citationists of over 3,600 nominated from the Points of Light Foundation.

Chris, several years ago, was on a routine mission studying the inner city schools in Chattanooga and found that the library books were not on the shelves, that the materials were not in the classrooms, and he began an organization that has now helped over 11,000 children and raised over $500,000 to help the inner city schools in Chattanooga, TN.

Chris Allen deserves this recognition. He deserves for the House of Representatives today to recognize him, which I do at this time. We commend you, Chris Allen. One man can make a difference.

URGING AN END TO DEPORTATION PROCEEDINGS FOR SEVEN IRISH NATIONALS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I join with my colleagues in support of the seven Irish nationals residing in the United States who are currently facing deportation by the Immigration and Naturalization Service.

While these individual cases and backgrounds may be different, they do share a number of important similarities. These seven Irishmen were convicted in British courts, with no juries. They have served their time and they are not wanted for any crime anywhere. They are now productive, law-abiding members of their communities, and most importantly, they pose no threat to anyone.

Mr. Speaker, I have met personally with the Gaynors, the Morrisons, the Pearsons, the Megaheys, the McErleans, the Crossans and the Caufields, and they have told me what this decision will mean if they are deported at this time.

The election of Tony Blair as Prime Minister of Britain has restored a sense of hope on both sides of the Atlantic that a just and lasting peace can finally be achieved in the north of Ireland. I urge the administration to give these seven Irish-American families renewed hope today by ending these foolish deportation proceedings and allow them to live their lives out in peace and tranquility as American citizen.

THE ADMINISTRATION MISSES AN OPPORTUNITY TO HELP PROVIDE LASTING PEACE AND JUSTICE FOR NORTHERN IRELAND

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, the President and his Immigration and Naturalization Service have missed an important opportunity to help in our efforts to provide lasting peace and justice for Northern Ireland.

Brian Pearson, an Irish nationalist who lives in Rockland County, NY, in my district, with his American wife and child, faces continued INS deportation proceedings. Despite an immigration judge's extensive findings that Brian Pearson is no threat to our Nation's security, and which granted him political asylum and permanent resident status, and despite extensive public support for not pursuing an appeal, the INS has gone forward in the appeal process.

I have raised Brian's possible deportation with the President, with the Secretary of State, and asked to use Brian's case to begin the reconciliation and healing that Northern Ireland needs so badly today. During the recent 18-month cease-fire the prior conservative British Government missed the opportunity to use the cases of both nationalists as well as loyalist prisoners to help build confidence, reconciliation, and greater healing to underline and build support for lasting peace.

I urge the administration to stop this appeal process.

□ 1015

ON BEHALF OF DEPORTEES

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. McCARTHY of New York. Mr. Speaker, I am here today to talk about the Irish deportees. I come from the great State of New York. We have the Statue of Liberty in front of us. That Statue of Liberty is there because we take immigrants here. We have people that are living in this country and now we are trying to take them out of the country.

I am sorry, Mr. Speaker. We are here to protect the families of these Irish-American families. I am sorry, sir. We have to protect the wives and children. If we do not take a stand now, how often will it happen?

That is what is great about this country. We stand up for those things that we believe in. Mr. Speaker, please. Mr. President, hopefully you will listen to our voices. Let these people stay here in peace. They are part of us. We are part of them.

TAX ON CAPITAL GAINS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, I often get asked the question, are cuts in the tax on capital gains a tax break for the rich? Actually, it is a very interesting question. But the answer would reveal little more than the fact that the rich have, well, more money than the nonrich. But it is a fair question nonetheless.

Who benefits the most from a tax cut on capital gains, the rich or the middle class? The answer is, it depends on how we measure it. If we measure by value, then, yes, most of the gains go to upper income people because upper income people have more money to invest. So that is not saying very much. But if we measure by the number of people who own a capital asset, we may be surprised to know that according to the Internal Revenue Service, the vast majority of taxpayers claiming capital gains are 77 percent.

They have adjusted gross incomes of less than $75,000 a year. I repeat this surprising fact. According to the IRS, 77 percent of those claiming a capital gain on their tax returns have incomes less than $75,000 a year.

It produces jobs, Mr. Speaker. That is why we need it.

NOEL GAYNOR

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I rise today to bring this House's attention to a matter of concern to all Americans.

A little over 7 years ago, Noel Gaynor legally emigrated from his native Northern Ireland to the United States in hopes of putting his past behind him and beginning a new life. Mr. Gaynor settled in my district in Bloomfield, NJ, and since his arrival has been nothing but a model citizen and part of the community, a diligent and hard-working union laborer. He is highly regarded for both his work and his character. Mr. Speaker, he is my neighbor.

More importantly, Mr. Gaynor has married a wonderful wife, Colleen, two beautiful young daughters. He has established a life here in the United States. This is all in jeopardy because the INS now seeks to tear Mr. Gaynor away from his home.

Mr. Speaker, he is my neighbor. Uprooting Mr. Gaynor from his life here and deporting him would not only destroy his life but the life of his wife and his children.

Mr. Speaker, Noel Gaynor is our neighbor.

ON THE BUDGET

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, New Jersey is moving forward again. As a former chairman of New Jersey's Assembly Appropriations Committee, I was one of those chiefly responsible for passing Gov. Christie Todd Whitman's economic plan in 1993.

Let me tell my colleagues, we heard a lot of doomsday predictions back then. So I know that it is sometimes tough to be bold. But we passed tax cuts. We passed spending reductions and we passed a balanced budget. And New Jersey is stronger today because of those victories. We have seen more jobs, a growing economy, and a better quality of life in our State.

Mr. Speaker, it is time to be bold for the American people. We can do that by passing our own balanced budget plan. Our historic agreement invests in education, the environment and protects important priorities like Social Security and Medicare.

Better yet, it cuts taxes, creates jobs and will keep our economy growing for the future. But best of all, our budget builds a stronger America for our children by actually balancing the budget once and for all.

Mr. Speaker, we owe it to our children to be bold once again.

PROVIDE WIC WITH THE MONEY TO FEED WOMEN AND CHILDREN

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, I rise today to add my voice to those who are saying it is about time, time that it was recognized that we cannot neglect the hungry, that we cannot deny nutrition to women, infants and children.

The decision to provide more money for WIC was a step in the right direction. The special supplemental nutrition program for women, infants and children faced a shortage that had to be made up. Tens of thousands of needy mothers and babies would have gone without proper food if changes were not made to the supplemental appropriations.

The U.S. Department of Agriculture has estimated that $76 million more is needed to see that the WIC program through the end of the fiscal year is appropriated. Otherwise, the WIC rolls would be cut by as many as 360,000 participants.

WIC improves diet. It reduces low birth weight. It reduces infant mortality. The program works. It delivers on its promises.

I am glad that we have been able to deliver on ours. I want to thank my colleagues who worked so diligently in succeeding in getting that job done.

IN SUPPORT OF TAX CUTS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, the average American today pays about 40 percent of his or her income in taxes when we count taxes of all types, Federal, State and local. Then the average person pays another 10 percent in regulatory costs passed on to them in the form of higher prices. This is why today the average family has one spouse working for the government and one spouse working for the family. Many people do not realize how much they are paying, about half of their income going to support the government.

Today we are proposing in our budget an $85 billion tax cut. Some people have implied that this tax cut is just too much, yet this cut is spread over a 7-year period. During that time period, this amounts to a tax cut of less than 1 percent per year. I know we can afford this. The Federal Government wastes far more than 1 percent each year.

I urge my colleagues to support this very needed tax relief for the families of America, a large part of which is a $500 per child tax credit. Let us support the families of America instead of wasting more through our Federal bureaucracy.

THREAT OF DEPORTATION

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise today to discuss an issue that is affecting many of my constituents on a very personal level. A number of Irish nationals living in my district in New York and elsewhere have been unfairly targeted for deportation. Many of my colleagues and I have sent letters to President Clinton, Attorney General Reno and other United States and British officials raising this issue and calling for justice for these members of our community.

Most of the individuals who are facing deportation have established their lives here. They are married to American citizens, have American children and have been productive members of their communities for many years.

The threat of deportation has taken an enormous emotional and financial toll on these families every day. They wake up to the possibility that the lives they have worked so hard for will be shattered by deportation. We must demand that these families are treated fairly. They deserve at least that much.

AGAINST DEPORTATION

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I rise in strong support of my colleague from New York, Mrs. LOWEY, and other Members and as chairman of the Friends of Ireland to speak out strongly against the Justice Department's decision to appeal the decision of a court and to attempt to deport a citizen of the United States currently back to Northern Ireland. These men, and there are a number of them, served time in prison in Northern Ireland. Many of them are trumped-up charges and very questionable judicial processes.

They came to the United States, married, raised their kids and have become excellent and productive citizens of the country. Now they may be forced to return and, if they do, they are marked men in Northern Ireland. It would be wrong to send them back where they and their families would be subjected, again, to possible injustice and physical harm.

Mr. Speaker, I ask that my colleagues join me in expressing their dissent from the Justice Department.

GENERAL LEAVE

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my 1 minute.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from New York?

There was no objection.

MESSAGE TO THE INS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I rise this morning on behalf of Brian Pearson. For the last 9 years Brian has lived in Pearl River, NY, in Rockland County working construction, being a loyal husband, raising a daughter, paying his taxes and taking part in his community.

In short, Brian Pearson has lived the American dream. And now the INS wants to snatch that dream from Brian and his family. Why? Because Brian was a political prisoner two decades ago. Yes, a political prisoner. And those are not my words. Those are the words of the British Government, the same British Government that convicted him in a kangaroo court with no jury. Brian Pearson paid his debt to the British Government. Brian Pearson is no threat to us. In fact, Brian Pearson makes Pearl River a better town, New York a better State, and America a better country. Do not trust my words on this. Trust the words of Mary Gill and Kathleen Conway and Cornelius Buckey, his friends and neighbors who have written to me asking for justice.

So this morning, Mr. Speaker, in conclusion, I say to the INS, Brian Pearson's case and at least six other cases like his are just ones. Keep the Pearson family together and leave Brian Pearson alone.

TAX CUTS FOR WORKING FAMILIES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, like many of my colleagues, I go back to my district every weekend. Since there is a lot more common sense, in my view, in Cincinnati than there is here in Washington, I try to listen to as many people as possible when I am back home.

The one question that keeps coming my way is this: "Why can't you folks in Washington cut our taxes?" That is a question they have got every right to ask us. It is their hard-earned money that comes to Washington every year in bigger and bigger chunks. The Government keeps getting bigger, and Federal programs up here grow and grow and that money comes right out of the paychecks of hard-working people in my district in Cincinnati.

□ 1030

Well, Mr. Speaker, I am with them. I am one of those Congressmen who is going to work very hard in the next few weeks to see that any budget agreement considered by this House contains serious tax cuts for the working families in Cincinnati and all around the country.

We have a golden opportunity to let the people of this country keep more of the hard earned money that they make and they send up here to Washington. For the people's sake, let us not blow it this time, let us cut taxes on people all over this great Nation.

ADMINISTRATION SHOULD KEEP PLEDGE OF NO MORE JOE DOHERTY'S

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I rise today to express my concern about seven families who are being unjustly targeted by the Immigration and Naturalization Service for deportation to the north of Ireland.

I was first informed about the plight of these families after I met Charles Caulfield, his wife Kathleen, and their four children, who reside in my district. I learned that despite the fact that they committed no crime in the United States and despite the fact that neither the Irish, nor British Governments are seeking to extradite them, the Federal Government is going to extraordinary lengths to force their family to return to a dangerous conflict.

Mr. Speaker, Kathleen Caulfield has been harassed and detained by British security forces in Ireland while being over 6 months pregnant and without being charged with a crime. I believe the threat of persecution and harassment for these seven families due to their beliefs in a united Ireland is genuine.

Immigration Judge Williams has recently ruled that one of the men facing deportation, Brian Pearson, should be granted political asylum due to the fact his acts in Ireland were political in nature and the threat of persecution is great. I am deeply disappointed with the INS.

President Clinton, by the way, in 1992 stated there would be no more Joe Doherty's. I ask that this administration be true to that pledge.

CONGRESS STILL RESPONSIBLE TO DEBATE, CRAFT, AND PASS TAX BILLS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I commend the hard work of our budget negotiators for coming to an agreement that balances the budget by the year 2002. It is a positive step. But let me make it perfectly clear, as a member of the Committee on Ways and Means, I take seriously my responsibilities and constitutional authority to debate, craft, and pass tax bills out of this committee. In no way should the President dictate or bind our committee as to what should and should not be in any tax bill. That is what the committee process and this Congress was designed to do.

We will give full backing to the gentleman from Texas, Chairman ARCHER, when he says we will accept the number given to us by the budget negotiators and the President, but we reserve the right to craft the provisions that are in any tax bill that comes before the committee and we may make them higher in the interest of the American people. It is that simple.

BLOCK GRANTS DO NOT WORK

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, already there is evidence that the Republicans' mindset on block grants do not work. Why I say that, in my home State of Texas, unfortunately, the Medicaid block granting process has hit home in the 18th Congressional District.

Yesterday, the Texas Health Department issued its contracts on HMO's for our community. Is it not interesting that the largest hospital district that serves the poor, the Harris County Hospital District, did not get a Medicaid contract from the Texas Department of Health? Is it not interesting that Eric Baumgartner and the Texas Department of Health decided to exclude the Harris County Health District in this Medicaid contract, the one district that serves the largest number of individuals who are indigent.

There exists a serious lack of African-American, Asian, and Hispanic representation within the top management and decisionmaking groups within the six HMO award recipients for Harris County, which has a Medicaid majority population of African-Americans, Asians, and Hispanics.

It seems outrageous that in this time when we say block grants work, I am saying they do not work because they had denied opportunity to the bulk of my constituents in the 18th Congressional District.

EFFECT OF CAPITAL GAINS TAX REDUCTION

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to comment again, as I have in the past, on one of the most important pieces of legislation that has been introduced in this Congress. It is H.R. 14, which is designed to take the top rate on capital gains from 28 to 14 percent.

Now, many people have in the past called this a tax cut for the rich, but we all know from every bit of empirical evidence that we have that it would in fact do more for working families in this country than virtually any of the so-called family tax cuts that we have.

In fact, a study by the Institute for Policy Innovations found we could increase the take-home pay for the average family by $1,500 per year if we were able to reduce the top rate on capital gains from 28 to 14 percent.

The gentleman from Texas, [Mr. ARCHER], and others on the Committee on Ways and Means very much want to do this. I am pleased that the President has indicated his support for a broad-based reduction in capital gains. It should be zero, but I will accept 14 percent.

BATTLE AGAINST ILLEGAL DRUGS SHOULD GO ON

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, I realize the election is over, but just because an election ended our drug war should not end. The battles against illegal drugs should go on. I am very concerned that the President of the United States, who had backed away and we put a lot of pressure on in the last year and a half and he responded, he appointed Barry McCaffrey drug czar.

General McCaffrey has done an excellent job in speaking out and bringing to the attention of America, and through the election, that both parties were united against the drug war. What happens when the election ends? Now apparently we are going to nominate for an ambassador a man who blasted our drug czar for saying he was going to enforce the drug laws of the United States over this so-called medicinal use of marijuana.

There is no medicinal use of marijuana. There is a THC component that is available in other drugs. It is a backdoor way to legalize drugs in America. Why would we send an ambassador to Mexico? Mr. Weld, the Governor of Massachusetts, why would we send him to the country that we have been trying to send the message that they need to work to crack down on drugs coming into America?

Then the House, where we said we would take the lead against illegal drugs, is apparently going to take back the right to certify or decertify countries for their drug behavior. How can we as a House point our finger at others if we do not lead ourselves? I hope we can change this bill before tomorrow.

WILL THE STATUS QUO IN CHINA BECOME THE STATUS QUO IN HONG KONG

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, this week, Newsweek magazine, which is the country's premier news magazine, focused on Hong Kong and its return to China later this summer. The world is waiting to see if what has become the status quo in the People's Republic of China will become the status quo in Hong Kong.

How long will it take until those who desire to express their love of a Democratic system be banned from public process? How long will it take for pastors and priests and religious leaders to be barred from practicing their faith freely and leading believers in worship and obtaining Bibles and other spiritual material?

If we want to protect Hong Kong, the best thing that we can do for this House is to vote to deny MFN for China, because that will send a message to the Chinese Government like no other message that we could send. I strongly urge my colleagues to read this article in Newsweek.

CONGRATULATIONS TO HON. BILL REDMOND ON HIS ELECTION TO CONGRESS

(Mr. SKEEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKEEN. Mr. Speaker, the vote is in and the people have spoken in New Mexico's Third Congressional District, and they are sending another Republican to Congress. I would like to congratulate the gentleman from Los Alamos, NM, Bill Redmond, for winning New Mexico's special election held yesterday in northern New Mexico.

Mr. Redmond will be an excellent Member of the House of Representatives and will support many of the principles our majority party stands for: lower taxes, a balanced Federal budget, a strong national defense, family values, and a get-tough attitude on crime.

Mr. Redmond won his election by being honest with the people about his views and concerns on the important issues facing New Mexicans and all Americans. Bill Redmond, we look forward to working with you throughout the remainder of the 105th Congress. Congratulations and thanks to all of the Republicans that helped make this come about.

PROVIDING FOR CONSIDERATION OF H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 146 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 146

Rsolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution and an amendment striking lines 8 through 17 on page 24 shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 3, line 1, through line 9; page 10, line 3, through line 15; page 25, line 1, through line 21; page 26, line 8, through line 15; and page 33, line 14, through page 34, line 19. Before consideration of any other amendment it shall be in order to consider the amendments printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in part 2 of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. Stearns). The gentleman from New York [Mr. Solomon] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. Moakley], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 146 provides for the consideration of H.R. 1469, which is the Emergency Supplemental Appropriations bill for Fiscal Year 1997, under an open rule. In fact, this rule may be described as an "open-plus" rule.

The rule provides 1 hour of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Appropriations, and it waives all points of order against consideration of the bill.

The rule further provides that the amendment printed in the rule and the Riggs amendment relating to the WIC program, printed in part 1 of the Committee on Rules report, shall be considered as adopted when the rule passes.

All points of order against provisions of the bill for failure to comply with clause 2, which prohibits the unauthorized or legislative provisions in a general appropriations bill, or clause 6, prohibiting a reappropriations in a general appropriations bill, of rule XXI, are waived except as specified in the rule itself.

These exceptions relate to those legislative and unauthorized provisions contained in the bill reported by the Committee on Appropriations which were objected to by the authorizing committee of jurisdiction. In an effort to be as fair as possible to all Members and to respect the committee system, the Committee on Rules followed its standard protocol of leaving any provision to which an authorized committee objection was raised subject to a point of order. Specifically, this rule leaves the following unprotected:

Provisions relating to enrollments in the Conservation Reserve Program; provisions establishing exemptions to the Endangered Species Act for disaster areas; language changing existing procurement rules with respect to currency paper; and unauthorized parking garage and rescissions of contract authority from the transportation trust funds.

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The rule also waives all points of order against each amendment printed in part 2 of the report of the Committee on Rules. It provides that these amendments may only be offered in the order specified, shall be debatable for the time specified in this report, equally divided and controlled by the proponent and an opponent, shall be considered as having been read, shall be offered only by the Member designated in the report, and shall not be subject to further amendment or a demand for a division of the question.

Once these nine amendments have been considered by the House, the rule also provides for consideration of the bill for amendment under the 5-minute rule. The rule grants priority in recognition to those Members who have preprinted their amendments in the Congressional Record prior to their consideration if otherwise consistent with House rules.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce the vote to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule waives points of order against all amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 1469 is an important bill for this country, particularly parts of the country. It seeks to provide needed disaster relief for thousands and thousands of families around the country, particularly in the upper Midwest, where floods, fires and other disasters have literally decimated homes, livestock and lives. I know that those Members who have not been able to visit there have witnessed it on television and certainly read about it in the newspapers.

Furthermore, the bill provides needed supplemental funding to protect and equip our Nation's 8,000 troops in Bosnia.

Mr. Speaker, despite these laudable goals, I am personally disappointed that the Senate version of this emergency spending bill has been loaded up with extras, like a Christmas tree, many nonemergency items which may threaten the enactment of these important funds for families and for Bosnia. While the bill before us today also has some nonemergency items, the open process under which we will consider the bill today will provide the whole House with the opportunity to fully and openly debate these important issues.

After hearing testimony up in the Committee on Rules yesterday for 4 hours from over 50 witnesses, the Committee on Rules has presented the House what I would describe as a very fair and open rule that allows 9 additional amendments to be offered to the bill, in addition to any amendment any Member of the House may wish to offer under the regular amendment process.

In this light, I urge my colleagues to support this important rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, today we are considering a bill originally designed to provide flood relief to the people of the Midwest who have lost their homes, who have lost their businesses and have lost personal memorabilia.

Unfortunately, Mr. Speaker, the Midwesterners who are waiting for this flood relief are not going to get it, at least not yet. Because, Mr. Speaker, despite opposition from the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, despite a veto threat from our administration, my Republican colleagues have decided to attach a poison provision to this bill that effectively says, "Stop us before we shut the Government down again." This provision says that our Republican colleagues do not think that they can keep the Government open this year any better than they did last year.

This provision does not belong in emergency disaster relief legislation, Mr. Speaker. The people of North Dakota, the people of Minnesota who have suffered floods and fires, some of their stories really belong in the book of Job. They deserve the Federal relief that every single one of us wants to give them, and my Republican colleagues should not put politics in the way of helping them put their lives back together.

In addition, Mr. Speaker, to dooming flood relief, this bill first helps, then hurts, mothers and small children who need nutrition assistance. Last night my Republican colleagues changed their mind and agreed to rewrite the bill to include full funding for WIC nutrition programs this year. But, Mr. Speaker, it stops there. This bill could end up cutting 500,000 women and children from that same program next year. I am glad to see my Republican colleagues did away with their proposal to cut 180,000 women and children from the WIC nutrition program this year, but next year we will have even more American children and more pregnant women who badly need this nutrition assistance, and my Republican colleagues will not let them get it.

In the Committee on Rules yesterday afternoon, they joined us in restoring this year's funding for this very important program that supplies pregnant women and young children with milk, eggs, cereal, formula, et cetera. But by allowing the gentleman from Pennsylvania [Mr. GEKAS] to offer his amendment, my Republican colleagues will be locking in WIC and education funding at last year's level, which will cut one-half million women and small children from this program next year.

Mr. Speaker, it will also keep 86,000 children from Head Start, 360,000 students from Pell grants for college or job training, and 71,000 fewer adults from adult education.

Mr. Speaker, education is the American people's No. 1 priority. I think my Republican colleagues are making a big mistake by restricting its funding. We were not sent here to take bottles away from babies and Head Start away from toddlers, even if it is not until next year.

In terms of this rule, we are in a bad position. This rule is attached to a self-executing temporary WIC funding measure, and I hope that we will be able to reverse the course in time for next year.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when, oh when, oh when will we stop playing politics on the floor of this Chamber?

Mr. MOAKLEY. That is what I would like to know.

Mr. SOLOMON. Regular order, Mr. Speaker.

Mr. Speaker, last year this Congress was criticized for shutting down Government. In an attempt to try to be responsible and to try to work with the President of the United States, we are incorporating into this legislation today a continuing resolution. I am no fan of continuing resolutions. As a matter of fact, what this means is that Congress and the President have not done their jobs when we finally get around to having to have a continuing resolution. If Congress did its job, we would pass the 13 appropriation bills funding all branches of Government and that would be the end of it. But the truth of the matter is that last year when the President and the Congress could not agree, the Government was shut down. This is an attempt to keep the Government open. That is exactly what it is.

Just to explain that, we have 13 appropriation bills that provide for the funding of this Government of ours. If one of those or two of them or three of them are not signed into law by the beginning of the fiscal year 1998, which is this September 30, it means that there will be a continuing resolution that will provide for the funding of those branches of Government for which we could not reach agreement. That is exactly what a continuing resolution is. It means that come September 30 if we have not agreed, we are not going to shut down the Department of Transportation or the Defense Department or any other department. That is all this does.

When we held this hearing yesterday in the Committee on Rules, we had good Members from the Republican side and from the Democratic side. We had the gentleman from Maryland [Mr. WYNN], who has 72,000 Federal employees coming up and asking us for a continuing resolution. We had the gentleman from Virginia [Mr. MORAN], who represents another huge number of public employees coming and asking for the same thing. We had Republicans like the gentleman from Virginia [Mr. DAVIS] and the gentlewoman from Maryland [Mrs. MORELLA] asking for the same thing. This is an attempt to keep this Government moving should we not have reached agreement on all these issues. We ought to have less posturing around here and let us get down to the business of the House.

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Sanibel, FL [Mr. GOSS].

Mr. GOSS. I thank the distinguished gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, for yielding me this time, and I associate myself with his remarks.

Mr. Speaker, I rise in strong support of this modified open rule. The rule provides for consideration of this legislation, which as we have heard is extremely important, in a timely manner and without restricting the right of Members to have their say in the process. That is obviously a delicate balance but I am very pleased with the final product we bring to the body to vote on, and I congratulate the gentleman from New York [Mr. SOLOMON], the chairman, for his leadership on this.

Mr. Speaker, this bill continues the tradition begun in the last Congress of paying for the supplementals. While commonsense by the standards of most Americans, the idea of actually paying for new emergency spending was foreign to past Congresses. Before the new majority, the old practice was charge it and send the bill to the kids. That was the wrong thing to do. This is the right thing to do, and I commend the gentleman from Louisiana [Mr. LIVINGSTON], the chairman, and his committee for making the very hard choices necessary to keep our word with the American people.

Finally, we must acknowledge the Americans who have been dealt such a severe blow from the floods. Yesterday I met with the mayor of Grand Forks and other local officials in that area who are working overtime to put their lives back together, and the lives of the people they represent.

They did not ask for any special treatment or sympathy. They just want a fair disaster hand right now to help them rebuild their communities, which are obviously devastated. They actually have a different view than our committee on how best to deliver the money, and this rule accommodates them by allowing the gentleman from South Dakota [Mr. THUNE] to offer his amendment, I suspect helped by the gentleman from Minnesota [Mr. PETERSON] and the gentleman from North Dakota [Mr. POMEROY].

As a Floridian, I know the terrible personal tragedy that comes with a flood, hurricane, or other natural disasters. We have them, too. With this bill, we have assumed our responsibility to our friends in the Midwest while not forgetting the American taxpayer. This is a good bill, it is a good rule, it is going to be fair and open, and I urge its adoption.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I just want to reiterate and I question my dear friend from New York when he says he is working with the President on this. The President has said in a letter he sent to the Committee on Rules that he will veto this if the CR is in the bill. The CR is in the bill. This is not cooperating with the President.

Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Here we go again.

Mr. Speaker, we hear on the majority side of the aisle in their press conferences that they are all for bipartisan cooperation with the President, all for trying to work things out and being constructive. But then they bring a rule and a proposition to the floor which invites and indeed guarantees a White House veto. What this does in my view is to give the back of the hand to the President. It rejects cooperation with the House Democrats on a wide range of issues, and it virtually assures weeks and weeks of delay in getting needed assistance to the people who have been the victims of floods and natural disasters all over the country.

The rule does a number of things which I think Members ought to know about. First of all, it has a self-executing rule on WIC so that after more than a month of the majority party trying to cut in half the administration's request for WIC, it now has a self-executing provision in the rule that guarantees that there will not even be any debate on WIC, in order to cover their tracks on the issue, I guess. At least that is the way it appears to me.

Then they have a provision on the FEC. The administration originally requested $1.6 million for the FEC so the FEC could pursue campaign finance violations investigations and also to provide for an upgrade of the FEC computer system.

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First the committee itself said, "Oh, no, no. No money for investigations. You can only use money for computers." Then the gentlewoman from New York [Mrs. MALONEY] announced that she wanted to offer an amendment to restore the ability of the FEC to pursue these congressional finance investigations. And so what did they do? Rather than have a debate on the issue, they have deep-sixed the whole thing because in this, if my colleagues vote for this rule, they will be automatically knocking out all of the additional funding for the FEC. Nice, nice job.

Then they have amendments that they are putting out that are guaranteed to produce a veto. First of all, the CR amendment that is being proposed does nothing but turn every single remaining appropriated program in the budget into an entitlement, that is all it does, and it becomes the Bureaucracy Supremacy Act of 1997. It guarantees that there will be no further choices by Congress. It absolutely eliminates the pressure for compromise between the two parties. It guarantees status-quo Government across the board. That is some leadership.

Then they have a provision being offered by the distinguished gentleman from New York which again virtually guarantees a veto. We, under a time limit of 10 minutes, are asked to consider his amendment that would totally reorder our national strategy on dealing with weapons of mass destruction in the Soviet Union, and based on 5 minutes of arguments on each side we are supposed to throw into the junk heap the Nunn-Lugar legislation which has, at the cost of less than one B-2 bomber, helped us to get rid of some 4,500 nuclear weapons within the former Soviet Union.

Tell me whether or not it is responsible for this country to make that kind of major decision on the basis of 5 minutes' token debate on each side of the question. I think it is laughable.

Next they propose an amendment which would in the view of the Pentagon endanger the security of American troops in Bosnia by sending a specific date for a pullout, congressionally mandated. All of us might like to see the troops out by that date, but I see no sense in advertising to every potential adversary in Bosnia exactly what the date is, after which they can behave like the irresponsible characters that so many of them behaved like before the American presence there.

It has a number of provisions which, far from helping the situation, make matters worse in terms of our ability to get needed aid to the States who need it. The gentleman from New York said, "When is politics going to stop being played on this floor"; indeed that is the question that ought to be asked. This rule is chock full of politics. These amendments are chock full of politics. It seems to me if there is a desire on the majority side of the aisle for bipartisan cooperation that a good number of these amendments that the administration itself has defined as poison pens would simply not be offered.

Mr. Speaker, the way to get together on a deal is to get together on a deal. This CR amendment, simply it is the old saw of someone crying out in the wilderness, "Please stop me before I kill again." We do not need this CR provision in order to stop the Government from being shut down. We need a new attitude on the part of this Congress; that is all we need.

I would urge opposition to this rule, and I would urge opposition to the bill itself so long as it contains these egregious provisions. If my colleagues vote for this proposal, they will be slowing down the delivery of needed relief to those areas of the country who have disasters, they will be slowing down the assurance that we need to get to those folks who we are trying to help by restoring Federal support for needy immigrants for the 1-month bridge that is needed until the new budget agreement takes care of the problem.

So I would urge Members who are interested in bipartisan cooperation to vote against this rule, vote against this bill, have the Committee on Rules go back up and bring us a rule that is truly bipartisan, not one designed to create further confrontation with the White House.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman doth protest too much. He knows that this is an open rule, and to stand up and to ask people to vote against an open rule I just think is wrong, but the gentleman is entitled to his opinion.

But let me just say this. Where is the Democratic leadership here today? I want them on the floor, and I want them to tell me and this side of the aisle that they are opposed to a continuing resolution when I am on this floor, and say it now, and also say that they have got the gentleman from Maryland [Mr. WYNN] and they have got the gentleman from Virginia [Mr. MORAN]. I would think that they would want to come over here and protect the 100,000 Federal employees and hear the opposition from their side of the aisle opposing this continuing resolution. I just think this is outrageous.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin, just briefly.

Mr. OBEY. Mr. Speaker, I would simply point out his leadership is not on the floor. Where are they? It would be nice if they were providing some help in getting us together rather than pulling us apart again.

Mr. SOLOMON. I would say to the gentleman I am a part of the Republican leadership, and we are here represented. Let us get the gentleman's side over here as well.

Mr. Speaker, having said that, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA], the very distinguished chairman of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Banking and Financial Services.

Mrs. ROUKEMA. Mr. Speaker, I want to thank the gentleman from New York [Mr. SOLOMON] for incorporating full funding for the WIC program in this proposal, and we are doing the right thing here. This should not be a partisan issue, and with the full funding I think Congress is saying no, we are not going to take food out of the mouths of little babies and WIC is off limits.

I would also like to say with the concerns of some of my Republican colleagues, please do not be penny-wise and pound-foolish. WIC is a program that works, and it works in the longer term and actually saves Federal money.

I will have more to say in the general debate, but I do appreciate the fact that the committee has taken this out of the partisan position and given bipartisan support for this very essential program.

Mr. Speaker, I rise in support of this rule and want to extend my thanks to Chairman SOLOMON and the Republican leadership for their attention to funding for the Women, Infants, and Childrens Program. This rule does the right thing by bringing the WIC Program to full funding.

This should not be a partisan issue and with this full funding, Congress is saying: "No. We are not going to take food out of the mouths of little babies. WIC is off-limits."

The Congress cut funding for WIC last year significantly—$150 million. The Department of Agriculture estimates that full funding for the program requires $76 million. This rule provides that figure in this supplemental.

This self-executing amendment would draw on NASA funding—the national aeronautical facilities account—to offset the $38 million. We are rescinding spending for our space agency to ensure that our children are provided for here on Earth.

I would like to address the fiscal concerns that I know will be raised by some of my Republican colleagues.

Don't be penny-wise and pound-foolish.

The WIC Program is a program that works and, in the longer term, actually saves Federal money. For every $1 used in the prenatal segment of the WIC Program, Medicaid saves untold moneys and gives healthy productive lives to these children that cannot be measured in dollars and cents.

WIC works. It reduces the instances of infant mortality, low birth weight, malnutrition, and the myriad other problems of impoverished children. The WIC Program also provides valuable health care counseling for expectant mothers for both mothers and children.

In recent months Time and Newsweek magazines have written feature articles on the importance of the years from birth to age three. These articles validate long-standing research based on up-to-date studies of prenatal and early childhood development. WIC funding is a big part of the future development of these infants. Let's not be penny-wise and pound-foolish.

This $38 million for the WIC Program is truly an investment. A wise investment, at that.

Without this $38 million, we could see another 180,000 women and children dropped from the program.

Mr. Speaker, don't we ever learn? This is the wealthiest Nation in the world and yet, children still go to bed hungry.

Again, WIC should be fully funded and should be off limits. Only, then will we preserve food for hungry babies.

I want to extend my thanks to several of my colleagues who were instrumental in restoring full funding for WIC.

MARCY KAPTUR of Ohio has been a long-time champion of the WIC Program. FRANK RIGGS of California is the chairman of the authorizing subcommittee and we will be working closely to reform and protect WIC when we reauthorize.

Together with JACK QUINN of New York and many other colleagues, the WIC Program wins today. That means women and children—and the taxpayers—win today.

I urge support of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts, [Mr. MOAKLEY], for the time, and I want to start by commending the gentlewoman from Ohio, [Ms. MARCY KAPTUR], and the gentlewoman from New Jersey [Mrs. ROUKEMA], for working so hard on trying to restore the money for the women, infants, and children program that is such a wise investment for this country.

I do have some deep concerns about this rule, Mr. Speaker. I believe that through the self-executing aspect that we will not be able to debate this WIC Program for as long or as thoroughly as we probably should. So I would encourage my colleagues on both the Democratic side and the Republican side to oppose this rule.

I would say about the WIC Program, however, that as I joined in special orders and 1-minutes to say that the Republicans through cutting $38 million of this program in the Committee on Appropriations, finally they have come around, better late than never. This is one of the best bipartisan Government programs ever created. It is an investment in our children, it is an investment in our families, it is an investment in balancing the budget. To have cut $38 million from this program would probably cost the taxpayers about $120 million later on through Social Security disability payments that would have robbed from children through all kinds of social costs and welfare costs. Finally, after many mistakes, we have restored this money.

Why is this a great investment? Because milk prices are up, the caseload is up for children and for women, and we have problems in terms of making sure that we get resources to these women in their efforts to make sure they deliver healthy babies.

Again, Mr. Speaker, I think it is very, very important that we get this $38 million restored. I encourage bipartisan support for the WIC Program. However, I do have concerns with the self-executing part of the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just cannot believe what I am hearing here, because to defeat this rule would slow down this process, and they are going to prevent these moneys from going to people that need it desperately, and they need it today, not next week, next month.

We are about to adjourn for an entire week coming up here after this coming week, and if my colleagues defeat this rule, there is no way to get this back on the floor and even deal with this issue.

Second, if my colleagues vote against the rule, they are voting against increasing WIC funding by $38 million. They better think about that. Those funds are needed.

To speak more eloquently to that, Mr. Speaker, I yield 2½ minutes to the gentleman from North Dakota [Mr. POMEROY], someone whose constituents are suffering by the day, by the hour, and they want action on this bill.

Mr. POMEROY. Mr. Speaker, I thank the gentleman from New York [Mr.

SOLOMON] for yielding, and indeed it is the amendment of the gentleman from South Dakota [Mr. THUNE] that I care so deeply about.

I am speaking in favor of this rule. In doing so I understand I am at odds with people in my own caucus whom I deeply respect. It does not happen often, particularly on ruled debates, but I think it is important to remember that at the heart of this bill is disaster relief for people who desperately need it. I do not think there is a group in the country that is as desperately in need of the relief in this bill as those in the district I represent, the State of North Dakota, and particularly the region of Grand Forks, ND.

No one can remember when a city of 50,000 has gone entirely under water, but that is the circumstance, tragically, that happened to us when the Red River, which has a flood stage of 28 feet, finally crested at 54 feet, almost double the flood stage.

We need the relief that the amendment of the gentleman from South Dakota [Mr. THUNE] offers to this package. It is allowed under the rule. Frankly, it concerns me that non-disaster relief amendments are also pending, and throughout the afternoon I intend to vote against each and every extraneous matter that might impede this bill. But let us address it amendment by amendment. Let us not take this whole package off the floor and put it away for another day.

Let me tell my colleagues exactly what is at issue. We have in North Dakota homeowners that face enormous costs of repair to their home before they can even move back in: $20,000 $30,000 $40,000. Their homes are in the floodway. If they throw that kind of investment back into their home, they may have to cash out and move their home in a year because of the arrangements being made to make sure this flood never happens again.

Only by the passage of the Thune amendment and package of the disaster supplemental bill in its ultimate enactment do we get back the ability for people in Grand Forks to buy those homes, get them out of the floodway, give these people the means they have to room their lives. That is why, as the chairman suggested, it is important to move this disaster supplemental bill forward, it is important to move it immediately, it is important it be considered today, which is why the rule must pass so we can get under way with getting relief to people who need it.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentleman who just left the microphone. We should take prompt action on it. But the Republican action of putting the CR in the bill, which is going to guarantee a Presidential veto, is not the way to put prompt action on this matter.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, while I am pleased that the Committee on Rules realizes the importance of providing much needed additional WIC funding, I am disturbed by the politics of it. I am the ranking member on the committee that has jurisdiction over this program, and more than that, I visited several WIC programs in my district, and I know full well the value of this program to the women and children. Fortunately, the leadership of the Clinton administration and my Democratic colleagues have convinced the House to provide the extremely additional funding needed. However, I am extremely dismayed by the partisan bickering that kept us until the 11th hour to be convinced of the importance of adequate funding. Had my colleagues known the possibility of an amendment being offered by the distinguished Member from Ohio [Ms. KAPTUR] has been discussed for over a week and this issue has received much attention since an amendment was defeated along party lines in the Committee on Appropriations.

□ 1115

I ask, why is it that it has taken the majority so long to see the importance of ensuring that the WIC Program can serve a full case load, and now the Members from the other side are supporting it. But I am troubled by the obvious partisan politics being played with the Nation's children and mothers.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Ohio [Ms. KAPTUR], who really is the sponsor of the WIC Program, but her amendment was not allowed and the Republicans put some other person's name on the WIC bill, and the gentlewoman actually is the one that we look to for leadership regarding the WIC legislation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], my distinguished colleague, for yielding me this time.

I wish to say that I rise in opposition to this rule and urge my colleagues to vote "no" on the previous question and "no" on the rule.

As the ranking member on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, let me point out to my colleagues that the only reason that the bill appears the way it does this morning is that the Republican majority has been embarrassed, embarrassed into including WIC funding to serve the current level of recipients. Over 180,000 women and children were going to be eliminated from this program, based on the votes taken on the record at the subcommittee level and the full committee level.

I am usually not this partisan, but boy, this morning I am. They are so embarrassed at what has happened at the subcommittee level and the full committee level, they have hidden, attempted to hide their voting record and their handiwork inside this bill through a self-executing rule that will not permit us even to talk about WIC on this floor.

Now, let me set the record straight as to who has been fighting for America's pregnant women and children. At the subcommittee level, not one Republican voted for WIC support at a level to serve current beneficiaries. Every single Republican voted to cut over 180,000 women and children from that program this year. Every single Democrat voted to protect pregnant women and vulnerable children in need of decent nutrition. My colleagues can look back at the voting record at the subcommittee level.

Then at the full committee level of appropriations, of 34 Republicans out of a 60-member committee, only 2, only 2 voted to protect America's at-risk women and children. Only 2 out of 34. All Democrats voted to protect America's women and children.

So the Republican Party, fearing a backlash, as they should, have tried to cover their tracks inside this rule, and how have they done this? They have muzzled the debate process through the self-executing rule and have moved funds from NASA accounts, if anybody here cares about NASA, into the WIC Program, but nobody has had a chance to even think about or debate at the subcommittee or full committee level where that money is supposed to come from. If it is coming from the wind tunnel projects, how is that going to affect our NASA exports, which is one area where we really do have a positive trade balance.

In any case, I just wanted to set the record straight this morning and say we understand what is going on. We understand what is going on, and we understand the games they are playing, and my colleagues should be embarrassed.

I just have to say I am sorry that the gentleman from New York [Mr. SOLOMON], my friend and the chairman of the Committee on Rules, had to be strong-armed into this by the red-faced members of his own party. I am proud to be a Democrat this morning. I am proud to have been a party that fought for America's women and children at every single level.

I also have to say, because I do not think she could say it for herself, I really think if anybody's name in the Republican Party should be associated with the WIC Program, it should be the gentlewoman from New Jersey [Mrs. ROUKEMA]. Hers should have been the lead name because she was the one that circulated the letter on the Republican side of the aisle. I do not want to get her into trouble, but she should not be a second-stringer on this, she should be right up here with me today. It is too bad that a member of the Republican Party has to be handled that way.

I thank the gentleman for yielding me this time, and I ask my colleagues to vote against the previous question and against the rule. We should be able to debate the WIC Program on the floor of this Congress.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I really take exception to what my good friend, and she is a good friend, the gentlewoman from Ohio [Ms. KAPTUR] said about this amendment, because she and I work so closely together on so many issues when it really means family values, and I am a little surprised.

Let me just say this. I have the amendment of the gentlewoman that she filed with us, and it is the identical amendment that the gentleman from California [Mr. RIGGS], who is the chairman of the Subcommittee on Early Childhood, Youth and Families, they both filed the amendment. The amendment of the gentlewoman from Ohio [Ms. KAPTUR] was a second amendment, I believe, that she had filed, and so we incorporated, self-executed into the rule exactly what she is asking for.

I do not think we need to talk about pride of authorship here, we need to get the job done. That is what I am attempting to do, is to recognize everybody in this effort. I commend her for all of her hard work on it.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from Ohio, whom I have great respect for.

Ms. KAPTUR. Mr. Speaker, it is mutual.

I understand what has happened here. In a way it is laughable, but in a way it is truly sad, because I remember the debates in subcommittee, I remember the debates in full committee, and I have to say that the amendment that we submitted was very different in terms of where we took the initial funding. We were trying to be somewhat flexible when we came before the committee. We feel that we were hijacked in the process, but I really feel that the name of the gentlewoman from New Jersey [Mrs. ROUKEMA] should be on there.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, this is the Kaptur amendment and I would be glad to submit it for the RECORD so that everybody could see it.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS], the chairman of the Subcommittee on Early Childhood, Youth and Families, for an additional explanation because he has done outstanding, yeoman work on this WIC Program and other programs that affect our families.

Mr. RIGGS. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me this time.

As I listened to the teeth-gnashing coming from the other side of the aisle, I am reminded of one of Ronald Reagan's favorite sayings: There is no limit to what an individual can accomplish in life, provided they do not mind who gets the credit.

Let me say at the outset, I served on the Agriculture Appropriations Subcommittee in the last Congress. I am fully aware of the concerns associated with the administration of the WIC Program. There are questions on the part of Members on both sides of the aisle regarding why this program needs a $100 million carryover from 1 fiscal year to the next; why this program has spin forward and spinback provisions in the law; why the administration has now requested a $100 million contingency fund in their current budget proposal pending before Congress for this program, again, given the fact that it already has an estimated $100 million carryover.

However, the time and place to debate these concerns, and perhaps make structural reforms to the program, is when we take up the authorization of WIC this fall in the authorizing Subcommittee on Early Childhood, Youth and Families, which I chair, not in the context of a supplemental appropriation.

So the reason that I offered my amendment, which is made self-executing under this rule, is to put back the $38 million which the administration claims they need to serve current enrollees in the program, with the provision that we will look at all of these policy issues in the fall again when we take up the reauthorization of WIC and the other child nutrition programs.

That is where I am coming from. This is not some sort of partisan rivalry. I do not understand why we have to turn this into yet another partisan food fight in the Congress. There is bipartisan support for the WIC Program, there has been historically for the WIC Program over the years. Members of both parties are concerned about reducing the number of low weight births and the number of birth defects associated with inadequate nutrition during pregnancy.

So again, I take issue with what the gentlewoman has said, I thank the Committee on Rules for making my amendment self-executing, and I urge support of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the outstanding gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I would like to just point out that the gentleman from California who just addressed this House never appeared before the subcommittee. The gentleman said he served on the Committee on Appropriations before.

When the WIC issue was being hotly debated in the subcommittee, the gentleman never walked in the door. When we were debating this in the full committee, the gentleman never made his appearance. And when his colleague from his side of the aisle circulated the letter on WIC, he never signed the letter saying that he supported the current level, a level of funding to support current recipients. So it seems to me the gentleman truly is a Johnny-come-lately to the battle.

As far as holding hearings this fall, the problem is the people being cut off today, not next fall. That is why we need the supplemental appropriation bill passed with that money in there. Waiting until next fall does not solve the current problem we are having, which goes to prove the gentleman really does not understand the program to begin with and what this fight is all about.

I think to ice out one of your colleagues who has fought this hard on the issue is truly a disgrace to the institution.

PARLIAMENTARY INQUIRY

Mr. McINNIS. Mr. Speaker, I have a parliamentary inquiry as to whether or not the gentlewoman's words are a violation in regards to the Johnny-come-lately comments and so on, questioning the motives of the Member.

The SPEAKER pro tempore. The Chair will not respond to that specific parliamentary inquiry at this time. Does the gentleman make a point of order?

Mr. McINNIS. Mr. Speaker, I make that a point of order, the same comment.

The SPEAKER pro tempore. Is the gentleman making a point of order that her words be taken down?

Mr. McINNIS. No. I will withdraw the point of order.

Is it my understanding that the Chair will not take a parliamentary inquiry at this point in time, or the Chair will accept a parliamentary inquiry?

The SPEAKER pro tempore. The Chair will not respond specifically to a parliamentary inquiry as to whether her words were out of order.

Mr. McINNIS. But in general?

Mr. Speaker, let me ask, in general, is it in order to engage in personalities on the House floor?

The SPEAKER pro tempore. The rule is that Members may not engage in personalities in debate.

Mr. McINNIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from the State of Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Along with the gentlewoman from Florida, Mrs. CARRIE MEEK, the gentleman from Florida, Mr. LINCOLN DIAZ-BALART, the gentleman from Rhode Island, Mr. PATRICK KENNEDY, the gentleman from Florida, Mr. CLAY

SHAW, the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, and many others, we have been working on a bipartisan amendment to extend SSI benefits until September 30, and we are glad to see it in this bill.

The Supplemental Security Income Program, SSI, is designed to help the poor who are elderly, disabled, or blind. These folks who receive SSI now but are not U.S. citizens, even though they are U.S. residents, would normally be receiving their last SSI check very soon.

August 22 is to be the last date of their availability for this very needed benefit. Now with this bipartisan amendment which is included in this bill, these poor, sick, elderly, law-abiding, legal U.S. residents will get an extension of this assistance.

Through the leadership of the Republican Senator of New York, AL D'AMATO, the Senate passed this SSI extension last week with an overwhelming vote of 89 in favor and only 11 against. On the House side, with the leadership of the gentleman from Florida, Mr. CLAY SHAW, and the gentleman from New York, Mr. JERRY SOLOMON, these poor residents will also now get the same extension.

This will give the Social Security Administration and other Federal agencies the time to implement changes in the benefits that we hope to be making soon, if we are successful in passing the balanced budget amendment and the plan which will restore Federal benefits for all legal U.S. residents who get now SSI benefits.

□ 1130

Mr. Speaker, as a Representative and a resident of the 18th District of Florida, I encounter on a daily basis constituents who are legal residents who have resided in this country for many years, who have paid their taxes, many of whom served this country, whose children and grandchildren were born in this country, and who live in fear, constant fear of that August 22 date when their Social Security supplemental benefits, for many of them their basic sustenance, will be eliminated.

How, then, do we justify this elimination of these benefits to those who are eligible? Congress is going to do the right thing to vote for the people, protect the people, and this bill does exactly that.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I rise against this rule. The Republican National Committee ought to be sending roses this morning to the Republican leadership of the House. The $1.7 million in emergency funding requested by the Federal Election Commission to conduct investigations has somehow disappeared. The only nonpartisan group that should be looking into these alleged abuses has just lost the funding it needs to get the job done.

On the other hand, the Republican-controlled Committee on Government Reform and Oversight just received $6 million to carry out its partisan probe. Now they have tied the hands of the only nonpartisan agency empowered to conduct an investigation and to find abusers.

This is not their first stunt. Just last week the Committee on Appropriations actually granted the money, but tied it up by specifying it could only be used to buy computers, like the computers would just do the work themselves. Now the funding has just disappeared. First they give, then they limit, and now they take it away.

I say to the Republican leadership, why are they doing this? Why are they taking the funding away from the one nonpartisan group empowered to conduct investigations?

I urge a "no" vote on this rule.

Mr. McINNIS. Mr. Speaker, I yield 2½ minutes to the fine and patient gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, in the fall of 1990, while our fellow young Americans were being amassed in the deserts of Saudi Arabia, musket in hand, prepared to do battle when Desert Storm was about to erupt, the Government of the United States shut down. I ask the gentleman from Massachusetts [Mr. MOAKLEY] to recall with me, if he will, that here we are in Desert Shield, young Americans poised to do battle, and the Government of the United States shuts down. A Democrat Congress and a Republican President failed to agree on a budget and the Government shut down, while our young American colleagues, fellow citizens, are ready to do battle in Saudi Arabia.

Mr. Speaker, it is disgraceful to contemplate even the possibility of the Government of the United States shutting down. It was organized and set into motion in 1789, and it was built to last forever. So long as time shall last, this Government of ours should never shut down. Yet, the people who oppose this rule actually favor the possibility of the Government shutting down. That is appalling to me.

The CR that is part of the rule on which we are now passing consideration would guarantee that no shutdown would occur because of lack of will on the part of the Congress and the President to negotiate and agree to a final budget.

Mr. Speaker, I ask every Member to consider this as a good government bill. This is one that guarantees the soul of our country remaining intact during a time of inability of the Members of Congress and the President of the United States to agree on a joint budget. This is not a partisan effort. We have had dozens of people contact us from both sides of the aisle, most notably the gentleman from Maryland [Mr. WYNN], the gentleman from Wisconsin [Mr. KLECZKA], the gentleman from Virginia [Mr. MORAN], the gentleman from Maryland [Mr. HOYER] and others who are interested in making sure we have a smooth transition when there is an impasse in budget negotiations so we would never have the fallacy, the tragedy, the shame of the Government of the United States shutting down.

I urge support of the rule, and particularly of the CR amendment, which I will be offering.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in answering the gentleman who just left the microphone, under the Democrats I think the Government shut down one day. Under the Republicans it shut down for 6 months. Government shutdowns can be averted by negotiation, but when one party does not want to negotiate, that is when the Government shuts down. I do not think that this is necessary in this vehicle. If they want to talk about it and discuss it, I think there are other vehicles that can be addressed.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise this morning as a supporter of a fully funded WIC program, and want to commend our colleague, the gentlewoman from Ohio [Ms. KAPTUR], for her passion and leadership on this issue.

I had hoped also this morning to engage in a colloquy with the gentleman from New York [Mr. SOLOMON], but he has been called away from the floor, so I will make my point now and hope that he will get back a bit later and be able to make his point.

Mr. Speaker, the issue is the deficit reduction lockbox, which, sadly, is not in order under this rule. A lockbox, as my colleagues know, assures that amendments cutting spending from appropriations bills are translated into savings, not reallocated to other spending. To quote from a current movie, "Show me the money,"—lockbox shows us the savings.

The House has on three occasions overwhelmingly passed the deficit lockbox, twice as amendments to appropriations bills and once as a free-standing bill. Regrettably, the other body failed to match our efforts and this measure died with the adjournment of the 104th Congress. If lockbox has been enacted during the fiscal year 1997 appropriations process, almost $1 billion in spending could have been locked away for deficit reduction.

The lockbox is a very simple mechanism, and will help restore fiscal responsibility to this body. I regret that the Committee on Rules could not make it in order as an amendment to the supplemental appropriations bill, but I hope that the chairman and the full committee will work with us, a bipartisan group of Members, to make it a regular part of the appropriations process, starting with the first appropriations bill for fiscal year 1998.

Mr. McINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding to me. I just felt compelled to come down to the well one more time and clarify for our listeners, and especially, of course, for our colleagues who will be making a decision on the rule here momentarily, just, again, the background behind my appearance before the Committee on Rules to offer my amendment to add an additional $38 million for funding for the Women, Infants, and Children Program during the current fiscal year, and why that was made self-executing under the rule.

I want people to understand, and I cannot believe the gentlewoman from Ohio [Ms. KAPTUR] is actually suggesting that the chairman of an authorizing subcommittee cannot engage constructively with an issue like that. What kind of precedent would that create in the House? What kind of sour grapes have we heard down here? There is a majority party, there is a minority party.

I suspect if the gentlewoman, who has served in the Congress for a number of years, goes back and searches her memory she might just recall a precedent when the Democrat Party as the majority party allowed a Member of the majority party who demonstrated an interest in this issue to take the lead.

That was not intended to exclude other parties. We made an effort. We reached out to the gentlewoman. We reached out to the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from New York [Mr. QUINN] as well to make our efforts bipartisan. So how do bipartisan efforts ultimately get reduced down to another political food fight down here on the House floor, with people squabbling over who gets credit and one colleague referring to another colleague as a Johnny-come-lately.

Let me not stoop to that level. Let me offer the gentlewoman the opportunity to testify before our subcommittee this fall when we take up the reauthorization of WIC and the child nutrition program, so that together, in the best spirit and tradition of bipartisanship, we can address the concerns regarding the management of the program.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I would say to the gentleman, I would be delighted to appear before the gentleman's subcommittee. I thought it was very curious that when we were holding hearings on the WIC Program the gentleman did not appear before our committee, when 180,000 women were cut from the program by the gentleman's party.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important to note that yesterday the Committee on Rules heard testimony from three Democrats who are in support of the automatic continuing resolution, talking about an amendment. One of them spoke very eloquently, I thought, on its effectiveness at the State level, and we should keep that in mind.

Second of all, I think the key issue here is to get assistance to the women and children that need it, and not spend our very valuable time on this House floor arguing about the pride of authorship, which is exactly what I think has occurred on the other side of the aisle. I think it is best to step over that, and let us discuss the rule and let us pass the rule.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I just wanted to revisit the issue raised by the gentlewoman from California [Ms. HARMAN] on the Crapo-Harman-Foley amendment for lockbox. Clearly, when I came to this Congress I had made an attempt to save money for the taxpayers from a wasteful program in this Chamber. We saved $25 million on one issue, but that money then became freed up for spending in another boondoggle program, so all of my work and effort in saving the tax dollars was swept away in one fell swoop by a person seeing free-up capital.

The lockbox, much like a savings account, would allow us to earmark that money for deficit reduction. The gentlewoman from California, Ms. HARMAN, myself, and the gentleman from Idaho, Mr. CRAPO, have had very, very good meetings with the gentleman from New York, Chairman SOLOMON, and others who agree with us on the premise of a lockbox, but now it is time to enact this mechanism to save dollars for the taxpayers, just like American families who decide they want a nice vacation. They forego expenditures and save that money up in an account, so at the end they can move forward in their life. Lockbox will provide fiscal sanity and integrity for the U.S. Congress.

Mr. MOAKLEY. Mr. Speaker, I yield my remaining time to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Wisconsin [Mr. OBEY] is recognized for 6¾ minutes.

Mr. OBEY. Mr. Speaker, I doubt that I will take the full time. But let me simply observe, we have had a budget deal announced by the President of the United States and the leadership of this Congress. That has been met with varying degrees by enthusiasm by different Members of Congress, and yet, whether we are for or against that budget deal, I would hope that every responsible Member would like to see a bipartisan attitude develop for the consideration of that and all others that we deal with this year.

□ 1145

It seems to me that a very important place to start with that bipartisan attitude is on this bill. I do not think we further that cause when this House inserts into this legislation provisions which they know the White House has already announced are poison pills.

I do not much care which party gets credit for some of these provisions that we are going to be debating in the bill today. I do not think that either party gains or loses when we provide aid to regions of the country that are in distress. I think the country gains, and I think those regions gain.

There is no partisan approach to disaster relief, and I personally was happy to see that there will be an amendment offered that tries to restore community development block grant funding to the disaster package which this Congress is going to support. I supported that proposition in the committee. We were stopped from, we were asked by the majority in the committee not to provide an amendment at that time. They promised they would keep an open mind during the process to see whether or not a consensus could develop around it, and that has happened. So the Thune amendment is going to be offered, and I think Members will see bipartisan support for that amendment and a number of others.

I think it is especially dangerous for the House to insert totally extraneous material, including an amendment which would virtually trash the program which has enabled us to eliminate 4,500 nuclear weapons that were formerly existent in the former Soviet Union. I do not see any reason on God's green Earth why we ought to do that, especially on the basis of 5 minutes of discussion on both sides. That is simply too serious a matter to be handled in such a cavalier and thoughtless fashion.

I also think that it is going to do nothing but delay this proposition when we add to that the CR provision which the White House has already indicated it is going to veto. And I do not think it was fair at all in the way the gentlewoman from Ohio [Ms. KAPTUR] was treated on the WIC amendment. I find it interesting that some of the same folks who originally said that we were being disingenuous when we produced the numbers that indicated that we needed the full funding for WIC, those are some of the same Members who are now saying, "oh, gee whiz, we have to support this through a self-executing rule."

I would also point out that this bill is not going to be paid for. When it left the committee, it was at least paid for on the budget authority side, but because of actions taken in the Committee on Rules, which they had a perfect right to take, this bill, in fact, will not be paid for on either the outlay side or the budget authority side as it leaves the House. I do not think that helps in getting aid to the areas of the country who most need it.

I very regretfully urge that we vote against the rule so that the Committee on Rules can bring us a better rule which will deal with the WIC problem, which will deal with the immigrant problem, which will deal with the other disaster problems, but which will be stripped of most of the extraneous material that can only slow this much-needed proposal down.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Wisconsin for yielding to me.

I would say there are natural disasters and there are human disasters. Certainly a human disaster is one when we cut WIC programs that affect thousands of children and thousands of expectant mothers. I would just say to the Committee on Rules chairman and Members on the Republican side, why did they not allow a bipartisan amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] and the gentlewoman from New Jersey [Mrs. ROUKEMA] to share the credit, to allow debate rather than having a self-executing rule which will gag debate and limit the credit.

I am delighted that the gentleman from California [Mr. RIGGS] is going to help us later on in the fall, but we have an immediate problem right now with caseload and milk prices and a freeze on disability benefits for children. The problem is right now. I hope in a bipartisan way we would give credit where credit is due to the Members that have worked so hard on this.

Mr. OBEY. Mr. Speaker, I simply note that this rule also denies to the Republican chairman of the Committee on Appropriations the right to offer a very thoughtful and fair-minded substitute on the amendment to be offered on Bosnia. I think that alone is a very good reason to turn down this rule.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding to me and urge Members to vote no on the rule; among other reasons, because it has a self-executing procedure that denies us an opportunity to debate WIC.

It is not a bipartisan effort. It does not allow us to fully consider what is being done in the bill to tap NASA funds and shift those dollars to other places. I find it amusing but sad that there are some who are trying to hold this baby close to their breast but they were nowhere to be seen when the babies were dying in subcommittee and full committee.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Let me just say again, there has been a lot of conversation about the WIC Program in here. I will just say one more time to my very good friend, the gentlewoman from Ohio [Ms. KAPTUR], and she is a good friend, that we have taken her fallback position which takes the funding, the increased funding for WIC, and pays for it out of NASA funds. Here is the amendment. This is an identical amendment to the gentleman from California [Mr. RIGGS]. We tried to self-execute into this rule the names of both the gentleman from California [Mr. RIGGS] and the gentlewoman from Ohio [Ms. KAPTUR] to make it bipartisan. Now there is some complaint about it. Nevertheless, it is in the bill.

Second, let us talk about this continuing resolution for a moment, because again we all know that the Government was shut down 2 years ago and the American public were upset over that. This is an attempt to make sure that that does not happen again.

If the President has changed his mind and he does not care about the Government being shut down, he can veto this supplemental bill. If he does, the bill will come back and no doubt we will take the continuing resolution out. Then it will be the responsibility of the President if the Gvernment is shut down. I do not know how much more fair we can be than this.

Let me just say that the rule is an open rule. It is an open rule, plus we have made amendments in order, some of which may be offered, and some may not. I understand now that the Bosnia amendment may not even be offered, and it may be postponed and dealt with in the defense authorization bill. If that happens, I am opposed to that, but nevertheless, if that is the consensus viewpoint, then we would not offer the Bosnia amendment. And we would deal with that in coming weeks when the defense authorization bill comes up.

Other than that, this is a totally open rule. It means that any Member of Congress on either side of the aisle can come and offer amendments to cut. They can offer amendments to add. They can offer amendments to cut and offset, but they are not being deprived in any way. That is why Members of Congress should come over, for one reason and one reason only, they should come over and vote for this rule, because it will expedite these moneys going into these areas.

I can guarantee my colleagues that 13 Republicans from the State of New York are going to vote to help those people in North Dakota, South Dakota, and Minnesota that have been deprived, that have been hurt by this flooding, because we know that sometime the shoe may be on the other foot and we may be needing to ask for help, too, just as South Carolina was when there was a hurricane that went through, just as California was helped when they had the earthquakes. We need to help each other.

Having said that, I would like every Member to come over to the floor and vote for this rule, which increases funding for WIC by $38 million, which is exactly what the President requested. We put it into the rule at his request. Come over here and vote to give these people this aid.

Mr. KOLBE. Mr. Speaker, I rise today in opposition to this rulemaking in order the fiscal year 1997 emergency supplemental appropriations bill. I must oppose it because this rule does not protect section 601 of the committee-passed bill.

For nearly 117 years, Crane & Co. has been awarded the contract to provide the Bureau of Engraving and Printing its currency paper. I certainly do not hold Crane & Co. at fault for that.

However, in fiscal year 1988, a provision of law was added that required the Department of Treasury to purchase currency paper only from American-owned firms and that the paper be manufactured in the United States. The report language accompanying the fiscal year 1988 continuing resolution stated that the company must be 90 percent owned by American citizens—a provision that essentially guaranteed that the family-owned Crane & Co. in Dalton, MA, would be the only company that could, under interpretation of this report language, compete for the currency paper contract. This provision would not allow American-owned companies that are public to compete because it is possible there may be greater than 10 percent foreign interest in the stock.

During the fiscal years 1995 and 1996 hearing cycles, the Treasury Subcommittee heard from the Bureau of Engraving and Printing that the 1988 report language limited competition for the procurement of paper and increased costs to the taxpayer. So, in report language which accompanied the fiscal year 1996 appropriation for Treasury, Congress promoted competition for the procurement of currency paper by clarifying that American-owned should include companies that are over 50 percent American-owned.

However, the Treasury Department, in a clear attempt to politicize this issue, caved into Massachusetts interests and determined that 1996 report language does not supersede 1988 report language. I ask my colleagues to think about the implications of this Treasury General Counsel decision which says subsequent report language cannot alter earlier report language—a decision that states when

Congress gives agencies direction through report language, the administration does not have to abide by that direction.

Thus, we find it necessary to include section 601 of this bill to enforce the 1996 congressional intent through binding bill language.

I am outraged that this rule does not protect section 601 and will allow only one company to compete for the procurement of currency paper. All American-owned companies—not just Crane & Co.

My colleagues should know that the Treasury Department Inspector General has been conducting an audit of contracts between Crane & Co. and the BEP for over 5 years. Not until this week did Crane open up its financial books to the IG who is trying to determine if the taxpayer is getting the best value on procurement of currency paper. We have reason to believe that the profit margin for Crane & Co. is as high as 20 percent—far exceeding the normal rate for Government contracts. In 1996, Crane & Co. agreed to a $9.7 million settlement with the BEP over unallowable costs which it had charged against previous contracts. This settlement—by itself—should be proof that competition is needed to ensure the best price to taxpayers.

There are more reasons why section 601 should be protected in this rule, but I am confident that this matter will ultimately be resolved in favor of competition between American-owned businesses, and in favor of taxpayers.

I want my colleagues to know that, although this issue seems to have died with the supplemental, it won't be dead for long. I fully intend to pursue open competition among American-owned companies for the production of our Nation's currency and I will not stop until I have succeeded.

Mr. HALL of Ohio. Mr. Speaker, one of the things that is important here is that the bill provides the full $76 million needed for the WIC Program to avoid cutting off mothers, infants, and children in the current fiscal year. This was done by a Rules Committee amendment that added $38 million to the original $38 million reported out of Committee—the very proposal that my Ohio colleague, Congresswoman KAPTUR, and our colleague from New Jersey, Congresswoman ROUKEMA, vigorously fought for over the past 2 months, with stiff resistance until this welcome change of heart on the issue. Due credit should go to Representative KAPTUR and Representative ROUKEMA for their hard work on WIC in this bill, and their strong support for WIC throughout the process. I thank them for ensuring that mothers and children are not thrown off the program and put at nutritional risk during the very time when other assistance is being scaled back.

Mr. SOLOMON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 229, not voting 11, as follows:

[Roll No. 125]

YEAS—193

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Campbell
Canady
Chabot
Coble
Coburn
Combest
Cook
Cox
Crane
Crapo
Cunningham
Davis (VA)
Diaz-Balart
Dickey
Dingell
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Greenwood
Gutierrez
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Olver
Oxley
Packard
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Riggs
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—229

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barr
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Blunt
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntosh
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Norwood
Oberstar
Obey
Ortiz
Owens
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Pickering
Pickett
Pitts
Pombo
Poshard
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sessions
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wicker
Wise
Woolsey
Yates

NOT VOTING—11

Andrews
Buyer
Cannon
DeGette
Flake
Hefner
Holden
McHale
Schiff
Skelton
Stark

□ 1216

Ms. ESHOO, Mrs. CHENOWETH, and Messrs. PICKERING, SESSIONS, CHRISTENSEN, DAVIS of Florida, ROGAN, McINTOSH, Ms. GRANGER, and Messrs. NORWOOD, BRADY, GONZALEZ, and PARKER changed their vote from "yea" to "nay."

Mr. COX of California and Mr. HERGER changed their vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I wanted to take a moment to advise the body that I have made a decision about the schedule. What I would like to ask our Members to do in consideration of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services and the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] to have an opportunity to bring their team together, that we would spend the next hour entertaining 5-minute special orders, which I expect will be entertaining, and allow them time to prepare to return to the floor and complete the very important work on the housing bill, perhaps even to have that bill completed today.

With the indulgence of all of our Members, I would ask, then, that we go ahead, retire to 5-minute special orders for 1 hour and at that point we can bring that very important work to the floor.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, would my distinguished colleague from Texas tell us when he expects the supplemental to come back to the floor in the form of a rule?

Mr. ARMEY. I appreciate the gentleman's inquiry.

Mr. BONIOR. I did it as nicely as I could.

Mr. ARMEY. Nearly as nice as the gentleman appreciated his inquiry.

We will, of course, be discussing the supplemental and the rule with the Committee on Rules. We would, of course, try to bring that back as soon as possible. I will see what advice I can give to the body later in the day.

Mr. Speaker, if the Members agree, then, we will retire to 5-minute special orders for 1 hour, at which time we will bring up the housing bill again.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 148) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 148

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Small Business:
Ruben Hinojosa of Texas;
Marion Berry of Arkansas.

To the Committee on Veterans' Affairs: Ciro Rodriguez of Texas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). The Chair will entertain unanimous-consent requests for 5-minute special orders, alternating sides of the aisle, for 1 hour, without prejudice to the resumption of legislative business.

WARS ARE TEMPORARY; LANDMINES ARE NOT

(Mr. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAPPS. Mr. Speaker, last month the United Nations Association in my district sponsored an essay contest for high school students on the subject of eliminating land mines.

Land mines are a piece of military weaponry designed to help end wars, but wars are temporary and most mines are not, writes first place winner Andrew Feitt, a 9th grader from Santa Barbara's Laguna Blanca School.

Second place winner Nikolaus Schiffman, a 12th grader from Santa Barbara High School also hit the nail on the head when he wrote, Canada showed such leadership when it hosted the Ottawa Conference in October 1996, and hopefully the United States will make similar gestures.

It is time to eradicate all land mines before they do the same to us, says third place winner and 9th grader, Geren Piltz from Carpenteria High School.

Tomorrow is the first anniversary of the President's announcement that he will seek an international ban on land mines, but we have seen little progress. It is time to get serious about land mines. It is time to join the Canadian process. As my three constituents made clear, we must live without land mines.

Mr. Speaker, I include for the RECORD the essays to which I referred:

Wars Are Temporary, But Mines Are Not

(By Andrew Feitt, Santa Barbara, CA)

The devastating technology of land mines is one that plagues the battlefields and trouble spots of our century. They are a piece of military weaponry designed to help end wars, but wars are temporary, and most mines are not. Even when the conflict draws to a close and old enemies become friends, the mines remain, destroying the lives of simple men, women, and children who might never suspect their hidden presence. Yet what can the U.N. do to end this problem? The global community has tried before, and failed. Will anyone be able to cure the spreading plague of mine warfare?

Every fifteen minutes, it is estimated, a mine explodes and every day some seventy people die as a result. Nor are these combatants, for since the end of the Second World War ninety percent of those killed were civilians. Official government estimates put the number of mines at over 100,000,000, but they acknowledge there could be many more lying in wait, as of yet undetected. According to Paul Davis, land mines are ". . . the greatest violators of international humanitarian law, practicing blind terrorism . . . they never miss, strike blindly, and go on killing long after hostilities have ended." According to the Protocol II of the UN Inhumane Weapons Convention of 1980, landmines are, like chemical and biological weapons, to be strictly regulated. Many, however, wish to go further believing landmines should be banned outright, like chemical and biological weapons. Other countries, in which landmines constitute a great deal of their exports, believe they should only be regulated. Which side should the U.N. take?

The major supporters of a total ban on all mines, the Scandinavian countries, Ireland, Belgium, and New Zealand, favor an immediate end to production. They are a vocal, if small and seemingly unimportant group, especially when lined up against those from the other extreme, the major producers. China is the most visible, one of the last strongholds of Communism, ever at odds with the Capitalist West. A compromise must be reached if ever any action on landmines is to be taken.

At the 34th North American International Model United Nations Conference, held in Georgetown earlier this year, a topic raised was that of 'smart' mines. I myself had the opportunity to attend this conference, and this particular idea was well-thought and logical. 'Smart' mines, like 'smart' bombs, are weapons of war that can be programmed, i.e. in this case to deactivate themselves after a certain time period has elapsed. For example, if a conflict broke out between North and South Korea, the opposing armies could lay 'smart' mines on the demilitarized zone, activate them, then have them deactivated after nine months. Thus the effects would not be lingering. The best solution to ending the civilian casualties would be a U.N. resolution, passed by the Security Council, banning outright the production, import, and export of all forms of conventional landmines, though not 'smart' mines, and a gradual reduction of those currently in stock. Thus the only potential opponent to this, China, might grudgingly consent or abstain, not wishing to see some of its trading privileges revoked. Already the United Kingdom has declared a moratorium on conventional mine export, excluding the self-destruct or self-neutralizing 'smart' mines. The rest of the world should follow their example.

However, mere resolutions are not the only answer. Even when conventional mines are banned, many others will remain. Acting through non-governmental organizations such as the International Red Cross, the U.N. must help to provide immediate relief to the beleaguered nations. As well, U.N. affiliated organizations like the United Nations Institute for Disarmament Research (UNIDIR) could also be of some assistance. Those countries most ravaged by landmines most often are those with recent, now resolved, conflicts, and often have U.N. observer forces there, whose duties could be expanded to landmine location and destruction.

Thirdly, in order to better address this issue in the world community, an ad hoc body of military and industrial analysts should be established whose sole duty would be to constantly review landmine removal efforts around the world at pinpoint potential trouble spots where large civilian populations are located near dormant minefields. This tribunal could also be entrusted with reviewing the efforts of member nations to end landmine production, and, if a nation fails to comply, suggest some form of economic retribution to the Security Council.

Of course, there is always the ever-present question. Who will pay for all this? Certainly the United Nations, already deep in debt, could not afford to fund all these efforts. There are many nations, such as the United States, that may begin paying back its debt when it sees the U.N. is moving in a productive direction. As well, there are numerous private companies, possibly seeking to invest in such countries as Vietnam, that may fund landmine removal if the minefield occupies the terrain they wish to build on. In 1993, it was a British mine-producing company that sought the U.N.'s permission for landmine removal. Once the U.N. begins this endeavor, there will be little shortage of donations for a noble cause.

In conclusion, while landmines remain an ever-present threat to peace and global security, the campaign against them grows stronger every year.

A CALL TO DISARM

(By Nikolaus Matthias Schiffman, Santa Barbara, CA)

Recently, much international attention has focused upon the possibility of the instillation of a worldwide ban on the production and utilization of antipersonnel mines. Not too long ago, the general consensus of the people of the world was that landmines were a horrific yet necessary part of military warfare; however—partly due to the recent developments in Somalia—people's general awareness of the devastation and hardship caused by landmines has greatly increased, and, thanks to the efforts of the United Nations and many other non-governmental organizations, the prospect of the complete elimination of landmines no longer seems like a utopian ideal, but instead, a realistic goal to work towards for the year 2000 (a). As an economic and military superpower, it is imperative that the United States assumes a leading role in the United Nations' continuing efforts to establish a ban on antipersonnel landmines.

It is estimated that every year, there are more than 25,000 incidents of people being killed or maimed by landmines, and in most of these cases, the victims are innocent civilians who are living in countries without sufficient medical facilities to deal with the injuries (b). Because of the sheer scope and frequency of these incidents, the United Nations are usually unable to be of direct assistance to the victims. Instead, many nongovernmental organizations, such as the International Red Cross, play a key role in helping the victims of landmines. To this extent, many lives and limbs have been saved because a landmine victim was able to get medical help in time (c).

Working with other governments, the United Nations has helped to educate civilians about the dangers of landmines. For example, in January of 1996, the UN Department of Humanitarian Affairs teamed up with the Government of Bosnia-Herzegovina to set up the Mine Action Programme. Plans like the Mine Action Programme devote time and money to educating and increasing people's awareness of landmines, to gathering information and data about the possible locations of landmines, to mechanically removing landmines, and to training specialists who can remove the mines (d). Without programs such as these, the situation with landmines would be much worse than it is today. The United Nations has provided great assistance to countries like Cambodia that lack the technology to properly deal with the problem (e). However, these efforts are not enough. Something else must be done.

Every day, more landmines are planted in the earth than are removed (f). As long as countries continue producing and planting landmines, people—innocent civilians—will continue to get blown up by them. The casualties and fatalities resulting from landmines will not go away until a worldwide prohibition is put into effect. Some countries, including the United States, have been reluctant to endorse a total ban on landmines, claiming that landmines hold an important role in military warfare. Defense Secretary William Perry said in April of 1996 that the use of antipersonnel landmines by American troops facing North Korea have helped to prevent war (g). However, Perry's logic is a bit self-defeating. Every landmine planted in South Korean soil will come up again sometime, at the possible cost of a human life, and despite the cheap production costs of landmines, which can be purchased for as little as three dollars each, they are much more expensive to remove. The cost of removing a single landmine can exceed one thousand dollars (f). Surely, there must be military alternatives to the use of landmines.

Recently, the United States has been making some indications that it is willing to support a total ban on landmines. On January 20, 1997, President Clinton announced that he will be pursuing a total ban on landmines through a United Nations conference rather than through an outside summit or conference. In this way, it is more likely that certain countries, such as China and Russia, that have been reluctant to agree to a worldwide ban on landmines will be more likely to sign a treaty in agreement (g).

As the strongest military power in the world, the full support and leadership of the United States is necessary if a worldwide ban on landmines is to occur. Canada showed such leadership when it hosted the Ottawa Conference in October of 1996, and hopefully, in the future the United States will make similar gestures in an effort to curb the production of landmines (h). If significant progress is made in the next year, it is possible that we may see all legal production of landmines cease before the next millennium.

The United Nations plays a major role in helping to reduce the destructive effects of landmines. Working with individual governments, agencies such as the UN Department of Peacekeeping Operations and the UN Department of Humanitarian affairs have provided healthcare and education to the people at risk from landmines. As more and more are becoming aware of the senselessness of landmines, the United Nations is gaining support in its quest to achieve a ban on the terrible weapon.

Eventually, a ban on landmines will be enacted. However, as history tends to repeat itself, it is important that the nations of the world learn from their mistakes, and one can only hope that when the next cruel, senseless weapon comes around, we will have the wisdom and the courage to stop its carnage before it starts.

THE UNITED NATIONS AND THE ELIMINATION OF LAND MINES

(By Geren, Piltz, Carpenteria, CA)

Globally, it is frightening to think that nuclear land mines are in development. Looking back in history we learn that the land mine, an important weapon of World War II, was an encased explosive charge sometimes laid on the surface of the ground, but usually buried just below the surface. It was triggered by the weight of a passing vehicle or men, by the passage of time, or by remote control. The case is generally circular or square, made of metal or, to combat the magnetic detector, of wood, cardboard, glass or plastics. There are two types of mines: the antitank, to immobilize tanks and other vehicles, and the antipersonnel, to kill soldiers.

The ancestor of the antitank mine was the artillery shell, buried by the Germans late in World War I to stop British tanks. The antitank mines were developed in Great Britain, the Soviet Union and the United States between 1919 and 1939. They usually contained only five or six pounds of TNT. They could stop a light tank, but had to be used in twos or threes against anything heavier. The true antitank mine, and the first antipersonnel mine, appeared early in World War II. It was an economical way of stopping an enemy or restricting his movements. In 1943 it had become a standard form of warfare. In the Korean War, both the North Korean and the United Nations armies used land mines extensively. In the Vietnam War, the Claymore mine came into general use. Claymores are made of plastic and are small and light. They contain a high-explosive substance and metal pellets that can be aimed in any direction and which have a range of 250 ft. The Claymore can be pushed into the ground or hung from trees, about 36 in. off the ground. A trip wire sets off the charge. Today, a standard U.S. army antitank mine contains between 6 and 12 lbs. of TNT.

The antipersonnel mine is also triggered by weight. They generally contain from 1 to 4 lbs. of explosives and can blow off a man's hand or foot or kill him with flying fragments. They may be a one-stage, simple blast type that explodes in place, or a two-stage fragmentation mine that first fires a container into the air, and then releases a fragmenting explosive charge.

It is time to eradicate all land mines before they do the same to us. Accidents are all too common since a land mine is detonated by disturbing a trip-wire attachment to the mine, or by a delayed-action mechanism. Innocent men and women, whose lives, safety, and freedom we are defending, are being threatened by land mines. And what about the children? Their roads and playing fields are strewn with land mines. Curious, and adventuresome, kids wander unknowingly into dangerous situations. Millions of children throughout the world suffer needlessly from lack of food, water and medical care, as billions of dollars are spent on armaments. We take steps to immunize children from diseases, yet we expose them to the possibility of death on their own playgrounds. It has been said that human beings are the softest and weakest targets in war. The innocent always seem to suffer. Our world leaders seem so busy with the vast game of politics that they are forgetting the reason nations and governments exist: to insure the survival of people, to protect their children, to prevent terror. Why gamble with our children and with future generations? Unfortunately, throughout history, nations have sought security by gathering the most powerful weapons available, or so it seems. Land mines do not make us any more secure.

With today's technology, we see a grotesque collection of chemical and biological weapons. Land mines pollute the environment with chemical leakage as well as heavy metals. Recovery is expensive and often not very effective. We need everyone's commitment to eliminate land mines. Everyone is affected by, and can affect, public policies. Serious dialogue can keep alive the basic nerves of our democratic society. As a voice of today's young people, I am actively involved in making our society healthier. If the nerves of a people are dead, then their political vitality is sapped. My own view is, as a conscientious human being, that all warfare is senseless and that young and old alike should look carefully at present strategies for national and world security. We are capable of better protecting our people by taking global action. I hope to see the day when national security is not measured in military terms. As Americans we have built a dynamic and prosperous society, yet we seem unable to think of, or work for alternatives to war. Conflicts such as war can be solved peacefully. Everyone wants to live. Everyone loves their children. Small steps are important because they can have far-reaching effects. Challenge the experts. Land Mines: we can LIVE without them.

THE COURAGE TO STAND ALONE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I am delighted to have this unexpected opportunity at this time of the day to rise and share an occasion with my colleagues. Yesterday, May 13, marked the publication of a book, "The Courage to Stand Alone," by Wei Jingsheng.

For those of our colleagues who are not familiar with Wei Jingsheng, he has been called the Sakarov of China. His book, "The Courage to Stand Alone," is a compilation of some of his previous writings, some earlier from prison and letters that he has written. He is a full-fledged world class champion for democracy. He received, in 1994, the Robert F. Kennedy Human Rights Award. Last year he received the Sakarov award from the European Parliament.

Mr. Wei Jingsheng was sent to jail in 1979 following his peaceful writings about human rights and democratic freedoms. He served nearly 14 years in prison, and then about the time that the Chinese Government was trying to court the Olympics, Mr. Wei Jingsheng was released, only to be re-arrested after the Olympic decision was made.

Mr. Wei Jingsheng was then re-arrested following a meeting that he had with Assistant Secretary of State for Human Rights, John Shattuck. At the time the Chinese Government said that Mr. Wei Jingsheng was arrested for revealing state secrets. The state secret he revealed was to tell a foreign journalist something that had already appeared in the Chinese newspapers. In any event, he has gone back to prison for at least another 14-year sentence.

For most of the time that he has been in prison, about 18 years now, he has been in solitary confinement. The only other people around him from time to time are other prisoners whose duty it is for the Chinese regime to taunt Mr. Wei Jingsheng.

Mr. Wei Jingsheng has written the way the Founding Fathers of our country have written about democratic freedoms being written on the hearts of men. He has done this courageously. He continues to be arrested and re-arrested because he will not recant. He has spoken out against the repressive policies of the regime under Deng Xiaoping and continues not to recant even following the death of Deng.

As I have said, he is a great champion of democracy. I hold his courage up to the attention of my colleagues one day following the publication of his book. As I say, he has been called the Sakarov of China. Many of us in our lifetime will never meet a person who has risked so much for democracy.

It is interesting to me to see leaders of our Government travel to South Africa and visit the prison at Robin Island where Nelson Mandela was incarcerated. It is like visiting a shrine. That is appropriate. Nelson Mandela is a great hero. Why, then, would these same people not even speak out in support of Wei Jingsheng, who right now is suffering the same plight that Nelson Mandela did for so many years?

Remember the name, Wei Jingsheng, the father of democratic freedoms in China, because he had the courage to stand alone.

Mr. WELDON of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Florida.

Mr. WELDON of Florida. I would like to associate myself with the gentlewoman's remarks. I have been very concerned about the status of this gentleman. Is the gentlewoman familiar with any efforts on the part of the Clinton administration to intervene on his behalf up until this point?

Ms. PELOSI. It is my understanding that in meetings from the higher levels of the Clinton administration that Mr. Wei's case has been brought to the attention of the Chinese regime. Either the attempts on Mr. Wei's behalf have not been forceful enough or, one thing is for sure, they have not been successful.

Mr. WELDON of Florida. One of the things I am concerned about, if the gentlewoman will yield further, is that while there are many Members in this body such as the gentlewoman, the gentleman from Virginia [Mr. WOLF], and the gentleman from New Jersey [Mr. SMITH], who are very concerned about this situation, the issue is not really being taken very seriously by the administration. It really is their responsibility, they run the State Department, to bring pressure to bear on the Communist Chinese.

THE AUTOMATIC CONTINUING RESOLUTION

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute.)

Mr. FOGLIETTA. Mr. Speaker, people in the Midwest are making the tough and necessary choices to rebuild their own lives. Everything has been taken from them. They very much need our help right now, but they may not get that help.

Why? Because Washington is playing another one of its cynical games. Senator BYRD was just right when he called the CR an automatic pilot.

□ 1230

It would rescue us from the same public embarrassment they suffered from last year's Government shutdowns, but it also saves us from having to make the tough choices to balance our budget.

The President has been to North Dakota and knows the need to provide assistance there as soon as possible, but he says that he will veto this bill because of the automatic pilot CR. He is right because it is bad policy, it is a gimmick. It enables us to avoid our constitutional responsibility to make budgets. And if we can lean back on automatic pilot and keep the Government going, how are we ever going to balance the budget?

Let us not play Pennsylvania Ping-Pong. Why do we not invest the time in passing a budget resolution marking up the appropriations bills and getting the job done, not on automatic pilot, but doing the hard work of hard government. That is what we are paid to do.

MFN FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, before I get into my 5 minutes I would like to yield to the gentleman from Virginia [Mr. WOLF], if I may.

Mr. WOLF. Mr. Speaker, I thank the gentleman for that, and I just wanted to thank the gentlewoman from California [Ms. PELOSI] for speaking out on Mr. Wei and, second, to say that he was arrested after meeting with John Shattuck from the Clinton administration. After the meeting he was arrested, and I guess I would just say to my colleagues in the House this Congress ought to do something about it.

When Sakharov was under house arrest in the 1980's and Scharansky was in Perm Camp 35, we did resolutions, we did everything, and now we are in the 1990's, in a Republican Congress I might say, so I would say to the leadership on our side we should be doing something to demonstrate that we care.

So I thank the gentleman from Florida [Mr. WELDON] for taking this time, and I thank the gentlewoman from California [Ms. PELOSI] for doing it because this Congress, if we do nothing, we are going to be somewhat complicit in what the Chinese Government is doing.

So hopefully the Congress will make this a point of reference and we will talk about it until Mr. Wei is released.

Mr. HOYER. Mr. Speaker, if the gentleman from Florida will yield, I want to thank the gentlewoman from California [Ms. PELOSI] and the gentleman from Florida [Mr. WELDON] for taking this time, and I associate myself with Ms. PELOSI who has been a giant in the leadership on the issue of dealings with China, human rights in China, and in the Far East generally, as someone who has been very involved with my colleague on the Helsinki Commission as we focused on the former Soviet Union and Sakharov and other heroes of the Helsinki movement, which articulated principles of recognition of human rights in every Nation.

The former Foreign Minister, now the Prime Minister, articulated the fact that the Helsinki final act adopted a premise that it was of concern to all of us how a nation treated its own citizens. Historically, it has been the premise of nations of how they treated the other nation's citizens might be their business, but how they treated their own citizens should not be of their attention.

The fact of the matter is, of course, our world is a better place because nations, and particularly the United States, has taken a focus on how other nations treat their own citizens.

I will be voting against MFN for China, as I have in the past, with some exceptions, when I join the gentlewoman from California [Ms. PELOSI]. But the fact of the matter is we ought to say in the strongest possible terms, as we did to the Soviet Union, "If you treat your citizens badly, you will not be able to deal with us on a business-as-usual basis."

Constructive engagement was not good in South Africa, and I suggest to this administration and previous administrations that constructive engagement, as if we were dealing with nations that adopt our own standards of conduct, should not be the policy of this Government and this Nation.

Mr. WELDON of Florida. Mr. Speaker. I appreciate the comments of the gentleman from Maryland [Mr. HOYER], and the point I was trying to make with the gentlewoman from California [Ms. PELOSI] is that this is an arena or area where leadership from the White House I think is very essential, and I do not believe we are getting that kind of leadership from the administration. I think the leadership is coming from this body, Members like the gentlewoman from California, like the gentleman from Maryland, the gentleman from Virginia, and there is a vacuum in this cause of human rights, and when we have a high ranking State Department official meeting with somebody and then immediately afterward an arrest occurring and then there is really no outcry coming from the Office of the President, the President of the United States himself, that is a problem, and I think it is incumbent upon us, and particularly people within the President's party, to bring pressure to bear on him to take a more aggressive role in this issue and speaking out on it.

Mr. Speaker, the last Democrat President who occupied the White House, Jimmy Carter, had a very, very strong record on doing this, and he would aggressively move on these issues, and I believe we are not seeing the kind of leadership that we need from the White House on this, and I very much appreciate, needless to say, the comments that the gentlewoman has made because this issue is very disturbing to me when we are having a vote coming up in the next month on MFN for China. It is going to be very difficult for people to justify this in the light of the human rights violations that are occurring in China.

RESTORE WIC PROGRAM FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I would just say that to start my 5 minutes I am delighted to see that we are on 5 minutes because that means that the rule for the bill that we were going to undertake has been defeated.

I think one of the reasons that the rule was defeated was because we did not allow, through the Committee on Rules, the opportunity to offer a bipartisan amendment that would have restored the entire amount of WIC funds, Women, Infant and Children Program funds to make sure that the program continues to help women that are pregnant not deliver anemic or underweight children.

Mr. Speaker, this is one of the best programs and one of the best bipartisan programs that we have in Government, yet the Committee on Rules had locked out and shut down and prohibited us from offering and discussing this bipartisan amendment with the self-executing rule.

So I am delighted that the Committee on Rules now is back to discuss ways by which to improve that bill. I think it was defeated in a bipartisan way, with 43 Republicans joining the Democrats, because we do want to discuss the importance of WIC. We also want to make sure that that bill is not loaded up like a Christmas tree with the branches sagging to the floor with pork barrel ornaments.

So there are two problems with that bill. I am hopeful that we can get that bill back to the floor right away because it does involve natural disaster relief that is very important for a number of States, including States in the Midwest, it involves funding for human disasters, which would help women and children with the restoration of $38 million in the WIC Program.

Why do we need this funding for the WIC Program? There are a number of reasons. One is because the administration, the White House, recognized, with the help of some Republicans, that we were going to have an increased caseload, that disability payments through Social Security for children were frozen, and that we had increases in milk prices. So we needed to make sure we got this $38 million put into the WIC Program to ensure that 180,000 children were not cut off from WIC.

Mr. Speaker, we were able to do that defeating the rule in a bipartisan way. I am hopeful that the gentlewoman from Ohio [Ms. KAPTUR], the gentlewoman from New Jersey (Mrs. ROUKEMA], the gentleman from California [Mr. RIGGS] and whoever wants to will go to the Committee on Rules and make sure that we get a fair rule to discuss and debate this WIC Program, which is a wonderful program to help our women and children throughout this country, and I would be happy at this time to yield to the gentlewoman from Ohio [Ms. KAPTUR] who has done a marvelous job fighting passionately for a wonderful program such as WIC.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Indiana for his strong support of the WIC Program, making sure that there is a funding stream for WIC that is not smoke and mirrors, one that we can depend on and one that is not just invented a few hours before a bill comes to the floor.

I can say that I serve as a member on two of the subcommittees of concern here, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, dealing with the WIC funding, and the Subcommittee on VA, HUD, and Independent Agencies as well, which includes the NASA budget. We never had any kind of hearings with NASA on taking money from that account and placing it in the WIC account.

It was very unclear to us yesterday when we went before the Committee on Rules. We were told, well, maybe they might make a rule in order where we could debate the funding issue. Then it turns out to be a self-executing rule, and when we asked the Committee on Rules yesterday when we testified, well, where is the money coming from, they said, well, we think it may be coming from a NASA account. I said which NASA account? Well, was it the wind tunnel account? They said, well, maybe it is section 8, maybe it is not NASA.

It was very confusing up in the Committee on Rules, and then today we are presented with a self-executing rule where apparently the money is being taken from some NASA account.

This was never, never talked about, as the gentleman from Georgia knows, in our Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and I can assure the gentleman that as a member of the Subcommittee on VA, HUD, and Independent Agencies, which includes the NASA budget, we never talked about this and had the opportunity to deal with the agency people from NASA.

So I think for those of us who are fighting for the WIC Program and for certainty, not just after next fall, the gentleman from California [Mr. RIGGS] said he wants to hold hearings next fall. We have people being taken off the rolls today around the country, including in his own State of California, where the Governor has written us and said he needs an additional $27 million just in California alone.

SUPPORT FULL FUNDING FOR THE WIC PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to support our Nation's future by calling for full funding for the WIC nutrition program. All too often the debate in this great House of democracy focuses on estimates, projections, baselines, adjustments, or some other technical term that we hear every day. We are asked to ponder piles of paper filled with facts and figures and then make a judgment about how those numbers or how changing those numbers will affect the everyday lives of millions of Americans.

Today I ask that instead we take a moment and focus on the foundation of our Nation, indeed, its future, our children. I think it is more important to focus on the valuable benefits and help services WIC provides to its participants rather than haggling over census numbers and terms like full participation. When discussing the WIC Program, we must remind ourselves that it has a 22-year track record of providing valuable and, in fact, critical services to some of our Nation's most vulnerable citizens. The WIC Program provides specific nutritious foods to at-risk, income-eligible, pregnant, postpartum and breast feeding women, infants and children up to five years of age. WIC gives women and young children the means to obtain highly nutritious food like iron-fortified infant formula, calcium rich milk, eggs, juice, cereal and other staple foods necessary for healthy development. More than food, WIC is designed to influence a lifetime of good nutrition and healthy behavior by providing valuable nutrition education for its participants as well as referrals to other local health and social service organizations.

During pregnancy, Mr. Speaker, one of the most fragile periods in a woman's life, WIC enhances dietary intake, which improves weight gain and the likelihood of a successful pregnancy. After birth, WIC continues to promote the health of infants and is responsible for reducing low birth rate and infant mortality. Children who participate in WIC receive immunizations against childhood diseases at a higher rate than children who are not WIC participants, and WIC also helps to reduce anemia among children.

As we know, children receiving nutritious meals are in a better position to focus on their daily studies. I recently visited an elementary school in my district and spoke with the very people providing meals to students. They, along with many others, told me that proper nutrition is an integral part of our children's educational experience. In this regard WIC has been linked to improve cognitive development among children. Stated plainly, WIC children are more prepared to learn compared to those children who lack proper nutritionally balanced diets.

In short, Mr. Speaker, WIC serves as a safety net for this country's most vulnerable citizens. However, the greatest testament to WIC comes from not from politicians or bureaucrats, but from those who actually participate in the program.

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Allow me to share some comments from a few of the dozens of letters one of the WIC directors in my district received over the past few days. Each of these women felt compelled to write and to urge careful consideration of full funding for WIC.

Erica Miner said that WIC "helped provide my son a better life than what I could before I started the program."

Laura Tadoun praised WIC for "showing me how to eat and drink properly so I could have a healthy baby." She continues, "I don't know how we could have made it without you."

Julia Bruno commented that "thanks to this program, my children are physically and nutritionally well. It is my sincere hope that WIC continues so that in the future we will have healthy, happy children and save money on medical costs."

Tina Donaldo wrote, "If it weren't for the WIC program I wouldn't be able to get by at all."

Finally, Nicole LeBaron pleaded, "Please take this service and the funding that they need into serious consideration before cutting it and cutting the families like myself that depend on it to help their children grow healthy."

These WIC success stories from my Florida district, Mr. Speaker, are representative of the performance of the program as a whole across the country.

However, in this era of budgetary constraints and fiscal conservatism, everything boils down to dollars. And yet on this count, WIC has indeed withstood fiscal scrutiny and, without question, actually increases the return, increases the return on our investment in the program.

Studies have shown that WIC provides a 350 percent return on the tax dollars spent on the program. For example, for every dollar that WIC spends, $3.50 is saved in expensive neonatal and disability programs. Money spent on pregnant women in WIC produces similar Medicaid savings for newborns and their mothers.

At a time, Mr. Speaker, when we are reducing welfare rolls and stressing personal responsibility, I can think of no better way to encourage fiscal stability and certainty than by supporting and appropriating full funding for the WIC program.

Let me share with my colleagues the words of my good friend, Clara Lawhead. Clara is the Director of Nutrition of WIC Services in Pasco County, FL, in my Ninth Congressional District.

She succinctly explains the problem in my district, in terms we all can understand:

> In Florida, we have faced the problem that this year's funding cannot support our current caseload and we have already been forced to initiate a reduction in benefits to our WIC participants. This effort was necessary to maintain some level of service to our clients that have already been identified with a medical or nutritional risk. We began in February to carefully evaluate the diet prescription (food package) in milk and fruit juice for low risk clients. The next step is to reduce caseload.

Friends and colleagues, WIC is too important to the future of this Nation to leave to political games.

In short, WIC is supported by many people and continues to be a popular program. It yields tremendous returns on our investments and has been proven, time and time again, to improve the health and well being of pregnant women, infants, and children.

Mr. Speaker, if the greatest sin we commit is erring on the side of caution—on the side of children—I will be proud to make that mistake. I believe many of my colleagues feel the same and will support me in calling for the full $76 million in supplemental funding for the WIC program.

Let me close with the simple yet eloquent words of Dawn Stamper, who lives in New Port Richey in my congressional district:

> Our children are our future and need to be given the best chance and first steps needed to lead a healthy and nutritious life.

Our children are the future. This investment in WIC is one that, at the end of the day, we can all point to with pride, because we did what was right and we did it for the people who sent us here in the first place.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 5. An act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

H. Con. Res. 66. Concurrent resolution authorizing the use of the Capitol grounds for the sixteenth annual National Peace Officers' Memorial Service.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the majority leader, announces the appointment of C. John Sobotka, of Mississippi, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Democratic leader, announces the reappointment of John C. Waugh, of Texas, to the Advisory Committee on the Records of Congress.

FEC FUNDING

The SPEAKER pro tempore [Mr. GOODLATTE]. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, the last action on the rule that has resulted in this time for the Republican leadership to kind of regroup is very important, because that rule was defeated in a bipartisan vote, and there is no fundamentally more important reason to defeat that rule than the fact that that rule eliminated the need for funding for the Federal Election Commission.

Mr. Speaker, last February, the FEC asked for a supplemental appropriation of $1.7 million needed to address the campaign abuses from the 1996 campaign, which the Committee on Appropriations granted. Up until last night, there was every indication that the appropriation would go forward. But last night, the Committee on Rules unilaterally, and without warning, left the public hearing and behind closed doors deleted the appropriation for the bill. They did this even after the gentlewoman from New York [Mrs. MALONEY], the gentleman from Connecticut [Mr. SHAYS] and myself asked that the specific appropriation be included and that certain restrictions be removed.

The FEC funding was the only funding deleted, and it was no accident. This, after all, was the first money that Congress would have appropriated to allow investigations into the congressional campaign abuses to go forward.

Make no mistake. What we have here is a total abuse of process, a total violation of fundamental fairness. In fact, today we now have the majority really committing a double abuse. First, the majority is abusing the legislative process which we were counting on to make sure that the FEC is able to enforce the law as a small first step to clean up our campaign system.

Second, Mr. Speaker, as a result, they are obstructing the FEC's ability to investigate congressional violations of Federal election law. This was a hatchet job, and it is especially outrageous in light of the Congress's alleged outrage over the 1996 campaign and its providing of millions of dollars to investigate politically charged investigations, allegations that have been ongoing over the last several months.

It was interesting, because just last week, Michael Kranish from the Boston Globe reported that an organization created by former Republican Chairman Haley Barbour to boost the GOP's image wrote a fundraising plan that relied partly on newly available documents disclosed. The organization, a Republican think tank called the National Policy Forum, wound up receiving a $2.2 million loan guarantee from a Hong Kong business and then failed to repay $500,000. Since that time, the Republican National Committee has agreed to return the money.

When are all of these stories going to stop, and when are we going to do something about campaign finance reform? The Federal Election Commission, and I just left a hearing before the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary where officials from the FEC reported before that committee that they cannot even get to 68 to 70 percent of the cases because of their inadequate funding.

I am amused by all of the dialog, the political rhetoric, the partisan rhetoric on both sides of the aisle about how we need to have these investigations by Congress, and the only nonpartisan group that is discharged with the responsibility to conduct investigations of congressional campaigns is the FEC. The FEC puts in a request for an appropriation for $1.7 million in order to get funded, and what does the Congress do?

The Committee on Rules, in the middle of the night, decides we are not going to take this up. This action is outrageous, and when the Republican majority is meeting to try to figure out, they are all meeting, how are we going to get this bill passed, what they ought to do is put the request for the FEC funding into the budget. It is significantly less money than we have appropriated for literally millions of dollars for politically charged investigation. Let us let the FEC do its job, and we ought to start with this supplemental appropriations bill.

Now is the time for Congress to put its money where its mouth is and provide the FEC funding to investigate congressional abuses.

Mr. Speaker, it was the ax last night, nothing less than a midnight massacre, on the obstruction of the process and the ability of the FEC to conduct investigations of the congressional campaigns that were held in 1996. It is an outrage.

I think the fact that this rule was defeated lends credence to the fact that we need to make sure that we fund the FEC if we are serious about conducting fair, nonpartisan investigations and giving the FEC fair enforcement power so that they can do their job. Let us make sure we include that funding.

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 146.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

BLM BULLIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, today I want to discuss something so powerful and hurtful that it cripples the economy, puts a stranglehold on businesses and farms, destroys livelihoods and families, and yet seems unstoppable.

The monster that I am discussing is the power that was once granted to Congress in article I, section 1 of the U.S. Constitution, which reads: All legislative powers herein granted shall be vested in Congress. Today, however, the executive branch of this very Government has taken control of this reserved privilege and holds it captive at the expense of American citizens.

To illustrate my point, I would like to discuss newly assumed police power Secretary of the Interior Bruce Babbitt and the Bureau of Land Management allege to possess. The proposed law enforcement regulations are an attempt to vastly, and in most cases unconstitutionally, expand the BLM's law enforcement authority by increasing the number and types of actions which may result in the violations of law and substantially increase penalties for violation of such regulations.

Let me share with my colleagues, Mr. Speaker, exactly what powers the BLM is commandeering. A story: On July 24, 1994, a family from New Mexico was on a family outing in the Santa Cruz Lake area in the northern part of New Mexico. After fishing and picnicking for 2 hours, the family loaded up their car and were leaving the area when they were stopped by a BLM ranger. According to a complaint filed by the family's attorney, the BLM ranger approached the vehicle carrying a shotgun and ordered everyone out of the car using threats of bodily harm laced with profanity. The BLM ranger fired his shotgun at the car to show that he meant business.

This complaint continues to state that the three men got out of the car and asked why they were being stopped. They asked if it was for fishing without licenses, but they were never asked for their fishing licenses. When a man, woman, and the children tried to leave, the BLM ranger maced the driver and handcuffed him. The driver's mother tried to help her son but was knocked to the ground by the ranger who then stomped on her leg before handcuffing her.

After handcuffing the mother, the BLM ranger went back to the driver and sprayed him again in the face with mace. All this time the children were crying and the ranger yelled at them to shut up. According to the complaint, the BLM ranger said he was going to blow their, and I will delete the expletive, heads off.

It gets worse, Mr. Speaker. When one of the men picked up a child to comfort him, the BLM ranger put a shotgun to the child's head and ordered the man to put the child down. Two other BLM rangers allegedly arrived and began waving their weapons around as well. The BLM rangers refused to say why they had stopped the family in the first place.

The adults were incarcerated, and the BLM ranger did not notify the Attorney General, as they are required to do. Although records at the Santa Fe jail indicate six adults were arrested on charges of assault and hindering a Federal employee, a U.S. magistrate released all those jailed because the BLM did not produce a written complaint and no formal charges were made. To this day the family has no idea, Mr. Speaker, why they were arrested.

Remember these are Federal public land management employees who are committing these atrocious acts. It becomes very evident that these power hungry bureaucracies have designated themselves unconstitutional police powers without having proper authority or training. The agents are turning into bullies with little respect for public safety or property.

Mr. Speaker, no longer are Americans free. They are chained to the dictatorship of bureaucratic monsters. It is time for Congress to stand up for its constitutional rights and the protection of the American people. This is exactly what I and the Subcommittee on National Parks and Public Lands intend to do tomorrow when we bring the BLM and the Department of the Interior before our committee and the American people.

The regulatory authority now used by these Government agencies to create rule after rule and regulation after regulation has begun to put a stranglehold on the Western part of this country to the extent that it may never breathe again.

THE WIC PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan [Ms. STABENOW] is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise today to commend my colleagues who supported voting no on the rule that came before us that addressed the issue of funding for WIC. Unfortunately, the rule that was in front of us did not guarantee solid, long-term funding for WIC. I am very pleased that the rule was voted down and that we now have an opportunity to come back and do the right thing.

I also rise today, Mr. Speaker, to commend colleagues of mine in a bipartisan basis, the gentlewoman from Ohio [Ms. KAPTUR] and the gentlewoman from New Jersey [Mrs. ROUKEMA], who have worked very hard in a bipartisan way to guarantee that women and children under the WIC Program have the nutritional services and the food that they need in order to be healthy and successful.

My colleague from the other side of the aisle from Florida spoke a few moments ago very eloquently about the need for the WIC Program. I would just add to that. In my years of working in county and State government, I have not felt more confident about any other program of government as I have about the WIC Program. It provides supplementation directly to pregnant women and women and young children up to 5 who are low income and in need of good nutritious food, vegetables, fruit, other nutritional supplementation, eggs, milk, and so on.

□ 1300

We know without a doubt that for every $1 we put into prenatal care, much of it is nutritional services to make sure that women are healthy, that babies are healthy. For every $1 we put into prenatal care we know we save more than $6 immediately in intensive care costs, many times related to low birthweight babies.

The WIC Program works. It is one that makes sense. It ought not to be a partisan issue. I would strongly urge that my colleagues in the majority come back with a process that we can all support to guarantee WIC funding.

I also need to respond as a member of the Committee on Agriculture for just a moment, because in addition to providing direct nutritional food and services for women and children to guarantee that they are healthy and have a good start in life, this is also a wonderful opportunity to provide additional markets for agricultural products.

Michigan is strong in agriculture. We have more agricultural products that we grow than almost any other State in the Union. We are very proud of the fact that Michigan farmers have expanded markets for fresh produce through the farmers market nutrition program, which in Michigan we call Project Fresh. This is a way for our farmers to provide fresh vegetables, fresh fruit, to women and children who are in need of that, and it also allows them to have another market for their goods, so it works on all accounts.

It is good for agriculture, it is good for families, it saves costs on health care, and I am very hopeful and urge that our colleagues who are determining the way to proceed on the rules regarding WIC funding will come back with an open process that we can embrace in a bipartisan way to guarantee that one of the most cost-effective and one of the most commonsense programs provided through Government, the WIC Program, is allowed to continue in a way that would allow our women and children in this country to be healthy.

WILL COCKROACHES BECOME PROTECTED UNDER THE ENDANGERED SPECIES ACT?

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, I think we should stop the presses. It appears that the EPA has their facts wrong again. After weeks of chatter about proposed new clean air standards and their urgent necessity, this week we find out that the EPA has been given some incorrect or bogus data, certainly very questionable.

First, they cried that 20,000 people are killed every year by PM 2.5 pollution. Then it was revised to 15,000. The EPA Administrator, Ms. Browner, paraded before the Committee on Appropriations and my subcommittee to tell us how important these tough standards are and why they were needed.

Now we find out it is not 20,000, not even 15,000 lives that are at stake, that we are not even clear as to how many there are. In fact, scientist K. Jones, whose name appears along with some commentary in yesterday's Congress Daily, suggests that because of inadequate research, that EPA's first revision of their data now shows it could be below 1,000, less than 1,000 people are affected by the finer particulate matter pollution.

What is the EPA going to do now that this information has emerged? I believe they are hell-bent on imposing tougher clean air standards on our communities, businesses, and residences, even though the air quality across the country, across America, has improved immensely since we began this quest. After Mr. Jones, a scientist, caught them in their first mistake, how can we really trust the EPA data now when billions of dollars in costs are at stake for our communities?

I believe we have to get the facts straight before asking our local communities to pay up for costly regulatory reform. Also I might add, in addition, this week the New England Journal of Medicine, which is often quoted certainly by EPA as their source, has, it seems, driven another stake into the EPA drive to impose costly tougher air quality standards on us.

After hearing about how many children, for example, are hurt by PM 2.5, this Nation's most respected health journal reports that cockroaches are more of a problem than the air. That is right, cockroaches. The study, and it was not just a short-term study, it was for 10 years, focused on children and found that those exposed to cockroaches are more likely to suffer from asthma. They are over three times more likely to be hospitalized, and 80 percent more likely to have unscheduled doctor visits for asthma. Yet the EPA says it is not the bugs, it is the air. Our communities, businesses, and people are still going to be stuck with the EPA's bill.

I just hope as we rid our communities of the roaches to fight asthma, they do not become protected under the Endangered Species Act.

Let us get the facts straight before we impose new air standards on our communities. One scientist suggests there should be a 5-year moratorium, a 5-year study, before we present any facts, any conclusions.

The EPA seems determined in spite of the conflicting data to move ahead. They seem to have a sense of urgency that is wrapped up in the willingness to accept anything, any information that will justify their personal proposal, their own idea, about what is the proper proposal. They ignore, along the way, common sense and cost as part of the equation.

DEVASTATION CAUSED BY FLOODING OF THE RED RIVER IN NORTH DAKOTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, I represent the State of North Dakota. I am the only Representative in Congress that North Dakota has. It is my responsibility to advocate for North Dakota at a time when we are reeling from the worst natural disaster we have ever experienced.

Many of the Members are aware of the pain that we have suffered in light of the floods of the Red River this spring. The national media coverage has documented the destruction of the city of Grand Forks, N.D. These pictures, I believe, tell what words cannot in terms of just what a devastating event this was.

This is a street sign at the corner of Fourth Street and Eighth Avenue. You can see the water right up to the bottom of the sign. At this juncture the water was literally in excess of 6 feet, flooding neighborhoods, street after street after street. Even in areas of town that were not hit with this depth of water, the water still was sufficient to fill basements and come up on the main floor. We are still dealing with the devastation that flood water causes to homes and personal belongings.

At a time when we thought things could not get any worse, they did get worse. Fires broke out in downtown Grand Forks, destroying our historic business district. Eleven buildings burned. A fireman who fought the fire explained it this way. He said it was so unusual, because water is usually the fireman's friend. "In this instance it prevented us from stopping the destruction of these buildings. We were simply incapable of getting our equipment to the fire. Then when we dove below the water to hook up the hoses to the hydrants, water pressure had failed and we had to stand by and watch the buildings burn."

The net result was reflected by this picture, a business district in smoldering ruin, a city standing in water. The water has receded, and the picture that we would see in Grand Forks if we drove around the neighborhoods today is of huge mounds; not mounds of snow that we often see during some of our winters, but mounds of wet, wrecked sheet rock removed from basements and main floors, commingled with belongings, belongings that now appear just as rubble but before the flood were baby pictures, wedding pictures, letters from relatives that may not even be living any longer, priceless family mementoes, the things that make a house a home, all destroyed in the water's wrath.

That has left the people of Grand Forks, N.D. in a very terrible situation. We have literally hundreds of homes in the flood water, and I commend the city leaders because they are stepping up to the plate, and they are not going to reconstruct everything just as it was, to face the threat of flooding in the future. They want to remake this community. But in order to do that, we need to get on with the program that buys homes in the floodway and pays owners the cash they deserve so they can get on with their lives.

That would have been permitted under the Thune amendment to the disaster bill, had the rule passed. Had the rule passed, we would be debating that right now, and we would be that much closer in terms of getting relief back to those who need it.

Immediately following the disaster there was an outpouring of support across the country the like of which we have never seen in North Dakota. It was followed by the visit by the President of the United States on a Tuesday, the Speaker of the House on a Friday, and the majority leader of the House on the following Monday. Leaders of both political parties came into the area, expressing concern and support for the people as they tried to rebuild their lives. Those people are dealing with some problems that we cannot even imagine. We have to get after this disaster bill in order to address them.

Let me read to the Members a question presented to the city commission the other night at a tumultuous city commission meeting attended by more than 1,100 displaced homeowners: "What am I supposed to do? I have no place to live, I can't make my mortgage payment, I'm commuting 90 miles one way to work, my kids are living with relatives. Will I have a place to live in 3 months, 6 months, a year?" The only answer the mayor and city commissioners could give is, we do not know. Congress is deliberating a disaster package.

I hope that we do not stray from the initial inclination to make a strong bipartisan response in support of people who need help, people who have been devastated with natural disasters, including the floods in Grand Forks. I hope we can rise above the temptation that often so afflicts this body of falling into partisan recriminations and dealing with everything but the thing that ought to be before us. What is before us is disaster relief to people who need it. I urge both parties, all Members of this body, to to pass a disaster supplemental bill just as fast as possible. My people really need the help.

INTERNATIONAL CHRONIC FATIGUE IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today again to ask my colleagues to join with me in recognizing that Monday, May 12, was International Chronic Fatigue Immune Dysfunction Syndrome Awareness Day, a long name for a disease that is relatively new and still unknown to too many physicians around the world.

Last night on this floor I provided a brief overview of the problems facing chronic fatigue syndrome, or CFIDS, and the dilemma that this debilitating disease poses for so many people. Now I would like to put more of a human face on this malady and share a few of the struggles of some of the individuals that I am privileged to represent on Long Island, a place that has an inordinate number of cases of chronic fatigue syndrome.

Mr. Speaker, as I stated last night, we have several individuals in our area of Long Island that do have an inordinate number of cases in that region. It is absolutely heartbreaking for me to talk with parents and children and neighbors and spouses, too many children, frankly, who suffer from the enduring pain and pervasive weakness brought on by chronic fatigue syndrome.

As Members can imagine, to see vibrant, energetic people stricken with a mysterious ailment that medical professionals frankly have not been able to figure out how they can cure, and too many, too many doctors believe does not exist or may be caused by some other malady is sad and it is confounding.

It makes these people who are suffering from this disease very, very angry, frankly, because it is enough to know that you are bone tired, that every joint in your body hurts, that you cannot lift your head off the pillow anymore, and to be basically dismissed by supposedly intelligent, well-trained physicians that it is depression, or it is something you just need to snap out of.

When we talk to these folks, we understand the very important dilemma that they face. I refer, for example, to Alison Burke, who comes from Coram, Long Island. She is a mother with two children, and she has been stricken with chronic fatigue syndrome. Unfortunately, the high preponderance of these cases actually affect women who are in their thirties, and too many children, as I said previously.

Before chronic fatigue syndrome Alison was an energetic mom with two children. She worked 30 hours a week for a dentist. Then one day she woke up feeling absolutely ill, like she had the flu. She went to the doctor and she had some tests taken, and they all came back normal. He told her she was fine, and he basically said, just snap out of it. Get over your depression. At this point she was just so very weak she could not even walk to the bathroom.

Instead of getting better, her symptoms seemed to get worse. It took all of her energy to just get out of bed and try to take care of her 2-year-old child. Her friends and her family even were getting angry and annoyed at her, wondering, why are you constantly bedridden? Why are you so tired? Why can you not go on with your normal duties?

Finally she found out that chronic fatigue syndrome might, and this was through a newspaper article, might just be the cause. She began attending group meetings, and from those meetings found a doctor, one of the rare doctors, frankly, who understood this disease.

☐ 1315

Barry Feinsod of Holtsville, Long Island, his wife was also stricken with chronic fatigue syndrome, and he wrote to me to say that for 6 years his wife has been unable to work. They have gone from doctor to doctor. She cannot even perform some of the most basic duties associated with living a normal life. It has destroyed the family's expectations and dreams for the future, and it has really posed a vexing problem.

Jeannette Crocken of Medford, Long Island, wrote me about her son Jason, who is also afflicted with chronic fatigue syndrome at the age of 10. Doctors did not know what was wrong, and, again, they spent 2 years going from physician to physician and testing that chronic fatigue was maybe the possibility. He has lost his hair, muscle pain, sore throat. It is this kind of vexing dilemma, Mr. Speaker, that really poses a great problem for the people affected and afflicted by this disease.

We spend tens of millions of dollars in very good research over at the National Institutes of Health for all kinds of diseases, hundreds of millions of dollars. Yet chronic fatigue syndrome has only gotten a paltry $5 million, and there are well over, I would suggest, 2 million people, I have been told; and the number may be actually three times that who have just had the disease but not been diagnosed.

We need to do a better job of researching the symptoms. We know only that it sends the immune system into overdrive, Mr. Speaker. When we see the immune system being shut down, as it is by HIV positive and AIDS, we have to step forward as a nation. We need to do likewise and double the funding for chronic fatigue syndrome.

CONGRESSIONAL SUPPORT FOR SUCCESSFUL INS PILOT PROGRAM

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentlewoman from California [Ms. SANCHEZ] is recognized for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I rise today to express my strong support for an INS pilot program in the city of Anaheim, CA, which has successfully identified and deported criminal aliens in city detention facilities in my congressional district.

Yesterday the Immigration and Claims Subcommittee held a hearing to receive testimony regarding the program. The chief of police of the city of Anaheim testified about the success the city has had in removing criminal aliens from my congressional district.

I have consistently advocated that criminal aliens should be quickly and permanently deported. Not only do I support the permanent deportation of criminal aliens, I want them caught before they commit crimes and jeopardize our communities. Without Federal assistance in undertaking this law enforcement effort, criminal aliens could cause undue harm to women, men and children.

The Federal Government should do all it can to avoid burdening State and local police budgets with the cost of identifying, apprehending and deporting criminal aliens.

The pilot program in the city of Anaheim has resulted in a very successful track record of detentions and deportations of criminal aliens. Because I fully endorse the program's success, I contacted the INS and requested that the Anaheim portion of the pilot program be continued. The INS approved my request.

Because of my concerns, I have joined my colleagues in sending a letter to the Committee on the Budget requesting an increase in funding for the State criminal alien assistance program. This program reimburses State and local governments for the costs of incarcerating illegal alien felons. The Federal Government must not waste American taxpayer dollars to pay for the cost of incarcerating violent criminal aliens. We cannot afford to waste scarce law enforcement revenues.

As a fiscal conservative and in the light of the current budget roadblock, Congress must implement a cost-effective program that deploys INS enforcement officers in the most efficient manner. We need to ensure that more criminals are captured earlier and before they have done harm to our people in our districts and before they end up being a burden to our local law enforcement.

THE BUDGET AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I rise to address the budget that is currently being discussed in Washington, DC, and maybe to clean up some misinformation that is floating around out here and provide some very basic elementary facts on what is included in the budget agreement that is currently being worked on and basically been agreed to, short a few final details.

Here is all this budget plan does that is currently being proposed. It balances by the year 2002, has declining deficits for each year starting 1998 and going forward, restores Medicare for a decade so our seniors do not have to go to sleep tonight wondering whether Medicare is going to be there tomorrow. It allows families, all Americans to keep more of their own money instead of sending it to Washington, DC.

This is done in four ways at least. The $500 per child tax credit is in here. Capital gains will be reduced, we are hoping, to a number below 20 percent. The death tax reform to allow people to not have to pass away and also see the taxman on the same day is in here.

Also, we are hoping to provide a college tuition tax credit to help the many people across this Nation who are paying large college tuition bills this year.

Further, the budget plan does not adjust the CPI. This was a major concern to our senior citizens because, of course, lowering the CPI would reduce cost-of-living adjustments in the future. So there is no CPI adjustment in here. It was a major concern, and it has been addressed and is no longer part of it.

Also in the plan there is discussion and it is laid out exactly how to go about past 2002, paying off the Federal debt. And when we pay off the Federal debt, of course, that means that we also put the money back in the Social Security trust fund that has been taken out. I might add that it was brought to my attention this morning that as we pay off the Federal debt we would also be returning the money to the highway trust fund that has been spent over the last 10 or 15 years as opposed to dedicated to road construction.

As I am out here, there are a lot of things that have developed in this plan. There is an awful lot of misinformation floating around about it. But I think it is time that we look at some of the great things that have happened both under this plan in the last 2 years and how they compare to what happened prior to that.

In the 7 years before 1995, before the Republicans took over Congress, annual spending increases in overall Government was 5.2 percent. Government spending went up 5.2 percent every year. Since the Republicans have taken over in 1995 and as we look at this budget plan, 3.2. So it is a decrease in the amount of growth in Federal Government spending. In inflation adjusted dollars, it was 1.8, and it is all the way down to 0.6. It is a two-thirds reduction in the increases in real-dollar spending of this Government.

I heard some complaints that nondiscretionary defense spending is going up too much in this plan. That is not really true either when we look at the facts. We look at the facts before 1995, nondiscretionary defense spending was going up by an average rate of 6.7 percent per year. And under this plan it goes up by 0.9 percent per year, less than 1 percent increase per year. In real dollars, it was 3.2 before 1995, and under this plan it is actually being decreased by 1.5.

A lot of folks talk about us using a rosy scenario to make it look like the budget is balanced. I have good news for everyone in this great country that we live in. The good news is they were not rosy scenario projections that led to the budget getting balanced. The growth in GDP is now being projected 0.2 percent lower than projections we used in 1995. As a matter of fact, they are very conservative projections. And should the economy continue strong as it is today, the good news is we might very well, under this agreement, reach a balanced budget by 2000 or perhaps even 1999. That is how conservative the projections in this plan are.

One more point I would like to bring to the attention of my colleagues today. Back in 1995, we passed a budget resolution and we declared victory. We said that this is the best thing that could happen to this country because it is going to lead to a balanced budget. We had this idea that, if Government just controlled their growth, they reduced the amount of money they were borrowing out of the private sector, that that would lead to a strong economy in our country.

The theory was, if Government borrowed less, there would be more money available in the private sector. With more money available in the private sector, interest rates would stay low because of increased availability, and with interest rates low, people would start buying more houses and cars and the economy would boom. People would leave the welfare rolls and they would go back to work.

In fact, we find this is no longer a theory, but the model worked better than anyone anticipated. In the budget plan of 1995, we projected a deficit in 1997 of $174 billion. It turns out this model worked so well that the deficit is all the way down to $70 billion this year.

I would like to conclude with what I would call the miracle of 1997. I really do think this is a miracle. Before I came to Washington, I would have described this as a miracle. Here is the miracle of 1997.

Between our 1995 projections and today, $100 billion of unanticipated revenue came in. That is, they collected more revenue because the economy is so strong, $100 billion more than what was expected. The miracle is this, instead of spending that $100 billion, every nickel of it went to deficit reduction; and, in fact, that is why the deficit is $100 billion below what we anticipated back in 1995, when we passed the House budget resolution.

The end result, what this means for our families in America, it means that our kids can look forward to a bright future once again in this great Nation that we live in.

PERSIAN GULF WAR SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, I briefly wanted to discuss an amendment which I will be introducing as soon as the rule on the supplementary appropriation is fixed, which deals with an emergency situation for gulf war veterans who are really not getting the attention and the understanding that they need in order to deal with the very serious crisis of Persian Gulf war syndrome.

As we know, Persian Gulf war syndrome is right now affecting some 70,000 of the brave men and women who served this country in the gulf. Mr. Speaker, I am a member of the Subcommittee on Human Resources, which is chaired by the gentleman from Connecticut [Mr. SHAYS], who has done an outstanding job in bringing before the subcommittee some of the leading researchers in this country who are searching for an understanding of Persian Gulf war syndrome.

We have also heard testimony from the Pentagon and the Veterans' Administration. I must say, Mr. Speaker, that the conclusion that I have reached is that, for whatever reason, and I say this unhappily, it is my view that neither the Pentagon nor the Veterans' Administration is going to come up with a solution regarding the problems and the cause of the problems that our Persian Gulf war veterans are suffering from. Nor in my view are they going to come up with an effective treatment.

Mr. Speaker, there is some good news. The good news is that there have been some major scientific breakthroughs in allowing us a better understanding of Persian Gulf war syndrome. Mr. Speaker, the military theater in the Persian Gulf was a horrendous chemical cesspool. Nobody denies that. It is now acknowledged that our troops there were exposed to chemical warfare agents that had been denied for a while, but it is now acknowledged by all.

In addition, they were exposed to leaded petroleum, a widespread use of pesticides, depleted uranium and the dense smoke from burning oil wells. In other words, all around them were very dangerous and toxic chemicals. In addition they were given various vaccines. Perhaps, most importantly, as a result of a waiver from the FDA, they were given pyridostigmine bromide for antinerve gas protection.

Mr. Speaker, an increasing number of scientists now believe that the synergistic effects of these chemical exposures plus the pyridostigmine bromide may well be the major cause of the health problems affecting our soldiers.

The truth is that after 5 years, there has not yet been, to the best of my knowledge, one significant study coming out of the Pentagon or the VA which shows the relationship between chemical exposure in the Persian Gulf and the Persian Gulf syndrome.

On the other hand, and this is where the good news is, there have been a number of important studies done outside of the Pentagon and the VA which makes this important link. I will be introducing these studies into the record so that interested Members can study them. But let me just very briefly mention a few of them.

Dr. Robert Haley of the University of Texas Southwestern Medical Center, based on studies that he has done, believes the syndromes are due to subtle brain, spinal cord and nerve damage caused by exposure to combinations of low level chemical nerve agents and other chemicals, including pyridostigmine bromide in antinerve gas tablets, DEET in a highly concentrated insect repellant, and pesticides in flea collars that some of the troops wore.

And Doctors Mohammed Abou-Donia and Tom Kurt, of Duke University Medical Center, found in studies that used chickens that two pesticides used in the gulf war, DEET and permethrin, and the antinerve gas agent pyridostigmine bromide, which was given to all troops, were harmless when used alone. However, when used in combination, these chemicals caused neurological deficits in the test animals similar to those reported by some gulf war veterans.

□ 1330

Dr. Satu Somani of the Southern Illinois University School of Medicine states that based on recent experimental proof and historical evidence of symptoms, such as impaired concentration and memory, headache, fatigue and depression of workers in the organophosphate industry, he considers that gulf war syndrome may be due to low dose sarin exposure and the intake of pyridostigmine and exposure to pesticides and other chemicals.

Drs. Garth and Nancy Nicolson of the University of Texas, Houston, found that gulf war veterans who are ill may eventually have their diagnoses linked to chemical exposures in the Persian Gulf, such as oil spills and fires, smoke in military operations, chemicals on clothing, pesticides, chemoprophylactic agents, chemical weapons, and others.

Dr. Claudia Miller and Dr. William Rea of Texas also see a connection between the chemicals that our soldiers were exposed to and gulf war syndrome.

Mr. Chairman, this is an important breakthrough. This research provides an important breakthrough which, in my view, may finally give us the information that we need to understand Persian Gulf war syndrome, which is affecting 70,000 veterans. This is why later this afternoon I will be bringing forward an amendment which asks for $10 million to go to the National Institute of Health and Environmental Science so that they can pursue this important area of research.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore [Mr. GIBBONS]. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1332

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. RIGGS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 13, 1997, the amendment by the gentleman from Illinois [Mr. DAVIS] had been disposed of and title VII was open for amendment at any point.

Are there further amendments to title VII?

Are there further amendments to the end of the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KENNEDY of Massachusetts:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Housing Management Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows—

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.

TITLE I—PUBLIC HOUSING AND RENT REFORMS

Sec. 101. Establishment of capital and operating funds.
Sec. 102. Determination of rental amounts for residents.
Sec. 103. Minimum rents for public housing and section 8.
Sec. 104. Public housing ceiling rents.
Sec. 105. Disallowance of earned income from public housing and section 8 rent and family contribution determinations.
Sec. 106. Public housing homeownership.
Sec. 107. Public housing agency plan.
Sec. 108. PHMAP indicators for small PHA's.
Sec. 109. PHMAP self-sufficiency indicator.
Sec. 110. Expansion of powers for dealing with PHA's.
Sec. 111. Public housing site-based waiting lists.
Sec. 112. Community service requirements for public housing and section 8 programs.
Sec. 113. Comprehensive improvement assistance program streamlining.
Sec. 114. Flexibility for PHA funding.
Sec. 115. Replacement housing resources.
Sec. 116. Repeal of one-for-one replacement housing requirement.
Sec. 117. Demolition, site revitalization, replacement housing, and tenant-based assistance grants for developments.
Sec. 118. Performance evaluation board.
Sec. 119. Economic development and supportive services for public housing residents.
Sec. 120. Penalty for slow expenditure of modernization funds.
Sec. 121. Designation of PHA's as troubled.
Sec. 122. Volunteer services under the 1937 Act.
Sec. 123. Authorization of appropriations for operation safe home program.

TITLE II—SECTION 8 STREAMLINING

Sec. 201. Permanent repeal of Federal preferences.
Sec. 202. Income targeting for public housing and section 8 programs.
Sec. 203. Merger of tenant-based assistance programs.
Sec. 204. Section 8 administrative fees.
Sec. 205. Section 8 homeownership.
Sec. 206. Welfare to work certificates.
Sec. 207. Effect of failure to comply with public assistance requirements.
Sec. 208. Streamlining section 8 tenant-based assistance.
Sec. 209. Nondiscrimination against certificate and voucher holders.
Sec. 210. Recapture and reuse of ACC project reserves under tenant-based assistance program.
Sec. 211. Expanding the coverage of the Public and Assisted Housing Drug Elimination Act of 1990.
Sec. 212. Study regarding rental assistance.

TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS

Sec. 301. Screening of applicants.
Sec. 302. Termination of tenancy and assistance.
Sec. 303. Lease requirements.
Sec. 304. Availability of criminal records for public housing tenant screening and eviction.
Sec. 305. Definitions.
Sec. 306. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) we have a shared national interest in creating safe, decent and affordable housing because, for all Americans, housing is an essential building block toward holding a job, getting an education, participating in the community, and helping fulfill our national goals;

(2) the American people recognized this shared national interest in 1937, when we created a public housing program dedicated to meeting these needs while creating more hope and opportunity for the American people;

(3) for 60 years America's public housing system has provided safe, decent, and affordable housing for millions of low-income families, who have used public housing as a stepping stone toward greater stability, independence, and homeownership;

(4) today, more than 3,300 local public housing agencies—95 percent of all housing agencies throughout America—are providing a good place for families to live and fulfilling their historic mission;

(5) yet, for all our progress as a nation, today, only one out of four Americans who needs housing assistance receives it;

(6) at the same time, approximately 15 percent of the people who live in public housing nationwide live in housing with management designated as "troubled";

(7) for numerous developments at these troubled public housing agencies and elsewhere, families face a overwhelming mix of crime, drug trafficking, unemployment, and despair, where there is little hope for a better future or a better life;

(8) the past 60 years have resulted in a system where outdated rules and excessive government regulation are limiting our ability to propose innovative solutions and solve problems, not only at the relatively few local public housing agencies designated as troubled, but at the 3,300 that are working well;

(9) obstacles faced by those agencies that are working well—multiple reports and cumbersome regulations—make a compelling case for deregulation and for concentration by the Department of Housing and Urban Development on fulfillment of the program's basic mission;

(10) all told, the Department has drifted from its original mission, creating bureaucratic processes that encumber the people and organizations it is supposed to serve;

(11) under a framework enacted by Congress, the Department has begun major reforms to address these problems, with dramatic results;

(12) public housing agencies have begun to demolish and replace the worst public housing, reduce crime, promote resident self-sufficiency, upgrade management, and end the isolation of public housing developments from the working world;

(13) the Department has also recognized that for public housing to work better, the Department needs to work better, and has begun a major overhaul of its organization, streamlining operations, improving management, building stronger partnerships with state and local agencies and improving its ability to take enforcement actions where necessary to assure that its programs serve their intended purposes; and

(14) for these dramatic reforms to succeed, permanent legislation is now needed to continue the transformation of public housing agencies, strip away outdated rules, provide necessary enforcement tools, and empower the Department and local agencies to meet the needs of America's families.

(b) PURPOSE.—It is the purpose of this Act—

(1) to completely overhaul the framework and rules that were put in place to govern public housing 60 years ago;

(2) to revolutionize the way public housing serves its clients, fits in the community, builds opportunity, and prepares families for a better life;

(3) to reaffirm America's historic commitment to safe, decent, and affordable housing and to remove the obstacles to meeting that goal;

(4) to continue the complete and total overhaul of management of the Department;

(5) to dramatically deregulate and reorganize the Federal Government's management and oversight of America's public housing;

(6) to ensure that local public housing agencies spend more time delivering vital services to residents and less time complying with unessential regulations or filing unessential reports;

(7) to achieve greater accountability of taxpayer funds by empowering the Federal Government to take firmer, quicker, and more effective actions to improve the management of troubled local housing authorities and to crack down on poor performance;

(8) to preserve public housing as a rental resource for low-income Americans, while breaking down the extreme social isolation of public housing from mainstream America;

(9) to provide for revitalization of severely distressed public housing, or its replacement with replacement housing or tenant-based assistance;

(10) to integrate public housing reform with welfare reform so that welfare recipients—many of whom are public housing residents—can better chart a path to independence and self-sufficiency;

(11) to anchor in a permanent statute needed changes that will result in the continued transformation of the public housing and tenant-based assistance programs—including deregulating well-performing housing agencies, ensuring accountability to the public, providing sanctions for poor performers, and providing additional management tools;

(12) to streamline and simplify the tenant-based Section 8 program and to make this program workable for providing homeownership; and

(13) through these comprehensive measures, to reform the United States Housing Act of 1937 and the programs thereunder.

TITLE I—PUBLIC HOUSING AND RENT REFORMS

SEC. 101. ESTABLISHMENT OF CAPITAL AND OPERATING FUNDS.

(a) CAPITAL FUND.—Section 14(a) of the United States Housing Act of 1937 is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting the paragraph designation "(2)" before "It is the purpose"; and

(3) by inserting the following new paragraph (1) immediately after the subsection designation "(a)":

"(1) The Secretary shall establish a Capital Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section.".

(b) OPERATING FUND.—Section 9(a) of the United States Housing Act of 1937 is amended by striking "SEC. 9. (a)(1)(A) In addition to" and inserting the following:

"SEC. 9. (a) The Secretary shall establish an Operating Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section.

"(1)(A) In addition to".

SEC. 102. DETERMINATION OF RENTAL AMOUNTS FOR RESIDENTS OF PUBLIC HOUSING.

(a) IN GENERAL.—Section 3 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(1), by revising subparagraph (A) to read as follows:

"(A)(i) if the family is assisted under section 8 of this Act, 30 percent of the family's monthly adjusted income; or

"(ii) if the family resides in public housing, an amount established by the public housing agency not to exceed 30 percent of the family's monthly adjusted income;"; and

(2) in subsection (b)(5)—

(A) after the semicolon following subparagraph (F), by inserting "and";

(B) in subparagraph (G), by striking "; and" and inserting a period; and

(C) by striking subparagraph (H).

(b) REVISED OPERATING SUBSIDY FORMULA.—The Secretary, in consultation with interested parties, shall establish a revised formula for allocating operating assistance under section 9 of the United States Housing Act of 1937, which formula may include such factors as:

(1) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

(2) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

(3) the degree of household poverty served by a public housing agency;

(4) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing tenants;

(5) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

(6) the costs of the public housing agency associated with anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(7) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency;

(8) incentives to public housing agencies for good management;

(9) standards for the costs of operation of assisted housing compared to unassisted housing; and

(10) an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increase while in occupancy and newly admitted families; such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title; in addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (A) 100 percent of the total amount of the operating amounts for which the agency is eligible under this section, and (B) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(c) TRANSITION PROVISION.—Prior to the establishment and implementation of an operating subsidy formula under subsection (b), if a public housing agency establishes a rental amount that is less than 30 percent of the family's monthly adjusted income pursuant to section 3(a)(1)(A)(ii) of the United States Housing Act of 1937, as amended by subsection (a)(1), the Secretary shall not take into account any reduction of or increase in the public housing agency's per unit dwelling rental income resulting from the use of such rental amount when calculating the contributions under section 9 of the United States Housing Act of 1937 for the public housing agency for the operation of the public housing.

SEC. 103. MINIMUM RENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

The second sentence of section 3(a)(1) of the United States Housing Act of 1937 is amended—

(1) at the end of subparagraph (B), by striking "or";

(2) in subsection (C), by striking the period and inserting "; or"; and

(3) by inserting the following at the end:

"(D) $25.

Where establishing the rent or family contribution based on subparagraph (D) would otherwise result in undue hardship (as defined by the Secretary or the public housing agency) for one or more categories of affected families described in the next sentence, the Secretary or the public housing agency may exempt one or more such categories from the requirements of this paragraph and may require a lower minimum monthly rental contribution for one or more such categories. The categories of families described in this sentence shall include families subject to situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other families subject to such situations as may be determined by the Secretary or the agency. Where the rent or contribution of a family would otherwise be based on subparagraph (D) and a member of the family is an immigrant lawfully admitted for permanent residence (as those terms are defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)) who would have been entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, notwithstanding any other provision of this section, a public housing agency shall exempt the family from the requirements of this paragraph.".

SEC. 104. PUBLIC HOUSING CEILING RENTS.

(a) Section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by section 402(b)(1) of The Balanced Budget Downpayment Act, I, is amended to read as follows:

"(A) adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

"(i) for housing other than housing predominantly for elderly or disabled families (or both), 75 percent of the monthly cost to operate the housing of the agency;

"(ii) for housing predominantly for elderly or disabled families (or both), 100 percent of the monthly cost to operate the housing of the agency; and

"(iii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency); and".

(b) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(b) of that Act shall remain in effect after fiscal year 1997.

SEC. 105. DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING AND SECTION 8 RENT AND FAMILY CONTRIBUTION DETERMINATIONS.

(a) In General.—Section 3 of the United States Housing Act of 1937 is amended—

(1) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of Public Law 101-625); and

(2) by adding at the end the following new subsection:

"(d) Disallowance of Earned Income From Public Housing and Section 8 Rent and Family Contribution Determinations.—

"(1) In general.—Notwithstanding any other provision of law, the rent payable under subsection (a) by, the family contribution determined in accordance with subsection (a) for, a family—

"(A) that—

"(i) occupies a unit in a public housing project; or

"(ii) receives assistance under section 8; and

"(B) whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program):may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

"(2) Phase-in of rate increases.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(b) shall be phased in over a subsequent 3-year period.

"(3) Overall limitation.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).".

(b) Applicability of Amendment.—

(1) Public housing.—Notwithstanding the amendment made by subsection (a), any tenant of public housing participating in the program under the authority contained in the undesignated paragraph at the end of the section 3(c)(3) of the United States Housing Act of 1937, as that paragraph existed on the day before the date of enactment this Act, shall be governed by that authority after that date.

(2) Section 8.—The amendments made by subsection (a) shall apply to tenant-based assistance provided by a public housing agency under section 8 of the United States Housing Act of 1937 on and after October 1, 1998, but shall apply only to the extent approved in appropriation Acts.

SEC. 106. PUBLIC HOUSING HOMEOWNERSHIP.

Section 5(h) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by striking "lower income tenants," and inserting the following: "low-income tenants, or to any organization serving as a conduit for sales to such tenants,"; and

(2) by adding the following two sentences at the end: "In the case of purchase by an entity that is an organization serving as a conduit for sales to such tenants, the entity shall sell the units to low-income families within five years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.".

SEC. 107. PUBLIC HOUSING AGENCY PLAN.

The United States Housing Act of 1937 is amended by inserting after section 5 the following new section:

"SEC. 5A. PUBLIC HOUSING AGENCY PLAN.

"(a) Contents of Plan.—(1) Each public housing agency shall submit to the Secretary a public housing agency plan that shall consist of the following parts, as applicable—

"(A) A statement of the housing needs of low-income and very low-income families residing in the community served by the public housing agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

"(B) The procedures for outreach efforts (including efforts that are planned and that have been executed) to homeless families and to entities providing assistance to homeless families, in the jurisdiction of the public housing agency.

"(C) For assistance under section 14, a 5-year comprehensive plan, as described in section 14(e)(1).

"(D) For assistance under section 14, the annual statement, as required under section 14(e)(3).

"(E) An annual description of the public housing agency's plans for the following activities—

"(i) demolition and disposition under section 18;

"(ii) homeownership under section 5(h); and

"(iii) designated housing under section 7.

"(F) An annual submission by the public housing agency consisting of the following information—

"(i) tenant selection admission and assignment policies, including any admission preferences;

"(ii) rent policies, including income and rent calculation methodology, minimum rents, ceiling rents, and income exclusions, disregards, or deductions;

"(iii) any cooperation agreements between the public housing agency and State welfare and employment agencies to target services to public housing residents (public housing agencies shall use best efforts to enter into such agreements); and

"(iv) anti-crime and security plans, including—

"(I) a strategic plan for addressing crime on or affecting the sites owned by the agency, which shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents, shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located, shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities;

"(II) a statement of activities in furtherance of the strategic plan to be carried out with assistance under the Public and Assisted Housing Drug Elimination Act of 1990;

"(III) performance criteria regrading the effective use of such assistance; and

"(IV) any plans for the provision of anti-crime assistance to be provided by the local government in addition to the assistance otherwise required to be provided by the agreement for local cooperation under section 5(e)(2) or other applicable law.

Where a public housing agency has no changes to report in any of the information required under this subparagraph since the previous annual submission, the public agency shall only state in its annual submission that it has made no changes. If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the strategic crime plan for the agency under clause (iv)(I), or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

"(G) Other appropriate information that the Secretary requires for each public housing agency that is—

"(i) at risk of being designated as troubled under section 6(j); or

"(ii) designated as troubled under section 6(j).

"(H) Other information required by the Secretary in connection with the provision of assistance under section 9.

"(I) An annual certification by the public housing agency that it has met the citizen participation requirements under subsection (b).

"(J) An annual certification by the public housing agency that it will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

"(K) An annual certification by the public housing agency that the public housing agency plan is consistent with the approved Consolidated Plan for the locality.

"(2) The Secretary may provide for more frequent submissions where the public housing agency proposes to amend any parts of the public housing agency plan.

"(b) Citizen Participation Requirements.—In developing the public housing agency plan under subsection (a), each public housing agency shall consult with appropriate local government officials and with tenants of the housing projects, which shall include at least one public hearing that shall be held prior to the adoption of the plan, and afford tenants and interested parties an opportunity to summarize their priorities and concerns, to ensure their due consideration in the planning process of the public housing agency.

"(c) Performance Reports.—The Secretary shall require the public housing agency to submit any information that the Secretary determines is appropriate or necessary to assess the management performance of public housing agencies and resident management corporations under section 6(j) and to monitor assistance provided under this Act. To the maximum extent feasible, the Secretary shall require such information in one report, as part of the annual submission of the agency under subsection (a).

"(d) Standards for Determination of Noncompliance.—After submission by a public housing agency of a public housing agency plan under subsection (a), the Secretary shall determine whether the plan complies with the requirements under this section. The Secretary may determine that a plan does not comply with the requirements under this section only if—

"(1) the plan is incomplete in significant matters required under this section;

"(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

"(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

"(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

"(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

"(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

"(7) the plan is inconsistent with the requirements of this Act.

"(e) Waiver Authority.—The Secretary may waive, or specify alternative requirements for, any requirements under this section that the Secretary determines are burdensome or unnecessary for public housing agencies that only administer tenant-based assistance and do not own or operate public housing.".

SEC. 108. PHMAP INDICATORS FOR SMALL PHA'S.

Section 6(j)(1) of the United States Housing Act of 1937 is amended by—

(1) redesignating subparagraphs (A) through (I) as clauses (i) through (ix);

(2) redesignating clauses (1), (2), and (3) in clause (ix), as redesignated by paragraph (1), as subclauses (I), (II), and (III) respectively;

(3) in the fourth sentence, inserting immediately before clause (i), as redesignated, the following new subparagraph:

"(A) For public housing agencies that own or operate 250 or more public housing dwelling units—"; and

(4) adding the following new subparagraph at the end:

"(B) For public housing agencies that own and operate fewer than 250 public housing dwelling units—

"(i) The number and percentage of vacancies within an agency's inventory, including the progress that an agency has made within the previous 3 years to reduce such vacancies.

"(ii) The percentage of rents uncollected.

"(iii) The ability of the agency to produce and use accurate and timely records of monthly income and expenses and to maintain at least a 3-month reserve.

"(iv) The annual inspection of occupied units and the agency's ability to respond to maintenance work orders.

"(v) Any one additional factor that the Secretary may determine to be appropriate.".

SEC. 109. PHMAP SELF-SUFFICIENCY INDICATOR.

Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by section 108 of this Act, is amended at the end by adding the following new clause:

"(x) The extent to which the agency coordinates and promotes participation by families in programs that assist them to achieve self-sufficiency.".

SEC. 110. EXPANSION OF POWERS FOR DEALING WITH PHA'S IN SUBSTANTIAL DEFAULT.

(a) In General.—Section 6(j)(3) of the United States Housing Act of 1937 is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) solicit competitive proposals from other public housing agencies and private housing management agents which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;";

(B) by redesignating clause (iv) as clause (v) and amending it to read as follows:

"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency."; and

(C) by inserting a new clause (iv) after clause (iii) to read as follows:

"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and

(2) by striking subparagraphs (B) through (D) and inserting in lieu thereof the following:

"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

"(ii) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Management Reform Act of 1997, the Secretary shall—

"(I) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(II) in the case of a troubled public housing agency with fewer than 1,250 units, either—

"(aa) petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(bb) appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), provided the Secretary has taken possession of all or part of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv).

"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(III) may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II)(bb), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of one or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.".

(b) Effectiveness.—The provisions of, and duties and authorities conferred or confirmed by, subsection (a) shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

(c) Technical Correction Regarding Applicability to Section 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting after "6" the following: "(except as provided in section 6(j)(3))".

SEC. 111. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937, as amended by section 306(a)(2) of this Act, is amended by inserting the following new subsection at the end:

"(q) A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures must comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.".

SEC. 112. COMMUNITY SERVICE REQUIREMENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

Section 12 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(c) Community Service Requirements For Public Housing and Section 8 Programs.—

"(1) In general.—A public housing agency shall encourage each adult member of each family residing in public housing or assisted under section 8 to participate, for not less than 8 hours per month, in community service activities (not to include any political activity) within the community in which that adult resides.

"(2) Exemptions.—The requirement in paragraph (1) shall not apply to any adult who is—

"(A) at least 62 years of age;

"(B) a person with disabilities who is unable, as determined in accordance with guidelines established by the Secretary, to comply with this subsection;

"(C) working at least 20 hours per week, a student, receiving vocational training, or otherwise meeting work, training, or educational requirements of a public assistance program other than the program specified in subparagraph (E);

"(D) a single parent, grandparent, or the spouse of an otherwise exempt individual, who is the primary caretaker of one or more—

"(i) children who are 6 years of age or younger;

"(ii) persons who are at least 62 years of age; or

"(iii) persons with disabilities; or

"(E) in a family receiving assistance under the Temporary Assistance for Needy Families program under part A of title IV of the Social Security Act.".

SEC. 113. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM STREAMLINING.

(a) Section 14(d) of the United States Housing Act of 1937 is amended to read as follows:

"(d) No assistance may be made available under subsection (b) to a public housing agency that owns or operates fewer than 250 public housing units unless the agency has submitted a comprehensive plan in accordance with subsection (e)(1) and the Secretary has approved it in accordance with subsection (e)(2). The assistance shall be allocated to individual agencies on the basis of a formula established by the Secretary.".

(b) Section 14 (f)(1) is repealed.

(c) Section 14 (g) is amended by striking "(d)(3)" and inserting "(d)".

(d) Section 14(h) is repealed.

(e) Section 14(i) is repealed.

(f) Section 14(k)(1) is amended by striking "$75,000,000" and inserting "$100,000,000".

SEC. 114. FLEXIBILITY FOR PHA FUNDING.

(a) Expansion of Uses of Funding.—Section 14(q)(1) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by inserting after "section 5," the following "by section 24,";

(2) in the first sentence, by inserting after "public housing agency,", the following: "except for the provision of tenant-based assistance,"; and

(3) by inserting at the end the following: "Notwithstanding the foregoing, (i) a public housing agency that owns or operates fewer than 250 units may use modernization assistance provided under section 14, development assistance provided under section 5(a), and operating subsidy provided under section 9, for any eligible activity authorized by this Act or by applicable appropriations Acts for a public housing agency, except for assistance under section 8, and (ii) any agency determined to be a troubled agency under section 6(j) may use amounts not appropriated under section 9 for any operating subsidy purpose authorized in section 9 only with the approval of the Secretary and provided that the housing is maintained and operated in a safe and sanitary condition.".

(b) Mixed-Finance Development.—Section 14(q)(2) of such Act is amended to read as follows:

"(2) Mixed finance public housing.—

"(A) Authority.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of capital and operating assistance provided under section 5, 14, or 9, assistance for demolition, site revitalization, or replacement housing provided under section 24, or assistance under applicable appropriation Acts for a public housing agency, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to subparagraph (C) by the Secretary.

"(B) Mixed-finance housing developments.—

"(i) For purposes of this paragraph, the term 'mixed-finance housing' means low-income housing or mixed-income housing for which the financing for development or revitalization is provided, in part, from entities other than the public housing agency.

"(ii) A mixed-finance housing development shall be produced or revitalized, and owned—

"(I) by a public housing agency or by an entity affiliated with a public housing agency;

"(II) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

"(III) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

"(IV) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This clause may not be construed to require development or revitalization, and ownership, by the same entity.

"(C) Mixed-finance housing plan.—The Secretary may approve a plan for development or revitalization of mixed-finance housing under this paragraph only if the Secretary determines that—

"(i) the public housing agency has the ability, or has provided for an entity under subparagraph (B)(ii) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

"(ii) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

"(iii) the plan provides for use of amounts provided under subparagraph (A) by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for development or revitalization of the development; and

"(iv) the plan complies with any other criteria that the Secretary may establish.

"(D) Rent levels for housing financed with low-income housing tax credit.—With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from the Operating or Capital Fund are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

"(E) Carry-over of assistance for replaced housing.—In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of capital and operating assistance received by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

"(i) upon the expiration of the 18-month period beginning upon the approval of the plan under subparagraph (C) for the mixed-finance housing development, the agency does not have binding commitments for development or revitalization, or a construction contract, for such development;

"(ii) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the annual contributions contract for the agency; or

"(iii) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under clause (i) or (ii) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such clause.".

(c) Conforming Amendments.—Section 14(q) of such Act is amended—

(1) in paragraph (3), by striking "mixed income" and inserting "mixed-finance"; and

(2) in paragraph (4), by striking "mixed-income project" and inserting "mixed-finance development".

(d) Applicability.—Section 14(q) of the United States Housing Act of 1937, as amended by this section, shall be effective with respect to any assistance provided to the public housing agency under sections 5 and 14 of the United States Housing Act of 1937 and applicable appropriations Acts for a public housing agency.

SEC. 115. REPLACEMENT HOUSING RESOURCES.

(a) Operating Fund.—Section 9(a)(3)(B) of the United States Housing Act of 1937 is amended—

(1) at the end of clause (iv), by striking "and";

(2) at the end of clause (v), by striking the period and inserting "; and"; and

(3) by inserting at the end the following:

"(vi) where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the public housing agency receives under this section; notwithstanding this requirement, the Secretary shall provide assistance under this section in accordance with the provisions of section 14(q)(2) (relating to mixed-finance public housing).".

(b) Comprehensive Grant Program.—Section 14(k)(2)(D)(ii) of such Act is amended to read as follows:

"(ii) Where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the agency receives under the formula. Notwithstanding the preceding sentence, for the five-year period after demolition or disposition, the Secretary may provide for no adjustment, or a partial adjustment, of the amount the agency receives under the formula and shall require the agency to use any additional amount received as a result of this sentence for replacement housing or physical improvements necessary to preserve viable public housing.".

SEC. 116. REPEAL OF ONE-FOR-ONE REPLACEMENT HOUSING REQUIREMENT.

Section 1002(d) of Public Law 104-19 is amended by striking "and on or before September 30, 1997".

SEC. 117. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

Section 24 of the United States Housing Act of 1937 is amended—

(1) by amending the heading to read as follows: "**DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS**";

(2) by amending subsections (a) through (c) to read as follows:

"(a) Purpose.—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

"(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing through the demolition of obsolete public housing developments (or portions thereof);

"(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood;

"(3) providing housing that will avoid or decrease the concentration of very low-income families; and

"(4) providing tenant-based assistance in accordance with the provisions of section 8 for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

"(b) Grant Authority.—The Secretary may make grants available to public housing agencies as provided in this section.

"(c) Contribution Requirement.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements the amount of assistance provided under this section (other than amount provided for demolition or tenant-based assistance) with an amount of funds from sources other than this Act equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.";

(3) by amending subsection (d)(1) to read as follows:

"(1) In general.—The Secretary may make grants under this subsection to applicants for the purpose of carrying out demolition, revitalization, and replacement programs for severely distressed public housing under this section. The Secretary may make a grant for the revitalization or replacement of public housing only if the agency demonstrates that the neighborhood is or will be a viable residential community, as defined by the Secretary, after completion of the work assisted under this section and any other neighborhood improvements planned by the State or local government or otherwise to be provided. The Secretary may approve grants providing assistance for one eligible activity or a combination of eligible activities under this section, including assistance only for demolition and assistance only for tenant-based assistance in accordance with the provisions of section 8.";

(4) in subsection (d)(2)(B)—

(A) by striking "the redesign" and inserting "the abatement of environmental hazards, demolition, redesign"; and

(B) by striking "is located" and inserting "is or was located";

(5) in subsection (d)(2), by redesignating subparagraphs (C) through (I) as subparagraphs (D) through (J), respectively, and inserting the following new subparagraph after subparagraph (B):

"(C) replacement housing, which shall consist of public housing, homeownership units as permitted under the HOPE VI program (as previously authorized in appropriations Acts), tenant-based assistance in accordance with the provisions of section 8, or a combination;";

(6)(A) in subsection (G), as redesignated by paragraph (5), by inserting before the semicolon the following: "and any necessary supportive services, except that not more than 15 percent of any grant under this subsection may be used for such purposes.";

(B) by inserting "and" at the end of subsection (H), as redesignated by paragraph (4); and

(C) by striking the semicolon at the end of subsection (I), as redesignated by paragraph (4), and all that follows up to the period;

(7) in paragraph (3), by striking the second sentence;

(8) by amending subsection (d)(4) to read as follows:

"(4) SELECTION CRITERIA.—

"(A) APPLICATIONS FOR DEMOLITION.—The Secretary shall establish selection criteria for applications that request assistance only for demolition, which shall include—

"(i) the need for demolition, taking into account the effect of the distressed development on the public housing agency and the community;

"(ii) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

"(iii) the extent of involvement of residents and State and local governments in determining the need for demolition; and

"(iv) such other factors as the Secretary determines appropriate.

"(B) APPLICATIONS FOR DEMOLITION, REVITALIZATION, AND REPLACEMENT.—The Secretary shall establish selection criteria for applications that request assistance for a combination of eligible activities, which shall include—

"(i) the relationship of the grant to the comprehensive plan for the locality;

"(ii) the extent to which the grant will result in a viable development which will foster the economic and social integration of public housing residents and the extent to which the development will enhance the community;

"(iii) the capability and record of the applicant public housing agency, its development team, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

"(iv) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

"(v) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development;

"(vi) the amount of funds and other resources to be leveraged by the grant; and

"(vii) such other factors as the Secretary determines appropriate."

"(C) APPLICATIONS FOR TENANT-BASED ASSISTANCE.—Notwithstanding any other provision of this subsection, the Secretary may allocate tenant-based assistance under this section on a non-competitive basis in connection with the demolition or disposition of public housing.";

(9) by amending subsection (e) to read as follows:

"(e) LONG TERM VIABILITY.—The Secretary may waive or revise rules established under this Act governing the development, management, and operation of public housing units, to permit a public housing agency to undertake measures that enhance the long-term viability of a severely distressed public housing project revitalized under this section; except that the Secretary may not waive or revise the rent limitation under section 3(a)(1)(A) or the targeting requirements under section 16(a).";

(10) in subsection (f)—

(A) by striking "OTHER" and all that follows through "(1)";

(B) by striking paragraph (2); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2);

(11) by striking subsections (g) and (i) and redesignating subsection (h) as subsection (j);

(12) by inserting the following new subsections after subsection (f):

"(g) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purposes of this section.

"(h) TIMELY EXPENDITURES.—

"(1) WITHDRAWAL OF FUNDING.—If a grantee under this section or under the HOPE VI program does not sign the primary construction contract for the work included in the grant agreement within 18 months from the date of the grant agreement, the Secretary shall withdraw any grant amounts under the grant agreement which have not been obligated by the grantee. The Secretary shall redistribute any withdrawn amounts to one or more applicants eligible for assistance under this section. The Secretary may grant an extension of up to one additional year from the date of enactment of this Act if the 18-month period has expired as of the date of enactment, for delays caused by factors beyond the control of the grantee.

"(2) COMPLETION.—A grant agreement under this section shall provide for interim checkpoints and for completion of physical activities within four years of execution, and the Secretary shall enforce these requirements through default remedies up to and including withdrawal of funding. The Secretary may, however, provide for a longer timeframe, but only when necessary due to factors beyond the control of the grantee.

"(3) INAPPLICABILITY.—This subsection shall not apply to grants for tenant-based assistance under section 8.

"(i) INAPPLICABILITY OF SECTION 18.—Section 18 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.";

(13) by amending subsection (j)(1), as redesignated by paragraph (11)—

(A) in subparagraph (C), by inserting after "nonprofit organization," the following: "private program manager, a partner in a mixed-finance development,";

(B) at the end of subparagraph (B), after the semicolon, by inserting "and"; and

(C) at the end of subparagraph (C), by striking "; and" and all that follows up to the period;

(14) by amending subsection (j)(5), as redesignated by paragraph (11)—

(A) in subparagraph (A)—

(i) by striking "(i)";

(ii) by striking clauses (ii) through (iv); and

(iii) by inserting after "physical plant of the project" the following: ", where such distress cannot be remedied through assistance under section 14 because of inadequacy of available funding";

(B) by amending subparagraph (A), as amended by subparagraph (A) of this paragraph (14), by striking "appropriately" and inserting "inappropriately"; and

(C) by amending subparagraph (B) to read as follows:

"(B) that was a project as described in subparagraph (A) that has been demolished, but for which the Secretary has not provided replacement housing assistance (other than tenant-based assistance).";

(15) by inserting at the end of subsection (j), as redesignated by paragraph (11), the following new paragraph:

"(6) SUPPORTIVE SERVICES.—The term 'supportive services' includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities."; and

(16) by inserting the following new subsection at the end:

"(k) TECHNICAL ASSISTANCE AND PROGRAM OVERSIGHT.—Of the amount appropriated for any fiscal year for grants under this section, the Secretary may use up to 2.5 percent for technical assistance, program oversight, and fellowships for on-site public housing agency assistance and supplemental education. Technical assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and may include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents. The Secretary may use amounts under this paragraph for program oversight to contract with private program and construction management entities to assure that development activities are carried out in a timely and cost-effective manner.".

SEC. 118. PERFORMANCE EVALUATION BOARD.

(a) ESTABLISHMENT.—There is hereby established a performance evaluation board to assist the Secretary of Housing and Urban Development in improving and monitoring the system for evaluation of public housing authority performance, including by studying and making recommendations to the Secretary on the most effective, efficient and productive method or methods of evaluating the performance of public housing agencies, consistent with the overall goal of improving management of the public housing program.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The board shall be composed of at least seven members with relevant experience who shall be appointed by the Secretary as soon as practicable, but not later than 90 days after enactment of this Act.

(2) APPOINTMENTS.—In appointing members of the board, the Secretary shall assure that each of the background areas set forth in paragraph (3) are represented.

(3) BACKGROUNDS.—Background areas to be represented are—

(A) major public housing organizations;

(B) public housing resident organizations;

(C) real estate management, finance, or development entities; and

(D) units of general local government.

(c) BOARD PROCEDURES.—

(1) CHAIRPERSON.—The Secretary shall appoint a chairperson from among members of the board.

(2) QUORUM.—A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) VOTING.—Each member of the board shall be entitled to one vote, which shall be equal to the vote of each other member of the board.

(4) PROHIBITION OF ADDITIONAL PAY.—Members of the board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board.

(d) POWERS.—

(1) HEARINGS.—The board may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the board determines appropriate.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—.

(A) INFORMATION.—The board may request from any agency of the United States, and such agency is authorized to provide, such data and information as the board may require for carrying out its functions.

(B) STAFF SUPPORT.—Upon request of the chairperson of the board, to assist the board in carrying out its duties under this section, the Secretary may—

(i) provide an executive secretariat;

(ii) assign by detail or otherwise any of the personnel of the Department of Housing and Urban Development; and

(iii) obtain by personal services contracts or otherwise any technical or other assistance needed to carry out this section.

(e) ADVISORY COMMITTEE.—The board shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) FUNCTIONS.—The board shall, as needed—

(1) examine and assess the need for further modifications to or replacement of the Public Housing Management Assessment program, established by the Secretary under section 6(j) of the United States Housing Act of 1937;

(2) examine and assess models used in other industries or public programs to assess the performance of recipients of assistance, including accreditation systems, and the applicability of those models to public housing;

(3) develop (either itself, or through another body) standards for professional competency for the public housing industry, including methods of assessing the qualifications of employees of public housing authorities, such as systems for certifying the qualifications of employees;

(4) develop a system for increasing the use of on-site physical inspections of public housing developments; and

(5) develop a system for increasing the use of independent audits, as part of the overall system for evaluating the performance of public housing agencies.

(g) REPORTS.—

(1) Not later than the expiration of the three-month period beginning upon the appointment of the seventh member of the board, and one year from such appointment, the board shall issue interim reports to the Secretary on its activities. The board shall make its final report and recommendations one year after its second interim report is issued. The final report shall include findings and recommendations of the board based upon the functions carried out under this section.

(2) After the board issues its final report, it may be convened by its chair, upon the request of the Secretary, to review implementation of the performance evaluation system and for other purposes.

(h) TERM.—The duration of the board shall be seven years.

(i) FUNDING.—The Secretary is authorized to use any amounts appropriated under the head Preserving Existing Housing Investment, or predecessor or successor appropriation accounts, without regard to any earmarks of funding, to carry out this section.

SEC. 119. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.

The United States Housing Act of 1937 is amended by adding the following new section after section 27:

"SEC. 28. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.

"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary shall make grants for the purposes of providing a program of supportive services and resident self-sufficiency activities to enable residents of public housing to become economically self-sufficient and to assist elderly persons and persons with disabilities to maintain independent living, to the following eligible applicants:

"(1) public housing agencies;

"(2) resident councils;

"(3) resident management corporations or other eligible resident entities defined by the Secretary;

"(4) other applicants, as determined by the Secretary; and

"(5) any partnership of eligible applicants.

"(b) ELIGIBLE ACTIVITIES.—Grantees under this section may use grants for the provision of supportive service, economic development, and self-sufficiency activities conducted primarily for public housing residents in a manner that is easily accessible to those residents. Such activities shall include—

"(1) the provision of service coordinators and case managers;

"(2) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;

"(3) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding and insurance needed to operate such enterprises;

"(4) resident management activities, including related training and technical assistance; and

"(5) other activities designed to improve the self-sufficiency of residents, as may be determined in the sole discretion of the Secretary.

"(c) FUNDING DISTRIBUTION.—

"(1) IN GENERAL.—After reserving such amounts as the Secretary determines to be necessary for technical assistance and clearinghouse services under subsection (d), the Secretary shall distribute any remaining amounts made available under this section on a competitive basis. The Secretary may set a cap on the maximum grant amount permitted under this section, and may limit applications for grants under this section to selected applicants or categories of applicants.

"(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for applications that request assistance for one or more eligible activities under this section, which shall include—

"(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

"(B) the amount of funds and other resources to be leveraged by the grant;

"(C) the extent to which the grant will result in a quality program of supportive services or resident empowerment activities;

"(D) the extent to which any job training and placement services to be provided are coordinated with the provision of such services under the Job Training Partnership Act and the Wagner-Peyser Act; and

"(E) such other factors as the Secretary determines appropriate.

"(3) MATCHING REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements every dollar provided under this subsection with an amount of funds from sources other than this section equal to at least twice the amount provided under this subsection, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided. Of the supplemental funds furnished by the applicant, not more than 50 percent may be in the form of in-kind services or administrative costs provided.

"(d) FUNDING FOR TECHNICAL ASSISTANCE.—The Secretary may set aside a portion of the amounts appropriated under this section, to be provided directly or indirectly by grants, contracts, or cooperative agreements, for technical assistance, which may include training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies, and to residents and to other eligible grantees, and for clearinghouse services in furtherance of the goals and activities of this section.

"(e) CONTRACT ADMINISTRATORS.—The Secretary may require resident councils, resident management corporations, or other eligible entities defined by the Secretary to utilize public housing agencies or other qualified organizations as contract administrators with respect to grants provided under this section.".

SEC. 120. PENALTY FOR SLOW EXPENDITURE OF MODERNIZATION FUNDS.

Section 14(k)(5) of the United States Housing Act of 1937 is amended to read as follows:

"(5)(A) A public housing agency shall obligate any assistance received under this section within 18 months of the date funds become available to the agency for obligation. The Secretary may extend this time period by no more than one year if an agency's failure to obligate such assistance in a timely manner is attributable to events beyond the control of the agency. The Secretary may also provide an exception for de minimis amounts to be obligated with the next year's funding; an agency that owns or administers fewer than 250 public housing units, to the extent necessary to permit the agency to accumulate sufficient funding to undertake activities; and any agency, to the extent necessary to permit the agency to accumulate sufficient funding to provide replacement housing.

"(B) A public housing agency shall not be awarded assistance under this section for any month in a year in which it has funds unobligated, in violation of subparagraph (A). During such a year, the Secretary shall withhold all assistance which would otherwise be provided to the agency. If the agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year. Any funds not so provided to the agency shall be provided to high-performing agencies as determined under section 6(j).

"(C) If the Secretary has consented, before the date of enactment of the Public Housing Management Reform Act of 1997, to an obligation period for any agency longer than provided under this paragraph, an agency which obligates its funds within such extended period shall not be considered to be in violation of subparagraph (A). Notwithstanding any prior consent of the Secretary, however, all funds appropriated in fiscal year 1995 and prior years shall be fully obligated by the end of fiscal year 1998, and all funds appropriated in fiscal years 1996 and 1997 shall be fully obligated by the end of fiscal year 1999.

"(D) A public housing agency shall spend any assistance received under this section within four years (plus the period of any extension approved by the Secretary under subparagraph (A)) of the date funds become available to the agency for obligation. The Secretary shall enforce this requirement through default remedies up to and including withdrawal of the funding. Any obligation entered into by an agency shall be subject to the right of the Secretary to recapture the amounts for violation by the agency of the requirements of this subparagraph.".

SEC. 121. DESIGNATION OF PHA'S AS TROUBLED.

(a) Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by sections 108 and 109, is further amended—

(1) in subparagraph (A), by inserting the following after clause (x):

"(xi) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary."; and

(2) in subparagraph (B)—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting the following after clause (iv):

"(v) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.".

(b) Section 6(j)(2)(A)(i) of such Act is amended by inserting the following after the first sentence: "Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.".

(c) Section 6(j)(2)(A)(i) of such Act is amended in the first sentence—

(1) by inserting before "the performance indicators" the subclause designation "(I)"; and

(2) by inserting before the period the following: "; or (II) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or resident management corporation, which system may be in addition to or in lieu of the performance indicators established under paragraph (1)".

SEC. 122. VOLUNTEER SERVICES UNDER THE 1937 ACT.

(a) In General.—Section 12(b) of the United States Housing Act of 1937 is amended by striking "that—" and all that follows up to the period and inserting "who performs volunteer services in accordance with the requirements of the Community Improvement Volunteer Act of 1994".

(b) CIVA Amendment.—Section 7305 of the Community Improvement Volunteer Act of 1994 is amended—

(1) in paragraph (5), by striking "and" after the semicolon;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by inserting the following paragraph after paragraph (6):

"(7) the United States Housing Act of 1937.".

SEC. 123. AUTHORIZATION OF APPROPRIATIONS FOR OPERATION SAFE HOME PROGRAM.

There are authorized to be appropriated to carry out the Operation Safe Home program $20,000,000 for fiscal year 1998 and such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

TITLE II—SECTION 8 STREAMLINING AND OTHER PROGRAM IMPROVEMENTS

SEC. 201. PERMANENT REPEAL OF FEDERAL PREFERENCES.

(a) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(d) of that Act shall remain in effect after fiscal year 1997, except that the amendments made by sections 402(d)(3) and 402(d)(6)(A)(iii), (iv), and (vi) of such Act shall remain in effect as amended by sections 203 and 116 of this Act, and section 402(d)(6)(v) shall be repealed by the amendments made to section 16 of the United States Housing Act of 1937 by section 202 of this Act.

(b) Section 6(c)(4)(A) of the United States Housing Act of 1937, as amended by section 402(d)(1) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

(c) Section 8(d)(1)(A) of the United States Housing Act of 1937, as amended by section 402(d)(2) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

SEC. 202. INCOME TARGETING FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

(a) Section 16 of the United States Housing Act of 1937 is amended by revising the heading and subsections (a) through (c) to read as follows:

"SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) Public Housing.—

"(1) Program Requirement.—Of the public housing units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area; except that, for any fiscal year, the Secretary may reduce to 80 percent the percentage under this subparagraph for a public housing agency if the agency demonstrates to the satisfaction of the Secretary that such reduction would be used for, and would result in, the enhancement of the long-term viability of the housing developments of the agency.

"(2) Development Requirement.—At least 40 percent of the units in each public housing development shall be occupied by families with incomes which are less than 30 percent of the median income for the area, except that no family may be required to move to achieve compliance with this requirement.

"(b) Section 8 Assistance.—

"(1) Tenant-Based, Moderate Rehabilitation, and Project-Based Certificate Assistance.—In any fiscal year of a public housing agency, at least 75 percent of all families who initially receive tenant-based assistance from the agency, assistance under the moderate rehabilitation program of the agency, or assistance under the project-based certificate program of the agency shall be families whose incomes do not exceed 30 percent of the median income for the area.

"(2) Project-Based Assistance.—Of the dwelling units in a project receiving section 8 assistance, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area.

"(c) Definition of Area Median Income.—The term 'area median income', as used in subsections (a) and (b), refers to the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.".

(b) Section 16 of the United States Housing Act of 1937, as amended by this section, is further amended by inserting the following new heading after subsection designation (d): "Applicability.—".

SEC. 203. MERGER OF TENANT-BASED ASSISTANCE PROGRAMS.

(a) Section 8(o) of the United States Housing Act of 1937 is amended to read as follows:

"(o) Rental Certificates.—(1) A public housing agency may only enter into contracts for tenant-based rental assistance under this Act pursuant to this subsection. The Secretary may provide rental assistance using a payment standard in accordance with this subsection. The payment standard shall be used to determine the monthly assistance which may be paid for any family.

"(2)(A) The payment standard may not exceed the FMR/exception rent limit. The payment standard may not be less than 80 percent of the FMR/exception rent limit.

"(B) The term 'FMR/exception rent limit' means the section 8 existing housing fair market rent published by HUD in accordance with subsection (c)(1) or any exception rent approved by HUD for a designated part of the fair market rent area. HUD may approve an exception rent of up to 120 percent of the published fair market rent.

"(3)(A) For assistance under this subsection provided by a public housing agency on and after October 1, 1998, to the extent approved in appropriations Acts, the monthly assistance payment for any family that moves to another unit in another complex or moves to a single family dwelling shall be the amount determined by subtracting the family contribution as determined in accordance with section 3(a) from the applicable payment standard, except that such monthly assistance payment shall not exceed the amount by which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 percent of the family's monthly income.

"(B) For any family not covered by subparagraph (A), the monthly assistance payment for the family shall be determined by subtracting the family contribution as determined in accordance with section 3(a) from the lower of the applicable payment standard and the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering).

"(4) Assistance payments may be made only for:

"(A) a family determined to be a very low-income family at the time the family initially receives assistance, or

"(B) another low-income family in circumstances determined by the Secretary.

"(5) If a family vacates a dwelling unit before the expiration of a lease term, no assistance payment may be made with respect to the unit after the month during which the unit was vacated.

"(6) The Secretary shall require that:

"(A) the public housing agency shall inspect the unit before any assistance payment may be made to determine that the unit meets housing quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section, and

"(B) the public housing agency shall make annual or more frequent inspections during the contract term. No assistance payment may be made for a dwelling unit which fails to meet such quality standards.

"(7) The rent for units assisted under this subsection shall be reasonable in comparison with rents charged for comparable units in the private unassisted market. A public housing agency shall review all rents for units under consideration by families assisted under this subsection (and all rent increases for units under lease by families assisted under this subsection) to determine whether the rent (or rent increase) requested by an owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a unit is not reasonable, the agency may not approve a lease for such unit.

"(8) Except as provided in paragraph (2) of this subsection, section 8(c) of this Act does not apply to assistance under this subsection.".

(b) In Section 3(a)(1) of the United States Housing Act of 1937, the second sentence is revised as follows:

(1) by striking "or paying rent under section 8(c)(3)(B)"; and

(2) by striking "the highest of the following amounts, rounded to the nearest dollar:" and inserting "and the family contribution for a family assisted under section 8(o) or 8(y) shall be the highest of the following amounts, rounded to the next dollar:".

(c) Section 8(b) of the United States Housing Act is amended—

(1) by striking "Rental Certificates and Other Existing Housing Programs.—" and inserting "(1)"; and

(2) by striking the second sentence.

(d) Section 8 of the United States Housing Act of 1937 is amended—

(1) by striking subsection (c)(3)(B);

(2) in subsection (d)(2), by striking subparagraphs (A), (B), (C), (D) and (E); and by redesignating subparagraphs (F), (G) and (H) as subparagraphs (A), (B) and (C) respectively;

(3) in subsection (f)(6), as redesignated by section 306(b)(2) of this Act, by striking "under subsection (b) or (o)"; and

(4) by striking subsection (j).

SEC. 204. SECTION 8 ADMINISTRATIVE FEES.

(a) Section 202(a)(1)(A) of the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 1997 is amended by—

(1) striking "7.5 percent" and inserting "7.65 percent";

(2) striking "a program of" and inserting "one or more such programs totaling"; and

(3) inserting before the final period, "of such total units".

(b) The amendments made by this section shall be effective as of October 1, 1997.

SEC. 205. SECTION 8 HOMEOWNERSHIP.

(a) AMENDMENTS TO SECTION 8(y).—Section 8(y) of the United States Housing Act of 1937 is amended—

(1) in paragraph (1), by striking "A family receiving" through "if the family" and inserting the following: "A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by one or more members of the family, and will be occupied by the family, if the family";

(2) in paragraph (1)(A), by inserting before the semicolon the following: ", or owns or is acquiring shares in a cooperative";

(3) in paragraph (1), by amending paragraph (B) to read as follows:

"(B)(i) in the case of disabled families and elderly families, demonstrates that the family has income from employment or other sources, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary; and

"(ii) in the case of other families, demonstrates that the family has income from employment, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary;";

(4) in paragraph (1)(C), by striking "except as" and inserting "except in the case of disabled families and elderly families and as otherwise";

(5) in paragraph (1), by inserting at the end the following: "The Secretary or the public housing agency may target assistance under this subsection for program purposes, such as to families assisted in connection with the FHA multifamily demonstration under section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.";

(6) by amending paragraph (2) to read as follows:

"(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—The monthly assistance payment for any family shall be the amount determined by subtracting the family contribution as determined under section 3(a) of this Act from the lower of:

"(A) the applicable payment standard, or

"(B) the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, of the family.";

(7) by redesignating paragraphs (6), (7), and (8), as paragraphs (9), (10), and (11), respectively;

(8) by striking paragraphs (3), (4), and (5) and inserting the following after paragraph (2):

"(3) INSPECTIONS AND CONTRACT CONDITIONS.—Each contract for the purchase of a unit to be assisted under this section shall provide for pre-purchase inspection of the unit by an independent professional and shall require that any cost of necessary repairs shall be paid by the seller. The requirement under section 8(o)(5)(B) for annual inspections of the unit shall not apply to units assisted under this section.

"(4) DOWNPAYMENT REQUIREMENT.—Each public housing agency providing assistance under this subsection shall require that each assisted family make a significant contribution, from its own resources, determined in accordance with guidelines established by the Secretary, to cover all or a portion of the downpayment required in connection with the purchase, which may include credit for work by one or more family members to improve the dwelling ("sweat equity").

"(5) RESERVE FOR REPLACEMENTS.—The Secretary shall require each family to pay an amount equal to one percent of the monthly amount payable by the family for principal and interest on its acquisition loan into a reserve for repairs and replacements for five years after the date of purchase. Any amounts remaining in the reserve after five years shall be paid to the family.

"(6) APPLICATION OF NET PROCEEDS UPON SALE.—The Secretary shall require that the net proceeds upon sale by a family of a unit owned by the family while it received assistance under this subsection shall be divided between the public housing agency and the family. The Secretary shall establish guidelines for determining the amount to be received by the family and the amount to be received by the agency, which shall take into account the relative amount of assistance provided on behalf of the family in comparison with the amount paid by the family from its own resources. The Secretary shall require the agency to use any amounts received under this paragraph to provide assistance under subsection (o) or this subsection.

"(7) LIMITATION ON SIZE OF PROGRAM.—A public housing agency may permit no more than 10 percent of the families receiving tenant-based assistance provided by the agency to use the assistance for homeownership under this subsection. The Secretary may permit no more than 5 percent of all families receiving tenant-based assistance to use the assistance for homeownership under this subsection.

"(8) OTHER PROGRAM REQUIREMENTS.—The Secretary may establish such other requirements and limitations the Secretary determines to be appropriate in connection with the provision of assistance under this section, which may include limiting the term of assistance for a family. The Secretary may modify the requirements of this subsection where necessary to make appropriate adaptations for lease-purchase agreements. The Secretary shall establish performance measures and procedures to monitor the provision of assistance under this subsection in relation to the purpose of providing homeownership opportunities for eligible families.";

(9) in paragraph (10)(A)), as redesignated by paragraph (7) of this section, is amended—

(A) by striking "dwelling, (ii)" and inserting "dwelling, and (ii)"; and

(B) by striking ", (iii)" and all that follows up to the period; and

(10) by inserting after paragraph (11), as redesignated by paragraph (7) of this section, the following:

"(12) SUNSET.—The authority to provide assistance to additional families under this subsection shall terminate on September 30, 2002. The Secretary shall then prepare a report evaluating the effectiveness of homeownership assistance under this subsection.".

(b) FAMILY SELF-SUFFICIENCY ESCROW.—Section 23(d)(3) of the United States Housing Act of 1937 is repealed.

SEC. 206. WELFARE TO WORK CERTIFICATES.

(a) To the extent of amounts approved in appropriations Acts, the Secretary may provide funding for welfare to work certificates in accordance with this section. "Certificates" means tenant-based rental assistance in accordance with section 8(o) of the United States Housing Act of 1937.

(b) Funding under this section shall be used for a demonstration linking use of such certificate assistance with welfare reform initiatives to help families make the transition from welfare to work, and for technical assistance in connection with such demonstration.

(c) Funding may only be awarded upon joint application by a public housing agency and a State or local welfare agency. Allocation of demonstration funding is not subject to section 213 of the Housing and Community Development Act of 1974.

(d) Assistance provided under this section shall not be taken into account in determining the size of the family self-sufficiency program of a public housing agency under section 23 of the United States Housing Act of 1937.

(e) For purposes of the demonstration, the Secretary may waive, or specify alternative requirements for, requirements established by or under this Act concerning the certificate program, including requirements concerning the amount of assistance, the family contribution, and the rent payable by the family.

SEC. 207. EFFECT OF FAILURE TO COMPLY WITH PUBLIC ASSISTANCE REQUIREMENTS.

Section 3(a) of the United States Housing Act of 1937, as amended by section 103, is amended by inserting the following after paragraph (3):

"(4)(A) If the welfare or public assistance benefits of a covered family, as defined in subparagraph (G)(i), are reduced under a Federal, State, or local law regarding such an assistance program because any member of the family willfully failed to comply with program conditions requiring participation in a self-sufficiency program or requiring work activities as defined in subparagraphs (G)(ii) and (iii), the family may not, for the duration of the reduction, have the amount of rent or family contribution determined under this subsection reduced as the result of any decrease in the income of the family (to the extent that the decrease in income is the result of the benefits reduction).

"(B) If the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding the welfare or public assistance program because any member of the family willfully failed to comply with the self-sufficiency or work activities requirements, the portion of the amount of any increase in the earned income of the family occurring after such reduction up to the amount of the reduction for noncompliance shall not result in an increase in the amount of rent or family contribution determined under this subsection during the period the family would otherwise be eligible for welfare or public assistance benefits under the program.

"(C) Any covered family residing in public housing that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedures established pursuant to section 6(k) for the public housing agency.

"(D) Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family receives written notification from the relevant welfare or public assistance agency specifying that the benefits of the family have been reduced because of noncompliance with self-sufficiency program requirements and the level of such reduction.

"(E) Subparagraph (A) shall not apply in any case in which the benefits of a family are reduced because the welfare or public assistance program to which the Federal, State, or local law relates limits the period during which benefits may be provided under the program.

"(F) This paragraph may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(G) For purposes of this section—

"(i) The term 'covered family' means a family that—

"(I) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program or work activities; and

"(II) resides in a public housing dwelling unit or receives assistance under section 8.

"(ii) The term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, money or household management, apprenticeship, or other activities.

"(iii) The term 'work activities' means—

"(I) unsubsidized employment;

"(II) subsidized private sector employment;

"(III) subsidized public sector employment;

"(IV) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

"(V) on-the job training;

"(VI) job search and job readiness assistance;

"(VII) community service programs;

"(VIII) vocational education training (not to exceed 12 months with respect to any individual;

"(IX) job skills training directly related to employment;

"(X) education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;

"(XI) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and

"(XII) the provision of child care services to an individual who is participating in a community service program.".

SEC. 208. STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE.

(a) REPEAL OF TAKE-ONE, TAKE-ALL REQUIREMENT.—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for tenant-based assistance)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))" and inserting ", other than a contract for tenant-based assistance under this section".

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) REPEAL.—Section 203 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 is hereby repealed.

SEC. 209. NONDISCRIMINATION AGAINST CERTIFICATE AND VOUCHER HOLDERS.

In the case of any multifamily rental housing that is receiving, or (except for insurance referred to in paragraph (4)) has received within two years before the effective date of this section, the benefit of Federal assistance from an agency of the United States, the owner shall not refuse to lease a reasonable number of units to families under the tenant-based assistance program under section 8 of the United States Housing Act of 1937 because of the status of the prospective tenants as families under that program. The Secretary shall establish reasonable time periods for applying the requirement of this section, taking into account the total amount of the assistance and the relative share of the assistance compared to the total cost of financing, developing, rehabilitating, or otherwise assisting a project. Federal assistance for purposes of this subsection shall mean—

(1) project-based assistance under the United States Housing Act of 1937;

(2) assistance under title I of the Housing and Community Development Act of 1974;

(3) assistance under title II of the Cranston-Gonzalez National Affordable Housing Act;

(4) mortgage insurance under the National Housing Act;

(5) low-income housing tax credits under section 42 of the Internal Revenue Code of 1986;

(6) assistance under title IV of the Stewart B. McKinney Homeless Assistance Act; and

"(7) assistance under any other programs designated by the Secretary of Housing and Urban Development.

SEC. 210. RECAPTURE AND REUSE OF ACC PROJECT RESERVES UNDER TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by inserting at the end the following new paragraph:

"(5) To the extent that the Secretary determines that the amount in the ACC reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the agency, the Secretary shall recapture such excess amount. The Secretary may hold recaptured amounts in reserve until needed to amend or renew such contracts with any agency.".

SEC. 211. EXPANDING THE COVERAGE OF THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

"(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.".

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.".

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

"SEC. 5125. GRANT PROCEDURES.

"(a) PHA'S WITH 250 OR MORE UNITS.—

"(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

"(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

"(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

"(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

"(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

"(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing.".

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

"(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 3 of the United States Housing Act of 1937.".

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Public Housing Management Reform Act of 1997".

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "drug-related crime in" and inserting "crime in and around"; and

(2) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable".

(g) FUNDING AND PROGRAM SUNSET.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

"SEC. 5130. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) ALLOCATION.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) RETENTION OF PROCEEDS OF ASSET FORFEITURES BY INSPECTOR GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.".

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new item:

"Sec. 5130. Funding.".

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 212. STUDY REGARDING RENTAL ASSISTANCE.

The Secretary shall conduct a nationwide study of the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (as in effect pursuant to section 601(c) and 602(b)). The study shall, for various localities—

(1) determine who are the providers of the housing in which families assisted under such program reside;

(2) describe and analyze the physical and demographic characteristics of the housing in which such assistance is used, including, for housing in which at least one such assisted family resides, the total number of units in the housing and the number of units in the housing for which such assistance is provided;

(3) determine the total number of units for which such assistance is provided;

(4) describe the durations that families remain on waiting lists before being provided such housing assistance; and

(5) assess the extent and quality of participation of housing owners in such assistance program in relation to the local housing market, including comparing—

(A) the quality of the housing assisted to the housing generally available in the same market; and

(B) the extent to which housing is available to be occupied using such assistance to the extent to which housing is generally available in the same market.

The Secretary shall submit a report describing the results of the study to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of this Act.

TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS

SEC. 301. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF PAST EVICTIONS.—Any household or member of a household evicted from federally assisted housing (as defined in section 305) by reason of drug-related criminal activity (as defined in section 305) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than three years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(2) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) Ineligibility of Illegal Drug Users and Alcohol Abusers.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(1) who the public housing agency or the owner determines is engaging in the illegal use of a controlled substance; or

(2) with respect to whom the public housing agency or the owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(c) Consideration of Rehabilitation.—In determining whether, pursuant to subsection (b)(2), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(1) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(2) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(3) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(d) Authority To Deny Admission to the Program or to Federally Assisted Housing for Certain Criminal Offenders.—In addition to the provisions of subsections (a) and (b) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing, as applicable, determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or public housing agency may—

(1) deny such applicant admission to the program or to federally assisted housing; and

(2) after expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the owner or public housing agency evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in such criminal activity for which denial was made under this subsection have not engaged in any such criminal activity during such reasonable time.

(e) Authority To Require Access to Criminal Records.——A public housing agency may require, as a condition of providing admission to the public housing program, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) Termination of Tenancy and Assistance for Illegal Drug Users and Alcohol Abusers.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) Termination of Assistance for Serious Lease Violation.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious violation of the lease.

SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the public housing agency, owner or other manager of the housing,

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises, or

(C) is drug-related or violent criminal activity on or off the premises.

SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING TENANT SCREENING AND EVICTION.

(a) In General.—

(1) Provision of Information.—Notwithstanding any other provision of law other than paragraphs (2) and (3), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, the public housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) Exception.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) Confidentiality.—A public housing agency receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the public housing agency and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. However, for judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to any public housing agency is used, and confidentiality of such information is maintained, as required under this section.

(c) Opportunity To Dispute.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) Fee.—A public housing agency may be charged a reasonable fee for information provided under subsection (a).

(e) Records Management.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) Penalty.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, public housing pursuant to the authority under this section under false pretenses, or any person who knowingly or willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term "person" as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency.

(g) Civil Action.—Any applicant for, or resident of, public housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any public housing agency, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) DEFINITION OF ADULT.—For purposes of this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 305. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before enactment of the Cranston-Gonzalez National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(F) housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(G) housing with a mortgage insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act; and

(H) for purposes only of subsections 301(c), 301(d), 303, and 304, housing assisted under section 515 of the Housing Act of 1949.

(2) DRUG-RELATED CRIMINAL ACTIVITY.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) OWNER.—The term "owner" means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

SEC. 306. CONFORMING AMENDMENTS.

(a) CONSOLIDATION OF PUBLIC HOUSING ONE STRIKE PROVISIONS.—Section 6 of the United States Housing Act of 1937 is amended—

(1) by striking subsections (l)(4) and (l)(5) and the last sentence of subsection (l), and redesignating paragraphs (6) and (7) as paragraphs (4) and (5);

(2) by striking subsection (q); and

(3) by striking subsection (r).

(b) CONSOLIDATION OF SECTION 8 ONE STRIKE PROVISIONS.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by striking subsections (d)(1)(B)(ii) and (d)(1)(B)(iii), and redesignating clauses (iv) and (v) as clauses (ii) and (iii); and

(2) by striking subsection (f)(5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(c) CONSOLIDATION OF ONE STRIKE ELIGIBILITY PROVISIONS.—Section 16 of the United States Housing Act of 1937 is amended by striking subsection (e).

TITLE IV—TREATMENT OF AMOUNTS

SEC. 401. REQUIREMENT OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, any provision of this Act or of any amendment made by this Act that otherwise provides amounts or makes amounts available shall be effective only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

Mr. LAZIO of New York. Mr. Chairman, pursuant to discussions I have had with the gentleman from Massachusetts, I ask unanimous consent that a time limitation be set on the substitute amendment that is offered by the gentleman from Massachusetts for a total of 60 minutes, 30 minutes controlled by the gentleman from Massachusetts [Mr. KENNEDY] and 30 minutes controlled by myself, with no amendments thereto.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts [Mr. KENNEDY] will control 30 minutes and the gentleman from New York [Mr. LAZIO] will control 30 minutes.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this substitute, I think, gets to the cause and the hopes and the dreams of so many of the tens of thousands of very low-income Americans that public housing and assisted housing is designed to protect and provide basic shelter to.

Sponsors of H.R. 2 are trying to portray the choice between the bill that has been proposed by the other side of the aisle and the Democratic substitute as status quo versus reform; between policies which doom the very poor to poverty and despair and policies which give them hope.

It is patently absurd. The Democratic substitute meets all of the goals that the Republicans articulate. It contains all of the reforms that we need in public and assisted housing. The difference between the substitute and H.R. 2 is that H.R. 2 includes a number of radical policies which abandon our commitment to the poor, create more political influence in housing, and create new and unneeded bureaucracies.

The National League of Cities, the very group of people that the sponsors of H.R. 2 claim are going to welcome the block granting of the housing funding, actually oppose the bill because they recognize the terrible and damning results that have occurred as a result of the politicization of housing funds at the local level.

Study after study has been done that indicate that once the funding for housing becomes politicized, once the housing authorities become the dumping grounds of political appointments, that they have, in effect, lost their capabilities of dealing with the housing needs in the local community.

The National League of Cities also urged Members to support the superior substitute bill which is offered by, guess who, JOE KENNEDY. The Clinton administration opposes H.R. 2. The administration formally opposes H.R. 2 and it has listed eight specific provisions that should be amended. All eight administration concerns are met through the provisions of the Democratic substitute.

Public housing groups themselves do not support H.R. 2. If we go through, almost every one of the public housing associations, including NAHRO, have now opposed it.

The substitute eliminates the work disincentives. We have had a perverse situation occurring with regard to public housing over the course of the last several years where, in fact, we have had a disincentive for people in public housing to go to work because, if they do, more of their income would be captured as a result of the elimination of the Brooke amendment. We have continued the Brooke amendment. We have called for flat rents with income disregards and income phase-ins.

The Democratic substitute increases the working poor in public housing. We will hear time and time again that what the Democrats are trying to do is go back to the same-old, same-old policies which ended up with these great monstrosities of public housing where nothing but the poorest of the poor were warehoused. That is not true.

I wish that the Members of this House could listen to this debate without hearing Democrat or Republican, but just listening to the substance of what we are talking about. The difference between the Republican version and the Democratic version is very simple. The Republicans over the next 10 years will throw 80 percent of the very poor out of public housing. Eighty percent of the very poor will be boomed out of public housing. There will not be a requirement that they will be taking single, very low-income people into public housing.

What we will do then is eliminate all the standards with regard to assisted housing. So what we end up with is we end up solving the problems of housing in America by abandoning the poor. That is no solution to the housing problems of our country. That is abandonment of our basic responsibilities.

We can look great to the rest of the Congress and to the people all across the country by eliminating all the problems in public housing, but we do it by fundamentally turning our back on the poorest and most vulnerable amongst us. And that is, I think, an abandonment of our basic responsibilities.

This substitutes recognizes the fact we need to have more working families involved in public housing. And over the period of the next 10 years under the bill that we have proposed, 50 percent of the people in public housing would be very, very low-income people and 50 percent of the people would be working families.

What we do not want to do is sentence working families into rental programs. We want, where we can, to encourage home ownership. Families that earn $25 or $30 or $40,000 a year worth of income in every city across America are now eligible for private home ownership programs provided through our banks and insurance companies and others.

That is what Fannie Mae and Freddie Mac and all the rest of the organizations are set up to provide; home ownership. Why sentence people that can afford to own their own homes into becoming tenants? What we are trying to suggest is that there are some very low-income people.

We have cut the housing budget in this country from close to $30 billion, $28 billion, down to just $20 billion. We have cut the homeless budget of America by 25 percent, and then we come back and we say now that we have done that, in order to keep the local housing authorities moving forward, what we really need to do is throw the poor people out of public housing. We need to jack up the rents so that the public housing authorities do not go under and, by the way, we will cut the homeless budget. It is a crazy thing to do. It does not solve the problems of America, but it does solve the problem of the Congress.

So I ask my colleagues to please consider looking at what is actually contained in the substitute, recognizing we have gotten rid of the work disincentives, recognizing we do come up with a much better mix of working families and the poor in low-income housing, and recognizing that if we want to take a radical approach of block granting the funding, of making additional bureaucratic responsibilities, of telling people they have to come up with personal improvement programs and voluntary mandatory work requirements, then we go ahead and put in and institute what H.R. 2 calls for.

But if we are really interested in fixing up public housing, if we are really interested in making certain that we take care of the very poor, there is nothing wrong with targeting the meager funds we put into public housing. There is nothing wrong with making sure that those meager funds end up serving the poorest and most vulnerable people in America.

So I urge my colleagues to support the substitute amendment to H.R. 2 and oppose the provisions of this radical approach that has been authored by the other side of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I say to my colleagues that they ought not to just be listening to this debate but reading the bill itself, because, clearly, there have been some misrepresentations about what this bill does.

We do not have to go very far. Just read it in black and white where it says, in the bill, that at least 35 percent of all the units in public housing must be reserved for those people below 30 percent of median income, keeping no public housing authority from ensuring that every single unit that it has, if it wants, can go to the poorest of the poor.

But we are saying that if one has a minimum wage job and just happens to be married to someone else who has a minimum wage job, then that individual ought also to be able to participate in it. And under this substitute those individuals would be shut out.

The gentleman from Massachusetts indicates that people would be thrown out. There is absolutely nothing in this bill that would throw out one low-income person from public housing. Not one. Not one.

The gentleman from Massachusetts mentions that the rents will go up. How? Under current law, under current law people's rents are tied to their income in this manner. People must pay 30 percent of their income in rent. They cannot pay less than that. They must pay 30 percent of their income in rent.

Under this bill, under H.R. 2, tenants will have an annual choice to pay either up to 30 percent, and it might be lower, or to choose a flat rent that is predetermined by the housing authority. And in that sense, for many residents who are working, that will be a significantly lower rent than exists under current law. And under no condition, under no condition under this bill will people pay a dime more than they are paying right now.

So the characterizations here on this floor must mesh with the language in the bill. In fact, the Kennedy substitute is nothing more than a watered down version of the administration's bill, which also seeks a very meek, mild, look-the-other-way approach to the failure of public housing in some of our Nation's largest cities.

We cannot afford to look the other way. We cannot afford to condemn another generation of teenagers and young people to the type of public housing that exists in some of our cities where they do not have a chance for hope and opportunity. We say give people a choice, reward work, make sure that families can stay together and protect levels of excellence.

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just like to point out that this is the first time the gentleman has ever accused me of a meek and mild approach to anything. I would just point out that if Members read not just the big print but the small print of this bill, they will find that under the fungibility rules that have been proposed, there is not a single unit of affordable housing for the very poor that has to go by any public housing authority to the very poor. Second, the way the rents get jacked up is by virtue of the fact that we are going to create an enormous incentive by the local housing authority to go and get wealthier tenants. That means greater amounts of rent are going to be generated because of the incomes of the families. I am not suggesting the individual rents on the people are going to go up, but what we are doing is creating a policy that funnels wealthier and wealthier people into public housing itself. That is what the problem with the bill is.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, what the gentleman from Massachusetts calls wealthy are people that are making minimum wage or 50 cents or a dollar more than minimum wage. That is where we have broad disagreement, where the gentleman looks at people who are working for minimum wage in entry-level jobs and sees them as wealthy and able to support rent at a market rate. In fact I look at it and many Members who support these efforts look at this and say that people who are struggling to work, who accept the challenge of a minimum wage job, should not be shut out. They should be helped. This is one of the dividing lines between, I think, our two different perspectives. In fact, under the requirements of this bill, the public housing authority must set aside at least 40 percent of its units for vouchers for the poorest of the poor, at least 35 percent of its units, and yes, it can mix and match between those two, but in either case it must meet the minimum standards of meeting the demands of the poorest of the poor, people making below 30 percent of median income.

Mr. Chairman, I yield 5¼ minutes to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. I thank the gentleman for yielding me this time.

Mr. Chairman, let me go first to the principle of this bill under the Kennedy amendment that I think is very important. While the gentleman from Massachusetts [Mr. Kennedy] earlier in the debate in prior days had offered an amendment to increase the funding by 50 percent, his amendment on the floor today, as I understand it, has no increase in funding. So what we are dealing with is the same dollar levels as the committee bill, is that correct?

Mr. KENNEDY of Massachusetts. If the gentleman will yield, there is no funding whatsoever contained in this particular provision. We would be happy, if the chairman wanted to increase it back to the funding levels of last year, to entertain an amendment to our amendment.

Mr. LEACH. I would recapture my time.

I would only stress to the committee and to the Members that these are the same numbers as the committee product.

Mr. KENNEDY of Massachusetts. Mr. Chairman, it is not the same.

Mr. LEACH. There is no effort to raise or decrease in the gentleman's amendment. I just make this clear to the committee.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield just for a clarification?

Mr. LEACH. I have a limited amount of time. I would like to ask to proceed at my own pace.

Mr. Chairman, we also would stress that the committee's numbers are precisely the same numbers as the Department of Housing and Urban Development, whose secretary is Mr. Cuomo, the gentleman's brother-in-law.

The other point I would like to make here is that it has been my impression as a Member who has been here almost two decades that one of the reasons the total budget has to be out of whack in virtually every area of Federal spending, including housing, is the terrific pressure from each constituency group's perspective that has been brought to bear. When Members establish reputations for always increasing a program, they come to be known as the person that most defends that particular constituency and, therefore, there is a particular appreciation from that constituency that is extended.

But when numbers get out of whack, the fact of the matter is that the sum budget totals can be at times counterproductive. So from a constituency's point of view, there might well be a desire for more numbers, despite the fact that the general public is often disadvantaged. That is why we have these huge deficits and that is one of the reasons why the growth in the economy has been less impressive than otherwise.

I would stress to the Members of this body that when the Republican Party came into power in 1994, there was an effort to constrain the budget, including housing. When that effort came to pass, and it usually takes about a year for effects to spin out in the economy, it is impressive that American economic growth has increased.

Based on increased American economic growth, there are now more revenues coming into the treasury that have made possible the recent budget agreement between the executive and legislative branches that has just come to pass, based on new projections of more revenue coming in.

If we have budgets that are increasingly out of whack, we are not only being unfair to young people in particular, who will be paying Federal debt obligations back for the next 30 years, but we will have less economic growth and thus fewer jobs in the economy.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I will not yield at this point to the gentleman from Massachusetts [Mr. Kennedy]. I have been very patient, and the gentleman has interrupted every statement I have made in the last 2 weeks. I would ask for the gentleman's consideration. At the end of a debate it is often considered etiquette to let both sides express their perspective uninterrupted.

I would ask the Chair to be allowed to continue and not to have this time counted against me.

The CHAIRMAN pro tempore [Mr. Riggs]. The gentleman may proceed.

Mr. LEACH. I would also like to address the issue of compassion. Sometimes it is argued that to have more numbers is extremely compassionate. This side has been accused in this debate earlier of being steely.

The fact of the matter is it can be more compassionate to have more economic growth. There can be philosophical differences that can be meted out on various issues at various points in time. But this side is proceeding under the obligation to be more constrained, to operate within budget agreements, to operate in coordination with the administration under a belief that to increase spending would be uncompassionate, not compassionate.

Finally, let me just say that in my view the gentleman from New York [Mr. Lazio] has brought to this floor a signally reform-oriented bill that will establish him as one of the great architects of a new housing approach, and I think this entire House should give the gentleman from New York [Mr. Lazio] a great deal of credit.

In this regard, I would also commend the gentleman from Massachusetts [Mr. Kennedy] for bringing out an amendment that from the other side's perspective I think is quite credible. I would hope our side would not be persuaded by it.

In this regard, though, I would ask the other side to recognize that this committee has brought out a number 100 percent identical with the administration's request, general precepts largely in symmetry with the administration's request. In that process I would hope that on final passage the other side would give this committee the benefit of the doubt in working with the administration, in coming out with the precise budget numbers. If the committee works with the administration and then is voted against, it is very awkward for Congress to proceed on a reasonable basis.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, I would just like to point out to the gentleman that while he has been showing such great leadership in terms of allowing the housing budget to be cut back, we have not seen that amongst a lot of other chairmen in his party. Other chairmen in his party come in here and request $14 billion more in the defense bill than the Joint Chiefs of Staff required. Not a single penny came out of any of the funds that went to any of the big corporations in America. Eighty percent of the budget cuts which came out of his party affected the very poor and that is who is affected by this bill. That is a shame on this Congress, it is a shame on the gentleman, and it is a shame on the administration that they have not come in with more money for housing.

Mr. LAZIO of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. Leach].

Mr. LEACH. Mr. Chairman, I would only respond briefly. I think perspective has to be applied. The gentleman is correct that a year ago the budget came in less than the prior year. But this budget is precisely the same as the prior year, precisely the same as the administration has requested.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 5 seconds. This year's is the same as last year's which was cut by $8 billion.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. Gonzalez], the former chairman of the committee.

Mr. GONZALEZ. I thank the gentleman from Massachusetts [Mr. Kennedy] for yielding me this time.

Mr. Chairman, I have a much longer perspective on housing problems than most of my colleagues. As a younger man, I helped develop the first public housing in San Antonio. Today there are thousands of people living in San Antonio, housed in safe, decent, affordable public housing.

My colleagues on the Republican side have drawn a grotesquely distorted picture of public housing in America today.

The truth is that the majority of public housing is safe, it is decent, and it is well-run. Are there problems? Of course there are. But I say to my colleagues that our cities will not be made better by excluding poor families from public housing. The truth is that excluding the poorest from public housing only means that they will live in the meanest neighborhoods, on the meanest streets. To pretend that we are solving the problems of public housing by reinventing Hell's Kitchen is obviously very foolish.

What this bill does is to solve the financial problems of the local housing agencies by encouraging them to get rid of the poorest of the tenants as rapidly as possible, by a variety of means: excluding them from admission in the first place, or making it easier to get rid of them if they are already there.

I say to my colleagues that in the meanest and most miserable of circumstances, people have pride. They want dignity and they certainly want a better life.

In San Antonio, one of the most common types of tenements was a wooden, tin-roof lean-to in the form of a square with an open area in the center. Around that courtyard would be single rooms. The only water was a common tap in the courtyard. There might be only one pit privy serving 50 or more people. It was squalid, unhealthy, disgraceful, and I hate to even recall those episodes. However, that was the only thing affordable.

This is the kind of slum that public housing helped to eradicate. I say to my colleagues that the worst public housing in my city is better, it is cleaner, and it is safer than those that we called corrals, for this is what they were called.

A few years ago, I visited farm worker housing all over America, and some of it was worse than a chicken coop—two of the places I visited had been built to house Nazi prisoners of war. The people who live in such places are not lazy or shiftless, as my Republican friends seem to think. These are in fact people who look desperately for work, and who work desperately hard. One of them cried to me: "Mr. GONZALEZ, I am so ashamed. We do not want to live this way, but this is all we can do."

My friends, the people who live in the worst of public housing do not want to live that way, either. Their choice is to accept what they have, or to go to conditions that are even worse.

The solution to public housing problems is not to throw out the poor, but to build decent housing.

The substitute offered by the gentleman from Massachusetts makes sense. It tries to do the best possible for the greatest possible number.

The substitutes recognizes and rewards work, so that residents of public housing will be able to keep more of what they earn.

The substitute improves crime control programs in public housing, and it allows local housing agencies greater flexibility, while at the same time demanding greater accountability from them.

I remind you: in my city, the very worst of public housing is better than the conditions which that housing replaced. If we want to solve the social problems of the poor, we have to provide opportunities, and not merely demand that the victims heal themselves.

Support the substitute. It makes sense, and it works better. Before you vote for this bill, think about the people I know, who live in tin sheds with dirt floors and no kitchen or plumbing, and who work hard—and who feel shamed, because they feel the scorn of those who say: "they deserve their fate." My friends, there but for the grace of God, you would be.

Vote for the substitute.

Mr. LAZIO of New York. Mr. Chairman, just before yielding to the gentleman from Nebraska, if I can yield myself 15 seconds and just note, it is very curious in talking about dollars that just 2 weeks ago, over $5 billion of unspent money was uncovered hidden under rocks over at HUD that could have been spent to deal with some of these issues. The issue here is not just money, it is about management, it is about integrity.

Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], a distinguished member of the Committee on Banking and Financial Services.

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Mr. BEREUTER. Mr. Chairman, I thought it might be helpful to explain the kind of reforms that are not contained in the Kennedy substitute. I want to go over those major reforms that are in the legislation but not in the Kennedy substitute.

The Kennedy substitute does not provide for family rent choice. It does not target fungibility between public housing and choice-based programs. It does not provide for the home rule flexibility grant option which we have in title IV. It does not include the accreditation board. It is controversial, but the House has spoken on that issue. It does not provide the Traficant CDBG antipiracy and regional cooperation provisions. It does not include the Jackson-Lee amendment to section 3 regarding resident employment. It does not require consultation with affected areas in settlement of litigation. It does not require the Klink-Doyle consultation with local governments' requirement regarding the building of new public housing. It does not provide for block grant provisions for small PHAs. It does not have improvements in the least in grievance compromise. It does not include technical corrections to legal alien provisions governing public housing. It does not include the prohibition of national occupancy standards. Those occupancy standards, I would suggest, should be a matter of local decisions, local regulations or at most, State law.

Now these are the very important reform elements that are contained in H.R. 2 but which are not contained in the Kennedy substitute. I think they are very important. I think, therefore, these reforms are very necessary for public housing authorities and for the residents that live in them and for the people that attempt to run our public housing agencies and for the governing bodies in those jurisdictions.

Mr. Chairman, we should reject the Kennedy substitute and support the passage of the legislation.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT], my good friend.

Mr. WATT of North Carolina. Mr. Chairman, let me start by saying that we have never postured this as a choice between just the worst possible bill in the world and the status quo. It was my colleagues on the other side who did that. This bill is marginally better than it was last year, and I am going to vote against it because it just has some terrible provisions in it, even though some of the things in it are good.

We should support the substitute, the Kennedy substitute, because it is better, but none of us should talk ourselves into believing that either of these bills is going to solve all the problems of the poor as some of my colleagues seem to be insinuating their bill is going to do. These bills are not even going to solve the housing problems of the poor, much less all of the problems of the poor. But the substitute of the gentleman from Massachusetts [Mr. KENNEDY] is light years better because it puts emphasis on the drug elimination grant program, which is actually the thing I hear the most when I go home: How can we deal with drugs in these public housing units? What help can the Federal Government give us to deal with this problem? We encourage under Mr. KENNEDY's substitute community service, but we do not mandate it. We do not force people to go out there and work for nothing, which is what the main bill does, and we encourage an income mix in both public housing and in the voucher program, and we try to do it in such a way that we do not end up pitting the very poor against the working poor, which is what ends up happening under the main bill here.

All of those things are compelling reasons that this Kennedy substitute is a better alternative than the underlying bill. It is not a choice between doing nothing, maintaining the status quo, but this is a better substitute, and we should support it.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware [Mr. CASTLE] the former Governor and member of the Committee on Banking and Financial Services.

Mr. CASTLE. Mr. Chairman, I agree to some degree with the gentleman from North Carolina [Mr. WATT] who just spoke. I do not think either of these bills is going to be the be all and end all in terms of solving the problems with respect to poor people or people in housing in general. But we have to look at which one would do better, and I come down strongly on the side of H.R. 2.

I believe that we should look back to the welfare reform bill last year in which there were dire predictions by many people on this floor that this would be a disaster for the poor; if we pass this piece of legislation, they would be held poor forever and perhaps even poorer, and there would be all manner of problems in this country.

Now I seem to read more and more articles and hear more and more people begin to say it has given hope and opportunity to individuals, and that may not be universally true, and I am sure it is not, and anecdotally there are probably stories against it. But the same thing is true, I think, of this housing bill. I have visited housing in Delaware many, many times, I have spoken to the people running it, and I frankly think they need more flexibility in terms of how they are running housing authorities there and across this country. I believe that a greater mixture of individuals, both by neighborhoods and who lives in particular areas, is extremely important in trying to help with the development of the community. I happen not to be opposed to the community service. I believe that is an opportunity for individuals and so becomes important as well. I think some of the operating formula incentives are going to make housing authorities better than they are now. It is going to make them think a little bit more and, I think, manage better.

And there are a lot of things that we can talk about here, Mr. Chairman, as we look at this bill. We go down and compare details to details, and I give a lot of credit frankly to both sides because I think people care a lot about housing. But I believe that the bottom line is that we truly need to introduce change into the housing programs in this country. They have been without change now for years, in fact decades, and the time has come to provide that opportunity, and I think H.R. 2 does that.

And I think that the minority side has been listened to. There are a lot of amendments in this legislation. Most of them are from the minority side. Most of them I think are good, by the way. They have been adopted and are part of the bill.

So for that reason I would encourage support for H.R. 2 by everybody, once we have taken care of the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO], my good friend.

Mr. VENTO. Mr. Chairman, I rise in support of the Kennedy substitute, and it is true, I think, that this bill that the committee has presented as representing a better product than last year, but I think there are some fundamental problems with the bill, there are some fundamental problems.

I have, as an example, when we look at the 3,400 public housing authorities and we talk about a hundred of them having problems, and the fact is that HUD, we wanted HUD to reassert itself and take more control of the public housing authority. But what this bill does is to block grant, send a lot of money back to the same public housing authorities, and as if that were not enough, they have had a lot of autonomy and they have sometimes failed, but most of them have been pretty good.

But if that were not enough, we are sending back a lot more requirements. Because they have trouble running the housing, doing income verification and all the other problems we are saying, and in addition to that we are going to put in place a mandatory community service program. As my colleagues know, the fact is we passed welfare reform. I happen to be someone that voted for it. I think there are a lot of problems with the legal immigrants and some other issues with it, but the fact is we do not have to reinvent it in the housing bill, and we sure do not have to give that responsibility to those public housing authorities to run a whole program on community service.

Mr. Chairman, it does not make any sense, just like it does not make any sense, we have got one HUD, we do not need an accreditation board, we do not need a two-headed HUD. One is enough. But if my colleagues want someone to compete up there, to be fighting and disputing it, that is a problem.

How about income verification? Do we need to raise the incomes in public housing? The average income for a family now is about $6,700. I point out to my subcommittee chairman that the minimum wage pays about 10 grand a year, but this bill does not go just to 17 percent of median, which is $6,500; it goes up to 80 percent. And what we are saying, if our colleagues are worried about minimum wage, that is closer to 25 percent of median than 80. Eighty percent is 2½ times the poverty rate. In some communities that is $40,000. So check the numbers, look at what is being done.

Mr. Chairman, I think that if that is what our colleagues want to do is deal with those in minimum wage and to provide working poor with housing, then we have to deal with it. But we have 16 million people in this country; 16 million families, pardon me, that qualify for public housing, we got about 4 million units. And so we have to differentiate in how we are going to do this. Do they need more flexibility? Do we need to deal with one to one? Yes.

But the Kennedy approach is the right approach. We do not need another HUD. We do not need another reinvention of welfare reform and another job for the public housing authorities. We need to keep HUD in charge and hold them accountable, talk about money under rocks that they found. I will tell my colleagues, go over to the Defense Department and they will find a lot more money under rocks. But the fact is if they are going to reach in and take that money back when trying to hold people accountable in terms of how to use it and then complain about the fact that they are doing that, and they are going to take and spend it, I will tell my colleagues that we are going to end up short when we go to reauthorize the section 8 programs or when we reauthorize some of the other programs.

So I think the Kennedy substitute is the best option we have. I appreciate the fact that the chairman has tried to work through some of these issues, but we have not got there. So I think we better vote for the Kennedy substitute today.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to mention in response to the comments of the gentleman from Minnesota that were completely accurate, we are talking about the family with two minimum wage jobs. The gentleman, I think, was referring to families with one minimum wage job, and people with two minimum wage jobs, a family where a husband and wife working at minimum wage, would effectively be shut out of vouchers under this substitute.

Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER], a distinguished member of the Committee on Banking and Financial Services.

Mr. BAKER. I thank the gentleman from New York for yielding this time to me.

Mr. Chairman, this is indeed a pivotal moment for us. With the consideration of the Kennedy substitute, Members can vote to support it and fight to cling onto what simply has not worked.

There are, in fact, public housing authorities around the country who have used appropriate management skills, and there are public housing units which are well kept, but unfortunately for the vast numbers of people who must live in the very large urban-centered housing authorities of this country, conditions are terrible, and the Kennedy substitute in my opinion will do nothing, if anything at all, to rectify that problem.

Mr. Chairman, if we are able to defeat the Kennedy substitute and move then to final passage in the adoption of the proposal as put forward by the chairman of the subcommittee, amended by 27 amendments from the Democrat side, we will make a significant new approach to public housing in this country. We will say to individuals who do not choose to be there most of the time:

"We're going to help you, but we're going to help you for a while, and we're going to ask you in return for that help to improve your own circumstance in life, get out and try to find work in the community, volunteer as it may be, to learn job skills, people skills. You may even find a job that pays you money while you are out doing this volunteer work"; because taxpayers in this country are saying, "We don't object to helping people who truly are in need. We will extend a hand to someone who is injured, who is unemployed, who has found difficult times with his wife and family, who wants to help themselves. But we are saying that public housing in this Nation should not become a retirement community for people who will not try for themselves or their own families."

This is a pivotal change. It is an important change. We cannot continue to pour billions of dollars into programs with 40 years of experience which have proven to fail and, more importantly, take more than decent living conditions away from people. They take their hope, their vision, their opportunity for a future because all they see is poverty. They do not see working dads or moms at home with kids or even businesses at their front door. They see drug dealers, broken-down apartment buildings and no hope, where the police are scared to come.

This is a pivotal decision. It is critical to our Nation's future to give back to the working poor and the poor of this country the belief that if they try, we will help them, and that there is a price to pay if they do not make the effort for their own family. This is an integral part of our overall social services reform, where last year a majority of the Democrats in an almost unanimous Republican vote voted to impose work requirements of 20 hours a week for those who receive social services, soon to go to 80 hours a month, then to 100 hours a month and to increase thereafter.

Mr. Chairman, it is not a new concept, it is not difficult, we know it works, and today we will make the change.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 30 second to respond.

Mr. Chairman, first I just want to make certain that people understand that in this bill, in the Kennedy alternative, we have provisions that say if two individuals working in the same family, both of them earn minimum wage, they are eligible for public housing. Check the figures. They earn $25,000 a year, check the figures. In almost every major American city they, in fact, qualify for the public housing targeting amendments that we have today.

My concern is not those individuals in terms of public housing. We ought to have home ownership programs. They can afford it. We ought to get them the homes they need.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK].

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Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY], our ranking member, for yielding to me as we continue our debate on H.R. 2.

I rise in support of the Kennedy substitute. As was mentioned earlier, in 1937, then Franklin Delano Roosevelt, the President of this great country, signed into law the Public Housing Act. This bill, H.R. 2 before us, will be a total repeal of that act.

What is needed then and is needed today: housing for the least of these. The Kennedy substitute will allow more people to have homes, more children to live in homes. H.R. 2, in its original version, will increase the homeless population in America.

There are 650 laws that are affected by this H.R. 2 implementation, if it passes on this floor today. Someone mentioned earlier two minimum wage jobs. Is that what we want in America, two minimum wage jobs for working families? One cannot live on minimum wage. What people want to do is work in good-paying jobs and to take care of their families.

There are over 16 million people who qualify to live in public housing because they are in that poverty scene and want to get out. We have only 4 million public housing units. So let us not stand here and say how great it is to live in public housing. Most people, including all of us, want better housing than that.

The Kennedy substitute addresses those concerns. It does allow for people who find themselves in poverty. Decent, adequate housing will not increase the homeless population and will allow people to look for work. We need to be talking about work in this legislature. How do you find good-paying jobs for people so that they can work and take care of their families? The Kennedy substitute best meets that.

As was said earlier, this is not a panacea. There is still much work to be done in America, much work to be done in this Congress. Good-paying jobs are what we need, and quality education so people can rise to the level to take care of themselves and live in fine housing. I urge my colleagues to support the Kennedy substitute.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for yielding me this time.

I rise to express my strong support for H.R. 2, and I think when we talk about the substitute we have to think about what is the problem that we are trying to address in this legislation. The first problem, the most apparent problem is that we have had 20 years of misguided policy that has focused on a principle of providing housing and housing alone for the poorest of the poor. The result of that has been destroyed neighborhoods. These are neighborhoods that often do not have stores, they often do not have banks, they generally do not have employers. These are neighborhoods without hope and these are neighborhoods without opportunity.

H.R. 2 is about more than providing housing. It is about creating healthy neighborhoods. It is about creating healthy communities.

The Kennedy substitute stops doing the worst, but the problem with it is that it is incomplete. It does not have a vision for the future. It does not create a mechanism, it does not allow for the flexibility for real change in those neighborhoods. It is like comparing a passive approach with the active approach that is engaged in H.R. 2.

As I say, it is not that it is bad, it is just that it is incomplete because it does nothing to change this culture of dependency. The Kennedy substitute does nothing to ask residents to give something back to their community. It does nothing to create mixed income communities. It does nothing to create opportunity in those communities, as well. Simply speaking, the Kennedy substitute is short on vision, it is short on hope, and it is short on opportunity.

We have a clear choice on this vote. If we vote down the Kennedy substitute and vote for H.R. 2, we are going to create more hope and opportunity in our neighborhoods. Vote "yes" on H.R. 2.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from Illinois [Mr. JACKSON], my good friend who did such a great job on this debate.

Mr. JACKSON of Illinois. Mr. Chairman, let me first congratulate the chairman of the subcommittee, [Mr. LAZIO], who I genuinely believe has made sincere efforts to reform public housing in this country. I also want to congratulate our ranking member [Mr. KENNEDY] for his sincere efforts to reform public housing in this Nation, as well.

Mr. Chairman, our position, however, it occurs to me, is to determine who is sincerely right and who is sincerely wrong. How do we determine, Mr. Chairman, who is right and who is wrong? There is only one standard for which we should implore when we vote on H.R. 2, to determine who is right and who is wrong, and that is the "do unto others as we would have them do unto us" standard.

Mr. Chairman, just no Member of Congress, all of us who receive 100 percent of our paychecks from the public, is being asked to give 8 hours of our time per month in exchange for the very real public benefit that we receive; just not one of us who receives a mortgage deduction or any Federal benefit, including mining rights, including farm subsidies or corporate welfare. We tried yesterday in committee to attach to the Import-Export Bank legislation an 8-hour mandatory community service, since it is corporate welfare for corporations doing risky business in other parts of our country. Just no one.

We have tried to attach it to other forms of corporate welfare, and yet the majority consistently rejects adding 8 hours of community service in exchange for their Federal benefit to any particular piece of legislation that comes before this Congress. Defense appropriations, it will be coming up shortly, and at no point in time will we ever mandate of them voluntarism.

Only in this bill for the first time, to the best of my knowledge, since 1865, only in this bill for the first time since 1865 do we treat a different set of Americans any different than we have ever treated another group of Americans.

Mr. Chairman, vote for the Kennedy substitute and against this draconian bill.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I do have to take a moment to congratulate the chairman of the subcommittee, [Mr. LAZIO] for a phenomenal job in trying to reform the public housing policies of this Nation.

A lot of times we have votes on this floor that are partisan, but I can assure my colleagues on this bill, this is a bipartisan effort. Out of 37 amendments adopted at the committee's markup, 29 were from the minority. So clearly, we were willing to negotiate, debate, and prevent this bill from being simply labeled a partisan attack on others.

Clearly, when we have been able to watch communities work on housing initiatives directed at improving people's lives, they have largely been successful. The Federal Government would rather trap people in housing that few Members in this Chamber would dare live in, or visit. The idea of the bill is to give incentives and opportunities. The Kennedy substitute encourages residents to contribute 8 hours a month. Yes, we require it. We do not think anything is wrong in requiring people to perform a community service when they have been given something.

Now, I clearly, and Members of Congress, spend numerous hours in our communities helping the Red Cross, American Cancer Society, Habitat for Humanity, AIDS coalitions, and other groups. Many, many hours we donate and volunteer, even though we are paid by Federal taxpayers.

Clearly in this bill we are trying to give people a part of the American dream, not trap them in rental housing where they cannot grow and develop strong family commitments and bonds. We see in this bill, while not a perfect bill, a chance to reinvigorate inner cities, to give people hope and opportunity, to give them something to strive for and, yes, ask them to participate in voluntarism.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank my colleague for yielding who I have enjoyed participating with on this debate over the course of the last 3 weeks.

Mr. Chairman, I want to make it clear that there is a distinction that should be drawn between our voluntarism because it is innovating from our own will or self-reliance, without coercion and threatening one's eviction, without compensation in exchange for what we are terming a volunteer effort. There is a distinction that should be drawn between mandatory voluntarism and one that is not mandatory.

Mr. FOLEY. Mr. Chairman, reclaiming my time, the one thing I am thrilled about in the bill is that we create so many carve-outs that if someone is in a vocational or technical program, going to school, if they are caring for an aged parent, if you will, if they are sick themselves, there are so many carve-outs that only those that choose to stay home and do nothing are required then to commit 8 hours of service. That is the beauty of this bill, is that we are not telling people if they are physically incapable of working that they have to somehow go clean up streets or clean graffiti off walls.

When I go home to my district and talk to my constituents, many of them earning meager wages, many of them who could qualify for public housing, when I ask them if it is something so onerous to ask them for give 8 hours of service for that housing, they say, "Mark, that is simple. That is easy. You should do it."

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, the Republican majority claims that H.R. 2 is reform. Tearing down an essential program is not reform. I wonder if my colleagues on the other side of the aisle understand the kind of human misery that their reform will cause.

If they are serious about fixing public housing, they must do so without abandoning the very poor. Congress must ensure that these families still have a decent and affordable place to call home. The problem with the Republican majority is that when something goes wrong and does not work, they want to dismantle it. Well, the American public thinks that this institution does not work. Are we going to dismantle it, too?

Through reasonable targeting requirements, the Democratic substitute continues assisting the most disadvantaged households, while increasing the availability of public housing to the working poor. H.R. 2 will simply deny millions of women and their children shelter.

What is more ironic, the Republicans are fond of claiming that H.R. 2 promotes self-sufficiency. Be honest. How can we expect a family to achieve stability if parents are forced to work without pay? The Kennedy substitute replaces enforced labor with provisions that encourage work, giving families a true chance to achieve the American dream.

Mr. Chairman, instead of addressing the real needs of real families, H.R. 2 offers despair and misery. I urge all of my colleagues to support the Kennedy substitute and guard our commitment to safe and affordable housing.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 30 seconds.

I would just note that we are in the process of trying to overhaul public housing for the first time, at least in any significant sense, in over 60 years; and if we prove in this House that we cannot correct this problem, if we establish that we will continue to look the other way when we see failure, then we certainly will present an opportunity for those people who believe that the Federal partnership in low-income housing is one that is futile to support.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong support of the Kennedy substitute and in strong opposition to H.R. 2.

H.R. 2 is an unprecedented and indefensible retreat from the Federal Government's 60-year commitment to those in greatest need of housing assistance, our Nation's poor. Although proponents argue that the bill promotes local flexibility in the administration of public housing programs, that flexibility is achieved at too high a human cost.

Experts agree that access to affordable housing is the No. 1 problem confronting needy families, yet H.R. 2 will allow housing authorities to replace poor families with those whose incomes are as high as $40,000 a year in some parts of the country.

□ 1430

This will remove a critical safety net for tens of thousands of poor families well into the next millennium as they seek to move from welfare to work. As a result, their only options are to resort to dilapidated, substandard housing, if they can find it, or to join the growing ranks of the homeless. This is a new American tragedy in the making.

The Democratic substitute, however, reforms the public housing system without punishing those in greatest need of our help. It offers local flexibility without sacrificing accountability, and it provides sensible, workable reforms to public housing programs, and most importantly, it reinstates the Brooke amendment that ensures that poor families receive a fair share of housing assistance.

On behalf of poor and working families throughout the Nation, I urge my colleagues to support the Kennedy substitute.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK], originally from my State.

Mr. FRANK of Massachusetts. Mr. Chairman, if the claims being made on behalf of the majority's bill were valid, I would support it. If rhetoric could cure poverty after this debate, there would not be a poor person left anywhere in public housing. But this bill that the majority has brought forward has literally not one thing in it that helps anyone leave poverty, get a job, or improve herself.

It does require you, if you live in public housing, to work 8 hours a month, and despite what was said earlier, inaccurately, even if you are the primary caregiver of someone unable to take care of himself or herself. Someone got carried away and thought the amendment of the gentleman from Illinois had been adopted, but it was not.

So what we say is that if you are a poor person living in public housing and you are even the caregiver to someone, you still have to do the 8 hours a month, even if the housing authority believes that given the conditions in which you live, it really would not be terribly useful.

It says you have to sign a contract promising that some day you will be a richer person. It does not provide you with a single tool to do that. The major way this bill improves public housing is by reducing the number of very poor people in it. I grant that point.

If our unit of worth is an entity known as the public housing authority and if we are measuring not the good we have done for humanity, not the extent to which we have alleviated social problems, not the extent to which we have dealt with our fellow citizens who are deeply embedded in poverty, but if the measure is what does the housing authority look like and what is the average in that housing authority, then you have made it better. But you have made it better at the cost of excluding the poorest people, some of them, from this effort.

If we wanted to really go after the problems in public housing, we would begin by solving the number one problem: inadequate resources. For decades we have caused a problem by trying to take care of the poor too cheaply. We do not alleviate that from the standpoint of humane goals by simply reducing the number of poor people we are trying to help.

My friend, the gentleman from Delaware, said, well, let us look at the welfare bill. We made predictions about the welfare bill that were not coming true. Has he been in some other country for the past month? My recollection is that the first part of the welfare bill that is taking effect, that dealing with legal immigrants, part of the welfare bill that I proudly voted against, is causing such havoc and such pain that the bipartisan leadership agreement substantially repeals that part of the welfare bill.

How can anyone talk about the great success of the welfare bill and ignore the fact, remember, the AFDC part, that is a 5-year time limit. That has not gone into effect yet. But the legal immigrant parts have been widely considered to be such a disaster that billions of dollars of the bipartisan agreement are going to alleviate that mistake. This is a similar mistake: Resolve the problem by simply legislating the people out of existence, as far as we are concerned. That is not worthy of this House.

Mr. LAZIO of New York. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Florida [Mr. SHAW], the chairman of the subcommittee on Human Resources of the Committee on Ways and Means.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding time to me. I had not intended to speak on this particular bill until I saw my friend, the gentleman from Massachusetts, putting forth some information with regard to the welfare reform bill.

I might tell the gentleman that the welfare reform bill has probably been the most single successful piece of legislation that has passed this Congress in decades. Thousands of people, hundreds of thousands of people, are leaving the welfare rolls. Unfortunately, so many of our liberal legislators could not really see that these people had a self-worth, and really all they needed was a little bit of a shove and incentive to go out and do the right thing, and to find a job. We have found that nowhere in our history have we seen the rolls fall as they have, no matter what the prosperity, as they have over the last year and a half. It is absolutely phenomenal.

He says the limitation has not gone into effect. People know that the limitation is in effect in many of the States who are far ahead of the curve. His own State of Massachusetts, as well as Wisconsin and Michigan and Indiana, Delaware, these States have been very progressive in welfare reform, and their rolls, the people on welfare, have dropped considerably.

Mr. Chairman, I would say to have faith in the poor of this country. Just because somebody is poor does not mean that that person is not out there looking for a job. The question is, is welfare reform working. Of course it is working. I do not see how anybody can stand in this Chamber and say it is not working, because it is.

I would say to my friend, have more faith in the poor of this country. Just because someone is poor does not mean that they do not care about their family, they do not care about their future, and there are so many people out there that are finding that there is a real future out there. They can share in the American dream.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first of all, I want to point out that the gentleman has just eloquently refuted something I never said. I was talking in fact explicitly not about AFDC recipients, because I do not believe that a bill that passed less than a year ago and has not gone into effect yet is the major factor affecting them.

I was talking, as the gentleman quite understandably ignored, about the parts of his bill that I believe victimize legal immigrants, and which contrary to his views, is being repudiated by the Republican leadership and the President. The gentleman totally misstated my remarks.

Mr. SHAW. Reclaiming my time, Mr. Chairman, I would say to the gentleman, the SSI rolls among noncitizens was escalating at roughly 10 times the speed it was for citizens. I would also tell the gentleman that of money spent on the elderly, over 51 percent was being spent on noncitizens.

I would also tell the gentleman that we have reached an accommodation on SSI, and it is my intention to put before my committee a grandfather provision which will be brought to the floor as part of the budget agreement, as the implementation of the budget agreement, that will grandfather in all of those that were here on August 22, 1996.

So from that standpoint, we are solving the problem of both the escalating nature of SSI for noncitizens, which was totally out of control, and we are then showing compassion for the people that were here.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Florida finally addresses the point I was making, as opposed to a point I never made.

What he is acknowledging, of course, is that this grandfathering, et cetera, that he is talking about, it is a substantial repeal of his bill. The bill he is so proud of did damage to the legal immigrants, and the budget agreement, and he is talking about it, is undoing some of what he did to the legal immigrants in the welfare bill.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. KELLY], a member of the committee.

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the Kennedy substitute for H.R. 2, the Housing Opportunity and Responsibility Act. With H.R. 2 we are stepping away from old thinking. We are ending the administration's passive approach to problems, and we are going to give communities the power to build strong neighborhoods. It is with this active approach that we can nurture our communities.

The Kennedy substitute does nothing to change the culture of dependency of many who live in public housing, nothing. We can no longer throw large chunks of money at bloated, poorly functioning administrations that produce results that are mediocre, at best. These funds that come down from these administrations have so many strings attached that there is no flexibility to address the different problems that public housing authorities face across the country.

I understand in one of my sick public housing authorities we had a cow butchered in a bathtub. We have to end this kind of public housing administration. One-size-fits-all has to end. We have to allow for a new synergy to be created. That is what H.R. 2 does. That is what the Kennedy substitute seeks to stop.

I would like to emphasize the goals we are moving forward with in H.R. 2. They are simple: Personal responsibility that ends with a mutual obligation between the provider and the recipient, removal of disincentives to work and retention of protections for the residents, and empowerment of the individual and family through the choices that I believe will lead them to economic independence and the pursuit of their own American dream.

I would like to emphasize that everyone has the same shared objective: Clean, safe, affordable housing that empowers the have-nots in our society to become people who can realize their own American dream. That is what we are going to do here with H.R. 2. This is what we will be voting for when we vote against the Kennedy substitute.

I therefore urge all of my colleagues to join me in voting against the Kennedy substitute, that will do nothing for America's communities.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 1 minute to my good friend, the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in support of the Democratic substitute to H.R. 2 offered by our colleague, the gentleman from Massachusetts [Mr. KENNEDY]. I want Members to know I do not come to this as some partisan reflex. The last time around I voted for the same bill that was passed in the last Congress.

I have been listening very carefully to this bill, hoping, hoping there was some compelling reason to vote for this bill. Unfortunately, there is not. This bill has good intentions, and many of the things that are there I support, but it goes too far. It goes too far in denying the poorest of the poor the opportunity to have public housing. It certainly goes too far in having what we call the fungible funding.

I think the Kennedy substitute is not status quo. It recognizes the problem but it commits itself to the poorest of the poor.

Further, I want to commend and support the gentleman from New York [Mr. LAZIO] in his effort for this, and just would make a comment that neither his bill nor the Democratic substitute has anything in it about rural housing. I would be remiss not to tell the Members, as I stand talking about public housing, and to have this body of Congress ignore the vast need of rural housing.

Mr. Chairman, I rise today, in support of the Democratic substitute to H.R. 2, offered by our colleague Mr. KENNEDY.

Mr. Chairman, I did not come to this decision through impulse, nor did I come to this decision simply by partisan reflex. On the contrary, Mr. Chairman, over the course of the last several days, I have listened closely and intently as this body has vigorously debated the various provisions of H.R. 2—hoping Mr. Chairman—hoping to hear some compelling reasons to vote in favor of the bill.

I believe as do many if not most of my colleagues, that the current state of our Nation's public housing system has fallen into disrepair and neglect. Federal housing policies which have been promulgated over the last decades, have, despite their good intentions, in many instances worked to trap the poorest among us in isolated pockets of poverty, and in some cases contributed to the disintegration of the family structure, which has in turn led to a drastic increase in the crime rate in many of our Nation's highest density public housing projects.

Indeed, Mr. Chairman, I voted in favor of H.R. 2406, the Public Housing Reform bill that passed the House last Congress, only to fall prey to bickering between House and Senate Republicans in the conference committee, because I felt then and continue to feel that this body must act to stop the catastrophic deterioration in our Nation's public housing system.

H.R. 2, as advertised by its proponents, portends to address many of the most outrageous and egregious concerns with the public housing system that we all share. And, quite frankly, Mr. Chairman, to a certain extent the bill does just this. It radically reshapes public housing system. H.R. 2 gives greater flexibility to local housing authorities in setting rents in order to encourage a mix of more working families among public housing tenants. In addition, the bill grants local authorities and owners of federally-assisted housing unprecedented powers to evict drug dealers and criminals, while also empowering them with greater screening powers to prevent dangerous individuals with criminal pasts from becoming residents.

Unfortunately, Mr. Chairman, while H.R. 2 does achieve some laudable objectives—in many aspects, H.R. 2 goes too far in reshaping the Nation's public housing system and gives too much autonomy and authority to local housing authorities.

In particular, I believe that the income targeting provisions of H.R. 2 are so broad as to constitute a complete and total shift away from the fundamental mission of public housing—namely to provide safe, decent, and affordable housing to the poorest among us.

The targeting provisions in H.R. 2, as I understand them, only require public housing authorities to expend 35 percent of Federal housing assistance toward those families earning below 30 percent of the area median income. While this figure is no different than that which was included in the housing bill that passed the House last Congress, and is only 5 percent less than the 40 percent required under the Kennedy substitute, H.R. 2 also carried with it a more deceptive provision that would for all intents and purposes, remove the Federal Government's commitment to providing housing for the very poor.

This is the so called fungible income targeting requirement. Under this provision, local public housing authorities can meet their 35 percent targeting requirement simply by admitting very low-income families to the choice based housing program, rather than admitting them into housing units.

It is conceivable therefore, that under this provision, the Nation's permanent housing stock would be closed to some of the poorest families in the country—many of them elderly and disabled. Instead of being placed in a housing unit, many of these families would be forced to search the section 8 housing market in areas which may be unfamiliar to them, or in locations where mass transit resources and job opportunities are sparse. Or even worse, Mr. Chairman, the fungible income targeting requirements in the bill, may force some families into the streets.

While I agree with the goal of attracting more of the working poor into the public housing system, I believe that the targeting provisions included in H.R. 2 are unnecessarily drastic and requires too little of local public housing authorities in regards to assisting low-income families.

The Democratic substitute which we are debating, achieves the same objectives of creating a better income mix in public housing—which creates more stable and safe communities—without completely disavowing our Nation's commitment to the very poor. The income targeting provisions in the Democratic substitute are 5 percent deeper than that in

H.R. 2, requiring local public housing authorities to dedicate 40 percent of their permanent public housing stock to those individuals and families that earn below 30 percent of the area median income. In addition, 90 percent of available housing units would be reserved for families below 60 percent of area median income.

Most importantly, however, the substitute, would protect very low-income families by removing the fungible income targeting requirements in H.R. 2. Under the substitute, local housing authorities, could not meet their income targets for low-income families simply by admitting these families to the choice-based housing program.

Mr. Chairman, the Democratic substitute, represents real reform to our Nation's public housing system. It addresses many of the most egregious and outrageous abuses that are allowed to occur under our present housing laws.

Like, H.R. 2, Mr. Chairman, the Democratic substitute, eliminates obsolete and burdensome Federal regulations such as the "take-one-take-all" requirements on landlords and the "endless lease" provisions in current law—giving greater flexibility and automomy to the local housing authorities. Moreover, the substitute would help to create more stable public housing communities by allowing housing authorities to deny housing assistance to drug and alcohol abusers, while at the same moderately changing the income targeting provisions to allow for a greater number of working poor to have access to public housing resources.

Accordingly, Mr. Chairman, the Democratic substitute represents a clear departure from the current law guiding our public housing system. However, in recognizing the need for local public housing authorities to exercise greater flexibility and autonomy in addressing the particular needs of the communities for which they serve, the substitute maintains the fundamental mission of public housing—namely to assist the very poorest families among us.

Last Congress, Mr. Chairman, I voted in favor of H.R. 2406—the precursor to H.R. 2—because it was the only viable piece of legislation which corrected some of the most egregious shortcomings of the public housing system.

While I commend Mr. LAZIO for his genuine efforts to address many of the concerns that we all share, today I stand in support of the Democratic substitute to H.R. 2 because it too represents real reform and it too changes the culture and focus of our public housing system. However, it does this while protecting the most vulnerable families among us.

Accordingly, I urge all of my colleagues to support the Democratic substitute to H.R. 2.

Nevertheless, Mr. Chairman, although I understand the subcommittee chairman's decision to focus on public housing as a whole, I would be remiss if I did not state my disappointment that neither the substitute nor H.R. 2 includes provisions addressing the housing needs and concerns of rural America.

As I am certain that the chairman is aware, rural areas have some of the highest rates of poverty and more dire housing needs than many other more urbanized areas in the country. According to the 1990 census, there were more than 7.6 million people with incomes below the poverty level in rural America. Moreover, census data also indicate that about 2.8 million rural Americans live in substandard housing.

In county after county of my district of North Carolina, Mr. Chairman, affordable housing is sparse and the dream of owning a home is often times unattainable.

I hope, Mr. Chairman, that as we conclude the debate on H.R. 2, this body will begin to look more seriously at the housing needs and concerns of rural America.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I first of all want to compliment my good friend, the gentleman from New York [Mr. LAZIO], for the excellent work he and his staff, as well as the staff on this side of the committee, has done on this bill. I sometimes felt like I should be calling my cousin-in-law, Arnold Schwartzeneggar, and telling him to watch Terminator III on the House floor, because that is what it has felt like from time to time on this bill.

I do want to just say to everyone listening that I know we have, I think on both sides of the aisle, tried to make certain we have an open and honest debate on this issue. There are serious differences. I do not believe that we ought to be abandoning the very poor in pursuit of solving our housing problems in this country.

We do have housing problems. We can continue to protect the poor. We can do it within the context of making the changes in public housing policy which will avoid the mistakes of the past, the huge monstrosities where we warehouse the poor, and allow us to have an enlightened view of how we house our vulnerable people into the future of this country.

□ 1445

I look forward to working with the chairman as we get to a conference.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

I want to return the compliment to the gentleman from Massachusetts and thank him certainly for the working relationship that we have had through the committee process and through markup and finally on the floor of this House.

In the 3 long weeks we have been debating this bill and almost 60 amendments that have been heard, we have been able to dispose of those amendments, not all, I am sure, to the satisfaction of the gentleman from Massachusetts, but at any rate in a way that I think preserves the dignity of this body and this House.

We do have differences. We have differences in perspective. We have differences as to how much we trust local authorities, how much flexibility we ought to give them, how we ought to treat low income people.

My friend from Massachusetts has offered an amendment that I believe would shut out working-class families, would shut out a husband and wife who happen to have low, minimum wage jobs from the possibility of receiving a rental voucher.

We believe in local flexibility. We believe in empowerment. We sweep away the work disincentives that are in current law. I believe under the gentleman's proposition, those work disincentives continue to exist as long as we tie rent to income and do not permit, which we do under H.R. 2, we permit tenants to make that choice, to go to a flat rent so that they work longer, work harder, get a better job. They can keep the fruits of that labor.

We want to empower people to do that. We want to reward work. We want to transform communities. And we know in the end that we cannot legislate an end to poverty. That will only happen if we create the right set of incentives, the right rules so that local individuals and local communities, once empowered, can begin to transform themselves.

That is where the change will take place, because make no mistake about it, H.R. 2 is not just about shelter. It is about creating environments where poverty can be successfully addressed, and it will be only successfully addressed by the people of those same communities.

Mr. BONIOR. Mr. Chairman, I rise in support of the Democratic substitute offered by my friend, JOE KENNEDY from Massachusetts.

He's been a tenacious advocate for real housing reform, so tenacious that he's beginning to set a record for the number of times a bill has been on and off the floor.

Actually, this is a good debate for us to have.

It's a debate about setting priorities, about adopting reform while protecting people, and about giving hard-pressed working families a break.

The Kennedy substitute is a reasonable, balanced approach to housing reform that protects the vulnerable, while giving local housing authorities the flexibility they need to do their jobs.

By contrast, the Republican bill eliminates most Federal regulations affecting low-income housing assistance—including provisions that ensure Federal housing is targeted to those most in need.

H.R. 2 repeals the Housing Act of 1937, and it will push the poorest tenants into homelessness.

The Democratic substitute streamlines our Nation's housing laws, but does not repeal them.

It protects seniors and the vulnerable by retaining current law, limiting rent to 30 percent of your income.

And it encourages local housing authorities to provide mixed income housing, while preserving assistance to those most in need.

The substitute provides the reforms and flexibility that local housing authorities need, but it does not contain the unfunded mandates that are included in the Republican bill.

That's why local housing authorities support the substitute, why the administration supports it, and why I support it.

I urge my colleagues: Oppose H.R. 2; support the Democratic substitute.

Mr. PAUL. Mr. Chairman, we, the Congress, are once again asked to reenact Federal housing legislation that is unconstitutionally, philosophically, economically, and practically unsound.

Prior to the Constitution-circumventing New Deal policies of the Fed-induced Depression era, such redistributionist policies whereby Government takes money from one citizen to pay the housing costs—or some other cost—of another was forbidden. Supreme Court Justice Samuel Chase, in Calder versus Bull, opined that "a law that takes property from A and gives it to B: It is against all reason and justice, for a people to intrust a legislature with such powers." Yet, this redistributionary scheme, rather than the exception, has become the rule as well as the rule of law in this 20th century, special interest state.

But even setting aside the unconstitutionality of Government's 20th century housing policy for the moment, such redistributionary schemes are philosophically bankrupt as well. A right to housing, as espoused by proponents of this legislation, or a right to more than the fruits of one's own labor, by definition must deprive some other the right to keep the fruit of his or her own labor. Moreover, such a right cannot be a right as it is not enjoyable by all simultaneously. For if each is entitled by right to more than the fruit of one's own labor, one must then ask from where this additional production will come. It is this fallacy that prompted Frederic Bastiat, the brilliant 18th century political-economist to remark: "The State is the great fictitious entity by which everyone seeks to live at the expense of everyone else." Bastiat understood that Government was an agreement entered into for the purpose of protecting one's own property rather than the tool by which individuals could collectively band together to deprive others of theirs.

The problems with Government housing extends even beyond these not-so-insignificant barriers. The economic and practical aspects of such a policy warrant serious scrutiny as well. One must not forget that individuals respond to incentives and incremental measures moving this country further in the wrong policy direction must be actively opposed.

There are those in this Congress who concede that there are serious problems with our Federal housing policy but argue that we must reform it to correct these problems. By incrementally moving in the right direction we can look out for those affected—not just the tenants but the others dependent upon the Government miscreant as well.

This incrementalist approach has not worked in the past and will not work in the future. This bill will not move us incrementally in the right direction. The direction in which this legislation will lead us could be referred to as a continuation of mission creep. An idea for a small program or expenditure, no matter how deserving or well meaning, will only feed an ever-growing appetite for more Government money.

This bill will demonstrate yet again the innate nature of a Government subsidy to grow exponentially. Despite the confident assurances of flatlining the HUD budget for a few years, Government subsidized housing will continue to grow. A GAO report points out that there are an additional $18 billion in FHA insured mortgages at risk. While not a part of H.R. 2 directly, the liabilities associated with the subsidized mortgages on the housing projects and other factors virtually assure it, even if it were not the nature of Government's quest to sate its ravenous consumption of our money.

The social reformers of the New Deal era persuaded a pliant Government to address the issue of unemployment and the needs of the slum dwellers. Presumably, no one bothered to address the responsibility issue. John Weicher of the Hudson Institute explains well the logic that brought us the current situation.

The social reformers of that era chose to ignore market forces, human nature, and the nature of Government. If Government spends enough of other people's money, Government can change lives. "We know better for them than they do—and just how to do it," was the condescending implication.

They claimed that poor tenement housing largely caused the social ills of the urban dwellers. These so-identified breeding grounds of crime, delinquency, disease, mental illness, and worse were regarded as the result of the poor living conditions, not the cause. If Government could give them decent housing, Government could eliminate these problems, they dreamed. That dream has become a nightmare for all too many people—both for the people trapped by the constraints of the public dole and those forced through taxation to pay for it.

The erstwhile social reformers thought Government could eliminate the slums, create jobs in a depression and even encourage home ownership. Through Government, they could realize their dreams. They were wrong.

The United States Housing Act of 1937 established public housing, our oldest subsidy program, in order to create affordable, Depression-era housing for those temporarily unemployed or underemployed, eliminate slums, and increase employment through make-work construction jobs. The Great Depression has long been over, but its misguided largesse and Constitution-circumventing redistribution schemes continue. Of course, we are still paying the deficit—with compound interest—for those jobs despite having institutionalized slum life.

The War on Poverty demonstrated the mission creep. In 1965 government created the Housing and Urban Development [HUD] Agency following the beginning in 1961 of federally subsidized construction of privately owned housing projects. Subsidized housing has now mutated into three forms: public housing, privately owned projects and, section 8 certificates and vouchers for use in privately owned housing. Each of these three forms of Government-subsidized housing makes up roughly one-third of the subsidized housing stock.

Of the public housing projects, over 850,000 of the 1.4 million units were built between 1950 and 1975. Only about 100,000 new units were added to the public housing stock in the last 10 years. These units are built entirely with public funds, and the Federal Government pays part of the cost of operation. Over time, the Federal Government has to pay to modernize these developments too.

However, the local Public Housing Authorities [PHA's] run the projects with such ineptitude in so many cases they are literally run into the ground. Costs to operate the public housing projects are comparable to private housing, according to HUD numbers, only if one does not consider the cost of building the units in the first place—as if the cost of the mortgage on a private housing building should not be a factor in setting the rent.

The Federal Government then picks up the tab for the so-called modernization, or rehabilitation, of the projects as they deteriorate. With this setup, there is no incentive for the local PHA officials to reinvest the rental income back into the units. As a consequence, the local PHA does not maintain them sufficiently, and the tenants suffer a life in substandard housing. Standards that are deemed unacceptable in private housing are somehow good enough in the Government's eyes for those on the lower rungs of the socioeconomic ladder.

The privately owned projects also bilk taxpayers on a grand scale, according to HUD Secretary Andrew Cuomo. He lambastes the fact that the Government is overpaying rents compared to what his department considers Fair Market Rent. HUD is subsidizing rents of $849 a month in Chicago neighborhoods where the market rate is only $435 a month; paying $972 a month in Oakland, CA, against a market rate of $607 a month; and in Boston, Government is paying $1,023 a month vis-a-vis $667 monthly in the private market, he says.

Mr. Cuomo attacks these abuses and decries the State of subsidized housing, but he does not recognize that these abuses are symptomatic of the system he is trying to preserve. "For years we have been trying to grapple with this issue," he tells us and dangles promises of huge future savings if Government tinkers around the edges of an ill-conceived system that tries to cheat the market, tries to circumvent human nature, and ignores the nature of Government subsidies.

His current promises are as false as the promises of his predecessors. One of his successors will 1 day lament the horrible State of subsidized housing he inherited and will promise grandiose reforms that will save billions if Government only passes a future subsidized housing bill.

One of the worst complications of this approach is the builtin disincentives to proper management. Under a convoluted setup, these privately owned projects rely on FHA insurance and a Federal subsidy paycheck to pay for it. Too often, these ill-managed projects deteriorate so quickly that the units are torn down before they pay for their own construction. Under Mr. Cuomo's directives, HUD will decide the market rate concerning its subsidies. The market distortions of the tax code and FHA insurance make the situation worse.

Vouchers and certificates are the best of the inherently flawed approaches. About 80 percent of people with vouchers find suitable housing of their choice—very often at only 40–60 percent of the cost of less desirable public housing. After enacting certificates in 1974 and vouchers in 1983, about 1.5 million households have been served by this approach—1.1 million through certificates and 400,000 through vouchers.

The benefits of the tenant-based approach include the reliance of a quasi-free market competition with the attendant bonuses of lower costs, great efficiency, rewards for personal initiative, and individual choice. Under tenant-based rental assistance, recipients are less likely to live in concentrated poor urban communities that often lack basic necessities: safety, good schools, employment opportunities, access to financial services, and so forth. They have a way out of the trap of project-based public housing units that have become a way of life.

Market incentives through tenant choice put the renters in charge of their housing decisions. They may find the housing of their choice and even keep the difference between the rent and the voucher if they find housing for less than their voucher enabled them. This is not the case with the certificates. Unfortunately, the household remains tied to the State with the contingent constraints and perverse incentives that this arrangement implies.

Unfortunately, H.R. 2 does not address these concerns. It leaves uncertain the "proper" approach to subsidizing housing despite the fanfare of a "new" approach. While formally repealing the 1937 housing act, the mentality remains along with the compendium of problems inherently associated with it.

The bill leaves uncertain whether a "tenant-based approach" or a "project-based approach" will be instituted. In the Washington tradition, a compromise is offered. Again, in the Washington tradition, this bill embraces the worst aspects of both approaches and fuses them together.

This bill tries to "target" their social reforms now. By this Government's attempts to force social reforms through osmosis by luring better role models into the modern slums. Perhaps the Ellen Wilson housing project in Washington, DC, just blocks away from the Capitol, would reassure us as to the benefits of incrementalism. In a city with a waiting list of 16,000 people, Government is spending about $186,000 per unit to build subsidized housing instead of spending less per unit and housing more people.

One would hope that at least such incredible sums are going to the most needy of the 16,000 people waiting for subsidized housing. Yet even those earning up to $78,000 a year could qualify. Incremental social reform is not cost efficient.

The Washington Post wrote on April 24, 1997, that Valley Green, a Washington, DC, housing project built in early 1960's, was launched "to house people displaced by 'slum clearance,' [and] soon became a slum itself, poisoned over the decades by a toxic brew of poverty, rampant vandalism, violent drug dealing, and government neglect * * *. The resulting wasteland, which stretches across 20 acres of silent concrete courtyards and rutted city streets, has come to serve in recent years as a convenient backdrop of politicians looking to cast blame for decades of despair."

This story is very indicative. It is one that has been retold far too many times in too many places. This expenditure has not even provided decent housing to those Government was trying to help. According to HUD inspection general reports, up to 80 percent of the units fail inspections.

It is a story that will be retold again and again if this bill passes. It is a testimony of the effects of Government-engineered social reform of housing. One must not forget the lofty goal of slum elimination of the 1930's that spawned this misadventure. That lofty goal of the 1960's spawned the dreamily named Valley Green. One can only wonder what name Government shall bestow upon the next housing project born under H.R. 2's new legislative regime.

Aside from the simple accounting costs associated with Government subsidized housing, there are other real costs. Unfortunately even this simplicity eludes HUD which routinely demonstrates that it is incapable of understanding basic accounting and accountability. Just this month, a congressionally instigated investigation of section 8 contract reserve accounts discovered $5 billion in addition to the $1.6 billion in excess reserve funds recaptured late last year. I sincerely doubt that the residents of Valley Green, other housing projects and taxpayers think this is a well-run program.

Just since HUD was created, Government has appropriated over $572 billion to the agency. Of course, this figure does not include rents and fees collected by the agency, so that it could be argued that total funding for public housing has been much higher. HUD is budgeted annually around $21.7 billion for each of the next 5 years, but the figure for last year was only $19.4 billion. More money will be wasted.

For fiscal years, 1965–75, the agency's budget authority totaled less than $40 billion. In other words, Government has spent over half a trillion dollars of taxpayers' hard-earned money on subsidized housing in the last 20 years.

Nor has this half a trillion dollars increased the home ownership rates of Americans. The fourth quarter averages of home ownership between 1965–74 averaged 64 percent. Despite such Governmental largesse, fourth quarter rates of home ownership averaged 64 percent between 1965–96. Certainly HUD has not made a significantly positive contribution to the goal of home ownership. They will be able to point to the easily identified few who have been helped at the expense of the less easily identified many who were negatively affected.

One must not forget that the increased Government expenditures derived through taxation have stifled the ability of many would-be homeowners to save for the down payment and purchase the home of their dreams. Instead, they pay the taxes to bankroll the dreams of the social reformers, past and present.

They are paying not only the bills of today but the taxes necessary to pay for the deficit spending dreamed up by previous social reforms. There is a real economic cost to these deficits. The distortions to the free market whereby the most efficient allocations of resources are made. HUD shows us the alternative—and considered enlightened—path to allocating resources better. The HUD bureaucracy consumes valuable resources that are best spent elsewhere. Even the new HUD Secretary concedes very readily that HUD is inefficient and wasteful. Government just needs to give it more time and more money, the Secretary pleads. Of course more time and more money have already cost us too much.

This irresponsible pipe dreaming has contributed to unsound fiscal and monetary policies and introduced new iterations in the business cycle. As the market tries to factor in these Government-spending-induced booms and busts, security against its ravages of higher unemployment and higher interest rates takes their toll. This added cost fuels the cycle which exacerbates the problem.

Not only the taxpayers suffer under this approach. The civil rights of the tenants of subsidized housing are discarded as housing sweeps violative of the fourth amendment are conducted in the name of a misdirected war on poverty and lack of affordable housing.

Of course, it is the middle class and working poor who pay the cost most directly. The rich shelter their money from many income taxes and have their FICA taxes for Social Security capped. This regressive Social Security tax takes an unfair toll on the working poor and middle class. Many more people could afford better housing absent paying for the inefficiencies of the Government's approach to housing.

H.R. 2 is not the solution to our problems. Rather, it is an illustration of the creeping mission of more Government for a longer period of time not fulfilling the dreams of its engineers. This bill is more of the same incremantalism that began in the 1930's. Despite proof that it was not working, we are asked to vote again to throw more money at the problem, give government more control of our lives and reap the rewards.

In the 1960's, Government acknowledged again the failure of the mission and expanded the reach of Government exponentially. With those promises demonstrably unfulfilled, Government find itself again at a crossroads. Continue creeping incrementally towards more Government spending and a loss of civil and economic liberties or the path of freedom. I urge Government to offer liberty.

I do not doubt the compassion and intentions of many of the social reformers, then or now. They are, indeed, well-meaning folks. The problem is that the effects of their good intentions run counter to the aims of their endeavors.

Instead of a safety net that merely prevents a newly unemployed single mother from falling, the public housing project traps her and her family in its net and holds them hostage to the whims of the local Public Housing Authorities. These PHA's are not accountable to her. She has sacrificed her liberty to PHA's that are too often sinecures provided by political cronyism. Tales of their abuse are legendary.

This corrupt scenario produces crime statistics proportionately twice as high in and around subsidized housing projects as in the communities as wholes, according to HUD's Office of Public and Indian Housing. Without the accountability inherent in a market situation, abuses are almost predictable. The public housing projects are but one of the worst examples of flouting the free market and the loss of accountability.

H.R. 2 attempts to improve the lot of those benefiting from subsidized housing and make the bureaucracy less burdensome. Unfortunately, by the time this proposal goes to the floor, so many changes will have been made, compromises accepted and political deals consummated that we end up with a bill in some ways worse than the status quo, as bad as that is.

The end result of this well-meaning attempt to care for those less fortunate is higher taxes, especially on the working poor, slower economic growth, fewer job offers and a reaffirmation of Government's determination to keep tenants trapped in substandard housing whose managers are not accountable to them.

At the same time, those politically astute suppliers of Government housing encourage the continuation of such programs at the expense of the more productive suppliers whose political polish does not place them in he ambit of those doling out the grants.

We should end this misguided approach to such legislation. It punishes all taxpayers with the future additional expense of increased eligibility requirements while limiting further the availability of subsidized housing for those who currently qualify. It rewards special interest favors for the politically connected—both unaccountable subsidized housing managers, department bureaucrats, politically contributing public construction businesses and the landlords cashing above market Government rent checks for substandard housing.

The opportunity that H.R. 2 provides is squandered in an extension of more of the same. While consolidating programs could make oversight easier and bureaucrats and local PHA's more accountable, it is unlikely that this bill will go far enough to address the problems with our subsidized housing programs. New problems resulting from targeting are almost certain. Many of the critics of the left are correct to point out this mean misallocation of funds from the working poor and middle class to tenants with higher incomes than current tenants despite the waiting list.

Only by rewarding individual initiative, choice, responsibility and the resultant accountability can Government reforms better serve the recipients. Of course, only less Government and lower taxes will truly meet those aims.

The CHAIRMAN pro tempore (Mr. LaHood). The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts [Mr. Kennedy].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 261, not voting 9, as follows:

[Roll No. 126]

AYES—163

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—261

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Crapo
Fattah
Flake
Hefner
Schiff
Skelton
Smith (MI)
Watkins

□ 1508

Mrs. MORELLA and Messrs. HASTERT, McDADE, BASS, and LUTHER changed their vote from "aye" to "no."

Mr. WISE changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 126, I had a malfunction of my pager. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. LAHOOD). If there are no further amendments to the bill, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Combest) having assumed the chair, Mr. LaHood, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the

United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, pursuant to House Resolution 133, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KENNEDY of Massachusetts. Yes, Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KENNEDY of Massachusetts moves to recommit the bill H.R. 2 to the Committee on Banking and Financial Services with instructions to reconsider the bill for the purposes of—

(1) improving the income targeting provisions of the bill by reserving more housing assistance for very low-income families of various incomes; and

(2) eliminating provisions in the bill creating unnecessary bureaucracies.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes in support of his motion to recommit.

Mr. KENNEDY of Massachusetts. First, Mr. Speaker, I want to reach out to my good friend, the gentleman from New York [Mr. LAZIO] for the efforts he and his staff, and the efforts of the Committee on Banking and Financial Services staff have made, and all the members of the Subcommittee on Housing and Community Opportunity have made on this bill over the course of the last 3 weeks. This was, I thought, instead of being a housing bill, it turned into a California desert bill.

I think that the bill before us creates the kind of dilemma that some of us will relish and some of us will recognize its time for a decision about what motivates us to run for the Congress of the United States. One choice before us, the choice to include it in H.R. 2, will in fact in some ways fix public housing. It will fix public housing, all right. It will fix the affordable housing programs in America. It fixes them by one easy sign of a pen. That one easy signing of the pen fixes this problem by simply eliminating the poor from eligibility for these programs.

So if we want to look good before the American people and say, listen, we have eliminated all those monstrosities, all those terrible icons that represent Franklin Delano Roosevelt, whose very act H.R. 2 will eliminate, H.R. 2 eliminates the 1937 Federal Housing Act, the basic fundamental protections for the poorest people in this country.

The question before us is not whether or not we should be turning our back on the very poor, it is not to say that the largest single segment of our population, the largest growing segment of Americans, is the very, very poor people of this country. What this bill does is essentially say that we are going to jack up the income guidelines on the housing programs of America, where currently 75 percent of all the units that go out in public or assisted housing go to people with 30 percent of median income or less. What we are going to do is essentially say that not a single unit of public housing will necessarily go to the very poor.

□ 1515

In terms of the voucher program, 80 percent of those units can now go to people with moderate incomes, people earning 35 or $40,000 a year. I say people earning 25, 35 or $40,000 a year ought to have housing programs. They ought to have homeownership programs. In every city across America, banks and insurance companies are looking around for good loans that they can provide meaningful homeownership to those individuals. We ought not to be using the precious resources that are contained in public housing to go to those needs. We ought to be using the precious resources of public housing and the precious resources in the voucher program to go to the needs of the very, very poor.

People will say that we need to reform how we build public housing and how the people are obtained that live in public housing and how many of them go to the very poor. We are going to hear a lot of rhetoric in the next few minutes saying that the Democrats are simply offering a new way of going back to the old way. They are going to suggest that we have not thought about the reforms that are necessary to get public housing out of the terrible condition it is in. It is in terrible condition in some of the cities of this country.

But let us not forget that there are 3,400 public housing authorities in this country. There are 100 badly run housing authorities. There are badly run housing projects. We ought to give the Secretary the capability of going after those badly run housing projects and taking them back. We ought to take control of the badly run housing authorities.

This bill, in the Democratic substitute, eliminated the work disincentives. The Democratic substitute increases the working poor in public housing substantially over a period of 10 years. We will have 50 percent of those units going to people with incomes above 50 percent of median income. But it is the terrible conditions that are going to be in place for the very, very poor.

This country has done something unconscionable. We have said that what we are going to do in terms of balancing the budget is go about doing it by cutting the housing budget of America from $28 billion to $20 billion. We turned around and cut the homeless budget by 25 percent. Then we turned to the public housing authorities and said, "We are going to save you. We are going to save you by allowing you to go out and take some more working families in. We are going to allow you to take up the incomes of the people that come in and charge them more rent."

That is what we have done, but we have not ever solved the problem. So we turn our back on the very poor, we turn our back on the homeless, and then we talk about the wonderful reforms that we are going to put into place.

I say to my colleagues that we can get the reforms in place, we can allow public housing to go to more working families, but we do not have to do it by abandoning the poor, we do not have to do it by turning our back on the homeless. Let us not vote for an antihousing bill. Let us vote for a pro-Democratic housing bill.

The SPEAKER pro tempore (Mr. COMBEST). Is the gentleman from New York opposed to the motion?

Mr. LAZIO of New York. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. LAZIO of New York. Mr. Speaker, I yield to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services who has stood alongside me as we have debated this bill these last 3 weeks.

Mr. LEACH. Mr. Speaker, in considering this motion to recommit I would hope Members on the other side would recognize that the party of liberalism that is doing well in the world is the party of Tony Blair, not parties of extremism that object to free market, to change of programs that fail, to restrained budgets.

Before the House this afternoon is landmark legislation which attempts to balance the need for reform with the needs of the poor. While the authorization number is consistent with the administration's recommendation, some have implied the legislation is skinflinted. Our side would suggest it is an attempt to reform rather than eviscerate public housing; to change a partially failed system without walking away from the needy.

Mr. KENNEDY's approach would knock out of public housing programs most families of four with two parents holding minimum wage jobs. It would make it exceedingly difficult for two single parents in public housing with jobs to consider marriage because they would lose their housing benefits.

In the last century two English political philosophers, Jeremy Bentham and James Mill—the son of John Stuart Mill—advanced a doctrine of utilitarianism—the guide of which was the precept, "the greatest good of the greatest number."

Modern day liberals have abandoned 19th century progressive philosophy and replaced it with the notion of constituency politics, of targeting programs to groups without reference to their effect on society as a whole. The effect has been the development of a dependency cycle, which the new majority in Congress is attempting to break, and this bill is part of that effort.

Mr. LAZIO of New York. Mr. Speaker, in these last few minutes of this debate after 3 weeks of having this bill on the floor with over 60 amendments, this body is about to make a choice about the direction in which we are going to begin to address not just shelter but the core issue of poverty. Because the bill that we have before us today is not just about shelter. It is about trusting local communities. It is about ensuring that there is accountability. It is about getting value for our dollars. It is about transforming communities. It is about addressing some of the toughest issues that we have in America today.

Yes, it is absolutely true that we will never be able to legislate an end to poverty from this House. There will be no bill that will be signed that will end poverty. The best that we can hope for is that we will begin to put in place a set of incentives for work, for family, for local control, for responsibility, and for accountability that will begin to mobilize the huge potential of human resources that we have in our own communities. There are those in this body on both sides of the aisle that believe we should tap into that huge human resource, that we should trust local control. In this bill we protect the poorest of the poor, but we also say that local housing authorities ought to have more choice so they can deal with their own problems.

This is one of the public housing projects, not in some third world country but in America today. It is perversely called Desire in New Orleans. Last year when we were debating this bill, out of a score of 1 to 100, HUD gave this public housing authority a score of 27. Can my colleagues imagine if one came back and talked to his family and said to his mom, dad, grandma, or grandpa, I got a score of 27 on my test, year after year after year. They would say, "I think we ought to sit down and make some changes."

That is not the worst of it. The worst of it is in the year that has followed to this year, that score has not budged. That means that is another year in which young children are condemned to this situation of despair, this sense of no opportunity, of failure. Today we have something important to say with H.R. 2. We say this: We will end the disincentives to work, we will end the disincentives to families, we will provide flexibility, because we stand with families, we stand with working people, we stand with local control and we stand for ending poverty in all the communities throughout America. Vote for H.R. 2.

The SPEAKER pro tempore. Without objection, the previous question was ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 293, noes 132, not voting 8, as follows:

[Roll No. 127]

AYES—293

Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOES—132

Abercrombie
Allen
Baldacci
Barrett (WI)
Becerra
Berman
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez

Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kucinich
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Maloney (CT)
Maloney (NY)
Markey
Martinez
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOT VOTING—8

Andrews
Flake
Hefner
Kasich
Kleczka
Schiff
Skelton
Watkins

☐ 1543

Mr. FORD changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KASICH. Mr. Speaker, on rollcall No. 127, I was inadvertently detained in a budget meeting. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent that in engrossment of the bill, H.R. 2, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

☐ 1545

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. COMBEST). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RECOGNITION OF CUSTOMS AND INS INSPECTORS AS LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. REYES] is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I rise today on behalf of the men and women, officers and inspectors of the Immigration and Naturalization Service and the U.S. Customs Service and ask all of my colleagues to support H.R. 1215 which was recently introduced by my friend and colleague, the gentleman from California [Mr. FILNER]. This bill will grant the same law enforcement status to inspectors of the INS and Customs as all other Federal law enforcement officers. This action is long overdue, in my opinion.

The inspectors of the INS and Customs carry a badge, a gun, and are exposed to the same rigors, challenges, and dangers of any other law enforcement officer in the United States. Last year alone, there were more than 280 million border crossings, all requiring inspection and many escalating into violent conflicts, yet we have not provided our inspectors with the same benefits and security as other law enforcement officers. I know firsthand what these inspectors are asked to deal with on a daily basis.

I spent 4 years as an inspector at the various ports of entry around El Paso, and I can tell my colleagues that I sympathize with these men and women who put their lives on the line each and every day.

In the past 2 years, 140 inspectors have been assaulted along our Nation's borders. During fiscal year 1995, we had 88 assaults on our inspectors. During fiscal year 1996, there were 52. I think it is important, Mr. Speaker, that we recognize that on any given day, our officers, our inspectors at those ports of entry are subject to being attacked and being injured.

It is time that we recognize these courageous men and women and provide them with the benefits that they have earned and rightfully deserve. I urge all of my colleagues to support H.R. 1215. It is time we recognize the inspectors of INS and Customs as law enforcement officers.

Mr. Speaker, at this time I yield 2½ minutes to my colleague, the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding. I am especially honored by his support of this legislation. His stature as a former chief patrol agent in El Paso is recognized around the Nation. The gentleman knows the problems, he has been effective in dealing with them, and I again appreciate joining with him in this legislation.

Mr. Speaker and colleagues, in the spirit of National Police Week, I rise to honor 43 courageous U.S. Customs and Immigration and Naturalization Service inspectors who were killed in the line of duty, and honoring at the same time the inspectors who currently perform the same dangerous work the others died doing. The most recent of these brave officers to fall are Customs Inspectors James Buczel and Timothy Cal McCaghren, and INS inspectors Reynaldo DeLaGarza and Tammy Aamodt. The inspectors' names are engraved in the wall of the National Law Enforcement Memorial here in Washington, DC. Yes, I said the National Law Enforcement Memorial. Yet, as my colleague stated, while they lived and while they did their job, they were not considered law enforcement officers. Only when they died did they get that honor.

My bill, H.R. 1215, will finally grant the same status to U.S. INS and Customs inspectors as all other Federal law enforcement officers and firefighters.

These inspectors are the country's first line of defense against terrorism and the smuggling of drugs through our borders and our large international airports. My district is home to the busiest port of entry in the world: 200,000 people a day cross the border in San Ysidro, San Diego. The inspectors face daily dangerous felons and disarm people carrying every weapon imaginable. Shootouts with drug smugglers happen all too frequently.

Because of the current lopsided law, INS and Customs lose vigorous, trained professionals to other law enforcement agencies and also lose millions of dollars in training and revenues that experienced inspectors help generate.

It is time we value our INS inspectors and Customs inspectors, both living and dead. I urge the support of H.R. 1215 to correct the unequal treatment of these Federal law enforcement officers.

Mr. Speaker, I yield back to my colleague, the gentleman from Texas [Mr. REYES], who knows all too well the valor of these fine Federal employees.

Mr. REYES. Mr. Speaker, it is indeed an honor and a privilege for me, knowing exactly what these men and women go through each and every day as they carry out their duties at the frontline of defense for this Nation.

I again would like to urge all of my colleagues to support H.R. 1215. It is time we recognize the inspectors of the INS and Customs for the law enforcement officers that they truly are.

STEP 21—RESTRUCTURING OUR HIGHWAY FUNDING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, I rise on an issue that is of great concern to the Nation this year, the restructuring of our system of highway funding.

Earlier this year, with the help of my colleagues, the gentleman from California [Mr. CONDIT], the gentleman from Indiana [Mr. BUYER], the gentleman from Indiana [Mr. HOSTETTLER], and many others, I introduced the ISTEA Integrity Restoration Act, H.R. 674, also known as the STEP 21 proposal.

Our bill has 101 cosponsors and it is very bipartisan. It has strong support in the Senate and has a bipartisan coalition of 20 State departments of transportation behind it. The Southern Governors Association has endorsed STEP 21, and many private sector industries and associations have mobilized behind our bill.

H.R. 674 accomplishes four primary objectives. First, it maintains a strong Federal role in transportation by funding the national highway system as the key responsibility. Under STEP 21, 40 percent of a State's funds must be spent on NHS roads or bridges.

Second, it simplifies and makes more flexible the Federal highway program by consolidating the myriad of existing highway programs into two, the national highway system program and the streamlined surface transportation program. Within these programs, Federal funds may still be spent on all ISTEA activities that are currently allowed. This means CMAQ enhancements, bridges, et cetera. However, removing the mandated Federal setasides gives States and local transportation officials the flexibility and responsibility to decide on what, when, where, and how much to spend to meet the individual and diverse transportation needs.

Third, our bill updates the antiquated Federal funding distribution formulas. Currently, outdated factors such as 1980 census figures and postal route mileage are used to determine each State's share of highway funds. We believe formulas should be based on need.

The Federal Highway Administration issued a scientific study that defines need in a statistically accurate manner to show what factors are related to road maintenance needs. The top three factors are: vehicle miles traveled, annual highway trust fund contributions, and lane miles. H.R. 674 uses these three factors, which demonstrate where highways are actually being used, in allocating resources to the States.

Fourth, our bill creates an objective, simple method of distributing highway funds among the States that strikes a more equitable balance between taxes paid and funds returned. We ensure that all States receive at least 95 percent return on the payments made to the Federal highway trust funds. States like Texas have been shortchanged for too long.

Over the life of ISTEA, Texas taxpayers received 77 cents back for every dollar they contributed to the highway trust fund. Clearly there is a need for greater equity where States like Massachusetts receive $2.41 back for every dollar they put in. However, in order to guarantee that we maintain a strong national road system, our bill also has provisions to ensure an adequate level of resources for highways in low population density States that do not have the tax base to support their needs.

This point leads me to one other issue. Many have characterized supporters of STEP 21 as a southern State coalition or a donor State coalition. Our provisions to protect the current highway funding levels of low population States were included specifically to reach out to nonsouthern and nondonor States such as Montana, Wyoming, and New Hampshire. Further, while the STEP 21 coalition includes many southern States, it also includes nonsouthern and nondonor States such as Wisconsin, Minnesota, and Nebraska.

In sum, we call our bill the ISTEA Integrity Restoration Act because we believe it restores the original intent of ISTEA to promote State flexibility and to direct dollars where the greatest need exists. It strikes the appropriate balance between the national interests in highways and the rights and responsibilities of each State.

I look forward to continue to work with the Committee on Transportation and Infrastructure and the rest of my colleagues on this legislation as it develops.

GENERAL LEAVE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

OFFICER BRIAN GIBSON TAX-FREE PENSION EQUITY ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, come tomorrow, we will be celebrating the 16th annual National Peace Officers Memorial Day, and the President of the United States is going to be here on the west front. I am sure, regardless of party, many of us are going to be out there to honor slain police officers. It is the culmination of National Police Week, and I come to the floor this afternoon to encourage my colleagues to do something more than mourn slain police officers.

I have sponsored the Officer Brian Gibson Tax-Free Pension Equity Act of 1997. This is a bill that has almost no fiscal consequences, but it would allow the families of officers killed in the line of duty to receive survivor benefits tax-free.

We already allow officers who retire on disability to receive their benefits tax-free. Surely we would want to this year erase the disparate treatment between officers who still live, but are disabled, and survivors of officers who have been killed in the line of duty. Is this small deed merely honorific, or is it necessary?

□ 1600

I got the idea, Mr. Speaker, when Officer Brian Gibson was killed a few months ago. I learned that this officer was only 28 years old and had left infants behind. Then, right after that, two more officers were killed. Each had young children, ages 5, 3 months, 3 years. Each of them had been on the police force only a few years; 3 years, 4 years.

Even though a slain police officer gets generous treatment because he gets a larger percentage of his pension than he would otherwise get, even getting half of the pension you have earned when you have only been on the force 4 or 5 years is not going to pay the mortgage, it is not going to put the kids through college.

There is going to be a lot of rhetoric tomorrow, as there has been all week, about our officers who have given up their lives to protect us, and well there might be, because in a real sense going out on these streets today is going to war. This is not cops and robbers. It used to be that. They had a gun, you had a gun. Indeed, our police were able to take care of what needed to be done.

Today, as we saw in the shootout in California a few weeks ago, they have outgunned our police officers, or, as in the District in recent weeks, they are so brazen as to engage in execution or assassination of police officers.

What do we say to a young widow? If you go to three funerals in a row, as I have, and you cry and talk about how sorry you are, then what are you going to do? One of the things I am going to do, I assure the Members, with another bill that I have written, is to get the Federal police officers outside of these Government buildings so they give some aid to the D.C. police, who then can go into the high crime areas and perhaps protect policemen like Officer Brian Gibson who was not protected, as he was in the District by himself and alone in a police car.

If Members want to do something besides talk about it, besides mourn about it, let us think of these families and take this bill, which has de minimis cost. I do not think it would even register. I have every reason to believe it would not. I have done some preliminary checking.

Let us move forward and say we are going to do something this 16th Annual National Police Officers Memorial Day. We are not going to come up with remedies that do not work. We will not divide over who is for gun control or who is not for gun control. We are going to lay down our weapons. Our weapons are our debating points.

We are going to come together on the proposition that when a police officer goes out here with his life on the line, and when he gives it for his community, at the very least we are going to stand up on this Congress and we are going to say, we are going to take care of your family. We assure you, we are going to take care of your family.

Since we do not pay for police officers but we do tax them, we promise that as we do not tax officers who retire on disability, we will not tax your wife and your children who are left here by themselves. We will pull back, with almost no cost to this extraordinarily rich Government, and say, this is our contribution to the family that has been left behind.

It is a small, I concede, a small point and a small bill, but for that very reason I think we would want to mark National Police Week this week with this bill that of course is supported by Members. It is bipartisan, and I urge support from both sides of the aisle.

STEP 21 HAS SUPPORT FROM LOCAL GOVERNMENTS AND METROPOLITAN PLANNING ORGANIZATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BUYER] is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I appreciate the remarks of the gentlewoman from the District of Columbia [Ms. NORTON], and her comments.

Mr. Speaker, the topic I would like to talk about today is on STEP 21. The main point is specifically that local governments and the metropolitan planning organizations do in fact support STEP 21.

I want to give a special recognition and thank the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for their work on STEP 21. The continuous and bitter battle over transportation funding has caused a great amount of misinformation to be spread all around.

Those who endorse the status quo, whether they are against the flexibility to the States or enjoy the funding inequities of the formula, they have tried to mislead Congress and others into believing that local government and the MPOs, the metropolitan planning organizations, are opposed to STEP 21.

I have letters of support here that I will place into the RECORD from those who support STEP 21, the first being in particular the mayor, Mayor Goldsmith of Indianapolis. His quote is, ". . . as the mayor of one of the Nation's largest cities, I enthusiastically support the STEP 21 proposal."

The Association of Indiana Counties say that STEP 21's features will give the ability for them to make ". . . funding choices that make sense for our counties, not the one-size-fits-all approach of current law."

The Evansville Urban Transportation Study, which represents the MPO for southern Indiana: "The STEP 21 legislation continues to support strong planning through the continuation of support for metropolitan planning organizations."

Mayor Heath of Lafayette, Indiana: "It is important for you to know that the State of Indiana, in partnership with its local governments, supports the STEP 21 effort."

The Indiana Metropolitan Council: "The Indiana MPO Council represents the 12 urbanized areas of the State of Indiana. This letter extends the MPO Council's support of STEP 21 legislation."

Obviously, Mr. Speaker, the statements that local governments and MPOs are opposed to STEP 21 is false. As a matter of fact, it is an outright lie for those who endorse such a statement. I urge all of my colleagues to look past the misinformation being spread around.

STEP 21 preserves all of the current law's local planning authority. Indiana is just one example of a State where the governments, the organizations, and residents are well-informed and understand that STEP 21 maintains the role of local governments and MPO's in making the transportation decisions that affect their communities.

One of my continuing priorities as a Member of Congress is to pull in the reins of a massive Federal Government to ensure that decision making be returned to the States and local governments. I abhor the Washington-knows-best mentality where the massive Federal Government has control over the decisions that should be made at the local and State levels.

I would not be here this afternoon endorsing the STEP 21 bill if it removed the decision making of our State and local governments. STEP 21 not only brings fairness and equity to the funding distribution formula, it allows the local governments and the MPO's to have control over the decision making process of their own local communities. STEP 21 should pass this House, and it is a worthy cause to bring flexibility to the States, fairness in the equity funding formula. I again salute the gentleman from Texas [TOM DELAY] and the gentleman from California [Mr. CONDIT].

CITY OF INDIANAPOLIS,
Indianapolis, IN, April 18, 1997.

Hon. DAN COATS,
U.S. Senate, Washington, DC.

Hon. RICHARD G. LUGAR,
U.S. Senate, Washington, DC.

DEAR SENATORS COATS AND LUGAR: As the debate moves forward on the reauthorization of federal transportation programs this year, much is being said about the impact on local governments of the Streamlined Transportation Efficiency Program for the 21st Century, or STEP 21 proposal. It is important for you to know that as the mayor of one of our nation's largest cities, I enthusiastically support the STEP 21 proposal.

STEP 21 preserves all of the current law's local planning authority as well as all current funding guarantees for urban areas. In as much as STEP 21 would direct more funding to states like Indiana, urban areas like Indianapolis will be guaranteed more funding for our much needed transportation infrastructure projects. An added bonus of STEP 21's streamlining and flexibility features will be the ability for us to make funding choices that make sense for our community, not the one size fits all approach of current law.

I appreciate your efforts in working toward passage of the STEP 21 program, which finally directs a fair share of transportation funds to our state and its communities.

Sincerely,

STEPHEN GOLDSMITH,
Mayor.

ASSOCIATION OF
INDIANA COUNTIES, INC.,
Indianapolis, IN, April 23, 1997.

Hon. STEVE BUYER,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BUYER: As the debate moves forward on the reauthorization of federal transportation programs this year, much is being said about the impact on local governments of the Streamlined Transportation Efficiency Program for the 21st Century, or STEP 21 proposal. It is important for you to know that as an association of county officials, the Association of Indiana Counties enthusiastically supports the STEP 21 proposal.

STEP 21 preserves all of the current law's local planning authority and funding guarantees. In as much as STEP 21 would direct more funding to states like Indiana, local governments will be in line for more funding for our much needed road, street and bridge projects. An added bonus of STEP 21's streamlining and flexibility features will be the ability for us to make funding choices that make sense for our counties, not the one size fits all approach of current law.

I appreciate your efforts in working toward passage of the STEP 21 program, finally directing a fair share of transportation funds to our state and its cities, towns and counties.

Sincerely,

BETH O'LAUGHLIN,
Executive Director.

EVANSVILLE URBAN
TRANSPORTATION STUDY,
Evansville, IN, April 25, 1997.

Representative STEVE BUYER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BUYER: The Evansville Urban Transportation Study (EUTS) represents the Metropolitan Planning Organization (MPO) for southern Indiana. This letter extends the EUTS Policy Committee's support of the STEP 21 legislation, Streamlined Transportation Efficiency Program for the 21st Century, which is being considered by Congress.

The STEP 21 legislation continues to support strong planning through the continuation of support for metropolitan planning organizations. Additionally, STEP 21 will guarantee state and local governments a minimum return of 95 cents on the dollar (rather than the 82 cents Indiana now receives). STEP 21 provides funding formula guarantees to urban areas of 200,000 plus population, and continued agreement with the Indiana Department of Transportation (INDOT) will allow STEP 21 to benefit the urban areas of less than 200,000 in population. It is important that large and small urban areas continue to be represented through the MPO process.

The EUTS Policy Committee strongly supports the return of more federal funds to local and state uses. STEP 21 provides the people of Indiana with an opportunity to continue their participation in a cooperative planning process and to receive back, in the form of transportation infrastructure, a higher return of the dollars sent to Washington, DC.

Please support the STEP 21 program. The additional revenue would assist Indiana and other donor states in meeting the many challenges it faces in addressing future economic, social and infrastructure needs. I respectfully appreciate your support.

Sincerely,

ROSE M. ZIGENFUS,
Executive Director.

CITY OF LAFAYETTE,
OFFICE OF THE MAYOR,
Lafayette, IN, April 24, 1997.

Hon. ED PEASE,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE PEASE. In this year's reauthorization of federal transportation programs I want you to know of my support for getting a fair share of federal highway funds for Indiana. I believe that the STEP 21 (Streamlined Transportation Efficiency Program for the 21st Century) program is the way to accomplish that goal.

It is important for you to know that the State of Indiana, in partnership with its local governments, support the STEP 21 effort. I appreciate your efforts on behalf of the STEP 21 program which will bring a fairer share of our highway taxes back to Indiana communities.

Sincerely,

DAVE HEATH,
Mayor.

MPO COUNCIL
July 16, 1996.

Congressman PETER J. VISCLOSKY,
Cannon House Office Bldg.,
Washington, DC.

DEAR CONGRESSMAN VISCLOSKY: The Indiana Metropolitan Planning Organization (MPO) Council represents the twelve urbanized areas of the state of Indiana. This letter extends the MPO Council's support of the STEP 21 legislation (Streamlined Transportation Efficiency Program for the 21st Century) which is currently being drafted by a consortium of states nationwide, and considered by Congress.

The STEP 21 legislation continues to support strong planning through the continuation of support for metropolitan planning organizations. Additionally, STEP 21 will guarantee state and local governments a minimum return of 95 cents on the dollar (rather than the 82 cents Indiana now receives). STEP 21 provides funding formula guarantees to urban areas of 200,000 plus population. The MPO Council also represents urban areas of under 200,000 in population. It is important that large and small urban areas continue to be represented through the MPO process.

The Indiana MPO Council strongly supports the return of more federal funds to local and state uses. STEP 21, as described in this letter, provides the people of Indiana with an opportunity to continue their participation in a cooperative planning process and to receive back (in the form of better highways) a higher return of the dollars sent to Washington D.C.

Please support the STEP 21 program as described. The additional revenue would assist Indiana in meeting the many challenges it faces in addressing future economic, social and infrastructure needs. We respectfully appreciate your support.

STEP 21, THE NEXT LOGICAL STEP TO ISTEA IN REFORMING TRANSPORTATION FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CONDIT] is recognized for 5 minutes.

Mr. CONDIT. Mr. Speaker, as our transportation needs change going into the 21st century, our current funding formula dating back to 1916 needs to be updated. H.R. 647, STEP 21, is a commonsense approach to reforming transportation funding that simplifies and reduces the complex ISTEA program and funding set-aside. STEP 21 is not a substitute bill for ISTEA. It represents the next logical step to ISTEA. Our focus is strictly on highway funding. Our purpose is to create equity among the States. It is time to fix an outdated funding formula. We need to strike a balance between equity and meeting our transportation needs.

STEP 21 ensures a true 95 percent return on States' contributions to the Federal highway trust fund. In California, STEP 21's funding formula would mean an additional $500 million per year over the life of ISTEA. California deserves a better rate of return. When we factor out emergencies and transit funding, California receives 86 cents on the dollar, and that is wrong. The question is one of equity, and it is time for California to receive her fair share.

The argument is not whether the Federal Government should play a role in administrating the highway program, it is how big, how big the Federal role should be. It is time to allow States and local officials the flexibility to solve their own unique set of problems. STEP 21 gives local governments more flexibility without endangering CMAQ or enhancement programs. It allows them to decide how to best spend the money, whether it is in improving the air quality, improving traffic problems, or building more bicycle trails.

It does not change current MPO structures. Under STEP 21, MPO's will continue to receive the same set-aside they receive under ISTEA. It is time for greater equity and more local control. It is time for STEP 21.

Mr. Speaker, I would like to also commend the gentleman from Texas [Mr. DELAY] for his leadership in this area. He has done great work for us. I believe that the country will benefit from us passing STEP 21.

WHY STEP 21 AND ISTEA IS GOOD FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, as a Member from a so-called donor State, I rise in strong support of the STEP 21 program. This program would permit each State to receive a far more equitable return on what is paid into the Federal highway trust fund. My State, Tennessee, has received only 78 cents for every $1 we have contributed over the last few years. This is not fair, and it is not right. With the passage of STEP 21, each State will be assured of at least a 95 percent return on its contribution to the Federal highway trust fund. Not only will STEP 21 benefit Tennessee, but it will benefit the entire Nation by providing a consistent economic benefit for all States.

In addition, STEP 21 lets the States decide where they want to spend their highway trust fund allocation. Tennesseans do not need Washington to dictate to them what they need and how to spend it. Every State has different needs, and every State is capable of providing for their own funding in this way, making the decisions.

This proposal provides the flexibility, the STEP 21 proposal provides the flexibility to tailor transportation solutions to their particular circumstances by returning the decisionmaking to the State and local levels. Mayors, county executives, Governors, and other elected officials from around the country have endorsed the flexibility of STEP 21 because they would have the power to determine how transportation dollars are spent.

One area of the present law which needs to be changed is the one dealing with the metric system. Last year I introduced H.R. 3617, which was a bill to amend the National Highway Designation Act relating to metric system highway requirements. Instead of reintroducing this bill, I am going to attempt to add the language of this to the current ISTEA legislation.

This language would repeal the mandate that all Federal-aid highway design and construction be performed in metric. Under this legislation, the choice of whether to use the metric system in design and construction of Government projects would be left to the discretion of the States, as it should be. My proposal could conceivably save hundreds of millions of dollars.

For example, just one medium-sized Tennessee contractor told me that it will cost his company alone more than $1 million to convert forms and equipment and train his employees to comply with these metric mandates. In addition, another company in my State told me that its cost of conversion would be a minimum of $3 million.

When I asked the Congressional Research Service to see if there were any estimates on how much this conversion would cost across the Nation as a whole, the only answer they could come up with was that it could not be determined, but it would be in the billions.

There are companies in every State which face many millions in similar costs if something is not done. Many small- and medium-sized businesses and even a few large American companies are being hard hit by the metric requirements, all for the convenience of a few extremely large multinational companies which do not really need our help.

Some people say we must convert to the metric system of measurement because most of the world has done so. In my opinion, this is simply not a good enough reason to cost American taxpayers and consumers hundreds of millions of dollars. These requirements do not make our roads one bit better. Simply, the benefits of these metric requirements do not outweigh their costs.

Removing this metric mandate will go a long way to help small business. We have never been afraid to be a special and unique Nation in the past, Mr. Speaker. So to say that we must go metric because most other nations have is just not a good reason, either.

Mr. Speaker, I urge my colleagues to support STEP 21. By doing so, they will be supporting fairness and equity in our highway funding system. I urge their support for STEP 21.

I would also like to commend the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for their leadership on this issue. We need the STEP 21 legislation to put fairness and equity back into our highway funding system.

STATEMENT IN SUPPORT OF STEP 21

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. GOODE] is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, I rise in support of STEP 21, and also commend the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for their leadership and work on this issue.

There is an old saying in the Fifth District of Virginia that the best way to figure out where to build a new sidewalk is to look for the worn path through the grass. That saying applies equally well to the construction of roads.

In my district, which is geographically larger than some States, there are barely 30 miles of interstate highway and what amounts to miles and miles of well-worn paths through the grass and across the creeks and rivers and through the mountains.

Those well-worn paths are the roads that comprise the transportation network of the Fifth District of Virginia, a network that inhibits economic development, endangers our citizens who travel the roads, and were built for far less traffic than they are asked to handle today.

Yet, in this fiscal year, it is estimated that Virginia will receive only 81 cents in transportation funds for every dollar in gas taxes that we pay to Washington. Last year that amount was 74 cents for every dollar paid.

In fact, over the course of ISTEA, Virginia will receive an average of only about 83 cents for every dollar Virginians send to the Federal highway trust fund. And so today I rise in support of STEP 21. STEP 21 is a bipartisan proposal. It adopts a funding formula to more equitably distribute the money that Americans pay as gas taxes. STEP 21 assures that every State will receive at least 95 cents on the dollar. STEP 21 will make ISTEA's promise of funding fairness a reality.

Mr. Speaker, as the House continues to consider ways in which to create an intermodal transportation network that will treat every State fairly, that will increase safety on the highways, and that will create opportunities for economic development, I urge my colleagues to support STEP 21, the ISTEA Integrity Restoration Act.

IN SUPPORT OF STEP 21 PROPOSAL

The SPEAKER pro tempore (Mr. COMBEST). Under a previous order of the House, the gentleman from Texas [Mr. TURNER] is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, I rise in support of H.R. 647, the STEP 21 proposal, and I join my colleagues in thanking the gentleman from Texas [Mr. DELAY] and the gentleman from California [Mr. CONDIT] for the leadership that they have given on this very important issue. STEP 21 is an effort to bring equity and fairness to the financing of our highway systems in this country.

Each of us have our individual list of highway needs. As I look at the Second District in Texas that I represent, I know we are working hard to try to bring about the Interstate 69 project, which is a vital corridor from mid-America into and through Texas to Mexico to access the markets opened by NAFTA.

We have projects like Interstate 10 that are badly in need of repair, where a very dangerous curve has cost the lives of several individuals. We have projects like loop projects in the city of Cleveland, projects that cannot be funded unless we adequately and fairly fund our highway system.

As a former member of the Texas Senate, I know how important Federal highway funds are to our States; and it is for that reason that I think it is even more important that that funding be fair and equitable.

Since 1992, Texas has received back only 77 cents of every dollar that Texans contributed to the Federal highway fund. That is not fair, that is not equitable, and that is not consistent with the highway needs of Texas or any other State that is short-changed under the current formulas.

This policy is not only bad for Texas, it is bad for the country, because it is true that contributions to the Federal highway trust fund, those gasoline taxes that we all pay, are reflective of highway usage in our States. STEP 21 would ensure that every State gets back at least 95 cents of every dollar that we pay in Federal gasoline taxes to the Federal highway trust fund.

STEP 21 also ensures greater flexibility in the expenditure of funds by our States. Having come from the Texas legislature, I trust Texans to know what is best for Texas highways, and I think this proposal gives our States the kind of flexibility that they need and they deserve to meet their growing transportation needs.

This is not just a question of regional equity. This is a question of national interest. All of us depend upon a good system of transportation. The traffic that flows from Texas to the East Coast or to the West Coast is equally important to all of us. We cannot build a transportation system that is sufficient to meet the needs of this country unless we are willing to do away with the outdated and inefficient formulas that are in the current law.

Texas and other States who have been contributing more than they are getting back want some relief. And in these times of tight budgets, when we are working hard to balance the Federal budget, and when those Federal dollars are shrinking, it is even more important that the limited dollars that we have be passed out in a fair and equitable manner.

I hope that this Congress will see fit to enact H.R. 647 because it will bring fairness to all of our States by improving the Federal transportation system that we all depend on.

STREAMLINED TRANSPORTATION EFFICIENCY PROGRAM FOR THE 21ST CENTURY (STEP 21)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BOYD] is recognized for 5 minutes.

Mr. BOYD. Mr. Speaker, I also rise and want to thank the gentleman from California [Mr. CONDIT] and the gentleman from Texas [Mr. DELAY] for giving us the opportunity to address this issue of transportation funds.

Twenty-five States have received less than they put into the highway trust fund, and 17 States have gotten back less than 90 cents on the dollar. When that happens, the Federal highway program is clearly broken.

Personally, I am also cosponsoring a piece of legislation called the Transportation Empowerment Act that would return most of the highway program dollars to the States. However, because of our makeup here in Congress and particularly in the Senate, that is a piece of legislation which probably will not move as STEP 21 will. So I am also supporting STEP 21. I think that is the logical mainstream proposal that can fix the existing problems in the current law while still maintaining an appropriate Federal role in highways.

It is intriguing to me that as we stand here, 3 years from the 21st century, that we are dealing with proposals in our Federal highway funding program that uses formulas that date back to 1916. These two particular formula factors that we are talking about, lands area and postal route mileage, come from a time when the national highway system did not exist, for obvious reasons; there were not any cars. In fact, the national highway system did not come into effect until 1956.

Mr. Speaker, I believe that these two factors, land area and postal route mileage, may have made some sense in a time when we were trying to get our horse and buggy out of the mud, but today they have little value at a time when we are trying to get our cars out of traffic. I would just like to remind my colleagues that what we are dealing with here is a gas tax, not a hay tax for horses.

I applaud the fact that the administration has stepped up to the plate and released their own plan for the reauthorization of ISTEA, which is called NEXTEA, but I want to remind you that this proposal is a giant step in the wrong direction.

The proposal maintains a State guarantee payback from the highway trust fund is at 90 cents, 90 percent, 90 cents on the dollar. However, I would like to remind my colleagues that over the last 5 or 6 years, even though we were guaranteed 90 cents return in ISTEA, Florida has averaged 77 cents on the dollar in gas taxes cents to Washington that would come back to Florida to help us with our roads. That is unacceptable.

According to the U.S. Department of Transportation's own calculations, the funding allocation under ISTEA for the State of Florida during the fiscal years 1991 through 1997 was approximately 4.28 percent. Under the NEXTEA proposal, those numbers will move to 4.08 percent. Certainly, that is less money. I am in the situation, Florida is in the situation with many other States in that we will be getting a much smaller slice of a larger pie, and that is not acceptable.

Proponents of NEXTEA have been arguing that 49 States also receive more dollars. But as I said earlier, that is simply because we have more dollars in the pot to carve up and we, in fact, will be getting a smaller slice. As a longtime donor State, Florida has consistently worked to provide greater funding equity in the Federal highway program. This legislation, STEP 21, is a clear step in the right direction, while also giving States more flexibility over how best to meet their individual transportation needs.

STEP 21 is a streamlined, commonsense approach to the current Federal program. It replaces a 40-year-old program, a program which was put in place to build an interstate highway system, and it replaces a system with a more decentralized approach that will allow the States to the respond to changing statewide needs with adequate resources.

STEP 21 streamlines the program's structure, increases State flexibility and provides financial equity. STEP 21 will guarantee a return of at least 95 cents on the dollar back to the States. It does that through allocating 40 percent into a Federal highway pot, and then it takes 60 percent and returns it to the States through a new streamlined surface transportation program.

Many opponents argue that it will derail such programs as congestion mitigation and air quality programs and also transportation enhancement programs, such as bicycle trails and pedestrian trails. That simply is not true. There is nothing in this piece of legislation that prohibits those programs from going on.

I would like to remind my colleagues that the CMAQ, that is congestion, mitigation, and air quality program, is governed by the Clean Air Act, and actually, it is the Clean Air Act and not the Transportation Act that governs that.

Mr. Speaker, I would like to remind our colleagues that if we truly believe that we ought to have a government that is closer to the people, that the dollars ought to stay back in our States where they can best be used by local folks.

BROWNFIELDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. MALONEY] is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Mr. Speaker, I yield to my colleague from Connecticut [Mr. SHAYS] for introductory remarks.

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Connecticut [Mr. MALONEY]. We have collectively between us 10 minutes and we would like to take this opportunity to talk about legislation that the gentleman from Connecticut, the Fifth Congressional District, and I have introduced dealing with old industrial sites, abandoned sites that are not in productive use in urban areas. These sites, called brownfields, are the issue that we intend to address tonight and, in fact, address in our legislation.

There are about 500,000 brownfield sites around the country in urban areas. These sites are old industrial areas that are basically lying fallow. Legislation that the gentleman from Connecticut and I have introduced attempts to address this issue. I would just say before yielding back to my colleague for a longer statement, in the city of Bridgeport, CT, last year the Clinton administration provided a grant of $200,000 for us to inventory all these old industrial sites called brownfields. This $200,000 was leverage for another $2 million that helped us categorize, inventory, and begin to clean up these sites on a unified basis.

This was an initiative primarily of the Clinton administration backed by Congress. Our legislation seeks to add from the $36 million appropriated by the administration and Congress an additional $50 million to begin to categorize, classify, and clean up these sites.

At the center of this legislation is the gentleman from Connecticut [Mr. MALONEY] who has time now and I will have later so we can have a dialog. I would thank the gentleman for allowing me to make this introduction and tell the gentleman that it is really a pleasure to work with him on a bipartisan basis to begin to help do this very important thing, bring businesses back into urban areas to create jobs and to pay taxes by helping to clean up these sites.

□ 1630

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman.

I thank the gentleman for his help and cooperation, his partnership with me in bringing forward this legislation. It is deeply appreciated.

Mr. Speaker, breathing new economic life into Connecticut's communities and stimulating growth across our Nation is my top priority in the U.S. Congress. I strongly believe we can stimulate economic growth by cleaning up contaminated industrial sites and returning them to productive use. This process, known as brownfields cleanup, allows a community to turn a barren site, once unusable by business due to concerns of sky-high cleanup costs, into valuable land that can be fruitful for years to come.

What is genuinely attractive about this process is that the entire community shares in the benefits: Area businesses acquire new land for investment. Connecticut families have new jobs. Cities and towns gain tax revenue. Local homeowners enjoy increased property values. And everyone benefits from a cleaner environment.

Turning brownfields into productive properties will have a substantial positive impact on Connecticut's future prosperity and on the prosperity of every other State in the Nation as well.

Currently, due to contamination, hundreds of thousands of industrial properties across the country are idle, and some actually have negative land value because of excessive cleanup costs.

The Naugatuck Valley, located in my district in Connecticut, was known as the Brass Valley because of its tremendous level of metal fabrication industry. Today, however, it is home to 20 percent of the brownfields sites listed by the State of Connecticut Department of Environmental Protection.

While the Naugatuck Valley was once a booming industrial area, it is now the home of a shrinking job base, abandoned industrial sites, and chronic economic challenges with unemployment rate that hovers at nearly 10 percent.

The gentleman from Connecticut [Mr. SHAYS] and I have introduced bipartisan legislation that will aggressively address the situation and help communities like those in Naugatuck Valley thrive again. The Brownfield Economic Revitalization Act of 1997 empowers communities and residents to identify local contamination and provides them with the resources necessary to attract private investment.

By working with the EPA and the Department of Housing and Urban Development, towns and community organizations will have the ability to pay for site assessment, will have access to redevelopment grants and revolving loan funds, and will be able to leverage State, local, and private funds for redevelopment and job creation.

The act will also allow qualified taxpayers and businesses to deduct cleanup costs in the year incurred, a major new tax incentive.

I would like to share with my colleagues the success of the Waterbury Mall cleanup, which is a model of how cleaning up a brownfield is worth each and every dime.

SUCCESSFUL BROWNFIELDS CLEANUP

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MALONEY].

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentleman.

Following its closing after years of industrial activities of a brass manufacturer, a 100-acre factory site fell into disuse in the city of Waterbury. I worked to secure funding for the environmental cleanup of the site. Once clean, the site was made available to the private sector for reuse. This fall the residents of Waterbury will see the opening of one of the largest retail shopping malls in all of New England.

This new-use, successful brownfields cleanup will add hundreds of millions of dollars to Waterbury's tax base and will create 4,000 new jobs in Connecticut. The brownfield approach can of course also be used for commercial and industrial reuse and even for public recreation.

In Derby, CT, for example, we are working to reclaim an old industrial waste site known as O'Sullivan's Island for a combination waterfront park and marina. The O'Sullivan's Island project will both reclaim a valuable environmental asset and draw thousands of people every year to downtown Derby.

Successes like the Waterbury Mall and the planning now under way for Derby, can and should be replicated across the country. The Shays/Maloney Brownfields Economic Revitalization Act will ensure that that happens. It will ensure that communities and businesses have a more streamlined process which will allow them to stimulate economic growth. It will attract needed investments and stimulate welcome activity. Connecticut's, and America's, businesses, employees, homeowners and families need and deserve this legislation, and I and the gentleman from Connecticut [Mr. SHAYS] are committed to making it a reality for all of us.

Mr. SHAYS. Mr. Speaker, our legislation increasing the funding from $37 million to $87 million would provide a $200,000 maximum grant to each site assessment and redevelopment plan. It enables a community to go out throughout the community and determine what are the brownfields in their community, why these buildings are not being developed.

In some cases they will find the absence of knowledge has led people to stay away. When they come and make a more thorough review of these sites, they realize they do not have the contamination problems they might think they have, and the community is able to promote the development of this land. This money also becomes a leverage to bring in private money as well as State and local money.

It also provides a capitalization revolving loan fund of $500,000 each in addition to the $200,000 grant. We also are providing in our legislation $25 million to HUD for each of the next 4 years to provide for brownfield activity to leverage some of the State and local and private funding.

I think one of the most important features of this is that it provides tax incentives. A business that comes in can expense out in the year of cost the cleanup of the sites, which makes it far more attractive to a business so that they can recoup their costs much earlier and not have to amortize it over 10, 20, 30, 40, or 50 years.

Mr. Speaker, we have seen the success that has happened, that it has provided Bridgeport. We are seeing the kinds of success in cities like Waterbury with cleaning up old industrial sites. We are looking to make brownfields into greenfields. I cannot emphasize enough the need for allowing businesses to see land in urban areas as having a positive land value, not a negative land value.

Mr. Speaker, I yield to the gentleman from Connecticut [Mr. MALONEY].

Mr. MALONEY of Connecticut. Mr. Speaker, I just conclude by making an observation that frequently people have suggested that economic development and environmental protection are inconsistent. What this legislation does is clearly demonstrate that we can accomplish both goals simultaneously. We can in fact take property that has been environmentally degraded, put it back to use, clean it up from an environmental perspective and then, putting that property back to use, stimulate and encourage and expand economic growth.

This is legislation that is good for the environment. It is good for the economy. It is good for the people of this country. I urge my colleagues to support it.

Mr. SHAYS. Mr. Speaker, we are eager to have cosponsors on this legislation. This is bipartisan. It is a Democrat and Republican bill. It has the endorsement of the President of the United States and the cooperation of the EPA. This in fact is legislation they would like to see become law, like to see these additional funds. We are looking forward to seeing it become law.

DISASTER INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I take this time today to talk about a couple of issues. The first one is disaster insurance and the problems that most of the States that I am familiar with, Florida, California, have with the fact that today we cannot get reinsurance in terms of casualty and property insurance for those kinds of disasters and catastrophic events that occur in our States.

Many of the States along the coast particularly of this country, whether that be the Gulf of Mexico or the Atlantic Ocean, have tremendous exposure to hurricanes. Hurricanes can do tremendous damage. In Florida a couple of years ago we had a hurricane known as Andrew. Andrew caused $16 billion worth of damage by going through a section south of Miami known as Cutler Ridge. If that hurricane had gone through Fort Lauderdale, we are told by experts that that hurricane would have caused $40 or $50 billion worth of damage. If it had gone through Miami downtown, Lord knows how much it would have cost, but it would have been a lot.

In California within a couple of weeks of Hurricane Andrew they had a relatively mild earthquake but serious enough to cause about $12 billion worth of damage. We are likely to see hurricanes and earthquakes, particularly big earthquakes, in California that will be staggering in total losses in terms of the entire damage done in the next few years in these cataclysmic events that occur, hopefully, only once in a lifetime or once in a century. But when they occur they do enormous damage.

There is a need because the insurance capabilities of private insurance and the States are not capable of dealing with it. There is a need to have Federal involvement. That is why I introduced legislation known as H.R. 230, which would address this problem by providing a national form of reinsurance for those who provide the kind of catastrophic coverage and property and casualty coverage in hurricanes and earthquakes and other natural disaster situations.

The way this legislation would work would be that first of all there would have to be a $10 billion or greater total loss in the natural disaster to trigger the involvement of the Federal interest. Then, when that occurred, there would be a trust fund set up in the Treasury Department, and that trust fund would be created by the sale of reinsurance contracts to insurance companies who do this kind of business at an auction, an auction set by a commission which would be developed under this legislation.

Mr. Speaker, that auction would result in premiums for the contracts being paid yearly by the insurance companies into this trust fund. Then, when we had a disaster of $10 billion or greater all together, for the next $25 billion in losses up to a $35 billion disaster, the trust fund moneys would come into play and the Treasury would pay out of the trust funds on a pro rata basis to the insurance carriers the reinsurance proceeds.

This would enable a more orderly process to take place in States and in localities where these catastrophic events take place, and would eventually allow, I believe, for there to be a lowering of the insurance premiums that are now going through the roof for homeowners and business owners in these affected States. I think that it is very important that our colleagues take a look at this legislation. I would invite cosponsorship of it.

I would hope that we could move a bill of this nature or something similar to it through this Congress this session. The gentleman from New York [Mr. LAZIO], chairman of the Housing Subcommittee, has been on the floor a lot the last few days as this bill and a similar product that he has introduced and cosponsored, as he has cosponsored mine in his committee. We are looking forward to the kind of support that will allow us to proceed to get this type of law enacted.

I might say that every State is affected by this because, if we get a pool of insurance moneys for reinsurance like this in the Treasury that is accumulated by premiums being paid by insurers, it is going to save the taxpayer money in the event of major losses.

We are talking about a supplemental appropriation now for disasters in flood prone areas and so forth. We are always going to have Federal money being spent when you have a major disaster.

If we can have an insurance pool like this that is stimulated to fill a void in the market since there is no private reinsurance to speak of for this purpose now and could lower insurance premiums for individual homeowners and businesses at the same time, we will have done two things: One, we will have helped people get insurance and afford insurance in States where catastrophic incidents and disasters occur. We will also have protected the taxpayers from losses that will occur when disasters occur and somebody comes knocking on our door for assistance.

Last but not least, in the few remaining moments I have, I would like to point out that in the Subcommittee on Courts and Intellectual Property, where I serve, a hearing is going on now dealing with the subject of judicial activism. That is a somewhat controversial topic, but a few weeks ago there was a publication, an article in Human Events, which is a known periodical, on the subject of the constitutionality of impeaching judges for going too far, for not performing in good behavior, a very scholarly work.

I do not know what that line should be. I will include for the RECORD the article from Human Events that I am referring to to be incorporated:

[From Human Events, Apr. 11, 1997]

CONGRESS SHOULD THROW THE BUMS OUT

(By Robert J. D'Agostino and George S. Swan)

House Majority Whip Tom DeLay (R.-Tex.) recently gave voice to what many conservatives all across America have been thinking for years: Judges who flout the Constitution should be impeached, through the means provided in the Constitution itself, by a majority vote in the House followed by a two-thirds vote in the Senate. "As part of our conservative efforts against judicial activism," DeLay said, "we are going after judges."

But Senate Majority Leader Trent Lott (R.-Miss.) poured cold water on the fire DeLay had lit when he told the Washington *Times* that he would not consider impeaching a judge who had not committed a crime. "Not me," said Lott.

But it is DeLay, not Lott, who understands what the Framers intended to be the true constitutional role of Congress in curbing abuses of power by federal judges.

The impeachment of federal judges is a matter of congressional will. Article III, section one, of the Constitution provides that federal judges, including the Justices of the Supreme Court, "shall hold their Offices during good behavior." This is in addition to the right of Congress to remove "all civil officers" for "treason, bribery, or other high crimes and misdemeanors."

The phrase "good behavior" commonly is associated with the English Act of Settlement of 1701. That act granted judges tenure for as long as they properly comported themselves. The historical basis and the current perceptions of this language (good behavior) alike signal that the standard applying to federal judges "is higher than that constitutionally demanded of other civil officers," according to Harvard Law School Professor Laurence H. Tribe in this treatise "American Constitutional Law."

Justice Joseph Story, who served on the Supreme Court from 1811 to 1845, was of a similar view and expressed concern about judges yielding "to the passions, and politics, and prejudices of the day." It may be inferred that good behavior means fidelity to the Constitution, although Prof. Tribe might have a noninterpretive definition of fidelity.

As U.S. House of Representatives Minority Leader Gerald R. Ford (R.-Mich.) told the House on April 15, 1970, regarding a bid to impeach Supreme Court Justice William O. Douglas:

"What, then, is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office. Again, the historical context and political climate are important; there are few fixed principles among the handful of precedents."

An energetic Congress can make sufficient time to impeach errant federal judges. In 1989 the House impeached and the Senate removed both U.S. District Judges Alcee L. Hastings and Walter Nixon.

In a decision resulting from a procedural challenge by Walter Nixon to his impeachment, the Supreme Court stated, "A controversy is non-justiciable—i.e., involves a political question—where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it." (*Nixon* v. *United States*, 1135 Ct 732 [1993]) In other words, there is no judicial review of the impeachment process.

Impeachment is, in fact, the Court said, "the only [effective] check on the Judicial Branch by the Legislature." To suggest as some have that a legislative check on the judiciary (for other than criminal acts) would eviscerate the principal of separation of powers is absurd. The presidential veto allows the executive to check the legislative branch; the two-thirds override and the power of the purse allow the legislative to check the executive; and the Article III jurisdictional control of federal courts by the legislative and the legislative impeachment powers allow a check on the judiciary.

Founding Father Alexander Hamilton in "Federalist Paper No. 81" envisions Congress' impeachment power as a check on legislating from the bench. While discussing the reasons for considering the judicial the weakest of the three branches of government, he wrote: "And this inference is greatly fortified by the consideration of the important constitutional check which the power of instituting impeachments in one part of the legislative body [the House], and of determining upon them in the other [the Senate], would give to that body upon the members of the judicial department. This is alone a complete security. There can never be danger that the judges, by a series of deliberate usurpations on the authority of the legislature, would hazard the united resentment of the body intrusted with it, while this body was possessed of the means of punishing their presumption by degrading them from their stations. While this ought to remove all apprehensions on the subject, it affords, at the same time, a cogent argument for constituting the Senate a court for the trial of impeachments."

Of course, Hamilton was wrong when he said that judges would never usurp the powers of the legislature. Perhaps this is because Congress has refused the employ that check on the judiciary which he explicitly considered it to possess.

What then is good behavior? It is what Congress decides. There is no textual limitation in the Constitution, and thus its meaning must be left to the branch of government, the Congress, charged with the responsibility to apply it. Certainly, disregard of the plan meaning of the Constitution and the usurpation of the legislative authority are examples of misbehavior. Prof. John Baker of Louisiana State University Law Center suggests that a usable guide for deciding whether a judge has violated standards of good behavior is "if on matters pertaining to the Constitution he or she has regularly rendered decisions which can be reasonably characterized as based on 'force' or 'will' rather than merely judgment. A judge exercises 'force' or 'will' rather than judgment on an issue . . . if his or her decision is not reasonably based on the explicit text of the Constitution, one of the Amendments or evidence of the intent of the Framers and ratifying bodies of the pertinent part of the Constitution or Amendment."

In other words, Prof. Baker suggests that if a judge behaves arbitrarily and capriciously, that is, without the constraint of law, he ought to be impeached. We concur.

AN ISSUE RELATIVE TO H.R. 1469

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, tomorrow this House is going to take up H.R. 1469, which in its major part is an emergency appropriation bill to help the flood victims in the western part of the States, particularly North Dakota, deal with a very tragic situation.

Within that bill, in title I of that bill, section 601 of that legislation makes a major change in the procurement policy under which our Bureau of Engraving and Printing operates which has never been considered by either the Committee on Government Reform and Oversight under the leadership of the gentleman from Indiana [Mr. BURTON] nor the Committee on Banking and Financial Services under the leadership of the gentleman from Iowa [Mr. LEACH].

□ 1645

Neither of the authorizing committees dealing with this subject has held so much as a single hearing on the issue that is before us and, therefore, it has no place in an appropriations bill and is clearly not an emergency matter related to the victims of national emergencies.

Now, the provision involved in section 601 requires that the Treasury Department must give capitalization subsidies to companies that are interested in becoming new suppliers of currency paper to the Bureau of Engraving and Printing. Capitalization subsidies, Mr. Speaker, are cash payments for new equipment or new facilities in order to manufacture paper. The amount of such cash payments could reach as much as $100 million.

The manner in which this change in our law would be imposed, a change, remember, that has never been considered by either of the authorizing committees, the Committee on Government Reform and Oversight nor the Committee on Banking and Financial Services, the law would apply special provisions of our longstanding procurement laws of this Nation that were designed to induce proposals where there is no willing supplier of a commodity or a product that the Government needs and provide these cash subsidies, these capitalization subsidies, in order to induce such suppliers.

Well, there are and have been over the years willing suppliers. There is a willing supplier now and there have been on other occasions other willing suppliers. So we do not have the circumstances of the Government not having a willing supplier, and so the proposal to change the law is before us.

Section 601 also makes another change. It changes the Conte rule that had been promoted and established in 1989, under my predecessor in the first district in Massachusetts, which set the foreign ownership that could be involved in the manufacture of the American currency at 10 percent and changes that so that it can be anything up to 50 percent.

Now, our American currency is right at the very core of our national security and, actually, our sovereignty. And most Americans, I think, believe that we should be very careful about how we deal with our currency. Well, what is the purpose of a change in the Conte law? Well, it is not as has been suggested, that no American company can vie for the contracts because they have greater than 10 percent of foreign ownership.

There is absolutely no evidence that a change in the Conte law is necessary for American paper companies to qualify as Bureau of Engraving and Printing suppliers based on their own percentage of foreign stockholders. There have been no hearings held on that. There has been no evidence taken before either the Committee on Government Reform and Oversight or the Committee on Banking and Financial Services to suggest such a thing and, in fact, the latest RFP to go out from the Treasury Department on this point has said 56 American manufacturing companies have been invited to make bids on the next set of contracts on American currency paper. All of our U.S. currency paper contract solicitations are already open solicitations and anyone can bid.

In fact, what the change in the Conte law would do is allow joint ventures with foreign national currency maker paper suppliers to get into the American currency manufacturing business.

Mr. Speaker, I ask unanimous consent for 2 additional minutes.

The SPEAKER pro tempore (Mr. BATEMAN). The Chair is not permitted to entertain the gentleman's request. The rules do not permit me to do that.

VIRGINIA IS PARTICIPANT IN STEP 21 COALITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. GOODLATTE] is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I rise today to speak in favor of H.R. 674, also known as the STEP 21 proposal. Like the 21 other States participating in the STEP 21 Coalition, Virginia is what is called a donor State. That means Virginia gets back less than $1 in highway funding for every dollar we send to Washington each year in gas taxes; only 79 cents for each dollar we contribute, to be exact.

Other States are given the rest of Virginia's contributions because of an unfair funding formula set forth in the current Intermodal Surface Transportation Efficiency Act, or ISTEA. This unfair formula costs the State of Virginia and other donor States hundreds of millions of dollars each year.

Under the current formula, some States receive more than double the money they contribute to the trust fund. Massachusetts, for example, receives $2.49 for each dollar it collects in taxes at the pumps. Connecticut has a nearly 168 percent return on its tax payments to Washington. As a result, Virginia families are forced to subsidize transportation projects in these States and many others. While States with large areas and small populations may need to receive more money than they contribute, many of the States on the receiving end of the current ISTEA funding formula are there because of politics and not because of fairness.

Every week, as I drive back and forth from Washington to the Sixth Congressional District of Virginia, I see many unmet transportation needs. In the sixth district, road projects, such as widening Interstate 81, building Interstate 73, and improving Route 29, all need funding.

Building and maintaining a system of roads is vital to creating jobs and continuing economic development in our region. The STEP 21 proposal will improve Virginia's ability to maintain and improve its transportation system by ensuring that all States, not just Virginia, are guaranteed at least 95 cents return for every dollar sent to the highway trust fund.

STEP 21 would also guarantee the integrity of the National Highway System, recognizing the ongoing Federal interest in interstate mobility, economic connectivity, and national defense.

The other major component of STEP 21, besides the NHS, would be a streamlined surface transportation program which would provide flexible funding to allow States to respond to their specific State and local surface transportation needs without the current unnecessary Federal restrictions. By ensuring a return of at least 95 cents of every dollar for Virginia, STEP 21 would enable important transportation projects across the commonwealth to move along at a faster pace.

Ending an unfair funding formula and giving State and local governments more flexibility in transportation issues are critically important steps for this Congress to take. I urge my colleagues to join the STEP 21 Coalition and support a more equitable, flexible, and streamlined Federal transportation program that benefits the vast majority of States across the Nation.

TEXAS PARTICIPATES IN STEP 21 COALITION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. GRANGER] is recognized for 5 minutes.

Ms. GRANGER. Mr. Speaker, I rise today to join my colleagues in support of increased funding equity for donor States in the new ISTEA legislation.

Most parties agree the 1991 ISTEA law has been successful, and there is strong support for ISTEA reauthorization. The current ISTEA's major strengths are its balance of national priorities with State and local decision-making and its emphasis on the interaction between the different modes of transportation. The current ISTEA's major weaknesses are the funding inequities between the States and the complexity of the program formulas.

My State, Texas, is one of the States that does the worst in the current highway funding formulas. For every dollar we send to Washington in gasoline tax we receive only 77 cents back for new roads and bridges. In fact, Texas is currently tied with Indiana, Kentucky, and Florida for the third worst return on our highway investment.

The reason for this is that the basic ISTEA funding formulas are ultimately not based on need or equity; rather the formulas are based on historic highway funding shares from the days when the United States was focused on completing the Interstate Highway System. These antiquated formulas are significantly favoring the northeastern States and need to be revised.

The committee's challenge will be to balance the needs of restructuring and refining ISTEA and making its formulas more equitable for all States while preserving many of the best qualities. I have joined the gentleman from Texas [Mr. DELAY], our majority whip, and 104 Members of the House of Representatives as cosponsor of the STEP 21 plan to ensure that every State receives at least 95 percent of its Federal contribution back from Washington.

The STEP 21 plan creates a national highway system program which is apportioned on a need-based formula, and a streamlined surface transportation program which is apportioned according to a State's contribution to the highway trust fund.

The STEP 21 plan is a bold proposal. It presents a challenge to Congress to produce legislation that simplifies the programming's structure and increases funding equity but still allows funding to be spent on environmental quality, safety, and enhancements. Transit is not affected by the STEP 21 plan.

If this Congress is going to move our Nation's transportation infrastructure into the 21st century, the new ISTEA bill needs to form a partnership between the Federal Government, the States and local planning organizations that makes it easier and faster to construct highway and transit projects. This means building on ISTEA to make the highway and transit funding categories more flexible so that States, metropolitan areas, and transit authorities can make the most of their limited Federal resources.

My colleagues may ask why is funding equity so important to Texas and other donor States. When most people think of transportation, they think in terms of its impact on their daily commute, the errands they run, and the traffic on the way to their kids' school. But the quality of the transportation infrastructure and transportation systems in our communities really have a much greater impact on our lives than we realize.

Transportation and transportation-related activities account for one-sixth of the national economy each year. That is over $1 trillion a year. For every $1 billion spent on highways, 42,000 jobs are created. These quality jobs range from highway construction to construction service and supply to retail businesses. The condition of the transportation infrastructure in our communities has an enormous impact on whether businesses decide to locate in that area, what products are available and job creation.

Inadequate roads cost businesses and motorists thousands of dollars each year. In the Nation's 25 largest urban areas, traffic congestion costs motorists a staggering $43 billion annually. Moreover, driving on substandard roads costs Americans an additional $21.5 billion annually in extra vehicle costs, including wasted fuel, excess tire wear, and extra maintenance and repairs. In short, areas with strong transportation networks tend to be growing areas; places with neglected and decaying infrastructure tend to be places that businesses and people are leaving.

That is why it is so important to keep our national transportation network strong as we approach the 21st century. This is why the Federal Government must play a major role in transportation. Neither the States nor the private sector alone can produce the efficient system of infrastructure that assures the efficient movement of goods, services, and people.

Given the importance of transportation to our economy, Congress must challenge itself to find ways of increasing the amount of Federal resources available for transportation infrastructure improvements, even at a time when the need to balance our budget is so critical. As the only Republican from Texas who serves on the Committee on Transportation and Infrastructure, I am committed to making funding formula fair for all States.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1053

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 1053.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HEALTH INSURANCE FOR THE NATION'S CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. OLVER].

AN ISSUE RELATIVE TO H.R. 1469

Mr. OLVER. Mr. Speaker, I am very grateful to the gentleman from New Jersey for allowing me to finish the statement that I was doing earlier under his time.

As I was saying, under the section 601 of the bill, H.R. 1469, the emergency appropriation bill which we will deal with tomorrow, there is a change in the law proposed and promoted by my predecessor Silvio O. Conte which would allow the American currency to be made by a joint partnership that had up to 50 percent foreign ownership, rather than the original law, as it was, that would allow only 10 percent ownership.

□ 1700

The reason for that is that it would allow joint ventures with foreign national currency paper suppliers. The provision in section 601 has been specifically designed to give the currency production for our American currency over to the most likely foreign player, Thomas De La Rue, the British currency maker. De La Rue is more than a billion dollar a year business that has a monopoly on the supply of currency paper to the British Government. By policy of the British Government, no American company nor even another British company is allowed to bid and compete on the British currency paper contracts.

A capitalization subsidy to such a new supplier is particularly unfair because it is a foreign manufacturer who has a monopoly in their own market. It is actually unfair for any new supplier where there is already a willing supplier, and it is certainly outside our present procurement law. It is especially unfair when it is being given to a very large company, a goliath of paper companies.

These are American taxpayer dollars we are talking about for these capitalization subsidy payments, and it is hardly the way to use our taxpayer dollars when we are trying to balance the budget.

In a final irony, we tomorrow will vote on a so-called Buy American amendment which is offered by the gentleman from Ohio [Mr. TRAFICANT]. All of us will vote for that amendment, and then in very short order we will be asked to use American taxpayer dollars to subsidize turning over the manufacture of the American currency to the monopoly in their own market British currency maker.

American taxpayers deserve better than to be asked to pay for massive capitalization subsidies for foreign companies to make our currency, and I hope that tomorrow we will not adopt section 601 of H.R. 1469 when the matter comes up before us.

Mr. PALLONE. Mr. Speaker, at this point what I would like to do is to move into the issue of kids' or children's health care. Before I do that, I just wanted to say that Democrats in general have been concerned for almost 2 years now, and have put forth as part of their families first agenda an effort and a program to try to cover the 10 million children in these United States that do not have health insurance coverage at this point.

We have been very upset, I would say, over the fact that the Republican leadership really has not made an effort to address the concern of children's health care. In fact, over the last 2 weeks what we have seen sort of on the opposite end is an effort to cut money for the Women, Infants and Children's Program, the WIC Program, which hopefully will be addressed tomorrow when the supplemental appropriation bill comes up but still has not been adequately addressed by the Republican leadership.

Just by way of background, last month the Republicans on the Committee on Appropriations, largely along party lines, voted to limit the funding for the WIC Program. For those who do not know, the program provides milk, formula, and other nutritional benefits for our Nation's children. It is short about $76 million for this fiscal year. Most of the request, actually, for this funding to make up for the cut, most of the request came from the Governors of our 50 States, many of whom, the majority of whom actually are Republican.

Today when the supplemental appropriations bill came up on the floor to be debated for the first time and the rule was being considered, we saw the Republican leadership essentially playing a shell game with the fate of approximately 180,000 children who need the WIC Program and are not going to be funded if we do not get this additional money. What the Republican leadership did, basically, was to tie additional funding to WIC to this controversial rule and effectively gag all debate on any further amendments to meet these Governors' requests for additional WIC funding.

I cannot emphasize enough how important this WIC Program is. There are certain States like Nebraska and Arizona who have already begun to cut off nutritional assistance to many children because they are not getting this money that is needed. Believe me, more States are going to be following suit very soon if we do not have some action on the WIC Program.

I think it is important because, again, WIC is a priority. The Republican leadership has not made it a priority any more than they have made the issue of children's health care a priority. Many of us in our Democratic task force on children's health care have been complaining now for several months about the fact that the Republicans have not addressed this issue.

Last summer, Democrats began beating sort of a drum on the need to provide assistance to working families with uninsured children. This is primarily a concern of working families, because if they are of very low income, then they are eligible for Medicaid for their children. But if they are not, if they are above the Medicaid threshold, and in that case most of the people are working, then they are not eligible for Medicaid and they are not able many times to cover health insurance for their children.

About a month ago, the Democrats finally called on the Republican leadership to move forward with a health care proposal by Mother's Day. Mr. Speaker, Mother's Day passed and the Republicans still have not produced anything. So our Democratic task force basically developed a plan of our own.

I would like to go into some of the details of this plan but I am just going to briefly, if I could, mention some of the important points. Then I would like to yield to the gentlewoman from Oregon [Ms. FURSE] because she has developed a very important part of this overall package.

Let me just say that the Democratic proposal consists of, first, an outreach program to cover the 3 million kids eligible for Medicaid who are not currently enrolled. Of the 10 million children that are not covered by health insurance right now in the Nation, approximately 3 million are actually eligible for Medicaid but for one reason or another are not enrolled, so we have an outreach program to cover them.

Second, we are expanding Medicaid to make sure kids are covered year round when they are enrolled. What happens now is oftentimes, every 3 months or so, there will be a review of the child to see whether or not they are eligible for Medicaid. That has created a lot of disruption and caused a lot of kids to not be covered by health insurance. What we are saying is that if they are eligible for Medicaid, that the child stays in the program for at least 1 year.

Then we have a Medikids grant to help cover more children in working families beyond the Medicaid Program. We are estimating that this could help working families up to $48,000 a year in income for a family of four.

Then we have the insurance reforms to provide access to children-only health insurance policies. The gentlewoman from Oregon will explain that in more detail. Basically what that involves is, for those who cannot afford private health insurance, to make sure that they have access to it for their children.

Lastly I wanted to mention that what the Democrats are putting forward as part of our health care proposal for kids guarantees that the funds in the balanced budget agreement go directly to covering as many kids as possible. I want to commend the President. The proposed budget agreement which we will probably consider next week on the House floor does provide for a certain amount of money, I think it is estimated to be about $17 billion over the next 5 years, to provide expanded coverage for children's health care. But we as Democrats want to make sure that this money goes directly to cover as many of these 10 million children as possible.

With that, I yield to the gentlewoman from Oregon.

Ms. FURSE. I thank the gentleman for yielding.

It is an enormous shock, is it not, to realize that 10 million American children have no health insurance? To me it just feels like that is a big national security issue. We are very, very keen to create weapons systems. But, my goodness, what about those children who if they do not get health insurance early will really suffer from a lot of diseases and conditions that could have been easily met? Where I want to congratulate the gentleman on having pulled together the task force and to work with the gentleman is terrific, because we are trying to reach those 10 million children.

What my bill does, and it comes, as always, out of constituents who have called and told me what is going on in their lives. What my bill does is it makes sure, it requires insurance companies who handle medical insurance to offer a package that is affordable and is a kids-only policy. What is affordable? We could all talk about what is affordable, but what is not affordable is a family plan that is $400, $500 a month for a family who maybe have lost a job, who cannot use their COBRA benefits because they cannot afford it. But what is affordable is a policy that we have in Oregon which is $34 a month. That will cover a child from birth to 18 years in Oregon. That is the way it goes. It is $34 a month. That allows for the family like the family who called me and said,

> Congresswoman, we cannot allow our children to have a normal childhood. We don't let them climb trees because we're afraid if they fell out of a tree and got hurt, we wouldn't be able to afford to take them to a doctor. I raise my kids out in the country.

I cannot imagine what it must be like to be a parent and say to your kid that they cannot do normal kid things because we do not have health insurance for them.

Part of our Democratic package, and I think the gentleman is absolutely right, the Democrats decided this was a crisis, this was an issue that we had to deal with and that was, take care of those 10 million children. Part of those 10 million could be covered under this health insurance policy that we would require insurance companies to create. It would mean that those children whose parents, and 62 percent of the children without health insurance are children whose parents are working people. They go to work every day. They are not sitting on their couches watching television. They are going to work, but their employer does not provide them with health insurance or they just cannot afford it but they are not eligible for Medicaid. They would be able to buy this $34 or $35, whatever we could make available.

My bill, the part we have included in the Democratic package, will also provide that you cannot say, Well, this child has a preexisting condition, we're not going to cover them. We are building on the Kennedy-Kassebaum bill which we passed, bipartisan bill, last year, saying it is not fair to say to people, Because you have a preexisting condition, you can't get insurance. Those are the people who need insurance. Think of the children with diabetes who need to have good medical attention, and they would be covered, because these families could afford that affordable care but they are not eligible for Medicaid.

I am pleased that we are going to be able to offer something from the Democratic Caucus that will provide for those 10 million children. Again I think what we are dealing with is a national security issue. If we do not have healthy children, we do not have healthy adults, we do not have people who can be the best and the brightest that they could be. That is a real loss to this country, it seems to me, and that is why we must step forward, we must say this is a priority, we are going to fund these things. Of course my bill does not require any government funding. It just makes available to those families who really want to look after their kids, they want to do the best for their kids. I am very pleased it is in the package and I am very pleased that we have stepped forward and said we as Democrats are going to take care of kids.

Mr. PALLONE. I wanted to say that what the gentlewoman is saying about this being perceived as a national security issue I think is very legitimate because the bottom line is that the number of uninsured children is growing. I keep pointing out to my colleagues, my constituents as well that a few years ago when the President took up the issue of health care and was trying to put together a universal health care plan at the Federal level, he was doing it because he realized that the number of uninsured in general in the country was growing. We had figures then by the year 2000 there were going to be, I do not know how many, I think then it was 30, now it is 40 million uninsured and it would be even higher by 2000. That problem has not gone away. The number of children that are uninsured continues to grow. We had information from the Children's Defense Fund which has been one of the organizations that has been taking a lead on this issue, and they said that back in June 1996, which is when the Democrats first started to put together this families first agenda that they just gave an exponential chart about how the number just continued to grow. Since 1989, the number of children without private health insurance has grown by an average of 1.2 million every year, or 3,300 a day. If this trend continues, there will be 12.6 million children without private coverage by 2000.

What the gentlewoman is saying about this being a national security problem I think is totally legitimate. Of course it is true for a lot of adults as well, but particularly for children it makes no sense not to cover them because it is their future, it is the future of the country, plus it is very cheap. As the gentlewoman pointed out when she was giving some figures about Oregon and what it takes if you have a children-only policy, it is unbelievable how inexpensive it can be, particularly if you are just covering kids.

Ms. FURSE. As a parent, and I know the gentleman is a parent of small children, I am a grandmother, what we know is that we do not sleep well at night if we know that our children do not have that security. It is security, it is the knowledge that if they should become ill or if we just want to keep them healthy, we have that opportunity to go to.

□ 1715

Mr. Speaker, we have the very best medical system in the world, but if our children cannot access that medical system, it does not matter how good it is. We have got to make sure that it is available to everyone, not just the rich, not just the very poor, but those working families who care so much about their kids and want to do the right thing for them, and they cannot pay the rent and the food and this very, very expensive insurance.

So, if we can provide them something that will take some part of those 10 million, then with our Medigap, Medikids Program that we are going to put forward, and with this outreach that you described so that everybody who is eligible will be able to access Medicaid, I think we could do the responsible thing.

Mr. PALLONE. I agree, and I want to thank you for pointing out in particular how right now the private insurance field does not necessarily allow the people or does not make it affordable enough for people to buy insurance policies just for their children.

Basically, if you look at what our task force has proposed, we are sort of looking at this 10 million children and we are trying to sort of attack it from different points of view because we realize it is a complex problem. It is not something that you can address in just one stroke, so to speak. And as I mentioned before, you do have about 3 million who actually are eligible for Medicaid, and I know that when we tried to get a little information about why those 3 million are not on Medicaid, we got different reactions. We found out, first of all, that the people, many cases the parents of those 3 million, are both working because of the bureaucracy, perhaps of not knowing how to, either not having the information or not having the time or not thinking it is worthwhile, they are just not knowledgeable enough or do not have enough time to enroll their kids. Plus, people are very proud.

Mr. Speaker, Medicaid, unfortunately I think, is viewed by many people as sort of a welfare program handout, and so in many ways it has a negative connotation that people think that they should not apply for it if they are working, that somehow it is a handout. And I think that is wrong, but you know it takes a certain amount of education to make people understand that it should not be viewed that way. So then you have that component.

Then you have the expansion of Medicaid; in other words, right now there are many States that take Medicaid up to a certain percentage of poverty but do not take it beyond that in order to attract Federal funds. So what we like to do is expand the Medicaid Program to higher levels to take in more people at higher levels of poverty or percentage of poverty.

And then with the Medikids Program, we are giving the States the matching grants to capture people up to 48,000 in income. Now some people would say to themselves, well, gee that is high, 48,000, but surprisingly I think the estimate was that there are something like 1½ million children out of that 10 million that are not covered that are with parents who make above that 48,000, above the 300 percent of poverty. So the only way that we are going to attract those people is essentially what you have put forward, which is to make some changes in the private insurance program so that we can attract some people who just have not been able to afford it for whatever reason.

And I know that in New Jersey, 48,000 may sound like a lot of money, but it is not if you have two children or more and, you know, if maybe only one parent is working and the other one is staying home with the kids. It is not unusual for people to find out that they cannot afford health insurance.

Ms. FURSE. Or if you have two people working at minimum wage. You know, my goodness. We struggled so hard last year to get a minimum wage increase, you know, against so much opposition to that; but just think if you are working on minimum wage, yes, you might feel like, or well, I should not ask for something from the Government because I am working. But you know it is the best investment we make in this country is any time we invest in our kids. What a return we get on it.

And I know that there are single moms and single dads out there who are trying to keep rent and food and day care and all those things and just do not feel and do not know that they could turn to Medicaid. So we need to bring them in, and then those others who are making just a little bit more, but it would not be a lot more, to still want to have their own insurance policy, a kids only insurance policy.

Mr. PALLONE. I just, if I could, I just wanted to talk a little bit about the matching grant program because I know that that is one that has received a lot of press attention both in the Senate as well as in the House in terms of what we are doing. As I said, we are trying with our proposal to expand Medicaid and bring it to higher levels of poverty or percentages of poverty, but the matching grant program is a little different, and we call it Medikids because what it does is it targets those families basically who make between approximately 16,000 and 48,000. Those are the ones who make too much to be eligible for Medicaid right now but still we feel need some help from the Federal Government with matching money from the States.

But there is a lot of flexibility in this program, just to mention that how this additional money can be used. States can form public or private partnerships, they can use the money to build upon existing State programs. You mentioned Oregon. I know New Jersey has an existing State Program. New York; there are a number of States. Or they can just create a new initiative, if they want to, and it is totally voluntary to the States. If they do not want to do it, they do not have to, but hopefully they will.

Now in order for States to qualify for this Medikids matching grant, they have to provide Medicaid coverage for pregnant women up to 185 percent of the poverty level and children through age 18 and families up to 100 percent of the poverty level, or 16,000 a family of four. Gets a little bureaucratic here, but basically there are about 30 States right now that meet this first requirement.

But just for my own State of New Jersey, for example, we only cover kids up to 13 now; OK? So we would have an incentive, if you will, to take advantage of this matching grant program, but we would have to raise the threshold up to 18 at 100 percent of poverty.

So it is basically creating an incentive, if you will, for the States to expand the Medicaid Program, and then they get this additional money beyond that to take to include people that would not be eligible for Medicaid under any circumstances.

I think that that is sort of a good way to go about it, because again what we are trying to do is to capture some Federal moneys, get some State moneys, and then at the same time implement the changes in the private insurance market, or COBRA, that you have suggested, and if you think about it, between the outreach, between expanding Medicaid, between the matching grant program and the private insurance changes, I think we can go pretty far. I mean certainly all of the 10 million children who are not now covered by insurance could be covered under one of those various factors that we are putting forward, and at the same time it can be fit into the budget proposal, which is coming up next week and presumably over the next month or so. So our goal is to have this included as part of that process.

Mr. Speaker, I just want to thank the gentlewoman from Oregon again for all her help in this.

Ms. FURSE. Mr. Speaker, I thank the gentleman for caring about the kids of America. We really must keep them front and foremost in our minds.

Mr. PALLONE. Thank you.

Mr. Speaker, I just wanted to take a little more time, if I could, to talk about some of the reasons why we need a plan like the Democratic proposal with regard to children's health insurance.

As I mentioned before, Democrats have been talking about this as part of our family first agenda at least since June 1996, and the reason again is because the number of kids or children who do not have health insurance continues to grow. But I wanted to stress, if I could for a few minutes, how this is essentially a problem for working parents and that our task force and our Democratic proposal was essentially trying to craft a program that would primarily address the concerns of working parents.

Right now, 9 out of 10 children without health insurance have parents who work, and nearly two and three have parents who work full time during the entire year, and these parents either do not get health insurance benefits through their employer, they get the benefits for themselves but not for their kids, or they get such a small contribution towards their kids' insurance that they cannot afford to make up the difference.

As I said before, Medicaid helps the poorest children, and families who are well off can afford private coverage, but there are millions of working parents who are trapped in the middle, unable to afford health insurance for their kids. A family health insurance policy can cost $6,000 or more, which frankly is out of reach for many working families. We talked about possibly families up to $48,000 a year for a family of four. Six thousand dollars is a lot of money for a family that is making up to $48,000 a year.

Now even for families who do get health insurance for their kids through their employer, insurance has gotten very expensive. In 1980, 54 percent of employees at medium and large companies had employers who paid the full cost of family coverage. By 1993 more than 79 percent of these employees were required to pay for their insurance. And the average employee now pays over $1,600 a year for family coverage, and employees of small businesses are paying an average $1,900 a year.

Mr. Speaker, some people say well, you know, so what? You know this is a capitalist society; the Federal Government cannot do everything for everyone. But there are severe consequences of children not having health insurance. This is highlighted by cities that show that uninsured children tend to receive significantly fewer health care services than insured children.

If I could just provide some facts regarding the consequences of children not having health insurance:

First of all, reduced care when sick. Uninsured children are less likely to have their health problems treated and less likely to receive medical care from a physician when necessary. For example, uninsured children obtain care half as often for acute earache, recurring ear infections and asthma as do children with public or private coverage.

Reduced care for injuries. Children with no insurance are less likely than those with insurance to receive care for injuries.

Reduced medical visits. Uninsured children are 2.3 times less likely to have obtained a medical care visit in the past 12 months than are insured children.

Reduced well child visits. During the course of a year, fewer than half, or 44.8 percent, of uninsured preschool children have any well child visits, and fewer than one-third receive their age-appropriate recommended scheduled visits.

And finally, no regular source of care. Uninsured children are seven times as likely as insured children to be without a source of routine health care, and when they obtain health services, they are far more likely than insured children to utilize high-cost hospital emergency rooms as their usual source of care.

So what are we talking about here? We are essentially saying that these children do not get preventive care, and when they do not get preventive care, they get sicker, and in the long run the costs of providing for their medical care goes up, and much of that cost ends up coming back to the Government or ends up being passed on to people who are paying for their health insurance through uncompensated care costs.

The main thing we are trying to emphasize here is that it makes no sense whether it is as Ms. FURSE said from her national security point of view or from a cost point of view or from a preventive point of view nothing—it does not make sense to not try to insure these 10 million children, and we believe that with our health care task force and our Democratic proposal we have a plan that can provide for insurance for most, if not all, these 10 million children within the confines of the balanced budget proposal that the House will be considering over the next few weeks or over the next month.

And at this time I yield to the gentlewoman from Texas [Ms. JACKSON-LEE] who again has been on the forefront of this issue and has come to the floor many times to argue for the need to cover the 10 million uninsured children.

Ms. JACKSON-LEE of Texas. I thank the gentleman from New Jersey [Mr. PALLONE], and certainly I want to thank him for his leadership. I would like to thank him for his victory because that is what he is working toward, and that is why I am joining you, because I would really much prefer us being able to say in the next couple of weeks, before the summer session or recess, district recess break, that what we have done is that collectively and in a bipartisan manner we have stood up for 10 million uninsured children.

I think that is why we are all here. I think that is why your committee and the committee that I have joined you on, the task force, has intently worked on creating something that makes sense. It is important to come to the floor of the House and do the people's business and make sense, and I do not think that we can stand much longer for 10 million uninsured children.

I went home this past weekend and interacted with several of my constituents and physicians, and they brought it to my attention again. Texas has 1 million uninsured children, and if I might just share with you another crisis with respect to this matter, and that is that in my community today we have just heard that Medicaid dollars that come from the Federal Government and then to the State government have been denied my Harris County hospital district.

What does that mean? There are applications under the block grant process for HMO's. The Harris County hospital district applied for such, and they were denied it. There is another instance where children in our community may go underserved, if you will.

And so I think it is very important that the legislation dealing with uninsured children also impacts on raising the level of those who can be served, and when I say that it means that this impacts poor working parents. We have already got a crisis in many of our communities about how Medicaid is utilized, and your proposal and the proposal we have joined in on says that we want to increase or find all the Medicaid-eligible children so that they can be on Medicaid.

I have a crisis where my Harris County district, hospital district, may suffer and not get the Medicaid dollars that they need because someone selected another group to run that system other than the very entity that serves poor children.

☐ 1730

But if I might say that we need to focus on uninsured children of working parents, along with the crisis of those who are the poorest of the poor, and I think it is important to make these notations.

Most children without health care coverage are in that position because their parents work for companies who have cut health coverage for children or who offer no health coverage at all. We need to be aware of that so people will not say, why do they not get a job. Each year since 1989, 900,000 fewer children have received private health insurance. In other words, every 35 seconds one less child is privately insured. In America as a world power, I do not think that that is something that we want to be known for.

Without private insurance, millions of working parents who have labored on behalf of this country and their families cannot afford health insurance for their children. So while Medicaid, and as I said, we have a crisis there, covers the poorest of children, and we are working to make sure that eligible children get covered as well, millions of children of working parents do not have any coverage at all.

Insurance coverage is critical to the health of our children, because children without health insurance, as the gentleman said, often do not receive the necessary treatment services or even the most basic service. A charitable group went into one of my schools in my district and found out that 60 children had not ever been tested or had their eyes tested and any number of them needed glasses. The reason? These are poor working families who have no choice. Medical expenses are sufficiently high and those financially burdened parents will simply opt to not take their children to the doctor, forgo needed pediatric preventive care because of the vastness of their burdens.

For example, studies have shown that the majority of uninsured children with asthma, and we talked about this in committee, never see a doctor. Many of these asthmatic children are later hospitalized with problems that could have been averted with earlier intervention.

Those of us in communities that see and share pollution know those stories full well. We know when at the Texas Children's Hospital there is a drive-by. Is it a drive-by shooting? No, it is a drive-by of the emergency room because they cannot take any more children in the emergency room because the parents who come there are poor, without any coverage whatsoever, and they are working parents and they use the emergency room as their doctor. Now is the time when our Texas Children's Hospital, one which prides itself in caring for children, says, "No more."

One-third of uninsured children with recurrent ear infections do not see the doctor and some later develop permanent hearing loss. Many children with undiagnosed vision problems cannot even read a blackboard, and they sit in school and become diagnosed as slow learners when actually they have a physical problem.

Finally, studies show that children without insurance do not receive adequate immunization, have higher rates of visits for illness care, and have more frequent emergency room visits.

I would like to engage the gentleman in a little dialog, because I know we often talk about how young we are, and I will continue to emphasize our youth. I do think, however, that the gentleman may have, like me, come through a period when all we could hear was "Get your polio vaccination, get your polio vaccination." Every parent was making sure they ran somewhere, and of course when medical costs were reasonable, to make sure their child, that was the one thing that was instilled in them that they would do for their child, was to make sure they had their polio vaccination. What a difference it made in our lives.

Now today there are children entering school who do not have a proper immunization record because they have not been able to access medical care and preventive medical care. I just want to engage the gentleman in a colloquy as to whether or not he has seen circumstances where hard-working parents cannot get the basic minimum, which is certainly the immunization record and package that we most think our children should have, those early immunization shots that prevent terrible diseases such as polio, such as the time when the Nation was instructing all parents, "Get your polio vaccine." Do does the gentleman know today that there are some parents that have not been able to get their polio vaccine for their children?

I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I know the gentlewoman from Texas [Ms. JACKSON-LEE] is right, and I know for a fact that there are people in that category. I think it is a twofold problem, and I think it relates to the issue of health insurance for kids in general.

On the one hand there is the fact that there are a lot of people increasingly who do not even realize that they need to do this, and then of course, once they do, not having the access, because as we know, vaccination is not as widespread as it once was, particularly in urban areas or certain rural areas where people just either are not aware or they do not have access any more.

I wanted to just mention, if I could, the gentlewoman talked about enrolling, and we mentioned before there are 3 million children of the 10 million who are eligible for Medicaid and who are not enrolled. We spent some time with the task force, as the gentlewoman knows, trying to figure out how to deal with this, because outreach is not really something that oftentimes is effectively done on the Federal level.

What we have in our bill is grants to States to help local communities to develop outreach programs with maximum flexibility to employ community resources. There again, I know it is a little different from what the gentlewoman was saying, but I think it is the same thing, that we need to motivate these community groups, regardless of the nature of the group, that will do the kind of outreach and get them the grant so that they can go out and find kids that are eligible for Medicaid or, as the gentlewoman says, kids that have not been vaccinated, kids that have not been able to either access preventive health care or whose parents are not knowledgeable of it. That is a big problem today. A lot of people are not aware of it, and obviously the gentlewoman is aware of it. I yield back.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman.

I think the package that we have worked on is truly a bipartisan package. When I say that I mean I cannot imagine why this legislation would not be attractive to our colleagues on both sides of the aisle. The reason is because we have an aspect that gives to the States incentives for outreach to help get the word out and to help bring down the lack of information for those who are not getting their children immunized.

In addition, it enhances outreach to eligible children not yet enrolled in Medicaid. So what it says is, there are eligible children, the funds are there, let us not waste the dollars by creating more dollars, let us make sure we get all the eligible children enrolled. That is a positive stopgap measure.

Then we have that it provides the grants, as the gentleman said, to States and territories to assist families with children with incomes up to 30 percent of poverty to purchase health insurance. That is a creative idea.

This, I think, brings people from both sides of the aisle around to this issue. It requires insurers to offer group-rated policies for children only. I think we remember in the last Congress where we debated and said, if we want to do business with the U.S. Government, we should put an incentive on those insurers who insure the U.S. Government to create child-related policies, and that is the direction in which we are going, and give families who qualify to continue health insurance coverage under COBRA, but cannot afford the premium for the entire family, the option to purchase the child-only policy.

I do not see where we can leave this session and not give an answer to those 10 million uninsured children. Particularly, I do not see how we cannot create child-directed health insurance policies so that we do not have to hear the stories about parents telling their children, "Do not climb that tree, do not ride that bicycle. No, you cannot go swimming with your Boy Scout troop. Why? Because I am fearful of what may happen to you, and I have no health insurance to protect you."

So I would just encourage our colleagues, really, let me get a little bit more stronger on this. We need this on the floor of the House now. We need this legislation passed now. There are too many children who are being harmed, who are not being protected. In a country as wealthy and as prosperous and as successful as this country, there are too many of our children who do not have adequate health insurance.

I yield to the gentleman.

Mr. Speaker, I rise today to voice my concern for the 10 million children in our Nation who are without health care insurance. I believe that strengthening and expanding health care coverage for all of America's children must be our first priority. We have heard many of the statistics surrounding this health insurance crisis before. Some of these figures are so striking, however, that I would like to bring them to your attention.

Nine out of ten children who are without health coverage have parents who work. Nearly two in three of these children have parents who are employed full time during the entire year. Two-thirds of these children live in families with income above the poverty line and more than three in five live in two-parent families.

Most children without health care coverage are in that position because their parents work for companies who have cut health coverage for children or who offer no health coverage at all. Each year since 1989, 900,000 fewer children have received private health insurance coverage. In other words, every 35 seconds one less child is privately insured.

Without private insurance, millions of working parents who labor to support their families cannot afford to provide health coverage for their children. The cost of health insurance when not purchased through an employer is often prohibitive. So while Medicaid helps our poorest children, and more-affluent families can afford private coverage, millions of working parents in the middle cannot provide coverage for their children.

Insurance coverage is critical to the health of our children. Children without health insurance coverage often do not receive necessary treatment services or even the most basic care. Medical expenses are sufficiently high that financially burdened parents will often delay or forgo needed pediatric preventative or medical care.

Some examples—studies have shown that the majority of uninsured children with asthma never see a doctor. Many of these asthmatic children are later hospitalized with problems that could have been averted with earlier intervention. One-third of uninsured children with recurrent ear infections do not see the doctor and some later develop permanent hearing loss. Many children with undiagnosed vision problems cannot even read a blackboard. Finally, studies show that children without insurance do not receive adequate immunization, have higher rates of visits for illness care, and have more frequent emergency room visits.

It is obvious that to deny children health care coverage, denies them the opportunity to lead healthy lives and to reach their fullest potential. We, in the Democratic Party, have worked hard to draft legislation that will address the plight of many of these uninsured children. This legislation will: first, enhance outreach to eligible children not yet enrolled in Medicaid; second, encourage and provide additional funds to States and territories to expand the Medicaid floor for health insurance for low-income children; third, provide for grants to States and territories to assist families with children with incomes up to 300 percent of poverty to purchase health insurance; fourth, require insurers to offer group-rated policies for children only; and fifth, give families who qualify to continue health insurance coverage under COBRA but cannot afford the premium for the entire family, the option to purchase a child only policy.

I encourage my colleagues to support this legislation. We, in this Congress, should commit ourselves to providing every child the chance to reach his or her fullest potential. We should provide health insurance coverage for every American child and promise to leave no child behind.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman for pointing these things out, because if we think about it, there is really no reason why this should be a partisan issue at all. I think that hopefully we are moving in the direction of trying to get our Republican colleagues and leadership on the Republican side to join with us.

I think that the fact that they agreed with the President to at least include a pot of money for children's health care in the proposed balanced budget agreement which will come to the floor in some fashion over the next few weeks, shows that we have been making some progress, and I guess, if I could just emphasize that again, that this Democratic proposal can all be achieved within the context of the balanced budget agreement.

I believe, and I think it is only fair to say, that it was because of the consistent and strong pressure from the Clinton administration and congressional Democrats that funding for the Children's Health Care Initiative was included in the bipartisan budget agreement that was announced on Friday, May 2. Including funding for this initiative was a victory for the congressional Democrats who have been saying for the last year that this program needs to be included as one of our priorities, one of our budget priorities.

I should say that the budget agreement leaves the details of the children's health insurance initiative undefined. The agreement simply states that it assumes $16 billion in funding over the next 5 years to extend health insurance to up to 5 million uninsured children. Under the agreement, the expanded coverage may be achieved by extending Medicaid and providing cap grants to the States.

So basically the agreement lends itself to the Democratic proposal that our task force has put together, in that the pot of money is there and it has the Medicaid expansion as well as the matching grant program to the States. But we believe very strongly, the way we put this package together, that we can capture a lot more than 5 million uninsured children; that we can, through a combination of going after those who are not currently enrolled but eligible for Medicaid, as well as the expansion of Medicaid, as well as the matching grants, as well as changes to the private insurance, in the private insurance area, that we can capture almost all, if not all, of the 10 million children that are not insured.

Let me just say, Mr. Speaker, in closing, that I believe very strongly the Democrats will continue to move forward on this issue because we understand the nature of the problem. We understand that 9 out of 10 children without health insurance are in working families. We understand that children without health insurance are less likely to receive the care that they need when they are injured or they are sick, and I have to say that as a parent myself, I would hate to have to worry about my child getting hurt at the playground because I do not have the health insurance coverage for him or for her. Families should not have to worry about whether or not they can afford to take their child to the doctor if their child becomes sick.

Mr. Speaker, I do not think that the Republican leadership sees this issue in these terms. If they did, I believe that they would be more aggressive in trying to develop a solution for America's uninsured children. Democrats want to help the average American family, and we believe that our plan will do just that. We are going to continue to speak out on the House floor and by whatever means we have, in our districts, until such time as a plan is put forward, is marked up in committee and comes to the floor of the House that will address the problem of these 10 million uninsured children.

IMPORTANT COMPONENTS OF THE BALANCED BUDGET AGREEMENT

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Ohio [Mr. BOEHNER] is recognized for 60 minutes as the designee of the majority leader.

Mr. BOEHNER. Mr. Speaker, tonight over the next hour, I and my colleagues in the Republican leadership here in the U.S. House will be discussing our agreement with the White House to balance the Federal budget over the next 5 years, the permanent tax cuts that will be part of this plan, our efforts to protect and preserve Medicare, and other important parts of this agreement.

We expect that the Speaker will be here to talk about what is in the agreement and what is not. The gentleman from Texas [Mr. ARMEY] we expect will come and discuss why tax cuts in this agreement are so important. How this agreement saves Medicare I will deal with in a few minutes myself, and why the critics are wrong will be covered by the majority whip, the gentleman from Texas [Mr. DELAY]. How this agreement maintains a strong defense will be covered by the gentleman from California [Mr. COX], the chairman of our policy committee; and how this agreement reflects Republican principles will be handled by the gentlewoman from Washington [Ms. DUNN], who is the Secretary to the Republican Conference. Why balancing the budget is important for our future and our children's future will be discussed by the gentlewoman from New York, the vice chair of the Republican Conference [Ms. MOLINARI]; and how this agreement makes Government smaller and smarter will be covered by the chairman of our leadership, the gentleman from New York [Mr. PAXON].

When it comes to the issue of Medicare, more than 2 years ago we sent out our warning to the American people that Medicare is going broke. It was not our warning, it was the warning from the bipartisan Medicare board of trustees. We took action 2 years ago to preserve, protect, and strengthen Medicare.

□ 1745

The liberal special interests, more concerned with winning elections and solving a crisis, made sure that our reforms never became law.

Since President Clinton vetoed our bill the trust fund has lost tens of billions of dollars, and now we know that unless we act, the fund which provides hospital coverage for nearly 40 million seniors will be broke by the year 2001, one year earlier than we thought just a year ago.

This agreement preserves the trust fund for 10 years, until the year 2007. I think this should be an enormous relief for all seniors and soon-to-be-seniors that are concerned about the health of this program. This plan will not solve the problems with the baby boomers when they begin to retire in about 15 years, but we can lay the groundwork for our reforms through our actions this year, and in this agreement that we reached with the White House.

What will these reforms be? The committees have a lot of work to do to fill in the details of the agreement, but we do know what the outline will be and we know what our goals, most importantly, will be as we go through this. We know that prevention saves lives and saves dollars, so our reforms will cover mammography, diabetes self-management, immunizations, and colorectal cancer screening. Medicare will now catch up to the private sector and provide coverage for these important items.

We know that the vast majority of seniors have to pay hundreds of dollars a year for MediGap coverage. That is why we will fight to give seniors the same choice of coverage that people in the private sector have today. Why should seniors not have the same choices in health care delivery that their children and grandchildren have available to them?

That is really what we did in 1995, and we will work toward it again, to give seniors and their doctors the freedom to choose the types of coverage that they believe are best for them. There is good reason to modernize Medicare, because it is the only way to ensure that the program will be there when baby boomers begin to retire.

Perhaps most important for seniors is the assurance that we will provide in our agreement that spending will keep pace with their needs. Spending grows every year over the next 5 years in this agreement. There are no cuts. There were no cuts 2 years ago, in spite of what many people said, and there are no cuts this time.

Over the 5 years Medicare spending will increase 34 percent, which is about 6 percent a year, which we believe is about twice the rate of inflation that we are seeing today. Despite all the politics and the scare tactics, the demagoguery, the difference in spending between our package today and our reforms 2 years ago is $5 billion over 5 years.

The chart that I have to my left and to Members' right indicates Medicare spending over the 5 years in this agreement. Under the balanced budget act from 2 years ago, we were proposing spending over these 5 years $1 trillion, 252 billion. Of course, we all heard the ads. We all heard how Republicans were attempting to cut Medicare, and all of the scare tactics that were used. In the agreement that we reached with the White House several weeks ago, we are proposing and have an agreement to spend $1 trillion, 247 billion over the next 5 years; actually, $5 billion less than what we proposed to spend 2 years ago.

Our agreement means that Medicare spending per senior citizen will increase from nearly $5,500 this year, in 1997, to more than $6,900 in the year 2002. We can increase spending and save Medicare because our structural reforms will make Medicare more efficient for seniors and their children and grandchildren who subsidize this very important program.

We know what works in the private sector. Only by beginning to implement these reforms will Medicare be preserved, protected, and strengthened for today's and tomorrow's seniors. I am proud that we put the partisan politics aside to accomplish this effort in Medicare, and frankly, the entire effort that we have come to an agreement with the White House on, again, to balance the Federal budget over the next 5 years, to strengthen and preserve Medicare, and to provide tax relief, permanent tax relief, for the American people.

My colleague, the gentleman from Texas [Mr. DELAY], the majority whip, is going to talk to us about how this agreement is good, and why the critics are wrong.

Mr. Speaker, I turn over my time to the gentleman from Texas [Mr. DELAY].

WHY THE CRITICS OF THE BUDGET AGREEMENT ARE WRONG

The SPEAKER pro tempore [Mr. JENKINS]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. DELAY] is recognized for the remainder of the time as the designee of the majority leader.

Mr. DELAY. Mr. Speaker, I really appreciate the gentleman from Ohio [Mr. BOEHNER], the distinguished chairman of the Republican Conference, for taking out this special order on this agreement. There is a lot that has been said about this agreement. It is fascinating to me that some people came out in opposition to the agreement before the agreement was even announced by the President or by the House or by the Senate. I think that is really unfortunate, that someone would be against the agreement before they even knew the facts. I just really appreciate my colleague's taking out this special order on the balanced budget agreement.

In my view, any agreement that balances the budget and cuts taxes for working families is good for the American people. This agreement does both. How long have we dreamed about bringing fiscal responsibility to this Federal Government and to Washington, DC.? We have dreamed it for a long, long time. In my entire adult life I have dreamed that some day we could balance the budget and actually start paying down the debt, so that my daughters would not end up paying for my generation's fiscal irresponsibility.

I am really pleased to support the budget agreement. It is amazing that this agreement not only balances the budget and cuts taxes, but it includes long-needed entitlement reforms that will preserve and protect such programs as Medicare, and it is intended to weed out waste and fraud from the Medicaid Program.

Is this a perfect agreement? Of course not. Frankly, if it were, President Clinton would probably veto it. We need to face the fact that Bill Clinton is the President of the United States, Mr. Speaker. Our Republican candidate lost. If our Republican candidate, Mr. Dole, had won the election, we would not have this problem. We would probably have the perfect agreement. But Bill Clinton was reelected by the American people. We have to recognize that fact, and we also recognize that he is a President that loves to spend more money. That means that we have to negotiate.

This agreement is the end result of those negotiations. Let me correct that. It is not the end result, it is the beginning of a lot of negotiations that will have to go on for the rest of this year, because we start with the agreement on the budget resolution, and then after the budget resolution we will have to pass the bills that implement the policy set out by the budget resolution, and we will have to pass all 13 bills, all 13 of the appropriations bills, and all of that will have to be in consultation not only with the President, but with the Democrats in the House and in the Senate.

So this is just the beginning, and it is a work in process. In my view, it reflects the principles, the agreement reflects the principles that Republicans have long campaigned on. Several questions have been raised about the agreement, good questions that I think need to be answered. I will take just a moment to respond to these questions point by point.

Does this agreement use phony numbers? Many people wondered about the $225 billion that all of a sudden appeared when the Congressional Budget Office revised their projected revenues to adjust for a growing economy. They thought it was just another effort by Washington politicians to avoid making those hard decisions. But the whole budget is based on economic assumptions, many of which turn out to be wrong, and we can go back almost 20 years and find out that in only one year out of 20 years of budgets written by this House have the assumptions been right. They have either been overestimated or underestimated. Assumptions are just as the name implies, assumptions as to what we think might happen to the economy in the future.

Indeed, since 1993 the Congressional Budget Office's 5-year deficit projections have overstated the actual deficit by an average of $279 billion. This particular budget agreement is based not on rosy economic assumptions, but on the best economic data available today. Given their track record over the last 4 years, CBO's new projections are not only defensible, they are a reasonable correction.

Another question that has been asked by some of our critics: Does this agreement dramatically increase spending? Some have questioned, is it the biggest spending increase in history? The answer is an emphatic no. Spending for nondefense discretionary spending, money that keeps the Government running outside of defense and entitlement programs, will only increase at an average rate of 1 percent a year.

Let us put this in perspective. This is 8 times better than the historical average of 8.1 percent per year stretching all the way back to 1969, which is, by the way, the last year we had a balanced budget.

We have agreed to fund some of the President's spending priorities. This President loves to spend money. He loves to grow the spending of government. We had to give him some of his spending requests, but we have also agreed to restrain the overall growth of spending. I think this is a significant victory for fiscally responsible Republicans. Particularly if we look at past history, past habits, past traditions of Democrat-controlled Congresses, even with sometimes Republican Presidents, this is a fiscally responsible budget.

Does this agreement fail to reform the entitlement programs? That is another question that is being asked by our critics. Once again, the answer is no. By far the greatest single threat to our Nation's fiscal health is the growth of health care programs. Since 1969, Medicare and Medicaid spending has increased at almost twice the rate of total Federal revenues. Let me repeat that. Since 1969, Medicare and Medicaid spending has increased at almost twice the rate of total Federal revenues. If that trend were to continue, spending on these programs would exceed Federal revenues in the next 30 years.

The budget agreement will reduce the projected growth of Medicare by $115 billion, and of Medicaid by about $16 billion. It will achieve these savings by giving more choices to seniors in Medicare savings, and by enacting reforms of the Medicaid system to weed out waste and fraud. Congress will write the implementing legislation for this agreement, so Members can be assured that there will be real reforms of entitlement programs in that legislation.

We are coming back with our promise. Remember, 2 years ago we promised to protect and preserve and strengthen Medicare by giving senior citizens more choices in the kind of health care plans that are important to them, so that they are empowered, rather than the Government telling them what kind of health care is good for them.

Through competition in those programs we will be able to save money. It is not a theory, it is not a pipe dream, it has happened in the private sector, because health care has been reformed in the private sector for over 10 years. The way it has been reformed in the private sector is empowering the consumer. That is how they have been able to reform the private health care industry, empowering consumers, and people competing for that health care dollar drove down the cost of health care.

We just want to take what we learned in the private sector and apply it to Medicare and Medicaid in the public sector. That is all we are doing. Through that we are able to save the system, preserve the system for seniors, and strengthen it by giving seniors more choice.

□ 1800

Another question that is asked by our critics, does this agreement give insignificant tax relief? Some people have pooh-poohed the idea that we actually are giving tax cuts. I think it is the first tax cuts since 1981, first tax cuts for the American family in 16 years. In a perfect world, we could cut more taxes for America's working families.

In fact, if our candidate had won the election, we probably would have a bigger tax cuts bill. But we do not have that option in this agreement. We have a President that is reluctant to give up his ability to spend money through a tax cut.

People talk about the fact that we ought to balance the budget before we cut taxes. Well, those people do not understand it. Those people that want to balance the budget before cutting taxes are telling you that they want to spend more of America's families' money.

Today, the American family is spending over 50 percent of its income on Government. If you add up local, State and Federal taxes and the cost of regulation and paperwork, over 50 cents of every dollar that the American family makes today, every hard-earned dollar goes to the Government of one level or another.

We think that is immoral. We think the Government is too big, it spends too much, it takes too much out of the American families' pockets. We want to reform Government. We want to cut it down to size and make it work smarter. By doing that, we can allow the American family to hold on to more of its hard-earned money to be spent the way they think is important, rather than some Washington bureaucrat spending that money on what they think is important.

So that is why we are for a tax cut. It has nothing to do with anything else other than giving some tax relief to the American family. But a tax cut signed into law is better than 2 tax cuts that are vetoed. And this agreement provides working families with gross tax cuts of $135 billion, with a net tax cut of $85 billion.

Keep in mind that in the last Congress, the President vetoed net tax cuts of $155 billion, while in this Congress he proposed net tax cuts of only $14 billion. Keep in mind what happened in 1995, when the Republicans first took over this Congress, this House, for the first time in 40 years. People said we could not do it, but we put together a budget that balances, that shrinks the size of Government, that forces Government to work smarter, that saved Medicare and Medicaid and provided $155 billion in tax cuts, wrapped it up in a package, sent it to this President of the United States. He vetoed it and shut down the Government, and we got the blame for it.

We proved to the American people that we can bring good commonsense policies to the Federal Government. We proved to the American people that we could balance the budget, that we could bring fiscal sanity and give tax relief to the American family. Unfortunately, this President did not believe it, or he did believe it but he did not agree with it and vetoed our package.

The $85 billion net tax cuts represents a real victory for Republicans. The best part of this agreement is that the Republicans on the tax writing committees of the Congress get to design those tax cuts. So American families will get a child tax credit, a capital gains tax reduction and relief from that pernicious death tax. I call this a real victory for the American people.

So in summary, Mr. Speaker, I again appreciate the gentleman from Ohio [Mr. BOEHNER] taking out this special order. It is so vitally important that the American people understand what is in this agreement and they understand the spin artists out there trying to negate what we have agreed to or misrepresent what we have agreed to or just be outright against it.

The American people need to understand that this is a grand opportunity that we present to them, and we hope to get it. This agreement is good for the American people. We must not let the perfect be the enemy of the good. We must let this good agreement start the process of balancing the budget, giving tax relief to the American family, and some day pay down the debt.

Mr. BOEHNER. Mr. Speaker, if the gentleman will yield, as the gentleman was saying, there are critics of this plan on both the left and right. Liberals believe that this cuts too much spending, ruins their vision of what the role of the Federal Government should be.

Some on the right are criticizing this plan, and I am yet confused as to why. You can argue that this plan does not go far enough. You could argue that it could have been better. But I do not think that anybody can argue that this plan moves us in the direction that we have been going over the last two and a half years, that this plan does in fact balance the budget over 5 years honestly, no gimmicks, no smoke and mirrors, that it does provide permanent tax relief, and over the next 5 years will reduce the growth of spending in entitlement programs by some $200 billion, some $600 billion of entitlement reductions over the next 10 years.

Without this plan, the Federal Government over the next 10 years would spend $1.1 trillion more than what will be spent once this plan is enacted into law. So I do not think there is any question that this is a good plan.

Yes, I would have like to have balanced the budget sooner. I would like to have lower taxes. But the fact is that we have learned over the last 2 years that there are two ends of Pennsylvania Avenue. Republicans control one here on Capitol Hill, but Bill Clinton is in the White House. If we are going to do anything on behalf of the American people, we have got to get both ends of Pennsylvania Avenue to work together and talk to one another.

Mr. DELAY. The gentleman from Ohio [Mr. BOEHNER] is absolutely right. I sort of describe it as the Republicans in the House and the Senate are like a sailboat and we are sailing against the wind and we are sailing down Pennsylvania Avenue and the wind is coming from the White House, a very strong wind is blowing in our direction.

In a sailboat, you can either turn it around and go with the wind, and that is something we absolutely refuse to do, or you can tack toward the wind, always moving forward, but in some cases you have to make an agreement with the wind. Sometimes you have to make an agreement with someone else, but always keeping your eye on the future and the forward. And that is where we are moving.

If you put it in perspective, this is an incredible budget compared to, say, the big budget of 1990, when George Bush was President. There were huge tax cuts, huge spending increases.

Mr. BOEHNER. Tax increases.

Mr. DELAY. Tax increases. I thank the gentleman very much for the correction, tax increases. Tax increases is not even in the jargon of this place anymore. It is hard to even say.

But tax increases, spending increases. Look at the budget that the President passed with the Democrat Congress in 1993 that they are so proud of, huge tax increases, once more taking more money out of the middle-income America's pocket and spending it on Government programs that we all know 9 times out of 10 are very wasteful.

That is the kind of thing that we have been going for. Even when we did not get the President signing our balanced budget in 1995, the things we are able to do in tacking back and forth, moving forward, in eliminating over 270 programs, in cutting over $53 billion in real Washington spending, in moving forward and making sure that we are bringing this country into fiscal responsibility is very, very important that the people realize that, sure, if the gentleman from Ohio [Mr. BOEHNER], and I were writing this legislation, it would appear to be much different. But on balance, we are getting more than we are giving up, and I am very proud of that.

Mr. BOEHNER. Mr. Speaker, if the gentleman would yield, there has been a lot of discussion about who wins and who loses in this. I really do not think there are any losers in this, but the real winners in this agreement are not Republicans or Democrats, it is the American people who are the big winners.

We all know that we have accumulated some $5½ trillion worth of national debt. I went to the fifth grade class of Liberty Elementary School in my district on Monday and explained to each of these fifth-graders and asked them, how much do you think your share of the national debt is? How much do you think you owe Washington? Some thought it was a dollar. Some thought it was $10. One even thought it was $300. I had to explain to them that their share of the national debt was $22,000 that every man, woman and child today owes to those who have lent this money to the Federal Government.

If we do not do something about stopping any additional debt from growing, we are imprisoning our children and theirs. We know that a child born today will pay almost $200,000 in taxes over the course of their lifetime just to pay the interest on the national debt. That is no money for education or the environment or roads or anything else that the Federal Government does.

So the American people win with this agreement. Do we have to do more? I think we all understand we do. We have got to balance the Federal budget so we are not adding any more debt there. In the year 2002, or hopefully sooner, we ought to begin to pay off the national debt.

If we want to give our children and theirs the shot at the American dream that all of us grew up having, we need to make sure that they do not have this debt on their back, or their chances of succeeding, their chances of having the American dream available to them just is not going to be there.

Mr. DELAY. Mr. Speaker, the gentleman from Ohio [Mr. BOEHNER] is so right. I just want to expand on what he is talking about, what the children of tomorrow will owe.

It is really interesting, when the President was running for reelection, he made in his State of the Union that famous statement, "The Arabic government is over." And then when he came back and got reelected this year and made his State of the Union Message, his penchant for big spending was back, because in his State of the Union, he talked about all these new spending programs; and he said something at the end of that speech that I do not think I will ever forget. Not many people picked up on it. Certainly the press did not pick up on it. But the President said, "You know, a child born tonight will not long remember this century."

Once again, the President was wrong, because a child born that night will never forget this century because that child, as the gentleman has said owes so much money, not just in paying off the debt but in paying off the interest on the debt, that it is immoral. We are committed, with this President or without this President, to bring fiscal sanity to this Government for those children that were born that night.

I would be glad to yield to the distinguished leader of the freshman class from North Dakota, who has been working very, very hard on seeing that the supplemental appropriations bill becomes law so that his disaster relief, much needed disaster relief, goes to North Dakota. I appreciate the gentleman for showing up.

Mr. THUNE. I want to thank the gentleman from Texas, but will remind him that it is South Dakota.

Mr. DELAY. South Dakota, I apologize.

Mr. THUNE. And in Dakota territory, that is an important distinction to make because we have had our share throughout this last year, the most disastrous winter in our State's history and in North Dakota's history, as well, and we are in the process now of trying to come up with the assistance that we need. Hopefully, in very short order, tomorrow, we will have that bill on the floor, in hopes that we can get the assistance to those who are in such desperate need of it in my State, in North Dakota, and Minnesota and many other States like it.

But I do want to comment this evening, if I might, on the subject at hand, and that is the discussion that you and our friend from Ohio [Mr. BOEHNER] were having about the budget agreement that has been reached.

Mr. DELAY. Mr. Speaker, before the gentleman gets started, if I could, I would like to ask unanimous consent that the gentleman be given my time.

BALANCED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from South Dakota [Mr. THUNE] is recognized for the remainder of the time as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, I too want to this evening touch, if I might, on what I believe is an historic event in this country; and that is what we have seen and witnessed in the last few weeks, the agreement between a divided Government, a White House that is in control of the Democrats, the Congress that is in control of the Republicans, on a balanced budget, something that has not happened since 1969.

If I can take you back just a little bit to 1969 for those who perhaps were not around and I was a small child in a little town of 600 people in western South Dakota at that time, but in 1969, the last time we balanced the budget, believe it or not, the Mets won the World Series. And it was at that time on my grandmother's black and white screen that I was watching Neal Armstrong take a giant step forward for mankind on the Moon.

Yet, since that time, we, as a country and as a Congress and as those who are guardians of the public trust and guardians of the next generation, the future of our kids and grandkids, have been taking a step backward in the way that we manage our fiscal affairs. I would suggest that it is high time that we took a step forward. I believe that the agreement that has been reached, the plan that has been presented, does just that.

Most of us would agree that this is not a perfect thing. I think that if you look at the plan, and all of us are going to find its flaws, but I think you have to look on it on balance. As I walked up and down the main streets of my home State of South Dakota last year campaigning for this office, for this position, I heard repeatedly, "Why cannot you in Washington, DC, why cannot the Republicans and Democrats, the White House and the Congress, work together in a fashion that will benefit the future of this country?"

As I listened and commented, it was my observation at the time that this is really true. As I campaigned last fall, I think that, in spite of the fact that the people of this country elected a divided Government, they essentially elected the same message, because I think many of the things that the President campaigned on and many of the things that those of us who were campaigning for Congress were talking about were essentially the same issue.

□ 1815

I maintained at that time that, if we were willing to govern like we campaigned, we had some enormous opportunities to accomplish some good things for the future of this country. I think it is a testament as well to the way that the debate has moved in the past few years. Bob Dole reminded us last evening of something that was said sometime back by former Prime Minister Margaret Thatcher. That is that the measure of success of a political party is how much you change the opposing party.

Today we are here talking about things that I think we have had a part in bringing about a dialog on issues that previously were not a part of this debate. Today when we talk about a balanced budget, when we talk about tax relief for American families and individuals, businesses, we talk about a smaller government that is more efficient, that works better and costs less. Those are all themes that I believe in the course of the debate of the last several years we have moved that discussion.

Mr. Speaker, I think that this budget is a product of that movement. Granted, it may not be everything and we have to make steps a little at a time, but it certainly is a step forward for the future of this country. For those who would argue that it does not do enough in one area or another, and I recognize full well that there are things, if this were a dictatorship, there are things in that budget that I would change. There are things that I would like to do differently. But we have to accept on balance the fact that we are working in a process that constitutionally provides for a White House, executive branch, and a legislative branch. And whether they are in control of different political parties, those two parties and those two branches of government have to work together in a way that is constructive and that benefits the future of this country.

So as I have listened to the discussion and those who would say that this is not good enough, it probably is not good enough by a lot of people's standards, but it is, I believe, a step in the right direction. It takes us down the road to addressing many of the issues that certainly I campaigned for, many of those who came in with me as freshman Members of this body campaigned in favor of, one being a balanced budget, two being a smaller government, three being lower taxes. And then finally, something that I think we are all very concerned about, and that is the future of programs that are important in this country, programs like Social Security and Medicare. And in agreement we have for the first time, I think, addressed what is going to be a shortfall in the Medicare trust fund, something that we are consistently reminded by the trustees is in desperate need of attention.

So I think that this balanced budget agreement, the plan that has been laid out and is now in the process of hopefully in the course of the next few weeks and months we will be implementing that in the form of legislation, but I do believe that it takes us in the right direction. I think the effect, we have to remember that this discussion really is not about the Republicans or the Democrats, the Congress or the White House or any one personality. It is really about the future of this country. It is about our kids and our grandkids, what are we doing to make this a better place for the next generation.

As I think about how this balanced budget agreement applies to those whom we are responsible for in making this a better place for them, I think about my children first and foremost. The fact, as has been alluded to earlier, that we in this country over the course of the last 30 years, since we last balanced our budget, have accumulated a debt of over $5 trillion, which amounts, as was mentioned earlier by the gentleman from Ohio, to $20,000 for every man, woman, and child in America.

Mr. Speaker, I can give a perfect example of why we have to do something and we have to do it now that gets us moving in the right direction with respect to balancing this budget. That is $250 billion annually in interest on the debt, 250 billion that cannot be used for any other good purpose like roads or bridges or education or any other national priority. It simply goes to pay the interest on the amount of money that we have borrowed and that someday has to be repaid. Every year we put off, and I think it is important, too, because sometimes we do not make a distinction between the deficit and the debt. A lot of people think that they are one and the same, and they really are not.

Inasmuch as we are making progress on reducing the deficit, every year that we spend more than we take in, we add to the national debt. So every year our debt continues to grow. As it continues to grow, the amount of interest that we have to pay to service that debt continues to grow.

At $250 billion today I would argue over the course of the next few years, if nothing is done it will continue to go up to $300 billion and $250 billion today, just to put it in terms everybody can understand, is the amount of tax dollars that are generated to the personal income tax by every taxpayer west of the Mississippi River. That is an enormous amount of money that goes toward no good purpose other than to pay interest on the debt.

Now, it is somewhat important, I believe, too, in the context of what we have seen this last week, because last week we recognized, as we do annually in this country, tax freedom day. May 9 was tax freedom day in America. That is the average in this country today on which people quit paying Federal taxes, local taxes, State taxes; and actually start paying themselves in the jobs, in the income that they generate in those jobs.

In my State of South Dakota, for example, we are a little bit better off because we have a low tax structure at the State level. Our tax freedom day comes on April 30. But if we look at the average, across this country, May 9, or 129 days into the year, before the average individual, the average family actually starts working for themselves and quits working for different levels of government.

That is a staggering, staggering thought, when we think about how much time in this country each on a daily, you reduce that to the per day, the per week, and then the number of days in the year that we actually spend just to pay the Government. I think it is a staggering fact that something that should alarm us and hopefully that we will become more cognizant of as we evaluate the kind of return that we are getting on our tax dollar in this country. So 129 days into the year this year.

It might interest my colleagues to note that since 1939 that has increased by about 6 days. The last time that we raised taxes in this country in 1993, we saw the tax burden go up, taxpayers in this country and the tax freedom day continues to move further and further out. So it is very important that we address that issue and that we address the uncontrollable rate at which Government in this country continues to grow.

Now, just a final thought, if I might, and I see my distinguished friend here, I believe, has some comments to make, the gentleman from Illinois [Mr. HASTERT]. But I would say in closing that as we evaluate this plan and we listen to all the rhetoric that is out there, it is important to remember, I think, to try and personalize the effect that it has not only on each individual taxpayer in this country but on their families, grandparents, on their grandkids. And as I look at it myself, I think about my kids and the fact that for the first time we are doing something that will help make this a better place for them, will give them a brighter future where they are not saddled with and burdened with a debt that will deprive them of access to the American dream, something for which my grandfather moved to this country back around the turn of the century from Norway.

If we can get to where we have done something that is meaningful and significant for their future, we will have accomplished something in this debate and in this process. Think of yourself, if you are like I am and you are raising kids, trying to think about how to pay the bills, and the average person in this, in America, who is trying to put aside a little bit for retirement, thinking about college education, a lower tax burden. The fact that there is incorporated in this plan a per child tax credit will put more money in the pockets of working men and women in America who are trying to make ends meet for their families.

If you think about our parents, and my parents happen to be in their late seventies, approaching 80 years old, they depend very heavily upon programs like Social Security and Medicare. This plan will in fact add 10 years to the lifespan of Medicare, and it gets us into a position where we start making the structural changes, the adjustments in these entitlement programs that will put us on a track to fiscal responsibility in this country and to making those programs workable, not just for those who are currently depending upon them like my parents are but also for those in the next generation, for our kids and grandkids.

I would suggest as well that for those who would say that, again, it does not incorporate everything we would like to have in it, that, and I heard this statement the other day and I think it is very significant, that change is not an event, it is a process. We are making progress in this body by working in a bipartisan way to arrive at an agreement which is historic in terms that we have not done something like this since 1969 that brings about profound and fundamental changes in the way that we do business, that shrinks the size of the Federal Government, that saves Medicare, and that lowers the tax burden on American families and individuals.

Mr. Speaker, I would close by saying, and I will yield the balance of my time, whatever that might be, by simply saying again that I believe that we need to get behind this. We need to have the support of the Members of this body and the American public. For those who are interested and have been following this debate, this is something that is definitely a step forward. And in going back 30 years to 1969, when we took a giant step forward for mankind, this, again, is a step forward for mankind and for the next generation.

BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. HASTERT] is recognized for the balance of the time as the designee of the majority leader.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from South Dakota, who has made a great impact in his freshman year here in this Congress, and we certainly appreciate the good work he has done.

The gentleman is right, this Congress is making history. I think the 104th Congress made history when we had the contract, and we started to do the things that people said, there is some commonsense things that Congress ought to do. We ought to make government a little bit smaller and smarter. We need to start cutting our cost of government.

And, of course, the 104th Congress was the first Congress that spent less than any other Congress before it, I think which goes back 40 years. As a matter of fact, we saved $53 billion, but we could not pass a balanced budget amendment in that Congress, did not get it through the Senate and may not get a balanced budget amendment through this Congress. We certainly hope so, and we will come back and work at it again.

But one of the things we need to do is balance the budget. That is what it is all about. And we have worked hard to do that. That is one of our goals.

I think the American people, first of all, expect Congress to balance the budget. They also expect us to do the job and, if we cannot pass an amendment, then we will have to do it the hard way; that is, get down.

And, of course, one of the things that we have had problems over the years is that the amount of money that Congress actually appropriates is just a fraction of what the amount of money that Congress actually spends. What Congress spends are the entitlements.

Over the last 50 years, entitlements, that is money that never passes through the Committee on Appropriations, that is money that is never actually voted on by the Congress, it just is spent. It is the debt. It is farm programs. It is Medicaid and Medicare and other things out there. Those are the entitlements that have gone awry. They have had an increased inflation rate of about 15 percent per year.

Any time that you have a 15 percent per year inflation rate, we find out that all of a sudden the money we have spent every 5 or 6 years doubles and that is what has happened to the debt. We find ourselves with a debt of over $5 trillion, a huge debt out there, and, as a matter of fact, $1 out of every $4 that the Federal Government brings in just goes to interest on the debt.

One of the things we have also found out is that what we have done is saddle our children, the gentleman talked about his kids and he worries about his kids, we have saddled our children with a debt that they are going to have to pay off unless we do something now. And now is the time. We cannot pass it off for another year or another decade or into the next century. We have to do it now, if we are going to affect the future for our children.

As a matter of fact, a child that is born today will have to go out and earn $168,000 or some huge number like that just to pay his or her share of the interest on the debt.

So what has Congress decided to do? What have we tried to lay out? What are our parameters here? Well, we want to balance the budget of this year, 1997, in a bipartisan blueprint. And we have. We have worked with the other side of the aisle. That is what the American people want us to do. They elected the President and they elected this Congress. So we need to come out together and find a way to work together. And we have.

So we have a bipartisan blueprint for the future in order to get Washington's fiscal house in order in the next 5 years. So by the year 2002, we have balanced that budget.

So the four principles that I think that we talk about when we have tried to work on that budget agreement, budget plan, is that we are balancing that budget by the year 2002, and we have to keep it in balance. We cannot just balance it once and say we have done that. We need to keep it in balance. And if we have any kind of growth at all, if we have the kind of growth that we had in JFK's term of office, economic growth, we have certainly seen the stock market go up, we have seen job expansion, we see the lowest unemployment rate in this country that we have seen in decades, so the economy is expanding.

□ 1830

If we have the kind of expansion that JFK had, we could balance the budget in a year. We could actually balance the budget and start to bite in and take out that debt.

If we have the kind of expansion we had during the Reagan years, we could start to balance that budget in 2 years and start to dig in to that debt and pay off that debt and get it down so our kids do not have to pick it up.

And if we have regular growth that we have had, the average growth that this country has had, around 2.3 percent, something like that, then we could start to balance that budget.

It will take a little longer, maybe 4 or 5 years, but we are in exceptional times. And certainly if we can get the budget agreement together and have some type of exceptional growth that we are certainly experiencing, we can do a phenomenal thing and try to balance the budget and do away with that huge debt we have.

So that is the first principle we have to keep in mind. Then, one of the things that I think we owe to the American people is tax relief. It is something the Republicans have talked about for a long, long time. We have talked about it in the Contract With America and then we talked about it as we came into this election year and through the election, and now here we are, we are back in Congress.

Tax relief. What does that mean? Is it special groups of people? Some say we are just giving tax relief to special groups, but it is the American workers, the family, the middle-class Americans that need help.

A fellow in my district who is a schoolteacher talked to me and said, I earned $35,000 last year. I wanted to do something for my wife and my kid, and I wanted to buy a computer so they had something at home to work on and enjoy this, so I went out and got a part-time job.

He made $5,000. Just about $5,000. He said, by the time I ended up paying the taxes on that extra $5,000 that I earned, it was not hardly worth going out and doing it. It put me in a higher tax bracket. It changed the contributions that my wife had to make.

All this problematic situation that he got into was a disincentive. It is a disincentive for people to go out and be productive. He said, I would probably have been better off if I had stayed home and did not do it. But he did do it. And he is a hardworking American, proud of his family, proud of being self-sufficient and taking care of his family and buying a home and being part of the American dream.

So I said, well, one of the things that we are talking about is the child tax credit, a $500 tax credit per child. If there are two kids at home, it means that that family, for every child they have at home under the age of 21, there would be a deduction for $500. If a family has three children, it is $1,500 credit.

That takes off the tax responsibility that a family has on their taxes. That is for people who work. That is something that is great for people who are providing for their family, buying a home, keeping the kids in school, working a couple of jobs to make things work. Those are the types of things we can provide for the American family, is that type of tax credit, that type of help.

Also, one of the things we have certainly talked about in tax relief, we have a lot of seniors in my district and people who have bought and made an investment from time to time throughout their life, hopefully to save for their future. Well, their future is here.

Those people are 65 or 70 years of age, maybe 72, and the house that they bought, the tenant house they bought, or the starter house themselves, they kept it for a tenant house and built a new house for themselves in the 1960's or 1970's, and that tenant house they bought for $25,000 or $30,000 back then, today is worth $150,000, $160,000. And then they start to figure the capital gains, the penalty they have to pay because they made an investment for their future to take care of themselves.

Instead of worrying about Government or some agency or some Government handout program to take care of them, they provided for their own future. But what is the penalty? It is such a huge penalty on capital gains, they say I am not going to hand that money over to the Federal Government, I will not sell that tenant house, or I will not sell that stock, or I will not hold back the 40 acres we bought a couple of years ago because I cannot afford to sell it.

So capital gains have stopped people from cashing in on those investments they made for their future because there is such a penalty. We will change that. The capital gains treatment we have in this bill will allow our senior citizens in this country to be able to start to sell some of those assets off so they can provide for their own future, something that they worked on for 25 or 30 or 40 years to make a difference.

Certainly we can start moving those assets around in this country. We can talk about the development that we have. Certainly a positive thing. And, of course, the death tax that people have to live under. A small family business, the family farms that we have; people are afraid that if they die they cannot pass their farm on or they will not be able to pass their business on to the next generation.

Mr. Speaker, we are talking about the tax treatment out there, the death tax, so that people do not have to give up their small businesses or sell everything off on the farm for them to pass it on to their children. That is a very, very important issue and something that we provide in this bill.

Mr. THUNE. If the gentleman would yield, I see our distinguished leader here on the floor, and we all want to make room because, of course, I am sure he will have some very pithy commentary that we can enjoy listening to, but I would just like to make one observation about something the gentleman said. I think it is an important point.

A lot of the time it has been suggested that the capital gains issue has been depicted as something that only benefits those in the higher income brackets and on the death tax as well. I talk to a lot of people, I do not come from a State where we have a lot of high incomes. We are a resource-, capital-poor State, and yet we have a lot of small businesses in my home State and we have a lot of farms and we have a lot of homeowners.

And what people I think fail to realize is that those are the things that the capital gains tax relief that we have talked about, the death tax relief, those are the things that benefit the small towns, the Main Streets, the businesses, the person who wants to pass on their farming operation to the next generation, the person, as the gentleman noted, who might be approaching their older years and wants to sell a house. These are things that are very mainstream issues; they are mainstream America. They benefit, I believe, the working people of this country who have worked hard and saved and now want an opportunity to realize some of the benefits of that effort.

Mr. HASTERT. Mr. Speaker, I agree with the gentleman. What has happened, Uncle Sam has been penalizing folks who want to put the free enterprise system to the test and save for the future. Americans should be able to keep more of their hard-earned money, and that is what this bill would allow them to do.

Mr. Speaker, I would recognize our majority leader in the House, the gentleman from Texas [Mr. ARMEY], for anything he may have to say.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding, and let me thank the gentleman from South Dakota [Mr. THUNE], for engaging in this special order.

I also want to take a moment, Mr. Speaker, to express my appreciation for the Speaker's kind indulgence, the gentleman from the First District of Tennessee, Mr. BILL JENKINS, who is in the Speaker's chair presiding this evening, who has ably succeeded and working in a place that was held for so many years by our beloved colleague, Jimmy Quillen, and who represents my mother and father-in-law.

If I could talk about this agreement on the budget for a moment, beginning with my mother and father-in-law. We all love our parents, my folks being on Social Security and, of course, to some degree also dependent upon Medicare for their health and the needs of health in their life. There are folks that as we approach this very historic budget agreement, on behalf of their grandchildren we have done this in such a way to ensure that in fact there will be financial viability of Medicare in particular and Social Security sometime in the future for their children and grandchildren.

This is an enormous comfort for senior Americans, especially those who have come to a point in their life where they have come to where they have pretty well come to depend on Medicare being there. For 3 years now, we have had recurring reports from the Medicare trustees that the system faced solvency problems, and for 3 years we have tried to reach an agreement with the White House by which we could address this solvency question so we could give peace of mind and comfort and a certain sense of assuredness to our senior citizens.

So when I look at this agreement and realize that one of the first things we have done in this agreement, and thanks largely to the persistence and the thoughtful work of the gentleman from Illinois [Mr. HASTERT], who has dealt with this problem in the greatest of detail, is we have assured that solvency of Medicare. Mom and dad do not have to worry. Their health care needs will be there, preserved.

That is very important. And yet we have done that in a manner that is respectable to their desire and their concerns about their grandchildren, our grandchildren.

We have a budget that clearly drives consistently to balance no later than the year 2002. Why do I say no later than the year 2002? By virtue of the manner in which we account for things in Washington, this is the least optimistic estimate we could make about when we get that arrival date for balance. We do that with real permanent and immediate reforms in all entitlement spending programs that assures that the great compassion of the American people will be there and available to the most vulnerable of our American citizens, particularly the elderly and the children that depend upon the programs of the Federal Government for food and clothing and shelter.

But as we reform those programs and make them more responsible and more responsive to the needs of the truly needy, we also make room for budget savings in the future, and then we are able to couple that with tax relief.

We were talking here a little bit about tax relief, and I would like to talk about that one tax relief that people do not always identify as a family tax benefit: the reduction in the capital gains tax. As the gentleman from Illinois knows, I am an economist by training and, of course, the first testament of the discipline of economics is Adam Smith's wonderful work "The Wealth of Nations," written, incidently, in 1776, where Adam Smith laid out a principle that has been known and respected by economists ever since. Never has it come into doubt in the development of the discipline of our field that the road to economic progress, economic growth, is through abstinence and capital formation, savings, and the building of productive capacity. And that, immediately, in the person of a family, translates into more, better jobs with better chances of promotion.

And what is that heightens the heart of a mom or a dad, or for that matter even more so a grandma and a grandpa, than to see their young ones finish their education, their schooling and their training and find themselves able to launch into a career where they can begin to develop their own family with the confidence that the jobs are there, the promotion will be there, the pay raise will be there.

As we do that, and we have that economic growth, and we have so much room for a larger growth rate for the American economy, just to get up to the historic average we could grow by at least a percentage point more than we do, that means so much in the lives of our children and our grandchildren.

People do not understand that. They think of the capital gains tax reduction as something that is done for business. It is not that at all. It is done for these youngsters finishing college and looking for a job and looking for a promotion when the first baby comes along, looking for a raise when the time comes for the braces.

□ 1845

That is what capital gains tax reduction is all about.

The other aspect of this agreement that I think heightens the heart of our senior citizens especially is after a lifetime of hard work, and let us face it, we work for our children each and every day of our life.

I remember when I was a youngster, I sort of implored to my dad, I said, "Now, Dad, they've got a Mother's Day and they've got a Father's Day. Why don't they have a kids day?"

He said, "Well, son, every day is kids day." I think he was right. Every day of his life was worked in devotion to me and my needs as we do for our children, and then for us to be able as we come along to more able take the accumulation of our life's work and our savings and our investment and the business that we built or the farm that we created and be more able to leave that to our children. We find that our life's work has that enormous payoff. Can you imagine what that means in the life of grandma and grandpa, mom and dad, and then again in the life of those children.

This is a good budget agreement, Mr. Speaker. I want to thank the gentleman from Illinois again for yielding.

Mr. HASTERT. I thank the distinguished majority leader from Texas. He certainly speaks words of wisdom. We listen to those all the time. I thank the gentleman very much for being here.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1469, EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL FOR FISCAL YEAR 1997

Mr. MCINNIS (during the special order of the gentleman from Illinois, Mr. HASTERT) from the Committee on Rules, submitted a privileged report (Rept. 105–97) on the resolution (H. Res. 149) providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PLIGHT OF ECUADORAN PRISONERS

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Florida [Ms. BROWN] is recognized for 60 minutes.

Ms. BROWN of Florida. Mr. Speaker, I am here tonight to talk about my recent trip to Ecuador. I met many people who have been in prison for years, sleeping on dirty floors and eating unsanitary foods. There is no hope for a trial. The problem, Mr. Speaker, is that the laws of these countries do not work unless there is a justice system to administer them.

Let me begin by quoting from the State Department 1996 human rights report on Ecuador:

> The most fundamental human rights abuses stem from shortcomings in the politicized and ineffective legal and judicial system. People are subject to arbitrary arrest. Once incarcerated, they may wait years before going to trial unless they resort to paying bribes. Other human rights abuses included isolated instances of killings, torments and other mistreatment of prisoners by the police; poor prison conditions; government failure to prosecute and punish human rights abuses; discrimination against women, Afro-Ecuadorans and poor people in general.

Last month I traveled to Ecuador to visit American prisoner Jim Williams in the Guayaquil Penitentiary. I have a picture here of Jim and his wife. Jim has been in prison at this time for 9 months. When I traveled, I carried his wife. For the first time in 8 months, she and her husband saw each other.

Jim Williams is an American. He is a businessman from Jacksonville, FL, and he has been held in this prison for the past 8 months.

Several months ago, Mrs. Robin Williams, wife of Jim Williams, along with Charlie Williams, brother of Jim Williams, came to my office in Jacksonville to discuss the imprisonment of Jim Williams. They asked if I would travel to Ecuador to help investigate his situation.

After I arrived in Ecuador, two factors became apparent. First is that the Ecuadoran judicial system, including the courts and prisons, is in a shambles, in a country where poverty is the norm and a typewriter is a luxury.

The second is, the United States officials in Ecuador have an overriding role to combat drug trafficking, particularly of Colombian cocaine. Officials related to me that because of the United States pressure for drug suspects to be apprehended, there is a focus by an overwhelmed local police force to bring in anyone suspected of drug use, drug trafficking or money laundering.

Local police lock up persons who are associated with even suspected drug dealers. Hence, prisoners and prisons are overcrowded with suspect drug usage, drug dealers, or money laundering. They are all lumped together. But because of the rampant corruption and bribery, the most dangerous narcotics offenders and traffickers are able to buy their freedom.

Within this corrupt system, there are 40 Americans in prisons. Most of the people in Ecuadoran prisons have never had a trial and may never have one. They go to a jail where there is no public phones and there are no public toilets. In fact, there are no toilets.

I met one prisoner who had been in jail for 4 years on charges that he had a single marijuana cigarette. I want to repeat that. I met one prisoner who had been in jail for 4 years on charges that he had a single marijuana cigarette. In fact, this turtle that I got from this prisoner so I could remember him, is this not a waste of human talent, human resources? This person that carved this turtle has been in prison for 4 years without a trial, and he may never get one. He has never seen a judge.

The country has only 6 public defenders. Let me repeat that. The country has only 6 public defenders for 10 million people. Most prisoners are hopelessly lost in a broken judicial system.

The cost to Ecuadorans in terms of human capital is enormous. I witnessed children growing up in prison. This is an example of the children in prison with their mothers and their fathers, growing up in the conditions that are some of the worst in the world.

This is a picture of some of the children who live in prisons in Quito with their mothers. They have nowhere else to go. I witnessed fathers who cannot work and who are separated from their families.

There is another cost, the cost of an inefficient system in which lost cases may be lying on the floor in the courtroom and police reports are not filed for months. In other words, if a person is arrested, the judges tell me, it could take 2 or 3 months before the police get the information to the judicial system. So each lingering case represents a person and a family that might linger for years without knowledge of their case or their crime.

I visited a prison with 2,500 prisoners. Only 400 have received a trial. Let me repeat that. I visited a prison with 2,500 prisoners. Only 400 have received a trial.

Jim Williams from Jacksonville got caught in this system. He is a fisherman who has fished in international waters for tuna and other large fish. Jim Williams got caught in this system, Jim Williams from Jacksonville.

Jim is not just a prisoner. He is a person. I met Jim's mother, his brother Charlie Williams, and his wife Robin. He has a wonderful family here in America who are doing everything they can to help Jim get a fair trial. I will not mention the word speedy trial or timely trial.

As far as I know, there is no substantial evidence linking Jim Williams to any drug deals or any money laundering. Nevertheless, when a large Drug Enforcement Agency net went out to several countries, Jim Williams was in Ecuador and was arrested by local police. He has been in prison now for 9 months, and he and his family have been trying to find their way through the fragmented Ecuadoran judicial system.

Before my visit, Jim Williams was in an overloaded court system. During my visit, I learned that a person suspected of a drug crime will face not just one trial, which is almost impossible to get, but a series of trials because of a harsh counternarcotics law. If suspected drug offenders are fortunate enough to get through the trial and are found innocent, their verdicts are automatically appealed to two more courts. They must stay in jail during these appeals because there is no bail for drug violations.

Because of the extensive bribery system, simply getting a trial can cost a prisoner up to $30,000. Wealthy people simply buy their way out. But Jim Williams has insisted on proving his innocence. Unfortunately, those who plead innocent spend more time in the system battling the charges than if they had pleaded guilty to the crime and had served their time.

I would like to talk about another Floridian, Sandra Chase. She is 53 years old and has been in jail for 1½ years and still has not had a trial. Mrs. Chase, on her first trip out of the country, went to Ecuador last December. Mrs. Chase is another person arrested on this counternarcotics law.

In March when I went to Ecuador is the first time she finally gave her statement to the police. Mrs. Chase has a circulatory disease and her feet are black and blue. I met her daughter, Tammi Chase from California, last week. She has the following to say:

> My mother is a good person who has never been in trouble. Now she is in prison in Ecuador. I don't know who to turn to. My mother will probably get 10 years and serve 5. I have a problem with that. I want to help my mother. I've already sent $20,000 to pay for a trial, and the money went nowhere. I send her food and clothes which other prisoners steal from her and beat her up. I am scared for her life. Why is there no one to help me?

□ 1900

Mr. Speaker, Mrs. Chase remains in jail today.

I would like to talk about another prisoner, Mr. Richard Parker. Mr. Parker of New York State was arrested in May 1995. He waited 15 months before his trial, 15 months. The judge found him innocent.

Now I want to read that again. Mr. Parker of New York, May 1995; he waited 15 months before his trial. The judge found him innocent; his case was appealed to another court.

They asked for an additional $20,000. The next court asked for $30,000. Richard refused to pay the court. They reversed the sentence, and he received 8 years.

Let me tell you, Mr. Parker now has tuberculosis, and let me read a letter from his father:

> I visited Richard for several hours each of the four days I was there. I had the occasion to see the food which was distributed twice each day. Always it was a vat of weak watery broth from which feather heads and yellow feet of chicken stuck out. To obtain edible food prisoners had to buy food which for

a payoff guards allowed to be brought in and which for another payoff was prepared in facilities by prisoners who sold it. The cost to support Richard in this environment has been several hundred dollars per month.

Richard was allowed to take me on a tour of the prison, with a guard of course. I met a man from Cuba who had befriended Richard earlier but who could not afford to be moved. Last year another prisoner killed him. I also met a man who had only half of one arm which was still bandaged. He had been disarmed by a prisoner with a machete.

Mr. Parker now has tuberculosis and is still in prison.

During the time that I visited Ecuador, Mr. Parker was in the hospital. If you are in the hospital, it costs your family $70 a day. So you see that poor people have no way out of the system.

During a meeting with advisers to the Supreme Court, I listened as they explained the most serious need of Ecuadoran judicial system, and I vowed to return to the United States to find assistance. Since returning to Washington, I have learned of the $10 million World Bank loan package now approved for assistance to Ecuador's judicial system, and I am working to expedite the process.

This certainly should help with reform, but there is an important need for the U.S. oversight. There is a need for accountability.

Like my colleagues on both sides of the aisle, I am committed to fight the drug flow into the United States. Let me say that I am committed to fighting the drug flow to the United States. I agree that drugs are the poison destroying our homes and our children. But we cannot ignore the fact that the war on drugs has helped create casualties in South America and allowing others to buy their way out of prisons. Wealthy people and the poor and innocent are suffering for years imprisonment; it just cannot go on, and they are being treated like animals.

I pray for safety, good health and justice for Jim Williams, Sandra Chase, Richard Parker and thousands of other prisoners in Ecuador who see no end to their injustices. I hope they will soon be reunited with their families. They have already lingered much too long in a broken criminal justice system.

Let me now yield to my colleague who has been very, very supportive, who is from Georgia, who is the Representative of Jim Williams' family.

Mr. KINGSTON. I appreciate the gentlewoman, my friend from Jacksonville, for yielding. I think it is very important the point that you are making about the war on drugs. It does have to be an international battle as drugs are grown in one country, manufactured in another, sneaked into other countries; it does take a cooperative effort. But as you pointed out, one of the main legs of this has to be good judicial systems.

And you have already mentioned that in the prison that you visited, of 2,500 prisoners only 400 have been to trial and that the costs per trial is $30,000. Now, that is the hard costs. You and I know there is other costs that are under the table that cannot be reported. But it is a reality down there, and we know about this.

Ms. BROWN of Florida. Let me say that the $30,000 is not on the table, it is under the table.

Mr. KINGSTON. Well, that is just to get you a place in line, and sometimes, if you want to pay more, it can influence the verdict. And the gentlewoman has pointed out that the families back home, the spouses and the children who are waiting while the loved ones locked up in Ecuador or somewhere in South America, they do not know what is going to happen.

This is an American's worst nightmare. It is bad enough being in jail, innocent; bad enough certainly when you are guilty, but at least in America you know you are going to have a fair trial. But when you are in a foreign country, you do not have that assurance.

You made the statement, and I agree with you completely, that drug laws cannot be adequately or fairly addressed without judicial improvements, including training for police and judges, because we do not want to go and impose our will on other countries, but at the same hand when it affects American citizens, then we have an obligation, and that obligation, we want to work through diplomatic channels, and you certainly have done that. But at the same hand you have to have an urgency to you to say, you have got Americans over there, you got to bring them back because the next person could be someone you know.

And I remember when I was young going to Mexico from the Texas border and going into Juarez, and I remember also having an opportunity to go to Tijuana from California, and I remember vividly as a 17-year-old and 18-year-old my parents begging me not to go because my mama would say: "You don't know," and I am not throwing something off on the Mexican Government, but there would be certain law enforcement folks who could possibly plant something on you just to extort money out of you, and you are locked up in a Juarez jail somewhere, and you do not know what is going to happen to you.

And so often Americans decide not to go abroad, and I think it is important for us in terms of our relations with other countries to have a good flow of tourism back and forth. But we are not going to have tourism when people are afraid that if they are caught doing something, innocent or not, then they do not know if they are going to get a fair trial.

Ms. BROWN of Florida. Well, one of the things that is tragic about the system is that if a husband and wife is in the country and family members are picked up, fathers, in-laws, anyone suspected; so I mean you do not have to have proof, and you sit in prison for months, years, waiting on a trial, and if you do not have any money, there is no trial.

And in fact you would come out better if you plead guilty, as opposed to pleading innocent, because you will serve more time in prison if you say that you are innocent. And there is something wrong with a system like this.

Mr. KINGSTON. Now the pictures; you have some good pictures right here, but you also had some smaller pictures which I know you could not blow them all up, but the jail itself that these Americans are in looks like what you would envision a jail looking like maybe 50 or 60 years ago. Odors, stains on the wall, dampness, puddles on the floor, cracked ceilings, paint chipping off, graffiti on the walls, and I think worse, prisoners mingling about the rapists and the murderers with the check bouncers.

Ms. BROWN of Florida. As I said earlier, a person with one stick of marijuana or someone that has a drug problem, they are all lumped together.

But let me say something about the prison because perhaps I have not adequately described it. There is no toilets in the prison, none whatsoever. So all of this filth is right there, right out in the open. It is hard to believe that this condition could exist to our neighbor and the overcrowdedness, and the fact is children are being exposed to these conditions and diseases that run rampant in the prison.

Mr. KINGSTON. Now in the Ecuador prison that you went in, the overcrowdedness, it did look to me like there were too many people. Do you know how many people per cell or how do they do it? How many beds?

Ms. BROWN of Florida. They do not have a cell. It is just like an open barn with dirt floors, and there is an upstairs.

Can you see the picture over there with Mr. Willliams and his wife? Well, this is a good area. And it is like up and down under, is like a dungeon, and that is where most of the prisoners are. And it is a few steps that separate them. But the odor comes up.

But in this prison where you have over 2,500 people, no fresh water, no toilets; they dig holes in the ground, and they sleep on the dirt. It is just hard to describe.

Mr. KINGSTON. Now in that atmosphere where Americans are being——

Ms. BROWN of Florida. Forty Americans to date.

Mr. KINGSTON. Forty Americans are in this atmosphere. Do they have access to pay telephones?

Ms. BROWN of Florida. No phones. There are no phones.

Mr. KINGSTON. No phones.

Do their mattresses have sheets, or do you know?

Ms. BROWN of Florida. There are no mattresses.

Mr. KINGSTON. No mattresses and no sheets.

Ms. BROWN of Florida. That is right.

Mr. KINGSTON. So no linen.

Do they take showers, and, if so, how often are they able to take showers?

Ms. BROWN of Florida. There is no water, and there is no showers. There is lots of diseases.

Mr. KINGSTON. Is there a medical doctor?

Ms. BROWN of Florida. There is no medical doctor, and in fact Mr. Parker from New York that I talked about had to go to the hospital, and that would be another discussion because it is not a hospital. But the families, the American families, have to pay for that, and it costs $70 a day.

Mr. KINGSTON. Now, when you find a place to sleep on the floor, do you have the same spot every night, or do you have to kind of push to find a dry warm area?

Ms. BROWN of Florida. It is if you do not have any money, you know your life is at risk every single moment that you are there.

Mr. KINGSTON. How about insects and bugs? South America, Ecuador; I always think you and I are from Georgia and Florida. We have our share of mosquitoes. What is it like down there?

Ms. BROWN of Florida. Well, the conditions is the worst. In fact, the human rights groups indicated that Ecuadoran prisons, and I am sure this may be true in most of the South American countries, but Ecuador, No. 1, is one of the worst human rights violations in the whole world.

And you know I feel kind of responsible in the sense that it is our drug policy, and their system was not set up that there is misdemeanors and you know. So small offenses, all of them, are treated the same, and this is where we can help as far as providing assistance to the judicial system to set up misdemeanors or to set up bail for small offenses.

I mean this is a travesty, a human travesty, and it is the waste of not just the children but the family. But it costs the system just to keep these people in prison.

Mr. KINGSTON. Now you keep talking about if one joint of marijuana is found on you, you might as well have a whole truck.

Ms. BROWN of Florida. That is right.

Mr. KINGSTON. And these prisoners are all mixed together.

What is the prison violence like? Is there a lot, or you know is there a pecking order among the inmates where, you know, those who are wealthier have better facilities than the poor ones?

Ms. BROWN of Florida. Unless you have some money you have no, no facilities.

Mr. KINGSTON. So if you are an American and your family does not have money or if you do not have a family and you are in this situation, you are just stuck in a rat hole in South America.

Ms. BROWN of Florida. That is right. Most of the Americans do have some kind of family support, but most of the Ecuadorians are just locked in the system like this young man. It was just in fact the prisoners brought him to me. They wanted me to see this example. Here this young man, a young man, got caught with one stick of marijuana being imprisoned 4 years; not a trial, not seeing a judge, not seeing a public defender, just there and will be there because he has no money and no family.

□ 1915

So that is the case for most of the 2,500 people in this particular prison.

Mr. KINGSTON. And he was Ecuadorian?

Ms. BROWN of Florida. Mr. Speaker, he was.

Mr. KINGSTON. Did he make this turtle?

Ms. BROWN of Florida. He made this turtle.

Mr. KINGSTON. Mr. Speaker, he makes a turtle like that in jail. That means he has a knife, right?

Ms. BROWN of Florida. Absolutely.

Mr. KINGSTON. So how old is this kid?

Ms. BROWN of Florida. Well, Mr. Speaker, if the gentleman heard my testimony, one person, Mr. Richard Parker's father, saw the person who had his arm cut off with a machete. So if one has money, one can buy anything. So one of the things that I found out that if one is a drug user, it is easy to purchase in prison. I mean one can get it and one can get as much as one wants, and one can become an addict in prison.

Mr. KINGSTON. Mr. Speaker, it is bizarre that in 1997 that exists anywhere in the world. It is further bizarre that 40 Americans would be in it.

The human rights organization which the gentlewoman alluded to, have they reported any torture in this prison or in similar prisons?

Ms. BROWN of Florida. Mr. Speaker, they have not only reported torture, but murder. Killings.

Mr. KINGSTON. Mr. Speaker, have any Americans been murdered yet?

Ms. BROWN of Florida. No; no Americans to my knowledge.

Mr. Speaker, one of the things is that I met with the other Embassy and asked for a status of all of the 40 Americans that are in prison. My staff met with five women in prison in Quito. And that is where Mrs. Sandra Chase from Fort Lauderdale, she has been in prison for a year and a half, but there were five women in this particular prison. We met with her and talked with her, and as I said, she has been in prison for a year and a half, had not even given a police report.

Mr. KINGSTON. Mr. Speaker, let me ask the gentlewoman this. She went to this prison and the gentlewoman's visit was fairly well publicized. They knew 2 or 3 weeks in advance that the gentlewoman was coming. The gentlewoman was accompanied by State Department personnel and diplomats, I think. Beyond that, there were professionals and Ambassadors, political-type appointments. They knew the gentlewoman was coming. So did it appear when the gentlewoman was there that the gentlewoman was somewhat insulated from the bare truth?

It sounds to me like the gentlewoman saw things that they would ordinarily want to hide from a visitor such as herself. Did my colleague get the impression things were being hidden beyond this, or did she think that she saw all, and they did not care if she did or did not?

Ms. BROWN of Florida. They did not care. In fact, when I talked to the police and the judges and the public elected officials, one of the things that was said to me was that we need help. We need help, and help is not just financial; judges to come over and help them set up guidelines, workshops, expertise, training to train more judges.

Mr. Speaker, it is a system that is drowning. I went to one of the judge's offices, and it was amazing, papers piled up to the top of the ceiling. No computers, no fax machines. Old typewriters.

So it is an antiquated system that cannot comply.

Mr. KINGSTON. So, Mr. Speaker, they were not telling the gentlewoman, get out, Yankee go home, mind your own business; they were saying, Congresswoman, we are glad to have you here.

Ms. BROWN of Florida. There was none of that, Mr. Speaker. There was none of that. It was a real understanding that we have a problem and we need help with this problem. There was an acknowledgment that bribery, the system, that the system was antiquated, the system was not working, and they just really needed assistance. I hope that we can give them that assistance.

Mr. Speaker, we do a lot of stuff all over the world, but I think we need to start at home, and South America is our neighbor. We need to do something about it. We are all against drugs and drugs coming into our country, but, clearly, our laws have affected their system.

Mr. KINGSTON. Mr. Speaker, let me ask the gentlewoman one more time for the RECORD. What was the name of the prison and what was the city that it was in in Ecuador?

Ms. BROWN of Florida. I visited two prisons, one in Guayaquil and one in Quito. The first one that I visited, 2,500 people in prison, 400 had received a trial. The other prison that my staff visited was a women's facility in Quito, and that is where the five American women were located. I met with about 10 Americans in Guayaquil, and I talked with them. They were husband and wife, and I talked with them about the various cases. And one of the things I have asked our State Department is to look into the status of each one of these cases and give us a report back on it and let us know what stages these are in.

Now, their justice system has several stages. One is the arrest stage, probably the beginning and the end. But then the next stage should be some kind of a statement as to what one has been tried for. Then, one has one judge that decides whether one is guilty or innocent. And if one is found innocent, it automatically goes to like a Supreme Court, which is three judges; and then they rule on it. During this entire period that could take up to 4 years, you are in prison. There is no bail.

Mr. KINGSTON. Mr. Speaker, so that could take 3 or 4 years. Does one ever get to a stage where one has a trial by jury?

Ms. BROWN of Florida. There is no jury whatsoever.

Mr. KINGSTON. At any stage?

Ms. BROWN of Florida. Mr. Speaker, at any stage there is no jury system whatsoever. There is no bail, and there is no misdemeanor.

Mr. KINGSTON. Mr. Speaker, would it be fair to say that these prison systems are revenue-raisers, that often it is a matter of buy your freedom rather than have it heard in a trial?

Ms. BROWN of Florida. Mr. Speaker, I think it is revenue-raising for the bribery and that system, but it certainly does not look like it is revenue-raising for the country. But those people that are working in that system, for example, Sandra Chase, they paid $20,000. Where did that money go to? Richard Parker paid $10,000. Where did that money go to? He was found innocent. However, he was asked to pay another $30,000. The family refused. He was found guilty and given 8 years in these conditions that we just talked about. He has contracted tuberculosis.

Mr. KINGSTON. Mr. Speaker, when an American overseas gets tuberculosis in a foreign jail, is there any kind of intervening rule in diplomacy that says we can give them medical treatment?

Ms. BROWN of Florida. Well, I did learn of something today that may be helpful to us. I met with the second person in charge of our operation there, the State Department, Mr. Curt Struble. He indicated to me that there is a treaty to date, as we speak, over in the Senate waiting for ratification. What that treaty would do is that the Americans over there could be transferred to American prisons in the United States once we expedite the treaty, and that is a ray of hope.

Mr. Speaker, a lot of times we take this great country for granted.

Mr. KINGSTON. Mr. Speaker, that is true. We do that on lots of fronts and a lot of people.

Ms. BROWN of Florida. Mr. Speaker, that is right. I knew when I came home, I was just glad to be home and glad to be an American citizen. At this point I would not recommend going to some of those South American countries, including Ecuador, until we can straighten out this system.

Mr. KINGSTON. Mr. Speaker, I am glad that the gentlewoman has gone, and I am also glad that she has shared her information with other Members of Congress, because we as Members of Congress need to know what is going on, particularly when American citizens are involved. In this case we have a joint constituent; but if it is an American, it is everybody's constituent.

Ms. BROWN of Florida. Mr. Speaker, let me mention one other thing. I have an amendment that I think was ruled in order on the bill that is coming up, and I guess it is going to come up in the foreign bill.

Mr. KINGSTON. Mr. Speaker, it may be postponed, as I understand it now, until maybe in June.

Ms. BROWN of Florida. June, okay. Well, I hope my amendment will still be in order.

Mr. KINGSTON. Mr. Speaker, I do not know for sure, but I do know that it has been postponed.

Ms. BROWN of Florida. Mr. Speaker, let me say about my amendment, it has been ruled in order, and it does a couple of things. One, it gives language to the President when he reports to the Congress on the status of drug trafficking. And we also want to know when he reports to the judiciary reform, we need to know how that is also working, and also appropriate case management that separates misdemeanor from serious offenses and eliminate corruption. In other words, we want to know what they are doing as far as doing away with briberies and other things that is really embedded in these systems.

Also, there is another aspect: Can Americans and other foreign individuals operate businesses in these countries? According to generally accepted business and human rights provisions, without the fear of arbitrary arrest, without criminal evidence, and without legal representation or a trial.

Mr. KINGSTON. Mr. Speaker, that is a sensible approach to better international relations, and I think a positive step, because if one is operating a business there, one needs to know. I had a case in Savannah of two young women who were aspiring actresses and they got a contract to go to South Korea to do a film, and when they got there, the manuscript of the film was switched to a pornographic movie.

Now, they said: This is not the manuscript we have signed a contract on. And they said: It might not be the manuscript, but it is the movie that you signed a contract on; and if you break it, in Korea, it is a criminal offense. Or a civil offense is treated like a criminal offense, and so these two young ladies would be put in jail.

We were able to get the State Department involved and our office intervened. We got them actually out of the country in a very spirited chase like out of a movie itself, but got them home. But it is just ridiculous. Here we have two idealistic young women in their early twenties going overseas, the manuscript gets swapped, and they had the good sense to say no.

But Mr. Speaker, the next group or the group before them may have said: Well, I guess we are stuck, we are going to have to do this. And that is what the film company was hoping on. And these girls somewhat called their bluff but at a great personal risk. I think Americans need to know these dangers before we go overseas, particularly in business settings.

I think if one is a tourist and one stays in kind of the middle of the road, they are probably okay, but if they are trying to do something a little bit different, then they can get in trouble.

In fact, it is interesting, I had another friend whose wife is a legal resident. But she is a British national, lives in Savannah. She is a British national born in Hong Kong and she is Asian. She has lived in Savannah, taught school for 20 years. She goes to Korea on vacation. She is leaving and they will not let her leave because she is Asian, and they decide that she has a counterfeit American passport to get into the country and they will not let her out.

□ 1930

Fortunately, our State Department intervened and they were able to get her out. But again, some of these laws are crazy. Americans can very, very innocently fall into a situation where before you know it they are in jail, they are in some crazy prison, like the ones you have visited, or they are tied up in court, their career is on the line, there are monetary problems, family problems, and so forth.

What the gentlewoman is trying to do with her amendment is say, let us take the uncertainty out of foreign commerce. If we can do that, foreign relations will improve.

Ms. BROWN of Florida. Absolutely. I want to thank the gentleman for his help and leadership on this matter, also. It is just such a vicious cycle as far as the whole criminal justice system in Ecuador. It is very unfair, particularly to the Ecuadorans. We are talking about the 16 Americans, but it is harsh on the Ecuadorans who have no money, so they just sit in prison.

Mr. KINGSTON. And make turtles. I thank the gentlewoman for inviting me to join her tonight, and I appreciate everything she is doing.

Ms. BROWN of Florida. I thank the gentleman very much.

Mr. Speaker, as I come to the close of this special order, I just want to think about these children that I met. The children are innocent. In many cases the families, the male or female, could be innocent, but this system does not distinguish the innocent from the guilty, or the misdemeanors from the major. So we have the responsibility to do what we can to make the system better.

As Americans, we may be thinking tonight, well, what does that have to do with me? Do Members know, this is a global world. We used to think the world was big, but the ship is very small. We are all in the ship together. We are going to sink and swim together, so I am going to do all I can, working with my colleagues, to make things better for the children here on this side of the border, and the children that live in the Third Congressional District of Florida.

Mr. Speaker, I include for the RECORD a letter to me from James Gordon Williams.

The letter referred to is as follows:

PENITENCIARIA, GUAYAQUIL, ECUADOR,
Thursday, May 8, 1997.

Hon. WILLIAM CLINTON,
President of the United States of America, Washington, DC.

DEAR PRESIDENT CLINTON: I am writing from my cell in the penitentiary in Guayaquil, Ecuador. Writing the President of the United States was never something I imagined that I would do, but then again neither was spending eight months in a South American jail. I am charged with money laundering for a Colombian that I did business with for a number of years. This man, Jose Castrillon is the target of an FBI investigation in the US. I am an innocent man. If Mr. Castrillon was involved in drug trade, I never saw any evidence of it during the years that I did business with him. The charges against me in Ecuador are based on lies and fabrications by the Ecuadorian National Police. My case would be thrown out of any real court of law in the world. My arrest along with seventeen other persons was documented as the number one accomplishment in the United States Department of State, Bureau for International Narcotics and Law Enforcement Affairs, in their International Narcotics Control Strategy Report, dated March 1997. In this publication, it states that with the help of the US Government, the Ecuadorian National Police dismantled a band of narcotics traffickers led by Castrillon. The persons mentioned in this report are workers, accountants, maids, fishermen, lawyers and businessmen. No evidence of drugs has been related to any of these persons in Ecuador. This US State Department report also contains lies and fabrications.

I would like to relate several facts that have been primarily obvious to me by this experience.

1) Judges, Policemen and Politicians in Latin America can not live on the salaries that they are paid. Corruption is a way of life within these institutions. It has been this way for many years. This knowledge is sine qua non for doing business in Latin America. If drug trafficking and money laundering is a form of corruption in one of these countries then look first to the above institutions for the real culprits. If funds are given to these institutions to fight corruption it would be analogous to giving Al Capone funds to help fight corruption in the US seventy years ago.

2) The US Agencies that are responsible for US drug enforcement in Latin America seem to have become more concerned with funding than enforcement. At least some of the reports produced by these Agencies are erroneous and misleading.

3) The pressure that is being applied to Latin American Countries by Certification does not hinder drug traffickers who have no interest in that country's real economy, but it definitely creates strong anti American feelings and distrust among the citizens of these Countries.

4) The "War on Drugs" is not a winnable war as it is being fought today. Billions of US tax dollars are being squandered. In Latin America, thousands of innocent persons are being killed, tortured and illegally detained by corrupt forces that are supported by the US. Meanwhile, drugs continue to flow at an ever increasing rate. The suffrage from drug use in the US is a result of the addicts lack of education. If we can not blame the addict then we must blame our society. The torture and killing of innocent persons in Latin America is also the result of ignorance, but not of these tortured citizens nor of their society.

I have lost my business, and my life's savings because of mistakes made by Ecuadorian and US Law Enforcement Agencies. Congresswoman Corrine Brown recently made a trip to visit me in Ecuador. She is doing her best to help me get a fair and expedient trial in Ecuador. The stigma associated with the words "drugs" and "Colombian" scared other US representatives away from my case. Congresswoman Brown was able to see first hand some the results of police brutality and injustice in Ecuador. I beg of you, for the sake of tortured souls in Latin America and for the integrity of our Great Nation, please reconsider your policies on the "War on Drugs".

Respectfully,

JAMES G. WILLIAMS.

Mr. LANTOS. Mr. Speaker, I rise today to join my distinguished colleague from Florida, Congresswoman CORRINE BROWN, in expressing concern for the human rights situation in Latin America and the Caribbean. I congratulate Congresswoman BROWN for her leadership in requesting time so that we can have the opportunity to address these issues.

As my colleagues know, my commitment to human rights around the world has often focused on the Americas, whether by pushing for declassification of our own Government's documents with regards to Guatemala and Honduras, or inquiring into our own end-use monitoring capabilities with regards to Mexico, or even monitoring human rights conditions in the Brazilian Amazon and its link to our contributions to the World Bank. So I welcome this opportunity to remind all of my colleagues that our human rights task in the Americas, while headed more or less in the right direction, is far from over.

Indeed, we have much work ahead of us. We must remain ever vigilant to ensure that the fragile peace that was won in Guatemala, El Salvador, and Nicaragua does not revert to the tempest of human rights violations. We must lend Mexico a helping hand to prevent that government from heading down the slippery slope of increasing human rights violations and to reinforce attempts at institutional reform. We must strengthen the resolve of Hondurans who are prosecuting those who tormented their society through illegality. We must support efforts in Haiti to ensure accountability in its newly trained police forces. And whether we are dealing with Chile or Venezuela, Brazil or Peru, we must unequivocally support all efforts to obtain justice for the countless victims and survivors of some of our neighbor's darkest periods of their history. Justice is a human right and as such is the birthright of every man, woman, and child on the face of the Earth. We must not forget that human rights are not luxuries or privileges. They are birthrights which I am proud to support.

I would also like to take this opportunity to salute those courageous men and women who strive to make the respect for human rights a part of the everyday reality of their communities and their nations. These human rights defenders unfortunately are under attack in many areas of the Americas. But it is these same people who are our early warning systems in times of trouble. They are the ones on the front lines who can tell us whether or not a situation will worsen. The Colombian human rights defenders have been warning us—and dying while they do so—and we have all witnessed in horror as the paramilitaries in that nation have committed massacre after massacre, often in a preannounced fashion.

Mexican defenders have warned us of the deterioration in basic respects and we have witnessed attack upon attack, while the defenders themselves are subjected to death threats, harassment, and even deportation. In Peru, defenders have received funeral wreaths from the same type of cowardly anonymous thugs who torment defenders elsewhere and in Honduras, not even the children are spared of attacks because of the work their parents do to protect those in need. Clearly this pattern of attacks against defenders must be reversed and we must do all we can to highlight the importance of defenders and our support for what they do. Our Nation must use all of its available resources and occasions to voice support of their courageous work. Indeed it is ironic that those who become involved in protecting the rights of others themselves become subject to attack and having their rights violated.

Finally, we must not forget our role in this equation. We are members of the most powerful Government on this Earth. Every wink, every nod, every transfer of money and every piece of military hardware we send is interpreted as supporting one policy or another. Our silence is equally scrutinized so that when we remain silent in the face of human rights violations, those who commit them think that our Government does not care what happens. We can use this power for good or for ill and an important step is assuming our responsibility for our actions and becoming aware that our intentions must often be followed by our deeds and our words lest what we do or what we fail to do be misinterpreted. By siding with human rights and with its defenders, we assume this responsibility and face this challenge and ensure that the next generations will inherit a better world than what we inherited.

A LEGITIMATE DEBATE: HOW WILL AMERICA GET TO A BALANCED BUDGET?

The SPEAKER pro tempore (Mr. LATHAM). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, the importance of the budget agreement is that we are saying that America is no longer going to debate having a balanced budget. We are going to have a balanced budget.

Now that we have answered that question, the next part of it is how are we going to get that. I think that is a legitimate debate: What is the role of government going to be; what are the roles of these bureaucracies; is the expenditure something that the private sector could do better? Is it something a nonprofit organization could do, or is it something that the government should do, but on a State or local level, or is it the domain of the Federal Government? These are all relevant questions as we fight to balance our budget.

The vision of America is what the actual debate is about. It is not just a matter of liberals versus conservatives or urban versus rural, it is a matter of what is it that we think the Federal Government should be doing, should be offering. Should it be involved with your life to the Nth degree, or should it kind of stand back, and so forth. All this ties into the money debate.

As we have it right now, the gentleman from Ohio [Mr. KASICH], the gentleman from Georgia [Mr. GINGRICH], and Mr. DOMENICI and Mr. Clinton and the various players in the House and Senate and the White House have agreed that we will balance the budget by 2002. We have agreed on a number. We have agreed on a downward slope toward it.

The beneficiaries of this will be the American families. When the budget is balanced, interest rates, according to Alan Greenspan, will go down. When interest rates go down that means we will have less interest that we will have to pay on our home mortgages. A 2 percent interest rate on a $75,000 home mortgage could mean over a 30-year period of time that you pay $37,000 less; on a $15,000 car loan, it could mean that you are paying $900 less. On student loans, anything else you want to borrow, that would be a benefit to the American families.

The other thing about the benefit of a balanced budget to the American family is it would give tax relief. Mr. Speaker, right now we are taxed higher than any generation of Americans in the history of our country. The average tax burden in America today is 38 percent. When you have a tax burden of 38 percent, if you look at this figure just roughly, a two-income family with a combined income of $55,000, one spouse is making $22,000, that means that that income is going to pay taxes. That means that that spouse is working for the Federal Government. We might not call it the Federal Government, we might call it a shoe store, we might call it the insurance agency, we might call it clerking at a law firm or working at a hospital, but the fact is that 100 percent of that income goes to pay taxes.

That is higher than what the average Americans are paying for food, shelter, clothing, and transportation. It is an astronomical figure. In the 1950's the average American family was paying 5 percent Federal income tax. Today they are paying 24 percent Federal income tax. I am only talking about income tax, not all the other taxes combined.

If we balance the budget, Americans can move toward tax relief and lower taxes. In the balanced budget agreement there is capital gains tax relief. The capital gains works like this. If you are an elderly couple and you bought your house 20 years ago, and the husband, let us say, because this is very common where I live, the husband is dead and the woman lives on Whitmarsh Island, or Wilmington Island, because we have a lot of waterfront property in the area that I represent in Savannah, the house they paid for in the 1970s, they paid $30,000, today it is worth $400,000.

But she is living alone. She is on a fixed income of maybe $10,000, maybe $15,000 a year. If she sells that house, because she may need the money for long-term health care, or for medical reasons or whatever, if she sells that house she is taxed as if she makes $400,000 a year. Capital gains tax relief will help that widow. It will also give death tax relief.

Death tax relief works this way, Mr. Speaker. If you have saved all your money and you have a good, frugal lifestyle, and you bought IBM stock in the 1960's, in the 1970's, and even the 1980's, and today the value of that stock has tripled, and you have foregone nice vacations or boats or fancy clothes because you are a saver, not many left in America but there are still a lot of them out there, but you have saved your money and now you want to sell that IBM stock or pass it on to your children, if you try to sell it you have a capital gains tax problem. If you try to pass it on to your children, you are limited to $10,000 per child per year.

So generally what happens is our seniors, our savers, die. Then Uncle Sam makes his move. For the amount of money over $600,000, about 40 percent of it is going to go to Uncle Sam. That is not fair. You have paid taxes on the stock already when you purchased it, and if you have that stock you are not going to be able to pass it on to your children because Uncle Sam is going to get his fair share. That is the death tax. You cannot escape taxes even when you die, in the United States of America.

The final tax that is given in the balanced budget agreement, the tax relief is a $500 per child tax credit. That would help people who have small children.

I have a couple of charts, but just to show this, Mr. Speaker, this chart says so much. Balancing the budget is good for America because it is good for American families. Balancing the budget is not about numbers, it is about people. It is about Dad and Mom and little Jane or little Bob and whoever else, because it is very important that we look after American families.

When was the last time that the budget was balanced? In 1969, and Mr. Speaker, you were a young man back then, and so was I. In 1969 the Beatles had just released Abbey Road, Nixon began the SALT talks with the former Soviet Union, the Smothers Brothers and the Mod Squad were still on TV, and *Apollo 11* had men on the moon in July, 1969. That was 1969.

Pocket calculators were not even on the drawing board in those days, Mr. Speaker. Pocket calculators were not even a pipe dream back then. Computers were not. In 1969 probably not a school in the United States of America had a computer in it. Look at today. We have computers in just about every school.

What does the balanced budget agreement have? It has these components, very important: The budget will be balanced by the year 2002; it will provide tax relief for American families, and we have talked about that; it will provide entitlement reform; it will save Medicare from bankruptcy.

I have already talked about this date, the year 2002. You have to have a deadline on these things. We have talked a little bit about tax relief. Let me talk a little bit about entitlement reform. Entitlements take up about 50 percent of the entire budget. Entitlements are generally known as programs that are automatic. They benefit people. It includes anything from VA to Medicare to Medicaid, Social Security, all types of programs. But if that is where 50 percent of the budget is, or where the expenditures are, we have to know we get the best bang for the buck.

We have a debate going on right now about WIC. WIC stands for women, infants, and children. It is a formula program. It is a program, a nutrition program, that everybody agrees on on a bipartisan basis, generally.

Last year, as Members know, the Republican conference funded WIC at a full $3.7 billion. It passed on a bipartisan basis. Everybody was in favor of it. This year, on the emergency supplemental, Members of Congress decided that WIC needed a little bit more money. WIC has an escrow account of about $100 million, and that has not even been touched. But nonetheless, the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, increased WIC funding by $38 million. What do some of the liberals do? They turn around and say, you have increased WIC, but not as much as we wanted you to. Therefore, you have cut.

Follow me closely, Mr. Speaker. If we increase a program $38 million and people call it a cut, it is a new assault on truth in debate by the rhetorical terrorists of Congress. We are seeing this over and over again. When it comes to making difficult decisions that involve important programs for seniors, for children, for education or the environment, rhetorical terrorists in Congress parade out the person involved in the benefit and use them as a pawn to increase the size of Government and increase the size of bureaucracy.

Never mind that in this case the USDA has told us that $38 million is sufficient for WIC, and that there is another escrow account, along with the $100 million, of about $40 million that is available. The numbers are already there. Yet, some Members of Congress want to use WIC as a political issue, and have misconstrued the debate one more time in Congress to increase funding, and therefore, most importantly, increase the bureaucracy. Twenty-five percent of WIC goes to the bureaucracy, Mr. Speaker.

It is interesting that the liberals who are pushing this do not want to study the program. I am on the Committee on Appropriations, as the Speaker pro tempore is, and we have recommended, let us study it, because there is genuine concern about this. The concern even was brought up by Democrat Members, liberal members of the committee, about are these numbers real or not.

We had said, let us study it. The same people who say the numbers are wrong refuse to sign off on a study of WIC. I say, if we are going to have entitlement reform, we have to have truth in debate. We have to agree that we can improve programs without being against children or being against the elderly or whatever.

Remember, Mr. Speaker, last year on Medicare funding when the Republican Congress went from $190 to $270 billion, it was called a cut. When we went from $89 to $124 billion in Medicaid funding, it was called a cut.

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When we went from $26 to $40 billion in student loans, it was called a cut. If America wants a balanced budget, America has to be mature enough to say this is worth a truthful debate. We can have an honest disagreement and have studies that find better ways to get more money to the children back home.

But I am worried about, Mr. Speaker, a friend of mine. I am going to call her Jane. She is a real person. She has two kids. She is a single mama. Sometimes she gets child support, and sometimes she does not. Our office has been involved in it; and having been involved in child support battles, it is real hard to get child support from somebody who does not want to give it. We have all kinds of deadbeat-dad laws in Georgia, and sometimes they work and sometimes they do not.

Mr. Speaker, Jane is out there with two kids. She is not on public assistance. She is not on WIC. She is not on food stamps. She is not on public housing. Yet, she is paying over and over again for people who are not on public assistance, many who have the financial ability or physical ability to get off of it. She is paying for 25-year-old men who are able-bodied to be on welfare, while she is out busting her tail working 40 and 50 hours a week at her job to come home and to cook and to sew and to do the dishes and to wash the clothes and drive the car pools.

That woman deserves better than what we are giving her, Mr. Speaker. She is getting abused by the big government crowds who favor bureaucrats over people, and it is time that we change it. So I think on so many of these programs we do have to take a look and find out how we can make the program better. We should be able to do that without crying foul from either side.

Let me show a Medicare chart. In the balanced budget agreement, the 5-year Medicare spending does go up. This is the balanced budget agreement. Medicare is approximately level. I am sure, Mr. Speaker, we are going to be hearing over and over again that balancing the budget will cut Medicare. Do my colleagues know why we are going to hear that? Because it is easy to hoodwink America's seniors. We have people who only have Medicare and Social Security. It is easy to scare them. It is not fair. It is not right. But we have a lot of people who are willing to do that in the U.S. Congress.

Mr. Speaker, I think again, when it comes to seniors, when it comes to the elderly, we owe them truth, but we also owe them good government. And if we can reform Medicare and keep it from going bankrupt by strengthening it and preserving it and protecting it, not for the next election, but for the next generation, then we have served the elderly well.

I am going to touch base on about one more thing, Mr. Speaker, if I could find my chart; and that is one other program that we need to take a very, very close look at, and that is AmeriCorps. AmeriCorps is the program that, at minimum, changes the definition from volunteer, volunteer meaning somebody who works who does something for free, to being a volunteer as somebody who gets paid from a government bureaucracy.

AmeriCorps is President Clinton's domestic Peace Corps. Now who could argue with that? It sounds great, right? Well, consider this. When the President started AmeriCorps in 1993, he said we are only going to give it seed money; this is not going to become a bureaucracy; this is going to become a lean mean venture capital type outfit.

Well, here we are 3 years later, 4 years later. AmeriCorps is $400 million a year. AmeriCorps spends $1.7 million a year on PR, public relations, so that they can get people to write Members of Congress and say keep this important program going. AmeriCorps volunteers costs taxpayers anywhere from $26,000 to $31,000 per child per year. And the child is a 16-, 17-, 18-year-old and they get $1,500. Sometimes they get uniforms. Uniforms cost anywhere from about $150 to as high as a thousand dollars. It is pure waste.

There was one case in Texas along the border that the program issued a $2.8 million grant, and the director of that program received an $85,000 a year salary. Again, Mr. Speaker, what a volunteer. They have cars. They have expense accounts. They go out for lunch on the taxpayers. It is absolutely ridiculous. So Congress says, let us audit AmeriCorps. We cannot do it. The books are too messed up. There are too many different disjointed records. It is in shambles. And AmeriCorps could not be audited.

It is time, Mr. Speaker, that we tell the truth that, look, this program is not working. I have one other story. A friend of mine is volunteering for Habitat for Humanity, and he is a good friend of mine. He does lots of volunteer work for churches, for other churches, for other causes. He is volunteering for Habitat for Humanity, as he always has. And AmeriCorps sends their crew out there, their paid volunteers, to go work side-by-side with the regular, the real volunteers. And he says half the kids are over there listening to the radio talking back and forth, smoking cigarettes, goofing off and playing. And here we have got part-time volunteers, executives that make $200,000 or $300,000 a year. And they are working their tail off. And over here sitting on the floor is a 17-year-old getting paid and he will not even work while he is getting paid.

That is a horrible message because what my friend told me, the Habitat for Humanity real volunteer, he said: I have about had it, and I am not going to go out there and work my tail off while some kid is getting paid for it. He refuses to.

That is the type of program that we have to deal with, Mr. Speaker, and we ought to be able to say: You know, America, we cannot afford to do everything for everybody all the time as we have been doing. It is time to balance the budget.

I close with this, definition of a trillion. We are $5 trillion in debt. If we pulled $65 million in train cars, $65 million per boxcar, how long would the train have to be to have $1 trillion in it? It would have to be 240 miles long.

Mr. Speaker, we have got a debt right now of over $5 trillion. It is time to balance the budget and do something for America's children, America's family, and America's future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLAKE (at the request of Mr. GEPHARDT) for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.
Mr. ROEMER, for 5 minutes, today.
Mr. BILIRAKIS, for 5 minutes, today.
Mr. MEEHAN, for 5 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Ms. STABENOW, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and to include extraneous material:)

Mr. FORBES, for 5 minutes, today.
Mr. KNOLLENBERG, for 5 minutes, today.
Mr. POMEROY, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. SANCHEZ, for 5 minutes, today.
Mr. NEUMANN, for 5 minutes, today.
Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. TIERNEY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.
Mr. REYES, for 5 minutes, today.
Mr. CONDIT, for 5 minutes, today.
Mr. GOODE, for 5 minutes, today.
Mr. TURNER, for 5 minutes, today.
Mr. SANDLIN, for 5 minutes, today.
Mr. BOYD, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. BUYER) to revise and extend their remarks and to include extraneous material:)

Mr. SNOWBARGER, for 5 minutes, on May 16.
Mr. FOLEY, for 5 minutes, today.
Mr. HANSEN, for 5 minutes, on May 15.
Mr. CUNNINGHAM, for 5 minutes, today and May 15.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GOODLATTE, for 5 minutes, today.
Ms. GRANGER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUYER) and to include extraneous matter:)

Mr. WAMP.
Mr. OXLEY.
Mr. SOLOMON.
Mr. BUNNING.
Mr. BLUNT.
Mr. FAWELL.
Mr. GOODLING.
Mr. LAZIO of New York.
Mr. BALLENGER.

(The following Members (at the request of Mr. TIERNEY) and to include extraneous matter:)

Mr. FROST.
Mr. CAPPS.
Mr. SCHUMER.
Ms. STABENOW.
Mr. KUCINICH.
Mr. HAMILTON.
Ms. WOOLSEY.
Mr. VISCLOSKY.
Mr. PAYNE.
Mr. BERMAN.
Mr. LANTOS.
Mr. STARK.
Mr. BORSKI.
Mr. KLECZKA.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. CHRISTENSEN.
Mr. HILLEARY.
Mr. FOGLIETTA in two instances.
Mr. UNDERWOOD.
Mr. SHERMAN.
Mr. PALLONE.
Mr. KILDEE.
Mr. BOB SCHAFFER of Colorado.
Mr. CLAY.
Mrs. MALONEY of New York.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, May 15, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the speaker's table and referred as follows:

3281. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Housing Preservation Grant Program (Rural Housing Service) [Workplan Number 93–015] (RIN: 0575–AB43) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3282. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection Child Restraint Systems (National Highway Traffic Safety Administration) [Docket No. 74–14; Notice 116] (RIN: 2127–AG14) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3283. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Expansion of Short-Form Registration to Include Companies with Non-Voting Common Equity [Release Nos. 33–7419 and 34–38581; File No. S7–23–96] (RIN: 3235–AG82) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3284. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–150–AD; Amdt. 39–10010; AD 97–09–14] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3285. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–52–AD; Amdt. 39–10009; AD 97–09–13] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3286. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–141–AD; Amdt. 39–10007; AD 97–09–11] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3287. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model DH 125–1A, -3A, and -400A Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–190–AD; Amdt. 39–10008; AD 97–09–12] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3288. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration)

[Docket No. 97–NM–66–AD; Amdt. 39–10012; AD 97–08–51] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3289. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model BAe ATP Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–100–AD; Amdt. 39–10006; AD 97–09–10] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3290. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–278–AD; Amdt. 39–10003; AD 97–09–07] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3291. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–151–AD; Amdt. 39–10011; AD 97–09–15] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3292. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland DHC–6 Series Airplanes (Federal Aviation Administration) [Docket No. 93–CE–45–AD; Amdt. 39–10016; AD 97–07–10 R1] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3293. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company (formerly Beech Aircraft Corporation) Models 58P and 58PA Airplanes (Federal Aviation Administration) [Docket No. 95–CE–89–AD; Amdt. 39–10005; AD 97–09–09] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3294. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–67–AD; Amdt. 39–10014; AD 97–10–02] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3295. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–188–AD; Amdt. 39–10015; AD 97–10–03] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3296. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A310 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–60–AD; Amdt. 39–10013; AD 97–10–01] (RIN: 2120–AA64) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3297. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Little Rock AFB, AR (Federal Aviation Administration) [Airspace Docket No. 97–ASW–02] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3298. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Dallas Addison Airport, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–34] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3299. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Victorville, CA (Federal Aviation Administration) [Airspace Docket No. 95–AWP–26] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3300. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Sacramento, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–14] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3301. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; DeQueen, AR (Federal Aviation Administration) [Airspace Docket No. 96–ASW–37] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3302. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Clarksville, AR (Federal Aviation Administration) [Airspace Docket No. 96–ASW–43] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3303. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Olney, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–42] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3304. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Paragould, AR (Federal Aviation Administration) [Airspace Docket No. 96–ASW–39] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3305. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Reserve, LA (Federal Aviation Administration) [Airspace Docket No. 96–ASW–38] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3306. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Killeen, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–35] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3307. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Weslaco, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–36] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3308. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Goffs, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWA–7] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3309. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Donora, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–009] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3310. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Friendly, MD (Federal Aviation Administration) [Airspace Docket No. 97–AEA–15] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3311. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kittanning, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–011] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3312. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mount Oliver, PA (Federal Aviation Administration) [Airspace Docket No. 97–AWA–008] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3313. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Grants, NM (Federal Aviation Administration) [Airspace Docket No. 96–ASW–41] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3314. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA (Federal Aviation Administration) [Airspace Docket No. 97–ANE–11] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3315. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; New Haven, CT (Federal Aviation Administration) [Airspace Docket No. 97–ANE–02] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3316. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28898; Amdt. No. 1795] (RIN: 2120–AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3317. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28897; Amdt. No. 1794] (RIN: 2120–AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3318. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28908; Amdt. No. 1798] (RIN: 2120–AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3319. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28907; Amdt. No. 1797] (RIN: 2120–AA65) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3320. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Restricted Area 2311 (R–2311), Yuma Proving Ground, AZ (Federal Aviation Administration) [Airspace Docket No. 94–AWP–15] (RIN: 2120–AA66) received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3321. A letter from the Secretary of Transportation, transmitting the Department's report entitled "Excerpts From U.S. Coast Guard Regulations and Policies related to the Edible Oil Regulatory Reform Act (P.L. 104–55)," pursuant to Public Law 104–134, section 1130(b) (110 Stat. 3985); to the Committee on Transportation and Infrastructure.

3322. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and BONDS [Department of the Treasury Circular, Public Debt Series No. 1–93] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3323. A letter from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting a draft of proposed legislation to reauthorize the Office of National Drug Control Policy, pursuant to 31 U.S.C. 1110; jointly to the Committees on Government Reform and Oversight, the Judiciary, and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 149. Resolution providing for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for fiscal year ending September 30, 1997, and for other purposes (Rept. 105–97). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON (for himself and Mr. CONYERS) (both by request):

H.R. 1590. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as the Chemical Weapons Convention and opened for signature and signed by the United States on January 13, 1993; to the Committee on International Relations and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. CONDIT, Mr. ROHRABACHER, Mr. HERGER, Mr. MCINTOSH, Mr. GEKAS, Mrs. CHENOWETH, Mr. BURTON of Indiana, Mr. HOSTETTLER, Mrs. EMERSON, Mr. DEAL of Georgia, Mr. GOODLATTE, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. GALLEGLY, Mr. BOB SCHAFFER, Mr. LEWIS of Kentucky, Mr. PARKER, Mr. PITTS, Mr. THORNBERRY, and Mr. BLUNT):

H.R. 1591. A bill to ensure congressional approval of the amount of compliance costs imposed on the private sector by regulations issued under new or reauthorized Federal laws; to the Committee on Government Reform and Oversight, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the Committee concerned.

By Mr. BALLENGER (for himself, Mr. LEVIN, Mr. ROHRABACHER, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, and Mr. RAMSTAD):

H.R. 1592. A bill to amend the Internal Revenue Code of 1986 and Employment Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Ways and Means.

By Mr. CHRISTENSEN (for himself and Mr. CRAMER):

H.R. 1593. A bill to amend the Internal Revenue Code of 1986 to provide that the lookback method shall not apply to construction contracts required to us the percentage of completion method; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 1594. a bill to require employers to notify workers before health care benefits or retirement benefits are terminated'; to the Committee on Education and the Workforce.

By Mr. FAWELL:

H.R. 1595. A bill to amend the National Labor Relations Act to determine the appropriateness of certain bargaining units in the absence of a stipulation or consent; to the Committee on Education and the Workforce.

By Mr. GEKAS (for himself, Mr. HYDE, Mr. CONYERS, and Mr. NADLER):

H.R. 1596. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. SOLOMON, Mr. LIVINGSTON, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. KING of New York, Mr. CANADY of Florida, Mr. SHAYS, Mr. QUINN, Mr. MCHUGH, Mr. MANZULLO, Mr. DOOLITTLE, Mr. GREENWOOD, Mr. NORWOOD, Mrs. KELLY, Ms. GRANGER, Mr. UNDERWOOD, Ms. NORTON, Mr. EHLERS, Mr. KNOLLENBERG, Mr. FALEOMAVAEGA, Mr. BEREUTER, Mr. KLUG, Mr. SKEEN, Mr. SENSENBRENNER, Mr. GRAHAM, Mr. BOB SCHAFFER, and Mr. BILIRAKIS):

H.R. 1597. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 1598. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself and Mr. JACKSON):

H.R. 1599. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to provide the descendants of female U.S. citizens born abroad before May 24, 1934, with the same rights to U.S. citizenship at birth as the descendants of male citizens born abroad before such date; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 1600. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such act between July 1, 1973, and April 1, 1980; to the Committee on Education and the Workforce.

H.R. 1601. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on National Security.

H.R. 1602. A bill to restore the grave marker allowance for veterans; to the Committee on Veterans' Affairs.

H.R. 1603. A bill to amend the Social Security Act to provide, in the case of any person who is a party in interest with respect to an employee benefit plan, that information requested from the Secretary of Health and Human Services to assist such person with respect to the administration of such plan shall be provided at least once without charge; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. HAYWORTH, and Mr. KENNEDY of Rhode Island):

H.R. 1604. A bill to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission; to the Committee on Resources.

By Mr. KLECZKA:

H.R. 1605. A bill prohibiting the manufacture, sale, delivery, or importation of school buses that do not have seat belts; to the Committee on Commerce.

By Mr. LaHOOD:

H.R. 1606. A bill to suspend temporarily the duty on carbamic acid (U-9069); to the Committee on Ways and Means.

H.R. 1607. A bill to suspend temporarily the duty on rimsulfuron; to the Committee on Ways and Means.

By Mr. LaTOURETTE:

H.R. 1608. A bill to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have died in foreign conflicts other than declared wars; to the Committee on Resources.

By Ms. MOLINARI (for herself, Mr. Weller, Mr. Gejdenson, Mr. Solomon, Mr. Moakley, Mr. Franks of New Jersey, Mr. Frelinghuysen, Mr. Borski, Mr. Castle, Mr. McGovern, Mr. Shays, Mr. Paxon, Mr. Boehlert, Mr. Quinn, Mr. Nadler, Mr. King of New York, Mrs. Johnson of Connecticut, Mrs. Kelly, Mr. Frank of Massachusetts, Mrs. Kennelly of Connecticut, Mr. McHugh, Mr. Markey, Mr. Engel, Mr. Neal of Massachusetts, Mr. Pascrell, Mr. Meehan, Mr. Manton, Mrs. Lowey, Mr. Forbes, Mrs. McCarthy of New York, Mr. Walsh, Mr. Flake, Mr. Lazio of New York, Ms. DeLauro, Mr. Gilman, Mr. Rangel, Mr. Hinchey, Mr. Schumer, Mr. Serrano, Ms. Velázquez, Mr. Towns, Mr. Owens, Ms. Slaughter, and Mrs. Maloney of New York):

H.R. 1609. A bill to reauthorize the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAXON (for himself, Mr. Engel, Mr. Houghton, Ms. Molinari, Mr. Towns, Mr. Manton, Mrs. Kelly, Mr. King of New York, Mr. Lazio of New York, Mr. Gilman, Mr. Schumer, and Mr. Walsh):

H.R. 1610. A bill to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations; to the Committee on Commerce.

By Mr. PETRI:

H.R. 1611. A bill to provide for the establishment and maintenance of personal social security investment accounts under the Social Security system; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. Capps, Mr. Fazio of California, Mr. Houghton, Mr. Bono, Mr. English of Pennsylvania, Mr. Cox of California, Mr. Pombo, Mr. Calvert, Ms. Sanchez, and Mr. Torres):

H.R. 1612. A bill to amend the Internal Revenue Code of 1986 to reduce the taxes on wine to their pre-1991 rates; to the Committee on Ways and Means.

By Mr. RIGGS (for himself, Mr. Dickey, Mr. Goss, Mr. Ensign, Mr. Baldacci, Mr. Ramstad, Mr. Shays, Mr. Hayworth, Mrs. Kelly, Mr. Coburn, Mr. Christensen, Mr. Barrett of Nebraska, Mr. Bereuter, Mr. Greenwood, Mr. Camp, Mr. McCollum, Ms. Rivers, Mr. LoBiondo, Mrs. Myrick, Mr. Ganske, Mr. Deal of Georgia, Mr. Collins, Mr. Porter, Mr. McKeon, Mr. Weldon of Florida, Mr. Fox of Pennsylvania, Mr. Kolbe, Mr. Minge, Mr. Barrett of Wisconsin, Mr. Watts of Oklahoma, Mr. McHale, Mr. Pomeroy, Mr. Bliley, Mr. Metcalf, Mr. Canady of Florida, Mr. Miller of Florida, Mr. Souder, Mr. Buyer, Mr. Jones, Mr. Horn, Ms. Lofgren, Mr. English of Pennsylvania, Mr. Watkins, Mr. Hoekstra, Mr. Davis of Virginia, Mr. Coble, Mr. Scarborough, Mr. Sensenbrenner, and Mr. Lucas of Oklahoma):

H.R. 1613. A bill to amend title 5, United States Code, to provide that if a Member of Congress is convicted of a felony, such Member shall not be eligible for retirement benefits based on that individual's service as a Member, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITE (for himself, Mrs. Maloney of New York, Mr. Franks of New Jersey, Mr. Dingell, Mr. Horn, Mr. Andrews, Mr. Barcia of Michigan, Mr. Barrett of Wisconsin, Mr. Bentsen, Mr. Blumenauer, Mr. Brown of California, Mr. Castle, Mr. Conyers, Mr. Dellums, Mr. Dixon, Mr. Doolittle, Mr. English of Pennsylvania, Mr. Etheridge, Ms. Eshoo, Mr. Fattah, Mr. Frelinghuysen, Mr. Gilchrest, Mr. Gonzalez, Mr. Greenwood, Mr. Hamilton, Mr. Hastings of Florida, Mr. Hinchey, Mr. Houghton, Mr. Kennedy of Rhode Island, Ms. Kilpatrick, Mr. Kleczka, Mr. Klink, Mr. Kucinich, Mr. Lipinski, Ms. Lofgren, Mrs. Lowey, Ms. McCarthy of Missouri, Mr. McDermott, Mr. McHale, Mr. Metcalf, Ms. Millender-McDonald, Mr. Miller of California, Mr. Minge, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Nadler, Mr. Owens, Mr. Petri, Mr. Poshard, Mr. Rahall, Mr. Ramstad, Ms. Rivers, Mr. Sawyer, Mr. Smith of Michigan, Mr. Strickland, Mr. Stupak, Mr. Taylor of Mississippi, Mrs. Thurman, Mr. Torres, Mr. Wise, and Ms. Woolsey):

H.R. 1614. A bill to establish the Independent Commission on Campaign Finance Reform to recommend reforms in the laws relating to the financing of political activity; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Ms. Norton):

H.R. 1615. A bill to prohibit a State from penalizing a single custodial parent of a child under age 11 for failing to meet work requirements under the State program funded under part A of title IV of the Social Security Act if the parent cannot find suitable child care; to the Committee on Ways and Means.

H.R. 1616. A bill to make satisfactory progress toward completion of high school or a college program a permissible work activity under the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. McDADE (for himself and Mr. Saxton):

H. Con. Res. 79. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to mark the 85th anniversary of the dedication of the Tunkhannock Creek Viaduct, now known as the Nicholson Viaduct, in Nicholson, PA; to the Committee on Government Reform and Oversight.

By Mr. FAZIO of California:

H. Res. 148. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

84. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 urging Congress and the President of the United States to oppose the rules proposed by the Bureau of Land Management to expand its criminal law enforcement authority; to the Committee on Resources.

85. Also, a memorial of the Legislature of the State of Maine, relative to a joint resolution memorializing the President of the United States and the Congress of the United States to provide support for critical highway improvements through northern Maine from Houlton to Fort Kent; to the Committee on Transportation and Infrastructure.

86. Also, a memorial of the House of Representatives of the State of Alabama, relative to House Resolution 415 petitioning the U.S. Congress to repeal estate and gift tax laws; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KANJORSKI (by request):

H.R. 1617. A bill for the relief of Charmaine Bieda; to the Committee on the Judiciary.

By Mr. MEEHAN:

H.R. 1618. A bill to authorize the Secretary of Transportation to issue a certification of documentation with appropriate endorsement for employment in the fisheries for the vessel *Nawnsense*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Callahan and Mr. Calvert.

H.R. 15: Mr. Weygand, Mr. Hoekstra, Mr. Vento, Mr. Frank of Massachusetts, Mr. Hilliard, and Mr. Moran of Kansas.

H.R. 27: Mr. Fox of Pennsylvania.

H.R. 40: Mr. Davis of Illinois.

H.R. 108: Mr. Thomas.

H.R. 127: Mr. Flake, Mr. Farr of California, and Mr. Baesler.

H.R. 143: Mr. Doolittle, Mr. Gilman, Mr. Boucher, Mr. Paul, Mr. Wexler, Mr. Barton of Texas, Mr. Bono, Mr. Rogan, Mrs. Tauscher, Mr. Delahunt, and Mr. Cox of California.

H.R. 192: Mr. BOB SCHAFFER, Mr. DIXON, Mr. SHIMKUS, and Mr. HORN.

H.R. 216: Mr. KLUG.

H.R. 234: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, and Mr. ENGEL.

H.R. 305: Mr. ENGEL and Mr. PITTS.

H.R. 347: Mr. CALVERT.

H.R. 367: Mr. WAMP.

H.R. 399: Mr. STUMP.

H.R. 402: Mr. FALEOMAVAEGA.

H.R. 409: Mr. MASCARA, Mr. PASCRELL, Mr. FILNER, Mr. HORN, Mr. GUTIERREZ, and Mr. BARCIA of Michigan.

H.R. 414: Mr. BOB SCHAFFER, Mr. DIXON, Mr. GALLEGLY, Mr. SHIMKUS, and Mr. HORN.

H.R. 418: Mr. FARR of California and Mr. BALDACCI.

H.R. 475: Mr. PICKETT, Mr. COMBEST, and Mr. RADANOVICH.

H.R. 483: Mr. CLAY.

H.R. 519: Mr. TALENT.

H.R. 529: Mr. FRANK of Massachusetts, Mr. ENGLISH of Pennsylvania, Mr. BAKER, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. McCOLLUM, Mr. BARRETT of Nebraska, Mr. DREIER, and Mr. SHIMKUS.

H.R. 530: Ms. DANNER.

H.R. 536: Mr. FRELINGHUYSEN.

H.R. 674: Mr. GRAHAM, Mr. STUMP, and Mr. PACKARD.

H.R. 741: Mrs. CHENOWETH, Mr. WALSH, and Mr. CRAPO.

H.R. 768: Mr. JOHNSON of Connecticut and Mrs. EMERSON.

H.R. 820: Mr. FILNER.

H.R. 836: Mr. SANCHEZ, Mr. DeFAZIO, Mr. WYNN, and Mr. BERMAN.

H.R. 859: Mr. BEREUTER, Ms. DANNER, and Mr. DUNCAN.

H.R. 871: Mr. HOYER.

H.R. 872: Mr. BARTON of Texas, Mr. BOUCHER, Mr. DOOLEY of California, Mr. FALEOMAVAEGA, Mr. GANSKE, Mr. GOODE, Mr. KIM, Mr. LARGENT, Mr. MINGE, Mr. PASCRELL, and Mr. SPRATT.

H.R. 910: Mr. WOLF.

H.R. 921: Mr. STUPAK, Mr. LIPINSKI, Mr. BONIOR, Mr. KLINK, and Mr. RAMSTAD.

H.R. 947: Mr. BONO.

H.R. 964: Mr. PITTS.

H.R. 965: Mr. TRAFICANT and Mr. TIAHRT.

H.R. 983: Mr. HINCHEY.

H.R. 991: Mr. HOLDEN.

H.R. 993: Mr. KIM, Mr. SKEEN, and Mr. BLUNT.

H.R. 1004: Mr. WALSH, Mr. BRADY, Mr. GIBBONS, and Mr. PICKERING.

H.R. 1016: Ms. FURSE.

H.R. 1033: Mr. BACHUS.

H.R. 1037: Mr. WELLER.

H.R. 1054: Ms. ESHOO, Mr. STEARNS, Mr. CALVERT, Mr. STARK, Mr. SHERMAN, Mr. GALLEGLY, and Ms. FURSE.

H.R. 1060: Mr. KIM and Mr. BLUMENAUER.

H.R. 1068: Mr. HASTERT, Mr. HAYWORTH, Mr. MANZULLO, and Mr. WELLER.

H.R. 1069: Mr. BALDACCI, Mr. FOX of Pennsylvania, and Mr. FILNER.

H.R. 1070: Mr. MANTON, Mr. LEWIS of Georgia, and Mr. BALDACCI.

H.R. 1071: Mr. MARTINEZ.

H.R. 1076: Mr. HOYER.

H.R. 1101: Mr. GRAHAM and Mr. PETERSON of Pennsylvania.

H.R. 1104: Mr. DAVIS of Illinois, Mr. BARRETT of Wisconsin, and Ms. CARSON.

H.R. 1118: Mr. ACKERMAN.

H.R. 1134: Mr. HILLIARD and Mr. BISHOP.

H.R. 1164: Mr. CANADY of Florida.

H.R. 1169: Mr. FOX of Pennsylvania, Mr. DeFAZIO, Mr. PASCRELL, Mr. FARR of California, and Mr. KENNEDY of Massachusetts.

H.R. 1172: Mr. CAMP.

H.R. 1175: Mr. McKEON and Mr. BROWN of California.

H.R. 1206: Mr. LaFALCE.

H.R. 1218: Mr. PASCRELL.

H.R. 1220: Mr. PICKERING.

H.R. 1227: Mr. GRAHAM.

H.R. 1231: Mr. FARR of California, Ms. STABENOW, and Mr. BISHOP.

H.R. 1263: Mr. YATES and Ms. CHRISTIAN-GREEN.

H.R. 1279: Mr. BLILEY and Mr. PICKETT.

H.R. 1280: Mr. BOEHNER and Mr. INGLIS of South Carolina.

H.R. 1285: Ms. RIVERS.

H.R. 1288: Mr. GOODLATTE and Mr. DELLUMS.

H.R. 1298: Mr. WEXLER, Mr. BURTON of Indiana, Mr. PAYNE, Mr. PASCRELL, Mr. ENGEL, Mr. McHALE, Ms. ROS-LEHTINEN, Mr. FILNER, Mr. McNULTY, Mr. HILL, Mr. SHERMAN, Mr. HINCHEY, Mr. BENTSEN, Mr. FROST, Mr. GREEN, and Mrs. MALONEY of New York.

H.R. 1301: Ms. DeLAURO, Mr. THOMPSON, and Mr. TORRES.

H.R. 1310: Mr. LEWIS of Kentucky.

H.R. 1320: Mr. FARR of California.

H.R. 1336: Mr. FLAKE and Mr. WALSH.

H.R. 1340: Mr. FRELINGHUYSEN.

H.R. 1350: Mr. McCOLLUM and Mr. FOLEY.

H.R. 1352: Mr. FILNER, Mr. BALDACCI, and Mr. FOX of Pennsylvania.

H.R. 1355: Mr. CLEMENT, Mr. CANADY of Florida, Mr. SHAYS, Ms. CARSON, Mr. RANGEL, Ms. LOFGREN, Ms. NORTON, Mr. ACKERMAN, Mr. GONZALEZ, and Mr. TOWNS.

H.R. 1369: Mr. CANADY of Florida.

H.R. 1375: Mr. WATKINS and Mr. SKEEN.

H.R. 1377: Mr. CLAY, Mr. GREENWOOD, Mr. FORD, Mr. OWENS, and Mr. DELLUMS.

H.R. 1379: Mr. GRAHAM.

H.R. 1382: Mr. FROST, Ms LOFGREN, Mr. MASCARA, Mr. SANDERS, and Mr. McDERMOTT.

H.R. 1416: Mr. DIAZ-BALART, Mr. MEEHAN, Mrs. KELLY, Mr. FROST, Mr. MILLER of California, Ms. LOFGREN, Mr. TIERNEY, Mrs. NORTHUP, and Mr. KENNEDY of Rhode Island.

H.R. 1420: Mr. CLEMENT and Mr. ABERCROMBIE.

H.R. 1458: Mr. BAKER and Mr. SKEEN.

H.R. 1462: Mr. LaFALCE.

H.R. 1475: Mr. KASICH.

H.R. 1496: Ms. MOLINARI.

H.R. 1503: Mr. SKEEN.

H.R. 1504: Mr. JEFFERSON, Mr. YOUNG of Alaska, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, and Mr. MARTINEZ.

H.R. 1509: Mr. CARDIN.

H.R. 1510: Mr. NETHERCUTT, Mr. BEREUTER, Mr. MANZULLO, and Mr. SMITH of Michigan.

H.R. 1515: Mr. GILLMOR, Mr. METCALF, Mr. SHUSTER, Mr. DAVIS of Virginia, Mr. COMBEST, and Mr. SKEEN.

H.R. 1538: Mr. MORAN of Virginia, Mr. COOK, and Mr. STUPAK.

H.R. 1549: Mr. UNDERWOOD.

H.R. 1559: Mr. KINGSTON, Mr. CHAMBLISS, Mr. MANZULLO, Mr. PAUL, Mr. LUCAS of Oklahoma, Mr. ADERHOLT, Mr. CALLAHAN, Mr. NORWOOD, Mr. PICKETT, Mr. POMBO, Mr. WELDON of Pennsylvania, Mr. PAPPAS, Mr. BEREUTER, Mr. DUNCAN, Mr. TIAHRT, Mr. RILEY, Mr. CHABOT, Mr. GEKAS, Mr. GOODLING, Mrs. MYRICK, Mr. SESSIONS, Mr. NEUMANN, and Mr. YOUNG of Alaska.

H.R. 1560: Mr. BARTLETT of Maryland, Mr. HEFLEY, Mr. BUNNING of Kentucky, Mr. BAKER, Mr. SKELTON, and Mr. LIVINGSTON.

H.R. 1572: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FLAKE, Mr. MANTON, and Mr. DELLUMS.

H.R. 1580: Mr. SOLOMON and Mrs. KELLY.

H.J. Res. 75: Mr. BARRETT of Nebraska, Mr. LoBIONDO, Mr. SESSIONS, Mr. SMITH of Texas, Mr. ADERHOLT, Mr. PASTOR, Mr. NEAL of Massachusetts, Mr. BILBRAY, Mr. TIAHRT, Mr. MILLER of Florida, Mr. DUNCAN, Mr. KING of New York, Mr. McDADE, Mr. OXLEY, Mrs. MORELLA, Mr. WHITE, Mr. SPRATT, and Mr. SABO.

H. Con. Res. 65: Mr. ENGEL, Mr. DOOLITTLE, Mr. OLVER, Mr. BAKER, Mr. CUMMINGS, Mr. McDADE, Mr. GALLEGLY, and Mr. McINNIS.

H. Con. Res. 75: Mr. HUTCHINSON and Mr. McCRERY.

H. Res. 15: Ms. DeLAURO.

H. Res. 96: Mr. PORTER, Mr. DELLUMS, Mrs. KENNELLY of Connecticut, Ms. ROYBAL-ALLARD, Ms. DeGETTE, Mr. FARR of California, Mr. LaFALCE, Mr. CONYERS, and Mr. LEWIS of Georgia.

H. Res. 144: Mr. BARTLETT of Maryland, Mr. HEFLEY, Mr. BUNNING of Kentucky, Mr. BAKER, and Mr. SKELTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1053: Mr. PALLONE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT NO. 16: Page 2, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NEW NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this or any other Act for fiscal year 1997 or any prior fiscal year for the Fund for the Improvement of Education under the heading "DEPARTMENT OF EDUCATON—Education Research, Statistics, and Improvement" may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT NO. 17: Page 2, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY: MR. GOODLING

AMENDMENT NO. 18: Page 51, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this Act may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

H.R. 1469

OFFERED BY MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 19: Page 28, after line 23, insert the following new chapter:

CHAPTER 7A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Institute on Alcohol Abuse and Alcoholism", $2,000,000, to be derived by transfer from the amount provided in this Act for "Federal Emergency Management Agency—Disaster Relief".

H.R. 1469

OFFERED BY MR. LAHOOD

AMENDMENT NO. 20: In the item under the heading "CONSERVATION RESERVE PROGRAM" in title I of the bill, strike out "None of the funds" and all that follows through "That the Secretary" and insert "The Secretary of Agriculture".

H.R. 1469

OFFERED BY: MS. NORTON

AMENDMENT NO. 21: Page 51, after line 23, insert the following:

SEC. 3003. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(a); and

"(2) 'agency' means an Executive agency.

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section.".

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"6391. Authority for leave transfer program in disasters and emergencies.".

H.R. 1486

OFFERED BY: MR. VENTO

AMENDMENT NO. 8: At the end of title XVII insert the following new section:

SEC. 1717. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Within 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees in the appropriate form on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include:

(1) An investigation, including documentation of independent monitors of individual cases of persecution forwarded to the State Department, of the Lao Government's treatment of Hmong and Laotian refugees who have returned to Laos.

(2) The steps the State Department will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the State Department will take to ensure the cessation of human rights violations.

SENATE—*Wednesday, May 14, 1997*

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, in a world of qualified love it is so encouraging to hear the five wonderful words You greet us with as we begin this day: "I will always love you." We are amazed at all the territory that word "always" covers. It spans the full spectrum of all that we have ever done or said and extends to difficulties, problems, and even failures of the future. It also includes those times when we forget that You are the source of our strength and we take the glory that belongs to You. Amazing love. Your love keeps.

You come to us at the point of our needs, but You also help us come to the point about our needs. You encourage us to confess our hopes and hurts to You. You wait for us to ask for what You are ready to give. It's a mystery: Your willingness, coupled with our willingness to ask, make for dynamic prayer.

Thus, we commit the deliberations, debates, and decisions of this day to You. Bless the Senators with a profound sense of Your personal care so they can be Your agent of caring for our Nation, for one another, and their families. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. JEFFORDS. Mr. President, for the information of all Members, today the Senate will resume the IDEA bill under the agreement reached last evening. Following closing remarks on the IDEA amendments, the Senate will begin a series of three rollcall votes, beginning at approximately 9:45 or 9:50 a.m. Senators should be prepared to be on the floor for these stacked votes beginning at 9:45 a.m.

Following the disposition of S. 717, there will be a short period of morning business after which the Senate will begin consideration of the partial-birth-abortion ban. The Senate may also consider the CFE treaty during today's session of the Senate. As always, Senators will be notified as to when any additional votes are scheduled.

I thank my colleagues for their attention.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 717, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 717) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 241, to modify the provision relating to the authorization of appropriations for special education and related services to authorize specific amounts or appropriations.

Gorton amendment No. 243, to permit State and local educational agencies to establish uniform disciplinary policies.

Smith amendment No. 245, to require a court in making an award under the Individuals With Disabilities Education Act to take into consideration the impact the granting of the award would have on the education of all children of State educational agencies and local educational agencies.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Senator from New Hampshire is recognized.

AMENDMENT NO. 241, WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent to vitiate the yeas and nays and withdraw my amendment which is No. 241.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 241) was withdrawn.

Mr. GREGG. Mr. President, just to clarify the record on this, this amendment was addressing the issue of funding relative to special education which is, I believe, a critical element of the whole issue obviously of special education, especially the fact that the Federal Government has failed to live up to its obligation to fund 40 percent of the cost of special education. It is only funding approximately 7 to 8 percent of the cost.

After discussions with the majority leader, and with members of the Appropriations Committee on which I serve, I think there is a reasonable opportunity that we will receive the type of funding and support we need in order to start on the path toward reaching the 40 percent.

This path was outlined in S. 1, Senate bill 1, which is the Senate Republican position and which commits to having us fund 40 percent over a 7-year period. This year I am hopeful we can increase funding for special ed so we can get up above the $4 billion mark in this account, which would allow us to—under the new bill, if it is passed, as I presume it will be—allow us to kick in the ability of the local communities to use some of this special ed funding which the Federal Government was supposed to be paying for, which presently is being paid for by local taxpayers, to use those local taxpayer dollars for other areas of education and to relieve some of the pressure on the communities and the local taxpayers.

So with that understanding, which is not formal—I appreciate that—but which I believe was made in good faith, I am withdrawing this amendment. I recognize a lot of work has gone into this bill, that there is a great desire to pass this bill without amendments so it will be able to be moved quickly and because it involves an intricate and delicate, delicate compromise. And it is a step forward in the attempt to address the IDEA question and issue of caring for children with disabilities.

This amendment I believe would have had a good chance of passing, but I believe it also would have undermined the desire of those who want to reach an accommodation to make sure to move the process forward and improve the basic special ed bill, and we can do so with this bill, and it would undermine the capacity to do that.

I still believe we can still get to the role of the funding issue which runs on a parallel course without necessarily having to attach this specific language to this bill.

I would note that the law continues to retain in it the 40 percent language. It remains the commitment of the Federal Government and it is a commitment which I and I know the majority, the chairman of the committee, ranking member on the subcommittee, and the majority leader are committed to try to reach.

Mr. JEFFORDS. Will the Senator yield?

Mr. GREGG. I yield to the Senator from Vermont.

Mr. JEFFORDS. I want to thank you for what you have just done. You have provided a way for clear passage of this bill today. But most of all, I want to commend you for your continuous efforts to try to fully fund the 40 percent that we promised the people when this bill was passed some 22 years ago.

I also want to remind Members that your amendment—I think it was on the goals 2000 bill—passed 93 to 0, where we said we would do what JUDD GREGG wants. So I am hopeful that will be kept in mind as the people go forward with the budget. I certainly am going to do all I can to make sure that we live up to the obligations of our own party's promise, which is in S. 1, to do what the Senator from New Hampshire believes we should do.

Mr. GREGG. I thank the Senator from Vermont. I thank him for his courtesy and enjoy working with him.

AMENDMENT NO. 243

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate equally divided between the Senator from Washington [Mr. GORTON], and the Senator from Vermont [Mr. JEFFORDS], on the pending question, amendment No. 243 by the Senator from Washington [Mr. GORTON].

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, the amendment which we are about to vote on is extremely simple, plain, easy to understand and totally logical.

It reads in its entirety:

> Notwithstanding any other provision of this Act, each State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction to ensure the safety and appropriate educational atmosphere in its schools.

Mr. President, I have spoken about the fact that this bill imposes a huge unfunded mandate, $35 billion a year, on the schools of this country with no more than 10 percent of that money paid for by the Federal Government.

I have spoken of the huge complexity—327 pages in this bill—imposing identical rules on every school district in the country no matter how large or how small. But the single aspect of this bill that is most questionable and most unjust is the double standard it sets with respect to discipline, response to violence, disorder in the classroom. Each and every school district retains its full and complete authority over all of these questions as they apply to students who are not disabled. They lose almost all of that authority under the present IDEA statute and regain only a modest amount of it under this revision.

This double standard makes it difficult to provide an appropriate education to tens of thousands, perhaps hundreds of thousands of our students around the country. They make it difficult to impose rational disciplinary measures on those students who are denominated disabled. They create a tremendous incentive to seek some "expert" who will provide for a given student the title "disabled." We find the decisions that the very disorder, the very violence in classrooms that is to be the subject of discipline is found to be evidence of disability so that the discipline cannot be imposed.

For the educational attainment of all of our students, for the proper protection of all of our students, we should allow each school, each school district, each State to set rules with respect to disorder, to discipline, to violence that are the same for all of the students. Nothing could be simpler.

This amendment will not in any way undercut the right created by this bill for a free and complete education for every student, disabled or not. That remains. What is restored to each school district is the right on its own to make those decisions while looking at the educational atmosphere in which all of its students must learn. The vice of this bill is that it pretends that there are no nondisabled students, only the disabled students count, only their rights count. The rights of all other students and their parents are ignored.

So we ask very simply that this bill be amended to allow each educational agency to establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction in order that they may be safe and have an appropriate educational atmosphere—nothing more, nothing less.

This bill says that the U.S. Senators know more about how to educate students than do their teachers, their administrators, their school board members, people who have spent their lives and careers at this job. We do not know more. They know more. We should permit them to do their jobs.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. I wish to speak in strong opposition to the amendment. I understand the emotionalism that has gone on in our States throughout this Nation over the years, and even up to the point that we speak, about the problems that were created, and which the Senator from Washington is attempting to address.

I point out, first of all, that the bill tries its best to preserve the order in the classroom through uniform policies for all school districts, and to ensure that every child with a disability is treated fairly, but also balances the needs of those in the classroom to have a safe and peaceful, shall we say, learning environment. That is done. The House voted yesterday with only three dissenting votes on this bill, recognizing that those kinds of balances had been reached after an incredible effort on the part of so many to give us a bill that everyone who is deeply involved in this issue can agree with.

I know this body respects the order that is necessary in the classroom and also the ability of local schools to be able to try and accommodate the interests of all, but I believe this bill, by doing this, what it says is, "notwithstanding any other provision of this act, each State, educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order."

Now, what does that mean? I do not know. But if it means what it says, it wipes out everything. It would be contrary to what they want to do. That means we could have thousands or hundreds of different ideas on how to bring order to the classroom. It would set back the system.

I know the Senator from Washington speaks sincerely, and I know that Washington had a terrible problem, initially, in the early parts of this decade. Almost half the cases, I believe, went to due process hearings and ended up in court. However, this past year, 96 percent of those cases that were heard in mediation were solved and did not go to court. So his own State, I think, has solved the problems he is trying to deal with.

I hope Members would not vote for this amendment. At the appropriate time I will move to table it. This would create havoc in the whole system.

Mr. President, I yield 3 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to speak in strong opposition, as well, to this amendment before the Senate, put forth by the Senator from Washington, an amendment which would instruct local education agencies to set out their own policy, a potentially very different policy, in disciplining students with disabilities. In short, under his amendment, each school district potentially would have its own distinct policy in disciplining disabled children, and with 16,000 school districts, the potential for conflicting policies is very real, and I am afraid this would be a turnback to the pre-1975 era before IDEA.

Is this a double standard? I say "no." Clearly, we have outlined a process whereby students, if there is a manifestation of a disability, would go down one process, and if a discipline problem was not a manifestation of a disability, that student would be treated just like everyone else.

I think this is fair. This is equitable. Remember, if behavior is not a result of that disability, all students are treated the same in this bill. If behavior is secondary to a disability, there is a very clear process, which is outlined in detail. Yes, it does take several pages to outline that, but it sets up a balance between the school, between school boards, between parents, and between children.

Senator GORTON claims this amendment is about local control, and I feel that it will be used, I am afraid, to turn back the hands of the clock to the pre-1975 conditions where we know that children with disabilities were excluded from the opportunity to receive a free and appropriate public education.

I urge my colleagues to vote against this amendment, not just because, as has been pointed out, it will kill our overall bipartisan effort that we brought forward, but that it would, in fact, turn back the clock and lead, potentially, to discrimination that children with disabilities faced before IDEA was enacted 22 years ago.

Mr. JEFFORDS. Could I inquire to the time remaining?

The PRESIDING OFFICER. The Senator from Vermont has 4½ minutes and the other side has 3 minutes, 45 seconds.

Mr. JEFFORDS. I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank Senator JEFFORDS for his leadership and I thank Senator FRIST for his eloquent comments.

I rise in strong opposition to the amendment proposed by my colleague Senator GORTON.

The amendment drives a stake through the heart of the bipartisan, bicameral, fair, and balanced provisions in the bill relating to disciplining children with disabilities.

The amendment states plain and simple that local school districts can totally ignore every word of the bill if they so choose. In other words, the amendment effectively repeals every protection in the law for disabled children.

Last night, this extreme position was rejected by 420 of my colleagues in the House in favor of the commonsense approach included in the bill.

The bill specifies procedures for the immediate removal to an alternative setting of disabled children who bring weapons to school or who knowingly use, possess, or sell illegal drugs.

The bill also authorizes: The removal to an alternative setting of truly dangerous children; proper referrals to police and appropriate authorities when disabled children commit crimes, so long as the referrals, do not circumvent the school's responsibilities under IDEA.

And, the transfer of student disciplinary records.

Under the amendment, local school districts could cease educational services for any disabled child regardless of whether or not the child's behavior was related to his or her disability. Cessation of services is not only opposed by all disability organizations, but is opposed by the major groups representing general education and the police and prosecutors. That is why the bipartisan bill rejects cessation.

My colleague raised a number of other points in the course of the debate which I would like to respond to at this point.

My colleague constantly refers to IDEA as an unfunded Federal mandate.

According to the Congressional Budget Office, the American Law Division of the Congressional Research Service, and the U.S. Supreme Court, IDEA is not an unfunded mandate.

IDEA is a civil rights statute that implements the equal protection clause of the U.S. Constitution. IDEA helps States and local school districts pay for the costs of implementing their constitutional obligation to disabled children.

My colleague also talks about the high costs of educating disabled children but fails to talk about the savings to society, not to mention the enhanced quality of life for disabled children and their families.

Prior to the enactment of IDEA, 70,655 children were in institutions. Because of IDEA, that number is down to 4,001. The average cost of serving a child in a State institution is $82,256 per person. With 66,654 fewer children institutionalized, the savings to States is $5.46 billion per year.

Danny Piper from Ankey IA, was born with Down's syndrome. He has an IQ of 39. At birth, his parents were told to institutionalize him because he would be a burden and would not benefit from education. The cost to the taxpayers of Iowa over the course of his life would have been $5 million. His parents said no and instead placed him in early intervention and then in an intergrated program at Ankeny High School where he was a manager of the wrestling team.

The cost of special education over his 18 years was $63,000. Was it a good investment? You decide. Today, Danny works, he pays taxes, and he has his own apartment.

My colleague also quotes a parent of a nondisabled child who was told by a lawyer that she has no rights when her child's class is disrupted by a disabled child. I say to that parent she better get a new lawyer.

They have a right to a class environment that is safe and conducive to learning.

That parent has a right to insist that the schools develop positive behavioral approaches and train teachers and provide them with the necessary supports.

What they don't have is the right to kick that disabled kid out of the class just as school systems cannot kick out African-American children when a white child or his parents are uncomfortable around African-Americans.

Can we have school environments that are safe and conducive to learning without kicking disabled kids out? Yes we can. Just ask Dr. Mike McTaggart of West Middle School in Sioux City, IA. In just 1 year, the number of suspensions of nondisabled children went from 692 to 156 of which 7 were out-of-school suspensions. The number of suspensions of disabled children went from 220 to zero. Attendance has gone from 72 percent to 98.5 percent. Juvenile court referrals went from 267 to 3.

His philosophy of discipline for all students is to use discipline as a tool to teach rather than to punish.

In closing, let's reject the Gorton amendment and send a message that we can ensure school environments that are safe and conducive to learning without gutting the rights and protections of disabled children.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, in a recent article in the National Review, the author, Chester Finn, Jr., made the following comments about the present statute equally applicable to this bill.

> . . . prescriptive federal mandates that create heavy costs and regulatory burdens for local communities; extra benefits for government-protected populations and their exemption from rules that others must obey; ample opportunities for activists and lawyers to hustle taxpayer-financed largesse for their clients; barriers to needed reforms of school quality and discipline; . . . [and above all] the smug assumption that Washington knows best how the nation's schools should be run.

While various professional organizations have more or less been required to endorse this bill because, as I have already said, it is an improvement over present law, just last month, USA Today published the results of a poll of 6,000 principals, 80 percent of whom said Federal law interfered with their ability to create safe schools.

My two friends on this side of the aisle used the word "balance." There is no balance in this bill. There is no balance at all. There is no consideration—no consideration, none—of the rights of nondisabled students. Yes, there are 16,000 school districts in this country. That is the genius of our country, that we solve our problems locally, and yet as far as these are concerned, we should have one school district, one Department of Education that should set one set of rules applicable to everyone under all circumstances and at all times. That is wrong. Let our teachers and our principals and our school boards make the decisions as to how their schools should be operated.

If all time has been taken on the other side, I yield back the balance of my time.

Mr. JEFFORDS. Mr. President, very quickly, the balance has been reached in this bill. The most critical question is, what can you do with the dangerous child? It is very simple: If it is not a matter involved with the disability, that child could be disciplined like any other child. If it is related to the disability, as determined by a hearing officer, then there can be up to 45 days removal in an appropriate educational setting. If the problem still exists and the school can demonstrate that the child may be substantialy likely to cause harm to himself or others, the child will remain in an interim alternative educational setting for an additional 45 days, et cetera—tremendous balance, tremendous help to the present situation.

Mr. President, I urge the defeat of the Gorton amendment.

The PRESIDING OFFICER. Do both sides yield back their time?

Mr. JEFFORDS. Yes.

Mr. GORTON. Yes.

Mr. JEFFORDS. I move to table the Gorton amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment 243 offered by the Senator from Washington [Mr. GORTON].

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virgina [Mr. ROCKEFELLER] is necessarily absent.

The result was announced—yeas 51, nays 48, as follows:

{Rollcall Vote No. 64 Leg.}

YEAS—51

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bumpers
Campbell
Chafee
Cleland
Coats
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Feingold
Ford
Frist
Glenn
Harkin
Hutchinson
Inouye
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lott
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Sarbanes
Snowe
Stevens
Wellstone
Wyden

NAYS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bryan
Burns
Byrd
Cochran
Conrad
Dorgan
Enzi
Faircloth
Feinstein
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchison
Inhofe
Johnson
Kyl
Lieberman
Lugar
McCain
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Thomas
Thompson
Thurmond
Torricelli
Warner

NOT VOTING—1

Rockefeller

The motion to lay on the table the amendment (No. 243) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. May we please have order so that we can continue the Senate's business.

We have several more votes to go. We have some short debate between them. The quicker we have order, the quicker we can continue. Please take your discussions to the Cloakroom or the hallway.

AMENDMENT NO. 245

The question now recurs on amendment No. 245 offered by the Senator from New Hampshire [Mr. SMITH]. There will be 4 minutes of debate equally divided in the usual form. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, could I have order, please. The Senate is not in order.

The PRESIDING OFFICER. Please clear the well. Staff please take their seats.

The Senator deserves to be heard. There are 4 minutes of debate equally divided.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Like the previous amendment offered by my colleague from Washington, Senator GORTON, this is a very reasonable amendment. It simply requires the courts, when they make an award under IDEA, to take into consideration what impact that award will have on all of the students in the district or in the particular classrooms. For example, we have cases where a $1,000 IDEA program or plan, educational plan costs $13,000 or $14,000 in legal fees. There are millions of dollars in legal fees spent in all 50 States, all over America, that are taken out of the classroom. These are dollars that you cannot use for teachers, you cannot use for computers, you cannot use for textbooks or, frankly, for infrastructure or schools or buildings.

The issue here is whether or not you want to have these dollars go to the students or go to the lawyers. That is the simple issue. This is a very reasonable amendment. There is nothing unreasonable about it.

I think the process here where we say we cannot amend a bill to strengthen it, to make a better bill is a bad process and one for which I wish we had not set the precedent. I urge my colleagues to think about it because at some point in the not too distant future you are going to have another piece of legislation coming through here, and you are going to be on the other side. You are going to want to offer an amendment and you are going to have to say to yourself, well, when I had the opportunity before, I opposed that opportunity for another colleague. Sure, I can offer the amendment but the deal by the leadership is to oppose the amendment because we have a deal. The answer is very simple. You can vote for my amendment and take dollars out of the pockets of lawyers and put them into the classroom for the students or you can oppose my amendment and favor the lawyers.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. I yield 30 seconds to the Senator from Tennessee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. FRIST. Mr. President, this amendment would require a court before awarding attorney fees to prevailing parents to do an analysis of the impact of the award on the local school district. The point is that the court already has the discretion to assess the impact of an award on a school district. Thus, this is unnecessary. Awarding fees today is at the court's discretion. This amendment would actually require a formal cost analysis, an additional bureaucratic burden on a school district. It is unnecessary. It is covered in the underlying bill. I urge opposition to the amendment.

Mr. JEFFORDS. I yield 1 minute to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. HARKIN. Mr. President, I rise in strong opposition to the Smith amendment which adds limitations on the awarding of attorneys fees to parents of disabled children that are unprecedented in any other fees provision.

The provisions in current law relating to attorneys fees were added by our colleague Senator ORRIN HATCH. He modeled the IDEA fees provisions on provisions in other civil rights laws. On final passage of these provisions he explained that they reflected a carefully crafted compromise that provides for reasonable attorneys fees to a prevailing parent while at the same time protecting against excessive reimbursement.

Let's not upset that carefully crafted compromise. Let's retain the parity between the fees provisions in the IDEA with the fees provisions in other civil rights statutes. It is inappropriate to establish a double standard for parents with disabled children.

Listening to Senator SMITH, one might get the impression that there is a proliferation of litigation under IDEA. The data does not bear out such an assertion. The number of court cases under IDEA is actually declining from 199 in 1992 to 120 last year. This is out of 5.3 million disabled children. The number of due process hearings in New Hampshire last year was 10. In my State of Iowa, the number was four. In the entire State of California, with almost 600,000 disabled children in the IDEA program, the number of due process hearings was 57—1,289 requests for hearings but the overwhelming majority were resolved in mediation.

Let's reject the Smith amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Let me speak to my colleagues very sincerely.

Last year we came almost to the point where we passed a bill similar to this for the disabled community and for the schools. It broke down at the last minute because there was dissension over one issue. You have had your opportunity this time to show your concern about how the bill goes, but if we have one amendment, then it has to go back and there are those out there now who want to disrupt it. Senator LOTT and Dave Hoppe spent hundreds of hours to bring these communities together to agree on this bill which is a tremendous step forward. If you vote no on the motion to table, you could kill this bill and we could start over again.

Mr. President, I move to table.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JEFFORDS. I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the motion to table amendment No. 245 offered by the Senator from New Hampshire. The clerk will now call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—68

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Grassley
Harkin
Hollings
Hutchinson
Inouye
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Stevens
Torricelli
Wellstone
Wyden

NAYS—31

Allard
Ashcroft
Bennett
Bond
Brownback
Domenici
Enzi
Faircloth
Gorton
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Johnson
Kyl
McCain
Murkowski
Nickles
Roberts
Sessions
Shelby
Smith (NH)
Specter
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Rockefeller

The motion to lay on the table the amendment (No. 245) was agreed to.

Mr. BINGAMAN. Mr. President, I would like to take a few moments this morning and talk about this Congress' commitment to education, and special education in particular.

S. 717, the Individuals With Disabilities Education Amendments Act of 1997, is the first piece of major legislation to come out of the Senate Labor Committee since the start of the 105th Congress that directly affects the important issue of education. This piece of legislation before the Senate today is an integral part of providing educational services to over 5 million children across this country. This legislation reminds us of the fundamental importance of the need for strong educational funding at a time when all eyes are focused on budget-balancing.

Mr. President, special education is of critical importance to my home State of New Mexico, in which over 50,000 children receive specialized educational services. In New Mexico over 14 percent of the eligible school age population receive needed educational services from this law. Currently, New Mexico receives over $26 million in Federal funding to assist the educational needs of special education students. This funding is very important to States like New Mexico that have rural and isolated communities and are working to provide specialized educational services at great distances.

Over the past 2 years especially, and throughout my tenure in the Senate, I have heard numerous stories from New Mexico's students, parents, educators, and administrators about the need for added resources and effective programs for special education students.

I have also heard their concerns about the current Federal law, which include: financial incentives to overidentify students as disabled; lack of standards and performance assessments; the difficulty teachers and administrators face in maintaining classroom discipline; and the concerns of parents who are struggling to find the best possible placement for their child and to ensure that educational services are provided.

However, I believe that the legislation before the Senate begins to address these concerns. This bill:

First, includes language that will increase educational accountability and standards for disabled students,

Second, creates new measures to allow parents and Federal agencies to monitor and assure the adequacy of special education programs,

Third, includes language that aims to increase flexibility for State and local school districts and reduces paperwork for school districts,

Fourth, strengthens teachers' and administrators' abilities to control their classrooms, without ceasing educational services to students,

Fifth, includes language that will ensure access to assistive technology for our special education students and provisions to allow blind and visually handicapped students learn Braille,

Sixth, removes past incentives to encourage the overidentification of children with disabilities.

I am especially happy to see statutory language that requires the inclusion of almost all special education students in testing and accountability programs.

Just recently I heard a story from a special education administrator in New Mexico that expressed the importance of integrating standards in special education and how they promote accountability and improved services.

In Kentucky, for many years, some neighborhood schools were sending their special education students to other schools to receive specialized services. However, when Kentucky started to require assessments for special education students and included these scores in school report cards, some of these neighborhood schools started to educate their special education students within their own schools so as to improve the student's academic levels.

Mr. President, the requirement for inclusion of special education students in academic assessments is a key aspect to ensuring that this legislation will be effectively implemented in schools throughout New Mexico and across the United States.

Mr. President, I plan to support this legislation because I believe it strikes a balance between the different views and needs of many of the stakeholders within the special education community. This legislation begins to address many of my concerns and the concerns that I have heard from my constituents in New Mexico. I am especially pleased to see language included in this legislation that allows states and local districts flexibility in the implementation of IDEA.

Just 2 weeks ago, the President and congressional leaders reached a budget agreement that included increased funding for education. It is imperative that Congress remains committed to providing quality education to our Nation's youth.

For these reasons, I urge my colleagues on both sides of the aisle to take the bipartisan and bicameral commitment to education that has been exemplified in the reauthorization of IDEA and to focus on increased funding and the development of standards that provide educational opportunities to all students. Mr. President, I applaud the efforts of my colleagues both here in the Senate and in the House of Representatives to reauthorize IDEA and I applaud their commitment to education. This is not the time in our Nation's history to waver on our commitment to educate America's students.

Mr. ENZI. Mr. President, first I want to commend the Senators and staff who have committed so much time to the reauthorization of the Individuals With Disabilities Education Act. It is a good bill that incorporates the insights and experiences of the hundreds of groups who have been involved in the development process. I planned to offer my strong support, however, for the amendment that was to have been offered by Senator GREGG because I believe the underlying bill would be better if it contained a strong commitment on Federal funding—for a number of reasons.

I am familiar with education spending at the State level because I come to this process as a former State Legislator. I served the State of Wyoming for 10 years—5 years in the State House and 5 years in the State Senate. During that time, in my tenure as chairman of the Senate Revenue Committee, I felt all of the constraints in the State budget. The most difficult one, however—the one that was always fraught with protestation and controversy—was how we spent money on education, where it came from and where it went. Elementary and secondary education is my State's largest single expenditure.

In the 1995–96 school year, the Wyoming State Government expended $237 million, or 44 percent, of the total amount of money spent on K–12 education in Wyoming. Fifty percent of the funding, or $280 million, came from local sources. I am proud of that commitment. The people in my State invest over $5,800 per student, per year, and that is the second highest amount in the country as a percentage of State income. But let me focus for a minute on the other 6 percent—the Federal contribution.

Federal support for elementary and secondary education is a sensitive issue in Wyoming. Federal dollars always come with Washington strings attached and that is a problem for me and for a great number of my constituents. I believe we should leave more of our tax revenue in the States and let the people who live there make the decisions about education.

Special education is different, however, because the strings are already in place. The distinction is that they don't come with much money. Wyoming's State and local taxpayers spent $58 million for special education last year. That was matched by only $5 million in Federal funds—about 8 percent.

Mr. President, IDEA is a good law. It protects disabled kids from discrimination in public education. It is an issue that needs national attention, coordination, and support. We should recognize why this law exists, why these services are mandated, and understand why there should be an assurance of strong Federal funding. The Gregg amendment would have made that commitment. It would say that we, as a body, believe the Federal Government should pay more for special education.

Why is this amendment so important? Because Congress has failed to support its share of the cost for 20 years. Without this amendment, the States really have no reason to expect that the situation is going to change. To add insult to injury, the bill places a new maintenance of effort requirement on State education agencies. That is a difficult pill to swallow when the Federal maintenance of effort has been so clearly lacking.

I would have objected to the new State maintenance of effort because my State currently pays 85 percent of special education costs. The local relief provided in this bill will do little to offset the State's heavy burden. The bill does, however, allow for a waiver if the State can show it is providing all kids with a free appropriate public education. That is an important consideration and I think it adds enough flexibility to the law to make it acceptable. But it does not solve all the problems.

This legislation will also require States to provide some new services. Without a guarantee of additional Federal funding, the States are going to have to bear that cost. One expense will be the mandate to provide alternative education for kids who are expelled due to disciplinary problems. There is also a requirement to provide State mediation as an alternative to due process. I support these changes. I hope they will actually reduce costs in the long run. But if we cannot even pay the Federal share for current mandates, then we should not be adding new ones. Congress needs to ante up the Federal share. If we are unable to do that, then this bill loses some of its luster.

The Gregg amendment would have made that commitment. I understand the problems a conference might present on this bill. I sympathize with Members who have spent so many hours working to reach consensus, but I believe the Gregg amendment is important enough to deserve conference consideration.

Mr. President, I do support the bill. It makes some sorely-needed improvements to the law—particularly in the areas of discipline, State coordination, and legal fees. We have before us a compromise that will improve current law, but it still lacks a strong funding resolution. That would have been an important part of this legislation that I think members of both parties would have supported.

If we are going to help States live up to their responsibility in providing a free appropriate public education to all kids, then we need to do it. And that means more than just piling on regulations.

Mr. WYDEN. Mr. President, all children should have access to a quality education, regardless of whether they have disabilities. The importance of the Individuals With Disabilities Education Act [IDEA] is that it enables parents to acquire special educational assistance for their children who may be fully capable of becoming productive members of society, but may need some extra help along the way. I am pleased that Members of Congress on a bipartisan, bicameral basis have worked out a compromise that allows us to reauthorize this important piece of legislation.

While I generally support the compromise on the IDEA bill that is before us today, I want to touch briefly on an issue that some school nurses have raised with regard to this legislation.

I have heard from many Oregon school nurses about the importance of including nurses in the individual education program [IEP] development process. Under current IDEA regulations, school nurses are considered qualified health professionals and are considered fully capable of assessing a student's disabilities during the IEP process. The school nurses had asked to be mentioned specifically in the statute as "related service providers" in a disabled child's multidisciplinary team. While this could not be worked out, I understand that the committee report addresses this issue, and I want to convey my support for the inclusion of school nurses as part of the IEP process.

In this country we frequently underestimate the excellent quality of care provided by this Nation's nurses. School nurses have the training and provide the supervision to safely deliver specialized health services. For children with chronic or special health care needs, the school nurse is often a crucial member of the multidisciplinary team that enables children with disabilities to participate fully in their educational program. As long as they are fully qualified to make an assessment of a child's disability, there should be no reason that localities should discriminate against nurses.

Again, I complement my colleagues for breaking through the logjam on this important reauthorization, and I want to reemphasize my support for the school nurses who play such an important role in the care of children with disabilities.

PERSONNEL STANDARDS

Mr. HARKIN. Mr. President, there is a new policy with respect to personnel standards in section 612(a)(15)(c) of the bill that sets forth parameters by which a State may deal with a documented shortage of qualified personnel. In that subparagraph, I want to clarify that the reference "consistent with state law," is intended to be applicable to those State laws governing the profession or discipline. I offer this statement to provide guidance at the U.S. Department of Education to help them in implementing the reauthorization.

Mr. JEFFORDS. I agree with that interpretation and thank the Senator for this clarification.

Mr. GRASSLEY. Mr. President, I rise today in support of S. 717. I support this bill because it has become clear to me that the status quo in special education is not acceptable.

Even though Iowans have done a good job under existing law, it is time to make changes. These changes are necessary in order to keep pace with the challenges facing educators today. Students with a variety of special needs are now in the schools. They have needs we couldn't even imagine when the first special education law was passed.

At this time I will address only two aspects of S. 717 that are sufficient reasons for supporting it. First of all, this bill would give schools and parents additional tools to improve education for all children.

In response to school complaints, clearer guidance is given for actions to assure the safety of all students in the classroom. I believe all of us here today recognize the need to do this.

For parents, the right to participate in decisions about their child's education is given more support. This is done through attendance at evaluation and assessment meetings and at any meeting at which the placement of their child might be decided.

And for students, in this bill we send a clear message that we have high expectations for all students—including students in special education. More accountability for progress on IEP's would be required. Participation in statewide and districtwide measures of school performance would be required. Stronger linkages to the regular education curriculum would be required for these students. We expect success from special education programs under this bill, and we expect that success to be measurable.

The second aspect of S. 717 I want to address is this. This bill clarifies that schools are not the only agencies that should pay for the services special education students need. This proposal does not retreat from the principle that all children have the right to an education, no matter what their needs are. What this bill does is require that Governors work to assure that all sources of funding for services are used to support these students.

This will be of particular importance to schools and families in Iowa.

Last week, I had a visit from a school superintendent in Iowa. His district has about 15,000 students; 2,000 of those students are in special education. Of those students there are about six or seven kids a year who require substantial medical support in order to attend school.

The school district hires nurses and other professionals in order to assure that these students can get an education. But this superintendent has been unable to get other agencies and programs to contribute to the costs of providing health services to these students. And this school year approximately $2 million will be spent by this school system on health services for these few students, some of whom are eligible for Medicaid.

Clearly these costs are beyond what we should be asking schools to pay. And that is one reason why S. 717 is important. It provides clear direction that these costs are not the primary responsibility of educators. They are instead the responsibility of other programs that have been created to support students and families. I am happy to provide such support to that school superintendent in his efforts to secure all the services his students need.

That superintendent represents a strong tradition in Iowa.

Education for students with disabilities in Iowa was mandated 6 years before the predecessor to IDEA was passed by Congress in the 1970's. At that time, when I chaired the Education Committee in the Iowa House, a State mandate for special education was passed. Following that, we developed a system of area education agencies that still serves Iowans today. It took us 2 years to get the area agency legislation passed; we were successful in 1974. That system is still the basis for delivering special education services to students all over Iowa, particularly in rural areas.

Regarding this bill, S. 717, my colleagues have enumerated positive aspects of this compromise proposal other than those I have mentioned. I have followed the progress of the work group closely and now provide my support for this landmark legislation.

Mr. McCONNELL. Mr. President, since 1966, the Federal Government has supported special education services for America's disabled children. Today, school districts depend on the Individuals with Disabilities Education Act [IDEA] for assistance in assuring that children with special needs receive a comprehensive education in a supportive environment. In Kentucky alone, over 85,000 children benefitted from IDEA during the 1996–97 school year.

Today, the U.S. Senate takes a historic step forward in its consideration of S. 717, a bicameral, bipartisan bill to reauthorize IDEA. Over the last two decades, changes in educational resources and the needs of students have impaired the ability of schools to meet IDEA's goal of a free, appropriate education for disabled students. This measure seeks to ensure that the Federal statute effectively addresses the special education issues of today's classrooms and is prepared for the future needs of educators, parents, and students involved in special education.

This bipartisan, bicameral legislation achieves these objectives by building upon three primary goals: To focus on the successful education of children with disabilities, instead of rote completion of paperwork; to assure increased parental participation; and to give teachers the tools they need in order to teach all children.

S. 717 helps schools improve the delivery of special education services by eliminating unnecessary paperwork, streamlining data collection, and enhancing program flexibility and service integration. Schools also assume greater accountability for the educational progress of special education students through their inclusion in States and district-wide assessments.

S. 717 reduces the financial strain on school districts and parents by including mediation as an option for resolving disputes. The revised funding formula delivers more IDEA dollars directly to local education agencies, and the bill also requires interagency agreements so other responsible agencies pay their fair share of the service delivery costs for disabled students. As a cosponsor of S. 1, I look forward to working with my colleagues in fulfilling its promise of an additional $10 billion for IDEA over the next 7 years.

Further, S. 717 expands the ability of parents to participate in the planning of special education services for their child. The bill seeks to provide parents with the information they need to effectively work with their local school system by improving the preparation and dissemination of school notices and requiring student progress reports.

Teacher preparation for the successful delivery of special education services is also a priority in this legislation. Educators also receive greater freedom to coordinate instruction between special and regular education students. Finally, S. 717 offers a sound compromise solution for managing the disciplinary concerns of educators, parents, and students with disabilities.

I am also pleased that the bicameral, bipartisan working group responded to my request and the request of other committee members that this reauthorization include reforms specifically focused on the braille literacy needs of blind and visually impaired children. Since 1968, the percentage of blind students who lack reading or writing skills grew from 9 to 40 percent. This measure takes a two-pronged approach to this serious educational need by focusing on the importance of including appropriate braille instruction in a qualified student's individual education plan and emphasizing the need to enhance teacher preparation in the use and instruction of braille. I want to thank the Members of the working group for their leadership in addressing this key educational issue for our Nation's blind and visually impaired children.

IDEA's guarantee of a free, appropriate public education for children with disabilities remains one of our Nation's greatest accomplishments in civil rights. After 2½ years of work, this final legislative proposal demonstrates the firm commitment of America's educators, parents, disability advocates, and this Congress to provide every child with an opportunity for educational success. Mr. President, I am proud to join as an original cosponsor of S. 717, and I encourage my colleagues to vote in favor of this worthwhile education measure.

Mr. HATCH. Mr. President, I am pleased to support the reauthorization of the Individuals With Disabilities Education Act [IDEA]. For over 20 years, IDEA has been assisting children with disabilities overcome obstacles and become successful students who go on to become productive citizens.

I commend the efforts of Chairman JEFFORDS, Senator HARKIN, and Senator FRIST. The Labor and Human Resources Committee has crafted a bill which is the product of hours and hours of consultation and discussion on both a bipartisan and bicameral basis. I also understand that Majority Leader LOTT has taken a special interest in this bill as well, and I appreciate his leadership in the effort to enact this legislation.

I have personally been assisted throughout this process by my Utah Advisory Committee on Disability Policy, and specifically by Dr. Steve Kukic, director of the Utah State Office of Education's Services for Students At Risk. Early on in this process, Dr. Kukic presented testimony to the Senate Labor and Human Resources Committee and identified what I believe is a key factor in this ultimately successful reauthorization which is a balanced system of accountability. Crucial to the success of IDEA is a framework where parents, advocates, school administrators and educators all work together to ensure that children are appropriately served.

I appreciate that parents, advocates, school administrators, and educators may have different and strongly held opinions about how to accomplish the goal of delivering educational services to all children, particularly with regard to disciplinary actions and attorneys fees. I believe that central to the intention of this reauthorization was the attainment of balance between the objective of these interested parties. I also believe that this reauthorization, by and large, achieves this balance.

I concur with several of the points raised by Senator GREGG, particularly the notion that if the Federal Government fulfilled its commitment to funding IDEA at an appropriate amount, then resources would be available on the state level to fund projects deemed necessary by the State.

However, as has often been stated in the Senate, we should not allow the perfect to become the enemy of the good. It is vital that we move ahead with the reauthorization of IDEA. This program makes a tremendous difference in the lives of children with disabilities.

I again want to commend all senators who participated in bringing this legislation to the floor. And, I would also like to single out a couple of staff members for their dedication to this goal. Pat Morrissey with Senator JEFFORDS and Robert Silverstein with Senator HARKIN deserve special kudos for hanging in there for the duration.

I am pleased that both the Senate and House of Representatives have ensured that the services provided under IDEA will continue, and I am pleased to vote in support of final passage. I urge the President to sign it promptly.

Mr. KOHL. Mr. President, I rise in strong support of the Individuals With Disabilities Education Act Amendments.

The bill before us today serves as a shining example of what Congress and the administration can do when working together in a bipartisan basis to address the concerns of diverse interests. In this case, these interests include parents, teachers, disability advocates, and school administrators. Too often these groups have been pitted against one another and have risked losing sight of a goal they all share—providing the best education for children with disabilities. This bill helps clear away problems that have obstructed that goal and reaffirms a child's right to a free appropriate education.

Since the inception of the Education for All Handicapped Children Act in 1975, later changed to the Individuals With Disabilities Education Act [IDEA], our education system has undergone significant changes. Prior to this monumental legislation, children with disabilities were often shunned from traditional schools and relegated to State institutions. Today, special needs children are learning in the classroom side by side with their peers. This would not have been possible without IDEA.

Advances in technology, teaching methods, and understanding of childhood development have changed the way we approach education in general, and special education in particular. But this progress has not been painless. School districts face enormous challenges in meeting the needs of all children. Given the intense resources often required to help keep special needs children in the classroom, schools and States have struggled with rising costs. Along with the financial burden, schools have been faced with growing societal pressures.

I have been troubled by reports from parents, teachers, and administrators in Wisconsin about violence in the classroom. Some of these cases have involved students with disabilities. Although often a reflection of inadequate resources directed to the special needs of the disabled student, disruptions affect the entire classroom. No student should have to learn in a classroom of fear and no teacher should be forced to chose between educating a special needs student and the rest of the class. And Mr. President, no student should be denied an appropriate education.

I am also troubled that despite IDEA, some disabled students are not be getting the education they deserve. Procedures and resources may vary tremendously from State to State and even between school districts within States. Clarification is needed to help schools and States conform with the goals of IDEA. This bill provides that clarification.

The bill makes numerous improvements to the current provisions of IDEA, while maintaining key principles. To address concerns with litigation, the bill encourages use of mediation and parent training centers, which are effective resources that provide low-cost dispute resolution between parents and schools. Paperwork burdens faced by schools and States are also addressed. Although documentation is a necessity, educators should concentrate on teaching, not paperwork. Important, parents rights are maintained and each child is still guaranteed an appropriate education.

I am particularly pleased that this legislation will intensify the focus on early intervention services for infants and toddlers with disabilities. As we know from the growing body of scientific evidence on brain development, the most important time to influence a child's learning capacity is in the zero to 3 age range. This section of IDEA recognizes the need for early intervention and represents one of the very few areas of Federal investment in this critical age group.

Finally, Mr. President, this bill helps resolve two very contentious issues involving special education—discipline and due process. This compromise will ensure that disabled children retain access to special education services while giving school districts greater ability to maintain order and safety in the classroom. If students pose a threat to themselves or others, there is new authority to allow removing the child from the class to an alternative educational setting. But the student cannot be shut out of school doors because of behavioral problems relating to the child's disability. In addition, parents will maintain a key role in their child's education and retain legal rights if a child's education is neglected.

Although these changes may not please everyone, I believe they represent a fair compromise to a very delicate area of law. Overall, this bill is a balanced attempt to enable infants, toddlers, and children with disabilities to receive a high-quality education and helps schools provide that education.

Mr. President, this compromise was a long time coming and will have an impact for a long time to come. I urge my colleagues to support this consensus legislation.

Mr. KEMPTHORNE. Mr. President, I rise today to express my support for S. 717, the Individuals With Disabilities Education Act reauthorization [IDEA].

Over the last 2½ years or so, this body has worked diligently to reauthorize IDEA. I commend Senators JEFFORDS, HARKIN, LOTT, COATS, FRIST, and KENNEDY, and all of the others who have contributed to the development of this legislation and to the debate here on the Senate floor this week. The education of our children, including those with disabilities, is an important issue, and not one which may be taken lightly. The efforts of the Senators I just mentioned demonstrate the high level of concern which exists on this matter.

I would like to begin by addressing a matter which I have heard discussed several times over the last couple of days. That matter is unfunded mandates. As the author of the Unfunded Mandates Reform Act, I am well aware of this issue. In fact, I have worked on the question of whether or not IDEA, or similar legislation, should fall under the definition of an unfunded mandate since well before my legislation became law.

Early in my work on unfunded mandates legislation, I included specific limitations on the application of such a law. Among those limitations were exceptions for a Federal statute or regulation which establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, handicapped, or disability status. Let me again say, an exception is included to protect the statutory rights of numerous groups, including the handicapped and disabled. Clearly, IDEA is designed to protect the rights of disabled students. Given these two very specific facts, I believe it is inescapably obvious that IDEA is not an unfunded mandate as defined by the Unfunded Mandates Reform Act, Public Law 104-4.

One aspect of the Unfunded Mandates Reform Act which did impact IDEA was the provision which called for the Advisory Commission on Intergovernmental Relations [ACIR] to explore any law which placed an enforceable duty on State or local governments. Among the laws which the ACIR reviewed was IDEA. At the time, many groups contacted me in firm opposition to any consideration of IDEA in ACIR's report. I maintained that we should have no sacred cows, that reviewing IDEA in the report could play an important role in reauthorizing this legislation. While many people expressed numerous concerns about the final ACIR report, I think one aspect of that report was particularly notable. That part mentioned that the Federal Government needed to finally start picking up its fair share of the costs of IDEA, that we should contribute the 40-percent of the costs that were originally promised. I am sure my colleagues would not be surprised to find out that no one expressed any opposition to that specific recommendation.

And I am pleased to note that the ACIR recommendation on funding has not been ignored. From the very beginning of the 105th Congress additional attention has been focused on the need for increased federal funding for IDEA. S. 1, the Safe and Affordable Schools Act of 1997, contained increased authorizations for IDEA to finally reach the 40-percent federal share for which we have aimed. In addition, earlier this year, Senator GREGG took the lead in circulating a letter to President Clinton, later signed by myself and 20 of our colleagues, requesting his cooperation in fully funding special education. Now that the issue of IDEA funding has been raised, I believe the increased consciousness about this issue will result in Congress soon achieving full funding for this important program.

Mr. President, while we may have many different approaches on this issue, I believe we share exactly the same goal—providing our children, regardless of their level of disability, with the best possible education. Does S. 717 reach this goal? Quite honestly, the answer is no. This legislation is not perfect. No bill ever is. But S. 717 gets us closer to our goal. Through untold hours of hard work on the part of Members of Congress and various groups affected by IDEA, a compromise was reached. Because of this effort, we now have before us legislation which will make IDEA better.

I believe S. 717 improves the implementation of IDEA for all affected parties—students, parents, teachers, and school administrators. The bill takes significant steps to reduce the paperwork associated with the current law and to increase the flexibility available to teachers and school administrators, allowing schools to focus on what should be their first priority—educating young people. It improves the ability of schools to discipline disabled students in appropriate circumstances, most notably in any situation involving the possession of a weapon or controlled substance. It requires mediation as an option to taking disputes between parents and schools to the courts. It also enhances the ability of parents to participate in educational decisions which affect their child. All of these things together will help us provide better educational opportunities to students, both the disabled and non-disabled, and will ease some of the burden on schools which exist in the current law.

Mr. President, as I stated before, the bill before us today is the result of a great deal of lengthy and painstaking negotiations. While it is likely that no one would say this is the bill they would choose if the decision was entirely up to them, it is the bill on which often opposing sides were finally able to come to an agreement. After all the work which went in to creating this delicate balance, I believe altering the bill would be detrimental to the fragile agreement which was finally built. With this in mind, I will oppose the amendments which have been offered on this legislation. While I understand the concerns expressed by these amendments, and commend the amendments' sponsors for their concern about the needs of school districts, I cannot support any amendment which could unravel the current consensus which has been forged.

Mr. President, the legislation we have before us today will increase flexibility for schools, improve educational opportunities for students, and encourage parents, teachers and school administrators to work more closely together to address concerns about the education of the disabled. I am pleased to support this bill and urge its passage.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the clerk will report the House companion bill.

The legislative clerk read as follows:

A bill (H.R. 5) to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided between the two managers prior to the vote on passage of the bill.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, first, I thank my colleagues. I understand the difficulties when we are asked to do things that common sense tells us otherwise. I know how hard it is to vote against amendments that are common sense and also express ourselves on how we feel about some of the problems we have had with the special education legislation.

I deeply appreciate the vote on the last amendment to move this bill forward. As my colleagues know, we are now on the House bill which passed with only three dissenting votes yesterday. I hope the Senate will do likewise.

I yield 30 seconds to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, this bill is a clear improvement over present law. Nevertheless, it remains a $35 billion per year almost totally unfunded mandate on the school districts of our country. It takes away control over quality of education that they can provide and, regrettably, in spite of the fact that it is a slight improvement, I am constrained to vote against it.

Mr. JEFFORDS. I yield to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 30 seconds.

Mr. KENNEDY. Mr. President, I join in paying special tribute to Senator FRIST. As a new Member, he took over the responsibilities in this area and has made an enormous contribution to bringing us where we are; also, Senator COATS, and, in particular, the chairman of the committee, Senator JEFFORDS, who has exercised leadership.

I also thank TOM HARKIN. This act was passed 22 years ago. I remember when 5½ million children were pushed aside and lacked any kind of hope and opportunity. Senator HARKIN has been a giant in the Senate for all those who have been disabled in our country. Today is a victory for children, it is a victory for the parents of these children, and it is a victory for our country. I think, quite frankly, it is the finest moment we have had in this session. I commend those who made it possible to make a difference for disabled children.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank Senator KENNEDY for his kind remarks, for his leadership in this area. I thank Senator JEFFORDS and especially Senator FRIST, who had the first hearing on this 2 years ago, May 9, 1995. It has been a long process. We have worked with all groups.

We worked with all groups, and we have a very balanced, fair, and forward looking bill.

To sum it up, Mr. President, what this bill says is that prior to 1974, almost 1 million kids were totally excluded from not receiving education only because they were disabled. Now they are in school, they are learning, they are becoming productive citizens, they are working. They are taxpayers, not tax consumers. They are not in institutions any longer.

Are there problems out there? Yes, but we are meeting those problems, and we are a better and stronger country because of what we did 22 years ago. This bill moves us into the 21st century by saying that we are going to strengthen this law and we are going to provide that this country meets its obligations to all of our children, including children with disabilities.

Again, this is a bill that reaches out and lifts up everyone in this country. I urge its passage.

Mr. LOTT. Mr. President, we are now going to vote on the Individuals with Disabilities Education Act Amendments of 1997. The Individuals with Disabilities Education Act, referred to as IDEA, has been on the books for 22 years.

The obligation to provide children with disabilities a free and appropriate education is grounded in the 14th amendment to the Constitution, title V of the Rehabilitation Act, the Americans with Disabilities Act, and by the laws of every State. IDEA is one additional civil rights tool that guarantees children with disabilities the right to receive a quality education. IDEA is the only Federal civil rights statute that provides funds to assist States in meeting the obligation to educate all children. This bill is about the educational future of 5.4 million children.

From my perspective, IDEA is a voluntary grant-in-aid program. It provides funds to States to assist them in making available a free appropriate public education to 5.4 million children with disabilities from 3 through 21. If a State elects to take its allotment of funds appropriated for IDEA in any year, it must provide a free appropriate public education to these children as prescribed by the law. Today, every State is participating in the IDEA grant-in-aid program, and 49 States have elected to participate in and comply with IDEA since 1975.

The history of these IDEA amendments precedes the 105th Congress. In the last Congress our colleagues on the Labor and Human Resources Committee attempted to move a bipartisan reauthorization of IDEA through the Senate. Their bill, S. 1578, did not make it to the floor before that Congress ended. Those of us involved in the last minutes of the 104th Congress, especially the distinguished Senator from Tennessee, Dr. FRIST, and Mr. HARKIN from Iowa, the authors of S. 1578, Senator JEFFORDS and myself, pledged to make the reauthorization of IDEA one of our top legislative priorities in this Congress. We are here again with a bipartisan approach. And, actions speak louder than words.

Since January of this year, Senate and House staff, as well as representatives from the administration have been meeting daily to craft our bipartisan bill and to bring this legislation to the floor as quickly as possible. Those involved in crafting this legislation included not only Senators and Labor and Human Resources Committee staff, but also our House counterparts, especially Chairman GOODLING, Mr. RIGGS, Mr. GRAY, and Mr. MARTINEZ. Officials from the U.S. Department of Education, particularly Judith Heumann, Assistant Secretary for Special Education and Rehabilitative Services, and White House representative, Lucia Wyman, also participated in the process. The range of expertise and knowledge brought to bear in developing this bill as well as the spirit of bipartisan, bicameral cooperation demonstrated in writing it is unprecedented. I have seen nothing like this in my 24 years in Congress. In fact, the Senate Labor and Human Resources Committee and the House Committee on Education and the Workforce, unanimously reported out identical legislation, S. 717 and H.R. 5 respectfully, on the same day, May 7, 1997. Moreover, the committees collaborated with each other in developing their respective reports.

The frequency, scope, and type of input we sought and received in putting together this final product was extraordinary. Almost every week for 3 months we held public meetings using a town hall format. This permitted those interested in our progress in drafting the IDEA bill to offer feedback and input. Students, educators, advocates, and parents traveled from all over the country to provide comments on our proposals. Often, more than 100 people would speak at an individual meeting. No effort was made to limit the amount of people that testified or limit the time they could speak. Many told personal stories that were oftentimes both heart warming and heart wrenching. Their recommendations came from the real education front lines. Our inclusive process, although unorthodox, has paid off. As of today, we have heard from over 30 groups that support our moving this legislation without amendment. They view our 5-month effort as worthy of their unequivocal support.

Many of you in this Chamber and your constituents, who are involved in this issue, appreciate the delicate balance this bill represents. It is built on principles, it is built on consensus, and it is built on compromise.

I acknowledge that States need additional Federal funding to fully implement IDEA the way it is intended. We have said in S. 1, the Safe and Affordable Schools Act of 1997, that we will increase funding, from the current $3.2 billion to $13.2 billion in 7 years. More Federal dollars for IDEA is an appropriations issue that we will turn to after we pass this important legislation. I am confident that dollars spent today for the education of children with disabilities is money well spent. When all children are provided a quality education, they stand a better chance of becoming productive and contributing adults in our society. IDEA is an important investment in the future of children with disabilities.

Another benefit that IDEA provides is that it offers everyone one set of rules on how to go about providing an education to children with disabilities. Prior to 1975, 35 States, through Federal courts, State courts, and State legislatures, were grappling with how to define the provision of an education to children with disabilities. Individual States and the country as a whole did not need, did not want 35 interpretations of what constituted an education for children with disabilities. Everyone wanted one rule book. That is why IDEA originally passed. That is why today, with States educating 5.4 million children with disabilities, less than one-half of 1 percent of disagreements between parents and school districts, over a disabled child's education, end up in court. Do we want to step backward? Do we want to reset the clock and create a legal free-for-all? I don't believe we do.

I would like to make another observation. I, as much as anyone else in this Chamber, want Federal IDEA dollars to be spent on educating children with disabilities, not on attorneys' fees. I am convinced that this bill makes that happen. Could we have put more limitations on when attorneys could be used or when parents, who prevail against a school district in a legal dispute, could be reimbursed? You bet. Could we have gotten here today having done so? No. Most of the limitations on attorneys' fees were put in the statute by our colleague from Utah, Senator HATCH in 1986. They are in this bill.

The Individuals With Disabilities Education Act Amendments of 1997 is, in my view, an important legislative accomplishment. The process we implemented to develop this legislation provides us with a new standard for how we can work together. This bill sends a message to the country that we care about education, that we care about children, that we care about families, and that we care about the future. This is a powerful and positive message. Please join me and the rest of my colleagues who have worked long and hard to get here, in supporting this bill. The President is waiting. He is ready to sign the IDEA.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank my colleagues for their tolerance. This is an incredibly important piece of legislation that will do so much to straighten out the problems that we have with respect to special education in our schools. It allows much more flexibility in discipline in the schools. It takes care of the numerous problems that we have had.

I will point out that Senator LOTT and Dave Hoppe spent an infinite number of hours bringing these groups together. Senator FRIST did so much last year to prepare us, but it fell apart at the last minute. Senator COATS also worked very hard on this.

I commend all colleagues for their support. I point out that this passed the House yesterday 420 to 3. I hope we can do even better on this side. I thank all the staff who have helped us.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the bill is considered read three times.

The question is, Shall the bill, H.R. 5, pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Gorton

NOT VOTING—1

Rockefeller

The bill (H.R. 5) was passed.

Mr. JEFFORDS. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I want to thank my colleagues for the tremendous vote and support for the legislation. This has been an incredible endeavor: So much effort, so much time. The vote that we have is certainly, percentagewise, perhaps at least identical to the House, and certainly with only one dissenting vote is a tremendous tribute to all those who worked to put this bill together.

In particular, I wish to thank Senator FRIST, who brought it almost to this point last year, and it fell apart at the last minute. His efforts were so paramount in bringing this bill to us this year.

I thank the majority leader and Dave Hoppe for their help in getting all the groups together, and thank as well the work of both sides of the aisle, Senator HARKIN, Senator KENNEDY, all on my side, certainly Senator COATS and, as I mentioned, Senator FRIST and Senator LOTT, and all who have worked so hard—Senator GREGG in particular on the funding—this past year. We have had a real joint effort. And I am blessed and thank Pat Morrissey and Jim Downing of my staff who also did tremendous work, and also the staff on the majority side and the minority side.

I yield to Senator HARKIN.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Iowa.

Mr. HARKIN. Mr. President, I want to take a couple minutes to thank a lot of people because this has been indeed a long journey and a tough journey.

It started, as I said, 2 years ago, on May 9, 1995, when Senator FRIST had the first hearing on the reauthorization of the bill. And it has taken us 2 long years of working literally, if not every day, every week on this, and lately every day on it for the last several months.

So I want to express my heartfelt appreciation to the people who have made it possible to reach this passage of S. 717. There are many people with a deep commitment to improving educational results for disabled children who stayed the course throughout this very long, tough journey. And today we can now point with satisfaction to a well-balanced, bipartisan bill that makes the kinds of improvements we are seeking in reauthorizing IDEA.

Twenty-two years ago, as we have all said, with the enactment of Public Law 94–142, Congress took steps to ensure children with disabilities would no longer be excluded from school and would be guaranteed access to a free appropriate public education.

Today, we have taken another major step by ensuring that the disabled children will now have the opportunity to enjoy the same expectations in the general curriculum as enjoyed by their nondisabled peers. And that success will be judged by the same high standards applicable to others.

So first I would like to thank Judy Heumann, the Assistant Secretary for the Office of Special Education and Rehabilitative Services. Ms. Heumann, who has polio and herself was excluded from school, has successfully overcome diversity and discrimination. She sued the New York City Board of Education for the right to teach from her wheelchair in that city. She won. And she taught. And she has devoted her adult life to advocating for the rights of disabled persons.

I think it is especially significant to point out in 1975, Judy worked for Senator Harrison Williams, who was one of the sponsors of Public Law 94–142. In her role with the Department of Education, she and Dr. Tom Hehir, Director of the Office of Special Education

Programs, together with Secretary Riley, and their respective staffs crafted a reauthorization bill that has served as the framework and foundation for what we have just passed.

So I express my appreciation to Secretary Riley, Ms. Heumann, and Tom Hehir. I want to give special thanks to their respective staffs who continuously provided crucial technical assistance and leadership throughout this entire reauthorization process.

I would especially, Mr. President, like to commend our majority leader, Senator LOTT, for his deep commitment to ensuring passage of the IDEA reauthorization bill as soon as possible in this legislative session. The majority leader demonstrated the extent of his commitment by arranging for his own chief of staff, David Hoppe, to facilitate the bipartisan, bicameral working group that has worked so hard over the last 10 weeks to develop this final bill.

I simply cannot say enough to express my appreciation to Senator LOTT's chief of staff, David Hoppe, for his enormous contribution to this reauthorization process. We would not have had a bill today without his involvement. Mr. Hoppe brought to this process a strong sense of integrity, superb negotiating skills, a sense of humor, and a stick-to-itiveness. It was a continuous exercise of all of these attributes in facilitating the working group that resulted in the bill we passed today.

As I said, Mr. President, it was 2 years ago this week that Senator FRIST, as chairman of the Subcommittee on Disability Policy brought to order the 20th anniversary joint House-Senate informational hearing on IDEA. And following that hearing, Senator FRIST worked diligently to secure passage of the bill before the end of the 104th Congress. Well, although it was not possible to fully meet that goal, the groundwork laid by Senator FRIST, and his unending devotion to making sure we passed it, was of significant help to the working group this year in crafting again the bill we just passed.

It was a pleasure and a privilege for me to work as the ranking minority member on the Disability Policy Subcommittee with Senator FRIST in this effort. I want to thank Senator FRIST for his tireless leadership and contribution to this bill.

Let me pay tribute to a friend of longstanding from House days, and now in the Senate, who now stands across the aisle from me as the chairman of the Committee on Labor and Human Resources, Senator JEFFORDS of Vermont, for his commitment over a lifetime, for developing quality education for all of our children—for all of our children. Senator JEFFORDS has always been in the forefront of the fight. I thank him especially for his leadership in supporting passage of this bill.

Senator JEFFORDS' long commitment, not only to education of all kinds, but especially for kids with disabilities, also played a key role in the enactment of 94–142 in 1975. And I thank him publicly for that lifetime of work and dedication.

I also especially want to thank Senator KENNEDY for the tremendous contribution he made to this. Throughout his tenure with this body, Senator KENNEDY has continually provided the leadership we have needed in championing all civil rights issues. He has consistently worked with me to support various laws ensuring the rights of individuals with disabilities.

Through Senator KENNEDY's diligence, he ensured that stronger enforcement requirements would be added to S. 717 to help ensure that States and local school districts would be in full compliance with IDEA.

Let me pay tribute also to Senator COATS and Senator DODD for their contribution to the successful passage of this bill, and all of my colleagues in the House who worked with us in a very unique arrangement.

I say to my friend from Vermont, it was so successful. We had to spin this off from other bills. We pulled together not only bipartisanship here in the Senate, but it was bicameral. And we worked together with the House Republicans and Democrats, jointly, day after day in developing this bill.

And I would just mention—hopefully without excluding too many people—Representatives GOODLING, of course, and MARTINEZ, Representatives RIGGS and MILLER, CASTLE and SCOTT. So this bill has truly been a bipartisan, bicameral effort. And I am proud to have been a part of that effort.

But now let me also thank all of the staff members of the working group. As I said, they were here every day, all week, weekends, late Fridays, Saturdays. I would get phone calls on Saturday night and Sunday afternoons, and they were still working. I hate to admit it, I was home. They were working.

But I have to first thank Bobby Silverstein for his leadership on this bill, and going back for many, many years, first when he worked for Congressman Williams in the House and then saw the light and came over to the Senate to work on my staff on the Disability Policy Subcommittee in the mid-1980's. And it was through Bobby Silverstein's lifetime, long and deep commitment to ensuring the rights of people with disabilities that we got through the Americans With Disabilities Act in 1990. And it was through his efforts that we were able to finally pull together all of the working people on this bill and the reauthorization of Individuals With Disabilities Education Act. So to Bobby Silverstein, I thank him for many years of service on this committee and for his service for making this country more fair and just for all people. I thank Tom Irvin of my own staff, on detail from the Department of Education. I thank Pat Morrissey, who took over the leadership on the staff in the subcommittee 2 years ago with Senator FRIST. Again, Pat has been a stalwart, always there, always working, no matter what hour, no matter what day. I want to thank Pat again for all of her work in ensuring the passage of this bill. Also, Jim Downing, Senator JEFFORDS' staff, again, Jim, I thank you again for everything you have done. You have always been there. Thank you to Townsend Lang of Senator COATS' staff, Dave Larsen of Senator FRIST's staff, and Kate Powers, Connie Garner, and Danica Petroshius of Senator KENNEDY's staff. I also commend the hard work of the House staff, including Sally Lovejoy and Todd Jones of the House committee majority staff, Alex Nock of the House subcommittee minority staff, Theresa Thompson of Representative SCOTT's staff and Charlie Barone of Representative MILLER's staff.

Finally, Mr. President, most importantly—most importantly —I want to thank all of the members of the disability community and the general education community who stuck with this process through 2 long years. It was up and it was down, up and down, all the time. We thought we had agreements, then it would fall back. We kept bringing them together, bringing them together. It was a deep commitment by those who understand the need for a balance.

I am sympathetic, as I said many times, with teachers who find themselves in a classroom and perhaps they have children there that they do not know how to handle. They are at their wits' end, and principals maybe get to their wits' end. I have a lot of sympathy for them. That is why we have to meet more of our obligations in providing more funds to the States for teacher training and supportive services for those teachers so they can do what is right and proper and meet their obligations.

Well, what those who wanted a bill in the education community did and the disability community did over the last couple of years, they said, "We will forget all the anecdotes. Everyone has a horror story." You can always find a horror story someplace no matter which side you are on. If you are on the disability side, you can find horror stories about teachers or principals who did bad things to kids with disabilities. If you are on the education side, you can find horrible things—maybe somebody claimed they had a disability and they did not. But we cannot legislate by anecdote. We cannot legislate by one, two, or three horror stories. We have to do what is right for the entire Nation. We have to cut through the fog and the haze and the one or two stories that keep cropping up. We have to cut through the misconceptions.

I do not know how many times I keep hearing this is an unfunded mandate when we all know it is not an unfunded mandate. So we have to keep cutting through, cutting through, all the time. That is what some of the leaders in the general education community and the disability community did for the last couple of years.

I thank them, not those who wanted to throw a hand grenade in periodically because they had a horror story, but those who understood that we had to reach a consensus, we had to strike a balance. That is what this bill is.

In closing, I hope and believe the bill we passed today, the Individuals With Disabilities Education Act Amendments of 1997, will clearly enhance equal educational opportunities for all children with disabilities as we enter the 21st century. We promised that in 1975. We have met a lot of those promises—not all of them. We have a lot of promises to keep.

I thank the Senator for yielding me this time.

Mr. JEFFORDS. I will take a moment and thank the Senator from Iowa for his most eloquent statement. I think for those of us who were involved in the original writing of it back in 1975, I think only we, perhaps, had the legal understanding of what has happened over the last 20-odd years now as to improving the lives of individuals with disabilities and to improve the confidence of our educational system in giving an appropriate education to all our students.

I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I rise very briefly to say that this bill is about education. This bill is about children. Today we have seen a real victory for the over 40 million individuals with disabilities in this country, but especially the 5 million children, individuals with disabilities, who will benefit—who will benefit—from this modernized, updated Individuals With Disabilities Education Act.

The bipartisan vote of 98–1 shows the Republicans and Democrats are working together, have worked together, and will continue to work together to ensure that individuals with disabilities have the same opportunities that every other American has to achieve the utmost potential for themselves. It was a bicameral bill. I am delighted the House passed it, the exact same bill, just 2 days ago.

I want to thank people from my staff, including Sue Swenson, Dave Egnor, Robert Stodden, Dave Larson, Pat Morrissey, Bob Silverstein, and Tom Irvin from the minority staff who helped me so much over the last 2 years, and once again, I thank Dave Hoppe, Senator JEFFORDS, and Senator HARKIN for their leadership, for their experience, and their wisdom in passing this bill today. It is a victory for education, a victory for children, a victory for all Americans.

Mr. JEFFORDS. Thank you, Senator.

Mr. President, last evening the House adopted H.R. 5 by a recorded vote of 420 to 3. Today we have voted 98–1. In the last week Congress has demonstrated once again, its willingness to invest in human capital—the children of today and the taxpayers of tomorrow, children with disabilities and children, who, if not helped, might develop disabilities. We have said in H.R. 5: children with disabilities will continue to receive a free appropriate public education, we do expect them to succeed in the general education curriculum, and we will be accountable for their progress. That is a clear, simple message, a message of power, potential, and promise.

We invested in human capital in another way in H.R. 5. We recognized the range of decisions and obligations that fall to local school districts on a daily basis. We gave them flexible, practical guidelines on how and when they may discipline children with known disabilities. We gave them greater access to Federal dollars and greater discretion in how those dollars may be used. We directed more resources to personnel preparation and to technical assistance. We reshaped procedural requirements so school personnel may concentrate on children and teaching them.

We invested in human capital through incentives for partnership between State educational agencies and local education agencies, and between parents and professionals. These partnerships will not only foster cooperative planning and problem solving, but innovation and expanded opportunities for children, with and without disabilities, to benefit from school.

The process by which we arrived here today, for this vote, may be unprecedented and never be repeated, but it allowed us to achieve a consensus on a fundamental point. All children are entitled to a good education, we reaffirm that, and make it more likely for children with disabilities in H.R. 5.

Although others may characterize our efforts differently, I would say that we were guided by the premise that special education is not a place but an attitude. It is an attitude that says children need not fail in order to be helped; that communication and partnership with parents is a commitment, not an accident; and that solutions to problems do not come from mandates, but from reaching common ground.

I wish to thank my colleagues for their support in the passage of this historic legislation.

IDEA REAUTHORIZATION

Mr. BURNS. Mr. President, I rise to express my gratitude to all the folks who made possible the passage of the Individuals With Disabilities Education Act reauthorization bill. It's been a real struggle over the last 2 years, but a concerted effort led by David Hoppe of Majority Leader LOTT's staff has resulted in a compromise bill that received near unanimous support in both the House and the Senate. I was among those voting for this bill.

Mr. President, Montana's schools are breathing a sigh of relief that they will have more flexibility in dealing with disruptive students who pose a threat to teachers and other students. At the same time, the bill preserves the right of disabled students to a free appropriate public education.

However, as with all compromises, there is something in this bill for everyone to dislike. I don't think the bill goes far enough in giving local educational agencies the ability to remove and expel dangerous students. I supported Senator GORTON's amendment to allow local agencies to develop their own policies on disciplining students. This amendment was defeated.

I also have serious concerns about the costs of implementing this bill, costs which fall directly on the States and the school districts. Make no mistake: at current Federal funding levels, this bill is an unfunded mandate on the States. The Federal Government funds less than 10 percent of the bill's costs, though it has promised to pay 40 percent. This bill does not set funding levels—it is not an appropriations bill. We will have a separate debate on funding later in the year. But I want to point out that we are mandating that our local schools take specific actions which are very expensive and getting even more so every year. We must take more responsibility for our actions, and I hope we will do that when we debate funding later this year.

Mr. JEFFORDS. Mr. President, I ask unanimous consent S. 717 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Alaska [Mr. STEVENS], is recognized to speak for up to 45 minutes.

R.S. 2447 RIGHTS OF WAY AND ALASKA

Mr. STEVENS. Mr. President, when I came to the Senate, I brought with me a little sign I used to keep on my desk as a lawyer. It was the four-way test of the Rotary Clubs of America. It says, "Of the things we think, say, or do, is it the truth? Is it fair to all concerned? Will it build good will and better friendships? Will it be beneficial to all concerned?"

A little over 10 years ago, I stood on this floor and I had in my hand a flier that had been issued by the Wilderness Society. It had a picture of Mount McKinley National Park and Wonder Lake—that is in the park—on the front of it, with the word "sold" stamped on it. That indicates somehow or other that logging was going on in Mount McKinley National Park near Wonder Lake.

There is another picture that talked about logging 800-year-old hemlock trees in a rain forest. As a matter of fact, those photographs were of redwood logs on trucks in California, on a California highway, and we identified the highway. To his great credit, the former Senator from Wisconsin, Senator Gaylord Nelson, withdrew that pamphlet and called me and told me he was doing that.

Last week, after the debate on the supplemental appropriations bill, I came to the office in the morning and I found on my desk an AP story written by Jim Abrams, Associated Press writer. It started with this line: "Legislation making it easier to build roads through Federal parks and wilderness area survived a Senate challenge Wednesday and headed toward a possible showdown with the White House. The measure, pushed by Alaska and Utah Senators, inserted in a crucial bill to provide billions to victims of natural disasters, would give the Federal Government less say in what constitutes a valid right-of-way under a 130-year-old law."

Another AP story came to my attention later that day by Mr. H. Josef Hebert of the Associated Press. It goes further in asserting that we have presented to the Senate a bill that would intrude upon national parks and wildlife refugees. Interestingly enough, issued out of the AP office in Salt Lake City, was this article: "White House move opponents claimed could block access to rural byways in Utah and Alaska has been narrowly defeated by the Senate."

It goes on to state the issue from the point of view of someone who knows what he is talking about.

I ask unanimous consent these three articles be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

Mr. STEVENS. We found later that the information in those articles was based on a statement issued by the National Parks and Conservation Association, which in my day when I was with the Interior Department of the Eisenhower administration was a truthful organization, not just a bunch of flacks for the extreme environmental movement.

It is very interesting to read this because this is the source of the claims made here on the floor that assert that there would be hundreds of thousands of miles across wildlife refuges, national parks, and other areas in Alaska—as a matter of fact, the figure of over 900,000 miles was used several times.

Now, Mr. President, nothing is farther from the truth. I am here to ask the people in the Senate and the people who are addressing this issue to come back and face the four-way test. It is not true. The newspapers began repeating over and over again that the provision I authored in this bill that passed the Senate would create new roads and make Swiss cheese of our national parks and other protected areas. Those are false reports that are based on I do not know what kind of research. I am here today to set the record straight.

Mr. President, it is a very simple proposition. Here is a map of Alaska with hypothetical section lines on it. Our State is one-fifth the size of the United States, 586,000 square miles. We became a State, Mr. President, in 1959. In 1969, the whole State was withdrawn from the creation of any rights—no State rights, no native rights, no private rights could be created on Federal lands. At that time, the Federal Government owned almost 90 percent of Alaska land. These hypothetical lines represent section lines, as I said. If the lands were ever surveyed under Revised Statute 2477 as interpreted by my State, it would be possible—possible—for the State to claim the right to build a highway.

The falsity of the statements that were made concerning my amendment are depicted on this map. We, in 1976, as a Congress, with the President's approval, repealed the old Revised Statute 2477. What that did is give the areas in the West where rights-of-way had been created by use or by surveys, the right to use those rights-of-way across Federal lands and they, in fact, ripened into the highway system of the United States. However, those rights had to be created in most of the United States by 1976. We protected only valid existing rights that were created prior to the repeal of the old Revised Statute 2477. At the time Revised Statute 2477 was enacted, there were a little over 10,000 miles of section line in our State, according to the Bureau of Land Management. They were primarily, Mr. President, represented by the surveys that had been made in the metropolitan areas of our State and the cities, Anchorage, Fairbanks, Juneau, what not. They were not out in the rural areas, unless the Government on some unknown occasion surveyed the area nearby a mining claim.

The reason we protected valid existing rights was that so these rural areas of Alaska would have the right to develop access to airports, to rivers, and to one another. That is the reason we are still battling to protect the rights that were created under Revised Statute 2477. But, Mr. President, there are no surveys of the national parks or the wildlife refuges in Alaska. There were none in 1976, except possibly for the area right near a mining claim. To assert that there are 900,000 miles of section line highway potentials in Alaska across national parks is absolutely a lie. It is time that the people who continue to assert that admit it. I hope that the National Parks Association will have the courtesy and the courage that the Wilderness Society did when it withdrew its false statement about our land.

Section lines are created only by surveys. Surveys of section lines could lead to highways if the State claimed the right when they go across Federal lands. But the basic concept is there are no surveys. There will be no surveys of the lands that remain in Federal ownership. The surveys that are taking place in Alaska are the surveys to take out of Federal ownership the lands that were granted to the State, or to the Native people of Alaska by acts of Congress.

That is what this chart shows. It shows the land ownership of Alaska in 1992. The blue land is patented to the State. The orange land is land that is awaiting patents that have been selected by the State. The green land is all Federal conservation areas set aside by an act of Congress. They will not be surveyed. They are, in fact, the national parks and wildlife refuges. The pink land that is shown is the land that Congress has returned to our Native people based upon the land claims settlement of 1971. But for anyone to assert that it is possible to create 900,000 miles of roads across parks and withdrawn areas on section lines is just absolutely false.

Mr. President, we have, as I said, about 10,000 miles of surveyed section lines in Alaska—in an area one-fifth the size of the United States—in 1976. But, again, for Alaska, the rights that are preserved under Federal law are mostly those that occurred when they were created prior to 1969 when the Secretary of the Interior withdrew the whole State. That was done by the Secretary of Interior, Mr. Udall. And it was, in effect, in order to protect the rights of the Alaska Native people until we passed the Land Claims Settlement Act.

But there is no question about it. None of the lands that these people are talking about—the parks, the wildlife refuges, and the wilderness areas—are surveyed and, therefore, there will be no 900,000 miles of section line rights-of-way.

It is an interesting thing to see. There are assertions coming even now from the Department of the Interior, based upon these claims, I take it, of the National Parks Association, that there are 160,000 miles of section lines and national parks. There are none, Mr. President if they were never surveyed. You can't have a section line until it is surveyed. You can draw hypothetical lines on a map like they did here. This map was issued by the Department of Natural Resources of our State. It is what we call a protraction. But a protraction doesn't create section lines, and section lines are absolutely required to have a section line right-of-way claimed by the State.

Mr. President, we did a little research. This might interest the Senate to know that of all the Federal aid highways in the whole United States there are about 900,000 miles today.

These people in their press releases and in their reports to the American people through the Associated Press claim that this Senator was trying to create in one State in national parks and wildlife refuges and other withdrawn areas the same amount of roads that exist for the whole United States that had Federal aid. By definition, Mr. President, all roads in Alaska are built with Federal aid. They cost a lot of money to build. The roads in Alaska are very expensive. It costs $6 million a mile to build roads in Alaska, and we only build them when we come within the scope of the Federal aid highway system.

We have less than 700,000 people in Alaska. No one I have ever known has ever come to me and said we want almost a million miles in this State; that we want to get more miles of Federal aid roads built in this State on section lines than exist in all the rest of the United States. That is absolutely such a wild claim that I can't find, really, the words to answer it, except that it does disturb me a great deal, as may be obvious and was obvious the other day, I am sure.

We will not have section lines across Federal lands. By definition, Federal lands had to be unreserved at the time of the establishment of the R.S. 2477 claim. As I indicated, in 1969 all of these lands in our State that were Federal lands were withdrawn. No claim could be made against them. The basic law under which claims could be made was repealed in 1976. But because of the withdrawal of our land, none of the claims we can assert—and there can be private rights-of-way, not section lines right-of-way, but rights of way established by public use asserted by interested private citizens—across Federal lands where they were perfected before there was a withdrawal.

Mr. President, the great problem that we have in Alaska is this checkerboard land ownership. I urge the Senate to consider this. In our State, we have State lands, Federal lands, Native lands, and private lands in such a checkerboard pattern that literally in order for some of the State lands to be accessed, it is absolutely necessary to go across Federal lands. But we are not trying to access that land by sections lines to go through withdrawn areas that were withdrawn for national parks. There may be some private citizens asserting R.S. 2466 rights there by use. I think that the Department of the Interior is cataloging those now. I know our State is. And we are going to have some disputes over what extent we can have that access.

But I would ask anyone, look at that map. That is the total road system of Alaska today. There is no access by road to any of those 270 villages. They can only be accessed by air. It is true that in some of these areas we are trying to establish roads between the villages so we can have one airport serving four villages instead of one airport per village. But we are not talking about going through the national parks with section lines. We are not talking about going through areas that were already reserved on section lines, because according to Bureau of Land Management, there are no section lines.

Mr. President, I don't know how to deal with issues like this and represent my State without coming here and once again urging that the people involved do some basic research. We have now a Federal judge, Judge Sedwick, who years ago wrote an article about the issue of rights-of-way. I want to put it in the RECORD today, and will read his conclusions.

Mr. President, this is an issue that is going to perplex our State. Again, Mr. President, we have only been a State since 1959. We were a State only 10 years before the whole thing was withdrawn, and no rights could be created until Congress acted. Congress acted in 1971 in the Alaska Native Claim Settlement Act, and then in 1980 on the Alaska National Interest Conservation Lands Act. After that, the rights of the State and Natives could be perfected. We had to wait until 1980 to proceed to get the lands that were awarded to us by Congress in 1958 and awarded the Native people of our State in 1971. The reason we did was because the withdrawal, as I said, was made by Secretary Udall. All Federal lands were withdrawn. As a consequence, the whole subject of where we can build roads to improve the quality of life of our rural people is a very, very intriguing one, but a difficult one for us.

We want to have the roads that will help us get better health care, that will get better education for people who live in rural areas, that will get better communications, particularly to try to see if we can't find a way to deal with the delivery of mail and other packages by some sort of road connection.

This is an unpublished manuscript, but I want to put it in the RECORD.

This is Mr. Sedwick. He was then an attorney. John Sedwick was an attorney practicing law, and he was chairman of the Alaska Bar Association's environmental law section. He is a recognized environmental lawyer, a very good lawyer, and a very good judge. This is his summary. I want to read it into the RECORD:

> The following summary represents the current state of section line easement law in Alaska in 1983, after the 1976 repeal of RS 2477. As the preceding sections of this paper has shown, there are some areas of uncertainty and some differences of opinion which have not yet been resolved. With that warning in mind, the summary is as follows:
>
> A section line easement is an easement for the construction of a public highway, or other facility such as a power line, water line, or sewer line. The maximum width of a section line easement will be 100 feet on State-owned land, or land acquired from the State, and 66 feet on Federal land, or land acquired from the Federal Government. One making use of the section line easement is not, however, automatically entitled to use its maximum width. The user may only take advantage of so much of the section line easement as is reasonably necessary for the construction and maintenance of the facility. Section line easements cannot exist prior to approval of the official survey which creates the section line.

Let me repeat that:

> Section line easements cannot exist prior to the approval of the official survey which creates the section line.
>
> The section line easement exists on all land in Alaska for which an official survey was approved prior to October 21, 1976, except for the following: Land which went into private ownership prior to April 6, 1923; land which went into private ownership prior to approval of the official survey; lands whose official survey was approved on or after January 18, 1949, which, if territorial lands, went into private ownership before March 26, 1951, and which, if Federal lands, went into private ownership before March 21, 1953; Federal land which was reserved for public use prior to April 6, 1923, which remain reserved at least until October 21, 1976; Federal lands reserved for public use prior to approval of the official survey which remain reserved at least until October 21, 1976; Federal lands whose official survey was approved on or after January 18, 1949, which were reserved for public use prior to March 21, 1953, and which remain reserved until at least October 21, 1976.

And the last category is all university lands.

Mr. President, those few exceptions give us some hope for small connections of roads in rural Alaska.

By what is being done now there are some people who want apparently to destroy those rights which exist. They are very few in number, as Judge Sedwick pointed out, very few. They had to be created before 1969 and in many instances before 1923. But the main purpose of it is to determine how we can do the things which must be done to improve the quality of life in rural Alaska.

I call the Chair's attention to this one green line here that goes from Nome to Teller. That is the only improved road that I know of that type. It goes from the city of Nome, which was the gold rush headquarters at the turn of the century, to Teller, which is a small city up on the coastline. That is one connection that was made years ago, and it was made using an old trail that existed. We have not been able to get approval to move forward with the others, and we want to do so.

My State, as I stated on the floor last week, has gone through a whole series of studies trying to find a way to demonstrate to the Department of Interior that the claims that are asserted based on use now—we are not talking about section lines; section lines automatically can be claimed by the State under State law once they are surveyed. But again the key is those people who assert we are going to have 900,000 miles of section line roads know better. They know they are telling a lie because the conservation system units themselves have not been surveyed.

Now, I hope, Mr. President, that when we get back to this issue again people will not come out on the floor and assert that this Senator is trying to build roads across wilderness areas either. We are not trying to determine any kind of rights-of-way across wilderness areas. There are some areas that are candidates for becoming wilderness areas in which there are private rights and public rights that exist now on these Federal lands. That is the issue we are trying to resolve.

I am indebted to my good friend from Arizona, Senator MCCAIN, who suggested that we have some approach to this to get the issue resolved. It is a very vital issue for rural Alaska. It is not an issue that involves putting 900,000 miles of roads across national parks, wilderness areas, wildlife refuges, wild and scenic rivers, whatever.

It might interest the Senate to know we have over 80 percent of those categories. Most of the park land of the whole United States is in our State. But the lands are exterior, have lines that give us their exterior. The parks and other protected areas were never surveyed as such. They are just lines on a map. The surveys will not be made. It costs too much money to survey those lands. They are reserved permanently for national parks. There will be no development that is not authorized by the park service. They do not need any right to build roads within parks. They have that right. There are not going to be any surveys.

I do say for the Chair, only Congress can create a wilderness area. Every time a wilderness area has come before the Senate we have looked at it to see whether or not there are private rights that need protection, and we have had provisions that said valid existing rights are preserved.

Now, that is all we are trying to say, is in 1976 when Congress repealed R.S. 2477, this was done subject to valid existing rights. I had that chart out here. Three times in that act I insisted that Congress say that validated existing rights were preserved, that everything the Secretary of Interior did in that law was subject to existing rights, and now we have the situation where the Department continues to believe that it has the right to ignore that law.

Mr. President, last year in the Interior Department appropriations bill we asked for a section to be put in there which said that nothing can be done to change the rights-of-way which exist that are valid existing rights on Federal lands by rule or regulation, and they cannot be changed except by authorization from Congress. The Department of Interior now seeks to change the status of some of these existing rights by a new fiat. They call it a policy statement which changes the basis, historical basis that has been developed through a series of court cases for over 100 years. These precedents have been established by law and interpreted by solicitors, and as I said I was one of those solicitors at one time and I know that we have a series of cases that have been decided both by the Interior Department's land section and by the courts which tell States under what conditions they can assert the right to use the R.S. 2477 rights-of-way for improvements for public access which we now call public highways.

If the Congress looks at this map or this other map, it can only come to the conclusion that the problem we have is the problem of determining whether the Federal Government speaks with a forked tongue. The Federal Government when we became a State gave Alaska the right to 103.5 million acres of Federal land. It was our dowry in order to have land that could be developed to sustain our economy. It then in 1971 passed the Alaska Native Land Claims Settlement Act which transferred to Alaska, or gave the right of transfer to approximately 45 million acres of Alaska land to the Native people. Both of those rights were held up until Congress decided the location of the lands it wanted to withdraw, the National Lands Conservation Act of 1980 perfected those withdrawals and enlarged the whole concept. And if anyone will look at the map you will see it is almost impossible to get to the coastline from the Native lands except up in Nome. Access is denied entirely to our lands that were given to us by an act of Congress unless we can perfect the access routes which were in place prior to their conveyance to Alaska and the Native people, prior to the repeal of Revised Statute 2477 unless we can prove in effect they are valid existing rights.

Mr. President, I am hopeful that the people who really run the National Parks Conservation Association will do some basic research and deal with facts. Particularly what brought me here was the assertion of the 900,000 miles of section line roads that we were going to build across Federal parks and wilderness area. We do not propose to build them. They would not be valid under any interpretation of Federal laws. The lands are withdrawn for national parks. They cannot be subject to rights-of-way under the section line concept until those lands would be surveyed, and even then the survey would take place after the reservation, and, with the possible exception of some unknown, ancient government survey of the area near a mining claim, there are no rights from section lines in areas that have already been reserved.

So I do believe it is time for us to return to the concept that I mentioned in the beginning, and that is the four-way test. As I have said, since I have been a Senator, I have tried to be guided by this test and I would like to see the Senate as a whole guided by it.

There were assertions made right here on this floor about this Senator wanting to build roads across national parks on section lines. I know that those Senators who made those statements were misinformed by such people as the National Parks Conservation Association that issued their statement. But above all, I think it is incumbent upon Members of the Senate to look at the facts before they really accuse a fellow Senator of something of that magnitude. Building 900,000 miles of section line roads through national parks was mentioned right here on this floor, and it was not true. I plead with the Senate to be guided by the truth and be guided by the concept of fairness and whether or not what they say will build good will and friendship among Members of the Senate. This Senator finds it very hard to maintain friendship for people who accuse him of some of the things we were accused of last week, Mr. President.

I yield the floor.

EXHIBIT 1

WESTERN SENATORS WIN FIRST ROUND IN ROAD RIGHT-OF-WAY DISPUTES

(By Jim Abrams)

WASHINGTON (AP).—Legislation making it easier to build roads through federal parks and wilderness areas survived a Senate challenge Wednesday and headed toward a possible showdown with the White House.

The measure, pushed by Alaska and Utah senators and inserted into a crucial bill to provide billions of dollars for victims of natural disasters, would give the federal government less say in what constitutes a valid right of way under a 130-year-old law.

Sen. Dale Bumpers, D–Ark., proposed that the road issue be taken out of the disaster relief bill, but lost, 51–49.

Sen. Max Baucus, D–Mont., voted to take the issue out of the bill while Sen. Conrad Burns, R–Mont., was among the 51 that voted for it to remain in the bill.

"It is wrong as a matter of principle to tie controversial issues to flood disaster relief," Baucus said. "We simply should not play politics when people's lives are in the balance."

The Senate also voted, 89–11, to provide $240 million in the emergency relief bill to extend welfare payments to legal immigrants until the start of the new fiscal year on Oct. 1. Under the new welfare law, legal immigrants were to lose their benefits in August.

The amendment, offered by Sens. Alfonse D'Amato, R–N.Y., and John Chafee, R–R.I, replaced a provision in the bill that set aside $125 million for block grants to the states for immigrants, an idea opposed by the administration.

Lawmakers resolved another sticking point in the bill when they agreed to allow the Census Bureau, with congressional oversight, to go ahead with plans for the use of sampling methods in the 2000 census. Republicans from rural states in particular had sought to ban sampling, which could record greater urban and minority populations and lead to district reapportioning.

Resolution of that issue left two outstanding disputes efforts by Republicans to prevent future government shutdowns and to weaken the Endangered Species Act. The administration has indicated that President Clinton would veto any bill with those provisions.

Sen. Ted Stevens, R–Alaska, used his position as chairman of the Appropriations Committee, which is responsible for the disaster relief bill, to promote the right-of-way measure. He accused opponents of using scare tactics in claiming that it would "result in roads across our national parks and wilderness. That is simply not true," he said.

"What is at stake here for those of us in the West is the preservation of what really amounts to the primary transportation system and infrastructure of many rural cities and towns," said Sen. Orrin Hatch, R–Utah.

Interior Secretary Bruce Babbit said the measure would render the federal government powerless to stop the conversion of footpaths, four-wheel-drive tracks and other primitive roads on federal lands into paved highways. He has urged the president to veto the disaster relief bill if the road issue is included.

Baucus said the provision "could allow roads to be built through spectacular wilderness in Montana.

"Equally disturbing, this section could prevent Montana roadless areas from being designated as wilderness in the future," Baucus said.

But Senate Democratic Leader Tom Daschle of South Dakota said he doubted the Senate would sustain a presidential veto and slow action on the disaster relief bill over the road issue.

"I don't know if we've got enough of a strength of conviction to hold up the bill," he said.

The bill provides $8.4 billion in new spending, including $5.5 billion for disaster victims and $1.8 billion for U.S. troops in Bosnia and the Mideast.

The Senate, in a voice vote, agreed that no money from this bill should support U.S. troop presence in Bosnia after June 1998, the date the administration has set for the end of the mission there.

Stevens left open the possibility for compromise, saying that when the House and Senate get together to work out differences in their bills he might ask Babbitt for a proposal "that might set the policy for future realization of these rights of way throughout the West."

The controversy involves and 1866 law that was repealed in 1976 but then resurrected in part during President Reagan's administration as it began aggressively processing thousands of right-of-way claims it considered still valid.

The Clinton administration has recognized the validity of claims, but has fought with state officials, particularly from Alaska and Utah, about who has final say on their validity.

Babbitt announced a new policy in January that requires states to examine more closely whether a right of way actually once was a significant corridor, which make it a valid site for road building.

Stevens' measure would override Babbitt's new directive and again swing the pendulum to the states.

RIDER TO FLOOD-RELIEF BILL ENRAGES ENVIRONMENTALISTS—ALASKA SENATOR SEEKS TO PAVE WAY FOR U.S. PARK ROADS

(By H. Josef Hebert)

As his Senate Appropriations Committee grappled with how to help victims of floods, chairman Ted Stevens saw an opportunity he couldn't pass up.

Alaska's senior senator tacked onto the must-pass emergency bill a pet piece of legislation to make it easier to build roads through federal parks, refuges and wilderness areas.

Environmental activists were outraged, and Interior Secretary Bruce Babbitt is urging a presidential veto if the provision added last week stays in the bill. It goes before the full Senate today.

The measure, also pushed by fellow Republican Sen. Bob Bennett of Utah, would give the government less say in what constitutes a valid right-of-way for roads built under a 130-year-old law.

"Such a requirement could effectively render the federal government powerless to prevent the conversion of foot paths, dogsled trails, jeep tracks, ice roads and other primitive transportation routes into paved highways," Babbitt complained in a letter to Stevens.

Bennett and Stevens have accused Babbitt of overstepping his authority by putting too many restrictions on such right-of-way claims and usurping the states' authority. They contend state law should determine validity of claims.

Road construction in federally protected parks, refuges and wilderness areas has been a growing worry among conservationists, especially in the West. Nowhere has it been an issue more than in Alaska and Utah, where hundreds of claims are pending for rights-of-way over federally protected land.

The controversy involves a law enacted in 1866, repealed by Congress 110 years later, then resurrected in part during President Reagan's administration as it began aggressively processing thousands of right-of-way claims it considered still valid under the defunct Civil War-era statute.

No one disputes valid claims exist, but the Clinton administration has waged a running battle with some state officials-particularly those of Alaska and Utah-over who should have the final say on their validity.

Babbitt announced a new policy in January that requires states to examine more closely whether a right-of-way actually once was a significant corridor, which would make it a valid site for road building.

The measure Stevens inserted into the $5.5 billion emergency relief legislation for victims of floods and other disasters would override Babbitt's new directive and again swing the pendulum to the states.

Stevens defended the measure. In 1976, he argued, Congress "absolutely stated, without any question," that prior claims must be accepted.

"The provision is aimed at preserving historic rights-of-way established at least 20 years ago and creates no new rights-of-way across federal land," Stevens insisted.

Many environmentalists see it differently.

"It grants rights-of-way across millions of acres of federal land to virtually any person who asserts a claim," asserted William Watson of the National Parks and Conservation Association, a private watchdog group. "It threatens to carve up our national parks."

Most claims under the 1866 law are in Alaska and Utah because those states have been the most lenient in considering what constituted a historic pathway. Conservationists say the Stevens legislation may bring old claims boiling to the surface in other states. Rumblings already have been heard in Oklahoma, Nebraska, New Mexico and the Dakotas, said Phil Vorhees of the park association.

Adam Kolton of the Alaska Wilderness League said hundreds of rights-of-way claims are pending in Alaska, including some through the Denali National Park and seven in the coastal plain of the Arctic National Wildlife Refuge.

"Sen. Stevens wants to make Swiss cheese of the Arctic refuge and other wilderness areas by building roads through them," Kolton complained.

In Utah, where much of the land also is federal, an estimated 5,000 rights-of-way claims are pending. Many are in federal parks and refuges, as well as in the recently declared 1.7 million-acre Grand Staircase-Escalante National Monument.

WESTERNERS EKE OUT SENATE WIN ON RURAL ROADS

SALT LAKE CITY.—A White House move opponents claimed could block access to rural byways in Utah and Alaska has been narrowly defeated by the U.S. Senate.

Western senators led the revolt, even though Interior Secretary Bruce Babbitt said he would recommend that President Clinton veto the entire emergency flood and disaster relief bill to which the byways measure is attached.

"This is not an issue where the senators from the Western states are trying to do something improper," said Sen. Bob Bennett, R-Utah. "The real issue is that there are a number of roads in rural Utah that the federal government wants closed."

The vote Wednesday was 51–49.

At issue are rights-of-way created under an 1866 law that allowed counties to put roads on unreserved federal lands. It was repealed in 1976, but existing byways were allowed to continue. But no inventory of them was made.

Congress and the administration have fought for years over proposals by Babbitt to force counties now to prove the byways existed before 1976 and were used for vehicular traffic, not just livestock or horses.

Congress had blocked that move, but in January Babbitt issued administrative rules outlining how until a final compromise is reached counties could gain emergency, permanent recognition on some claims. The status would be granted only for those byways where vehicular traffic and upgrades for them occurred.

Senators from Utah and Alaska, where most of the byways claims are pending, charged the White House was trying to take the first step toward federalizing local roads.

"What is at stake here for those of us in the West is the preservation of what amounts to the primary transportation system and infrastructure of many cities and towns," said Sen. Orrin Hatch, R-Utah.

"In many cases, these roads are the only routes to farms and ranches; they provide necessary access for school buses, emergency vehicles and mail delivery."

Sen. Dale Bumpers, D-Ark., countered that Westerners were really pushing the issue to block wilderness designations by claiming roads in the areas.

He also charged Westerners want to put roads in sensitive areas to foster development.

"Can you imagine anything so insane as allowing states to build roads across public lands, no matter where they may be?" he said. "You cut the weeds, it becomes a 'highway.' You move a few rocks, it becomes a 'highway'"

Senate Appropriations Committee Chairman Ted Stevens, R-Alaska, reacted angrily to those claims. He pounded his desk so hard he tipped over this water glass into his documents. He also trembled as he declared the byways "are our lifeblood."

Bennett recalled that when Garfield County bulldozed in Capitol Reef National Park to widen the Burr Trail by four feet on a blind curve but still within its right of way the federal government sued.

"It has little or nothing to do with the county maintaining this kind of right of way. What it had to do with is who's going to make the decision and the federal government is determined it will make the decision," Bennett said.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—FLANK DOCUMENT AGREEMENT TO THE CFE TREATY

Mr. STEVENS. Mr. President, for the majority leader I ask as in executive session for unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to consideration of the Flank Document Agreement, No. 105-5, to the CFE Treaty which was ordered reported by the Foreign Relations Committee on Thursday, May 8, and, further, the treaty be considered having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, that all committee reservations, understandings, declarations, statements, conditions and definitions be considered and agreed to, with the exception of condition No. 5. I further ask consent that no other amendments be in order to the resolution, other than a modification to condition No. 5 offered on behalf of Senators KERRY of Massachusetts, SARBANES, and ABRAHAM. I further ask consent that overall debate on the resolution be limited to 1½ hours between chairman and ranking member, and an additional 30 minutes under the control of Senator BYRD; and, further, after the expiration or yielding back of that time the Senate proceed to a vote on the resolution of ratification. I finally ask that immediately following that vote, the President be notified of the Senate's action and Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I want to clarify the unanimous-consent agreement that was just entered into. The amendment is an amendment being offered on behalf of Senators KERRY, SARBANES, and ABRAHAM. The consent agreement could be interpreted otherwise but it is their amendment that is being offered as a managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING USE OF CAPITOL GROUNDS FOR THE SIXTEENTH ANNUAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 66, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 66) authorizing the use of the Capitol Grounds for the sixteenth annual national peace officers' memorial service.

The Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The concurrent resolution, House Concurrent Resolution 66, was considered and agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized to speak for up to 45 minutes.

JUDICIAL VACANCIES

Mr. LEAHY. Mr. President, I have spoken on the floor many times about the judicial vacancies in our Federal courts. It concerns me. In fact, I believe other than the subject of antipersonnel landmines, I have probably spoken on this subject more than any other. I am concerned that some in the Republican Party are engaging in a court-bashing situation that does not reflect the proud heritage of either the Republican Party or the Democratic Party.

I have spoken about the crisis that has been created by the almost 100 vacancies that are being perpetuated in the Federal courts around the country. We have recently seen a constitutional amendment proposed to remove the life tenure that has been the bedrock of judicial independence from the political branches since the ratification of our Constitution. It is just one of, I think, over 100 constitutional amendments proposed this year alone. It ignores the fact that our independent judiciary is the envy of the rest of the world. We have heard calls for impeachment when a judge rendered a decision with which a Republican House Member disagreed. I have read the Constitution. It speaks of very specific grounds for impeachment. Among those grounds is not that a Republican House Member disagrees with a judge. We would probably have a very difficult time if every judge could be impeached because any Member of the House or Senate disagreed with him.

We have heard demands that the Congress act as a supercourt of appeals and legislatively review and approve or disapprove cases on a case-by-case basis. That is for the same Congress that has not yet even taken up a budget bill, even though the law requires us to do it by April 15.

We are seeing exemplary nominees unnecessarily delayed for months, and vacancies persist into judicial emergencies. We are seeing outstanding nominees nitpicked, probed, and delayed to the point where one wonders why any man or woman would subject themselves to such a process or even allow themselves to be nominated for a Federal judgeship.

Instead of reforming the confirmation process to make it more respectful of the privacy of the nominee, something that we all claim we want to do, the Republican majority in the Senate is moving decidedly in the other direction. They are approaching the imposition of political litmus tests, which some have openly advocated under the guise of opposing judicial activism, even though some of these same Members were the ones who said that nobody should impose a litmus test on judges.

Even conservatives like Bruce Fein, in his recent opinion column in the New York Times, reject this effort. Actually, so do the American people. We have not had a time when any President or any Senate should be asked to impose litmus tests on an independent judiciary.

I recommend my colleagues read the excellent commentary by Nat Hentoff on this new political correctness that appeared in the April 19, 1997, edition of the Washington Post. I have spoken in broad generalities, although each are backed up by dozens of cases. But let me be specific on one. The nomination of Margaret Morrow to be a Federal judge for the Central District of California is an example of the very shabby treatment accorded judicial nominees. The vacancy in this Federal court has existed for more than 15 months, and the people in central California—Republican, Democrat, Independent—are being denied a most needed, and in this case a most qualified, judge.

Ms. Morrow's nomination is stuck in the Senate Judiciary Committee again. I am appalled by the treatment that Margaret Morrow has received before the Judiciary Committee. Ms. Morrow first came before the Judiciary Committee for a hearing and she was favorably and unanimously reported by the committee in June of 1996, almost exactly a year ago—a year ago less a couple of weeks. Then her nomination just got caught in last year's confirmation shutdown and she was not allowed to go through. So she has to start the process all over again this year.

Let me tell you about Margaret Morrow. She is an exceptionally well qualified nominee.

She was the first woman president of the California Bar Association, no small feat for anybody, man or woman. She is the past president of the Los Angeles County Bar Association. She is currently a partner at the well-known firm of Arnold & Porter, and she has practiced law for 23 years. She is supported by the Los Angeles Mayor Richard Riordan, who, incidentally, is Republican, and Robert Bonner the former head of the Drug Enforcement Administration under a Republican administration. Representative JAMES ROGAN from the House joined us during her second confirmation hearing and, of course, she is backed and endorsed by both Senators from California.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice and to making lawyers more responsive and responsible as a profession. The Senate ought to be ashamed for holding up this outstanding nominee, and I question whether the Senate would give this kind of treatment to a man. It sure as heck has been doing it to a woman.

Despite her qualifications, she is being made an example, I am not quite sure of what, but this woman who has dared to come forward to be a Federal judge is being made an example before the Senate Judiciary Committee.

At her second hearing before the committee on March 18, even though she already has gone through a committee hearing and even though the committee last year unanimously voted to confirm her with every single Republican and every single Democrat supporting her, even though she had gone through it once before, she was made to sit and wait until all the other nominees were questioned, as though she were being punished. "We have these men who want to be heard, and even though you had to do this before, you, woman nominee, sit in the back and the corner." She was then subjected to round after round of repetitive questioning.

Then came a series of written questions from several members, and they were all Republican members of the committee. Then came the "when did you start beating your husband" type questions to Ms. Morrow, based on her previous questions. I objected when Ms. Morrow was asked about her private views on all voter initiatives on the ballots in California for the last decade. Basically, she was being asked how did she vote in a secret ballot in the privacy of a voting booth on 160 initiatives on the ballot in California over the last 10 years.

I defy any Member of the Senate, if they were given a list of 160 items in their local elections, State elections, that have been on the ballot over the last 10 years, to be able to honestly say how they voted on every single one of those. But even before they got to the question of could they say how they voted, I would stand up and say, "What has the Senate stooped to when we ask people how they voted in a secret ballot?"

Mr. President, we fought—successfully fought—a Revolutionary War, among other reasons, to maintain the sanctity of the ballot box. We fought a Civil War, among other reasons, to maintain the sanctity of the ballot box. We stood up to fascism, Nazism, World Wars because we were protecting our democracy and way of life. Some of the most remarkable and respected Republicans and Democrats of this country's history, and some of the most responsible and respected Republicans and Democrats in my lifetime, and some of the most responsible and respected Republicans and Democrats of my 22 years in the Senate have stood and fought to maintain the privacy of the ballot box. I, Mr. President, am not going to be a Senator on the Senate Judiciary Committee that allows that sanctity to be destroyed.

When I challenged the question, it was revised so as to demand only her private views on 10 voter initiatives on issues ranging from carjacking to drive-by shootings to medical use of marijuana and the retention election of Rose Bird as chief justice of the California Supreme Court.

Ms. Morrow previously stated she did not take public positions on these voter initiatives, so asking for her private views necessarily asked how she voted on them. We are, thus, quizzing nominees on how they voted in their home State ballot initiatives. Why we need this information, even if we were allowed to follow someone into the ballot box and see how they voted—something none of us would allow anybody to do to us—even if we are allowed, to say while we would not do it to any of us, we would do it to this woman.

Why do we need this information to determine if she is qualified? In fact, she explained to the committee that she is not anti-initiative, and in response to written questions, she discussed an article she wrote in 1988 and explained:

> My goal was not to eliminate the need for initiatives. Rather, I was proposing ways to strengthen the initiative process by making it more efficient and less costly, so it could better serve the purpose for which it was originally intended. At the same time, I was suggesting measures to increase the Legislature's willingness to address issues of concern to ordinary citizens regardless of the views of special interests or campaign contributors. I don't believe these goals are inconsistent.
>
> The initiative process was a reform championed by California Governor Hiram Johnson in 1911 to ensure that the electorate had a means of circumventing the Legislature when it could or would not pass legislation desired by the people because of the influence of special interests. As envisioned by Governor Johnson and others, the initiative was designed to complement the legislative process, not to substitute for it. This is my understanding of the role of the initiative process, and this is what I had in mind when I wrote the 1988 article. The reasons that led Governor Johnson to create the initiative process in 1911 are still valid today, and it remains an important aspect of our democratic form of Government.

I ask, Mr. President, does that response sound like somebody who is antidemocratic? Yet, she has been forced to answer questions about how she views the initiative process in written questions and, again, in revised follow-up written questions over the period of the last month.

Again, I remind everybody, this is a woman who was voted out unanimously last year by the committee. No objective evaluation of the record can yield the conclusion that she is anti-initiative. No fair reading of her 1988 article even suggests that. I might add, parenthetically, and what should be the only really important question, there is nothing in her record that suggests she would not follow the precedents of the court of appeals for her district or the U.S. Supreme Court. There is nothing to suggest that she does not believe in stare decisis or that she would not follow it.

Recently, I received a letter from a distinguished California attorney, and a lifelong Republican, who wrote to protest the unfair treatment being accorded Margaret Morrow. He wrote that he was "ashamed of [his] party affiliation when [he sees] the people's elected representatives who are Republicans engaging in or condoning the kind of childish, punitive conduct to which Ms. Morrow is being subjected."

He asks us to stop permitting the harassment of this nominee. I join with this distinguished Republican, and I ask the same thing: Stop harassing this nominee. I don't care if the harassment is because she is a woman, I don't care if the harassment is based on some philosophical difference, the fact of the matter is, she is one of the most qualified people I have seen before the committee in 22 years, Republican or Democrat, and she ought to be voted on and confirmed with pride—with pride—by the U.S. Senate.

We have heard nothing but praise for Ms. Morrow from those who know her and those who worked with her and litigated against her. In fact, the legal community in and around Los Angeles is, frankly, shocked that Margaret Morrow is being put through this ordeal and has yet to be confirmed. The Los Angeles Times has already published one editorial against the manner in which the Senate is proceeding with the Morrow nomination. I ask, to what undefined standard is she being held? What is this new standard —it is kind of hidden—which has never shown up before? It has not shown up for any male nominee that I know of.

In that regard, I ask unanimous consent that a letter signed by a number of distinguished women in support of her nomination be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WOMEN LAWYERS ASSOCIATION OF LOS ANGELES,
Los Angeles, CA, May 13, 1997.

Hon. PATRICK LEAHY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: We write to you to protest the treatment which one of President Clinton's nominees for the Federal District Court is receiving. We refer to Margaret Morrow, who has been nominated for the United States District court in the Central District of California. As of today we have been waiting a full year for her confirmation.

Margaret Morrow has qualifications which set her apart as one uniquely qualified to be a federal judge. She is a magna cum laude graduate of Bryn Mawr College and a cum laude graduate of Harvard Law School. She has a 23-year career in private practice with an emphasis in complicated commercial and corporate litigation with extensive experience in federal courts. She has received a long list of awards and recognition as a top lawyer in her field, her community and her state.

Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties. Many have written to you. Because of her outstanding qualifications and broad support, it is difficult to understand why she has not moved expeditiously through the confirmation process.

Margaret Morrow is a leader and role model among women lawyers in California. She was the second woman President of 25,000 member Los Angeles Bar Association and the first woman President of the largest mandatory bar association in the country, the 150,000 member State Bar of California.

Margaret Morrow is exactly the kind of person who should be appointed to such a position and held up as an example to young women across our country. Instead she is subjected to multiple hearings and seemingly endless rounds of questions, apparently without good reason.

We urge you to send a message that exceptionally well qualified women who are community leaders should apply to the U.S. Senate for federal judgeships. We urge you to move her nomination to the Senate floor and to act quickly to confirm it.

NANCY HOFFMEIER ZAMORA, Esq.,
President, Women Lawyers Association of Los Angeles.
JUDITH LICHTMAN, Esq.,
President, Women's Legal Defense Fund.
KAREN NOBUMOTO, Esq.,
President, John M. Langston Bar Association.
STEVEN NISSEN, Esq.,
Executive Director & General Counsel, Public Counsel.*
SHELDON H. SLOAN, Esq.,
President, Los Angeles County Bar Association.
ABBY LEIBMAN, Esq.,
Executive Director, California Women's Law Center.*
JULIET GEE, Esq.,
President, National Conference of Women's Bar Associations.

(Mr. ROBERTS assumed the chair.)

Mr. LEAHY. Mr. President, that is from the Women's Lawyer Association of Los Angeles.

Last week, at a Judiciary Committee executive business session, I asked her name be added to the agenda and that the committee report her nomination to the Senate for confirmation. All questions have been answered. The Republican Senator who propounded the questions on initiatives said he would not filibuster her nomination and agreed not to hold her up any longer. I thank him publicly and appreciate his forthrightness.

But even though we looked around that room and said, "Does anybody have any objection to her," and I had gotten absolute confirmation from every single Democratic Senator that they were ready to vote positively for her and would vote for her on the floor immediately, her nomination was not called up. My requests that she be called up for a vote before the committee was rejected, and she remains in limbo almost 2 months after her second confirmation hearing and one full year after she was first nominated.

There is now what amounts to a secret hold on this nomination in the Judiciary Committee. Some Senator is holding her up. Some Senator doesn't have the courage to come on the floor of the U.S. Senate and say why this woman is objectionable to him. Some Senator will hold her up secretly because he doesn't want to vote on her publicly, even though I guarantee you, if we had a rollcall vote on her, it would be overwhelmingly positive. We should proceed with the nomination of Margaret Morrow without further delay.

Mrs. BOXER. Mr. President, will my friend yield for about 2 minutes?

Mr. LEAHY. Of course. I am happy to yield to the Senator from California.

Mrs. BOXER. I am appreciative of the Senator taking to the floor today to discuss this entire issue. We all learned growing up that justice delayed is justice denied.

We have these openings. Look, I was told very clearly by the chairman of the Judiciary Committee, "Senator, you have to come in with nominations that will pass by Republicans and Democrats. You need to bring forward nominees who are supported by Republicans and Democrats."

Mr. President, I have done just that. I think Senator LEAHY has outlined this magnificently—I have never seen a nominee with such bipartisan support as this woman. This is what is so extraordinary about the kind of treatment she is receiving: a secret hold that has been placed on her.

Mr. President, this is not the way to run the U.S. Senate. Let's allow this woman's name to be placed on the floor and then those who have any objection can express their objections and vote no. But I am so confident that the vast majority of our colleagues will vote for Margaret Morrow.

I say that not only because of her extraordinary bipartisan support, but because of her incredible qualifications. I say to my friend from Vermont how much I appreciate his leadership on this. Sometimes we forget these nominees have private lives. This is a woman who is a law partner in a law firm making preparations for a new career. She is a 45-year-old wife and mother. She has a very loving family. They are very proud of her. They are completely mystified about these questions that keep coming. I have talked to several members of the Judiciary Committee, both Democrats and Republicans, and when I speak with them, I say to you, Mr. President, one on one, I am very confident that Margaret Morrow will get a vote and a fair vote.

I want to quote from one letter that is so important.

H. Walter Croskey, associate justice in the Court of Appeals for the State of California, Second Appellate District, describes himself, Mr. President, as a conservative Republican. He has written to Senator HATCH, and he wrote to Senator HATCH about an article he read that suggested that "concerns have been raised in the [Judiciary] Committee about judicial activism and noted that there were questions as to whether Margaret would be a judge who would follow the Constitution and the laws as they are written." He says, "Such concerns are not shared by anyone who knows Margaret." And he goes on to say, "Her well known and often expressed reverence for our system of government and justice and her great intellectual integrity provides full assurance that she would be the kind of judge who would follow and apply the laws as written * * *."

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*Title and organization for identification purposes only.

He goes on.

Mr. President, we have Republican after Republican from my State. This particular judge was appointed by George Deukmejian, Republican Governor of the State of California.

Mayor Richard Riordan, Sheriff Sherman Block, a Republican-elected sheriff, supports her nomination.

So it is so difficult, frankly, for this Senator to understand why we would play with the life of a woman like this and not give her her fair chance.

I understand that women's organizations have written to Senator LEAHY and Senator HATCH. They have been very patient. But when you see a panel of people, as Senator LEAHY has described, three men and one woman, and the three men get reported out of the committee—and I venture to say, I know they are all extremely qualified—I would put Margaret's qualifications right up against any of those.

So I am very pleased that my colleague, the ranking member on the Judiciary Committee, has raised this issue. I am hopeful, I say to my friend and the Presiding Officer today, that because Senator GRASSLEY has lifted his objection to bringing the nomination to the floor and others on the committee have done the same, that they will prevail upon that secret hold, they will find who that particular Senator is who has put a hold here. If we start putting holds on each other's nominations and on each other's bills and on each other's amendments, I say to my friend, we are only going to deteriorate in this U.S. Senate. The people expect more.

To reiterate Mr. President, I come to the floor today to urge that Margaret M. Morrow be voted out of the Judiciary Committee and confirmed to sit on the U.S. District Court for the Central District of California.

Margaret Morrow is an outstanding candidate for the Federal bench, who enjoys broad bipartisan support. She has over a dozen support letters from prominent, widely respected Republicans, including judges, elected officials, and others. It has been my honor to recommend such a fine candidate to the President. Her name was submitted to me by my judicial advisory committee for the Central District of California. My committee enthusiastically found her to be a superior judicial candidate.

However, despite her strong bipartisan support and strong credentials, her nomination remains indefinitely stalled in committee. She has had two hearings, and has had several rounds of questions with no end in sight. No Member has come forward to explain why she should not be confirmed.

MARGARET MORROW'S HISTORY

Margaret Morrow was first nominated by the administration on May 9, 1996. She received the first of her nomination hearings before the Senate Judiciary Committee on June 25, 1996, and was reported out of committee just 2 days later without any opposition from the committee.

For several months, Margaret Morrow's nomination sat on the Executive Calendar waiting to be moved, and finally died on the floor of the Senate when we adjourned at the end of the session.

Margaret was then renominated on January 7 of this year because of her impeccable credentials. Her nomination languished for over 2 more months until further action on March 18, when she had yet another hearing.

Twice, now, the Judiciary Committee has reviewed stacks of information she provided to the committee, a full FBI background investigation, and her testimony before the committee. Yet, Margaret still sits in committee, facing repeated rounds of questions with no end in sight.

JUDICIAL VACANCIES

Margaret Morrow's confirmation should not be held hostage for political reasons, Mr. President. According to the U.S. Constitution, the President nominates, and the Senate shall provide advice and consent. It is not the role of the Senate to obstruct the process and prevent numbers of highly qualified nominees from even being given the opportunity for a vote on the Senate floor.

Today, we have 26 nominations from the President to consider. Every one of these nominations should be voted out of committee and placed on the calendar for consideration on the Senate floor.

MARGARET MORROW'S LIFE IS ON HOLD

The vacancy Ms. Morrow would be filling has been vacant since January 24, 1996. In 2 short months, this vacancy will become a judicial emergency. That will make three judicial emergencies in the ninth circuit courts, and four judicial emergencies in the California district courts. Two of those judicial emergencies will be in the Central District of California. I don't think I need to remind this body that the Central District of California in Los Angeles is one of the busiest courts in the Nation.

To provide some historical context, in 1992, every one of the 66 nominees approved by the Senate Judiciary Committee were approved by the full Senate. Every single person nominated, Mr. President, was under a Republican administration and a Democratic-controlled Senate. Included in those 66 judges were 11 circuit court nominees. In 1992, the Democratic Senate confirmed the highest number of judges of any year of President Bush's term. And the confirmations did not slow as the election approached. During the 4-month period between June and September, the Senate Judiciary Committee favorably reported 32 nominees, including 7 appeals court nominees.

Former Majority Leader Bob Dole spoke of this process himself. In June of last year, he said "We should not be holding people up. If we need a vote, vote them down or vote them up * * * because [the nominees] probably have plans to make and there are families involved." Even then-Majority Leader Dole recognized the necessity to provide resolution for nominees out of fairness to these individuals and their families.

Before I speak about Ms. Morrow's credentials or historical precedent for judicial confirmations, I wanted to make the point that there is also a personal side to the judicial confirmation process. For nominees who are awaiting confirmation, their personal and professional lives hang in the balance.

Margaret Morrow—a 45-year-old mother and law partner—has put her life and her professional practice on hold while she waits for the Senate to approve her nomination. The Senate's delay has affected her ability to assume certain responsibilities at her law practice. Her whole family—particularly her husband and young son—have waited patiently for her confirmation to proceed. Many of us here in the Senate have no idea what kind of strain and stress awaiting confirmation means for these nominees. We owe to her prompt Senate consideration.

Mr. President, I am unaware of any substantive reason why Ms. Morrow's nomination has not been before the full Senate long before today. If another Member of this body has a reason for opposing her confirmation, I want the opportunity to discuss those objections, as does Ms. Morrow, and to move on to Senate consideration.

THREE POINTS

There are three aspects of Margaret Morrow's qualifications, in particular, I want to emphasize:

First, Ms. Morrow's long history and background in the legal profession. Her credentials are impeccable.

Second, Ms. Morrow has the confidence of a broad spectrum of supporters.

Third, Ms. Morrow's qualifications and the broad support she enjoys would make her an exceptionally distinguished addition to the Federal bench.

MS. MORROW'S LONG HISTORY AND BACKGROUND IN THE LEGAL PROFESSION, HER CREDENTIALS ARE IMPECCABLE

Ms. Morrow graduated magna cum laude from Bryn Mawr College, and received her law degree from Harvard University, graduating cum laude. Ms. Morrow has enjoyed 23 years in private practice in commercial and civil litigation, and is now a partner at the prestigious law firm of Arnold & Porter. She is married to Judge Paul Boland of the Los Angeles Superior Court and they have a son, Patrick Morrow Boland.

From 1988 to 1989, Ms. Morrow served as president of the 25,000-member Los Angeles County Bar Association, the second largest voluntary bar association in the country, and created an innovative program in California called Pro Bono Council which calls on members of the association to do pro bono work for the poor. From 1993, she served a 1-year term as president of the largest mandatory bar association in the country, the 150,000-member State Bar of California. Ms. Morrow was the first woman to ever hold this office in that organization.

Ms. Morrow has been recognized several times during her tenure in the legal profession. A few of these include a listing in 1994 as one of the top twenty lawyers in Los Angeles by California Law Business, a weekly publication of the Los Angeles Daily Journal. In 1995 and again in 1996, Ms. Morrow was included in the Los Angeles Business Journal's "Law Who's Who," a list of 100 outstanding Los Angeles business lawyers.

Just this February, Ms. Morrow received the Shattuck-Price Award, the highest honor given by the Los Angeles County Bar Association for individuals with outstanding dedication to the high principles of the legal profession, the administration of justice, and the progress of the county bar. Others who have received such distinction include Warren Christopher and Shirley Hufstedler, former U.S. circuit court judge and U.S. Secretary of Education.

MS. MORROW HAS THE CONFIDENCE OF A BROAD SPECTRUM OF SUPPORTERS

I'm not the only one who believes Ms. Morrow has an excellent legal mind and is a credit to the legal profession. Ms. Morrow enjoys the broad support of accomplished persons. Many of California's prominent and conservative Republican lawmakers and elected officials support her confirmation:

H. Walter Croskey, associate justice in the Court of Appeals for the State of California, Second Appellate District, and self-described conservative Republican writes to Senator HATCH about an article he read that:

> . . . suggested that concerns have been raised in the [Judiciary] Committee about judicial activism and noted that there were questions as to whether Margaret would be a judge who would follow the Constitution and the laws as they are written. Such concerns are not shared by anyone who knows Margaret. Her well known and often expressed reverence for our system of government and justice and her great intellectual integrity provides full assurance that she would be the kind of judge who would follow and apply the laws as written with her only agenda to make that system work better and more efficiently. * * * The reservations expressed about her are simply without foundation and should not deter the Judiciary Committee from taking prompt and favorable action on what we here in California regard as a truly inspired choice.

The district attorney of Orange County, Mike Capizzi, writes to Senator LOTT:

> I have absolutely no hesitation in commending her nomination to you as being among the very best ever likely to come before you. * * * Of particular interest to crime victims, law enforcement and public prosecutors are her initiatives and achievement in the fields of juvenile justice and domestic violence, where her efforts have helped focus national attention.

He ends his letter by stating:

> The record of scholarship, citizenship, and dedication to improving the legal system that Margaret will bring with her to the federal bench reveals great promise for a truly exceptional jurist of whom we will all be proud. I sincerely, wholeheartedly and enthusiastically entreat you to confirm Margaret's nomination for appointment to the district court, without delay. We need her.

Los Angeles Mayor Richard Riordan writes in strong support of Ms. Morrow's nomination. He adds that Morrow, "would be an excellent addition to the Federal bench. She is dedicated to following the law, and applying it in a rational and objective fashion."

Representative JAMES ROGAN, former Republican assembly leader in the California Legislature, now Member of Congress, who gave a supporting introduction for Margaret Morrow at her second hearing, wrote to Senator TRENT LOTT urging his support of Ms. Morrow's nomination because he believes she would be "conscientious in applying the law."

Republican Los Angeles County Sheriff Sherman Block also supports Ms. Morrow's nomination, stating she is an extremely hard worker with impeccable character and integrity.

Republican Robert Bonner, appointed by President Reagan as U.S. attorney for the Central District, later appointed to the U.S. District Court in the Central District, and former head of the Drug Enforcement Administration under President Bush has also lent his support, stating she is a "brilliant person with a first-rate legal mind * * * nominated based upon merit, not political affiliation."

Lod Cook, chairman emeritus of ARCO, and a prominent Republican in the State of California wrote of Ms. Morrow:

> I am convinced she is the type of person who would serve us well on the federal bench. I believe she will bring no personal or political agenda to her work as a judicial officer. Rather, her commitment will be to ensuring fairness and openness in the judicial process and to deciding cases on the facts and the law as they present themselves.

Mr. President, I ask unanimous consent that these and additional letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
COURT OF APPEAL,
Los Angeles, CA, April 17, 1997.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, Washington, DC.

Re Nomination of Margaret Mary Morrow.

DEAR SENATOR HATCH: I am pleased to write in support of the nomination of Margaret Morrow to the United States District Court for the Central District of California. I have known Margaret for over 15 years, both professionally and socially. During that period, I have worked with her on many local and state bar activities and committees; I have had repeated opportunities to discuss legal issues with her; and she has appeared before me in both the trial and appellate courts on a number of occasions. Finally, I am very familiar with her reputation in the legal community, both in Southern California and statewide. Based on all of that, I believe that she is the most outstanding candidate for appointment to the federal trial court who has been put forward in my memory.

Yesterday, I read an article in our local legal newspaper about Margaret's second hearing before the Judiciary Committee on March 18, 1997. That article suggested that concerns have been raised in the Committee about judicial activism and noted that there were questions as to whether Margaret would be a judge who would follow the Constitution and the laws as they are written. Such concerns are not shared by anyone who knows Margaret. Her well known and often expressed reverence for our system of government and justice and her great intellectual integrity provides full assurance that she would be the kind of judge who would follow and apply the laws as written with her only agenda to make that system work better and more efficiently. She will be a judge of whom all Americans, Republican or Democrat, can be very proud.

Every now and then we have the opportunity to bring into government service a truly outstanding person, a person whose knowledge, intelligence, integrity and industry are such as to command universal respect and admiration. We have that opportunity with Margaret's nomination. As the second woman to head the Los Angeles County Bar Association, (the second largest voluntary bar association, after the ABA, in the nation), the first woman to be elected president of the California State Bar Association, an attorney who has won every award and accolade which can be bestowed by the California legal community and a practicing lawyer with superlative skills and reputation, she can truly be characterized as an exceptional choice for appointment to the District Court. Indeed, as I mentioned, I can recall none better in my professional experience. The reservations expressed about her are simply without foundation and should not deter the Judiciary Committee from taking prompt and favorable action on what we here in California regard as a truly inspired choice.

As a lifelong conservative Republican, I would be very disappointed to see members of the Committee, whose views I share and admire on so many issues, fail to embrace this exceptionally well qualified nominee. Margaret's nomination should be promptly approved and sent to the Senate floor with a favorable recommendation.

My best to you and your staff. Keep up the good work.

Yours truly,

H. WALTER CROSKEY.

P.S. As a matter of information and convenience, I am enclosing a copy of my resume. My appointment to California's general trial court and subsequent elevation to the Court of Appeal were made by Republican Governor George Deukmejian.

OFFICE OF THE DISTRICT ATTORNEY,
Orange County, CA, August 15, 1996.

Hon. TRENT LOTT
Office of the Majority Leader,
U.S. Capitol, Washington, DC.

DEAR SENATOR LOTT: I am writing to urge you not to lose the opportunity to add someone of Margaret Morrow's stature to the district court bench in Los Angeles.

As the district attorney of one of the nation's most populous counties, I know how important it is that the very best nominees possible be confirmed for judicial office. And knowing Margaret as I do, both on the basis of our professional relationship and association, and by virtue of her outstanding reputation within California's legal community, I have absolutely no hesitation in commending her nomination to you as being among the very best ever likely to come before you.

Margaret's impressive credentials, from *cum laude* graduate of Harvard Law School to President of the State Bar of California, speak for themselves, of course. Of particular interest to crime victims, law enforcement and public prosecutors are her initiatives and achievements in the fields of juvenile justice and domestic violence, where her efforts have helped focus national attention.

The record of scholarship, citizenship, and dedication to improving the legal system that Margaret will bring with her to the federal bench reveals great promise for a truly exceptional jurist of whom we will all be proud. I sincerely, wholeheartedly and enthusiastically entreat you to confirm Margaret's nomination for appointment to the district court, without delay. We need her.

Sincerely,

MICHAEL R. CAPIZZI,
District Attorney.

OFFICE OF THE MAYOR,
Los Angeles, CA, June 17, 1996.

Re Margaret M. Morrow.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I write to strongly support the nomination of Margaret M. Morrow for a judgeship on the United States District Court for the Central District of California.

Ms. Morrow has been a particularly active and contributing member of the Los Angeles Legal community for most of the twenty-two years she has practiced in our city. She has worked tirelessly to improve the quality, efficiency and accessibility of the courts proposing and advocating such measures as the consolidation of our two-tier trial court in California, working on efforts to improve our jury system, and promoting greater use of alternative dispute resolution by both the courts and the public.

She has also worked actively to improve life in our community, addressing such problems as domestic violence, child abuse, and juvenile delinquency with specific programs designed to increase public awareness and improve both private sector and governmental responses to these problems.

As the first woman President of the State Bar of California in its 67-year history, Ms. Morrow commissioned a comprehensive review of the attorney discipline systems in California. The study was designed to investigate criticisms from legal consumers that the system unfairly favored lawyers, and criticisms from lawyers that attorneys in certain practice areas were being targeted for selective prosecution. Finally, the study was to evaluate the structure and efficiency of the discipline operation, which at that time cost between $15 and $20 million each year.

The final report found that the system operated fairly for both clients and lawyers. Nonetheless, it recommended important changes to increase responsiveness—streamlined reorganization of the prosecutorial office, stiffer penalties for serious violations, greater public access to information concerning pending complaints, and reduced staffing and better personnel utilization by the State Bar Court. These improvements significantly strengthened what is generally considered to be the best lawyer discipline system in the country. To complement this effort, Ms. Morrow spearheaded the creation of a lawyer-client mediation program to provide a remedy for client complaints outside the scope of the discipline system.

In her earlier tenure as President of the Los Angeles County Bar Association, Ms. Morrow was responsible for the Association's promulgation of a Pro Bono Policy which established an annual goal for pro bono legal service by its members, and ultimately generated an additional 150,000 hours of pro bono time. Her efforts in this regard were designed to ensure that low-income people could access the courts to resolve problems and secure needed services, and thus feel less need to take matters into their own hands. During this period also, Ms. Morrow served as a member of the six-person Commission to Draft an Ethics Code for Los Angeles City Government. It was this body that proposed our city's current ethics law, and helped to increase public trust in our government.

As a lawyer, Ms. Morrow has had extensive federal and state litigation experience at both the trial and appellate levels. She is recognized within the profession as someone who can analyze complex legal problems thoroughly and litigate successfully. Ms. Morrow is perhaps best described as a "lawyer's lawyer"—someone to whom other practitioners turn for advice and assistance at both the trial and appellate level. Because of her frequent appearances in court, she is also well respected by the state and federal judiciary, who value her intelligence and integrity as well as the quality of her written and oral advocacy.

I believe Ms. Morrow would be an excellent addition to the federal bench. She is dedicated to following the law, and applying it in a rational and objective fashion. The residents of our community would be extraordinarily well served by her appointment as a Central District Judge.

Sincerely,

RICHARD J. RIORDAN,
Mayor.

ASSEMBLY MAJORITY LEADER,
CALIFORNIA LEGISLATURE,
Sacramento, CA, August 30, 1996.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Capitol,
Washington, DC.

DEAR SENATOR LOTT: I am writing to urge your support of Margaret Marrow's nomination for a United States District Court judgeship in Los Angeles.

Margaret is a former president of the Los Angeles County Bar Association and the State Bar of California. In 1994, we worked together to secure passage of the trial court consolidation measure, and I found her to be tough, thoughtful and fair. She currently is a civil litigation partner with the Los Angeles law firm of Quinn, Kully and Morrow.

A judicial evaluation conducted by the American Bar Association's Judiciary Committee last year gave Margaret its highest rating, "very well qualified." I have every confidence that, as a judge, Margaret would be conscientious in applying the law.

Please give the matter of her nomination every due consideration.

Sincerely,

JAMES E. ROGAN,
Assembly Majority Leader.

COUNTY OF LOS ANGELES,
SHERIFF'S DEPARTMENT HEADQUARTERS,
Monterey Park, CA, June 12, 1996.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I would like to take this opportunity to endorse Margaret Morrow, who has been nominated by President Clinton to a United States District Court Judge position in Los Angeles.

Ms. Morrow is currently a partner in the law firm of Quinn, Kully & Morrow. She has established herself as a highly skilled attorney and has served as past president for the State Bar of California, the Los Angeles Bar Association and the Barristers' Section of the Los Angeles County Bar Association. As a Barristers' Committee Chair, she worked closely with the juvenile delinquency and dependency court system, helping administrators at a local detention facility improve the educational program and she published a handbook to help lawyers and the public to better understand the two systems.

She also established the Domestic Violence Counseling Program and held training sessions for lawyers. She involved law enforcement officials in planning and teaching the sessions to ensure focus on the law enforcement perspective on this type of case. Ms. Morrow's extensive professional activities indicates her willingness to be a positive aspect in the jurisprudence field.

Margaret Morrow is an extremely hard working individual of impeccable character and integrity. Her list of credits, both professionally and within the community is extensive.

I would like to recommend that you favorably consider her appointment. I have no doubt that she would be a distinguished addition to the United States District Court.

Sincerely,

SHERMAN BLOCK,
Sheriff.

STATE OF CALIFORNIA,
COURT OF APPEAL,
Los Angeles, CA, June 11, 1996.

Re Judicial Candidacy of Margaret M. Morrow.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I write to endorse President Clinton's nomination of Margaret Morrow for the United States District Court in Los Angeles. I also recommend that you give priority to her confirmation.

I am a lifelong Republican, some would call me a conservative one. I was born in Utah, am an active member of the LDS Church, and have sent my children to Provo, Utah, for their post-high school education. The Los Angeles Chapter of the J. Reuben Clark Law Society recently named me as "Outstanding Lawyer 1996." As a California Deputy Attorney General in 1981–1984, I successfully prosecuted Angelo Buono for the 1977–78 "Hillside Strangler" serial murders in Los Angeles. Since then, Governor George Deukmejian has appointed me to successive judicial positions (municipal and superior courts, and California Court of Appeal). In 1993 Governor Pete Wilson appointed me to my present position as Presiding Justice of my division of the California Court of Appeal. I provide you this background information to give some perspective to my recommendation.

I have known Margaret Morrow for over ten years. I am convinced that she will be a most dedicated and competent United States District Court judge. She presently enjoys the greatest respect from a very broad spectrum of the California judiciary and bar. Her service as President of the California Bar Association was widely applauded, and her professional work as an attorney is considered of the highest caliber. She is representative of the mainstream of California legal and judicial culture.

I have also known her husband, Los Angeles superior court judge Paul Boland, for many years as a colleague and friend. He and Margaret are among the most decent people I know. They are energetic, yet kind and considerate to everyone with whom they come in contact. I also believe they embrace high moral principles and values. This is the one nomination recommended by our California senators that you should readily promote. I am confident that prompt and full consideration of Margaret Morrow's nomination will convince you that any President or Senate would do well to select her as a federal judge. Please feel free to call on me should you desire further information.

Very truly yours,

ROGER W. BOREN,
Presiding Justice.

U.S. COURT OF APPEALS,
Pasadena, CA, June 4, 1996.

Hon. ORRIN G. HATCH,
Chair, Senate Judiciary Committee,
Washington, DC

DEAR SENATOR HATCH: At the risk of being an "officious intermeddler," I thought I should formally let you know that I have known Margaret M. Morrow, one of the President's nominees for the Central District of California, for twenty years or so and believe that she will be an outstanding United States District Judge.

Apart from serving the bar in ways too numerous to mention, she is among the ablest advocates in the country. As former Chief Judge Wallace and I remarked after hearing her argue a difficult matter before our panel a few years ago, hers was one of the finest, most thoroughly professional, arguments we had heard.

Ms. Morrow is an intelligent, extremely competent lawyer who has specialized in complex litigation and has the kind of experience and judgment necessary to manage the complicated case load of the federal trial court. I have no doubt that my view of her potential for bringing distinction to the court is shared by my colleagues on the Central District and the Ninth Circuit, as well as by the bar in Los Angeles.

If there is anything further I can add to your Committee's consideration of Ms. Morrow's nomination, I would be happy to talk to any member of your staff.

With best regards,

PAMELA RYMER.

U.S. COURT OF APPEALS,
Boise, ID, August 13, 1996.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

Re Margaret Morrow, Judicial Candidate—District Court, Central District of California.

DEAR SENATOR LOTT: Although I am aware of the difficult dynamics of Senate confirmation of judicial nominees during an election year, nevertheless I would hope you would act favorably on the candidacy of Margaret Morrow who is currently on the floor waiting for a vote. She is without a question a superior candidate with bipartisan support whose confirmation would be received favorably by everyone in my old district. We need her in the Circuit to attend to the heavy case load generated in large measure by important legislation enacted by Congress.

Thank you for your consideration.

Sincerely,

STEPHEN S. TROTT,
Circuit Judge.

JUNE 7, 1996.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I understand that President Clinton has nominated Margaret M. Morrow to serve on the United States District Court for the Central District of California.

I have known Ms. Morrow as a lawyer of great distinction in the Los Angeles Bar. In fact, it is more unusual to find a lawyer who is held in such high esteem by his or her peers as to have been, as has been Margaret, elected President of both the Los Angeles County Bar Association (the largest voluntary bar in the United States) and the State Bar of California.

As a former Judge, and President-Elect of the Los Angeles County Bar Association, I have been in a position to observe Ms. Morrow's ability and demeanor over an extended period of time. As former Chairman of Senators (now Governor) Wilson's and Seymour's Committee on Selection of Federal Judges, U.S. Attorneys, and Marshals for the Central District of California, I certainly believe I have gained an appreciation for what kind of a combination of character, work ethic, demeanor and intelligence is required to fulfill the demanding position of a United States District Court Judge.

As an individual who has had the privilege of helping select so many District Court Judges, I can say without fear of contradiction that to a man and women, I believe the entire Court of this District would welcome her with open arms. She will be a great credit to the bench, and deserve your serious consideration and acceptance.

I recommend Margaret Morrow without reservation.

Sincerely,

SHELDON H. SLOAN.

Mrs. BOXER. Ms. Morrow's qualifications and the broad support she enjoys would make her an exceptionally distinguished addition to the Federal bench.

Finally, her qualifications and the broad support she enjoys makes her an exceptionally distinguished addition to the Federal bench. Mr. President, the Judiciary Committee has already reviewed Ms. Morrow's background, which is outstanding. To echo the recent words of Republican Judge Pamela Rymer, appointed in 1989 to the Ninth Circuit Court of Appeals by President Bush, I too am looking forward to the day Margaret Morrow sits on the bench of the U.S. Federal District Court in the Central District of California. I am in agreement with Judge Rymer that Ms. Morrow will bring distinction to the district court.

In sum, Mr. President, I continue to strongly support Ms. Morrow's renomination by President Clinton.

I am fully confident that the Members of the Senate when fully informed will agree with me that Margaret Morrow's qualifications are outstanding and she is deserving of expeditious Senate confirmation. Her exceptional experience as an attorney, her professional service, and her deep commitment to justice qualify her to serve our Nation and the people of California with great distinction. And as evidenced by the letters I have read from, she has strong bipartisan support from some of the most prominent and conservative Republicans in my State.

Again, my deep thanks to my friend for yielding.

Mr. LEAHY. I might say to my friend from California, we talk about the secret hold. I mean, if there is a Senator who has some objection to her, let him vote against her.

Mrs. BOXER. Right.

Mr. LEAHY. Let us bring the nomination up.

The irony is, you know and I know, with her qualifications, anybody would be embarrassed to vote against her because there would be no way they could explain back home how a woman, one of the most qualified nominees to come before the Senate for a Federal court nominated by any President, Republican or Democrat, is held up.

I say to my friend from California, who has worked so hard and so diligently, one-on-one with Members to get this moving, it is, unfortunately, part of a picture. I have this chart which shows now we have 99 vacancies. We will have more. The number of judges who have been confirmed in the 105th Congress—when we first put this chart together, we wanted to show the vacancies on this side.

I see my friend from Maryland, too. I will show him, too.

We wanted to show the vacancies confirmed on the other side. We could not see the number that have been confirmed, so we put in this magnifying glass. I feel like Sherlock Holmes with my little magnifying glass going down.

There are 99 vacancies, and down here, two being confirmed. We have had more vacancies this year than we have had judicial confirmations in the U.S. Senate. Maybe we can shave a day off each one of these recesses and confirm some judges during that time. We have not had time to do much else. We ought to at least confirm those.

In fact—and I will share one of these with my friend from Maryland. The distinguished senior Senator from Maryland is on the floor. I thought he might be interested in noting where we stand on this.

You might want to take a look at that, I say to my good friend from Maryland. We came at the beginning of the year with actually 78 vacancies. And then, as often happens, people realize that they have grown older or they're taking senior status, whatever, they start retiring. We go from 78 to 89, to 92, to 94, to 96, to 99.

We go in January, zero confirmed; in February, zero confirmed; in March, two confirmed; and those are the same two listed here. We have not gone above two. So while this list goes up, that stays even. People are used to talking about zero population growth. This is zero population growth in the judiciary.

I understand that Speaker GINGRICH and others felt there was some political gain to shutting down the Federal Government about a year and a half ago. The American people did not think there was, but for some reason they did. It appears to me what they are trying to do is shut down the Federal courts. This is an unprecedented, unprecedented situation.

In the 102d Congress we had a Republican President and a Democratic-controlled Senate. We confirmed 124 judges.

In the 103d Congress we confirmed 129.

Even in the last Congress 75.

Now we confirmed 2 with 99 vacancies.

Chief Justice Rehnquist says:

> The number of judicial vacancies can have a profound impact on a court's ability to manage its caseload effectively.

He says:

> It's hoped that the administration and Congress will continue to recognize that filling judicial vacancies is crucial to the fair and effective administration of justice.

That is what it comes to.

The American taxpayers, Republicans and Democrats alike, pay taxes to have their courts run. The courts do not run if the vacancies are there. You do not have criminal cases handled the way they should. People are forced to plea bargain because they cannot get through. You do not have civil cases that you may want to hear if you are a litigant; you have a case you want heard, you cannot have it heard. This is wrong.

I was in another State the other day, Monday, and somebody was telling me how they have to go out and hire private judges to hear their cases. Now, these are people who are already paying the taxes. They are already paying for courts that are sitting there. But there are no judges to hear the cases. The vacancies cannot be filled so they go out and hire private judges.

I mean, this is sort of like saying I will pay my taxes to have a police officer and a police department, and I paid for it. The money is there. We pay the money for the police department and the police officers, but some person in the community says, "Well, we're not going to hire any police officers. We're not going to have anybody there. So even though you paid your taxes for that, if you want your property protected, you have got to go out and hire a private police officer." Well, we are doing the same thing with the judges.

Mr. President, I think this is an outrageous situation. Let us see what we have here.

In 1980, we did nine appeals courts—these were Presidential election years during the second Senate session, Presidential election years, and we did 9 appeals court judges and 55 district court judges. All the way down through here you can see many times with Republican Presidents and a Democratic Congress we cooperated.

Nothing has happened here.

Mr. SARBANES. Would the Senator yield on that point?

Mr. LEAHY. Of course I will.

Mr. SARBANES. I think the chart the Senator has just put up is a very dramatic chart in demonstrating what has happened here. As I understand it, this chart shows the number of judges confirmed during a second Senate session in Presidential election years. We all know that what happens in a Presidential election year is that there is a slowdown because the party that does not have the White House thinks it may get the White House and then it will be able to effect the appointment of judges.

I ask the Senator from Vermont, as I understand his chart, this shows that in 1996, last year, with a Democratic President and a Republican-controlled Senate, there was this incredible slowdown in the number of judges confirmed, which has continued into 1997.

But in 1996, no court of appeals judges were confirmed and only 17 district judges. Is that correct?

Mr. LEAHY. The Senator is not only correct, but I would ask him to contrast that with the last year of the Bush administration with a Democratic-controlled Senate and the difference in the cooperation of the Democrats with a Republican President than they show the Republicans with a Democratic President.

Mr. SARBANES. The able Senator from Vermont is very perceptive because he anticipated the next point I want to go to, which is to contrast what happened last year with what happened in the last year of the Bush Presidency, 1992, an election year.

The Senate majority was then in Democratic hands, and yet we confirmed 11 judges for the court of appeals nominated—nominated—by President Bush and 55 judges for the district court nominated by President Bush, for a total of 66 judges.

Last year, a comparable situation, except it was reversed. We had a Democratic President making the nominations; the Republicans controlled the Senate; 17 judges, a total of 17 judges. No court of appeals judges, 17 district judges compared with 66 judges in the last year of President Bush's term.

In fact, the last year of President Reagan's term, again with a Democratic Senate, we confirmed 7 court of appeals judges and 35 district court judges.

Mr. LEAHY. We actually did better with district court judges with the Democrats in charge than President Reagan did at the end of his first term with the Republicans in charge.

Mr. SARBANES. In 1984. The Senator is absolutely correct.

Mr. President, this is an extraordinary slowdown in the confirmation of judges. Then, of course, what happens is none—only two have been confirmed this year thus far.

So in the last virtually year and a half, 19 judges.

I just submit to you this game ought to stop. We ought not to be playing with the Federal courts in this way. If people have a legitimate objection to a particular nominee, they ought to voice that objection and vote against them and try to persuade their colleagues to vote against them. But this is crippling the courts. The Chief Justice of the United States has been driven to the unusual posture of registering his complaint about it.

I am frank to say to you, I think that Members of this body, Democrats and Republicans alike, have a responsibility to ensure that the Federal court system can work in a reasonable fashion. It is not going to work in a reasonable fashion if you slow up the confirmation of judges to this extent.

It has not been done before. I mean, this breaks with all previous patterns and previous precedents. I just submit that we are not going to maintain public confidence in the judicial system, and we ought not to politicize the judicial process the way it is being done.

So I want to commend strongly the senior Senator from Vermont, the ranking member of the Judiciary Committee, for bringing this issue once again to our attention. It is beginning to cripple the Federal courts. There is no question about it.

As my colleague from California pointed out, it is terribly unfair to some very able and dedicated people who have been nominated and then their life simply placed on hold in terms of their normal activities. It is a marked departure from any sense of comity that has heretofore prevailed in this body and a marked departure from the respect that has traditionally been shown to the Federal court system.

I very much hope that we can begin to address this situation, begin to hold hearings, report the people out, confirm them when they come before the Senate. I thank the Senator from Vermont for his forceful leadership on this issue.

Mr. LEAHY. I thank my friend and colleague from Maryland and my friend and colleague from California for their statements.

I ask the Chair how much time remains.

The PRESIDING OFFICER. The Senator from Vermont has approximately 9 minutes and 50 seconds remaining.

Mrs. FEINSTEIN. Mr. President, I rise to join my colleagues in decrying the stranglehold that has been placed on Federal judicial nominations by the Senate, including the Judiciary Committee, of which I am a member.

The numbers bear repeating, because they are simply appalling. Last year, the Republican Senate confirmed an abysmally low number of judges—only 17. And none of these was for the courts of appeals.

Compare this to when the roles were reversed in 1992, the year a Republican President was running for reelection and the Democrats controlled the Senate. That year, the Democratic Senate confirmed 66 Federal judges, including 11 court of appeals judges.

It was thought that, after the election was over, the Senate would return to the normal course of fulfilling its constitutionally-mandated role in the judicial nomination process.

Unfortunately, however, that has not proven to be the case. It is now midway through May, and the Senate has confirmed just two Federal judges. The Judiciary Committee has only held two nominations hearings.

California has been especially hardhit by this slowdown on Federal judges. More than one-fourth of the judges whose nominations are languishing in the Senate are from California—7 out of 26.

Five of these seven judges were nominated in the last Congress. Let me tell you a little bit about each of them, to put some faces on the nominees whose lives have been disrupted by the Senate's extended failure to act on their nominations:

Richard Paez is already a respected Federal judge on the district court in Los Angeles. He was nominated by the President to the Ninth Circuit Court of Appeals on January 25, 1996. The Judiciary Committee gave him a hearing on July 31, 1996. However, the committee has never taken any further action on his nomination.

Tomorrow, Christina Snyder will have been before the Committee for 1 full year, as she was first nominated by the President to Federal district court in Los Angeles on May 15, 1996. Ms. Snyder is a graduate of one of the top law schools in the country, Stanford Law School, for which she has since gone on to serve on the board of visitors. She is a member of the prestigious American Law Institute, and her nomination has received bipartisan support, including endorsements from the Republican mayor of Los Angeles, Richard Riordan, and the Republican Sheriff of Los Angeles County, Sherman Block. I am not aware of one whit of substantive opposition to her nomination.

And yet, Ms. Snyder has been unable to get even a hearing before the Judiciary Committee. Already this year, the committee has held hearings on the nominations of four men who were nominated after Ms. Snyder, including one who was only nominated for the first time this year, in 1997. I am optimistic that the chairman of the Judiciary Committee will agree to place Ms. Snyder on the agenda for the committee's next nomination hearing, and again urge him to do so.

Margaret Morrow actually was favorably reported by the committee last year, unanimously, but her nomination died on the floor. She was nominated over a year ago, on May 9, 1996. Morrow is a graduate of Harvard Law School, was the first woman president of the State Bar of California, and has received numerous awards for her work as a lawyer and her commitment to public service.

The committee held a second hearing on her nomination this year. But while the three men who were heard along with her have all been favorably reported out of the committee, she has not even been brought up for a vote. Her nomination has been slowed while members of the committee from the other side of the aisle pose round after round of follow-up questions to her, including asking for her view on some of the most controversial issues that have been considered by Californians on the ballot over the last 10 years. This level of scrutiny previously has been reserved for Supreme Court nominees, who shape constitutional interpretation, rather than merely following precedent a district court judge does. In my time on the committee, I have never seen this level of scrutiny applied to a male district court nominee.

Jeffrey Miller is a superior court judge in San Diego, who was appointed to that post by Republican Governor Deukmejian. An accomplished jurist and a veteran of the State attorney general's office, he has been complimented by numerous fellow judges. First nominated last July, his nomination is now on the floor of the Senate. I hope that the majority leader will call up his nomination for action by the Senate.

William Fletcher's nomination to the Ninth Circuit Court of Appeals has been languishing for more than 2 years, having first been made on April 25, 1995. Fletcher is a professor at the Boalt Hall School of Law at the University of California at Berkeley, where he has won the Distinguished Teacher Award. He is a magna cum laude graduate of Harvard; he earned his law degree from Yale Law School; he is a Navy veteran, a Rhodes Scholar, and a former clerk on the U.S. Supreme Court. He was favorably reported by the committee almost a year ago, on May 16, 1996. However, the committee has taken no action on his nomination this year.

This outstanding group of holdover nominees from the last Congress has been joined this year by two more nominees, Anthony Ishii and Lynn Lasry, who have been nominated to the Federal district courts for the Eastern District and Southern District of California, respectively.

Mr. President, the time has come to act on these nominations. I'm not asking for a rubber stamp; let's hold hearings on those nominees who haven't had them, and vote on all of them, up or down, yes or no.

California needs these judges. The chief judge of the ninth circuit, Procter Hug, Jr., has said,

> our federal courts here in the 9th Circuit, and particularly our court of appeals, are facing a vacancy crisis of serious proportions. We simply do not have enough active district and appellate judges to hear and decide cases in a prompt and timely manner.

While filings in the Ninth Circuit Court of Appeals have increased by over 60 percent since 1985, the court currently has 8 vacancies, more than any other circuit in the Nation.

In the last 5 years, case filings in the Eastern District of California have skyrocketed by 49.7 percent.

In the Southern District of California, case filings have increased by 94.7 percent since 1991—a pace that more than triples the national rate of increase of 27.5 percent.

In an editorial last month, the Los Angeles Times put it well:

> [The Margaret Morrow] case is only one of many in a deplorable situation that has gone on far too long. Justice is not served by an empty bench. Nor is society. Whichever party holds the Congress and the White House, gamesmanship over judicial appointments produces no winners. It only leaves a void . . .
>
> [The Senate's] record of delay, attempts to kill funding for some appellate seats and its

harassment of Morrow and other qualified nominees reveals a deeply troubling partisanship.

Last we looked, the U.S. Constitution grants the President the power to nominate and directs the Senate to "advise and consent," not stonewall. The 26 nominations now pending would be a good place to start.

I urge my colleagues, let's end the gridlock on judges. Let's not hold the third branch of government hostage to partisan politics.

Mr. KENNEDY. Mr. President, the Federal courts today suffer from far too many unfilled judgeships. There are at least 99 vacancies for judges in the appeals courts and district courts. Twenty-four of these vacancies—in the appellate courts and in the trial courts—are judicial emergencies according to the definition of the Judicial Conference of the United States. That is, the positions have been vacant for at least 18 months.

As a result, caseloads are backlogged throughout the country, and the victims of this situation are the American people. Justice delayed is justice denied. Thousands of Americans with legitimate grievances cannot get their day in court, because there are few Federal judges to hear their cases. Citizens must wait excessive lengths of time to resolve disputes, answer constitutional questions, and obtain justice.

We need strong courts to combat crime, to put criminals behind bars and make sure they serve their time. We need strong courts to protect families, jobs, and businesses. Where else can Americans go when they are treated unfairly on the job or when their small businesses are run over by larger corporations?

Just this week, I received a letter from a lawyer in San Diego who is concerned that the Federal court serving the city has had two vacancies unfilled for over 2 years.

He writes,

> Our federal court in San Diego is at the breaking point. For more than two years, the Court has valiantly struggled with a burgeoning case load and managed barely to keep its head above water by dedicated and innovative work on the part of our senior and active judges and our magistrate judges. But the system has been stretched as far as it can go. It desperately needs its two judges.

In fact, President Clinton has submitted two qualified nominees to fill these vacancies, but the Senate has yet to take action on them. Jeffrey Miller was nominated last July. In March, he finally had a hearing and was approved unanimously by the Judiciary Committee in April. But his nomination has been languishing ever since, waiting for the Senate to act. The Republican leadership won't let the nomination come up for a vote.

The problems in San Diego are being repeated in communities throughout the United States, and a major cause is the intentional stall by Congress in processing new judges.

So far this year, the Republican-controlled Senate has approved only two judicial nominees. Three more have been approved by the Judiciary Committee, but the Republican leadership has made no effort to put them before the Senate for confirmation.

Last year, in the Republican-controlled Senate, only 17 district court judges were approved, and no appeals court judges were approved—none—zero.

Since 1980, the Senate confirmed an average of 51 judges per year. When measured against this standard of performance, today's Republican Senate gets a failing grade.

Republicans shut down the Federal Government in 1995 and were rightly criticized for that unwise action. They say they will never do it again, and are even trying to pass a law that would put the Government on automatic pilot if a budget agreement is not reached. But at the same time, behind the scenes, there is a Republican scheme to shut down our Nation's courts.

The issue is far more than a numbers game. What we are witnessing today is a direct assault on the President's constitutional power to nominate and appoint judges.

Our Republican friends claim they want to move ahead on nominees. They say the current stall on judicial nominations is not an effort to force President Clinton to apply Republican litmus tests to nominees. We hear that the unwise plans proposed by Senator GRAMM of Texas and Senator GORTON of Washington were defeated in the Republican caucus 2 weeks ago.

But the facts speak for themselves. Republicans have shut down the courts and the American people are suffering the consequences.

Republicans say they want to make sure that no activist judges are appointed to the courts. They've also begun to attack sitting judges. Judge Martha Daughtry of Tennessee is a case in point. She was nominated by President Clinton to the Sixth Circuit Court of Appeals and confirmed by the Senate in 1993 with broad bipartisan support.

Later, a prominent State judge in her circuit was convicted of Federal civil rights offenses involving sexual assaults on court employees, job applicants, and female attorneys. A three-judge panel of the sixth circuit affirmed the conviction. But the en banc court, dominated by Reagan and Bush appointees overturned it. They ruled that the U.S. Constitution does not give Congress the power to protect women from sexual assaults by State officials.

Judge Daughtry dissented. She said that the right of citizens to be free from physical harm by public officials who abuse their authority has been recognized "since the sealing of the Magna Carta."

But Presidential candidate Bob Dole attacked Judge Daughtry and placed her in his "Hall of Shame." He cited her as an example of the liberal activist judges that President Clinton appointed to the bench.

Judge Daughtry had the last laugh. Two months ago, the Justices of the U.S. Supreme Court not only reversed the sixth circuit decision, they reversed it unanimously, and cited Judge Daughtry's dissent in their opinion.

Another case in point is Margaret Morrow, whose nomination is pending in the Judiciary Committee. There should be no doubt about her competence and judicial temperament. Her nomination received the American Bar Association's highest rating. She has numerous endorsements from her peers in California—both Democrats and Republicans. She is a corporate lawyer, hardly an activist by anyone's definition. She was the first woman president of the State Bar of California. She is a past president of the Los Angeles County Bar Association. She has received numerous awards from the Los Angeles Bar Association, the California Judicial Council, and other legal associations. In 1994, she was listed as one of the top 20 lawyers in Los Angeles in California Law Business. The Los Angeles Business Journal named her one of the top 100 business lawyers in Los Angeles in 1995 and 1996.

Probably the greatest test of her temperament for the job is the manner in which she has responded to the Senate Judiciary Committee. Despite the fact that she was held over for a second hearing in the committee and the many questions addressed to her, she has responded thoroughly, professionally, efficiently, and appropriately to each one. That is exactly what we want in a Federal judge.

An extremely well-qualified woman is being held up arbitrarily. There is no justification whatsoever for this unfair delay.

I hope that our Republican friends will reconsider their stall on judicial nominations. The rule of law in America depends on a healthy judiciary.

And if the Republican majority in the Senate does not move ahead to respond to the crisis in the courts, I hope that President Clinton will consider the only alternative he has left. In their wisdom, the Founding Fathers gave the President a useful additional power, the power of recess appointments. If the log jam doesn't break soon, very soon, the President should start using that power. The Memorial Day recess offers the next opportunity to make recess appointments, and the President should not hesitate to use it.

Mr. LEAHY. Mr. President, I ask unanimous consent a letter from the National Women's Law Center be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, May 14, 1997.

Hon. ORRIN G. HATCH,
Senate Russell Office Building,
Washington, DC.

DEAR SENATOR HATCH: We are writing to express our grave concerns regarding the process being followed with respect to the nomination of Margaret Morrow to the district court in the Central District of California. Her original nomination was made one year ago. Yet, her nomination has not been moved through the process.

Ample information has been presented regarding her qualifications. She is a magna cum laude graduate of Bryn Mawr College and a cum laude graduate of Harvard Law School. She has a 23-year career in private practice with an emphasis in complicated commercial and corporate litigation with extensive experience in federal courts. She has received a long list of awards and recognition as a top lawyer in her field, her community and her state. She is a leader and path blazer among women lawyers, as the second woman President of 25,000 member Los Angeles Bar Association and the first woman President of the largest mandatory bar association in the country, the 150,000 member State Bar of California. She has consistently been a voice within the legal community for women and for the disadvantaged. She has received broad support from attorneys, judges and community leaders.

You questioned four nominees on March 18, 1997. The other three, all men, have moved forward toward a Senate vote. Margaret Morrow has not.

No explanation has been provided which in any way justifies this extraordinary and harmful delay. Superb women lawyers should not be given the message that we fear is being sent by the handling of Margaret Morrow's nomination—that no woman need apply unless she is prepared to be singled out for particularly harsh treatment.

We urge you to send her nomination to the Senate floor immediately.

Sincerely,

NANCY DUFF CAMPBELL,
Co-President.
MARCIA D. GREENBERGER,
Co-President.

Mr. LEAHY. Mr. President, I note that over the past 2 weeks I have twice corrected a misstatement with respect to the three nominations pending on the Senate executive calendar. Twice, Republicans have said that some unknown Democrat had a hold on these judicial nominations. This is not so. Every single Democrat in the Senate is ready to vote, and vote today, on all the judicial nominees, the three judicial nominees is all it is, that have been voted out of committee so far. Every Democrat on the Senate Judiciary Committee is prepared to vote at the next Judiciary Committee meeting on all the nominees that are pending there. There is no, no Democrat with a hold on any judicial nominee—I want that very, very clear—neither in the committee nor in the Senate. If we have to have rollcall votes, we are glad to do that. But we should have these people come up.

We received Jeffrey Miller's nomination in July 1996, last Congress. The President renominated him on the first day of this Congress for the same vacancy, a vacancy that has existed since December 1994. We are in 1997 now. This is one of the judicial emergency vacancies we should have filled. He has the support of both Senators. He finally had a confirmation hearing 2½ years, almost, after the vacancy occurred. His nomination was considered. It has been reported to the Senate. We should vote on it.

We first received Donald Middlebrooks' nomination in September of 1996, last year. He was not accorded a hearing last Congress. This is for a vacancy that has been there since 1992, 5 years ago. That is a judicial emergency vacancy, and he has the support of both Senators from his State, one a Democrat, senior Senator, Senator GRAHAM, one a Republican, Senator MACK. This was reported by the Judiciary Committee to the Senate April 17.

Now, here is a vacancy that has existed for 5 years. We have a judge who has gone through the Senate Judiciary Committee, reported to the Senate, supported by the two Senators from his State, one a Democrat, one a Republican. For God's sake, if we cannot vote on it, what in Heaven's name can we vote on? This should be about as noncontroversial as voting to commend the Fourth of July.

We first received Robert Pratt's nomination in August of 1996. We did not get a hearing last Congress. The President renominated him on the first day of this Congress for the same vacancy in the district court for the southern district of Iowa. He had a confirmation hearing on March 18. He was supported by the two Senators from Iowa, Senator HARKIN and Senator GRASSLEY, and was reported to the Senate by the Judiciary Committee on April 17.

Well, why can we not go forward with him? You look at what we have, a distinguished woman who is being shunted aside by somebody who does not have the guts to come forth on the Senate floor and say why that Senator is holding her up. We have distinguished other judges that have gone through the confirmation process, supported by the two Senators, a Republican and a Democrat from their State, they cannot come forward.

I take our advise-and-consent function very seriously, especially when it comes to confirmation of Federal judges who have a lifetime appointment. Our system of government with coordinate branches and separation of powers, that is our responsibility. I voted to confirm some judges who ended up rendering decisions which I strongly disagreed. I voted for some judges to move from one Federal court to another, even though they had also had decisions with which I disagreed. I voted against some who turned out to be better than I predicted. But we voted on them.

If a judge decides a case incorrectly, well, then you have appeal. I remember when I used to prosecute cases, I remember somebody saying, as the juror went out to defense counsel, "Well, let justice be done," and they said, "Well, if that happens, we will appeal." If you lose a case, appeal it. If you think you have bad law, have a legislative change. In fact, the reason the founders included the protection of lifetime appointments for Federal judges was to insulate them from politics and political influence.

Merrick Garland had an 18-month wait for confirmation—a judge virtually everybody in the country that ruled on this, from the right to the left, on the judicial selection, said he was one of the most qualified persons ever to be up for the U.S. Court of Appeals for the District of Columbia. Mr. President, 23 Members of this body, all on the other side of the aisle, voted against Merrick Garland for that judgeship. Not one of them spoke against the nominee. Not one of them spoke against his impeccable credentials. In fact, some who voted against him praised his qualifications. They say they voted against filling an unneeded seat on the court of appeals, in the face of a letter from Chief Judge Silberman, who said they did need the seat, and a statement from Senator HATCH, who said it was needed.

In his concluding remarks, Senator HATCH said, "Playing politics with judges is unfair, and I am sick of it." I agree with the distinguished chairman of the Senate Judiciary Committee. Let the Senate quit playing partisan politics with judicial nominations. Let us do our constitutionally mandated job and proceed to confirm the judges we need for the Federal system.

EXHIBIT 1

In 1987 I heard from Tom Jipping, a student at the University of Buffalo Law School. The faculty had imposed a speech code that was more contemptuous of the First Amendment than even most of the politically correct gag rules proliferating on campuses around the country.

"Remarks," said the code, "directed at another's race, sex, religion, national origin, sexual preference" et al. would be severely punished. There was no further definition of "remarks." Also prohibited were "other remarks"—not defined—"based on prejudice and group stereotype." Any prejudice?

Unique to this law school code—unanimously passed by the administration and faculty—was a provision that the administration would provide the rap sheets of any guilty student to the character and fitness committees of any bar association to which the pariah might apply.

Tom Jipping, though vilified by a prominent faculty member and other speech police, fought the code, sending news of it to the outside world. (I wrote about it in The Post, and William Bennett spoke about it.) Eventually, after Jipping was graduated, this embarrassment to the law school faded away.

Jipping is now in Washington, where he directs the Judicial Selection Monitoring

Project, an offspring of the Free Congress Foundation.

In his official role, Jipping sent a letter to all 100 senators, demanding they act to purge those "activist" federal judges who do not agree with Jipping's interpretations of the Constitution. On Feb. 4 a follow-up letter went to Sen Partick Leahy (D-Vt.).

In the letter, Jipping reminded Leahy that the senator had previously received "a letter from the largest coalition in history to oppose judicial activism. . . . Please find enclosed an opportunity to express your position on this critical issue."

He then quoted a resounding call for purges by Orrin Hatch, chairman of the Senate Judiciary Committee: "Those nominees who are or would be judicial activists should not be nominated by the President or confirmed by the Senate, and I will do my best to see to it that they are not."

Jipping went on to warn Sen. Leahy that if he did not sign the "Hatch Pledge"—which Sen. Hatch will not sign because he doesn't sign pledges—the forces of judicial correctness will be unleashed. They will let Leahy's perfidy be known "to the more than 260 national and state organizations and dozens of talk show hosts in our growing coalition." The talk show hosts can surely be depended on the assess Leahy's character and fitness.

Leahy must have enjoyed writing his answer to Jipping: "I do not take pledges demanded by special interest groups on either the right or the left. Nor do I appreciate your thinly veiled threat that you will employ talk show hosts and national organizations to pressure me into making such a pledge.

"These tactics to force others to adopt your narrow view of political correctness are wrong, and reminiscent of a dark period from our history."

The ever-vigilant Judicial Selection Monitoring Project should alert the dozens of talk show hosts that a relentless judicial activist, Chief Justice William Rehnquist, insists that "the idea of an independent judiciary, with authority to finally interpret a written constitution . . . is one of the crown jewels of our system of government." Then there was a Founder, Alexander Hamilton, who wrote in the Federalist Papers that "the complete independence of the courts of justice is peculiarly essential" because the duty of the courts "must be to declare void all acts contrary to the manifest tenor of the Constitution. Without this, all the reservations of particular rights or privileges would amount to nothing."

Copies of the Federalist Papers might well be distributed to members of the Senate, particularly those hunting "judicial activists" and demanding their impeachment.

When Gerald Ford (R-Mich.) was in the House, he anticipated the current jihad with a rousing speech calling for the impeachment of Justice William O. Douglas. Ford, not a noted constitutional scholar, said that "an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history."

That was spoken like the stunningly overbroad University of Buffalo Law School speech code. Majority Whip Rep. Tom DeLay (R-Tex.), a leader of the judge-baiters, recently quoted Ford's definition of impeachment approvingly in a letter to the New York Times.

It is a wonder that the Constitution, however battered from time to time, survives the U.S. Congress.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I ask unanimous consent I be able to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise today to talk about Amtrak. I realize we have gone now from judges and we are going into other types of debate, but I want to introduce the Amtrak reauthorization and reform bill.

(The remarks of Mrs. Hutchison pertaining to the introduction of S. 738 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 13, 1997, the Federal debt stood at $5,337,494,540,137.51. (Five trillion, three hundred thirty-seven billion, four hundred ninety-four million, five hundred forty thousand, one hundred thirty-seven dollars and fifty-one cents)

One year ago, May 13, 1996, the Federal debt stood at $5,094,151,000,000. (Five trillion, ninety-four billion, one hundred fifty-one million)

Five years ago, May 13, 1992, the Federal debt stood at $3,889,146,000,000. (Three trillion, eight hundred eighty-nine billion, one hundred forty-six million)

Ten years ago, May 13, 1987, the Federal debt stood at $2,272,432,000,000. (Two trillion, two hundred seventy-two billion, four hundred thirty-two million)

Fifteen years ago, May 13, 1982, the Federal debt stood at $1,061,721,000,000 (One trillion, sixty-one billion, seven hundred twenty-one million) which reflects a debt increase of more than $4 trillion—$4,275,773,540,137.51 (Four trillion, two hundred seventy-five billion, seven hundred seventy-three million, five hundred forty thousand, one hundred thirty-seven dollars and fifty-one cents) during the past 15 years.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Utah is recognized.

EXTENSION OF MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the time for morning business be extended by 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask that I be allowed to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LT. GEN. GEORGE T. BABBITT, JR.

Mr. BENNETT. Mr. President, I rise today to discuss the nomination that is before the Senate of Lt. Gen. George T. Babbitt, Jr., to be promoted and receive an additional star to become general in the U.S. Air Force.

When this nomination came to the Senate at an earlier time several months ago, I notified the majority leader that I would like to be informed prior to its coming to a vote. In Senate parlance, that is called putting a hold on this nomination. It was never my intention to hold up General Babbitt from receiving his additional star. But it was my intention to focus seriously on the policy of the Air Force which General Babbitt will be called upon to implement. Accordingly, I told the majority leader that I do not want this nomination to go forward until we have had an opportunity to discuss that policy in some length. The majority leader responded appropriately to my request, and we have had a series of events that I think satisfy my requirement for full discussion. I would like to outline those for the Senate today before I make it clear that I will have no further objection to proceeding with the nomination of General Babbitt. I speak entirely for myself. There are a number of other Senators who have also put holds on this nomination. What they will do with their holds is something that they will, of course, speak to on their own. I am speaking entirely, as I say, for myself on this matter.

I have been criticized by some Members of this body for putting a hold on a nomination for a member of the uniformed services, and was told, "No. This should apply only to civilian personnel in the Department of Defense. You are using the uniformed services for a political purpose."

Mr. President, if anyone has been using the uniformed services for political purposes and political gain it has been the Department of Defense, not the Senator from Utah. The Department of Defense, under instructions from the Base Realignment and Closure Commission—or BRCC—was told to close two of its five air logistics centers. That would be the best result for the uniformed services; in this case the Air Force.

A Member of this body, the then senior Senator from Maine, Senator Cohen, stood on this floor and berated the Department of Defense for its failure to abide by BRCC recommendations. He said very clearly that the Department of Defense was in violation of the BRCC recommendation by their attempts to keep two of those air logistic centers operating under the guise of privatization for competition. They invented a new term of art. They call it privatization in place. "We will privatize the facility right where it is, which means we will not, as BRCC ordered us to, send the work that is currently going on in those facilities to the other facilities that can handle the work." That was what BRCC intended. That is what Senator Cohen attacked. And, yet, that is the policy that Secretary Cohen is now carrying out. That is the policy that I protested when I said that I do not want the nomination of General Babbitt to go forward until we can have a full airing of this issue.

I am happy to report to the Senate that the full airing for which I called has, indeed, taken place. We had a hearing before the Armed Services Committee, particularly before the Readiness Subcommittee, chaired by the Senator from Oklahoma [Mr. INHOFE].

In addition, we had a hearing before the Appropriations Committee, and in those hearings we found that, according to the General Accounting Office, the GAO, that the Air Force proposal for privatization in place will cost this country an additional $500 to $700 million—maybe even $800 million. At a time of tight defense budgets, at a time when we are talking about balancing the budget, it seems perverse for the Defense Department to say that we are going to waste that much money.

The Air Force in those hearings said, "No. We will not waste that much money." But to the question of how much money will you save with your proposal of privatization in place, the Air Force has been basically silent. And their response has been overwhelmingly "Trust us. We will not tell you how much money we will save, but trust us. We will save some, and the General Accounting Office figure is wrong."

"How wrong?"

"Well, we do not know."

"Why wrong?"

"Well, they don't understand our business."

Mr. President, the General Accounting Office is the arm of the Congress created by law to be the fiscal watchdog of the executive branch. There can be no better example of the value of the General Accounting Office than this one, as they have gone behind the trust me facade created by the Air Force and come up with numbers—lowest level $500 million, highest level $800 million, with $700 million being the guess about where it will finally come out.

So, by virtue of the hold that I put on General Babbitt's nomination, we have had those two hearings and have gotten that information into the public and on the record for the Senate.

In addition to those hearings, in response to my request to the majority leader, the Secretary of the Air Force last week met with me and two other Senators, Senator NICKLES and Senator INHOFE. And we had a full and frank discussion about this issue. To be honest with you, Mr. President, there was not much encouragement to come out of that discussion. Essentially, Secretary Widnall said, "There is no problem. Therefore, we will not discuss with you any solution." She said to me, "Please remove your hold on General Babbitt because it is having a corrosive effect on the personnel of the Air Force to have them continue without a commander." I said to her, and I repeat here today, there is a corrosive effect in this area certainly. But it is not caused by the fact that there is no confirmed commander. The corrosive effect is being caused by the Air Force's callous disregard for the needs of their personnel in the surviving air logistics centers, and for their refusal to abide by the BRCC process.

Following the meeting with Secretary Widnall today, I had a meeting again with Senator NICKLES, Senator INHOFE, and with General Babbitt. Where the Air Force said there was no problem relating to overcapacity in the air logistics centers, General Babbitt acknowledged that there is a big problem, and pledged himself to do the best he could to try to resolve it. He made it very clear, as he appropriately should, that he was not going to violate Air Force policy; that, as a uniformed officer, he would carry out his orders in this regard. And we would expect nothing less from him. But he did acknowledge, as the Air Force has not, to my satisfaction, that there is a serious problem of overcapacity, and that it calls for serious management solutions. And he pledged himself to provide those solutions to the degree he could within the policy dictated by his civilian superiors.

The Air Force has refused, as I have indicated, to give us any numbers. They have taken basically a trust me stance on this issue. General Babbitt, on the contrary, agreed, when I told him that we would want to see numbers, that he would make numbers available to the Congress. I said, "General, as you proceed down this program of privatization in place, surely you are going to get some financial information that will tell you whether you are or are not saving money." And the financial information out of the Air Force should be available to us in Congress to compare with the analysis of the General Accounting Office. The Air Force, as I have said, Mr. President, has always refused to give us those numbers in the past. General Babbitt pledged that those numbers would be made available to Congress.

I consider this a significant act of good faith on the part of the general, because, once we have those numbers in front of us in the Congress, we can appropriately deal with this issue. And, if we find that the Air Force is correct, and they are saving the taxpayers hundreds of millions of dollars of privatization in place, and the General Accounting Office is wrong, I will be the first to come to the floor and congratulate the Air Force, because certainly I, like every other Senator, want to see to it that we save the taxpayers' money. But, if we find that, once we have the real numbers, the Air Force is wrong and the General Accounting Office is right, then I will be the first to come to the floor and once again demand that the Air Force try to solve this problem more intelligently.

The Air Force told us essentially there will be no change in policy regardless of whatever Congress does, regardless of your interpretation of the BRCC rules, and regardless of Senator Cohen's analysis, Secretary Cohen will insist that there be no change.

Mr. President, I ask unanimous consent that I be allowed to continue for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. General Babbitt agreed that he would do whatever he could within the constraints of the policy laid down by the Air Force to give us intelligent management of this problem. That is the first sign of cooperation that I have seen out of this administration since this issue first arose.

So, Mr. President, because General Babbitt has made it clear, now that we have had our hearings in the Armed Services Committee, we have had our hearings in the Appropriations Committee, we have had our meeting with the Secretary of the Air Force, and we have had our meeting with him, that he will do what he can to address the issue within the constraints placed upon him by his civilian superiors to try to solve the problem, I am announcing my willingness to no longer insist that his nomination be held up. The purposes for which I made that insistence in the first place have been fulfilled. I will allow him to go forward to his additional star and his command, and I look forward to staying in touch with him in the spirit of the pledges he made to me and the other Senators this morning to see that this issue is properly resolved once and for all in the long term.

In sum, Mr. President, I am in no way backing down from my conviction that this administration is shamelessly playing politics on this issue and has involved the uniformed services in a way that is totally inappropriate. I do not wish to be accused of doing the same thing in response because my desire is to solve the problem. I am hoping the administration will address it in the same spirit.

Mr. President, I ask unanimous consent that following my remarks the additional views of Senator WILLIAM S. COHEN on S. 1673 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[Excerpt From a Senate Report]

ADDITIONAL VIEWS OF SENATOR WILLIAM S. COHEN ON S. 1673

The FY97 National Defense Authorization Senate Armed Services Committee report includes a provision that changes the allocation of maintenance workloads between the public depots and the private sector from a 60/40 to a 50/50 split. Like most compromises, it will probably not satisfy everyone with an interest in this issue. I do not believe that the depot maintenance issue should be addressed this year as a result of the inability of the Department of Defense (DOD) to articulate its depot policy and its failure to adequately answer depot-related questions Congress requested in last year's National Defense Authorization Act. It appears that DOD is not interested in providing Congress with the data it needs to make an informed decision.

There is a need to reform how the Pentagon operates. Finding more efficient ways to support our war-fighters could result in billions of dollars in savings that can be transferred to support the modernization of our forces. DOD has proposed three methods of savings to fund modernization—procurement reform, base closings, and privatization. I am highly skeptical about significant savings accruing from any of these. The Congress has given DOD three revolutionary procurement reform acts in the last two years which could generate savings but I am fearful these may fail to achieve the desired effects due to management inertia. Likewise, the savings from BRAC may prove illusionary if the Administration continues to come up with proposals which are designed not for cost savings but to avoid the pain doled out in BRAC to politically important communities.

With regard to privatization, I believe the Pentagon has a misplaced sense of priorities. In the private sector, which DOD claims to emulate, organizations most frequently contract out for building management, fleet management, and information technology to better focus on their "core competencies". DOD has decided to turn this on its head by first outsourcing core competencies—for example, maintaining advanced weapon systems—while keeping most commercial business processes in-house.

If we are truly going to maximize the benefits of the commercial marketplace, I believe we should instead focus on those areas where the private sector has chosen to outsource, such as data processing, accounting, audit, transportation, and inventory. But the Pentagon wants to continue to operate its own data processing centers, develop its own software for financial systems when it can buy them off-the-shelf, like most private companies do, and manage its own inventory so the taxpayer ends up spending $36 billion more on goods that DOD does not need. And yet, the Pentagon wants to move quickly to privatize depots that were slated for closure by BRAC and further contribute to the excess capacity problem at public depots that have served our country so well since 1799.

On the point of privatizing closing facilities, there also seems to be a misunderstanding about the intent of the BRAC and the closure of the Air Logistics Centers at Kelly AFB and McClellan AFB. First, let there be no misunderstanding about the fact that the BRAC decisions were made under the assumption that 60 percent of the workload would go to public depots. The need to change this ratio to accommodate the Administration's plans to shift work to Kelly and McClellan illustrates that what we are doing in this bill is a clear circumvention of the BRAC process. To change the 60/40 criteria as the Armed Service Committee has agreed to will deteriorate critical warfighting capabilities, impede investment in the public domain, and most likely require further closures beyond what has been accomplished in BRAC.

The BRAC did not recommend or authorize "privatization-in-place" at Kelly or McClellan. Indeed for those facilities where the BRAC thought there was a unique capability that could lend itself to privatization-in-place (such as those at the Naval Air Warfare Center in Indianapolis or the Naval Surface Warfare Center in Louisville), a recommendation was made to that effect. The BRAC made no such identification or recommendation for facilities at the Kelly or McClellan Air Logistics Centers. Perhaps, it can be argued that the BRAC made a mistake and that it did not adequately recognize the unique potential of these two facilities. I would then argue that the BRAC did not adequately recognize the unique capabilities of Loring AFB in Presque Isle, Maine and I am sure some of my colleagues could argue the same for facilities in their states. The fact of the matter is that the BRAC made a recommendation and the Congress and the Administration accepted that recommendation with all of its consequences for national security and the economic impact on these communities.

Because of the implications of any change to 60/40 on excess capacity and concerns over DOD's direction on the privatization of defense depots, Congress asked the DOD to prepare a depot policy report. If Congress agreed with this policy, it would repeal the 60/40 rule. DOD ignored their deadline and sent up a policy just four weeks ago. The report did not meet the requirements that were outlined in last year's National Defense Authorization Act and was rejected by the Senate Armed Services Committee.

The Department of Defense's depot policy report was non-responsive and it was clear from DOD's April 17th testimony before the Senate Armed Services Readiness Subcommittee that DOD's policy was not well developed or supported. DOD's definition of core capability is so general that it is virtually meaningless. The report did not address how new weapons systems would be introduced in depots, or how public depots would be kept cost-efficient. There was a complete lack of detailed statistical data supporting the Pentagon's policy decisions and no data on past depot maintenance performance in which to support privatization decisions. In addition, there were neither plans to assure effective competition in a market where 76 percent of contracts are now let on a sole-source basis, nor a risk assessment on how plans for privatization-in-place would affect existing excess capacity and overall maintenance costs.

With the move to 50/50, the Senate Armed Services Committee is now saying DOD does not have a depot policy and Congress does not have the data to adequately develop its own policy, but we are going to repeal 60/40 anyway because it meets the short-sighted political agenda of the day. By repealing 60/40 at this time, we are rewarding DOD for not adequately responding to a congressionally mandated requirement. DOD's policy and the repeal of 60/40 were inextricably linked. to reject DOD's policy as the Armed Services Committee has done, is to reject DOD's call for a repeal of 60/40.

I do not believe we should give DOD any more flexibility in this area until DOD establishes a coherent policy on depot maintenance. It was apparent that this position was not universally accepted by my colleague on the Senate Armed Services Committee. When a compromise was offered to change the mix to 50/50, I reluctantly accepted it as I felt this was the best way to continue to maintain our nation's investment in the unique capabilities the public depots provide our armed forces in war and peace.

The committee report does provide some direction to require DOD to develop a rational depot policy. The final Committee agreement again asks DOD to report in detail on the provisions where it has failed to adequately respond. The committee directs DOD to provide answers to crucial questions needed by Congress in order to support an informed decision about maintaining a core logistics capability in the public sector. Some of the questions include:

What workloads should be "core" in each service?

What procedures will be used to conduct public-private and public-public competitions?

What is DOD's maintenance plan for new weapon system?

What level of organic work is necessary to provide efficient capacity utilization of the public depots that remain?

How does DOD plan to improve the productivity of the remaining public depots?

What are the estimated savings that will result from increased privatization?

This last question is crucial as DOD is proclaiming savings from consolidating depots, but then plans to keep more excess capacity with its policy of privatization-in-place. While DOD risks future modernization on savings supposedly generated by privatization of depot maintenance, these savings are unproven. DOD's estimated savings of 20–30% from depot privatization rely on past studies of the privatization of commercial type functions in the government where there is significant competition for contacts. This is in stark contrast to the marketplace for depot maintenance activities. In fact, the General Accounting Office found the Air Force is implementing a privatization plan at facilities at the Newark AFB that will most likely increase maintenance costs and not save the taxpayer any money as promised.

I would have preferred to delay any decision on depot maintenance until we secured all of the facts from DOD. However, the Senate Armed Services Committee has agreed to a compromise that I fully supported. Given the fact that the committee report allows DOD to shift to 50/50 while not obligating DOD to provide an adequate response to Congress, my continued support is dependent on the degree to which DOD satisfies the Committee's request for information on DOD's depot policy between now and the conference with the House of Representatives over the Fiscal Year '97 National Defense Authorization bill. I look forward to the Chairman and Ranking Member's letter directing DOD to provide this information. The Senate Armed Services Committee rejected DOD's proposed policy this year and is offering DOD another opportunity to get it right. DOD does not plan to meet the 60/40 ceiling for several years, so I believe we have the time to ensure that a coherent depot maintenance plan that will truly save taxpayer dollars and effectively meet wartime surge requirements and readiness needs can be properly developed and implemented.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair. I wonder if the Presiding Officer could tell me what the order of business is before the Senate?

The PRESIDING OFFICER. We are in morning business. The order was to close morning business and go to H.R. 1122, but that has not been laid down yet so we are still in morning business.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PARTIAL-BIRTH ABORTION BAN ACT of 1997

The PRESIDING OFFICER. The clerk will report H.R. 1122.

The assistant legislative clerk read as follows.

A bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, as I spoke last night, we are now moving to consideration of the partial-birth abortion ban that has passed the House of Representatives with a constitutional majority, more than two-thirds I should say, more than two-thirds majority in the House, which means, if there is a Presidential veto, we would be able to override it in the House. It now comes to the Senate where we have an assured majority of the votes to be able to pass this legislation. The question really is whether we are going to have 67 votes necessary to do it. So we commence the debate today. I am hopeful, now that this bill has 42 cosponsors, we will have a spirited debate with many people participating, adding their thoughts on this subject.

I have a unanimous-consent request first. I ask unanimous consent that Donna Joy Watts be allowed access to the Senate gallery. This is an exception to the Senate regulations governing access to the gallery because Ms. Watts is not yet 6 years of age.

Mrs. BOXER. Reserving the right to object, I would like to ask my colleague for what purpose does he wish—how old is the child?

Mr. SANTORUM. Five and a half.

Mrs. BOXER. A 5½-year-old child to be in the gallery during this debate?

Mr. SANTORUM. She is very interested in this subject. I will discuss her case, and she would like to hear the debate.

Mrs. BOXER. I am going to object on the basis of my being a grandmother, and I think that it is rather exploitive to have a child present in the gallery at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. Mr. President, I do not think we are off to a very good start on this debate. I was hopeful that the Senator from California would continue to try to assure the comity that is usually accorded Members when it comes to these kinds of situations. I know that that unfortunate incident occurred a few weeks ago with a unanimous-consent request. I would hate to see that this kind of occurrence becomes a normal course.

Mrs. BOXER. Will the Senator yield?

Mr. SANTORUM. We have coarsened the comity of this place to the point where someone sitting in the gallery, who is literally months away from the age that has been set by the Senate rules, who has a particular interest in this piece of legislation would not be accorded the decency of being able to at least observe. But I respect the Senator's right to do what she wants to do, and she certainly is within her rights to do it. I think it is unfortunate that a young girl who has had as close to a personal encounter with this issue as possible and still be here to talk about it is not able to listen to a procedure to protect others from what she was threatened with. And that is certainly within the discretion of the Senator from California.

I will proceed with my opening statement.

Mrs. BOXER. Will the Senator yield?

Mr. SANTORUM. I will yield for a question.

Mrs. BOXER. Thank you so much. I just want the Senator to understand that this is nothing to do with a lack of comity. It is my deep belief, in my heart, that this is a very emotional debate. People can watch it here. They can watch it on television. I just, really, in my heart believe this—and I would not do it otherwise. It has nothing to do with comity—that given the fact that you have expressed here, I think I am acting in the best interests of that child.

That is my opinion. You have a different one. It is just some colleagues, some moms and dads, and in my case a grandmother, who has a different view of it. I ask the Senator to respect that, just as I respect his view.

Mr. SANTORUM. If I can, I find myself almost incredulous, to believe that you are—in arguing, as I know you have in the past, and other Members have, that we have no right here in the U.S. Senate to dictate what other parents should be able to do with their children with respect to whether they should be able to abort them or not. But when a mother seeks to share with her daughter, mother and father, share with her daughter some information that is important to her in a very profound way and that you are going to stand up, as a Member of the U.S. Senate, and suggest that you know what is better for her daughter than she does, I think is rather troubling. But again, it is your right as a Senator to object to these things. I respect that right. I just don't happen to agree with the characterization that allowing their daughter the opportunity to witness something that is very important to all of their lives is in any way exploiting her. But that is—your objection is so noted.

Mr. President, I think it is important as we start this debate that we understand what we are debating, that is partial-birth abortion. So I am going to explain what a partial-birth abortion is, when it is used, who it is used on, and why it is used.

There has been a lot of talk about this procedure and the facts around the procedure. We have seen in recent months how some of the facts in fact did not turn out to be facts, particularly things that were used and said by Members here on this Senate floor as to what partial-birth abortion was all about, when it was used, who it was used on, why it was used. So this debate unfortunately a year ago was shrouded in a cloak of inaccuracies. In this debate, as much as many of us tried to articulate what we knew to be the facts, we were countered with arguments that in fact have turned out not to be true. So I am hopeful that with this new information having been brought to light, that the facts as we now know them—and I cannot attest, because some of the facts have been provided by the abortion industry themselves, who are opposed to this bill, so I cannot verify the information we have been given is in fact accurate. All I can verify is that they have admitted to at least this. But what we do know is that those set of facts that they now admit to are different than what they were saying before, and different in a material enough way that Members who relied on that information last time, if they rely on the different set of facts this time, can come to a different conclusion.

That happened in the House of Representatives. Several Members who voted against the partial-birth abortion ban based on a set of facts as they knew them provided by the abortion industry, when those facts were shown to be inaccurate, changed their position in light of those, that new information, and supported the legislation and supported it to such a degree that it passed with over 290 votes, which is the necessary vote to override the Presidential veto.

So, let us look at what partial-birth abortion is. By the way, the drawings that I am going to use are drawings that were copied—derived from drawings that Dr. Haskell, who was the inventor of this procedure, had. Dr. Haskell, by the way, is not an obstetrician and gynecologist—people whose business it is to deliver babies. Dr. Haskell is a family practitioner who does abortions, and he invented this procedure. This procedure is not in any medical textbook. This procedure is not taught in any medical school. This procedure has not been peer reviewed. In other words, no other doctors have looked at this to see whether this is safe and healthy and a proper procedure. It has not been recognized as a legitimate procedure. But he has invented this thing, this monstrosity, and he wrote a paper on it. From the description and from the pictures in that paper we reproduced this, these drawings.

Dr. Haskell, when asked about these particular drawings, the ones you are going to see, said they were accurate, from a technical point of view. So any comments that these drawings are somewhat of a fabrication or whatever does not hold water.

I also suggest when you see the drawings of the baby in these pictures, the drawing of the baby in these pictures is a drawing of a 20–24 week gestation baby. It is not a big baby or has not been blown up to look like it is more life size than it is. It is the exact size. If you look at the size of the baby relative to the size of the doctors' hands, which is the way you can judge size, you can see a baby at that gestation which is when most of the partial-birth abortions are performed. In fact, it is at the low end of when they are performed because they are performed in the fifth and sixth month, and this is fifth month. So, it is the small end of when these abortions are performed.

This is a 3-day procedure. You are going to hear about life of the mother, health of the mother, we need to do some things to protect the life and health of the mother. This is a 3-day procedure. The mother is given drugs the first 2 days to dilate her cervix, to open her womb so the doctor can then reach in as you see here to grab the baby. I would just ask this question, and you don't have to be a doctor to answer it. If a woman presents herself to a physician in a life-threatening situation, would anyone do a 3-day procedure? Second, if the woman presented herself in a health-threatening situation, would any doctor do a procedure that says: Take these pills, come back tomorrow; take these pills that are going to dilate your cervix, open your womb up to infection, which is in fact a risk, and call back?

So, when you hear these, "we have to keep this legal because there may be some circumstance," let me assure you—and I will have a quote that I will share with you—there is never a case, there is never a case where this procedure has to be performed to protect the life or health of the mother. Period. Having said that, the bill still provides for a life-of-the-mother exception. So I would just want Members to understand that this procedure is a 3-day procedure. It is done on an outpatient basis. When the mother presents herself in the third day—and this was the reason Dr. Haskell developed this, was so he could bring her in, the dilation of the cervix would be done, and simply he would perform the procedure. He wouldn't have to wait and have her in the clinic and do these other procedures which are done in 1 day. So this is done for the convenience of the doctor, the abortionist, not for the health of the mother, not for the safety of the baby or anybody else, because you are going to kill the baby. Now you understand why it is done.

Guided by an ultrasound, the abortionist grabs the baby with forceps by the feet or leg. Babies at this time, generally they move around, but they are generally in a head-down position. So the doctor has to reach around, grab the baby by the foot, turn the baby around inside the womb, inside the amniotic sack.

Second, they then grab the baby's leg and pull it breach. For those of you who are not physicians—I think there is only one physician in the Senate, the Senator from Tennessee—a breach birth, as any mother or parents know, is a very dangerous occurrence, when a child is delivered breach. To deliberately turn a baby and deliver the baby breach is a risk unto itself. But they deliberately turn this baby and then they pull the baby by the leg out of the uterus, out through the cervix to where the baby is delivered, the entire body except for the head. So you have a baby, now, that is outside the uterus with the exception of the head and, as nurse Brenda Shafer said when she witnessed this procedure, the baby's arms and legs were moving.

You might ask, why are they doing this? Why are they delivering this baby in this fashion? Why do they not just take the baby that is head down and just deliver the baby head first and then do what I am going to describe next to the baby? Why don't they do that?

The reason they don't deliver the baby out and kill the baby is because once the head exits the mother, it is considered a live birth and has protection. So, if you delivered it in a normal fashion and the baby's head were out and the rest of the body were in, you couldn't kill the baby. The only reason you do this is so it is easier to kill the baby and it is then legal to kill the baby—at least it is if we do not pass this law.

So just understand the difference here is a matter of which end comes out first. If the head came out first you can't touch that baby. It is a live birth, protected under the Constitution. Unfortunately, its feet are not protected by the Constitution nor its leg nor its trunk—just its head. At least that is what the courts have said.

So now we have this little baby that is outside the mother and a doctor takes some scissors and jams it right here, right in the back of the base of the skull, that soft baby's skull. You know, those of you who have children, how soft that skill is. And they thrust the scissors into the base of the skull.

Nurse Brenda Shafer described what the baby did in the partial-birth abortion that she saw. She said the baby's arms and legs flew out, like when you are holding a baby and you drop it and it goes like this. It just doesn't know what to do, it just sort of shoots its legs out, that nervous—nerve reaction. She said it shot its legs out, its arms and leg—for those who believe that the baby doesn't feel anything. And then they went limp.

To finish the procedure the doctor takes a suction tube, a high-pressure suction catheter, inserts it in the baby's skull, and suctions the brains out of the baby. That causes the head to collapse, and then the baby is delivered.

This is what we are trying to ban. Nothing else; nothing else. This is what we are trying to ban. I cannot help but think, as I look around and see the statues of the Vice Presidents of the United States that ring the Senate Chamber, that if we had been on the Senate floor 30 years ago, 50 years ago, 100 years ago and talked about this as something that was legal in America, we would have had 100 percent of the U.S. Senate saying, "Why is this bill even here? This is obviously something that is so barbaric that we cannot allow to have happen."

But, unfortunately, we have reached the point in our country where this is defensible. This is defensible, treating a little baby like this, a fully formed little baby, not a blob of protoplasm, not a tissue that many would like to believe, this is a baby fully formed, and in many cases viable, that we treat like this, that we murder like this. Let's call it what it is. And we are saying in this country, it's OK.

Now, if we did this procedure, if you would take these graphics out and leave some of the definitions out there, if we did this procedure of jamming scissors in the base of the skull and suctioning out the brains on someone who had raped and murdered 30 people, the Supreme Court and every Member of this Senate would say, "You can't do that, you can't do that, that's cruel and inhumane punishment." Oh, but if you are a little baby, if you haven't hurt anybody, if you are nestled up in your mother's womb, warm and safe—supposedly safe—we can do that to you. In fact, it is our right, it is my right that I can do that.

The thing about this debate that is probably the most important thing—and you will hear rights, you will hear rights, my right to do this, my right to do that, it's my body, I can do whatever I want, I can kill this baby, it's my baby. Rights. Well, in this case, we are having an abortion debate on the floor of the U.S. Senate where you cannot miss the other side of this debate. You cannot miss the baby in a partial-birth abortion. It is not hidden from view anymore. It is not the dirty little secret we tell ourselves to survive, to live with ourselves that we allow this kind of murder to occur in this country.

We cannot hide anymore from the truth of what is happening out there. We cannot lie to ourselves that this is not what we are doing. In fact, Ron Fitzsimmons said, the person who blew the whistle on the abortion industry, we have to face up to the fact that abortion is killing a living being. Let's face up to it. If you want to defend it, defend it, but defend it on what it is: It is killing a little baby who hasn't hurt anybody, who just wants a chance like all of us to live.

One of the great ironies that struck me as I walked on the floor today—I walked on the floor and I passed the Senator from Vermont, the Senator from Tennessee, and the Senator from Iowa, who had been so instrumental in the bill that we just passed on the Senate floor. Do you know what bill we just passed on the Senate floor? The Individuals With Disabilities Education Act. Individuals with disabilities.

The principal reason that the people who oppose this ban use for defending this procedure is, You know, a lot of these children have deformities. They might have Down's syndrome or they might not have any arms or legs or they might not even live long, they might have hydrocephaly, they might have all these maladies. And that, of course, is a good reason to kill them. That is the argument. That was the argument that was made over and over and over again, that fetal abnormality is a good reason —in fact, the courts, unfortunately, have legitimized this reason saying it is a legitimate reason to do a third-trimester abortion.

I just found it absolutely chilling that a Member could stand up here and rightfully, passionately argue that children are all God's children and perfect in his eyes, and while they may not be perfect, they deserve the dignity of being given the opportunity to maximize their human potential. That is what IDEA is all about, the ability to protect their civil rights to maximize their human potential—except to be born in the first place. Because some of the most passionate defenders of IDEA, some of the most passionate defenders of ADA, the Americans with Disabilities Act, say it is OK to kill a baby because it is not perfect, any time in a pregnancy—any time in a pregnancy—by using this, the most barbaric of measures.

We are going to educate you if you make it, if you survive this. If you survive, if you are lucky enough that your mother loves you enough to give you a chance at life, then we will protect you, but you are on your own until then; you are on your own; we're not going to protect you. You don't deserve protection.

Abraham Lincoln, quoting Scripture, said that a house divided against itself cannot stand. I just ask every Member who proudly stands and supports the disabled among us how you can then stand and allow this to happen to those very same children and say that you care? The ultimate compassion here is at least giving them a chance to live. I guarantee you that if you gave a lot of disabled people the choice of whether they would rather be educated or live, it is a pretty easy call. But somehow or another, that is lost here. Well, it is not lost on me, and I don't think it is lost on the American public. You cannot legitimately argue both ways. So this is the debate.

You will hear a lot about health exceptions—and I want to address that issue right up front—that we need this procedure to be legal because there might be instances in which the life and health of a mother are in danger and this procedure would have to be done. I am going to put a quote up from a group of close to 500 physicians, almost all of whom are obstetricians, people in the field:

> While it may become necessary—

This is a quote from a letter—

> While it may become necessary, in the second or third trimester, to end a pregnancy in order to protect the mother's life or health, abortion is never required.

I want to repeat that:

> . . . abortion is never required—i.e., it is never medically necessary, in order to preserve a woman's life, health or future fertility, to deliberately kill an unborn child in the second or third trimester, and certainly not by mostly delivering the child before putting him or her to death. What is required—

And this is important—

> What is required in the circumstances specified by Senator Daschle is separation of the child from the mother, not the death of the child.

What do they mean by that? Sometimes you might have to induce and deliver the baby. Sometimes you may have to do a cesarean section to deliver the baby. But you never have to kill the baby in order to protect the mother's life. You can at least give the baby a chance. Give him or her a chance. If it is not viable, then he will not live or she will not live very long, but you have at least dignified one of our human beings, one of us, your son, your daughter.

I just suggest to any mother or father that if you found out that your child was going to die, had a particular virulent form of cancer and the child was 5 years old and the child, according to the doctors, would almost certainly not live more than a few weeks, would you, would any parent in America say, "Well, my child's going to die, I might as well kill them now"? Would any parent deliberately kill their child because they may not live long? Or, worse yet, would they kill their child because they were in a car accident and lost a leg? Or were in a car accident and are going to be in a wheelchair the rest of their lives and maybe has brain damage and does not have a whole lot of mental capacity, but some, or even none, would you deliberately kill your child? And in doing so, would you do the procedure that I suggested? Would you puncture their skull and suck their brains out? Would you do that?

Well, if you would not do that for a 5-year-old son or daughter, why would you do it to a 5-month-old son or daughter? Why? You don't have to.

If there is any message, whether this bill passes or not—I say passes, becomes law—that is so important, but it is so important for people to understand that you don't have to kill the baby. You don't have to do that. I know. There is always a more dignified way to treat another human being than to deliberately kill them.

So the debate will rage on this afternoon, but just remember these facts—facts: Partial-birth abortion is never necessary to protect the life or health of the mother. Fact: It is never medically indicated. It is not an accepted procedure.

It is rare, according to the abortion industry. It is only 3,000 to 5,000 a year, as if that's OK, only killing 3,000 to 5,000 children a year and that is not very many. I guess against 1.4 million or so, it is not many, but can you imagine what we would do in the U.S. Senate if we knew 3,000 children were going to die this year and we could stop it? What lengths would we go? What lengths would we go for 1,000? What lengths would we go for one? I don't know anymore. I wonder whether we can muster up the moral courage to stand up to the powerful lobbies out there and do the right thing.

This procedure does not have to be there for any reason—no reason other than for the convenience of the doctor doing the abortion. This procedure is not done at major medical facilities. This procedure is done at abortion clinics, period, and, in most cases, not even by—at least the people who developed it were not even obstetricians.

So I hope that we can have a debate on the facts. Because on the facts, if you look at the facts, there is no reason for this procedure to be legal—none. And if you look at the heart, what kind of message are we sending out to the young people all over the country?

You know, we have debates here on the floor, and we have committee meetings even to talk about juvenile crime, talk about generation X and how they have no respect for our institutions or even each other, that they think everybody is in it for themselves. The cynicism is so rampant.

If you want to know why that occurs, tune in to this debate. Children are not oblivious to what is going on in this country when it comes to the issue of abortion. Ask why a child should be any more concerned about shooting their neighbor if Members of the U.S. Senate and the President of the United States says we can kill a little baby. What is the difference? There is no difference. We are going to have all sorts of problems with this future generation. I hear all the time, "Oh, they have no values. They don't have any direction. They don't have any purpose. They are so self-centered." Gee, I wonder why.

What is more self-centered than what I have just described? We are sending a message. A message is being received. And 1.5 million abortions is a very loud message to everybody in our country, particularly the young, the impressionable. And we wonder why, we wonder what the problem is.

We can begin to send a positive message today. We can begin to say, you know, there are rights and wrongs—not just rights—rights and wrongs. And this is wrong.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

When my colleague from Pennsylvania started this debate, he asked that a 5½-year-old be allowed in the gallery, that the Senate rules be waived. And then he went on—and I am quoting very much from his text—he went on to talk about what he believes that a medical procedure, which he has called a barbaric act, a procedure that doctors tell us is used to save the life of the woman, to spare her irreparable harm—and he calls that a "murderous act"—his words. He used the term over and over about "killing a baby." He ascribed it to the President of the United States. He wanted a 5½-year-old to hear that.

He said, you will hear words like "rights," and then he quoted women, and he said, "I can kill this baby." Is that what he thinks women want to do? And he wants a 5½-year-old to hear that?

Talk about messages that we are sending out, this is the greatest country in the world. We ought to approach these issues as a family, not turn one group against another, one gender against another.

Mr. President, this is the third time we are having this debate. And every time it is more painful than the one before. And the reason it is so painful is because the basic assumption of the Santorum bill is that women do not deserve the full range of medical options available to them in order to have a safe and legal abortion.

I know that every Senator in this U.S. Senate who calls himself or herself pro-choice believes, as the President of the United States believes, that abortion must be safe, legal, and rare.

Mr. President, I truly believe—and I will explain it in the body of my statement—that what the Santorum bill is really about is outlawing one procedure, and then they will go after the next procedure, and then they will go after the next and the next. And that will be the way abortion is made illegal in this country at any stage.

Mr. President, that is not the view of the American people. They believe very strongly that Government does not belong in this debate.

Mr. President, the Santorum bill prohibits the use of a specific abortion procedure, the intact dilation and extraction regardless of the medical needs of the woman. But some doctors consider that procedure the safest for the women. I am not saying that every doctor says that; I am saying many, many doctors believe that. And yet, the Santorum bill would outlaw this procedure.

The American College of Obstetricians and Gynecologists, an organization representing more than 37,000 physicians stated that an intact dilation and extraction "may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances, can make this decision."

That is 37,000 doctors who are trained in obstetrics and gynecology.

Doctor Charles Bradley, medical director of Planned Parenthood in Santa Barbara, CA, wrote to me and said:

> The intact dilation and extraction procedure presents several advantages over the other techniques available for late-term abortion. Foremost among these, the procedure is short and the risk of damage to the mother's tissues and, therefore, the risk to her life and health is considerably reduced.

Dr. Seymour Romney, chair of the Society for Physicians for Reproductive Choice and Health sent me a letter. And he wrote:

> In complicated and some potentially tragic obstetrical situations, intact dilation and extraction can be the safest therapeutic procedure. In competent hands, it carries the least risk of bleeding, perforation, infection or trauma to the birth canal.

So this is a procedure that many doctors say is the safest, and yet the Santorum bill would outlaw it.

Mr. President, this is not a perfect world. If we could make it so, every child would be planned, every child would be wanted, every pregnancy would be uncomplicated, every fetus would be viable, would be healthy, every father would be proud to take responsibility, every mother would be physically and mentally healthy, there would be no rape or no incest. That is the world we should strive for. That is the world we want.

But, Mr. President, we are not there. This is not a perfect world. Families must make tough choices, and sometimes must decide, of course, to take, when things go tragically wrong—we must not pass reckless legislation which moves politicians into the hospital rooms where we do not belong. Mr. President, we do not belong in a hospital room.

We have laws in this land. We have court decisions in this land. And the laws relating to pregnancies are set. And they say, as follows: Before viability in the early stages of a pregnancy, a woman gets to decide, with her family and her doctor and with her God, what her options are. It is her choice. It is not Senator BOXER's choice. It is not Senator SANTORUM's choice. It is not Senator HELMS' choice. It is not Senator FEINSTEIN's choice. It is her choice. She will make this decision with her family, with her loving family, with her doctor. She decides. And that is it. And that is what the law says. And it was decided in 1973, in a previability situation, a woman has the right to choose.

There are those in this Chamber who want Government to enter this debate and stop that constitutionally protected right. And to do that they need a constitutional amendment. And for many years now they have not tried that because the American people do not support it. So they will go to procedures one at a time. They will do what it takes so in essence this constitutionally protected right will become meaningless to the women of this country.

How does the Santorum bill, endorsed by the antichoice groups in this country, treat a woman in the early stages of her pregnancy where, under law, it is her constitutional right to decide?

The Santorum bill says to the doctor that a particular procedure called intact dilation and extraction—and as Senator SANTORUM has given it a name of his own, partial-birth abortion, which is in no medical dictionary—that procedure is banned at any time. Any time in the pregnancy, before viability or after viability, it would be banned. And we know right off the bat that outlawing procedures in the previability stage of pregnancy before the fetus can live outside the womb, with or without life support, is a clear violation of Roe versus Wade, on which the constitutional right to choose is based.

So let us be clear. The Santorum bill infringes on a woman's right to choose in the earliest stages of her pregnancy and is clearly unconstitutional and against the law of the land.

In the late term what do the laws say? Postviability, the court decisions say that the Government does have a legitimate interest and can legislate, can legislate postviability, but with a caveat. And that is, that always the health of the woman and the life of the woman must be considered.

Let me repeat. Postviability, the Government can act to regulate abortion, but always the health of the woman and her life must always be protected.

What does the Santorum bill do in the late term? It outlaws the procedure and fails to give a health exception. My colleagues, this is dangerous. There is no health exception in the Santorum bill. And that is callous toward the women of this country.

Court cases have always ruled that any laws passed regarding abortion—and there are many of these in the States; and my colleague, Senator FEINSTEIN, has become a real expert on studying what the States have done—they always make an exception for the health of the woman. And this U.S. Senate, under this bill, would be so radical as to not address the health of a woman.

This is very troubling to me, Mr. President. And I believe it shows a lack of concern for the women of this country, many of whom want their stories told.

In the interest of time, I am not going to go into all the stories that I have, but I am going to talk about one. And perhaps in the debate later on I will give you the other stories, because we must put a face on this issue.

This is Coreen Costello with her family. She happens to be a registered Republican. She describes herself as very conservative. And she is very clear that she and her family do not believe in abortion.

In March 1995, when she was 7 months pregnant—actually this is a photograph of her when she was pregnant—she was 7 months pregnant with her third child, and she had premature contractions and was rushed to the emergency room.

She discovered through an ultrasound that there was something seriously wrong with her baby. The baby, named Katherine Grace—she named her baby Katherine Grace while she was carrying her baby—had a lethal neurological disorder and had been unable to move inside Coreen's womb for almost 2 full months. The movements Coreen had been feeling were not that of a healthy, kicking baby. They were nothing more than fluid which had puddled in Coreen's uterus. The baby had not moved for a long time—not her eyelids, not her tongue. The baby's chest cavity was unable to rise or fall. As a result of this, her lungs were never stretched to prepare them for air. Her lungs and chest were left severely underdeveloped to the point of almost nonexistence. Her vital organs were atrophied.

The doctors told Coreen and her husband the baby was not going to survive, and they recommended termination of the pregnancy. To Coreen and Jim Costello, termination of the pregnancy was not an option. Coreen wanted to go into labor naturally. She wanted the baby born on God's time and did not want to interfere.

The Costello's spent 2 weeks going from expert to expert. They considered many options, but every option brought severe risks. They considered inducing labor, but they would be told it would be impossible due to the baby's position and the fact that the baby's head was so swollen with fluid it was already larger than that of a full-term baby. They considered a cesarean section, but the doctors were adamant that the risk to her health and her life were too great. Coreen said, "There was no reason to risk leaving my two children motherless if there was no hope of saving Katherine Grace."

These are the women my colleague stands and talks about as wanting to kill their babies? I am ashamed of that. It is unnecessary to talk about the mothers of America, the women of America in such a fashion.

Coreen and her husband faced a tragedy that most people, thank God, never have to face. In the end, they made a decision which saved Coreen's life. She underwent a late-term abortion.

In December of last year, I showed you this picture of Coreen and her family, and I reminded you at the time of this photo, Coreen was pregnant with Katherine Grace. Now I want to show another picture of the Costello family. Here is Coreen and her family with their newest addition, her son, Tucker.

Coreen writes that she is against abortion. She is a registered Republican. She says she is a conservative. She writes to us, "This would not have been possible without this procedure. Please give other women and their families a chance. Let us deal with our tragedies without any unnecessary interference from our Government." She writes, "Leave us with our God, our families and our trusted medical experts."

Now, that is one story. To me, it just says it all, that this Santorum bill, if it became the law of the land, could have resulted in this woman dying or being impaired or losing her fertility. We stand here and talk as if the mothers of this country, the women of this country, want to end these pregnancies, when, in fact, these women—again, I have many of these stories which I will tell tomorrow, story after story—the last thing they wanted was to end the pregnancy. They wanted these babies.

Mr. President, I want to put the face of these women into the debate. I know those who wish to ban this procedure want the face of the woman gone. I want to show you what the New York Times quotes Ralph Reed, the head of the Christian Coalition, as saying in a March 23, 1997 article. This appeared:

> "Mr. Reed said that by focusing on the grizzly procedure itself—and on the potential viability of a fetus—abortion foes undercut the primacy of the woman and made her secondary to the fetus."

In other words, what Mr. Reed is quoted as saying, in what I consider to be an unguarded moment, is the reason he was so excited about this debate is that for the first time, the woman was made secondary to the fetus.

Those who are pushing this bill want us to forget about the women. As Ralph Reed is quoted as having said, to forget about our daughters, our sisters, our nieces. They want us to forget about them.

Why, the Senator from Pennsylvania, in his opening remarks, portrayed women as killers. His words: "I have a right to kill this baby," as if that is what a woman wants to do.

If they succeed in outlawing this procedure, they will go to the next and the next, as I have said. With all due respect to my colleagues on the other side of this debate, they are very good at getting votes and they are very good at winning elections. But I do not think they are worth a whit in the gynecological operating room. I do not want them in that operating room telling a doctor what procedure to use for my daughter or my niece or, frankly, even for their daughter or their niece.

If a loved one—and I ask all Americans to think about this. Think about it, think of a woman in your life of child-bearing age. Think of that woman, be it your wife, be it your aunt, be it your sister, be it your niece, be it your daughter, be it your granddaughter, think of that woman, have that woman in front of your face, and think if that woman was in trouble with a pregnancy gone tragically wrong like Coreen's pregnancy. I will put her and her family's picture back up. Suppose you found out that she was carrying a fetus whose brain was growing outside the head, where the doctor has said to you the baby would live but a few moments, maybe, and in torture, and that your loved one, if this particular procedure were not used, because many have said it is, in fact, the safest, might suffer irreparable harm, irreparable harm, never to be able to have a child again, maybe could be blinded, maybe could be paralyzed. In your heart of hearts, you would not want Senators making that decision. You would want the decision to be made by the medical experts, the best in the world.

I do not want that doctor afraid at that moment that he or she might be hauled off to jail if he acted to help a family to spare a woman's life or health. I do not want that loved one in despair, pain, and grief to be told that her openings were narrowed because her doctor was afraid to do what he or she really thought had to be done to save her fertility or to save her life or to save her health.

Who decides? Senator SANTORUM? I hope not. Who decides? Senator BOXER? I hope not. I know politicians have big egos, but we are not doctors. We can show drawings done by a doctor, but that does not qualify us. Where is the humility around here? Why do we not just do our job? I think every woman in this country deserves a free range of options when she is in deep, deep trouble.

Mr. President, Senators FEINSTEIN, MOSELEY-BRAUN, and I have a bill that I believe is the most humane and the most sensible and the most constitutional of those that will be before the Senate. It zeros in on the timeframe that concerns most Americans, and that is the late term of a pregnancy, after viability, and is consistent with Roe versus Wade, which says the Government has an interest after viability. Our bill outlaws all post-viability abortions—all procedures, not just one. The Santorum bill does not do that. It zeros in on one procedure. We say after the fetus is viable, no abortion, no procedure except to protect the woman's life or to spare her serious adverse health consequences.

Life and health are constitutional requirements, and it is the right thing to do for the women of this country. Mr. President, if we abandon the principle that a woman's health and life must always be considered when an abortion is considered, we are harming women, plain and simple, women like Coreen Costello and the other women that I will talk about.

Mr. President, the day we start passing laws that harm half of our population—women are more than half of our population—the day we start passing laws that harm more than half of our population is the day I will worry about the future of this, the greatest country in the world.

Mr. President, I just celebrated my second Mother's Day as a grandmother, and my daughter celebrated her second Mother's Day as a mom. This is the greatest thing for our family. And everyone who always said to me, "When you are a grandmother, you will see how great it is," including Senator FEINSTEIN, who told me that years ago, I thought, well, maybe they are exaggerating. You know what? They are not. To see your baby have a baby, to get the continuity of life is an extraordinary feeling.

I happen to believe as I watch my daughter be a great mother that America's moms deserve to be honored every day. We just celebrated Mother's Day. They deserve to be honored every day.

Senator BYRD came down right before Mother's Day and talked about the incredible job that our moms are doing, working moms, supermoms, working hard so that families have the resources to educate their children, to give their children the American dream. It is hard for me to imagine why we would want to pass legislation that will harm women.

Now, it is interesting to me, in the Santorum bill, this procedure is outlawed. As a matter of fact, the Senator from Pennsylvania called it a barbaric act, and yet in his own bill he says, "The procedure can be used when it is necessary to save the life of the mother" if you can't find another medical procedure.

So, first, he says it is barbaric. And then he admits in his legislation that it may be necessary to save the life of the mother.

So what is this really all about? It is about banning one procedure and then the next and then the next. Women as moms and future moms should not be put at risk because the big arm of Government wants to reach further into their private medical and family physician.

We can pass a bill that respects women and their families, that is caring and trusting toward American moms and future moms while protecting a baby in the post-viability stage of pregnancy. We can pass a bill that is consistent with Roe.

That is what the Feinstein-Boxer-Moseley-Braun bill is about. This bill should not be about what the New York Times article quotes Ralph Reed as saying, which reveals, I think, a real malice toward the women of this country—that a woman should be secondary to a fetus. This should not be about mothers versus fetuses. This should be about all of us together as a society passing laws that help our families cope with tragedy and urgency in a way that is moral and in a way that is respectful of everyone involved.

So this is a painful debate, Mr. President, but my intent is clear. I will not allow the fate of the woman to be lost in this debate. I will tell story after story after story about the Coreen Costellos of our Nation who are loving, caring moms, many of whom would never have an abortion at any stage unless they were told they had to have one to spare their life or to preserve their fertility so they can be alive for their families, for their other children.

I will do all I can to spare families long-lasting, horrible pain that I think would come about as a result of the Santorum bill putting Senators into a hospital room and making decisions they are not qualified to make. I think this bill will cause pain to innocent, caring, and loving families in the name of sparing pain. It is a first step toward making all abortions illegal.

If you ask those who are on the floor and if you study their record, you will see they are on record as wanting to ban all abortions from the first second.

So, Mr. President, although this is a very painful debate for all of us, I will be here throughout this debate. I will work with my colleagues to put the fate of the woman on this debate, to never let anyone forget what we are doing if we pass this bill, which is to hurt American families. That is my deep belief.

If you are really about making sure that there is no abortion post-viability in the late term, you have the Daschle proposal that deals with it, and you have the Feinstein-Boxer-Moseley-Braun proposal. If you really want to do something about what Americans care about, that is what you should do. But don't go to a procedure which you say is barbaric, but then you allow it in the case of a woman's life, ban that and tell the American people you are doing something about the late term which, in fact, you are not when, in fact, what you are doing is interfering with medical treatment of women who—all of these women—are put in tragic circumstances where they could have lost their life or their health.

Thank you very much.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise once again to support the ban on the procedure known as partial-birth abortions.

Mr. President, we have heard a lot in the last year or two about this procedure. We have heard the graphic details, the details which are certainly not very pleasant. But we know that they are true. They are indisputable. We know exactly what this "procedure" consists of. Senator SANTORUM earlier this afternoon very graphically described it. It is unconscionable.

Mr President, the public reaction to disclosure about this "procedure"—the disclosure of what partial-birth abortion really is—has been loud and convincing. There is a good reason for this. Yes, this procedure is barbaric. There is simply no other way to describe it.

Many people have asked the question. Why? Why does it take place? Why is it done? Why do they do this procedure? Is it really necessary?" Then the question is, "Why do we as a people allow this to happen?"

The opponents of this measure argue that it is medically necessary. Mr. President, this is simply not true. This is not a valid argument, when you have probably the single most respected physician in this country, Dr. C. Everett Koop, who says exactly the opposite. Dr. Koop in an interview with the American Medical News on March 3 of this year says: "In no way can I twist my mind to see that the late-term abortion as described . . . partial birth, and then destruction of an unborn child before the head is born—is a medical necessity for the mother."

Mr. President, America's most respected physician is not alone in this view.

Dr. Nancy Romer, chairman of OB–GYN and professor at Wright State University Medical School in Ohio says: "This procedure is currently not an accepted medical procedure. A search of medical literature reveals no mention of this procedure, and there is no critically evaluated or peer review journal that describes this procedure. There is currently no peer review or accountability of this procedure. It is currently being performed by a physician with no obstetric training in an outpatient facility behind closed doors and no peer review."

Dr. Romer also says, Mr. President: "There is no medical evidence that a partial-birth abortion procedure is safer or necessary to provide comprehensive health care to women."

Let me stress, Mr. President, what the doctor said, "no medical evidence"; none.

Just this week the American Medical Association also endorsed this view. This is what they say. They said there were no situations in which partial-birth abortion "is the only appropriate procedure"; no circumstances, Mr. President, where partial-birth abortion "is the only appropriate procedure."

I think it is often instructive to look at what those who perform the abortions have to say. One of the most famous or infamous abortionists is Martin Haskell. He has admitted—this is uncontroverted; no one disputes this—Dr. Haskell, who has performed hundreds of thousands of these probably, admits that at least 80 percent of the partial-birth abortions he performed are elective. And the late Dr. James McMahon, a person who performed many abortions, says he performed nine of these partial-birth abortions because the baby had a cleft lip.

Let me repeat that. Nine were performed, according to Dr. James McMahon, for no other reason than the baby had a cleft lip.

Medical necessity, Mr. President? Medical necessity? So much for medical necessity.

Why then is this procedure performed? Is it because some of these fetuses are deformed?

Betty Friedan, in a televised debate, called such little babies "monsters"; "monsters." She said it not once but twice.

Are we now in the business of killing people for being defective, Mr. President? My colleague from Pennsylvania has pointed out very eloquently the irony of this argument, the fact that today—we tried earlier this week to protect people with handicaps, protect them in school to make sure they had a full education, but at the same time abortions are being performed, partial-birth abortions are being performed not for medical necessity but rather this child is somehow not "perfect," at least as we see perfection.

Are we now, Mr. President, in the business of killing people for being defective? I would submit that the world has gone down that path once already in this blood-soaked 20th century. Are we really willing to go down that road again? Are we willing to go down that road again in this country that is based on the sanctity of human life, the sanctity of human rights? I hope not.

Mr. President, when the child which is subject to a partial-birth abortion exits the birth canal, once he or she is out, the child, of course, is protected by the U.S. Constitution. If the doctor performing the abortion slips, sneezes, something happens, and as a result the child's head exits the mother's body, then that doctor cannot legally kill that child.

Mr. President, do we as a nation really believe that those few inches between being inside the mother and being outside the mother, do we really believe that defines the difference between a legitimate medical procedure and barbaric murder? I hope and believe that we are better than that, that even our jaded, contemporary public morality would rebel in calling this a legitimate medical procedure.

Mr. President, the defenders of this procedure used to try to change the subject. They used to say that it rarely happens, so we shouldn't get all worked up about it.

Well, it is funny. You do not hear much of that argument anymore. The reason we do not hear that argument much anymore is because of the shocking confession made by a leader in the abortion rights movement. Ron Fitzsimmons is the executive director of the National Coalition of Abortion Providers. In 1995, when the Senate was considering the partial-birth abortion bill, he was helping lead the fight against this very bill. He went on "Nightline" to argue that the procedure ought to remain legal. At that time, he said the procedure was rare and was primarily performed to save the lives or the fertility of the mothers.

You know, a funny thing happened after that. Apparently his conscience starting gnawing at him. He says now that he felt physically ill about the lies he had told. He said to his wife the very next day, "I can't do this again."

Meanwhile, President Clinton was using Mr. Fitzsimmons' false statements to buttress his case for vetoing the partial-birth abortion bill that this Senate passed.

But a couple of months ago Mr. Fitzsimmons admitted that, in his own words, he "lied through his teeth." The facts, as he now publicly acknowledges them, are clear. Partial-birth abortion is not a rare procedure. It happens tragically all the time. And it is not limited to mothers and fetuses who are in danger. It is performed on healthy women, it is performed on healthy babies—all the time.

Remember Dr. Haskell's quote that 80 percent of the abortions he performed are elective.

Mr. President, it is true that everyone is entitled to his or her opinion. Everyone is entitled to their own opinion. But people are not entitled to their own facts.

Ruth Padawer of the Record newspaper in Bergen, NJ, reported last September 15 that 1,500 of these partial-birth abortions happened in one local clinic in 1 year.

Once you confront the reality of what partial-birth abortion really is, you realize that from a moral perspective one of these atrocities is as bad as 1,500, but let nobody say this procedure is somehow de minimis, that it does not happen often enough to deserve legal notice.

Let me now describe briefly some of the proposed amendments to this legislation. I know we will have the opportunity later during this debate to talk about this at length. Let me just for a moment talk about several of the amendments at least as I now understand them.

Under the Boxer-Feinstein amendment, the exceptions swallow the rule. It is the old trick. Make it sound good, but then put an exception in there that, in reality, the way it really works as interpreted already by courts, the exception swallows up the entire rule and really makes the bill, in this case the amendment, meaningless. Under the Bolton precedent, the Bolton case, the "health" language clearly has unlimited meaning. So once the term "health" is in there, as interpreted by the Court, it swallows up the entire amendment and makes it useless. It is determined by the existence of health circumstances as decided by the very same doctor who performs the abortion. That is who does the decision. That is who makes the decision about the health under the Boxer-Feinstein amendment. Clearly that exception renders the bill meaningless.

Furthermore, if this really is about maternal health, then why do we have to kill the baby? Senator SANTORUM very eloquently talked about this a few minutes ago. No doctor, no witness, no Senator has yet offered any evidence that tells us why, when the health of the mother is in danger, you have to kill the baby. Why? Why can't we, if it is threatening the mother's health, deliver the baby and, if possible, save it? Why does this child have to be killed?

Senator SANTORUM earlier read in part from this letter, the letter from the Physicians Ad Hoc Coalition for Truth. I want to read one of the paragraphs because it addresses this very issue, and this is what the doctors said:

> As specialists in the care and management of high-risk pregnancies complicated by maternal or fetal illness, we have all treated women who during their pregnancies have faced the conditions cited by Senator DASCHLE. We are gravely concerned that the remarks by Senator DASCHLE and those who support the continued use of partial-birth abortion may lead such women to believe that they have no other choice but to abort their children because of their conditions. While it may become necessary, in the second or third trimester, to end a pregnancy in order to protect the mother's life or health, abortion is not required—i.e., it is never medically necessary, in order to preserve the woman's life, health or future fertility, to deliberately kill an unborn child in the second or third trimester, and certainly not by mostly delivering the child before putting him or her to death. What is required in the circumstances specified by Senator DASCHLE is separation of the child from the mother, not the death of the child.

Why then can't we as a society, if the child is threatening the mother's health, deliver the child and, if possible, to try to save it? Why does that child have to be killed? There is no medical answer for that, there is no medical reason. But let me submit a reason that I think is critically clear from the debate and, more importantly, from the evidence and, more importantly, from the words of the doctors who perform these abortions. Why is it done? Why does the child have to be killed? The child has to be killed because that is the goal. That is the goal. That is what the doctor wants to do.

Now, Dr. Haskell, who has performed hundreds and hundreds and hundreds of these, has said as much. In an interview with the American Medical News, he said:

> You could dilate further and deliver the baby alive, but that's really not the point. The point is you are attempting to do an abortion. And that's the goal of your work, is to complete an abortion. Not to see how do I manipulate the situation so that I get a live birth instead.

Dr. Haskell admits it. He admits what the goal is. He admits why it is done. Why can't we on the Senate floor?

An abortion is legal in this country. I happen to be pro-life. But nothing says we have to allow this procedure simply because it allows the doctor to speed up the procedure and move on to the next one. These are done for the doctor's convenience.

Let me specifically go back to the issue of the Daschle amendment, and again we will have the exact language in the Chamber, I am sure, and we will have the opportunity to more thoroughly debate this. Let me address the third trimester ban that is proposed by this amendment. The reality is that the exceptions are simply too numerous and the way they will be applied it will again swallow up the amendment.

The facts are that the vast majority of these partial-birth abortions occur in the fifth and sixth months. All the abortionist has to do under this amendment is to certify that either the baby is not viable, just certify it, or that the abortion is medically necessary. The conditions are spelled out apparently in the amendment. In practice, this means there will be no limit on the will of the abortionist. The same person who will be certifying is the person such as Dr. Haskell who has described why he performs this procedure. In practice, there will be no limit to what the abortionist does. Our colleague, my friend from Pennsylvania, Senator SANTORUM, has compared it—he does it better than anybody I have heard—to passing an assault weapons ban and then entrusting gun dealers to decide what constitutes an assault weapon. Would anybody propose to do that? I think not.

Viability has also been proposed as a standard. I fail to see what viability has to do with whether this procedure should really be permitted. Whether it should be permitted is a question of humaneness or arguably a question of health. If one can show that the fetus threatens maternal health and that abortion is the only way to save the mother's health, the opponents of the ban are still confronted with the insufferable difficulty of proving this specific procedure, partial-birth abortion, is the only way to accomplish that goal.

As Dr. Koop and Dr. Romer have testified, there is absolutely no way the partial-birth supporters can meet that test because this procedure is never medically necessary. The proponents of partial-birth cannot hide behind a false claim of medical necessity. There is no medical necessity. The evidence is abundantly clear.

Let us again, because I think it is so instructive, hear what Dr. Martin Haskell says, the abortionist who has performed so many of these abortions and who, frankly, has been so very candid about what he does and why he does it. Let us hear Dr. Haskell describe this procedure, again a procedure that is not medically necessary. This is what he says, not MIKE DEWINE, not Senator SANTORUM, not Senator BOXER. This is what Dr. Martin Haskell, who performs these abortions, has to say.

> I just kept on doing D&Es because that is what I was comfortable with up until 24 weeks. But they were very tough. Sometimes it was a 45-minute operation. I noticed that some of the later D&Es were very easy so I asked myself why can't they all happen this way. You see the easy ones would have a foot-length presentation, you'd reach up and grab the foot of the fetus, pull the fetus down and the head would hang up and then you would collapse the head and take it out. It was easy.

It was easy, Mr. President, it was easy for Dr. Haskell. Dr. Haskell does not say it was easy for the mother. I suspect that he really does not care. His goal is to perform abortions.

Under these proposed amendments, is Dr. Martin Haskell, a man who has said—you have heard what he had to say—is he the person we are going to trust to decide whether abortions are necessary? He has a production line going. Nothing is going to stop him from meeting his quota.

Dr. Haskell concludes, again quoting:

> I would reach around trying to identify a lower extremity blindly with the tip of my instrument. I'd get it right about 30–50 percent of the time. Then I said, "Well, gee, if I just put the ultrasound up there I could see it all and I wouldn't have to feel around for it." I did that and, sure enough, I found it 99 percent of the time. Kind of serendipity.

Kind of serendipity, Mr. President.

Let me conclude. I believe we need to ask ourselves, what does our toleration of this procedure as a country, as a people, say about us? What kind of a people are we? What kind of a nation are we? I think you judge a country not just by what it is for. I think you also judge a country and a people by what we are against, and we judge a country and the people by what we tolerate. We tolerate a lot in this country, unfortunately. This is one thing that we should not have to tolerate. Where do we draw the line? At what point do we finally stop saying, oh, I really don't like this, but it doesn't really matter to me so I will put up with it? It really doesn't affect me so I will put up with it.

At what point do we say, unless we stop this from happening, we cannot justly call ourselves a civilized nation. I think it is very clear what justice demands. That is why I strongly support this ban. That is why I strongly support this bill to ban a truly barbaric procedure.

I look forward to the opportunity as this debate continues to debate the various amendments and talking about this bill further. At this point I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, it has often been said that one is a product of one's life experiences. Because this is a bill about so-called partial-birth abortion, and because there is no medical definition of partial-birth abortion, and because most of us believe that what is being referred to is a procedure either called intact D&E or intact D&X—but that is not reflected in the bill—and because the bill affects more than just the third trimester of a pregnancy but also goes into the second trimester, and because it carries with it criminal penalties, I want to share with this body how I am a product of my life experiences with respect to abortion.

I well remember my early days. In college during the 1950's, abortion was illegal, and I knew young women who were in trouble. I knew one who committed suicide. I knew others who passed the plate to those of us in a dormitory—and this was Stanford University—to go to Mexico for an abortion.

Later in the 1960's, I spent 8 days a year for 5 years sentencing women in the State prison, and I sentenced abortionists because abortion was still illegal in California in the early 1960's. I remember these cases particularly well. I remember the crude instruments used. I remember women who were horribly damaged by some of these illegal abortions. I remember mortality as well. And I always thought maybe one day we will get past this and not have to go back to it.

What concerns me about this debate is that I see it as the opening wedge of a long march to take us back 30 years, back to the passing of the plate at Stanford, back to the back-alley abortionists.

I will never forget one woman because abortion carried with it a maximum sentence of 10 years in State prison at the time. I sentenced this woman—I remember her name, I am not going to say it here—to the maximum sentence because she had been in and out of the State institution. This was her third time. Every time she went out I asked her why she continued. She said, "Because women were in such trouble and they had no other place to go, so they came to me because they knew I would take care of them." That was the reality of life from 1960 to at least 1966 in California. I do not want women, young women, to have to go back to those days again.

So basically I am pro-choice. I am also a member of the Judiciary Committee of the Senate, so I have been present at all of the hearings on this so-called partial birth abortion bill. Essentially, I believe that abortion should be a matter for a woman, for her doctor, for her faith, for medicine, and not for politicians. One of the most perplexing things in my life has always been why men are so desperate to control a woman's reproductive system.

Nonetheless, about 4½ years ago, I became a grandmother of a little girl who is the light of my life. Her birth was not uncomplicated. My daughter had a pregnancy-related condition. It was a condition that women bleed to death from. You have, essentially, about 20 minutes from the time you begin to hemorrhage before your life is extinguished, and that of the child.

This case of my daughter's is really only related to this whole debate in that it caused me to really think. I never thought that my daughter would be in a situation of this type. I began to think of the "whens" and "ifs," and whether one could really predict all of the exigencies that a woman in pregnancy is subject to. I could not with my own daughter, because I never would have dreamt that this would have happened. For her, she was a lucky one. Although at home I am a block and a half from the hospital, they would not let her stay with me. She stayed in the hospital right next to an operating theater, so that for 2 months the baby grew in her womb, and then at 35 weeks she was able to have a C section. And we have a wonderful little granddaughter—bright eyed, bushy tailed—and the story came out OK.

But I came to a few conclusions. The conclusion is, no matter how all-seeing we think we are, no one can possibly know all of the circumstances one may find themselves in. So, if we are going to pass laws, laws need to be flexible enough to anticipate the circumstances and to provide for a worthy exception. I basically believe that this intact D&E, or intact D&X, whichever one chooses to call it, is a procedure that should not be used. That is my basic belief and I think the AMA is beginning to come to grips with this and set down some precepts, as to when one should consider a late-term abortion.

I believe that abortions post-viability should not take place except in the rarest of circumstances. And that the only case for a post-viability abortion is either to protect the life and health of the mother or in cases where there is such a serious, severe fetal abnormality that the abnormality is inconsistent with life. In other words, the child could not survive outside of the womb for any period of time.

So, with my colleagues, Senator BOXER and Senator MOSELEY-BRAUN, we will offer a substitute at the appropriate time to the Santorum bill and one that will also be a substitute to the Daschle bill. Our bill will have the following provisions:

It will prohibit all abortions after viability in a way that will meet the test of constitutionality. The provision for life and health of the mother does just that.

The health requirement is drawn to correspond with the mandate of Roe versus Wade, to prevent serious adverse health consequences to the mother and not to restrict the judgment of the physician.

Additionally, the goal is to provide for post-viability abortions only in cases of serious fetal anomalies—or abnormalities incompatible with life.

The penalties of the bill will be civil but substantial. They will be limited to the physician. The penalty for the first violation will be up to $100,000, along with referral to a State licensing board for possible suspension of the license. For a second offense, a fine up to $250,000 and referral to a State licensing board for possible revocation of the license. Unlike the Daschle substitute, we would not withhold Medicaid funds. But we would allow the State to, essentially, register its will.

I am very much persuaded by the fact that some 41 States have already passed legislation limiting late-term abortions. In Arizona, no abortion may be performed after viability; in Arkansas, same thing; in Connecticut, no abortion may be performed after viability; and on and on.

So I, for one, have a very hard time understanding why it is necessary for the Federal Government to get involved in this area at this time. But, if we do, I think we ought to do it in a way that does not limit the doctor, that prohibits post-viability abortions, and contains an exception that accounts for those rare cases when the fetus has a severe abnormality that is not consistent with human life.

So, we would offer this as a substitute for that offered by the distinguished Senator from Pennsylvania, and as a substitute to the Daschle legislation as well.

I would like to illustrate the ways in which this bill that the three of us would offer would differ from that of the Senator from Pennsylvania. Most profoundly, our legislation would fully comport with the Supreme Court's landmark decision, Roe versus Wade, which affirms a woman's constitutional right to choose whether or not to have an abortion. According to Roe, in the first 12 to 15 weeks of pregnancy, when 95.5 percent of all abortions occur, that procedure is medically the safest. The Government cannot, under Roe, place an undue burden on a woman's right to have an abortion.

In the second trimester, when the procedure in some situations provides a greater health risk, abortion may be regulated but only to protect the health of the mother. This might mean, for example, requiring that an abortion be performed in a hospital or performed by a licensed physician.

In the later stages of pregnancy, at the point the fetus becomes viable and able to live independently from the mother, Roe recognizes the strong interest in protecting potential human life. On that basis, abortions can be prohibited, except in cases where the abortion is necessary to protect the life and health of the woman. The life or the health of the woman. Thus, Roe strikes a delicate balance in protecting the fetus as well as the mother.

Our bill will fully comport with Roe. It applies only to post-viability abortions, not pre-viability abortions. And it contains exceptions to protect the health as well as life of the mother.

In my humble opinion, the bill before us now, presented by the distinguished Senator from Pennsylvania, is unconstitutional and it represents a direct challenge to Roe. It provides no exception for cases where the banned procedure may be necessary to protect a woman's health. It ignores the viability line established in Roe and reaffirmed in Casey. Although the term "partial-birth abortion" is not a medically recognized term, the bill's focus on a particular procedure means that this procedure will be banned even if performed pre-viability, during the second trimester. Roe does not permit abortions to be banned prior to viability. That is the constitutional framework here.

I think the proponents of this bill know well the challenges to Roe that this legislation presents. The magnitude of this bill is enormous for the long-term preservation of safe and legal abortion in this country. The Santorum bill would have an immediate and direct effect on the lives of women facing tragic and health-threatening circumstances, even in the second trimester of pregnancy. The bill also holds a doctor criminally liable unless he or she can prove that the banned procedure was the only one that would have saved the woman's life. Not the woman's health, but the woman's life.

The vagueness of the term "partial-birth abortion" makes the use of criminal penalties particularly troublesome. Doctors will not necessarily know when they are violating the law, since no precise procedure is referred to in the law.

During last year's hearing before the Judiciary Committee, none of our medical experts who testified had heard of the term partial-birth abortion. Since then, of course, times have changed. But none could point to a medical text that used the term.

Georgetown law professor, Michael Seidman, stated in hearings last year:

> If I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure will eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact.

This is the catch-22 in the bill of the distinguished Senator from Pennsylvania. It can be applied to much more than just the procedure we think is at hand. The use of criminal penalties in conjunction with a vague term such as "partial-birth abortion" is likely to make the Santorum bill unconstitutionally vague and, therefore, unenforceable.

Our bill, instead, provides civil penalties for any post-viability abortion performed without sufficient medical justification. I believe that these civil penalties will effectively deter any physician who would perform a post-viability abortion for anything other than the most serious reasons.

Women's health, I think, should be of great importance to this body, and I would also hope that every woman in the United States would want a Congress to legislate based on what we thought would help their health, rather than create situations which would deny them the opportunity prevent long-term damage to their physical health.

Late in certain types of highly troubled pregnancies, there are only limited options available to physicians, and I would like to give some examples of rare medical conditions that could necessitate a post-viability procedure for which there are no other alternatives available.

One example would be a fetus that has a greatly enlarged hydrocephalic head, three times the normal size, the cranium filled with fluid. The head is so large the woman physically cannot deliver it. Labor is impossible because the fetus cannot get through the birth canal. A caesarean may well be impossible for medical reasons.

Let me give you an actual case, the case of Viki Wilson. She stated:

> Then I had a final ultrasound at 36 weeks, just 4 weeks from my due date, and the world came crashing down around us. Our child was diagnosed with encephalocoele. Most of her brain had grown outside her head, and what did form was abnormal. Abigail could not survive outside the womb, and she was already suffering from seizures. At first I said, let's do a C-section, let's get her out of there! My doctor said, sadly, "Viki, we do C-sections to save babies. I can't save Abigail, and I can't justify the risks of a C-section to your health when you are going to lose your daughter no matter what." So even though my medical training—

And this woman was a nurse—

> told us that there was no hope, my husband and I went to several specialists in the desperate belief that there was someone out there with a magic wand who would say, "I can help save your daughter." No one did, no one could. Finally, we made a decision, based entirely on love, to end the pregnancy.

This is one of those situations that no one knows beforehand that they may be in.

There is also a case of a rigid fetus caused by arthrogryposis. This kind of fetus cannot move through the birth canal. It risks rupturing the woman's cervix. With prolonged intense pushing, the mother's heart is placed at risk.

Other health conditions can prevent a woman from being able to tolerate the stress of labor or surgery. They include cardiac problems like congestive heart failure, severe kidney disease, renal shutdown, severe hypertension, and so on.

In fact, it is certain health-related concerns that has caused me to part ways with Senator DASCHLE's approach. In many regards, the bill which we are introducing is similar to Senator DASCHLE's in several respects, but in one it is different.

We are alike in that both bills would limit all forms of post-viability abortions. The principal difference is the health exception. Our bill would allow third trimester abortions only in cases where the life of the mother is at issue or where an abortion is necessary to avert serious adverse health consequences to the mother. The Daschle bill, as I understand it, would allow an exception only in cases where continuation of the pregnancy would risk grievous injury to the mother's physical health. Grievous injury is defined as a seriously debilitating disease or impairment specifically caused by the pregnancy or an inability to provide necessary treatment for a life-threatening condition.

I believe that the Daschle substitute would not allow the abortion procedure for certain serious conditions that, although they are not caused by the pregnancy, are exacerbated by the pregnancy. I believe the limiting language of this bill could foreclose a doctor's option in certain situations that cannot be anticipated, and that is my concern. Who knows what situation one may be in or if the situation may not arise until labor or delivery?

For example, one House witness testified that her baby had a brain improperly formed, pressured by a backup of fluid, a greatly enlarged head, a malformed and failing heart, a malfunctioning liver, and a dangerously low amount of amniotic fluid. A physician, we believe, needs the latitude to deal with these complex emergency situations as they are trained to do.

I also believe it is important to understand, and I hope if I am wrong that the Senator will correct me, that the Daschle substitute makes no provision for a severely malformed fetus incompatible with life, if that baby can be delivered in a live condition even for a matter of minutes or days.

Roe simply states if the State is interested in protecting fetal life after viability, it may go so far as to proscribe abortion during that period, except when it is necessary to preserve the life or health of the mother.

I think that is a very important constitutional mandate, that any bill passed here in the next day or so must meet the test of constitutionality.

So we will, at an appropriate time, present a bill that we hope will meet this test.

Let me just end by saying that everything that I have read, everything that I have seen indicates that post-viability abortions are extremely rare, and that the vast majority, over 99 percent of abortions, are performed very early in pregnancy. The latest data that we have from the Guttmacher Institute, whose figures are relied upon by the Centers for Disease Control, indicates that 99 percent of all abortions are performed before 20 weeks of gestation; 90 percent are performed within the first 12 weeks; and less than 1 percent are performed after 20 weeks. Only fourhundredths of 1 percent performed after 20 weeks are performed during the third trimester. So this means there is a total of about 400 to 600 abortions performed annually during the third trimester of pregnancy.

According to the Centers for Disease Control, 98.9 percent of all abortions are performed by the simple curettage procedure, which simply involves the scraping of the interior of the uterus.

So any way you view it, we are looking at a very small number of cases. I guess my plea is for those circumstances which cannot be anticipated, for circumstances where the mother's life and health truly are at risk and—as I learned firsthand with my own daughter—nobody really understands or can have a looking glass to indicate what those circumstances may be.

As I said, I basically believe that the intact D&E or intact D&X, whatever one may choose, should not be used. I am hopeful that the medical profession will take that view, and I believe that there are ongoing discussions on that subject.

But I believe that when we pass legislation that affects every single woman in the United States who can possibly be at issue in this case, that to pass a piece of legislation which would mandate that a seriously abnormal fetus, unable over time to sustain life outside the womb, would have to be delivered regardless of the health impacts on the mother, is not a piece of legislation that I, in good conscience, can support. So, Madam President, at the appropriate time, Senators BOXER, MOSELEY-BRAUN, and I will present a substitute amendment.

I thank the Chair and yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Thank you, Madam President. I will just say in response to the Senators from California, I just need to reiterate what we stated earlier, and Senator DEWINE read earlier, that there is no health reason where this is the only option. AMA said that today. They came out with a report saying that today. The American College of Gynecologists and Obstetricians have said so.

This is not going to limit anybody's access to abortion if that is what they choose to do. It eliminates a procedure, a procedure, as I said before, that is not medically recognized, it is not in the literature, it is not peer reviewed, it is not taught anywhere in any medical school. It eliminates a procedure which many of us believe, and I believe the vast majority of the American public believes, goes too far, is too brutal, is outside the realm of what we should allow in a civilized society.

So I keep hearing the concerns that, "Well, maybe there's something out there, maybe there's a case out there that this is necessary." I know that the Senator from California started with the case of Viki Wilson and talked about one of those instances being the case of hydrocephaly. I am going to talk about a case of hydrocephaly. I am going to talk about a case where a mother involved with a little baby in her womb, diagnosed with hydrocephaly, was confronted with the very same problems that Viki Wilson was confronted with, the very same challenges Viki Wilson was confronted with, the very same challenges that not just Viki Wilson or Laurie Watts were confronted with, but, unfortunately, lots of mothers and fathers are confronted with.

I suggest that there is a different way, that there are other options, options that are much more fulfilling, more decent, more human, more humane than the option of a partial-birth abortion.

We hear so much talk about the people who came to the White House and stood with the President. The Senator from California, Senator BOXER, is very fond of putting up charts of individual families that have gone through this very difficult time. I have often talked about the millions of children who die because of abortion, and the thousands of abortions of partial-birth abortion. But somehow or another, that does not seem to lock on, at least with the media or, in some respects, even with the American public. It reminds me of what Joseph Stalin once said. He said:

> A single death is a tragedy—a million deaths is a statistic.

I think for far too often, we have been arguing statistics here, about the numbers of millions of children, and maybe, oddly, we can learn something from Joseph Stalin.

So today I am going to talk about what could have been a single tragedy, what could very well have been a Viki Wilson, what could have been a whole host of other mothers and fathers who are confronted with this terrible dilemma of having a child who just might not survive.

Let me tell you the story about Donna Joy Watts and Lori and Donny Watts. The Watts live in Green Castle, PA. They did not always live there. They lived, until just a month or so ago, in western Maryland.

Seven months into her third pregnancy, Lori Watts learned that her child would not be normal, that there was a problem. A sonogram showed that her child had a condition known as hydrocephalus, the same condition that the Senator from California has just described with one of the cases the President points to as the reason for keeping this procedure legal. Hydrocephaly is an excessive amount of cerebral fluid in the skull, also known as water on the brain.

Lori's obstetrician said, after the sonogram was done, that he was going to refer her to a genetics counselor. I could talk for a long time about genetics counselors. But I think this story sums up, unfortunately, what far too many genetics counselors do.

Lori Watts phoned the clinic to ask directions and what they planned to do. The staff member told her that most hydrocephalic fetuses do not carry to term so that she should terminate her pregnancy. When she asked, how could you do an abortion so late in pregnancy at 7 months, she was told that the doctor could use a skull-collapsing technique that we refer to as partial-birth abortion.

Donny Watts demanded to know why they had been referred to a facility that counsels for abortion when talking to his obstetrician, whom he called. And the obstetrician said, "Well, you know, there are doctors there who didn't encourage abortion. I thought you would talk to them, and you talked to the wrong person."

It is amazing—but not amazing—that you can call a clinic, and depending on who you talk to is what kind of advice you are going to get as to whether to terminate your pregnancy or not. But I am, frankly, pleased that at least there are some counselors who will suggest other alternatives. Far too many do not in cases as severe as was confronting the Watts family.

In that conversation with their obstetrician, he advised the Watts to see a specialist in high-risk obstetrics. I can say that in conversations with the Watts, they were amazed at the attitude of the people they confronted.

The obstetrician, the original obstetrician, said that he could not take care of the baby anymore; it was too complicated. So they went and asked doctors at Johns Hopkins. They said they—well, they would not even see them. All they wanted to do was an abortion. They would not deliver the baby.

Then she went to Union Memorial Hospital, same thing. You hear so much talk about, well, we cannot get availability for abortions. How about availability for delivery?

She finally went to the University of Maryland Hospital in Baltimore. They were very quick to dismiss her also. They said the baby's chances for survival were nil, that she would be "a burden, a heartache, and a sorrow."

Where have we come in this country where we have so little respect for the little children among us who just may not be perfect, that they can be disposed of, that you can look into the eyes of a mother who desperately wants her child and tell her, "It would just be a burden to you"?

I do not know of any child that is not at times a burden. Children are joys and struggles. I mean, that is just part of life. If you are not ready to have some burdens with your children, then you better not get pregnant in the first place and try to have children.

Where have we arrived?

She went through four separate occasions. They were discouraging her even from delivering her child, as desperately as she wanted to do so, not unlike what Viki Wilson ran into.

Lori Watts did not give up. Lori Watts finally found somebody who would do it, someone who was not going to say that it was a burden, a heartache, or a sorrow, or as the other doctors said, "If you didn't abort, you would be jeopardizing your own fertility, your own health."

So after all that treatment, they finally found someone who would do it.

In the process of the care, prior to the delivery, they found out that the fetus had occipital meningoencephalocele, which is exactly again what Viki Wilson had. Part of the brain was developing outside of the skull.

There was an article from today's Washington Times, on page 2, about the Watts family. In that article, Mrs. Watts is quoted saying at this time in her life that "everyone on the other side talks about choice, but they didn't want to give us a choice. They said they would not deliver her."

Imagine, people wonder how far we have gone. People wonder how we can be debating partial-birth abortion on the floor of the U.S. Senate and have people get up and argue that it should be legal.

Listen to this. They would not even deliver her at four places—four places. They did finally find someone who would deliver the baby at the University of Maryland Hospital. They delivered through a cesarean section. The Watts' third daughter, Donna Joy—Donna, named after her dad, Donny; Joy, for obvious reasons—was born on November 26, 1991.

Yes, she was born with a lot of problems, a lot of serious problems. But let me describe to you what they had to confront now after they fought and did not give up to give their daughter a chance. Donna Joy was born with hydrocephaly.

That is a picture of her shortly after her birth.

For 3 days—for 3 days—they refused to drain the water off her brain. They said she was going to die, and so they refused to put a shunt in and drain the water. For 3 days they hydrated her, gave her fluids, but they did not feed her because they said she was going to die.

Mrs. Watts said in this article, "The doctors wouldn't operate on her to save her life. I just about had to threaten one of the doctors physically. And I was seconds from throwing him against the wall. She was already born and they were still calling her a fetus."

But Lori and Donny Watts did not give up. They did not cave in to what our culture around sick babies is any more, and they fought on. They had the surgery performed. They began the feeding. Initially, she fed the baby with breast milk in a sterilized eyedropper. Then, at 2 weeks of age, the shunt that was put in failed, and Donna Joy was readmitted to the hospital.

A tray of food was delivered by mistake to her room. It had some cereal and bananas and some baby formula on it. And so Lori decided that she would mix this together to form a paste, put it in an eyedropper, and place a drop in the back of Donna's tongue.

You see, Donna Joy was born with about 30 percent of her brain. Donna Joy was born without a functioning medulla oblongata, with a deformed brain stem. She had no control over her sphincter muscle, so things that were given to her would come straight back up. There was nothing to hold the food in her stomach. So Mrs. Watts came up with the idea of getting something that was heavy, pasty, and putting it way back. And it worked.

You want to talk about a burden and a joy? For the next several months, they had to feed Donna Joy that way. It took an hour and a half to feed their daughter; an hour-and-a-half break and then an hour-and-a-half feeding, 24 hours a day. She had to fight. She had to fight.

Four months later, a CT scan revealed she also suffered from lobarhaloprosencephaly, a condition that results in the incomplete cleavage of the brain.

She also suffered from epilepsy, a sleep disorder, and continuing digestive complications. The neurologist suggested that "We may have to consider a gastronomy tube [a gastronomic tube] in order to maintain her nutrition and physical growth."

She was suffering from apnea, a condition which spontaneously stops breathing.

At 18 months, Donna Joy had another brush with death. She contracted encephalitis, which is the inflammation of the brain. So a little girl, with 30 percent of her brain, who has to take medicine so she does not have seizures, hit with another problem of encephalitis.

As a result of high temperature—she had a 106 temperature—it was a big setback. Up until that time, she was developing along, using sign language. She was not talking, but she was communicating. That temperature wiped out, that encephalitis wiped out her memory. She could not walk or talk. She was laying in bed having all sorts of difficulty, could not focus on anybody, and had deteriorated substantially.

Then a miracle. Lori would tape shows late at night and put them on to give some diversion for Donna Joy to direct her attention. Nothing seemed to work, until one day a television show came on, a tape of a television show called Quantum Leap. The star of the show, Scott Bakula sings a song "Somewhere in the Night."

Upon hearing that song, she reacted as follows, according to the newspaper: "The child stopped crying. Mrs. Watts rewound the piece and played it again. This time Donna sat up and tried crawling toward the television. The more she watched Quantum Leap the more Donna improved. She would only eat and drink when the TV character was on the screen. Just before she turned 2, she took her first steps toward Scott Bakula on the TV set."

At 2 years, Donna Joy had already undergone eight brain operations, most of which occurred at the University of Maryland hospital. Finally, they received news about Donna Joy's prospects. The neurologist who examined her after her seizure in 1996 noted that at 4½ years of age Donna Joy could speak, walk, and handle objects fairly well. He also thanked a colleague for "the kind approval for the follow-up in allowing me to reassess this beautiful young child who is, remarkably, doing very well in spite of significant malformation of the brain."

Today, the story of Donna Joy Watts has inspired many, many people. She can do a lot in spite of her disabilities. She has cerebral palsy, epilepsy, tunnel vision, and Arnold-Chiari Type II malformation, which prevented development of her medulla oblongota. She walks, runs, plays. In fact, she was in my office most of the afternoon playing with my children. I know she has very good dexterity because we have Hershey kisses and Three Musketeer bars in the front of the office, and she can unwrap them as fast as any 5-year-old I have seen.

Prior to Donna Joy moving to Pennsylvania, the Governor of Maryland, Parris Glendenning, honored her with a Certificate of Courage commemorating her fifth birthday. The mayor of Hagerstown, MD, Steve Sager, proclaimed her birthday Donna Joy Watts Day. Members of the Scott Bakula fan club sent donations and Christmas presents for the Watts children. People from all over the world who learned about Donna Joy on the Internet have been moved to write and send gifts. Perhaps the most important is that the Watts' determination has inspired a Denver couple to fight for their little boy who was born with similar circumstances.

I asked the Watts if there are other children whom they know who have survived and done this well. Mrs. Watts looked back at me and said, "Other children with this condition are aborted. We don't know. We don't know." We don't know the power of the human brain. I hear the story all the time about how you do not use all your brain. Well, I guess you do not need it all to be a functioning human being in our world. She is very functional.

There is a lot of talk that we need to have the abortions, particularly in the case of hydroencephaly to prevent future infertility. In June 1995, Lori and Donny Watts welcomed another child, Shaylah, into the family. Mrs. Watts looked at me very proudly and said, "On the first try."

I had the opportunity to walk over here with Donna Joy, hold her hand, ride the subway with her, go up the escalator, which was a big treat, and come up and be in the Senate gallery for only a brief time. She is now back in my office. I encourage anybody who would like to meet her, any one of my colleagues, I encourage all of them to go and talk to the Watts family and to look into the eyes of this little girl, this little girl who could have died through a partial-birth abortion. You want a face on partial-birth abortions? All of the faces are not here to be seen. They die. Brutal. This is the little girl who was saved from partial-birth abortion at 5½ years of age.

I will read the end of Tony Snow's article about this situation of the Watts. Lori and her husband, both children of steelworkers, had to overcome the contempt of snobbish doctors and social workers as they painstakingly built their own miracle. They never got any help from feminists, liberal Democrats or the President. These days, Don works the 4 p.m.-to-midnight shift in the local corrections facilities so he can spend time with his four kids. Lori educates them in the evening while he is gone. Unfortunately, they went bankrupt a couple years ago and have moved to Pennsylvania, Greencastle, a beautiful community in Franklin County, where they live in a 2-bedroom bungalow on a friend's farm.

As for choice, here is what Lori has to say: "Choice they didn't give me. I had to beg for a choice. Why did I have to go out of my way when they wanted to kill my baby, when they didn't want to operate or feed her? I didn't get to choose anything."

As I mentioned earlier today, I rose and asked unanimous consent to have little Donna Joy Watts sit up there with her mom and dad and watch this proceeding and watch Members debate whether we are going to allow a procedure that could have been used to kill her still be legal in this country. When I asked for that unanimous consent, the Senator from California, Senator BOXER, objected. Donna Joy Watts is only 5½ years of age, although I suggest she has lived a lot in those 5½ years. But you have to be 6 years of age to sit in the Senate gallery unless you can get unanimous consent in the Senate to do otherwise, and Senator BOXER rose and objected. She said, and I quote, "I think I am acting in the best interests of that child." Oh, how many times has Lori Watts heard that? How many people have said to her, "I am doing this for the best interests of your child." But she did not listen to them. If she had listened to them she would not be here today, sitting here in Washington, and Donna Joy would not be on this Earth. Thank God Lori did not listen to all of the voices, thank God Donny didn't listen to all of the voices that said, "I think I'm acting in the best interests of your child."

There is no reason—there is no reason—for the conditions that the Senator from California outlined as medically necessary reasons to do partial-birth abortions. There is no reason. Those are not good reasons. Here is an example of why it is not a good reason. You do not have to kill the baby. You can deliver the baby. You can do a cesarean section. You may at times—in this case, it was not the case—you may at times have to separate the mother from the child, but you never have to kill the child in the process. You do not have to do it.

So for all the arguments out there, for all the people who wanted to have a face, that is a beautiful face. It is a beautiful addition, a beautiful contribution to the human spirit. Does it not make you just feel good to know that people love their children so much, love life and respect it so much, that they will get up every 3 hours for an hour and a half every day to feed their children painstakingly one drop at a time? It ennobles us all. It lifts us all up.

What is the alternative? Death, destruction of a little baby. I do not see how that elevates any of us. How does that add to the human condition? How does that improve the quality of life in America? How are we ennobling our culture by this? How are we standing as a civilization on righteousness with this? There are beautiful tales to be told. Just give these children a chance.

That is what this bill does. It outlaws a barbaric procedure that is never, never, never, never, never necessary. Hold that thought. Believe that truth, then ask yourself why, why do we have people on the floor of the U.S. Senate, the greatest deliberative body on the face of the Earth, defending such cruelty, such barbarism, to some of the most vulnerable among us?

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Madam President, I rise today to speak on the issue of partial-birth abortions. We know that public opinion on abortion is deeply divided, and reasoned debate too often degenerates into the shouted distortions of polarized parties. As elected leaders, we have a responsibility to resist the temptation of knee-jerk politics and carefully sift the facts from among the chaff of many fictions.

Americans, pro-life and pro-choice, Democrat and Republican, have united in opposition to partial-birth abortions because this issue transcends the politics of abortion. As a society, we have been shocked to realize we have allowed doctors to perform a procedure that is a mere 3 inches from infanticide. The nature of this brutal procedure has so shocked us that many pro-choice Americans fear that women and their circumstances will be forgotten in a backlash.

Fear has driven many activists to turn to deception for a defense. Understandable possibly, but unfortunate. As a physician, I know that women's health will never be served in the long term by myth and by deceit. Therefore, as we debate this procedure this afternoon, this evening, and tomorrow, I appeal to my colleagues to represent the facts accurately. Again and again, we have had to come to the floor to address the fallacies perpetuated by the opponents of the ban.

As a case in point, I would like to read an excerpt to illustrate the first myth, the myth that we have heard again and again, and the myth is that partial-birth abortion is necessary to preserve the health of the mother.

This myth really has been used as the primary objection, to the ban on partial-birth abortion. President Clinton has cited the absence of a health exception as his primary reason for carrying out the veto of the ban last year. In an Associated Press interview on December 13, 1996, President Clinton described a hypothetical situation where, without a partial-birth abortion, a woman could not "preserve the ability to have further children." He said that he would not "tell her that I am signing a law which will prevent her from having another child. I am not going to do it."

The scenario described by President Clinton is heart wrenching, and is something that people listen to. It grabs their attention. But his claim about partial-birth abortion is entirely fictional. Partial-birth abortion is never necessary to preserve the health of a woman.

The College of Obstetricians and Gynecologists recently issued a statement admitting that their select panel on partial-birth abortion "could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the mother."

Madam President, I ask unanimous consent to have printed into RECORD the entire statement of policy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACOG STATEMENT OF POLICY AS ISSUED BY THE ACOG EXECUTIVE BOARD

STATEMENT ON INTACT DILATATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as "Intact Dilatation and Extraction" (Intact D & X). This procedure has been described as containing all of the following four elements: (1) deliberate dilatation of the cervix, usually over a sequence of days; (2) instrumental conversion of the fetus to a footling breech; (3) breech extraction of the body excepting the head; and (4) partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A prelimary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Mr. FRIST. Madam President, in addition, the AMA task force entitled "The Report of the Board of Trustees," convened on this very issue, concluded that "There does not appear to be any identified situation in which intact D&X"—their attempt to coin a phrase the procedure we call partial birth abortion—"is the only appropriate procedure to induce abortion," and they admitted that "ethical concerns have been raised about intact D&X."

Madam President, I will read the second myth. It comes directly from a Planned Parenthood press release. It says: "The D&X abortion is a rare and difficult medical procedure. It is usually performed in the most extreme cases to save the life of the woman or in cases of severe fetal abnormalities."

That is taken from Allen Rosenfeld, dean of the Columbia School of Public Health, Planned Parenthood Federation of America, press release of June 15, 1995.

This simply is not true. I direct my colleagues' attention to the recent admissions of Ronald Fitzsimmons, executive director of the National Coalition of Abortion Providers. Mr. Fitzsimmons has shown amazing integrity and courage by stepping forward and really coming clean on this misinformation campaign surrounding this bill. While he himself opposes and is very adamant when he speaks to all of us that he opposes the ban on philosophical reasons, he admits that he "lied through his teeth" when he said that partial-birth abortion was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

He said he just went out there to "spout the party line." In a recent American Medical News article in March of 1997, he explained that he could no longer justify lying to the American people, saying, "You know they're primarily done on healthy women and healthy fetuses, and it makes you feel like a dirty little abortionist with a dirty little secret."

I admire him for his integrity in coming forth.

Let me quote another partial-birth practitioner, Dr. James McMahon. He aborted nine babies simply because they had a cleft lip. Many others, at least 39, were aborted because of the psychological and emotional health of the mother, despite the advanced gestational age and health of the child. Another practitioner, Dr. Martin Haskell claims that 80 percent of the partial-birth abortions he performed were for "purely elective" reasons.

So, in summary, we can categorically dismiss claims that the procedure is necessary for the health of the mother and that most of these babies are severely deformed.

Women always have safe and effective alternatives to partial-birth abortion in any trimester. The Washington Post put it this way: "It is possible—and maybe even likely—that the majority of these abortions are performed on normal fetuses, not on fetuses suffering genetic or developmental abnormalities. Furthermore, in most cases where the procedure is used, the physical health of the woman * * * is not in jeopardy."

That is from the Washington Post of September 17, 1996.

I submit that part of the confusion on this issue is due to the deliberate manipulation of the collective sympathy that we all have when we talk about the health of the mother. When the President of the United States defends his veto of the partial-birth abortion ban on the grounds that he wants to protect women's health, most people assume that he is talking about women's physical health. I imagine that most Americans would actually be surprised to learn that babies in the late second and early third trimesters may be legally aborted for reasons other than the life and/or the physical health of the mother. What the President does not tell you is that under Doe versus Bolton, a 1973 Supreme Court case, health is defined to include "all factors—physical, emotional, psychological, familial, and a woman's age—relevant to the well-being of the patient."

A broad definition of health.

People in the abortion industry understand that there are many late-term abortions performed for social reasons as well as health reasons. A 1993 National Abortion Federation internal memorandum acknowledged, "There are many reasons why women have later abortions," and they include "lack of money or health insurance, social-psychological crises, lack of knowledge about human reproduction, et cetera." So when you see legislation come to the floor of the U.S. Senate to allow late-term abortions if the mother's health is at risk, just remember how health is being defined—so broadly that you can drive a truck through it.

Unfortunately, opponents of the bill don't stop there. You will hear a third carefully crafted myth that goes something like this.

This procedure, if not wildly accepted, could possibly be the best procedure in a particular woman's situation.

As a physician, I have a sworn commitment to preserve the life and health of every single patient. So I have taken the liberty of calling and checking with people around the country, checking with key obstetricians and abortion providers all across this Nation. From the outset, I will admit that it has been difficult for me to imagine how a procedure that is not taught in residency programs where obstetricians are trained—it is not taught today; it is not referenced in our peer review journals, which is really the substance, the literature through which we teach each other, and share information; it is not in peer review journals—it is a little bit hard for me to understand how people could argue that this is the best procedure available. Really until the recent controversy, many practitioners who you talk to had never heard of this particular procedure.

On the other hand, a lot of my medical colleagues—they rightly fear the Government coming in and trying to control everything that they do in their practice—have said that this procedure could be the best alternative in a given situation. They have not endorsed it. They have not listed specific medical indications for the procedure, and they have not even recommended that it be used in most circumstances, but they have said—again, with this great fear that the Federal Government will come in and control everything that they do—that the physician should retain the right to use this procedure if a circumstance should hypothetically arise in which an individual might think it is the best option.

But when questioned about this very specific issue, the ACOG president of the Society of Obstetricians and Gynecologists, Dr. Fredric Frigoletto, maintains that, "There are no data to say that one of the procedures is safer than the other." When asked why the statement then said that the procedure "may be the best" in some cases, Dr. Frigoletto answered, "or it may not be."

That interview is from the American Medical News, March 3, 1997.

Moreover, Dr. Warren Hern, author of the textbook Abortion Practice, the Nation's really most widely used textbook on abortion procedures and abortion standards, said, "I have very serious reservations about this procedure * * * You really can't defend it * * * I would dispute any statement that this is the safest procedure to use."

Dr. Hern specializes in late-term abortions.

Incidentally, Madam President, I would like to note that it is difficult from a medical perspective to categorically describe late-term surgical abortions as the best option. In the first place, medical, nonsurgical, late-term abortion methods are generally regarded as superior to surgical methods.

Second, the National Abortion Federation concedes that at this point in time residents may not receive enough training in abortion to "be truly competent."

Third, Dr. Haskell who, is considered to be one, if not the creator, of the creators of the procedure we are talking about, specifically acknowledged in his paper that a disadvantage of the partial-birth procedure was that it requires a "high degree of surgical skill."

So let me just recap briefly. You have a brutal, basically repulsive procedure designed to kill a living infant outside of the birth canal—except for the head. Leading providers of women's obstetrical and gynecological services condemn it. They recommend it not be used. They refuse to endorse it. They highlight its risks, and say that there are other safe and effective alternatives available. But for political reasons—and I understand the politics involved—they urge us not to ban it because that would be violating the sanctity of the physician-patient relationship.

Madam President, as a physician and as a father, I submit that any provider who performs a partial-birth abortion has already violated that sanctity of the physician-patient relationship.

Another myth: Medical procedures should never, under any circumstances, be criminalized.

It is a myth that I thought about. I would like to defer to this matter to the American Medical Association which concedes that there are circumstances where Government intervention, even in the form of criminalization of specific medical procedures, is appropriate.

I am quoting now from the letter of AMA Executive Vice President P. John Seward, M.D., to Representative CARDIN: He says:

> AMA's generic policy calls for opposition to the criminalization of medical procedures and practices. Therefore, on the surface, it would seem obvious for the AMA to oppose this bill. However, our policy cannot be applied without context. For example, the AMA has a strong ethical and policy position against . . . the practice some have called "physician-assisted suicide" and we have opposed efforts to legalize such activities even though current law could be considered the criminalization of a medical procedure.

The context in the case of partial-birth abortion, as in the case of physician-assisted suicide, is the time-honored Hippocratic principle, "First do no harm." An additional component of the context is the reality that this procedure is not endorsed by the medical academy, and is made unnecessary by other widely used, safe and effective options.

Those of us in this room have followed this debate for 2 years now, some for much longer. From day one, there has been a pattern of manipulation, deception, misinformation, and coverup; even at the risk of harming women's health.

There is one final myth that has been perpetuated, and then I will yield the floor.

Those of us in opposition to the partial-birth abortion have had to dispel the notion—actually dangerous to women's health—that their babies would be killed if they took anesthesia for any reason during pregnancy.

Let me quote again from some pro-choice literature trying to appease women's fears about partial-birth abortion by asserting that the baby is already dead when the doctor plunges the scissors into the back of the baby's head.

"The fetus dies of an overdose of anesthesia given to the mother intravenously."

That is from a Planned Parenthood fact sheet.

No. 2. "Neurological fetal demise is induced, either before the procedure begins or early on in the procedure, by the steps taken to prepare the woman for surgery."

That is from the National Abortion Federation news release July 1995. It is simply not true. I will turn to the president of the American Society of Anesthesiologists who personally came to Capitol Hill to refute this argument, and he basically, in testifying before the Senate Judiciary Committee, said that intravenous anesthesia would not kill the baby. He said:

"In my medical judgment, it would be necessary in order to achieve neurological demise of the fetus in a partial-birth abortion to anesthetize the mother to such a degree as to place her own health in serious jeopardy."

Now, in closing, we have heard many eloquent statements today, and we will likely hear them tomorrow, in defense of this brutal and inhumane procedure, but in the words of the great poet Milton, "All is false and hollow." Despite the preponderance of evidence, we are compelled to again listen to arguments designed solely to "make the worse appear the better reason," and we must continue to address deceptions designed to "perplex and dash" honest counsel. There is no excuse at this stage of the game for not knowing the truth, the absolute truth. There is no room—no room any longer to pretend that this procedure is necessary for the health of the mother or that it might be the best. It is time, as Mr. Fitzsimmons so plainly put it, for "the [abortion] movement to back away from the spins and half truths."

Partial-birth abortions cannot and should not be categorized with other medical procedures or even other abortions. They should not be allowed in a civilized country. With the reintroduction of the partial-birth abortion ban legislation in the Senate, we have the opportunity to right now to right a wrong, and now once again the American people are calling on us to listen not to political advisers, not to radical interest groups—but to our conscience. It will take moral courage to put a stop to the propaganda, but we all have the means at our disposal to do the right thing. For the sake of women, for the sake of their children, and for the sake of our future as a society, we must put a stop once and for all to partial-birth abortion.

I yield the floor.

(Mr. FAIRCLOTH assumed the chair.)

Mr. KYL. Mr. President, when President Clinton vetoed the Partial-Birth Abortion Ban Act a year ago, he said there are "rare and tragic situations that can occur in a woman's pregnancy in which, in a doctor's medical judgment, the use of this procedure may be necessary to save a woman's life or to protect her against serious injury to her health."

I do not doubt that the President made that statement about the rarity of the procedure and its utility, relying in good faith on information provided at the time by certain organizations involved in this debate. We now know, however, that the information given the President was of questionable value, if not downright inaccurate.

A number of pro-abortion organizations, for example, had suggested that partial-birth abortions totaled only about 500 a year and that they were limited to very serious and tragic cases where there was no alternative.

This is how the Planned Parenthood Federation of America characterized partial-birth abortion in a November 1, 1995, news release: "The procedure, dilation and extraction (D&X), is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality." Let me quote that again, done only—only—in cases when the woman's life is in danger or in cases of extreme fetal abnormality.

The organization repeated this several times. In a press release issued on March 26, 1996, Planned Parenthood said, "The truth is that the D&X procedure is only used when the woman's life or health is in danger or in cases of extreme fetal anomaly." The statement is absolute: the procedure is only used under these conditions, said the organization.

In fairness, I will point out that Planned Parenthood was not the only group to make such sweeping statements at that time.

Within the last few months, however, the story has started to unravel. On February 26, the New York Times reported that Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, admitted he "lied in earlier statements when he said [partial-birth abortion] is rare and performed primarily to save the lives or fertility of women bearing severely malformed babies." According to the Times, "He now says the procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses."

Mr. Fitzsimmons told American Medical News the same thing—that is, the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. He said, "The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else."

I ask unanimous consent that the full text of the New York Times and the American Medical News articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, Ron Fitzsimmons' admission is really not all that surprising. Even at the time of the debate in the Senate last year, the preponderance of evidence suggested that the procedure was more common than some of its defenders wanted the public and Congress to believe. Consider, for example, that Dr. Martin Haskell, who authored a paper on the subject for the National Abortion Federation, said in a 1993 interview with American Medical News, "in my particular case, probably 20 percent—of the instances of this procedure—are for genetic reasons. And the other 80 percent are purely elective." He suggested at the time that an estimate of about 4,000 partial-birth abortions a year was probably accurate.

Another doctor, Dr. James McMahon, who acknowledged that he performed at least 2,000 of the procedures, told American Medical News before he died that he used the method to perform elective abortions up to 26 weeks and nonelective abortions up to 40 weeks. His definition of "non-elective" was expansive, including "depression" as a maternal indication for the procedure. More than half of the partial-birth abortions he performed were on healthy babies.

The Record of Bergen County, NJ published an investigative report on the issue last year and reported that in New Jersey alone, at least 1,500 partial-birth abortions are performed annually, far more than the 450 to 500 such abortions that the National Abortion Federation said were occurring across the entire country.

According to the Record, doctors it interviewed said that only a "minuscule" number of these abortions are performed for medical reasons.

Mr. President, evidence overwhelmingly indicates that partial-birth abortions are performed far more often than President Clinton suggested when he vetoed the Partial-Birth Abortion Ban Act last year. But what about his comments about the need to protect the life and health of the mother?

Here is what the former Surgeon General of the United States, Dr. C. Everett Koop—a man who President Clinton singled out for praise as someone trying "to bring some sanity into the health policy of this country"—had to say on the subject. He said that "partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both."

That is consistent with testimony that the Judiciary Committee received in late 1995 from other medical experts. Dr. Nancy Romer, a practicing ob-gyn from Ohio, testified that in her 13 years of experience, she never felt compelled to recommend this procedure to save a woman's life. "In fact," she said, "if a woman has a serious, life threatening, medical condition this procedure has a significant disadvantage in that it takes three days."

Even Dr. Warren Hern, the author of the Nation's most widely used textbook on abortion standards and procedures, is quoted in the November 20, 1995 edition of American Medical News as saying that he would "dispute any statement that this is the safest procedure to use." He called it "potentially dangerous" to a woman to turn a fetus to a breech position, as occurs during a partial-birth abortion.

The American College of Obstetricians and Gynecologists, which, many will recall, supported the President's veto last year, was quoted by columnist Charles Krauthammer on March 14 as conceding that there are "no circumstances under which this procedure would be the only option to save the life of the mother and preserve the health of the woman." I would point out that, in the event that a doctor determined that a partial-birth abortion was the only procedure available to save a woman's life, he should or could proceed since the legislation includes a life-of-the-mother exception.

Mr. President, I know that there are several other concerns that have been expressed about the legislation. For example, some have questioned its constitutionality, and that is a legitimate question. Of course, we all can speculate about how the U.S. Supreme Court might rule on the matter. But as Harvard Law School Professor Lawrence Tribe noted in a November 6, 1995 letter to Senator BOXER, there are various reasons "why one cannot predict with confidence how the Supreme Court as currently composed would rule if confronted with [the bill]." He noted that the Court has not had any such law before it. And he noted that "although the Court did grapple in 1986 with the question of a State's power to put the health and survival of a viable fetus above the medical needs of the mother, it has never directly addressed a law quite like [the Partial-Birth Abortion Ban Act]."

Mr. President, neither Roe versus Wade nor any subsequent Supreme Court case has ever held that taking the life of a child during the birth process is a constitutionally protected practice. In fact, the Court specifically noted in Roe that a Texas statute that—making killing a child during the birth process a felony—had not been challenged. That portion of the law is still on the books in Texas today.

Remember what we are talking about here: "an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery." That is the definition of a partial-birth abortion in the pending legislation.

So we are talking about a child whose body, save for his or her head, has been delivered from the mother—that is, only the head remains inside. No matter what legal issues are involved, I hope no one will forget that we are talking about a live child who is already in the birth canal and indeed has been partially delivered.

Even if the Court did somehow find that a partially delivered child is not constitutionally protected, the Partial-Birth Abortion Ban Act could still be upheld under Roe and Planned Parenthood of Southeastern Pennsylvania versus Casey. Under both Roe and Casey, the Government may prohibit abortion after viability, except when necessary to protect the life or health of the mother. As I indicated earlier in my remarks, medical experts, including the former Surgeon General, Dr. C. Everett Koop, have said that this procedure is never medically necessary to protect a mother's health or future fertility. Others have even questioned its safety, calling it "potentially dangerous."

By contrast, in cases prior to viability, Casey allows regulation of abortion that is reasonably related to a legitimate State interest, unless the regulation places an "undue burden" on a woman's right to choose an abortion. But as I just indicated, the pending bill would only ban one type of procedure, involving the partial delivery of a child before it is killed. Other procedures would still be available if a woman's health were threatened. And the bill would allow a doctor to proceed with a partial-birth abortion if the woman's life were threatened.

Mr. President, Notre Dame's Professor of Constitutional Law, Douglas W. Kmiec, made the point in testimony before the Judiciary Committee on November 17, 1995, that "even in Roe the Court explicitly rejected the argument that a woman 'is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses' [410 U.S. at 153]." Professor Kmiec went on to note that under Casey, there is an elementary difference between banning all abortions and banning one procedure that medical testimony indicates is not at all necessary to save a mother's life.

Mr. President, although I believe the law would be upheld by the Court, I will concede that no one can say with certainty how the Supreme Court will rule until it has ruled. Until then, I suggest that we not use that as an excuse to avoid doing what we believe is right.

Mr. President, the other issue I want to address briefly before closing involves the question of when this procedure is performed. Some people, suggesting a way to compromise on the legislation, are now focusing on the third trimester, proposing that limitations on the procedure be restricted to that time period. Of course, all of the evidence suggests that the vast majority of partial-birth abortions—some 90 percent—occur during the second trimester of pregnancy. And as Ron Fitzsimmons put it, they are performed for the most part on healthy women and healthy babies.

A third-trimester partial-birth abortion ban would be a hollow gesture at best, and at worst, a cynical hoax on an American public that is outraged at the barbarity of this procedure.

It seems to me that a third-trimester limitation is merely a way for defenders of the status quo to make it appear that they are doing something to end this horrifying procedure without doing anything at all.

Mr. President, the spotlight is on this body. The facts are on the table. Let us do what is right and put a stop to what our colleague, Senator DANIEL PATRICK MOYNIHAN, has appropriately characterized as infanticide. Let us pass this bill.

EXHIBIT I

[From the New York Times, Feb. 26, 1997]

AN ABORTION RIGHTS ADVOCATE SAYS HE LIED ABOUT PROCEDURE

(By David Stout)

WASHINGTON.—A prominent member of the abortion rights movement said today that he lied in earlier statements when he said a controversial form of late-term abortion is rare and performed primarily to save the lives or fertility of women bearing severely malformed babies.

He now says the procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses.

Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said he intentionally misled in previous remarks about the procedure, called intact dilation and evacuation by those who believe it should remain legal and "partial-birth abortion" by those who believe it should be outlawed, because he feared that the truth would damage the cause of abortion rights.

But he is now convinced, he said, that the issue of whether the procedure remains legal, like the overall debate about abortion, must be based on the truth.

In an article in American Medical News, to be published March 3, and an interview today, Mr. Fitzsimmons recalled the night in November 1995, when he appeared on "Nightline" on ABC and "lied through my teeth" when he said the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

"It made me physically ill," Mr. Fitzsimmons said in an interview. "I told my wife the next day, 'I can't do this again.'"

Mr. Fitzsimmons said that after that interview he stayed on the sidelines of the debate for a while, but with growing unease. As much as he disagreed with the National Right to Life Committee and others who oppose abortion under any circumstances, he said he knew they were accurate when they said the procedure was common.

In the procedure, a fetus is partly extracted from the birth canal, feet first, and the brain is then suctioned out.

Last fall, Congress failed to override a Presidential veto of a law that would have banned the procedure, which abortion opponents insist borders on infanticide and some abortion rights advocates also believe should be outlawed as particularly gruesome. Polls have shown that such a ban has popular support.

Senator Tom Daschle of South Dakota, the Democratic leader, has suggested a compromise that would prohibit all third-trimester abortions, except in cases involving the "life of the mother and severe impairment of her health."

The Right to Life Committee and its allies have complained repeatedly that abortion-rights supporters have misled politicians, journalists and the general public about the frequency and the usual circumstances of the procedure.

"The abortion lobby manufactures disinformation," Douglas Johnson, the committee's legislative director, said today. He said Mr. Fitzsimmon's account would clarify the debate on this procedure, which is expected to be renewed in Congress.

Mr. Fitzsimmons predicted today that the controversial procedure would be considered by the courts no matter what lawmakers decide.

Last April, President Clinton vetoed a bill that would have outlawed the controversial procedure. There were enough opponents in the House to override his veto but not in the Senate. In explaining the veto, Mr. Clinton echoed the argument of Mr. Fitzsimmons and his colleagues.

"There are a few hundred women every year who have personally agonizing situations where their children are born or are about to be born with terrible deformities, which will cause them to die either just before, during or just after childbirth," the President said. "And these women, among other things, cannot preserve the ability to have further children unless the enormity—the enormous size of the baby's head—is reduced before being extracted from their bodies." A spokeswoman for Mr. Clinton said tonight that the White House knew nothing of Mr. Fitzsimmons's announcement and would not comment further.

In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus that is 20 weeks or more along, Mr. Fitzsimmons said. "The abortion-rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else," he said in the article in the Medical News, an American Medical Association publication.

Mr. Fitzsimmons, whose Alexandria, Va., coalition represents about 200 independently owned clinics, said coalition members were being notified of his announcement.

One of the facts of abortion, he said, is that women enter abortion clinics to kill their fetuses. "It is a form of killing," he said. "You're ending a life."

And while he said that troubled him, Mr. Fitzsimmons said he continues to support this procedure and abortion rights in general.

[From the American Medical News, Mar. 3, 1997]

MEDICINE ADDS TO DEBATE ON LATE-TERM ABORTION—ABORTION RIGHTS LEADER URGES END TO "HALF TRUTHS"

(By Diane M. Gianelli)

WASHINGTON—Breaking ranks with his colleagues in the abortion rights movement, the leader of one prominent abortion provider group is calling for a more truthful debate in the ongoing battle over whether to ban a controversial late-term abortion procedure.

In fact, Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, said he would rather not spend his political capital defending the procedure at all. There is precious little popular support for it, he says, and a federal ban would have almost no real-world impact on the physicians who perform late-term abortions or patients who seek them.

"The pro-choice movement has lost a lot of credibility during this debate, not just with the general public, but with our pro-choice friends in Congress," Fitzsimmons said. "Even the White House is now questioning the accuracy of some of the information given to it on this issue."

He cited prominent abortion rights supporters such as the Washington Post's Richard Cohen, who took the movement to task for providing inaccurate information on the procedure. Those pressing to ban the method call it "partial birth" abortion, while those who perform it refer to it as "intact" dilation and extraction (D&X) or dilation and evacuation (D&E).

What abortion rights supporters failed to acknowledge, Fitzsimmons said, is that the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. "The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else," he said.

He knows it, he says, because when the bill to ban it came down the pike, he called around until he found doctors who did them.

"I learned right away that this was being done for the most part in cases that did not involve those extreme circumstances," he said.

The National Abortion Federation's Vicki Saporta acknowledged that "the numbers are greater than we initially estimated."

As for the reasons, Saporta said, "Women have abortions pre-viability for reasons that they deem appropriate. And Congress should not be determining what are appropriate reasons in that period of time. Those decisions can only be made by women in consultation with their doctors."

BILL'S REINTRODUCTION EXPECTED

Rep. Charles Canady (R. Fla.) is expected to reintroduce legislation this month to ban the procedure.

Those supporting the bill, which was also introduced in the Senate, inevitably evoke winces by graphically describing the procedure, which usually involves the extraction of an intact fetus, feet first, through the birth canal, with all but the head delivered. The physician then forces a sharp instrument into the base of the skull and uses suction to remove the brain. The procedure is usually done in the 20- to 24-week range, though some providers do them at later gestations.

Abortion rights activists tried to combat the images with those of their own, showing the faces and telling the stories of particularly vulnerable women who have had the procedure. They have consistently claimed it is done only when the woman's life is at risk or the fetus has a condition incompatible with life. And the numbers are small, they said, only 500 to 600 a year.

Furthermore, they said, the fetus doesn't die violently from the trauma to the skull or the suctioning of the brain, but peacefully from the anesthesia given to the mother before the extraction even begins.

The American Society of Anesthesiologists debunked the latter claim, calling it "entirely inaccurate." And activists' claims about the numbers and reasons have been discredited by the very doctors who do the procedures. In published interviews with such newspapers as American Medical News, The Washington Post and The Record, a Bergen County, N.J., newspaper, doctors who use the technique acknowledged doing thousands of such procedures a year. They also said the majority are done on healthy fetuses and healthy women.

The New Jersey paper reported last fall that physicians at one facility perform an estimated 3,000 abortions a year on fetuses between 20 and 24 weeks, of which at least half are by intact D&E. One of the doctors was quoted as saying, "we have an occasional amnio abnormality, but it's a minuscule amount. Most are Medicaid patients . . . and most are for elective, not medical reasons: people who didn't realize, or didn't care, how far along they were."

A Washington Post investigation turned up similar findings.

'SPINS AND HALF-TRUTHS'

Fitzsimmons says it's time for his movement to back away from the "spins" and "half-truths." He does not think abortion rights advocates should ever apologize for performing the procedure, which is what he thinks they are doing by highlighting only the extreme cases.

"I think we should tell them the truth, let them vote and move on," he said.

Charlotte Taft, the former director of a Dallas abortion clinic who provides abortion counseling near Santa Fe, N.M., is one of several abortion rights activists who share many of Fitzsimmons' concerns.

"We're in a culture where two of the most frightening things for Americans are sexuality and death. And here's abortion. It combines the two," Taft said.

She agrees with Fitzsimmons that a debate on the issue should be straight-forward. "I think we should put it on the table and say, 'OK, this is what we're talking about: When is it OK to end these lives? When is it not? Who's in charge? How do we do it? These are hard questions, and yet if we don't face them in that kind of a responsible way, then we're still having the same conversations we were having 20 years ago."

Fitzsimmons thinks his colleagues in the movement shouldn't have taken on the fight in the first place. A better bet, he said, would have been "to roll over and play dead, the way the right-to-lifers do with rape and incest." Federal legislation barring Medicaid abortion funding makes exceptions to save the life of the mother and in those two cases.

Fitzsimmons cites both political and practical reasons for ducking the fight. "We're fighting a bill that has the support of, what, 78% of the public? That tells me that we have a PR problem," he said, pointing out that several members of Congress who normally support abortion rights voted to ban the procedure the last time the measure was considered.

From a practical point of view, it also "wasn't worth going to the mat on. . . . I don't recall talking to any doctor who said, 'Ron you've got to save us on this one. They can't outlaw this. It'd be terrible.' No one said that."

He added that "the real-world impact on doctors and patients is virtually nil." Doctors would continue to see the same patients, using an alternative abortion method.

In fact, many of them already do a variation on the intact D&E that would be completely legal, even if the bill to outlaw "partial birth" abortions passed. In that variation, the physician makes sure the fetus is dead before extracting it from the birth canal. The bill would ban only those procedures in which a live fetus is partially vaginally delivered.

Lee Carhart, MD, a Bellevue, Neb., physician, said last year that he had done about 5,000 intact D&Es, about 1,000 during the past two years. He induces fetal death by injecting digoxin or lidocaine into the fetal sac 72 hours before the fetus is extracted.

DAMAGE CONTROL

Fitzsimmons also questions whether a ban on an abortion procedure would survive constitutional challenge. In any event, he concludes that the way the debate was fought by his side "did serious harm" to the image of abortion providers.

"When you're a doctor who does these abortions and the leaders of your movement appear before Congress and go on network news and say these procedures are done in only the most tragic of circumstances, how do you think it makes you feel? You know they're primarily done on healthy women and healthy fetuses, and it makes you feel like a dirty little abortionist with a dirty little secret."

Saporta says her group never intended to send this message to doctors.

"We believe that abortion providers are in fact maligned and we work 24 hours a day to try to make the public and others understand that these are heroes who are saving women's lives on a daily basis," she said.

When Fitzsimmons criticizes his movement for its handling of this issue, he points the finger at himself first. In November 1995, he was interviewed by "Nightline" and, in his own words, "lied," telling the reporter that women had these abortions only in the most extreme circumstances of life endangerment or fetal anomaly.

Although much of his interview landed on the cutting room floor, "it was not a shining moment for me personally," he said.

After that, he stayed out of the debate.

DON'T GET "SIDETRACKED" BY SPECIFICS

While Fitzsimmons is one of the few abortion rights activists openly questioning how the debate played out, it is clear he was not alone in knowing the facts that surround the procedure.

At a National Abortion Federation meeting held in San Francisco last year, Kathryn Kohlbert, one of the chief architects of the movement's opposition to the bill, discussed it candidly.

Kohlbert, vice president of the New York-based Center for Reproductive Law and Policy, urged those attending the session not to get "sidetracked" by their opponent's efforts to get them to discuss the specifics of the procedure.

"I urge incredible restraint here, to focus on your message and stick to it, because otherwise we'll get creamed," Kohlbert told the group.

"If the debate is whether the fetus feels pain, we lose. If the debate in the public arena is what's the effect of anesthesia, we'll lose. If the debate is whether or not women ought to be entitled to late abortion, we probably will lose.

"But if the debate is on the circumstances of individual women . . . and the government shouldn't be making those decisions, then I think we can win these fights," she said.

PUBLIC REACTION

The abortion rights movement's newest strategy in fighting efforts to ban the procedure is to try to narrow the focus of the debate to third-trimester abortions, which are far fewer in number than those done in the late second trimester and more frequently done for reasons of fetal anomaly.

When the debate shifts back to "elective" abortions done in the 20- to 24-week range, the movement's response has been to assert that those abortions are completely legal and the fetuses are considered "pre-viable."

In keeping with this strategy, Sen. Thomas Daschle (D. S.D.), plans to introduce a bill banning third-trimester abortions. Clinton, who received an enormous amount of heat for vetoing the "partial birth" abortion ban, has already indicated he would support such a bill.

But critics counter that Daschle's proposed ban—with its "health" exception—would stop few, if any, abortions.

"The Clinton-Daschle proposal is constructed to protect pro-choice politicians, not to save any babies," said Douglas Johnson, legislative director of the National Right to Life Committee.

Given the broad, bipartisan congressional support for the bill to ban "partial birth" abortions last year, it's unlikely Daschle's proposal would diminish support for the bill this session—particularly when Republicans control both houses and therefore, the agenda.

And given the public reaction to the "partial birth" procedure—polls indicate a large majority want to ban it—some questions occur: Is the public reaction really to the procedure, or to late-term abortions in general? And does the public really make a distinction between late second- and third-trimester abortions?

Ethicists George Annas, a health law professor at Boston University, and Carol A Tauer, PhD, a philosophy professor at the College of St. Catherine in St. Paul, Minn., say they think the public's intense reaction to the "partial birth" abortion issue is probably due more to the public's discomfort with late abortions in general, whether they occur in the second or third trimesters, rather than to just discomfort with a particular technique.

If Congress decided to pass a bill banning dismemberment or saline abortions, the public would probably react the same way, Dr. Tauer said. "The idea of a second-trimester fetus being dismembered in the womb sounds just about as bad."

Abortions don't have to occur in the third trimester to make people uncomfortable, Annas said. In fact, he said, most Americans see "a distinction between first-trimester and second-trimester abortions. The law doesn't, but people do. And rightfully so."

After 20 weeks or so, he added, the American public sees a baby.

"The American public's vision of this may be much clearer than [that of] the physicians involved," Annas said.

The PRESIDING OFFICER. The Chair recognizes Mr. CAMPBELL, the Honorable Senator from Colorado.

Mr. CAMPBELL. I thank the Chair. We in the Chamber may agree or not agree with our colleague from Pennsylvania, but, frankly, I know of no one who would ever question his commitment to his beliefs or the ability to take on a tough, difficult, emotional issue such as we face today. It is an issue to which there probably is no universal right answer in the eyes of our fellow Americans.

I know that many people have very strong opinions, sometimes driven by religion, by culture, by their own experiences, and perhaps I am no different than they are, but I do wish to commend the Senator from Pennsylvania for bringing this to the floor.

I wish to speak for a few moments about this extremely emotional and difficult issue of partial-birth abortion. As the Senators from California know—they are not on the floor. I had hoped they would be. But as they know, I have defined myself over the years as pro-choice and have supported their efforts in protecting the rights of women in almost every debate in the last 10 years which I have known Senator BOXER and in the last 5 that I have known Senator FEINSTEIN. In fact, I, like them, have had a 100 percent voting record for NARAL.

Last year, I voted with them in opposition to the ban, this ban. I have always believed that all the laws in the world will not prevent a woman from aborting an unwanted fetus. Efforts to prevent it I think simply drive it underground. In fact, I saw that in graphic results years ago on a couple of occasions when I was a policeman in California prior to Roe versus Wade.

Last year, before the override of the President's veto of the bill came about, I listened very carefully to those who hold very strong views on both sides of the issue. I think I learned a great deal from conversations with the medical community about this procedure and its implications. I am certainly not an expert, not a doctor, as is our previous speaker, but I think like most Americans I respect doctors and listen to their views very carefully when it deals with health.

Certainly I will never suffer the tragic decision a woman has to make when she decides whether to terminate or not to terminate a pregnancy. But it did become clear to me that the procedure which would be banned is inflicted on a fetus so far along in its development that it is an infant, not a fetus, in the eyes of a layman like me.

We are subject, of course, to very emotional debate, charts and graphs that are very explicit and tragic when we look at them, but we have to make a decision based on conscience, and last year I thought I did. When the vote, however, to override came about, I found myself confined to a hospital bed in the little town of Cortez, CO, as a result of an injury I sustained in a vehicle accident. I was there for a week. I watched C-SPAN, as so many Americans do. I had a chance to talk to the doctors who were involved in operating on me when I was in the hospital. And in watching the dedicated health professionals in that hospital working so hard day and night to save lives, as the days went by, it became increasingly clear to me that a vote to override the veto also represented an effort to save lives and not take lives.

I had the opportunity to speak candidly to several of the doctors in that hospital as well as our doctor colleague here and a number of others about how this procedure is done and how often it is used.

Mr. President, each of us has to make our own decisions based on our own frame of reference with our own conscience as our guide, and so it was with me last year. And although I was in the hospital, I did send a statement to be read into the RECORD by Senator DAN COATS, our colleague from Indiana, that I would have, had I been here at the time, changed my position and voted to override the President's veto.

In recent Senate Judiciary Committee proceedings, it came to light that Mr. Ron Fitzsimmons, another expert whose opinion I respect, stated that this procedure is performed more often than he had originally said, which supports what other doctors had told me. In light of this evidence and the evidence indicating that this procedure is only one among several options that women may elect to protect the life and health of the mother, this year I intend to support my colleague from Pennsylvania and support this ban.

Now, I probably will not be alone among my colleagues in changing my view on this, and I am certainly aware that any time a Senator changes his mind, even if it is based on new evidence, he opens the door to all kinds of accusations of flip-flopping, being in someone's pockets, selling out, and all the other ludicrous charges that are immediately levied against him or her when he finds new evidence and does change his mind. I can live with that. What I cannot live with is not voting my conscience and will, therefore, vote in support of the Senator from Pennsylvania.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Colorado.

Mr. ALLARD. I thank the Chair. I rise in support of H.R. 1122, otherwise referred to as the Partial-Birth Abortion Ban Act of 1997.

As we have just heard from the previous comments, there are strongly held views on both sides of the abortion issue. I see this every day in my discussions with Coloradans, and I realize that this debate will continue for a long time. The people of my home State of Colorado know that personally I am pro-life and as a State Senator I had a strong pro-life voting record. I maintained that strong stance in my 6 years in the House of Representatives, and I intend to continue to vote my conscience on the issue of abortion during my tenure in the Senate. But what we have before us today is not an issue that breaks down between the pro-choice camp versus the pro-life camp. Even people in the pro-choice camp believe that there are certain reasonable restrictions that should be placed on abortion. A good example is the restriction that we place on public funding of abortions. Each year pro-life people come together with pro-choice individuals to include the Hyde amendment language in the Labor, HHS appropriations bill so that Medicaid money will not be used to fund abortions. Partial-birth abortions should be viewed in a similar light to the public funding issue.

Mr. President, in my comments I have just used the term partial-birth abortion, and I refer to the bill itself to see how "partial-birth abortion" is defined in the bill. It is defined in this section, and I quote:

> The term "partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers—

In other words, the baby is in the birth canal—

> a living fetus or baby before killing the fetus and completing the delivery.

So this is a procedure where the baby is in the birth canal and then whoever is doing the procedure kills the baby and then finishes the delivery. Many pro-choice people agree that the partial-birth abortion procedure should be banned, and a general consensus seems to be forming that this is a brutal procedure which should not be tolerated in a civilized society.

The reason for this apparent consensus is that it is a medically unnecessary, barbaric procedure. In fact, the front page of today's Washington Times notes that the American Medical Association's board of trustees has determined that there are no situations in which a partial-birth abortion is the only appropriate procedure to induce abortion—the only appropriate procedure to induce abortion.

It seems likely that President Clinton will bow to political pressures from the extremes in the pro-choice camp and veto this bill. The House passed this bill H.R. 1122 by a veto-proof margin of 295 to 136. In the Senate we will likely need 67 votes in order to ban this procedure. I urge all of my colleagues to support this legislation so that we can ban this brutal procedure.

I yield the floor, Mr. President.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. ENZI. I thank the Chair.

I am proud today to join the Senator from Pennsylvania and my other colleagues in voicing support for H.R. 1122, the Partial-Birth Abortion Ban Act of 1997. I was an original cosponsor of the Senate version of this bill, and I commend my friends in the other body for passing this legislation by such a compelling majority. I urge my colleagues in the Senate to take action and pass this bill by a margin that can withstand the President's threatened veto.

Mr. President, we are debating an issue that has an important bearing on the future of this Nation. Partial-birth abortion is a pivotal issue because it demands that we decide whether or not we as a civilized people are willing to protect that most fundamental of rights—the right to life itself. If we rise to this challenge and safeguard the future of our Nation's unborn, we will be protecting those whose voices cannot yet be heard by the polls and those whose votes cannot yet be weighed in the political process. If we fail in our duty, we will justly earn the scorn of future generations when they ask why we stood idly by and did nothing in the face of this national infanticide.

We must reaffirm our commitment to the sanctity of human life in all its stages. We took a positive step in that direction a few weeks ago by unanimously passing legislation that bans the use of Federal funds for physician-assisted suicide. We can take another step toward restoring our commitment to life by banning partial-birth abortions.

In this barbaric procedure, the abortionist pulls a living baby feet first out of the womb and through the birth canal except for the head, which is kept lodged just inside the cervix. The abortionist then punctures the base of the skull with long surgical scissors and removes the baby's brain with a powerful suction machine. This causes the head to collapse, after which the abortionist completes the delivery of the now dead baby. I recount the grisly details of this procedure only to remind my colleagues of the seriousness of the issue before the Senate. We must help those unborn children who are unable to help themselves.

Opponents of this legislation have relied on distortions to bolster their position. Just this past February, the executive director of the National Coalition of Abortion Providers, Ron Fitzsimmons, admitted that he lied through his teeth about the true number of partial-birth abortions performed in the United States every year. Mr. Fitzsimmons had originally joined Planned Parenthood and the National Abortion and Reproductive Rights Action League in falsely claiming that this abortion procedure was used only in rare cases to save the life of the mother. Mr. Fitzsimmons now admits that partial birth abortions are common and that the vast majority of them are performed in the second trimester—at 4 to 6 months' gestation—on healthy unborn children with healthy mothers. Mr. Fitzsimmons summed up the chilling truth of this procedure when he admitted that partial-birth abortion is "a form of killing. You're ending a life."

Opponents have argued that this procedure is necessary in some circumstances to save the life of the mother or protect her future fertility. These arguments have no foundation in fact. First, this bill provides an exception if the procedure is necessary to save the life of the mother and no alternative procedure could be used for that purpose. Moreover, leaders in the medical profession including former Surgeon General C. Everett Koop have stated that this procedure is never necessary to save the life of the mother. In fact, it is more dangerous medically to the mother than allowing the child to be born alive. Finally, a coalition of over 600 obstetricians, perinatologists, and other medical specialists have stated categorically that there is no sound medical evidence to support the claim that this procedure is ever necessary to protect a woman's future fertility. These arguments are offered as a smokescreen to obscure the fact that this procedure results in the taking of an innocent life. The practice of partial-birth abortions has shocked the conscience of our Nation and it must be stopped.

Since I was sworn in as a Member of this distinguished body in January, we have had the opportunity to discuss a number of pieces of legislation which will have a direct impact on our families and our children. I have based my decision on every bill that has come before this body on what effect it will have on those generations still to come. We in the Senate have deliberated about what steps we can take to make society a better place for our families and the future of our children. We as Senators will cast no vote that will more directly affect the future of our families and our children than the vote we cast on this bill.

Mr. President, when I ran for office, I promised my constituents I would protect and defend the right to life of the unborn. The sanctity of human life is a fundamental issue on which we as a nation should find consensus. It is a right which is counted among the unalienable rights in our Nation's Declaration of Independence. We must rise today to the challenge that has been laid before us of protecting innocent human life. I urge my colleagues to join me in casting a vote for life by supporting the Partial Birth Abortion Ban Act.

Now, I know there has been a big change in the approach to the whole situation by Mr. Fitzsimmons, who testified a year ago that this was not a common practice. I know now that he says it is common practice, and that is part of the debate that made a big difference on the House side, and I am convinced it will make a big difference on the Senate side, someone who is admitting that this is a common practice, that it takes lives and that he regrets what he said and what has been done as a result. I think that will make a difference in the vote we have over here, and I hope it will make a difference in the approach that the President takes to the bill.

I would like to concentrate my remarks on the miracle of life. A year and a half ago, I had a torn heart valve and was rushed to the hospital for emergency surgery. I had never been in a hospital except to visit sick folks before. I have to tell you that I am impressed with what they were able to do, but I have also been impressed with what doctors do not know. That is not a new revelation for me.

Over 24 years ago, a long time ago, my wife and I were expecting our first child. Then one day early in the sixth month of pregnancy, my wife starting having pains and contractions. We took her to the doctor. The doctor said, "Oh, you may have a baby right now. We know it's early and that doesn't bode well. We will try to stop it. We can probably stop it." I had started storing up books for my wife for 3 months waiting for the baby to come. However, the baby came that night, weighing just a little over 2 pounds. The doctor's advice to us was to wait until morning and see if she lives. They said they didn't have any control over it.

I could not believe the doctors could not stop premature birth. Then I could not believe that they could not do something to help this newborn baby. Until you see one of those babies, you will not believe what a 6-month-old baby looks like. At the same time my wife gave birth to our daughter, another lady gave birth to a 10-pound baby. This was a small hospital in Wyoming so they were side by side in the nursery. Some of the people viewing the other baby said, "Oh, look at that one. Looks like a piece of rope with some knots in it. Too bad." And we watched her grasp and gasp for air with every breath, and we watched her the whole night to see if she would live.

Then the next day they were able to take this baby to a hospital which provided excellent care. She was supposed to be flown to Denver where the best care in the world was available, but it was a Wyoming blizzard and we couldn't fly. So we took a car from Gillette, WY, to the center of the State to Wyoming's biggest hospital, to get the best kind of care we could find. We ran out of oxygen on the way. We had the highway patrol looking for us and all along the way, we were watching every breath of that child.

After receiving exceptional care the doctor said, "Well, another 24 hours and we will know something." After that 24 hours there were several times we went to the hospital and there was a shroud around the isolette. We would knock on the window, and the nurses would come over and say, "It's not looking good. We had to make her breathe again." Or, "Have you had the baby baptized?"

We had the baby baptized in the first few minutes after birth. But that child worked and struggled to live. She was just a 6-month-old—3 months premature.

We went through 3 months of waiting to get her out of the hospital. Each step of the way the doctors said this isn't our doing. It gave me a new outlook on life. Now I want to tell you the good news. The good news is that the little girl is now an outstanding English teacher in Wyoming. She is dedicated to teaching seventh and ninth graders English, and she is loving every minute of every day. The only problem she had was that the isolette hum wiped out a range of tones for her, so she cannot hear the same way that you and I do. But she can lip read very well, which, in the classroom, is very good if the kids are trying to whisper. But that has given me an appreciation for all life and that experience continues to influence my vote now and on all issues of protecting human life.

When I first came to the Senate, we talked about cloning. I thought cloning had been going on for a long time. Of course, we used to call it identical twins, and it was pretty unpredictable. But I want to tell you, through all of that cloning, nobody produced life. They took life and they changed it.

Life is such a miracle that we have to respect it and work for it every single day in every way we can. I think this bill will help in that effort, and I ask for your support for this bill.

I yield the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first let me congratulate the Senator from Wyoming for that very touching story about his daughter. I congratulate him for his courage in standing up for her and fighting for her and his willingness to share that with us and his support of this legislation.

I also would like to thank the junior Senator from Colorado, Senator ALLARD, for his excellent statement in support of this measure.

I want to cite specifically the senior Senator from Colorado, Senator BEN NIGHTHORSE CAMPBELL. Last year I very vividly remember receiving a call from Senator COATS about BEN sitting in a hospital room in Colorado, watching the debate and talking to doctors and seeing so many people do so much to save life, and his incredibly insightful comments about how he could watch through his door efforts to save life and then look up on the television screen and see C–SPAN and see people who wanted to extinguish life. That conflicted him and disturbed him.

It is a very hard thing, it is a very hard thing in politics for someone on the abortion issue to walk out of a camp. This issue is a very polarized issue. You are in one camp or the other. You are pro-life or you are pro-choice and you don't waffle. You don't walk down the middle of this one or you get run over. It takes a lot of courage to walk out of that camp because you know they are wrong.

A lot of folks are struggling with this issue today. They are fighting themselves in looking at this issue. They don't feel comfortable being in this camp against this bill. But it takes courage to step out and do the right thing for you, do the right thing according to your conscience, the right thing according to what you believe is best for America. It has political risks, tremendous political risks. You alienate your friends, you open yourself up to attack.

But I think it just shows a tremendous amount of courage and commitment to your principles, to stand up to your friends. It is easy to stand up to your opponents. We do that all the time. But when you stand up and face the people that you have supported on issue after issue and say, "This time you are wrong," do you know how hard that is? You know in your own lives, anybody listening here knows how difficult it is to talk to a friend and say, "You know, I have been with you," and just say, on something they care about, they deeply care about, "You are wrong and I cannot be with you." It is great courage, the courage of convictions. I applaud him for doing that in a very dramatic and sensitive way.

Finally, I thank the Senator from Tennessee, Senator FRIST, the only physician in the Senate who articulated, not just from a medical point of view but from a moral point of view, why this ban is absolutely necessary and why this procedure is absolutely unnecessary for any reason to be performed on anyone.

So, we have just begun this debate. Unfortunately, as soon as some other Senators come down here to start the next—I see the Senator from North Carolina is here. I will move on. We will have to break off the debate for a short period of time. I hope we will have more time to debate later this evening, and then, pursuant to this unanimous consent that I will read, we will move tomorrow at 11 o'clock to reconsideration of this bill, bringing this bill back up for consideration, and debate the Boxer amendment.

Mr. President, I ask unanimous consent that the time between 11 a.m. and 2 p.m. on Thursday be equally divided for debate regarding the Feinstein amendment to H.R. 1122, that no amendment be in order to the Feinstein amendment, and, further, at the hour of 2 p.m., the Senate proceed to a vote on or in relation to the Feinstein amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

FLANK DOCUMENT AGREEMENT TO THE CFE TREATY

Mr. SANTORUM. Mr. President, in executive session I ask unanimous-consent the Senate now proceed to the consideration of Executive Calendar No. 2, the Treaty Doc. No. 105-5, the CFE Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> Treaty Document 105-5, Flank Document Agreement to the Conventional Armed Forces in Europe Treaty.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from North Carolina.

Mr. HELMS. I thank the Chair very much. Mr. President, may I ask that the unanimous-consent be stated as to time on this resolution of ratification?

The PRESIDING OFFICER. There are 1½ hours equally divided between the chairman of the Foreign Relations Committee and the ranking member.

Mr. HELMS. Senator BYRD has some time, too?

The PRESIDING OFFICER. And an additional 30 minutes for Senator BYRD.

Mr. HELMS. Very well. I do thank the Chair.

Mr. President, I yield myself such time as I may require.

The Senate Foreign Relations Committee this past Thursday reported a treaty to amend the Conventional Armed Forces in Europe Treaty. The vote was unanimous.

I have never hesitated to oppose, or seek to modify, treaties that ignore the best interests of the American people. As long as I am a Member of the U.S. Senate, I will be mindful of the advice and consent responsibilities conferred upon the Senate and the Senators by the U.S. Constitution. Therefore, I have never hesitated to oppose bad treaties and bad resolutions of ratification without hesitation. But when a treaty serves the Nation's interests, if it is verifiable, and if the resolution of ratification ensures the integrity of these two points for the life of the treaty, I unfailingly offer my support to it. That is why I support the treaty before us today.

In that connection, let the record show that the pending treaty was signed on May 31, 1996, and was not submitted by the President to the Senate for our advice and consent April 7, 1997. With the bewildering delay in the delivery of this treaty, the administration demanded action by May 15, 1997, which is tomorrow.

So, after wasting an entire year, the administration demanded that the Senate act on this treaty within 1 month's time. I believe it is obvious that the Foreign Relations Committee has been more than helpful in fulfilling its constitutional responsibilities to advise and consent.

The treaty before us today is a modification of the treaty approved by the Senate in 1991. Specifically, it will revise the obligations of Ukraine and Russia in what is known as the flank zone of the former Soviet Union. In recognition of the changes having occurred since the collapse of the Soviet Union, the 30 parties to the CFE Treaty have agreed to modify the obligations of Ukraine and Russia.

The 1991 CFE Treaty could not and did not anticipate the dissolution of the Soviet Union and the Warsaw Pact, let alone the expansion of NATO to include Central and Eastern Europe countries. Consequently, recent years have been occupied with efforts to adapt the treaty to the new security environment of its members.

Mr. President, in its essentials, the Flank Agreement removes several administrative districts from the old flank zone, thus permitting current flank equipment ceilings to apply to a smaller area. In addition, Russia now has until May 1999 to reduce its forces sufficient to meet the new limit.

To provide some counterbalance to these adjustments, reporting requirements were enhanced and inspection rights in the zone increased.

Mr. President, with the protections, interpretations, and monitoring requirements contained in the resolution of ratification, I recommend approval of this treaty because it sets reasonable limits and provides adequate guarantees to ensure implementation.

However, the simple act of approving this treaty does not diminish the need for further steps by the U.S. Government to strengthen the security of those countries located on Russia's borders. If this agreement is not implemented properly, Russia will retain its existing military means to intimidate its neighbors—a pattern of behavior with stark precedents.

As the Clinton administration is so fond of saying, this treaty is but a tool to implement the foreign policy of the United States. During the past 4 years, the Clinton administration has remained silent while Russia has encroached upon the territory and sovereignty of its neighbors. It was the lack of a foreign policy—not a lack of tools—that allowed this to happen.

I have confidence that the new Secretary of State will correct the course of our policies toward Russia, and I gladly support this treaty to aid the Honorable Madeleine Albright in that endeavor. The collapse of the Soviet Union was one of the finest moments of the 20th century. To allow even a partial restoration of the Soviet Union before the turn of the century would be a failure of an even greater magnitude.

Mr. President, a final and related issue in the resolution of ratification is one upholding the prerogatives of the Senate in matters related to the ABM Treaty. During the past few years, the executive branch has sought to erode the Senate's constitutional role of advice and consent regarding treaties. In fact, the executive branch originally refused to submit for advice and consent the treaty that is before the Senate today. Through protracted negotiations, the Senate successfully asserted its proper role to advise and consent to new, international treaty obligations. Likewise, on revisions to the ABM Treaty, it is only through a legally binding mandate that we can ensure the proper, constitutional role of the U.S. Senate. I hope, Mr. President, that we can proceed to do that without delay. Mr. President, I ask for the yeas and nays on the resolution of ratification.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I believe the Senator from Delaware wishes to speak.

Mr. BIDEN. Thank you, Mr. Chairman.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, let me begin by acknowledging what the Senator and chairman of the committee said, and that is that this treaty has been around a long time, and all of a sudden it came popping up here. Some of us, like the Senator from North Carolina and the majority leader and others, myself included, have felt it is a Senate prerogative to determine whether or not this flank agreement should be agreed to. It is an amendment to the treaty. The administration for a long time concluded it was not a prerogative of the Senate, and it was not necessary to submit this treaty.

Some have asked, why are we acting so expeditiously on this treaty? Why is there this deadline? Two reasons: One, we waited a long time to agree we had the responsibility to accede to this or it could not occur, and, two, there is a real May 15 deadline by which all 30 nations must ratify this agreement. If, in fact, they do not, the agreement will have to be reviewed by all of them.

We are right now dealing with the enlargement of NATO, we are now dealing with the NATO-Russia Charter, and if it looks as though the United States is reneging on this flank agreement, it can just create a lot of confusion.

Having said that, had I been chairman of the committee rather than the ranking member and had it been a Republican President, I probably would have spent more time chastising the administration than the distinguished Senator from North Carolina. He just rolled up his sleeves and said, "OK, this is a necessary and important treaty," and didn't spend a lot of time in recriminations about why it took so long to get here. I thank him for that, and I thank him for the way in which he moved this. I doubt there is any treaty or change in a treaty as significant as this that has moved as rapidly through the Foreign Relations Committee with as studied an approach as under the leadership of my colleague from North Carolina.

Mr. President, nearly 6 years ago, as chairman of the Subcommittee on European Affairs, I managed the ratification of the original CFE agreement for the then Democratic chairman of the committee. The treaty was, I believe then and I believe now, a monumental achievement, capping some two decades of negotiations between NATO and Warsaw Pact countries to establish a secure conventional military balance in Europe. I would argue, it was sort of the prelude to the undoing of our adversary at the time, the Soviet Union and the Warsaw Pact.

Mr. President, the treaty has succeeded as few other arms reduction measures have. Since 1992, it has fundamentally altered the military landscape from the Atlantic to the Urals, dramatically reducing the number of pieces of equipment that could be used to wage war.

In the last 5 years, the CFE Treaty has resulted in the removal or destruction of more than 53,000 pieces of heavy equipment, including tanks, artillery, armored combat vehicles, attack helicopters, and combat aircraft.

Since 1991, of course, the political face of Europe has changed dramatically. These developments had an impact on the relevance and potential durability of the CFE Treaty. Particularly effective were the so-called flank limits. To the average citizen out there, a flank limit is not much different than a flank steak or flank cut. The fact of the matter is, it has real significance; it is very important.

The flank limits were included to prevent military equipment that was removed from Central Europe from being concentrated elsewhere. We set limits on how much equipment could be set on that inter-German border, which we necessarily focused on for so many years. As that equipment was removed or destroyed, what we did not want to have happen is to have the Soviets take that equipment and move it into the flanks, moving it on the Turkish border or moving it up by Norway and having a predominance of force accumulated there.

After the collapse of the Soviet Union, Russia began to argue that the treaty, particularly the so-called flank limits, did not adequately reflect its security needs in the flank zone. We had placed limits on what type of equipment and how much could be placed in these flanks. Had I a map, I would reference it, but the fact of the matter is, we put limits on this. After the collapse of the Soviet Union, Russia began to argue that the treaty, particularly the flank limits, did not adequately reflect its security needs in the flank zone.

Put another way, all those folks in the Caucasus and Transcaucasus are now independent countries. When this was negotiated, they weren't part of the deal. They weren't part of the deal, and it was some Soviet general in Moscow deciding what could and could not be done in those countries.

Now the Russians come back and say, "Hey, wait, this isn't the deal we signed on to." Russell Long—a great Senator who the Senator from North Carolina remembers well, but not nearly as well as the Senator from West Virginia sitting behind me—one of Russell Long's many expressions used to be, "I ain't for no deal I ain't in on." All of a sudden, the Russians realized that they had signed on to a deal that, in a strong way, they were no longer in on, as it related to what was left of the Soviet Union.

Consequently, the NATO alliance agreed to negotiations on revising these flank limits, and the result was the agreement before us now known as the Flank Document that was signed by 30 states parties—a fancy term for saying 30 countries—to the treaty in Vienna on May 31, 1996. Reiterating the point made by my friend from North Carolina, this was signed a year ago, 1996. I believe that our negotiators, while meeting some Russian concerns, did an excellent job of protecting the interests of this country and the democracies on the northern and southern flanks of the former Soviet Union.

The CFE Flank Document removes some areas from what we call the old flank zone, but maintains constraints on equipment both in the new flank zone and in the old one. There are also limits on armored combat vehicles in each area that were removed from the old flank zone so as to prevent any tremendous concentration of equipment in any one place.

We all are concerned about Russian troop deployments outside its borders, Mr. President. We cannot allow Moscow to coerce its independent neighbors into accepting the presence of foreign forces on their soil or into giving up their own rights to military equipment, which would now be folded into this total limit.

But I believe the Flank Document and the resolution of ratification now before the Senate addresses these concerns and recognizes that sovereign countries must have the right to refuse Russian demands. Indeed, the chairman and I have found common ground on most of the issues in this resolution.

There are a total of, if I am not mistaken, 14 conditions, Mr. President. Two of these conditions of ratification, however, I think are extraneous and give me some concern. Of the 14, there are only two that I would flag for my colleagues, and I am not going to move to strike either one of them. I am not going to move to do anything about it. I just want to make the point of why I think they are unnecessary or counterproductive.

The first is condition 5, which includes a provision calling for a special report on possible noncompliance of the CFE Treaty by Armenia. I regret that this provision was included in the resolution at the insistence of the majority, but I am pleased that we have reached an agreement through the efforts of Senator JOHN KERRY and Senator SARBANES—and I am sure if they reached an agreement they must have run it by the distinguished Senator from West Virginia or it would not have been agreed to—to mitigate the one-sided nature of this original agreement.

More troubling, though, is condition 9. I will not speak more about condition 5 in the interest of time. Condition 9 also is insisted upon by the majority, and I note from a brief discussion, while working out yesterday out of the Senate environs with my distinguished friend from Virginia, that he feels very strongly about, and I happen to disagree with him on it.

Condition 9 requires the President to submit an agreement which will multilateralize the 1972 Anti-Ballistic Missile Treaty to the Senate for advice and consent. Put another way, there is a condition placed on here, very skillfully, I might add, by my friends who have concerns about the ABM Treaty that has nothing to do with this flank agreement. I was of the view it should not be included as part of a condition to this treaty. I did not have the votes. I must say to my friend from North Carolina, it is not merely because I hope I am a gentleman that I am not attempting to remove the condition, I do not have the votes to remove the condition, so I am not going to attempt to do something that I know will not prevail. But, I would like to point out, the condition is titled "Senate Prerogatives." The title is interesting but, I think, inaccurate.

I take a back seat to no one when it comes to Senate prerogatives. As a matter of fact, it was the Byrd-Biden amendment attached to the INF Treaty. We have been jealous of the protection of our constitutional obligations and responsibilities. With all due respect, and it sounds self-serving, but I take a back seat to no one in the Senate in terms of protecting the constitutional obligations and responsibilities of the Senate. But in this case, I do not think we have a prerogative to exercise, notwithstanding condition 9 is called "Senate Prerogatives."

The issue involves two powers: recognition of successor states and the power to interpret and implement treaties, both of which are executive functions.

Mr. President, it is undisputed that the President has the exclusive power, under the powers of article 2 of the Constitution, to recognize new states. I am not going to take a long time on this, so don't everybody worry I am in for a long constitutional discussion; I am only going to spend another 3 or 4 minutes, but I want to make the point for the RECORD. Under article 2, section 2 of the Constitution, the President and the Senate have a shared duty to "make treaties." But once the treaty is made, it is the law of the land, and the President, under article 2, section 3, has the duty to take care that it is faithfully executed.

In exercising this duty, it is for the President to determine whether a treaty remains in force, a determination that, of necessity, must be made whenever a state dissolves.

So what are we talking about here? We had an ABM Treaty and CFE Treaty with the former Soviet Union. The Soviet Union dissolved. And the question remains, all those constituent countries that are now independent countries, is the President able to recognize Ukraine, for example, and, as a consequence, recognize the Ukrainians' assertion that they want to be part of the ABM Treaty? They were part of it when they were part of the whole Soviet Union, but as the constituent parts broke apart, the question was: As each individual country within that whole signs on to the continued commitment to ABM, does that require ratification by the United States Senate with each of them again? I would argue, and I will argue at a later date—I am sure we will hear more of this—that it does not require that. It is not a Senate prerogative.

In the case before us, the ABM Treaty, the President has the power to declare whether Russia and the other New Independent States inherit the treaty obligations of the former Soviet Union, provided those states indicate a desire to do so and provided that the succession agreement effects no substantive change in the terms of the treaty.

Both the Bush and Clinton administrations exercised this power following the breakup of the Soviet Union, Yugoslavia, Czechoslovakia, and Ethiopia as it relates to other issues, not as it relates to ABM. Moreover, it bears emphasis that the two arms control treaties, the CFE Treaty and the INF Treaty, were multilateralized by the executive action without the advice and consent of the Senate. By definition, we are all here, we are not asking for multilateralization of the flank agreement. It is somewhat curious that we say ABM requires the Senate to have a treaty vote on every successor nation, but on CFE, which we all like and we have no substantive disagreement on, we are not asking for that.

So the point I am making is that this condition has nothing to do with CFE and it is more about whether you like ABM or do not like ABM, not about who has what constitutional responsibility, I respectfully suggest.

I agree with my colleagues on the other side of the aisle and the other side of the issue in one respect, that this is the subject of legitimate debate. But the debate, which I am confident we can win on the merits, can readily be conducted at another time on a more germane subject than a treaty that it has nothing to do with. Nonetheless, the majority insisted upon this extraneous condition, and I think I can count votes.

I will never forget going to former Chairman Eastland as a young member of the Judiciary Committee asking for his support. He sat behind his desk, I say to the chairman of the committee, and said, "Did you count?" I didn't understand what he said.

I said, "I beg your pardon, Mr. Chairman?"

He took that cigar out—I was asking to be chairman of the Subcommittee on Criminal Laws, because Senator McClellan had just passed away and, for years, it had been his job. It was a contest between me and another Senator.

I was looking at him, and he said, "Did you count?" I seriously did not understand what he was saying. "I beg your pardon?" I said. I tried to be humorous. I said, "Mr. Chairman, I don't speak Southern very well." He smiled and looked at me, and he took the cigar out of his mouth, and said, "Son, when you have counted, come back and talk to me."

Well, I learned to count. The reason I am not contesting this now, as I said, I counted. I do not have the votes at this moment to remove condition 9 and still get this treaty up and out of here in time. So I will reserve that fight for another day.

Despite the inclusion of condition 9, I will strongly support the flank agreement because of its integral role in protecting American interests in maintaining security and stability in Europe. Indeed, the Flank Document we will be voting on is an important bridge to the broader revision of the CFE Treaty now under discussion as we talk about the enlargement of NATO. Those talks will allow us to achieve further reductions in military equipment in Europe and ensure that the confidence-building measures embodied in the CFE Treaty remain in place.

Mr. President, the CFE Treaty is just one component of the architecture of arrangements, including NATO, the Partnership for Peace, the Organization for Security and Cooperation in Europe, all of which are designed to ensure that in the post-cold war era, the European nations remain free and independent and are partners in a zone of security and prosperity.

But by maintaining the integrity of the CFE Treaty, we maintain the forum in which an enlarged NATO will make clear to Russia that our objective is stability in Europe, not military intimidation. Ratification of the flank agreement is a modest but important step toward the new European security system.

I urge my Senate colleagues to do two things—thank the chairman of the full committee for expediting this, and when we get very shortly to a vote on it, to vote their advice and consent to ratification.

I thank again the chairman of the full committee.

I reserve the remainder of my time.

Mr. HELMS. I thank the Senator from Delaware.

How much time do I have?

The PRESIDING OFFICER. The Senator has 41 minutes 42 seconds.

Mr. HELMS. I yield 8 minutes to the distinguished Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I thank my friend and colleague, the senior Senator from North Carolina. May I join others in urging that the Senate give its advice and consent to this very important treaty, a treaty brought forward by the leadership of the chairman and the distinguished ranking member at a critical time in the ever-increasing debates regarding Europe, whether it be NATO expansion or other issues.

I was prepared today to go toe to toe with my good friend, the ranking member of this committee, the Senator from Delaware, on the question of condition 9. I have spent a good portion of my career in the Senate on the question of the ABM Treaty. I think it was a very wise addition to this particular resolution of ratification, a provision, condition 9, that addresses the issue of the multilateralization of the ABM Treaty.

I go back to the Fiscal Year 1995 Defense Authorization Act, section 232. It was my privilege to introduce that provision as an amendment to that bill. That provision provided:

> The United States shall not be bound by any international agreement entered into by the President that would "substantively" modify the ABM Treaty unless this agreement is entered [into] pursuant to the treaty making power of the President under the Constitution.

That is section 232 of the Fiscal Year 1995 Defense Authorization Act. That is precisely, really a recitation, of what condition 9 requires—follow the law of the land. President Clinton signed section 232 into law, and yet, time and again, this President claims exemptions from the requirement to submit to the Senate agreements which clearly change the rights and obligations of the United States under the ABM Treaty.

For years, I have joined a number in this Chamber, primarily the Republicans, in insisting that the "demarcation" agreement, which the administration is currently completing in negotiations with the Russians, represents again another "substantive" change to the ABM Treaty that must be submitted to the Senate. I am pleased that the administration has at long last acknowledged that very fact and has agreed to bring that demarcation agreement before this body for the advice-and-consent responsibility entrusted to the Senate by the Constitution.

I, like the Senator from Delaware, was concerned about the use of the word "prerogative" in condition 9. I view the advice and consent role as an obligation of the U.S. Senate under the Constitution of the United States. It is an obligation that we must exercise in cases such as the demarcation and the multilateralization of the ABM Treaty.

I ask my colleagues to indulge me just for a minute. I go back to May 1972, a quarter of a century ago. As a much younger man, I was privileged to be a part of the delegation, headed by the President of the United States, that went to Moscow for the summit which culminated in the signing of SALT I, the ABM Treaty and other agreements. The particular matter for which I had primary responsibility was the Incidents at Sea Executive Agreement, which was also signed at that time.

I had been in the Pentagon as Secretary of the Navy during the course of the negotiation of the ABM Treaty. As such, I have spent a good deal of my career, beginning with the inception of that treaty to date, in trying to analyze it and defend it. I think it is a valuable part of our overall arms control relationship with the then-Soviet Union and today Russia. But there is a limit to which that treaty should be applied to other activities that this Nation must now undertake—activities that were not contemplated at the time the treaty was negotiated.

One of those activities—and I do not know of a more important one—is to protect the men and women of the Armed Forces when they are deployed abroad, and any number of civilians in their positions abroad, from the ever-growing threat of short-range ballistic missiles.

Hopefully, this year we will forge ahead and finally clarify—clarify—the misunderstandings about what the ABM Treaty was intended to do and what it was not intended to do on this issue. I have talked to so many of my colleagues who were in that delegation a quarter of a century ago who had a primary responsibility for the ABM Treaty. One after one they will tell you that they never envisioned at that time, from a technological standpoint, this new class of weapons, namely, the short-range ballistic missiles, and that that treaty was never intended to apply to those missiles.

As the Senator from Delaware said, there will be another day on which we can have that debate on the issue of that treaty's application to the current research and development now underway to develop and deploy those systems desperately needed in the Armed Forces of the United States to protect us from the short-range threat, an ever-growing threat, which is proliferating across the world.

The Foreign Relations Committee did precisely what it should have done: included in as condition 9 the protection of future debate on the ABM Treaty such that the U.S. Senate can make the decisions as to whether or not there are successions to the ABM Treaty by other nations.

The ABM Treaty was contemplated, negotiated, and signed as a bilateral treaty. It was approved by the Senate as a bilateral treaty. It strains credibility for the administration to now argue that the conversion of that treaty from a bilateral to a multilateral treaty is not a "significant" change to warrant Senate advice and consent.

At the time this treaty was negotiated, no one involved in the negotiations could ever have envisioned the dissolution of the Soviet Union in their lifetimes—much less within 20 years. Likewise, technical advances in the areas of both strategic offensive and defensive systems could not be adequately anticipated. That is why the treaty has provisions for amendment to adapt it to changing times circumstances, and technologies. I am personally of the view that this treaty should have been—and still needs to be—amended to allow the United States to protect its citizens, stationed abroad from short-range ballistic missile attacks which were not contemplated 25 years ago. But I also strongly believe that any amendment which alters U.S. rights and obligations—any substantive changes—must be submitted to the Senate for advice and consent.

We could argue for days about the international legal principles and requirements in this area. But one thing is clear—domestic law on this issue is unambiguous. Section 232 of the fiscal year 1995 Defense authorization bill, which I referred to earlier, clearly requires the President to submit for Senate advice and consent any international agreement which substantively modifies the ABM Treaty.

It is clear that multilateralization would constitute a substantive change to the ABM Treaty. For 25 years, this has been a bilateral treaty. If new parties are added, the geographic boundaries, which govern many aspects of the treaty, would be changed. Existing U.S. rights under the treaty to amend it by bilateral agreement would be lost. The draft memorandum of understanding on succession, the three new states parties will be given full voting rights in the Standing Consultative Commission [SCC], the body which supervises treaty implementation and negotiates amendments to the treaty. According to the guidelines of the SCC, changes to the ABM Treaty can only be made through a consensus of the parties. That means that any one of these three new states parties could block United States efforts to amend this treaty to allow for effective missile defenses to deal with current threats—even if the Russians agree to the changes.

The succession issue with the states of the former Soviet Union has been handled on a case-by-case basis. In the case of the CFE Treaty and the START I Treaty, the Senate specifically addressed the succession issue during consideration of the resolutions of ratification for those treaties. INF succession was handled without Senate involvement. It is clear that the matter of succession—far from being a legal absolute—is, at best, a murky legal issue.

The unique status of the ABM Treaty was highlighted in the 1994 legislation requiring Senate advice and consent of any international agreement that "substantively" modifies the ABM Treaty. This is not the case for the hundreds of other treaties we had in effect with the former Soviet Union.

Since the ABM Treaty reinterpretation debate of the late 1980's, the Democrats have insisted that any change to a treaty that differs from what was presented to the Senate at the time of ratification must be resubmitted to the Senate or the Congress for approval. Multilateralization of the ABM Treaty is not simply a reinterpretation of the treaty, it is a substantive change to the treaty text. By the Democrats own standards, such a change should clearly require Senate advice and consent.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I appreciate very much the comments by the distinguished ranking member of the Foreign Relations Committee. I must say for the record that I also enjoy the privilege of working with him. I think the committee has been more active in the last year or two than it has been for some time. But in any case, I am grateful to Senator BIDEN.

Mr. President, the history of the succession agreements to the various treaties concluded between the United States and the Soviet Union further supports the case for Senate consideration of ABM multilateralization. In only one case was advice and consent not required for multilateralization on an arms control treaty. Because the INF Treaty carried the so-called negative obligation of not possessing any intermediate-range nuclear missiles, that treaty could be multilateralized without altering any treaty terms or imposing any new treaty rights or obligations on the United States or new parties.

Multilateralization of the START I Treaty under the Lisbon Protocol, on the other hand, required Senate advice and consent because this change had clear implications for the treaty's text and object and purpose. The Lisbon Protocol determined the extent to which countries other than Russia would be allowed to possess strategic nuclear weapons. Similarly, ratification of the Lisbon Protocol also effectively determined successorship questions to the Treaty on Non-Proliferation of Nuclear Weapons, NPT. Under that protocol, Belarus and other countries agreed to a legally binding commitment to join the NPT as nonnuclear weapons states. Thus when the Senate offered its advice and consent to the Lisbon Protocol, it approved successorship to both the INF and the START treaties.

Finally, the Senate specifically considered the question of multilateralization of the Treaty on Conventional Armed Forces in Europe under condition 5 of the resolution of ratification for the CFE Treaty.

Under article II, section 2, clause 2 of the Constitution, the Senate holds a co-equal treaty-making power. John Jay made one of the most cogent arguments in this respect, noting:

> Of course, treaties could be amended, but let us not forget that treaties are made not only by one of the contracting parties, but by both, and consequently that as the consent of both was essential to their formation at first, so must it ever afterwards be in order to alter . . . them.

Now, my colleagues of the Senate may disagree on the wisdom of continuing the national strategy embodied in the ABM Treaty. Where I hope all of our colleagues could agree, however, is on the imperative of upholding the constitutional responsibilities of the Senate, as reposed in this body by the Founding Fathers.

Mr. Justice Frankfurter stated:

> The accretion of dangerous power does not come in a day. It does come, however, slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.

I know the administration has demonstrated nothing if not disregard for the Senate's constitutional authority. The Senate's duty with regard to the issue of ABM multilateralization is, I believe, Mr. President, clear.

I yield the floor.

How much time does the distinguished Senator from Texas want?

Mrs. HUTCHISON. I do not know what the time limitations are. At least 10 minutes, in your range, or I could cut it back.

Mr. HELMS. If the Senator could do with 8 minutes, I think I could cover everybody, and the distinguished President pro tempore.

Mr. THURMOND. I need about 10 minutes. I can ask for extra time.

Mr. HELMS. Why don't you proceed.

Mrs. HUTCHISON. I will be happy to yield to the distinguished Senator.

Mr. HELMS. I say to Senator THURMOND, you have been yielded to by the distinguished Senator from Texas.

Mrs. HUTCHISON. Would you like to go next, Mr. Chairman?

Mr. THURMOND. Whatever suits you.

Mrs. HUTCHISON. After him, if I could have 8 to 10 minutes.

Mr. HELMS. Yes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the CFE Flank Document resolution of ratification. My support of the CFE Flank Document is based largely upon the 14 conditions that the Foreign Relations Committee attached to the resolution of ratification. I am particularly pleased that the Foreign Relations Committee included condition 9, which deals with the Senate's prerogatives on multilateralization of the ABM Treaty. This has been an issue with which the Armed Services Committee has been deeply involved for many years.

I would strongly oppose any effort to dilute or eliminate condition 9 from the resolution of ratification. Condition 9 does not take a position, as such, on the ABM Treaty or treaty succession. It simply seeks to protect the Senate's prerogatives in case the treaty is substantively changed. I find it difficult to believe that any Member of this body would be opposed to this objective. In my view, it is a solemn and fundamental obligation of a Senator to consistently guard the rights and prerogatives of the Senate, regardless of which political party may occupy the White House at any given time.

Mr. President, although international law is ambiguous on the question of treaty succession, the U.S. Constitution and statutory law is clear. As section 232 of the National Defense Authorization Act for fiscal year 1995 states, "the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution." This provision originated as an amendment sponsored by Senator WARNER of Virginia and Senator Wallop of Wyoming, two of the Senate's foremost experts on the ABM Treaty.

Notwithstanding the administration's assertion that treaty succession is an executive branch responsibility, or any argument that one might derive from international law, the real issue is simple and clear. Only one overarching question needs to be answered: Does multilateralization of the ABM Treaty constitute a substantive change to the treaty? If so, the President has no choice, under the law and the Constitution, other than to submit such an agreement to the Senate for advice and consent.

Ironically, those who have asserted that the President does not need to submit the multilateralization agreement to the Senate for advice and consent have not even attempted to answer the one relevant question: Is it a substantive change or not? Instead they have chosen to base their views strictly on ambiguity-laden international law and a simple assertion of executive prerogative.

If one carefully analyzes the issues associated with ABM Treaty multilateralization, it is difficult to avoid the conclusion that the ABM Treaty will indeed be modified in several substantive ways. The conferees to the fiscal year 1997 Defense Authorization Act recognized this in stating that "the accord on ABM Treaty succession, tentatively agreed to by the administration, would constitute a substantive change to the ABM Treaty, which may only be entered into pursuant to the treaty making power of the President under the Constitution." This conference language, which was supported overwhelmingly on a bipartisan basis, was the culmination of 2 years of effort by several key Senators on the Armed Services Committee: I have been joined in this fight by Senator LOTT of Mississippi, Senator WARNER of Virginia, Senator—now Secretary of Defense—Cohen of Maine, and Senator SMITH of New Hampshire, as well as other stalwart supporters of the Senate's prerogatives.

Why would multilateralization of the ABM Treaty constitute a substantive change? First, because the basic strategic rationale for the treaty would be altered. The ABM Treaty was intended to be part of an overarching arms control regime for regulating United States-Soviet competition in strategic offensive forces. But under a multilateral ABM Treaty, some members will have neither strategic offensive nor strategic defensive forces, and hence no direct stake in the treaty's subject matter. Overall, the United States faces strategic and political circumstances that are vastly different than those that existed in 1972 when the ABM Treaty was signed. The Senate must carefully consider how these bear on the issue of treaty succession.

Second, the ABM Treaty will change from a treaty between two equal parties to one in which different parties have different rights and obligations. Some states will be entitled to a deployed ABM system, others will not. The United States will also face four states rather than one at any future negotiation concerning the future of the treaty. This clearly diminishes the weight of the American vote in the Standing Consultative Commission and increases the complexity of seeking changes or clarifications to the treaty.

Third, the actual mechanics of the ABM Treaty will be altered by multilateralization since the treaty is largely defined in terms of "national territory." Some items that are regulated by the treaty, including large phased array radars, are currently located outside the national territory of any of the states that plan to accede to the ABM Treaty. Also, those former Soviet States that opt not to stay in the treaty would be legally permitted to deploy an unlimited ABM system even though their national territory was formerly covered by the treaty's definition of Soviet "national territory."

Mr. President, these are only a few of the ways in which a multilateral ABM

Treaty would constitute a substantive change from the original treaty. The evidence is overwhelming. For the Senate to do anything other than to insist on its right to provide advice and consent to such an agreement would be an abandonment of its rights and obligations. I urge my colleagues to stand together on this important constitutional prerogative of the Senate. The executive branch must not be permitted to circumvent the Senate on a matter of such fundamental importance.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Texas is now recognized for 8 minutes.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee and, of course, the distinguished senior Senator from South Carolina.

Mr. President, there is no Senate responsibility I take more seriously than the obligation we have to advise and consent on treaties. We are discussing two treaties today that mark the past and the future of arms control. It is interesting to me that they have become linked in the manner before us today. I commend the distinguished chairman of the Foreign Relations Committee for his vision in this effort.

The Conventional Forces in Europe Treaty is a pillar of post-cold-war security in Europe. That treaty, over a decade in negotiation and finished by President Bush in 1990, solidified NATO's victory in the cold war by dramatically reducing the size of the conventional forces arrayed against each other.

That treaty also restricted the areas on the flanks of Europe where the Soviet Union or its successors could place troops and equipment. This particular provision was one of the most difficult to negotiate because it was one of the most meaningful. By restricting the size of forces on Europe's northern and southern flanks, we greatly reduced the likelihood that the Soviet Union or its successors could conduct an effective assault on western forces.

Because of the importance of this provision, it is with great reluctance that I support the changes to the agreement before us today, which will relax these flank restrictions.

It is true that over 50,000 pieces of equipment limited by the CFE Treaty have been destroyed or removed since the treaty went into effect. Nevertheless, with the changes in the agreement regarding the flanks of Europe, we will all have to be watchful that we not slide back too far from the high standard we set for ourselves and for Russia in the original treaty.

Mr. President, I will also say that we will have to reevaluate our actions when we learn the full details of the NATO-Russia agreement just announced today. For example, I am hopeful that we did not place unilateral restrictions on our own ability to deploy troops in the potentially expanded area of NATO responsibility in exchange for Russia support for NATO expansion. I light of the changes we are making to the CFE Treaty—permitting Russia to deploy forces in areas that have been off-limits until now—such a unilateral restriction on our own ability to move troops around Europe would be shortsighted indeed.

Even with these reservations, though, I am willing to support the treaty document before us today because of condition 9, which will require the President to submit to the Senate for ratification any substantive changes to the Anti-Ballistic Missile Treaty. My support for an effective, global ballistic missile defense system greatly outweighs the concerns I may have with changes to the CFE Treaty.

Mr. President, if the CFE Treaty is a forward looking treaty that reflects the new realities of post-cold-war Europe, the ABM Treaty is an outdated document that harkens back to an era that is thankfully behind us. The ABM Treaty was with the USSR. Now that the cold war is over it is restricting the inexorable march of technology, a technology that I am convinced will make ballistic missiles obsolete.

The Clinton administration wants to bring new countries into this outmoded agreement. If the United States was limited in its ability to deploy an effective missile defense when the treaty was with Russia alone, how much more restricted will we find ourselves when there are half-a-dozen or more new members in this treaty?

The document before us today does not prejudice the Senate's action regarding the ABM Treaty. It only says that if the President wishes to permit other countries to join this treaty, then the Senate must fulfill its constitutional role to advise and consent on such a change to the treaty. Colleagues will have the opportunity at that time to debate the merits of bringing new countries into the treaty or simply letting this treaty fade into the history it represents.

While I support the latter, we aren't deciding that matter today. Today, we're simply asserting our prerogative to advise and consent on treaties. No Member of this body should be comfortable that any administration would want to make major modifications to a treaty without Senate approval.

I urge my colleagues to support the resolution of ratification before us today and assert their rights as a Member of the U.S. Senate. I commend Senator HELMS once again with the wisdom and leadership, a staunch defender always, of senatorial prerogatives and U.S. national security.

I commend all of those who are going to stand for the rights of the Senate and therefore the people, to change any potential treaty that this country has committed itself to, because we will keep our treaty obligations and we must make sure that the people of our country are informed and support any changes in those treaties.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 12 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 12 minutes.

Mr. KERRY. Mr. President, before the Senate this afternoon is the task of taking the appropriate action, in fulfillment of the Senate's vital constitutional advice and consent responsibility and power, to adapt the Conventional Forces in Europe [CFE] Treaty to the constant change that affects our world—change which has been more sweeping and profound in Europe in the past 7 or 8 years than at any time in the preceding 40.

In 1990, after years of grueling negotiations to control the historically unprecedented conventional weaponry arrayed on opposite sides of the Iron Curtain in Central Europe, the CFE was signed. It entered into force in November of 1992. The long, difficult journey that led to the CFE treaty included one failed effort—the Mutual and Balanced Force Reduction Treaty episode—where negotiators eventually had to throw up their hands and acknowledge defeat in their efforts. But fortunately that failure was not permitted to become permanent. With U.S. leadership, efforts recommenced, and the CFE is the result.

The CFE treaty is the first in the post-World War II period to succeed in limiting and reducing conventional weaponry. While understandably strategic weapons treaty negotiations captured greater attention, since those negotiations addressed weapons of mass destruction each of which can annihilate great numbers of people and large cities, the CFE arguably addressed the greater threat to peace in Europe, because I believe it always was more likely that any conflict there would start as a conventional conflict. The CFE negotiating effort was successful in large part because it approached the issue of obtaining multilateral agreement to limitations of key offensive-capable weapons systems on an alliance-to-alliance basis—addressing on the one side the armaments possessed by not only the Soviet Union but all the Warsaw Pact nations taken together, and on the other side the armaments possessed by all the NATO nations taken together.

The CFE placed numerical limits on the numbers of five types of weapons systems critical to effective offensive operations which each alliance could possess in the Atlantic-to-the-Urals region of Europe where the Warsaw Pact confronted NATO: tanks; artillery pieces; armored combat vehicles; attack aircraft; and attack helicopters. It also contained sublimits based on geographical regions—in realization of the fact that while a certain number of the covered items might not be a threat to peace or indicate diabolical intentions if spread evenly across the entire geography of each alliance, that same number if massed in a subregion could be threatening indeed and could indicate intentions to launch an attack or engage in other destabilizing behavior.

The treaty has been a notable success. It has resulted in reductions of over 50,000 items of heavy military equipment, verified by an intrusive verification regime that has included nearly 3,000 on-site inspections conducted to date under treaty auspices. It has worked and worked well. It is not a prospective treaty about which we all must guess or predict. It is a here-and-now, real-world treaty that has resulted in tangible reduction in armaments and consequently in real reduction in the threat of conflict. It is a treaty that we would do well to preserve and protect.

Its underlying premise remains valid. If buildups of a critical mass of the categories of treaty-limited equipment can be prevented, it will be very difficult for any nation to launch an attack against another with a significant prospect of success. And even if a nation seeks to flaunt the treaty's terms, and engage in a buildup of these weapons systems for the purpose either of conducting offensive military operations or engaging in a form of extortion, the treaty's verification procedures will reveal those efforts so that appropriate diplomatic and military responses can be made, and its terms give the other parties to the treaty the means to condemn violative activities and to enlist the community of nations in efforts to prevent escalation into conflict.

The implementation and ongoing administration of every treaty result in cases of different interpretations and various disagreements, and the CFE Treaty is no exception. But the mechanisms included in the treaty for resolving such conflicts or disagreements have worked reasonably well. And one can presume that the treaty would have continued to make a significant contribution to the security of Europe and, in turn, of the globe in a relatively smooth manner had the world remained as it was when the treaty was negotiated and entered into force. But, of course, the world has not stood still. The Soviet Union imploded. The Warsaw Pact disintegrated. Some of the very nations and armies that stared across the Iron Curtain at NATO's forces and their key United States components have become great friends of the United States and other NATO nations. Several of these appear to be on the verge of becoming a part of NATO itself. That, of course, is a matter of considerable controversy which should be and I trust will be debated separately and thoroughly. But our focus today is or should be on the CFE treaty.

In addition to the disappearance of the Soviet Union and the Warsaw Pact, and the realignment of some of the former pact nations with the North Atlantic Alliance, other components of the Eurasian security picture have changed dramatically. No longer is Russia's biggest concern the need to be ready for full-scale battle with NATO troops on the German and Benelux plains. Today ethnic conflict in some provinces and efforts of other provinces to obtain independence require much greater Russian attention. The ferment in the Middle East, and activities in Iran and Turkey south of the Russian Caucasus region also are of greater concern to Russia.

Not surprisingly the alterations in Russia's view of its own security picture resulted in alterations in what it believed to be the vital disposition of its security forces. Other nations of the former Soviet Union, including Ukraine, and of the now-defunct Warsaw Pact were faced with unanticipated anomalies resulting from the new maps of Eurasia. The changes occurred in and affected primarily one of four zones to which the CFE Treaty applies, the so-called flank region which consists of Norway, Iceland, Turkey, Greece, Romania, Bulgaria, Moldova, Georgia, Azerbaijan, Armenia, and parts of Ukraine and Russia.

To address the desires by Russia, Ukraine, and others to reallocate their forces, but to ensure that those reallocations protect the accomplishments and security provided by the CFE, the parties to the CFE Treaty negotiated the so-called flank agreement consisting of amendments to the original CFE treaty. The parties agreed to the flank agreement on May 31, 1996. It will enter into force if approved by all CFE Treaty party states by May 15, 1997.

The agreement does not change numerical limits for either of the two major sides of the post-World War II European alignment. Instead, it adjusts the boundaries of the flank, providing Russia and Ukraine more flexibility than they had before with respect to deployment of equipment limited by the treaty.

The flank agreement is in NATO's security interest, and, specifically, it is in the security interests of the United States. Without the adjustments it provides, it is likely Russia and possibly Ukraine would feel so impeded in their ability to meet their own national security requirements that they either would leave the treaty altogether or fail to comply with some of its provisions. The implications of neither of these outcomes would be acceptable, and would weaken or destroy the protections and added security offered by the CFE Treaty.

The judgment that the flank agreement is in our national interest is not just a judgment of our diplomatic community. It is fully endorsed by our Armed Forces leadership. On April 29 of this year, Brig. Gen. Gary Rubus testified:

> In the judgment of the Joint Chiefs of Staff, the Flank Agreement is militarily sound. It preserves the CFE treaty and its contribution to U.S. and Allied military security. The additional flexibility permitted Russia in the flank zone does not allow a destabilizing new concentration of forces on the flanks of Norway, Turkey and other States in that area. Moreover, the agreement includes significant new safeguards, including greater transparency and new constraints on flank deployment:

The benefits of this agreement are apparent. The Foreign Relations Committee last week approved the resolution of ratification by a unanimous vote of 17–0. I am confident that a great majority of Senators approve of the flank agreement. But I am very troubled by how some in the majority seem determined to transform the constitutional treaty advice and consent process into an obstacle course.

The Foreign Relations Committee last week approved the resolution of ratification by unanimous vote. Mr. President, as the Foreign Relations Committee last week approved this by unanimous vote of 17 to 0, it doesn't mean that there were not some reservations. I just want to speak to them.

I am confident that the great majority of our colleagues will support the Flank Agreement. But I am troubled by the way in which some have transformed the constitutional treaty advise and consent process into something of an obstacle course that involves things that aren't directly in the treaty.

The conditions for ratification which the majority required before it would permit the Foreign Relations Committee and then the full Senate to perform the advice and consent role, fall into four rough categories. I find several of them—primarily those which the Senate appropriately and routinely attaches to treaties—beneficial and desirable. I find several others reflect a degree of fear and anxiety on the part of some Members, the basis for which I cannot ascertain—but which, all things told, appear unlikely to do fundamental damage to what should be our objective here: To keep the CFE Treaty in operation in order to continue to derive its benefits to security in Europe and a reduction in the risk of conflict there.

The third category, Mr. President, consists of a condition whose objective may have been desirable but which inadvertently or inadvisedly singles out one nation for implicit criticism when the kinds of actions it is implicitly criticized for taking may place it in the company of other nations in its region, and when it would be more appropriate to address these situations as a group so that all nations are held accountable to the same treaty standards. I speak of paragraph F of condition 5 which, in the form approved by the committee, singles out Armenia and requires a report directed solely at its activities and whether they comply with the terms of the treaty. I will address that matter separately, and will offer an amendment to establish what I believe is an important balance and equity with respect to the entire Caucasus region.

Then, Mr. President, there is condition 9 which forms a special category all its own. I understand why a Senator who has not been deeply involved in the Senate's processing of the CFE Flank Agreement may be puzzled by the fact that condition 9 pertains to the ABM Treaty. In fact, I have been involved in the effort to move the Flank Agreement to Senate approval, and I cannot discern a reasonable or defensible rationale to link the issue of multilateralization of the ABM Treaty to action on the CFE Flank Agreement except for the reason of taking something that ought to happen that is important to our security and linking it to something that is not necessarily yet thoroughly considered by the Senate.

But even so, I do believe I understand what is going on here. Proposed condition 9 is hostage-taking, pure and simple. I think there are some who have a fundamental aversion to arms control agreements and want the United States to simply go it alone in the interdependent world of the last decade of the 20th century. Unfortunately they insist that unless the President concedes to their position on the unrelated issue of ABM multilateralization, they will refuse to let the United States ratify the CFE flank agreement.

I readily agree that the issues surrounding the ABM Treaty are both vital and very controversial. The Committee on Foreign Relations, with the contribution of the Committee on Armed Services, should devote considerable time and energy to thoroughly exploring those issues, and then the Senate as a whole should carefully determine how to proceed with respect to them.

But I want to register the strongest possible dissent from this tactic of hostage-taking. In my judgment these issues are separate and ought to be treated separately. Treaties are fundamentally different than bills on which this Congress acts on a daily basis. We ought to approach our advice and consent responsibility—a solemn constitutional duty—with more abstract side bar process. We should not load up resolutions of treaty ratification with essentially nongermane amendments.

Further, purporting to resolve the complex and very important ABM issues by attaching a condition to a wholly unrelated treaty—and without thoroughly airing and deliberating on those issues at the committee level via hearings and other means—is risky and ill-advised. Because I understand the power of the majority, perhaps the most significant feature of which is its considerable control over determining whether and when the Senate will address important issues, and because I believe it is of great importance that this flank agreement be considered and acted on by the full Senate, and that the Senate do so prior to the May 15 deadline which is imminent, I did not seek because of my aversion to condition 9 to derail the Foreign Relations Committee's action on the resolution of ratification last week, but I expressed my concerns which were published as additional views in the committee's report on the resolution.

Mr. President, as Senators, every one of us is sworn to uphold the Constitution. In my judgment that requires maintaining the separation of powers which plays so critical a part in maintaining the equilibrium of our unique form of government which has permitted it to survive and function successfully for over 200 years. Maintaining the separation requires a careful allegiance to preserving and protecting not only the constitutional obligations, responsibilities, and prerogatives of the legislative branch, and the Senate in particular, but also of the judicial and the executive branches.

We in this Chamber are most accustomed, understandably, to rising to the defense of the responsibilities, role, and prerogatives of our own branch and our own Chamber. I have joined many times in such efforts. Indeed, the very fact that the CFE Flank Agreement is being considered by the Senate is attributable to an effort to assert that the Senate properly should act on that agreement under the treaty clause of the Constitution because it substantively alters the original CFE Treaty.

It is my view, and, I believe, the view of most Senators on both sides of the aisle who have carefully examined the issue, that the ABM Demarcation Agreement also makes a substantive change in a treaty to the ratification of which the Senate previously gave its advice and consent—thereby necessitating that U.S. ratification of the Demarcation Agreement can occur only if the Senate gives its advice and consent by means of the complete constitutional process.

But the ABM Succession Agreement is a different matter entirely. It effects no substantive change in the ABM Treaty or any other treaty. It does one and only one thing: It codifies the status with respect to the treaty of the states which succeeded to the rights and obligations of the former Soviet Union. It is a function of the executive branch, not the legislative branch, to determine if new nations which descend from a dissolved nation inherit the predecessor nation's obligations such as those under a treaty. This is not a matter of defending a Senate right or obligation or prerogative; the Senate has no right, obligation, or prerogative to defend with respect to determination of succession.

This principle has been illustrated on many occasions by its application. Recently, and of direct relevance, it has been applied in a number of circumstances with regard to the dissolution of the Soviet Union.

I believe I understand the objective here, Mr. President, and I do not believe it is the defense of a nonexistent constitutional principle or a nonexistent constitutional right or prerogative of the Senate. This is a wolf in sheep's clothing—a maneuver by opponents of the ABM Treaty to gain strategic advantage in their quest to demolish the ABM Treaty. The objective is to give them one additional shot at killing the Treaty.

I am prepared for the debate on the ABM Treaty. I look forward to thoroughly assessing whether this treaty continues to serve our Nation's security interests as I strongly believe it has well served those interests since its ratification. I look forward to examining in detail the probable reactions in Russia and elsewhere if we abandon the treaty.

But let me return to an earlier point that ABM opponents have shown they are willing to ignore. The Senate is not currently debating the ABM Treaty. The matter that is before us today is the Conventional Forces in Europe Treaty Flank Agreement. Condition 9 is an unwise, unnecessary, destructive digression from what we should be doing here today. It is yet another example of distressing political expediency too often illustrated in this Chamber in recent years. Fortunately, that expediency rarely has sunk to the level of sacrificing a vital constitutional principle—such as the separation of powers—for the sake of tactical gain. But, Mr. President, let there be no mistake: It is sinking to that level today in condition 9.

When we do such things, Mr. President, there is a price to be paid. Either we who serve here today will pay that price at a later time, or those who follow in our footsteps will pay that price. We disserve the Constitution we are sworn to uphold when we permit that to occur.

I must remark, Mr. President, on the peculiar and troubling silence of the administration on this issue. The administration, by position and motivation, is best situated to defend the constitutional prerogatives and responsibilities of the executive branch. And yet, for some unknown reason, perhaps a tactical calculus, or exhaustion, or distraction—for some reason—the administration never even joined this issue. I say to the administration: Despite the appearances given by your silence and inaction on this issue, this truly does matter in the long run. And this administration, and others to follow it, will regret this day. Much more is being ceded here than the authority to decide what nations properly hold the obligations of the ABM Treaty that previously were held by the Soviet Union.

Mr. President, I strongly support the ratification of the Flank Agreement. Before we vote on the resolution of ratification, I will offer the amendment I referenced earlier to address the Caucasus region, which I hope will be approved. Then, despite the reservations about condition 9 I have enunciated, because of how important I believe the CFE Treaty is and will continue to be to European security and stability and therefore to world security and stability, I will vote to approve the resolution of ratification and urge all other Senators to do so.

QUESTIONS OF TREATY ADHERENCE IN THE CAUCASUS

Mr. President, the Conventional Forces in Europe Treaty was negotiated to limit the numbers and geographical distribution in Europe of five key types of offensive-capable weapons systems. The treaty contains sublimits for portions of the Atlantic-to-the-Urals region covered by the treaty that apply to the five types of treaty-limited equipment.

The treaty, when it was negotiated, was focused on the protracted cold war and the confrontation at the Iron Curtain that ran through Central Europe. Its design was to make it less likely that the cold war would turn hot, by making it more difficult to amass sufficient quantities of the weapons systems that would be needed for a successful attack of one side on the other, or, at the very least, to amass such weaponry without the other side being aware of the preparations for such an attack. The weapons limitations and the transparency are the treaty's keys.

But as the astonishing events of the late 1980's and early 1990's unfolded, the entire structure of Europe changed in such a fashion as to be virtually unrecognizable. For the most part, this was a very welcome change. For the first time in 40 years, there was no tense face-off of the world's greatest armies at the Warsaw Pact/NATO border.

But the disintegration of the Soviet Union, which was one of the most prominent of the changes in the region, removed the authority and control that had kept a lid on ethnic conflicts and territorial disputes in several regions of what had been the Soviet Union. Ancient tensions and hatreds soon began to bubble to the surface, and nowhere moreso than in the Caucasus region.

The Russian province of Chechnya sought to secede from Russia. Ethnic Armenians in the Nagorno-Karabakh region of Azerbaijan sought to gain independence so they could align with Armenia. Abkhaz separatists in Georgia have fought a long-running civil war with the central government.

Wars and revolutions are fought with weapons, of course. All parties to these conflicts have done all in their power to increase their firepower. Not surprisingly, these actions, when they involve treaty-limited equipment, have implications for the CFE Treaty even though contending with such situations was not the primary purpose for which the treaty was negotiated.

Responding to an allegation made publicly by a Russian Army general who now serves in the Duma, the majority included in the text of the resolution of ratification of the CFE flank agreement, as a part of condition 5 titled "Monitoring and Verification of Compliance," paragraph F, which is a requirement that the President submit a report to the Congress regarding "whether Armenia was in compliance with the treaty in allowing the transfer of conventional armaments and equipment limited by the treaty through Armenian territory to the secessionist movement in Azerbaijan."

Mr. President, wherever there are credible allegations or concerns that the provisions of any arms control treaty have been violated, those allegations or concerns should be explored thoroughly and the truth determined. That, certainly, applies in this case. However, I believe this portion of condition 5 is too limited in its scope, and because of that limitation, leaves the impression that the Senate is not as concerned about the effects on the treaty of arms transfer and acquisition actions in other areas of the Caucasus region.

If we are to carefully examine alleged violations of treaty provisions in one specific location in this conflicted region, we should direct the same level of inquiry at all portions of the region. We know that arms buildups in other Caucasus locations have violated provisions of the CFE Treaty. Some of those violations, in fact, have been openly acknowledged.

It is my belief that the Senate should address this matter directly, and do so by expanding the scope of the report that will be required by paragraph F of condition 5. Together with Senator SARBANES, and with the support of several other Senators, I have prepared an amendment to do this. The amendment inserts a new subparagraph ii requiring that the President's report address "whether other States Parties located in the Caucasus region are in compliance with the Treaty." The President also must indicate what actions have been taken to implement sanctions on any of these states found to be in violation.

I believe this change will make this provision of the resolution of ratification more useful. Because the report the Congress will receive will give a more complete picture of the level of compliance with or violation of the CFE Treaty in the Caucasus region, the United States can formulate a response that will be more complete and suitable.

AMENDMENT NO. 279

(Purpose: To require a compliance report on Armenia and other States Parties in the Caucasus region)

Mr. KERRY. Mr. President, the amendment that I send to the desk is an amendment that seeks very simply to create the equity and balance that I sought with respect to the question of Armenia.

I believe that we have an agreement on this language. It will simply reflect that we ought to hold all nations in the area to the same standard.

In my judgment, it is self explanatory. I believe it has been approved by both sides as a consequence of that.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KERRY), for himself, Mr. BIDEN, Mr. SARBANES, Mr. ABRAHAM, and Mrs. FEINSTEIN, proposes an amendment numbered 279.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike subparagraph (F) of section 2(5) and insert the following:

(F) COMPLIANCE REPORT ON ARMENIA AND OTHER STATES PARTIES IN THE CAUCASUS REGION.—Not later than August 1, 1997, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether Armenia was in compliance with the Treaty in allowing the transfer of conventional armaments and equipment limited by the Treaty through Armenian territory to the secessionist movement in Azerbaijan;

(ii) whether other States Parties located in the Caucasus region are in compliance with the Treaty; and

(iii) if Armenia is found not to have been in compliance under clause (i) or, if any other State Party is found not to be in compliance under clause (ii), what actions the President has taken to implement sanctions as required by chapter 11 of part I of the Foreign

Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance to the independent states of the former Soviet Union) or other provisions of law.

Mr. KERRY. Mr. President, I believe we have an agreement on this particular amendment.

I thank the distinguished chairman of the Foreign Relations Committee for working, as he always does, in order to find a common ground in these matters.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 279) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I yield 6 minutes to the distinguished Senator from New Hampshire, [Mr. SMITH].

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee.

Mr. President, I rise in strong support of the resolution of ratification reported by the Senate Foreign Relations Committee. I want to specifically commend the distinguished chairman, Senator HELMS, for his outstanding leadership in moving this resolution promptly and responsibly.

I also want to commend the Foreign Relations Committee for including condition No. 9, which would require the administration to submit any agreement that would multilateralize the ABM Treaty to the Senate for advice and consent. This is an extremely important issue, Mr. President, and this provision ensures that the Senate retains its constitutional prerogatives to advise and consent on international treaties.

By way of background, there is an existing statutory requirement, with precedent, that any substantive change to an international treaty must be submitted to the Senate for advice and consent, as prescribed under the Constitution.

The Clinton administration has spent the better part of the past 4 years negotiating changes to the 1972 Anti-Ballistic Missile [ABM] Treaty. Foremost among these changes are a demarcation agreement that would restrict the performance of certain theater defense programs, and a multilateralization agreement that would expand the ABM Treaty to include the Republics of the former Soviet Union. It is this multilateralization agreement that condition No. 9 would address.

Mr. President, condition No. 9 has become necessary because the administration refuses to submit the multilateralization agreement to the Senate for advice and consent. They have rightly conceded that both a demarcation agreement and the CFE flank limits agreement are substantive changes requiring approval of the Senate, but they adamantly refuse to submit multilateralization for approval.

The administration asserts that the executive branch alone has the authority to recognize nations and determine the successor states on treaties whose participants no longer exist. They also argue that multilateralization is merely a clarification, not a substantive change to the ABM Treaty.

It is a very significant change that will fundamentally alter both the nature of the treaty and the obligations of its parties. It is most certainly a substantive change, and as such, it must be submitted to the Senate for advice and consent.

Mr. President, let me elaborate on exactly why a multilateralization agreement would represent a substantive change. The ABM Treaty was signed by the United States and the Soviet Union. It was premised on the policy of mutual assured destruction and it codified the bipolar strategic reality of the cold war. All negotiations on compliance and all discussions concerning amendments to the treaty were to be bilateral in nature, with any decisions being approved by each side. The negotiating ratio was 1 to 1, the United States versus the Soviet Union.

However, one of these two parties has now ceased to exist. There is no longer a Soviet Union. If the treaty is multilateralized, and thereby expanded to include multiple parties on the former Soviet side, it will dramatically change this negotiating ratio, both theoretically and practically.

Instead of the 1-to-1 ratio that the treaty was premised on, it will become at a minimum a 1-to-4 ratio, of the United States versus Russia, Khazakstan, Ukraine, and Belarus, and perhaps even a 1-to-15 ratio of the United States versus all 15 of the former Soviet Republics. We just don't know and the administration isn't saying.

Under a multilaterlization agreement, each of these former Soviet Republics would have an equal say in negotiations, even though they clearly would have unequal rights and unequal equipment holdings. For instance, only the United States and Russia would be permitted to field an ABM system, but other nations would be free to deploy ABM radars and other related components of a system. Further, while the ABM Treaty prohibits defense of the territory of a nation, the term territory is being redefined to mean the combined territories of all former Soviet Republics who choose to join the treaty.

What does this mean? It means that instead of the treaty applying to the territory of an individual nation, it applies to a number of nations, unevenly and in a manner that is very detrimental to the United States. For example, Russia could legally establish new early warning radars on the territory of other States, well beyond the periphery of Russia, while the United States is restricted to its own borders. Compounding this inequity, the territory and borders of the so-called former Soviet Union could change over time because the multilateralization agreement allows the admission of additional republics even after entry into force.

The bottom line, Mr. President, is multilateralization would by definition and practice create a fundamental asymmetry in the ABM Treaty. Rather than having two parties with equal offensive strategic forces and defensive capabilities, this agreement would create a tremendous imbalance. For us to negotiate any changes to the treaty, such as an agreement to permit multiple sites or to change the location, we would now need to convince all the participating Republics of the former Soviet Union rather than just one.

In essence, each of those countries would be able to veto our position at any time. And they would individually leverage the vote in the Standing Consultative Commission for more foreign aid, or trade recognition, or concessions on a variety of issues. Whenever we finally met any single Republic's demands, another could instantly leverage similar concessions. When would it end? Never. This scenario is very troubling. It is troubling there are people in the Senate who would be willing to accede to that kind of situation. At the very least, it will cause huge complications in our process for negotiating changes to the treaty.

There can be no question, an agreement to multilateralize the ABM Treaty is a substantive change to the ABM Treaty, plain and simple. It must be submitted for advice and consent. Condition 9 merely says that before the CFE Flank Limits Agreement can take effect, the President must certify that he will submit the ABM Treaty multilateralization agreement to the Senate for advice and consent.

Nothing in this condition will require any renegotiation of any provision of the CFE Flank Limits Agreement or, for that matter, require any renegotiation of any provision of the ABM Treaty multilateralization agreement. This condition will not affect any other country or any other treaty or the cause of strategic stability in any respect. That is a fact.

Contrary to the parochial appeals of the administration, it is not going to kill NATO expansion. It will not kill START II. And it will not kill the CFE Treaty. In fact, all the President has to do is send us a letter this afternoon certifying he will submit the agreement to the Senate for advice and consent and we will be done with it. Case closed.

I am pleased the Senate has seen fit, thanks to the tremendous leadership of Chairman HELMS, to adopt this very important condition. Senator HELMS, as he does so many times and often on the floor of the Senate and in private meetings on issues, stands sometimes alone. I am proud to be standing with him on this very important issue, and I think future generations will thank him for his leadership when we get to the point where this treaty does take effect. People will be thanking him for his leadership on the multilateralization issue.

I thank the Chair.

Mr. HELMS. I thank the Senator from New Hampshire. I assure him it is an honor to serve in the Senate with him.

Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I am pleased to support this CFE Flank Treaty today. It is good for the security of the United States and the security of our NATO allies.

This treaty modifies the Conventional Forces in Europe Treaty. This treaty was reached in 1990 before the breakup of the Soviet Union and the Warsaw Pact. The modifications in CFE flank restrictions contained in this treaty are reasonable, and we all should support them.

Under Chairman HELMS' guidance, the Foreign Relations Committee added a number of important conditions to this treaty. These conditions clarify parts of the treaty that could be construed as granting special rights to Russia to intimidate its neighbors, but most importantly are the clarifications that nothing in the CFE Flank Treaty grants to Russia any right to continue its current violations of the sovereignty of several neighboring states.

I am pleased that these clarifications were fully bipartisan conditions that received the support of our distinguished Foreign Relations ranking member, Senator BIDEN.

There is, however, one remaining condition that caused some controversy. This is condition 9, which requires the President to submit to the Senate for ratification another treaty modification, the ABM multilateralization treaty. This is not a question of support or opposition to the ABM Treaty. This is purely a matter of the prerogative of the Senate, of whether or not to adhere to the clear intent of the Constitution of this country.

During negotiations over the Chemical Weapons Convention, Senator HELMS and Majority Leader LOTT succeeded in convincing the President to submit to the Senate two out of three pending treaty modifications that the President had intended to implement as executive agreements. One of those treaty modifications, the CFE Flank Treaty now before us today, and another, the ABM Demarcation Treaty, is before the Foreign Relations Committee where it will receive serious consideration.

Only one treaty modification has yet to be submitted to the Senate, the ABM multilateralization treaty agreed to in Helsinki by Presidents Clinton and Yeltsin. It is right to require that treaty to be submitted as well.

Again, this issue is merely the constitutional obligation of each of us in this body to give our advice and consent on the ratification of treaties, not whether this treaty modification is good or bad.

I again congratulate Chairman HELMS, Senator BIDEN, and the distinguished majority leader. I am proud of the leadership they have shown on this treaty and on the constitutional prerogatives of the Senate.

Mr. President, I yield my time.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I have a little housekeeping function. I ask what I am about to do will not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1122

Mr. HELMS. As in legislative session, Mr. President, I ask unanimous consent that immediately following disposition of the Feinstein amendment to H.R. 1122 during Thursday's session of the Senate, Senator DASCHLE be recognized to offer an amendment and it be considered under the following time agreement: 2½ hours under the control of Senator DASCHLE or his designee, and 2½ hours under the control of Senator SANTORUM or his designee.

I further ask unanimous consent that following the conclusion or yielding back of time on the Daschle amendment, the Senate proceed to vote on or in relation to the Daschle amendment without further action or debate, with no amendments in order during the pendency of the Daschle amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 12 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Delaware.

First, let me congratulate the Senators from North Carolina and Delaware, the chairman and ranking member of the Foreign Relations Committee, for working together so speedily and quickly to bring this treaty to the floor. It is a real feat. It is difficult to do this in this length of time. The kind of bipartisan cooperation that this takes really, I think, reflects great honor on this body.

There is one condition that I have some difficulty with that I want to address some remarks to this afternoon, and that is condition 9, which is now part of the resolution before the Senate.

Condition 9 requires the President to submit to the Senate for its advice and consent the memorandum of understanding concerning successor states to the ABM Treaty. In my view, this condition is probably unconstitutional but certainly unwise. As a general rule, a condition on a resolution of ratification is a stipulation which the President must accept before proceeding to ratification of a treaty. And if the President finds the condition unacceptable, he generally has but one choice, which is to refuse to ratify the treaty. There is, however, a generally recognized exception: If the condition is inconsistent with or invades the President's constitutional powers, in which case the condition would be ineffective and of no consequence. The restatement of foreign relations law puts the matter this way:

> The Senate has not made a practice of attaching conditions unrelated to the treaty before it. If the Senate were to do so and were to attach a condition invading the President's constitutional powers, for example, his power of appointment, the condition would be ineffective. The President would then have to decide whether he could assume that the Senate would have given its consent without the condition.

In this matter before us, condition 9 has no relation to the CFE flank agreement. The condition, therefore, on that ground is improper. It seeks to invade the President's constitutional powers to recognize states and to implement treaties, and thus is probably unconstitutional.

When the Senate deals with the important issue of advice and consent to a treaty, I think it should limit itself to the treaty before it. When we go beyond that, it seems to me we do not bring honor on this institution, when we try to force the hand of the President in areas beyond the immediate treaty that is being considered.

In a very ironic twist, condition 9 could imperil the continued viability of the treaty that we are ratifying because if the ABM Treaty, when it is multilateralized, needs to come back for ratification, the same principle would apply to other treaties, of which we have dozens. The same principle, if it applies to ABM, would apply to CFE, the treaty before us.

Is this treaty binding on those other states, those other successor states of the Soviet Union without coming back to the Senate? INF, START I, probably dozens of treaties with the former Soviet Union which have been multilateralized, which have been accepted by the successor states, which we now, I hope, consider binding on those States and on us, even though they have not been brought back to the Senate for ratification, if the logic of condition 9 is correct, it would undermine the viability, the efficacy of those other treaties that we had with the former Soviet Union. It would call into question treaties that I do not believe this body wants to call into question.

The reason that it does that is that condition 9 requires the President to submit to the Senate for its advice and consent his recognition of the Soviet Union successor states to the ABM Treaty. It does provide an opportunity for opponents of the ABM Treaty to try to defeat that memorandum of understanding as it relates to the successor states. But in doing so, it jeopardizes the continuing viability of the acceptance by those successor states of their obligations under the ABM Treaty and, in terms of the point I am making, their obligations under a number of other treaties which have been signed by the former Soviet Union.

This outcome could undermine the reductions of former Soviet nuclear weapons that our military has testified are so clearly in our national security interests. Opponents of having successor states other than Russia appear to worry about the potential difficulty of negotiating changes or amendments to the ABM Treaty in order to permit deployment of a national missile defense system in the future. Their notion appears to be that while it may be straightforward for us to negotiate required changes with Russia, it will somehow be more difficult to get the other three successor states to agree to any changes. And according to that view, rather than to give each of the other three states a potential veto over changes to the ABM Treaty, it would be better to prevent those successor states from ever joining the ABM Treaty as a party.

That is what this condition is all about, but it is misguided from a number of perspectives. First, the notion that Ukraine, Belarus, and Kazakstan would obstruct any changes to the ABM Treaty but that somehow Russia would be an easier negotiating partner flies in the face of experience. In the negotiations at the Standing Consultative Commission, it is Russia that has been the most challenging negotiating partner, while Ukraine, Kazakstan, and Belarus have been more amenable to American proposals.

Furthermore, as the administration has pointed out on many occasions, if the United States determines that there is the threat that requires us to deploy a national missile defense system that would conflict with the ABM Treaty, they would seek to negotiate changes with our treaty partners to permit such a deployment. We would seek to adapt the treaty to our security requirements. But if the Russians would not agree to our proposed changes, then the administration would consider whether to withdraw from the ABM Treaty, as is our right under the treaty's provisions relating to our supreme national interests. That is the prudent approach and the one that best serves our security.

Let me just give one other example of the implication of this condition. In 1995, the United States recognized Ukraine as a successor to the former Soviet Union for 35 nonarmed control treaties that we previously had with the U.S.S.R. We did this without a Senate vote. So now we presumably want the Ukraine to be bound by 35 treaties previously negotiated. But there is no Senate vote ratifying that treaty with Ukraine.

In a diplomatic note from the United States Embassy to the Government of Ukraine dated May 10, 1995, the United States listed the 35 agreements that have continued in force with Ukraine and they include such treaties as the incidents at sea agreement of 1972 with its protocol, which our good friend from Virginia, Senator WARNER, negotiated when he was Secretary of the Navy. They included the prevention of dangerous military activities agreement of 1989, which is designed to prevent an accident or mistake from erupting into hostilities. These are extremely important agreements and we should not put those agreements in limbo, or in doubt, by setting this precedent relative to the ABM Treaty.

I ask unanimous consent that the list of those 35 treaties that Ukraine is hopefully bound by, through that note—but which we have not ratified, vis-a-vis Ukraine—that that list and note be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE UNITED STATES OF AMERICA—KIEV, MAY 10, 1996

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of Ukraine and has the honor to refer to discussions between technical experts of our two Governments concerning the succession of Ukraine to bilateral treaties between the United States of America and the former Union of Soviet Socialist Republics in light of the independence of Ukraine and the dissolution of the Union of Soviet Socialist Republics. In conducting their discussions, the experts took as a point of departure the continuity principle set forth in Article 34 of the Vienna Convention on Succession of States in respect of Treaties. In examining the texts they found that certain treaties to which the principle applied had since expired by their terms. Others had become obsolete and should not be continued in force between the two countries. Finally, after a treaty-by-treaty review, which included an examination of the practicability of the continuance of certain specific treaties, they recommended that our two Governments agree no longer to apply those treaties.

In light of the foregoing, the Embassy proposes that, subject to condition that follows, the United States of America and Ukraine confirm the continuance in force as between them of the treaties listed in the Annex to this Note.

Inasmuch as special mechanisms have been established to work out matters concerning succession to bilateral arms limitation and related agreements concluded between the United States and the former Union of Soviet Socialist Republics, those agreements were not examined by the technical experts. Accordingly, this Note does not deal with the status of those agreements and no conclusion as to their status can be drawn from their absence from the list appearing in the Annex.

With respect to those treaties listed in the Annex that require designations of new implementing agencies or officials by Ukraine, the United States understands that Ukraine will inform it of such designations within two months of the date of this Note.

If the foregoing is acceptable to the Government of Ukraine, this Note and the Ministry's Note of reply concurring therein shall constitute an agreement between our two Governments which shall enter into force on the date of receipt by the Embassy of the Ministry's Note in reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Ukraine the assurance of its highest consideration.

Enclosure: Annex.

ANNEX

Convention relating to the rights of neutrals at sea. Signed at Washington July 22, 1854; entered into force October 31, 1854.

Agreement regulating the position of corporations and other commercial associations. Signed at St. Petersburg June 25, 1904; entered into force June 25, 1904.

Arrangements relating to the establishment of diplomatic relations, nonintervention, freedom of conscience and religious liberty, legal protection, and claims. Exchanges of notes at Washington November 16, 1933; entered into force November 16, 1933.

Agreement relating to the procedure to be followed in the execution of letters rogatory. Exchange of notes at Moscow November 22, 1935; entered into force November 22, 1935.

Preliminary agreement relating to principles applying to mutual aid in the prosecution of the war against aggression, and exchange of notes. Signed at Washington June 11, 1942; entered into force June 11, 1942.

Agreement relating to prisoners of war and civilians liberated by forces operating under Soviet command and forces operating under United States of America command. Signed at Yalta February 11, 1945; entered into force February 11, 1945.

Consular convention. Signed at Moscow June 1, 1964; entered into force July 13, 1968.

Agreement on the reciprocal allocation for use free of charge of plots of land in Moscow and Washington with annexes and exchanges of notes. Signed at Moscow May 16, 1969; entered into force May 16, 1969.

Agreement on the prevention of incidents on and over the high seas. Signed at Moscow May 25, 1972; entered into force May 25, 1972.

Agreement regarding settlement of lend-lease, reciprocal aid and claims. Signed at

Washington October 18, 1972; entered into force October 18, 1972.

Protocol to the agreement of May 25, 1972 on the prevention of incidents on and over the high seas. Signed at Washington May 22, 1973; entered into force May 22, 1973.

Convention on matters of taxation, with related letters. Signed at Washington June 20, 1973; entered into force January 29, 1976; effective January 1, 1976.

Agreement on cooperation in artificial heart research and development, signed at Moscow June 28, 1974; entered into force June 28, 1974.

Agreement relating to the reciprocal issuance of multiple entry and exit visas to American and Soviet correspondents. Exchange of notes at Moscow September 29, 1975; entered into force September 29, 1975.

Agreement concerning dates for use of land for, and construction of, embassy complexes in Moscow and Washington. Exchange of notes at Moscow March 20, 1977, entered into force March 30, 1977.

Agreement relating to privileges and immunities of all members of the Soviet and American embassies and their families, with agreed minute. Exchange of notes at Washington December 14, 1978; entered into force December 14, 1978; effective December 29, 1978.

Memorandum of understanding regarding marine cargo insurance. Signed at London April 5, 1979; entered into force April 5, 1979.

The Agreement supplementary to the 1966 Civil Air Transport Agreement, as amended by the Agreement of February 13, 1986. Signed at Washington November 4, 1966; entered into force November 4, 1966.

Agreement relating to immunity of family members of consular officers and employees form criminal jurisdiction. Exchange of notes at Washington October 31, 1986; entered into force October 31, 1986.

Agreement concerning the confidentiality of data on deep seabed areas, with related exchange of letters. Exchange of notes at Moscow December 5, 1986; entered into force December 5, 1986.

Agreement relating to the agreement of August 14, 1987 on the resolution of practical problems with respect to deep seabed mining areas. Exchange of notes at Moscow August 14, 1987; entered into force August 14, 1987.

Declaration on international guarantees (Afghanistan Settlement Agreement). Signed at Geneva April 14, 1988; entered into force May 15, 1988.

Agreement on cooperation in transportation science and technology, with annexes. Signed at Moscow May 31, 1988; entered into force May 31, 1988.

Memorandum of understanding on cooperation to combat illegal narcotics trafficking. Signed at Paris January 8, 1989; entered into force January 8, 1989.

Agreement on the prevention of dangerous military activities, with annexes and agreed statements. Signed at Moscow June 12, 1989; entered into force January 1, 1990.

Agreement on a mutual understanding on cooperation in the struggle against the illicit traffic in narcotics. Signed at Washington January 31, 1990; entered into force January 31, 1990.

Civil Air Transport Agreement, with annexes. Signed at Washington June 1, 1990; entered into force June 1, 1990.

Agreement regarding settlement of lend-lease accounts. Exchange of letters at Washington June 1, 1990; entered into force June 1, 1990.

Agreement on cooperation on ocean studies, with annexes. Signed at Washington June 1, 1990; entered into force June 1, 1990.

Agreement on expansion of undergraduate exchanges. Signed at Washington June 1, 1990; entered into force June 1, 1990.

Agreement on scientific and technical cooperation in the field of peaceful uses of atomic energy, with annex. Signed at Washington June 1, 1990; entered into force June 1, 1990.

Memorandum of cooperation in the fields of environmental restoration and waste management. Signed at Vienna September 18, 1990; entered into force September 18, 1990.

Memorandum of understanding on cooperation in the physical, chemical and engineering sciences. Signed at Moscow May 13, 1991; entered into force May 13, 1991.

Memorandum of understanding on cooperation in the mapping sciences, with annexes. Signed at Moscow May 14, 1991; entered into force May 14, 1991.

Memorandum of cooperation in the field of magnetic confinement fusion. Signed at Moscow July 5, 1991; entered into force July 5, 1991.

Memorandum of understanding on cooperation in natural and man-made emergency prevention and response. Signed at Moscow July 30, 1991; entered into force July 30, 1991.

Memorandum of understanding on cooperation in housing and economic development. Signed at Moscow July 30, 1991; entered into force July 30, 1991.

Agreement on emergency medical supplies and related assistance. Signed at Moscow July 30, 1991; entered into force July 30, 1991.

Mr. LEVIN. If the logic of condition 9 were extended to Ukraine, all those 35 treaties would be in limbo until we ratified the succession of the treaties. And this list of treaties is just one case of the 12 successor states to the former Soviet Union. Condition 9 could cast into doubt the effect of all of those treaties for all of those states.

I think the aim here, while it is aimed at ABM, does not hit ABM because our ABM Treaty is not touched by this condition. Our treaty relative to ABM, with Russia, is not affected by condition 9. Condition 9 does not refer to Russia. It is the other states that it refers to. So our ABM Treaty with Russia is not affected. It is all the other treaties which are undermined, with all the other successor states. It is the arms control treaties and the nonarms control treaties which are put in jeopardy, left in limbo by the logic of this condition. So, while the aim is at the ABM Treaty, it misses that and, instead, hits treaties that I believe this body wants to be binding on the successor states to the Soviet Union.

What about the treaty before us, the CFE Treaty? Does this have to be ratified with each of the successor states to the Soviet Union? If so, we are putting this very treaty in limbo. This very CFE Treaty which we are ratifying, by the logic of condition 9, is left in limbo as to the other successor states, because there is no ratification of this treaty relative to the other states.

Mr. President, I fail to understand the logic of the supporters of condition 9 that appears to say that Russia is a successor state to the former Soviet Union but the other states of the former Soviet Union can only become successor states if the Senate ratifies that action. If the Senate must ratify the succession of one state, then logically it should ratify the succession of all. Thus this condition would cast into doubt the continuing validity of Russia's obligations under the numerous treaties that the United States had entered into with the Soviet Union but which were not submitted to the Senate for ratification subsequent to the breakup of the Soviet Union.

And it could cast into similar doubt other treaties with other countries that have dissolved, such as former Czechoslovakia, or former Yugoslavia, where the Senate has not ratified the succession of states to those treaties.

We should also consider the impact of condition 9 on other arms control agreements which successor states to the former Soviet Union have joined. Since we are considering the resolution of ratification for the CFE Flank Agreement, let us start with the underlying CFE Treaty. It was ratified by the Senate in November 1991, prior to the accession of successor states based on the Oslo document in June of 1992. In other words, it was after the Senate voted for ratification of the CFE Treaty that the former successor states agreed on the arrangement for joining the CFE Treaty.

The precedent that condition 9 would set would, if followed in other cases, call into question whether those states are considered members of and bound by the CFE Treaty until the Senate votes on their succession to the treaty.

There is also the case of the intermediate-range nuclear forces, or INF, Treaty signed between the United States and USSR. When the Soviet Union dissolved into 12 successor states, 6 of those states had INF facilities on their soil while the other 6 did not. All twelve are successors to the INF Treaty, with six having obligations related to their INF facilities and the other six having the obligation not to have such facilities or INF missiles.

The logic of condition 9 would suggest that the successor states are not parties to, or bound by, the INF Treaty unless and until the Senate provides its advice and consent to their accession. I cannot imagine any Member of the Senate wanting to cast doubt on the obligation of these states to comply with the INF Treaty, but that is what condition 9 does when its logic extended to other treaties.

In a June 11, 1996, letter, then-Secretary of Defense William Perry explained the Defense Department's concerns with a proposed provision of law that was essentially the same as condition 9:

> . . . this section runs counter to the successful U.S. policy of involving within the framework of strategic stability all states which emerged from the former Soviet Union with nuclear weapons on their territory.

> Moreover, Russia, Belarus, Kazakstan, and Ukraine perceive a clear link between their participation in the START and INF Treaties and the ABM Treaty. Casting doubt on their ability to be equal partners in the ABM Treaty could poison our overall relationship with these states and needlessly jeopardize their compliance with their denuclearization obligations under START I.

The logic of condition 9, when extended to other treaties, could well lead the successor states to the former Soviet Union to reconsider whether they are bound by these treaties as well as the ABM Treaty. Such a move would be decidedly against our security interests.

I should point out, Mr. President, that the Congress itself urged the President to discuss ABM Treaty issues "with Russia and other successor states of the former Soviet Union" in the National Defense Authorization Act for Fiscal Year 1994. At that time there was no question that there were other successor states to the former Soviet Union with whom we would want to discuss possible changes to the ABM Treaty. Section 232(c) of that Act states:

> Congress urges the President to pursue immediate discussions with Russia and other successor states of the former Soviet Union, as appropriate, on the feasibility of, and mutual interest in, amendments to the ABM Treaty to permit—
>
> clarification of the distinctions for the purposes for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses . . .

I find it strange that the Senate, after urging the President to discuss the ABM Treaty with Russia and other successor states to the former Soviet Union on demarcation, now would call into question whether there are other successor states to the ABM Treaty without a Senate ratification.

If a treaty must be submitted to the Senate for ratification of successors to the former Soviet Union, or other countries, before it is binding, then hundreds of our treaty commitments are in doubt. All of this is because opponents of the ABM Treaty are trying to maim or kill this one treaty.

Additionally, we should consider the impact of accepting condition 9 on other parliaments in other nations that may take this signal as an invitation for them to reconsider their nation's treaty commitments. I find it ironic that on an act of treaty ratification the Senate is on the verge of creating a potential international treaty uncertainty.

There is no need for the Senate to drag in the ABM Treaty issue on the CFE Flank Agreement resolution of ratification. The Senate will have ample opportunity to debate the ABM Treaty when the administration submits the ABM demarcation agreement to the Senate, as they have committed to do. But this is neither the time nor the vehicle to try to decide this issue.

Furthermore, this issue of the memorandum of understanding on successor states to the ABM Treaty is already connected to Senate consideration on the demarcation agreement. The text of the demarcation agreement states that the MOU on successor states will not go into effect until the Agreed Statement on Demarcation goes into effect. So in effect, the MOU cannot take effect until the Senate votes on the demarcation agreement. Consequently there is no need for this condition and it should not be included in this resolution of ratification.

Mr. President, thankfully, condition 9 is limited to the memorandum of understanding concerning successor states to the ABM Treaty. It is my fervent hope and expectation that the President will make clear in his signing statement for the CFE Flank Agreement that this extraordinary action is not a precedent. In that way he can limit the damage that could otherwise flow from this unwise condition.

Mr. President, I am pleased that condition 5(f) dealing with potential violations of the CFE Treaty in the Caucasus region has been modified. I would have much preferred that it not make any reference to any particular country.

More importantly, I am very concerned with the word "secessionist" in condition 5(f). The situation in this troubled area has a long and unfortunate history, and I am disturbed that this condition would seek to so characterize a conflict there.

Mr. COCHRAN. Mr. President, I am pleased the administration has decided not to contest condition 9 in the resolution of ratification now before the Senate. That condition makes the advice and consent of the Senate a condition precedent to the addition of parties to the Anti-Ballistic Missile Treaty.

Any agreement between the administration and the Government of Russia or other states that were part of the Soviet Union which purports to enlarge the ABM Treaty by adding new parties must be submitted to the United States Senate and a resolution of ratification approved by the Senate before it will have the force and effect of law.

There are important reasons why it is necessary for the Senate to insist on its constitutional role in treaty making in this resolution. The administration has announced its intent not to submit a memorandum of understanding on succession to the Senate for advice and consent to ratification, and it purports to transform the ABM Treaty from a bilateral agreement into a multilateral accord.

The addition of new parties to the ABM Treaty clearly would have serious national security implications for the United States. It would make it much more difficult and time consuming to negotiate other changes in the treaty that may be considered necessary in the future to protect our security interests.

Unless the Senate insists on fulfilling its advice and consent responsibilities with respect to the ABM Treaty, there may be a mistaken view taken by the administration that a demarcation amendment being negotiated now with Russia could likewise be the subject of an executive agreement without the benefit of Senate ratification.

I am concerned that by our inaction the Senate could be forfeiting its constitutional role in the making of treaties. It should be clear that no treaty or material change in a treaty can be entered into by our government without the consent of the Senate. That is what the Constitution says, and that is what condition 9 says, and that is what the Senate says today as it provides advice and consent to ratification of the amendments to the Conventional Armed Forces in Europe Treaty.

Mr. ABRAHAM. Mr. President, I rise today to express my support for both the resolution of ratification to the Conventional Forces in Europe Treaty flank agreement, and, more importantly, the manager's amendment to condition 5 regarding compliance with the treaty by member states in the Caucasus region. True, the manager's amendment does not change the original language to the extent that I would desire, but I do wish to thank Senator HELMS and the staff of the Foreign Relations Committee for being so open to my ideas and engaging in very full negotiations. I also wish to thank Senators MCCONNELL, KERRY, and SARBANES for providing such critical leadership on this issue.

Mr. President, it is indeed important that the United States respond forthrightly to violations of the CFE Treaty. And considering this deals with numerical limits on military equipment, the degree of alleged violations is also important. But in executing such diligence, I hope we do not assume too quickly that all alleged violations are, in fact, true. That is why I applaud the inclusion of the request for a report on alleged violations, to ensure that the United States does not blindly enter a treaty which others may disregard.

But in requesting such reports, we must also be mindful of the impact our actions may have upon the delicate fabric of ongoing negotiations to which the United States is party. Specifically, Mr. President, I refer to the OSCE negotiations, to which the United States is co-chairman, regarding the future status of the Nagorno-Karabakh region. To single out one nation for alleged violations, in this case Armenia, without taking into account the full geo-political environment under which that nation's government must operate, may subvert the very process we think has been violated. Better, in my opinion, to err by requesting too much information than not enough, and take into account the region as a whole, and all the players in the current dispute. To ensure we do not upend this ongoing process of peaceful resolution, we should minimize giving credence to unverified allegations and cast as wide a net as possible in requesting additional analysis.

Mr. President, Armenia has had a tough go of it in its short period of independence. It is landlocked, its ethnic population is geographically divided, and it has suffered egregiously in the past from the crimes of others who condemned them simply because of their heritage. Add on top of that a 70-year legacy of abuse and political game playing by the Soviet Union, and it is understandable that Armenia may find itself hard-pressed to execute the policies that we Americans would like to see in a perfect world. But it is not a perfect world, and sometimes we must understand the realities of a situation, and make the best of it.

Therefore, Mr. President, I appreciate the willingness of the Foreign Relations Committee chairman to work with me on making condition 5 more inclusive of all potential threats to U.S. interests and the treaty's viability. By taking a more evenhanded approach, hopefully no party to the current negotiations will feel slighted. And, Mr. President, they should not feel slighted at this point in the process. This condition is meant to address violations to the CFE Treaty, not express an opinion on the legitimacy of any party's negotiating position. Any other interpretation is, in my opinion, a misunderstanding of the condition's intent. Further, I do not believe that this will, or should, be interpreted in any manner that would impugn the ability of the United States to continue as co-chair to the OSCE negotiations. The United States has energetically taken on this mantle of leadership, and I reaffirm my support for this process.

Mr. President, both the viability of the CFE Treaty, and the continued good-faith negotiations regarding the future status of Nagorno-Karabakh are important United States interests. We can, and must, work toward the success of both. I thank the chairman of the Foreign Relations Committee for his leadership in these areas, and the assistance of Senators KERRY and SARBANES in bringing about this amendment which I have cosponsored.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today to address Senate consideration of the CFE Flank Agreement.

The Conventional Forces in Europe Treaty [CFE] entered into in 1990 is an outstanding arms control achievement, requiring the destruction of over 50,000 items of heavy weaponry, including tanks, armored personnel carriers, artillery pieces, and attack helicopters. The CFE has helped to make the Europe of 1997 a far safer place than the Europe of even just a few years ago, and in doing so has served American national security interests well.

The implementation of CFE helps guarantee that a destabilizing concentration of military equipment—or a massed military attack in central Europe of the kind that has dominated strategic thinking in Europe through two World Wars and a cold war—will now be next to impossible for any nation or group of nations to achieve.

But, as the flank agreement underscores, the treaty negotiated between NATO and the Warsaw Pact in 1990 is not adequate to the realities of the new European security environment.

To begin with, the Soviet Union and the Warsaw Pact no longer exist. There are now Soviet successor states in the Baltics and the Transcaucasus—the flank zones—with very different security and political concerns. Since the breakup of the Soviet Union, the Transcaucasus have been a region of almost singular instability. Russia and the Ukraine, likewise, have different security orientations than did the Soviet Union, as do the states of both central and western Europe. NATO is undergoing a searching debate about the possibility of enlargement. The Europe that the CFE must be relevant to in 1997 is radically different than the Europe of 1990.

Thus, in ways unanticipated by its original negotiators, the issues raised by the flank agreement touch on some of the most central and the most sensitive security issues of the new European security environment.

The history of the Transcaucasus since the breakup of the Soviet Union have served as a grim reminder of the deadly subtleties of rapidly changing regional geography. Civil war and ethnic strife has been the rule, not the exception, in Nagorno-Karabagh, Osettia, Abkhazia, Georgia, and, of course, Chechnya.

Stabilizing the military balance in the Transcaucasus and inculcating confidence and security building measures, as the CFE Treaty does, is critical for peace in the region.

Although not racked with the violence that has characterized the Transcaucasus, the security concerns of the Baltic States in the northern flank zone will prove to be central to future stability in Europe, and the limits placed on threatening conventional weapons by the CFE Treaty is a critical part of the security architecture of the Baltics.

Likewise, the flank agreement also touches upon the sensitive topic of Russian-Ukrainian ties, and the political and security relationship between the two, and it addresses the role of Turkey between Europe, the Middle East, and central Asia.

Last, the flank agreement has profound implications for Russian nationalist sentiment, and may well have an impact on the future of Russian domestic political development, and the dynamics of those domestic factors which may influence either a cooperative or confrontational Russian foreign policy.

In this sense, the flank agreement is also critical issue for the debate over NATO enlargement that is just now beginning to come to a simmer. In structuring the balance of forces between NATO and Russia, the CFE and the flank agreement—what it says as well as how it is implemented—will be at the heart of Russian perceptions and assessments regarding the potential of an enlarged NATO.

In short, the CFE will play a central role in determining the future course of peace and stability in Europe.

Notwithstanding the positive contributions of the CFE to U.S. national security interests—and it is a treaty which I will be voting for—I feel that I would be remiss in my duty as a Senator if I did not also point out some general concerns that I have with the flank agreement, as well as some specific concerns I have with the resolution of ratification for this treaty as it was voted out of the Foreign Relations Committee last week.

As I made clear in the Foreign Relations Committee hearing, I found the way in which the flank agreement was negotiated—opening up an already negotiated treaty for revision because of the reticence of one party to live up to its commitments—deeply troubling.

Although I would agree with those who argue that it is necessary to revisit international agreements when there has been a material change in circumstances—and few would argue that the breakup of the Soviet Union does not count on this score—treaties, by their very nature, are only worthwhile if they are binding the minute they are signed.

The post-cold-war world may very well be more turbulent and fluid than the world which we are used to, but I hope that the way in which the flank agreement was opened for renegotiation—with one party not in compliance with a treaty which they had signed—does not set a precedent which will call into question other treaties which, after the fact, a state may wish to change.

I think that it is important for the Senate to go on the record in support of the binding nature of the treaty obligations which we and other states enter into—obligations which should be opened for renegotiation in only the most extreme of cases—even as we give our support to this agreement.

Second, in changing the CFE flank equipment ceilings to meet Russian security concerns, we must be careful to make sure that we have not increased the insecurity felt by other states in or bordering the flank zone.

In its original conception, the CFE Treaty was intended to make Europe safe from the dangers of a big war between East and West. I think that there is general agreement that CFE has been and will continue to be effective in this respect.

But the CFE Treaty, as revised, must not become part of a European security architecture in which Europe is made safe for little wars, between the large and the small, or as a tool for intimidation used by the strong against the weak.

If such a situation were to result from the flank agreement revisions, Europe would be less stable and secure, not more.

Third, as several of my colleagues have already pointed out, the inclusion of condition 9 regarding Senate advice and consent for the multilateralization of the Anti-Ballistic Missile Treaty is, I think, unwarranted and unwise.

It is unwarranted because the Anti-Ballistic Missile Treaty is not connected in any way with the CFE. It is unwise because it calls into question whether the United States may attempt to reopen or substantively change a treaty because some now perceive that it is in our interests to do so.

There was an attempt to get this same language regarding the ABM inserted into last year's defense authorization bill. That effort failed. On its own, the Senate has already rejected this language. Now there is an attempt to resurrect this language and attach it to this treaty. The consideration of treaties is one of the highest responsibilities of the Senate, and I am disappointed that some of my colleagues have chosen to place petty politics above the interests of U.S. national security.

The ABM Treaty is the diplomatic foundation of our intercontinental ballistic missile reduction strategy. It was possible to negotiate and ratify the Strategic Arms Reduction Treaty, or START, and negotiate START II because of the strategic groundwork laid in the ABM Treaty. Abandoning or violating the ABM Treaty would threaten the strategic ballistic missile reductions under these two treaties, which, when implemented, would verifiably eliminate the intercontinental ballistic missiles carrying two-thirds of Russia's nuclear warheads.

I would have preferred to have had the opportunity to eliminate this condition from the final resolution of ratification, but, unfortunately, it does not appear that we will have this opportunity.

In addition to these general concerns, I also have one specific concern with the resolution of ratification for this treaty as it was voted out of committee last week, which I hope that we will have an opportunity to change.

I am concerned that condition 5 (F) of section 2 unfairly singles out Armenia for a report on compliance with the CFE Treaty. In so doing, this condition makes the treaty weaker, and less effective in guaranteeing U.S. security interests in Europe, not more.

Although some of my Armenian friends might not want me to say this, I do believe that there should be a report on Armenia's compliance with the treaty. There have been some troubling questions raised in the press and in our committee discussions regarding Armenian transshipments of arms from Russia, and whether Armenia is in violation of certain provisions of the CFE.

As I noted previously, this is a very sensitive part of the globe, and one in which even a relatively small amount of heavy weaponry can have tremendous impact on the balance of power. If Armenia is in violation of the treaty, then appropriate measures should be taken.

However, it is precisely the volatile nature of this region that dictates that U.S. national security interests demand that we seek compliance reports on the other states in the region as well. There are questions regarding Azerbaijan's compliance with the CFE's Treaty Limited Equipment (TLE) limits, for example, and recent experience with civil war and ethnic strife in Georgia, Osettia, Chechnya, Abkhazia, and elsewhere in the region all suggest that a condition calling for region-wide compliance reports would be in order.

Indeed stigmatizing and isolating Armenia in this fashion may well prove to be counterproductive. If the CFE Treaty is perceived as a tool of one side or another in an already tense and volatile region, it will have the effect of destroying confidence, not building it, and will contribute to an atmosphere where the states of the region may seek to build their armed forces, not lessen them.

This would be a grave mistake, and that is why I believe that condition 5 (F) must be changed to call for compliance reports for the other countries in the Transcaucasus as well. I urge my colleagues to support the amendment offered to make just these changes when we vote on this issue.

Even with these reservations, however, I find that the treaty merits support. The CFE, with the revised flank agreement, provides an invaluable tool for stabilizing European security and lessening regional tension. I would urge all of my colleagues to join me in voting in favor of this treaty.

Mr. LUGAR. Mr. President, I voted in committee to support the CFE Flank Document and the accompanying resolution of ratification that was reported favorably by the Committee on Foreign Relations last week.

Let me review a few of the issues that commanded committee concern.

THE FLANK DOCUMENT AND RELATIONS BETWEEN RUSSIA AND FORMER SOVIET STATES

During committee consideration of the CFE Flank Document, members on both sides of the aisle voiced concern over United States willingness to serve as an intermediary in negotiations between Russia and other former Soviet states to secure permission for temporary Russian troop deployments on their soil or for revision of the Russian treaty-limited equipment quotas set in the 1992 Tashkent Agreement. Paragraphs 2 and 3 of section IV of the Flank Document restate Russia's right to seek such permission "by means of free negotiations and with full respect for the sovereignty of the States Parties involved". A United States note passed to the Russians, according to Undersecretary of State Lynn Davis, said that the United States was "prepared to facilitate or act as an intermediary for a successful outcome in" such negotiations. United States officials state that Washington's offer to serve as an intermediary between Russia and other Tashkent Agreement signatories was for the purpose of leveling the playing field between Russia and smaller countries.

Many of the conditions in the resolution of ratification seek to bind the executive branch to its asserted purpose.

THE FLANK DOCUMENT AND AN ADAPTED CFE TREATY

In short, I agree with a number of the cautions presented by various witnesses with regard to the impact of the flank agreement on both Russia and a number of the States of the former Soviet Union, as well as its implications for bordering Western States. Thus, I am supportive of most of the conditions in the Committee resolution.

But I also believe that, on balance, this flank agreement is a useful contribution to the larger effort to adapt the original CFE agreement to the changed circumstances we now confront in Europe. I believe that the Flank Agreement must be viewed in that context as well.

The original CFE agreement has been a useful instrument for winding down the military confrontation in Europe that was a principal feature of the cold war. The United States is now presented with an opportunity to adapt that treaty to the new security situation in Europe in a way that could, in my judgment, facilitate both NATO enlargement and improved NATO-Russian cooperation. Because the former Soviet Army, and indeed some elements of the current Russian Armed Forces, always disliked CFE and considered it inequitable, some have argued that amending or adapting it now would be a concession to Russia or a price the United States should not have to pay. In my view, it is in the interest of the United States, NATO, and, for that matter, Russia to update the CFE Treaty as the only way to ensure its continued viability and its stabilizing influence in the Europe of the next century.

In light of the dramatic developments that have occurred in Europe since the treaty was negotiated, the CFE Treaty should not be exempted from the kind of change that is occurring in so many other European political, economic and security institutions. Thus, it is wholly appropriate to eliminate the bloc-to-bloc character of the original treaty in favor of national equipment ceilings and to reduce the amount of military equipment that will be permitted throughout the treaty area.

In short, I tend to analyze the benefits and costs associated with the CFE Flank Agreement not only on their own merits, but also in terms of their contributions to overhauling the entire treaty; that is one of the contexts in which I believe we must review the CFE Flank Agreement.

I am supportive of the general direction of NATO's recent proposals for adapting the CFE Treaty. As a general matter, it would emphasize the need for reciprocity in the adjustments that are made and encourage transparency.

However, I would raise some concerns relating to three aspects of the NATO proposals for an adapted CFE regime and suggest that we need to bear them in mind as we consent to ratification of the CFE Flank Agreement.

First, NATO has proposed limits on the ground equipment that could be deployed in the center zone of Europe, defined as Belarus, the Czech Republic, Hungary, Poland, Slovakia, Ukraine—other than the Odessa region—and the Kaliningrad region of Russia. This could be viewed as singling out potential new members of NATO for special restrictions, thus saddling them de facto with second-class citizenship within NATO. It is one thing for NATO to make a unilateral statement, as it has recently done, that it has, at present, no intention or need to station permanently substantial combat forces on the territory of new member states. It is quite another for it to accept legal limitations on its ability to station equipment on the territory of these states as part of an adapted CFE Treaty. While NATO would not be precluded from stationing forces on the territory of these states, such deployment would be constrained by the individual national ceilings which apply to the equipment of both stationed and indigenous forces.

It is certainly useful to have such a limitation with respect to the Kaliningrad region of Russia. With that exception, however, all of Russian territory lies outside the central zone. While Russian forces, permitted by a pliant Belarus to be stationed on its territory, would presumably be subject to the national ceiling applicable to Belarus, such a deployment could be viewed by Poland, for example, as an attempt to intimidate it. This consideration needs to be taken into account by NATO negotiators as they elaborate the terms of the NATO proposal for adapting the CFE Treaty. It is possible that provisions covering cooperative military exercises and temporary deployments in emergency situations, as well as ensuring adequate headroom in the national ceilings of the Central European States, may resolve this concern.

Secondly, this special central zone could be viewed as isolating Ukraine. If Russia chose to build up forces in the old Moscow Military District abutting Ukraine, then Ukraine could find itself unable to respond because it is subject to the special provisions of the central zone. It may be that in the negotiation of the revisions in the CFE Treaty, some arrangement can be found to allay Ukrainian concerns by some special limitation on Russia with respect to all or a portion of the Moscow Military District.

Finally, in negotiating changes to the CFE Treaty, NATO negotiators must keep in mind the possibility of further enlargement of NATO at some future date to include states beyond three or four central European nations. It must ensure that whatever revised CFE limitations it negotiates will permit NATO, should it so decide, to extend security guarantees to these countries that will be credible and on which NATO can make good, even under the provisions of a revised CFE Treaty.

In sum, the CFE Flank Agreement, if ratified, provides the first building block to a revised CFE Treaty. NATO's proposals for an adapted CFE Treaty are based on the assumption that the flank agreement will be ratified. That being the case, it is appropriate that the Senate, in consenting to the CFE Flank Document, not only judge it on its own terms but also in terms of the contribution it can make to a revised CFE Treaty.

Mr. KYL. Mr. President, Article II of the Constitution gave the President and the Senate equal treaty making powers, stating that the President "shall have the power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." Substantive changes to treaties also require the advice and consent of the Senate. John Jay made one of the most persuasive arguments about this point, noting that, "of course, treaties could be amended, but let us not forget that treaties are made not by only one of the contracting parties, but by both, and consequently that as the consent of both was essential to their formation at first, so must it ever afterwards be to alter . . . them."

Condition 9 of the resolution of ratification for the CFE Flank Agreement protects the Senate's constitutional role by requiring that any agreement to multilateralize the 1972 ABM Treaty be submitted to the Senate for advice and consent, since any such agreement would substantively alter the rights and obligations of the United States and others under the treaty. This condition is not the first expression of the Senate's view on this issue, and would merely be the latest addition to a clear legislative history.

Section 232 of the Defense Authorization Act for fiscal year 1995 clearly states that any agreement that substantively modifies the ABM Treaty must be submitted to the Senate for advice and consent.

The conference report accompanying the fiscal year 1997 Defense Authorization Act built on the language in the 1995 Authorization Act stating that, "the accord on ABM Treaty succession, tentatively agreed to by the administration would constitute a substantive change to the ABM Treaty, which may only be entered into pursuant to the treaty making power of the President under the Constitution."

The conversion of the ABM Treaty from a bilateral to a multilateral agreement represents a substantive modification of the treaty. First of all, multilateralization changes the agreement by altering the definition of territory, which is at the heart of the treaty. Article I of the 1972 ABM Treaty states, "Each Party undertakes not to deploy ABM systems for a defense of the territory of its country."

Under the terms of the memorandum of understanding on Succession to the ABM Treaty, territory would now be defined as the "combined national territories of the U.S.S.R. Successor States that have become Parties to the Treaty." The term periphery would also be changed to mean the combined periphery of all the former Soviet states party to the treaty. Thus, instead of the treaty applying to the territory of a single nation, in the case of the former Soviet Union, it would apply to a number of nations.

Multilateralization would also be a substantive change since it would create a system of unequal rights under the treaty, wherein the New Independent States of the former Soviet Union would be treated as second class citizens. The ABM Treaty that the Senate agreed to 25 years ago created identical rights and obligations for each party. Under the memorandum of Uunderstanding on succession, however, only two of the potential parties to the treaty—the United States and Russia—would be permitted to field an ABM system. Other nations, while responsible for regulating ABM activities on their territory, would not be allowed to deploy such a system. For example, Ukraine could locate new early warning radars on the periphery of its territory, oriented outward, but would not be permitted to protect its capital with an ABM system.

The multilateralization of the ABM Treaty also undermines U.S. efforts to promote the independence of the former Soviet republics. The memorandum of understanding on succession states that the term capital of the U.S.S.R. will continue to mean the city of Moscow. This designation, in addition to granting the New Independent States inferior rights under the treaty, and defining territory and periphery as the combined total of the former Soviet states sends the wrong message. It tells the New Independent States that they remain linked to Russia, without equal rights.

Finally, multilateralization represents a substantive change to the agreement since it would diminish U.S. rights and influence under the treaty. New parties will surely be given a seat at the Standing Consultative Commission [SCC], which interprets, amends, and administers the ABM Treaty. Under the 1972 ABM Treaty, the United States could take actions through bilateral agreements with the Soviet Union. By expanding the number of nations in the treaty, it will now be necessary to reach multilateral consensus to interpret or amend the treaty. One country, such as Belarus, could effectively block United States actions or demand concessions, even if Russia and the other parties to the treaty agreed with the United States. Negotiating changes or common interpretations of treaty obligations with Russia is a difficult task. Adding up to 11 new parties to the treaty will make this process much more difficult.

In addition to the reasons I have cited as to why multilateralization would substantively modify the ABM Treaty, and the legislative history compelling the administration to submit the agreement to the Senate for advice and consent, the way the Senate has considered succession agreements for the various arms control treaties concluded between the United States and the Soviet Union further supports the case for Senate consideration of any ABM successorship document.

Since the breakup of the Soviet Union, the only arms control treaty which was not re-submitted to the Senate for advice and consent due to changes in countries covered, was the INF Treaty. This treaty carried a negative obligation, namely not to possess intermediate-range nuclear missiles. Since no treaty terms were altered and U.S. rights and obligations remained unchanged, advice and consent was not necessary.

The resolution of ratification for the START I Treaty was accompanied by a separate protocol multilateralizing the treaty, which was submitted to the Senate for advice and consent.

This same protocol determined successorship questions for the Nuclear Nonproliferation Treaty [NPT].

Finally, the Senate specifically considered the question of multilateralization of the Conventional Armed Forces in Europe [CFE] treaty under condition #5 of its resolution of ratification.

As I have discussed today, the addition of parties to the ABM Treaty clearly represents a substantive modification of the treaty. The Defense Authorization Acts passed by the Senate in 1995 and 1997, and the history of how this body has considered succession agreements to previous arms control accords with the Soviet Union strongly support the submission of any ABM multilateralization agreement to the Senate. Voting to require the administration to submit the ABM multilateralization agreement for advice and consent, simply protects the Senate's constitutional role in treaty making. Reasonable people may differ over the merits of the ABM Treaty or the addition of one or more countries to the agreement, but I believe all my colleagues can agree that before this new treaty is implemented, the Senate needs to fulfill its constitutional duty by considering whether to give its advice and consent to this new agreement.

Mr. SHELBY. Mr. President, I rise in support of condition 9 of the resolution of ratification of the CFE Flank Agreement.

Condition 9 simply confirms the Senate's role in treatymaking, as established in the U.S. Constitution and reaffirmed in existing law.

Specifically, condition 9 restates the requirement, enacted as section 232 of the National Defense Authorization Act for fiscal year 1995, Public Law 103–337, that:

> The United States shall not be bound by any international agreement entered into by the President that would substantially modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

Thus, this body is already on record supporting the preservation of the Senate's constitutional prerogatives in this area.

In other words, the President may not unilaterally negotiate substantive changes to the ABM Treaty without the advice and consent of the Senate.

Frankly, I am surprised some of my colleagues, who in the past have been strong supporters of this body's constitutional prerogatives with respect to treaties in general, and the ABM Treaty in particular, are arguing to strike condition 9.

Not only do the Constitution and U.S. law require Senate advice and consent, but submission to the Senate is also consistent with recent practice on the multilateralization of arms agreements with the Soviet Union to include successor states.

Both the multilateralization of START I and the multilateralization of the CFE Treaty were considered by the Senate when it acted on the Lisbon protocol and the CFE Treaty itself.

Mr. President, some of my colleagues argue that the multilateralization of the ABM Treaty is not a substantive change.

Consider the following:

The proposed changes would alter the basic rights and obligations of the parties—the central issue in any contract or treaty.

Second, the proposed changes would modify the geographic scope and coverage of the Treaty, and would do so by taking the extraordinary step of defining Russia's national territory to include the combined territory of other independent states of the former Soviet Union.

Third, the role and function of the Standing Consultative Commission [SCC], in particular the ability of the United States to negotiate amendments to the treaty to protect our national interests, would be dramatically changed by the accession of new parties to the treaty with effective veto power over treaty amendments.

Lastly, some of my colleagues have cited a Congressional Research Service legal analysis that seems to suggest that the Senate has no role in the process.

In response, I would like to point out that:

The CRS analysis concludes that an apportionment of the rights and obligations of the U.S.S.R. under the ABM Treaty to its successor states would not, in itself, seem to require Senate participation.

The CRS analysis goes on to say, however, "arguably, a multilateralization agreement could include matters that would alter the substance of the ABM Treaty and require Senate advice and consent."

The administration's proposal clearly falls into the latter category.

It does much more than merely apportion the rights and obligations of the U.S.S.R.

It apportions some rights to some successor parties—but denies them to others, in effect creating two classes of parties. This asymmetry and lack of reciprocity represents a clear departure from both the legal and strategic assumptions embodied in the initial treaty.

It specifically permits Russia to establish ABM facilities on the territory of other independent states. This is not an apportionment; this creates a new right under the treaty.

The administration proposal admits to the treaty states which neither have nor intend to have offensive or defensive strategic weapons, while giving them virtual veto rights over the strategic posture of other parties.

This brings me to the most important point: The administration's proposal affects the rights of the United States to provide for our own defense as we see fit.

It was to protect those rights that the Senate was given its advice and consent role in the first place. The Senate must not abdicate its role, now.

I urge my colleagues to support this provision.

Mr. DODD. Mr. President, today I rise to recognize the past success of the CFE Treaty and to stress that, in order to continue that success, this body must now offer its advice and consent for the CFE Treaty's Flank Document.

Since the CFE Treaty entered into force in 1992 it has made Europe a safer place; not just because it has resulted in the removal or destruction of over 53,000 items of major military equipment; not just because it has enabled international inspectors to undertake nearly 3,000 on-site international inspections; but, above all, because it has fostered a sense of trust between NATO and Russia.

Now, as we move to build on that sense of trust and deal with Russia as a new democratic state rather than an old arch-enemy, it is only fair and proper that we address Russia's concerns with respect to some of the arcane provisions of this treaty. The CFE Treaty, as written, establishes zones on an old cold war map, a map drawn before the breakup of the former Soviet Union. The pending revised Flank Document updates alters some of the provisions of this treaty to reflect the fact that we're now dealing with a new map.

Clearly the Flank Document does not address all the issues that we must face in adapting the CFE Treaty to the new situation in Europe, but it is a fine first step.

The conditions in the resolution of ratification are, for the most part, thoughtful and necessary. I also support the amendment, offered by Senators KERRY and SARBANES, clarifying condition 5 as it relates to Armenia.

Without this amendment, section F of condition No. 5 would have required the President to submit a special report to Congress regarding whether or not Armenia has been in compliance with the CFE Treaty, and, if not, what actions the President has taken to implement sanctions.

Why should we single out Armenia? Without the amendment, the language assumed that Armenia and only Armenia violated the CFE Treaty and should suffer sanctions.

This amendment was added in the interest of fairness and simply asks the President to examine compliance of all States Parties located in the Caucasus region rather than singling out Armenia for special treatment.

While the amendment ameliorates one problem with the resolution of ratification, I have another misgiving about another condition that was adopted by the Committee on Foreign Relations during consideration of the treaty last week. Condition No. 9 would require the President to certify that he will submit to the Senate, for its advice and consent, the agreement to multilateralize the 1971 Anti-Ballistic Missile Treaty.

I am of the same mind as my distinguished colleague, Senator BIDEN, on this issue. While the Senate does not prohibit itself from attaching unrelated conditions to resolutions of ratification, the Senate should exercise some self-restraint in such important matters. The Founding Fathers clearly distinguished the question of treaty ratification by requiring a supermajority in such cases. This is not every day legislation we're dealing with here. We're debating whether or not to ratify a treaty, and this attached, unrelated condition really has no place in today's debate.

In short, condition No. 9 links ratification of the Flank Document with the unrelated, but controversial 1972 Anti-Ballistic Missile Treaty debate. There are merits to both sides of that issue and that debate will surely have its time. This is the wrong way to move that debate forward.

Let us be certain of one thing: The Senate, with condition 9, interferes with what has long been a function of the executive branch. In the breakups of the U.S.S.R., Yugoslavia, Czechoslovakia, and Ethiopia, when the new States took on the treaty rights and obligations of their predecessors, no request for Senate advice and consent was sought. I ask my colleagues: Why are we treating the ABM Treaty differently?

In spite of my objection to condition 9, this treaty and its resolution of ratification are too important to be bogged down today over a debate on the ABM Treaty. I believe that the appropriate course of action is to ratify the pending Flank Document this is a reasonable initial adjustment to the CFE Treaty. In doing so, we will also show Russia that we are willing to work with Russian officials in facing legitimate concerns, and, most importantly, we will maintain the viability of this valuable 30-nation agreement.

Mr. HELMS. Mr. President, I yield the remainder of my time to the distinguished Senator from Oregon [Mr. SMITH].

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, I rise in appreciation for the leadership of the chairman, the Senator from North Carolina, on this issue and as member of his committee I rise in support of the ratification of the CFE Flank Agreement.

The CFE Treaty has been remarkably successful in reducing the cold war arsenals of conventional weapons in Europe. To date well over 50,000 tanks, artillery pieces and aircraft have been destroyed or removed from Europe. This treaty serves as an important mechanism to continue balanced force reductions in Europe, to build confidence among European States, and to provide assurances that NATO expansion will in no way threaten Russia.

In addition to the Europe-wide national ceilings on specific categories of military equipment, the CFE Treaty established a system of four zones inside the map of Europe with separate subceilings. The three central zones are nested and overlapping, the fourth zone is the flank zone. The flank zones include Russia's northern and southern military districts that, during the cold war, were areas of heightened tension with NATO. NATO has corresponding limits on its Northern and Southern Flanks.

The CFE flank zones limit the amount of equipment a country is permitted to deploy in certain areas of its own territory. The outbreak of armed ethnic conflicts in and around the Caucasus in 1993 and 1994, most notably the large scale offensive launched by the Russian Government in Chechnya, led to Russian claims for the need to deploy equipment in excess of treaty limits in that zone.

Under the CFE Treaty, mechanisms exist that would allow parties the flexibility to make temporary adjustments in the size or location of their military equipment holdings with proper notification. However, in 1994 the Government of Russia signaled its intention to violate the treaty if such restrictions were not permanently relaxed.

In early 1995, Clinton administration officials adamantly insisted that Russia must meet its obligations under the CFE Treaty on schedule. By May of that same year, those rigid statements demanding compliance soon collapsed into a frenzied effort to renegotiate the treaty on terms that would be acceptable to Russia.

Aside from the embarrassing spectacle of Western concessions in the face of Russian arms control violations, the NATO alliance was further undermined by a United States-Russian side deal that failed to gain the support of our allies. A key element of the final compromise on this treaty is a confidential side statement which U.S. negotiators provided to the Russian delegation in order to win their approval of the Flank Document. An interim United States-Russian proposal—known as the Perry-Grachev understanding—led to yet another embarrassing retreat, this time from our own NATO allies. Finally, after 11th hour negotiations, the agreement before us today was accepted by all 30 parties to the CFE Treaty.

In order to understand the process through which this treaty was approved, I strongly recommend that any interested Senator review that short document, which is available in the Office of Senate Security on the fourth floor of the Capitol. After reading that document, the purpose of the numerous restrictions contained in the resolution of ratification—particularly paragraphs 3 and 6—should be abundantly clear.

The committee resolution reverses the affects of this side agreement by prohibiting United States participation in any negotiations which would allow Russia to violate the sovereignty of its neighbors. As further assurance, the resolution requires the President to certify, prior to deposit of the instrument of ratification, that he will vigorously reject any other side agreements sought by the Russians or any other country.

I believe that the proper approach for the United States would have been to insist on Russian compliance 18 months ago. However, the 30 parties to the treaty were willing to reach a compromise consisting of the document before the Senate today. In all likelihood, if this treaty is rejected, it will be renegotiated on less favorable terms. With that in mind, and because of the 14 conditions included in the committee's resolution of ratification, I am willing to recommend support for this treaty.

The treaty is an acceptable first step in resolving the difficult challenge of adapting a cold war era treaty to post-cold-war realities. It is one part in a series of efforts underway to redesign the security architecture of Europe, and as such it is an important step toward the larger goal of NATO enlargement.

The CFE Treaty and the Vienna-based organization that oversees its implementation are important pieces of the geopolitical landscape of Europe and the former Soviet Union. With the end of the cold war, decisions made in the context of the CFE Treaty affect U.S. security on the margins. But for countries such as the Baltic States, Ukraine, Georgia, and Azerbaijan, such decisions can affect the very sovereignty of these newly independent countries.

Russia—still the largest military power in Europe—has used its armed forces in recent years in both Georgia and Azerbaijan. Russia uses its military presence in Ukraine and Moldova to influence the sovereign governments of those states. Russian Government officials have made open threats of military invasion against the Baltics. Finally, less than a year ago, a bloody war in Chechnya was brought to an end. That war was characterized by wide scale Russian atrocities, the intentional targeting of civilians, and casualties possibly in excess of 100,000 people—mostly innocent men, women, and children. It is against this back drop that the countries on Russia's periphery watch any revisions to the security guarantees contained in the CFE Treaty.

Mr. President, I understand my time is up.

On this basis, this treaty has been negotiated. Again, with the leadership of the chairman, I urge support from the Senate and thank you for this time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I want to pay my respects to the distinguished Senator from Oregon [Mr. SMITH]. He is the chairman of the Europe subcommittee, and he has devoted an enormous amount of time and effort to bringing this treaty forward. So he thanks me, but I thank him. I am glad he is in the Senate. I am glad he is a member of the Foreign Relations Committee.

I have been asked to advise Senators that the coming vote, after the able Senator from West Virginia, Senator BYRD, completes his presentation, the ensuing vote will be the last vote of the day.

I yield the floor and yield back such time as I may have.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time remains before the vote?

The PRESIDING OFFICER. There is 3½ minutes for Senator BIDEN. You have 30 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I want to commend the managers of the agreement for the expeditious manner in which they have moved this agreement through the committee and to the floor in time for the deadline of May 15 in order that it not be subject to further action by the review conference in Vienna. As I understand it, the agreement was not submitted to the Senate by the Secretary of State until April 3, 1997. So I commend the committee. But I also wish to express my concern over the rushed manner in which the Senate has been forced to deal with this important treaty. All of us in this Chamber know that treaties are not considered by the House of Representatives, but they still have the effect and status of being the law of the land of our Nation. They have as much or even more importance, in some respects, and certainly as far as the Senate is concerned, than any bill that is passed by both Houses and has been subjected to the scrutiny of a conference committee.

In the case of treaties, the Senate considers them and, assuming that the President exchanges the instruments of ratification, they become the law of the land according to article 6 of the United States Constitution. Therefore, the Senate has a special responsibility, in the case of treaties, to exercise due caution and great care in dealing with treaties, since there is no review or check by the other body. Additionally, the Senate provides the only forum for the debate of the provisions of treaties, and for informing the American people about their content. Because of those realities, I am very concerned about the increasing tendency in this body, as has been evidenced by the Chemical Weapons Treaty that we recently passed, and now by this treaty, to enter into time agreements that inadequately protect the rights of all Senators to debate and amend treaties, but which also fail to defend the rights of the American people to know what is in the treaties. I think it is a bad trend. I think it should be curtailed, because it does not allow Members to thoroughly study and debate these complicate and important matters.

This committee report bears the date of May 9, 1997, when it was ordered to be printed. That was last Friday. As I understand it, it was made available to my staff on Monday of this week, and, so, I have had between Monday and now to consider the contents of the committee report. The committee report is where we naturally turn to understand the content of the treaty or content of the bill or resolution, as it were. Also, the courts turn to the phraseology of a committee report to better understand the intent of the legislature when it passes on a bill or resolution, or approves the resolution of ratification of a treaty. So it is important that Members have an adequate opportunity to study a committee report.

It is important that they have adequate opportunity to study the hearings. It is likewise important that they have an adequate opportunity to fully debate a treaty. Let me say, again, that according to article 6 of the United States Constitution—the Constitution, this Constitution—and the laws that are made in pursuance of this Constitution and the treaties that are made under the authority of the United States shall be the supreme law of the land—the supreme law of the land.

Now, that is a very heavy burden to place upon the U.S. Senate, as it is given the sole responsibility with respect to the Congress. As far as the Congress is concerned, the Senate has the sole responsibility, a very heavy responsibility, to study treaties, to conduct hearings thereon, to mark up the treaties, to approve of conditions or reservations, amendments, whatever, to those treaties. There is no other body that scrutinizes the treaty. The Senate of the United States—and that is one of the reasons why the Senate is the unique body that it is—unique body, the premier upper body in the world today, more so than the House of Lords in our mother country. And so it places upon us as Senators a responsibility that is very, very heavy, and we have a duty to know what is in a treaty before we vote on it. We get these requests, and here we are backed up against a date of the 15th.

We had the same problem, in a way, I think, with respect to the chemical weapons treaty. We are handed a unanimous consent request, and it is a bit intimidating for one Senator to be faced with the prospect that he will be holding up the business of the Senate if he holds up the unanimous consent request. But that is our responsibility; that is our duty.

So, I am increasingly concerned by the trend, as I have said, that we are finding ourselves being subjected to. It did not just begin yesterday or the day before, and I am not attempting to place any blame for that. I am simply calling attention to the fact that we have the responsibility as Senators under the Constitution, to which we swear an oath to uphold to support and defend, we have a duty to know what is in this treaty.

I am not on the committee, but I am a Senator, and I have as heavy a duty as does the Senator from North Carolina or the Senator from Delaware. That is the way I see it. I have as heavy a duty to know what I am voting on, because this is the law of the land. It is not an ordinary bill or resolution which can be vetoed by the President and which, if signed into law by the President, can be repealed next week or the following week or the next month. It is not that easy to negate the effects of a treaty if we find we made a mistake.

Well, so much for that. Here we are debating the treaty. We have one, two, three, four Senators on the floor debating an important treaty, and we are confined within a 2½-hour time limit, I believe. Four Senators. The law of the land. We should be debating the treaty without a time limit, at least in the beginning.

I have been majority leader of the Senate twice during the years when President Carter was President. I did not serve under Mr. Carter, I served with him. Senators don't serve under Presidents, we serve with Presidents. But I was majority leader during those 4 years. I was majority leader in the 100th Congress. I was minority leader in all of the Congresses in between 1981 and 1986.

We had some important treaties: INF Treaty, we had the Panama Canal Treaties, and we did not bring treaties like this to the floor and ask they be debated, no amendments thereon, and in a time limitation of 2 hours. And there was a request to cut that to 1 hour. We did not do that.

When I came here, we debated treaties, and we took our time. At some point, it is all right to try to get a time limitation after things have been aired; it is all right to try to bring it to closure. But I am somewhat disturbed and concerned by this trend that we find ourselves being subjected to.

As to the substance of the treaty, I want to note that condition No. 8 dealing with treaty interpretation provides sound guidance on the meaning of "condition," which was authored by the distinguished Senator from Delaware, Mr. BIDEN, now the ranking Democrat on the Foreign Relations Committee, myself and former Senator Sam Nunn, the former chairman of the Senate Armed Services Committee, and agreed to on the Treaty on Intermediate Nuclear Forces in Europe of 1988. That is the INF Treaty.

In that instance, I was under great pressure from my friends on the Republican side of the aisle and great pressure from my friends on the Democratic side of the aisle to bring up the treaty. As majority leader, I thought it was my duty to wait until we had resolved some critical problems that were estimated to be critical problems by the Armed Services Committee and the Intelligence Committee before I brought it up. We spent considerable time on the treaty.

Condition (8) states that "nothing in [the so-called Biden-Byrd] condition shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through a majority approval of both Houses."

Why was it necessary—I would like to ask this question of either the manager or the ranking manager of the resolution—why was it necessary for us to include condition (8), which certainly is a condition that I strongly support? Why was it necessary for us to include condition (8)?

(Ms. COLLINS assumed the chair.)

Mr. BIDEN. Madam President, would the Senator like me to respond?

Mr. BYRD. Yes, I yield, Madam President.

Mr. BIDEN. The Senator makes a valid observation. The truth is, it was not necessary, but I would like to give the explanation why it was included, and the majority can speak even more clearly to it.

The concern on the part of the majority was that the Clinton administration would use the Biden-Byrd language to justify sending a modification of a treaty for a two-House approval by majority vote rather than to the Senate for a supermajority vote when, in fact, it was a modification that constituted an amendment to the treaty.

You never intended it for that purpose; I never intended it for that purpose. The concern was, I think it is fair to say on the part of the majority, that the Clinton administration might have attempted to read it to allow them to avoid submission to the Senate for a supermajority vote under the Constitution and just go to each House for a majority vote.

Mr. BYRD. Does the manager wish to add anything?

Mr. HELMS. No, except to say Senator BIDEN has said it correctly.

Mr. BYRD. I am pleased that we have not done that. In other words, as I understand the distinguished ranking manager, the administration originally wanted the approval of disagreements through normal legislative action by both bodies of the Congress which would, of course, require only majority approval in both bodies. Was that the concern?

Mr. BIDEN. Yes, it is. If I may say, Madam President, to the distinguished leader, that in a November 25, 1996, memorandum for Alan J. Kreczko, Special Assistant to the President and Legal Adviser to the National Security Council, from Christopher Schroeder, Acting Assistant Attorney General, there is this phrase on page 14 of that memorandum. It says:

> Because the Senate took the view that such "common understandings" of a treaty had the same binding effect as express provisions of the treaty for the purposes of U.S. law, the Biden condition logically supports the proposition that the President may be authorized to accept changes in treaty obligations either by further Senate advice and consent or by statutory enactment.

The next paragraph:

> In light of these judicial and historical precedents, we conclude the Congress may authorize the President, through an executive agreement, substantially to modify the United States' international obligations under an arms control (or other political-military) treaty.

So the purpose, again, was to make it clear what you and I, as we understood at the time that condition was added—I might add, I get credit for it being called the Biden-Byrd condition, of which I am very proud, but the truth of the matter is, after having suggested such a condition early in the ratification process, I spent the next 7 months in the hospital during the remainder of the whole ratification process, and it was the distinguished leader, the Senator from West Virginia—it really should be the Byrd-Biden condition. Nonetheless, that is the reason. You and I never thought a majority vote in both Houses as a simple piece of legislation would be sufficient to approve an amendment to a treaty, and that was the concern expressed by the majority that it be memorialized, if you will, in condition (8).

Mr. BYRD. I thank the very able ranking manager, and I compliment him again and compliment the manager. I am glad that condition has been made clear.

Secondly, I would like to ask the managers of the agreement their reasoning behind their view of the collective impact of conditions (1), (2) and (3). Let me preface what I have just said by reading excerpts from these conditions.

CONDITION 1: POLICY OF THE UNITED STATES

I read from the committee report, page 20:

> Condition (1) simply restates United States policy that no Russian troops should be deployed on another country's territory without the freely-given consent of that country. Unfortunately, Russia continues to station troops in several sovereign countries of the former Soviet Union—in several cases against the express wishes of the host country.

CONDITION 2: VIOLATIONS OF STATE SOVEREIGNTY

> Condition (2) states the view of the Senate that Russian troops are deployed abroad against the will of some countries (namely, Moldova). It further states the Secretary of State should undertake priority discussions

> to secure the removal of Russian troops from any country that wishes them withdrawn. Further, it requires the Administration to issue a joint statement with the other fifteen members of the NATO alliance reaffirming the principles that this treaty modification does not give any country: (1) The right to station forces abroad against the will of the recipient country; or (2) the right to demand reallocation of military equipment quotas under the CFE Treaty and the Tashkant Agreement. This joint statement was issued, in fact, on May 8, 1997 in Vienna.
>
> CONDITION 3: FACILITATION OF NEGOTIATIONS

Now, I am particularly interested in this condition.

> Condition (3) ensures that the United States will not be party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from its smaller neighbors.

Let me interpolate right there for the moment with a rhetorical question.

Why should we have to have a condition to ensure that the United States will not be party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from its smaller neighbors? It would seem to me that would be a given.

Let me continue, and then I will yield to the distinguished ranking member.

> Indeed, this condition, along with much of the rest of the resolution, is specifically designed to require the United States to safeguard the sovereign rights of other countries (such as Ukraine, Moldova, Azerbaijan, and Georgia) in their dealings with the Russian Federation.

Listen to this:

> The committee became alarmed, over the course of its consideration of the CFE Flank Document, with several aspects of the United States negotiating record. This condition [condition No. 3] will ensure that the United States will adhere to the highest principles in the conduct of negotiations undertaken pursuant to the treaty, the CFE Flank Document, and any side statements that have already been issued or which may be issued in the future.

Now, there are several questions that jump out at anyone who reads that paragraph.

It makes reference to "side statements." It uses the word "alarmed." There is a condition there that ensures that the United States will not be a party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from a smaller neighbor.

Why do we have to have a condition to that effect? Is there some confusion about what the right position is that the United States should take? Is it not a given that the United States would not be a party to any efforts by Russia to intimidate concessions from its smaller neighbors?

I yield to the distinguished Senator.

Mr. BIDEN. Let me say, this all came about—and they are, obviously, as usual, very good, incisive and insightful questions.

I think it is unnecessary because I think it is a given. But let me explain, in fairness, why we got to this point and why I thought it was—speaking only for myself—a clarification, although in some sense I thought it was a demeaning clarification. Let me explain.

During the negotiations on the flank agreement, there was concern about what became referred to as a "side agreement." That was, there was an issue that came up during the negotiations where a diplomatic note was passed, which is classified—I am not able to give you, but I can tell you from the committee testimony what it said—a note that was passed to the Russian representative dealing with the issue of the stationing of Russian troops on the soil of the countries you named.

The Under Secretary of State, Lynn Davis, who appeared before the committee on April 29, was asked to explain. He went on to explain why a statement was made to the Russians. The statement made was that we would—this is the quote, in part—"the United States is prepared to facilitate or act as an intermediary for a successful outcome in discussions that could take place under the flank agreement and the CFE Treaty between Russia and other Newly Independent States."

The worry expressed by my friends in the Republican Party was that this reflected a possible inclination to try to mollify Russia and put American pressure on Moldova or Georgia or other states to accept Russian deployment of Russian forces on their soil.

The concern was that the assertion made by the U.S. negotiators was a way of saying, do not worry, we are going to help you to get Russian troops placed in those regions.

Lynn Davis, the Under Secretary said, no, that was never the intention of that "side agreement," as it became referred to.

I will quote what he said at the hearing to my friend from West Virginia. He said:

> We see this particular statement of our intentions as part of the reassurance that we can make so that those countries will feel that this is an agreement that continues to be in their security interests. This statement of our intentions makes clear that the commitment is predicated on an understanding that any agreements between Russia and the Newly Independent States must be done on a voluntary basis with due respect for the sovereignty of the countries involved, and our role here is indeed to reinforce that and ensure that it is carried out.

This was the concern that was expressed by my friends on the Republican side, that the United States intention to level the playing field between Russia and other Newly Independent States had not been seen that way by all concerned.

So what was done—and the administration signed on to the condition—was to make it crystal clear that this offer of an intermediary role was not for the purpose of using our influence or power to coerce them into accepting a demand or a suggestion from their Russian brethren.

That is the context, I say to my friend, in which it came up. You used the phrase "the committee became alarmed." Some in the committee were alarmed because of the wording of the "side agreement." This was done to clarify what the administration says was their intent from the beginning but now locks in the stated interpretation by the administration of what that whole thing was all about.

I hope I have answered the question, and I hope I have done it correctly.

Mr. HELMS. You have done it correctly, I say to the Senator.

Conditions 1, 2, and 3 of the resolution on ratification require the President to observe reasonable limits in the conduct of certain negotiations facilitated by the United States in support of the CFE Treaty. Specifically, this entails an obligation for the President to conduct his diplomacy in a manner that respects the sovereignty and free will of countries on the periphery of Russia that are under pressure by Russia to allow the establishment of military bases.

In fact, I do not believe that the United States should be party to any negotiation which could result in allowing Russia to deploy its troops into the territory occupied by the Soviet Union for nearly 70 years. Yet this is exactly the result contemplated by the Clinton administration if this resolution of ratification is not clear on this point. Conditions 1, 2, and 3 are clear on this matter.

It is clear from this document that the Clinton administration has demonstrated a willingness to participate in negotiations that could actually result in the establishment of Russian military bases on the territory of other States with the endorsement—and even with the active assistance—of the United States. Is there anyone in the administration who is prepared to state that it would be in the United States' interest for Russia to establish military bases outside of its territory?

The Clinton administration offers hollow assertions that Russian troops will not be deployed in other States without the freely given consent of the relevant government. Russia—still the largest military power in Europe—has used its armed forces in recent years in both Georgia and Azerbaijan with virtually no complaint from the Clinton administration.

Russia uses its military presence in Ukraine and Moldova to influence the sovereign governments of those States while the Clinton administration remains silent. Russian Government officials have made open threats of military invasion against the Baltic States. Finally, less than 1 year ago, a bloody war in Chechnya was brought to an end. That war was characterized by wide scale Russian atrocities, the intentional targeting of civilians, and casualties possibly in excess of 100,000 people—mostly innocent men, women, and children. Do the administration's lawyers find that these incidents were with the freely given consent of the affected governments?

Conditions 1, 2, and 3 set reasonable limits specifically tied to activities cited in paragraph IV (2) and (3) of the CFE Flank Document.

Mr. BIDEN. Mr. President—Madam President, I made the mistake of referring to the Presiding Officer as "Mr. President" before I turned around. And I also made the mistake of referring to Under Secretary Davis as "he." It is "she." I knew that, and I apologize on both scores.

Mr. BYRD. Well, Madam President, I came up, I suppose, at a time when political correctness did not make any difference. As far as I am concerned, it does not make any difference yet. And the pronoun "he" is inclusive. It was inclusive when I was a boy; it was inclusive when I became a man. It still is inclusive of the female. So I would not worry too much about that.

Mr. BIDEN. Madam President, as the distinguished former majority leader knows, another former majority leader, Senator Baker, used an expression all the time. He would come to the floor, and he would say, "I ain't got no dog in that fight."

Mr. BYRD. I commend the committee for including that condition.

I can understand how the committee would become alarmed. I think that it would have been well if all Senators could have been notified that there was—and maybe they were, I do not know, but I do not remember being notified except through my own staff that there was such a paper up in room 407 so that they could have gone up and examined it. I heard about it this afternoon, and I went up and looked at it.

So I think the committee had a right to be alarmed. I congratulate the committee on including the condition which, as Mr. BIDEN has just said, locks it in, locks the administration in, so there will be no doubt that the United States will not be party to any efforts by Russia to intimidate or otherwise extract CFE Treaty concessions from its smaller neighbors.

I would dare say, if the people in Azerbaijan or Armenia or Georgia should see that language, they would be alarmed also—they would be alarmed also. They would wonder, where does the United States stand? But the condition is there. And I again commend the committee on including it.

Do the managers feel that U.S. policy is now clearly to protect the interests and rights of the newly sovereign nations of the Caucasus against intimidation and pressure tactics by the Russians regarding equipment that is covered by the flank agreement that we are considering here today?

Mr. HELMS. Yes, sir.

Mr. BIDEN. I would say yes, as well, Madam President.

Mr. BYRD. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. BYRD. Madam President, I thank all Senators. Especially I thank the manager and ranking manager on the committee.

I shall vote for the treaty.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Will the Senator yield me 1 minute?

Mr. BYRD. I yield 1 minute to the Senator.

Mr. HELMS. I thank the Senator.

During the past 4 years, the Clinton administration has remained silent while Russia has encroached upon the territory and sovereignty of its neighbors. It was the lack of a foreign policy—not a lack of tools—that allowed this to happen.

I have confidence that the new Secretary of State will correct the course of our policies toward Russia, and I gladly support this treaty to aid the Honorable Madeleine Albright in that endeavor. The collapse of the Soviet Union was one of the finest moments of the 20th century. To allow even a partial restoration of the Soviet Union before the turn of the century would be a failure of an even greater magnitude.

Senator LOTT, I believe, is standing by.

I thank the Senator.

Mr. BYRD. I thank the distinguished Senator.

I reserve the remainder of my time.

Mr. BIDEN. Madam President, before the distinguished leader takes the floor, if I could just take 60 seconds of the 3 minutes I have remaining to comment on something the Senator from West Virginia said.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, the Senate has always been served well by the talent of the Senator from West Virginia and, most importantly, in making sure that we do our job responsibly.

I would make only one 20-second explanation of why I think this treaty got less of a cover than any others.

One was the way in which it was delayed and being presented and the timeframe. But a second reason is that people who followed this, which is a mistake to assume everyone should, people who follow this have been aware of what the terms of the agreement were since May of last year.

I think many of us fell into the routine on Foreign Relations and Armed Services of thinking that its terms were well known. And it was widely accepted, the broad outlines of the treaty. But I think the Senator makes a very valid point and I, too, as ranking member of this committee, do not want to be party to these expedited efforts to deal with very significant security issues relating to the United States.

Mr. HELMS. Let us make a pact.

Mr. BIDEN. We make a pact.

Mr. BYRD. Mr. President, I thank both Senators.

Mr. BIDEN. I reserve the remainder of my time, if I have any.

Mr. LOTT. Madam President, could I inquire how much time is remaining for debate?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining. The Senator from Delaware has 2 minutes remaining.

Mr. LOTT. Then I will yield myself time off my leader's time.

Mr. BYRD. Do you need more time?

Mr. LOTT. No. I thank the Senator from West Virginia.

I am glad I was able to come to the floor, Madam President, and listen to this exchange. I always enjoy learning from the exchanges involving the senior Senators, like the Senators from West Virginia and North Carolina and Delaware. I wish all Members had been here for the last hour and heard this debate.

I do want to take just a few minutes, as we get to the close of debate, to speak on the Chemical Forces in Europe flank agreement or resolution of ratification because I think it is very important. I wish we did have more time to talk about all of its ramifications, but I know the chairman and the ranking member have gone over the importance of this treaty earlier today.

Madam President, we have an important treaty before us today modifying the 1990 Conventional Armed Forces in Europe Agreement [CFE]. The Flank Document adjusts the CFE boundaries to reflect the collapse of the Soviet Empire, adds reporting requirements, and increases inspection provisions.

Negotiations to modify the CFE Treaty began in 1995, because Russia threatened to violate the flank limits in the original treaty. The precedent of modifying a treaty to accommodate violations by a major signatory concerned many of us. We have also been concerned about how Russia intends to use the Flank Agreement to pressure countries on its borders—former Republics of the Soviet Union. Our concerns were dramatically heightened by the classified side agreement the administration reached to further accommodate Russian demands. This side agreement is available for all Senators to review in room S–407 of the Capitol.

The concerns about the CFE Flank Agreement are shared by a number of states which have been subjected to Russian intimidation, pressure and subversion. States with Russian troops on their soil without their consent—Moldova, Ukraine, and Georgia—have rightly expressed concern that the Flank Agreement must not undermine their sovereign right to demand withdrawal of those Russian forces. A fourth country, Azerbaijan, has been subject to Russian-sponsored coups and assassination attempts. They have been reluctant to approve the Flank Agreement without adequate assurances.

The resolution of ratification before the Senate today addresses these concerns. The resolution includes a number of binding conditions which make clear to all CFE parties that no additional rights for Russian military deployments outside Russian borders are granted. The resolution ensures that United States diplomacy will not be engaged on the side of Russia but on the side of the victims of Russian policies. In addition, the 16 members of NATO issued a statement last week affirming that no additional rights are granted to Russia by the Flank Agreement. This statement was a direct result of the concerns expressed by other CFE parties and by the Senate.

The resolution directly addresses the administration's side agreement in condition 3 which limits United States diplomatic activities to ensuring the rights of the smaller countries on Russia's borders. This resolution ensures the United States will not tacitly support Russian policies that have undermined the independence of Ukraine, Georgia, Moldova, and Azerbaijan. Finally, the resolution requires detailed compliance reports and lays out a road map for dealing with noncompliance in the future.

The resolution of ratification also addresses important issues of Senate prerogatives. It clarifies that the Byrd-Biden condition, added to the INF Treaty in 1988, does not allow the administration to avoid Senate advice and consent on treaty modifications or amendments. The resolution addresses the issue of multilateralizing the 1972 ABM Treaty in condition 9. The administration has raised objections to this provision as they have to many previous efforts to assert Senate prerogatives on this point. This should be an institutional position—not a partisan issue.

For more than 3 years, Congress has been on the record expressing serious misgivings about the administration plan to alter the ABM Treaty by adding new signatories. Section 232 of the 1994 defense authorization bill states the issue clearly: "The United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution."

Efforts to address the multilateralization issue since then have resulted in filibusters and veto threats. It should not surprise anyone that the Senate selected this resolution of ratification to address the issue—just as Senators BYRD and BIDEN selected the resolution of ratification for the INF Treaty to address an ABM Treaty issue 9 years ago.

Many of my colleagues are familiar with the issue of ABM multilateralization. Despite the often arcane legal arguments, the issue is not complicated. The Senate gave its advice and consent to the 1972 ABM Treaty as a bilateral agreement between the United States and the Soviet Union. The administration has proposed adding as many as four new signatories to the treaty and has negotiated limited treaty rights for those new signatories. The administration's proposal would define Russia's national territory to include these countries for purposes of the ABM Treaty. The administration's proposal would essentially define military equipment of these countries as belonging to Russia for purposes of the ABM Treaty. The administration's proposal would add new countries to the ABM Treaty but not grant them rights allowed the original signatories. This would mean that countries would have the power to block future U.S. amendments to the ABM Treaty—even though the new signatories would not have the same rights and obligations as the United States. The administration's proposed multilateralization would only address some of the military equipment covered under the original ABM Treaty—leaving a radar in Latvia, for example, outside the scope of the new treaty. Under the administration's proposal, the vast majority of states independent which succeeded the Soviet Union would be free to develop and deploy unlimited missile defenses—a dramatic change from the situation in 1972 when the deployment of missile defenses on these territories was strictly limited by the ABM Treaty.

In part and in total, these are clearly substantive modifications which require—under U.S. law—Senate advice and consent. Multilateralization would alter the object and purpose of the ABM Treaty as approved by the Senate in 1972. Multilateralization, therefore, must be subject to the advice and consent of the Senate.

The administration argues that it has the sole power to determine questions of succession. But that is not true. The Congressional Research Service opinion, quoted widely in this debate, recognizes that "International law regarding successor States and their treaty obligations * * * remains unsettled." It also notes that "international law does not provide certain guidance on the question of whether the republics formed on the territory of the former U.S.S.R. have succeeded to the rights and obligations of the ABM Treaty" and that "a multilateralization agreement could include matters that would alter the substance of the ABM Treaty and require Senate advice and consent." It is my understanding that this opinion was prepared a year ago by a lawyer who has not even seen the text of the proposed agreement.

The administration's position does not recognize the arms control precedents followed in the last decade. Arms control treaties are different from treaties on fisheries, taxes, or cultural affairs. START I was concluded with the Soviet Union but entered into force only after the Senate gave its advice and consent to the Lisbon Protocol apportioning the nuclear forces of the former Soviet Union among successor States. The Bush administration did not argue that Ukrainian SS-19 missiles were the property of Russia. Yet, the Clinton administration is essentially arguing that Ukrainian phased-array radars are Russian under the proposed ABM multilateralization agreement. The question of successor state obligations under the CFE Treaty was explicitly recognized by the Senate when we gave our advice and consent to that treaty. During our consideration, a condition was included in the resolution of ratification which specified procedures for the accession of new States Parties to the CFE Treaty. On the issue of ABM multilateralization, Congress has specifically legislated on our right to review the agreement. To my knowledge, that has not happened on any other succession issue. Clearly, ABM multilateralization is very different from routine succession questions which have been decided by the executive branch alone.

Madam President, I agree with the administration on one important point. This is a constitutional issue. The White House has taken one position until today, and now the Senate has definitively taken another. Last January, I asked President Clinton to agree to submit three treaties for our consideration. the President has agreed to submit the ABM Demarcation agreement and the CFE Flank Agreement, which is before the Senate today. After he refused to submit ABM multilateralization, I said publicly that I would continue to press for the Senate prerogatives—because the Constitution, the precedents and the law are on our side. We do not prejudge the outcome of our consideration of ABM multilateralization. All we require is that the administration submit the agreement to the Senate. Yes, that requires building a consensus that may not exist today but such a consensus is necessary for a truly bipartisan national security policy. That is the issue before the Senate today.

Late last week, the administration recognized the Senate's desire to review ABM multilateralization. They proposed replacing the certification in condition 9 with nonbinding "sense of the Senate" language. In exchange, Secretary Albright offered to send a letter assuring us that we could address multilateralization in an indirect way—as part of a reference in the ABM demarcation agreement. But this offer was logically inconsistent. It asked the Senate to simply express our view about a right to provide advice and consent to multilateralization—and then accept a letter that explicitly denied that right. Adding new parties to the ABM Treaty is a fundamentally different issue from the proposed demarcation limits on theater defense systems. The administration's offer would allow multilateralization regardless of Senate action on the demarcation agreement. Our position is simple: We want to review multilateralization through the "front door" on its own merits—not through the "back door" as a reference in a substantively different agreement.

When the administration agreed to submit the CFE Flank Agreement for our advice and consent, we were asked to act by the entry into force deadline of May 15. We will act today even though the treaty was not submitted to the Senate until April 7—3 months after my request. We will act today even though we have a very full agenda—including comp time/flex time, IDEA, partial birth abortion and the budget resolution. We will fulfill our constitutional duty, we will address our concerns about policy toward Russia, and we will address the important issue of Senate prerogatives.

I urge my colleagues to support the entire resolution of ratification reported by the Foreign Relations Committee—including condition 9 on ABM multilateralization.

Madam President, I want to thank many Senators who have worked very hard and for quite some time on this treaty and on the ABM condition.

I particularly would like to thank Chairman HELMS, Senator BIDEN, Senator GORDON SMITH, and their staffs for all the work they did to get this resolution before the Senate today. Also, I would like to thank Senators who helped in insisting on Senate prerogatives—Senator WARNER and Senator MCCAIN, Senator SMITH, Senator KYL, Senator SHELBY, Senator LUGAR, and Senator HAGEL. A number of Senators on the committee and some not on the committee have been very much involved in this process. I commend them all.

Senators have had concerns about how and why this agreement was negotiated, and we had concerns about a side deal the administration made with the Russians concerning the allocation of equipment under the treaty.

The Senate has addressed these concerns decisively in this resolution of ratification. The resolution places strict limits on the administration's flank policy. It ensures that we will be on the side of the victims of Russian intimidation and that the United States will stand up for the independence of States on Russia's borders.

Most important, this resolution addresses a critical issue of Senate prerogative, our right to review the proposed modifications to the 1972 ABM Treaty. It was a decade ago that another ABM Treaty issue was brought in this body. That debate over interpretations of the ABM Treaty was finally resolved in the resolution of ratification for the INF Treaty in 1988.

Today, we are resolving the debate over multilateralization of the ABM Treaty in this resolution of ratification. For more than 3 years now Congress and the executive branch have discussed back and forth the appropriate Senate rule in reviewing the administration's plan to add new countries to the ABM Treaty.

Condition 9 requires the President to submit any multilateralization agreement to the Senate for our advice and consent. It does not force action here. It just says we should have that opportunity. We should be able to exercise that prerogative to review these changes. It ensures we will have a full opportunity to look at the merits of multilateralization in the future. I believe the Constitution and legal precedence are in our favor.

Today, the Senate will act on the Conventional Forces in the Europe [CFE] Flank Agreement in time to meet the May 15 deadline. In spite of the limited time we had to consider the agreement and the very full schedule that we have had on the floor, we are meeting that deadline.

I did have the opportunity to discuss this issue with our very distinguished Secretary of State yesterday, and we discussed the importance of this CFE Flank Agreement. Also, we talked about how we could properly and appropriately address our concerns about multilaterilization. I suspect that she probably had something to do with the decision to go forward with it in this form, and I thank her for that, and the members of the committee for allowing it to go forward in this form.

Mr. BIDEN. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BIDEN. I would like to publicly comment and compliment the Senator from Mississippi. The truth of the matter is that this treaty would not be before the Senate today as a treaty without the efforts of the majority leader. The executive believed that they can do this by executive agreement. They did not think they needed to submit this to the Senate, although I had been for several months explaining that I thought it should be treated as a treaty. It was not until the distinguished leader from Mississippi said, if it is not treated as a treaty, we have a problem.

The truth of the matter is the reason it is here is because of the distinguished Senator from Mississippi. I thank him for that.

Mr. LOTT. I thank the Senator for those comments. I did write to the President expressing my concerns in this area in January of this year, and other issues.

When I had the opportunity to visit with Secretary Madeleine Albright before she was confirmed by the Senate, I had the temerity to read to her from the Constitution about our rights in the Senate in advice and consent, and she said, "You know, I agree with you. I taught that at Georgetown University," and I believe she meant that.

I think we are seeing some results of that, and I appreciate the fact that our prerogatives are being protected. We have had this opportunity to review it, debate it, and we will be able to take up other issues later on this year that are very important for Senate consideration. I think the process has worked. I urge my colleagues to support this resolution of ratification.

I yield the floor.

Mr. BYRD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. BYRD. I will take 30 seconds. I want to thank the majority leader, and I associate myself with the remarks of Senator BIDEN. I thank the majority leader in insisting that this come to the Hill as a treaty, which requires a supermajority in the Senate. I very much appreciate that.

Madam President, I yield back the remainder of my time to Mr. BIDEN and Mr. HELMS. They can yield it back or they can use it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I have nothing more to say, which will surprise my colleagues, except that the distinguished Democratic leader, I am told, may wish to speak on leader's time for a few moments on this issue. Give me a minute to check on whether or not the distinguished leader, Mr. DASCHLE, wishes to speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, the Senate today is being presented with an opportunity that is as rare as it is important. For the second time in less than 3 weeks, the Senate is being asked to give its advice and consent on a major arms control treaty: the flank agreement to the Conventional Forces in Europe treaty.

Late last month, the Senate had placed before it the Chemical Weapons Convention [CWC]. After much debate, the Senate resoundingly rebuffed several attempts by the treaty's opponents to scuttle it, and eventually passed CWC with the support of 74 Senators.

Now many have questioned the length to which CWC opponents went in their efforts to kill or delay Senate consideration of this treaty. I share some of those concerns. However, in the end, when the Senate was finally allowed to take up the CWC treaty, I would argue that the ensuing floor debate on the CWC treaty represented the Senate at its best. Senators discussed honest disagreements on issues directly related to the CWC treaty, carefully weighed those discussions, and finally voted up or down on those issues and, ultimately, the treaty itself. In short, during the actual floor debate of the CWC treaty, we saw the Senate acting in a responsible and exemplary fashion.

I am confident that if we had this same kind of debate on the CFE treaty, we would see the same result. In fact, the margin would probably be significantly greater for CFE than for CWC. I have listened carefully to the comments of my fellow Senators on for their views on this important agreement and have yet to hear a single Senator voice his or her opposition to the CFE treaty. This was true before the Foreign Relations Committee attached 13 CWC-related conditions and it is especially true after. As a result, Senate support for the CFE agreement itself probably exceeds the 74 who voted for the CWC.

Unfortunately, the Senate is being prevented from considering the CFE treaty in the same fashion we considered the CWC. We are not being allowed to look at just the CFE treaty and issues directly related to it. Instead, the time for Senate consideration of the CFE treaty is likely to be spent largely on a wholly unrelated issue—the ABM treaty and opponents efforts to undermine it.

Now, I understand this is an important issue to many members on the other side of the aisle. And, I know that Senators are well within their rights to attach unrelated matters to most types of legislation we consider

However, I disagree with the proponents of the ABM condition on the merits and I especially disagree with them on their methods. On the merits, the administration's lawyers argue persuasively that the Constitution assigns the exclusive responsibility to the President to determine the successor states to any treaty when an original party dissolves, to make whatever adjustments might be required to accomplish such succession, and to enter into agreements for this purpose. Increasing the number of states participating in a treaty due to the dissolution of an original party does not itself constitute a substantive modification of obligations assumed. This is the view of the administration's lawyers. This is also the view of the nonpartisan Congressional Research Service in a legal review they conducted last year.

As for their methods, I think it is both unfortunate and short-sighted to use a treaty that is in our national security interests as a vehicle for advancing a totally unrelated political agenda. The principal sponsors of this condition have previously made no secret of the fact that they would like to see the United States walk away from the entire ABM treaty and immediately begin spending tens of billions of dollars to build a star wars type missile defense. With this act, they have now revealed the lengths they are willing to go to force their views on this Senate and this administration.

Nevertheless, that is what has been done. Senators are now faced with a difficult choice: vote for this treaty in spite of the unacceptable ABM condition or against it because of the ABM language. This is an extremely close call for many of us.

In the end, Madam President, we must support this treaty. We must do so for two reasons. First, the treaty is still fundamentally in our strategic interest. Failure to pass this treaty now could unravel both the CFE agreement as well as any future efforts to enhance security arrangements in Europe. Second, the administration, which must ultimately decide how to deal with the objectionable ABM condition, has indicated that we should vote for this treaty now and let them work out what to do about this provision later. It is for these reasons that I cast my vote in support of this treaty and urge my colleagues to do the same.

Mr. BIDEN. Madam President, depending on the disposition of the chairman of the committee, I am prepared to yield back whatever time we have left and am ready to vote. The distinguished minority leader does not wish to speak on this at this moment.

I yield back the remainder of my time.

Mr. BYRD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LOTT. Madam President, if I could say for the Senators that will be coming over, this will be the last vote for the night so we can attend a very important dinner we have scheduled momentarily.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 67 Ex.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, is as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the CFE Flank Document (as defined in section 3 of this resolution), subject to the conditions in section 2.

SEC. 2. CONDITIONS.

The Senate's advice and consent to the ratification of the CFE Flank Document is subject to the following conditions, which shall be binding upon the President:

(1) POLICY OF THE UNITED STATES.—Nothing in the CFE Flank Document shall be construed as altering the policy of the United States to achieve the immediate and complete withdrawal of any armed forces and military equipment under the control of the Russian Federation that are deployed on the territories of the independent states of the former Soviet Union (as defined in section 3 of the FREEDOM Support Act) without the full and complete agreement of those states.

(2) VIOLATIONS OF STATE SOVEREIGNTY.—

(A) FINDING.—The Senate finds that armed forces and military equipment under the control of the Russian Federation are currently deployed on the territories of States Parties without the full and complete agreement of those States Parties.

(B) INITIATION OF DISCUSSIONS.—The Secretary of State should, as a priority matter, initiate discussions with the relevant States Parties with the objective of securing the immediate withdrawal of all armed forces and military equipment under the control of the Russian Federation deployed on the territory of any State Party without the full and complete agreement of that State Party.

(C) STATEMENT OF POLICY.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that the United States and the governments of Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom have issued a joint statement affirming that—

(i) the CFE Flank Document does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (B) and C) of the Treaty) conventional armaments and equipment limited by the Treaty or the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party;

(ii) the CFE Flank Document does not alter or abridge the right of any State Party under the Treaty to utilize fully its declared maximum levels for conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty; and

(iii)the CFE Flank Document does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Document.

(3) FACILITATION OF NEGOTIATIONS.—

(A) UNITED STATES ACTION.—

(i) IN GENERAL.—The United States, in entering into any negotiation described in clause (ii) involving the government of Moldova, Ukraine, Azerbaijan, or Georgia, including the support of United States intermediaries in the negotiation, will limit its diplomatic activities to—

(I) achieving the equal and unreserved application by all States Parties of the principles of the Helsinki Final Act, including, in particular, the principle that "States will respect each other's sovereign equality and individuality as well as all the rights inherent in and concompassed by its sovereignty, including a particular, the right of every State to juridical equality, to territorial integrity, and to freedom and political independence.";

(II) ensuring that Moldova, Ukraine, Azerbaijan, and Georgia retain the right under the Treaty to reject, or accept conditionally, any request by another State Party to temporarily deploy conventional armaments and equipment limited by the Treaty on its territory; and

(III) ensuring the right of Moldova, Ukraine, Azerbaijan, and Georgia to reject, or to accept conditionally, any request by another State Party to reallocate the current quotas of Moldova, Ukraine, Azerbaijan, and Georgia, as the case may be, applicable to conventional armaments and equipment limited by the Treaty and as established under the Tashkent Agreement.

(ii) NEGOTIATIONS COVERED.—A negotiation described in this clause is any negotiation conducted pursuant to paragraph (2) or (3) of Section IV of the CFE Flank Document or pursuant to any side statement or agreement related to the CFE Flank Document concluded between the United States and the Russian Federation.

(B) OTHER AGREEMENTS.—Nothing in the CFR Flank Document shall be construed as providing additional rights to any State Party to temporarily deploy forces or to reallocate quotas for conventional armaments and equipment limited by the Treaty beyond the rights accorded to all States Parties under the original Treaty and as established under the Tashkent Agreement.

(4) NONCOMPLIANCE.—

(A) IN GENERAL.—If the President determines that persuasive information exists that a State Party is in violation of the Treaty or the CFE Flank Document in a manner which threatens the national security interests of the United States, then the President shall—

(i) consult with the Senate and promptly submit to the Senate a report detailing the effect of such actions;

(ii) seek on an urgent basis an inspection of the relevant State Party in accordance with the provisions of the Treaty or the CFE Flank Document with the objective of demonstrating to the international community the act of noncompliance;

(iii) seek, or encourage, on an urgent basis, a meeting at the highest diplomatic level with the relevant State Party with the objective of bringing the noncompliant State Party into compliance;

(iv) implement prohibitions and sanctions against the relevant State Party as required by law;

(v) if noncompliance has been determined, seek on an urgent basis the multilateral imposition of sanctions against the noncompliant State Party for the purposes of bringing the noncompliant State Party into compliance; and

(vi) in the event that noncompliance persists for a period longer than one year after the date of the determination made pursuant to this subparagraph, promptly consult with the Senate for the purposes of obtaining a resolution of support for continued adherence to the Treaty, notwithstanding the changed circumstances affecting the object and purpose of the Treaty.

(B) AUTHORITY OF DIRECTOR OF CENTRAL INTELLIGENCE.—Nothing in this section may be construed to impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)).

(C) PRESIDENTIAL DETERMINATIONS.—If the President determines that an action otherwise required under subparagraph (A) would impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the President shall report that determination, together with a detailed written explanation of the basis for that determination, to the chairmen of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than 15 days after making such determination.

(5) MONITORING AND VERIFICATION OF COMPLIANCE.—

(A) DECLARATION.—The Senate declares that—

(i) the Treaty is in the interests of the United States only if all parties to the Treaty are in strict compliance with the terms of the Treaty as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply; and

(ii) the Senate expects all parties to the Treaty, including the Russian Federation, to be in strict compliance with their obligations under the terms of the Treaty, as submitted to the Senate for its advice and consent to ratification.

(B) BRIEFINGS ON COMPLIANCE.—Given its concern about ongoing violations of the Treaty by the Russian Federation and other States Parties, the Senate expects the executive branch of Government to offer briefings not less than four times a year to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives on compliance issues related to the Treaty. Each such briefing shall include a description of all United States efforts in bilateral and multilateral diplomatic channels and forums to resolve compliance issues relating to the Treaty, including a complete description of—

(i) any compliance issues the United States plans to raise at meetings of the Joint Consultative Group under the Treaty;

(ii) any compliance issues raised at meetings of the Joint Consultative Group under the Treaty; and

(iii) any determination by the President that a State Party is in noncompliance with or is otherwise acting in a manner inconsistent with the object or purpose of the Treaty, within 30 days of such a determination.

(C) ANNUAL REPORTS ON COMPLIANCE.—Beginning January 1, 1998, and annually thereafter, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) certification of those States Parties that are determined to be in compliance with the Treaty, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to the adherence of the country to its obligations under the Treaty;

(iii) for those countries not certified pursuant to clause (i), the steps the United States has taken, either unilaterally or in conjunction with another State Party—

(I) to initiate inspections of the noncompliant State Party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant State Party with the objective of bringing the noncompliant State Party into compliance;

(iv) a determination of the military significance of and border security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant State Party in question to actions undertaken by the United States described in clause (iii).

(D) ANNUAL REPORT ON WITHDRAWAL OF RUSSIAN ARMED FORCES AND MILITARY EQUIPMENT.—Beginning January 1, 1998, and annually thereafter, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representative on the results of discussions undertaken pursuant to subparagraph (B) of paragraph (2), plans for future such discussions, and measures agreed to secure the immediate withdrawal of all armed forces and military equipment in question.

(E) ANNUAL REPORT ON UNCONTROLLED TREATY-LIMITED EQUIPMENT.—Beginning January 1, 1998, and annually thereafter, the Director of Central Intelligence shall submit to the Committees on Foreign Relations, Armed Services, and the Select Committee on Intelligence of the Senate and to the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) the status of uncontrolled conventional armament and equipment limited by the Treaty, on a region-by-region basis within the Treaty's area of application;

(ii) the status of uncontrolled conventional armaments and equipment subject to the Treaty, on a region-by-region basis within the Treaty's area of application; and

(iii) any information made available to the United States Government concerning the transfer of conventional armaments and equipment subject to the Treaty within the Treaty's area of application made by any country to any subnational group, including any secessionist movement or any terrorist or paramilitary organization.

(F) COMPLIANCE REPORT ON ARMENIA AND OTHER PARTIES IN THE CAUCASUS REGION.—Not later than August 1, 1997, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether Armenia was in compliance with the Treaty in allowing the transfer of conventional armaments and equipment limited by the Treaty through Armenia territory to the secessionist movement in Azerbaijan;

(ii) whether other States Parties located in the Caucasus region are in compliance with the Treaty; and

(iii) if Armenia is found not to have been in compliance under clause (i), or, if any other State Party is found not to be in compliance under clause (ii), what actions the President has taken to implement sanctions as required by chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance to the independent states of the former Soviet Union) or other provisions of law.

(G) REPORT ON DESTRUCTION OF EQUIPMENT EAST OF THE URALS.—Not later than January 1, 1998, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether the Russian Federation is fully implementing on schedule all agreements requiring the destruction of conventional armaments and equipment subject to the Treaty but for the withdrawal of such armaments and equipment by the Soviet Union from the Treaty's area of application prior to the Soviet Union's deposit of its instrument of ratification of the Treaty; and

(ii) whether any of the armaments and equipment described under clause (i) have been redeployed, reintroduced, or transferred into the Treaty's area of application and, if so, the location of such armaments and equipment.

(H) DEFINITIONS.—

(i) UNCONTROLLED CONVENTIONAL ARMAMENTS AND EQUIPMENT LIMITED BY THE TREATY.—The term "uncontrolled conventional armaments and equipment limited by the Treaty" means all conventional armaments and equipment limited by the Treaty not under the control of a State Party that would be subject to the numerical limitations set forth in the Treaty if such armaments and equipment were directly under the control of a State Party.

(ii) UNCONTROLLED CONVENTIONAL ARMAMENTS AND EQUIPMENT SUBJECT TO THE TREATY.—The term "uncontrolled conventional armaments and equipment subject to the Treaty" means all conventional armaments and equipment described in Article II(1)(Q) of the Treaty not under the control of a State Party that would be subject to information exchange in accordance with the Protocol on Information Exchange if such armaments and equipment were directly under the control of a State Party.

(6) APPLICATION AND EFFECTIVENESS OF SENATE ADVICE AND CONSENT.—

(A) IN GENERAL.—The advice and consent of the Senate in this resolution shall apply only to the CFE Flank Document and the documents described in subparagraph (D).

(B) PRESIDENTIAL CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that, in the course of diplomatic negotiations to secure accession to, or ratification of, the CFE Flank Document by any other State Party, the United States will vigorously reject any effort by a State Party to—

(i) modify, amend, or alter a United States right or obligation under the Treaty or the CFE Flank Document, unless such modification, amendment, or alternation is solely an extension of the period of provisional application of the CFE Flank Document or a change of a minor administrative or technical nature;

(ii) secure the adoption of a new United States obligation under, or in relation to, the Treaty or the CFE Flank Document, unless such obligation is solely of a minor administrative or technical nature; or

(iii) secure the provision of assurances, or endorsement of a course of action or a diplomatic position, inconsistent with the principles and policies established under conditions (1), (2), and (3) of this resolution.

(C) SUBSTANTIVE MODIFICATIONS.—Any subsequent agreement to modify, amend, or alter the CFE Flank Document shall require the complete resubmission of the CFE Flank Document, together with any modification, amendment, or alteration made thereto, to the Senate for advice and consent to ratification, if such modification, amendment, or alteration is not solely of a minor administrative or technical nature.

(D) STATUS OF OTHER DOCUMENTS.—

(i) IN GENERAL.—The following documents are of the same force and effect as the provisions of the CFE Flank Document:

(I) Understanding on Details of the CFE Flank Document of 31 May 1996 in Order to Facilitate its Implementation.

(II) Exchange of letters between the United States Chief Delegate to the CFE Joint Consultative Group and the Head of Delegation of the Russian Federation to the Joint Consultative Group, dated July 25, 1996.

(ii) STATUS OF INCONSISTENT ACTIONS.—The United States shall regard all actions inconsistent with obligations under those documents as equivalent under international law to actions inconsistent with the CFE Flank Document or the Treaty, or both, as the case may be.

(7) MODIFICATIONS OF THE CFE FLANK ZONE.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that any subsequent agreement to modify, revise, amend, or alter the boundaries of the CFE flank zone, as delineated by the map entitled "Revised CFE Flank Zone" submitted by the President to the Senate on April 7, 1997, shall require the submission of such agreement to the Senate for its advice and consent to ratification, if such changes are not solely of a minor administrative or technical nature.

(8) TREATY INTERPRETATION.—

(A) PRINCIPLES OF TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) in the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988.

(B) CONSTRUCTION OF SENATE RESOLUTION OF RATIFICATION.—Nothing in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, shall be construed as authorizing the President to obtain legislative approval for modifications or amendments to treaties through majority approval of both Houses.

(C) DEFINITION.—As used in this paragraph, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, done at Washington on December 8, 1987.

(9) SENATE PREROGATIVES ON MULTILATERALIZATION OF THE ABM TREATY.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) states that "the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution".

(ii) The conference report accompanying the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) states ". . . the accord on ABM Treaty succession, tentatively agreed to by the administration, would constitute a substantive change to the ABM Treaty, which may only be entered into pursuant to the treaty making power of the President under the Constitution".

(B) CERTIFICATION REQUIRED.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that he will submit for Senate advice and consent to ratification any international agreement—

(i) that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or

(ii) that would change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

(C) ABM TREATY DEFINED.—For the purposes of this resolution, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

(10) ACCESSION TO THE CFE TREATY.—The Senate urges the President to support a request to become a State Party to the Treaty by—

(A) any state within the territory of the Treaty's area of application as of the date of signature of the Treaty, including Lithuania, Estonia, and Latvia; and

(B) the Republic of Slovenia.

(11) TEMPORARY DEPLOYMENTS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that the United States has informed all other States Parties to the Treaty that the United States—

(A) will continue to interpret the term "temporary deployment", as used in the Treaty, to mean a deployment of severely limited duration measured in days or weeks or, at most, but not years;

(B) will pursue measures designed to ensure that any State Party seeking to utilize the temporary deployments provision of the Treaty will be required to furnish the Joint Consultative Group established by the Treaty with a statement of the purpose and intended duration of the deployment, together with a description of the object of verification and the location of origin and destination of the relevant conventional armaments and equipment limited by the Treaty; and

(C) will vigorously reject any effort by a State Party to use the right of temporary deployment under the Treaty—

(i) to justify military deployments on a permanent basis; or

(ii) to justify military deployments without the full and complete agreement of the State Party upon whose territory the armed forces or military equipment of another State Party are to be deployed.

(12) Military acts of intimidation.—It is the policy of the United States to treat with the utmost seriousness all acts of intimidation carried out against any State Party by any other State Party using any conventional armament or equipment limited by the Treaty.

(13) Supplementary inspections.—The Senate understands that additional supplementary declared site inspections may be conducted in the Russian Federation in accordance with Section V of the CFE Flank Document at any object of verification under paragraph 3(A) or paragraph 3(B) of Section V of the CFE Flank Document, without regard to whether a declared site passive quota inspection pursuant to paragraph 10(D) of Section II of the Protocol on Inspection has been specifically conducted at such object of verification in the course of the same year.

(14) Designated permanent storage sites.—

(A) Finding.—The Senate finds that removal of the constraints of the Treaty on designated permanent storage sites pursuant to paragraph 1 of Section IV of the CFE Flank Document could introduce into active military units within the Treaty's area of application as many as 7,000 additional battle tanks, 3,400 armored combat vehicles, and 6,000 pieces of artillery, which would constitute a significant change in the conventional capabilities of States Parties within the Treaty's area of application.

(B) Specific report.—Prior to the agreement or acceptance by the United States of any proposal to alter the constraints of the Treaty on designated permanent storage sites, but not later than January 1, 1998, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a detailed explanation of how additional Treaty-limited equipment will be allocated among States Parties;

(ii) a detailed assessment of the location and uses to which the Russian Federation will put additional Treaty-limited equipment; and

(iii) a detailed and comprehensive justification of the means by which introduction of additional battle tanks, armored combat vehicles, and pieces of artillery into the Treaty's area of application furthers United States national security interests.

SEC. 3. DEFINITIONS.

As used in this resolution:

(1) Area of application.—The term "area of application" has the same meaning as set forth in subparagraph (B) of paragraph 1 of Article II of the Treaty.

(2) CFE flank document.—The term "CFE Flank Document" means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996 (Treaty Doc. 105-5).

(3) Conventional armaments and equipment limited by the treaty; treaty-limited equipment.—The terms "conventional armament and equipment limited by the Treaty" and "Treaty-limited equipment" have the meaning set forth in subparagraph (J) of paragraph 1 of Article II of the Treaty.

(4) Flank region.—The term "flank region" means that portion of the Treaty's area of application defined as the flank zone by the map depicting the territory of the former Soviet Union within the Treaty's area of application that was provided by the former Soviet Union upon the date of signature of the Treaty.

(5) Full and complete agreement.—The term "full and complete agreement" means agreement achieved through free negotiations between the respective States Parties with full respect for the sovereignty of the State Party upon whose territory the armed forces or military equipment under the control of another State Party is deployed.

(6) Free negotiations.—The term "free negotiations" means negotiations with a party that are free from coercion or intimidation.

(7) Helsinki final act.—The term "Helsinki Final Act" refers to the Final Act of the Helsinki Conference on Security and Cooperation in Europe of August 1, 1975.

(8) Protocol on information exchange.—The term "Protocol on Information Exchange" means the Protocol on Notification and Exchange of Information of the CFE Treaty, together with the Annex on the Format for the Exchange of Information of the CFE Treaty.

(9) State party.—Except as otherwise expressly provided, the term "State Party" means any nation that is a party to the Treaty.

(10) Tashkent agreement.—The term "Tashkent Agreement" means the agreement between Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russia, and Ukraine establishing themselves as successor states to the Soviet Union under the CFE Treaty, concluded at Tashkent on may 15, 1992.

(11) Treaty.—The term "Treaty" means the Treaty on Conventional Armed Forces in Europe, done at Paris on November 19, 1990.

(12) United states instrument of ratification.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the CFE Flank Document.

Mr. LOTT. Madam President, I move to reconsider the vote by which the resolution of ratification was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Madam President, I remind Senators still in the Chamber, that was the last vote for the day, and that we do have a dinner that we all need to adjourn to.

We will resume consideration in the morning. I believe there will be a cloture vote at 10 o'clock in the morning.

MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that the period for morning business be extended and Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVE CONTROVERSIAL RIDERS FROM THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DASCHLE. Mr. President, on May 14 the Senate approved vitally important legislation to provide sorely needed aid to victims of the recent weather-related disasters throughout the country, including South Dakota. It is critical that this legislation be enacted as soon as possible so that residents of disaster-stricken States can get on with the process of recovering from the loss of property and livestock.

I am concerned that controversial riders on this bill, including the automatic continuing resolution and the provision related to the implementation of R.S. 2477 by the Interior Department, could, if included in the final conference report, make enactment of the bill impossible and thus delay needed aid to disaster victims.

The controversial Interior provision, over which Secretary Babbitt has said he will recommend a veto, blocks recent efforts by the administration to close a loophole in the mining laws that allow roads to be constructed in national parks and other sensitive Federal lands. Many Senators have gone on record that the administration should have the ability to protect our public lands from unnecessary and environmentally destructive road construction, and an amendment offered by Senator Bumpers to strip the R.S. 2477 provision from the supplemental lost by a vote of only 49-51, drawing considerable bipartisan support. I urge the conferees to drop this and other controversial provisions from the bill during the House-Senate conference.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. ROCKEFELLER. Mr. President, I want to commend my colleagues, Senators Jeffords, Frist, Harkin, and Kennedy, and all the others that worked so long and hard to develop this bipartisan legislation. This is a carefully crafted compromise to balance the rights and concerns of school administrators and teachers as well as students and parents.

Because of attending a family memorial service in New York City, I could not be here for the final votes. Had I been in Washington, I would have supported the leadership and voted for final passage of the reauthorization of the Individuals With Disabilities Education Act, IDEA.

Our country should be proud of our efforts to provide education and opportunities to individuals with disabilities. Thanks to the IDEA, we opened schools to disabled children over 20 years ago and everyone in our society benefits from such inclusion and education.

In forging this legislation, leaders had to deal with difficult issues, including discipline problems sometimes involving weapons or drugs. Groups worked long and hard to develop an approach that would ensure that our schools are safe but that a disabled student's rights and education are are also protected. Classroom teachers will now be included in the planning and process which is a major change and important improvement.

Federal funding and leadership on IDEA is crucial, but this program is a partnership with States and local schools. West Virginia, like other States, assumes the lion share of education funding but Federal funding provides incentives and leadership. As always with a comprehensive reauthorization package, there are some lingering issues and questions. On balance, this legislation is a tremendous achievement that continues our Federal commitment to help disabled students in West Virginia and every State in our country.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MAY 9TH

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 9, the United States imported 7,566,000 barrels of oil each day, 1,057,000 barrels less than the 8,623,000 imported during the same week a year ago.

While this is one of the few weeks that Americans imported less oil than the same week a year ago, Americans still relied on foreign oil for 53.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,566,000 barrels a day.

MESSAGES FROM THE HOUSE

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 67. Concurrent resolution authorizing the 1977 Special Olympics Torch Relay to be run through the Capitol Grounds.

H. Con. Res. 73. Concurrent resolution concerning the death of Chaim Herzog.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 914) to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures; with amendments, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 73. Concurrent resolution concerning the death of Chaim Herzog; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources: Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 738. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRYAN (for himself and Mr. REID):

S. 739. A bill to validate conveyances of certain lands in the State of Nevada that form part of the right-of-way granted by the United States to the Central Pacific Railway Company; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 740. A bill to provide a 1-year delay in the imposition of penalties on small businesses failing to make electronic fund transfers of business taxes; to the Committee on Finance.

By Mr. BREAUX:

S. 741. A bill to amend the Communications Act of 1934 to enable the Federal Communications Commission to enhance its spectrum management program capabilities through the collection of lease fees for new spectrum for radio services that are statutorily excluded from competitive bidding, and to enhance law enforcement and public safety radio communications; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself and Mr. HELMS):

S. 742. A bill to promote the adoption of children in foster care; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Ms. MIKULSKI, Mr. CHAFEE, Mr. DURBIN, Ms. COLLINS, Mrs. MURRAY, and Mr. JEFFORDS):

S. 743. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 744. A bill to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a non-profit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 738. A bill to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mrs. HUTCHISON. Mr. President, I think it is very important in this country that we have a national rail passenger system. Rail is a viable alternative transportation. We now have a bus system that is feeding into Amtrak stations so people can come from small communities on the bus, into the Amtrak station, and go anywhere in the country as long as we keep our national system. You can go from Marshall, TX, to Chicago, IL, or to San Antonio and then to Los Angeles or all the way to Florida. It is really an exciting opportunity.

However, Mr. President, the national rail passenger service that we have now is really just an experiment. It really does not work very well, through no fault of the people who run it. Tom Downs is actually doing a terrific job. But we in Congress have put so many constraints and mandates on him that he cannot possibly compete to survive.

So, in fact, it is time to get the railroad back on track. It is time to get this railroad right. We can do it if Congress will correct some of the problems that we have put on this rail passenger train and let them compete. We have told them, "Run a good railroad," but we have tied one arm behind their back. So now it is time to let them compete, with the help of the bill I am introducing, most of which passed out of the Commerce Committee last year.

I am chairman of the Surface Transportation Subcommittee. It is in my purview to reauthorize Amtrak, and I want to reauthorize it and reform it so that it can compete and, hopefully, by the year 2002, there will not have to be operational subsidies from the taxpayers of America. But there is no question this will fail unless we have these reforms that will allow Amtrak to operate more like a business.

So, what are we trying to do? We are trying to have a system that is up and going without operational subsidies by the year 2002. Many of my friends say, "I do not know why we should help Amtrak. Why should we have taxpayer subsidies of Amtrak when all the other transportation modes do not need taxpayer subsidies?" Every transportation mode has taxpayer subsidies. Part of the reason we have mobility in our country is because we subsidize highways, we subsidize airports, we now also subsidize trains, and it does provide mobility.

I want to try to get Amtrak back on track, get it to run right, and see if we can have a passenger rail system that is dependable, that provides good service and viable transportation options to all the people of our country, whether they are elderly and do not want to drive, whether they just cannot drive, whether they do not like to fly, whether they live in a small community that does not have any kind of passenger service. We want people to have this mobility.

How are we going to do it? The Amtrak reform bill, first, will repeal two laws that have been very expensive. One is the 6-year termination provisions for anyone who is employed at Amtrak, if a line is shut down. Now, I am sure there are a lot of people in America that would like to have a 6-year termination agreement that says if you lose your job, you get 6 years full pay. That would be nice, but it is not realistic, and it certainly does not meet today's standards. Even many Amtrak employees tell me that they realize this is out of line. It is a congressional mandate that they have a 6-year termination agreement, but they know that Amtrak cannot compete with that kind of agreement in place. It is just much too expensive. They would rather keep their jobs. They love what they are doing. They want to keep their jobs rather than have a 6-year termination agreement.

So we want to require Amtrak to have free and open bargaining with its unions in the absence of a Government mandate of a 6-year termination agreement. In fact, it would be free and open like every other union negotiation is in this country. That is fair, and I think most Amtrak employees agree that is fair. Let them sit at the bargaining table with open and fair negotiations, and they will be able to get the best that the market can bear while still having a good job, a viable job, and doing a service for the people of our country.

This bill will also extinguish the prohibition on contracting out. One of the things that Tom Downs tells me they need is the ability to make the decision if they want to contract out in order to save costs, because if we are going to tell Mr. Downs that he has to run a tight ship, we cannot put mandates on him that are not anywhere else in any other competitive system in our country and expect him to do a good job. We have to take the shackles off.

We also must give him the ability to have some liability reform. He says one of the most expensive things he has to deal with is liability and not being able to have the right of indemnification with the people that own the tracks Amtrak uses. We need to have liability reform, and, in fact, this was passed out of the Commerce Committee last year. Like last year's bill, the liability reform in my bill would have caps on punitive damages for two times compensatory damages or $250,000, whichever is greater.

In fact, these kinds of liability limits, I think, are quite reasonable. Many States are enacting these kinds of liability limits, in particular for publicly assisted transportation services. It allows a person who has been wrongly injured to have compensation for that, but it puts some limitation so there will be a budget on it, so that there will be some reliability about how much you have to put in the budget for that kind of occurrence. It also confirms the right of passenger rail operators and owners of rights-of-way to contractually indemnify each other for liability arising out of an accident.

In addition to the reforms, we have accountability. We have an independent audit of Amtrak that will commence as soon as the bill is passed and signed by the President that will provide a basis upon which to judge what we can do better in Amtrak.

Like last year's bill, we also have an Amtrak reform council that is designed to monitor Amtrak's progress and viability and to make independent recommendations. We want overseers who are saying to Amtrak, is what you are doing what's best, and also to tell Congress that if we are not going to be able to make this work, we are not going to keep throwing money at Amtrak if it does not have a chance to survive.

So we have told this independent council if you make a determination that Amtrak just cannot make it, even with the reforms that we are giving them, then tell us. We will pull the plug and we will say it was a great effort but it just did not work.

Mr. President, what we are trying to do is give Amtrak a chance. We are trying to get it right. It is time to get this railroad right. In fact, it is time to get it back on track. We have had 26 years of experiments. We have not gotten it right yet. Most of that is at the feet of Congress. We have to give them a chance to compete if, in fact, we are going to have by the year 2002 a national rail passenger train opportunity—real mobility for people that live in small towns, people who are elderly, people who do not want to fly, and who can't fly or simply want more transportation options. We want mobility in our country. And we have made huge investments in infrastructure in our country in highways and airports. I think rail is a component part of that system.

We want a passenger rail opportunity in this country. But we don't want taxpayers subsidizing the operations of trains for the passengers who do not choose to use this route.

So we believe that this is the fairest way—reauthorize, reform, tell them to get their act together, and give them the tools to do it. That is the mandate of this bill.

So, Mr. President, I thank you and ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Amtrak Reform and Accountability Act of 1997".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings.

Title I—Reforms

Subtitle A—Operational Reforms

Sec. 101. Basic system.
Sec. 102. Mail, express, and auto-ferry transportation.
Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.
Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.

Subtitle B—Procurement

Sec. 121. Contracting out.

Subtitle C—Employee Protection Reforms

Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.

Subtitle D—Use of Railroad Facilities

Sec. 161. Liability limitation.

Title II—Fiscal Accountability

Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
Sec. 203. Amtrak Reform Council.

Sec. 204. Sunset trigger.
Sec. 205. Access to records and accounts.
Sec. 206. Officers' pay.
Sec. 207. Exemption from taxes.
Title III—Authorization of Appropriations
Sec. 301. Authorization of appropriations.
Title IV—Miscellaneous
Sec. 401. Status and applicable laws.
Sec. 402. Waste disposal.
Sec. 403. Assistance for upgrading facilities.
Sec. 404. Demonstration of new technology.
Sec. 405. Program master plan for Boston-New York main line.
Sec. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Composition of Amtrak board of directors.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies; and

(10) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS

SUBTITLE A—OPERATIONAL REFORMS

SEC. 101. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, is amended to read as follows:

"§ 24701. Operation of basic system

"Amtrak shall provide intercity rail passenger transportation within the basic system. Amtrak shall strive to operate as a national rail passenger transportation system which provides access to all areas of the country and ties together existing and emergent regional rail passenger corridors and other intermodal passenger service.".

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) by striking "90 days" and inserting "180 days" in subsection (a)(1);

(2) by striking "a discontinuance under section 24707(a) or (b) of this title" in subsection (a)(1) and inserting "discontinuing service over a route";

(3) by inserting "or assume" after "agree to share" in subsection (a)(1); and

(4) by striking "section 24707(a) or (b) of this title" in subsections (a)(2) and (b)(1) and inserting "paragraph (1)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ", 24701(a),".

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, is amended—

(1) by striking the last sentence of subsection (a);

(2) by striking paragraphs (1) and (2) of subsection (b); and

(3) by striking "(3) State" and inserting "State".

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

Section 24101(c)(2) of title 49, United States Code, is amended by inserting ", separately or in combination," after "and the private sector".

SEC. 106. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301(f) of title 49, United States Code, is amended to read as follows:

"(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.".

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 10922(d)(1)(F)(i) of this title, other than a recipient of funds under section 18 of the Federal Transit Act;

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.".

(b) POLICY STATEMENT.—Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.".

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION OF FOIA.—Section 24301(e) of title 49, United States Code, is amended by adding at the end thereof the following: "Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.".

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 304A(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) applies to a proposal in the possession or control of Amtrak.".

SUBTITLE B—PROCUREMENT

SEC. 121. CONTRACTING OUT.

(a) CONTRACTING OUT REFORM.—Effective 180 days after the date of enactment of this Act, section 24312 of title 49, United States Code, is amended—

(1) by striking the paragraph designation for paragraph (1) of subsection (a);

(2) by striking "(2)" in subsection (a)(2) and inserting "(b)"; and

(3) by striking subsection (b).

The amendment made by paragraph (3) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

(b) NOTICES.— Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees, which are applicable to employees of Amtrak shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee. The issue for negotiation under this paragraph does not include the contracting out of work involving food and beverage services provided on Amtrak trains or the contracting out of work not resulting in the layoff of Amtrak employees.

(c) NATIONAL MEDIATION BOARD EFFORTS.— Except as provided in subsection (d), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (b), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(d) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (b) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(e) DISPUTE RESOLUTION.—

(1) With respect to the dispute described in subsection (b) which—

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (d),

Amtrak shall, and the labor organizations that are parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection of the individual under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 141(d) of this Act.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (b) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (b) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (b).

(f) NO PRECEDENT FOR FREIGHT.—Nothing in this section shall be a precedent for the resolution of any dispute between a freight railroad and any labor organization representing that railroad's employees.

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.— Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—

(1) With respect to the dispute described in subsection (a) which

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c), Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 121(e) of this Act.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) of title 49, United States Code, is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C-2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

SUBTITLE D—USE OF RAILROAD FACILITIES

SEC. 161. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 28103. Limitations on rail passenger transportation liability

"(a) LIMITATIONS.—

"(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, a contract between Amtrak and its passengers, the Alaska Railroad and its passengers, or private railroad car operators and their passengers regarding claims for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any operations over or use of right-of-way or facilities owned, leased, or maintained by Amtrak or the Alaska Railroad, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier shall be enforceable if—

"(A) punitive or exemplary damages, where permitted, are not limited to less than 2 times compensatory damages awarded to any claimant by any State or Federal court or administrative agency, or in any arbitration proceeding, or in any other forum or $250,000, whichever is greater; and

"(B) passengers are provided adequate notice of any such contractual limitation or waiver or choice of forum.

"(2) For purposes of this subsection, the term 'claim' means a claim made directly or indirectly—

"(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier including the Alaska Railroad or private rail car operators; or

"(B) against an affiliate engaged in railroad operations, officer, employee, or agent of, Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier.

"(3) Notwithstanding paragraph (1)(A), if, in any case in which death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, a claimant may recover in a claim limited by this subsection for actual or compensatory damages measured by the pecuniary injuries, resulting from such death, to the persons for whose benefit the action was brought, subject to the provisions of paragraph (1).

(b) Indemnification Obligation.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in subsesction (a), incurred after the death of the enactment of the Amtrak Reform and Accountability Act of 1997, shall be enforceable, notwithstanding any other statuatory or common law or public policy, or the nature of the conduct giving rise to the damages or liability.

(b) Conforming Amendment.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability.".

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) of title 49, United States Code, is amended by adding at the end thereof the following: "Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.".

SEC. 202. INDEPENDENT ASSESSMENT.

(a) Initiation.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak and of the Department of Transportation to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements.

(b) Assessment Criteria.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described above, using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) Certain Factors To Be Taken Into Account.—The independent assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and

(4) Amtrak's debt obligations.

(d) Deadline.—The independent assessment shall be completed not later than 90 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) Establishment.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) Membership.—

(1) In general.—The Council shall consist of 9 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Two individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Two individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) Appointment Criteria.—

(A) Time for initial appointments.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) Expertise.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members or employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) Term.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) Chairman.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

(4) Majority required for action.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) Administrative Support.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) Travel Expenses.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) Meetings.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) Access to Information.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

(g) Duties.—

(1) Evaluation and Recommendation.—The Council—

(A) shall evaluate Amtrak's performance; and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) Specific Considerations.—In making its evaluation and recommendations under paragraph (1), the Council take consider all relevant performance factors, including—

(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(h) Annual Report.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of Amtrak's progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) Authorization of Appropriations.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 204. SUNSET TRIGGER.

(a) In General.—If at any time the Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 201; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act, then

the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate; and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) Factors Considered.—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202; and

(3) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) Action Plan.—Within 90 days after the Council makes a finding under subsection (a), it shall develop and submit to the Congress—

(1) an action plan for a restructured and rationalized intercity rail passenger system; and

(2) an action plan for the complete liquidation of Amtrak.

If the Congress does not approve by concurrent resolution the implementation of the plan submitted under paragraph (1) within 90 calendar days after it is submitted to the Congress, then the Secretary of Transportation and Amtrak shall implement the plan submitted under paragraph (2).

SEC. 205. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) Access to Records and Accounts.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.".

SEC. 206. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by adding at the end the following: "The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.".

SEC. 207. EXEMPTION FROM TAXES.

(a) In General.—Subsection (l) of section 24301 of title 49, United States Code, is amended—

(1) by striking so much of the subsection as precedes "or a rail carrier" in paragraph (1) and inserting the following:

"(l) Exemption from Taxes Levied After September 30, 1981.—

"(1) In general.—Amtrak";

(2) by inserting ", and any passenger or other customer of Amtrak or such subsidiary," in paragraph (1) after "subsidiary of Amtrak";

(3) by striking "or fee imposed"in paragraph (1) and all that follows through "levied on it" and inserting ", fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom";

(4) by striking the last sentence of paragraph (1);

(5) by striking "(2) The" in paragraph (2) and inserting "(3) Jurisdiction of United States District Courts.—The"; and

(6) by inserting after paragraph (1) the following:

"(2) Phase-in of exemption for certain existing taxes and fees.—

"(A) Years before 2000.—Notwithstanding paragraph (1), Amtrak is exempt from a tax or fee referred to in paragraph (1) that Amtrak was required to pay as of September 10, 1982, during calendar years 1997 through 1999, only to the extent specified in the following table:

Phase-in of Exemption

Year of assessment	Percentage of exemption
1997	40
1998	60
1999	80
2000 and later years	100

"(B) Taxes assessed after March, 1999.—Amtrak shall be exempt from any tax or fee referred to in subparagraph (A) that is assessed on or after April 1, 1999.".

(b) Effective Date.—The amendments made by subsection (a) do not apply to sales taxes imposed on intrastate travel as of the date of enactment of this Act.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 24104(a) of title 49, United States Code, is amended to read as follows:

"(a) In General.—There are authorized to be appropriated to the Secretary of Transportation—

"(1) $1,138,000,000 for fiscal year 1998;

"(2) $1,058,000,000 for fiscal year 1999;

"(3) $1,023,000,000 for fiscal year 2000;

"(4) $989,000,000 for fiscal year 2001; and

"(5) $955,000,000 for fiscal year 2002,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.".

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) by striking "rail carrier under section 10102" in subsection (a)(1) and inserting "railroad carrier under section 20102(2) and chapters 261 and 281"; and

(2) by amending subsection (c) to read as follows:

"(c) Application of Subtitle IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11303, 11342(a), 11504(a) and (d), and 11707. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.".

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking "1996" and inserting "2001".

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections for chapter 243 of that title, are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) Repeal.—Section 24903 of title 49, United States Code, is repealed and the table of sections for chapter 249 of such title is amended by striking the item relating to that section.

(b) Conforming Amendments.—

(1) Section 24902 of title 49, United States Code, is amended by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively.

(2) Section 24904(a)(8) is amended by striking "the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2)" and inserting "a high-speed rail passenger transportation area".

SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) Application to Amtrak.—

(1) Access improvements at certain shared stations.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements at any station jointly used by Amtrak and a commuter authority.

(2) Certain requirements not to apply until 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) Conforming Amendment.—Section 24307 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 407. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

(1) by striking paragraphs (2) and (11);

(2) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively;

(3) by inserting ", including a unit of State or local government," after "means a person" in paragraph (7), as so redesignated; and

(4) by inserting after paragraph (7), as so redesignated, the following new paragraph:

"(8) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail, including mail and express.".

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) Amendment.—

(1) In general.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Amtrak,".

(2) Effective date.—The amendment made by paragraph (1) takes effect in the first fiscal year for which Amtrak receives no Federal subsidy.

(b) Amtrak Not Federal Entity.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) Consent to Compacts.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

(c) ELIGIBLE PROJECTS.—Section 133(b) of title 23, United States Code, is amended by striking "and publicly owned intracity or intercity bus terminals and facilities" in paragraph (2) and inserting a comma and "including vehicles and facilities, publicly or privately owned, that are used to provide intercity passenger service by bus or rail, or a combination of both".

(d) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4); and

(3) by adding at the end thereof the following:

"(5) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.".

(e) ELIGIBILITY OF PASSENGER RAIL AS NATIONAL HIGHWAY SYSTEM PROJECT.—Section 103(i) of title 23, United States Code, is amended by adding at the end thereof the following:

"(14) Construction, reconstruction, and rehabilitation of, and operational improvements for, intercity rail passenger facilities (including facilities owned by the National Railroad Passenger Corporation), operation of intercity rail passenger trains, and acquisition or reconstruction of rolling stock for intercity rail passenger service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operation.".

SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIRECTORS.

Section 24302(a) of title 49, United States Code, is amended—

(1) by striking "3" in paragraph (1)(C) and inserting "4";

(2) by striking clauses (i) and (ii) of paragraph (1)(C) and inserting the following:

"(i) one individual selected as a representative of rail labor in consultation with affected labor organizations.

"(ii) one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of State and municipalities with an interest in rail transportation, each of whom may select an individual to act as the officer's representative at board meetings.";

(4) striking subparagraphs (D) and (E) of paragraph (1);

(5) inserting after subparagraph (C) the following:

"(D) 3 individuals appointed by the President of the United States, as follows:

"(i) one individual selected as a representative of a commuter authority, (as defined in section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702) that provides its own commuter rail passenger transportation or makes a contract with an operator, in consultation with affected commuter authorities.

"(ii) one individual with technical expertise in finance and accounting principles.

"(iii) one individual selected as a representative of the general public."; and

(6) by striking paragraph (6) and inserting the following:

"(6) The Secretary may be represented at a meeting of the board only by the Administrator of the Federal Railroad Administration.".

By Mr. DASCHLE:

S. 740. A bill to provide a 1-year delay in the imposition of penalties on small businesses failing to make electronic fund transfers of business taxes; to the Committee on Finance.

THE ELECTRONIC FUNDS TRANSFER TAX PAYMENTS BY SMALL BUSINESSES ACT OF 1997

Mr. DASCHLE. Mr. President, today I am introducing legislation that would waive for 1 year penalties on small businesses that fail to pay their taxes to the Internal Revenue Service [IRS] electronically.

Last July, millions of small business owners received a letter from the IRS announcing that, beginning January 1, 1997, business tax payments would have to be made via electronic funds transfer. This letter sent shock waves through the small business community in South Dakota. The letter was vague and provided little information on how the new deposit requirement would work.

In meetings, letters, and phone calls, South Dakotans posed many questions to me that the IRS letter did not answer: "How much will this cost my business?"; "Will I have to purchase new equipment to make these electronic transfers?"; and "Will the IRS be taking the money directly out of my account?"

As you may recall, this new requirement was adopted as part of a package of revenue offsets for the North American Free-Trade Agreement. The Treasury Department was directed to draw up regulations phasing in the requirement, which will raise money by eliminating the float banks accrue on the delay between the time they receive tax deposits from businesses and the time they transfer this money to the Treasury.

All businesses with $47 million or more in annual payroll taxes are already required to pay by electronic funds transfer. The new, lower threshold is estimated to bring 1.3 million small- and medium-sized businesses into the program for the first time.

As a result of protests registered by many small businesses, the IRS decided to delay for 6 months the 10-percent penalty on firms failing to begin making deposits electronically by January 1, 1997. Not satisfied with this step, Congress recently passed an outright 6-month delay in the electronic filing requirement as part of the Small Business Job Protection Act of 1996.

I strongly supported this amendment. However, I believe that these 1.3 million businesses should be given further time to comply without the threat of financial penalties. Electronic funds transfer may well prove to be the most efficient system of payment for all concerned, including small businesses. Once they learn the advantages of the new system, these firms may well come to prefer it to the existing one, which requires a special kind of coupon and a lot of paperwork. But this is a new procedure, and many small employers are not sure what it will entail. A recent hearing in the House of Representatives documented a series of uncertainties and potential problems accompanying an extension of the electronic funds transfer mandate to smaller firms.

The bill I am introducing today would suspend penalties for noncompliance for 1 year, until July 1, 1998. I believe this step is necessary to provide time for small businesses to be properly educated about the easiest, least burdensome, and most cost-efficient way to comply. In my view, whenever possible, the IRS should avoid taking an adversarial approach toward the small business community or, for that matter, any taxpayer. At every opportunity, the IRS should seek to help taxpayers comply with their obligations. I believe that, by removing the threat of penalties for a short while longer, my bill will help the IRS fulfill this important part of its mission.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF PENALTY ON SMALL BUSINESSES FAILING TO MAKE ELECTRONIC FUND TRANSFERS OF TAXES.

No penalty shall be imposed under the Internal Revenue Code of 1986 solely by reason of a failure by a person to use the electronic fund transfer system established under section 6302(h) of such Code if—

(1) such person is a member of a class of taxpayers first required to use such system on or after July 1, 1997, and

(2) such failure occurs during the 1-year period beginning on July 1, 1997.

By Mr. BREAUX:

S. 741. A bill to amend the Communications Act of 1934 to enable the Federal Communications Commission to enhance its spectrum management program capabilities through the collection of lease fees for new spectrum for radio services that are statutorily excluded from competitive bidding, and to enhance law enforcement and public safety radio communications; to the Committee on Commerce, Science, and Transportation.

THE PRIVATE WIRELESS SPECTRUM AVAILABILITY ACT

• Mr. BREAUX. Mr. President, I introduce the Private Wireless Spectrum Availability Act of 1997. This legislation will help the more than 300,000 U.S. companies, both large and small, that have invested $25 billion in internally owned and operated wireless communications systems. It will provide these companies with critically needed spectrum and will do so through an equitable lease fee system.

The private wireless communications community includes industrial, land transportation, business, educational, and philanthropic organizations that own and operate communications systems for their internal use. The top 10 U.S. industrial companies have more than 6,000 private wireless licenses. Private wireless systems also serve America's small businesses in the utility, contracting, taxi, and livery industries.

These internal-use communications facilities greatly enhance public safety and the quality of American life. They also support global competitiveness for American firms. For example, private wireless systems support: the efficient production of goods and services; the safe transportation of passengers and products by land and air; the exploration, production, and distribution of energy; agricultural enhancement and production; the maintenance and development of America's infrastructure; and compliance with various local, State, and Federal operational government statutes.

Current regulatory policy inadequately recognizes the public interest benefits that private wireless licensees provide to the American public. Consequently, allocations of spectrum to these private wireless users has been deficient. Private wireless entities received spectrum in 1974 and 1986 when the FCC allocated channels in the 800 megahertz and 900 megahertz bands. Over time, however, the FCC has significantly reduced the number of channels available to industrial and business entities in those allocations. Private wireless entities now have access to only 299 channels, or 32 percent of the channels of the original allocation.

Spectrum auctions have done a great job of speeding up the licensing of interpersonal communications services and have generated significant revenues for the U.S. Treasury. They have also unfortunately skewed the spectrum allocation process toward subscriber-based services and away from critical radio services such as private wireless which are exempted from auctions. Nearly 200 megahertz of spectrum has been allocated for the provision of commercial telecommunications services, virtually all of which has been assigned by the FCC through competitive bidding.

Competitive bidding is not the proper assignment methodology for private wireless telecommunications users. Private wireless operations are site-specific systems which vary in size based on that user's particular needs, and are seldom mutually exclusive from other private wireless applicants. Auctions, which depend on mutually exclusive applications and use market areas based on population, simply cannot be designed for private wireless systems.

This legislation mandates that the FCC allocate no less than 12 megahertz of new spectrum for private wireless use as a measure to maintain our industrial and business competitiveness in the global arena, as well as to protect the welfare of the employees in the American workplace. Research indicates that private wireless companies are willing to pay a reasonable fee in return for use of spectrum. They recognize that their access to spectrum increases with their willingness to pay fair value for the use of this national asset.

My bill grants the FCC legislative authority to charge efficiency-based spectrum lease fees in this new spectrum allocation. These lease fees should encourage the efficient use of spectrum by the private wireless industry, generate recurring annual revenues as compensation for the use of spectrum, and retain spectrum ownership by the public. Furthermore, the fees should be easy for private frequency advisory committees to calculate and collect.

Mr. President, I am mindful that some peripheral concerns expressed by small businesses that service private wireless users are not addressed in this bill. I assure these companies that I will work with them through the legislative process to address these issues. I urge my colleagues to join me in supporting this bill and ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Wireless Spectrum Availability Act".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(2) PUBLIC SAFETY.—The term "public safety" means fire, police, or emergency medical service including critical care medical telemetry, and such other services related to public safety as the Commission may include within the definition of public safety for purposes of this Act.

(3) PRIVATE WIRELESS.—The term "private wireless" encompasses all land mobile telecommunications systems operated by or through industrial, business, transportation, educational, philanthropic or ecclesiastical organizations where these systems, the operation of which may be shared, are for the licensees' internal use, rather than subscriber-based Commercial Mobile Radio Services (CMRS) systems.

(4) SPECTRUM LEASE FEE.—The term "spectrum lease fee" means a periodic payment for the use of a given amount of electromagnetic spectrum in a given area in consideration of which the user is granted a license for such use.

SEC. 3. FINDINGS.

The Congress finds that:

(1) Private wireless communications systems enhance the competitiveness of American industry and business in international commerce, promote the development of national infrastructure, improve the delivery of products and services to consumers in the United States and abroad, and contribute to the economic and social welfare of citizens of the United States.

(2) The highly specialized telecommunications requirements of licensees in the private wireless services would be served, and a more favorable climate would be created for the allocation of additional electromagnetic spectrum for those services if an alternative license administration methodology, in addition to the existing competitive bidding process, were made available to the Commission.

SEC. 4. SPECTRUM LEASING FEES.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end thereof the following:

"SEC. 12. SPECTRUM LEASE FEE PROGRAM.

"(a) SPECTRUM LEASE FEES.—

"(1) IN GENERAL.—Within 6 months after the date of enactment of the Private Wireless Spectrum Availability Act, the Commission shall by rule—

"(A) implement a system of spectrum lease fees applicable to newly allocated frequency bands, as described in section 5 of the Private Wireless Spectrum Availability Act, assigned to systems (other than public safety systems (as defined in section 2(2) of the Private Wireless Spectrum Availability Act)) in private wireless service;

"(B) provide appropriate incentives for licensees to confine their radio communication to the area of operation actually required for that communications; and

"(C) permit private land mobile frequency advisory committees certified by the Commission to assist in the computation, assessment, collection, and processing of amounts received under the system of spectrum lease fees.

"(2) FORMULA.—The Commission shall include as a part of the rulemaking carried out under paragraph (1)—

"(A) a formula to be used by private wireless licensees and certified frequency advisory committees to compute spectrum lease fees; and

"(B) an explanation of the technical factors included in the spectrum lease fee formula, including the relative weight given to each factor.

"(b) FEE BASIS.—

"(1) INITIAL FEES.—Fees assessed under the spectrum lease fee system established under subsection (a) shall be based on the approximate value of the assigned frequencies to the licensees. In assessing the value of the assigned frequencies to licensees under this subsection, the Commission shall take into account all relevant factors, including the amount of assigned bandwidth, the coverage area of a system, the geographic location of the system, and the degree of frequency sharing with other licensees in the same area. These factors shall be incorporated in the formula described in subsection (a)(2).

"(2) ADJUSTMENT OF FEES.—The Commission may adjust the formula developed under subsection (a)(2) whenever it determines that adjustment is necessary in order to calculate the lease fees more accurately or fairly.

"(3) FEE CAP.—The spectrum lease fees shall be set so that, over a 10-year license term, the amount of revenues generated will not exceed the revenues generated from the auction of comparable spectrum. For purposes of this paragraph, the 'comparable spectrum' shall mean spectrum located within 500 megahertz of that spectrum licensed in a concluded auction for mobile radio communication licenses.

"(c) APPLICATION TO PRIVATE WIRELESS SYSTEMS.—After the Commission has implemented the spectrum leasing fee system under subsection (a) and provided licensees access to new spectrum as defined in section 5(c)(2) of the Private Wireless Spectrum Availability Act, it shall assess the fees established for that system against all licensees authorized in any new frequency bands allocated for private wireless use.".

SEC. 5. SPECTRUM LEASE FEE PROGRAM INITIATION.

(a) IN GENERAL.—The Commission shall allocate for use in the spectrum lease fee program under section 12 of the Communications Act of 1934 (47 U.S.C. 162) not less than 12 megahertz of electromagnetic spectrum, previously unallocated to private wireless, located between 150 megahertz and 1000 megahertz on a nationwide basis.

(b) EXISTING INCUMBENTS.—In allocating electromagnetic spectrum under subsection (a), the Commission shall ensure that existing incumbencies do not inhibit effective access to use of newly allocated spectrum to the detriment of the spectrum lease fee program.

(c) TIMEFRAME.—

(1) ALLOCATION.—The Commission shall allocate electromagnetic spectrum under subsection (a) within 6 months after the date of enactment of this Act.

(2) ACCESS.—The Commission shall take such reasonable action as may be necessary to ensure that initial access to electromagnetic spectrum allocated under subsection (a) commences not later than 12 months after the date of enactment of this Act.

SEC. 6. DELEGATION OF AUTHORITY.

Section 5 of the Communications Act of 1934 (47 U.S.C. 155) is amended by adding at the end thereof the following:

"(f) DELEGATION TO CERTIFIED FREQUENCY ADVISORY COMMITTEES.—

"(1) IN GENERAL.—The Commission may, by published rule or order, utilize the services of certified private land mobile frequency advisory committees to assist in the computation, assessment, collection, and processing of funds generated through the spectrum lease fee program under section 12 of this Act. Except as provided in paragraph (3), a decision or order made or taken pursuant to such delegation shall have the same force and effect, and shall be made, evidenced, and enforced in the same manner, as decisions or orders of the Commission.

"(2) PROCESSING AND DEPOSITING OF FEES.—A frequency advisory committee shall deposit any spectrum lease fees collected by it under Commission authority with a banking agent designated by the Commission in the same manner as it deposits application filing fees collected under section 8 of this Act.

"(3) REVIEW OF ACTIONS.—A decision or order under paragraph (1) is subject to review in the same manner, and to the same extent, as decisions or orders under subsection (c)(1) are subject to review under paragraphs (4) through (7) of subsection (c).

SEC. 7. PROHIBITION OF USE OF COMPETITIVE BIDDING.

Section 309(j)(6) of the Communications Act of 1934 (47 U.S.C. 309(j)(6)) is amended—

(1) by striking "or" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon and "or"; and

(3) by adding at the end thereof the following:

"(I) preclude the Commission from considering the public interest benefits of private wireless communications systems (as defined in section 2(3) of the Spectrum Efficiency Reform Act of 1977) and making allocations in circumstances in which—

"(i) the pre-defined geographic market areas required for competitive bidding processes are incompatible with the needs of radio services for site-specific system deployment;

"(ii) the unique operating characteristics and requirements of Federal agency spectrum users demand, as a prerequisite for sharing of Federal spectrum, that non-government access to the spectrum be restricted to radio systems that are non subscriber-based;

"(iii) licensee concern for operational safety, security, and productivity are of paramount importance and, as a consequence, there is no incentive, interest, or intent to use the assigned frequency for producing subscriber-based revenue; or

"(iv) the Commission, in its discretion, deems competitive bidding processes to be incompatible with the public interest, convenience, and necessity.".

SEC. 8. USE OF PROCEEDS FROM SPECTRUM LEASE FEES.

(a) ESTABLISHMENT OF ACCOUNT.—There is hereby established on the books of the Treasury an account for the spectrum license fees generated by the spectrum license fee system established under section 12 of the Communications Act of 1934 (47 U.S.C. 162). Except as provided in subsections (b) and (c), all proceeds from spectrum lease fees shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code, and credited to the account established by this subsection.

(b) ADMINISTRATIVE EXPENSES.—Out of amounts received from spectrum lease payments a fair and reasonable amount, as determined by the Commission, may be retained by a certified frequency advisory committee acting under section 5(f) of the Communications Act of 1934 (47 U.S.C. 155(f)) to cover costs incurred by it in administering the spectrum lease fee program.

SEC. 9. LEASING NOT TO AFFECT COMMISSION'S DUTY TO ALLOCATE.

The implementation of spectrum lease fees as a license administration mechanism is not a substitute for effective spectrum allocation procedures. The Commission shall continue to allocate spectrum to various services on the basis of fulfilling the needs of these services, and shall not use fees or auctions as an allocation mechanism.●

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Ms. MIKULSKI, Mr. CHAFEE, Mr. DURBIN, Ms. COLLINS, Mrs. MURRAY, and Mr. JEFFORDS):

S. 743. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Finance.

THE EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE ACT

Ms. SNOWE. Mr. President, nowhere is the middle ground in American politics harder to find than in the debate over abortion. It is clear that the apparent inability of pro-choice and pro-life members to find common ground is one of the most divisive issues we face today. In debate after debate, it often appears that there is no middle ground. Well, I am extremely pleased that my colleague from Nevada, Senator REID, is joining me today to introduce legislation that will prove this statement untrue.

Too often, pro-choice leaders do too little to convey that they are not pro-abortion. Likewise, abortion opponents too often fail to work constructively toward reducing the need for abortion. The failure of pro-choice and pro-life members to stake out common ground weakens our Nation immeasurably.

Today that's going to change. The cosponsors of this bill come from different parties, and have very different views on abortion. Our voting records are clear: I am firmly pro-choice; Senators REID is firmly pro-life. Yet, despite these fundamental differences, we agree that something can and must be done to reduce the rates of unintended pregnancy and abortion in this country. That is why we are joining forces and introducing bipartisan, landmark legislation to make contraceptives more affordable for Americans. And I am pleased that a number of my colleagues, including Senators WARNER, MIKULSKI, CHAFEE, DURBIN, COLLINS, MURRAY, and JEFFORDS are joining us as original cosponsors.

The need is clear. This year, there will be 3.6 million unintended pregnancies—over 56 percent of all pregnancies in America—and half will end in abortion. These are staggering statistics. But what's even more staggering is that it doesn't have to be this way. If prescription contraceptives were covered like other prescription drugs, a lot more Americans could afford to use safe, effective means to prevent unintended pregnancies.

The fact is, under many of today's health insurance plans, a woman can afford a prescription to alleviate allergy symptoms but not a prescription to prevent an unintended and life-altering pregnancy. It is simply not right that while the vast majority of insurers cover prescription drugs, half of large group plans exclude coverage of prescription contraceptives. And only one-third cover oral contraceptives—the most popular form of birth control.

Is it any wonder that women spend 68 percent more than men in out-of-pocket health care costs—68 percent. It does not make sense that, at a time when we want to reduce unintended pregnancies, so many otherwise insured woman can't afford access to the most effective contraceptives because of the disparity in coverage.

The lack of contraceptive coverage in health insurance is not news to most women. Countless American women have been shocked to learn that their insurance does not cover contraceptives, one of their most basic health care needs, even though other prescriptions drugs which are equally valuable to their lives are routinely covered. But until today, women could do little more than feel silent outrage at a practice that disadvantages both their health and their pocketbook.

Now, the Equity in Prescription Insurance and Contraceptive Coverage Act gives voice to that outrage. EPICC sends a message that we can no longer tolerate policies that disadvantage women and disadvantage our nation. When our bill is passed, women will finally be assured of equity in prescription drug coverage and health care services. And America's unacceptably high rates of unintended pregnancies and abortions will be reduced in the process.

This EPICC approach is simple. It says that if insurers already cover prescription drugs and devices, they must also cover FDA-approved prescription contraceptives. And it takes the commonsense approach of requiring health plans which already cover basic health care services to also cover medical and counseling services to promote the effective use of those contraceptives. The bill does not require insurance companies to cover prescription drugs—it simply says that if insurers cover prescription drugs, they cannot treat prescription contraceptives any differently. Similarly, it says that insurers which cover outpatient health care services cannot limit or exclude coverage of the medical and counseling services necessary for effective contraceptive use in order to prevent unintended pregnancies.

This bill is not only good policy, it also makes good economic sense. We know that contraceptives are cost-effective: in the public sector, for every dollar invested in family planning, $4 to $14 is saved in health care and related costs. And we also know that by helping families to adequately space their pregnancies, contraceptives contribute to healthy pregnancies and healthy births, reducing rates of maternal complications, and low-birth weight.

Time and time again Americans have expressed the desire for their leaders to come together to work on the problems that face us. This bill exemplifies that spirit of cooperation. It crosses some very wide gulfs and makes some very meaningful changes in policy that will benefit countless Americans.

As someone who is pro-choice, I firmly believe that abortions should be safe, legal, and rare. Through this bill, I invite both my pro-choice and pro-life colleagues to join with me in emphasizing the rare. And I invite all who believe in sound public policy to join our alliance. Because we as a nation must be truly committed to reducing rates of unintended pregnancy and abortion. We must come together despite our differences. We must pass this EPICC bill into law.

Mr. REID. Mr. President, I am proud to introduce today, with Senator SNOWE, the Equity in Prescription and Contraception Coverage Act of 1997. I have said time and time again that if men suffered from the same illnesses as women, the biomedical research community would be much closer to eliminating diseases that strike women. I believe this is a similar type of issue. If men had to pay for contraceptive drugs and devices, the insurance industry would cover them.

The health industry has done a poor job of responding to women's health needs. Women spend 68 percent more in out-of-pocket costs for health care than men. Reproductive health care services account for much of this difference. According to a study done by the Alan Guttmacher Institute, 49 percent of all large-group health care plans do not routinely cover any contraceptive method at all, and only 15 percent cover all five of the most common contraceptive methods. Women are forced to use disposable income to pay for family planning services not covered by their health insurance—the pill—one of the most common birth control methods, can cost cover $300 a year. Therefore, women who lack disposable income are forced to use less reliable methods of contraception and risk an unintended pregnancy.

The legislation we introduce today would require insurers, HMO's, and employee health benefit plans that offer prescription drug benefits to cover contraceptive drugs and devices approved by the FDA. Further, it would require these insurers to cover outpatient contraceptive services if a plan covers other outpatient services. Lastly, it would prohibit the imposition of copays and deductibles for prescription contraceptives or outpatient services that are greater than those for other prescription drugs.

Each year approximately 3,600,000 pregnancies, or 60 percent of all pregnancies, in this country are unintended. Of these unintended pregnancies, 44 percent end in abortion. Reliable family planning methods must be made available if we wish to reduce this disturbing number. Further, a reduction in unintended pregnancies will also lead to a reduction in infant mortality, low-birth weight, and maternal morbidity. In fact, the National Commission to Prevent Infant Mortality determined that "infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception."

Ironically, abortion is routinely covered by 66 percent of indemnity plans, 67 percent of preferred provider organizations, and 70 percent of HMO's. Sterilization and tubal ligation are also routinely covered. It does not make sense financially for insurance companies to cover these more expensive services, rather than contraception. Studies indicate that for every dollar of public funds invested in family planning, $4 to $14 of public funds is saved in pregnancy and health care-related costs. According to one recent study in the American Journal of Public Health, by increasing the number of women who use oral contraceptives by 15 percent, health plans would accrue enough savings in pregnancy care costs to cover oral contraceptives for all users under the plan.

It is vitally important to the health of our country that quality contraception is not beyond the financial reach of women. Providing access to contraception will bring down the unintended pregnancy rate, insure good reproductive health for women, and reduce the number of abortions.

It is a significant step, in my opinion, to have support from both pro-life and pro-choice Senators for this bill. Prevention is the common ground on which we can all stand. Let's begin to attack the problem of unintended pregnancies at its root.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 744. A bill to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes; to the Committee on Energy and Natural Resources.

THE FALL RIVER WATER USERS DISTRICT RURAL WATER SYSTEM ACT OF 1997

● Mr. JOHNSON. Mr. President, today I am proud to introduce legislation to authorize a critically important rural water system in South Dakota, the Fall River Water Users District Rural Water System Act of 1997. This legislation is strongly supported by local project sponsors who have demonstrated that support by agreeing to substantial financial contributions from the local level. I am pleased to introduce this legislation today, along with my colleague from South Dakota, Senate Minority Leader TOM DASCHLE. Both Senator DASCHLE and I were sponsors of similar legislation in the 104th Congress, and we will work together to enact this necessary rural water legislation in the 105th Congress.

Like many parts of South Dakota, Fall River County has insufficient water supplies of reasonable quality available, and the water supplies that are available do not meet the minimum health and safety standards. In addition to improving the health of residents in the region, I strongly believe that these rural drinking water delivery projects will help to stabilize the rural economy in both regions. Water is a basic commodity and is essential if we are to foster rural development in many parts of rural South Dakota, including the Fall River County area.

Past cycles of severe drought in the southeastern area of Fall River County have left local residents without a satisfactory water supply and during 1990, many homeowners and ranchers were forced to haul water to sustain their water needs.

Currently, many residents are either using bottled water for human consumption or they are using distillers due to the poor quality of the water supplies available. After conducting a feasibility study and preliminary engineering report, the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fall River Water Users District consists of a Madison Aquifer well, three separate water storage reservoirs, three pumping stations, and approximately 200 miles of pipeline. The legislation I am introducing today authorizes the Bureau of Reclamation to construct a rural water system in Fall River County as described above. The Fall River system will serve rural residents, as well as the community of Oelrichs and the Angostura State Recreation Area.

Mr. President, South Dakota is plagued by water of exceedingly poor quality, and the Fall River County rural water project is an effort to help provide clean water—a commodity most of us take for granted—to the people of South Dakota. I am a strong believer in the role of the Federal Government to help in the delivery of rural water, and I hope to continue to advance that agenda both in South Dakota and around the country. I urge my colleagues to support this legislation, and I look forward to working with my colleagues on the Energy and Natural Resources Committee to move forward on enactment as quickly as possible.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fall River Water Users District Rural Water System Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies of reasonable quality available to the members of the Fall River Water Users District Rural Water System located in Fall River County, South Dakota, and the water supplies that are available are of poor quality and do not meet minimum health and safety standards, thereby posing a threat to public health and safety;

(2) past cycles of severe drought in the southeastern area of Fall River County have left residents without a satisfactory water supply, and, during 1990, many home owners and ranchers were forced to haul water to sustain their water needs;

(3) because of the poor quality of water supplies, most members of the Fall River Water Users District are forced to either haul bottled water for human consumption or use distillers;

(4) the Fall River Water Users District Rural Water System has been recognized by the State of South Dakota; and

(5) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fall River Water Users District Rural Water System members consists of a Madison Aquifer well, 3 separate water storage reservoirs, 3 pumping stations, and approximately 200 miles of pipeline.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the members of the Fall River Water Users District Rural Water System in Fall River County, South Dakota;

(2) to assist the members of the Fall River Water Users District in developing safe and adequate municipal, rural, and industrial water supplies; and

(3) to promote the implementation of water conservation programs by the Fall River Water Users District Rural Water System.

SEC. 3. DEFINITIONS.

In this Act:

(1) ENGINEERING REPORT.—The term "engineering report" means the study entitled "Supplemental Preliminary Engineering Report for Fall River Water Users District" published in August 1995.

(2) PROJECT CONSTRUCTION BUDGET.—The term "project construction budget" means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the engineering report.

(3) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term "pumping and incidental operational requirements" means all power requirements that are incidental to the operation of intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines to the point of delivery of water by the Fall River Water Users District Rural Water System to each entity that distributes water at retail to individual users.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Reclamation.

(5) WATER SUPPLY SYSTEM.—The term "water supply system" means the Fall River Water Users District Rural Water System, a nonprofit corporation, established and operated substantially in accordance with the engineering report.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the Federal share of the costs of the planning and construction of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate municipal, rural, and industrial water supplies, mitigation of wetlands areas, and water conservation within the boundaries of the Fall River Water Users District, described as follows: bounded on the north by the Angostura Reservoir, the Cheyenne River, and the line between Fall River and Custer Counties, bounded on the east by the line between Fall River and Shannon Counties, bounded on the south by the line between South Dakota and Nebraska, and bounded on the west by the Igloo-Provo Water Project District.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the Federal share under section 9.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report has been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the engineering report.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply system during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase its entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Fall River Water Users District;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATE.

This Act does not limit the authorization for water projects in South Dakota under law in effect on or after the date of enactment of this Act.

SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 9. FEDERAL SHARE.

The Federal share under section 4 shall be 80 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

SEC. 10. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 20 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.

SEC. 11. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—The Secretary may provide construction oversight to the water supply system for areas of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Fall River County, South Dakota.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $3,600,000 for the planning and construction of the water system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after August 1, 1995.●

ADDITIONAL COSPONSORS

S. 63

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 63, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

S. 114

At the request of Mr. INOUYE, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 394

At the request of Mr. LEAHY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 498

At the request of Mr. CHAFEE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 498, a bill to amend the Internal Revenue Code of 1986 to allow an employee to elect to receive taxable cash compensation on lieu of nontaxable parking benefits, and for other purposes.

S. 499

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 499, a bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules.

S. 511

At the request of Mr. CHAFEE, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Hawaii [Mr. INOUYE], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 511, a bill to require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

S. 518

At the request of Mr. ABRAHAM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 518, a bill to control crime by requiring mandatory victim restitution.

S. 575

At the request of Mr. DURBIN, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 575, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals.

S. 597

At the request of Mr. BINGAMAN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 597, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 648

At the request of Mr. GORTON, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

S. 664

At the request of Mr. KENNEDY, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 664, a bill to establish tutoring assistance programs to help children learn to read well.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 716

At the request of Mr. CRAIG, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 716, a bill to establish a Joint United States-Canada Commission on Cattle and Beef to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle and beef, and for other purposes.

S. 717

At the request of Mr. KENNEDY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 717, a bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

S. 732

At the request of Mr. FAIRCLOTH, the names of the Senator from Georgia

[Mr. COVERDELL], the Senator from Oklahoma [Mr. INHOFE], the Senator from New Hampshire [Mr. GREGG], the Senator from Alabama [Mr. SESSIONS], the Senator from Missouri [Mr. ASHCROFT], the Senator from Nebraska [Mr. HAGEL], the Senator from South Carolina [Mr. THURMOND], the Senator from Alabama [Mr. SHELBY], the Senator from Idaho [Mr. CRAIG], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Mississippi [Mr. LOTT], the Senator from Montana [Mr. BURNS], the Senator from Washington [Mr. GORTON], the Senator from New Hampshire [Mr. SMITH], the Senator from Minnesota [Mr. GRAMS], the Senator from Kansas [Mr. BROWNBACK], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 732, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the names of the Senator from North Carolina [Mr. HELMS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Ohio [Mr. GLENN], the Senator from Alaska [Mr. STEVENS], the Senator from Connecticut [Mr. DODD], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Maine [Ms. COLLINS], the Senator from Alabama [Mr. SHELBY], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Montana [Mr. BURNS], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace of liberty around the world.

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT OF 1997

ABRAHAM AMENDMENTS NOS. 254–255

(Ordered to lie on the table.)

Mr. ABRAHAM submitted two amendments intended to be proposed by him to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes, as follows:

AMENDMENT NO. 254

On page 26, strike lines 2 through 9 and insert the following:

"(g)(1) In addition to any amount that an employer is liable under the second sentence of subsection (b) for a violation of a provision of section 13A, an employer that violates section 13A(d) shall be liable to the employee affected for an additional sum equal to twice that amount.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17.".

AMENDMENT NO. 255

On page 8, strike lines 6 through 14 and insert the following:

"(A) twice the product of—

"(i) the rate of compensation (determined in accordance with section 7(r)(8)(A)); and

"(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

"(II) the number of such hours used by the employee; and

"(B) as liquidated damages, twice the product of—".

GRASSLEY AMENDMENT NO. 256

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

At the end of the bill, add the following:

SEC. 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms "Board", "covered employee", and "employing office" have the meanings given the terms in sections 101 and 203 of Public Law 104–1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act), section 16(g)(1) of such Act (29 U.S.C. 216(g)(1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104–1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104–1 shall apply with respect to violations of paragraph (1).

(5) REGULATIONS.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of Public Law 104–1, issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) COMPENSATORY TIME OFF.—

(1) REGULATIONS.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104–1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) REMEDY.—The remedy for a violation of section 203(a) of Public Law 104–1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 207(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) EFFECTIVE DATE.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104–1 cease to be effective on the date of enactment of this Act.

(d) RULES OF APPLICATION.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States Code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104-1.

WELLSTONE AMENDMENTS NOS. 257–264

(Ordered to lie on the table.)

Mr. WELLSTONE submitted eight amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 257

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

"(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

"(i) for any reason that qualifies for leave under—

"(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered, or the employee is eligible, under such Act; or

"(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

"(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will cause substantial and grievous injury to the operations of the employer; or

"(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer."

AMENDMENT NO. 258

On page 28, after line 16, add the following:

SEC. 4. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (referred to in this section as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed, and the members of the Commission shall be appointed, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b), of section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633(a) (1) and (2), and (b)).

(c) DUTIES.—

(1) STUDY.—The Commission shall conduct a comprehensive study of the impact of this Act, and the amendments made by this Act, on public and private sector employees, including the impact of this Act, and the amendments made by this Act—

(A) on the average earnings of employees, the hours of work of employees, the work schedules of employees, and the flexibility of scheduling work to accommodate family needs; and

(B) on the ability of employees to obtain the compensation to which the employees are entitled.

(2) REPORT.—

(A) IN GENERAL.—Not later than 1 year prior to the termination date of the Commission prescribed by subsection (e), the Commission shall prepare and submit to the appropriate committees of Congress and the Secretary of Labor, a report concerning the findings of the study described in paragraph (1).

(B) RECOMMENDATIONS.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise provided special treatment under the provisions; and

(II) a recommendation on whether additional protections should be provided, including additional protections for employees of public agencies.

(C) SPECIAL RULE.—The Commission shall have no obligation to conduct a study and issue a report pursuant to this section if funds are not authorized and appropriated for that purpose.

(d) COMPENSATION AND POWERS.—The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of the Family and Medical Leave Act of 1993 (29 U.S.C. 2634 and 2635).

(e) TRAVEL EXPENSES.—The members of the Commission shall be allowed reasonable travel expenses in accordance with section 304(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2634(b)).

(f) TERMINATION.—The Commission shall terminate 4 years after the date of enactment of this Act.

SEC. 5. CESSATION OF EFFECTIVENESS.

This Act, and the amendments made by this Act, cease to be effective 4 years after the date of enactment of this Act.

AMENDMENT NO. 259

On page 10, strike lines 4 through 7 and insert the following:

"(10) In a case in which an employee uses accrued compensatory time off under this subsection, the accrued compensatory time off used shall be considered as hours worked during the applicable workweek or other work period for the purposes of overtime compensation and calculation of entitlement to employment benefits.

"(11)(A) The term 'compensatory time off' means the hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation.

"(B) The term 'monetary overtime compensation' means the compensation required by subsection (a).".

AMENDMENT NO. 260

On page 10, strike line 4, and insert the following:

"(10) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual as of—

"(A) the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time; or

"(B) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, the date of ceasing to do business.

"(11) The terms 'monetary overtime compensation' ".

AMENDMENT NO. 261

Beginning on page 3, strike lines 15 through 23 and insert the following:

"(B) In this subsection:

"(i) The term 'employee' does not include—

"(I) an employee of a public agency;

"(II) an employee who is a part-time employee;

"(III) an employee who is a temporary employee; and

"(IV) an employee who is a seasonal employee.

"(ii) The term 'employer' does not include—

"(I) a public agency; and

"(II) an employer in the garment industry.

"(iii) The term 'employer in the garment industry' means an employer who is involved in the manufacture of apparel.

"(iv) The term 'part-time employee' means an employee whose regular workweek for the employer involved is less than 35 hours per week.

"(v) The term 'seasonal employee' means an employee in—

"(I) the construction industry;

"(II) agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))); or

"(III) any other industry that the Secretary by regulation determines is a seasonal industry.

"(vi) The term 'temporary employee' means an employee who is employed by an employer for a season or other term of less than 12 months, or is otherwise treated by the employer as not a permanent employee of the employer."

AMENDMENT NO. 262

Beginning on page 10, strike line 17 and all that follows through page 26, line 18.

AMENDMENT NO. 263

On page 28, after line 16, add the following:

SEC. 4. EFFECTIVE DATE.

This Act shall not take effect until the Secretary of Labor—

(1) makes a written determination that the aggregate number of complaints that are subject to investigation by the Wage and Hour Division of the Employment Standards Administration of the Department of Labor and unresolved by the Secretary of Labor for the year involved is less than 10 percent of the aggregate number of all complaints that are subject to investigation by the Wage and Hour Division of the Employment Standards Administration of the Department of Labor for the preceding calendar year; and

(2) submits the determination to the appropriate committees of Congress.

AMENDMENT NO. 264

At the appropriate place, insert the following:

SEC. ___. BATTERED WOMEN'S FAMILY LEAVE AND SAFETY.

(a) REFERENCE.—whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) violence against women is the leading cause of physical injury to women, and the department of justice estimates that intimate partners commit more than 1,000,000 violent crimes against women every year;

(B) approximately 95 percent of the victims of domestic violence are women;

(C) in the united states, a woman is more likely to be assaulted, injured, raped, or killed by a male partner than by any other type of assailant;

(D) the bureau of labor statistics predicts that women will account for two-thirds of all new entrants into the workforce between now and the year 2000;

(E) violence against women dramatically affects women's workforce participation, insofar as one-quarter of the battered women surveyed had lost a job due at least in part to the effects of domestic violence, and over one-half had been harassed by their abuser at work;

(F) a study by Domestic Violence Intervention Services, Inc found that 96 percent of employed domestic violence victims had some type of problem in the workplace as a direct result of their abuse or abuser;

(G) the availability of economic support is a critical factor in a women's ability to leave abusive situations that threaten them and their children, and over one-half of the battered women surveyed stayed with their batterers because they lacked resources to support themselves and their children;

(H) a report by the New York City victims services agency found that abusive spouses and lovers harass 74 percent of battered women at work, 54 percent of battering victims miss at least 3 days of work per month, 56 percent are late for work at least 5 times per month, and a University of Minnesota study found that 24 percent of women in support groups for battered women had lost a job partly because of being abused;

(I) 49 percent of senior executives recently surveyed said domestic violence has a harmful effect on their company's productivity, 47 percent said domestic violence negatively affects attendance, and 44 percent said domestic violence increases health care costs, and the bureau of national affairs estimates that domestic violence costs employers between $3,000,000,000 and $5,000,000,000 per year; and

(J) existing federal and state legislation does not expressly authorize battered women to take leave from work to seek legal assistance and redress, counseling, or assistance with safety planning and activities.

(2) PURPOSES.—Pursuant to the affirmative power of congress to enact this section under section 5 of the Fourteenth Amendment to the Constitution, as well as under clause 1 of section 8 of article I of the Constitution and clause 3 of section 8 of article I of the Constitution, the purposes of this section are—

(A) to promote the national interest in reducing domestic violence by enabling victims of domestic violence to maintain the financial independence necessary to leave abusive situations, to achieve safety and minimize the physical and emotional injuries from domestic violence, and to reduce the devastating economic consequences of domestic violence to employers and employees, by entitling employed victims of domestic violence to take reasonable leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) to seek medical help, legal assistance, counseling, and safety planning and assistance without penalty from their employer;

(B) to promote the purposes of the Fourteenth Amendment by protecting the civil and economic rights of victims of domestic violence and by furthering the equal opportunity of women to employment and economic self-sufficiency;

(C) to minimize the negative impact on interstate commerce from dislocations of employees and harmful effects on productivity, health care costs, and employer costs from domestic violence; and

(D) to accomplish the purposes described in subparagraphs (A) , (B) and (C) in a manner that accommodates the legitimate interests of employers.

(c) ENTITLEMENT TO LEAVE FOR DOMESTIC VIOLENCE.—

(1) AUTHORITY FOR LEAVE.—Section 102(a)(1) (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following:

"(A) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(B) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.".

(2) DEFINITION.—section 101 (29 U.S.C. 2611) is amended by adding at the end the following:

"(14) ADDRESSING DOMESTIC VIOLENCE AND ITS EFFECTS.—The term 'addressing domestic violence and its effects' means—

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.".

(3) INTERMITTENT OR REDUCED LEAVE.—Section 102(b) (29 U.S.C. 2612(b)) is amended by adding at the end the following:

"(3) DOMESTIC VIOLENCE.—Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.".

(4) PAID LEAVE.—Section 102(d)(2)(B) (29 U.S.C. 2612(d)(2)(B)) is amended by striking "(C) or (D)" and inserting "(C), (D), (E), or (F)".

(5) CERTIFICATION.—section 103 (29 U.S.C. 2613) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 102(a)(1), the employer of an employee may require the employee to provide—

"(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

"(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.".

(6) CONFIDENTIALITY.—section 103 (29 U.S.C. 2613), as amended by subsection (e), is amended—

(A) in the title by adding before the period the following: **"; CONFIDENTIALITY"**; and

(B) by adding at the end the following:

"(f) CONFIDENTIALITY.—all evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.".

(d) ENTITLEMENT TO LEAVE FOR FEDERAL EMPLOYEES FOR DOMESTIC VIOLENCE.—

(1) AUTHORITY FOR LEAVE.—Section 6382 of title 5, United States Code is amended by adding at the end the following:

"(E) In order to care for the child or parent of the employee, if such child or parent is addressing domestic violence and its effects.

"(F) Because the employee is addressing domestic violence and its effects, the employee is unable to perform any of the functions of the position of such employee.".

(2) DEFINITION.—section 6381 of title 5, united states code is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the term 'addressing domestic violence and its effects' means—

"(A) experiencing domestic violence;

"(B) seeking medical attention for or recovering from injuries caused by domestic violence;

"(C) seeking legal assistance or remedies, including communicating with the police or an attorney, or participating in any legal proceeding related to domestic violence;

"(D) attending support groups for victims of domestic violence;

"(E) obtaining psychological counseling related to experiences of domestic violence;

"(F) participating in safety planning and other actions to increase safety from future domestic violence, including temporary or permanent relocation; and

"(G) any other activity necessitated by domestic violence which must be undertaken during hours of employment.".

(3) INTERMITTENT OR REDUCED LEAVE.—Section 6382(b) of title 5, United States Code, is amended by adding at the end the following:

"(3) Leave under subparagraph (E) or (F) of subsection (a)(1) may be taken by an employee intermittently or on a reduced leave schedule. The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the employee is entitled under subsection (a) beyond the amount of leave actually taken.''.

(4) OTHER LEAVE.—Section 6382(d) of title 5, United States Code, is amended by striking ''(C) or (D)'' and inserting ''(C), (D), (E), or (F)''.

(5) CERTIFICATION.—section 6383 of title 5, united states code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

''(e) DOMESTIC VIOLENCE.—In determining if an employee meets the requirements of subparagraph (E) or (F) of section 6382(a)(1), the employer of an employee may require the employee to provide—

''(1) documentation of the domestic violence, such as police or court records, or documentation of the domestic violence from a shelter worker, attorney, clergy, or medical or other professional from whom the employee has sought assistance in addressing domestic violence and its effects; or

''(2) other corroborating evidence, such as a statement from any other individual with knowledge of the circumstances which provide the basis for the claim, or physical evidence of domestic violence, such as photographs, torn or bloody clothes, etc.''.

(6) CONFIDENTIALITY.—section 6383 of title 5, united states code, as amended by subsection (e), is amended—

(A) in the title by adding before the period the following: **''; confidentiality''**, and

(B) by adding at the end the following:

''(g) CONFIDENTIALITY.—All evidence of domestic violence experienced by an employee or the employee's child or parent, including an employee's statement, any corroborating evidence, and the fact that an employee has requested leave for the purpose of addressing domestic violence and its effects, shall be retained in the strictest confidence by the employer, except to the extent consented to by the employee where disclosure is necessary to protect the employee's safety.''.

(e) EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.—

(1) MORE PROTECTIVE.—Nothing in this section or the amendments made by this section shall be construed to supersede any provision of any Federal, State or local law, collective bargaining agreement, or other employment benefit program which provides leave benefits for employed victims of domestic violence than the rights established under this section or such amendments.

(2) LESS PROTECTIVE.—The rights established for employees under this section or the amendments made by this section shall not be diminished by any collective bargaining agreement, any employment benefit program or plan, or any State or local law.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of 180 days from the date of the enactment of this section.

GORTON AMENDMENT NO. 265

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

Beginning on page 10, strike line 8 and all that follows through page 10, line 6 and insert the following: ''subsection (o)(8).''.

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO EMPLOYEES OF STATE AGENCIES.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking ''(7) For'' and inserting ''(8) For''; and

(B) by inserting after paragraph (6), the following:

''(7)(A) The provisions relating to the prohibition of coercion under subsection (r)(6)(A) shall apply to an employee and employer described in this subsection to the same extent the provisions apply to an employee and employer described in subsection (r).

''(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to an employee described in this subsection to the same extent the remedies are made available to an employee described in subsection (r).

''(ii) In calculating the amount an employer described in this subsection would be liable for under section 16(f) to an employee described in this subsection, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).''.

(5) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

BAUCUS (AND OTHERS) AMENDMENT NO. 266

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. KERREY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill, S. 4, supra; as follows:

Beginning on page 1, strike line 3 and all that follows through page 28, line 16 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Family-Friendly Workplace Act of 1997''.

SEC. 2. APPLICATION TO CERTAIN EMPLOYEES IN THE PRIVATE SECTOR.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

''(r)(1) An employee who is not a part-time, temporary, or seasonal employee (as defined in paragraph (13)(C)), who is not an employee of a public agency or of an employer in the garment industry, and who is not otherwise exempted from this subsection by regulations promulgated by the Secretary under paragraph (3)(D), may receive, in accordance with this subsection and in lieu of overtime compensation, compensatory time at a rate not less than 1½ hours for each hour of employment for which overtime compensation is required by this section.

''(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only—

''(A) pursuant to—

''(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other written agreement between the employer and the representative of the employee; or

''(ii) in the case of an employee who is not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to the employees of the employer which provides employees with a voluntary option to receive compensatory time in lieu of overtime compensation for overtime work where there is an express, voluntary written request by an individual employee for compensatory time in lieu of overtime compensation, provided to the employer prior to the performance of any overtime assignment;

''(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by paragraph (3)(A) or in regulations issued by the Secretary under paragraph (3)(D);

''(C) if the employee is not required as a condition of employment to accept or request compensatory time; and

''(D) if the agreement or plan complies with the requirements of this subsection and the regulations promulgated by the Secretary thereunder, including the availability of compensatory time to similarly situated employees on an equal basis.

''(3)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned and unused compensatory time, in accordance with regulations issued by the Secretary of Labor.

''(B) Upon the request of an employee who has earned compensatory time, the employer shall, within 15 days after the request, provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

''(C) Not later than January 31 of each calendar year, an employer shall provide monetary compensation to each employee of the employer for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through compensatory time or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such monetary compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to subparagraph (D).

''(D) The Secretary may promulgate regulations regarding classes of employees, including but not limited to all employees in particular occupations or industries, to—

''(i) exempt such employees from the provisions of this subsection;

''(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in subparagraph (A); or

''(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in subparagraph (C);

where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, where a pattern of violations of this Act may exist, or to ensure that employees receive the compensation due them.

"(4) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. A terminated employee's receipt of, or eligibility to receive, monetary compensation for earned compensatory time shall not be used—

"(A) by the employer to oppose an application of the employee for unemployment compensation; or

"(B) by a State to deny unemployment compensation or diminish the entitlement of the employee to unemployment compensation benefits.

"(5) An employee shall be permitted to use any compensatory time earned pursuant to paragraph (1)—

"(A) for any reason that would qualify for leave under section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), or any comparable State law, irrespective of whether the employer is covered or the employee is eligible under such Act or law; or

"(B) for any other purpose—

"(i) upon notice to the employer at least 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will cause substantial and grievous injury to the operations of the employer; or

"(ii) upon notice to the employer within the 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

An employee's use of earned compensatory time may not be substituted by the employer for any other paid or unpaid leave or time off to which the employee otherwise is or would be entitled or has or would earn, nor satisfy any legal obligation of the employer to the employee pursuant to any law or contract.

"(6) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

"(7)(A) When an employee receives monetary compensation for earned compensatory time, the monetary compensation shall be treated as compensation for hours worked for purposes of calculation of entitlement to employment benefits.

"(B) When an employee uses earned compensatory time, the employee shall be paid for the compensatory time at the employee's regular rate at the time the employee performed the overtime work or at the regular rate earned by the employee when the compensatory time is used, whichever is higher, and the hours for which the employee is so compensated shall be treated as hours worked during the applicable workweek or other work period for purposes of overtime compensation and calculation of entitlement to employment benefits.

"(8) Except in a case of a collective bargaining agreement, an employer may modify or terminate a compensatory time plan described in paragraph (2)(A)(ii) upon not less than 60 days' notice to the employees of the employer.

"(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection.

"(10) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(A) to discharge, or in any other manner penalize, discriminate against, or interfere with, any employee because such employee may refuse or has refused to request or accept compensatory time in lieu of overtime compensation, or because such employee may request to use or has used compensatory time in lieu of receiving overtime compensation;

"(B)(i) to request, directly or indirectly, that an employee accept compensatory time in lieu of overtime compensation;

"(ii) to require an employee to request such compensatory time as a condition of employment or as a condition of employment rights or benefits; or

"(iii) to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time in lieu of overtime compensation; or

"(C) to deny an employee the right to use, or force an employee to use, earned compensatory time in violation of this subsection.

"(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to subsection (b) or (c) of section 16, in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus an additional equal amount as liquidated damages, such other legal or equitable relief as may be appropriate to effectuate the purpose of this section, costs, and, in the case of an action filed under section 16(b), reasonable attorney's fees. Where an employee has used compensatory time or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the liability of the employer under this paragraph, but not against liquidated damages due.

"(12)(A) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual—

"(i) if the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time was more than 90 days before the cessation of business, as if such date was within 90 days before the cessation of business by the employer;

"(ii) if the date the employer was or becomes legally or contractually obligated to provide such monetary compensation was within 90 days before the cessation of business by the employer, as of such date; or

"(iii) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, as of the date of ceasing to do business.

"(B) The amount of such monetary compensation shall not be limited by any ceiling on the dollar amount of wage claims provided under Federal law for such proceedings.

"(13) In this subsection—

"(A) the term 'overtime compensation' means the compensation required by subsection (a);

"(B) the term 'compensatory time' means hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of overtime compensation;

"(C) the term 'part-time, temporary, or seasonal employee' means—

"(i) an employee whose regular workweek for the employer is less than 35 hours per week;

"(ii) an employee who is employed by the employer for a season or other term of less than 12 months or is otherwise treated by the employer as not a permanent employee of the employer; or

"(iii) an employee in the construction industry, in agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))), or in any other industry which the Secretary by regulation has determined is a seasonal industry; and

"(D) the term 'overtime assignment' means an assignment of hours for which overtime compensation is required under this section.

"(14) The Secretary may issue regulations as necessary and appropriate to implement this subsection including, but not limited to, regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.".

SEC. 3. CIVIL MONEY PENALTIES.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended by striking the second sentence and inserting the following: "Any person who violates section 6, 7, or 11(c) shall be subject to a civil penalty not to exceed $1,000 for each such violation.".

SEC. 4. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by adding at the end the following:

"(c)(1) No provision of this Act or of any order thereunder shall be construed to—

"(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time in lieu of overtime compensation;

"(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater protection to employees provided compensatory time in lieu of overtime compensation; or

"(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

"(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from section 7(r), to allow employers to provide more compensatory time than allowed under subsection (o) or (r) of section 7, or to supersede any limitations placed by subsection (o) or (r) of section 7, including exemptions and limitations in regulations issued by the Secretary thereunder.".

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (referred to in this section as the "Commission").

(b) MEMBERSHIP; COMPENSATION; POWERS; TRAVEL EXPENSES.—The Commission shall be composed, and the members of the Commission shall be appointed, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b) of section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C.

2633(a)(1) and (2) and (b)). The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of such Act (29 U.S.C. 2634 and 2635). The members of the Commission shall be allowed reasonable travel expenses in accordance with section 305(b) of such Act (29 U.S.C. 2635(b)).

(c) Duties.—

(1) Study.—The Commission shall conduct a comprehensive study of the impact of the provision of compensatory time on public and private sector employees, including the impact of this Act—

(A) on average earnings of employees, hours of work of employees, work schedules of employees, and flexibility of scheduling work to accommodate family needs; and

(B) on the ability of vulnerable employees or other employees to obtain the compensation to which the employees are entitled.

(2) Report.—

(A) In general.—A report concerning the findings of the study described in paragraph (1) shall be prepared and submitted to the appropriate committees of Congress and to the Secretary not later than 1 year prior to the expiration of this title.

(B) Recommendations.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et. seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise given special treatment under the provisions;

(II) a recommendation on whether additional protections should be provided, including additional protections to employees of public agencies; and

(III) a recommendation on whether the provisions should be applied to any category of exempt employees.

(C) Special rule.—The Commission shall have no obligation to conduct a study and prepare and submit a report pursuant to this section if funds are not authorized and appropriated for that purpose.

SEC. 6. EFFECTIVE DATE; CESSATION OF EFFECTIVENESS.

(a) Effective Date.—The provisions of this title, and the amendments made by this title, shall become effective 6 months after the date of enactment of this Act.

(b) Cessation of Effectiveness.—The provisions of this title, and the amendments made by this title, shall cease to be effective 4 years after the date of enactment of this Act.

KENNEDY AMENDMENTS NOS. 267–274

(Ordered to lie on the table.)

Mr. KENNEDY submitted eight amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

Amendment No. 267

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

"(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

"(i) for any reason that qualifies for leave under—

"(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered, or the employee is eligible, under such Act; or

"(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

"(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will cause substantial and grievous injury to the operations of the employer; or

"(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer."

Amendment No. 268

On page 28, after line 16, add the following:

SEC. 4. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) Establishment.—There is established a Commission on Workplace Flexibility (referred to in this section as the "Commission").

(b) Membership.—The Commission shall be composed, and the members of the Commission shall be appointed, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b), of section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633(a) (1) and (2), and (b)).

(c) Duties.—

(1) Study.—The Commission shall conduct a comprehensive study of the impact of this Act, and the amendments made by this Act, on public and private sector employees, including the impact of this Act, and the amendments made by this Act—

(A) on the average earnings of employees, the hours of work of employees, the work schedules of employees, and the flexibility of scheduling work to accommodate family needs; and

(B) on the ability of employees to obtain the compensation to which the employees are entitled.

(2) Report.—

(A) In general.—Not later than 1 year prior to the termination date of the Commission prescribed by subsection (e), the Commission shall prepare and submit to the appropriate committees of Congress and the Secretary of Labor, a report concerning the findings of the study described in paragraph (1).

(B) Recommendations.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise provided special treatment under the provisions; and

(II) a recommendation on whether additional protections should be provided, including additional protections for employees of public agencies.

(C) Special rule.—The Commission shall have no obligation to conduct a study and issue a report pursuant to this section if funds are not authorized and appropriated for that purpose.

(d) Compensation and Powers.—The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of the Family and Medical Leave Act of 1993 (29 U.S.C. 2634 and 2635).

(e) Travel Expenses.—The members of the Commission shall be allowed reasonable travel expenses in accordance with section 304(b) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2634(b)).

(f) Termination.—The Commission shall terminate 4 years after the date of enactment of this Act.

SEC. 5. CESSATION OF EFFECTIVENESS.

This Act, and the amendments made by this Act, cease to be effective 4 years after the date of enactment of this Act.

Amendment No. 269

On page 10, strike lines 4 through 7 and insert the following:

"(10) In a case in which an employee uses accrued compensatory time off under this subsection, the accrued compensatory time off used shall be considered as hours worked during the applicable workweek or other work period for the purposes of overtime compensation and calculation of entitlement to employment benefits.

"(11)(A) The term 'compensatory time off' means the hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation.

"(B) The term 'monetary overtime compensation' means the compensation required by subsection (a).".

Amendment No. 270

On page 10, strike line 4, and insert the following:

"(10) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual as of—

"(A) the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time; or

"(B) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, the date of ceasing to do business.

"(11) The terms 'monetary overtime compensation' ".

Amendment No. 271

Beginning on page 10, strike line 17 and all that follows through page 26, line 18.

Amendment No. 272

Beginning on page 26, strike line 19 and all that follows through page 28, line 16.

Amendment No. 273

Beginning on page 3, strike lines 15 through 23 and insert the following:

"(B) In this subsection:

"(i) The term 'employee' does not include—

"(I) an employee of a public agency;

"(II) an employee who is a part-time employee;

"(III) an employee who is a temporary employee; and

"(IV) an employee who is a seasonal employee.

"(ii) The term 'employer' does not include—

"(I) a public agency; and

"(II) an employer in the garment industry.

"(iii) The term 'employer in the garment industry' means an employer who is involved in the manufacture of apparel.

"(iv) The term 'part-time employee' means an employee whose regular workweek for the employer involved is less than 35 hours per week.

"(v) The term 'seasonal employee' means an employee in—

"(I) the construction industry;

"(II) agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))); or

"(III) any other industry that the Secretary by regulation determines is a seasonal industry.

"(vi) The term 'temporary employee' means an employee who is employed by an employer for a season or other term of less than 12 months, or is otherwise treated by the employer as not a permanent employee of the employer."

AMENDMENT NO. 274

Beginning on page 10, strike line 17 and all that follows through page 26, line 18.

DODD AMENDMENTS NOS. 275–276

(Ordered to lie on the table.)

Mr. DODD submitted two amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 275

On page 5, line 12, strike "240" and insert "80".

AMENDMENT NO. 276

Beginning on page 10, strike line 17 and all that follows through page 26, line 18.

KENNEDY AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

On page 7, strike line 13 and insert the following:

"(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

"(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

"(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

"(III) the employee has requested the use of compensatory time off at a specific time of the employee's choice;

"(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

"(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

"(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

"(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

"(C) An agreement or understanding that is entered".

SPECTER AMENDMENT NO. 278

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 4, supra; as follows:

On page 7, after line 12, insert

"(iii) UNLAWFUL DISCRIMINATION.—It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation, or to qualify the availability of work for which overtime compensation is required upon employee's request for or acceptance of compensatory time off in lieu of monetary overtime compensation.".

THE FLANK DOCUMENT TO THE CONVENTIONAL FORCES IN EUROPE TREATY

KERRY (AND OTHERS) EXECUTIVE AMENDMENT NO. 279

Mr. KERRY (for himself, Mr. SARBANES, Mr. ABRAHAM, Mrs. FEINSTEIN, and Mr. BIDEN) proposed an executive amendment to condition No. 5 of the Resolution of Ratification (Treaty Doc. No. 105–5); as follows:

Strike subparagraph (F) of section 2(5) and insert the following:

(F) COMPLIANCE REPORT ON ARMENIA AND OTHER STATES PARTIES IN THE CAUCASUS REGION.—Not later than August 1, 1997, the President shall submit to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a full and complete classified and unclassified report regarding—

(i) whether Armenia was in compliance with the Treaty in allowing the transfer of conventional armaments and equipment limited by the Treaty through Armenian territory to the secessionist movement in Azerbaijan;

(ii) whether other States Parties located in the Caucasus region are in compliance with the Treaty; and

(iii) if Armenia is found not to have been in compliance under clause (i) or, if any other State Party is found not to be in compliance under clause (ii), what actions the President has taken to implement sanctions as required by chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance to the independent states of the former Soviet Union) or other provisions of law.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, May 21, 1997, at 9:30 a.m. in room 485, Russell Senate Building to conduct an oversight hearing on programs designed to assist native American veterans.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, June 5, 1997, at 9 a.m. in SR–328A to receive testimony regarding contaminated strawberries in school lunches.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Wednesday, June 18, 1997, at 9 a.m. in SR–328A to receive testimony from Secretary Glickman and U.S. Trade Representative Barshefsky regarding U.S. export trade.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 14, 1997, at 9:30 a.m. on program efficiencies of the Department of Commerce and National Science Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 14, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 14, 1997, beginning at 9:30 a.m. until business is completed, to receive testimony on the Campaign Finance System for Presidential Elections: The Growth of Soft Money and Other Effects on Political Parties and Candidates.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 14, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the

Oceans and Fisheries Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 14, 1997, at 2:30 p.m. on S. 39—International Dolphin Conservation Program Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Caucus on International Narcotics Control be authorized to meet during the session of the Senate on Wednesday, May 14, starting at 9:30 a.m. in room G–50 of the Dirksen Office Building. The caucus will be receiving testimony on the threat to and effects of corruption on U.S. law enforcement personnel along the Southwest border.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MISSOURI LAW ENFORCEMENT OFFICIALS WHO LOST THEIR LIVES IN ORDER TO PROTECT AND SERVE

• Mr. BOND. Mr. President, I rise today to pay tribute to those law enforcement officers who have given their lives while protecting the lives of so many others. When I was the Governor, with command of the Highway Patrol of the State of Missouri, the hardest part of my job was, without question, dealing with the loss of a law enforcement officer. Not only did these men and women faithfully serve their communities in life, they imparted the greatest sacrifice of all: they gave their lives.

In 1996, 117 law enforcement officers lost their lives in the line of duty, and 13,692 officers in total have been killed while protecting their communities. Every year 1 in 9 officers is attacked, 1 in 25 is injured, and 1 in 4,000 is killed while trying to preserve the peace and safety of the United States.

My sincerest condolences go out to the families of these men and women who have died in the line of duty. I can only be thankful that organizations such as Missouri Concerns of Police Survivors [MOCOP] exist to help in the aftermath of such tragedy. Every year, this nonprofit support group honors those men and women who have laid down their lives for Missouri. According to MOCOP any local, State, or Federal peace officer serving Missouri as an elected, appointed, deputized, temporary, or permanent officer who was killed or died of wounds or injuries received while performing an act to enforce the law and/or keep the peace from 1820 to the present is eligible to have his or her name inscribed on a monument in Jefferson City, MO.

Two men whose names will be added to the monument this year, Detective Willie Neal, Jr.—January 29, 1997—and Deputy Sheriff Christopher Lee Castetter—November 28, 1996—sacrificed their lives within the past 6 months. It saddens me to hear of these officers in the prime of their lives killed needlessly as they attempted to do their jobs. I can only hope that it is of some comfort to their families that they will forever be remembered as heroes by being etched into this historic monument.

The other six being honored this year include: B.H. Williamson, May 26, 1867; Horace E. Petts, August 3, 1868; Jasper Mitchell, August 3, 1868; George C. Walters, March 3, 1873; J. Milton Phillips, September 20, 1873; Ed Daniels, March 17, 1874; Anderson Coffman, February 14, 1878; and Hardin Harvey Vickery, March 8, 1879.

As Abraham Lincoln once said, "It is rather for us to be here dedicated to the great task remaining before us * * * that from these honored dead we take increased devotion to that cause for which they gave their last full measure of devotion; that we were highly resolved that these dead shall not have died in vain." It is important that we remember why these men and women gave their lives and that we work to ensure that their sacrifice was not in vain. Law enforcement men and women risk their lives every day in order to protect ours. Each day we walk down the street safely or get a good night's sleep without fear of robbery or assault, we should thank those officers who protect us every day and remember the ones who lost their lives in the process.•

CONSUMER PRODUCT SAFETY COMMISSION'S "RECALL ROUND-UP" STATEMENT

Ms. MIKULSKI. Mr. President, I would like to take this opportunity to commend the Consumer Product Safety Commission for the kick off of its Recall Round-up campaign. The Recall Roundup is a national effort to retrieve all hazardous products that have been recalled, but may still be in people's homes.

Each year the Commission coordinates approximately 300 recalls of defective or dangerous products. The task of getting these products out of American homes has been a difficult one.

The existence of faulty products has been the cause of serious injury and even death to children in the United States. This is unacceptable. That's why I am pleased to report that in my own State, Maryland Lt. Governor Kathleen Kennedy Townsend on April 16 announced the State's plans to join the Commission in the Recall Roundup.

Mr. President, as one of the Senators for Maryland, I would like to submit Lt. Governor Townsend's remarks for the RECORD. I commend the Commission and the State of Maryland on their partnership to protect American children from hazardous products.

The remarks of the Lt. Governor follow:

[Consumer Product Press Conference, April 16, 1997]

REMARKS OF THE LT. GOVERNOR

Good Morning. This is a very exciting day and it's great to be here with you. I want to thank Chairman Ann Brown for her leadership and hard work, as well as all of the men and women of the Consumer Product Safety Commission.

Everyday, you make our homes and communities safer for children. You are doing a tremendous job of identifying hazardous products and getting them off the market and out of our homes. I am grateful, not just as the Lt. Governor of Maryland, but as the mother of four daughters. Thank you.

You know that we need to do more than just identify dangerous items. Every year, scores of children die because of products that the Consumer Product Safety Commission has already recalled. But for one reason or another, they were never replaced with safer products. These children did not have to die. And if we do the job we know we must, and make sure these products are taken out of homes, we can save many, many lives in the future.

Governor Glendening and I are extremely proud that Maryland and the Commission are working so closely together to make this happen. The Recall Roundup is the quintessential example of how federal and state governments can work together for our shared goals.

The Commission's information about what products pose threats to children is vital to parents, and we're going to make sure that they get it. We will distribute a list of these products to local health departments, community organizations, local publications, to second-hand stores. At the State's Child Care Conference, at the State Fair, and training seminars for child care providers. We are going to blanket the State, and in case some parents cannot get to the information, we'll be coming to them.

Maryland's high school student volunteers will be helping to perform Recall Roundup Home Inspections to point out potential hazards to families. Parents have enough to worry about. The world today is already dangerous for children. But we can make a difference. With hard work and cooperation, we can make sure that every child's home is child-safe. Thank you.

TRIBUTE TO "UGA V" AMERICA'S NO. 1 MASCOT

Mr. CLELAND. Mr. President, I rise today to pay tribute to UGA V, the mascot for the University of Georgia, who, this month, was honored by Sports Illustrated magazine as "America's No. 1 college mascot." The English Bulldog carries almost 100 years of tradition as the mascot for the university's athletic program and is one of the most recognizable figures in all of college sports. The current line of bulldogs can be traced back over 50 years to when the first UGA's grandfather guarded the sidelines for the football team during the 1943 Rose Bowl in Pasadena, CA. UGA V and his forefathers have helped lead the University of Georgia to build one of the most respected and successful athletic programs in the country. The UGA line has witnessed national championships in football, baseball, and gymnastics; final fours in men's and women's basketball; and countless Southeastern Conference championships in a variety of sports. UGA IV was even invited to be the first mascot to attend the presentation of the Heisman trophy to Hershel Walker in 1982.

I would also like to recognize the outstanding efforts and dedication of the Seiler family of Savannah, GA. Since 1956, Frank (Sonny) Seiler and his family have raised UGA and his descendants. They have also traveled across the country attending all of the University of Georgia football games. Their hard work has molded a tradition like no other in this country.

As did the mascots before him, UGA V gives frequently of his time to charitable organizations. UGA has appeared and raised money for such groups as the Humane Society, March of Dimes, Easter Seals, and the Heart Fund. In 1984 UGA IV was named "Honorary Chairman for the Great American Smokeout" campaign on behalf of the American Cancer Society. When not appearing in his official capacity as mascot, UGA has represented the State of Georgia at a number of State functions.

It is with great pride that I congratulate the University of Georgia for all of its academic and athletic accomplishments, and UGA, "America's No. 1 mascot."

HONORING DR. ALLAN E. STRAND

• Mr. LAUTENBERG. Mr. President, I rise to honor Dr. Allan Strand, who is retiring after 18 years of distinguished service as headmaster of Newark Academy in New Jersey.

During his tenure, Dr. Strand's scholarship and leadership set a magnificent example for his students, including two of my own children. Although all four of my children received an outstanding education at Newark Academy, my two youngest had the added good fortune of attending while Dr. Strand was headmaster. He was an educator, mentor, and friend.

Mr. President, I know that my children benefited from Dr. Strand's vision, integrity, energy, and academic excellence. But more than that, the entire Newark Academy community benefited from his presence. His list of accomplishments while headmaster is impressive.

During his tenure, the academy's educational mission was affirmed. The traditional college preparatory course was continued, but the program was enhanced by bold developments in computer science and the arts. Dr. Strand also worked to revitalize the board of trustees and to strengthen an already superb faculty. Committed to the principles of respect and integrity, he introduced the Honor Code and Honor Council. Even the physical plant was not neglected; it was so expanded that only the front foyer remains unchanged. The McGraw Arts Center was added to accommodate the burgeoning arts program, and the Morris Interactive Learning Center brought the latest in technology to the school's instructional program.

But through all the changes, one thing remained unchanged, Dr. Strand's commitment to his students and their education. It has been said that the only lasting legacy that any of us can have is to make a difference in the life of a child. If that is true, than Dr. Strand's legacy is definitely assured.

Mr. President, when Thomas Jefferson presented his credentials as United States minister to France, the French premier remarked, "I see that you have come to replace Benjamin Franklin." Jefferson corrected him. "No one can replace Dr. Franklin. I am only succeeding him." In much the same way, Allan Strand is also irreplaceable. Others may fill his position at Newark Academy, but no one will ever be able to fill his shoes.•

TRIBUTE TO GEORGE HEARN

• Mr. INOUYE. Mr. President, I rise today to pay tribute to George Hearn. George Hearn is an old and trusted friend who has rendered distinguished service to our country in peace and war. He has announced that he will soon be trimming his sails, and cutting back on his day to day activities on behalf of U.S. flag international shipping. I hasten to reassure his countless friends and those who rely on his good counsel and advice, George Hearn is not retiring completely from the world of international shipping.

For over 50 years George has been part of our Nation's maritime effort. He enlisted in the U.S. Navy, and served in the Pacific Theater aboard the U.S.S. *Iowa* from 1945 to 1946. Honorably discharged from the Navy, George practiced maritime law in New York City. During that time he was also elected to the New York City Council, and served from 1957 until his resignation in 1961. He resigned to join the Kennedy administration in Washington, DC, where he served in a senior staff position at the Civil Aeronautics Board, until President Johnson nominated him to the Federal Maritime Commission in 1964. George was reappointed to the Commission, once by President Johnson, and once by President Nixon. He resigned as Vice-Chairman of the Commission in 1975, to practice maritime law in New York City. In 1982 he joined Waterman Steamship Corp. as the executive vice-president. George will continue to serve Waterman as a consultant.

Mr. President, that in brief is the distinguished public career of my friend, George Hearn. Proud as he should be of all he has accomplished, I know he is proudest of his family, his wife of 45 years, Anne, and their adult children, Annemarie, Peggy, and George, Jr.

George is the son of an immigrant Irish father. George has capitalized to the fullest the bounty which our great country has offered to us all. But what makes me proudest to call George my friend, is the way he has used his opportunity to help preserve and increase that bounty for the generations of Americans to come. So, I wish to say well done good friend, and you deserve the chance to take time to smell the roses.•

TRIBUTE TO THE LATE IGNAZIO M. "CARLO" CARLUCCIO

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the late Ignazio M. "Carlo" Carluccio who passed away on April 22, 1997, 3 months to the day after celebrating his 100th birthday in Hampton, NH, with his entire family and his close friends.

I had the great honor and privilege to meet Mr. Carluccio on October 29, 1996, at his home in North Salisbury Beach, MA, just across the border from Seabrook, NH. I was attending a function at a lobster pound owned by Bruce Brown, a long-time mutual friend of both Mr. Carluccio and myself. While in the area, I wanted to pay my respects to Mr. Carluccio, especially since his grandson Dino has worked in my office for the last decade.

When I met Mr. Carluccio in his home, he was in excellent health, witty, and sharp as a tack. Indeed, it was hard to believe at the time that he would shortly be celebrating his 100th birthday. During my visit with him, I was fascinated to learn many details of his truly remarkable life, some of which I would like to share with my colleagues and the American people today.

Ignazio Carluccio was born in the small town of Benevento, Italy, in 1897. He was the son of Antonio Carluccio, and the grandson of Ignazio Carluccio. He had one brother and four sisters, three of whom still reside in southern Italy. His grandfather was the proprietor of the Gran Caffe dell'Unione, the most popular gathering place in the center of Benevento with regular outdoor musical entertainment. It was this experience as a young boy, growing up around his grandfather's cafe, that would eventually shape and inspire Mr. Carluccio's future in America as a talented musician and a proprietor of his own small business in a similar small community far away from his homeland.

Before leaving Italy in 1921 for America, young Ignazio Carluccio learned to play the violin at a conservatory in Milan, and would often perform his own solo concerts in the beautiful parks along the bay of Naples. At that point, Ignazio's family had moved from Benevento to Naples, where his father now operated his own local cafe. I am told that there are still a few people in Naples who remember his violin performances.

Ignazio Carluccio loved the challenges that life presented, and he knew a lot about taking risks. Whether it was simply entering the local bicycle races along the treacherous, yet scenic Amalfi Coast between Naples and Sorrento, or his service during World War I in an Italian aviation division, Mr. Carluccio was not deterred by the physical harm he encountered. He recovered only to take an even greater risk—the monumental adventure of leaving everything behind except for his violin and a few family mementos and heading for America, never turning back in the eight decades that followed.

Earlier this year, Mr. Carluccio reflected on those first few years following his arrival in Boston on a passenger ship from Naples. He said, "Early on, I could not speak English, but I made it. It was a heckuva time."

Mr. Carluccio was persistent and determined following his arrival in America—he worked as a haberdasher and became the first concert violinist for the People's Symphony in Boston. He selected a middle name for himself, something uncommon in his native Italy, but not in his new country. He chose "Mario" because he wanted to be known as "I.M. Carluccio" which sounded like "I am Carluccio." How clever for someone trying to master the English language, Mr. President.

He met his wife, Alphonsine Giguere, backstage during one of his performances, and married her in 1928. In 1934, following the passing of his father-in-law, he took over the drugstore his father-in-law had operated in Leominster, MA, since 1903, earned a degree in pharmacy, and practiced pharmacy for the next six decades until his retirement in 1985. At its peak, Giguere Drug Stores encompassed three shops and represented the largest prescription business in Worcester County, MA. When you were sick and needed medicine, everyone knew that you needed to go see Mr. Carluccio at Giguere's.

The original corner store was also complete with soda fountains, booths, and peanut machines, and even had musical entertainment performed on the store's roof at one point. It was the local hangout for everyone from school children to local politicians to State police officials. Mr. Carluccio surely must have been proud of the tradition he had carried on from his own grandfather's popular cafe in Benevento, Italy.

Mr. President, I.M. Carluccio lived the American dream to the fullest. He worked hard, starting at 5 a.m. in his store each morning, finishing late at night, teaching violin on the side to students in the community, putting his five children through college, and simultaneously sending money on a regular basis back to his siblings in Italy. And if that was not enough, Mr. President, he even reminded me last fall that, although he was approaching age 50 during World War II, he wrote a letter at the time to the Secretary of what was then known as our War Department offering his services. What devotion, Mr. President.

I.M. Carluccio cherished his family and his close friends, and he enjoyed his classic cars, his homemade spaghetti sauce, his violin music, and his favorite cigars—the simple things for a man who lived such a rich, enduring, and multifaceted life. He was a true gentleman to all who knew him. He accomplished so much that we can only hope that, perhaps, he was able to reflect back with pride, in his own quiet, dignified way, as he puffed his final cigars earlier this year. He has left a wonderful legacy which continues to inspire all those who have known him.

When I met him last fall I, too, was inspired, not only by his longevity, but by his selfless devotion through the years to his Nation, the communities in which he made his home, and to his entire family—three sons, two daughters, nine grandchildren, seven great-grandchildren, nephews, and nieces. Let me say also say here that I am proud that Mr. Carluccio's three grandchildren who carry the Carluccio name—Carlo, Dino, and Mario—are all constituents of mine from New Hampshire. I am honored to represent them in the U.S. Senate.

Mr. President, I hope Mr. Carluccio's legacy will inspire all those who hear of it today. I am proud to do my part through this statement to ensure that the life of Mr. Carluccio is properly recognized as part of our American history. The story of this great Italian-American centenarian has already been recognized on many occasions at the State and local level, and through the countless birthday greetings Mr. Carluccio received through the years from Presidents, Senators, Congressmen, and State and local politicians. But it is appropriate and deserving that today, we make Mr. Carluccio's life story part of the official, permanent RECORD of the U.S. Congress. God bless Mr. Carluccio and his entire family.

Mr. President, I ask that a proclamation by Massachusetts Gov. William F. Weld issued earlier this year in honor of Mr. Carluccio's 100th birthday and a statement submitted to Fitchburg State College honoring Mr. Carluccio as one of "100 Who Made a Difference" be printed in the RECORD.

The proclamation and statement follows:

A PROCLAMATION BY HIS EXCELLENCY GOVERNOR WILLIAM F. WELD—1997

Whereas, Ignazio M. Carluccio was born on January 22, 1897, in Benevento, Italy; and

Whereas, after moving to the United States in 1921, Mr. Carluccio found a new home in the Commonwealth and married Alphonsine Giguere in 1928; and

Whereas, a talented violinist, Ignazio Carluccio has shared his musical inspiration with many through performance and instruction; and

Whereas, in 1934, Ignazio Carluccio succeeded his father-in-law as owner and operator of the family business, Giguere's Drug Store, in Leominster, Massachusetts; and

Whereas, having earned the tremendous respect of his community, Ignazio Carluccio received an award from the Eli Lilly Pharmaceutical Company in 1976, in recognition of the outstanding community health service provided by Gigurere's Drug Store; and

Whereas, as Ignazio Carluccio celebrates his One Hundredth Birthday, it is fitting to pay tribute to this fine individual who has touched the lives of many throughout the Commonwealth; now, therefore, I, William F. Weld, Governor of the Commonwealth of Massachusetts, do hereby proclaim January 22nd, 1997, to be Ignazio Carluccio Day and urge all the citizens of the Commonwealth to take cognizance of this event and participate fittingly in its observance.

100 WHO MADE A DIFFERENCE

IGNAZIO M. CARLUCCIO

Mr. Carluccio has been an integral part of this community since 1928 when he married Alphonsine A. Giguere. He was a concert violinist and teacher of the violin in this and the surrounding area, but he later became a pharmacist and took over the operation and ownership of Giguere Drug to continue the family business that his father-in-law started in 1903. He dedicated his life to his family and business and to serving the public.

In the 1950's and 60's his corner drugstore was known as the most complete prescription department in Worcester County. In 1976, the Eli Lilly Pharmaceutical Company presented Mr. Carluccio and his company an award in recognition of outstanding Community Health Service.

In 1983, Giguere Drug Stores was recognized for 80 years of service, and I.M. Carluccio was still managing and serving the public from his corner drugstore. At this point, his original business had expanded into a small 3-store chain.

Mr. Carluccio had a special recipe of old-fashioned customer service and modern health care products. Customers idolized him. Today, he is still a celebrity for anyone who knows him, sees him, and remembers the days of yesteryear. This man is a tribute to his community!•

A TRIBUTE TO TWO FRIENDS

• Mr. CLELAND. Mr. President, I rise today to mourn the recent loss of two constituents and good friends. Mrs. Frances Chapman and Mr. Bill Kelly were more than just constituents and good friends from my home town of Lithonia, GA. They were outstanding examples to their families and friends, and assets to their community.

Frances Chapman's accomplishments were many. She was dedicated to her community and its institutions. She was a member of the First Baptist

Church of Lithonia. There she served as superintendent of the children's department, taught Sunday school and was a member of the choir. She taught for several years in the DeKalb County School System, and was a past president of the Lithonia High School Parent Teachers Association. Through her participation in community organizations she made Lithonia a place of pride in Georgia. She was a longtime member of the Lithonia Women's Club, and served twice as its president. Through her energies and activities she set an example for all of us.

William (Bill) Kelly served his country and his community all his life. During World War II, he served in the Combat Engineers and saw action in the North Africa campaign. During his life, Mr. Kelly was always involved in one activity or another in his community. He ran a successful paving contracting company, and also helped develop the Lithonia Industrial Park. He served with great distinction for 12 years as the mayor of Lithonia, and his leadership sought to bring a better quality of life to all of its citizens. He was a longtime member of the Lithonia Presbyterian Church, Masonic Lodge No. 84 and the Veterans of Foreign Wars. He was dedicated to his wife of 55 years, Anne, and very involved with his two daughters, grandchildren, and great-grandchildren.

Mr. President, today I commend the lives and lessons of my friends, Frances Chapman and Bill Kelly, and ask my colleagues to join me in saluting their memory and accomplishments.•

TRIBUTE TO BOB DEVANEY

• Mr. KERREY. Mr. President, I rise today to pay tribute to Bob Devaney, the former athletic director and head football coach of the University of Nebraska, who passed away last Friday.

It is impossible to overstate the impact that Bob Devaney had on the people of our State. And although he was born and raised in Saginaw, MI, he was the pride of all Nebraska.

In 1962, he came from Wyoming and took the helm of a football team that finished 3–6–1 the year before. In his first year as head coach, he turned them into a 9–1 winner—the best record at Nebraska since 1905.

By the time he left the head coaching job to become athletic director in 1972, he had won two national championships, boasted the winningest record in college football at the time, and built the third-largest city in the State—Memorial Stadium on a fall Saturday. He won eight Big Eight championships, six bowl games, and in 1982, a place in the College Football Hall of Fame.

Numbers alone cannot measure Bob Devaney's achievement. He brought pride to Nebraska and taught us what it took and what it felt like to be No. 1. He taught our children how to dream beyond the boundaries of the rural communities and urban neighborhoods in which they live, and he taught us all that with commitment and determination, our dreams could become realities.

But his most important legacy was that of sportsmanship. One of the many tributes to Bob Devaney in the wake of his death shared this story, and captures the greatness of the man:

> In one game in 1970, after Nebraska trailed Kansas by 20–10, the Cornhuskers rallied for a 41–20 victory. "You learned something today," Mr. Devaney told his players after the game. "You learned you can come back. Remember that. That's the lesson of life."

Bob Devaney taught all of us about the lessons of life. Bob was a source of inspiration, a great Nebraskan, and a friend to us all. Because of Bob Devaney, there is no place like Nebraska. He will be badly missed.

Mr. President, I ask that Bob Reeves' tribute from the May 10 Lincoln Journal-Star and an editorial from the May 11 Omaha World-Herald be printed into the RECORD.

The material follows:

[From the Lincoln Journal-Star, May 10, 1997]

DEVANEY AN 'INSPIRATION' TO STATE

(By Bob Reeves)

Nebraska lost more than a great football coach when Bob Devaney died Friday. The state lost a born motivational expert who helped give the state a real sense of self-esteem, current and former state and university leaders said Friday.

"Bob Devaney was an inspiration to Nebraska," Gov. Ben Nelson said. "He made pride in football and pride in Nebraska the same. He helped Nebraskans believe that we could be No. 1 in football and in anything we did. He will be missed personally, and by the people who knew and loved him."

"All of us who knew and worked for Bob Devaney feel a great sense of loss," said University of Nebraska-Lincoln head football coach Tom Osborne. "It's an end of an era, so to speak. Bob always had great joy for the people who worked for him and was very supportive."

James Moeser, UNL chancellor, said Devaney "helped make the University of Nebraska synonymous with strength, a solid work ethic and people who strive to do their very best."

Former Gov. Norbert Tiemann, who served from 1967 to 1971, described Devaney as "a tremendous leader."

Devaney "turned the whole athletic program around (and) gave the state a sense of pride in itself," said Tiemann, who now lives in Dallas. "I've got the greatest admiration for him, both from a professional and personal standpoint. It was a tremendous boost to the state's ego to have a winning football team."

Those comments were echoed by former Gov. Frank Morrison, who served from 1961 through 1967. He was governor at the time then-chancellor Clifford Hardin hired Devaney to take over the football program.

"In many ways, he changed the psychological attitude of the state," Morrison said. "The majority of people had an inferiority complex. It (Devaney's enthusiasm) was pervasive. He helped unify the state and improve our pride in Nebraska."

Both Morrison and Tiemann talked about the positive impression Devaney made when he first arrived in the state from neighboring Wyoming. Tiemann was a banker in Wausa at the time and traveled throughout the state with a group introducing Devaney to various communities.

"Wherever we went, we didn't have to do much selling," because of Devaney's winning personality, Tiemann said. "He made a great impression. He was a wonderful person to be around."

He added that Devaney had such a likable personality that "he could tell the dirtiest jokes in mixed company and get away with it. I could never do that."

He also forged an intense loyalty from his players, said Morrison, who remained a close friend of Devaney's over the years. "Johnny Rodgers (1972 Heisman Trophy winner) told me one time, 'I would have died for Bob Devaney.'"

Woody Varner, who was president of the university from 1970–77, during Nebraska's first two national championships, said he knew Devaney when he was an assistant coach at Michigan State.

"He came (here) with real devotion to Nebraska," Varner said.

"He was always a fighter for Nebraska. He never swallowed the story that Nebraska was second-class in any respect. He wanted Nebraskans to feel proud of themselves and of the state."

Varner added that what Devaney did for athletics helped build the reputation of the university.

"It was easier to recruit students and faculty," he said. "The state of Nebraska held its head high, thanks to Bob Devaney."

Don Bryant, UNL associate athletic director and former longtime sports information director, said, "I have lost a dear, personal friend and it results in a feeling of numbness and shock to realize that Bob Devaney no longer is a force in Nebraska and intercollegiate athletics."

Bryant said Devaney's coaching ability and administrative leadership "raised the standards of excellence and the visions of highest expectations for all Nebraskans."

Osborne said that besides being a great coach, Devaney was "a great friend."

"He was the one who gave me a chance to be a graduate assistant, an assistant coach and a head coach at Nebraska," Osborne said. "Most everything I know about coaching I learned from him. He was exceptional at handling players, always had a great sense of humor, and the players enjoyed playing for him because of the type of person he was. We will all miss him dearly."

UNL Athletic Director Bill Byrne described Devaney as "a giant in the world of college football, a dear friend and national leader." Devaney's leadership "created a football dynasty and athletic program that is the best in America," he said. "Our goal at Nebraska will be to continue the legacy created by Bob. We all will miss him very much."

UNL sports historian Ben Rader described Devancy as "a modern icon of success, in as much as his victories represented success for the entire state . . . He was also an example of a self-made man, who came from modest origins. Success is very difficult to measure in the world of bureaucracies, but an athletics or sports, it's very clear-cut."

UNL volleyball coach Terry Pettit recalled that when Devancy came to Nebraska, he had two missions.

"First, he turned around an average football program and made it into the best in the nation. Then, as athletic director, he (took) a mediocre athletic department and built it into one of the best all-around athletic programs in the country."

Petit credited Devaney with helping make Nebraska competitive in women's athletics.

"He gave me the resources and opportunity to succeed," Petiti said.

"He did have, and he will continue to have a lasting impact on the Nebraska athletic department and the entire state of Nebraska. His energy, enthusiasm and drive shaped our athletic department. For a lot of people, especially the coaches under him, he was a sort of father figure. We looked to him for guidance and support, and he always showed great loyalty to his staff."

[From the Omaha World Herald, May 11, 1997]

BOB DEVANEY, BUILDER OF PRIDE

Bob Devaney.

The name unleashes a flood of symbols and memories.

Johnnie the Jet.

Gotham Bowl.

The Game of the Century.

Tagge-Brownson.

Back-to-back national football championships.

Tom Osborne.

Expansion after expansion of Memorial Stadium.

A sea of helium-filled red balloons, released by thousands of football fans on Nebraska's first touchdown of the game, hanging in the air above Lincoln on a brilliant fall day.

Even before Devaney's death on Friday, it has been an often-repeated cliche that Devaney's impact on Nebraska went far beyond football, that he brought Nebraskans together, east and west.

But like most other cliches, this one is backed by solid evidence.

A stumbling athletic program wasn't the only negative that greeted Devaney when he accepted the head coaching job in 1962. The state's spirit in general had been bruised by events of the previous five years. The Starkweather mass murders were still fresh in people's memories. A governor had recently died in office. Angry debates over tax policy and school financing, gathering steam since the 1940s, were dividing urban and rural Nebraska interests.

Nebraskans were ready for a little good news. Devaney gave it to them.

Under him, the Cornhuskers played with noticeably greater verve.

They won games that they would have lost in earlier years.

They began appearing in the national ratings. Then the Top 10.

Finally, in 1970 and 1971, they were national champions.

Interstate 80 was pushing westward across Nebraska in those days.

Westerners sometimes asked what good it was.

Devaney's success gave people in Hyannis, Kimball and Scottsbluff a reason to use the new superhighway.

Cowboy boots and Stetsons, often bright red, became a familiar sight in Lincoln on autumm Saturdays.

Lincoln's economy benefited.

East-west friendships grew stronger. The financial success of the football team made it possible for Nebraska to have a high-caliber women's athletic program. The classy Devaney football teams gave the university national visibility.

Some people say that too much is made of college athletics, and they're right. Devaney knew that. Remember, he told fans before a game in 1965, there are 800 million people in China "who don't give a damn whether Nebraska wins or loses." There are bigger things in life than whether the team wins.

Devaney never seemed driven or angry. He respected his opponents. His spirit of good sportsmanship lives on in the Memorial Stadium fans who traditionally applaud Nebraska's opponents at the end of each game, even when Nebraska loses.

Devaney never set out to transform Nebraska. He would have laughed if someone in 1962 said he was responsible for propping up the self-esteem of an entire state. He was just a man with something he could do very, very well. But excellence on the football field inspired excellence in other walks of life.

Devaney's success, and the positive influence his accomplishments had on his adopted state, constitutes a memorial that will long bring honor to his name.●

WEI JINGSHENG

● Mr. ROTH. Mr. President, I rise to join my colleagues who have so eloquently praised China's most prominent dissident and advocate of democracy, Wei Jingsheng, and who have called for his immediate release from prison. Yesterday marked the publication of Mr. Wei's remarkable book, "The Courage to Stand Alone." The book is a compilation of his valiant prison letters to the Chinese leadership.

As a result of Mr. Wei's outspoken and articulate views on human rights and democracy the Government of China has imprisoned him—mostly in solitary confinement—for the greatest part of two decades. His personal sacrifices in the name of fundamental freedoms are a testament to his heroic spirit.

As one who has always supported commercial engagement with Beijing to encourage greater openness and freedom in China, I find China's repression of Wei's views and cruel treatment of Wei himself offensive.

As we are about to embark on our annual debate on renewing normal trade relations with China, Beijing must realize that its treatment of Mr. Wei in particular, and its repressive human rights policies in general, trouble all of the Members of this body, especially those of us who favor renewal.

While Mr. Wei has been outspoken in his own support of continuing China's MFN trade status—noting at his trial that the direct victims of MFN revocation "would be the already poverty-stricken Chinese people" rather than the authorities in Beijing—China would do its people and its position in the world well by heeding this brave man's calls for greater freedom and democracy.●

EARLY CHILDHOOD DEVELOPMENT ACT

● Mr. KENNEDY. Mr. President, it is a privilege to cosponsor the Early Childhood Development Act and I commend Senator KERRY for introducing this important legislation.

Recent research has clearly demonstrated what parents and others have intuitively known for generations: that experiences in the early childhood years lay the foundation for much of later development. Children thrive and grow on positive interactions with their parents and other adults. Quality child care, quality nutrition, and quality health care can make all the difference in enabling infants and children to reach their full potential and become contributing members of society. Ensuring that children have these experiences early in development is much easier and less expensive than coping with later crisis problems such as substance abuse, school dropout, and criminal behavior.

The Early Childhood Development Act is a significant step toward helping children obtain the multiple supports they need to grow and thrive. It builds effectively on the White House summit in April that emphasized the very great importance of this issue. It will help State and local jurisdictions expand their efforts to assist young children and their families. It will strengthen Early Head Start, and increase resources for child care and nutrition.

This initiative is extremely important for the Nation's children. I look forward to continuing to work with Senator KERRY and others to provide children with the opportunities they need and deserve and must have in order to help our country for the generations to come.●

SENATE QUARTERLY MAIL COSTS—SECOND QUARTER

● Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the second quarter of fiscal year 1997 to be printed in the RECORD. The second quarter of fiscal year 1997 covers the period of January 1, 1997 through March 31, 1997. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–197, the Legislative Branch Appropriations Act of Fiscal Year 1997.

The material follows:

Senators	Fiscal year 1997 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending Mar. 31, 1997			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$143,028	1,520	0.00016	$403.90	$0.00004
Akaka	43,336	0 0		0.00 0	
Allard	59,148	0 0		0.00 0	
Ashcroft	97,617	0 0		0.00 0	
Baucus	41,864	12,443	0.01510	10,242.54	0.01243
Bennett	50,841	0 0		0.00 0	
Biden	40,023	0 0		0.00 0	
Bingaman	50,582	0 0		0.00 0	
Bond	97,617	0 0		0.00 0	
Boxer	382,528	815	0.00003	273.31	0.00001
Bradley	33,378	0 0		0.00 0	
Breaux	82,527	0 0		0.00 0	
Brown	20,625	0 0		0.00 0	
Brownback	52,198	0 0		0.00 0	
Bryan	50,755	0 0		0.00 0	
Bumpers	62,350	0 0		0.00 0	
Burns	41,864	0 0		0.00 0	
Byrd	53,135	0 0		0.00 0	
Campbell	77,822	0 0		0.00 0	
Chafee	43,394	0 0		0.00 0	
Cleland	90,218	0 0		0.00 0	
Coats	100,503	0 0		0.00 0	
Cochran	62,491	0 0		0.00 0	
Cohen	12,042	0 0		0.00 0	
Collins	35,217	0 0		0.00 0	
Conrad	38,762	14,900	0.02343	1,976.46	0.00311
Coverdell	118,346	0 0		0.00 0	
Craig	44,496	0 0		0.00 0	
D'Amato	232,926	0 0		0.00 0	
Daschle	39,578	0 0		0.00 0	
DeWine	164,923	1,720	0.00016	448.000	0.00004
Dodd	71,425	0 0		0.00 0	
Domenici	50,582	0 0		0.00 0	
Dorgan	38,762	6,600	0.01038	864.74	0.00136
Durbin	125,121	0 0		0.00 0	
Exon	13,199	0 0		0.00 0	
Enzi	28,054	0 0		0.00 0	
Faircloth	121,600	0 0		0.00 0	
Feingold	91,527	0 0		0.00 0	
Feinstein	382,528	0 0		0.00 0	
Ford	77,040	0 0		0.00 0	
Frahm	0	0 0		0.00 0	
Frist	96,062	0 0		0.00 0	
Glenn	164,923	0 0		0.00 0	
Gorton	97,506	2,170	0.00042	564.31	0.00011
Graham	230,836	0 0		0.00 0	
Gramm	251,855	1,400	0.00008	448.19	0.00003
Grams	85,350	57,080	0.01274	34,094.58	0.00761
Grassley	65,258	0 0		0.00 0	
Gregg	44,910	4,176	0.00376	3,357.88	0.00302
Hagel	38,444	0 0		0.00 0	
Harkin	65,258	0 0		0.00 0	
Hatch	50,841	0 0		0.00 0	
Hatfield	18,477	0 0		0.00 0	
Heflin	22,240	0 0		0.00 0	
Helms	121,600	0 0		0.00 0	
Hollings	76,388	0 0		0.00 0	
Hutchinson	47,286	0 0		0.00 0	
Hutchison	251,855	0 0		0.00 0	
Inhofe	73,454	0 0		0.00 0	
Inouye	43,336	0 0		0.00 0	
Jeffords	38,357	192,100	0.33702	32,489.42	0.05700
Johnson	29,826	0 0		0.00 0	
Johnston	21,919	0 0		0.00 0	
Kassebaum	16,457	0 0		0.00 0	
Kempthorne	44,496	0 0		0.00 0	
Kennedy	104,638	0 0		0.00 0	
Kerrey	50,818	0 0		0.00 0	
Kerry	104,638	0 0		0.00 0	
Kohl	91,527	0 0		0.00 0	
Kyl	83,872	0 0		0.00 0	
Landrieu	62,755	0 0		0.00 0	
Lautenberg	124,195	0 0		0.00 0	
Leahy	38,357	0 0		0.00 0	
Levin	143,028	0 0		0.00 0	
Lieberman	71,425	0 0		0.00 0	
Lott	62,491	388,500	0.14862	57,001.87	0.02181
Lugar	100,503	0 0		0.00 0	
Mack	230,836	0 0		0.00 0	
McCain	83,872	5,640	0.00147	4,692.98	0.00122
McConnell	77,040	0 0		0.00 0	
Mikulski	90,835	0 0		0.00 0	
Moseley-Braun	163,870	0 0		0.00 0	
Moynihan	232,926	0 0		0.00 0	
Murkowski	37,990	0 0		0.00 0	
Murray	97,506	17,800	0.00347	3,910.47	0.00076
Nickles	73,454	0 0		0.00 0	
Nunn	31,770	0 0		0.00 0	
Pell	11,158	0 0		0.00 0	
Pressler	10,108	0 0		0.00 0	
Pryor	16,371	0 0		0.00 0	
Reed	32,752	0 0		0.00 0	
Reid	50,755	0 0		0.00 0	
Robb	109,107	0 0		0.00 0	
Roberts	47,525	0 0		0.00 0	
Rockefeller	53,135	0 0		0.00 0	
Roth	40,023	0 0		0.00 0	
Santorum	176,220	0 0		0.00 0	
Sarbanes	90,835	0 0		0.00 0	
Sessions	63,649	0 0		0.00 0	
Shelby	83,692	0 0		0.00 0	
Simon	44,289	0 0		0.00 0	
Simpson	9,473	0 0		0.00 0	
Smith, Bob	44,910	0 0		0.00 0	
Smith, Gordon	53,158	0 0		0.00 0	
Snowe	46,609	0 0		0.00 0	

Senators	Fiscal year 1997 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending Mar. 31, 1997			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Specter	176,220	0 0		0.00 0	
Stevens	37,990	0 0		0.00 0	
Thomas	37,266	0 0		0.00 0	
Thompson	96,062	0 0		0.00 0	
Thurmond	76,388	0 0		0.00 0	
Torricelli	94,702	0 0		0.00 0	
Warner	109,107	0 0		0.00 0	
Wellstone	85,350	0 0		0.00 0	
Wyden	70,009	0 0		0.00 0	
Total		706,864	0.55683	150,768.65	0.10855•

SENATE QUARTERLY MAIL COSTS—FIRST QUARTER

• Mr. WARNER. Mr. President, in accordance with section 318 of Public Law 101–520 as amended by Public Law 103–283, I am submitting the frank mail allocations made to each Senator from the appropriation for official mail expenses and a summary tabulation of Senate mass mail costs for the first quarter of fiscal year 1997 to be printed in the RECORD. The first quarter of fiscal year 1997 covers the period of October 1, 1996, through December 31, 1996. The official mail allocations are available for frank mail costs, as stipulated in Public Law 104–197, the Legislative Branch Appropriations Act for fiscal year 1997.

The material follows:

Senators	Fiscal year 1997 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending Mar. 31, 1996			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Abraham	$143,028	2,750	0.00029	$563.73	$0.00006
Akaka	43,336	0 0		0.00 0	
Allard	59,148	0 0		0.00 0	
Ashcroft	97,617	0 0		0.00 0	
Baucus	41,864	0 0		0.00 0	
Bennett	50,841	0 0		0.00 0	
Biden	40,023	0 0		0.00 0	
Bingaman	50,582	0 0		0.00 0	
Bond	97,617	0 0		0.00 0	
Boxer	382,528	0 0		0.00 0	
Bradley	33,378	0 0		0.00 0	
Breaux	82,527	0 0		0.00 0	
Brown	20,625	13,000	0.00375	3,833.68	0.00110
Brownback	52,198	0 0		0.00 0	
Bryan	50,755	0 0		0.00 0	
Bumpers	62,350	0 0		0.00 0	
Burns	41,864	0 0		0.00 0	
Byrd	53,135	0 0		0.00 0	
Campbell	77,822	0 0		0.00 0	
Chafee	43,394	0 0		0.00 0	
Cleland	90,218	0 0		0.00 0	
Coats	100,503	0 0		0.00 0	
Cochran	62,491	0 0		0.00 0	
Cohen	12,042	0 0		0.00 0	
Collins	35,217	0 0		0.00 0	
Conrad	38,762	0 0		0.00 0	
Coverdell	118,346	0 0		0.00 0	
Craig	44,496	0 0		0.00 0	
D'Amato	232,926	0 0		0.00 0	
Daschle	39,578	0 0		0.00 0	
DeWine	164,923	0 0		0.00 0	
Dodd	71,425	0 0		0.00 0	
Domenici	50,582	0 0		0.00 0	
Dorgan	38,762	0 0		0.00 0	
Durbin	125,121	0 0		0.00 0	
Exon	13,199	0 0		0.00 0	
Enzi	28,054	0 0		0.00 0	
Faircloth	121,600	0 0		0.00 0	
Feingold	91,527	0 0		0.00 0	
Feinstein	382,528	0 0		0.00 0	
Ford	77,040	0 0		0.00 0	
Frahm	0	0 0		0.00 0	
Frist	96,062	0 0		0.00 0	
Glenn	164,923	0 0		0.00 0	
Gorton	97,506	0 0		0.00 0	
Graham	230,836	0 0		0.00 0	
Gramm	251,855	0 0		0.00 0	
Grams	85,350	0 0		0.00 0	
Grassley	65,258	0 0		0.00 0	
Gregg	44,910	0 0		0.00 0	
Hagel	38,444	0 0		0.00 0	
Harkin	65,258	0 0		0.00 0	
Hatch	50,841	0 0		0.00 0	
Hatfield	18,477	0 0		0.00 0	
Heflin	22,240	0 0		0.00 0	
Helms	121,600	0 0		0.00 0	
Hollings	76,388	0 0		0.00 0	
Hutchinson	47,286	0 0		0.00 0	
Hutchison	251,855	0 0		0.00 0	
Inhofe	73,454	0 0		0.00 0	
Inouye	43,336	0 0		0.00 0	
Jeffords	38,357	31,020	0.05442	5,689.22	0.00998
Johnson	29,826	0 0		0.00 0	
Johnston	21,919	0 0		0.00 0	
Kassebaum	16,457	0 0		0.00 0	
Kempthorne	44,496	0 0		0.00 0	
Kennedy	104,638	0 0		0.00 0	
Kerrey	50,818	0 0		0.00 0	
Kerry	104,638	0 0		0.00 0	
Kohl	91,527	0 0		0.00 0	
Kyl	83,872	0 0		0.00 0	
Landrieu	62,755	0 0		0.00 0	
Lautenberg	124,195	0 0		0.00 0	
Leahy	38,357	726	0.00127	1,018.31	0.00179

Senators	Fiscal year 1997 official mail allocation	Senate quarterly mass mail volumes and costs for the quarter ending Mar. 31, 1996			
		Total pieces	Pieces per capita	Total cost	Cost per capita
Levin	143,028	0 0		0.00 0	
Lieberman	71,425	0 0		0.00 0	
Lott	62,491	0 0		0.00 0	
Lugar	100,503	0 0		0.00 0	
Mack	230,836	0 0		0.00 0	
McCain	83,872	4,398	0.00115	3,565.77	0.00093
McConnell	77,040	0 0		0.00 0	
Mikulski	90,835	0 0		0.00 0	
Moseley-Braun	163,870	0 0		0.00 0	
Moynihan	232,926	0 0		0.00 0	
Murkowski	37,990	0 0		0.00 0	
Murray	97,506	0 0		0.00 0	
Nickles	73,454	0 0		0.00 0	
Nunn	31,770	0 0		0.00 0	
Pell	11,158	0 0		0.00 0	
Pressler	10,108	0 0		0.00 0	
Pryor	16,371	0 0		0.00 0	
Reed	32,752	0 0		0.00 0	
Reid	50,755	0 0		0.00 0	
Robb	109,107	0 0		0.00 0	
Roberts	47,525	0 0		0.00 0	
Rockefeller	53,135	0 0		0.00 0	
Roth	40,023	0 0		0.00 0	
Santorum	176,220	0 0		0.00 0	
Sarbanes	90,835	0 0		0.00 0	
Sessions	63,649	0 0		0.00 0	
Shelby	83,692	0 0		0.00 0	
Simon	44,289	0 0		0.00 0	
Simpson	9,473	0 0		0.00 0	
Smith, Bob	44,910	0 0		0.00 0	
Smith, Gordon	53,158	0 0		0.00 0	
Snowe	46,609	0 0		0.00 0	
Specter	176,220	0 0		0.00 0	
Stevens	37,990	0 0		0.00 0	
Thomas	37,266	0 0		0.00 0	
Thompson	96,062	0 0		0.00 0	
Thurmond	76,388	0 0		0.00 0	
Torricelli	94,702	0 0		0.00 0	
Warner	109,107	0 0		0.00 0	
Wellstone	85,350	0 0		0.00 0	
Wyden	70,009	0 0		0.00 0	
Total		51,894	0.06088	14,670.71	0.01386•

ORDERS FOR THURSDAY, MAY 15, 1997

Mr. LOTT. Madam President, I ask unanimous consent that at 9:15 a.m. on Thursday the Senate resume consideration of S. 4, the Family Friendly Workplace Act, and the time between then and 10 a.m. be equally divided between the two managers, or their designees; and, further, at 10 a.m. the Senate proceed to vote on the motion to invoke cloture on the pending committee amendment. I further ask unanimous consent that following that vote there be a period for morning business until the hour of 11 a.m. with Senator THOMAS in control of the first 20 minutes; and, Senator DASCHLE, or his designee, under the control of the next 20 minutes.

Finally, I ask unanimous consent that at 11 a.m. the Senate resume consideration of H.R. 1122, the Partial-Birth Abortion Ban Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I yield the floor, and I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimouos consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. BROWNBACK. Madam President, I rise to speak about something of great sadness in our Nation. Tomorrow we will take a vote on partial-birth abortion. I want to speak about that particular issue if I could this evening from a particular perspective that I think might be somewhat different from folks who might look at this as a sterile procedure, a procedure that we may consider banning. I would like to talk about what it says of our culture, what this procedure that is being used today says about us. Is the loss of love in our culture actually so great that we could actually kill a child and explain it away? I think this is actually how we ought to look at this debate on this issue.

I oppose the partial-birth abortion procedure being conducted in United States other than in cases of loss of life of the mother, and then I think we need to clearly say that this is available in cases of loss of life of the mother. My wife and I have three children, and I would hate to think that she would be put in a spot where she could not have access to a medical procedure that she desperately needed for her own life. But that is taken care of in this bill and there is an allowance for it. In the case where the life of the mother is at risk, this procedure is allowed, and that is proper and as it should be. We allow that to take place.

What I want to talk about more is that we have so many of these abortions happening in this country. What does it say about the culture and our own loss of care and our own loss of love? What does it say about us that this procedure is even allowed.

I want to point out to this body some of the things that have happened to American culture over the past 30 years that I think point out we have lost the care for other individuals and we have lost the compassion for others and even for babies.

Let us look at this chart, if I could share it with you. We are looking at child abuse and neglect reports in America, and this is 1976 to 1995. We are looking at numbers of reports in the millions. We are looking at about 600,000 in 1976, which is wholly too much, we are looking at 3 million, over 3 million in 1995.

The growth that has taken place during that period of time, what does that say about a loss of care and a loss of compassion in our society and in our culture?

I want to look at this next chart, violent crime offenses in our society. Look where we were in 1960. This is rate per 100,000 individuals. For every 100,000 individuals in America, we had about 160 violent crime offenses in 1960.

Where are we today? In 1993, the latest we have numbers for, we are at 746 per 100,000 people. From 160 to 746 during that period of time of roughly about 30, 33 years.

I only point these out to ask, what is it today about our culture? I think our culture is in a great depression, that we are violent, we are not caring for our children, we are not doing the right things for them, and we are not doing the right things to try to correct it. We have to rebuild the culture, and I think we rebuild it by loving and caring for each other, and we will.

To me, that is what this debate is about. It is about banning a particular procedure used on babies, and it is about saying we should not, in a civilized society, allow this. We should not, in looking at this sort of violence and lack of caring and lack of respect in this society, let something like this go on. It is about those who are involved and it is about our conscience being pricked by this.

We see these charts—Senator SANTORUM has pointed to them —about the child being born, and we get uncomfortable; we don't like that because it is striking our conscience and it is saying it is not civilized for us to be doing and continuing this procedure. We see it and we do not like it. If we saw it happening to an animal, we would not like it, and we certainly feel that way towards a child.

That is why I urge my colleagues and the American people, let us reject this procedure as part of rebuilding our culture, as part of restaking this ground. We need to have is compassion and care and love for the most defenseless in our culture.

This is a child we are talking about. We must start turning these trends around and start caring for the most defenseless in this situation.

I think it is clear that we are going to pass this bill in the Senate. I hope we will pass it by an overwhelming majority and that we build on this from this point forward, saying let us change this culture. Let us bring it back to caring. Let us bring it back to compassion and love for everybody, especially the most defenseless.

With that, I yield back my time.

Mr. ASHCROFT. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

AMENDING THE IMMIGRATION AND NATIONALITY TECHNICAL CORRECTIONS ACT OF 1994

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 48, S. 670.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 670) to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 670) was considered read the third time and passed as follows:

S. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF CERTIFICATE OF CITIZENSHIP TRANSITION RULE APPLICABLE TO CERTAIN CHILDREN.

(a) IN GENERAL.—Section 102 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416; 108 Stat. 4307) (as amended by section 671(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-1856)) is amended by striking subsection (e).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994.

ORDERS FOR THURSDAY, MAY 15, 1997

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 a.m. on Thursday, May 15. I further ask consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 4, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I further ask consent that Members have until 10 a.m. to file second-degree amendments to S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of New Hampshire. For the information of all Senators, tomorrow the Senate will resume consideration of S. 4, the Family Friendly Workplace Act, with a vote on the motion to invoke cloture to occur at approximately 10 a.m. Following that vote, there will then be a period for morning business until the hour of 11 a.m., to allow a number of Senators the opportunity to speak. By previous order, the Senate will then resume consideration of H.R. 1122, the partial-birth abortion ban bill, with Senator FEINSTEIN recognized to offer an amendment. Debate on the Feinstein amendment will last until approximately 2 p.m., when a vote on or in relation to the Feinstein amendment will occur.

Following disposition of the Feinstein amendment, Senator DASCHLE will be recognized to offer his amendment, and under the consent agreement there will be 5 hours of debate in order. Therefore, Members can expect rollcall votes throughout Thursday's session of the Senate.

Again, I appreciate Senators adjusting their schedules to accommodate floor action while we work through these important issues prior to the Memorial Day recess.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. SMITH of New Hampshire. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Thursday, May 15, 1997 at 9:15 a.m.

EXTENSIONS OF REMARKS

HUMANITARIAN AID—CHIAPAS, MEXICO

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, as our relationship with Mexico becomes more and more important to the economic well-being of our Nation, I would like to bring to this body's attention the sacrificial effort of 48 young men, who at their own expense and under the invitation and direction of Gov. Julio Cesar Ruiz Ferro and Senator Pablo Salazar, have served the community of Nuevo San Miguel Micotic in the Chiapas region of Mexico. During the summer of 1996 as part of Operation Eagle 96–2, 96–3, and 96–4, they provided medical aid and construction assistance, met basic needs, and taught skills to better the community's living conditions and ability to benefit neighboring communities. Their work continues to be heralded throughout the state of Chiapas among the citizens and leaders of Mexico. Furthermore, their experience of cross-cultural service not only strengthens global relationships, but better equips them for work in their home communities.

LISTING OF STUDENTS AND (STATES)

Daniel Alexander (AK), Ryan Batterton (WA), Joel Beaird (TX), David Beskow (OR), Brian Biddle (OH), Daniel Boyd (TX), Philip Codington (SC), Steve Dankers (WI), Thomas Exstrum (AB), Andrew Farley (CA), Steve Farrand (CO), Scott Forrester (TN).

Joel George (CO), Joshua Gilbert (WA), Timothy Hammeke (KS), Avione Heaps (MT), William Hicks (CA), Cody Hornor (MD), Zachary Jaeger (IA), Hans Jensen (CA), Joshua Knaak (AB), David Kress (AL), Daniel Lamb (CA), Kristofer Lee (OR).

Paul Lee (TX), Andrew Leonhard (VA), Andrew Lundberg (WA), Stephen Lundberg (WA), Jason Mallow (GA), Andrew Monsbor (MI), Larry Mooney (OH), James Penner (OH), Daniel Powell (AL), Daniel Reynolds (MN), Gregg Rozeboom (MI), Chad Sikora (MI).

Kevin Staples (AB), Daniel Straban (IN), Nathonael Swanson (NB), Leon King Tan (Malaysia), David Thomas (MI), Roy Van Cleve (WA), Ariel Vanderhost (KS), Christopher Veenstra (MI), Jason Wenk (NY), Reese Wihite (TX), Nathan Williams (KS), Joshua Wright (AR).

WEI JINGSHENG

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. GILMAN. Mr. Speaker, I want to commend the gentlemen from California, Congressman COX and Congressman LANTOS, for arranging for this Special Order today.

Wei Jingsheng is a brave, articulate, and nonviolent fighter for democracy. He is a hero who one day we hope will be officially leading China. But today he is someone who struggles just to stay alive during his second 14-year prison sentence. He is sick. He has lost all of his teeth. And yet he still displays incredible courage.

Soon after the Tiannanmen Square massacre, in an incredible display of courage, Wei Jingsheng wrote to Deng Xiaoping stating:

> So, now that you've successfully carried out a military coup to deal with a group of unarmed and politically inexperienced students and citizens, how do you feel? * * * I've long known that you are precisely the kind of idiot to do something foolish like this, just as you've long known that I am precisely the kind of idiot who will remain stubborn to the end and take blows with his head up. We know each other well; probably better than anyone can imagine. It's just that we have an intimate mutual disgust that probably also exceeds anyone's imagination.

During the fall of 1992, Wei wrote a document titled, "A Open Letter to Deng Xiaoping, The Director of the Tragedy of Tibet." In it he spoke of Deng's discrimination—or racism—against the Tibetans. And years before the current Panchen Lama was kidnaped by Deng's government, Wei wrote to Deng saying:

> * * * the Chinese government should do away with the traditional policy of detaining Tibetan religious leaders as hostages * * * The Chinese government should eliminate the mentality of the so-called "great Han empire. * * * It was your one-sided propaganda that has resulted in this national discrimination against Tibetans * * * No matter what excuses you give the Tibetan People, they are not as stupid as you think. They know that you are not sincere in helping them so that they would not trust you.

Now that Deng is gone the Chinese Government has an opportunity to set things straight with the democracy movement in China and the Tibetan people.

We hope that the Chinese leaders read his letters and join the civilized world by releasing Wei and permitting the reforms that he calls for.

I ask that the full text of his open letter be printed in the RECORD at this point.

OPEN LETTER TO DENG XIAOPING, THE DIRECTOR OF THE TRAGEDY OF TIBET—OCTOBER 5, 1992

MR. DENG XIAOPING: I personally know only a little about Tibetan history. However, I believe that I am more clear-minded than you and your people. Therefore, I venture to write this letter to you and hope that you would create an academic atmosphere of free expression, so that people of knowledge could put forward more insight with regard to this issue and find out the problem. Only by doing so, could we avoid losing the last opportunity of settling the issue and avoid repeating the situation of the former Soviet Union and Yugoslavia.

The director of this tragedy is no other than you, Mr. Deng Xiaoping. As early as in the 1940s, the rulers of Tibet started the discussion of social reform in Tibet. What they wanted was a social system like that in Britain or India and moderate reform based on religious values. In accordance with custom over several thousand years, they wanted to carry out the reform by themselves. They did not like the idea of being reformed by foreigners or foreigner-like Han people (KMT managed to respect this tradition so that relations between KMT and Tibet were more harmonious).

During the early 1950s, the Chinese Communist Party was at its height. Like all other communist parties, it had little respect for sovereignty and national self-determination. Meanwhile, India, which just gained independence from British rule, could hardly afford to help Tibet in its struggle against the Chinese Communist Party. Therefore, the effort to refuse entry of the communists into Tibet ended in failure. Moreover, the ignorance of the young Dalai Lama and the corruption of the Tibetan bureaucracy were the major factors for the communist troops' smooth occupation of Lhasa.

Regretfully, the leaders of the Chinese Communist Party, Mao Zedong and yourself included, became big-headed with the "victory" of the Korea War and the recovery of the economy. At the same time when you carried out the "big leap forward" and ultra-leftist policies in the mainland, you began to implement leftist policies in Tibet by deciding to accelerate the democratic reform in Tibet. During the war and for a long while afterward, the mutual discrimination and contempt between the Tibetans and the Chinese added to the hatred which caused the killing of innocent people by the army, and torture by officials. The estrangement between the peoples deepened and the national struggle for independence escalated. The situation and pattern of confrontation between the two sides was just like that between the colonial powers and the colonies in the old days. It was also like the situation in today's Yugoslavia.

The societies that have already divided or are in the process of division are those that over-emphasize a limitless administrative power of one nation over other nations. The toughest obstacle facing the societies that have already achieved unity or in the process of achieving it is also the over-emphasis of sovereignty. The advantage of unity is obvious and the arguments against unity are also strong. Why should people put emphasis only on the arguments against unity? Can you find a case to show that unity could be maintained only by high pressure? Even if you could find one, it must be because the time for division has not come yet. You have all along advocated anti-colonialism and national independence. In fact, you do not understand what anti-colonialism and national independence are. You have only taken it as a convenient tool. This is precisely the root cause of your leftism.

Up until 1949, China had never oppressed Tibet nor had it forced Tibet to be a subject to China. The two sides had achieved sovereign unity voluntarily. Even today, chances of unity between China and Tibet are much better than that within the Commonwealth of Independent States and the European Community. In the early days of his forced exile, the Dalai Lama did not demand independence. Nor is he demanding it today. This shows there exists a very good chance of unity. However, you have adhered to the old ideas and policies and continued to trust old bureaucracy. What you are doing is to push Tibet toward division. China has already lost nearly half of the territory left from the Qing Dynasty. Should this go on, our later generations would have to make a living by exporting labor and to revitalize the Chinese nation would be out of the question.

There is lot to do to eliminate the evil consequences caused by suppression and killings of the last 40 years and to return the China-Tibet relationship to the traditional track of normal development. The three pressing tasks are as follows:

1. First, mutual hatred and discrimination between the Han people and the Tibetans must be rooted out, especially the wrong concept in the minds of the Han about the Tibetans. Due to the propaganda of the last 40 years, cadres in Tibet have had a deep rooted discrimination against the Tibetans which, in turn, has deepened the hatred among the Tibetans against the Han. The real situation in this regard is beyond your imagination and it is not at all like what your people have told you.

When I was imprisoned in Tibetan areas, I overheard a lot of conversations which helped me to learn the discrimination and contempt of the Han cadres against Tibetans. Everything that has something to do with Tibet would be looked down upon. It is even worse than discrimination of the white people against the Indians. Frankly speaking, you yourselves have this discrimination against the Tibetans and it has its expressions in all the relevant documents, statements and other propaganda materials. This has deepened the estrangement between the Han people and the Tibetans which would eventually lead to division.

The labor camp in Qinghai Province which I was sent to was in the place where the Tibetan army defeated the 100,000 troops led by General Xue Rengui. However, none of the cadres in that region knew about the story. They all believed that the Tibetans were "enlightened" because of a Chinese princess. And they thought they were sent to Tibet to help the Tibetans to reclaim the barren land where the Tibetans had lived for generations. They acted and talked just like colonialists. It was your one-sided propaganda that has resulted in this national discrimination against the Tibetans.

2. Secondly, the government should speed up the development of the market economy in Tibet and establish closer economic relations between the inland areas and the Tibetan market. In the last 40 years or so, the Tibetan market has suffered great damage. The so-called "socialist planned price" fixed for the products of Tibet's mineral resources and livestock, which resembles colonialist exploitation, has caused tremendous loss to the Tibetan economy. Your aid could in no way make up their loss. What's more, most of your aid has been used to support apparatus of suppression or scientific research of the Han people. These include government offices of various levels, hospitals and hotels for the Hans, military facilities, observatories, geothermal power plants which are not what most needed in the Tibetan economy. No matter what excuses you give the Tibetan people, they are not as stupid as you think. They know that you are not sincere in helping them so that they would not trust you.

3. Thirdly, the Chinese government should do away the traditional policy of detaining Tibetan religious leaders as hostages. Both religious and non-religious Tibetans have a strong aversion to this policy. And this policy could hardly prove your respect of human rights. The Chinese government should eliminate the mentality of the so-called "great Han empire" and sit at the negotiating table with the Dalai Lama. He is concerned about your sincerity, because you failed to win his trust in the past. Therefore, you should let him choose the place for negotiation. He should be allowed to return to Lhasa if he wants to do so. All these are reasonable basic conditions. Even the appointment of the Dalai Lama's negotiating aides has to be approved by the Chinese Government. Isn't it too much?! To postpone the negotiations with these excuses is an indication that your people have no confidence in themselves. They are afraid that all their nonsense would be exposed under the sun should negotiations begin in real sincerity.

You would be rewarding your people with the national interest by continuing to tolerate them to act in defiance of the law or public opinion. The chances of Tibet remaining as part of China will be getting better with the beginning of negotiations. Therefore, negotiations should start with no preconditions. It would be desirable to invite the Dalai Lama to return to Lhasa.

The trend of the modern world is that unity is what will happen sooner or later. The advantage of unity overshadows its disadvantage. From what Dalai Lama has done in recent years, I believe he understand better than I do about the real issue.

WEI JINGSHENG.

TRIBUTE TO MAYOR THOMAS W. GREENE

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. GRAHAM. Mr. Speaker, the Honorable Thomas W. Greene, an exemplary public servant, selflessly served the city of North Augusta for 26 years. Better known as Tom to the citizens of North Augusta, SC, he thanked the people for their support at his last city council meeting where he presided as mayor. The tearful event on Monday night, May 6, 1997, highlighted the resignation of a city icon.

Born in Atlanta, GA, Tom received his bachelor of science degree in industrial engineering from Georgia Institute of Technology. After graduating from Georgia Tech, Tom served in the U.S. Air Force for 4 years as a pilot. Tom returned to North Augusta and within a year President Kennedy recalled him for another year. Upon completion of his military career, Tom began his 36-year career at the U.S. Department of Energy's Savannah River site in Aiken, SC.

Tom began his political career in May, 1971, as a city councilman before being elected mayor of North Augusta in May, 1985. Tom's foresight and vision facilitated growth throughout the city of North Augusta—most of all done without a tax increase.

During his tenure, Tom's tireless efforts established a public safety department—merging the police and fire departments—along with the creation of a new municipal building and community center. His vision also encompassed the successful launching of the riverfront redevelopment on the banks of the picturesque Savannah River.

As an active member of the community, Tom recognized the need for a recreation facility in the city. His intuition led to the creation of Riverview Park which houses numerous baseball fields, a state-of-the-art facility with several gymnasiums and numerous meeting rooms, and a walking path, the "Greeneway," named after the beloved mayor. Once again, Tom's creativity coupled with his vision enabled the city to capitalize on one of their biggest assets—the scenic Savannah River.

In addition to his support of community and economic development, Tom's desire to spiritually guide his city led him to organize the Mayor's Prayer Breakfast which is held annually on the National Day of Prayer. As an active member and Sunday school teacher at First Baptist Church of North Augusta, Tom relies on the Lord for guidance in all areas of his life—including his years in public office.

Tom also generously served his community in other areas outside his official position. Due to his experience at the Savannah River site, Tom served on the site's citizen advisory board and continues to serve on the board of directors for Citizens for Nuclear Technology Awareness. His community activity includes extensive involvement in the North Augusta Chamber of Commerce, past member of the board of directors for the United Way of Augusta, and member of the North Augusta American Legion Post. He currently serves as chairman of the North Augusta Crime Free Task Force.

While juggling the demands of a public official and community leader, Tom and his wife Barbara raised three children: Lynne, Susan, and Thomas, Jr. Tom is also a devoted grandfather of five beautiful grandchildren. Tom has always showered his family and city with love, concern, and patience.

The retirement of Tom as mayor of North Augusta closes a successful and eventful chapter in the history of North Augusta. Tom nurtured the city of North Augusta into a prosperous and growing city with a very bright future.

TRIBUTE TO ANSHE SHOLOM OF NEW ROCHELLE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mrs. LOWEY. Mr. Speaker, I rise to honor Anshe Sholom on its centennial anniversary. Congregation Anshe Sholom, of New Rochelle, with its long and distinguished history, is one of the preeminent religious institutions in Westchester County. For 100 years, Jews have prayed, questioned, celebrated, and discussed at Anshe Sholom.

Beginning in the 1890's, Anshe Sholom, or Ancy Scholam as it was known then, became a center for Jewish learning in Westchester. The initial services of Anshe Sholom, held in a simple home, replaced earlier services, which were held on empty street corners. Despite their simplicity, these services laid the foundations for the thriving Jewish community that currently exists in New Rochelle.

Anshe Sholom has come a long way since construction of the first synagogue was completed in 1904, and Rabbi Itzchak Leib Kadushin was hired, for the grand sum of $5 per week, as the congregation's spiritual leader. The original structure stood the test of time until the tenure of Rabbi Solomon Freilich, who assumed leadership in 1946. Two years later the entire synagogue, still located on Bonnefoy Place, was renovated and expanded.

Anshe Sholom's move to its current North Avenue location in 1959, under the tenure of Rabbi Philip Weinberger, marks the beginning of the modern age of the synagogue. It is hard to imagine Jewish life in New Rochelle without the influence of Anshe Sholom. As a mother of three, and a new grandmother, I know the impact that institutions such as these can have on the quality of life for local families. For generations, children have attended Hebrew school at the synagogue, become Bar/Bat Mitzvah, gone on to become active adult participants themselves in the synagogue, and had the good fortune to see their own children begin the process anew. Anshe Sholom has helped raise generation after generation of Jewish families for more than 100 years. As Rabbi Ely Rosenzveig leads the synagogue towards its second centennial, I would like to recognize the tremendous accomplishments and the future promise of Temple Anshe Sholom.

TRIBUTE TO PANZER COLLEGE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Montclair State University's Panzer School of Physical Education and Hygiene on the 80th anniversary of its founding. This institution of higher education has trained countless physical education and health teachers for New Jersey's public schools. It is, therefore, indirectly responsible for the good health and physical fitness of generations of New Jerseyans.

Panzer College began in 1917 as the Newark Normal School of Physical Education and Hygiene, founded in response to a new State law mandating the teaching of physical education in the State's schools. The name was changed to the Panzer College of Physical Education and Hygiene when the school moved to East Orange in 1925. The college's namesake was Henry Panzer, president from 1920 until his death in 1932.

In addition to Henry Panzer, his successor as president, Margaret C. Brown, was also instrumental in the school's success. It was under her leadership that Panzer, previously a 3-year school, became a 4-year institution and began granting bachelor's degrees.

Panzer College served as a single-purpose institution for more than four decades before merging with Montclair State in 1958.

Today, the Panzer School is the home of a highly respected human performance laboratory and a physical fitness center that benefits the entire campus.

Graduates of the school have worked as physical education and health education teachers, coaches, directors of athletics, and in other academic roles. Many have moved up as principals and assistant principals, with a number having risen to the post of school superintendent.

I commend the faculty, staff, and students of the Panzer School for their excellent work. Academic skills are vitally important but students must learn to keep themselves healthy and fit as well. The Panzer School has helped millions attain that goal.

COLORADO SCIENTISTS WIN INTERNATIONAL PRIZE

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SKAGGS. Mr. Speaker, I am delighted to report to the House that two Colorado physicists have won the prestigious King Faisal International Prize in Science for 1997. This is among the four or five most significant international prizes that are awarded for science.

The Colorado scientists are Dr. Carl Wieman of the University of Colorado's Department of Physics and Dr. Eric Cornell of the Quantum Physics Division at the Commerce Department's National Institute of Standards and Technology [NIST] in Boulder. Both are Fellows of the Joint Institute for Laboratory Astrophysics [JILA], a joint institute of the University of Colorado and NIST.

In 1995, Dr. Wieman and Dr. Cornell and their team created the first Bose-Einstein condensate, a new form of matter predicted by Albert Einstein. The condensate occurs when several individual atoms meld into a single entity called a "superatom" at a temperature of 170 billionths of a degree above absolute zero. Dr. Wieman and Dr. Cornell cooled the superatoms to 20 billionths of a degree above absolute zero, the lowest temperature ever achieved. The discovery marks a breakthrough in the field of quantum mechanics and has already opened up new areas for scientific exploration, including the recently-demonstrated "atom laser."

On behalf of my colleagues, I congratulate Dr. Wieman and Dr. Cornell and their team for their scientific breakthrough and for winning the 1997 King Faisal International Prize in Science. I also congratulate NIST, the University of Colorado, and JILA for supporting this important project.

A TRIBUTE TO MARY BAKER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize the work of Deputy Mary Baker of the Los Angeles Sheriff's Department. Ms. Baker's excellence both on and off duty is being awarded this week with the Valley Community Legal Foundation Award.

In 1969, Deputy Baker was one of a small group of women hired by the Sheriff's Department to work as a patrol deputy. Those women faced great obstacles as they were the first women to work patrol. Mary faced this challenge and not only overcame any adversity, but excelled. Mary and her colleagues were pivotal in opening up opportunities for all women that would follow in their path.

From patrol duty, Deputy Baker went on to work both as a detective and in custody duty in the East L.A. and Downtown stations. For the past 10 years she has worked as a detective in the Malibu/Lost Hills Station, during which time she has been called upon to handle both sensitive and high profile cases. A recent high profile case was that of the "Long-Note-Bandit" who was suspected in a string of 10 bank robberies. Mary's work was pivotal in both the identification and arrest of the suspect, who is currently awaiting trial.

Deputy Baker's diligence, investigative skills, and years of experience make her an invaluable asset to the Malibu/Lost Hills Station, as well as the residents of those communities. She handles cases ranging from theft and robbery to fraud and home invasion. Her excellence is well known in the surrounding communities as she has an extensive working background with several of the surrounding stations.

Sallust once noted that: " * * * mental excellence is a splendid and lasting possession." This has certainly been the case with Deputy Baker as her excellent investigative skills and deductive logic have been a great asset to our community. Indeed, her years of distinguished service is truly remarkable. She is in every way a deserving recipient of the Valley Community Legal Foundation Award.

FLOOD RELIEF—MANCHESTER, OH

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, in the wake of the flooding along the Ohio River in Ohio, I would like to recognize the following 27 men who gave of their personal money, time, and energy to assist with flood relief. At the invitation of Senator Doug White and under the direction of disaster relief coordinator Rodney Yates, they served in and around the town of Manchester, OH, from March 7–14, 1997. During this time they assisted the local emergency relief agencies in the salvage and cleanup in the aftermath of the flooding, while spreading goodwill, faith, hope, and charity wherever they went. Their sacrifice, diligence, and thoroughness conveyed a true sense of brotherly love to the citizens of Adams County. The experiences these men received while serving will enrich their lives permanently, causing them to become better citizens, and thus have a greater impact on the world around them.

LISTING OF STUDENTS AND (STATES)

Jonathan Barber (GA), Joel Beaird (TX), Jonathan Bendickson (BC), Evan Bjorn (WA), Jonathan Bowers (TN), Nathan Bultman (MI), Thomas Chapman (MI), Reuben Dozeman (MI), Jonathan Elam (IN), Paul Ellis (MS), Ron Fuhrman (MI), Matthew Harry (MI), Timothy Hayes (NY), Joshua Johnson (WA), Caleb Kaspar (OR), Jason Luksa (TX), David Mason (GA), John Nix (TX), Steve Nix (TX), Timothy Petersen (GA), Matthew Pierce (MS), Joshua Schoenborn (WA), Michael Shoemaker (IN), Daniel Strahn (IN), Nathanael Swanson (NB), Seth Tiffner (WV), and Jared Wickham (IL).

INTRODUCTION OF THE FAMILY BUSINESS PRESERVATION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Ms. HOOLEY of Oregon. Mr. Speaker, the two great certainties in life—death and taxes—are making it difficult for heirs to hold onto family farms and small businesses. I believe that it is time to take action to reform the estate tax so that it will be easier for family farmers and small business owners to pass their operations on to their children.

The Family Business Preservation Act is a targeted tax exclusion that is designed to have the biggest possible impact on family business owners with the smallest possible impact on the Federal Treasury. The bill would exclude the first $1.2 million of value in a family-owned business interest from a decedent's estate. The new exclusion would be provided in addition to the unified credit which currently lets heirs protect up to $600,000 of their inheritance from the estate tax.

It is critical to take action on estate tax reform now. The $600,000 exemption to the estate tax has not been raised since the mid-1980's. And rising farmland costs coupled with an aging farm population makes swift action on this proposal critical.

I urge my colleagues to support this legislation. Please join me in taking a step to ensure that when a family has to face personal tragedy, such as the death of a parent or a loved one, they will not have to worry that it will also lead to the loss of their family farm or business.

MAKE A DIFFERENCE DAY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. BROWN of California. Mr. Speaker and colleagues, I am pleased to come before you today to pay tribute to the remarkable achievements of citizens in my home district and the County of San Bernardino.

As the proceedings concluded last month in Philadelphia at the President's Summit for America's Future, those who have contributed and made a difference in their communities were commemorated. Through both community service and volunteerism, the County of San Bernardino has made a difference.

Participating in the sixth annual "Make A Difference Day," citizens of San Bernardino County defined the term intensely debated over the past few weeks: volunteerism.

In answer to the challenge of Make A Difference Day, San Bernardino organized a project, spearheaded by Mayor Tom Minor, entitled "Community Cleanup: Our Fight Against Blight." As a result, 130 residents from various neighborhoods came out of their houses, set aside differences and worked on a common goal, making their city better. Given the opportunity to communicate and openly express concerns, any neighborhood can become a better place to live. This is exactly what happened on October 26, 1996.

As the fragmented lines that sometimes divide our communities along ethnic, social, and economic barriers were set aside, a single task united the County of San Bernardino.

On October 26, up to 10,000 cars and trucks lined the streets of San Bernardino, all in an effort to properly dispose of 3½ tons of trash. In addition, 5,000 tires were collected and 2,400 gallons of used oil and other hazardous waste were recycled and disposed.

Community Cleanup: Our Fight Against Blight, brought businesses, government, and residents together with a common goal of giving back to the community. This goal was realized by actions such as 16 of the county land fills being open free of charge, and the San Bernardino Refuse Department making free rounds collecting used and unwanted tires.

October 26 was clearly a day when individual residents took responsibility and gave back to the community. The separation of generations had no bearing, as members of all sectors of the community participated. From Girl Scouts collecting trash, to senior citizens cleaning a 4-mile radius of rubbish, the County of San Bernardino made a difference. The volunteers from San Bernardino County served as a shining example for residents of other neighborhoods and communities. Their efforts were so, exemplary that they were chosen as a top 10 winner of the sixth annual USA Weekend's "Make A Difference Day" project. The citizens of San Bernardino County have proven that when we come together as neighbors, under a common cause, we can truly make a difference.

DISASTER RELIEF—OAKFIELD, WI

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, in the wake of the tornado disaster in Oakfield WI, I would like to recognize the following 25 men who gave of their personal money, time, and energy to assist with tornado relief. At the invitation of State Senator Carol Buettner, and under the direction of George Workman, Marquette County emergency management director, they served in and around the city of Oakfield, WI, for a period of 2 weeks from July 19 to July 29, 1996. During this time they coordinated relief efforts in removal of trees from homes and cleanup of house debris, while spreading goodwill, faith, hope, and charity wherever they went. Their sacrifice, diligence, and thoroughness conveyed a true sense of brotherly love to the citizens of Oakfield. The experiences these men received while serving will enrich their lives permanently, causing them to become better citizens, and thus have a greater impact on the world around them.

LISTING OF STUDENTS AND (STATES)

Matthew Bertholic (WA), Benjamin Blair (CA), Jonathan Bowers (TN), Jason Butler (AL), David Carne (OR), David Curlett (TX), Timothy Davis (CA), Paul Ellis (MS), Gerald Garcia (MI), Andrew Griffin (WA), Craig Guy (MO).

Trevor Hayes (NY), Joshua Kempson (NJ), Matthew Linquist (CA), Clayton Lord (KS), Russell Moulton (OK), Keon Pendergast (CA), Carl Popowich (CO), Jeremy Sikes (IA), Robert Smith (CA), John Tanner (MI), Matthew Watkins (CA), Matthew Wood (WA), John Worden (CA).

DISASTER RELIEF—BULLITT COUNTY, KENTUCKY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SAM JOHNSON of Texas. Mr. Speaker, in the wake of the tornado disaster in Bullitt County, KY, I would like to recognize the following 19 men who gave of their personal money, time, and energy to assist with tornado relief. At the invitation of state senator Lindy Casebier, and under the direction of the Army Reserve command post, they served in and around the cities of Brooks and Zoneton for a period of 2 weeks from May 31, 1996, to June 12, 1996. During this time they coordinated relief efforts in removal of trees from homes and cleanup of house debris, while spreading goodwill, faith, hope, and charity wherever they went. Their sacrifice, diligence, and thoroughness conveyed a true sense of brotherly love to the citizens of these communities. The experiences these men received while serving will enrich their lives permanently, causing them to become better citizens, and thus have a greater impact on the world around them.

Jason Allen, Ohio; Kory Boudreau, Illinois; T.W. Chapman, Michigan: Michael Forrester, Tennessee; Stanley Forrester, Tennessee; Timothy Hammeke, Kansas; Marvin Heikkila, Michigan: Jason Litt, Ohio; Jason Mallow, Georgia; Daniel Reynolds, Minnesota; Jeremy Sikes, Iowa; Ben Stixrud, Washington, John Tanner, Michigan; Joshua Tanner, Michigan; Justin Tanner, Michigan; Zachary Taylor, Wisconsin: Michael Shoemaker, Indiana; and Matthew Yordy, Indiana.

TRIBUTE TO COL. JAMES VAN EPPS IN HONOR OF HIS RETIREMENT FROM THE U.S. ARMY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a man of great stature who is retiring after a distinguished career in the U.S. Army, Col. James Van Epps. Colonel Van Epps served in the U.S. Army with more than 30 years of dedicated service to our country.

For the past 2 years Colonel Van Epps has held the position of Commander, North Central Division, U.S. Army Corps of Engineers in Chicago, IL. In this position, Colonel Van Epps faced the daunting task of solving water and land resource related problems in a 12 State area from North Dakota to New York, from the Canadian border to parts of Missouri. Colonel Van Epps manages a $380 million budget and directed the engineering, scientific, and support staff of approximately 2,700 personnel who are engaged in civil works construction and environmental activities in this part of the United States. Included in this area are all of the Great Lakes and the upper Mississippi River, in addition to the Souris, Red, and Rainey River Basins. The division's major missions include navigation, flood control, and disaster assistance as well as environmental restoration, regulatory functions, and significant support to the International Joint Commission.

Colonel Van Epps has continually met challenges headon during his tenure, continuing the superb performance record of the North Central Division. Through his personal involvement, leadership and command attention, the Corps made notable progress in the pursuit of solutions to the unique problems which exist throughout the region.

Several very important projects were either initiated, underway or completed under his guidance. Projects which improved the quality of life in the North Central States included, the flood control projects at Fort Wayne and Little Calumet in Indiana; west Des Moines, IA; Chaska, MN; Souris River Basin and Devils Lake, ND and the Chicago Shoreline Project. Under his leadership, the division made great progress in the Mississippi River and Illinois River System Navigation Study and the Upper Mississippi River System—Environmental Management Program [EMP]. The EMP has provided funding to restore and improve the environmental aspects of numerous sites along the Upper Mississippi River System. The Mississippi and Illinois Rivers Navigation Study is the largest navigation study undertaken by the U.S. Army Corps of Engineers. The recommendations being developed under this study will affect and influence the economic well-being of the Nation in the next century.

Under the leadership of Colonel Van Epps, the North Central Division achieved a program execution rate of 92 percent and the division has been ranked No. 1 or 2 nationwide among the U.S. Army Corps of Engineers in project costs and meeting schedules. Colonel Van Epps' compassionate and caring leadership earned him the respect and trust of the employees under his command. Consequently, Colonel Van Epps' strong commitment to public service has served the citizens of this part of the Nation with honor and professionalism.

Colonel Van Epps graduated from the University of Illinois at Champaign-Urbana with a bachelor of science degree in civil engineering and earned a master of science degree in industrial engineering—operations research—from Kansas State University. He is also a graduate of the engineer officer advanced course, the U.S. Army Command and General Staff College, and the National War College. In addition, he has received a certificate in executive education from the Duke University's Fuqua School of Business.

Prior to the assignment to this position, Colonel Van Epps served as the U.S. Forces Command Engineer for 3 years and he served as Assistant Deputy Chief of Staff for Personnel and Installation Management.

His previous experience with the U.S. Army Corps of Engineers includes commanding the Huntington (WV) District from September 1990 to August 1992; serving as an Assistant Director of Civil Works at the Corps Headquarters in Washington, DC; and working as a civil engineer and program manager in the Chicago district.

Colonel Van Epps was commissioned a second lieutenant upon graduation as the Distinguished Graduate of his Officer Candidate class in September 1967. During his initial assignment, he served as a platoon leader and company commander of the 518th Engineer Company—Combat, and as a staff officer in Headquarters 193d Infantry Brigade in the Canal Zone. Subsequent assignments include senior advisor to the combat engineer battalion of the 9th Infantry Division—Army of the Republic of Vietnam; Commander, Central Chicago Area, U.S. Army Engineer Recruiting Command; S–3 Officer and Executive Officer—Combat, V Corps, U.S. Army Europe; Commander, 299th Engineer Battalion—Combat at Fort Sill, OK; and Engineer Colonels Assignment Officer, U.S. Army Military Personnel Center in Alexandria, VA.

His military decorations include the Legion of Merit, Bronze Star Medal—with Oak Leaf Cluster, the Meritorious Service Medal—with four Oak Leaf Clusters, the Air Medal, and the Army Commendation Medal—with Oak Leaf Cluster.

Colonel Van Epps is married to the former Jane Henderson Ryan. They have three children: Geoffrey, who is also in the U.S. Army, Andrew and Amanda.

I know you will all join with me and his employees in saying thank you to him for his loyal and dedicated service to our great country and to the citizens of the North Central Division region. Colonel Van Epps has given a major part of his life to the U.S. Army and is truly deserving of great honor for a career well served in the U.S. Army. We owe him a debt of gratitude for his many years of dedicated service to this country. Thank you Colonel Van Epps for your service to this country.

EQUITY IN ALLOCATION OF VA HEALTH CARE RESOURCES, H.R. 1580

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation to address some of the multitude of problems that have arisen out of the veterans equity resource allocation plan for VA health care.

In last year's veterans appropriations legislation, the Veterans Administration was mandated by Congress to develop and implement a more equitable method for allocating VA health care resources. In response, the VA has devised the veterans equity resource allocation [VERA] model and based their reallocation process on this plan.

The primary result of this has been the steady hemorrhaging of vital health care funds away from VA VISN's in the Northeast in favor of VISN's in the South and Southwest. While VA officials in the Northeast have gone out of their way to assure congressional offices that the quality of care will not decrease under VERA, this has not been the case.

While VERA is a noble effort, it is based on a fundamentally flawed model. As a research method, VERA is unfairly biased against older veterans in major metropolitan areas. These veterans are those in need of inpatient, comprehensive health care, and they will suffer if VERA is allowed to go forward as planned.

As it currently stands, the VERA model would reallocate health care resources based upon demand for VA health care. The argument that the VA has used with my congressional office is that there is greater demand for VA care in the South and Southwest, while the Northeast and Rust Belt have lower levels of demand.

Under current law, VA health care is freely available to all veterans for problems related to their service-connected disabilities. Nonservice-connected care is available for World War I veterans, former prisoners of war, veterans receiving pensions and those who qualify under a means test. The means test is currently $21,660 for a single veteran with no dependents, and $25,660 for a married veteran.

The problem with a national means test, is that it benefits veterans living in low-income areas, such as Arizona, West Virginia and Mississippi, and penalizes veterans living in high-cost areas, such as New York, Washington, and Chicago. After all, $21,660 goes a lot farther in Jackson, MS, than in Manhattan.

A married veteran who is struggling to get by with an income of $27,000 in New York City would be unable to take advantage of free health care through the VA. Yet a similar veteran making $24,000 in Mississippi, would be living much more comfortably, as well as have the advantage of going to the VA for his health care. This shows that the means test does not accurately reflect the economic conditions for each geographic area.

The VERA model also fails to differentiate between the types of care delivered at VA facilities. Initially, it does appear that VA health care in the Southwest is delivered more efficiently than in the Northeast. The important point to consider, however, is the type of care delivered. VA hospitals in the Northeast tend to have more specialized care patients—spinal injury, alcohol/drug abusers, mental health patients, and homeless cases—which obviously cost more than the outpatient cases, which are more plentiful in the Southwest.

Logic would dictate that a true comparison be made between regions before any health care resources are reallocated. Yet the VA has not done this with the VERA model. Instead, the VERA model compares the apples of specialized care in the Northeast with the oranges of outpatient care in the Southwest.

This legislation corrects these inherent flaws within the VA model in three ways.

First, the bill would raise the income level in the means test by 20 percent for any veteran who lives in a standard metropolitan statistical area [SMSA] as defined by the Bureau of the Census. This would make the VA more accessible to veterans who live in high-cost areas, thus increasing the number of veterans who use VA in those regions. Consequently, there would be more outpatient cases treated in the Northeast and Rust Belt.

Second, the bill would move veterans with catastrophic health care expenses from category C—those would must meet the means test for non-service-connected care—to category A—those eligible for free non-service-connected care. These veterans are defined as those individuals whose medical expenses for the previous year exceeded 7.5 percent of their adjusted gross income.

Third, the bill would level the playing field between the Northeast and Southwest by removing the high-cost, inefficient speciality care programs from those funds which can be considered in reallocation calculations under VERA. The programs removed would include: readjustment counseling and treatment, counseling and psychiatric care for the mentally ill, drug and alcohol related programs, programs for the homeless, PTSD programs, spinal cord injury programs, aids programs and geriatric and extended care programs.

This provision protects the resources being used by those veterans most at risk, the majority of whom live in the Northeast and in major urban centers. The above programs help to remove these veterans from the immediate risk by providing them with sanctuary. They can then be diagnosed and treated after which they are reintegrated into society. This process takes time, and is expensive—some would say inefficient. Furthermore, it cannot be done very well on an outpatient basis—one needs to remove substance abusers from the drug or alcohol in question before any treatment could be effectively initiated. The majority of VA facilities for such programs exist in the Northeast. It is foolish not to utilize them in the name of efficiency, especially when the comparison is between outpatient care and inpatient treatment—applies and oranges.

I believe that this bill adequately addresses the problems posed by the VERA-based model for VA health care reallocation. Rather than simply reacting to the VERA model, this legislation is proactive, and changes VERA to make for true equity in VA health care allocation. The VERA model does offer many constructive suggestions for improving the manner in which the VA delivers health care services. Yet these improvements should not benefit some veterans at the expense of others.

The veterans of the Northeast and the Rust Belt gave just as much for their country as their counterparts in the Sun Belt and Deep South. There is no reason why they should be punished with their VA health care, simply due to where they have chosen to live.

Accordingly, I urge my colleagues to join me in supporting this important legislation which will guarantee true equity in the allocation of veterans health care funding.

H.R. 1580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CRITERIA FOR REQUIRED COPAYMENT FOR MEDICAL CARE PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) EXCEPTION BASED ON PRIOR CATASTROPHIC HEALTH CARE EXPENSES.—Subsection (a) of section 1722 of title 38, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new paragraph:

"(4) the veteran's expenses for medical care (as defined in section 213 of the Internal Revenue Code of 1986) for the previous year are in excess of 7½ percent of the veteran's adjusted gross income for the previous year (as determined for purposes of the personal income tax under the Internal Revenue Code of 1986).".

(b) ADJUSTMENT IN INCOME THRESHOLDS FOR VETERANS RESIDING IN SMSAS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) The amounts in effect for purposes of this subsection for any calendar year shall be increased by 20 percent for any veteran who resides in a Standard Metropolitan Statistical Area (SMSA), as defined by the Bureau of the Census.".

(c) AMENDMENTS WITHIN EXISTING RESOURCES.—The Secretary of Veterans Affairs shall carry out the amendments made by this section for fiscal years 1998 and 1999 within the amount of funds otherwise available (or programmed to be available) for medical care for the Department of Veterans Affairs for those fiscal years.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1998.

SEC. 2. SERVICES FOR MENTALLY ILL VETERANS.

(a) MEMBERSHIP OF COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.—Section 7321 of title 38, United States Code, is amended—

(1) in subsection (a), by inserting "and members of the general public with expertise in the care of the chronically mentally ill" in the second sentence after "chronically mentally ill"; and

(2) by adding at the end the following new subsection:

"(e) The Secretary shall determine the terms of service and (for members appointed from the general public) the pay and allowances of the members of the committee, except that a term of service may not exceed five years. The Secretary may reappoint any member for additional terms of service.".

(b) CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.—Paragraph (3) of section 7320(b) of such title is amended to read as follows:

"(3) The Secretary shall designate at least one center under this section in each service network region of the Veterans Health Administration.".

SEC. 3. ALLOCATION OF MEDICAL CARE RESOURCES FOR THE DEPARTMENT.

(a) IN GENERAL.—(1) Chapter 81 of title 38, United States Code, is amended by inserting after section 8116 the following new section:

"§ 8117. Allocation of medical care resources

"In applying the plan for the allocation of health care resources (including personnel and funds) known as the Veterans Equitable Resource Allocation system, developed by the Secretary pursuant to the requirements of section 429 of Public Law 104–204 (110 Stat. 2929) and submitted to Congress in March 1997, the Secretary shall exclude from consideration in the determination of the allocation of such resources the following (resources for which shall be allocated in such manner as the Secretary determines to be appropriate):

"(1) Programs to provide readjustment counseling and treatment.

"(2) Programs to provide counseling and treatment (including psychiatric care) for the mentally ill.

"(3) Programs relating to drug and alcohol abuse and dependence.

"(4) Programs for the homeless.

"(5) Programs relating to post-traumatic stress disorder.

"(6) Programs relating to spinal cord dysfunction.

"(7) Programs relating to AIDS.

"(8) Programs relating to geriatric and extended care.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

"8117. Allocation of medical care resources.".

(b) EFFECTIVE DATE.—Section 8117 of title 38, United States Code, as added by subsection (a), shall apply with respect to the allocation of resources for each fiscal year after fiscal year 1997.

TRIBUTE TO WADE SHEELER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize the outstanding work of Wade Sheeler, a student in my community. Wade's one act play "Vortex" recently won a national competition and was honored at the Kennedy Center's America College Theater Festival, here in our Nation's Capital.

While growing up in Woodland Hills, Wade's love of theater and film was nurtured by his father taking him to see classic films at the Los Angeles Museum of Art. He continued his study in radio, TV, and film at California State University, Northridge. Wade is currently a student at the California Institute of the Arts in the Directing for Theater, Video and Cinema Program. It seems his education and inclination toward theater have served him well, as "Vortex" is an exceptional work.

The storyline of the play is of a gunman on the run from the law that meets up with a mysterious holy man, and how the two must learn to trust and rely upon one another for their own survival. The enthralling relationship of these two men captivates the audience and proves to be the driving force of the play. In the one act production the audience gets a glimpse into the life and mind of Wade Sheeler. Indeed Wade poured himself into this work and his passion is evident in the play's exhilarating highs and believable lows.

"Vortex" competed against hundreds of plays to win the National Short Play Award, truly a remarkable accomplishment. This feat is particularly impressive in light of the fact that most of the plays it was competing against were faculty-directed or produced, while "Vortex" was an entirely student-operated production. In recognition of this honor Wade will be awarded a membership in the Dramatist's Guild and "Vortex" will be published.

I am pleased to represent such a talented individual as Wade. I wish him the best in what promises to be a long and inspiring career as a successful playwright.

THE COURAGE TO STAND ALONE—THE PUBLICATION OF LETTERS AND WRITINGS OF CHINESE DEMOCRACY LEADER, WEI JINGSHENG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to an outstanding voice for human rights in the People's Republic of China, and to join me in demanding his immediate release from prison.

Wei Jingsheng, a former soldier and an electrician at the Beijing Zoo, has become the best known pro-democracy activist in China today. He challenged China's authoritarian system first in the late 1970's by mounting posters calling for freedom and democracy on the famous "Democracy Wall" in Beijing. For the "crime" of speaking out for democracy, he was jailed on charges of "counter-revolutionary" activities in 1979 and remained a prisoner of conscience until September 1993.

Immediately after his release from prison in 1993, Wei Jingsheng was threatened and intimidated by Chinese authorities for speaking out publicly in support of democracy and freedom of speech. He also continued to maintain contacts with foreigners, including my good friend, the Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck.

Shortly after meeting with John Shattuck, Wei Jingsheng was again arrested, and in a blatant violation of Article 48 of the Chinese Criminal Procedure Law—which stipulates that a person can only be held for 10 days without charge—he was held incommunicado for almost 20 months. Prior to his trial, his family had no information about his whereabouts or the charges being brought against him. In a trial which leading human rights groups called a mockery of justice, Wei Jingsheng was charged with activities aimed at toppling the Chinese Government, and he was sentenced to 14 years in prison on December 12, 1995.

Today, Mr. Speaker, we are marking the publication of Wei Jingsheng's remarkable book "The Courage To Stand Alone: Letters From Prison and Other Writings." It is the determination, the tenacity, and the courage of men and women such as Wei Jingsheng that will change China, that will bring a new day of respect for human rights in China. Clearly we have not yet reached a time when freedom and democracy flourish in the People's Republic of China, but the brave pioneers of a better and more human future for China, such as Wei Jingsheng, will bring about that day. We in the United States Congress must continue our support for their struggle, for respect by the Chinese Government for human rights.

A TRIBUTE TO FORMER CONGRESSMAN ANTONIO B. WON PAT ON THE 10TH ANNIVERSARY OF HIS DEATH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to a leading figure in Guam's history. Last week on May 1, the people of Guam marked the 10th anniversary of the passing of an elder statesmen and beloved leader, former Congressman Antonio B. Won Pat.

Antonio B. Won Pat was born in Sumay on December 10, 1908. His father Ignacio, was originally from China and his mother was native to the village of Sumay. He began his professional life by becoming a teacher and later a school principal. In 1936, Mr. Won Pat was elected to serve in the Guam Congress, the forerunner of the Guam Legislature. Although the Guam Congress was not a law making body and instead advised the Naval governor on matters concerning the island, he served his constituency with pride and was an outspoken critic of Naval policies which he believed were unfair and oppressive.

After the Japanese occupation of Guam during World War II ended, the first post-war elections were held and Antonio Won Pat was overwhelming elected to the lower house of assembly of the Guam Congress. There, he obtained the confidence of his colleagues and was elected president of the assembly. Along with his colleagues, Assembly President Won Pat co-led a protest demonstration known as the walkout of the Guam Congress. The assembly protested their lack of authority as elected officials by refusing to convene for session. This bold move continues to be a turning point in Guam's history and is a great source of inspiration for Guam's current leadership and their pursuit of commonwealth status.

In an effort to secure civil liberties for the people of Guam and to clarify Guam's political status with the United States of America, Antonio Won Pat became a leader of the movement which advocated U.S. citizenship and self-government for the people of Guam. The movement secured the passage of the Organic Act of Guam, which granted the Chamorro people with U.S. citizenship, created civilian government for Guam that ended over 52 years of Naval government, and established Guam as an unincorporated territory of the United States.

As time progressed, Antonio Won Pat and other Guam leaders continued to press for more governmental reform and more self-government. In the 20 years that followed, Congressman Won Pat participated in the call for elective governorship for the people of Guam and in 1968, Congress passed the Guam Elective Governorship Act.

Participation in the national government also became an issue of concern to the people of Guam. In 1965, the Eighth Guam Legislature passed a law to create a Washington Representative from Guam and in that election, Antonio Won Pat resigned from his seat in the Guam Legislature and was elected to become the first Washington Representative to Washington. Through much of his own efforts and with those of other Guam leaders, the U.S. Congress passed legislation giving Guam and the U.S. Virgin Islands nonvoting delegates to the U.S. House of Representatives and in 1972, Antonio B. Won Pat became a Member of Congress.

Here in the U.S. House of Representatives, Congressman Won Pat fought hard for Guam to be included in a myriad of Federal programs. He worked on issues concerning education, health, welfare, civil defense, social security, agriculture, airport development, and highways. He closely monitored military activities on Guam by his membership on the Armed Services Committee. He safeguarded the interests of Guam's large veteran population by his membership on the Veterans Affairs Committee.

In 1979, Congressman Won Pat gained the confidence and trust of the other members of this body when he was selected to be the chairman of the Subcommittee on Insular and International Affairs of the House Committee on Interior and Insular Affairs. Having attained the chairmanship of this committee, Congressman Won Pat laid the groundwork in which the leadership of Guam continued to pursue a new political status. He did this by coordinating a series of meetings between the leadership of Guam and a bipartisan congressional delegation in Guam and in Albuquerque. At those meetings, an agreement was made to submit a draft commonwealth act to Congress.

Reflecting on Congressman Won Pat's life and work in Washington, former Senator J. Bennet Johnston of Louisiana entered the following statement in the CONGRESSIONAL RECORD in 1987:

> Won Pat was an exceptional advocate and negotiator who understood the true value of face-to-face negotiations. When he added his personal touch to a request, I found it very difficult to say no and when you look at the record of what Tony accomplished in his twelve years in Congress, I'd say my experience was the norm, not the exception. Like all good teachers, Tony always had his facts together and had carefully thought through his presentation. He was patient, as good teachers are, but he also had the other quality good teachers have—persistence and diligence. It was this unique combination which made him so successful.

I had the personal pleasure of knowing the Won Pat family when they were my neighbors in the village of Sinajana. He and Mrs. Ana Won Pat were close friends of my own parents and they shared many of the same experiences.

When I was in high school, Mr. Won Pat was running for the seat of Washington Representative. He was my personal hero and a role model for many young people on Guam. He was the major elected official on Guam for the generation that grew to adulthood in pre-World War II Guam. His character, forged in the humiliating circumstances of Naval colonial rule and tested by a cruel foreign occupation, stands as testimony to the strength of the people of Guam.

Si Yu'os ma'ase' Tun Antonio.

FAIRNESS FOR JONATHAN POLLARD

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. ENGEL. Mr. Speaker, I am entering two articles into the CONGRESSIONAL RECORD which deal with the case of Jonathan Pollard. It is important to have these articles printed because the American people deserve to understand all aspects of Jonathan Pollard's case.

I do not believe that what Jonathan Pollard did was right. It was wrong; it broke the law and Jonathan Pollard deserved to be punished. Jonathan Pollard is the first to admit that. In fact, at a recent meeting I had with him at the Federal prison in Butner, NC, where he is incarcerated, he told me that he was wrong and deserved to be punished.

My problem with the entire Jonathan Pollard case is that while I don't expect him to be treated any better than anyone else committing similar acts, I certainly don't expect him to be treated any worse. The fact of the matter is that Jonathan Pollard has now served more than 11 years of a life sentence, far greater than anyone else convicted of similar crimes. In fact, a number of people convicted of spying for enemy countries, such as the former Soviet Union, have been given lighter sentences than Mr. Pollard—who was convicted of spying for a friendly country.

It is my understanding that Mr. Pollard pled guilty and avoided going to trial in exchange for a promise that the Justice Department would not ask for a life sentence for him. Although the Justice Department did not per se request a life sentence, others, including Caspar Weinberger, did. Thus, Mr. Pollard was given a life sentence, even though he had been led to believe he would face lesser punishment.

The two articles I am submitting into the CONGRESSIONAL RECORD tell of the disparity of the Pollard case when contrasted with another person who passed classified information to Saudi Arabia. As one can tell from the articles, the indictment of the person accused of spying for the Saudis was subsequently dropped in exchange for a last minute plea bargain agreement offered by the Navy in which the alleged perpetrator spent not 1 day in jail and received only an other-than-honorable discharge.

I believe that questions of fairness and equity need to be addressed in the Jonathan Pollard case. It is my contention that Jonathan Pollard has not been treated justly when one contrasts his length of incarceration with others who have been convicted of similar crimes. People should be punished when they break the law. No one, however, should be singled out for harsher treatment than others convicted of similar crimes. I believe this happened in the case of Jonathan Pollard.

I ask that articles by Alex Rose, entitled "A Tale of Two Spies," and Morton Klein, entitled "Double-Standard Spying," be printed at this point in the RECORD.

A TALE OF TWO SPIES

(By Alex Rose)

From November, 1992 to September 1994, Lt. Cmdr. Michael Schwartz delivered secret national defense information to Saudi Arabia. A 15-year Navy veteran, Schwartz was subsequently arrested and indicted for violating both the Uniform Code of Military Justice and various federal statutes.

The indictment stated that while he was assigned to the U.S. Military Training Mission in Riyadh, Schwartz had willfully compromised sensitive information "with intent or reason to believe it would be used to the injury of the United States, or to the advantage of the Kingdom of Saudi Arabia." According to press reports, the documents in question included classified digests, intelligence advisories and tactical intelligence summaries. These documents were classified up to the secret level and specified "no foreign disclosure."

Although Schwartz was scheduled to be court-martialled for his action, he accepted a last-minute plea agreement offered by the Navy. While such arrangements are not unusual, particularly in espionage cases involving American allies, Schwartz' so-called "punishment" was unprecedented: "other-than-honorable" discharge from the Navy. In other words, Lt. Cmdr. Michael Schwartz was not obliged to spend a minute in jail.

For a remarkably similar offense—giving classified information to an ally—Jonathan Pollard received a life sentence with a recommendation that he never be paroled.

What are the differences between the two cases?

The obvious ones have anti-Semitic overtones: Schwartz is not Jewish, and Pollard was spying on behalf of Israel. Not nearly as apparent is that the U.S. Government—which had expressed official outrage at Israel's "arrogance" in the Pollard case and proclaimed loudly (without offering any evidence) that his espionage was the worst in American history—has handled the Schwartz case with kid gloves and virtual silence.

Even the Jewish War Veterans, whose lack of sympathy for Pollard is a matter of record, was nevertheless moved to revulsion by the Schwartz affair. The JWV said that it believes "that when compared to other crimes of espionage by Navy personnel, both to enemy and friendly governments, the punishment is a farce. In each of the other cases, harsh prison sentences, including life-time sentences, were meted out." The Jewish veterans also questioned what information was passed to the Saudis, and who in the Saudi royal family knew of the Schwartz espionage.

Other questions, as well, beg answers:

Have the Saudis been asked for a formal apology?

Have they promised not to recruit any more American intelligence officers or to close the intelligence unit responsible for the affair? Have the Saudis agreed to allow participants in the operation to be questioned by American counter-espionage authorities? Have they returned all the stolen documents? What other countries may have seen the information Schwartz gave to the Saudis? (This item loomed large in the Government's assessment of Pollard. Why did it lose its relevance for Schwartz?)

Granted, the Navy's unwillingness to address any of these issues may be understandable; but it's also important to recognize the fact that a mindset like theirs, which subordinates American interests to protecting Saudi sensitivities at all costs, can have deadly consequences. Anyone doubting this need only recall the bombing of our Khobar Towers facility in Dhahran two years ago. Reacting to the inadequate security precautions that allowed this outrage to occur, a Washington Post editorial of July 12, 1995 observed that "The suggestions of American reluctance to offend the culturally delicate Saudis by demanding more attention to the security of Saudi Arabia's American protectors amount to an intelligence failure of a profound sort." No doubt this same type of craven fear of ruffling Saudi Arabia's feathers was the principal reason why Schwartz did not have to stand trial nor suffer a jail sentence, and was not referred to by the Secretary of Defense as a "traitor"—something which Pollard, by the way, was falsely accused of being by Caspar Weinberger.

Although the Government subsequently apologized for Weinberger's groundless charge, this episode should remove any doubt as to what the Department of Defense's actual attitude towards Israel was at the time of Pollard's arrest. It also tends to confirm what many in the Jewish community have believed all along; namely that the Pollard affair was used by certain elements within our national security establishment as a means of tarnishing the popular perception of Israel as both a valuable and reliable ally. After all, if Pollard was a "traitor" as Weinberger had stated who, then, was the "enemy"? That Schwartz was never used to smear the country he served, further highlights the politically-driven distinction our government drew between these two cases of "friendly" espionage.

There are, of course, other aspects of the Schwartz case which President Clinton obviously never even considered before he turned down Pollard's last clemency appeal. For example, the Government's decision not to prosecute Schwartz calls into question CIA arguments that Pollard cannot be released because he knows too much. This is an absurdity. Schwartz was spying until recently, whereas Pollard has been in prison for more than 11 years! How is it that Schwartz is not a threat to national security but Pollard is?

The President also seems to have been heavily influenced by the views of Joseph DiGenova, the U.S. attorney who prosecuted Pollard. Briefly put, DiGenova feels that individuals caught spying for close allies like Israel should actually be punished more harshly than those caught spying for enemies, since there is a greater "danger" that individuals would feel more predisposed to help friends. If there is any merit to this logic, it has been totally lost in the government's refusal to prosecute Schwartz vigorously, rather than to have set him free. But nobody, apparently, brought this to the President's attention.

Lastly, our government sought to justify its decision not to prosecute Schwartz by claiming that the information he provided

Saudi Arabia was "less sensitive" than what Pollard gave to Israel. One needs to recall, though, that Schwartz was indicted and confessed to a serious crime. Clearly, some punishment was therefore warranted beyond his mere "less-than-honorable" discharge from the Navy. The fact that this did not occur demonstrates that extra-legal considerations came into play in the disparate treatment. In other words, politics was allowed to corrupt the U.S. judicial system. Anything, then, the national security establishment might have to say about the relative sensitivity of Schwartz' information is simply too tainted to be believed. Yet, the same intelligence and defense agencies who rescued Schwartz from prosecution are the very ones who have counselled President Clinton to adhere to a policy of "selective prosecution" towards Pollard. So how objective could their advice have been?

It seems, though, that nobody has seen fit to point this out to the President; and unless somebody does, Clinton will never know why his refusal to commute Pollard's sentence threatens to undermine one of our most important legal traditions: namely, the assurance that when a person is convicted of breaking the law, he or she will receive approximately the same punishment that any other person would receive for a similar violation that was committed under comparable circumstances. However, given the way Schwartz was preferentially handled, this principle of equal justice has been grossly violated in the case of Jonathan Pollard. But Clinton not only declined to correct this situation by granting Pollard clemency, he did so in a way that placed his own imprimatur on Pollard's clearly-aberrant life sentence.

What a growing number of people are slowly recognizing, though, is that if our legal system does not work for Pollard because of who and what he is, it could fail each and every one of us, as well, both as Jews and as Americans.

In our society, justice cannot simply be a theoretical concept—it must be seen to be done. Only in this way will our much-touted system of checks and balances have meaning. It is critical, therefore, that Congress investigate how a Saudi spy (Schwartz) was permitted to act with impunity while an Israeli spy (Pollard) was treated as an enemy agent. Two spies, two countries and two vastly different punishments cannot help but leave one with the distinct feeling that there is a double standard in need of challenging.

[From the Jewish Press, Apr. 11, 1997]

DOUBLE-STANDARD SPYING

(By Morton Klein)

We all know what happens to an American who illegally passes classified U.S. intelligence data to Israel: life imprisonment, repeated refusals by the President to grant clemency, leaks to the media of false allegations against the defendant and against Israel. That's what happened in the Jonathan Pollard case. He broke the law and he was, understandably, punished for doing so.

In the case of Pollard, he helped a country that is America's closest ally in the Mideast. The information Pollard illegally gave Israel helped protect it from Arab aggression.

What happens, on the other hand, when an American illegally passes classified U.S. intelligence data to an Arab dictatorship that can hardly be described as a reliable ally of the United States? Lieutenant-Commander Michael Schwartz was last year arrested for providing such data to Saudi Arabia. A U.S. Navy grand jury indicted him on the charge of espionage, which carries a sentence of life imprisonment. His punishment? An "other than honorable discharge."

Not a day in jail. Not a penny in fines. And not a word of concern from any Clinton Administration official about the fact that Saudi Arabia, which is supposed to be an ally of the United States, was using a spy to steal American intelligence secrets, just months after American soldiers were dying in defense of Saudi Arabia during the Gulf War. U.S. officials would not even publicly admit that the Saudis had recruited Schwartz; they told The Washington Post that Schwartz had not been hired by Saudi Arabia, but rather "was only trying to be friendly and cooperative to a U.S. ally."

The government's handling of the Schwartz case is particularly troubling in view of the many recent Saudi actions that fell far short of what one would expect from an ally:

Saudi Arabia refused to let the U.S. use its territory to launch the recent missile strikes against Iraq.

The Saudis rejected America's request to let the FBI interrogate four terrorists who were involved in last year's attack against U.S. Army personnel in Saudi Arabia.

The Saudi authorities prevented the U.S. from capturing one of the world's most wanted terrorists, Imad Mughniyah of the Syrian-supported Islamic Holy War group, who was responsible for the 1983 bombing that killed 241 American Marines in Lebanon. Mughniyah was on an airplane that was scheduled to land in Saudi Arabia, and the U.S. informed the Saudis that they intended to arrest him during the stopover. The Saudis responded by preventing the plane from landing, so that Mughniyah could escape.

I recently had the opportunity to speak with Jonathan Pollard by telephone, from his prison cell in Buttner, North Carolina. He is now in his 12th year of incarceration, although no other individual convicted of a similar type of spying for an ally of the U.S. has ever served more than five years in prison. Jonathan asked me: "Why am I still in jail, while Michael Schwartz is walking free?" Good question—one that Jewish leaders should be asking Clinton Administration officials at every opportunity.

THE INTRODUCTION OF "THE ESOP PROMOTION ACT OF 1997"

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BALLENGER. Mr. Speaker, I come before the House today to introduce legislation to promote more employee ownership in America. I believe this is a modest proposal which can be deemed technical and clarifying in many respects. Entitled "The ESOP Promotion Act of 1997," this bill is virtually the same, except for one new provision, as legislation I introduced in the 102d, 103d and 104th Congresses with bipartisan support. Nearly 100 sitting members of this House have cosponsored this legislation over the years and, if former members are included, the number is over 200.

Mr. Speaker, let me make the point that the last Congress repealed a modest tax law incentive that aided the creation of Employee ownership through Employee Stock Ownership Plans [ESOP's]. Since this provision affected the creation of about 25 to 40 new ESOP's a year, I believe it was a step backward by the last Congress. This action was taken in the Small Business Job Protection Act of 1996, Public Law 104–188, or the minimum wage bill, a legislative battle in which I was very involved.

So, I now encourage my colleagues in the 105th Congress to stand up for employee ownership and to create a positive record for one of the most positive economic trends in America today—ownership by employees of stock in the companies where they work through an ESOP. Allow me to explain each section of my bill:

Section 1: Names the bill "The ESOP Promotion Act of 1997."

Section 2: Corrects and clarifies the provision in last year's Small Business Job Protection Act that permits a subchapter S corporation to sponsor an ESOP. Last year's provision was added by Senator JOHN BREAUX in the Senate Finance Committee, and has been part of my ESOP bills since 1990. The effort to have these small businesses offer employee ownership to their employees started in 1987. Many private sector groups, representing both professionals and businesses, support permitting subchapter S corporations to sponsor ESOP's.

Unfortunately, the provision adopted last year was not perfected and literally is not workable. In addition, it does not permit the subchapter S corporation to sponsor an ESOP under the same ESOP promotion rules the C corporations do.

Section 2 extends the ESOP rules to subS ESOP's, and makes the technical changes necessary to have ESOP's operation in the context of a subchapter S company.

Section 3: From 1984 until 1989 there was a provision of the tax code, former Internal Revenue Code section 2210, that cost the Federal Treasury no more than $5 million per year, that was an effective way to create more employee ownership. The former law permitted certain small estates that had closely held stock owned by the descendent at time of death to transfer that stock, or some of it, to an ESOP of the closely held company, and the company would pay the estate tax on the value of the stock. No estate tax is being avoided here; it is just shifted from the estate to an American, closely held corporation that has employee ownership through an ESOP.

Section 4: This section actually is a simplification of how the current law provision permitting deductions on dividends paid on ESOP stock operates. Under current law, an ESOP sponsor may deduct the value of dividends paid on ESOP stock if the dividends are passed through to the employees in cash, or if the dividends are used to pay the loan used to acquire the stock for the ESOP, and if the employees get more stock equal in value to the dividends.

My proposal would permit the deduction if the employee in the ESOP has the option to get the dividends in cash, or if he or she directs that the dividends are reinvested in more stock of the company.

Why is this simplication? Because, under a very complex chain of events, that the IRS has approved in a series of letter rulings, the employee can have "constructive receipt" of the cash dividend, and then "constructively" take the dividend money back to the payroll office and reinvest it. Since the employee has received the dividend in cash, the deduction is allowed, although in reality it was reinvested.

My proposal says cut the chase. Where the employee has made clear a desire for the dividends to be reinvested, why have an expensive, confusing system that the IRS has to review after the ESOP sponsor spends dollars on designing the scheme? There is no reason.

Section 5: This section would correct what I feel is an anomaly in the current law. Under current law, Internal Revenue Code section 1042 permits certain sellers to an ESOP to defer the capital gains tax on the proceeds of the sale if he or she reinvests the proceeds in the securities of an operating U.S. corporation, and the ESOP holds at least 30 percent of the corporation at the conclusion of the transaction.

This provision plays a major role in the creation of over 50 percent of the ESOP companies in America. Currently it benefits owner-founders, and outside investors of closely held companies, but is not available for employees who own stock in the company due to their working for the company.

The anomaly arises due to some IRS letter rulings in the mid-1980's, and an out of date provision in section 1042 from 1984. The current law states that if an employee has stock because of exercising a stock option grant from the employer, that stock is not eligible for a 1042 treatment. The IRS has expanded this provision to prohibit all stock, even if bought for full market value by the employee to be ineligible for 1042.

My bill erases this prohibition; and for stock that was obtained with an exercise of a tax qualified stock option, if sold to the ESOP, the corporation is not permitted a tax deduction for the value of the option. This makes the provision fair, and prevents a double tax advantage—either the employee takes the 1042 treatment, or the corporation takes a deduction, not both.

This provision also corrects another technical anomaly in current law. As presently written, Code section 1042 provides that any holder of 25 percent of any class of stock in a company cannot participate in the ESOP with 1042 stock. My bill would change the measure so that the 25 percent would be measured by the voting power of the stock, or the value of the stock in terms of total corporate value. This kind of measure is used in other sections of the Code.

Section 6: My final section is another modest estate tax provision, that in prior years the Joint Committee on Taxation has estimated would cost the Treasury less than $1 million per year. This provision would help create employee ownership in those limited situations where an owner of a closely held business wants to ensure his or her spouse has income from the business during their remaining years, and then after his or her death the stock passes to the ESOP, as if it were eligible as a charity. With plenty of restrictions to ensure that there are no family beneficiaries of the ESOP created with the stock, this does not affect revenue because the decedent can create one of these trusts, called a charitable remainder trust for his or her spouse, and have its corpus go to charity in any event.

Mr. Speaker this explains my bill. This bill, except for the two estate tax provisions, was introduced by Senator JOHN BREAUX and Senator ORRIN HATCH on April 30 this year as S. 673.

I urge those of my colleagues who want to encourage employee ownership in America to join me, and to work hard to include these provisions in the tax bill that will soon be considered by the House Ways and Means Committee.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BECERRA. Mr. Speaker, on May 1, 1997, I was unavoidably detained during rollcall vote No. 98, the vote on agreeing to House Resolution 129, providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress.

Had I been present for the vote, I would have voted "no."

WITCZAK'S HARDWARE CELEBRATES 100TH ANNIVERARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BORSKI. Mr. Speaker, I rise to recognize a Philadelphia business institution in my congressional district as it marks its 100th anniversary in providing a valuable service to the community.

On May 17, 1897, Stella and Stanislawa Witczak, two Polish immigrants seeking to serve the needs of a growing community in Philadelphia, opened the doors to Witczak's Hardware.

One hundred years later, Witczak's hardware is still serving the needs of this tightly-knit Port Richmond community. Its owner, Michael Witczak, is proud to be the third generation owner of one of one of the oldest privately owned hardware stores in a city that is steeped in history.

Mr. Speaker, Witczak's Hardware is a living example of what the American Dream is all about. For a century, the business has continued to provide the community with nuts, bolts, plumbing supplies, electrical items, spring plants, snow shovels, and a variety of other household and hardware items.

It has evolved in much the way the community it served has changed over a century. Where once customers would go to buy pull chains for water closets, coal oil and globe oil for lamps, customers now go for paints, keys, and window screens.

While the items have changed to meet the demands and expectations of a fast-paced society, the store itself hasn't changed much over the years. Customers are still old friends, the wooden floors are a familiar fixture and the owner can still help customers find that perfect gadget or tool to aid in home improvement projects.

This very presence is what is so important to a community and to the people it serves. Witczak's business, firmly rooted in the Port Richmond neighborhood, is an example for many generations to see.

These businesses provide examples for other future business owners that offering a service to a neighborhood is convenient, important and still needed in our country. It is the business strategy that made our Nation become the world economic leader it is and it is the hub in the wheel that made our neighborhood prosper.

At a time when, competition is at an all-time high and super stores and mega-malls are increasing, stores like Witczak's are facing tough obstacles. Nonetheless, their role as the "little mom and pop" stores once so prevalent in our neighborhoods are needed.

The immigrants who started these businesses are to be commended for the spirit and energy they displayed in making their American dream of prosperity come true.

Mr. Speaker, I ask you and my colleagues to congratulate Witczak's Hardware for serving as a fine example of an American business that blossomed, remains strongly entrenched in its community, and continues to provide a service to the neighborhood. May it stand as an example for future business owners that one family's vision can lead to a century of accomplishment.

LIMA-ALLEN COUNTY RADIOTHON

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. OXLEY. Mr. Speaker, I rise today to offer my best wishes and support to the Lima-Allen County, OH, branch of the NAACP, as its members make their final preparations for their annual radiothon. The event, planned for May 24 at the Bradfield Community Center in Lima, will join the Lima-Allen County branch with other branches of the NAACP from across the Nation in an effort to attract new members from the Lima-Allen County community, as well as to inspire old members to renew their commitment.

The chapter president, Rev. Robert Curtis, and my friend, Malcolm McCoy, deserve special recognition for their work with the organization. I wish them success in their upcoming radiothon and particularly commend their positive influence on the young people of Lima-Allen County.

CRAIG THORN III RECEIVES COLUMBIA COUNTY ASSOCIATION'S DISTINGUISHED CITIZEN AWARD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. SOLOMON. Mr. Speaker, on May 15, 1997, the Columbia County Association will bestow its Distinguished Citizen Award on Craig Thorn III. Anyone who knows him realizes how well-deserved this honor really is.

Mr. Thorn's career is notable for the degree to which he moved on the State and national political scene while maintaining his local business presence. Since Gov. Nelson Rockefeller's 1966 reelection campaign, Mr. Thorn has been actively involved in State politics. In 1968, he served as an advance man in Rockefeller's Presidential campaign. Later, he served as the upstate director of the Duryea gubernatorial campaign in 1978 and was the chief of staff for New York State Assembly Republicans from 1979 to 1982.

The creativity, enthusiasm and initiative that Mr. Thorn demonstrated in State politics also have been carried over into his civic activities. Currently, he serves as a vice chairman of the board of trustees of Columbia Memorial Hospital and chairman of the Columbia-Greene Community Hospital Foundation, which last year kicked off a Second Century of Caring Capital Campaign that already has secured $2 million toward a new emergency wing with surgical facilities.

Additionally, Mr. Thorn is a trustee of Columbia Economic Development Corp. and secretary of Hudson Development Corp. as well as a member of the board of managers of the Columbia Hudson Partnership, the umbrella economic development organization for the county and city. In this role, he has been an enthusiastic proponent of waterfront development in the city of Hudson and an active player in the complex negotiations that are now resulting in the removal of several longstanding oil tanks by the river, making way for a new public park.

Mr. Thorn also conceived and set in motion a Flag Day parade that will take place in Hudson on Saturday, June 14, and honor not only the American flag but the entire spectrum of volunteer organizations in Columbia County.

I could go on and list all of Mr. Thorn's other accomplishments, but I think I would run out of time and space. Needless to say, I commend the Columbia County Association's selection of Craig Thorn as the recipient of its Distinguished Citizen Award. His long record of serving his community and his State are a model for other citizens to follow.

TAKING A STAND FOR HEALTHY CHILDREN

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. FROST. Mr. Speaker, I rise today to salute the Stand for Healthy Children Day that will be held on June 1. All across the Nation groups will be holding community health fairs focusing on the needs of our children. Ensuring that our children are healthy should be a top priority in this country and an issue that requires attention at all levels.

The Children's Defense Fund, in cooperation with communities all over the Nation will be working with local officials to educate parents and renew their commitment to improving the quality of our children's lives. Prevention and education is the key to giving children the healthy start they need.

In step with this important nationwide movement I am proud to participate in the Stand for Healthy Children for the 24th district at the Resource Center in Fort Worth, TX. This family picnic, sponsored by the National Stand for Children and the Community Health Foundation, will focus on teaching kids and parents about preventative health and safety. Free children's health screenings will be offered, and officers from the Fort Worth Police Department will be making identification cards for children. In addition, kids from all over Forth Worth will be able to participate in fun-filled activities, like art contests, story-telling, and other events.

Bringing families together to talk about their children's health care is essential. By holding these health fairs, we can address concerns and work effectively to improve the quality of life for our children.

COMMENDING LACASA ON ITS 1997–98 PROGRAM YEAR

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. VISCLOSKY. Mr. Speaker, I would like to commend the Latin American Community Alliance for Support and Assistance of Northwest Indiana, Inc. [LACASA], its Adult Education Learners, its Head Start Students, and its Agency Volunteers, on the achievements earned during the 1997–98 program year.

LACASA is dedicated to serving the Hispanic residents of northwest Indiana, who experience difficulty in obtaining needed social and educational services. Some quality services which the organization offers include: an adult education program, geared toward students at all levels; a Head Start program, which provides training in parenting skills, and an opportunity for parents to become empowered in the education of their children; and Access Assistance, a program stressing job search and person and community leadership preparation. Currently, LACASA is working to develop additional programs meant to improve the quality of life for northwest Indiana's Hispanic population. For those in need, LACASA hopes to provide transportation services to its programs, as well as to agencies where its clients are referred. The organization would also like to establish health stations in an effort to assist families in understanding their basic health needs and inform them about how to access the existing health care system. Finally, LACASA hopes to expand its services to the elderly by familiarizing them with in-home care options to prevent unnecessary institutionalization.

Students who have participated in LACASA's 1997–98 Adult Education Learners Program include: Juan Luis Alvarado, Juan Manuel Alvarado, Maria C. Alvarez, Maria Magdalena Alvarez, Armando Arellano, Lesly I. Arellano, Maria Z. Avila, Patricia A. Avila, Alejandra Ayala, Maria Barajas, Joseph Bialorucki, Barry D. Billinghsley, Enrique Camacho, Jesus Camacho, Carmen Maria Carrillo, Phung S. Choi, Maria I. Concepcion, Filomeno Contreras, Juan L. Contreras, Gladys M. Coronado, Hiram D. Crespo, Maria L. Cuba, Efrain Delcid, Maria Margarita Delreal, Agustin Diaz, Carmen Flores, Eduardo Garcia, Galdino Garcia, Nestor Garcia, Patricia E. Garcia, Roman Garza, Juse Luis Gonzalez, Magdalena Gonalez, Sonda D. Gooch, Mary Guerrero, Herhsy Gunn, Carmen Haro, Patricia A. Hayden, Carolos Hermosa, Juan Hernandez, Maria Herrera, George Howard, Alicia Huizar, Vicente Huizar, Matha Ann James, Hermila Lopez, Herminia Lopez, Luis Lopez, Charlean Mack, Luz M. Magana, Maria A. Magana, Marilu Maldonado, Ana Rosa Martinez, Erick J. Martinez, Georgina C. Martinez, Guadalupe G. Martinez, Miguel A. Martinez, Flavia Maya, Lisa M. Medina, Maria Merlos, Urbano Merlos, Egan Morgan, Fidel Nava, Gerardo Nunez, Ruben Ordonez, Alma Rosa Ortiz, Isabel Paz, Carmen Perez, Maribel Ponce, Marcos Juan Puebla, Mase T. Reed, Luis Eduardo Rivera, Danetta M. Robinson, Caridad Rodriguez, Elizabeth Rodriguez, Jose Mario Rodriguez, Nancy Rodriguez, Roberto Rodriguez, Zuleima Rodriguez, Jose L. Rojas, Omayra Rosario, Griselda Salas, Fermin Sanchez, Maria Santos, Juan M. Soto, Mary Soto, Warren G. Strange, Arthur K. Thomas, Jheaneth Thomas Ernesto Tinoco, Michael Torres, Teresa Torres, Teresa Tril, Katrina D. Triplett, Charleane Vaughn, Lourdes Vazquez, Jose Vera, Ramon Villanueva, and Guadalupe M. Zurita.

The 1997–98 LACASA Head Start Program participants include: Jessica Acevedo, Yahaira Aguayo, Emilio Flores, Cinthia Garcia, Casandra Guerrero, Harlene Haro, Anneliese Hartonian, Saul Hernandez, Henry James, Yarelis Nieves, Heraclio Herrera, Tabitha Pearson, Marissa Perez, Amanda Ramos, Alfonso Rodriquez, Javier Torres, Kristian Torres, Zuleyka Chavez, Crystal Cuadra, Enrique Cuanetl, Selena Flores, Stefanos Glinos, Rosa Hernandez, Fabian Herrera, John Jacquez, Marcus James, Alejandro Herrera, Maria Martinez, Sabrina Millsap, Mathew Ortiz, Jeffrey Perez, Abimael Ramos, Christopher Salgado, Michael Walker, Alberto Irizarry, and Kayla Cheek.

LACASA Agency Volunteers for 1997–98 include: Mary Belle Ang, Kysha Amour-Porter, Amy Abrego, John Breckenridge, Janis Breckenridge, Terrance Martinez, Ray Acevedo, Manuel A. Roman, Carmen Fuentes, Marilu Maladonado, Maria Cuba, Georgina Martinez, Eloisa Vizcaria, Rosa Magana, Fannie Torres, Mr. Maldonado, Nelson Flores, Nora Valtierra, Samantha Long, Erica Ocasio, Dyron Long, Betty Magana, Luz Magana, Gladys Reyes, Juan Luis Alvarado, Aurora Glinos, Zuleima Rodriquez, Gabriel Magana, Jr., Albina Venegas, Jennifer Ash, James Ash, Helen Williams, Manuel Alvarez, Elena Hernandez, Stanly Garlarki, and Pat Garlarki.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the LACASA Adult Education Learners, Head Start Students, and Agency Volunteers for their dedication to the pursuit of education. I would also like to congratulate LACASA for its continuing efforts to preserve the Hispanic culture, while improving the quality of life for the Hispanic residents of northwest Indiana.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BECERRA. Mr. Speaker, on May 5, 1997, through May 7, 1997, I was officially traveling with the President on his first state visit to Mexico and was therefore unable to vote during four rollcall votes. This includes two rollcall votes, numbered 103 and 104 on H.R. 2, the Housing Opportunity and Responsibility Act; one rollcall vote numbered 108 on the Boehlert amendment to H.R. 478; and one rollcall vote numbered 109 on House Resolution 143, providing for consideration of H.R. 3, a juvenile justice bill.

Had I been present for the votes, I would have voted "yes" on rollcall votes numbered 103, 104, and 108. I would have voted "no" on rollcall vote numbered 109.

TRIBUTE TO EDWIN OHKI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an outstanding and courageous individual, Edwin Ohki. The death of Mr. Ohki on October 23, 1996, was a sad day for all of Sonoma County, where he was a longtime resident.

Born in Livingston, CA, in 1923, Ed and his family were placed in a Japanese internment camp when World War II began. After being forced to live in the camp for over a year, Ed volunteered for the U.S. Army, even though as a Japanese-American he was offered combat duty only.

Ed joined the famed 442d Infantry Battalion, the most decorated unit in U.S. Army history. During combat in Italy, he was injured and then returned to the United States to spend over four painful months in the hospital. Ed was awarded the Purple Heart for his actions. Despite his heroism and being honorably discharged from the Army, Ed was sent back to an internment camp.

After the war, Ed returned to California and graduated from the University of California, Davis. He moved to Santa Rosa, in 1951, where he later joined his family's landscape business. Ed also served as secretary of the Sonoma County Landscape Gardeners Association.

Ed was very active with the First United Methodist Church of Santa Rosa, and the local Buddhist community. In addition, he served as president of the Sonoma County Japanese-American Citizen League. Ed will forever be remembered as a bridge builder—as someone who reached out to people of all racial and religious backgrounds.

Mr. Speaker, Ed Ohki served his country and his community well. He consistently extended himself on behalf of many people for a variety of important causes. Our Nation owes a great deal of gratitude to him for his tireless efforts. I extend my deepest sympathies to his wife, Anne, and their family. He will be missed by all.

A MAN OF COURAGE, AN INSPIRATION FOR MANKIND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. HAMILTON. Mr. Speaker, I wish to take a moment today to remind my colleagues of the heroic struggle being waged by Wei Jingsheng

Wei has spent all but one of the past 18 years in Chinese prisons, jailed for the crime of advocating political democracy. Released briefly in 1993, as China sought to tidy up its public image in an effort to win the 2000 Olympic Games for Beijing, Wei was rearrested in 1994, only days after meeting with the United States Assistant Secretary of State for Democracy, Human Rights and Labor, and sentenced to 14 additional years in prison. Today, he languishes in jail while his health deteriorates. His requests for urgent medical attention have gone unanswered.

Mr. Speaker, I am a friend of China. I support the Clinton administration's policy of engagement with China. I believed that American interests are best served by a policy that seeks to draw China into the international community.

But, Mr. Speaker, even those of us who advocate friendly ties with China are deeply offended by China's treatment of its own citizens. And in this respect unfortunately, Wei Jingsheng is only one of many Chinese who have been imprisoned unjustly.

Mr. Speaker, I wish today to join my colleagues who have asked the Chinese leaders to release Wei Jingsheng. To halt their campaign of repression against their own people. To respect the promises of their own laws and constitution. And to live up to the glory of their country's past by joining the rest of the civilized world in recognizing that a nation's true greatness is measured by how that nation's government treats its dissenters.

ON JONATHAN W. HODGES' ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Jonathan W. Hodges of Avon Lake, Oh, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Scout Project, which he must plan, finance, and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us join Boy Scouts of America Troop 41 in recognizing and praising Jonathan for his achievement.

TRIBUTE TO DON FONTANA

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. WAMP. Mr. Speaker, I'd like to take a few moments to acknowledge Don Fontana, an outstanding leader in the mental health community from the Third District of Tennessee. Don recently retired as chief executive officer of Volunteer Behavioral Health Care System. His contributions to this organization and to the community and State, are many.

I'd like to highlight just a fraction of Don's accomplishments. It was with great vision as the CEO of Johnson Mental Health Center, that Don saw the future and the necessity for community mental health centers to meet the challenges of managed care.

Under Don's leadership, several community mental health centers joined together and the Volunteer Behavioral Health Care System was created. Today, the center consists of Johnson Mental Health Center, Hiwassee Mental Health Center, and Plateau Mental Health System.

Don has served not once, but twice as the president of the Tennessee Association of Mental Health Organizations, as well as a task force member for Children's Services. He has extended behavioral health care services to 27 counties within Tennessee. In addition, one of the most notable contributions he has made is the establishment of safe, supervised housing for severely mentally ill adults where 75 of our community members live.

Mr. Fontana's commitment to affordable mental health services for those who could not otherwise afford them has made him a giant in the mental health community. His extraordinary service and commitment of 19 years will be missed, but because of his leadership and guidance the programs he has established in our community will continue.

Personally, I worked with Don years ago as a volunteer member of the advisory board of the Joe Johnson Mental Health Center. I know first hand of his true commitment to those in need.

I am proud to have the opportunity to publicly acknowledge Don Fontana's fine service in the mental health field and wish him well in the future.

MARCH FOR JESUS DAY

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BLUNT. Mr. Speaker, I rise today to voice my support for the upcoming nationwide "March for Jesus Day." This event on May 17, 1997, will provide more evidence that America is returning to the values of belief in God and family that have made our country great. Last year church related groups and congregations in over 600 cities in the United States and 170 nations participated in the march. In Joplin, MO, almost 70 area congregations of different denominations representing 18 communities from the 4-State region will march together and in other southwest Missouri towns and cities Christians will step forward on this day.

This Nation was founded upon Judeo-Christian principles that our country should continue to recognize and hold high. I am reminded of John 13:34 where Jesus said " A new command I give you: Love one another. As I have loved you, so you must love one another. By this all men know that you are my disciples, if you love one another." The March for Jesus is truly an opportunity to show others the love which Christ modeled for us. Our Nation needs to be shown the love and grace of Christ Jesus. For too long, we have been willing to neglect the necessity of spiritual fulfillment and today we see the overwhelming consequences of such actions with families separated by divorce, drug use accelerating rapidly in our society, and juvenile crime out of control.

As the Christian community gathers to March for Jesus it can truly be an example of others of the change He has made in our own lives and the lives of our families and friends. We need to live the command Jesus gave us in the book of Matthew where He said, "Love your neighbor as yourself." What a great opportunity as Christians gather together to march to remember in our daily lives to show others Jesus and his love. It is important that we not forget to display the love of Christ to our neighbors by helping them in times of need.

Christians should be guided by the words of the Apostle Paul where in II Timothy 1:7–12 he says,

> For God did not give us a spirit of timidity, but a spirit of power, of love and of self-discipline. So do not be ashamed to testify about our Lord, or ashamed of me his prisoner. But join with me in suffering for the gospel, by the power of God, who has saved us and called us to a holy life—not because of anything we have done but because of his own purpose and grace. This grace was given us in Christ Jesus before the beginning of time, but it has now been revealed through the appearing of our Savior Christ Jesus, who has destroyed death and has brought life and immortality to light through the gospel. And of this gospel I was appointed a herald and an apostle and a teacher. That is why I am suffering as I am. Yet I am not ashamed, because I know whom I have believed, and am convinced that he is able to guard what I have entrusted to him for that day.

The March for Jesus is an excellent opportunity to testify to others about Jesus as families walk their city streets with fellow believers of all denominations. I am encouraged as Christians unite together to take an active role in their witness to others.

INTRODUCTION OF THE FAIR HEARING ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. FAWELL. Mr. Speaker, today, I am introducing the Fair Hearing Act, legislation which will require the National Labor Relations Board [NLRB] to conduct hearings to determine the appropriateness of bargaining units in cases where a labor organization attempts to organize employees at one or more facilities of a multifacility employer and where there is no agreement as to the appropriate bargaining unit.

As many Members know, our attention was drawn to this issue by the NLRB's proposed rulemaking of several years ago announcing the Board's intention to impose a rule on the appropriateness of single location bargaining units that would have applied to virtually every industry. That proposal would have extended to all employers, except for those in the specifically excluded utility industry, construction industry and seagoing crews in the maritime industry. Fortunately, the NLRB was prevented from pursuing this disruptive rulemaking through language included in the Labor-HHS-Education funding bill for the past 2 fiscal years.

While I have long decried the litigation orientation of many of this nation's labor and employment laws, I do have concerns about rulemaking the area of bargaining unit determinations as such determinations, by their nature, require the type of fact specific analysis that only case-by-case adjudication allows. I believe strongly that the imprecision of a blanket rule limiting the factors considered material to determining the appropriateness of a single location unit detracts from the National Labor Relations Act's goal of promoting stability in labor-management relations. Thus, I feel equally strongly that legislation is necessary to ensure that a specific analysis of the appropriateness of a bargaining unit given the facts and circumstances of a particular case, is conducted through a hearing.

A hearing process regarding the appropriateness of single facility bargaining units will allow a more complete examination of the comprehensive approach to human resource policies and procedures pursued by many employers today that may influence the bargaining unit determination. To limit consideration of relevant factors potentially would undermine the ability of employers to develop flexible solutions to the needs and demands of their work forces and would greatly increase the cost, complexity and uncertainty of labor-management relations where centralized personnel policies are maintained by employers with numerous locations.

The Fair Hearing Act recognizes both the realities of human resource management in today's competitive economic environment and the complexity of bargaining unit determinations, particularly in cases where multifacility employers are involved. The legislation does not attempt to define when a single location bargaining unit is appropriate, but merely requires the NLRB to consider all of the relevant factors in making that determination. I urge my colleagues to support this important legislation.

JUSTICE ON TIME ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. GOODLING. Mr. Speaker, today, I am pleased to introduce the Justice on Time Act of 1997, legislation which would address the profound concern expressed by several of my constituents who have experienced long delays in the processing of their cases by the National Labor Relations Board [NLRB]. The Justice on Time Act of 1997 would require the NLRB to issue a final decision within 1 year on all unfair labor practice complaints where it is alleged that an employer has discharged an employee in an attempt to encourage or discourage union membership.

The Justice on Time Act recognizes that the lives of employees and their families, wondering whether and when they will get their jobs back, are hanging in the balance during the long delays associated with the National Labor Relations Board's processing of unfair labor practice charges. The act also recognizes that the discharge of an employee who engages in union activity has a particularly chilling effect on the willingness of fellow employees to support a labor organization or to participate in the types of concerted action protected by the National Labor Relations Act [NLRA].

Thus, the legislation requires the Board to resolve discharge cases in a timely manner to send a strong message to both employers and employees that the NLRA can provide effective and swift justice. The Justice on Time Act ensures that employees who are entitled to reinstatement will quickly get their jobs back and employers will not be saddled with liability for large backpay awards.

The median time for National Labor Relations Board processing of all unfair labor practice cases in fiscal year 1995 was 546 days and has generally been well over 500 days since 1982. This length of time is a disservice to the hard-working men and women who seek relief from the Board for unfair treatment in their workplaces. The Justice on Time Act tells the National Labor Relations Board that, at least when it comes to employees who may have wrongly lost their jobs, it must do better and must give employees a final answer on whether they are entitled to their jobs back within 1 year.

AGAINST CENSUS SAMPLING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. PACKARD Mr. Speaker, I rise today in opposition to the Census Bureau's proposed use of sampling in determining population figures. Counting just 90 percent of our citizens and simply guessing who the rest of us are will have a devastating effect on our ability to accurately assess our needs and budget for the future.

Sampling also undermines the integrity of our political system. Representation in this very House is determined by population. A State could be forced to reduce its number of Representatives solely on the basis of a politically tainted guess.

Mr. Speaker, I do not want to exclude anyone in America from the census by relying on a guesstimate. The right to proper representation should never be compromised, for any reason.

Sampling may cost nominally less, and my Republican colleagues and I are committed to reducing spending—but why go through the trouble and cost of counting 90 percent and then leaving the rest up to speculation? Why spend the money at all? We have a census to get the most exact count possible of our population and their demographics. Anything less than that is just a guess—plain and simple.

Sampling our population simply has no worth. Our next census will cost $4.2 billion. If sampling is used, that price tag will likely fall to $4.1 billion. The real difference however, is that the taxpayer will not be footing the bill for an accurate count of this Nation's population—but instead will be paying a high price for nothing more than a guess.

At a cost of $4.1 billion, Mr. Speaker, the American people will surely want more than a soft estimation. Anything other than a full count of citizens, where all can be represented, is simply unacceptable.

CLATSKANIE HIGH SCHOOL STUDENTS RAISE FOOD FOR CHILDREN

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Ms. FURSE. Mr. Speaker, I rise today to recognize an outstanding group of high school students in Oregon for not only their vision, but for their dedication and hard work to make dreams become reality.

In 1990, Clatskanie High School student, Gennie Sluder Harris, started a program called Help Hungry Kids with the belief that one person can make a difference. Seven years later, her dream has caught on with nearly 4.5 million pounds of food being collected throughout the country to help feed disenfranchised children.

Often, Americans pride themselves on a prosperous lifestyle, but in truth, according to research of Clatskanie's, Help Hungry Kids students, 1 in 4 children in this Nation goes to bed hungry—a silent hunger.

The program is simple: If you already have a food drive established in your high school, report your totals to Clatskanie. If you don't have a food drive—start one and report your totals. The food and money raised stays in your community and State. With just two cans of food and $1, schools can participate and States can compete against another, with the top State being recognized at the national conference of the National Association of Student Councils.

The students of Clatskanie High School urge kids across the Nation to catch the dream and show how to make a positive difference. I encourage kids across the Nation to engage the schools in this incredibly worthwhile program to help those less fortunate and work toward the goal—to make sure no child goes to bed hungry.

ADDRESS OF JUSTICE ANTONIN SCALIA AT THE NATIONAL DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. LANTOS. Mr. Speaker, at an extremely moving ceremony in the rotunda of the U.S. Capitol last Thursday, Members of Congress, the Diplomatic Corps, representatives of our Nation's executive and judicial branches, and hundreds of survivors of the Holocaust with their friends and family gathered to commemorate the National Days of Remembrance. This was an occasion when we take the time to remember the horror and inhumanity of the Holocaust.

Mr. Speaker, in recognition of the unspeakable horror of the Holocaust and the importance that we never forget that tragedy, the U.S. Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. One of the most important tasks in this effort is the annual Days of Remembrance commemoration in the rotunda of our Nation's Capitol. This year, Antonin Scalia, Associate Justice of the U.S. Supreme Court gave the principal address at the ceremony.

Mr. Speaker, I am inserting the remarks of Justice Scalia into the RECORD, and I urge my colleagues to give thoughtful attention to his excellent comments:

Distinguished Members of the United States Senate and House of Representatives; Members of the Diplomatic Corps; Survivors of the Holocaust; Ladies and Gentlemen:

I was profoundly honored to have been invited to speak at this annual ceremony in remembrance of those consumed in the holocaust. But it is not, I must tell you, an easy assignment for a non-Jew to undertake. I am an outsider speaking to an ancient people about a tragedy of unimaginable proportions that is intensely personal to them. I have no memories of parents or children, uncles or cousins caught up in and destroyed by the horror. I have not even that distinctive appreciation of evil that must come from knowing that six million people were killed for no other reason than that they had blood like mine running in their veins.

More difficult still, I am not only not a Jew, but I am a Christian, and I know that the antisemitism of many of my uncomprehending coreligionists, over many centuries, helped set the stage for the mad tragedy that the National Socialists produced. I say uncomprehending coreligionists, not only because my religion teaches that it is wrong to hate anyone, but because it is particularly absurd for a Christian to hate the people of Israel. That is to hate one's spiritual parents, and to sever one's roots.

When I was a young man in college, spending my junior year abroad, I saw Dachau. Later, in the year after I graduated from law school, I saw Auschwitz. I will of course never forget the impression they made upon me. If some playwright or novelist had invented such a tale of insanity and diabolical cruelty, it would not be believed. But it did happen. The one message I want to convey today is that you will have missed the most frightening aspect of it all, if you do not appreciate that it happened in one of the most educated, most progressive, most cultured countries in the world.

The Germany of the late 1920's and early 1930's was a world leader in most fields of art, science and intellect. Berlin was a center of theater; with the assistance of the famous producer Max Reinhardt, playwrights and composers of the caliber of Bertholt Brecht and Kurt Weil flourished. Berlin had three opera houses, and Germany as a whole no less than 80. Every middle-sized city had its own orchestra. German poets and writers included Hermann Hesse, Stefan George, Leonhard Frank, Franz Kafka and Thomas Mann, who won the Nobel Prize for Literature in 1929. In architecture, Germany was the cutting edge, with Gropius and the Bauhaus school. It boasted painters like Paul Klee and Oskar Schlemmer. Musical composers like Anton Webern, Alban Berg, Arnold Schönberg, Paul Hindimith. Conductors like Otto Klemperer, Bruno Walter, Erich Kleiber and Wilhelm Furtwängler. And in science, of course, the Germans were preeminent. To quote a recent article in the Journal of the American Medical Association:

> In 1933, when the National Socialist Party came to power in Germany, the biomedical enterprise in that country was among the most sophisticated in the world. German contributions to biochemistry, physiology, medicine, surgery, and public health, as well as to clinical training, had shaped to an important degree the academic and practice patterns of the time, and clinical training and research experience in the great German clinics and laboratories had been widely sought for decades by physicians and basic scientists from around the world.

To fully grasp the horror of the holocaust, you must imagine (for it probably happened) that the commandant of Auschwitz or Dachau, when he had finished his day's work, retired to his apartment to eat a meal that was in the finest good taste, and then to listen, perhaps, to some tender and poignant Lieder of Franz Schubert.

This aspect of the matter is perhaps so prominent in my mind because I am undergoing, currently, the task of selecting a college for the youngest of my children—or perhaps more accurately, trying to help her select it. How much stock we place in education, intellect, cultural refinement! And how much of our substance we are prepared to expend to give our children the very best opportunity to acquire education, intellect, cultural refinement! Yet those qualities are of only secondary importance—to our children, and to the society that their generation will create. I am reminded of words written by John Henry Newman long before the holocaust could even be imagined.

"Knowledge is one thing, virtue is another; good sense is not conscience, refinement is not humility, . . . Liberal Education makes . . . the gentleman. It is well to be a gentleman, it is well to have a cultivated intellect, a delicate taste, a candid, equitable, dispassionate mind, a noble and courteous bearing in the conduct of life. These are the connatural qualities of a large knowledge; they are the objects of a University . . . .

Yes, to the heartless.

It is the purpose of these annual holocaust remembrances—as it is the purpose of the nearby holocaust museum—not only to honor the memory of the six million Jews and three or four million other poor souls caught up in this 20th-century terror, but also, by keeping the memory of their tragedy painfully alive, to prevent its happening again. The latter can be achieved only by acknowledging, and passing on to our children, the existence of absolute, uncompromisable standards of human conduct. Mankind has traditionally derived such standards from religion; and the West has derived them from and through the Jews. Those absolute and uncompromisable standards of human conduct will not endure without an effort to make them endure, and it is to that enterprise that we rededicate ourselves today. They are in the Decalogue, and they are in the question put and answered by Micah: "What doth the Lord require of thee, but to do justly, to love mercy, and to walk humbly with thy God."

For those six million Jews to whom it was not done justly, who were shown no mercy, and for whom God and his laws were abandoned: may we remember their sufferings, and may they rest in peace.

RECOGNITION OF THE INTERNATIONAL ATHENA FOUNDATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Ms. STABENOW. Mr. Speaker, as Members of the Michigan congressional delegation we wish to recognize the International ATHENA Foundation for their important support of women in the workplace.

The International ATHENA Foundation identifies outstanding professional and business women in the community and encourages the opening of leadership opportunities for women in the workplace.

The International ATHENA Foundation issues awards in coordination with local chambers of commerce recognizing individuals for business and professional accomplishments, community service, mentoring, and for providing role models to encourage women to achieve their full leadership potential.

Recipients of the International ATHENA Award for achievement, service, and assistance to others are honored in their communities annually and recognized for excellence as honorees among a select group rather than as competitors.

The ATHENA Awards encourage communities, States, and nations to achieve a representative balance of leadership by identifying and honoring those individuals and companies who assist women in reaching their full leadership potential.

We are very pleased to support these causes and are happy their national conference will be taking place in Michigan this year.

LYNN N. RIVERS, VERNON J. EHLERS, PETER HOEKSTRA, DALE E. KILDEE, JOHN DINGELL, JOHN CONYERS, JR., JIM BARCIA, DAVID E. BONIOR, SANDER LEVIN, CAROLYN C. KILPATRICK, BART STUPAK, AND DEBBIE STABENOW.

CONCERNING THE DEATH OF CHAIM HERZOG

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. STOKES. Mr. Speaker, I wish to thank the gentleman from Indiana, Mr. BURTON, for bringing this resolution to the House floor today. I rise in support of House Concurrent Resolution 73, and to recognize the passing of a statesman of the highest order, former Israeli President Chaim Herzog.

Mr. Herzog was an accomplished man who led an extraordinary life and guided Israel to new heights on the world stage. He was a scholar, warrior, lawyer, diplomat, author, politician, and above all, a gentleman. With his passing we mourn the loss of an internationally recognized advocate of diplomacy and peace.

Throughout his life, Chaim Herzog was a strong and effective leader. Born in Ireland in 1918, he was educated in Jerusalem and London and became an officer in the British Army during World War II. During the war, Chaim Herzog served as head of British intelligence in Germany, aided in the liberation of concentration camps, and landed on the beaches of Normandy.

Mr. Speaker, Chaim Herzog returned to what was then Palestine as part of the Jewish underground, and became an officer in Israel's War of Independence in 1948. With the creation of Israel, Mr. Herzog became the first formal head of the Military Intelligence Branch in 1950, and his distinguished father became chief rabbi. Chaim Herzog then came to Washington in 1954 as Israel's defense attaché, a post he held until his return to Israel.

After leaving the Army in 1962, Mr. Herzog applied his experience and education to law and business, eventually becoming a radio commentator, and author. Chaim Herzog was a leading voice as a military commentator during the Six-Day War, the Yom Kippur War, and the War of Atonement, and also became a leading author on Israeli military history.

These episodes led him into service as the first military governor of the West Bank. In 1975, Chaim Herzog became Israel's Ambassador to the United Nations, and in 1981 he emerged as a Labor Party member to Israeli's parliament, the Knesset. But it was his election as Israel's President in 1983 that demonstrated to the world the solid and impressive leadership he had displayed throughout his life.

Chaim Herzog knew that the hardest struggle would be that for Middle East peace, which he nobly sought during his two-term Presidency. His experience as a warrior taught him that the battle of peace could be won, and his endeavors laid much of the groundwork for the peace process that continues today.

Mr. Speaker, Chaim Herzog was a man of courage who shared a close friendship with the United States. He was a brilliant and learned individual who devoted his formidable intellect and energy to the advancement of Israel, and ultimately peace. It is with sadness for the Herzog family, to whom I extend my deepest condolences, and with optimism for the prospect of stability and peace in the Middle East, that I join my colleagues in rising to recognize the remarkable life of Chaim Herzog.

IRISH DEPORTEES

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to bring to your attention the possible deportation of a number of Irish nationals to Northern Ireland. This is an extremely important issue and one that we, as policymakers, must address.

I'd like to share with you the plight of one family which will be torn apart if deportation occurs. Matthew Morrison came to our Nation from the town of Derry in Northern Ireland. He came to America to escape a life of hardship and oppression. As a young man, he had been a member of the Irish Republican Army, and had been imprisoned as a "special category" political prisoner by the British. He was convicted of crimes without the benefit of a jury or an impartial court.

Upon his release, Matt traveled to America where he met his wife Francie Broderick, who testified before the Ad Hoc Committee on Irish Affairs in February of this year. The couple have two children and live a peaceful and productive life in St. Louis, MO. Matt has never been in trouble with the law here.

Matt's only crime since coming to the United States has been that he has listened to his conscience. He has been a vocal critic of the human rights violations by the British in Northern Ireland, and has actively worked to enlighten those around him.

I would like the record to reflect that Matt Morrison has lived peacefully in the United States since December 22, 1985. I am strongly opposed to any action which would jeopardize his right to fair and impartial justice. I am also very concerned about the effect that his return would have on the peace and stability that we all seek in Northern Ireland. Our Government, which values family and community, should consider the impact on the Morrison family that deporting the father of two young children would bring.

KEVIN AND JOYCE CROSSAN

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BORSKI. Mr. Speaker, I rise today to bring to the attention of the House the case of Kevin and Joyce Crossan. As you may know, Kevin is one of several Irish nationals who faces deportation from the United States.

As an 18-year-old in Northern Ireland, Kevin was arrested and charged with murder. He was ultimately convicted in a "Diplock" court, which hears only political offenses, and he spent 14 years in Long Kesh Prison. His crime was recognized by the British Government as a political crime.

While serving his time in Long Kesh, Kevin developed a relationship with Joyce Farrell, an American citizen. Joyce moved to Belfast after Kevin was released, but the two became subjects of constant harassment from the Royal Ulster Constabulary [RUC]. Kevin and Joyce moved to the United States in 1991 and they married in 1992. After their arrival, Kevin filed for an adjustment of status for legal alien residence. However, on June 20, 1995, Kevin's adjustment for status was denied and he was told that he "will be contacted with procedures to effect his departure from the United States." He has also been denied work authorization for almost 2 years.

Last month, I had the pleasure of meeting Joyce Crossan, who has become actively involved in the cases of her husband and others facing deportation. She explained to me how she was treated during her brief residence in Belfast. Because of her relationship with Kevin, Joyce was repeatedly harassed by the RUC—even arrested and detained in Castlereagh Prison for 3 days. Clearly, sending Kevin and Joyce back to that environment would lead to continued harassment and mistreatment.

Mr. Speaker, the Crossans are one of several families facing these extraordinary circumstances. The Irish nationals involved in all of these cases are men who have served their time and are no longer wanted for any crimes. They are married to American-born citizens, and many of them have children. In each of these cases, these families are upstanding members of their communities, and they pose absolutely no threat to anyone.

Last February, I cosigned a letter to President Clinton, asking for his personal intervention on behalf of these families. I urge my colleagues to send similar letters to help ensure that families like the Crossans are able to stay in the United States.

IMPLEMENTING LEGISLATION FOR THE CHEMICAL WEAPONS CONVENTION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. HAMILTON. Mr. Speaker, today Mr. CONYERS and I are introducing, by request H.R. 1590, the administration's draft legislation to implement the Chemical Weapons Convention. The purpose of this bill, the Chemical Weapons Convention Implementation Act of 1997, is to both implement the convention, and to make sure that U.S. domestic law conforms with international legal obligations, now that the United States is a State Party to this Convention. The Senate acted to ratify the convention on April 24, 1997, and it entered into force on April 29, 1997.

The Chemical Weapons Convention contains a number of provisions that require implementing legislation to give them effect within the United States. These include: International inspections of U.S. facilities; declarations by U.S. chemical and related industry; and establishment of a national authority to serve as the liaison between the United States and the international organization established by the Chemical Weapons Convention and States Parties to the Convention.

The purpose of introducing this bill is not to speak definitively on how the CWC should be implemented. Committees of jurisdiction can and should work their will. The purpose of introducing this bill is help move the process forward, and to ensure that the views of the administration are available to our colleagues.

The text of a letter I received from Arms Control and Disarmament Agency Director Holum follows:

UNITED STATES ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, DC, March 27, 1997.

Hon. LEE H. HAMILTON,
Ranking Democratic Member, Committee on International Relations, U.S. House of Representatives.

DEAR REPRESENTATIVE HAMILTON: On behalf of the Administration, I hereby submit for consideration the "Chemical Weapons Convention Implementation Act of 1997." This proposed legislation is identical to the legislation submitted by the Administration in 1995. The Chemical Weapons Convention (CWC) was signed by the United States in Paris on January 13, 1993, and was submitted by President Clinton to the United States Senate on November 23, 1993, for its advice and consent to ratification. The CWC prohibits, inter alia, the use, development, production, acquisition, stockpiling, retention, and direct or indirect transfer of chemical weapons.

The President has urged the Senate to provide its advice and consent to ratification as early as possible this year so that the United States will be an original State Party and can continue to lead the fight against these terrible weapons. The CWC will enter into force, with or without the United States, on April 29, 1997. If the United States has not ratified by that time, we will not have a seat on the governing council which will oversee implementation of the Convention and U.S. nationals will not be able to serve as inspectors and in other key positions. Here at home, the U.S. chemical industry could lose hundreds of millions of dollars and many well-paying jobs because of CWC-mandated trade restrictions against non-Parties. As Secretaries Albright and Cohen have recently underscored, ratifying the CWC before it enters into force is in the best interests of the United States.

The CWC contains a number of provisions that require implementing legislation to give them effect within the United States. These include: carrying out verification activities, including inspections of U.S. facilities; collecting and protecting the confidentiality of data declarations by U.S. chemical and related companies; and establishing a "National Authority" to serve as the liaison between the United States and the international organization established by the CWC.

In addition, the CWC requires the United States to prohibit all individuals and legal entities, such as corporations, within the United States, as well as all individuals outside the United States, possessing U.S. Citizenship, from engaging in activities that are prohibited under the Convention. As part of this obligation, the CWC requires the United States to enact "penal" legislation implementing this prohibition (i.e., legislation that penalizes conduct, either by criminal, administrative, military or other sanctions).

Expeditious enactment of implementing legislation is very important to the ability of the United States to fulfill its obligations under the Convention. Enactment will enable the United States to collect the required information from industry, to provide maximum protection for confidential information, and to allow the inspections called for in the Convention. It will also enable the United States to outlaw all activities related to chemical weapons, except CWC permitted activities such as chemical defense programs. This will help fight chemical terrorism by penalizing not just the use, but also the development, production and transfer of chemical weapons. Thus, the enactment of legislation by the United States and other CWC States Parties will make it much easier for law enforcement officials to investigate and punish chemical terrorists early, before chemical weapons are used.

As the President indicated in his transmittal letter of the Convention: "The CWC is in the best interests of the United States. Its provisions will significantly strengthen United States, allied and international security, and enhance global and regional stability." Therefore, I urge the Congress to enact the necessary implementing legislation as soon as possible.

The Office of Management and Budget advises that there is no objection to the submission of this proposal and its enactment is in accord with the President's program.

Sincerely,

JOHN D. HOLUM,
Director.

IN SUPPORT OF WEI JINGSHENG

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. SCHUMER. Mr. Speaker, I wish to join my colleagues today in submitting a CONGRESSIONAL RECORD statement on behalf of Mr. Wei Jingsheng, a Chinese dissident and political prisoner.

Mr. Jingsheng's book, "The Courage To Stand Alone: Letters from Prison and Other Writings," was scheduled for publication yesterday. I would like this statement to stand as support for Mr. Jingsheng, his fight for freedom of speech, and for the cause of democracy in China today. Eighteen years of prison confinement have not caused him to waver in his quest for freedom. In the face of relentless attacks, his spirit remains unbroken.

He has endured unlawful imprisonment, by China's own standards, for expressing his belief in democracy for China. He is allowed to be tormented by his prison cellmates, his mail has been confiscated, his reading material is censored, and he is barely permitted to see his family. His lengthy and torturous prison term has led to the severe deterioration of his physical health. He is in dire need of medical attention which the Chinese Government continues to deny to him. This oppression and injustice must stop.

I urge the Chinese Government to reconsider its actions and treatment against Mr. Jingsheng. I urge my colleagues to join with me and speak out against the abuses being suffered by Mr. Jingsheng. Let us not turn a blind eye to the plight of Wei Jingsheng and others like him in the world who believe in the promise of democracy. The end to this suffering will only come when we, as a collective, consistently speak out against the violation of human rights throughout the world.

SEAT BELTS ON SCHOOL BUSES

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation to require seat belts on school buses. Since this is National SAFE KIDS Week, this is an appropriate time to introduce a bill to improve the safety of school bus travel for our Nation's children.

My legislation would prohibit the manufacture, sale, delivery, or importation of school buses that do not have seat belts, and impose civil penalties for those that do not comply. Our Nation's schoolchildren deserve safe transportation to and from school, and their parents deserve peace of mind. We have a responsibility to provide both.

National SAFE KIDS Week is dedicated to preventing unintentional childhood injury, the No. 1 killer of children ages 14 and younger. Since 1985, over 1,478 people have died in school bus-related crashes—an average of 134 fatalities a year. School bus occupants accounted for 11 percent of these deaths. Just last year in my State of Wisconsin, there were more than 950 school buses involved in crashes and over 450 occupant injuries.

Every year, approximately 394,000 public schoolbuses travel about 4.3 billion miles to transport 23.5 million children to and from school-related activities. These numbers argue for the highest level of safety we can provide. I believe my bill is a step in this direction.

I urge my colleagues to also support this important legislation, which has been endorsed by the American Medical Association and the American College of Emergency Physicians. We must work together, at the local, State, and Federal level to prevent school bus injuries.

MAKING DEMOCRACY WORK

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. CAPPS. Mr. Speaker, as a Representative for the 22d District of California, I am honored to bring to the attention of my colleagues the achievement of Yi-Hui Lee, a senior at Dos Pueblos High School. Yi-Hui Lee was awarded a $500 scholarship by the Santa Barbara League of Women Voters for her paper entitled "Making Democracy Work."

I commend Yi-Hui Lee on her outstanding essay and hope that her enthusiasm for American democracy will continue as she enters the University of Los Angeles next year. I would like to present this paper to my colleagues.

MAKING DEMOCRACY WORK

(Yi-Hui Lee)

American democracy is a system of government that serves the people through representation. This is achieved through the collaboration of a Constitutional bureaucratic framework, the Bill of Rights, and political tolerance. The United States' Constitution, and its inevitable bureaucratic framework, is structured to maintain checks and balances within the government, which, in return, prevents the rise of any unscrupulous demagogue and seeks the true interests of the people. The Bill of Rights further extends this objective by ensuring individuals' rights to liberty, thus, fostering a higher development in people's political efficacy and involvement. Nevertheless, even with this established Constitutional framework, the public's minimal tolerance is essential in making democracy work. The absence of any one of these factors will make *participatory* democracy different from the one existing in the United States today.

By decentralizing governmental powers and providing an equitable bureaucratic structure, the Constitution makes American democracy into the currently practiced, Aristotle definition of the "rule of many." This type of government exists under the creation of a shared power among the judicial, executive, and legislative branches, each one of which watches over the other and assures the checks and balances of the system. As a result, when no one body of government has potential to dictate, the ideal of American democracy that all may be heard is preserved. On a smaller scale, the structure of Congress was adjusted to counteract the difference in population of the states by working under a bicameral legislature. In order to maintain a democratic freedom, in which both majority and state views are heard, the "Great Compromise" was organized and established. The Great Compromise reconciled the interests of both small and large states by creating a House of Representatives—apportioned on the basis of population—and a Senate—consisting of two senators for each state. By working under this bureaucratic framework, the checks and balances made through decentralization and equal representation allows all sides to present their views.

The Bill of Rights is another crucial element in making participatory democracy possible in America. Because Americans live under the protection of the first ten amendments, they find themselves more open to publicly voicing their opinions and raising their political efficacy and involvement. The youth of this generation have actively demonstrated their high awareness of and deep concern for some of the most controversial issues affecting their community. Students at the University of California at Santa Barbara expressed their disapproval of Proposition 209 by protesting on campus. More recently, students have petitioned to raise the political awareness that the Nike industry is thriving under the operation of numerous sweat shops. These events, in which people were entitled to be heard under the public light, were only possible because of the First Amendment—freedom of speech and the right to peaceably assemble and petition.

Furthermore, the extent to which democracy can exist is most dependent upon Americans' political culture to tolerate one another's right to his or her opinion as exemplified in the peaceful assembles and petitions previously mentioned. At least minimal political tolerance must be expected in order to preserve the objective of a democracy. If Catholics were denied the right to hold public meetings, if government militia were the norm to breaking up peaceful immigrant protesters, if pro-life groups bombed every abortion clinic, then democracy would fail. National Opinion polls, conducted by Samuel Barnes and Max Kasse, have shown that under the American political culture the public has become more tolerant over the last few decades. These surveys reveal that as more citizens support an oppression-free atmosphere, democracy is able to meet its goal of a participatory government.

American democracy distinguishes itself from all other systems of government by maintaining the exercise of its Constitutional bureaucratic framework, the Bill of Rights, and political tolerance. The United States' participatory democracy genuinely allows for equal representation in an environment where the voice and concerns of the people can be heard.

IRISH DEPORTEES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. ENGEL. Mr. Speaker, I rise to call attention to the plight of several Irish nationals facing deportation from the United States.

As an executive board member of the Ad Hoc Committee on Irish Affairs, I am deeply disappointed by our Government's policy. These men facing deportation left their homeland in the face of political persecution and now live peaceful, productive lives in the United States.

Even so, in what we know as the land of freedom, they are now pursued by our own government. Most of the subjects of deportation proceedings are married to American citizens or legal permanent residents. Most have children who are American citizens. Most would be entitled to permanent residence in the United States, except for their involvement in the Irish political struggle. And, most would face severe persecution if forced to return to Northern Ireland.

Two of those facing deportation, Gabriel Megahey and Robert McErlean, live in my congressional district. Two days ago, a person named Sean Brown, a man from Mr. McErlean's village in the north of Ireland, was brutally assassinated. Only 59 years old and not deeply involved in politics, Sean Brown's death only adds weight to my constituents' assertions that the would face persecution if forced to be deported to their homeland.

Mr. Speaker, 3 months ago, the Ad Hoc Committee for Irish Affairs held an unprecedented forum on the Irish deportees. After hearing from a representative of the administration and family members of the deportees, more than 60 Members of the House of Representatives wrote to President Clinton pleading for justice for those facing deportation. Today, I renew that appeal and once again request that President Clinton meet with a delegation from the Ad Hoc Committee to discuss our Government's unjust policy toward the deportation cases.

CONCERNING THE DEATH OF CHAIM HERZOG

SPEECH OF

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. BUNNING. Mr. Speaker, it is with sadness that I rise today to recognize the passing of a true hero of Israel, President Chaim Herzog. His leadership and perseverance are examples of why Israel remains the only freely elected country in the Middle East.

Chaim Herzog dedicated his life to the creation and preservation of a free and independent Israel. As a true patriot, Mr. Herzog bravely fought the Nazis as Director of British Intelligence in northern Germany and after the war served as an officer in the Israeli Army during the war of independence in 1948. With Israel's independence secured, Chaim Herzog took on the responsibility of heading Israel's military intelligence branch and served as the country's defense attaché here in Washington, DC until 1954. After a long and distinguished career, Mr. Herzog retired from the army in 1962, with the rank of major-general.

Even after leaving military service, Mr. Herzog continued his work to ensure Israel's freedom. During the Six-Day War, Mr. Herzog was a voice for his people by providing in-depth analysis of the victorious Israeli Army and Air Force. Afterward, he became the first military governor of the West Bank.

Mr. Herzog soon returned to public service by serving as Israel's Ambassador to the U.N. from 1975 to 1978, where he argued against the U.N. resolution equating Zionism with racism and led the charge in defending the triumphant rescue of Israeli hostages in Uganda.

Mr. Herzog, returned to Israel where he was elected to the Knesset in 1981, serving until 1983. In 1983, Mr. Herzog was chosen as the sixth President of the State of Israel and served two terms, until 1993. During this time he improved relations between our two countries and continued Israel's efforts to bring peace to the Middle East.

Israel has lost a great hero with the passing of Chaim Herzog and America has lost a great friend.

TRIBUTE TO EL CENTRO DE AMISTAD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to El Centro de Amistad, which this year is celebrating its 20th anniversary. Now led by Angel Perez, El Centro has established an impressive record of providing help to at-risk youth and their families in the San Fernando Valley. Anyone who wants to see young people off drugs and away from gangs is grateful to El Centro for its efforts.

Founded in 1977, the original advisory board worked directly with the agency responsible for its development, the San Fernando Community Mental Health Centers, Inc. Seven years later the advisory board assumed the role of governing board, and El Centro de Amistad was born. A bilingual/bicultural nonprofit organization, El Centro offers health, mental health, education, and community action services. Many of its clients are poor Latinos, and many of these are recent immigrants.

El Centro focuses on reducing risk factors that can lead to violence, school failure, gang affiliation, and child abuse. The organization offers youth counseling, afterschool tutoring, and summer activities/youth job placement as healthy alternatives to destructive behavior. In 1996 El Centro provided direct services to 13,000 clients and an additional 10,000 family members. It's numbers such as these that vividly illustrate the importance of El Centro to the entire San Fernando Valley.

In 1989 El Centro opened a satellite center in the city of San Fernando to address the needs of an overwhelmingly Latino population. Eight years later, the San Fernando Satellite Center is an unqualified success. Among its many important duties, the Satellite Center has provided psychological counseling to residents in the aftermath of the devastating Northridge earthquake.

I ask my colleagues to join me today in saluting El Centro de Amistad, which has made a difference in the lives of so many people. Its dedication to making this a better world inspires us all.

IRISH DEPORTEES

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. LAZIO of New York. Mr. Speaker, I rise today in support of seven families now living in the United States. The fathers in these families, Noel Gaynor, Robbie McErlean, Gabriel Megahey, Matt Morrison, Charles Caufield, Kevin Crossan, Brian Pearson, are all Irish nationals, all married to American citizens or legal residents, and are facing deportion.

Earlier this year, I listened to the testimony of many of these families at a hearing before the Congressional Ad Hoc Committee for Irish Affairs. They have been living and working in the United States for many years, some for more than two decades. However, they live under the constant threat of deportation. Because of past political involvement, these men, their wives, even their children would most likely face violence and harassment if forced to live in Northern Ireland.

After years of living in turmoil, these men came to the United States to settle and raise their families. Mr. Speaker, they deserve no less than true, unbiased judgment by our laws.

A TRIBUTE TO SIMON GRATZ HIGH SCHOOL ON THE OCCASION OF ITS 70TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Philadelphia's Simon Gratz High School in my district, which this year celebrates its 70th anniversary. Named for the noted Philadelphia civic leader, legislator, educator, and philanthropist, Simon Gratz High School has been serving the north Philadelphia community since 1927. This is a truly comprehensive high school that provides a sound education to over 2,200 students with diverse needs and backgrounds, and serves as the "flagship school" of the Gratz cluster.

Simon Gratz has established six small learning communities within the school, designed to meet the needs and special interests of the students. These small learning communities include: the Automotive Academy, the Business Institute, the Center for Creative Communications, Crossroads for the Arts and Sciences, Magna Carta—Learning through Law, and Springboard—Allied Health and Teaching Careers. In addition to these special programs, Simon Gratz has a job training program and a teen parent educational center, the Constance E. Clayton Teen Parent Center, this named after our great, former superintendent of schools.

A matter of great pride for Simon Gratz High School and the surrounding community is its great tradition of excellence in athletics. The high school's comprehensive athletic program boasts particularly strong wrestling, football, baseball, and basketball teams. In fact, two recent Simon Gratz graduates were just in the national spotlight as teammates on the Portland Trailblazers team that made this year's NBA playoffs. Those two young men, Rasheed Wallace and Aaron McKie, are the latest in a long line of Simon Gratz scholar/athletes who have gone on to national prominence from their Philadelphia roots. Other famous Simon Gratz graduates include: Pat Kelly, former manager of the Minnesota Twins; Meldrick Taylor, a 1984 Olympic boxing gold medalist; Leroy Kelly, formerly of the Cleveland Browns; and Baseball Hall of Famer, Roy Campanella.

Other outstanding graduates include: our former colleague, William Gray III; the Honorable John Green, sheriff of Philadelphia County; Herman Mattleman, former president of the Philadelphia Board of Education; the Honorable Judge Katherine Streeter Lewis of the Philadelphia Court of Common Pleas; and the current principal of Simon Gratz High School, James G. Slaughter.

On Sunday, May 18, the administration, faculty, staff, and students of Simon Gratz High School will celebrate the 70th anniversary of the school by inviting back alumni, former faculty and administrators, and friends from the community. Mr. Speaker, I ask that my colleagues join with me today in honoring Simon Gratz High School for 70 years of excellence and service to the community of north Philadelphia.

GUAM STUDENT JENNY ANDREA TOVES TO REPRESENT SIMON SANCHEZ HIGH SCHOOL AT NATIONAL YOUTH SUMMIT TO PREVENT UNDERAGE DRINKING

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. UNDERWOOD. Mr. Speaker, yesterday, I met with Jenny Andrea Toves, a 14-year-old student from Simon Sanchez High School on Guam and her advisor, Mrs. Shirley Ruiz. Jenny was selected to represent Guam at the National Youth Summit to Prevent Underage Drinking that is being held here in Washington. The summit, which is sponsored by Mothers Against Drunk Driving, targets underage drinking as part of its overall effort to combat drunk driving.

Jenny came to attend the summit to gain ideas on how to raise the legal drinking age in Guam from 18 to 21. She is a member of her school's drug prevention club and is active in the young women's organization at her church. She is a member of the Guam Show Choir, the Board of Governing Students, and the student body association.

During our meeting, Jenny presented me with the top three youth summit recommendations that were adopted by summit participants. These include the automatic loss of license for those under 21 on their first alcohol-related offense, that zero tolerance laws for those under 21 have strong sanctions and include a strong media campaign to raise awareness, and that requirements be made for alcohol advertisers to pay for public service announcements to counter alcohol advertisements. It is clear from their recommendations that the direction from our youth is to seriously deal with these issues and to pursue them here in Washington and back home in their respective communities.

Jenny was sincerely excited about participating in the summit and has expressed her commitment to carry on with this work. I was proud to know that she will continue to lead, coordinate, and participate in educational and peer efforts designed to combat drunk driving and underage drinking at home on Guam. We should take notice of the willingness of Jenny and the other participants of the summit to work on these issues and commend them for their efforts. I know that I will be seriously considering these proposals and hope that my colleagues will do the same.

IRISH DEPORTEES

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. PAYNE. Mr. Speaker, I rise today to voice my personal concern about an issue of great importance to a number of families in New Jersey, an issue of fundamental fairness. Irish-Americans and their families have been discriminated against for many years. On February 6 of this year, many Irish-American families testified about their imminent deportation. These heartfelt testimonies conclude that deportation divides husband and wife, father and son, and mother and daughter. The separation divides the family unit and causes undue stress on extended family members. So, you can see why I am particularly concerned about the deportation of innocent Irish-Americans who in many cases have been denied due process.

Cases of individuals being targeted for prosecution by the Immigration and Naturalization Service include Noel Gaynor, Robbie McErlean, Gabriel Megahey, Matt Morrison, Kevin Crossan, Charles Caulfield, and Brian Pearson, who all share a number of similarities.

These men suffered political persecution in Northern Ireland. Several served time as special category political prisoners after being convicted through torture and extorted confessions. None of these men are currently wanted for any crime in Ireland, Northern Ireland, or Britain.

These are men who have led exemplary lives as productive, law-abiding members of their community. They are no threat to national security and their threatened deportation goes against the moral fiber of the United States.

In spite of these factors, the United States is zealously pursuing deportation proceedings against these men. The legal cost and not to mention the emotional strain are overwhelming and have taken a devastating toll on each of these families.

The Justice Department is seeking to have anyone imprisoned by the British for a political offense automatically deported regardless of how long they have lived in the United States.

Mr. Speaker, I would call to the attention of my colleagues the graphic portrayal of continuing British injustice toward the Irish in the movie "In the Name of the Father," based on a true and very tragic case.

I believe that due process of the law should be given to Noel Gaynor, Gabriel Megahey, and Brian Pearson, all of whom face deportation.

I have written letters to urge the administration to stop these unfair proceedings. If these individuals are deported, American families will suffer.

HONORING PATRICIA FORD, GERALD GRANTNER, AND MARVIN MCLAUGHLIN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to three individuals who have given so much of themselves in their duties as public servants to the citizens of Michigan. On Thursday, May 15, the staff of the Michigan Jobs Commission will recognize Ms. Patricia Ford, Mr. Gerald Grantner, and Mr. Marvin McLaughlin as they retire after many years of dedicated service.

Ms. Patricia Ford has been an advocate for disabled individuals for over the last quarter century. As a member of the group Disabled in Action, she successfully fought for the passage of the Rehabilitation Act of 1973. She began her employment with the State of Michigan in 1978 as a vocational rehabilitation counselor. Throughout her career, Ms. Ford has worked diligently with severely and multiply disabled individuals and has become a strong community advocate as well, developing effective partnerships with other community agencies. Her selfless and pleasing manner was responsible for her being named Michigan Rehabilitation Services Counselor of the Year in 1989.

Mr. Gerald Grantner is leaving after almost 30 years of service to the citizens of Michigan. Beginning in 1968 as a vocational rehabilitation counselor, Mr. Grantner became district manager of the office in Flint, MI, in 1970. In addition to his working tirelessly on behalf of the public, he has also developed affiliations with groups such as the Bentley School Board of Education, Goodwill Industries of Mid-Michigan, and the Burton, MI, Planning Commission, among others.

Mr. Marvin McLaughlin also began his career with the State of Michigan as a vocational rehabilitation counselor, first in 1965, and then again in 1969 after receiving further education. In the nearly 30 years, he has worked with the jobs commission, the citizens he has worked with have benefitted greatly from his determination and ambition. To those close to him, Mr. McLaughlin has been called a man of high professional and ethical standards, qualities that he has exhibited time and time again in both his professional and personal life.

Mr. Speaker, it seems only fitting that these three, who have practically begun their careers together as a team, shall bring their careers to a close together as well. I am exceptionally proud of the service they have provided to many throughout the State, and I am sure that their deeds shall provide a worthy example to emulate.

HONORING OUR PROTECTORS

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. CHRISTENSEN. Mr. Speaker, I rise today in appreciation of police men and women across this country. This week the National Peace Officers' Memorial Service will be held on the west front of the U.S. Capitol. This memorial service is a tribute to peace officers who have put their lives on the line for the safety of our neighborhoods and communities. I wish we didn't have to have these memorials—I wish that we never had to mourn the loss of a single police officer. But sadly we do.

Unfortunately, we seem to be losing more officers each year. In our Nation's capital, we have lost three officers in just a few months.

Almost 2 years ago, my district lost a true hero. Jimmy Wilson Jr. was on duty with the Omaha Police Department and was shot while he was in his patrol car, still restrained by his seat belt, and in a position where he could not defend himself. Jimmy Wilson Jr. was killed in cold blood. He gave his life defending me, defending my family and friends, and defending all those who make Omaha their home. I honor him today and all of the other officers whose lives have been taken prematurely and without cause or warning.

When will this senseless killing come to an end? It won't end until we start making the penalty fit the crime and get rid of the antipunishment mentality that exists.

If I have learned anything over the past year in Congress, it's that there are two opposing views on crime in our country. There are those who believe that crime is not necessarily an issue of personal responsibility, but of environment. They tend to believe that the criminal lawyers, liberal jurists, and endless death penalty appeals have been a good development for our criminal justice system. They advocate rehabilitation, lenient sentences and legal loopholes, often in the name of compassion.

Then there are those like myself—those who are sick and tired of criminals preying on our police officers, our families and children. We're tired of our kids being afraid to walk to school alone. We're tired of the illegal drugs that are poisoning our youth and eating away at their futures. We're tired of seeing our prisoners treated better than the working men and women in this country.

If we are to rebuild the American dream, it is here where we must begin. Stone by stone, brick by brick—we must rebuild the foundation of this great Nation to ensure freedom from fear, freedom from drugs, and the opportunity to achieve the American dream.

This isn't a battle that we can win overnight. But, we must begin to rebuild our foundation before it is too late. How many more senseless killings must occur before we realize that our current criminal justice system is not working; before we realize that crimes that go unpunished send a message of tolerance to criminals and do nothing to help our Nation rebuild its foundation; before we realize that leaving criminals in our community fails to protect our citizens and neighborhoods.

We must act now. The sooner we take action the sooner we can make the law of the land actually mean something again.

A TRIBUTE TO THE ROTARY CLUB OF MUGELLO, ITALY, ON THE OCCASION OF ITS 20TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the members of the Rotary Club of Mugello, Italy, who have provided civic and humanitarian services to their community for the past 20 years.

Established in 1977 in the town of Mugello, nestled in the beautiful hills of Tuscany in Italy. Its members from Firenze, Scaperia, and Borgo San Lorenzo represent business and professional leaders of Tuscany, Italy. They include, physicians, dentists, architects, engineers, high fashion clothing designers, heavy machinery manufacturers, publishers, government officials, cattle ranchers, and businessmen.

This club has established twin-club relationships in France, Greece, and Philadelphia. Through Rotary International, the Rotary Club of Mugello has established scholarship funds for Italian graduate students to study at graduate schools in the United States of America.

This club has close ties to America through Judge Joseph C. Bruno and his wife, Kathie of Philadelphia, U.S.A. Judge Bruno, past governor of Rotary International District 7450, is an honorary member of the Rotary Club of Mugello and along with his wife, Kathie, visits with the club members every year in Tuscany. He reports that the humanitarian services rendered internationally by the Rotary Club of Mugello, are admired by rotary clubs around the world.

The Rotary Club of Mugello, under the leadership of its President, Paolo Collini, and its incoming President, Alvaro Baglioni, will celebrate 20 years of "Service Above Self" which is the motto of Rotary International.

The following are members of the Rotary Club of Mugello: Agostini Alfredo, Ariani Lamberto, Aspesi Pierangelo, Azzurri Gianfranco, Baglioni Alvaro, Bartolini Riccardo, Berretti Alessandro, Beretti Antonio, Bertetti Luciano, Berti Leonardo, Bettini Franco, Billi Carletto, Borgioli Adriano, Cafulli Felice, Calo Armando, Catini Marino, Cerchiai Umberto, Chelazzi Giovannino, Chini Ferdinando, Collini Paolo, D'Agliana Giancarlo, Diani Pier Francesco, Fiorentini Giorgio, Fronticelli Paolo, Gambi Siro, Grazzini Massimo, Greco Giuseppe, Guandalini Carlo, Guarnieri Guliano, Lapucci Enrico, Livi Daniele, Lorenz Rudolf, Malhotra Chandra Parkash, Manini Angiolo, Maini Benito, Manneschi Luca, Margheri Mario, Mercatali Luifi, Michienzi Pasquale, Muraro Giovanni, Naldoni Desiderio, Nencetti Mario, Nencetti Roberto, Niccilai Giancarlo, Niccolai Raffaello, Paladini Guseppe.

50TH ANNIVERSARY OF THE I.A.M.A.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. PALLONE. Mr. Speaker, on Saturday, May 17, 1997, the Italian American Memorial Association [IAMA] of Long Branch, NJ, will celebrate its Golden Anniversary—50 years of serving the community. As a life-long resident of Long Branch and the son of a World War II vet, I am indeed proud to pay tribute to this great center of civic and social life in our community.

Mr. Speaker, the IAMA was established as a living memorial to Italian-Americans who made the supreme sacrifice for their country, giving their lives in World War II. Its prime purpose is to promote physical fitness, build good character in our youth, and aid in the development of the mind and body through civic, social, recreational, and athletic services in the city of Long Branch.

On April 19, 1947, a certificate of incorporation for the IAMA, drawn up by Attorney Theodore Mirabella, was approved by the New Jersey Secretary of State. Its charter members were Joseph Tomaine, Leon Giordano, Angelo Francese, Philip Tomaine, and Joseph P. Tomaino. Membership was originally limited to men of Italian descent, although the membership has since been opened up to other ethnic groups.

Association meetings were at first held in members' homes, but as the membership grew the organization moved to several different locations until 1953, when the members purchased Temple Beth Miriam on North Bath Avenue. Two years later, a youth baseball league was established by IAMA. But in 1958, disaster struck: the IAMA hall burnt to the ground as members were preparing for a New Year's Eve Gala. But the members did not let this tragic incident stop them. They went back to meeting in basements, homes, and businesses until they purchased from the city of Long Branch, in 1959, a piece of land on West End avenue. The facility was later physically moved to the corner of West End and Indiana avenues, with IAMA members pitching in to do the construction, carpentry, and other work.

Into the 1990's, IAMA continues its work of promoting social, cultural, and recreational activities for the citizens of Long Branch, especially the young people. In addition to starting the baseball league, the IAMA organized a Pop Warner football team and the Long Branch Boxing Association, and holds drug and alcohol-free dances for high school students. Each holiday season, the organization donates to the Long Branch Middle School Thanksgiving Food Drive and Christmas food baskets, as well as the school's Operation Sleighbell project, which distributes toys to kids who might not get Christmas gifts otherwise. IAMA has raised money for children in need of special medical attention at Ronald McDonald House. It supports forensic and debating teams at Long Branch High School, as well as special programs for disabled athletes. The IAMA building also houses a variety of athletic facilities and equipment. The association always comes up with a variety of exciting and enjoyable activities to raise funds for these worthy goals.

Albano Hall was dedicated last November in memory of Anthony Albano, a life member who was noted for bridging the gap between the new and the old organization, and the man responsible for restarting the memorial services after a 25-year lapse.

As a recent article in the Atlanticville newspaper of Long Branch put it, the IAMA is an organization that has become part of the identity of the community it serves. Mr. Speaker, I am proud to pay tribute to the 50th anniversary of the IAMA, and I look forward to participating in the celebration of this momentous occasion.

A TRIBUTE TO ALFRED AND DARYL SAUNDERS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to recognize the work of a remarkable couple, Alfred and Daryl Saunders. Their work as educators, entrepreneurs, parents, and community leaders has been a model of civic duty within our community. This commitment to their community is not a recent trend, rather it is a lifelong pursuit.

As a young man, Al followed his dream and became a baseball umpire, after several years of umpiring he returned home to his family in California. A short time later he was called to serve his country and did so as a supply sergeant in the Korean war. Upon completing his tour of duty he entered the publishing business and he later established Newcastle Publishing Co. where he now serves as president and chief financial officer.

Daryl's family moved to southern California when she was a young girl. She graduated from California State University-Northridge and went on to teach at the elementary school level. After years of teaching she elected to use her skills to assist low-income families by helping them find quality child care. She currently assists Al in the family's publishing business.

In the Saunders' 30 years of marriage they have volunteered their time to several charitable organizations. The Shriners, Valley Jewish Business Leaders and City of Hope just to name a few. They also have served as volunteers and leaders in their local temple, the Temple Ner Maarav. In their 20 years at the temple, they have each served as president and vice-president on various committees and have been involved in virtually all aspects of the temple. Their dedication to their local community through their leadership and voluntarism is truly remarkable.

It is an honor to represent Al and Daryl. In their hard work, close knit family and spirit of voluntarism they exemplify those characteristics that make this Nation great.

COMMENDING THE HUMAN INVESTMENT PROJECT FOR OUTSTANDING WORK IN PROVIDING AFFORDABLE HOUSING IN SAN MATEO COUNTY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in commending the Human Investment Project, Inc. [HIP] for its outstanding efforts to provide affordable housing opportunities to low-income persons who wish to reside in San Mateo County, CA. I am enormously proud of HIP's record of accomplishment and am honored to be able to praise its good work.

In these times of budgetary constraints, when Federal, State, and local governments are forcing the most vulnerable members of our society to fend for themselves, we inevitably turn to private, nonprofit organizations to step in and help. HIP meets that challenge by serving the housing needs of the community with an emphasis on those with special needs including single parent families, seniors, and the homeless.

Founded in 1972, HIP set out to assist the disadvantaged and disabled living in San Mateo County. As times changed and new housing challenges arose, however, HIP developed new and innovative responses. HIP began with the homesharing help and information program, a service linking people with housing to share with others needing a place to live at an affordable price. Since its creation, HIP has made more than 7,000 homesharing placements and has become the largest provider of shared housing in the Nation.

In 1985, HIP created the lease-a-home program where it leases properties on the open market and then sublets them to people with special needs at an affordable price. HIP also manages properties through its property development program where it manages group share homes and apartment units for low-income and homeless persons and developmentally disabled adults.

In 1987, HIP established the home equity conversion program to assist seniors in turning their home equity into cash that allows them to keep living at home. Due to this program's outstanding reputation statewide, lenders and services providers have been referring clients to HIP for counseling.

HIP's efforts to help low-income single-parent families—undoubtably the most underserved segment of the population in terms of affordable housing—resulted in several programs aimed at self-sufficiency for single parents. The group share program established in 1988 provides shared living for single-parent families with two or more children. In 1991, HIP began its self-sufficiency program to subsidize rent and utilities for single parents who live in HIP owned or managed property so that they can continue their education or job training and find employment. HIP's mentor program supplements the self-sufficiency program by matching participants with volunteer mentors. Mentors provide guidance and support for professional growth and career advancement.

Most recently in 1993, HIP embarked on its homelessness prevention program. This effort targets those who are homeless or at the greatest risk of homelessness: the disabled, persons with special needs, single parents, the working poor, and others in affordable housing. The program matches these candidates with very low rent opportunities or opportunities to provide services in lieu of rent.

As a result of its commitment to the citizens of San Mateo County, HIP has received well-deserved recognition. The 102d U.S. Congress cited HIP for its "innovative solution to vexing housing problems." In addition, the American Society on Aging granted HIP its Best Practice Award for its work with the elderly.

Mr. Speaker, once again, I urge my colleagues to join me in commending the Human Investment Project for making a tremendous and lasting contribution to the citizens of San Mateo County. Standing out among the myriad activities and projects that occupy our daily lives, HIP struggles to keep homelessness at bay for thousands of people. In its perseverance and dedication, the Human Investment Project humbly reminds us that we are our brothers' and sisters' keeper.

FRANKLIN COUNTY WELCOMES NISSAN

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. HILLEARY. Mr. Speaker, this is a proud and happy day for the citizens of Franklin County, TN. Today, Nissan will formally dedicate its all-new $80 million powertrain assembly plant in Decherd, TN.

This new plant—Nissan Motor Manufacturing Corp.'s first expansion site outside of Smyrna, TN—will assemble 200,000 engines and 300,000 transaxles annually. The engines will be installed on Nissan's Altima passenger sedans manufactured in Smyrna, and the transaxles will be placed on Altimas and Nissan/Quest/Mercury Villager minivans built in Avon Lake, OH.

Nissan's expansion means that over 400 new jobs will be created in middle Tennessee. These are good jobs, which also serve as a catalyst for economic growth in Franklin County. That's good for everybody, not just the people who get jobs with Nissan.

The opening of this new plant is only the latest chapter in Nissan's long record of investment in Tennessee and in America. Nearly 40 years ago, Nissan sold its first vehicle in the United States. Almost 15 years ago, Nissan build its first truck in Tennessee. Since then, Nissan has grown tremendously, changing from a company that exclusively imported cars and trucks to a major U.S. automotive manufacturer with investment in the United States totalling over $2 billion. Fifteen years ago, Nissan made no vehicles here and bought few parts from U.S. suppliers. Now, over 70 percent of the Nissan cars and trucks sold in America are made here, and Nissan buys over

$4 billion worth of parts and materials from U.S. suppliers each year.

Nissan's powertrain assembly plant is a good example of how international investment and trade can benefit people in places like Franklin County. We all hear about companies shutting down their American plants and moving operations overseas. Nissan, however, has turned this "conventional wisdom" on its head. The engines that will be made in Decherd have up till now been produced in Mexico and imported into the United States. Likewise, the transaxles that will be made at the Decherd facility have previously been assembled in Japan.

I applaud Nissan's confidence in America and extend our warmest welcome to Franklin County, TN.

THE BUDGET AGREEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, May 14, 1997, into the CONGRESSIONAL RECORD.***HD***The Budget Agreement

President Clinton and congressional leaders recently reached an outline agreement on a plan to balance the budget in the year 2002. The agreement was reached principally because of the benefits of a roaring economy. Some tough decisions were made; many more were postponed. The agreed outline is a significant political achievement, but its economic impact remains to be seen.

Balancing the budget would be a major accomplishment. It would show that the federal government can get its fiscal house in order, and it would boost the economy. But I have been uneasy with the extravagant rhetoric accompanying the agreement. Several proponents have labeled it "historic", yet the plan makes fewer tough fiscal choices than the 1990 and 1993 budget agreements. I think there is a little less here than meets the eye.

The agreement is only a broad outline of budget policies. It calls for Medicare savings of $115 billion and Medicaid savings of $15 billion. Tax changes include $135 billion in reduced taxes, which may include a child tax credit and modest capital gains and estate tax relief. The agreement also reportedly includes education tax credits.

Details Unknown: The outline of this agreement is vague and missing critical details. Almost nothing is in writing. Negotiators disagree on interpreting key details, and the entire agreement may be in jeopardy. Congress must divide the money for tax cuts among popular competing proposals. New education programs must be fleshed out, and politically unpopular spending cuts must be approved. Disagreement on any of these unknown details could derail the agreement.

Economic Projections: One thing is clear: this agreement will fail to balance the budget if we have a recession before 2002. The longest period without a recession in the United States was 8 years and 10 months, from 1961 to 1969. We are now 6 years and 2 months into the expansion that began in March 1991; five more years without a recession would be unprecedented.

Final agreement was reached only when last-minute favorable economic forecasts gave negotiators an additional $225 billion to play with. This dramatic, overnight change demonstrates the power the economy has on the federal budget. With strong growth, deficits remain low. But if the economy falters, income falls and deficits soar, and it is difficult to rejuvenate economic activity. For this reason, budgets should be evaluated not just on bottom-line spending, but on the specific details with potential for long-term economic growth. The specifics in the following areas will be critical for the economy's future.

Tax Cuts: The proposed tax cuts include some measures, such as a child tax credit, that few economists believe will increase economic activity. They also do not reform payroll taxes, which hit low- and moderate-income families hardest and deter job creation.

Education: Investing in education can increase economic potential, but we must be careful to avoid tax credits or spending programs that will just drive up college tuition. The focus must be on training skilled workers for today's competitive, hi-tech markets.

Infrastructure: A successful budget will provide and maintain the roads, bridges, airports, water systems, and information networks necessary to keep the economy running smoothly. In southern Indiana, virtually all of the growth in the past few decades has coincided with improved infrastructure.

Long-term outlook: There is little in this agreement to avert the spending problems caused by our aging population. No serious Medicare policy changes are in this agreement, and negotiators did not consider proposals to improve the long-term health of Social Security. Also worrisome is the long-term impact of the proposed tax cuts. The proposed tax cuts will reduce revenue by $85 billion in the first five years, but they double in cost over the next five years. The previous five budget plans (1978, 1981, 1983, 1986, and 1990) all projected long-term balance, but Congress backed down when confronted with later-year tough decisions.

Winners and Losers: I have concerns about the fairness and equity of this plan. It will further imbalance a society that already has a sharp divide between well-to-do and moderate-income Americans. The agreement apparently gives tax breaks to the well-to-do and the middle class. These cuts are attractive, but they are offset by spending reductions in programs for the poor. We continue our recent habit of putting most of the balanced budget burden on the backs of people with modest means. The cuts in food stamps, job training, and public assistance have been substantial.

Like most successful negotiations, each party claimed victory, but they also gave things away. The congressional majority will get tax cuts for investors and the middle class, but they had to accept many of the President's spending priorities. The President got some extra money for education, children's health, and environmental protection, but he had to accept some of congressional leaders' tax and spending cuts. For this budget to be enacted, both parties will have to vote for specific proposals they find distasteful.

If a balanced budget is achieved, many Americans will gain. Interest rates will fall, savings and investment will rise, the trade deficit will shrink, and the economy should grow a little faster for a longer period of time. But older persons will pay more for Medicare, and physicians and hospitals will be squeezed. Defense industries will see some reductions, and airline travelers will continue to pay a ticket tax. Lower income Americans, who receive housing, heating, and nutrition support, are likely to see those programs reduced.

Conclusion: This budget agreement is significant more for the political consensus it represents than any great policy shift. I will reserve judgment until I see more than a vague outline. The plan may or may not reach balance in 2002, but it was achieved in an atmosphere of civility that can be important for the future. I am hopeful this spirit will give all parties confidence to work together on greater challenges in the future. These challenges must include a serious effort to address the longer-term budget issues that have been pushed to the side.

IN RECOGNITION OF IRISH FAMILIES FACING DEPORTATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today in order to bring attention to the cases of Mr. McErlean, Mr. Megahey, Mr. Morrison, Mr. Crossan, Mr. Caulfield, and Mr. Pearson—Irish men who live in fear of being deported. They are all here legally, some have been here for over 20 years. They are married to American women or legal citizens and have American children and grandchildren.

They are not criminals, nor wanted for any crime in Ireland, Britain, or America.

However, these men are being targeted by the INS because they were imprisoned in Britain as political prisoners.

If the INS proceeds with their deportation, American families will suffer either the specter of having their family torn apart or having to move back to the North of Ireland where the persecution will resume.

There is no good reason to pursue these deportations. I think our justice system is the fairest in the world, but I think if we allow these men to be pulled away from their productive lives in America, justice will not be served and may endanger the lives of these American families.

I stand by my friends in the Committee for Irish Affairs who are making only a small plea for basic human rights for people who are our neighbors.

TRIBUTE TO DAVID EATON REYNOLDS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to David

Eaton Reynolds, a young man from Eaton, CO, who had planned to celebrate this day, his last day of high school, with friends and classmates. However, for reasons known only to the Almighty, David was called home to the Lord on Monday, April 7, 1997.

The proud son of Allen and Lynda Reynolds, David was a very courageous young man who loved participating in life despite a long-term illness. He was a manager on the Eaton High School football team and a member of the Knowledge Bowl. He had a keen interest in current events, especially political issues, and ran his own newspaper, The Eaton Gazette. He also enjoyed traveling and doing things with his three brothers and cousins.

I came to know David when he volunteered on my congressional campaign last fall. He faithfully came to our headquarters and became an integral part of our volunteer effort, cheerfully performing important tasks such as telephoning people and asking for their vote. He carried out each assignment with much enthusiasm and determination, as if the outcome of the election was solely his responsibility.

As a devoted Christian, David was a member of the United Congregational Church of Eaton. He lived his faith every day exemplifying the principles of honesty, compassion, charity, and love.

Mr. Speaker, I am honored to pay tribute to David. He is going to be missed by so many in the community, most especially his parents and brothers, and his many friends including myself, but we can say our lives were enriched because we knew David Eaton Reynolds, a young man who loved his family and living life to its fullest. Surely, at the gates of Heaven he is able to say, as the Apostle Paul did, "I have fought the good fight, I have finished the race, I have kept the faith."

MATT MORRISON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. CLAY. Mr. Speaker, I rise to protest the deportation of Matt Morrison. Mr. Morrison is a highly respected member of the St. Louis community where he has lived as a model citizen for more than 11 years. He is married to a native St. Louisan and is the father of two young children. My office has received thousands of pleas from Missourians who support Matt Morrison's request for political asylum.

The Immigration and Naturalization Service's arbitrary interpretation of the law in the case of Mr. Morrison and other Irish nationals is an abominable injustice. There is absolutely no evidence to support that Mr. Morrison is now or has ever been a criminal or a terrorist. Mr. Morrison is a man of principle and conscience. As a college student he was involved in the struggle for freedom in Northern Ireland, he engaged in political protest activities and without benefit of a jury trial, he was jailed for his beliefs.

The Justice Department is wrong to deport Matt Morrison. The fabrications about Mr. Morrison jeopardize the integrity of our laws. There is no legitimacy to the actions our Government has taken against Matt Morrison. I implore Attorney General Reno and President Clinton to halt the persecution of Irish nationals in our country. Rather than serving the cause of justice, the deportation of Matt Morrison will only compound the inequities that inhibit peace and understanding.

CONCERNING THE DEATH OF CHAIM HERZOG

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Ms. BROWN of Florida. Mr. Speaker, yesterday the House of Representatives unanimously approved a resolution honoring one of Israel's greatest leaders—President Chaim Herzog.

I want to express my true sympathies to Chaim Herzog's family and the people of Israel for having recently lost one of their favorite sons.

Born in 1918, Chaim Herzog was son to Yitzhak HaLevi Herzog, the Chief Rabbi of Ireland. To protect his son from the hazards of the Irish revolution, the elder Herzog sent his son from Dublin's Irish-Jewish ghetto to Palestine for schooling. In his formative years, Judaism taught him to respect the law so greatly that Herzog went on to eventually receive his bachelor of law degree at the University of London and a degree of barrister at law from The Honorable Society of Lincoln's Inn in London.

But Herzog's belief in one true Jewish homeland was never far from his heart. He returned to Jerusalem in 1935 and served in the Jewish Defense Forces, commonly known as the Haganah, during the Arab revolt that lasted from 1936 to 1938.

As Nazi Germany's evil empire began to overtake Europe, Herzog knew of his obligation to fight for and protect the Jewish Diaspora. A graduate of the Royal Military College, Herzog fought in World War II for the British Army, rising up to be the head of intelligence in northern Germany.

As one of the first soldiers to liberate the concentration camp of Bergen Belsen, Herzog was left with an indelible impression of the horrors of the Holocaust. This experience underscored his belief that Jews needed their own homeland.

Soon after his return to Palestine, Herzog fought in 1948 as an officer in Latrun, one of the bloodiest battles in Israel's War of Independence. From Herzog's success as an officer and intelligence experience in World War II, he created Israel's superb military intelligence infrastructure. In fact, he served as the head of the Israeli Defense Force's Military Intelligence Branch from 1948 to 1950 and 1959 to 1962. In between his terms as intelligence head, Herzog served as defense attaché in Washington, DC., at the Israeli Embassy. He continued to further his military career until 1962, when Herzog retired from active duty as a Major General.

When one would have preferred a private life at this point in his life, Herzog was thrust back into the military arena as the leading military commentator on Israeli radio during the 1967 Six-Day War. After the war, Herzog was appointed as the first military governor of the West Bank.

At the age of 57, Herzog made the jump from military leader to diplomat. In 1975, Herzog was sent to New York to serve as the country's Ambassador to the United Nations. During the 3-year period he served as the Ambassador, Herzog is most known for speaking against the U.N. resolution that equates Zionism with racism.

Herzog continued his political career when, in 1981, he was elected to Israel's Parliament, the Knesset, on the Labor Party ticket. As a Member of the 10th Knesset, Herzog served on the Foreign Affairs and Defense Committee and the Legislation and Judiciary Committee. in 1983, he was chosen as the sixth President of the State of Israel. From there, Herzog went on to be the longest serving President in Israeli history until 1993.

Throughout his life, Herzog has reported his life's observations. Some of his national writings include "The Arab-Israeli Wars," "Israel's Finest Hour," and "The War of Atonement." In his final book, "Living History," Herzog writes:

> When I disembark, I hope that everything my generation and I dreamed of and fought for will have come true * * * I pray that the world will have taken even greater steps toward Democracy and the guarantee of human rights, and that dignity will have become the universally accepted value of mankind.

Because of Chaim Herzog, I believe his dreams have come true. President Herzog—a soldier, a diplomat, and a voice to the world. He has truly been a light unto the nations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 15, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 16

10:00 a.m.

Labor and Human Resources

To hold hearings to examine adult education programs.

SD–430

MAY 19

11:30 a.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold hearings on H.R. 363, to extend through 1998 the Electric and Magnetic Fields Research and Public Information Dissemination Program, along with corresponding deadlines for the submission of certain reports concerning the extent to which human health is affected by exposure to electric and magnetic fields produced by electric energy.
SD–366

2:00 p.m.
Special on Aging
To hold hearings to examine the current Medicare payment system, focusing on managed care payment.
SD–562

MAY 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–124

9:30 a.m.
Judiciary
Immigration Subcommittee
To hold hearings on proposed legislation granting lawful residence to Michel Meili.
SD–226

10:00 a.m.
Armed Services
To hold hearings on the Quadrennial Defense Review, focusing on the impact of its recommendations on national security entering the 21st century.
SD–106

Labor and Human Resources
To hold hearings to examine the quality of various health plans.
SD–430

Commission on Security and Cooperation in Europe
To resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO).
SD–538

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Capitol Police Board and the Congressional Budget Office.
S–128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on international financial institutions.
SD–138

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to examine the Federal Communications Commission implementation of the Telecommunications Act of 1996, focusing on efforts to implement universal telephone service reform and FCC proposals to assess new per-minute fees on Internet service providers.
SR–253

MAY 21

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine program efficiencies at the Department of Transportation.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Indian Affairs
To hold oversight hearings on programs designed to assist Native American veterans.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

Finance
To hold hearings to examine the Federal Employees Health Benefit Plan as a model for Medicare reform.
SD–215

Foreign Relations
To hold hearings on United States implementation of prison labor agreements with China.
SD–419

2:00 p.m.
Armed Services
To continue hearings on the Quadrennial Defense Review, focusing on its impact on the future years defense program.
SH–216

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. Res. 57, to support the commemoration of the bicentennial of the Lewis and Clark Expedition, S. 231, to establish the National Cave and Karst Research Institute in the State of New Mexico, S. 312, to revise the boundary of the Abraham Lincoln Birthplace National Historic Site in Larue County, Kentucky, S. 423, to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason, S. 669, to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site, and S. 731, to extend the legislative authority for construction of the National Peace Garden memorial.
SD–366

MAY 22

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the professional boxing industry.
SR–253

Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.
SH–216

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to review the activities of the Substance Abuse and Mental Health Services Admninistration, Department of Health and Human Services.
SD–430

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet.
SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold a workshop on the proposed "Public Land Management Responsibility and Accoutability Act".
SD–366

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the antitrust implications of the college bowl alliance.
SD–226

JUNE 4

9:00 a.m.
Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD–226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

POSTPONEMENTS

MAY 15

2:00 p.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on the export of the Iranian revolution.
SD–419

MAY 20

10:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on NASA's international space station.
SR–253

SENATE—*Thursday, May 15, 1997*

The Senate met at 9:15 a.m. and was called to order by the Hon. John ASHCROFT, a Senator from the State of Missouri.

The PRESIDING OFFICER. We are favored today with the presence of a guest Chaplain, Dr. Greg Mathis of Mud Creek Baptist Church from Hendersonville, NC. Our guest Chaplain will lead the Senate in prayer.

PRAYER

The Reverend Dr. Greg Mathis of Mud Creek Baptist Church, Hendersonville, NC, offered the following prayer:

Let us pray:

Heavenly Father, thank You for the privilege of prayer. In obedience to You, I lift up the leaders of our country who are in positions of authority and responsibility. Remind each of us this day that all wisdom begins with You. Help us, O Lord, to work this day to protect our heritage, to find common ground for the present, and to have a vision for the future. May this be our purpose. Heavenly Father, guide us to give careful thought to our ways. Grant special insight to our leaders to anything that would threaten our country. Give integrity to them today as they hear, speak, think, and decide. Give them initiative to accomplish something for the good of all. Remind us, O Lord, that You are sovereign. May Your word be our standard of righteousness. May Your love be our example of kindness. May the wonderful salvation You offer to us through Your son, Jesus Christ, find acceptance. Heavenly Father, I pray that everything that transpires here this day will be pleasing to You and in accordance with Your will. This I pray in the name of Jesus Christ, the Saviour of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN ASHCROFT, a Senator from the State of Missouri, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ASHCROFT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

THE GUEST CHAPLAIN

Mr. FAIRCLOTH. Mr. President, the Reverend Greg Mathis, pastor of Mud Creek Baptist Church in Hendersonville, NC, is one of our outstanding ministers from North Carolina. Reverend Mathis graduated from Southeastern Baptist Theological Seminary in Wake Forest, NC, and he has pastored Mud Creek for 20 years. During that time, the church experienced a remarkable growth under his leadership. Reverend Mathis is serving his second term as president of the North Carolina Baptist State Convention. The North Carolina Baptist State Convention is the foremost religious organization in North Carolina. It has 3,600 churches and represents 1.2 million worshipers.

Reverend Mathis' wife, Deborah, is with us today, and his three children are back in North Carolina attending school. Also with Reverend Mathis today is the chairman of the board of deacons, Greg Corn, and his wife, Susie.

It is a distinct honor and my pleasure to have Rev. Greg Mathis as our guest Chaplain of the U.S. Senate today and to have led us in our opening prayer. I thank him for being here.

SCHEDULE

Mr. JEFFORDS. Mr. President, for the information of all Senators, today the Senate will resume consideration of S. 4, the Family Friendly Workplace Act. Under the previous order, at approximately 10 a.m., the Senate will vote on a motion to invoke cloture on S. 4. Following that vote, there will be a period for morning business until the hour of 11 a.m. to accommodate a number of the Senators who have requested time to speak. In addition, I remind all Members that they have until 10 a.m. to file second-degree amendments to S. 4.

Also, by previous order, at 11 a.m., the Senate will resume consideration of H.R. 1122, the partial-birth abortion ban bill, with Senator FEINSTEIN recognized to offer an amendment. Debate on the Feinstein amendment will last until approximately 2 p.m., with the time equally divided between Senator FEINSTEIN and Senator SANTORUM. At approximately 2 p.m., a rollcall vote will occur on, or in relation to, the Feinstein amendment.

Following the disposition of the Feinstein amendment, Senator DASCHLE will be recognized to offer his amendment to H.R. 1122, and under a consent agreement, there will be 5 hours of debate in order equally divided between Senator DASCHLE and Senator SANTORUM. Therefore, Senators can anticipate a vote on, or in relation to, the Daschle amendment later this evening. Consequently, Members can expect rollcall votes throughout today's session of the Senate. As always, Senators will be notified with as much notice as possible as to the exact time of these ordered votes.

The majority leader reminds all Members that next week, as the last week prior to the Memorial Day recess, as Senators are aware, we have a number of important issues which we hope to complete action on prior to the recess, including the budget resolution, any conference reports that are available and any executive nominations that can be cleared. Therefore, the majority leader appreciates the cooperation of all Members in the scheduling of legislative business and votes next week.

I thank my colleagues for their attention and yield the floor.

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER (Mr. BROWNBACK). The Chair lays before the Senate, S. 4, with debate equally divided until the hour of 10 a.m. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield to the Senator from the State of Texas—I am not sure how much time she needs, 15 minutes?

Mrs. HUTCHISON. That will be fine. I probably will not need all of that.

Mr. JEFFORDS. Fine.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 15 minutes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mrs. HUTCHISON. Thank you, Mr. President, and I thank the chairman of the committee.

We are going to vote in about an hour and a half to invoke cloture, which means we are going to vote on whether we can take up the Family Friendly Workplace Act. Mr. President, this act is long overdue. This is going to free the hourly employees of our country to have the same flexibility that Federal workers now have, that most State workers now have, that salaried employees now have. Only hourly employees are not able to walk into their employer and say, "Could I take off at 3 o'clock Friday afternoon to go to my child's soccer game and work 2 extra hours on Monday?"

The hourly employees of this country are not allowed to walk into their employer and say, "You know, I don't ever work overtime, but I'd like to be able to work some extra hours and bank those so that when I am able to go on a camping trip with my child, I will have those hours to do it."

An hourly employee is not allowed to walk in to his or her employer's office and say, "I would like to know if it would be possible for me to work maybe 9 hours everyday for 2 weeks and take every other Friday off." An hourly employee cannot do that. And yet this has worked so well for Federal employees and salaried employees who have dealt with the stresses of being a working mom or a working dad. They need to work, they need the extra income, but they do not have enough time with their children. Salaried employees can do this. Federal employees can do this. State employees can do this. But hourly workers cannot. Why? Because the Federal Government says they cannot, because the Federal Government discriminates against employees by a bill that was passed into law in 1938.

Mr. President, in 1938, 10 percent of the women in this country with children worked—10 percent. So it was not exactly an issue on the front burner at the time that working moms had the kind of stresses they do today. The ones who were working did, no question about it, but there were not as many. Today, two-thirds of the working women in this country have school-age children—two-thirds.

I was talking to my daughter last night. I was worried because I had not heard from her. I left a message for her Sunday. Ray and I were trying to reach her and we left a message for her Sunday and said call us back. She did not call back. She called me last night about 10:30, and she said, "Oh, gosh, I'm really sorry, everything is fine, but I had just beem volunteering full time at the school and Travis' Little League directors meeting was tonight, I had just gotten home from the directors' meeting, and we have been working with our twin daughters having a pen pal program with another school and were planning a party for the children who were coming over to meet for the first time."

My gosh, I thought, how does she have enough hours in the day, and she is a full-time mom. What if she were working and trying to do those wonderful things that she is doing to support her son's Little League, or our twin granddaughters' activities in Brownies, which she hosts every week at her home? All the extra hours that she volunteers at school, reading to all the children in school at the library, I thought, what if she were a working mom? And I thought to myself, two-thirds of the working women in this country have school-age children, and they would love to do what Brenda Maxon, our daughter, does volunteering at school to read to the children, being on the board of directors of the Little League, working with her twin daughters' pen pal class and having Brownie troop meetings every week. Those are such wonderful things, and I am so grateful that my grandchildren have such a wonderful mom.

But, Mr. President, if she were working full time, she would have the stresses that would make it impossible. Impossible. Every mom would like to be able to do those things. We are trying to relieve some of that stress with this bill. We are going to try to give hourly employees the ability to say, "I would like to host a Brownie troop every other Friday. Could I work 9 hours every other day of the week and take every other Friday off so I can host a Brownie troop for my daughter?" That is what we want for the hourly employees of our country.

What this bill does is allow the hourly employees to come in and say, "I'd like to work overtime and bank the hours to take a day off." Or, if an employer says, "I need overtime work," the person can have their choice: Time-and-a-half pay or time-and-a-half hours, and, once again, bank those hours for when they are needed. Or to be able to walk in and say, "Can I work 9 hours a day and take every other Friday off?" Or "Can I work 10 hours 4 days a week and take Fridays off?" Because other people are able to do that. Maybe they do not have child care on Fridays. They have child care 4 days a week they feel really comfortable with, but not on Fridays.

You see, the difference between 1938 laws and today is that I think employers realize how important it is that they have happy, productive employees. And when two-thirds of the working women in this country have school-aged children, they know there is stress in this life. What can we do to make these employees happier, to give them a release valve, to let them have that time to do something special with their children so that they do not worry that their children are going to grow up without their awareness of how much their moms and dads love them, cherish them, and want them to have solid values? So, Mr. President, that is what the bill is.

I have heard the opposition. They say, "Oh, but this will just allow employers to coerce employees. All the rights are with the employers." Well, of course the employer is running the business. Many times it is the small business man or woman that has gone out and borrowed the money, that works 80 hours a week trying to make it go, to contribute to our economy. It is not easy being in business in America with all of the taxes and regulations and litigation that a person in business must face.

So, of course, they are running the operation. But that does not mean they are bad. It does not mean that they are going to say, to an employee, "Oh, no. Of course you're not going to do that. I don't want to pay you overtime." That is not the way America is. This is not 1938. It is not 1948. It is 1997.

Welcome to the end of the 20th century. Employers want happy, productive employees. They are going to bend over backward. And they do bend over backwards to make life better for their employees. And if it is not going to disrupt the workplace, of course they are going to say, yes, they would like the flexibility to do this.

It has been stated on the floor, "Oh, well, the only people supporting this are employers." That is not true. This morning in my office I met with three Federal workers. And I said, "How do you like flextime?"

They said, "Oh, it's wonderful, of course. We love it."

And I said, "Well, can you imagine why many of the Democrats are keeping this bill from coming up so that others would be able to have these same rights?"

And they looked at me sort of aghast—aghast—of course.

What in the world could be wrong with adding one more option for the working moms and dads in this country that are hourly employees? We are taking away no rights. We are taking nothing away.

In fact, the unions are opposed to this, but I do not understand it, because if there is a union contract, it does not apply. A union contract overrides the ability for this employee to go outside of the union contract to his or her employer. So the unions' rights are certainly protected.

Why would the union not want other hourly employees, who do not have union contracts, why would they step in and say that we should not allow hourly employees in this country to have the same rights as salaried employees do, as Federal employees do? What could be their motivation?

It is incomprehensible to me that adding another option to the hourly employees' ability to relieve the stress in their lives would be opposed by anyone, by unions, by members of the Democratic side of the Senate. It is incomprehensible because every single Republican is certainly going to vote for this bill.

But we need 60 votes to move forward. And I do not know if we will have 60 votes. But I would like to have the explanation from someone who is going to vote against this bill, why they would not allow the hourly employees of this country to have another option to relieve the stress in their lives, to spend more time with their kids, paid rather than unpaid, which is what the President's plan would do.

This is paid. What if the hourly employee cannot afford the Family and Medical Leave Act, which does not have pay, because they have a mortgage payment and they are barely making ends meet, they have a car payment, they have day care payments, they just cannot quite squeeze it out if they cannot get paid? That is why this is so important. They will continue to get paid at their regular rates. They know what their hourly compensation is. They know they can depend on it. They would just choose, if they wanted to, instead of getting extra pay, they would take extra time off.

In a poll done by Money magazine, a survey found 64 percent of the public and 68 percent of the women would choose paid time off, which our bill would give them, for overtime work instead of added pay because it means that it is up to them to have the extra time with their kids without in any way giving up the ability to pay the car payment and the mortgage payment and the day care payment.

So, Mr. President, this bill is so fair. It is so right. It is impossible to think—if you go out and do an interview on the street, talk to people who are not in Washington, DC. Talk to people who are in the real world, working hard to make ends meet, running a small business. Talk to people who are making this country tick. It is not the people in the U.S. Senate that are making this country tick; it is the people out there on the frontline, working to make ends meet as hourly employees or as small business owners or as salaried employees or Federal workers. They are out there trying to make ends meet. And we are giving them one more option to relieve the stress in their lives.

If you ask a man on the street, would they like this as an option, not as a mandate, but as an option to be able to at some point attend a special football game, a special soccer game, a special Little League baseball game, or to be able to host the Brownie troop every Friday, would they like the option to go to their employer and say, "Could I have flexible time? Could I have compensatory time?" I will guarantee you, that 8 out of 10 people will say absolutely yes—probably 10 out of 10—but I know 8 out of 10 would, or 68 percent of the women or 65 percent of all people. An overwhelming majority would say, "Hey, I didn't know they couldn't." That is what most people would say. "Are you kidding me? You mean, there are people in this country who cannot walk into their employer's office and say, 'Could I have time off Friday at 3 o'clock and work Monday until 7?' Well, gosh, yeah, I think they ought to have that right. I sure do." That is what we are trying to give them today.

So, Mr. President, I hope people will ask themselves the question—ask yourself the question, should hourly employees have the same rights as everybody else that works in this country? Should they? And if you think they should, then you should vote today for cloture so we can get on with this bill.

I think the President would have a hard time not signing a flextime bill when he campaigned saying exactly that is what he wanted. He wanted flextime. We are going to give it to him, if the Democrats will let us move forward on this bill.

Thank you, Mr. President. I appreciate the time.

The PRESIDING OFFICER. Who seeks time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts controls 19 minutes and 48 seconds.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

Mr. President, I listened to my good friend from Texas make a very eloquent statement and, of course, if that was the bill that we had before us, there would be an entirely different result than the vote that is going to take place at a little after 10 this morning. But that is not the bill we have before us.

I'd like just to mention that on page 9 of the bill, the decision about whether an employee will be permitted to take the time off will be made, as line 18 says, by the employer, not by the employee.

If, the good Senator from Texas said wants to change that, so that the employee makes the decision, instead of the employer, we have an entirely different bill here. If you want to give the choice to the workers, so that the employee can make that judgment and decision, you would have an entirely different outcome.

But that is not what the legislation says. This bill says the employer will make the decision—the employer will make it. And as I have said, if the employer decides not to grant an employee's request to use comptime on a particular date, because the employer makes the decision that the employee has not given sufficient notice, or the use of the comptime would disrupt the employer's operations, the employee has no ability to appeal it. Even if the employer fails to adhere to this standard, the employee has no remedy. There is no remedy if the employer is being unreasonable or harsh.

So that is really the difference. The difference between this bill and the Federal employee program is that the Federal employee makes the decision about when to take the time off. That is the difference between this bill and the Family and Medical Leave Act, too—the employee makes the decision. Under this bill, it is the employer that makes the decision. And that is the major difference between this bill and those existing programs.

I would just mention to my friend again, who objects because the unions are opposed to this even though they are not affected by it. Sometimes we have groups in our country that fight for the rights of people who are not necessarily members of those groups. That is why just about every woman's group that has fought for economic justice has also opposed this legislation, because they believe it is a major step back, particularly for lower income workers. And they know that, while those lower income workers are primarily women, they are not all women.

It is interesting that all the organizations that supported the increase in the minimum wage, all the ones who supported the Family and Medical Leave Act, all the ones who supported the WARN Act, which requires an employer to give employees 60 days' notice before closing a factory—all are opposed to this bill. And all the organizations that opposed all those provisions that would have enhanced the rights of working families are for this bill. So we ought to look at the bill very closely.

Those organizations that support this bill do so for a very fundamental reason.

Mr. President, I urge my colleagues to oppose cloture on S. 4, which its supporters call the Family Friendly Workplace Act. This is a bill with an appealing title but appalling substance. We should not rush to final passage.

This bill would make a fundamental change in the Fair Labor Standards Act, a law that has well served American workers and their families for 60 years. The law requires that employees be paid no less than the minimum wage. Does that sound unreasonable to the American people? Have we changed so much in the 60 years since that Act was passed that we do not want to permit hard-working men and women to be paid the minimum wage? The law requires the payments of the minimum wage, currently at $4.75 an hour. And the law also requires that employees be paid at least time-and-a-half when they work more than 40 hours a week.

Contrary to what the Senator from Texas said, if workers want to work 10 hours a day for 4 days and have Friday off, they can do it under existing law. They can do that under the existing law. If the employer wants to juggle work schedules so that employees can work half a day on Friday, and work longer days in the earlier part of the week, they can do that under existing law. Only 10 percent of hourly employees are offered these or other flexible arrangements available under current law. Part of our complaint about this bill is, why don't employers first demonstrate that the existing law does not work for them? We do not believe the law should be changed until employers show that existing law does not provide adequate flexibility.

The Fair Labor Standards Act requires employers to pay the minimum wage, and to give employees time-and-a-half for hours worked over 40 in a week. That principle is part of the fabric of the employer-employee relations in this Nation. It has been so since 1938. But this bill would radically change that principle.

Under Senator ASHCROFT's proposal, employees could be required—listen to this, Mr. President—could be required to work up to 80 hours in a single week without being paid a penny of overtime.

Under this bill, employers could require workers to work extra hours in one week, then give them an equal number of hours off at a later time without paying time-and-a-half.

This is what it says, Mr. President. Right here on page 11: "In general, notwithstanding any other provision of the law"—that eliminates the 40-hour workweek—"an employer may establish biweekly work programs that allow the use of biweekly work schedules that consist of a basic work requirement of not more than 80 hours over a 2-week period in which more than 40 hours of the work requirement may occur in a week of the period." Well, that says it. "More than 40 hours of the work requirement may occur" in 1 of the 2 weeks.

Further: "The employee shall be compensated for each hour in such biweekly work schedule at a rate not less than the regular rate at which the employee is employed." That is straight time. Do we all understand that? It is left to the employer to decide whether that employee will work not just 40 hours, but 50, 60, 70, or even 80 hours a week. And every single one of those hours will be paid at straight time. This is the abolition of the 40-hour workweek.

We hear, "Well, times have changed. We do not want to be restricted by the traditions of the past." I agree with that. We are not committed to unnecessary programs, but we are committed to values, the values that men and women ought to work 40 hours a week, and if they are going to work longer than 40 hours a week, they get paid time and a half. I think that concept is as real today as it ever was—but the Ashcroft proposal disagrees.

The PRESIDING OFFICER. The Senator has spoken for 7 minutes.

Mr. KENNEDY. I yield 3 additional minutes.

The Ashcroft proposal says that the idea of the 40-hour workweek is out; it can be 50, 60, 70 hours a week, all paid at straight time.

I have discussed who makes the decision under this bill—it is the employer, not the employee. It is not the employee who says, "My child has a school play," or "I have a meeting with the child's teacher." Under this bill, the employee has no right to use comptime for these important purposes. The employee has no right to use any time for these purposes—paid or unpaid.

That is the Murray amendment. That amendment provides employees just 24 hours a year to attend school conferences and participate in family literacy programs. Those 24 hours are within the 12 weeks of family leave provided by the Family and Medical Leave Act. We will see how many votes we get from the other side of the aisle when we consider the Murray amendment. We will see how many votes we will get on that.

I say to the Senator from Texas that I hope she makes that very eloquent statement when Senator MURRAY offers the amendment.

Mr. President, we are talking about abolishing the 40-hour workweek and giving the employers the whip hand. The changes proposed by this bill go to the heart of our labor standards laws and would alter the basic rules covering 65 million Americans.

But this has been debated on the floor for only a little over 2 hours. We began debate on the bill 2 days ago and spent only a morning discussing it before the Republicans filed this petition—2 hours and they filed this petition. Since that time, we have not had a moment of debate on the bill on the floor of the Senate. This issue deserves much fuller consideration than that. We should not be contemplating such significant changes with so little discussion.

These changes are so powerful and the debate has been so short, I wonder why the bill's proponents are in such a rush? What do they have to fear from developing or talking about or debating these issues? Those who support this legislation must recognize the bill cannot withstand close scrutiny. They know that full and fair consideration of the legislation will reveal fatal flaws. Serious defects are built into the bill, and the proponents know it. That is why they want to ram this legislation through without adequate opportunity for discussion.

That is exactly why we should oppose this petition. This bill cries out for a closer look. The 65 million American workers deserve no less.

A careful review of the bill demonstrates that it is nothing more than a pay cut for those hard-working Americans. In truth, the bill should be called the Paycheck Reduction Act. The bill is not designed to help employees juggle their work and family obligations. Instead, it is designed to help employers cut wages.

The bill's proponents have admitted that small businesses cannot afford to pay their employees overtime. That is why they support this bill. This statement was made by the witness from the National Federation of Independent Businesses who testified in support of S. 4 before the Labor Committee in February.

The bill has four major flaws. First, it makes good on the NFIB's characterization. It cuts workers' wages. Under the bill, an employer could force an employee to take an hour off in the future for every hour of overtime they work. Current law requires employers to pay time and a half for overtime hours. Substituting time off at a straight time rate is a pay cut, pure and simple.

The bill also lets employers discriminate against workers who refuse to take comptime instead of overtime pay. Under S. 4, the employer is free to assign overtime work only to those workers who accept comptime. Workers who need the money the most, who cannot afford to take the time off, would be hurt the most. Their paychecks would be smaller. Giving the employer that power eliminates the worker's freedom of choice. We offered an amendment to address that issue. It was defeated in the Labor Committee—on a party line vote.

Second, the bill cuts employees' benefits. Many industries link the size of employees' pension and health benefits to the number of hours they work. Under S. 4, when an employee uses comptime hours, they would not count towards pension and health benefits. The result is a reduction in employees' income after retirement and a cut in their health benefits while they are working. Once again, we offered an amendment on that issue in committee, and we were defeated along strict party lines.

The bill also permits a perverse outcome. The way the bill is drafted, an employee would not be assured an increase in time off. If an employee takes 8 hours of comptime on Monday in order to spend time with his or her family, the employer is free to force the employee to work on Saturday to make up for lost time. The employer does not even have to pay time and a half for the hours worked on Saturday.

That is really family friendly. The comptime hours used on Monday do not count toward the 40-hour workweek. Is this family friendly? We offered an amendment on this issue, too, and it was defeated along party lines in the committee.

Third, as I mentioned, the bill abolishes the 40-hour week. The so-called biweekly work program allows employers to work employees up to 80 hours in a single week, without paying a penny of overtime. Or, the employer could impose a work schedule of 60 hours one week and 20 hours the next—again, without paying any overtime premium. Making child care arrangements for such shifting and irregular schedules wouldn't be family-friendly—it would be a nightmare.

Finally, and most importantly, the bill does not give employees the choice about when to take comp hours that they have earned. Supporters of S. 4 claim that their bill is meant to give employees the option to use comptime to attend a child's graduation, take an elderly parent to the doctor, or deal with other family obligations. But nothing in this bill requires the employer to give the employee the day that he or she wants or needs. Instead, the bill gives the employer virtually unreviewable discretion to decide when the employee takes the time off.

If the employer gets to choose when employees can take comptime, this bill provides no benefit. It does not help workers to give up overtime pay if the employer can deny their request to use comptime when they need it. Instead, the system becomes nothing more than a pay cut.

For all these reasons, I urge my colleagues to vote against cloture. Give us the opportunity to explore and discuss what this bill does to—not for—65 million working Americans. The hardworking families who depend on overtime pay to make ends meet deserve no less.

I reserve the remainder of my time.

Mr. JEFFORDS. How much time do I have remaining?

The PRESIDING OFFICER. You have 23 seconds.

Mr. JEFFORDS. I was allocated 22½ minutes. I have used 15. I ask unanimous consent the Senator from Maine be allowed to speak for 5 minutes.

Mr. KENNEDY. I will not object if we can have the same 5 minutes on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

There is an additional allocation of 5 minutes on each side. The Senator from Maine is recognized for a period of 5 minutes.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the Family Friendly Workplace Act, which will permit employers to offer more flexible work schedules to their employees.

The lifestyles of today's employees do not always match the traditional 9 to 5, 5-day-a-week schedules of their parents. This legislation is intended to give families greater flexibility in order to better balance the often competing demands of work and family.

The legislation will allow private sector employers to offer more flexible work schedules to their employees by providing additional options like comptime, flextime, and biweekly schedules. The legislation doesn't change to amount of compensation—simply the form of compensation.

For instance, the legislation allows employers to give their employees the option of receiving overtime in the form of compensatory time off instead of cash wages at a rate of not less than one and one-half hours for each hour of overtime worked.

The legislation also allows employers and employees—by mutual agreement—to set up a biweekly schedule consisting of any combination of 80 hours over a 2-week period. For example, an employee could work 45 hours in week one and 35 hours in week two, which would allow them to work nine hours a day and take every other Friday off.

In response to the concerns expressed by my Democratic colleagues, I also want to emphasize that participation in these programs is strictly voluntary on the part of both the employee and the employer. No one can be forced to participate, nor can participation be a "condition of employment." In fact, employers are expressly prohibited from coercing, threatening, or intimidating their employees into participating against their will, and violators face a range of sanctions.

Mr. President, for many families, time is more valuable than money, and this bill simply extends options that have been widely available—and extremely popular among employees—in the public sector to the private sector.

I have been a manager in the public sector, and I know firsthand how popular and effective these options can be. As former Representative Geraldine Ferraro said during the House debate on the bill allowing Federal agencies to offer flextime and biweekly work schedules, "Flexible schedules have helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities." I certainly agree with former Representative Ferraro on this issue.

Finally, Mr. President, I bring to my colleagues' attention a very recent study of over 1,100 women conducted by the Princeton Survey Research. Of the mothers surveyed, 91 percent—91 percent—of those surveyed said that a flexible work schedule was important to them. In fact, the ability to work a flexible work schedule was more important to these working women than the availability of workplace child care or the ability to work part time.

Mr. President, we should listen to the women of America. We should listen to the mothers of America. I urge all of my colleagues to join me in supporting S. 4, the Family Friendly Workplace Act. It is prowomen, it is profamily, and it is proemployee.

I yield back the remainder of my time.

Mr. KENNEDY. I yield 5 minutes to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. I appreciate the opportunity to come to the floor today to talk about the comptime bill or the so-called Family Friendly Workplace Act. I have listened very carefully to this bill. I serve in the committee that it went through, the Labor Committee, and we went through the amendments. The Senator from Massachusetts, Senator KENNEDY, has really outlined the true effects of this bill.

Now, I, like everyone, like the stated purpose of this bill. As a mother with a daughter who is in school, working full time, I know the pressures that every single parent faces in this country in trying to manage their job and making sure that they pay the right attention to their young children as well. All of us are in that time crunch where we are trying to figure out how we can do the best job possible for our employer and we can do the best job possible for our children.

Unfortunately, the comptime bill that has been presented to us does not offer that flexibility for families. In fact, it will take that flexibility away. Can you imagine a young mother with two young children who has them in preschool or day care, who is told by her employer on Friday that next week you will work 60 hours? Now, how is she going to go to her day care provider and say, excuse me, I need 20 additional hours for my two young children in preschool next week or in day care. Day care facilities are very controlled in the amount of children they can have and the amount of hours they can have. They do not have flextime to allow additional children just whenever an employer says you need to work 60 hours next week.

It is critical that we look at this bill from the eyes of those who are the receivers, the employees, the people who go to work every day, the people who are really trying to raise their kids and manage their jobs at the same time. This bill does not give them the flexibility. It will, instead, take that away from them and really cause a lot more family stress than is already needed.

I encourage my colleagues to vote against cloture so we can have the opportunity to offer amendments to this bill to really make it do what the proponents want it to do, and that is to give employees time to participate with their children. I will have an amendment called the "time for schools" amendment that we will offer on this bill if we are allowed, if cloture is defeated, so we can really give that flexibility back to families.

I have spent a great deal of time going around my State talking to parents who are working. Inevitably they say to me, "You know, I could not get to my child's school conference last week, I could not go participate with my young child. I feel guilty about that. But I went to my employer and I could not take time off." When you talk to young children today, far too often they say, "My parent does not care about my education. They did not come to my school conference last week. They did not participate with me. They do not care whether or not I get a good education. They are never here."

Kids want their parents at school with them for those teacher conferences and those important dates. Mothers and fathers want to be with their kids on those important dates.

My amendment, if I am allowed to offer it, will give employees 24 hours a year. That is 2 hours a month—simply 2 hours a month—of the current family medical leave time; time off to go back and forth to school conferences; to participate with their child in importance activities.

What an incredible message that will give to young children across this country—all of us saying to them that we feel it is so important that parents participate with their children that we are willing to give them time off from their jobs to go participate with those kids.

I want every young person in this country to say, "My parents care about my education. They came with me to school last week for an hour to talk with the teachers." I want that child to say, "My education is important. I know because my mother was here yesterday. She took off from her job to be here."

That is what my amendment does. That is what this bill is all about—giving parents the ability to participate with their young children when it is vitally important.

Let's do the right thing with this bill. Let's stop cloture today and move on to a mandatory process that really does what all of us want to do—deal with that time that every parent feels today, and let their children know that as adults we will care for them. Let's pass the time for schools amendment. Let's put some flexibility in the bill that really allows employees the ability to care for their families and do their jobs right, and let's do it right.

So I urge my colleagues to oppose cloture today, and then help us pass amendments that really make this a Family Friendly Workplace Act.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, I yield myself 15 seconds.

The amendment that has been described by the Senator from Washington was offered in our committee, and was defeated. If we allow cloture on this, she will be denied offering that amendment on this particular program. It is an additional reason that we should not have cloture.

I yield 5 minutes to the Senator from Illinois, my good friend, and a strong supporter of families and working families.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank Senator KENNEDY very much.

Thank you, Mr. President.

Mr. President, I would like to join many of my colleagues in opposing S. 4.

People across the country are working hard to realize the American Dream of economic security for their families. At the same time, it is increasingly apparent that parents are having to struggle to balance the competing interests of work and family. Parents are being forced to choose between paying for health care and education for their children, for instance, and spending quality time with them so they can be happy and succeed. The Federal Government's policies need to support efforts to strengthen families as well as efforts to realize the American Dream.

I do not believe, however, that S. 4, the so-called "Family Friendly Workplace Act," is an appropriate response to the problems facing working families. While the title of the bill sounds benign enough, the consequences will be detrimental to all working people and to working parents in particular. Parents could end up with less control over their work schedule and less money to pay for raising their families. The paycheck reduction act might be a more appropriate name.

This legislation purports to allow working people the flexibility to choose between overtime pay and compensatory time off or flexible credit hours and replaces the 40-hour work week with an 80-hour 2 week work period, with hours to be agreed upon by the employers and the employees. Each of these provisions will have serious adverse consequences for working families.

The most serious concern is that employees would not, in fact, be given a choice. Employers would favor an employee who consistently chose comptime over overtime when assigning overtime hours. The atmosphere in the workplace might lead employees to believe that their jobs depended on their choosing comptime instead of overtime, or to work 60 hours in a busy week and 20 hours in a slow week regardless of the needs of the family.

Overtime pay is a significant source of income for many American families. Thousands of families pay for food, shelter, education and retirement by earning overtime at time-and-a-half. With the growing income gap between the rich and poor, and with the middle class working harder than ever working Americans have little room to give on wages. If S. 4 results in the end of overtime, it will mark the end of many people's ability to provide for their children and to remain part of the American middle class.

The 40-hour work week is a basic protection for workers. We talk about wanting to strengthen the family unit, eliminate single parent families, and provide important parental supports so that parents can care for their children.

If an employee has to work 65 hours one week and 15 hours the next, their schedule is going to dictate chaos for the whole family. Imagine if your mom was home early one week and then not home for dinner at all the next. Obtaining decent child care, already difficult for many parents, could become even harder due to the erratic work schedule and odd hours of a mother or father working 80 hours in two weeks. Without real employee choice, the 80-hour work week could spell disaster for a family.

While there are some provisions in the legislation to prevent employers from forcing employees to choose compensatory time instead of overtime or to work excessive hours one week, these provisions are weak and insufficient to protect employees. I and my staff have met with many employers from Illinois who are good employers, just trying to make their businesses work better and their employee's lives better. I point out, however, that while Illinois may have many ideal employers, there are currently overtime abuses across the country. Abuses that the Labor Department is unable to enforce due to the sheer number of them and the lack of resources in the Department.

A Wall Street Journal article from June of last year cites as conservative a study that estimates workers are cheated out of $19 billion a year in overtime pay. If employers are not paying their workers earned overtime, why should we believe that they will allow them to freely choose between comptime and overtime. Expanding the opportunities for abuse does not seem prudent.

There are additional concerns that even where comptime is freely chosen, employees will be able to take their compensatory time off when they need it. Under the current language, a company who found it inconvenient to give comptime when a parent requested time off, could refuse the comptime request. There is also concern that for the purposes of unemployment and pension compensation, comptime will not be counted in the same manner as overtime pay, thus leaving the employee with less lifetime benefits. This means that as parents and grandparents retire, they are less likely to be self sufficient and more likely to rely on their families.

There are many options available to employers wishing to create family friendly flexibility in their workplaces, including the flexibility to create both flextime and compressed work schedules programs that allow workers and employers to create family friendly schedules. There are many legislative options as well, including expansion of the Family and Medical Leave Act. These are initiatives that provide flexibility without opening the door to abuses.

The 40-hour work week and the right to overtime were not instituted at the whim of Congress. These are rights that the working people of America fought for for over 100 years. Blood was shed and people died in the struggle to create a work week in which people could see daylight, see their children, and build their communities. We should not take lightly efforts to eradicate the victories of America's working men and women, victories that have strengthened America's families. I urge my colleagues to support America's working families by voting no on S. 4 and no on cloture.

Mr. President, this legislation reduces pay, cuts benefits, and eliminates worker options all under the guise of flexibility.

If you think about it for a minute, when you have a choice that only goes in one direction, that is not flexibility. That is coercion. And that is what this legislation allows.

Employees will not be able to freely choose whether or not they want to take overtime, or to take comptime. That will be up to the employer.

Under this legislation, the employer gets to choose not only when an employee can use comptime but who gets to use comptime. So an employer could theoretically choose to give favored employees the benefits of the flexibility they need and not offer the same options to someone they didn't like quite as much.

Add to that the fact that the benefits that employees receive with regard to their pensions and other retirement benefits are calculated based on hours worked and it is possible that under this legislation retirement benefits would wind up being cut. This is another flaw of this legislation that is hidden under the guise of flexibility.

Add to that also the fact that S. 4 is the Paycheck Reduction Act. Clearly an employer could decide that an employee will not have overtime, and many people—15 percent of manufacturing workers in this country for instance—right now depend on overtime in order to meet the family bills, in order to provide for their children. That option would be gone for many working families under this legislation. Employees could wind up having their overtime pay cut in favor of what is called comptime or flexible credit hours.

Again, choice going in one direction is coercion.

Finally, Mr. President, this legislation fails, I think, the test of good legislation because it does not give employees the ability to plan. The sponsors say this legislation is intended to give workers the flexibility to plan their lives, and the like.

In fact, under this legislation the employer could say to a given worker, "This week you work 50 hours, and next week you work 30 hours. And that makes up the 80 hours, and I don't have to do anything else for you." If that person has a child in day care, or if that person doesn't want to split up their work week so they can plan their activities they are out of luck. If they wind up putting in 50 or 60 hours in 1 week and only 20 or 30 the next, if an individual is disrupted by this schedule, if their personal life is disrupted, this legislation does not provide any protections for them. It only provides for protections against disruption for the employer.

So, if this legislation wants to be called the Family Friendly Workplace Act, I would actually suggest it be amended to be called the Adams Family Friendly Workplace Act because that is the only family that this legislation is friendly to.

I urge my colleagues to oppose this legislation, and I oppose cloture.

I yield the floor.

Mr. BAUCUS. Mr. President, I rise today because yesterday I introduced the Baucus-Kerrey-Landrieu substitute amendment to the comptime bill. This amendment will give working men and women the choice between earning overtime pay or taking that time off to spend with their families.

As I travel around my State, I get the chance to meet with a lot of decent, hard-working people. In Montana, we know how to put in an honest day's work. And in exchange for that work, we ask only for an honest day's pay.

But lately, that pay isn't stretching as far as it used to. That means working longer hours, and sometimes holding down two jobs. Whether it is a single-parent household, or a home where both parents have to work, people are finding less and less time for their families.

Mothers and fathers are finding themselves caught in a costly juggling act, where they are trying to balance the demands of their work with the needs of their families.

I believe that this trend has very serious consequences on our families and our society as a whole. I know most of the Senators in this body agree with me.

As our society changes, so must our labor laws. They must reflect the needs of our current work force.

And that is why I offered this amendment. Because America's working men and women need flexibility in their jobs—so they can spend more time with their families.

And that is what S. 4, in its current form, proposes to do. Regrettably, I believe this legislation takes the wrong approach.

Under the current bill, mothers and fathers do not have the final say in how their overtime will be used. Their hands are tied by the decisions of their employer.

Under my amendment, if a worker puts in overtime, he or she can be paid time and a half, just as the law stands now. Or if that person wants, he or she can take that payment in the form of vacation—an hour and a half for every hour of overtime. Quite simply, workers can choose money or time, and not be penalized for their choice.

This choice would allow a parent the flexibility to attend their child's soccer game. Or it would let that worker earn a little extra money for Christmas presents.

Under the changes proposed in Senator ASHCROFT's bill, the employer has the last word. Mothers and fathers could find their employer deciding whether they get time off or whether they get overtime pay. And I believe that is wrong.

It is our duty to protect America's workers. When it comes to the choice between comptime and time off, we need to make sure the employee has the last choice.

We have a tremendous opportunity to do something great for America's working men and women. We have a chance to give our families a powerful tool in the struggle to find balance between work and family.

They're not asking for much. They simply want an honest day's pay for an honest day's work. They also want a little time to spend with their families.

The American people have made it clear to us that flexibility and choice are what they need. Under my amendment, that flexibility, and that choice, are what they will get.

I urge my colleagues to join me, and vote in favor of this amendment when it comes to the Senate floor.

Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I am voting for cloture for the Family-Friendly Workplace Act because I believe that it has the potential to allow workers around the country the flexibility to spend more time with their families. This legislation will give employees the flexibility of taking time-and-a-half off in lieu of receiving time-and-a-half pay for any overtime hours worked. In addition, the employee will also have the option of working out a biweekly work program with his or her employer or using flexible credit hours. All of these options are currently available to Federal employees and receive high praise from the employees who choose to participate.

While I think the principles behind this bill are sound and important for the American worker, I also believe it is important to ensure that the choice to participate in the program is left to the employee. Without this assurance, the employee will have gained nothing.

For this reason, I have expressed my concern that the coercion language contained in this bill be strong enough to deter potential abuses of the law. I am supportive of the managers' amendment which establishes a similar level of penalties for employers who coerce employees to accept the compensatory time, biweekly work program, or flexible credit hours. This amendment, would essentially double the penalties for an employer who coerced an employee to take any of these options.

In addition to this change, I have filed two amendments Nos. 254 and 255, that would establish additional penalties for employers who continue to abuse the intent of this law. If an employer is found guilty of a second offense of coercion, my amendment would triple the penalties for that employer. While I believe that most employers will work with their employees to establish mutually beneficial work programs, I believe it is important to establish strong penalties for those employers who may abuse the system.

With appropriate protections for the employee, I believe the Family-Friendly Workplace Act will benefit hundreds of workers and families around the country.

Mr. KENNEDY. Mr. President, how much time remains? We are prepared to yield back. I think we have had excellent statements that have been made by our two colleagues and friends.

The PRESIDING OFFICER. Two minutes and ten seconds.

Mr. KENNEDY. I will withhold the time, if the proponents of legislation want to yield back.

Mr. JEFFORDS. Mr. President, I think I have the right to close.

Mr. KENNEDY. Mr. President, I yield back our time.

Mr. JEFFORDS. Mr. President, I will very brief.

All of the arguments that have been given here against the Family Friendly Workplace Act are based on one fact: that an employer who is a real SOB is not going to give his or her employees the rights created in this bill.

Why deny the 99.9 percent of the employees in this Nation who have good employers the ability to work these things out with their employers?

So all of the arguments against S. 4 are based on one thing; that employers will not follow the provisions contained in the bill. The point is, Mr. President, that S. 4 contains provisions that will protect American workers. Since the bill does contain these protections, and 99.9 percent of employees work for good employers, it is completely unfair to deny all of the rest of the employees in the country the ability to participate in comptime, flextime and bi-weekly work schedules.

Mr. President, I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee amendment to Calendar No. 32, S. 4, the Family Friendly Workplace Act of 1997:

Trent Lott, John Ashcroft, Susan M. Collins, Kay Bailey Hutchison, Mike DeWine, Judd Gregg, Paul Coverdell, Gordon Smith, John W. Warner, Thad Cochran, Conrad Burns, Fred Thompson, Don Nickles, Wayne Allard, Jeff Sessions, and Dirk Kempthorne.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute, as modified, on S. 4. shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 53, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, might we have order?

The PRESIDING OFFICER. If I can have the attention of the Senators in the Chamber, if will they take their conversations outside, I would appreciate it. The Senator from Georgia has the floor. He is due your attention.

Mr. COVERDELL. Mr. President, on behalf of the leader, I make the following remarks.

The people of America want flextime. Working women, mothers and fathers need the same flexible work schedules and comptime choices that Government workers, salaried workers, bosses and boardroom executives have enjoyed for decades. I am particularly struck that, since 1978, Government workers have enjoyed what this legislation would provide other workers in the private sector.

I remember when I came here it was important that there be congressional accountability, that the Congress operate under the same laws as the businesses and people of the country. I think that is applicable here, too. If Government workers can enjoy these benefits, then private sector employees ought to as well.

The Family Friendly Workplace Act is a matter of fairness to the workers of America. It is a high priority of the Republican leadership, and we intend to continue to press this case both here in the Senate and before the American people. A number of people on the other side, including the White House, have said both publicly and privately they want to get a bill. An op-ed, or editorial, in today's Wall Street Journal by the executive director of the Democratic Leadership Council urges passage of the bill. That appeared Thursday, May 15, 1997: "Comptime's Time Has Come."

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 15, 1997]

COMP TIME'S TIME HAS COME

(By Chuck Alston)

For a fresh example of why voters think Washington doesn't get it, look no further than the partisan standoff over overtime compensation.

Federal law now requires employers to pay most hourly workers time-and-a-half for all work beyond 40 hours a week. The Senate, following the House's lead, is now debating legislation that would permit employers to give workers the choice of taking so-called compensatory time off (at the time-and-a-half rate) instead of overtime pay.

The concept is enormously popular, and for good reason. The Fair Labor Standards Act which must be amended to allow comp time, was designed in 1938 for the male manufacturing work force of the Depression era. Today, both parents generally must work to keep their family in the middle class. Even with squeezed family budgets, some workers would welcome extra time off to take care of a sick child or parent, attend a Little League game or just catch up with home life. According to the independent Families and Work Institute, 40% of workers say they can't get their chores done because of their job; 35% complain of a lack of personal time; 24% complain they lack time for their families. No wonder a 1995 Penn, Schoen & Berland poll for the business-backed Labor Policy Association found that three-fourths of all Americans favor giving employees a choice between overtime pay and comp time.

Unfortunately, politics as usual could kill this attempt to help harried families. President Clinton has called for comp-time legislation, but has threatened to veto the bill the House has passed, largely on the grounds that it does not go far enough to protect workers' interests. Unions have made opposition a litmus test for Democrats, making a yes vote suicidal for members who want to protect their labor PAC donations (a big reason only 13 House Democrats voted yes). Democratic opponents have cast the House bill as the "paycheck reduction act." And Republicans have appeared gleeful at the thought of jamming legislation down labor's throat, a payback for unions $35 million soft money campaign last year for Democrats. In sum, hardly the atmospherics for compromise.

Nonetheless, this effort to modernize labor law shouldn't be allowed to run aground on partisan shoals. The tools and protection workers need in the new economy are different from those of the Industrial Era. Employers and employees alike will benefit from public policy that supports two-parent families by giving them the flexibility to balance family and income needs.

The legislation has won wide backing from business groups: not only because it could lower labor costs by cutting cash out the door for payroll and payroll taxes, but also because smart companies understand how flexibility can help their efforts to recruit and retain top-notch employees. As a recent Working Woman article on workplace flexibility programs at Xerox Corp. noted, "In the end, researchers found that work/life initiatives were not just a feelgood answer to personal time conflicts, but a solution to business problems—and one that could provide companies with a competitive edge." A comp-time law would give companies yet another flexibility option to offer employees, but without mandating it.

At the same time, we must also make sure workers' interests are protected. In the real world, some companies will certainly try to maneuver workers into taking comp time instead of overtime, or start offering overtime work only to people who will take comp time instead of pay. As a former newspaper reporter, I'm well aware of the lengths to which managers will go to avoid paying overtime. That is why any legislation must ensure that comp time is truly voluntary. It should bar employers from coercing employees to take comp time, give employees reasonable latitude over when they can take the time off or cash out their accumulated hours, protect part-time, seasonal and other especially vulnerable employees, and prevent employers from discriminating unfairly in determining who gets comp time.

The House bill's five-year sunset provision was a good compromise. If employers aren't honoring these protections, or the law proves so overly complex that employers don't take advantage of it, we can always revise it or return to the status quo ante.

The president and House Republicans aren't that far apart on comp-time legislation. The Senate could point the way toward compromise, based on this foundation: Republicans must understand that tinkering with one of the labor movement's greatest accomplishments—the 40-hour work week—naturally generates suspicion in Democratic quarters. And they shouldn't automatically resist every attempt to bolster worker protection. Meanwhile, Democrats who rightly seek to protect workers must understand that they can, and may well, doom comp time with overly complex conditions. In the end, the last thing anyone should want is a law so complicated that employers, especially in small businesses, choose not to offer employees any option at all for fear of being sued.

The irony of the debate is that the comp-time option has been available in the public sector since 1985. To be sure, it won't work everywhere in the private sector, but it's time go give companies—and their workers—the choice.

Mr. COVERDELL. Mr. President, now is the time to get serious about this, but it is your move. I urge the White House to get with the sponsor of S. 4, and let us find out where the common ground is. Senators JEFFORDS, DEWINE, and ASHCROFT are ready to work with you, Mr. President, as they always have been. It is your move.

I hope Senators who voted against cloture, cutting off debate, will think about whose side they are on. Are you on the side of those who already have flextime but want to deny others the same rights? Or are you on the side of the working women and men who do not have these options? The only workers who are denied flextime today are hourly workers: the secretaries, sales clerks, mechanics, factory workers in our country. They are the folks who get up early, punch in the time clock, and work hard to make ends meet. It is time that we were on the side of the millions of working class people in America who are denied these choices. I repeat these choices that Federal workers already have. Single moms, two-paycheck families need flextime. Just ask them and they will tell you. Let us give working parents a helping hand in the vital job they are doing.

Mr. President, I suggest the absence of a quorum.

Mr. BUMPERS. Mr. President, will the Senator withhold that request for a moment?

Mr. COVERDELL. Mr. President, I withhold my request for a moment.

Mr. BUMPERS. Parliamentary inquiry. What is the time situation between now and the time we go to the FEINSTEIN amendment?

The PRESIDING OFFICER. We have morning business until 11. We have already cut into that substantially. About half of it is remaining.

Mr. BUMPERS. How much time remains and who is supposed to receive it?

The PRESIDING OFFICER. The Democratic side—the Democratic leader has 12 minutes, the Senator from Wyoming has 8 minutes.

Mr. BUMPERS. I thank the Chair.

Mr. COVERDELL. Mr. President, I yield the floor.

Mr. THOMAS addressed the Chair.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for morning business until the hour of 11 a.m., with Senator DASCHLE or his designee in control of 10 minutes and Senator THOMAS or his designee in control of 10 minutes.

The Senator from Wyoming.

THE PARTIAL-BIRTH ABORTION ACT

Mr. THOMAS. Mr. President, I am sorry we have moved into some of our time, but I will be very brief and cover the points I want to make. I am real pleased today to be joined by three of my associates in support of H.R. 1122, the Partial-Birth Abortion Act. I am going to be very brief. It has been talked about to a great extent. Everything, probably, has been said. But there is one thing that sticks in my mind that I think is important about this discussion and this vote that will come up.

We did this last year, you will recall. It passed by significant numbers in the Senate. President Clinton vetoed the bill that was passed in the 104th Congress. I just want to mention the reasons that he gave for vetoing the bill.

First, he said it was only necessary in "a small number of compelling cases." The fact is that is not factual. The fact is that has changed. The fact is, there are facts that show, for instance, in New Jersey, that there were more than 1,500, just in the one State. So that reason for vetoing is not true. It is not true.

The second one was to protect the mother from "serious injury to her health." The fact is, in the vast majority of cases when the partial-birth technique is used, it is for elective purposes, and that, also, has been shown to be true.

Third, the President said, to avoid the mother "losing the ability to ever bear further children." The facts have now shown it is never necessary to safeguard the mother's health or fertility; that there are other procedures that are available. I think these are compelling, compelling arguments. These are the reasons the President vetoed the bill that have subsequently been found not to be factual.

I yield time to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise today to offer my full support for the Partial-Birth Abortion Ban Act. I am proud to be an original cosponsor of this important legislation.

I thank my distinguished colleague from Pennsylvania, Senator SANTORUM, for his leadership on this issue.

This debate, of course, is about abortion, which I strongly oppose. But it is about much more than that. It is about doing what is right. It is about values.

And it is about a civilized society standing against a heinous procedure that is used to kill a mostly born child—a procedure that, as even some advocates of abortion rights have conceded, comes dangerously close to murder.

The debate about abortion raged in America long before I began my service in the Senate. It will continue long after the Senate votes on this bill to ban one specific abortion procedure.

It will continue until America comes to grips with the moral crisis that makes abortion just another sign of the times.

This debate itself may rise and fall, but my view on this matter is straightforward—I believe America should ban partial-birth abortion because it is wrong.

For too long, our society has drifted too far from that simple conclusion. In this body—as in this country—we are adept at weighing and debating the pros and cons. We know how to balance competing interests. We know how to strike compromises. But do we think often enough about the consequences of our actions?

I fear we have strayed from seeking straightforward answers to tough questions. We have too often strayed from making public policy based solely on what is right.

The vote we are about to cast is about banning a specific method of abortion. But the debate in which we are engaged is about larger questions.

Have we become coarsened by a society that cheapens life—from our failure to stop violence in our streets to our unwillingness to keep violence from our television screens?

Have we come to accept what should never be acceptable—a society where drug use is termed recreational, and irresponsible behavior is just a sign of the times?

Have we lost the basis of a civil society? Are we no longer willing to stand up and say enough is enough?

Mr. President, I came to this Senate with a firm belief that we can make a real difference for America's future. I have no doubt we can put our financial books in order—by cutting spending, cutting taxes, cutting regulations, and balancing the budget.

But can we put our values in order? If we, as leaders, fail to do what is right and fail to stop what is wrong, will we really have left a better America for our children and our grandchildren?

I think not.

For two centuries, America has rested on a value system anchored by personal responsibility. Our society has always been underpinned by respect for others, respect for self, faith in God and family, and helping those in need. We have always held these values important—worth struggling for and worth fighting for.

People of good character stood up for these values in their own lives, and in their communities. They expected their leaders to stand up for them as well.

Mr. President, I have every confidence that this body will vote to outlaw this gruesome procedure because the goodness of our people will demand it. Just as families across America wake up every day and try to do the right thing, so they are expecting their leaders to do the same.

The vote we will cast on this issue is important. It goes to the heart of who we are as a people and who we want to be as a Nation.

I hope we will all take pause, in this body and throughout America, to reflect on what type of society we have become and what type of society we want to leave for our children and grandchildren.

Thank you, Mr. President. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent the 12 minutes remaining for the Democratic side be divided 5 minutes to Senator BINGAMAN and 5 minutes to the Senator from Arkansas, who will share it with the Senator from Georgia, Senator CLELAND, and 2 minutes to the Senator from Wisconsin, Mr. KOHL.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Reserving the right to object, is there time left on our original 10 minutes?

The PRESIDING OFFICER. The Senator has 3 minutes and 42 seconds.

Mr. THOMAS. I wonder if it would be possible for us to go ahead and finish and then do it as the Senator described?

Mr. BUMPERS. Is the Senator objecting to the request?

Mr. THOMAS. No, sir, I am asking that we finish the 10 minutes we were allocated and then transfer to you to do it in the method that you asked.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, in that I only have 3 minutes remaining, I am going to put aside my written remarks and, frankly, speak from the heart.

I rise today, first, to thank Senator SANTORUM for his leadership on this issue but, more important, to stand with those who stand for the principle of life today on this very important bill. I have consistently supported this principle and have tried to listen with some care and compassion to those who advocate the other view. I heard them say things like, "Let's make abortion safe, legal, and rare," except for the fact that when it comes to doing anything to make it rare, I seldom see them helping us in this endeavor. Conversely, I have tried very hard to reach out on issues of education and prevention to try to make abortion rare.

Today presents us with an opportunity not to end abortion but simply to ban one incredibly gruesome procedure and to make all unborn American children safe from this procedure.

It is clear, because of testimony that has come out, that the partial-birth abortion is anything but rare in this country, and today we need to make it impossible.

I refer to the statement by the Surgeon General C. Everett Koop, a man much admired for his service in health care in this country, who said:

> Partial-birth abortion is never medically necessary to protect the mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.

As I ponder partial-birth abortion, I come to the conclusion that Americans must be bigger than this procedure performed on the most innocent among us. We are bigger than this, and I believe that Americans today in the United States will rise above this procedure to make it unlawful and to contribute towards the common desire of those who are pro-life and pro-choice to make abortion rare.

Thank you, Mr. President.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 748 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Arkansas.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS and Mr. CLELAND pertaining to the introduction of S. 745 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized.

JUDICIAL NOMINATIONS

Mr. KOHL. Mr. President, yesterday Mr. LEAHY and several of my colleagues spoke about judicial confirmations. Let me make a few additional points. First, we are experiencing a record slowdown in confirming judges. Last year, only 17 Federal judges were confirmed, and not a single judge for a court of appeals. This year, the process has gotten even worse—only two judges have been confirmed, and the year is almost half over. Indeed, at our current pace, with only 5 judges likely to be confirmed a year, and an average of more than 50 retiring, we would have no federal judges at all in 20 years. Literally, an empty bench.

Second, we need these judges, both to prosecute and sentence violent criminals and to prevent more backlogs in civil cases. This is about justice—it shouldn't be about politics. Don't take my word on this, ask Chief Justice Rehnquist. He says "filling judicial vacancies is crucial to the fair and effective administration of justice." Chief Justice Rehnquist is right.

Or ask Judge George Kazen from the Southern District of Texas. He is the subject of a front page article in today's Washington Post with the headline "Cases Pile Up as Judgeships Remain Vacant." He is hearing a dramatic increase in criminal cases now because we're cracking down on illegal immigration and drug smuggling in his border district. He desperately wants and needs help. But we haven't helped. Instead, the Senate has held up a nominee for his district for almost 2 years. I ask unanimous consent to print this article in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(see exhibit 1.)

Mr. President, third, inaction now can only make matters worse. If we don't start moving judges, some Senators might feel compelled to put a hold on all other legislative business. Or the President could be forced to make recess appointments to the Federal bench. Of course, no one wants either of these things, including me. But if we don't confirm nominees through the normal process, I am afraid this is what could happen.

Mr. President, let's breathe life back into the confirmation process. Let's vote on the nominees who already have been approved by the Judiciary Committee, and let's set a timetable for future hearings on pending judges. Let's fulfill our constitutional responsibilities; justice demands that at a minimum. I thank you, and I yield the floor.

EXHIBIT 1

[From the Washington Post, May 15, 1997]

CASES PILE UP AS JUDGESHIPS REMAIN VACANT

(By Sue Anne Pressley)

LAREDO, TX.—The drug and illegal immigrant cases keep coming. No sooner does Chief U.S. District Judge George Kazen clear one case than a stack of new cases piles up. He takes work home at night, on weekends.

"It's like a tidal wave," Kazen said recently. "As soon as I finish 25 cases per month, the next 25 are on top of me and then you've got the sentence reports you did two months before. There is no stop, no break at all, year in and year out, here they come.

"We've already got more than we can say grace over down here," he said.

This is what happens to a federal judge on the southern border of the United States when Washington cracks down on illegal immigration and drug smuggling. It is a situation much aggravated by the fact that the Senate in Washington has left another federal judgeship in this district vacant for two years, one of 72 vacancies on federal district courts around the country.

As Border Patrol officers and other federal agents swarm this southernmost region of Texas along the Mexican border in ever-increasing numbers, Judge Kazen's docket has grown and grown. He has suggested, so far unsuccessfully, that a judgeship in Houston be reassigned to the Rio Grande Valley to help cope.

In Washington, where the laws and policies were adopted that has made Kazen's life so difficult, the Senate has made confirmation of federal judges a tedious process, often fraught with partisan politics. In addition to the 72 federal district court vacancies (the trial level), there are 25 circuit court vacancies (the appellate level) and two vacant international trade court judgeships across the country, leaving unfilled 99 positions, or 11 percent of the federal judiciary. Twenty-six nominations from President Clinton are pending, according to Jeanne Lopatto, spokeswoman for the Senate Judiciary Committee, which considers nominations for recommendation to the full Senate for confirmation.

Of those 99 vacancies, 24 qualify as judicial emergencies, meaning the positions have been vacant more than 18 months, according to David Sellers of the Administrative Office of the U.S. Courts. Two of the emergencies exit in Texas, including the one in Kazen's southern district.

Lopatto said the thorough investigation of each nominee is a time-consuming process. But political observes say Republicans, who run the Senate, are in no hurry to approve candidates submitted by a Democratic president. The pinch is particularly painful here in border towns. The nominee for Brownsville, in Kazen's district, has been awaiting approval since 1995. Here in Laredo, Kazen's criminal docket has increased more than 20 percent over last year.

"We have a docket," he said, "that can be tripled probably at the drop of a hat. * * * The Border Patrol people, the Customs people at the [international] bridges will tell you, they don't catch a tenth of who is going through. The more checkpoints you man, the more troops you have at the bridges, will necessarily mean more stops and more busts."

And many more arrests are expected, the result of an unprecedented focus on policing the U.S.-Mexico border. Earlier this year, Clinton unveiled a $367 million program for the Southwest for fiscal 1998, beginning Oct. 1, that includes hiring 500 new Border Patrol agents, 277 inspectors for the Immigration and Naturalization Service, 96 Drug Enforcement Administration agents and 70 FBI agents.

In Kazen's territory, the number of Border Patrol agents already has swollen dramatically, from 347 officers assigned to the Laredo area in fiscal 1993 to 411 officers in fiscal 1996. More tellingly, in 1993, agents in the Laredo sector arrested more than 82,000 people on cocaine, marijuana and illegal immigration charges. By 1996, arrests had soared to nearly 132,000, according to data supplied by the INS.

All of which is keeping Kazen and the other judges here hopping. "I don't know what the answer is," said U.S. District Judge John Rainey, who has been acting as "a circuit rider" as he tries to keep Kazen out in Laredo from his post in Victoria, Tex. "I certainly don't see it easing up anytime soon. There still seems to be such a demand for drugs in this country, and that's what causes people to bring them in. Until society changes, we won't see any changes down here."

In a letter to Rep. Henry B. Gonzalez (D–Tex.) in February, Kazen outlined the need for a new judge in the Laredo or McAllen division, rather than in Houston, where a vacancy was recently created when then-Chief Judge Norman Black assumed senior status. "The 'border' divisions of our court—Brownsville, McAllen and Laredo—have long borne the burden of one of the heaviest criminal dockets in the country, and the processing of criminal cases involves special pressures, including those generated by the Speedy Trial Act," he wrote.

On a recent typical day, Kazen said, he sentenced six people on drug charges and listened to an immigration case. His cases tend to involve marijuana more often than cocaine, he said.

"The border is a transshipment area," he said. "The fact is, a huge amount of contraband somehow crosses the Texas-Mexican border, people walking through where the river is low, and there are hundreds and hundreds of miles of unpatrolled ranchland.

"In some cases," Kazen continued, "we're seeing a difference in the kind of defendant. We're almost never seeing the big shots—we're seeing the soldiers. Once in a while, we'll see a little bigger fish, but we're dealing with very, very smart people. We see some mom-and-pop stuff, too. There was a guy who came before me who had been in the Army umpteen years, and he needed the money, he was going bankrupt, so he did this 600-pound marijuana deal. He said he stood to pick up $50,000, and now he's facing five to 40 years.

"We see kids 18 and 19 years old," Kazen said. "We see pregnant women. We see disabled people in wheel-chairs. This is very, very tempting stuff." In Washington, the argument over court vacancies continues. On April 30, Attorney General Janet Reno told the Judiciary Committee, "Chief judges are calling my staff to report the prospect of canceling court sittings and suspending civil calendars for lack of judges, and to ask when they can expect help. This committee must act now to send this desperately needed help."

In remarks yesterday to the Federal Judges Association meeting in Washington, Reno warned that "the number [of vacancies] is growing."

"As you are no doubt aware," Reno told the judges, "the level of contentiousness on the issue of filling judicial vacancies has unfortunately increased in recent times."

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to H.R. 1122, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the Senator from California is recognized to call up an amendment.

Mrs. FEINSTEIN. Thank you, Mr. President.

AMENDMENT NO. 288

(Purpose: To prohibit certain abortions)

Mrs. FEINSTEIN. Mr. President, I would like to begin this debate by sending an amendment to the desk. This amendment is sent on behalf of myself, Senator BOXER, and Senator MOSELEY-BRAUN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, and Ms. MOSELEY-BRAUN proposes an amendment numbered 288.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Post-Viability Abortion Restriction Act".

SEC. 2. PROHIBITION ON CERTAIN ABORTIONS.

(a) IN GENERAL.—It shall be unlawful, in or affecting interstate or foreign commerce, for a physician knowingly to perform an abortion after the fetus has become viable.

(b) EXCEPTION.—Subsection (a) does not apply if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

SEC. 3. CIVIL PENALTIES.

(a) ACTION BY ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General (referred to in this Act as the "appropriate official"), may commence a civil action under this subsection in any appropriate United States district court to enforce the provisions of this Act.

(b) RELIEF.—

(1) FIRST VIOLATION.—In an action commenced under subsection (a), if the court finds that the respondent in the action has violated a provision of this Act, the court shall assess a civil penalty against the respondent in an amount not exceeding $100,000, and refer the case to the State medical licensing authority for consideration of suspension of the respondent's medical license.

(2) SECOND VIOLATION.—If a respondent in an action commenced under subsection (a) has been found to have violated a provision of this Act on a prior occasion, the court shall assess a civil penalty against the respondent in an amount not exceeding $250,000, and refer the case to the State medical licensing authority for consideration of revocation of the respondent's medical license.

(c) CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—At the time of the commencement of an action under subsection (a), the appropriate official shall certify to the court involved that the appropriate official—

(A) has provided notification in writing of the alleged violation of this Act, at least 30 calendar days prior to the filing of such action, to the attorney general or chief legal officer of the appropriate State or political subdivision; and

(B) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

(2) LIMITATION.—No woman who has had an abortion after fetal viability may be penalized under this Act for a conspiracy to violate this section or for an offense under section 2, 3, 4, or 1512 of title 18, United States Code.

SEC. 4. REGULATIONS AND PROCEDURES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish regulations—

(1) requiring an attending physician described in section 2(b) to certify that, in the best medical judgment of the physician, the abortion described in section 2(b) was medically necessary to preserve the life or to avert serious adverse health consequences to the woman involved, and to describe the medical indications supporting the judgment; and

(2) to ensure the confidentiality of all information submitted pursuant to a certification by a physician under paragraph (1).

(b) STATE REGULATIONS AND PROCEDURES.—The regulations described in subsection (a) shall not apply in a State that has established regulations described in subsection (a).

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to prohibit State or local governments from regulating, restricting, or prohibiting post-viability abortions to the extent permitted by the Constitution of the United States.

Mrs. FEINSTEIN. Mr. President, I rise to offer a substitute amendment to H.R. 1122, which, as I said, is cosponsored by Senators BOXER and MOSELEY-BRAUN. The amendment we offer is presented as an alternative to the House-passed bill on so-called partial-birth abortions and as an alternative to the Daschle substitute as well.

My colleagues and I offer this amendment for one reason: We very much believe that any legislation put forward by Congress that restricts access to abortions or to a particular medical procedure must be constitutional and must contain sufficient protections for a woman's health. The Feinstein-Boxer-Moseley-Braun bill provides that protection while instituting a ban on post-viability abortions similar to that in the Daschle bill.

Our bill does three things.

First, it prohibits all abortions after a fetus has become viable or able to live independently outside of the mother's womb.

Second, it provides an exception for cases where, in the medical judgment of a physician, an abortion is necessary to preserve the life of the mother or to prevent serious adverse health consequences to the mother.

And third, it provides stringent civil penalties for physicians performing post-viability abortions in the absence of compelling medical reasons.

The penalties are limited to the physician and include for the first offense a fine of $100,000, and referral to a State licensing board for possible suspension of the medical license.

For the second offense, the fine would be up to $250,000, with referral to the State licensing board for possible revocation of license.

There is no health exception in H.R. 1122, known as the Santorum bill. And we do not believe that the health exception provided in the Daschle bill is sufficient, nor do we believe that it will meet the constitutional test.

Let me begin by speaking of my opposition to the House bill. And let me begin by pleading with anyone listening to this debate to read the bill—read H.R. 1122. It is short. It is easy to read. I want to quote from page 2 of that bill to illustrate what this bill does.

Let me begin on line 9:

> Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

The bill refers to a "partial-birth abortion," which is a term not existing in medical literature or medical texts. So let us find out what a partial-birth abortion is. And we turn to line 19 of page 2 for that description:

> As used in this section, the term "partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

The issue here is clear. We heard yesterday on this floor a vivid description of a procedure, a procedure known as "intact D&E." Nowhere in House Resolution 1122 are "intact D&E" or "intact D&X" or any medical procedure referred to. Instead, we have a term not existent in medical science anywhere called "partial-birth abortion."

Now, anyone who is familiar with a woman's physiology knows that this term can be used to deny second-trimester and third-trimester abortions—virtually, I believe, all of them.

If the concern of the authors of this legislation were truly in fact to prohibit or ban one specific procedure, why would they not spell out what the procedure is in legislative language just as they have graphically spelled out the procedure on the Senate floor? Why? Why not do that?

I believe there is a reason why they did not do that. And the reason is, that I sincerely believe that this bill is meant to do much more, much more than simply ban a procedure known as intact D&X or intact D&E. I believe that this bill is essentially a Trojan horse, a Trojan horse in the sense that it is not at all what it seems to be on the outside.

If you look on the inside, which means opening the page of the bill, you will see that this bill is the first major legislative thrust to make abortion in the United States of America illegal.

I stated yesterday on the floor that we are really a product of our live's experiences. And my life's experiences that have caused me to be essentially pro-choice are essentially threefold.

The first, my days in college at Stanford University, days when I remember a bright young woman who committed suicide because she was pregnant and abortion was illegal in the United States. And I also remember the passing of a plate in a college dormitory so that another friend could go to Mexico for an abortion. I remember that well.

My second life experience was in the early 1960's at the California Institution for Women, the women's prison in California for women convicted of felonies, where I set sentences and granted paroles to women convicted of providing abortions. I remember this well because the only way a case really came to the attention of the authorities was either through the morbidity or the mortality of the patient.

And I remember the graphic stories in those cumulative summaries that were given to us prior to term setting, of what happened to women who were victims of illegal abortions. And I remember that the women who provided the abortions would leave and come back and commit the same crime again because of the importunings of other women.

And the third graphic experience for me was becoming a grandmother and finding out that my daughter in her pregnancy had an unexpected, very serious, potentially life-threatening problem, and realizing how surprised I was not to know that this could happen in this day and age. But it did happen.

My story—my daughter's story—came out fine because today I have a bright-eyed and bushy-tailed and wonderful, light of my life, in the form of a 4½-year-old granddaughter by the name of Eileen.

But I learned that there can be unpredictable occurrences, and that when we legislate—in a piece of paper that becomes an abiding law enforced everywhere throughout the United States of America—we ought to legislate with the knowledge that human life and human experience has many permutations that are unexpected and unanticipated.

I view H.R. 1122 as doing much, much more than banning a simple procedure. That procedure is not mentioned anywhere in this piece of legislation. But it does set up the basis for lawsuit after lawsuit against any physician that might practice and might perform a second-trimester abortion. Every other type of abortion in some way has the head of the fetus coming through the birth canal. And then the case is, at what point is that fetus still living or not living? And so I think it is a potentially very dangerous piece of legislation in that regard.

I mentioned yesterday that I basically do not believe that intact D&E or intact D&X should be used, that there are other forms of abortion. That is my personal belief. And I believe that the AMA is on its way in a medical venue of taking some steps to limit it. We all know we are talking about less than 1 percent of all of the abortions that take place in this country, in any event.

So the question is, what do we do? What kind of legislation do we present that recognizes the exigencies, the human trials, the difficulties that a woman can have?

Yesterday, I mentioned a young nurse; her name is Viki Wilson. When I was a county supervisor and mayor, I worked with her mother, Susan Wilson, who was a supervisor from Santa Clara County. Viki Wilson is a nurse, married to a doctor. In her 36th week she had a sonogram and she found out she had a severely deformed baby with its brain outside its skull. She learned that the contractions she was having were actually seizures that the child was having and that the child was incompatible of sustaining life outside of the womb.

She went to a doctor and her doctor recommended the particular procedure that is under siege here today, as the procedure, at that stage of her pregnancy, that would be most protective of her health. I cannot tell you whether it was or not. I am not a physician. There is only one physician in this body who might know. Yet, we are going to legislate, in a bill that is drafted to be so broad, that it can impact much more than one procedure.

The amendment that the three of us present to this body today, we believe, comports with Roe versus Wade. We believe it would not put in jeopardy every second- and third-trimester abortion. We believe it would prohibit every third-trimester abortion unless the life and the health, as defined by serious adverse health consequences to the mother, were at risk, and that this decision would be made by the physician and the woman, which I think is the appropriate remedy for this issue.

I think this is a very difficult debate because most people have not read the bill before the Senate, H.R. 1122. Most people really do not understand the whole panoply of human ills that can take place in a pregnancy.

I believe the AMA, in the recent paper they have put forward, very clearly indicates they believe that, with few exceptions, this procedure that is at question should not be used. However, they are not—and I think rightly so—not ready to sacrifice the integrity of the medical profession to say that no doctor, no matter what the situation is, no matter what the physiology of the woman may be, no matter that she may not be able to have another procedure, that she might be adversely impacted healthwise, cannot, no matter what the situation is, have this procedure as a remedy.

Mr. President, we present to you a bill that we believe is constitutional, a bill that would ban all third-trimester abortions, unless the life and health of the woman, as defined as serious adverse health consequences, were threatened. The bill includes very strong civil penalties, which we believe would be a substantial deterrent to the performance of any third-trimester abortions unless there is a very serious medical need.

Mr. President, I notice my distinguished colleague, and I ask the Senator from Massachusetts how much time he desires.

Mr. KENNEDY. I would like 10 minutes, and I appreciate the courtesy, but I expect, Mr. President, that we are perhaps alternating back and forth.

I see Senator DEWINE, as well as Senator SANTORUM.

Mr. SANTORUM. I will do a unanimous-consent request and then be happy to let the Senator from Massachusetts speak.

Mrs. FEINSTEIN. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. SANTORUM. Mr. President, I ask unanimous consent that Steven Schlesinger, a detailee on the Judiciary Committee, and Michelle Kitchen, a member of my staff, be permitted privileges of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is unfortunate that the Republican leadership has chosen to force this debate on the same confrontational and unconstitutional legislation that President Clinton vetoed last year, when reasonable and constitutional alternatives are so obviously available. It is clear that the primary purpose of the Republican leaders is not to regulate late-term abortions, but to roll back the protections for women guaranteed by the Supreme Court.

If the goal is to pass effective legislation, the sponsors of the Santorum bill know they must meet the constitutional requirments for protecting of a woman's right to choose. President Clinton has made clear that he cannot and will not accept a ban on any procedure that represents the best hope for a woman to avoid serious risks to her health. The bill vetoed last year and the bill before us today are identical, and they clearly fail to provide these needed protections for women.

The Supreme Court rulings in the Roe and Casey decisions prohibit Congress and the States from imposing an "undue burden" on a woman's right to choose to have an abortion at any time up to the point where the developing fetus reaches the stage of viability.

Governments can constitutionally limit abortions after the stage of viability, as long as the limitations contain exceptions to protect the life and the health of the woman.

This bill flunks that clear constitutional test in two ways. It imposes an undue burden—a flat prohibition—on a woman's constitutional right to an abortion before fetal viability. And it impermissibly limits the right to an abortion after fetal viability, by excluding any protection whatsoever for the woman's health.

Given the clear constitutional problems with this bill, it is fair to ask, why do Republicans insist that we send it to the President, for another certain veto, when reasonable alternatives are available.

In fact, there is little need for any Federal legislation in this area because 41 States already ban late-term abortions. Massachusetts has prohibited these abortions except when the woman's life is in danger or "the continuation of the pregnancy would impose a substantial risk of grave impairment to the woman's physical or mental health." Many other States have similar restrictions. There is no evidence that the States are not enforcing their laws.

Supporters of the Republican bill also claim that the public and Congress were misled about the actual number of abortions performed by the procedure that would be banned by their bill. But very few, if any, of us in the last Congress were misled about the facts. Only a few hundred of these procedures are performed after viability, and they are performed in cases where the fetus cannot survive because of a severe medical abnormality, or where there is a serious threat to the life or the health of the woman.

It was clearly reported during last year's debate that the procedure was also used before the stage of viability, and that the number of such cases was larger, probably amounting to several thousand a year. But all of us were also aware that Congress cannot constitutionally ban the procedure at that stage.

We know that some doctors begin to use the particular procedure that would be banned by the Republican bill at about 20 weeks of gestation, which is well before the time when a fetus has the capacity for survival outside the womb. Most authorities place the time of viability at 24 to 26 weeks in a normal pregnancy. According to the best available statistics, 99 percent of all abortions are performed before 20 weeks. Only about 1 percent of all abortions are performed after that time, and two-thirds of those abortions are performed before the 23d week.

This information is provided by the Alan Guttmacher Institute and used by the National Center for Health Statistics. It is the most accurate information available.

Even so, it is difficult to draw a sharp dividing line on the viability of a particular pregnancy. A great deal depends on the prenatel care the woman is receiving. Low-birth weight babies reach viability at later stages of pregnancy.

A further problem is that viability is to some extent a statistical concept. At 21 weeks of a normal pregnancy, few if any fetuses can survive. At 23 weeks about 25 percent survive. At 26 weeks about 50 percent survive.

A physician's decision relies on best medical judgment, but it is hardly precise for a particular case. The real issue involves lives and the health of women. The so-called partial-birth abortion bill would not stop a single abortion. Instead, it would force women to use another, possibly more dangerous procedure if they must terminate their pregnancy to preserve their health.

Of course, the sponsors of this bill continue to argue that there are no circumstances in which a procedure banned by the bill is necessary to preserve a woman's health. And, even worse, some supporters don't seem to care. Mark Crutcher, president of Life Dynamics, an antiabortion organization based in Denton TX, told the Detroit Free Press that the bill is "a scam being perpetrated by people on our side of the issue * * * for fund-raising purposes."

It doesn't seem to matter to the proponents of this defective Republican bill that women like Maureen Britell, Eileen Sullivan, Coreen Costello, Erica Fox, Vikki Stella, Tammy Watts, Viki Wilson, and others will be forced to risk serious health consequences if this bill becomes law.

Doctor after doctor has told us that this procedure may be necessary to preserve a woman's health. The American College of Obstetricians and Gynecologists has said:

> An intact D&X may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and dangerous.

Perhaps if the Republican men in Congress were the ones to get pregnant, they would show more compassion for the women who find themselves in these tragic circumstances.

Take the case of Coreen Costello. After consulting numerous medical experts and doing everything possible to save her child, Coreen had the procedure that would be banned by this legislation. Based on that experience, she gave the following testimony to the Senate Judiciary Committee last year:

> I hope you can put aside your political differences, your positions on abortion, and your party affiliations and just try to remember us. We are the ones who know. We are the families that ache to hold our babies, to love them, to nurture them. We are the families who will forever have a hole in our hearts. We are the families that had to choose how our babies would die * * * please put a stop to this terrible bill. Families like mine are counting on you.

I oppose this legislation. Instead, I stand with Coreen Costello and others whose lives and health must be protected. The alternative proposed by Senator SNOWE and Senator DASCHLE provides that protection, and so does the alternative proposed by Senator FEINSTEIN, Senator BOXER and Senator MOSELEY-BRAUN. I intend to vote for these alternatives, because they respect the Constitution, and above all they respect the right of women and their doctors to make these difficult and tragic decisions.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. How much time is the Senator requesting?

Mrs. BOXER. I ask for 15 minutes.

Mrs. FEINSTEIN. Mr. President, I am happy to yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, let me say how proud I am to stand with my colleague, my senior Senator from California, Senator FEINSTEIN, and the senior Senator from Illinois, Senator CAROL MOSELEY-BRAUN, who has just arrived on the floor, to speak in favor of the bill which really addresses an issue that the American people want addressed. It does so in a way that is constitutional. It does so in a way that is respectful of women and their families.

When we approach this issue, we have very strong feelings in the approach that is taken, in a sensitive way.

It is harmful legislation. It will harm women, will hurt women, will lead to women dying, will lead to women suffering infertility, suffering paralysis, and all needlessly.

So what we have done in this legislation, which I am very proud of, is to basically codify Roe versus Wade. In other words, we support a woman's right to choose with the understanding that after viability, when the fetus can live outside the womb with or without life support, we want to be very careful that there should be no abortion at all unless the woman's life is threatened, or her health is threatened, and in those cases where a doctor so determines and the woman's family so agrees, that that woman will be able to terminate that pregnancy in a way that protects her life and her health.

What we are attempting to do in the course of this debate is to put a woman's face back on this issue because, when you listen to the other side, the woman is completely forgotten. As I said yesterday, the day we pass legislation that harms more than half of our population is the day that I wonder what we are doing as a country.

I hope that the other side on this issue would join hands with us and get this passed. We know the President would sign this bill. Then we can tell the American people together that the only cases of late-term abortion in this Nation that would be allowed is when the woman faces a life-threatening situation, if the pregnancy continues, or one that is so serious that action must be taken to terminate the pregnancy.

Senator SANTORUM would outlaw a particular procedure and not allow it be used except in the most narrow circumstance.

I want to tell you what some doctors have said about this procedure that Senator SANTORUM would ban.

The American College of Obstetricians and Gynecologists is an organization representing 37,000 physicians. As I have said in the past, I know those of us who come to the U.S. Senate are pretty strong people who believe in our views, who believe in ourselves, but we ought to leave our egos at the door when it comes to protecting lives.

When it comes to medical emergencies, we do not have the capability of deciding what procedure ought to be used in a hospital room. If you were to ask your constituents, I don't care what party, or whether they are Independent, Republican, Democratic, or whatever party they are for, who would you rather have in the emergency room with you, Senator SANTORUM, Senator BOXER, or the family doctor who is trained, who understands the issue? I think they would say, "I don't want any politicians in the hospital room with me. I want the best physician that I can find for my wife or for my daughter or for my niece. And I want that doctor to have the full range of options," knowing that there will never be an abortion in the late term unless the life or health of the mother is at stake.

That is a pretty moderate course, it seems to me, a pretty reasonable course. And that is the course of the Feinstein-Boxer-Moseley-Braun bill.

Let me repeat, under our bill, there will be no late-term abortion, no postviability abortion unless the doctor determines that to protect the woman's life and health he or she must terminate the pregnancy.

Senator FEINSTEIN talked about Viki Wilson. I have her picture up here behind me with her loving family. And I think it is worth repeating the story.

In her 36th week of the pregnancy, the nursery was ready, the family was anticipating the arrival of their new family member. Viki's doctor ordered an ultrasound which detected something that all of her prenatal testing had failed to detect. As Senator FEINSTEIN told you, two-thirds of her daughter's brain had formed outside the skull, and the doctors feared that Viki's uterus would rupture in the birthing process leaving Viki sterile. After consulting with other physicians, with their clergy, with their God, in order to preserve Viki's fertility, they made the painful choice to have this procedure that would be outlawed under the Santorum bill.

Now you see Viki, who has protected her fertility, a decision made with her doctor and her God. This procedure would be outlawed by the Santorum bill.

The 37,000 gynecologists and obstetricians stated that this procedure that would be outlawed under the Santorum bill "may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances, can make this decision. . ."

Today I received an additional letter that I want to share with my colleagues from David Grimes, a physician in San Francisco, CA. He tells the story—that he had never used this procedure that Senator SANTORUM wants to outlaw. But he talks about it this way, and the time that he did use it recently.

He says:

> A woman in the Bay Area became seriously ill with preeclampsia (which is toxemia of pregnancy) at 24 weeks' gestation. She had a dangerous and extreme form of disease, called HELLP syndrome . . . she had liver failure and abnormal blood-clotting ability. The pregnancy had to be terminated to save her life.
>
> During several days spent unsuccessfully in attempts to induce labor, her medical condition continued to deteriorate. Finally, in desperation, the attending physician called me to assist . . .

He said he accomplished the procedure in a manner of minutes with very little blood loss.

> She recovered quickly thereafter, and her physician discharged her home in good condition after a few weeks.

He said:

> . . . I received a lovely thank you note from her husband.

You know, this isn't only about women. It is about their loving husbands and their loving fathers.

He "received a . . . note from her husband thanking me for saving his wife's life."

And the doctor said:

> In this instance, an intact D&E was the fastest and safest option available to me and to the patient. Congress must not take this option away.

So, yet—and I have many other letters from physicians—that is exactly what this Congress is set to do. With the exception of 1 physician, who I don't believe is an OB-GYN, we have 99 people in here who do not know a whit about being an obstetrician or gynecologist. They don't have any training, at least that I know of.

I find it the height of—I don't even know the right word to use—the "height of ego," I guess, to think that we would know more than a physician, we would pass legislation that would take an option away from a physician. I can't believe that we would be doing this.

I can tell you, I just had a community meeting in California. Maybe I knew 2 people out of 700 people that came out to the community meeting. The floor was open. It was their meeting. And not one of them stood up in that meeting and said, "Senator BOXER, you ought to go there and outlaw medical procedures."

What they told me is go back there and get that budget balanced, educate our children, and preserve our freedoms.

So I have to say this is now the third time we have taken up this debate. It is the third time. It is painful. It is difficult. The reason I find it so painful is because in the name of saving pain, this Congress is going to vote for a bill that is going to cause families pain, and not just momentary pain, but long-lasting pain, because when a woman loses her fertility it is long-lasting pain, or if a woman gets paralyzed it is long-lasting pain.

I want to talk to you about a couple of other women:

Maureen Britell, a 30-year-old, Irish-Catholic mother of two, who lives in Massachusetts. On February 17, Maureen and her husband were awaiting—this is in 1994—joyously awaiting the birth of their second child. On that date, when she was 5 months pregnant, a sonogram determined that her daughter had no brain and could not live outside the womb. Her doctor recommended termination of the pregnancy. The next day a third-degree sonogram at the New England Medical Center in Boston confirmed the diagnosis that the baby had no brain and was not viable.

Maureen and her family sought counsel from their parish priest, Father Greg, who supported the decision to terminate the pregnancy. Let me repeat that. Maureen and her family sought counsel from their parish priest, Father Greg, who supported the decision to terminate the pregnancy. They named their daughter Dahlia. She had a Catholic funeral, and was buried at Otis Air Force Base in Cape Cod.

So Senators are going to interfere with the decision made by a family, its doctor, and their God. And by the passage of the Santorum legislation, if in fact it is going to pass, which indications are it will, that is just what we are doing—the height of ego. "We know better than a doctor. We know better than a priest. We know better than a rabbi. We are going to be in the hospital room. We are going to say what medical procedures can't be performed."

What is the next one? There are no pretty medical procedures, period. What is the next one that we are going to stand up here and outlaw?

I want you to meet Eileen Sullivan.

Eileen Sullivan, with 10 brothers and sisters, runs a nursery school in southern California. And she is an Irish-Catholic woman.

Eileen writes, "For as long as I can remember, being in the company of children was when I was happiest. So when my husband and I watched the home pregnancy test slowly show a positive result, we were ecstatic. After three years of trying to conceive a baby, I didn't believe it. So I kept checking the test against the diagram on the package. Sure enough, we had done it. We were going to have a baby."

Eileen continues:

> My long awaited pregnancy was easy and blissful. As I charted my baby's growth week by week, the bond grew stronger between us. Many nights I spoke to my baby, saying that I accepted it just as it was, boy or girl, with dark eyes like mine or blue like my husband's. I didn't care—I was just so happy that we would finally be parents.

At 26 weeks, Eileen went to her obstetrician for a routine ultrasound. After a few moments, her doctor got quiet and began to focus intently on the monitor. The doctor confirmed that there was a problem and sent Eileen and her husband to have tests immediately.

The Sullivans went to a genetic specialist for another ultrasound. The doctor concluded that among other things: the baby's brain was improperly formed and being pressured by a backup of fluid. His head was enlarged, his heart was malformed, his liver was malfunctioning, and there was a dangerously low amount of amniotic fluid.

According to Eileen, for 2 hours the specialist detailed the baby's anomalies. Eileen writes, "My husband and I held one another and tried to understand what was happening. This was a nightmare. We spoke to a genetics counselor and had a battery of additional tests including an amniocentesis and a placenta biopsy."

She continues: "When the tests came back, the prognosis was the same—the anomalies were incompatible with life."

"Not wanting to accept this," she writes, "we went to another specialist—a pediatric cardiologist. His prognosis was no better. According to the cardiologist, our baby's heart condition was lethal and he would not live."

She continues: "We wept. We discussed what we should do, what was best and safest for myself and the baby. After all the talking was over, we were faced with the hardest decision of our lives, and we opted to do what we thought was right. We opted to undergo a late-term abortion. Our long awaited, much anticipated baby was not going to make it, and there was nothing we could do to change that."

Eileen continues: "What we could do is choose the best way to end our pregnancy and help improve our chances of future pregnancy. I had had cervical cancer."

She goes into all the problems and all the reasons why she had to make this choice. She said, "We chose * * * a safe, surgical procedure that protected my health, spared my baby needless suffering and allowed us to hold our child and say our goodbyes. This is the procedure that would be banned by the legislation you are considering today." And she says, "Please leave these difficult medical decisions where they belong—between women, their families and their doctors."

So I think you have seen, Mr. President, that the women who have undergone these surgeries wanted these children desperately. Their husbands wanted these children desperately. They were religious, they are religious women. Many of them say they do not consider themselves pro-choice. But what we would do with the Santorum legislation is to take away an option that saved their fertility, saved their health, and perhaps even saved their lives.

Why on Earth would we do this? I believe the Feinstein-Boxer-Moseley-Braun alternative is the sane way to go, the appropriate way to go. It keeps these decisions where they belong, and yet it says the only time that an abortion in the late term will be allowed would be when the woman's life is in danger or her health is in danger. So I proudly stand with my colleagues, and I urge my colleagues to be strong, to be courageous. I listen to these ads. I read these ads. They are misleading. They use hot button words, and I have to tell you, if you look at this and you look at these women, this, my friends, is the truth. These women stand and tell the truth. Let us stand with them.

I thank you, I say to my friend and colleague, and I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield myself such time as I may use.

Mr. President, there are so many things I would like to say, but let me just start with one at a time, and that is the pictures the Senator from California put up here of women who have been in situations where they were faced with a fetal abnormality and were convinced, unfortunately, by some genetics counselors and others to have an abortion as their option.

Let me show you a picture of someone who wasn't convinced by genetics counselors that that was her only option. That is Donna Joy Watts. I talked about her yesterday. She had the same condition as two of the women that Senator BOXER just described—same condition. Her mother had to go to four hospitals to find someone who would not do what the people that Senator BOXER just talked about did, which is terminate the pregnancy, abort the child. She said no. She says, I'm going to let my child live in the fullness of what God has planned for her. I am not going to end her life. I am not going to make the decision to end her life, like any other mother or father would not, if they were faced with a sick child, kill them. Why would you kill your child? Because your child is sick? Because your child might not live long? Why kill your child?

Lori Watts and Donny Watts said, no, we are not going to kill our child. We are going to do what we can. We are going to treat her with dignity and respect like any other member of our family. We are going to love her and do everything we can to support her.

So they delivered Donna Joy Watts. The doctors would not treat her. They said she was going to die. They would not even feed her for 3 days. You want to talk about all these doctors who are so concerned about saving lives. Then why are we debating physician-assisted suicide if all these doctors are so concerned about saving lives? People who perform abortions are not principally concerned about saving lives. They are worried about malpractice concerns, particularly if you have a difficult pregnancy. They are worried about a whole lot of other things. But I would suggest, unfortunately, there are too many—if there is one, there is too many—doctors out there who—after she was born, doctors were referring to Donna Joy as a fetus laying there alive, breathing—a fetus.

So do not tell me, do not tell me that all these caring, compassionate doctors would, of course, do everything to save a child's life. It is not true. God, I wish it were true. And, unfortunately, bad advice is given out by people who either do not know, have not taken the time to understand what options are available, what technology has been developed, or do not care or just are afraid to deal with the problem.

Mr. and Mrs. Watts had to go to four hospitals just to find a place to have her delivered. They would not deliver her. They would abort her. They would do a partial-birth abortion. In fact, they offered a partial-birth abortion, but they would not deliver her.

So do not bring your pictures up here and claim that is the only choice. This is not a choice. These are little babies. And they are asking us to help them now. This is not Senator RICK SANTORUM, nonphysician, speaking. Over 400 obstetricians and gynecologists—and by the way, the person who designed this barbaric procedure that we are debating was not an obstetrician. You hear so much about all these experts. He was not an expert. He is a family practitioner who does abortions, and you can only question as to why he spends all his time doing abortions instead of taking care of families. But that is what he does. He does abortions.

This is not taught in any medical school. It is not in any peer review literature. It is not done anywhere but abortion places. It is not done in hospitals that deal with high-risk pregnancies. Ask the question. I will ask it. Can you find a place that deals with high-risk pregnancies that has perinatologists at their unit that does partial-birth abortions?

The answer is no, zero. No hospitals do this procedure. If this is a procedure that was so important to be kept alive and so important to be an option, then why don't the experts, the people who study high-risk pregnancies, perform this? If this was the best choice—and the Senator from California suggested that in fact would be the only choice in certain cases. Yesterday, she listed five conditions in which this would be the only choice. Now, if you are a perinatologist, someone who deals in late-term pregnancies, and you are not performing this—you are basically telling the perinatologists that they are doing malpractice because they are not doing this procedure.

Let me talk to you about one perinatologist who wrote to me. This is Dr. Steve Calvin, assistant professor, Division of Maternal-Fetal Medicine, Department of Obstetrics and Gynecology, University of Minnesota in Minneapolis:

> As a specialist in Maternal-Fetal Medicine, I practice with the busiest group of perinatologists—

That is obstetricians who work on high-risk pregnancies and deal with these fetal problems—

> in the upper midwest.

The busiest group of perinatologists in the upper Midwest.

> I also teach obstetrics to medical students and residents. I know of no instances when the killing of a partially born baby was necessary to accomplish delivery in any of the five medical situations listed by Senator Feinstein.
>
> Senator FEINSTEIN claims that partial-birth abortion is necessary to end a pregnancy in the following five situations: Fetal hydrocephaly, fetal arthrogryposis, maternal cardiac problems (including congestive heart failure), maternal kidney disease and severe maternal hypertension.
>
> The first two conditions are significant fetal problems. Hydrocephalus—

And that is exactly, by the way, what Donna Joy Watts had—

> is an increased amount of cerebrospinal fluid that can cause enlargement of the head and arthrogryposis includes deformities of the fetal limbs and spine. Significant as these abnormalities may be, they do not require the killing of a partially born fetus. Delivery can be accomplished by other means that are safer for the mother—

I repeat, "safer for the mother"—

> and give the fetus at least a chance of survival.

And, I might add, apart from this, some dignity, some dignity to one of our children, one of our humankind, in the case of the family, one of their family.

> The other three conditions are maternal illnesses that may indeed require ending the pregnancy. But, as with the fetal problems, there is no reason that the treatment must include suctioning out the brain of a partially born baby.
>
> One of my biggest concerns is that the opponents of this ban are claiming that this destructive procedure is the only method of ending a pregnancy. Abortion supporters have previously acknowledged that surgical mid-trimester and late- term abortions are more dangerous to a woman's health than induction of labor.

Let me read this again.

> Abortion supporters have previously acknowledged that surgical mid-trimester and late-term abortions are more dangerous to a woman's health than induction of labor. Their concern for women's health and safety apparently ends when there is any threat to unrestricted abortion.

Signed Steve Calvin, MD.

And I will put up this quote from 400 doctors, over 400 doctors, including the former Surgeon General, C. Everett Koop. I suggest these over 400 doctors, many of them members of ACOG, which is American College of Obstetricians and Gynecologists, also are concerned about maternal health. Many of these are perinatologists, people who specialize in high-risk pregnancies. I would think they would be concerned about maternal health. Many of these doctors are pro-choice and they said the following clearly.

> While it may become necessary, in the second or third trimester, to end a pregnancy in order to protect the mother's life or health, abortion is never required.

Now, they did not say it should be an option. They said never. These are experts. Senator BOXER says, well, RICK SANTORUM should not be in the operating room. I would not want to be in the operating room. I would pass out if I was in the operating room. The fact of the matter is I am not going to be in the operating room. These folks are. This is what they say. "Never," not sometimes, "never required."

> It is never medically necessary, in order to preserve a woman's life, health or future fertility, to deliberately kill an unborn child in the second or third trimester, and certainly—

Underline certainly—

> not by mostly delivering the child before putting him or her to death.

This last line is very important.

> What is required in the circumstances specified by Senator Daschle [Senator Boxer, Senator Feinstein] is separation of the child from the mother, not the death of the child.

In other words, there may be cases where you must separate the child from the mother, you must deliver the baby, either by induction and delivery, vaginally or by cesarean section, but in no case, according to a doctor—and I ask if you can produce one perinatologist who would say that it is necessary, absolutely necessary, to kill the child in order to protect the life and the health of the mother, because I have hundreds who say it is not, hundreds from the finest universities and the finest medical schools all over this country who say absolutely, definitively—and the former Surgeon General of the United States, C. Everett Koop—never necessary, never necessary.

Now, we also have to talk about all these cases that we are concerned about the mother's health. We make the assumption that abortion is an option to preserve the mother's health or life. I heard that over and over again. It has to be out there in late trimesters, after 20 weeks. Let me share a couple of statistics that shed some light on this.

This was referred to by Dr. Calvin. I want to back it up by the statistics. This is from the Alan Guttmacher Institute. Who are they? They signed letters with NARAL and Planned Parenthood and all these other abortion groups, in support of this procedure, in support of every liberalization you can possibly imagine. They are a pro-choice, some would even suggest pro-abortion group. Here is what they say.

> The risk of death associated with abortion increases with the length of pregnancy, from 1 death in every 600,000 abortions at 8 or fewer weeks to 1 per 17,000 at 16–20 weeks, and [after 20 weeks, when partial-birth abortions are performed, they are considered late-term abortions after 20 weeks] 1 per 6,000 at 21 or more weeks.

It is 100 times more likely that a mother will die than if the abortion were performed in the first 8 weeks. It is 100 times more likely.

This is what these people are advocating, performing abortions. Let me throw one statistic on top of that. I will show it. I will read it. "It should be noted that at 21 weeks and after, abortion is twice as risky for women as childbirth: The risk of maternal death is 1 in 6,000 for abortion and 1 in 13,000 for childbirth."

So, aborting a child through partial-birth abortion, late in term, is statistically more dangerous to the life of the woman than inducing labor. In other words, not only is it preferential for our society not to kill children who should be given a chance at birth, late, when there may be a chance of viability or just when they should have at least some dignity attached to their life, but it is more dangerous to abort than it is to induce labor or to have a cesarean section. It is more dangerous.

The folks who say they are protecting a woman's health and life are arguing for procedures that do the exact opposite. Facts: I know we do not like to talk about facts when it comes to abortion. We like to put up pictures of nice families and warm little babies, that somehow or another, this family is better off because of an abortion. The fact is by having an abortion she was twice as likely to die and not be in that picture. That is the fact. We do not want to talk about that. We want to make sure the right of abortion is paramount among all rights. Because that is what this amendment does—nothing. It lets there be abortion on demand, anytime, anywhere, on anybody. That is what this amendment does. It has no restrictions. It is an exception that is not an exception.

It is an exception that says that, while we cannot have postviability abortions except for the health of the mother— let me tell you what Dr. Warren Hern, who wrote the definitive textbook on abortion, called "Abortion Practice," said. Here it is: "Abortion Practice," Warren M. Hern, from Colorado. My understanding is this is sort of the definitive textbook on teaching abortions. He does second- and third-trimester abortions and is very outspoken on this subject. He does not use partial-birth abortion, I might add; does not see it as a recognized procedure. But this is what an abortionist who does late-term abortions—in fact, has people come from all over the world to have abortions done by him—this is what he said about, not the Boxer-Feinstein amendment but the Daschle amendment, which we are going to debate next:

> I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.

In other words, abortion on demand, anytime during pregnancy. And he believes this. Some would say you are relying on the doctor's bad faith—no. He believes this. And he has a right to believe it. If you look at the statistics, I mean, you know, unfortunately some women do die as a result of pregnancy and, therefore, he could say legitimately there is a risk. Any pregnancy is a risk. It may be a small risk, but it is a risk. And all these bills require, that we are going to hear today, is just a risk. Not a big risk, a risk.

So what we have are limitations without limits. What we have is a farce, to try to fool all of you, to try to fool the press. It has done a very good job fooling the press. We have wonderful headlines about how we are trying to step forward and do something dramatic on limiting late-term abortions. Phooey, we have a step forward into the realm of political chicanery, of sham, of obfuscation, illusion, that does nothing but protect the politician at the risk of the baby. That is what is going on here. That is what is going on all day. You are going to hear a lot of it. You are going to hear, "Oh, we need to do this, we need to protect this." Here are the facts as pointed out by their side. I am using their facts. The Alan Guttmacher Institute—their numbers.

Even when we debate with their information they cannot refute it. The fact of the matter is, there is no reason to do a partial-birth abortion and there is every reason in the world to stop it. It is a dehumanizing procedure. You wonder why we have a society that just is becoming adrift, that does not know right from wrong, that does not have any sense of justice, that does not have—we do not have any compassion for each other? I will give you a good example why that happens. Because on the floor of the U.S. Senate we are debating a procedure where we can kill a little innocent baby that is completely delivered from the mother except for the head. It is moving outside of the mother, a little baby who has done nothing wrong to anybody, and we are saying, "You don't deserve to live."

Give people like Donna Joy Watts a fighting chance. It will ennoble us all. We can look to Donna Joy and her family and say there are parents who showed the best, who showed the best in our hearts, who showed the willingness to fight for life, for things that are at the core of who we are as humanity. Let that spirit come back into American culture. Stop this culture of death and self-centeredness and focus in on life and dignity. What about poking scissors in the base of a little baby's skull and suctioning its brains out is dignifying the human being? You would not do that to a dog or an old cat that you wanted to put to sleep. You would not do it to a criminal who has killed 30 or 40 people. And you do it to a little baby who has done nothing wrong and just wants a chance, for however long it may be—and it may not be long—but, for however long, the dignity of life.

The Senator from California talks about the long-lasting pain to the family that we would be imposing on them. What is so painful about looking at yourself in the mirror and saying: "I have done everything I can to help my little girl or my little boy have a chance at life. I gave them every chance. I loved them as much as I possibly could in the time that God gave us." What is so painful about that?

I will tell you pain. Facing, every day, that you killed your son or daughter for no reason, that is a pain I would not want to live with.

Mrs. BOXER. Will the Senator yield to me for a question?

Mr. SANTORUM. Not yet.

Mrs. BOXER. Let me know. I will be happy to wait until you are ready. Thank you.

Mr. SANTORUM. There are great pains out there when you are dealing with a child that is not going to live. It hurts. And it is troubling. But you will find, not only from my experience but from the experience of doctors who deal with this all the time, that treating your son or daughter with dignity, loving them as much as you can for as long as you can—does not make the pain go away. It never goes away. When you lose a child it never, ever goes away. But it helps you live with it.

What we are doing today is, hopefully, banning a procedure and explaining to all of those unfortunate people who may be dealing today, right now, with this situation, that there is a better way for everyone. Let us do the better way. Let us do the right thing. Let us do the just thing for everyone.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me just make a couple of comments.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. I yield 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania has the time. Does the Senator from Pennsylvania yield time to the Senator from Oklahoma?

Mr. SANTORUM. I yield 10 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Pennsylvania for yielding time. I think he made one of the best presentations I have heard on the floor of this body. I want to say that, when he deals with the facts, he is dealing with the facts but, you know, we are also dealing today with perceptions. I tried to make a list of those things I have heard over and over. There is a lot of redundancy on this floor but there are some things that have not been stated. I would like to share a couple of those with you.

I am going to do something that is a little unusual, because I am going to read some Scriptures to you. It is not totally unprecedented in this body. In fact, the distinguished senior Senator from West Virginia does it quite often. So I would like to read a couple of Scriptures, just for those who care. Anyone who does not, don't listen.

First of all, I have used this a number of times, Jeremiah 1:35 says, "Before I formed you in the womb I knew you; Before you were born I sanctified you."

Or the 139th Psalm, no matter which interpretation you use, it makes it very clear when life begins.

Then, I was, not too long ago, at the U.S. Holocaust Memorial Museum. I had been to the museum in Jerusalem, and I found the same thing was printed on the last brick as you are going through. This is Deuteronomy 30, verse 19. It said: "I call heaven and earth as witnesses today against you, that I have set before you life and death, blessing and cursing; therefore choose life, that both you and your descendants may live."

And, last, I am always concerned that something that is as dramatic and is as significant as this issue is going to go unnoticed; that maybe there are Senators out there who are not really into this issue and they might want to vote the party line, or they might want to say, well, maybe there aren't as many of these procedures out there, so they just really are not knowledgeable of the subject. So, I will read Proverbs 24, 11 and 12:

> Rescue those who are unjustly sentenced to death. Don't stand back and let them die. Don't try to disclaim responsibility by saying you didn't know about it, for God knows. Who knows all hearts knows yours, and He knew that you know.

Mr. President, I was listening to the Senator from Massachusetts who said it does not do any good if we pass this because the President is going to veto it anyway. But I suggest to you that the President may not veto it, and if he does veto it, maybe some people will come over who were not here a year ago on this side of the aisle.

Ron Fitzsimmons who just last year insisted that the number of partial birth abortions were a relative handful now admits "I lied through my teeth."

He was lying. So if the President is predicating his decision to veto this ban on the basis of what was told to him by Ron Fitzsimmons, there is every reason he could turn around on the issue. I suggest also that we are talking now not just about a procedure, but a culture.

I have a very good friend by the name of Charles W. Colson who gave these remarks upon winning the prestigious Templeton Prize for contribution to religion. Listen very carefully. He puts it all together, not isolating one procedure or one issue:

> Courts strike down even perfunctory prayers, and we are surprised that schools, bristling with barbed wire, look more like prisons than prisons do. Universities reject the very idea of truth, and we are shocked when their best and brightest loot and betray. Celebrities mock the traditional family, even revile it as a form of slavery, and we are appalled at the tragedy of broken homes and millions of unwed mothers. The media celebrate sex without responsibility, and we are horrified by plagues. Our lawmakers justify the taking of innocent lives in sterile clinics, and we are terrorized by the disregard for life in blood-soaked streets.

I think that kind of puts it into a context, which we are now approaching, that this is not just a normal type of an abortion.

I have a great deal of respect for one of the most intellectual Members of this body. It is Senator PATRICK MOYNIHAN from New York, who is a self-proclaimed pro-choice Senator. He said:

> And now we have testimony that it is not just too close to infanticide, it is infanticide, and one would be too many.

This is where we get into the numbers game. I heard it said on this floor many times that we are talking about maybe 1 percent or maybe talking about those that are in the ninth month may be an infinitesimal number. But, in fact, one is too many. It was said on the floor that we may be only talking about 200 lives being taken during the normal delivery process. That is when a baby is given a natural birth and, yet, they take the life by using this barbaric procedure. We have all kinds of documentation that it is being done in the ninth month and during the normal birth process. They say only 200.

Mr. President, I am from Oklahoma, and we lost 168 lives in the Murrah Federal Office Building bombing. This was the largest domestic terrorist attack in American history. Did anybody say that is only 168 lives that were lost in Oklahoma City? No, the entire Nation came with compassion and mourned with us. One life, I agree with Senator MOYNIHAN, is too many.

One other issue that has not been discussed in this debate this year is that of pain, and rather than go into it, I do not think anyone refutes the fact that a small baby, if that baby is certainly past the second trimester, feels pain every bit as much as anybody who is in here, as any Member of the U.S. Senate would feel pain. There was a study conducted in London, and I have the results here, but I think everyone understands that this is something that is very real, that these babies do feel pain.

I have a picture of a good friend of mine with me. His name is Jason—James Edward Rapert. Back when people our age were having babies, they would not even let you in the hospital, let alone the delivery room. When my daughter, Molly, called up and said, "Daddy, the time is here, could you come over," and I went over to the hospital, she said, "Would you like to come into the delivery room?"

"Wow, yes, I would."

So I saw for the first time what many of you in this room have seen, and many of the women have experienced personally, but I was there when this little guy was born. It is hard to describe to some of the men here who have not been through that experience of seeing this wonderful life begin, and I can remember when, in that room where the delivery took place, it occurred to me that when Baby Jase, my grandson, was born, that that is at a moment when they could have used this procedure inflicting all of the pain you have heard described so many times: Going into the cranium with the scissors, opening up the scissors, suck the brains out, the skull collapses. Awful. And there are individuals who want to keep a procedure like this legal. If you did that to a dog, they would picket in front of your office. Somehow we have developed a culture that puts a greater value on the lives of critters than human life.

So I watched Baby Jase being born, and I suggest to those of you who are concerned about choice that this is really the choice. It is either that choice or this choice. Those are the choices we are faced with today.

Mr. President, this is something on which I agree with the Senator from Pennsylvania. We should not be having to talk about it. To think 100 years from now they may look back and talk about that barbaric society that killed their own young, and here we are just trying to save a few lives from a very painful death. But nonetheless, that is the issue we are faced with today. I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I yield 5 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise to speak in support of the partial-birth abortion ban. I applaud the bipartisan effort taking place to bring this bill to the floor. Most importantly, I applaud the efforts of my good friend, Senator SANTORUM from Pennsylvania, who has effectively and courageously articulated many of the reasons that this procedure should not be accepted in America today.

People in this country are concerned about our Nation. They are concerned about its moral values; they are concerned about its goodness. What do we value, what do we cherish, what do we respect and how do we live? Mr. President, I think it is time for all of us to think about that.

I am a lawyer. I served for quite a number of years as a Federal U.S. attorney charged with enforcing laws, and I have been thinking about this both as a lawyer, and as a person who wants to decide what kind of laws we ought to have. I do believe that laws do affect and reflect the character and the values that the people of this Nation hold dear.

I say to you, Mr. President, that we need clarity in our law. No matter how we debate or what we feel about the overall question of abortion, this procedure, in which a child is partially removed from the womb of the mother, is partially born, to then have its life exterminated, is a standard that we ought not to allow. We should not allow children who are partially born to be murdered. I think that is an area in which it is appropriate for the law to have a clear distinction.

Some have said the President will not sign this bill, that he will veto it again. But I remember what the President said his reasons for the last veto were. He said these procedures were rare, and that they were performed only to preserve the life or the health of the mother or to preserve the reproductive right of the mother because of the most severe abnormalities in the infant. Those are the reasons he gave; those are the reasons American citizens were told from this very floor by many of the people who are arguing today in support of this procedure. That is what they were told.

Mr. Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers—that means the national group of abortionists—admitted publicly that he had lied through his teeth, that the false information he had displayed made him sick to his stomach.

So I will just say to you, Mr. President, that I do not believe President Clinton has made up his mind on this matter. The reasons he gave when he struck down this bill last time are not present today. I believe that with the election behind him he has an opportunity now to abide by his conscience and to abide by the facts which have been proven repeatedly to be true, and I believe that when this bill is passed, it will be signed by the President. I certainly hope so. I think he certainly needs that opportunity, because the circumstances have greatly changed.

So I will say again how much I appreciate the work of the Senator from Pennsylvania, Senator SANTORUM, how much I respect his commitment, love and capacity for all humankind. I think it is an important question for this country because it sets a standard about who we are, what we will accept in our community, what kind of laws we ought to have, and based on that, I support this bill, and I urge my colleagues to do so.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

There really is no more important value than life. The only question that is raised today with this debate is, whose life?

This debate is about women's health, women's rights, women's choices, and their stories, but, most importantly, this debate is about women's lives. This is not a place for the kind of screaming, fiery rhetoric we have heard here. If anything, we need to listen to each other, we need to hear the voices of people, of women who have been faced with the choices and the issues, who have been faced with troubled pregnancies and understand that somewhere in this very controversial area, there is guidance for us and there are answers for us.

This debate is about whether or not women are going to have the ability to make decisions regarding their own reproductive health, whether women will have and be able to exercise their constitutional rights to privacy, whether women will be able to make decisions regarding their own pregnancies, and this debate, in the final analysis, is about whether women are going to be heard.

Women's health is at stake with this legislation. We cannot afford to have women suffer irrevocable and irreparable harm due to pregnancy where we have the medical ability to prevent that harm and save the woman's life. We should not dictate that an unborn fetus is more precious to us than the life or the health of its mother.

In 1900, some 600 women died in childbirth in the United States for every 100,000 live births. Death in childbirth was a regular tragic occurrence. But by 1970, 21.5 women died in childbirth for every 100,000 live births. Today, that number has dropped to less than 10. Women are surviving in childbirth because of advances in medicine.

These figures show us that the maternal death rate has dropped by some two-thirds since the Supreme Court affirmed the right of a woman to obtain a safe and legal abortion. This is an important reduction in maternal mortality and one which I know we are all thankful for. But it seems to matter less to some in this debate that some women may well die if the right to make choices about their own health is taken away from them. Abortion should be safe, it should be legal, and it should be rare.

Mr. President, it seems to me that legislation that we are debating right now to ban certain specific abortion procedures would turn back the advances that have been made in medical science and have been made with regard to maternal health and maternal death rates, and it would dictate to doctors what procedures they can and cannot use to protect the life and health of their patients.

One of the Senators who spoke on the floor today talked about protecting politicians versus protecting babies. Well, the point is that the politicians should have nothing to do with this. This is a question for the mother, the child, the family, and their God.

Mr. President, in this legislation there is no exception, none, to protect the health of the mother. And so this legislation, H.R. 1122, the underlying bill, lays aside altogether the advances in medical science. The training of doctors is disregarded altogether. Women's health is ignored. And so essentially it would send us back to the status of the law that existed before Roe versus Wade was decided by the U.S. Supreme Court and when we had such a prevalence of maternal deaths.

Some have argued that the procedure being banned in this legislation is being banned because it is medically dangerous. Well, Mr. President, if it is dangerous then doctors should make that determination, not Senators. That is their job; it is not ours.

Some have argued the procedure is unnecessary. And yet the legislation contains a narrow life exception to the ban. If that exception is needed, that is because in some circumstances the procedure that is involved here is needed. Physicians have said this and have written to us about this. And so you really have to take a chance that you might not force a woman to die because of the decisionmaking that will be made in this Chamber. But again, this is essentially a medical decision, what procedure to use in the case of a troubled pregnancy.

Mr. President, women's rights also are at stake. And this is a very important point. Women's rights as equal citizens under the law are at stake in this debate. Women fought for generations for full protections under the law in our Constitution. And this legislation rolls back the clock. I would point out, women were not even citizens in this country until 75 years ago. We just then got the right to vote in this country.

This legislation unfortunately, in my opinion, assumes that female citizens do not have rights which the unborn are bound to have. The debate that we are now engaged in has turned the notion of entitlement of citizenship right on its head by giving the unborn equal or even greater status than their mother, as I believe this legislation does. Legal conclusions may be reached that reduce women to second-class citizenship.

And so the legislation reduces the status of all women as citizens, but even more tragically, it could very well result in a death sentence for some women by forcing a choice between the life of the mother and the life of the fetus, particularly in cases of poor women or rural women who do not have easy access to the top-quality health care, the health care that could save the life of someone if they were fortunate enough to be able to access it.

So we are essentially debating whether or not we are going to sentence some women who have difficult pregnancies to a death sentence with this legislation.

The Supreme Court had ruled in Roe, States cannot restrict a woman's access to abortion in the first or second trimesters. The Court has said that the interests of the potential citizen, that is not yet a citizen, that is not yet viable, cannot be placed in front of the rights of a woman who is currently a full citizen.

In addition, the Court has ruled that while the States may have a compelling interest to legislate restrictions on postviability abortions, there must be an exemption for the life and health of the mother. That basic exemption for life and health is missing from the underlying legislation that we are debating today. And so I submit that the legislation fails to protect fundamental rights of female citizens.

Mr. President, women's choices are at stake in this legislation. Choosing to terminate a pregnancy is the most personal and private and fundamental decision that a woman can make about her own health—about her own health and her own life.

Choice is, when boiled down to its essentials, a matter of freedom. It is a fundamental issue of the relationship of a female citizen, a woman citizen to her Government. Choice is a barometer of equality and a measure of fairness. And it is, I believe, central to our liberty.

I do not personally favor abortion as a method of birth control. My own religious beliefs hold life dear. And I would prefer that every potential child have a chance to be born. But whether or not that child will be born must be a mother's personal decision, a woman's personal decision.

I fully support the choice of those women who carry their pregnancies to term no matter what the circumstances. But I also respect the choice of those women who, under difficult circumstances where their life and health may be endangered, choose not to go forward with that pregnancy.

I also believe, Mr. President, this is a choice that can only be made by a woman in consultation with her doctor, her family, and her God. Politicians should have no role to play in making so basic a decision.

I recognize that the American people are deeply divided on this issue. People of goodwill will hold greatly differing opinions on the issues we are debating today. And I respect those differences as well.

I have joined my colleagues, Senators FEINSTEIN and BOXER in introducing a substitute amendment banning postviability abortions except in the cases where the life or the health of the mother is threatened. I ask the Senator from California to yield me as much time as I need. I need a few more minutes.

Mrs. FEINSTEIN. I would be happy to.

Mr. President, I yield as much time as the Senator from Illinois will consume.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

I want to talk about the substitute amendment, the Feinstein-Boxer-Moseley-Braun substitute, because it is really very straightforward.

> It shall be unlawful, in or affecting interstate or foreign commerce, for a physician knowingly to perform an abortion after the fetus has become viable.

Why is this opposed?

It is opposed because the second section says that:

> * * * if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman [this absolute ban does not apply].

So what this says is that women's lives, women's health, women's choices are respected by the substitute amendment, but not by the underlying legislation. I believe that this substitute amendment is clearly constitutional, that it is far-reaching, that it does not direct a doctor to choose one medical procedure over another, that it protects future citizens but it also insures, Mr. President, that under no circumstances will women be prevented from accessing the best medical care possible to save their lives or to prevent serious adverse health consequences, such as the loss of their fertility.

When I started, I mentioned that women's stories are being ignored in this debate with this legislation. And I cannot recount the story of Vikki Stella, Vikki Stella from Naperville, IL, without being reminded just how important this fight is for families everywhere.

Our provision, the provision introduced by Senator FEINSTEIN, would protect women like Vikki Stella from Naperville, IL. There can be no greater argument against the underlying bill, H.R. 1122, than this story, in my opinion.

Vikki Stella and her husband were expecting their third child, Anthony. At 20 weeks, she went for a sonogram and was told that she and her child were healthy.

At 32 weeks, that is to say in the last trimester of her pregnancy, 8 months pregnant, Vikki took her two daughters with her to watch their brother on the sonogram.

But the technician that was administering the sonogram was quiet and did not really respond, and asked Vikki if she would come upstairs to talk to the doctor. Vikki thought perhaps that the baby might be breach. As a diabetic she knew that any complications in her pregnancy could be very serious.

Well, the doctor was too busy to see her that day but called at 7 o'clock the next morning, called to say that the leg bones, the femurs on the fetus, seemed a little short, but would she come back in. He assured her there was a 99-percent chance that nothing was wrong, but she should still come in for a level 2 ultrasound.

Well, Mr. President, after that second ultrasound Vikki and her husband and her family were told that the child she was carrying had no brain. It was an abnormality incompatible with life. And Vikki then had to make the hardest decision that she says she had ever made. I want to use her words. She said, "I had to remove my son from life support—that was me."

Now, Vikki's decision would be illegal under the underlying bill, H.R. 1122, that we are debating right now. Vikki's doctor could have gone to jail under the Senator's legislation. And Vikki's family would have suffered a tragedy, perhaps in the loss of her life or the loss of her ability to have other children. All of those implications would have been a tragedy for this family from my State of Illinois.

As it turns out, the story had a better ending because the procedure was performed. Vikki's fertility was maintained. She did not die, and she is now the proud parent of, in her own words, "a beautiful baby boy named Nicholas Archer."

Nicholas Archer was able to be born because H.R. 1122 was not law, Mr. President, because Vikki was able to obtain the procedure that would be banned by this bill. She was able to consider the possible options with her doctor, her family, and her God in private without the interference of politicians. She was able to make a choice that was best for her and best for her family. And she was able to give birth to Nicholas Archer.

Vikki's story, Mr. President, is why we must not support the underlying bill here.

I am going to make another point that I have made before, and it is a difficult one. And I mean no disrespect by it, but I think it is particularly important for Senators to listen to, not just hear but to listen to Vikki's story, because, frankly, over 90 percent of the Members of this U.S. Senate are about to legislate on something that they could never experience.

Now, that is not to say that men do not have an interest in this. They do. But they cannot know—and again I mean no disrespect—cannot know how it feels to be pregnant, cannot know how it feels to carry a troubled pregnancy, cannot know how central to one's life reproductive health is. So what we are talking about is legislation based on second-hand intelligence and hypothetical experience.

One of the reasons this debate sounds so awkward with descriptions of the female reproductive organs and "carrying to term" is that it is being talked about by people who cannot, as a matter of personal experience, know what is involved, have never themselves had a pregnancy, have never themselves had to go to an obstetrician and be examined and told your health is going to be affected one way or the other.

And can you imagine how Vikki Stella felt at 8 months? I know what being 8 months pregnant is like. How many other Members of the Senate know how it feels to be 8 months in that condition, and then to find out that the baby that you are carrying has no brain?

And then to be told you cannot choose what kind of decisions to make about your health. Your doctor has nothing to say about the procedures to save your life because of legislation that the U.S. Senate took up.

Mr. President, there is an editorial in the St. Louis Post Dispatch. And I just want to read the middle part here:

> Certainly, most people are repelled by the idea of a third-trimester abortion and rightly so. But they should also realize that most women who have late-term abortions never wanted to end their pregnancies; they expected to have their babies but something drastic or unpredictable happened.

Mr. President, I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post, May 14, 1997]

REASONABLE COMPROMISE ON ABORTION

The battle against "partial-birth" abortion has always been political, to chip away at abortion rights. The intent of this anti-abortion strategy is to ban one abortion procedure after the next—with the ultimate goal of banning them entirely.

Organized opponents don't differentiate among one type or another. In their view, "partial-birth" abortions are as egregious as abortions induced by RU-486, the drug that can only be used in the earliest weeks of pregnancy, and birth control pills used as "morning after" pills to prevent implantation. The issue is not the method but abortion itself.

Certainly, most people are repelled by the idea of a third-trimester abortion and rightly so. But they should also realize that most women who have late-term abortions never wanted to end their pregnancies; they expected to have their babies but something drastic or unpredictable happened.

Roe vs. Wade embodies this concern by permitting states to outlaw third-trimester abortions except when the life or health of the mother is at stake. Forty-one states, including Missouri and Illinois, already have such laws in place. That's one reason Gov. Mel Carnahan says that Missouri doesn't need a new law on "partial-birth" abortion. In Illinois, the Legislature sent to Gov. Jim Edgar on Tuesday a bill banning the procedure. Without a health exception, any ban on abortion in the third trimester would not pass constitutional muster.

Third-trimester abortions are relatively uncommon. About 600 abortions, or 0.04 percent of 1.5 million annual abortions, are preformed after fetal viability. No one knows how many are performed by intact dilation and extraction, or D&E, the medical name for the targeted procedure. Contrary to anti-abortion rhetoric, there's no epidemic of infanticide, with full-term fetuses being aborted so girls can fit into their prom dresses.

While anti-abortion rhetoric focuses on infanticide, the issue is really second-trimester abortions, before the fetus can survive on its own. That's when most intact D&E abortions are performed. The "partial-birth" ban makes no distinction between viability and non-viability; it prohibits the procedure itself. Their bill also imposes criminal penalties on doctors who perform the procedure.

The issue of second-trimester abortions is where the trickiest constitutional issues are raised. The Supreme Court will have to determine whether outlawing a medical procedure presents an undue burden for a woman seeking an abortion. The answer is not clear because a ban on "partial-birth" abortions would not necessarily eliminate any abortions. Other methods could still be used, although they might be more dangerous to the mother.

In the U.S. Senate, set to debate the issue this week, abortion foes have the votes to pass the bill, but they apparently lack the votes to override a promised presidential veto. Legislators who want to express their concern, without risking a veto, do have options. Pro-choice senators have their own bills, which essentially seek to codify *Roe* vs. *Wade*. They ban all abortions involving viable fetuses, but they include an exception for both the life and health of the mother. President Bill Clinton indicates he may accept these alternatives.

The bill proposed by Senate Minority Leader Tom Daschle of South Dakota would tighten the health exception to "grievous injury" to physical health. He defines "grievous injury" as a "severely debilitating disease or impairment specifically caused by the pregnancy or an inability to provide necessary treatment for a life-threatening condition. Grievous injury does not include any condition that is not medically diagnosable."

Sen. Carol Moseley-Braun of Illinois and California Sens. Barbara Boxer and Dianne Feinstein, all Democrats, have a version with a looser, more *Roe*-friendly health exception—to prevent adverse health consequences. Senators who want to codify support for the availability of abortion in the first and second trimesters and for the third-trimester restrictions set by *Roe* should support these bills.

Ms. MOSELEY-BRAUN. Well, we are about to say—predictable, unpredictable, drastic circumstances, viability notwithstanding—no woman has that choice about her own body, about her own life, about her own baby, about her own family. That is what the underlying legislation would do.

Mr. President, I urge my colleagues to oppose the underlying legislation. We must protect the health, the rights, the reproductive choice of women. If we would just listen to the tragic stories of the women who have fought to recover from the loss of a child, to keep their families together, and to tell us their stories, we can make a better decision here. And I hope that the rhetoric will tone down.

I hope that the rhetoric will tone down and we will focus on the fact that this is not a hypothetical. This is not just legislating in a vacuum. We are really talking about something as central as one's personal ability to make decisions about one's own body, about one's own health. That is an issue for women that transcends the second-hand intelligence of those standing on the side who would make choices about us, make choices that would reduce our citizenship to something that could be legislated from afar.

I urge my colleagues to support the alternative that Senator FEINSTEIN has filed. This alternative will ban all postviability abortions, but it will make an exception for the life and for the health of the mother, and preserve women's rights to choose with regard to their own reproductive health.

I thank my colleagues. I yield back to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I believe Senator DORGAN would like to be recognized for the purpose of a unanimous-consent agreement. I have no objection, if there is no objection.

The PRESIDING OFFICER. The Senator is recognized.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Petrea Kaldahl, Jeremy Johnson, Brian Underdahl, Susan Webb, and Jessica Braeger be permitted privileges of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, before I yield to the Senator from Iowa, I have a question for the Senator from Illinois, a question I asked in previous debate, and I will ask again. That is, during the process of partial-birth abortions, if the baby that is being brought out in this fashion would for some reason have its head slip out because all that is left inside of the mother is a very small head, if that head would slip out, would it still be up to the doctor and the mother to kill the child?

Ms. MOSELEY-BRAUN. If the baby is born, Senator, it is a birth.

Mr. SANTORUM. So you are saying the difference between being able to kill a child and not kill a child is the distance of the child's head? That is the difference?

Ms. MOSELEY-BRAUN. Senator, I think I started off saying that, again, the inflammatory kind of—that is——

Mr. SANTORUM. If the Senator——

Ms. MOSELEY-BRAUN. First, let me say with regard to the picture—may I please respond? You asked me a question and I would like to respond.

Mr. SANTORUM. This is something that can——

Ms. MOSELEY-BRAUN. What you have is a cartoon. It does not begin to describe accurately what is involved with a physician putting his hand in between somebody's legs to deliver a baby. Start with that.

The second point is, it is impossible——

Mr. SANTORUM. Mr. President, reclaiming my time.

The PRESIDING OFFICER. Regular order. The Senator from Pennsylvania has the time. The Chair would observe that he will insist upon regular order. The Chair would observe this is an emotional debate. The Senator from Pennsylvania has the time. The Chair would also observe that if the Senator wishes another Senator to respond and to yield, certainly we want respect given to that Senator.

The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I want to clarify a point. Dr. Haskell, who developed this procedure, testified that the drawings were accurate, and I am quoting him, "from a technical point of view." So these drawings are not cartoons. They are accurate drawings of a procedure that Dr. Haskell has invented.

The point I am trying to make, and I think she answered the question, and I think she answered it correctly, and that is if the child was delivered, completely delivered, you would not be able to kill the child.

The point I am trying to make, look how close we are drawing this line, a matter of a few inches of a baby's skull. Those 3 inches determine whether you can live or die. Is that really what we want in our society? Is that really the standard that we want to develop as to when life is worth living, or life should or should not be protected?

Ms. MOSELEY-BRAUN. I respond by saying to my colleague from Pennsylvania that, again, you did not really ask a question. You were making a statement, but it is very difficult to make a statement like that.

I used a picture of Vikki Stella. That is a real person, a real woman, who had a troubled pregnancy that had to be ended in a late-term abortion.

You are using a cartoon, a cartoon that is a child. The question you asked had to do with the cartoon you had. Now, if your point is that this child, there was a decision about this child's health or her mother's health at the time of the delivery, that is another story, but that is not the question you asked. That is not the question you put.

The only point I say is, if you are going to talk about these issues, then it really should be based on reality and not just posturing and not just politics. I am afraid this debate, frankly, has degenerated to that.

The PRESIDING OFFICER. The Chair would observe the regular order, under rule XIX:

> A Senator can yield only for a question. He has a right to yield to another Senator to propound a question. He cannot interrogate or propound an inquiry of another Senator, except by unanimous consent, in which case the latter Senator may be allowed to answer such questions, with the right of the Senator having the floor being reserved in the meantime.

The Senator from Pennsylvania has the time and is now recognized.

Mr. SANTORUM. Mr. President, I have shown this picture. This is a real picture, a real person, and there are other real persons who have been through this threat of partial-birth abortion and survived it and made the choice of life. This is not a hypothetical situation; it is a real situation.

I suggest to the Senator from Illinois that the question I ask—I asked a question. I asked a question. I did not make a statement. I asked whether a child, to be delivered, would it be up to the doctor and mother to kill the child? The difference is a matter of 3 inches, and you have affirmed that 3 inches makes the difference as to whether that child is protected or not protected, and I think that is a very, very close line that you are drawing, one that is, I think, very destructive of our culture.

I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, we have all heard by now that Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, admitted that many pro-abortion groups agreed to a party line to say that partial birth abortions are very rare and performed only in extreme medical circumstances. Mr. Fitzsimmons has now admitted that this party line was a lie.

Recent witness before the Senate Judiciary Committee, Renee Chelian, the president of the National Coalition of Abortion Providers, was quoted in a news article as saying, "The spin out of Washington was that it was only done for medical necessity, even though we knew it wasn't so."

She openly admitted that she kept waiting for the National Abortion Federation to clarify it and they never did it. She said, "I got caught up: What do we do about this secret? Who do we tell and what happens when we tell? But frankly no one was asking me, so I didn't have to worry."

But the truth came out. Now we know that many, who so desperately were trying to tell us the truth, were right when they declared that this procedure is done thousands of times a year and the majority is done for elective purposes.

I'm saddened to see that a new wave of behavior has begun to permeate our legislative process and for that matter political behavior. What appears to be commonplace is that now the end justifies the means. We've seen the administration use that excuse most recently when they openly admitted that it was necessary to do what it took to raise campaign funds in order to win the Presidency. And now, in this partial-birth abortion debate we have people who admitted they deliberately lied to Members of Congress and more important to the public about the partial-birth abortion procedure to justify a defeat of legislation banning it.

The partial-birth abortion procedure is an assault on women and children. It is more than abortion on demand—it's abortion out-of-control.

This is more than a debate about a woman's right to choose. This is about whether doctors, under the guise of health care, should be allowed to take the life of a child in such a barbarous way.

I plan to support the measure before us, without amendment, which would end this procedure. This form of abortion is senseless, dangerous, and is clear-cut infanticide.

My colleagues have discussed what happens to the mother and child during this type of abortion in graphic detail. Unfortunately, this procedure cannot be sugarcoated. It is a procedure which doctors use to kill unborn babies who in many cases have developed enough to live outside of the womb.

I have been contacted by thousands of people in my State imploring me to support legislation to ban this procedure. Several hospitals from my State and their staffs have urged me to ban this procedure.

Last year, President Clinton stated before he vetoed the original legislative ban on partial-birth abortion, "I have studied and prayed about this issue, and about the families who must face this awful choice, for many months. I believe that we have a duty to try to find common ground: a resolution to this issue that respects the views of those—including myself—who object to this particular procedure, but also upholds the Supreme Court's requirement that laws regulating abortion protect both the life and the health of American women."

Although it appears the President and many of my colleagues are concerned about the life and health of the mother, I must question their judgment. This bill would ban partial-birth abortions unless the life of the mother would be endangered. Medical experts have said that this 3-day procedure would not be necessary even then.

Many say that this procedure must be allowed in cases where the health of the mother is at risk. Even that logic has been challenged. We know the Doe versus Bolton case interpreted health very broadly to mean almost anything, including if the mother is a minor or if the mother has depression and so forth. So, what that means in real terms is if the mother doesn't want the child—having the child will detrimentally affect her health and so on—abortion can take place in the third trimester.

Many have testified that partial-birth abortion is almost never the safest procedure to save a woman's life or even her health.

Former Surgeon General, Doctor C. Everett Koop has stated, "Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility."

In the American Medical News, Dr. Warren Hern, who authored a widely used abortion manual, stated, "I would dispute any statement that this is the safest procedure to use."

Opponents talk about reproductive rights, but women have been deceived to think if an abortion procedure is legal then it is automatically safe. And I believe many women and men who support abortion in general do so on the basis of this reproductive safety jargon.

Some have accused pro-life individuals of only being concerned about the baby and accused pro-choice individuals of only being concerned about the woman. I am seriously concerned about both the woman and the child. Babies are being victimized and women are being exploited. What kind of Federal or State regulations exist to make sure these abortions are safe? And I ask this question about abortions in general. A person doesn't even have to have a health care license of any kind to assist in the execution of an abortion.

Do we have any uniform health and safety regulations that make sure abortion clinics are safe? I know there aren't Federal ones, because the pro-abortion forces have blocked any attempt to set safety standards and State regulations vary greatly. We saw the "60 Minutes" exposé on the lack of safety regulations in Maryland that led to the abortion clinic death of at least one woman.

I am concerned about women's health. And although some would say because I am pro-life, I do not care about the reproductive rights of women. That deduction is not accurate. And it exasperates me that women across our country have been led to believe that legality is synonymous with safety.

Women should be outraged that this procedure has been designed and is being performed on them and healthy babies. This particular abortion technique is one of the most dangerous to their reproductive health and runs the great risk of jeopardizing their chances to ever carry a child to full term. As far as being out of touch, the other side is out of touch with protecting these children, many of whom could be the future women and men of America.

And if those in opposition are really interested in protecting women's lives, why can't we enact Federal safety and health standards for abortion clinics? We can't because supporters of abortion don't want even minimum standards. How many women have been killed or maimed getting these so-called legal abortions?

We always hear the mantra that the pro-life side is somehow out of touch and trying to turn the clock back on women. Well, the problem with the other side is they totally disregard the children and the women that are involved in these difficult cases. I'd like to move the clock forward for these children, not back, like the other side would like to do.

Doctors that perform abortions are not required to inform the patient about any of the risks she faces with each specific abortion procedure. Doctors that perform abortions are not required to offer decision-based counseling to their patients. Doctors and those that assist the doctors, such as anesthesiologists, are not required to have an abortion-specific license.

Abortionists can even ask their patients to sign statements saying that they will not sue if injured. Again, this is not a so-called anti-choice issue. Even pro-choice members have voted against this. Many have reiterated my colleague from New York's statement which said it accurately, "I think this is just too close to infanticide. A child has been born and it has exited the uterus and, what on Earth is this procedure?"

I want to submit for the record a copy of an article from the Argus Leader. It features a family from Hull, IA. At 23 weeks into her pregnancy, Sarah Bartels went into premature labor. Her daughter Stephanie was born at 1 pound, 2 ounces. The doctor who was working the night Stephanie was born said she was small and yet very vigorous, wiggling her arms. Three-months later, her twin sister, Sandra, was born. Each of these were miraculous births.

However, it becomes completely clear that because of location, one sister's life was protected and the other's was not. Over the 88-day period before her twin sister was born, Stephanie's life was protected by law because she was living in an intensive-care nursery. Over the same 88-day period, Sandra was not protected by law because she was living in her mother's womb. George Will pointed out in his column that unless she is completely outside the mother, she is fair game for the abortionist.

Mr. President, I ask unanimous consent to have these articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 24, 1997]

THE ABORTION COVERUP

(By George F. Will)

The accusation that President Clinton cares deeply about nothing is refuted by his tenacious and guileful battle to prevent any meaningful limits on the form of infanticide known as partial-birth abortion. However, that battle proves that his professed desire to make abortion "rare" applies only to the fourth trimester of pregnancies.

Soon—probably in the first half of May—the battle will be rejoined in the Senate, where the minority leader, South Dakota's Tom Daschle, will offer what he will advertise as a compromise. Truth-in-advertising laws do not apply to legislators.

Daschle has not published his language yet, but presumably it will be congruent with Clinton's real, as distinct from his rhetorical, position. And judging by previous legislative maneuverings, a "compromise" measure will be craftily designed for the convenience of "pro-choice" legislators who are kept on a short leash by the abortion-maximizing lobby.

The aim will be to enable such legislators to adhere to that lobby's agenda while casting a cosmetic vote that will mollify a public repelled by partial-birth abortion, the practice of sucking the brains from the skull of a baby delivered feet first and killed while only the head remains in the mother's uterus. Senators should consider this issue in the light cast by the case of Stephanie and Sandra Bartels of Hull, Iowa.

They are twins born in a South Dakota hospital 88 days apart by what is called "delayed-interval delivery." Stephanie, born Jan. 5 when her mother went into premature labor in the 23rd week of her pregnancy, weighed 1 pound, 2 ounces. Sandra, weighing 7 pounds, 10 ounces, was born April 2, by which time Stephanie weighed 4 pounds, 10 ounces.

For 88 days, while her twin sister's life was protected by the law, Sandra could have been, under the probable terms of the Daschle "compromise," aborted by any abortionist. This is because under any language acceptable to the abortion movement and hence to Clinton and Daschle, a baby does not warrant legal protection merely because she is medically "viable," referring to the point at which she can survive with good medical assistance, a point that now begins at about 23 weeks. Location is the key factor: Unless she is completely outside the mother, she is fair game for the abortionist.

Daschle has at times said his measure will not put any restrictions on abortions in the second trimester of pregnancy, when about 90 percent of partial-birth abortions occur, involving thousands of babies a year, many of them potentially less precariously viable than Stephanie was. And Daschle's language will contain a provision pertaining to "health," perhaps even an apparent limitation to considerations of "physical" health. However, this will be meaningless if the language grants the abortionist an unreviewable right to determine when the exception applies.

During the 1996 campaign, Clinton, who had vetoed a ban on partial-birth abortions, said he would support the ban if there were a "minor" amendment creating only a "very stringent" exception. It would allow such abortions to prevent "severe physical damage" to the mother. Note the word "physical."

However, the White House reportedly has told congressional Democrats that Clinton's views are compatible with "compromise" language proposed last month by Maryland Rep. Steny Hoyer, co-chairman of the House Democratic Steering Committee. Hoyer's language would permit post-viability abortions whenever, "in the medical judgment of the attending physician" (the abortionist), not performing the abortion would have "serious adverse health consequences."

Does that include "mental health" consequences? Said Hoyer, "Yes, it does."

To allay suspicions that this might be an infinitely elastic loophole, he said, "We're not talking about a hangnail, we're not talking about a headache." However, a suspicion unallayed by such flippancy is this: The abortionist will be free to decide that not performing an abortion will cause, say distress and depression sufficient to constitute serious health consequences.

Daschle, following Hoyer's precedent, may leave the definitions of "viability" and "health" up to the abortionist. If so, this will be, says Douglas Johnson of the National Right to Life Committee, akin to a law that ostensibly bans "assault weapons" but empowers any gun dealer to define an assault weapon.

So the Daschle "compromise" probably will aim to confer on the supposedly restricted person, the abortionist, an uncircumscribed right to define the critical terms of the supposed restrictions. If enacted, such a "compromise" would be a remarkable confection, a law that is impossible to violate.

[From the Argus Leader, Sioux Falls, SD, Apr. 2, 1997]

88-DAY-OLD GIRL AWAITS THE EXPECTED BIRTH TODAY OF HER TWIN

(By Joyce Terveen)

Three-month-old Stephanie Bartels is expecting a twin baby brother or sister any day now.

At 23 weeks into her pregnancy, Sarah Bartels, 23, of Hull, Iowa, went into premature labor. Stephanie was born Jan. 5 at Sioux Valley Hospital, fighting for life at 1 pound, 2 ounces.

While doctors were unable to stop Stephanie's birth, they have been successful in holding off the second birth.

The world record for what's called a delayed-interval delivery is 92 days. Bartels is on day 88.

Her home since Stephanie's birth has been a hospital room. But those days have been bearable, she said, because she can go to the intensive-care nursery to help care for 4½-pound Stephanie.

"When I first saw Stephanie, she was skin and bones. Now she's really a little chunk," said Bartels as she rested in her hospital bed Tuesday.

Babies born at 23 weeks are on the statistical edge of life, with one out of five making it. Forty weeks is considered full term.

"I remember that delivery vividly," said Dr. Martin Vincent, the neonatologist who was working the night Stephanie was born. "The baby came out small and yet very vigorous, wiggling her arms."

The Bartels say it was difficult not being able to hold their first-born for the first six weeks while she was on a ventilator.

"The first time I held her, it made me feel like a natural dad," said David Bartels, a draftsman for an electrical engineering firm in Sioux Center, Iowa. "Before, she didn't feel like she was mine."

Stephanie is doing well and gaining weight. So is the second twin, who is estimated to weigh 7 pounds, 13 ounces.

"Since it was at the extreme of life, we tried to do what we could to keep the second baby inside," said Dr. William J. Watson, a perinatologist who handled Sarah's case because her diabetes made her a high-risk patient. "We've tried this a number of times and have been unsuccessful."

To delay the second birth, Watson stitched Bartels' cervix to keep it closed. She was given antibiotics to fight off the infection that had infected the membrane of the first twin. She also took medications to prevent contractions.

The Bartels don't care if they break any records.

"I just want to have my baby and go home," Bartels said.

They haven't worried yet about dealing with the question, "Why are we twins and born three months apart?"

"We're just hoping the kids won't ask us that," Bartels said.

[From Roll Call, Feb. 27, 1997]

PARTIAL-BIRTH BETRAYAL: DEMOCRATS SEETHING AS ACTIVIST ADMITS LIE

(By Charles E. Cook)

A quiet fight within the Democratic party went public earlier this week with the statement by the leader of a major pro-choice organization that he "lied through [his] teeth" about the frequency and circumstances of the "partial birth" abortion procedure during the 1995 debate on the issue.

In an American Medical News article to be published March 3 and quoted in Wednesday's New York Times, Ron Fitzsimmons, executive director of the National Association of Abortion Providers, said the procedure is performed far more often than he and other pro-choice leaders had told the public and Congress. His previous assurances had encouraged Congressional Democrats to oppose a ban on the procedure, which President Clinton vetoed.

The National Association of Abortion Providers is an organization of more than 200 independent abortion clinics. Fitzsimmons told the Times that he remains pro-choice and still opposes a ban on the procedure, but was quoted as saying that the lying, particularly in an appearance on ABC's "Nightline," "made me physically ill."

He said he told his wife the next day, "I can't do it again."

Privately, Congressional Democrats and their strategists have been seething for some time, feeling that they had been set up by the pro-choice community. They say they were led to believe that the procedure—in which a fetus is partially delivered and then its skull is crushed before removal from the birth canal—is quite rare and only used under extraordinary circumstances, such as to save the life or preserve the health of the mother, or when the fetus is severely deformed.

The partial-birth abortion issue, though not widely used in the 1996 elections, was extremely potent where it did come up. It almost cost Democrats two Senate seats: in Iowa, where Democratic Sen. Tom Harkin saw a comfortable lead evaporate in a matter of days; and in Louisiana where it cost Democrat Mary Landrieu 4 or 5 points, turning the race into the closest Senate contest in Louisiana history.

Just a couple of days before the Fitzsimmons statement, a Democratic strategist told me to expect Senate Democrats to bring the issue back up to allow their Members to get on the record against this procedure. They are bitter that they were misled by pro-choice lobbyists—and that it almost cost them dearly on Election Day.

To be sure, Democrats are not having second thoughts about the abortion issue in general, but they now see that this aspect of the debate is a certain political loser. They concede that even many voters who otherwise are adamantly pro-choice are squeamish about this particularly gruesome procedure.

There is some evidence that the percentage of Americans who are pro-choice under all circumstances has declined a few points in the last couple of years. It's possible that corresponds to the rise of this partial birth issue, which until recently was unknown to the general public.

Should Democrats decide to backtrack on the partial-birth issue, there is some question as to whether it will be a meaningful retreat. The National Right to Life Committee argues that while Clinton and Senate Minority Leader Tom Daschle (D-SD) have "indicated a willingness to accept a ban on partial birth abortions if a 'narrow' exception were added for various serious health circumstances," the exceptions amount to little, if any, change.

The pro-life forces maintain that the Clinton-Daschle proposal would only apply from the seventh month of pregnancy onward, while most partial-birth abortions occur they say, during the fifth and sixth months.

Furthermore, the NRLC opposes an exemption that would allow the procedure to be performed to "Protect a mother's future fertility." They point to a statement former Surgeon General C. Everett Koop and 400 other physicians that "partial-birth abortion is never medically necessary to protect a mother's health or future fertility," and that it "can pose a significant threat to both her immediate health and future fertility."

Interestingly, this all comes on the heels of Congress voting to release family planning funding for international organizations. While that money technically isn't supposed to be used to fund abortions, it has the effect of freeing up other funds that can.

The pro-choice cause, in general, has not lost ground. But this one extreme position has caused it significant harm—especially in terms of credibility. Some of the movement's best friends on Capitol Hill feel betrayed.

One of the most basic rules of lobbying is, "Never lie to a Member of Congress, particularly one of your friends." Another is, "Never ask a Member to do something that will later jeopardize his seat."

The pro-choice movement did both and will pay a price for it.

The PRESIDING OFFICER. Who seeks time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I yield to the distinguished Senator from Washington 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise today in support of the pending Feinstein amendment. This amendment is not a creative or imaginative approach, that has been implied but rather conforms to the law of the land. It is an amendment that simply says that the health and life protections extended to all women in Roe versus Wade will not be infringed upon. It goes to the heart of this debate; will we act today to limit the rights and protections afforded all women by the U.S. Supreme Court or will we reaffirm that the life and health of a woman in this country must remain a priority.

There seems to be some confusion as to what Roe versus Wade and other courts decisions say and do. When you carefully read the majority opinion issued by the Justices in the Roe versus Wade decision, the limitations are quite clearly spelled out by the Court. The Justices spent a great deal of time and effort making the clear distinction between the rights of the women during the first two trimesters and the rights of the women in the last trimester once the fetus is viable. The courts drew this line and made it clear that the State had an overriding interest in restricting and regulating post viability abortions. As a result, post viability abortions are prohibited, except when necessary to protect the life and health of the mother. The Justices recognized the importance of a woman's health and life and had every confidence that women could make reasonable decisions. I simply do not understand why many of my colleagues refuse to accept the courts decisions and refuse to understand that late term, post viability abortions are only necessary when the life and health of the mother are in serious jeopardy.

While the language in this amendment simply reiterates what the courts have said and what many States have enacted because many on the other side have distorted the facts and have waged a public relations campaign against women and against doctors, I felt it was necessary to work on language that will address some of the allegations that have been made. That is why I have worked with the minority leader on his amendment that limits the scope of the health exemption without jeopardizing the guarantees and protections of women in this country. I would argue that this was not necessary, as I have full faith in women to make the right decision, but because of the allegations and misconceptions that have we have heard and seen, I recognize that it is the reasonable course of action.

I support the Feinstein amendment as it is consistent with what the States have done and it ensures that women will not be subjected to serious threats to their health and life because some people simply want to turn back the clock. I support this amendment because it goes beyond the pending bill in that it will prohibit all post viability abortions, not just a procedure. As supporters of this amendment, we do not claim to have the medical expertise to pick what procedures physicians are allowed to utilize. Further, we recognize the fact that the U.S. Senate should not be in the room with the physician and his or her patient.

I will also be a cosponsor of the Daschle language as I believe that a responsible legislator, I must do everything I can to ensure that the legisation we enact is constitutional and protects all citizens.

The Feinstein amendment does not and will not allow a healthy women to terminate a healthy pregnancy simply because she decides she no longer wants to be a mother. That is illegal and will continue to be illegal for a physician to perform any abortion after viability unless the women's health and life are in serious jeopardy. I ask my colleagues to carefully read the language in this amendment and remember that women and doctors know the definition of serious health consequences and to defeat the underlying legislation.

I would like to thank the sponsor of the amendment, Senator FEINSTEIN. I know that Senator FEINSTEIN has spent a great deal of time studying this issue and working to ensure that we did not unduly burden physicians and women.

I support her with this amendment, and I urge my colleagues to defeat the underlying bill that is before us today.

I yield my time to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I see Senator FRIST is to be recognized.

I yield to him, and then I will wrap up, if that is agreeable.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I yield myself approximately 10 minutes.

Mr. President, I rise in opposition to the Feinstein-Boxer substitute amendment in large part because the substitute amendment fails to address what is the underlying bill on the floor; that is, to ban the partial-birth abortion procedure, a procedure that we all recognize to be one that is brutal, that is unnecessary, and that is repulsive to our civilization today.

I feel that is what we need to ban, that specific procedure which has been described on this floor again and again in detail, that is shocking to us each time we hear it, as well as shocking to America.

The Feinstein-Boxer amendment shifts the focus away from that procedure which we are attempting to ban and to prohibit, and enters another area, another region, that I think needs to be debated. I appreciate the fact that Members on both sides of the aisle say that debate deserves our attention and our discussion. But the problems I have using this as a substitution amendment is twofold.

No. 1, the substitution amendment really does—this is my opinion—nothing to decrease the number of abortions that are being performed in this country. I will come back to that and explain why.

No. 2, to use it as a substitution, I think, we cannot do, and, therefore, I oppose the amendment, because it still allows the underlying procedure of the partial-birth abortion, which, again, graphically has been described as a fetus, a viable fetus, with otherwise normal life to be delivered shortly, be delivered partially, and then killed. It is still allowed under the Feinstein-Boxer substitution amendment.

I will speak to the first point, because a lot of people will assume that the Feinstein-Boxer substitution amendment encompasses a much broader bill, and I think that is the way it is intended.

Let me go back to the amendment as written. This is the Feinstein-Boxer amendment. "It shall be unlawful for a physician knowingly to perform an abortion after the fetus has become viable."

I agree with that and wholeheartedly support that, and I agree with the sponsors. I think the majority of people in this body think that is good, that that is the right direction. But where I have a very significant problem, and a problem that has not been talked very much about on the floor but I think that we must address if we are to consider this amendment in its entirety, is the exception clause. The exception law says what I just said—it does not apply if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman.

Again, I think most of us would agree with that wholeheartedly. But concerning the part of the exception that says, "or to avert serious adverse health consequences to the woman."

Again, let me say my sensitivities to the health consequences are as strong as everyone. I have taken a Hippocratic oath where I am totally dedicated as a physician to the health of the patient before me.

But, from the practical standpoint, "serious adverse health consequences" is a huge exception that people will drive through to potentially perform more abortions than we see today. On the surface, it sounds so right, but, in truth, when you say "health consequences," to lay people it may seem something else. But it is also such a loophole, such an exception, that people can take advantage of it. There are people out there who do.

Yesterday, I cited on the floor Dr. McMahon of California, who is deceased, but who testified before committees in this body that he performed 39 abortions for depression; a mother's depression. Does that depression mean that she felt bad for a few days, or a few weeks and, therefore, this fetus was killed; this viable fetus who would otherwise be alive today was killed? I cited 9 cases where the infant's cleft lip was cited to be the indication and, therefore, yes. A mother could say that, "I am depressed because my child will have a cleft lip." But does that justify killing an otherwise viable fetus? The whole issue of health is complicated. I have gone back to my colleagues again and again saying, can you give me a good definition of health that we could write down, that we could put in statute and that people would agree with?

Well, we all turn back to Doe versus Bolton and the definition of health as defined by Doe versus Bolton in 1973 in the Supreme Court decision, and there health is defined as "all factors, physical, emotional, psychological, familial, and the woman's age, relevant to the well-being of the patient."

As a physician, those are the sort of factors that you have to consider when you are talking to a patient—their overall well-being. But does it justify killing a viable fetus, a fetus that by definition of viability is alive, once taken out at that point in time, if taken out of the womb, will survive, will live? You are saying that some of these factors, the overall well-being, the psychological factors at that point in time, can be used to justify killing that otherwise viable fetus. I say no, and most people say "no". Yet we know, and it has been cited in the Chamber, that people use that definition of health to perform, in the third trimester, procedures broadly—abortions, including a specific procedure we should outlaw under all conditions, the partial-birth abortion procedure.

What I have done is really gone back to talk to my colleagues to ask them, and I have asked them point blank, is there a time when it is necessary to destroy a viable fetus—remember, a viable fetus. And the definition I looked up in my old Steadman's Medical Dictionary, the classic dictionary that we use as physicians. "Viable" is defined as "denoting a fetus sufficiently developed to live outside the uterus." A viable fetus, the fetus that is taken out of the womb at that point in time is alive, is a baby, will grow up to live a full life.

Thus, are there really any situations where we can kill that otherwise viable fetus, full of life? And you say, well, life of the mother. There is general agreement that that may be—may be—may be a consideration. That is put in the statute. But what about health consequences, adverse health consequences which have been defined in Doe versus Bolton to use the emotional factors and psychological factors? It says in here that an individual physician determines whether or not those health consequences are adverse or not.

Well, that goes all over, all over the field. As a physician who deals in end-of-life issues myself, I transplant hearts, so an adverse health condition to me might mean something very different than to a cardiologist who does not do heart surgery or transplant hearts. The same is true of physicians. Adverse health consequence is going to vary from physician to physician.

We have seen in a report, as I have said, Dr. McMahan in California doing 39 abortions for depression itself—again, depression. Is that treatable? Would it have been gone in 1 week or 2 weeks? Or that cleft lip, which is disturbing—it would be disturbing to many of us as parents—is that justification for allowing an exception in an amendment to abort fetuses in that third trimester, or viable fetuses? That viability, I think, is a good definition in many ways because, remember, that child would live just taken out of the womb. Why kill a viable fetus under any situation? It really seems that this amendment should rise or fall on this whole concept of serious adverse health consequences.

I have a friend whom I turn to frequently. I would like to submit for the RECORD an article that he had in the Nashville Tennessean on May 13, 1997. It is by Dr. Frank Boehm. Dr. Boehm is professor of obstetrics and gynecology and director of obstetrics at Vanderbilt University, highly regarded in his field. The editorial basically addresses the issue, is there ever a reason to abort a viable fetus? Let me quote one paragraph.

> Pro-choice activists claim that abortion should be available even at these later gestational stages in order to save the life or health of a woman or if the fetus is seriously malformed.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. FRIST. Mr. President, I yield myself 3 more minutes.

> While that may sound reasonable to some, it misses the point. In the case when the life or health of a mother is in jeopardy and her fetus has reached a chance of survival outside the womb—

As an aside, that is viability—

> (currently 24 weeks), physicians can deliver that child by either cesarean section or induction of labor without compromising the mother.

Dr. Frank Boehm, the Nashville Tennessean May 13, 1997.

Adverse health consequences, a huge door, a huge door that the medical profession is not going to agree on from one person to another.

Well, what this amendment, unfortunately, does, by putting this exception in there, it says that, no, you do not do abortions after the fetus has become viable except under adverse health conditions, which means, as a physician, if you say there is an adverse health condition, go do the abortion, go kill a viable fetus, an individual who by definition will grow up and live a full life, a viable fetus.

Mr. President, let me just go back and say I oppose the amendment on substance itself, but even that aside, I would argue that it does not do what the intent of the underlying bill does, and that is to outlaw a brutal and unnecessary, a malicious procedure which destroys life, and that is the partial-birth abortion procedure. It should be banned.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from California.

Mrs. FEINSTEIN. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 18½ minutes.

Mrs. FEINSTEIN. And how much time resides with the other side?

The PRESIDING OFFICER. About 19½ minutes.

Mrs. FEINSTEIN. Mr. President, I see the Senator on his feet. Perhaps I will yield at this time and reserve the remainder of my time for a wrap-up comment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. BOND. I thank the Chair. I thank my colleague from Pennsylvania.

We are discussing the partial-birth abortion ban, a horrible procedure likened to infanticide—late-term abortions as our distinguished and knowledgeable colleague from Tennessee has described to us.

Normally, when we come to the floor, we talk about subjects about which we have read in books or what we have learned from briefings, but we have just heard the Senator from Tennessee, who is an accomplished and distinguished surgeon, describe as best one can describe why this is an objectionable, totally unnecessary and unwarranted procedure—a fully developed fetus, viable, brought down the birth canal feet first, and then delivered all but the head. Then the abortionist takes a pair of scissors, inserts them in the back of the baby's neck, collapses the brain and the baby is delivered dead.

The overwhelming majority of people in America and Missourians will vote against this. Last night, the Missouri General Assembly passed a ban by veto majority. When we debated the issue last summer and fall, I received over 50,000 letters and post cards supporting the ban. No other issue has generated that amount of mail.

The issue would be settled if President Clinton had not vetoed the bill last year against the wishes of an overwhelming number of Americans.

A word about the amendments now before us. These amendments were written by opponents of the ban, supporters of the procedure. They contain loopholes big enough to drive a truck through. The Feinstein amendment contains a loophole big enough to drive a train through. The amendments we are considering will do nothing to stop partial-birth abortions or other forms of late-term abortions, as Senator FRIST has so eloquently noted. I hope the Senate will reject the Feinstein and Daschle amendments and pass the partial-birth abortion ban today.

I yield the floor. I thank my colleague for the time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to wrap up, if I might. Let me begin by saying that you have just heard on our side from four women Senators and the distinguished Senator from Massachusetts, who is not lucky enough to be a woman, but from four women. All of us have been pregnant; all of us have given birth to a child; two of us are grandparents. And I think among the four of us there is an understanding of the vicissitudes and the problems that are inherent both in our physiology as well as in a pregnancy. It is my contention that the bill before us, H.R. 1122, is about much more than one procedure.

Let me quote from the only Member among us who is a physician in his comments yesterday on this floor. I am reading from the Congressional RECORD.

> From the outset, I will admit that it has been difficult for me to imagine how a procedure that is not taught in residency programs where obstetricians are trained—it is not taught today; it is not referenced in our peer-reviewed journals, which is really the substance, the literature through which we teach each other and share information; it is not in peer-reviewed journals—it is a little bit hard for me to understand how people could argue that this is the best procedure available. Really until the recent controversy, many practitioners who you talk to had never heard of this particular procedure.

In fact, that is the case. I would now like to quote from the AMA report of the board of trustees dated yesterday:

> From a medical perspective the language used in the proposed legislation—H.R. 1122—"partially vaginally deliver a living fetus before killing the fetus and completing the delivery" does not refer to a specific obstetrical/surgical technique, nor does it refer to a specific stage of gestation (i.e., pre- or post-viability). In fact, the description in the proposed legislation could be interpreted to include many recognized abortion and obstetric techniques (such as those used during dilation and evacuation (D & E)) or other procedures used to induce abortion.

This is exactly my concern about H.R. 1122. I think H.R. 1122, as I described earlier, is in fact a Trojan horse. It is not what it seems to be. Not one medical procedure is referenced in H.R. 1122. Rather, a vague definition of what is called partial-birth abortion. Partial-birth abortion is referred to nowhere in any of the medical literature. I believe the reason this bill is drafted that way is because it is much broader in what it intends to do. I believe what it intends to do is essentially stop second- and third-trimester abortions with no consideration for the woman's health.

Now, you have heard here today, you have heard descriptions by my colleague, Senator BOXER, and by myself, and by the other women, of instances of malformed, seriously malformed, fetuses which cannot sustain life outside the womb. Yet, leaving a woman to have to deliver these babies could present a considerable risk to her health.

Now, what we are struggling to do is find a way to say we agree there should not be third-trimester abortions, except—except when the life or the health of the mother is at risk. And then we are trying to set a definition of health that will meet the constitutional test of Roe versus Wade.

What is clear to me is that restrictive definitions of health will not meet the constitutional test of Roe versus Wade. So we have taken the definition that we believe will stand the test of constitutionality, "serious, adverse health consequences for the woman," and we, more fundamentally in the regulations we prescribe in section 4 of our bill, say, "We are requiring an attending physician, described in section 2(b), to certify to the Department of Health and Human Services that, in the best medical judgment of the physician, the abortion described was medically necessary to preserve the life or to avert serious adverse health consequences to the woman involved." And then—this is the important language—"and to describe the medical indications supporting the judgment." So that the physician who makes the decision that the life or health of the mother is dependent on an abortion must support that, must indicate what his medical judgments were, must indicate what the condition of the fetus was.

One of the big problems in this debate—and I say this respectfully to the Senator from Pennsylvania, because reasonable people can differ—is that conditions of the health of the mother and conditions of the fetus can also vary. We all know there are medical diagnoses. We know that within these medical diagnoses the severity can differ. Conditions have different degrees of seriousness. Severe, serious abnormalities incompatible with life—that is also what we are talking about in this bill. I believe that within the confines of Roe versus Wade, we have developed a constitutional measure which prohibits third-trimester abortions, provides a health and life exception that is constitutional, provides that the medical doctor must give his reasons and his findings as to why, if he does perform a third-trimester abortion, he or she is performing it, and outline these conditions. And we also provide substantial penalties—$100,000 on the first offense plus referral to the State Board of Medical Examiners for possible suspension of the medical license; and on a second offense, up to $250,000 and referral to the State Board of Medical Examiners for possible revocation of licensing.

These are very hefty sums. I believe they provide a sufficient deterrent to the practice of third-trimester abortions unless the most serious situation is present.

Mrs. BOXER. Will my friend yield for a moment?

Mrs. FEINSTEIN. Can I finish my thought?

Mrs. BOXER. Absolutely. When my friend is ready, I have a question to ask her.

Mrs. FEINSTEIN. In the findings of this same AMA paper, the American Medical Association board goes on to make this statement:

> The partial-birth abortion is not a medical term. The American Medical Association will use the term, 'intact dilation and extraction,' to refer to a specific procedure comprised of the following elements:

And then they describe the elements:

> This procedure is distinct from dilation and evacuation procedures more commonly used to induce abortion after the first trimester. Because partial-birth abortion is not a medical term, it will not be used by the American Medical Association. [And then it goes on.] According to the scientific literature, there does not appear to be any identified situation in which intact D&X is the only appropriate procedure to induce abortion, and ethical concerns have been raised about intact D&X. We have heard these concerns. The American Medical Association recommends that the procedure not be used unless alternative procedures pose materially greater risk to the women. The physician must, however, retain the discretion to make that judgment, acting within standards of good medical practice and in the best interests of the patient.

I happen to believe that is a correct judgment. I happen to believe that the physician must retain the discretion. And I must tell you, it scares me when this body is prepared to write in the concrete of a law that every State in this Union must abide by their judgments, untrained, unskilled, never, for the most part, having given birth to a child, never, for the most part, being intimately familiar with the physiology of a woman, and, yet, has the gumption to say: We are going to write laws. We are not going to have a health exception. And everybody in the United States is going to have to comply with this.

I find that somewhat scary, because conditions do vary. Health circumstances do vary. We all know we can have a certain condition, and for some people it will be benign; for others, it can be terminal. And it can be the same condition. In terms of abnormalities, hydrocephalus has been mentioned on this floor. I have visited, in the old days, institutions where children walked around with their head on a crib because the head was so big they could not lift it off the crib.

Medical science is wonderful. Now hydrocephalus, in many cases—not all—can be handled. So you can't say all hydrocephalics have the same problem. But it is conceivable, and it does happen, that there are serious hydrocephalic implications in some fetuses which make it impossible for them to sustain life on the outside, past any amount of time, or to be delivered in a way that they will not irreparably damage the health of the mother. This is also true.

But there are variations and there are gradations. This legislation, H.R. 1122, does not take that into consideration. Rather, it says that, wholesale, anything that can come under the rubric of partial-birth abortion is hitherto prohibited. And if you commit it—we do not know what it is, the medical literature does not know what it is—but if you commit it, doctor, M.D., you are guilty of a crime. Can you imagine what this is going to do throughout the United States of America? It is going to have a chilling effect. Not only that. In addition to that, everybody out there can sue.

I am perplexed why, if one wants to outlaw a particular procedure, why that procedure is not written up. It has been spoken about. It has been described. It is contained in specificity in this RECORD. But it is not in the legislation. Instead, the legislation has a much more sweeping impact. All one has to do, in my view, is read that legislation.

Senator BOXER, Senator MOSELEY-BRAUN, and I have tried to write a piece of legislation which is very strong, which prohibits as a matter of law third-trimester abortions except when the life and the health of the mother are at stake, and which defines health in a way that it will meet a constitutional test.

I believe we have done it. And it provides civil penalties that will deter and also say to the physician, as an additional test, if you perform one of these third-trimester abortions, know that you have to put in writing, subject to investigation, and send to the Federal Department of Health and Human Services the conditions, the reasons to justify that abortion. I think that is a sound piece of legislation.

I do not think we will win because I think, unfortunately, this debate has been so characterized by egregious situations that everything other than the egregious situation has suddenly been washed away. Yet everything other than the egregious situation is out there in America every single day. I submit that, if legislation does not cover what is the real life of people, and the many different things to which they are subjected, you are going to have a much higher rate of both morbidity, which is physical harm to women, and mortality, which is death to women. That is the way it was before, and that is the way it will be again if we set the clock back.

So I must—I know my colleague from California would like to make some comments—I would like to yield the floor to her. But I must earnestly implore this body, I would be very hopeful that Members will vote for this amendment and vote no on H.R. 1122.

I yield the remainder of my time to the Senator from California.

Mrs. BOXER. Mr. President, there is about 2 minutes remaining? Thank you.

Let me just thank my colleague. Again, I have been extremely proud to stand with her, really proud to stand with her and Senator MOSELEY-BRAUN. When we started maybe we had 3 votes, our own. I do believe we will do considerably better than that. I do believe, if the people who watch this debate—that we would get even more votes if they would get on the phone and tell their Senator what this is all really about.

I was going to ask my colleague, but since there is no time to ask a particular question I want to share with her an editorial today that ran in USA Today, because it backs up everything my colleague has said. It says that: "The Partial-Birth ban would stop few, if any, abortions." We know that is true because the Santorum bill does not go after any other procedure. "But it would set a precedent of lawmakers playing doctor."

I think this point has been made by us, over and over again. We do have a lot of confidence in ourselves around here. To be a U.S. Senator you have to have confidence. But we do not have, save for one of us, a medical degree. It is the height of ego, to me, to then decide we are going to be, not only lawmakers, but doctors. It is really somewhat extraordinary. Especially, it is more extraordinary because this issue is going to be so harmful to women.

The PRESIDING OFFICER. All time of the Senator from California has expired.

Mrs. BOXER. I ask unanimous consent for 25 seconds.

The PRESIDING OFFICER. There are 17 minutes remaining.

Mr. SANTORUM. I yield the Senator from California 25 seconds.

Mrs. BOXER. Thank you, that is very nice of you.

I would say the one thing that broke my heart today was when the Senator from Pennsylvania said, "How could someone kill their son or daughter." They are talking about these women, these women who desperately wanted these children. These families like Coreen Costello, and Eileen Sullivan. These are the faces: Viki Wilson and Maureen Britell. And, last, Vikki Stella.

These women, these men, these families wanted these babies. They did not kill their child. They desperately wanted a baby. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANTORUM. I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. I thank the Senator from Pennsylvania for his efforts here. I thank you, Mr. President.

Mr. President, let me just preface my comments by saying I will be speaking on the bill generally, as opposed to specifically to the amendment before us. I thank the Senator from Pennsylvania for giving me that chance.

Obviously, abortion is an issue on which people disagree. We have seen much of that disagreement expressed here on the floor of the Senate. We see it expressed in the debates, whether it is at public meetings or around coffee tables around our country all the time.

It does seem to me, though, that we ought to be able to agree on some things with respect to abortion, even when people are on different sides. One of those should be the fact that there are too many abortions and we should have fewer abortions in this country. I would hope we could agree on that.

I hope we could agree also that certain types of abortions are wrong. Partial-birth abortion, in my judgment, is an example of an abortion procedure that is wrong. We have had the procedure itself described here on the floor, both in the course of this debate and in previous debates on this issue. I do not have to retell the horrible details that we have all become familiar with. It seems to me almost on its face that we ought to be able to come to an agreement that that type of procedure is wrong and ought not take place in our country.

In addition, contrary to the claims of some of the advocates, those on the other side of this issue, it is not an anesthetic which causes the child, the baby to die during a partial-birth abortion. Indeed, last year when we confronted this issue in the Judiciary Committee, we had several discussions about the actual cause of death.

I ask unanimous consent to have printed in the RECORD both the testimony, as well as questions and answers, that related to that issue which was before the Judiciary Committee last year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF NORIG ELLISON, M.D., PRESIDENT, AMERICAN SOCIETY OF ANESTHESIOLOGISTS—BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, HOUSE OF REPRESENTATIVES, MAR. 21, 1996

Chairman Canady, members of the Subcommittee. My name is Norig Ellison, M.D., I am the President of the American Society of Anesthesiologists (ASA), a national professional society consisting of over 34,000 anesthesiologists and other scientists engaged or specially interested in the medical practice of anesthesiology. I am also Professor and Vice-Chair of the Department of Anesthesiology at the University of Pennsylvania School of Medicine in Philadelphia and a staff anesthesiologist at the Hospital of the University of Pennsylvania.

I appear here today for one purpose, and one purpose only: to take issue with the testimony of James. T. McMahon, M.D., before this Subcommittee last June. According to his written testimony, of which I have a copy, Dr. McMahon stated that anesthesia given to the mother as part of dilation and extraction abortion procedure eliminates any pain to the fetus and that a medical coma is induced in the fetus, causing a "neurological fetal demise", or—in lay terms—"brain death".

I believe this statement to be entirely inaccurate. I am deeply concerned, moreover, that the widespread publicity given to Dr. McMahon's testimony may cause pregnant women to delay necessary, even lifesaving, medical procedures, totally unrelated to the birthing process, due to misinformation regarding the effect of anesthetics on the fetus. Annually over 50,000 pregnant women are anesthetized for such necessary procedures.

Although it is certainly true that some general analgesic medications given to the mother will reach the fetus and perhaps provide some pain relief, it is equally true that pregnant women are routinely heavily sedated during the second or third trimester for the performance of a variety of necessary surgical procedures with absolutely no adverse effect on the fetus, let alone death or "brain death". In my medical judgment, it would be necessary—in order to achieve "neurological demise" of the fetus in a "partial birth" abortion—to anesthetize the mother to such a degree as to place her own health in serious jeopardy.

As you are aware, Mr. Chairman, I gave the same testimony to a Senate committee four months ago. That testimony received wide circulation in anesthesiology circles and to a lesser extent in the lay press. You may be interested in the fact that since my appearance, not one single anesthesiologist or other physician has contacted me to dispute my stated conclusions. Indeed, two eminent obstetric anesthesiologists appear with me today, testifying on their own behalf and not as ASA representatives. I am pleased to note that their testimony reaches the same conclusions that I have expressed.

Thank you for your attention. I am happy to respond to your questions.

After Dr. Norig Ellison presented his prepared testimony at the Nov. 17 public hearing before the Senate Judiciary Committee, the following exchange occurred among Senator Spence Abraham (R–Mi.); Dr. Mary Campbell, medical director of Planned Parenthood of Metropolitan Washington; and Dr. Ellison.

Senator ABRAHAM [to Dr. Campbell]. Would you make the statement then that the fetus dies due to the anesthesia? Is that your position?

Dr. CAMPBELL (Medical Director, Planned Parenthood of Metropolitan Washington). I think the fetus has no pain because of the anesthesia. I do not——

Senator ABRAHAM. No, I'm asking you whether you think that's what causes the fetus to die?

Dr. CAMPBELL. I do not know what causes the fetus to die. The fetuses are dead when delivered.

Senator ABRAHAM. Well, let me just direct you, if I could—I have here a factsheet that indicates it was prepared by you which relates to the House legislation in which——

[Sen. Abraham was referring to "H.R. 1833, Medical Questions and Answers," which contains the caption, "Fact Sheet Prepared by Mary Campbell, M.D." This document was circulated to Members of the House of Representatives in October, before HR 1833 came to a vote in that house. This document contains the following passage:

"Q: When does the fetus die?

"A: The fetus dies of an overdose of anesthesia given to the mother intravenously. A dose is calculated for the mother's weight which is 50 to 100 times the weight of the fetus. The mother gets the anesthesia for each insertion of the dilators, twice a day. This induces brain death in a fetus in a matter of minutes. Fetal demise therefore occurs at the beginning of the procedure while the fetus is still in the womb."]

Dr. CAMPBELL. I was quoting Dr. McMahon at that time. [Editor's note: There is no reference to Dr. McMahon anywhere in Dr. Campbell's five-page factsheet.] On thinking it over in more depth, I believe because there are no EEG studies available——

Senator ABRAHAM. So you no longer adhere to the position that you say in here, "the fetus dies of an overdose of anesthesia given to the mother intravenously." That is no longer your position?

Dr. CAMPBELL. I believe that is true.

Senator ABRAHAM. You believe that is true?

Dr. CAMPBELL. I believe that is true.

Senator ABRAHAM. Dr. Ellison, would you like to comment on that?

Dr. ELLISON (President, American Society of Anesthesiologists). There is absolutely no basis in scientific fact for that statement. There is—I can present you a study in the American Journal of Obstetrics and Gynecology, 1989, by [names inaudible] et al, of 5,400 cases of women having surgery having general anesthesia or regional anesthesia in which the fetus did not suffer demise. I think the suggestion that the anesthesia given to the mother, be it regional or general, is going to cause brain death of the fetus is without basis of fact.

Dr. CAMPBELL. I have not said brain death. I'm saying no spontaneous respirations, no movement.

Senator ABRAHAM. Well, that's what you are saying today, but in this fact sheet, which you prepared I believe fairly recently, it says, "The fetus dies"—there's no qualifying regarding breathing or anything else—"of an overdoes of anesthesia." I mean, that is a very clear statement assertion.

Dr. CAMPBELL. [Pause] I simplified that for Congress. [Outburst of laughter from audience.] I do not actually believe that you want a full discussion of when death occurs.

Senator ABRAHAM. Well, we are forced to make those decisions, and I guess my question is that how many other things would you say in the fact sheet or in your statements today have been likewise simplified in this dramatic fashion?

Dr. CAMPBELL. Since I have over 28 years of education and experience in medicine, I would say that is a great deal less and a great deal more simple than what I know.

Senator ABRAHAM. Well, it seems to me that there's a rather substantial disparity between what Dr. Ellison says and what you are both saying now and have certainly written here. I just am wondering how that bears on other comments that have been made.

Mr. ABRAHAM. Mr. President, at that time, we heard from some of the advocates on behalf of maintaining the current practice that it was an anesthetic that was the reason the baby died. The National Council of Anesthesiologists, I think, conclusively and irreversibly rebutted that position.

I was struck—and as the testimony I have had printed in the RECORD will indicate—by the efforts on the part of the advocates to try to fuzz up this issue and make assertions that were patently inaccurate and inconsistent during the course of that hearing.

In my judgment, we should be able to end this practice and we should be able to end it in the context of this legislation which provides, I think, protections for the life of the mother in sufficient fashion to meet whatever standards society might demand.

I understand why some had concerns the last time we debated this issue. Back then, we were told that only a few of these partial-birth abortions were conducted per year. We were told that they only occurred late, very late, in the process of a pregnancy, so late that this was the only option available. We were also told that they were exclusively used in these very rare circumstances to deal with serious fetal defects in high-risk circumstances.

But this year we enter the debate in a different context. We now know that those three pieces of information were not true. As we learned from Ron Fitzsimmons of the National Coalition of Abortion Providers, it is not the case that only a few such procedures occur per year. It is not the case that these only occur very late during a pregnancy, and it is not the case that they only occur in instances of serious fetal deformities and risk. They happen too often, they happen too early, and they happen without the kinds of circumstances and without the same justifications we were told were the exclusive conditions under which they took place.

In my judgment, those statements from Mr. Fitzsimmons, combined with the statements just printed in the RECORD from Dr. Campbell a year ago, make me wonder how many of the other assertions we heard during the debate from so-called experts in favor of this practice are correct. I don't know the answer to that. I have serious questions about some of the arguments made in support of the maintenance of these practices.

There are, however, a variety of facts which have come to light during the debate this year that seem to me not only to be accurate but have strong bearing on how Members of this body should deal with this issue.

The Physicians' Ad Hoc Coalition for Truth, a 600-member group of physician specialists, issued a variety of statements in specific reference to partial-birth abortions. Included is this the statement:

> Partial-birth abortion is never medically necessary to protect the mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.

In addition, that organization has indicated:

> It is never medically necessary in order to protect a woman's life, health, or future fertility, to deliberately kill an unborn child in the second and third trimester of pregnancy, and certainly not by mostly delivering the child before putting him or her to death.

For these reasons, I hope that we can join together—a majority of us already have—and I hope this time an overwhelming majority of us will join together to support the legislation before us offered by the Senator from Pennsylvania.

In light of the new information, both the refutation of the claims made by proponents of the partial-birth abortion procedure, as well as those made by the various physician committees that have now emerged in support of the abolition of this practice, it seems to me that it is time for us to end this horrible procedure.

I just want to make two other comments, Mr. President. They go to part of the debate which I have been watching for several days now and recollect from last year, and that is the argument that we hear because we are not doctors in this body, we lack the expertise to deal with these issues. It is true that only one of us is a doctor, but we have heard from him, and I think he has been very compelling in his statements on the floor that it is time for us to end the partial-birth abortion procedure. If a doctor's advice makes sense, the advice of our doctor from Tennessee should make sense to all of us.

It also is the case that we, as Members of the Senate, are called upon to act as experts in a variety of areas where our own experiences, education and training have not necessarily prepared us before our elections to do the people's business. None of us, I don't believe, in this body, are nuclear physicists, and yet we are regularly called upon to make important decisions with respect to nuclear policy. Not all of us in this body have expertise or have served in the military, and yet all of us are called upon to make extraordinarily difficult choices with respect to the defense of our Nation. On and on it goes across the spectrum of issues.

This is not a unique circumstance. It is consistent with the responsibilities we have here to make judgments, to learn the facts, to do the best we can and to consult the experts. We have done that on this issue, and that is why I believe a majority of Members in this Chamber are going to vote to end the partial-birth abortion practice.

I will just conclude with my own personal experiences, two of them. First involves the experience my wife and I had, which I have related before on this floor, and it is a major reason why I support this legislation. When our two oldest children were born almost 4 years ago, they were very early in the process. They were twins, and they came early. We were in a neonatal intensive care unit for several weeks with them.

We were lucky because our children were sufficiently developed that they were able to come home with us after a fairly brief stay, but we also got to know the families whose children came at an earlier point in the pregnancy, some who were born with birthweights under 2 pounds, some almost 1 pound—small, tiny children who would be potential victims of the partial-birth abortion procedure, struggling and surviving. We were lucky, as I say, because our daughters were born fairly well along in the process, so we only were in that circumstance for a couple of weeks.

But just a few months ago, we had it occur again in our family, this time my wife's sister, whose child was born I believe in the 28th week of pregnancy and was, therefore, in the neonatal intensive care unit for many, many weeks.

The experiences we have gone through, the familiarity we have developed with these tiny newborn babies and their struggle for survival makes at least this Senator extraordinarily committed to trying to protect and defend those babies. I believe, at a minimum, we should be able to protect them from practices such as the partial-birth abortion. For that reason, today I speak in support of the legislation.

I thank the Chair and yield the floor back to the Senator from Pennsylvania.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Michigan for his excellent statement and for his tremendous defense of the unborn, particularly on this particular issue. He has been a partner in providing information to Senators on the facts, the real facts of what has gone on here on the issue of partial-birth abortion. I want to address a couple of things the Senators from California talked about in closing my remarks.

The Senator from California said that conditions could differ; that there is always a chance that something could happen.

I will just refer again to the quote from over about 500 physicians, including many people who deal in the area of maternal fetal medicine, perinatology, people who deal with high-risk pregnancies. The experts—we hear so much about we are not the experts. I am not the expert. I am talking about the people who are the experts. This is what the experts say. They don't equivocate. Senator FRIST read from the head of obstetrics at Vanderbilt University, one of the most prestigious universities in our country. He agrees with this comment:

> While it may become necessary, in the second or third trimester, to end a pregnancy in order to protect the mother's life or health, abortion is never required—i.e., it is never medically necessary, in order to preserve a woman's life, health or future fertility, to deliberately kill an unborn child in the second or third trimester, and certainly not by mostly delivering the child before putting him or her to death. What is required in the circumstances specified by Senator Daschle—

Boxer-Feinstein—

> is separation of the child from the mother, not the death of the child.

It is never necessary. According to doctors, not RICK SANTORUM, according to doctors who practice in this speciality, hundreds of them, it is not necessary, you don't have to kill the child.

Let's use your own common sense. Use our own common sense. Here is this procedure. You have dilated the cervix over 2 days, you brought the baby into position feet first, you have taken it out of the womb, you have taken it out of the uterus, out of the birth canal, the baby is completely out of the mother's uterus, birth canal, except the head. Tell me what health reason of the mother requires you to kill this baby? These babies are very small. You can see the hands of the physician compared to the size of this baby. This baby can fit in the palm of your hand. Why do you have to kill this baby?

There is no reason, as these doctors just said, that you cannot at least give this baby some chance, some chance of living. Why? In fact, the argument is made by several doctors who have written me that by puncturing the base of the skull like that in a blind procedure—you cannot see the area where you are inserting these scissors—that you risk, obviously, missing, causing damage, you risk—and this is graphic, but it, again, was written to me by several physicians—the splintering of the skull can cause problems. I know this is graphic stuff, but this is reality. This is what they want to keep legal, and they believe that this protects the woman's health. I guarantee you this does not protect the woman's health.

There is no reason at this point to kill this baby, but they insist upon having that choice. This is the choice right here. It is not a choice. It doesn't have to be a choice. It is not me saying it doesn't have to be a choice, it is doctor after doctor, specialist after specialist saying it doesn't have to be a choice.

Their legislation pretends to bar third-trimester abortions, postviability abortions with a narrow health exception, they suggest. What they say is that it comports with Roe versus Wade. We know what Roe versus Wade and Doe versus Bolton say that health is anything—mental health, depression, the mother is young. Those are all reasons approved by the courts to allow an abortion any time—any time—for any reason. Those are all legitimate health reasons. They continue to be health reasons.

They say we don't want elective abortions. Let me tell you what Dr. Warren Hern said—again, Dr. Warren M. Hern, author of "Abortion Practice," what I am told is the definitive textbook on abortions who does second- and third-trimester abortions, said it yesterday in the Bergen County Record, and I will repeat it:

> I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.

The Boxer-Feinstein amendment does not say anything about physical health. This is the Daschle amendment he is referring to, which also does not do anything. But there is never a case, according to Dr. Hern, where he cannot do an abortion and claim physical health.

He says it again, just in case he was misquoted, in today's USA Today:

> I say every pregnancy carries a risk of death.

What this amendment does is nothing. If you want to stop partial-birth abortions, vote against the Boxer-Feinstein amendment.

The PRESIDING OFFICER (Mr. HAGEL). All time has expired. The question is on agreeing to the amendment.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

They yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 28, nays 72, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—28

Akaka
Baucus
Bingaman
Boxer
Bryan
Chafee
Cleland
Durbin
Feinstein
Glenn
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Murray
Reed
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—72

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Enzi
Faircloth
Feingold
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kohl
Kyl
Landrieu
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 288) was rejected.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from South Dakota.

AMENDMENT NO. 289

(Purpose: To amend title 18, United States Code, to prohibit the performance of an abortion where the fetus is determined to be viable)

Mr. DASCHLE. Mr. President, I have an amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] for himself, Ms. SNOWE, Ms. MIKULSKI, Mrs. MURRAY, Ms. LANDRIEU, Ms. COLLINS, Mr. LIEBERMAN, and Mr. KENNEDY, proposes an amendment numbered 289.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive Abortion Ban Act of 1997”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As the Supreme Court recognized in Roe v. Wade, the government has an “important and legitimate interest in preserving and protecting the health of the pregnant woman . . . and has still another important and legitimate interest in protecting the potentiality of human life. These interests are separate and distinct. Each grow in substantiality as the woman approaches term and, at a point during pregnancy, each becomes compelling”.

(2) In delineating at what point the Government's interest in fetal life becomes “compelling”, Roe v. Wade held that “a State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability”, a conclusion reaffirmed in Planned Parenthood of Southeastern Pennsylvania v. Casey.

(3) Planned Parenthood of Southeastern Pennsylvania v. Casey also reiterated the holding in Roe v. Wade that the government's interest in potential life becomes compelling with fetal viability, stating that “subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother”.

(4) According to the Supreme Court, viability “is the time at which there is a realistic possibility of maintaining and nourishing a life outside the womb, so that the independent existence of the second life can in reason and all fairness be the object of State protection that now overrides the rights of the woman”.

(5) The Supreme Court has thus indicated that it is constitutional for Congress to ban abortions occurring after viability so long as the ban does not apply when a woman's life or health faces a serious threat.

(6) Even when it is necessary to terminate a pregnancy to save the life or health of the mother, every medically appropriate measure should be taken to deliver a viable fetus.

(7) It is well established that women may suffer serious health conditions during pregnancy, such as breast cancer, preeclampsia, uterine rupture or non-Hodgkin's lymphoma, among others, that may require the pregnancy to be terminated.

(8) While such situations are rare, not only would it be unconstitutional but it would be unconscionable for Congress to ban abortions in such cases, forcing women to endure severe damage to their health and, in some cases, risk early death.

(9) In cases where the mother's health is not at such high risk, however, it is appropriate for Congress to assert its “compelling interest” in fetal life by prohibiting abortions after fetal viability.

(10) While many States have banned abortions of viable fetuses, in some States it continues to be legal for a healthy woman to abort a viable fetus.

(11) As a result, women seeking abortions may travel between the States to take advantage of differing State laws.

(12) To prevent abortions of viable fetuses not necessitated by severe medical complications, Congress must act to make such abortions illegal in all States.

(13) abortion of a viable fetus should be prohibited throughout the United States, unless a woman's life or health is threatened and, even when it is necessary to terminate the pregnancy, every measure should be taken, consistent with the goals of protecting the mother's life and health, to preserve the life and health of the fetus.

SEC. 3. ABORTION PROHIBITION.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

“CHAPTER 74—ABORTION PROHIBITION

“Sec.
“1531. Prohibition.
“1532. Penalties.
“1533. State regulations.
“1534. Rule of construction.

“§ 1531 Prohibition.

“(a) IN GENERAL.—It shall be unlawful for a physician to abort a viable fetus unless the physician certifies that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

“(b) GRIEVOUS INJURY.—

“(1) IN GENERAL.—For purposes of subsection (a), the term ‘grievous injury’ means—

“(A) a severely debilitating disease or impairment specifically caused by the pregnancy; or

“(B) an inability to provide necessary treatment for a life-threatening condition.

“(2) LIMITATION.—The term ‘grievous injury’ does not include any condition that is not medically diagnosable or any condition for which termination of pregnancy is not medically indicated.

“(c) PHYSICIAN.—In this chapter, the term ‘physician’ means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of subsection (a) shall be subject to the provisions of this section.

“(d) NO CONSPIRACY.—No woman who has had an abortion after fetal viability may be prosecuted under this section for a conspiracy to violate this section or for an offense under section 2, 3, 4, or 1512 of title 18, United States Code.

“§ 1532 Penalties.

“(a) ACTION BY ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

“(b) RELIEF.—

“(1) FIRST OFFENSE.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(d), or shall assess a civil penalty against the respondent in an amount not exceeding $100,000, or both.

"(2) SECOND OFFENSE.—If a respondent in an action commenced under subsection (a) has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(d), or shall assess a civil penalty against the respondent in an amount not exceeding $250,000, or both.

"(3) HEARING.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this subsection.

"(c) CERTIFICATION REQUIREMENTS.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

"(1) has provided notice of the alleged violation of this section, in writing, to the Governor or chief executive officer and attorney general or chief legal officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

"(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

"§ 1533 Regulations.

"(a) REGULATIONS OF SECRETARY FOR CERTIFICATION.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under section 1531(a).

"(2) REQUIREMENT.—The regulations under paragraph (1) shall require that a certification filed under section 1531(a) contain—

"(A) a certification by the physician (on penalty of perjury, as permitted under section 1746 of title 28) that, in his or her best medical judgment, the abortion involved was medically necessary pursuant to such section; and

"(B) a description by the physician of the medical indications supporting his or her judgment.

"(3) CONFIDENTIALITY.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of the mother described in section 1531(a) is kept confidential, with respect to a certification filed by a physician under section 1531(a).

"(b) ACTION BY STATE.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

"§ 1534 Rule of Construction.

"(1) IN GENERAL.—The requirements of this chapter shall not apply with respect to post-viability abortions in a State if there is a State law in effect in the State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

"(2) STATE LAW.—In paragraph (1), the term "State law" includes all laws, decisions, rules or regulations of any State, or any other State action having the effect of law.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Prohibition of post-viability abortions .... 1531".

Mr. DASCHLE. Mr. President, for the information of all Senators, it is my understanding we have 5 hours of debate to be divided evenly, is that correct, beginning at 2:30?

The PRESIDING OFFICER. That is correct.

Mr. DASCHLE. Mr. President, the issue of late-term abortion has been a very troubling issue for a lot of us. For the past 6 or 7 months, I have been making an effort to better understand all of the implications and all of the circumstances surrounding this issue. I am repulsed by the practice of so-called partial-birth abortions, but I am also very sensitive to the extraordinarily personal circumstances that many women face as they face excruciating decisions involving their lives and the lives of their potential children.

I was troubled by the votes cast last fall, and indicated at that time that I was going to do whatever I could to see if we could find a compromise. Today, I come to the floor with the realization that I could not find a compromise. What I did do was seek out doctors, constitutional experts, people in virtually every walk of life, who have voiced their opinion about this issue.

The conclusion I reached was that rather than a compromise, an entirely different approach may be our best solution, not necessarily saying yes or no to what it was others have advocated with their partial-birth-abortion ban because that is a procedural prohibition.

My feeling—and the feeling expressed by many experts from whom I have sought advice—was that the pending legislation, the so-called partial-birth-abortion ban would not stop one abortion. This will not end abortion. This will simply force physicians to use other, equally troubling forms of abortion that I will address in a little while.

So my concern was: Could we find a constitutional way with which to address this issue and also find a way to provide a comprehensive ban on abortion?

In seeking ways in which to do that, I began with a series of conclusions and considerations that I want to talk about momentarily.

First of all, I was amazed to find that, in spite of all the statistics bandied about with regard to numbers, there are very few numbers upon which anybody can base their estimates with any reliability—very, very few. The numbers of the Alan Guttmacher Institute are considered the best and used by the Centers for Disease Control. They report that 89 percent of all abortions occur in the first 12 weeks, that 10 percent of the abortions occur in weeks 13 to 20, that eight-tenths of 1 percent of all abortions occur in weeks 21 to 24, and that six-hundredths of 1 percent of all abortions occur in the final weeks beyond that.

Those aren't my figures. They are the most legitimate estimations based upon the available evidence and the statistical data which is used by the Centers for Disease Control.

So that is one question. When do abortions occur? The answer by the Guttmacher Institute is this: 89 percent occur in the first 12 weeks.

The real issue, in my view, is not which procedure ought to be outlawed, because I find, as I have already indicated, the so-called partial-birth abortion of viable fetuses to be absolutely abhorrent, as I find other abortion procedures. The question is when, and under what circumstances, should the Government restrict abortion? It seems to me that really is what is going to cause us to deal with this issue in a way that will solve the problem and not simply force it into another context.

When and under what circumstances should the Government restrict abortion?

The Supreme Court has ruled on this matter on a number of occasions. They have already given us guidance that they require us to follow, if we are going to be within the constitutional parameters in answering the question that I just asked.

Obviously, Roe versus Wade is the basis upon which all decisions have subsequently been made, and Roe versus Wade simply asserts that a woman's decision whether or not to terminate her pregnancy is protected by the Constitution.

There have been proposals to change the Constitution in that regard, and I know some of my colleagues support a constitutional amendment to overturn Roe versus Wade. But that isn't the issue today.

Colautti versus Franklin in 1979 further clarified Roe versus Wade. The Court said, "A fetus is considered viable if it is potentially able to live outside the womb, albeit with artificial aid."

Why is that decision important? That decision is important because in 1973, the Court ruled that it was really on the basis of trimesters that we would make some decisions with regard to a woman's right and that it was within the first two trimesters—chosen to approximate the transition at viability—that a woman had a right during those first two trimesters to make the decision, and after that it would be up to the States to decide what limits they would impose on a woman's right to choose, because at that point there was clearly the possibility that a fetus could live outside the womb. They clarified the definition of viability in Colautti. They built upon it. They created a new set of criteria by which to make that decision in 1979. They said now with technology, viability is not something that neatly falls into the categories of trimesters.

Then in 1992, in Planned Parenthood versus Casey, the Court redefined the point at which the States could restrict abortion by incorporating the viability definition. The Court clarified the constraints and the circumstances under which a woman can consider an abortion. They have already decided now that the States may restrict abortion after viability. Now the question is, Are there any other circumstances? Well, in Casey the Court ruled that there can be a prohibition as long as it does not place "a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus."

What do they mean by that? Basically they said if a fetus is viewed to be nonviable, you cannot put obstacles in the place of a woman. Viability is determined not only, of course, by time but also by the condition of the fetus.

So in cases throughout the 1970's, 1980's, and 1990's, the Court has made it very clear what it is they intend to do with regard to protection of the fetus as well as protection of the mother. Viability then—based upon the decisions made by the Court—is simply the ability to sustain survivability outside the womb with or without life support. If a fetus can live outside the womb with life support, that fetus has to be protected—has to be protected.

So our amendment very clearly says, in findings that I will read in a moment, it shall be the policy, the determination of this country, that we must make every medically appropriate effort to protect a viable fetus.

That viability, as I said a moment ago, occurs between the 23d and the 28th weeks. Who determines viability? I have heard people say, "Well, abortionists determine viability." Abortionists. But we all know that to be a pejorative term. Of course abortionists may determine that. But a high-risk ob/gyn determines that, too. The question is, What is the alternative to that? What is the alternative to a doctor making the determination of viability? Based on the medical evidence, the medical information available in their best judgment, is a fetus viable? That is what the Court requires. That is what the Supreme Court rulings were all about: protecting viable fetuses after defining the concept of viability.

So the key questions posed by the bill that is pending seem to me to be, Should just one or all post-viability abortion procedures be banned given what the Court has ruled? Should it be just one, or should it be all of them? Should a mother's health be protected throughout pregnancy? Should that have any consideration at all?

Should a woman's constitutional right to choose before viability be preserved? Those seem to me to be pretty fundamental questions that this debate brings about. I think it is a legitimate, a very fair, an understandable debate around which there are very deeply divided opinions.

But those are the questions that I think are the most significant as we debate the legislative options we are debating right now.

So, Mr. President, my proposal, and the proposal cosponsored by a number of my colleagues on both sides of the aisle—not seeking again to compromise but to provide a different approach—simply does this. S. 6, or H.R. 1122, bans one procedure that I believe ought to be banned. I personally believe it ought to be banned. Our alternative bans all procedures.

S. 6, because it doesn't distinguish between pre- and post-viability, in my view—and because it doesn't address a woman's health at all—in my view would be ruled unconstitutional. What we have attempted to do is to recognize and to respect constitutional findings of the Supreme Court, to say that present viability—I must add I believe viability could conceivably be reached at less than 23 at some point in the future. So I believe it is a very honest way with which to determine on a timeline when a woman's right to choose ought to end in terms of being the sole constitutional consideration. But right now it is viewed to be 23 weeks, well into the 6th month. But we preserve the constitutionality by ensuring that a woman's right is respected as the Court has required. We also said that there are circumstances involving health in very, very extraordinary circumstances, even addressed by the AMA, that ought to be considered.

So, Mr. President, those are the two approaches that we have pending now this afternoon.

According to the Guttmacher Institute, 99 percent of the abortions are performed within the first 20 weeks. The right to choose is protected. Viability comes at week 23, approximately. The alternative protects the fetus after that period of time. H.R. 1122 and S. 6 ban abortion using that procedure only—before amd after viability. So from a timeline point of view, in that time before viability, we protect the right of the mother to choose, as the Court requires.

What about after viability, because this is really the crux of the whole debate? What do we do to protect a viable fetus?

This is what troubles me perhaps the most about where we are with regard to S. 6. We have seen the procedure graphically depicted, and I think that graphic depiction clearly compels one to want to respond in a way that says we have to end it, in some way. I have not chosen this afternoon to depict the alternatives on similar charts.

(Mr. HUTCHINSON assumed the chair.)

Mr. DASCHLE. But I must tell you I have seen them. So-called partial-birth abortion is technically called dilatation and extraction. There is another dilatation method called dilatation and evacuation. In that method a fetus is dismembered inside the womb and removed. You could depict that very graphically, too. S. 6 does not restrict that approach.

Induction is a method that you could graphically depict. Saline solution or other agents chemically poison the fetus and premature labor is induced. A chemical poisoning of the fetus could be graphically depicted.

You could graphically depict hysterotomies. Hysterotomies are preterm c-sections, an incision. A fetus is lifted outside the womb and the life is terminated. That could be graphically depicted.

You could graphically depict a hysterectomy used for purposes of abortion where a woman's womb is completely pulled out of her body.

Every one of the procedures that I have just verbally depicted would still be legal under S. 6. They are still legal. And what amazes me is that in spite of the fact that they are every bit as graphically repulsive, they are not addressed in S. 6. A doctor somehow is supposed to certify that the one procedure is inappropriate—dilatation and extraction is something that ought to be prohibited—but under S. 6 dilation and evacuation, induction, hysterotomy, hysterectomy are all OK.

We went onto the Web and looked at what National Right to Life Committee had said about these particular procedures. As of the first of May, National Right to Life said that dilatation and evacuation "may cause cervical laceration." Why? Cervical laceration may be caused because when you shove the medical instrument into a woman's womb, you may puncture it. You may puncture it seriously. But there is no ban on this procedure. "Bleeding may be profuse," according to Right to Life.

Induction, according to Right to Life, "risks cervical trauma, infection, hemorrhage, cardiac arrest and rupture of the uterus. Death is not unheard of." Those are not Tom DASCHLE's words but those of the National Right to Life Committee. But guess what. No ban. No ban.

According to the National Right to Life Committee, hysterotomy, or c-section involves "the highest risk to the health of the mother; potential for rupture during subsequent pregnancies."

And there is no ban for that procedure. What is amazing, at least as of May 1, is that Right to Life cites no maternal health risks for the D&X procedure, and yet, lo and behold, that is the one that is banned.

Now, I understand why it is banned, and I am sympathetic to banning it. But does it not seem a little unusual that we would not consider these other approaches, that we would not worry about causing cervical lacerations, bleeding, that we would not worry about cervical trauma and infection and hemorrhage and cardiac arrest and uterine rupture?

Now, again, I could have a graphic illustration of a cervical laceration. I could have a graphic illustration of cervical trauma and infection and hemorrhages and cardiac arrest. But you do not need much of an imagination and you do not have to be married to a woman very long to be pretty sympathetic.

So who should decide, Mr. President? That is the question. Who should decide? Who should decide which medical procedure is appropriate? A woman and her doctor, knowing all these ramifications, or the Government? That is the question. That is what we are trying to grapple with. We are trying to make the best decision about what to do with these horrendous circumstances.

Well, the Court has also grappled with it. The Court has also tried to figure out a way constitutionally to address all of these issues. In Roe versus Wade, what the Court says is that a woman's health ought to be protected throughout pregnancy for the reasons cited, for all these reasons. These are the reasons the Court was concerned about health. You do not have to be a doctor to know that, given the circumstances involving a woman's health, we have to come up with some legal protection.

In the 1975 case of Planned Parenthood versus Danforth, the Court said you cannot force a woman and her physician to terminate her pregnancy by methods more dangerous to her health than the method outlawed. In other words, you cannot risk creating a more egregious health set of circumstances for the mother.

And then in Thornburgh versus American College of Ob-Gyn's in 1986, it says you cannot force a mother to bear an increased medical risk to save a viable fetus. You may not trade off the mother's health for the fetus's health.

That is what the Court says.

So, Mr. President, over the last 6 months, we have worked, asking, if we want to act in the Senate and not worry about being overturned by the Court 3 months later, how do we deal with these things? How can you ensure that we are not going to be back here this fall or next year having been declared unconstitutional? What do we do about these Court decisions? They are not just there as guidance. They are there as law. We do not have the luxury of saying we will agree or we will not agree unless we change the Constitution.

It is under those constraints and in that context that we attempt to find ways with which to address this issue, first in a comprehensive way, banning all procedures; and, second, in a constitutional way so that we do not have to do our work over again in 6 months or a year.

I know there have been a lot of different charts in the Chamber during this debate quoting physicians groups, and I know that you can say anything and use a quote to justify it. But I also know that the American College of Obstetricians and Gynecologists includes both pro-life and pro-choice physicians. I have talked to them. I know they are there. They have been very involved in this debate from the beginning because they, more than anybody else outside mothers who are affected, have to deal with this issue. Pro-life and pro-choice physicians have had to confront this matter. And so ACOG, as they are called, the American College of Obstetricians and Gynecologists, has said in a letter:

> An intact D&X may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon a woman's particular circumstances can make this decision. The intervention of legislative bodies into the medical decisionmaking is inappropriate, ill-advised, and dangerous.

Now, we do not have to agree with that. All I am saying is that is what this group of Republican and Democratic, pro-life and pro-choice, doctors have said officially. That is their position. You can challenge it and others have, but I believe that they are perhaps the most respected organization directly involved with this particular issue. They do not deal with hearts. They do not deal with brains. They do not deal with feet. They deal with pregnancy. They deal with fetuses. They deal with wombs and uteruses and cervixes and all of the things we have had graphically depicted. They are the experts.

Here is what they also tell us, and they cite manuals like this, the Clinical Manual of Obstetrics, from the Medical School of the University of California, Davis, or the Manual of Obstetrics, with contributions from respected obstetric professors from around the country.

They say that there are cases when pregnancy termination is required. Pregnancy termination. Now, keep in mind, there is a difference between pregnancy termination by delivery and by abortion. I think everybody in this Chamber would agree that there are some cases when pregnancy termination is required, but pregnancy termination may be delivering a live fetus, a child. And what we are saying in our legislation is that in every case where it is possible to deliver a viable fetus a doctor must do that—must. But there are cases when, unfortunately, that will not provide the mechanism a doctor needs to respond to the crisis.

"Primary pulmonary hypertension, involves the sudden death or intractable congestive heart failure. Maternal mortality approaches 50 percent. This or other complications occur in 10 to 40 percent of patients with chronic hypertension."

"Preeclampsia. Severe hypertension and accompanying renal or liver failure." Five to 10 percent of pregnancies in circumstances of that kind. "Cardiomyopathy occurs late in pregnancy in women with no history of heart disease as a distinct well described syndrome of cardiac failure."

These are diseases caused by the pregnancy, Mr. President, that doctors and manuals like these cite as reasons for pregnancy termination.

Now, there are also other cases, other situations unrelated to the pregnancy itself when a pregnancy complicates treatment.

"Cancers. Cancer occurs in approximately 1 in every 1,000 pregnancies. Pregnancy depresses mother's immune system; radiation and chemotherapy are harmful to the fetus."

Again, the first consideration for termination of the pregnancy must be early delivery. If possible, deliver the fetus.

"Lymphoma. 50 percent cure rate with immediate treatment; likely death in 6 months if delayed; radiation and chemotherapy risk fetal mutation." Again, if you can deliver the child, do so. Do so.

Breast cancer. 1 in 3,000 pregnancies. "Increased estrogen and lactose production during pregnancy accelerates cancer; immune system depressed."

Those are cases, categories of cases, Mr. President, that are listed in obstetrics manuals because they can and do occur. Physicians should be prepared for them, and should know the proper ways to treat pregnant women who develop these serious conditions.

There are specific cases that graphically illustrate the answer to the question posed so often by those on the other side of this amendment: Why not deliver? I want to cite a few because I think this is really the crux of the issue.

These are the specific cases. A woman in her 25th week is hemorrhaging with internal injuries. Her blood would not clot, leading to uncontrollable bleeding. Delivery by c-section or induction was impossible, because c-section and its increased blood loss posed significant risks. Induced delivery would take too long. Because of the risks to the mother's life and health and the low chance of fetal survival, termination through abortion was chosen because it could not be delivered.

It has always concerned me that some say we ought to prohibit abortion except in cases of immediate life endangerment—that they are unwilling to recognize that there also may be cases involving serious health endangerment. How is it that life and death are so clearly delineated, that health never falls in between them? If there are cases involving death, would there not also be cases involving health? And who but the doctor decides when the mother's life is endangered? If we are making liars of all "abortionists," would we not be making liars of doctors who are doing their best to save the mother's life, who decide that termination of a pregnancy through abortion may be required, as is allowed in H.R. 1122?

Case No. 2: A 23-year-old woman in her 24th week presented with preeclampsia and deteriorating kidney function. Doctors tried to induce delivery early. After 3 days of unsuccessful attempts, induction was still not possible. At that time, the woman's failing kidneys became completely nonfunctional, risking permanent kidney failure. Recognizing that induction was impossible and c-section totally out of the question, the pregnancy was terminated to save the woman's health—terminated by abortion.

Mr. President, there are others. I will read one provided to us by a trauma surgeon whom I know well—highly regarded, nationally recognized. A patient in the 6th month of pregnancy was severely injured in a motor vehicle collision. She sustained multiple fractures to her extremities and a critical head injury, developed adult respiratory distress syndrome, massive pulmonary inflammation. Her lungs were stiff and it was impossible to ventilate. The trauma staff used every possible technique to improve the lung function, but the size of her uterus made the ventilator unable to inflate her lung. After agonizing, consulting with the family, the physicians came to the conclusion that to protect her heart and lungs, to save her life and her long-term health, they had to abort.

And finally, Mr. President, a doctor from my own State of South Dakota related to me a tragic circumstance that completely answers the question of why doctors sometimes absolutely cannot deliver a viable fetus. A 25-year-old woman arrived at the hospital in active, spontaneous labor in her 25th week of pregnancy. The fetus was in the breech position, its feet coming out first. Because of the breech position, the woman's cervix was not fully dilated. Even though most of a preterm fetus can pass through even a partially dilated cervix, a normal fetal head is sometimes too large to be fully delivered and becomes stuck. It is not stopped by the physician, prevented from coming out—it is tragically, but naturally, trapped.

In this case, the fetus was already in the process of preterm, spontaneous delivery, and because it could not be completely delivered, it was impossible to further dilate the woman artificially. Manual stretching of the cervix was necessary to create a wide enough opening for complete delivery. This South Dakotan doctor tried pulling at the woman's cervix—the only option left for the doctor—in order to widen the opening enough to deliver the fetus.

Manual stretching was not successful. In addition to being very difficult, it also poses great risks to the woman's health and future fertility because such stretching can permanently damage the cervix, risking hemorrhaging. Without complete dilation, the fetus suffocates. Evacuation must be effected by any means, and in this tragic case, that evacuation of the fetus was by the D&X procedure.

These were real cases. These did not come from "abortionists." These were doctors trying their very best to help the fetus and the mother to survive. That is what they were trying to do. They were not in the business of abortion. They were in the business of life.

What do you do in cases like this? Say that the Government has ruled that these are all impossible? Would that be our response? "The Government has ruled that none of these cases exist; it is all a figment of your imagination. You are trying to abort. Don't kid us, we know better. We are the Government. We can decide for you. We will tell you. None of these are possible. You are lying to us." Is that what we want to say? Do we really know better than this trauma surgeon? Do we know better than these physicians who have been there, who have had blood on their hands, who have tried to save a mother's life and a fetus?

Having thought through all of this, and having talked to a lot of our colleagues, this is the best, tightest, toughest language we know how to come up with:

> It shall be unlawful to abort a viable fetus unless the physician certifies that continuation of the pregnancy would threaten the mother's life or risk grievous injury—grievous injury—to her physical health.
>
> "Grievous injury" shall be defined as:
>
> (a) a severely debilitating disease or impairment specifically caused by the pregnancy.

That is case No. 1 that I outlined on the chart. Or:

> (b) an inability to provide necessary treatment for a life-threatening condition.

That is case No. 2 that I outlined in my chart.

> "Grievous injury," we further elaborate, "does not include any condition that is not medically diagnosable or any condition for which termination of pregnancy is not medically indicated."

The American College of Obstetricians and Gynecologists have been very helpful to us in trying to work through this. They say that this is acceptable—they have endorsed our substitute—because it includes "an exception when it is necessary for a woman's health * * * physicians [have] to make judgments about individual patients," as these cases would dictate.

There is a similar recommendation in the AMA Board of Trustees draft report just released and so often raised on the floor in the last couple of days. You can agree or disagree with its findings, with its recommendations, but they did say, quoted in the report: "Except in extraordinary circumstances, maternal health factors which demand termination of the pregnancy can be accommodated without sacrifice of the fetus. * * *"

And we say, "Hurrah, absolutely. That is exactly what we are trying to do. Let us not end the fetus's life if it is at all possible." But keep in mind that first phrase, "except in extraordinary circumstances." I have just tried to give you some extraordinary circumstances—not figments of somebody's imagination, but real life situations presented to us by real life doctors who said, "We are going to do everything possible to save the fetus, but there are," as the AMA has said," extraordinary circumstances that cannot be wished away."

So, who should decide when the medical risks are serious enough? Who should decide? The Government or the doctors?

I believe that H.R. 1122, having laid it out as clearly as I know how to lay it out, is unconstitutional. Because doctors can use other procedures, it will not stop a single abortion. I am still absolutely convinced it is a procedure that ought to be abolished. But if we are trying to find ways with which to deal with circumstances in real life, involving efforts to stop abortion after a fetus is viable, H.R. 1122 does not do it. It will not do it. What we do is simply say, look, the Constitution has said that prior to viability, whether you like it or not, unless you are willing to change the Constitution, prior to viability we may not restrict a woman's access to safe abortion. I support a woman's right to choose prior to viability. But that is not the issue, because it is the constitutional requirement.

Under our substitute, after viability, all procedures are banned with an exception only when life and health are seriously threatened. I have seen the criticisms. I have seen the arguments that, "Well, a doctor certainly can do his own thing. Who is looking? A doctor can just lie." But a doctor who is caught lying—and the mother, the family, a nurse, somebody in the hospital, anybody, anybody can call attention to the fact that he lied—and when he is caught he is subject to perjury charges, $100,000 fine and revocation of his license in the first instance; the second time, permanent revocation of his license—the loss of his ability to practice—and a $250,000 fine.

I would be willing to look at any other way with which to ensure that we keep a doctor honest. But I must say, there is no assurance that a doctor is being honest under H.R. 1122. How do we know that a doctor did not perform a dilation and extraction procedure on a woman? How do we know that? He must certify—right? That is the only way we know, if he certifies. Actually, under H.R. 1122, he does not even have to certify, as he must under our substitute. Under H.R. 1122, the doctor must simply assert that the abortion was necessary to save the mother's life if the situation is reported or investigated. Why is it that he cannot lie? Why is it that they are not just as vulnerable to doctors who may try to find a way around the law in this case? Why is it assumed doctors are less likely to lie about a woman's life being threatened than about her health being threatened?

Mr. President, I think the Washington Times last Friday had it right. We spare viable fetuses. Our proposal is stricter than the one pending.

There are a lot of people who wish to be heard, and I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I see a lot of Members here and I will keep my remarks brief in order to give them an opportunity to speak. But I, too, just want to get in a couple of points in response, and a comment. First the comment.

That is, I very much appreciate what the Senator from South Dakota has stated. I respect his opinion. I respect the fact that he is trying to make an effort to deal with a very serious issue, and that is abortion in this country, moving toward making it much more rare. Certainly, I do not doubt his intentions at all. I know this is an issue that not only he is struggling with, on the issue of partial-birth abortion, but other Members who I have talked to and who I have heard from directly and indirectly. This has been an issue that has been a very difficult issue for people to deal with. We are looking for answers and looking for different ways. I respect the effort of the Senator from South Dakota to do what he believes is right.

I hope, and I would just offer this—while I do not agree in the assessment of the Senator from South Dakota as to what his bill does, we have an honest disagreement on that. And I think it is one. I think it is simply a disagreement on what he believes his bill does. He believes it does some things. I will argue as to why I don't think it does what he says it does. Two people can reasonably disagree on that. And we will have that debate here today at length.

I will say that I certainly am open to working with the Senator from South Dakota, and anybody else in this Chamber, after this day is done and this issue is behind us, and hopefully it will be behind us soon, to look at other ways that we can get at these very, very prickly issues. We can do it in a way that can be bipartisan. The people who are generally concerned about unborn children—I know the Senator from South Dakota is. So I just want to start, having said that, and just address the two points which I see are the flaws in his legislation, as well-intentioned as I believe it is.

The Senator from South Dakota referred over and over again to how these different procedures that are not banned by the partial-birth abortion ban, H.R. 1122—he kept saying this is no ban, this is no ban. I suggest, as carefully as the Senator tried to construct this amendment, that in fact his bill is no ban either. It allows for two determinations to be made, two issues to be left to the discretion of the doctor, which creates the loophole by which not one single abortion will be banned under this procedure.

I do not say that lightly. I say that with the very strong conviction that what will happen as a result, if this bill were to become law and signed by the President, there would not be one less abortion done in this country. There would not be one abortion banned in this country.

The reason I say that—and I will talk about two particular areas. I will be brief. I will get into this in more detail later, because I know there are people who want to speak. I am going to be here. They have things to do.

I will talk first about the health exception. I showed the quote today from Dr. Warren Hern. Again, Dr. Hern is an authority on abortion procedures and techniques. He has written "Abortion Practice," Warren M. Hern. This is the definitive textbook on teaching abortion. He does second- and third-trimester abortions.

He does them from all over the world. He instructs doctors through his book and directly on abortion practice. This is what Dr. Hern said yesterday to the Bergen County Record:

> I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.

Dr. Hern, who does second- and third-trimester abortions, was commenting on the Daschle amendment. This is one of the leading people in this field. I just suggest that Dr. Hern, while I could not disagree more with what Dr. Hern says, the fact of the matter is that he can stand there and, in good conscience, say that to not only the Bergen County Record, but to USA Today—he repeated the statement in case there is no validity to the original statement, a different quote, similar in nature—that any pregnancy could be a threat and could cause grievous injury—I know this is the language the press keeps honing in on, "grievous injury" to physical health. Here it is.

I have a lot of other things I am going to say about health and why the health exception, as drafted in this amendment, is a very broad loophole and will not restrict abortions. The fact that the doctor is the one to certify, what does that mean? That is pretty much current law. The doctor certifies when there is a health reason to do an abortion, and we say we are going to ban these, but the doctors determine when there is an exception.

I use the example of recently in the Congress, we banned assault weapons. We said we were going to make assault weapons illegal, but we are going to give the person selling the gun the ability to determine what an assault weapon is. That is what we have done with the Daschle amendment. It has given the person performing the abortion certification dispositive, conclusive authority to determine what is a health reason.

I agree that is what Roe versus Wade says, but the fact that the Daschle amendment parrots that shows that there will be no change in the way doctors view this issue. There will be no change.

The second issue is the issue of viability, and I think Senator DASCHLE points up very accurately the progress we have made since Roe versus Wade in the area of viability, but, again, the only way you can for sure determine whether a child is viable is to try to save the child. There is no way that a doctor can look into the womb of a mother and say this child will survive and this one will not. You cannot do it. They might have guesses, but we have cases of children surviving at 22 weeks, 21 weeks, not many, very few, maybe only singular cases. But how do we know unless we deliver the baby alive, and births after 20 weeks are almost certainly alive if you deliver the baby without doing anything to it. The heart is beating. Unfortunately, they gasp for breath. They will be alive, but you never know whether they are going to survive until you try.

So to suggest that the doctor can then define viability by knowing in advance whether this baby is going to survive, you cannot do that. What you end up doing is, again, leaving the doctor absolute discretion, even at times—I think we are now up to the point at 26 weeks you are into roughly 80 percent survival, but you can still say, "Twenty percent don't survive, and I make a determination this is one of the 20 percent." It is a reasonable judgment call. There is no way you can second-guess it, because there is no way to know for sure.

You have, literally, up until 26, 27—you can go on, there is not 100-percent certainty survival of viability until well into pregnancy, until maybe even in the 35th week where you have 100-percent chance. So the doctors can always say, "This was one and I certify it, it is conclusive, it is dispositive," as it is under Roe versus Wade.

I am not saying he is changing current law, but by applying current law, codifying current law, he accepts the exception to the overall ban which nullifies the ban, and so what we have is a ban that does not do anything.

Again, I say to the Senator from South Dakota, I appreciate the effort he put behind trying to address this issue, but it does not accomplish what was intended. I feel bad about it. I wish I could stand up here and say this is something that is going to make a positive impact. Look, if I felt that this was going to do something to stop children from being aborted, I would sign up right now, but I don't believe that it will.

I am willing to work in the future if we can come up with something that will save children's lives, count me in. I will say that I was not approached on this compromise. I was not asked for my input as the sponsor of the bill that is on the floor. That is the prerogative of the people who drafted the amendment. That is certainly within the realm of Hoyle around here. But if we truly want to reach out and try to work on something across the chasm, which unfortunately is a chasm that has been breached somewhat on the issue of partial-birth abortion. I am happy to say that maybe as a result of partial-birth abortion, we are beginning to see that there are real problems out there, even those who support abortion rights.

So I hope, while I have to stand and speak against this amendment and urge my colleagues to vote against this, because not only does the Daschle amendment create a ban that has no limits to it, there is no ban, the Daschle amendment wipes out the partial-birth abortion ban. So it wipes out the underlying legislation. In a sense, whoever votes for Daschle votes against banning partial-birth abortions because under the Daschle amendment, not one partial-birth abortion will stop. Not one. So if you vote for this amendment, you vote against the underlying bill and replace it with something that, as well-intentioned as it may be, does nothing to limit late-term abortions, the fifth, sixth month and beyond.

I had to rise in opposition. I respect the Senator from South Dakota. I look forward to engaging further in this debate. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, let me respond quickly because many Senators are seeking recognition. I appreciate the tone of the Senator's response. I also acknowledge that the Senator from Pennsylvania is certainly well intentioned. I respect the fact that he is also trying to find a solution. I was perhaps sent the wrong message about his desire to become a constructive partner in the dialog when I read his criticisms of the effort several months ago. I take responsibility for perhaps misinterpreting his criticisms. But, nonetheless, I do believe he is well intentioned.

It is ironic that we both come to the same conclusion. The Senator from Pennsylvania has offered legislation that will clearly not stop one abortion because every other abortion procedure is available. He recognizes that. So I don't know how anyone could argue that his ban of a procedure is a ban of abortion, because it doesn't stop all of the other procedures. So how does it stop abortion?

As to Dr. Hern, that man is going to jail, and I will just tell him on the record in public right now, "Dr. Hern, you're going to jail for perjury if this legislation passes and you lie about the need for unnecessary abortions you perform." If you don't go to jail, there is something wrong with our legal system, not with the law as it is written.

As to viability, I have no differences of opinion with the Senator from Pennsylvania on viability. He and I agree on the need to find a way to ensure that the viable fetus is a top priority, along with a mother's health in these circumstances, and if it can be delivered live, it ought to be, regardless of what week. So we have no disagreement on that.

With regard to making the determination, that it is up to the doctor, let me just say one last thing. I don't know what the Senator or any other Senator who supports H.R. 1122 would say if a doctor said, "Well, I'm going to take Dr. Hern's approach 'to save the life of a mother,'" which is a clause in their bill, "I'm going to use dilation and extraction to save the life of the mother. I can do that. It's legal." Dr. Hern should love that language. That is still available.

So if we distrust the veracity of a doctor in my circumstances, I would think we would be reciprocal in distrusting the veracity of any doctor who could use any out and, indeed, they allow an out, not to mention all the other alternative abortion procedures.

So there are differences between us in spite of the good intentions we have, in spite of the fact I know we both want to come to the same conclusion.

Mr. President, I yield 15 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, I rise in strong support of the Daschle alternative, and I do so because of three reasons: No. 1, it preserves Roe versus Wade; No. 2, it prohibits all postviability abortions; and No. 3, it provides an exception for the life and the health of the mother, which is both intellectually rigorous and compassionate at the same time.

The Daschle substitute respects the Supreme Court's ruling in the Roe decision. When the Court decided Roe, it was faced with the task of defining when does life begin. Theologians and scientists differ on this. People of good will and good conscience differ on this. So the Supreme Court used viability as its standard. Once a fetus is viable, it is presumed not only to have a body, but a mind, a spirit and a persona that has standing in our society and in our courts. Therefore, it has standing under the law as a person.

The Daschle alternative respects that key holding of Roe. It says after the point of viability, no woman should be able to abort a viable fetus. There would only be two exceptions: to immediately save her life, and the other may be when the woman faces a serious and debilitating threat to her health.

The bill before us, H.R. 1122, as proposed by the Senator from Pennsylvania, simply bans a particular abortion technique at any point in the pregnancy. Because it would ban the use of a technique during previability, it would violate the Supreme Court's standard on viability. Should this language be passed, in all probability, it would be struck down by the courts, and the proponents of the legislation do know this.

The Daschle alternative bans all postviability abortions. It does not create loopholes by allowing other procedures to be used. Therefore, this Daschle alternative is superior to H.R. 1122 because it does ban abortions, it doesn't just ban a procedure, it bans all abortions after the point of viability. Therefore, it is good public policy, it is good public health and also will stand up to the test of the Supreme Court.

I believe there is no Senator who thinks a woman should abort a viable fetus for frivolous or nonmedical reasons. It does not matter what procedure is used. It is wrong and we know it. Therefore, the Daschle alternative bans those abortions.

However, on the other hand, H.R. 1122 does not stop one single abortion. For those who think they support this approach, know that it is unconstitutional and is, therefore, both hollow and ineffective.

Let us be clear. A vote for the underlying bill will be both hollow and ineffective. It will attempt to ban a particular procedure, but allows doctors to simply go to another procedure.

The Daschle alternative does ban abortions. It says that a woman cannot have an abortion once the fetus is viable. We talk about then "What is viable?" It means surviving outside of the womb with or without life support. Medical advances are the ones that will determine what enables a fetus to be viable.

Let me tell you what else I like about the Daschle alternative. The health of the mother is rigorously, intellectually defined, but it is also compassionate. Under the Daschle alternative, the only time an abortion would be allowed—other than saving the life of the mother—is when the woman faces a medical crisis that is grave and severe. And it defines that as circumstances that "threaten the mother's life or risk grievous injury to her physical health."

But I want to be very clear in this. The Daschle alternative does not create a gaping loophole with its health exception. We are not loophole shopping when we insist that the Constitution requires, and the reality of women's lives demands, an exception for women's health.

The health exception in the Daschle alternative has been carefully developed. I know that the Senator has consulted with medical ethicists, physicians, as well as constitutional scholars. It is specific and not vague. It is meant to cover only the most severe types of medical conditions.

What kind would they be? Some of these conditions are caused or aggravated by the pregnancy itself. For instance, issues like severe hypertension or preeclampsia, which occurs in 5 to 10 percent of pregnancies. In severe instances, the woman would face severe renal failure, kidney failure, liver failure, and ultimately could die.

Other women find themselves at risk for serious heart damage as a result of peripartal cardiomyophy. These women have no previous history of heart disease. It is the pregnancy itself that puts them at risk for cardiac failure. Would anyone argue that this is not a profound health crisis?

There are other complications. Women with existing hypertension often find their condition dangerously aggravated by the pregnancy. Complications of hypertension occur in 10 to 40 percent of these patients. These women are at risk for organ failure, seizures, or even death.

Women who suffer from diabetes may find their condition exacerbated during pregnancy, so severe that it could lead to blindness or amputations. And in some instances, where the woman is carrying a fetus with severe anomalies, she is at risk of uterine rupture and the loss of future fertility.

These are real, undeniable severe medical complications. While they are rare, they do occur. Senator DASCHLE's alternative addresses this reality.

It recognizes that to deny these women access to the abortion that could save their lives and health would be unconscionable. When the continuation of the pregnancy is causing these sorts of profound health problems, a woman's doctor must have every tool available to respond.

There are also cases where a life-endangering condition, unrelated to the pregnancy, arises and cannot be properly treated because of the pregnancy.

For instance, in the course of her pregnancy, if a woman is defined as having breast cancer, leukemia or some other form of cancer, she could not have her chemotherapy or radiation because it would cause profound fetal mutation.

Doctors are faced with choices. Mothers and fathers will be faced with choices. The question is, who decides? I do not think it should be done on the floor of the U.S. Congress by politicians. I believe the decisions should be made in a clinical situation between a doctor, the mother, and her husband. I support the Daschle alternative because it would provide this health exception and allow the physician and the family affected to make the decision that is medically appropriate to address very grave health situations that a woman may face.

That is why the Daschle alternative is so important. That is why the Daschle alternative is critical to passage. For those who are serious about banning postviability abortions, the Daschle alternative is the only alternative. For those who really want to seek common ground, the Daschle alternative is compassionate, intellectually rigorous. It enables physicians to determine what is medically necessary.

I have been troubled by this issue ever since I came to the House of Representatives more than 20 years ago. I am associated as being a pro-choice U.S. Congresswoman, and now Senator. What does pro-choice mean? It is not that I am for abortion. I do not believe that abortion is an unlimited right. But I believe it is the woman, in consultation with the physician and the family affected, who should decide.

Through the grace of God, I have been granted the faith of being a Roman Catholic. I will be eternally grateful for that gift of faith. But with that gift came two other gifts, one of hope and one of compassion. I hope to live as a Catholic; I hope to be able to die a Catholic. I feel that the Daschle alternative gives us an option that is not only constitutionally defensible, but is medically and morally defensible. And I hope that finally we can bring this debate and this discussion to the end.

Last year, we voted 52 times on the subject of abortion. Was the public served by it? Were women served? I don't know. I do not think so. So, please, let us take politicians out of this conversation. Let us put doctors back in because if we truly cannot trust the decisions in the medical profession, then I do not know who we can trust. You ask the American people, who do you trust more, your doctor or your politician? I do not think they would debate as long as we will be debating this issue.

Before closing, let me just extend my deep appreciation for the work our Democratic leader has done on this issue. He has been heroic, faithful and determined.

He has reached out to every Member of the Senate. He has consulted a wide range of medical professionals, lawyers, and legal and ethical scholars. He has been absolutely committed to finding a solution that is passable, signable, and constitutional. I believe he has succeeded.

So I thank him. And I compliment his excellent staff, Laura Petrou, Caroline Fredrickson, and Amy Sullivan, who have done truly outstanding work in developing the alternative before us.

Mr. President, today we have the opportunity to do something very important. We can move beyond soundbites and politics, and do something real, something which I know reflects the views of the American people.

We can pass the Daschle alternative. We can say that we value life and we value our Constitution. We can make clear that a viable fetus should not be aborted. We can say that we want to save women's lives and women's health.

I urge my colleagues to support the Daschle alternative.

I respect people on the other side who have differing views. But I am also concerned that there might be a lack of clarity about some of those issues.

Before I yield the floor, I wonder if the distinguished Democratic leader would yield for two questions, if he might?

There is some question whether the woman's physician would be allowed—the alternative has been criticized because it allows the woman's physician to make the medical judgment regarding the woman's need.

Could you tell me what procedures your alternative provides so that a physician does not abuse the strict standards provided for in your measure, and what enforcement tools there would be so we could trust the doctors?

Mr. DASCHLE. Well, I appreciate the Senator's question.

Let me just say that, first of all, the circumstances involving a doctor's role are identical between the bill offered, which is pending, S. 6, and our legislation. A doctor makes the determination in their case whether or not a life is affected and can make the determination to use their procedure, the procedure that is outlawed, I should say, if in their opinion a life is affected.

What we say is that a doctor has to make the decision, but we limit the definition of "health" and "life" to include only grievous circumstances. And we define "grievous circumstances" as severely debilitating diseases specifically caused by pregnancy or an inability to provide necessary treatment for a life-threatening condition.

Then we say what it is not. It is not any condition that is not medically diagnosable or a condition for which termination of the pregnancy is not medically indicated.

In a previous provision of the bill, we say that termination of a pregnancy must first include the possibility of a live birth. It must include that. Then we say, if you violate it, you are going to lose your license, you are going to pay $100,000; and then $250,000 and you are going to lose your license for good, and you are going to be subject to charges of perjury if you lie.

We make anybody who wants to bring charges able to—a nurse, a family member, somebody in the hospital—anybody who has any question about whether or not the right decision was made can bring a charge.

So we have done everything we can, I would say to the Senator from Maryland, to get at the legitimate concern that somebody could abuse this.

Ms. MIKULSKI. Thank you, Mr. Leader. I appreciate that.

I think that spells that out.

Now, one of the reasons I support your alternative is because I truly believe it will prevent abortion, particularly postviability abortion.

Can you assure me that your alternative—assure those who also want to ban all postviability abortions that your alternative would do so?

Mr. DASCHLE. Well, that is really the fundamental difference between the two pending bills. We ban abortion; they ban a procedure. They allow all the other abortion procedures available—dilation and evacuation, induction, hysterotomies—those are still legally available. But what we ban are all of those procedures, all of them, and affix the penalties that we have discussed.

So I would say with absolute certainty to the Senator from Maryland that we do everything within the constitutional parameters available to us to stop all abortions.

Ms. MIKULSKI. Many States have enacted their own laws on postviability abortion. My own State of Maryland has a law that bans postviability abortions. It was approved by the voters of Maryland in a referendum. The Maryland law says a postviability abortion is only allowed when it "is necessary to protect the life or health of the woman; or the fetus is affected by genetic defect or serious deformity or abnormality." Other States have even more far-reaching bans.

How does the bipartisan alternative affect Maryland law, which the people of Maryland endorsed through referendum?

Mr. DASCHLE. The alternative does not prohibit a State that already has a postviability ban from retaining its State law. Especially in a State such as Maryland, where the people decided that the health definition you outlined was the most appropriate way to deal with women's health, States should be allowed to either retain their own laws, or enact this alternative. We believe we have provided an appropriately clear and tight definition. States with even more restrictive laws may disagree, and we do not preempt their laws, either.

The alternative would not displace any comprehensive State postviability abortion bans, in whole or in part, currently in effect. The bipartisan alternative would not displace any procedure-specific restrictions or any other abortion-related State statutes. However, if a State has no comprehensive postviability ban in effect—either because none has been enacted or because a ban has been repealed or invalidated by the courts—the bipartisan alternative would take effect in that State. The effect of the bipartisan alternative is to ensure that there is a postviability abortion ban in effect in every State.

Ms. MIKULSKI. The bipartisan alternative has a very narrowly drawn definition of the health situations under which a postviability abortion would be allowed. It says that the physician must certify that "continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health."

Does this mean that there are no situations when a woman with a profound mental health problem would be permitted a postviability abortion under your bill?

Mr. DASCHLE. As we discussed last year during the debate over mental health parity, most of us now realize that there is a connection between mental and physical illnesses. They are not mutually exclusive. Women with serious psychiatric diseases who risk psychotic breaks that would leave them nonfunctional may have physical manifestations of those psychiatric conditions. If such physical manifestations take the form of severely debilitating impairments, they would be covered under the health definition. I do not know if any cases would fall under that strict standard, but we cannot anticipate every medical circumstance.

Ms. MIKULSKI. I thank the leader for his explanation.

I want to thank the Democratic leader for the excellent work he has done. I intend to support his alternative.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DEWINE. Mr. President, on behalf of the manager of the bill, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DEWINE. Thank you, Mr. President.

Mr. President, I rise in reluctance, but very strong opposition, to this amendment. I join with the comments that my friend, Senator SANTORUM, has made about our colleague, the distinguished minority leader. I think he has made a very honest attempt to deal with this issue. But I would like to explain over the next few minutes why I believe that this attempt has failed and why I believe that this amendment, however well intentioned I know it is, is a gutting amendment and how this amendment strips really everything away.

It is really not the Senator's fault. I do not know if it is anyone's fault. But the reality is, we have to live with previous Court decisions and we have to live with a whole body of law. Legislation that we write has to take that into consideration, how words have in fact been defined.

The Supreme Court has made it abundantly clear in the Bolton case how broad the language of "health" is, and when there is a health exception what that really does, and that everything is taken into consideration.

I understand the Senator has tried to craft this legislation maybe to deal with that. I do not think it can be done. I do not think, in light of those cases, that that really can be done at all.

But let us walk through, for a moment, what has to take place. The word "certification" is important because what this amendment says is—you have several issues, but they are all decisions, let us keep in mind, that are made by the attending physician, by the person performing the abortion.

You start with the issue of viability. Now, the reality is —you cannot change the reality—the vast majority of these occur before viability. And the vast majority of them—according to Dr. Haskell 80 percent—are elective abortions. That is a fact. Those are the facts. We cannot change those facts, which means that this amendment does not deal with that. It does not deal with all those abortions at all.

But let us go beyond that, because what this amendment says is the doctor has to certify. But even before he gets to the certification process, he makes a determination about viability. If he says "not viable" then that is it; it ends the debate. Only if he or she then says this child is viable, the fetus is viable, then the language kicks in. It says the doctor must certify.

I would submit that once the certification takes place, that is it. And, again, it is solely within the discretion of the doctor whether certification takes place or does not take place. The operative act is not an objective standard; it is the certification in and of itself. That ends the discussion. That is it.

Let me, if I could, Mr. President, recap where we are and what I think we have learned in the last few days. But before that, of course, with testimony in the Judiciary Committee on several different occasions, the other floor debates that we have had, I think we have established certain things, that certain things are uncontroverted.

We have all seen the graphic descriptions of what happens in this procedure. There is no dispute about that. There is no dispute about the horror. There is no dispute about the tragedy.

I believe it has been established and recognized from the AMA to Dr. C. Everett Koop that this procedure is never the only procedure that will save the life, or the health, of the mother.

I think we have established that even when the baby, for medical reasons, must be separated from the mother, there is no reason to kill the baby. The termination of pregnancy is not the same as an abortion.

I think the evidence is clear that the real reason this procedure is done is because it is easier for the abortionists. We have heard what Dr. Martin Haskell, the abortionist from Dayton, OH, has to say. I read his quote yesterday. This is what he says in part: "The goal of your work is to complete an abortion." To complete an abortion. That is the goal.

So we know, Mr. President, why these babies are killed—not for health reasons, not because the mother needs it, not because the baby cannot be delivered and may be saved, but because an abortionist does not want the baby to survive.

That is the object. That is what Dr. Haskell says in his quote.

The amendment that is before the Senate purports to deal with the issue of health. The amendment would ban postviability abortions unless "the physician certifies"—the operative language—"that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her health."

As I mentioned in my statement yesterday, I believe it is clear this amendment—and the Court cases show—this amendment would do nothing to stop partial-birth abortion. To the contrary, it would allow any abortion, any abortion, Mr. President, to be performed.

Roe versus Wade provides, as we all know, that in the third trimester there is a legitimate State interest in prohibiting abortions after fetal viability. This amendment would add a health exception to the underlying bill. That sounds good on its face, it looks good, but when you look at the Court decisions and when you look at the reality of how this would work in the real world, we find that exception expands in practice.

There are no health circumstances, the evidence has clearly shown, that require a pregnancy be terminated by administering this particularly horrible procedure. Yesterday, I quoted Dr. Nancy Romer, chairman of ob-gyn and a professor at Wright State University Medical School in Ohio. Dr. Romer said,

> This procedure is currently not an accepted medical procedure. A search of medical literature reveals no mention of this procedure, and there is no critically evaluated or peer review journal that describes this procedure. There is currently no peer review or accountability in this procedure. It is currently being performed by physicians with no obstetric training in an outpatient facility behind closed doors and with no peer review.

Dr. Romer goes on to say,

> There is no medical evidence that the partial-birth abortion procedure is safer or necessary to provide comprehensive health care to women.

So, Mr. President, it is clear there are no medical circumstances that would require this procedure. Well, then you could argue, if that is true, Senator DEWINE, why, then, what is wrong with putting a health exception in? What harm would that do? If there are no such circumstances, why not add a health exception anyway? The answer is, this health exception is so broad that it would, in fact, swallow up the rule. It is so broad that, literally, any abortion would be permitted.

How do we know that? When the Supreme Court handed down its decision in Roe versus Wade, it also handed a decision entitled "Doe versus Bolton." Bolton held that a State statute that forbade abortions based on a life exception had to be interpreted to mean that "the medical judgment" to provide abortion for health reasons "may be exercised in the light of all factors—physical, emotional, psychological, the woman's age—relevant to the well-being of the patient."

It is clear from other cases how that is interpreted. That is interpreted, basically, to mean that it cannot be enforced in any way, that health exception consumes everything.

If we pass the Daschle amendment and require this concept of physician certification, that the pregnancy would risk grievous injury, I believe that clearly would render this bill meaningless. The courts, in interpreting the meaning of the word "health," were accorded the broad interpretation that the Supreme Court has consistently applied.

My colleague from Pennsylvania, Senator SANTORUM, has already read the quote from Dr. Warren Hern, but it is appropriate to hear it again because it is directly on point to this issue. Dr. Warren Hern, a Colorado abortionist who has performed hundreds of late-term abortions, has already stated that he will certify that any pregnant woman can meet the standard of the DASCHLE amendment. "I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health." Any pregnant woman.

So, Mr. President, there we have it. Under this exception, any abortion would be permitted. When we have the testimony of America's most respected doctor, Dr. C. Everett Koop, backed by the American Medical Association in support of the assertion that there is never a medical necessity for this procedure, it is clear what the health exception is.

Mr. President, unfortunately, tragically, that purported exception is a hoax, it is a sham, it is a smokescreen, however well-intentioned the authors are.

In conclusion, Mr. President, when you come down to it, I think it is a moral dodge. I think it puts us to sleep. It is a way we can try to convince ourselves that it is OK, this amendment is OK, even though, in effect, we are tolerating something very, very bad.

Mr. President, we are not OK. We know what is going on behind the curtain and we cannot wish that knowledge away, however much we would like to. We have to face it and we have to do what is right. That means passing this bill to ban this barbaric, inhuman, unconscionable practice.

Again, with respect to my distinguished colleague, the minority leader, it also means we must vote this amendment down.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I listened with great interest to the distinguished Senator from Ohio. He mentioned Dr. Hern's remark that he would use life or grievous injury. That was his term, life or grievous injury as a reason to continue an abortion practice.

I cite his remark because, of course, H.R. 1122 uses life as a reason, justifiably, to allow the late-term abortion, the dilation and extraction method that the bill otherwise prohibits from being used. So, if Dr. Hern would use health, he would use life, as he indicated, making meaningless the language in H.R. 1122, as well.

I just hope we apply the same standards to both bills in our debate as to what the efficacy of language will be. Indeed, if people are going to find loopholes, they will find them in H.R. 1122, as in our bill.

But, again, I reiterate that Dr. Hern, with our language, will go to jail, will go to jail.

I yield 10 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. I thank the Senate minority leader for yielding me this time, but, more importantly, I secondly want to commend him for his refreshing approach in trying to craft a consensus on what is obviously a very difficult issue when it comes to the problem of late-term abortion. He has shown determination and persistence and dedication in arriving at this compromise. I think that if more people in this body took that approach on the most contentious issues, we would not be standing here today even debating this one.

This is a very difficult issue. But the compromise that the Senate minority leader has worked out clearly represents a serious attempt in bridging the differences on this issue, but also an attempt to address a very divisive issue.

I had to reread the legislation after I heard several interpretations of it today. The Senate minority leader's legislation will ban all postviability abortions. There is one area upon which we all agree, that no viable fetus should be aborted by any method unless it is necessary to protect the life and the health of the mother.

The difference here today is one issue: It is whether or not we are prepared to provide a health exception. I am very grateful to my colleague from South Dakota for trying to find common ground on this issue. All Members, pro-choice and pro-life, ought to be able to come together and agree.

Mr. President, 41 States, including my own State of Maine, already ban postviability abortions. We all agree that we need to ensure that healthy pregnancies are never terminated after a fetus is viable regardless of which procedure is used. That is why the Daschle approach is so important.

Furthermore, the Daschle substitute will lower, actually lower the number of abortions in this country as opposed to the legislation offered by the Senator from Pennsylvania.

The legislation of the Senator from Pennsylvania, S. 6, would not prevent a single abortion. Ironically, what it would do is force a woman to choose another potentially life-threatening procedure when it comes to her health.

It clearly does not make any sense to me that we here in the U.S. Senate are prepared to place a woman's health in jeopardy, place a woman in an unacceptable risk, while doing nothing to lower the number of abortions that occur in this country.

The Daschle amendment will decrease the number of abortions and will do so without putting a woman's life and health on the line. To critics who say the Daschle language contains a loophole because it leaves it to the doctor to determine when the fetus is viable, I ask, who is in a better position than doctors to determine this? Certainly not the Federal Government. Certainly not the U.S. Senate. I know some would think they are omnipotent, but certainly not the U.S. House of Representatives. Certainly not politicians making this determination. This is a determination that should be made by the physician and the physician alone.

In fact, the report that has been touted here by the American Medical Association, which I find quite interesting, is a 35-page report. I know that proponents of S. 6 and the legislation supported by the Senator from Pennsylvania touts this report, but this report did not even come down in support of the Senator's legislation after 35 pages. But in this report that was released on Tuesday by the American Medical Association, it states, "It is the physician who should determine the viability." Exactly.

But it is not only the American Medical Association who says the viability of determination should be left to the doctor. It is also the Supreme Court. In Planned Parenthood versus Danforth, the Supreme Court said,

> The time viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is, and must be, a matter for the judgment of the responsible attending physician.

Only doctors are equipped to make this determination. It is not those of us here in the U.S. Senate. It is not a bureaucracy. It is not the Government. We want our physicians to make that determination.

Now, critics say protecting a woman from a grievous injury to her physical health does not justify terminating a later stage pregnancy.

I ask again. Who are these politicians to make this heart-wrenching decisions for a family when a woman's life is in jeopardy? To the critics who say the Daschle language contains a loophole because doctors can interpret the health exception any way they want, as I say, read legislative language.

"Grievous physical injury" is defined as a "severely debilitating disease or impairment caused by the pregnancy," or "an inability to provide necessary treatment for a life-threatening condition."

That is very clear. It is very plain. It is very strict. It is a very narrow definition. And, as the Senator from South Dakota indicated, the penalties are extremely harsh, if the doctor didn't make that determination according to this definition.

If I were a doctor and I read the penalties in this legislation that became law, I can guarantee you the doctor would make that determination and that definition in terms of what was grievous, what was a severely debilitating disease or impairment caused by the pregnancy or an inability to provide necessary treatment for a life-threatening condition. Their definition is protecting women from the most serious and life-threatening health risk.

This narrow definition comports with again the American Medical Association's position that postviability abortion should only be used under those extraordinary circumstances when it absolutely is necessary to preserve the life and health of the mother. The Daschle substitute is narrowly tailored to allow postviability abortions only under these extraordinary circumstances.

This language could not be more clear. How can you second-guess what is grievous? How could you second-guess the penalties that are included in this legislation? How could you second-guess the notion of going to jail?

There is no question that any abortion is an emotional and difficult decision for a woman. When a woman must confront this decision during the later stages of her pregnancy because she knows that the pregnancy jeopardizes her very life and health, such a decision becomes a nightmare. And we have heard example after example. These aren't faceless individuals. These are human beings. These are women—women we know who have faced these circumstances who do not want the U.S. Senate or the U.S. Congress making that decision for them in these very limiting exceptional health circumstances. We have no right to be making that decision.

The Roe versus Wade decision was carefully crafted by the Supreme Court 24 years ago. It was designed to balance the rights of women in America with reproductive decisions that have to be made. And they said that the rights of women are paramount in those decisions. This decision held that women have a constitutional right to an abortion, but after viability States could ban abortions as long as they allow exceptions for cases in which a woman's life or health is in danger. Let me repeat that: Allow exceptions for cases in which a woman's life or health is endangered.

The Supreme Court has reaffirmed that decision time and time again. Forty-one States have passed legislation upholding that banning of abortions in the later stages of pregnancy, except when it comes to a woman's life or a woman's health.

The legislation offered by the Senator from Pennsylvania does not allow the exception for health. It does not allow it. In the last year, we heard. "Oh, it provides a health exception." But it is so broad. It just says health. It is so broad you could drive a truck through it.

The Senate minority leader made a good-faith effort to come up with a very narrow definition of grievous injury. You couldn't get much stricter in its interpretation.

So that in certain situations, where a woman's life and health is in severe jeopardy, an exception can be made.

The health exception for grievous physical injury can only be invoked under two circumstances.

The first involves those heart-wrenching cases where a wanted pregnancy seriously threatens the health of the mother. The Daschle language would allow a doctor in these tragic cases to perform an abortion because he believes it is critical to preserving the health of a woman facing cardiac failure:

Peripartal cardiomyopathy, a form of cardiac failure which is often caused by the pregnancy which can result in death or untreatable heart disease; preeclampsia, or high blood pressure, which is caused by a pregnancy which can result in kidney failure, stroke, or death; uterine ruptures, which could result in infertility.

Is anyone suggesting here that we should not allow exceptions in these very serious health circumstances—circumstances that are not excepted in the language that has been proposed by the Senator from Pennsylvania? Imagine: A form of cardiac failure that causes death would not be excepted. High blood pressure that can result in kidney failure, stroke, or death would not be excepted, or exempted; or infertility. Or the second circumstance that would be provided for as an exception under the Daschle language: When a woman has a life-threatening condition that requires lifesaving treatment.

It applies to tragic cases, for example, when a woman needs chemotherapy when pregnant. So the family faces a terrible choice of confronting the pregnancy, or providing lifesaving treatment.

These conditions include breast cancer, lymphoma, which has a 50-percent mortality rate, if untreated; primary pulmonary hypertension, which has a 50-percent maternal mortality rate.

Are we saying here that the U.S. Senate is saying, "No, we will not provide any exception." I hope not. I hope that would not be the case. And the Daschle substitute allows for those very limiting but very serious instances of health circumstances that could jeopardize permanently a woman's life, if not resulting in death.

If this Chamber passes this bill without the Daschle amendment, it will represent a direct frontal assault on the health of American women. Make no mistake. Innocent women will suffer. We must not overlook that women's lives and health are at stake. They hang in balance. Women who undergo these procedures face a terrible tragedy of later-stage pregnancy that has through no fault of their own gone terribly, tragically wrong.

I urge my colleagues to support the Daschle language. It will ensure that no abortions will take place after viability unless it is absolutely necessary to avoid grievous physical injury to a woman while protecting the woman's life and health.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, a couple of comments before I yield to the Senator from Arkansas.

I want to repeat what was stated by George Will in a column talking about the Daschle amendment. He said, "The Daschle amendment is a law that is impossible to violate."

All these things sound really wonderful. We have these real tough definitions; real tough except for the fact that you can't violate the law because you are giving all of the authority to the doctor to determine whether he breaks the law, or she breaks the law.

Wouldn't you love to have a law where you are the self-enforcer of the law? You have to call it yourself because, once you sign that certification, it is a conclusion. You cannot be second-guessed. What doctor is going to say, "Oh, I aborted this baby, and it would have been viable"?

First of all, no second-trimester baby is ever going to be viable by any doctor doing an abortion. They just won't because there is still a percentage that aren't, and they will just say, "It is not viable." They will sign a certification saying it is not viable. Next, they will sign it saying there is a health problem. Like Dr. Hern said, you can't get away from the fact that the people who are doing these abortions—most of the folks who do them—do them for a living. They are not going to call it on themselves—that there really wasn't a health exception. They are not going to say, "That is the reason I did this. I did this abortion wrong."

What we have here instead of a judge, jury, and executioner is executioner, judge, and jury.

As far as I am concerned, George Will is absolutely right. This is a law that cannot be violated. As tough as all of this sounds, as persuasive as some of his arguments that they really care about limiting abortions, it will not stop one abortion.

At least what the underlying bill does is outlaw a procedure that is so far outside of what our country should permit, and at least take the step in the right direction of providing some sense of humanity to those little children.

I yield 10 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator from Pennsylvania for yielding.

Mr. President, I rise in respectful but very, very strong opposition to the Daschle amendment.

I want to commend the Senator from Pennsylvania for his courageous leadership on an issue that deserves to be debated and a ban which deserves to be passed.

I believe that abortion and the human life issue in this country are the great moral issues that confront our society.

I heard my colleague from Maryland, Senator MIKULSKI, say that we voted 52 times in the last Congress on the issue of abortion. And she said, "Are we any better off?"

I would suggest that while we debate balanced budget amendments, while we debate chemical weapons treaties, and while we debate a host of important issues, there is no issue more important to the future of our country, to civilization, and to the kind of people we are going to be than the sanctity of human life. If it takes 52 votes, then it is worth it.

Many of today's politicians will run for cover at the very mention of abortion, even at the term "partial-birth abortion." How do we call ourselves leaders if we are not willing to grapple, to debate, to struggle, to agonize and reach moral conclusions as to this great issue confronting who we are as a people and what kind of civilization we are going to be.

I heard over and over the proponents of the Daschle amendment, the opponents of the ban on partial-birth abortions, that it is hard to imagine that we would be debating on the floor of the U.S. Senate with those who would oppose a ban on the most horrific, barbaric procedure imaginable. But that is what we are doing. I heard them over and over say, "Let's keep politicians out of it; shouldn't have politicians getting involved in such an issue"; suggested that Government should stay out of the abortion issue. If the protection of innocent human life is not Government's duty, then what is?

Thomas Jefferson once wrote, "The care of human life, not its destruction, is the first and only legitimate objective of good government." Then Jefferson went on. He said, "Legislative efforts to protect the weak and defenseless are right, and should be pursued."

Isn't that the proper role of Government—to protect those who are weak, to protect those who are defenseless? Should we not, in Jefferson's words, "pursue" those legislative efforts? I believe we should.

To me it is the great irony of the Daschle amendment because in every speaker who has advocated and spoken in favor of the Daschle amendment there has been a dichotomy. There has been, "Keep Government out. Oh, this is tough. This is a tough ban. Keep Government out of this. Leave it with the physician. But we will throw that physician in jail. The Daschle abortion ban spares viable fetuses, proposals stricter than the GOP measure. They will throw him in jail, and then, keep Government out."

To my colleagues, I say you can't have it both ways. It is clever. It sounds good. The reason we have this amendment today is because the polls say that 70 percent of the American people support a ban on this terrible, terrible medical procedure, if you can call it a medical procedure—partial-birth abortion.

That is why this amendment is being offered. I hope that after this debate is over, Senator DASCHLE will offer this as a freestanding bill. I think it has problems. I do not think it will do all what he believes it will do, what I think he sincerely believes it will do, but if he is sincere in this, it will be offered as a freestanding bill, and we will take this up through the legislative process.

The reason the President has said he will support the Daschle amendment, in my opinion, is simply that he knows it is no ban. It is, in the words of George Will, "a law that can't be violated." In fact, the ultimate arbiter becomes the physician, in this case the abortion provider.

Seventy percent of the American people say we need this ban and support it. In March of this year, Arkansas, my home State, joined with seven other States in banning such a procedure. The State legislature passed the bill. Gov. Mike Huckabee signed the bill into law. And I believe that the home State of our President has, in enacting that legislation, in passing our own partial-birth abortion ban in the State of Arkansas, they have sent a message to the President of the United States, our former Governor, our native son, that the people of his home State do not want this procedure legal in this country.

Partial-birth abortion is barbaric; it is uncivilized; it is shockingly close to infanticide; and no civilized country should allow it. It is that simple. Any woman knows that the first step of a partial-birth abortion—breech delivery—is something to avoid, not something to cause purposely.

The rhetoric surrounding this issue is amazing. Those who would allow unlimited partial-birth abortions characterize the procedure as one that is used very rarely and only in an absolute emergency and only where no other procedure is available. They would have you believe that all those who have this procedure want to carry their pregnancy to term and have the child. These claims are simply wrong and they are unfounded. A quote that is extremely interesting to me is from Jean Wright, associate professor of Pediatrics at Emory University. Ms. Wright was testifying against the argument that fetuses who are candidates for a partial-birth abortion do not feel pain during the procedure. She testified that the fetus is sensitive to pain, perhaps even more sensitive than a full-term infant. She added, and this is the part that is especially striking, "This procedure, if it was done on an animal in my institution, would not make it through the institutional review process. The animal would be more protected than this child is."

It is incredible. We are protecting animals better than we protect unborn, viable fetuses. Making one class of humanity expendable, I believe, devalues all humanity. In fact, the rejection of life's sanctity begins a downward journey toward human debasement.

I was interviewed, as we all have been interviewed, by a reporter. I was interviewed yesterday, and the reporter asked an interesting question. She asked this: Won't this ban start us down a slippery slope that will end up banning all abortions? Interesting choice of words, "slippery slope," because now in this country we debate assisted suicides, we debate partial-birth abortions. The slippery slope has been in our slow debasement and devaluing of the worth and sanctity and dignity of human life. That is the slippery slope.

Over the last few months there has been some breakthrough, I think, in information that is being disseminated. The confession of Ron Fitzsimmons was very telling when he admitted that he "lied through his teeth" to the Nation. I cannot help but wonder after this vote is over if 2 months, 3 months down the road we will not find again that there has been a campaign of disinformation to prevent this ban from being enacted. I even now ask my colleagues to look deep within their souls. They have been misled. They have been sold a bill of goods. They have every justification for switching a vote and voting for this ban and voting to override an expected veto.

> In the vast majority of cases, the procedure is performed on a healthy mother with a healthy fetus.

That is what Ron Fitzsimmons said. That is what he admitted. He is an advocate of abortion. He goes on to say that

> the abortion-rights folks know it, the anti-abortion folks know it, and so probably, does everyone else. One of the facts of abortion is that women enter the abortion clinics to kill their fetuses. It is a form of killing. You are ending a life.

That is what the head of the National Coalition of Abortion Providers confessed. Syndicated columnist Richard Cohen admitted he "was led to believe that late-term abortions were extremely rare and performed only when the life of the mother was in danger or the fetus irreparably deformed." Realizing the mistake, and I quote again, he said, "I was wrong."

Wouldn't it be refreshing if some of those who were misled would simply say, "I was wrong. I will change my vote."

Could I ask the Senator from Pennsylvania for an additional 5 minutes?

Mr. SANTORUM. The Senator is yielded such time as he may consume.

Mr. HUTCHINSON. Now we have the Daschle amendment before us. The facts have not changed. I think many are beginning to see the truth on this issue, the truth behind the partial-birth abortion myth.

The next myth that we have to overcome in this debate is that the President and his congressional allies have a viable alternative to the partial-birth abortion ban, that this amendment that we are debating even now is a legitimate alternative to a ban on partial-birth abortions.

Well, that is a myth. George Will said, "It is a law that's impossible to violate." He is right. It is an amendment that pro-abortion allies can support so they can tell their constituents they supported a ban, I believe. And, again, I hope that this will be introduced as a freestanding bill because I think in that situation, we will be able to see exactly where the flaws are as it is debated in a committee, as it is scrutinized.

The Daschle proposal would explicitly allow abortion even in the third trimester if an abortionist simply asserts that "continuation of the pregnancy would risk grievous injury to the mother." That is all he has to say. That's all the abortionist has to say. In effect, the Daschle amendment would allow partial-birth abortions on demand in the fifth and sixth months of the baby's development when the vast majority of such abortions are performed. So the vast majority of partial-birth abortions—this procedure that is universally condemned—would be permitted under the Daschle amendment, it would not affect them at all, would not stop a one, even though we know that many of those preborn infants can now survive even before the third trimester because of advanced technology.

I recently visited the Children's Hospital in Little Rock, AR. I was absolutely amazed at the neonatal unit and what is being done today in lowering the age of viability. On the basis of recent published interviews with abortionists who perform these procedures as well as the head of the National Coalition of Abortion Providers, Ron Fitzsimmons, it appears likely that 90 percent or more of partial-birth abortions are performed in the fifth and sixth months, not the third trimester. The Daschle amendment will not affect those partial-birth abortions at all.

One of Senator Daschle's arguments against adding second-trimester language is that Roe versus Wade prohibits second-trimester abortions. But in the official report of the House Judiciary Committee on the bill, the committee argues that the partial-birth abortion procedure is not protected by Roe versus Wade. It is not protected by Roe versus Wade since the baby is mostly outside the womb throughout the procedure, and Roe versus Wade refers to fetuses inside the womb.

So to say we cannot address the second-trimester issue of partial-birth abortions because it is protected by Roe versus Wade is to beg the issue and to avoid, I think, good legal opinion.

Many lawmakers who support Roe versus Wade also support the Partial-Birth Abortion Ban Act, some of them explicitly citing the Judiciary Committee's constitutional argument. In addition, several States have passed bills to ban partial-birth abortions at any point in the pregnancy with only a life-of-the-mother exception. It appears, therefore, that many State legislators do not share the Democratic leader's view that they are powerless to prevent partial-birth abortions in the fifth and sixth months.

My home State of Arkansas, as I mentioned earlier, is one of those States that does not share in that opinion.

Moreover, the Physicians Ad Hoc Coalition for Truth, a coalition of over 500 physicians, including professors and department chairmen in obstetrics and gynecology, has emphasized that not only is a partial-birth abortion never necessary to preserve a woman's health or future fertility, but this procedure can, in fact, pose a significant threat to both.

While there may be a medical circumstance which requires a fetus to be delivered early, there is none—none—which requires killing the fetus and certainly none requiring that a fetus be partly delivered and then killed as during a partial-birth abortion.

The Daschle proposal would allow any abortionist to kill a baby even after viability merely by signing a permission slip to himself, a so-called certification, and once the abortion provider signs such a piece of paper, this amendment would give that abortion provider complete immunity from any penalty, even if there is overwhelming objective evidence that he aborted a healthy, viable baby of a mother who is not at risk, because he signed that certification.

The House passed H.R. 1122, its version, with a margin sufficient to override a Presidential veto. I hope my colleagues in the Senate will join our House colleagues in such a vote here. There is nothing, I believe, that will define us as a people, there is nothing that will define us as a civilization more than how we speak on this issue.

Mr. President, I ask unanimous consent that a letter dated May 7, 1997, from PHACT be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PHYSICIANS' AD HOC
COALITION FOR TRUTH,
May 7, 1997.

LETTERS TO THE EDITOR,
The Washington Post,
Washington, DC.

DEAR EDITORS: Senator Tom Daschle lists several medical conditions as indications for a "termination of pregnancy" in the health interests of the mother ("Late Term Abortion—In Rare Cases Only," The Washington Post, 5/2/97). However, he confuses "termination of pregnancy" with abortion—the deliberate destruction of the unborn (or, in the case of the partial-birth abortion procedure, the mostly born) human fetus. The two things are not the same.

As specialists in the care and management of high risk pregnancies complicated by maternal or fetal illness (perinatology), we have all treated women who, during their pregnancies, have faced the conditions cited by Senator Daschle. We are gravely concerned that the remarks by Senator Dashle and those who support the continued use of partial-birth abortion may lead such women to believe they have no other choice but to abort their children because of their conditons. While it may become necessary, in the second or third trimester, to end a pregnancy in order to protect the mother's life or health, abortion is never required—i.e., it is never medically necessary, in order to preserve a women's life, health or future fertility, to deliberately kill an unborn child in the second or third trimester, and certainly not by mostly delivering the child before putting him or her to death. What is required in the circumstances specified by Senator Daschle is separation of the child from the mother, not the death of the child.

Fetal indications have been cited in attempts to justify partial-birth abortion, including hydrocephaly, triscomy, omphalocele and encephalocele. Such fetal anomalies alone do not threaten a mother's life or health and therefore do not require the death of the child for the mother's medical well-being.

Sen. Daschle would limit his "ban" to the third-trimester or "post-viability." Again, there is no medical necessity for killing a post-viable child. If maternal conditions require the emptying of the womb post-viability, the standard would be to induce labor and simply deliver the child. By definition, the post-viable child delivered early is simply a premature baby.

Moreover, because Sen. Daschle limits his proposal to the third trimester, it would do little to end the practice of partial-birth abortion. The majority of partial-birth abortions—estimated at some four to five thousand annually—take place in the fifth and six month (late second trimester) and mostly on healthy mothers with healthy children. But even at this earlier stage of pregnancy, a standard induction of labor, in terms of the mother's health, is far preferable to partial-birth abourtion as the means for emptying the womb.

Finally, it should be noted that at 21 weeks and after, abortion is twice as risky for women as childbirth: the risk of maternal death is 1 in 6,000 for abortion and 1 in 13,000 for childbirth. If the chief concern is to minimize health risks to women who show indications for a termination of pregnancy in the second or third trimester, then, as these numbers clearly show, termination by induction of labor and delivery is clearly preferable to abortion.

With on-going advances in the care and management of high risk pregnancies, even women suffering from those conditions cited by Senator Daschle can often be brought safely to term and their child delivered. In those cases where a second or third trimester preterm termination of pregnancy is indicated, abortion, and certainly partial-birth abortion, is never medically required or necessary to achieve this. We agree with Senator Daschle that it is "appropriate . . . for Congress and the public to consider when, and under what circumstances the government may restrict access to abortion by any procedure." Having the medical facts straight is a necessary part of this process.

While we support Sen. Daschle's goal of banning abortion after the fetus is viable—because they are never medically indicated or necessary—his proposal would do nothing to achieve this goal, while leaving the practice of partial-birth abortion virtually untounched.

Sincerely,

Steve Calvin, M.D., Assistant Professor, Ob/Gyn, Division of Maternal-Fetal Medicine, University of Minnesota; Thomas M. Goodwin, M.D., Associate Professor, Ob/Gyn, Duivision of Maternal-Fetal Medicine, University of Southern California; Curtis R. Cook, Maternal Fetal Medicine, Buttersworth Hospital, Michigan State College of Human Medicine; Byron Calhoun, M.D., Associate Clinical Professor, Ob/Gyn, Division of Maternal-Fetal Medicine, Uniformed Service University of Health, Sciences, F. Edward Hebert School of Medicine, Bethesda, MD; Nathan Hoeldtke, M.D., Maternal-Fetal Medicine Fellow, Madigan Army Medical Center, Tacoma, WA; John M. Thorp, Jr. M.D., Maternal-Fetal Medicine, Chapel Hill, NC.

Mr. HUTCHINSON. I thank the Senator from Pennsylvania. I yield the floor.

Mr. DASCHLE. Mr. President, I yield 15 minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Illinois.

Mr. DURBIN. I thank the Chair.

There is an old saying that "virtue is its own reward." I would have to say to the minority leader, Senator DASCHLE, that when he undertook this project and this responsibility to try to craft a reasonable answer to this national debate on partial-birth abortion, as it is characterized, he truly understood the daunting task which he faced. I have seen the advertisements against the Senator, full-page ads which have called the Senator every name in the book. But I know, having tried to do the same thing, that the Senator addressed this issue in an honest and forthright way, that the Senator worked for months to come up with the right language that was, first, constitutional; second, sensitive to reality; and, third, which addressed a serious national concern about late-term abortions. I am proud to be a cosponsor of Senator DASCHLE's amendment.

When this issue came before the House of Representatives, and I served in that body, I sat in the Chamber of the House and listened to every minute of debate. I have never, ever in my public career viewed a vote on abortion as an easy vote. I have always sat down and thought carefully about what is the right thing to do, and some of the votes have troubled me because it is a troubling issue. Since our national debate on slavery, I cannot think of another issue which has divided America over such a protracted period of time.

And the reason, of course, is that in this debate we are addressing one of the most enduring debates in the history of man, the appropriate role of Government. At what point do the rights of the individual end and the rights of society and the Government begin? This classic question, pitting individual liberty against the responsibility of Government, is clearly at issue when we discuss abortion.

Religions and moralists draw clear lines of belief, but where does a diverse society like America draw the line? Where do the rights of a woman to control her body end, and the rights of the fetus, or potential life, begin? The Supreme Court, in Roe versus Wade, tried to draw a bright line on this clouded issue. The absolute rights of a woman in America to privacy and to the control of her body yield when the fetus can survive outside the mother. Thus, viability is the dividing line in this national debate. Before viability, when the fetus cannot survive, then the mother's rights and decisions are paramount. After viability, the fetus is protected except in the most extraordinary cases.

Senator DASCHLE, what I find interesting is this: Had you presented this bill 2 or 3 years ago, and said that you wanted to take the Doe versus Bolton case, which said that we would allow abortions after viability to protect the mother's life or health, but you wanted to take that language and clarify it so that the word "health" was better understood and that those violating it would be subject to serious penalties, I would daresay that you would have been applauded by many of the people who are going to vote against you today.

But they do not accept your sincerity in this, and I do. I share your feeling. I believe that after viability we should apply a strict test as to whether any abortion procedure is going to be allowed.

The Senator from Pennsylvania, in banning one procedure, previability and postviability does not address this. And he would have to admit, in all honesty, that Senator DASCHLE addresses the specific procedure he would like to ban and any other abortion procedure after the moment of viability. His ban, his restriction is much more specific, but much less respectful of the Constitution, women, and fetuses, than that being offered by the Senator from Pennsylvania.

I find it interesting, too, that Senator DASCHLE's proposal faces criticism on the grounds that the doctor is going to make the decision as to whether there is a possibility of risk to the mother's life or a possibility of grievous injury, which is very carefully defined. If the doctor does not make this decision, who will? The local Congressman? A U.S. Senator? Some Federal employee? I have been to a lot of town meetings, hundreds of them. People have asked my opinion and help in many, many situations, but never, never have they asked me to come to their homes when their family has to make an important medical decision and give them the Government's point of view. Quite honestly, Senator DASCHLE addresses this in the only way that you can. This is a situation to be certified by a doctor.

The Republican side has said, well, what if the doctor lies? What if he misleads people? What if, in fact, there is not a threat of grievous injury and he goes ahead with the procedure? And then they quote "Dr. Will," who says, well, this is a law that can never be violated. But there will be other people in that operating room. There will be other witnesses to this act. If that doctor's certification is fraudulent, I daresay he or she runs the risk that they will be held responsible. So, to say that this is unenforceable is, I think, unfair.

The problem with this debate, as I see it, is that many times it deteriorates very quickly. There was an advertisement, a full page ad that was bought by a religious group, which listed the reasons a woman seeks a late-term abortion. It was an embarrassment to read that ad. At one point they said, "Some women seek an abortion because they no longer fit in their prom dresses." Perhaps that is the case. Perhaps not. But for those who are arguing this issue, I hope, I sincerely hope that they have taken the time, as I have, to speak to women who faced tragic circumstances, and never made a casual decision.

I, for one, have met six different women who have been faced with this challenge and have undergone this procedure. They remind me that this debate is not about politics. It is not about legal jargon. It is about our daughters, our sisters, our wives and our friends. It is about families. One woman in my home State of Illinois, when she heard this debate, came forward and said: This isn't fair. The way they are characterizing this procedure and the decision that I faced is not fair. I want to tell my story. My husband and I have decided we have to tell our story.

This is their photograph. Vikki Stella of Naperville, IL, the mother of two daughters, 32 weeks pregnant with her third child whom she had named Anthony. She had painted the nursery. They were prepared, expectant parents, again, for the happiness of another baby, their first son. And then they learned through a sonogram that Anthony suffered from a serious deformity. Anthony had no brain. Anthony would not survive birth but for a few moments. And, if she continued the pregnancy, she ran the risk of jeopardizing her ability to ever have another baby.

So her dying infant would be the last child she ever would bear. Vikki Stella tells the story about she and her husband, hearing this tragic news—imagine, 8 months into the pregnancy—and then being faced with the awful decision as to whether to terminate the pregnancy. They prayed over it. They cried over it. They went forward with it. Afterward, she held Anthony in her arms and understood it was the only thing that she and her family could do. And she came back home.

Last year I had a chance to be introduced to Nicholas. He is in the picture here. He is the little boy in her arms. Nicholas is their new son. I was not really introduced to him because he was asleep in a stroller. But the fact of the matter is, Vikki Stella's story is what this debate is all about. Do you really want to say to this family that we don't care whether or not this family ever has another child; that it makes no difference, the government is going to decide this one for you? Do you really want to say that? I don't think so. This was no casual decision. This was no perfect infant, as some of your illustrations try to prove. This was a sad situation and this family in grief faced a tragic situation and made a difficult decision. This bill that is being offered by the Senator from Pennsylvania would preclude the very procedure which Vikki Stella's doctor recommended. That is not fair.

If you value life, look in the eyes of Nicholas and understand that life came from this decision. There would not have been more life had she been precluded from ending that first pregnancy. It would have been the end of her ability to bear any children. Six different women I have spoken to on this, each one of them a gripping story.

Let me just concede a point. Are casual decisions made? Are there some abortions where you and I might agree, oh, wait a minute, come on, that is not a serious case? Yes, I think that is true. But that is what Senator DASCHLE addresses with his amendment. He says when you are late in the pregnancy you cannot terminate that pregnancy unless you have a serious reason: The life of the mother is at stake, or she risks a grievous injury. We have gone beyond the abstract, we have gone beyond the casual, we are into the serious situations which he has described. And that is why the Daschle amendment is one which I hope those who decry abortion will think about.

The Senator from Arkansas, my colleague, just said, "Search your conscience and soul." I would ask you to do the same over the Daschle amendment. What TOM DASCHLE is offering today is a sensible statement of policy for this Nation. It does not preclude any State from saying we are going to impose a stricter standard. But it says that, for a national policy, we will preclude all late-term abortions except in the most serious situations.

He does not stand alone here. This is not a political calculation. The American Medical Association stands with him, as does the American College of Obstetricians and Gynecologists.

We have so many people practicing medicine on the floor of the Senate today, I am sure that those who are tuning in must wonder whether or not we have diverted from passing law. I do not profess to have any expertise when it comes to medicine. But the people who do, the American Medical Association, the American College of Obstetricians and Gynecologists, have said the Daschle amendment is sensible, it is reasonable, it will preserve for doctors the discretion they need to make the very important decisions about a woman's pregnancy, and terminate it. I respect that. I think all of us should.

Let me also say that, as this issue divides America, it divides this Chamber, it divides political parties, it divides members of our families. I would hope that at the end of this debate, whatever the outcome, we can lower the volume of rhetoric on this difficult issue and try to find some common ground on issues that we might all agree on. How can we implement policies in this Nation to reduce the number of unintended pregnancies? Whether you are pro-life or pro-choice, can we try to find some common ground there? Would that not be good for this Nation and good for this issue—whatever your position on abortion?

How can we make certain that children, wanted children, receive appropriate pre-natal nutritional care during the pregnancy? Should we not all agree on that, pro-choice or pro-life? I think there are so many things which we can address which really speak to our reverence for life. But today I stand in the midst of this long and maybe intractable debate, and urge my colleagues to seriously consider the amendment offered by the minority leader. I believe it is responsible and I believe it addresses late-term abortions in terms that every family can concede are realistic. Yes, we want to reduce the number of abortions. We want to make them rare. But let us never preclude that option, when we have the life of the mother at stake, or the situation that faced Vikki Stella. She had her chance because abortion is legal and safe in America. As a result, she is, in this photo, with her son Nicholas.

I yield my time.

Mr. SANTORUM. Mr. President, I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. BROWNBACK. Mr. President, I appreciate very much the Senator from Pennsylvania leading this critical dialog that we are having. I note my appreciation for what the Democrat leader is putting forward, and appreciation as well for his discussion, what he is saying, that what we need to be talking about is limiting abortion. I think folks should note the change that is taking place. We are finally talking about stopping the destruction from occurring here. We are finally addressing that, rather than saying let us continue and let us continue the growth of that. I appreciate his efforts in putting that forward.

I would note, the American Medical Association has said that this is not a needed procedure at all, the partial-birth abortion procedure. This is not a needed procedure. Regardless of the statements of the Senator from Illinois or others, this is not a necessary procedure. Indeed, it is a heinous procedure. The partial-birth abortion is something that pricks our conscience because we cannot even stand the concept of it for pets or for animals, let alone for children and for babies in this country or any other country around the world.

But, if I could, I would like to stand here and sound a hopeful note for us, us as a people, us as a nation, we as a body as the U.S. Senate. I want to stand here and sound a hopeful note because it seems to me we are finally talking about and starting to really wrestle with one of those things that has been one of the parts of the decline in the American culture. I have shown these charts before, but I want to show them during this debate because I think they are an important part about this debate, about what has happened to the American culture during the past 30 years.

Look at this chart. This is about child abuse and neglect reports in the United States since 1976. This is about children being abused, being neglected in America. We had a lot in 1976. We had nearly 600,000 taking place then. In 1976, 600,000 children being abused. What do we have today? I don't know if it will be surprising to anybody. Over 3 million children are being abused or neglected in America today. That is the state of our culture.

What about violent crimes? I chair the District of Columbia Subcommittee. We have no shortage of violent crimes here. We have had three police officers murdered, assassinated, actually. I have had three staff members who have suffered break-ins in my short service in the U.S. Senate. I have been here 4 months. This is a violent society. Look at the numbers per 100,000. About 160 per 100,000 in 1960; 746 per 100,000 in 1993. My goodness, a shocking amount of violent crime taking place in this society.

What have we had taking place in abortion during this period in our society and our culture? In 1973 we had a little under 800,000 abortions in America occurring, in this country an awful lot. Look, it has nearly doubled, 1.6 million per year in America.

If you are an astute observer you will notice some inconsistencies here between a couple of these charts. You will say, "Wait a minute, shouldn't child abuse have gone down if we had children who were not wanted who did not come into the world?" We were promised that an expansion of legal abortion would make every child a wanted child and reduce abuse and neglect, yet child abuse has gone up during that same period of time that we have nearly 1.6 million abortions in America annually.

What has happened here? What is going on? I think it just talks about—it is a debate everybody is familiar with, the coarsening of our culture, the lack of love, the lack of respect. You can call it, really, whatever you want to. It is just that this culture has been in decline for the past 30 years. We get child neglect on the rise, and violent crimes, and 1.6 million abortions a year in America. But do you know what the hopeful note is here? It is we are finally talking about how we limit some of this.

We all, everybody in this body, want this number to go down. Everybody in this body, regardless of whether you are pro-life or pro-choice, wants this number to go down. Now we are finally talking about it. How can we help bring this number down?

I oppose Senator DASCHLE's amendment. I don't think his does it. I don't think we will have any fewer of these taking place. I don't know how many we are actually talking about with the bill of the Senator from Pennsylvania, and nobody really knows, but I think what we are really talking about is we, as a nation, don't really like this. We want it to be less. We want to stop it. We want it to go down.

Mother Teresa was here in this country 3 years ago. She is a saint to all of us. She is probably today the most respected person in the world. She addressed the National Prayer Breakfast 3 years ago, and she stood there, this small, frail little woman, and said, "Can't you care for your children? If you can't, send me your children and I will care for them. Send me your children. I'll care for your children." She also noted at that point in time, as she noted previously, America is not a rich nation; America is a poor nation—it is poor in love and caring.

I hope historians will look back on this debate and say this was the start of us changing this culture from destruction to caring, from saying how can we go down to how can we start back up, and that is the hopeful note I have here. That is why I support Senator SANTORUM's proposed bill to eliminate, to ban this procedure of partial-birth abortion.

Mr. President, let me close by noting the heading the Democrat leader has blown up from the Washington Times, suggesting his alternative is more comprehensive. Mr. President, now that the details are known, the Washington

Times printed today on an article with the headline, "Daschle bill may not ban anything." And I would like to ask unanimous consent that a copy of that article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, May 15, 1997]

DASCHLE BILL MAY NOT BAN ANYTHING

(By Frank J. Murray)

A bill written by Senate Minority Leader Tom Daschle that is designed to head off a ban on "partial-birth" abortions proposes a mix of state and federal sanctions that critics say hinges entirely on the judgment of the abortionist.

"[A doctor would] pretty much have to indict himself," said one Capitol Hill aide involved in efforts to stop abortions once a fetus can live outside the uterus.

Even when violations are found, federal officials would not be able to act until 30 days after notifying a state's governor and medical licensing board—and then only if needed "to secure substantial justice," according to a text of Mr. Daschle's bill obtained by The Washington Times.

The South Dakota Democrat says his bill would bar aborting any fetus capable of living outside the uterus. A doctor's certification that a pregnancy risks a woman's life or "grievous injury" to her health would be required to perform such an abortion.

The bill's unusual and complex division of authority was termed an unenforceable "scam" yesterday by interests as diverse as Douglas Johnson, lobbyist for the National Right to Life Committee, and Dr. Warren Hern, who literally wrote the textbook on "Abortion Practice."

The Denver gynecologist said the fact of occasional death in childbearing can justify any abortion, no matter how late it is done.

"I will certify that any pregnancy is a threat to a woman's life and could cause "grievous injury' to her 'physical health.'" Dr. Hern said, using key words from the "Daschle bill, which he criticized as an unwise political stunt to keep pace with pro-life Republicans.

Although Dr. Hern said some doctors would be frightened into complying with the Daschle ban, Mr. Johnson predicted most would follow Dr. Hern's lead.

"In their world, they're not doing anything unethical to sign these certifications. They think it would be unethical not to. They won't see it as lying or bad faith at all," Mr. Johnson said.

The lobbyist would not be drawn into discussing how the partial-birth abortion ban, which would bar a specific type of late-term procedure, and the Daschle bill might be merged.

"You'd still be putting lipstick on a pig." Mr. Johnson said, adding that he is unwilling to help Mr. Daschle "change the subject."

Lingering doubts about whether physical "impairment" mentioned in the Daschle bill would cover psychological stress or depression were unanswered by its text or those who would comment on it.

As many as 41 states have legislation restricting late-term abortion, but pro-life groups say only New York and Pennsylvania have set a time, both at 24 weeks.

That disparity was listed as a congressional finding to justify uniformity so that women cannot cross state lines for abortions once viability occurs.

Dr. Hern said that, in the past year, he performed 13 abortions on women beyond week 26 who "came to me from all over the world."

Among other untested legal questions the Daschle measure poses:

Whether the Supreme Court would let Congress exercise powers that its Roe vs. Wade ruling assigned to states. The bill's "findings" say the court indicated it is constitutional for Congress to act, but a quote from the ruling is edited to omit specific reference to states having that power.

How civil or criminal courts might examine a physician's belief that "continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health."

Whether the 1973 Doe vs. Bolton ruling, issued as a companion on the same day with Roe vs. Wade, forbids second-guessing a physician's "professional that is his best clinical, judgment."

Kristi S. Hamrick, communications director for the Family Research Council, faulted Mr. Daschle for not releasing the text and asking the Senate "to put aside the Partial-Birth Abortion Ban Act in favor of an unseen bill hidden behind the legislative equivalent of Monty Hall's door No. 2."

The draft bill obtained yesterday by The Times, after a spokesman insisted it had not yet been prepared, would bar all abortions "after the fetus has become viable."

Although a Daschle fact sheet titled "The Bipartisan Alternative" includes extensive descriptions of potential medical complications, the proposed statute's entire definition of grievous injury is: "(A) Severely debilitating disease or impairment specifically caused by the pregnancy or (B) an inability to provide necessary treatment for a life-threatening condition."

The bill also would bar enforcement through private lawsuits when government will not act.

There may not even be federal jurisdiction, said a House Judiciary Committee aide to Rep. Charles T. Canady, Florida Republican who sponsored the Partial-Birth Abortion Ban Act that passed the House March 20 by the veto-proof vote of 295–136.

"How does the federal government have any way to get into court on this? It's a civil suit, there's no criminal case here. I don't think they even have a federal nexus," said the aide, who asked not to be named.

In effect, the draft measure would give a doctor, or nonphysician allowed to do abortions, the last word on the likelihood a fetus would survive outside the uterus, as well as calculating risks of "grievous injury" to the mother if she continues the pregnancy.

The bill would assign the Department of Health and Human Services to regulate a doctor's certificate that "in his or her best medical judgment the abortion involved was medically necessary." False statements to federal agencies are felonies.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to make a couple comments. The Senator from Illinois made his comments, as did the Senator from Maine.

They keep focusing on the reason we need a health exception, that the Daschle amendment will do some things, "We provide for a mother's health as well as provide for taking care of these viable babies." I don't know how many times I have to repeat it from how many different sources, but it needs to be repeated again and again and again, and it is being repeated, frankly, without contradiction. These people who I am quoting are people who are involved in maternal fetal medicine. These are people who deal with high-risk pregnancies, pregnancies that are talked about as so important to keep this health option open, that those of us who want to ban partial-birth abortion without a health option, which everyone knows is an open door to do abortion on demand—the courts have said it is, it is an open door—there is no need for a health option in second- and third-trimester abortions. That is not RICK SANTORUM saying it. I don't know how many times I have said this. I am not saying this.

I will give you another physician who is a specialist in maternal fetal medicine, a perinatologist at the Medical College of Pennsylvania who testified under oath—under oath—in U.S. Federal District Court in the Southern District of Ohio. This is Dr. Harlan Giles, who specializes in high-risk obstetrics and perinatology and also performs abortions. This is not someone who is pro-life. Under oath, a specialist in the field who performs abortions, and here is what he says:

> After 23 weeks—

This is a 23-week case—

> After 23 weeks, I do not think there are any maternal conditions that I'm aware of—

This is 23 weeks, which is what Senator DASCHLE termed as "viability"—

> . . . I do not think there are any maternal conditions that I'm aware of that mandate ending the pregnancy that also require that the fetus be dead or that the fetal life be terminated.

In other words, you do not have to kill the baby, even in viable babies:

> In my experience for 20 years, one can deliver these fetuses either vaginally, or by cesarean section for that matter, depending on the choice of the parents with informed consent. . . But there's no reason these fetuses cannot be delivered intact vaginally after a miniature labor, if you will, and be at least assessed at birth and given the benefit of the doubt.

The Senator from Illinois said, "You don't care about the health of the woman, you want to take these decisions away." It is a decision, unfortunately, of too many doctors in this country and we know this—one thing I learned in being involved, unfortunately, as I have with health care problems personally with my family is that doctors don't know everything. Not every doctor is up on all the literature, not every doctor knows what is out there. So, unfortunately, a lot of people get a lot of bad advice.

Yes, they get a lot of bad advice as to when to abort a baby, far, far, far too often. Maybe it is bad advice because they just don't know or they haven't taken the time to figure it out, or maybe it is because they just don't want to deal with that high-risk pregnancy because that is not their speciality and they would rather just take the easy way out. You don't get sued for performing an abortion, you get that little consent. In fact, most of the consents on abortions waive the right to be sued. So you get that consent and no one is sued for doing abortions wrongfully. But doctors are sued for wrongful birth. Can you believe that? We don't sue people for doing abortions; we sue them for having babies with deformities or abnormalities. Interesting country we live in.

But the fact of the matter is that no health exception is necessary under the Daschle proposal, because after viability, if you will, there is no reason to kill the baby to protect the health of the mother. No reason; never, never. I have 400 physicians who sent a letter saying never. I have a doctor who is a perinatologist who performs abortions—never. I don't know what else we need.

We talk so much. I know the Senator from California often said, "You're not doctors, and we shouldn't be making decisions here because we're not doctors." I think the Senator from Michigan was right. We are not nuclear scientists, but we make decisions on nuclear energy, and we are not generals, but we make decisions on defense. That is our job. It may not be that we are the best qualified in all cases to make decisions, but that is what we are here to do, and we do it.

I can tell you the Senator from California is not shy about telling other people how to live their lives in a whole lot of other areas. So I just suggest that what we are talking about are the experts telling us to stop the tragedy, and what we have done with the partial-birth abortion ban is to stop the tragedy.

What the Daschle bill does is continue the status quo. It does nothing to stop. You have seen this picture. Donna Joy Watts. Every doctor who looked at Donna Joy Watts in utero said she was not viable. The Daschle amendment would not have stopped doctors, and there were many of them who wanted to abort Donna Joy Watts.

This is a little girl who was born to Joe and Sandra Mallon who live in Upper Darby, PA. This is Kathleen. Kathleen had the same condition, hydrocephalus. She would not be viable, she would not be protected from abortion under the Daschle amendment. The list goes on and on and on.

The fact of the matter is, there is a loophole in this amendment that nullifies the whole good intent that everyone is going around talking about. This does nothing. What it does is provide political cover for those who do not want to vote for a partial-birth abortion ban.

Even if you believe the Daschle amendment does what he says it does, even if you believe that it bans "postviability abortions," most partial-birth abortions are done at 20 to 24 weeks, which is just at the edge of viability. So most partial-birth abortions would, undoubtedly, continue to be legal under the Daschle amendment.

I suggest that we stick to what we know are the facts. We know the fact is that the partial-birth abortion procedure is a brutal, barbaric procedure that should not be legal in our country. We should abolish it. We have the opportunity to do that. If the Senator from South Dakota, and the other Members who are part of his team, want to work on further restricting abortions, count me in, but this amendment does not do that.

Mr. DASCHLE. Mr. President, I yield 10 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine for 10 minutes.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I rise in support of the substitute offered by the distinguished minority leader and my colleague from Maine, Senator SNOWE, to H.R. 1122, the partial-birth abortion legislation.

Let me be clear at the outset that I do not favor abortion. Like most women, I do not believe that abortion should be used as a means of contraception, and I am extremely pleased that the incidence of abortion is on the decline in my State of Maine. In fact, it has dropped by more than 43 percent over the past 10 years.

Moreover, while I respect the right of a woman to choose to terminate a pregnancy during the early stages, even if it is not a choice that I personally would ever make, I am strongly opposed to all late-term abortions that are not necessary to preserve the physical health or the life of the mother.

Fortunately, these procedures are exceedingly rare in my State where just one abortion involving a fetus 20 weeks or older was recorded in all of 1995.

We have heard some graphic and extremely disturbing descriptions of the partial-birth-abortion procedure during the debate on this bill. However, all of the procedures used to perform late-term abortions are equally gruesome and horrible and troubling.

I agree with the minority leader that this debate should not be about one particular method of abortion, but rather should focus on the larger question of under what circumstances should late-term abortions be legally available. My belief is that late-term abortions, whatever the procedure used, should be banned, except in those rare cases where the life or the physical health of the mother is at serious risk.

In my view, Congress is not well equipped to make judgments on specific medical procedures. As the American College of Obstetrics and Gynecologists has said:

> The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised and dangerous.

Most politicians have neither the training nor the experience to decide which procedure is most appropriate in any given case. These medically difficult and highly personal decisions should be left for families to make in consultation with their doctors.

While I do not believe that it is appropriate for us to dictate medical practice, I do believe that Congress does have an appropriate duty to consider the circumstances under which access to abortion by any procedure should be restricted.

The Supreme Court, in Roe versus Wade, has set certain parameters for our task by identifying "viability"—the point at which the fetus is capable of sustaining life outside the womb with or without life support as the defining point in determining the constitutionality of restrictions on abortion.

The amendment we are proposing today goes beyond S. 6 which simply prohibits a medical procedure and will not prevent a single abortion. I think that is a point that has been missed frequently in this debate. By contrast, the Daschle-Snowe substitute would prohibit the abortion of any viable fetus by any method unless the abortion is necessary to preserve the life of the mother or to prevent grievous injury to her physical health.

Mr. President, some have expressed concern that providing a general exception for the health of the mother creates too large a loophole, that it will allow late-term abortions to be performed simply because the mother is depressed or feeling stressed by the pregnancy. I share this concern. I completely agree. And that is why I opposed the amendment offered by the Senators from California, and it is why I have worked so hard to carefully and tightly limit the exception in this amendment to grievous injury to the mother's physical health.

"Grievous injury" is narrowly and strictly defined by the amendment as either a "severely debilitating disease or impairment specifically caused by the pregnancy" or an "inability to provide necessary treatment for a life-threatening condition." Moreover, grievous injury does not include any condition that is not medically diagnosable or any condition for which the termination of the pregnancy is not medically indicated. This language is far more restrictive, and rightly so, than the broad "health" exception debated earlier.

Mr. President, we are not talking about healthy mothers aborting healthy fetuses in the final weeks of pregnancy. We are not talking about hypothetical examples developed by rogue doctors as excuses for performing abortions. What we are talking about are the severe medically diagnosable threats to a woman's physical health that are sometimes brought on or aggravated by pregnancy. Let me give my colleagues a few examples.

Primary pulmonary hypertension, which can cause sudden death or intractable congestive heart failure;

Severe pregnancy-aggravated hypertension with accompanying kidney or liver failure;

Complications from aggravated diabetes, such as amputation or blindness;

Or an inability to treat aggressive cancers, such as leukemia, breast cancer, or non-Hodgkins lymphoma.

These are all conditions that are cited in the medical literature as possible indications for pregnancy terminations. In these rare cases, I believe that we should leave the very difficult decisions about what should be done to the best judgment of the women, their families, and the physicians involved.

Mr. President, last month, after weeks of heated debate and discussion, the Maine State legislature rejected a bill to ban partial-birth abortions.

During the course of that emotional debate—and this was a very difficult and agonizing debate for all of us—Republican Senator Betty Lou Mitchell of Etna, ME, talked about the decision her daughter-in-law faced 12 years ago. Well into her much-wanted pregnancy, at more than 5 months, the expectant mother learned that her fetus was seriously brain damaged and could not live in the world for more than a few months. Moreover, she was told that carrying the baby to term would prevent her from ever having another child. Faced with this devastating news, she made the heartwrenching decision to terminate the much-wanted pregnancy.

Maine State minority leader Jane Amero told me of a similar experience of a friend's daughter who suffered an extremely serious infection very late in her pregnancy. If she had not terminated that pregnancy, this young woman, who very much wanted to be a mother, would have been left sterile at the age of 25.

The stories told by these two Maine State senators revealed the reality behind the rhetoric in this highly charged emotional debate. Thankfully, most of us here will never face such wrenching decisions. But we know that there are women who do. And the question is, whether this highly personal choice, under such difficult and tragic medical circumstances, should be made by these women and their families or by the Federal Government.

In my judgment, the substitute before us will ensure that late-term abortions are severely limited and limited to only those rare and tragic cases where the life or the physical health of the mother is in serious jeopardy. I urge adoption of the substitute.

The PRESIDING OFFICER (Mr. DEWINE). Who yields time?

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield such time as he may consume to the Senator from New Hampshire who, I might add, while we have had many speakers come to support this partial-birth abortion legislation—this time in effect we have 42 cosponsors on this legislation—when the bill first came to the U.S. Senate, Senator SMITH, and, frankly, Senator SMITH alone, was standing, debating this issue and defending this position. He was a crusader and someone who stood out when few were willing to speak up. And he is truly the champion of this legislation. It is an honor to yield whatever time he would like to talk about it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my distinguished colleague from Pennsylvania for his very kind remarks, and want to join many of my colleagues in applauding his efforts on this issue the way that he has pursued this, I think in fairness and in looking for every opportunity to proceed along this course which basically, as we all know, is the taking of innocent life. And Senator SANTORUM has stood up for those innocent children, time and time again on the floor.

I do know what it feels like to do that, but you know, when you look back in the great debates of history—and this is one of the great debates of history; it will be so judged, I will say to my colleagues—it will be judged up there with the debate on slavery and other great moral issues of our time, which some say we ought not to be debating here on the floor. But the truth of the matter is, this is a very appropriate place to debate these kinds of things.

Slavery was wrong. It was morally wrong. And people stood up against the popular tide at the time and opposed it. Because they did, slavery was ended.

I sincerely hope—and I know that there has been enough rhetoric said on all sides of this issue to make everybody tired of it, I am sure. And I do not intend to be loud. I like to try to be as quiet and unassuming, but firm, as I can.

As I sat here listening this afternoon, and also as I have listened to so much of it on the monitor over the last day, I could not help but wonder what those who have been the victims of abortion would say if they could vote. They cannot.

Some of our constituents who disagree with us or agree with us, whatever the case may be, have the opportunity to so judge you at election time, but not—not—the victims that we are talking about in this debate, which is somewhat ironic to say the least.

And I know that I have seen pictures from both sides of the debate presented from those children who were born because a young woman had another opportunity to have a child and also from those children who were born because a young woman did not have an abortion. So I have seen the pictures. But, Mr. President, I go beyond pictures.

I had the opportunity about a year-and-a-half ago to be at an event where a young woman—I will not use her name—but she was aborted in the eighth month by her mother, and she survived. And she was a 22-year-old young woman who had a slight disability as a result of the procedure. Other than that, she had nothing wrong with her. The abortion that this young child was the victim of was purely for convenience.

Now, that is not the debate here—and I do not mean that it is on the Daschle amendment—but she was aborted. And to listen to her, Mr. President, stand before an audience of probably 800 to 1,000 people, say, No. 1, "I forgive my mother. And she is my mother," she said, and, No. 2, listening to her sing "Amazing Grace"—now, if you want something to tear at your heartstrings, endure that. I have. But that is nothing as to what this young woman endured.

I remember her testifying here before congressional committees where she was taunted by Members of Congress. We all know that story. And I bring that up to simply make the point that these are innocent children, the most innocent of society, unborn, but still children.

I remember engaging in a dialog with one of my colleagues earlier on this issue—and it is a tough issue; there is no question about it—but this person—and I will not mention the name; it is not necessary; the record speaks for itself—but this person indicated that they felt that they looked at the issue and did not feel there was viability in these young months, therefore, there was not life. And I guess I would simply respond by saying: I started at conception.

If there is anybody out here that did not, I would like to hear from them. But I started at conception. I do not know of any way to get where I am now without starting at conception. Now, if there is a way, I would like somebody to tell me what it is.

The truth of the matter is, no matter how you define these terms—you can say "fetus," you can talk about "viability," and "medical procedure" and "abortion," you can talk about all these words—but it boils down to children, innocent, unborn children.

And in the case of partial-birth abortion, I might make the point, as Senator MOYNIHAN has done, that it is probably children, born children, and borders on infanticide. Senator MOYNIHAN is a very respected individual in this body, and one who does, by his own admission, call himself pro-choice, and I believe, unless he has changed his mind—I do not think he has—supports the ban on the partial-birth abortions.

So, Mr. President, I would just like to preface my remarks by, again, making the point that we are talking about real children here, children who have no say, no opportunity to be heard.

And, again, I would just ask my colleagues to reflect, as we have these next few votes on this issue, to think about that. They cannot vote against us. They cannot vote for us. They cannot criticize us. They cannot say anything. And they will never get the opportunity. And you know, I cannot help but wonder. I think about this a lot. I do not know. There are some 20 million-plus children that have been aborted, not partial-birth abortions.

But let us just take partial-birth abortions. We know there have been thousands who have been aborted through this process. So let us focus on that group.

How many children in that group may have grown up to be a President of the United States, a Senator, a doctor who maybe finds the cure for cancer, a teacher who perhaps saves a dozen, 15, 20 children during the course of his or her teaching career, saving these children from going astray, a clergyman who saves a soul? How many people, how many people would there be in that group? We will never know. We will never know.

That is the issue, Mr. President. I hope as we continue this debate—and I know it is tough—I hope we can separate all of this rhetoric and all of the harsh words and the hard feelings, just put that aside and think about what we are really thinking about here, an unborn child—yes, created at conception, at some point along the way, denied the access to life, to being born. That is the issue.

Now, I know how hard my colleague from South Dakota has struggled with this issue because we have talked, and I respect him very much and he knows that. I had to think long and hard and very carefully about what the Senator proposed to do. He is my friend. I cannot understand the amendment. I want to make some points about this amendment that I think perhaps the Senator has not thought about—I do not know if that is true or not. There have been a lot of things said out here, and it is probably unlikely there is something he has not thought about.

I believe this amendment, as presented by the Senator from South Dakota, represents, even though it is not intended, an extremist position on this issue, on the abortion issue, because the Daschle substitute amendment explicitly permits abortions even in the 7th, 8th, and 9th month of pregnancy, so long as the abortion claims, "Continuation of the pregnancy would risk grievous injury to the mother."

Think about that, Mr. President. Babies in the 7th, 8th, and 9th month have already developed to the point where they can survive. In fact, babies can survive even earlier than that, survive in the sense that I mean survive outside the body of their mother. They can survive independently.

Then let me ask this question, for anybody who may be undecided, and there probably are not many, if any. If you have a child that can live independently of the mother, why abort it? Why not deliver the baby alive? By definition, abortion means taking the life of a child. Why do we have to do that? Why do we have to take the life of a child?

I am not a doctor and I do not pretend to be, but I do listen to medical advice and medical comments. I listen to the point of view of a group called the Physicians Ad Hoc Coalition for Truth, an organization of 600 doctors nationwide who have been providing an enormous public service by working to get the true medical facts out about partial-birth abortions. In a statement they issued on May 12 of this year, they said, as follows: "If maternal conditions require the emptying of the womb"—and these are not my words; these are the words of physicians—"If maternal conditions require the emptying of the womb postviability, the standard would be to induce labor and deliver the child. By definition, the postviable child delivered early is simply a premature baby. Senator DASCHLE's legislation never addresses the reason why it may ever be necessary to kill a premature baby, including those in the process of being born," as is the case in partial-birth abortion, "in order to preserve the health of the woman."

The Catholic Diocese in Sioux Falls, SD, Reverend Carlson, made a statement saying, "The substitute bill allows abortions, including partial-birth abortion procedures in the last weeks of pregnancy, because in the case of certain serious illnesses a physician may have to 'terminate' a pregnancy after viability to save the mother, yet in such cases a physician can simply deliver the child. Nothing in the medical literature indicates a need to abort or kill a child in such cases."

See, that is the issue here. By definition, you are saying "viability." Viability by definition means that the child can survive outside the body of the mother. Then why kill the child?

Mr. President, let me repeat the latter part of the statement that was made by these physicians. The Daschle legislation never addresses the reason why it may ever be necessary to kill a premature baby, including those in the process of being born in order to preserve the health of a woman. It does not address that. That is the flaw, the main flaw, as I see it, in the amendment, as well-intended as it is.

I remember having a debate with one of my colleagues a couple of years ago when I was out managing this same bill. It was very interesting, and I ask Members to reflect for a moment. We all know in the partial-birth-abortion procedure, first of all, it does not always happen in the 7th, 8th, and 9th month. Sometimes it happens earlier than that, and, of course, the Daschle amendment would not protect those children.

I remember in the debate having a very interesting dialog with one of my colleagues in which I pointed out that in order to ensure the opportunity to take a child's life through partial-birth abortion, you have to turn the child in the womb and deliver the child breach, or feet first, and in the process, stop the child's head from coming into the world. Now, my colleague that I was debating said, "That is fine. That child is not born yet because the head is still in the birth canal." I said, "OK, I do not agree, but fine. Let me turn it around. What happens if the child comes into the birth canal head first and only 10 percent of the body comes into the world, for example, just the head?" And the answer was, "That is life, that is life."

So now what we have done is define a certain part of the baby's body as being life and another part of the baby's body as not. There is no logic here. There is absolutely no logic here. I am not trying to sensationalize this. These are facts. You turn the child around because if the baby is born head first, you cannot use the needle and destroy the child. So 10 percent in the world, head first, it is a child according to the critics; 90 percent in the world, feet first, it is not. Does anybody really believe that? Does anybody really in here, never mind up here, in here, does anybody believe that? If you believe that, you ought to vote against the partial-birth abortion ban; you ought to vote for Daschle if you really believe that.

Why is it necessary, ever, to kill a premature baby? That question has not been answered yet in this debate, including those in the process of being born in order to preserve the health of a woman. How does it help the health of a woman to restrain a child from coming the rest of the way through the birth canal—that is what a partial-birth abortion is, restraining a child from coming into the world so you can kill it. That is the purpose.

As Senator MOYNIHAN said, it is bordering on infanticide. Indeed, it probably is infanticide. This is not abortion. It is probably misnamed. It is killing a child in the hands of the doctor. Nothing impersonal about this one. There are many impersonal ways to commit abortions. We all know, we have all heard about them. Nothing impersonal about this one. You are holding the child in your hand when you do it.

With all the problems we have in the world and in our country—you name it, race problems, poverty problems, problems of protecting ourselves and national defense, anything, all the problems we have, infrastructure—do we really want to spend time doing this to our children? Do we?

In May 1997, in the Washington Post, and again on the Senate floor, Senator Daschle said every effort should be made to save the baby. I know he means that. But with all due respect, the amendment is trying to have it both ways. It does not focus on the baby, it focuses only on the mother.

How can you say you are for saving a baby when your amendment explicitly authorizes an abortionist to kill a baby? The assertion is that the Daschle amendment somehow requires doctors to try to save the life of the viable baby that they are aborting. Yet, the language to this effect, which includes a wide open health exception, appears on page 4 of his amendment in the nonbinding findings. I say you put this in the nonbinding findings, but you do not have it in the main language of the amendment.

This language would not have the force of law. It would, if it were in the main bill, in the amendment, but it is not. It is in the language. So if we want to truly write some protection for the viable fetus into this proposed criminal statute, we could put it in the statute itself, not in the nonbinding finding section and certainly not with a wide open health exception.

We all know and respect and support, I believe, the principle of self-defense. If the health of the mother is a problem and the life of a mother is a threat, try to save both. What is wrong with that? Why do we say we are going to say something is viable and then kill it? If you say it is viable, if you make the admission, which this amendment does, that this child is viable any time after the sixth month, if it is viable, then when you abort it you are killing it because you said it is viable by your own definition.

This is really a pretty logical debate here, Mr. President. Sometimes we get off on other tangents. After viability, doctors can terminate the pregnancy without killing the baby. It happens all the time. They can do this by delivering the baby by cesarean section or directly through the birth canal. Sometimes they must do that in order to protect both the mother and the child. That is not an abortion. It is a premature delivery. It happens every day in America. There is no reason why it cannot happen here.

Dr. Harlan Giles, a professor of high-risk obstetrics and perinatology at the Medical College of Pennsylvania, performs abortions by a variety of procedures before viability, and in sworn testimony before the U.S. District Court for the Southern District of Ohio in November 1995, Giles had this to say about abortions after viability. This is a doctor who performs them:

> [After 23 weeks] I do not think there are any maternal conditions that I am aware of that mandate ending the pregnancy that also require that the fetus be dead or that the fetal life be terminated. In my experience for 20 years, one can deliver these fetuses either vaginally, or by cesarean section for that matter, depending on the choice of the parents with informed consent . . . But there's no reason these fetuses cannot be delivered intact vaginally after . . . labor, if you will, and be at least assessed at birth and given the benefit of the doubt.

That is the doctor's own words who perform abortions.

Mr. President, the question that I ask to the proponents of the Daschle amendment is the same one I have been asking over and over and over again, year after year, on this issue, with those who support partial-birth abortion on demand. And it is on demand and we know that. I repeat the question in a moment.

We know that because of the statements made by an individual who performed them, and I stood on the Senate floor a year and a half ago or 2 years ago, and took flak from every direction, from my opponents on the other side of this issue, accusing me of making that up, that it was only a few hundred abortions a year this way, done in this manner, when, in fact, we now know it is thousands, and that they admitted they lied. But to the individual's credit, he told the truth now. But the question is, why is it necessary to kill a partially born baby? Will somebody come out on the floor of the Senate and answer me that question, when you have a baby in the birth canal, 90 percent born but for the head, somebody give me one reason why we have to take that baby's life in order to protect the mother's life or health when you literally restrain that child from coming the rest of the way out of the birth canal.

Nobody has been able to tell me that. Why not just deliver the baby alive. And I will tell you why, Mr. President, because you have a problem when the baby is alive, don't you? And you know what another real dark secret is here? And they do not talk about it much. Do you know what happens oftentimes? You get the baby in the position, the abortionist is prepared with the needle, the head is still in the birth canal and, whoops, the baby comes out. You look around and you do it.

That is not abortion, Mr. President. Do not let anybody tell you it is. That is killing an innocent child, a live, born child, and it happens. That is the dirty dark secret, one of them, about partial-birth abortion. Why not just deliver the baby. Her body, her shoulders are already out of the womb and in the birth canal. Why not just complete the delivery? Why kill her before completing the delivery?

Unfortunately, that is what this amendment will allow. Why propose an amendment that explicitly authorizes abortions to kill viable children? That is not saving lives. And I know what the intent here is by the Senator, but we are killing viable children in seventh, eighth, and ninth months of pregnancy. We are protecting the mother but why not protect the child, too? It is not necessarily one against the other.

In his May 2, Washington Post opinion article Senator DASCHLE cited certain conditions for termination of pregnancy such as hypertension, kidney failure, coma, breast cancer, et cetera. However, what was not said was why the Senator and the supporters of the amendment believe that it would ever be necessary to kill that viable baby because of the medical conditions that he cites.

Think about it. Why would you have to kill the child for any of those reasons: hypertension, kidney failure, coma, breast cancer. Remove the child alive. It can be done. It is done every day.

Once again, let me point out that physicians, not Senators, physicians, across America address these complicated pregnancies day in and day out and they do it by delivering babies. This amendment, even though it is not intended to do that, would give abortionists the legal authority now under law to perform abortions in these cases whenever they want to without any consideration to the law.

Before the Senate closes debate, and I know we are getting close—for the benefit of my colleagues, I am shortly going to yield—before the Senate closes debate on this amendment, I hope that we will have an answer to the question that I have posed. I would really sincerely like to hear the answer as to why this child must be terminated, killed, taken dead from the womb of the mother when, in fact, you could perhaps save both?

I have one final point. Those proponents of this amendment assert that it would provide some limitation on postviability abortions because it includes what they say is a narrow health exception. The Senator's amendment says that postviability abortions are permitted if an abortionist certifies that a woman is threatened with some "risk," no matter how remote, of a "grievous injury" to her health. Unfortunately, the "grievous injury" exception does not protect one single viable unborn child, not one. Not one. And if the intent of the authors of the amendment and the proponents of the amendment is to save lives, babies' lives, the amendment does not do it. If it is the intent to save mothers' lives at all costs, I think it does do that and I support that part of it, saving mothers' lives, but it does not do anything to save a baby's life.

Dr. Warren Hern, a leading third-trimester abortionist, who has written a major treatise on the subject of the "grievous injury" exception, in an interview published on May 14, yesterday, in the Bergen County Record, said:

> I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.

In other words, no matter what the grievous injury it is the health exception that the abortionist will use. That is not what the Senator from South Dakota intends but is the result of this amendment. Any doctor who wishes to do it can do it.

So we have a leading third-trimester abortionist who basically says, hey, pass that thing. Then I can kill all kinds of babies and not have to worry about a thing. Just pass it. He is an expert, and he is saying this will allow him to perform an abortion on a viable child any time he wants to. So you could not ask for more compelling testimony, in my opinion, that this amendment, the Daschle amendment is a prescription for abortion on demand even after viability, and it is the main reason that it should be defeated and that we should pass the ban on partial-birth abortions as prescribed by the bill introduced and supported by the Senator from Pennsylvania.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the vote occur on or in relation to the Daschle amendment at 7 p.m. and that the time between now and then be equally divided between Senators SANTORUM and DASCHLE.

Mr. DASCHLE. Mr. President, reserving the right to object, I have a request for 45 minutes of time that I would be willing to lock in, but I think that would mean a slight difference in the amount of time allocated to both sides. So with the understanding that I could have 45 minutes, I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Let me respond briefly to the distinguished Senator from New Hampshire prior to the time I yield time to the Senator from Louisiana. He asked the question, why not allow a child to live? And my answer is that is exactly what we want to happen. On page 3 of the bill we say:

> Even when it is necessary to terminate a pregnancy to save the life or health of the mother, every medically appropriate measure should be taken to deliver a viable fetus.

Termination of a pregnancy does not necessarily mean abortion. We want to provide the opportunity for that child to live. And on page 3 we assert that.

On page 4:

> Abortion of a viable fetus should be prohibited throughout the United States unless the woman's life or health is threatened, and even when it is necessary to terminate the pregnancy every measure should be taken, consistent with the goals of protecting the mother's life and health—

Which is the constitutional requirement—

> to preserve the life and health of the fetus.

On page 3 and on page 4 of the bill we assert that as unequivocally as possible.

Now, he indicates that this is the findings. Well, the findings are designed to instruct the Court on how to interpret the law. That is what the findings do. There is no more appropriate place than in the findings to tell the Court this is how we want you to interpret whether or not a doctor is in compliance with the law.

I would be more than ready to state that assertion on every page of the bill if it would make my colleague from New Hampshire more confident that the intent of our legislation is to do just as I have asserted. But this is the language in the bill. We want the child to live.

Now, with regard to permitting abortions in the seventh, eighth, and ninth month, I find it ironic that anybody supporting H.R. 1122 would use that as a criticism of our amendment because that is exactly what the partial-birth abortion ban does. It allows abortions. It allows dilation and evacuation. It allows induction. It allows hysterotomies. It allows abortion. H.R. 1122 is banning only one procedure here. They are not banning abortion with their bill. We, by contrast, ban them all. So I hope that no one would cite that as a reason to oppose our amendment.

I yield 10 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. I thank the Chair. I begin by thanking my distinguished colleague from South Dakota, Senator DASCHLE, for his hard work and excellent work. He has been working for months, talking with medical doctors, advocates for children and families, and affected women to try to help us arrive at a balanced approach, that will resolve this very difficult of issues.

To my distinguished colleague from New Hampshire, who just spoke, I say that I am here today because I want to join with you in ending late-term abortions. The young woman about whom the Senator spoke so beautifully, would have a chance to live under our amendment because it will ban all procedures except in the very rarest of circumstances. With due respect, under the bill that the gentleman is supporting, that wonderful child could still be aborted, because the mother would still be free to choose another procedure.

My colleagues on the opposite side continue to make reference to a Dr. Hern. I want to say again that when this bill passes, he will lose his license. He will not be able to practice.

My distinguished colleague from New Hampshire has made the excellent argument for the minority of people in this country who believe that abortion should be banned at all times, in every circumstance, in every case, but the majority of Americans in my State of Louisiana and in this country want reason. They want to abide by the Constitution which gives the woman the right to terminate a pregnancy in the early stages, but they want most certainly to ban and prohibit late-term abortions. That is what this amendment does.

We have heard all day about one or two doctors that might say they would never perform a late-term abortion. That is their right under the law. But the American Medical Association, 37,000 strong, has said, and I want to quote again for the debate:

> In recognition of the constitutional principles regarding the right to an abortion articulated by the Supreme Court and in keeping with the science and values of medicine, the AMA recommends that abortions not be performed in the third trimester except in the cases of serious fetal abnormalities, incompatible with life. Although third-trimester abortions can be performed to preserve the life or health of the mother, they are in fact generally not necessary for those purposes except in the most extraordinary circumstances.

That is what my distinguished colleague from South Dakota along with the two Senators from Maine, have tried to craft, a very narrow health exception with tight restrictive language.

Mr. President, I rise today in support of the Snowe-Daschle amendment to Senate Bill 6.

Mr. President, the distinguished Supreme Court Justice Felix Frankfurter wrote:

> Great concepts like liberty were purposely left to gather meaning from experience. For they relate to the whole domain of social and economic fact, and the statesmen who founded this nation knew too well that only a stagnant society remains unchanged.

We are not a stagnant society and changes in reality and our perceptions have brought us here today. It has been nearly 25 years since the Supreme Court decided Roe versus Wade. The Roe decision encompassed a lot of the experience and wisdom that our nation had acquired regarding personal liberty. In 1973, it affirmed the new understanding that Americans had developed about the role of women in society and the role of government in our personal lives.

However, 25 years after Roe, our country has had more time to reflect on its experiences. Social and economic factors have altered the world in which we live. Breakthroughs in medicine have changed our understanding of human development and have allowed us to deliver premature babies at ages never before possible. We have reached the appropriate time to review our definition of liberty in the context of a woman's right to end a pregnancy.

Those of us who support Roe versus Wade understand this was not a decision which allowed for abortion on demand, but rather it was a decision which balanced the rights of privacy and liberty on one hand—and State's authority to protect prenatal life on the other. In writing his decision, Justice Blackmun clearly stated:

> A state may properly assert important interests in safeguarding health, in maintaining medical standards, and in protecting potential life. At some point in the pregnancy, these respective interests become sufficiently compelling to sustain regulation of the factors that govern the abortion decision.

One of the questions we face today is what is the approximate point at which prenatal life becomes sufficiently compelling and what are the appropriate regulations to the termination of pregnancy.

In reviewing both Roe and Casey, it is clear that the Court has given us one sure point on which to balance individual liberty and prenatal life. That point is viability. Before a fetus is viable, the rights of privacy and personal liberty found in the Constitution require us to provide safe and accessible method to terminate a pregnancy. After viability, the State's interest in prenatal life should prevail. Our first woman on the Supreme Court, Sandra Day O'Connor, framed the delicate balance our society has reached in the Casey decision when she stated:

> While [Roe] has engendered disapproval, it has not been unworkable. An entire generation has come of age, free to assume Roe's concept of liberty in defining the capacity of women to act in society, and to make reproductive decisions . . . and no changes of fact have rendered viability more or less appropriate as the point at which the balance of interests tips.

Viability presents a bright line—a legal standard—that we can use to govern our decisions about regulating abortion.

Mr. SANTORUM's bill violates the viability standard and does nothing to end late-term abortion. On the other hand, Mr. President, Senator DASCHLE and Senator SNOWE's alternative method would indeed make clear that all late-term abortions by any procedure are prohibited. I thank them for their leadership in bringing this alternative to the floor. They have both displayed a willingness to reach across the aisle and provide us with a bill which reflects the consensus that the American people have already reached.

A 1996 Gallup Poll indicated that 64 percent of Americans support a woman's right to have an abortion during the first 3 months of pregnancy. This is a strong indication of a national consensus that abortion should be an available, legal, and safe option for women in the early stages of pregnancy.

When you ask those same people how they feel about abortions in the third trimester, the consensus flips the other way. Only 13 percent of those surveyed supported abortion, 82 percent would prohibit it. Those 82 percent of the people who oppose abortion in the third trimester are not just opposed to a particular procedure; they are opposed to all procedures. They believe that once a fetus reaches the point where it could sustain meaningful life, they are opposed to abortion.

That is precisely what is accomplished by the Snowe-Daschle amendment. We make clear, with appropriate penalties, that late-term abortion by any procedure will not be allowed, except in the rare and extraordinary circumstances when a woman's life or physical health is gravely threatened. Yes, a doctor would certify the viability and health risk to the mother, but who else would be qualified to make such medical decisions? The local judge or city council?

Without this amendment, S. 6 would accomplish very little. The partial birth abortion ban concentrates on banning only one procedure, it does nothing to stop late-term abortions. What possible good is accomplished by bringing this very heart-wrenching subject before the Congress and the American people, only to pass a bill that does not affect abortions? As written, this bill is simply an opportunity for people to congratulate themselves on having done something important, when in fact they have accomplished nothing. If we pass S. 6 unamended, it would be like outlawing armed robbery with an Uzi, but allowing criminals to hold you up with a handgun. The American people will see through this facade and be even more disillusioned with this institution and its members.

Maybe the most significant advantage of the Snowe-Daschle amendment is that it can be passed, signed by the President and will meet constitutional scrutiny. The bipartisan approach of this amendment is our best chance to address post-viability abortions, while also preserving our understanding of liberty in the 25 years since Roe versus Wade.

I would be remiss if I did not add that when the government acts to restrict abortions, as is its right in certain circumstances, it has an increased obligation to make the choice to support life more compelling. We cannot on one hand require women to forego the option of abortion and at the same time undermine all the programs that support a woman as she struggles to bring a child into the world. Since the Roe decision, a number of steps have been taken to make abortion safer and more accessible. We need to act affirmatively to make abortion more rare and less necessary. We can do that by vigorously supporting pregnancy prevention strategies that would minimize or preclude the need for abortion.

A key component of this effort must be adoption. This Nation needs to make adoption more affordable through tax credits and Congress should work to implement State and Federal laws and regulations that encourage families to build through adoption.

We must continue to reform our foster-care system to make permanent placement for children a reality and a loving family for every child an achievable goal.

We should invest more in prenatal care and health insurance for our children so that young mothers deliver healthy babies, taxpayers save money, and children have a real chance at a decent life.

We ought to concentrate on effective pregnancy prevention efforts in our schools. Our children need to understand the serious ramifications of sex outside of marriage so that we are faced with fewer unplanned pregnancies. We have had years of experience with sex education programs in this country. We should, state-by-state, replicate those successful programs nationwide.

It is important that we in the Congress and in this Chamber understand that a commitment to life means more than just talk. In a time of tight budgets, the true test of peoples' priorities is where they are willing to commit scarce resources. We can all agree that we should make every effort to preserve human life. However, it is a hollow promise to bring life into the world and then abandon it when it arrives. If life is a priority for this Congress, we should reflect it by making our policies and pocketbooks available to nurture young lives.

Mr. President, the debate surrounding late-term abortions has been a valuable opportunity for the American people to take stock of what we mean by liberty. I believe that the Snowe-Daschle amendment is an excellent reflection of what our experience has taught us since Roe. It restores a balance to our national dialogue about abortion and premises it upon the clear standard of viability. I urge my colleagues to support this amendment.

Thank you very much.

Mr. SANTORUM. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I would like to compliment my colleague from Pennsylvania, Senator SANTORUM, in addition Senator SMITH of New Hampshire, who brought this issue to the floor of the Senate last Congress and maybe educated everybody in the Congress and maybe in the country about this very gruesome procedure which, unfortunately, happens all too many times. The President said it doesn't happen very many times. But now we found out it happens thousands of times. In one clinic in New Jersey it happened 1,500 times.

So I compliment my colleagues from Pennsylvania and from New Hampshire, and also Senator DEWINE and Senator FRIST, who spoke very eloquently about this issue. It is not an easy issue. It is not one that I think a lot of us look forward to debating.

Mr. President, I speak on this issue on occasion. Again, it is not one that I particularly like to speak on. Maybe I did it for a lot of reasons. Somebody said, "Why does Congress always have debates on abortion?"

I think part of the premise goes back to the fact that the Supreme Court legalized abortion. They legalized abortion in the Roe versus Wade decision. Everybody acknowledges that. I have a problem any time the Supreme Court legalizes or legislates in any area. I look at the Constitution. Article I says Congress shall pass all laws—Congress being comprised of the House and the Senate, elected bodies.

People have a choice. If they don't like the laws we pass, they can change Members of Congress.

In 1973, the Supreme Court legalized abortion. They overturned laws in almost every State that had some restrictions dealing with abortion and basically decided by trimesters what was legal and what was not legal. I object to that process.

Colleagues who really think that we should legalize abortion or preempt all State laws, or some State laws, should introduce such legislation, and, if they have the votes, they can codify Roe versus Wade, or they can change it. But they should do it through legislative process not do it through a nonelected judicial process of the Supreme Court.

So I object to the Supreme Court legislating. I think that they have done a pretty crummy job in their legislating.

Our colleagues are aware of the fact—because we had this debate last year and now we have this debate before us today—that there is a procedure called partial-birth abortions where the baby is almost totally delivered, yet its head is held inside, scissors are inserted into the baby's head, and the brains are sucked out. Then the dead baby is delivered.

We are trying to ban that procedure. Senator DASCHLE has an amendment. I looked at the headline. It says: "Daschle Abortion Ban Spares 'Viable' fetuses."

If I believed that headline, I would support the amendment. But I look at the amendment. What does it do? In the first place, it is a substitute. If it was in addition to the language before us, maybe we would have something to talk about. But it isn't. It is a substitute. It strikes the language.

If you look at the language of the amendment, it strikes all of the prohibition on banning partial-birth abortions and says let's insert the following.

So it totally eliminates the bill that has already passed the House of Representatives by an over two-thirds vote, and a bill that we voted on last year when we had overwhelming support. We didn't have two-thirds. It strikes that, and says let's start over.

We just saw the language today. It was just inserted today. We have not had enough time to totally review it. But I have read it. I have some problems with it.

If the real purpose of it is to spare viable fetuses, I am going to support it. But I don't think that is the case. I want to go into the language and maybe point out what I think is deficient in the language and then tell my colleagues and my friend, the minority leader, that I will be happy to work with him. Maybe we can come up with language that would accomplish the objective of sparing viable fetuses. I will work with any Senator to try to do that. I will be happy to. But I don't think the language that we have in front of us today does that. I will go into a statement to illustrate it.

Mr. President, the amendment that we have before us includes the health exception that is said to be "stricter than the Republican measure," what it says on the headline. But, in reality, the exception contained in this amendment is no exception at all, but a large hole, a large protection for late-term abortions.

The proposal is—as George Will accurately characterized it in his April 24, 1997, column—"a law that is impossible to violate."

That's one reason this amendment has been termed by critics "the abortionist empowerment clause."

While this amendment claims to protect viable unborn children from abortion, a closer look shows that it provides no protection at all.

The amendment would make it "unlawful for a physician to abort a viable fetus. * * *"

Who determines whether a particular fetus is viable?

There is no definition of "viability" in federal law. Nor does this amendment define "viability."

The prevailing standard of viability in federal law was set by the Supreme Court in Planned Parenthood of Central Missouri versus Danforth. In that case, the Court held:

> The determination of whether a particular fetus is viable is, and must be, a matter for the judgment of the responsible attending physician.

In other words, the person who performs the abortion decides whether the baby he or she is aborting is viable. This is the standard that governs the Daschle amendment.

The abortionist decides whether the baby is viable. The abortionist doesn't even have to certify his decision. Unless he voluntarily says to a U.S. attorney that the baby he aborted is viable, no civil penalty can be brought against him.

Let's say that an abortionist tells a U.S. attorney that he has aborted a viable baby. In order to avoid civil action, the abortionist need only "certif[y] that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health."

To whom does the physician certify? Does he file a certification with the Justice Department? With HHS? With the state licensing authority? With a notation in the patient's file? The amendment doesn't say.

When does the physician certify? Before he performs the abortion? After he performs the abortion? After he is called into question for having performed the abortion? The amendment doesn't say.

It merely says that by "certifying," he avoids civil action for having aborted a viable infant, and it leaves it to the Secretary of HHS to develop regulations defining what the certification entails.

A physician who aborts a viable child must certify that "the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health."

While the amendment defines "grievous injury," it does not define "risk."

The risk of continuing a particular pregnancy may be small, but that is irrelevant under the Daschle amendment.

The risk of carrying a pregnancy to term may carry less risk in a particular case than the risk of terminating the pregnancy, but that doesn't matter under the Daschle amendment.

The only relevant question is "does the abortionist believe that the "continuation of the pregnancy" poses any risk of "grievous injury?" Since every pregnancy poses at least some risk, an abortionist can justify any abortion under the Daschle amendment.

The Daschle amendment states that a physician must certify—under penalty of perjury—"that, in his or her best medical judgment, the abortion involved was medically necessary."

Unfortunately, as with other provisions of this amendment, the perjury penalty is very difficult, if not impossible, to enforce.

The abortionist only has to sign a paper that asserts that "in his or her best medical judgment," the abortionist believes that "the continuation of the pregnancy would . . . . risk grievous injury to her physical health."

The certification is based not on objective medical facts but on the abortionist's subjective judgment.

If the certification by an abortionist was challenged in an action for perjury, the question before the court would not be about medical facts but on whether the physician believed that he had exercised his best medical judgment. Impossible, impossible to bring a conviction.

I think that every abortionist would certify he had exercised his best judgment when he aborted a baby, whether viable or no. For example, Dr. Warren Hern, who performs third-trimester abortions in Colorado, said of this amendment: "I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health." So long as Dr. Hern says he used his best medical judgment in making these certifications, he could not be prosecuted for perjury under this amendment. So this amendment, in my opinion, would be ineffective, totally ineffective in protecting viable unborn infants.

Mr. President, I ask the sponsor if I can have an additional 2 minutes.

Mr. SANTORUM. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. NICKLES. Mr. President, we have to ask the question Senator SMITH asked us: Why kill a viable baby? That is another aspect of this amendment that troubles me a lot. The amendment allows for the destruction of viable unborn children.

A group of physicians headed by my colleague from Oklahoma, Dr. TOM COBURN, and the Physicians' Ad Hoc Coalition for Truth, states that it is "never medically necessary, in order to protect a woman's life, health or future fertility, to deliberately kill an unborn child in the second or third trimester of pregnancy." He is an obstetrician. He has delivered hundreds, thousands of babies. I have not. But he has made that statement. Dr. Koop has made that statement. I happen to give them credit. I think the child would like for us to give them that credit.

So the Daschle amendment would be ineffective in protecting viable unborn infants.

Mr. President, a big difference between the Daschle amendment and the amendment by the Senator from California that was defeated earlier today is that the Daschle amendment does not include a "mental health" exception.

The distinguished Democratic leader, in speaking with the press earlier this week, said that his amendment does not contain "a simple mental health loophole."

But he then added, "It's my understanding based upon an extraordinary number of conversations and consultations that mental problems ultimately, in situations involving pregnancy and abortion, evidence themselves physically."

Thus, while the amendment does not contain a simple mental health loophole, the author of the amendment believes that mental illness can have physical manifestations that would possibly justify late-term abortions.

The Daschle amendment would not eliminate the vast majority of all partial-birth abortions.

Ron Fitzsimmons, the executive director of the National Coalition for Abortion Providers admitted he lied about the frequency and necessity of partial-birth procedures.

He told the American Medical News that the vast majority of partial-birth abortion are performed in the 20-plus week range on healthy fetuses and healthy mothers. "The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else."

Yet this amendment would permit most partial-birth abortions since they are usually performed during the 2d trimester of pregnancy.

The amendment prohibits abortions of viable infants unless there is a risk of grievous injury to the mother's life or health.

Abortionists who violate this law are subject to fines and suspension of their medical licenses. No provision is made for any review of the physician's certification or the medical basis for it.

Unfortunately, since the abortionist determines the health of the mother and the viability of the baby, no punishment would result no matter what the evidence.

In order for someone to be prosecuted under this amendment they would have to voluntarily report that the child they had aborted was viable and that the abortion they had performed was not medically necessary.

Does anyone imagine a physician would ever volunteer for such a penalty?

It would be as if we allowed each driver to decide whether or not he or she was speeding. The only people who would receive speeding tickets would be those who voluntarily reported to the police that they had exceeded the speed limit.

Self-enforcement is no enforcement. And that is what the Daschle amendment would put in place.

I just conclude with the statement, Mr. President, this is a vitally important issue. I do not question the motives of my colleagues on the other side of this issue. I hope maybe we can come up with some type of a ban on aborting viable fetuses. But I believe this language in the first paragraph of the bill, language that says it shall be unlawful for a physician to abort a viable fetus when the physician makes that determination, unless the physician certifies—and he can do that, basically, by saying it is his best medical judgment that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health—any risk, every pregnancy has risk—I am afraid that this language is so riddled with loopholes that it would provide no protection whatsoever, that it would have no real impact whatsoever.

So I urge my colleagues to vote "no" on the Daschle amendment, to support the ban on partial-birth abortions, and then let us see if we cannot work together in the intervening couple of months, through the proper committees, have hearings, have suggestions from experts, health experts, and maybe we can refine language comparable to this to provide real protection for unborn children.

I ask unanimous consent an article by Charles Krauthammer, "Saving the Mother? Nonsense," which is dated March 14, and also a letter from the Physicians' Ad Hoc Coalition for the Truth, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 14, 1997]

SAVING THE MOTHER? NONSENSE

(By Charles Krauthammer)

Even by Washington standards, the debate on partial-birth abortion has been remarkably dishonest.

First, there were the phony facts spun by opponents of the ban on partial-birth abortion. For months, they had been claiming that this grotesque procedure occurs (1) very rarely, perhaps only 500 times a year in the United States, (2) only in cases of severe fetal abnormality, and (3) to save the life or the health of the mother.

These claims are false. The deception received enormous attention when Ron Fitzsimmons, an abortion-rights advocate, admitted that he had "lied through his teeth" in making up facts about the number of and rationale for partial-birth abortions.

The number of cases is many times higher—in the multiple thousands. And the majority of cases involve healthy mothers aborting perfectly healthy babies. As a doctor at a New Jersey clinic that performs (by its own doctors' estimate) at least 1,500 partial-birth abortions a year told the Bergen record: "Most are for elective, not medical, reasons: people who didn't realize, or didn't care, how far along they were."

Yet when confronted with these falsehoods, pro-abortion advocates are aggressively unapologetic. Numbers are a "tactic to distract Congress," charges Vicki Saporta, executive director of the National Abortion federation. "The numbers don't matter." Well, sure, now that hers have been exposed as false and the new ones are inconvenient to her case.

Then, the defenders of partial-birth abortion—led by President Clinton—repaired to their fall-back position: the heart-tugging claim that they are merely protecting a small number of women who, in Clintons' words, would be "eviscerated" and their bodies "ripped . . . to shreds and you could never have another baby" if they did not have this procedure.

At his nationally televised press conference last Friday, Clinton explained why this is so: "These women, among other things, cannot preserve the ability to have further children unless the enormity—the enormous size—of the baby's head is reduced before being extracted from their bodies."

Dr. Clinton is presumably talking about hydrocephalus, a condition in which an excess of fluid on the baby's brain creates an enlarged skull that presumably would damage the mother's cervix and birth canal if delivered normally.

Clinton seems to think that unless you pull the baby out feet first leaving in just the head, jam a sharp scissors into the baby's skull to crack it open, suck out the brains, collapse the skull and deliver what is left—this is partial-birth abortion—you cannot preserve the future fertility of the mother.

This is utter nonsense. Clinton is either seriously misinformed or stunningly cynical. A cursory talk with obstetricians reveals that there are two routine procedures for delivering a hydrocephalic infant that involve none of this barbarity. One is simply to tap the excess (cerebral spinal) fluid (draw it out by means of a small tube while the baby is still in utero) to decompress (reduce) the skull to more normal size and deliver the baby alive. The other alternative is Caesarean section.

Clinton repeatedly insists that these women, including five he paraded at his ceremony vetoing the partial-birth abortion ban last year, had "no choice" but partial-birth abortion. Why, even the American College of Obstetricians and Gynecologists, which supports Clinton's veto, concedes that there are "no circumstances under which this procedure would be the only option to save the life of the mother and preserve the health of the woman"—flatly contradicting Clinton.

Moreover, not only is the partial-birth procedure not the only option. It may be a riskier option than conventional methods of delivery.

It is not hard to understand that inserting a sharp scissors to penetrate the baby's brain and collapse her skull risks tearing the mother's uterus or cervix with either the instrument or bone fragments from the skull. Few laymen, however, are aware that partial-birth abortion is preceded by two days of inserting up to 25 dilators at one time into the mother's cervix to stretch it open. That in itself could very much compromise the cervix, leaving it permanently incompetent, unable to retain a baby in future pregnancies. In fact, one of the five women at Clinton's veto ceremony had five miscarriages after her partial-birth abortion.

Why do any partial-birth abortions, then? "The only possible advantage of partial-birth abortion, if you can call it that," Dr. Curtis Cook, a specialist in high-risk obstetrics, observes mordantly, "is that it guarantees a dead baby at time of delivery."

Hyperbole? Dr. Martin Haskell, the country's leading partial-birth abortion practitioner, was asked (by American Medical News) why he didn't just dilate the woman's uterus a little bit more and allow a live baby to come out. Answer: "The point is here you're attempting to do an abortion. . . not to see how do I manipulate the situation so that I get a live birth instead."

We mustn't have that.

DASCHLE ABORTION PROPOSAL DOESN'T PASS MUSTER WITH MEDICAL PROFESSIONALS

ALEXANDRIA, VA.—The more than 600 doctors nationwide who make up the Physicians' Ad-hoc Coalition for Truth (PHACT) maintain that Sen. Daschle's recently announced legislative proposal regarding "post-viability" abortion will leave the practice of partial-birth abortion virtually untouched, and fails to address why late-term abortions are ever medically necessary.

PHACT agrees with Sen. Daschle that it is appropriate for Congress and the American people to consider when and under what circumstances the government may restrict access to any abortion procedure. Having the medical facts straight is a necessary part of this process.

It is never medically necessary, in order to protect a woman's life, health or future fertility, to deliberately kill an unborn child in the second or third trimester of pregnancy, and certainly not by mostly delivering the child before putting him or her to death. While it may become necessary, in the second or third trimester, to terminate a pregnancy because of maternal illness, abortion is never required. What is required is separation of the child from the mother, not the death of the child.

Senator Daschle would limit his legislation to third trimester or "post-viability" abortion. This would leave virtually untouched the practice of partial-birth abortions, since the vast majority of partial-birth abortions take place in the second trimester, several thousand times a year on mostly healthy mothers with healthy children.

If maternal conditions require the emptying of the womb post-viability, the standard would be to induce labor and deliver the child. By definition, the post-viable child delivered early is simply a premature baby. Senator Daschle's legislation never addresses the reason why it may ever be necessary to kill a premature baby, including those in the process of being born, in order to preserve the health of a woman.

At 21 weeks and after, abortion is far riskier to a woman's health than childbirth. According to the Alan Guttmacher Institute (affiliated with Planned Parenthood) the risk of maternal death at 21 weeks and after is actually twice as great for abortion as for childbirth. If the chief concern is to minimize health risks to women who show indications for a termination of pregnancy in the second or third trimester, then as the statistics show, termination by induction of labor and delivery is clearly preferable to abortion.

Nowhere does Senator Daschle every explain the need to kill a post-viable child in order to protect a woman's health. Medically, he cannot, for there is no medical reason, either in the second or third trimester of a pregnancy, to prefer killing the child to delivering the child.

The PRESIDING OFFICER (Mr. BENNETT). The Democratic leader is recognized.

Mr. DASCHLE. I yield the Senator from Connecticut 10 minutes.

Mr. LIEBERMAN. Mr. President, today the Senate once again returns to the morally perplexing question of abortion, a question which has not only divided the Senate and divided America, but I would say that it divides individual Senators and individual Americans. I must say, as I have listened to this debate today, I am proud to be serving here, as difficult as the question before us is, because of the thoughtful, sincere and civil way in which this debate has proceeded.

We have in front of us two responses to the problem of abortion: one that would prevent use of a specific medical procedure, intact dilation and extraction, which is used for abortion, and, a second that would prevent almost all abortions from being performed after viability. I believe that the second alternative, Senator DASCHLE's, more broadly and appropriately responds to the mix, the difficult mix, of moral and legal concerns at issue here, and, therefore, I will vote for Senator DASCHLE's amendment.

In Pope John Paul II's Encyclical Letter on the Value and Inviolability of Human Life, His Holiness writes that, "The direct and voluntary killing of an innocent human being is always gravely immoral." I respect, with humility, the depth of the Pope's statement and the moral conviction of millions of Americans of all religions who recoil from abortion and believe that any abortion at any stage of pregnancy is a taking of life. The Pope's statement, and others by those who oppose all abortions regardless of how early in pregnancy are powerful expressions driven by deep convictions and high moral principles. I respect and value the sincerity and depth with which those convictions are held and expressed—certainly so by the Senator from Pennsylvania, who is the sponsor of the underlying proposal. In fact, I personally share many of those convictions.

But the question for me today—and each of us must decide this personally—remains the same as it was when I was called upon to pass public judgment during my time as a State senator in Connecticut in the 1970's after the Roe v. Wade decision was passed down: What is the appropriate place for my personal convictions about abortion, my personal conviction that potential life begins at conception, and, therefore, my personal conviction that all abortions are unacceptable? How do I relate that appropriately to my role as a lawmaker?

I struggled with this over and over again in the 1970's in the Connecticut State Senate. How does one, appropriately, as a lawmaker, balance the right of the mother to life, the right of the potential life to protection by the State, and the right of privacy of the woman, the right of the woman to choose, which is recognized by our courts?

These competing interests that exist throughout the pregnancy are what we in the Senate are called upon, each in our own way, to try to balance and resolve. Our role here, it seems to me, calls on us to resolve that competition in a way that respects and reflects our own convictions, our constituents', and finally our Constitution.

I was shaken, as I would imagine many Members of the Senate were, as the debate over this partial-birth-abortion ban went on, and it sent me back to the conflicts that I faced in the 1970's in the Connecticut State Senate because the partial-birth abortion, the intact dilation and extraction, is horrific; it is horrifying. Yet, the more I focused on it, the more I got concerned about the number of these abortions that are being performed—and as small as that number is—the number is unacceptable—the more I had to face my own personal conclusion that any abortion is unacceptable. Any abortion is horrific.

It brought me back to the question of what the role of a body of lawmakers is in reconciling the interests of the mother, the interests of the fetus, potential life, and in respecting the judgments of our courts. In the end, again today, I resolve that conflict with a sense of humility about my authority as one lawmaker, about my capacity, about my judgment in the face of the uniquely private personal judgment and right to choose that a woman has up until the point of viability of the fetus, when that right is equalized by the right of the fetus to be protected by the State.

The amendment in front of us, offered by the Senate Democratic leader, does, in fact, ban all abortions of viable fetuses, regardless of procedure, except where the physician certifies that continuation of the pregnancy threatens the mother's life or risks grievous injury to her physical health.

It was my honor to work with Senator DASCHLE, Senator SNOWE and many others in preparing this amendment. My personal conclusion, and here I speak as a lawyer, as a former attorney general, is that this amendment will, in fact, ban almost all postviability abortions that might otherwise be performed in this country.

The definition of the exception, particularly with the addition of the words "physical health" tied to "grievous injury," is very narrow. Senator DASCHLE's amendment sets up a procedure where the Department of HHS, Health and Human Services will, in fact, promulgate regulations about certification, will require the doctor to file a certification with the Department.

What doctor, and there are only a few who perform postviability abortions, would certify inappropriately under the narrow definition in this law and risk losing his or her medical license? Tying the State's protection of the fetus to viability extends protection in a way that I do not believe we have before, to those fetuses that need all the assistance, postviability, that today's technology and medical science make available. It is a remarkable advance, if you will, for the pro-life movement in that regard.

As I read Senator DASCHLE's amendment, and I have spoken with him about this and he has spoken to this, it would prevent abortions of any fetus that could survive outside the mother's body with or without life support. I asked him this question, "What about a fetus postviability that a test reveals is disabled or may have Down's syndrome, but yet can survive with life support outside the mother's body?" Senator DASCHLE said quite clearly to me that is a viable fetus which could not be terminated under his amendment.

The term "viability" allows the protection of the law to move as medical science advances. When Roe v. Wade was handed down, fetuses under 28 or 29 weeks of gestation were not considered viable. Similarly, for many developmental and genetic defects that led to the death of a fetus or the inability to survive without the mother's bodily support, medicine has found ways to save those babies. Medical science has advanced, and with it, younger and sicker fetuses now are able to live. The term "viability" will allow the Government's responsibility to protect potential human life to move with medical science.

I want to pick up on something that the Senator from Oklahoma, Mr. NICKLES, said a short while ago. The truth is Senator DASCHLE, Senator SNOWE and the others who sponsored this amendment have reached common ground. I think he has established a common ground here that both pro-choice and pro-life Members of this Senate can support. I understand that many will not support it today because it is a substitute for the underlying legislation proposed by Senator SANTORUM, and the Daschle amendment clearly does not protect fetuses previability.

But if this amendment fails today, I believe that it is such an advance and provides such an opportunity for common ground that I hope Members of the Senate, regardless of their position on it, on this difficult and perplexing issue, will come together and help us on another day, if not today, pass this legislation.

I thank the Senate Democratic leader and his staff and all who have worked conscientiously on both sides of the aisle for the thoughtful, constructive approach which will save a lot of fetal life, if it is passed—if and when it is passed.

I thank the Chair.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I yield to the Senator from Tennessee, the only physician in the Senate.

The PRESIDING OFFICER. Senator from Tennessee.

Mr. FRIST. I rise in opposition to the Daschle amendment. I also want to congratulate him because I know he worked very, very, very hard with people around the country to fashion an amendment that would, as narrowly as possible, define "health," which I really think this debate is balanced on, "health of the mother."

He has done his very, very best. But what he has tried is impossible. It has not been done in this bill. And I think it probably cannot be done, defining the "health of the mother" in such a narrow, narrow fashion.

His proposal is a substitution bill and, thus, that means he would put aside what the underlying bill does, and that is to ban the partial-birth abortion procedure, a procedure that we all know is brutal, that is vicious, that is a fringe procedure and that destroys life. We have heard very little today that this is not a vicious, brutal procedure.

Thus, I think the Daschle amendment attempts to shift the focus away from the underlying bill that is banning this vicious procedure, and I think it is not going to be accepted tonight. I urge opposition and voting against it because I think, even if you look at the substance of it, it does nothing—it does nothing—to decrease the number of abortions in this country. And I will come back and cite why.

No. 2, his bill, an amendment which is a substitution amendment, would still allow this vicious procedure to be performed if certain criteria are met.

This procedure should be outlawed. It should be banned. Again, we have seen the graphs and we have seen the charts.

Let me refer to the paper "Dilation and Extraction for Late Second Trimester Abortion" by Martin Haskell, presented at the National Abortion Federation, Risk Management Seminar, September 13, 1992. This describes the procedure in medical terms, not with charts, not with cartoons and not with all the other figures. Basically, we have gone through it before. This is a medical paper. But it says:

> When the instrument appears on the sonogram screen, the surgeon is able to open and close its jaws to firmly and reliably grasp a lower extremity. The surgeon then applies firm traction to the instrument causing an inversion of the fetus . . . and pulls the extremity into the vagina. . . .
>
> With a lower extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities. . . .
>
> At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). . . .
>
> While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt, curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger.
>
> Reassessing the proper placement of the closed scissors tip and safe elevation of the cervix, the surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening.
>
> The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient.

This is not somebody's description of the procedure.

Mr. President, I ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the material ordered to be printed in the RECORD, is as follows:

DILATION AND EXTRACTION FOR LATE SECOND TRIMESTER ABORTION

(By Martin Haskell, M.D.)

INTRODUCTION

The surgical method described in this paper differs from classic D&E in that it does not rely upon dismemberment to remove the fetus. Nor are inductions or infusions used to expel the intact fetus.

Rather, the surgeon grasps and removes a nearly intact fetus through an adequately dilated cervix. The author has coined the term Dilation and Extraction or D&X to distinguish it from dismemberment-type D&E's.

This procedure can be performed in a properly equipped physician's office under local anesthesia. It can be used successfully in patients 20–26 weeks in pregnancy.

The author has performed over 700 of these procedures with a low rate of complications.

D&E evolved as an alternative to induction or instillation methods for second trimester abortion in the mid 1970's. This happened in part because of lack of hospital facilities allowing second trimester abortions in some geographic areas, in part because surgeons needed a "right now" solution to complete suction abortions inadvertently started in the second trimester and in part to provide a means of early second trimester abortion to avoid necessary delays for instillation methods.[1] The North Carolina Conference in 1978 established D&E as the preferred method for early second trimester abortions in the U.S.[2,3,4]

Classic D&E is accomplished by dismembering the fetus inside the uterus with instruments and removing the pieces through an adequately dilated cervix.[5]

However, most surgeons find dismemberment at twenty weeks and beyond to be difficult due to the toughness of fetal tissues at this stage of development. Consequently, most late second trimester abortions are performed by an induction method.[6,7,8]

Two techniques of late second trimester D&E's have been described at previous NAF meetings. The first relies on sterile urea intra-amniotic infusion to cause fetal demise and lysis (or softening) of fetal tissues prior to surgery.[9]

The second technique is to rupture the membranes 24 hours prior to surgery and cut the umbilical cord. Fetal death and ensuing autolysis soften the tissues. There are attendant risks of infection with this method.

In summary, approaches to late second trimester D&E's rely upon some means to induce early fetal demise to soften the fetal tissues making dismemberment easier.

PATIENT SELECTION

The author routinely performs this procedure on all patients 20 through 24 weeks LMP with certain exceptions. The author performs the procedure on selected patients 25 through 26 weeks LMP.

The author refers for induction patients falling into the following categories: Previous C-section over 22 weeks; Obese patients (more than 20 pounds over large frame ideal weight); Twin pregnancy over 21 weeks; and Patients 26 weeks and over.

DESCRIPTION OF DILATION AND EXTRACTION METHOD

Dilation and extraction takes place over three days. In a nutshell, D&X can be described as follows: Dilation; More Dilation; Real-time ultrasound visualization; Version (as needed); Intact extraction; Fetal skull decompression; Removal; Clean-up; and Recovery.

Day 1—Dilation

The patient is evaluated with an ultrasound, hemoglobin and Rh. Hadlock scales are used to interpret all ultrasound measurements.

In the operating room, the cervix is prepped, anesthetized and dilated to 9–11 mm. Five, six or seven large Dilapan hydroscopic dilators are placed in the cervix. The patient goes home or to a motel overnight.

Day 2—More Dilation

The patient returns to the operating room where the previous day's Dilapan are removed. The cervix is scrubbed and anesthetized. Between 15 and 25 Dilapan are placed in the cervical canal. The patient returns home or to a motel overnight.

Day 3—The operation

The patient returns to the operating room where the previous day's Dilapan are removed. The surgical assistant administers 10 DU Pitocin intramuscularly. The cervix is scrubbed, anesthesized and grasped with a tenaculum. The membranes are ruptured, if they are not already.

The surgical assistant places an ultrasound probe on the patient's abdomen and scans the fetus, locating the lower extremities. This scan provides the surgeon information about the orientation of the fetus and approximate location of the lower extremities. The tranducer is then held in position over the lower extremities.

The surgeon introduces a large grasping forcep, such as a Bierer or Hern, through the vaginal and cervical canals into the corpus of the uterus. Based upon his knowledge of fetal orientation, he moves the tip of the instrument carefully towards the fetal lower extremities. When the instrument appears on the sonogram screen, the surgeon is able to open and close its jaws to firmly and reliably grasp a lower extremity. The surgeon then applies firm traction to the instrument causing a version of the fetus (if necessary) and pulls the extremity into the vagina.

By observing the movement of the lower extremity and version of the fetus on the ultrasound screen, the surgeon is assured that his instrument has not inappropriately grasped a maternal structure.

With a lower extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities.

The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through (The fetus is oriented dorsum or spine up.)

At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). Next he slides the tip of the middle finger along the spine towards the skull while applying traction to the shoulders and lower extremities. (The middle finger lifts and pushes the anterior cervical lip out of the way.)

While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger.

Reassessing proper placement of the closed scissors tip and safe elevation of the cervix, the surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening.

The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient.

The surgeon finally removes the placenta with forceps and scrapes the uterine walls with a large Evans and a 14 mm suction curette. The procedure ends.

Recovery

Patients are observed a minimum of 2 hours following surgery. A pad check and vital signs are performed every 30 minutes. Patients with minimal bleeding after 30 minutes are encouraged to walk about the building or outside between checks.

Intravenous fluids, pitocin and antibiotics are available for the exceptional times they are needed.

ANESTHESIA

Lidocaine 1% with epinephrine administered intra-cervically is the standard anesthesia. Nitrous-oxide/oxygen analgesia is administered nasally as an adjunct. For the Dilapan insert and Dilapan change, 12cc's is used in 3 equidistant locations around the cervix. For the surgery, 24cc's is used at 6 equidistant spots.

Carbocaine 1% is substituted for lidocaine for patients who expressed lidocaine sensitivity.

MEDICATIONS

All patients not allergic to tetracycline analogues receive doxycycline 200 mgm by mouth daily for 3 days beginning Day 1.

Patients with any history of gonorrhea, chlamydia or pelvic inflammatory disease receive additional doxycycline, 100mgm by mouth twice daily for six additional days.

Patients allergic to tetracyclines are not given proplylactic antibiotics.

Ergotrate 0.2 mgm by mouth four times daily for three days is dispensed to each patient.

Pitocin 10 IU intramuscularly is administered upon removal of the Dilapan on Day 3.

Rhogam intramuscularly is provided to all Rh negative patients on Day 3.

Ibuprofen orally is provided liberally at a rate of 100 mgm per hour from Day 1 onward.

Patients with severe cramps with Dilapan dilation are provided Phenergan 25 mgm suppositories rectally every 4 hours as needed.

Rare patients require Synbalogos DC in order to sleep during Dilapan dilation.

Patients with a hemoglobin less than 10 g/dl prior to surgery receive packed red blood cell transfusions.

FOLLOW-UP

All patients are given a 24 hour physician's number to call in case of a problem or concern.

At least three attempts to contact each patient by phone one week after surgery are made by the office staff.

All patients are asked to return for checkup three weeks following their surgery.

THIRD TRIMESTER

The author is aware of one other surgeon who uses a conceptually similar technique.

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* Footnotes to appear at end of article.

He adds additional changes of Dilapan and/or lamineria in the 48 hour dilation period. Coupled with other refinements and a slower operating time, he performs these procedures up to 32 weeks or more.[10]

SUMMARY

In conclusion Dilation and Extraction is an alternative method for achieving late mestar abortions to 26 weeks. It can be used in the third trimester.

Among its advantages are that it is a quick, surgical outpatient method that can be performed on a scheduled basis under local anesthesia.

Among its disadvantages are that it requires a high degree of surgical skill and may not be appropriate for a few patients.

FOOTNOTES

[1] Cates, W. Jr., Schulz, K.F., Grimes D.A., et al: The Effects of Delay and Method of Choice of the Risk of Abortion Morbidity, Family Planning Perspectives, 9:266, 1977.

[2] Borell, U., Emberey, M.P., Bygdeman, M., et al: Midtrimester Abortion by Dilation and Evacuation (Letter) American Journal of Obstetrics and Gynecology, 131:232, 1978.

[3] Centers for Disease Control: Abortion Surveillance 1978, p. 30, November, 1980.

[4] Grimes, D.A. Cates, W. Jr., (Berger, G.S., et al, ed): Dilation and Evacuation, Second Trimester Abortion—Perspectives After a Decade of Experience, Boston, John Wright—PSG, 1981, p. 132.

[5] Ibid, p. 121-128.

[6] Ibid, p. 121.

[7] Kerenyi, T.D. (Bergen, G.S. et al, ed): Hypertonic Saline Instillation, Second Trimester Abortion—Perspectives After a Decade of Experience, Boston, John Wright—PSG, 1981, p. 79.

[8] Hanson, M.S. (Zatuchni, G.I. et al, ed): Midtrimester Abortion: Dilation and Extraction Preceded by Laminaria, Pregnancy Termination Procedures, Safety and New Developments, Hagerstown, Harper and Row, 1979, p. 192.

[9] Hern, W.M. Abortion Practice, Philadelphia, J.B. Lippincott, 1990, p. 127, 144–5.

[10] McMahon, J., personal communications, 1992.

Mr. FRIST. Mr. President, the American Medical Association has afforded to me a statement, because a number of people on both sides have mentioned the board of trustees report. The Senator from Louisiana just quoted it. Let me say that the trustee report that people have been referring to has not been approved, has not been approved by the American Medical Association.

It is OK for people to cite it, I would think, but it does not become AMA policy until it is approved by the house of delegates. And it has not yet been approved. It has not been sent to the house of delegates yet.

No. 2, it has been suggested that the AMA supports one side or the other. It was suggested earlier that the AMA is for the Daschle amendment. I quote the AMA in a press release released about 30 minutes ago. "The report,"—meaning the board of trustees report—"does not directly address any pending legislation regarding 'partial-birth abortion.' The AMA does not support any legislative proposals at this time." So I think we need to make that very clear.

So the substitution bill—amendment really—addresses a whole different issue, not the procedure that we are here to ban, this vicious procedure.

But let us look at the piece of legislation that the Democratic leader has introduced. This is a real problem, a real fundamental problem. I do say this as a physician, as somebody who spent 4 years in medical school, somebody who is board trained. I have my boards in general surgery. We are talking about surgical procedures. I spent about 14 years in trauma centers. When we talk about trauma, we talk about the heart and pulmonary hypertension and we talk about other related diseases.

So I want to comment, with that as my background. And I have delivered babies. I am not an obstetrician, but I do want people to know I know a little bit about the medical literature. I want to comment on my view as a U.S. Senator, but also as a physician.

Basically, this bill says that: It shall be unlawful for a physician knowingly to perform an abortion after the fetus has become viable unless the physician certifies that the continuation of the pregnancy would threaten the mother's life—I think most people agree with everything so far—or risk grievous injury to her physical health. That is the problem. "Grievous injury" is not a medical term. It is not even accepted as a medical term. It is not in the medical dictionary. It is a term that was crafted, I think, by the Democratic leader to try to allay people's feelings.

It defines "grievous injury" as "a severely debilitating disease." Well, again that sounds pretty good, but I can tell you what is a severely debilitating disease to one physician is not going to be the same to another. To me, in heart disease, a severely debilitating disease is when a patient is going to die in 3 months.

To other physicians, a severely debilitating disease would be maybe some heart attack. To me, that is not severely debilitating. But another physician thinks a heart attack is severely debilitating. Why? Because I am a heart transplant surgeon. The people I see are all, without intervention, going to die shortly.

My point is that "severely debilitating disease" depends on who the person is, who the physician is, what his or her experiences are.

Depression. Is that a severely debilitating disease?

Remember, 39 cases—Dr. McMahon in California has been cited earlier. There were 39 cases in which he did the procedure called or referred to as a partial-birth abortion. In 39 cases he did it for depression—he did it for depression. Is that a severely debilitating disease or is that a physical disease?

I can tell you today that if somebody is depressed, it is going to affect them physically. It might affect their heart rate. It is going to affect their attitude. They may not have any appetite. You cannot separate mental health from physical health, especially in a bill or statute like this. I cannot do it as a physician. I will guarantee you, other physicians cannot.

So to throw physical health in there to attempt to narrow this down does not work. It just does not work. We know that physical health influences mental health and mental health influences physical health. We do know that abortions are performed today for depression, for emotional reasons. And this bill has a huge loophole by this definition of "grievous injury" meaning "severely debilitating disease."

The only other definition of "grievous injury" in this amendment is "impairment specifically caused by the pregnancy."

I have done five heart transplants on cardiomyopathy, postcardiomyopathy people who I have transplanted. Those five women are alive. Their children are alive. Did their pregnancy cause the cardiomyopathy or the bad pumping heart that I had to replace? I do not know if it caused it or not, was associated with it. But it says for "grievous injury," "a severely debilitating disease or impairment specifically caused by the pregnancy." I have taken hearts out of people that I guess one could say was caused by the pregnancy. They had normal children. But I am a little hesitant to allow this loophole as well.

It comes down to supporting, I think, this whole big loophole. We know that in Doe versus Bolton in 1973, health is defined as "all factors: physical, emotional, psychological, mental, the women's age relevant to the well-being of the patient." And that is the problem. The health can be anything you want it to be. It can be emotional health, physical health, mental health. And it is really hard to separate out the two. In fact, I would say it is impossible as a physician to separate physical from mental health. It is impossible to do.

I am a trauma surgeon. I am a heart surgeon, lung surgeon. I have my boards in cardiothoracic surgery and general surgery. But I am not an obstetrician. So I simply called my expert friends around and asked them a very specific question. Point blank, is there ever a time when it is necessary to destroy a viable fetus? Remember, a viable fetus is one that, at the point in time when you took it out of the womb, would live, would grow up, have a job, have a family. Do you ever destroy that opportunity? Is it ever necessary for the health of the mother, physical or otherwise, ever necessary for emotional reasons or financial reasons or social reasons, which all can be called health, but necessary for her physical health? And the answer—the answer—is a resounding "No."

So, while I support the Democratic leader's attempt to narrow the definition, it cannot be done. It is not done in this amendment, and I would contend that it cannot be done.

So I asked Dr. Koop—in fact, I have a letter from Dr. Koop. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE G. EVERETT KOOP
INSTITUTE AT DARTMOUTH,
Hanover, NH, May 13, 1997.

Hon. WILLIAM FRIST, MD,
U.S. Senate
Washington, DC.

DEAR BILL: It is never necessary to destroy a viable fetus in order to preserve the health of the mother. Although I can't think of an example, if it were deemed beneficial for the mother to be without the fetus, it could be delivered by induction or C-section. Abortion is truly more traumatic than either and exposes the mother to future problems with an incompetent cervix, miscarriage, and infertility.

Sincerely yours,
C. EVERETT KOOP, MD, SCD.

Mr. FRIST. This letter from Dr. Koop is dated May 13, 1997. It is a letter to me. It says the following:

> DEAR BILL:
>
> It is never necessary to destroy a viable fetus in order to preserve the health of the mother. Although I can't think of an example, if it were deemed beneficial for the mother to be without the fetus, it could be delivered by induction or C section. Abortion is truly more traumatic than either and exposes the mother to future problems with an incompetent cervix, miscarriage, and infertility.
>
> Sincerely yours, C. Everett Koop.

The first sentence: "It is never necessary to destroy a viable fetus in order to preserve the health of the mother."

That is from Dr. Koop.

Steadman's Dictionary, the dictionary we use to define "viable fetus" denotes a fetus that is "sufficiently developed to live outside the uterus."

As a physician, I have tried to think of a circumstance where you can justify destroying that viable fetus. I cannot. Not only do we have alternatives, which we have—the delivery of a normal child.

So I asked a number of people, and my colleagues have said, no, they cannot think of a circumstance. So it seems to me to be pretty simple. When you have a viable fetus, once it is removed from the womb or leaves the womb, do you kill it? Do you allow it to progress to delivery? Or do you allow the pregnancy to continue throughout the entire 9 months? Remember, it is a viable child.

So, Mr. President, I think we see, as we step back, that we have an underlying bill that is brutal, vicious, that we need to ban—and that is the partial-birth abortion. The attempt today has been made to put that bill aside, put in a bill which basically cannot define the health of the mother, that leaves a huge loophole that I contend might even increase the number of abortions, because once you put in writing what this loophole is, everybody is going to say that the health of the mother is debilitating, is grievous. And once that is certified by a physician, all of a sudden you do the procedure. You can even do a partial-birth abortion, this vicious procedure, if you meet that certification criteria laid out in the bill.

Mr. President, I feel strongly—feel strongly—that we must defeat the Daschle proposal, that it does not address the underlying issue. I urge all of my colleagues to support and continue to support the ban on the partial-birth abortion.

Mr. DASCHLE. I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise today as a cosponsor of the Daschle amendment that is before us. I want to take a minute to thank and applaud the Democratic leader for the amount of work that he has put into this very difficult and divisive issue, to try to find common ground that not only Members of the Senate can agree on but people across this country can find common sense in.

The majority of Americans do support Roe versus Wade and want to protect a woman's right to choose previability. The Daschle amendment does that. The vast majority of Americans want to ensure that if there is a healthy baby in a healthy woman, that that baby is born in this country, and the Daschle amendment does that.

The vast majority of Americans also want to ensure that, if a woman's life is at risk, she is not forced to keep a pregnancy and lose her life herself or have a grievous injury as a result of that. The Daschle bill protects a woman's health.

I know we have heard a lot of arguments about this. We have listened to this debate all day long. For my colleagues, I want us to remember this is not about choice or termination of unwanted pregnancy. This debate right now is about women's health.

The Santorum bill that is pending before the Senate today does not and will not end late-term, postviability abortions. As the Democratic leader has pointed out, there are other alternatives out there. What this bill does do is subject women to more dangerous procedures that could render them infertile. What the Santorum bill will do is forever eliminate the ability of a physician to take whatever steps are necessary to protect the health of his or her patient. If the Santorum legislation is enacted over the objections of the President, doctors who try to provide the best care possible for their patients will be arrested. I can tell my colleagues that I have more faith in a physician to make these decisions than I do in the U.S. Senate.

This debate is about the health of a woman. This is about women across this country and their ability to make sure that their health is protected. That is what the Daschle amendment does.

I listened to my colleagues time and again on this floor, come to the floor to say they are protecting women's health. We have had many debates about women's health, with many champions of women's health on this floor. I hope those Senators who so quickly rush to this floor to be those champions will be here to vote for the Daschle amendment.

I ask all of my colleagues to think of your wife or your daughter or your sister. If they are faced with a threatening, serious and grievous illness like cancer, would you not want their doctor to have every option available to save their life? We should remember this is about protecting the women.

I urge my colleagues to seriously think about the grievous consequences of the decision that this body is making today. I urge them to support the thoughtful, commonsense solution that Senator DASCHLE and others have put forward and to reject the Santorum bill.

I thank the Senator from South Dakota and yield my time back to him.

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

Mr. President, I withdraw that request.

Mr. GRAMM. Go ahead, I might be enlightened.

Mr. DODD. Hope springs eternal.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank my colleague from Texas, and my Democratic leader, Senator DASCHLE, for yielding some time.

Mr. President, I have some brief remarks, and I begin by commending the Democratic leader, Senator DASCHLE, for offering what I think is a very thoughtful and reasonable substitute proposal before the Senate. I want to associate my remarks with those of my colleague from Connecticut, Senator LIEBERMAN, who spoke a few moments ago about the difficult decision that Congresses over the last quarter of a century have grappled with since the adoption of Roe versus Wade by the Supreme Court of the United States. It is never an easy issue.

Mr. President, let me also state at the outset that I have deep respect for those who have differing views on this issue. By and large, people in this body have held out a great deal of respect for those with opposing views on this issue. It is not easy. There are those who take the position except where the life of the mother is involved, abortion ought to be banned. I respect that view. I disagree with it. There are those who take the view that abortion ought to be allowed under any circumstance during pregnancy. I respect that view. I disagree with it.

What Senator DASCHLE has offered here today, I think, is a reasonable approach to dealing with the issue of postviability abortion. It does so by addressing concerns that have been raised over the years, putting aside the particular procedure which is the subject, of course, of the proposal being offered by our colleague from Pennsylvania. That is, it tries to limit and define the circumstances under which a fetus would be aborted in the postviability period.

I say with all due respect, obviously with the exception of one of our colleagues, none of us are physicians. We are Senators. We are public figures. I have a great deal of hesitancy, Mr. President, to engage in debate and discussion on the floor of the U.S. Senate and to try to take on responsibilities where we lack expertise.

What the proposal of our colleague from Pennsylvania suggests is that we ban a particular procedure. I respect that but I do not feel in any way adequately prepared to be engaged in deciding whether or not certain medical procedures are adequate or inadequate. I note that the College of Obstetricians and Gynecologists, on behalf of some 38,000 physicians, has endorsed the Daschle proposal. I do not suggest that everyone has. I suspect there are those who disagree within the medical profession about abortion, just as physicians disagree about other medical issues, and just as there are those who are not physicians who have disagreements.

But I believe that Senator SNOWE and Senator DASCHLE, as I said, have offered a carefully crafted measure that will actually reduce the number of abortions performed in this country in the postviability period. I share the hope expressed by my colleague from Connecticut, Senator LIEBERMAN, a few moments ago. It appears there will not be enough votes to support the Daschle amendment. I hope that is not the case, but it may be such. I also hope that we will come to the point where this reasonable proposal becomes the position of the majority, if not unanimously, of Members of this body. There are those who have disagreed on this issue and will continue to do so, but if we can find common ground on this particular proposal where we would deal with the issue in a broader context than the issue of approaching this situation procedure by procedure by procedure by procedure, sitting here as a body trying to determine whether each and every one of those procedures is medically sound or proper or right.

The procedure of abortion itself, no matter how it is performed, can be described, of course, in the most brutal terms, and all of us understand that. It does not mean, necessarily, that you are going to ban all the procedures at any time except, of course, if you subscribe to the notion that abortion ought to be banned from conception.

So this proposal here, I think, does offer people of different views on this issue a chance to come together to do something in a positive and constructive way and deal with this issue in a much more generic way than the effort to do so on a procedure-by-procedure basis—an effort, by the way, that would not stop a single abortion.

Mr. President, regarding the issue of the health of the mother, when a woman and her fetus are both healthy and the fetus is able to survive outside the womb, we should not and do not permit abortion. Roe versus Wade and subsequent decisions do not permit abortion in these circumstances. The Senator from South Dakota's legislation does not permit abortion—by any method—in these circumstances. But, we also recognize that a woman's life and physical health, when either is seriously threatened, should be protected.

Tragically, that is sometimes the case when a woman is in the later stages of pregnancy. Thankfully, such instances are rare. But they do occur. And when they do, abortion is sometimes the only way to save the woman's life or preserve her health from grievous, lasting, physical damage. I cannot turn my back on women who, along with their husbands, desperately want the children with whom their are pregnant and then tragically find themselves with their physical health at grievous risk. Such cases should be excepted under a ban on post-viability abortions, and that is what the Daschle proposal does.

Some argue, Mr. President, that there are never health circumstances that would require partial-birth abortion. Others say that post-viability abortions are never necessary. Viable babies, they argue, can just be delivered. Mr. President, in those cases where the mother faces a serious health risk and a viable baby can still be delivered alive, it is. But sadly, that is not always the case. As the American College of Obstetricians and Gynecologists has explained, after viability, "terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother."

The Senator from South Dakota, along with the Senator from Maine, worked very, very hard to craft language here that would ban post-viability abortions except to deal with life endangerment or grievous, serious, physical conditions. That is an effort reached through serious consultation. I think all of our colleagues here, as the Senator from Tennessee indicated earlier, have deep appreciation for the time and effort that the Democratic leader has put into this effort. This was not legislation or wording crafted by staff here trying to come up with some words that would make all of us feel comfortable. Rather, the Senator from South Dakota went about the business of asking people all across this country who are knowledgeable to define language which they could support and could relate to. The fact that the College of Obstetricians and Gynecologists supports this language, I think, is a good indication that they feel comfortable that this would do what the Senator wants to do. They do not necessarily agree with what he wants to do, but they believe they can function as medical professionals and define clearly what must be done.

The fact there is a certification process here is important. The suggestion that this certification is somehow going to allow for widespread violation of the ban is, I think, mistaken. As the Senator from Connecticut, Senator LIEBERMAN, my colleague, pointed out, a certification process which would place in jeopardy the medical license of a physician has to be taken very, very seriously. I cannot believe that the overwhelming majority of doctors in this country, when considering whether or not circumstances existed which would warrant having a postviability abortion, would not want to know very, very carefully whether or not those circumstances were being met as dictated by the substitute of the Senator from South Dakota. I don't think any doctor would violate this ban when doing so would mean loss of his or her very livelihood.

I believe this is a real solution. I believe it would make a difference. I believe it would give this body an opportunity to really speak in a far broader and meaningful way on this issue that I think the Nation would applaud. There will be some who obviously disagree with this because they think it does not go far enough, others who think this goes way too far. But from my point of view, Mr. President, I think this strikes the reasonable balance and reflects where most people are on this issue. None feel terribly comfortable with this. I know of very few who enjoy any sense of comfort in discussing, or considering even, this issue.

So, today, we are given an opportunity to do something meaningful on this, not on a procedure-by-procedure basis, but to deal fundamentally with the issue of what and how a woman, her doctor and her family can act under the most serious and troublesome circumstances. I applaud the Senator from South Dakota for this effort. I support this effort. I hope my colleagues will do so, as well.

Mr. HATCH. Mr. President, I rise today to speak in support of H.R. 1122, the Partial Birth Abortion Ban Act of 1997.

I understand that many people on both sides of this issue have very strongly held beliefs. I respect those whose views differ from my own. And I condemn, as I know every other Member of this body does, the use of violence or any other illegal method to express any point of view on this issue.

Unfortunately, Mr. President, it ought to be noted the expression of points of view on the issue of partial-birth abortion has been marked by half-truths and the knowing or reckless deception of the American people.

Let us be very clear about what is at issue in this legislation. Despite the rhetoric of the bill's more extreme opponents, it is not about the right of a woman who so chooses to have an abortion. H.R. 1122 does not address whether all abortions after a certain week of pregnancy should be banned, nor whether late-term abortions should be permitted only in certain circumstances. The Partial-Birth Abortion Ban Act of 1997 bans one, and only one, specific abortion procedure.

During a joint hearing of the Senate Judiciary Committee and the House Judiciary Subcommittee on the Constitution on partial birth abortions, held March 11, 1997, Dr. Curtis Cook, a board-certified obstetrician/gynecologist and a subspecialist in maternal-fetal medicine, also known as high risk obstetrics, described the partial-birth abortion procedure as follows:

> An instrument is then inserted into the uterus to grasp the leg of her living baby and drag it down into the cervix and into the vagina. The baby is then delivered up to the level of the after-coming head, before grasping the baby's chest and stabilizing the skull. The base of the skull is then punctured with a sharp instrument, and a suction instrument is then [placed into the hole] after it has been enlarged. The brain contents are then sucked out, thereby killing the fetus and collapsing the skull, allowing the infant to thereby deliver.

Only this inhumane procedure, which our colleague from New York, Senator MOYNIHAN, has described as "close to infanticide," would be prohibited under this legislation.

The record in support of this legislation is long. At the March 1997 Senate-House joint hearing, we heard from 10 witnesses, including representatives of the major organizations on both sides of this issue and a medical doctor who specializes in maternal-fetal medicine. In November 1995, the Judiciary Committee held a comprehensive, 6½-hour hearing on the subject of partial-birth abortions. The committee heard from a total of 12 witnesses presenting a variety of perspectives on this issue, including a registered nurse who had worked as a temporary nurse for 3 days in the clinic of a doctor who performs this procedure and who testified as to her personal experience in observing the procedure, from four ob-gyn doctors, from an anesthesiologist, from an ethicist, from three women who had personal experience either with having or declining to have a late-term abortion, and from two law professors who discussed constitutional and legal issues raised by this legislation.

I find it difficult to comprehend how any reasonable person could examine the mountain of evidence and continue to defend the partial-birth abortion procedure. The indefensibility of this procedure is so evident, even to those who oppose this legislation, that, to date, few have tried to defend partial-birth abortions. Instead, abortion advocates embarked on what became a pattern of dissemblance and deception intended to make this procedure appear less barbaric and thus more palatable to the American people.

Even worse, opponents of the bill not only misrepresented the partial-birth abortion procedure—which is bad enough—but also spread potentially life-threatening misinformation concerning the effects of anesthesia on the fetus of a pregnant woman that could prove catastrophic to women's health. By falsely claiming that anesthesia kills the fetus, opponents spread misinformation that could deter pregnant women who might desperately need surgery from undergoing surgery for fear that anesthesia could kill or brain-damage their unborn child.

In a June 23, 1995 submission to the House Judiciary Constitution Subcommittee, the late Dr. James McMahon, one of two doctors who had, at the time, admitted performing partial-birth abortions, wrote that anesthesia given to the mother during the procedure caused fetal demise. In a so-called fact sheet circulated to Members of the House, Dr. Mary Campbell, medical director of Planned Parenthood who testified at the Judiciary Committee hearing, wrote: "The fetus dies of an overdose of anesthesia given to the mother intravenously . . . [The anesthesia] induces brain death in a fetus in a matter of minutes. Fetal demise therefore occurs at the beginning of the procedure while the fetus is still in the womb." This claim was picked up and reported by the media, as in a November 5, 1995 editorial in USA Today which stated, "The fetus dies from an overdose of anesthesia given to its mother."

When Senator ABRAHAM referred to that statement during the medical panel at the 1995 Judiciary Committee hearing, the president of the American Society of Anesthesiologists, Dr. Norig Ellison, flatly responded, "There is absolutely no basis in scientific fact for that statement." The American Society of Anesthesiologists had sought the opportunity to set the record straight and, although they did not take a position on the partial-birth abortion ban, to their credit they came forward out of concern for this harmful misinformation.

The March 1997 Senate-House hearing, appropriately entitled "Partial Birth Abortion: The Truth," documented how the leaders of major pro-abortion groups repeated, over and over again, their false mantra that partial-birth abortions were extremely rare and performed only in exceptional circumstances. These charts contain a sampling of such statements. On this first chart, we have statements from the National Abortion and Reproductive Rights Action League, including one by Kate Michaelman, dated December 8, 1995, in which she stated "These are rare procedures, performed under only the most compelling circumstances of life endangerment. . . ." The next chart contains similar statements from Planned Parenthood of America, typified by a November 1, 1995 Planned Parenthood press release which states "The procedure . . . is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality." As recently as February 25, 1997, the National Abortion Federation was spreading the false message, via its Internet web page, that "[T]his particular procedure is used only in about 500 cases per year, generally after 20 weeks of pregnancy, and most often where there is a severe fetal anomaly or maternal health problems detected late in pregnancy."

For a time, the pro-abortion lobby's campaign of misinformation, aided by a media which, as was demonstrated at the March 1997 hearing, all too often passively accepted false or inaccurate information from pro-abortion sources and reported it, unexamined, as news, succeeded in misleading the American people and their elected representatives about the horrible reality of partial-birth abortion. How many times during the Senate debate on this issue in the last Congress did we hear that such procedures were extremely rare and performed only to save the life of the mother in cases of severe fetal abnormalities?

One of the greatest strengths of our free society is that the truth usually manages to emerge into the light. And so it is with partial-birth abortions.

The recent admissions by Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, as reported in the American Medical Association's weekly newspaper, American Medical News, dated March 3, 1997, have finally broken through the abortion extremists' smokescreen of deception and confirmed what many already knew to be true, that Fitzsimmons, like others, had "lied through my teeth" when he said the partial-birth abortion procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged. As he himself admits, "I just went out there and spouted the party line."

The terrible truth is that this grisly procedure is, according to Fitzsimmons, used as many as three or four thousand times a year, with the vast majority of such abortions performed in the 20-plus week range on healthy fetuses and healthy mothers. As Fitzsimmons put it: "You know they're primarily done on healthy women and healthy fetuses and it makes you feel like a dirty little abortionist with a dirty little secret."

The truth is that partial-birth abortions are being performed on an elective basis, where the abortion is being performed for non-health related reasons on healthy fetuses and healthy mothers, and even though there are equally safe alternative abortion procedures available.

As Congress has considered this issue, and, in particular, as more and more members of the medical community have spoken out with respect to partial-birth abortion, it has become abundantly clear that there is no medical necessity or justification for the use of this inhumane procedure to protect either the life or the health of the mother. Indeed, partial-birth abortion can be harmful to a woman's health.

The absence of any medical justification for partial-birth abortion is now well-documented in the legislative records of the 104th and 105th Congresses. Several of my colleagues will discuss this particular issue in greater detail. Let me just quote former Surgeon General C. Everett Koop, who said in an interview in the American Medical News, that "in no way can I twist my mind to see that the late-term abortion described—you know, partial birth and then destruction of the unborn child before the head is born—is a medical necessity for the mother. It certainly can't be a necessity for the baby. So I am opposed to . . . partial-birth abortions."

In addition, a group of over 400 obstetrician-gynecologists and maternal fetal specialists have unequivocally stated that "partial-birth abortion is never medically necessary to protect a mother's health or future fertility." In fact, the opposite is true: The procedure "can pose a significant threat to both her immediate health and future fertility."

Let me address one important aspect of the debate over the Partial-Birth Abortion Ban Act; the argument raised by opponents of this bill that it would violate the right of women to obtain abortions and is therefore unconstitutional under Roe versus Wade.

The constitutional arguments raised in opposition to the Partial-Birth Abortion Ban Act reflect a fundamental misunderstanding of constitutional principles and of the Supreme Court's abortion jurisprudence. This is not only my view, but the view of numerous respected constitutional scholars at our Nation's finest law schools, including Douglas Kmiec of the Notre Dame Law School, Michael McConnell of the University of Utah College of Law, and of other authorities on constitutional law, such as William Barr, former Attorney General of the United States. Congress can constitutionally, and should morally, prohibit the particular, inhumane abortion procedure addressed by this legislation.

Banning partial-birth abortions does not violate the Supreme Court's holding in Roe versus Wade, or any of the Court's other abortion decisions. I differ strongly with the Court's ruling in Roe, and believe the jurisprudence willed by the Court was fundamentally flawed. Nevertheless, I recognize that Roe is the law, and that we should endeavor to craft legislation that is consistent with its progeny.

While the Court in Roe did hold that the word "person," as used in the 14th amendment, does not include the "unborn," it has never addressed the constitutional status of those who are in the process of "being born," and there is no controlling legal authority on this precise issue. Indeed, the Supreme Court specifically noted in its decision that the plaintiffs in Roe did not challenge the constitutionality of the Texas statute which prohibited killing of a child during the birth process.

The child involved in a partial-birth abortion is unquestionably one in the process of being born. The statutory definition of partial-birth abortion contained in H.R. 1122 is clear and precise: "the term partial-birth abortion means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery."

Because of the timing in the birth process at which this particular type of abortion is performed, when the fetus is literally just inches away from birth, these fetuses may actually qualify as persons under the Constitution as interpreted by the Court in Roe and its progeny, entitled to all of the protections of law that all other American citizens enjoy. The Supreme Court's decision in Roe makes clear that the Court did not even consider—let alone decide—whether partial-birth abortion could be prohibited. Congress is, therefore, free to address and decide this issue on its merits, and to pass a statute protecting such partially born children.

Even if one believes that a partially born child is not a person under the 14th amendment, Supreme Court jurisprudence on abortion, principally articulated in Planned Parenthood of Southeastern Pennsylvania versus Casey, fully permits Congress to ban partial-birth abortions.

While the Supreme Court in Roe versus Wade established a right for a woman to choose to have an abortion, the Court explicitly rejected the argument that the right to an abortion is absolute, and that a woman is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses.

In Planned Parenthood versus Casey, the Court established a bifurcated approach to determine whether an abortion statute is constitutional, drawing a line at fetal viability. In reviewing a statute regulating abortion, a court must first determine whether the statute imposes an undue burden on the mother's right to choose to have an abortion. If the statute does not impose an undue burden on the mother, the court must then determine whether the statute reasonably relates to a legitimate governmental purpose. Once the fetus is viable, the Government can prohibit abortion.

Under Casey, pre-viability regulation of abortion is constitutional so long as it does not constitute an undue burden on the abortion liberty. The essence of the undue burden test is whether the law, on its face, places a substantial obstacle on the woman's liberty interest that effectively deprives her of the right to make the ultimate decision of whether or not to have an abortion. Writing for the Court, Justice O'Connor wrote:

> A finding of an undue burden is a shorthand for the conclusion that a state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus. . . . What is at stake is the woman's right to make the ultimate decision, not a right to be insulated from all others in doing so. . . ."

A prohibition on partial-birth abortions would not unduly burden a woman's right to have an abortion even in pre-viability cases. Just as the right to have an abortion first recognized in Roe versus Wade did not guarantee a right to "abortion on demand," so, too, the undue burden test adopted in Casey does not guarantee an absolute, unrestricted right to have an abortion at the request of a woman under any and all circumstances.

H.R. 1122's ban on partial-birth abortions clearly passes muster under the Casey undue burden standard. The record before Congress establishes that there are several safe, standard abortion techniques for providing abortions other than the partial-birth procedure. Congress's fact finding is entitled to considerable respect and deference from the courts. H.R. 1122 does not prevent a woman from having an abortion, nor does it force a woman to undergo an unacceptably dangerous or painful medical procedure. H.R. 1122 merely bars a physician from performing an abortion in one particular manner. It has neither the purpose nor effect of prohibiting or restricting abortions other than those performed by the partial-birth procedure, and leaves in place alternative methods of abortion. It thus would not constitute an undue burden on a woman's right to choose to have an abortion.

Since banning partial-birth abortions does not place an undue burden on a mother's right to choose to have an abortion, H.R. 1122 will be upheld as constitutional if it is reasonably related to a legitimate government interest. The Supreme Court has recognized many legitimate—and even compelling—interests that may justify abortion statutes such as this.

In Roe itself, the Court acknowledged the government's legitimate interest in safeguarding health, maintaining medical standards and in protecting potential life. The Court has also recognized as legitimate interests: protecting immature minors, promoting general health, promoting family integrity, and encouraging childbirth over abortion.

In addition, this act serves the legitimate government interest of protecting human life, that of the child who is otherwise killed after being partially delivered from his mother's womb. Partial-birth abortion would be criminal infanticide but for a mere three inches. Banning this procedure would protect children from being killed during the delivery process.

The act also serves the interests of protecting the dignity of human life and preventing cruel and inhumane treatment. The partial-birth procedure is a particularly heinous method of abortion, one that inflicts excruciating pain on the child. No one would question a statute prohibiting the treatment of animals in such a manner. In fact, we have laws and regulations preventing harsh and painful treatment of laboratory animals in government research projects. Surely the government has a legitimate interest in extending at least the same level of protection to living children in their last seconds before birth.

Mr. President, when Ron Fitzsimmons finally came forward to confirm the truth about the terrible procedure called partial-birth abortion, there was one more thing he said which bears remembering. He reminded us that women who enter abortion clinics do so to kill their unborn children. He said that abortion is "a form of killing . . . You're ending a life."

And that, Mr. President, is the ultimate truth which should be remembered by each Senator, and by each American, during this debate. We are deciding whether this nation will continue to permit partially born children, children just three inches away from life, thousands of children each and every year, mainly healthy children from healthy mothers, to be killed in a particularly painful, dangerous, inhumane and medically unjustified and unnecessary manner.

We now know the truth about partial-birth abortions. The question is whether we will have the courage to do what I believe each member of the Senate knows, in his or her heart, to be the right, the moral, thing. With respect to this one terrible and unnecessary procedure, let us finally say, as a nation, enough. Here, on the edge of infanticide, is the line that we will not cross. I urge my colleagues to vote to pass H.R. 1122.

Mrs. BOXER. Mr. President, The Daschle amendment narrows the definition of health to such a degree that in practice it would lead to physical and mental harm to women in emergency situations.

I believe the amendment is inconsistent with Supreme Court decisions on this issue.

At this time, I ask unanimous consent that excerpts from a letter by Prof. Laurence Tribe, of Harvard University Law School, be printed in the RECORD. These excerpts outline in some detail my concerns.

The Feinstein-Boxer-Braun alternative essentially codifies Roe versus Wade and offers a clear alternative to H.R. 1122, which would cause grave harm to women.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> The upshot is that the Daschle language would criminalize at least three categories of post-viability abortions that, under *Roe* and *Casey*, may not be prohibited.
>
> First, abortions that are regarded by the woman and her physician as necessary to avoid medically diagnosable injury to mental health, including suicidal depression that might result from having to carry to term a fetus so severely deformed (as in a case of anencephaly, for instance) that it would be born only to die hours later after a brief and painful life;
>
> Second, abortions that are required because, in the judgment of the woman and her physician, continuing the pregnancy would seriously and permanently threaten the woman's physical and/or mental health but not by bringing about what the physician could certify is a "severely debilitating disease or impairment specifically caused by the pregnancy;"
>
> Third, and to some degree encompassed within the second point above, abortions that are medically required because continuing the pregnancy would preclude the provision of necessary treatment for a condition that, although not life-threatening, would indeed amount to a "severely debilitating impairment"—such as, for instance, permanent inability to bear children in the future, or permanent impairment of some important bodily capacity or function such as e.g., vision—but not an impairment that is "specially caused by the pregnancy."

Mr. REED. Mr. President, I rise in support of the Feinstein and Daschle amendments and in opposition to H.R. 1122.

The decision to proceed with a potentially lethal pregnancy or one that would endanger the future health of the mother should rest with a woman and her doctor. As a general principle, the Government's role in such a difficult decision should be secondary to that of the woman who must inevitably come to terms with her own personal moral, religious, and philosophical beliefs.

H.R. 1122 supersedes the medical judgment of trained physicians and criminalizes medical procedures that may be necessary to preserve the life and health of the woman. Indeed, it seeks to restrictively and coercively dictate what constitutes appropriate medical practice.

Furthermore, H.R. 1122 does not provide an exception for the health of the mother, thus rejecting the constitutional standard governing postviability abortions set forth in the Supreme Court's decision in Roe versus Wade. Let us make no mistake, Roe versus Wade does not allow a healthy mother of a healthy fetus to have a postviability abortion.

During this emotionally charged debate, it is important to keep in mind those unfortunate women who have faced unpredictable, tragic, and life-threatening pregnancies. For instance, two women who endured such grave circumstances shared their stories recently before a joint House-Senate Judiciary Committee hearing. They testified to the heart-wrenching circumstances surrounding their decision—a decision that would have been illegal under this legislation. We have heard these and other equally compelling stories shared by many of my colleagues during this debate today.

The amendments offered by Senator FEINSTEIN and Senator DASCHLE, however, both take into consideration the woman's life and health. The Feinstein amendment bans all postviability abortions, except those necessary to preserve the life of the woman or to avert serious adverse health consequences. The Daschle amendment also bans all postviability abortion, but makes an exception for those necessary to save the mother's life or to protect her from grievous injury to her physical health. I will support these amendments because their sponsors seek to preserve the core principles of Roe versus Wade.

Of these two amendments, the Feinstein approach is preferable to meet the tragic and trying circumstances of women facing this agonizing decision. I am concerned that the Daschle amendment may not ensure appropriate medical options for all the possible health-related difficulties faced by some women. If it is the true intention of H.R. 1122's proponents to address late term abortions, I would urge my colleagues to support the Feinstein and Daschle amendments which accords with the Supreme Court's decisions in this area and have been endorsed by the President.

Mr. President, the debate on the issue of abortion involves profound questions. Questions of a moral, personal, and religious nature. I do not personally favor abortion. However, my duty as a Senator is to uphold the Constitution and ensure that the power of the State is not used to compel citizens in a manner which contradicts an individual's protected religious and moral beliefs.

Mr. MURKOWSKI. Mr. President, in March, the House of Representatives—in a bipartisan manner—overwhelmingly voted 295–136 to end the horrible procedure known as partial birth abortion. That strong endorsement for the ban came in the wake of a confession by a prominent proponent of abortion who admitted that he lied through his teeth when he said that partial birth abortions were very rare and only performed in the most dire of circumstances.

On February 27, 1997, Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, an association of over 200 abortion providers, recanted his earlier statements that partial birth abortions were used only in extreme medical circumstances. Fitzsimmons admitted that: In actuality, 5,000 partial birth abortions are performed every year as an elective procedure on a healthy mother with a healthy fetus that is 20 weeks or more along.

Fitzsimmons justified his lie by saying that he just went out there and spouted the party line. The party line Fitzsimmons referred to, of course, is the party line agreed on among the Washington-based pro-abortion groups.

Unfortunately, President Clinton justified his veto of this ban by spouting the same party line lies—that this procedure is medically necessary in certain compelling cases to protect the mother.

Mr. President, here is the truth about partial birth abortions:

According to reputable medical testimony given before this Congress by partial birth abortion practitioners, partial birth abortions occur as many as 5,000 times a year. They are used predominantly for elective purposes and are seldom necessary to safeguard the mother's health or fertility.

Former Surgeon General C. Everett Koop confirmed that President Clinton was misled by his medical advisors and stated that "In no way can I twist my mind to see that the late-term abortion as described as partial birth is a medical necessity for the mother."

Other physicians agree: In a September 19, 1996, Wall Street Journal editorial, three obstetricians declared that "contrary to what abortion activists would have us believe, partial birth abortion is never medically indicated to protect a woman's health or her fertility."

Here's another truth: Partial birth abortions are violent. The procedure is one in which four-fifths of the child is delivered before the abhorrent process of killing the child begins. Sadly, throughout this procedure, the majority of babies are alive and may actually feel pain during this ordeal. Ms. Brenda Schaffer, a nurse who observed the procedure, made this moving statement before a congressional committee:

> The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall.
>
> The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp.

Mr. President, it's not easy to discuss this topic, but unfortunately, those are the stark and brutal realities of a partial birth abortion. My good friend and colleague Senator MOYNIHAN declared that the practice of partial birth abortions is "just too close to infanticide."

Mr. President, the vote today is not an issue of pro-life or pro-choice—it's an issue of putting an end to an inhumane procedure. This infant is within inches from being declared a legal person in every State of the Union. The time has come for this body to legally protect that person.

During the last Congress, a ban on partial birth abortion failed because of misinformation. This year, may the truth prevail. As we in Congress and the President finally hear the truth about this procedure—that it cannot be defended medically nor morally.

I ask my colleagues to look into their consciences to make the right decision: To ban this painful, unnecessary, and morally offensive procedure of terminating the life of a viable child.

Mrs. FEINSTEIN. Mr. President, consistent with my remarks made both on the 14th and today, it will be my intention to vote against the Daschle substitute amendment to H.R. 1122.

I made the argument that I believe both H.R. 1122 as well as the Daschle substitute are unconstitutional.

With respect to the Daschle amendment, my reading of it indicates that, even if a severely, horribly deformed fetus were capable of only 1 hour of life outside the womb, a woman would be forced to carry that pregnancy to full term and deliver that child, without consideration of what may be severely debilitating consequences to her health.

For me that is not enlightened public policy, and I cannot support it.

Additionally, I ask unanimous consent to have printed in the RECORD a letter to me from Laurence Tribe, professor of constitutional law at Harvard University, which more definitively spells out the constitutional vulnerability of the Daschle amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, May 15, 1997.
Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I've been surprised to learn that some people are evidently confused about whether the health exception contained in Senator Daschle's proposed legislation complies with the constitutional requirements set forth in Roe and Casey. You've asked me to put in writing my explanation of why the Daschle exception is constitutionally insufficient, and I'm glad to do so.

Both Roe and Casey unambiguously hold that a state may not prohibit any post-viability abortion that is "necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." The Daschle language would forbid abortion of a viable fetus unless the physician certifies that continuing the pregnancy "would threaten the mother's life or risk grievous injury to her physical health," and goes on to explain that even this narrowed health exception—which impermissibly excludes medically diagnosable risks, however severe, to the woman's mental health and which requires the physician to certify that the physical injury to the woman would be "grievous"—is inapplicable unless the "severely debilitating disease or impairment" that the physician believes requires termination of pregnancy is "specifically caused by the pregnancy." Thus, although a pregnancy may be terminated without violating Daschle if its continuation would cause what the proposed statute calls "an inability to provide necessary treatment for a life-threatening condition," a pregnancy may not be terminated without violating Daschle if its continuation would cause only an inability to provide necessary treatment for a severely debilitating but not life-threatening condition.

The upshot is that the Daschle language would criminalize at least three categories of post-viability abortions that, under Roe and Casey, may not be prohibited:

First, abortions that are regarded by the woman and her physician as necessary to avoid medically diagnosable injury to mental health, including suicidal depression that might result from having to carry to term a fetus so severely deformed (as in a case of anencephaly, for instance) that it would be born only to die hours later after a brief and painful life;

Second, abortions that are required because, in the judgment of the woman and her physician, continuing the pregnancy would seriously and permanently threaten the woman's physical and/or mental health but not by bringing about what the physician could certify is a "severely debilitating disease or impairment specifically caused by the pregnancy;"

Third, and to some degree encompassed within the second point above, abortions that are medically required because continuing the pregnancy would preclude the provision of necessary treatment for a condition that, although not life-threatening, would indeed amount to a "severely debilitating impairment"—such as, for instance, permanent inability to bear children in the future, or permanent impairment of some important bodily capacity or function such as, e.g., vision—but not an impairment that is "specifically caused by the pregnancy."

I should stress the arbitrariness of the exclusion, from the Daschle language, of impairments in the latter category. If a woman is pregnant with a viable fetus in circumstances where the pregnancy itself, unless terminated, would cause a severe impairment (say, to kidney function), the Daschle bill would permit her to obtain an abortion. If the same woman is pregnant with the same viable fetus where the pregnancy itself causes no impairment but where the continuation of that pregnancy would make impossible the use of certain drugs or procedures (because those drugs or procedures would cause severe deformity in the fetus, for instance, as is often the case with chemotherapy or radiation therapy) without which the woman would suffer an even more severe impairment (say, to kidney and liver function and future reproductive capacity), the Daschle bill would make it a crime for her doctor to perform the same abortion. This arbitrary distinction would in all likelihood violate the Due Process Clause of the Fifth Amendment even apart from Roe and Casey, bit in any event it seems undeniable that it would violate the principles laid down in those decisions, which quite pointedly focus on whether the abortion is necessary to preserve "the life or health of the mother," not on the (quite irrelevant) issue of whether the pregnancy itself endangers her life or health.

The Daschle bill recognizes that the key question is the necessity of the abortion and not what the pregnancy itself might cause when it comes to what it calls "life-threatening" conditions, making clear that a pregnancy may be terminated if it causes an "inability to provide necessary treatment" for such conditions. The glaring omission of any parallel provision for terminating a pregnancy that causes an inability to provide necessary treatment for severely debilitating even if not life-threatening conditions, or an inability to provide procedures that would prevent the development of such conditions, cannot be squared with the requirements of Roe and Casey.

For these reasons, I cannot understand how anyone could doubt the inconsistency of the Daschle language with the requirements of the Constitution as construed in Roe and Casey. I can readily understand the political temptation of some to sign onto a measure that seems less drastic and dangerous from some perspectives than Santorum, and this letter is not intended to address the political pros and cons of various positions. I think it would be a tragedy, however, for Senators, or the White House, to proceed on the basis of demonstrably indefensible readings of the Daschle language or of Roe v. Wade or both.

Sincerely yours,

LAURENCE H. TRIBE.

Mr. BYRD. Mr. President, I commend the Minority Leader for his good efforts to bring about a thoughtful compromise on this difficult issue. He and his staff have worked long and hard to develop the language we have before us in the form of this amendment. The Daschle alternative would ban all post-viability abortions while presenting an exception for the life of the mother and a meaningful, narrowly tailored exception for serious health risk to the mother. The amendment also contains penalties for a first violation of the law in the form of a fine of up to $100,000 or the loss of the physician's license.

While I am generally opposed to abortion, I also believe that there should be the ability to protect the mother. This issue is a very difficult and a very emotional one. I have grappled with it long and hard. While some may argue that this amendment is a paper tiger, I disagree. This amendment, unlike the underlying bill, would address all late-term abortion procedures, not just the partial-birth abortion procedure.

Again, I appreciate the efforts of the Minority Leader, and I will cast my vote in support of his amendment.

Mr. BIDEN. Mr. President, I supported and still support the partial-birth abortion bill. I voted for it in 1995 and voted to override the President's veto last year. The bill was a step in the direction of ending late-term abortions. But, it was not a perfect solution. It did not, as I would have liked, ban all post-viability abortions.

There is no dispute that under the Supreme Court's Roe versus Wade decision, the government can ban post-viability abortions. But, I was and still am concerned that in banning only partial-birth abortions, we do not go far enough. In fact, there is a legitimate concern that in banning partial-birth abortions, not a single abortion would be prevented. The result would be merely to shift the type of procedure used in performing an abortion.

Today, Mr. President, we have a better solution—a solution that goes beyond the ban on a single procedure by actually banning all late-term abortions. The Daschle proposal would make all post-viability abortions—regardless of the method used—illegal, except in very limited circumstances consistent with Roe versus Wade. As an article in The Washington Times put it—and the Times is one of the most conservative newspapers in America—"Mr. DASCHLE's plan would go further in restricting abortion than the . . . partial-birth plan."

If the goal is to reduce the number of abortions in America and to eliminate late-term abortions consistent with Roe versus Wade—and that has been my goal from day one—then the Daschle proposal is the answer because the Daschle proposal bans all post-viability abortions. The only exception is when an abortion is necessary to save the woman's life or in the small number of cases where continuation of the pregnancy would, to quote the amendment, "risk grievous injury to her physical health."

Now, I wish to address for just a minute the health exception. Critics often claim that a health exception is a gigantic loophole—a loophole so big, some have said, that it would allow a teenage girl to get a late-term abortion just because she could not fit into her prom dress. That is an outrageously untrue claim to begin with, regardless of the language of the health exception. But, the rhetoric aside, the health exception under the Daschle proposal is extremely narrow. It must be a severely debilitating disease caused by the pregnancy or it must be a case where a woman cannot undergo necessary treatment for a life-threatening condition as long as she is pregnant. This is not mental health. This is not a minor ailment. This is grievous physical injury.

There are some, Mr. President, who simply do not believe that there should ever be a health exception no matter how narrow. I disagree. There needs to be a narrow health exception. Take, for example, a woman who, during pregnancy, is diagnosed with breast cancer. Her life is not directly endangered by the pregnancy, but her long-term prospects for survival are. Early detection and treatment of breast cancer can increase survival rates by 30 percent. But, a pregnant woman cannot undergo chemotherapy treatment unless her pregnancy is terminated because the chemotherapy can result in permanent damage, even mutation, of the fetus. And, a continued pregnancy will weaken her body's immune system, making it harder for her to fight the cancer. That decision should be between the woman and God, not the government.

Cases such as these are tragic situations—rare and tragic. But, it would be even more tragic to say that ipso facto a woman cannot have an abortion unless her life is threatened by giving birth. That is why the Supreme Court has required a health exception and why the Daschle proposal includes a very narrow health exception.

Mr. President, I admit I am faced with a dilemma here. I can vote to ban one particular abortion procedure that I find repugnant—but in the process, allow late-term abortions to continue. Or, I can vote to eliminate more abortions, by banning all late-term abortions—but in the process allow the so-called partial-birth abortion procedure to continue under limited circumstances. I wish we were not faced with the choice of one or the other. I would like to do both. But, I must cast my vote now for the proposal that I believe will result in fewer abortions. In my view, that is the Daschle proposal. But, let me also be clear. If the Daschle proposal fails, I will again vote for the bill to ban partial-birth abortions.

Mr. SPECTER. Mr. President, I am voting against the amendments offered by Senator FEINSTEIN and Senator DASCHLE because I believe those amendments are so broad as to negate the purpose of the bill.

In my judgment, as detailed below, once the child is partially out of the mother's womb, it is no longer abortion. It is infanticide.

As a legal matter, infanticide would be justified only by analogy to self-defense to save another life—the life of the mother. That legal conclusion is based on the judgment that infanticide is not warranted for the lesser values of averting "serious adverse health consequences to the woman"—Senator FEINSTEIN'S amendment—or avoiding "grievious injury to her physical health"—Senator DASCHLE'S amendment.

I adhere to the fuller statement of my views set forth in my floor statement of September 26, 1996:

> This is among the most difficult of the 6,003 votes I have cast in the Senate because it involves a decision of life and death on the line between when a woman may choose abortion and what constitutes infanticide.
>
> In my legal judgment, the issue is not over a woman's right to chose within the constitutional context of Roe versus Wade or Planned Parenthood versus Casey. If it were,

Congress could not legislate. Congress is neither competent to micromanage doctors' decisions nor constitutionally permitted to legislate where the life or health of the mother is involved in an abortion.

In my legal judgment, the medical act or acts of commission or omission in interfering with, or not facilitating the completion of a live birth after a child is partially out of the mother's womb constitute infanticide. The line of the law is drawn, in my legal judgment, when the child is partially out of the womb of the mother. It is no longer abortion; it is infanticide.

This vote does not affect my basic views on the pro-choice/pro-life issue. While I am personally opposed to abortion, I do not believe it can be controlled by the Government. It is a matter for women and families with guidance from ministers, priests, and rabbis.

If partial-birth abortions are banned, women will retain the right to choose during most of pregnancy and doctors will retain the right to act to save the life of the mother.

Mr. SANTORUM. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I want to first say how proud I am of two of our colleagues here, Senator SANTORUM and Senator DEWINE. I have delayed coming over to speak until the end because, quite frankly, I think they have done a better job of defending the position that I hold than I could possibly do. I think their arguments over the last few days have been a great testament to the seriousness with which we take our business. I was thinking, since I was chairman of the National Republican Senatorial Committee when they were both elected, that if I found myself at the Pearly Gates and St. Peter added up my good deeds and found me coming up short, I would say as my final argument, SANTORUM and DEWINE, I had a little something to do with their being elected. I am convinced that would be instrumental in getting me through the gates.

We have had a lot of things said here, and I want to get back to the basic point, which I think often gets lost. This is not a debate about a woman's right to choose. This is not a debate about the rights of the unborn. We are debating, today, a gruesome procedure that no civilized society would condone.

We are back here again today because every day since we had the first debate more facts have come out, often contradicting the very arguments that were used against this bill when we debated it last year on the floor of the Senate. As people learn more about this procedure, they become stronger in their conviction that it should be stopped. We are here today because many members who voted against this bill last year have constituents back home who, as they have gotten to know more about this procedure, feel that a mistake was made. We are here today because even the people who opposed the bill before are deeply troubled by this procedure that we are trying to ban.

Now, I am not a physician. I first got involved in this debate when back in 1995, I came over to give one of my dull lectures on economics. While waiting to speak, Senator SMITH was standing here talking about this procedure. I knew little about its gruesomeness prior to that time. A Senator rose to object. That Senator was offended by what Senator SMITH was trying to demonstrate. It suddenly struck me, if we are offended by somebody simply talking about this procedure, for God's sake, we ought to be offended that it is happening to thousands of children in America. I cosponsored Senator SMITH's bill. That marked the beginning of my involvement.

The bottom line here is that we are trying to ban a gruesome procedure which is inhumane, uncivilized, and clearly unnecessary.

I am not sure about all that the Daschle amendment purports to do. Many people see it doing many different things. But I am sure that the one thing it does not do is ban partial-birth abortion. Should we as members of the greatest of all civilized societies continue to condone such a procedure? An unborn living child is completely delivered, except for the child's head, and that child is literally 3 inches from the full constitutional protections afforded every person in this country. Only at that point is that child's life terminated.

I think the American people who have come to understand this procedure want it stopped. If you want it stopped, you can't stop it with the Daschle amendment. You have to stop it by banning partial-birth abortion.

So I urge my colleagues to vote no on the Daschle amendment and to vote for this bill.

Mr. DASCHLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Democratic leader has 8 minutes remaining. The other side has 7 minutes remaining.

Mr. DASCHLE. Mr. President, I yield 5 minutes to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President. I thank the distinguished minority leader for yielding.

Mr. President, for 25 years the question of abortion has been among the most divisive in our Nation. It divides our families and poisons our political debate.

We come to this floor today still holding, I know, fundamentally different views on this question. I believe strongly that the issue of bringing a pregnancy to term remains with a woman in consultation with her conscience and her doctor. I know others have fundamentally different views.

But there is a real chance at long last, at least for this moment, for one narrow part of this issue, to find some common ground. Because, on this day, there is a chance to address at least the issue of postviability, late-term abortions. And the question largely rests with those who have dedicated these years in opposition to abortion rights generally.

The Senator from South Dakota [Mr. DASCHLE] has offered an alternative—that it is constitutional because it deals only with postviability pregnancies. It, and it alone, can pass the constitutional test of Roe versus Wade. It alone does not have an undue burden or a substantial obstacle, as outlined in Casey versus Planned Parenthood. And it alone will get the signature of the President of the United States.

Yet, there are those who passionately want to prohibit this procedure but will not be voting with us on this occasion. It raises the question of whether they avoid this chance to end late-term abortions because they seek to preserve a political issue more than to end the procedure which many Americans find offensive.

Mr. President, I will be voting with Senator DASCHLE because, while I strongly believe—as our Supreme Court has affirmed—that there is an inherent right to privacy, that every woman has a constitutional right to reach her own judgment about whether to bring to term or terminate a pregnancy before viability, there is a legitimate public policy question affirmed by the courts on whether or not this procedure or any other should be allowed to continue postviability.

Senator DASCHLE, in the alternative that he brings to the Senate today, prohibits not only the late-term abortion procedure described in detail by those supporting Mr. SANTORUM's legislation, but he also prohibits other alternatives dealing with postviable fetuses. And he alone does so.

It again begs the question whether or not this Senate is intending to actually prohibit late-term abortions, or whether, cynically and regrettably, this is genuinely an effort to maintain a political issue, because, if Senator DASCHLE fails, our opponents may, in fact, outlaw this single procedure, but at least three other procedures also dealing with postviable fetuses would be allowed to continue, and many women whose lives would be better protected, their health better assured, would be forced to use other procedures that are more dangerous.

Mr. President, I urge the adoption of Senator DASCHLE's alternative. It is constitutional. It protects a woman's choice. It is a better balance. It is the only chance for common ground. Let us resume the fight tomorrow and today to end this late-term abortion struggle.

Mr. SANTORUM. Mr. President, I yield 6 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, why do we argue with the Daschle amendment that sounds, on its face, reasonable? Why do we argue to say that it is a gutting amendment? Let me give my colleagues, very quickly, four reasons.

When you look at the language of the Daschle amendment, you find that it creates a subjective standard. The underlying bill has an objective standard.

The amendment says "would threaten the mother's life," or "risk grievous injury to her physical health." "Risk" is the key word.

We have quoted Dr. Hern in Colorado who said, "I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health"—"could cause." We cited this. But, frankly, I don't believe anyone, if you look just at the language, would disagree with what the doctor said. The reality is that any pregnancy has a risk. We are dealing with subjective language.

Second, it is doctor self-certified. The operative language, the key language, is certification. No way you can look beyond and behind that certification. Once the certification is made, that is it.

Third, the issue of viability: Before you even get to the question of certification, you have the issue of viability. All the doctor has to say is "not viable." Who is going to look behind that?

Senator NICKLES has pointed out very well in citing the Supreme Court case that says when we are dealing with the issue of viability it is left up to the discretion of the physician. We look to the physician. My friends on the other side of the aisle can say, "Well, who else would you look at?" That is fine. But the reality is, you can't then tell me it is an objective standard. It is a subjective standard. It is self-certification, self-decided by the person who is performing the abortion.

Finally, the fourth reason: The courts have historically given a very liberal interpretation to the whole issue of health as it pertains to a bill having to do with abortions.

Four reasons, Mr. President, and Members of the Senate, why this very good-sounding amendment is a gutting amendment which really destroys the underlying bill.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Democratic leader has 2 minutes and 43 seconds. The Republican side has 4 minutes and 15 seconds.

Mr. DASCHLE. Mr. President, does the Senator from Pennsylvania wish to consume any of the remaining time prior to the time of vote?

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, several comments have been made about what the minority leader's legislation attempts to do, postviability abortions, and that ours doesn't do that. That is correct. That was never the intention of the bill. What our bill does is stop the infanticide.

We have had a change in the debate here. We have had a debate about the late-term abortion. But what we have been debating—maybe the other side didn't realize it—here is stopping the killing of children, "infanticide." That is not my word. The Senator from New York, Senator MOYNIHAN, says this looks like infanticide. This baby is outside of the mother, a fully formed little baby.

That is what this debate is about. We have gotten off track here a little bit and tried to talk about late-term abortions and trying to define it.

I think you heard the Senator from Tennessee define how this doesn't do anything. But that is one. The Senator from South Dakota said you have the same procedures, as far as doctors determining life of the mother in partial-birth abortions.

The difference is there is no certification procedure in the partial-birth abortion—none. By giving a certification procedure in your bill, you raise that as a standard that is dispositive. We do not do that in this bill. We leave that up to a judge and a jury.

In the case of the Daschle bill, as I said before, the executioner is the judge and the jury. In our bill, that is not the case.

So there is a substantive difference in how we deal with this.

I yield the remainder of my time to the Senator from Tennessee.

I hope that we have opposition to the Daschle amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. How much time remains?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. FRIST. Thank you, Mr. President.

In closing, I simply also urge opposition to the Daschle amendment and support for the underlying bill to ban partial-birth abortion.

The Daschle amendment, although well-intended and with a good, strong effort to narrow the definition of health of the mother, simply does not accomplish what it intends. The bill tries to close the loophole. It is a loophole in the sense that there are many people, unfortunately, who exploit the definition of health of a mother to their benefit, to perform abortions very late, second trimester, third trimester. Unfortunately, there are people like that. We have heard about them. We have described their cases. Some of them exploit the loophole of health of the mother to use the partial-birth-abortion procedure.

I have argued that the Daschle amendment does not outlaw, does not ban, the partial-birth abortion. And if the criteria are met in his bill, people will still be performing the partial-birth procedure.

Second, the bill, although it tries to narrow the definition, fails. Why? Because you can't separate physical health from mental health, from emotional health. That is why you can't define health of the mother so narrowly.

Mr. President, I have had the opportunity to deliver babies as a physician, as a resident in training. It is a miraculous process. It is a beautiful process to see and help deliver that child, to come into the real world. Many of us as fathers have participated in that process.

Remember, we are talking about banning a procedure that at one point in time in this miraculous, this beautiful process is said to be OK, but 1 second later, 3 inches later, we call it murder.

It is a procedure that is brutal, inhumane, and deeply offensive to our sensibilities as human beings. It must and should be banned.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, we agree. We want to ban the procedure. But we also respect the Constitution. We recognize how critical it is that if we are indeed desirous of passing legislation that will remain constitutional, we have to live within the bounds of the Constitution.

I respect greatly the distinguished Senator from Tennessee, and admire him immensely. He is a distinguished physician as well as a distinguished Senator.

But the American College of Obstetricians and Gynecologists disagrees with his position.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the American College of Obstetricians and Gynecologists (ACOG) statement of policy, a letter of endorsement from ACOG, a report from the American Medical Associations Board of Trustees concerning late term abortion techniques, and examples of serious maternal health conditions as noted in obstetrics manuals.

I would like to note that the recommendations of the American Medical Association regarding the use of late term abortion techniques are wholly consistent with the goals and intent of my amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACOG STATEMENT OF POLICY

(As issued by the ACOG Executive Board)

STATEMENT ON INTACT DILATATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as "Intact Dilatation and Extraction" (Intact D & X). This procedure has been described as containing all of the following four elements: (1) Deliberate dilatation of the cervix, usually over a sequence of days; (2) instrumental conversion of the fetus to a footling breech; (3) breech extraction of the body excepting the head; and (4) partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6 percent. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised and dangerous.

Approved by the Executive Board, January 12, 1997.

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, May 13, 1997.

Hon. THOMAS A. DASCHLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the American College of Obstetricians and Gynecologists (ACOG), an organization representing 38,000 physicians dedicated to improving women's health, I am endorsing the legislative language of your substitute amendment to H.R. 1122. Although it does not take a position on the findings enumerated in your proposal, ACOG believes that by banning abortions on viable fetuses except when continuing the pregnancy threatens a woman's life or risks serious injury to her health, your substitute legislative language provides a meaningful ban while assuring women's health is protected.

ACOG believes this amendment is preferable to H.R. 1122 for the following reasons:

It provides a meaningful ban, while allowing an exception when it is necessary for a woman's health. This preserves the ability of physicians to make judgments about individual patents, an issue of critical importance to physicians.

The amendment does not dictate to physicians which abortion procedures can or cannot be performed.

In conclusion, ACOG supports your amendment and urges the Senate to adopt this language as an alternative to H.R. 1122.

Sincerely,

RALPH W. HALE, MD,
Executive Director.

FROM THE REPORT OF THE BOARD OF TRUSTEES OF THE AMERICAN MEDICAL ASSOCIATION, APRIL 1997

(Report is subject to review by the AMA House of Delegates in June, 1997)

RECOMMENDATIONS

The Board of Trustees recommends the adoption of the following statements of policy and that the remainder of this report be filed:

(1) The American Medical Association reaffirms current policy regarding abortion, specifically policies 5.990, 5.993, and 5.995.

In summary: The early termination of pregnancy is a medical matter between the patient and physician subject to the physician's clinical judgment, the patient's informed consent, and the availability of appropriate facilities; abortion is a medical procedure and should be performed by a physician in conformance with standards of good medical practice; support of or opposition to abortion is a matter for members of the AMA to decide individually, based on personal values or beliefs. The AMA will take no action which may be construed as an attempt to alter or influence the personal views of individual physicians regarding abortion procedures; and neither physician, hospital, nor hospital personnel shall be required to perform any act violative of personally held moral principles.

(2) The term "partial birth abortion" is not a medical term. The American Medical Association will use the term "intact dilatation and extraction" (or intact D&X) to refer to a specific procedure comprised of the following elements: Deliberate dilatation of the cervix, usually over a sequence of days; instrumental or manual conversion of the fetus to a footling breech; breech extraction of the body excepting the head; and partial evacuation of the intracranial contents of the fetus to effect vaginal delivery of a dead but otherwise intact fetus. This procedure is distinct from dilatation and evacuation (D&E) procedures more commonly used to induce abortion after the first trimester. Because partial birth abortion is not a medical term it will not be used by the AMA.

(3) According to the scientific literature, there does not appear to be any identical situation in which intact D&X is the only appropriate procedure to induce abortion, and ethical concerns have been raised about intact D&X. The AMA recommends that the procedure not be used unless alternative procedures pose materially greater risk to the woman. The physician must, however, retain the discretion to make that judgment, acting within standards of good medical practice and in the best interest of the patient.

(4) The viability of the fetus and the time when viability is achieved may vary with each pregnancy. In the second-trimester when viability may be in question, it is the physician who should determine the viability of a specific fetus, using the latest available diagnostic technology.

(5) In recognition of the constitutional principles regarding the right to an abortion articulated by the Supreme Court in Roe versus Wade, and in keeping with the science and values of medicine, the AMA recommends that abortions not be performed in the third trimester except in cases of serious fetal anomalies incompatible with life. Although third-trimester abortions can be performed to preserve the life or health of the mother, they are, in fact, generally not necessary for those purposes. Except in extraordinary circumstances, maternal health factors which demand termination of the pregnancy can be accommodated without sacrifice of the fetus, and the near certainty of the independent viability of the fetus argues for ending the pregnancy by appropriate delivery.

(6) The AMA will work with the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics to develop clinical guidelines for induced abortion after the 22nd week of gestation. The guidelines will address indications and contra-indications for such procedures, identify techniques which conform to standards of good medical practice and, whenever possible, should be evidence-based and patient-focused.

(7) The American Medical Association urges the Centers for Disease Control and Prevention as well as state health department officials to develop expanded, ongoing data surveillance systems of induced abortion. This would include but not be limited to: a more detailed breakdown of the prevalence of abortion by gestational age as well as the type of procedure used to induce abortion at each gestational age, and maternal and fetal indications for the procedure. Abortion-related maternal morbidity and mortality statistics should include reports on the type and severity of both short- and long-term complications, type of procedure, gestational age, maternal age, and type of facility. Data collection procedures should ensure the anonymity of the physician, the facility, and the patient.

(8) The AMA will work with appropriate medical specialty societies, government agencies, private foundations, and other interested groups to educate the public regarding pregnancy prevention strategies, with special attention to at-risk populations, which would minimize or preclude the need for abortions. The demand for abortions, with the exception of those indicated by serious fetal anomalies or conditions which threaten the life or health of the pregnant woman, represent failures in the social environment and education. Such measures should help women who elect to terminate a pregnancy through induced abortion to receive those services at the earliest possible stage of gestation.

This should not be considered an exhaustive list of serious maternal health conditions. These are merely examples of conditions listed in obstetrical textbooks as possible medical indications for pregnancy termination.

DISEASE OR IMPAIRMENT CAUSED BY PREGNANCY

Preeclampsia with accompanying renal, kidney, or liver failure, onset of severe hypertension during pregnancy: "Preeclampsia often occurs early and with increased severity. Deterioration of maternal renal function or uncontrolled hypertension is an indication for pregnancy termination."[1] Preeclampsia occurs in 5–10% of pregnancies and is severe in less than 1%. Eclampsia (complication characterized by seizures) occurs in approximately 0.1% of pregnancies.

Peripartal cardiomyopathy, heart failure in late pregnancy: "Characterized by its occurrence in women with no previous history of heart disease and in whom no specific [origin] of heart failure can be found, peripartal cardiomyopathy is a distinct, well-described syndrome of cardiac failure in late pregnancy."[1]

Pregnancy-aggravated hypertension, acceleration of existing hypertension: "Maternal indications include organ failure such as renal failure, seizures associated with the development of eclampsia [progression from hypertension/preeclampsia characterized by seizures and can result in cerebral hemorrhage], and uncontrollable hypertension."[2] Complications develop in 10–40% of patients with chronic hypertension.

Primary pulmonary hypertension, complication of existing hypertension (abnormally high blood pressure): "The natural course of the disease terminates either by sudden death or by the development of intractable congestive heart failure resistant to therapy. Maternal mortality with primary pulmonary hypertension approaches 50%."[1]

LIFE-THREATENING CONDITIONS REQUIRING IMMEDIATE TREATMENT

Bone marrow failure, severe form of anemia: "The role of pregnancy termination [in bone marrow failure treatment] is unclear. Therapeutic abortion is inconsistently associated with remission. It may be necessary, however, in order to treat the patient with anabolic steroids."[1] Additionally, "bone marrow transplant has become the treatment of choice. Termination of the pregnancy would be necessary if a suitable donor could not be found."[1] It should be noted that bone marrow transplant is also a treatment for other conditions such as leukemia.

Cardiac arrest, heart failure: Most incidents of cardiac arrest are secondary to other acute events, such as anesthetic complications, trauma, or shock. According to several obstetrics manuals, pregnancy termination—whether by delivery or abortion—is often recommended.[1 2] CPR can generally be expected to generate only 30 percent of normal cardiac output, and during pregnancy the uterus obstructs this cardiac output even further.

CANCER

Cancer complicates approximately 1 out of every 1,000 pregnancies. Issues that must be addressed in pregnancies affected by cancer include the effect of pregnancy on the malignancy, the need for pregnancy termination, and the timing of therapy. Radiation and chemotherapy may be contraindicated during pregnancy due to documented risks of fetal mutation. Additionally, pregnancy inhibits a woman's ability to fight off cancer because the immune system is often depressed, and her nutritional intake is divided between herself and the fetus.

Lymphoma, cancer of lymphatic system: "High-grade Non-Hodgkin's lymphoma is a rapidly progressive disease with a median survival of six months. Since cure rates approach 50%, it is imperative therapy not be delayed.[2] In this situation, delay of therapy could mean the loss of an opportunity to cure the mother. Because both radiation and chemotherapy present mutation risks for the fetus, termination of the pregnancy is suggested in order to begin treatment for lymphoma.

Breast cancer, especially breast cancer diagnosed during pregnancy: "Factors in pregnancy that could adversely affect this malignancy include . . . increased estrogen and prolactin stimulation [both factors that exacerbate breast cancer], and depression of the immune system"[1] The frequency of breast cancer in pregnancy is second only to cancer of the cervix, occurring in 1 out of every 3,000 pregnancies. In addition, adequate nutrition is a serious problem.

FOOTNOTES

[1] Manual of Obstetrics: Diagnosis and Therapy, ed. Kenneth Niswander and Arthur Evans, University of California, Davis, School of Medicine.

[2] Clinical Manual of Obstetrics, ed. David Shaver and Frank Ling (University of Tennessee College of Medicine), Sharon Phelan (University of Alabama Department of Obstetrics and Gynecology), and Charles Beckmann (University of Wisconsin Department of Obstetrics and Gynecology)

Mr. DASCHLE. Mr. President, second, let me just say that the distinguished Senator from Pennsylvania said that only his bill allows a judge and jury to decide. I beg to differ. We have virtually the same standard with regard to the determination of illegality. They don't "self-certify" any more than we "self-certify," and vice versa.

It ultimately comes down to whether or not someone believes a physician has broken the law. And we have very specific guidelines by which a person, a doctor, can be prosecuted if indeed he or she has violated the law.

The third question is simply this. If indeed we want to stop abortion, then we really have a choice. We can stop one procedure, which is what H.R. 1122 does. It only stops one procedure. It allows all the other alternatives to continue. Or we can stop them all.

There is only one bill pending—one piece of legislation pending—that allows the complete elimination of all methods of abortion.

Finally, Mr. President, let me just say, as much as one might like to get around the parameters required by the Supreme Court and the Constitution, that when it comes to health, there can be no doubt. A woman's health, as well as her life, needs to be protected.

That is exactly what this legislation does. It outlaws every one of the procedures. It doesn't allow doctors just to shift to another procedures as the colleagues on the other side who support this particular procedure will continue to allow.

It does not allow that, but it does say we are going to stay within the Constitution in prohibiting all these procedures but saving a mother's life and health. We can do no less. We need to support this legislation. I hope on a bipartisan basis we will do that now.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—36

Akaka
Baucus
Biden
Bingaman
Bryan
Bumpers
Byrd
Cleland
Collins
Daschle
Dodd
Durbin
Feingold
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Robb
Rockefeller
Sarbanes
Snowe
Torricelli
Wellstone
Wyden

NAYS—64

Abraham
Allard
Ashcroft
Bennett
Bond
Boxer
Breaux
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 289) was rejected.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, just to confirm, again, this is the last vote for tonight. The next recorded vote will not occur before 5 o'clock on Monday. However, we are now working with the leadership on both sides of the Capitol and the Budget Committees, with the idea of having the Budget Committees markup the budget resolution, and we hope to get to the budget resolution early next week. We will continue to work to get the budget resolution out of the committee either tomorrow or

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[1] Footnotes at end of article.

Monday, and we will bring it to the floor as soon as we can get it completed and get an agreement as to how that will proceed, knowing what the rules require, but, also, wanting to work in good faith in a bipartisan way, which we think we are going to be able to do.

For the information of all Senators, as I said, there will be no further votes this evening. The Senate will next consider S. 476, relative to the Boys and Girls Clubs of America, for debate only, and a rollcall has not been requested on passage. There will not be a rollcall on that passage. We are going to take that up tomorrow, and we will be able to pass it without rollcall vote.

The Senate will be in session tomorrow for morning business to accommodate Senators' requests, although there will be no votes tomorrow.

Again, I think we have reached a final agreement on the package that will go to the Budget Committee.

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

THE RIM ROCK RUN

Mr. ALLARD. Mr. President, the Mesa Monument Striders have held a road race inside the beautiful landscape of Colorado National Monument since 1993. Over the past 4 years, participation in the race has soared. This year, 250 Rim Rock Run participants will be shut out of the park in an effort by the National Park Service to snuff out a Colorado legacy.

Yesterday, Deputy Regional Director, Robert Reynolds, upheld the ruling of the park's superintendent to prohibit the race—all in the name of traffic congestion. But this is a 2 hour race held on an early Sunday morning in November. This is a slap in the face to the State of Colorado and the spirit of recreation which national parks were established for. I have watched the culmination of this dispute evolve from an irrational rejection of a race permit to a national dispute over the unjustified actions of a bureaucracy that refuses to listen to the voice of the people.

The people of western Colorado have bent over backwards to reach a compromise with the park's superintendent. Countless meetings have been held offering rescheduled times and dates or proposals to scale down the size of the race. The sheriff's department has committed their entire force to the security and coordination of the run. The local paper has arranged for a shuttle service to alleviate traffic inconveniences. It is clear to me that no amount of effort to compromise will sway the park service's decision to forbid the race.

Well, I will not stand for this decision. I am requesting to meet with the acting director of the Park Service to demand a justification for this ludicrous ruling. Next month, this same Park Service is sponsoring the closure of a 13 mile stretch of George Washington Parkway for a road race right here in our Nation's Capital. This might inconvenience a few thousand drivers, but I don't see any Park Service officials challenging the legitimacy of this popular race. If this is the precedent we want to set for holding an event in a national park, then let's just call off the hundreds of events already planned this year in all national parks.

This controversy is only the latest example of public land managers consistently trying to restrict public access to lands which were set aside for the public to use and enjoy. It is not an isolated case. I am convinced that this fight in Colorado is only symptomatic of a much larger problem.

This is not finished. I will continue to fight this outrageous ruling until someone listens. Closing a national monument road for a few hours to accommodate a simple 23-mile road race should not provoke this kind of controversy. Yet, the Park Service seems determined to continue the controversy by ignoring the runners, the local paper and the community. When will our National Park Service understand that they need to work with the people and not ignore them, especially when we have a community that is willing to do its fair share?

I yield back the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

PROVIDING FOR THE ESTABLISHMENT OF BOYS AND GIRLS CLUBS OF AMERICA FACILITIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 44, S. 476, regarding the Boys and Girls Clubs of America.

I further ask unanimous consent that there be 20 minutes under the control of Senator HATCH, 10 minutes under the control of Senator BIDEN, and 10 minutes under control of Senator LEAHY, and no amendments be in order to the bill; and, finally, following the expiration or yielding back of the time, the bill be read a third time with no other intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 476) to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

The Senate proceeded to consider the bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to urge my colleagues to support S. 476, legislation to further the commitment of the Republican Congress to support the expansion of the Boys and Girls Clubs of America, one of the best examples of proven youth crime prevention.

This is not a partisan initiative, however. I am pleased to have the company of a bipartisan group of Senators, including Senator BIDEN, the ranking Democrat on the Youth Violence Subcommittee, Senator STEVENS, the chairman of the Senate Appropriations Committee, Senator GREGG, the chairman of the Commerce, Justice, State Appropriations Subcommittee, Senator KOHL, who serves on the Judiciary Committee, and, of course, Senator THURMOND, who has served as a distinguished chairman of the Judiciary Committee.

Mr. President, the volunteer spirit is alive and well in America. The Presidents' summit on voluntarism, held recently in Philadelphia, focused national attention on this aspect of the American people's generous spirit. Yet, the effects of the legislation we are debating today will be felt in neighborhoods across the country long after the spotlight is gone, and long after the speeches are forgotten.

Our legislation addresses our continuing initiative to ensure that, with Federal seed money, the Boys and Girls Clubs of America are able to expand to serve an additional 1 million young people through at least 2,500 clubs by the year 2000. The dedication of all of these members demonstrates our commitment to both authorize and fund this effort.

Last year, in a bipartisan effort, the Republican Congress enacted legislation I authored to authorize $100 million in Federal seed money over 5 years to establish and expand Boys and Girls Clubs in public housing and distressed areas throughout our country. With the help of the Appropriations Committee, we have fully funded this initiative.

The bill we are debating today streamlines the application process for these funds, and permits a small amount of the funds to be used to establish a role model speakers' program to encourage and motivate young people nationwide.

It is important to note that what we are providing is seed money for the construction and expansion of clubs to serve our young people. This is bricks and mortar money to open clubs. After they are opened, they will operate without any significant Federal funds. In my view, this is a model for the proper role of the Federal Government in crime prevention.

The days are over when we can afford huge, never-ending, federally run programs. According to a GAO report last year, over the past 30 years, Congress has created 131 separate Federal programs, administered by 16 different agencies, to serve delinquent and at-risk youth. These programs cost $4 billion in fiscal year 1995. Yet we have not made significant progress in keeping our young people away from crime and drugs.

What we can and must afford is short-term, solid support for proven private sector programs—like the Boys and Girls Clubs—that really do make a difference. Boys and Girls Clubs are among the most effective nationwide programs to assist youth to grow into honest, caring, involved, and law-abiding adults.

We know that Boys and Girls Clubs work. Researchers at Columbia University found that public housing developments in which there was an active Boys and Girls Club had a 25-percent reduction in the presence of crack cocaine, a 22-percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime. Members of Boys and Girls Clubs also do better in school, are less attracted to gangs, and feel better about themselves.

There are many distinguished alumni of Boys and Girls Clubs, including President Clinton and other role models such as actor Denzel Washington, basketball superstar Michael Jordan, and San Francisco 49ers quarterback Steve Young.

More important, however, are the uncelebrated success stories—the miracles performed by Boys and Girls Clubs every day. At a Judiciary Committee hearing on March 19, we heard from one of these miracles. Amador Guzman, from my State of Utah, told us how he believes the club in his neighborhood saved his life, by keeping him from gangs, drugs, and violence.

The reason Boys and Girls Clubs work—and the reason Congress wants to do more for them—is because they are locally run and depend primarily on community involvement for their success.

Never have our youth had a greater need for the positive influence of Boys and Girls Clubs, and never has the work of the Clubs been more critical. Our young people are being assaulted from all sides with destructive messages. For instance, drug use is on the rise. Recent statistics reconfirm that drugs are ensnaring young people as never before. Overall drug use by youth ages 12 to 17 rose 105 percent between 1992 and 1995, and 33 percent between 1994 and 1995. 10.9 percent of our young people now use drugs on a monthly basis, and monthly use of marijuana is up 37 percent, monthly use of LSD is up 54 percent, and monthly cocaine use by youth is up 166 percent between 1994 and 1995.

Our young people are also being assaulted by gangs. By some estimates, there are more than 3,875 youth gangs, with 200,000 members, in the Nation's 79 largest cities, and the numbers are going up. Even my State of Utah has not been immune from this scourge. In Salt Lake City, since 1992, the number of identified gangs has increased 55 percent, from 185 to 288. The number of gang members has increased 146 percent, from 1,438 to 3,545; and the number of gang-related crimes has increased a staggering 279 percent, from 1,741 in 1992 to 6,611 in 1996. Shockingly, 208 of these involved drive-by shootings.

Every day, our young people are being bombarded with cultural messages in music, movies, and television that undermine the development of core values of citizenship. Popular culture and the media glorify drug use, meaningless violence, and sex without commitment.

The importance of Boys and Girls Clubs in fighting drug abuse, gang recruitment, and moral poverty cannot be overstated. The Clubs across the country are a bulwark for our young people and deserve all the support we can give.

Indeed, Federal efforts are already paying off. Using over $15 million in seed money appropriated for fiscal year 1996, the Boys and Girls Clubs of America opened 208 new clubs in 1996. These clubs are providing positive places of hope, safety, learning and encouragement for about 180,000 more kids today than in 1995. In my State of Utah, these funds have helped keep an additional 6,573 kids away gangs, drugs, and crime.

The $20 million appropriated for fiscal year 1997 is expected to result in another 200 clubs and 200,000 more kids involved in clubs. We need now to redouble our efforts. The legislation we introduce today demonstrates our commitment to do that. It will not, and cannot, solve our juvenile crime problem. We will be bringing other legislation to the floor that will address, in a comprehensive manner, the urgent problems of juvenile crime. S. 476, is, however, an important first step in that endeavor, aimed at stopping youth crime before it starts.

Mr. President, let me just add, this is a terrific bill. It is a bipartisan initiative. I want to compliment my colleague from Delaware for the hard work he has done through the years on Boys and Girls Clubs, and he certainly deserves a lot of the credit for the bill. We have worked together, and we are going to continue to do so. I hope that the Congress will pass this in an expeditious fashion to continue to use one of the best ways of stopping crime and helping kids that our society has ever known.

Mr. BIDEN. Mr. President, let me thank my colleague for his reference. I think it should be made clear that without the chairman's strong and wholehearted support and initiation here, we would not be where we are. I want to, just in a very brief time, review the bidding here a little bit.

Let me remind everybody that this was in the crime bill, the original Biden-Hatch crime bill, and ended up having some other iterations before it was over. But we had provisions in there for prevention.

One of the things that happened was on both sides of the aisle, left, right, center, was we got into this great debate about whether prevention works and whether or not the prevention money in the crime bill was to support prisoners in pink tutus dancing in ballet style, and all that kind of stuff. We got into big fights about midnight basketball, and all that.

I am not suggesting we reengage those fights except to make this following point. The reason why in the original bill a while ago I specifically singled out Boys and Girls Clubs—I want to be up front about this—was real simple. It was the one place I knew that we could get consensus among Democrats and Republicans, liberals and conservatives, because this is prevention that works. And it was my view at the time that, if we singled out Boys and Girls Clubs—and we did, which is kind of unusual to do in a crime bill to single out a specific nonprofit to make sure they get money. That is a bit unusual. The reason to do it was, the statistics are overwhelming. Let me give you a few reasons why this works.

There was a study done by Columbia University that demonstrated—and I am going to be brief—that public housing sites where there are Boys Clubs and Girls Clubs, compared with public housing sites without these clubs, there was a drastic difference. Let me make it clear now, this study was done, no one disputes—they took public housing sites with the same demographic makeup, same cities, same populations, same racial composition, put a Boys and Girls Club in the basements of one, not in the other.

Here is what the study confirmed. Those public housing projects that had a Boys and Girls Club in the basement, or wherever they were in the building, had 13 percent fewer juvenile crimes, 22 percent less drug activity, and 25 percent less crack presence. This is in the crack epidemic. Still a big problem. We have other things to worry about, too. But the bottom line, Mr. President, is it works.

I know the Presiding Officer from Montana has done a lot of work with kids over the years. He has been involved in things that have to do with everything from 4-H to rodeos to Lord only knows what. I hear all these stories he tells me about Montana and about how these kids are involved. The truth of the matter is you get a kid involved, you have less chance that kid is going to get involved in something bad.

My mom has an expression that I am sure every one of our moms have said in different ways, the expression is: "Remember, JOEY, an idle mind is a devil's workshop." The bottom line is you give a kid nothing to do, he is likely to find trouble. Give a kid nothing to do in an area where there is nothing but trouble, he or she becomes part of the trouble. Give a child something to do, an alternative, an escape, a way out where there is nothing but trouble, give them a safe haven, and you increase the prospects that they are not going to be in trouble.

So that is why we proposed and passed through the Senate in 1996 $20 million in spending for the first year of a 5-year effort to create 1,000 new Boys and Girls Clubs. Ultimately we got $11 million in the final appropriations bill.

Senator HATCH and some of our colleagues, Senator LEAHY and others that are mentioned, worked together to provide the second year of funding in last year's appropriations bill.

If it were not for the fact that Senator HATCH in the majority party, the leader of the committee, jumped in at that point, I believe the appropriation would not have been anything. He used his influence and his weight, got this up on the radar screen and continued to save this program. So the second year of funding in last year's appropriations bill came through.

Senator HATCH also worked to pass legislation supporting this concept, the whole notion, last year. The bottom line is, we are working together so that we can have a total of 2,500 Boys and Girls Clubs by the year 2000. This bill does a very important thing. It simplifies—let me emphasize, it simplifies—the application procedure.

So, although it does not provide additional funding beyond that already authorized, the simplification is important, letting Boys and Girls Clubs go straight to the Justice Department. They do not have to go through their Governors, do not have to go through their State legislature, do not have to go through their city council. They go straight to the Justice Department and seek the funding.

This is the simple, straightforward approach that I have always supported in the Biden crime bill and why I am so pleased that my colleague, the chairman of the committee, has in fact been so supportive and led on this.

Last year's bill provided for consultation with the Department of Housing and Urban Development, an unnecessary requirement. I have nothing against HUD, but I believe we must get these important prevention dollars out to the Boys and Girls Clubs throughout the country as quickly and as efficiently as possible. And this bill well help do that.

Let me conclude by saying, if we are able to fund 2,500 Boys and Girls Clubs, it could not come at a more important moment in our history from a demographic standpoint. There are 39 million children, Mr. President, under the age of 10 in the United States of America today, the largest cadre of young people about to enter the crime-committing years that we have had since the baby boom of those of us born in the 1940's.

It is a big deal, Mr. President. If we through our police efforts, through our present efforts, hold the percentage of crime committed by young people to the same percentage it is now, without one one-hundredth of 1 percent increase in the amount of crime that is committed, as a percent of the population, we will in fact still have about an 8 percent increase in violent crime in America. You know why? That is how many more kids there are going to be. We better figure out now before this so-called baby boomlet—that's what the demographers are referring to—before this baby boomlet hits those crime-committing years.

I can think of nothing—nothing—that the police can do, nothing that we can do, that can solve the problem alone without providing safe havens and alternatives for these children. boys and Girls Clubs are a proven—a proven—safe haven. A proven safe haven.

So, Mr. President, I urge my colleagues to adopt this legislation. I hope this bill is a sign that we will continue to work together to deal with those prevention efforts that work. Another thing all our moms said to us, "An ounce of prevention is worth a pound of cure." "An ounce of prevention." This is 2,500 ounces of prevention that will prevent tens of thousands of pounds of crime. This is a big deal.

I thank my colleague for his support and allowing me to participate in this effort.

I yield the floor.

Mr. HATCH. I thank my colleague for his kind remarks.

I think he has summed it up very, very well. So I will not repeat what he has said. I agree with him. I have to say this is one of the best programs for youth that we could do. It is the right thing to do, and I urge all our colleagues to support it.

Mr. LEAHY. Like my colleagues, I too support the expansion of Boys and Girls Clubs. I would like to ask the author of this legislation, its principal sponsor and the chairman of the Judiciary Committee, whether I am correct that this bill should serve to expand the availability of Boys and Girls Clubs in rural areas?

Mr. HATCH. That is correct. The bill will change the law to permit Boys and Girls Clubs to be expanded where needed, and certainly a club in a rural area could be needed, and make a significant difference to the young people in that area.

Mr. LEAHY. Do we intend for the funds to be used to expand clubs in communities under 50,000 in population?

Mr. HATCH. Absolutely. The original language passed last year expressly included rural areas, but this amendment is intended to make our intent clearer that not only can rural areas as well as urban qualify as distressed areas, but also that clubs ought be expanded into rural areas and smaller communities where needed and, in particular, into rural areas such as those in my friend's State of Vermont, my State of Utah, and other States with few Boys and Girls Clubs. I agree with the Senator that our call for 1,000 new clubs by the year 2001 should include attention to expanding opportunities for young people in our rural areas and smaller communities.

Mr. LEAHY. So the author of the bill intends for there to be increased expansion into rural activities by the Boys and Girls Clubs even beyond the almost 20 percent expended in the first year in rural areas?

Mr. HATCH. Absolutely. I am as concerned about the threat of drugs and gangs coming into our rural communities as is the Senator from Vermont, and I believe strongly that the Boys and Girls Clubs we seek to establish are a big part of the answer to these threats.

Mr. LEAHY. I thank the Senator for clarifying this point. With that clarification, I am prepared to support this bill.

I join in supporting S. 476 to provide authority to expand Boys and Girls Clubs across the country, including both urban and rural areas. When we passed similar legislation last year, we did it as part of a legislative package that included the National Information Infrastructure Protection Act that Senator KYL and I authored and that I helped push through during the closing days of the last Congress.

Most important to me, the revised language should serve to expand the availability of Boys and Girls Clubs in rural areas. The original language was more restrictive, requiring the grants to be used only for the purpose of establishing Boys and Girls Clubs in public housing projects and other distressed areas. I have worked with the Boys and Girls and know that they understand that rural areas as well as urban can qualify as distressed areas.

Nonetheless, the new language is more expansive and will give girls and boys in rural areas greater opportunities to share in Boys and Girls Clubs and their programs. The revised statute will authorize grants for establishing and extending facilities where needed. Particular emphasis continues to be given to housing projects, where Boys and Girls Clubs have proven effective in preventing youth crime, and to distressed areas, rural or urban. But the where needed language should help make expansion into rural areas a greater priority.

Likewise, the removal of the language concerning contracts with HUD should streamline the expansion process and help make clear that such expansions are not limited to public housing projects.

The changes made to that program by this bill also permit up to five percent of the grant funds to be used to establish a role model speakers' program. Anyone who has seen the Boys and Girls Clubs of America commercial with Denzel Washington and his coach will know the kinds of outstanding role models that we are seeking to promote to encourage and motivate young people to be involved, productive citizens.

I have seen the outstanding results at the Boys and Girls Club in Burlington, VT, under the direction of Bob Robinson. The role models they provide include the outstanding instructors and volunteers who work in the club's many programs. I have also witnessed the outstanding results of the Kids 'N Kops Program at the University of Vermont with the cooperation of local law enforcement.

Expansions are proceeding and over 200 new clubs serving 180,000 youth were opened as a result of last year's legislation. I know that the Burlington Boys and Girls club received $100,000 to help enhance that Club's outreach efforts. I was glad to receive a letter from the Boys and Girls Clubs of America indicating that they are in the planning stages for the development of a new club in Rutland and researching the feasibility of a club in Essex Junction, as well. I would hope that with the continuation of this initiative they will look for opportunities to serve young people in St. Albans, Brattleboro, St. Johnsbury, Montpelier, and other Vermont locations, as well. I would be delighted for a sizeable portion of the 1 million additional young people who we hope will be served by the end of this century to come from the 145,000 young people in Vermont and those in other rural areas.

In supporting this bill, I encourage the Boys and Girls Clubs as one example of a successful youth-oriented program that can help make a difference in young people's lives and prevent crime and delinquency. I also support the work of others who are effective with young people, including our outstanding 4-H programs. In working for the passage of this measure I have received assurances that other members will join with me in supporting these other fine programs, as well.

It is nice to see Republican Members support juvenile crime prevention programs. Only a short time ago Republicans tried to stop passage of the President's 1994 Violent Crime Control and Law Enforcement Act and contended that crime prevention programs were "pork" or a waste of funds.

In the juvenile crime bill I sponsored this year, S. 15, we include a number of initiatives to prevent juvenile crime and youth drug abuse. I hope that we can expect bipartisan support for those juvenile crime prevention provisions as we move forward in this Congress so that we can enact a comprehensive approach to the problem of youth crime. This measure should not become an excuse for anyone not to join with us to to bolster comprehensive drug education and prevention for all elementary and high school students. We should proceed to help create after school safe havens where children are protected from drugs, gangs, and crime with activities including drug prevention education, academic tutoring, mentoring, and abstinence training. This bill is a step but should not be the end of our efforts to support programs that help prevent juvenile delinquency, crime, and drug abuse.

I ask unanimous consent that a copy of a letter I just received from the Boys and Girls Clubs of America be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BOYS AND GIRLS CLUBS
OF AMERICA,
Rockville, MD, May 8, 1997.

Hon. PATRICK J. LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: Last week when the Judiciary Committee discussed S. 476 I heard your concerns, and if possible, I would like to clarify what we are trying to do with this Bill and what we have done with previous appropriations.

Our goal within the state of Vermont is to strengthen the youth development services currently being provided. In addition, we are working to increase both the number of local Boys & Girls Club facilities and youth being served throughout the state.

Just this past year, we passed $100,000 through to the Boys & Girls Clubs of Burlington, VT, to enhance the Club's outreach efforts. Today, we are in the planning stages for the development of a Boys & Girls Club in Rutland, VT, and are researching the feasibility of a Club in Essex Junction, VT. I give you every assurance that these efforts will remain a priority.

Nationally, with Boys & Girls Clubs of America's 1996 appropriation, we opened 208 Boys & Girls Clubs and served 180,000 new boys and girls. All told, Boys & Girls Clubs now serve some 2.6 million young people throughout America, including many in rural and semi-rural communities. Our planned growth for 1997, with the assistance of our current appropriation, will continue at this same pace.

Upon passage and successful implementation of S. 476, we plan on serving 1,000,000 new boys and girls throughout the United States. Many of the children in Vermont who are not currently being served—will be.

Senator Leahy, you have been a friend to Boys & Girls Clubs and to many youth organizations over the years. We hope that you can now help us pass S. 476 and help us reach 1,000,000 new boys and girls.

Thank you and we look forward to working with you on this and other issues that help America's children and families.

Sincerely,

ROBBIE CALLAWAY,
Senior Vice President.

Mr. STEVENS. Mr. President, today I rise in strong support of S. 476, the Boys and Girls Clubs of America Act of 1997, which I have cosponsored. This important legislation will give seed money to build 1,000 additional Boys and Girls Clubs across America, with special emphasis on establishing clubs in public housing projects and distressed areas.

In Alaska, and across the Nation, kids are reaping the benefits of Boys and Girls Clubs. They are safe places where kids can go after school to learn and have fun. Boys and Girls Clubs are places where they find role models, and where they can explore their own talents and skills. In 1995 there were 8,000 Alaskans participating in Boys and Girls Clubs; today more than 14,000 young Alaskans are Boys and Girls Club members. In fact many of my staff are alumni of these clubs in Alaska.

This seed money will insure that more than 1 million more young Americans will have a safe place to grow and learn by the year 2000. This is a model program supplying the construction cost for the clubs and giving youths in depressed communities a chance to succeed. Studies by Columbia University have shown that in areas of public housing where there are Boys and Girls Clubs Juvenile crime has dropped 13 percent.

I thank Senator HATCH and the other cosponsors of this important legislation for their hard work and dedication. I look forward to seeing more Boys and Girls Clubs across our great Nation.

Mr. HATCH. Mr. President, I am prepared to yield back the remainder of my time.

Would the Senator from Delaware yield back the remainder of his time?

Mr. BIDEN. I yield back the remainder of my time.

Mr. HATCH. I yield back the remainder of my time as well as Senator LEAHY's time, I am authorized to say.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2,500 BOYS AND GIRLS CLUBS BEFORE 2000.

(a) IN GENERAL.—Section 401(a) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2) and inserting the following:

“(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 2,500 boys and girls Clubs of America facilities in operation not later than December 31, 1999.”.

(b) ACCELERATED GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking subsection (c) and inserting the following:

“(c) ESTABLISHMENT.—

“(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

“(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

“(A) includes a long-term strategy to establish 1,000 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

“(B) includes a plan to ensure that there are a total of not less than 2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000;

“(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

“(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.”.

(c) ROSE MODEL GRANTS.—Section 401 of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by adding at the end the following:

“(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

“(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

“(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).”.

Mr. HATCH. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be period for the transaction of morning business with Senators permitted to speak up to 10 minutes each, except for the Senator from Pennsylvania, Senator SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

ETHANOL TAX POLICY; PRESENT AND FUTURE

Mr. DASCHLE. Mr. President, I want to take this opportunity to clarify a statement I made last week with respect to the upcoming battle to protect and extend the ethanol tax incentives.

I want to make clear that I do not think there is any room to compromise on the existing tax incentives prior to the year 2000. Many ethanol plants have made investments based on the expectation that those incentives will be available in their current form until 2000. Congress should not change those incentives or jeopardize in any way those existing plant investments.

Having said that, I appreciate that some will argue that the ethanol incentives should be allowed to expire in 2000. My response to them is that the Nation will continue to benefit in some very significant ways in the 21st century from new entrants into the industry and expanded use of clean burning ethanol and its ether. By encouraging billions of dollars of investment in commercial scale plants, the tax credits have promoted major technology advances and many more improvements are on the brink of commercialization. These benefits justify some level of continuing support. On the other hand, to my fellow industry supporters, I suggest that we need to recognize that the tax incentives are nearly 20 years old and should be reviewed for possible constructive changes.

In extending the incentives beyond 2000, we should be willing to take a critical look at the incentives to determine if they should be modified to better achieve the objectives of the ethanol industry and the country. During this debate, my first priority will be to ensure the continued growth and development of small ethanol plants that have been responsible for diversification of the ethanol industry and rural economic development. Those plants represent the future for economic growth in rural America and will help keep the benefits of value-added agricultural processing in the rural communities from which those products originate.

Ethanol and its ether, ETBE, have never played as large a role as I believe they can and should play in cleaning up America's air or reducing its dependence on foreign energy through the reformulated gasoline program. We need to explore how the tax incentives can be restructured to make ETBE more price-competitive with MTBE, so that ethanol can play a greater role in the reformulated gasoline market.

Finally, Congress should be willing to provide sufficient encouragement to the rest of the ethanol industry to allow it to continue converting corn and other grains into high grade liquid fuel and proteins, generating much needed rural employment and investment, and improving air quality. This can be done while still limiting our tax expenditures and contributing to a balanced Federal budget.

Since its inception in the late 1970's, the domestic ethanol industry has helped reduce our dependence on foreign oil, create rural jobs and greater farm income, and provide consumers with a choice of oxygenated fuels. That is a track record that makes sense for America, and that should neither be discounted nor abandoned. It is my hope that in the near future a constructive dialog can begin in Congress on how to extend the tax incentives in a fiscally prudent and economically effective manner beyond the year 2000. I am committed to that goal.

DISTRICT COURT BACKLOG AND JUDICIAL VACANCIES

Mr. LEAHY. Mr. President, for the past several months I have spoken about the crisis being created by the almost 100 vacancies that are being perpetuated on the Federal courts around the country and the failure of the Senate to carry out its constitutional responsibilities to advise and consent to judicial confirmations.

Today, the Washington Post, in an excellent article written by Sue Anne Pressley, focused on the consequences of this judicial crisis in one district court in Texas, the southern district of Texas. The article reports on the growing drug and immigration cases that are inundating this district court and the lack of Federal judges needed to administer justice in these cases.

This district has two vacancies, one open since December 1, 1990, and the President has nominated Hilda Tagle to fill this judicial emergency vacancy. Ms. Tagle's nomination was first received by the Senate Judiciary Committee on August 10, 1995, but she has yet to have a hearing before the committee.

This district in Texas is only one example of crisis that affects the entire country. We could find similar backlog problems in district courts in California, Florida, and other States that are swamped with rising cases and unfilled judicial vacancies. Yesterday, I met with members of the Federal Judges Association who are very concerned about the growing backlogs and rising caseloads in Federal courts across the Nation.

I want to commend Senators BOXER, SARBANES, and KENNEDY for joining me yesterday on the Senate floor to speak out against the Senate's current stall on confirming Federal judges. I also want to commend Senator KOHL for his similar remarks today.

Mr. President, confirming Federal judges should not be a partisan issue. The administration of justice is not a political issue. Working together, the Senate should do our constitutionally mandated job and proceed to confirm the judges we need for the Federal system.

I ask unanimous consent that today's Washington Post article titled "Cases Pile Up As Judgeships Remain Vacant" be printed in the RECORD immediately after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 15, 1997]

CASES PILE UP AS JUDGESHIPS REMAIN VACANT

(By Sue Anne Pressley)

LAREDO, Tex.—The drug and illegal immigrant cases keep coming. No sooner does Chief U.S. District Judge George Kazen clear one case than a stack of new cases piles up. He takes work home at night, on weekends.

"It's like a tidal wave," Kazen said recently. "As soon as I finish 25 cases per month, the next 25 are on top of me and then you've got the sentence reports you did 2 months before. There is no stop, no break at all, year in and year out, here they come.

"We've already got more than we can say grace over down here," he said.

This is what happens to a federal judge on the southern border of the United States when Washington cracks down on illegal immigration and drug smuggling. It is a situation much aggravated by the fact that the Senate in Washington has left another federal judgeship in this district vacant for 2 years, one of 72 vacancies on federal district courts around the country.

As Border Patrol officers and other federal agents swarm, this southernmost region of Texas along the Mexican border in ever-increasing numbers, Judge Kazen's docket has grown and grown. He has suggested, so far unsuccessfully, that a judgeship in Houston be re-assigned to the Rio Grande Valley to help cope.

In Washington, where the laws and policies were adopted that has made Kazen's life so difficult, the Senate has made confirmation of federal judges a tedious process, often fraught with partisan politics. In addition to the 72 federal district court vacancies (the trial level), there are 25 circuit court vacancies (the appellate level) and two vacant international trade court judgeships across the country, leaving unfilled 99 positions, or 11 percent of the federal judiciary. Twenty-six nominations from President Clinton are pending, according to Jeanne Lopatto, spokeswoman for the Senate Judiciary Committee, which considers nominations for recommendation to the full Senate for confirmation.

ON TEXAS BORDER, CASES WON'T WAIT FOR WRANGLING ON JUDICIAL VACANCIES

Of those 99 vacancies, 24 qualify as judicial emergencies, meaning the positions have been vacant more than 18 months, according to David Sellers of the administrative Office of the U.S. Courts. Two of the emergencies exist in Texas, including the one in Kazen's southern district.

Lopatto said the thorough investigation of each nominee is a time-consuming process. But political observers say Republicans, who run the Senate, are in no hurry to approve candidates submitted by a Democratic president. The pinch is particularly painful here in border towns. The nominee for Brownsville, in Kazan's district, has been awaiting approval since 1995. Here in Laredo, Kazen's criminal docket has increased more than 20 percent over last year.

"We have a docket," he said, "that can be tripled probably at the drop of a hat. . . . The Border Patrol people, the Customs people at the [international] bridges will tell you, they don't catch a tenth of who is going through. The more checkpoints you man, the more troops you have at the bridges, will necessarily mean more stops and more busts."

And many more arrests are expected, the result of an unprecedented focus on policing the U.S.-Mexican border. Earlier this year, Clinton unveiled a $367 million program for the Southwest for fiscal 1998, beginning Oct. 1, that includes hiring 500 new Border Patrol agents, 277 inspectors for the Immigration and Naturalization Service, 96 Drug Enforcement Administration agents and 70 FBI agents.

In Kazen's territory, the number of Border Patrol agents already has swollen dramatically, from 347 officers assigned to the Laredo area in fiscal 1993 to 411 officers in fiscal 1996. More tellingly, in 1993, agents in the Laredo sector arrested more than 82,000 people on cocaine, marijuana and illegal immigration charges. By 1996, arrests had soared to nearly 132,000, according to data supplied by the INS.

All of which is keeping Kazen and the other judges here hopping. "I don't know what the answer is," said U.S. District Judge John Rainey, who has been acting as "a circuit rider" as he tries to help Kazen out in Laredo from his post in Victoria, Tex. "I certainly don't see it easing up anytime soon. There still seems to be such a demand for drugs in this country, and that's what causes people to bring them in. Until society changes, we won't see any changes down here."

In a letter to Rep. Henry B. Gonzalez (D-Tex.) in February, Kazen outlined the need for a new judge in the Laredo or McAllen division, rather than in Houston, where a vacancy was recently created when then-Chief Judge Norman Black assumed senior status. "The 'border' divisions of our court—Brownsville, McAllen and Laredo—have long borne the burden of one of the heaviest criminal dockets in the country, and the processing of criminal cases involves special pressures, including those generated by the Speedy Trial Act," he wrote.

On a recent typical day, Kazen said, he sentenced six people on drug charges and listened to an immigration case. His cases tend to involve marijuana more often than cocaine, he said.

"The border is a transshipment area," he said. "The fact is, a huge amount of contraband somehow crosses the Texas-Mexican border, people walking through where the river is low, and there are hundreds and hundreds of miles of unpatrolled ranchland.

"In some cases," Kazen continued, "we're seeing a difference in the kind of defendant. We're almost never seeing the big shots—we're seeing the soldiers. Once in a while, we'll see a little bigger fish, but we're dealing with very, very smart people. We see some mom-and-pop stuff, too. There was a guy who came before me who had been in the Army umpteen years, and he needed the money, he was going bankrupt, so he did this 600-pound marijuana deal. he said he stood to pick up $50,000, and now he's facing five to 40 years.

"We see kids 18 and 19 years old," Kazen said. "We see pregnant women. We see disabled people in wheelchairs. This is very, very tempting stuff."

In Washington, the argument over court vacancies continues. On April 30, Attorney General Janet Reno told the Judiciary Committee, "Chief judges are calling my staff to report the prospect of canceling court sittings and suspending civil calendars for lack of judges, and to ask when they can expect help. This committee must act now to send this desperately needed help."

In remarks yesterday to the Federal Judges Association meeting in Washington, Reno warned that "the number [of vacancies] is growing."

"As you are no doubt aware," Reno told the judges, "the level of contentiousness on the issue of filling judicial vacancies has unfortunately increased in recent times."

FIELD HEARING ON INTRASTATE AIR SERVICE IN COLORADO

Mr. CAMPBELL. Mr. President, today I want to call my colleagues' attention to an important issue facing the Western Slope of my home State of Colorado; namely, the lack of quality and reliable air service.

I have long been concerned about this problem facing the residents and the business community in western Colorado. I have received hundreds of complaints from constituents up and down the Western Slope and have experienced many of these problems myself. For example, on numerous occasions I have found myself waiting for a delayed flight for several hours only to find out later on that the flight had been canceled. On one occasion, the pilot showed up only to announce that he was not certified to fly the plane.

To address this issue, I held a field hearing on Wednesday, April 2, in Grand Junction, CO, to hear testimony firsthand from citizens and representatives of the business community. Witnesses at the hearing included representatives from the airlines industry, consumers as well as the business community.

The testimony presented reflected the deep concern among business leaders and consumers in western Colorado about the lack of adequate air service. Many of the witnesses testified to the lack of competition in air service in western Colorado after deregulation. They further stressed that their concerns center around late arrivals, canceled flights, discontinuation of service, over booked flights, inadequate aircraft that cannot handle passenger baggage, inadequate safety procedures, inconvenient schedules and costs and high turnover of pilots.

Because of the importance of this testimony, I wrote to the acting administrator of the Federal Aviation Administration, Mr. Barry Valentine, on April 18, requesting the FAA's review of this material and requested a report from the FAA on ways in which air service can be improved on the

Western Slope and how the witnesses' concerns can be addressed. I also provided a complete set of this testimony to the Senate Aviation Subcommittee, so it can be used in future subcommittee work on commuter air service.

For the benefit of my colleagues, I ask unanimous consent that a copy of the witness list be printed in the RECORD following my remarks.

The PRESIDING OFFICER, without objection, it is so ordered.

(See exhibit 1.)

Mr. CAMPBELL. I am more concerned now than ever about the quality of air service in Colorado, and I look forward to working with my colleagues on improving air service in this important region of our country.

EXHIBIT 1

LIST OF WITNESSES PRESENT AT THE HEARING

Mr. Greg Walcher, President of Club 20.

Mr. Benard Buescher, Colorado Transportation Commissioner.

Mr. John Frew, President and CEO of Colorado Ski Country U.S.A.

Mr. Jamie Hamilton, Vice President of the Grand Junction Chamber of Commerce.

Mr. J.J. Johnston, Executive Director of the Mesa County Economic Development Council.

Ms. Debbie Kovalik, Executive Director of the Grand Junction Visitor Bureau.

Mr. Mark Berumen, Governmental Affairs Coordinator for Frontier Airlines.

Mr. Cody Ddiekroger, Founder and President of Maverick Airlines.

Mr. Don Schreiber, Vice President of Governmental Relations for Mesa Air Group.

Mr. Dave Logan, Partner, Park Avenue Travel Agency.

Ms. Jo Saul, Owner, Jo's Travel Source in Durango.

Ms. Cindy Stanfield, Owner, the Travel Connection Agency in Grand Junction.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 14, 1997, the Federal debt stood at $5,339,781,396,107.91. (Five trillion, three hundred thirty-nine billion, seven hundred eighty-one million, three hundred ninety-six thousand, one hundred seven dollars and ninety-one cents)

One year ago, May 14, 1996, the Federal debt stood at $5,096,217,000,000. (Five trillion, ninety-six billion, two hundred seventeen million)

Five years ago, May 14, 1992, the Federal debt stood at $3,893,082,000,000. (Three trillion, eight hundred ninety-three billion, eighty-two million)

Ten years ago, May 14, 1987, the Federal debt stood at $2,272,137,000,000. (Two trillion, two hundred seventy-two billion, one hundred thirty-seven million)

Fifteen years ago, May 14, 1982, the Federal debt stood at $1,062,129,000,000 (One trillion, sixty-two billion, one hundred twenty-nine million) which reflects a debt increase of more than $4 trillion—$4,277,652,396,107.91 (Four trillion, two hundred seventy-seven billion, six hundred fifty-two million, three hundred ninety-six thousand, one hundred seven dollars and ninety-one cents) during the past 15 years.

NORMAL TRADE RELATIONS

Mr. MACK. Mr. President, I rise today because a bill is being introduced by Senators ROTH, MOYNIHAN, and members of the Finance Committee which seeks to amend trade laws and provisions referring to "Most Favored Nation" [MFN] trading status. They seek to rename MFN, "Normal Trade Relations."

I am not joining my Finance Committee colleagues on this bill today. But I would gladly support this initiative once the United States has an effective China policy.

Mr. President, the reason we annually consider China's trade, human rights, and national security behavior during the MFN renewal debate is because we do not have an acceptable alternative. The goal, therefore, of this year's debate should not be to simply extend or revoke MFN for the PRC. I suggest, instead, that we endeavor to address the shortcomings of our China policy so that we do not need the annual MFN issue to debate China.

Mr. President, we need a real China policy to replace the MFN revocation threat, not a name change. If the issue were just about the name, Americans would not voice such strong opposition to trading with China as if it were a normal country. The fact is, Mr. President, China is not like other trading nations. It is perhaps the worst violator of human rights and weapons nonproliferation standards in the world. The PRC trades unfairly, persecutes people of faith, imprisons and tortures democrats, proliferates weapons technology, sells arms to street gangs in the United States, and disbands democratic institutions in Hong Kong. The PRC does this while receiving international aid, American technology—much with military applications, and free access to the American market. This so-called engagement policy seems hollow and dangerous. Merely changing the name of MFN will not change this reality.

Mr. President, I traveled to Hong Kong and China in late March this year with my colleague and fellow co-chair of the Senate's Hong Kong Caucus, Senator LIEBERMAN of Connecticut.

I returned from this mission more concerned about Hong Kong than when I departed. The Chinese leadership tried to put to rest my concerns for Hong Kong by reassuring me that democracy would be returned to Hong Kong once the people received proper civic education. This distrust of people is apparent in China's actions toward Hong Kong's civil and political freedoms.

It also caused me to renew my concern for our China policy. My position on this bill, and on the MFN debate in general, arises from my desire for good relations with China. I know this is in the best interest of America, China, and the world.

There are a tremendous number of issues which Americans wish to raise with China. In 1997, these include Hong Kong reversion, weapons proliferation, religious persecution, PRC-Taiwan relations, human rights, involvement in U.S. elections, and our unequal trade relationship.

Many people advise, however, that opposing MFN represents a hollow—essentially meaningless—threat. And yet, without a responsible alternative, Members of Congress must choose between voting to revoke MFN or taking no action. Neither option is acceptable. Neither choice is in our Nation's best interest.

So that our children and the children of China do not inherit an adversarial relationship, we must do two things in 1997. First, we must engage in a domestic debate on China; we must get beyond hollow engagement and hollow threats. Second, we must ensure our policy demonstrates to China that their actions have consequences: That they are a member of the world community and actions which violate agreements and norms are not merely internal matters.

As many people know, I had discussed an idea to extend the current MFN status for the PRC for an additional 3 months in 1997. In offering this idea, I sought to accomplish the above two goals. It is too late for the House to take action on the 3-month extension as I had proposed it, but it is not too late for us to unite behind a call for action.

Mr. President, I agree with my distinguished Finance Committee colleagues who believe we must get beyond the annual MFN revocation threat. But the way to do this is not to change the name of MFN; we must address the real problem. We must develop new instruments which address our interests with China.

I fear, Mr. President, that the name change does not accomplish this most important goal; in fact, to the extent that it decreases our resolve to discuss China, this bill jeopardizes our national interests. It is for this reason that I do not join my colleagues today in offering this name-change legislation.

Instead, I invite the Congress and the President to join me in making the best use of this year's debate. We must utilize this time to develop and advance our China policy, not merely put it off for another year.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. SANTORUM. Mr. President, we have heard a lot of talk over the past several days about the issue of partial-birth abortion, about late-term abortion, about the need to have an option available should a pregnancy go awry, and in describing when a pregnancy goes awry they have described the need to have a health exception in cases where there is a fetal abnormality, where a baby is developing in the womb that is not perfect.

Now we have heard all of the horrible accounts of Dr. McMahon performing partial-birth abortions on children because they had cleft palates or other very minor—Down's syndrome, and other minor, or not life-threatening maladies. That, in my mind, is an indefensible defense for a health exception.

I found it absolutely astonishing that Members would have gotten up yesterday and talked about the need to have partial-birth abortion as an option to dispose of children who were developing in the womb with a defect. They did so at the same time, the same day, we passed IDEA, Individuals with Disabilities Education Act, the same day that people passionately got up on the floor and argued for the rights of the disabled to be educated, to maximize their human potential, and some 30 Senators who voted for that voted today to wipe out the ban on partial-birth abortion.

Now, I find that absolutely incongruous. How can you fight for the rights of the disabled to be educated? How can you fight for the rights of the disabled under the Americans With Disabilities Act, which all of those Members, to my knowledge, those that were here, supported, back in 1990, I believe it was. How can you support that stand and say you care about the disabled, that you want to maximize their potential, that you want to treat them with dignity and give them civil rights, when you will not give them the most basic of civil rights, the right to live in the first place?

If you survive the womb, if you survive Roe versus Wade, which allows you to be destroyed because you are not perfect—yes, Roe versus Wade, Doe versus Bolton, allow you to be destroyed because you are not perfect. I know that may click some sort of memory of people who remember what happened across the Atlantic some 50 and 60 years ago, that just because you were not perfect, you were not deserving to live.

We have Members, standing here, arguing that we need to be able to have the option of killing a little baby because it is not perfect. They say, oh, that history that happened 50, 60 years ago, could never repeat itself. It cannot happen. Oh, how history tends to repeat itself, even here on the Senate floor.

I find it absolutely amazing that people are not shocked by their own words, that they do not understand, as the Bible says, that a house divided against itself, that you cannot stand up on one side and argue for rights of the disabled at the same time saying they do not even have the right to be born in the first place, they are not going to be protected by our Constitution, they are not going to be protected by our laws.

I will share with you tonight some stories, stories of people with disabilities, diagnosed in the womb. I will share with you some happy stories, and I will share with you some sad stories. But even in the sad stories you will find a silver lining, a lining that would not be there if it were not for someone who cared enough to treat their child with dignity and respect, cared enough to love them as fully as they loved any one of their other children.

You heard me talk earlier today, yesterday, about Donna Joy Watts. One of the cases cited over and over again by people who want to create a health exception in the partial-birth abortion bill is that there are times when a baby's head has excess fluid, cerebral spinal fluid, and it is called hydroencephaly, water on the brain. Donna Joy Watts was one of the babies that was diagnosed with hydroencephaly, and another malady where the brain was actually growing outside of the skull.

The doctors diagnosed her condition as fatal and told her mother and father they would have to abort her, and her mother and father said, "At 7½ months we are not going to abort our child. Why not give her a chance to live?" They said, "no, no, we will not give her a chance to live because she will not live. It is best for you. Trust me, you will feel a lot less pain. You need to just get on with it." These were obstetricians, genetics counselors. She had to go four places—four places—to get someone who would deliver her baby. Any of the four would have aborted her baby, but only one of the four would have delivered her baby.

We are reaching the point in this country where it is almost easier to find an abortion than it is to find a doctor to deliver a child that will have complications. The fear of lawsuit, the fear of complications, and the stress associated with it are just creating the impetus to do abortions. Nobody can sue you for doing abortions. You sign a consent form. You give up your rights. You say, "I won't sue. As long as you kill my child, I will not sue." So they don't get sued. No liability there. But if you work with the mother to deliver the child, then if mom believes you didn't tell her everything you should have, you get hit with a wrongful birth suit. In other words, "My child is better off dead than alive" kind of suit.

What kind of society allows that? What kind of society would say we put in legal doctrine a suit that says my child is better off dead than alive? What a misunderstanding of life. Every child is perfect in the eyes of God; I hope in the eyes of the mother, but we have some to go that way. We have lots of people in the medical profession who certainly do not see it that way, and counsel for abortion. In fact, at every single turn, Donny and Lori Watts were hit with "abort, abort, abort. Save yourself the trouble." She said no and he said no.

They finally delivered her. This is what she looked like. It is a little Donna Joy, named after her daddy, Donna Joy. Oh, her little head is not perfect, and she had problems, serious problems. But she was born alive.

For 3 days Lori Watts told me the medical professional at the hospital referred to her little baby, who weighed about 7 pounds, as a "fetus." For 3 days after her birth, a "fetus." For 3 days they wouldn't feed this baby because it was going to die. For 3 days they wouldn't drain the water from her head and put a shunt in it because she was going to die. And Donna Joy just wouldn't die.

So Lori and Donny decided that they were going to threaten. Lori said in the paper that she would threaten the doctors if they didn't do something. So finally they did.

And through a struggle, which I detailed yesterday, which I will not today, but through an incredible struggle of heroism her mom and her dad fed her. She had 30 percent of her brain.

You often hear so much about you only use a small percentage of your brain. And if there is one place in the body we don't understand, we don't understand the brain very well. We don't understand how it really works and how it compensates for problems, whether it be by stroke or things like this. But Donna Joy had 30 percent of her brain. She had a deformed medulla oblongata which connects the brain to the spinal cord. She had no medulla oblongata. Her left and right side of the brain were not connected. They didn't talk to each other. She fought and she fought and she fought through incredible difficulties.

Today, this is little Donna Joy Watts, who yesterday and today was in my office playing, talking to reporters, writing me notes, playing with my children, coloring books, acting like a little girl, walks with a little bit of a limp. She is a little bit behind for her age. But after eight brain operations and with 30 percent of her brain, she is an amazing story.

Her parents were told to have a partial-birth abortion because her head was so large. They wanted to put those scissors in the base of this little girl's skull and kill her. And Lori and Donny said no. They could have taken the easy way out.

I can tell you. When Lori told me of the times when she was a little baby of having to feed her, which took an hour and a half because she didn't have the muscles to hold the food in—it would just come right back up, she had no muscular control as a baby. So the food would come right back up. They thought she would die of malnutrition until Lori thought it out. She would put this paste, which was real heavy that would stay in her stomach, but it was drop by drop in the back of her mouth. It took an hour and a half to feed her. She would take an hour-and-a-half break, and another hour and a half to feed her, 24 hours a day, setting the alarm in the middle of the night, getting up to feed her child so the child would not die of malnutrition.

It is hard. But little Donna Joy Watts is one of the great stories that ennobles all of us. Had Lori and Donny decided to kill, to let little Donna Joy die by aborting her, our society would be diminished. The inspiration that this little girl and her family has provided ennobles us all, calls us to a greater sense of commitment and love for our children and those who are not so fortunate to be perfect.

Another story: This is a story I just got the other day. It is a letter written to me by Sandra and Joseph Mallon from Upper Darby, PA. I will read the story as she writes it to me.

> DEAR SENATOR SANTORUM: My name is Sandra Mallon. I live in Upper Darby, PA with my husband, Joe, and our 5 month old daughter, Kathleen. Both Joe and I work outside the home—but Kathleen is the most important thing in our lives. I am writing in reference to the H.R. 872 and S. 5 bill currently being considered. This issue is very near to my heart; and I feel this is a crisis issue that I must discuss.
>
> My daughter was diagnosed with hydrocephalus, an abnormal accumulation of cerebrospinal fluid around the brain, at 23 weeks gestation.

You may have heard the debate earlier about viability. At 22 weeks' gestation, a baby can survive. About 24 or 25 percent of babies survive outside the womb.

> At that time we were not given a positive outlook for our little girl. We were told first to abort—but that was out of the question. Then we were told the best case would be to expect a shunt operation and retardation; worse case would be death before or shortly after delivery. We decided to give our child every chance we could. We went to many doctors for the next four months—the news got a little better as the pregnancy went on.
>
> Kathleen was born on December 6, 1996—and she is our miracle baby. Though she has hydrocephalus, she is showing no symptoms. One month ago she underwent an operation to place a shunt, a tube which helps the fluid to pass through the brain in a safe and effective way. This is the most widely used treatment for hydrocephalus, and even so, most patients have to have their shunt revised (replaced) several times in their lifetimes. The alternative in most cases is death.
>
> Joe and I have many hopes and dreams for Kathleen—but mostly we want her to be a healthy, happy child. We want her to be given every chance in life to experience her world. Right now I want her to be able to play, jump, swim and maybe even ride horses. Unlike most families these every day activities could cause Kathleen to need a shunt revision. This scares me to death!! Right now there is technology and materials to help Kathleen should there be a reason. But if these bills do not pass my child could be in for pain and suffering which would slowly and painfully kill her. Don't let this happen to my Kathleen Marie. Silicone is the only material available which the body does not see or reject to make these lifesaving shunts.
>
> I can't stress how important this issue is to me and my family. Besides our immediate need to know Kathleen can continue to grow up as any other child. But the silicone is also used in many other biomedical devices (i.e. ear tubes, and pacemakers). So the S5 in the Senate and HR872 in the House would seek to control my access to raw material for shunts. I understand there are other issues wrapped up in the bill, and I believe personally that Product Liability and Tort Reform are important measures. If S5 and HR872 are not passed, it is a certain death sentence for Kathleen and every other person affected by hydrocephalus.
>
> I ask you to look at the picture of Kathleen. Tell me that you will help her. Don't wait too long Senator, people will die. I am looking forward to your response to this issue of life and death importance to me and my family.

These are two wonderful stories of children who would not be termed "viable," could be aborted late-term because it was a medical complication, and these children were deformed.

This is the kind of health exception that many want to allow so we can kill children just like this. But we know there is another way, a way suggested by even people who perform abortions like the doctor at the Medical College of Pennsylvania who says that after 23 weeks, the second or third trimester, it is not necessary to kill a baby. It may be necessary to separate the mother from the child. But it is never necessary to kill a baby, even one that has an abnormality.

In fact, doctors have told me they are not aware of any abnormality in and of itself that is a threat to the woman's health or life that cannot be remedied by a separation—not an abortion, not the deliberate killing of the baby, but by separation. In fact, most abnormalities don't require separation. You can deliver later in term, at term.

Not all stories end as happily. I want to share some stories with you of people that went through very tough decisions, and some that, frankly, didn't have very tough decisions but went through heartaches when it came to a child who had a problem in the womb.

Let me first share the story of Jeannie French. Jeannie has been very outspoken. I shared her story last year, but it bears repeating.

> My name is Jeannie Wallace French. I am a 34 year old healthcare professional who holds a masters degree in public health. I am a diplomat of the American College of Healthcare Executives, and a member of the Chicago Health Executives Forum.
>
> In the spring of 1993, my husband Paul and I were delighted to learn that we would be parents of twins. The pregnancy was the answer to many prayers and we excitedly prepared for our babies.
>
> In June, five months into the pregnancy, doctors confirmed that one of the twins, our daughter Mary, was suffering from occipital encephalocele—a condition in which the majority of the brain develops outside of the skull. As she grew, sonograms revealed the progression of tissue maturing in the sack protruding from Mary's head.
>
> We were devastated. Mary's prognosis for life was slim, and her chance for normal development non-existent. Additionally, if Mary died in utero, it would threaten the life of her brother, Will.
>
> Doctors recommended aborting Mary. But my husband and I felt that our baby girl was a member of our family, regardless of how "imperfect" she might be. We felt she was entitled to her God-given right to live her life, however short or difficult it might be, and if she was to leave this life, to leave peacefully.
>
> When we learned our daughter could not survive normal labor, we decided to go through with a cesarean delivery. Mary and her healthy brother Will were born a minute apart on December 13, 1993. Little Will let out a hearty cry and was moved to the nursery. Our quiet little Mary remained with us, cradled in my Paul's arms. Six hours later, wrapped in her delivery blanket, Mary Bernadette French slipped peacefully away.
>
> Blessedly, our story does not end there. Three days after Mary died, on the day of her interment at the cemetery, Paul and I were notified that Mary's heart valves were a match for two Chicago infants in critical condition. We have learned that even anacephalic and meningomyelocele children like our Mary can give life, sight or strength to others. Her ability to save the lives of two other children proved to others that her life had value—far beyond what any of us could every have imagined.
>
> Mary's life lasted a total of 37 weeks 3 days and 6 hours. In effect, like a small percentage of children conceived in our country every year, Mary was born dying. What can partial birth abortion possibly do for children like Mary? This procedure is intended to hasten a dying baby's death. We do not need to help a dying child die. Not one moment of grief is circumvented by this procedure.
>
> In Mary's memory, as a voice for severely disabled children now growing in the comfort of their mother's wombs, and for the parents whose dying children are relying on the donation of organs from other babies, I make this plea: Some children by their nature cannot live. If we are to call ourselves a civilized culture, we must allow that their deaths be natural, peaceful, and painless. And if other preborn children face a life of disability, let us welcome them into this society, with arms open in love. Who could possible need us more?

I will now share a more personal story. A comment was made in this

Chamber on several occasions in the last debate and unfortunately again in this debate that Members who speak on this issue have no right to speak on this issue because they cannot experience what the women who stood with President Clinton when he vetoed this bill experienced.

Well, that is not true. I will read from an article I wrote about what happened to me and my wife and our family.

On September 26, 1996, the Senate voted to sustain President Clinton's veto of the Partial Birth Abortion Ban. I led the fight to override the veto on the floor of the Senate.

Central to the debate was the assertion by opponents of the ban that this procedure was necessary later in pregnancy in cases when a severe fetal defect was discovered. I was told that I could not understand what these women, who experienced this procedure, had gone through. "It had never touched your life," one Senator said.

This is a story of how just one week after that vote, it did.

We had been through the joyous routine before—the technician would turn out the lights, spread gel on Karen's growing midsection, and then right there on the screen in front of our eyes we would get the first glimpse of our baby—a fuzzy, black and white picture that told us all was well.

This time, however, was different. Sitting in the darkened room, listening to the background buzz of the machine, we saw a large, dark circle on the screen, and we saw the technician's demeanor change. Everything seemed fine—arms, legs, head, spine—but the woman with the instrument was strangely quiet, examining and re-examining the dark circle.

We had brought along our three children, ages 5, 3, and 1—Elizabeth, Johnny, and Daniel—to this appointment because we wanted them to be able to have a glimpse into the still, perfect world of their unborn baby brother. We now feared that they might get a glimpse into something else.

The technician left, giving way to a doctor who repeated the earlier routine, mumbling something about a "bladder." Finally, we were coldly given the verdict: "Your child has a fatal defect and is going to die."

It's not that the world stopped, nor that it moved in slow motion, it was just that the world had changed. Suddenly, our child whom we loved, prayed for, dreamed about, and longed to meet was diagnosed with a life threatening condition. Through our tears erupted the most basic of all parental instincts and emotions—we were going to save our child.

After the initial shock, I took the kids out into the hallway to the phone and called Dr. Scott Adzick. Six months earlier, I had gone to Children's Hospital of Philadelphia and seen a world I never knew existed—a world of Dr. Adzick's creation—a world of surgery and care for children still in their mother's womb. I remembered his amazing skill and how I sensed an aura of peace and a certainty of purpose surrounding his mission.

I frantically described what had transpired and asked if he could help. Before he peppered me with questions, he calmly reassured me that all was not lost. He had seen cases like this before and knew immediately that it had to be post-urethral valve syndrome.

Scott's principal concern had to do with the absence of fluid in the amniotic sac. What he told us failed to lift our hopes. The absence of fluid meant that the baby likely had a complete obstruction of the urinary tract—in short, a very rare, severe, and extremely problematic condition.

Not typically understood is that the element comprising the amniotic fluid encompassing the baby during development is the baby's urine. The fluid not only provides a barrier of protection from outside trauma, but it is necessary in the development of the baby's lungs. Without it its lungs would not develop enough for him to survive outside the womb.

In addition, the baby's enlarged bladder would so compress the internal organs—particularly the kidneys—that they would cease to function. Kidney failure would mean near-certain death shortly after birth.

Dr. Adzick arranged for tests to be done the next day in Philadelphia at Pennsylvania Hospital. The initial results did not look good. Seated in front of our second sonogram machine in as many days, Dr. Adzick and Dr. Alan Donnefeld described our son's kidneys as not positive. Dr. Adzick told us that though he, too, was discouraged, there were one or two occasions where he had seen bad kidneys have sufficient levels of function, enabling a baby to survive until a transplant soon after birth.

We adjourned to a supply room next to the treatment area. The purpose of the meeting was to discuss options. Dr. Donnenfeld took the lead, saying that things were grave, and presenting us with three options. "Your first option is to terminate the pregnancy." As the word pregnancy left his lips the room instantly went dark. The doctor quickly reached up and turned on the light that was on a timer. Through nervous and awkward laughter I said, "I guess that answers your question."

We knew that abortion was a legal option, it just wasn't a sane one. It was inconceivable to us as parents to kill our baby because he wasn't perfect or because he might not live a long life. While we couldn't look into his eyes or hold him in our arms, he was no less our child than our other three children. And we loved him every bit as much. He was our gift from God from the moment we found out Karen was pregnant. In our mind, from that time on our job as parents of this tiny life was to do everything we could to nurture him through life. Karen and I have this saying, "life is about being there," and this was our chance to be there for our baby.

The second option was to do nothing. In this case our son would live only as long as he was in the womb. While in the womb our baby's lungs and kidneys were not necessary for him to survive—Karen was performing those functions for him. There was no increased threat to Karen as a result of his defect.

The third option would entail several tests and testaments that could put Karen at risk. Karen's immediate response was to do whatever it took to save our son, no matter what the risk to her.

Our son went through two days of tests to determine kidney function. If there was very poor or no kidney function there would be no point in proceeding further—he would not develop enough in the womb to survive outside. The first day the results were so bad that we discussed whether it was worth going through a second painful day of tests for Karen. Dr. Adzick said we needed a miracle to get those kidneys to work better.

We prayed more than I can remember for our son, who we named that day Gabriel Michael, after the great archangels. The next day our prayers were answered with a miraculous improvement; the chances for success were not just okay, but kidney function very good. We could now do the surgery that would save his life.

For both of us, this crisis was not so much a "faith check" as it was a time of reassurance. No matter what happened, we knew that God held us—and held Gabriel Michael—in his hands. What that knowledge there is a peace beyond human understanding.

The bladder shunt procedure, to drain the urine into the amniotic sac in an effort to create the proper fluid environment for Gabriel, was scheduled for Tuesday with Dr. Bud Wiener at Pennsylvania Hospital. Dr. Wiener had done more of these procedures than anyone else on the east coast and had pioneered the plastic tube that would be used to drain the urine.

Next came the surgery. The idea that surgery on a child in only its 20th week of life inside the womb could work boggles the mind. And watching Dr. Weiner at work was something to behold. He guided the shunt into place, though more slowly than he would have liked, but it was a success. As we left the hospital, we worried about whether the shunt had worked, and whether the longer than usual procedure might have put Karen more at risk.

Two days later, Karen began feeling both chills and cramping—the cramping was the beginning of labor and the chills were a sign of an infection in her womb. Our worst fears had become a reality.

Hoping desperately that it was food poisoning or the flu, Karen fought desperately to hold it all together. A call to the doctor was met with an order to rush to the hospital. We were in Pittsburgh at home. There another doctor performed another sonogram. What we saw was perhaps the single worst and single best things of our lives. The fuzzy picture on the screen showed an active baby—arms and legs moving freely in a sac of amniotic fluid. But the infection persisted.

Karen was seized with horrible chills. Huddled under nearly a dozen blankets her body temperature soared to 105. By this point there was little that could be done. Intra-uterine infections are untreatable as long as the source of the infection—the amniotic sac—is in place. Unless the sac and thereby the baby were delivered, Karen would eventually die, and Gabriel Michael with her. Here again the doctors told us that abortion was a legal option, but we knew there was another way. This way gave our son the love and respect he deserved and to Karen and me the gift of a precious few hours with our son.

Karen was given an antibiotic which reduced the fever and made her comfortable. She clung to the baby with all her might, but nature was relentless. Soon the labor intensified—the body had identified the source of the infection. She did everything she could to delay the inevitable. I tried calling everyone I knew to see if there was something else that could be done. There was no answer to be found. I thanked God for the presence of Karen's father, Dr. Ken Garver, a physician whose specialty is in genetics counseling, prenatal diagnosis of birth defects, and Monsignor Bill Kerr who helped guide us through this time.

We knew the end was near so we tried to pack a lifetime of love into those few hours. I put my hands on Karen's abdomen—we prayed and we cried. We also talked to Gabriel to let him know how much we loved him—how much we will miss him, how much we will miss mothering and fathering him

> and how his brothers and sister will miss his presence.

Within hours of 12:45, our son was born. He was a beautiful creation—a small, pink, package of joy and sorrow, hope and questions. We bundled him up, put a little hat on his head, we held him, sang to him, cried for him. He was too small to make a sound but he spoke so powerfully to our hearts. His eyes never opened to see his mommy and daddy, but he allowed us to see, in him, the face of God. Two hours later, he died in my arms.

We tried to make Gabriel's short life, short time on Earth, filled with love, only love. And we told him that soon he would be experiencing something that we are striving for. God would be bringing him to be with Him in heaven. Finally, we pledged to him that we would rededicate ourselves to joining him someday.

The next days were no less of a blur than the ones that led up to them. We buried our son later that day, next to other members of our family, and we prayed to God to give us understanding.

This is our story, the irony finding ourselves confronted with a baby with a fetal defect when only the few days before, the absence of such had disqualified me from the debate on partial-birth abortion. It was in the eyes of many truly overwhelming. On two occasions we, too, could have chosen the option to abort. We knew that Gabriel's life would probably be measured in minutes and hours, not in years and decades. We chose to let Gabriel live and die in the fullness of time—being held and loved and nurtured by two parents who loved him dearly.

We wouldn't have traded those 2 hours with our son for anything in the world. And we know he wouldn't have either.

In the midst of the debate that fall, disgusted by and worried about the gruesome descriptions of abortion, one of the Senators said that a medical procedure was bloody and that it was just the nature of the event. The Washington Post described what happened next:

> Republican Senator Rick SANTORUM turned to face the opposition and, in a high, pleading voice, cried out, "Where do we draw the line? Some people have likened this procedure to an appendectomy. That's not an appendix," he shouted, pointing to a drawing of a fetus. "This is not a blob of tissue. It's a baby. It's a baby."
>
> And then, impossibly, in an already hushed gallery, in one of those moments when the floor of the Senate looks like a stage set, with its small wooden desks somehow too small for the matters at hand, the cry of a baby pierced the room, echoing across the chamber from an outside hallway.
>
> No one mentioned the cry. But for a few seconds no one spoke at all.

Maybe it was a freak occurrence. It was a baby, a visitor's baby that was crying in the hallway as the door to the floor opened and a few seconds later closed. A freak occurrence, perhaps, or maybe a cry from a son whose voice we never heard but whose life has changed ours forever.

Mr. President, I am using the words of my wife:

> Accepting partial-birth abortion as our only alternative to a difficult birth or a potentially disabled infant is to thwart two of our strongest human impulses: the impulse of love and the impulse of memory. All of us are united by our need to love and by our need to remember and be remembered. Giving life to and caring for a sick infant—for however brief a period—allows us to express these uniquely human impulses. Rick and I were blessed with the time to offer the fullness of our love to our baby, and we have the peace of knowing that he felt that love. Gabriel Michael joined our family forever. He has not been obliterated. Gabriel was known and will always be remembered. His memory will live with us forever. I believe that every human being should be remembered by somebody. Memory helps to anchor us to each other; it locates us not only within a certain time and place, but within a family and within a community. It is one of the measures of the value we place on each other. And the tragedy of infants who are destroyed and forgotten should haunt us all.

There is another way. You heard me quoting doctors all day about the other way, that there is no need to kill a baby. You may need to separate the mother from the baby, but there is no need to kill the baby. I do know that. I have experienced that. And I, as I said, would not trade one moment, one second.

What we are debating here is infanticide, not abortion. We should have the moral courage to stop infanticide in the U.S. Senate. We should be able to muster up enough support out around America to send a message, loud and clear, to every Member in this Senate, that we will not stand for it any longer.

The children who are victims of partial-birth abortion are not here to speak for themselves. So we must do that. And so I ask you on their behalf that you don't subject anyone else in America to this procedure. I plead with you on their behalf to stop the murder. I ask the President to look into his heart and see if he can't understand and feel the disruption that this procedure is causing to our culture and to our civilization. I ask every Member of the Senate to do the same. I think, if you do, the decision will be easy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate and thank my colleague from Pennsylvania, not only for bringing this bill to the floor, for working on it for so many months, but also for that very eloquent statement about the tragedy that occurred in his family.

I think his statement was the statement about the value of life and how precious human life really is. Each one of us, at different times in our lives, are reminded of the value of life, and sometimes how brief that life can be. As I look around the Chamber of the Senate this evening, I see three of my colleagues who have lost children, three of us who have lost children, who understand maybe more than we did before how precious human life is.

Really, that is what this debate is about tonight, what it has been about today. One of the things that we do in this Senate, as we have the luxury, if you want to use the term, of unlimited debate, is to thoroughly discuss issues. And as we do that, this tradition that is over 200 years in this body, as we do that, many times we do, in fact, educate ourselves and understand things better. Maybe, as we try to educate ourselves, we help educate the American people.

We have been at this debate for a long time because we had this debate last session of Congress. I would like, tonight, to talk about some of the things we have learned. I entered this Chamber, as my colleague from Texas, PHIL GRAMM, said earlier this evening, entered the Chamber a few months ago—I say now over a year ago—with not a whole lot of knowledge about partial-birth abortion. I think we all have become educated, not just from the debate here on the floor, but also we have been educated by the hearings. We have learned what partial-birth abortion is.

I think the most telling description was given by Brenda Pratt Shafer, of Franklin, OH, when she testified in front of the Judiciary Committee. Let me, if I could, share with my colleagues in part what she said:

> Mr. Chairman and Honorable Members of the Judiciary Committee, I am Brenda Pratt Shafer. I am a registered nurse, licensed in the State of Ohio, with 13 years of experience. In 1993, I was employed by Kimberly Quality Care, a nursing agency in Dayton, OH. In September 1993, Kimberly Quality Care asked me to accept an assignment at the Women's Medical Center, which is operated by Dr. Martin Haskell. I readily accepted this assignment because I was at that time very pro-choice.

She continues:

> So, because of the strong pro-choice views I held at that time, I thought this assignment would be no problem for me.
>
> But I was wrong. I stood at the doctor's side as he performed the partial-birth abortion procedure—and what I saw is branded on my mind forever.
>
> I worked as an assistant nurse at Dr. Haskell's clinic for 3 days—September 28, 29, 30, 1993.

She continues:

> On the third day, Dr. Haskell asked me to observe as he performed several of these procedures that are the subject of this hearing. Although I was in the clinic on the assignment of the agency, Dr. Haskell was interested in hiring me full-time, and I was being oriented in the entire range of procedures provided by that facility.
>
> I was present for three of these partial-birth procedures. It is the first one that I will describe to you in detail.

> The mother was 6 months pregnant, 26½ weeks. A doctor told her that the baby had Down Syndrome, and she had to have an abortion. She decided to have this abortion. She came in the first 2 days and have the laminaria inserted and changed, and she cried the whole time she was there. On the third day, she came in to have the partial-birth abortion procedure.
>
> Dr. Haskell brought the ultrasound in and hooked it up so that he could see the baby. On the ultrasound screen, I could see the heart beat. As Dr. Haskell watched the baby on the ultrasound screen, the baby's heartbeat was clearly visible on the ultrasound screen.
>
> Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and arms—everything but the head. The doctor kept the head right inside the uterus.
>
> Senators this is a baby that was a little bit smaller than the baby that I actually saw that day.

She held something up.

> This is a mechanical model of a baby.
>
> The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall.
>
> The doctor opened up the scissors, and stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp.
>
> I was really completely unprepared for what I was seeing. I almost threw up as I watched Dr. Haskell doing these things.
>
> Next, Dr. Haskell delivered the baby's head. He cut the umbilical cord and delivered the placenta. He threw the baby in a pan, along with the placenta and the instruments he had just used. I saw the baby move in the pan. I asked another nurse, and she said it was just reflexes.
>
> I have been a nurse for a long time, and I have seen a lot of death—people maimed in auto accidents, gunshot wounds, you name it. I have seen surgical procedures of every sort. But in all my professional years, I had never witnessed anything like this.
>
> The woman wanted to see her baby, so they cleaned up the baby and put it into a blanket and handed it to her. She cried the whole time. She kept saying, "I am so sorry, please forgive me." I was crying, too. I couldn't take it. That baby boy had the most perfect angelic face I think I have ever seen in my life.
>
> I was present in the room during two more such procedures that day, but I was really in shock. I tried to pretend I was somewhere else, to not think about what was happening. I just couldn't wait to get out of there. After I left that day, I never went back. The last two procedures, by the way, involved healthy mothers with healthy babies.

That was the testimony of the nurse, testimony that has never been controverted. In fact, I will not take the Senate's time to read this in its entirety, but this is the actual paper that Dr. Haskell prepared that has been quoted before in this procedure. It is a paper delivered by Martin Haskell, presented at the National Abortion Federation, Risk Management Seminar, September 13, 1992. You can track in Dr. Haskell's own words exactly what nurse Shafer said.

The doctor uses medical terminology. Part of this has already been read today by Dr. FRIST, Senator FRIST, when he gave his very eloquent comments in opposing the Daschle amendment. I will point out one thing that is very evident when you look at this description by Dr. Haskell of what this partial-birth abortion procedure is, that it takes 3 days, day 1, day 2, day 3. That was confirmed by what Nurse Shafer said. The dilation occurs in the first 2 days. They go in, go back home or go to a motel, and then come back the third day for the procedure itself. But actually the whole procedure takes 3 days.

We have also learned not only what the procedure is, we have learned a lot about why it is done.

Again, maybe the best evidence is to listen to the people who perform the abortions.

Dr. McMahon has told us, he has said that a number of these were done for nothing more serious than cleft palates. Seven, eight, possibly nine, for cleft palates, the life was snuffed out.

Dr. Haskell has told us that 80 percent—80 percent—of the abortions he performs are elective. The evidence is overwhelming of why these are done and under what circumstances.

Mr. President, during the just concluded debate, a number of my colleagues spoke of how this issue has deeply divided this country. One even said that nothing really has divided this country as much as the abortion debate has since the debate over slavery prior to and leading up to and including the Civil War.

I think that is correct. Few issues in our whole country's history have been so divisive. I would argue, Mr. President, this debate over abortion has been so protracted and intense because in a sense in a government of "we the people," we are still trying to figure out who "we"—what that means, who is included.

I say, Mr. President, that the vulnerable babies that we have heard about are us. And whether or not we are willing to speak out, whether or not we are willing to say enough is enough, not only will determine whether some of these babies will live or die, but it also will determine what kind of a people we are, what kind of a society we want to live in, who we really are, who we are as a people, what do we value and what do we not value, what do we become indignant about, and what do we walk away from.

How bad do things have to be before we speak up and say enough is enough? This is something we simply, even in 1997, this is something we will not tolerate. It is wrong. We will not put up with it. We will not allow it to occur in a civilized society. So, in a sense, not only is this a debate about the babies, not only a debate about who will live, it is also a debate about who all of us are and what kind of a country we have, what kind of a country we want.

I think we have an obligation to speak up. I think that many times the sins that we commit as a people, as individuals, are sins of omission, what we do not do when we do not speak up.

I would like to quote from my friend, HENRY HYDE, from a book that he wrote that I think summarizes what I believe. This is what Congressman HENRY HYDE said:

> I believe . . . that when the final judgment comes—as it will surely—when that moment comes that you face Almighty God—the individual judgment, the particular judgment—I believe that a terror will grip your soul like none other than you can imagine. The sins of omission will be what weigh you down; not the things you've done wrong, the chances you've taken, but the things you failed to do, the times that you stepped back, the times you didn't speak out.
>
> Not only for every idle word but for every idle silence must man render an account. I think that you will be overwhelmed with remorse for the things you failed to do.

Mr. President, let us move to pass this bill. Let us speak out for what is right. And let us hope that the power of the arguments that have been heard on the floor—no, rather the facts that have been clearly disclosed on the floor—will then persuade the President of the United States to rectify a mistake that he made last year when he vetoed this bill. We know more today. Many of the statements that were made by the President in his veto message are clearly, clearly not true. It was clear to many of us at the time they were not true, but now that we have had the opportunity for more debate, more evidence, it is clear that the reasons he gave, the rationales he gave, are simply not there.

So let us pass this bill. Let us send it again to the President. And let us pray that the power of the facts will convince our President to sign the bill.

Mr. President, I thank the Chair and yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CFE FLANK DOCUMENT—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification on the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 ("the CFE Flank Document"), adopted by the Senate of the United States on May 14, 1997, I hereby certify that:

In connection with Condition (2), Violations of State Sovereignty, the United States and the governments of Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey and the United Kingdom have issued a joint statement affirming that (i) the CFE Flank Document does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (B) and (C) of the Treaty) conventional arms and equipment limited by the Treaty on the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party; (ii) the CFE Flank Document does not alter or abridge the right of any State Party under the Treaty to utilize fully its declared maximum levels for conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty; and (iii) the CFE Flank Document does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Document.

In connection with Condition (6), Application and Effectiveness of Senate Advice and Consent, in the course of diplomatic negotiations to secure accession to, or ratification of, the CFE Flank Document by any other State Party, the United States will vigorously reject any effort by a State Party to (i) modify, amend, or alter a United States right or obligation under the Treaty or the CFE Flank Document, unless such modification, amendment, or alteration is solely an extension of the period of provisional application of the CFE Flank Document or a change of a minor administrative or technical nature; (ii) secure the adoption of a new United States obligation under, or in relation to, the CFE Treaty or the CFE Flank Document, unless such obligation is solely of a minor administrative or technical nature; or (iii) secure the provision of assurances, or endorsement of a course of action or a diplomatic position, inconsistent with the principles and policies established under conditions (1), (2), and (3) of the resolution of advice and consent to ratification of the CFE Flank Document.

In connection with Condition (7), Modifications of the CFE Flank Zone, any subsequent agreement to modify, revise, amend or alter the boundaries of the CFE flank zone, as delineated by the map entitled "Revised CFE Flank Zone" submitted to the Senate on April 7, 1997, shall require the submission of such agreement to the Senate for its advice and consent to ratification, if such changes are not solely of a minor administrative or technical nature.

In connection with Condition (9), Senate Prerogatives on Multilateralization of the ABM Treaty, I will submit to the Senate for advice and consent to ratification any international agreement (i) that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or (ii) that would change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

In connection with Condition (11), Temporary Deployments, the United States has informed all other States Parties to the Treaty that the United States (A) will continue to interpret the term "temporary deployment", as used in the Treaty, to mean a deployment of severely limited duration measured in days or weeks or, at most, several months, but not years; (B) will pursue measures designed to ensure that any State Party seeking to utilize the temporary deployments provision of the Treaty will be required to furnish the Joint Consultative Group established by the Treaty with a statement of the purpose and intended duration of the deployment, together with a description of the object of verification and the location of origin and destination of the relevant conventional armaments and equipment limited by the Treaty; and (C) will vigorously reject any effort by a State Party to use the right of temporary deployment under the Treaty (i) to justify military deployments on a permanent basis; or (ii) to justify military deployments without the full and complete agreement of the State Party upon whose territory the armed forces or military equipment of another State Party are to be deployed.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1997.*

REPORT ON THE CFE FLANK DOCUMENT—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

I am gratified that the Senate has given its advice and consent to the ratification to the CFE Flank Document and I look forward to the entry into force of this important agreement. It will reaffirm the integrity of one of the CFE Treaty's core provisions and will facilitate progress on CFE adaptation and, thus, NATO enlargement, key elements for advancing United States and European security.

I must, however, make clear my view of several of the Conditions attached to the resolution of advice and consent to ratification, including Conditions 2, 3, 4, 6, 7, 9 and 11. These Conditions all purport to direct the exercise of authorities entrusted exclusively to the President under our Constitution, including for the conduct of diplomacy and the implementation of treaties. The explicit limitation on diplomatic activities in Condition 3 is a particularly clear example of this point. As I wrote the Senate following approval of the Chemical Weapons Convention, a condition in a resolution of ratification cannot alter the allocation of authority and responsibility under the Constitution. I will, therefore, interpret the Conditions of concern in the resolution in a manner consistent with the responsibilities entrusted to me as President under the Constitution. Nevertheless, without prejudice to my Constitutional authorities, I will implement the Conditions in the resolution.

Condition (9), which requires my certification that any agreement governing ABM Treaty succession will be submitted to the Senate for advice and consent, is an issue of particular concern not only because it addresses a matter reserved to the President under our Constitution, but also because it is substantively unrelated to the Senate's review of the CFE Flank Document. It is clearly within the President's authorities to determine the successor States to a treaty when the original Party dissolves, to make the adjustments required to accomplish such succession, and to enter into agreements for this purpose. Indeed, throughout our history the executive branch has made a large number of determinations concerning the succession of new States to the treaty rights and obligations of their predecessors. The ABM Succession MOU negotiated by the United States effectuated no substantive change in the ABM Treaty requiring Senate advice and consent. Nonetheless, in light of the exceptional history of the ABM Treaty and in view of my commitment to agree to seek Senate approval of the Demarcation Agreements associated with the ABM Treaty, I have, without prejudice to the legal principles involved, certified, consistent with Condition (9), that I will submit any agreement concluded on ABM Treaty succession to the Senate for advice and consent.

William J. Clinton.

The White House, *May 14, 1997.*

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

William J. Clinton.

The White House, *May 15, 1997.*

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2. An act to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2. An Act to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1871. A communication from the Secretary of the Senate, transmitting, pursuant to law, a statement of receipts and expenditures of the Senate, showing in detail the expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in his possession from October 1, 1996 through March 31, 1997; which was ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 430. A bill to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds (Rept. No. 105-18).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BUMPERS (for himself, Ms. Landrieu, Mr. Cleland, Mr. Kerry, and Mr. Daschle):

S. 745. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion from gross income of gain on certain small business stock, to provide a rollover of capital gains on certain small business investments, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 746. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROTH (for himself, Mr. Moynihan, Mr. Chafee, Mr. Graham, Mr. Hatch, Ms. Moseley-Braun, Mr. Grassley, Mr. Baucus, Mr. Gramm, Mr. Conrad, Mr. Nickles, Mr. Breaux, Mr. Jeffords, Mr. Bryan, Mr. Rockefeller, Mr. Kerrey, Mr. Murkowski, Mr. D'Amato, and Mr. Lott):

S. 747. A bill to amend trade laws and related provisions to clarify the designation of normal trade relations; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mrs. Hutchison, Ms. Mikulski, Mr. Bumpers, Ms. Collins, and Mr. Robb):

S. 748. A bill to provide for college affordability and high standards; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself and Mr. Conrad):

S. 749. A bill to provide for more effective management of the National Grasslands, and for other purposes; to the Committee on Energy and Natural Resources.

S. 750. A bill to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SHELBY (for himself, Mr. Murkowski, Mr. Craig, and Mr. Burns):

S. 751. A bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND (for himself, Mr. Coats, Mr. Hollings, Mr. Helms, Mr. Faircloth, and Mr. Hutchinson):

S. 752. A bill to amend title 23, United States Code, to modify the minimum allocation formula under the Federal-aid highway program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MACK (for himself, Mr. Lieberman, and Mr. Brownback):

S. 753. A bill to amend the Internal Revenue Code of 1986 to provide for individuals who are residents of the District of Columbia a maximum rate of tax of 15 percent on income from sources within the District of Columbia, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL (for himself, Mr. Inouye, and Mr. Domenici):

S. 754. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for direct assistance to Indian tribes for juvenile justice and delinqency prevention programs, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL (for himself and Mr. Ford):

S. 755. A bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter; to the Committee on Armed Services.

By Mr. KERRY (for himself, Mr. Rockefeller, Mrs. Murray, Mr. Kennedy, Mr. Hollings, Mr. Wellstone, Ms. Moseley-Braun, and Mr. Harkin):

S. 756. A bill to provide for the health, education, and welfare of children 6 years of age; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ABRAHAM (for himself and Mr. Leahy):

S. Res. 86. A resolution expressing the sense of the Senate with respect to telephone access charges for use of the Internet and the growth of advanced interactive communications networks like the Internet; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUMPERS (for himself, Ms. Landrieu, Mr. Cleland, Mr. Kerry, and Mr. Daschle):

S. 745. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion from gross income of gain on certain small business stock, to provide a rollover of capital gains on certain small business investments, and for other purposes; to the Committee on Finance.

THE SMALL BUSINESS CAPITAL GAINS ENHANCEMENT ACT OF 1997

Mr. BUMPERS. Mr. President, I rise today to introduce the Small Business Capital Gains Enhancement Act of 1997, which will make several important improvements to section 1202 of the Internal Revenue Code, a measure I authored in 1993 to provide an incentive for investment in entrepreneurial efforts. Section 1202 provides a 50 percent exclusion for capital gains from qualified small business stock held at least 5 years.

The purpose of section 1202 is clear. Because small businesses are inherently riskier than large businesses, most investors are reluctant to invest in the smaller enterprises. This, obviously, tends to create a dearth of capital for entrepreneurs. But maintaining a healthy investment environment for small businesses is extremely important for the well-being of our economy. Most new jobs come from small businesses, not large ones. From 1991–95, businesses with fewer than 500 employees created 22 million new jobs, while businesses of greater than 500 employees cut 3 million jobs. And it was because of this dynamic small business impact on our economy that Congress passed section 1202 with great bipartisan support in both chambers: we wanted to create a capital formation incentive for small business.

Now, for two reasons, it has become crucial that we make certain improvements to section 1202. First, section 1202 is not adequate. The small business incentive I originally proposed in 1993 was considerably more extensive than section 1202. After years of discussions among entrepreneurs and tax experts regarding what would be helpful and workable, we had determined that the incentive should, for example, include companies of up to $100 million in assets, allow corporate investors, and not be subject to the alternative minimum tax. But because of budget concerns during the Omnibus Reconciliation Act of 1993, the proposal was scaled back to include only companies of $50 million or less, allow no corporate investors, and subject 50 percent of the benefit to the alternative minimum tax. The bill my cosponsors and I are introducing today will expand section 1202 to provide the kind of incentive originally envisioned and more.

The second reason that today's legislation is crucial is to preserve the incentive in the face of other impending capital gains cuts which would effectively nullify it. As we all know, it appears that we are headed toward an across-the-board capital gains cut following the recent budget agreement between the Clinton administration and Republican congressional leaders. Ironically, an across-the-board cut could obliterate the small business incentive if the latter is not adjusted accordingly.

Here is how that would happen. Under the GOP capital gains proposal in S. 2, the top regular capital gains rate will be 19.8 percent, while the top rate for small business capital gains will remain at 14 percent. In other words, an investor could buy stock in, say, Microsoft, hold that stock 1 year, sell the stock, and, if a gain were realized, pay a maximum tax of 19.8 percent. Alternatively, the investor could make that investment in, say, a new biotech firm, hold that stock 5 years, sell the stock, and, if a gain were realized, pay a maximum tax of 14 percent. The logical choice would be clear: the investor would choose the big business over the small business. After all, who would choose a risky 5-year small business investment over a 1-year Microsoft investment for a tax differential of only 5.8 percent? Clearly, a major across-the-board tax cut without a corresponding increase in the exclusion for small business investments will obliterate section 1202's effectiveness. Small business will be left without a viable capital gains incentive.

Not only would the situation described above nullify the small business incentive for the future, it would be unfair to those who have already made small business investments based on section 1202—those who accepted the risk of investing in a small business stock for the promise of preferential capital gains treatment. We would be saying, "Thanks for taking a risk with your small business investment, but we've decided to change the rules. We're gonna give you about the same tax rate we give other people for their less-risky Fortune 500 investments." As a matter of fairness to those who have already invested in a small business based on section 1202, we must maintain a substantial difference between small business and big business capital gains taxes. This bill will make that adjustment by increasing the exclusion for small business capital gains from 50 percent to 75 percent.

Here is a list of all the improvements our legislation would make to section 1202. Increase the small business deduction from 50 percent to 75 percent; increase the asset limit for "qualified small businesses" from $50 to $100 million; make the incentive available to corporate investors; exempt the incentive from alternative minimum tax calculations; change the working capital spend-down period (intended to prevent abuse through inactivity) from 2 years to 5 years to allow companies to raise adequate capital before beginning to spend it; increase the per-taxpayer benefit limit to $20 million or 10 times investment. Presently, the limit is $10 million or 10 times investment; and allow the tax-deferred rollover of capital gains from one qualified small business to another.

Although we have not yet received a Joint Tax Committee revenue estimate on this measure, it would appear from previous estimates to cost under $500 million over 5 years and under $1 billion over 10 years. Compared to the cost of an across-the-board capital gains tax cut and other major tax cuts being considered by this Congress, this is a pittance.

Mr. President, section 1202 is the major, if not the only, capital formation incentive for small business in the entire Tax Code. It would be a tragedy and a slap in the face of America's entrepreneurs if we fail to maintain this measure in viable form. The bill we are introducing today will do that, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Capital Gains Enhancement Act of 1997".

SEC. 2. MODIFICATIONS TO EXCLUSION OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) Increased Exclusion.—

(1) In general.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 (relating to 50-percent exclusion for gain from certain small business stock) is amended—

(A) by striking "50 percent" and inserting "75 percent", and

(B) by striking "**50-percent**" in the heading and inserting "**75-percent**".

(2) Conforming amendments.—

(A) The heading for section 1202 of such Code is amended by striking "50-percent" and inserting "75-percent".

(B) The table of sections for part I of subchapter P of chapter 1 of such Code is amended by striking "50-percent" in the item relating to section 1202 and inserting "75-percent".

(b) Exclusion Available to Corporations.—

(1) In general.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by striking "other than a corporation".

(2) Technical amendment.—Subsection (c) of section 1202 of such Code is amended by adding at the end the following new paragraph:

"(4) Stock held among members of controlled group not eligible.—Stock shall not be treated as qualified small business stock if such stock was at any time held by any member of the parent-subsidiary controlled group (as defined in subsection (d)(3)) which includes the qualified small business."

(c) Repeal of Minimum Tax Preference.—

(1) In general.—Section 57(a) of the Internal Revenue Code of 1986 (relating to items of tax preference) is amended by striking paragraph (7).

(2) Technical amendment.—Section 53(d)(1)(B)(ii)(II) of such Code is amended by striking ", (5), and (7)" and inserting "and (5)".

(d) Stock of Larger Businesses Eligible for Exclusion.—

(1) Section 1202(d)(1) of the Internal Revenue Code of 1986 (relating to qualified small business) is amended by striking "$50,000,000" each place it appears and inserting "$100,000,000".

(2) Section 1202(d) of such Code is amended by adding at the end the following new paragraph:

"(4) Inflation adjustment of asset limitation.—In the case of stock issued in any calendar year after 1997, the $100,000,000 amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1996' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $1,000,000, such amount shall be rounded to the next lower multiple of $1,000,000."

(e) Per-Issuer Limitation.—Section 1202(b)(1)(A) of the Internal Revenue Code of 1986 (relating to per-issuer limitation on taxpayer's gain) is amended by striking "$10,000,000" and inserting "$20,000,000".

(f) Other Modifications.—

(1) Working capital limitation.—Section 1202(e)(6) of the Internal Revenue Code of 1986 (relating to working capital) is amended by striking "2 years" each place it appears and inserting "5 years".

(2) Redemption rules.—Section 1203(c)(3) of such Code (relating to certain purchases by corporation of its own stock) is amended by adding at the end the following new subparagraph:

"(D) Waiver where business purpose.—A purchase of stock by the issuing corporation shall be disregarded for purposes of subparagraph (B) if the issuing corporation establishes that there was a business purpose for such purchase and one of the principal purposes of the purchase was not to avoid the limitation of this section."

(g) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to stock issued after the date of the enactment of this Act.

(2) Special rule.—The amendments made by subsection (c), (e), and (f) shall apply to stock issued after August 10, 1993.

SEC. 3. ROLLOVER OF CAPITAL GAINS ON CERTAIN SMALL BUSINESS INVESTMENTS.

(a) In General.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to common nontaxable exchanges) is amended by adding at the end the following new section:

"SEC. 1045. ROLLOVER OF GAIN ON SMALL BUSINESS INVESTMENTS.

"(a) Nonrecognition of Gain.—In the case of the sale of any eligible small business investment with respect to which the taxpayer elects the application of this section, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

"(1) the cost of any other eligible small business investment purchased by the taxpayer during the 6-month period beginning on the date of such sale, reduced by

"(2) any portion of such cost previously taken into account under this section.

This section shall not apply to any gain which is treated as ordinary income for purposes of this subtitle.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) Purchase.—The term 'purchase' has the meaning given such term by section 1043(b)(4).

"(2) Eligible small business investment.—Except as otherwise provided in this section, the term 'eligible small business investment' means any stock in a domestic corporation, and any partnership interest in a domestic partnership, which is originally issued after December 31, 1996, if—

"(A) as of the date of issuance, such corporation or partnership is a qualified small business entity,

"(B) such stock or partnership interest is acquired by the taxpayer at its original issue (directly or through an underwriter)—

"(i) in exchange for money or other property (not including stock), or

"(ii) as compensation for services (other than services performed as an underwriter of such stock or partnership interest), and

"(C) the taxpayer has held such stock or interest at least 6 months as of the time of the sale described in subsection (a).

A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this section.

"(3) Active business requirement.—Stock in a corporation, and a partnership interest in a partnership, shall not be treated as an eligible small business investment unless, during substantially all of the taxpayer's holding period for such stock or partnership interest, such corporation or partnership meets the active business requirements of subsection (c). A rule similar to the rule of section 1202(c)(2)(B) shall apply for purposes of this section.

"(4) Qualified small business entity.—

"(A) In general.—The term 'qualified small business entity' means any domestic corporation or partnership if—

"(i) such entity (and any predecessor thereof) had aggregate gross assets (as defined in section 1202(d)(2)) of less than $25,000,000 at all times before the issuance of the interest described in paragraph (2), and

"(ii) the aggregate gross assets (as so defined) of the entity immediately after the issuance (determined by taking into account amounts received in the issuance) are less than $25,000,000.

"(B) Aggregation rules.—Rules similar to the rules of section 1202(d)(3) shall apply for purposes of this paragraph.

"(c) Active Business Requirement.—

"(1) In general.—For purposes of subsection (b)(3), the requirements of this subsection are met by a qualified small business entity for any period if—

"(A) the entity is engaged in the active conduct of a trade or business, and

"(B) at least 80 percent (by value) of the assets of such entity are used in the active conduct of a qualified trade or business (within the meaning of section 1202(e)(3)).

Such requirements shall not be treated as met for any period if during such period the entity is described in subparagraph (A), (B), (C), or (D) of section 1202(e)(4).

"(2) Special rule for certain activities.—For purposes of paragraph (1), if, in connection with any future trade or business, an entity is engaged in—

"(A) startup activities described in section 195(c)(1)(A),

"(B) activities resulting in the payment or incurring of expenditures which may be treated as research and experimental expenditures under section 174, or

"(C) activities with respect to in-house research expenses described in section 41(b)(4),

such entity shall be treated with respect to such activities as engaged in (and assets used in such activities shall be treated as used in) the active conduct of a trade or business. Any determination under this paragraph shall be made without regard to whether the entity has any gross income from such activities at the time of the determination.

"(3) Certain rules to apply.—Rules similar to the rules of paragraphs (5), (6), (7), and (8) of section 1202(e) shall apply for purposes of this subsection.

"(d) Certain Other Rules To Apply.—Rules similar to the rules of subsections (f), (g), (h), and (j) of section 1202 shall apply for purposes of this section, except that a 6-month holding period shall be substituted for a 5-year holding period where applicable.

"(e) Basis Adjustments.—If gain from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any eligible small business investment which is purchased by the taxpayer during the 6-month period described in subsection (a).

"(f) Statute of Limitations.—If any gain is realized by the taxpayer on the sale or exchange of any eligible small business investment and there is in effect an election under subsection (a) with respect to such gain, then—

"(1) the statutory period for the assessment of any deficiency with respect to such gain shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing other eligible small business investments which the taxpayer claims results in nonrecognition of any part of such gain,

"(B) the taxpayer's intention not to purchase other eligible small business investments within the 6-month period described in subsection (a), or

"(C) a failure to make such purchase within such 6-month period, and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section through splitups, shell corporations, partnerships, or otherwise and regulations to modify the application of section 1202 to the extent necessary to apply such section to a partnership rather than a corporation."

(b) Conforming Amendment.—Paragraph (23) of section 1016(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "or 1044" and inserting ", 1044, or 1045", and

(2) by striking "or 1044(d)" and inserting ", 1044(d), or 1045(e)".

(c) Clerical Amendment.—The table of sections for part III of subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 1045. Rollover of gain on small business investments."

(d) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1996.

Mr. CLELAND. Mr. President, I rise this morning, to join my good colleague from Arkansas in support of the Small Business Capital Gains Enhancement Act of 1997.

Today, our country's economy is more robust and is growing faster than it has in the last decade and maybe even the last several decades. Fostering this growth is crucial to sustain the great and important strides that our economy has made in these past years, and I believe that this legislation will go a long way to improving incentives for investment in small businesses. Cutting the capital gains tax in this targeted fashion is something that small businesses have time and again asked for because they know, as we all do, that investing in small businesses and providing capital for that investment creates growth and, more importantly, jobs.

Small businesses have had a striking impact on Georgia's economy. They are vital as job creators, and their diversity and composition provide a work force with endless opportunities and are easily the envy of the country.

Mr. President, according to the SBA, 97.6 percent of the business firms in Georgia are small businesses. Women-owned businesses have increased 62.7 percent since 1987. African American owned firms have increased 79.8 percent between 1987 and 1992. Hispanic firms, including part-time businesses, grew 184.9 percent in the same period of time. So the impact of this legislation is huge. These figures are numbers that corporate investors cannot—cannot—ignore, but if section 1202 of the Internal Revenue Code doesn't allow them to invest in these small businesses, then I believe we are missing out on far more than the taxes that we collect as the law is now. We must make certain that these investors have every opportunity to become involved in the growing of small businesses. These are the ideal investors, they recognize that, and so should we, Mr. President.

I wish to add support to my colleague's comments that across-the-board cuts, while they may sound wonderful, can in fact have a negative impact toward small businesses as they compete with big businesses for investment dollars. It is important to maintain the differences between small business and big business capital gains taxes. Making adjustment in the present law and fine tuning where needed is smarter, in my opinion, than the alternatives of wide ranging or all encompassing legislative action.

This is an affordable tax cut and one that puts important capital dollars in the coffers of the men and women of this country who are creating jobs, creating economic opportunity, and giving hope to the country and I believe hope to our great future. I believe many of our colleagues will join us in our commitment to the small businesses of this country. I thank my friend from the wonderful State of Arkansas for his leadership and the opportunity to participate here with him this morning. This is a great opportunity that I look forward to supporting.

Mr. President, I yield the floor and any time that may remain.

By Mr. LEVIN:

S. 746. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Indian Affairs.

THE BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS ACT

Mr. LEVIN. Mr. President, I rise today to introduce a bill to reaffirm the Federal recognition of the Burt Lake Band of Ottawa and Chippewa Indians. This legislation will reestablish the government-to-government relations of the United States and the Burt Lake Band. This is the same legislation which I introduced last Congress and which was originally introduced in the 103d Congress by my friend and colleague, Senator Donald Riegle.

Federal recognition for Burt Lake is vitally important for a variety of reasons. With this process completed the Band can move on to the tasks of improving the economic and social welfare of its people. More important however, passage of this legislation will clarify that the Burt Lake Band is a historically independent tribe.

The Band is named after Burt Lake, a small inland lake about 20 miles south of the straits of Mackinac. The Band already had deep roots in the area when a surveyor named Burt inspected the area in 1840. During the 1800's, the Burt Lake Band was a signatory to several Federal treaties, including the 1836 Treaty of Washington and the 1855 Treaty of Detroit. These treaties were enacted for the purpose of securing territory for settlement and development.

During the mid-1800's, the Federal Government turned over to the State of Michigan annuity moneys on the Band's behalf in order to purchase land. This land was later lost by the Band through tax sales, although trust land is nontaxable. The Band was subsequently evicted from their village. In 1911, the Federal Government brought a claim on behalf of Burt Lake against the State of Michigan. The autonomous existence of the Band at this stage is clear.

Although the Band has never had its Federal status legally terminated, the Bureau of Indian Affairs since the 1930's has not accorded the Band that status nor treated the Band as a federally recognized tribe. The Burt Lake Band, as well as the other tribes located in Michigan's lower peninsula were improperly denied the right to reorganize under the terms of the Indian Reorganization Act of 1934 even though they were deemed eligible to do so by the Indian Service at that time.

My Michigan colleague, Congressman DALE KILDEE, has sponsored a similar piece of legislation. I look forward to the consideration of this legislation by the respective committees in both the Senate and the House and its enactment into law. I also ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burt Lake Band of Ottawa and Chippewa Indians Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Burt Lake Band of Ottawa and Chippewa Indians are descendants and political successors to the signatories of the treaty between the United States and the Ottawa and Chippewa nations of Indians at Washington, D.C. on March 28, 1836 (7 Stat. 491 et seq.), and the treaty between the United States and the Ottawa and Chippewa Indians of Michigan at Detroit on July 31, 1855 (11 Stat. 621 et seq.);

(2) the Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the treaties referred to in paragraph (1), have been recognized by the Federal Government as distinct Indian tribes;

(3) the Burt Lake Band of Ottawa and Chippewa Indians consists of over 650 eligible members who continue to reside close to their ancestral homeland as recognized in the reservations of lands under the treaties referred to in paragraph (1) in the area that is currently known as Cheboygan County, Michigan;

(4) the Band continues to exist and carry out political and social activities with a viable tribal government;

(5) the Band, along with other Michigan Odawa and Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948;

(6) the Northern Michigan Ottawa Association subsequently submitted a successful land claim with the Indian Claims Commission;

(7) during the period between 1948 and 1975, the Band carried out many governmental functions through the Northern Michigan Ottawa Association, and at the same time retained control over local decisions;

(8) in 1935, the Band submitted a petition under the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 984 et seq., chapter 576; 25 U.S.C. 461 et seq.), to form a government on behalf of the Band;

(9) in spite of the eligibility of the Band to form a government under the Act referred to in paragraph (8), the Bureau of Indian Affairs failed to act on the petition referred to in that paragraph; and

(10) from 1836 to the date of enactment of this Act, the Federal Government, the government of the State of Michigan, and political subdivisions of the State have had continuous dealings with the recognized political leaders of the Band.

SEC. 3. DEFINITIONS.

In this Act:

(1) BAND.—The term "Band" means the Burt Lake Band of Ottawa and Chippewa Indians.

(2) MEMBER.—The term "member" means any individual enrolled in the Band pursuant to section 7.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Congress reaffirms the Federal recognition of the Burt Lake Band of Ottawa and Chippewa Indians.

(b) APPLICABILITY OF FEDERAL LAWS.—Each provision of Federal law (including any regulation) of general application to Indians or Indian nations, tribes, or bands, including the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 984 et seq., chapter 576; 25 U.S.C. 461 et seq.), that is inconsistent with any specific provision of this Act shall not apply to the Band or any of its members.

(c) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—

(A) IN GENERAL.—The Band and its members shall be eligible for all services and benefits provided by the Federal Government to Indians because of their status as federally recognized Indians.

(B) SERVICES AND BENEFITS.—Notwithstanding any other provision of law, the services and benefits referred to in subparagraph (A) shall be provided after the date of enactment of this Act to the Band and its members without regard to—

(i) whether an Indian reservation exists for the Band; or

(ii) the location of the residence of any member on or near an Indian reservation.

(2) SERVICE AREAS.—

(A) IN GENERAL.—For purposes of the delivery of Federal services to the enrolled members of the Band, the area of the State of Michigan within a 70-mile radius of the boundaries of the reservation for the Burt Lake Band, as set forth in the seventh paragraph of Article I of the treaty between the United States and the Ottawa and Chippewa Indians of Michigan, done at Detroit on July 31, 1855 (11 Stat. 621 et seq.), shall be deemed to be within or near an Indian reservation.

(B) EFFECT OF ESTABLISHMENT OF AN INDIAN RESERVATION AFTER THE DATE OF ENACTMENT OF THIS ACT.—If an Indian reservation is established for the Band after the date of enactment of this Act, subparagraph (A) shall continue to apply on and after the date of the establishment of that reservation.

(C) PROVISION OF SERVICES AND BENEFITS OUTSIDE THE SERVICE AREA.—Unless prohibited by Federal law, the services and benefits referred to in paragraph (1) may be provided to members outside the service area described in subparagraph (A).

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) IN GENERAL.—To the extent consistent with the reaffirmation of the recognition of the Band under section 4(a), all rights and privileges of the Band and its members, which may have been abrogated or diminished before the date of enactment of this Act, are reaffirmed.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act may be construed to diminish any right or privilege of the Band or its members that existed before the date of enactment of this Act. Except as otherwise specifically provided, nothing in this Act may be construed as altering or affecting any legal or equitable claim the Band may have to enforce any right or privilege reserved by or granted to the Band that was wrongfully denied to the Band or taken from the Band before the date of enactment of this Act.

SEC. 6. TRIBAL LANDS.

The tribal lands of the Band shall consist of all real property held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any property acquired by the Secretary pursuant to this section shall be held in trust by the United States for the benefit of the Band and shall become part of the reservation of the Band.

SEC. 7. MEMBERSHIP.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Band shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Band at the time of the submission of the membership roll.

(b) QUALIFICATIONS.—The Band shall, in consultation with the Secretary, determine, pursuant to applicable laws (including ordinances) of the Band, the qualifications for including an individual on the membership roll.

(c) PUBLICATION OF NOTICE.—The Secretary shall publish notice of receipt of the membership roll in the Federal Register as soon as practicable after receiving the membership roll pursuant to subsection (a).

(d) MAINTENANCE OF ROLL.—The Band shall maintain the membership roll of the Band prepared pursuant to this section in such manner as to ensure that the membership roll is current.

SEC. 8. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct, by secret ballot, elections for the purpose of adopting a new constitution for the Band. The elections shall be held according to the procedures applicable to elections under section 16 of the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 987, chapter 576; 25 U.S.C. 476).

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Band.

(b) OFFICIALS.—

(1) ELECTIONS.—Not later than 180 days after the Band adopts a constitution and bylaws pursuant to subsection (a), the Band shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the governing constitution of the Band. The elections shall be conducted according to the procedures described in the governing constitution and bylaws of the Band.

(2) INTERIM GOVERNMENTS.—Until such time as the Band elects new officials under paragraph (1), the governing bodies of the Band shall include each governing body of the Band in effect on the date of the enactment of this Act, or any succeeding governing body selected under the election procedures specified in the applicable interim governing documents of the Band.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. CHAFEE, Mr. GRAHAM, Mr. HATCH, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. BAUCUS, Mr. GRAMM, Mr. CONRAD, Mr. NICKLES, Mr. BREAUX, Mr. JEFFORDS, Mr. BRYAN, Mr. ROCKEFELLER, Mr. KERREY, Mr. MURKOWSKI, Mr. D'AMATO, and Mr. LOTT):

S. 747. A bill to amend trade laws and related provisions to clarify the designation of normal trade relations; to the Committee on Finance.

NORMAL TRADE RELATIONS LEGISLATION

Mr. ROTH. Mr. President, I rise today to introduce a bill to clarify the meaning of the term, "most-favored-nation trading status." I do so because the term gives the false impression that MFN is some sort of special privilege or reward.

In fact, MFN is not a special privilege or reward. It designates the most ordinary, most normal trading relationship among countries. Since the founding of our Republic, the principle of nondiscrimination embodied in MFN has served as the cornerstone of U.S. international trade policy.

In its most basic trade application, this principle requires a country to apply the same tariff duty rate on a particular product from one country as it applies to imports of the same product from all other countries.

For example, if the U.S. tariff on imported clock radios is 5 percent, all clock radios imported from countries with MFN status are subject to a 5-percent tariff. Imports from countries that do not have MFN status—and there are only six countries that fall into this category—are subject to far higher duty rates.

Another important point about MFN is that it is not a one-way street. When we give MFN status to a particular country, that country, in return, gives the United States most-favored-nation status.

Therefore, because we give Singapore MFN status, the clock radios we import from that country are subject to the same tariff rates as clock radios from Thailand, Spain, or any other country to which we extend MFN.

In return, when Singapore imports our computer chips, it imposes the same tariff on United States chips as those imported from Japan, Korea, Great Britain, or any other country to which it extends MFN.

What does the United States get out of all this? American companies get to compete on fair and equal terms with their foreign rivals.

Let me emphasize again: MFN status does not confer—let alone imply—special treatment.

In fact, when we decide to give special treatment to imports from other countries—as Congress has expressly chosen to do for certain products from over 130 nations—those imports are subject to tariff rates substantially below the MFN rate. Sometimes we even allow specified countries to export products to the United States duty free.

In short, MFN status denotes the standard, not the exceptional, trading relationship. Ending this standard trading relationship by revoking MFN is an extreme measure. In fact, because MFN is so fundamental to trade relations among countries, some correctly liken its withdrawal to a declaration of economic war.

Because of the confusion created by the phrase, "most-favored-nation trading status," Senator MOYNIHAN and I and virtually all the Members of the Finance Committee have agreed to introduce legislation to replace the phrase wherever appropriate in U.S. trade law with a more suitable term—"normal trade relations"—a term that underscores the unexceptional nature of the MFN concept. I believe that if we adopt this legislation, we will all better understand the issue, and our discussions on extending normal trade relations to various countries will be more constructive.

It should be clear to our trading partners that creating this new term will not alter our international rights and obligations. Rather, in choosing the term "normal trade relations" we aim to describe more accurately the nondiscriminatory principles underlying U.S. trade law and policy.

Last year, similar legislation passed the Senate unanimously. I ask my colleagues to do the same again this year.

Mr. MOYNIHAN. Mr. President, I am pleased to join once again with the distinguished Chairman of the Finance Committee, Senator ROTH, to reintroduce legislation that will, we believe, help to dispel the fog that sometimes shrouds our discussions of trade policy. This bill would, simply and directly, replace the term "most favored nation" with the phrase "normal trade relations"—a more accurate, less muddled phrase that better describes this fundamental principle of trade policy.

The concept is well established. It has been traced by historians to the 13th century. More particularly, to a clause in the treaty of November 8, 1226, in which the Emperor Frederick II conceded to the city of Marseilles the privileges previously granted to the citizens of Pisa and of Genoa. Not greater privileges, but merely the same as had been extended to others.

The term itself—"most favored nation"—dates to the end of the 17th century. And has been nearly as long a cornerstone of American trade policy. Since the 18th century, our trade policy has been grounded on the principle of nondiscrimination: the vast majority of our trading partners receive treatment equal to the treatment we give every other trading partner. In no sense can this fairly be characterized as most favored treatment; rather it is the treatment that we normally accord our trading partners.

And yet we continue to use that 17th century term in treaties and agreements, in executive orders and in trade laws, a term that, even at the beginning, was a misnomer. There is, Mr. President, no single most favored nation. There never really was.

As noted in a 1919 report to the Congress by the United States Tariff Commission, known today as the United States International Trade Commission:

> It is neither the purpose nor the effect of the most-favored-nation clause to establish a "most favored nation"; on the contrary its use implies the intention that the maximum of advantages which either of the parties to a treaty has extended or shall extend to any third State—for the moment the "most-favored"—shall be given or be made accessible to the other party.

That is, the most favored nation is not the nation with which we are negotiating, but rather a third nation altogether that happens to benefit at the moment from lower tariffs or other preferences with respect to some particular product. The most-favored-nation principle means merely that we will grant to our negotiating partner the same terms that we have given to that third country, for the moment more favored.

Little wonder, then, that the term has created confusion. And yet we must continue to discuss the concept for the simple reason that there exists still, in U.S. law, a very unfavorable tariff—the Smoot-Hawley tariff (stemming from the 1930 act of the same name). This was the last tariff schedule enacted line-by-line by the Congress and it produced the highest tariff rates, overall, in our history. It is still on the books, though it applies only to a handful of countries.

In response to the disaster that followed enactment of the Smoot-Hawley tariff, which, at the time applied to all of our trading partners, Congress authorized the Roosevelt administration to negotiate a series of trade agreements aimed at reducing tariffs worldwide. These efforts culminated in a series of trade agreements with individual countries, and ultimately paved the way for a series of broad multilateral negotiations under the auspices of the General Agreement on Tariffs and Trade that reduced American tariffs, just as they slashed tariffs worldwide. These much lower tariff rates are the tariffs that we call our most-favored-nation tariff rates and they apply, in fact, to the vast majority of countries. They are thus the norm, and not in any way more favorable tariffs.

They are, indeed, not the lowest tariff rates that the United States applies. We have free-trade arrangements with Canada, Israel, and Mexico that call for the complete elimination of tariffs. We have eliminated tariffs on certain imports from developing countries under the Generalized System of Preferences, from Caribbean nations under the Caribbean Basin Initiative and from Andean countries under the Andean Trade Preferences Act. The tariff rates under these regimes are, in all cases, lower than what we now call our most-favored-nation tariff rates. Hence the confusion, and hence the need to find a more apt phrase.

Mr. President, this legislation will be familiar to most of my colleagues. The identical bill was introduced in the 104th Congress with the cosponsorship of the entire Finance Committee and it passed the Senate by unanimous consent. I expect that we will be able to repeat that victory in the 105th Congress, and I hope that we can do so promptly.

Let me underscore that this legislation in no way alters the bedrock principles of equal treatment or nondiscrimination. It merely drops an outdated term in favor of one that ought to help make our trade policy more comprehensible to the American public.

Mr. CHAFEE. Mr. President, today Senators ROTH, MOYNIHAN, and I, along with others on the Finance Committee, are introducing legislation to clarify the meaning of most favored nation [MFN] trading status—a change I have advocated for some time.

Over the past few years, MFN has gained notoriety as a special favor that the U.S. grants to other nations. Not true. Indeed, MFN is a misnomer if there ever was one.

Rather, MFN refers to a centuries-old concept used by all trading nations—the concept that no nation shall be granted trade treatment less favorable than that granted to the most-favored-nation. In other words, no playing favorites! Every nation is to receive equal treatment when it comes to the terms of trade.

Thus, the MFN concept represents the lowest common denominator of trade status.

Over the centuries, this simple nondiscrimination concept came to be known as most favored nation status. Frankly, that is unfortunate. That particular terminology has fostered the mistaken view that MFN is a special treatment granted only to a privileged few. Yet just the opposite is true: MFN, as the basic trading status between nations, is granted to virtually all nations with whom the U.S. trades. The exceptions can almost be counted on one hand: Serbia, Laos, Afghanistan, Vietnam, Cuba, and North Korea.

In sum, while the concept of MFN is sound, the term used to denote that concept is misleading and has resulted in a good deal of mischief—a fact that Senators MOYNIHAN and I have lamented often during Senate Finance Committee hearings. It is high time that we called the MFN nondiscrimination concept by a term that more accurately represents its meaning.

Therefore, today my colleagues and I are introducing this bill to amend U.S. law, where appropriate, to replace the term "MFN" with the term "NTR": normal trade relations. From this point on, we will discuss legislation and hold debate on the nondiscrimination concept using the term "NTR" in place of MFN.

Will the concept of MFN remain the same? Yes. Are we signalling a change in domestic policy, or modifying our international obligations in any way? No. But we are making perfectly clear to everyone the true meaning and purpose of this centuries-old concept. And it is my hope that our legislation will result in a better understanding of international trade relations, both here in the Congress and in the eyes of the public.

Last year, Senators ROTH, MOYNIHAN, and I introduced a virtually identical bill, again with the support of Finance Committee members. That bill sailed through the Senate unanimously, and was sent to the House of Representatives. However, the house was not able to act on the bill prior to the date of adjournment of the 104th Congress. It is my hope that by introducing this bill tody, there will be more than enough time this year to move the measure through both chambers and send it to the President for his signature. I therefore urge swift consideration of our legislation by the Senate.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mr. BUMPERS, Ms. COLLINS, and Mr. ROBB):

S. 748. A bill to provide for college affordability and high standards; to the Committee on Labor and Human Resources.

THE COLLEGE AFFORDABILITY AND HIGH STANDARDS ACT OF 1997

Mr. BINGAMAN. Mr. President, during the last few years, many of us have been trying to figure out how to solve some of the troubling questions surrounding public education. These issues include two core questions, one about inadequate academic standards and the the other about the skyrocketing cost of going on to college.

What can we do to improve the standards of academic performance in our schools and, how can we make college more affordable to more of our students?

One very straightforward answer is to expand the number of advanced placement courses taught in our schools and to increase the number of students who have the opportunity to take those courses.

Let me briefly describe what an advanced placement, or AP, course really is. The AP program is a set of college-level courses that are usually taught to high school juniors and seniors for college credit. They are taken on a voluntary basis. These courses are now taught in a majority of our high schools. They use locally developed materials. However, the year-end AP exams are evaluated on a uniform basis, making test scores comparable nationwide. Overall, there are 30 different AP courses, although most students take them in the areas of math and history and science and English.

Today, I rise to introduce the College Affordability and High Standards Act of 1997, which is also being cosponsored by Senators HUTCHISON, MIKULSKI, BUMPERS and COLLINS. This legislation will allow thousands of additional high school students to participate in AP courses. The bill focuses on low-income and minority students who often attend school in less affluent or in isolated areas.

I am introducing this bill based in part on several recent visits to New Mexico high schools, where I learned that what students want is more well-trained teachers. They are asking for more challenging academic work. In my home State, in schools like West Mesa High School in Albuquerque and Las Cruces High School, AP students told me they never thought they could succeed in classes that are this challenging. There is great satisfaction and pride, evidenced by their ability to succeed.

While it may seem new, this is not an entirely new approach to raising academics and lowering college costs. In fact, we have had legislation proposed before by Senator Kassebaum and a bipartisan group of other Members, which became law in 1992 and is still in effect. We are just building on this approach. In addition, Secretary Riley, the late President of the AFT Al Shanker, and Boston Schools Superintendent Tom Payzant have spoken out on this.

Most importantly, 23 States today provide some type of incentive program to encourage more AP participation. I have a chart I want to show my colleagues to make the point, which shows where there are initiatives to promote AP instruction.

The States in white do not have an incentive program in place. We need to supplement the 23 States listed on this map with AP programs in the other 27 States, and we need to have every State in the Union promoting more advance placement courses. In essence, that is the purpose of this legislation.

There is a long-outdated myth that I want to address very briefly about what type of students take these AP courses. There has been in the past the impression that AP courses are only for the elite. The truth is, more and more students from minority groups from various backgrounds are taking AP courses today, as this chart shows, with out a decrease in rigor or quality.

Roughly 1.5 million students participated—80 percent from public schools, 55 percent female, and 30 percent minority.

Almost 60 percent of all high schools offered AP courses, and over 800,000 exams were taken.

As a result of this growth, the AP program is the most widely accepted program of high academic standards in the nation.

THE BENEFITS OF PARTICIPATING IN AP

Participation is skyrocketing and States are spending funds on AP largely because of the benefits of the program:

AP test scores of 3 or better are valuable because they are accepted for credit at nearly 3,000 colleges and universities nationwide.

AP programs raise academic standards in schools and improve students' academic performance in college.

For students who plan to go directly to work, AP programs provide a world-class education with high-level skills that can be easily compared among prospective job candidates.

GROWTH IN MINORITY PARTICIPATION

Largely as a result of the 23 State AP incentive programs, overall participation and in particular the number of minority participants have increased tremendously:

The overall number of exams taken by minorities has increased to over 200,000 students in 1996—an increase of 36,000 students—21 percent—in just 2 years.

Minority participation in the New Mexico program increased 74 percent for Hispanic students and 950 percent for native Americans from 1994 to 1996.

Participation among Hispanics in Texas nearly tripled over the last 4 years, from under 2,000 students to over 5,000.

These figures are showing us that low-income and underserved students have the same ability to meet the academic challenge and the same need to lower college costs.

STATE PROGRAMS

Each of the States trying to increase AP participation does it a little bit differently, with annual budgets that range from $50,000 to over $2 million.

Some States focus more on training more AP teachers, some on helping schools with start-up funding for new classes and labs, and others on subsidizing part of the AP test fee for some students.

However, despite the growing number of State programs, AP programs are still often distributed unevenly among regions, States, and even among high schools in the same districts.

Some States like Texas are quickly catching up to the rising national participation rate by dedicating a significant amount of consistent State funding.

Meanwhile, other States such as New Mexico are struggling to keep up, with relatively small annual budgets that rise and fall each year.

WHAT THE LEGISLATION DOES

The legislation I am introducing today will both help the remaining States start new programs and help the States that are already involved continue and expand their efforts.

To help expand access to these courses more evenly, this legislation is designed to accommodate the variety of programs that States have designed.

At its core, the bill focuses on supporting State programs that help increase AP participation among underserved groups of students, and helping pay for part of the AP test fees for low-income students.

In addition, it would help make AP programs a part of other federal education initiatives, encouraging States and districts to use education technology and teacher training funds to provide AP courses to underserved areas.

Several Star Schools and State Eisenhower Program grantees are already taking this approach, with tremendous success being reported.

CONCLUSION

Let me conclude by pointing out that this approach has a long, bipartisan history, and was originally advocated by Members including Senators STEVENS, Kassebaum, and Seymour, as well as Congressmen CUNNINGHAM, GOODLING, OWENS, BECERRA, and MILLER.

Having seen from New Mexico's experience what tremendous good can come out of even a small investment in AP incentives.

For these reasons, I urge my colleagues to consider the many benefits of this approach and support this legislation and the $6 million appropriations request for 1998 that has already been made by the administration.

Mr. President, I encourage my colleagues to support this legislation as the session proceeds.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Affordability and High Standards Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

(4) advanced placement programs already are providing almost 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching a 1,500,000 student population (of which 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at almost 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that advanced placement courses be offered, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards for both students participating in such programs and other children taught by teachers who are involved in advanced placement courses, and shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

(b) PURPOSES.—The purposes of this Act are—

(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades than the grades of students who have not participated in the programs;

(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school districts, while also increasing and diversifying student participation in the programs;

(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs; and

(6) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded.

SEC. 3. ADVANCED PLACEMENT DEMONSTRATION PROGRAM GRANTS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—Subject to subsection (e) and from amounts appropriated under the authority of subsection (g) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities for the fiscal year to enable the eligible entities to carry out the authorized activities described in subsection (c).

(2) DURATION AND PAYMENTS.—

(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a State educational agency, or in the case of a State for which the State educational agency does not receive a grant under this section, a local educational agency in the State.

(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

(1) a pervasive need for access to advanced placement incentive programs;

(2) the involvement of business and community organizations in the activities to be assisted;

(3) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

(4) the availability of matching funds from State or local sources.

(c) AUTHORIZED ACTIVITIES.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

(1) teacher training;

(2) preadvanced placement course development;

(3) curriculum coordination and articulation between grade levels that prepares students for advanced placement courses;

(4) curriculum development; and

(5) any other activity related to expanding access to and participation in advanced placement incentive programs for low-income individuals.

(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(e) SPECIAL RULE.—The Secretary shall award a grant under this section for a fiscal year only if the College Board expends for the College Board Fee Assistance Program for the fiscal year at least the amount of funds the College Board expended for the program for the preceding fiscal year.

(f) DATA COLLECTION AND REPORTING.—

(1) DATA COLLECTION.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

(A) the number of advanced placement tests taken by students served by the eligible entity;

(B) the scores on the advanced placement tests; and

(C) demographic information regarding individuals taking the advanced placement tests.

(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1998, and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 4. ADDITIONAL PRIORITIES FOR ADVANCED PLACEMENT.

(a) STUDENT INCENTIVES.—

(1) BYRD SCHOLARSHIPS.—Section 419G(a) of the Higher Education Act of 1965 (20 U.S.C. 1070d–37(a)) is amended by adding at the end the following: "The criteria shall take into consideration participation and performance in advanced placement courses.".

(2) DISSEMINATION OF ADVANCED PLACEMENT INFORMATION.—Each institution of higher education receiving Federal funds for research or for programs assisted under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.)—

(A) shall distribute to secondary school counselors or advanced placement coordinators in the State information with respect to the amount and type of academic credit provided to students at the institution of higher education for advanced placement test scores; and

(B) shall standardize, not later than 4 years after the date of enactment of this Act, the form and manner in which the information described in subparagraph (A) is disseminated by the various departments, offices, or other divisions of the institution of higher education.

(b) STATE AND LOCAL INITIATIVES.—

(1) JAVITS GIFTED AND TALENTED STUDENTS.—Section 10205(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8035(a)) is amended—

(A) in paragraph (1), by striking "and" after the semicolon;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) to programs and projects for gifted and talented students that build on or otherwise incorporate advanced placement courses and tests.".

(2) UPWARD BOUND PROGRAM.—Section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) is amended by adding at the end the following:

"(f) PRIORITY.—The Secretary shall give priority in awarding grants under this section to upward bound projects that focus on increasing secondary school student participation and success in advanced placement courses.".

(3) EISENHOWER PROFESSIONAL DEVELOPMENT.—

(A) FEDERAL ACTIVITIES.—Section 2101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6621) is amended by adding at the end the following:

"(c) PRIORITY.—The Secretary shall give priority in awarding grants and entering into contracts and cooperative agreements under this part to activities that involve training in advanced placement instruction.".

(B) STATE AND LOCAL ACTIVITIES.—Section 2207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6647) is amended—

(i) in paragraph (12), by striking "and" after the semicolon;

(ii) in paragraph (13), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(14) providing professional development activities involving training in advanced placement instruction.".

(4) TECHNOLOGY.—

(A) STAR SCHOOLS.—Section 3204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6894) is amended by adding at the end the following:

"(i) ADVANCED PLACEMENT INSTRUCTION.—Each eligible entity receiving funds under this part is encouraged to deliver advanced placement instruction to underserved communities.".

(B) EDUCATION TECHNOLOGY GRANTS.—Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6841 et seq.) is amended—

(i) in section 3134 (20 U.S.C. 6844)—

(I) in paragraph (5), by striking "and" after the semicolon;

(II) in paragraph (6), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(7) providing education technology for advanced placement instruction."; and

(ii) in section 3136(c) (20 U.S.C. 6846(c))—

(I) in paragraph (4), by striking "and" after the semicolon;

(II) in paragraph (5), by striking the period and inserting "; and"; and

(III) by adding at the end the following:

"(6) the project will use education technology for advanced placement instruction.".

SEC. 5. ADVANCED PLACEMENT TEST FEE REDUCTION PROGRAM.

Part G of title XV of the Higher Education Amendments of 1992 (20 U.S.C. 1070a–11 note) is amended to read as follows:

"PART G—ADVANCED PLACEMENT TEST FEE REDUCTION PROGRAM

"SEC. 1545. ADVANCED PLACEMENT TEST FEE REDUCTION PROGRAM.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—Subject to subsection (g) and from amounts appropriated under the authority of subsection (j) for a fiscal year, the Secretary shall award grants to State educational agencies for the fiscal year to enable the State educational agencies to carry out the authorized activities described in subsection (d).

"(2) AMOUNT.—

"(A) IN GENERAL.—The Secretary shall award a State educational agency a grant under this section for a fiscal year in an amount based on $25 for each eligible low-income individual in the State who takes an advanced placement test for the fiscal year.

"(B) ADJUSTMENTS.—The Secretary may adjust the dollar figure in subparagraph (A) to reflect changes in inflation or in amounts appropriated under the authority of subsection (j).

"(b) INFORMATION DISSEMINATION.—The State educational agency shall disseminate information on the activities assisted under this section to low-income individuals through secondary school teachers and guidance counselors.

"(c) PRIORITY.—The Secretary shall give priority in awarding grants under this section for a fiscal year to State educational agencies serving States that—

"(1) expend State funds—

"(A) to lower advanced placement test fees for eligible low-income individuals; or

"(B) to expand the State pool of teachers prepared to teach advanced placement courses to low-income individuals or in underserved communities;

"(2) use more than a negligible amount of funds provided under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) or other Federal funds to increase participation in advanced placement incentive programs; or

"(3) operate, on the date of enactment of the College Affordability and High Standards Act of 1997, an advanced placement incentive program.

"(d) AUTHORIZED ACTIVITIES.—A State educational agency may use grant funds under this section for activities that are related to expanding access for low-income individuals or in underserved communities to advanced placement tests, and involve—

"(1) establishing or expanding an advanced placement test fee reduction program for eligible low-income individuals that may include—

"(A) varying the amount or type of advanced placement test fee reimbursement for eligible low-income individuals; or

"(B) establishing a sliding scale advanced placement test fee reimbursement program based on an eligible low-income individual's annual gross income; or

"(2) only in the case of a State that operates an advanced placement test fee reduction program on the date of enactment of the College Affordability and High Standards Act of 1997, expanding the program or carrying out any activity that meets the requirements of subparagraph (A) or (B) of subsection (c)(1).

"(e) SPECIAL RULES.—

"(1) REMAINING FUNDS.—If any funds authorized to be appropriated under the authority of subsection (j) for a fiscal year remain available after the Secretary awards grants to State educational agencies under this section for the fiscal year, then the Secretary shall use the remaining funds to award grants under this section for the succeeding fiscal year.

"(2) MAINTENANCE OF EFFORT.—The State educational agency, in utilizing the proceeds of a grant received under this section, shall maintain the expenditures of the State educational agency for advanced placement incentive programs at a level of such expenditures maintained by the State educational agency for the fiscal year preceding the fiscal year for which the grant is received.

"(f) APPLICATION.—Each State educational agency desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(g) REQUIREMENT.—The Secretary shall award a grant under this section for a fiscal year only if the College Board expends for the College Board Fee Assistance Program for the fiscal year at least the amount of funds the College Board expended for such program for the preceding fiscal year.

"(h) DATA COLLECTION AND REPORTING.—

"(1) DATA COLLECTION.—Each State educational agency receiving a grant under this section shall annually report to the Secretary—

"(A) the number of advanced placement tests taken by students served by the State educational agency;

"(B) the scores on the advanced placement tests; and

"(C) demographic information regarding individuals taking the advanced placement tests.

"(2) REPORT.—The Secretary shall annually compile the information received from each State educational agency under paragraph (1) and report to Congress regarding the information.

"(i) DEFINITIONS.—In this section:

"(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term 'advanced placement incentive program' means a program that provides advanced placement activities and services to low-income individuals.

"(2) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' means an advanced placement test administered by the College Board or approved by the Secretary.

"(3) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term 'eligible low-income individual' means a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)) who is academically prepared to successfully take an advanced placement test as determined by a secondary school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

"(4) SECONDARY SCHOOL; AND STATE EDUCATIONAL AGENCY.—The terms 'secondary school' and 'State educational agency' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(6) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 6. DEFINITIONS.

In this Act:

(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term "advanced placement incentive program" means a program that provides advanced placement activities and services to low-income individuals.

(2) ADVANCED PLACEMENT TEST.—The term "advanced placement test" means an advanced placement test administered by the College Board or approved by the Secretary.

(3) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term "eligible low-income individual" means a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(g)(2)) who is academically prepared to successfully take an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(5) LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; AND STATE EDUCATIONAL AGENCY.—The terms "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(6) SECRETARY.—The term "Secretary" means the Secretary of Education.

(7) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 749. A bill to provide for more effective management of the national grasslands, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL GRASSLANDS MANAGEMENT ACT

Mr. DORGAN. Mr. President, today I am introducing the National Grasslands Management Act. I introduced this bill in the 104th Congress as well. This bill applies primarily to the grasslands in the Dakotas and half a dozen other States. I want to explain briefly what the objective of this bill is and how it came about. North Dakota has been particularly concerned about management reform because it embraces over 25 percent and 1.2 million acres of all national grasslands. Many North Dakota ranching families have earned their livelihood on these lands for several generations.

For several years, however, the ranchers in western North Dakota have been asking for a less cumbersome approach to management of the grasslands and both chambers of the 1995 legislature passed a resolution unanimously asking for management reform on the grasslands as well. Here is why.

The current regulatory regime is cumbersome mainly because the Forest Service must manage the grasslands under the same framework as it does the rest of the National Forest System. It doesn't handle efficiently the day-to-day problems of the ranchers and grazing associations. For example, ranchers have had to wait for as long as 2 to 3 years to get approval for a stock tank because of the labyrinth of regulations that the Forest Service overlays on the management of the grasslands. This legislation will change that by removing the national grasslands from the National Forest System and creating a new structure of rules specifically suited to the ecology of the grasslands.

However, it is not only the rancher's needs that my bill addresses. It will also protect a broad range of uses on the public lands. All hunting, fishing, and recreational activities will continue as before and environmental protections will continue actually be strengthened. Further, it is my intention that the public must be involved in the decisionmaking process as these new rules are implemented. Only by working together can we solve the problems on the grasslands.

Let me reassure the conservation community that this bill, which was originally incorporated as part of a larger grazing package during the 104th Congress, will not make grazing the dominant use of the public lands at the expense of other uses. This bill includes specific provisions to protect hunting and fishing, and preserves the multiple uses of the national grasslands, preserves public participation in the management of the grasslands and keeps the link between the grasslands and major environmental laws such as the Endangered Species Act, the Clean Air Act, and the Clean Water Act.

I have worked diligently with the ranchers, environmentalists, and other recreational users of the grasslands to ensure a balanced approach to grasslands management. The result of that work is the National Grasslands Management Act that I am introducing today.

The legislation explicitly states that there will be no diminished hunting or fishing opportunities, that all applicable environmental laws will apply to those lands, and that the grasslands will be managed under a multiple use policy. The bill directs the Secretary to promulgate regulations which both promote the efficient administration of livestock agriculture and provide environmental protection equivalent to that of the National Forest System.

In short, I believe that the National Grasslands Management Act is a solid piece of legislation that will make the administration of the grasslands more responsive to the people who live there, without diminishing the rights and opportunities of other multiple users of this public land. It will help to preserve the historic ranching economy and lifestyle of western North Dakota and other areas in the West will be protecting the environment. I urge my colleagues to support this initiative.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 750. A bill to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL EXCHANGE LEGISLATION

Mr. DORGAN. Mr. President, today I am introducing a bill that will facilitate a mineral exchange in western North Dakota. I introduced this bill at the end of the last Congress and hope to move forward in this Congress with a proposal based on that effort. The purpose of this mineral exchange is to consolidate certain mineral estates of both the U.S. Forest Service and Burlington Resources, formerly known as Meridian Oil. This consolidation will produce tangible benefits to an economically distressed region in North Dakota and also protect environmentally-sensitive areas.

For years, the land and mineral ownership pattern in Western North Dakota has been extremely fragmented. In many cases the Forest Service owns and manages the surface land while private parties, such as Burlington Resources, own the subsurface mineral estates. This fragmentation has not only frustrated the management objectives of the Forest Service, it has also inhibited mineral exploration and development.

The bill will definitely promote environmental protection. By consolidating the mineral estates, the Forest Service will have the opportunity to protect the view-shed along the wonderfully scenic Little Missouri River, creating a more attractive hunting, fishing, and hiking area. Further, the mineral exchange will protect certain bighorn sheep lambing areas. The area protected by the mineral exchange is one of the last places that provides adequate habitat and escape cover for bighorn sheep. The Forest Service and Burlington have already signed a memorandum of understanding which will bolster the protection of wildlife and wildlife habitat after the exchange is concluded. The exchange is also supported by all major environmental groups in the state, the Governor of North Dakota, and the Bureau of Land Management's Dakotas Resource Advisory Council.

The bill will also strengthen the regional economy. Burlington Resources supports this legislation. Burlington will have better opportunities for mineral exploration and development within its consolidated mineral estates.

This increased development will benefit not only Burlington, but also Billings County and the State of North Dakota through increased tax revenues.

One point that I would like to make clear is that this mineral exchange should in no way be seen as affecting the multiple uses of the land. Current multiple uses, such as recreation, livestock grazing, watershed protection or fish and wildlife purposes, will continue as before. This is not a wilderness bill, but a proposal to swap mineral rights in order to enhance the environment and to stimulate economic activity in a depressed area. I do not favor the designation of wilderness within Billings County.

May I further underscore that this mineral exchange costs the U.S. taxpayer nothing. The bill provides for an exchange of about the same number of acres with equivalent monetary values. Yet, this no-cost transaction will yield substantial economic, environmental, and management dividends.

Further, the bill does not rely on the Government imposing a solution. Rather, this voluntary agreement embodies a consensus reached between the affected parties, the mineral holders, the state and its citizens, the environmental organizations, and the U.S. Forest Service.

Finally, may I stress that there is an urgent need for action on the exchange. I would ask unanimous consent that the text of the bill, letters of support from the Governor of North Dakota, the Bureau of Land Management's Dakotas Resource Council, and the Sierra Club, and the memorandum of understanding signed by the Forest Service and Burlington Resources be entered into the RECORD in order to aid my colleagues in their deliberations on the bill. In turn, I urge my colleagues to support timely passage of this bill.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF CERTAIN MINERAL INTERESTS IN BILLINGS COUNTY, NORTH DAKOTA.

(a) PURPOSE.—The purpose of this section is to consolidate certain mineral interests in the Little Missouri National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests in order to enhance land management capability and environmental and wildlife protection.

(b) EXCHANGE.—Notwithstanding any other provision of law—

(1) if, not later than 45 days after the date of enactment of this Act, Burlington Resources Oil & Gas Company (referred to in this section as "Burlington" and formerly known as Meridian Oil Inc.), conveys title acceptable to the Secretary of Agriculture (referred to in this section as the "Secretary") to rights and interests identified on the map entitled "Billings County, North Dakota, Consolidated Mineral Exchange—November 1995", by quitclaim deed acceptable to the Secretary, the Secretary shall convey to Burlington, subject to valid existing rights, by quit-claim deed, all Federal rights and interests identified on that map; and

(2) if Burlington makes the conveyance under paragraph (1) and, not later than 180 days after the date of enactment of this Act, the owners of the remaining non-oil and gas mineral interests identified on that map convey title acceptable to the Secretary to all rights, title, and interests in the interests held by them, by quitclaim deed acceptable to the Secretary, the Secretary shall convey to those owners, subject to valid existing rights, by exchange deed, all Federal rights, title, and interests in National Forest System lands and National Grasslands in the State of North Dakota as are agreed to by the Secretary and the owners of those interests.

(c) LEASEHOLD INTERESTS.—As a condition precedent to the conveyance of interests by the Secretary to Burlington under this section, all leasehold and contractual interests in the oil and gas interests to be conveyed by Burlington to the United States under this section shall be released, to the satisfaction of the Secretary.

(d) APPROXIMATE EQUAL VALUE OF EXCHANGES WITH OTHER INTEREST OWNERS.—The values of the interests to be exchanged under subsection (b)(2) shall be approximately equal, as determined by the Secretary.

(e) LAND USE.—

(1) EXPLORATION AND DEVELOPMENT.—The Secretary shall grant to Burlington, and its successors and assigns, the use of Federally-owned surface lands to explore for and develop interests conveyed to Burlington under this Act, subject to applicable Federal and State laws.

(2) SURFACE OCCUPANCY AND USE.—Rights to surface occupancy and use that Burlington would have absent the exchange under this Act on its interests conveyed under this Act shall apply to the same extent on the federally owned surface estate overlying oil and gas rights conveyed to Burlington under this Act.

(f) ENVIRONMENTAL PROTECTION FOR ENVIRONMENTALLY SENSITIVE LANDS.—All activities of Burlington, and its successors and assigns, relating to exploration and development on environmentally sensitive National Forest System lands, as described in the "Memorandum of Understanding Concerning Certain Severed Mineral Estates, Billings County, North Dakota", executed by the Forest Service and Burlington and dated November 2, 1995, shall be subject to the terms of the memorandum.

(g) MAP.—The map referred to in subsection (b) shall be provided to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, kept on file in the office of the Chief of the Forest Service, and made available for public inspection in the office of the Forest Supervisor of the Custer National Forest within 45 days after the date of enactment of this Act.

(h) OTHER LAWS.—The exchange under subsection (b)(1) shall be deemed to meet the requirements of all other Federal laws, including all land exchange laws, environmental laws, and cultural laws (such as the National Historic Preservation Act (16 U.S.C. 470 et seq.)), and no further compliance with any other law shall be required in order to implement the exchanges.

(i) CONTINUATION OF MULTIPLE USE.—Nothing in this Act shall limit, restrict, or otherwise affect the application of the principle of multiple use (including outdoor recreation, range, timber, watershed, and fish and wildlife purposes) in any area of the Little Missouri National Grasslands. Federal grazing permits or privileges in areas designated on the map entitled "Billings County, North Dakota, Consolidated Mineral Exchange—November 1995" or those lands described in the "Memorandum of Understanding Concerning Certain Severed Mineral Estates, Billings County, North Dakota", shall not be curtailed or otherwise limited as a result of the exchange authorized by this Act.

OFFICE OF THE GOVERNOR,
Bismarck, ND, July 25, 1996.

Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: The State of North Dakota supports the introduction of a bill which would implement a proposed mineral exchange between the United States Forest Service and Meridian Oil, Inc. This effort will advance our "2020" program to plan and implement sound management of the Badlands well into the future.

Current land and mineral ownership patterns in the Bullion Butte and Ponderosa Pine areas of the Little Missouri National Grasslands are fragmented, thereby complicating management of surface and mineral resources.

The proposed exchange is an opportunity to consolidate ownership, enhance natural badlands habitat adjacent to the Little Missouri River and facilitate mineral development while reducing conflict by competing activities.

Finally, I have included a summary describing more completely, the intended exchange and its effect.

Sincerely,

EDWARD T. SCHAFER,
Governor.

Enclosure.

LEGISLATION TO EFFECT AN EXCHANGE OF MINERAL RIGHTS IN THE LITTLE MISSOURI NATIONAL GRASSLANDS, BILLINGS, ND

For over a decade, the United States Forest Service (USFS) and Meridian Oil, Inc. (Meridian) have been considering a possible exchange of oil and gas rights in the Bullion Butte and Ponderosa Pine areas of the Little Missouri National Grasslands in North Dakota. The land ownership pattern in those areas is very fragmented, with both federal and privately owned mineral rights and federal surface and private subsurface estates. This lack of unity between the surface and subsurface estates and intermixture of public and private mineral rights have complicated both effective management of surface resource values and efficient extraction of minerals. The USFS views an exchange to consolidate mineral ownerships as an opportunity to protect bighorn sheep and their habitat and the viewshed in the Little Missouri River corridor. Meridian expects an exchange to facilitate exploration for and development of oil and gas by reducing the conflict such activities would have with other sensitive Grasslands resources.

At the urging of Senator Dorgan and Governor Schafer, the USFS and Meridian reached an agreement last year on an exchange of certain federal and private mineral rights and the imposition of certain constraints on Meridian oil and gas activities. The agreement would be implemented by this legislation.

What the legislation does. The legislation would accomplish the following:

Direct the completion of the transfer of Meridian's mineral rights in approximately 9,582 acres to the USFS for federal oil and gas rights in 8,796 acres, all in Billings County, North Dakota, within 45 days of enactment.

Authorize the exchange of any other private mineral rights in the same area for federal mineral rights within 6 months of enactment.

Deem the mineral rights to be transferred in the USFS/Meridian exchange to be of equal value (since the two parties have already negotiated the exchange and are of the informed opinion that the values are equivalent) and require that the other mineral rights to be transferred be of approximately equal value.

Require Meridian, as a condition for the exchange, to secure release of any leasehold or other contractual rights that may have been established on the Meridian oil and gas interests that will be exchanged.

Assure Meridian that it will have access across federal lands to be able, subject to applicable federal and State laws, to explore for and develop oil and gas on the interests it will receive in the exchange and that it will have the same surface occupancy and use rights on the interests it will receive that it now holds on the interests to be surrendered.

Find that the USFS/Meridian exchange meets the requirements of other federal exchange, environmental, and cultural laws that would apply if the exchange were to be processed without Congressional approval and direction.

Assure that no provision of the legislation can be interpreted to limit, restrict, or otherwise affect the application of the principle of multiple use (including such uses as hunting, fishing, grazing and recreation) in the Grasslands.

In addition to facilitating the exchange, the legislation would memorialize a Memorandum of Understanding (MOU) also negotiated and executed by the USFS and Meridian concerning management of certain Meridian oil and gas properties that will remain in Grasslands' areas with high surface resource values. In particular the MOU, adopted by reference in the legislation, obligates Meridian to make its best efforts to locate any oil and gas facilities and installations outside of the 1/4 mile view corridor on either side of the stretch of the Little Missouri River being considered for designation as a Wild and Scenic River and to access certain other property adjacent to an important bighorn sheep lambing area only by directional drilling.

Equally important is what the legislation does not do. It does:

Not increase the amount of surface which the USFS controls. The USFS currently controls the surface on essentially all the land involved in the exchange, and this will not change since only mineral interests will be transferred.

Not decrease the federal land available for oil and gas development. To the contrary, in the exchange the federal government will receive a net gain of almost 800 acres in mineral rights that may be leased for exploration and development by other parties. And, by consolidating federal mineral rights which now are scattered in a checkerboard pattern, access to them should be improved. The extent to which existing and new federal mineral rights are leased to private parties will be decided by the USFS in the ongoing planning and Environmental Impact Statement for the Southern Little Missouri Grasslands. The "multiple use" provision of the legislation makes certain the legislation will not affect that decisionmaking process.

Not decrease revenue to the county, state, and federal governments. For the same reason that the exchange would not decrease land available for oil and gas development, the economic interests of taxing entities and the oil and gas industry should not be affected significantly by the exchange. In fact, with Meridian consolidating its mineral holdings in a more manageable and less sensitive unit, area oil and gas activity should increase and produce a net positive economic effect.

Not provide either Meridian or USFS with mineral rights of greater value than those they now hold. The USFS with the assistance of the Bureau of Land Management, has reached the conclusion that the mineral rights to be exchanged between the USFS and Meridian are of equal value. Some additional value will accrue to both sets of mineral rights transferred by the exchange because of the greater ease of access and management that will result from consolidation. The legislation requires that any other mineral rights exchanged by other parties under the legislation be of approximately equal value.

Not resolve the issue of wilderness designation. Some parties desire wilderness protection for the area. Other parties, including Meridian, oppose wilderness designation, and the USFS has not indicated any intent to establish a wilderness. The legislation would not increase, or decrease, the prospect for wilderness designation since wilderness may be designated whether the mineral rights are privately or publicly owned, the designation can only be accomplished by a separate Act of Congress, and the legislation's "multiple use" language makes clear the intent of Congress that the exchange is not intended to affect the wilderness issue.

DAKOTAS RESOURCE
ADVISORY COUNCIL,
Dickinson, ND, September 13, 1996.

Hon. ED SCHAFER,
Governor of North Dakota, State Capitol, Bismarck, ND

DEAR GOVERNOR SCHAFER: The Dakota Resource Advisory Council (RAC), a 12-member body appointed by the Secretary of the Interior, represents users of public lands in North and South Dakota. The RAC provides opportunities for meaningful public participation in land management decisions at the district level and encourages conflict resolution among various interest groups.

At our meeting in Dickinson, North Dakota on September 9, 1996, the RAC reviewed and discussed the Meridian Mineral Exchange that you have been considering. After careful review by our RAC, a resolution was passed indicating our support for legislation to allow the Meridian Mineral Exchange to be completed by the Bureau of Land Management.

Since there is considerable activity in this area, there is a definite urgency to move this legislation in the remaining days of this Congress. The Dakota RAC respectfully requests the introduction and passage of legislation on the Meridian Mineral Exchange.

If we can be of further assistance to your efforts in this regard, we are most willing to help. District Manager, Doug Burger, has more details with respect to the exchange and we have asked him to assist you.

Thank you for considering the recommendations of the Dakota RAC.

Sincerely,

MARC TRIMMER, *Chair,*
Dakota RAC.

DACOTAH CHAPTER OF
THE SIERRA CLUB,
Mandan, ND, September 14, 1995.

Re meridian mineral exchange.

Hon. BYRON DORGAN,
U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: I am writing to convey the Sierra Club's support for the "agreement in principle" for a mineral exchange between Meridian Oil Inc. (MOI) and the Bureau of Land management (BLM) / United States Forest Service (USFS). This agreement follows extensive negotiations between MOI, USFS, BLM, the North Dakota Game and Fish Department (NDGF) and local conservation organizations.

It is my understanding that there are two components to the agreement. Part One involves the actual exchange of the mineral estate. Part Two outlines a Memorandum of Understanding (MOU) between the USFS and MOI to protect the viewshed of the Little Missouri State Scenic River while still allowing MOI to access their minerals. The MOU also addresses a plan to directionally drill an oil well to protect a bighorn sheep lambing area.

I have also contacted the enclosed list of conservation organizations and they have also stated their support for Parts One and Two of the agreement as proposed. I join them in urging you to introduce enabling legislation at the earliest opportunity. Your efforts throughout this process have been very much appreciated. Please contact me if there is anything conservationists can do to facilitate this mineral exchange.

CONSERVATION ORGANIZATIONS IN SUPPORT OF THE MINERAL EXCHANGE

Dacotah Chapter of the Sierra Club.
National Wildlife Federation.
National Audubon Society.
Clean Water Action.
North Dakota Chapter of the Wildlife Society.
Bismarck Mandan Bird Club.
Lewis and Clark Wildlife Club.

MEMORANDUM OF UNDERSTANDING CONCERNING CERTAIN SEVERED MINERAL ESTATES, BILLINGS COUNTY, NORTH DAKOTA

The Memorandum of Understand (MOU) is between Meridian Oil Inc. (Meridian) with offices in Englewood, Colorado and the U.S. Forest Service, Custer National Forest (Forest Service).

The intent of the MOU is to set forth agreement regarding development of certain oil and gas interests beneath Federal surface. This MOU is in addition to, and does not abrogate, any rights the United States otherwise has to regulate activities on the Federal surface estate or any rights Meridian otherwise has to develop the oil and gas interest conveyed.

The provisions of this MOU shall apply to the successors and assigns of Meridian.

The MOU may be amended by written agreement of the parties.

Section A. View Corridor—Little Missouri River

Includes the following land (Subject Lands) in Township 137N., Range 102W.:

Section 3: Lots 6, 7, 9–12, 14–17 (+) River Bottom 54.7 acres

Section 10: Kits 1–4, N½, N½SE¼, SE¼SE¼ (+) River Bottom 7.3 acres

Section 14: Lots 1, 2, 3, 6, 7, NW¼NE¼., NW¼SW¼, S½S½ (+) River Bottom 41.4 acres

Section 24: Lots 1–9, NE¼, S½NW¼, NE¼NW¼ (+) River Bottom 75.84 acres

1. The purpose of this Section is to set forth the agreements that Meridian and the Forest Service have made concerning reasonable protection of the view from the Little Missouri River which has been identified as potentially suitable for classification as a Wild and Scenic River under the Wild and Scenic Rivers Act. This section of the MOU shall remain in effect as long as the Forest Service maintains a corridor for this purpose.

2. The Forest Service has designated a ¼ mile corridor on either side of the River for protection of the view from the River, and this Section applies to the location of permanent improvements within said corridor and not to temporary activities such as seismic operations within said corridor.

3. Meridian agrees to use its best efforts to locate permanent production facilities, well sites, roads and other installations outside the ¼ mile corridor on the Subject Lands. However, such facilities may be located within the ¼ mile corridor if mutually agreed to by the parties in writing.

4. The Forest Service agrees that Meridian may access its minerals within or without the ¼ mile corridor of the subject lands from a well or wells whose surface location is on adjoining lands in which Meridian owns the severed mineral estate.

Section B. Development of T.138N., R102W., Section 12: S½

1. The purpose of this section is to set forth the agreement that Meridian and the Forest Service have made concerning the option to develop the mineral resources in the S½ Section 12 from specified locations in 'Section 13, T.138N., R.102W.

2. If, at any time, Meridian, at its sole discretion, decides that the development potential of the S½ Section 12 justifies additional directional drilling the following options are hereby made available to them by the Forest Service:

A. Directional drilling from an expanded pad on the Duncan MP#1 location in Section 13, T.138N., R.102W. or

B. Directional drilling from a location in Section 13 adjacent to the county road and screened from the bighorn sheep lambing area located in Section 12.

If Meridian elects to develop the S½ Section 12 from one of the specified locations in Section 13, surface disturbing activities related to development and production will only be allowed from June 16 through October 14, annually.

3. This section of the MOU shall remain in effect as long as the S½ of Section 12 is subject to the present, or a future, oil and gas lease.

STEVEN L. REINERT,
Attroney-in-Fact,
Meridian Oil, Inc.
NANCY CURRIDEN,
Forest Supervisor,
Custer National Forest.

By Mr. SHELBY (for himself, Mr. MURKOWSKI, Mr. CRAIG, and Mr. BURNS):

S. 751. A bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes; to the Committee on Environment and Public Works.

SPORTSMEN'S BILL OF RIGHTS ACT OF 1997

Mr. SHELBY. Mr President, today, I am pleased to join my colleagues and fellow Congressional Sportsmen's Caucus cochairs Senators BURNS, CRAIG and MURKOWSKI in introducing the Sportsmen' Bill of Rights Act of 1997.

Hunting and fishing are traditions that have been an integral part of our history since the inception of our Nation and are among the most basic of our heritage. Through the ages, sportsmen have shown a deep respect and appreciation for the land and have made a concerted effort to wisely use our Nation's renewable natural resources. All across this country, very successful alliances have been formed between hunting and fishing enthusiasts and conservationists. Both are very concerned about protecting natural habitats, and when working together their force includes some 70 percent of the U.S. population.

Today, millions of Americans participate in these venerable pastimes. Over 60 million Americans enthusiastically participate in fishing activities and 14 million citizens are licensed hunters. These recreational activities are a significant boost to many local and State economies, as well as the Nation. Sportsmen spent more than $67.9 billion last year on goods and services supporting an industry that employs more than a million people across the country. When discussing the contributions sportsmen have made to our Nation, often overlooked is the fact that sportsmen have carried the burden of financing fish and wildlife management and preservation through the years.

America owes our sportsmen a debt of gratitude for their pioneering achievements on behalf of wildlife and habitat conservation. The Sportsmen's Bill of Rights recognizes the important role fishing and hunting play in our society by providing anglers and hunters with explicit access to public lands; opening the process of wildlife management and protecting the integrity of the sportsmen's trust funds. This bill ensures that hunting and fishing opportunities are considered in Federal land management decisions, and provides a clear procedure for Federal agencies to follow in their management of our Federal public lands.

For too long, sportsmen have been unduly penalized from equitably sharing public land. This bill mandates that Federal agencies analyze the effects of potential hunting and fishing limitations prior to enacting new land use policies. Hunters and anglers should be granted the right to intervene in any civil action where law would limit the use of land for hunting and fishing. The provisions in the sportsmen's bill of rights assure that Federal agencies support, encourage and enhance the opportunities for fishing and hunting.

While this bill promotes access to public lands, it recognizes the need for exceptions and exclusions due to national security concerns, public safety matters, emergency situations and policy reasons that are incompatible with hunting or fishing. This act cannot be used to force the opening of National Parks or monuments administered by the National Park Service to fishing or hunting and this legislation is not intended to place fishing and hunting above other land management priorities. The sportsmen's bill of rights is aimed at setting forth tangible management guidelines.

Additionally, this year marks the 60th anniversary of one of our Nation's most successful Federal restoration programs, the Pittman Robertson Act. P–R, as it is often referred to, is a partnership created by the State fish and wildlife agencies and the funds provided by the anglers and hunters. Sportsman across the land have sponsored, supported and maintained the integrity of P–R throughout the last 60 years. The funds are raised through an excise tax on sportsman's goods and subsequently, placed in a fund to be allocated to the States yearly in accordance with statutory formulas. Today $357 million is raised for wildlife restoration through P–R funds in conjunction with the Dingell-Johnson Act and the Wallop-Breaux Act.

Due to the congenial partnership of our Nation's hunters and anglers with Federal-State agencies, America's wildlife is thriving. For every taxpayer dollar invested in wildlife conservation, sportsmen and women contribute $9 dollars. At the turn of the century, only 41,000 elk were counted across our Nation. While the Nation's population soared and massive development occurred, sportsmen's conservation initiatives have enable the elk population in just 10 western States to increase to approximately 810,000. Similar stories can be applied to numerous species including the white-tailed deer, the Canada goose, and the wild turkey. Hunters and anglers have been and will continue to be the champions of wildlife and habitat conservation. These examples just begin to demonstrate the value of anglers and hunters to our society.

The sportsmen's bill of rights will protect and enhance sportsmen's opportunities and enhance the conservation of wildlife. I urge my colleagues to join me by cosponsoring this important legislation.

By Mr. THURMOND (for himself, Mr. COATS, Mr. HOLLINGS, Mr. HELMS, Mr. FAIRCLOTH, and Mr. HUTCHINSON):

S. 752. A bill to amend title 23, United States Code, to modify the minimum allocation formula under the Federal-aid highway program, and for other purposes; to the Committee on Environment and Public Works.

HIGHWAY TRUST FUND LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce legislation to revise the formula by which the highway trust fund is apportioned and distributed to the States under the Federal Aid to Highways Program. This measure is cosponsored by Senators COATS, HOLLINGS, HELMS, FAIRCLOTH, and HUTCHINSON from Arkansas.

The current formula was established in 1956 to support the building of a nationwide, interstate highway system. At that time, it was necessary to redistribute the tax revenues from some States to those with large land areas and low population. As it exists now, the present formula is inefficient and unfair. It is inefficient because it is based upon population statistics that were current in 1980. There is no allowance for population shifts in the future and, as a result, high growth areas of the country are left on their own to provide the infrastructure to support growing populations. It is unfair because the disparity in the rates of return creates a policy that, in effect, values a mile of road in one State three times as much as a similar mile of road in another State.

Mr. President, the interstate highway program has been an enormous success and is now virtually complete. However, the circumstances which gave rise to the present formula have changed and it is now time for a new one. Our legislation corrects both the inefficiency and unfairness of the current formula. It amends the law to provide that the minimum annual allocation to each State from the highway trust fund be equal to that State's share of contributions to the fund. This formula will allocate funds where they are most needed. The General Accounting Office, in a November 1995 study, noted that highway trust fund contributions bear a high correlation to the need for highway funding in a given area. Moreover, under this new formula, as population grows and economic activity increases, additional infrustructure funding will be available.

Mr. President, this bill presents a fair and workable formula for distributing funds under the next highway bill. I urge my colleagues to join us in support of this legislation.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM ALLOCATION.

(a) FISCAL YEAR 1998 AND THEREAFTER.—Section 157(a) of title 23, United States Code, is amended by adding at the end the following:

"(5) FISCAL YEAR 1998 AND THEREAFTER.—In fiscal year 1998 and each fiscal year thereafter, on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each fiscal year and allocations for the prior fiscal year from funds made available out of the Highway Trust Fund is not less than 100 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund in the latest fiscal year for which data are available.".

(b) CONFORMING AMENDMENT.—Section 157(a)(4) of title 23, United States Code, is amended by striking the paragraph designation and all that follows before "on October 1" and inserting the following:

"(4) FISCAL YEARS 1992–1997.—In each of fiscal years 1992 through 1997,".

Mr. HOLLINGS. Mr. President, today I am proud to join Senator THURMOND in introducing legislation to bring fairness to Federal transportation funding. This legislation would guarantee that the Federal Government would return to each State the same share of gas tax funds that it had paid into the transportation trust fund.

In 1991, I voted against the current transportation law, known as "ISTEA." Supporters advocated the legislation as a forward-looking consolidation of Federal highway programs, but the heart of the bill—the way it distributed money—looked backward in every sense. It tightly tied each State's future funding to past funding levels. It used old census data. It used old formula factors which do not even pass the "straight face" test. As the GAO reported, "the Congress elected not to change the basic formula structure" and thus the key factors in the formula are "irrelevant" and "divorced from current conditions." In other words, we are currently targeting more than $20 billion of taxpayer funds to the wrong places for the wrong reasons.

South Carolina bears the brunt of this inequity. In 1995, South Carolina received only 52 cents back for each dollar it paid to the highway trust fund. Over the period of ISTEA, South Carolina received only 70 cents back on the dollar. Let me add that I am not unaware of the overall Federal funding situation in South Carolina. South Carolina gets back more Federal tax money than its citizens contribute. Mr. President, that is as it should be. We are one Nation, and some parts of the Nation have lower average incomes. That is no excuse for targeting highway funds in a way that an objective study found to be "irrelevant" and "divorced from current conditions."

It is rare that a $20 billion problem has a simple solution. I refer again to the independent assessment of the GAO, which said that basing Federal payments to States on the amounts States paid in would, would meet two major, commonsense objectives of any highway program:

First, it would be a "relatively simple and direct method of fund distribution."

Second, it would "tend to correlate highly with highway needs, particularly for major highways."

Furthermore, the GAO found that basing funding on gas tax paid in would effectively kill two birds with one stone by accounting for highway needs and for equity between States with one formula factor.

Mr. President, a program that does not target funds to today's needs, and which mires States and the Congress in arcane complexity, cries out for revision. The legislation we introduce here today is a good starting point to better address our Nation's highway needs. I urge my colleagues to join us in supporting this bill.

By Mr. MACK (for himself, Mr. LIEBERMAN, and Mr. BROWNBACK):

S. 753. A bill to amend the Internal Revenue Code of 1986 to provide for individuals who are residents of the District of Columbia a maximum rate of tax of 15 percent on income from sources within the District of Columbia, and for other purposes; to the Committee on Finance.

THE DISTRICT OF COLUMBIA ECONOMIC RECOVERY ACT

Mr. MACK. Mr. President, I am pleased to introduce along with my colleague Senator LIEBERMAN the District of Columbia Economic Recovery Act. The social, administrative, and fiscal problems of our Nation's capital are well documented. The District of Columbia is facing its greatest economic crisis since its establishment in 1790. Congress has taken major steps, including the creation of a financial control board, to assist the city during this current financial crisis. Despite efforts by the District's Government and Congress to manage these problems, the city has a long way to go to achieve economic self-sufficiency.

Mr. President, at the root of the District's problems is an evereroding middle class. Since 1950, Washington's population has declined by nearly 250,000 residents; 68,000 left between 1988 and 1993 alone. The vast majority of these people were middle-class families whose taxes funded the city's operations. Historically, the District of Columbia has tried to offset this decline by raising taxes, leading to even more residents leaving the city in search of lower tax rates, better schools and safer streets.

We believe that the best way to help the District is to promote economic growth, and the best way to promote economic growth is to significantly reduce the tax burden on its residents. Economic growth will mean more jobs, more opportunity, greater private sector investment and ultimately a better quality of life in the Nation's capital.

The DCERA is an important step in luring taxpayers back to the District of Columbia. It provides tax incentives, including a 15-percent flat income tax rate for all District resident and deductions of: $15,000 for individual filers; $25,000 for head of household filers; and $30,000 for married filers.

Many critics of the flat rate argue that it is a bonanza for the rich and the poor, but does little to address the needs of the middle class. We have added several incentives designed specifically to assist the middle class. First, the bill includes a $5,000 first time home buyers' provision designed to assist middle-class families in purchasing homes within the District of Columbia. Second, the bill maintains the current home mortgage and charitable deductions. Finally, we have included a zero capital gains tax rate to help spur investment by District and non-District residents. Middle class residents should benefit significantly from this provision because it encourages them to invest their earnings and it offers a generous reward if and when a middle-class resident sells their homes. Besides these incentives we have included a brownfields provision that encourages companies to clean up environmentally damaged land that is sure to improve the quality of life for District residents and their families.

This bill also provides an opportunity for all Americans to participate in the economic stability of the District of Columbia by allowing them to have a zero capital gains rate for investments made within the District. We believe that Americans everywhere have great pride in this city and truly want it to represent all the best aspects of this Nation, including a vibrant economy. For too long the city's economy has been linked with the growth and declines of the Federal Government. I believe that the capital gains provisions will encourage nongovernmental economic investment in the District of Columbia.

Washington, DC is not only home to the people who live here, it is truly the Nation's city.

We believe that these incentives, along with responsible and sensible financial management, are just what this great city needs to regain its past glory.

Mr. LIEBERMAN. Mr. President, I am delighted to join with Senators MACK, and BROWNBACK as an original cosponsor of this important legislation, the District of Columbia Economic Recovery Act of 1997 (DCERA).

The District of Columbia belongs to each and every one of us. As citizens of the United States, we have a stake in the successes, and a stake in the failures, of Washington, DC. It is America's city. But, for a variety of reasons, not all of them easily explained, Washington is in desperate financial straits. The here and now financial prospects are grim for the city, and the future gets grimmer. This is largely because middle-class families, the backbone of any successful community, are fleeing the District in alarming numbers.

The legislation we are introducing today would instantly transform our Nation's capital, making it a more appealing place to live, to invest, to build, to buy, and to work. This bill is designed to reverse the flow of businesses and the middle-class residents who currently are fleeing the city for the suburbs. Those still in the District would have new incentives to stay. And many others now living elsewhere would have a very strong incentive to move into the District with their families and with their businesses.

We cannot make the schools better in the District overnight. We cannot promise crime-free streets overnight. We cannot promise a revitalized economy overnight. What we can do is provide middle-class tax relief in the District, and as a way to lure these middle-class taxpayers to the District as a way to reestablish a tax base in the District. And once we bring these people back, safer streets and better schools can follow.

This legislation is modeled on legislation that has been introduced in the House with broad, bipartisan support, by Representative ELEANOR HOLMES NORTON. Both the House and the Senate version of the DCERA establish a maximum Federal tax rate of 15 percent. Both bills double the personal exemption, which would eliminate Federal income taxes for single residents who make up to $15,000 a year and married couples filing jointly who make up to $30,000 a year. At the same time, the bill retains the mortgage and charitable deductions and would allow a taxpayer to file under the old system, if that is what they prefer to do. In contrast to Representative NORTON's bill, which provides capital gains tax relief only to D.C. residents, our legislation establishes a zero capital gains rate for D.C. investments held by D.C. or non-D.C. residents for 3 years. We believe that the broader exemption is necessary to spur as much investment in the District as possible. Also in contrast to the House DCERA, our bill includes a $5,000 credit for first time District home purchases and includes a provision to clean up abandoned brownfields within the District. Members of Congress not representing the District could not take advantage of the tax incentives in the bill, and the District already has enacted legislation ensuring that it would not take advantage of the Federal tax incentives in this bill by raising local taxes.

I very much see this bill as a first step. Some of the urban problems Washington faces are unique to Washington because Washington has no State, no broader tax base, to draw on. At the same time, many of Washington's problems are problems that are faced by cities all across this country. If this approach works in Washington, I hope we can try it in Bridgeport, New Haven, and Hartford as well.

I should note that, unlike some proponents of this legislation, I am at best an agnostic on a flat tax. I believe progressivity in our tax rates is inherently fair and am pleased that the legislation we are introducing today has elements of that progressivity by providing such a generous personal exemption. At the same time, a good number of our cities are facing the loss of their middle-class population and the only way to rebuild that base may be through bold measures like a flat tax which has clear and compelling benefits for the middle class. The people we are really anxious to bring back to our cities are the 28 percenters. Under the current Tax Code a typical family in the 28-percent bracket would be a couple with two children who make roughly between $39,000 and $95,000 after deductions. Our bill would create a very favorable tax incentive for these people to stay in, or move to, the District.

Mr. President, the most important thing there is to say about urban policy in this country is that we really do not have an urban policy. We know what has not worked; today we are introducing legislation that we believe will work and there is no better place to start than in Washington, DC, a city that belongs to all Americans. I urge my colleagues to join us in cosponsoring this important legislation.

Mr. BROWNBACK. Mr. President, I am pleased to join with my distinguished colleagues today to introduce the District of Columbia Economic Recovery Act, a bill which would jumpstart the District's economy and set in motion a commercial, social, and cultural renaissance that will once again make all Americans proud of their Capital.

I am delighted to find that the District's City Council shares my belief that the enactment of this legislation will be very good for the city. On May 9, 1997, in a resolution to accompany its qualified endorsement of the administration's bailout plan, the Council stated that ". . . the District of Columbia Economic Recovery Act . . . would provide the jolt that is desperately needed to expand the District's revenue base by reversing the hemorrhaging of residents and jobs from the District."

Although this legislation represents a good start toward the resolution of the city's problems, much more needs to be done. As chairman of the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, I have just concluded 2 months of oversight hearings on the District's many problems, including the poor performance of the schools, the high crime rate, and the city's reputation for low quality services. While each of these problems are being addressed in some fashion by the Control Board, they are far from being solved, and the city remains desperately in need of a renewal of its spirit.

In the coming weeks I will be exploring with my colleagues, with city officials, and with the administration a series of additional reform options that will help lead to this renewal, and to the recreation of a Capital City worthy of a great Nation.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. DOMENICI):

S. 754. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for direct assistance to Indian tribes for juvenile justice and delinquency prevention programs, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. CAMPBELL. Mr. President, today I, along with Senators INOUYE and DOMENICI, introduce legislation which will reform the existing Native American Pass-Through Program administered by the Office of Juvenile Justice and Delinquency Prevention [OJJDP], within the Department of Justice, and will create a grant program that will provide direct funding to eligible tribes for the purpose of addressing juvenile justice needs in Indian country.

Juvenile delinquency is an enormous problem faced by both State and tribal governments. A February 1997 report, issued by OJJDP, indicated that law enforcement agencies around the country made an estimated 2.7 million arrests in 1995 of persons under age 18. This accounted for 18 percent of all arrests made during that year. OJJDP also reported that while the total number of juvenile arrests for violent crimes decreased in 1995, the total number of arrests is considerably higher than they were in 1992 and 67 percent higher than the 1986 level.

Unfortunately, there are no complete and accurate sets of statistics available on the rate of juvenile delinquency among the American Indian and Alaskan Native population as a whole. In spite of this, I think it is fair and accurate to say that the threat of an increased rate of juvenile delinquency is great in Indian country due to the large and growing population of Indian youth under the age of 18.

In fact, in a hearing conducted by the Senate Committee on Indian Affairs on April 8, a representative of the Department of Justice stated that "while violent crime is falling in American cities, it is rising on American Indian reservations." Despite this, there are still about half as many police officers in Indian country on a per capita basis.

Currently, tribal governments which perform law enforcement functions are eligible to receive grants through the Native American Pass-Through Program, established through the 1988 amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. Under this program, States must make available to tribes a minimum amount of funding based, in part, upon the ratio of the number of Indian juveniles within a State's boundaries compared to the total number of juveniles within that State. This funding may go toward a variety of juvenile delinquency prevention, control, or reduction efforts.

Based upon the comments of representatives of tribal governments, State advisory groups, the National Coalition for Juvenile Justice, and State governments, it has become clear to me that the Pass-Through Program is simply not meeting the needs of tribes. First, the minimum amount of funding each State must make available to tribes is, on average, so minimal that it fails to appropriately address the needs of the tribes. While many States do award grants in excess of the requirement, the amounts tribes receive are often too small to initiate a program of any magnitude. In addition, many tribes do not even apply for these grants, because the cost of preparing a grant application would exceed the amount of funds awarded. More importantly, the Pass-Through Program exists in conflict with the Federal-tribal government-to-government relationship, by requiring tribal governments to depend upon the States. If a State chooses not to participate in the program or does not meet certain requirements, tribes located within that State's boundaries will not receive funds under the act. Because of these and other concerns raised by tribes and juvenile justice officials, I am introducing the Indian Juvenile Justice and Delinquency Prevention Improvement Act. This proposal seeks to eliminate the Native American Pass-Through Program and replace it with a discretionary grant program that will provide direct Federal grants to Indian tribes. Consistent with the Pass-Through Program, these funds will be used to plan and develop programs to prevent and reduce juvenile crime as well as to improve the tribal government's juvenile justice system.

More specifically, this legislation will require tribes to submit program plans as part of their grant application to the Administrator of OJJDP. Tribes must comply with certain core requirements in order to demonstrate an ability to administer and account for the quality of the juvenile justice programs. Finally, this legislation includes a reporting requirement similar to the one mandated in the Indian Self-Determination Act.

On the administrative side, the legislation directs OJJDP to take into account certain important factors when awarding grants such as a tribe's available resources and the population of Indian youth who reside within the tribe's jurisdiction. It is also important to note that this legislation in no way prevents tribes from entering into cooperative agreements with States or units of local government. Tribes are still able to enter into these agreements and apply for State funding should they desire to do so.

The prevention, control, and reduction of juvenile delinquency should be one of the top priorities of this Nation. With this legislation, we have the opportunity to provide a better mechanism to deliver funds to tribes for the purpose of addressing juvenile justice needs, a much better mechanism than we currently have.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 754

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Juvenile Justice and Delinquency Prevention Improvement Act".

SEC. 2. AMENDMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

(a) DEFINITIONS.—Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (8), by striking "an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior,";

(2) in paragraph (9)—

(A) by striking "States or units of general local government" and inserting "States, units of general local government, or Indian tribes"; and

(B) by striking "States or units" and inserting "States, units, or Indian tribes";

(3) in paragraph (11), by striking "any State, unit of local government, combination of such States or units" and inserting "any State, unit of general local government, Indian tribe, combination of 1 or more States, units of general local government, or Indian tribes";

(4) by striking paragraph (18) and inserting the following:

"(18) the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;"; and

(5) in paragraph (22), by inserting "Indian tribe," after "unit of local government,".

(b) TECHNICAL AMENDMENT.—Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking the heading and inserting the following:

"PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS AND PROGRAMS FOR INDIAN TRIBES

"Subpart I—Federal Assistance for State and Local Programs".

(c) ELIMINATION OF PASS-THROUGH FOR INDIAN TRIBES.—Section 223(a) of the Juvenile

Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (4), by inserting "and Indian tribes" after "units of general local government";

(2) in paragraph (5)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting ", except that with respect to any cooperative program conducted with an Indian tribe, the participation of the Indian tribe shall be funded from the amounts made available under subpart II of this part; and";

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C);

(3) in paragraph (6)—

(A) by inserting "(A)" before "provide that";

(B) by striking "programs funded under this part" and inserting "programs funded under this subpart";

(C) by striking the semicolon at the end and inserting "; and"; and

(D) by adding at the end the following:

"(B) with respect to any case in which an Indian tribe participates in a cooperative program under paragraph (5)(A), provide that the appropriate official of the governing body of an Indian tribe assign responsibility for the preparation and administration of the Indian tribe's part of the applicable State plan, or for the supervision of the preparation and administration of the Indian tribe's part of the State plan;";

(4) in paragraph (24), by striking "and" at the end;

(5) in paragraph (25), by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

"(26) provide assurance that, in carrying out the plan under this section, the State will take appropriate action to improve—

"(A) communication between the State and units of general local government and Indian tribes;

"(B) cooperation between the State and units of general local government and Indian tribes; and

"(C) intergovernmental relationships between the State and units of general local government and Indian tribes; and

"(27) provide, as appropriate, a description and analysis of any disproportionate representation in the juvenile justice system of Native Americans (as that term is defined in section 16(10) of the National Museum of the American Indian Act (20 U.S.C. 80q–14(10))) including, if appropriate, any disproportionate representation of Alaska Natives (within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) from—

"(A) urban populations; and

"(B) populations that are not, as of the date of development of the plan, recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(d) Federal Assistance for Programs for Indian Tribes.—Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by adding at the end the following:

"Subpart II—Federal Assistance for Programs for Indian Tribes

"SEC. 221. ESTABLISHMENT OF PROGRAM.

"(a) In General.—The Administrator shall, by regulation, establish a program to provide direct grants to Indian tribes in accordance with this section. Each grant made under this section to an Indian tribe shall be used by the governing body of the Indian tribe—

"(1) for planning, establishing, operating, coordinating, and evaluating projects for achieving compliance with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223, and otherwise meeting any applicable requirements of this Act; and

"(2) for otherwise conducting activities to promote the improvement of the juvenile justice system of that Indian tribe.

"(b) Plans.—As part of an application for a grant under this section, an Indian tribe shall submit a plan for conducting activities described in subsection (a). The plan shall—

"(1) provide evidence that the Indian tribe performs law enforcement functions (as determined by the Secretary of the Interior);

"(2) identify the juvenile justice and delinquency problems and juvenile delinquency prevention needs to be addressed by activities conducted by the Indian tribe in the area under the jurisdiction of the Indian tribe with assistance provided by the grant;

"(3) provide for fiscal control and accounting procedures that—

"(A) are necessary to ensure the prudent use, proper disbursement, and accounting of funds received under this subchapter; and

"(B) are consistent with the requirements of section 232; and

"(4) contain such other information, and be subject to such additional requirements, as the Administrator may reasonably prescribe to ensure the effectiveness of the grant program under this subpart.

"(c) Factors for Consideration.—In awarding grants under this section, the Administrator shall consider—

"(1) the resources that are available to each applicant that will assist, and be coordinated with, the overall juvenile justice system of the Indian tribe; and

"(2) for each Indian tribe that receives assistance under such a grant—

"(A) the relative population of individuals under the age of 18; and

"(B) who will be served by the assistance provided by the grant.

"(d) Grant Awards.—

"(1) In general.—

"(A) Competitive awards.—Except as provided in paragraph (2), the Administrator shall annually award grants under this section on a competitive basis. The Administrator shall enter into a grant agreement with each grant recipient under this section that specifies the terms and conditions of the grant.

"(B) Period of grant.—The period of a grant awarded under this section shall be 1 year.

"(2) Exception.—In any case in which the Administrator determines that a grant recipient under this section has performed satisfactorily during the preceding year in accordance with an applicable grant agreement, the Administrator may—

"(A) waive the requirement that the recipient be subject to the competitive award process described in paragraph (1); and

"(B) renew the grant for an additional grant period (as specified in paragraph (1)(B)).

"(3) Modifications of processes.—The Administrator may prescribe requirements to provide for appropriate modifications to the plan preparation and application process specified in this section for an application for a renewal grant under this subsection.

"SEC. 232. REPORTING REQUIREMENT.

"Each Indian tribe that receives a grant under section 231 is subject to the fiscal accountability provisions of section 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

"SEC. 233. TECHNICAL ASSISTANCE.

"The Administrator shall establish a program to provide technical assistance to assist Indian tribes in carrying out the activities described in section 231(a).

"SEC. 234. COORDINATION WITH STATE ADVISORY GROUPS.

"In carrying out the programs under this subpart, the Administrator shall, not later than 180 days after the end of the fiscal year during which the Indian Juvenile Justice and Delinquency Prevention Improvement Act is enacted, and annually thereafter, issue a report to each advisory group established under a State plan under section 223(a)(3) that includes information relating to each grant awarded under section 231, including the amount of the grant.

"SEC. 235. RULE OF CONSTRUCTION.

"Nothing in this subpart may be construed to affect in any manner the jurisdiction of an Indian tribe with respect to land or persons in Alaska.

"SEC. 236. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Justice to carry out this subpart, $10,000,000 for each of fiscal years 1998 through 2001.".

By Mr. CAMPBELL (for himself and Mr. Ford):

S. 755. A bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter; to the Committee on Armed Services.

THE MISSING PERSONS AUTHORITIES IMPROVEMENT ACT

Mr. CAMPBELL. Mr. President, with the approach of Memorial Day, we are reminded of the millions of American men and women who have dedicated and sacrificed their lives in service to the U.S. Armed Forces. And for far too many, it is a day to remember those service members who have yet to return home from the wars they valiantly fought many years ago.

During the last Congress, we passed the Missing Service Personnel Act. Specifically, this bill created a framework of accountability within the Department of Defense to establish the status and location of our missing Armed Forces personnel. Until this legislation was introduced in 1995, the procedures for handling missing service personnel had remained unchanged for more than 50 years. This legislation improved procedures for reviewing POW/MIA cases and protected the missing service member from being declared dead solely based on the passage of time. Gathering 47 cosponsors in the Senate and achieving unanimous passage in the House, the bill became law in February 1996. However, an amendment to the 1997 Defense Authorization Conference Report repealed its strongest provisions.

Today, I am introducing The Missing Persons Authorities Improvement Act of 1997 in an effort to restore not only those lost provisions but to also offer a sense of accountability for our missing service personnel and their loved ones. A companion bill has already been introduced in the House of Representatives by Congressman BEN GILMAN of New York.

One major provision to be restored requires that military unit commanders report and initiate a search within 48 hours from the time a person has been deemed missing. Right now, a soldier can be missing for up to 10 days before a report and search must be made.

Another restored provision protects civilian defense employees and contractors who become missing as a result of hostile action. These civilians who serve with, or accompany the Armed Forces in the field under orders and place their lives in danger, should be entitled to the same protection that is given to uniformed soldiers.

This bill also includes a provision which requires that if remains are recovered and are not identifiable through visual means, certification must be made by a forensic scientist that the remains recovered are, in fact, the missing person. In the past, hasty and speculative conclusions have often lead to misidentification and ultimately, undue emotional hardship for MIA families. It is our obligation to take full advantage of our current technological capabilities and provide the families of missing service personnel with certain, respectful closure in every case possible.

As a veteran who served in Korea, I am especially proud to also include an additional provision that calls for the establishment of personnel files for Korean conflict cases. Under this provision, if any new information is discovered that indicates that the soldier may not have been killed during the Korean war, a new case must be opened or an existing one must be reviewed. There are currently some 8,000 of my Korean war colleagues who have never been accounted for. The recent efforts by the many families of Korean War MIA's to learn the fate of their loved ones only reinforce the necessity for this provision. These families deserve our respect and attention.

This legislation is supported by numerous veterans' service organizations such as the American Legion, the Disabled American Veterans, the Korean and Cold War Families Association, and the National League of POW/MIA Families.

This bill asks the Department of Defense only to make the best possible effort to recover and return our missing personnel. It is the least we owe our soldiers, past and present, who endanger their lives in defense of our country. It is the very least we owe the families who have and will endure the pain and uncertainty of a loved one left unaccounted for at a time of war.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. I also ask unanimous consent that Senator FORD be included as an original cosponsor to this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing Persons Authorities Improvement Act of 1997".

SEC. 2. IMPROVEMENT OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2)(A) Any other person who is a citizen of the United States and is described in subparagraph (B) who serves with or accompanies the armed forces in the field under orders and becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(B) A person described in this subparagraph is any of the following:

"(i) A civilian officer or employee of the Department of Defense.

"(ii) An employee of a contractor of the Department of Defense.

"(iii) An employee of a United States firm licensed by the United States under section 38 of the Arms Export Control Act (22 U.S.C. 2778) to perform duties under contract with a foreign government involving military training of the military forces of that government in accordance with policies of the Department of Defense."; and

(B) by adding at the end the following new subsection:

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes—

"(1) in the case of a person covered by clause (i) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense employing the employee;

"(2) in the case of a person covered by clause (ii) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense contracting with the contractor; and

"(3) in the case of a person covered by clause (iii) of subsection (c)(2)(B), the Secretary of Defense.".

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out "one military officer" and inserting in lieu thereof "one individual described in paragraph (2)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.".

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out "who are" and all that follows in that paragraph and inserting in lieu thereof "as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry."; and

(B) in paragraph (4), by striking out "section 1503(c)(3)" and inserting in lieu thereof "section 1503(c)(4)".

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

Such term includes an unaccounted for person described in section 1509(b) of this title, under the circumstances specified in the last sentence of section 1509(a) of this title.".

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out "10 days" and inserting in lieu thereof "48 hours"; and

(ii) by striking out "Secretary concerned" and inserting in lieu thereof "theater component commander with jurisdiction over the missing person";

(B) in subsection (a), as amended by subparagraph (A)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting "(1)" after "COMMANDER.—"; and

(iii) by adding at the end the following new paragraph:

"(2) However, if the commander determines that operational conditions resulting from hostile action or combat constitute an emergency that prevents timely reporting under paragraph (1)(B), the initial report should be made as soon as possible, but in no case later than ten days after the date on which the commander receives such information under paragraph (1).";

(C) by redesignating subsection (b) as subsection (c);

(D) by inserting after subsection (a), as amended by subparagraphs (A) and (B), the following new subsection (b):

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person."; and

(E) in subsection (c), as redesignated by subparagraph (C), by adding at the end the following new sentence: "The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.".

(2) Section 1503(a) of such title is amended by striking out "section 1502(a)" and inserting in lieu thereof "section 1502(b)".

(3) Section 1504 of such title is amended by striking out "section 1502(a)(2)" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "section 1502(a)".

(4) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502(a) of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.".

(d) PENALTIES FOR WRONGFUL WITHHOLDING OF INFORMATION.—Section 1506 of such title is amended by adding at the end the following new subsection:

"(f) WRONGFUL WITHHOLDING.—Any person who (except as provided in subsections (a) through (d)) willfully withholds, or directs the withholding of, any information relating to the disappearance or whereabouts and status of a missing person from the personnel file of that missing person, knowing that such information is required to be placed in the personnel file of the missing person, shall be fined as provided in title 18 or imprisoned not more than one year, or both.".

(e) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended by adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.".

(f) MISSING PERSON'S COUNSEL.—(1) Sections 1503(f)(1) and 1504(f)(1) of such title are amended by adding at the end the following: "The identity of counsel appointed under this paragraph for a missing person shall be made known to the missing person's primary next of kin and any other previously designated person of the person.".

(2) Section 1503(f)(4) of such title is amended by adding at the end the following: "The primary next of kin of a missing person and any other previously designated person of the missing person shall have the right to submit information to the missing person's counsel relative to the disappearance or status of the missing person.".

(3) Section 1505(c)(1) is amended by adding at the end the following: "The Secretary concerned shall appoint counsel to represent any such missing person to whom such information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.".

(g) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended by striking out subsection (a) and inserting in lieu thereof the following:

"(a) REVIEW OF STATUS.—(1) If new information is found or received that may be related to one or more unaccounted for persons described in subsection (b) (whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person), that information shall be provided to the Secretary of Defense. Upon receipt of such information, the Secretary shall ensure that the information is treated under paragraphs (2) and (3) of section 1505(c) of this title and under section 1505(d) of this title in the same manner as information received under paragraph (1) of section 1505(c) of this title. For purposes of the applicability of other provisions of this chapter in such a case, each such unaccounted for person to whom the new information may be related shall be considered to be a missing person.

"(2) The Secretary concerned shall appoint counsel to represent each such unaccounted for person to whom the new information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.

"(3) For purposes of this subsection, new information is information that—

"(A) is found or received after the date of the enactment of the Missing Persons Improvement Act of 1997 by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

"(B) is identified after the date of the enactment of the Missing Persons Improvement Act of 1997 in records of the United States as information that could be relevant to the case of one or more unaccounted for persons described in subsection (b).".

(2) Such section is further amended by adding at the end the following new subsection:

"(d) ESTABLISHMENT OF PERSONNEL FILES FOR KOREAN CONFLICT CASES.—The Secretary of Defense shall ensure that a personnel file is established for each unaccounted for person who is described in subsection (b)(1). Each such file shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person.".

(h) WITHHOLDING OF CLASSIFIED INFORMATION.—Section 1506(b) of such title is amended—

(1) by inserting "(1)" before "The Secretary";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) If classified information withheld under this subsection refers to one or more unnamed missing persons, the Secretary shall ensure that notice of that withheld information, and notice of the date of the most recent review of the classification of that withheld information, is made reasonably accessible to family members of missing persons.".

(i) WITHHOLDING OF PRIVILEGED INFORMATION.—Section 1506(d) of such title is amended—

(1) in paragraph (2)—

(A) by striking out "non-derogatory" both places it appears in the first sentence;

(B) by inserting "or about unnamed missing persons" in the first sentence after "the debriefing report";

(C) by striking out "the missing person" in the second sentence and inserting in lieu thereof "each missing person named in the debriefing report"; and

(D) by adding at the end the following new sentence: "Any information contained in the extract of the debriefing report that pertains to unnamed missing persons shall be made reasonably accessible to family members of missing persons."; and

(2) in paragraph (3)—

(A) by inserting ", or part of a debriefing report," after "a debriefing report"; and

(B) by adding at the end the following new sentence: "Whenever the Secretary withholds a debriefing report, or part of a debriefing report, containing information on unnamed missing persons from accessibility to families of missing persons under this section, the Secretary shall ensure that notice that the withheld debriefing report exists is made reasonably accessible to family members of missing persons.".

By Mr. KERRY (for himself, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. KENNEDY, Mr. HOLLINGS, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, and Mr. HARKIN):

S. 756. A bill to provide for the health, education, and welfare of children under 6 years of age; to the Committee on Labor and Human Resources.

THE EARLY CHILDHOOD DEVELOPMENT ACT

Mr. KERRY. Mr. President, no issue is more important in America than focusing on the urgent needs of young children. This country must rededicate itself to investing in children, an investment which will have tremendous returns. Early intervention can have a powerful effect on reducing government welfare, health, criminal justice, and education expenditures in the long run. By taking steps now we can significantly reduce later destructive behavior such as school dropout, drug use, and criminal acts. A study of the High/Scope Foundation's Perry Preschool found that at-risk toddlers who received preschooling and a weekly home visit reduced the risk that these children would grow up to become chronic lawbreakers by a startling 80 percent. The Syracuse University family development study showed that providing quality early childhood programs to families until children reached age 5 reduces the children's risk of delinquency 10 years later by 90 percent. It's no wonder that a recent survey of police chiefs found that 9 out of 10 said that America could sharply reduce crime if government invested more in these early intervention programs.

These programs are successful because children's experiences during their early years of life lay the foundation for their future development. Our failure to provide young children what they need during this period has long-term consequences and costs for America. Recent scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and our Nation. The electrical activity of brain cells actually changes the physical structure of the brain itself. Without a stimulating environment, the baby's brain suffers. At birth, a baby's brain contains 100 billion neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains 20 to 30 percent smaller than normal for their age.

Mr. President, reversing these problems later in life is far more difficult and costly. I want to discuss several examples.

First, poverty seriously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the 12 million children under the age of 3 in the United States today, 3 million—25 percent—live in poverty.

Second, three out of five mothers with children younger than 3 work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development.

Third, in more than half of the States, one out of every four children between 19 months and 3 years of age is not fully immunized against common childhood diseases. Children who are not immunized are more likely to contact preventable diseases, which can cause long-term harm.

And fourth, children younger than 3 make up 27 percent of the 1 million children who are determined to be abused or neglected each year. Of the 1,200 children who died from abuse and neglect in 1995, 85 percent were younger than 5 and 45 percent were younger than 1.

Unfortunately, Mr. President, our Government expenditure patterns are inverse to the most important early development period for human beings. Although we know that early investment can dramatically reduce later remedial and social costs, currently our Nation spends more than $35 billion over 5 years on Federal programs for at-risk or delinquent youth and child welfare programs.

Today we seek to change our priorities and put children first. I am introducing the Early Childhood Development Act of 1997 to help empower local communities to provide essential interventions in the lives of our youngest at-risk children and their families. I am delighted that Senators ROCKEFELLER, MURRAY, KENNEDY, HOLLINGS, WELLSTONE, MOSELEY-BRAUN, and HARKIN are joining me as cosponsors of this bill.

This legislation seeks to provide support to families by minimizing Government bureaucracy and maximizing local initiatives. We would provide additional funding to communities to expand the thousands of successful efforts for at-risk children ages zero to six such as those sponsored by the United Way, Boys and Girls Clubs, and other less well-known grassroots organizations, as well as State initiatives such as Success By Six in Massachusetts and Vermont, the Parents as Teachers Program in Missouri, Healthy Families in Indiana, and the Early Childhood Initiative in Pittsburgh, PA. All are short on resources. And nowhere do we adequately meet demand although we know that many States and local communities deliver efficient, cost-effective, and necessary services. Extending the reach of these successful programs to millions of children currently underserved will increase our national well-being and ultimately save billions of dollars.

The second part of this bill would provide funding to States to help them provide a subsidy to all working poor families to purchase quality child care for infants, toddlers, and preschool children. We would not create a new program but would simply increase resources for the successful Child Care Development Block Grant (CCDBG). Child care for infants and toddlers is much more expensive than for older children since a higher level of care is necessary. Additional funding would also pay for improving the salaries and training level of child care workers, improving the facilities of child care centers and family child care homes, and providing enriched developmentally appropriate educational opportunities.

The bill would also establish a scholarship fund for child care workers who earn a degree in early childhood development and then work with infants and toddlers in child care settings for 2 years. Child care providers now are underpaid and frequently receive inadequate training, which causes higher turnover and lower quality care for children.

The bill would also expand the uses of time allowed under the Family and Medical Leave Act [FMLA] to promote parental involvement in schools and child care centers. Parents or guardians would be allowed to use up to 24 hours per year of FMLA time to participate in school and center activities such as parent-teacher conferences, interviewing for a new school or child care center, and getting an assessment for services in a family literacy program. This leave would be within the maximum 12 weeks of time currently allowed under the FMLA.

Finally, the bill would increase funding for the Early Head Start Program. The successful Head Start Program provides quality services to 4- and 5-year-olds. The Early Head Start Program, which currently is a modest program funded at $200 million annually, provides comprehensive child development and family support services to infants and toddlers. Expanding this program would help more young children receive the early assistance they need.

I was delighted to be joined yesterday by Governor Dean of Vermont and Governor Romer of Colorado in announcing this legislation. I also am happy to have a wide range of groups and individuals endorsing this bill including the Association of Jewish Family and Children's Agencies, Boys and Girls Clubs of America, Catholic Charities USA, Children's Defense Fund, Child Welfare League of America, Coalition on Human Needs, Jewish Council for Public Affairs, National Black Child Development Institute, Inc., National Center for the Early Childhood Work Force, National Council of Churches of Christ in the USA, Religious Action Center of Reform Judaism, and Rob Reiner of the I Am Your Child Campaign.

Children need certain supports during their early critical years if they are to thrive and grow to be contributing adults. I look forward to working with both sides of the aisle to pass this legislation and ensure that all children arrive at school ready to learn.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Early Childhood Development Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—ASSISTANCE FOR YOUNG CHILDREN

Sec. 101. Definitions.
Sec. 102. Allotments to States.
Sec. 103. Grants to local collaboratives.
Sec. 104. Supplement not supplant.
Sec. 105. Authorization of appropriations.

TITLE II—CHILD CARE FOR FAMILIES

Sec. 201. Amendment to Child Care and Development Block Grant Act of 1990.

TITLE III—LOAN REPAYMENT FOR CHILD CARE WORKERS

Sec. 301. Loan repayment for child care workers.

TITLE IV—FULL FUNDING FOR THE WOMEN, INFANTS, AND CHILDREN PROGRAM

Sec. 401. Full funding for the women, infants, and children program.

TITLE V—AMENDMENTS TO THE HEAD START ACT

Sec. 501. Authorization of appropriations.
Sec. 502. Allotment of funds.
Sec. 503. Effective date.

TITLE VI—SCHOOL INVOLVEMENT LEAVE

Sec. 601. Short title.
Sec. 602. General requirements for leave.
Sec. 603. School involvement leave for civil service employees.
Sec. 604. Effective date.

SEC. 2. FINDINGS.

Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific evidence also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and our Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, our society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between increased violence and crime among youth when there is no early intervention.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations which frequently could be avoided or made much less severe with good early interventions.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

TITLE I—ASSISTANCE FOR YOUNG CHILDREN

SEC. 101. DEFINITIONS.

In this title:

(1) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) STATE BOARD.—The term "State board" means a State Early Learning Coordinating Board established under section 102(c).

(4) YOUNG CHILD.—The term "young child" means an individual who is under 6 years of age.

(5) YOUNG CHILD ASSISTANCE ACTIVITIES.—The term "young child assistance activities" means the activities described in section 103(b).

SEC. 102. ALLOTMENTS TO STATES.

(a) IN GENERAL.—The Secretary shall make allotments under subsection (b) to eligible States to pay for the Federal share of the cost of enabling the States to make grants to local collaboratives under section 103 for young child assistance activities.

(b) ALLOTMENT.—

(1) IN GENERAL.—From the funds appropriated under section 105 for each fiscal year, the Secretary shall allot to each eligible State an amount that bears the same relationship to such funds as the total number of young children in poverty in the State bears to the total number of young children in poverty in all eligible States.

(2) YOUNG CHILD IN POVERTY.—In this subsection, the term "young child in poverty" means an individual who—

(A) is a young child; and

(B) is a member of a family with an income below the poverty line.

(c) STATE BOARDS.—

(1) IN GENERAL.—In order for a State to be eligible to obtain an allotment under this title, the Governor of the State shall establish, or designate an entity to serve as, a State Early Learning Coordinating Board, which shall receive the allotment and make the grants described in section 103.

(2) ESTABLISHED BOARD.—A State board established under paragraph (1) shall consist of the Governor and members appointed by the Governor, including—

(A) representatives of all State agencies primarily providing services to young children in the State;

(B) representatives of business in the State;

(C) chief executive officers of political subdivisions in the State;

(D) parents of young children in the State;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary, in the State;

(F) representatives of State nonprofit organizations that represent the interests of young children in poverty, as defined in subsection (b), in the State; and

(G) representatives of organizations providing services to young children and the parents of young children, such as organizations providing child care, carrying out Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), providing services through a family resource center, providing home visits, or providing health care services, in the State.

(3) DESIGNATED BOARD.—The Governor may designate an entity to serve as the State board under paragraph (1) if the entity includes the Governor and the members described in subparagraphs (A) through (G) of paragraph (2).

(d) APPLICATION.—To be eligible to receive an allotment under this title, a State board shall annually submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall contain—

(1) sufficient information about the entity established or designated under subsection (c) to serve as the State board to enable the Secretary to determine whether the entity complies with the requirements of such subsection;

(2) a comprehensive State plan for carrying out young child assistance activities;

(3) an assurance that the State board will provide such information as the Secretary shall by regulation require on the amount of State and local public funds expended in the State to provide services for young children; and

(4) an assurance that the State board shall annually compile and submit to the Secretary information from the reports referred to in section 103(d)(2)(F)(iii) that describes the results referred to in section 103(d)(2)(F)(i).

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost described in subsection (a) shall be—

(A) 85 percent, in the case of a State for which the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) is not less than 50 percent but is less than 60 percent;

(B) 87.5 percent, in the case of a State for which such percentage is not less than 60 percent but is less than 70 percent; and

(C) 90 percent, in the case of any State not described in subparagraph (A) or (B).

(2) State share.—

(A) In general.—The State shall contribute the remaining share (referred to in this paragraph as the "State share") of the cost described in subsection (a).

(B) Form.—The State share of the cost shall be in cash.

(C) Sources.—The State may provide for the State share of the cost from State or local sources, or through donations from private entities.

(f) State Administrative Costs.—

(1) In general.—A State may use not more than 5 percent of the funds made available through an allotment made under this title to pay for a portion, not to exceed 50 percent, of State administrative costs related to carrying out this title.

(2) Waiver.—A State may apply to the Secretary for a waiver of paragraph (1). The Secretary may grant the waiver if the Secretary finds that unusual circumstances prevent the State from complying with paragraph (1). A State that receives such a waiver may use not more than 7.5 percent of the funds made available through the allotment to pay for the State administrative costs.

(g) Monitoring.—The Secretary shall monitor the activities of States that receive allotments under this title to ensure compliance with the requirements of this title, including compliance with the State plans.

(h) Enforcement.—If the Secretary determines that a State that has received an allotment under this title is not complying with a requirement of this title, the Secretary may—

(1) provide technical assistance to the State to improve the ability of the State to comply with the requirement;

(2) reduce, by not less than 5 percent, an allotment made to the State under this section, for the second determination of noncompliance;

(3) reduce, by not less than 25 percent, an allotment made to the State under this section, for the third determination of noncompliance; or

(4) revoke the eligibility of the State to receive allotments under this section, for the fourth or subsequent determination of noncompliance.

SEC. 103. GRANTS TO LOCAL COLLABORATIVES.

(a) In General.—A State board that receives an allotment under section 102 shall use the funds made available through the allotment, and the State contribution made under section 102(e)(2), to pay for the Federal and State shares of the cost of making grants, on a competitive basis, to local collaboratives to carry out young child assistance activities.

(b) Use of Funds.—A local collaborative that receives a grant made under subsection (a) shall use the funds made available through the grant to provide, in a community, activities that consist of—

(1) education and supportive services, such as—

(A) home visits for parents of young children;

(B) services provided through community-based family resource centers for such parents;

(C) drug treatment services for such parents; and

(D) collaborative pre-school efforts that link parenting education for such parents to early childhood learning services for young children;

(2) activities designed to strengthen the quality of child care for young children and expand the supply of high quality child care services for young children;

(3) health care services for young children, including increasing the level of immunization for young children in the community, providing preventive health care screening and education, and expanding health care services in schools, child care facilities, clinics in public housing projects (as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), and mobile dental and vision clinics;

(4) services for children with disabilities who are young children; and

(5) activities designed to assist schools in providing support to young children, and parents of young children, in the community, to be carried out during extended hours when appropriate.

(c) Local Collaboratives.—To be eligible to receive a grant under this section for a community, a local collaborative shall demonstrate that the collaborative—

(1) has the capacity to provide, through a coordinated effort, young child assistance activities to young children, and parents of young children, in the community; and

(2) includes—

(A) all public agencies primarily providing services to young children in the community;

(B) businesses in the community;

(C) representatives of the local government for the county or other political subdivision in which the community is located;

(D) parents of young children in the community;

(E) officers of community organizations serving low-income individuals, as defined by the Secretary, in the community;

(F) community-based organizations providing services to young children and the parents of young children, such as organizations providing child care, carrying out Head Start programs, or providing pre-kindergarten education, mental health, or family support services; and

(G) nonprofit organizations that serve the community and that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(d) Application.—To be eligible to receive a grant under this section, a local collaborative shall submit an application to the State board at such time, in such manner, and containing such information as the State board may require. At a minimum, the application shall contain—

(1) sufficient information about the entity described in subsection (c)(2) to enable the State board to determine whether the entity complies with the requirements of such subsection; and

(2) a comprehensive plan for carrying out young child assistance activities in the community, including information indicating—

(A) the young child assistance activities available in the community, as of the date of submission of the plan, including information on efforts to coordinate the activities;

(B) the unmet needs of young children, and parents of young children, in the community for young child assistance activities;

(C) the manner in which funds made available through the grant will be used—

(i) to meet the needs, including expanding and strengthening the activities described in subparagraph (A) and establishing additional young child assistance activities; and

(ii) to improve results for young children in the community;

(D) how the local cooperative will use at least ¾ of the funds made available through the grant to provide young child assistance activities to young children and parents described in subsection (e);

(E) the comprehensive methods that the collaborative will use to ensure that—

(i) each entity carrying out young child assistance activities through the collaborative will coordinate the activities with such activities carried out by other entities through the collaborative; and

(ii) the local collaborative will coordinate the activities of the local collaborative with—

(I) other services provided to young children, and the parents of young children, in the community; and

(II) the activities of other local collaboratives serving young children and families in the community, if any; and

(F) the manner in which the collaborative will, at such intervals as the State board may require, submit information to the State board to enable the State board to carry out monitoring under section 102(f), including the manner in which the collaborative will—

(i) evaluate the results achieved by the collaborative for young children and parents of young children through activities carried out through the grant;

(ii) evaluate how services can be more effectively delivered to young children and the parents of young children; and

(iii) prepare and submit to the State board annual reports describing the results; and

(3) an assurance that the local collaborative will comply with the requirements of subparagraphs (D), (E), and (F) of paragraph (2), and subsection (f).

(e) Distribution.—In making grants under this section, the State board shall ensure that at least ¾ of the funds made available through each grant are used to provide the young child assistance activities to young children (and parents of young children) who are members of a family with an income below 133 percent of the poverty line.

(f) Local Share.—

(1) In general.—The local collaborative shall contribute a percentage (referred to in this subsection as the "local share") of the cost of carrying out the young child assistance activities.

(2) Percentage.—The Secretary shall by regulation specify the percentage referred to in paragraph (1).

(3) Form.—The local share of the cost shall be in cash.

(4) Source.—The local collaborative shall provide for the local share of the cost through donations from private entities.

(5) Waiver.—The State board may waive the requirement of paragraph (1) for disadvantaged communities, as defined by the Secretary.

(g) Monitoring.—The State board shall monitor the activities of local collaboratives that receive grants under this title to ensure compliance with the requirements of this title.

SEC. 104. SUPPLEMENT NOT SUPPLANT.

Funds appropriated under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for young children.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $1.000.000.000 for fiscal year 1998, $1,000,000,000 for fiscal year 1999, $2,000,000,000 for fiscal year 2000, $3.000,000,000 for fiscal year 2001, and $4.000,000,000 for fiscal year 2002 and each subsequent fiscal year.

TITLE II—CHILD CARE FOR FAMILIES

SEC. 201. AMENDMENT TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

The Child Care and Development Block Grant Act of 1990 is amended by inserting after section 658C (42 U.S.C. 9858b) the following:

"SEC. 658C-1. ESTABLISHMENT OF ZERO TO SIX PROGRAM.

"(a) IN GENERAL.—

"(1) PAYMENTS.—Subject to the amount appropriated under subsection (d), each State shall, for the purpose of providing child care assistance on behalf of children under 6 years of age, receive payments under this section in accordance with the formula described in section 658O.

"(2) INDIAN TRIBES.—The Secretary shall reserve 2 percent of the amount appropriated to carry out this section in each fiscal year for payments to Indian tribes and tribal organizations.

"(3) REMAINDER.—Any amount appropriated for a fiscal year under subsection (d), and remaining after the Secretary awards grants under paragraph (1) and after the reservation under paragraph (2), shall be used by the Secretary to make additional grants to States based on the formula under paragraph (1).

"(4) REALLOTMENT.—

"(A) IN GENERAL.—Any portion of the allotment under paragraph (1) to a State that the Secretary determines is not required by the State to carry out the activities described in subsection (b), in the period for which the allotment is made available, shall be reallotted by the Secretary to other States in proportion to the original allotments to the other States.

"(B) LIMITATIONS.—

"(i) REDUCTION.—The amount of any reallotment to which a State is entitled to under subparagraph (A) shall be reduced to the extent that it exceeds the amount that the Secretary estimates will be used in the State to carry out the activities described in subsection (b).

"(ii) REALLOTMENTS.—The amount of such reduction shall be similarly reallotted among States for which no reduction in an allotment or reallotment is required by this paragraph.

"(C) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—Any portion of a grant made to an Indian tribe or tribal organization under paragraph (2) that the Secretary determines is not being used in a manner consistent with subsection (b) in the period for which the grant or contract is made available, shall be allotted by the Secretary to other tribes or organizations in accordance with their respective needs.

"(5) AVAILABILITY.—Amounts received by a State under a grant under this section shall be available for use by the State during the fiscal year for which the funds are provided and for the following 2 fiscal years.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Amounts received by a State under this section shall be used to provide child care assistance, on a sliding fee scale basis, on behalf of eligible children (as determined under paragraph (2)) to enable the parents of such children to secure high quality care for such children.

"(2) ELIGIBILITY.—To be eligible to receive child care assistance from a State under this section, a child shall—

"(A) be under 6 years of age;

"(B) be residing with at least one parent who is employed or enrolled in a school or training program or otherwise requires child care as a preventive or protective service (as determined under rules established by the Secretary); and

"(C) have a family income that is less than 85 percent of the State median income for a family of the size involved.

"(3) INFANT CARE SET-ASIDE.—A State shall set-aside 10 percent of the amounts received by the State under a grant under subsection (a)(1) for a fiscal year for the establishment of a program to establish new models of infant and toddler care, including models for—

"(A) the development of family child care networks;

"(B) the training of child care providers for infant and toddles care;

"(C) securing higher level of compensation for providers of infant and toddler care; and

"(D) the support, renovation, and modernization of facilities used for child care programs serving infants.

"(4) POVERTY LINE.—As used in this subsection, the term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) that is applicable to a family of the size involved.

"(c) LEVELS OF ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations to ensure that the levels of assistance provided by States on behalf of eligible children under this section are, subject to paragraph (2), adequate to provide parents with the ability to select a high quality provider of care of their child. Such regulations shall, to the maximum extent practicable—

"(A) ensure that States provide assistance in amounts that provide at a minimum market rate for child care in the communities involved;

"(B) permit States to adjust rates above the market rates to ensure that families have access to high quality infant and toddler care; and

"(C) encourage States to provide additional assistance on behalf of children for enriched infant and toddler services.

"(2) AMOUNT OF ASSISTANCE.—In providing assistance to eligible children under this section, a State shall ensure that an eligible child with a family income that is less than 100 percent of the poverty line for a family of the size involved is eligible to receive 100 percent of the amount of the assistance for which the child is eligible.

"(d) APPROPRIATION.—For grants under this section, there are appropriated—

"(1) $500,000,000 for fiscal year 1998;

"(2) $1,000,000,000 for fiscal year 1999;

"(3) $2,000,000,000 for fiscal year 2000;

"(4) $3,000,000,000 for fiscal year 2001; and

"(5) $4,000,000,000 for fiscal year 2002 and each fiscal year thereafter.

"(e) REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning—

"(1) the appropriate child to staff ratios for infants and toddlers in child care settings, including child care centers and family child care homes; and

"(2) other best practices for infant and toddler care.

"(f) APPLICATION OF OTHER REQUIREMENTS.—

"(1) STATE PLAN.—The State, as part of the State plan submitted under section 658E(c), shall describe the activities that the State intends to carry out using amounts received under this section, including a description of the levels of assistance to be provided.

"(2) OTHER REQUIREMENTS.—Amounts provided to a State under this section shall be subject to the requirements and limitations of this subchapter except that section 658E(c)(3), 658F, 658G, 658J, and 658O shall not apply.".

TITLE III—LOAN REPAYMENT FOR CHILD CARE WORKERS

SEC. 301. LOAN REPAYMENT FOR CHILD CARE WORKERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by striking the heading for subpart 7 and inserting after subpart 6 (20 U.S.C. 1070d-31 et seq.) the following:

"SUBPART 7—LOAN REPAYMENT FOR CHILD CARE WORKERS

"SEC. 420. LOAN REPAYMENT FOR CHILD CARE WORKERS.

"(a) LOAN REPAYMENT PROGRAM.—

"(1) IN GENERAL.—From amounts appropriated under subsection (f), the Secretary shall carry out a program of assuming the obligation to repay a loan made, insured or guaranteed under part B or part D (excluding loans made under section 428A, 428B, or 428C) for any borrower who—

"(A) is awarded an associate degree, or a baccalaureate or graduate degree, in early childhood development; and

"(B) is employed, for not less than 2 years, in a child care facility serving low-income children who are primarily age birth through 3.

"(2) MAXIMUM AMOUNT.—The Secretary shall determine the maximum amount of loans that may be repayed under this section.

"(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out this section.

"(b) LOAN REPAYMENT.—

"(1) IN GENERAL.—Subject to subsection (a)(3), the Secretary shall assume the obligation to repay the total amount of loans under part B or D (excluding a loan made under section 428A, 428B, or 428C) incurred by a borrower in pursuit of a baccalaureate or graduate degree in early childhood development.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the refunding of any repayment of a loan made under part B or D.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(c) REPAYMENT TO ELIGIBLE LENDERS OR HOLDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(d) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Loan repayment under this section shall be on a first-come, first-served basis.

"(2) CONDITIONS.—An eligible individual may apply for repayment after completing the employment described in subsection (a)(1)(B). The borrower shall receive forbearance while engaged in the employment described in subsection (a)(1)(B).

"(e) DEFINITION.—For the purpose of this section the term "eligible lender" has the meaning given the term in section 435(d).

"(f) CAPPED ENTITLEMENT.—There are authorized to be appropriated and there are appropriated $100,000,000 to carry out this section for fiscal year 1998 and each succeeding fiscal year.".

TITLE IV—FULL FUNDING FOR THE WOMEN, INFANTS, AND CHILDREN PROGRAM

SEC. 401. FULL FUNDING FOR THE WOMEN, INFANTS, AND CHILDREN PROGRAM.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "authorized" and inserting "established"; and

(B) by striking ", up to the authorization levels set forth in subsection (g) of this section,";

(2) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking "may" and inserting "shall"; and

(B) in paragraph (2), by striking "appropriated" and inserting "made available";

(3) in subsection (g)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1) FUNDING.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be—

"(i) appropriated to carry out this section such amounts as are necessary for each of fiscal years 1997 through 2002; and

"(ii) made available such amounts as are necessary for the Secretary of the Treasury to fulfill the requirements of subparagraph (B).

"(B) APPROPRIATIONS.—

"(i) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture, on the date of enactment of the Early Childhood Development Act of 1997 for fiscal year 1997, and October 1 of each fiscal year for each fiscal year thereafter, to carry out this subsection—

"(I) for fiscal year 1997, an additional amount of $1,500,000,000; and

"(II) for each fiscal year thereafter, an amount equal to the total amount made available for fiscal year 1997 to carry out this subsection (including the additional amount referred to in subclause (I)), adjusted on October 1, 1998, and each October 1 thereafter, to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics for the 12-month period ending the preceding June 30.

"(ii) ENTITLEMENT.—The Secretary of Agriculture shall be entitled to receive the funds and shall accept the funds.";

(B) in the first sentence of paragraph (4), by striking "appropriated" and inserting "made available"; and

(C) in paragraph (5), by striking "appropriated" and inserting "made available";

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "appropriated" both places it appears and inserting "made available"; and

(ii) in subparagraph (C), by striking "appropriated" both places it appears and inserting "made available"; and

(B) in the first sentence of paragraph (2)(A), by striking "1998" and inserting "2002"; and

(5) in subsection (l), by striking "funds appropriated" and inserting "funds made available".

TITLE V—AMENDMENTS TO THE HEAD START ACT

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

Section 639(a) of the Head Start Act (42 U.S.C. 9834(a)) is amended by inserting before the period at the end the following: ", $4,900,000,000 for fiscal year 1999, $5,500,000,000 for fiscal year 2000, $6,100,000,000 for fiscal year 2001, and $6,700,000,000 for fiscal year 2002".

SEC. 502. ALLOTMENT OF FUNDS.

Section 640(a)(6) of the Head Start Act (42 U.S.C. 9835(a)(6)) is amended—

(1) by striking "1997, and" and inserting "1997,"; and

(2) by inserting after "1998," the following: "6 percent for fiscal year 1999, 7 percent for fiscal year 2000, 8 percent for fiscal year 2001, and 9 percent for fiscal year 2002,".

SEC. 503. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on October 1, 1997.

TITLE VI—SCHOOL INVOLVEMENT LEAVE

SEC. 601. SHORT TITLE.

This title may be cited as the "Time for Schools Act of 1997".

SEC. 602. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO SCHOOL INVOLVEMENT LEAVE.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) DEFINITIONS.—In this paragraph:

"(i) FAMILY LITERACY PROGRAM.—The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) LITERACY.—The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) SCHOOL.—The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

"(3) NOTICE FOR SCHOOL INVOLVEMENT LEAVE.—In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR SCHOOL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

SEC. 603. SCHOOL INVOLVEMENT LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 24 hours of leave during any 12-month period to participate in an activity of a school of a son or daughter of the employee, such as a parent-teacher conference or an interview for a school, or to participate in literacy training under a family literacy program.

"(B) In this paragraph:

"(i) The term 'family literacy program' means a program of services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(I) Interactive literacy activities between parents and their sons and daughters.

"(II) Training for parents on how to be the primary teacher for their sons and daughters and full partners in the education of their sons and daughters.

"(III) Parent literacy training.

"(IV) An age-appropriate education program for sons and daughters.

"(ii) The term 'literacy', used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(I) to function on the job, in the family of the individual, and in society;

"(II) to achieve the goals of the individual; and

"(III) to develop the knowledge potential of the individual.

"(iii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility operated by a provider who meets the applicable State or local government licensing, certification, approval, or registration requirements, if any.

"(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(3) is foreseeable, the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection. If the necessity for the leave is not foreseeable, the employee shall provide such notice as is practicable.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

SEC. 604. EFFECTIVE DATE.

This title takes effect 120 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 193

At the request of Mr. GLENN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 251

At the request of Mr. SHELBY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the titles XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 387

At the request of Mr. HATCH, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 419

At the request of Mr. BOND, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 442

At the request of Mr. WYDEN, the names of the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alabama [Mr. SHELBY], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 442, a bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes.

S. 460

At the request of Mr. BOND, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 476

At the request of Mr. HATCH, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 476, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 665

At the request of Mr. KERREY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 665, a bill to monitor the progress of the Telecommunications Act of 1996.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week".

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

SENATE RESOLUTION 86—RELATIVE TO TELEPHONE ACCESS CHARGES FOR USE OF THE INTERNET

Mr. ABRAHAM (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 86

Whereas with the enactment of the Telecommunications Act of 1996 (Public Law 104–104), Congress sought to stimulate through the competitive marketplace the rapid deployment of new communications technologies at the lowest possible cost to the customers;

Whereas the Internet is the most noteworthy example of the development of an advanced communications network, having expanded from the four linked sites of its precursor network in 1969 to become the first ubiquitous, interactive advanced communications network today;

Whereas the Internet is a digital electronic environment where different forms of multimedia flow freely and efficiently;

Whereas over 15,000,000 households are currently connected to the Internet and 43,000,000 households are expected to be so connected by the year 2000;

Whereas the Internet is an invaluable tool for personal communications, education, telemedicine, and better integrating the elderly, the disabled, and individuals living in remote locations into the life of the Nation;

Whereas the development of an electronic marketplace over the Internet will be a competitive stimulus to the national economy, with the amount of electronic commerce expected to grow to $80,000,000,000 by the year 2000;

Whereas commerce over the Internet will empower consumers by offering a myriad of options for comparison shopping information gathering, and purchasing opportunities;

Whereas commerce over the Internet has also proven an important start-up mechanism for small businesses by providing minimal barriers to entry and by acting as a ubiquitous, cost-effective distribution system;

Whereas innovative companies in all economic sectors have tied their economic future to the continued growth and success of the Internet;

Whereas the Internet is the medium of choice for electronic commerce, electronic mail, multimedia, and corporate Intranets;

Whereas the Internet has succeeded as a result of its responsiveness to technical challenges unencumbered by any preconceptions imposed by regulation relating to its development; and

Whereas the imposition of telephone access charges by regulation would inhibit the development of the Internet and discourage the use of the Internet at a time when the national policy should be to promote the development of advance telecommunications networks such as the Internet: Now, therefore, be it

Resolved, That it is the sense of the Senate that the telecommunications policy of the United States should support the continued unfettered growth of the Internet by—

(1) encouraging greater dialogue between the Local Exchange Carriers and the Internet community in the effort to reach a mutually beneficial resolution to the issues relating to connecting to the internet; and

(2) encouraging the removal of impediments to the introduction of competition, and in particular, in the provision of new technologies and services to connecting to the internet and other advanced networks.

Mr. ABRAHAM. Mr. President, I rise today to submit a resolution regarding access charges on the Internet. This resolution conveys the sense of the U.S. Senate that telephone access charges for Internet use will impede the Internet's continued growth and development and, therefore, should be discouraged.

The rise of the Internet has been truly phenomenal. From the four linked sites of its 1969 precursor, the Internet has developed into an advanced telecommunications network that was unimagined only a decade ago. Today, over 15,000,000 households are currently connected to the Internet, and some industry analysts expect this number to rise to 43,000,000 by the year 2000. These new users will continue to find an increasing amount of options and assistance available to them online. Whether the Internet is used to meet new friends, do online banking, compare medical or scientific research or do shopping, as services increase, the Internet will become an indispensable part of everyday life.

Personal uses aside, many believe the Internet's greatest growth potential lies in the evolution of online commerce. The Internet is clearly the technology of the future and innovative companies are staking their future on the public's increased access to this network. According to the Wall Street Journal, online commerce was estimated at $518 million in 1996 and is expected to reach $1.14 billion in 1997.

Not surprisingly though, the surge of Internet use has led to some unexpected difficulties. Industry studies indicate that Internet usage is growing at up to 42 percent per year, and some Local Exchange Carrier's [LEC] contend this increasing traffic could exceed the current phone system's capacity. While studies differ on the scope or extent of this problem, it seems clear that, ultimately, a significant investment in the telephone infrastructure will be required if gridlock is to be avoided. To fund this infrastructure, some of the LEC's support an Internet user fee to help fund the installation of new circuits designed to head-off any congestion problems.

Rather than install more, inefficient analog switches, however, it is my hope that the Local Exchange Carriers will work to upgrade their telephone systems to digital transmissions just as satellite transmitters, wireless, and long-distance companies have undertaken the transition to digital. Last year, a coalition of high-technology companies in support of this concept organized to oppose traditional telephone fees for Internet use. Consumers, they argue, will be reluctant to use the Internet if new fees are imposed without such product improvement. I agree. The Nation's telephone system needs improvement in order to meet the challenges of 21st century technology and consumer expectations. For this to happen, the telephone infrastructure will require technological improvements, not just additional capacity.

In my opinion, if we are to maximize the potential for this new technology, it is important that we recognize the exciting technological changes ongoing in communications. In particular, when addressing problems caused by the surge in Internet use, I believe America should focus on ways to optimize this medium's efficiency. Charging additional regulatory fees for access to the Internet, I fear, could have the unintended consequence of limiting the public's ability and desire to connect. If, as a result of some new form of access fee, less people use the Internet, then we will have passed up a great opportunity to advance the public's investment and involvement in one of the truly revolutionary technological advancements of this century. I hope that the advanced-technology companies which depend on the Internet and the local carriers which help provide service can come to a mutually beneficial agreement on Internet services absent the imposition of additional fees for Internet use.

The likelihood of such an agreement was probably heightened by last weeks announcement by the Federal Communications Commission that it will not permit the Local Exchange Carriers to charge user fees for connecting to the internet. This resolution demonstrates congressional support for the FCC position. This sense of the Senate resolution outlines the dramatic growth of the Internet, spells out the benefits available online and recognizes the potential for digital commerce. More importantly, the resolution demonstrates that it is time for the Internet providers and the local phone companies to work together to resolve this conundrum before it becomes a real problem.

With so many different issues surrounding the Internet today, it is easy to lose track of the industries' latest developments. This legislation, however, addresses what I believe to be the most fundamental Internet issue: affordability. All of the amazing tools provided by the Internet and all its conveniences will be meaningless if, in our zeal to control the Internet, we price its access beyond the reach of average Americans. This nonbinding resolution expresses the desire of the Senate to avoid such a mistake, and I urge my colleagues to support it.

Mr. LEAHY. Mr. President, I am pleased to cosponsor this resolution with Senator ABRAHAM. I feel strongly that the Senate needs to speak out on the importance that our future telecommunications policy will play in the growth of commerce on the Internet.

The Internet was born in 1974, but I missed the birth announcement. Like many who later would become avid Internet users, I let several years slip by before realizing the incredible potential of this new tool—that computers could virtually connect you to anyone, anywhere, anytime.

The Internet is changing more than the speed of communications; it is changing the very dynamics of communication. Though still in its infancy, it already is beginning to change the way we do business. Over the past 2 years, sales generated through the Web grew more than 5,000 percent. And Net merchants are expected to sell billions of dollars worth of goods by the end of the century. This is a tremendous potential market for businesses.

While Internet growth has been explosive, concrete standards for Internet commerce have not been set. Most online users still do not buy and sell goods over the Internet because they are afraid online hackers will steal their financial information. These are legitimate concerns that still have to be addressed by emerging security technologies.

That is why I have worked with industry leaders during the past two years to find ways to promote more secure encryption technology. Better encryption means safer online commerce. We should be working with the private sector to help set standards that provide a secure Internet where people are safe paying their bills from their home computers. We should also encourage greater dialogue between Local Exchange Carriers and the Internet community. We do not want to choke Internet growth with excessive phone charges for Internet access.

I use the Internet on a daily basis for anything from finding the latest Batman movie clips to online chats with Vermont schools. My work on Internet issues has earned me the nickname of "the Cyber Senator." I have had many nicknames in my life. Some have been better than others but I am proud of this nickname because as the Cyber Senator, I can help Vermonters. That is why the Internet is so important to me.

In two key ways, the opportunities opened by the Internet are a perfect match for Vermont.

First, cyber-selling compliments our community-centered, environmentally-conscious style. In the past 25 years, Vermonters have shown uncommon stewardship in preserving our State's quality of life. Other States that only now are discovering these values will have trouble recapturing what already has eroded. Since the Internet allows anyone to work anywhere in the world, why not in Vermont where you can enjoy a unique lifestyle?

Second, throughout this century, we Vermonters have been held back because we are not geographically near any major markets to sell our goods. Now, through the Internet, we can sell our goods in the blink of an eye to anyone in the world.

Some pioneering Vermont businesses are already venturing into cyberspace. My home page on the World Wide Web is linked to Web sites of more than 100 Vermont businesses, ranging from the Quill Bookstore in Manchester Center to Jay Peak Ski Resort. For instance, The Flying Noodle in Waterbury Center now sells about 30 percent of its gourmet pasta and sauces over the Internet and has regular customers in Japan, Guam, Germany, France, and South Korea.

We all have visions of what we want for Vermont as we enter the 21st century. My vision is that the Internet will unlock the potential for any Vermonter—and especially, our children—to stay in our beautiful State to earn a living. The Internet is a place where Vermonters can exchange ideas with people across the world with the stroke of a key or the click of a mouse.

Mr. President, I commend my colleague from Michigan for submitting this resolution. It is strongly supported by the American Electronics Association, Business Software Alliance, and many other groups devoted to the growth of Internet commerce. I urge my colleagues to support our resolution.

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT OF 1997

JEFFORDS AMENDMENT NO. 280

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the amendment No. 244 submitted by Mrs. MURRAY to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . APPLICATION OF FAIR LABOR STANDARDS ACT OF 1938 TO THE EXECUTIVE OFFICE OF THE PRESIDENT.

Section 413(d)(2) of title 3, United States Code, is amended by striking "October 1, 1998" and inserting "October 1, 1997".

SPECTER AMENDMENT NO. 281

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 278 submitted by him to the bill, S. 4, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"(iii) UNLAWFUL DISCRIMINATION.—It shall be an unlawful act of discrimination for an employer to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation, or to qualify the availability of work for which overtime compensation is required upon employee's request for or acceptance of compensatory time off in lieu of monetary overtime compensation. This clause does not apply to an offer of compensatory time off by an employer to all employees or a class of employees. Any person who violates the provisions of this clause shall be subject to the penalties contained in Section 16(a) of this Act.".

GRASSLEY AMENDMENT NO. 282

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to amendment No. 260 submitted by Mr. WELLSTONE to the bill, S. 4, supra; as follows:

Strike all and insert:

On page 28, after line 16 insert the following:

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$6,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or all accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13A of the Fair Labor Standards Act of 1938)".

GRASSLEY AMENDMENT NO. 283

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to amendment No. 270 submitted by Mr. KENNEDY to the bill, S. 4, supra; as follows:

Strike all and insert:

On page 28, after line 16, insert the following:

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$6,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or all accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13A of the Fair Labor Standards Act of 1938)".

ASHCROFT AMENDMENT NO. 284

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to amendment No. 262 submitted by Mr. WELLSTONE to the bill, S. 4, supra; as follows:

To the matter proposed to be stricken add the following:

( ) FLEXIBLE AND COMPRESSED WORK SCHEDULE PROGRAMS.—

(1) REPEAL.—Subchapter II of chapter 61 of title 5, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 61 of title 5, United States Code, is amended—

(i) by striking the following item:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(ii) by striking the items relating to subchapter II.

(B) Section 6103 of title 5, United States Code, is amended by striking subsection (d).

(C) Subchapter I of chapter 61 of title 5, United States Code, is amended by striking the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

(D) Section 3401(2) of title 5, United States Code is amended by striking "(or 32 to 64 hours during a biweekly pay period in the case of a flexible or compressed work schedule under subchapter II of chapter 61 of this title)".

(E) Section 116 of the Indian Health Care Improvement Act (25 U.S.C. 1616i) is amended by striking subsection (c).

ASHCROFT AMENDMENT NO. 285

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to amendment No. 274 submitted by Mr. KENNEDY to the bill, S. 4, supra; as follows:

To the matter proposed to be stricken, add the following:

( ) FLEXIBLE AND COMPRESSED WORK SCHEDULE PROGRAMS.—

(1) REPEAL.—Subchapter II of chapter 61 of title 5, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—

(A) The table of sections for chapter 61 title 5, United States Code, is amended—

(i) by striking the following item:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(ii) by striking the items relating to subchapter II.

(B) Section 6103 of title 5, United States Code, is amended by striking subsection (d).

(C) Subchapter I of chapter 61 of title 5, United States Code, is amended by striking the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

(D) Section 3401(2) of title 5, United States Code is amended by striking "(or 32 to 64 hours during a biweekly pay period in the case of a flexible or compressed work schedule under subchapter II of chapter 61 of this title)".

(E) Section 116 of the Indian Health Care Improvement Act (25 U.S.C. 1616i) is amended by striking subsection (c).

ASHCROFT AMENDMENT NO. 286

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to amendment No. 276 submitted by Mr. DODD to the bill, S. 4, supra; as follows:

To the matter proposed to be stricken, add the following:

( ) FLEXIBLE AND COMPRESSED WORK SCHEDULE PROGRAMS.—

(1) REPEAL.—Subchapter II of chapter 61 of title 5, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 61 of title 5, United States Code, is amended—

(i) by striking the following item:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(ii) by striking the items relating to subchapter II.

(B) Section 6103 of title 5, United States Code, is amended by striking subsection (d).

(C) Subchapter I of chapter 61 of title 5, United States Code, is amended by striking the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

(D) Section 3401(2) of title 5, United States Code is amended by striking "(or 32 to 64 hours during a biweekly pay period in the case of a flexible or compressed work schedule under subchapter II of chapter 61 of this title)".

(E) Section 116 of the Indian Health Care Improvement Act (25 U.S.C. 1616i) is amended by striking subsection (c).

ASHCROFT AMENDMENT NO. 287

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to amendment No. 271 submitted by Mr. KENNEDY to the bill, S. 4, supra; as follows:

To the matter proposed to be stricken, add the following:

( ) FLEXIBILE AND COMPRESSED WORK SCHEDULE PROGRAMS.—

(1) REPEAL.—Subchaptr II of chapter 61 of title 5, United States Code, is repealed.

(2) CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 61 of title 5, United States Code, is amended—

(i) by striking the following item:

"SUBCHAPTER I—GENERAL PROVISIONS";

and

(ii) by striking the items relating to subchapter II.

(B) Section 6103 of title 5, United States Code, is amended by striking subsection (d).

(C) Subchapter I of chapter 61 of title 5, United States Code, is amended by striking the following:

"SUBCHAPTER I—GENERAL PROVISIONS".

(D) Section 3401(2) of title 5, United States Code is amended by striking "(or 32 to 64 hours during a biweekly pay period in the case of a flexible or compressed work schedule under subchapter II of chapter 61 of this title)".

(E) Section 116 of the Indian Health Care Improvement Act (25 U.S.C. 1616i) is amended by striking subsection (c).

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1997

FEINSTEIN (AND OTHERS) AMENDMENT NO. 288

Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Post-Viability Abortion Restriction Act."

SEC. 2. PROHIBITION ON CERTAIN ABORTIONS.

(a) IN GENERAL.—It shall be unlawful, in or affecting interstate or foreign commerce, for a physician knowingly to perform an abortion after the fetus has become viable.

(b) EXCEPTION.—Subsection (a) does not apply if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

SEC. 3. CIVIL PENALTIES.

(a) ACTION BY ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General (referred to in this Act as the "appropriate official"), may commence a civil action under this subsection in any appropriate United States district court to enforce the provisions of this Act.

(b) RELIEF.—

(1) FIRST VIOLATION.—In an action commenced under subsection (a), if the court finds that the respondent in the action has violated a provision of this Act, the court shall assess a civil penalty against the respondent in an amount not exceeding $100,000, and refer the case to the State medical licensing authority for consideration of suspension of the respondent's medical license.

(2) SECOND VIOLATION.—If a respondent in an action commenced under subsection (a) has been found to have violated a provision of this Act on a prior occasion, the court shall assess a civil penalty against the respondent in an amount not exceeding $250,000, and refer the case to the State medical licensing authority for consideration of revocation of the respondent's medical license.

(c) CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—At the time of the commencement of an action under subsection (a), the appropriate official shall certify to the court involved that the appropriate official—

(A) has provided notification in writing of the alleged violation of this Act, at least 30 calendar days prior to the filing of such action, to the attorney general or chief legal officer of the appropriate State or political subdivision; and

(B) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

(2) LIMITATION.—No woman who has had an abortion after fetal viability may be penalized under this Act for a conspiracy to violate this section or for an offense under section 2, 3, 4, or 1512 of title 18, United States Code.

SEC. 4. REGULATIONS AND PROCEDURES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish regulations—

(1) requiring an attending physician described in section 2(b) to certify that, in the best medical judgment of the physician, the abortion described in section 2(b) was medically necessary to preserve the life or to avert serious adverse health consequences to the woman involved, and to describe the medical indications supporting the judgment; and

(2) to ensure the confidentiality of all information submitted pursuant to a certification by a physician under paragraph (1).

(b) STATE REGULATIONS AND PROCEDURES.—The regulations described in subsection (a) shall not apply in a State that has established regulations described in subsection (a).

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to prohibit State or local governments from regulating, restricting, or prohibiting post-viability abortions to the extent permitted by the Constitution of the United States.

DASCHLE (AND OTHERS) AMENDMENT NO. 289

Mr. DASCHLE (for himself, Ms. SNOWE, Ms. MIKULSKI, Mrs. MURRAY, Ms. LANDRIEU, Ms. COLLINS, Mr. LIEBERMAN, and Mr. KENNEDY) proposed an amendment to the bill, H.R. 1122, supra; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Abortion Ban Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As the Supreme Court recognized in *Roe v. Wade*, the government has an "important and legitimate interest in preserving and protecting the health of the pregnant woman... and has still another important and legitimate interest in protecting the potentiality of human life. These interests are separate and distinct. Each grow in substantiality as the woman approaches term and, at a point during pregnancy, each becomes compelling".

(2) In delineating at what point the Government's interest in fetal life becomes "compelling", *Roe v. Wade* held that "a State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability", a conclusion reaffirmed in *Planned Parenthood of Southeastern Pennsylvania v. Casey*.

(3) *Planned Parenthood of Southeastern Pennsylvania v. Casey* also reiterated the holding in *Roe v. Wade* that the government's interest in potential life becomes compelling with fetal viability, stating that "subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother".

(4) According to the Supreme Court, viability "is the time at which there is a realistic possibility of maintaining and nourishing a life outside the womb, so that the independent existence of the second life can in reason and all fairness be the object of State protection that now overrides the rights of the woman".

(5) The Supreme Court has thus indicated that it is constitutional for Congress to ban abortions occurring after viability so long as the ban does not apply when a woman's life or health faces a serious threat.

(6) Even when it is necessary to terminate a pregnancy to save the life or health of the mother, every medically appropriate measure should be taken to deliver a viable fetus.

(7) It is well established that women may suffer serious health conditions during pregnancy, such as breast cancer, preeclampsia, uterine rupture or non-Hodgkin's lymphoma, among others, that may require the pregnancy to be terminated.

(8) While such situations are rare, not only would it be unconstitutional but it would be unconscionable for Congress to ban abortions in such cases, forcing women to endure severe damage to their health and, in some cases, risk early death.

(9) In cases where the mother's health is not at such high risk, however, it is appropriate for Congress to assert its "compelling interest" in fetal life by prohibiting abortions after fetal viability.

(10) While many States have banned abortions of viable fetuses, in some States it continues to be legal for a healthy woman to abort a viable fetus.

(11) As a result, women seeking abortions may travel between the States to take advantage of differing State laws.

(12) To prevent abortions of viable fetuses not necessitated by severe medical complications, Congress must act to make such abortions illegal in all States.

(13) abortion of a viable fetus should be prohibited throughout the United States, unless a woman's life or health is threatened and, even when it is necessary to terminate the pregnancy, every measure should be taken, consistent with the goals of protecting the mother's life and health, to preserve the life and health of the fetus.

SEC. 3. ABORTION PROHIBITION.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

"CHAPTER 74—ABORTION PROHIBITION

"Sec.
"1531. Prohibition.
"1532. Penalties.
"1533. State regulations.
"1534. Rule of construction.

"§ 1531 Prohibition.

"(a) In General.—It shall be unlawful for a physician to abort a viable fetus unless the physician certifies that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

"(b) Grievous Injury.—

"(1) In general.—For purposes of subsection (a), the term 'grievous injury' means—

"(A) a severely debilitating disease or impairment specifically caused by the pregnancy; or

"(B) an inability to provide necessary treatment for a life-threatening condition.

"(2) Limitation.—The term 'grievous injury' does not include any condition that is not medically diagnosable or any condition for which termination of pregnancy is not medically indicated.

"(c) Physician.—In this chapter, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of subsection (a) shall be subject to the provisions of this section.

"(d) No Conspiracy.—No woman who has had an abortion after fetal viability may be prosecuted under this section for a conspiracy to violate this section or for an offense under section 2, 3, 4, or 1512 of title 18, United States Code.

"§ 1532 Penalties.

"(a) Action by Attorney General.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

"(b) Relief.—

"(1) First offense.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(d), or shall assess a civil penalty against the respondent in an amount not exceeding $100,000, or both.

"(2) Second offense.—If a respondent in an action commenced under subsection (a) has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(d), or shall assess a civil penalty against the respondent in an amount not exceeding $250,000, or both.

"(3) Hearing.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this subsection.

"(c) Certification Requirements.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

"(1) has provided notice of the alleged violation of this section, in writing, to the Governor or chief executive officer and attorney general or chief legal officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

"(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

"§ 1533 Regulations.

"(a) Regulations of Secretary for Certification.—

"(1) In general.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under section 1531(a).

"(2) Requirement.—The regulations under paragraph (1) shall require that a certification filed under section 1531(a) contain—

"(A) a certification by the physician (on penalty of perjury, as permitted under section 1746 of title 28) that, in his or her best medical judgment, the abortion involved was medically necessary pursuant to such section; and

"(B) a description by the physician of the medical indications supporting his or her judgment.

"(3) Confidentiality.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of the mother described in section 1531(a) is kept confidential, with respect to a certification filed by a physician under section 1531(a).

"(b) Action by State.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

"§ 1534 Rule of Construction.

"(1) In general.—The requirements of this chapter shall not apply with respect to post-viability abortions in a State if there is a State law in effect in the State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

"(2) State law.—In paragraph (1), the term "State law" includes all laws, decisions, rules or regulations of any State, or any other State action having the effect of law.".

(b) Clerical Amendment.—The table of chapters for part I of title 18, United States

Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Prohibition of post-viability abortions .... 1531".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, May 22, 1997, at 9:30 a.m. to consider revisions to title 44/GPO: Review and Recommendations of Draft Legislation.

For further information concerning this hearing, please contact Eric Peterson at 224–7774.

SUBCOMMITTEE ON WATER AND POWER

Mr. KYL. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources will hold a hearing to receive testimony concerning several pending measures. The measures are:

S. 439, the Federal Power Act Amendment Act of 1997,

H.R. 651 and H.R. 652, bills to extend the deadlines for hydroelectric projects in the State of Washington,

S. 725, the Collbran Project Unit Conveyance Act,

S. 736, the Carlsbad Irrigation Project Acquired Land Transfer Act,

S. 744, to authorize the construction of the Fall River Water Users District Rural Water System and authorize financial assistance to the Fall River Water Users District, a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes, and

S. 538, to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes.

The hearing will take place on Tuesday, June 10 in room SD–366 of the Dirksen Senate Office Building starting at 9:30 a.m. Persons interested in testifying or submitting material for the hearing record should contact the Subcommittee on Water and Power of the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510, attn: Shawn Taylor (S. 439, H.R. 651 and 652) at 202–224–7875 or Betty Nevitt (S. 725, S. 736, S. 744, and S. 538) at 202–224–0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 15, 1997, to conduct a hearing to examine the report dealing with U.S. and allied efforts to recover and restore gold and other assets stolen or hidden by Germany during World War II.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 15, 1997, at 9:30 a.m. on spectrum.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee be granted permission to meet during the session of the Senate on Thursday, May 15, for purposes of conducting a joint hearing of the Senate Energy and Natural Resources Subcommittee on Forests and Public Land Management and the House Resources Subcommittee on Forests and Forest Health which is scheduled to begin at 2 p.m. The purpose of this Hearing is to receive testimony on the release of the Columbia River Basin Environmental Impact Statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a full committee hearing on "Student Aid Delivery Systems: $320 million Too Much Money for Too Little Accountability?" during the session of the Senate on Thursday, May 15, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for an oversight hearing on "SBA's Finance Programs—Part II" on Thursday, May 15, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SANTORUM. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on sexual harassment in the Department of Veterans Affairs. The hearing will be held on May 15, 1997, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 15, 1997, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the African Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 15, 1997, at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. SANTORUM. Mr. President, the Finance Committee Subcommittee on International Trade requests unanimous consent to conduct a hearing on Thursday, May 15, 1997, beginning at 2 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 15, 1997, at 2 p.m. on the National Weather Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NOBEL PEACE PRIZE RECIPIENT JOSE RAMOS-HORTA

• Mrs. BOXER. Mr. President, I rise today to welcome Jose Ramos-Horta to California. In recognition of his indefatigable efforts on behalf of the people of his native East Timor, Mr. Ramos-Horta was coawarded the 1996 Nobel Prize for Peace. He will be in San Francisco in June to participate in a 3-day conference on peacemaking. There he will be joined by numerous national and world leaders including fellow Nobel laureates, the Dalai Lama of Tibet and Rigoberta Menchu of Guatemala.

The issue of East Timor has a special relevance in California, which is home to the largest concentration of Portuguese-Americans in the United States. Shortly after Portugal took steps in 1974 to end political oppression at home, it withdrew from most of its foreign territories, including East Timor. Although Portugal ceased to exercise colonial influence over East Timor in the midseventies, it has remained an important voice of conscience regarding East Timor ever since.

As may be expected at the conclusion of 500 years of foreign rule, a brief period of struggle ensued between rival factions in East Timor. For many, the pain of this civil strife was tempered with optimism over the prospect of imminent, peaceful self-rule. Exiled by colonialist authorities for his early proindependence stance, Mr. Horta was particularly encouraged by events.

This hope of a budding nation was crushed when troops from neighboring Indonesia invaded East Timor in 1975. Annexation followed the next year and so began a period of often brutal occupation. Regrettably, over 20 years later, for many East Timorese the dream of political independence has been replaced, at least in the short term, by the struggle for the most basic of human rights.

In self-imposed exile since the invasion, Jose Ramos-Horta has never forgotten his homeland and its desire for peace and freedom. He travels, writes, and speaks continually about what has occurred and what is occurring in East Timor. It is testament to his passion and the resilience of his countrymen that the troubles of this small island no longer fester in obscurity.

Jose Ramos-Horta is the latest in a distinguished succession of modern leaders who have sacrificed and continue to sacrifice much for the causes of peace and justice. I know I join many of my colleagues and millions of others when I say that it is my hope that, like Nelson Mandela, Lech Walesa, and Andrei Sakharov, Mr. Ramos-Horta's crusade meets with rapid success and spurs further advances in human rights across Asia and the world.

He and his words of peace and dignity are always welcome in California.•

IN RECOGNITION OF JEWISH HERITAGE WEEK, MAY 11–18, 1997

• Mr. LEVIN. Mr. President, it is with great pride and pleasure that I rise today to call my colleagues' attention to President Clinton's proclamation designating May 11–18, 1997, as Jewish Heritage Week.

Jewish Heritage Week was initiated in 1976 by the Jewish Community Relations Council to celebrate the significant contributions Jewish people have made to American history and culture. It is observed every spring, during the season in which Jewish people commemorate Passover, Yom Hashoah (Holocaust Memorial Day) and Yom Ha'atzmaut (Israel Independence Day). In my home State of Michigan, a number of displays celebrating the week are on display in libraries in Oakland County on the theme "These Jewish Americans Have Made This Country and the World a Better Place." The achievements of notable Jewish-Americans are highlighted, such as Dr. Jonas Salk, who discovered the polio vaccine, Nathan Straus, who introduced pasteurized milk in America, movie legends Samuel Goldwyn and Steven Spielberg, Nobel prize winners Henry Kissinger and Saul Bellow, and musical giants George Gershwin and Irving Berlin, among many others.

I would like to recognize the efforts of the artists and organizers of these exhibits, who have helped to bring the spirit of Jewish Heritage Week to Michigan. They include Ann Barnett, Maynard Feldman, Howard Fridson, Julian Lefkowitz, Helen Naimark, and Sara Schiff.

In his proclamation last year, the President eloquently stated that "Jewish-Americans have infused our Nation with a powerful faith, a commitment to family and community, and a devotion to scholarship and self-improvement. We can draw strength and inspiration from the enduring lessons of Judaism and it is entirely fitting that we honor the great traditions of its followers." I hope my colleagues will join me and the millions of others who are celebrating the achievements of Jewish-Americans during Jewish Heritage Week.•

THE COURT IN THE SCHOOLS/CRITICAL LIFE CHOICES PROGRAM

• Mr. ABRAHAM. Mr. President, I rise today to recognize an innovative anticrime program in my State targeted toward young people. Established in 1993 by Judge Michael A. Martone of the 52d District Court in Troy, MI, the Court in the Schools/Critical Life Choices Program is an admirable and effective effort to teach middle and high school students how to make the right choices in life.

In part one of this two part program a middle or high school's auditorium or cafeteria is transformed into a courtroom. Judge Martone, if in his own jurisdiction, or a local judge, then try actual pending cases involving youthful, nonviolent misdemeanors, such as first and second offense drinking and driving cases, controlled substance cases, and shoplifting cases, in front of the assembled students.

In part two of the program, Judge Martone interacts with the students to coach them on how to intelligently analyze risks and make critical life choices. With the aid of television news segments and taped video vignettes of tragedies resulting from youthful indiscretion, the students and Judge Martone engage in an insightful and constructive dialog.

To date, over 15,000 students have participated in the program. This low-cost, high-impact program is making a difference in young people's lives. When students see for themselves a defendant handcuffed and taken into custody, Judge Martone says student response is measured by being able to hear a pin drop.

I commend Judge Martone for his tireless work on behalf of America's children. In fact, Judge Martone maintains a standing offer to help other communities, both in Michigan and across the Nation, to develop and implement their own Court in the Schools/Critical Life Choices programs. I urge all my colleagues to consider the benefits of utilizing such a program in their own respective States, and, if interested, either contact the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse at 248–740–0431, or representatives in my office for further information.•

ROY ROGERS AND DALE EVANS 50TH WEDDING ANNIVERSARY

• Mr. CLELAND. Mr. President, I rise today to pay tribute to two of my heroes, Roy Rogers and Dale Evans and to congratulate them on their yearlong 50th wedding anniversary celebration. Roy Rogers and Dale Evans, the world's most popular cowboy and cowgirl ever, have inspired and entertained millions of Americans during the span of their careers.

Roy Rogers has appeared in more than 100 films since his debut in 1935, starring in most of them. During the peak of his career, from the early 1940's to the mid-1950's, he drew film audiences of about 80 million Americans per year and inspired fans around the world to organize record-size clubs. Roy moved on to other media in the 1950's, starring with his wife, Dale, in "The Roy Rogers Show" on television and in several long-running radio variety shows.

In whatever venture they have pursued, Roy and Dale have served as wonderful, positive examples to all of us. It is with great admiration and respect that I congratulate Roy Rogers and Dale Evans on their 50th anniversary year. I thank Roy and Dale for teaching us that the good guys do win.•

DEPUTY JASON HENDRIX: LAW ENFORCEMENT OFFICER OF THE YEAR

• Mrs. BOXER. Mr. President, I wish to extend my most sincere congratulations to Deputy Jason Hendrix of the San Bernardino County Sheriff's Department on being honored today by the American Police Hall of Fame as its "1997 Law Enforcement Officer of the Year." We are extremely fortunate to have an officer of Deputy Hendrix's caliber and commitment, and I commend him for the outstanding act of bravery that resulted in receipt of this award.

While off duty in March of last year, Deputy Hendrix observed an armed man holding two employees hostage in front of a crowded store. After sending his fiancee to dial 911, Hendrix startled the suspect and promptly secured the release of the hostages. An exchange of gunfire followed, in which Deputy Hendrix disabled the suspect and was himself shot six times. The subject was subdued by another off duty officer and store employees.

Few of us can appreciate the perils faced daily by the men and women of law enforcement. Each year dozens of peace officers are killed in the line of duty. I am thankful that Deputy Hendrix survived this confrontation, and I know that his family, friends, and colleagues are grateful for his recovery.

I commend the selflessness and courage exhibited by Deputy Jason Hendrix on March 30, 1996. His act of valor almost certainly saved the lives of many innocent bystanders. His disregard for his own personal safety in defense of others represents the very best spirit of law enforcement. It is fitting that on this occasion, National Peace Officers Memorial Day, we thank Deputy Hendrix and all California police officers who regularly take risks and make sacrifices in service to their communities.•

SALUTING IDAHO'S HALL OF FAME JOCKEY

• Mr. KEMPTHORNE. Mr. President, I rise to salute an outstanding young man who has made his mark as a professional athlete—jockey Gary Stevens, a native Idahoan.

Gary Stevens won the Kentucky Derby on Silver Charm earlier this month, becoming the only active jockey to win the Derby three times. Gary won it on Winning Colors in 1988 and Thunder Gulch in 1995. Gary joins a select group of jockeys as three-time Derby winners.

Gary Stevens' accomplishments are worthy of Hall of Fame consideration. And indeed, Gary was recently elected to the National Thoroughbred Racing Hall of Fame. At 34, he is one of the youngest to win election to the Hall.

A native of Caldwell, Idaho, Gary Stevens attended Capital High School in Boise. He won his first race at the age of 16 riding at Les Bois Park in Boise. Even at such an early age, it was clear to racing fans that he had a gift and his talents would lead to something special. Horse racing experts say Gary is a master of pace—once he gets a horse in the lead, he has the ability to get the horse to relax and pace itself so it has enough to win the race.

If needed, he can come from behind, as he did in the Derby. Gary says once he got Silver Charm in the lead, the horse's ears popped up, and Gary said he knew his colt was relaxed and in good position.

Over his career, Gary Stevens has won over four thousand races and more than one hundred million dollars in purses. For all his success, he remembers his roots. Sportswriters heard him say after the Derby, "The kid from Idaho can still do it." And his family and friends in Idaho are rooting for him. Thousands of fans at Les Bois Park cheered him on as they watched the Derby simulcast. They will always remember him as "their" jockey. His peers also recognize Gary's special talents and personality. He was elected this year as President of the Jockey's Guild, an honor because his fellow riders have chosen him to represent their profession.

I know that every Idahoan joins me in congratulating Gary Stevens for winning his third Kentucky Derby and for his election to the Hall of Fame. I also want to acknowledge his parents, Ron and Barb, for their contributions to horse racing in Idaho and for raising such a fine son. Ron still trains horses at Les Bois Park, so the Stevens family remains a part of Idaho's racing scene.

So, Mr. President, I am pleased to wish Gary good luck this weekend at the Preakness Stakes, where he will once again ride Silver Charm. Gary Stevens is a winner—a winner I am proud to say who is also an Idahoan.•

JUDGE DAMON KEITH

• Mr. ABRAHAM. Mr. President, I rise today to offer my congratulations to Federal appellate Judge Damon J. Keith, recently named the 1997 recipient of the American Bar Association's Thurgood Marshall Award.

Judge Keith was born on Detroit's west side and attended Northwestern High School. After graduation from West Virginia State College, service in the U.S. Army during World War II, and graduation from Howard University Law School, Keith returned home to Detroit and set up a law practice. President Lyndon Johnson appointed Keith to the U.S. District Court in 1967 where he served until 1977, when he was appointed to the U.S. Court of Appeals for the Sixth Circuit. He took senior status in 1995.

Mr. President, I join all his well wishers in saluting Judge Damon Keith and his illustrious career, and I ask that the following editorial from the May 12, 1997 Detroit Free Press be printed in the RECORD.

The editorial follows:

DAMON KEITH: AWARD RECOGNIZES HIS GIFTS OF JUSTICE, SERVICE

Congratulations to federal Judge Damon Keith on being named the 1997 winner of the American Bar Association's Thurgood Marshall Award. It is a richly deserved honor that reflects not only the high esteem in which he is held by his peers but also the commitment to social justice and equality to which he has dedicated his life.

The award, named in honor of the late Supreme Court justice and the first African American to serve on that court, goes annually to a nominee with a history of substantial and long-term contributions to the advancement of civil rights, civil liberties and human rights in the United States. Judge Keith is the sixth recipient since the award was conceived and first given to Justice Marshall himself in 1992.

A senior judge in the 60th Circuit Court of Appeals, Judge Keith has served 30 years on the trial and appellate benches. His rulings on civil liberties, civil rights and equal protection have given hope to many previously disfranchised Americans.

Like his mentor, Justice Marshall, Judge Keith is a patriot of the first order. His commitment has never wavered to a vision of America that lives up to the demands of the Bill of Rights and treats each citizen with the dignity and respect due him or her regardless of race, sex or social status. His contributions offer promise of a society we have yet to become but, with his leadership, will one day achieve.•

THE SMALL BUSINESS ADMINISTRATION—AN EFFECTIVE VOICE FOR SMALL BUSINESS?

• Mr. BOND. Mr. President, I rise today to call on the Small Business Administration (SBA) to fulfill its role as advocate for the hardworking men and women who have made small business the backbone of our nation's economy. As Chairman of the Committee on Small Business, I have heard countless hours of testimony from small businesses who look to the SBA for information assistance and advocacy.

The SBA's role as an effective voice for small business within the executive branch recently came under fire during the final days of the Office of Management and Budget's (OMB) review of an Environmental Protection Agency (EPA) regulation to expand the number of industries covered by the Toxic Release Inventory (TRI) reporting requirements. The proposed inclusion of two industries, comprised predominantly of small businesses, was brought into question by the SBA and numerous Members of Congress. The affected small businesses had data to support their case for exclusion, and some of the data on which EPA had based its proposed rule was inaccurate. Despite the strength of their case, these small businesses found their views unwelcome at EPA. They appropriately turned to SBA to articulate the small business views to the administration.

As the Chairman of the Senate Committee on Small Business, I was dismayed when effective advocacy by the SBA on behalf of small business was criticized as improper. In a letter sent to SBA Administrator Aida Alvarez, efforts to communicate the small business perspective were characterized as "elements within [SBA] . . . actively working to undermine [the TRI] initiative." The important working relationship between SBA and its small business constituency was alleged to be an improper use of "taxpayer funds to conduct lobbying efforts on behalf of private lobbyists. . . ." In response to this criticism, the SBA temporarily removed staff from working on TRI and asked the Inspector General to review the matter.

The Ranking Minority member on the Committee, Senator KERRY, joined me in sending a letter to the Administrator of the SBA, expressing our support for the Office of Advocacy and the SBA's role on behalf of small businesses. I ask that the text of our letter and the response I recently received from James F. Hoobler, Inspector General for the SBA, be printed in the RECORD. I am delighted to say that the role of the SBA, the Office of Advocacy and the individual staff member, whose dedication to the cause of small business was unfairly criticized, were found to have "acted properly and ethically." The Inspector General added, "SBA is statutorily mandated to support and speak up for the interests of small business. . . . To do otherwise would be contrary to its mandated responsibilities."

The SBA worked closely with the affected small businesses in an effort to ensure that their side of the story was heard. The SBA's voice apparently caught the ear of OMB, which prolonged its consideration of the rule beyond the usual 90-day review period. The debate that ensured on the merits of the rule and the basis for regulating the small employers is exactly the type of policy discussion the SBA should facilitate. In fact, during her confirmation hearing before the Committee on Small Business, SBA Administrator Aida Alvarez announced her commitment to being an effective voice for small business within the Administration. Ms. Alvarez pledged to carry the views and concerns of small business to the agencies involved and to be an advocate for small business at the Cabinet table and in her interactions with the President. I sincerely hope Administrator Alvarez will keep to her word. On the TRI rule, however, the Clinton administration did not. No accommodation, such as a threshold for reporting to cover only those sectors of the industry that arguably merited coverage, was made for the small businesses in the affected industries.

Mr. President, it is well known that federal regulations have historically imposed a disproportionate burden on small business. Last year, we enacted the Small Business Regulatory Enforcement Fairness Act—better known to small businesses as the Red Tape Reduction Act—to provide tools to ensure that small businesses get a fair shake in agency rulemakings and enforcement actions. As the author of the Red Tape Reduction Act and Chairman of the Committee on Small Business, I am committed to ensuring that small businesses have the opportunity to use the tools provided by Congress, including access to and effective representation by SBA. The SBA and its Office of Advocacy has an important advocacy role to play on behalf of the hardworking men and women whose entrepreneurial spirit makes the small business sector so vibrant. In addition to providing information and assistance, the SBA must rededicate itself to being an effective voice for small business.

The material follows:

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, April 16, 1997.

Hon. AIDA ALVAREZ,
Administrator, U.S. Small Business Administration, Washington, DC.

DEAR ADMINISTRATOR ALVAREZ: Questions have been raised regarding the activities of the Small Business Administration's Office of Advocacy. As the Chairman and Ranking Member of the Senate Committee on Small Business, we would agree that any credible allegations of improper conduct should be looked into. We are equally convinced, however, that being a determined advocate for the concerns of small businesses is not improper conduct by the Chief Counsel of Advocacy or his employees. The statutory role of SBA as the voice for small business within the executive branch, a role that has been enhanced after last year's passage of the Small Business Regulatory Enforcement Fairness Act, must not be compromised.

As the Administrator of SBA, you are keenly aware that the Office of Advocacy is expected to work with and on behalf of small business and their representatives as an essential part of its statutory mission. The effectiveness of SBA on behalf of our nation's small entrepreneurs and employers depends on communication with individual small businesses, their trade associations and other representatives. We trust that as SBA Administrator you will reject any attempt to chill proactive advocacy for small businesses by the Chief Counsel and others at SBA. To do otherwise would send a clear and alarming signal to small businesses, and would call into question the ability of SBA to carry out the critical responsibilities given to it under SBREFA and other laws.

We hope you share our commitment to ensuring that the unique concerns and interests of small businesses are given appropriate consideration by executive branch agencies. We look forward to learning what efforts you will take to support the important role historically played by the SBA and its Office of Advocacy as an effective voice for small business.

Sincerely,
CHRISTOPHER S. BOND,
Chairman.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, April 29, 1997.

Hon. CHRISTOPHER S. BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BOND: Thank you for your and Senator Kerry's supportive letter of April 16, 1997, to SBA Administrator Alvarez. In view of your strong conviction in the role of the SBA as a voice for small business, I believe you should be aware of the results of a recent investigation conducted by my office.

Subsequent to receipt of a complaint about possible improper activity by SBA's Office of Advocacy in connection with proposed expansion of the Toxic Release Inventory, my Investigations Division conducted a thorough inquiry into the allegations. We found that the Office of Advocacy acted properly and ethically. Moreover, as you pointed out, SBA is statutorily-mandated to support and speak up for the interests of small business. During the matter in question, the Office of Advocacy was carrying out its mission in support of small business. To do otherwise would be contrary to its mandated responsibilities.

Again, thank you for the vote of confidence, and, rest assured, my office would not hesitate to take action if SBA activities were improper. Should you, or your staff, have any questions, please contact Assistant Inspector General for Investigations Steve Marica at (202) 205-6220 and refer to Office of Inspector General file number 07-0497-03.

Sincerely,
JAMES F. HOOBLER,
Inspector General.•

TRIBUTE TO GEORGE J. COLLINS

• Mr. WARNER. Mr. President, I rise today to pay tribute to George J. Collins, a resident of Springfield, VA, who died March 23, 1997. Mr. Collins had a distinguished career of public service at the Government Printing Office [GPO]. At the time of his death, Mr. Collins was manager of the GPO's Quality Control and Technical Department, with responsibility for the development of product standards and quality attributes, testing, and inspection, as well as the supply of inks, adhesives, and other materials used in Government printing.

A native of Springfield, OH, Mr. Collins served in the U.S. Marine Corps. He received his bachelor of arts degree from Wittenberg College and pursued additional studies at the University of Cincinnati, Pennsylvania State University, North Dakota State College, the National Cash Register [NCR] Co., and with international correspondence schools. He earned certification in a variety of technical specialties, including high polymers, paint technology, water and waste treatment, industrial chemistry, and statistical methods.

Before entering Government service, Mr. Collins worked at NCR as senior research chemist in charge of their polymer group. Earlier experiences included service as a research chemist with the Commonwealth Engineering Co. of Ohio, the Chadaloid Corp., and New Wrinkle, Inc. He also worked for the city of Springfield, OH, and the Oliver Corp. as a laboratory technician.

Mr. Collins began his career at the GPO in 1963 as supervisory chemist in the ink and reprography division of the Quality Control and Technical Department. He was promoted to deputy manager of the department in December 1974 and to manager in 1982. During his service with the GPO, Mr. Collins contributed to the development of plastic printing rollers, automated bank checks, and U.S. mail processing based on tagged inks. He chaired the interagency task group that developed the Federal Information Processing [FIPS] Standard for optical character recognition [OCR] form design, which proved to be the most popular FIPS standard ever published.

Mr. Collins initiated the GPO's environmental testing and control program. He established the organization that promulgated the GPO's Quality Assurance Through Attributes

[QATAP] Program. The QATAP Program was a singular achievement that resulted in the use of quantifiable attributes for measuring quality in Government printing, and it is central to the GPO's program of procuring more than 75 percent of all printing annually from the private sector.

Mr. Collins served on the Joint Committee on Printing's Advisory Council on Paper Specifications, which establishes standards for the acquisition of printing and writing papers for Government use, including recycled paper. In 1994 he assisted the enactment of legislation requiring that all Federal lithographic printing be performed utilizing vegetable oil-based inks. Today, the CONGRESSIONAL RECORD and other congressional information products are produced on recycled paper with vegetable-based inks, products that Mr. Collins was instrumental in helping to introduce for Government use. He also worked on increasing the use of permanent papers for the production of records with enduring educational and research value.

Mr. Collins was a member of numerous professional and industry groups, and he represented the GPO on several advisory boards and committees. He was affiliated with the Franklin Technical Society of Washington, DC, the National Association of Litho Clubs [NALC], the Technical Association of the Graphic Arts [TAGA], the Technical Association of the Pulp and Paper Industry [TAPPI], the American Chemical Society [ACS], Toastmasters International, and the Committee for Graphic Arts Technologies and Standards [CGATS]. He was the recipient of various awards for his professional activities, including the Award of Excellence from the Printing Institute of America's Executive Development Institute, and several GPO awards.

Mr. Collins was a devoted husband to his wife Eleanor, father to 5 daughters, and grandfather to 14 grandchildren.

Throughout his career, Mr. Collins exemplified skill in his profession and dedication to public service, and his contributions have made Government printing more cost-effective, efficient, and environmentally sound. I join with the employees of the Government Printing Office in expressing my sincere condolences to Mr. Collins' wife Eleanor and his family.●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 United States Code 276h–276k, as amended, appoints the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], and the Senator from Arizona [Mr. MCCAIN] as members of the Senate Delegation to the Mexico-United States Interparliamentary Group meeting to beheld in Santa Fe, NM, May 16–18, 1997.

ORDERS FOR FRIDAY, MAY 16, 1997

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m., on Friday, May 16. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then begin a period of morning business with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator COCHRAN 15 minutes, Senator ASHCROFT or his designee from 10:30 a.m. until 11:30 a.m, Senator DASCHLE or his designee for 60 minutes, Senator COVERDELL for 10 minutes, Senator FEINSTEIN for 10 minutes, Senator SNOWE for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, on behalf of the leader, for the information for all Senators, tomorrow there will be a period of morning business to allow a number of Senators time to speak. Therefore, no rollcall votes will be conducted during Friday's session of the Senate.

On Monday, we hope to begin consideration of the first concurrent budget resolution by possibly beginning debate. If any votes are ordered on the resolution, votes would be postponed to occur not before 5 p.m. on Monday.

In addition, early next week the Senate could return to the consideration of H.R. 1122, the partial-birth abortion bill, or S. 4, the Family Friendly Workplace Act. As always, Senators will be notified as soon as any agreements are reached.

KIDS III

Mr. GRASSLEY. Mr. President, I have spoken many times in recent months on my concerns for the growing threat to our kids from drug use. All of our early warning systems are sounding the alarm. All our major national reviews of drug trends indicate the emerging pattern. What they show is that month by month, day by day, minute by minute, drug use among our young people is on the rise. They also make clear that attitudes among young people about the dangers of drugs are changing—for the worse. More and more kids, some as young as 10 and 11, are seeing drug use as OK, as no big deal.

Let's stop for a minute and reflect on just what these facts mean. For those of us who remember how the last drug epidemic in this country got started, the present trend is truly disturbing. Think for a moment on what happened and how it happened. In the late 1970's and early 1980's, we saw the streets of our inner cities become battlegrounds. We saw many of our communities, our schools our public and private spaces overwhelmed with violence, addiction, and abuse. We saw families destroyed and individual lives shattered. The problem became so serious that the public demanded action. The Congress responded with comprehensive drug legislation in 1986 and 1988. We supported massive increases in public funding to fight back. We still do. To the tune of some $16 billion annually at the Federal level alone.

That problem, the one we spend all this money on, began with our kids. It began because we as a country allowed people to sell us on the idea that drugs were OK. We bought the idea that individuals could use dangerous drugs responsibly.

The consequence was the drug epidemic of the 1970's and 1980's. An epidemic whose long-term effects we are still coping with. Let's remind ourselves who the principal audience was that was listening to all the talk about responsible drug use. It was kids. It was the baby boom generation in their teens who heard the message and took it to heart. It was a generation of young people who bought the message. It did not take them long to translate the idea that they could use drugs responsibility into the notion that they had a responsibility to use drugs.

As a result, today, a large percentage of baby boomers have tried drugs. Many of those are today's drug addicts and dealers. Many of them are today's parents who feel disarmed in talking to their own kids about drug use.

Today, we are on the verge of making the same mistake again. After years of progress in reducing drug use among kids, it is this very population that is at risk. Once again, we are seeing the glorification of drug use. Increasingly the music our kids are listening to conveys a drugs-are-okay message. The normalization of drug use is creeping back into movies, advertising, and TV. And who do you think is listening? The answer is in the numbers.

Teenage drug use is now in its fifth year of increases. And the age of onset of use is dropping. Our last epidemic started with 16 and 17 year olds. Today's "at-risk" population, the age of onset, is 12 and 13 year olds.

One of the major reasons for this is that we have lost our message. We have in recent years been inconsistent. And, we are seeing a more sophisticated effort by some to once again promote the idea that drug use is okay. And they are targeting our young people.

Nothing brings this home better than an item in the Washington Post on 27 April.

The Sunday's Outlook section had a piece by a young woman in a New York City high school. She wrote about a recent drug lecture in her health science class. The article, entitled "Lessons You Didn't Mean to Teach Us," is arresting. I invite all my colleagues to read the piece. I ask unanimous consent that the article be printed in the RECORD at the conclusion or of my remarks.

The Article official without objection, it is so ordered.

(See Exhibit.)

Mr. GRASSLEY. The article is based on a letter this young woman wrote to her teacher. She felt compelled to write following a lecture to her class by what was billed as a former drug addict. As she says, she expected to hear about the dangers of drug use. What she and the class got, however, was very different.

In this case, a very clean-cut looking young man, identified as a former addict, spoke. While the teacher was present, the speaker evidently did talk about the problems of his personal drug use. Once the teacher left the room, though, the message changed. Instead of an anti-message, the lecture became a mini-course on drugs, drug use, and how to make a killing selling drugs. Among the things the speaker passed on was a recipe for a stronger form of cocaine. The speaker extolled the virtues of being stoned. He "raved" about the incredible amounts of money to be made peddling drugs. He left the class with the advice that since no one could drug test for alcohol, that it was okay to drink.

The teacher in this particular class, based on negative feedback, has decided not to leave classes alone with future guest speakers. Unfortunately, as the young woman who wrote about this incident notes, the damage is done.

Mr. President, if you, or any of my colleagues, have not yet read this letter, I encourage you to do so. The story that it tells is very poignant, and very disturbing. We know that there is a growing acceptance of drug use among our children. We can see the reports and the story they tell. But what we don't always appreciate is why.

As this letter makes clear, the drugs-are-okay message is back. I would hope that this lecture by this individual was an accident and a one-time occurrence. But I am concerned that it is representative of a growing effort to influence the young. His talk apparently had everything but free samples. As the author of this letter tells us, ". . . the way in which he spoke of drugs made them seem appealing and beneficial." This type of message is not isolated.

From music to videos to movies and advertisement, we are seeing efforts once again to glamorize drugs. We have seen initiatives in several states to push drug legalization under various disguises. Just recently a micro-brewery in Maryland has begun to market a beer made with marijuana seeds under the title "Hempen."

Not too long ago some of our major fashion industry folks began to use models with the "Heroin Chic" look. We are seeing opinion leaders and members of our cultural elite portray drug use as simply a personal choice that is harmless and benign. Many of these individuals act as if the only issue is for responsible adults to decide for themselves. They speak as if it is only adults that we need to think about. This, however, is not in fact the case.

If you do not believe this, talk to parents. Talk to teachers. Talk to the health and law enforcement professionals who daily see the consequences. Visit the emergency room of your local hospital and talk to the doctors and nurses who see every day the effects of drug use.

Go to a treatment center and sit and talk to some of the patients, listen to their stories of how drug use has destroyed their lives, their families.

But most important, listen to what kids are telling us about what is happening in their schools. To their friends. Ask them where they get their information, and who they listen to. If this letter tells us anything, it is that we must listen to our kids, if for no other reason so we know whom they are listening to. Above all, we need to do a better job at delivering a clear, consistent, no-use message to our kids.

As we move into the appropriations cycle, we need to keep that need firmly in mind. We cannot repeat the mistake that we made in the 1960's and 1970's. Last time we had a drug epidemic we could claim ignorance. We don't have any excuses if we let it happen again.

EXHIBIT 1

LESSONS YOU DIDN'T MEAN TO TEACH US

After a former drug abuser came to speak to four 10th-grade health classes at a suburban New York City high school, 16-year-old Victoria Slade sent this letter anonymously to her teacher. The teacher subsequently told the classes that, because of negative feedback, she would not leave guest speakers alone with students. Slade has since told the teacher that the letter was from her. It is being reprinted with Slade's permission.

I am a student in one of your health classes this semester. As a transfer student from a very small private school, I am daily finding out shocking things about the various actions and addictions of my peers. I am currently drug-free, alcohol-free, pot-free, smoke-free, etc. The solid background I received from my previous school ensures that I will remain thus, but I am extremely concerned about my classmates, many of whom I fear are already trying drugs and alcohol. For this reason, I was glad when you announced that the surprise guest speaker was someone who had been addicted to cocaine and marijuana. I expected that seeing what happens to you when you get into drugs would make many students reconsider what they were doing. However, I was sadly mistaken in this assumption.

The guest speaker entered as a well-dressed, good-looking individual. He was relatively well-spoken and complemented his serious discussion with occasional light humor. He was described as a good student who got into trouble and was saved by his loving teachers. In our eyes, he became the victim of a corrupt police force and government. Soon forgotten was the fact that he got himself into this trouble through the sale and consumption of illegal substances. While you were present in the room, the young man acted in accordance with your wishes: we could relate to him, and so we listened attentively to the important lesson he was teaching us.

However, once you left the room, this tragic figure opened with the line: "So, do you guys have any questions? I can tell you anything you want to know about drugs." He continued in the same manner, describing the different effects of different drugs: which were best, which made you able to concentrate better, how cocaine kept him awake so he could study. When asked if you could remember what you studied the next day, he responded with an emphatic affirmative. He mentioned that if you studied while under the influence of marijuana, you wouldn't do well on the test unless you were high again while taking it, in which case you would perform to the best of your ability. His explanation for this phenomenon was that you are on a different level of consciousness while high. Furthermore, he assured us that being high on marijuana has no effect on your ability to drive, as your reaction time is not altered by the drug. He described the various types of Ecstasy, explaining that he took the 70-percent drug-content one once and became very ill. However, he soon canceled this out by describing the type with 30 percent drug content as "nice." Also, he gave us a recipe for a different, stronger form of cocaine.

The pleasing physical effect of drugs was not the sole topic of conversation. At one point, someone asked him why he would get into drugs if he was doing well in school and getting good grades. This question led him into a 10-minute exaltation of selling drugs for a living. He raved about the incredible amounts of money he made, mentioning more than twice the fact that he had four nice cars. We were all impressed when he said that he made over $500,000 in just four years of selling drugs. I's sure that those of us who work were thinking contendedly—of our five-dollar-an-hour jobs cleaning the toilets and places like McDonald's and Boston Market.

Our new role model summed up his report on the world of drugs by telling us that he was still smoking weed until just a few days before. He said he wanted to smoke as much as he could before he had to be clean for the Navy drug test. Also, he informed us that if he had not been caught, he would definitely still be using and dealing drugs now. One of his final bits of advice was that they couldn't screen you for alcohol, so it is okay to drink.

There were many other appalling statements made by this gentleman which quite disturbed me. As I mentioned earlier, many students at this school are into drugs and alcohol. I think that the idea behind this visit was good: We could live vicariously through this young man, whose life is (or should be) all but destroyed because of drugs. However, the way in which he spoke of drugs made them seem appealing and beneficial. It upsets me to think of how many classes of impressionable youths were influenced by this man—how many minds were made up by his wonderful tale. I hope that you do not promote future visits with this particular guest speaker and thank you for your attention.

Sincerely,

A Concerned Student.

THE CERTIFICATION PROCESS I

Mr. GRASSLEY. Mr. President, the House is in the process of taking steps to alter fundamentally the annual certification process for drugs. In addition, there have been a number of statements in the press and elsewhere by Members of Congress and others on problems with certification. Individuals in the Administration, including the Drug Czar, have also broached the idea of change. I agree that some form of strengthening of the certification process is needed. Indeed, I offered my "Three Strikes and you're out" bill last year with the idea of making the certification process tougher. I also suggested some fixes this last February in the debate over Mexico. But I also think that it is important to take a hard look at what the certification process is before we tinker with it.

The recent discussion of the certification process is born out of frustration over the decision on Mexico. I share some of these concerns and the frustration. But the present effort is little more than an attempt to water down congressional oversight of US narcotics policy. It does so in the name of flexibility. It does so/so that we won't be too hard on our international partners. I believe this approach is wrong. And I will vigorously oppose efforts to short change the public's interest in upholding tough standards for certification.

Since much of the discussion in recent weeks on certification is based on a series of myths about it, I think it is useful to review some of these misconceptions.

The principal myth is that the certification process unfairly brands other countries for drug supply problems. It also maintains that this is unfair while the United States does nothing to deal with its demand problem.

There are several things wrong with this view. First, even if the United States did nothing about demand, we have a right and an obligation to do something about supply. This is especially true since most of the dangerous, illegal drugs used in this country are produced overseas. These drugs are then smuggled into the United States, often with the collusion of public officials in other countries.

Our right to stop this flow stems from the fact that we and virtually every other country in the world are signatories of international agreements. These agreements bind us and them to action to stop drug production, trafficking, and money laundering. Moreover, most of these same countries—including the ones we certify—have made drug production, trafficking, and money laundering illegal under their own laws. And, many of these countries have bilateral agreements with the United States that commit them to take meaningful action against drugs. Thus, countries are bound to act in terms of international law. They are committed to binding agreements with the United States. And they have obligations in terms of their own domestic legal frameworks.

It is neither unfair nor presumptuous for the United States to expect other countries to abide by laws and commitments that they have made. Nor are we being a busybody or arbitrary when we expect and require countries to uphold appropriate international standards of conduct. Indeed, it is only by insisting that such principles of conduct be observed that we have any hope of sustaining respect for and observance of international law. This is understood when it comes to judging other countries on their compliance with a host of other international canons.

After all, we expect countries to observe principles governing human rights, sound environmental practices, fair trade, counterterrorism, and intellectual property rights, to name but a few. The United States has been a leader in promoting respect for these areas of concern.

Congress has passed a host of certification requirements regarding them. In part, this is because we recognize that failure to uphold these principles in the face of willful or negligent disregard is to abandon the idea of standards altogether. And it makes at least as much sense to hold other countries responsible for trafficking in dangerous drugs as it does to scold them for trafficking in pirated CD's.

As I said, we also have an obligation to uphold these standards. Our obligation is to the American people and to the policies we promote in their interest. Protection the citizens of this country from enemies, foreign and domestic, is one of our most important responsibilities. Stopping dangerous drugs coming to this country from abroad falls squarely into this category.

If we are prepared to enforce sanctions for violations of intellectual property rights, it is hardly excessive to judge cooperation by other countries to stop the flow of illegal drugs. After all, not one American has died from Chinese counterfeit CDs. China White heroin, on the other hand, has killed countless of our fellow citizens and ruined the lives of tens of thousands more. This points up our obligation to uphold international standards of conduct.

Somehow, though, when it comes to the drug issue, many seem to believe that expecting good conduct is wrong. They seem to hold to the notion that it is unfair. They act as if it is unkind to expect countries to comply with international law, solemn agreements, and their own legal requirements.

Some seem to believe that it is outrageous that we also take steps to protect our national interest. Now, since many of the people who voice this latter concern are the leaders of drug producing and transit countries, we can take their complaints with a grain of salt. But the domestic critics are a different matter. To them, all I have to say is that it would be irresponsible for the United States to put the concerns and interests of other countries before those of the American people. Period.

As I said, we would be justified in certifying other countries on drug cooperation even if we did nothing at home. But we in fact do a great deal. Out of a $16 billion counter-drug budget, less than 10 percent is spent on actions outside the United States.

Over 90 percent is devoted to domestic programs, many of these efforts to control demand. And this is just at the Federal level. States, local communities, and private organizations spend this much and a great deal more on demand reduction. Thus, we spend annually more than $32 billion to deal with our demand problem. There is not another country in the world that devotes such resources to the problem at home.

I remind my colleagues and the critics of the certification process that the standard for certification is not unconditional success. This is true whether we are talking about Mexico or California. To get a passing grade on drug cooperation does not mean that a country has to have totally eliminated drug production or trafficking, or, for that matter, use.

It requires a good faith effort. The certification law takes into consideration the many problems with stopping drug production and transit. Thus, it is not unexpected that individuals can disagree on the results. It is not a sign of failure if the Congress and the President should disagree. Nor should such disagreements be the occasion for throwing overboard the very process we have for ensuring cooperation. And it does do this. Over the course of the certification process, we have seen more countries take the issue seriously. They do this because they are aware that we take it seriously. We have taught our own administration and other countries that cooperation on drugs is important. To now abandon the chief tool that we have is to run from our responsibilities at the first sign of unpleasantness.

Certification is not perfect. No legislative tool is. We must, however, not expect more than is realistic. The present process clearly indicates Congress' expectation that countries, including our own, will demonstrate serious commitment. That commitment requires more than pious words. It expects action and demonstrable results. Failing that, it is wholly within our right to judge and to take appropriate steps. It is also an obligation.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 9:23 p.m., adjourned until Friday, May 16, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 1997:

IN THE COAST GUARD

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF AT THE COAST GUARD ACADEMY IN THE GRADE OF LIEUTENANT.

RICHARD W. SANDERS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. HENRY C. GIFFIN, III, 4832.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTIONS 618, 624, AND 628:

To be major

ANDREW J. JORGENSEN, 0050

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT AS CHAPLAINS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 531 AND 3283:

To be lieutenant colonel

CHARLES R. BAILEY, 9440
LAWRENCE M. BARRY, 3674
DAVID E. BATES, 4892
JOHN H. BJARNASON, JR., 1704
GREGORY L. BLACK, 9102
WILLIAM B. BROOME, III, 0668
*ANDREW J. BULLARD, III, 2799
WALTER E. DREW, 3151
DANNY R. FRANKLIN, 4728
RICHARD B. GARRISON, 8002
JERRY W. GRAHAM, 6797
*JOSEPH F. HANNON, 6941
ROBERT L. HELTON, JR., 3795
JERRY O. HENDERSON, 5745
FREDERICK E. HOADLEY, 0270
KENNETH KOLENBRANDER, 9934
LAWRENCE C. KRAUSE, 7962
JAMES M. LEWIS, 8287
JAMES E. MAY, 2604
WILLIAM L. MERRIFIELD, 7705
JOHNNY W. MIMS, 0586
STEVEN E. MOON, 6981
ANDREW R. MULVANEY, 0673
TED W. NICHOLS, 5980
RICHARD L. PACE, 7156
EARL B. PAYTON, 6259
CHARLES D. REESE, 6788
CURTIS C. SCHLOSSER, 9082
WILLIAM C. SHELNUTT, 2669
LARRY S. SMEDLEY, SR., 2432
MICHAEL S. STEELE, 1845
HAROLD G. TYLER, 7495
RONALD W. WUNSCH, 2341
JOHN L. WYDEVEN, 8226

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624, 628, AND 531:

To be major

CHESSLEY R. ATCHISON, 6250
*ROBERT P. GROW, 3223
RORY H. LEWIS, 3318
MARK L. REEDER, 4003
*STEPHEN E. SCHLESS, 5407

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

RICHARD L. SONGER, 9266

THE FOLLOWING NAMED OFFICERS FOR ORIGINAL REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589:

To be captain

ROBERT E. BALLARD, 6701
BRUCE E. BATTON, 1907
JOSEPH R. BOEHM, 2560
THOMAS D. BONDI, 1875
CHARLES E. BROWN, 3064
JACKIE O. BYRD, 5529
BRIAN K. COLBY, 9425
DAVID L. COMFORT, 5263
JAMES N. CROOK, 6768
JOHN T. CURRAN, 0981
TRACY A. DECATO, 5305
CHRISTOPHER S. DINOFRIO, 7693
MARK J. DIXON, 9912
STEPHEN J. DUBOIS, 8530
ANDREW J. FOX, 3162
STEFAN GRABAS, 2163
GREGORY B. HARAHAN, 9236
RALPH P. HARRIS, III, 6987
MARIANO G. HAWK, 5423
JIMMY F. HEGGINS, JR., 8628
MARC C. HOWELL, 7622
CARL J. HUTCHISON, 2954
THOMAS J. JOHNSON, 9464
PHILLIP E. KLENDWORTH, 7637
RICHARD D. KULP, 6459
ARTHUR H. LABREE, 3298
JORGE L. MEDINA, 8975
RORY F. MEEHAN, 6453
MARK A. MENTIKOV, 2312
JEFFREY L. MILLER, 3095
ALFRED G MOORE, 9976
CHARLES T PARTON, 9739
JOHN D PAULIN, 5948
JODY D PAULSON, 7330
STEPHEN V PENNINGTON, 8688
DEBORAH A PERIERA, 3473
DAVID S PHILLIPS, 5830
ROBERT P ROBERSON, II 7465
RONALD W SABLAN, 8021
WILLIAM E SAULS, 0162
MICHAEL H SCHMITT, 3247
KENNETH A STROUD, 6434
STEVEN C TAYLOR, 4214
TIMOTHY M TWOHIG, 7652
MICHAEL J WEBB, 8918
JOANN O WESLEY, 2196
DANIEL R WESTPHAL, 7352
ANTHONY W WHALEN, 1117
RICHARD S WILEN, JR, 5260
DAVID O WILLIAMS, 4851
PATRICK K WYMAN, 7198

IN THE NAVY

THE FOLLOWING NAMED OFFICER, FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be commander

TIMOTHY S. GARROLD, 3011

THE JUDICIARY

HENRY HAROLD KENNEDY, JR., OF THE DISTRICT OF COLUMBIA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA VICE JOYCE HENS GREEN, RETIRED.

RODNEY W. SIPPEL, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF MISSOURI VICE STEPHEN N. LIMBAUGH, RETIRED.

HOUSE OF REPRESENTATIVES—*Thursday, May 15, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. COLLINS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 15, 1997.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we develop our thoughts and ideas and form them into words, we pray for the strength and insight to take our words and translate them into the deeds of everyday life. We are grateful, O God, for the great visions we hold dear—of peace and security in our lives and in our world and care for the needy, the hungry, and the oppressed. On this day, O God, we pray that our visions and words will be validated in the actions of every day and that our faith would become active in love. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 334, nays 62, not voting 37, as follows:

[Roll No. 128]

YEAS—334

Ackerman
Aderholt
Allen
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Flake
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutierrez
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Snyder
Spence
Spratt
Stabenow
Stenholm
Stokes
Stump
Sununu
Tanner
Tauscher
Taylor (NC)
Thomas
Thornberry
Thurman
Tierney
Torres
Traficant
Turner
Upton
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn

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Abercrombie
Becerra
Berry
Bishop
Bonior
Borski
Brown (CA)
Brown (OH)
Chenoweth
Clay
Clyburn
Costello
DeFazio
English
Ensign
Fazio
Filner
Foglietta
Fox
Gephardt
Gibbons
Green
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Hulshof
Kucinich
Lewis (GA)
Lipinski
LoBiondo
McDermott
McNulty
Nussle
Oberstar
Olver
Pallone
Pascrell
Pastor
Pickett
Pombo
Poshard
Ramstad
Rush
Sabo
Schaffer, Bob
Scott
Slaughter
Solomon
Stearns
Strickland
Stupak
Taylor (MS)
Thune
Tiahrt
Velázquez
Vento
Visclosky
Wamp
Watts (OK)
Weller

NOT VOTING—37

Andrews
Archer
Calvert
Dellums
Dixon
Engel
Fattah
Gonzalez
Gordon
Hall (OH)
Hefner
Jefferson
Johnson (CT)
LaTourette
Linder
McCrery
McDade
Mica
Miller (CA)
Porter
Salmon
Sanders
Schaefer, Dan
Schiff
Skelton
Smith (TX)
Smith, Adam
Souder
Stark
Talent
Tauzin
Thompson
Towns
Watkins
Yates
Young (AK)
Young (FL)

☐ 1026

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. COLLINS). Will the gentleman from Ohio (Mr. CHABOT) come forward and lead the House in the Pledge of Allegiance.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 670. An act to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute speeches from each side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 900

Mr. ROMERO-BARCELÓ. Mr. Speaker, I ask unanimous consent to have my name deleted from H.R. 900.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

PERSONAL EXPLANATION

Mr. KLECZKA. Mr. Speaker, I regretfully missed rollcall No. 127 on May 14. Had I been present, I would have voted "no."

FREEDOM WORKS AWARD

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I am excited today to present the Freedom Works Award to Cornerstone Schools for their fine work in educating the children of Detroit. I established the Freedom Works Award to celebrate freedom by recognizing individuals and groups who promote personal responsibility instead of reliance on the Government.

Cornerstone Schools began in 1990 when a group of local businesses, church leaders and concerned members of the Detroit community joined together to establish academically challenging, faith-based schools for the children of Detroit.

The school has a simple mission: Give all children, no matter what their circumstance, an opportunity to receive a world-class education and, more importantly, a chance to succeed.

Cornerstone students participated in an 11-month school year, mandatory homework assignments 4 nights a week, foreign language classes from kindergarten to 8th grade, and winter and summer camp experiences. But good students and committee teachers are simply not enough.

Cornerstone's strength lies in its understanding that the key to a child's education is parental involvement. Cornerstone requires parents to take an active role in their children's education. Every parent, Mr. Speaker, must sign this covenant with the school that requires them to attend regularly scheduled parent meetings, provide their children with a quiet environment to study, ensure that their child is in school every day, and to do at least 10 hours of volunteer service per year.

Cornerstone has achieved their success without receiving a single penny of Federal assistance. Instead, the school has relied on personal initiative of community volunteers who have donated countless time and money to defend and finance these precious children's education.

Cornerstone has reminded all of us that nothing is more important to a child's learning potential than involved parents. Mr. Speaker, I am very proud of this fine school; and I am very proud of one fine young man who wrote me from the school and told me two things that I thought was profound. He has moved through Cornerstone from a position of believing that he would never amount to anything, to progress toward his life's career of being a veterinarian, and he told me in this letter that his mother was his hero. How can you do better than that?

□ 1030

DENY CHINA MFN STATUS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China's trade surplus with America may exceed $50 billion this year, and experts say it is no accident.

China smacks Uncle Sam right in the kisser with a 35-percent tariff on all goods and products. Thirty-five percent tariff. If that is not enough to wrap General Cho in a golden parachute, check this out. With that $50 billion from Uncle Sam, China, reports say, is now buying aircraft carriers, warships, nuclear submarines and intercontinental ballistic missiles.

It does not take the Three Stooges to figure it out. China is not exactly creating a neighborhood crime watch over there. I say Congress should deny MFN to China and Congress should impose a 35-percent tariff until China removes their tariff.

And let me say one last thing. A Congress that takes away a gun from a mugger will never be called a protectionist. This may boil the blood of some free traders, but China is ripping us off.

AMERICAN PEOPLE ARE OVERTAXED

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, let us face it, the American people are just overtaxed. Why? Well, too much of their hard-earned money comes here to Washington and it gets wasted in many, many ways.

Examples. We have a program called the Market Access Program, where we actually take the taxpayers' money and pay for corporations to advertise their products overseas. We still subsidize far too many farm products, cotton, peanuts, sugar, and the list goes on and on. We still pay farmers in this country not to grow crops. Maybe that made some sense back during the Depression, it makes no sense nowadays.

To pay for all these wasteful programs, our taxes have gone up. During my lifetime they have gone, for example, from 5 percent that people send to Washington to now 25 percent. If we add State and local taxes, it is about 40 percent the average American family pays out in taxes. So if we work a 5-day week, Monday and Tuesday we are working for the Government and only Wednesday, Thursday, and Friday are we working for ourselves and our own family.

We are talking about a historic budget agreement between the Congress and the President. Let us make sure a substantial part of that budget agreement has to do with tax relief. Let us get the Government off the backs of the American taxpayers. Let us cut taxes and do it now.

TRIBUTE TO SGT. PAUL L. COLE

(Ms. STABENOW asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. STABENOW. Mr. Speaker, this week is National Police Week, a week set aside each year to honor our law enforcement officers and to pay special tribute to the 600,000 sworn officers who put their lives on the line for our protection.

Mr. Speaker, I rise to pay tribute to one of those very special officers in my community who died in the line of duty in 1996, Sergeant Paul L. Cole.

On Sunday, October 6, 1996, the Ingham County Sheriff's Department suffered a terrible loss when Sergeant Paul L. Cole was killed in a traffic accident. Sergeant Cole was en route to a domestic problem when several deer jumped in front of his patrol vehicle, causing it to slide out of control. The vehicle struck a tree, killing Sergeant Cole instantly.

Sergeant Cole was a 19-year veteran of the sheriff's department, serving in both corrections and field services. He was a department dog handler and promoted to sergeant in September 1995.

Paul has a loving wife, Kathy, and three loving children, Heather Marie, Paul Wayne, and Andrew Scott.

On behalf of the citizens of Michigan, Mr. Speaker, I wish to pay tribute to the service of Sergeant Paul L. Cole to Ingham County, MI. He was an outstanding public servant.

CANADA'S EFFORTS TO SEEK PROMPT NEGOTIATIONS TO BAN ANTIPERSONNEL LANDMINES

(Mr. EVANS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS. Mr. Speaker, I know we all applaud President Clinton's decision last year to seek a global ban on antipersonnel landsmines, but the administration is seeking to achieve a ban through the U.N. Conference on Disarmament, known as the CD.

Since the CD operates by consensus, any Nation that opposes this ban can hold up the progress of achieving such a ban. This year, however, the Canadian Government will be hosting a conference at the end of the year to negotiate a ban treaty. Over 50 nations have agreed to sign the treaty at the conference. It is our best chance to get a treaty this year.

United States leadership is crucial to the success of the Canadians efforts. I urge my colleagues to urge the President to help stop the endless cycle of violence produced by AP landmines by helping us get a treaty this year through the Canadian conference.

WHO REALLY BENEFITS FROM REDUCTION IN CAPITAL GAINS TAX?

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, why do Republicans and most economists want to reduce the taxes on capital gains? Because it is so important to the economy of this country.

Mr. Speaker, this is vitally important to all Americans, even those who do not own a single piece of stock, who do not own their own home, who do not participate in any pension plan, and who do not have a dime in any mutual funds. In fact, I would even argue that this issue may be even more important to those Americans than to those who actually own capital.

How can this be? Our economy depends on investment capital to create jobs. The lower the tax on investment capital, the more the economy will grow and the more jobs created, jobs that people in my district need. And it is often those with no capital of their own who are most in need of an expanding economy and more job opportunities.

We need to pass a balanced budget that cuts the tax on capital gains. Job seekers everywhere around the country are counting on it.

DEMOCRATS RELIEVED AT RESTORATION OF WIC FUNDING

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it has been said that imitation is the sincerest form of flattery. Today House Democrats should be extremely flattered by the Republican action on today's supplemental appropriations bill.

A few weeks ago the Republican majority on the Committee on Appropriations voted down a Democratic amendment to provide $76 million needed for the Women, Infants and Children Program. And in the weeks since, Democrats have been speaking out to the press, on the floor, and back home in their districts about the need to restore the funding for this program.

We have explained that WIC is a program that works; that WIC saves the Federal Government money; that WIC provides assistance to those in our society that need it, pregnant women and young children; and that WIC reflects the best values of this country of ours.

I am happy today that Republicans have finally come around to our way of thinking, for they have now voted to include the very funding their colleagues voted down only a few short weeks ago, and I am glad to see that they have decided to follow our lead.

Now, 180,000 women and children will sleep better tonight knowing that they will continue to receive the vital assistance that the WIC Program provides.

CONGRESS IN AWKWARD POSITION WITH REGARD TO BUDGET DEAL

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this Congress is in an awkward position. Congress must decide whether to accept the budget deal negotiated with the President that proposed the biggest entitlement expansion in history, a President that tried to nationalize one-seventh of the U.S. economy, a President that only 4 years ago passed the largest tax increase in U.S. history. Clearly, making a deal with the President with that track record must be viewed with caution.

But the American people have also voted to elect the Congress that will do exactly that. So these are the questions I am asking.

First, does the budget really balance by the year 2002?

Second, does this budget provides permanent tax relief to working families?

Third, does this budget provide for adequate defense spending?

Fourth, will this budget result in more jobs for my constituents, more job opportunities for college graduates and a higher standard of living for Americans?

And fifth, will this budget contain policies that tend to weaken or strengthen the family?

Those are the questions, Mr. Speaker, I will be asking, and the answers to those questions will determine which way I will vote.

WIC IS GOOD HUMAN INVESTMENT PROGRAM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, there are two kinds of disasters, natural disasters and human disasters. Many human disasters can be prevented, and one of the ways we prevent those is to invest in programs like the WIC Program, Women, Infant and Children, that save babies from being born at premature birth weights, low birth weights, and anemic conditions.

An investment in this program, for every $1, saves the American taxpayer $3.54 in later social costs. This is a great program.

I am delighted that after initially cutting $38 million, the Republicans agree with the Democrats: WIC is a win for Democrats, WIC is a win for Republicans, but WIC, most importantly, is a win for our Nation's children.

COMMENDATIONS TO PRESIDENT AND CONGRESS FOR COMING TOGETHER ON BALANCED BUDGET PLAN

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today to again commend the leaders of Congress and the President for coming together on a consensus to balance the budget and to encourage them to keep up the work. This issue is too important to allow it to be sidetracked.

Although a lot of discussion here in Washington is about deficit reductions and long-term economic impacts, I have found many of my constituents and many Americans would like to know how the balanced budget plan affects them and their families. To these people I would say that the balanced budget agreement will have tremendous benefits to them, their families and generations to come.

Experts have predicted a balanced Federal budget will help to lower the interest rates in our country and our economy. Having lower interest rates means paying off our credit cards, buying a car, funding education, or buying a home becomes more affordable. A balanced budget means all Americans are one step closer to making these investments.

By placing the American dream within the reach of every American without creating more expensive government programs, we will bring our friends, families and communities closer. In short, Mr. Speaker, I want each and every one of my constituents in Illinois and every American to know that the balanced budget plan of 1997 benefits all Americans and helps all Americans to help themselves, which is truly the basis upon which our country was founded.

WIC PROGRAM MOST SUCCESSFUL PROGRAM FEDERAL GOVERNMENT EVER IMPLEMENTED

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I would like to reiterate that prior to coming to Congress I heard the eloquent prose from Congress that underscored the need for this country to be en route to supporting policies that enhanced family values and that was cost effective and that would benefit Americans in general.

It was a shame, I felt, upon arriving here that the Republicans had proposed to reduce funding for the most vital program affecting families that this country has known, not only vital but very effective, and that was the Women, Infants and Children Program.

I joined other colleagues in publicly denouncing that proposal that was designed to impose further pain on this country's children and that was to deny them opportunity for proper nutrition, thus propelling them into other medical problems, such as infant mortality, child anemia, and low-birth weight babies as a result.

I want to publicly thank the Republicans for hearing our cry and for hearing our plea and restoring that vital program to its full capacity.

☐ 1045

ADMINISTRATION'S ROLE IN BRAC QUESTIONED

(Mr. LUCAS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. LUCAS of Oklahoma. Mr. Speaker, I met with a number of National Guard members yesterday and we discussed their crucial role in our Nation's military. I find it slightly ironic that their visit coincided with news from the Pentagon that the administration is going to propose that we initiate another round of base closings.

I cannot help but make the connection that if the President had not circumvented the last round of base closings, the level of cuts that is being proposed would be unnecessary. If the reports are true, the administration will be asking the individual branches, including the National Guard, to substantially reduce their numbers, all to save money that could have been saved if BRAC had been followed by the President.

The purpose of a BRAC is to depoliticize the process and allow objective outsiders to recommend which bases should be closed based on a number of objective criteria. This process worked well until the President signed the bill, then ordered something quite different.

Another BRAC? Why does the President not start by respecting the decisions forwarded by the last BRAC?

WIC SUPPLEMENTAL APPROPRIATIONS FUNDING

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of the women, infants and children's program and the long-term health of the low income women, children and infants that this program helps. This program is one of the most effective social government programs that we have for protecting the present and future health of many of our most vulnerable and needy children and mothers. I applaud those Republicans in this House who have chosen to do the right thing and work in a bipartisan manner to support the 200 plus Democrats who have demanded full supplemental funding levels for WIC.

The small amount of extra money to be allocated to WIC Program is a smart and cost-effective investment in the future of our country and its children. For every dollar that we invest in WIC, we save more than $3 in Medicaid spending and other taxpayer costs down the road. The transfer of funds needed to ensure full funding for the WIC Program will prevent some 180,000 children, 160,000 in California, from being put at risk.

As the mother of a 6-year-old I know full well how important is the kind of nutrition and care for young children which will help them be ready for school and to work hard in their young lives. I support this WIC funding.

TRIBUTE TO COLONEL RAY REID ON HIS RETIREMENT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, I rise today to pay tribute to a man who has given this country more than half a century of loyal, dedicated service, first in the Army and then the U.S. House of Representatives. Col. Ray Reid, who retires today as my senior advisor, has served the third district of Arkansas for more than 20 years as chief of staff to my two predecessors, Senator Tim Hutchinson and former Congressman John Paul Hammerschmidt. Before he took on the responsibilities of Congress in 1974, Colonel REID had already served in three wars: Vietnam, Korea and World War II.

Well known to be one of the most knowledgeable men in Washington, Ray has held the respect of everyone who has ever come into contact with him, regardless of party affiliation or position. He is known as a straight shooter who deals with everyone fairly and forthrightly.

The people of Arkansas will sorely miss this man who has proven himself to be a dedicated soldier, a committed public servant, and a loyal friend. Ray, we wish you and your wife, Jean, the greatest happiness in your future endeavors.

WASHINGTON'S ROLE IN HELPING THE POOR

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, when I am home in my district I am sometimes asked, "What can you do for the poor?" I have two responses.

First, if the poor look to Washington to solve their problems or to make them rich, they will be as disappointed in the future as they are today, some 32 years after failed welfare state policies were begun. Mr. Speaker, we have 32 years of evidence that increased spending on Government programs does not end poverty, it perpetuates it.

On the other hand, my second response offers more hope. Washington can pursue economic policies that will allow the poor to help themselves.

Washington can pursue economic policies that will make it easier for people to find jobs, will make it easier for people to find better jobs, will make it easier for people to buy a home, will make it easier for people to receive an education, will make it easier for people to get ahead. Policies that would do that include lower taxes, more commonsense regulation, less Government bureaucracy and, above all, a balanced budget. That is a program that will help the poor, not the failed promises of more Government and social spending.

THANKS EXTENDED FOR MAINTAINING WIC FUNDING

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, yesterday this House worked its will and rightfully defeated a flawed rule imposed by some members of the Republican leadership to restrict debate on the important women, infants and children's feeding program. Today those Members who refused to eliminate over 180,000 pregnant mothers, their low birth weight babies and children from their lifeline to nutrition will achieve a great victory. We will keep our promise to assure America's future by taking proper care of the children of today.

I personally want to thank those Republicans who heard our pleas and want to do what is right for America. I also want to thank the gentleman from Massachusetts [Mr. MOAKLEY] who worked so very hard in the Committee on Rules, the gentlewoman from New Jersey [Mrs. ROUKEMA] for her leadership, the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Indiana [Mr. ROEMER], the gentleman from New York [Mr. WALSH] and the gentleman from New York [Mr. FORBES], and I want to thank the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, for bringing a revised rule to the floor today.

THE FIFTH OR FLEE? WHY IS THE WHITE HOUSE STONEWALLING

(Mr. HORN asked and was given permission to address the House for 1 minute.)

Mr. HORN. Mr. Speaker, these are the six individuals about which the Committee on Government Reform and Oversight is seeking to obtain documents from the White House.

Three of them, former associate attorney general Webb Hubbell, Commerce Department official John Huang, and White House aide Mark Middleton, have all invoked their fifth amendment rights and have refused to cooperate with the committee.

The others, banking tycoon James Riady, Arkansas fundraiser Charlie Trie, and Thai businesswoman Pauline Kanchanalak, left the country.

Mr. Speaker, the White House is continuing to stonewall us and has refused to hand over the key documents on these six people.

The House of Representatives has a right to know. The American people have a right to know.

GEKAS AMENDMENT THREATENS WIC FUNDING

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, last week I and others took the floor of this House to deplore the majority party's suggestion that 180,000 American women and children should be cut from the women, infants and children program. This program, WIC as it is known, is an extraordinarily effective program. It prevents low birth weight babies, it prevents anemic babies, it provides proper nutrition for women who are lactating to ensure that their babies grow to be strong and healthy. We were able to defeat that proposal last week, but now we have another proposal before us. An amendment to the supplemental budget that is up today would cut 500,000 women and infants from the women, infants, and children program. We need to marshal our forces once again. The Gekas amendment needs to be defeated. It should be defeated because it is shortsighted and mean-spirited. It would have the opposite effect of those who want to invest in the future of our country by investing in American families. Let us defeat that amendment and make sure that the women, infants, and children program continues to be an effective way to strengthen women, strengthen their children, and strengthen American families.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 149 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 149

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. An amendment striking lines 8 through 17 on page 24 shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 3, line 1, through line 9; page 10, line 3, through line 15; page 26, line 8, through line 15; and page 33, line 14, through page 34, line 19. Before consideration of any other amendment it shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution. Each amendment printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COLLINS). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Maryland [Mrs. MORELLA].

☐ 1100

(Mrs. MORELLA asked and was given permission to speak out of order.)

ELIMINATING LANDMINES

Mrs. MORELLA. Mr. Speaker, in the 9 months between the declaration of the cease-fire last March and the signing of the final peace agreement last

December, not a single shot was fired between the forces of the Guatemalan Government and the URNG guerillas. Nonetheless, the last death of the war took place just before the signing when a 17-year-old boy in San Pablo, San Marcos stepped on an antipersonnel landmine while walking home.

In fact, every 22 minutes, someone is either killed, maimed or permanently disfigured by a landmine. Twenty percent of the victims are children. In Cambodia, where there are twice as many mines as there are children, there are 40,000 amputees resulting from landmines, and the figures continue to rise.

The fact is that AP landmines continue killing long after the warring parties which laid them have settled their differences. Sometime early in the next century, the last victim of the Angolan civil war will probably be a child not even born when the war was fought.

It is time for this Nation to take leadership and to write to the President and urge him to take the lead in implementing it.

Mr. SOLOMON. Mr. Speaker, House Resolution 149 provides for the consideration of H.R. 1469. It is called the emergency supplemental appropriation bill for fiscal year 1997 under an open rule. In fact, this rule may be described as an open-plus rule.

The rule provides for 1 hour of general debate. It is equally divided and controlled between the chairman and ranking member of the Committee on Appropriations, and it waives all points of order against consideration of the bill.

The rule further provides that the amendment printed in the rule shall be considered as adopted. All points of order against the provisions in the bill for failure to comply with clause 2, which prohibits the unauthorized or legislative provisions in a general appropriation bill, or clause 6, prohibiting reappropriations in a general appropriation bill, of rule XXI are waived, except as specified in the rule, and I think all my colleagues are familiar with that.

These exceptions relate to those legislative and unauthorized provisions contained in the bill reported by the Committee on Appropriations which were objected to by the authorizing committees of jurisdiction.

In an effort to be as fair as possible to all Members and to respect the committee system, the Committee on Rules followed its standard protocol of leaving any provision to which an authorizing committee objection was raised subject to a point of order, although there is a question whether a matter dealing with the U.S. Mint currency paper has the approval of all committees of jurisdiction. I personally have great concern with this matter being in this bill.

As I read the bill right now, under existing law, companies that are allowed to bid to produce this paper that our American dollar is printed on have to be 90 percent owned by American citizens. This bill before us is going to lower that to 50 percent, and I do not know about the rest of you, but that raises tremendous concern to me because I do not want some foreign company, it might even be Lippo or some other Indonesian major conglomerate that might be coming in here and getting a bid on this. And it means that this print, even though the U.S. citizens might be more than 50 percent owning of this company, this printing may be done in Indonesia or someplace else. But what happens to security? What happens to counterfeiting? Have we really held hearings? Do we know what this is all about?

Let me tell my colleagues something. There has been a lot of bad information put out on this, but my colleagues better know what they are doing or they are going to see counterfeiting running rampant throughout this country, and their dollar is not going to be worth a dime. My colleagues can tell I get a little exercised on this particular subject, but during the debate I might have a little bit more to say about that to some of our Republican colleagues on this side of the aisle.

Now having said that, let us get back to the bill again. Specifically this rule leaves the following unprotected provisions relating to enrollment in the conservation reserve program, provisions establishing exemptions to the Endangered Species Act for disaster areas and unauthorized parking garage and rescissions of contract authority from the transportation trust funds. And let me tell my colleagues they better pay attention to that because what that might mean is that this bill is no longer paid for; and fiscal conservatives like me that came here 20 years ago and have been trying to bring some fiscal sanity to this country are expected to vote for this thing and it is not paid? My colleagues have got another guess coming.

The rule also waives all points of order against each amendment printed in part 2 of the Committee on Rules' report. It provides that these amendments may only be offered in the order specified. It shall be debatable for the time specified in this report, equally divided and controlled by the proponent and an opponent, shall be considered as read, shall be offered only by the Members designated in the report and shall not be subject to further amendment or a demand for a division of the question.

Once these eight amendments have been considered by the House, the rule also provides, and this is very important, for consideration of the bill for further amendment under the 5-minute rule. What that means is the rule grants priority and recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, if otherwise consistent with House rules.

The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce the vote to 5 minutes on a postponed question if the vote follows a 15-minute rule. What that means is we could have clustering of votes to make it easier on Members to get some work done back in their committees or on the floor without having to run over here every 10 minutes and vote on a matter.

The rule waives points of order against all amendments for failure to comply with clause 2(e) of rule XXI which prohibits non-emergency designating amendments to be offered to an appropriation bill containing an emergency designation. I think all of my colleagues better pay attention to that too, because if they go down through this bill they will find that there is a lot of things in here that are not of an emergency nature, and my colleagues, get a hold of the Senate bill and see what kind of a Christmas tree they have over there and what we are going to be expected to vote on when coming back here on a conference report perhaps earlier this week.

Finally the rule provides for one motion to recommit with or without instructions.

So, Mr. Speaker, House Joint Resolution 149 is similar to the rule considered yesterday, with three major differences. Are they listening over there? First, the rule makes in order as the first of the protected amendments a Kaptur-Riggs-Roukema-Roemer-Quinn amendment relating to the WIC Program. Secondly the rule drops from the list of protected amendments two amendments, the Gilman-Spence-Solomon amendment relating to Bosnia, and also it drops the other Solomon amendment dealing with the funding for the Nunn-Lugar Program. Again, we might get into this debate later on, but what we have got is $400 million in a pipeline under Nunn-Lugar funding to help countries like Ukraine and Kazakhstan that have already been denuclearized. They do not even have any missiles pointed toward the United States with this $400 million in here to just hand out to them for whatever purposes.

As I said yesterday, the bill is important, but there is a question of whether the bill is paid for. If that question remains at the end of this debate, I for one will not be voting for this piece of legislation, and I would advise other Members not to do so either.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, the gentleman from New York [Mr. SOLOMON], for yielding me the customary half hour.

Mr. Speaker, I urge my colleagues to defeat the previous question on this rule. As the gentleman from New York said, some parts of the rules have been improved greatly, and I commend my dear friend, the chairman, for getting this new knowledge overnight and to improve the rule so that it is much more palatable to many of us. But some parts of the rule have been improved, but still, Mr. Speaker, others still need work, and if we defeat the previous question, we can get to work on those other parts.

Mr. Speaker, I am very happy with some of the changes my Republican colleagues have made to this rule. I am pleased to see the amendment to restore WIC nutrition funding for 180,000 women and children is now a free-standing amendment, and it gives credit, Mr. Speaker, it gives credit where credit is due. It is back to being called the Kaptur amendment, and justly so, because this Congressperson has worked so hard for so many years on the WIC Program, and it is justly named the Kaptur amendment, and that is the way it should be. Mr. Speaker, I thank my chairman of the Committee on Rules for acknowledging this and amending the rule to include it.

But I am not pleased that the currency provision has been protected from a point of order, Mr. Speaker. I think a lot of my colleagues agree with me and it is very important that American money should be made by Americans and made in America. Under this provision our money can be made overseas, and I am afraid that some countries might make just a little bit more than we order. So I hope that the previous question will be defeated and we can make those changes.

But most importantly, Mr. Speaker, despite the changes and despite the greater number of votes this rule will get more than its predecessor, it is still headed nowhere, and that is the real shame of this whole matter, because Grand Forks, ND has been all but destroyed and its residents deserve every bit of help that we can give them not next week, not next month, but right now.

But my Republicans colleagues have added a poison pill to the midwestern flood relief which all but ensures its doom. The poison pill, Mr. Speaker, is an automatic continuing resolution which is my Republican colleagues' way of saying please stop us before we shut down the Government again. My Republican colleagues do not trust themselves to get the Federal spending bills finished in time, and they are trying to get out of their constitutional responsibility to do so.

Mr. Speaker, this automatic continuing resolution will cause all sorts of serious problems. For instance, each month, each and every month, it will keep an average of 500,000 women, infants and small children from getting food under the WIC Program. It will cut college aid by $1.7 billion which means that 375,000 students will be eliminated from the Pell Grant Program. It will also cut educational services for over 483,000 children and will cut up to 56,000 children out of the Head Start Program. It will keep 60,000 veterans from VA medical care. Mr. Speaker, the list just goes on and on and on.

President Clinton has said in no uncertain terms; in fact a letter that he sent to the Committee on Rules yesterday stated that he will veto this bill if it contains an automatic continuing resolution, and I think that these students, these veterans, and these pregnant women will all agree with them. But this did not stop my Republican colleagues from inserting the automatic continuing resolution in this bill. Mr. Speaker, badly needed flood relief is no place for political gains, particularly when it endangers so many, so many important programs.

I urge my colleagues to defeat the previous question, and if the previous question is defeated, I will move to strike this poison pill, the automatic continuing resolution and the provision that threatens our children, threatens our students, and threatens our veterans, and I will expose the currency provision to a point of order in order to ensure that American money is made in America.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I am just kind of taken aback by the statement of my good friend, the gentleman from Massachusetts [Mr. MOAKLEY]. He seems to be saying that we Democrats are opposed to this continuing resolution.

Mr. Speaker, first of all, during the hearing we held we had a number of Democrats come before the committee and ask us for this continuing resolution because they remember when 2 years ago the Government was shut down on two separate occasions for an extended period of time, and a lot of workers were put out, were put out of Federal workers were put out of work without pay, and this is an attempt to see that that does not happen again. We are actually trying to help the President, and that is why this continuing resolution which funds all matters that have not been dealt with after September 30 of this year, it keeps the Government functioning at this year, this current fiscal year's level of spending.

Mr. Speaker, what more could one ask for?

I doubt very much if the President is going to stand up and reverse himself, although he has been known to do that before, and veto this bill because there is a continuing resolution. If he does, I guess we would have no other choice but to bring it right back, repass it without it, but then, Mr. Speaker, whose fault is it going to be if the Government shuts down?

□ 1115

It is going to be the President of the United States of America, and I do not think that Mr. Clinton wants that to happen on his watch. I certainly would not think so.

Having said that, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], the sponsor of this continuing resolution.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time.

I am astounded at the gentleman from Massachusetts. He deplores the fact that if we, in this continuing resolution, make sure that last year's programs would be funded at 100 percent, that the veterans, Head Start, and other programs will suffer. I ask him whether he, the gentleman from Massachusetts [Mr. MOAKLEY], would agree that a shutdown causes a 100-percent cut in all of those programs. That is, if the Government shuts down, women, infants, and children get nothing in their programs. The veterans get nothing in their programs. The students get nothing out of the Pell grants. That is a 100-percent cut in their programs because of the possibility and actuality of a shutdown.

My legislation is a good Government effort to prevent shutdowns forever. When our Founding Fathers in 1789 established this country, this Nation, this Government of ours, they proceeded to be for all time. We cannot tolerate a shutdown of 5 minutes, let alone 1 day or 20 days.

When the Desert Storm fracas began with Desert Shield, right in the midst of Desert Shield while our young people were over there with musket in hand ready to do battle, our Government shut down at the hands of a Democrat Congress and a Republican President who could not agree. Recently, a Republican Congress and a Democrat President could not agree, and the Government shut down again, a 100-percent cut, I say to the gentleman from Massachusetts, in all of the programs so near and dear to his heart and which he related now as being endangered by the continuing resolution.

We preserve 100 percent funding from last year's appropriations, preserve Head Start, preserve women and children, preserve the veterans, preserve the students. And the gentleman from Massachusetts does not see, as I see, that a shutdown destroys those programs, puts people out of work, cuts the stream of funding to our Head Start children, cuts the stream of funding to our veterans, destroys the capability to deal with Head Start because the President and the Congress could not agree.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Government never has to be shut down if people negotiate in good faith. The last time there was a political decision made to embarrass the President, it backfired. We are not going to put this on automatic pilot, because what we do is we freeze the budget at last year's status, which means that they do not grow as a result of more people getting on those programs and inflation, and I think it is a bad idea. We can negotiate and we can come to a conclusion so Government does not have to be shut down.

The gentleman from New York [Mr. SOLOMON], my friend and the chairman of the Committee on Rules, says that he is trying to do the President a favor. Well, if he read the same letter I read, the President said, one does not have to read between the lines, the President said that he would veto this matter if the automatic continuing resolution was included. It cannot be any simpler than that.

Now, I do not know if my friend across the aisle has a crystal ball or tea leaves, but that is what the letter said.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I am a little confused, because I have all of the press clippings of 2 years ago when the President complained vehemently. I would say to my colleague from Massachusetts, why do we not go to the White House, and the gentleman from Massachusetts can get the appointment, and why do we not go and discuss it with the President and let us clear this matter up.

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, will the gentleman admit that he received a letter from the President stating that he would veto this bill if this were included?

Mr. SOLOMON. Mr. Speaker, if the gentleman would further yield, yes; but I will say to my good friend, he knows that that was an 8-page letter, which is highly unusual. So one has to read between the lines, I would say to my good friend.

Mr. MOAKLEY. Mr. Speaker, I do not know what lines the gentleman has read between, but I would just say, do not read between the lines, just read the lines.

Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the gentleman for the time.

Let me say that I think this rule is considerably improved from yesterday for the following reasons: First of all, it no longer contains the extraneous and, in my view, extremely misguided provisions which would have dragged this emergency proposal into a protracted argument on Bosnia and also would have effectively eliminated a very large amount of funding for the Nunn-Lugar program, which has eliminated 4,500 nuclear weapons in the former Soviet Union. I think it is not in the national interests of the United States for us to have bogged this bill down in either debate.

The primary purpose of this legislature ought to simply be to get the emergency aid contained in this bill to the people who need it the most, and we should not drag in extraneous issues. I am pleased that as a result of the rule going down yesterday, adjustments have been made to eliminate those two provisions.

I am also pleased that we have been told that in conference that the McKeon amendment, which is expected to be added, will be fixed so that we have a more equitably balanced commission to review the question of long-term rises in college tuition costs.

I am also pleased to recognize that the amendment restoring full funding for WIC will be debated and that it will be offered by the person who has carried the ball on that issue for so long, the gentlewoman from Ohio [Ms. KAPTUR].

I think there are still some problems with this rule, however. I do not personally intend to ask for a rollcall on the rule, I hope no one else does on our side of the aisle either. But we do intend to demonstrate our unhappiness with the rule by asking, as the gentleman from Massachusetts said, that my colleagues vote against the previous question so that we might offer an amendment that eliminates the protection in the bill for the otherwise nonlegitimate language with respect to U.S. currency printing and also, and most importantly, will eliminate the waiver of the rule, clause 2, rule XXI, without which this most troublesome amendment on a permanent CR could not in fact even be offered, because it is clearly not germane to this bill.

Now, the question is asked, why are we against adding this proposal to this bill? For two very simply reasons: First, because it will again engage us in a protracted debate and it will prevent the emergency assistance from arriving in North Dakota, South Dakota and other areas where it is needed; and I think that that should not happen.

Second, if that provision were to be adopted, as I say, it is not even germane under our normal rules. If it were to be adopted, what it would do is to reward Congress for inaction, it would enshrine thee status quo as permanent policy in the U.S. budget policy.

What it would do, for instance, is to see to it that initiatives which are recognized on both sides of the aisle that need to be taken in the area of education or in the area of strengthened medical research at NIH would be wiped out. And yet the old, outmoded programs which the Congress has determined that we ought to cut below last year's level, those programs will still be protected. That is not a way to produce an intelligent budget. It is Government without thinking, it is Government without action.

As the Washington Post said this morning in its editorial, the effect of this amendment would be to lock in place a new norm in which an agency's appropriation would be frozen from year to year unless Congress acted to raise or lower it. Because of inflation, the freeze is equivalent to a cut each year in real terms. The President wants the issue to be debated anew each year in the same way it has always been. The no-shutdown provision is an attempt to load the dice without quite saying so, a forcing device that has no place in a bill whose main ostensible purpose is to provide food relief in the Upper Midwest.

I would simply say, lest there be any doubt about it, the President's message contains the following sentence: The President has indicated that he would veto the bill if such a provision were included in it. That is the direct letter which we received, statement of administration policy from the Executive Office of the President.

So I would simply say, what we are going to be asking people to do is not to object to the rule itself, we will be asking people to vote "no" on the previous question on the rule so we can eliminate what we consider to be two illegitimate waivers of the rules. If we eliminate that, we eliminate much of the controversy in this bill.

Second, if the CR amendment is adopted, we will then be asking Members to vote "no," because we feel that all that is, in addition to having all of the faults I just described, its major short-term problem is that it will simply delay for a significant period of time our ability to deliver the emergency aid to the parts of the country who need it.

Mr. Speaker, I would ask that we not follow what has unfortunately become an all-too-regular process in this place of loading up these emergency supplemental with items that do nothing except slow the package down. This bill will not become law if that provision is attached to it. We ought to recognize it. If we are interested in bipartisan cooperation, that cooperation ought to start before legislation is brought to the floor, not only after we go through a protracted process, which incurs several vetoes and prevents needed aid from going to the States who need it so badly right now.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. DIAZ-BALART], one of the outstanding Members of this body from Miami, and he has an extremely important amendment that will be offered a little bit later on this bill.

Mr. DIAZ-BALART. Mr. Speaker, I thank the chairman of the Committee on Rules for the time.

Mr. Speaker, I think it is known how strongly I feel about the right of legal, taxpaying immigrants in this country to be treated in a nondiscriminatory way with regard to the receipt of programs, the eligibility for programs as essential as Supplemental Security Income.

I am very pleased that the Committee on Rules has made in order an amendment, with the support obviously of the gentleman from New York [Mr. SOLOMON] but also the gentleman from Massachusetts [Mr. MOAKLEY], the ranking Member, and the support of the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, an amendment to restore for the duration of the fiscal year the eligibility of legal immigrants in the United States to receive Supplemental Security Income.

We owe a very special debt, Mr. Speaker, of gratitude to the gentlewoman from Florida [Mrs. MEEK] for fighting so eloquently, so selflessly and yet so tenaciously on behalf of this very vulnerable population that this amendment addresses.

There are also a number of Members who have distinguished themselves for a long period of time fighting for this issue on behalf of this issue, on behalf of this very vulnerable population. This amendment would not have been possible were it not for the leadership and concern of the gentlewoman from Florida [Mrs. MEEK], as I have mentioned, the gentlewoman from Florida [Ms. ROS-LEHTINEN], and the gentleman from Rhode Island [Mr. KENNEDY] and others.

I want to make a special recognition as well of the cosponsorship of this amendment and of the leadership and the critical support of the gentleman from Florida [Mr. SHAW]. He has been instrumental in making this amendment in order, in facilitating the process moving forward, and I wanted to publicly thank him as well for his cosponsorship and, as I say, his leadership.

So I am very encouraged that this amendment did not receive any verbal opposition at all in the Senate. It was passed overwhelmingly with 89 votes in the Senate.

□ 1130

I look forward to a similar degree of support on a bipartisan basis in this House. I would hope that as contentious issues such as the CR question and others are debated, that issues such as those do not create a situation where a vulnerable population such as the legal immigrants of this country who are facing not a natural disaster, not a disaster by act of God, but rather by act of man, can be reassured today that they will be taken care of as the budget process takes place and a final solution is worked, a final resolution of this issue is developed for their tranquility and their benefit.

PARLIAMENTARY INQUIRY

Mr. MOAKLEY. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore [Mr. COLLINS]. The gentleman will state his inquiry.

Mr. MOAKLEY. Was the President's message a veto on this bill if we do not knock out the continuing resolution?

The SPEAKER pro tempore. That is not a parliamentary inquiry the Chair can answer at this time. The message will be read in due course.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

I would just like to read the statement of administration policy dated May 13, 1997, delivered to the Committee on Rules. On page 2 under the title "Automatic Continuing Resolution," and I quote, "The President has indicated that he would veto the bill if such a provision were included in it." It does not need to be interpreted. That is a plain statement. That is what the President said.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise against this rule. Mr. Speaker, last night the Republican leadership ruled the bipartisan amendment I offered with the gentleman from Connecticut [Mr. SHAYS], the gentleman from Massachusetts [Mr. MEEHAN], and the gentlewoman from New Jersey [Mrs. ROUKEMA] to restore the Federal Election Commission funding and to unfence this money so it could be used for investigations out of order because the chairman said it was not an emergency.

But what is more an emergency than restoring the faith of the American people in the election process? How can we restore credibility in our elections process when this same body, under Republican leadership, votes $12 to $15 million, including a slush fund, to the Committee on Government Reform and Oversight for a partisan investigation, and then, on the other hand, turns around and denies the funding to the only nonpartisan, independent agency that is actually empowered to investigate election abuses, find election abuses.

The Federal Elections Commission has come forward and said that they need this money to get the job done for the abuses before them. This money has been denied, yet this body has voted to give $12 to $15 million to a partisan investigation.

Mr. Speaker, I just would like to appeal to both sides of the aisle to vote against this rule until we do the right thing, which is fund the independent agency that is empowered to investigate. They are only asking $1.7 million. They are saying they cannot get the job done unless they get the $1.7 million.

Yet the leadership is denying them the money to get the job done and, on the other hand, voting for a slush fund and $12 to $15 million for the Burton partisan investigation. It is wrong. I would caution anyone not to vote for this rule until the funding for the Federal Election Commission is in the bill, and that the money is unfenced so that proper investigations can take place.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been around here a long time, and how many times have I sat here and listened to "This only costs another $1.7 million," or another $2 million.

I would ask the gentleman from Indiana [Mr. BURTON] how many times he has heard that?

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Indiana, [Mr. DAN BURTON], one of the most fiscally conservative Members of this body and a great chairman of the Committee on Government Reform and Oversight.

Mr. BURTON of Indiana. Mr. Speaker, I would say to the gentleman, hundreds and hundreds.

Mr. SOLOMON. Mr. Speaker, when we look at this bill, is that an emergency funding matter? Look at the rest of what is in this bill, look at the Senate Christmas tree. How many times have we heard, this only costs an additional $1 million, $2 million, $3 million?

Mr. BURTON of Indiana. I would just like to say, Mr. Speaker, that the comments of my colleague, the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, are not lost on the American people. They know that when you add $1.7 million, $10 million, $20 million, $50 million, pretty soon it starts adding up into some money. They get a little concerned about that.

One of the reasons why the automatic continuing resolution provision at last year's spending level is so important is so we do not shut down Government, No. 1, putting a lot of people's jobs in jeopardy in the Federal work force, but in addition to that, to make sure that the big spenders in this place do not continue to escalate the cost of Government every single year, as they have in the past.

If we cannot reach agreement on a spending bill, rather than shut down government, let us just fund it at last year's level for a while, 100 percent of last year's level. That is not bad. We are not hurting anybody. They are still getting their paychecks. Government goes on. We are not cutting anything, we are just not increasing it. So the American people ought to know very clearly which side of the aisle wants to continue to increase spending, increase spending, more, more, more, all the time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY], ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the comments just made by the gentleman in the well were absolutely, totally incorrect. I would point out that one of the objections we have to this permanent CR provision is that it would also allow for the continuation of programs at 100 percent of their previous level, even if this Congress has a bipartisan agreement that these programs have outlived their usefulness, that they are wasteful, that they are low priority, that they ought to be reduced so you have more room for other programs that we have reached consensus on that ought to be raised.

So this amendment has nothing whatsoever to do with saving money. The only thing this amendment does is require the Congress to stop making tough choices. It requires the Congress to stop thinking. It puts Government on automatic pilot. It becomes the Bureaucracy Supremacy Act of 1987. It does not have diddly to do with saving one dime.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let me just tell the gentleman, Mr. Speaker, he is absolutely incorrect in his statement. He is trying to stand up here and say that if his Committee on Appropriations passes the Health and Human Services appropriation bill and it is signed into law, he is trying to say that that will be funded at something less than what is agreed to by the President.

That is absolutely not true. Any appropriation bill of the 13 that are signed into law are not affected by this continuing resolution at all. It is only those appropriation bills that have not been signed by the President that would be affected by this continuing resolution, and would keep the Government functioning at 100 percent of this year, not last year or the year before, of this year's level of funding. That is a fact.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, if the gentleman is going to quote me, I wish he would use my words rather than his. That is not what I said. I never indicated that this would apply at all to legislation which had already passed.

My point is that with the bills that have not yet become signed into law, you require 100 percent funding, whether we want to continue 100 percent funding or cut out those programs. Some of those old, outmoded programs that the Congress might like to eliminate or cut, this proposition requires that those programs be funded at 100 percent. That does not save any money, that costs money.

Mr. SOLOMON. Reclaiming my time, Mr. Speaker, which programs are those? I would like to hear them.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we are considering the rule on H.R. 1469, which is our emergency bill to assist victims of the floods in the upper Midwest. I rise to urge all Members to vote no on the previous question, as the ranking member of the Committee on Rules has urged us to do.

I urge that no vote on the previous question because section 601 of this bill makes a major change in the Bureau of Engraving and Printing procurement law, a change which has not been considered by either of the authorizing committees that deal with such changes, neither the Committee on Government Reform and Oversight, under the leadership of the gentleman from Indiana [Mr. BURTON], nor the Committee on Banking and Financial Services, under the leadership of the chairman, the gentleman from Iowa [Mr. LEACH].

Clearly those changes in the Bureau of Engraving and Printing law are legislating on an appropriations bill and should not be part of this emergency flood victim relief bill.

Section 601 does two things. First, it requires the Treasury Department to give capitalization subsidies to companies that are interested in becoming new suppliers of the American currency. Capitalization subsidies are cash payments for new equipment or a new facility to manufacture paper. They could reach as much as $100 million.

Second, 601 changes the legacy of my predecessor, the late Congressman Silvio Conte. The Conte law, adopted in 1989, requires American currency to be manufactured by companies that are no more than 10 percent non-American owned, and 601 would allow the manufacturer to be up to 50 percent foreign-owned.

That is not being done because American companies cannot compete. All of these solicitations are open solicitations. In fact, in the solicitation that just went out within this last month, I have a list here that 56 American companies, 56 of them, American companies who have been asked to compete and can compete on producing the American currency paper. The provision is really designed, and carefully designed, to allow the British currency maker, Thomas DeLaRue, to make the American currency.

Thomas DeLaRue is a large company. It is more than a $1 billion company. It does not need capitalization subsidies to come from American taxpayer dollars. Furthermore, Thomas DeLaRue, that large British company, the maker of the British currency, has a monopoly on the supply of currency paper to the British Government. The policy of the British Government is that no American company, and not even any other British company, is allowed to bid on the British currency paper contracts.

I think that the ultimate irony here of this combination of the provisions in section 601 of this legislation, the ultimate irony is that all of us are going to vote yes on an amendment that is being offered by the gentleman from Ohio [Mr. TRAFICANT], which is a buy-American amendment.

Then we are asked, almost in the next breath, to allow capitalization subsidies that could reach as much as $100 million to go to the British currency maker so that they can make the American currency, albeit within the United States, that being a subsidy that goes to a very large company that is totally closed in its own processes within Britain.

□ 1145

Frankly, Mr. Speaker, I think that this is an extremely strange way to balance the budget. I think it is an extremely strange way to protect the integrity of the American dollar and the rest of our currency.

I urge a no vote on the previous question so that the matter can be considered and hearings can be held by the committees of jurisdiction at the authorizing level, the Committee on Government Reform and Oversight and the Committee on Banking and Financial Services.

Mr. Speaker, I urge a "no" vote on the previous question.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Tucson, AZ [Mr. KOLBE], a member of the Committee on Appropriations, chairman of the Subcommittee on Treasury, Postal Service, and General Government, who would probably like to rebut this. I would be interested in what he has to say.

Mr. KOLBE. Mr. Speaker, I rise in support of the rule on H.R. 1469.

I want to speak on the same contentious issue that the gentleman from Massachusetts spoke, about section 601, which at least in part caused the rule to fail yesterday.

This provision would open up the bidding process in the Bureau of Engraving and Printing for the supply of paper, not the supply of currency, the supply of paper which is used in making the currency.

Currently, and for the last 117 years, there has been only one supplier of that paper for the currency in the

United States. We will have a full debate on this later when we get into the bill, and there will be a motion to strike this particular provision. And that is appropriate, because then we can have a debate on this issue.

I just want to set the record straight on a couple of things. The chairman said earlier that there has been a lot of misinformation out there. He's right. I think there has been a lot of misinformation.

The underlying bill that the gentleman from Massachusetts referred was authored by his predecessor, our late beloved colleague, Mr. Conte. It is Public Law 100–202, section 622. Section 622 of that law says that currency paper must be made by an American-owned company and it must be made in the United States.

Neither of those provisions are being changed in section 601 of this bill. So this has nothing to do with "Buy American" provisions, which require that a product be made in the United States. That requirement applies here, and it must be an American-owned company as well.

What this amendment would do is clarify something that we adopted last year, I might add, in recent language in our appropriation bill. What it would do is clarify that when Congress said American-owned, what it meant is that it had to be 50 percent or more U.S. ownership. That ought to be an acceptable definition of American-owned.

We think that there ought to be more than one company that is permitted to bid on supplying paper. The gentleman spoke about 57 companies to which the bid had been sent to. He did not say 57 were going to respond. Only one ever gets to submit a bid, and that's because of the way it is structured right now. We have had no competition in this process for the last 117 years, none whatever.

And the fact of the matter is that I think, as the debate will bring out later here today, there is some real question about the current supplier of paper as to the amount of money they have been making, the amount of their profit and whether or not this is a reasonable profit given the fact that there is the possibility of having real competition here. We will be talking about that more.

Let me make it clear, this does not change the underlying procurement law at all, does not change the provision that it has to be made in America, does not change the provision that it has to be an American-owned company.

One other thing I want to point out. It was said earlier that there had been no hearings. Here are some of the hearings that have been held in 1995, 1996, and 1997 on this subject. So there has been a lot of hearings held on this particular subject.

We will get a change to refer to those hearings later. We will talk about the capitalization subsidy. All of that can be thoroughly discussed in this debate.

I do not want anybody to be misled about this. We are not talking about foreign companies supplying our paper. We are talking about American companies doing it and making it here in America.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to support the efforts by my colleagues, the gentleman from Massachusetts [Mr. MOAKLEY] and the gentleman from Massachusetts [Mr. OLVER], to deal with what I think is one of the more insidious provisions that I have seen contained within an appropriations bill in some time here on the floor of this House. To suggest that in an attempt to deal with the floods that have so devastated much of America that we are going to insert in some small area of this language an ability of the U.S. Government to come and provide a huge hidden subsidy to one particular company that is then going to have the ability to have ownership of this new company come from foreign lands, that is then going to go about printing our dollar bills, seems to me to be one of the most incredible attempts at trying to reach into the pork barrel of the taxpayer dollars that I have ever witnessed.

The truth of the matter is that right now the dollar bill is made by a U.S.-owned company. The Treasury Department in many a meeting that I have had, I used to chair the Currency Subcommittee in the Congress, is very pleased with the work of Crane Paper. And for us to come in and create this huge new hidden subsidy program and try to stick it into an appropriations bill, I think, is unconscionable.

If the basic provision is that, whenever there is a single-source contract that the U.S. Government has the capability of going out and providing a brand-new plant and equipment to anyone else that wants to come along and bid on that contract, I say, hey, maybe we ought to support that. But maybe we ought to support that for the guys that are bidding on the B–2 bomber. Maybe we ought to support that for people that are bidding on the M–1 tank. Maybe we ought to support that for the Bradley fighting machine. Maybe we ought to support that for all sorts of single-source contracts that go on in the Congress of the United States, not just one.

I would go back to the fact that I have had several meetings with some of the highest levels of the membership of the Treasury Department who have indicated time and time again their support of the current and existing contract with Crane Paper. There has been no difficulty with Crane Paper. They feel that they are doing a good job. This is just an attempt by some group or another to come in and say, here is a contract that we, a foreign-owned company, can grab. We are going to ask the taxpayers of the United States to build for us, to pay us to build the new engraving machine. Then we are going to use those taxpayer subsidies to undercut a family-owned business that is doing a good job making the currency today. This is an outrageous pickpocket of the United States taxpayers' hard-earned money. I strongly oppose the provision.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. THUNE]. We are supposed to be dealing with an emergency supplemental here. One of the Members most affected by it in this Chamber or, I should say, his constituents is the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me the time.

I thought as we had been going through this process, I have learned that we never take anything for granted. I hoped yesterday that we would be having a debate on this bill and then was very surprised to discover that the rule in fact had failed. I would hope that today we can pass the rule and get on with the business at hand, and that is to get badly needed disaster relief to those around this country including those in my own State who are desperately in need of it.

We have worked very hard, and of course the Speaker of the House, the majority leader, and others of this body have toured to see firsthand, to have an appreciation for what we are talking about here. It is very important in my view that we get on with the business, and we have worked constructively in my judgment in a very bipartisan way to craft something that will bring badly needed assistance to the people in my part of the country as well as others.

I would like to address a couple of questions that have been raised about our amendment because I think it is important that we clarify a couple of things. The first is there has been some question as to whether or not this is exclusive to the Midwest, and the answer is, it is not. If we will read the amendment, we will see that any area of the country which in this particular time period is afflicted by this type of a disaster or circumstance would be eligible for assistance under the amendment.

The second thing I would like to address is there are some waivers in the bill. We have worked with the Governors, respective States, and local officials to come up with something that would provide them flexibility. There are some waivers that apply specifically to this particular disaster incident and also as well to this amount of money. We are not in any way changing the Community Development

Block Grant Program in any way on a permanent basis.

We have also done some things which I think tighten up concerns Members on my side of the aisle have had about this being misused. So the parameters are fairly narrowly drawn.

Having answered those questions, I would be happy to answer other questions Members might have. But I would really hope that we can get on with this business and work in a very expeditious way. The clock is counting. We have mayors here from the affected areas who are waiting for this assistance, and I would hope that we can get to the passage of the bill today.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I had not intended to do this at this time, but since the gentleman from South Dakota [Mr. THUNE] is here, I would like to get his attention to express a point of concern on his amendment.

I do not intend to oppse the amendment of the gentleman when it is offered later on in the debate because on our side of the aisle we supported the President's original request for a supplemental appropriation for community development block grant funding, as well as funding for FEMA; and we were asked by the majority side of the aisle to withhold on that for the time being, and we did.

I am happy that my colleagues have now seen fit to support the idea. But I am concerned about a couple specifics in the amendment. As I understand the amendment, if reduces $1.2 billion for FEMA to $700 million, leaving FEMA with many valid claims on its disaster relief fund that it may not be able to pay.

I would say, in general debate, I think there are a number of questions I need to ask the gentleman about his amendment, because if they are not fixed up in conference, they will cause a substantial problem for FEMA to FEMA's ability to deliver needed assistance around the country. So I would appreciate if the gentleman would be prepared to answer those questions.

Mr. THUNE. Mr. Speaker, I would be happy to do that.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to my very distinguished colleague, the gentleman from Huntington Beach, CA [Mr. ROHRABACHER], where they have the high surfs.

Mr. ROHRABACHER. Mr. Speaker, there seem to be a lot of waves being created here today.

Mr. Speaker, I rise in support of the rule, but I will have to admit that there have been some arguments presented by the other side that deserve consideration today.

One of my central reasons for supporting the rule is that it contains the Gekas amendment, and I know that some of my friends on the opposite side of the aisle oppose the rule for exactly that reason. The Gekas amendment is political insurance for the people of the United States. People have flood insurance and they have fire insurance and they have termite insurance. This is political insurance that the Federal Government will not close down because of the political impasse between the political parties.

It makes all the sense in the world to ensure that the Government will continue even if there is a political disagreement of those of us on the floor, as happened in 1995, when we passed our appropriations bills; but because of the President's intransigence, he shut down the Government; and because of his ability to communicate, blamed it on the Republicans.

This would prevent that scenario and that finger-pointing from taking place. However, let me add that I am very concerned that we will be providing $8 billion in this bill, $5 billion to flood insurance emergency funds, yes. That is understandable. Some more citizens are in trouble.

But another $2 billion for Bosnia, $2 billion for Bosnia at a time when our Secretary of Defense is talking about closing down more military bases in our country? Our troops were supposed to be out of Bosnia a long time ago. Many of us did not want those troops in Bosnia in the first place. So that is very questionable.

Of course, we have also questions raised on the floor today about the printing of the currency and whose company will be doing it, and I think those questions should be answered. But I will say that, overall, I will be voting for the rule. I think it is a good rule. But there are some questions that will need to be answered before I will support the bill on the floor.

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Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I oppose this rule and I oppose this bill because this emergency supplemental includes much more than emergencies. But, more importantly, Mr. Speaker, if there are going to be nonemergency items, then what was appropriated for the FEC, the Federal Election Commission, of $1.7 million should stay in this budget. This rule takes the money out.

I strongly oppose taking out the money for the FEC if we are to in fact have nonemergency items in this bill. This rule would do that.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Delaware, Mr. MICHAEL CASTLE, the former Governor of Delaware.

Mr. CASTLE. Mr. Speaker, I thank the chairman for yielding me this time, and I will not take long here because this issue will carry on with this whole business of this section 601 and this applying for the paper of the currency of the United States.

I have been involved with this argument as the chairman of a subcommittee that deals with this particular issue, and this issue is much more gray than it is black and white. Essentially what is attempting to be done in the legislation now, and the reason I support the rule, is it is an effort to make sure that we will have fair competition for this particular contract. It is as sole source a contract right now as we can have in the United States.

There is a special sweetheart provision demanding 91 percent American ownership. This is far beyond the Traficant amendment. It would fit under the Traficant amendment the way it is trying to be fixed. It would still be an American-owned company that would have to do this, and it would be a company which would have its paper made here in the United States of America.

What they are asking for, what they have had for several years now, is a super buy-America provision, and we are trying to eliminate that and provide a fair opportunity for everybody, including, I might add, the present contract with the Crane Paper Co.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentlewoman from Miami, FL, Ms. ROS-LEHTINEN, one of our great Congresswomen.

Ms. ROS-LEHTINEN. Mr. Speaker, several members of the south Florida congressional delegation have been working on an amendment that the Committee on Rules, under the leadership of the gentleman from New York, Mr. JERRY SOLOMON, has made in order, that would postpone the August 22 cutoff date of SSI payments to U.S. legal residents and extend the payment of these benefits until September 30.

My colleagues from Florida, Mrs. CARRIE MEEK, Mr. LINCOLN DIAZ-BALART, and Mr. CLAY SHAW, and many other Members of Congress have worked in a bipartisan manner to help legal residents who reside in this country legally, who pay their taxes, who came here seeking Democratic freedoms from tyranny or economic opportunity and prosperity for their children.

It is these same individuals who are now members of our elderly population who live in terror that their sustenance, their SSI benefits, will be cut off. SSI benefits, as all of us know, apply only to those who are over 64 years of age, blind or disabled. They are not a free ride. They are a means of survival for our elderly and disabled who have no other way to sustain themselves.

How can we, Mr. Speaker, as legislators and representatives of these same people, their children and their grandchildren explain to them that even though they have worked and paid their taxes and served their country they will have to fend for themselves?

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time, and I just want to say that I am very apprehensive anytime the gentleman from New York follows me, but I will try to make it.

Mr. Speaker, if the previous question is defeated, I intend to offer two amendments to the rule. The first amendment would remove the protection in the rule which would allow foreign companies to bid for the production of our paper for our currency.

As I stated before, I believe that American money should be printed on paper made by American producers, and I feel that we in Congress have a duty to do all we can to make sure that our currency is printed on paper made in America.

My second amendment, Mr. Speaker, would strike the waiver from amendment No. 7, which provides a continuing resolution. This emergency spending flood relief bill is not the place for these types of provisions.

I urge Members to defeat the previous question so that we may fix this rule and move on to the vital emergency spending bill.

Mr. Speaker, I am providing for the RECORD information regarding the text of the previous question amendment to H.R. 1469.

TEXT OF PREVIOUS QUESTION AMENDMENT TO H.R. 1469

SUPPLEMENTAL APPROPRIATIONS

Text:

On page 3 line 4 of H. Res. 149, after "waived" add the following: "; except that points of order are not waived against the amendment numbered 7 offered by Representative Gekas and Representative Solomon".

On page 2 line 15 after "15;" insert the following "page 25, lines 1 through 21;"

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time and, in doing so, let me just say that I have some concerns about this entire issue and how it is on the floor here today.

But I just want all the Members to know, on both sides of the aisle, that this is a fair rule. It is a rule that allows any Member of this body to come on this floor and to offer amendments under free debate without any restrictions whatsoever under the rules of the House. So there is no question but what Members should come over and vote for the rule.

As a matter of fact, on the continuing resolution, which seems to be some question, this is not in any way locked in. This is a freestanding amendment that will be offered, and every Member will have the opportunity to come over and cast their vote on this continuing resolution, which simply says that the Government will continue to operate should the Congress not deal with all of the 13 appropriation bills that fund the Government in the coming year. That, to me, Mr. Speaker, is certainly more than fair.

I have two concerns about the bill itself, and that is that there are a lot of issues in here that did not deal in emergency funding at all; and, second, I am really concerned over this issue of the U.S. Mint currency.

I want all my colleagues, when they come over, or if they are in their offices now, to read page 25 of the bill. In page 25 of the bill it says that we are lowering the requirement that companies that are successful in being able to print or make the paper that our U.S. dollars are printed on must be 90-percent American-owned, by U.S. citizens. Ninety percent. This lowers that to 50 percent.

Mr. Speaker, I do not know how closely my colleagues have followed this, but I advise all Members to go upstairs here on the top floor and get some CIA briefings on what is happening throughout this whole country with this whole global economy situation. We have these megacompanies, some run by the Russian Mafia, others that are questionable that come out of Indonesia, others directly controlled by other foreign governments like China. I want my colleagues to understand what is happening here.

We should all realize that if this is adopted and it becomes law, that any one of these sort of companies that I have talked about, Mafia-owned, that may be still U.S. citizens, that they can have access to this paper. What happens to counterfeiting? What happens to the value of the American dollar that people have worked so hard on?

We need to start thinking about this. This is a matter that does not belong in this bill. It should be dealt with in an authorizing bill that comes before this House. That is only fair.

Having said that, I want my colleagues to come over here and vote for this rule. It is a fair rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. COLLINS). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 9, as follows:

[Roll No. 129]

YEAS—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Yates

NOT VOTING—9

Andrews
Berman
Brown (CA)
Hefner
Hutchinson
Mica
Schiff
Skelton
Watkins

□ 1229

Messrs. OWENS, FLAKE, DAVIS of Illinois, McINTYRE, BOSWELL, and STARK, and Ms. PELOSI changed their vote from "yea" to "nay."

Messrs. WYNN, MORAN of Virginia, FORBES, and SMITH of Michigan changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. COLLINS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 152, not voting 12, as follows:

[Roll No. 130]

AYES—269

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield

Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—152

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Blagojevich
Bonior
Boucher
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clement
Clyburn
Collins
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Lampson
Latham
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Neal
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Poshard
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanders
Sandlin
Sawyer
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stearns
Stokes
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Yates

NOT VOTING—12

Andrews
Berman
Blumenauer
Brown (CA)
Hefner
Kaptur
Kucinich
Mica
Peterson (MN)
Schiff
Skelton
Watkins

□ 1240

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUMENAUER. Mr. Speaker, due to a malfunction with the House paging system, which rendered inoperative the paging system used to notify Members of votes, I was unaware of the vote at approximately 12:30 p.m. today on the rule on the Supplemental Appropriations Act. Had I been present, I would have voted "nay."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1111

Mrs. MEEK of Florida. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Kansas [Mr. MORAN] as a cosponsor of my bill, H.R. 1111.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. COLLINS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 14, 1997 at 9:55 p.m. and said to contain a message from the President whereby he submits a report on the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 ("the CFE Flank Document").

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

REPORT ON TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–83)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations, and ordered to be printed:

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification on the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990 ("the CFE Flank Document"), adopted by the Senate of the United States on May 14, 1997, I hereby certify that:

In connection with Condition (2), Violations of State Sovereignty, the United States and the governments of Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey and the United Kingdom have issued a joint statement affirming that (i) the CFE Flank Document does not give any State Party the right to station (under Article IV, paragraph 5 of the Treaty) or temporarily deploy (under Article V, paragraphs 1 (B) and (C) of the Treaty) conventional arms and equipment limited by the Treaty on the territory of other States Parties to the Treaty without the freely expressed consent of the receiving State Party; (ii) the CFE Flank Document does not alter or abridge the right of any State Party under the Treaty to utilize fully its declared maximum levels for conventional armaments and equipment limited by the Treaty notified pursuant to Article VII of the Treaty; and (iii) the CFE Flank Document does not alter in any way the requirement for the freely expressed consent of all States Parties concerned in the exercise of any reallocations envisioned under Article IV, paragraph 3 of the CFE Flank Document.

In connection with Condition (6), Application and Effectiveness of Senate Advice and Consent, in the course of diplomatic negotiations to secure accession to, or ratification of, the CFE Flank Document by any other State Party, the United States will vigorously reject any effort by a State Party to (i) modify, amend, or alter a United States right or obligation under the Treaty or the CFE Flank Document, unless such modification, amendment, or alteration is solely an extension of the period of provisional application of the CFE Flank Document or a change of a minor administrative or technical nature; (ii) secure the adoption of a new United States obligation under, or in relation to, the CFE Treaty or the CFE Flank Document, unless such obligation is solely of a minor administrative or technical nature; or (iii) secure the provision of assurances, or endorsement of a course of action or a diplomatic position, inconsistent with the principles and policies established under conditions (1), (2), and (3) of the resolution of advice and consent to ratification of the CFE Flank Document.

In connection with Condition (7), Modifications of the CFE Flank Zone, any subsequent agreement to modify, revise, amend or alter the boundaries of the CFE flank zone, as delineated by the map entitled "Revised CFE Flank Zone" submitted to the Senate on April 7, 1997, shall require the submission of such agreement to the Senate for its advice and consent to ratification, if such changes are not solely of a minor administrative or technical nature.

In connection with Condition (9), Senate Prerogatives on Multilateralization of the ABM Treaty, I will submit to the Senate for advice and consent to ratification any international agreement (i) that would add one or more countries as States Parties to the ABM Treaty, or otherwise convert the ABM Treaty from a bilateral treaty to a multilateral treaty; or (ii) that would change the geographic scope or coverage of the ABM Treaty, or otherwise modify the meaning of the term "national territory" as used in Article VI and Article IX of the ABM Treaty.

In connection with Condition (11), Temporary Deployments, the United

States has informed all other States Parties to the Treaty that the United States (A) will continue to interpret the term "temporary deployment", as used in the Treaty, to mean a deployment of severely limited duration measured in days or weeks or, at most, several months, but not years; (B) will pursue measures designed to ensure that any State Party seeking to utilize the temporary deployments provision of the Treaty will be required to furnish the Joint Consultative Group established by the Treaty with a statement of the purpose and intended duration of the deployment, together with a description of the object of verification and the location of origin and destination of the relevant conventional armaments and equipment limited by the Treaty; and (C) will vigorously reject any effort by a State Party to use the right of temporary deployment under the Treaty (i) to justify military deployments on a permanent basis; or (ii) to justify military deployments without the full and complete agreement of the State Party upon whose territory the armed forces or military equipment of another State Party are to be deployed.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1997.*

REPORT ON NATIONAL SECURITY STRATEGY OF UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on National Security:

To the Congress of the United States:

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 15, 1997.*

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1469, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

The SPEAKER pro tempore. Pursuant to House Resolution 149 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1469.

□ 1244

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I might consume.

□ 1245

Mr. Chairman, it is a pleasure to present to the House the fiscal year 1997 emergency supplemental bill, H.R. 1469, and I hope that the spirit of bipartisanship that has embraced the budget negotiations will carry forward on this emergency appropriations bill. This is the first bill the Committee on Appropriations has presented to the 105th Congress, and I look forward to a very productive year as we move 13 appropriations measures forward.

The bill, as reported, proposes $8.4 billion in new spending authority, fully offset, and I stress offset, by the rescission of previously appropriated funds and by including other offsets. Again, I say this bill is fully offset in budget authority.

The supplemental bill before us provides the following major items: For disaster recovery we provide $5.509 billion; for miscellaneous appropriations we provide $113 million; and then we offset that spending with $5.622 billion of rescissions.

In peacekeeping, in Bosnia and other areas, we repay the Pentagon for what they have already spent, $2.039 billion, and we offset that with rescissions of funds previously made to the Pentagon of $2.040 billion.

Mandatory appropriations are included here as well in a third category, mostly for the veterans' pension benefits and other benefits for a total of $757 million.

At the beginning of the 104th Congress, Republicans began a policy of paying for supplementals by rescissions of previously appropriated funds. I am very proud to say that, once again, the bill reported by the committee complies with this policy and is totally offset in budget authority. We have had to look far and wide for offsets to pay for this disaster recovery bill, as well as our international commitments in Bosnia, but I would hope that all of our colleagues would recognize the true national scope of this appropriations bill, and that finding different or substitute offsets of any major scope is nearly impossible this late in the fiscal year which began on October 1, 1996.

Mr. Chairman, my objective is to get the disaster recovery money to the people who need it and to restore our national security funding to keep our troops safe and secure on the ground in Bosnia. Flood victims in some 35 States badly need the money in this bill. In addition, our troops in Bosnia and those men and women who have served our country in various wars are looking to us to pass this bill quickly as a sign of our support for them.

So Mr. Chairman, the bill reported by the committee is an excellent disaster supplemental appropriations bill. It is one which enjoys tremendous bipartisan support, and there are now several amendments that, if adopted, could cause this bill to be vetoed. We are going to speak to them at the appropriate time, but I hope that the Members would understand that it is important that we get this bill on the President's desk and signed into law before we adjourn for the Memorial Day recess.

So I hope that we will keep the bill clean and noncontroversial and that we will get it passed, conferenced with the Senate and signed into law as quickly as possible, and I urge its adoption.

Mr. Chairman, at this point in the RECORD I would like to insert a table reflecting the programs and amounts in this bill, as reported.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469)

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM NATURAL DISASTERS			
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
	Farm Service Agency			
105-56	Emergency conservation program (emergency appropriations)	20,000,000		-20,000,000
105-58	Contingent emergency appropriations	17,000,000	65,000,000	+48,000,000
	Tree assistance program (contingent emergency appropriations)		9,000,000	+9,000,000
	Total, Farm Service Agency	37,000,000	74,000,000	+37,000,000
	Natural Resources Conservation Service			
105-58	Watershed and flood prevention operations (emergency appropriations)	66,100,000		-66,100,000
105-58	Contingent emergency appropriations	18,000,000	150,700,000	+132,700,000
	Total, Natural Resources Conservation Service	84,100,000	150,700,000	+66,600,000
	Rural Housing Service			
	Rural Housing Insurance Fund Program:			
	Rental housing (sec. 515):			
105-58	Loan subsidy (emergency appropriation)	250,000		-250,000
105-58	(Loan authorization)	(488,000)		(-488,000)
105-58	Rural housing assistance program (emergency appropriations)	750,000		-750,000
	Total, Rural Housing Service	1,000,000		-1,000,000
	Rural Utilities Service			
105-56	Rural utilities assistance program (emergency appropriations)	1,000,000		-1,000,000
	Food and Consumer Service			
105-3	Child nutrition programs	6,250,000		-6,250,000
105-3	Special supplemental nutrition program for women, infants, and children (WIC)	100,000,000	38,000,000	-62,000,000
	Total, Food and Consumer Service	106,250,000	38,000,000	-68,250,000
	Total, Chapter 1:			
	New budget (obligational) authority	229,350,000	262,700,000	+33,350,000
	Appropriations	(106,250,000)	(38,000,000)	(-68,250,000)
	Emergency appropriations	(88,100,000)		(-88,100,000)
	Contingent emergency appropriations	(35,000,000)	(224,700,000)	(+189,700,000)
	(Loan authorization)	(488,000)		(-488,000)
	CHAPTER 2			
	DEPARTMENT OF COMMERCE			
	Economic Development Administration			
	Economic development assistance programs (contingent emergency appropriations)		47,700,000	+47,700,000
105-58	(By transfer)	(1,200,000)		(-1,200,000)
	Salaries and expenses (contingent emergency appropriations)		2,000,000	+2,000,000
	Total, Economic Development Administration		49,700,000	+49,700,000
	National Oceanic and Atmospheric Administration			
105-58	Operations, research and facilities (emergency appropriations)	12,000,000		-12,000,000
105-58	Construction (emergency appropriations)	10,800,000	10,800,000	
	Total, National Oceanic and Atmospheric Administration	22,800,000	10,800,000	-12,000,000
	Total, Department of Commerce	22,800,000	60,500,000	+37,700,000
	DEPARTMENT OF STATE			
	International Organizations and Conferences			
105-3	Arrearage payments (advance appropriation, FY 1999)	921,000,000		-921,000,000
	Total, Chapter 2:			
	New budget (obligational) authority	943,800,000	60,500,000	-883,300,000
	Emergency appropriations	(22,800,000)	(10,800,000)	(-12,000,000)
	Contingent emergency appropriations		(49,700,000)	(+49,700,000)
	Advance appropriation, FY 1999	(921,000,000)		(-921,000,000)
	(By transfer)	(1,200,000)		(-1,200,000)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	CHAPTER 3			
	DEPARTMENT OF DEFENSE - CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers - Civil			
....	Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency appropriations)	....	20,000,000	+20,000,000
105-58	Operation and maintenance, general (emergency appropriations)	39,000,000	150,000,000	+111,000,000
105-58	Flood control and coastal emergencies (emergency appropriations)	201,700,000	415,000,000	+213,300,000
105-58	Contingent emergency appropriations	50,000,000	....	-50,000,000
105-58	Advance appropriations, FY 1998	30,500,000	....	-30,500,000
	Total, Department of Defense - Civil	321,200,000	585,000,000	+263,800,000
	DEPARTMENT OF THE INTERIOR			
	Bureau of Reclamation			
105-58	Operation and maintenance (emergency appropriations)	4,500,000	7,355,000	+2,855,000
	Total, Chapter 3:			
	New budget (obligational) authority	325,700,000	592,355,000	+266,655,000
	Emergency appropriations	(245,200,000)	(592,355,000)	(+347,155,000)
	Contingent emergency appropriations	(50,000,000)	....	(-50,000,000)
	Advance appropriation, FY 1998	(30,500,000)	....	(-30,500,000)
	CHAPTER 4			
	DEPARTMENT OF THE INTERIOR			
	Bureau of Land Management			
....	Construction (emergency appropriations)	....	1,793,000	+1,793,000
105-58	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	....
	Total, Bureau of Land Management	....	1,793,000	+1,793,000
	United States Fish and Wildlife Service			
105-58	Resource management (emergency appropriations)	2,000,000	2,250,000	+250,000
105-58	Construction (emergency appropriations)	32,000,000	81,000,000	+49,000,000
105-58	Land acquisition (emergency appropriations)	15,000,000	15,000,000	....
	Total, United States Fish and Wildlife Service	49,000,000	98,250,000	+49,250,000
	National Park Service			
105-58	Construction	10,000,000	10,000,000	....
105-58	Emergency appropriations	147,779,000	156,912,000	+9,133,000
105-58	Contingent emergency appropriations	30,000,000	30,000,000	....
	Total, National Park Service	187,779,000	196,912,000	+9,133,000
	United States Geological Survey			
105-58	Surveys, investigations, and research (emergency appropriations)	1,300,000	4,290,000	+2,990,000
	Bureau of Indian Affairs			
105-58	Operation of Indian programs (emergency appropriations)	5,800,000	11,100,000	+5,300,000
105-58	Construction (emergency appropriations)	5,000,000	5,554,000	+554,000
	Total, Bureau of Indian Affairs	10,800,000	16,654,000	+5,854,000
	Total, Department of the Interior	248,879,000	317,899,000	+69,020,000
	RELATED AGENCIES			
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
105-58	National forest system (emergency appropriations)	25,000,000	37,107,000	+12,107,000
105-58	Reconstruction and construction (emergency appropriations)	13,000,000	32,334,000	+19,334,000
	Total, Forest Service	38,000,000	69,441,000	+31,441,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES			
	Indian Health Service			
....	Indian health services (emergency appropriations)	....	1,000,000	+1,000,000
....	Indian health facilities (emergency appropriations)	....	2,000,000	+2,000,000
	Total, Indian Health Service	....	3,000,000	+3,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	GENERAL PROVISIONS			
	Recreation fees (sec. 401)		7,000,000	+7,000,000
	Total, Chapter 4:			
	New budget (obligational) authority	286,879,000	397,340,000	+110,461,000
	Appropriations	(10,000,000)	(17,000,000)	(+7,000,000)
	Emergency appropriations	(246,879,000)	(350,340,000)	(+103,461,000)
	Contingent emergency appropriations	(30,000,000)	(30,000,000)	
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	
	CHAPTER 5			
	DEPARTMENT OF TRANSPORTATION			
	Coast Guard			
105-3	Retired pay	4,200,000	4,200,000	
	Federal Aviation Administration			
	Facilities and equipment (Airport and Airway Trust Fund)		40,000,000	+40,000,000
	Federal Highway Administration			
	Federal-aid highways (Highway Trust Fund):			
105-58	Emergency relief program (emergency appropriations)	276,000,000	276,000,000	
105-58	Contingent emergency appropriations	15,000,000	374,000,000	+359,000,000
105-3	(Limitation on obligations)	(318,077,043)	(318,077,043)	
	Total, Federal Highway Administration	291,000,000	650,000,000	+359,000,000
	Federal Railroad Administration			
	Emergency railroad rehabilitation program (contingent emergency appropriations)		10,000,000	+10,000,000
	Total, Department of Transportation	295,200,000	704,200,000	+409,000,000
	RELATED AGENCY			
	National Transportation Safety Board			
105-3	Salaries and expenses (emergency appropriations)	20,200,000		-20,200,000
	Contingent emergency appropriations		23,300,000	+23,300,000
	GENERAL PROVISIONS			
	Highway traffic safety grants (sec. 503/504)		3,000,000	+3,000,000
	Total, Chapter 5:			
	New budget (obligational) authority	315,400,000	730,500,000	+415,100,000
	Appropriations	(4,200,000)	(47,200,000)	(+43,000,000)
	Emergency appropriations	(296,200,000)	(276,000,000)	(-20,200,000)
	Contingent emergency appropriations	(15,000,000)	(407,300,000)	(+392,300,000)
	(Limitation on obligations)	(318,077,043)	(318,077,043)	
	CHAPTER 6			
	UNITED STATES POSTAL SERVICE			
105-3	Payment to the Postal Service Fund	5,383,000	5,300,000	-83,000
	FUNDS APPROPRIATED TO THE PRESIDENT			
105-71	Unanticipated needs for natural disasters (emergency appropriations)	200,000,000		-200,000,000
	INDEPENDENT AGENCY			
105-61	Federal Election Commission	1,709,000	1,700,000	-9,000
	Total, Chapter 6:			
	New budget (obligational) authority	207,092,000	7,000,000	-200,092,000
	Appropriations	(7,092,000)	(7,000,000)	(-92,000)
	Emergency appropriations	(200,000,000)		(-200,000,000)
	CHAPTER 7			
	DEPARTMENT OF VETERANS AFFAIRS			
	Veterans Benefits Administration			
105-3	Compensation and pensions	753,000,000	753,000,000	
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Housing Programs			
	Preserving existing housing investment		3,500,000	+3,500,000
105-3	Drug elimination grants for low-income housing (by transfer)	(30,200,000)	(30,200,000)	
	Community Planning and Development			
105-71	Community development block grants fund (emergency appropriations)	100,000,000		-100,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	INDEPENDENT AGENCIES			
	Federal Emergency Management Agency			
105-58	Disaster relief (emergency appropriations)	541,000,000	3,567,677,000	+3,026,677,000
105-58	Contingent emergency appropriations	438,000,000		-438,000,000
	Salaries and expenses		5,000,000	+5,000,000
	Total, Federal Emergency Management Agency	979,000,000	3,572,677,000	+2,593,677,000
	Total, Chapter 7:			
	New budget (obligational) authority	1,832,000,000	4,329,177,000	+2,497,177,000
	Appropriations	(753,000,000)	(761,500,000)	(+8,500,000)
	Emergency appropriations	(641,000,000)	(3,567,677,000)	(+2,926,677,000)
	Contingent emergency appropriations	(438,000,000)		(-438,000,000)
	(By transfer)	(30,200,000)	(30,200,000)	
	CHAPTER 8			
	DEPARTMENT OF AGRICULTURE			
	Office of the Secretary			
	Fund For Rural America (offset)		-20,000,000	-20,000,000
	Natural Resources Conservation Service			
	Wetlands reserve program (offset)		-19,000,000	-19,000,000
	Food and Consumer Service			
105-3	The emergency food assistance program (offset)	-6,000,000	-20,000,000	-14,000,000
	Foreign Agricultural Service			
	Export credit (offset)		-16,000,000	-16,000,000
	Export enhancement program (offset)		-23,000,000	-23,000,000
	Total, Foreign Agricultural Service		-39,000,000	-39,000,000
	Public Law 480 Program Account:			
	Title I - Credit sales:			
105-44	Ocean freight differential (rescission)	-3,500,000		+3,500,000
105-44	Loan subsidies (rescission)	-46,500,000		+46,500,000
	Total, Public Law 480 program account	-50,000,000		+50,000,000
	Total, Department of Agriculture	-56,000,000	-98,000,000	-42,000,000
	DEPARTMENT OF JUSTICE			
	General Administration			
105-44	Working capital fund (rescission)	-6,400,000	-6,400,000	
	Legal Activities			
	Assets forfeiture fund (rescission)		-3,000,000	-3,000,000
	Immigration and Naturalization Service			
	Construction (rescission)		-1,000,000	-1,000,000
	Total, Department of Justice	-6,400,000	-10,400,000	-4,000,000
	DEPARTMENT OF COMMERCE			
	National Institute of Standards and Technology			
	Industrial technology services (rescission)		-7,000,000	-7,000,000
	National Oceanic and Atmospheric Administration			
	Fleet modernization, shipbuilding and conversion (rescission)		-2,000,000	-2,000,000
	Total, Department of Commerce		-9,000,000	-9,000,000
	RELATED AGENCIES			
	Federal Communications Commission			
	Salaries and expenses (rescission)		-1,000,000	-1,000,000
	Ounce of Prevention Council			
	Direct appropriation (rescission)		-1,000,000	-1,000,000
	Total, related agencies		-2,000,000	-2,000,000
	DEPARTMENT OF DEFENSE - CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers - Civil			
105-3	Construction, general (offset)	-50,000,000		+50,000,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	DEPARTMENT OF ENERGY			
	Energy supply, research and development activities (rescission)		-22,532,000	-22,532,000
	Power Marketing Administrations			
	Construction, rehabilitation, operation and maintenance,			
105-44	Western Area Power Administration (rescission)	-2,111,000		+2,111,000
	Total, Department of Energy	-2,111,000	-22,532,000	-20,421,000
	DEPARTMENT OF ENERGY			
105-57	Clean coal technology (rescission)	-10,000,000	-17,000,000	-7,000,000
105-44	Strategic petroleum reserve (rescission)	-11,000,000	-11,000,000	
	Total, Department of Energy	-21,000,000	-28,000,000	-7,000,000
	DEPARTMENT OF TRANSPORTATION			
	Federal Aviation Administration			
	Grants-in-aid for airports (Airport and Airway Trust Fund)			
	(rescission of contract authorization)		-750,000,000	-750,000,000
	National Highway Traffic Safety Administration			
	Highway traffic safety grants (Highway Trust Fund) (rescission of contract authorization)		-13,000,000	-13,000,000
	Federal Transit Administration			
	Trust fund share of expenses (Highway Trust Fund) (rescission of contract authorization)		-271,000,000	-271,000,000
	Discretionary grants (Highway Trust Fund) (rescission of contract authorization)		-588,000,000	-588,000,000
	Total, Federal Transit Administration		-859,000,000	-859,000,000
	Total, Department of Transportation		-1,622,000,000	-1,622,000,000
	GENERAL SERVICES ADMINISTRATION			
	Federal Buildings Fund:			
	Repairs and alterations (rescission)		-1,400,000	-1,400,000
105-44	Expenses, presidential transition (rescission)	-5,600,000	-5,600,000	
	Total, General Services Administration	-5,600,000	-7,000,000	-1,400,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Housing Programs			
105-44	Annual contributions for assisted housing (rescission)	-250,000,000	-3,823,440,000	-3,573,440,000
	Total, Chapter 8:			
	New budget (obligational) authority	-391,111,000	-5,622,372,000	-5,231,261,000
	Rescissions	(-335,111,000)	(-3,902,372,000)	(-3,567,261,000)
	Rescission of contract authorization		(-1,622,000,000)	(-1,622,000,000)
	Offsets	(-56,000,000)	(-98,000,000)	(-42,000,000)
	Total, title I:			
	Discretionary budget authority (net)	2,991,910,000		-2,991,910,000
	Appropriations	(123,342,000)	(113,500,000)	(-9,842,000)
	Rescissions	(-335,111,000)	(-3,902,372,000)	(-3,567,261,000)
	Rescission of contract authorization		(-1,622,000,000)	(-1,622,000,000)
	Offsets	(-56,000,000)	(-98,000,000)	(-42,000,000)
	Emergency appropriations	(1,740,179,000)	(4,797,172,000)	(+3,056,993,000)
	Contingent emergency appropriations	(568,000,000)	(711,700,000)	(+143,700,000)
	Advance appropriation, FY 1998	(30,500,000)		(-30,500,000)
	Advance appropriation, FY 1999	(921,000,000)		(-921,000,000)
	(Loan authorization)	(488,000)		(-488,000)
	(By transfer)	(31,400,000)	(30,200,000)	(-1,200,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	
	Mandatory budget authority	757,200,000	757,200,000	
	TITLE II - EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR PEACEKEEPING			
	CHAPTER 1			
	DEPARTMENT OF DEFENSE - MILITARY			
	Military Personnel			
	Military personnel, Army (emergency appropriations)		306,800,000	+306,800,000
	Military personnel, Navy (emergency appropriations)		7,900,000	+7,900,000
	Military personnel, Marine Corps (emergency appropriations)		300,000	+300,000
	Military personnel, Air Force (emergency appropriations)		29,100,000	+29,100,000
	Total, Military personnel		344,100,000	+344,100,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	Operation and Maintenance			
	Operation and maintenance, Marine Corps (by transfer) (sec. 2102)		(23,000,000)	(+23,000,000)
105-3	Overseas contingency operations transfer fund (emergency appropriations)	2,006,214,000	1,566,300,000	-439,914,000
105-3	OPLAN 34A/35 P.O.W. payments	20,000,000	20,000,000	
	Total, Operation and maintenance	2,026,214,000	1,586,300,000	-439,914,000
	Revolving and Management Funds			
105-3	Reserve mobilization income insurance fund (emergency appropriations)	72,000,000	72,000,000	
	General Provisions			
	Defense health program (sec. 2103)		21,000,000	+21,000,000
	Force protection initiatives (sec. 2104)		10,000,000	+10,000,000
	Total, general provisions		31,000,000	+31,000,000
	Total, Chapter 1:			
	New budget (obligational) authority	2,098,214,000	2,033,400,000	-64,814,000
	Appropriations	(20,000,000)	(51,000,000)	(+31,000,000)
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(-95,814,000)
	(By transfer)		(23,000,000)	(+23,000,000)
	CHAPTER 2			
	DEPARTMENT OF DEFENSE - MILITARY			
	Operation and Maintenance			
105-44	Operations and maintenance, Defense-wide (rescission)	-10,000,000	-10,000,000	
	Procurement			
105-44	National Guard and Reserve equipment (rescission)	-62,000,000		+62,000,000
	General Provisions			
105-3	DOD-wide savings proposals (offset)	-4,800,000,000		+4,800,000,000
	Revised economic adjustments, FY 1997 (sec. 2201) (rescission)		-307,000,000	-307,000,000
	Foreign currency savings, FY 1997 (sec. 2202) (rescission)		-308,000,000	-308,000,000
	Prior year unobligated balances (sec. 2203) (rescission)		-246,367,000	-246,367,000
	Prior year rescissions (sec. 2204)		-982,500,000	-982,500,000
	Military construction, rescissions (sec. 2205)		-180,000,000	-180,000,000
	Total, general provisions	-4,800,000,000	-2,023,867,000	+2,776,133,000
	Total, Chapter 2:			
	New budget (obligational) authority	-4,872,000,000	-2,033,867,000	+2,838,133,000
	Rescissions	(-72,000,000)	(-2,033,867,000)	(-1,961,867,000)
	Offsets	(-4,800,000,000)		(+4,800,000,000)
	CHAPTER 3			
	GENERAL PROVISIONS			
	Military construction, Navy (rescission) (sec. 2301)		-6,480,000	-6,480,000
	Family housing, Navy and Marine Corps (sec. 2302)		6,480,000	+6,480,000
	Total, title II:			
	Discretionary budget authority (net)	-2,773,786,000	-467,000	+2,773,319,000
	Appropriations	(20,000,000)	(57,480,000)	(+37,480,000)
	Rescissions	-72,000,000	-2,040,347,000	-1,968,347,000
	Offsets	(-4,800,000,000)		(+4,800,000,000)
	Emergency appropriations	(2,078,214,000)	(1,982,400,000)	(-95,814,000)
	(By transfer)		(23,000,000)	(+23,000,000)
	Grand total, all titles:			
	Discretionary budget authority (net)	218,124,000	-467,000	-218,591,000
	Appropriations	(143,342,000)	(170,980,000)	(+27,638,000)
	Rescissions	(-407,111,000)	(-5,942,719,000)	(-5,535,608,000)
	Rescission of contract authorization		(-1,622,000,000)	(-1,622,000,000)
	Offsets	(-4,856,000,000)	(-98,000,000)	(+4,758,000,000)
	Emergency appropriations	(3,818,393,000)	(6,779,572,000)	(+2,961,179,000)
	Contingent emergency appropriations	(568,000,000)	(711,700,000)	(+143,700,000)
	Advance appropriation, FY 1998	(30,500,000)		(-30,500,000)
	Advance appropriation, FY 1999	(921,000,000)		(-921,000,000)
	(Limitation on obligations)	(318,077,043)	(318,077,043)	
	(Loan authorization)	(488,000)		(-488,000)
	(By transfer)	(31,400,000)	(53,200,000)	(+21,800,000)
	(By transfer) (emergency appropriations)	(3,003,000)	(3,003,000)	
	Mandatory budget authority	757,200,000	757,200,000	
	Total appropriations in bill (net)	975,324,000	756,733,000	-218,591,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, FY 1997 (H.R. 1469) — continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	SUMMARY			
	Total discretionary spending, title I	2,431,521,000	5,622,372,000	+3,190,851,000
	Total rescissions and offsets, title I	-391,111,000	-5,622,372,000	-5,231,261,000
	Total mandatory spending, title I	757,200,000	757,200,000	
	Total discretionary spending, title II	2,098,214,000	2,039,880,000	-58,334,000
	Total rescissions and offsets, title II	-4,872,000,000	-2,040,347,000	+2,831,653,000
	Total spending in bill	5,286,935,000	8,419,452,000	+3,132,517,000

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me simply say that I am in the happy position of being able to say that at least as of this moment, unless we have amendments adopted that change the situation, I think we are at a point where we can have bipartisan support for this bill. I hope it remains that way.

I would like to simply raise one concern I have about the Thune amendment. I had hoped that Mr. THUNE would be on the floor. I had asked him to be here. I do not see him at this moment, but let me simply, because we will not have time on the Thune amendment, let me raise some concerns about it now.

As the Chair of the committee understands, on the Democratic side of the aisle we were concerned about the committee decision not to provide community development block grant funding for the Dakota floods. We had urged that they do so. The decision was made by the majority party to withhold judgment on whether or not there ought to be any CDBG funding provided, and we respected that. Now I am happy to see that there will be an amendment offered, and I do not expect to object to it when it is offered today by the gentleman from South Dakota [Mr. THUNE].

I know that the gentleman from North Dakota [Mr. POMEROY] and the gentleman from Minnesota [Mr. PETERSON] and others are very concerned that that amendment pass, but I must say that there are some problems with that amendment that I believe are going to have to be fixed in conference.

First of all, as I understand it, the amendment attempts to fund $500 million in CDBG money by reducing the $1.2 billion contained in the original FEMA money to $700 million, which leaves FEMA with a very tight budget. I am concerned about the robbing Peter to pay Paul, the result that that might produce. I am also concerned that that amendment would run the risk of limiting the Federal response and delaying victims from receiving much-needed assistance through the regular FEMA account.

In the Senate, the $500 million was added without reducing FEMA's disaster fund account, and I had hoped that we would be able to simply adopt that approach. I think it would be useful if we could do that in conference.

I would also note that I am concerned because the gentleman's amendment apparently seeks to make permanent changes in law which would force the Secretary of HUD to waive the requirement that HUD's disaster assistance benefit only low- and moderate-income persons.

I am also concerned about why it is necessary to force the Secretary to waive the requirement to hold local public hearings. I am also concerned that it appears to be the intent of the gentleman's amendment to allow HUD to make grants, not loans, to privately owned, for-profit utilities. I am actually unsure about what his intention is in that regard, and I would simply make this point: It has been Government policy that CDBG funds can be used to assist businesses damaged by disasters, to the extent that such businesses are declined loans by the Small Business Administration or because they need assistance above the SBA loan limits, and I am curious as to whether or not it is the intent of the gentleman in that amendment to change that long-standing practice.

I hope that he can respond to those questions between now and the time that we deal with this in conference, because everyone wants to see this amendment go forward, but we want to see it go forward in the right way.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman I yield myself 1½ minutes.

Mr. Chairman, the Thune amendment is an attempt to provide maximum flexibility to the people who have suffered such devastation in the Dakotas and in Minnesota as a result of the flood. There was some concern that because the flooding was so extensive and had been on the ground for such a long period of time, that certain businesses and certain people who live in houses in that flood zone either would not come back or should not come back, and it has been hard to get a handle on exactly what should be done and whether or not the Federal Government, within the confines and restrictions of current law affecting FEMA, has the flexibility to deal with those questions.

To his credit, the gentleman from South Dakota [Mr. THUNE] is attempting I think to answer some of those questions. Others in this Chamber, both on the Republican and the Democrat side, both the majority and minority side, have had different ideas on how to provide that flexibility, and I think this is an ongoing process. It is an ongoing process, so that we can talk it out and by the time we get to conference, hopefully we will provide the maximum amount of flexibility that really does help the people that need help, but without simply throwing the money at the problem and wasting taxpayers' dollars.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Chairman, I would simply say that I understand the gentleman's comments and agree with them. We do want to provide whatever amount is necessary through the CDBG process to enable them to meet their problems. We do also, because of our responsibility to the taxpayers and to other potential recipients from FEMA, want to make certain that in the process we do not hurt FEMA's ability to deliver aid. We also want to make certain that we do not unnecessarily make permanent changes in law that might come back to haunt us.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. WOLF], the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I thank the chairman of the Committee on Appropriations for yielding time to me, and I hope I can do it in 2 minutes. I want to commend the gentleman.

I do want to say I was very disappointed, though, that the leadership in the Committee on rules chose not to protect from points of order a total of $1.6 billion in rescissions of contract authority. These rescissions are necessary to ensure that the spending contained in this bill is fully offset. Without them, this emergency Supplemental appropriations will add more than $1.6 billion to the deficit, and I would have hoped, knowing that the gentleman has done such a good job and the committee did such a good job of offsetting it, that that would have been protected. I just thought it was a given, because we have been committed to making sure that all of this is offset.

Second, and I have so much here, I would just submit it all for the RECORD, but I would say that I am concerned that the senate has added much more money in to this for highway spending to donor States, far beyond what the President or anybody else has even suggested that should be in. We wanted a bill that was totally offset, and now they have added so much more.

Third, as the chairman of the Committee on Appropriations knows, and I would hope that we can resolve this matter, they have also basically put earmarking back in. This House, on both sides of the aisle, did away with earmarking. Some people call them pork projects, some people call them highway demonstration projects, others call them whatever they want to.

As an example, in the Senate bill, the State of Alabama would receive $21 million in additional highway aid funds in fiscal year 1997 and the State of Alabama would be required to spend all of that money on one specific project, the Warrior Loop project.

The House is well aware that we have gotten rid of these things, so therefore the other body has put in more money, well beyond what the President wanted, and at the very time both bodies are meeting, the budget committees are meeting, everyone is taking credit for reaching a balanced budget in the year 2002, yet we put more money into this than the President asked or anybody else asked for. So I hope as we get to conference both of these issues will be resolved.

Lastly, this is not the place to rewrite ISTEA. The place to rewrite ISTEA is in the Committee on Transportation and Infrastructure this year.

I again want to thank the chairman of the Committee on Appropriations for his outstanding job, and just hope that we can make sure this money is offset when we go back to committee.

I thank the chairman of the Appropriations Committee for yielding me a few minutes so that I might discuss a few of the items in the Transportation Subcommittee's jurisdiction.

First, the chairman of the full committee needs to be congratulated for the yeoman's work that he has done in crafting this bill—an $8.4 billion emergency supplemental bill that is fully offset. That was no easy task. He has been forced to make some difficult decisions and has done a commendable job under equally difficult circumstances.

I am disappointed, however, that the leadership and the Rules Committee chose not to protect from points of order a total of $1.6 billion in rescissions of contract authority. These rescissions are necessary to ensure that the spending contained in this bill is fully offset. Without them, this emergency supplemental appropriations bill will add more than $1.6 billion to the deficit.

This action is disturbing and painful.

In the area of transportation, the emergency supplemental bill includes $650 million in emergency highway program funds, $40 million for the FAA to procure additional explosive detection equipment, $22 million for the National Transportation Safety Board, and $10 million for emergency railroad rehabilitation. These funds are needed desperately to respond to the devastating floods that occurred throughout our country this spring and to ensure safety in our skies.

The bill also includes $318 million in additional fiscal year 1997 obligation authority for the Federal-aid highway program. These funds were requested by the President and are intended to compensate those States that were given an expectation of what they would receive—a false expectation, based on an arithmetic error by the Treasury Department—which they then calculated into their State highway fund.

The committee has been responsible and diligent in responding to the needs of the people in the flooded areas while being mindful of the desire of the American people to balance the budget and to offset this additional spending.

I am concerned, however, that the other body has gone much further than is necessary or warranted. I want to alert my colleagues to the other body's actions on its version of the supplemental bill—particularly with respect to two troubling issues. These issues have the potential to delay unnecessarily the emergency funding contained in this bill.

The other body has provided a total of $933 million in additional fiscal year 1997 obligation authority for the Federal-aid highway program. Of this amount, $457 million was added to address the Treasury error that I alluded to earlier in my remarks.

Moreover, the other body has provided almost a half a billion dollars more in additional fiscal year 1997 Federal-aid highway spending. This spending was not requested by the President and is not necessary as an emergency requirement.

This funding has nothing to do with the arithmetic error. It has to do with providing a hold-harmless provision to donee States to address what the donee States now see as a problem in the highway authorization act of 1991.

That act, ISTEA, contained a provision for donor States—those States that had traditionally received back substantially less than they had contributed to the highway trust-fund—that in the last year of the 6 years of ISTEA authorization, which is this year, there would be inserted a 90-percent floor. That is, no State would get back less than 90 percent of what it contributed to the highway fund. The 90-percent standard has been the holy grail of those States that have gotten less back than they have contributed to the fund.

This program, the 90 percent of payments program, was part of the common understanding of the Congress and the States when President Bush signed the bill in 1991. It was the understanding of the donee States. It is now the law of the land.

Well, now the donee States want more—more than what they have received in excess of their contributions over the last 6 years, more than what they would get under current law, more that what they are entitled to under ISTEA. The donee States would get a half a billion dollars more from the other body. This is not fair to the donor States.

While the majority of the other body is represented by donee, States, the overwhelming majority of this House is elected from donor States.

Mr. Chairman, this urgent supplemental appropriations bill is not the place—nor is it the time—to debate the donor/donee States issue. The reauthorization of ISTEA is the proper and appropriate legislation to debate this divisive issue.

In addition to this item, the other body has taken the unprecedented step of earmarking seven highway demonstration projects from the funds provided to the States under the regular Federal-aid highway program.

Rather than provide additional highway funds to the States without strings attached or to earmark funds in excess of the regular Federal-aid highway program for specific projects, as has been the norm, the other body directs certain States to spend a portion—and in some cases all—of their Federal-aid highway fund on specific highway demonstration projects.

As an example, in the Senate bill, the State of Alabama would receive $21 million in additional Federal-aid highway funds in fiscal year 1997. The State of Alabama would be required to spend all of that money on one specific project, the Warrior Loop project.

Now, under the provisions of the Senate's bill, the State of Alabama either uses its Federal-aid highway funds on this one particular project by the end of September, or it loses all of it.

The State is afforded no elasticity as they have under current law.

The process advocated by the other body will significantly change the manner in which the Federal Highway Administration manages the Federal-aid highway program. It will also impact each of the States' ability to fund the projects of greatest need. And it eliminates the flexibility afforded the States and local units of government under current law to determine what project or program is best for them.

This process undermines the planning process established by ISTEA and forces the States to give a higher priority on these projects than on other potentially more worthy projects.

The House is well aware of our position on the earmarking of highway demonstration projects. As a result of not earmarking highway demonstration projects, the Appropriations Subcommittee on Transportation has been able to increase the Federal-aid highway program by almost $1 billion.

In doing so, we have allowed the States and people at the local level to determine the appropriate use of these funds—not people here in Washington in their ivory towers.

These issues are surely to be contentious in conference and I felt compelled to inform my colleagues at this stage of the process.

I am afraid that a protracted debate on Federal-aid highway formulas and the underlying donor/donee State problem as well as the earmarking highway demonstration projects will delay the necessary funding to respond to the devastating floods that occurred this spring.

I thank the chairman for yielding me the time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. PETERSON].

□ 1300

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in support of H.R. 1469, the Emergency Supplemental Appropriations Act, because it contains very important money for our region for the disaster that we just went through, a disaster like we have never seen in 500 years in Minnesota.

In East Grand Forks, pictured here, in Breckenridge, in Ada, in Warren, and all the rural communities along the Red River, we were under water. Nobody can remember anything like this. We had snowstorms, ice storms, and then, last, the flood of 1997.

There is the city of East Grand Forks, a town of 9,000 people, that got hit probably the hardest of any community in this flood. Everyone, the entire town was under water. It had to be evacuated because the water kept rising. In the end it just could not be stopped. Every street, every home, every business went under water, and the water did not go down for 2 weeks.

In true Minnesota style, the people of Crookston, Thief River Falls, Red Lake

Falls, Bemidji, and many other communities opened their doors and provided shelter and people to help us get through, and to help the people driven out by the floods.

Now, although the water has receded, the damage and desolation that is everywhere is reminiscent of a nuclear blast. There are no children playing, and life is now just returning to normal. There is garbage and debris every place you look. People's entire lives are sitting on the berms waiting to be scooped up by payloaders. East Grand Forks has lost four of their six schools, their city hall, their library, and neighborhood after neighborhood. Thirty-five to forty percent of this community is going to have to be rebuilt and moved to another part of the area so we do not do this again.

Mr. Chairman, in all of the flood-ravaged communities in the Red River Valley, the challenge now is to rebuild. On behalf of all of the Minnesotans in the Seventh District, I want to thank the President, the Vice President, the Speaker, the majority leader and other Members who came out to look at the damage for themselves, and thank them for all the help they have given us to get to this point.

The work of FEMA and the director, James Lee Witt, have been outstanding. I want to thank each and every one of the agency personnel who have been out in the Seventh District helping our people and communities get back on their feet.

I also want to thank the National Guard, Army Corps of Engineers, and the mayors. I thank them and I encourage everyone to support this bill.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Florida [Mr. YOUNG], chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the bill. I would like to urge our colleagues to do everything possible to expedite this bill. The money for the Department of Defense that we provide in this bill is offset from the Department of Defense budget. There is no new money here. It is basically a transfer within the department's funding. But if we cannot get this done expeditiously, the operation and maintenance accounts, the training accounts for all of the services, are going to be severely affected.

I just urge our colleagues, however they intend to vote on the bill, help us expedite the consideration of this bill so we do not have to stand down any flight training or stand down any training on the part of any of the services, or affect any of the operations and maintenance, because that is what will happen if we do not get this funding resolution, this supplemental appropriations bills, through here quickly.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Chairman, I wanted to offer an amendment today, but it was ruled not germane to the bill. The amendment would have provided for displaced workers affected by NAFTA, which I believe qualify for disaster relief. I appreciate the opportunity to enter my remarks, written remarks, into the RECORD.

Mr. Chairman, I wanted to offer an amendment today but I've been told that, under the rule, my amendment is not germane so I'm not going to offer it but I would like to tell my colleagues about it.

Last week, the New York Times ran a lengthy article about workers who have been dislocated by NAFTA. The dateline on the story was El Paso, TX, which I represent.

Mr. Chairman, during the first 2½ years of NAFTA, Texas had almost 8,000 certified job losses as a result of NAFTA.

More than half of those dislocated workers were in El Paso.

Under current law, after these workers exhaust their unemployment compensation, they are entitled to cash benefits for 52 weeks while they are retraining.

Many of these workers have exhausted those cash benefits and they are still jobless.

My amendment would have appropriated an additional $10 million for these workers and extend their eligibility for benefits an additional 6 months.

My amendment would also have appropriated an additional $1.6 million for the retraining programs, which would bring the appropriation up to $30 million, the maximum amount authorized.

Today we're considering a supplemental appropriations bill primarily for disaster relief.

As far as I'm concerned, these dislocated workers need disaster relief, too. Unfortunately, under this rule, we're not going to be able to help them.

Mr. Chairman, we have an obligation to these workers and I will be on this floor every chance I get to speak on their behalf.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I thank very, very sincerely the Committee on Appropriations chairman and the ranking member of the Committee on Appropriations for their assistance in working up an appropriate disaster relief proposal, formed as the Thune amendment.

Mr. Chairman, what we have in North Dakota is an absolute disaster, the dimensions of which we have never experienced before. Grand Forks, ND, second largest town in the State. A town of 50,000, was under water, and the consequences of it are absolutely devastating for the businesses and the homeowners that reside there.

What we are finding as we begin tackling the rebuilding component of this is the additional needs that are simply not met with the existing programs. For example, we literally have hundreds of homes in the floodway, a floodway that is proposed to be razed, and a permanent dike established so we do not have this problem ever again.

These individuals need to know right now whether or not funds will be available on a home buyout proposal so they might have the means to build on higher ground while the city's enhanced flood protection program moves forward.

The Thune amendment allows this to happen by transferring funds from FEMA into the Community Development Block Grant, to be more flexibly applied to the unique needs that this situation presents. The CDBG funds in the Thune amendment are not exclusively for the area, and other areas that have had disasters may also access these funds to augment the existing structure of disaster relief programs.

What we have seen with the Thune amendment is a bipartisan response to a truly national disaster. President Clinton, Speaker GINGRICH, the majority leader, the gentleman from Texas, Mr. ARMEY, all have visited the area. The gentleman from South Dakota [Mr. THUNE] and the gentleman from Minnesota [Mr. PETERSON] have worked at great length putting this together. Please support the Thune amendment and the bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP], a new and valued member of the Committee on Appropriations.

Mrs. NORTHUP. Mr. Chairman, I rise in support of H.R. 1469, the Disaster Recovery Act of 1997, which will get money needed as a result of the floods to Kentucky residents. I am sorry for so many of the people that suffered in my community because of this extraordinary flood that occurred this spring. We had 12 inches of rain in 1 day. We had flash flooding, and then a major flood when the river overflowed as it drained off and the river flooded.

This flood was the worst since 1964. There is no amount of personal insurance, of personal precautions, that would prepare a person or a community for this size flood. It is in this bill where we reach out to those people who were struck so badly.

My constituents have said this is when Government should become involved in citizens' lives, when Government is truly the last resort for assistance. It is a bill which will help many States and citizens, and it was developed in a teamwork approach. That is why I urge my colleagues to vote for this bill.

I hope the President will listen to the needs of my constituents from Kentucky, Arkansas, and throughout the Nation, and please, sign this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I commend the distinguished chairman of the Committee on Appropriations and our ranking member for their hard work to bring this legislation to the floor. When natural disaster strikes, the people of our country have a right to have a response from us, and a response that is quick and appropriate. That is why I hope that we can do that with this legislation, and why it is hard to understand why anyone would want to throw up an obstacle to the very quickest response to the needs of the American people.

That obstacle is in the form, in this legislation, of having in order the Gekas amendment. President Clinton has rightfully said that if the Gekas amendment is included in this bill, that he would veto the bill. So I urge my colleagues, when it comes time to vote on the Gekas amendment, to vote against it.

Who wins under the Gekas amendment? I think just the House Republicans, because this month's balanced budget agreement includes several new investments in education and other priorities for American families, but Republicans are hoping they can ignore those bipartisan commitments by ramming through this amendment, which would allow them to impose automatic $25 billion cuts in education and other priorities.

If the Gekas amendment passes today, here is what could happen: 86,000 fewer children would be enrolled in Head Start, 360,000 fewer students would receive Pell grants for college or job training, 31,000 fewer students would get college work study jobs. If you are a veteran you should be concerned, because 60,000 veterans could be denied medical care, 66,000 people would lose job training and job placement.

The list goes on and on. If you are concerned about the environment, the cleanup of 900 toxic waste sites could be delayed, 500,000 fewer at-risk pregnant women and children would get milk, cereal, and other foods. We will be debating that under the WIC provision that our colleague, the gentlewoman from Ohio [Ms. KAPTUR], is proposing. It is hard to understand how the Republican majority rejected the WIC funding. It is hard to understand why they would allow the Gekas amendment to stand in the way of the quickest possible aid to people suffering from disaster in America.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to speak in support of the amendment today. Our amendment adds $38 million to the supplemental food program for nutritionally at-risk pregnant women, infants, and children under the age of 5. We propose to take unused dollars from a NASA wind tunnel project to offset the cost of the additional dollars.

Mr. Chairman, we appreciate the interest from Members on both sides of the aisle. If we do not include these funds, 180,000 women, infants, and children will be removed from the program. Because of an increased need, food price inflation, along with an underestimated caseload for fiscal year 1997, a serious reduction of women, infants, and children served through the WIC Program this year is inescapable.

The WIC participation for 1996 fiscal year exceeded the initial projection by 100,000 women, infants, and children. Innocent children are facing unique and challenging circumstances at this time. We should be there to help them. For instance, the flooding in North Dakota has caused 3,000 additional caseloads with the WIC Program.

There has been some controversy surrounding our request for these additional funds, there is no question. However, if we cannot continue to serve these people who need our help, who are experiencing temporary difficulty with maintaining a healthful diet at their most critical time of growth and development, if we cannot do this, we are essentially cutting the program.

WIC is a well-managed program that would put these additional dollars, I believe and others believe, to efficient use. In fact, it includes the most successful cost-containment system of any Federal health-related program. We all know, and it has been justified, it has been talked about, that for every dollar WIC spends on prenatal care, we save $3.50 spent on Medicaid.

WIC is one Federal program that I believe and others do that is truly deserving, and it delivers what it promises to the American taxpayer. Medical evidence shows that the WIC Program reduces low birthweight, infant mortality, and child anemia. This amendment is proof that we can do what we want when we work from both sides of the aisle.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I thank the ranking member of the Committee on Appropriations for yielding me the time, and also the chairman, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Chairman, I stand to lend my support to the bill as reported by the committee, and I want to thank them for their skill and sensitivity in bringing this before the floor.

On behalf of myself and my colleagues, the gentleman from Florida, Mr. DIAZ-BALART, the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN, the gentleman from Florida, Mr. CLAY SHAW, and the gentleman from Rhode Island, Mr. PATRICK KENNEDY, our amendment, which has been allowed as a part of this particular exercise here this morning, it takes through the fiscal year the cutoff of SSI income and Medicaid checks to legal immigrants, including refugees and asylees. This delay will give Congress a chance, Mr. Chairman, to agree on a permanent solution to help and assist these vulnerable people.

Our amendment provides an offsetting rescission in budget authority that will allow us to do this, so that when Congress takes its recess, these very worthy legal immigrants will continue to receive their benefits. Our amendment, which they have been so helpful in letting us offer this morning, is identical to the one that has already been passed by the Senate on May 7.

We all know that the Social Security Administration has sent out over 800,000 letters to people letting them know they may or may not have a cutoff of their benefits. We know they have let them know, and this has caused quite a bit of consternation with the many people who received them.

But now, because of the sensitivity of this Congress and because of this supplemental bill, we will hopefully, with our amendment, be allowed to help these people. This cutoff was required by the welfare law that was enacted last year.

SSI checks, as we know, they go to needy people, they go to aged and frail people and disabled people. They are the most vulnerable people in our society. These people, most of them are over 64 years of age, blind or disabled, and certainly this Congress does not want to see their SSI cut off. We want to thank this Congress, Mr. Chairman, for this wonderful act.

□ 1315

Mr. OBEY. Mr. Chairman, I yield myself 1 minute and 30 seconds.

I would simply like to congratulate the gentlewoman from Florida. The history of this provision is that when we first marked up the supplemental in the Committee on Appropriations, the gentlewoman from Florida tried to offer an amendment which would have provided for a long-term extension of the restoration of the benefits that this amendment covers. She understood fully that it was not the jurisdiction of the Committee on Appropriations, and she understood why the gentleman from Louisiana and I had to oppose that amendment.

But she then offered this amendment in committee which would provide in essence for a 1-month bridge so that we would not have people lose their benefits in August, be out of benefits for a month, only to then have them resume if the budget agreement passes which restores these benefits. So she agreed to withhold offering that amendment in committee, so long as her right to offer this amendment was protected on the floor, as in fact now has occurred.

I simply want to say that this is the responsible way to approach this problem. It would be ludicrous for these people to be bounced off the rolls for one month and then go back on. I appreciate her commitment on the issue. That is why this matter is before us today.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute and 15 seconds.

Mr. Chairman, I just want to say that I agree with everything that the gentleman from Wisconsin has just said but would add that this amendment became necessary because of a shortfall created in the welfare reform program.

I want to say that I totally agree with, concur with and support the welfare reform activities that this Congress entered into in the 104th Congress. But when we reduced welfare, in effect we created savings in the entitlement side of the equation or the mandatory portion of the budget, and now we are making up for the differential out of the discretionary portion of the budget.

For the average person throughout America, they do not know the difference between mandatory spending and discretionary spending, and they do not care and they need not care. It does not matter to them. But for us who have to work with the numbers day in and day out, we know that we are making great gains in the discretionary portion of the budget pie, saving the American taxpayers money, and we are not making significant or we made less gains on the entitlement side.

Hopefully with this budget agreement we will make significantly more gains. But it just seems unfortunate that we have to make up for the shortfall on the discretionary side of the budget that was created on the entitlement side of the budget recognizing that what I just said is inside-the-Beltway jargon.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. WALSH], the very distinguished chairman of the Subcommittee on Legislative. He did an outstanding job previously on the Subcommittee on the District of Columbia.

Mr. WALSH. Mr. Chairman, I would like to thank the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], for the terrific job that he is doing under very difficult conditions.

Mr. Chairman, I rise to discuss the intent of the provision included in this bill by the Committee on Appropriations that would place a 14-million acre limitation on the number of acres that could be enrolled in the Conservation Reserve Program in 1997.

First of all, I want to make it clear that I am a strong supporter of the CRP program, and I support efforts to ensure a full 36-million acre enrollment. However, my purpose in placing this limitation language in the bill was to ensure that only the most environmentally sensitive land is enrolled in the CRP. USDA maintains that they plan on enrolling acreage that provides the greatest environmental benefit for the dollar spent. Our language merely was giving USDA breathing room to do the job right in accordance with the 1995 farm bill.

Currently, over 75 percent of the acres enrolled in the CRP is concentrated in nine States. Much of this acreage was enrolled back in the mid-1980's, when the CRP program was a price support program. Our bill language was meant to ensure that the USDA did not re-enroll some of these highly productive lands when world stocks of grain are exceedingly low. Idling productive acres is not what Congress intended when it passed the farm bill last year. Taxpayer money should not be used to re-enroll productive lands in the CRP program.

One of the problems with this new sign up is that this year's bidding occurred only 3 weeks after the new rules were finalized by USDA. This did not leave sufficient time for outreach to farmers who had not previously participated in the program. It is only reasonable to assume that most of the States need some time to disseminate information about the new program.

Even more troubling to us was the fact that USDA policies on rental rates discouraged enrollments in the East and the West coastal regions while USDA administrative policies also discouraged Western rangeland from participating in the program.

We also wanted to ensure that adequate CRP acreage was provided for the continuous enrollment of buffer strips which are perhaps the most effective way of controlling farm runoff.

A final point is that tight Federal dollars must buy maximum conservation benefits. Our appropriations bill language was fiscally responsible in that it saved, in fiscal year 1998, $31 million, and in 1999, $177 million. These moneys could have been available to spend on other critical agricultural programs that we will not otherwise be able to fund at sufficient levels in the upcoming bills.

I thank the chairman for yielding me the time on this important issue to express the intent of the CRP bill language. I look forward to continued work with the committee and with USDA to ensure that regional inequities in the administration's CRP program are addressed.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me simply say that I appreciate the gentleman's concern for his region. It is perfectly appropriate.

I would simply say that I think there are many in Congress who have a different view of the provision in the bill at this point with respect to the CRP. It seems to me that on an emergency supplemental, we should not be making this kind of change in basic law. It insures to the detriment of a good many farmers in the upper Midwest. I trust that at the time it will be properly stricken on a point of order.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, the gentleman is correct. We are concerned in the Northeast, the Southeast, the Southwest and the far West that all of the acres will be enrolled within this year in one section of the country. This was meant to be a national program.

Mr. OBEY. Mr. Chairman, I would say that this is a national program. it should be allowed to proceed the way the department and farmers expected it to. If other regions of the country are behind, I suspect over time that will be a self-correcting phenomenon.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Iowa [Mr. BOSWELL].

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in support of this emergency supplemental appropriations bill. As many of my colleagues have done, I, too, have been an appropriations person in another life. I realize there is a temptation for Members on supplementals to want to do other things. But I want to remind my colleagues that the intended target of this funding would be the people affected by the flooding which has devastated parts of North Dakota, South Dakota, Minnesota, and California.

We need to help our neighbors in their time of need, and it is the right thing to do. Nearly 4 years ago my State of Iowa suffered from the great flood of 1993, a 500-year flood. I remember the assistance the Federal Government provided us in our communities in our time of great need. There may be provisions in this massive funding bill that we may find objectionable; that will always be the case. But please do not derail this because of wanting to attach to a supplemental something that would actually delay the needed relief.

I ask my colleagues to join me in extending a neighborly helping hand to the affected States and provide them with the help they need to improve their situation. Anyone who has been through a devastational flood can attest it takes time, money, and a lot of sweat and hard work to get back to some semblance of normalcy. Let us provide one part of that equation by adopting this emergency funding bill. It only makes sense.

Hopefully, no amendments will be adopted that will cause a veto or delay this much needed assistance. We owe it to our neighbors. Let us pass this and get this help to them right away.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the great gentleman from the Great State of Washington [Mr. NETHERCUTT], a great member of the Committee on Appropriations.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Louisiana [Mr. LIVINGSTON], the great chairman of the Committee on Appropriations, for his great introduction.

Mr. Speaker, I am here pleased to support the work of the chairman of the Committee on Appropriations and working with the ranking minority member, the gentleman from Wisconsin [Mr. OBEY], to bring to the Congress, to the House, a wonderful effort to meet the needs of the flood victims of last year. It is absolutely critical that we pass this bill today, and I totally support it.

I also appreciate the comments of the gentleman from New York [Mr. WALSH], my colleague who was here a moment ago, speaking with regard to CRP. I want my colleagues to understand that, as a member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, we really resisted the amendment of the gentleman from New York [Mr. WALSH] to cap CRP, Conservation Reserve Program, acres at 14 million acres. We want it to be the 19 million acres that are intended to be enrolled in 1997.

This is supported by the chairman of the Committee on Agriculture. It is supported by people who care deeply about agriculture across this country, not the least of whom are in my own district, the Fifth District of the State of Washington. CRP is a great program. We should not fool with it in an appropriations bill, especially an emergency supplemental appropriations bill.

I happened to be pleased to join with the chairman of the Committee on Agriculture today in raising a point of order to have the cap lifted and the language that the gentleman from New York [Mr. WALSH] was able to insert in the subcommittee and full committee and have that language removed from the bill, because it is bad policy on an emergency supplemental. It is also bad policy for agriculture.

The Conservation Reserve Program helps habitat, it helps the environment, it helps agriculture, it does all of those things for the good of the Nation. The program has been fairly distributed. I am happy to work with the gentleman from New York [Mr. WALSH] and anybody else to get the Department of Agriculture to enroll acres that are properly to be enrolled, highly erodible acreage.

So I will offer this point of order with the gentleman from Oregon [Mr. SMITH] today, and I urge the support of my colleagues.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I rise to support the bill that is under consideration and the Thune amendment. The area of Minnesota which I represent is one of the hardest hit by this spring's flooding. The work, the spirit of the local officials, the residents, the volunteers, State and local officers, and others have prevailed in our area's recovery. This is a tribute to all of this hard work.

I also wish to signal my support for the Smith point of order that would strike the limitation on the Conservation Reserve Program. This is an important program for our country. It ought to be allowed to move ahead as the U.S. Department of Agriculture is implementing it.

I rise today to commend the community leaders, volunteers, and public servants of flood ravaged communities along the Minnesota River. The flooded communities in my district will begin to put their lives back together with the passage of the fiscal year 1997 emergency supplemental appropriations bill before the House today.

From treacherous November windstorms, to unprecedented January snowstorms, to the flood of the century, Minnesota weather has certainly tested our wills. Cleanup and recovery efforts from the floods have just begun. I have held numerous town meetings in flood-ravaged areas along the Minnesota River, and I have seen that, in the true Minnesota spirit, folks are moving on with their lives with their heads held high. The passage of this bill today is a long-awaited, important step toward recovery.

This disaster experience has summoned an unprecedented level of commitment from all levels of government starting at the local level. Mayor Jim Curtis and City Manager Jim Norman of my hometown of Montevideo, as well as Granite Falls' Mayor Dave Smiglewski and City Manager Bill Lavin; Dawson's Mayor Al Schacherer and City Manager David Bovee; Redwood Falls Mayor Sara Triplett and City Manager Jeff Weldon; New Ulm's Mayor Bert Schapekahm and City Manager Richard Salvati; St. Peter's Mayor Jerry Hawbacker and Daniel Jordet; Morton's Mayor David Mude and City Clerk Shirley Dove; Appleton's Mayor Hugo "Bob" Roggatz and Coordinator Robert Thompson; Ortonville's Mayor David Ellingson and Clerk Administrator John Jenkins; and Beardsley's Mayor Glenn Burgess; Boyd's Mayor Gary Steinke and Clerk Karen Schmitt; Clara City Mayor Todd Prekker; Maynard's Mayor Richard Groothuis; and Odessa's Mayor Donald Teske, along with numerous county commissioners and emergency management officials, are just a few of the many community leaders who showed remarkable courage and perseverance when their communities were under crisis.

The Federal Government worked together with these officials as well. When our region was devastated with drastic winter storms, Federal employees from the Federal Emergency Management Agency [FEMA] were on hand to assess the damage of our public roads, buildings, and utilities. Other employees worked efficiently to open roads after unprecedented winter snowfall. During the flooding of the Minnesota and Red Rivers, FEMA employees were immediately disseminating information and helping flood victims get back on their feet. I even heard from several of our local county officials that FEMA responded so quickly, local officials had to speed up their assessment of the damage so that the Federal employees could proceed with their response.

These are but a few examples of good government and cooperation we have witnessed throughout this disaster. City mayors to local emergency teams, to county and State representatives, to Federal officials have demonstrated that government can be effective.

I am pleased that the Speaker recognized the extent of the damage in our area and vowed his assistance. According to Minnesota Gov. Arne Carlson's office, the Speaker has promised Minnesota Federal reimbursement aid at 90 percent when that level is accorded to the States of North Dakota and South Dakota. This would allow the Federal Government to cover 90 percent of the costs while the State and local governments would be responsible for 10 percent. Minnesota's counties who were ravaged by the unprecedented floods should not be excluded from this reimbursement ratio that recognizes the severity of the damage, and I commend the Speaker for lending his support to Minnesota.

I would also like to voice my strong support for the inclusion of Community Development Block Grants [CDBG's] in the supplemental appropriations bill. After consultations with the FEMA and local officials in Minnesota, I agree that CDBG's will effectively serve flood victims and I urge my colleagues to support Representative THUNE's amendment that provides the inclusion of Community Development Block Grants [CDBG's]. This is the best way for the Federal Government to quickly and efficiently aid flood victims and restore our devastated communities to economic vitality.

Unfortunately, this bill came before the House with several extraneous provisions and its consideration was delayed because of several superfluous additions. I was disappointed that the bill was not brought to the floor as a clean, emergency appropriations bill. The extraneous provisions took the focus away from providing aid to the victims of the flood.

I am pleased, however, that the Speaker allowed my colleague, Representative RAY LAHOOD and I to bring forward an amendment to strike one of the extraneous provisions. The bill called for a cap on enrollment of the Conservation Reserve Program [C.R.P.]. The C.R.P. has enabled Minnesota to protect environmentally-sensitive land and has revitalized the wildlife habitat in our region. Our amendment would maintain C.R.P. enrollment at the current level and allow farmers and landowners to continue to take advantage of this popular, efficient, conservation program.

I urge my colleagues to recognize the urgency of our situation in Minnesota and allow the House to come to the aid of the flood victims in the Midwest immediately. The passage of this bill will enable local governments to continue to help the people in their flood-ravaged communities put their lives back together.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds. I am in a similar position as the gentleman from Louisiana [Mr. LIVINGSTON]. I had seven Members who desperately wanted to speak, none of whom are now here.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. PASTOR].

Mr. PASTOR. Mr. Chairman, first of all, I would like to congratulate the chairman and the ranking member for bringing this bill to the House so we can help and assist the flood victims and also provide more financial aid to the troops in Bosnia.

There are two issues that I would like the House Members support. One issue deals with WIC. As you know, it should be the objective of this House to fully fund WIC. In my former political life as a county board supervisor and being in charge of an indigent hospital, we would see that women who came in and were enrolled in the WIC Program delivered children that were healthy and probably the children would have a better life of quality, where women who were not enrolled in the WIC Program delivered a low-weight baby and we found the children would experience problems.

□ 1330

So it makes good sense to support WIC because it is humane and also it will save costs in the future.

The second issue that I would ask support for deals with the Diaz-Balart-Meek amendment, and this is to extend the social services that will be denied to legal immigrants.

What is happening today, Mr. Speaker, is that legal immigrants, people who have lived in this country for many years, have raised their children, have paid their taxes, and because of the new welfare reform legislation, will be denied social services.

Many legal immigrants today are receiving notices that they will no longer receive social services due to their status of not being citizens. That is causing a lot of problems, especially to the elderly; people who are in nursing homes, people who need the assistance of food stamps because they are not making enough on their pensions, and also young people will be affected.

So I would ask the Members to support the Meek amendment. All it does is extend the services until the end of the fiscal year so that the people will continue to receive services and, once we pass the budget, hopefully all those services will be restored to the legal immigrants.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

I would just take a minute to say that this is an important bill. The President initially requested about $2 billion for disaster relief for people devastated in California and various other States, and then the incredible flooding of the Dakotas and Minnesota occurred in the interim. All of these people, not only in those States I have mentioned, but all told in some 35 States, have suffered the ill effects of terrible weather and the tremendous adversity of nature.

Unfortunately, in recent years, the American taxpayer has become the insurer of last resort. So it seems that year after year we have to come up with these supplemental appropriations bills to deal with this devastation. We are happy to do that. We want to make sure that we try to repair some of the damage. There is no way on God's green Earth we will be able to repair all of the damage but, at the same time, we owe the taxpayer the responsibility to make sure that the money is spent wisely; that it is not wasted; that it is simply not just thrown at the problem.

In addition to the disaster relief, President Clinton, of course, has detailed troops to Bosnia and to Haiti and other places throughout the world and those expeditions have exceeded their budget and have exceeded the money previously appropriated to the Defense Department, and so we have to pay for those ventures. Unless we, at some point, pull our troops out of those places, that expense goes on from day to day. We cannot simply tell our troops to go out and do the job, but we will not pay for it.

So it is important, I think, that we pass this bill, that we pay for the troops, that we pay for the devastation, but that we offset it within the existing budget. We have done that in this bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's yielding.

I wanted to mention for the RECORD that there are a number of colleagues who will have colloquies with myself regarding some items on the emergency side of this bill. There are some complicated difficulties we are having on housing programs. I want my colleagues to know that we are very aware of those circumstances and plan to work with our colleagues.

In view of the fact that many were not able to be here at this moment, I would suggest that the gentleman has done fabulous work on this bill. I congratulate him for his efforts, and certainly those people facing disasters across the country owe him a good deal of gratitude.

Mr. LIVINGSTON. Well, Mr. Chairman, I thank the gentleman. I want to say this is a bipartisan bill. We have gotten this far in joint agreement because Members across this House of Representatives, working in tandem with the other body, have decided that these items must be paid for, and yet we have also joined forces to make sure that we find the budget authority within our previously appropriated items to offset the increased costs.

So right now there are no additional costs to the U.S. taxpayer for what is spent in this bill. I think that makes it a reasonable bill, a bill that meets the demands of the American people and a bill that should be passed with as few amendments as absolutely possible.

I do hope that we can get this bill passed without undue political wrangling, that we can put it on the President's desk and that we can get his signature within the next few days, certainly before we leave on the Memorial Day recess. In fact, I would encourage all of our Members on both sides of the aisle and the leadership to make sure they do everything possible to assure that this bill becomes law before the Memorial Day recess.

Mr. MCINTYRE. Mr. Chairman, I rise today to announce my support for H.R. 1469, the supplemental appropriations bill for fiscal year 1997. Included in this bill are several components, which, if enacted, would greatly assist the residents of southeastern North Carolina in their further recovery from last year's hurricane. The night of September 6, 1996, the district that I represent, North Carolina's Seventh, was battered by hurricane Fran. Less than 2 days later, my entire district was declared a disaster area by the President. Yet, we were ready to rebuild our lives and repair our environment.

That is why the $150,700,000 appropriated in this bill for the Emergency Watershed Program [EWP] is so important to the fine people who live, work, and vacation in North Carolina. This money will be available nationwide to all qualified applicants. The EWP provides for the restoration of creeks and rivers that were clogged by downed trees and other storm debris. I have had many constituents contact me by phone, letter, and in person about the need to clear our rivers now in order to prevent flooding later. The greater the potential for flooding, the more likely the Federal Government will be called upon to assist those whose homes, businesses, and crops are damaged or destroyed by flood waters.

The Seventh District faces another threat H.R. 1469 seeks to address: economic disaster. North Carolina's economy continues to suffer after Hurricanes Fran and Bertha. Fran damaged 891 nonagricultural businesses with $50 million in repairs still needed. Our agricultural and timber industries were nearly overwhelmed by $2 billion in damages. It makes good sense that one of the highest priorities of North Carolina's economic recovery plan is support for the Economic Development Administration's efforts to assist our communities.

Finally, I thank the entire North Carolina congressional delegation for working together to make sure that this bill addresses many of the unmet high-priority needs in my State. In the House, Congressmen, HEFNER, PRICE, and TAYLOR along with my other colleagues worked to ensure that North Carolina's unmet needs were addressed in this legislation. I also want to thank our State's Senators, who have been instrumental in coordinating our efforts to support these important components. I urge my colleagues to support H.R. 1469.

Mr. PAUL. Mr. Chairman, I rise in opposition to the automatic continuing resolution amendment to H.R. 1469, the so-called Supplemental Appropriations for Fiscal Year 1997.

Nestled within all the rhetoric and debate surrounding H.R. 1469, the Supplemental Appropriations for Fiscal Year 1997, is an amendment offered to fund national government operations throughout Fiscal Year 1998. Funding that is, at 100 percent of the current level of overspending. This amendment abdicates the responsibility of Congress to legislate and appropriate; that for which Congress was elected by citizens of this country. Rather than accepting the responsibility and corresponding accountability to constituents for voting in favor of or against particular appropriations, this amendment allows Congress, in the name of strategizing against the President and averting blame for a government shutdown, to approve in an autopilot-type approach, Federal spending through the end of fiscal year 1998.

This strategy sets a dangerous precedent of bypassing the constitutional checks on governmental powers by minimizing the separate roles of the executive and legislative branches. Rather than a Presidential veto on congressional appropriations—thus demanding a new consensus between the Congress and the Executive—the veto power of the President becomes merely the power to continue funding at a level already burgeoning with spending on constitutionally suspect programs. Once again, Congress grants to the executive branch, powers never intended by the Constitution.

The amendment also introduces a dangerous ratchet-up feature in Federal Government spending. For should this precedent be later followed and should Congress ever decide to make amends for its habit of spending beyond its means, the Presidential veto power then becomes a tool by which the President can ignore the will of Congress absent a two-thirds majority to override the veto. Recent history suggests that Congress is rather unlikely to decrease its spending and this certainly would be much more unlikely in the event a two-thirds majority is required.

For these reasons and others, I oppose abdication of congressional responsibility, putting the Federal Government appropriation process on autopilot, and, therefore, approval of the automatic continuing resolution amendment to H.R. 1469.

Ms. ESHOO. Mr. Chairman, included in the fiscal year 1997 supplemental appropriation bill which we are considering is language that makes available to the State of California, emergency relief funding for the repair or reconstruction of highway 1 at Devil's Slide in San Mateo County.

For decades the residents of San Mateo County have dealt with the ongoing problem of Devil's Slide. The current highway runs along the coast and is prone to damage from mudslides and vulnerable to long closures. An original proposal to construct a bypass road further inland ran into several problems, with opposition from local residents concerned about its impact. However, last year the people of San Mateo County voted overwhelmingly to endorse the building of a tunnel bypass.

The tunnel alternative has the strong support of local officials, business owners, the environmental community, and residents. After a long and difficult process, we are ready to move forward to solve this problem and provide reliable access to those who visit, live, and drive in San Mateo County.

I congratulate Representatives LANTOS and PELOSI for their hard, effective work that will allow us to finally move forward.

Mr. PORTMAN. Mr. Chairman, I rise today in strong support of the legislation that provides supplemental funding for emergency flood assistance. Much of the massive flooding from winter storms occurred in four counties in Ohio that I represent. I personally visited these areas many times and have seen the devastation firsthand. The damage is simply staggering.

Farmland in our area was affected severely by the floods. The legislation we are considering today provides needed funds to restore damaged agriculture. Especially important to my district are the Emergency Conservation Program, which provides cost-sharing assistance to farmers whose farmland was damaged as the result of flooding; the Conservation Reserve Program, which provides meaningful benefits for watershed-based approaches that achieve environmental benefits such as water quality, flood control, wetlands conservation and wildlife habitat; and the Natural Resources Conservation Program, for emergency watershed and flood prevention operations to repair damage to waterways and watersheds resulting from flooding.

Funding is also provided in this legislation for the Federal Emergency Management Agency [FEMA]; for repair of transportation systems; for hazard mitigation, infrastructure and to rebuild levees; and to rebuild other flood control works and highways that were damaged by floods.

I join with my colleagues today in support of this needed emergency disaster assistance legislation.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I rise today to express concern about one of the provisions contained in the bill we are considering today. It is a provision that most Members probably aren't even aware is in this bill. That is the redirecting of $11 million from the Strategic Petroleum Reserves operations account to help pay for these programs.

I am extremely troubled by the irresponsible way the administration and our appropriators continue to use our national energy emergency stockpile.

The Strategic Petroleum Reserve was created in the 1970's in response to the severe energy shortage that plagued this Nation, harming our productivity and our economy. Since 1975, the Federal Government has spent over $200 billion building and filling a national oil reserve so Americans would never again be held hostage by foreign governments because of our reliance on imported petroleum.

In the 104th Congress, the first of three budget raids were made on the Strategic Petroleum Reserve, the first initiated by the Clinton administration and the second and third by Congress. When the first ever oil sale for non-emergency purposes was made we were told it would be a one-time sale that was only occurring because the Reserve itself needed repairs. Unfortunately, two more sales were made for other, we were assured, equally worthwhile purposes. My Commerce Committee colleagues and I objected to each one of these sales.

The United States is now more than 50 percent dependent on foreign oil to meet its daily energy needs. The Strategic Petroleum Reserve is our first line of defense in an energy emergency. During the Persian Gulf crisis, President Bush announced oil from the Reserve would be sold, immediately calming oil markets and protecting Americans from shortages and the economic effects of oil price spikes.

Unfortunately, if we continue to sell oil from the reserve and use the proceeds from those sales as we are today, the next time there is an energy crisis, there will be no Reserve to protect us. And all Americans, including those who will benefit from this bill today will look to Congress to ask what happened to the $200 billion Reserve they paid for to protect them from an energy emergency.

I feel it is important to note this obscure provision in the bill we are considering today, because I know in a few short months the Interior Appropriations Committee will begin to work on a bill to pay for operating and maintaining the Reserve another year. And I know that the Strategic Petroleum Reserve will again be lower on their list of priorities than it should be. I hope that no more oil sales are proposed, but if they are I plan on again opposing such a sale. There is not enough oil in the Reserve to pay for every worthwhile program that comes along and if we don't stop these oil sales soon, there won't be enough oil in the Reserve to protect Americans from another energy crisis.

Mr. MCDADE. Mr. Chairman, I rise in strong support of H.R. 1469, the emergency supplemental appropriations bill for fiscal year 1997. This legislation is necessary to deliver much needed relief to victims of natural disasters and to ensure our military preparedness through the replenishment of critical defense accounts.

Mr. Chairman, I am proud of the contribution made to this bill by the Subcommittee on Energy and Water Development. The Energy and Water Development chapter is narrowly targeted to address the urgent needs created by devastating flooding nationwide. Earlier in the year, California and the Pacific Northwest were ravaged by the fury of uncontrollable flood waters. Then nature trained her sights on the Ohio River Valley and the States of America's South. And the devastation has continued in the Great Plains, particularly North Dakota, where dramatic images of abandoned cities have reminded us all of the tremendous power of natural forces.

Mr. Chairman, the Energy and Water Development chapter includes $585 million for the Corps of Engineers and $7.4 million for the Bureau of Reclamation to begin the arduous process of rebuilding flood control works for the protection of communities nationwide. Funds are provided to repair Federal projects, rebuild levees and perform emergency dredging across the country. Time and again, Americans have demonstrated their great resilience in the aftermath of natural disasters. This assistance will help them rise to their feet once more.

To partially offset these emergency supplemental appropriations, the bill includes a rescission of $22.5 million from the energy supply research and development account of the Department of Energy. This rescission, amounting to less than 1 percent of the $2.7 billion account, represents unanticipated carryover balances brought forward into fiscal year 1997.

Mr. Chairman, as one who has witnessed firsthand the devastating effects of rising floodwaters, I appreciate the importance of delivering Federal assistance on a timely basis to communities in need. Accordingly, the Subcommittee on Energy and Water has kept this chapter largely free of riders unrelated to emergency flooding. I hope that the House will follow the example of the subcommittee and pass this bill quickly and without the added weight of extraneous material. We must make every effort to accelerate the delivery of this critical assistance.

One of the great strengths of this sprawling and diverse Nation is its capacity to unify in times of disaster. This legislation provides relief to those who find themselves in dire need due to circumstances beyond their control. Accordingly, I urge all of my colleagues to support this vital measure.

Mr. MURTHA. Mr. Chairman, the House was wise to prohibit yesterday's recommendation of the Rules Committee which was to consider the Gilman amendment setting a date—certain for withdrawing United States ground troops from Bosnia. I sympathize with those who demand closer and more comprehensive consultation with Congress before major commitments of U.S. military power are made. We are elected by the people to represent their interests. We control the purse strings. We have a constitutional role in participating in such important decisions.

The issue of prior congressional consultation and approval of military action has been of long-standing controversy between Congress and the President. Democratic Congresses have had issues with Republican Presidents, Democratic Congresses have had disagreements with Democratic Presidents, and now the Republican Congress is demanding prior approval of military activity from a Democratic President.

This issue needs a careful and thorough airing. It ought to be done in the proper forum with considerable thought. I would urge the authorizing committees to proceed with such a process.

But having said that, we must also recognize that we are talking about affecting an ongoing, major operation on the ground in which over 8,500 U.S. troops and hundreds of other personnel are doing an important job in a very dangerous place.

This is not just an academic, inside-the-beltway exercise about the role of Congress versus the President. The Bosnia operation is a major commitment of United States prestige, power, money, and most importantly, people.

It involves commitments to our most important international alliance—NATO.

It involves the most serious outbreak of violence in the European theater since World War II.

It threatens to ignite a regional conflict possibly involving Greece and Turkey.

It has attracted dangerous elements from Iran and other places seeking to exploit terrorism.

Bosnia seems like a far off place to most Americans. But as history shows, the Balkans have been a flash point of major global events for centuries. One should not forget that the border of Bosnia is only 105 miles from the border of Austria, 175 miles from the border of Greece, and 102 miles from the shores of Italy. History teaches us that sticking our head in the sand and letting a conflagration go unabated this close to the heart of Europe is playing with fire.

And make no mistake about it, the reason that the fragile peace in Bosnia has been achieved is due to one reason and one reason only—the leadership of the United States of America.

The U.S. military in particular has implemented its peace enforcement mission with skill and courage. They came into a situation and controlled a situation that many thought hopeless.

They have shown strength.

They have shown compassion.

They have shown competence and integrity.

They have earned respect from all parties.

And once again they have demonstrated clearly why they are the best in the world.

I have been to Bosnia six different times in the last 6 years. The change in this country over this period has been simply remarkable. I have seen the country at the beginning of the war, during the period that UNPROFOR tried to control it, during the period that the U.S.-led IFOR force was deployed, and now we have the SFOR force. Americans broke the 4-year long cycle of violence in this country and established a fragile peace when others had given up.

Bosnia has become an important symbol of American leadership and support for peace around the world. What we do or don't do here will have worldwide implications.

So we can't consider this amendment in the abstract. We must consider the broader implications.

SAFETY OF THE TROOPS

Foremost in our minds must be how legislating a specific withdrawal date will affect our troops on the ground in completing their mission. And that is where I have a major problem with the gentlemen's amendment.

I have had hours of conversations with our senior commanders in the field. And the one thing they have told me in no uncertain terms is, "give us the flexibility to do the job you want us to do."

They are experts on the law of unintended consequence, and I can tell you, they think that legislating a date certain for withdrawal is a big mistake that might actually affect the safety of our personnel. They say, set a goal for withdrawal, but give us the flexibility and the discretion to manage it according to our best professional judgment. That is what we should do.

Let me give you one example of how things might go wrong under the requirements of this amendment. One of the best means our troop have of keeping the peace and deterring attacks from rogue elements is the promise that retaliation against any attackers will be swift, sudden, overwhelming, and deadly. We have the biggest stick and the meanest dog on the block. Let's say some extremist group hasn't read every caveat of this amendment. Instead they miscalculate and think that since Congress has mandated that all troops be gone from Bosnia by a certain date, they could attack our personnel near this date with little chance of retaliation. Now I am sure that we would swiftly retaliate, but little good for the people who suffer the initial attack. Congress should do nothing that might encourage these kinds of actions.

There are scores of other scenarios that might develop ranging from bad weather to terrorist threats to unknown political events that might necessitate deviations to the basic operation. I believe our military leaders deserve the flexibility to deal with them.

That is what General Shalikashvili and Secretary Cohen are saying as well. Here is what they say about legislating a withdrawal date in a May 13 letter to the House leadership:

> A fixed withdrawal date will constrict U.S. commanders' flexibility, encourage our opponents and undermine the important psychological advantage U.S. troops enjoy. Our forces must be able to proceed with a minimum of risk to U.S. personnel: legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety.

You can't say it any more clearly than that. I think we should heed the professional advice of our military leaders.

SOMALIA

Proponents of this amendment say that we should accept this amendment because it is patterned after the Somalia amendment we passed some years ago. Somalia was a completely different situation. President Bush went into Somalia without a blue print. Our forces had a murky and undefined mission in Somalia. There was no goal for withdrawal. There was mission creep. There was an ill-defined chain of command. In the case of Somalia, as more or less a last resort, Congress set the withdrawal date for the Administration, and it was justified.

The Bosnia situation is wholly different. There is a blue print in the form of the Dayton agreement. The President has a plan and a timetable that we know about. Our forces know their mission and they have been successful in carrying that mission out. If in June 1998 we see that things have changed, we may want to consider legislating a withdrawal if it is necessary. But there is simply no overriding need to do it now when we might have the unintended consequence of jeopardizing the safety of our own personnel.

SERBIA AND CROATIA

There are many other ramifications of this amendment as well. We have potentially volatile situations in Serbia and Croatia. Leadership in both countries is aging and there are serious signs of unrest in Serbia. The symbol of abandonment that this amendment sends could bolster the extreme elements inside those countries who are more interested in continued ethnic fighting than in building their countries.

Mr. Chairman, America's effort to bring peace and stability to Bosnia and the Balkans has come at a high cost. But we must recognize the responsibility our country has around the world and we must recognize how much other people around the world have come to depend on us. This amendment sends the wrong signal. It is a signal of abandonment, rather than engagement to attain a lasting peace.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong support of the Kaptur amendment to H.R. 1469, the supplemental appropriations bill for fiscal year 1997, to add $76 million for the special supplemental food program for women, infants and children [WIC]. Failure to approve this amendment would force States to cut the number of those receiving WIC by 180,000 women, infants, and children.

The $76 million supplemental request submitted by President Clinton and his administration was cut in half by the Appropriations Committee to $38 million. This drastic cut would have pushed 180,000 women, infants, and children out of the WIC program.

My State of Hawaii would suffer greatly if these funds are not restored. It would mean that 9,300 individuals, one-third of the caseload, would be refused food at a time when good nutrition is critical for healthy babies.

WIC provides essential food and nutrition to our low-income prenatal, postpartum, and nursing women, infants, and children. Poor nutrition causes low-birthweight babies and neural and other physical underdevelopment, which seriously impairs the child's later growth. At the critical, early stages in a child's life, WIC provides nutrition that assures healthy physical and mental development.

The WIC program, in its support of nutrition risk assessments, special vouchers and food packages, has been shown to work. Its successes have been lauded by medical professionals, social workers, State and local governments, and millions of mothers whom WIC has helped.

WIC represents one of the best early investments toward a good future for America's poor children. I strongly urge my colleagues to support this important and necessary amendment to restore full funding to WIC.

Mr. SABO. Mr. Chairman, this supplemental appropriations bill is very important to the thousands of people in Minnesota and the Dakotas who have had their lives turned upside down by an unprecedented flood this spring.

As the only member of the Appropriations Committee from these three States, I have a very strong interest in moving this legislation quickly. I am pleased that the Appropriations Committee responded to the region's needs by adding an extra $200 million to earlier requests for funding. But that action was taken before we knew the full cost of this disaster.

I had the opportunity to tour the flood-ravaged areas recently with Majority Leader ARMEY, Congressman POMEROY of North Dakota, and several other Members, and we were all astounded by the devastation. Since that time we have heard that preliminary damage estimates for Minnesota alone are likely to exceed $1 billion.

The Senate has responded by providing $500 million in CDBG funds in its flood relief bill. Today, I urge my House colleagues to support an amendment that will provide the same level in the House bill.

The flood assistance in this bill will help families, individuals, businesses, and local governments that have suffered losses, and will also pay for flood prevention and control efforts. The aid—combined with the persistence, creativity, and heroic spirit we have already seen from area citizens—will go a long way toward getting the region back on its feet.

Additionally, we have the chance today to remedy the problems we created for legal immigrants in last year's welfare bill. Congresswoman CARRIE MEEK is offering an amendment to delay these problems until a more permanent solution can be effected. I urge my colleagues to do what's right and support our efforts to restore fairness for legal immigrants.

As you know, Mr. Chairman, the new welfare law, will deny legal immigrants supplemental security income [SSI], food stamps, and Medicaid benefits starting in August of this year. Many of the people affected by the new law are elderly people who have lived in this country, worked hard, and paid taxes for many years. many of these people came here to escape political or religious persecution.

The new law is unduly harsh on these people, and the States, localities, and private charities have not had nearly enough time to find ways to soften the blow. In my State of Minnesota alone, the new law will deny food stamps to 16,000 legal immigrants, supplemental security income to 5,400 elderly and disabled legal immigrants, and Medicaid coverage to 470 immigrants. Nationally, millions more will be hurt by these changes.

I urge my colleagues to support the flood relief efforts in this bill which are so important to my State and region. I also urge that we begin to restore fairness to legal immigrants that was unwisely taken away in last year's welfare legislation.

Mr. LIVINGSTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, an amendment striking lines 8 through 17 on page 24 is adopted. Before consideration of any other amendment, it shall be in order to consider the amendments printed in House Report 105–97. Each amendment printed in the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question.

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 1 printed in the House Report 105–97.

Mr. OBEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. A quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1350

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–97.

AMENDMENT NO. 1 OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair would inquire if the gentleman from Wisconsin is the designee of the gentlewoman from Ohio [Ms. KAPTUR].

Mr. OBEY. That is correct, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBEY:

Page 5, line 15, after the dollar amount, insert the following: "(increased by $38,000,000)".

Page 35, after line 25, insert the following:

INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Pub. L. 103–327), $38,000,000 is rescinded.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Wisconsin [Mr. OBEY] and a Member opposed, the gentleman from New Mexico [Mr. SKEEN], each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, let me simply say I am offering this amendment on behalf of the gentlewoman from Ohio [Ms. KAPTUR] and I very much appreciate the cooperation that we have had from a number of people on both sides of the aisle on the amendment.

Basically the situation is this: The administration indicated that based on numbers it was receiving from the various States around the country, that there would be a shortfall of approximately $100 million in the WIC program, which would necessitate knocking a large number of women and children off the rolls. When they were asked to rescrub those numbers, they came back with a hard estimate that they would need about $76 million. The committee chose to refuse to fully fund the administration request. The instead provided $38 million.

Since that time, a number of us have been trying to get that number up to the number estimated by the States as being necessary in order to prevent people from being knocked off the rolls. That means that we are asking today to provide an additional $38 million above the amount provided by the committee. Very simply, without this action, unless the administration goes through elaborate actions that would in fact shortchange other important programs to rural America, the fact is that some 180,000 women and children would be knocked off the payroll.

When we offered this amendment, we were at first told that our numbers were disingenuous and that we knew it. The fact is these are not our numbers. These are the numbers which to the best of our knowledge are accurate based upon estimates that we received from the various States around the country. I would point out that most of the States who would suffer the shortfalls if this funding is not provided are States being run by Republican Governors. They have not handled this in a partisan fashion. I do not think we should, either.

It seems to me that the question is very simple. If Members want to make the early investments that are necessary to protect the health of pregnant mothers and their young children, they will support this amendment. If they do not, they will oppose it. I would urge support for the amendment.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. I thank the distinguished chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for yielding me this time.

Mr. Chairman, I appreciate the remarks of the ranking minority member of the Committee on Appropriations as it relates to wanting to help children. Republicans want that as deeply as Democrats do. There should be no dispute about that.

However, I think we also, Democrat and Republican, should expect efficiency. We should demand efficiency. As I hear the ranking minority member of the Committee on Appropriations talk about numbers, numbers changing, the best estimate of our numbers, the best knowledge of numbers of people needing WIC is uncertain, Mr. Chairman. That is what troubles me about this desire of the sponsors of this amendment to add more money to more money that has already been added, to more money that is carried over, $100 million carried over in a $3.7 billion annual program, in addition to the $50 million that is available through the Secretary of Agriculture in the fund for rural America.

My point is this: We owe our constituents, all of us, efficiency. I would expect, and I would expect there to be a commitment on the part of both the Democrat leaders and Republican leaders, if we do not know the numbers, if we are speculating, and I believe we are, we ought to have a study that can be done in 2 or 3 months, signed, sealed and delivered. Let us find out what the numbers are. But let us not gamble with the taxpayers' money at this time when we are adding an additional $38 million.

□ 1400

Should we not feel that that is adequate? And the gentlewoman from Ohio [Ms. KAPTUR], one of the sponsors of this amendment, has testified in our Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that she has some concerns about the adequacy and accuracy of the program and the numbers. One final point, and no, I do not have time, I say to the gentlewoman from Ohio [Ms. KAPTUR].

Mr. Chairman, one final point. In 1995 and 1996, the Inspector General, with the Department of Agriculture, did an audit of the Food and Consumer Services Agency that administers these food programs in the Government. It found that $13 billion, one-third out of $39 billion appropriated, could not be located. That is the inefficiency that exists, and I urge opposition to this amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Wisconsin for yielding this time to me, and I would say to my colleague on the committee that, yes, we do have questions about this program, the most important question being will we maintain the people on the program who are already on it in this fiscal year? And the Department of Agriculture has given us excellent numbers; they have surveyed every Governor. States like California, without these funds, will be cutting thousands of recipients. California alone needs over $26 million just to complete this fiscal year.

So we know what the challenge is. In the amendment, the $38 million that is provided out of this major, major emergency appropriations bill will merely keep current beneficiaries on the program, pregnant women, low-birth weight babies and young children. That is the purpose of this. Without the amendment States will have to cut over 180,000 current beneficiaries from the program.

So it is somewhat disingenuous to say that we do not believe the numbers, because in fact the U.S. Department of Agriculture in April, this April, surveyed the various States.

I only have a minute and a half so I cannot yield to the gentleman, but I wanted to clarify what the prior speaker had said. I want to urge my colleagues to pass the Kaptur-Riggs-Roukema-Roemer-Quinn amendment, and I want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA] very much for her leadership on this, not just this year but in prior years. I think her commitment is clear. We know that this prevents sick children from being admitted to hospital rooms across this country.

Mr. SKEEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, I have always supported our numerous feeding programs. In fact, there are 26 different feeding programs funded by the Federal Government. I sincerely believe there is no need for anyone in the United States to go hungry.

I can tell my colleagues that our committee has funded the WIC Program as our No. 1 priority. All other programs in our bill have suffered because of our emphasis on WIC. The Nation's research needs, low-income housing for the poor, conservation programs that protect our lands for future generations, have all had to take reductions because of our interest in assuring healthy children.

In spite of that we must maintain a balance of all these programs. Instead, the ugliness of grandstanding and demagoguery have crept into the WIC Program this year. This has never happened before and my committee has held hearings on WIC and deeply analyzed the President's WIC request. We find no basis for an increase except malfeasance.

I personally believe that the States have more than enough money to carry the existing caseload for the rest of the year, but in a very concerted political move to show who loves children more, we have State WIC directors telling misleading stories of how people will be released from the WIC rolls. I am disappointed WIC is being used this way.

If there is a shortfall and people are let off the rolls, then either the USDA personnel or State WIC directors should be investigated for malfeasance. The appropriations bill for WIC was passed last August containing $3.7 billion which is $1.8 billion more than 1989. The Department and the States had more than ample time to figure out how to manage their funds for the year. If my colleagues currently believes USDA, which I do not, States will run out of money or put people off the WIC Program before the end of the year. Why? Only because of malfeasance or incompetence on the part of the managers of the program.

WIC is now a $3.7 billion program. Almost $1 billion more than 25 percent goes for management and overhead. This not about protecting children; this is about protecting a large and rapidly growing bureaucracy.

Every month I get a check and I must manage it for the month. If I do not, I bounce checks and am held accountable. WIC should operate in the same manner, and someone should be held accountable, and if the States are unable to manage their funds with as much advanced notice as they had, then we in Congress should hold them accountable. In the real world, banks are not held responsible for their clients' incompetence.

Simply put, if every private citizen in America must live within their budgets, then this program should also. We cannot allow incompetence to be rewarded with a raise, and so my colleagues have a choice. Vote for the committee's fact-based recommendation or vote out of fear for an increase.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman I, am certainly happy to be here with the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from California [Mr. RIGGS] because they have provided wonderful leadership in helping us to get this issue resolved.

Mr. Chairman, I wish we did not have to be here today. This should not be a partisan issue. This is about funding poor children who need food in their mouths, and I must say to my colleague from New Mexico this is about taking food out of the mouths of little babies and 183,000 of those children who genuinely qualify.

Mr. Chairman, it is not about profligate government spending. The WIC Program is a program that works and in the longer term actually saves money. For every dollar we use in this program, there are untold returns not only in Medicaid savings but in the productive lives and healthy lives of children, and that cannot possibly be measured in dollars and cents.

Mr. Chairman, I do not know who was saying that we are pulling for efficiency here. I am saying I do not know what they mean by efficiency, but I use the old adage "Let's not be penny-wise and pound-foolish." Every current research, up-to-date research, demonstrates the returns to society on the health of children when those investments are made in the early years of life such as the WIC Program gets.

So I must also remind my colleagues, and I am as fiscally conservative, if not more so, than many of my colleagues, before it became popular, before it became popular, and I must say it is budget neutral and we should support it.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I rise in opposition to this amendment. I know personally how important the WIC Program is to our community and our State. I was part of the Southern Initiative for Healthy Women and Children throughout a number of years, and we used the WIC Program as a basis of helping to raise the level of nutrition and health services for those most at risk, women and children.

But this argument today is not about healthy mothers and children. It is about demagoguery and elections. We have today $100 million that we expect to be carried over in the WIC Program. Those are tax dollars that will be unspent and carried over.

When the President asked for the $78 million increase in WIC funding, it is not because anybody expects the WIC funds to run out. We agreed to a compromise of half of that money in this supplemental appropriations bill. Furthermore, we agreed to put language in the bill that would allow $47 million that is currently in the fund for rural America to be transferred over in the unlikely event that the funds in the WIC Program should begin to run short.

All estimations are there are more than enough funds, more than enough funds; in fact, $100 million, more than enough funds to fund the WIC Program.

Every week when I go home, Mr. Chairman, I am confronted by the tremendous needs of the people in my community, the women who are trying to move from welfare to work, who need more day care, who need more transportation moneys, and I am confronted by the limitations on the amount of money we have.

Please do not let us fund a program that already has excessive funds, that has a backup, and turn our backs on the real needs and the questions that are put to us every week. Not one person has asked me for more WIC funds, but thousands of people have asked me to find the money for the programs that are truly needed every day.

This is not free money. This money comes from taxpayers across this country who wrote a check and on April 15 got in their cars and drove to the post office and paid money out of their hard-earned income to fund our necessary programs. Please do not put this money in a program where it is unneeded, where there are excessive funds now, where there is a reserve to draw on, and fail to address and leave ourselves the opportunity to fund the programs that are really most needed today.

Mr. OBEY. Mr. Chairman I yield myself 10 seconds.

Mr. Chairman, there is a very big difference between carryover funds and surplus funds. There are no surplus funds in the WIC Program.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Ohio [Ms. KAPTUR] to explain why.

Ms. KAPTUR. Mr. Chairman, the WIC Program is structured in such a way to allow approximately 2 percent of total funding to be carried over from one fiscal year to the next fiscal year because in the act, in the statute, WIC cannot create any deficits. So those dollars are dollars that pay for current beneficiaries.

I am sure that the gentlewoman that just spoke is unfamiliar with the program, being a new Member, but there is absolutely no way that WIC can overspend its dollars, and in addition to that, the fund for rural America is already over subscribed. We are going to have to cut water projects, sewer projects all over this country, housing projects. To throw the WIC's dollars in there makes absolutely no sense because there is not enough money to begin with.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, as my colleagues know, it is too bad that everything has to be reduced to rhetoric and emotionalism here. The respected ranking member herself has asked a lot of questions about the WIC numbers. We all have questions about it. It was just said, a 2-percent carryover is what is needed. That is $75 million. We already have $100 million in there. We do not need the additional. However, we asked USDA on April 17, last month, less than a month ago, what would happen if they put another $36 million in there. The participation would be approximately 7.4 million children or people.

Now the question is how will that number change if we put another $36 million in there, run up to $76 million, and again the USDA, which my colleagues keep quoting, and I respectfully disagree with the numbers; I have got them right here from the USDA. They say the participation level will not increase from 7.4.

So we are not talking taking children off.

Mr. OBEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the gentleman refuses to be unconfused by the facts. The fact is if we are wrong, all that happens is we can appropriate less money next year. If you are wrong, 150,000 kids are going to get hurt.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to salute the gentlewoman from Ohio [Ms. KAPTUR] and the gentlewoman from New Jersey [Mrs. ROUKEMA] and all the Democrats and Republicans that have voted and supported this program in the past and urge them to support it in the future. This is a bipartisan program that if my colleagues are for families first and balancing the budget this returns $3.54 for every dollar we invest.

Now I am getting tired of hearing the arguments that we have $100 million sitting around that is going to be wasted or going to be thrown around in this program that is some kind of supplemental or reserve fund. It is coming from people that I respect on the other side, but they either do not support WIC or they do not understand it.

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People getting vouchers take the voucher from the urban center where they get the food to a grocery store. The grocery store takes the voucher to a bank, the bank takes it eventually to the State for repayment. Vouchers that are then taken into the State in August and September before the fiscal year October 1, are not going through the system, so money has to carry over. It is one of the sound management principles that WIC has to run on. There must be carryover funds. That is one of the ways that the voucher system works.

So food prices are going up, milk prices are going up, we froze disability payments for children in this country for a number of months; that money is for these children and these women. This helps from throwing 180,000 people off this program. I encourage my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Chairman, I think I have about got this thing figured out, but I have not gone over it yet with the sharp eye of opposition, but this is the way I see it.

We have had, since the start of the great society, this compassion in our country that we must take care of women, infants and children, and people with disabilities and unfortunates, and we started on the right track, but somewhere in this deal we have gotten into this one word called "more." Every year we want more and we want more.

Elected officials have been caught in this, we might say this spirals upwards because they want to be reelected. The liberals have been in the majority, so they go from one year to the next and say, if we do not bring more into this program, then we are going to fail. If we fail, we are going to have criticism and criticism might mean that we will not get reelected.

Now, I think down in the heart of hearts of the liberals on the other side of the aisle is this relief that we are finally going to stop what has been so white hot and so excessive over all of these years and we are finally going to stop it. But the unfair part of it is that as we are standing up here and saying we are not against women and infants and children. We are for them. We do not want anybody to go not being fed or taken care of.

The liberals are taking the advantage politically and saying, yes, those people do not care, and what they will do is they will drag the perfectly justifiable cases to center stage, draw the spotlight to it and they will say, these are the folks, the conservatives are, in fact, against as they are trying to slow down the growth of the WIC Program.

I think that is the reason I am for this for more reasons than have been stated before, but I know this.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. DICKEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, the gentleman obviously knows, being a member of the subcommittee, that the money for this is coming from an offset in another account, and in fact, there is no committee that has taken more cuts than the Committee on Agriculture. The gentleman from the State of Arkansas knows that. So the gentleman obviously knows that this is not new money. This is money that is being shifted from other programs, because we all have a commitment to reduce the deficit.

Mr. DICKEY. Mr. Chairman, I thank the gentlewoman, but the gentlewoman knows what is going to happen, and this is what is happening in these programs. Everybody takes what the figures are for this year. They know they have to spend them whether they are there or not. We spend to that point and then it becomes the floor for the next year.

What I am worried about is if we are going to save these programs, if we are going to help these people, we are going to have to start cutting because the balanced budget is in fact a necessity security for people like this. We cannot keep spending and spending and spending on the basis that we are compassionate and we are the only people who are right, because if we do, we are not going to have a program.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], the ranking member of the House Committee on Appropriations for yielding to me.

I feel like I am in a little bit of a quandary in this debate. I feel like I ought to lift this podium up and move it over here to the center aisle, although I am mindful of the admonition that the only thing one gets by being the middle of the road in Washington is run over.

Mr. Chairman, let me, first of all, point out that this bipartisan amendment, with the gentlewoman from Ohio [Ms. KAPTUR] in the lead is, as the gentlewoman from Ohio pointed out, fully paid for. It is offset with $38 million out of the $365 million in unobligated funding from the NASA national aeronautics facilities account.

Second, let me tell my colleagues that I accept on good faith the administration's claim that we need at least $76 million more in this program to maintain the current caseload, ensure full participation for this year, and that is as a result of the caseload being higher than what is projected at the beginning of this current fiscal year and, as I think the gentleman from Indiana [Mr. ROEMER] alluded to, the increase in food prices, primarily dairy prices.

Last, let me assure my colleagues on both sides of the aisle, as the chairman of the authorizing subcommittee that has jurisdiction of the WIC Program, we are going to look at all of these management and fiscal year issues later this year, probably in the fall, when we take up the reauthorization of the WIC Program. We will be looking at ways to achieve greater efficiency and more accountability in the WIC Program, but the time and the place to debate those structural changes to the WIC Program, which, again, are going to require bipartisan support in the Congress and support from the WIC community across the country is in the fall when we do the reauthorization bill, not in the context of this supplemental appropriations bill.

Mr. SKEEN. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, on April 24, the Republicans voted to reject the administration request for WIC funding, a program that feeds poor women, infants and children.

When Democrats protested, the Republicans proudly defended themselves.

One after another they marched to the well and said, we are not really cutting WIC, we are not really throwing poor babies off the program.

Nobody was fooled. The phone started ringing and the mail started pouring in. The American people were outraged. Now, some brave Republicans are jumping off that sinking ship.

I would like to commend those Members across the aisle for understanding that the Republican leadership was terribly wrong. I would also like to make it very clear that it took a steady drumbeat of opposition by my Democratic colleagues to help the Republicans to see the light.

The Kaptur amendment will restore full funding for WIC and keep 180,000 women, infants and children from being denied proper nutrition.

Mr. Chairman, the American people are much smarter than the Republican leadership thinks. Support the Kaptur amendment.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today in support of this amendment to restore funding for the women, infants and children's program, WIC. I had originally introduced my own amendment, but I am going to withdraw it to support the Kaptur, et. al. amendment.

In my State of California alone, 1.2 million low-income and nutritionally at-risk pregnant women, infant and children benefit from WIC. To suddenly strip 180,000 of these women, infants, and children from this essential program is cruel and without reason.

I am proud that California operates the largest WIC Program in the country, as it is one of the most successful programs ever established by Congress, and I am proud to support this amendment.

Mr. Chairman, I rise today to support this amendment to restore funding for the women, infants and children program [WIC]. I had originally introduced my own amendment to restore full funding for WIC, however, I will withdraw my amendment to support the Kaptur-Riggs-Roukema-Roemer-Quinn amendment.

In my State of California alone, 1,225,800 low-income and nutritional-at-risk pregnant women, infants, and children benefit from WIC. To suddenly strip 180,000 of these women, infants, and children from this essential program is cruel and without reason.

Programs that are not only cost-effective, but produce such impressive results are precisely the programs we need to keep, not cut. The Government saves $3.50 for each $1 spent on WIC for pregnant women in expenditures for Medicaid, SSI for disabled children, and other programs. More importantly, research has demonstrated how effectively WIC reduces low-birthweight babies, infant mortality, and child anemia.

I am proud that California operates the largest WIC Program in the country as it is one of the most successful programs ever established by Congress. And I am proud to support the full restoration of funding for WIC.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of the Kaptur amendment.

Mr. Chairman, I rise today to express my strong support for the women, infants and children nutrition program. WIC is one of the most successful and important Federal programs ever undertaken, and is it crucial that it receive the funding necessary to continue serving eligible mothers and children. Last year, the WIC program served 7.4 million pregnant women, nursing mothers, infants, and children under age 5. These beneficiaries must demonstrate their eligibility based both on financial need and nutritional risk, and participants are screened every 6 months to ensure their continuing need for enrollment in the program.

Quite simply, WIC saves lives. The program has been invaluable in helping to reduce infant mortality and improve health by decreasing anemia, low birthweight, and prematurity. It has also been linked to better cognitive development among children. WIC is not an entitlement. It has also been linked to better cognitive development among children. WIC is not an entitlement. It is an investment in our future, and one which has continued to prove itself for more than a decade.

Sadly, as many as 180,000 current WIC participants will be forced out of the program if it does not receive full funding for fiscal year 1997. After so many assistance programs were cut last year, WIC is the last remaining source of assistance for some some of our most vulnerable citizens. It would be a tragedy to limit this strikingly effective program, leaving thousands of women and children with no assistance at all. I sincerely hope that I can count on my colleagues' continuing support of WIC, and I urge that it receive funding in the full amount of the administration's request.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding me this time.

Let me simply say in my community there are 109,596 women, infants, and children in the 18th Congressional District on the WIC Program. Over 683,000 WIC recipients reside in Harris County and will have a $1,255-million shortfall if this amendment is not passed.

I appreciate the bipartisan effort of the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentlewoman from Ohio [Ms. KAPTUR]. I withdrew my amendment on restoring WIC funds because of the leadership of the gentlewoman from Ohio [Ms. KAPTUR], and I appreciate her efforts.

Let us realize that we had a $300-billion deficit and we are now down to $100 billion. Who better to spend the money on than women, infants, and children who only have the good sense of this Congress to rely. I support this amendment and the restoration of the $38 million for this very vital nutrition program that helps feed needy families.

Mr. Chairman, I rise in support of this amendment to H.R. 1469, the emergency supplemental appropriations bill on behalf of the 1.6 million women, 1.8 million infants and 3.7 million children who participate in our Nation's Supplemental Nutrition Program for Women, Infants, and Children [WIC] as authorized by section 17 of the Child Nutrition Act of 1966.

This amendment would address the projected shortfall in funds by the close of fiscal year 1997.

In the 18th Congressional District a total of 109,596 women, infants and children receive WIC services each month. This means that in Harris County, TX 12,917 pregnant women, 5,259 breast-feeding mothers, 9,448 postpartum mothers, who have recently given birth, and 29,934 infants, and 52,038 children can receive the help that they need.

One-seventh of the State of Texas' 683,000 WIC recipients reside in Harris County, TX. If the State of Texas' WIC program does not receive additional funds it will have a $1.255-million shortfall by the close of fiscal year 1997.

This would require an additional $76 million in funding for this program for fiscal year 1997.

This program is not as glamorous as others—the WIC program is formula, milk, juice, and bread. The majority of those served are infants and children.

To cut the WIC program does not materially reduce the numbers of women, infants and children who are in need. This program is one of the best run, most efficient and effective programs that the Federal Government has initiated.

According to the Government Accounting Office for every dollar spent on the WIC program the taxpayer saves $3.50. This is the reason the WIC program received very strong bipartisan support throughout its history.

I would ask that my colleagues would join in support of this amendment so that we may meet a clear and present need in the WIC program.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding, because I think this is a terrific amendment and I am very much in support of it.

Mr. Chairman, hunger is caused by poverty. Poverty and hunger are a violence against humanity, whether they our in the streets of Washington, DC, or the villages of Iraq and Bosnia. Fortunately, the pain and violence of hunger can be reduced by appropriating additional money to the WIC Program. That is exactly what this amendment does. I am strongly in support of it, and I hope this whole body will approve of it.

Mr. Chairman, I want to express my support for the Kaptur-Riggs amendment to the supplemental appropriations bill that would add $38 million for the Special Supplemental Food Program for Women, Infants, and Children [WIC].

WIC is an effective prevention program that saves on future health care costs. WIC provides food, education, and child care to poor women, infants, and children. It is estimated that one in five children in our country is living in poverty, and five million children under the age of 12 go to bed hungry each month. No child in our country should go to bed hungry. Only well-nourished children reach their full potential and become productive, contributing members of society.

Hunger is caused by poverty. Poverty and hunger are a violence against humanity, whether they occur in the streets of Washington, DC, or in the far-off towns and villages of Bosnia or Iraq.

Fortunately, the pain and violence of hunger can be reduced by appropriating additional money to the WIC Program. This increase would provide supplemental food and nutrition education for thousands of women, infants, and children who are eligible for the WIC Program. Without this additional money, these eligible participants will be part of the growing childhood hunger epidemic that plagues us.

Under the Kaptur-Riggs amendment, $38 million would be taken from the money that was appropriated in fiscal year 1995 for a new National Wind Tunnel Complex [NWTC]. Only $35 million of this appropriation has been used by NASA for research into wind tunnel testing. The remaining $365 million has never been used. This amendment would not impact negatively on NASA.

I urge my colleagues to join me in the fight against hunger by voting for the Kaptur-Riggs amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I rise in support of this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the authors of this amendment. I cannot tell my colleagues how distressed I was to learn that the Committee on Appropriations did not put in the request by the administration for the full funding of WIC.

I have been involved in this program my entire life in the Congress of the United States. I have probably visited more WIC clinics, more site visits, conducted more investigations, asked for more studies and investigations by universities and others of this program, and the result is always the same: This program works.

This program saves healthy pregnancies. This program helps make healthy babies. These pregnancies do not know fiscal years. They do not know carryover budgets. They do not know any of that. What the WIC directors have done historically year in and year out is provide us credible information to run this program. They have done it again this year.

Mr. Chairman, we cannot interrupt this funding, because if we take away this program in a late-term pregnancy, if we take away the program for a newborn, we change the manner and the ability of that child's brain to develop. We change the manner and the ability of that fetus to develop during that pregnancy, and we ought to listen to the WIC directors and provide for full support of this amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, this is not a liberal issue. This is not a conservative issue. This is an issue of values. Who are we and what do we stand for in the United States of America? We are talking about cereal, we are talking about milk, and we are talking about formula, and we are talking about pregnant women and children.

What the Kaptur-Roukema amendment does is to provide necessary funding to prevent 180,000 women, infants, and children from being kicked out of the WIC Program. These numbers are not administration numbers, they are not Democratic numbers, these are numbers that come from the States. The process of seeing people thrown off of this program has already begun in States like Arizona and Nebraska.

In the last several weeks, Members have taken the case for WIC to the American people. We have explained that WIC is a program that works, that it saves the Federal Government $3 for every dollar that it has invested, and that it provides assistance to those in our society that need it the most: Pregnant women and young children. I thank my colleagues on the other side of the aisle for joining. Support Kaptur-Roukema. Let us not gamble with our children's lives.

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Mr. OBEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, 45 years ago Franklin Roosevelt said, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little." That is the simple test before us today.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I urge my colleagues to vote for the bipartisan Kaptur-Roukema-Riggs-Roemer-Quinn amendment. It provides enough support to maintain the current participation level of pregnant women and low birthweight children around this country. The support is paid for then by an offset to the NASA accounts, the wind tunnel accounts, which are being canceled.

Keep in mind, for a few hundred dollars per participant we save, on average, $20,000 for children who would be admitted to hospital rooms across the country with anemia, with all kinds of conditions, that are a direct result of poor nutrition.

This is a wise investment for America, fully paid for, fully proven. Support the bipartisan Kaptur-Roukema amendment. I thank my dear colleague, the gentlewoman from New Jersey, Mrs. MARGE ROUKEMA, for working so hard on this. It is an honor to work with her.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank the gentlewomen for speaking to the issue. They believe differently than we do, but at least they spoke to the issue and did not demagogue, did not do anything.

We on this side feel that the money was put in, the $38 million we put in, and then the additional $40 million to bring it to $78 million. The President asked for $76 million, and then they say, what if USDA is wrong and there is not enough money in there? Will we hurt the children? We do not think we will. They believe one way and we believe the other.

But I appreciate my colleagues on the other side. They do not stand up and demagogue. They are speaking to the issue. We truly feel there is enough money in there to cover without increasing and increasing and increasing.

Mr. Chairman, I would like to thank my colleagues on both sides of the aisle for debating this without throwing in the rhetorical information.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, we are not here to talk about the merits of WIC, we are not here to talk about feeding children. Indeed, this committee has supported WIC to the tune of full funding last year, $3.7 billion. This committee has supported increasing WIC $36 million. This committee has supported increasing funding in the carryover up to $147 million. Also this committee, to make sure, has asked the USDA what their numbers are. I have the numbers here. They are open to anybody. The number of participants at the additional $36 million is 7.4 million. The number of participants at the $76 million is 7.4.

In addition, we even had an April 11, 1997, memo from Mary Ann Keeffe, the Acting Undersecretary of Food and Consumer Services, that states that she believes the State projections of 7.4 million is optimistic, and that the USDA budget assumptions of 7.2 are more realistic.

In either case, Mr. Chairman, we are covered without spending additional dollars. My question would be, to my friend across the aisle, would she support an amendment to make sure we are only feeding children and not bureaucrats, that stipulates that none of this money can be used for the bureaucracy?

Because it is time we start talking a little bit about the WIC bureaucracy. It is 25 percent of the overhead, which means they will get $15 million of this vote today, $15 million goes to bureaucrats, not children. It is a program that already 33 percent of the participants are not documented or verified as being eligible, Mr. Chairman. Six percent have been called ineligible, but they are still on it. Yet, the Democrats have not supported a study in the committee. I would love the gentlewoman to support a study. Would the gentlewoman support a study?

Mr. Chairman, I include for the RECORD points against the Kaptur-Riggs amendment.

TALKING POINTS AGAINST KAPTUR/RIGGS

We asked USDA to give us information on impacts to the program with a $36 million supplemental and a $76 million supplemental.

According to USDA, participation will not change whether they get $36 million or $76 million—remains at 7.4 million.

The $38 million we are providing is a supplemental appropriation. It is in addition to the $3.7 billion the program has already received for this fiscal year.

We have not reduced or cut the program. WIC got $3.7 billion in the fiscal year 1997 appropriations bill and will get $38 million more in this supplemental bill.

Program participation fluctuates monthly. The Dems want to keep using the October monthly participation rate of 7.47 million because it is the highest number. We should counter with the December participation rate of 7.28 million.

We know participation dropped from October to December, went up in January, and dropped again in February.

In a memo dated April 11, 1997 from Mary Ann Keeffe the Acting Under Secretary for Food and Consumer Service, she states that her agency continues to believe that state projections of maintaining 7.4 million participants is optimistic and the USDA budget assumptions of 7.2 million are more realistic.

USDA plans to carryover $100 million with a $38 million supplemental. It plans to carryover $135 million with a $76 million supplemental.

In addition, States are allowed to spend forward or carryover funds on their books. We know states spent forward over $60 million into fiscal year 1997.

The program needs a certain amount of carryover because of the way the program operates. USDA has said that about a 2% carryover would be needed. 2% of the program would be about $75 million, so there's a $20 to $25 million that could be used if it was really needed.

In this bill we give the Secretary the authority to use the Fund for Rural America for WIC. There is a $47 million unobligated balance in the Fund for Rural America. The Secretary could use these funds for WIC if it's that critical.

The President's budget submitted in February said carryover funds from FY96 to FY97 would be $145 million. In a USDA table sent to the Committee on April 16, 1997, we now find out that it was $202 million.

A USDA study of WIC income documentation and verification policy indicates that 33.3% of state agencies allow the participant to self declare income levels without documentation or verification.

Another USDA study indicates that 5.7% of WIC participants receive WIC benefits, but are not eligible. This is over $200 million that could be saved and used for those that truly need to be in the program.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, would the gentleman agree that the Governor of California needs the money to maintain current participants in this program?

Mr. ABERCROMBIE. Mr. Chairman, I rise today in support of the additional funding for the Special Supplemental Food Program for Women, Infants and Children [WIC] under H.R. 1469, the Supplemental Appropriations bill for FY 1997. Hawaii is among the twelve states that would have to reduce current WIC caseloads without the approval of $76 million in supplemental funds. Nearly one-third of Hawaii women and children who receive WIC, or 9,300 participants, would lose their access to nutritional assistance. Without the additional funding, the increasing numbers of Hawaii women and children who qualify for WIC may not receive it.

Hawaii's WIC program has long served the low-income population of children and pregnant, postpartum, and breast-feeding women who are at risk for nutritional deficiencies. In the last year, Hawaii's WIC program has been providing nutritious supplemental foods, quality nutrition education, high-risk counseling, breast-feeding promotion, and referrals to health care and social services to 30,532 participants. This is a 13 percent increase in caseload over the past year. Considering the slow recovery of Hawaii's economy and the impact of welfare reform, the WIC program becomes an even more valuable resource to the 50,000 women, infants and children estimated to be in need of the services.

Earlier this month, the State of Hawaii implemented major cost containment strategies to stay within the budget provided. Current WIC participants are being told to make "best buys" to do more with less money, like buying powdered milk. These cost saving adjustments may be difficult to implement but they are much less costly than the long-term consequences of forcing 9,300 low-income women, infants and children out of the program.

Mr. BISHOP. Mr. Chairman, I would first like to thank Ms. KAPTUR and Mrs. ROUKEMA for their considerable hard work and perseverance in bringing this amendment to the floor today.

I rise to express my strong support for this amendment which would provide a $76 million supplemental appropriation for the Special Supplemental Food Program for Women, Infants and Children (WIC). The passage of this amendment will ensure that over 180,000 pregnant women, infants and children across the country will not be terminated from participation in the WIC program.

As a member of the House Agriculture panel which has authorizing jurisdiction over nutrition, I have been a longtime supporter of the WIC program. Numerous studies, including one by the GAO, have reported that a dollar spent on WIC saves as much as $3.54. Because of the preventative nature of the WIC program, these savings are primarily Medicaid savings. Simply put, this supplemental appropriation amendment is just too important to the continued health of far too many disadvantaged women and the infants and children they care for.

Again, I rise in support of this amendment and encourage my colleagues to join me in doing likewise.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of the bipartisan amendment offered by my colleagues MARCY KAPTUR, FRANK RIGGS, MARGE ROUKEMA, TIM ROEMER and JACK QUINN, which would restore full funding for the Woman, Infants and Children Program, or WIC.

WIC provides basic foods like milk, juice, and cereal to needy children through age 5 and nutrition education and supplements to pregnant and nursing women. The program serves 7.4 million women and children, and enjoys broad bipartisan support.

As well it should: a spate of recent studies has shown the profound significance early nutrition has on child development. These studies back up twenty-two years of scientific research demonstrating that WIC is an excellent investment in our nation's future.

Study after study has shown that each dollar spent on pregnant women in the WIC program saves up to $3.13 in Medicaid costs for mothers and infants in the first 60 days after birth and that pregnant women on Medicaid receiving WIC are less likely to deliver premature or low birth-weight babies. Volumes of scientific research have shown that poor child nutrition leads to health problems and can slow learning.

As the mother of four, I find these results utterly unsurprising. Simple common sense tells us that kids are our future, and they need all the help they can get. That's why this amendment, which provides the WIC program with the minimum amount of funding it needs to continue serving needy children, is so important. In my home state of California alone, WIC will be unable to serve about 169,000 moms and kids if this amendment fails.

Mr. Chairman, the facts are clear. This amendment is vital for our nation's children, and I strongly urge my colleagues to support its passage.

Mr. Chairman, I rise in strong support of the Kaptur amendment to increase funding for the WIC Program by $38 million, and I commend my colleagues Ms. KAPTUR and Ms. ROUKEMA for their diligent efforts to obtain these funds.

WIC is a program that works. Medical research has found that WIC reduces low birthweight, infant mortality, and anemia and improves diets. WIC has also been linked to improved cognitive development in children. At a time when early childhood development has become an issue of great national attention, it makes no sense to withhold funding from a program that successfully addresses these development issues.

Both WIC participation levels and per participant food costs have increased, yet funding for the program has not increased to meet this need. The $38 million supplemental will still throw more than 180,000 needy women and children off the program. That is 180,000 pregnant women, malnourished infants, and vulnerable children lacking cereal, milk, formula—

an astounding number of vulnerable people forced to find other means to meet the most basic nutritional needs for survival.

At the current funding level, many States have had to begin cutting participants from the program. California WIC agencies are currently cutting participants from the program because of lack of sufficient funds to meet last year's participation levels.

There is nothing, nothing more important than feeding our most vulnerable, than basic subsistence for the needy in our country. I urge my colleagues to support this important amendment.

Mr. HALL of Ohio. Mr. Chairman, I have always said that in this country no concern should be more bipartisan than the issue of hunger—especially as it affects our children. In that spirit, the WIC Program has long enjoyed strong support from both sides of the aisle, for the crucial role it plays in helping to ensure a healthy start in life for all kids and moms. So, no one was more pleased than I was to see an arrangement worked out for this amendment to be offered on a bipartisan basis, providing the additional $38 million needed to ensure that mothers and children are not dropped from the WIC Program in the coming months. We still have a great deal of work to do, as a country, to tackle the problem of childhood hunger and infant mortality. Most people are surprised to learn that 19 industrialized countries have lower infant death rates than the United States. It is hard to believe that in our rich Nation proportionally more babies die before reaching their first year than in Canada, Australia, Japan, most of Western Europe, and even Hong Kong and Singapore. There is no reason why this should be the case. We have the wherewithal and the know-how to address the problem of infant mortality, and part of the solution is a strong, effective WIC Program. I urge my colleagues to support this amendment, and keep the WIC Program on solid footing.

Mr. SERRANO. Mr. Chairman, I rise in defense of, surely, the most vulnerable sector of our society: women, infants, and children. And, I rise in strong support of restoring the funding request of $76 million to the Special Supplemental Food Program for Women, Infants, and Children; known as WIC.

I am deeply concerned with, and I did not support, the decision of the Appropriations Committee to cut the funds requested for the WIC Program in the fiscal year 1997 supplemental appropriations bill. By slicing in half the $76 million in funding needed to avert participation reductions of approximately 360,000 women, infants, and children, this bill will cause 180,000 eligible participants to be dropped from the rolls. I ask my colleagues to reconsider.

This year in New York City, for the first time ever, the appropriation was less than the preceeding year. Therefore, we began the fiscal year 1997 $6 million in the hole. According to WIC Program directors in the Bronx, the impact of cuts to their budgets may be devastating. I do not understand how a Congress that seems eager to support tens of billions of tax cuts to many of the wealthiest individuals in America through large reductions in capital gains taxes and taxes on the very largest estates cannot find $38 million to prevent poor children from going without the nutritional supplements they so desperately need. I ask my colleagues to reconsider.

This bill paints a very ugly picture and the families of the South Bronx, New York City, and indeed, of our great Nation deserve more. In this picture, we see families already being turned away from food pantries and soup kitchens in the Bronx. In this picture, we see a pregnant woman who is receiving WIC benefits for her unborn baby, and herself, but her 2-year-old is placed on a waiting list. Of course, she will use her WIC foods to feed her 2-year-old, she is a mother, she will protect her child. In this scenario, everyone suffers: the mom, the 2-year-old, and the unborn baby. This debate should not be about fiscal conservatism or policy differences with State officials over management of the WIC Program. Simply, this debate should be about providing poor women, infants, and children with milk, eggs, and juice.

Again, I ask my colleagues to reconsider and exhibit real leadership on this issue. Let us renew our commitment to the families of this Nation by ending a strong message that avoiding potential human disasters is just as important as providing funding to respond to natural disasters.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 338, noes 89, not voting 6, as follows:

[Roll No. 131]

AYES—338

Abercrombie
Ackerman
Aderholt
Allen
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—89

Archer
Armey
Baker
Ballenger
Barr
Barton
Bateman
Bliley
Blunt
Boehner
Bonilla
Brady
Burr
Burton
Buyer
Callahan
Calvert
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cox
Crane
Crapo
Deal
DeLay
Dickey
Doolittle
Dreier
Ehrlich
Goodlatte
Goodling
Graham
Gutknecht
Hansen
Hastings (WA)
Hefley
Herger
Hilleary
Hoekstra

Houghton
Hunter
Inglis
Istook
Johnson, Sam
Kingston
Knollenberg
Largent
Lewis (CA)
Linder
Livingston
Manzullo
McCrery
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Pickering
Pombo
Radanovich
Rohrabacher
Royce
Ryun
Sanford
Scarborough
Schaffer, Bob
Shadegg
Skeen
Smith (OR)
Snowbarger
Stump
Talent
Taylor (NC)
Thornberry
Tiahrt
Weldon (FL)
Wicker

NOT VOTING—6

Andrews
Hefner
Mica
Schiff
Skelton
Watkins

□ 1502

Messrs. MANZULLO, PAXON, and LARGENT changed their vote from "aye" to "no."

Messrs. LEWIS of Kentucky, CRAMER, BACHUS, RILEY, ADERHOLT, and EVERETT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MICA. Mr. Chairman, on the following rollcall Nos., had I been present I would have voted: No. 128—"Yes"; No. 129—"Yes"; No. 130—"Yes"; No. 131—"Yes." I was unavoidably detained.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105-97.

AMENDMENT NO. 2 OFFERED BY MR. MC KEON

Mr. McKEON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. McKEON: Page 51, after line 23, insert the following new title:

TITLE IV—COST OF HIGHER EDUCATION REVIEW

SEC. 4001. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the "Cost of Higher Education Review Act of 1997".

(b) FINDINGS.—The Congress finds the following:

(1) According to a report issued by the General Accounting Office, tuition at 4-year public colleges and universities increased 234 percent from school year 1980-1981 through school year 1994-1995, while median household income rose 82 percent and the cost of consumer goods as measured by the Consumer Price Index rose 74 percent over the same time period.

(2) A 1995 survey of college freshmen found that concern about college affordability was the highest it has been in the last 30 years.

(3) Paying for a college education now ranks as one of the most costly investments for American families.

SEC. 4002. ESTABLISHMENT OF NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION.

There is established a Commission to be known as the "National Commission on the Cost of Higher Education" (hereafter in this title referred to as the "Commission").

SEC. 4003. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 7 members as follows:

(1) Two individuals shall be appointed by the Speaker of the House.

(2) One individual shall be appointed by the Minority Leader of the House.

(3) Two individuals shall be appointed by the Majority Leader of the Senate.

(4) One individual shall be appointed by the Minority Leader of the Senate.

(5) One individual shall be appointed by the Secretary of Education.

(b) ADDITIONAL QUALIFICATIONS.—Each of the individuals appointed under subsection (a) shall be an individual with expertise and experience in higher education finance (including the financing of State institutions of higher education), Federal financial aid programs, education economics research, public or private higher education administration, or business executives who have managed successful cost reduction programs.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a Chairman and a Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson will assume the duties of the Chairperson.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) APPOINTMENTS.—All appointments under subsection (a) shall be made within 30 days after the date of enactment of this Act. In the event that an officer authorized to make an appointment under subsection (a) has not made such appointment within such 30 days, the appointment may be made for such officer as follows:

(1) the Chairman of the Committee on Education and the Workforce may act under such subsection for the Speaker of the House of Representatives;

(2) the Ranking Minority Member of the Committee on Education and the Workforce may act under such subsection for the Minority Leader of the House of Representatives;

(3) the Chairman of the Committee on Labor and Human Resources may act under such subsection for the Majority Leader of the Senate; and

(4) the Ranking Minority Member of the Committee on Labor and Human Resources may act under such subsection for the Minority Leader of the Senate.

(f) VOTING.—Each member of the Commission shall be entitled to one vote, which shall be equal to the vote of every other member of the Commission.

(g) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(h) PROHIBITION OF ADDITIONAL PAY.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

(i) INITIAL MEETING.—The initial meeting of the Commission shall occur within 40 days after the date of enactment of this Act.

SEC. 4004. FUNCTIONS OF COMMISSION.

(a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—The Commission shall study and make findings and specific recommendations regarding the following:

(1) The increase in tuition compared with other commodities and services.

(2) Innovative methods of reducing or stabilizing tuition.

(3) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(4) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(5) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(6) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(7) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(8) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(9) The extent to which student financial aid programs have contributed to changes in tuition.

(10) Trends in State fiscal policies that have affected college costs.

(11) The adequacy of existing Federal and State financial aid programs in meeting the costs of attending colleges and universities.

(12) Other related topics determined to be appropriate by the Commission.

(b) FINAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall submit to the President and to the Congress, not later than 120 days after the date of the first meeting of the Commission, a report which shall contain a detailed statement of the findings and conclusions of the Commission, including the Commission's recommendations for administrative and legislative action that the Commission considers advisable.

(2) MAJORITY VOTE REQUIRED FOR RECOMMENDATIONS.—Any recommendation described in paragraph (1) shall be made by the Commission to the President and to the Congress only if such recommendation is adopted by a majority vote of the members of the Commission who are present and voting.

(3) EVALUATION OF DIFFERENT CIRCUMSTANCES.—In making any findings under subsection (a) of this section, the Commission shall take into account differences between public and private colleges and universities, the length of the academic program, the size of the institution's student population, and the availability of the institution's resources, including the size of the institution's endowment.

SEC. 4005. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish the Commission's procedures and to govern the manner of the Commission's operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) FACILITIES AND SERVICES, PERSONNEL DETAIL AUTHORIZED.—Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a nonreimbursable basis, to assist the Commission in carrying out the Commission's duties under this title.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Commission, to such extent and in such amounts as are provided in appropriation Acts, may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge the Commission's duties under this title.

(f) STAFF.—Subject to such rules and regulations as may be adopted by the Commission, and to such extent and in such amounts as are provided in appropriation Acts, the Chairperson of the Commission shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law, relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for level IV of the Executive Schedule under section 5332 of such title.

SEC. 4006. FUNDING OF COMMISSION.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 1997 for carrying out this title, $650,000, to remain available until expended, or until one year after the termination of the Commission pursuant to section 4007, whichever occurs first.

(b) RESCISSION.—Of the funds made available for "DEPARTMENT OF EDUCATION—Federal Family Education Loan Program Account" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208), $849,000 is rescinded.

SEC. 4007. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 60 days after the date on which the Commission is required to submit its final report in accordance with section 4004(b).

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from California [Mr. MCKEON] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

In today's technology and information-based economy, getting a high quality postsecondary education is more important than ever. For many Americans it is the key to the American Dream.

That is why it is truly alarming to realize the cost of pursuing a postsecondary education has increased three times as fast as family incomes over the last 15 years. This trend is especially alarming in that it only seems to apply to higher education. There are many endeavors and many businesses that must keep pace with changing technologies and Federal regulations. However, in order to stay affordable to their customers and stay competitive in the market, they manage to hold cost increases to a reasonable level.

The amendment I am offering today will establish a commission on the cost of higher education. This commission will have a very short lifespan. Over a 4-month period, it will study the reasons why tuitions have risen so quickly and dramatically, and report on what schools, the administration and the Congress can do to stabilize or reduce tuitions.

Time is short. Over the coming year we will reauthorize the Higher Education Act, which will provide $35 billion in student financial aid this year alone. We need this commission up and running now so that its recommendations will be useful for the reauthorization.

The amendment I am offering provides $650,000 maximum for the commission to carry out its work. My amendment would fully pay for the cost of the commission by using administrative funds provided for the Federal Family Education Loan Program. In return, we will get the answers to the questions my colleagues and I hear all the time from parents and students: "Why are college prices rising so quickly and will I be able to afford to go to college?"

This legislation was reported from the Committee on Education and the Workforce by a unanimous-voice vote and passed by the whole House in the same way yesterday. It is bipartisan, revenue neutral, and essential if we are to reauthorize the Higher Education Act in a way that truly helps parents and students afford higher education.

I urge my colleagues to join me in this effort and I urge a "yes" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Wisconsin [Mr. OBEY] opposed to the amendment?

Mr. OBEY. I am, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

I do not support the amendment as it stands because, while I certainly have no objection to reviewing ways to control the cost of tuition in college, I think that the makeup of the commission as it is presently constituted in the gentleman's amendment, frankly, is a very unbalanced one, and I think because of that the commission would have virtually no credibility as it now stands.

Nonetheless, I am willing not to press this matter to a vote at this time because of understandings that we have reached with the majority on the committee that the makeup of this commission will be addressed in conference to assure that we have an acceptable balance by the time we leave conference.

I know there is substantial concern on this side of the aisle about both the source of the funding for that commission and the makeup of that commission.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time.

First of all, with all due respect to the gentleman and my friend from California, I think many of us are very, very concerned about the cost of tuitions at our colleges. I just had a bipartisan hearing back home in Indiana with the gentleman from Michigan [Mr. UPTON], and we heard that parents are concerned about this. But we also want to make sure that the commission that studies it is equitable, fairly balanced, and includes the administration.

Back in 1986, when a similar study was put together, with Democrats in control of the House and a Republican President, five of the appointments, Mr. Chairman, five, were given to the Republican President. Today, the White House gets one appointment. Now, that is not balanced. That is not equity. That is not fairness. So I would strongly oppose the composition of this commission and urge us in conference to change that.

Finally, if we cannot change that, Mr. Chairman, $650,000 for a study would provide for 382 Pell grants at the average Pell grant of about $1,700. So if we cannot fix this, instead of studying it, maybe what we should do is put the study money toward real people of 382 Pell grant recipients and do it the right way.

So, while the study and the intention is probably good, the composition is bad and it is unfairly biased against the White House.

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 2 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I join in the comments of my colleague from Indiana in my concern about the makeup of the commission. I am glad there is an agreement to fix it.

I do have some concern, however. In fact, I was one of the original requesters of the GAO report when I served on the committee that the gentleman from California chairs that detailed the increases in higher education last year.

I have some concern with the reduction and where the money is coming from, the $849,000, in the Federal family education loan administrative account. I am concerned it will undercut the Department of Education's effort on debt collection efforts.

The FFEL administration currently funds a major portion of the Stafford Perkins Data Systems contract, which processes default claims from lenders and guaranty agencies and supports the defaulted loan collection program. So that is why I am so concerned.

I know typically in our process, if we provide additional oversight, for every $1 we provide we get back $5 in debt collection. But if we are taking away $849,000, I worry, are we losing a corresponding amount of $5 million in not having the $849,000?

So I have some concern about the outcomes of that and I hope we can judiciously look for that money that does not hurt our efforts to collect on debt service that is owed on the student loan program.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, I thank the gentleman from California [Mr. MCKEON], and, of course, the ranking member on this side of the aisle, and thank even the gentleman from Indiana [Mr. ROEMER] for his leadership.

The commission is certainly needed, but I also have some of the same reservations and concerns, and I am hopeful that the gentleman from California, to whom I have expressed my support for this commission, and we will all be able to work some of these differences out.

Certainly the representational issue, the composition of administration officials and of congressional appointees is one of concern. I am hopeful, as I am sure the chairman is, and I take the liberty to speak on behalf of him because I know he shares a deep concern about the rising cost of tuition in this Nation, that we can begin to study and to look at ways to curb some of that so we make sure families and young people have these opportunities as they move forward.

So I appeal to the chairman, and I certainly say to the leadership on my side, that I thank them for their leadership and I hope we can work many of these differences out.

The CHAIRMAN. The gentleman from California [Mr. MCKEON] has 3 minutes remaining.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding me this time.

First, I want to point out that this commission idea was run by the administration. The administration did not ask for any more people and did not want any more people because they thought it was a congressional investigating committee, not an administrative one.

Second, I want to point out that there is $46 million in the FFEL administrative account. All we are asking is for $650,000. There is $46 million there.

Let me say there are two things we hear as we travel around on the reauthorization of this program. One, the parents say that if we let them keep more of their money, they will take care of financing. And the college people say over and over again, and this blows my mind, that the reason the costs have gone up 200-and-some percent for the cost of a college education, and inflation has only gone up 70 percent and take-home pay 80 percent, is because they have to have a sticker price and then they have to have a discount price.

What that has to do with the cost of increasing college education blows my mind. They ought to get rid of their discount price and stick to their sticker price.

MCKEON. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], the former Governor of that State.

Mr. CASTLE. Mr. Chairman, I rise in support of the amendment.

To help put this in perspective, I obtained Consumer Price Indexes for selected items between 1984 and 1994. In this 10-year timeframe, the price of cereals increased by 34.8 percent, the price of sirloin steaks increased by 37.5 percent, the price of coffee increased by 40.4 percent, the price of housing increased by 44.8 percent, the price of transportation increased by 34.3 percent, the price of energy by 4.6 percent, medical care increased by 111 percent, and the price of college tuition increased by 149 percent.

Clearly, the issue of rising tuition as it relates to affordable higher education needs serious and careful consideration. H.R. 914 would do this. It would lay out the problem for us and the solutions, and I encourage each and every one of us to support it and to help all of our young people get a college education.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of Mr. MCKEON's amendment to authorize the establishment of the National Commission on the Cost of Higher Education, and provide it with $650,000 in funding.

It is important to note, of course, that Mr. MCKEON fully offsets the funding for this new Commission by rescinding $849,000 from the Federal Family Education Loan Program account. We should also note that the House has actually already cleared an authorization for this Commission with passage, under suspension of the rules this past Tuesday, of H.R. 914, the Higher Education Technical Amendments.

Normally, I'm not thrilled with the idea of commissions as I said last Tuesday, in this case, the fact that the Commission has to provide Congress with its findings within 4 months, means Congress will have an opportunity to review its recommendations during our consideration of the Higher Education Act.

As I indicated earlier, since 1980, the cost of 4-year public colleges and universities has increased by 234 percent, and tuition at private 4-year institutions has risen more than 8 percent annually.

Yet the causes for these increased tuition costs, and whether Federal policies or programs contribute to these increases, are very complex and deserve study. Parents and students deserve to know what can be done by colleges and universities, States, and the Federal Government, to help bring these costs under control, before the dream of going to college slips away from our best and brightest.

I congratulate Subcommittee Chairman MCKEON, full Committee Chairman GOODLING, for working to put the Commission to work so that we may have the product of that work, during the debate on reauthorizing the Higher Education Act later this year.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

Normally, I am against commissions. I am a strong fiscal conservative, and I think we have to be very careful how we spend our money. But the problem has been outlined, and what we have done is tried to keep a small efficient number in the Commission. We have seven people, four appointed by the majority, three appointed by the minority. We think that we will be able to get the work done efficiently on a cost-effective basis and come back with some ways that we can help to solve this problem.

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I think it is something that the people of this country are really paying attention to. They have real concerns, those who have students in college, those who are students in college, those who have children who will be going to college, something very important to the people of this Nation. I urge all Members to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MCKEON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–97.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DINGELL: page 23, line 2, insert before the period the following:

: *Provided further*, That, notwithstanding any other provision of law, of the unobligated balances under this heading from amounts made available in this or any other Act for fiscal year 1997 or any prior fiscal year, $300,000 shall be made available to Monroe County, Michigan, as reimbursement for costs incurred in connection with the crash of Comair Flight 3272

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Michigan [Mr. DINGELL] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a very simple amendment. There are $23 million to cover two major air crashes which occurred in the United States, the ValuJet crash in Miami and the TWA crash off Long Island. This would treat another crash in the same fashion, making available $300,000 for the costs incurred by the county of Monroe, a small county in Michigan, for their cooperation in terms of assistance, rescue, search and other activities including cleanup.

It would treat Monroe no differently than it would treat the other communities and States which were involved in cleanups of this kind and it would afford them no benefits not available here to others. It is simply a plea for equity to my colleagues in the Congress, that they would treat another small county on a small item in the bill but a very big item to that county. I hope my colleagues will support it.

Mr. Chairman, I rise today to offer an amendment which would make available up to $300,000 to reimburse Monroe County, MI for costs associated with the crash this past January of Comair flight 3272, which claimed the lives of 29 passengers and crew.

When Comair flight 3272 fell from the sky late in the afternoon January 9, an emergency situation befell local officials in Monroe County, MI which called for immediate and swift response. Like some counties its size, Monroe County had trained personnel who performed ably and admirably in the hours following the crash. The first mission was to determine how to help the victims' that mission was quickly surpassed by the stark reality that there were no survivors. At that point attention was turned to the grim task of victim and wreckage recovery, along with the collection of data and other clues to determine the cause of the accident.

For the first few hours after the tragedy, local authorities took control of the scene and attempted to secure the site. After several hours, Federal officials from the National Transportation Safety Board [NTSB] arrived in Monroe County and took command of recovery and investigation efforts over the next several days. Much of their work was performed outdoors under extremely cold and windy conditions, necessitating special efforts to procure mobile morgues, heaters, and other equipment so Federal efforts could continue.

Just a few weeks ago, I received from Monroe County a summary of the costs associated with the crash. It is important to note that some of the outstanding costs are subject to continued negotiation with the airline and its insurance carrier. I believe very strongly that Federal taxpayers should not be made liable for costs legitimately belonging to air carriers, and I hope that Comair and other air carriers do not misconstrue this amendment to mean relief from their financial obligations to the victims and families of air disasters. I have been informed that underwriters have recently been prevented from meeting with the NTSB by their air carrier clients. If true, such action contradicts the intent of Congress, which had hoped that air carriers would be more responsive, not less responsive to families. If such a move signals a lack of cooperation on the part of air carriers, Congress may have to send a stronger—and perhaps a more stringent—signal to the airlines to gain the cooperation we anticipated last year.

Last year Congress approved legislation, the Aviation Disaster Family Assistance Act, which required the National Transportation Safety Board to coordinate more help for air disaster victims and families. I was an early and strong supporter of this act, which became law in response to many horror stories shared with Members regarding poor treatment of families by airline and airport personnel, government officials and lawyers. Thankfully, this new law corrects some of those abuses. However, we instructed the NTSB to take on this mission without providing the funding necessary to support the new tasks, while failing to make more clear the responsibilities of air carriers and their underwriters following such disasters.

The crash of Comair flight 3272 was the first real test of the new family disaster assistance law, and I would agree with those colleagues who have concerns about the manner in which the liability and cost issues are being settled. I believe that the proper authorizing committee, working with the Appropriations Committee, should review the Comair case to determine how to make certain the new law works as intended. Also very important is clarification to determine how disaster costs will be settled and paid by responsible parties in a consistent, swift, and fair manner.

The legislation before us attempts to help remedy the problem by providing more than $23 million in emergency assistance to communities which have suffered these disasters. My amendment simply tries to make certain that Monroe County is dealt with in a manner that is consistent with the existing situation.

Mr. Chairman, when disaster struck Monroe County in January, local officials and citizens responded in a selfless and heroic way to come to the aid of those in need. This Sunday, a memorial service will be held in Monroe to remember those who died, give comfort to the families, and provide a chance for those local people whose lives were touched by disaster to reflect on a tragic experience. I believe that when the Federal Government plays a role in addressing the needs and concerns of aircraft accident victims' families, as called for in Federal law, we should not expect local communities to pick up the tab. I would hope that Congress will show its support and solidarity with Monroe by making certain that Federal assistance pays for Federal requirements associated with investigating the Comair crash.

I urge my colleagues to support my amendment to provide a small measure of assistance to a county that responded without hesitation to the urgent requests for help from a Federal agency. Once that job is done, I look forward to sharing my views with the chairman and ranking member of the Transportation and Infrastructure Committee so that disasters of the sort which struck Monroe County will be handled with the utmost care, efficiency, and accountability.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, the gentleman is absolutely correct. Fairness dictates that if we are going to do this for the people in Florida after the devastating crash of ValuJet in Florida and if we are going to do it in New York after the devastating crash of TWA there, we ought to treat the gentleman's district the same. We have no objection to the gentleman's amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me say that on this side of the aisle we also have no objection to the amendment and are willing to accept it.

Mr. DINGELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. DINGELL].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in House Report 105–97.

AMENDMENT NO. 4 OFFERED BY MR. THUNE

Mr. THUNE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. THUNE:

Page 27, after line 23, insert the following:

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund" as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, to remain available until September 30, 2000, for use only for buy-outs, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997: *Provided*, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each State or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts: *Provided further*, That, hereafter, for any amounts made available under this head and for any amounts made available for any fiscal year under title I of the Housing and Community Development Act of 1974 that are in communities affected by the flooding and disasters referred to in this head for activities to address the damage resulting from such flooding and disasters, the Secretary of Housing and Urban Development shall waive the requirement under such title that the activities benefit persons of low- and moderate-income and the requirements that grantees and units of general local government hold public hearings: *Provided further*, That, hereafter, for any amounts made available for any fiscal year under the HOME Investment Partnerships Act that are used in communities affected by the flooding and disasters referred to in this head to assist housing used as temporary housing for families affected by such flooding and disasters, the Secretary of Housing and Urban Development shall waive (during the period, and to the extent, that such housing is used for such temporary housing) the requirements that the housing meet the income targeting requirements under section 214 of such Act, the requirements that the housing qualify as affordable housing under section 215 of such Act, and the requirements for documentation regarding family income and housing status and shall permit families to self-certify such information: *Provided further*, That the Secretary of Housing and Urban Development may make a grant from the amount provided under this head to restore electrical and natural gas service to areas damaged by the flooding and natural disasters: *Provided further*, That the entire amount made available under this head is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 28, line 5, after the dollar figure insert the following:
(reduced by $500,000,000)

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from South Dakota [Mr. THUNE] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Chairman, I yield myself such time as I may consume.

For those who have seen the extent of the damage in the Upper Midwest, in the States of South Dakota, Minnesota, and North Dakota, they will understand the need for this amendment. For many areas there they experienced a 500-year flood.

Without question, the time to act is now. $500 million may seem like a lot of money, but we are talking about a very extreme situation. We are also talking about a people with a pioneer spirit that ask only when in dire need. They are now in dire need.

The Federal Reserve Bank of Minneapolis estimates the Red River Valley of North Dakota and Minnesota has sustained between $1.2 and $1.8 billion in damages. Minnesota alone estimates up to $375 million in damages as a result of the flooding.

In my State of South Dakota, the City of Watertown estimates damages at over $60 million. Flooding there has forced 5,000 families from their homes. The State of South Dakota has already tacked on an additional 3 cents per gallon fuel tax to help address highway funding needs.

The Speaker, after viewing the damage, asked me and other Members such as the gentleman from North Dakota [Mr. POMEROY], the gentleman from Minnesota [Mr. PETERSON], the gentleman from Minnesota [Mr. RAMSTAD], the gentleman from Minnesota [Mr. GUTKNECHT], many of us who toured the area, to come up with a solution that might somehow deliver in the most expeditious fashion assistance to the area that really needs it. Many models were examined.

Because of the demands of time, we agreed that the most effective means of delivering relief to those that need it would be through modifications to the Community Development Block Grant program. The CDBG program would allow Washington to get the tools of recovery into the hands of State and local officials to address their most immediate and urgent needs.

While the process brings important streamlining provisions to disaster relief, it does provide sufficient accountability by requiring reports to be submitted from applicants. The amendment requires submission of a use and recovery plan, quarterly reporting by the Secretary of HUD and the Director of FEMA to House and Senate appropriations committees.

CDBG provides a faster, more efficient approach to hazard mitigation. The region of the country we are dealing with has an extremely short construction season. The amount of work that must be done to rehabilitate the area is massive. The FEMA hazard mitigation program has too much of a time lag for people to rebuild.

The CDBG would allow these communities to complete their hazard mitigation plans. CDBG would also allow State and local economic development organizations to supplement aid to small businesses, allowing them to give hope to the thousands who have been out of work.

The waivers that apply under our amendment only apply to the disaster relief effort outlined in this package. The waivers would also allow the Secretary of HUD to waive the traditional reporting requirements. The waivers would allow alternative reporting and compliance for this disaster situation only.

Mr. Chairman, we have had the opportunity to deal with the governors, the mayors, the officials from around there as well as with the many people who have been affected. We have seen the disaster firsthand. We need to act, and we need to act in an expeditious fashion to get the money into the hands of those who really need it.

They need flexibility. The governors have asked for as much flexibility as possible in delivering this assistance so that they can fashion programs that will, again, identify the highest needs. We feel fully confident that we have come up with a delivery mechanism that will accomplish just that.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who rises in opposition?

Mr. OBEY. Mr. Chairman, I must confess some concerns about this amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I told the gentleman earlier, we tried in the full committee to provide funding for CDBG. We were asked to withhold, and we have been. I will not press this issue to a vote as well, but let me simply suggest I do think there are some problems with the gentleman's amendment that are going to have to be fixed in conference.

I do not understand, for instance, why it was necessary to make a permanent change in law, forcing the Secretary of HUD to waive the requirement that HUD's disaster assistance benefit only low and moderate income persons. I am also concerned about forcing the Secretary to waive the requirement to hold public hearings. I am also concerned about what appears to be an intent to allow HUD to make grants, not loans, to privately owned for-profit utilities. Lastly, I am concerned about what appears to be the intent of the amendment to change the longstanding process of assuring that CDBG funds can be used to assist businesses damaged by disasters, to the extent such businesses are declined loans by the SBA administration or because they need assistance above the SBA loan limits.

I do not want to hold up this amendment, so I will not object at this point, but I think that these are problems that are going to have to be worked out, I would say to the gentleman, before people are going to be comfortable; in addition to the fact that I think the money is taken out of what we would consider to be the wrong pot, because it also means that FEMA will have less than $200 million available for any pending hurricanes that occur for the rest of the year which could cause considerable problems to other parts of the country.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, as I indicated earlier, our entire town of East Grand Forks has been under water. This is the residential area, where it shows the devastation and all the belongings out on the berm.

I would also like to talk about the business situation. One of the reasons we need this through an amendment is so we can have some flexibility to deal with the problems we have in the business community. The entire business community of East Grand Forks was under water, some of it for 2 weeks.

Under the current FEMA program there is really no way to deal with this situation because it is all loans, and these people, loans are not going to work for them. I can tell my colleagues of business person after business person where their inventory, their equipment has been wiped out, they have got debt. There is no way, putting more debt on top of that, that it is going to solve their situation.

We need this CDBG money so we can have the flexibility to rebuild these communities. I very much encourage my colleagues to support this amendment. I want to thank the gentleman from South Dakota [Mr. THUNE], the gentleman from Minnesota [Mr. RAMSTAD], the Speaker, the chairman and everybody else for helping on this.

Mr. THUNE. Mr. Chairman, I yield myself such time as I may consume.

I would also say to the gentleman from Wisconsin that we would be happy to work with the gentleman in conferences to address concerns he might have. The objectives here is to get the assistance as quickly as we can into the hands of the people who need it, with as much flexibility to the Governors and the local officials that are involved.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. THUNE. I yield to the gentleman from California [Mr. LEWIS], the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies.

Mr. LEWIS of California. I very much appreciate my colleague yielding.

I am rising really to compliment the gentleman for the work that he is doing, bringing the critical problem here to our attention the way he has. FEMA, under current law, has some difficulty in terms of providing the sort of money flows that are needed in this case. The gentleman has given us an opportunity at least to solve this problem by way of the conference. We intend to review a number of the technical questions that were raised by the gentleman from Wisconsin. I want to compliment the gentleman, the gentleman from North Dakota [Mr. POMEROY] and the gentleman from Minnesota [Mr. PETERSON] for their work on this matter.

Mr. RAMSTAD. Mr. Chairman, will the gentleman yield?

Mr. THUNE. I yield to the gentleman from Minnesota.

Mr. RAMSTAD. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of this amendment. When a group of us with the Speaker toured the devastated Red River Valley to see the flood firsthand, the Speaker put it best when he said we need CDBG funding to allow these States and communities maximum flexibility to help homeowners and small businesspeople recover. He said we need CDBG funding because we need to give funding to these people as boldly and rapidly and as efficiently as possible.

Mr. Chairman, this means the Thune amendment. Let us give local officials some more control and more resources to help these people recover from this flood of a century which literally destroyed two cities. This flexibility is absolutely necessary. Let us get help to them now without Washington strings attached.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

I would simply say that, again, we support the idea of using CDBG money. The President requested this money the right way. I think there are some problems with this, but I hope we can correct it in conference.

Mr. Chairman, I yield 50 seconds to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman, the ranking member, for yielding me this time.

Mr. Chairman, it is impossible in 50 seconds to describe what our area has been hit with, but pictures tell 1,000 words. A flood. A flood of a 1,000-year dimensions. A flood to the signposts, causing more harm than one can possibly imagine. Water destroys everything it touches, and so now the businesses and the homes, virtually all of the City of Grand Forks, 50,000 people, is devastated.

The second picture, anguish. This is a woman being evacuated from her home in the dead of night. The anguish and the pain that these people have experienced defies description. This anguish has given way to pain. Pain realizing the permanent loss of business, permanent loss of house, permanent loss of possessions.

This cries out for a bipartisan response. I so salute the gentleman from South Dakota [Mr. THUNE] for the work he has done. I appreciate the support of the Speaker and the majority leader, I appreciate the support of the appropriations chairman in bringing this matter before us. Please pass this amendment.

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of the Thune amendment. This transfer of funds to the Community Development Block Grant Program from FEMA will help communities, including many in North Carolina, complete the difficult task of cleaning up, rebuilding, and ensuring that destruction like what we have just experienced does not happen again.

FEMA funds are limited in their uses. When the Mississippi River flooded in 1994, CDBG funds were used to relocate homes out of the flood plain and to allow people to start their lives again without fear of losing everything again. There are still many unmet needs in North Carolina where CDBG funds can be used in conjunction with FEMA hazard mitigation funds to avoid future disaster and heartbreak.

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Mr. Chairman, I appreciate very much the gentlemen from North Dakota and South Dakota writing this amendment in such a way that those affected by Hurricane Fran can benefit from these funds, and I urge Members to vote "yes" on this amendment.

Mr. HAMILTON. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from South Dakota, Mr. Thune, to the Supplemental Appropriations bill. This amendment would redirect $500 million for the Community Development Block Grant (CDBG) program to be used for buyouts, relocation, long-term recovery, and mitigation in communities affected by this year's devastating spring floods and other recent disasters.

This funding will greatly assist with relief efforts in my congressional district in southern Indiana. My district was hard hit by the flooding of the Ohio River this March. President

Clinton declared 13 river counties to be a federal disaster area, and several communities were completely flooded out.

I have been working closely with local, state and federal officials to assist homeowners and business owners adversely affected by the flooding. FEMA has already provided emergency relief for infrastructure repair in the impacted communities and has helped homeowners repair damaged housing or move to temporary shelter.

I am concerned, however, about long-term relief to communities and residents. Many constituents have asked me about the possibility of buyouts of their homes so that they can relocate permanently out of flood-prone areas. Several hundred homes have been identified for such buyouts, but federal and state relief funds available for this purpose are inadequate to address the problem.

The Thune amendment would help provide the necessary funds to complete buyouts in my district and in other districts throughout the central and upper Midwest affected by flooding this spring. The buyout program is an important option to many residents in my district because it gives them an opportunity to start over again while limiting the government's exposure in the event of future floods.

Mr. Chairman, I commend the gentleman from South Dakota for his amendment. He has done an important service to his constituents and to others affected by recent flooding, including those in southern Indiana. I urge my colleagues to support the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Dakota [Mr. THUNE].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in the House Report 105-97.

AMENDMENT NO. 5 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TRAFICANT:

Page 51, after line 23, insert the following new section:

BUY-AMERICAN REQUIREMENTS

SEC. 3003. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act. (41 U.S.C. 10a-10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Ohio [Mr. TRAFICANT], and a Member opposed, will each control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is an ad in a national magazine that said the Navy Seals bring our knives on every one of their underwater missions; it is a Swiss Army brand knife, and they say now they will be carrying their sunglasses.

In addition to that, right out here, the east side of the Capitol, the south security gate, it is heated and cooled by a Mr. Slim unit made by Mitsubishi, who moved from San Diego to Mexico and does not even make them in America.

It is a very simple little Buy American. I am not going to take a lot of time, but let me say this:

Wherever possible let us try and expand our American taxpayer dollars on American goods, and, second of all, this little provision says if someone tries to sneak in an import with a fraudulent "made in America" label, they are handcuffed to a chain link fence and flogged.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for his statement. He makes eminent sense, and we have no objection to his amendment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Wisconsin, the ranking member.

Mr. OBEY. Provided that the flogging occurs here on the floor, we have no objection either, Mr. Chairman.

Mr. TRAFICANT. Mr. Chairman, I have a picture, in closing out here, and this was given to me by a page, Justin Boyson, and I want to thank him.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. If no Member rises in opposition, all time has expired.

The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in the House Report 105-97.

AMENDMENT NO. 6 OFFERED BY MR. NEUMANN

Mr. NEUMANN. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. NEUMANN:

Page 28, line 5, after the dollar amount insert the following: "(reduced by $2,387,677,000)".

Page 28, line 6, strike "$2,387,677,000" and all that follows through line 7.

Page 35, strike lines 8 through 25.

Page 51, after line 23, insert the following new section:

FURTHER RESCISSIONS IN NONDEFENSE ACCOUNTS

SEC. 3003. (a) RESCISSION OF FUNDS.—Of the aggregate amount of discretionary appropriations made available to Executive agencies in appropriation Acts for fiscal year 1997 (other than for the defense category), $3,600,000,000 is rescinded.

(b) ALLOCATION AND REPORT.—Within 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) allocate such rescission among the appropriate accounts in a manner that will achieve a total net reduction in outlays for fiscal years 1997 through 2002 resulting from such rescission of not less than $3,500,000,000; and

(2) submit to the Committees on Appropriations of the House of Representatives and the Senate a report setting forth such allocation.

(c) DEFINITIONS.—

(1) The terms "discretionary appropriations" and "defense category" have the respective meanings given such terms in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The term "Executive agency" has the meaning given such term in section 105 of title 5, United States Code.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Wisconsin [Mr. NEUMANN] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I would like to begin by commending the chairman for putting together a bill that I think is very important and proper for the good of the future of this country. Certainly when we have disasters strike victims in our Nation it is a proper and appropriate role of the U.S. Government to help those flood victims and those disaster victims throughout the country, and I think the chairman has done a very fine job of putting together a bill that will provide disaster relief to these disaster victims around the country.

I would like to make it clear, however, that I feel very strongly that when this Government provides this disaster relief to other people around this Nation, people who are truly worthy of receiving this disaster relief, that I think is incumbent upon our generation to pay the bill for that disaster relief, and that really is what this amendment is all about.

When we look at what happens in the checkbook over the next five years in the course of this bill, $5 billion will be shortfall in the checkbook; that is to say, $5 billion out of this bill will be passed on to the next generation. So while we are doing something that is fitting and proper, providing disaster relief to the victims here, $5 billion of this money will be coming from future generations. If we look at the next 5-year window, the checkbook will be overdrawn by $5 billion on account of this bill, and that money will simply be added on to the debt and then passed on to our children.

So what this amendment does is very, very straightforward. What this amendment does is it says OK to the disaster relief, it is fitting and proper; however, our generation must take on the responsibility of paying for that flood disaster relief.

Again I would emphasize that this bill does not do anything to the flood disaster relief that is called for in this bill. It provides full relief, as requested by the President, including North Dakota, Minnesota, Kentucky, Oregon, the whole list that was provided.

I would also like to point out very definitively that it does not affect any of the provisions relating to defense in this bill. The amendment will correct the bill so that our generation is paying for aid to disaster victims rather than passing this expense on to our children.

How do we do that? Well, there is a couple of things. First thing we do is we do not advance fund FEMA. There is $2.8, $2.4 billion in this bill that literally is advanced funding, money that cannot be spent between now and September 30 of this year no matter what happens. So if there was another disaster tomorrow, it could not be used for that, and it cannot be used for the disasters that have already occurred. The money cannot be obligated before September 30. This money belongs in next year's appropriations bill. So the first thing we do is eliminate that $2.4 billion.

I would add that when the President sent the supplemental request up he did not request this $2.4 billion; so that is the first thing we would do.

One might ask why would we advance fund FEMA in this kind of a bill? Well, the answer to that is pretty simple and straightforward. In this bill it is classified as emergency spending and does not fall under government spending caps. So if it is funded here rather than in the normal procedure through an appropriation bill, it falls under the classification of emergency and therefore it does not fall under the caps that are applied in the future.

Second thing this bill does is it restores the money that has been taken out of section 8 HUD housing. Section 8 HUD housing is losing $3.8 billion in budget authority under this bill, so the second thing our amendment does is recognize that we have problems in section 8 housing and that money is not taken out.

I recently was in an apartment in Racine, WI, and I met with people who were there under the section 8 provisions. We need to make sure that these senior citizens that I talked to and others like them all across this country are not adversely affected as we go and do something good for these flood victims, as we are helping them. We cannot go to one sector of our society and say we are going to take it away from these seniors who need this section 8 money and send it over here to the flood victims. So we did restore the money that was taken out of section 8 housing units.

The third thing this budget does, or this amendment rather does, is very straightforward. The balance of the money that is not paid for, we simply say to the President go to nondefense discretionary funds and get the money.

If I could have that chart, please?

I would like to point out that in last year's budget we had a 3.7 percent increase in nondefense discretionary spending. The first year after the change in Congress, 1995, nondefense discretionary spending went down. But last year that changed all around. We spent a ton more money in nondefense discretionary spending.

So what our amendment is doing is simply saying, Mr. President, please go to that account where there were huge sums of money spent last year and simply take out the additional money necessary so that we in our generation pay for this disaster relief that we are as a government appropriately supplying for victims of floods around this Nation of ours. So that is the third thing our bill does.

All in all our bill results in our generation paying for the money that is being spent to provide disaster relief to flood victims around this country.

Mr. Chairman, I would just summarize once again that this bill does not in any way affect the flood victims around the Nation. The money asked for in the supplemental is there. It does not affect defense, but what it does do is it does pay for it out of the pockets of our generation as opposed to putting this onto the debt that will be passed on to our children.

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The CHAIRMAN. The gentleman from Louisiana is recognized for 10 minutes.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I thank the gentleman for his presentation. I want to congratulate him. He really is one of our more creative budgeteers, and he truly means it when he says he wants to get this country on a paying basis. And I am reluctant to disagree with him on this one amendment, but I applaud his efforts because if we had more like him, we would definitely be balancing our budget sooner rather than later.

But for the RECORD, this bill is fully paid for in budget authority as it currently is written. The Congressional Budget Office scores the bill as fully paid for in budget authority, and that is no different from the way we have paid for emergency spending over the last 2½ years, since January 3, 1994.

Everyone should know that this amendment strikes two-thirds of the funding the bill provides for in FEMA. It simply fails to recognize that ever increasing strains placed on the agency as flood waters recede in the northern plains States and costs associated with that disaster rise daily. The amendment eliminates roughly, if I got the last figure correct, $2.7 billion or 1.6? Let me get the right figure. It eliminates $2.4 billion of the $3.6 billion that we provided in this bill for FEMA, albeit, as the gentleman has pointed out, in forward funding. But if we are ever expected to get ahead of these natural disasters, we must ensure FEMA has the funds available to pay for these bills for disaster victims as well as for future disasters in the very near future. Costs are still coming in for the existing disasters. They are going to be much larger in the current fiscal year than currently estimated.

Additionally, this amendment strikes $3.6 billion, if I got the last change correct, in offsetting costs that the bill provides and gives the President the authority to make the cuts, and I have to ask what we are doing here. Do we really want President Clinton to make the decisions on where to make the cuts? Do we really want him to eliminate, for example, the billion dollars or half billion dollars local law enforcement block grant the Republican initiative included in our Contract With America? That is what he will do. He will pick something like that. So I do not think that this offer of authority to the President makes sense.

Our committee went to great lengths to find real offsets in budget authority, and they are listed in this bill, and I do not understand why anyone would support an effort that does not define the offset in cuts. We have no idea what programs or priorities would be cut under this amendment, and there are no specifics in the amendment.

So I would have to reluctantly, once again, oppose the amendment for those reasons and again because it restricts the authority to do exactly what the whole purpose of this bill is, and that is to provide disaster relief.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUMANN. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], my good friend.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman for yielding the time.

In this Congress we set to do a couple of good things with very good intentions. First of all, we wanted to provide some disaster relief to those who were caught up in this year's disasters, and this help is gravely needed, and the compassion of this country really reaches out to try to help those in need.

The second thing that we wanted to do is to provide some supplemental funding for our young men and women in Bosnia. Regardless of our position on whether we should be in Bosnia or not or regardless of our position on the $6.5 billion we have already spent there, this additional money is needed because we are there, and both of these are very good intended. But that opened the door, and in slipped an additional $3 billion, most of it in this advanced funding for FEMA, something that should be considered later, and that alone is a good reason to vote for the Neumann amendment.

But the real reason is that we have an overshadowing reason of the $5 billion that according to the CBO is not paid for in offsets, and we are talking about actually writing the checks, the outlays, versus the budget authority. So we have this $5 billion that is hanging out there that is going to show up on a bill for our children sometime in the future.

So I think we should pay as we go, I think that we should be frugal and we should fulfill the goals of our good intentions, but we should not do it at the expense of our children. Therefore, I think we should vote for the Neumann amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the very distinguished ranking minority member.

Mr. OBEY. Mr. Chairman, I would simply say that I think this amendment ought to be opposed because it is very selective in where it would save the money.

Evidently, the sponsors of the amendment do not believe that there is a dime's worth of waste in the Pentagon, so they exempt that from reductions. They allow huge spending to go forward on the F-22. They neglect the fact that since 1989, when the Soviet Union fell apart, Russia has decreased its military budget by 75 percent; the United States has decreased its by at most 15 percent. They neglect the fact that $11 billion was added last year to the President's budget by the Defense Department, and they neglect the fact that if nondefense discretionary was as high as it had been at its peak in this country, it would be 50 percent higher as a percentage of gross domestic product than it is today.

Let me simply say that I would urge opposition to this amendment. It also seems to me that it is ill-advised for the Congress to turn total determination as to which accounts are going to be reduced over to a nonelected bureaucrat in the OMB. I see no reason why Mr. Raines at OMB should be given the authority, without any kind of congressional check whatsoever, simply to decide that that program is going to go and that program is going to stay.

□ 1545

That to me is the ultimate abdication of responsibility to control the power of the purse. The Congress was given the power of the purse in the Constitution for one simple reason, because keeping the power of the purse in Congress rather than in the executive branch is the difference between having a President and having a king. We do not need any kings in this country.

Mr. NEUMANN. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH], my good friend.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me this time.

I do rise in support of the amendment of the gentleman from Wisconsin [Mr. NEUMANN], but I feel compelled to respond to something that was said previously.

We keep hearing about how defense spending has increased so much and how we are spending so much on defense. The one statistic that we did not hear the gentleman from Wisconsin state is the fact that we are spending less money as a percentage of our budget on defense than at any time since 1939, since before Pearl Harbor. I see that he is smiling, so he must have read that statistic too. It is something that scares me.

If I can also say that I think at this time, when we are $5.4 trillion in debt, we need to be as conservative as possible with the amount of money that we spend. As CBO has scored this on outlays, it does cause a $5 billion increase in the deficit. That is $5 billion we cannot afford. Therefore, I stand and I support the gentleman's amendment, and certainly hope the rest of my colleagues will too.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS], the very distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I appreciate the chairman of the Committee on Appropriations yielding me this time.

I would like to make two points. First, the gentleman from Wisconsin [Mr. NEUMANN] and I serve on the subcommittee together that involves FEMA funding. He knows very well that within our subcommittee we take a back seat to nobody in terms of our commitment to balancing the budget over time. Indeed, in every one of our accounts we have been very tough as we go forward with attempting to reduce the rate of growth of government.

The difficulty with this specific amendment, however, is that it addresses one of those agencies within our bill that frankly has done the best job of reorganizing itself and attempting to get its own budgetary house in order. Indeed, with the last amendment that we passed, the Thune amendment, if we adopted this amendment, that would take the emergency account down to $700 million and put us in a position where, at the very time when America should be coming together on behalf of those people who are impacted by these floods, we would be undermining that opportunity and that responsibility by way of this amendment.

So it is with great reluctance and a continuing commitment to moving towards balancing the budget, but with great reluctance, I must oppose very strongly the Neumann amendment.

Mr. NEUMANN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I thank the gentleman for yielding me this time.

I just want to remind all of my colleagues that what we are about to vote on, not the amendment that Mr. NEUMANN is offering, which I support, but the emergency supplemental bill, is just that. We are talking about making an appropriation for emergencies.

Now, our President, who is not known for his fiscal restraint, has asked for $5 billion for emergency supplemental spending. The Republicans in Congress have upped the ante. We have raised the ante on the President's request of $5 billion to $8 billion. We are outspending the President. Why? Because we are adding a lot of things that are not, clearly are not, emergencies.

We just approved on a voice vote a commission to study higher education. Why is that an emergency? I do not understand that.

I want to tell my colleagues that in Tulsa, Oklahoma, $8 billion is still a lot of money. People have to work very, very hard to send $8 billion in their taxes to Washington, D.C.

I urge all of my colleagues to consider the fact that what we are talking about is an emergency supplemental and support the Neumann amendment.

Mr. LIVINGSTON. Mr. Chairman, I have no requests for time, and I reserve the balance of my time and the right to close.

Mr. NEUMANN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, while there are a lot of issues to be addressed here, I guess the first and the most important is, we as a generation have to make a decision, when we do something that is right and proper, like flying flood relief to victims around this Nation, whether or not it is our generation's responsibility to pay for it. The disagreement between myself and the committee Chairman is budget authority versus outlays, which out in America probably does not make a lot of difference, but what we are really talking about here is looking at the checkbook. And when we look at the checkbook, if this bill passes as written, it will be $5 billion overdrawn at the end of 5 years and that will be passed down to our children.

I would just add one more thing, and that is, the precedent of asking the President to go into the nondefense discretionary spending and find the appropriate offsets is not exactly something this body has not already dealt with. We have already given the President something called line-item veto, and what we are really suggesting here is that the President apply a mini-line-item veto to apply the appropriate offsets, so that as our generation does what is right and supplies the necessary flood victim relief to the places around this country that truly need it, that we in our generation also accept the responsibility to pay for it. That is really what this amendment is all about.

Mr. Chairman, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the gentleman has pointed out, his well-intentioned amendment attempts to get the fiscal problems of this country under control by cutting the amendment that we are here to provide to the Federal Emergency Management Administration, so that they might not be able to adequately pay the bills incurred by the people who have been devastated by floods and other natural disasters.

It seems to me that if we are going to have a disaster relief bill, if we are going to make the taxpayer the ultimate insurer of the last resort, then we better also be prepared to pay the bills, and that is all this bill tries to do. It would eliminate some of the rescissions, even though the gentleman says that we want to pay for all of the money that we are outlaying so that the bill is ultimately budget-neutral, and I am not sure exactly how that makes us more budgetarily responsible, so I oppose the amendment on that score.

Finally, he would propose a new rescission, though, allowing the President to make undetermined cuts where he deems appropriate. Well, I thought it was the job of the U.S. Congress, the House and the Senate working jointly, to control the budget strings of this Nation. That is what it says in the Constitution of the United States, not simply to advocate a responsibility and turn it over to the President of the United States to do the job. Mr. Clinton would love to do the job, but I do not think we should give him that authority.

So I reluctantly oppose this amendment because this is a disaster relief bill. This is a bill to provide for men and women and children who have been thrown out of their homes for whatever reason, tornadoes, earthquakes, and devastating floods in the midsection of this country.

Let us not get torn up over the fine points of the budget process. This bill is paid for in budget authority. We can get encumbered on the difference between budget authority and outlays. The fact is, if we eliminate the budget authority, that budget authority ceases to exist and that money will not be expended, and therefore, this bill is paid for. This does not add to the overall bill.

By the way, the gentleman from Oklahoma who spoke here a little while ago had his figures wrong. It is a $5.7 billion disaster assistance bill, and reimbursement of Bosnia for another $2 billion. We have to deal with the real figures if we are going to debate this issue properly on the floor.

Apart from that, the bill is paid for, it is a good bill. I urge the defeat of this amendment and the passage of the bill.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NEUMANN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 324, not voting 9, as follows:

[Roll No. 132]

AYES—100

Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bliley
Brady
Bryant
Burr
Burton
Camp
Campbell
Cannon
Castle
Chabot
Christensen
Coble
Coburn
Collins
Crane
Crapo
Cubin
Deal
DeLay
Doolittle
Duncan
English
Ensign
Ewing
Foley
Franks (NJ)
Ganske
Gekas
Graham
Gutknecht
Hefley
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Klug
Largent
Lazio
Leach
Linder
Lipinski
Manzullo
McInnis
McIntosh
Meehan
Metcalf
Miller (FL)
Moran (KS)
Myrick
Neumann
Norwood
Nussle
Paul
Paxon
Petri
Pickering
Portman
Radanovich
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Smith (MI)
Snowbarger
Solomon
Souder
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thornberry
Tiahrt
Upton
Watts (OK)
Weldon (FL)
White
Young (AK)

NOES—324

Abercrombie
Ackerman
Aderholt
Allen
Archer
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Buyer
Callahan
Calvert
Canady
Capps
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pombo
Pomeroy

Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—9

Andrews
Chenoweth
Cox
Hefner
Mica
Molinari
Schiff
Skelton
Watkins

□ 1615

Messrs. HORN, COOKSEY, and MOAKLEY changed their vote from "aye" to "no".

Messrs. BURTON of Indiana, STUMP, McINTOSH, and CRANE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in the House Report 105–97.

AMENDMENT NO. 7 OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GEKAS:

On page 51, after line 23, add the following new title:

TITLE IV—PREVENTION OF GOVERNMENT SHUTDOWN

SHORT TITLE

SEC. 401. This title may be cited as the "Government Shutdown Prevention Act".

CONTINUING FUNDING

SEC. 402. (a) If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 percent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

TERMS AND CONDITIONS

SEC. 403. (a) An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

COVERAGE

SEC. 404. Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

EXPENDITURES

SEC. 405. Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY

SEC. 406. No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

PROTECTION OF OTHER OBLIGATIONS

SEC. 407. Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

DEFINITION

SEC. 408. In this title, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health, and Human Services, and Education, and related agencies.

(6) The Departments of Veterans Affairs and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Pennsylvania [Mr. GEKAS] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Before us now is legislation that would prevent a government shutdown during the current fiscal year. It is really a test of our wills as to whether or not we will be adopting this proposition. We know what a shutdown can do to our people. We know that a shutdown is very costly to the taxpayers. We know that a shutdown will leave people in hospitals unattended. We know that a shutdown will cause late delivery if there is any delivery at all of payment of benefits to veterans. If we do not pass this legislation, we are risking again a 100 percent cut, a 100 percent cut in the delivery of benefits that this Congress is bound to do at this or any other fiscal year.

So those who oppose the Gekas amendment on the basis that somehow, because we stay at 100 percent of the levels of last year's budget, that somehow magically that is a cut, that is atrocious. The cut would occur if we do not pass legislation and a shutdown would occur.

The fiscal realities may not be enough to convince Members that they ought to adopt this amendment, but I ask them, as a matter of honor, as a matter of duty, as a matter of the right thing to do, to look back at the fall of 1990, when at the height of the amassing of our troops in Desert Shield, with our young people literally with musket in hand prepared to do battle in the forthcoming Desert Storm, our government shut down. What a disgrace.

It brings shame upon the shoulders of every American citizen to allow its own Government to shut down. Could Benjamin Franklin and the others in 1789 who established a Government for all time, they established it for all time, to last forever, can they in their and their memories countenance a shutdown of this institution for even 5 minutes? Our Government to shut down?

What if there is a shutdown that occurs and a terrible flood or hurricane should occur again like the ones we have just witnessed in the Midwest? We are caught without any Members in their seats, without any bureaus ready to do action and calamities even worse than the ones we have seen could occur.

It is our duty to try to prevent the shutdown. I ask Members to vote in favor of this for the sake of the continuance of our country's Government.

Mr. Chairman, today is a great day for the American people. Soon the House will be voting to approve a measure of which all Americans can embrace and be proud—my "Government Shutdown Prevention Act".

Mr. Chairman, unfortunately, the image of the government shutdowns from the 104th Congress remains etched in the mind of the American citizen as shameful—and unnecessary—indicents in our nation's history. As taxpayers, they were incensed that the government would choose not to perform its essential duties. As statesmen, we were all embarrassed to have forsaken our obligations to the American people. While the Republican Congress was blamed for the shutdowns, I believe we were all responsible for this disgraceful exhibition of failed governance: the House, the Senate, Republicans, Democrats, and the President.

Before us today is a message to the American people. An affirmation, if you will, in the form of an amendment which states that we, the Congress, will not forsake the American people's trust to deliver essential government services and allow for another shameful government shutdown in this fiscal cycle. We will achieve this by voting for my amendment to provide 100% of Fiscal Year 1997 spending levels to continue through the end of Fiscal Year 1998, the absence of a regularly passed appropriations bill or a continuing resolution.

Since my election to the House of Representatives in 1982, I have witnessed eight government shutdowns. The worst of which occurred when our soldiers were poised for battle in the Persian Gulf. It was at this time that I introduced my first government shutdown prevention bill, what I referred to as an "instant replay" mechanism. At the time, I knew I was facing an uphill battle in a long war. After all, the threat of a shutdown is one of the most effective weapons in the Congressional arsenal.

However, I remained vigilant with the image in my mind of our fighting men and women ready to sacrifice their lives as they stood poised for Operation Desert Storm without an operating government for which to fight. I pledged never to let that happen again. Today, I proudly stand ready to fulfill that pledge as the House prepares to approve the Government Shutdown Prevention Act now before us, so that we can send a clear message to the American people that we will no longer allow them to be pawns in budget disputes between Congress and the White House.

Mr. Chairman, without question, the time for enactment of my Government Shutdown Prevention Act is now. We need to restore the public's faith in its leaders by showing that we have learned from our mistakes. I ask for its adoption and urge all members, Republican and Democrat, to vote for its passage, and especially urge the President to sign this "good government" reform measure.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does a Member seek the time in opposition to the amendment?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the Government did not shut down 2 years ago because of some unhappy accident of governance. The Government was shut down because a number of willful Members indicated well ahead of time that it was their intention to do just that, to shut the Government down to make the President of the United States bend to their will. That is why the Government shut down.

If we do not want the Government shut down, then we simply have to behave more responsibly than the behavior that we saw 2 years ago. That is the way we avoid a Government shutdown.

I find it amazing that in 1960, about 60 percent of all Government programs were discretionary. That meant you could think about them. Today, the discretionary portion of the budget has declined to about 30 percent. And the practical effect of this amendment, if it is adopted, will be to produce a situation in which we have zero portion of the Federal budget which is discretionary. What this amendment says is that it rewards inaction by the Congress.

It rewards lack of hard choices by the Congress. And it says that if we do not make choices and do not get an appropriation bill passed, that every program in that bill winds up being funded at last year's level. That means even if there is a large consensus in this Congress that a number of programs ought to be cut well below last year's level in order to fund more well-deserving programs, it means that we are not going to be able to get it done.

Let us say we had the fifth year of the budget agreement between the White House and the Congress on the floor today, and let us say that we were therefore facing a $30 billion reduction in domestic discretionary spending required by that budget.

The fact is, if we did not pass appropriation bills to accomplish that, this would require us to produce bills far above the spending levels that this House wants to agree to in that arrangement. I do not think that is what we mean to do, but that is the practical effect of it.

This amendment is the single-most significant thing the House could do to ensure dumbing down of the Federal Government and the entire budget process, because what it says is, if you cannot get agreement between the President and the Congress on any specific appropriation bill, then all of the programs in that bill have to be funded at last year's level, period. That means we cannot increase the ones that we agree ought to be increased. That means we cannot cut the ones that ought to be cut. That, to me, simply says we are just going to quit thinking, we are going to enshrine the status quo.

Now, if my colleagues think that is smart, go ahead and vote for it. If they think it is not, then I would urge bipartisan consideration against that proposition. I would also say that what this really does is to produce the ultimate blessing of the idea that we ought to keep Washington just like it is. We are not going to think about any of these issues anymore. If we cannot reach agreement, then, OK, we have got a magic formula and we will just keep going the way we have gone before and before and before. I do not think that is what we were sent here to do.

I do not see why we ought to assure that if we do not pass the Labor-HHS bill and if we do not pass the energy bill that we ought to have to continue every bureaucratic mess of a program at the Department of Energy, but we will be precluded from doing what I know the Republican chairman of the Labor-HHS subcommittee wants to do, which is to substantially increase funding for the National Institutes of Health. We simply could not do that if we adopt this prescription.

This, in my view, also has one other major problem. It will make it virtually impossible to deliver the disaster aid, which is the primary purpose of this bill, because this bill is going to be vetoed if it contains this amendment, and if it is vetoed, we are going to be stuck till the cows come home before we can get another bill to the President.

So I would simply urge my colleagues, if they are interested in providing rapid emergency assistance to the people who need it, if they are interested in retaining the ability of this Congress to think about any remaining budgetary programs, they will turn this amendment down.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, first of all, I would like to indicate that I respectfully disagree with my colleague from Wisconsin, [Mr. OBEY]. Never in my legislative career would I have thought that I would hear the gentleman from Wisconsin [Mr. OBEY] making arguments, Republican arguments, against a good amendment. But, nevertheless, today we have heard that happen.

Let me say, Mr. Chairman, we can continue pointing fingers as to who was to blame for the last shutdown. But the fact of the matter is, as the author, the gentleman from Pennsylvania [Mr. GEKAS], indicated, it cost the taxpayers $1 billion more, so we did not save a red cent.

We heard our constituents who were part of this finger-pointing, who were part of this partisan debacle. Veterans who were ready to close on their homes got denied. Constituents of mine who were applying for a visa with nonrefundable flight tickets lost their money on those flights. So a shutdown serves no good purpose.

Let me indicate to the membership that in Wisconsin we have a similar law, we have an automatic CR for the State of Wisconsin which precludes this from happening. In my legislative days, it kicked in once. It provided for uniformity.

Mr. OBEY. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] has 11 minutes remaining and the gentleman from Wisconsin [Mr. OBEY] has 10 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Chairman, I rise in strong support of the Gekas-Solomon-Wynn amendment. Regardless of whether the budget resolution passes next week or not, we still have to pass appropriation bills.

I think the budget process is going to be a very long and difficult process. If my colleagues do not think so, I have a Madison County, IA, covered bridge in my district that I will sell them.

□ 1630

At the end of the year, we will need to make sure that we have had time to produce the best possible budget policy. We should not have to make decisions at the eleventh hour under the threat of a Government shutdown.

Support the Gekas-Wynn-Solomon amendment. It will keep the Government open and it will ensure that budget implementation is based on sound policy, not on the pressure of an expiring clock.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER.]

Mr. HOYER. Mr. Chairman, I rise and I wish I knew what I should say. The policy that the gentleman articulates is a good policy. My colleague from Maryland, Mr. WYNN, has cosponsored this amendment. I have stood for this premise since 1981; that we ought not to inadvertently shut down the people's government; that we ought not to, because we could not reach political consensus, have government shut down. And in point of fact, we never did that until 1995.

My friend and very sincere colleague, whose motives I question not a whit, he is honest in his presentation on this issue, but in 1990 we shut the government down because George Bush was angry that we did not pass, because he did not get his own party's support, a deficit reduction package. So he refused to sign the bill and Federal employees were on the street for 36 hours. That was the longest shutdown prior to 1995.

But in 1995, specifically in April, the Speaker of the House of Representatives, NEWT GINGRICH, said I am going to put our Government at risk and let us see what the President does. He said further that the President clearly cared much more than he and his colleagues about government's operation. So as a policy to threaten and leverage the President of the United States, this Government was shut down for 6 days and then for 22 days. Twenty-eight days. Eight times longer than it had ever been shut down before in history.

And now we have a very well-directed amendment on the floor. I may even vote for it. But I want to tell my colleagues this will not be a vote in which employee unions will score. I tell my colleagues that. Why?

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, I would advise the gentleman that I have here that under the leadership of the Democrats, they shut the Government down 17 times. I have the list right here, and the gentleman is welcome to look at it. Is that not true?

Mr. HOYER. Mr. Chairman, reclaiming my time, I do not ascribe to the gentleman any disingenuousness by asking the question. He knows full well that the Government was never once shut down by Democratic policy. Not once. There were, clearly, disagreements and the President refused to sign bills. The President was President Reagan. The President was President Bush.

I would ask the gentleman, am I correct those 17 times occurred in the 1980's?

Mr. STEARNS. If the gentleman would continue to yield, this goes back to 1972.

Mr. HOYER. Well, reclaiming my time, I do not want to analyze all those because I do not have the time.

Senator STEVENS is well-motivated and believes in this amendment, but I fear, my friends, that there are many on this House floor who believe this is the best they can get politically, freezing at last year's level with no RIF protection for Federal employees. That is what I fear, and that it will give them the opportunity and excuse not to pass appropriation bills and not have to pay the price of following their policy of shutting down government for which we paid such a dear price in November and January of 1995 and 1996.

That, my friends, is my fear on behalf of Federal employees, on behalf of the operations of this government, on behalf of doing our job in a responsible fashion.

Neither party comes with clean hands to this. I agree with my colleague from Florida, neither party comes with clean hands. All have been willing to play chicken in the appropriations process and put at risk Federal employees and those who receive services from the Federal Government.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time and also for his leadership on this issue. I rise in strong support of the Gekas amendment. I joined him in this amendment because it is the right thing to do.

My fellow colleagues, public employees do not care about our negotiating leverage and our negotiating positions and our personal biases. Taxpayers who cannot get into parks, who cannot get passports, who cannot get fundamental services do not care about which side has leverage nor about which side is at fault. What they care about is responsible government.

And responsible government is government that is open, functioning and ready to do business, ready to do the people's business. This amendment will enable us to keep the government running, and that is the right thing to do, regardless of which party we are in.

Now, there are a lot of people running to the well and saying if we do this we will lock in cuts to education and to WIC and a lot of important programs. That is simply not true. The fact of the matter is, this amendment maintains the status quo. We can debate our differences. We may want to increase a program, we may want to decrease a program. While we work that out, let us keep the government up and running. That is what we are supposed to do. That is what this amendment accomplishes.

There is not going to be any lock-in of cuts or anything like that. That is simply misinformation. I find it very ironic that 2 years ago on the Democratic side every single Member rushed down to this well and said, please, we need this continuing resolution. And not 100 percent. They were willing to accept 98 percent. I say this is a much better continuing resolution.

I compliment my colleagues on the Republican side for their willingness to compromise. A 100 percent continuing resolution will accomplish our ends of maintaining the government while we negotiate our differences, and that makes common sense.

I want to tell my colleagues what President Clinton said in 1996, or rather let me say this. A lot of people are walking around today saying there will not be a shutdown. We said that Christmas of 1995 and there was a shutdown over the Christmas holidays and Federal workers were out of work.

The President said, "Again, let me say I am convinced both sides want to balance the budget, but it is wrong, deeply wrong, to shut the government down while we negotiate." Let us heed the President's words and keep the government open.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, despite the good intentions of the author of this amendment, I believe this amendment should be called the Pork Barrel Protection Act.

It is a wonderfully designed proposal that will protect any wasteful government program that has been put in past appropriation bills. Forget what the Congress has found out about that program, forget about GAO studies that may have shown that program is a terrible waste of our hard-earned taxpayers' money. The fact is this amendment, if put into law, would protect those pork barrel projects.

I think all Members on both sides of the aisle who fought to come to this House in order to fight pork barrel ought to do so today by voting against this amendment.

Secondly, this measure, if put into law, would enshrine the National Endowment of the Arts. For me, that is fine, but too many of our colleagues who do not like the NEA and have said on the campaign trail they will do everything they can to kill it, they are doing the opposite in passing this amendment.

As someone who has fought hard for veterans, this measure would literally lock in funding that would cause tens of thousands of veterans to lose health care that they fought for in fighting for this country.

This amendment substitutes the wisdom of our Founding Fathers for the expediency of the moment. Our Founding Fathers put the responsibility for shaping appropriation bills in our hands. We should accept that responsibility, not hide from it. Our government was not intended to be put on cruise control.

Finally, if we care about flood victims, if we care about the Department of Defense that needs desperately the $2 billion that has been spent in Bosnia, we know absolutely for a fact that the President will veto this measure with the Gekas amendment in it.

Whether we agree or disagree with that, the fact is if we vote for this amendment we are slowing down desperately needed dollars to help people rebuild their lives that have been victims of floods. If we vote for this amendment, we are slowing down the funding of the Department of Defense, which today is having to put off programs for this summer for training. For those reasons, oppose the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], a staunch supporter of the Gekas amendment.

Mr. SOLOMON. Mr. Chairman, let me correct the last speaker, whom I have great respect for. He says this amendment would hurt veterans. I want to tell my colleagues something. Over 20 years I have had a reputation for being the strongest advocate for the veterans of this country. If my colleagues do not believe so, they can ask any veteran organization in this country.

If this amendment does not go through, what will happen? If reasonable people cannot come to agree and we do not pass the VA, HUD and Independent Agencies bill, then that means that the hospitals, the veterans hospitals in this country, all of them, would cease to be able to operate. The outpatient clinics would cease to be able to operate.

Ronald Reagan once told me, "Jerry," when he was trying to get me to vote for a particular bill, he said, "You cannot always have it your own way. There are two political parties. There are two Houses and sometimes you have to work together."

We are attempting to work together right now, and when the gentleman from Maryland [Mr. WYNN], and the gentleman from Virginia [Mr. MORAN], and the gentleman from Wisconsin [Mr. KLECZKA] came to me in the Committee on Rules and they sincerely asked for this amendment, they meant it.

Because there are good public employees in this country. They deserve a fair break. This amendment will guarantee they get a good break, and that is why we ought to pass it and we ought to pass it now.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, this amendment, instead of preventing a government shutdown, actually shuts down the democratic process. Basically, what it says is the majority can choose to pass those appropriations bills, those programs that they want to make sure are passed and they can let the others wither on the vine.

The minority will not be represented under this process, make no mistake about it. Because those programs that do not have the constituency, that do not have the majority support, it is easy to let them slide when we do not have to take the vote, when we do not have to be accountable to that minority point of view.

I think this is a terrible policy. I think it is much like us giving up our responsibility to our constituents. We were sent here by our constituents to represent them. If we vote for this amendment, what we are really saying is take my vote and throw it away because it will not count anything for what the people sent me to do because this vote will be a throw-away when it comes to the programs that make a difference.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise in support of this amendment because I think this is the proper time to debate this issue and it is the proper time to pass this issue.

We need to have a continuing resolution so we do not shut down the government. The past 2 years of the appropriations process, as we come to a conclusion in the end of September, has not been a time that we should be proud of. As we talk about 1995, what happened? We shut down the government. We eventually brought it back together, but it cost a lot of money by shutting it down.

Last year, as a fiscal conservative, what happened was we added $8 billion of more spending to keep the government from shutting down. That was not what we needed to do. We do not need to increase spending just to keep the programs going.

This is a 1-year effort. Let us try it for 1 year. My preference would be to have a 75 percent rather than 100 percent ratio because we need to have pressure put on us to pass appropriations bills. That is what we should be doing. The appropriation bills will be just as difficult this September and the following year's under the budget bill that will be brought to the floor next week because the growth in discretionary spending is not going to be as fast.

Let us give it a try because it has not worked the other way.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

□ 1645

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Chairman, I wish we had had the Gekas amendment in the last Congress, when we were here on the floor every day hoping that we would be able to avert the shutdown and bring our Federal employees back to work. I am strongly in support of it. We must never again shut down government, causing a situation we do not want to have repeated: an incredible waste of resources, important work left undone, tremendous cost to taxpayers and what it did to the morale of our civil servants.

This amendment is going to provide for an automatic continuing resolution at 100 percent of the fiscal year 1997 level. Yes, we did try to get an amendment in the Committee on Rules, the gentleman from Maryland [Mr. WYNN], the gentleman from Virginia [Mr. DAVIS], the gentleman from Virginia [Mr. MORAN], and myself, that would have assured that no Federal employees would be RIF'd or furloughed. That did not happen, but we are going to monitor it very closely to make sure that they are not.

We think that this is an excellent amendment. The argument I have heard defies logic, when somebody says we are going to waste money, somebody said we are going to hold back on money that should be spent. I just do not quite understand the logic, because as far as I am concerned, this is the assurance that our civil servants need, a safety valve, the least we can do.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise to support the Gekas amendment. Many of us are saying we do not want to use any threat of shutting the Government down. Now we hear people saying, "Oh, you have got to try to do it." That does not make sense.

Some of us, and I am one of them, want to reduce spending in the Federal Government. Some people want to increase the size of Government and increase the amount of spending. These are very difficult to resolve when we are tens of billions of dollars apart.

We are saying while we try to work things out, we would agree we would just freeze spending while we try to work in good faith. They say, "No, don't, you've got to shut government down instead." How ridiculous. It cost taxpayers $1.5 billion the last time around, workers being paid for a month that they did not do the work. The taxpayers were hurt heavily in the process. Federal workers were in jeopardy. Why go through such a thing?

We are trying to say we do not want to have such a threat hanging over things. We want to work together in good will. Why in the world would some Members say "No, we don't want to do it?" Support the amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS of Virginia. I thank the gentleman for yielding me this time.

Mr. Chairman, we have had over 60 continuing resolutions in this body since 1981, where we have had a Congress of one party and a President of a different party and the appropriation bills have not occurred on time. What happens with a continuing resolution? For Federal employees there is anxiety. In the case of a shutdown, of which we have had over a dozen during that period of time, Federal employees are paid for not working. As we saw last time, they did not even receive their checks at Christmastime, and the American taxpayers are the losers.

For Federal contractors, they lose under a continuing resolution even if it is passed, because it is only for a given period of time. Federal agencies then do not let out contracts that were won on a competitive basis, and the business of the American people does not continue.

This is a fail-safe system, if the job does not get done here, so that the Federal Government employees and contractors will not be held hostage. This is not about leverage in the budget debate. This is simply to say that the hostages, the innocent Federal workers who are out there doing their job every day, are not going to be the hostages, are not going to be punished and will be treated fairly. I wish we had had this 2 years ago. We have a chance to change that now. I support the Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, the American people have car insurance, they have home insurance, they have life insurance. Now what we are offering them in this amendment is insurance against government shutdown, government shutdown insurance. This will prevent excessive politics from disrupting the lives of the citizens of the United States of America. It protects our people, our retirees, every American, when we come into disagreement for whatever the motive.

Two years ago we were new here in our roles. We had a majority of Republicans in the House and the Senate, we had a President who was a Democrat, we were getting used to our roles. Who suffered because of that while we were getting used to what we were supposed to do? The American people when the government was shut down for 28 days. There is no finger pointing in that.

If we come to some major disagreements because of a difference in philosophy in the future, let us provide a way out so our people will not be hurt while we make up our minds. We have the opportunity to prevent disagreement from hurting our people, from philosophical or political differences. I say let us protect our people, let us give them Gekas insurance.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I have here a Congressional Research report. It shows we shut the Government down 17 times since 1972. Even under the Carter administration in 1978 we shut it down three times. This was when the Congress was controlled by the Democrat Party. We need this Gekas insurance to prevent another Government shutdown.

All Members should realize that this bill sunsets in 1998. What is the big deal? We are going to try and use it as insurance to protect veterans, the elderly, military and Government employees, and others who depend on continued payment.

I would say to the gentleman from Wisconsin [Mr. OBEY] that even in the State of Wisconsin, his State has a law which automatically maintains government operations in the next fiscal year, automatically. So basically we get great ideas from the States, including the State of Wisconsin. I'm surprised he would be against this amendment.

I would say to the gentleman from Wisconsin [Mr. OBEY], the ranking member, it is good insurance. It does not cut or increase any funds. It is just insurance for the American people. It does not preclude Congress from passing additional resolutions. It has bipartisan support. Lastly, it is supported by the Citizens Against Government Waste, the Federal Managers Association, the Americans for Tax Reform, the Chamber of Commerce, and the Concord Coalition, all of these are bipartisan groups. I urge support.

Mr. GEKAS. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, the Gekas amendment will insure the American people against a government shutdown in the event the President and the Congress reach an impasse on the budget. The funding level of 100 percent of last year's funding will ensure stability until a final budget is worked out.

Last year's government shutdown wasted billions of dollars. We paid thousands of Federal employees who did not work during the shutdown. I say we should keep them on the job to start with. The Gekas amendment is the only way we have to guarantee this. There is no reason, there is no commonsense reason for voting against this amendment.

Finally, some say it is not appropriate to add it to the CR for natural disaster relief. I think this is the most appropriate place. This CR will help us avoid a man-made disaster, a government shutdown on September 30 of this year.

Also, I would like to point out to my colleagues from Florida and the Gulf Coast, September is the hurricane season. The only thing worse than a hurricane is a hurricane during a government shutdown. Let us insure ourselves against a double dose of disaster. Support the Gekas amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, as ranking Democrat on the Committee on Resources, I wanted to address several important natural resource and environmental matters raised in this bill.

At the outset, I want to commend the leadership of the Appropriations Committee for providing vital funding in addition to that requested by the administration for flood-damaged national parks, wildlife refuges, BLM public lands, and national forests.

In California, the severe flood that inundated Yosemite National Park has caused extensive damage to many park facilities and resources, destroying or damaging hundreds of housing units and campsites and other infrastrucure. As a result of the extensive damage, the park was closed and visitor access curtailed.

Yosemite is one of the crown jewels of our national park system and the millions of visitors each year contribute significantly to the state and local economies. While the park service is working to conduct the most urgent repairs to roads and infrastructure using existing funds, the supplemental is urgently needed to reopen park areas in 1998. In the long run, with $186 million in restoration funds and $10 million in funds to implement the Yosemite Valley transportation plan, we have the opportunity to enhance the visitor experience and better protect park resources in what is truly a national treasure.

I also am pleased with the committee's efforts to increase funding over the administration's request for flood-related restoration on national forests. In California and other States, ill-advised logging practices and road construction have had a severe impact on watersheds and water quality, contributing to runoff which increases the severity of flooding downstream. The bill provides $37 million for fish and wildlife habitat restoration, soil stabilization, road and trail maintenance and relocation, $15 million of which is allocated to national forests in California. The committee also provides over $32 million for road and trail and facility reconstruction, $9.2 million of which goes to California forests.

Given the extensive flood-related damages to national forests in California and other States, it is vital that the forest service use these funds in a cost-effective and environmentally beneficial manner. Top priority should be given to allocating these funds for road decommissioning in watersheds and unstable areas where poorly designed and maintained roads have contributed to water runoff, stream sedimentation, and mudslides.

I would also like to comment on section 303 of the bill which is intended to allow flood control project repairs to go forward without concerns regarding consultations under the Endangered Species Act. Clearly, this is legislative language which is subject to a point of order under House rules.

However, last week the House had a vigorous debate and reached a decisive conclusion on this matter by adopting the Boehlert-Fazio substitute to H.R. 478. Substantially similar language, acceptable to the administration, has also been agreed to by the other body.

It is unfortunate that in this case we would allow procedure to obstruct the substance of legislation that is important to many members of the California delegation whose districts were affected by the flooding. It is my hope that the conferees will reject the levees without laws language contained in H.R. 478 and instead adopt the compromise approach which is clearly supported by a majority in the House.

In my view, including legislative language clarifying the application of ESA to the flood-related projects is appropriate to include in a flood supplemental. By contrast, however, the other body has included a legislative rider concerning road right of ways across public land which has absolutely no business being in this bill.

It is unfortunate that we will not have an opportunity to debate the issue of legislating on so-called RS 2477 roads at greater length in the House. Unlike ESA, the House Resources Committee has not reported any legislation on RS 2477, an anachronistic 19th century statute that—as interpreted by a slim majority of the other body—would allow States to build roads through national parks, and public lands in Alaska, Utah, and other western States. This is the mining law of 1872 give-away for roads.

Mr. Chairman, holding important legislation hostage to unrelated antienvironmental riders is deja vu all over again. Didn't we learn anything from the misguided and failed attempts from last Congress. Whether it is in California or North Dakota or Kentucky, flood affected citizens understandably have no tolerance for Congress haggling over a 19th century statute which has nothing to do with floods and everything to do with a narrow antienvironmental agenda which would go nowhere under the normal legislative process. There are too many vital and urgently needed provisions in this bill to get bogged down on a special interest rider that has not been adopted by the House and is likely to contribute additional delay in the form of a Presidential veto.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 3 minutes.

Mr. OBEY. Mr. Chairman, again I want to make the point that we did not have government shutdowns the last 2 years because of an unhappy accident. We had it because of this kind of a mind-set:

One of your Members last year said, "I believe the short-term problems the shutdown caused are a worthwhile price to pay."

Another Member said, "The President is at our mercy. With the looming prospect of another shutdown, people might be out of work, all of whom will be in his programs. I think he's going to care more than we do."

Another of your leaders said, "The President can run parts of the government that are left or he can run no government. Which of the two of us do you think worries more about the government not showing up?"

Another of your leaders said, "We should be prepared to close down the government. If we close it down, people will listen. I don't want to see government shut down, but I'm not afraid of it." He also then went on to say, "I don't see the government being shut down as a negative. I see it as a positive."

One other of your leaders said, "If we have to temporarily shut down the government to get people's attention to show we're going to balance the budget, then so be it."

That was the problem. It was not process. It was mind-set. All you have to do to make government work is to change that mind-set.

I want to point out to you if you pass this, it will be a special interest dream. Any group that knows its program is about to get cut in an appropriation bill will simply try to lobby to see to it that that bill never goes anywhere. If it does not, then comes October 1, bango, they are protected, they are secure. No matter how many GAO reports point out that the program is lousy, no matter how many newspaper reports or television exposes point out that it is a waste of money, you cannot stop spending it on that program under this proposal. That is not a way to save money. That is a way to make the Congress the laughingstock of the country.

You do not need to do this to keep government at work. This is like using a sledgehammer to kill an ant. If you really want to keep government workers at work, what you ought to be doing, for instance, is simply to look at ways to reverse the Civiletti ruling. That way you can keep the government at work without freezing unnecessary spending into the mix for as long as Congress cannot get together on a rational solution.

I would also say that if you pass this, it will be a clear admission that you do not think that you can get your work done and that we cannot get the work of this House done on time. That is a lousy signal to send to the country. If you want to keep the government open, keep it open. You know doggone well that after the experience we have had last year, people in both parties will be killing each other to rush to the microphones to see to it that government is open at that time. But if you do not keep the pressure on for compromise and for making hard decisions now, you assure that every potential loser because we evaluate their programs as being ones that ought to be cut, you will assure they will create mounting pressure not to pass those appropriation bills and the result will be more waste than you have today. The responsible vote on this is no.

Mr. RAMSTAD. Mr. Chairman, I rise in opposition to the Gekas amendment. I am disappointed we are considering an amendment which would further delay much-needed relief to the flood-ravaged Red River Valley.

I witnessed firsthand the incredible devastation and the thousands of hurting people in the Red River Valley who are counting on Congress and the President for help.

They need flood relief now to rebuild their homes, businesses, and communities. They don't need a Christmas tree bill with unrelated items attached to it like the Gekas amendment.

Under normal circumstances I would support the automatic continuing resolution. However, this legislation should be handled separately, and the Disaster Recovery Act passed as soon as possible without an amendment which would cause a Presidential veto.

I respectfully urge my colleagues, on behalf of thousands of food victims in the Red River Valley who want to help themselves, to vote no to the Gekas amendment. Let's get help to flood victims now without any further delay.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment to H.R. 1469, the emergency supplemental appropriations bill.

I understand the motivation for this amendment with the experience of the waning days of the last Congress fresh in our minds with the budgetary process beginning for this Congress.

The need for this Congress to remain accountable and responsive to the budget and all of the ensuring situations that might arise form disagreements with the administration is critical.

The Congress considers the President's budget proposals and approves, modifies, or disapproves them. This body can change funding levels, eliminate programs, and add programs not requested by the President. It can add or eliminate taxes and other sources of receipts, or make other changes that affect the amount of receipt collected.

All of this is accomplished under the Congressional Budget Act of 1974. The act requires each standing committee of the House and Senate to recommend budget levels and report legislative plans concerning matters within the committee's jurisdiction to the Budget Committee in each body. The Budget Committee then and only then should initiate the concurrent resolution on the budget.

The budget resolution sets appropriate levels for total receipts and for budget authority and outlays, in total and by functional category. It also sets appropriate levels for the budget deficit and debt.

Budget resolutions are not laws and therefore, do not require the President's approval. However, Congress does consider the administration's view, because legislation developed to meet congressional budget allocations does require the President's approval.

Congress does not enact a budget as such. It provides spending authority for specified purposes in several appropriations acts each year. In making appropriations, Congress does not vote on the level of outlays directly, but rather on budget authority, which is the authority to incur legally binding obligations of the Government that will result in immediate or future outlays.

Last year, I joined with many of our colleagues to address the problems of the last Congress' budget disagreements. I attempted to avoid the Government shutdowns which occurred by introducing legislation to raise the debt ceiling limit to avoid a Federal Government default of its financial obligations and insulate critical agency.

I stood with many Members on the issue of the budget crises and fought to resolve the issue.

I believe that this amendment would further complicate the budget process by attempting to meet the Government's obligations without obligating the Congress to do its job.

The reconciliation directives in a budget resolution usually require changes in permanent laws. They instruct each designated committee to make changes in the laws under the committee's jurisdiction that will change the levels of receipts and spending controlled by the laws.

However, the changes in receipt and outlay amounts are based on certain assumptions about how laws would be changed, and these assumptions may be included in the explanatory statement accompanying the budget resolution.

The 435 Members of the House who have the honor of being members of this body must and should insist on remaining accountable for all of its actions.

The constituents of the 18th Congressional District deserve no less than my best effort to participate actively and enthusiastically in all of the business of the people's House as their elected Representatives.

We should not give into the anxiety created by our experience of the last Congress. We should work with each other during the budgetary process through our management of this House to do this job well.

With over 200 years of history to support the way we have provided funds to operate the United States' Government there is no precedent for making this amendment law.

I would like to ask that my colleagues join in opposition of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Is it the intention of the Chair to try to roll this vote? We have not had votes rolled all day. Why are we rolling a vote without notice to this side?

The CHAIRMAN. Under the rule, the Chair has the option to postpone requests for recorded votes at his discretion. The Chair would indicate to the gentleman that he would have postponed the previous 5 votes had rollcall votes been requested, but the rule makes it clear that the Chair has the discretion to postpone votes on any amendment.

Mr. OBEY. We just had a rollcall vote on the Neumann amendment.

The CHAIRMAN. The gentleman is correct. That vote would have occurred in addition to 4 others had there been rollcall votes requested. Those amendments were adopted by voice vote.

Mr. OBEY. Could I ask for how long it is going to be rolled?

The CHAIRMAN. Until later in the consideration of the bill.

Mr. OBEY. So we are not going to know how we voted on this amendment when we consider other amendments?

The CHAIRMAN. The Chair would indicate that postponing a vote on an amendment that would not technically affect consideration of additional amendments that could be offered up would not be out of the ordinary.

□ 1700

Mr. OBEY. Let me simply say, Mr. Chairman, if this is being rolled simply for the purpose of the majority to whip because they do not have the votes, then it is going to be very difficult for us to reach agreement.

The CHAIRMAN. The Chair will state that the rule grants the Chair the discretion to roll votes.

Mr. OBEY. It also, as you know, usually is accompanied by a prior notice to the minority, and it is usually worked out on a bipartisan basis.

Mr. Chairman, that has not happened in this instance.

The CHAIRMAN. The Chair will indicate that the Chair was not a party to either notification or not notification and would be exercising the discretion.

Pursuant to House Resolution 149, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 8 printed in House Report 105–97.

AMENDMENT NO. 8 OFFERED BY MR. DIAZ-BALART

Mr. DIAZ-BALART. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DIAZ-BALART:

Page 51, after line 23, insert the following new section:

EXTENSION OF SSI REDETERMINATION PROVISIONS

SEC. 3303. (a) Section 402(a)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(ii)) is amended—

(1) in subclause (I), by striking "the date which is 1 year after such date of enactment," and inserting "September 30, 1997,"; and

(2) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting "September 30, 1997,".

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The CHAIRMAN. Pursuant to House Resolution 149, the gentleman from Florida [Mr. DIAZ-BALART] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. DIAZ-BALART].

PARLIAMENTARY INQUIRY

Mr. DIAZ-BALART. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. DIAZ-BALART. Mr. Chairman, has the Chair made inquiry as to whether or not there is a Member who will rise in opposition?

The CHAIRMAN. The Chair has not, and has given the author of the amendment the opportunity to explain the amendment and then will request if there is a Member in opposition.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, which is cosponsored by my dear colleagues, the gentlewoman from Florida [Mrs. MEEK], as well as the gentleman from Florida [Mr. Shaw], the gentlewoman from Florida [Ms. Ros-Lehtinen], and the gentleman from Rhode Island [Mr. KENNEDY] obviously is a bipartisan effort which parallels very exactly the companion language that was passed in the Senate with 89 votes just a few days ago, language in the Senate that was submitted by Senators D'AMATO and CHAFEE and DEWINE and others, and it would restore vital supplemental security income, SSI, assistance to legal taxpaying immigrants for a 6-week period to allow time for details of the budget agreement to be finalized which will lead to a more long-term solution, Mr. Chairman.

That in essence is the explanation of the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who would rise in opposition to the amendment and seek the time?

Mr. SABO. Mr. Chairman, I do not, but I ask unanimous consent that if no one rises in opposition, then the gentlewoman from Florida [Mrs. MEEK] might have the 10 minutes as the coauthor of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentlewoman from Florida [Mrs. MEEK] will control the 10 minutes.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Thanks to my colleague, the gentleman from Florida [Mr. DIAZ-BALART], and I want to certainly thank the Members of the Committee on Appropriations, the chairman and the ranking member who have worked so hard, and the gentleman from Minnesota [Mr. SABO] to see that we got there so far, and the chairman of the Committee on Rules as well. I feel strongly about thanking all of these people because they did, Mr. Chairman, allow us to get where we are now and to have this time divided between my good friend [Mr. DIAZ-BALART] and myself. I also want to recognize the fact that the gentleman from Rhode Island [Mr. KENNEDY] and the gentlewoman from Florida [Ms. ROS-LEHTINEN] and many others have worked very diligently on this, and I certainly want to thank them for the time they have put on it, and I appreciate their sensitivity to this problem which we worked in a bipartisan basis to get to this far.

So I want to say to the House today that we are offering this amendment for the good of the SSI recipients throughout this country who are legal immigrants, who have been in this country, who have been responsible in terms of their taxpaying dues, who have been responsible as good and worthwhile legal immigrants and who deserve in their elderly state of mind, and who deserve, those who are disabled and who deserve, those who are young and unable to work, they deserve this kind of attention from the Congress to say that we will extend the time, give them a time to get the benefits that they so much deserve.

So what this amendment will do, will do what the Congress wants to do, is to give us time to have our colleagues vote and act on the additional moneys which has already been recommended to them to come before the end of the year.

We want to be sure that there is no cutoff of SSI and there is no cutoff of Medicaid. Many people do not realize that in many of the States, SSI and Medicaid are linked together, and many of the people in nursing homes, their benefits would be cut off if it were not for this good bipartisan amendment which our colleagues are hearing now, and because of this they will be able to remain there and receive their benefits until Congress acts upon this.

Mr. Chairman, it is not going to cost but $240 million, and that has been taken care of in terms of the offsets which the chairman and the ranking member have explained to us before. We are so pleased that these needy people, they are aged, they are frail and certainly disabled, that they will get a chance now to continue to get the food, to be sure to get the health care, to be sure and get the medical care and to be sure to get the benefits which this country has afforded them.

Mr. Chairman, I say to you that what we have done here today is an outstanding thing, and I want to thank both parties and everyone who has been in on this, and I wanted to yield some time to the other Members of the House.

First of all, Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would also like to thank the gentlewoman from Florida [Mrs. MEEK] for her leadership on this issue and my good friend and colleague, the gentleman from Florida [Mr. DIAZ-BALART]. But, Mr. Chairman, I want us to stop for a moment and not pat ourselves so much on the back because we are about to pass this amendment. Let us recall what created this problem in the first place. Let us recall that it was a discriminatory welfare reform bill that cut $24 billion out of legal immigrants' assistance, $24 billion that the legal immigrants of this country pay taxes for, far in excess of what they ever get back in human and social services, and yet this Congress felt there was no distinction to be made between illegal aliens and legal residents. They felt that the immigrants were such a dirty word amongst the American public that we could bash immigrants and scapegoat immigrants all the way through the last Congress, and that is exactly what the bill, that the welfare reform bill that passed last Congress, did. It made no distinction between legal immigrants and illegal aliens.

Let me remind my colleagues that 24,000 legal immigrants serve in our Nation's military. Imagine them on duty in Bosnia today without us passing this bill. In essence, we are going to pass a supplemental bill to fund Bosnia, but we are not going to pass a bill that would allow——

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to tell the gentleman that legal immigrants who serve in the military were never, never excluded from any welfare benefits, and they were specifically included.

Mr. KENNEDY of Rhode Island. Reclaiming my time, their parents, their cousins, what is the gentleman from Florida saying; that their aunt, and let us say they are over in Bosnia, that their mother or father, or their uncle or aunt who is back in the United States is not going to get cut off?

Mr. Chairman, I would like to ask the gentleman from Florida [Mr. SHAW] to respond to that question.

Mr. Chairman, the fact of the matter is it is absolutely a shame the gentleman has asked me that question when he was the author of last year's bill and yet he knows full well what we are talking about here, and that bill, Mr. Chairman——

Mr. SHAW. Mr. Chairman, if the gentleman will calm down, I am a cosponsor with him on this particular amendment. Now if he wants to try running off votes, then that is the way to handle it, but I will explain to the gentleman that we are packaging a deal that is going to take care of all of those that were here on August 22. So if the gentleman would calm down.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I reclaim my time.

The CHAIRMAN. The gentleman from Rhode Island does control the time.

Mr. KENNEDY of Rhode Island. Mr. Chairman, we are so glad to have the gentleman from Florida [Mr. SHAW] finally acknowledging that these are legal immigrants who should not be cut off assistance. We are so glad that he has finally come around and supported this bill.

Mr. Chairman, in August 3,500 of the most vulnerable residents of my State of Rhode Island will be expelled from the Supplemental Security Income [SSI] program.

Mr. Chairman, these are not able bodied adults with no desire to work—these are elderly and severely disabled legal immigrants who will never be able to work. In fact, most came to the United States desiring to work hard and achieve the "American dream" like most citizens.

Unfortunately however, they have gotten old and become ill and can no longer contribute to the economy as they once had.

Mr. Chairman, without SSI, many of these elderly and disabled individuals will have no means of survival. Many live in nursing homes and will be put out once their assistance ceases. Many have no family members with the financial ability to care for someone in their condition.

These people are not getting rich off the system—they are barely getting by.

This is precisely why the Diaz-Balart, Meek, Shaw, Ros-Lehtinen, Kennedy amendment to extend the SSI program until the beginning of the 1998 fiscal year is so important.

An extension of the SSI cutoff date would allow Congress and the Clinton administration to finalize their agreement to restore some benefits to legal immigrants. Many of these individuals who are facing termination will qualify to continue receiving SSI under the budget agreement.

The 2 month gap between the cutoff date and the beginning of the 1998 fiscal year will create enormous difficulties for the Social Security Administration, health care providers, and hundreds of thousands of new Americans who will have no means of support for 2 months.

An extension of the program would avert this trainwreck and maintain a decent standard of living for thousands of deserving individuals.

I urge my colleagues to vote yes on this amendment and support the rights of all Americans—not just those who are native-born.

Mr. DIAZ-BALART. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. SHAW], someone who has been instrumental in the area not only of welfare reform, but in precisely trying to formulate a solution to the problem that we are dealing with today and who was instrumental in making this, permitting this, amendment to come to the floor in the consensus fashion that it has. As I say, it is very much a part of the negotiations to find a humane and definitive solution to the very, very serious problem that brings us to the floor at this point.

Mr. SHAW. Mr. Chairman, I thank the gentleman from Florida for yielding me this time, and I am pleased to join with the gentleman from Florida, the gentlewoman from Florida [Ms. ROS-LEHTINEN] and even the gentleman from Rhode Island [Mr. KENNEDY] as a cosponsor of this amendment which I think is very much needed to bridge the time from August 22 when the welfare reform bill, as it applies to legal immigrants, is going to go into effect until the first of the year to give us the time to work out a reasonable solution.

Mr. Chairman, I think a history lesson is necessary here. Right now, 51 percent of the moneys that we spend on the elderly in SSI goes to noncitizens. We have found that the payment to noncitizens is growing at 10 times the rate that it is growing for citizens. Now that is not to say that we need to pull the rug out from under people who are already here, and that message is out there, and that message has been heard, and we are going to solve that problem as part of the budget negotiations and reconciliation that we will be going through in the month of June.

There is nobody in this House that wants to see people who have absolutely no place to turn to be dumped out on the streets, and we are not going to allow that to happen. But also there is nobody in this House that I think really wants to continue to use SSI as a pension system for noncitizens. It was never designed that way, and if that is what we are going to do, then we should face that as a separate pension system that we would have to take a look at. But I do not believe that the American people would want to do that.

Mr. Chairman, this is the right solution. We are doing the right thing, and we will continue to do the right thing. We will be finetuning this legislation. I have said all along, the gentleman from Michigan [Mr. LEVIN] who is my ranking member on the Committee on Ways and Means knows that we have been working for a solution even before the White House and the budgeteers came in and tried to strike their deal in putting together a bill.

So I think we need to keep the rhetoric down, I think we need to work together to solve this problem. This is certainly the interim solution. I support this amendment, and I am very pleased to have my name associated with it.

I would also like very much to compliment my colleagues, the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentlewoman from Florida [Mrs. MEEK], and the gentleman from Rhode Island [Mr. KENNEDY] for being part of the sponsorship of this most important amendment. I think it will receive the overwhelming support of the House, and I would hope that it would pass and we can go on to the next phase of working these problems out for legal citizens, legal noncitizens, excuse me, legal noncitizens who find themselves in a tough spot here in this country and were here on August 22, 1996 when this bill was passed and signed into law by the President.

☐ 1715

Mrs. MEEK of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Chairman, I yield 3 minutes to my distinguished colleague from south Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, the Social Security Administration has informed recipients of SSI benefits, that is the elderly over 64, blind and disabled, that they will lose their benefits in August. These legal residents, who have received this notice, total 800,000 people; 800,000 elderly folks who will be left to their own resources to survive.

Out of this group of 800,000 people, Mr. Chairman, is Mary Solanes, a 72-year-old elderly woman who is a constituent of my congressional district, who not only was a victim of Hurricane Andrew that destroyed her home, but also then became a victim of building contractor fraud. To make her situation even worse, Mary Solanes will have to fend for herself without the aid of SSI benefits, even though she has custody of her two minor grandchildren after her daughter was murdered by the children's father.

We, as Representatives of the people, should not make this poor, elderly woman, who has endured the loss of her home twice over, as well as the murder of her daughter, have to survive without any help whatsoever. The SSI check that Mary Solanes receives is the only means of sustenance that she has to support herself and her grandchildren.

Add to the list another constituent of my district, Mr. Jose Jimenez, a 90-year-old man, who was the father of a Korean War veteran. Jose came from Cuba with an affidavit of support signed by his son. Unfortunately for him, shortly after he arrived, his son, the Korean War veteran died, leaving him alone without knowing where to go and without being eligible for any kind of support. If we were to cut this poor, 90-year-old man's benefit, he will surely be homeless.

Further add to the list another one of my constituents, Consuelo Brito, a 92-year-old elderly woman who is bound to a wheelchair and blind. She has attempted repeatedly to take the citizenship test, but has failed all attempts. Consuelo, again, is 92 years old, bound to a wheelchair and blind. Where should a poor, elderly lady like Consuelo go if she loses her SSI benefits? Do we honestly believe that she will be hired by someone? Obviously not.

Finally, consider the case of Onesia Bueno, an 82-year-old woman, also a constituent of my district, who has no one here to look after her. Her husband, a former political prisoner in Cuba, died in 1980, leaving her alone. Ironically enough, her husband suffered at the hands of Cuba's tyranny for his crime of helping the United States during World War II. She faces homelessness without Social Security supplemental assistance. This amendment will at least carry her over for a few more weeks.

Because of these examples and hundreds like them, just based in my own congressional district, we urge our colleagues to consider the amendment that would extend the elimination of benefit cutoff dates to Mary, to Jose, to Consuelo, to Onesia, and all of the elderly.

Folks far over the age of 64 are in desperate need of assistance. They are all individuals who unfortunately will be left to their own resources to survive and who are far too old or disabled to work. We cannot as legislators cut aid to those who need it the most and to those who have no other option to sustain themselves because of their age or disability.

Because we cannot forsake Mary, Jose, Consuelo, Onesia and many others, I implore my colleagues, therefore, to pass this amendment, not only for the good of these elderly who are so desperately in need, but to fulfill the duty of our occupations, as members of Congress, to represent all of the people, including the elderly, the poor and the disabled.

This amendment could not have been presented here today without the support, guidance and leadership of the gentleman from Florida [Mr. SHAW], the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Florida [Mrs. MEEK], the gentleman from Rhode Island [Mr. KENNEDY], and many others who have worked on a bipartisan basis to help the elderly, the poor, and the disabled.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me the time. I would simply say that I think this action is responsible, it is needed, it is fair, it is overdue. These people should never have been bounced in the first place.

I would also say, as the gentleman from Rhode Island [Mr. KENNEDY] has noted, that I hope that this little patch on our consciences does not suffice to cover up all of the other changes that are needed in the welfare program to make that program in fact balanced and fair and decent to a lot of desperate human beings.

For instance, it still is grossly harsh to persons who, through no fault of their own, lose their jobs and are, therefore, deprived of long-term food stamp benefits until they can obtain another job. So while we need to do this today, I hope that this is not the full measure of the conscience of the Congress, because we would indeed be found wanting.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a distinguished member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this amendment. It would give us the time we need to work out the details of the budget agreement and provide appropriate relief to elderly and disabled non-citizens.

In my district, many legal residents have worked hard in America, paid taxes for 10, 20, 30, 40 years, and some of those folks now depend on SSI and some of the benefits provided by this Government. I have worked hard with the Polish American Congress and other organizations in the Polish and Hispanic communities to make sure that those who want to apply for citizenship can do so promptly, get their applications processed promptly, and continue to receive their benefits as American citizens, and I would like to commend the INS office in Hartford for its tremendous cooperation at this time.

However, some of those legal residents who have worked decades in our country are unable to become citizens because their disability does not allow them to learn English or American history, or even comprehend the citizenship oath. We must not change the rules for these folks retroactively, and only after these people are unable to support themselves.

This amendment does what is necessary now, and before this amendment expires, I believe this House will have made a permanent change in the law to assure benefits to elderly and disabled legal residents in America currently receiving SSI benefits.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR], my colleague on the Committee on Appropriations.

Mr. PASTOR. Mr. Chairman, first of all, I want to thank the sponsors of this amendment. It is very important. As it has been said, it is responsible and it is humane.

However, Mr. Chairman, the point has been made that as we discuss the parameters of the budget and the funds that will be needed to restore some of these benefits, if we do not go to the $14 billion or higher, what is going to happen is that hundreds of thousands of elderly legal immigrants who are not disabled will not receive services in the future. This amendment is a short-term solution to a problem, but as we debate the budget we need to ensure that all the legal immigrants that deserve these services will be reinstated.

Mrs. MEEK of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. SABO], who is a member of the Committee on Appropriations.

Mr. SABO. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise in strong support of this amendment which restores the eligibility of SSI until the end of this fiscal year. I want to particularly commend the gentlewoman from Florida [Mrs. MEEK], our good friend, for her persistence. We are here because of her efforts on the Committee on Appropriations to set the framework for having a floor amendment to be offered.

I just want to say a special word of thanks to her because as the son of immigrants, I especially appreciate her efforts in behalf of extending for a short period of time truly justice for many deserving Americans.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise in support of the amendment. I hope we have the political courage to make it permanent.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Diaz-Balart/Meek amendment to postpone the cutoff of SSI and Medicaid payments to legal immigrants. This is a commonsense amendment that not only addresses the inadequacies of the welfare reform law, but it gives Congress and the administration time to make good on their word to restore benefits to legal immigrants.

I think many of my colleagues would agree that the old welfare system, as structured, needed significant change and a refocus upon the basic goals of getting families back on their feet, parents back to work, and children back into more secure financial situations as soon as possible. In finally enacting welfare reform, tough and pragmatic choices had to be made in order to transform the system to one that more effectively facilitates movement from welfare to work. However some effects of the welfare law are just plain wrong. Legal immigrants have been forced to shoulder a disproportionate amount of the cuts, which amounting in a crushing burden on such individuals and families.

Passage of the Diaz-Balart/Meek amendment, and other proposals like it, has become crucially important given the potential impact of the welfare reform bill on legal immigrants. We must face the facts, welfare reform has a long way to go—it wasn't handed down to Moses on Mount Sinai. Sadly, the Republican leadership is reluctant to fully recognize the repercussions of the welfare reform legislation and shows no clear inclination to act in a timely fashion on the limited changes much less the broad problems with the legal immigrants.

In my home district of St. Paul, Minnesota, I represent a large population of Hmong from Laos, many of whom risked their lives fighting alongside U.S. soldiers in the Vietnam War. Because of the injuries many of them suffered in combat in addition to the fact that the Hmong did not have any written language until recent years, many of them are not able to pass the citizenship test. Whatever chances most Hmong who served may have had to learn a written language were disrupted by the fifteen years of war in Laos. Now the Hmong are fearing for their lives in a new war—welfare reform. It is unfair for the Federal Government to back away from its commitment to support states, such as my home state of Minnesota, which have taken in a high number of legal immigrants. Many of these residents are taxpayers who deserve to be protected by the same safety net as U.S. citizens. The Hmong would suffer greatly under the new welfare law in spite of provisions which treat them as refugees differently than other legal immigrants.

This January, I reintroduced the Hmong Veterans Naturalization Act, which would ease citizenship requirements for the Hmong who fought so vigilantly alongside the U.S. Armed Forces during the Vietnam War. The Hmong community is a vital part of the greater Minnesota community and of our nation, contributing in all facets of our economy including education, medicine, civic leadership, and entrepreneurship. St. Paul, MN is the first city in the Nation to elect a Hmong to public office, but it will undoubtedly not be the last. In the St. Paul public schools, Southeast Asian students compose 25 percent of student body. The Hmong community in St. Paul are a part of Minnesota's future.

Much of the legislation we have been discussing over the past months since welfare reform was enacted, are quick fixes at best. Members of Congress and the administration need to come together to find workable solutions that will not be portrayed as a permanent fix while leaving individuals vulnerable. I am concerned that according to news reports, the budget agreement tries to "fix" the problem for legal immigrants by extending the eligibility period for refugees from 5 to 7 years. The additional 2 years is hardly an adequate approach. What Congress and the administration should do is set in place a permanent eligibility standard. Anything short of that approach will allow innocent individuals whether they be Hmong veterans, Russian-Jews, or other refugees, to fall through the cracks. They may well become non-citizens, indigent after 7 years as a refuge, but without Social Security or meeting the 15 year threshold for SSI considerations.

Mr. Chairman, I urge support for the pending amendment. I also urge our leadership to develop a comprehensive solution to the problem of all legal immigrants that have been mistreated under the current new welfare law.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the amendment, but the important point on this amendment is that it never should have been included in the welfare reform bill. It is a cruel way to attack the helpless people in this country.

When I went to South America last month, I heard plenty about this provision. The message that we are sending out about this country is that we are mean-spirited and racist. Is that the kind of message we want to send? Let us support this amendment. Let us be fair to all of the people in this country.

Mrs. MEEK of Florida. Mr. Chairman, I yield such time as she may consume to my colleague, the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of this amendment to help all the grandmothers that are legal immigrants who pay taxes over the years and have committed themselves to America.

Mr. Chairman, I rise in support of the Diaz-Balart, Shaw, Meek, Ros-Lehtinen amendment to H.R. 1469, the emergency supplemental appropriation bill.

I speak on behalf of the 14,380 legal immigrants who in 1995 listed Houston, TX as their intended area of residence. It is estimated that 8 percent of the 18,724,000 residents of the State of Texas are foreign born according to the League of Women Voter's report "Immigration an American Paradox."

This is a nation of diverse people that has a long tradition of expanding the roles of our nation's citizens through a formal adoption program called Legal Immigration.

The actions of the last Congress in passing immigration reform which treated legal and illegal immigrants with out delineating between the two groups was wrong.

Legal immigrants to our Nation should be encouraged and fully recognized with the full protection of our Nation's laws.

In March, approximately 800,000 legal residents of the United States received letters from the Social Security Administration informing that they may lose their benefits in August unless they qualify for exemption or achieve U.S. citizenship.

Age, infirmity, and mental and physical condition were not taken into account when immigration reform was passed by this body and signed into law.

This amendment would allow us to do the right thing and provide for those who are abiding by our Nation's laws by becoming legal residents of our country.

The amendment if adopted would postpone until the end of fiscal year 1997 the scheduled cutoff in Supplemental Security Income [SSI] payments to illegal immigrants. These benefits go to needy persons who are over 64, blind, or disabled. The amendment would rescind $240 million from the Job Opportunities and Basic Skills [JOBS] program to offset the amendment's cost.

I would urge my colleagues to join in support of this very important amendment to the emergency supplemental appropriations bill.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, the legal immigrant provisions never should have been in the welfare bill. When the President signed it, he said he was going to work to take out these provisions, as did a number of us who voted for this bill. This is the first step to redeem that promise.

Welfare reform was always about moving younger people off of welfare to work, not penalizing elderly legal immigrants. We have to go further than this. This is the first step, and I congratulate all who joined in this overcoming the initial resistance to this effort.

Mr. Chairman, this has been a long haul.

When the President announced his decision to sign a welfare bill, substantially reshaped after his two earlier vetoes, he promised to work to change several parts he disliked, particularly those relating to legal immigrants.

When a number of us spoke on the Floor who voted for the bill, we made the same promise.

Today, we take the first step to redeem that promise.

Welfare reform was about moving mostly younger parents with children off welfare into work, safeguarding the health and care of their children—not about penalizing elderly, often disabled legal immigrants.

To right this wrong, we have had to overcome considerable resistance. That we are moving in this direction now is a tribute to many of those unnamed, either in the indicated sponsorship of this amendment or in membership in this Congress; to the voluntary organizations throughout this country who raised their voices, often when some of the elected officials in their own state were silent; and to the legal immigrants themselves, who came to this nation, sometimes as refugees from persecution, from a variety of nations—Iraq, the Soviet Union, Vietnam, Latin America and China, among others, and who spoke out to all of America, reminding us that we built this nation with the brains and labors of legal immigrants, and that we should not turn our backs on them in 1997.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself the balance of my time.

Two weeks ago, 5,000 Russian Jews came back to the west side of the Capitol to say they came to this country, they were promised aid when they got to this country, and I am happy that this Congress recognizes that not only those 5,000 Russian Jews who served to help us in the global economy, as well as in the wars that we have just fought to say that today we stand here for all legal immigrants and say to them, we want your time extended until the time Congress has a chance to do the right thing.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

One of the cases that has most impacted me in the last months as I have looked toward August and the impending cutoff of SSI to legal, taxpaying immigrants is the case of Guido Diaz. Guido Diaz was a political prisoner for years in Castro's gulags, beaten daily as a prisoner of conscience. Finally, he managed to get out of the totalitarian nightmare that today is Cuba and arrive in the United States.

Shortly after, apparently the cumulative effect of the daily beatings caused a stroke, a massive stroke for Guido Diaz, and he is in a wheelchair. He is incognizant, and as much as I am sure that he would love to become a citizen of this great country, he cannot do so.

What we are doing today, Mr. Chairman, is making sure that the Guido

Diazes who fell through the cracks in the reform that was implemented just some months ago are saved, and that those legal immigrants in the United States who cannot become citizens will not be cut off, those who were here legally in August of 1996. I commend my colleagues for their support and urge all of my colleagues to join in supporting this bipartisan amendment.

Mr. NADLER. Mr. Chairman, today we have an opportunity to take the first step to undo some of the damage caused by the immigration and welfare reform laws passed in the last Congress. That inhumane legislation was targeted at the most vulnerable in the immigrant community, and it must be reversed. I urge my colleagues to support this amendment to delay the date of enactment of the harshest provisions of these laws. The Senate has already voted overwhelmingly in support of this measure, and I am hopeful that the House will do the same.

We must prevent the widespread human hardship that threatens our communities due to the passage of the welfare and immigration laws. In the past few months, we have begun to see the often tragic impact of these laws. We have already heard reports of many immigrants being turned out of nursing homes due to the impending cutoff of their disability payments. If this amendment does not become law, we will witness much worse. Mr. Chairman, we are in the midst of a national tragedy in the making. Widespread homelessness, poverty, and loss of life will surely result. Private charities and shelters will be unable to accommodate all those who will be cut off.

The impending crisis has also led to incredible anxiety for elderly immigrants who do not know where to turn for help. Riva Feldsher, a Russian immigrant living in Illinois who is nearly blind after suffering a stroke several years ago, recently asked a reporter "What am I going to do? I am an old person. The only choice I have is to go on the street and die there." I have also heard stories of immigrants who have committed suicide due to the fear they feel about these new laws. There is a great deal of fear in our immigrant communities, and we must make every concerted effort to alleviate anxiety and restore benefits.

This is critical legislation. The measure that we are seeking to delay with this amendment targets legal immigrants—people who entered this country legally and openly, paid taxes, and contributed to our economy—who are now elderly and disabled and who deserve our support. An extension of this kind is necessary to allow time for the Congress to substantially modify the law in order to protect elderly and disabled immigrants in a more comprehensive manner. While I would prefer to see an immediate and complete restoration of benefits to legal immigrants, I support this temporary measure to maintain benefits while budget negotiations continue.

Without this delay, termination notices will begin to go out in July and we will have, at the very least, a short-term loss of benefits which would be a disaster to elderly and disabled immigrants and the communities in which they live. This amendment should alleviate some of the tension and anxiety our elder immigrants feel, and will temporarily breathe life back into the lives of legal immigrants who otherwise would be left without critical life-supporting assistance. We owe it to them to pass this amendment today and to fully restore benefits by the end of September. I strongly urge my colleagues to vote in favor of the Diaz-Balart-Meek amendment.

Mr. TOWNS. Mr. Chairman, I rise in support of the gentlewoman from Florida's amendment. This amendment correct a grievous wrong against elderly and disabled legal immigrants which was enacted by Congress as part of last year's welfare reform law. One of the reasons that I opposed that measure was the elimination of SSI and food stamp benefits to many of this Nation's legal residents. Without this amendment over 800,000 legal immigrants will lose their eligibility for SSI and food stamps, and in some cases their Medicaid benefits, in August while this body is in recess. It must be remembered that many of these immigrants were invited to this country as refugees or arrived through the family reunification provisions of our immigration law. Many worked, paid taxes and contributed to this society, as long as they were physically able to do so. Our action, last Congress, was nothing more than a punishment for them not becoming U.S. citizens, a requirement that has never been imposed on legal residents previously, and certainly a requirement that should not be imposed retroactively.

Today, we have an opportunity to right a wrong. I urge my colleagues to join in adopting the gentlelady's amendment. Let us not be guilty of inflicting needless suffering on those whose only crime is that they are not U.S. citizens.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Diaz-Balart/Meek amendment to postpone the cutoff of SSI payments to legal immigrants until the end of fiscal year 1997.

The budget agreement makes good on President Clinton's promise to restore some benefits to disabled legal immigrants. However, this restoration will not occur soon enough for nearly 800,000 elderly and disabled legal immigrants who rely to SSI benefits for basic survival needs such as food and shelter, who have received notice that they may lose their benefits beginning in August. This amendment would delay that cutoff so that we may get serious about the business of restoring benefits for these people in such desperate need.

Scores of frail and faltering immigrants have been driven to panic. A desperate few, at least five at last count, have been driven to suicide because of impending starvation and helplessness. It is shameful that a country like ours allows vulnerable people to live with that kind of fear. Legal residents who have played by the rules to get to our country, who have worked and paid taxes and who are making a good faith effort to become citizens, do not deserve the punishment this cutoff metes out. The Diaz-Balart/Meek amendment is not a permanent solution, but it will allow these vulnerable residents to continue to survive while the President and this body work to rectify the egregious and inhumane mistake that was made in first eliminating the eligibility for these people in need.

I urge my colleagues to support the Diaz-Balart/Meek amendment.

□ 1730

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mrs. MEEK of Florida. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 149, further proceedings on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART] will be postponed.

The point of no quorum is considered withdrawn.

Pursuant to the rule, the Clerk will read.

The Clerk read as follows:

H.R. 1469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, namely:

CONSERVATION RESERVE PROGRAM

None of the funds made available to the Secretary of Agriculture, in this or any other Act, shall be used to enroll a total of more than 14,000,000 acres of land in the Conservation Reserve Program during fiscal year 1997: *Provided*, That the Secretary, using his authority to enroll marginal pasturelands, shall not exclude the enrollment of rangeland for purposes of restoring riparian habitat and protecting water quality.

POINT OF ORDER

Mr. SMITH of Oregon. Mr. Chairman, I rise to make a point of order against the language in H.R. 1469 appearing on page 3, lines 1 through 9.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Oregon. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I will just review quickly my point. The provisions on page 3, lines 1 through 9, violate clause 2(b) of House rule XXI by legislating in an appropriation bill.

Mr. Chairman, this amendment was added in the appropriation process, reducing CRP in the United States from 19 million acres to 14 million acres. It changes the law in this country. There were never hearings held on it, and in 1996 they decided in the FAIR bill to provide for 19 million acres of CRP.

One other point, Mr. Chairman.

The CHAIRMAN. The gentleman will suspend.

While the gentleman is suspending, the Chair would apologize to the gentleman and indicate that the gentleman cannot revise and extend on a point of order. The gentleman must state his entire point of order verbally, and the Chair does apologize, and recognizes the gentleman again.

Mr. SMITH of Oregon. I, too, apologize, Mr. Chairman. In that event, I will return to my script, here. Mr. Chairman, I was simply trying to save some time.

Mr. Chairman, I rise to make a point of order against the provisions entitled as the Conservation Reserve Program, CRP, appearing in title I, chapter 1, of H.R. 1469 at page 3, lines 1 through 9, of the emergency supplemental appropriation bill for fiscal year 1997.

The provision cited above violates clause 2(b) of rule XXI of the House in that it contains legislative or authorizing language in an appropriation bill, as noted.

The provision would place a cap on funds made available to the Secretary of Agriculture, "in this or any other Act", for an enrollment of not more than 14 million acres during fiscal year 1997.

The funding for the Conservation Reserve Program in 1997 appears in Public Law 104–180, the Agriculture Appropriations act for the year 1997, that reimburses the Commodity Credit Corporation Fund for realized losses sustained, but not previously reimbursed, and general funds for the CRP program are authorized in Public Law 101–624 enacted on April 4, 1996 (16 U.S.C. 3831 (d)) that amended section 1231, as authorized under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985.

The latter provision of the Food Security Act provides a cap on the maximum enrollment for the CRP at any one time during the 1996 through 2002 calendar years of 36,400,000 acres. Accordingly, the provision that is the subject of the point of order is not confined to the funds in the bill and is not otherwise in order as an exception to clause 2(b) of House Rule XXI. See Deschler's Precedents, Chapter 26, sections 27.20 to 27.21, and the Chapter, Appropriations section 59, House Practice, 104th Congress, 2nd session (1996) and the citations noted there.

The provision in H.R. 1469 on the CRP, in the guise of a limitation, is not a retrenchment in funding and therefore does not constitute an exemption to the House Rule XXI, clause 2(b), inasmuch as the Congressional Budget Office funding estimate for H.R. 1469 reflects no reduction in direct spending for the year 1997 by reason of the imposition of the CRP "cap" of 14 million acres.

Mr. OBEY. Mr. Chairman, is it appropriate to ask whether or not the gentleman can stop reading if the Committee concedes the point of order?

Mr. SMITH of Oregon. I would be delighted. I was attempting to shorten this, as the gentleman understands. You may make fun of me. This is my job, please. I am going to finish it.

The CHAIRMAN. The gentleman cannot yield time. The gentleman from Oregon has time under his point of order.

Mr. SMITH of Oregon. Mr. Chairman, I will try to do this as quickly as possible for the gentleman.

Continuing, see Deschler's Precedents, Chapter 26, sections 51.12 and 52.4, House Practice, Appropriations, section 54, supra. However, such a "cap" would clearly appear to impose new duties and new determinations on the Secretary of Agriculture based on what would have to be reductions in an anticipated 19 million acre enrollment (out of over 25 million acres of bids submitted) contemplated in the USDA-CRP No. 15 sign-up that was completed March 28, 1997. Moreover, it would tend to have an adverse effect on the USDA-CRP No. 14 sign-up authorized by the Secretary September 13, 1996, and that is a continuing sign-up designated to enroll wildlife habitat, waterways, filter strips, and so on, to be enrolled in a special CRP program for environmental related practices. It is submitted that the thrust and the express wording of the provision is clearly legislation appearing in an appropriations bill.

The provision on page 3, lines 1 through 9, also contains legislative language directing the Secretary to include "rangeland" in enrolling marginal pasturelands in the Conservation Reserve Program.

The inclusion of "rangeland" in the CRP would add newly eligible land to the program such as that devoted to a natural vegetative cover or a condition occurring as a result of a natural vegetative process that was not heretofore eligible for enrollment in the CRP and is thus legislative language inserted in the bill in violation of clause 2(b) of House Rule XXI.

Finally, the proponent of this provision has the burden to show that such legislative language and limitations noted above, when fairly construed, do not change existing law. See House Practice, Appropriations section 50, page 118, and the citations noted therein.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, just to enthusiastically concede the point of order.

The CHAIRMAN. The gentleman enthusiastically will concede the point of order.

Does the gentleman from Washington [Mr. NETHERCUTT] wish to be heard on the point of order?

Mr. NETHERCUTT. Mr. Chairman, I am happy to join my distinguished colleague, the chairman of the Subcommittee on Agriculture, in making this point of order. It is well-taken.

Mr. Chairman, as a member of the Subcommittee on Agriculture of the Committee on Appropriations who worked very hard to make sure this cap was lifted, and worked with the chairman of the Subcommittee on Agriculture as well, I support the making of the point of order against this provision because it proposes to change existing law. It constitutes legislation in an appropriation bill. It violates clause 2(d) of rule XXI. It does not apply solely to the appropriation under consideration. It is operative beyond the fiscal year for which the appropriation applies, and it should be stricken. The CRP program should be able to go forward under the farm bill without a limitation on acreage in 1997.

The CHAIRMAN. The point of order is conceded and sustained.

AMENDMENT NO. 16 OFFERED BY MR. GOODLING

Mr. GOODLING. Pursuant to the rule, Mr. Chairman, I offer amendment No. 16 printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. GOODLING:

Page 2, after line 23, insert the following new section:

PROHIBITION OF FUNDS FOR NEW NATIONAL TESTING PROGRAM IN READING AND MATHEMATICS

SEC. 3003. None of the funds made available in this or any other Act for fiscal year 1997 or any prior fiscal year for the Fund for the Improvement of Education under the heading "DEPARTMENT OF EDUCATION—Education Research, Statistics, and Improvement" may be used to develop, plan, implement, or administer any national testing program in reading or mathematics.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

Mr. GOODLING. Mr. Chairman, my amendment is simple. It prohibits the Department of Education from spending any 1997 or prior year's funding to develop the President's national tests in reading and math.

The effect of my amendment is to slow down a runaway train that gives Congress time to carefully and methodically examine an issue of enormous magnitude, the issue of national testing.

For a little bit of background, in February of this year the President first proposed that individual national tests be given to fourth and eight graders in reading and math. Since that time the Department of Education has chosen to move full speed ahead with the development of these national tests in 1997 and 1998, all without specific or explicit congressional approval.

The Department plans to administer these tests beginning in 1999. In fact, the administration is so anxious to do these tests they have already issued a request for proposal for two test development contracts. The RFP was first published on April 25, 1997, and contracts are expected to be signed after June 24, 1997.

In effect, the Department of Education is attempting to do what it wants to do without regard of Congress' role. Yet, there are a number of important questions that need to be carefully considered and fully debated.

How do these tests improve education? U.S. schoolchildren are already the most tested students in the world. We already know the academic achievement levels of students are not what they should be. We do not need another measure to tell us something that we already know.

Will these tests distort school curricula by causing teachers to teach to the test? Will these tests divert energy and resources away from other more important education reform efforts? Will national tests undermine State and local standards and assessments already underway?

It is surprising to me that anyone would try to move ahead without congressional approval in something that is as controversial as national testing. When we did NAEP, and for those Members not familiar with NAEP, NAEP tests are a national assessment, we do them in reading, we do them in math, we do them in science and several other subjects, a program where we spend $30 million a year. But we had 21 months of hearings and work by committees and on the floor of the House before NAEP was ever approved.

Here we are going to not do random sampling, but we are talking about testing all children. As I indicated, we are the most tested Nation in the world, but what bothers me most of all is we are putting the cart before the horse. When you find you have a problem, you set standards, but after you set the standards then you have to prepare the teacher to teach to the standards. You do not test first, because how can the child do well in the test if the teacher is not prepared?

If we have this kind of money, why are we not better preparing the teacher to teach these first-grade children? For those who have never had the experience, 20 youngsters coming to a first grade teacher, or 30, God forbid, in some classrooms, come at 30 different reading readiness levels. Some may be ready to read immediately, some will not be ready to read until December, some not until January, and then, if they are socially promoted, it means they are a half year already behind.

Our money should go to all of our efforts to make sure that these children are reading-ready before they come to first grade, and then if there is additional money, preparing these teachers so that they can teach to the new standards, but, above all, so that they can improve the manner in which they teach so that we do not get the information that we already know, which is that a lot of children are not reading very well at third grade level.

□ 1745

I would hope that we consider the fact that we are moving too rapidly on something that is very, very controversial in education.

Mr. Chairman, I include the following information for the RECORD:

GROUPS THAT SUPPORT THE GOODLING AMENDMENT (AMENDMENT GIVES CONGRESS TIME TO CAREFULLY REVIEW THE PRESIDENT'S NATIONAL TESTING PROPOSAL)

FAIRTEST—National Center for Fair and Open Testing: "Will a full range of accommodations be available to students with disabilities? . . . Will these tests divert energy and resources away from other more important education reform efforts? . . . National tests should not be established without substantial debate in Congress, in states, and in communities across the nation. . . . The issue should be carefully considered, weighed and debated before the administration is allowed to move ahead with any significant new testing plans; this amendment will slow down the process and allow for such careful consideration to occur."

The Association of American Publishers (represents all of the major commercial and nonprofit companies that publish and score achievement tests for elementary and secondary students): "[AAP] has concerns about certain assumptions in the proposed testing plan. . . . if we are to develop and implement such tests, it is important that there be a national consensus on the issues they pose . . . Obtaining Congressional authorization for developing and implementing such tests will assure that . . . policy implications are properly addressed."

The California State Board of Education: "Without a change in law, there is simply no way for us to entertain a commitment to a national standards and assessments process. Moreover, such a commitment would not be advisable. . . . until we can see exactly what the national standards and assessments system would be and how it would be aligned with our state standards and assessments system."

The President of the Virginia State Board of Education: "In Virginia, taxpayers have already paid once for new state tests and standards. Why should we now have to pay again for national tests which we don't want and don't need? . . . The federal Department of Education, that did such an outrageously poor job with the National History Standards, are not the folks I want in charge of national tests for our children."

The National Right to Read Foundation: "Congress has authorized the use of the National Assessment[s] of Education Progress test, and that should be a sufficient source of data collection. . . . Certainly, such a far reaching [testing] proposal should require a Congressional investigation."

Christian Coalition: "While testing may be a useful tool to measure a student's academic achievement, we strongly urge the Congress to fully utilize its authority under the authorization process and carefully consider the implications of such a plan."

Family Research Council: "We commend Mr. Goodling for his attempt to check the Administration's plan to force a national testing agenda on the American public without approval from our elected representatives in Congress."

American Association of Christian Schools: "No expansion of additional national government tests should be implemented without Congressional hearings, debate and opportunities for public comment."

Traditional Values Coalition: "Regardless of your personal opinion regarding federal involvement in developing individualized tests, this issue is very controversial and thus should not be enacted without specific Congressional authorization."

Eagle Forum: "There already exists such a [national] test, the National Assessment of Educational Progress (NAEP), that came about after extensive Congressional consultation and through specific Congressional authorization. No expansion or additional national government tests should be implemented without Congressional hearings and debate, and the opportunity for concerned citizens to voice their opinions."

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman will state the point of order.

Mr. OBEY. Mr. Chairman, I rise to a point of order against the amendment. There are no funds in this act for testing.

I would make a point of order against the amendment because it proposes to change existing law, constitutes legislation in an appropriations bill, violates clause 2 of Rule XXI.

The amendment proposes to include language in the bill that would prohibit the expenditure of previously appropriated funds made available in fiscal 1997 and prior appropriation acts. The amendment clearly seeks to change existing and prior laws.

Deschler's Precedents contains the following language: "Language in a supplemental appropriation bill which is applicable to funds appropriated in another act constitutes legislation and is not in order."

I would urge a ruling of the Chair.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. GOODLING] wish to be heard on the point of order?

Mr. GOODLING. Mr. Chairman, I will not waste the time since the die was already cast in the Committee on Rules.

The CHAIRMAN. For the reasons stated, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TREE ASSISTANCE PROGRAM

For assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by weather and related conditions, $9,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for $9,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress, *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds resulting from flooding and other natural disasters, $150,700,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for $150,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: *Provided further*, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts, not to exceed $10,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such cropland inundated by floods: *Provided further*, That none of the funds provided under this heading shall be used for the salmon memorandum of understanding.

RURAL HOUSING SERVICE

Rural Housing Insurance Fund Program

Notwithstanding Section 520 of the Housing Act of 1949, as amended, (42 U.S.C. 1490) the College Station area of Pulaski County, Arkansas shall be eligible for loans and grants available through the Rural Housing Service.

AMENDMENT NO. 8 OFFERED BY MR. FAZIO OF CALIFORNIA

Mr. FAZIO of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FAZIO of California:

Page 5, after line 7, insert the following:

In addition, for replacement of farm labor housing under section 514 of the Housing Act of 1949 that was lost or damaged by flooding that occurred as a result of the January 1997 floods, $1,000,000, to be derived by transfer from amounts provided in this Act for "Federal Emergency Management Agency—Disaster Relief": *Provided*, That, notwithstanding any other provision of law, any county designated as a disaster area by the President shall be eligible to apply to the Secretary of Agriculture for assistance from such funds, which shall be immediately dispersed by the Secretary upon documented loss of farm labor housing units: *Provided further*, That such funds shall be used by the recipient countries to assist the purchase of farm labor housing, including (but not limited to) mobile homes, motor homes, and manufactured housing.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. A point of order has been reserved.

Mr. FAZIO of California. Mr. Chairman, it is not my intention to call for a vote. In fact, it is my intention to withdraw the amendment after my brief comments.

The purpose of the amendment is to highlight a significant problem with farm worker housing that has resulted in our January floods in California. About 300 units of housing have been destroyed in Sutter and Yuba Counties. But as a recent article in the Sacramento Bee has pointed out this past week, FEMA has refused to provide assistance for temporary emergency housing. To some of us, FEMA's reasons appear to be technicalities, and it does not change the fact that numerous farm workers have come to our area in the seasonal harvest and are now ill-housed or are being directed to rental housing that far exceeds their ability to pay.

I am hopeful that the flexibility of the Thune-Pomeroy amendment concerning community development block grants that the House adopted earlier today will permit these communities to meet this special need that has arisen.

I also want to make some brief general comments about this bill. We may have forgotten now, but California experienced a major flood catastrophe during December and January which resulted in nine deaths and an estimated 2 billion dollars' worth of damage to homes, businesses and property. More than 100,000 Californians were evacuated from their homes.

We owe a great debt to the Federal Emergency Management Agency, the Corps of Engineers, the Bureau of Reclamation, and the Department of Agriculture, and many other agencies who have provided skilled and timely assistance to many Californians. Although the flood fights that were a common occurrence in California in January are over, the corps is still working with State and local officials to repair breached levees, strengthen weak spots, and bring our flood control system back into shape before the next flood season.

A number of nonemergency provisions have been added to the bill, but there is one provision that goes hand in hand with disaster funding, the provision adopted unanimously by the Committee on Appropriations granting an emergency exemption for flood repairs until the end of 1998 from the Endangered Species Act.

This is a very valuable amendment crafted with bipartisan participation. It is based on a simple premise that emergency repairs should go forward in disaster counties nationwide. In addition, it has important preventive components that permit repairs when there is an imminent threat to lives and property. The full House endorsed this same provision last week by a vote of 227 to 196.

Although I understand some jurisdictional objections to including it in the appropriations bill exist, I believe it is necessary as a component in providing this disaster assistance. I will do everything I can to see that it is included in the final version of this bill when it emerges from conference.

I am also grateful to the Committee on Appropriations for recognizing the special need we have in California and elsewhere, providing $9 million for the Tree Assistance Program to help small orchardists. It recognizes a special problem, that in many cases orchardists may not lose just one year's crop, which would be covered by crop insurance, but may experience a loss that will take 6 to 10 years from which to recover.

This assistance is a real necessity and it is available to any State where people who own orchards have experienced losses of a significant nature. I thank my colleagues for supporting its inclusion in this bill.

I also associate myself with the remarks made by my colleague, the gentleman from New York [Mr. WALSH] earlier today during general debate regarding the Conservation Reserve Program.

I will insert a letter from USDA Secretary Dan Glickman, which endorses the goals that we were pursuing in advocating a 14 million acre cap to the CRP program.

This is a necessity for California and many areas of the country that have experienced disasters this year. This bill is a significant step in the right direction. I urge my colleagues to send it to the President as quickly as possible.

Mr. Chairman, I rise in support of H.R. 1469, the emergency supplemental appropriations bill.

As some of my colleagues choose to focus on nonemergency, extraneous amendments, I want to remind my colleagues of the enormous needs faced by my State and by others throughout the Nation. That's the purpose of this bill, and we should not forget it.

California experienced a major flood catastrophe during December and January which resulted in nine deaths and an estimated 2 billion dollars worth of damages to homes, businesses, and property. Agricultural losses exceeded $150 million, and losses to our national forests exceeded $100 million.

Eight national parks in California were damaged including $176 million in damage to one of the national park system's crown jewels—Yosemite National Park.

More than 100,000 Californians were evacuated from their homes.

We owe a great debt to the Federal Emergency Management Agency, the Corps of Engineers, the Bureau of Reclamation, the Department of Agriculture, and many other agencies who have provided skilled and timely assistance to many Californians.

Although the flood-fights that were a common occurrence in California in January are over, the Corps of Engineers is still working with state and local officials to repair breached levees, strengthen weak spots, and bring our flood control system back into shape before the next flood season.

So I rise in support of this disaster assistance bill and urge my colleagues to send it forward with no further delay.

Although a number of extraneous nonemergency provisions have been added to the bill, there is one provision that goes hand in hand with disaster funding—the provision adopted unanimously by the Appropriations

Committee granting an emergency exemption for flood repairs until the end of 1998 from the Endangered Species Act.

This is a very valuable amendment crafted with bipartisan participation. It is based on a simple premise: That emergency repairs should go forward in disaster counties nationwide. In addition, it has an important preventive component that permits repairs when there is an imminent threat to lives and property. The full House endorsed this same provision last week by a vote of 227 to 196. Although I understand some jurisdictional objections to including it in an appropriations bill, I believe it is a necessary component of providing this disaster assistance, and I will do everything I can to see that it is included in the final version of this bill. The President has agreed to sign the provision.

I'm also grateful to the Appropriations Committee for recognizing a special need we have in California and elsewhere by providing $9 million for the Tree Assistance Program to help small orchardists. This program was first authorized in previous disaster acts in 1988 and 1989.

It recognizes a special problem—that in many cases, orchardists may not lose just 1 year's crop, which would be covered by crop insurance, but may experience a loss that will take 6 to 10 years from which to recover.

The provision is targeted at small orchardists—those who own 500 or fewer acres and whose gross income does not exceed $2,000,000, and who suffer losses in excess of 35 percent. Reimbursement cannot exceed 65 percent of the cost of replanting trees. The assistance in any calendar year is limited to $25,000, and no duplicative payments may be received under the forestry incentives program, agricultural conservation program, or other Federal program.

This assistance is a real necessity, and it is available to any State where orchardists have experienced losses of this kind. I thank my colleagues for supporting its inclusion in this bill.

I also want to highlight a significant problem with farmworker housing that has resulted from our January floods in California. About 300 units of housing have been destroyed in Sutter and Yuba Counties. But as an article in the Sacramento Bee pointed out this past week, FEMA has refused to provide assistance for temporary emergency housing. To some of us, FEMA's reasons appear to be technicalities, and it doesn't change the fact that numerous farmworkers have come to our area to work in the seasonal harvest and are now ill-housed or are being directed to rental housing that far exceeds their ability to pay. I am hopeful that the flexibility of the amendment concerning the Community Development Block Grant that the House adopted earlier today will permit these communities to meet this special need that has arisen.

I also am supportive of the administration's $76 million request for WIC, the Women, Infants, Children's Supplemental Nutrition Program Although some have charged that this is somehow a welfare program, it is a straightforward supplemental nutrition program not unlike the school milk program and the school lunch program that kids of all income brackets across the U.S. benefit from.

Perhaps no other Federal program can boast of such a demonstrable return—for every dollar invested in improving the health of WIC recipients such as pregnant women, nursing mothers, and small children, $3.50 is saved in Federal health programs such as Medicaid. It is an enormous value and a worthwhile investment, and I was disappointed that the majority party on the Agriculture Appropriations Subcommittee and the majority on the full Appropriations Committee did not accept the President's request for this program. To may knowledge, the Republican majority did not challenge OMB's request in any other spending area, with the exception of WIC. In fact, the committee increased spending over OMB's request in a number of areas based on revised estimates stemming from the disasters. But the one program challenged by the Republican majority for supposed mismanagement and overfunding just happens to be the one that is of benefit to pregnant women and young children.

Yet the estimates of funding need are provided by individual States, many of whom are served by Republican Governors. Gov. Pete Wilson of California wrote our committee on May 9 requesting sufficient funding for the 1.25 million California women and children currently served by the WIC Program in our State. He said that California alone requires an additional $26.7 million in supplemental Federal funding. It is estimated that as many as 169,000 eligible beneficiaries in California will lose these supplemental nutrition benefits if less than the OMB request is provided.

I am pleased that the House is correcting this terrible judgment by the majority party and is voting to provide the full $76 million requested.

Finally, I want to mention one additional provision passed by the Appropriations Committee that is likely to be struck on a point of order. It affects an amendment offered by Representative JIM WALSH and myself affecting the Conservation Reserve Program [CRP].

CRP is the largest conservation program administered by the Federal Government, and the benefits of the program are essential to protecting and improving highly erodible lands, water quality, and wildlife habitat. Unfortunately, there remains a great geographic disparity in how the program is administered. The Appropriations Committee agreed with JIM WALSH and me to cap the amount of acreage that could be enrolled in 1997 by USDA at 14 million acres to help ensure that acreage remains available in the outyears when new areas of the country, primarily the Northeast and the West, are ready to offer acres for enrollment.

Another important provision of the CRP authorization in the farm bill allowed for the enrollment of riparian rangeland which has high conservation values. This would be of benefit to States like California and New Mexico, but since it is a new aspect of CRP, the Department of Agriculture needs more time to educate our farmers and ranchers of this important change. We also thought it was important to try to reserve acreage for the National Buffer Strip Initiative and the State Enhancement Program in order to further improve both the conservation practices and environmental benefits of the CRP. Buffer strips are perhaps the most effective means of controlling farm runoff. By serving as a filter for runoff from farms, buffer strips can clean from 50 to 90 percent of pollutants before they enter drainage canals, streams, and waterways. Additionally, the State Enhancement Program initiatives offer better coordination and better conservation practices by approaching soil erosion, water quality, and wildlife habitat problems on a watershed-wide basis. Today, land is enrolled in the CRP on a farm-by-farm basis, so the conservation practices on one farm may or may not be consistent or compatible with conservation practices being undertaken on a neighboring farm. The State Enhancement Program provides for watershed-based solutions that will be more effective in dealing with pressing conservation problems.

Our intention in proposing a temporary cap on acres was to direct Secretary Glickman to reserve 8 million acres for these new and worthwhile purposes, and I am glad to announce that he has committed to reserving sufficient acreage to accomplish these objectives.

In addition, one widely ignored benefit of the 14-million-acre cap is that the Congressional Budget Office would have scored a $31 million savings in our fiscal year 1998 bill and $177 million in our fiscal year 1999 bill. The regular Ag Appropriation bill will be marked up in just a few weeks, and it will be an exceedingly tight year to fund the many priorities in our bill which includes WIC, agricultural research, rural development, food safety, and the Food and Drug Administration. Our critics need to come to grips with the fact that we all support the many deserving programs in our bill and are going to have to devise ways to pay for them unless we want to make significant cuts at USDA.

I am committed to an eventual signup of the 36 million maximum acres permitted by the 1996 farm bill. The intention behind our amendment was to make this truly a nationwide program, and I hope that the debate of the last few weeks has emphasized our objectives and created the support to carry them out.

In closing, this is an emergency disaster appropriations bill and we need this assistance in California and throughout the Nation. I urge my colleagues to support it and send it to the President for signing as soon as possible.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 23, 1997.

Hon. VIC FAZIO,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR VIC: Your letter of April 17, 1997, about the limitation on the Department of Agriculture's (USDA) ability to enroll more than 14 million acres into the Conservation Reserve Program (CRP) during fiscal year (FY) 1997 that the Subcommittee on Agriculture and Related Agencies added to the FY 1997 supplemental appropriations bill raises a number of questions to which I welcome the opportunity to respond. Moreover, I hope the information in my letter does two things. First, I want to assure you we share the same objective of ensuring that the CRP enrolls only the most environmentally sensitive land. Second, I hope you reconsider the amendment to ensure that USDA has the maximum flexibility to meet that goal.

This limitation on enrollments would unduly sacrifice the program's ability to achieve immediately substantial environmental benefits by excluding a large portion of the approximately 25 million acres offered for enrollment during the recently completed fifteenth signup. The limitation would also mean that the program would no longer provide environmental benefits from the significant amount of acreage currently enrolled in the CRP with well established practices yielding desirable wildlife, water quality, and soil erosion benefits. If that acreage is not allowed to reenroll, the program will suffer a corresponding loss of environmental benefits already established.

Your letter suggests that 8 to 9 million acres of the 36.4 million acres authorized for enrollment in the CRP be set aside for the enrollment of buffers such as filter strips and riparian buffers and the Conservation Reserve Enhancement Program (CREP). I strongly support such a policy. In fact, I announced a new initiative to establish 2 million miles of conservation buffers by the year 2002. USDA is working with both public and private entities, who have committed 1 million dollars over the next 3 years to promote the benefits of installing conservation buffers. I am convinced that this initiative will greatly enhance the significant steps USDA has already taken in its own public information campaign that included a letter I sent to all current CRP contract holders. USDA projects that the conservation buffer initiative will enroll about 7 million acres, and I can assure you that USDA will reserve a sufficient amount of acreage to manage this initiative successfully.

I appreciate your comments that USDA's policy of basing CRP rental rates on the local dryland agricultural rental value of the acreage offered may be an impediment to having a nationwide program. This policy is taken from the direction the Committee wrote into House Report 104–613, the report of the Committee accompanying the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 1997: The Committee also reaffirms its position that contract rates should not exceed the prevailing rental rates for comparable land in the local area.

The rental rates USDA established for the CRP are based on rates developed by the local officials in each county, in conformance with the direction in the FY 1997 and previous years' appropriations bills that USDA not offer rental rates above local, prevailing agricultural market value rental rates.

Under the CREP, USDA is examining options to deal with the effect development values have on reducing participation in the CRP and is considering whether higher incentive payments can be made to attract offers for the highest priority practices in certain areas under this program. This may provide a more viable option to use CRP in areas of high land use competition pressures. USDA is also committed to pursuing attempts to resolve problems farmers with irrigated lands face, since the CRP rental rates are based on dryland rental. I have directed the Farm Service Agency and Economic Research Service to review this matter.

The farm bill provides specific authority to enroll marginal pastureland in the CRP provided that it is devoted to riparian buffers planted to trees. For this specific purpose, USDA has broadened the definition of marginal pastureland to include grazing land along streams and rivers, even though that land may not have been previously seeded, as long as it will be devoted to riparian buffers planted to trees. This provision will provide a popular, voluntary option to western livestock ranchers and land owners to address water quality and wildlife concerns within the bounds of the law as it is currently written.

I regret that you were not informed about the criteria for enrolling land in the CRP. However, prior to publishing the final regulations, representatives of USDA conducted extensive briefings for both the House and Senate and for conservation, environmental, commodity, and farm groups.

The amount of acreage that USDA accepts in response to the fifteenth signup will be based on an evaluation of the acreage actually offered for enrollment. This evaluation is currently underway. Each offer is being evaluated individually using the Environmental Benefits Index (EBI), which measures the potential benefits that would result from enrollment of that acreage. All bids are ranked nationally; only those bids that provide the highest level of environmental benefits will be accepted. The EBI was first used for the tenth signup. USDA has made it widely available to farmers and other interested parties, including Congress, before publication of the final rule.

In closing, let me repeat that I am committed to maximizing the environmental benefits of the CRP in all areas of the country. USDA intends to reserve sufficient CRP acreage enrollment authority to ensure the success of the buffer initiative through the continuous CRP signup and the related CREP. USDA will continue to work with States to develop CREP's and with public and private groups to further the buffer initiative. We will continue to evaluate the progress of the continuous signup and have maintained the flexibility to make improvements to the program if needed. If you have further questions regarding the CRP, now or in the future, please let me know. I look forward to working with you on this important initiative.

I am sending an identical letter to Congressman Walsh.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. FAZIO of California. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

FOOD AND CONSUMER SERVICE

Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

For an additional amount for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $28,000,000, to remain available through September 30, 1998: *Provided*, That the Secretary shall allocate such funds through the existing formula or, notwithstanding section 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

CHAPTER 2

DEPARTMENT OF COMMERCE

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency infrastructure expenses and the capitalization of revolving loan funds related to recent flooding and other natural disasters, $49,700,000, to remain available until expended, of which not to exceed $2,000,000 may be available for administrative expenses and may be transferred to and merged with the appropriations for "Salaries and Expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

National Institute of Standards and Technology

INDUSTRIAL TECHNOLOGY SERVICES

Of the amount provided under this heading in Public Law 104–208 for the Advanced Technology Program, not to exceed $35,000,000 shall be available for the award of new grants.

National Oceanic and Atmospheric Administration

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General" for emergency expenses due to flooding and other natural disasters, $150,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, $415,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that fund: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 3

SEC. 301. Beginning in fiscal year 1997 and thereafter, the United States members and the alternate members appointed under the Susquehanna River Basin Compact (Public Law 91–575), and the Delaware River Basin Compact (Public Law 87–328), shall be officers of the U.S. Army Corps of Engineers, who hold Presidential appointments as Regular Army officers with Senate confirmation, and who shall serve without additional compensation.

SEC. 302. Section 2.2 of Public Law 87–328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting the words "at the pleasure of the President".

SEC. 303. The policy issued on February 19, 1997, by the U.S. Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order against section 303 of the bill under clause 2 of Rule XXI of the Rules of the House of Representatives.

This section applies a U.S. Fish and Wildlife Service policy of waiving certain aspects of the Endangered Species Act to the repair of flood facilities in certain Federal disaster areas. Under the existing ESA, the President may waive certain aspects of the law for rebuilding facilities after a disaster.

The U.S. Fish and Wildlife policy is the Presidential ESA waiver for 43 counties in California. Section 303 extends this policy nationwide, thus broadening the existing Presidential ESA waiver. The waiver of existing law has been construed to mean a provision changing existing law under precedents of the House: Deschler chapter 26, sections 24.5, 34.14 and 34.15.

In addition, the amendment alters existing waiver authority of the President under the current ESA by limiting his authority to 2 years; under current law, this waiver is unlimited. Imposing a restriction on the authority of the President is also a provision changing existing law under the precedents of the House because it restricts executive discretion to such a degree as to constitute a change in policy rather than a matter of administrative detail. Deschler chapter 26, sections 64–79.

The language was reported from the Committee on Appropriations on Thursday, April 28, 1997. Therefore, this is a provision changing the existing law, which, as reported in the general appropriation bill, is in violation of clause 2, Rule XXI.

I ask the Chair to sustain my point of order.

The CHAIRMAN pro tempore (Mr. SHAW). Are there any Members present who wish to be heard on the point of order?

If not, for the reasons stated, the point of order of the gentleman from Alaska [Mr. YOUNG] is sustained.

The Clerk will read.

The Clerk read as follows:

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

For an additional amount for construction to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $3,003,000 is to be derived by transfer from unobligated balances of funds, under the heading "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104–134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for Oregon and California grant lands to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived by transfer from unobligated balances of funds, under the heading "Oregon and California Grant Lands", made available as supplemental appropriations in Public Law 104–134: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for resource management, $2,250,000, to remain available until September 30, 1998, for technical assistance and fish replacement made necessary by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for construction, $81,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for land acquisition, $15,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for construction for emergency expenses resulting from flooding and other natural disasters, $186,912,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: *Provided further*, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: *Provided further*, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: *Provided further*, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: *Provided further*, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations shall be rescinded.

For an additional amount for construction, $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

UNITED STATES GEOLOGICAL SURVEY

Surveys, Investigations, and Research

For an additional amount for surveys, investigations, and research, $4,290,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

Operation of Indian Programs

For an additional amount for operation of Indian programs, $11,100,000, to remain available until September 30, 1998, for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Construction

For an additional amount for construction, $5,554,000, to remain available until expended, to make repairs caused by floods and other natural disasters: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

National Forest System

For an additional amount for National forest system for emergency expenses resulting from flooding and other natural disasters, $37,107,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reconstruction and Construction

For an additional amount for reconstruction and construction for emergency expenses resulting from flooding and other natural disasters, $32,334,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

Indian Health Services

For an additional amount for Indian health services for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Indian Health Facilities

For an additional amount for Indian health facilities for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, CHAPTER 4

SEC. 401. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104 percent" and inserting in lieu thereof "100 percent"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4 percent,".

AMENDMENT NO. 14 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 Offered by Mr. SANDERS:

Page 16, after line 4, insert the following new chapter:

CHAPTER 4A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for "National Institute of Environmental Health Sciences", $10,000,000, for emergency research of and treatment for the synergistic impact of chemicals on the soldiers who served in the Persian Gulf and who are currently suffering from Gulf War Syndrome.

Page 37, line 11, after the dollar amount, insert the following: "(reduced by $10,000,000)".

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. SANDERS. Mr. Chairman, the amendment that I am offering is absolutely nonpartisan. There are many Republicans and Democrats who are increasingly frustrated about the lack of progress being made by the Department of Defense in solving the crisis of the Persian Gulf War syndrome.

This amendment appropriates $10 million to the National Institute of Environmental Health Sciences for emergency research of and treatment for the synergistic impact of chemicals on the soldiers who served in the Persian Gulf and who are currently suffering from gulf war syndrome. This amendment offsets this appropriation by reducing the amount to be appropriated for the Department of Defense, Overseas Contingencies Operations Transfer Fund, which is presently at $1.5 billion, by $10 million.

Mr. Chairman, for over 5 years, the Department of Defense and the Veterans Administration have been studying the heartbreaking issue of Persian Gulf War syndrome. And frankly, they have not been successful. That is the issue that we have got to acknowledge today. The truth is that the DOD and the VA have made virtually no progress in understanding the cause of Persian Gulf War syndrome or developing an effective treatment for it. This is a painful truth, but we should recognize it.

Given that reality, I believe that the Department of Defense and Veterans Affairs should no longer be solely trusted with the critical task of diagnosing and treating the up to 70,000 gulf war veterans who are suffering today.

From the end of the war until this day, the Pentagon, the VA, and the CIA have not been forthright with the Congress, the public or our veterans about the causes of gulf war syndrome and how we can better treat the veterans who are suffering from it.

Over and over again there has been denial. "Is there an illness?" "Well, no. In the beginning there was no illness." Then, after tens of thousands of veterans came forward, "Yeah, there is an illness, but it is stress." "Were our soldiers exposed to chemical warfare agents?" Absolutely. "No, they weren't."

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Five years later, oh, yes, some of them. Well, maybe 500. A few months later, well, yes, maybe 20,000. Today, we do not know how many. There may be 130,000. We do not know.

Mr. Chairman, the military theater in the Persian Gulf was a chemical cesspool. Our troops were exposed to chemical warfare agents, leaded petroleum, widespread use of the very strong pesticides, depleted uranium and the smoke from burning oil wells, and they were given a myriad of pharmaceuticals as vaccines. Further, as a result of the waiver from the FDA, they were given pyridostigmine bromide as an anti-nerve gas measure.

Now, Mr. Chairman, the good news is that a number of studies, and I have them right here, study after study from the University of Texas, from Southern Illinois University, from Duke University, from the University of Texas in Houston, what these studies are telling us is these scientists believe that there is a direct link between chemical exposure and pyridostigmine bromide that our soldiers took. In other words, they have made some real progress.

But what is the problem? The problem is that for whatever reason, and I do not want to cast aspersions today, but for whatever reasons neither the

Department of Defense nor the VA has been vigilant in looking at that area. They will tell us they are, but they have not had any results, and the truth is they are not moving forward.

Very simply, Mr. Chairman, what this amendment does is take $10 million, not a lot of money within the scheme of things, and puts it into an institute, the National Institute of Environmental Health Sciences, who are interested in pursuing the link between chemical exposure and Persian Gulf illness.

I think we owe it to the 70,000 men and women who are suffering today, who put their lives on the line in the gulf, to look at this and to go into those agencies of government who want to pursue this issue.

Now, I know that my friends on the other side are not unsympathetic to this effort. I would hope that they would waive, that my friend the gentleman from Louisiana [Mr. LIVINGSTON], given the importance of this issue, would waive the point of order and allow us to proceed as rapidly as we can to address this important issue.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

POINT OF ORDER

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized on his point of order.

Mr. LIVINGSTON. Mr. Chairman, as much as I might agree with the gentleman from Vermont, and I do agree that the Pentagon and the VA have not done enough to examine the causes and effects of Desert Storm syndrome, I would point out that, actually, I have attempted to get some additional funding to address this problem and only recently, because of the Pentagon's dropping of their objections to it, have I been successful in getting some of that additional funding. I must be constrained to make a point of order against the amendment in this instance because, in effect, it calls for an en bloc consideration of two different paragraphs in the bill.

The precedents of the House are clear in this matter. Amendments to a paragraph or section are not in order until such paragraph or section has been read under Cannon's Precedents, Volume VIII, section 2354. The amendment, therefore, is not in order and I would ask for a ruling from the chair.

The CHAIRMAN. Does the gentleman from Vermont [Mr. SANDERS] wish to be heard on the point of order?

Mr. SANDERS. I do, Mr. Chairman.

Just in an informal sense, I would choose not to challenge the gentleman from Louisiana if I could have some assurances that he will work with me in trying to get some money to an agency outside of the DOD so that we can really look at the impact of chemicals on our soldiers. Is that something he would be interested in working with me on?

Mr. LIVINGSTON. Mr. Chairman, I would tell the gentleman that in the fiscal year 1998 appropriations cycle I would be delighted to work with him.

The CHAIRMAN. The gentleman from Vermont cannot yield under his point of order.

Mr. SANDERS. I thank the chairman.

The CHAIRMAN. The Chair is prepared to rule.

Did the gentleman from Vermont [Mr. SANDERS] wish to withdraw his amendment?

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE:

Page 18, after line 4, insert the following new section:

SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT

SEC. 402. (a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999".

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.".

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting "Gila, Graham, Greenlee," after "Maricopa,".

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: "The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.".

(e) CONDITIONS.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following new subsections:

"(d) CONDITIONS.—(1) IN GENERAL.—The June 30, 1997, deadline has been extended based on the following conditions. The provisions and agreements set forth or referred to in paragraph (2), (3), and (4) below shall be enforceable against the United States, and the conditions and agreements set forth or referred to in paragraphs (3) and (4) shall be enforceable against the Tribe, in United States District Court, and the immunity of the United States and the Tribe for such purposes is hereby waived.

"(2) INTERIM PERIOD.—Prior to March 31, 1999, or the execution of a final Agreement under paragraph (3) below, whichever comes first, the following conditions shall apply:

"(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944, except as provided in subparagraph (F) and the Tribe will stay any further prosecution of any claims or suits filed by the Tribe in any court with respect to the Black River facilities or the flowage of water on Eagle Creek. The United States, with the permission of the Tribe, shall enter and operate the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

"(B) As of July 23, 1997, the United States, through the Bureau of Reclamation, shall operate and maintain the Black River facilities. The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

"(C) Notwithstanding any other provision of law, that contract referred to in subparagraph (B) between the United States and Phelps Dodge providing for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location is ratified and confirmed. The United States/Phelps Dodge contract shall have no bearing on potential claims by the United States, Phelps Dodge or the Tribe regarding any aspect of the Black River facilities in the event that a final agreement is not reached among the parties under paragraph (3) below.

"(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5000 per month, with an annual CPI adjustment.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(F) If a final agreement is not reached by March 31, 1999, the terms set forth in subparagraphs (A) through (E) shall no longer apply. Under such circumstances, the occupancy of the Black River facilities shall revert to Phelps Dodge on March 31, 1999, and the Tribe and/or Phelps Dodge shall be free to prosecute litigation regarding the validity of Phelps Dodge use of the Black River facilities. In any such event, the Tribe, the United States, and Phelps Dodge shall have the same rights with respect to the Black River facilities as each had prior to the enactment of this subsection and nothing in this subsection shall be construed as altering or affecting such rights nor shall anything herein be admissible or otherwise relevant for the purpose of determining any of their respective rights.

"(3) FINAL AGREEMENT.—The United States, Phelps Dodge, and the Tribe intend to enter into a Final Agreement on or before March 31, 1999, which Agreement shall include the following terms:

"(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

"(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the Interim Period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of two conditions: (i) entry of the Final Agreement described in this subsection; and (ii) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities.

"(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right of way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Concurrently with the transfer of the power lines and the right of way, Phelps Dodge shall construct a switch station at the boundary of the reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right of way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation or maintenance of the power lines, the right of way or the switch station.

"(D) The Tribe and Phelps Dodge intend to enter into a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the terms recommended by the United States, the trustee for the Tribe. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversions for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. It is intended that the water subject to the contract shall be CAP water that is controlled by the Tribe. The Tribe and/or the United States intend to enter into an exchange agreement with the Salt River Project which will deliver CAP water to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The lease and delivery contract between Phelps Dodge and the Tribe is intended to be based on a long-term lease of CAP water at prevailing market rates for municipal and industrial uses of CAP water. The parties will discuss the potential imposition of capital costs as part of the contract. It is intended that the contract price shall include operation, maintenance and replacement (OM&R) charges associated with the leased CAP water, and it is intended that the contract will take into account reasonable charges associated with the Tribe's operations and maintenance of the Black River facilities, and a credit for power provided for such facilities. It is intended that the water delivered under this contract will be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and for no other purpose.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other groundwater supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(4) EAGLE CREEK.—From the effective date of this subsection, the Tribe covenants not to impede, restrict, or sue the United States regarding, the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Tribe's lands. The Tribe covenants not to impede, restrict, or sue Phelps Dodge regarding, the passage of historic maximum flows, less transportation losses, from the existing Phelps Dodge Upper Eagle Creek Wellfield, except that (i) Phelps Dodge shall pay to the United States, for delivery to the Tribe, $5000 per month, with an annual CPI adjustment, to account the passage of such flows; and (ii) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the upper Eagle Creek wellfield, in accordance with paragraphs (2)(E) and (3)(E) above. Nothing in this subsection shall affect or be construed to affect the rights of the United States, the Tribe, or Phelps Dodge to flow water in the channel of Eagle Creek in the absence of this subsection.

"(5) RELATIONSHIP TO SETTLEMENT.—In the event that Phelps Dodge and the Tribe execute a Final Agreement pursuant to paragraph (3) on or before March 3, 1999—

"(A) effective on the date of execution of such Final Agreement, the term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge; and

"(B) section 3706(j) shall have no effect.".

(f) REPEAL.—Subsection (f) of section 3705 of such Act is hereby repealed.

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking "qualification" and inserting "quantification".

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment. It violates clause 2 of rule XXI. No amendment to a general appropriations bill shall be in order if it changes existing law.

The CHAIRMAN. Does the gentleman from Arizona wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I would simply like to be heard on point of order.

I am very surprised at the ranking member's position here, since this had been worked out with him earlier.

Mr. OBEY. No one has ever discussed this with me.

The CHAIRMAN. The gentleman from Arizona has the time on the point of order.

Mr. KOLBE. Mr. Chairman, I would simply say it obviously does have this problem. This had been worked out with the chairman of the committee, with the ranking member; with the chairman of the Committee on Resources, the ranking member of the Committee on Resources; the chairman of the Subcommittee on the Interior of the Appropriations Committee, and the ranking member, and is supported by the Department of the Interior as an extension of an Indian water settlement that is vitally needed in order to keep the progress and the negotiations going.

If the gentleman is going to persist, he obviously would be correct in his position.

The CHAIRMAN. The point of order is conceded and sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 5

DEPARTMENT OF TRANSPORTATION

COAST GUARD

RETIRED PAY

For an additional amount for "Retired Pay", $4,200,000.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For additional necessary expenses for "Facilities and Equipment", $40,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That these funds shall only be available for non-competitive contracts or cooperative agreements with air carriers and airport authorities, which provide for the Federal Aviation Administration to purchase and assist in installation of advanced security equipment for the use of such entities.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I am pleased to join with the gentleman from Massachusetts in time to have a colloquy regarding a question in the housing field that he is interested in.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I wanted to engage in a colloquy with my distinguished colleague from California, the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

I had filed an amendment to the supplemental appropriations bill, which I will not be offering, which gives HUD the ability to recapture appropriated but unspent budget authority for tenant-based section 8 reserves and use such authority in part to meet section 8 contract renewals which will expire next year.

My amendment also expresses the sense of the House that sufficient budget authority be provided to renew all expiring contracts to make sure that elderly, disabled and working poor living in section 8 housing will not lose their rental assistance.

Mr. Chairman, is it not true that this supplemental bill rescinds $3.8 billion in unused budget authority for tenant-based section 8 reserves?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, he is correct, the bill rescinds budget authority which has been held for reserves and which HUD says they will not need.

May I ask the gentleman if he included that amendment in the housing bill which passed yesterday?

Mr. KENNEDY of Massachusetts. Yes. I merely wanted to be clear that the gentleman is aware of the concern expressed by HUD and Members on both sides of the aisle in the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. LEWIS of California. Mr. Chairman, it was our intent, I say to the gentleman, if he will continue to yield time, that those reserve funds be used currently in a way that will assure the House that we are committed to making certain that those people currently who are receiving assistance will have a continued commitment from the committee and from the House.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I very much appreciate the gentleman making that point very clear. There is the potential for a great deal of misunderstanding with regard to this issue, as the chairman is well aware, in that there is going to be a large requirement for budget authority requested by the Members of the House in order to maintain the exact same number of apartments for the very poor and vulnerable citizens.

We are concerned that with the rescinding of the funds in this bill that we perhaps will send a misimpression to other Members of the House that these funds are not needed. The purpose of this colloquy is to make very clear to all the Members of the House that, in fact, the chairman of the Subcommittee on VA, HUD and Independent Agencies recognizes the importance of making certain that these funds are made available and that, in fact, the President's budget that has been signed off by Members on both sides in terms of negotiations actually provided for the funding that will be necessary to maintain the number of apartments that are serving the poor through the section 8 program in the future.

Mr. LEWIS of California. The gentleman is correct, Mr. Chairman.

I think the gentleman understands that suddenly we have found that the Department of Housing and Urban Affairs does have a little problem from time to time with their accounting procedures. We suddenly found that there was a sizable amount of money in reserve which had not been discovered before.

It was very apparent to this Member that if that BA was just left out there it might very well have been scooped up by other interests around the House. It was important that we reserve that money in a way that would allow us to maintain control.

So two things occurred: First, as we recognized that some of this budget authority could very effectively be used to deal with these emergency problems across the country, that at the same time allowed us to maintain some control over that authority over time. We wanted to make certain it was not used for other purposes because we do need the long-term commitment to those tenants who are receiving these services in these housing programs.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman's recognition of that fact. I would like to make it clear that it was only through the efforts of the current Secretary, in conjunction with the inspector general, in fulfilling the requirements to make certain that we investigated how HUD was actually utilizing these funds, that the discovery of this $3.8 billion or actually $5 billion became apparent.

So it was through the diligent effort, I think, that has been acknowledged on both sides of the aisle in terms of HUD actually beginning to do its job on some of the bureaucratic issues that the funds became available. I think we were all very concerned that the use of those funds going outside of HUD purposes, given the fact that we are going to need additional funding later this year, created kind of a perverse circumstance, which I am glad that the chairman is now pointing out.

I just want to be very clear that it was HUD's competency in terms of actually going through and finding these funds that has allowed us to provide the funding that is necessary for FEMA use as well as other uses today, but it should not be hurt on the people that need those apartments as a result of HUD doing its job and being, I think, diligent in their efforts to uncover these funds and be able to use them in the future for other purposes.

Mr. LEWIS of California. If the gentleman will continue to yield, we have worked very closely with the Department. I must say to the gentleman that it was a GAO study approximately a year ago that the committee became involved in that first began reviewing these programs. At the same time, the new Secretary was just really coming aboard, and he has done a very effective job of helping us identify some of these problems.

There is no question that the House should be committed and is committed to making sure these services continue to be received.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to thank the gentleman for his leadership.

AMENDMENT OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I ask unanimous consent to go back to line 4 to reoffer the amendment that I offered before.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE:

Page 18, after line 4, insert the following new section:

SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT

SEC. 402. (a) EXTENSION.—Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking "June 30, 1997" and inserting "March 31, 1999".

(b) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—Section 3711 of such Act is amended by adding at the end the following new subsection:

"(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999.".

(c) COUNTIES.—Section 3706(b)(3) of such Act is amended by inserting "Gila, Graham, Greenlee," after "Maricopa,".

(d) PARTIES TO AGREEMENT.—Section 3703(2) of such Act is amended by adding at the end the following new sentence: "The Gila Valley Irrigation District and the Franklin Irrigation District shall be added as parties to the Agreement, but only so long as none of the aforementioned parties objects to adding the Gila Valley Irrigation and/or the Franklin Irrigation District as parties to the Agreement.".

(e) CONDITIONS.—Section 3711 of such Act, as amended by subsection (b) of this Act, is further amended by adding at the end the following new subsections:

"(d) CONDITIONS.—(1) IN GENERAL.—The June 30, 1997, deadline has been extended based on the following conditions. The provisions and agreements set forth or referred to in paragraph (2), (3), and (4) below shall be enforceable against the United States, and the conditions and agreements set forth or referred to in paragraphs (3) and (4) shall be enforceable against the Tribe, in United States District Court, and the immunity of the United States and the Tribe for such purposes is hereby waived.

"(2) INTERIM PERIOD.—Prior to March 31, 1999, or the execution of a final Agreement under paragraph (3) below, whichever comes first, the following conditions shall apply:

"(A) As of July 23, 1997, Phelps Dodge shall vacate the reservation and no longer rely upon permit #2000089, dated July 25, 1944, except as provided in subparagraph (F) and the Tribe will stay any further prosecution of any claims or suits filed by the Tribe in any court with respect to the Black River facilities or the flowage of water on Eagle Creek. The United States, with the permission of the Tribe, shall enter and operate the Black River pump station, outbuildings, the pipeline, related facilities, and certain caretaker quarters (hereinafter referred to collectively as the 'Black River facilities').

"(B) As of July 23, 1997, the United States, through the Bureau of Reclamation, shall operate and maintain the Black River facilities. The United States and Phelps Dodge shall enter into a contract for delivery of water pursuant to subparagraph (C), below. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversion for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. The United States shall account for the costs for operating and maintaining the Black River facilities, and Phelps Dodge shall reimburse the United States for such costs. Phelps Dodge shall pay to the United States, for delivery to the Tribe, the sum of $20,000 per month, with an annual CPI adjustment, for purposes of compensating the Tribe for United States use and occupancy of the Black River facilities. Phelps Dodge shall cooperate with the United States in effectuating an orderly transfer of the operations of the Black River facilities from Phelps Dodge to the United States.

"(C) Notwithstanding any other provision of law, that contract referred to in subparagraph (B) between the United States and Phelps Dodge providing for the diversion of water from the Black River into the Black River facilities, and the delivery of such water to Phelps Dodge at that location where the channel of Eagle Creek last exits the reservation for use in the Morenci mine complex and the towns of Clifton and Morenci and at no other location is ratified and confirmed. The United States/Phelps Dodge contract shall have no bearing on potential claims by the United States, Phelps Dodge or the Tribe regarding any aspect of the Black River facilities in the event that a final agreement is not reached among the parties under paragraph (3) below.

"(D) The power line right-of-way over the Tribe's Reservation which currently is held by Phelps Dodge shall remain in place. During the interim period, Phelps Dodge shall provide power to the United States for operation of the pump station and related facilities without charge, and Phelps Dodge shall pay a monthly right-of-way fee to the Tribe of $5000 per month, with an annual CPI adjustment.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other water supplies are not addressed in this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(F) If a final agreement is not reached by March 31, 1999, the terms set forth in subparagraphs (A) through (E) shall no longer apply. Under such circumstances, the occupancy of the Black River facilities shall revert to Phelps Dodge on March 31, 1999, and the Tribe and/or Phelps Dodge shall be free to prosecute litigation regarding the validity of Phelps Dodge use of the Black River facilities. In any such event, the Tribe, the United States, and Phelps Dodge shall have the same rights with respect to the Black River facilities as each had prior to the enactment of this subsection and nothing in this subsection shall be construed as altering or affecting such rights nor shall anything herein be admissible or otherwise relevant for the purpose of determining any of their respective rights.

"(3) FINAL AGREEMENT.—The United States, Phelps Dodge, and the Tribe intend to enter into a Final Agreement on or before March 31, 1999, which Agreement shall include the following terms:

"(A) The United States shall hold the Black River facilities in trust for the Tribe, without cost to the Tribe or the United States.

"(B) Responsibility for operation of the Black River facilities shall be transferred from the United States to the Tribe. The United States shall train Tribal members during the Interim Period, and the responsibility to operate the Black River facilities shall be transferred upon satisfaction of two conditions: (i) entry of the Final Agreement described in this subsection; and (ii) a finding by the United States that the Tribe has completed necessary training and is qualified to operate the Black River facilities.

"(C) Power lines currently operated by Phelps Dodge on the Tribe's Reservation, and the right of way associated with such power lines, shall be surrendered by Phelps Dodge to the Tribe, without cost to the Tribe. Concurrently with the transfer of the power lines and the right of way, Phelps Dodge shall construct a switch station at the boundary of the reservation at which the Tribe may switch power on or off and shall deliver ownership and control of such switch station to the Tribe. Subsequent to the transfer of the power lines and the right of way and the delivery of ownership and control of the switch station to the Tribe, Phelps Dodge shall have no further obligation or liability of any nature with respect to the ownership, operation or maintenance of the power lines, the right of way or the switch station.

"(D) The Tribe and Phelps Dodge intend to enter into a contract covering the lease and delivery of CAP water from the Tribe to Phelps Dodge on the terms recommended by the United States, the trustee for the Tribe. Water for delivery to Phelps Dodge from the Black River shall not exceed an annual average of 40 acre feet per day, or 14,000 acre feet per year. All diversions from Black River to Phelps Dodge shall be junior to the Tribe's right to divert and use of 7300 acre feet per year for the San Carlos Apache Tribe, and no such diversions for Phelps Dodge shall cause the flow of Black River to fall below 20 cubic feet per second. It is intended that the water subject to the contract shall be CAP water that is controlled by the Tribe. The Tribe and/or the United States intend to enter into an exchange agreement with the Salt River Project which will deliver CAP water to the Salt River Project in return for the diversion of water from the Black River into the Black River facilities. The lease and delivery contract between Phelps Dodge and the Tribe is intended to be based on a long-term lease of CAP water at prevailing market rates for municipal and industrial uses of CAP water. The parties will discuss the potential imposition of capital costs as part of the contract. It is intended that the contract price shall include operation, maintenance and replacement (OM&R) charges associated with the leased CAP water, and it is intended that the contract will take into account reasonable charges associated with the Tribe's operations and maintenance of the Black River facilities, and a credit for power provided for such facilities. It is intended that the water delivered under this contract will be utilized in the Morenci mine complex and the towns of Clifton and Morenci, and for no other purpose.

"(E) Any questions regarding the water claims associated with Phelps Dodge's use of the Eagle Creek wellfield, its diversions of surface water from lower Eagle Creek, the San Francisco River, Chase Creek, and/or its use of other groundwater supplies are not addressed by this title. No provision in this subsection shall affect or be construed to affect any claims by the Tribe, the United States, or Phelps Dodge to groundwater or surface water.

"(4) EAGLE CREEK.—From the effective date of this subsection, the Tribe covenants not to impede, restrict, or sue the United States regarding, the passage of water from the Black River facilities into those portions of the channels of Willow Creek and Eagle Creek which flow through the Tribe's lands. The Tribe covenants not to impede, restrict, or sue Phelps Dodge regarding, the passage of historic maximum flows, less transportation losses, from the existing Phelps Dodge Upper Eagle Creek Wellfield, except that (i) Phelps Dodge shall pay to the United States, for delivery to the Tribe, $5000 per month, with an annual CPI adjustment, to account the passage of such flows; and (ii) the Tribe and the United States reserve the right to challenge Phelps Dodge's claims regarding the pumping of groundwater from the upper Eagle Creek wellfield, in accordance with paragraphs (2)(E) and (3)(E) above. Nothing in this subsection shall affect or be construed to affect the rights of the United States, the Tribe, or Phelps Dodge to flow water in the channel of Eagle Creek in the absence of this subsection.

"(5) RELATIONSHIP TO SETTLEMENT.—In the event that Phelps Dodge and the Tribe execute a Final Agreement pursuant to paragraph (3) on or before March 3, 1999—

"(A) effective on the date of execution of such Final Agreement, the term 'Agreement', as defined by section 3703(2), shall not include Phelps Dodge; and

"(B) section 3706(j) shall have no effect.".

(f) REPEAL.—Subsection (f) of section 3705 of such Act is hereby repealed.

(g) TECHNICAL AMENDMENT.—Section 3702(a)(3) is amended by striking "qualification" and inserting "quantification".

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KOLBE. Mr. Chairman, I would simply say, as I did before, that this has been worked out with all the parties in question on the minority and majority side of the authorizing and Committee on Appropriations, and is supported by the Department of the Interior as an extension of this water settlement.

Mr. Chairman, I include for the RECORD a copy of my complete statement.

Mr. Chairman, I am very grateful to several of my colleagues for their assistance in ensuring that my amendment is considered today. Specifically, I want to thank Chairman LIVINGTON, Ranking Minority Member OBEY, the chairman and ranking member of the Resources Committee—Mr. YOUNG and Mr. MILLER, and the chairman and ranking member of the Interior Appropriations Subcommittee—Mr. REGULA and Mr. YATES.

The amendment that I am offering pertains to the San Carlos Apache Water Rights Settlement Act—Public Law 102-575. Simply put, the amendment extends the Settlement Act. Again, I want to make it perfectly clear that all my amendment does is extend the Act. This extension provides additional time for the implementation of many of the important provisions in the Act. Before I describe the provisions contained in my amendment, I would like to provide a few facts about the Settlement Act.

The San Carlos Apache Water Rights Settlement Act was signed into law by President Bush on October 30, 1992. The bill settled significant reserved water rights claims, and provided for expedited resolution of any Fifth Amendment taking claim against the United States by certain Arizona entities relating to one of the water sources allocated to the Tribe by the bill. In addition to preserving reserved water rights, the bill authorized a $38 million federal appropriation (which has been appropriated) and a $3 million state contribution (which has also been appropriated). The $41 million settlement is currently accruing interest and is intended to be used by the San Carlos Apache Tribe for economic development. However, the money is not currently available to the Tribe because several contingencies included in the legislation have yet to be satisfied.

I am offering this amendment because the Settlement Act is scheduled to expire on June 30, 1997. Negotiations between the Tribe, the Department of Interior, and several of the Arizona entities which are parties to the Settlement are ongoing. In fact, Mr. David Hayes, Counselor to Secretary Babbitt and the lead negotiator, met this Monday with representatives of the San Carlos Apache Tribe and Phelps Dodge Corporation. The negotiations concluded at 4:30 am, and significant progress was made in resolving outstanding issues between these two parties. But the reality is that a final Settlement agreement before the June 30, 1997 expiration date is not possible.

Mr. Chairman, my amendment extends the Settlement Act until March 31, 1999. Should a final agreement be reached prior to the March date, the Act is automatically extended until December 31, 1999. This extension is necessary because any final agreement must be submitted to the Superior Court System of Arizona for approval. The amendment also extends the Tribe's Central Arizona Project [CAP] water lease authority to three adjoining counties: Gila, Graham and Greenlee. In addition, the Gila Valley Irrigation District and the Franklin Irrigation District would be added as parties to the Act as long as none of the existing parties to the Act objects. Lastly, and perhaps most important, my amendment clarifies the right-of-way issue as it pertains to the Black River pump station and Eagle Creek—which are both located on the San Carlos Apache Reservation. Specifically, section 5 of the amendment directs the United States through the Bureau of Reclamation to operate and maintain the Black River facilities and to enter into a contract with Phelps Dodge for delivery of water. In return for delivery of water, Phelps Dodge Corporation will pay $20,000 per month, in addition to the $5000 per month power line right-of-way fee they are to be assessed.

Mr. Chairman, the provisions contained in my amendment are the result of hotly debated, and at times, contentious negotiations. These have been trying times for all the parties to the Settlement. But, we have come to a point in the negotiations where we have the framework for a final agreement. Adoption of my amendment will ensure that all the parties to the Settlement Act will have 20 more months to negotiate a final agreement. Otherwise, the Act will expire, the Tribe will lose $41 million earmarked for economic development, and this issue will be mired in litigation for years.

I have letters supporting my amendment from the Tribe, Phelps Dodge Corporation, and the Department of Interior—as trustee for the Tribe. My amendment is also supported by all the other parties to the Settlement Act and the entire Arizona Congressional delegation.

I urge my colleagues to support my amendment.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. KOLBE].

The amendment was agreed to.

Mr. HAYWORTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Arizona and also the ranking member of the Committee on Appropriations for moving forward on the aforementioned amendment. It is of vital concern for jobs and for Native Americans in the State of Arizona and I thank that spirit of cooperation and comity.

Mr. Chairman, I also rise in support of this Disaster Recovery Act now under consideration by this House. There are many areas across this country that have suffered from a variety of natural disasters, and it is my hope that we can at last move this bill expeditiously. As we prepare to vote on this legislation, Mr. Chairman, I would be remiss if I did not point out to this body that there are areas in Arizona that still are damaged as a result of flooding back in 1993.

In one case, the town of Kearny, Arizona suffered significant destruction as a result of those 1993 floods, including the loss of its wastewater treatment facility, its campground, and its airport. The cost of this loss far exceeded the town's financial ability to recover from it. In response to that flooding, the Federal Emergency Management Administration, or FEMA, committed to help the community recover its losses and build dikes to prevent future flooding. Unfortunately, indeed sadly, Mr. Chairman, in this instance, FEMA has yet to live up to its commitment.

In another case, in Gila County, Arizona, FEMA agreed to reimburse the county for $665,269 the county spent on cleanup work for the town of Winkelman. Although FEMA has paid the county some $341,598 of the amount the agency promised to pay, it still has been unwilling to pay the remainder. Mr. Chairman, as my colleagues might imagine, this places financially-strapped Gila County in an extremely difficult position.

Mr. Chairman, given that it has been 4 years since these floods occurred and satisfactory resolution of these problems has not yet been achieved, I would like to ask the gentleman from California [Mr. LEWIS], the chairman of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations if he would be willing to offer his assistance to help me secure relief from FEMA on these issues of great concern in the 6th District of Arizona.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman yielding. I would first like to express my deep appreciation to the gentleman from Arizona for his bringing this matter to my attention. I have been very, very appreciative of his making certain that our committee understands just how frustrating this has been not just for him but for his constituents back home. We are more than happy to make every effort to see that FEMA is responsive to the problems of the people in and around Gila, Arizona. I agree that 4 years is too long to wait to get relief for those communities which have suffered from disasters. I would like to work with the gentleman from Arizona [Mr. HAYWORTH] in the months ahead to make certain that day in and day out we have the attention of the top leadership of FEMA, and I am happy to be a part of that effort.

Mr. HAYWORTH. Reclaiming my time, I thank the gentleman from California for his commitment to work in this area. The 6th District of Arizona in square mileage is roughly the size of the Commonwealth of Pennsylvania. There are many rural communities that are fiscally challenged, financially strapped. I appreciate the fact that the subcommittee chairman joins with me in a commitment to work with FEMA to iron out the problems in and around Kearny and also to reimburse the people, the taxpayers, of Gila County, Arizona, who in good faith worked to fulfill agreements with the Federal Emergency Management Administration. Again I am very appreciative of my colleague from California.

Mr. LEWIS of California. If the gentleman will yield further, I might say that the people ought to have a clear understanding that the gentleman from Arizona [Mr. HAYWORTH] has certainly gotten all of our attention and we appreciate that.

Mr. HAYWORTH. Reclaiming my time, I thank my colleague from California. Again I thank the spirit of cooperation that permeates this House with so many pressing questions of concern. Again I rise in support of the legislation.

The CHAIRMAN pro tempore (Mr. HANSEN). The Clerk will read.

The Clerk read as follows:

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other natural disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which $374,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the December 1996 and January 1997 flooding in the western States: *Provided further*, That notwithstanding any other provision of law, a project to repair or reconstruct any portion of a Federal-aid primary route in San Mateo County, California, which was destroyed as a result of a combination of storms in the winter of 1982–1983 and a mountain slide which, until its destruction, has served as the only reasonable access between two cities and as the designated emergency evacuation route of one such cities shall be eligible for assistance under this head.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–205 is increased by $318,077,043: *Provided*, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from Illinois [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

I am proud to serve under the leadership of the gentleman from Illinois [Mr. PORTER] as a member of the subcommittee. As our colleagues know, our chairman is a leader in advancing biomedical research and is the champion of the National Institutes of Health. His support for biomedical research has brought hope to millions of Americans with illnesses in their families. His ability to build bipartisan support for the NIH is a defining characteristic of his chairmanship.

As the chairman knows, our investment in AIDS research through the NIH has produced dramatic results. Just this week, new research findings demonstrated that triple therapy seems to kill HIV more rapidly than previously believed. HHS will soon be releasing new practice guidelines for treating HIV infection based on this important medical research.

The goal of the new combination therapies is to bring an individual's level of HIV infection down to undetectable levels. The treatments ward off further deterioration of the immune system. After 15 years of the AIDS epidemic, the new treatments bring us hope.

Would the gentleman agree that these advances in AIDS treatment are a remarkable tribute to the importance of investing in the NIH?

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I agree with the gentlewoman from California. This is an excellent example of the importance of funding basic and applied science through the NIH. The success of the pharmaceutical companies in developing these drugs would never have occurred without the sustained research that is funded by NIH.

The many advances reported each year by the NIH are crucial to the health and well-being of the American people. I personally feel that Congress can make no better investment than increasing NIH funding.

Ms. PELOSI. As the gentleman from Illinois [Mr. PORTER] knows, the AIDS Drug Assistance Program, also known as ADAP, provides funding to States to reimburse the cost of drugs used to treat HIV infection. These new drugs are expensive, but result in decreased costs associated with treating opportunistic infections and expensive hospital stays common when uncontrolled infection results in severe damage to the immune system.

Mr. PORTER. We are very pleased with the success of these new drugs, and I can assure the gentlewoman that the AIDS Drug Assistance Program, which is part of the Ryan White program, has broad bipartisan support. As an indication of this support, I would note that the Congress provided $239 million, or more than a 30 percent increase, for all Ryan White activities in 1997. For the ADAP program specifically we provided a $115 million increase. The gentlewoman from California was instrumental in helping secure these increases.

Ms. PELOSI. I thank the chairman. The chairman is to be commended for his strong support of the Ryan White program and for providing important resources to make these new drugs available for people with HIV.

This is an emergency. Due to the great success of and demand for the new drugs, State AIDS directors are predicting a shortfall of $68 million for the remainder of this fiscal year. It is my understanding that this shortfall has also been documented by HHS.

Nationally the ADAP programs have reported a 77 percent increase in clients since January of 1996. These programs are collectively averaging approximately 1,000 new clients each month. Program costs are increasing to accommodate the reimbursement of combination drug therapies which are becoming the standard of care.

Mr. Chairman, without an additional $68 million for the remainder of this fiscal year, the AIDS drug program will not be able to respond to the immediate health threat to thousands of HIV-infected Americans. In the State of Mississippi, for example, 660 people will be cut off the program in the next week because of increased demands and the costs of providing new drugs. California is projecting a need of $6 million to continue the drug assistance program uninterrupted through the end of the fiscal year. Florida and several other States also face major problems.

Unfortunately, the rules available under the supplemental bill before us today do not provide the opportunity to respond to this emergency. However, it is my understanding that the President may seek emergency supplemental funding for this program in the very near future. In the event that the President seeks emergency supplemental funding for this program, would the chairman be willing to work with the administration to find a timely solution to this urgent situation?

Mr. PORTER. Let me assure the gentlewoman from California that should the President send the request to Congress, I would be pleased to work with the administration in assessing the need and developing an appropriate response.

Ms. PELOSI. I thank the chairman for his response and his continued leadership in responding to the many challenges posed by the AIDS epidemic.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads damaged as a result of the floods in the northern plains States in the spring of 1997, $10,000,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way owned by class I railroads, passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this section: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", for emergency expenses resulting from the crashes of TWA Flight 800 and ValuJet 592, and for assistance to families of victims of aviation accidents as authorized by Public Law 105–265, $23,300,000, of which $4,877,000 shall remain available until expended: *Provided*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That notwithstanding any other provision of law, up to $10,330,000 shall be provided by the National Transportation Safety Board to the Department of the Navy as reimbursement for costs incurred in connection with recovery of wreckage from TWA Flight 800 and shall be credited to the appropriation contained in the Omnibus Consolidated Appropriations Act, 1997, which is available for the same purpose as the appropriation originally charged for the expense for which the reimbursements are received, to be merged with, and to be available for the same purpose as the appropriation to which such reimbursements are credited: *Provided further*, That notwithstanding any other provision of law, of the amount provided $3,100,000 shall be made available to Metropolitan Dade County, Florida as reimbursement for costs incurred in connection with the crash of ValuJet Flight 592.

GENERAL PROVISIONS, CHAPTER 5

SEC. 501. In Title I of Public Law 104–205, under the heading "Federal Transit Administration, Discretionary Grants", strike $661,000,000 for the DeKalb County, Georgia light rail project;" and insert "$661,000 for the DeKalb County, Georgia light rail project;".

SEC. 502. In Section 325 of Title III of Public Law 104–205, strike "That in addition to amounts otherwise provided in this Act, not to exceed $3,100,000 in expenses of the Bureau of Transportation Statistics necessary to conduct activities related to airline statistics may be incurred, but only to the extent such expenses are offset by user fees charged for those activities and credited as offsetting collections.".

SEC. 503. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional $500,000 for fiscal year 1997.".

SEC. 504. Section 30308(a) of title 49, United States Code, is amended by striking "and 1996" and inserting ", 1996, and 1997".

CHAPTER 6

UNITED STATES POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue foregone on free and reduced rate mail, $5,300,000.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

Page 24, after line 7, insert the following:

INDEPENDENT AGENCIES

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $1,700,000: *Provided*, That $782,500 of these funds shall remain available until September 30, 1998.

Mrs. MALONEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mrs. MALONEY of New York. Mr. Chairman, my amendment restores the $1.7 million which the Federal Election Commission says it needs to investigate the high number of pending cases from the 1996 election cycle.

Last night the Republican leadership ruled the bipartisan amendment I offered with the gentleman from Connecticut [Mr. SHAYS], the gentleman from Massachusetts [Mr. MEEHAN] and the gentlewoman from New Jersey [Mrs. ROUKEMA] to restore this funding out of order because the chairman of the Committee on Rules said it was, quote, not an emergency. But let us look at some of the things that are in the bill that are recognized as emergencies.

There is $10 million to the National Park Service to implement the Yosemite Valley transportation plan. There is $37.1 million for road and trail maintenance for the National Forest Service that the committee report does not say is associated with Western flooding or disaster relief, yet this bill recognizes it as an emergency. Then there is $2.5 million to pay for digital mapping in the San Joaquin Valley.

I think that the American people believe investigating charges of corruption and abuse in our elections are just as important, much more important and much more of an emergency than some of the things that are in this bill.

The Federal Election Commission has asked for $1.7 million to conduct investigations into 1996 pending election abuses. The Committee on Appropriations granted the money but said that the Federal Election Commission could only use it for computers. In other words, they fenced it in so that they could not use it for investigators but only for computers. Then the Committee on Rules totally stripped the funding out altogether. First they gave it, then they limited it, and now they are taking it away.

Meanwhile, the Federal Election Commission's caseload has increased by one third but there is no more funding for them. With 285 cases pending, some of them the most complex cases the commission has ever seen, the Federal Election Commission will not be able to pursue all of these violations. Yet this is the same Congress that is spending $12 to $15 million for just one committee's investigations, the Committee on Government Reform and Oversight, while the only agency that can do a nonpartisan probe of the controversial problems that have been charged in election abuses, they are being shortchanged and not being given any money to conduct these investigations.

I feel that we should fund the committee. The money was in the budget, the Committee on Appropriations appropriated it, and then the Committee on Rules removed it.

□ 1830

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I rise in agreement with the gentlewoman's premise that the $1.7 million ought to be included and frankly ought to be included without restriction. Unfortunately, of course, the Committee on Rules, as I understand the rules, by adoption of the rule struck that as the gentlewoman has observed, but in fact the FEC does in fact need additional resources in order to check what everybody in this country knows is a real problem. Both sides of the aisle are talking about how campaign funds were raised, how campaign funds are spent, and of course this is the very agency that we have asked to check on this for the American public and to disclose it.

The fact of the matter is now cutting this money undercuts what frankly an awful lot of our colleagues say they want done, and that is to see how money was raised, how it was spent and was it done pursuant to law. I thank the gentlewoman from New York for her point.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from Maryland, and I appreciate the point that he made. The Federal Elections Commission is the only agency, it is nonpartisan, it is an independent agency, and it is charged to conduct investigations. They have a large surplus, a backload of charges of investigations that need to be looked into, and yet the money has not been allocated, yet this same party, the Republican leadership, allocated $12 to $15 million for a partisan probe in the Committee on Government Reform and Oversight.

Mr. Chairman, I believe this is an important amendment, and I hope that my colleagues will support it.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part no appropriations shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been assigned into law. The amendment, therefore, violates clause 2 of rule XXI, and I ask for a ruling from the chair.

The CHAIRMAN. Does the gentlewoman from New York wish to speak to the point of order?

Mrs. MALONEY of New York. The Committee on Appropriations appropriated the money, and the Committee on Rules removed it, and I disagree with the gentleman's point of order.

The CHAIRMAN. The amendment proposed is an unauthorized appropriation, and is not in order. Under clause 2 of rule XXI, the gentlewoman has the burden of proving the authorization for the amendment. The gentlewoman has failed to prove the authorization. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

COUNTER-TERRORISM AND DRUG LAW ENFORCEMENT

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 104–208, $16,000,000 shall be available until September 30, 1998 to develop further the Automated Targeting System.

GENERAL PROVISIONS, CHAPTER 6

SEC. 601. CLARIFYING CONGRESSIONAL INTENT RESPECTING PROCUREMENT OF DISTINCTIVE CURRENCY PAPER.—In fiscal year 1997 and thereafter—

(1) for the purposes of section 622(a) of Public Law 100–202, a corporation or other entity shall be not deemed to be owned or controlled by persons not citizens of the United States, if—

(A) that corporation or entity is created under the laws of the United States or any one of its States or other territories and possessions; and

(B) more than 50 percent of that corporation or entity is held by United States citizens; and

(2) the Secretary of the Treasury shall use the authority provided under Federal Acquisition Regulation, Part 45.302.1(c) and Part 45.302.1(a)(4) to induce competition, to a level the Secretary determines is appropriate, among those desiring to provide distinctive currency paper to the United States.

CHAPTER 7

DEPARTMENT OF VETERANS AFFAIRS VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $753,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

POINT OF ORDER

Mr. STUMP. Mr. Chairman, I make a point of order against the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STUMP. Mr. Chairman, I make a point of order that the language on page 26 of the bill, administrative provisions under Department of Veterans Affairs, lines 8 through 15, violates clause 2 of rule XXI, constitutes authorizing legislation in an appropriation bill.

The CHAIRMAN. Is there anyone else who would like to speak to the point of order?

If not, pursuant to clause 2 of rule XXI, the paragraph constitutes legislation on an appropriation bill authorizing certain construction.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOUSING PROGRAMS

PRESERVING EXISTING HOUSING INVESTMENT

For an additional amount for "Preserving existing housing investment", to be made available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, $3,500,000, to remain available until expended: *Provided*, That up to such amount shall be for a project in Syracuse, New York, the processing for which was suspended, deferred or interrupted for a period of nine months or more because of differing interpretations, by the Secretary of Housing and Urban Development and an owner, concerning the timing of the ability of an uninsured section 236 property to prepay, or by the Secretary and a State rent regulatory agency concerning the effect of a presumptively applicable State rent control law or regulation on the determination of preservation value under section 213 of such Act, if the owner of such project filed a notice of intent to extend the low-income affordability restrictions of the housing on or before August 23, 1993, and the Secretary approved the plan of action on or before July 25, 1996.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Elimination Grants for Low-Income Housing" for activities authorized under 42 U.S.C. 11921–25, $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account.

INDEPENDENT AGENCIES FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief", $3,567,677,000 to remain available until expended: *Provided*, That $2,387,677,000 shall become available for obligation on September 30, 1997: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT OFFERED BY MR. BARCIA

Mr. BARCIA. Mr. Chairman, I offer an amendment and I ask unanimous consent that the amendment be considered as read.

Mr. LIVINGSTON. I object, Mr. Chairman, because I do not know what the amendment is.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. Barcia:

Page 28, after line 1, insert the following:

ENVIRONMENTAL PROTECTION AGENCY

BUILDINGS AND FACILITIES

From the amounts appropriated under this heading in prior appropriation Acts for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall, after the closing of the period for filing CERT-related claims pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against the EPA pursuant to such Act. To the extent that unobligated balances then remain from such amounts previously appropriated, the EPA is authorized beginning in fiscal year 1997 to make grants to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

Mr. LIVINGSTON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BARCIA. Mr. Chairman, this is an amendment which has been cleared with the chairman and ranking member of the Subcommittee on VA, HUD and Independent Agencies, the distinguished gentleman from California [Mr. LEWIS] and the distinguished gentleman from Ohio [Mr. STOKES], and I want to thank them for the fine spirit of bipartisan cooperation in supporting this amendment which has also enjoyed the support of the Environmental Protection Agency and the Office of Management and Budget.

Mr. Chairman, I rise in support of my amendment to provide additional authority to the Environmental Protection Agency to grant unobligated balances from funds previously appropriated for the construction of the Center for Environmental Research and Training to the city of Bay City for EPA approved environmental remediation and rehabilitation of publicly owned property within the boundaries of the original CERT project.

This language has been agreed to by EPA and the Office of Management and Budget, and reflects the continuation of an agreement we all reached over a year ago to allow Bay City to clean up its land so that it can be put to other uses. Authority had been provided as part of the fiscal 1996 EPA appropriation, but it was after the end of that fiscal year that EPA determined that additional balances would be available after the settlement of all claims against it for expenses arising out of the CERT project.

Mr. Chairman, the city of Bay City had attempted to be the best neighbor possible for EPA while the CERT project was being designed. Community and business leaders had established a good working relationship, and even EPA Administrator Browner in a visit to Bay City acknowledged the rapport that had been established between the city and the EPA.

It is only right that the best of intentions, the vest of cooperation, be followed with the best of responsible action to allow Bay City to at least realize a portion of the dream that the CERT project had offered by cleaning up this area.

The Senate has already included virtually identical language in this bill, and I have cleared the amendment with both the Chairman of the VA–HUD Subcommittee, Mr. LEWIS, and the ranking minority Member, Mr. STOKES. I want to offer my thanks to them personally and to their staffs for the assistance they have provided to me and my office while this issue has been worked out.

I urge adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. BARCIA].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000.

NATIONAL FLOOD INSURANCE FUND

In the case only of new contracts for flood insurance coverage under the National Flood Insurance Act of 1968 entered into during the period beginning on January 1, 1997, and ending on June 30, 1997, and any modifications to coverage under existing contracts made during such period, section 1306(c)(1) of such Act (42 U.S.C. 4013(c)(1)) shall be applied by substituting "15-day period" for "30-day period".

AMENDMENT NO. 19 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. KENNEDY of Massachusetts:

CHAPTER 7A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Institute on Alcohol Abuse and Alcoholism", $2,000,000, to be derived by transfer from the amount provided in this Act for "Federal Emergency Management Agency—Disaster Relief".

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Louisiana reserves a point of order.

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment is really very simple. It asks for $2 million for the National Institute of Alcohol Abuse and Alcoholism to fund studies to examine the effects of the electronic media advertising of all forms of alcohol, including beer, wine and distilled spirits, on underage persons.

The truth of the matter is that we now have a situation in America where the No. 1 killer of people under the age of 24 in the United States today is alcohol abuse. It kills 5 times as many people as all other illegal drugs combined.

We have a war on drugs in America where we spend $15 billion a year of taxpayers' moneys in order to fight a war on drugs, and yet at the same time we allow billions of dollars to be spent advertising the most abused drug in America.

Now some people do not consider alcohol a drug, but the truth of the fact is that it kills more people, it puts more people into situations where they are completely disoriented, and we see now new studies that show us that 80 or 90 percent of all assaults in universities, 80 or 90 percent of all rapes at universities are all committed when people are, in fact, completely drunk.

Mr. Chairman, what we are trying to do is recognize that as we have held a 48-year ban, one of the, I think, most greatest demonstrations of corporate responsibility in America, a 48-year ban on hard liquor advertising that has been kept in place on a voluntary basis by the alcohol hard liquor industry, broken in these last few months; that it is important for us to understand the implications of that. I think the hard liquor industry has a very legitimate point in that while they have held this ban up, we have seen the beer and wine industry grow substantially in terms of the amount that they are advertising on television and in terms of the market share that they have captured.

But I do not believe the answer, because of this particular issue, is to therefore lower the bar on advertising, so to speak, and have everybody out there advertising, particularly on shows that we have seen, as I saw just a few weeks ago, on cartoons on Saturday morning that my children were watching as beer ads starting coming on the television set.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I would tell the gentleman from Massachusetts that I am constrained to press the point of order. However, I understand the gentleman has had discussions with the chairman of the Subcommittee on Labor, Health and Human Services, and Education, the gentleman from Illinois [Mr. PORTER], and I would advise the gentleman that should he withdraw his amendment at this time, Mr. PORTER has advised that he would entertain further action on this matter in the 1998 appropriations supplement.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I very much appreciate the gentleman's willingness to work with us, and the gentleman from Illinois [Mr. PORTER] has been one of the great leaders on this issue over the years and has worked in the House, and I very much appreciate the process by which this on a technical basis might have been ruled out of order this evening, but because of the leadership that the chairman has shown, and I hope his support for this issue, and the leadership that Chairman PORTER has shown, that we will in fact get the funding necessary to achieve this study in the coming fiscal year.

On that basis, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Massachusetts is withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 8

OFFSETS AND RESCISSIONS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Fund for Rural America

Of the funds provided on January 1, 1997 for section 793 of Public Law 104–127, Fund for Rural America, not more than $80,000,000 shall be available: *Provided*, That in addition to activities described in subsections (c)(1) and (c)(2) of section 793, the Secretary may use these funds for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

NATURAL RESOURCES CONSERVATION SERVICE

Wetlands Reserve Program

Of the funds made available in Public Law 104–37 for the Wetlands Reserve Program, $19,000,000 may not be obligated: *Provided*, That none of the funds made available in Public Law 104–37 for this account may be obligated after September 30, 1997.

FOOD AND CONSUMER SERVICE

The Emergency Food Assistance Program

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE

Export Credit

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of personnel to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

Export Enhancement Program

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $10,000,000.

DEPARTMENT OF JUSTICE

General Administration

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $6,400,000 are rescinded.

Legal Activities

ASSETS FORFEITURE FUND

(RESCISSION)

Of the amounts made available to the Attorney General on October 1, 1996, from surplus balances declared in prior years pursuant to 28 U.S.C. 524(c), authority to obligate $3,000,000 of such funds in fiscal year 1997 is rescinded.

Immigration and Naturalization Service

CONSTRUCTION

(RESCISSION)

Of the unobligated balances under this heading from amounts made available in Public Law 103–317, $1,000,000 are rescinded.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the unobligated balances available under this heading for the Advanced Technology Program, $7,000,000 are rescinded.

National Oceanic and Atmospheric Administration

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

(RESCISSION)

Of the unobligated balances available under this heading, $2,000,000 are rescinded.

RELATED AGENCIES

Federal Communications Commission

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

Ounce of Prevention Council

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $1,000,000 are rescinded.

DEPARTMENT OF ENERGY

Energy Programs

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 104–206 and prior years' Energy and Water Development Appropriations Acts, $22,532,000 are rescinded.

DEPARTMENT OF ENERGY

Clean Coal Technology

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

Strategic Petroleum Reserve

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $750,000,000 are rescinded.

POINT OF ORDER

Mr. BACHUS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BACHUS. Mr. Chairman, I raise a point of order against the paragraph on page 33 lines 14 through 21. I also want to advise the Chair I will be raising points of order, three more points of order, against the paragraphs which follow this paragraph.

Mr. Chairman, I raise a point of order against this paragraph in that this provision violates clause 2 of rule XXI because it rescinds $750 million in airport and airway trust fund contract authority, not general fund appropriations for aviation projects.

Airport and airway trust fund contract authority, as with highway authority, which my next three points of order will deal with, while a form of direct spending, is legislative in nature, and rescinding such authority is not within the jurisdiction of the Committee on Appropriations but of the Committee on Transportation and Infrastructure.

This rescission constitutes legislation on an appropriation bill and clearly violates House rule XXI.

□ 1845

This rescission constitutes legislation on an appropriations bill and clearly violates House rules.

The CHAIRMAN. Does the chairman of the committee wish to be heard on the point of order?

Mr. LIVINGSTON. I would, Mr. Chairman.

I would concede the point of order. The gentleman is well within his rights to assert the point of order. I only would say in addition, though, that I regret that he sees fit to assert this point of order, because in fact what it does is to strike $1.7 billion in the rescissions in this bill, which leaves the bill exposed.

We have made it a point since January 1, 1994 to offset all increases in appropriations with rescissions. This $1.7 billion was part of the total package that offset the additional spending in this bill, and I know that this will lead to additional amendments to strike provisions of this bill, which could lead to reductions in disaster relief. I regret that. I think that is unfortunate.

Frankly, I had hoped that this point of order would not be lodged, but it has been lodged and there is nothing I can do about it.

The CHAIRMAN. The point of order is conceded and sustained. The paragraph is stricken.

Mr. BACHUS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BACHUS. Mr. Chairman, I raise a point of order against page 34, lines 1 through 6.

The provision violates rule XXI in that it is an appropriation and should be under the purview of the authorization committee, the Committee on Transportation and Infrastructure.

The CHAIRMAN. The gentleman is a little ahead of the Reading Clerk. The gentleman will withdraw until the Clerk reads.

Mr. BACHUS. Mr. Chairman, if we have raised a point of order against the first paragraph, does it have to be read anyway?

The CHAIRMAN. The lines the gentleman is raising a point of order against have not been read. If the gentleman would withhold, the gentleman's right would certainly be protected.

The Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this heading, $13,000,000 are rescinded.

POINT OF ORDER

Mr. BACHUS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from Alabama [Mr. BACHUS] will state his point of order.

Mr. BACHUS. Mr. Chairman, this provision violates rule XXI, and I would raise a point of order in that it deals with the Highway Trust Fund, whose jurisdiction to rescind contract authority is clearly within the Committee on Transportation and Infrastructure, not the Committee on Appropriations.

I will say, as to this point of order and to the next two which I will raise, that the Committee on Transportation and Infrastructure would be glad to work with the Committee on Appropriations at a future date.

I renew my point of order.

The CHAIRMAN. The gentleman's point of order has been insisted on.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. LIVINGSTON] wish to be heard on the point of order?

Mr. LIVINGSTON. Mr. Chairman, I would make the same comments to all of the gentleman's points of order.

THE CHAIRMAN. The gentleman's point of order is conceded and sustained.

Mr. LIVINGSTON. Mr. Chairman, I understand it is a package deal, and I ask unanimous consent that the remaining points of order all be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk will read the next 2 paragraphs.

The Clerk read as follows:

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m) (A) and (C), $588,000,000 are rescinded.

POINTS OF ORDER

Mr. BACHUS. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman from Alabama [Mr. BACHUS] has raised a point of order against both paragraphs.

The points of order are conceded and sustained.

PARLIAMENTARY INQUIRY

Mr. BACHUS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BACHUS. Mr. Chairman, I have a point of order before the committee.

The CHAIRMAN. The point of order of the gentleman from Alabama was conceded and sustained.

Mr. BACHUS. On all four points?

The CHAIRMAN. On all four paragraphs, that is correct.

Mr. BACHUS. All right. I thank the Chairman.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which proceedings were postponed in the following order:

Amendment No. 8 offered by the gentleman from Florida [Mr. DIAZ-BALART]; amendment No. 7 offered by the gentleman from Pennsylvania [Mr. GEKAS].

AMENDMENT NO. 8 OFFERED BY MR. DIAZ-BALART

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 345, noes 74, not voting 14, as follows:

[Roll No. 133]

AYES—345

Abercrombie
Ackerman
Allen
Archer
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)

Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—74

Aderholt
Armey
Bachus
Barr
Barton
Bass
Bereuter
Blunt
Boehner
Brady
Bryant
Burr
Burton
Buyer
Cannon
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Deal
DeLay
Dickey
Emerson
Everett
Ganske
Goode
Graham
Gutknecht
Hall (TX)
Hansen
Hefley
Herger
Hilleary
Hostettler
Hulshof
Hutchinson
Inglis
Johnson, Sam
Jones
Kingston
Largent
Latham
Miller (FL)
Norwood
Nussle
Packard
Parker
Paul
Paxon
Petri
Pickering
Riley
Rogers
Rohrabacher
Royce
Ryun
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Snowbarger
Solomon
Stump
Sununu
Taylor (MS)
Thune
Tiahrt

NOT VOTING—14

Andrews
Condit
Crapo
Hefner
Istook
Jefferson
Manton
Molinari
Mollohan
Schiff
Skelton
Smith (MI)
Velázquez
Watkins

☐ 1909

Mr. COMBEST changed his vote from "aye" to "no."

Mrs. KENNELLY and Messrs. GALLEGLY, SOUDER, and GOODLATTE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, on rollcall No. 133, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. Velázquez. Mr. Chairman, I was unavoidably detained during rollcall vote No. 133, the Diaz-Balart/Meek amendment.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. ISTOOK. Mr. Chairman, I was absent at rollcall vote 133. Had I been present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MR. GEKAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 197, not voting 10, as follows:

[Roll No. 134]

AYES—227

Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Aderholt
Allen
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hooley
Houghton
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Yates

NOT VOTING—10

Andrews
Hefner
Hinojosa
Jefferson
Manton
Molinari
Mollohan
Schiff
Skelton
Watkins

☐ 1928

Mr. CONDIT changed his vote from "aye" to "no."

Mr. FAWELL changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Chairman, earlier I was in the Chamber and cast my vote. I inserted my card and thought my vote had been recorded. I have been informed that it did not take. Had it been taken on rollcall vote 134, it would have been "no."

□ 1930

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RECESSION)

Of the funds made available under this heading for "Repairs and Alterations, Basic Repairs and Alterations," in Public Law 104-208, $1,400,000 is rescinded: *Provided*, That these funds shall be reduced from the amounts made available for the renovation of the Agricultural Research Service Laboratory in Ames, Iowa.

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, $5,600,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, with the exception of the recaptures specified in section 214 of Public Law 104-204, $3,823,440,000 are rescinded: *Provided*, That of this amount, the Secretary of Housing and Urban Development shall recapture $3,573,440,000 in amounts heretofore made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs (42 U.S.C. 1437f and 1437f(o) respectively): *Provided further*, That the foregoing recaptures shall be from amounts in the annual contributions contract (ACC) reserve accounts established and maintained by HUD.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARR of Georgia:

Page 35, after line 25, insert the following:

COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

For an additional amount for the operations of the Commission on the Advancement of Federal Law Enforcement, $2,000,000, to remain available until expended.

Mr. BARR of Georgia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Chairman, this amendment would simply restore $2 million to the Law Enforcement Commission, which was created in section 806 of the Effective Death Penalty and Anti-terrorism Act of 1986.

Last fall in the Omnibus Consolidated Appropriations Act of 1996, the House passed and approved the $2 million in funding for this bipartisan commission, which already has three of its five members appointed. At the last minute, however, Mr. Chairman, this funding was stripped out of the omnibus bill by the Senate. Therefore, the commission has not yet been able to begin its important work.

I would urge we seize the moment afforded by this supplemental appropriations bill to restore this funding immediately. The commission has bipartisan support in the House. The sole purpose of this commission is to put forth recommendations to the Congress to make Federal law enforcement better and more accountable.

The public safety is law enforcement's top priority and this commission would find ways to make us more successful in achieving this mutual priority. Mr. Chairman, I urge my colleagues on both sides to support my amendment in order that this commission may begin its important work.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I support the gentleman's amendment to provide $2 million for the establishment of the Commission on the Advancement of Federal Law Enforcement. The House-passed Commerce-Justice-State appropriations bill for this year included $2 million, and I regret that the funding was dropped in our conference with the Senate last fall.

The commission was authorized as a part of the Anti-terrorism and Effective Death Penalty Act of 1996 which was signed into law by the President on April 24 of last year. I think this is a good amendment, and I urge its adoption.

Mr. BARR of Georgia. Mr. Chairman, reclaiming my time, I appreciate the gentleman's comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEUMANN

Mr. NEUMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEUMANN:

Page 35, after line 25, insert the following new chapter:

CHAPTER 9

FURTHER SPENDING REDUCTIONS

SEC. 901. The amount otherwise provided by this title for "Federal Emergency Management Agency—Disaster Relief" (and the portion of such amount that is specified to become available for obligation on September 30, 1997) are hereby reduced by $1,700,000,000.

Mr. NEUMANN. Mr. Chairman, earlier this evening, on a point of order on page 33 of the bill, lines 14 through 21, through page 34, lines 1 through 19, were stricken from the bill. That effectively removed $1.622 billion of rescissions.

Earlier this evening the chairman and I had a discussion about whether the bill was paid for in BA or outlays, and we have a difference of opinion over that. But there is no question at this point that it is no longer paid for even in budget authority. As that point of order was raised, they lost $1.622 billion of rescission, so the bill is no longer paid for in outlays either.

What our amendment does is it simply reaches back to page 28 in the bill. And let me be very, very clear about this, because our rescission deals with money that could not be spent prior to September 30 of this year. On page 28 in this amendment, and I read, quote, "That $2.387 billion shall become available for obligation on September 30, 1997."

What we have done is removed $1.7 of this $2.4, roughly, billion to put the bill back in balance so that at least in budget authority the bill is paid for.

Once again, I would point out that our amendment is very straightforward. It simply reaches back in the bill, removes $1.7 billion of advance funding for FEMA. Advance funding does not affect any of the flood spending going on around the country today and in no way affects defense in this bill. It does not affect any of the flood victims today, but rather it only goes in and takes out some money that could not be spent until after September 30 when the normal appropriation process would have completed itself anyway.

So, simply put, this bill puts the bill back to a point where it is at least paid for in budget authority. I will restate that the bill is no longer paid for even in budget authority.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, it is very important that Members focus upon this amendment for it goes right to the heart of why we have an emergency supplemental. If this amendment were to be successful, it would interrupt FEMA's ability to go forward consistently without having to close back their operations at a very critical time.

Remember that the time when these funds will be most needed takes us directly into the heart of the hurricane season, which has been predicted to be among the worst on record.

There is little question that if Members at this time vote in a fashion that would undermine FEMA funding, an agency that among all the agencies has begun to do things right, we will be in a position of having stood on this floor and essentially voted against those people facing very difficult times at this critical moment.

I urge the Members to be very cautious about this vote. I also urge the Members to vote no on this amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word, and rise in reluctant opposition to the amendment.

First of all, let me say that the gentleman from Wisconsin is absolutely right in his assessment of the budgetary impact of this bill. As the bill was reported from the committee to the House, it was in balance. It included spending for Bosnia and for disaster relief roughly $8 billion, and it provided offsets, roughly $8 billion. It was paid for in budget authority.

The gentleman from Wisconsin offered an amendment because he felt that it was not paid for if we considered just outlays. But as we have pointed out, all supplemental appropriations bills have been paid for in budget authority, and that was a practice that was never adopted by the Congress until January 3, 1995. So we thought we had accomplished a great deal.

Now along comes one of the committees, and it has invoked a point of order to eliminate some of the payfors, some of the rescissions, in the amount of $1.6 plus billion. That was the transportation trust fund rescissions which were deleted. That is unfortunate because, as the gentleman from Wisconsin has pointed out, by taking those rescissions out on a point of order, however meritorious, the fact is this bill is not paid for anymore. We appropriate about $8 billion and we have paid for it with about $1.6 billion less than that total amount.

□ 1945

Mr. Chairman, the Committee on Appropriations in bipartisan fashion felt it very necessary to provide offsets and report a bill that was paid for. With the point of order that has been raised, we acknowledge it is $1.6 billion short of being paid for. Let me say that I do regret that, because I believe very strongly that all of this money is needed.

Mr. Chairman, we have had any number of speakers who have gone before the House, came today and pointed to pictures and talked about devastation throughout this country, various locations that have been wreaked by damage from floods, tornadoes, and other disasters. People in 35 States are affected by the contents of this bill and are looking forward to being able to be assisted with the Federal moneys available in this bill. I think that it would be nonsense to reduce the moneys in this bill simply because we have not applied all of the nuances that some people might consider their proper rights to issue on points of order.

The fact is that the Federal Emergency Management Administration funding is needed, and I do not believe that this is the way, as the gentleman points out in his amendment, to get the bill back in balance. I do not think we should just arbitrarily say, well, it is not in balance and therefore let us cut the amount of money. The money was recommended appropriated by the committee, and a like amount of money in the other body was to be appropriated, because it is needed by the American people.

Mr. Chairman, let me conclude by saying that making up that $1.6 billion that was struck on a point of order will be very difficult. The budget neutrality for this bill has been carefully confected because, in fact, outlays are difficult to come by this late in the fiscal year so we paid for this bill in budget authority. By asserting a point of order, the fact is it is now short $1.6 billion. I would hope that the Members would understand that the American people who are devastated by floods and tornadoes and other disasters need this money.

Therefore, this amendment should be defeated. If it is defeated and if this bill is passed, I guarantee that I will do everything in my power as chairman of this committee to make sure that when this bill returns from conference, it will be fully paid for regardless of whatever points of order may have been asserted. And I would hope that the members of the committee that asserted those points of order would join with me and vote to get this bill out of the House and over to the other body where we can meet, confer, and make sure that the conference is completed and that the work is done and that the bill comes back, so that we can send the entire bill to the President of the United States for his signature, and that those people who have been afflicted so adversely by disaster get the money that they deserve.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I thank the gentleman for yielding. I know everyone is ready to get going this evening. I have got a few points that I think should be made as we consider this.

It comes down to the responsibility of the people in this institution. There are people that send us here to act responsibly for the future of this great Nation we live in. I think that as we start thinking about doing things like helping flood disaster victims around the United States of America, I think we have a responsibility to help these people and I think this bill should move forward.

But I think we have a responsibility to future generations of Americans, too. I think it is our responsibility in our generation that if we are going to send money to help flood victims, at least we should take the money out of our generation's pockets, not put it on the burden of our children.

That is what this debate is about. Is it fair for us in this Congress to take credit for sending this funny money from Washington, because that is how we are treating it, is it fair for us to take credit for sending flood disaster relief to victims all over America and then add the debt to our children's burden? That is not right. Our generation has a responsibility to pay for the flood disaster relief money that is going elsewhere.

I would like to clear up a couple of other points. Number one, none of the money that we are talking about could possibly be used in any way, shape or form for a hurricane that hit next month or the month after, nor could it be used for any of the current flood disaster victims we are talking about. In fact, page 28 of this bill says for an additional amount of disaster relief, $3.5 billion to remain available until expended, provided, $2.4 billion shall become available for obligation on September 30, 1997.

What that means in English is that none of the money we are talking about could have been spent before September 30, anyway. September 30 is the last day of this fiscal year. On October 1, we have normal appropriation bills in place. So there is absolutely no impact in any way, shape or form on any of the hurricane victims or any of the current flood victims that are being affected by this money.

Further, and I think this is very important, I think we have to look at this advanced funding and understand why the advanced funding is in the bill. The advanced funding is in this bill, and let everyone understand this, it is in this bill so it can be called emergency spending, even though it is not going to be spent on any of the disasters around America today or any of the disasters that have occurred; but disasters that occur after September 30 when it gets classified as emergency spending, we no longer have to count it toward spending caps. So by putting it in this bill, classified as emergency spending, instead of in an appropriation bill, we do not have to count it toward the spending caps.

What that means in plain, simple English is that we get to spend another $2 billion or $1.7 billion later this year. This is really not about flood disaster relief and the victims out there today. This is about getting to spend another $1.7 billion later this year in the appropriations process without counting it toward the caps that are in place.

Let me just conclude by saying, I think we of our generation have a responsibility to help the flood victims, and I think we also have a responsibility to pay the bill out of our pocket, not put it on the backs and the burdens that are going to be passed on to our children in this great Nation.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman yielding. I asked the gentleman to yield simply because I did enjoy the gentleman's speech but he just happens to be wrong. The fact is that FEMA moneys, advance payments of FEMA moneys are making up for funding of floods and disasters that have taken place in the past. We have got to continue that funding forward. If we do not continue that funding forward, there could be a gap in FEMA's services. The last thing we need to do as a result of this bill is to allow any gap to occur in those fundings for those disasters that are so important to the American people.

Mr. NEUMANN. Just to make the record 100 percent clear, if this amendment is passed, there is still $700 million of unexpended FEMA money in here. So the gap that the gentleman is talking about and, by the way, I very much respect the chairman of our subcommittee, but the gap he is talking about is more than covered by the $700 million of unobligated and unallocated funds that are still in here. So make no mistake, this does not wipe out all the money like it should. It only wipes out $1.7 billion of it, leaving $700 million still available to cover what the gentleman is referring to.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not want to put this in the context of either being for or against the Neumann amendment. I would simply like to make some observations about where I am concerned we are going to be.

Right now, FEMA tells us that if we proceed as the House would proceed under this amendment, that come the middle of September, they expect to have less than $200 million available to meet all problems that they are required to deal with, funds that would be unallocated at that point.

I would simply make the observation, this is May 14 or 15, if my calendar is right. This is a month after the budget resolution is supposed to be finished. We have yet to pass all of our regular appropriation bills for this year. What we need to be able to focus on in this House is the passage of all of those appropriation bills if we are to be anywhere near finished by the end of the fiscal year. The last thing we are going to need to do is to have to deal again and again with more emergency supplementals because God has deigned to ignore the budget resolution and has caused natural disasters, or allowed them to happen, in any part of the country.

The real fix, I would submit, is not the Neumann amendment or anything else that has been offered tonight. If my colleagues really want to get the government out of this constant hole of having to find how to finance disasters, what we really need to do is to bring to the floor of this House a new way of dealing with disasters. What we really need to do in my view is to have an insurance fund into which each of the States pay on an experience-rated basis so that if they have disasters, we do not have to go through this month after month and year after year, that there will already be an insurance fund created for the purpose of funding those disasters on a regular basis. Otherwise, no matter what budgets we adopt on an annual basis, we will constantly be jerking them around to make up for the fact that we cannot predict acts of God.

Mr. Chairman, I would simply urge every Member of this House to remember, it is not an easy thing to chair the Committee on Appropriations or each of the 13 subcommittees. Most of the time, all of the choices that you have to make are bad ones. No matter what choice you make, somebody is going to be unhappy, somebody is going to be sore and somebody is going to insist that you have not made a pluperfect decision. It seems to me that the committee has made the best decision it could under the circumstances, and I would simply urge my colleagues to recognize that as we consider this and any other amendment before the House tonight.

Mr. THUNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to if I could, comment briefly on this because I happen to be from a State that is affected by this disaster. I can tell my colleagues one thing. The people in the Dakotas and Minnesota do not understand what a CR is. A lot of them do not even understand exactly what this whole process is all about, about trying to adopt a supplemental appropriation. But they do know that there are a lot of them who are displaced from their homes, there are a lot of them who have lost property, and I have been in those Red Cross relief shelters, I have seen some, not all of them, but we have got 200,000 dead cattle in South Dakota. In the State of North Dakota I have flown over and looked at the damage. Those people have been decimated. We have an entire community in Grand Forks, North Dakota, in East Grand Forks, Minnesota, that has been entirely decimated by this. They have people out there who are outside of their homes, who have not had utility service and they are waiting for this assistance to be delivered.

We have been talking about this for the last 2 or 3 weeks and every time it is something else that bogs down the discussion, it goes on longer and longer and longer. I am probably as fiscally conservative as anybody in this body and I happen to believe that the chairman of the Committee on Appropriations is also very fiscally conservative. When he gives me his assurance that when we go to conference with this bill that they are going to come out with a bill that is paid for, I believe that. I believe that we have to as a body rally around the people who have been damaged and afflicted by these flooding conditions and many other disasters around this country and do what needs to be done here. We will see that these things are taken care of.

I do not have any intention at all of having a conference report come out that is not paid for. But we desperately need assistance. We have critical needs in our State, in the State of North Dakota, in the State of Minnesota and many others who are affected by disasters in this country and who are going to benefit from the assistance that is provided in this supplemental appropriation bill, and I think that it is high time we get on with it and take care of the business at hand and vote down all these ancillary amendments and get the bill passed, get it conferenced and get the assistance to the American people and the people in our States who really need it.

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Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think what my colleagues have heard here today are some brilliant theorisms; we have heard some brilliant theories, but there is no time for theories now. We have heard from every side of this House, people who want to predict what is going to happen in 1998 and what is going to happen in 1999, and my colleagues are thinking about some other brilliant nomenclature with whom each of my colleagues is familiar.

But I am standing here to ask my colleagues to get real, to get real and pass the good budget that the appropriations chairman has come out with. He has had to work very, very hard; so has the Committee on Appropriations; so has the ranking member and everyone on this floor.

I am not against theory, but it is just not time for theory. We have people who are covered with mud out there after this particular flooding season.

I come from an area that in 1992 was overcome by hurricane, and had it not been for this Congress acting and acting with dispatch, we would have still had people with an aftermath, and I want to say to my colleagues there is going to be an aftermath to the flood and to the disasters. It cannot be cured in one small sweep of our hand here on this floor.

So I stand to say to my colleagues let us pass this good bill. Nothing has been perfect in this Congress since the very beginning, and I say to you, Mr. Chairman, that this one will not be perfect, but the people who have been overcome by this disaster need us to act.

What the people who are bringing in theory would like for us to do is to dig a big hole in the 1998–99 VA HUD appropriation, but they just cannot do it by blinking an eye. They have got to prepare for this.

So let us not take this good bill and get it out so that people who have been devastated by the flood can be helped, just as we were helped in 1992 in south Florida.

Mr. Chairman, I appeal to the House to vote yes on this bill.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not consume 5 minutes. I do think it is worth noting to people that not only is this a matter of saying that no relief money is stricken by the Neumann amendment, but because of the language adopted previously in the Gekas amendment, as of October 1 there will be further funding available for FEMA that is guaranteed to make sure that at that time, if there are further disasters occurring, there is money available to FEMA.

So advanced funding for disasters that have not happened yet is not necessary because of the Gekas amendment which we already adopted that guarantees funds will be available October 1.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes either, and the last speaker did not, but I move for us tonight to support the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], and oppose the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The fact is that States like Pennsylvania and States in the Far West have been devastated by the flooding. This legislation moves that forward for the Federal emergencies while still doing right by the budget, and therefore I would ask that we vote no on the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Pennsylvania for his statement.

Mr. Chairman, I would just point out that these arguments that we can have our cake and eat it too, that one can vote in this particular instance to in fact cut out the $1.6 billion and somehow that FEMA is going to be funded on a forward basis, I think what is being pointed out here is that there are going to be a series of events that occur this summer across this country and where FEMA is going to be called to be active. We are not going to be able to come up here in every instance with another supplemental appropriation bill, and I think we ought to give the benefit of the doubt to the chairman in this instance, and others that have worked on it.

There are people in the State that I represent, in the western part of the State, that have suffered greatly under this particular process, and they need to have a positive answer. I think they deserve a positive answer from this House as we have responded to other natural disasters across this country in the many years I have served in this House.

So I think that this amendment, while well intentioned, I think offers false hope as to what the consequence of it will be. It will hurt, it will hurt the people that we are supposed to and holding ourself up to help, not really representing.

We need our colleagues' help in this instance, and I implore them to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. NEUMANN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. NEUMANN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 305, not voting 13, as follows:

[Roll No. 135]

AYES—115

Aderholt
Archer
Armey
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Blunt
Brady
Bryant
Bunning
Burr
Burton
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Cubin
Deal
Doggett
Doolittle
Duncan
Ehlers
Ehrlich
Ensign
Ewing
Fawell
Foley
Franks (NJ)
Ganske
Goode
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Klug
Largent
Linder
Manzullo
McCollum
McInnis
McIntosh
Meehan
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Neumann
Norwood
Nussle
Pappas
Paul
Petri
Pombo
Porter
Rohrabacher
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Smith (MI)
Snowbarger
Solomon
Souder
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thornberry
Tiahrt
Upton
Watt (NC)
Watts (OK)
Weldon (FL)
White

NOES—305

Abercrombie
Ackerman
Allen
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Canady
Capps
Cardin
Carson
Chenoweth
Clay
Clayton
Clement
Clyburn
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hayworth
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda

Snyder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Andrews
Berman
Conyers
Hefner
Jefferson
Manton
Molinari
Radanovich
Schiff
Skelton
Smith (OR)
Watkins
Yates

□ 2023

Mrs. CHENOWETH and Mr. LEACH changed their vote from "aye" to "no".

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LIVINGSTON. Mr. Chairman, we are currently on page 35 of the bill, and in order to expedite the process, I ask unanimous consent that the bill, through page 51, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of the remainder of the bill through page 51, line 23 is as follows:

TITLE II

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR PEACEKEEPING

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $29,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,566,300,000: *Provided*, That the Secretary of Defense may transfer these funds only to operation and maintenance and DoD working capital fund accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 P.O.W. PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the Reserve Mobilization Income Insurance Fund, $72,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS, CHAPTER 1

SEC. 2101. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

(TRANSFER OF FUNDS)

SEC. 2102. The Secretary of the Navy shall transfer up to $23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California):

"Military Personnel, Marine Corps", $4,000,000;

"Operation and Maintenance, Marine Corps", $11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", $4,000,000; and

"Procurement, Marine Corps, 1996/1998", $4,000,000.

SEC. 2103. In addition to the amounts appropriated in title VI of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Defense Health Program", $21,000,000 is hereby appropriated and made available only for the provision of direct patient care at military treatment facilities.

SEC. 2104. In addition to the amounts appropriated in title II of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), under the heading "Operation and Maintenance, Defense-Wide", $10,000,000 is hereby appropriated and made available only for force protection and counter-terrorism initiatives.

SEC. 2105. Without prior and specific written approval from the Appropriations Committees of Congress, none of the funds appropriated in this or any other Act for any fiscal year may be used to compensate military personnel or civilian employees who (1) are newly assigned to or newly employed by the Office of the Assistant Secretary of the Navy (Financial Management and Comptroller) on or after May 1, 1997, (2) occupy positions in the Department of the Navy's Financial Management/Comptroller organization on May 1, 1997 and who are subsequently reassigned to another organization in the Navy for the purpose of compensation yet who otherwise continue to be directed by or report to the Department of the Navy Financial Management/Comptroller organization, or (3) are temporarily assigned from other Department of Defense organizations to the Department of the Navy Financial Management/Comptroller organization on or after May 1, 1997: *Provided*, That the preceding limitations shall also apply to funds for compensation of military personnel or civilian employees in the organization of the Deputy Chief of Naval Operations (Resources, Warfare Requirements, and Assessments) whose primary function is budgeting or financial management: *Provided further*, That none of the funds in this or any other Act for any fiscal year may be used to reprogram funds within any Navy appropriation (other than Military Construction and Military Family Housing) under the authority of Department of Defense Financial Management Regulation without prior written approval from the Appropriations Committees of Congress.

CHAPTER 2

GENERAL PROVISIONS

(RESCISSIONS)

SEC. 2201. Of the funds provided in the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), amounts are hereby rescinded from the following accounts in the specified amounts to reflect savings from revised economic assumptions (with each such reduction to be applied proportionally to each budget activity, activity group, and subactivity group within each such account):

"Operation and Maintenance, Army", $19,000,000;

"Operation and Maintenance, Navy", $24,000,000;

"Operation and Maintenance, Air Force", $18,000,000;

"Operation and Maintenance, Defense-Wide", $8,000,000;

"Operation and Maintenance, Army Reserve", $1,000,000;

"Operation and Maintenance, Navy Reserve", $1,000,000;

"Operation and Maintenance, Air Force Reserve", $1,000,000;

"Operation and Maintenance, Army National Guard", $2,000,000;

"Operation and Maintenance, Air National Guard", $3,000,000;

"Drug Interdiction and Counter-Drug Activities, Defense", $2,000,000;

"Environmental Restoration, Army", $250,000;

"Environmental Restoration, Navy", $250,000;

"Environmental Restoration, Air Force", $250,000;

"Environmental Restoration, Formerly Used Defense Sites", $250,000;

"Former Soviet Union Threat Reduction", $2,000,000;

"Defense Health Program", $10,000,000;

"Aircraft Procurement, Army", $8,000,000;

“Missile Procurement, Army”, $2,000,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army”, $5,000,000;

“Procurement of Ammunition, Army”, $1,000,000;

“Other Procurement, Army”, $15,000,000;

“Aircraft Procurement, Navy”, $28,000,000;

“Weapons Procurement, Navy”, $6,000,000;

“Shipbuilding and Conversion, Navy”, $33,000,000;

“Other Procurement, Navy”, $8,000,000;

“Aircraft Procurement, Air Force”, $20,000,000;

“Missile Procurement, Air Force”, $11,000,000;

“Other Procurement, Air Force”, $7,000,000;

“Procurement, Defense-Wide”, $5,000,000;

“National Guard and Reserve Equipment”, $8,000,000;

“Chemical Agents and Munitions Destruction, Defense”, $2,000,000;

“Research, Development, Test and Evaluation, Army”, $10,000,000;

“Research, Development, Test and Evaluation, Navy”, $9,000,000;

“Research, Development, Test and Evaluation, Air Force”, $22,000,000;

“Research, Development, Test and Evaluation, Defense-Wide”, $15,000,000.

(RESCISSIONS)

SEC. 2202. Of the funds provided in the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104–208), amounts related to foreign currency are hereby rescinded from the following accounts in the specified amounts, except as otherwise provided by law, to reflect savings from revised foreign currency exchange rates:

“Military Personnel, Army”, $37,000,000;

“Military Personnel, Navy”, $9,000,000;

“Military Personnel, Air Force”, $12,000,000;

“Operation and Maintenance, Army”, $124,000,000;

“Operation and Maintenance, Navy”, $22,000,000;

“Operation and Maintenance, Air Force”, $79,000,000;

“Operation and Maintenance, Defense-Wide”, $14,000,000;

“Defense Health Program”, $11,000,000.

(RESCISSIONS)

SEC. 2203. Of the funds provided in previous Department of Defense Appropriations Acts, amounts only associated with unobligated balances expected to expire at the end of the current fiscal year are hereby rescinded from the following accounts in the specified amounts:

“Aircraft Procurement, Army, 1995/1997”, $1,085,000;

“Missile Procurement, Army, 1995/1997”, $2,707,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army, 1995/1997”, $2,296,000;

“Procurement of Ammunition, Army, 1995/1997”, $3,236,000;

“Other Procurement, Army, 1995/1997”, $2,502,000;

“Aircraft Procurement, Navy, 1995/1997”, $34,000,000;

“Weapons Procurement, Navy, 1995/1997”, $16,000,000;

“Procurement of Ammunition, Navy and Marine Corps, 1995/1997”, $812,000;

“Shipbuilding and Conversion, Navy, 1993/1997”, $10,000,000;

“Other Procurement, Navy, 1995/1997”, $4,237,000;

“Procurement, Marine Corps, 1995/1997”, $1,207,000;

“Aircraft Procurement, Air Force, 1995/1997”, $33,650,000;

“Missile Procurement, Air Force, 1995/1997”, $7,195,000;

“Other Procurement, Air Force, 1995/1997”, $3,659,000;

“Procurement, Defense-Wide, 1995/1997”, $12,881,000;

“National Guard and Reserve Equipment, 1995/1997”, $5,029,000;

“Chemical Agents and Munitions Destruction, Defense, 1995/1997”, $456,000;

“Chemical Agents and Munitions Destruction, Defense, 1996/1997”, $652,000;

“Research, Development, Test and Evaluation, Army, 1996/1997”, $4,366,000;

“Research, Development, Test and Evaluation, Navy, 1996/1997”, $14,978,000;

“Research, Development, Test and Evaluation, Air Force, 1996/1997”, $28,396,000;

“Research, Development, Test and Evaluation, Defense-Wide, 1996/1997”, $55,973,000;

“Developmental Test and Evaluation, Defense, 1996/1997”, $890,000;

“Operational Test and Evaluation, Defense, 1996/1997”, $160,000.

(RESCISSIONS)

SEC. 2204. Of the funds provided in previous Department of Defense Appropriations Acts, funds are hereby rescinded from the following accounts in the specified amounts:

“Shipbuilding and Conversion, Navy, 1994/1998”, $28,700,000;

“Aircraft Procurement, Air Force, 1995/1997”, $14,400,000;

“Missile Procurement, Air Force, 1995/1997”, $4,000,000;

“Aircraft Procurement, Army, 1996/1998”, $18,000,000;

“Procurement of Weapons and Tracked Combat Vehicles, Army, 1996/1998”, $26,000,000;

“Procurement of Ammunition, Army, 1996/1998”, $34,000,000;

“Other Procurement, Navy, 1996/1998”, $3,000,000;

“Aircraft Procurement, Air Force, 1996/1998”, $52,000,000;

“Other Procurement, Air Force, 1996/1998”, $10,000,000;

“Procurement of Ammunition, Air Force, 1996/1998”, $21,100,000;

“Procurement, Defense-Wide, 1996/1998”, $34,800,000;

“Research, Development, Test and Evaluation, Navy, 1996/1997”, $4,500,000;

“Research, Development, Test and Evaluation, Air Force, 1996/1997”, $2,000,000;

“Research, Development, Test and Evaluation, Defense-Wide, 1996/1997”, $71,200,000;

“Developmental Test and Evaluation, Defense, 1996/1997”, $12,200,000;

“Chemical Agents and Munitions Destruction, Defense, 1996/1998”, $22,000,000;

“National Guard Personnel, Air Force”, $7,600,000;

“Operation and Maintenance, Army”, $17,000,000;

“Operation and Maintenance, Defense-Wide”, $10,000,000;

“Procurement of Ammunition, Army, 1997/1999”, $10,000,000;

“Other Procurement, Army, 1997/1999”, $6,000,000;

“Aircraft Procurement, Navy, 1997/1999”, $48,000,000;

“Aircraft Procurement, Air Force, 1997/1999”, $35,000,000;

“Missile Procurement, Air Force, 1997/1999”, $120,000,000;

“Research, Development, Test and Evaluation, Army, 1997/1998”, $15,000,000;

“Research, Development, Test and Evaluation, Navy, 1997/1998”, $28,500,000;

“Research, Development, Test and Evaluation, Air Force, 1997/1998”, $237,500,000;

“Research, Development, Test and Evaluation, Defense-Wide, 1997/1998”, $100,000,000.

MILITARY CONSTRUCTION

(RESCISSIONS)

SEC. 2205. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

“Military Construction, Air Force Reserve”, $5,000,000;

“Military Construction, Defense-wide”, $41,000,000;

“Base Realignment and Closure Account, Part II”, $35,391,000;

“Base Realignment and Closure Account, Part III”, $75,638,000; and

“Base Realignment and Closure Account, Part IV”, $22,971,000.

CHAPTER 3

GENERAL PROVISIONS

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

SEC. 2301. Of the funds appropriated for “Military Construction, Navy” under Public Law 103–307, $6,480,000 is hereby rescinded.

FAMILY HOUSING, NAVY AND MARINE CORPS

SEC. 2302. For an additional amount for “Family Housing, Navy and Marine Corps” to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by 10 U.S.C. 2854.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

ASSISTANCE TO UKRAINE

SEC. 3002. (a) The President may waive any of the earmarks contained in subsections (k) and (l) under the heading “Assistance for the New Independent States of the Former Soviet Union” contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as included in Public Law 104–208, if he determines, and so reports to the Committees on Appropriations that the Government of Ukraine—

(1) is not making significant progress toward economic reform and the elimination of corruption;

(2) is not permitting American firms and individuals to operate in Ukraine according to generally accepted business principles; or

(3) is not effectively assisting American firms and individuals in their efforts to enforce commercial contracts and resist extortion and other corrupt demands.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO:

Page 51, after line 23, insert the following new title:

TITLE III—ADDITIONAL DISASTER RELIEF PROVISIONS

Subtitle A—Depository Institution Disaster Relief

SEC. 4001. SHORT TITLE.

This subtitle may be cited as the “Depository Institutions Disaster Relief Act of 1997”.

SEC. 4002. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) Truth in Lending Act.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) Expedited Funds Availability Act.—During the 240-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act for depository institution offices located within any area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) Time Limit on Exceptions.—Any exception made under this section shall expire not later than September 1, 1998.

(d) Publication Required.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 4003. DEPOSIT OF INSURANCE PROCEEDS.

(a) In General.—The appropriate Federal banking agency may, by order, permit an insured depository institution to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) Time Limit on Exceptions.—Any exception made under this section shall expire not later than February 28, 1999.

(c) Definitions.—For purposes of this section:

(1) Appropriate Federal banking agency.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) Insured depository institution.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) Leverage limit.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) Qualifying amount attributable to insurance proceeds.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 4004. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) In General.—A qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined, on or after February 28, 1997, that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers, if the agency determines that the action would facilitate recovery from the major disaster:

(1) Procedure.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) Publication requirements.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) Publication Required.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) Qualifying Regulatory Agency Defined.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) Expiration.—Any exception made under this section shall expire not later than February 28, 1998.

SEC. 4005. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the North, the Minnesota River, and the tributaries of such rivers.

SEC. 4006. OTHER AUTHORITY NOT AFFECTED.

No provision of this Act shall be construed as limiting the authority of any department or agency under any other provision of law.

Subtitle B—HUD Disaster Waver Provision

SEC. 4011. DISASTER WAIVER AUTHORITY.

To address the damage resulting from the consequences of the natural disasters occurring in the winter of 1996 and 1997 and the spring of 1997 (including severe weather in the Western United States, damaging tornadoes, and the March 1997 flooding in the Midwest), upon the request of a recipient of assistance the Secretary of Housing and Urban Development may, on a case-by-case basis and upon such other terms as the Secretary may specify—

(1) in applying section 122 of the Housing and Community Development Act of 1974, waive (in whole or in part) the requirements that activities benefit persons of low- and moderate-income; and

(2) in applying section 290 of the HOME Investment Partnerships Act, waive (in whole or in part) the requirements that housing qualify as affordable housing.

Mr. VENTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, this is an amendment that I have worked out with the acceptance of the majority and the minority. It provides regulatory relief for banking activities in the Minnesota and Dakota area where we have been hit by the floods and some relief in terms of the use of CDBG and home funds. It is a noncontroversial amendment. There are similar provisions like it in the Senate, and I appreciate the support of the manager of the bill and the ranking member.

Mr. Chairman, I have an unfiled amendment at the desk.

This Vento amendment is basically legislation I have introduced, H.R. 1461, the Depository institutions Disaster Relief Act [DIDRA] of 1997. The bill is modeled on a DIDRA enacted into law in 1993. I introduced H.R. 1461 on April 24 and it is supported by the delegations of the affected Midwestern States and key Members of the Banking Committee. I have been working with the Chairman of the Banking Committee to attempt to pass this noncontroversial legislation on the Suspension

Calendar. These attempts to move the bill on the Suspension Calendar have been stalled by the supplemental appropriations bill because the version of this legislation in the other body contains similar DIDRA provisions.

As an amendment to the supplemental or as a separate bill, this legislation will help make credit available faster to those in need in the disaster areas, especially those in Minnesota, South Dakota, and North Dakota, and will reduce some of the administrative burdens faced by banks in reacting to this crisis.

Specifically, the amendment gives time-limited authority to the Federal Reserve Board to make exceptions to the Truth in Lending Act [TILA] and the Expedited Funds Availability Act [EFAA] for disaster areas declared so after February 28, 1997, when the board makes the determination that such an exception will alleviate hardships to the degree that it outweighs possible adverse effects. This will have the effect of expediting the availability of loan funds to the community and will provide flexibility to grant exceptions from the availability of funds schedules.

This amendment authorizes the Federal banking agencies to subtract insurance proceeds from qualified institutions total assets. This will have the effect of not limiting institutions to regulatory capital rules when they receive large amounts of insurance proceeds which they subsequently disburse to help rebuild local communities faced by the disasters. This will allow the regulators to relieve institutions of the restrictive capital rules in a manner consistent with safety and soundness through February 28, 1999.

Further this amendment authorizes banking regulators to expedite regulatory actions which otherwise would be delayed by Federal notice, comment and hearing requirements for depository institutions or other regulated entities whose principal place of business is within a disaster area if the agency determines the action would facilitate recovery from the major disaster. This authority would extend through February 28, 1998.

My amendment includes a sense of Congress that the financial institution regulators should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1997 flooding of the Red River of the north, the Minnesota River and their tributaries.

At the suggestion of the gentleman from New York [Mr. LAZIO], I included additional waiver authority for current funds administered by the Department of Housing and Urban Development for the HOME and CBBG programs. This language will apply a waiver of low- to moderate-income benefit requirements under CDBG and would apply a waiver of the requirement that housing qualifies as affordable housing for HOME funds. These waivers would apply to regular, as in not supplemental, funds available to the recipients that they chose to use to alleviate the effects of the disaster.

Mr. Chairman, I am seeking to move this legislation via the most expeditious route or routes. At this time, the supplemental appropriations bill seems to be the appropriate avenue. Because the bill with which we will conference on the supplemental has slightly more restrictive DIDRA provisions, I ask for my colleagues support in adding this legislation to the supplemental to represent a strong House position on these needed exemptions. Midwestern flood victims, other disaster victims and financial institutions struggling to bring essential credit and normalcy to the communities need this strong waiver authority as soon as possible. Support the Vento amendment to provide additional disaster relief through financial institutions and through CDBG and HOME waivers.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we have seen the amendment, we agree with the amendment and accept it.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield further, the majority has no objection to the gentleman's amendment.

Mr. VENTO. Mr. Chairman, I appreciate the support of the Chairman of the Committee on Appropriations [Mr. LIVINGSTON], and the gentleman from Iowa [Mr. LEACH] and others that have worked with us on this, and cosponsors, and the gentlewoman from New Jersey [Mrs. ROUKEMA].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, I am happy to.

Mr. ADERHOLT. Mr. Chairman, given that both the House and the Senate have provided funds to the Federal Emergency Management Agency and the community development block grant to help affected communities rebuild natural disasters. I ask the Chairman's commitment to work in conference on an issue regarding a community in my district that was recently struck by natural disaster.

On April 22, the town of Rainsville, Alabama, in my district was severely damaged by a tornado. The town's fire department, police department and municipal buildings, as well as numerous homes and businesses were destroyed. Fortunately, there was no loss of life. However, the town of Rainsville only has a population of 3,800 and there are very limited local resources to help rebuild the municipal infrastructure.

Although the State of Alabama has provided resources to rebuild the city, there is a small shortfall needed to reconstruct the city hall building. I am asking that the gentleman consider allocating funds to be administered by the Alabama Department of Economic and Community Affairs to assist Rainsville in rebuilding the city hall. I would hope that the gentleman would consider this urgent request as H.R. 1469 moves to conference committee with the Senate.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman from Alabama bringing this important matter to my attention. We certainly will be working with the gentleman as we go towards final passage of the bill. We will do everything we can to work with the gentleman, and I appreciate his attention.

Mr. ADERHOLT. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. Are there additional amendments?

□ 2030

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman, the gentleman from California [Mr. LEWIS] in a colloquy about the availability of emergency funds for communities that have been devastated by catastrophic snowstorms.

As I am sure the gentleman is aware, the past two winters brought record-breaking snowfalls across the United States. In my district, which includes the Upper Peninsula and the upper section of the Lower Peninsula of Michigan, there were areas that received a total snow accumulation of 367 inches, or 31 feet. Records that were set last year were broken only this winter. Even this past Monday parts of my district received over 14 inches of snow, resulting in school closings and further financial strain on communities.

My northern Michigan communities were unable to deal with this onslaught of continuous snow. Yet, it is absolutely necessary for the road commissions to keep roads open to ensure that emergency vehicles can pass. The financial havoc these storms wreaked on the people and local governments of my district will be felt long after the next set of winter storms arrive. The storms caused snow and flooding damage to roads and structures, curtailed agricultural planting, delayed home building and tourism, and induced other personal and financial effects. The true impact of these past two winter storms will be felt for years to come.

It is my understanding that the Federal Government already has provisions in place that would help communities that have been devastated by these natural disasters. As a result of this past January's storms, North Dakota, South Dakota, and Minnesota will receive Federal aid this year for snow removal assistance. In each State the Governor of that State issued a major disaster declaration.

I would just like to clarify with the gentleman that under present law a declaration must be made by the Governor of that State within 30 days of the event, followed by a declaration by the President, in order for local communities to receive Federal aid, and if such declaration was made, the affected communities would be eligible for aid under this bill, as in my case, where communities have been financially devastated by the costs of emergency snow removal.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the gentleman from Michigan is correct, a disaster declaration by the Governor must be made first.

Mr. STUPAK. Mr. Chairman, reclaiming my time, to clarify further, we would have to change current law in order for these communities to receive Federal assistance without a declaration from the Governor. But due to House rules, such an amendment would not be in order on this bill.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, again, the gentleman from Michigan is correct. Without a disaster assistance declaration from the Governor, followed by a similar declaration from the President, Michigan or any other State cannot access funds under this supplemental appropriations bill.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from California.

Mr. Chairman, the Stafford Act requires that a major disaster request must be based on a situation of such severity and magnitude that effective response is "beyond the capabilities of State and local governments and supplemental Federal assistance is required."

What about those situations where it is beyond the capabilities of local governments, but the State refuses to act? I would hope that politics do not become a factor when our citizens cry out for help, but unfortunately, that seems to be the case sometimes.

Mr. Chairman, currently our system of Federal assistance is like a chain, with each link dependent upon the other. When a disaster strikes, our citizens desperately cling to the bottom of this chain, or lifeline, if you will, while waiting for help from above. If one link in the chain fails, however, our citizens' needs fall by the wayside.

I do not believe that the well-being of our citizens should rest solely with a chain that could contain a faulty link. I believe there needs to be a safety line, one that you hope will never have to be used, but that exists should the current system fail to ensure that we do not drop our citizens that are desperately seeking help.

In an attempt to exhaust every possibility to help my citizens, I offered an amendment before the Committee on Rules that sought to address this matter. However, it was not made in order. I realize that this bill is not a proper vehicle for this legislation. Therefore, I hope to work with the committee to address this situation in a more appropriate manner in the future.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, I believe the gentleman understands that the committee makes every effort to work with Members of the body who have problems of this kind.

There must be interaction between the States that are involved with the committee, but, indeed, I agree with the gentleman from Michigan's concerns. I appreciate his leadership on behalf of his constituents, and I look forward to working with him in the future in this matter. There must be, however, cooperation that is more than just a one-way street.

Mr. STUPAK. Mr. Chairman, reclaiming my time, again, I thank my distinguished colleague from California for his leadership.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman of the Subcommittee on National Security in a colloquy.

Mr. Chairman, I would ask the chairman of the subcommittee, in order to pay for the many unforeseen costs in this bill while meeting our fiscal responsibilities, the committee was forced to offset funding with corresponding cuts in programs throughout the Government.

In the case of the Department of Defense, that resulted in a $40 million rescission for the THAAD program, a centerpiece for our theater missile defense effort that enjoys broad bipartisan support in this body. It is my understanding that this rescission only affects a portion of fiscal year 1996 program funds which could not be obligated before they expire on September 30 of this year due to an in-depth program review.

I also understand that the committee supports efforts to resume testing as soon as feasible after completion of the review, and that there are adequate program funds remaining to accomplish that goal in 1997.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would respond that the subcommittee made every effort to offset all of the defense supplementals for the Bosnian deployment from funds from the Department of Defense. We did that successfully. We were extremely careful to look at programs where the funding would have expired because the programs had been delayed.

I would say to the gentleman that he is absolutely correct. Missile defense systems to protect our troops is one of our highest priorities. THAAD remains one of the highest priorities in the missile defense program. We are committed to providing adequate funds to keep the program on track.

Our recommendation to rescind a portion of 1996 funds was strictly one of timing. Due to the ongoing program review and resulting schedule changes, all of the fiscal year 1996 funds could not have been executed by September 30, the date when they would expire. However, there are still sufficient 1996 funds remaining, as well as fiscal year 1997 funds, to carry the program forward. The department assures us that there are adequate funds to resume testing later this year upon completion of the review.

Mr. WELDON of Pennsylvania. Reclaiming my time, Mr. Chairman, I appreciate the chairman's assurances that this rescission will not hamper the fiscal year 1997 THAAD effort, and of the committee's continued commitment to the program. As chairman of the Subcommittee on Military Research and Development, I will work with the gentleman to ensure there are no program setbacks after 1997 due to inadequate funding.

It has been 6 years, Mr. Chairman, since we lost 28 service members to a Scud attack in Dhahran, and there is still no system in place to prevent a similar attack in theater. It is absolutely essential that we provide the funding to get this system in the field for our troops at the earliest possible date, especially with North Korea's deployment of the No Dong missile. I am confident that nothing we are doing in this bill will prevent us from moving forward at this time. We will have opportunities in fiscal year 1998 and in future years to restore funds, if necessary, to keep the program on track.

I am, however, concerned that the committee's actions may be interpreted outside Congress as a sign that support for the program is waning, or that we are no longer supporting an aggressive schedule. I say that because I am told the administration may propose reducing THAAD over future year defense plans by as much as $2 billion. Such a move would kill the program, and is unacceptable.

Mr. YOUNG of Florida. If the gentleman will continue to yield, Mr. Chairman, as I stated earlier, the committee only approved this rescission after it was determined there would be no impact on planned fiscal year 1997 testing efforts. The committee did not and would not approve any action which would delay program development.

In the early stages of the THAAD program success was all over the place, but recent tests have been not quite as successful, so the review is necessary.

But this rescission should have no impact on the ability to deploy a user operational evaluation system by 1999. We are committed to getting this system and other critical theater missile defense systems into the field to protect our troops at the earliest possible date.

Mr. WELDON of Pennsylvania. Reclaiming my time, Mr. Chairman, I thank the gentleman for that clarification. I thank the committee and the full committee chairman.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 21 OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer amendment No. 21. The name of the gentlewoman from the District of Columbia [Ms. NORTON] is on it.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. HOYER:

Page 51, after line 23, insert the following:

SEC. 3003. (a) Chapter 63 of title 5, United States Code, is amended by adding after subchapter V the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"§6391. Authority for leave transfer program in disasters and emergencies

"(a) For the purpose of this section—

"(1) 'employee' means an employee as defined in section 6331(a); and

"(2) 'agency' means an Executive agency

"(b) In the event of a major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees, the President may direct the Office of Personnel Management to establish an emergency leave transfer program under which any employee in any agency may donate unused annual leave for transfer to employees of the same or other agencies who are adversely affected by such disaster or emergency.

"(c) The Office shall establish appropriate requirements for the operation of the emergency leave transfer program under subsection (b), including appropriate limitations on the donation and use of annual leave under the program. An employee may receive and use leave under the program without regard to any requirement that any annual leave and sick leave to a leave recipient's credit must be exhausted before any transferred annual leave may be used.

"(d) A leave bank established under subchapter IV may, to the extent provided in regulations prescribed by the Office, donate annual leave to the emergency leave transfer program established under subsection (b).

"(e) Except to the extent that the Office may prescribe by regulation, nothing in section 7351 shall apply to any solicitation, donation, or acceptance of leave under this section.

"(f) The Office shall prescribe regulations necessary for the administration of this section.".

(b) The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—LEAVE TRANSFER IN DISASTERS AND EMERGENCIES

"6391. Authority for leave transfer program in disasters and emergencies.".

Mr. HOYER. Mr. Chairman, this amendment is an amendment that has passed the House, has passed the Senate. I believe there is agreement on both sides of the aisle, and it deals with emergency leave for Federal employees adversely affected by a disaster such as we are dealing with in this bill, and any time that the President declares a disaster.

Mr. Chairman, on behalf of Ms. NORTON, I am pleased to offer an amendment to set up a leave bank for Federal employees affected by the recent flood disasters in the Midwest.

This amendment would allow the Office of Personnel Management to establish a leave transfer program whenever the President declares a major disaster or emergency.

No one can question the need to help the men and women who are affected by these disasters.

They may have injuries or illnesses that require extensive recovery periods.

Or they may simply need additional annual leave to rebuild their home, help neighbors replant crops, or stay with children while damaged schools are repaired.

It makes sense to let other Federal employees help those who are in need. There would be no cost to the Government under the amendment.

Federal employees are generous people.

They contribute millions each year to the Combined Federal Campaign. In fact, since 1964 CFC has collected almost $3 billion in voluntary contributions for a wide range of charities.

They volunteer in their communities—such as Treasury's program to help provide mentors for the D.C. public schools.

And it might surprise a few of my colleagues who love to denigrate Federal workers, that many actually give back annual leave at the end of each year—voluntarily working days they don't have to because of their dedication to their jobs.

It makes sense to allow such employees to share that leave with others who need it.

This leave bank is a great idea and I urge adoption of the amendment.

TALKING POINTS ON NORTON AMENDMENT TO THE SUPPLEMENTAL APPROPRIATIONS BILL

1. This amendment would simply allow the President to direct the Office of Personnel Management to set up a special leave transfer program to assist Federal employees adversely affected by a major disaster or emergency. It would allow individual employees and agency leave banks to donate leave which could be reallocated to those in need within the same or other agencies.

2. This amendment is noncontroversial. It is based upon a proposal sent to the Congress by OPM on behalf of the Clinton Administration. Its provisions are identical to legislation introduced in 1995 by Senate Appropriations Chairman Ted Stevens which passed both the Senate and the House during the 104th Congress. Senator Stevens' bill was not enacted because unrelated legislation (Rep. Mica's veterans preference bill) was attached to it on the House floor and the Senate failed to take up the amended bill before adjournment.

3. The Congressional Budget Office prepared an estimate of this legislation prior to its consideration by the House last September. CBO determined that it would not affect direct spending or receipts and would otherwise have no significant budgetary impact. Mr. Chairman, I ask unanimous consent that CBO's letter be made a part of this hearing record.

4. Civil Service Subcommittee Chairman John Mica supports this legislation and is for it being attached to the Supplemental Appropriations bill.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, the majority has reviewed the amendment. We think it is in the interests of good government. We would accept it, and certainly we have no objection.

Mr. HOYER. Mr. Chairman, it is my understanding that the ranking Member also agrees with the Norton amendment, is that correct?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if it is Norton, I am for it.

Mr. HOYER. Mr. Chairman, I move the adoption of the amendment.

The CHAIRMAN. The question is on amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was my original intention to offer an amendment tonight that would rescind $689 million from Air Force procurement accounts and direct that these savings go to debt retirement. This figure represents the amount of money that currently is being wasted by the United States Air Force, according to its own reporting, by not implementing the dictates of the 1995 BRAC commission. During the BRACC process in 1995, the five Air Force depots were thoroughly reviewed by the BRAC commission. The BRAC commission directed that two of those depots, namely Kelly Air Force Base in Texas, McClellan Air Force Base in California, be closed because they were creating an inefficiency problem within the five Air Force depots.

I have in my hand a GAO report dated December 19, 1996, from which I wish to quote. This report said as follows: "Air Force Materiel Command analyzed potential savings from workload consolidation, including how increasing the efficiency of underused military depots would lower fixed overhead rates. This analysis showed that annual savings of $367 million can be achieved through consolidation of workloads and remaining DOD depots. Further, an additional $322 million can also be saved by relocating workload to depots that already have lower hourly rates."

Instead of following the directives of the BRAC commission, the President moved to privatize these depots in place, thereby, simply stated, wasting taxpayers' money.

There are things that we should and could do to encourage public-private partnerships in order to increase efficiency of our maintenance structure, but privatization for the sake of politics is not the answer. In the next several days the Secretary of Defense will be putting out the Quadrennial Defense Review. He will recommend further base closings and reforms in our maintenance system in an effort to fund badly-needed modernization. Meanwhile, past savings from these initiatives are unknown in many cases, and in many cases, overstated.

Mr. Chairman, we simply cannot proceed with further base closings until the BRACC process of 1995 is completed. We must not further waste taxpayer money by continuing these bases to remain open.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman yielding to me. I certainly support his statement.

I might ask, does the gentleman intend to withdraw his amendment?

Mr. CHAMBLISS. Mr. Chairman, I do intend to withdraw my amendment.

□ 2045

AMENDMENT OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAM JOHNSON of Texas:

Page 51, after line 23, insert the following:

APPROVAL OF CERTAIN PLANS FOR INTEGRATED ENROLLMENT SERVICES

SEC. 3003. (a) Notwithstanding any other provision of law, any State plan (including any subsequent technical, clerical, and clarifying corrections submitted by the State) relating to the integration of eligibility determinations and enrollment procedures for Federally-funded public health and human services programs administered by the Department of Health and Human Services and the Department of Agriculture through the use of automated data processing equipment or services which was submitted by a State to the Secretary of Health and Human Services and to the Secretary of Agriculture prior to October 18, 1996, and which provides for a request for offers described in subsection (b), is deemed approved and is eligible for Federal financial participation in accordance with the provisions of law applicable to the procurement, development, and operation of such equipment or services.

(b) A request for offers described in this subsection is a public solicitation for proposals to integrate the eligibility determination functions for various Federally and State funded programs within a State that utilize financial and categorical eligibility criteria through the development and operation of automated data processing systems and services.

Mr. SAM JOHNSON of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. SAM JOHNSON of Texas. Mr. Chairman, this amendment simply tries to rectify an injustice against the State of Texas, who has been trying to resolve a welfare problem for some time and getting no response out of the administration.

Texas, Florida, Arizona, Wisconsin have all worked to meet the challenge that Congress and the President issued in last year's welfare bill to design innovative welfare systems. Specifically, Texas has designed a system that accomplishes two important things:

First, it consolidates 21 existing programs into one, making it much simpler for welfare recipients to receive and collect benefits.

Second, it saves the taxpayers $10 million a month or about $120 million a year. Those savings, put back into the welfare system, could provide health coverage for an additional 150,000 children a year. But it has been 10 months since Texas submitted its proposal, and to this day they still have not received a satisfactory answer from the Federal Government.

The administration will not approve the proposal because of pressure from the unions, and they will not deny the proposal because it would contradict everything that this administration, the President, has said about ending welfare as we know it. So the result is that the citizens of Texas and every other State needlessly suffer.

This amendment is necessary because we do not want any other State to have to battle and fight like Texas has for the ability to do what is best for its citizens.

Mr. Chairman, Texas and the rest of the Nation's Governors deserve an answer from the administration.

Mr. STENHOLM. Mr. Chairman, will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in support of the amendment and would say one of the key features of the welfare reform legislation that we passed last year was the principle that States should be allowed to try innovative approaches to improve the welfare system. I would like to take this opportunity to encourage the administration to approve the waiver allowing Texas to explore the possibility of contracting out part of the welfare eligibility system.

The Texas integrated enrollment system would allow private vendors to compete with a public agency for a contract to develop and operate an integrated enrollment system. The Texas Legislature determined that a private contractor working in partnership with the public agency might be able to make the transition to an integrated process more efficiently than the current structure and achieve savings that could be used to assist needy individuals more directly.

I do not know if that assumption is correct or not. Some of my colleagues have raised valid concerns about the impact that privatization would have on the welfare system. But we are not debating whether or not privatization is a good idea. All we are debating or at least all we should be debating is whether Texas should be allowed to explore the options of allowing private contractors to administer a part of the welfare system.

It is not possible for anyone to know what impact privatization will have until the bids are submitted. I would say to those who oppose privatization as well as those who support it, let us wait and see what proposals are made for privatization before we jump to a conclusion either way.

I regret this issue has become so politicized. I would urge all parties involved to cool our rhetoric and try to work together to find a way to allow Texas to explore this option while providing safeguards against the concerns we all share.

I know Governor Bush and Commissioner McKinney are committed to finding a constructive solution and believe that the administration is willing to work with them as well. I hope they will continue their dialog to find a solution that will allow Texas to move forward with this proposal.

One of the key features of the welfare reform legislation that we passed last year was the principle that States should be allowed to try innovative approaches to improve the welfare system. I would like to take this opportunity to encourage the administration to approve the waiver allowing Texas to explore the possibility of contracting out part of the welfare eligibility system.

The Texas integrated enrollment system would allow private vendors to compete with public agencies for a contract to develop and operate an integrated enrollment system. The Texas Legislature determined that a private contractor, working in partnership with a public agency, might be able to make the transition to an integrated process more efficiently than the current structure and achieve savings that could be used to assist needy individuals more directly.

I don't know if that assumption is correct. Some of my colleagues have raised valid concerns about the impact that privatization could have on the welfare system. But we are not debating whether or not privatization is a good idea. All we are debating—or at least all we should be debating—is whether Texas should be allowed to explore the options of allowing private contractors to administer a part of the welfare system. It is not possible for anyone to know what impact privatization will have until the bids are submitted. I would say to those who oppose privatization as well as those who support privatization: Let's wait and see what proposals are made for privatization before we jump to a conclusion either way.

Injecting some competition into this process may produce a welfare system that is better for welfare recipients and taxpayers. I would hope that those who oppose privatization will put their energy into improving the current system instead of trying to prevent any competition.

Approving the Texas waiver request does not necessarily mean that Texas will privatize any part of the welfare system. The Federal Government still must approve any contract with a private company before any privatization can become final. We should wait until we see the proposals from private companies before we decide whether or not privatization makes sense. We can't honestly debate the merits of privatization until we know the facts about what privatization will mean.

If the bids by private contractors don't adequately address the concerns that have been raised about the impact that privatization will have on individuals applying for assistance and on the current employees, or if the public sector can demonstrate that they can administer welfare programs more efficiently and effectively than any of the private contractors, I will be the first to argue that we shouldn't go forward with privatization.

I regret that this issue has become so politicized. I would urge all parties involved to cool our rhetoric and try to work together to find a way to allow Texas to explore this option while providing safeguards against the concerns we all share. I know Governor Bush and Commissioner McKinney are committed to finding a constructive solution, and believe that the administration is willing to work with them as well. I hope that they will continue their dialog to find a solution that will allow Texas to move forward with this proposal.

Mr. SAM JOHNSON of Texas. Mr. Chairman, this issue is of great importance to the entire country. When we have the chance to help those less fortunate, especially their children, nothing, including political interests, should stand in our way.

Let me tell the gentleman that tomorrow Mr. Erskine Bowles has agreed to meet with some of us and try to resolve this question.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would yield—I oppose the gentleman's amendment that relates to seeking a waiver for the Texas welfare plan allowing for the computerization and privatization of determining eligibility for benefits under the plan.

First it is a violation to take eligibility determination away from the government process. Second, Representatives of the Texas legislature feel this plan as proposed is wrong-headed; and if we act on this amendment we would be interfering with the legal position that State employees should determine eligibility. Third, I will not tolerate the dehumanizing of my most needy constituents—mothers, children, and the elderly in the 18th Congressional District by taking away the "reasonable human factor" in determining eligibility. Last week the chief of staff for the President agreed to my request to hold a meeting on the issue to hear from those of us in the Texas Congressional Delegation who oppose this computerization plan. The President should disallow this untenable plan.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GREEN. Mr. Chairman, reserving the right to object, we have heard this last colloquy between my colleagues from Texas. Let me give you, as Paul Harvey would say, the rest of the story.

This is not as easy as they would say because the White House has given a response. It is not a response that maybe the gentleman from Texas, Mr. SAM JOHNSON, wants or my good friend, the gentleman from Texas, Mr. STENHOLM. But it is a response that is reasoned and it will work and it is also a response that I hope the Texas legislature is dealing with right now.

The concern some of us have on this side of the aisle is that we do not particularly want a blanket waiver, which is what is being requested. We want to have the competition and also what the private business can do without determining the eligibility.

Let me tell my colleagues what this blanket waiver request would do.

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Mr. Chairman, I have parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, are we not debating the issue of whether or not the gentleman is entitled to withdraw his amendment?

The CHAIRMAN. That unanimous-consent request is pending. The gentleman is correct. The gentleman from Texas is reserving the right to object.

Mr. LIVINGSTON. The gentleman from Texas offered a request to withdraw his own amendment, and we are now debating that?

The CHAIRMAN. The gentleman from Texas is reserving the right to object to the unanimous-consent request of the gentleman from Texas, Mr. SAM JOHNSON, to withdraw the amendment.

Mr. LIVINGSTON. I thank the Chair. I just wanted to be sure.

The CHAIRMAN. The gentleman from Texas could withdraw his objection and strike the last word.

Mr. GREEN. Mr. Chairman, continuing my reservation of objection, I was not going to take the time of the Congress tonight except my colleagues brought a local issue of Texas to the floor of this House. That is why I think we should be concerned, because this battle is being fought in the Texas legislature right now. And if we believe in local control, then let us let that happen.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia".

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 4 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. Barr of Georgia:

SEC. . USE OF FUNDS FOR STUDIES OF MEDICAL USE OF MARIJUANA.

None of the funds appropriated by this Act or any other Act shall be used now or hereafter in any fiscal year for any study of the medicinal use of marijuana.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Louisiana reserves a point of order.

Mr. OBEY. Mr. Chairman, I also reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. BARR of Georgia. Mr. Chairman, this amendment would prohibit the Director of the Office of National Drug Control Policy, the so-called drug czar, from using any money under this legislation to study the legalization for so-called medicinal uses of marijuana.

With the efforts being made to balance the budget, it seems entirely appropriate, Mr. Chairman, that we prohibit the administration from spending $1 million, which it proposes to do, on a study to evaluate the so-called medicinal uses of marijuana. We should not do this at any time, but especially not when we have many truly pressing law enforcement needs.

This amendment, Mr. Chairman, would strictly restrict the drug czar from using any money on a study of this kind. This amendment is consistent with the professed explicit policy of the administration to oppose the legalization of marijuana or any other controlled substances.

I quote from the testimony of General McCaffrey. "We are unalterably opposed to the legalization of drugs or the surreptitious legalization of drugs under the guise of medicinal uses."

Therefore, Mr. Chairman, this amendment I believe is in keeping with the professed policy of this administration to continue its efforts to oppose the legalization of marijuana, including so-called legalization purporting to have so-called medicinal uses. I urge the adoption of this amendment. It simply restricts funding and is in order at this time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] insist on his point of order?

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment. It proposes to change existing law, constitutes legislation on our appropriation bill, violates clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BARR] wish to be heard on the point of order?

Mr. BARR of Georgia. Mr. Chairman, I ask unanimous consent to withdraw that amendment, and I have another one at the desk.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Mr. BARR of Georgia:

Page 51, after line 23, insert the following:

SEC. . USE OF FUNDS FOR STUDIES OF MEDICAL USE OF MARIJUANA.

None of the funds appropriated by this Act shall be used for any study of the medicinal use of marijuana.

Mr. BARR of Georgia. Mr. Chairman, I would simply direct my colleague's attention to my remarks previously and note that this amendment does essentially the same thing as the previous one, which the language was not quite in keeping. This simply provides that none of the funds appropriated by this act shall be used for any study of the medicinal uses of marijuana.

As I stated previously, and I would respectfully direct the attention of my colleagues on both sides of the aisle to my previous remarks, that this is in keeping with the professed explicit policy of the administration that they are unalterably opposed to the legalization of any drugs including for surreptitious purposes under the guise of medicinal use.

This is an effort, Mr. Chairman, to make sure that $1 million, which they may want to use, at least the funds for that purpose, do not come out of this legislation.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

I would simply say there are no moneys in this legislation for any studies of the medicinal use of marijuana. Therefore, the amendment has absolutely no effect and it is immaterial whether it is adopted or not.

The CHAIRMAN. Is there further discussion?

The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The amendment was agreed to.

The CHAIRMAN. Are there additional amendments?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when this bill came to the floor, it was in shape to be supported on a bipartisan basis and it was in shape that was going to be signed by the President. At least that was my understanding. Now, with the adoption of the Gekas amendment tonight, it is pretty apparent that this bill is on a collision course with the President.

□ 2100

I would simply observe that this body appears to be in such a hurry to get in yet another conflict with the White House that it is willing to leave the House in a State of total confusion, and the Nation as well.

Three years ago, I remember being told by many Members on the other side of the aisle that the Mississippi flood should not be funded until every dollar that was expended for that flood was offset in both budget authority and outlays. Then the rule seemed to change over the past year and a half. Then the rule seemed to be, well, at least it ought to be offset only with respect to budget authority. Now, given the action which struck some $1.6 billion on a point of order tonight, this bill now has a $1.6 billion hole.

So it seems to me that in addition to putting this bill on a track for a veto, which will mean the needed disaster assistance will not be delivered, it also leaves us in a total state of confusion about what the policy of this House is supposed to be with respect to whether or not disasters are supposed to be offset or not. I would simply suggest that that gives us two good reasons to vote against this bill.

I do not understand how we can have a changing standard depending upon which natural disaster we are faced with. So it seems to me that this bill is in far worse shape than it was when it left here in several respects, most certainly because it is not now in balance.

I did not support the Neumann amendment because I did not want to see FEMA funds reduced, but I certainly am in a massive state of confusion about what the policy of this House is supposed to be with respect to offsets.

I do know this bill is not going anywhere, but if it does in its present form, it would simply mean we will have a significant addition to the deficit, and I do not think that is what Members wanted to do when they started out today.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we brought to the floor today a very good bill. It was paid for, and it provided very necessary and needed relief to the citizens of some 35 States that have been devastated by natural disasters.

The gentleman from Wisconsin has said that we have a confused situation. Well, I want to clear up the confusion. I want to take this bill, as it has been amended by the body, to conference; and I can assure Members on both sides of the aisle we will clear up the confusion, and when the bill comes back from conference it will be paid for, and it will provide the necessary relief for our citizens.

So, notwithstanding any partisan differences we may have had on the floor on one issue or another today, give us the opportunity to go to conference and bring the bill back. Members will have a good bill. It will be paid for, and before we go off on recess the American people will have some relief for the natural disasters that they have faced.

Mr. Chairman, I urge the adoption of this bill.

The CHAIRMAN. If there are no other amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LAHOOD] having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 149, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 244, nays 178, answered "present" 1, not voting 10, as follows:

[Roll No. 136]

YEAS—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Chabot
Chambliss
Christensen
Clayton
Clement
Combest
Condit
Cook
Cooksey
Crane
Crapo
Cummings
Cunningham
Danner
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Kleczka
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manzullo
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntyre
McKeon
Meek
Metcalf
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Sabo
Sanchez
Saxton
Schaefer, Dan
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Spence
Spratt
Stabenow
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Traficant
Vento
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—178

Ackerman
Allen
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Burton
Campbell
Carson
Castle
Chenoweth
Clay
Clyburn
Coble
Coburn
Collins
Conyers
Costello
Cox
Coyne
Cramer
Cubin
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Graham
Green
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Hulshof
Inglis
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Klink
Klug
Kucinich
LaFalce
Lampson
Largent
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McDermott
McGovern
McInnis
McIntosh
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Neal
Neumann
Norwood
Nussle
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Poshard
Rangel
Rivers
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shays
Skaggs
Slaughter
Smith (MI)
Snyder
Solomon
Stark
Stearns
Stenholm
Stokes
Stupak
Thompson
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Velázquez
Visclosky
Waters
Waxman
Wexler
Weygand

ANSWERED "PRESENT"—1

Souder

NOT VOTING—10

Andrews
Boehlert
Hefner
Jefferson
Manton
Molinari
Schiff
Skelton
Watkins
Yates

□ 2125

Mrs. CHENOWETH changed her vote from "yea" to "nay."

Mr. RAHALL and Ms. HARMAN changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 1469, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

The SPEAKER pro tempore [Mr. LAHOOD]. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, I am reserving the right to object, I could not hear the gentleman and I was wondering, what is the nature of the corrections?

Mr. LIVINGSTON. If the gentleman will yield, I am advised that the enrolling clerk has asked for the authorization to correct section numbers, punctuation, cross references and other conforming changes, but there would be no substantive changes to the bill, I would advise the gentleman.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1385, EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–98) on the resolution (H. Res. 150) providing for consideration of the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT AS MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. GILMAN of New York, vice chairman;

Mr. DREIER of California;

Mr. BARTON of Texas;

Mr. CAMPBELL of California;

Mr. MANZULLO of Illinois;

Mr. GEJDENSON of Connecticut;

Mr. LANTOS of California;

Mr. FILNER of California;

Mr. UNDERWOOD of Guam; and

Mr. REYES of Texas.

There was no objection.

THE FAA AND AIRLINE SAFETY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, this past Sunday was Mother's Day and it was a day to give thanks for our mothers and praise them and honor them. But this past Sunday also was an important day to many in this Nation, but for a more sinister reason. It was the one-year anniversary of the ValuJet crash.

It was a crash that could have been avoided, Mr. Speaker, with either smoke detectors and fire suppression systems or by prohibiting armed oxygen canisters in some cargo holds. Transporting armed oxygen canisters in unreachable holds is unlawful today, but as the recent Continental Airlines incident indicates, the FAA's enforcement of these regulations is weak.

The NTSB has recommended after the ValuJet crash that the FAA promulgate rules requiring the installation of smoke detectors and fire suppression systems. Similarly, NTSB made an urgent recommendation in December following the TWA Flight 800 crash.

Today I am calling on the FAA to quickly, quickly promulgate and implement regulations regarding the use of smoke detectors and fire suppression systems in all passenger aircraft, as well as fuel tank recommendations of the NTSB. Every Member of Congress who flies an airplane or who represents anybody who flies an airplane ought to be putting pressure on the FAA.

[From the LA Times, May 6, 1997]

SNAIL'S PACE IN AIRLINER SAFETY

FBI Director Louis J. Freeh has reiterated an idea expressed by some federal officials since late last year: that it was a catastrophic mechanical failure that brought down TWA Flight 800 last July, killing all 230 aboard.

"The evidence is certainly not leading in the direction of a terrorist act. It is in fact moving in the other direction," Freeh said on a television news show Sunday. But he stressed that no official conclusion on the cause of the TWA disaster has been reached.

Such a slow pace is not unusual in these matters. It took two years, for example, to officially rule that a bomb had caused the explosion of Pan Am 103 over Lockerbie, Scotland, in 1988.

Even without a final report, you might think that corrective action would occur quickly. After all, the National Transportation Safety Board, and now Freeh, has emphasized the possibility that Flight 800 disintegrated because a spark ignited a volatile air-fuel mixture in its central fuel tank.

Well, here's the snail's-pace chronology that followed the "urgent" NTSB recommendations on Dec. 13 for changes that it said could prevent an explosion of this kind: The Federal Aviation Administration had 90 days to respond and announced in February that it would issue a notice for public comment in the Federal Register within 30 days. The notice finally appeared in April, at which point another 90-day period commenced. This means that the recommendations cannot be acted on until July.

The Clinton administration and Congress ought to find a way to shorten this process. If a streamlined process had been mandatory, the implementation of one or more of the changes to prevent central fuel tank explosions in more than 1,000 active U.S. commercial jets might already be underway.

[From the Information Services Newswire Search, May 14, 1997]

BANNED OXYGEN CANISTERS HAULED ON CONTINENTAL FLIGHT

(By Eun-Kyung Kim)

Washington (AP)—Federal investigators are trying to determine how a Continental Airlines passenger jet ended up carrying seven oxygen canisters in its cargo hold, a practice outlawed following last year's ValuJet crash.

"We take this very seriously and we're investigating it thoroughly," Eliot Brenner, a spokesman for the Federal Aviation Administration, said Tuesday.

The oxygen generators, secured by safety caps, were in a shipment of airline materials found by Continental workers 10 days after the flight to Houston from Los Angeles.

"With the caps, they were not in danger of going off," Brenner said. The canisters were not listed as part of the shipment, he said.

The FAA reported the flight took place on April 15, but the airline said it was a day later.

Chemical oxygen generators were banned as cargo in passenger planes shortly after ValuJet Flight 592 crashed into the Florida Everglades, killing all 100 people on board. Investigators believe the May 11, 1996, disaster was caused by a fire fueled by poorly packaged oxygen generators.

Air transport of the generators is now restricted to compartments in cargo planes that the crew can reach during the flight.

Houston-based Continental issued a statement Tuesday saying the disarmed generators were shipped accidentally by a vendor who failed to disclose they were hazardous.

"The airline immediately reported this occurrence to the FAA when the shipment was discovered. In addition to our own internal audit, Continental is working closely with the FAA in its investigation to determine how this shipment happened," the statement said.

Continental spokeswoman Karla Villalon declined to identify the vendor, saying it is under investigation. She did not know how many people were aboard the plane.

Continental, the vendor and its shipping agent could face millions of dollars in fines if investigators conclude hazardous material laws were violated, Brenner said.

Jim Hall, the chairman of the National Transportation Safety Board, said the incident illustrated the need to install smoke detectors and fire suppression equipment in the cargo compartments of all passenger airliners.

"What this incident shows is that no matter what regulations are passed, the threat of inadvertent placement of hazardous materials on aircraft will always be with us," Hall said in a letter to Carol Hallett, president of the Air Transport Association of America.

Hall voiced similar concerns in a letter Monday to Transportation Secretary Rodney Slater.

[From the Information Services Newswire Search, May 15, 1997]

AIRLINES TO INSTALL CARGO AREA FIRE SUPPRESSION SYSTEMS

(By Randolph E. Schmid)

Washington.—A year after the fiery crash of ValuJet Flight 592 the nations airlines are moving towards installing firefighting equipment in their cargo holds.

But it could take years for all of the nation's airliners to be protected.

The Air Transport Association announced Wednesday that the airlines will begin installing the fire suppression equipment, perhaps as early as this fall if government approvals can be completed.

But getting the devices into all 3,000 airliners in service could take four to five years, said Carol Hallett, president of the airline trade group.

The Federal Aviation Administration, however, is planning to complete a rule by the end of the year that will require the installations within three years, according to Transportation Department spokesman Bill Schulz. Already one airline, Atlanta-based Delta, is moving ahead on its own, he added.

Hallett said the installations take 200 man-hours or more each and will be scheduled when airliners go in for major maintenance, generally every 18 months to three years. She estimated that it will cost about $400 million to install the systems.

No final determination has been made on the cause of the ValuJet crash last May 11 in Florida's Everglades, killing all 110 aboard. But investigators believe that the disaster resulted from a fire fueled by oxygen generators carried in the plane's hold.

The airlines had agreed to install smoke detectors last December at a meeting with Vice President Al Gore, but were reluctant to commit to the additional fire suppression systems because of fear that the chemical halon would be banned, Hallett said.

But on Tuesday the ATA received a letter from the Environmental Protection Agency advising that, if the systems are installed, halon will be allowed to remain in use for the life of the plane.

Based on that assurance, Hallett said, the airlines decided to go ahead with the program.

The project covers the cargo containers beneath passenger compartments, used to carry luggage. These so-called "Type D" compartments are sealed and airlines have assumed that any fire that broke out would be extinguished by lack of oxygen. In the ValuJet case, however, the oxygen generators helped fuel the blaze.

The ATA announcement comes just a day after disclosure that similar banned oxygen cylinders were recently carried aboard a Continental jet.

The generators, secured by safety caps, were in a shipment of airline materials found by Continental workers 10 days after the flight to Houston from Los Angeles. There was no fire in this case.

STOP THE SCOURGE OF LANDMINES

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. McGOVERN. Mr. Speaker, I rise this morning to ask my colleagues and the President to support an immediate and complete ban on antipersonnel land mines.

According to the Department of State, a limb or a life is lost every 22 minutes as a result of land mines. Over 5 million land mines are produced annually. Over 50 percent of them are deployed. With only 100,000 land mines being removed each year, villages, fields and paths are turned into death traps. Ninety percent of the victims are civilians. In 70 countries around the world, more than 100 million land mines continue to fight battles that ended months, years and even decades ago.

The years of conflict in Central America have left landmines in the paths of school children. The United States sold over 102,000 land mines to the Salvadoran army. Thousands more were planted by guerrilla forces. I have seen firsthand the damage they have caused to the salvadoran children and young soldiers now maimed for life.

Mr. Speaker, in January I nominated the grassroots based International Campaign to Ban Land Mines for the Nobel Peace Prize because I believe the time has come for the international community to sign a treaty to eliminate this scourge once and for all.

Mr. Speaker, I include for the RECORD several items related to banning land mines, as follows:

[From the New York Times, April 3, 1996]

AN OPEN LETTER TO PRESIDENT CLINTON

DEAR MR. PRESIDENT: We understand that you have announced a United States goal of the eventual elimination of antipersonnel landmines. We take this to mean that you support a permanent and total international ban on the production, stockpiling, sale and use of this weapon.

We view such a ban as not only humane, but also militarily responsible.

The rationale for opposing antipersonnel landmines is that they are in a category similar to poison gas; they are hard to control and often have unintended harmful consequences (sometimes even for those who employ them). In addition, they are insidious in that their indiscriminate effects persist long after hostilities have ceased, continuing to cause casualties among innocent people, especially farmers and children.

We understand that: there are 100 million landmines deployed in the world. Their presence makes normal life impossible in scores of nations. It will take decades of slow, dangerous and painstaking work to remove these mines. The cost in dollars and human lives will be immense. Seventy people will be killed or maimed today, 500 this week, more than 2,000 this month, and more than 26,000 this year, because of landmines.

Given the wide range of weaponry available to military forces today, antipersonnel landmines are not essential. Thus, banning them would not undermine the military effectiveness or safety of our forces, nor those of other nations.

The proposed ban on antipersonnel landmines does not affect antitank mines, nor does it ban such normally command-detonated weapons as Claymore "mines," leaving unimpaired the use of those undeniably militarily useful weapons.

Nor is the ban on antipersonnel landmines a slippery slope that would open the way to efforts to ban additional categories of weapons, since these mines are unique in their indiscriminate, harmful residual potential.

We agree with and endorse these views, and conclude that you as Commander-in-Chief could responsibly take the lead in efforts to achieve a total and permanent international ban on the production, stockpiling, sale and use of antipersonnel landmines. We strongly urge that you do so.

General David Jones (USAF, ret.), former Chairman, Joint Chiefs of Staff; General John R. Galvin (US Army, ret.), former Supreme Allied Commander, Europe; General H. Norman Schwarzkopf (US Army, ret.), Commander, Operation Desert Storm; General William G.T. Tuttle, Jr. (US Army, ret.), former Commander, US Army Materiel Command; General Volney F. Warner (US Army, ret.), former Commanding General, US Readiness Command; General Frederick F. Woerner, Jr. (US Army, ret.), former Commander-in-Chief, US Southern Command; Lieutenant General James Abrahamson (USAF, ret.), former Director, Strategic Defense Initiative Office; Lieutenant General Henry E. Emerson (US Army, ret.), former Commander, XVIII Airborne Corps; Lieutenant General Robert G. Gard, Jr. (US Army, ret.), former President, National Defense University President, Monterey Institute of International Studies; Lieutenant General James F. Hollingsworth (US Army, ret.) former I Corps (ROK/US Group); Lieutenant General Harold G. Moore, Jr. (US Army, ret.), former Commanding General, 7th Infantry Division; Lieutenant General Dave R. Palmer (US Army, ret.), former Commandant, US Military Academy, West Point; Lieutenant General DeWitt C. Smith, Jr. (US Army, ret.), former Commandant, US Army War College; Vice Admiral Jack Shanahan (USN, ret.), former Commander, US Second Fleet; and Brigadier General Douglas Kinnard (US Army, ret.), former Chief of Military History, US Army.

FACT SHEET—THE U.S. CAMPAIGN TO BAN LANDMINES, MAY 1997

ACHIEVING A COMPREHENSIVE LANDMINES BAN: THE OTTAWA PROCESS VERSUS THE CONFERENCE ON DISARMAMENT

Clinton Administration officials have said that they support a ban on antipersonnel landmines, but have indicated that the appropriate diplomatic venue for securing such a ban is at the Geneva-based U.N. Conference on Disarmament, which has been in session since January of this year. Notwithstanding the United States' desire to consider a ban in this forum, the Conference on Disarmament has refused to take up the issue of antipersonnel landmines. There are several reasons why this is the case.

First, the Conference on Disarmament, which operates by consensus, has not agreed upon a "work program" for this year. With the exception of the Nuclear Test Ban Treaty, the CD participants have not agreed to work on anything for the past several years. The most optimistic projection for agreeing on a work program is August, 1997, but the deadlock could easily continue well into next year. The deadlock is attributable, in part, to a fundamental disagreement among states about the balance between considering nuclear disarmament and conventional weapons disarmament. The CD can not address the issue of landmines (or anything else) until the overall work plan has been approved.

Second, even after the work plan has been approved, in order to begin work on a landmines ban the CD would have to appoint a committee and approve a mandate for it. This is a significant hurdle, since China and Russia, both members of the CD, have made it very clear that they do not support a comprehensive ban. And even when there does exist a consensus to begin work in a particular area, the progress moves extremely slowly. For example, the CD agreed to work on a fissile materials ban in March of 1995, and the CD has yet to even establish a committee.

Third, if by some miracle the CD should agree to establish a committee to consider a landmines ban and agree on a mandate for that committee to consider a comprehensive ban, negotiations can go on for many years. It took 16 years to realize the Chemical Weapons Convention, including four solid years of negotiations on the text of the Convention itself. The Comprehensive Test Ban Treaty was a 23-year proposition: 20 years to establish the terms of the negotiations, and 3 years to negotiate the treaty itself. Such timetables are absolutely unacceptable when dealing with a humanitarian disaster like landmines. Even if the CD were to move at its fastest pace, landmines will claim hundreds of thousands of new victims during its years of negotiations.

The Ottawa process, in contrast, is moving forward at a very brisk pace and has garnered significant international support in the six months since Canadian Foreign Minister Lloyd Axworthy announced that Ottawa would host a treaty signing for a comprehensive ban on landmine use, production, stockpiling, and export. Over sixty nations (including over half of NATO) have indicated support for the treaty and the Ottawa process. Nine core nations (Germany, Austria, South Africa, the Philippines, Mexico, Switzerland, Belgium, Canada, and Norway) have drafted a ban treaty, and 120 nations met last month to consider verification issues relating to it. In June, pro-ban nations will meet to issue a declaration of support for the Ottawa process and for the Austrian draft treaty. And the core group hopes to finalize the treaty at meetings in Oslo in late September and early October.

The Clinton Administration has defended its decision to pursue a ban at the Conference on Disarmament on the grounds that an international forum which includes opponents of a landmines ban, such as Russia and China, is the only means of bringing them aboard.

The U.S. Campaign to Ban Landmines is concerned about such governments' participation, but believes that the Ottawa process offers the best means of putting pressure on them to eventually support a comprehensive ban. The treaty signing in Ottawa, set for December of this year, will indicate very clearly those governments who are the troublemakers and abusers of this cruel and indiscriminate weapon. The large numbers of countries which will adopt a ban at that time will set an international norm on antipersonnel landmines, and they will help stigmatize and isolate those who refuse to join.

Interestingly, when Secretary of State Albright testified in favor of U.S. ratification of the Chemical Weapons Treaty on April 8, she adopted precisely this argument, stating that American support would serve to pressure other nations to join: "Over time, I believe that—if the United States joins the CWC—most other countries will, too—but the problem states will never accept a prohibition on chemical weapons if America stays out, keeps them company and gives them cover. We will not have the standing to mobilize our allies to support strong action against violators if we ourselves have refused to join the treaty being violated."

The U.S. Campaign to Ban Landmines has no principled objection to the Conference on

Disarmament, but the very vulture of the Conference is such that negotiations are long and protracted. Such lengthy deliberations, when dealing with weapons (such as chemicals or nuclear warheads) which are not in use is one thing. But when negotiating an end to a weapon which creates 26,000 casualties per year, such a process is a disaster. If it took as long to consummate a ban on landmines as it did to achieve ratification of the Nuclear Test Ban Treaty, there would be another 5,598,000 victims (assuming current levels of civilian casualties.) This is an unacceptable proposition. There is no reason that the United States's efforts to achieve a ban at the CD should prevent them from joining the Ottawa initiative today.

JANUARY 9, 1997.

Mr. GEIR LUNDESTAD,
Director, The Norwegian Nobel Committee, Drammensveien 19, 0255 Oslo, Norway.

DEAR MR. LUNDESTAD: With this letter, I would like to nominate for consideration for the 1997 Nobel Peace Prize, the International Campaign to Ban Landmines (ICBL) and its Coordinator, Ms. Jody Williams.

The ICBL was initiated at the end of 1991 by Ms. Williams for the Vietnam Veterans of American Foundation, Washington, DC, and Medico International, Frankfurt, Germany, and has grown dramatically in size and influence. The ICBL, with its steering committee of nine international organizations and national landmine campaigns, now includes more than 725 non-governmental organizations working in over 40 countries around the world with the common goal of the total elimination of antipersonnel landmines (APMs).

Your consideration of this nomination for 1997 is of particular timeliness: intense negotiations have begun toward the signing of an international treaty to ban APMs at the end of 1997, and Norway will be hosting one of the negotiating sessions in October 1997. The ICBL has been instrumental in bringing about this unprecedentedly rapid change.

When the ICBL began, mostly as an idea in late 1991, scant attention was being paid to the real killers in the world's armed conflicts—antipersonnel landmines and other light weapons. While the world focused on the nuclear threat during the Cold War, tens of millions of landmines were being sown throughout much of the developing world, resulting in global contamination of epidemic proportion. As you surely are aware, thousands of children and adult civilians are being killed and maimed each month by landmines.

With the end of the Cold War and the collapse of the nuclear threat, the ICBL has been able to capture the imagination and energy of hundreds of NGOs around the world and dramatically challenge—and change—decades-old assumptions about the conduct and consequences of armed conflict by focusing international attention on one small weapon that graphically symbolizes the long-term impact of armed conflict: the antipersonnel landmine.

The NGOs that have come together in the ICBL represent a unique coalition effort, which has successfully merged humanitarian and disarmament concerns. Nongovernmental organizations representing a broad spectrum of interests such as human rights, development, refugees, arms control, the environment and emergency relief have, for the first time, worked together in a coordinated effort with one goal in mind: to ban APMs. That the ICBL is a powerful expression of the will of civil society is demonstrated by the truly impressive gains resulting from the work of the ICBL. The Campaign has successfully promoted anti-APL policies and positions at the national, regional and international levels. The Campaign has also called for support of programs to promote and finance landmine awareness, clearance, and eradication worldwide, and for victim assistance.

When the ICBL began its work, no organization or agency was actively campaigning to ban landmines. Its goal, a total ban of antipersonnel landmines, was considered utopian. But through the coordinated work of the ICBL membership in more than 40 countries, the world has seen tremendous change in an unprecedentedly short period of time. From ground zero, we have seen the following movement in the past 4 years: some 50 countries have prohibited exports of APMs, 15 countries have begun or completed destruction of stockpiles, 30 countries have banned or suspended their use, and 20 have announced no production.

In 1996, the UN General Assembly passed by a vote of 156–0, with 10 abstentions, a resolution calling upon states "to pursue vigorously" an international treaty banning APMs "as soon as possible." The world now boasts two "mine-free zones"—Central America, in a joint declaration by its six Foreign Ministers to ban the weapon throughout the region, and the CARICOM states. Additionally, both the OAS and the OAU have passed resolutions calling upon their member states to make their regions mine-free.

This momentum has also brought other change. After pressure from the ICBL, the 1980 Convention on Conventional Weapons (CCW) was reviewed from 1994–96. The two and a half year process of review of the CCW is widely held to have brought minimal change to the flawed treaty. But through the focus of attention on the process, the pro-ban movement gained tremendous momentum and has moved rapidly beyond the limits of the CCW. It was in the review sessions themselves that the ICBL helped to ignite a true governmental "pro-ban movement" by hosting the first meetings of pro-ban states. This series of meetings led the Canadian Government to call for a strategy conference of pro-ban governments in October of last year in Ottawa. The conference was attended by 50 pro-ban states and 24 observer nations.

At the conclusion of the Ottawa conference, Canada's Foreign Minister closed the conference with the dramatic invitation to states to return to Canada in December of 1997 to sign a treaty banning AP mines. The conference chairman, in close cooperation with the ICBL, had prepared an "Action Plan" that would lead to that goal. A series of preparatory meetings are now scheduled in 1997 with a target of a ban treaty by the end of the year.

While the Landmine Campaign never saw its goal as utopian, it did not envision such change in so short a period of time. Governments and individuals around the world, including former Secretary General of the United Nations Boutros Boutros Ghali, have recognized that it is the work of the ICBL that has made the difference. One UN official, speaking at the Ottawa Conference, noted that this change has come about because of the original impetus and ongoing coordinated work of the ICBL. He called the coalition the "single most important and effective exercise by civil society since the Second World War."

The goal is in sight. There remains a huge amount of work to ensure its fruition. The ICBL, which initiated this movement, will continue to work in close cooperation throughout the year—and beyond—with pro-ban states to rid the world of this indiscriminate weapon.

The ICBL represents a dramatic expression of the will of civil society to change international norms. That is why I nominate Ms. Williams and the International Campaign to Ban Landmines for the Nobel Peace Prize in 1997. An award to them of the Peace Prize in this critical year would send a powerful signal that such models for social change are recognized as critical and important as we move into the next century.

Yours respectfully,

JAMES MCGOVERN,
Member of Congress.

□ 2130

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. METCALF). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMENDING THE WHITNEY M. YOUNG HIGH SCHOOL OF CHICAGO FOR ITS ACADEMIC EXCELLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to a group of superstars in the Seventh Congressional District in the State of Illinois. Often when we talk about superstars it is in the context of athletics, athletes, entertainment and entertainers such as Michael Jordan, Oprah Winfrey, the Bulls, and I am very proud that I represent all of them. It would be impossible to argue that Michael Jordan, the leader of the Chicago Bulls, based in the Seventh District of Illinois, the man who dazzles us with his amazing agility and ball handling skills, is anything but a superstar or that Scottie Pippin, who grew up in a little town in Arkansas not very far from my original home, he in Hamburg and I in Parkdale. Scottie is indeed a superstar, and I am proud to represent him. Likewise, Kevin Garnett, who also lived in the Seventh District, attended Farragut High School and went directly into the National Basketball Association with the Minnesota Timberwolves based upon his exceptional ability to master the game of basketball.

But what about our academic superstars who have proven themselves capable of their ability and with their ability to master the quest for knowledge?

So tonight, Mr. Speaker, I come to talk about another group of superstars.

For the past 8 years the Whitney M. Young High School's Academic Decathlon teams have been superstars in the academic arena. They are the Michael Jordans and Scottie Pippins of education. The decathlon team's mental ability and problem solving skills have placed them in the top 10 in the United States Academic Decathlon's national competition 8 consecutive times, winning third place three times and second place once when the decathlon was held in Chicago in 1995. Whitney Young's most recent team placed third in the 1997 U.S. Academic Decathlon's national competition. The 9 students from Whitney Young High School who placed in the 1997 U.S. Academic Decathlon and the individuals who coached them are students, Ed Bailey, Katherine Megquier, Emmett Hogan, Julienna Ar, Long Trvong, Maryanne Ar, Robert Jefferson, Brian Piechowski, and Robert Iu; coaches, Brian Tennison and Ms. Susanne McCannon.

The Whitney Young High School has produced a dynasty of superstars who have competed successfully over the years in the decathlon. Whitney Young has been the Illinois champion for the past 12 years, defeating teams from such academic powerhouses as the Illinois Math and Science Academy, New Trier, Stevens on and Niles West. One or two years might be a fluke. Three or four years might be viewed to exceptional hard work. Five or six years might be due to a few individuals making inordinate sacrifices. But 12 years, 12 years can only be due to an exceptional educational environment.

Therefore, I commend and congratulate an outstanding principal, Ms. Joyce Kenner; Mr. Billy Williams, chairman; Mr. Paul Levin, vice chairman; Ms. Susan Hirsch, recording secretary; Ms. Anita Andrews, Mr. Miguel Ayala, Ms. Mary Baldwin, Ms. Estrelita Dukes, Judge Teicival Herman; Ms. Barbara Keys, Ms. Martha Miller, and Ms. Deborah Sawyer, all members of the local advisory council.

Mr. Speaker, making the final three in the U.S. Academic Decathlon is no small feat. The decathlon takes months and even years of hard work and preparation. The Academic Decathlon is the supreme measure of educational achievement. It is the World Series of academics. It is the NBA finals of scholastic attainment.

So again we salute Whitney M. Young, all of the members of the team. I congratulate each and every one of the outstanding young men and women and their coaches. I congratulate the Chicago Board of Education, the local advisory council, the principal and a great staff. It does indeed take a whole community to make a great school.

INTERNATIONAL LEGAL ISSUE HAS BEEN LINGERING TOO LONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. LINDER] is recognized for 5 minutes.

Mr. LINDER. Mr. Speaker, I bring to the attention of this body an international legal issue of expropriation that has been lingering since the early 1980's, but began off the coast of Cartegiña well over two hundred years ago. It is a tale of buried treasure that has resulted in the foreign defiance of accepted property rights in salvage laws at the expense of an American company.

By way of background, after encountering an enemy British fleet, the Spanish galleon *San Jose* was sunk with a treasury estimated at over $2 billion in today's value. The *San Jose* and its treasure remained hidden at the bottom of the ocean for hundreds of years, until a United States company—known today as Sea Search Armada—discovered the wreck of the *San Jose*. Under recognized international salvage and admiralty laws, the discoverer of this find has the right to salvage the wreck and receive half of the value of the recovered treasures. Sea Search Armada discovered the *San Jose* wreck in 1983.

Unfortunately, the past 14 years have witnessed an extraordinary effort by the Government of Colombia to claim exclusive ownership of the treasure of the sunken galleon. In clear disregard of accepted law, the government enacted retroactive changes in its salvage law that would have reduced the share of the treasure payable to the American company from the accepted 50 percent to a taxable 5 percent. Thankfully, the Colombian Constitutional Court declared the order unconstitutional.

In an August 1996 letter to International Relations Committee Chairman Ben Gilman, the Columbia government stated that a ruled had not yet been uttered by the Superior Court of Barranquilla and that the Government "will not make any decisions until after a verdict" is made by this judicial court. The decision of the Magistrates of the Superior of Barranquilla—like all previous court decisions—was in Sea Search Armada's favor and recognized its claim to 50 percent of the treasure of the *San Jose*. Regrettably, the Colombian government's attorney general will now be appealing the decision once again.

This case has gone on too long. It is high time that the Government of Colombia end its decade-long litigation against the Sea Search Armada company and resolve this matter.

We are faced with a situation in which the legitimate property rights of an American company have been expropriated in disregard to the recognized rights of ownership under Colombian and international law. When deprived of property in defiance of international law, American citizens should expect their government to ensure that preferential treatment is not given to the delinquent party, as this body has done in the past.

Mr. Speaker, the rulings from every Colombian court and from experts panels have defined the rights of the discovering party. Following the decision by the Superior Court, the Colombian government has been provided with an important opportunity to demonstrate its commitment to abide by the rule of law. I believe that Colombia's recognition of the judicial ruling will send a reassuring message to potential American investors and will assure that the cooperation between our nation and Colombia improves in the future.

DEMOCRATS GETTING READY TO STAND UP AND FIGHT AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise today to remind my colleagues what we can accomplish when we stand up together and fight for what we believe in.

Last year the congressional majority attempted to cut the school lunch program, and we stood up and said that it is wrong, simply wrong to take food out of the mouths of our children, and we stood up for our nation's kids, and we won that fight.

Then the congressional majority attempted to cut billions of dollars out of the Medicare program, and once again Democrats stood up and said it is wrong, simply wrong, to take health care away from our nation's seniors. We stood up for our nation's seniors, and we won that fight.

Last month the congressional majority showed that they have not learned from their mistakes. Republicans on the House Committee on Appropriations led the charge and voted overwhelming to underfund the Women, Infants and Children program by $38 million. Their actions would have forced 180,000 pregnant women, infants and children off of the WIC program. Once again we stood up and said it is wrong, simply wrong, to take milk, to take cereal, to take formula off of the breakfast tables. We stood up for women, for infants and for children, and we won that fight.

And as we head into this budget process, we should not be afraid to continue to stand up and fight for what we believe in because every time we have, we have won the fight.

We all agreed, Democrats and Republicans, about the need to balance the federal budget. But we need to stand up and make sure that any budget agreement includes a budget that is balanced in a way that is consistent with our priorities and our values as a Nation. We do not have a lot of details yet about the specifics of this budget agreement, but looking at the GOP tax cut plan makes me think: Get ready, guys, we are going to be forced to stand up and to fight once again, for the GOP tax cut plan mostly helps the wealthy. In fact, over 50 percent of the benefits go to the top 5 percent of wage earners.

This is not the kind of a tax cut that the working families of America are looking for. Democrats are going to stand up and fight for the folks who are not making the 6 figure salaries and incomes, the families who could really use some tax relief.

We will fight, fight to make sure that the tax cuts in this budget deal go to the families that need it the most, to working middle class families, to small businesses, to small farmers. We will fight to make sure this budget protects and preserves the Medicare program, and we will fight to make sure that this budget provides for education and for health care for our kids.

We have stood up and we have fought before for our children, for our seniors and for the working families of America, and we will stand up and fight once again.

WHAT ARE THEY HIDING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, this morning I discussed 6 individuals that were involved in the activities of the 1996 campaign in raising money for the Democratic National Committee. As a member of the Committee on Government Reform and Oversight, we have been looking at the activities of Webster Hubbell, John Huang, Charlie Trie, James Riady, and Mark Middleton, as well as Pauline Kachanalak.

The White House has stated on a number of occasions that it is fully cooperating with our committee subpoenas, but that is simply not true. The White House has given us some documents, but they consist mostly of highly censored items; the fancy word is redacted. It means they have blackened out everything on the page but perhaps one word, and we have dozens of copies of that, maybe hundreds. We asked for copies of correspondence involving these people. We get back newspaper clippings, blank pieces of paper and other irrelevancies.

Mr. Speaker, the White House claims that it needs more time to comply, but our first subpoenas with served on March 4; that is over 2 months ago. Moreover, the first request for documents pertaining to one key player, John Huang, were made by former chairman Bill Clinger on October 31, 1996, before the election.

Mr. Speaker, that is roughly 6 months of stalling by the White House, and the question has to be asked: What are they hiding? And why does the Whitehouse not want us to see any information about these 6 individuals?

Mr. Speaker, the first of these players is well known to all of us. Web Hubbell worked with Mrs. Clinton at the Rose law firm in Arkansas. After the 1992 election, Hubbell became the Number 3 man in the United States Department of Justice. In March 1994 Hubbell suddenly resigned from the Justice Department. In December of 1994 he plead guilty to tax evasion and defrauding his clients of nearly a half a million dollars, and he served a year and a half in jail. We have recently discovered that key people in the White House, such as former chief of staff Mack McLarty and Erskine Bowles, current chief of staff, solicited employment for Hubbell after his resignation which garnered him at least a half million dollars including $100,000 from a company run by the Riady family. We have also recently read in published reports that the President's personal lawyer and a close friend from Arkansas knew that Hubbell's problems were of a criminal nature. In contrast, the Clintons have maintained that they knew nothing about the seriousness of the charges against Hubbell until he plead guilty in December.

Is there a connection between top administration officials orchestrating an effort to get Web Hubbell lucrative employment and Hubbell's refusal to cooperate with the independent counsel's Whitewater investigation? In the words of a prominent New York Times columnist, A.M. Rosenthal, quote, it would not take a particularly suspicious mind, let alone a prosecutor's to see high paying jobs as hush money to keep a defendant silent, unquote from the May 6 issue of the New York Times. Mr. Hubbell has invoked the fifth amendment and refuses to cooperate with the committee.

Mr. Speaker, the American people deserve a full airing of this issue in open public hearings. Who are the Riadys and why are we seeking to obtain documents concerning them from the White House? Mochtar Riady and his son James controlled the $5 billion Lippo group empire. Lippo was John Huang's employer. Lippo has very strong ties to many countries in Asia including China, Vietnam, Hong Kong and Taiwan. Banking tycoon, James Riady, has known the President since the late 1970s when he was working in an Arkansas bank. James Riady cemented his friendship in the 1992 Presidential elections by giving at least $700,000 to the Democratic National Committee, its State affiliates, the inaugural committee and other soft money venues.

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After the 1992 election, James Riady returned to Indonesia, but kept up his visibility with the President by visiting the White House at least 20 times in the next 4 years. James Riady was present at the following crucial meetings at the White House:

On June 23, 1994, James Riady was present at the meeting with the President and John Huang. Soon after, John Huang was appointed to the Commerce Department in a key position by the President. That same day, James Riady had lunch with Mr. Hubble.

Mr. Speaker, we need the information to clarify these relationships and see if criminal activity has occurred, and I hope in the following days to get into more detail on each of these individuals.

Soon after, Hubbell is hired by one of the Riady-controlled Lippo companies and paid $100,000.

According to published reports it is at this same time that Webb Hubbell stopped cooperating with the independent counsel.

On September 13, 1994, James Riady is again at the White House meeting with the President and John Huang. At this meeting, it is decided that John Huang will leave his job at the Commerce Department and become vice chairman of finance at the Democratic National Committee.

What role did the Riadys play in the decisionmaking at the White House? Was the money they paid Webb Hubbell a factor in his decision not to cooperate with the independent counsel and to what degree was the President involved?

The American people have a right to know.

NATIONAL PEACE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. RAMSTAD] is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise today on National Peace Officers Memorial Day to pay tribute to the 14,318 peace officers who have paid the ultimate price to protect our law-abiding citizens in our communities.

The names of these heroes are inscribed on the wall of the National Law Enforcement Officers Memorial located just blocks from this Capitol. Two hundred fifty-four new names were added this week in a candlelight vigil, representing 116 police officers killed in the line of duty in 1996 and 138 others who sacrificed their lives in other years.

My home State of Minnesota lost 3 police officers in 1996 who died in the line of duty. Brian Klinefelter, a St. Joseph, Minnesota police officer was slain by a liquor store robber. Rice County Deputy John Liebenstein was killed when his car was rammed by the teenage driver of a stolen car. A Dakota County, Minnesota Deputy Luther Klug was killed by a drunk driver who broadsided his patrol car after running a stop sign. The drunk driver had a blood alcohol content of 0.20, twice the legal limit in Minnesota.

Another police officer, a Minneapolis police department officer, sustained a very painful loss at the hands of a drunk driver just 2 months ago. The car of a drunk driver crushed the right leg of Officer David Loeffler, a rookie Minneapolis police officer while he and his partner were helping a pedestrian. This inspirational young officer sustained an amputation to his leg below the knee, but he is still determined to return to the force some day with the use of a prosthetic leg.

These heroes, Mr. Speaker, are the reason we celebrate and observe Police Week and commemorate police officers Memorial Day. We honor the fallen and we also honor the living, the thousands of peace officers across this Nation who stand tall, putting their lives on the line every single day they wear the badge.

This year I have the privilege of serving with the gentleman from Michigan

[Mr. STUPAK], as cochair of the House Law Enforcement Caucus. The Caucus is promoting several legislative initiatives which I would like to call to the attention of our colleagues. These initiatives would amplify the message of Peace Officers Memorial Day.

The first is House Concurrent Resolution 41 which the gentleman from Michigan [Mr. STUPAK] and I have cosponsored. This calls for the creation of a postage stamp commemorating fallen officers.

The second is House Concurrent Resolution 47 which we have joined our colleague, the gentleman from Pennsylvania [Mr. FOGLIETTA] in sponsoring. This resolution would fly a flag at half staff over the Capitol whenever a law enforcement officer is slain in the line of duty.

Mr. Speaker, the least we can do to honor police officers across this Nation, those who have been killed in the line of duty, is to cosponsor and pass these two initiatives. So I encourage my colleagues to sign on to these bills to cosponsor both of these measures, and I also encourage support for every other legislative initiative which would help law enforcement officers and the families of those who risk life and limb to promote law and order in our communities, in our States, and in our Nation.

BALANCED BUDGET AGREEMENT SHOULD REFLECT DEMOCRATIC FAMILY FIRST PRIORITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to say that I know that the hour is late and I do not intend to use much of the 60 minutes this evening, but I did want to take to the well tonight, to take to the floor to talk about what I expect to be happening here on the floor of the House next week, and that is when the Republican leadership brings up the budget.

I think as my colleagues know, there has been a proposal that in its broad outlines has been agreed upon by both President Clinton and the Republican leadership, and there will be a budget resolution most likely adopted on the House floor at some time next week.

However, as a Democrat I am very concerned about the need for this budget to reflect Democratic priorities. Over the last year, at least since June of 1996, the Democrats have outlined a Family First agenda that includes prioritization, if you will, of education, health care, environmental and other needs for the average American family. The President clearly articulated those priorities during the negotiations over a budget agreement, and I know fought very hard to make sure that those priorities were included in the balanced budget proposal.

The fact of the matter is, however, that many of us on the Democratic side are concerned that the end result may not reflect some of these Democratic priorities. Already Members of the Republican Party are stating that there is no guarantee, for example, that they will include Democratic education initiatives in the budget reconciliation process. As the budget discussions continue, my goal and our goal is to further an agenda that helps the average American family.

Without getting into all the bureaucracy of the budget process, the budget resolution, which will be presented most likely next week on the floor of the House, is basically a broad outline or plan about what the budget agreement should be. But after that is passed, and once it finally is agreed to by both Houses, there will be a fleshing out, if you will, of the spending priorities through the various appropriation or spending bills. There will also be a reconciliation act that will essentially tie together the spending with any tax cuts, and there is also likely to be a tax package that will essentially put together and be more specific about the various tax cuts that are proposed.

What I would like to do is to basically outline if I could, very briefly, what President Clinton sees and what I see as a Democrat and most of us as Democrats feel that the balanced budget agreement should accomplish. To the extent that it does accomplish these Democratic priorities, it is something that all of us or most of us can support. But we have to keep the feet to the fire, so to speak, on the Republican side, and particularly the Republican leadership, to make sure that this balanced budget agreement does make good, so to speak, on the promises that reflect the concerns of the average American.

The critical investments, if you will, that the President has talked about achieving in this balanced budget agreement relate to education, health care, and the environment. There is also a very real need to make sure that Medicare and Medicaid are strengthened and modernized so that they are available and they are solid programs, they are solvent, if you will, into the next century.

The balanced budget agreement should cut the deficit 63 percent. Well, I should say that actually over the last few years we have succeeded in cutting the deficit 63 percent, from $290 billion in 1992 to $107 billion last year. But the idea is that this balanced budget agreement would essentially finish the job and achieve a truly balanced budget with no deficit by the time that the 5-year period that it is including is ended.

I want to talk about some of these priorities, though. We call them the Democratic Family First priorities that the budget needs to reflect.

With regard to education, the President's initiative says that every 8-year-old can read, every 12-year-old can log on to the Internet, and every 18-year-old can go to college. The education initiatives are really in many ways the most important Democratic priority that we have been trying to achieve.

The way to achieve this is essentially to provide the largest Pell grant increase in 2 decades, 4 million students to receive a grant of up to $3,000, an increase of $300 in the maximum grant; tax cuts, and here again there are tax cuts and there are tax cuts. Tax cuts that we as Democrats would like to see would be targeted to higher education, to make college more affordable for the average American.

Now, if we have tax cuts that emphasize the education, higher education programs, then that certainly makes sense as part of this overall agreement. On the other hand, if the tax cuts are mainly targeted to help corporate interests or to help wealthier Americans, then we will not achieve a balanced budget that works to help the average working person.

We have also talked about expansion of health care to achieve for the first time coverage for about 10 million uninsured children in this country. There are about 10 million children that are uninsured and the numbers keep growing. It is estimated that by the year 2000 it would be as high as 12 million children. So the President has included as part of this balanced budget program essentially Medicaid improvements and a grant program has been suggested that provides additional dollars to supplement States' efforts to cover uninsured children and working families.

Last night on the House floor I specifically talked about the kids' health care initiative that the Democratic task force that I cochair has put together, that would try to achieve, within the context of this budget agreement, coverage for as many as possible of the 10 million children who are now uninsured.

It is also very important that this budget strengthen environmental protection and enforcement. The President has talked about accelerating Superfund cleanups by almost 500 sites by the year 2000. He has talked about expanding the brownfield redevelopment initiative to help communities clean up and redevelop contaminated areas through this brownfield proposal, and also to boost environmental enforcement to protect public health from environmental threats.

I have often said that it does not make much sense to have good environmental laws on the books if you do not have adequate enforcement, and enforcement means money. We have to have investigators to go after the polluters, we have to have those enforcement officers who will impose fines and make sure that polluters are brought to justice.

So again, the priority under this balanced budget agreement has to include a major environmental component.

Also, in the aftermath of the President's welfare reform that was signed into law last year, there needs to be, and the President has talked about a welfare-to-work tax credit to help long-term welfare recipients get jobs, and also the need to restore disability and health benefits for legal, as opposed to illegal immigrants in this country.

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Right now under some of the provisions that were passed last year by the House and Senate and signed into law, there are legal immigrants who do not have access to certain benefits, such as Social Security disability, Medicare, Medicaid, depending on their circumstances. All these Democratic priorities, if you will, need to be incorporated as part of this balanced budget, if it is really going to achieve success to help the average working American.

I think that I cannot emphasize enough that there are essentially three goals here. One is to make sure we do have a balanced budget, which we all, I think, in this House are very much in favor of, whether we are Democrats or Republican.

Second is to make sure that the priority spending on health care for kids, on education, on environment, on some of the other areas that the Democrats have outlined as part of their Families First agenda, that these priorities are where the spending or where the dollars go under this budget agreement.

Last, but certainly not least, is that the tax credits or the tax cuts, if you will, are primarily targeted, again, towards the needs of the average American. There is proposed a child tax credit to make it easier for families to raise their kids; tax cuts, again targeted to higher education, to make college more affordable. The President has talked about not only expanding the Pell grant, but also providing a certain amount of deductibility, that parents would be able to deduct for college tuition they pay for their children.

There is also a HOPE scholarship program for the first 2 years of college if you maintain a B average; that you would have, I believe, $1,500 a year made available as a scholarship to pay for your tuition or education expenses.

There were also provisions that the President has talked about to establish additional empowerment zones and enterprise communities. But again, the issue here is whether or not this budget agreement, not necessarily the resolution that we deal with next week, but even beyond that, the so-called budget reconciliation bill, where the actual taxes and the cuts and credits will be struck, and where, in the appropriation bills, where the actual spending will be indicated, these need to reflect the Democratic Families First priorities. They need to have tax cuts that will help the average person and not just the wealthier elements in our society.

My point tonight, and this is a point that I and others I am sure will be making over the next few weeks or next few months as we delve into the budget in its various aspects, is that a balanced budget agreement that does not reflect the priorities of the average American, does not provide tax cuts that help the average working family, really is of no value.

That is what we want to see as Democrats. We want to see the budget balanced, we want to see the priorities that are important for the average American, and we want to see tax cuts and tax credits that will help the average American as we move forward and we prioritize our spending needs in this Congress.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. UPTON, for 5 minutes each day on today and May 16.

Mrs. JOHNSON of Connecticut, for 5 minutes each day on today and May 16.

Mr. HORN, for 5 minutes each day on today and May 16.

Mr. SHAYS, for 5 minutes on May 16.

Mr. PAPPAS, for 5 minutes, today.

Mr. FORBES, for 5 minutes, today.

Mr. PAUL, for 5 minutes on May 16.

Mr. RAMSTAD, for 5 minutes each day on today and May 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. CLYBURN.
Mr. BROWN of California.
Mr. KENNEDY of Massachusetts.
Mr. CALVERT.
Mr. COSTELLO.
Mr. GILLMOR.
Mr. BISHOP.
Ms. GRANGER.
Mr. MCINTYRE.
Mr. PACKARD.
Mr. ENGEL.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. RADANOVICH.
Mr. HYDE.
Mr. SENSENBRENNER.
Mr. ROHRABACHER.
Mrs. JOHNSON of Connecticut.
Ms. ROS-LEHTINEN.
Mr. PITTS.
Mr. BILIRAKIS.
Mr. FORBES.
Mr. EHRLICH.
Mr. POMBO.
Mr. BOEHLERT.
Mr. MICA.
Mr. GILMAN.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. NADLER.
Mr. HAMILTON.
Mr. LEVIN.
Mr. WEXLER.
Mr. VISCLOSKY.
Ms. BROWN of Florida.
Mr. STOKES.
Mr. POSHARD.
Mr. HALL of Ohio.
Mr. BORSKI.
Mrs. LOWEY.
Mr. MENENDEZ.
Ms. PELOSI.
Ms. DELAURO.
Mr. POMEROY.
Mr. KENNEDY of Rhode Island.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. GEJDENSON.
Mr. STARK.
Mr. BARCIA.
Ms. HARMAN.
Mr. ACKERMAN.
Mr. WAXMAN.
Mr. KUCINICH.
Ms. VELÁZQUEZ.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 670. An act to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Friday, May 16, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3324. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emamectin Benzoate; Pesticide Tolerances for Emergency Exemptions [OPP-300490; FRL-5718-1] (RIN: 2070-AB78) received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3325. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Carbon Disulfide; Pesticide Tolerances [OPP-300487; FRL-5716-8] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3326. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propamocarb Hydrochloride; Pesticide Tolerance for Emergency Exemptions [OPP-300489; FRL-5717-5] (RIN: 2070-AB78) received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3327. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clopyralid; Pesticide Tolerance for Emergency Exemptions [OPP-300491; FRL-5718-2] (RIN: 2070-AB78) received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3328. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerance [OPP-300492; FRL-5718-4] (RIN: 2070-AB78) received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3329. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines: Voluntary Standards for Light-Duty Vehicles [AMS-FRL-5823-7] (RIN: 2060-AF75) received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3330. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Enhanced Motor Vehicle Inspection and Maintenance Program [VA 056-5023; FRL-5826-2] received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3331. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans and Redesignation of Areas for Air Quality Planning Purposes: State of Washington and Oregon [WA 63-7138; WA58-7133; OR57-7272; FRL-5824-1] received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3332. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Alaska; Motor Vehicle Inspection and Maintenance Program [AK-12-7100; FRL-5826-8] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3333. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Testing Consent Order for Phenol [OPPTS-42150C; FRL-5712-3] (RIN: 2070-AB94) received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3334. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Utah: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-5826-4] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3335. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Phase I Finding of Failure to Submit Required State Implementation Plans for the Philadelphia Ozone Nonattainment Area; Pennsylvania [PA 104-4059; FRL-5826-3] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3336. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McINNIS: Committee on Rules. House Resolution 150. Resolution providing for consideration of the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes (Rept. 105-98). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII public bills and resolutions were introduced and severally referred as follows:

By Mr. BUYER (for himself, Mr. Ewing, Mr. Barcia of Michigan, and Mr. Poshard):

H.R. 1619. A bill to provide for farm-related exceptions from hazardous materials transportation requirements; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH (for himself, Mr. Bunning of Kentucky, and Mr. Rohrabacher):

H.R. 1620. A bill to amend the Internal Revenue Code of 1986 to repeal the special taxes on wholesale and retail dealers in liquor and beer, and for other purposes; to the Committee on Ways and Means.

By Mr. BONO:

H.R. 1621. A bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes; to the Committee on the Judiciary.

By Mr. DREIER (for himself and Mr. Duncan):

H.R. 1622. A bill to provide for an annual report to Congress concerning diplomatic immunity; to the Committee on International Relations.

By Mr. ENSIGN (for himself, Mr. Matsui, Mr. Sam Johnson, and Mr. Watkins):

H.R. 1623. A bill to amend the Internal Revenue Code of 1986 to provide that the rate of tax on certain fuels derived from natural gas shall be based on the Btu equivalence with a gallon of gasoline, and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Mr. Gephardt, Mr. Bonior, Mr. Sabo, Ms. Norton, Mr. Coyne, Mr. Frost, Mr. Olver, Ms. Slaughter, Mr. Holden, Mr. Filner, Mr. Faleomavaega, Mr. Klink, Mr. Mascara, Mr. Doyle, Mr. Hinchey, Mr. Borski, Mr. Rush, Mr. Martinez, Mr. Torres, Ms. Carson, Mr. Abercrombie, Mr. Sanders, Mr. Brown of California, and Mr. Lipinski):

H.R. 1624. A bill to provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws; to the Committee on Government Reform and Oversight, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAWELL (for himself, Mr. Gingrich, Mr. Armey, Mr. Boehner, Ms. Molinari, Mr. Goodling, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. McKeon, Mr. Knollenberg, Mr. Riggs, Mr. Graham, Mr. McIntosh, Mr. Norwood, Mr. Peterson of Pennsylvania, Mr. Deal of Georgia, Mr. Hilleary, Mr. Paxon, Mr. Watts of Oklahoma, Mr. Herger, Mr. Hefley, Mr. Snowbarger, Mrs. Fowler, Mrs. Myrick, Ms. Dunn of Washington, Mr. Hayworth, and Mr. Skeen):

H.R. 1625. A bill to ensure that workers have sufficient information about their rights regarding the payment of dues or fees to labor organizations and the uses of employee dues and fees by labor organizations; to the Committee on Education and the Workforce.

By Ms. HARMAN (for herself and Mr. Dixon):

H.R. 1626. A bill to amend the Communications Act of 1934 to require the licensing of certain unused channels for public safety uses; to the Committee on Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Shays, Mr. Camp, Mr. English of Pennsylvania, and Mr. McCrery):

H.R. 1627. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for higher education; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Cardin, Mrs. Morella, Mr. Clement, Mr. Oberstar, Mr. Waxman, Mr. Coyne, Mr. Neal of Massachusetts, Mr. Olver, Mr. Burton of Indiana, Mr. Frank of Massachusetts, Mr. Stark, Mrs. Lowey, Mr. Schumer, and Ms. DeLauro):

H.R. 1628. A bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES:

H.R. 1629. A bill to amend the Internal Revenue Code of 1986 to reduce the maximum capital gains tax rate by one-half for taxpayers age 55 and older; to the Committee on Ways and Means.

By Mr. MENENDEZ (for himself, Mr. Dicks, and Mr. Jones):

H.R. 1630. A bill to direct the Secretary of Transportation to study and report on existing ferry operations and potential ferry routes in the United States, to authorize the Secretary to provide financial assistance for the development of ferry operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MICA:

H.R. 1631. A bill to amend title 5, United States Code, to make coverage under the health benefits program for Federal employees available to military dependents and military retirees, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE:

H.R. 1632. A bill to amend the Internal Revenue Code of 1986 to permanently extend the exclusion for employer-provided educational assistance programs, to restore such exclusion for graduate level courses, and to allow a deduction for interest on education loans; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 1633. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for education expenses; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself and Mr. Wolf):

H.R. 1634. A bill to set forth certain principles that should be adhered to by any United States national conducting an industrial cooperation project in the People's Republic of China or Tibet; to the Committee on International Relations.

By Mr. STOKES (for himself, Mr. Portman, Mr. Barrett of Wisconsin, Mr. Bishop, Mr. Boehner, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Cardin, Ms. Carson, Mr. Chabot, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Davis of Illinois, Mr. DeFazio, Ms. DeLauro, Mr. Dellums, Mr. Dicks, Mr. Dixon, Mr. Evans, Mr. Filner, Mr. Flake, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gingrich, Mr. Gutierrez, Mr. Hilliard, Mr. Hobson, Mr. Jackson, Ms. Jackson-Lee, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Kasich, Ms. Kilpatrick, Mr. Lewis of Georgia, Mr. McGovern, Ms. McKinney, Mrs. Maloney of New York, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. Miller of California, Mr. Moran of Virginia, Mrs. Morella, Mr. Neal of Massachusetts, Mr. Ney, Ms. Norton, Mr. Owens, Mr. Oxley, Ms. Pelosi, Mr. Poshard, Mr. Rangel, Mr. Rush, Mr. Sawyer, Mr. Dan Schaefer of Colorado, Mr. Scott, Mr. Sisisky, Mr. Strickland, Mr. Thompson, Mr. Traficant, Ms. Waters, Mr. Watt of North Carolina, Mr. Watts of Oklahoma, Mr. Wynn, Mr. Gonzalez, Ms. Christian-Green, Mr. Payne, Mr. Fattah, Mr. Hastings of Florida, and Mr. Towns):

H.R. 1635. A bill to establish within the United States National Park Service the National Underground Railroad Network to Freedom Program, and for other purposes; to the Committee on Resources.

By Mr. WAXMAN (for himself, Mr. Saxton, Mr. Pallone, Mr. Markey, Mr. Andrews, Mr. Lewis of Georgia, Mr. Shays, Mr. Brown of Ohio, Mr. Gonzalez, Mr. Dicks, Mr. Foglietta, Mr. Barrett of Wisconsin, Ms. DeGette, Mr. Jackson, Mr. Lantos, Mr. Gutierrez, Mr. Horn, Ms. McCarthy of Missouri, Mrs. Roukema, Mr. Ford, Mr. Moakley, Mr. Clay, Mr. Yates, Mr. Castle, Ms. Pelosi, Mr. Coyne, Mr. Capps, Mr. Davis of Illinois, Mr. Gejdenson, Mr. Cummings, Mr. Miller of California, Ms. Eshoo, Mrs. Kennelly of Connecticut, Mr. Dellums, Mr. Kucinich, Mr. Hinchey, Mrs. Meek of Florida, Mr. Berman, Mr. Smith of New Jersey, Ms. Eddie Bernice Johnson of Texas, Mr. Menendez, Mr. Wexler, Mr. Filner, Mr. Pascrell, Mr. Payne, Mr. Barcia of Michigan, Ms. Rivers, Ms. McKinney, Mrs. Mink of Hawaii, Mrs. Maloney of New York, Mr. Bonior, Mr. Wynn, Mr. Brown of California, Mr. DeFazio, Mr. Clyburn, Mr. Kennedy of Massachusetts, Mrs. Morella, Mr. Thompson, Mr. Conyers, Mr. Allen, Mr. Evans, Mr. Moran of Virginia, Mr. Blagojevich, Ms. Hooley of Oregon, Mr. Rush, Mr. Nadler, Mr. Pastor, Ms. Furse, Ms. Woolsey, Mr. Sanders, Mr. Kennedy of Rhode Island, Mr. Blumenauer, Mrs. Clayton, Mr. Cardin, Mr. Franks of New Jersey, Mr. Kind of Wisconsin, Ms. DeLauro, Mr. McGovern, Mr. Delahunt, Mr. Serrano, Mr. Hastings of Florida, Mr. Olver, Mr. Neal of Massachusetts, Mr. LaFalce, Mr. Ackerman, Mrs. Lowey, Mr. Rothman, Mr. Dixon, Mr. Meehan, Mr. McDermott, Mr. Adam Smith of Washington, Mr. Stark, Mr. Skaggs, and Mr. Baesler):

H.R. 1636. A bill to disclose environmental risks to children's heath and expand the public's right to know about toxic chemical use and release, and for other purposes; to the Committee on Commerce.

By Ms. WATERS (for herself, Mr. Cummings, Mr. Hilliard, Mr. Jackson, Ms. Jackson-Lee, Ms. McKinney, Mrs. Meek of Florida, Mr. Thompson, Ms. Brown of Florida, Mr. Rush, Mr. Towns, Mr. Dixon, Mr. Stokes, Mr. Conyers, Mr. Dellums, Mr. Rangel, Mrs. Clayton, Ms. Kilpatrick, Mr. Clyburn, Mr. Ford, Mr. Davis of Illinois, Mr. Owens, Mr. Watt of North Carolina, Mr. Wynn, Mr. Scott, Mr. Hastings of Florida, Ms. Christian-Green, Ms. Carson, Ms. Norton, Mr. Payne, Mr. Clay, Mr. Jefferson, Ms. Eddie Bernice Johnson of Texas, Mr. Fattah, Mr. Lewis of Georgia, and Ms. Millender-McDonald):

H.R. 1637. A bill to amend the Public Health Service Act with respect to the provision to at-risk communities of services under the program of block grants for the prevention and treatment of substance abuse; to the Committee on Commerce.

H.R. 1638. A bill to amend the Public Health Service Act with respect to the provision of rehabilitation services under the program of block grants for the prevention and treatment of substance abuse; to the Committee on Commerce.

H.R. 1639. A bill to establish an education development block grant program to allow local educational agencies to use such funds and to borrow five times the amount of such funds to repair school infrastructure; to the Committee on Education and the Workforce.

H.R. 1640. A bill to establish computer learning centers in low income areas; to the Committee on Education and the Workforce.

H.R. 1641. A bill to amend the National Narcotics Leadership Act of 1988 to increase the amount of funds that the Director of National Drug Control Policy may transfer between National Drug Control Program agency accounts; to the Committee on Government Reform and Oversight.

H.R. 1642. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of an alternative crop production demonstration program for developing countries with illicit crop production; to the Committee on International Relations.

H.R. 1643. A bill to provide for an increase in funding for programs for the prevention and treatment of substance abuse in the Federal prison system; to the Committee on the Judiciary.

H.R. 1644. A bill to provide for programs that involve continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; to the Committee on the Judiciary.

H.R. 1645. A bill to amend title 18, United States Code, to provide additional penalties for theft by public officials under color of law; to the Committee on the Judiciary.

H.R. 1646. A bill to authorize States to provide temporary assistance for needy families in a manner that complements the efforts of certain adults who are caring for the children of relatives; to the Committee on Ways and Means.

H.R. 1647. A bill to establish a Small Business Development Fund to promote economic revitalization and community development through investment in, and assistance to, qualified women and minority business people; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATKINS:

H.R. 1648. A bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes; to the Committee on Ways and Means.

By Mr. CRAPO (for himself, Mr. Berry, and Mr. Watkins):

H. Res. 151. Resolution to encourage consumers to consult with their pharmacists in connection with the purchase and use of over-the-counter drug products; to the Committee on Commerce.

By Mr. FRANKS of New Jersey (for himself, Mr. Dingell, Mr. Pappas, Mr. Frelinghuysen, Mr. LoBiondo, Mr. Smith of New Jersey, Mr. Saxton, Mr. Andrews, Mr. Brown of Ohio, Mr. Miller of California, Mr. Kildee, Mr. Traficant, Mr. Pascrell, Mr. Taylor of North Carolina, and Mrs. Roukema):

H. Con. Res. 80. Concurrent resolution relating to maintaining the current standard behind the "Made in USA" label, in order to protect consumers and jobs in the United States; to the Committee on Commerce.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. PORTER, Mr. BILIRAKIS, Mr. ENGEL, and Mrs. MALONEY of New York):

H. Con. Res. 81. Concurrent resolution calling for a United States initiative seeking a just and peaceful resolution of the situation on Cyprus; to the Committee on International Relations.

By Mr. BROWN of California:

H. Con. Res. 82. Concurrent resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002; to the Committee on the Budget.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. CHENOWETH introduced a bill (H.R. 1649) to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll; which was referred to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. DUNCAN, Mr. HANSEN, Mr. CRANE, Mr. DAVIS of Virginia, Mr. WELDON of Florida, Mrs. NORTHUP, Ms. DANNER, Mr. PASTOR, Mr. DOOLEY of California, Mr. TIAHRT, Mr. WAMP, Mr. GUTKNECHT, Mr. SHADEGG, and Mr. PORTMAN.

H.R. 15: Mr. GIBBONS, Mr. THORNBERRY, Mr. DOOLITTLE, Mr. RADANOVICH, Ms. WOOLSEY, and Mr. PETERSON of Pennsylvania.

H.R. 45: Mr. OBERSTAR, Mrs. THURMAN, and Mr. CONYERS.

H.R. 58: Mr. GIBBONS and Mr. BACHUS.

H.R. 96: Mrs. MCCARTHY of New York, Mr. DEAL of Georgia, and Mr. CRAMER.

H.R. 125: Mr. CRAPO.

H.R. 145: Mrs. TAUSCHER, Ms. FURSE, Mr. TAYLOR of Mississippi, Ms. CARSON, and Mr. ABERCROMBIE.

H.R. 198: Mr. TALENT.

H.R. 267: Mr. HOYER.

H.R. 289: Mrs. MINK of Hawaii.

H.R. 292: Mr. GOODLING.

H.R. 337: Mr. ROTHMAN, Mr. WYNN, and Mr. THOMPSON.

H.R. 339: Mr. FOX of Pennsylvania and Mr. TURNER.

H.R. 411: Mr. ALLEN, Mr. ENGEL, and Mr. CLAY.

H.R. 443: Mr. SANDERS.

H.R. 444: Mr. DAVIS of Illinois.

H.R. 475: Mr. ACKERMAN and Mr. BERRY.

H.R. 493: Mr. MALONEY of Connecticut.

H.R. 505: Mr. CARDIN.

H.R. 586: Mr. GIBBONS.

H.R. 587: Mr. FRELINGHUYSEN.

H.R. 603: Mr. PETRI, Mr. PASCRELL, and Mr. BARRETT of Wisconsin.

H.R. 611: Ms. PELOSI, Mr. GORDON, Mrs. TAUSCHER, Mr. FOX of Pennsylvania, and Mr. WATT of North Carolina.

H.R. 617: Mr. BURTON of Indiana, Mr. MCINTYRE, Mr. OLVER, Mr. FILNER, Mr. PASCRELL, Mr. BALDACCI, and Mr. MANTON.

H.R. 628: Mr. SAM JOHNSON.

H.R. 631: Mr. KOLBE and Mr. GRAHAM.

H.R. 695: Mr. SHERMAN, Mr. DREIER, Mr. CALVERT, Mr. CAPPS, Mr. LINDER, Mr. MCINNIS, Mr. GRAHAM, Mr. THOMAS, Ms. MCKINNEY, Ms. MCCARTHY of Missouri, Mr. FRANK of Massachusetts, Mr. SISISKY, Mr. FORBES, Mr. BLUNT, Mr. ISTOOK, and Mr. PICKERING.

H.R. 699: Mr. CALVERT, Mr. SNOWBARGER, Mr. BARRETT of Nebraska, Mr. MCINTOSH, Mr. HALL of Texas, Mr. BLILEY, Mr. PETERSON of Pennsylvania, Mr. KINGSTON, Mr. KING of New York, Mrs. KELLY, and Mr. HERGER.

H.R. 707: Mr. ADAM SMITH of Washington.

H.R. 722: Mr. MCKEON, Mr. SENSENBRENNER, Mr. KING of New York, Mr. PAXON, Mr. KLINK, and Mr. HUTCHINSON.

H.R. 734: Mr. HOLDEN, Mr. KUCINICH, and Mr. LIPINSKI.

H.R. 754: Mr. HOLDEN and Mr. CAMPBELL.

H.R. 778: Ms. DELAURO and Mr. MARTINEZ.

H.R. 779: Mr. CAPPS, Ms. DELAURO, and Mr. MARTINEZ.

H.R. 780: Ms. DELAURO and Mr. MARTINEZ.

H.R. 806: Mr. BONIOR.

H.R. 816: Mrs. FOWLER.

H.R. 859: Mr. GOODLATTE and Mr. MILLER of Florida.

H.R. 866: Mr. SENSENBRENNER.

H.R. 875: Mr. FOX of Pennsylvania, Mr. BISHOP, Mr. MALONEY of Connecticut, and Ms. JACKSON-LEE.

H.R. 877: Mr. SKAGGS, Mr. TALENT, Mr. BEREUTER, Mr. KENNEDY of Rhode Island, and Ms. MOLINARI.

H.R. 891: Mr. TALENT.

H.R. 901: Mr. ROYCE, Mr. PITTS, Mr. SALMON, Mr. WAMP, Mr. GOODLING, and Mr. JENKINS.

H.R. 916: Mr. SAM JOHNSON, Mr. MILLER of Florida, Mr. KLINK, and Ms. FURSE.

H.R. 919: Mr. BONIOR and Mr. GUTIERREZ.

H.R. 946: Mr. METCALF and Mr. THORNBERRY.

H.R. 956: Mr. BOYD, Ms. CARSON, and Mr. WICKER.

H.R. 970: Mr. WATKINS and Mr. SMITH of Texas.

H.R. 972: Mr. MILLER of Florida.

H.R. 991: Ms. MILLENDER-MCDONALD, Mrs. EMERSON, and Mr. BLUMENAUER.

H.R. 1016: Mr. DAN SCHAEFER of Colorado.

H.R. 1037: Mrs. KENNELLY of Connecticut.

H.R. 1050: Mr. BONIOR.

H.R. 1053: Mr. COBURN, Mr. TAYLOR of Mississippi, and Mr. CAPPS.

H.R. 1075: Mr. ACKERMAN and Mrs. LOWEY.

H.R. 1076: Mr. MCGOVERN.

H.R. 1100: Mr. THORNBERRY.

H.R. 1111: Mr. MORAN of Virginia.

H.R. 1129: Mr. BROWN of California, Ms. BROWN of Florida, and Mr. TAYLOR of North Carolina.

H.R. 1134: Mr. COSTELLO, Mr. EHRLICH, and Mr. SMITH of New Jersey.

H.R. 1159: Mr. TIERNEY and Mr. MARTINEZ.

H.R. 1161: Mr. MCKEON and Mr. MANZULLO.

H.R. 1172: Mr. WELDON of Pennsylvania, Mrs. ROUKEMA, Mr. PICKERING, Mr. BOB SCHAFFER, and Mr. LUCAS of Oklahoma.

H.R. 1178: Mr. CAPPS.

H.R. 1189: Ms. KAPTUR, Mr. TURNER, Mr. RADANOVICH, Mr. JENKINS, and Mr. WICKER.

H.R. 1201: Mr. MCDERMOTT.

H.R. 1222: Mr. FALEOMAVAEGA.

H.R. 1232: Mr. SCARBOROUGH, Mr. BERMAN, and Mr. LEACH.

H.R. 1247: Mr. NETHERCUTT, Mrs. CUBIN, Mr. BUYER, and Mrs. EMERSON.

H.R. 1260: Mr. KENNEDY of Massachusetts, Ms. FURSE, and Mr. LANTOS.

H.R. 1283: Mr. HORN, Mr. BUNNING of Kentucky, Mr. TALENT, Mr. RADANOVICH, and Mr. CRANE.

H.R. 1287: Mr. BEREUTER.

H.R. 1338: Mr. WICKER.

H.R. 1350: Mr. SENSENBRENNER.

H.R. 1383: Mr. BALDACCI, Mr. COYNE, and Mr. OLVER.

H.R. 1395: Ms. MCKINNEY and Mr. MCINTYRE.

H.R. 1437: Mr. LAFALCE.

H.R. 1453: Mr. GUTIERREZ, Mr. MCGOVERN, Mr. MARTINEZ, and Mr. BARRETT of Wisconsin.

H.R. 1456: Mr. BARCIA of Michigan.

H.R. 1464: Mr. WALSH.

H.R. 1505: Mr. LEWIS of Georgia.

H.R. 1521: Mr. CUNNINGHAM, Mr. FILNER, and Mr. STRICKLAND.

H.R. 1532: Mr. GOODLATTE and Mr. WELLER.

H.R. 1542: Mr. SESSIONS.

H.R. 1549: Mr. BARRETT of Wisconsin.

H.R. 1556: Mr. GREEN and Mr. PETRI.

H.R. 1559: Mr. MCCOLLUM, Mr. HYDE, Mr. HORN, Mr. NETHERCUTT, Mr. GUTKNECHT, and Mr. CHRISTENSEN.

H.R. 1568: Mrs. MEEK of Florida, Mrs. CLAYTON, and Mr. SNYDER.

H.R. 1574: Mr. HASTERT and Mr. BARTON of Texas.

H.R. 1577: Mrs. NORTHUP.

H.J. Res. 54: Mr. BOYD.

H.J. Res. 75: Mr. GILLMOR, Mrs. ROUKEMA, Mr. VISCLOSKY, Mr. ARCHER, Mr. RANGEL, Mr. HULSHOF, Mr. PORTMAN, Mr. JENKINS, Mrs. LINDA SMITH of Washington, Mr. DICKS, Mr. HALL of Ohio, Mr. TRAFICANT, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. MOLLOHAN, Mr. YOUNG of Alaska, Ms. ROS-LEHTINEN, Mr. BARTON of Texas, Mr. PRICE of North Carolina, Mr. GANSKE, Mr. FAZIO of California, Mr. HOLDEN, Mr. COBURN, Mr. DIAZ-BALART, Mr. BEREUTER, Mr. BISHOP, Mr. HOBSON, Mr. LEACH, Mr. PETRI, Mr. CANADY of Florida, Mr. FAWELL, Mr. ISTOOK, Mr. DOYLE, Mr. SCOTT, Mr. ROGAN, Mrs. KELLY, Mr. ORTIZ, Mr. LUCAS of Oklahoma, Mr. BOB SCHAFFER, Mr. GREENWOOD, Mr. HILL, Mr. BRYANT, and Mr. BONO.

H.J. Res. 76: Mrs. MALONEY of New York, Mr. RAHALL, Mr. SABO, Ms. PELOSI, and Mr. MCGOVERN.

H. Con. Res. 10: Mr. MASCARA, Mr. COBLE, Ms. STABENOW, Mr. BORSKI, Mr. HILLIARD, and Mr. MALONEY of Connecticut.

H. Con. Res. 13: Mr. MOAKLEY, Mr. GOODLING, Mr. PETERSON of Pennsylvania, and Mr. CHAMBLISS.

H. Con. Res. 14: Mr. OBERSTAR, Mr. PAPPAS, and Mr. FARR of California.

H. Con. Res. 51: Mr. MARTINEZ.

H. Con. Res. 52: Mr. MARTINEZ, Mr. SABO, Mr. OBERSTAR, and Mr. STENHOLM.

H. Con. Res. 65: Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. HERGER, Mr. BONIOR, Mr. MARTINEZ, Mr. TURNER, Mr. CONYERS, Ms. WATERS, Mr. CLYBURN, Ms. JACKSON-LEE, Mr. JACKSON, Mr. RANGEL, Ms. BROWN of Florida, Mr. FORD, Mr. LEWIS of Georgia, Mr. WYNN, Mr. RUSH, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FLAKE, Ms. KILPATRICK, Mr. BISHOP, Mrs. CLAYTON, Mr. HILLIARD, Mr. STOKES, and Mr. WATT of North Carolina.

H. Res. 110: Mr, GOODLATTE, and Mr. GUTKNECHT.

H. Res. 122: Mr. LIVINGSTON, Mr. ROMERO-BARCELÓ, Mr. JONES, Mr. COOK, Mr. HEFLEY, Mr. COOKSEY, and Mrs. MORELLA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 900: Mr. ROMERO-BARCELÓ.

H.R. 1111: Mr. MORAN of Kansas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 408

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "International Dolphin Conservation Program Act".

(b) REFERENCES TO MARINE MAMMAL PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

"(A) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with the commitment and objective to progressively reduce dolphin mortality to levels approaching zero through the setting of annual limits;

"(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

"(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

"(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

"(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

"(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

"(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations:

"(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

"(I) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.

"(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.".

SEC. 4. AMENDMENTS TO TITLE I.

(a) AUTHORIZATION FOR INCIDENTAL TAKING.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence "Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103.".

(2) By striking the semicolon in the second sentence and all that follows through "practicable".

(b) DOCUMENTARY EVIDENCE.—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

"(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the tuna or products therefrom were not banned from importation under this paragraph before the effective date of the International Dolphin Conservation Program Act;

"(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

"(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

"(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1997, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

"(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program.".

(c) ACCEPTANCE OF EVIDENCE COVERAGE.—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

"(d) ACCEPTANCE OF DOCUMENTARY EVIDENCE.—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

"(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

"(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

"(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, finds that the harvesting nation is not in compliance with the International Dolphin Conservation Program.

"(e) EXEMPTION.—The provisions of this Act shall not apply to a citizen of the United States who incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone (as defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6))) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program.".

(d) Annual Permits.—Section 104(h) is amended to read as follows:

"(h) Annual Permits.—(1) Consistent with the regulations prescribed pursuant to section 103 and the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

"(2) Annual permits described in paragraph (1) for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302.".

(e) Revisions and Funding Sources.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended as follows:

(1) By striking "and" at the end of subparagraph (A).

(2) By adding at the end the following:

"(C) discussions to expeditiously negotiate revisions to the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 UST 230, TIAS 2044) which will incorporate conservation and management provisions agreed to by the nations which have signed the Declaration of Panama;

"(D) a revised schedule of annual contributions to the expenses of the Inter-American Tropical Tuna Commission that is equitable to participating nations; and

"(E) discussions with those countries participating or likely to participate in the International Dolphin Conservation Program, to identify alternative sources of funds to ensure that needed research and other measures benefiting effective protection of dolphins, other marine species, and the marine ecosystem;".

(f) Repeal of NAS Review.—Section 110 (16 U.S.C. 1380) is amended as follows:

(1) By redesignating subsection (a)(1) as subsection (a).

(2) By striking subsection (a)(2).

(g) Labeling of Tuna Products.—Paragraph (1) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

"(1) It is a violation of section 5 of the Federal Trade Commission Act for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term 'Dolphin Safe' or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains any of the following:

"(A) Tuna harvested on the high seas by a vessel engaged in driftnet fishing.

"(B) Tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (2).

"(C) Tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (3).

"(D) Tuna harvested by a vessel engaged in any fishery identified by the Secretary pursuant to paragraph (4) as having a regular and significant incidental mortality of marine mammals.".

(h) Dolphin Safe Tuna.—(1) Paragraph (2) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)) is amended to read as follows:

"(2)(A) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the vessel is of a type and size that the Secretary has determined, consistent with the International Dolphin Conservation Program, is not capable of deploying its purse seine nets on or to encircle dolphins, or if the product meets the requirements of subparagraph (B).

"(B) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the product is accompanied by a written statement executed by the captain of the vessel which harvested the tuna certifying that no dolphins were killed during the sets in which the tuna were caught and the product is accompanied by a written statement executed by—

"(i) the Secretary or the Secretary's designee;

"(ii) a representative of the Inter-American Tropical Tuna Commission; or

"(iii) an authorized representative of a participating nation whose national program meets the requirements of the International Dolphin Conservation Program,

which states that there was an observer approved by the International Dolphin Conservation Program on board the vessel during the entire trip and documents that no dolphins were killed during the sets in which the tuna concerned were caught.

"(C) The statements referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be valid only if they are endorsed in writing by each exporter, importer, and processor of the product, and if such statements and endorsements comply with regulations promulgated by the Secretary which would provide for the verification of tuna products as dolphin safe.".

(2) Subsection (d) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding the following new paragraphs at the end thereof:

"(3) For purposes of paragraph (1)(C), tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if—

"(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

"(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

"(4) For purposes of paragraph (1)(D), tuna or a tuna product that contains tuna harvested in a fishery identified by the Secretary as having a regular and significant incidental mortality or serious injury of marine mammals is dolphin safe if it is accompanied by a written statement executed by the captain of the vessel and, where determined to be practicable by the Secretary, an observer participating in a national or international program acceptable to the Secretary certifying that no marine mammals were killed in the course of the fishing operation or operations in which the tuna were caught.

"(5) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, unless such product is labeled as dolphin safe in accordance with this subsection.".

(i) Tracking and Verification.—Subsection (f) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

"(f) Tracking and Verification.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement subsection (d) not later than 3 months after the date of enactment of the International Dolphin Conservation Program Act. In the development of these regulations, the Secretary shall establish appropriate procedures for ensuring the confidentiality of proprietary information the submission of which is voluntary or mandatory. Such regulations shall, consistent with international efforts and in coordination with the Inter-American Tropical Tuna Commission, establish a domestic and international tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d), including but not limited to each of the following:

"(1) Specific regulations and provisions addressing the use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

"(2) Additional measures to enhance observer coverage if necessary.

"(3) Well location and procedures for monitoring, certifying, and sealing holds above and below deck or other equally effective methods of tracking and verifying tuna labeled under subsection (d).

"(4) Reporting receipt of and database storage of radio and facsimile transmittals from fishing vessels containing information related to the tracking and verification of tuna, and the definition of sets.

"(5) Shore-based verification and tracking throughout the transshipment and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

"(6) Provisions for annual audits and spot checks for caught, landed, and processed tuna products labeled in accordance with subsection (d).

"(7) The provision of timely access to data required under this subsection by the Secretary from harvesting nations to undertake the actions required in paragraph (6) of this subsection.".

SEC. 5. AMENDMENTS TO TITLE III.

(a) Heading.—The heading of title III is amended to read as follows:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM".

(b) Findings.—Section 301 (16 U.S.C. 1411) is amended as follows:

(1) In subsection (a), by amending paragraph (4) to read as follows:

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, with the goal of eliminating, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority.".

(2) In subsection (b), by amending paragraphs (2) and (3) to read as follows:

"(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean that are not operating in compliance with the International Dolphin Conservation Program;''.

(c) International Dolphin Conservation Program.—Section 302 (16 U.S.C. 1412) is amended to read as follows:

"SEC. 302. AUTHORITY OF THE SECRETARY.

"(a) Regulations To Implement Program Regulations.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

"(2)(A) Not later than 3 months after the date of enactment of this section, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean, including any species of marine mammal designated as depleted under this Act but not listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), by vessels of the United States participating in the International Dolphin Conservation Program.

"(B) Regulations issued under this section shall include provisions—

"(i) requiring observers on each vessel;

"(ii) requiring use of the backdown procedure or other procedures equally or more effective in avoiding mortality of marine mammals in fishing operations;

"(iii) prohibiting intentional deployment of nets on, or encirclement of, dolphins in violation of the International Dolphin Conservation Program;

"(iv) requiring the use of special equipment, including dolphin safety panels in nets, monitoring devices as identified by the International Dolphin Conservation Program, as practicable, to detect unsafe fishing conditions before nets are deployed by a tuna vessel, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

"(v) ensuring that the backdown procedure during the deployment of nets on, or encirclement of, dolphins is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

"(vi) banning the use of explosive devices in all purse seine operations;

"(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per-stock per-year mortality limits, in accordance with the International Dolphin Conservation Program;

"(viii) preventing the intentional deployment of nets on, or encirclement of, dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per-stock per-year mortality limits;

"(ix) preventing the fishing on dolphins by a vessel without an assigned vessel dolphin mortality limit;

"(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment (including new technology for detecting unsafe fishing conditions before nets are deployed by a tuna vessel) that may reduce or eliminate dolphin mortality or do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing;

"(xi) authorizing fishing within the area covered by the International Dolphin Conservation Program by vessels of the United States without the use of special equipment or nets if the vessel takes an observer and does not intentionally deploy nets on, or encircle, dolphins, under such terms and conditions as the Secretary may prescribe; and

"(xii) containing such other restrictions and requirements as the Secretary determines are necessary to implement the International Dolphin Conservation Program with respect to vessels of the United States.

"(C) The Secretary may make such adjustments as may be appropriate to the requirements of subparagraph (B) that pertain to fishing gear, vessel equipment, and fishing practices to the extent the adjustments are consistent with the International Dolphin Conservation Program.

"(b) Consultation.—In developing regulations under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

"(c) Emergency Regulations.—(1) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take actions as follows—

"(A) notify the Inter-American Tropical Tuna Commission of the Secretary's findings, along with recommendations to the Commission as to actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact; and

"(B) prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

"(2) Prior to taking action under paragraph (1) (A) or (B), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission.

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof; and

"(B) shall remain in effect for the duration of the applicable fishing year; and

The Secretary may terminate such emergency regulations at a date earlier than that required by subparagraph (B) by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

"(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

"(d) Research.—The Secretary shall, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program. Such research may include but shall not be limited to any of the following:

"(1) Devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean.

"(2) Developing cost-effective methods of fishing for mature yellowfin tuna without deployment of nets on, or encirclement of, dolphins or other marine mammals.

"(3) Carrying out stock assessments for those marine mammal species and marine mammal stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks not within waters under the jurisdiction of the United States.

"(4) Studying the effects of chase and encirclement on the health and biology of dolphin and individual dolphin populations incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. There are authorized to be appropriated to the Department of Commerce $1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out this paragraph. Upon completion of the study, the Secretary shall submit a report containing the results of the study, together with recommendations, to the Congress and to the Inter-American Tropical Tuna Commission.

"(5) Determining the extent to which the incidental take of nontarget species, including juvenile tuna, occurs in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, the geographic location of the incidental take, and the impact of that incidental take on tuna stocks, and nontarget species.

The Secretary shall include a description of the annual results of research carried out under this subsection in the report required under section 303.''.

(d) Reports.—Section 303 (16 U.S.C. 1414) is amended to read as follows:

"SEC. 303. REPORTS BY THE SECRETARY.

"Notwithstanding section 103(f), the Secretary shall submit an annual report to the Congress which includes each of the following:

"(1) The results of research conducted pursuant to section 302.

"(2) A description of the status and trends of stocks of tuna.

"(3) A description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and other nontarget species.

"(4) A description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the Program's goals and objectives, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program.

"(5) Actions taken by the Secretary under subsections (a)(2)(B) and (d) of section 101.

"(6) Copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title.

"(7) Any other information deemed relevant by the Secretary.''.

(e) Permits.—Section 304 (16 U.S.C. 1416) is amended to read as follows:

"SEC. 304. PERMITS.

"(a) In General.—(1) Consistent with section 302, the Secretary is authorized to issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including, but not limited to, requiring the submission of—

“(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof; and

“(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required under section 302, with respect to each vessel.

“(2) The Secretary is authorized to charge a fee for issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available, subject to appropriations, to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in issuing permits under this section.

“(3) After the effective date of the International Dolphin Conservation Program Act, no vessel of the United States shall operate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

“(b) Permit Sanctions.—(1) In any case in which—

“(A) a vessel for which a permit has been issued under this section has been used in the commission of an act prohibited under section 305;

“(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

“(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

“(i) revoke any permit with respect to such vessel, with or without prejudice to the issuance of subsequent permits;

“(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

“(iii) deny such permit; or

“(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

“(2) In imposing a sanction under this subsection, the Secretary shall take into account—

“(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

“(B) with respect to the violator, the degree of culpability, any history of prior offenses, and other such matters as justice requires.

“(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of transfer.

“(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

“(5) No sanctions shall be imposed under this section unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this title or otherwise.”.

(f) Prohibitions.—Section 305 is repealed and section 307 (16 U.S.C. 1417) is redesignated as section 305, and amended as follows:

(1) In subsection (a):

(A) By amending paragraph (1) to read as follows:

“(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is either dolphin safe or has been harvested in compliance with the International Dolphin Conservation Program by a country that is a member of the Inter-American Tropical Tuna Commission or has initiated steps, in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;”.

(B) By amending paragraph (2) to read as follows:

“(2) except in accordance with this title and regulations issued pursuant to this title as provided for in subsection 101(e), for any person or vessel subject to the jurisdiction of the United States intentionally to set a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean; or”.

(C) By amending paragraph (3) to read as follows:

“(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101(a)(2);”.

(2) In subsection (b)(2), by inserting “(a)(5) and” before “(a)(6)”.

(3) By striking subsection (d).

(g) Repeal.—Section 306 is repealed and section 308 (16 U.S.C. 1418) is redesignated as section 306, and amended by striking “303” and inserting in lieu thereof “302(d)”.

(h) Clerical Amendments.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting in lieu thereof the following:

“TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

“Sec. 301. Findings and policy.
“Sec. 302. Authority of the Secretary.
“Sec. 303. Reports by the Secretary.
“Sec. 304. Permits.
“Sec. 305. Prohibitions.
“Sec. 306. Authorization of appropriations.”.

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

(a) Membership.—Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

“(c) at least one shall be either the Director, or an appropriate regional director, of the National Marine Fisheries Service; and”.

(b) General Advisory Committee and Scientific Advisory Subcommittee.—Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

“SEC. 4. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

“The Secretary, in consultation with the United States Commissioners, shall:

“(1) Appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations. The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

“(2) Appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including the conservation of ecosystems; the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. In addition, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include each of the following:

“(A) The review of data from the Program, including data received from the Inter-American Tropical Tuna Commission.

“(B) Recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research.

“(C) Recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments.

“(D) Consulting with other experts as needed.

“(E) Recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or equivalent).

“(3) Establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

“(4) Fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.”.

(c) Bycatch Reduction.—The Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

"REDUCTION OF BYCATCH IN EASTERN TROPICAL PACIFIC OCEAN

"SEC. 15. The Secretary of State, acting through the United States Commissioners, should take the necessary steps to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The program shall include to the extent practicable—

"(1) that sea turtles and other threatened species and endangered species are released alive, to the maximum extent practicable;

"(2) measures to reduce, to the maximum extent practicable, the harvest of nontarget species;

"(3) measures to reduce, to the maximum extent practicable, the mortality of nontarget species; and

"(4) measures to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.".

SEC. 7. EQUITABLE FINANCIAL CONTRIBUTIONS.

It is the sense of the Congress that each nation participating in the International Dolphin Conservation Program should contribute an equitable amount to the expenses of the Inter-American Tropical Tuna Commission. Such contributions shall take into account the number of vessels from that nation fishing for tuna in the eastern tropical Pacific Ocean, the consumption of tuna and tuna products from the eastern tropical Pacific Ocean and other relevant factors as determined by the Secretary.

SEC. 8. POLAR BEAR PERMITS.

Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking ", including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994.".

(2) By adding the following new subparagraph at the end thereof:

"(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph".

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or another legally binding instrument, establishing the International Dolphin Conservation Program has been adopted and is in effect.

(b) PROVISIONS EFFECTIVE UPON ENACTMENT.—Section 8 and this section shall take effect on the date of enactment of this Act.

H.R. 1385

OFFERED BY: MR. MCKEON

AMENDMENT NO. 1: Page 9, line 18, strike "15" and insert "20".

Page 10, line 6, strike "85" and insert "80".

Page 23, line 21, after "1996," insert "the Community Services Block Grant Act, title V of the Older Americans Act of 1965, the National and Community Service Act of 1990,".

Page 25, line 12, strike "(9)" and insert "(9)(A)".

Page 25, after line 21, insert the following:

"(B) An assurance that each local workforce development area will be allowed to determine the proportion of funds allocated to such area under section 204(b)(2) that will be used to provide summer employment opportunities and year-round disadvantaged youth activities, respectively.

Page 27, strike lines 10 through 15 and insert the following:

"(A) a description of the assessment that will be made to determine the adult education and family literacy needs of the State;

"(B) a description of the adult education and literacy activities that will be carried out with any funds received under such part, including activities carried out under section 314(a) of such Act;

Page 27, line 16, strike "such activities" and insert "the adult education and literacy activities that will be carried out with any funds received under such part".

Page 28, beginning on line 4, strike "the Adult Education and Family Literacy Act;" and insert "such Act;".

Page 29, line 3, strike "determines" and all that follows through line 5 and insert "makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this Act.

Page 29, line 10, strike "through (10)" and insert "through (9)(A), paragraph (10),".

Page 30, line 2, strike "entities:" and insert the following: "entities (who overall, represent diverse regions of the State, including urban, rural, and suburban areas):".

Page 30, after line 3, insert the following:

"(2) representatives of the State legislature;".

Page 30, line 4, strike "(2)" and insert "(3)".

Page 30, line 22, strike "(3)" and insert "(4)".

Page 31, line 14, strike "(4)" and insert "(5)".

Page 31, line 16, after "designate;" insert "and".

Page 31, strike line 17.

Page 33, strike line 22 and 23 and insert the following:

"(a) DESIGNATION OF AREAS.—

"(1) IN GENERAL.—Except as provided in subsection (b), and consistent with paragraph (2), a State that desires to receive a grant under title II

Page 34, line 8, strike "(1)" and insert "(A)" (and move such subparagraph 2 ems to the right).

Page 34, line 9, strike "(2)" and insert "(B)" (and move such subparagraph 2 ems to the right).

Page 34, line 12, strike "(3)" and insert "(C)" (and move such subparagraph 2 ems to the right).

Page 34, line 14, strike "(4)" and insert "(D)" (and move such subparagraph 2 ems to the right).

Page 34, line 19, strike "(5)" and insert "(E)" (and move such subparagraph 2 ems to the right).

Page 34, after line 20, insert the following:

"(2) AUTOMATIC DESIGNATION.—The Governor shall approve any request for designation as a workforce development area from any unit of general local government with a population of 500,000 or more.

Page 35, line 21, strike "Such" and insert "(A) Such".

Page 35, line 24, strike "(A)" and insert '(i)".

Page 36, line 8, strike "(B)" and insert '(ii)".

Page 36, line 19, add "and" at the end.

Page 36, line 20, strike "(C)" and insert '(iii)".

Page 37, beginning on line 6, strike "entities:" and all that follows through line 9 and insert "entities.".

Page 37, after line 6, insert the following:

"(B) In addition, the membership of each local board may consist of representatives of local welfare agencies, economic development agencies, and the local employment service system.

Page 41, line 8, after "board" insert ", in partnership with the chief local elected official,".

Page 41, line 9, after "Governor" insert ", for approval,"

Page 45, strike line 10 and all that follows through line 9 on page 46.

Page 52, line 19, strike "center".

Page 52, line 19, strike "and".

Page 52, line 21, strike "activities" and insert "activities, and upon request, minutes of formal meetings of the local board".

Page 59, line 5, strike "for" and all that follows through line 20 and insert the following: "for programs that are eligible to participate in title IV of the Higher Education Act of 1965.".

Page 61, line 23, strike "and".

Page 61, line 25, strike "program." and insert "program; and".

Page 61, after line 25, insert the following:

"(D) for literacy providers or providers of integrated education and training services, the success rate of the applicable program in raising the literacy levels of individuals in skill areas that are considered important for successful participation in training and employment.

Page 66, strike line 9 and all that follows through line 2 on page 67 and insert the following:

"(A) TERMINATION FOR NONPERFORMANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially fails to meet performance criteria established by the Governor, the agency, or the local board working through the State agency, may terminate the eligibility of such provider.

Page 83, line 20, strike "NEGOTIATION" and insert "AGREEMENT".

Page 83, beginning on line 25, strike "is authorized to negotiate with each State" and insert "and each State shall reach agreement on".

Page 84, beginning on line 8, strike "negotiations" and insert "agreement".

Page 84, line 24, strike "carry out the negotiation" and insert "enter into the agreement".

Page 85, beginning on line 5, strike "carry out the negotiation" and insert "enter into the agreement".

Page 89, strike line 15 and insert the following:

"(a) REPORT.—

"(1) IN GENERAL.—Each State that receives funds

Page 89, line 25, strike "In" and insert the following:

"(2) ADDITIONAL INFORMATION.— In".

Page 90, line 1, strike "include" and insert "include—".

Page 90, line 1, strike "information" and insert the following:

"(A) information

Page 90, line 3, strike the period and insert "; and".

Page 90, after line 3, insert the following:

"(B) comments assessing the process used for reaching agreement on the State adjusted benchmarks pursuant to section 153(a) and may also include comments from local workforce development areas assessing the process for negotiating local benchmarks pursuant to section 153(b).

Page 92, line 20, strike "upon request to the Secretary" and insert "or upon request by the Governor, the Secretary".

Page 92, line 21, strike "including" and insert "which may include"

Page 92, line 22, strike "plan" and insert "plan, or the development of a modified local plan".

Page 93, strike line 15 and all that follows through line 4 on page 94 and insert the following:

"(ii) APPEAL BY WORKFORCE DEVELOPMENT AREA.—

"(I) APPEAL TO GOVERNOR.—A workforce development area that is subject to a reorganization plan under clause (i) may, not later than 30 days after receiving notice thereof, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

"(II) SUBSEQUENT ACTION.—A local workforce development area may, not later than 30 days after receiving a decision from the Governor pursuant to subclause (I), appeal such decision to the Secretary. In such case the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

"(iii) EFFECTIVE DATE.— The actions take by the Governor under subclause (I) shall become effective at the time the Governor issues a decision pursuant to such subclause. Such action shall remain effective unless the Secretary rescinds or revises such plan pursuant to subclause (II).".

Page 103, strike line 14, and insert the following:

(2) by striking subsection (e) and inserting the following:

"(e) WAIVERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Labor may waive—

"(A) any of the statutory or regulatory requirements of this title and titles II and III of this Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of workforce development areas and workforce development boards, and the basic purposes of the Act); and

"(B) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (except for requirements relating to the provision of services to unemployment insurance claimants and veterans and to universal access to basic labor exchange services without cost to job seekers), pursuant to a request submitted by a State which meets the requirements of paragraph (2).

"(2) REQUESTS.—A State requesting a waiver under paragraph (1) shall submit a plan to the Secretary to improve the workforce development system which—

"(A) identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local workforce development areas intend to achieve;

"(B) describes the actions that the State or local workforce development areas have undertaken to remove State or local statutory or regulatory barriers;

"(C) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

"(D) describes the individuals impacted by the waiver; and

"(E) describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 122 (e)(2) of this Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement such plan to improve the workforce development system and the State has executed a memorandum of understanding with the Secretary requiring such State to meet agreed-upon outcomes and implement other appropriate measures to ensure accountability.

Page 104, strike line 6 and insert the following:

"(a) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—The Secretary, after consultation

Page 104, after line 11, insert the following:

"(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of law, regulations issued by the Secretary under paragraph (1) shall provide procedures under which the Governor may approve a plan for the pooling of administrative funds, which are available in accordance with the limitation in subsection (b)(1), if the Governor determines that such plan would not jeopardize the administration of the activities from which such funds are to be transferred.

Page 114, line 21, after "reserve" insert "not less than".

Page 114, line 25, strike "services".

Page 115, strike line 2 and all that follows through line 5 and insert the following:

"(ii) agree to provide matching funds from sources other than those received under this subparagraph for such services in an amount equal to the Federal funds received under this subparagraph.

Page 116, line 18, after "121," insert "in accordance with paragraphs (2) and (3),".

Page 116, strike line 21 and all that follows through line 11 on page 118 and insert the following:

"(2) ALLOCATION BY FORMULA.—

"(A) IN GENERAL.—Each State shall allocate not less than 70 percent of the remainder of funds described in paragraph (1) to workforce development areas within the State pursuant to the formula contained in subparagraph (B) for the provision of services for disadvantaged youth in accordance with section 206.

"(B) FORMULA.—Of the amounts described in subparagraph (A)—

"(i) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(ii) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(iii) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth in each workforce development area as compared to the total number of disadvantaged youth in all workforce development areas in the State.

"(3) DISCRETIONARY ALLOCATION.—The State, through the collaborative process under section 102, is authorized to allocate not more than 30 percent of the remainder of funds described in paragraph (1) to workforce development areas for the provision of services for disadvantaged youth in accordance with section 206. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 123, line 2, strike "and" at the end.

Page 123, line 3, strike the period and insert "; and".

Page 123, after line 3 insert the following:

"(H) provide summer employment opportunities that are directly linked to academic and occupational learning.".

Page 124, strike line 4 and all that follows through line 10.

Page 124, strike lines 11 and 12 and insert the following:

(III) in subparagraph (G) by striking "in public

Page 124, line 18, strike "(V)" and insert "(IV)".

Page 124, strike line 25 and insert the following: "area; and';".

Page 125, strike lines 1 and 2 and insert the following:

(V) by amending subparagraph (I) to read as follows:

"(I) summer employment opportunities that are directly linked to academic and occupational learning."; and

(VI) by striking subparagraphs (J) through (L); and

Page 139, line 5, strike "and".

Page 139, line 6, after "projects" insert ", and the provision of employment and training services".

Page 143, strike line 5 and all that follows through line 23 on page 145 and insert the following:

"(B) ADULT EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) ADULT EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of adult employment and training services in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults in each workforce development area as compared to the total number of disadvantaged adults in all workforce development areas in the State.

"(iii) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas for the provision of adult employment and training services in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

"(C) DISLOCATED WORKER EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) DISLOCATED WORKER EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of employment and training services to dislocated workers in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of individuals who have been unemployed for 15 weeks or more within each workforce development area of the State as compared to the total number of such individuals in all workforce development areas in the State.

"(iii) DISLOCATED WORKER EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas for the provision employment and training services to dislocated workers in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 145, line 24, strike "(4)" and insert "(3)".

Page 158, line 17, add at the end closed quotation marks and a second period.

Page 158, strike line 18 and all that follows through line 24.

Page 170, line 19, strike the closed quotation marks and the second period.

Page 170, after line 19, insert the following:

"(e) Prior to the closure of any Job Corps center, the Secretary shall ensure that—

"(1) the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

"(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary;

"(3) the Members of Congress who represent districts affected by the proposed decision to close the center are notified within a reasonable period of time in advance of any final decision to close the center; and

"(4) the geographic location of alternative Job Corps centers is among the factors taken into account in the decision to close the center.

Page 174, line 15, strike "skills" and insert "skill needs".

Page 174, after line 15, insert the following:

"(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise zones or empowerment communities;

Page 174, line 16, strike "(B)" and insert "(C)".

Page 174, line 20, strike "(C)" and insert "(D)".

Page 174, line 24, strike "(D)" and insert "(E)".

Page 175, line 4, strike "(E)" and insert "(F)".

Page 175, line 9, strike "and".

Page 175, after line 9, insert the following:

"(G) projects to assist public housing authorities that provide to public housing residents job training programs that demonstrate successful job skills upgrading and employment;

Page 175, line 10, strike "(F)" and insert "(H)".

Page 191, strike lines 15 through 25 and insert the following:

"(A) the degree to which the provider will establish measurable goals for client outcomes, including the core indicators of performance pertaining to adult education set forth in section 154 of the Employment, Training, and Literacy Enhancement Act, that are tied to challenging State performance standards for literacy proficiency;

"(B) the past effectiveness of a provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of a State's core indicators and benchmarks under the Employment, Training, and Literacy Enhancement Act, the success of a provider receiving funding under this Act in meeting or exceeding such benchmarks, especially with respect to those adults with the lowest levels of literacy;

Page 192, line 19, add "and" at the end;

Page 192, line 25, strike "activities;" and insert "activities.".

Page 193, strike lines 1 through 10.

Page 202, line 5, strike "agencies;" and insert "agencies, such as the special literacy needs of individuals with learning disabilities;"

Page 226, strike the item relating to section 322.

Page 274, strike line 10 and all that follows through line 14 and insert the following:

(ii) in subsection (e)(1)(B)(iii), by striking "Job Training Partnership Act (29 U.S.C. 1693)" and inserting "Employment, Training, and Literacy Enhancement Act".

Page 276, line 9, strike "The Secretary of Education" and insert "(a) IN GENERAL.—The Secretary of Education".

Page 276, after line 14, insert the following:

(b) EXTENDED TRANSITION PERIOD.—

(1) IN GENERAL.—If, on or before July 1, 1997, a State has enacted a State statute that provides for the establishment or conduct of three or more of the programs, projects, or activities described in subparagraphs (A) through (E) or paragraph (2), the State shall not be required to comply with provisions of this Act that conflict with such State statute for the period ending three years after the date of enactment of this Act.

(2) PROGRAMS, PROJECTS, AND ACTIVITIES DESCRIBED.—The programs, projects, and activities described in this paragraph are the following:

(A) Establishment of human resource investment councils or substate councils.

(B) Reorganization or consolidation of State agencies with responsibility for State employment and training programs.

(C) Reorganization or consolidation of State employment and training programs.

(D) Restructuring of local delivery systems for State employment and training programs.

(E) Development or restructuring of State accountability or oversight systems to focus on performance.

H.R. 1385 OFFERED BY MR. GRAHAM

AMENDMENT NO. 2. Page 15, line 18, after "services" insert "provided to participants on a voluntary basis".

Page 15, line 20, after "family" insert "(such as eliminating or reducing welfare dependency)".

Page 16, strike lines 1 through 3 and insert the following:

"(B) Equipping parents to partner with their children in learning.

Page 16, strike lines 6 through 8 and insert the following:

"(D) Appropriate instruction for children of parents receiving parent literacy services.

Page 28, line 11, after "award" insert "not less than 1".

Page 28, line 11, strike "grants" and insert "grant".

Page 52, after line 12, add the following:

"(7) LIMITATION.—Nothing in this Act shall be construed to provide local workforce development boards with the authority to mandate curriculum for schools.

Page 19=79, line 10, after "adults," insert "on a voluntary basis,".

Page 179, lien 12, after "parents," insert "on a voluntary basis,".

Page 184, after line 5, insert the following:

"SEC. 305. HOME SCHOOLS.

"Nothing in this title shall be construed to affect home schools, nor to compel a parent engaged in home schooling to participate in an English literacy program, family literacy services, or adult education.

Page 192, line 6, strike ", such as" and all that follows through line 11 and insert a semicolon.

Page 192, line 19, strike "gains;" and insert "gains and uses instructional practices, such as phonemic awareness and systematic phonics, that research has proven to be effective in teaching individuals to read.".

Page 194, line 11, after "including" insert "instruction incorporation phonemic awareness and systematic phonics and".

Page 195, line 5, strike "curricula;" and insert "curricula, including curricula incorporating phonemic awareness and systematic phonics;".

Page 199, line 10, strike "available" and insert "available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness and systematic phonics.".

Page 201, beginning on line 4, after "including" insert "instruction" in phonemic awareness and systematic phonics and".

Page 201, line 5, strike "such" and insert "literacy and basic skills".

Page 201, line 22, before "research" insert "reliable and replicable".

Page 202, line 8, strike "promise;" and insert "promise, including phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;".

Page 204, line 3, before "research" insert "reliable and replicable".

Page 210, line 9, strike "adults;" and insert "adults, including instructional practices using phonemic awareness and systematic phonics based on the work of the National

Institute of Child Health and Human Development;".

Page 211, line 24, strike "A" and insert "A, and based on scientific evidence, where available.".

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Offered By: Mr. McKeon

Amendment No. 3: Page 6, after the item relating to section 2263, insert the following:

Sec. 2264. Requirement that Federal agencies provide certification of compliance with electronic and information technology accessibility guidelines.

Page 277, after line 3, insert the following:

(1) in paragraph (5), by inserting after "supported employment" the following: "and self-employment or business ownership";

Page 277, line 4, strike "(1)" and insert "(2)".

Page 277, line 5, strike "(2)" and insert "(3)".

Page 277, line 7, strike "(3)" and insert "(4)".

Page 279, line 6, strike "(4)" and insert "(5)".

Page 279, after line 23, insert the following:

(a) Declaration of Policy.—Section 100(a)(3)(C) of the Rehabilitation Act of 1973 (29 U.S.C. 720(a)(3)(C)) is amended to read as follows:

"(C) Applicants and eligible individuals must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices—

"(i) during assessments to determine eligibility and vocational rehabilitation needs; and

"(ii) in the selection of the employment goal, services needed to achieve the goal, entities providing such services, and the methods used to procure such services.".

Page 279, line 24, strike "Section 100(b)" and insert "(b) Authorization of Appropriations.—Section 100(b)".

Page 280, strike line 19 and all that follows through line 4 on page 281 and insert the following:

(2) in paragraph (7)(A) to read as follows:

"(A) include a description, consistent with the purposes of this Act, of a comprehensive system of personnel development, which, at a minimum, shall consist of—

"(i) a description of the procedures and activities the State agency will undertake to address the current and projected training needs of all personnel in the designated State unit to ensure that they are adequately trained and prepared;

"(ii) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional institutions to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities; and

"(iii) the development and maintenance of a system for determining on an annual basis the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients;";

Page 281, after line 5, insert the following:

(A) by inserting "the Rural Development Administration of the Department of Agriculture," after "the Department of Veterans Affairs,";

Page 281, line 6, strike "(A)" and insert "(B)".

Page 281, line 9, strike "(B)" and insert "(C)".

Page 282, after line 3, insert the following:

(11) in paragraph (35), by striking "and" at the end;

Page 282, strike lines 4 through 10 and insert the following:

(12) in paragraph (36)—

(A) in subparagraph (b)(i), by moving the margin two ems to the left;

(B) in clauses (i), (ii), and (iii) of subparagraph (C) (including subclause (II) of each of such clauses (ii) and (iii)), by moving the margin two ems to the left; and

(C) by striking the period at the end and inserting "; and";

(13) by adding at the end the following:

"(37) provide assurances that the State, or any recipient of funds made available to the State under this title, will comply with the guidelines established under section 508(a) of this Act."; and

Page 282, line 11, strike "(12)" and insert "(14)".

Page 282, line 13, strike "(36)" and insert "(37)".

Page 282, line 13, strike "(32)," and insert "(33),".

Page 282, after line 14, add line 14, add the following (and conform the table of contents of the bill accordingly):

SEC. 2203. INDIVIDUALIZED PLAN FOR EMPLOYMENT.

(a) Section Heading.—Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended in the section heading by striking "**INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM**" and inserting "**INDIVIDUALIZED PLAN FOR EMPLOYMENT**".

(B) Assessment.—Section 102(b) of such Act (29 U.S.C. 722(b)) is amended to read as follows:

"(b)(1) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the designated State unit shall complete the assessment described in subparagraphs (B) and (C) of section 7(2), if such assessment is necessary, and ensure that an individualized plan for employment is—

"(A) either—

"(i) at the request of the individual, developed by the individual or, as appropriate, the eligible individual's representative and approved by the vocational rehabilitation counselor; or

"(ii) developed and approved by the individual or, as appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative of such individual (hereafter referred to in this subsection as the 'eligible individual's representative') and the vocational rehabilitation counselor;

"(B) based on the findings of the assessment to determine the individual's eligibility and vocational rehabilitation needs described in section 7(2);

"(C) written, and, as appropriate, otherwise documented, and provided to the individual or, as appropriate, to the eligible individual's representative in the native language or mode of communication of the individual or, as appropriate, of the eligible individual's representative;

"(D) implemented in a timely manner;

"(E) reviewed at least annually by the vocational rehabilitation counselor and the individual or, as appropriate, the eligible individual's representative; and

"(F) amended, as necessary, by the individual or, as appropriate, the eligible individual's representative, in collaboration with the counselor, when there are substantive changes in the employment goal, the services to be provided, or the service providers (such revisions or amendments shall not take effect until agreed to and signed by the individual or, as appropriate, by the eligible individual's representative, and the vocational rehabilitation counselor).

"(2) The individual plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting the employment goal, the specific vocational rehabilitation services to be provided, the entity or entities that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with the informed choice provisions in subsection (e).

"(3) The individualized plan for employment shall identify—

"(A) the specific employment goal that is chosen by the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the individual, and is, to the maximum extent appropriate, in an integrated setting;

"(B) the specific vocational rehabilitation services that are—

"(i) needed to achieve the employment goal, including, as appropriate, assistive technology devices and services, and personal assistance services, including training in the management of such services; and

"(ii) provided in the most integrated setting that is appropriate to the service being provided and is consistent with the informed choice of the individual;

"(C) the entity or entities chosen by the individual or, as appropriate, the eligible individual's representative, that will provide the vocational rehabilitation services and the methods used to procure such services;

"(D) timelines for the achievement of the employment goal and for the initiation of services;

"(E) the terms and conditions of the individualized plan for employment, including—

"(i) the responsibilities of the designated State unit and the individual under such plan, including participation in the costs of the plan;

"(ii) criteria to evaluate progress toward achievement of the employment goals; and

"(iii) the use of comparable services and benefits under such plan, in accordance with section 101(a)(8);

"(F) prior to the determination that the individual has achieved an employment outcome, the expected need for post-employment services; and

"(G) the rights and remedies available to the individual as provided in subsection (d), including notification of the availability of assistance from the client assistance program under section 112 of this Act.

"(4) For an individual with the most severe disabilities for whom an employment goal in a supported employment setting has been determined to be appropriate, the individualized plan for employment shall, in addition to the requirements identified in subsection (b)(3), identify—

"(A) the extended services needed by the individual;

"(B) the source of extended services or, to the extent that the sources to provide the extended services cannot be identified at the time of the development of the individualized plan for employment, a description of the basis for concluding that there is a reasonable expectation that such sources will become available; and

"(C) in cases in which multiple extended service providers are available to the individual, the providers of such services chosen by the individual or, as appropriate, the eligible individual's representative.".

(c) INFORMED CHOICE.—Section 102 of such Act (29 U.S.C. 722) is amended by adding at the end the following:

"(e) Each State agency, in consultation with its State Rehabilitation Advisory Council, if it has one, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual to exercise informed choice throughout the vocational rehabilitation process, including policies and procedures that require the State agency—

"(1) to inform each applicant and eligible individual (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice;

"(2) to assist applicants and eligible individuals to exercise informed choice in decisions related to the provision of assessment services;

"(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services and that afford eligible individuals meaningful choices among the methods used to procure services;

"(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice in the selection of—

"(A) the employment goal;

"(B) the specific services needed to achieve the individual's employment goal;

"(C) the providers of the selected services;

"(D) the employment setting and the settings in which services are provided; and

"(E) the methods available for procuring the selected services; and

"(5) to ensure that the availability and scope of informed choice under this section is consistent with the State agency's obligations under section 12(e).".

(d) CONFORMING AMENDMENT.—Section 102 of such Act (29 U.S.C. 722) is amended by striking "individualized written rehabilitation program" each place is appears and inserting "individualized plan for employment".

Page 282, line 15, strike "2203" and insert "2204".

Page 282, line 22, strike "2204" and insert "2205".

Page 283, line 1, strike "2205" and insert "2206".

Page 283, line 14, strike "2206" and insert "2207".

Page 285, strike line 16 and all that follows through line 20 and insert the following:

(1) in paragraph (1)—

(A) by striking ", except that" and all that follows through "continue to serve as Director"; and

(B) by striking the third and fourth sentences;

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) by striking "ncessary" and inserting "necessary"; and

(B) by redesignating such paragraph as paragraph (2); and

(4) by redesignating paragraph (4) as paragraph (3).

Page 286, after line 6, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2231. DECLARATION OF PURPOSE.

Section 301(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 770(1)(A)) is amended by inserting after "independent living services programs" the following: ", through community economic or business development programs".

Page 286, line 7, strike "2231" and insert "2232".

Page 286, after line 9, insert the following:

(1) in subsection (a)(1)—

(A) by striking "and (E)" and inserting "(E)";

(B) by striking the period at the end and inserting the following: ", and (F) personnel specifically trained to deliver services to individuals whose vocational goal is self-employment or business ownership.";

Page 286, strike lines 10 and 11 and insert the following:

(2) in subsection (b)(1)(B)—

(A) in clause (ii)—

(i) by redesignating subclauses (IV) and (V) as subclauses (V) and (VI), respectively; and

(ii) by inserting after subclauses (III) the following:

"(IV) assistance and support to individuals pursuing self-employment or business ownership as their rehabilitation goal;"; and

(B) in clause (iv), by moving the margin two ems to the left;

Page 286, line 12, strike "(2)" and insert "(3)".

Page 286, line 13, strike "(3)" and insert "(4)".

Page 286, line 19, strike "(4)" and insert "(5)".

Page 286, line 22, strike "(5)" and insert "(6)".

Page 287, line 1, strike "2232" and insert "2233".

Page 287, line 8, strike "2233" and insert "2234".

Page 288, lines 6 and 7 and insert the following:

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Subject to the provisions of section 306, the" and inserting "The";

(B) in paragraph (3), by striking "and" at the end;

(C) in paragraph (4), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(5) establishing programs for supporting the effects of vocational rehabilitation programs to promote self-employment or business ownership goals of people with disabilities.".

Page 291, after line 13, insert the following:

SEC. 2264. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE CERTIFICATION OF COMPLIANCE WITH ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

Section 508(b) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(b)) is amended to read as follows:

"(b) COMPLIANCE.—

"(1) IN GENERAL.—Each Federal agency shall comply with the guidelines established under this section.

"(2) CERTIFICATION.—

"(A) ESTABLISHMENT OF CERTIFICATION PROCEDURES.—The Director of the Office of Management and Budget shall establish uniform procedures under which the head of each Federal agency shall submit to the Director a written certification, containing such information as the Director may reasonably require, that such agency is in compliance with the guidelines established under this section.

"(B) SUBMISSION OF CERTIFICATION.—Not later than September 30 of each year, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a written certification in accordance with the procedures established under subparagraph (A).

"(C) REVIEW OF CERTIFICATION.—The Director of the Office of Management and Budget—

"(i) shall review each certification submitted by each Federal agency under subparagraph (B); and

"(ii) shall provide notice to each such Federal agency that such agency is either in compliance or not in compliance with the guidelines established under this section, as the case may be.

"(D) ASSISTANCE FOR AND MONITORING OF AGENCIES NOT IN COMPLIANCE.—In the case of a Federal agency that is not in compliance with the guidelines established under this section, the Director of the Office of Management and Budget—

"(i) shall assist such agency in its efforts to comply with such guidelines; and

"(ii) shall monitor the progress of such agency to comply with such guidelines.".

H.R. 1385

OFFERED BY: MR. OWENS

AMENDMENT NO. 4. Page 8, line 8, strike "Such sums" and insert "(A) Except as provided in subparagraph (B), such sums".

Page 8, after line 10, add the following:

"(B)(i) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to provide amounts to local workforce development areas under title II to carry out summer youth employment programs under such title in accordance with this subparagraph.

"(ii) Such amounts—

"(I) shall be used in accordance with the requirements otherwise applicable to programs under title II, except that such amounts shall be allocated to local workforce development areas in accordance with the requirements described in section 262(b) of the Job Training Partnership Act (29 U.S.C. 1642(b)) (as such section was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997); and

"(II) shall be used to provide summer youth employment opportunities suitably linked to academic, occupational, and work-based learning opportunities.

Page 124, strike line 4 and all that follows through line 10.

Page 124, line 11, strike "(IV)" and insert "(III)".

Page 124, line 18, strike "(V)" and insert "(IV)".

Page 125, line 1, strike "(VI)" and insert "(V)".

H.R. 1385

OFFERED BY: MR. OWENS

AMENDMENT NO. 5. Page 15, line 3, strike "not less than 70 percent of".

Page 16, strike line 12 and all that follows through line 21.

H.R. 1385

OFFERED BY: MR. OWENS

AMENDMENT NO. 6: Page 282, line 10, strike "and".

Page 282, after line 10, insert the following:

(12) by adding at the end the following:

"(37) include a description, consistent with the purposes of this Act, of a comprehensive system of personnel development, which, at a minimum, shall consist of—

"(A) a description of the procedures and activities the State agency will undertake to address the current and projected training needs of all personnel in the designated State unit to ensure that they are adequately trained and prepared;

"(B) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional institutions to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities; and

"(C) the development and maintenance of a system for determining on an annual basis the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients."; and

Page 282, line 11 strike "(12)" and insert "(13)".

Page 282, line 13—

(1) strike "(36)" and insert "(37)"; and

(2) strike "(32)" and insert "(33)".

H.R. 1385

OFFERED BY: MR. OWENS

AMENDMENT NO. 7: Page 282, line 19, strike "and".

Page 282, line 21, strike "respectively," and insert "respectively; and".

Page 282, after line 21, insert the following:

(8) in paragraph (9) (as so redesignated), by striking "service;" and inserting "service, including adequate training in the use of public transportation vehicles and systems;".

H.R. 1385

OFFERED BY: MR. SOUDER

AMENDMENT NO. 8: Page 279, line 5, strike "program" and all that follows through "and" and insert "program.".

Page 279, after line 5, insert the following:

"(37) The term 'competitive employment' means work available to any job applicant in the labor market that is performed on a full-time or part-time basis in a setting selected by the individual and for which the individual is compensated consistent with the Fair Labor Standards Act."; and

EXTENSIONS OF REMARKS

A BUDGET PROPOSAL THAT INVESTS IN OUR FUTURE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BROWN of California. Mr. Speaker, today we are in budgetary limbo. We have been told that we will soon be presented with a budget agreement that will set us on an economically sustainable course for the future. We have been told that the package of spending cuts and tax cuts will benefit all Americans from Main Street to Wall Street. We have been told that the only thing left is to fill out the details. We do not know what these details are today and we may not understand their significance until long after we have voted on this package on the floor.

Unfortunately it is these very details that will govern, not only whether this package can hold together during the remainder of the budget process, but also whether this agreement will have any beneficial effect at all on the economy 10 years from now. Unfortunately, this budget resolution we will vote on will be nothing more than an accounting game—how can we get to a zero deficit in 5 years.

The real question should not be whether the deficit is zero, whether we have a $10 billion deficit, or whether we have a $10 billion surplus. To a first approximation, all of these will have about the same effect on the economy and they are all arbitrary accounting benchmarks. The real question should be whether we are spending Federal resources on investments that will help us achieve productivity gains in the future. The well known campaign slogan "it's the economy stupid!" should be replaced by "it's productivity stupid!".

This year, the President's budget clearly shows that Federal investments, especially nondefense investments, have continued their decline both as a percent of total outlays and as a percent of the GDP. The percent of our total outlays which are invested in things such as transportation, R&D, and education has fallen to an all-time low of less than 13 percent of the budget. This is less than half of what we invested in these categories in 1970.

Today, I am introducing a budget alternative called the investment budget intended to reverse this decline and establish clearer budgetary goals for Federal investments. Earlier this year, I introduced House Concurrent Resolution 58 which encompassed many of these concepts. That bill increased funding for R&D, transportation, and human capital while decreasing funding for consumption spending. This bill eliminated the deficit in 5 years using CBO assumptions.

The bill I am introducing today retains all of the features of House Concurrent Resolution 58 dealing with investments. This bill, however, incorporates many of those items contained in the budget agreement that have achieved a broad consensus. Specifically, this bill incorporates the Medicare package and restores certain benefits eliminated by last year's welfare reform bill. This bill also incorporates the revised CBO assumptions about future revenues.

Perhaps more importantly, this bill drops the Medicaid reform provisions of House Concurrent Resolution 58 and the downward adjustments to the CPI. Although these represented more far-reaching entitlement reforms, I recognize that there was simply no political consensus today that would support their successful enactment.

In sum, this bill today eliminates the deficit in 5 years while increasing spending on investments that will help our economy grow. This bill does not incorporate a tax cut. Such tax cuts should only be considered when the budget is actually balanced. Many have complained that the tax cuts being considered have become a football in partisan political struggles and may lead to a ballooning deficit in 10 years just as the 1981 tax cut did. If this does occur, the public will certainly recall this budget agreement as a colossal failure.

Mr. Speaker, I intend to ask the Rules Committee to make this alternative in order at the time the budget resolution is considered on the floor. As of today, over 35 Members have expressed support for this request and there will be many more as the details of the budget resolution emerge. I believe it is important that Members have such genuine alternatives because there are many ways to balance the budget.

There has been a long-running debate over the inability of the Government to distinguish between investment and consumption and to structure a workable budgetary system that recognizes the functional effect of investments on the economy. There has been almost a universal recognition by economists that the present budgetary structure has led to chronic underinvestment and will continue to do so. Hopefully, the bill I am introducing today will be a first step toward addressing this crucial problem.

I am including a brief summary of the main features of this bill and the assumptions we have made in developing it.

KEY PROVISIONS OF THE INVESTMENT BUDGET

The Investment Budget was developed earlier this year as a potential alternative budget resolution. It provided for increases in investments including R&D, transportation, and education and training. It offsets these increases by limiting defense spending, incorporating the Medicare reform proposals from the Budget Agreement, and including the reductions in unwarranted benefits proposed by the President.

A summary of the key provisions of the Investment Budget is as follows:

Balanced Budget—Using CBO scoring, the proposal provides a surplus by the year 2002. In addition, the proposal meets the previously established discretionary cap in F.Y. 1998. In sum, this proposal cuts spending by $220 billion over the next five years.

Non-Defense Discretionary Spending—The proposal increases non-defense discretionary spending from $282 Billion in F.Y. 1998 to $306 Billion by 2002. Total expenditures over the next five years exceed the Budget Agreement by over $30 Billion in order to provide for domestic investment initiatives.

Research and Development—An overall increase in R&D, including basic research, energy research, health, space, agricultural research, and defense research of $30 billion over the President's request over the next five years.

Transportation—An increase in physical capital investment spending of $40 billion over five years above the President's request including an increase in highway spending up to $26 billion per year, the maximum spending level that leaves stable trust fund balances.

Energy Conservation—Increased spending 5% per year for energy supply R&D and energy conservation will enable a more robust relationship between energy policy and other emerging environmental and economic influences that will affect future energy consumption patterns.

Environment—The proposal increases spending for Superfund cleanup, an expansion of Brownfields initiative, and clean and safe drinking water state revolving funds. This will enhance the economic development and use of natural resources in an environmentally sustainable manner.

Technology Development—Increased funding for the National Institute of Standards will enable NIST to maintain its core scientific research programs and to expand its technology and manufacturing partnership programs. Steady growth in the Advanced Technology Program will promote industrial alliances and lead to the direct creation of new, high tech jobs in the future. Sustaining funding for the Manufacturing Extension Program will provide technical and business assistance to improve the competitiveness of U.S. manufacturers.

Enforcing Investment Spending Targets—Overall investment spending targets exceed the President's budget by over $70 billion over the five year period and will begin to halt the decline in investment spending. The proposal includes an enforcement mechanism through the 602 budgetary allocations which protects investment spending from consumption spending during the appropriations process.

Future Investment Spending—Establishment of a trust fund from the proceeds of FCC spectrum auctioning that may be used to fund future investment.

Medicare—The proposal incorporates the Medicare reform package included in the Budget Agreement. This extends the 25% part B premium payments, reforms provider payments, and extends Medicare solvency through 2007.

Medicaid—Medicaid savings are offset by Medicaid expansion to restore benefits for disabled legal immigrants, legal child immigrants, to finance children's health insurance. No net change in Medicaid is assumed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Consumer Price Index—No legislative change in the CPI is included.

Tax Cuts—No tax cuts are assumed in this proposal until the budget is balanced.

Welfare Reform Restorations—The proposal restores both Medicaid and SSI benefits for most of the legal immigrants that would have been affected by last year's law.

TRIBUTE TO RIVERHEAD LIONS CLUB

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the Riverhead Lions Club, an invaluable community service organization that is celebrating its 50th anniversary as a charter Lions Club. For the past half-century the Riverhead Lions Club has lived up to the spirit of Lionism—"We Serve"—by serving the needs of the children and elderly, the blind, and the poor of this east end Long Island community.

The charities and community programs that the members of the Riverhead Lions Club support have a profound effect on the quality of life of so many of my neighbors here on eastern Long Island. In the interest of time, I can name but a few, but they include the Guide Dog Foundation, scholarships for Riverhead High School students, the Riverhead Senior Citizens Center, Central Suffolk Hospital to the March of Dimes and regular food drives.

In its first 50 years of existence, the members of the Riverhead Lions Club are most fondly remembered in the community for the annual show, which evolved into the annual Christmas parade that delights the children and adults of Riverhead every December. Just as important, the Lions Club has sponsored the Riverhead Little League, provided free eye examinations and eyeglasses for the needy, and sponsored guide dog training and held dinner-dances to raise funds for the blind.

There were 31 charter members who founded the Riverhead Lions Club back in 1947. The two surviving charter members are Charles E. Gate, a retired attorney who now resides in Colorado, and John R. Bagshaw, a realtor who still lives in Riverhead.

Here on the east end of Long Island, just as they do across America, we treasure the close-knit, community spirit of our towns and villages, where neighbors help each through their times of need. Mr. Speaker, Riverhead is a community where residents are committed to helping those in need, whether it's feeding a hungry child, helping a talented student afford a college education, or caring for an elderly neighbor.

That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting the Riverhead Lions Club on its 50th anniversary. For half a century, the Lions Club has done more than just help their neighbors who need it, or provide recreational opportunities for their children. The Lions Club has also provided the citizens of Riverhead the opportunity to express their strong love for the community by getting involved and by helping their neighbors. Congratulations to the Riverhead Lions Club, and may it enjoy many more happy anniversaries to come.

JUSTICE FOR KEVIN CROSSAN

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. NADLER. Mr. Speaker, today I join with my colleagues from both sides of the aisle to speak out about an injustice being perpetrated against a group of Irish nationals who have lived in this country as law-abiding citizens, but who our Government is seeking to deport.

These men have American families—wives, children, grandchildren—that would be torn apart by their deportations. they are also part of our communities. They are our neighbors.

One of these men in particular, Kevin Crossan, lives in my community in New York. His wife, Joyce, is an American.

Kevin was arrested by the British authorities, beaten, tortured, and ultimately convicted in a special political court with no jury. He served 14 years as a political prisoner in Long Kesh Prison. Upon his release he was again harassed, as was Joyce who was herself arrested and detained in Castlereagh for 3 days. She sued the chief of the Royal Ulster Constabulary for unlawful detainment, and the British authorities admitted their guilt through a settlement.

If the Crossans are sent back to Northern Ireland, it is fairly certain that they will again face harassment from the authorities.

So why is our Government trying so hard to deport Kevin? No other government has demanded that he be turned over. He clearly has a well founded fear of persecution if they are sent back. He has posed no threat to this country in the 6 years he has lived here. His deportation would destroy an American family.

Mr. Speaker, I have often taken to the floor of this House to speak out against the cruel and mindless immigration laws we have in this country. the inexplicable heartlessness with which this family is being treated is simply one more example of an immigration system that too often ignores the pleas of those who have come here seeking asylum from government oppression and the opportunity to make a new life.

The community I represent hopes that the Crossans will soon win the right to remain here in the United States, free from the fear they left behind in Northern Ireland.

THE OCCUPATIONAL TAX EQUITY ACT OF 1997

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. RADANOVICH. Mr. Speaker, today, I am introducing the Occupational Tax Equity Act of 1997, a bill which will abolish the special occupational tax—an antiquated nuisance tax on producers, wholesalers, and retailers of beer, wine, and spirits.

In particular, thousands of small mom and pop businesses are saddled with paying an additional $250 per year which is regressive and—in fact—a piggyback tax on top of countless Federal, State, and local taxes.

We are spending more to collect less and, as we in Congress look to streamline the Nation's revenue collection system, we should be particularly horrified by the cost of enforcing special occupational tax payment compliance—a compliance that borders nearly 50 percent.

This bill also includes provisions to revise the current drawback regulation for non-beverage alcohol producers and replace it with a more efficient means of collection. Here again, Mr. Speaker, the system of assessing and collecting these drawback taxes add complicated and costly steps to doing business in America.

I urge all of my colleagues to join me in cosponsoring this bill, H.R. 1620, the Occupational Tax Equity Act of 1997.

TRIBUTE TO DAVID EATON REYNOLDS

SPEECH OF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 14, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to David Eaton Reynolds, a young man from Eaton, CO, who had planned to celebrate this day, his last day of high school, with friends and classmates. However, for reasons known only to the Almighty, David was called home to the Lord on Monday, April 7, 1997.

The proud son of Allen and Lynda Reynolds, David was a very courageous young man who loved participating in life despite a long-term illness. He was a manager on the Eaton High School football team and a member of the Knowledge Bowl. He had a keen interest in current events, especially political issues, and ran his own newspaper, The Eaton Gazette. He also enjoyed traveling and doing things with his three brothers and cousins.

I came to know David when he volunteered on my congressional campaign last fall. He faithfully came to our headquarters and became an integral part of our volunteer effort, cheerfully performing important tasks such as telephoning people and asking for their vote. He carried out each assignment with much enthusiasm and determination, as if the outcome of the election was solely his responsibility.

As a devoted Christian, David was a member of the United Congregational Church of Eaton. He lived his faith every day exemplifying the principles of honesty, compassion, charity, and love.

Mr. Speaker, I am honored to pay tribute to David. He is going to be missed by so many in the community, most especially his parents and brothers, and his many friends including me, but we can say our lives were enriched because we knew David Eaton Reynolds, a young man who loved his family and living life to its fullest. Surely, at the gates of Heaven he is able to say, as the Apostle Paul did, "I have fought the good fight, I have finished the race, I have kept the faith."

AUTHORIZING 1997 SPECIAL OLYMPICS TORCH RELAY TO BE RUN THROUGH CAPITOL GROUNDS

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise in strong support of House Concurrent Resolution 67, the Special Olympics Torch Relay. I think it is a wonderful idea to utilize the Capitol grounds to honor these fine Americans.

The Special Olympics recognizes that even though some people may have a disability, it does not mean they cannot compete and succeed in sports. The participants in the Special Olympics are shining examples of what motivation, desire, commitment, and strength of will can mean. They never let the fact that they may not have two legs, or two arms stand in their way. They know that even if they are mentally challenged they can succeed at whatever they work hard at.

I think it especially appropriate that we are also considering the Individual with Disabilities Education Act today. Few other Federal laws have ever had such a profound impact on a group of our citizens. It is a testament to our Nation that we have chosen to guarantee all our disabled citizens a free and appropriate education.

Disabled people have always know that given the proper education they are able to contribute to society and lead fulfilling lives. For too long, nondisabled people thought differently. I am pleased that we have come so far—and hope that we will soon see the day that there are no impediments to full inclusion of the disabled in everyday life.

The participants have trained hard and long for their competitions, and I hope all of my colleagues will join me in congratulating them.

IN HONOR OF REV. LARRY D. McCUTCHEON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Rev. Larry D. McCutcheon for his many contributions to the Florence, SC community.

Reverend McCutcheon came to Florence in 1990 to assume the pastorate of Cumberland United Methodist Church. Under his tenure, Cumberland Church has grown in membership and built a community outreach center to address a myriad of social, educational, and human needs.

A committed church leader, Reverend McCutcheon has held several important posts in the Methodist Church. Among these posts are: chairperson, South Carolina Annual Conference Health and Welfare Committee; dean, Ethnic Minority Local Church Pastor's School; and, registrar, South Carolina Annual Conference Pastors' Seminar. His affiliations include: Black Methodists for Church Renewal; Congregational Development Committee; and, the South Carolina Methodist Foundation.

In addition to his responsibilities as a church pastor, Reverend McCutcheon has been a community leader and has given tirelessly of his energy and time to numerous causes and organizations, including: president, Florence Area Religious Leaders; president, Florence County Democratic Party; and, vice-chairperson, Lighthouse Ministries. He is a member of many civic organizations, including: the NAACP; Partners in Education; the Mayor's Advisory Board; the United Way; Denmark Technical College Foundation; and, the United Negro College Fund.

Reverend McCutcheon will soon be departing Cumberland Church and the Florence community, and moving to Charleston, SC where he will be district superintendent of the United Methodist Church. On May 18, 1997, Reverend McCutcheon will be honored by his church and the entire Florence community for his years of unselfish and untiring service. As the representative of the Sixth Congressional District of South Carolina, I join in saluting Reverend McCutcheon and wish him and his family godspeed and success in their new endeavors.

TRIBUTE TO EUGENE T. HORTON

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Mr. Eugene T. Horton, a dedicated educator who was taught social studies at the East Moriches School on Long Island for the past 33 years. When the school year ends this June, Gene will retire from the most noble of professions. As he departs, Gene leaves behind a proud legacy for the entire East Moriches community, a gift inspired by his love for history and a desire to impart that passion to each of his students.

A lifelong Long Islander, Gene Horton has given generously of himself to the East Moriches School, imparting his prodigious knowledge and love for history to his students. Rather than force the rote memorization of dates and facts, he brought his lessons to life, inspiring in his students his own abundant pride and expansive understanding of their American heritage.

Realizing that history is a living creature that should be experienced, Gene Horton organized an annual trip to our Nation's Capitol, providing his East Moriches students the opportunity to bear witness to America's own history as it unfolds. His enthusiasm for local history of his own Long Island community inspired many students to join him in developing the book "Strolling Through Old East Moriches." That pride in community extended outside the social studies classroom, inspiring many East Moriches residents to join him and his students in the now annual "Clean Up East Moriches" Earth Day project.

Gene Horton's love for local history has led to another career as an author and newspaper columnist. He has had three books on his home town of Blue Point published: "Blue Point Remembered" in 1982, "A History of Our Lady of the Snow Church" in 1985 and the "Centennial History of the Blue Point Fire Department" in 1990.

An admiring colleague offered this quote by the German philosopher Goethe to illustrate Gene's devotion to his profession and his students: "Happy the person who thinks of ancestors with pride, who likes to tell of their deeds and greatness, and rejoices to feel linked to the end of a goodly chain." As a teacher and American, Gene Horton is inextricably linked to that goodly chain, connecting him equally to those who founded and built this great Nation, and to the leaders of tomorrow to whom he has imparted his knowledge an affection for history.

So I rise, Mr. Speaker, to ask my colleagues in the U.S. House of Representatives to join me in honoring a man who has given so much to the children of East Moriches. Our Nation's priceless heritage is truly cherished by the residents of this seaside community along Long Island's south shore, because for the past three decades its children have learned America's story from a gifted teacher whose love for story of his ancestor and a devotion to our American heritage links him forever to the goodly chain.

MOUNT VERNON LADIES' ASSOCIATION HOSTS WINE FESTIVAL

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. RADANOVICH. Mr. Speaker, congressional colleagues and friends in the U.S. wine industry, I rise today to commend the Mount Vernon Ladies' Association for hosting the first-ever Wine Festival and Sunset Tour of the historic Mount Vernon Mansion, home of our first President, George Washington, May 16, 17, and 18, 1997.

As the first vintner to have the honor of serving in our Nation's Congress since Thomas Jefferson and as the Toastmaster for the opening night of this 3-day event, I wish to announce that my office has been notified that, among the distinguished public planning to attend this event, both Gen. George Washington and Thomas Jefferson will be present.

Twelve of Virginia's award-winning wineries will be pouring samples of their finest wines. The special tour of the Mansion will offer a new special view of the Washington family's hospitality frequently enjoyed by friends, colleagues, and foreign leaders of the period, including a first-ever look at the Mansion's cellar where Washington stored his wines. The participating Old Dominion wineries in this event are Barboursville Vineyards & Historic Ruins, Chateau Morrisette, Gray Ghost Vineyards, Horton Cellars Winery, Ingleside Plantation Vineyards, Jefferson Vineyards, Lake Anna Winery, Oasis Winery, Prince Michel Vineyards, Tarara Vineyard & Winery, Williamsburg Winery Ltd., and Wintergreen Vineyards & Winery.

When George Washington was not meeting the call of the Nation in leading our Continental Army toward independence and the incomparable responsibilities of establishing our fledgling democratic institutions, he remained at heart an agriculturalist, interested in all sectors of farm economy.

Based on his own observations during his travels along the eastern seaboard of America "the spontaneous growth of the vine . . . bent under the weight of the ripe grapes," Washington was inspired to make repeated attempts at planting both native American vines and cuttings brought from Europe.

But, not unlike what Thomas Jefferson faced—the humidity of the region, lack of knowledge of vineyard management and the technology of dealing with pests and plant diseases, these attempts failed.

Our Nation had to wait some 200 years before the knowledge of modern viticulture and enology practices would allow the American wine industry to develop into one that is presently recognized internationally, with a strong competitive presence in the world market.

I wish to commend the work of Mount Vernon staffers, management, and the event's wine consultant, Gordon W. Murchie, a friend and industry spokesman, for presenting to the American public the proper image of the U.S. wine industry as being a part of our Nation's history, culture, and commerce. Public education that promotes "responsible moderate consumption of wine as part of a healthy adult diet and life style" is the message the U.S. wine industry and I wish to convey.

I am sure the Mount Vernon event will help further promulgate the message that wine is a beverage to be enjoyed in moderation with food, friends and in all manners of social occasions, but never abused.

FACTS AND FIGURES

NATIONAL RANKING

12th among farm wine and commercial grape growing states.

6th among vinifera wine growing states.

	1979	1997	Percent increase
Growth:			
No. of wineries	6	49	700
Acreage	286	1500	424

1996 Production: 1.763 tons of wine grapes producing 282.080 gallons of wine.

VITICULTURAL REGIONS

Virginia has six specifically designated grape growing (viticultural) regions: Monticello. Northern Neck George Washington Birthplace, Rocky Knob, Shenandoah Valley, Eastern Shore, and North Fork of the Roanoke.

MAJOR VARIETIES

Vinifera varieties: Chardonnay, White Ricsling. Cabernet Sauvignon, Pinot Noir, Gewurztraminer, Cabernet Franc, Sauvingnon Blanc, and Merlot.

Major French hybrid varieties: Seyval, Vidal Blanc. Villiard Blanc, and Marechal Foch.

Major American varieties: Concord, Delaware, and Niagara.

Variety	Acreage	Percent total acreage	Percent per ton
Vinifera	1140	76	$1,100 to $1,200.
French hybrid	285	19	$500 to $600.
American	75	5	$400 to $500.

Number of Vineyards in 1997—140.

1996 SALES

Cases and retail sales: 191.849; $23,021,880—9.5% increase over 1995.

DISTRIBUTION OF VIRGINIA WINES

In Virginia: Virginia wine is sold in retail outlets, restaurants, through festivals and special events, and direct at individual wineries.

Other: Distributed primarily in the eastern United States. Virginia wines are also found in major cities abroad as well as American cities such as Chicago, Dallas, Los Angeles, and San Francisco.

Tourism: Through winery tours and tastings, the Virginia wine industry attracts over 500,000 visitors annually.

Reasons for Virginia Wine Industry Growth: Favorable climate for growing grapes; Institutional support, especially from Division of Tourism and the Department of Agriculture & Consumer Services; Research and technology support from VPI& SU; Strong wine marketing program; An increasing regional and national awareness of quality of Virginia wines; and Dedication of Virginia wine industry to improving the quality and viability of its products.

A SALUTE TO OUR NATION'S LAW ENFORCEMENT OFFICERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to join others in the nation who this week are recognizing our law enforcement officers for their role in protecting their respective communities. I would like to particularly recognize those officers of the sheriffs and police departments of Texas' district 30 which I represent, for I personally know of the distinction and valor with which they carry out their daily duties. Over the years, we have witnessed many of our communities—particularly in urban areas—undergo drastic change. With the scourges of crack, poverty and family dysfunction fraying the social fabric of our communities, law enforcement officers have been called upon to assume a greater responsibility for the safety of our neighborhoods.

Much has been said about the tensions that exist between law enforcement agencies and the communities they serve; however, I know that in communities such as Dallas and Irving, TX, the police departments are reaching out to neighborhoods residents to establish partnerships in fighting crime and increasing community safety. Many of these policemen and policewoman are unsung heroes, who daily climb into their police cruisers, walk their neighborhood beats or ride their bicycles on patrol, each day knowing that they risk death or serious injury. While communities may be able to function without hostile corporate takeover specialist or sitcom stars, no community could function without a dedicated force of law enforcement personnel. It says something about our priorities as a society that—in spirit of its indispensability—law enforcement is among the lowest paid professions.

I would also be remiss if I did not also recognize the husbands, wives, and children of our law enforcement officers, the ones who stay at home each day not knowing if their loved ones will be facing a life-threatening situation. Should anyone doubt the dangers of the job, they need only visit the Law Enforcement Memorial in Washington, DC, and read the names of those who have given their lives in service to their communities. The families of our peace officers deserve recognition for their steadfast support of their spouse or parent who is often under-appreciated and underpaid. We all should take the opportunity to let our law enforcement officers and their families know that their service and sacrifices are appreciated. As a Member of Congress, I pledge to continue to work to enact legislation that aids our peace officers and law enforcement agencies in the performance of their duties. Mr. Speaker, in conclusion I offer my heartfelt salute to our Nation's police officers, sheriff's deputies, and highway patrol officers.

TRIBUTE TO JUSTINE O'DONNELL

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, It is with the greatest of pleasure that I acknowledge the retirement of an outstanding woman who has given over 30 years of her life to public service. Justine O'Donnell began her distinguished career in Washington, in 1960, where she worked for my uncle, President John F. Kennedy, until his untimely death in 1963.

Following her years at the White House, Justine worked tirelessly on behalf of Democratic ideals. In 1980 she returned to Washington to work for my uncle, Senator TED KENNEDY, in his bid for the Presidency. After a stint with the General Services Administration, Justine served as an ombudsperson for then Massachusetts Secretary of Health and Human Services Phil Johnston, and later as the director of client services for the Commonwealth of Massachusetts until 1990. In this last position, Justine had an opportunity to display her deep and genuine concern for the plight of some of the neediest citizens in the Commonwealth. Her compassion for this same population did not diminish as she finished out the last 5 years of her career in public service at the Massachusetts Division of Medical Assistance.

Rounding out her record of devoted public service, Justine has been very active in community affairs. Justine played an important role in the dedication of the John F. Kennedy Library in Boston, and she continues today as a member of the Friends of the Kennedy Library.

I would like to join with Justine's family and friends as they gather this Thursday, May 15, to commemorate her efforts on behalf of her fellow citizens, and to extend to her my best wishes for the future.

95TH ANNIVERSARY OF THE ISLAND OF CUBA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. ROS-LEHTINEN. Mr. Speaker, next Tuesday, May 20, marks the 95th anniversary since the island of Cuba gained its independence. The history of that beautiful nation has been measured, in large part, by the struggle of its people to overcome tyrannies that have attempted to rule over the island—first the Spanish crown, and today, another destructive dictatorship, that of Fidel Castro.

Under the Castro dictatorship, the people of the island enjoy no semblance of human rights or civil rights. Dissidents, independent journalists, and human rights activists are routinely harassed, arrested, and imprisoned.

Others are murdered by the Castro Communist elite that allows no opposition to its repressive policies. Many of the names of those who have been subject to the torturous reign of the Castro regime, men and women, black and white, may never be known.

The immorality of the Castro dictatorship is equaled by the willingness by many of our European allies, Canada, and Mexico to trade with the Castro regime despite them knowing that it only serves to strengthen his grip on power.

As we approach the 96th anniversary of the first time the Cuban flag flew alone over Cuba, let us remember that only 90 miles from the greatest democracy on earth, 11 million Cubans yearn for the freedoms we in the United States take for granted.

BAN LANDMINES

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. WEXLER. Mr. Speaker, I rise in support of the International Campaign to Ban Landmines.

We in Congress have a moral obligation to help stop a terrible trend of destruction by landmines that maim and hurt thousands of individuals throughout the world each year.

Are my fellow Americans aware that there are over 100 million uncleared land mines throughout the world that claim over 500 lives a week? Every year, another 26,000 people are injured or killed due to landmines.

What is truly sad and unfortunate is that the victims of these tragic accidents are not only soldiers of war. Landmines do not respect peace treaties or accords. Landmines cannot distinguish between the footfall of a soldier and that of child.

The innocent victims of landmines are often children who had the misfortune of stepping on a landmine while walking through the woods to collect firewood or to pick fruit.

Today, we have an extraordinary opportunity to take bold steps to save future generations of innocent civilians. We can join the 156 nations who support a complete ban of landmines. The United States can no longer stand idly by while thousands of innocent civilians are injured and killed each year.

CONGRATULATIONS TO DEBBI GUTHRIE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. CALVERT. Mr. Speaker, today, my constituent and personal friend, Debbi Huffman Guthrie of Roy O. Huffman Roof Co. has been recognized by the U.S. Small Business Administration as the 1997 Small Business Person of the Year for Orange, Riverside, and San Bernardino Counties in California. This honor comes after years of hard work. Debbi took on the family business when she was 26 years old after her parents and grandparents were killed in a plane crash. She has been dedicated to learning the business and developing a strong workplace for her employees. Under Debbi's watch, the company has grown from 15 employees to 28 with little employee turnover and sales have multiplied by six. She serves as an inspiration for all women who strive to succeed in a male-dominated industry, and as testimony that businesses who choose to work within the community will achieve success.

Through incentive programs, she has encouraged employees to construct the highest quality roofs for their customers. With heavy attention on employee safety, she has been awarded the State Compensation Insurance Fund's Safety Award. Quality, safety, and reliability are key to her success and to the success of her business. Her customers have come to depend on this reputation.

Debbi has maintained a commitment to the community where she lives, works, and raised her children. Her family has always believed in giving back to the community and she has continued that tradition through helping the Riverside youth, disadvantaged, and educational institutions. Debbie provided the human resources and project materials for a new roof on the Centro De Ninos nonprofit preschool center in a joint donation with three local Kiwanis Clubs and 45 volunteers. She also helps others who are pursuing their business and career goals through the Greater Riverside Chamber of Commerce's Leadership Riverside Program and the National Association of Women in Construction. As a volunteer, she has served as a board member with the Kiwanis Club of Riverside and worked on the Longfellow Elementary Schools' Adopt a School program, the Special Olympics, and the Boy Scouts.

In an effort to help the community's economy, she has served as president of the Roofing Contractors Association for Riverside/San Bernardino Counties and Director of Provident Saving Bank in Riverside. She also helped endow the University of California Riverside's College of Engineering, Center for Environmental Research and Technology [CE–CERT], and is a founding member of the Riverside Educational Enrichment Foundation. Also, at the University of California Riverside, Debbi is working to establish a hall of fame to recognize recipients of the Athena Foundation's Women of the Year Award.

Today's award will be added to her list of honors including the 1996 California Association of Leadership Programs Distinguished Leadership Award, the 1994 GRCC Small Business of the Year Eagle Award, the 1993 YWCA's Women of Achievement Athena Award-Corporate and the 1994 Entrepreneur of the Year Small Business Award from Ernst & Young, Inc. Magazine, and Merill Lynch.

On behalf of the U.S. House of Representatives, I would like to offer my sincerest congratulations to Debbi Huffman Guthrie, not only on this revered award, but her entire career. Thank you Debbi for maintaining the commitment to our community and to your customers.

A SPECIAL SALUTE TO ROY O. PRIEST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. STOKES. Mr. Speaker, I rise to salute Mr. Roy O. Priest, a highly respected leader in the Federal Government. On May 16, 1997, Mr. Priest will retire from the U.S. Department of Housing and Urban Development [HUD] with nearly 20 years of service. I join HUD officials, his colleagues, and others in commending Mr. Priest for a job well done.

Roy Priest received a bachelor of science degree in biology from Central State University in Wilberforce. He also holds a master's degree in city and regional planning from Catholic University, and a master's degree in public administration from American University. Mr. Priest began his professional career with the District of Columbia Department of Housing and Community Development, and the District of Columbia Redevelopment Land Agency. Within these offices, he held several key positions including director of the Office of Policy, Planning, Program Development Land Evaluation; secretary of the Redevelopment Land Agency Board of Directors; and director, NW#1 Urban Renewal Project. He capped off his tenure with the District of Columbia Government by serving as director of the Office of Resource Development.

Mr. Speaker, during his tenure at the U.S. Department of Housing and Urban Development, Mr. Priest has directed programs in the Community Planning and Development division in HUD field offices and at the agency's headquarters. He has earned the respect of his colleagues and others for his strong commitment and vision to community-building across the Nation. His command of the financial and programmatic facets of HUD culminated into his current post of director of Economic Development. I also note that when he leaves HUD, Mr. Priest will assume the presidency of the National Congress for Community Economic Development.

Beyond his career in public service, Mr. Priest is an active member of his community. He serves as treasurer of the Montgomery County Pan-Hellenic Council. He is also the senior warden at the Episcopal Church of Our Savior, and serves on the board of trustees for the St. John's College High School. He is affiliated with Omega Psi Phi Fraternity. Mr. Priest and his wife, Sue, are the proud parents of Troy and Gary. They are also the proud grandparents of Gabrielle.

Mr. Speaker, I join many others in saluting Roy Priest on this important occasion. I am proud to salute him for a job well done, and I wish him much continued success.

TRIBUTE TO ADAMS STREET EAST SIDE PREP

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would like to take this opportunity to extend my congratulations to the Adams Street East Side Preparatory School of Worcester, MA, as this fine institution celebrates its 100th anniversary this fall. Opened in October 1897. Adams East Side began as a four-room brick schoolhouse with 165 students, overseen by Principal Carrie Pierre. Although 92 percent of the first student body was born here in the United States, these students were largely the children of immigrants; nearly half of their fathers had been born across the Atlantic in Ireland. Additions to the school were made in 1916, 1920, and 1927, so that by 1934 enrollment had risen to 785 students.

Today, Adams Street East Side Prep serves as a quadrant magnet school in Worcester's north quadrant. The school's mission aims at the creation of an environment which both challenges and encourages students to pursue excellence and to shape in a positive way their own lives as well as the world around them. By providing opportunities for students to acquire, integrate, and apply knowledge to new learning situations, Adams Street East Side Prep promotes an attitude conducive to life-long learning and prepares the young people who enter its halls for the future.

To the students, faculty, and administration of Adams Street East Side Prep, I again offer my sincerest congratulations as well as my wishes for continued success in the future.

ECUADOR, LATIN AMERICA, HUMAN RIGHTS, AND THE BROKEN JUDICIAL SYSTEM

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. BROWN of Florida. Mr. Speaker, the problem of human rights in Ecuador and the larger region of Latin America is of concern to so many people throughout America and in other countries. I enclose for the RECORD a letter from a Canadian who lives in Nova Scotia:

COMMITTEE FOR THE
RELEASE OF MEL SOUTER,
Halifax, Nova Scotia, Canada, May 14, 1997.
Hon. CORRINE BROWN,
Member of Congress, Third District Florida, Congress of the United States, House of Representatives, Washington, DC.

HONOURABLE CONGRESSWOMAN BROWN: Honourable Congresswoman Brown, I bless you and thank you on behalf of all Canadians for your courage and efforts on behalf of all those imprisioned without trial in Ecuador and elsewhere, and we would deeply appreciate it if you would read this into your motion to the House this afternoon.

To the Chair:—Hon. Members—A Petition to the Government of the United States of America on behalf of Mel Souter in Prision without trail in Ecuador.

Mel Souter a Canadian citizen from Vancouver, Canada, is in the same prison and in the same conditions as Jim Williams from Jacksonville Beach, Florida. Mel was interrogated continuously for thirty (30) hours and then forced to sign a statement he was not allowed to read after two hundred and eight (208) days, he has not even been given a "Summary" decision, which is required by law within sixty (60) days.

As a Canadian, what is even more disturbing to me is that Mel Souter's arrest and detainment was instigated and coordinated by the U.S. government through the agencies of the FBI and the DEA. The Ecuadorians now say the case is bogged down because of lack of evidence which the DEA promised to provide. This case which was known as "PESCADOR" is now being dubbed "FIASCO-DOOR" by the locals.

What you do to your citizens inside or outside of the United States is your business—and we do not presume to advise you,—but what you do or cause to be done to my Canadian brother does concern me—and in this case—saddens me and offends me.

After eight (8) months, it is now clear there is no case against this gentle 53 year old Canadian father and grandfather.

As your Canadian neighbours and friends we urge you now to move with speed to undo the wrong that has been done—you cannot allow your agency just to walk away and call Mel Souter "collateral damage". We urge you to give a clear and direct order to the DEA in Ecuador to request his release from the Ecuadorian authorities. I am assured by the Ecuadorian authorities that if the request is made by the U.S. Government through the proper channels, it will be responded to in a positive way.

Please listen—please!!

We are Canadian—

You know the friendship and respect we have for America and its people.

We rescued your brothers in Iran in 1968—Our sons flew along side yours in Dessert Storm—Treat us like the friends we are—and show us your nobility, by making sure that MEL SOUTER is at the HEAD OF THE LINE when they walk through the Green Door and into the arms of their families.

Yours with friendship and respect
MEL EARLEY,
Chairman, Committee for the Release of Mel Souter.

HIGHER EDUCATION ACCESS AND AFFORDABILITY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, in proposing the HOPE scholarship, President Clinton has, to his great credit, identified an issue—college affordability—that is keeping a number of lower- and middle-income Americans awake at night. In the coming weeks, it will fall to the tax-writing committees, working within the framework of the budget, to determine just what sort of tax breaks we can provide for tuition for higher education.

In addition to budgetary constraints, we must be sensitive to the potentially inflationary impact of the provisions we enact. A few short years ago, we came very close to overhauling one-seventh of the Nation's economy partly in response to an alarming rate of medical inflation. Higher education costs are rising twice as fast as health care costs. I raise this as a note of caution, not as an excuse for inaction. We need to help families cope with these costs.

While there is much work to be done, there are several proposals on which I believe all of us—Republicans and Democrats alike—can agree as a starting point for building a consensus on a broader package. Today I am introducing the Higher Education Access and Affordability Act of 1997.

The Higher Education Access and Affordability Act would:

Make the payout from State-sponsored, prepaid tuition plans excludable from income;

Make the section 127 exclusion for employer-provided tuition assistance permanent;

Provide an above-the-line deduction for student loan interest;

Allow tax- and penalty-free IRA withdrawals for higher education expenses;

Allow nondeductible contributions of up to $1,500 per child per year into higher education savings accounts. The inside buildup would not be taxed. Distributions would not be taxed if the money were used for postsecondary tuition and/or expenses. Anyone could contribute to the account on a child's behalf—for instance, grandparents, aunts and uncles—but the account, not the individual contribution, would be capped at $1,500 per year.

Mr. Speaker, this package is not a panacea, but it provides a solid starting point. I look forward to working with my colleagues in the weeks and months ahead to develop a broad, balanced public policy response to the challenge of college affordability.

TRIBUTE TO DAVID K. PAGE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. LEVIN. Mr. Speaker, on Wednesday, May 28, the Detroit chapter of the American Jewish Committee will present its prestigious Learned Hand Award to David Page.

It is a richly deserved recognition of David Page's many decades of community service.

He has honored his chosen profession within the traditions embodied in Judge Learned Hand's love of the law as an instrument of justice. His active partnership over the years in the law firm of Honigman, Miller, Schwartz and Cohn has been his anchor, and he has blended with it an exceptionally broad and diverse range of activity.

His concern for the health of the residents of Metropolitan Detroit, especially its children, is reflected in his chairmanship of the board of the Children's Hospital of Michigan, and more recently as the vice-chair of the Detroit Medical Center and director of the Karamanos Center Institute and chair of the Board of Visitors of the Wayne State University School of Medicine.

His community activities in the United Way, United Fund Drive, the Boy Scouts, University of Michigan, Marygrove College, the Community Foundation for Southeastern Michigan, and the Greater Downtown Partnership have impacted the lives of Michigan residents from numerous walks of life.

He has also been a pillar within his own Jewish community and nationally as director of the Council of Jewish Federations, president of the Jewish Federation of Metropolitan Detroit his director posts in American and Detroit, ORT, and his work with the Allied Jewish Campaign, the Jewish Community Center, and the Jewish Family and Children's Service, among others.

Clearly, this recital of some of David Page's civic endeavors manifests a person of extraordinary interest in and concern for all of humanity. In his quiet, but sparkling way, he has brought light to many lives.

I have been privileged to see some of his public accomplishments and to be a friend in his private life. The recognition bestowed on him through the Learned Hand Award is the kind he would never seek, but is richly deserved.

HELPING PARENTS EDUCATE THEIR KIDS: THE CHILDREN'S EDUCATION TAX CREDIT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. PITTS. Mr. Speaker, as a parent and a former school teacher, I am firmly committed to providing out Nation's children an education which will prepare them for their futures. I believe that only by empowering parents to do more for their child can our Nation's next generation truly thrive.

That's why I am introducing the Children's Education Tax Credit Act today. This bill provides a $450 tax credit per child for education expenses. The tax credit will apply to all individuals paying for textbooks, tuition, and other resources children need to excel in school.

Today, too many Americans are forced to choose between spending a little extra on their kid's learning and paying the rent. With the children's education tax credit, we can free parents to make the best education choices for their children. For decades, American families have struggled to make the best education choices because the Federal Government taxes them too much. It is vital that we reward investment in a child's education and encourage families to control more of their own money.

By letting parents decide how best their education dollars can be spent, we begin deferring to local communities and families the crucial decisions on how to educate a child. I urge that Members join me in fighting for sound education for our Nation's children by supporting the Children's Education Tax Credit Act.

A BOLD PROPOSAL FOR STIMULATING EMPLOYMENT AND GROWTH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of Members an important article published in Barron's earlier this year by William Drayton, an innovative thinker on economic and social development who founded the highly regarded non-profit organization, Ashoka. Mr. Drayton highlights the disappointing growth performance of the U.S. economy in recent decades. He also notes that more than 100 million Americans are either underemployed or unemployed. Mr. Drayton argues that helping make these Americans more productive is the key to restoring higher long-term growth to the U.S. economy. To stimulate job creation, Mr. Drayton makes a bold proposal: replace existing payroll taxes with a variety of resource-based "patrimony taxes." Not everyone will agree with this proposal, but Mr. Drayton's article merits careful consideration. It offers an original way of thinking about a problem that has frustrated U.S. policymakers for many years.

[From Barron's, Feb. 24, 1997]

THE HIDDEN JOBLESS

(By William Drayton)

What if America could rev up a growth rate that would make Asians blush? What if it could be done all by market forces, without an increase in taxes, or the deficit, or Big Government? An administration willing to stop taxing jobs—and get the lost revenues from natural resources could bring America roaring into the 21st century with millions of new jobs. America could retain world economic leadership, and it would be able to heal the social divisions increasingly tearing us apart.

The first step is to accept that the country is not using 50% of its workforce—i.e., that unemployment is many times the 5.3% that the White House trumpets. The numbers are hard to duck. The 1990 census counted 6.87 million officially unemployed versus 133 million employed. However, only 80 million of that 133 million had full-time jobs (at least 35 hours a week). The other 53 million were part-time and seasonal workers, and only 14.6 million of them averaged 20 hours a week or more. A further 49.9 million perfectly healthy adults who are entirely free to work are omitted from the Labor Department's "work force" or "unemployed" categories: Because they are neither working nor actively seeking work, they are officially invisible. Including these invisible souls, 57% of the potential workforce are un- or underemployed—and that does not count millions more who have, for instance, some ailment but nonetheless want work. This makes for a very loose labor market indeed, and it entails gigantic social costs.

If the country has over 100 million un- and underemployed, why do our statistics and discussions focus only on the seven million "unemployed"? Because they are the political problem: The others have psychologically accepted dependency/unemployment and are not actively angry or seeking help.

Giving these tens of millions of people jobs is our country's only possible avenue to fast growth. There simply is no resource other than this vast reservoir of un- or underutilized labor—and all the education, health care, and other human capital invested in them—that can provide the energy necessary for the economy to break out of its pathetic 2.5 percent growth rate. We have lost our raw materials advantage: As one of the most exploited continents in the world, we increasingly import—our oil and metals, for example. Nor do we any longer have privileged access to low-cost capital. Every year it becomes easier for companies in Thailand to tap cheap money in the ever-more-efficient global financial markets. Only in its people and their human capital does America have a huge unutilized resource that could fire growth.

The simplest and most powerful single policy to produce tens of millions of new jobs is to swap today's $525 billion in payroll taxes (chiefly Social Security, health, and unemployment) for equal revenues from a new "patrimony tax" on the continent's natural wealth. This would lower the price of labor relative to natural resources by 35 percent–40 percent over seven to eight years of gradual introduction. (If income-tax payroll deductions are also cut, the relative price shift would be well over 50 percent). This trillion-dollar-plus relative price shift is leveraged jujitsu: Higher natural-resource prices increase employment; so do lower labor costs. Social Security benefits would not be touched, just paid for in a new and politically attractive way.

Economic growth would multiply as the new workers produced far more goods and services, as families and government no longer had to pay for tens of millions of dependents; as crime and other social ills receded; as taxes shifted from production to consumption; and as the economy's new price signals encouraged rather than victimized the fast growth knowledge sectors that are our global strength and our future.

Here's how it would work. Reducing payroll tax rates by three percentage points each year would provide a $92 billion annual stimulus to employment. If the policy cut employee contributions first, the typical employee could be sent a $1,000 refund check for each such three-point reduction—a politician's dream.

Since the payroll tax ultimately comes out of workers' pockets in industries where they have little bargaining power, cutting it is one of the few feasible means of reducing the country's growing, corrosive income inequality.

Where workers do have leverage and therefore rising salaries—i.e., the knowledge sectors so key to our future—employers have to absorb the tax. Cutting it would allow them to hire more workers, cut prices (and therefore sell and hire more), and/or enjoy larger profits (which invites new competitors with new jobs).

Then there's the policy's incentive magic: It compounds such direct increases in the demand for workers by simultaneously raising the lost revenues through new taxes on the use of natural resources: The first year *relative* price shift thereby suddenly weighs in at $184 billion, not $92 billion.

There's political magic as well: These natural resource taxes can be enacted. As Al Gore (and many environmentalists before him) have learned painfully, stand-alone natural resource taxes are likely to crash and burn. These patrimony taxes, however, should fly politically. That's because they are inextricably married to giant political positives—increasing jobs and growth while slashing both payroll taxes and mass unemployment's social ills.

Given this popular underpinning and a little creativity, there are many, many politically feasible patrimony taxes. For example:

Energy Inefficiency Tax. A tax charged each year on the 25%-50% least-energy-efficient new cars, appliances, etc., and commercial buildings. The tax's automatic annual adjustment keeps revenue steady, spurs innovation and avoids the political heartburn of periodic adjustments. It spares the poor since they can buy old or relatively efficient new goods untaxed. It entails little administrative cost (most of the information is already available), and the political pain is tolerable (because taxed industries have winners as well as losers and because the super mobilized new property developers are excused). It would raise roughly $10 billion-$20 billion annually.

Non-Labor Value-Added Tax. The standard European consumption tax could be modified to tax all portions of production except labor. Such a tax with a 10% rate would produce over $180 billion. If housing, food, and medicine were excluded, it would still raise $80 billion.

Recycling-Incentive Tax. By charging two cents a box, bottle or other package unless it contained a minimum percentage of recycled material, this tax would create substantial new demand for scrap and $10 billion-$20 billion in revenues.

How would people respond to such changed incentives? Farmers, for example, would find summer hires more attractive than before—because they would cost less and could substitute for machines that chew up newly expensive energy and materials, and because a series of natural-resources-conserving activities, ranging from composting to fighting erosion would warrant the labor required. People-intensive outfits, from research labs to consulting firms, would grow as their chief cost was cut.

There are no bureaucrats, no sectional preferences, no "industrial politics" here. This policy uses what truly moves markets: changed prices.

Much more than national wealth and individual well-being are at stake. Allowing our decades-old below-expectations growth to continue will leave us mired ever more deeply in a historically familiar trap. Our first response—which is historically typical—was to keep consumption growing as fast as we felt it should by consuming capital—be it through controlling rents, cutting education or not maintaining our bridges. With the debt blow-off of the 1980s we reached the even more destructive next stage: If the majority can no longer ensure that its consumption continues to compound, it will be tempted to unite politically to protect whatever it does have from the claims of others. Britain, which lost its competitive advantage in the 1880s, got stuck in this dispiriting, divisive stage by 1911—miring itself in a century of slow growth, social division, and declining relevance.

So much is at stake here that whichever party provides the needed political leadership could establish itself as the majority party for a long time. Breaking out of the current downward spiral would be as great a contribution as Roosevelt made when he stopped the similarly self-feeding downward spiral of the Great Depression.

This downward spiral is as global as Roosevelt's. Mass unemployment and underemployment is even worse in Europe and most of the developing world, and the reform opportunities are similar. The payroll tax burden on legal, formal sector employment in Brazil, for example, ranges from 52%-72%.

Effective leadership in this cause could call forth an extraordinarily powerful coalition, powerful because it serves the centralmost interests both of America as a whole and of giant constituencies:

Organized labor can only continue its decline as long as roughly 50% of the workforce overhangs a loose labor market.

The environment would benefit more from this sort of major increase in the relative price of natural resources than from any other plausible advance.

Women, given leverage by a tighter job market, could close in on wage differentials, open new jobs and shatter many a glass ceiling.

Older people who have lost jobs for decades as lower-paid women have pushed into work and who suffer earlier deaths and more illness as a result could, because of their numbers and propensity to vote, become a political tsunami as they press back in.

The disabled, African-Americans, Latinos, new immigrants, the young and all those concerned about America's social health (be it the well-being of the young, crime or a competitive workforce) have every bit as much at stake.

Business will be divided. The chief opposition will come from the politically mobilized natural resource industries; but the reform's chief beneficiaries, the knowledge and service sectors, now constitute over 80% of the economy.

Some economists suggest that today's unemployment is "natural" and that the economy would explode if we did better. If there is a problem, it certainly is not one of supply. If good work were available, hosts of people would respond—as they did in the first two years of World War II, when the number of people working jumped 35% and the average work week grew 20%.

The problem is demand. Do we have the imagination and courage to see the mass unemployment around us and then to act?

The means to break out are there. The political energy waiting to be tapped is enormous.

What is missing is leadership. Unfunded tax cuts would hurt growth. More training would help those trained find work—but largely at the expense of other marginal workers as long as there is no increase in the total demand for workers. The 1996 welfare reform increases the need for jobs without increasing their supply. Business cycle tweakings don't cause structural change.

Worse, some of America's leaders seem to be headed towards an exclusionary circling of the wagons. However, America is not Britain in 1911. It fires "can't do" leaders. It has the energy and the will to break out.

IN HONOR OF OUR NATION'S POLICE OFFICERS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise to join my colleagues in remembering and honoring the people who have put their lives on the line for our Nation's communities.

As you know, this is National Police Week. It is a week for every American to take some time and think about what our Nation's law enforcement officers do everyday. They keep order on our crime-infested streets, talk to young people about safety, drug, and crime prevention, and strive to make our neighborhoods better places to live. And every day they face the reality of being wounded or killed in the line of duty.

Too many of these brave individuals have fallen to heinous crimes. We should pause and reflect on the daily dangers they face in keeping our communities, streets, and neighborhoods free of harm. We should remember the sacrifice these people have made and the heartache their families have endured. And we should honor them for what they have done.

We must be ever vigilant in our efforts to assist the police in keeping our streets safe, our neighborhoods from danger, and our children protected.

I am pleased to join so many of my colleagues in honoring our Nation's law enforcement personnel.

TRIBUTE TO RICHARD W. CARLSON

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. ROHRABACHER. Mr. Speaker, I would like to take this opportunity to pay tribute to my friend and colleague Richard W. Carlson. Richard Carlson, president and CEO of the Corporation for Public Broadcasting [CPB], is resigning from this position after 5 years of dedication to the public broadcasting industry.

Dick brought to CPB a distinguished background in diplomacy, journalism, public service, and business. From 1991 to 1992, he was the U.S. Ambassador to the Republic of Seychelles. He also served as Director of Voice of America and Associate Director of the U.S. Information Agency from 1986 until 1991. He has received 19 major journalism awards, including the prestigious George Foster Peabody Award.

Last month he received a 1997 American Broadcast Pioneer Award, presented annually by the Broadcasters' Foundation. This award is given to individuals who have made legendary contributions within their spheres of influence in the broadcasting industry.

During his tenure at CPB, Dick guided public broadcasters through an intense time of public scrutiny. He responded to this atmosphere in an articulate, bipartisan fashion. In doing this, he exhibited those characteristics that constitute his genuine personality: Intelligence, leadership, evenhandedness, and commitment.

I congratulate my friend Dick Carlson upon this departure and wish him my best as he takes on new challenges.

CONGRATULATIONS TO PASTOR EMERITUS RALPH G. HOFFMANN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate Pastor Emeritus Ralph G. Hoffmann on his 60th-year ordination anniversary as a priest in the Gary Diocese. On Sunday, May 18, 1997, the parish of St. Mary of the Lake in Miller, IN, will honor Monsignor Hoffmann at a Tribute and Toast, which will feature a potluck dinner and several guest speakers.

Monsignor Hoffmann was born in 1911, in Hartford City, IN. He attended school at St. John the Evangelist, in Hartford City, IN, and St. Joseph's College. With the support of his family, Monsignor Hoffmann joined the seminary and studied at St. Gregory and St. Mary of the West, both in Cincinnati, OH. Shortly after his ordination on May 22, 1937, a day he describes as the highlight of his career, Monsignor Hoffmann accepted his first assignments at Holy Trinity Hungarian Catholic Church, in East Chicago, IN; and St. Mary's Church, in Michigan City, IN.

In 1943, Monsignor Hoffmann began the portion of his career for which he is best remembered when he served in the European theater of operations as an Army chaplain during World War II. Assigned to the 83d Infantry Division under the command of Maj. Gen. Robert Macon, Monsignor Hoffmann offered spiritual guidance and moral support to soldiers who took part in the Battles of Normandy, the Hurtgen Forest, Greater France, and the Battle of the Bulge. Before leaving Europe in 1946, he met Gen. George Patton and Gen. Omar Bradley. In addition, he was granted a private audience with Pope Pius XII, where he was asked to discuss the state of Austria. Monsignor Hoffmann was separated from the service in May 1947 with the rank of major.

Upon his discharge from the U.S. Army, Monsignor Hoffmann served several parishes, including St. Dominic, in Bremen, IN; St. Patrick, in Chesterton, IN; and St. Mary of the Lake, in Miller, IN; where he remained for 20 years. Monsignor Hoffmann was also appointed to a variety of organizations within the Catholic Church during his career. In 1958, he became the first director of the Priests' Eucharistic League. In addition, he served as the area moderator of the Council of Catholic Men in 1965, diocesan coordinator of the 41st Eucharistic Congress in 1975, and was appointed Episcopal vicar of the Gary Vicariate in 1976. Eight years later, Monsignor Hoffmann was appointed Episcopal vicar and dean of the St. Matthew Deanery.

In addition to being very active within the church, Monsignor Hoffmann devoted much of his time to public service as well. In 1975, then-Governor Otis Bowen appointed Monsignor Hoffmann to the Indiana Task Force on Migrant Affairs. This task force was comprised of representatives from private and public service agencies, migrant communities, employers of migrants, and concerns members of the public. Since his retirement from the priesthood in 1986, Monsignor Hoffmann has remained active within the community, through his membership with the Knights of Columbus and Sierra Club, as well as his continued involvement with his former parish, St. Mary of the Lake.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Monsignor Hoffmann on the 60th-year anniversary of his ordination. I would also like to take this opportunity to commend him on his service and dedication to our country and the citizens of Indiana's First Congressional District

SENATE—*Friday, May 16, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, these days in the Senate are filled with crucial issues, sharp differences on solutions, and vital votes on legislation. So we begin this day with the question that you asked King Solomon, "Ask: What shall I give you?" We empathize with Solomon's response. He asked for an "understanding heart." We are moved by the more precise translation of Hebrew words for "understanding heart," meaning "a hearing heart."

Solomon wanted to hear a word from You for the perplexities he faced. He longed for the gift of wisdom so that he could have answers and direction for his people. We are moved by Your response, Lord. "See, I have given you a wise and listening heart."

I pray for nothing less as Your answer for the urgent prayers of the women and men of this Senate. Help them to listen to Your guidance and grant them wisdom for their debates and their decisions. All through our history of this Nation, You have made good men and women great when they humbled themselves, confessed their need for Your wisdom, and listened intently to You. Speak, Lord. We need to hear Your voice in the cacophony of other voices. We are listening. Through our Lord and Saviour. Amen

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COCHRAN, is recognized.

SCHEDULE

Mr. COCHRAN. Mr. President, at the request of the majority leader, I announce today that the Senate will be in morning business during which Senators may speak. There will be no rollcall votes during today's session of the Senate. On Monday, the majority leader hopes that the Senate will be able to begin debate on the concurrent budget resolution. Senators will be notified as soon as any agreements are reached.

Mr. President, I ask unanimous consent that I be recognized for a period not to exceed 15 minutes.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

NATO ALLIANCE MEMBERSHIP FOR ROMANIA

Mr. COCHRAN. Madam President, last week I received a letter from the distinguished Senator from Indiana [Mr. LUGAR] on the subject of a task force which he had been asked to chair convened by the Council on Foreign Relations on the subject of Russia, its neighbors, and an enlarging NATO.

Senator LUGAR's letter discusses the highlights of the findings and agreements that were reached by this impressive task force made up of experts on foreign policy and national security. I think it is important for the Senate to consider and review carefully the task force report and the information in that as we are beginning serious consideration now in the Foreign Relations Committee and soon in this Chamber proposals for the enlargement of NATO. We have already had other agreements which have been widely publicized this week—the charter or the framework between Russia and the United States on the subject of NATO enlargement. So it is very timely, in my view, for us to begin to get all of the information and all of the viewpoints that we can from those who deserve respect on these issues so we will be fully advised as we are called upon to make decisions on proposals from the administration.

In his letter, Senator LUGAR points out that "The Task Force reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible." First he pointed out that the goal of this task force "was to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. The Task Force also looked," he said, "at the security concerns of the Baltic states and Ukraine."

He says the Task Force "agreed that it is in the United States interest to try to achieve both" enlargement of NATO and a strengthening of NATO-Russian relations. So we also should "negotiate from a position of strength and not allow the NATO Alliance to be held hostage in any manner by Moscow. We strongly caution," he said, the Task Force said, "that NATO's core mission of collective defense of its members—both old and new—not be diluted in any manner."

Other highlights include an urging of the administration and NATO allies "to take very specific steps, to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land."

And in conclusion, he says the Task Force recommends endorsing "NATO's decision to add new, 'full' members at the Madrid summit in July 1997, and suggests the Alliance remain open to the possibility of adding more new members in the future."

The Task Force said, and he quotes from their findings:

> We believe that the goal of NATO's enlargement with Russia should not be to provide compensation for enlargement. Rather, it should be to forge a new NATO-Russia relationship that builds on opportunities offered by a new Europe, a Russia in transition and an adapting NATO.

The Task Force recommended also "To engage Russia, negotiate a formal NATO-Russia charter," which is being done, "and a consultative mechanism that offers both sides incentives to cooperate on shared problems," and to "Update Conventional Forces in Europe Treaty," which we approved this week.

In conclusion, he points out that the Task Force suggests that we,

> Reject vigorously any efforts by Moscow to dictate the terms of Baltic or Ukrainian relations with NATO. The Task Force urges the administration and the Alliance to offer special assurances to the three Baltic states and Ukraine, including confirmation that NATO's open-door policy applies to all Partnership for Peace states; increased efforts to include all four countries in Partnership for Peace planning and training exercises; affirmation that the United States shares the aspirations of the Baltic states to become full members of all European institutions: and conclusion of a NATO-Ukraine agreement to deepen practical consideration over the coming years.

Madam President, I ask unanimous consent that the full text of the letter from Senator LUGAR and the media remarks that he made on May 5 at the announcement of the task force findings and report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 5, 1997.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR THAD: There is no more important foreign policy issue today than the future of European security. Our investments now in Europe's future will make a dramatic difference to our own security. NATO's decision to enlarge is a key element of that investment.

But so too is our investment in Russia's transition. Our security and the security of every nation in Europe will be affected by whether Russia succeeds or fails in becoming a fully democratic state, at peace with its neighbors and integrated into Europe. Yet Russia's leaders claim the enlargement of

NATO is a threat not only to Russian security but also to the success of Russia's transformation.

I was recently asked to chair a Council on Foreign Relation's Task Force on the subject of "Russia, Its Neighbors, and an Enlarging NATO", and to pull together some of the best minds in the country to look at this dilemma. Our goal was to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. The Task Force also looked at the security concerns of the Baltic states and Ukraine, given their history with Russia, its anxiety about their relations with NATO, and their strong desire for closer ties with NATO.

With NATO enlargement imminent, the premise behind this Task Force's deliberations was not "whether and when" NATO should expand, but "how." We looked not only at how the Alliance might engage Russia, but also at how the process of enlargement, how NATO's own internal adaptation and how conventional and nuclear arms control, could improve the security climate across Europe, without dangerous concessions to Russia.

The Task Force reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible, despite continued Russian opposition to enlargement. We agreed that it is in the U.S. interest to try to achieve both, so long as we negotiate from a position of strength, and do not allow the NATO Alliance to be held hostage in any manner by Moscow. The U.S. and the Alliance can offer Russia reassurances about its security and role in the new Europe that make sense on their own merits, without compromising NATO's effectiveness or independence.

In the process, however, we strongly caution that NATO's core mission of collective defense of its members—both old and new—must not be diluted in any manner. As discussions with Russia proceed, the Task Force warns the Administration and the Alliance to remain vigilant regarding Russian efforts to step or stall expansion, to turn NATO into a social club or debating society, or to have a veto over its decisions. We also caution against trying to compensate Russia for expansion with arms control or other concessions.

All NATO-Russia and U.S.-Russia political and security arrangements must be reciprocal. We also urge the Administration and our NATO allies to take very specific steps in the coming months and years to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land.

The bipartisan Task Force brought together experts on Europe and the former Soviet Union from government, think tanks, universities, and the business community. Participants included Robert Blackwill, former Principal Deputy Assistance Secretary of State for European and Canadian Affairs and for Political Military Affairs; Richard C. Holbrooke, former Assistant secretary of State for European and Canadian Affairs; William Kristol, Editor of The Weekly Standard magazine; Thomas Pickering, former U.S. Ambassador to Russia, Brent Scowcroft, former National Security Advisor; and Robert Zoellick, former Counselor of the State Department and Undersecretary of State for Economic and Business Affairs. There was wide agreement among the Task Force participants with the report's major findings and recommendations; additional comments reflecting divergent positions are presented in the report to help frame the dabate.

The Task Force calls for a series of measures to address Russia's concerns as NATO enlarges, but states "we believe that the goal of NATO's engagement with Russia should not be to provide 'compensation' for enlargement. Rather, it should be to forge a new NATO-Russia relationship that builds on opportunities offered by a new Europe, a Russia in transition and an adapting NATO."

Among the Task Force's conclusions and recommendations.

Endorses NATO's decision to add new, "full" members at the Madrid summit in July 1997, and suggests the Alliance remain open to the possibility of adding more new members in the future. The report asserts that an expanded Alliance does not threaten Russia; in fact Russia will benefit from increased European stability.

To engage Russia, negotiate a formal NATO-Russia charter and a consultative mechanism that offers both sides incentives to cooperate on shared problems. However, NATO-Russia arrangements must not: stop or slow expansion; give Russia a veto over NATO decisions or dilute the effectiveness of the North Atlantic Council; allow "second class citizens" in the Alliance or exclude any Partnership for Peace (PfP) participant from future membership consideration; or preclude any Alliance member from calling for a meeting without Russia present.

Update Conventional Forces in Europe (CFE) Treaty in a way that: eliminates its current bloc-to-bloc character in favor of national limits and reciprocal overall troop reductions and does not make second-class citizens of the new NATO members; does not isolate the Ukraine; does not impinge upon NATO's future ability to extend a full security guarantee to other potential members, and does not set an arbitrary deadline for the conclusion of the treaty negotiations or link them the NATO expansion timetable.

Continue to reject vigorously any efforts by Moscow to dictate the terms of Baltic or Ukrainian relations with NATO. The Task Force urges the Administration and the Alliance to offer special assurances to the three Baltic states and Ukraine, including confirmation that NATO's open-door policy applies to all PfP states, increased efforts to include all four countries in PfP planning and training exercises; affirmation that the U.S. shares the aspirations of the Baltic states to become full members of all European institutions; and conclusions of a NATO-Ukraine agreement to deepen practical cooperation over the coming years.

I attach a copy of the Task Force Report, along with my summary of its findings and recommendations that I presented at a recent press conference to mark the Report's publication.

I recommend both to your attention.

Sincerely,

RICHARD G. LUGAR,
U.S. Senator.

COUNCIL ON FOREIGN RELATIONS NATO TASK FORCE PRESS CONFERENCE: REMARKS BY U.S. SENATOR RICHARD LUGAR, MAY 5, 1997

I am delighted to have had the opportunity to chair this very distinguished Task Force on "Russia, its Neighbors and an Enlarging NATO" and to present its findings to you today.

I agreed to chair this group because there is no more important foreign policy issue today than the future of European security. Just as our investments during the Cold War led directly to the collapse of the Soviet Union and the Warsaw Pact, our investments now in Europe's future will make a dramatic difference to our own security. NATO's decision to enlarge is a key element of that investment. But so too is our investment in Russia's transition. Our security and the security of every nation in Europe will be affected by whether Russia succeeds or fails in becoming a fully democratic state, at peace with its neighbors, and integrated into Europe. Yet Russia's leaders claim the enlargement of NATO is a threat not only to Russian security, but also to the success of Russia's transformation.

The goal of the Task Force was to pull together some of the best minds in the country to look at this dilemma and to determine whether Russia's concerns could be managed and its internal transition bolstered without stopping or slowing NATO enlargement. We also looked at the security concerns of the Baltic States and Ukraine, given their history with Russia, its anxiety about their relations with NATO and their strong desire for closer ties with NATO.

With NATO enlargement imminent, the premise behind this Task Force's deliberations was not "whether and when" NATO should expand, but "how." We looked not only at how the Alliance might engage Russia, but also at how the process of enlargement, how NATO's own internal adaptation and conventional and nuclear arms control, could improve the security climate across Europe, without dangerous concessions to Russia.

I am pleased to announce that we reached a strong bipartisan consensus that the enlargement of NATO and improved NATO-Russia relations need not be incompatible, despite continued Russian opposition to enlargement. We agreed that it is in the U.S. interest to try to achieve both, so long as we negotiate from a position of strength, and do not allow the NATO Alliance to be held hostage in any manner by Moscow. The U.S. and the Alliance can offer Russia significant reassurances about its security and role in the new Europe that make sense on their own merits, without compromising NATO's effectiveness or independence.

In the process, however, we strongly caution that NATO's core mission of collective defense of its members—both old and new—must not be diluted in any manner. As discussions with Russia proceed, the Task Force warns the Administration and the Alliance to remain vigilant regarding Russian efforts to stop or stall expansion, to turn NATO into a social club or debating society, or to have a veto over its decisions. We also caution against trying to compensate Russia for expansion with arms control or other concessions. All NATO-Russia and U.S.-Russia political and security arrangements must be reciprocal. We also urge the Administration and our NATO allies to take very specific steps in the coming months and years to reassure the Baltic states and Ukraine that they will not be left in a security no-man's land.

Let me now mention some of our specific recommendations. For a more complete list, I call your attention to the short "Statement of the Task Force" which covers the longer report.

First, the Task Force endorses NATO's decision to invite new members to join the Alliance at the Madrid summit this July, and its commitment that these will be full members, not "second-class citizens."

On future enlargement, we recommend that NATO affirm that it remains open to the possibility of other new members. We believe Alliance selection of future members should depend on three factors: (1) The strategic interests of NATO members; (2) the Alliance's perception of threats to security and stability; and (3) future members' success in completing their democratic transitions and in harmonizing their political aims and security policies with NATO's.

At the same time, we believe NATO should offer ideas to draw Russia closer to the Alliance to deal with mutual security concerns in a reciprocal fashion, to support Russia's consolidation of a non-imperialist, stable democracy, and to reassure Moscow that we don't seek to isolate or weaken Russia.

Specifically, we endorse efforts to negotiate a NATO-Russia charter and a consultative mechanism that offers both sides incentives to cooperate on shared problems. These could include non-proliferation, aggressive nationalism, territorial disputes, security and safety of nuclear weapons, and peacekeeping.

That said, we strongly caution the Administration and the Alliance against even the appearance of trying to "compensate" Russia for NATO enlargement or allowing Moscow to weaken or hamstring the Alliance in any way. Specifically, NATO-Russia arrangements must not:

(1) stop or slow NATO enlargement;

(2) NATO-Russia arrangements must not give Russia an actual or de facto veto over NATO decision-making, or the ability to stall or divide the Alliance;

(3) NATO-Russia arrangements must not create "second class citizens" in the Alliance or exclude any participant in the Partnership for Peace program (PFP) from future consideration for NATO membership;

(4) NATO-Russia arrangements must not subordinate NATO to any other decision-making body or organization;

(5) NATO-Russia arrangements must not dilute the effectiveness of the North Atlantic Council or preclude any Alliance member from calling for a meeting without Russia present.

We also support adaptation of the Conventional Forces in Europe Treaty in a way that will facilitate both NATO enlargement and NATO-Russia cooperation, including eliminating the bloc-to-bloc nature of the treaty in favor of national limits and reducing the amount of equipment the treaty permits all signatories.

But we caution the Administration and NATO states, as negotiations proceed, to ensure that all geographic limits are reciprocal, and that future equipment limits do not make de facto "second class" citizens of the new Alliance members.

We further caution against any agreement that would isolate Ukraine or make it more vulnerable to Moscow's pressure. We urge that the revised limits in no way impinge on NATO's ability to extend a full security guarantee to other potential members in the future.

We also argue strenuously against setting an arbitrary deadline for the conclusion of the negotiations or linking such a deadline to the timetable for NATO enlargement.

On the nuclear side, the linkage between NATO enlargement and nuclear arms control is clearly more political than strategic. That said, we believe the U.S.-Russian arrangements with regard to START II and START III reached at Helsinki have improved the climate for Russian acceptance of the first tranche of enlargement as well as for Duma ratification of START II, while advancing our own security interests. This will not happen overnight, and probably not before the Madrid Summit in July. But Helsinki represented a good-faith effort on the part of the United States to address some Russian and Duma concerns.

Finally, with regard to the Baltic states and Ukraine, we believe the Alliance must continue to reject vigorously any efforts by Moscow to dictate the terms of these countries' relations with NATO, and to exercise a veto over their future membership.

We urge the Administration and the Alliance to offer reassurances to the Baltic states and Ukraine that they will not be discriminated against as a result of their history and geography. Such assurances could include:

(1) confirmation that NATO's open door policy applies to all Partnership for Peace states, including the Baltics and Ukraine;

(2) affirmation that the U.S. recognizes and shares the aspirations of the Baltic states to become full members of all the institutions of Europe including the EU and NATO, and will assist them in this goal;

(3) conclusion of a NATO-Ukraine agreement to deepen practical cooperation over the coming years, particularly until Ukraine decides whether or not it will eventually seek Alliance membership; and

(4) increased efforts to deepen the involvement of all four countries with NATO through active participation in the Atlantic Partnership Council and the Partnership for Peace.

If we proceed in this manner, as recommended by the Task Force, we believe the choice will ultimately be up to Russia to accept the hand of cooperation NATO has offered and to participate in crafting the new Europe, or to isolate itself.

Our concluding point is that NATO enlargement and deeper NATO-Russia relations both have value for the United States and the Alliance if they are pursued properly. A zero-sum debate about them therefore misses the point. The best outcome for the United States is for both tracks to succeed. This is also the best outcome for the Baltics and Ukraine that may have to live between an enlarged NATO and Russia for some time to come.

Now, before I turn to your questions, I want to say just a word about the deliberations of our group. We met four times between December and March, here in Washington. Overall, I was encouraged by the breadth of consensus we were able to achieve, considering the different perspectives and backgrounds of the individual participants. The caliber of the group was exceptional—so exceptional in fact that, during the course of our deliberations, four of our members were tapped by President Clinton to join the administration in the second term.

But, as the attached additional comments and the one dissent by General Scowcroft indicate, there were a couple of important points where views differed significantly. I point these out to you because I think they are instructive about the larger debate in this country and the challenges we will face when NATO enlargement comes up for ratification in the Senate.

The most controversial issue for our group was not what should happen this summer at Madrid, but what should happen thereafter to NATO and in Europe. Several of our members are less confident than others that the time will ever be right for a second, third or fourth tranche of NATO enlargement. General Scowcroft and Bob Blackwill call for a formal "pause" or breathing space after Madrid. A couple of other members question the Report's support for the Baltic states' aspirations to join NATO eventually.

My own personal view is that it would be a huge mistake to declare a formal pause in expansion after Madrid. This would cede precisely the kind of veto over NATO's plans to Moscow that the Report warns against. Making that pause permanent would effectively draw a new line across Europe slightly further east. It would relegate whole parts of Europe to a permanent security gray-zone, and would undermine any incentive those countries' leaders have to make the kinds of democratic changes that Alliance membership demands.

While I agree that NATO must proceed cautiously after Madrid and take time absorbing the new members, it is essential that the Alliance make clear at Madrid that the first new members will not be the last. Such a pledge would be particularly important for the Baltic states, which were, after all, also captive nations throughout the Cold War.

I endorse strongly all the cautions in the report that NATO's effectiveness as a defensive alliance not be diluted in any way. It is also essential that NATO's new members be full members and not "second class citizens." In that regard, I want to close my comments today by lending my personal endorsement to one of the notes Bob Zoellick appended to the report. He cautions that between Madrid and the formal ratification of enlargement by all sixteen NATO parliaments, the new candidate members must enjoy all the privileges Russia might receive through a NATO-Russia charter and consultative arrangements. It would indeed be ironic, if over the next 2 years, Russia enjoyed closer ties to the Alliance than Poland.

I welcome your questions now.

Mr. COCHRAN. Madam President, I took time to comment and read some excerpts because in my view this is excellent work, and Senator LUGAR ought to be strongly commended for his leadership not only in chairing this traffic force on these important issues but in his work on the Foreign Relations Committee in connection with NATO enlargement, United States-Russia relations which are the subject of this work.

Madam President, I am pleased to cosponsor Senate Concurrent Resolution 5, which was introduced by Senator ROTH, supporting the expansion of the North Atlantic Treaty Organization, because I believe the NATO alliance will be strengthened by including new members and that its capacity to contribute to stability and freedom will be enhanced by such expansion.

Senate Concurrent Resolution 5 specifically mentions four nations: Hungary, Poland, the Czech Republic, and Slovenia, which should be considered for membership in the alliance, but I do not think the consideration of the Foreign Relations Committee should be limited to those countries. Serious consideration should also be given, in my opinion, to Romania, and maybe to others as well.

The Romanian Government has a record of cooperation with the United States and Western nations. During the Persian Gulf crisis, for example, Romania supported U.N. resolutions imposing sanctions against Iraq and voted to authorize the United States and other nations to enforce the sanctions and liberate Kuwait. In 1993, Romania supported continuation of a 30-year U.N. embargo against Cuba, and its military forces participated in the U.N. action in Angola in 1995.

Romania also supported the U.N. trade embargo against the former Yugoslavia, and following the Dayton accords, it deployed a 200-troop battalion to assist in the NATO-led IFOR mission. Romania has participated in many Partnership for Peace exercises and was the first nation to sign the Partnership for Peace framework document in 1994.

The Romanian Government has sought entry into several Western economic and security alliances. In 1993, Romania became an associate member of the European Union, and in 1995, it submitted an application to become a full member of the EU. In 1994, Romania became a member of the Council of Europe.

The people of Romania strongly support joining the NATO alliance. A recent European Commission poll of 20 Eastern and Central European nations shows a higher percentage of Romanians favoring membership in NATO than any other prospective new member's citizenry.

Since the fall of Romania's Communist government in 1989, the people of Romania have made great progress to achieve the goal of democracy, by showing respect for the rule of law, moving to a free market economy, and imposing civilian control over the military. By the end of 1996, Romania had completed a round of elections at all levels of Government, including both Parliamentary and Presidential elections. Observers from the Council of Europe classified the November Presidential elections "reasonably fair and transparent," and it should be noted that they resulted in the first peaceful transfer of power since 1937. The current political situation is particularly remarkable when compared with the regime which held power in 1989.

In addition to strengthening the elements common to democracies worldwide, the Romanians have directly confronted and worked to abate both internal and external ethnic conflicts. In March of this year, the Prime Minister outlined steps the Government will take to ease domestic ethnic tensions. In an effort to discourage ethnic conflict with the Hungarians living in Romania, the Government negotiated and signed a treaty with Hungary. The ruling party coalition includes the party most closely associated with ethnic Hungarians. I understand also that the Romanians are nearing the end of treaty negotiations with Ukraine over remaining border issues. Both of these cases demonstrate a willingness to settle disputes with its neighbors in a peaceful way. NATO Secretary General Solana has cited the programs that Romania, among other nations, has made toward resolving outstanding bilateral differences.

Including Romania in NATO would enhance European security. Romania's military forces are among the largest in Europe. Of the countries currently being considered for NATO membership, only Romania and Poland have army, navy, and air force capabilities.

On the day their Minister of Defense was sworn in, he declared that one of his administration's highest priorities would be to prepare Romania's military for interoperability with existing NATO structures. As a result, Romanians have undertaken strenuous efforts to update their military equipment and improve their ability to operate in concert with the forces of other nations.

Perhaps the most concerted efforts of the Romanian people have been devoted to improving their economy. The results of the last election demonstrated a preference for leaders who favor privatization, freer markets, and a continuation of reform. Within 3 weeks of the decisive Presidential election, senior representatives from the International Monetary Fund, the European Union, and the World Bank traveled to Bucharest to finalize the details of a comprehensive reform package aimed at reducing inflation, cutting the deficit, and speeding privatization. This plan for reform—released in February—will be challenging for the Romanian Government and its people over the next few years, and the Government has planned certain countermeasures during the transition, such as a strengthening of the welfare program in anticipation of temporary unemployment. However, it appears that Romania is committed to this economic plan.

In August 1996, the United States granted MFN status to Romania, and this year our Department of State reported that 80 percent of Romanian farming and 70 percent of retail sales are being generated by private enterprises. This spring the International Monetary Fund announced a $400 million loan to Romania. To supplement this IMF assistance and support the Government's reforms, the European Commission has pledged $140 million. Indicators such as these all offer assurance to foreign investors, whose contributions are important to the growth and stability of Romania's economy.

Madam President, I am impressed and encouraged by the progress Romania has made, and I urge serious consideration of Romania for inclusion in NATO. I hope the Foreign Relations Committee will conduct a full and careful review of Romania's political, economic, and military strengths when it considers legislation on NATO expansion.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Madam President, are we in a period of morning business?

The PRESIDING OFFICER. The Senate is in a period for the transaction of routine morning business.

Mr. COVERDELL. Madam President, is each Senator allowed a period of 5 to 10 minutes to speak?

The PRESIDING OFFICER. The Senator from Georgia would be permitted to speak for up to 10 minutes.

FAMILY FRIENDLY WORKPLACE ACT

Mr. COVERDELL. Madam President, my good colleague from Missouri, Senator JOHN ASHCROFT, recently introduced legislation that would provide increased opportunities for working parents to spend more time with their families without losing 1 cent in compensation.

It is popularly called flextime. It is legislation that allows a worker an opportunity to trade time-and-a-half for just time. I think it is a very, very important piece of legislation and very timely, because there have been so many changes in the workplace.

This bill would allow employees to choose to work additional hours, more than 40, in one workweek and use those extra hours to fill in for a shorter workweek later. Or an employee could choose to take time off in lieu of overtime pay at a rate of 1½ hours for each hour of overtime. An employee could also choose to work 80 hours over a 2-week period in any combination.

Here is the important point, Madam President, that all of these choices are voluntary. These flexible options can only be exercised if the employee and employer agree to the concept. None of these choices would result in lower pay, and, in the case of comptime off, those hours not used, up to 240 could be cashed in at overtime rate pay.

The point here is no one is being shortchanged. The point is that everybody has new flexibility, in terms of managing their workweek.

One might have thought that President Clinton would have embraced this initiative wholeheartedly, but, no, President Clinton has threatened to veto these options, to strike down the opportunity for these workers to have these voluntary flexible options. He claims that the legislation will force employees to take time off in lieu of overtime pay. In other words, the employee would be forced to not receive the overtime pay but to take the time off.

Some in the media have repeated this claim and then wrongly insisted that overtime would start only after an employee had worked 80 hours in 2 weeks, instead of 40 hours in 1 week, which is the current law.

There is one thing wrong about these claims that have been made by the President and by some in the media: They are not true. They are not just a little off base, but utterly false. The administration and these other opponents need to read the bill. I have taken particular notice that critics never actually quote from the bill.

Madam President, here is what the bill actually says, and I am proud to be a cosponsor of it. The bill allows:

> Employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs and flexible credit hour programs, in which employees may voluntarily participate.

Is that too hard for our critics to figure out? Just in case, here is what the bill has to say to employers who have other ideas. Employers,

> . . . may not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce, any—

Any—

> . . . employee for the purpose of interfering with the rights of such employee under this section to elect or not to elect to [participate in one of the programs offered in the bill].

Madam President, if they do coerce, threaten or intimidate their employees, they are subject to criminal and civil penalties.

This is a bill that benefits working parents. The bill has been endorsed by Working Women and by Working Mothers magazines and, yes, the New York Times. It does not mandate anything. Some employees may like the new options, others may not. That is the whole point. Employees should be able to decide what is best for them. This legislation ought to be a slam dunk.

So why, you might ask, is the legislation even necessary? Because current Federal law prohibits such voluntary arrangements for everybody, except for Federal employees who have enjoyed these choices since 1978.

I am going to repeat that. If you are a Federal employee, the very options and flexibility that we are trying to make available for hourly wage workers are already enjoyed by Federal employees that surround this Capitol. But it isn't good enough for the hourly worker in the private sector.

Who would support the status quo? Who wants to leave it the way it is? I have already alluded to the fact that the President has threatened to veto any legislation that would provide these opportunities and this flexibility. Labor leaders, the labor bosses oppose it. When you think about it, the kinds of issues that exist between an employee and employer boil down to just two categories: hours of employment and compensation, whether in the form of health care plans, time off, salary, or overtime. If employers and employees can work out these issues by themselves, I believe that these union leaders feel they will be out of business.

President Clinton has, thus, obliged the unions by producing his own proposal, which naturally gives the Secretary of Labor the discretion to decide which workers would be extended the kinds of scheduling choices we support. This doesn't meet the laugh test. Perhaps someone should notify the administration the election is over. Ordinary hard-working Americans, not labor bosses and leaders, reelected President Clinton and returned a Republican majority to Congress. They expect us to work together providing choices that allow families more time together, and that is a very good place to start working together.

Madam President, I was reading a piece in a recent magazine, and the article is entitled, "Work and Family Integration." I will just quote a couple paragraphs:

> Economic changes have direct consequences on work and family life. It is increasingly common for all adult family members to spend a greater number of hours at work in order to make up for declining median family incomes . . .

I might point out that that decline has a lot to do with increasing tax burdens on these families.

It goes on to say:

> to fulfill personal career goals, or to cater to growing workplace demands. Married women with children have entered the labor force in record numbers; they therefore have less time for care-giving in the home. Many parents, both mothers and fathers, feel conflicted and torn between spending time with their families and meeting workplace demands. Work and family life should not be in opposition, but should enrich each other.

That is exactly what this legislation attempts to do. It attempts to make the workplace adjustable so that families who have these new and added pressures can make changes voluntarily to suit the requirements and needs of their families.

When I first arrived here, there was a great hue and cry that the Congress operated under a different set of laws than American families and businesses. The new majority changed that. The Congress now lives under the same laws as the rest of the land. It is time that the hourly wage workers in America received the same breaks as the Federal workers in their Capital City, and this is the legislation that ought not to be filibustered and ought to be passed and sent to the workplace as a new option and opportunity for American workers.

Madam President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Madam President, I wonder if the Senator from Georgia will yield for a question.

Mr. COVERDELL. Absolutely.

Mr. ASHCROFT. I want to thank, first of all, the Senator from Georgia. I appreciate his work. Incidentally, I ask unanimous consent that his time be charged against the time under my control from 10:30 to 11 o'clock, and other reservation of time be restored.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. The opponents of this bill, who don't want to let us even have a chance to vote on it, voted to stop us from even voting, to keep us from getting cloture and moving to a vote, have indicated that they have an alternative. They want to increase the amount of family and medical leave, and they call our bill the Paycheck Reduction Act.

Will the Senator clarify for me, now, under family and medical leave, what kind of time off is that and do you get paid when you take that time off?

Mr. COVERDELL. You absolutely don't, but I would make an even greater distinction. Your legislation, which I have been proud to coauthor, and I commend the work of the Senator from Missouri, as I did before the Senator arrived, leaves the decision about what families need and don't need to the families, the workers themselves.

The alternatives proposed—and there are several. One is to turn the decision over to Secretary Shalala. I think that is a pretty big job to try to figure out what the millions of working families need and don't need. I think she might not be up to that. Or to try to construct Federal law that manages time off, which may or may not deal with the circumstances of a family, and, no, it would not be pay.

Mr. ASHCROFT. So their proposal is, if you want to take time off with your family, you have to take a pay cut to do it?

Mr. COVERDELL. Correct, and the Senator's proposal doesn't cost them one penny.

Mr. ASHCROFT. So you could make up the time under the flextime or comptime provisions, take time with your family and not take the pay cut.

Mr. COVERDELL. That is absolutely correct.

Mr. ASHCROFT. The Senator from Georgia started to make the point, though, that is also important, which is this flextime and comptime opportunity isn't just for specific things with your family. If you wanted to take this time off once you have earned it—

Mr. COVERDELL. You could go fishing.

Mr. ASHCROFT. You can do what?

Mr. COVERDELL. You could go fishing.

Mr. ASHCROFT. I can go fishing. I believe I might.

Mr. COVERDELL. You can go camping. You might have an emergency you are dealing with. You might have a graduation. Again, the point I am making is the principal distinction, and it appears so often between our two sides, is that the legislation of the Senator from Missouri leaves the choice to the worker and his or her family, the choice about time-and-a-half or trading the time-and-a-half.

Their view is that it has to be managed by the Government or by Secretary Shalala. I just don't think they can figure out what the requirements and needs are of each one of those workers all across the land from Missouri to Georgia to Nome, AK.

Mr. ASHCROFT. The Senator pointed out that the Federal Government workers have had this full range of options now for almost 20 years. Has the Senator from Georgia had a lot of Federal Government workers streaming into his office to say, "Please, take us out from under this system, it's a problem to us"?

Mr. COVERDELL. To the contrary. Imagine the hue and cry if the way we were to equalize this was to remove that option from Federal employees so that they would be treated like these other hourly workers. Talk about a hailstorm. They have enjoyed the benefit, and no one that I know of has issued the first complaint about those flexible options that are enjoyed by Federal employees.

I mentioned a moment ago that when we came here, the Congress functioned under a different set of laws than American businesses. Now we have the Congressional Accountability Act, and we have put Congress under the same confines. It is time to let the private hourly workers enjoy the same benefits as Federal employees.

Mr. ASHCROFT. It is not just Federal employees.

Mr. COVERDELL. Salaried, and those in the boardrooms.

Mr. ASHCROFT. All the corporate presidents, all the salaried workers, and the Government workers have comp or flextime, but the hourly workers, who are a minority of the workers in this country; less than half of the workers, do not have this. The other folks all have it.

I thank the Senator for coming to the floor to talk about this.

Mr. COVERDELL. I thank the Senator from Missouri. He is a very eloquent spokesperson on this issue. I do think anything we can do that makes it easier for families to be in the workplace—we know they are under enormous duress today, with both parents working—anything we can do to make it more manageable for them we ought to do. Your bill, our bill, lowering their taxes, all of these things need to happen in working America.

Mr. ASHCROFT. I thank the Senator from Georgia for his contribution to this debate and his insight. In fact, the insight which is most valuable is that families have the capacity intellectually, and ought to have the capacity legally, to make decisions about their own family and not to have Government trying, from 1,000 miles away, to tell you whether or not you should be able to do something or not with your kids or whether or not you should be able to take time off to meet your own personal needs.

Mr. COVERDELL. Absolutely. Thank you.

Mr. ASHCROFT. I thank the Senator from Georgia.

I inquire how much time remains?

The PRESIDING OFFICER. The Senator has until 11:30.

Mr. ASHCROFT. I thank the Chair.

Madam President, I want to talk about benefits that people enjoy as workers in America, benefits which are enjoyed by Federal workers, benefits which are enjoyed by State workers, benefits which are enjoyed by executives, by supervisors, by managers, benefits which are enjoyed by all salaried workers, but benefits which do not inure to the advantage of individuals who work by the hour.

There are about 59 million people in this country who work by the hour; 28.9 million women who work by the hour. These are the individuals who do not have the flexibility to adjust their schedules. They do not have the capacity to say, "I'm going to take Friday morning off and work a little extra Monday afternoon." They do not have the ability to say, "I need to quickly take a few minutes away here. I need to go to the school and pick up my child who needs to be taken to the doctor's office." They do not have that capacity.

The majority of Americans do have that benefit. Far more, millions more, people have that benefit than those who do not. But the hourly paid workers do not.

If you work for the Federal Government, you can schedule your workweek to get an extra day off every other week while keeping a full paycheck. If you took Friday off every other week in the same way and you are not in the Federal Government, you are going to find yourself short on cash. If you are an hourly worker in the private sector, you just cannot do it; you do not have that benefit.

If you work for the Federal Government, you can choose compensatory time; in other words, take time off with pay later on instead of being paid time and a half when you have been asked to work overtime. You do not have, that choice, you cannot make that choice if you are an hourly worker in the private sector. It is against the law for your employer to say to you, "Well, if you'd really rather have time and a half off later with pay instead of taking paid time and a half for your overtime now, I'll do that for you." Then the employer is in violation, the employer suffers the penalty, the heavy hand of law enforcement, and the Government comes down on him if he does that.

It simply is something that cannot be done for people in the hourly category in the private sector. The boardroom, yes. If the boardroom boys want to go play golf, they want to have Friday off, they have flexibility. The salaried workers have the flexibility. Government workers have that kind of flexibility. But private, hourly paid employees, whether they be men or women, they do not have it. It is not fair.

If you work for the Federal Government, you can bank hours 1 week, you can work a couple hours extra this week in order to take a couple hours off next week. That sounds reasonable. It is something that people could do to adjust to the needs of their families.

If there is an awards assembly at the school, if there are PTA conferences, if you need to get your driver's license renewed, you have to retake the test, or just have to have your eyes checked and you have to do it during the hours when government offices are open, the department of motor vehicles, you need to do that, if you are a Government worker, you can put a couple hours in comptime this week and take the time off next week. Or, of course, if you are a manager or boardroom executive or a salaried worker, that is something that can be done.

But your employer cannot trade 2 hours this week for 2 hours next week if you are an hourly worker. That is a benefit that people in the governmental system enjoy. It is a benefit to be able to bank some hours this week and take them off next week. It is a benefit to be able to use time off and take compensatory time off with pay instead of being paid the time-and-a-half overtime, take compensatory time and a half off without losing pay.

It is a benefit to be able to schedule your workweek so that you can take Friday off every other week the way Federal employees can. These are benefits which belong to the majority of the members of the work force in our culture which do not belong to hourly workers.

What S. 4 is all about is providing an opportunity for hourly workers to have some of the same benefits that have been available to individuals in other quadrants of the culture. Private-sector workers have fewer benefits than Government workers.

I think a lot of folks, when they have worked in the private sector—certainly I knew that—they work just as hard. Private-sector families need moms and dads just as much as public-sector families do. Private-sector kids play soccer. Private-sector kids get in trouble and need the folks to show up at the school to get them out of trouble and help straighten them out. My mom came to school occasionally when I did not want her to, but it helped me, and I am glad she was able to. Private-sector workers need the benefit of being able to do those kinds of things.

Now, I do not understand how Senators can be for flextime and comptime for public-sector workers and not be for flextime and comptime for private-sector workers. S. 4 is just trying to give to people in the private sector the same benefit that these Senators have provided for their public-sector employees—the same choices.

I have not had a single Government worker come to me and say, "Wow, these choices are terrible. I wish we didn't have choices like flexible scheduling. I sure wish I didn't have the capacity to bank an hour this week and take it off next week. I really wish I didn't have the opportunity to schedule so that I had every other Friday off. And, man, I hate this concept of being able myself to choose whether I wanted the money from overtime work or I wanted to take time and a half off with pay at some other time."

I have been here now for—well, I am in my third year, and have not had the first Federal worker knock on my door and say, "It's terrible to have this kind of flexibility," and I don't think I ever will. As a matter of fact, when people were interviewed in the system by the General Accounting Office, at a 10-to-1 ratio they said this was the best thing since sliced bread. This is what people need. This is a way for people to accommodate the demands of their families.

Incidentally, people all need to take time off. Everybody knows there are going to be demands that will require you to take some time off. The question is, are you going to be able to be paid for it? You know, most of the time when you have to take time off to be with your family, that is when you need the money.

Folks on the other side of the aisle say we should have more family and medical leave. That is leave without pay. I ask a simple question to my colleagues, and it should be easy—this is what we call a "no brainer"—when you take your kid to the doctor, do you need more money or less money than if you are not taking your kid to the doctor?

In my experience, if I have to take my child to the doctor or to the dentist, I have a need for additional resources, not fewer resources. If all I get offered by Government is a plan that says you can take a pay cut if you want to take your kid to the doctor—wait a second, it relieves the tension I feel within me, I do need to be able to take my child to the doctor, but if I have to take a pay cut to do it, how am I going to pay the doctor?

We have a system that is in place where the benefits are available to the Federal worker, the benefits are available to the boardroom, the benefits are available to those who are salaried workers. We include this kind of flexibility, not taking pay cuts, but a capacity to meet the needs of your family without having your paycheck docked. I think it ought to be available to private workers.

You know, not one that I know of of the employees of the Federal Government have come to me or any other Senator saying "It's a terrible system. We ought to abandon it." There are 56 Senators who are still in the U.S. Senate who supported flexible scheduling benefits for Federal workers, and they are refusing to give these benefits to the millions of sales clerks, secretaries, factory workers, the kind of hourly individuals, mechanics across our country. We have a lot of folks here in this Senate who gave it to the Government workers.

Now, not all the 56 are refusing. I should not say that. If I did, I misspoke and I need to be corrected, because there are a number of Senators on this side of the aisle who voted for that and who have said, yes, it was good for Government, and it would be good for the people in the private sector to have these choices. It is totally voluntary at the option of the worker and cannot be done unless it is also voluntary by the employer; otherwise, the same system stays in place that is in place right now.

But when employers and employees can agree, we ought to have these benefits for the people in the private sector just like this benefit is available to people in the public sector. There are 56 Senators still in this body who voted to give it to people in the public sector.

How can you be for bigger benefits for Federal workers, but fewer benefits for the people who work by the hour and who pay our salaries when they pay their taxes? It seems to me to be an irony which is strange indeed that we would say to those who pay our salaries, who hire us to represent them in this town to do what they need to have done—and we make second-class citizens of those whom we represent and those who pay us to be here. It is inconceivable.

Some people say, well, we need to protect the workers. We have built protections into this. Those who are saying that we need to protect the workers in the private sector, let us find out what kind of protections they put in when they voted for the workers to have this flexibility in the public sector. It is kind of interesting.

In the public sector, workers can be required to participate as a condition of employment. Participation is strictly voluntary, it cannot be required in comptime under our bill.

They say we have to protect the private-sector workers. They did not demand that protection when they issued this whole set of opportunities for public-sector people.

They say we have to protect workers from management. Did they say that when they put the public-sector program in place? Management can decide when a worker must use comptime. What we have put in our bill, workers cannot be coerced into using their comptime. Penalties are doubled for direct or indirect coercion.

It is hard for me to understand how people could say we need tougher penalties than this when they invented this program for the public sector and they authorized management to make the decision.

Here is another benefit.

Comptime paid in cash only when the worker leaves the job in the public sector. What have we done for private-sector workers to try to protect them? Comptime must be cashed out any time it is requested by the worker; must be cashed out at the end of the year if it has not been used.

Was that something that they felt was an important protection when they voted for the system in the public sector? Comptime paid in cash only when the worker leaves the job. The worker had to quit if he wanted the money.

I think what we have here is a clear situation where we need to give private-sector workers the same benefits which people in the public sector have been enjoying. I agree that we want to have them protected. But as Shakespeare, I think, said in one of the plays, "I think he doth protest too much."

They are asking for a full range of protections saying, "I can't do that in the private sector because you don't have private-sector protections." Well, we have big enough protections in every case for the private worker in this bill than they demanded when they passed this for the public sector in the bill which now controls the public-sector effort.

It is pretty clear to me S. 4 would give private hourly workers real choices. They are real choices with protections. They are protections which are much stronger than anything that was written into the bill by those Senators who wrote in the public sector framework.

It is high time we stop having an approach which tries to discriminate against the private hourly workers. It is high time we said that the benefits that have been available in the public sector should be available to those in the private sector who work by the hour. The benefits that have been available to the vast majority of American workers, public sector, salaried workers, the boardroom folks, the managers, and the supervisors, those benefits need to be available to the individuals who, as a matter of fact, work by the hour in this country.

We should give them the opportunity to choose a set of benefits that have not been rejected when available to the private-sector workers. They have been embraced by public-sector workers.

We are for protecting workers. Senator KENNEDY has argued our bill does not protect workers. Senator KENNEDY was a cosponsor of the public-sector bill. He was a conferee on the committee, and it did not provide the protections in the public sector which we have in the private sector. It did not give workers the same kind of choices. I think it is time for us to say, "Let's be reasonable," and understand for private- and public-sector workers we have to provide the capacity for people to meet the needs of their families if we want America to be successful in the next century.

This debate can be talked about as if it is a debate about theory, about law, and about benefits. In fact, this is a debate about people. This is a debate about families. Are we going to give people the capacity to have families that are as successful as possible?

Let me just talk to you about a young woman named Kim Buchanan, from St. Louis, MO, a crisis clinician at the Meritz Behavioral Care facility in St. Louis, MO. Her husband is a Federal employee at the veterans hospital in St. Louis. Her husband enjoys the benefits of flextime. They have a son who is 3 years old. Like many American families, Kim Buchanan and her husband, Rocky, both work full time. Kim just landed a new job which requires her to work on shift hours through the week. She must also work weekends. She now needs to find a new day care provider for her children while she tries to keep up with her new work schedule. Fortunately, the Buchanans are getting some help from Rocky's new employer, the Federal Government. Yes, what the Federal Government provides is flexible working arrangements. He is allowed to work flexible schedules in order to keep up with some of the family's activities. That means Rocky can work a few more hours one week in order to take some time off, with pay, at a later date.

Now, here is a statement that Kim Buchanan made:

> Rocky will pick up our son on Monday, Tuesday, and Wednesday. Those are the days I'm going to have him in day care. Rocky has flextime at his job. I would like to see that everyone has it. I don't work for the Federal Government, and it would be nice to have that kind of flexibility especially when you have children. It would be really nice to have that kind of flexibility instead of putting one parent in the bind.

I think Kim is right. Kim has a pretty dramatic situation. Her husband works for the Federal Government and is privileged to have flexible work arrangements. She works in private industry and it is illegal for her employer to cooperate with her. I wonder what her children think? Daddy works for the Government and gets special privileges, and Mommy works for the private sector and it is illegal for the private sector to help families the way the public sector does.

Virtually everything we do has some function of being a teacher and teaching us. I do not know what we are teaching kids when we tell them that it is illegal and wrong for private businesses to help families the way the Government does by giving flexible work arrangements. When you have Kim and her husband, Rocky, and one can be flexible and have good arrangements and offer choices because he works for the Government, and Kim, who works for the private sector, would be in violation of the law to participate in such a plan, it just does not make a lot of sense.

Let me talk about another individual. Here is Leslie Langford, a secretary in Massachusetts. Her husband is a printer. They have a son who is about to have his first birthday and a daughter who is 5 years old.

Listen to what Leslie says:

> I've been an hourly employee for the past 14 years. As a full-time employee and a mother of two young children, including an 11-month-old, time is one of the most valuable commodities in my life, and I can't afford to waste any of it. Like many of you, I find it a challenge to juggle the needs of my employer and my family. Luckily I work for a boss in a company that makes this great balancing act a little easier to manage; I strongly support the Family Friendly Workplace Act. This legislation would give millions of workers the flexibility to be with their families when they are needed most. Family friendly legislation such as this is not only desperately needed but long overdue in this country to benefit working parents and their children.

I am sure if you were to ask Leslie Langford if she thought Government workers should have a range of benefits that private workers did not have, that there could be rules for Government workers that said it was OK to have choices about flextime and comptime, and to spend time with your family for Government workers, but it would be illegal to do that for the private sector, I suspect Leslie would say, how can that be? And the entirety of this country is saying how can that be? Why can we not allow hourly-paid workers in the private sector, who are a minority of the workers in this country, why can we not allow them some of the benefits enjoyed by public-sector workers and many of the salaried private workers across the country?

Here is an interesting letter that came to my office from a 25-year-old single mother of twin 2-year-old daughters. Listen to this letter from a single mother of twin 2-year-old daughters. She says,

> Recently I heard of your Family Friendly Workplace Act. My employer does not allow a flexible work schedule or overtime. My understanding of this act is that I will be able to have flexibility in my work schedule giving me the opportunity to make up work hours lost because of illness in the family and doctor appointments.

Now her employer cannot offer flexible work schedules and overtime like we have in the public sector. It is illegal. That is not a hit on her employer, it is just that we said this benefit that you might want to be able to share with your employers—you cannot do that.

She goes on to say:

> As a 25-year-old single mother of twin 2-year-old daughters—[she has her hands full]—the Family Friendly Workplace Act would be extremely beneficial to my situation. My children were born with a congenital heart disease and they need to attend checkup appointments on a 3-month basis, with a cardiologist. These appointments have to allow a full day, since our specialist is in Springfield, MO, and especially because both of my children attend the appointments. Also, since my children have a heart disease they need special attention if they are ill.
>
> As a single mother, it is very difficult to lose any days financially. [I bet it is] The opportunity to make up any lost work days would be incredibly helpful. The Family Friendly Workplace Act would give me the opportunity to take time off from work, without the loss of pay because of those days my children are ill or need to attend a doctor's appointment.
>
> Thank you for taking the time to read my letter and your consideration of the many working parents who would appreciate such an act. Please go forward with the Family Friendly Workplace Act.

"Please go forward." I think that means don't filibuster. I think it means get to a vote on this act. I think it means share the same benefits with those of us in the private sector who are needed desperately by our families as you already allow for people who work for the Federal Government, the boardroom already enjoys, as salaried employees already enjoy, as the majority of workers in America already enjoy, please address the needs of those of us who are in the minority here, the hourly-paid workers in the private sector.

Madam President, we have a great opportunity to serve the people of this country, to let them make choices. We have developed a framework for that choice, which is a solid framework that protects the worker. It protects the worker far more profoundly than the workers who are protected in the public system, and there are no complaints in the public system, virtually no complaints. I do not know if the Presiding Officer has ever had a Federal worker rush in and say, "This is a terrible system which gives us flextime—abolish." I doubt, seriously, if that has been the case.

We have built more protections into this bill for the private sector than there are for the public sector, and the 56 Senators in this body, including many on the other side of the aisle, and the lead opponent on the other side of aisle against this measure is the Senator from Massachusetts. He was a cosponsor of the measure which provided benefits to public-sector workers and a cosponsor of that measure which does not provide nearly the same protections for workers. I think it is time for us to confess that if benefits are available to the public sector they ought to be available in the private sector.

My grandfather used to say "God is no respecter of persons." People are the same, they have the same challenges. Public-sector workers have families and they need to be able to spend time with their families and they can with the special law that we have for them. Salaried workers need to, and the law allows that. The boardroom boys need to do that for whatever they need to do when they leave early. But salaried workers and boardroom folks and Government workers are special citizens compared to hourly workers. I think just as God is no respecter of persons, we should not be a respecter of persons that says one category of American workers has the freedom to help their family, and for others it is illegal. I think that ought to cause us all to cringe, and I think the ones that ought to be cringing the most are the ones that have provided it, voted to provide it, even without protections to the public sector who are saying now we cannot provide that to the private sector until we make it so cumbersome it would not work.

Madam President, we have a great opportunity to help the families of America help each other. The success of this Nation is not going to be determined by what happens in Washington, DC. The success of this Nation will be determined around the kitchen table in American homes. That is where values are built. That is where we develop the kind of character that really determines the future of a country. We have to do what we can to make the homes as strong as possible, and we cannot have a group of American workers that are—they are a minority of the workers. It is clear the majority already have flexible work arrangements. We cannot have the 59 million American workers say, "Your home is not important enough. You could not make this decision. You are not bright enough." The truth of the matter is they deserve the opportunity to have flexible working arrangements to choose compensatory time off instead of overtime if they want it, and then to change their mind if they want and to ask for the money instead.

I think the great opportunity we have is something we can capitalize on next week. I look forward to voting on it at that time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. Pursuant to the order of May 8, 1997 H.R. 1469, having been received from the House, the clerk will report.

The legislative clerk read as follows:

A bill, H.R. 1469, making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the language of S. 672 is inserted in lieu thereof.

Under the previous order, the bill is deemed read a third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1469) entitled "An Act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE SUPPLEMENTALS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $306,800,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,900,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $300,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $29,100,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,312,900,000: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPLAN 34A/35 POW PAYMENTS

For payments to individuals under section 657 of Public Law 104–201, $20,000,000, to remain available until expended.

REVOLVING AND MANAGEMENT FUNDS

RESERVE MOBILIZATION INCOME INSURANCE FUND

For an additional amount for the "Reserve Mobilization Income Insurance Fund", $72,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 101. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $100,000,000 of working capital funds of the Department of Defense and funds made available in Public Law 104–208 to the Department of Defense only for obligations incurred for United States participation in the Bosnia Stabilization Force (SFOR) and for the continuation of enforcing the no-fly zones in northern and southern Iraq (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That this transfer authority is in addition to transfer authority provided in section 8005 of Public Law 104–208 (110 Stat. 3009–88).

SEC. 102. None of the funds available to the Department of Defense shall be obligated or expended to transfer management, development, and acquisition authority over the elements of the National Missile Defense Program from the Military Services until the contract for a Lead System Integrator for the National Missile Defense Program is awarded: Provided, That the Joint Requirements Oversight Council, with the advisement of the Joint Chiefs of Staff, is directed to conduct an analysis and submit recommendations as to the recommended future roles of the Services with respect to the management, technical development, cost, schedule, and *acquisition plan for the elements in the National Missile Defense Program and to certify that the Lead System Integrator contract will conform to these recommendations: Provided further, That the analysis and recommendations shall be submitted to the Congressional Defense Committees within 60 days of enactment of this Act.*

SEC. 103. In addition to the amounts provided in Public Law 104–208, $50,000,000 is appropriated under the heading "Overseas Humanitarian, Disaster and Civil Aid": Provided, That, from the funds available under that heading, the Secretary of Defense shall make a grant in the amount of $50,000,000 to the American Red Cross for reimbursement for disaster relief and recovery expenditures.

(TRANSFER OF FUNDS)

SEC. 104. The Secretary of the Navy shall transfer up to $23,000,000 to "Operation and Maintenance, Marine Corps" from the following accounts in the specified amounts, to be available only for reimbursing costs incurred for repairing damage caused by hurricanes, flooding, and other natural disasters during 1996 and 1997 to real property and facilities at Marine Corps facilities (including Camp Lejeune, North Carolina; Cherry Point, North Carolina; and the Mountain Warfare Training Center, Bridgeport, California);

"Military Personnel, Marine Corps", $4,000,000;

"Operation and Maintenance, Marine Corps", $11,000,000;

"Procurement of Ammunition, Navy and Marine Corps, 1996/1998", $4,000,000; and

"Procurement, Marine Corps, 1996/1998", $4,000,000.

SEC. 105. For an additional amount for "Family Housing, Navy and Marine Corps" to cover the incremental Operation and Maintenance costs arising from hurricane damage to family housing units at Marine Corps Base Camp Lejeune, North Carolina and Marine Corps Air Station Cherry Point, North Carolina, $6,480,000, as authorized by Section 2854 of Title 10, United States Code.

SEC. 106. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES RELATING TO BOSNIA.

(a) PROHIBITION ON USE OF FUNDS PENDING REPORT.—Notwithstanding any other provision of this Act or any other provision of law, no funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia 60 days after enactment unless the President submits to Congress the report described in subsection (b): Provided, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after June 30, 1998.

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative cost of all United States activities relating to Bosnia after December 1, 1995, including—

(A) the cost of all deployments, training activities, and mobilization and other preparatory activities of the Armed Forces; and

(B) the cost of all other activities relating to United States policy toward Bosnia, including humanitarian assistance, reconstruction assistance, aid and other financial assistance, the rescheduling or forgiveness of bilateral or multilateral aid, in-kind contributions, and any other activities of the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of expenditures of funds of Department of Defense, a breakdown of such expenditures by military service or defense agency, line item, and program; and

(B) in the case of expenditures of funds of other departments and agencies of the United States, a breakdown of such expenditures by department or agency and by program.

SEC. 107. Notwithstanding section 3612(a) of title 22, United States Code, the incumbent may continue to serve as the Secretary of Defense designee on the Board of the Panama Canal Commission if he retires as an officer of the Department of Defense, until and unless the Secretary of Defense designates another person to serve in this position.

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) AUTHORITY TO ENTER INTO LEASE.—The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not pay the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

TITLE II—NATURAL DISASTERS AND OTHER EMERGENCIES

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct and guaranteed loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from flooding and other natural disasters, $28,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $10,000,000 shall be available for subsidized guaranteed operating loans: Provided, That the entire amount shall be available only to the extent that an official budget request for $28,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses, including carcass removal, resulting from flooding and other natural disasters, $77,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $77,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $9,500,000 is provided for assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by natural disasters, of which $500,000 may be available through the Forestry Incentives Program for replanting of trees damaged by tornadoes in 1997: Provided, That the entire amount shall be available only to the extent that an official budget request of $9,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

COMMODITY CREDIT CORPORATION FUND

DISASTER RESERVE ASSISTANCE PROGRAM

Effective only for losses in the fiscal year beginning October 1, 1996, through the date of enactment of this Act, the Secretary may use up to $50,000,000 from proceeds earned from the sale of grain in the disaster reserve established in the Agricultural Act of 1970 to implement a livestock indemnity program for losses from natural disasters subject to a Presidential or Secretarial declaration in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): Provided, That in administering a program described in the preceding sentence, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 shall not exceed 20 million bushels: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, *That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.*

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from flooding and other natural disasters, including those in prior years, $171,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $171,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected agricultural land, the Secretary may use sufficient amounts, not to exceed $20,000,000, from funds provided under this heading to accept bids from willing sellers to provide floodplain easements for such cropland inundated by floods.

Rural Housing Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural Housing Insurance Fund Program Account", $250,000, for the cost of section 515 direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, to remain available until September 30, 1998: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Any unobligated balances remaining in the Rural Housing Insurance Fund program account from prior years' disaster supplementals shall be available until expended for Section 502 housing loans, Section 504 loans and grants, and Section 515 loans to meet emergency needs resulting from natural disasters: Provided, That such unobligated balances shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: Provided further, That such unobligated balances are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

RURAL HOUSING ASSISTANCE PROGRAM

For an additional amount for "Rural Housing Assistance Program", for emergency expenses resulting from flooding and other natural disasters, $4,000,000, to remain available until September 30, 1998, for very low-income housing repair grants and domestic farm labor grants: Provided, That the entire amount shall be available only to the extent that an official budget request for $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That funds made available in Public Law 104–180 for Community Facility Grants for the Rural Housing Assistance Program may be provided to any community otherwise eligible for a Community Facility Loan for expenses directly or indirectly resulting from flooding and other natural disasters.

Rural Utilities Service

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for "Rural Utilities Assistance Program", for the cost of direct loans, loan guarantees, and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding and other natural disasters, $6,500,000, to remain available until September 30, 1998: Provided, That the entire amount shall be available only to the extent that an official budget request for $6,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" for emergency expenses from flooding and other natural disasters, $54,700,000, to remain available until expended, of which not more than $6,800,000 shall be used for planning and technical assistance grants, and not more than $2,900,000 shall be available for administrative expenses: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to continue the salmon fishing permit buyback program implemented under the Northwest Economic Aid Package to provide disaster assistance pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act: Provided, That the entire amount shall be available only to the extent that an official budget request for $7,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $10,800,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" for emergency expenses due to flooding and other natural disasters, $20,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended.

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for "Operations and Maintenance, General" for emergency expenses due to flooding and other natural disasters, $137,000,000, to remain available until expended: Provided, That of the total appropriated, the amount for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that fund: Provided further, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the Federal Chena River Flood Control Facility: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies" due to flooding and other natural disasters, $390,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Act of 1985, as amended: Provided further, That with $5,000,000 of the funds appropriated herein, the Secretary of the Army is directed to initiate and complete preconstruction engineering and design and associated Environmental Impact Statement for an emergency outlet from Devils Lake, North Dakota to the Sheyenne River, at full Federal expense: Provided further, That, of the funds appropriated under this paragraph, $10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128) if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $7,355,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund shall be derived from that *fund: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" to repair damage caused by floods and other natural disasters, $4,796,000, to remain available until expended, of which $4,403,000 is to be derived by transfer from unobligated balances of funds, under the heading, "Oregon and California Grant Lands," made available as supplemental appropriations in Public Law 104–134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands" to repair damage caused by floods and other natural disasters, $2,694,000, to remain available until expended and to be derived from unobligated balances of funds under the heading, "Oregon and California Grant Lands," made available as supplemental appropriations in Public Law 104–134: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $8,350,000, of which $3,350,000, to remain available until September 30, 1998, is for fish replacement and for technical assistance made necessary by floods and other natural disasters and for restoration of public lands damaged by fire, and of which $5,000,000, to remain available until September 30, 1999, is for payments to private landowners for the voluntary use of private land to store water in restored wetlands: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $91,000,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

For an additional amount for "Land Acquisition", $5,000,000, to remain available until expended, for the cost-effective emergency acquisition of land and water rights necessitated by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding and other natural disasters, $187,321,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of this amount, $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in such Act, is transmitted by the President to Congress, and upon certification by the Secretary of the Interior to the President that a specific amount of such funds is required for (1) repair or replacement of concession use facilities at Yosemite National Park if the Secretary determines, after consulting with the Director of the Office of Management and Budget, that the repair or replacement of those facilities cannot be postponed until completion of an agreement with the Yosemite Concessions Services Corporation or any responsible third party to satisfy its repair or replacement obligations for the facilities, or (2) the Federal portion, if any, of the costs of repair or replacement of such concession use facilities: Provided further, That nothing herein should be construed as impairing in any way the rights of the United States against the Yosemite Concession Services Corporation or any other party or as relieving the Corporation or any other party of its obligations to the United States: Provided further, That prior to any final agreement by the Secretary with the Corporation or any other party concerning its obligation to repair or replace concession use facilities, the Solicitor of the Department of the Interior shall certify that the agreement fully satisfies the obligations of the Corporation or third party: Provided further, That nothing herein, or any payments, repairs, or replacements made by the Corporation or a third party in fulfillment of the Corporation's obligations to the United States to repair and replace damaged facilities, shall create any possessory interest for the Corporation or such third party in such repaired or replaced facilities: Provided further, That any payments made to the United States by the Corporation or a third party for repair or replacement of concession use facilities shall be deposited in the General Fund of the Treasury or, where facilities are repaired or replaced by the Corporation or any other third party, an equal amount of appropriations for "Construction" shall be rescinded.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $4,650,000, to remain available until September 30, 1998, to repair or replace damaged equipment and facilities caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $14,317,000, to remain available until September 30, 1998 for emergency response activities, including emergency school operations, heating costs, emergency welfare assistance, and to repair and replace facilities and resources damaged by snow, floods, and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $6,249,000, to remain available until expended, to make repairs caused by floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any other provision of law, funds appropriated herein and in Public Law 104–208 to the Bureau of Indian Affairs for repair of the Wapato irrigation project shall be made available on a nonreimbursable basis.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from flooding and other natural disasters, $39,677,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction" for emergency expenses resulting from flooding and other natural disasters, $27,685,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services" for emergency expenses resulting from flooding and other natural disasters, $1,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities" for emergency expenses resulting from flooding and other natural disasters, $2,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 5

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from flooding and other disasters, as authorized by 23 U.S.C. 125, $650,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which $374,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That 23 U.S.C. 125(b)(1) shall not apply to projects relating to the December 1996 and 1997 flooding.

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads damaged by the floods in September 1996, and in March and April 1997, $24,000,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: Provided, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: Provided further, That railroad rights-of-way, bridges, and other facilities owned by class I railroads, passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this section: Provided further, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That all funds made available under this head are to remain available until September 30, 1997.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for emergency expenses resulting from the crash of TWA Flight 800, and for assistance to families of victims of aviation accidents as authorized by Public Law 104–264, $14,100,000: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund" as authorized under title I of the Housing and Community Development Act of 1974, $500,000,000, to remain available until September 30, 2000 for emergency expenses resulting from the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, so long as the emergency expenses are for those community development activities related to recovery efforts and for immediate recovery needs not reimbursable by the Federal Emergency Management Agency: Provided, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such funds, and would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary of Housing and Urban Development shall publish a notice in the Federal Register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: Provided further, That for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: Provided further, That the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief", $3,100,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act: Provided further, That of the funds made available under this heading, $2,100,000,000 shall not become available until the Director of the Federal Emergency Management Agency submits to the Congress a legislative proposal to control disaster relief expenditures including the elimination of funding for certain revenue producing facilities: Provided further, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 7

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support research on environmental risk factors associated with breast cancer, $15,000,000, to remain available until expended: Provided, That the Secretary shall award such funds on a competitive basis: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III—OTHER SUPPLEMENTALS

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of direct operating loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $12,600,000, to remain available until expended.

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)" as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. et seq.), $58,000,000, to remain available through September 30, 1998: Provided, That the Secretary shall allocate such funds through the existing formula or, notwithstanding sections 17 (g), (h), or (i) of such Act and the regulations promulgated thereunder, such other means as the Secretary deems necessary.

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $100,000,000, to remain available until expended, for payment of United States arrearages owed to the United Nations: Provided, That none of the funds appropriated or otherwise made available by this Act for payment of United States arrearages to the United Nations may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act.

CHAPTER 3

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount to the District of Columbia for the fiscal year ending September

30, 1997, $31,150,000, to remain available until September 30, 1998, and which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That $22,350,000 shall be used to carry out a program of school facility emergency repair of public schools located in the District of Columbia, and $8,800,000 shall be used for pay raises within the Metropolitan Police Department.

DIVISION OF EXPENSES

PUBLIC SAFETY AND JUSTICE

For an additional amount for public safety, $8,800,000, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That $8,800,000 shall be used for pay raises within the Metropolitan Police Department.

CAPITAL OUTLAY

For an additional amount for capital outlay for the fiscal year ending September 30, 1997, $22,350,000, which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8 (109 Stat. 131), and shall be disbursed from such escrow account pursuant to the instructions of the Authority, and in accordance with a plan approved by the Authority: Provided, That this amount shall be used to carry out a program of school facility emergency repair of public schools located in the District of Columbia.

GENERAL PROVISION

Funds provided under this chapter shall be deemed to be grants for the purposes of Section 141 of Public Law 104–194 (110 Stat. 2374), the District of Columbia Appropriations Act, 1997.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $10,000,000, to remain available until expended, to make repairs, construct facilities, and provide visitor transportation and for related purposes at Yosemite National Park.

CHAPTER 5

SUBCOMMITTEE ON THE LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

SENATE

CONTINGENT EXPENSES OF THE SENATE

SECRETARY OF THE SENATE

(TRANSFER OF FUNDS)

For an additional amount for expenses of the "Office of the Secretary of the Senate", to carry out the provisions of section 8 of the Legislative Branch Appropriations Act, 1997, $5,000,000, to remain available until September 30, 2000, to be derived by transfer from funds previously appropriated from fiscal year 1997 funds under the heading "SENATE", subject to the approval of the Committee on Appropriations.

CHAPTER 6

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $6,473,000, for necessary expenses directly related to support activities in the TWA Flight 800 crash investigation, to remain available until expended.

RETIRED PAY

For an additional amount for "Retired Pay", $4,200,000.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-in-aid for Airports", $15,520,000: Provided, That, the President may make available funds for making grants to reimburse State and local agencies for unanticipated disaster costs associated with recovery, investigation, security, forensic and medical examination of evidence, air support, and logistical support efforts directly related to the 1996 TWA Flight 800 and ValuJet Flight 592 tragedies: Provided further, That not to exceed $12,420,000 shall be available under this provision for reimbursement to State and local agencies for the TWA Flight 800 tragedy: Provided further, That not to exceed $3,100,000 shall be available under this provision for reimbursement to State and local agencies for the ValuJet Flight 592 tragedy.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The limitation under this heading in Public Law 104–50 and in Public Law 104–205 is increased by $933,193,000: Provided, That such additional authority shall remain available during fiscal year 1997: Provided further, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: Provided further, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996: Provided further, That $3,600,000 of the additional allocation for Utah shall be utilized on planning, preliminary engineering and design for projects critical to the 2002 Winter Olympics: Provided further, That $450,000 of the additional allocation for the State of New Mexico shall be provided to continue the Santa Teresa border technologies project: Provided further, That the additional amounts made available to the State of Alabama shall be utilized for right-of-way acquisition and construction of the Warrior Loop project: Provided further, That $12,600,000 of the additional allocation for the State of Kentucky shall be utilized to complete the William H. Natcher Bridge in Maceo, Kentucky: Provided further, That the additional amounts made available to the State of California may be provided for a project to repair or reconstruct any portion of a federal aid primary route in San Mateo, California, which was destroyed as a result of a combination of storms and a mountain slide in the winter of 1982–1983: Provided further, That the additional amounts made available in this paragraph for the State of South Carolina shall be provided for the Highway 17 Cooper River Bridges replacement project, Charleston, South Carolina: Provided further, That $100,000 of the additional allocation for the State of Iowa shall be provided for planning and environmental work on the 86th Street Highway Project in Polk County: Provided further, That $400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois.

CHAPTER 7

SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount under the heading "Departmental Offices, Salaries and Expenses", $1,950,000: Provided, That the Secretary of Treasury may utilize the law enforcement services, personnel, equipment, and facilities of the State of Colorado, the County of Denver, and the City of Denver, with their consent, and shall reimburse the State of Colorado, the County of Denver, and the City of Denver for the utilization of such law enforcement services, personnel (for salaries, overtime, and benefits), equipment, and facilities for security arrangements for the Denver Summit of Eight being held June 20 through June 22, 1997, in Denver, Colorado.

U.S. POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsection (d) of section 2401 of title 39, United States Code, $5,383,000.

CHAPTER 8

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", for unanticipated costs incurred for the current fiscal year, $753,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Secretary of Veterans Affairs may carry out the construction of a multi-story parking garage at the Department of Veterans Affairs medical center in Cleveland, Ohio, in the amount of $12,300,000, and there is authorized to be appropriated for fiscal year 1997 for the Parking Revolving Fund account, a total of $12,300,000 for this project.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Notwithstanding any other provision of law, of the $1,000,000 appropriated for special purpose grants in Public Law 102–139, for a parking garage in Ashland, Kentucky, $500,000 shall be made available instead for use in acquiring parking in Ashland, Kentucky and $500,000 shall be made available instead for the restoration of the Paramount Theater in Ashland, Kentucky.

CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING

(TRANSFER OF FUNDS)

For capacity building for community development and affordable housing, as authorized by *section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), $30,200,000, to remain available until expended, and to be derived by transfer from the Homeownership and Opportunity for People Everywhere Grants account: Provided, That Habitat for Humanity and Youthbuild participate under this section: Provided further, That at least $10,000,000 of the funding under this head be used in rural areas, including tribal areas.*

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Of the funds appropriated under this head in Public Law 104–204, the Secretary of Housing and Urban Development shall make a grant of $1,500,000 to the National Academy of Public Administration no later than June 15, 1997 for an evaluation of the Department of Housing and Urban Development: Provided, That the $1,500,000 shall be from salaries and expenses designated for non-career Senior Executive Service and other non-career personnel.

CHAPTER 9

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Public Law 104–208, under the heading "Health Education Assistance Loans Program" is amended by inserting after "$140,000,000" the following: ": Provided further, That the Secretary may use up to $499,000 derived by transfer from insurance premiums collected from guaranteed loans made under Title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act".

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

CHILDREN AND FAMILIES SERVICES PROGRAMS

Public Law 104–208, under the heading titled "Children and Families Services Programs" is amended by inserting after the reference to "part B(1) of title IV" the following: "and Section 1110".

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $198,176,000, of which $153,253,000 shall be for Basic Grants and $44,923,000 shall be for Concentration Grants, which shall be allocated, notwithstanding any other provision of law, only to those States, and counties within those States, that would otherwise receive, from funds available under the Department of Education Appropriations Act, 1997, smaller allocations for Grants to Local Educational Agencies than they would have received had those allocations been calculated entirely on the basis of child poverty counts from the 1990 census: Provided, That the Secretary of Education shall use these additional funds to provide those States with the allocations they would have received had the allocations under that Appropriations Act been calculated entirely on the basis of the 1990 census data: Provided further, That the Secretary shall ratably reduce the allocations to states under the preceding proviso for either Basic Grants or Concentration Grants, or both, as the case may be, if the funds available are insufficient to make those allocations in full: Provided further, That the Secretary shall allocate, to such counties in each such State, additional amounts for Basic Grants and Concentration Grants that are in the same proportion, respectively, to the total amounts allocated to the State, as the differences between such counties' initial allocations for Basic Grants and Concentration Grants, respectively (compared to what they would have received had the initial allocations been calculated entirely on the basis of 1990 census data), are to the differences between the State's initial allocations for Basic Grants and Concentration Grants, respectively (compared to the amounts the State would have received had the initial allocations been calculated entirely on the basis of 1990 census data): Provided further, That the funds appropriated under this paragraph shall become available on October 1, 1997 and shall remain available through September 30, 1998, for academic year 1997–98: Provided further, That the additional amounts appropriated under this paragraph shall not be taken into account in determining State allocations under any other program administered by the Secretary.

Public Law 104–208, under the heading titled "Education For the Disadvantaged" is amended by striking "$1,298,386,000" and inserting "$713,386,000" in lieu thereof.

CHAPTER 10

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Of the funds currently contained within the "Counterterrorism Fund" of the Department of Justice, $3,000,000 is provided for allocation by the Attorney General to the appropriate unit or units of government in Ogden, Utah, for necessary expenses, including enhancements and upgrade of security and communications infrastructure, to counter any potential terrorism threat related to the 2002 Winter Olympic games to be held in Utah.

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

SEC. 304. Section 5803 of Public Law 104–208 (110 Stat. 3009–522) is hereby repealed.

SEC. 305. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.—The Secretary of the Interior or his designee shall serve as the alternate member of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) and the alternate member of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328).

SEC. 306. Section 2.2 of Public Law 87–328 (75 Stat. 688, 691) is amended by striking the words "during the term of office of the President" and inserting "at the pleasure of the President".

SEC. 307. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "Title III—General Provisions" amend sections 315(c)(1)(A) and 315(c)(1)(B) by striking in each of those sections "104%" and inserting in lieu thereof "100%"; by striking in each of those sections "1995" and inserting in lieu thereof "1994"; and by striking in each of those sections "and thereafter annually adjusted upward by 4%,".

SEC. 308. Section 101(d) of Public Law 104–208 is amended as follows: Under the heading "Administrative Provisions, Indian Health Service" strike the seventh proviso and insert the following in lieu thereof: ": Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended".

SEC. 309. No funds provided by this Act, an Act making Appropriations for the Department of Defense for Fiscal Year 1997 (Public Law 104–208), any other Act making appropriations for any agency of the Federal Government for Fiscal Year 1997, or any other Act hereafter enacted may be used by any agency of the Federal Government to promulgate or implement any rule, regulation, policy, statement, or directive issued after October 1, 1993 regarding the recognition, validity, or management of any right of way established pursuant to Revised Statutes 2477 (43 U.S.C. 932).

SEC. 310. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.

SEC. 311. Notwithstanding any other provision of law, fiscal year 1995 funds awarded under State-administered programs of the Department of Education and funds awarded for fiscal year 1996 for State-administered programs under the Rehabilitation Act of the Department of Education to recipients in Presidentially declared disaster areas are available to those recipients for obligation until September 30, 1998: Provided, That for the purposes of assisting those recipients, the Secretary's waiver authority under section 14401 of the Elementary and

Secondary Education Act of 1965 shall be extended to all State-administered programs of the Department of Education. This special waiver authority applies only to funds awarded for fiscal years 1995, 1996 and 1997.

SEC. 312. Notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of said Act that the Secretary deems necessary to assist individuals and other program participants who suffered financial harm from natural disasters and who, at the time the disaster struck were operating, residing, attending an institution of higher education, or employed within these areas on the date which, the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): Provided further, That such authority shall be in effect only for awards for award year 1997–1998.

SEC. 313. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 1997 may be used to administer or implement in Denver, Colorado, the Medicare Competitive Pricing/Open Enrollment Demonstration, as titled in the April 1, 1997, Final Request for Proposals (RFP).

SEC. 314. Section 105(f) of the Legislative Branch Appropriation Act, 1968 (2 U.S.C. 61–1(f) is amended by adding at the end the following: "The limitation on the minimum rate of gross compensation under this subsection shall not apply to any member or civilian employee of the Capitol Police whose compensation is disbursed by the Secretary of the Senate.".

SEC. 315. (a) Notwithstanding any other provision of law or regulation, with the approval of the Committee on Rules and Administration of the Senate, the Sergeant at Arms and Doorkeeper of the Senate is authorized to provide additional facilities, services, equipment, and office space for use by a Senator in that Senator's State in connection with a disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Expenses incurred by the Sergeant at Arms and Doorkeeper of the Senate under this section shall be paid from the appropriation account, within the contingent fund of the Senate, for expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate with the approval of the Committee on Rules and Administration of the Senate.

(b) This section is effective on and after the date of enactment of this Act.

SEC. 316. Title I of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended under the heading "Federal Transit Administration—Discretionary Grants" by striking "$661,000,000" and inserting "$661,000".

SEC. 317. Section 325 of Title III of the Department of Transportation and Related Agencies Appropriations Act, 1997 (Public Law 104–205) is amended by deleting all text following "Provided, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.".

SEC. 318. Section 410(j) of title 23, United States Code, is amended by striking the period after "1997" and inserting ", and an additional $500,000 for fiscal year 1997.".

SEC. 319. Section 45301(a)(1) of title 49, United States Code, is amended by striking "that neither take off from, nor land in, the United States." and inserting in lieu thereof: "or general aviation aircraft that neither take off from, nor land in, the United States except that such fees shall not be imposed on overflights operated by citizens of a country contiguous to the United States if (A) both the origin and destination of such flights are within that other contiguous country and (B) that same country exempts similar categories of flights operated by citizens of the United States.".

SEC. 320. The Administrator of General Services is authorized to obligate the funds appropriated in Public Law 104–208 for construction of the Montgomery, Alabama courthouse.

SEC. 321. RESTRICTION ON FUNDS USED TO ENFORCE ELECTRONIC FUNDS TAX TRANSFER SYSTEM.—None of the funds made available by this Act or any other Act may be used to impose or collect any penalty under the Internal Revenue Code of 1986 which is imposed solely by reason of a failure to use the electronic fund transfer system established under section 6302(h) of such Code if such failure—

(1) is by a person which is first required to use such system by reason of clause (i)(IV) or (ii)(IV) of section 6302(h)(2)(C) of such Code, and

(2) occurs during the period beginning on July 1, 1997, and ending on December 31, 1997.

SEC. 322. Section 1555 of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355, is repealed effective the date of the enactment of this Act.

SEC. 323. PUBLIC NOTICE OF CONTRACTING BY HUD.—The Secretary shall publish quarterly in the Federal Register a list of all contracts and task orders issued under such contracts in excess of $250,000 which were entered into during the quarter by the Secretary, the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight (or by any officer of the Department of Housing and Urban Development, the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight acting in his or her capacity to represent the Secretary or these entities). Each listing shall identify the parties to the contract, the term and amount of the contract and the subject matter and responsibilities of the parties to the contract.

SEC. 324. SECTION 8 NOTICE PROVISION.—Section 8(c)(9) of the United States Housing Act of 1937 is amended by striking out "Not less than one year prior to terminating any contract" and inserting in lieu thereof the following: "Not less than 120 days prior to terminating any contract".

SEC. 325. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters for the fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

SEC. 326. The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to States and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

SEC. 327. After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the city of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

SEC. 328. None of the funds made available in the Foreign Operations, Export Financing, and Related Programs, 1997 (as contained in Public Law 104–208) may be made available for assistance to Uruguay unless the Secretary of State certifies to the Committees on Appropriations that all cases involving seizure of United States business assets have been resolved.

SEC. 329. EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.—Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking "September 30, 1996" and inserting "September 30, 1997".

SEC. 330. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

SEC. 331. The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997".

SEC. 332. Section 45301(b)(1)(A) of title 49, United States Code, is amended by inserting before the semicolon "and at least $50,000,000 in fiscal year 1998 and every year thereafter".

SEC. 333. MICHAEL GILLICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $6,000,000 for fiscal years 1998 through 2000.

SEC. 334. Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours.".

SEC. 335. EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, an ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

SEC. 336. RELIEF TO AGRICULTURAL PRODUCERS FOR FLOODING LOSS CAUSED BY DAM ON LAKE REDROCK, IOWA.

(a) ELIGIBILITY.—To be eligible for assistance under this section, an agricultural producer must—

(1)(A) be an owner or operator of land who granted an easement to the Federal Government for flooding losses to the land caused by water retention at the dam site at Lake Redrock, Iowa; or

(B) have been an owner or operator of land that was condemned by the Federal Government because of flooding of the land caused by water retention at the dam site at Lake Redrock, Iowa; and

(2) have incurred losses that exceed the estimates of the Secretary of the Army provided to the producer as part of the granting of the easement or as part of the condemnation.

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Army shall compensate an eligible producer described in subsection (a) for flooding losses to the land of the producer described in subsection (a)(2) in an amount determined by the Federal Crop Insurance Corporation.

(2) REDUCTION.—If the Secretary maintains a water retention rate at the dam site at Lake Redrock, Iowa, of—

(A) less than 769 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 10 percent;

(B) not less than 769 feet and not more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 7 percent; and

(C) more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 3 percent.

(c) CROP YEARS.—This section shall apply to flooding losses to the land of a producer described in subsection (a)(2) that are incurred during the 1997 and subsequent crop years.

TITLE IV—DEPARTMENT OF DEFENSE OFFSETS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $46,000,000 are rescinded.

MILITARY PERSONNEL, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

MILITARY PERSONNEL, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

MILITARY PERSONNEL, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $15,000,000 are rescinded.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $174,000,000 are rescinded.

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $51,000,000 are rescinded.

OPERATION AND MAINTENANCE, MARINE CORPS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $17,000,000 are rescinded.

OPERATION AND MAINTENANCE, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $117,000,000 are rescinded.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $25,000,000 are rescinded.

ENVIRONMENTAL RESTORATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Ldw 104–208, $250,000 are rescinded.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $250,000 are rescinded.

FORMER SOVIET UNION THREAT REDUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

PROCUREMENT

Aircraft Procurement, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,085,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

Missile Procurement, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,707,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $71,000,000 are rescinded.

Procurement of Weapons and Tracked Combat Vehicles, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,296,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

Procurement of Ammunition, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,236,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $14,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $11,000,000 are rescinded.

Other Procurement, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $2,502,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

Aircraft Procurement, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $34,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $28,000,000 are rescinded.

Weapons Procurement, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $16,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $6,000,000 are rescinded.

Procurement of Ammunition, Navy and Marine Corps

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $812,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $4,000,000 are rescinded.

Shipbuilding and Conversion, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $33,000,000 are rescinded.

Other Procurement, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,237,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $3,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $8,000,000 are rescinded.

Procurement, Marine Corps

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $1,207,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $4,000,000 are rescinded.

Aircraft Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $33,650,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $40,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $41,000,000 are rescinded.

Missile Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $7,195,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $186,000,000 are rescinded.

Other Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $3,659,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $10,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $7,000,000 are rescinded.

Procurement, Defense-Wide

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $4,860,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $5,000,000 are rescinded.

National Guard and Reserve Equipment

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $5,029,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $4,366,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $10,000,000 are rescinded.

Research, Development, Test and Evaluation, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $14,978,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $21,000,000 are rescinded.

Research, Development, Test and Evaluation, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $28,396,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $122,000,000 are rescinded.

Research, Development, Test and Evaluation, Defense-Wide

(RESCISSIONS)

Of the funds made available under this heading in Public Law 104–61, $81,090,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $95,000,000 are rescinded.

Developmental Test and Evaluation, Defense

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $890,000 are rescinded.

Operational Test and Evaluation, Defense

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $160,000 are rescinded.

REVOLVING AND MANAGEMENT FUNDS

National Defense Sealift Fund

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $35,000,000 are rescinded.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Defense

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $456,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104–208, $27,000,000 are rescinded.

Drug Interdiction and Counter-Drug Activities, Defense

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, $2,000,000 are rescinded.

GENERAL PROVISIONS

(RESCISSIONS)

Sec. 401. Of the funds appropriated in the Military Construction Appropriations Act, 1996 (Public Law 104–32), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Air Force Reserve", $5,000,000;

"Military Construction, Defense-wide", $41,000,000;

"Base Realignment and Closure Account, Part II", $35,391,000;

"Base Realignment and Closure Account, Part III", $75,638,000;

"Base Realignment and Closure Account, Part IV", $22,971,000:

Provided, That of the funds appropriated in the Military Construction Appropriations Act, 1997 (Public Law 104–196), amounts are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Army", $1,000,000;

"Military Construction, Navy", $2,000,000;

"Military Construction, Air Force", $3,000,000;

"Military Construction, Defense-wide", $49,000,000.

SEC. 402. Notwithstanding 31 U.S.C. 1502(a) and 31 U.S.C. 1553(a), funds appropriated in Public Law 101–511, Public Law 102–396, and Public Law 103–139, under the heading "Weapons Procurement, Navy", that were obligated and expended to settle claims on the MK–50 torpedo program may continue to be obligated and expended to settle those claims.

SEC. 403. None of the funds available to the Department of Defense in this or any other Act shall be available to pay the cost of operating a National Missile Defense Joint Program Office which includes more than 55 military and civilian personnel located in the National Capital Region.

SEC. 404. Funds obligated by the National Aeronautics and Space Administration (NASA) in the amount of $76,900,000 during fiscal years 1994 and 1995, and in the amount of $61,300,000 during fiscal year 1996, pursuant to the "Memorandum of Agreement between the National Aeronautics and Space Administration and the United States Air Force on Titan IV/Centaur Launch Support for the Cassini Mission," signed September 8, 1994, and September 23, 1994, and Attachment A, B, and C to that Memorandum, shall be merged with Air Force appropriations available for research, development, test and evaluation and procurement for fiscal years 1994, 1995 and 1996, and shall be available for the same time period as the appropriation with which merged, and shall be available for obligation only for those Titan IV vehicles and Titan IV-related activities under contract.

(RESCISSION)

SEC. 405. Of the funds appropriated for "Military Construction, Navy" under Public Law 103–307, $6,480,000 is hereby rescinded.

TITLE V—OTHER OFFSETS

CHAPTER 1

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the available unobligated balances under this heading, $6,400,000 are rescinded.

CHAPTER 2

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1997 or prior years, $17,000,000 are rescinded: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

STRATEGIC PETROLEUM RESERVE

(RESCISSION)

Of the funds made available under this heading in previous appropriations Acts, $11,000,000 are rescinded.

CHAPTER 3

SUBCOMMITTEE ON TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under section 14 of Public Law 91–258 as amended, $778,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $10,600,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF EXPENSES

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, $271,000,000 are rescinded.

DISCRETIONARY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available balances of contract authority under this heading, for fixed guideway modernization and bus activities under 49 U.S.C. 5309(m)(A) and (C), $588,000,000 are rescinded.

CHAPTER 4

SUBCOMMITTEE ON TREASURY AND GENERAL GOVERNMENT

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

EXPENSES, PRESIDENTIAL TRANSITION

(RESCISSION)

Of the amounts made available under this heading in Public Law 104–208, $5,600,000 are rescinded.

CHAPTER 5

SUBCOMMITTEE ON VA, HUD, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1997 and prior years, $3,650,000,000 are rescinded: Provided, That the Secretary of Housing and Urban Development shall recapture at least $5,800,000,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs: Provided further, That all additional section 8 reserve funds of an amount not less than $2,150,000,000 and any recaptures (other than funds already designated for other uses) specified in section 214 of Public Law 104–204 shall be preserved under the head "Section 8 Reserve Preservation Account" for use in extending section 8 contracts expiring in fiscal year 1998 and thereafter: Provided further, That the Comptroller General of the United States shall conduct an audit of all accounts of the Department of Housing and Urban Development to determine the amount of any and all program funds administered by the Department and report on this audit no later than May 1, 1998.

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(RESCISSION)

Of the amounts of negative credit subsidy from the sale of mortgage notes provided for under the fourth proviso under this head in Public Law 104–134, $85,000,000 is rescinded.

INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–368, $5,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICS FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $365,000,000 are rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–211 to NASA for Space flight, control, and data communications, $4,200,000 are rescinded.

CHAPTER 6

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

EXPORT CREDIT

None of the funds made available in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997, Public Law 104–180, may be used to pay the salaries and expenses of employees of the Department of Agriculture to carry out a combined program for export credit guarantees, supplier credit guarantees, and emerging democracies facilities guarantees at a level which exceeds $3,500,000,000.

EXPORT ENHANCEMENT PROGRAM

None of the funds appropriated or otherwise made available in Public Law 104–180 shall be used to pay the salaries and expenses of personnel to carry out an export enhancement program if the aggregate amount of funds and/or commodities under such program exceeds $50,000,000.

CHAPTER 7

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

Of the amounts provided under this heading, including amounts provided to specific projects, in Public Law 104–206, and any other available balances under this heading, $30,000,000 are permanently canceled.

TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity

Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking "the date which is 1 year after such date of enactment" and inserting in lieu thereof "September 30, 1997"; and

(B) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting in lieu thereof "September 30, 1997".

(b) Effective Date.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

TITLE VII—GOVERNMENT SHUTDOWN PREVENTION ACT

SEC. 701. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act".

SEC. 702. CONTINUING FUNDING.

(a) In General.—If any regular appropriation bill for fiscal year 1998 does not become law prior to the beginning of fiscal year 1998 or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in fiscal year 1997.

(b) Level of Funding.—Appropriations and funds made available, and authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be at 100 per cent of the rate of operations that was provided for the program, project, or activity in fiscal year 1997 in the corresponding regular appropriation Act for fiscal year 1997.

(c) Period of Availability.—Appropriations and funds made available, and authority granted, for fiscal year 1998 pursuant to this title for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

(1) the date on which the applicable regular appropriation bill for fiscal year 1998 becomes law (whether or not that law provides for that program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

(2) the last day of fiscal year 1998.

SEC. 703. TERMS AND CONDITIONS.

(a) In General.—An appropriation of funds made available, or authority granted, for a program, project, or activity for fiscal year 1998 pursuant to this title shall be made available to the extent and in the manner which would be provided by the pertinent appropriations Act for fiscal year 1997, including all of the terms and conditions and the apportionment schedule imposed with respect to the appropriation made or funds made available for fiscal year 1997 or authority granted for the program, project, or activity under current law.

(b) Extent and Manner.—Appropriations made by this title shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 704. COVERAGE.

Appropriations and funds made available, and authority granted, for any program, project, or activity for fiscal year 1998 pursuant to this title shall cover all obligations or expenditures incurred for that program, project, or activity during the portion of fiscal year 1998 for which this title applies to that program, project, or activity.

SEC. 705. EXPENDITURES.

Expenditures made for a program, project, or activity for fiscal year 1998 pursuant to this title shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of fiscal year 1998 providing for that program, project, or activity for that period becomes law.

SEC. 706. INITIATING OR RESUMING A PROGRAM, PROJECT, OR ACTIVITY.

No appropriation or funds made available or authority granted pursuant to this title shall be used to initiate or resume any program, project, or activity for which appropriations, funds, or other authority were not available during fiscal year 1997.

SEC. 707. PROTECTION OF OTHER OBLIGATIONS.

Nothing in this title shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, Medicaid, and veterans benefits.

SEC. 708. DEFINITION.

In this title, the term "regular appropriation bill" means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

(1) Agriculture, rural development, and related agencies programs.

(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

(3) The Department of Defense.

(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

(6) The Departments of Veterans and Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

(7) Energy and water development.

(8) Foreign assistance and related programs.

(9) The Department of the Interior and related agencies.

(10) Military construction.

(11) The Department of Transportation and related agencies.

(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

(13) The legislative branch.

TITLE VIII—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. 801. SHORT TITLE.

This title may be cited as the "Depository Institution Disaster Relief Act of 1997".

SEC. 802. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) Truth in Lending Act.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Truth in Lending Act (15 U.S.C. 1601 et seq.) for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) Expedited Funds Availability Act.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) for depository institution offices located within any area referred to in subsection (a) if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) Time Limit on Exceptions.—Any exception made under this section shall expire not later than the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) 1 year after the date of any determination referred to in subsection (a).

(d) Publication Required.—Not later than 60 days after the date of a determination under subsection (a), the Board shall publish in the Federal Register a statement that—

(1) describes the exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 803. DEPOSIT OF INSURANCE PROCEEDS.

The appropriate Federal banking agency may, by order, permit an insured depository institution, during the 18-month period beginning on the date of enactment of this Act, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o), an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o)) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

SEC. 804. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) In General.—During the 180-day period beginning on the date of enactment of this Act, a qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(1) Procedure.—Exercise the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or *minimum time limits with respect to agency action.*

(2) PUBLICATION REQUIREMENTS.—Make exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—Not later than 90 days after the date of an action under this section, a qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes the action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board;

(2) the Office of the Comptroller of the Currency;

(3) the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Federal Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

SEC. 805. SENSE OF THE CONGRESS.

It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. 806. OTHER AUTHORITY NOT AFFECTED.

Nothing in this title limits the authority of any department or agency under any other provision of law.

SEC. 807. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(2) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(3) FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCY.—The term "Federal financial institutions regulatory agency" has the same meaning as in section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350).

(4) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(5) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

(6) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in section 803(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

TITLE IX—TECHNICAL AMENDMENTS WITH RESPECT TO EDUCATION

SEC. 901. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. 902. DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. 903. TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997-1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. 904. HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. 905. DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

TITLE X—FOOD STAMP PROGRAM

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. 1001. Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(1) inserting in subsection (a) after "necessary, and", "except as provided in subsection (j)", and

(2) inserting a new subsection (j) as follows:

"(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A State agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding section 3302(b) of title 31, United States Code, payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

"(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to, eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

"(3) A State agency shall not issue benefits under this subsection—

"(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

"(B) in any area of the State where an electronic benefit transfer system has been implemented.

"(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

"(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

"(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

"(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).".

CONFORMING AMENDMENT

SEC. 1002. Section 17(b)(I)(B)(iv) of the Food Stamp Act of 1977 is amended by—

(1) striking "or" in subclause (V);

(2) striking the period at the end of subclause (VI) and inserting "; or"; and

(3) inserting a new subclause (VII) as follows—

"(VII) waives a provision of section 7(j).".

This Act may be cited as the "Supplemental Appropriations and Rescissions Act of 1997".

The **PRESIDING OFFICER**. Under the previous order, the Senate insists on its amendment, requests a conference with the House and the Chair is authorized to appoint conferees.

The Presiding Officer appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mr. MURRAY, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that my legislative assistant, Annie Billings, be given privilege of the floor today, and during the pendency of the debate on the Family Friendly Workplace Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY FRIENDLY WORKPLACE ACT

Mr. MCCONNELL. Mr. President, the American workplace has changed drastically since the enactment of the Fair Labor Standards Act—nearly 60 years ago. In those days, for example, a small percentage of working mothers toiled in the fields, factories, and general stores. Today, nearly 70 percent of mothers with children under the age of 6 are now working.

The constant refrain of both mothers and fathers in the nineties is: "There's just not enough hours in the day."

Well, the U.S. Senate can't put more hours in a day, but we can give workers more choices on how to spend those hours each day.

The time has come to amend the Fair Labor Standards Act of 1938. I am proud to be a cosponsor of S. 4, the Family Friendly Workplace Act.

Taking a look at this bill that Senator ASHCROFT has so skillfully put together and advocated. I think that the Family Friendly Workplace Act is one of the best opportunities we've had in a long time to make a substantial contribution to America's working families. This bill is based on the comments and experiences of men and women who know the difficulty of balancing work and family.

Recently, a good friend of mine, Bill Stone, from Louisville, KY, my hometown, testified in support of S. 4 at a hearing before the Employment and Training Subcommittee of the Labor Committee upon which I serve. Bill runs the Louisville Plate Glass Co. Approximately three-fourths of this company's Louisville work force is paid on an hourly basis and would be directly impacted by S. 4.

As Bill explained to our subcommittee, he said, "S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also," Bill stated, "be a huge benefit to our employees who are pursuing training or educational activities."

Now, let us take a look, Mr. President, at the compensatory time off provided for under the bill. If an employee at the Louisville Plate Glass Co. has to work overtime, then compensatory time off allows him to choose if he wants to be compensated with time-and-a-half pay or time-and-a-half time off.

A recent poll by Money magazine found that 66 percent of the American people would rather have their overtime in the form of time off than in hourly wages. And an astonishing 82 percent of people support legislation to allow workers to have this type of choice and flexibility.

The findings of this survey point to one conclusion, as explained by Ann Reilly Dowd of Money magazine. She put it this way. She said, "People are considering time much more precious than money right now." And that is an enormous change in our society, Mr. President. Moreover, as Ms. Dowd concluded, "it seems that people are working so hard and being so torn between the mounting demands of their job and their family life that they really, really want more free time and they, particularly, want more flexible schedules."

The Senate has a responsibility to respond to this overwhelming national need for choice and flexibility in the workplace.

Passing comptime legislation is just the first step in our response. Unfortunately, comptime alone is not enough. A bill that only includes comptime provisions will only include a small percentage of workers who actually work overtime.

S. 4 also includes two important provisions for workers who typically do not get the opportunity to work overtime. In most cases these workers are women.

For example, nearly three out of four workers reporting overtime pay are men. In order to accommodate working mothers, as well as other employees who do not regularly work overtime, S. 4 includes the biweekly work program and the flexible credit hours program.

If a working mother chooses to work 45 hours in week 1 so that she can work 35 hours the next week and have 5 hours to spend on a school field trip with her children, then the biweekly work program allows her to do that without sacrificing either pay or vacation time. Or if an employee chooses to work extra time in any one workweek, then flexible credit hours allows him or her to put those additional hours in the bank, so to speak, and take paid time off at a later date.

Compensatory time off, the biweekly work program and flexible credit hours have two things in common: choice and paid time off. Simply put, this bill just makes good sense. It is about nothing more than giving options to employees.

The Family Friendly Workplace Act gives employees the opportunity to get paid time off at virtually no cost to the employer. Everybody wins.

The opponents of the Family Friendly Workplace Act argue that our country's employees will not be able to handle this flexibility. The skeptics argue that the employees will be coerced.

First, let me say, Government employees have had comp and flextime privileges for years—Government employees have had that right—and there is virtually no hard evidence to support the potential horror stories conjured up by opponents of S. 4.

Second, our bill contains strong penalties for any employer who forces an employee to accept time over money.

Diane Buster, an hourly employee from my hometown of Louisville, KY, recently spoke very passionately to the need for S. 4. She explained that

> . . . for the last 15 years I have been in the full-time work force bound by an archaic law, the Fair Labor Standards Act, passed in 1938 when only about 20 percent of women worked . . . [Under this law], the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal Government.

Ms. Buster ultimately concluded that "this seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order."

The Paducah Sun in my State issued a similar statement a few weeks ago in an editorial that concluded that "the comp time bill ought to be passed * * * The language guarantees the right of workers to take overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking."

Finally, I would like to point out that in Government settings union leaders routinely demand that employers allow flexible scheduling provisions as part of a collective bargaining agreement. I must confess that it strikes me as a little bit odd that union leaders are now fighting to block all hourly employees from receiving the very benefit they seek for their own union employees.

In the words of The Courier-Journal, which is our largest State newspaper, "[Comptime] looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate. What's Bill Clinton scared of?" said the Courier-Journal.

The answer to that newspaper's question, sadly enough, may be that the President and the union bosses are simply playing politics at the expense of the American worker.

The presidents of the UAW, the Steelworkers, and the Machinists wrote a letter to President Clinton on April 28 of this year that sums up the politics which threaten to block S. 4. I would like to quote from that letter. This is what the union bosses had to say:

> Politically, any compromise with Senate Republicans on the comp time legislation . . . would undermine the Democratic Party's political base among working men and women, and jeopardize our ability to energize workers to achieve the goal of electing a Democratic House and Senate [in 1998].

That pretty well says it all, Mr. President. That pretty well says it all. You have to give them points for candor.

Mr. President, there may be some valid arguments out there for genuine debate on S. 4, but it is surely not those arguments. We should not block legislation that is good for the American worker and the American workplace simply because it may "undermine the Democratic Party's political base" and "jeopardize [the] ability to energize [campaign] workers."

Mr. President, I ask unanimous consent that the statements of Bill Stone and Diane Buster and the editorials of the Paducah Sunday and the Courier Journal be printed in the RECORD. ±

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY WILLIAM A. STONE BEFORE THE SUBCOMMITTEE ON EMPLOYMENT AND TRAINING, FEBRUARY 13, 1997

My name is William A. Stone, I am President of Louisville Plate Glass Company in Louisville, Kentucky. We are the majority stockholder in two Atlanta glass manufacturing firms, Tempered Glass, Inc. and Insulating Glass of Georgia. I am the Chief Executive Officer of both Atlanta companies. Louisville Plate Glass is a member of the U.S. Chamber of Commerce, the world's largest business federation representing an underlying membership of more than three million businesses and organizations of every size, sector, and region. I am a member and former Chairman of the Chamber's Labor Relations Committee. I also served on the Chamber's Small Business Council and Board of Directors for five years.

Our companies manufacture architectural glass products primarily for commercial buildings and employ about 116 people in three locations. I purchased the Louisville Plate Glass Company 25 years ago. We had only 19 employees at the time. Now, approximately 110 people are employed by these companies, with about 40 working in Louisville and the others in Atlanta. Approximately three-fourths of the Louisville workforce are paid on an hourly basis and record their work hours on a time clock. They are primarily production workers, truck drivers, and shipping personnel.

The average Louisville employee usually works about 10 overtime hours per week. The truck drivers usually work more overtime hours than the employees in the plant. Our hourly employees are scheduled to work five days per week and, when extra work is necessary, they prefer to work longer days during the week than to work on Saturday. However, sometimes it is necessary to schedule some employees to work on a Saturday. If an employee is unable to report for work, he or she must use accumulated vacation time or other paid time off, if any is available.

We have had few, employees ask to take time off without pay, and instead be scheduled or allowed to work extra hours during the same pay period as their absence in order to earn the pay they would have received had they not missed work. They do not even bother to ask for this arrangement because they know that in most cases, the necessary arrangements cannot be made within the well-known restrictions of the Fair Labor Standards Act (FLSA).

Today you are considering The Family Friendly Workplace Act (S. 4). This bill provides that hourly employees can, with their employers' agreement, earn time off instead of overtime pay so they can take time off to attend to personal or family business. I am here to tell you that passage of this bill will provide many employees, like those of Louisville Plate Glass, with what they perceive as a new and very valuable benefit. If this bill becomes law, my company will immediately make every effort to allow our employees to earn compensatory or "comp" time. I have no doubt at all that almost all, if not all, of our employees will ask to be able to earn time off instead of, or in addition to, overtime pay for the extra hours that they work. They will quickly see that with even modest amounts of accrued comp time, they will be able to attend to personal and family business without suffering a loss in pay because of their absence.

Of course, it would be not only unwise but essentially unworkable to allow employees with accrued comp time to use that accrued time whenever they pleased. Our production and shipping schedules, with our limited staff, will not permit extended or frequent worker absences without reasonable notice and arrangements. I am confidant that we will be able to make the necessary arrangements for most employees to use their accrued time off most of the time.

The comp time arrangement envisioned in S. 4 will give a new and greatly needed measure of flexibility to our employees who are trying to meet the demands of raising children in single-parent or two-worker families. It will also be a huge benefit to our employees who are pursuing training or education activities. In fact, with the FLSA changes embodied in S. 4, especially comp time, there would little or no need for most of the provisions of the Family and Medical Leave Act (FMLA). Few employees would opt for partially paid leave under the FMLA when they could use accumulated compt time and receive their normal paychecks even though they were absent.

Employees in the public sector have been able to use comp time for over ten years. I understand that federal government employees have had this benefit for even longer. There is absolutely no reason that private-sector workers, like those at Louisville Plate Glass and other businesses large and small, should not have the comp time benefit that the government saw fit to provide to its own employees long ago. It's time that family-friendly employers in the private sector be permitted to have the flexibility to work with employees to meet not only their workforce needs but the needs of their employees as well.

In my years of involvement in public policy, I have always been able to see that, no matter how contentious the issue, the other side had legitimate points. However, in this case there does not seem to be any legitimate reason not to allow private-sector employees the same opportunity for flexibility that their brothers and sisters in the public sector enjoy.

Thank you for the privilege of allowing me to speak on behalf of the U.S. Chamber of Commerce on this important issue. I would be happy to answer any questions.

STATEMENT BY DIANE BUSTER

My name is Diane Buster, I reside in Louisville, Kentucky where I work as Administrative Assistant to the Executive Director of a small, local, not-for profit corporation. Why, you may wonder, would I get up at 4:00 a.m., take a day off without pay and travel here to speak on the issue of workplace flexibility? Why? Because I am passionate about the need for the passage of the Work and Family Integration Act.

As part of the labor force in this country for almost thirty years, always in position where I have been paid an hourly wage, I have lobbied in every position I have had for flexibility to manage my home, family and personal life. Always the price I paid for that flexibility was a lesser wage and less responsibility as I settled for part-time work to enable me to manage the demands of my responsibilities as homemaker and mother in addition to my work duties.

For the last 15 years I have been in the full-time work force bound by an archaic law, The Fair Labor Standard Act, passed in 1938 when only about 20% of women worked as compared to the almost 60% of women currently in the labor force. This act mandates that I may only work 40 hours per week and that, should I exceed that amount of hours in any seven contiguous days, my employer is required to pay me one and one half times my normal wage, even though I would prefer to be allowed time off in lieu of the overtime pay. This law, I'm told, applies to hourly workers whose duties are not self directed. Tell me I'm not self directed when I am the only one left in the office when the non-classified staff, privileged to direct their own schedule, has all left early to attend family functions, shop, play golf or indulge in some similar recreation!

As a working mother and grandmother, with family all residing out of state, helping out in emergency situations and caring for the needs of my immediate family members would be infinitely more possible with a bank of compensatory time to draw on to use for such emergency care needs. The meager budget of the small non-profit corporation where I work, whose staffing needs fluctuate, would quite obviously be better off not having to pay me overtime wages, permitting me compensatory time when the workload is less. In know I am not alone, but one of thousands of workers for whom the stress of balancing the demands of work, home, personal and family needs would be greatly alleviated by having more control over my work schedule. Small businesses, the backbone of our communities, who are being choked to death, forced to adhere to laws and restrictions which make no sense for their time and place in our economy today, would also be enormously helped by being able to predicate their work schedules on the specific demands of their particular business.

As the law currently stands, the privilege of compensatory time is denied to hourly employees in private business while it is permitted to salaried employees in the private sector and to employees of the Federal government. This seems patently unfair and smacks of elitism, if not discrimination. A vote for fairness seems in order.

Passage of the Work and Family Integration Act will, I believe, immensely help to alleviate stress for the working population and greatly assist small businesses.

[From the Paducah Sun, Feb. 7, 1997]

PASS COMP BILL

Opposition by some congressional Democrats and their supporters in organized labor to a plan to allow compensatory time off for hourly workers in lieu of overtime pay has an odd ring to it.

The bill pushed by the GOP Congress, and endorsed by President Clinton, would give employees the option of taking the time, at the rate of 1½ hours for each overtime hour, if the employer agrees. Workers would be able to bank time for personal use, as many obviously would prefer. Many companies also would rather give the employees time off instead of the extra money.

Unions have criticized the idea as an attack on the traditional 40-hour work week. The don't trust employers not to pressure their employees to take the time off rather than the overtime compensation.

But the real reason for the political opposition to the plan is revealed in this statement by Rep. Lynn Woolsey, Democrat of California: "It will be flexible for the employer. We must ensure that the employee has 100 percent choice." Translation: The legislation is wrong because it doesn't force the employer to do anything. Never mind that the bill would give the worker a potential choice the existing law denies him completely.

The family leave issue, it is recalled, was enthusiastically embraced by Democrats as a great step forward for working families. The law gives workers the option of taking 12 weeks unpaid leave to deal with family needs. In other words, they voluntarily give up money in exchange for time off and flexibility, just as the comp time bill would do.

So what's the difference? It is the mandate issue. Under family leave, the company has no choice but to allow the absence. To liberals, providing an avenue where an employee and his boss can work out a mutually satisfactory arrangement is not good enough. In fact, the whole idea apparently is so obnoxious to them they would rather leave matters as they are and give the worker no legal option for a more flexible work schedule.

The comp time bill clearly ought to be passed. Salaried and government employees already have the privilege, so why not extend it to hourly workers? The language guarantees the right of workers to take the overtime pay if they desire, so labor's objection that the companies can't be trusted is only so much old-school us-against-them thinking.

The late Paul Tsongas once made a trenchant observation to the effect that too many of his fellow Democrats love jobs but hate employers. Rep. Woolsey and others have done their part in proving him right.

[From the Courier-Journal, Mar. 22, 1997]

IT'S "COMPTIME" TIME

What's so scary about "comptime"?

In the debate leading up to its passage by the U.S. House of Representatives this week, a bill offering new flexibility on wages and working hours was denounced by some opponents as a threat to freedom, fairness and the American way.

And President Clinton has warned that he'll veto it in its present form. That's a formidable threat since the bill passed by only 12 votes in the House. (All five of Kentucky's Republican members voted for it. Democrat Scotty Baesler voted against.)

We're puzzled by Mr. Clinton's opposition. The bill doesn't endanger the 40-hour work week at the heart of the Fair Labor Standards Act of 1938. All it says is that, if workers and their employers agree, comptime can be substituted for overtime pay. An employee who works, say, 45 hours in a week would have the option of getting paid time-and-a-half for the five hours or of getting 7½ hours of comp time.

At the end of the year, any accrued comptime would be converted to overtime pay. And the total amount of comptime during a year couldn't exceed 160 hours.

Employers could choose not to participate in a compensatory time agreement or, if they were in one, could withdraw after 30 days notice. Workers could withdraw at any time by submitting a written request. (In unionized work places, work schedules and rules for overtime would be set by contract.)

This looks like a win-win situation. Workers and employers would get more flexibility in working out schedules, and neither side would be forced to participate.

What's Bill Clinton scared of?

Mr. McCONNELL. I challenge my colleagues to enact this simple, sensible legislation. The family friendly workplace is about nothing more than choice and paid time off. S. 4 is the Federal Government at its best—benefits for working families with no Federal mandates and no excessive costs for small businesses. I also particularly commend Senator ASHCROFT for his leadership in developing this important legislation.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized for up to 10 minutes by previous order.

Mr. COVERDELL. I thank the Chair.

COUNTERDRUG COOPERATION BETWEEN THE UNITED STATES AND MEXICO

Mr. COVERDELL. Mr. President, on May 14, 1997, I along with my colleague, Senator FEINSTEIN of California, received a communique from President Clinton that I would like to read at this point. It says:

> DEAR SENATOR COVERDELL: Thank you for your letter regarding counterdrug cooperation between the United States and Mexico. I want to take this opportunity to tell you about my visit to Mexico and the efforts my Administration is making to advance our counternarcotics strategy in a bipartisan spirit.
>
> President Zedillo and I had a full and frank discussion on ways we can achieve greater progress toward attacking the abuse and trafficking of illegal drugs. The Binational Drug Threat Assessment report that General McCaffrey and Attorney General Madrazo presented to us sets forth in plain terms a common view of all aspects of the drug phenomena striking at our societies. On that basis, President Zedillo and I agreed to form an Alliance Against Drugs, which commits our two governments to prepare a common counterdrug strategy this year to achieve 16 specific objectives.
>
> These objectives, which reflect your own thoughtful contributions, include reducing demand through anti-drug information campaigns directed at our youth, bringing the leaders of criminal organizations to justice through strengthened law enforcement cooperation, attacking corruption, improving extradition (for example, by negotiating a protocol to the extradition treaty to allow trials in both countries prior to completion of sentences in either country), fully implementing laws to combat money laundering and increasing interdiction and eradication. Achieving all these objectives in the short term is unrealistic, but I believe we can make progress and that President Zedillo's effort to restructure Mexico's anti-drug forces is an essential starting point.
>
> I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 National Drug Control Strategy and the U.S.-Mexico Alliance Against Drugs. ONDCP Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My Administration will also provide the Congress by September 1, 1997, a report covering each of the issues contained in the Senate resolution passed in March as elaborated in your recent letter and discussions with my Administration. In addition, we will provide reports, as you have requested, commenting on prospects for multilateral hemispheric cooperation and on the feasibility of enhancing truck inspections at the border.
>
> I appreciate your continued efforts to work with my Administration to ensure that our children face a future free of drugs and the crime they breed.
>
> Sincerely,
>
> BILL CLINTON.

Mr. President, this letter is in direct response to the legislation offered by myself and Senator FEINSTEIN in March of this year, passed overwhelmingly by the Senate but which had not yet become law because of differences between the House and the Senate.

Because the President was going to be in Mexico and in Central America, that led to extensive discussions between myself and Senator FEINSTEIN and the administration, culminating with a discussion between myself and the National Security Adviser, Sandy Berger, during the trip to Mexico wherein the administration agreed to provide this letter of assurances to myself and Senator FEINSTEIN, and in spirit the Congress and the other Senators who worked so diligently to pass these legislative proposals.

From my point of view—and the Senator will speak for herself—it is a new platform. It is an acknowledgement of the issues that the Senator and I were trying to bring before the Congress, the Nation and the people of Mexico. I personally accept it in the spirit of cooperation and eagerly await the information to be provided to us in September. From my point of view, it is the acceptance of the point that was being made during the debate that the status quo was unacceptable for either country and that we had to move to a new era of more candor and more realism about the ravaging drug war and the damage it has done to both our countries and to the hemispheric democracy. So, I appreciate the National Security Adviser's conversation. I believe he and the administration fulfilled the discussion, at least to the level that I had it.

I appreciate, again, and want to acknowledge the work of the Senator from California on this issue. It has been very dedicated, very focused, and very meaningful. I have enjoyed working with her on this matter. I believe the drug war in our hemisphere could potentially destabilize the hemisphere. It is doing enormous damage to the youth of our country and is an issue that must receive far more attention than it has to date. I hope this communique is not the end, but the beginning of much more work to be done by the Members of the Senate and the Congress.

With that, Mr. President, I yield the floor. I see my colleague from California is prepared to talk on the subject, and I welcome her remarks.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California, by previous order, is recognized for up to 10 minutes.

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking the senior Senator from Georgia for his leadership in this matter. This has been a difficult area, I think, for both of us, because I believe we both respect Mexico. We know that Mexico is an ally, a friend, a neighbor, and we want to see relations become much better and much more fully developed. We do not want to see a rift continuing to develop, so, we have worked with that spirit in mind. Yet, one can want this equal partnership but also continue to point out the facts of what is happening in our States and our region, and particularly along the southwest border. So I thank the Senator from Georgia for his leadership. It has been, as he knows, a great pleasure for me to be able to work with him. It has been a wonderful experience. We will keep it going.

I also want to extend my thanks to the President and to the National Security Adviser, Sandy Berger. Both Senator COVERDELL, as he indicated, and I—we have met separately with the administration. We have both made the same request that this report, described by our Senate resolution, be rendered by the administration to this body.

Let me begin by saying the administration could easily have said no. There is no legislative vehicle that accompanies this request. But they did agree, in our negotiations, to honor this request, and they have kept that commitment and, in effect, will produce the report on September 1. I am heartened by that. As my colleague just spoke, we are heartened because we hope it will be a new day of cooperation between the executive and the legislative branches in what is rapidly becoming the soft underbelly of this Nation as well as the Mexican nation, and that of course is drugs.

As many know, I have a bill which is now in the Judiciary Committee's bill called the Gang Violence Act. What we have discovered is that drugs are fueling a new extension of gangs working across the States. One of the steps I am hopeful this body will be taking is passage of that bill and, in essence, applying to street gangs, who are organized and moving across State lines, the same racketeering statutes that we would apply to Mafia-type organized crime—expanding the Travel Act, putting in asset seizures and forfeitures, effectively doubling Federal penalties for Americans who participate in major drug trafficking, gun running, and other criminal activity, across State lines.

So, we will take major steps in this Nation to combat our problem, which is one of demand for drugs. The report that we have asked the administration to produce will deal with Mexico's progress in the following areas:

Efforts to combat drug cartels—four big Mexican drug cartels are operating with impunity beyond our border; bilateral law enforcement cooperation—we are very interested in a partnership between our Drug Enforcement Administration and Mexican drug authorities, but to have our agents in Mexico unable to arm themselves makes no sense, particularly with the record of assassination that the cartels have established; improved border enforcement—obvious; extradition of Mexican nationals wanted in the United States on drug charges; implementation of money-laundering laws; increased crop eradication; rooting out corruption; and improved air and maritime cooperation. All of these points are elucidated in our Senate resolution requesting this report, and the administration has agreed, unilaterally, to provide it. For that I am very thankful.

Let me talk about one area, and that area is extradition. This is an area which for me is a litmus test as to whether there is cooperation. I want to give one case that was just written up in the May 13, 1997 Los Angeles Times by Anne-Marie O'Connor. It is not a traditional case, in terms of names like Amado Carillo-Fuentes—well-known cartel names. This case deals with a family by the name of Reynoso: Antonio Reynoso and two brothers, Jose and Jesus Reynoso. They were indicted among 22 alleged members of a vast ring that transported cocaine from Mexico to Los Angeles to Chicago and to New Jersey, using Lear jets, boilers, and canned vegetables. They are named in an extradition request presented by this country to the Mexican Government. Last September, Jose Reynoso pled guilty on a drug-smuggling charge. Both Antonio and Jesus are under indictment for conspiracy to import and possess cocaine with intent to distribute, as well as for money laundering. In the last 2 years, they have built a magnificent home within a stone's throw of the border between San Diego and Tijuana. There is a small picture in the Los Angeles Times, which shows the border fence and then this drug lord's home right across the border fence. I want to describe it to you for a moment. I am quoting from the Los Angeles Times.

> To their profound annoyance, Justice Department officials say, Reynoso, 53, is putting the finishing touches on an ostentatious walled residence that backs right up to the U.S. border. If he wanted to, he could hit a tennis ball into San Diego County.

The article goes on to describe the mansion:

> Encircled by a forbidding wall that ascends 35 feet, chateau Reynoso rises like a ship over San Diego County, not far from a binational gulch called "Smuggler's Canyon." [Where I have been.] With its turret, a glass pool atrium and a dazzling green roof worthy of Oz, it is so conspicuous that Border Patrol agents sometimes point it out to visitors.
>
> U.S. law enforcement officers note its fortress architecture and its protected position at the end of a narrow cul-de-sac. So close to the United States, they complain, yet so far from a San Diego courtroom.
>
> "I wish we could just tunnel back and grab him," a Justice Department attorney said.

Then it goes on to say:

> . . . Reynoso's name has appeared on lists of traffickers given to Mexican authorities by United States Attorney General Janet Reno. But no discernible action has been taken. U.S. officials have no indications that Reynoso is even a wanted man in Mexico.

This same family was the mastermind behind a huge tunnel, 60 feet below the ground, between Otay Mesa and San Diego. This tunnel had electricity, it had air conditioning, and it was used by this family to smuggle drugs under the border into the United States. It was one of the most sophisticated tunnels, really, ever known. This family spent $1.1 million buying the lot in Otay Mesa where the passage's exit was to be located.

This is a clear indication, I believe, of what Senator COVERDELL and I will be looking for in terms of actions taken by the Mexican Government. We will have another round on certification. It is important to both of us, as well as, I believe, to a majority of this body, that there be actions taken in this equal partnership between the United States and Mexico. Let me just summarize.

The response from a good friend, a neighbor, and an ally that drugs are exclusively a U.S. problem is simply not adequate. We admit that we have a demand problem. We have taken steps to strengthen our laws, to allocate funds for prevention programs. Still, we know we must do more and we are willing to say we will and do it.

But when Mexican nationals run meth labs throughout California—and over 700 meth labs have been seized by the State Bureau of Narcotic Enforcement in California alone in the last year, 700 of them—and Mexico refuses to enforce its border, the drug problem is not our problem alone.

The PRESIDING OFFICER. The Chair advises the Senator her 10 minutes have expired.

Mrs. FEINSTEIN. May I ask for 1 minute to wrap up, please?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. When drug cartels are brazen enough to kill Government officials and church leaders in cold blood, the drug problem is not our problem alone. When the cartels are operating with such impunity that they do not hesitate to bribe officials on both sides of the border and, as "Nightline" has just pointed out, to buy up businesses along the border, the drug problem is not our problem alone. So the drug problem is a problem for both sides. What we need is a cooperative effort of both nations acting as full partners. Neither the United States nor Mexico can win this battle alone.

The report that the President has now committed to provide to the Congress on September 1 will be an important indicator of whether or not Mexico has taken the decision to approach this terrible problem in a cooperative partnership and in a fully committed way. Unless the report can cite significant and demonstrable progress in cooperation, the answer, very sadly, will be that Mexico has not yet taken such a decision. I hope that is not the case on September 1.

To me, this report is very meaningful. The point I want to make is that I believe the expectation of a majority of this body is that there be tangible and substantial steps taken that are visible, discernible, and real to combat the cartels and to stop the corruption, the bribing, and the sort of total disregard for law which is now characteristic of the situation.

I, for one, will watch the extradition picture especially carefully.

Mr. President, I ask unanimous consent that the May 14 letter from the President be printed in the RECORD, I thank the Presiding Officer for his forbearance, and I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, May 14, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR DIANNE: Thank you for your letter regarding counterdrug cooperation between the United States and Mexico. I want to take this opportunity to tell you about my visit to Mexico and the efforts my Administration is making to advance our counternarcotics strategy in a bipartisan spirit.

President Zedillo and I had a full and frank discussion on ways we can achieve greater progress toward attacking the abuse and trafficking of illegal drugs. The Binational Drug Threat Assessment Report that General McCaffrey and Attorney General Madrazo presented to us sets forth in plain terms a common view of all aspects of the drug phenomena striking at our societies. On that basis, President Zedillo and I agreed to form an Alliance Against Drugs, which commits our two governments to prepare a common counterdrug strategy this year to achieve 16 specific objectives.

These objectives, which reflect your own thoughtful contributions, include reducing demand through anti-drug information campaigns directed at our youth, bringing the leaders of criminal organizations to justice through strengthened law enforcement cooperation, attacking corruption, fully implementing laws to combat money laundering and increasing interdiction and eradication. Achieving all these objectives in the short term is unrealistic, but I believe we can make progress and that President Zedillo's effort to restructure Mexico's anti-drug forces is an essential starting point.

I want to keep the Congress informed of the progress we are making toward achieving the objectives set forth in my 1997 National Drug Control Strategy and the U.S.-Mexico Alliance Against Drugs. ONDCP Director McCaffrey will provide further details on these issues to Members of both Houses in the near future. My Administration will also provide the Congress by September 1, 1997, a report covering each of the issues contained in the Senate resolution passed in March as elaborated in your recent letter and discussions with my Administration. In addition, we will provide reports, as you have requested, commenting on prospects for multilateral hemispheric cooperation and on the feasibility of enhancing truck inspections at the border.

I appreciate your continued efforts to work with my Administration to ensure that our children face a future free of drugs and the crime they breed.

Sincerely,

BILL CLINTON.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection to the order for the quorum call being rescinded? Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to section 711(b)(2) of Public Law 104–293, appoints the Senator from Pennsylvania [Mr. SPECTER] as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

The Chair, in his capacity as a Senator from the State of Kansas, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY FRIENDLY WORKPLACE ACT

Mr. WELLSTONE. Mr. President, I was working in my office on some other matters, and it came to my attention that several of my colleagues, I think Senator ASHCROFT and perhaps Senator MCCONNELL of Kentucky, came down to speak about the comptime-flextime bill that Senator ASHCROFT introduced, S. 4. I want to respond to some of what they had to say because I think it is important that people in the country understand this debate and how it affects their lives.

Mr. President, one of the arguments that was made was that Democrats—it was a curious argument—by coming out on the floor, and I was one that did so, and Senator KENNEDY was out here and there were others, that by speaking in opposition to S. 4, we did not want to debate. The legislation was stopped. There were not enough votes to proceed. So somehow we did not want to debate the bill.

Mr. President, we should be clear about the difference between trying to get some legislation passed that will lead to an improvement in the quality of lives of people, as opposed to bringing out legislation which you know will never become law.

At the top of the issues I care most about is campaign finance reform. I keep being told we do not have time to do it on the floor of the Senate. We have core issues to debate. Mr. President, I disagree sharply with my colleagues. I make the point that when you bring a bill to the floor of the Senate which the President has already said he would veto, when you bring a bill to the floor of the Senate, S. 4 in the form it was brought to the floor, knowing full well that you will have a significant number of Senators, certainly well over 40, in opposition, this is hardly the way to pass legislation. You can score political points. You can come to the floor today and try and score political points, but that is not a substitute for a substantive argument and debate.

Now, Mr. President, we should be clear about what we oppose because I do not think it is a question of what I oppose, as the Senator from Minnesota. I think it is a question of how people in the country may view this.

S. 4 is an overreach. It did not go anywhere on the floor of the Senate. It was to be vetoed by the President. It will never become the law of the land because it is an overreach. It takes the Fair Labor Standards Act—we are talking about 50 years of people's history, if you will, with the idea being that when you work overtime you get compensated at time and a half—and it turns it on its head. It goes to an 80-hour work period so that an employee could end up working 60 hours one week, 20 hours the next week with no overtime pay.

Now, if you think in theory all employees will have the power to say to employers, "No, we do not want to work under these conditions," if you are naive enough to believe that, believe it. If you do not know much about the world of the workplace, believe it. But that is why we have some protections for working people. We are not about to stand and watch the 40-hour workweek overturned. We are not about to see fair labor standards that have been so important to working families, so important to their wage levels, so important to people being treated with dignity and respect, overturned.

It is, as they say, a nonstarter. That is why that legislation, when it came to the floor was a nonstarter. We had debate. I heard colleagues say we did not want to debate. We had debate.

The second point, both the 80-hour 2-week framework and flextime at hour for hour, where you get an hour off for an hour of overtime, but no time and a half, these are, essentially, cuts in pay. So, get real.

We should talk about the purported goal of the bill that was introduced and what should be our goal, which is to give employees more flexibility. If, in fact, a woman or a man wants to bank time—now I am talking about comptime—by working overtime 1 week and then saying, "Look, I would like to take that as time off rather than getting paid cash time and a half. Rather than getting an hour and a half in pay for the hour I worked overtime, I would like to have an hour and a half in paid time off. I could do some things with my family that would be important to my family." Great. But make sure that is what the legislation is. That is not the legislation that was on the floor of the Senate. Two out of the three options, the flextime proposal and the 80-hour 2-week proposal, represent cuts in pay for people.

It represented an all-out assault on the Fair Labor Standards Act, an all-out assault on the idea of decent jobs, overtime pay for overtime work. So, now let's talk about where there could be common ground.

Before I do that, Mr. President, let me deal with a couple of other arguments that were made that I think are really quite important. Mr. President, one of the arguments that was made was that people do not have, and I cannot believe my colleagues made this argument, that, right now, because of the Fair Labor Standards Act and the laws we live under, there is no way to have flexibility.

I am the ranking minority member of the subcommittee which has considered this topic, with Senator DEWINE, who has been an excellent chair, by the way. We had people come in and testify about the existing flexibility. There are people in the country who work four 10-hour days and then they do not work on a Friday. There are people who work four 9-hour days and then they work half a day on Friday or Monday. There are people that come in at 7 o'clock and work to until 3 o'clock or come in and 10 o'clock and work until 6 o'clock, whatever the case might be. There are all sorts of ways in which there can be flexibility right now. The sad thing is a lot of companies do not provide that to their employees, but we should not confuse the issue. That has nothing to do with the Fair Labor Standards Act. That cannot be used as a pretext for overturning the Fair Labor Standards Act. We are not going to let that happen. To argue there is no flexibility or no way that current law allows it is just simply not the case.

Now, Mr. President, the Senator from Missouri also claims that his bill simply makes available to private-sector workers the same benefits that Federal employees have. He is wrong. The Federal employee program gives employees the right to choose whether to have flexible schedules. S. 4 does not do that. The Senator also overlooks the many and substantial job protections that Federal employees enjoy that do not apply to the private sector workers.

By the way, when it comes to health care benefits and pension benefits and much larger percentage of Federal employees being unionized and having bargaining powers, I would be pleased to join with my colleagues to achieve parity for people in the private sector. Mr. President, first and foremost, Federal workers are covered by civil service rules requiring good cause for discharge or discipline. That is, Federal employees cannot be suspended, discharged, or disciplined without notice of the charges and an opportunity to respond in a hearing. Private employees, by contrast, are typically "at will" employees. An employer can discharge or discipline those employees for any reason. It is completely different. People in the private sector do not have the protection Federal employees have. Private employees can be fired because the employer does not like the color of their hair. They can be suspended because the employer does not like their political beliefs. These workers have no redress. They cannot complain to anyone. They have no right to a hearing, and they certainly do not have the right to get their jobs back. Only if private employees are covered by a collective bargaining agreement do they have the right to a hearing before they can be fired, and only about 15 percent of the private work force in this country is covered by such a contract.

Mr. President, these are critical differences between public and private employees. They underscore how careful we must be before we blindly apply Federal programs to the private sector. The possibility for exploitation of private-sector employees is far greater than in the public sector.

Let me give an example of something that happened in the Labor Committee. We will see what happens when the bill returns to the floor. I had an amendment that says we should give the employees real flexibility. Now, if Mary Jones has banked 20 hours that she earned by working overtime and she now wants to take that time off and she asks for the hour and a half paid time off for each of those overtime hours worked, if she wants to do it for reasons that are laid out in the Family and Medical Leave Act, because a family member is ill, or a new child has been born, she should be able to do it. She should not have to have that approved. Those are her hours she banked, her earned compensation. Give her the flexibility. Do not just leave it in the hand of the employer to ultimately decide to sign off on everything. That amendment was defeated. Mr. President, if we want to make sure that private employees have flexibility, then we must have such a provision.

Mr. President, there are no sweatshops, my colleague mentioned, in the Federal sector. The Department of Labor found that 50 percent of garment shops failed to comply with minimum wage, overtime, or child labor laws—50 percent. Yet the Republican bill would give employers in the garment industry one more tool to abuse their employees. I had an amendment that said we should exclude people that work in some of these sectors of the work force that are already exploited because otherwise you are giving employers another way of not paying people overtime. That amendment was defeated. I repeat on the floor of the Senate, that amendment was defeated. Very revealing. We offered an amendment in the Labor Committee to exclude garment workers and other especially vulnerable employees of the bill. It was defeated on a party-line vote.

The Senator from Missouri quoted a song very familiar to me on the floor this week. I said, "I know that song, Florence Reese wrote that." I know that because my wife's family is from Appalachia and this was about the coal mining struggles. Florence Reese was from Harlan County, KY.

Mr. President, I think the vote to deny an exemption to garment workers and other vulnerable employees shows pretty clearly which side the Republicans are on in this debate. I think the vote not to provide an exemption for those employees, who we already know are exploited—the evidence is irrefutable and irreducible—shows clearly which side too many of my Republican colleagues are on. And by the way, not the side that Florence Reese was singing about, which is the side of working people.

Mr. President, another important difference between the public and private sector is that the Federal agencies do not go bankrupt. Contrast this with private businesses. In 1995, 52,000 American businesses filed for bankruptcy. The rate of business failures in the garment industry is twice the national average. In construction, the rate of bankruptcy is much higher than the national average. If an employer goes bankrupt when an employee has comptime banked, the worker loses all his or her time and money. Mr. President, under S. 4 comptime hours do not count as wages in a bankruptcy proceeding, so the worker who accepted comptime instead of paid overtime would be out of luck. We had an amendment ready in the Labor Committee markup to fix this problem but, it is not in the bill.

Mr. President, I see my colleague on the floor and I do not want to take up so much time that he does not have an opportunity to speak but let me make one of many other points I could make by way of correcting the RECORD.

Mr. President, my colleague from Missouri said Democrats have not read the bill. I read the bill. I can say, and I do no damage to the truth, that this bill violates the 40-hour week and sets up an 80-hour 2-week framework, and people can work 50 hours or 60 hours one week and they get no overtime pay if the employer decides the arrangement should be such that the employee can choose to get some time off the next week, but they do not get time and a half compensation as either cash or time. I can safely say that there is no effort here to really providing employees the flexibility to choose when to use comp time.

Mr. President, under the Ashcroft bill, flexible credit hours are defined as hours that the employer and the employee jointly designate for the employee to work so as to "reduce the hours worked" at a later time. This is on page 19, lines 14 through 18 of the bill.

My colleague from Missouri claimed that the opponents of S. 4 would support the legislation, if only we would read the bill. Mr. President, I respectfully suggest that my colleague needs to take another look at this legislation. It doesn't do what the proponents claim. The language shows that.

Federal law defines "credit hours" as hours which the employee elects to work. Let me repeat that. Federal law defines "credit hours" as hours which the employee elects to work so as to vary the length of the workweek or workday. Under the Ashcroft bill, you have to have the employer and the employee together designating this. If the employer doesn't want to go along with this—and the employers quite often have the power—the employee doesn't get to make that decision.

So let's not say that this bill is going to give employees in the private sector what employees in the Federal sector have. It is right there in the bill on page 19, lines 14 to 18.

Mr. President, I think I have made my case. We have had some time to debate this bill. The bill went nowhere because the bill, as opposed to providing employees flexibility, ends up being a way in which too many employers all across the country can basically cut the pay for workers. It amounts to a paycheck cut for workers.

We are not going to let that happen. The President wouldn't let that happen.

So I suggest that my colleagues, next time we have the debate, do not come out on the floor and say that we have not read the bill. We read the bill. That is why I oppose it. Don't come out on the floor and say that we are going to give the private-sector employees the same opportunities as the Federal-sector employees have. That is not the case. Don't come out on the floor and say that this will provide flexibility for employees. It doesn't.

Don't come out on the floor and pretend that you have not done damage to the very cherished idea of a 40-hour workweek, and, that, by golly, people should get the functional equivalent of overtime pay, paid time off at time and a half, because this bill doesn't really provide real guarantees that it will happen.

And don't come out here on the floor of the Senate and say that all these great things are going to happen in the work force when we have clear examples of people who work, such as in the garment industry, who are already being exploited, and you don't want to provide them any kind of exemption or any kind of special protection. The arguments just simply don't carry the day.

Mr. President, I would suggest to my colleagues that I came out on the floor to correct the Record, that there is a good reason why the bill went nowhere, there is a good reason why the President is going to veto it. I hope we will see some serious work that we will do together to make some major corrections and have a really strong piece of legislation that will provide working women and men with the flexibility they need, and which will be family friendly.

And, by the way, I think Senator MURRAY has an excellent idea to expand the Family Medical Leave Act for some additional hours off for a family. There are a lot of things that we can do to really make this a piece of legislation that is family friendly, that is worker friendly. And that is what I think we will do.

Mr. DORGAN. Mr. President, will the Senator from Minnesota yield for a question?

Mr. WELLSTONE. I actually have to leave the floor in a moment. I would be pleased to yield.

Mr. DORGAN. Mr. President, I have listened with interest to the description of the bill by my colleague from Minnesota. I think it is safe to say there is no one in the Chamber who really doesn't subscribe to the notion that there ought to be greater flexibility in the workplace, and that there is merit to giving an employee the opportunity to decide whether they want comptime as opposed to overtime. I don't think there is much disagreement about that issue.

But I ask the Senator from Minnesota, is it the case that, when we talk about overtime pay for American workers, 80 percent of the workers in this country that are getting overtime pay are workers earning less than $28,000 a year? Then therefore, by definition, these are workers somewhere toward the lower end of the economic scale who get less than $28,000 a year, and many of them rely on overtime pay. They need it. It is very important to them.

To the extent that anybody opposes a bill that says let's provide flexibility in the workplace in a manner that might threaten the opportunity for those who want and need the overtime pay, especially those at the bottom of the pay scale, boy, that is not moving in the right direction in terms of providing flexibility.

Is it the case that the preponderance of people getting overtime in the workplace are people below $28,000 a year?

Mr. WELLSTONE. Mr. President, my colleague from North Dakota is absolutely correct. That is why I said earlier that I would want to point to the critical distinction between coming out here on the floor with a piece of legislation that you know threatens the labor standards of working people, that you know doesn't provide the flexibility, that you know is not going to get the votes to pass, that you know the President is going to veto, and doing what should be done, if, in fact, we care about working people and children, which is to come out with a piece of legislation that really does provide the comptime, the flexibility, without threatening people who really rely on that overtime pay.

Mr. DORGAN. Isn't it the case that the bill that was brought to the floor says to you, if you are an employer and you have somebody working for you making $14,000 a year, working hard, working two 40-hour weeks, "By the way, we will give you some flexibility; you can tell that worker next week that they are going to work 60 hours, and that you can let them work fewer hours the week after, so as long as it adds up to 80 hours, whatever the requirement of work for the first time?"

Mr. WELLSTONE. Absolutely. It takes the Fair Labor Standards Act, which, as I said the other day, is based on a lot of sweat and tears of a lot of working families, and turns the whole idea of fairness on its head. That is absolutely right.

That is why that piece of legislation went nowhere on the floor of the Senate, nor should it.

That is absolutely correct.

Mr. DORGAN. One additional question: There is a way to do what people have said needs doing, and what, I think, needs doing: that is, honestly provide greater flexibility. If people want to take comptime instead of overtime, there certainly is a way to do that without potentially hurting people at the lower end of the economic ladder. Isn't that the case?

Mr. WELLSTONE. I would say to my colleague that he is correct. I think the key issues are, when you have proposals in here, first, what you do, if you are serious about passing a piece of legislation that is going to help working families, is you take the extreme and harsh parts out, like overturning the 40-hour week.

Second of all, you make sure you don't have a lot of coercion at the workplace, and that employees really do have a choice, whether it be a woman or a man. And, if so, they get either that at time-and-a-half pay or they get that time-and-a-half off when they want and need to take it.

If you can make sure that happens, if you make sure that you have the important provisions to make sure that happens, and if you make sure there isn't exploitation, then it is absolutely the right direction to go.

That would be, I hope, the common ground.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask to be recognized to use the time reserved for the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I came to the floor, and was interested in the comments offered by my colleague from Minnesota. I agree with his comments. That has been the issue on the floor of the Senate for the last couple of weeks. I expect we will have more debate on it. But I came to talk about several other issues, and I would like to take the time to make some points to my colleagues that are important to me, to my home State of North Dakota, and to others.

So let me begin talking about the first of the three issues.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. DORGAN. Mr. President, first is the disaster appropriations bill.

Last week the Senate passed an appropriations bill to provide supplemental appropriations for the disasters that have occurred in our country, and it is especially important to me and to our region.

This bill would provide substantial amounts of resources and money for people who have been victims of the disaster in North Dakota, South Dakota, and Minnesota.

I am enormously impressed that the House of Representatives last evening passed a disaster bill that contains almost identical amounts of money for the disaster relief that we put in here in the Senate. We added $500 million to the bill—$100 million that the President requested be added, and $400 million above that for what is called community development block grants. That represents the most flexible of Federal spending that goes to State and local governments. It provides great flexibility for them. It is packaged in a way that helps them resolve their problems and help their people who are victims of the disaster.

While I am very pleased of the actions of the House last evening, we now go to conference. I will be a conferee because I am on the Senate Appropriations Committee. But we go to conference with a bill that has awfully good news in it for victims of the disaster in our region of the country. But the bill also contains a very controversial amendment that has nothing to do with this bill. This is an amendment that has to do with ending Government shutdowns at the end of the fiscal year if the appropriations bills are not passed on time. They are called continuing resolutions. CR's, they are called.

This disaster appropriations bill contains an amendment, dealing with the continuing resolution which is very controversial. The President said long ago would this amendment require him to veto the bill, if it is in the bill. And, nonetheless, the Senate has passed the bill and the House has passed a bill that constrains this very controversial amendment.

I hope very much that this weekend, and in the early days of next week, as we work through this conference, that we can convince all of the people who are interested in this bill that the best interest of the people of the region who are victims of the disaster will be served by removing from this bill these amendments that have nothing to do with the disaster appropriations bill.

We should not in any way attempt to delay or derail a disaster bill with extraneous amendments. It just shouldn't be done. I have not done it in the past. I have voted for disaster funds to help people who have been victims of floods, fires, tornadoes, blizzards, earthquakes, and I have been pleased to vote for those because I think it is important for people all over this country to extend a helping hand to those who are victims of a disaster. But I don't think it is appropriate for Members of Congress to decide this is a bill which is critical and important, that provides needed help to victims, and, therefore, because it is a bill that the President somehow must sign, they should put a controversial amendment on it that has nothing to do with the bill. That is exactly what has happened.

I ask, with great respect to all of those involved in that effort to decide to do something different, to withdraw that amendment from this bill. Let's pass this bill out of conference, send it back to the House and to the Senate, and then to the President in a manner so that he can sign it.

Why on Earth would the Congress include something in a bill that they know the President is going to veto, and thereby just create a delay in the aid to victims?

There are thousands of North Dakotans and Minnesotans who woke up this morning not in their own beds and not in their own homes. They are homeless. It has been weeks since this flood of a 500-year level hit the Red River and evacuated 95 percent of the people in the city of 50,000, Grand Forks, ND. On the other side of the river, 100 percent of the city of East Grand Forks, MN, some 9,000 people were evacuated from their homes.

In Grand Forks, ND, alone, somewhere between 600 and 800 homes are destroyed. No one will move back into those homes. They are destroyed. Another perhaps 1,000 homes are severely damaged. Where are those families today? They are not home today. They are victims living with relatives, some in shelters, many in other towns struggling to try to figure out what they do and how they put together the pieces. Many people live paycheck to paycheck, struggling to try to figure out how they pay the bills.

Many businesses are not open in Grand Forks and East Grand Forks because much of the town is still uninhabited. People do not have jobs. People do not know how they are going to pay their bills. Yes, FEMA is helping. FEMA is writing checks and helping people with their immediate needs. But these are victims of a disaster. They need help, and they don't need people to play a game with a disaster appropriations bill by adding an extraneous amendment that has nothing to do with the bill in a way that will delay and jeopardize the bill.

I ask all of those who are involved in that, don't do that. Bring your proposal up next week or the week after. It doesn't matter to me. Let's debate it. You have every right to bring any idea to the floor of the Senate and have a debate on it. But don't delay or jeopardize the disaster bill. It is fundamentally unfair to people this morning who still woke up without a home and without a job wondering what their future holds and looking to us for some hope.

I have shown the pictures before. But I think it is important to do it again. Let me explain how we got where we are so that you understand the dimensions of it.

We had 3 years' worth of snow in 3 months in my State. This is a snowbank. This happens to be flat ground. There is a farmer in front of a snowbank. It gives you a little idea of how high those snowbanks became in the middle of our blizzards in North Dakota. That is about an 18-foot snowbank.

There were anywhere from six to nine serious blizzards, most of which closed down most of the roads in North Dakota. Some of them closed down every road in North Dakota. We had whiteout conditions. You could not see your hand in front of your face. The last blizzard, incidentally, was anywhere from 18 to 24 inches of snow dumped in about 48 hours on top of the record snowfall we had previously. So we had about 9 to 10 feet of snow in North Dakota during this winter. Then what we had was a rapid spring melt in which all of this snowpack melted down. The Red River on the eastern side of our State is one of the few rivers that runs north. This river ran right into an ice pack up in Canada. We had this massive melt that created not a river but created a lake out of the Red River. And, this lake was 150 miles long by about 20 to 30 miles wide.

The result was that a massive quantity of water became a giant, coursing stream through Wahpeton, Breckenridge, Fargo, Moorhead, Grand Forks, and East Grand Forks. They were fighting floods in 80 locations in our region. The head of the Corps of Engineers said that he has never seen that kind of effort by local people to fight a flood. It was the most extraordinary effort he had ever seen.

Down in Wahpeton and Breckenridge, they won some and lost some battles. Up in Fargo, they largely won the battle after very tense nights and days. In Grand Forks, the flood prediction was set at 49 feet, the highest flood in the history of the Red River in Grand Forks. But the flood that came was 54 feet. It broke the dike and inundated the town.

I traveled throughout Grand Forks. I viewed Main Street, downtown Grand Forks, and all of the neighborhoods in a Coast Guard boat.

Take a look at the farms in the Red River Valley. This is a picture of a farm. It does not look like it. It looks like a building surrounded by a lake but it is farmland. We had 1.7 million acres under water.

Then there were dead cattle. We lost somewhere around 150,000 head of cattle. A fellow who had just come from North Dakota told me yesterday. He was in town the day before and visiting with a fellow rancher, and the rancher said he had to go home and shoot some more calves. These young calves were born during calving season. Now their hooves were falling off. Their feet were falling off because they had been frozen. Farmers and ranchers lost some 150,000 head of cattle that were killed as a result of these storms.

We had farmers calling radio stations saying they had lost their entire herd of cattle. They asked if anybody had seen their herd of cattle. There were dairy cows with udders frozen. In the last storm, which was the worst storm in 50 years, came in the middle of calving season. The Senator from Kansas knows very well about weather problems during calving season.

So that is what people were confronted with. When the flood came, it inundated Grand Forks and East Grand Forks, and the towns were evacuated. In the midst of the flood, the downtown section of Grand Forks caught on fire. We had fire fighters in Grand Forks, as you can see from this picture, waist deep in ice cold water, some suffering hypothermia, fighting a fire. In the early stages they were fighting with fire extinguishers because they could not get pumper trucks in because of the flood. These are heroes. These folks who fought that fire are true heroes. We lost parts of three blocks of downtown Grand Forks, including 11 of the wonderful old historic buildings. That part of the historic city of Grand Forks burned to the ground.

That is what was faced in this set of disasters. These are the victims up and down the Red River Valley who today wait for a message of hope from the Congress. They wait for the disaster bill that both the House and the Senate have now enacted that will go to conference. They wait for the President's signature on a bill that provides much-needed help to these victims.

It is critically important that those who nave now added an amendment, which has nothing to do with this bill and that is very controversial, decide to withdraw it.

Mr. President, all of us are proud of our States, all of us are proud of where we come from. I am enormously proud to be a North Dakotan, and I feel privileged every day I get up and come to work to represent North Dakota in the Senate. The most important thing I have done in my life, I guess, is representing North Dakotans in the Senate. It will undoubtedly be one of the most wonderful privileges I will have had in my lifetime when my service here is through.

I do not, and have not in my years in both the House and Senate come to the Chambers of Congress asking for special help for our region. But, if ever a region needed help, our region does now. It is almost unprecedented that major communities in our country had to be evacuated. Now weeks after the evacuation, the communities are still not very functional. People are still homeless. People are still jobless.

None of us quite knows the menu of exactly how you put all this back together. How do you restart an economy that was stopped dead still? How do you give hope to men and women who had a small business somewhere and have now lost all their inventory, and lost their building? Their business is gone and they have no money. How do you restore their hopes and dreams?

How about a rancher or a farmer whose land is totally under water and who lost their entire herd of cows and calves? They wonder what will they do next? This is a case where our region needs help.

We are a generous people in North Dakota, and we have always been the first to help. Just as America is a generous nation, and been the first almost anywhere in the world to offer help to people who need help. We have done the same in North Dakota to offer help to victims of hurricanes and earthquakes and floods elsewhere.

This is a time that I am proud of Members of Congress for standing up in the Senate and in the House saying that we want to offer a package of help that in the bill passed by the Senate totaled somewhere close to $1.2–$1.3 billion of help for that region. It included $500 million of community development block grants which are the most flexible kind of resources available. I am enormously proud that Members of the House and Senate have done that. Now if we can do one more thing that will make me proud, it will be for those who have offered the controversial amendment that will attract a veto to this bill to decide it is not the right thing to do. This is not the right bill to do it on. It is not fair for the people of this region to do it now. It is time for them to decide to withdraw this amendment. Then we can have the conference, and get a bill we can send to the President and have the President sign it. Then this critically needed assistance can flow to people of our region. It will be, I think, a very proud moment for all of Congress. I hope that will be the case in the coming days.

FAST-TRACK TRADE AUTHORITY

Mr. DORGAN. Mr. President, I want to mention quickly two other subjects. The first is a letter that I have sent to the President with my colleague from Maine, Senator OLYMPIA SNOWE, about the issue of fast-track trade authority, and then, second, I would like to offer a comment about the budget agreement.

First, on the issue of fast-track trade authority, Mr. President, Senator OLYMPIA SNOWE and I have sent a letter to President Clinton indicating to him that we do not believe it is appropriate to extend fast-track trade authority and that we would oppose the extension of fast-track trade authority.

This may not mean much to a lot of folks. Fast-track trade authority is a kind of inside baseball term, I suppose, for Members of Congress. What is fast-track authority? Fast track is a trade procedure by which the Congress says to an administration, any administration, you go out and negotiate a trade agreement with some other country or group of countries, and then the trade agreement is brought back to the Senate or the House and must be considered on something called fast track. This means the Senate and House must vote on it up or down with no opportunity to amend it. Fast track means no opportunity to amend it. You bring it to the Senate. The Senate votes yes or no, and that is the end of it.

We do not use fast-track authority on the arms control agreements. We did not have fast-track authority on the chemical weapons treaty that this Senate passed a couple of weeks ago. Only on trade agreements do we have what is called fast track. It is fundamentally undemocratic, in my judgment.

The reason I do not support fast track and the extension of fast-track authority is fast track has been the wrong track for this country. I urge my colleagues to take a look at our trade deficit. We talk about eliminating the budget deficit, and there is great merit in that, and I am going to be supportive of that.

What about the other deficit? What about the trade deficit, which is the largest merchandise trade deficit in the history of this country right now? This is the largest merchandise trade deficit in the history of this country, and you do not hear a word about it, not a word. We have had trade agreement after trade agreement, and guess what. After every trade agreement, we have greater hemorrhaging of red ink and greater trade deficits.

This is a chart that shows those trade deficits. We had the Tokyo round in 1981. That year we had a $28 billion merchandise trade deficit. Then we went out and we added the United States-Canada Free-Trade Agreement, and that year we had a $115 billion trade deficit. Then there was NAFTA. Then it was the Uruguay round. Every time we have a new trade agreement, our trade deficit increases.

I would like to get the names and pictures of those folks who are negotiating these things and ask them, by what standard do you view success? Is it successful to have successive trade agreements that mean this country goes deeper into merchandise trade debt? I do not think so. That is not how I would define success.

This is a chart which shows what has happened with our two neighbors. First we had the United States-Canada Free-Trade Agreement. Then we had the North American Free-Trade Agreement, called NAFTA, with Canada and Mexico, and the Mexico Free-Trade Agreement.

Guess what has happened. Before we had the trade agreement with our neighbors, we had a trade surplus with Mexico. Then we go off and negotiate a trade agreement with the Mexicans and the Canadians. Now we have a combined deficit that totals nearly $40 billion.

Look what has happened to the trade deficit with Mexico and Canada. We had a $2 billion surplus with Mexico in 1993. Now we have a $16 billion deficit. We had all these economists who said, if we would just do this, we would get 250,000 new jobs. Well, guess what. In fact, the major economist who pledged the 250,000 new jobs said, "Whoops, I was wrong. I guess there are no 250,000 new jobs; there is more trade debt."

Harry Truman once said: I want to get a one-armed economist. I am getting tired of economists saying "on this hand" and "on the other hand." We do not need economists who give us this kind of advice.

What about the trade deficit? Where is this trade deficit? Well, 92 percent of the trade deficit is with six countries. First there is Japan. Then there is China, and this one is growing to beat the band, by the way. Then we have Canada and Mexico where the deficits have been growing substantially. Finally, there are Germany and Taiwan.

I want to remind those who want to extend fast track about the Constitution. The Constitution of the United States, article I, section 8, says "The Congress shall have the power to regulate commerce with foreign nations." It does not say anything about fast track. It does not say anything about handcuffs or straitjackets. It does not say anything about having some nameless negotiator run off to foreign shores someplace and negotiate a bad agreement and then come back to the Congress and say, by the way, vote on this, and you have no opportunity to amend it.

I wonder how many in this Chamber know what kind of tariff exists on a T-bone steak you send to Tokyo. I bet not many. Not too many years ago we negotiated with Japan, with whom we have a very large, abiding continual trade deficit. We negotiated a beef agreement. We wanted to get more United States beef into Japan. So our negotiators went out on behalf of our beef producers and others and negotiated with Japan.

All of a sudden one day in the newspapers we see in a big headline that we have reached agreement with Japan on a beef agreement. They were having a day of feasting and rejoicing. You would have thought all these negotiators just won the gold medal in the Olympics. Then we find out that, yes, we have a new agreement with Japan and, yes, we are getting more American beef into Japan. But, guess what? Try sending a T-bone steak to Tokyo. What is the tariff to get T-bone into Tokyo? It's up to a 50-percent tariff on beef to Japan.

Would that be considered successful in any area of the world in international trade? No. That would be defined as a colossal failure in every set of circumstances except when our negotiators are negotiating an agreement with Japan. They define that as success. They line up to get their blue ribbons.

It's like they had a steer at the county fair and had just won blue ribbons and want to get congratulated for it. Yes, we got more beef in Japan. Just think what we take into our marketplace from Japan in exchange for that. And we hit a 50-percent tariff.

I could talk about potatoes from Mexico, I could talk about Durum wheat flooding our markets from Canada. I could talk forever about these trade problems. I don't want to do that today. I only want to say this to the President, to the administration, and to the Members of Congress: Don't talk about fast track until we have straightened out the trade agreements that we have had in recent years that have put our producers and our workers at a disadvantage. Don't talk about fast track until you have negotiated the problems dealing with Canada and grain.

I was in a little orange truck going up to the Canadian border one day with

200 bushels of Durum wheat. That little orange truck couldn't get over the border into Canada. Do you know why? They stopped us at the border and said you couldn't take Durum wheat into Canada. All the way up to the border we found truck after truck, semi-loads, dozens of them, hauling Canadian grain south, but we couldn't get a harmless little orange truck north.

In fact, one North Dakotan couldn't get a grocery sack of wheat into Canada. She married a Canadian and was back home visiting, and wanted to take a grocery sack of wheat into Canada to grind it and make whole wheat bread, and guess what, they wouldn't let her take a grocery sack of wheat north. All the while, hundreds of semi-trucks full of Canadian wheat come south.

That is just one example. I say, Mr. President, and others, if you want fast-track authority? Then straighten out the trade problems that now exist. Yes, straighten out the problems with Canada and Mexico and Japan and others and I will be the first to line up and say let's talk about new trade authority. But until we solve the vexing and difficult problems of trade agreements that have now resulted in the largest trade deficit in the history of this country, we ought not be moving towards fast-track trade authority.

Before I finish that subject, let me put in a word about Charlene Barshefsky, our new Trade Ambassador. I like Charlene Barshefsky. She has some spunk and she has some life. She is out there, trying to say to our trading partners that we expect reciprocal trading policies. If we open our market to your goods you have a responsibility to open your market to ours. She has been in Canada, telling the Canadians what you are doing with Canadian grain is wrong and it abrogates the treaty.

In fact—just one more point about the Canadian grain—when the United States-Canada Free-Trade Agreement passed the House Ways and Means Committee, and I was on the committee, the vote was 34 to 1. That "1" was me. I said at the time I felt that treaty was going to result in a serious problem for us. And it has.

Clayton Yeutter, the Trade Ambassador at that point, said, "No, no, no. Your concerns about an avalanche of Canadian grain flooding the United States market and undercutting American farmers, that is nonsense. That will not happen."

I'll tell you what he said. Mr. Yeutter said, "I'll tell you what, I will give it to you in writing. I will make the promise in writing." And he wrote it down. He said that his agreement with the Canadians was with the understanding that good faith would be subscribed to by both sides by not dramatically changing the quantity of grain coming across the border. That was his agreement. So he wrote it down. That was good faith. That was his understanding. That is what he negotiated. However, it was not worth the paper it was written on.

The second the ink was dry and the minute the treaty was done, what we saw was an avalanche of grain come south. At the same time you couldn't take a grocery sack full north. It undercut our markets in Durum wheat especially, and cost our farmers massive amounts of lost income.

So, why am I a little sore about some of those things? I am angry because we have negotiated trade agreements that have undercut our producers and we ought not do that. I am for free trade. I am for expanded trade. But I am for fair trade. If it is not fair, than the agreement is not right.

Charlene Barshefsky is a breath of fresh air and she is trying. She can only do what any administration allows her to do. I urge the President and others to understand that in order to have trade negotiating authority of anything resembling fast track, they first must address the serious problems in the previous agreements that have been negotiated. Until that happens, at least a number of us, including Senator SNOWE and I, based on the letter we have sent to the President, do not support the extension of fast track for all the reasons I have mentioned previously.

THE BALANCED BUDGET AGREEMENT

Mr. DORGAN. Mr. President, I would like to talk about one other topic today. It is a subject that is in the paper this morning—the balanced budget agreement.

Mr. President, I do not know all of the details of the agreement. I know the outline and the skeleton of the balanced budget agreement that has been reached through a substantial amount of negotiation. I expect, were I to negotiate a balanced budget agreement, it might be different than that which was negotiated and that which I read about this morning. I have been party to many briefings, including the most substantial briefing yet on what has been negotiated, but I confess, like most Members of the Senate who have not been in the room during all the negotiations, I may not know all the provisions of this agreement.

However, I have said repeatedly during the debates that we have had on a constitutional amendment to balance the budget, and in many other circumstances, that I support balancing the budget. I think there is merit in fiscal discipline. I think we should balance the budget. And I think we should work together to do that.

In 1993 I voted for a deficit reduction act that was a very controversial piece of legislation. And we passed that by one vote. It happened to be the Vice President's vote. My party voted for it, the other party didn't. I am not going to make judgments about that today. I suppose that's the time for a political discussion.

We paid, in my party, a significant price for that vote in 1993, because it was not popular. I said at the time, and I have said repeatedly since, I am glad I voted the way I did. It wasn't easy. It cut some spending. It raised some taxes. It wasn't a very easy vote, but I am glad I voted the way I did because I believe that it was the first significant step in deciding we are going to do the tough thing to reduce the budget deficit.

What happened since that time? We have had year after year of declining budget deficits. The unified deficit has come down, way down—not just down a bit, but way down, by 75 percent. But the job is not yet done. And that is why there have been negotiations between the President and Members of Congress about how to finish the job.

I think we will find that the agreement that has been negotiated will receive fairly substantial support in the Senate and the House. I want to vote to finish the job. I voted to start the job and I want to vote to finish it. I think we ought to tell the American people there is fiscal discipline in this place. There is merit in a balanced budget. And there is no difference in desire on either side of the aisle about wanting to live within our means. That is not a political question between the two parties. I think that is demonstrated by what we did in 1993. I hope it will be demonstrated by what we all do this year.

Now, is part of this agreement smoke? I think so. I mean, I can describe certain areas of it where I think it is a fair amount of smoke, or fog.

But is some of it real? Is it moving us in a bipartisan way in the right direction? I think so. Importantly, it does it the right way. What we have said for a long time is there is a right way to do things and a wrong way to do things. I have said on the floor there is a big difference between deciding to invest in star wars or star schools. I am not saying one is all right and one is all wrong, but I am saying they are very different. Because it suggests one believes education is critically important and the other says no, the priority is over here in defense.

My point is what we have done, I think, in these negotiations is to decide, yes, let us balance the budget, but let us preserve the priorities that are important. Let us as a nation decide that education is still at top of the national agenda and there is not anything much more important in our country than making sure all our kids in this country, every young boy, every young girl, have the opportunity to be everything they can be. And that we will invest in their lives, starting, yes, at Head Start, and going all the way through college. We will invest in their lives, to decide that all of our children should become whatever their talents will allow them to become; whatever hard work and opportunity will allow them to be, as Americans. A major part of that is our decision to make a significant investment and attachment to education as a priority. And this budget agreement does that.

This President said I will not be a part of the budget agreement and I won't sign a budget bill unless it retains the priority of education. And this budget agreement contains room for new investments in education, which is critically important.

The agreement also has room for new investments in health care. It says that 5 million kids, about half of the population of kids without health care, 5 million can be insured. There is room here so we can insure you, provide insurance for health care for 5 million kids.

There is room here to continue to make progress on issues in the environment. The President said, "I won't sign a bill unless it meets these priorities." And he negotiated and negotiated, and we negotiated, and we have a piece of legislation that is going to balance the budget but does preserve those priorities.

On the environment, just as an aside, I'll bet there is not a person serving in the Congress today who, 20 years ago, would have said this: We can double the use of energy in America in the next 20 years and we will end up with cleaner air and cleaner water. I'll bet there is not one person who would have predicted that, because all the experts predicted we would increase dramatically our use of energy and have dirtier air and dirtier water as a result.

But it did not happen. We doubled our use of energy as a nation, and our air is cleaner and our water is cleaner. Why? Because the Government said those who continue to pollute our air and water are going to be penalized. Congress said it will no longer be business as usual. The environment is important. We are going to insist that those who are polluters in our country are going to stop polluting.

We don't have a perfect situation, but I am saying we are moving in the right direction, we have cleaner air and cleaner water, even as we have doubled the use of energy.

So, what the President was saying is, on education, on health care, on the environment, there are certain things that must be in this legislation. Even as we balance the budget we must make room to invest and continue to make progress in those areas. This piece of legislation does that.

I know there are some who have heartburn because it does it. But I think it is the right impulse, for us to decide what is important for all of us, Republicans and Democrats, to do in this country to advance the interests of America.

One of them is to help to invest in our future by investing in our kids' education.

One of those is to say to those in this country who do not have the opportunity and do not have the resources to have health care coverage, especially for kids, that we want to help get health care coverage. This agreement will provide it for 5 million kids.

And one of those is to say the environment is important. We should not back up or retreat on the environment. What we should do is continue to move forward and make progress to clean up our Earth and clean our water and say to polluters it is not appropriate to pollute this country. Part of the cost of production is to clean up as you produce. Fortunately, that is not so controversial anymore, because we have made so much progress and the American people so value living in a clean environment that now, most all politicians, I think, understand the value of that.

But I wanted to simply come today to say that we have made a lot of progress. In 1993 we took the first flight of stairs, and I am pleased I made that vote. It was a long flight of stairs. It was a tough vote to make. Now we are climbing the second flight of stairs. I think this is going to be a bipartisan effort and I am pleased that is the case.

No, this bill is probably not perfect. But I would say this. We are moving in the right direction in this country. The fact is, our economy is better than it was. Unemployment is down. Inflation is down. More people are working. We are moving in the right direction, largely because, I think, going from a period when we had Federal deficits of $300 billion a year, everyone in this country now sees that the President is serious and the Congress is serious about getting our fiscal house in order. That gives people more confidence about the future.

If people, yes, even the market—especially the market, I suppose—if they have confidence about the future and about the fiscal discipline that can come from a President and a Congress working together, we will see them making the investments in the future because they have more confidence in the future. That is what this is all about.

So, I wanted to say, when I got up this morning and read the newspaper, I was pleased to see that we are taking another step toward agreement.

I don't happen to view bipartisanship as something that is bad for this country. I think it is something that is good for this country. There are some, incidentally, who think being bipartisan is inherently bad, because both sides ought to fight like the devil for whatever it is they believe and whatever is the outcome is the outcome.

I do not believe that. That is not the way we did most things in this country. We have an interstate highway that goes from Fargo, ND, to Beach, ND. It was not one group of people out there who said, "Let's have a big fight about an interstate highway." It was a bipartisan approach in the 1950's, to say, "Let's create an interstate highway in this country."

The interesting part about it is I don't suppose, when Dwight Eisenhower, then President, and Sam Rayburn, Speaker of the House, sat down at the White House and reminisced about what they were going to do here, I don't suppose they actually stopped to think how do we justify to the American people the cost of building a 4-lane interstate highway from Beach, ND, to Fargo, ND, where 600,000 people live?

I suppose Citizens Against Government Waste and the National Taxpayers Union, or some other group these days—if someone were to try to do that—would say, "What on Earth are you doing?" How on Earth can you justify that expenditure, going across sparsely populated states?

Of course we now know it was one of the great achievements in the middle of this century, building an interstate highway system that opened up vistas of commerce and opportunity.

My point is, I think bipartisanship is a wonderful thing. I think there ought to be more opportunities for us to work together. And I hope, if this budget agreement is as we are to understand it to be and is a bipartisan effort, that in the coming weeks, we can demonstrate to the American people we do care about fiscal responsibility, we do want to abolish the Federal budget deficit, and we do want to provide greater hope and opportunity to the American people by doing so.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

FAMILY FRIENDLY WORKPLACE ACT

Mr. KENNEDY. Mr. President, I would like to respond to a few points made on the floor this morning concerning the so-called Family Friendly Workplace Act. My colleagues from Georgia and Missouri said this morning that Democrats were filibustering this bill. They complained that working

Americans are crying out for flexibility, and that Democrats are arbitrarily standing in the way of progress.

I would like to set the record straight. We began debate on this bill Tuesday morning, May 13, and spent just over 2 hours discussing the legislation. Then the Republican leadership filed a petition to cut off debate. There was no filibuster. There were no Senators on the floor reading from irrelevant materials in an effort to thwart the will of the majority.

We had no more discussion on the bill on Tuesday afternoon, or on Wednesday the 14th. Yesterday morning, May 15, we had 45 minutes of debate, followed immediately by a vote on the cloture petition. By a vote of 53 to 47, the Senate refused to cut off debate on the bill.

I do not think that 3 hours of debate is enough. This bill would fundamentally alter the Fair Labor Standards Act, a law that has been on the books for almost 60 years. Three hours of debate simply is not enough time for adequate discussion on changes in so basic a protection for the Nation's workers. This is not a filibuster, Mr. President. We simply want full and fair consideration of this fundamental change in labor standards.

My colleagues from Missouri and Kentucky also said this morning that the Fair Labor Standards Act forbids flexible work schedules for hourly employees. This, too, is false. If employers genuinely want to provide family-friendly arrangements, they are free to do so under current law. The key is the 40-hour week. Employers can schedule workers for four 10-hour days a week with the fifth day off, and pay them the regular hourly rate for each hour. No overtime pay is required.

Employers can also arrange a work schedule of four 9-hour days plus a 4-hour day on the fifth day—again, without paying a dime of overtime. Under current law, some employees can even vary their hours enough to have a 3-day weekend every other week.

Employers also can offer genuine flex time. This allows employers to schedule an 8-hour day around core hours of 10 a.m. to 3 p.m., and let employees decide whether they want to work 7 a.m. to 3 p.m. or 10 a.m. to 6 p.m. This, too, costs employers not a penny more.

But only a tiny fraction of employers use these or the many other flexible arrangements available under current law. The Bureau of Labor Statistics found in 1991 that only 10 percent of hourly employees are offered flexible schedules.

Current law permits a host of family friendly, flexible schedules, but virtually no employers provide them. S. 4 has a different purpose. It would cut workers' wages. That is why employer groups support it unanimously. Obviously it is not just small businesses that wish to cut pay and substitute some less expensive benefit instead.

My colleagues made another point that cries out for response. They contend that S. 4 gives employees the choice when to use accumulated compensatory hours. Once again, this is incorrect. Under S. 4, the employer could deny a worker's request to take comptime and the employee would have no redress. Even if the employer failed to comply with the bill's stated standards governing the use of compensatory time, the employee would have no right to protest, and no remedy for any protest that was lodged nonetheless.

Contrary to my colleagues' contentions, the Democratic alternative that was offered on May 14 by Senators BAUCUS, KERREY, and LANDRIEU actually gives the employee the choice of when to use accrued compensatory time. My colleagues' statements to the contrary notwithstanding, it is not the Government that would make that decision under our alternative, nor is it the Secretary of Labor.

Instead, the Baucus-Kerrey-Landrieu amendment gives the worker the choice. If an employee wants to use compensatory time for any reason that would qualify for leave under the Family and Medical Leave Act, the employee has an absolute right to do so. This simply gives employees the ability to be paid for leave that they already have a right to take on an unpaid basis. Thus, an employee could in fact use comptime to care for a seriously ill child, or deal with a newborn or newly adopted child. Supporters of S. 4 claim this is what they want their bill to accomplish. The Democratic alternative actually achieves that goal.

Under the Baucus-Kerrey-Landrieu amendment, if an employee gives more than 2 weeks' notice, the employee can use comptime for any reason as long as it does not cause substantial and grievous injury to the employer's operations. Thus, if a worker wants to use comptime 3 weeks from today to attend the school play, he or she can do so unless the business would suffer this acute level of disruption. Again, the proponents of S.4 allege that they want to give employees the ability to do this. But only the Democratic alternative actually gives employees the choice.

If an employee gives less than 2 weeks notice of a request to use comptime, under the Democratic alternative the employer must grant the request unless it would substantially disrupt the business. Once again, this supplies real choice to employees while protecting employers' ability to run their businesses. Flexibility in the workplace must run in both directions. The Republican bill gives all the flexibility to the employer, and gives the employee nothing but a pay cut.

One final point requires a response. My colleague from Missouri contends that S. 4 simply gives hourly employees the same benefits that State and local government workers have enjoyed since 1985. He argues that Democratic support for that earlier legislation is inconsistent with our opposition to S. 4.

But the facts belie this contention. As the Senator from Missouri well knows, the Fair Labor Standards Act was amended in 1985 to allow public sector comptime principally to allow State and local governments to avoid the costs of overtime pay. The Senator from Missouri was Governor of that State in 1985, and he testified in support of the changes before the Senate Labor Subcommittee.

Historically, State and local governments had not been subject to the overtime provisions of the Fair Labor Standards Act. When that was reversed by a Supreme Court decision, those governments were faced with substantial new costs. They immediately sought relief from Congress so that they could avoid the costs of overtime pay.

For example, the National League of Cities claimed that, without relief, "the cost of complying with the overtime provisions of the FLSA * * * will be in excess of $1 billion for local governments." The National Association of Counties reported that "It will cost States and localities in the billions of dollars to maintain current service levels under this ruling. * * * We need flexibility to use compensatory time and volunteers as alternatives to meeting the public's demand for increased services when we are faced with budget shortfalls."

Such estimates, along with similar dire warnings from other States, led to the enactment of comptime legislation for State and local government employees in 1985. As Senator HATCH put it, that legislation was meant "to prevent the taxpayers in every single city in America from suffering reduced services and higher taxes."

Deny it as they will, supporters of S. 4 have precisely the same motive. Saving money is precisely what the supporters of S. 4 want to accomplish. A representative of the National Federation of Independent Businesses testified before the Labor Committee in February that small businesses support S. 4 because they "cannot afford to pay their employees overtime." Cutting workers' wages is unacceptable to those on this side of the aisle. That is why we oppose S. 4.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 15, 1997, the Federal debt stood at $5,344,063,176,240.27. (Five trillion, three hundred forty-four billion, sixty-three million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents)

One year ago, May 15, 1996, the Federal debt stood at $5,115,694,000,000. (Five trillion, one hundred fifteen billion, six hundred ninety-four million)

Five years ago, May 15, 1992, the Federal debt stood at $3,918,654,000,000. (Three trillion, nine hundred eighteen billion, six hundred fifty-four million)

Ten years ago, May 15, 1987, the Federal debt stood at $2,290,946,000,000. (Two trillion, two hundred ninety billion, nine hundred forty-six million)

Twenty-five years ago, May 15, 1972, the Federal debt stood at $427,283,000,000 (Four hundred twenty-seven billion, two hundred eighty-three million) which reflects a debt increase of nearly $5 trillion—$4,916,780,176,240.27 (Four trillion, nine hundred sixteen billion, seven hundred eighty million, one hundred seventy-six thousand, two hundred forty dollars and twenty-seven cents) during the past 25 years.

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Mr.. Hays, one of its reading clerks, announced that the House has passed the following bill, in which requests the concurrence of the Senate:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on May 16, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters; and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. LIVINGSTON, Mr. MCDADE, Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. OBEY, Mr. YATES, Mr. STOKES, Mr. MURTHA, Mr. SABO, Mr. FAZIO, Mr. HOYER, Mr. MOLLOHAN, Ms. KAPTUR, and Ms. PELOSI, as the managers of the conference on the part of the House.

The message also announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker appoints the following Members of the House to the Mexico-United States Interparliamentary Group: Mr. GILMAN, Vice Chairman, Mr. DREIER, Mr. BARTON of Texas, Mr. CAMPBELL, Mr. MANZULLO, Mr. GEJDENSON, Mr. LANTOS, Mr. FILNER, Mr. UNDERWOOD, and Mr. REYES.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 757. A bill to amend the Employee Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic National Summits on Retirement Savings; to the Committee on Labor and Human Resources.

By Mr. LEVIN:

S. 758. A bill to make certain technical corrections to the Lobbying Disclosure Act of 1995; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 759. A bill to provide for an annual report to Congress concerning diplomatic immunity; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. 760. A bill to ensure the continuation of gender-integrated training in the Armed Forces; to the Committee on Armed Services.

By Mr. DODD (for himself and Mr. HARKIN):

S. 761. A bill to amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. SNOWE:

S. 762. A bill to amend title 10, United States Code, to provide for the investigation of complaints of sexual harassment and other sexual offenses in the Armed Forces; to the Committee on Armed Services.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. BREAUX):

S. 757. A bill to amend the Employee Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic national summits on retirement savings; to the Committee on Labor and Human Resources.

THE SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. GRASSLEY. Mr. President, today I am pleased to introduce legislation to address a problem of critical importance to this country: The dismal level of individual retirement savings. This measure would encourage retirement savings by initiating an education project and creating a national summit on retirement savings.

Before I go any further let me read you some statistics:

Our national net savings fell from 7.1 to 1.8 percent from the 1970's to the 1990's. On an individual level, this means that individuals may not be able to retire when they desire with the lifestyle that they desire.

In a 1994 survey by the Employee Benefits Research Institute [EBRI]: 14 percent of workers who were saving for their retirement did not know much they had saved, and 13 percent saved less than $1,000.

In another survey by Merrill Lynch of workers in their forties and early fifties, savings levels had dropped by 6 percent from 1988 to 1994.

According to the 1996 Retirement Confidence Survey released earlier this year by the EBRI: Only one-third of American workers have calculated how much money they will need to have saved by retirement in order to live comfortably; of the workers that have tried to determine how much money they should be saving, only one-third felt very confident that they had determined an accurate figure; when asked how much they calculated that they would need to save, 42 percent could not give an amount; and less than 20 percent had a specific number with which to work.

So, the problem is twofold: There is a lack of adequate retirement savings, and Americans workers do not understand the importance of determining how much money they should be saving in order to retire comfortably. The Special Committee on Aging, which I chair, held its first hearing on meeting the challenges of the retiring baby boom generation. At that hearing, witness after witness stressed the need to start a national public education campaign. This downward trend in savings couldn't be happending at a worse time, given the retirement of the first wave of baby boomers is in just over 10 years. When baby boomers retire we will be unable to sustain, as presently structured, the programs on which the elderly rely for their health and income security. Educating the public about the necessity to save for their retirement is vital. That is why I am introducing the Savings Are Vital to Everyone's Retirement, or SAVER, Act of 1997.

The SAVER Act would direct the Department of Labor to maintain an ongoing retirement savings education program. This program would include public service announcements, public meetings, the creation and dissemination of educational materials, and establish a site on the Internet. This project will give the American people the information they need, in terms they can understand, to develop retirement savings goals and a plan to achieve those goals. The information will include the tools necessary for individuals to cacluate how much an individual will need to save. Just a important, this educational effort will also focus on how employers can establish different retirement savings arrangements for their employees.

My legislation will also convene a national summit on retirement savings. The summit will bring together in one forum experts in the field of employee benefits and retirement savings, leaders of Government, and interested parties from the private sector and the general public. By bringing these delegates together we hope to advance the public's knowledge and understanding of the need to put money away for retirement, urge American workers to set aside adequate funds, and identify the impediments for small employers in setting up retirement savings arrangements for their employees.

I want to commend Congressmen HARRIS FAWELL and DONALD PAYNE, chairman and ranking member of the Subcommittee on Employee-Employer Relations of the Education and Workforce Committee, for their leadership. The House legislation, H.R. 1377, has bipartisan support with over 30 cosponsors across the political spectrum. In addition the bill is endorsed by the several organizations including the U.S. Chamber of Commerce, and the American Association of Retired Persons.

Today's workers need to have confidence and feel good about their retirement and quality of life. One of the most important things Government can do is encourage individuals to acquire the knowledge that will help them achieve a secure retirement. The SAVER Act is by no means a solution to the problem of inadequate retirement savings, but it is a critical first step to facing the future demographic tidalwave.

By Mr. LEVIN:

S. 758. A bill to make certain technical corrections to the Lobbying Disclosure Act of 1995; to the Committee on Governmental Affairs.

THE LOBBYING DISCLOSURE TECHNICAL AMENDMENTS ACT OF 1997

Mr. LEVIN. Mr. President, I introduce the Lobbying Disclosure Technical Amendments Act of 1997. Last year, Congressmen CHARLES CANADY and BARNEY FRANK sponsored a similar piece of legislation and moved it through the House of Representatives. Unfortunately, a last minute dispute over one of the provisions precluded the Senate from passing the bill and sending it to the President for signature. The bill I am introducing today contains all but one of the key elements of the bill passed by the House last year; the provision that was problematic to some Members of the Senate has been omitted. I hope that the Senate will act expeditiously to pass this revised bill, so that we can clear up the technical issues identified by our colleagues on the House side in the last Congress.

Mr. President, just 2 years ago, Congress enacted the Lobbying Disclosure Act [LDA], the first substantive reform in the laws governing lobbying disclosure in 50 years. The LDA was designed to overhaul our lobbying disclosure statutes and plug the glaring loopholes in those laws. Lobbying of congressional staff is no longer exempt; lobbying of executive branch officials is no longer exempt; lobbying on nonlegislative issues is no longer exempt; and the much-abused primary purpose test has been eliminated. For the first time ever, all paid, professional lobbyists are required to disclose who is paying them how much to lobby Congress and the executive branch on what issues.

At the same time, the 1995 Lobbying Disclosure Act made the lobbying disclosure laws more understandable and easier to comply with by providing clear, sensible disclosure rules; establishing sensible de minimis requirements; eliminating duplicative and overlapping disclosure requirements; replacing quarterly reports with semiannual reports; authorizing the development of computer-filing systems; requiring a single registration by each organization whose employees lobby instead of separate registrations by each employee-lobbyist; requiring good-faith estimates of total, bottomline lobbying expenditures; and allowing entities that are already required to account for lobbying expenditures under the Internal Revenue Code to use data collected for the IRS for disclosure purposes as well. Detailed guidance provided by the Secretary of the Senate and the Clerk of the House of Representatives have also helped provide clear lines as to who is required to register and what must be disclosed. I would like to commend the Secretary of the Senate and the Clerk of the House of Representatives for the tremendous job that they have done in developing guidance, communicating with the public, and handling huge quantities of new information, with almost no lead time to prepare.

There is already substantial evidence that this reform is working. Preliminary reports indicate that the number of organizations and individuals registered under the new law in the first year was almost triple the number of organizations and individuals registered a year earlier, under the old law. Reporting of lobbying expenditures appears to have increased to an even greater degree and may now be as much as a billion dollars a year. The new lobbying disclosure forms not only contain more accurate information than the old forms, they also convey it in a manner that is far more readable and easier to understand. As a result, the public is getting a far more accurate picture than ever before of what issues are being lobbied, who is lobbying them, and how much is being spent.

I remain disappointed that the Lobbying Disclosure Act does not cover paid efforts by professional lobbyists to stimulate grassroots lobbying—so-called astroturf lobbying—and I would like to see faster progress in the development of computer filing systems and automated data bases to make filing easier and lobbying information more accessible. But already, in just 1 year, we have made huge progress in shining the light of public disclosure on the lobbying industry.

The legislation now before us would make minor adjustments to the LDA, to ensure that the law continues to operate as intended. In particular, the bill would:

Clarify the definition of a "covered executive branch official" under the LDA;

Clarify that any communication compelled by a federal contract, grant, loan, permit or license is not considered to be a lobbying contact;

Clarify that the official representatives of international groups such as NATO and the United Nations are public officials who are not required to register as lobbyists;

Clarify how estimates of lobbying income and expenditures may be made on the basis of the tax reporting system;

Clarify that organizations lobbying on behalf of foreign commercial entities should register under the Lobbying Disclosure Act, even if they engage in only de minimis lobbying; and

Make a conforming change to the terminology of the Foreign Agents Registration Act which was inadvertently omitted in the LDA.

Mr. President, the most significant provision of this bill addresses the coordination of IRS and LDA reporting requirements for companies and organizations that are required to report to the IRS in accordance with the Internal Revenue Code [IRC]. The IRC's definition of "lobbying" is different that the one contained in the LDA.

The IRC's definition of lobbying encompasses the local, State and Federal levels. The LDA's definition is limited to the Federal level.

The IRC's definition covers lobbying only on legislative issues. The LDA's definition includes non-legislative lobbying as well.

Because Congress did not want to require entities that lobby to keep two sets of books on their lobbying activities, the Lobbying Disclosure Act permits entities that are subject to IRS lobbying requirements to use the IRS definitions in lieu of the LDA definitions in regard to several LDA reporting requirements: the dollar amounts spent on lobbying activities, whether there has been a contact that triggers reporting, and the 20-percent test for determining who is a lobbyist. As for the requirement to report who was lobbied and the issues that were the subject of the lobbying, the Secretary of the Senate and the Clerk of the House have interpreted the Lobbying Disclosure Act to require that reporting be done in accordance with the LDA definition of lobbying.

The LDA provisions authorizing entities to use, for LDA purposes, the same information they submit to the IRS make sense, as far as they apply to the reporting of dollar amounts. However, the application of these provisions to other aspects of lobbying leads to confusing results—most notably in connection with the triggering contacts and calculating whether an individual has crossed the 20-percent line and therefore is required to register as a lobbyist. When registrants are allowed to use IRS definitions in these situations, they may be required to list their State and local government lobbyists—since the IRS definition includes State and local lobbying—but not all of their Federal Government lobbyists, since the IRS definition excludes lobbying Congress on nonlegislative matters. In other words, we get both too much information and too little. The intent of the Lobbying Disclosure Act is to provide a full picture of lobbying on the Federal level without being overly burdensome. That means we don't need to know about State and local lobbyists, but we do need to know about lobbying of Congress on legislative and nonlegislative matters.

This bill would continue to allow registrants subject to the IRS lobbying requirements to apply the IRS definition of lobbying activities to the requirement under the LDA for reporting the amount of money spent on lobbying activities. At the same time, it would address the problem caused by applying IRS definitions for other purposes. In particular, the bill would:

First, require the application of the LDA definition with respect to legislative branch lobbying for the determination of contacts, the application of the 20-percent test, and the reporting of who was lobbied and on what issues.

Second, allow such registrants to use the IRS definition with respect to executive branch lobbying for these same reporting requirements. This approach would produce more useful information, while reducing the problem of tracking lobbying to two different definitions by allowing lobbyists to follow IRS definitions in regard to executive branch lobbying.

Mr. President, when we passed the Lobbying Disclosure Act 2 years ago, we had a clear goal in mind: We wanted to get a full overview of Federal level lobbying. The bill I am introducing today is designed to ensure that the act achieves that goal in the most effective manner without imposing an undue burden on the registrants. The Lobbying Disclosure Act has already proved its worth. This technical amendments bill will, through a few commonsense corrections, make the LDA even more useful.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

S. 758

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Lobbying Disclosure Technical Amendments Act of 1997".

(b) REFERENCE.Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Lobbying Disclosure Act of 1995.

SEC. 2. DEFINITION OF COVERED EXECUTIVE BRANCH OFFICIAL.

Section 3(3)(F) (2 U.S.C. 1602(3)(F)) is amended by striking "7511(b)(2)" and inserting "7511(b)(2)(B)".

SEC. 3. CLARIFICATION OF EXCEPTION TO LOBBYING CONTACT.

(a) CERTAIN COMMUNICATIONS.—Section 3(8)(B)(ix) (2 U.S.C. 1602(8)(B)(ix)) is amended by inserting before the semicolon the following:", including any communication compelled by a Federal contract grant, loan, permit, or license".

(b) DEFINITION OF "PUBLIC OFFICIAL".—Section 3(15)(F) (2 U.S.C. 1602(15)(F)) is amended by inserting ", or a group of governments acting together as an international organization" before the period.

SEC. 4. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) SECTION 15(a).—Section 15(a) (2 U.S.C. 1610(a)) is amended—

(1) by striking "A registrant" and inserting "A person, other than a lobbying firm,"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that such activities are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.".

(b) SECTION 15(b).—Section 15(b) (2 U.S.C. 1610(b)) is amended—

(1) by striking "A registrant that is subject to" and inserting "A person, other than a lobbying firm, who is required to account and does account for lobbying expenditures pursuant to"; and

(2) by amending paragraph (2) to read as follows:

"(2) for all other purposes consider as lobbying contacts and lobbying activities only—

"(A) lobbying contacts with covered legislative branch officials (as defined in section 3(4)) and lobbying activities in support of such contacts; and

"(B) lobbying of Federal executive branch officials to the extent that amounts paid or costs incurred in connection with such activities are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.".

(c) SECTION 5(c).—Section 5(c) (2 U.S.C. 1604(c)) is amended by striking paragraph (3).

SEC. 5. EXEMPTION BASED ON REGISTRATION UNDER LOBBYING ACT.

Section 3(h) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613(h)) is amended by striking "is required to register and does register" and inserting "has engaged in lobbying activities and has registered".

By Mr. DODD (for himself and Mr. HARKIN):

S. 761. A bill to amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes; to the Committee on Labor and Human Resources.

THE FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY DISABILITY COMPLIANCE ACT OF 1997

Mr. DODD. Mr. President, I introduce the Federal Electronic and Information Technology Disability Compliance Act of 1997. In an effort to make it easier for persons with disabilities to work, this legislation will allow the Federal Government to take the lead in providing Federal employees who have disabilities with critical access to technological tools in the workplace.

The Federal Electronic and Information Technology Accessibility Compliance Act of 1997 strengthens Federal requirements that electronic tools and information technology purchased by Federal agencies be made accessible to their employees. Additionally, it would require States that receive Federal resources toward disability programs to meet accessibility guidelines when they purchase technology. Section 508 of the Rehabilitation Act of 1973 requires such compliance, but currently there is no enforcement mechanism to assure that this is done. The House of Representatives today passed similar legislation introduced by Representative ANNA ESHOO.

Barriers to information and technology must be broken down. By giving Federal employees with disabilities the opportunity to utilize technological advancements, we provide them hope and encourage self-sufficiency.

Additionally, I believe these new efforts will encourage the private sector to adopt similar procedures. Let the Federal Government provide a good example to the private sector in its efforts.

Concrete examples of technological advancements that have aided persons with disabilities include: Telephones and fax machines with voice features for the visually impaired; voice mail that is converted for the deaf or hearing impaired; and CD-ROM or network-based information systems that can be equipped with audio descriptions of visual elements.

Nationally, there are 49 million Americans who have disabilities. It is critical, Mr. President, that given the rapid introduction of new technologies, persons with disabilities not be allowed to fall behind. The more we can do to promote their equality, independence, and dignity, the better.

I want to commend Mr. William Paul of United Technologies Corp., in my state of Connecticut, for first bringing this matter to my attention. Mr. Paul has identified a critical need among members of our society. His civic-minded actions deserve to be commended not only by people with disabilities, but by all Americans.

Mr. President, I believe this a modest measure, that will improve the lives of the millions of Americans who have disabilities across this country and benefit our society as a whole. I hope to have my colleagues support.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 75

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 202

At the request of Mr. LOTT, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

SENATE JOINT RESOLUTION 24

At the request of Mr. KENNEDY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 24, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

ADDITIONAL STATEMENTS

EMPLOYEE EDUCATIONAL ASSISTANCE ACT

• Mr. BURNS. Mr. President, I recently added my name to the list of 37 cosponsors of S. 127 on behalf of those hard-working folks who are trying to get ahead in their jobs by going back to school while they work. The Employee Educational Assistance Act will make permanent the tax exclusion for employer-provided educational assistance under section 127 of the Internal Revenue Code. By doing so, it will remove the penalty part-time students face in the form of higher taxes when their employers provide educational assistance.

Mr. President, this bill's sponsor, Senator MOYNIHAN, said it well: This is a very effective program which requires no bureaucracy and which administers itself. Employers and employees arrange for the educational assistance, and the Government's role is to stay out of the way. For example, MSE Technologies Inc. in Butte, MT, provides assistance to its employees who are working on undergraduate or graduate degrees. For MSE this is a wise investment in its employees and helps to keep the company competitive. With section 127 in place, employees can receive up to $5,250 annually in tuition reimbursements from their employer without paying additional taxes. Without section 127, employees are taxed on the educational assistance they receive. This tax is exactly the wrong message to send to businesses and their employees trying to stay ahead.

Section 127, which first went into effect in 1979, will expire in 3 months. The provision has been extended numerous times, and it has widespread support. But the uncertainty of the provision's future has been disruptive to workers and made planning ahead difficult. The full potential of its benefits to workers and employers is not being met, and it won't be until we make it permanent. Let's make helping American workers stay competitive a top priority.•

ABORTION

• Mr. GLENN. Mr. President, I agree with a May 10, 1997, New York Times editorial regarding legislation to ban so-called partial-birth abortions and the alternatives to it which we are considering today in the Senate. The editorial states,

> These proposed bills, while well intentioned, still interfere in judgments best left to doctors and their patients. Some of the 40 states that have passed or are considering bans on 'partial-birth' abortions have fallen into the same trap. Whether at the state or the Federal level, these political intrusions into medical practice and attempts to limit women's access to abortions deserve to be defeated.

I am opposed to the Government making medical decisions that should be handled by qualified physicians on a case-by-case basis. During my 22 years in the Senate, I have voted to uphold the Supreme Court's 1973 Roe versus Wade decision that a woman's right to choose whether to have an abortion is protected, within specified limits, under the constitutional right to privacy. This means that a woman can make her own choice, based on her moral and religious beliefs and in consultation with her family, her physician, her priest, rabbi, minister, or whomever she chooses. I respect the heartfelt views of those who are opposed to abortion, but I do not believe they should be imposed on those who hold a different but equally firm conviction.

Having said that, I did support Senator FEINSTEIN's amendment as a substitute to the partial-birth abortion ban. Senator FEINSTEIN's amendment would have banned postviability abortions, but like Roe versus Wade, it includes exceptions for cases where the attending physician makes a medical decision that the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences. As you know, under the provisions of Roe, States can pass such laws now. If this amendment had passed, I believe late-term abortions would remain available to women who need them for serious medical reasons.

I opposed Senator DASCHLE's amendment because I believe its health exception could provide roadblocks to a woman seeking a late-term abortion for serious medical reasons. I have concerns about the constitutionality of the health exceptions in this amendment because they are more restrictive than those in Roe versus Wade.

Mr. President, the American people overwhelmingly support the right of a woman to choose regarding abortion. This does not mean they are pro-abortion, it means they are pro-choice as I am. I urge my colleagues to oppose the partial-birth abortion ban, which is clearly unconstitutional, and to allow women and their physicians to make the best decisions based on each individual case.•

RAINN DAY

• Mr. D'AMATO. Mr. President, in 1995, there were over 350,000 victims of rape or sexual assault. The Uniform Crime Reports indicate that means that there is one forcible rape every 5 minutes. The most startling aspect of sex crimes is that they go unreported. There are estimates that only 37 percent of all rapes are reported to the police.

Victims of rape and sexual assault need a place to turn to and RAINN's national toll-free hotline for survivors of sexual assault reaches them. The hotline provides callers access to counseling 24 hours a day, from anywhere in the country.

RAINN is an acronym for rape, abuse, and incest national network. When a survivor calls the 800 number, a computer identifies the caller's location by reading the area code and the first three digits of the phone number. The call is routed to the rape crisis center nearest the caller. If the line is busy, the call will be routed to the next closest center.

RAINN networks with 628 crisis centers across the Nation, responding to victim's immediate needs. Since its inception in 1994, this organization has helped more than 140,000 victims of sexual assault.

I am bringing attention to the tremendous work of RAINN because at noon today, on May 16, radio stations across the United States will interrupt their regular programming to play a song from a rape survivor, Tori Amos. This is a nationwide call to action—a way to raise public awareness to what is happening to those victimized by rapists.

I am proud to be an honorary cochair of RAINN and commend all those involved in working on this national hotline, one of the most valuable resources for the survivor of rape or sexual abuse.

RAINN was founded in July 1994 with grants from the Atlantic Group and Warner Music Group. Support is also provided by Westwood One, MCI, the Jacobs Family Foundation, the Ryka Rose Foundation, and the National Academy of Recording Arts and Sciences.●

ORDERS FOR MONDAY, MAY 19, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 p.m. on Monday, May 19. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business with Senators recognized to speak up to 5 minutes, with the following exceptions: Senator HELMS, 20 minutes; Senator DASCHLE or his designee, 45 minutes; and Senator ASHCROFT or his designee from the hour of 1:30 to 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. COVERDELL. Mr. President, I ask unanimous consent that the RECORD stay open until the hour of 3 p.m. today to allow Senators to submit statements for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, on Monday the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. The Senate may also begin floor discussions on the first concurrent budget resolution. As previously announced, any votes ordered on the budget resolution will be set aside to occur not before 5 p.m. on Monday. It is the intention of the majority leader that the Senate complete work on that very important matter prior to the Memorial Day recess.

On Tuesday, the Senate may resume consideration of H.R. 1122, the partial-birth abortion ban bill, with the intention of a vote on final passage occurring early next week.

In addition, if the committee completes work on the budget resolution on Monday, the Senate will resume consideration of the budget resolution on Tuesday. As always, the majority leader will notify Members as soon as any time agreements are reached on these matters.

In addition, the majority leader wants to stress that next week is the last week prior to the Memorial Day recess. Therefore, Senators can expect a very busy week, with votes into the evening to complete action on the budget resolution, the supplemental appropriations bill, and any other legislative or executive business cleared for floor action.

ADJOURNMENT UNTIL MONDAY, MAY 19, 1997

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:04 p.m., adjourned until Monday, May 19, 1997, at 12 noon.

HOUSE OF REPRESENTATIVES—*Friday, May 16, 1997*

The House met at 9 a.m.

The Reverend Dr. Ronald F. Christian, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Let us pray: Almighty God, Creator of all that provides and sustains life, Ruler of all that governs and controls our being, Guardian of our souls and Protector of our Spirits; out of all the knowledge we acquire, grant us wisdom so that we will do that which we learn in order that life may be enhanced for all. In all our appetites for pleasure and personal satisfaction, grant us temperance, so that we may always be ready and able to serve our neighbor and help those who have needs. O God, may we seek to discern what is right when our personal desires and Your good will clash, and may we likewise never fail to request Your guidance when our selfish search for gain is pitted against someone else's need. So we pray, may our work at the end of this day be blessed with Your benediction. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will entertain five 1-minutes on each side.

INTERNET ACCESS TO THE BALANCED BUDGET AGREEMENT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I want to let the House know that the House is not only working on a balanced budget for America's future, but that we are also making this information available through the Internet, so that every citizen, including Members of the House and their staffs, including the news media, including students, will be able to access this.

I am going to mention this, and I hope that we will be able to work through the House Information System and with C-SPAN to actually get this put up on the screen a little bit. But I wanted to start the day today by indicating how different we are going to be.

If you access through the Internet on a home page which will be labeled "A Balanced Budget for America's Future," it is at Hillsource.house.gov/budget.html. I realize people cannot pick all that up. I will repeat it one time. But the point I am making is that all the talk about getting access to materials, all the talk about Washington lobbyists, we are making available today information on the budget.

It is our hope that we are going to be able to make available by the end of today all of the balanced budget documents. The Thomas system, named for Thomas Jefferson, which the Library of Congress runs, will carry what is in the CONGRESSIONAL RECORD.

We are working to get all of that available so that every Member by Monday and every citizen and every student and every class will be able to pull up this budget in virtually real-time, look at it at the same time as the Washington insiders, have all the knowledge we have, and truly move toward a balanced budget in the right way, with the American people participating. So every talk radio show host, every single potential critic, every columnist will have access to the same data, but so will citizens, without editing by anyone.

Again, if I might say, if Members look for Hillsource.house.gov/budget.html, and again, I hope we will work out some arrangement during the day to have the system put this up in writing so folks can get access to it. I am going to ask C-SPAN if there is a way when they do their call-in shows this weekend that they can actually print this.

In addition, all the dates in the CONGRESSIONAL RECORD will be on the Thomas system and available through the Library of Congress, which now gets several million contacts a month through this sort of thing. The initial stage will include the two letters sent to President Clinton and Erskine Bowles from Senate Majority Leader TRENT LOTT and myself, the balanced budget agreement summary documents as compiled by the House Committee on the Budget staff, and other support details as rapidly as they become available.

We are working with the committee, so as rapidly as we can get the entire markup and the Committee on the Budget on the electronic system, everybody in the country simultaneously will be able to have access, without having to wait for printing or having to wait for some document to come from a subscription or from a lobbyist.

DEMOCRATS WILL DEMAND FULL FUNDING FOR THE WIC PROGRAM

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, after weeks of resistance the Republican leadership yesterday finally allowed the House to vote to provide the full $76 million in funding needed to keep thousands of children and pregnant women enrolled in the Women, Infants, and Children, or WIC, nutrition program.

I must say, we are far from home free on this issue. The Senate, unfortunately, has provided only $58 million for WIC, and Democrats today will offer a resolution on the House floor stating that the House should stand firm in its negotiations and demand that the Senate agree to restore funding for the remaining 85,000 at-risk women and children.

Republicans also voted yesterday for automatic cuts that could undermine the commitment for WIC by freezing funding for it at current levels, this year's level. The President has made it clear he will veto this funding bill if that is what it includes, but I have to say that we still have a lot of work to do to make sure that the full funding is provided for WIC. The Democrats are determined that we will see that through and there will be full funding for the WIC Program.

THE CHILDREN'S ENVIRONMENTAL PROTECTION AND RIGHT TO KNOW ACT OF 1997

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise today to explain a bill that was introduced late yesterday afternoon, which

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

already has almost 100 cosponsors. It is called the Children's Environmental Protection and Right to Know Act of 1997.

One of the reasons this bill has been so successful already in attracting support is that we did not try to reinvent the wheel. We borrowed one idea from a law in California and another idea from a law in New Jersey.

First, the California law provides further information about toxins present in children's consumer products and eventually in consumer products for adults, based on this very successful 10-year-old program and law in California.

Second, we borrowed from New Jersey a bill which builds upon a very successful 10-year-old New Jersey law that expands the toxic release inventory to include a once a year accounting of toxic materials used and stored in industrial facilities.

I would like this morning to invite and urge my fellow Members of Congress to support this legislation, and join the nearly 100 cosponsors that have already signed on.

WE NEED SOME COMMON SENSE AT THE LABOR DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Labor Department says there are more jobs than ever. I would like to discuss a few.

Ear muff assembler, dog food mixer, vibrator tester, worm picker, belly builder, dog washer, diaper machine tender-supervisor, hooker inspector, and a pantyhose crotch closer machine operator supervisor.

Beam me up, Mr. Speaker. The truth is I think we need some common sense at the Labor Department. Sun Apparel just laid off 600 workers, moving to Mexico; Johnson & Johnson laid off 100 workers, moving to Mexico.

The truth of the matter is that I think we should move the Labor Department to Mexico, and create some good jobs in America. I yield back all these jobs.

URGING MEMBERS TO VOTE "NO" ON INTERIM STORAGE NUCLEAR WASTE SITE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the environment and safety of America is in danger. Two bills have been introduced to Congress, S. 104 and H.R. 1270, that would establish an interim storage facility at Yucca Mountain, NV. Several problems become very evident when the legislation is examined.

First, moving 80,000 tons of waste from 109 reactor sites will traverse 43 States.

Second, in the last 20 years there have been more than 621 earthquakes within a 50-mile radius of Yucca Mountain.

Third, the Congressional Budget Office estimates a central interim storage facility will cost taxpayers $2.3 billion from 1997 to the year 2002, seven times more than on-site storage.

Finally, the Nuclear Waste Technical Review Board, a bipartisan organization created by Congress, concluded that "There is no compelling technical or safety reason to move spent fuel to a central facility."

This issue is not just a Nevada safety issue. Mr. Speaker, I urge my colleagues to vote no on interim storage.

DEMOCRATS INSIST THAT THE BUDGET BENEFIT THE MIDDLE-CLASS AS MUCH AS THE WEALTHY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today House Democrats sent a letter to the Republican chairman of the Committee on Ways and Means in support of middle class families.

The gentleman from Texas [Mr. ARCHER] has announced that the proposed capital gains tax cuts contained in the budget agreement will be effective no later than May 7, 1997, even though there is no tax cut plan yet. This would allow investors to be able to think ahead as to how they might deal with their further investments.

Over 100 Democrats are going to ask the gentleman from Texas today to show the same consideration to the President's education tax cuts. The majority of the benefits from the Republicans' proposed capital gains tax cut will go to the richest 1 percent of the population. Democrats are standing up for the folks who are not making the 6-figure incomes, the families who could use some tax relief. Let us help working families make the decisions about whether or not their kids can go to college.

House Democrats are going to stand up to make sure that the deal includes a budget that is balanced in a way that is consistent with our priorities and our values as a Nation, and that includes showing, at the very least, the same consideration to working families as we show the richest of Americans.

ANNOUNCING AN OPEN HOUSE IN NEW JERSEY'S TWELFTH CONGRESSIONAL DISTRICT FLEMINGTON OFFICE

(Mr. PAPPAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAPPAS. Mr. Speaker, I rise today to announce that for New Jersey's 12th Congressional District there will be an open house in one of my two district offices in Flemington, NJ, this afternoon from 3 to 5:30 p.m., in hopes that many residents of the district will come to meet with members of my staff.

Mr. Speaker, my district, for at least New Jersey, is very large geographically. It runs from the Delaware River on the west to almost the Atlantic Ocean on the east. The efforts that my staff and I have been taking to reach out to and be of service to the people of the 12th District we believe will be highlighted by this open house.

I spent a majority of my time back in New Jersey to meet with the people that I represent from central New Jersey, and today is what we believe to be an important step in advertising the location of at least one of the district offices.

The schedule here in Washington may preclude me from being at the open house this afternoon, but I look forward to meeting with those people who may be attending.

NEED FOR A BALANCED BUDGET

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, Americans are working harder than ever before to provide for their families and to save for the future.

It is not fair that Washington continues to take such a large share of the family's earnings, and at the same time continues to increase the deficit at the same time. The people of the Third District of North Carolina sent me to Washington to look out for their interests. That is why I feel so strongly about the need to balance the budget.

The balanced budget plan assumes a gross tax relief of $135 billion over 5 years, which can provide families with a child tax credit and relief from burdensome taxes such as the death tax and capital gains tax.

The plan also helps parents who want to send their children to college. It has been 16 years, it has been 16 years since the American people have had tax relief.

Mr. Speaker, it is time for the Congress to pass a balanced budget for the people of America.

□ 0915

EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 150 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 150

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered by division rather than by section. Each division shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment numbered 1 pursuant to clause 6 of rule XXIII, if offered by Representative McKeon or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate equally divided, controlled by the chairman and the ranking member of the Committee on Education and the Workforce. After general debate, the bill shall be considered for amendment under the 5-minute rule. Furthermore it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill.

Additionally, Mr. Speaker, House Resolution 150 provides that the committee amendment in the nature of a substitute shall be considered by division rather than section. Moreover, points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived.

Mr. Speaker, the rule also provides for consideration of a manager's amendment, if offered by the gentleman from California [Mr. MCKEON] or his designee, which shall be debatable for a period of 10 minutes. If this amendment is adopted, the amendment will be considered as part of the base text for further amendment purposes. Furthermore, this rule provides that the Chair may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, at the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, under the proposed rule each Member has an opportunity to have their concerns addressed, debated and ultimately voted up or down by this body. House Resolution 150 was passed out of the Committee on Rules by voice vote. I urge my colleagues to support the open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Colorado [Mr. MCINNIS] for yielding me the time. House Resolution 150 is an open rule. It will allow for full and fair debate on H.R. 1385, which is the Employment Training and Literacy Enhancement Act of 1997.

This bill consolidates more than 60 existing employment training and literacy programs and establishes three block grants to States and localities. It is needed to improve Federal education and job training programs to meet more effectively the needs of States and local communities. These programs have provided valuable assistance to dislocated workers and disadvantaged adults and young people. The goal is to improve a system which has already demonstrated its importance to our Nation's work force.

As my colleague from Colorado described, this rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. Under this rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members will have the opportunity to offer amendments.

It is my understanding that, before the Committee on Rules met last night, an agreement between the majority and minority had been reached on the manager's amendment to drop certain provisions dealing with special demonstrations. Subsequently the rule was approved unanimously by the Committee on Rules on a voice vote.

Mr. Speaker, I urge the adoption of this open rule and the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 150 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1385.

The Chair designates the gentleman from Ohio [Mr. NEY] to preside over the Committee of the Whole, and requests the gentleman from Colorado [Mr. MCINNIS] to assume the chair temporarily.

□ 0923

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, with Mr. MCINNIS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY], each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Today, we are going to deal with legislation that is the culmination of 6, 7, 8 years of work, I would suppose, of a very dedicated staff and members of this committee as well as the Governors, State legislators, educators, local elected officials, State elected officials. It is a bipartisan effort to take what the General Accounting Office said are 160 job training programs from the Federal level, consolidate them into three block grants and get them back to State and local government so they can be much more effective.

As most Members know, only 25 percent of our population ever graduate with a 4-year degree. Hundreds of thousands of those, of that 25 percent, are either unemployed or underemployed. At the same time, we have spent very little time dealing with the 75 percent who do not receive a 4-year college degree and yet we had hundreds of thousands of high-technology jobs waiting for those who can be trained in order to take those jobs.

Unfortunately, there are those who mistakenly believe that this legislation increases the Federal role in the area of employment, training and literacy programs. There are those who say that this legislation is an intrusion into the American family. This could not be further from the truth. H.R. 1385 vastly reduces Federal involvement in these programs, transfers the vast majority of resources and authority to the States and local communities, and most importantly, sends authority and responsibility into the hands of actual individuals, giving people choices in the selection of occupation services and service providers so that they are empowered to succeed in today's society. So what happens if we do nothing today or if this bill gets bogged down in political debate?

I will tell my colleagues what happens. Most of these programs are permanently authorized and will continue to receive funding without any reform at all. Government control and bureaucracy will not be curtailed but will continue, and these programs will continue to be funded.

In fact, I just heard that the budget negotiators are now talking about adding $3 billion for employment and training assistance for welfare recipients. I sure hope that they are talking about that money going to this consolidated program, not something new from the Federal level.

So we cannot afford to lose this opportunity to reform the system so that States and local communities, and, most importantly, American citizens have the flexibility to develop employment, training and literacy programs that work.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the ability of our Nation to provide education and training opportunities to our people is more important now than ever before. Our success in the increasingly competitive global economy will largely depend upon the skills and productivity of our workers. Education and job training programs provide workers with the opportunity to learn and to improve their skills.

It is our duty to make certain that those programs are effective and efficient. Many have criticized our current training system for being too duplicative and too sparse. The legislation we consider today will improve the coordination of services, provide quality assistance and foster efficiency.

I am especially grateful that this agreement addresses the unique needs of dislocated workers as well as providing for meaningful local decisionmaking. As Members may remember, these issues were among the highest priorities advocated by Democrats during last year's deliberations on the careers bill. With respect to the adult education provisions of this bill, I believe that we have made solid progress. We have made sure that the program remains a part of the Elementary and Secondary Education Act, that it will be administered by the State agency now in charge of adult education, that the program has a reasonable maintenance of effort standard, and that it will continue to serve a critically important role in the education of those who need its services.

I want to particularly compliment the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for their leadership and for their sincere efforts to make this a bipartisan effort on this bill. I appreciate their willingness to seek resolution of our differences on this issue. I also want to commend my Democratic colleague, the gentleman from Michigan [Mr. KILDEE], the ranking member of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, for picking up where his predecessor, Pat Williams, left off by ensuring that any compromise adequately protects Democratic concerns.

☐ 0930

Mr. Chairman, I ask unanimous consent that the gentleman from Michigan [Mr. KILDEE], the ranking Democrat on the subcommittee, be given the authority to control the minority's time during general debate.

The CHAIRMAN pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the subcommittee chairman, who worked long and hard on this issue.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997.

This bill is an important step in addressing the Nation's long-term work force preparation needs by helping States and local communities to make sense out of our current confusing array of employment, training and literacy programs.

The bill accomplishes long overdue reform, consolidating over 60 Federal programs through the establishment of three block grants to States and local communities for the provision of such services and through amendments to the Rehabilitation Act.

It accomplishes key reforms in this country's job training system by building on the three principles of individual choice, quality training for the 21st century, and the transfer of resources and authority for employment, training and literacy programs to States and local communities.

For youth, we amend the JTPA's current disadvantaged youth programs, increasing the focus of such programs on longer term academic and occupational training rather than short-term employment fixes, requiring that all employment experiences under these programs be tied to academic and occupational learning opportunities and prioritizing services for hard-to-serve disadvantaged youth, including school dropouts.

For adults we establish a single delivery system for adult employment and training that maximizes individual choice in the selection of occupations and training providers. The bill encourages an employment-first approach to job training that will greatly compliment our efforts in welfare reform, where individuals purchase training services through their use of vouchers when in need of skilled training.

Not only will this legislation result in improved services to dislocated workers, but it will also result in enhanced services provided to welfare recipients who must make the transition from welfare to work.

Title V of the bill amends the current Adult Education Act, consolidating existing adult education and family literacy programs into flexible block grants to States. This portion of the bill includes important linkages to employment and training programs to ensure that individuals seeking employment and training services have the literacy skills they need in order to succeed.

With regard to vocational rehabilitation, the bill extends the authorization through the year 2000, allowing the 106th Congress to comprehensively review the Rehabilitation Act. It also streamlines the paperwork requirements of the title 1 vocational rehabilitation program, saving resources and increasing client choice.

This legislation will not only provide the flexibility that States and local communities need to vastly improve their employment and training efforts, but it will provide individuals that are in need of these services with the information, choice and resources that they need to become skilled and gainfully employed.

Unfortunately, there is a great deal of misunderstanding about this bill. This legislation is written to empower individuals, not the Federal Government, to make decisions about their own lives and their individual employment and training needs. The bill significantly reduces the involvement of the Federal Government in the design and operation of these programs.

Because Federal job training programs are permanently authorized, if we do nothing today, we will keep the status quo and programs will continue to be funded with no reform or reduction in Federal bureaucracy. In fact, it is likely that the budget will contain increased funding for employment and training for welfare recipients, another new program on top of many others.

We cannot afford to continue to operate in this fashion. We need the Employment, Training, and Literacy Enhancement Act that will allow local communities to make sense out of these programs. And if the budget does contain increased funding for services to welfare recipients, we must ensure that this system is fully utilized so that we do not add yet another program to our growing list of employment, training and literacy programs.

The skills of this Nation's work force are more important today than ever before. This legislation will go far to help States and local communities to reform employment, training and literacy programs that address the individual skill needs of their citizens, and it will go far to empower individuals to break the cycle of dependency that has plagued our country for far too long.

I want to take this opportunity to thank the Members of our committee for their contributions in the development of this legislation; in particular, the gentleman from Pennsylvania, Chairman GOODLING, for his insight and leadership over the years on this issue. He has been working on this for many years, and I am proud to see that it is coming to fruition.

I also want to thank the gentleman from Missouri [Mr. CLAY], and the gentleman from Michigan [Mr. KILDEE], who has worked so hard and worked closely with us to develop this legislation in a truly bipartisan fashion.

I would also like to thank the administration for working with us to make this effort one that is likely to be enacted this year.

Finally, I am pleased to announce that the National Governors' Association, the National Conference of State Legislatures, and the National Association of Counties have reached an important agreement with regard to this legislation that will be reflected in an en bloc package of amendments that I plan to offer later this morning.

And I would like to thank these organizations for all their efforts to help us in the development of this bill. In fact, all three of these organizations, in addition to the American Association of Community Colleges, the U.S. Chamber of Commerce, the Society for Human Resource Management, the Computing Technology Industry Association, and others have written in support of H.R. 1385.

This is a good bill that will help the country's workers gain the skills they need to succeed in today's work force. I urge my colleagues' support of this important legislation.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise to support H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997. We have been talking for several years now about the need to create an integrated employment and training system that meets the challenge of preparing American workers for the jobs of the future.

Last year our efforts collapsed in conference, I believe largely due to problems in the Senate. This year, however, the gentleman from California [Mr. MCKEON], the subcommittee chairman, and the gentleman from Pennsylvania [Mr. GOODLING], the committee chairman, have approached this issue in a bipartisan manner, and I believe the bill before us today reflects the consensus approach they have taken to job training reform.

In particular, I certainly appreciate the fact that they have ensured that the Federal investment in dislocated workers is maintained. While it is important to streamline and integrate job training programs, it would have been short-sighted to have done so in a way that reduced our ability to provide services to workers in transition. The guarantee of a separate funding stream within the adult block grant in H.R. 1385 is a major improvement over last year's legislation.

I am also pleased to see the extent to which this bill builds upon what is already working in local communities.

The bill also strengthens accountability in the job training system. First, all job training providers will be accountable to customers through a requirement that they provide annual information that will serve as a consumer's report card that will help guide customers' choices about which institutions have the best record of helping to acquire the skills necessary to get jobs.

In addition, States and local areas will have to reach negotiated performance benchmarks that will serve to ensure that they are accountable for results. The accountability provisions are considerably stronger than last year's conference report, and I am particularly supportive of new safeguards which will ensure adults are not defrauded by unscrupulous or fly-by-night training providers.

The bill consolidates programs for at-risk economically disadvantaged youth, integrating classroom and work-based learning, providing learning opportunities at work sites, linking secondary learning and postsecondary learning, and fully involving the private sector.

The reintroduction of a substate formula for a portion of the funds in both adult and youth block grants will also be an important safeguard to ensure that local areas continue to get the resources to meet the needs of their population. I applaud the State and Local Coalition for reaching agreement to reinsert substate formulas as reflected in the Chairman's en bloc amendment.

I think there are some areas in this bill which could still use improvement, and I hope that as we move in the Senate and then in the conference the spirit of bipartisan cooperation will continue to prevail.

With respect to the Adult Education and Family Literacy Act provisions in this legislation, I am very pleased with what we have been able to accomplish and am especially gratified that we did our work in a spirit of true bipartisanship. In that regard, I want to pay special thanks again to both the chairman of the Committee on Education and the Workforce, my good friend, the gentleman from Pennsylvania [Mr. GOODLING], who has long been a champion of adult education and family literacy, and to the chairman of the subcommittee, the gentleman from California [Mr. MCKEON], who has been very willing to work out differences in a very amicable fashion.

This legislation keeps adult education as a part of the Elementary and Secondary Education Act. I believe this is critical in making it very clear that adult education is first and foremost an education program.

There are other adult education provisions of this legislation that are also important; provisions such as the separate such sums authorization, continued funding for professional development, a more reasonable maintenance of effort standard, and the possibility of ongoing support for State literacy resource centers.

There are several areas, however, where it might be helpful to have greater clarity regarding legislative intent. First, I view the provisions regarding the eligible agency in charge of adult education programs to be the State agency currently in charge of those programs, and that the reference to State law means State statutory law that cannot be overridden by a Governor's executive order.

Second, the accountability provisions in this legislation certainly do not preclude the Secretary of Education from judging State plans on both quality and technical specifications. Quite to the contrary, I believe the Secretary has the clear authority to make such a judgment.

Third, English literacy programs most definitely include English as a second language instruction.

Fourth, when we go to conference, I believe we should fashion an agreement that will end the confusion of having to consult two different acts to obtain a full knowledge and understanding of the Federal adult education legislation. It is important that those at the State and local level be able to look at one act and get a full and complete understanding of Federal law in this area.

While not every provision I wanted has found its way into this legislation, I am on the whole very pleased with the adult education provisions we have been able to work out. I believe they will move adult education forward and they will contribute immensely to both strengthening and expanding the very crucial work done by adult education programs in community after community across this land.

I am also pleased to support the amendments to the Vocational Rehabilitation Act contained in H.R. 1385. Those amendments go a long way in streamlining and clarifying certain provisions of that act. Specifically, the revised individualized plan for employment will provide a greater opportunity for disabled persons to develop their own employment plans. The role and participation of program consumers in the individualized plan for employment will be strengthened as a result.

Under current law, the individual's plan is jointly developed and approved by the eligible individual and the vocational rehabilitation counselor. Under this bill, an eligible individual would be allowed the option to assume primary responsibility in the development and direction of that employment plan.

The bill also simplifies and clarifies existing requirements and eliminates burdensome process requirements without compromising consumer protections in order to streamline the process.

Mr. Chairman, the bill under consideration also provides for a greater consumer involvement based upon informed choice options. State agencies would be required to develop written policies and procedures related to informed choice, including procedures for informing individuals about the availability and scope of informed choice, and for assisting individuals to acquire information necessary to exercise that choice.

□ 0945

Finally, Mr. Chairman, H.R. 1385 requires that Federal agencies provide certification of compliance with electronic and information technology accessibility guidelines under section 508 of the Rehabilitation Act. In other words, Mr. Chairman, this bill ensures that the Federal Government monitors its own requirements to assist disabled persons with respect to the accessibility of electronic and information technology.

Mr. Chairman, I am pleased to support H.R. 1385 and am very grateful to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for their very, very hard work, their very, very close cooperation and their willingness to compromise. We both compromised on this. Neither side is totally pleased, but this is, I think, a piece of work that we can support.

Mr. Chairman, there has been some concern expressed that this bill will set up a parallel apprenticeship and training certification procedure in competition with the process administered by the Department of Labor's Bureau of Apprenticeship and Training and State apprenticeship agencies approved by the BAT. I am satisfied, however, that designation by Local Workforce Boards, in consultation with the State's Governor and legislature, of training programs eligible to receive funds under this bill is not intended to certify such programs for Federal purposes in the same manner as certification by the BAT and State apprenticeship agencies, and should not be regarded as such. Moreover, I am aware of concern that funds authorized by this bill will be used to provide financial assistance to apprenticeship training programs in industries, such as construction, that have been traditionally financed exclusively by private funds. I am confident that the outstanding training currently provided in these areas will continue to be financed by the private sector so that the limited financial resources authorized by this bill can be earmarked for training in these areas that have been neglected or, for some other reason, must rely on Federal financial assistance. I intended to work with Members of the Senate to clarify further this policy in the final bill.

Mr. MCKEON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], a member of the committee.

Mrs. ROUKEMA. Mr. Chairman, I want to express my deep appreciation to the chairman of the full committee, the chairman of the subcommittee and certainly the ranking members who have worked so hard on this bipartisan effort so that both sides of the aisle have reached consensus, and I think we should be proud of that. This is a good bill, and I support it.

Certainly following on the heels of last year's efforts, we should look forward to great advancement. This is a great advancement and improvement over current law. It not only consolidates the programs of adult training, disadvantaged youth training and adult education, and literacy, but it also fortunately adopted the right course of action by removing the vocational education part from this legislation to ensure that voc ed would not be lost in the overall job training block grant. I think that was a success.

I would like to commend the committee for recognizing the importance of the supportive services, transportation and child care assistance. We incorporated that into this bill and that provision had its beginning in legislation that I, along with the gentleman from Texas [Mr. SMITH], the gentleman from Indiana [Mr. ROEMER], and the gentleman from North Carolina [Mr. WATT], had sponsored. We deeply appreciate the fact that that kind of training assistance has been incorporated in this bill. It will help hundreds of thousands of people take advantage of training possibilities.

Mr. Chairman, I think my colleagues know my strong support over time of the block grant approach and I must say that I continue to support block grants. But in this legislation I think we have struck the proper balance and given the appropriate safeguards to get the best advantage out of how States and the Federal Government work together in these training programs. The legislation I think has found the proper balancing point between State and local governments, and we will all have the advantage of this relationship.

I want to point out in specific terms that it is organizations like the ARC's in my district of Bergen and Passaic Counties and Warren and Sussex Counties that have the experience with servicing individuals with disabilities and have earned the respect of everyone. It is these kinds of community organizations that will work with the business community under this legislation to provide the job opportunities and the training that is necessary. I think it is very practical. It uses the strengths of all the private sector as well as the public sector, and we are in great debt to the organizations such as these that ensure that these individuals with disabilities will receive the best possible assistance and training.

Mr. Chairman, I rise today in support of this legislation. As a member of the Subcommittee on Post-Secondary, Training and Lifelong Learning, I am proud of the bipartisan effort that has brought Members on both sides of the aisle to consensus. We have here before us clear evidence that bipartisanship works and that Congress works when we are bipartisan.

Following on the heels of last year's failed attempt at reform, this bill represents a significant improvement over current law. It consolidates programs of adult training, disadvantaged youth training and adult education, and literacy. I would add that the committee adopted the right course by removing vocational education from this legislation to ensure that it would not be lost in the overall job training block grant.

In addition, I would like to commend the committee for recognizing the importance of supportive services, such as transportation and child care assistance, which will enable individuals to participate in the adult training services. This began as legislation introduced by myself and Representatives LAMAR SMITH of Texas, TIM ROEMER of Indiana, and MEL WATT of North Carolina. Our legislation was introduced to make it possible for adults who want to learn to read and receive training to follow that path. About 300,000 individuals who enroll in adult education programs have to withdraw because of the lack of support services. Access to transportation and child care makes it possible for those who want to make their lives better to take advantage of the adult education programs. We are pleased that our legislation was able to become a part of this bill before us today.

Mr. Chairman, as many of my colleagues know, I have been a longtime supporter of the block grant approach. However, I continue to insist that all block grants to the States come with effective and appropriate safeguards. Therefore, I am pleased that this legislation continues to require the States to work with the appropriate Secretary in determining these goals and benchmarks, while allowing the State to specify standards and indicators to focus on employment outcomes. The legislation also highlights certain core indicators, including placement in unsubsidized employment, retention in employment, increase in earnings, attainment of industry-recognized skills, reduction in welfare dependency and attainment of high school diploma or general equivalency diploma.

In addition, States are responsible for developing a State plan which would be submitted, reviewed, and approved by the Secretary for review.

This legislation also has found the proper balancing point between State and local governments. The States will be responsible for working on performance indicators, while the local work force development board will be responsible for the day-to-day oversight of job training and placement.

Mr. Chairman, I would also like to commend the committee on including the concerns of the disabled community in the composition of the work force development boards. Community-rehabilitation providers which serve individuals with disabilities have earned the respect of their local communities and the public sector.

In New Jersey, the ARC's of Bergen and Passaic Counties, and Warren County and Sussex County have all had experience with serving individuals with disabilities and have earned the respect of northern New Jersey. Their involvement with the business sector has provided the community-rehabilitation providers with a comprehensive knowledge of the job opportunities available to and training services needed by individuals with disabilities.

Organization such as these will ensure that individuals with disabilities will receive proper career development information which will maximize the board's ability to assist individuals with disabilities in gaining successful employment. Such a goal is an important part of the goals of this legislation.

And, Mr. Chairman, let take this opportunity to thank Mr. James Seath, executive director of the ARC of Bergen and Passaic Counties and Mr. Bob Pruznick, the executive director of Warren County ARC for their advice and counsel.

Mr. Chairman, I support this bipartisan legislation. It represents solid progress toward increasing job training and placement as our Nation faces the education and work place challenges of the new millennium.

Mr. KILDEE. Mr. Chairman, I would also like to thank the gentlewoman from New Jersey [Mrs. ROUKEMA] for all her work on the committee. She is indeed a great Member of Congress and has been very helpful on this bill.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, first of all I want to thank the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] for their leadership on this bill. It is a good bill and it is truly a bipartisan effort, and it reflects also the good working relationship of the gentleman from Pennsylvania [Mr. GOODLING], the chairman, and the gentleman from Missouri [Mr. CLAY]. I thank them so much for letting us have something this positive to be talking about today. That is why it is such a good bill.

I am particularly pleased that my amendments concerning training for nontraditional occupations and studies on self-sufficiency standards were included in the bill. The requirements of the new welfare law make it more important than ever that women have a full range of job choices. This bill will make it easier for women to train for those high-wage jobs that actually pay a livable wage.

H.R. 1385 will also help to ensure that job training programs that receive taxpayers' funds do in fact train workers for jobs that pay a livable wage, a job they can afford to live on. The bill does this by allowing the Secretary of Education to conduct research to develop self-sufficiency standards.

A self-sufficiency standard measures local basic living costs, such as housing, transportation and child care. These costs determine whether a worker after training will earn enough in salary and benefits to make herself and her family truly self-sufficient, able to live independently off of public assistance. This is important, because it is a waste of taxpayers' funds to train workers for jobs that do not enable them to support themselves and their families and to keep them independent of assistance.

I am also pleased that this bill that we are considering today includes the amendments offered in committee by the gentleman from Colorado [Mr. BOB SCHAFFER] and myself to ensure that State legislators have a role in implementing job training funds as part of State-wide planning for their education and welfare programs.

Mr. Chairman, this is a good bill. It makes needed reforms to our system of job training programs, and I urge my colleagues to support it.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. MCKEON] and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT], a member of the committee.

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate him for his efforts in bringing the bill to this point, along with the assistance of the gentleman from Michigan [Mr. KILDEE], his ranking member, the gentleman from Pennsylvania [Mr. GOODLING], the committee chair, and the gentleman from Missouri [Mr. CLAY], the ranking member of the full committee.

Mr. Chairman, I do rise in strong support of H.R. 1385. As has been suggested, the bill already eliminates nearly 70 programs, directs more money to States and local communities, and it does enable individuals to make an informed decision on what types of job training they need.

The bill also includes my amendment that would make a change in current law that will have a positive effect on our disabled youth who are preparing to leave school and move into the State vocational rehabilitation system.

The Nebraska Vocational Rehabilitation Services agency operates a transition program that can allow the agency to participate in a disabled child's individualized education plan once that child reaches the age of 14. This participation has been welcomed by schools and parents as it does help them to understand the types of vocational rehabilitation services that may be available once the child leaves high school. The transition program is helping 2,000 children to prepare to enter the State's vocational rehabilitation system.

Yet, current Federal requirements are burdensome because State vocational rehabilitation agencies must have an individualized written rehabilitation plan, should the State make contact with an individual who may need their services. In the context of transition services for children, this requirement is unnecessary as the child's special education planning, which is mandated by IDEA, already takes into account the child's educational needs. My amendment merely removes the written requirement for children who are being served through an individualized educational plan.

I do encourage my colleagues to support H.R. 1385.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I found very interesting the remarks of the gentleman from Michigan [Mr. KILDEE], a true gentleman, and when it comes to education programs in Congress, we have probably seen more real spirit of working together than anywhere else.

I want to compliment the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY]. I think they have tried to help the American people and the gentleman from Michigan [Mr. KILDEE] and the gentleman from California [Mr. MCKEON] now joining forces with that, I want to compliment the gentlemen, and I thank them from an area that lost an awful lot of jobs.

With that, this bill combines three major programs. It is smart, it is intelligent what the gentlemen have done, but in order for me to effect my Buy American language, I have to offer three Buy American amendments to three different spots, and after all that I am not sure it is going to apply to every dollar in the bill so I want to make sure the legislative history in debate understands that after this is offered en bloc and hopefully accepted that all of the money in this act will be covered by the basic language that is exactly similar in all three amendments.

I would like to talk just for a minute about some developments that have occurred in our country in the loss of jobs. We are retraining workers and we are trying to do our best with dislocated workers. It is very important in my district. But I am actually trying to find out what jobs we are retraining them for. I think we are getting to the point where we have trained a lot of welders, a lot of burger flippers, but the occupational classifications of new jobs listed by the Department of Labor scares me I say to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY]. As the chairman and ranking member, I want to just let the gentlemen hear a few: Belly builder; plate stacker; streetlight repairer helper; diaper machine tender; dog washer; dog food mixer; earmuff assembler; brassiere cup molder cutter; sweatband shaper; ball point pen cartridge tester; feather stitcher; ribbon winder; puzzle assembler; dope mixer. I really want to know what that is. Bosom presser; sanitary napkin folder; pantyhose crotch closer.

Let me say this. There is dignity in all work and I do not want to malign anybody's occupation, but when our Department of Labor has to try and make it look like there are jobs in this country by actually dotting every "I", crossing every "T" and trying to imagine every little simple task that might be covered under basic laboring types of provisions, then we have other things to do than to just retrain.

I am asking today from one of the best committees I have seen operate since I have been here, to the gentleman from Pennsylvania [Mr. GOODLING] and to the gentleman from Missouri [Mr. CLAY], to put their minds together and pull upon the resources of Congress and see what we can do to enhance reasonable job opportunities for those dislocated workers. My amendment will cover all the provisions and I want it to be understood it will cover all the money in the bill. I thank the gentleman for yielding me this time.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. PETERSON], a new member of the committee who has been very active in working on this bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I too would like to rise to congratulate the chairmen of this committee and the subcommittee and the ranking members of the committee and the subcommittee because this is how it should be done. Those of my colleagues who think this bill will pass rather easily today without much trouble, that is true. But there has been a whole lot of hard work, a whole lot of compromise, a whole lot of commitment to getting to home plate and scoring the run. I congratulate those. I think a lot of other committees in this Congress could watch and observe and do better.

America will be challenged in my view in the years ahead to provide the workers with the opportunities to receive the technical education they need to meet tomorrow's jobs. As I view factories, and I try to tour at least one or two a week in my district, they are changing. If we are going to remain a strong manufacturing nation, and I think we must, I agree with the gentleman from Ohio, if we do not maintain manufacturing in this country, we will be a second-rate nation.

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We have to have workers with a whole lot more skills than were needed just a few years ago. Today we are taking a step, not all the steps we need to take, but we are taking a major step. When we combine 60 programs into 3 block grants and allow the local folks, the States and the local community groups, to decide what is needed and how to do it, we will be much more successful.

Historically, as a State legislator and a State senator, I so often tried to help people fit into those Federal categories and get the training they needed, and so often we failed because even though there were 60-some programs, the Federal Government cannot design enough slots and enough types of programs to meet the needs that are out there, and we failed at it. Many people were trained for jobs that are not available, people were given skills that no longer are valuable, and that will have a chance to cease with this program.

Mr. Chairman, I want to also thank the gentleman for allowing my amendment which will allow incumbent workers to be trained, and I think that is important. So often we have skill centers sitting idle on weekends and nights, and they were not able to use them because of all the Federal hoops they had to jump through, and those should be on a fee-for-service basis, allowed to train local people, and the investments we made need to be utilized to train everybody we can train. And I just think this is a bill moving in the right direction, and I commend those who made it happen.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO], who played a very crucial and essential role in perfecting section 508.

Ms. ESHOO. Mr. Chairman, I rise in support of H.R. 1385 and the en bloc amendment.

In particular, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. MCKEON], the gentleman from Missouri [Mr. CLAY], and certainly the gentleman from Michigan [Mr. KILDEE] for accepting the language I offered to strengthen section 508 of the Rehabilitation Act. I would also like to thank the gentleman from Massachusetts [Mr. TIERNEY] for his willingness to actively support this provision in full committee.

There are approximately 145,000 Federal employees with disabilities, and they comprise 7½ percent of the Federal work force. Most work in the Departments of Defense, Veterans' Affairs, and Agriculture.

Information technology has played a large role in opening up jobs in the Federal Government and elsewhere to people with disabilities. An estimated 43 percent of employed people who are blind or visually impaired use computers to write. However, information technology can also shut the door to people with disabilities if it is not accessible to them.

So it is imperative for Federal employees with disabilities to have Federal agencies purchase information technology that gives them a chance to do their jobs well. Section 508 of the Rehabilitation Act was designed to achieve this goal, but it was not working as it should have because it did not have teeth in it and terms of enforcement. It now does.

The en bloc amendment establishes a way to enforce agency compliance. It will require the OMB to develop uniform procedures for Federal agencies to use each year to certify whether or not they are in compliance with section 508, and the OMB also is given authority to review agency compliance statements and assist the agencies in making their information technology systems accessible to their employees with disabilities.

I urge my colleagues to support certainly this bill. I congratulate the leadership and all the members of the committee for the outstanding work that they have done. I certainly support H.R. 1385, and I am very proud to have this language included. I really think it is going to make a difference for the people that we employ, and the message will go out to the country that we, too, the Federal Government, are an enlightened employer in this country.

Mr. McKEON. Mr. Chairman, I yield 2½ minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Chairman, I would like to thank the gentleman from California [Mr. McKEON] and the staff for their hard work on the vocational rehabilitation programs that are part of this bill. I also want to thank the gentleman for accepting my suggestions as part of his en bloc amendment to promote self-employment and small business ownership for people with disabilities.

Since 1998 the Rural Institute on Disabilities at the University of Montana has conducted research and development self-employment models for promoting self-employment for people with disabilities. I have been working with the University of Montana on these amendments, and I am pleased that they have been accepted.

Self-employment is part of the American dream. People are drawn to the notion of working for themselves in a way that they are not attracted to working for someone else. Americans think of self-employment as a way to control their own futures and to make work more fulfilling.

Although self-employment is part of the American dream, it is often overlooked as part of the vocational rehabilitation system, which typically focuses on placing people as employees, and while it is not appropriate for all people with disabilities, self-employment is a vital option for many.

For example, from 1988 through 1992 vocational rehabilitation has placed 5,000 people with disabilities in self-employment, which represents only 2.7 percent of those placements, and while 5,000 is a large number, the 1990 census stated that over 12 percent of working age people with disabilities are self-employed.

My amendment legitimize the use of self-employment for vocational rehabilitation and provides one more way for people with disabilities to become self-sufficient, and I urge the adoption of Mr. McKEON's en bloc amendment.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. SAWYER], a former and much missed member of this committee.

Mr. SAWYER. Mr. Chairman, I thank my friend, the gentleman from Michigan [Mr. KILDEE] for the opportunity to rejoin in this discussion today. I particularly want to thank him and the gentleman from Missouri [Mr. CLAY] and the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. McKEON] for the quality of work. It is an example of the kind of thing that can be accomplished when we work together, and I would like to thank and commend all of my colleagues from the Committee on Education and the Workforce for their real teamwork on this legislation.

Mr. Chairman, for several years we have known that our job training delivery system is sometimes duplicative, often confusing, and far too often ineffective. Programs are training people for jobs that sometimes no longer exist, and potential workers have to navigate a maze of different service delivery systems in order to get training. For our industries to succeed, our workers must be highly productive. They need the education and training necessary to keep them in tune with technological advances and innovations in real time.

In the last Congress, the committee began with common goals to consolidate programs, to increase flexibility, and to improve the delivery of services. In the last Congress it was known as the Careers Act. I was a member of the conference committee for that legislation. It seemed to be moving in the direction that Members on both sides of the aisle could support, but it also had some fairly basic flaws that were never resolved, and over time changes moved the Careers Act even further away from its original concept.

This legislation, H.R. 1385, is different. In fact, it incorporates almost every one of the concerns that were raised by Democrats in the last Congress. It also gives States and localities the flexibility to provide adults and youth with the literacy services or training necessary for the jobs that exist in their communities.

I support this bill, but I have to admit that I am a little bit saddened that it would repeal legislation that I offered which created important pieces of literacy and adult education infrastructure. The National Literacy Act of 1991, which was supported by both the gentleman from Michigan [Mr. GOODLING] and myself, was signed into law by former President Bush. But laws evolve as the economy evolves, and we need to understand that if we are going to be effective in delivery, that those structures need to evolve with them and to improve.

Mr. Chairman, I am pleased that many of the important elements, including the National Institute for Literacy, will remain in existence under the auspices of the Adult Education Act. I am also pleased that this legislation allows States to maintain their commitment to professional development for adult education and to the State and regional literacy networks.

The Ohio Literacy Resource Center in my district and others like it throughout the country have facilitated an exchange of information on literacy programs that is unprecedented. Their work allows church literacy programs on one coast to use materials and teaching materials that were developed on the other and everywhere in between. This maximizes scarce resources in fighting the problems of illiteracy.

I commend the committee for its work and all of its leaders in helping to guide it in achieving consensus on a broad and complicated area of policy, and I urge my colleagues to support this bill and to help ensure that scarce resources are being used in the most effective way to educate and train America's work force.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH], who has been helpful in making the bill better.

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the gentleman from California [Mr. McKEON], for yielding.

I rise today in support of H.R. 1385, the Employment, Training and Literacy Enhancement Act of 1997. I first would like to commend the distinguished chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania [Mr. GOODLING], and the chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning, the gentleman from California [Mr. McKEON], for their diligent work in bringing this important legislation to the floor and for their willingness to work with Members to address our concerns.

Special thanks also goes to subcommittee members, the gentlewoman from New Jersey [Mrs. ROUKEMA], and the gentleman from Indiana [Mr. ROEMER], and the gentleman from North Carolina [Mr. WATT], an original cosponsor of the legislation I introduced.

Increasing educational opportunities for millions of Americans is a shared goal. But many Americans' opportunities are limited by illiteracy. In fact, there are 46 million illiterate adults in our country. Only 9 percent of these adults are being served by programs provided by the current Adult Education Act.

This bill rightly addresses the problems of adult illiteracy. It allows States more flexibility to tackle the problem of adult illiteracy by funding support services such as transportation and child care. I thank the committee for including my legislative ideas that allow States for the first time ever to use a part of their funding to provide support services to participants in adult education classes.

Mr. KILDEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I rise to speak in favor of this legislation, the Employment, Training and Literacy Enhancement Act.

I want to also give my appreciation to the chairmen of the full committee and the subcommittee as well as the ranking member. It was, in fact, a notable example of people in this Chamber working together toward a common goal, which was, in fact, a goal that we all spoke about over the last campaign and have carried through for the first 3 or 4 months of this particular session. We have done this on the IDEA legislation, and we have now done it on this particular piece of legislation, and I applaud both the Democrats and Republicans on the committee.

I recently have had the opportunity in my district to have a round table strictly on the issue of literacy, adult basic education. From that round table, I heard from all of the folks within the Sixth District of Massachusetts who are intricately involved in adult basic education on a daily basis. They were able to speak to many of the issues that we, in fact, dealt with in this particular piece of legislation; and, by and large, this bill manages to positively address almost all of the concerns which they made known to us.

As surprising as it seems to people when I talk throughout the district, even the relatively affluent State of Massachusetts has 20 percent of its population that are adults that are functionally illiterate, and a million people have yet to get a high school equivalency in that State.

There are 15,000 people in Massachusetts awaiting the opportunity to have adult basic education literacy and numerary skills worked with them. This is something that we have to provide for. It is a disgrace, frankly, that our system has not been able to step up to the plate and acknowledge and deal with this situation.

I think with this act and some of the changes that have been made in it, we are going to be able to extend these programs and revise them so that they are, in fact, more effective. We are providing more resources so that those people will have the skill and ability to teach people and work with people and bring their levels up to what is needed to be able to get a job and to be able to, in fact, read to their children and grandchildren so that we will not have to repeat this cycle well on into the future.

I also want to make note of the fact that the job training program allows for a good deal of local participation.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the former Governor, the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman from California [Mr. McKEON] for yielding. But more than that, I thank the gentleman for his tremendous work on a very difficult piece of legislation. He and the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Michigan [Mr. KILDEE], and the gentleman from Missouri [Mr. CLAY] have done an outstanding job.

I do rise in support of H.R. 1385. I have heard some of the speeches here, and I will not try to reiterate what has already been said. But this really is a good-faith bipartisan effort, in my judgment, to simplify and improve Federal employment training by consolidating and eliminating over 60 existing programs. It was needed, sorely needed. I think it took a tremendous effort to do it, and I congratulate everybody.

I do want to mention a couple areas that are of particular interest and concern to me in this bill. First of all, I worked to ensure that eligible activities under section 402 include single-purpose grants for training and technical assistance for housing and related facilities for migrant, seasonal farmworkers.

In Delaware this fund uniquely enables the National Council on Agricultural Life and Labor Research and other locally based nonprofits to provide technical assistance that improves housing conditions and develops new housing in their agricultural community.

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I also supported changing the bill in committee to ensure that groups like Goodwill and Kent Sussex Industries, two community rehabilitation providers in Delaware, are included in the redesign process and are included on the regional work force development boards.

Of particular concern to me is language that the committee adopted that would effectively preempt State law to give State legislatures unprecedented and sweeping authority over how Federal work force block grant funds are spent. The provision specifically requires that these Federal funds be subject to the State laws and procedures that apply to State funds. Delaware does not make specific authorizations for Federal funds now, and the JTPA and Private Industry Council continue to work very well, and have worked well in the past, including under my past administrations.

Now, under this legislation, the law would be changed to require that all moneys be passed through the legislature, and I am very concerned that funding decisions will become mired in politics. There will be no assurance that objective criteria will be used in selecting training providers, and the efficiency and effectiveness of the funding system could be seriously compromised.

The current system is more productive and provide Governors much-needed flexibility. There is no benefit to the Federal Government mandating that all States administer JTPA in exactly the same way, when we in Delaware have proven that a small State can make a big difference when given the power to choose our own way.

I understand this issue will try to be worked out to the satisfaction of all sides involved, and it is something I will be working on as well as we move to conference. Otherwise, this bill is a giant step forward to help train our workers in a comprehensive way so that we can continue to remain competitive in an increasingly globally competitive environment.

I congratulate the sponsors and ask everyone to support this legislation.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman from Michigan [Mr. KILDEE], who does such an excellent job and I thank the subcommittee chair for his leadership as well.

Mr. Chairman, I rise in support of H.R. 1385. This bill is a good step in coordinating our Federal, State, and local employment and training programs. It provides incentive grants to States that demonstrate continuing progress in coordination and integration of these programs. This bipartisan bill builds an integrated work force development system. However, I do not think the bill goes far enough, and I would presume that some of its enthusiastic supporters perhaps feel the same. It does not go far enough in my opinion in terms of requiring the Federal Government to coordinate other service programs with these employment and training programs.

Mr. Chairman, I rise because I have introduced a bill, and I want to talk to the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. McKEON], the gentleman from Michigan [Mr. KILDEE], and others, the gentleman from Missouri [Mr. CLAY], about it, called the Family Services Improvement Act, H.R. 1480. It takes this bill I think a necessary step further to encourage agencywide coordination at the Federal level.

I would like to voice my strong support for the full service centers that this bill seeks to implement.

The Department of Labor currently funds 287 one-stop career centers in 24 States. In my district there are five one-stop service centers. These centers allow Americans to have easy access to reliable, up-to-date information on job searches and provides workers with ready access to training-related and supported services. It requires the implementation of full service, one-stop employment and training delivery centers, an excellent step.

I am pleased to see the Committee on Education and the Workforce come to a compromise on this bill. I support it. Its implementation of one-stop employment and training delivery centers will be a giant step forward, as the gentleman from Delaware [Mr. CASTLE] said.

Coordination of these job training programs which this bill requires will lead to a more effective and efficient use of our Federal dollars.

But let me suggest to the leaders, particularly the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY], of this critically important committee, that we can do more in terms of coordinating services. The gentleman from Indiana [Mr. JACKSON] talks about a mom going to a centrally located school, with her small child, and they go together. The child goes for education, whether it is pre-K, kindergarten, first, second, or whatever grade, and mom goes to get the job training services and information, GED, whatever she needs; and together, the Federal programs are coordinated at a single site accessible by the user for the purposes of giving that family full service support.

So my colleagues can see, it is no criticism to say this bill does not go as far as I would like to see it. It clearly takes a critically important step forward in the coordination of services, but I think we can do more, and I look forward to working with the leaders that I have mentioned, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. CLAY], the gentleman from Michigan [Mr. KILDEE], the gentleman from California [Mr. MCKEON], and others on the committee, because I think we have a context in which we can make a dramatic step forward in the coordination of services at the Federal, State, and local levels.

Mr. Chairman, this is an important subject and I appreciate the ability to talk on it, and to support this very significant step.

Mr. KILDEE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER], along with his two sons, Matthew and Patrick.

Mr. ROEMER. Mr. Chairman, I thank the distinguished gentleman from Michigan, and I am not sure that I will yield time to my two sons.

I want to start off by saluting and commending and applauding the bipartisanship shown by the chairman and ranking members on both the Democratic and Republican side, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON], the gentleman from Michigan [Mr. KILDEE], and the gentleman from Missouri [Mr. CLAY]. This is the kind of cooperation and these are the kinds of bills that the people of Indiana, and I think in the Midwest and hopefully throughout the country, want us to work on.

I want to further say that this is the third bipartisan bill that our committee has reported out in a productive and civil fashion to do the people's work. We have worked on the IDEA legislation for the disabled community, we have worked on a higher education commission, and we are now working together on this important legislation for worker training and literacy. I think that this is some of the most important work that we have done in this Congress.

Mr. Chairman, I want to talk in terms of bipartisanship about some legislation that we have put in this bill in a bipartisan way. Several weeks ago the gentleman from Texas [Mr. SMITH], a Republican, and the gentlewoman from New Jersey [Mrs. ROUKEMA], and the gentleman from North Carolina [Mr. WATT], a Democrat, and myself joined together to put a support services bill together that will enhance the way that these programs deliver services in a more effective way with a heart, but they deliver the service and get the literacy programs to the people that need it. Forty-six million people in America lack basic literacy skills. Only 9 percent of those 46 million Americans are currently getting job training skills and literacy program exposure.

One of the things that we attached to this bill in a bipartisan way was to allow these programs to have support services and spend money on child care and transportation to get to the adult services programs and literacy programs at night. When we put these components in, we have found that participation in these programs oftentimes goes from 10 members to 40 members in these nighttime programs, where the people are sometimes single and have children. They need child care, they need transportation at night to get the literacy skills, to enhance their skills at work in the daytime.

The gentleman from California [Mr. MCKEON] and the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] and the gentleman from Michigan [Mr. KILDEE] have worked on even making our legislation better, incorporating into this bill the kinds of caring components with transportation and child care that we have found that will help transform our welfare system. We found in welfare in the debate last year that welfare only works when we allow people to get care for their children. We do not want to have to have them pick between work and leaving children home alone.

This bill incorporates those things into making adult literacy programs more available for all people, and that saves us money in the long term, and productivity and enhancing our programs, delivery of efficient services, and helping people learn to read.

Again, I want to end on saying I am proud to be a member of the Committee on Education and the Workforce. It shows the American people that we work together in a bipartisan way to deliver good bills for the American people, and I hope this bill will become law.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. PAUL], another new member of the committee.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

After 30 years of Federal Government involvement and two major legislative overhauls, there are now over 160 Federal programs dedicated to job training. The Federal Government has spent approximately $4.5 billion just on the Job Training and Partnership Act of 1997. However, the U.S. Congress cannot measure whether or not they are getting a good return on their investment since both Federal agencies do not even know if their programs are helping people find jobs.

The very idea that a government board can somehow determine what occupations will be in demand at any point in the future is an example of what Nobel Laureate Friedrich Hayek calls The Fatal Conceit. No central board, even one dominated by local officials and businessmen, can predict which jobs will be in demand in 5, 10, or 15 years. It is doubtful that a local work force board in Silicon Valley in 1978 would have tried to link job training services to personal computer markets. In fact, it is highly unlikely that Steve Jobs will be appointed to the work force development board. The very fact that the boards are compiled of already established leaders for business practically ensures that the entrepreneurs creating the jobs of the future will not be represented on the board.

In this high-technology information age where financial and, more importantly, intellectual capital can travel around the world in a matter of seconds, the jobs in demand in any area can change faster than any geographical local work force board could conceivably update the skills with which to link job training.

The private actions of individual citizens working together in a free market can best build a job training system that meets the needs of its citizens. Private individuals, local communities, and State governments are also more capable than the Federal Government of providing adequate help to those unable to provide training for themselves.

If the Federal Government returns to constitutional size and reduces the tax and regulatory burden on the American citizen, Federal job training programs of any sort furthers the destructive idea that the proper role of the Federal Government is to provide for all the needs of the citizens. The belief that Congress has a moral duty to administer to the health and welfare of the populace, both of America and the world, is directly responsible for the growth of the welfare state, which threatens to destroy America's economic prosperity and liberty itself.

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I am strongly opposed to this legislation, and believe freedom and free choices and the marketplace and the Constitution is a much better approach.

I. INTRODUCTION

Congress is once again attempting to repair the broken system of Federal job training. The major Federal role in job training dates back to 1962, with President Kennedy's Manpower Development and Training Act [MDA] and continuing through the Economic Opportunity Act of 1964, passed as part of President Johnson's Great Society Consistent with the Great Society philosophy that the Federal Government had the solution to all problems, these bills centralized job training authority in Washington.

Soon, however, concerns arose that Federal job training programs were rife with waste and abuse. Congress, therefore, began trying to repair some of the inefficiencies in the job-training program. First, in 1973, Congress, with the support of the Nixon administration, passed the Comprehensive Employment and Training Act [CETA]. CETA was designed to decentralize Federal job training programs. Congress next addressed job training in 1982, with the passage of the Job Training and Partnership Act [JTPA], which promised to turn Federal job-training into a public-private partnership that would operate more efficiently than the three major job-training bills that had previously passed the Congress and failed to accomplish their stated goals.

After 30 years of Federal involvement and two major legislative overhauls, there are now over 160 Federal programs dedicated to job training. The Federal Government spent approximately $4.5 billion to just JPTA in 1997. However, the U.S. Congress cannot measure whether or not they are getting a good return on their investment since most Federal agencies do not even know if their programs are helping people find jobs.

Congress is once again attempting to repair the Federal job training systems. However, despite the abundant evidence of the failure of the centralized welfare state model of job-training programs, this Congress is planning to continue dictating to all 50 states the composition, content, function, and even the goals and benchmarks of job training programs. The Employment Training and Literacy Act of 1997, [H.R. 1385], tampers with the constitutional principle of federalism. H.R. 1385 redefines the very notion of federalism to mean that States, localities, and individual citizens are given limited flexibility and control over how they fulfill the Federal Government's mandates.

II. H.R. 1385 INTERFERES WITH STATE'S AUTONOMY AND FORCES TAXPAYERS TO SUBSIDIZE BENEFITS FOR SELECT BUSINESSES AND EMPLOYEES IN VIOLATION OF THE U.S. CONSTITUTION

Unlike the mandate federalism embodied in H.R. 1385, the federalism embodied in the U.S. Constitution allows for no Federal role in job training, or education generally. In fact, the tenth amendment, which reserves the authority for carrying out functions not explicitly granted to the Federal Government, to the States and the people, forbids Federal education programs. Yet, as demonstrated below, H.R. 1385 continues the unconstitutional centralization of education power for the benefit of certain members of society at the expense of the mass of American taxpayers.

Under H.R. 1385 States must provide a 3-year plan for adult job training and literacy programs in order to receive Federal job-training funds. These plans must satisfy federally specified content and must be approved by the Secretaries of both the Department of Education and the Department of Labor.

Additionally, States are required to establish local work force development boards whose functions and composition are dictated by the Federal law. Furthermore, the boards must meet benchmarks identified by the Governor in negotiation with the schools, the local boards do not even have the authority to determine how their performance should be measured. Rather progress under this bill is measured by predetermined Federal core indicators.

Under H.R. 1385, the local work force development boards would be dominated by representatives of the business community. Certainly the input of the business community is important for job training. However, a Federal mandate that representatives of business dominate the job-training boards may provide a means for business to socialize or externalize their training costs. Those businesses which will achieve a direct benefit from a more highly skilled work force should be the ones to finance such programs. Individuals who will benefit from improving their skills could also choose to ultimately pay at least some of the costs of their training. In no instance should the individual taxpayer be forced to subsidize the job training of another person.

Not satisfied with wealth transfers to prepare those without employment for business, this bill provides training for skills upgrading for incumbent workers—those already employed. Despite a budget billions of dollars out of balance, this bill creates a new entitlement for already-employed workers and their employers to receive more training courtesy of the American taxpayer.

Businesses are not the only institution showered with largess in this bill. Under the provisions of this bill, the Secretary of Labor is empowered to provide taxpayer dollars to labor unions to carry out research and demonstration projects as well as grants to public interest groups. Credible accusations have been made that these groups have often used Federal funds to advance their political agenda. At the very least, Congress should conduct a thorough investigation and take steps to prevent Federal funds from being used to pay for political activity before handing out more grant money.

III. H.R. 1385 INFRINGES ON FAMILY AND INDIVIDUAL AUTONOMY

In addition to continuing the practice of running job training programs from Washington, DC, this bill expands the State's reach into Americas' families by authorizing Federal funding for family literacy services. These services are to include training for parents on how to teach their children and interactive literacy activities between parents and their children.

This history of Federal involvement in family literacy raises questions regarding the effectiveness of government programs to teach anything regarding child raising. From 1963 to 1993, Federal spending on education increased from approximately $900,000 to over $10 billion, while scores on the Scholastic Aptitude Test [SAT's] dropped by an average of almost 60 points. Given the poor track record, it is doubtful whether increasing Federal involvement in family literacy is likely to do anything but ensure lower rates of family literacy.

Furthermore, Federal involvement in child rearing violates the very principles upon which this country was founded. In a free society, such as that bequeathed to America by the drafters of the Constitution, the family, not the Government, is responsible for the raising of children. State control of child raising is, in fact, one of the hallmarks of totalitarianism. Those of us concerned with expanding and preserving freedom must oppose all measures, including the legislation currently under consideration, which erode the autonomy of the family under the theory that government social workers are better able to address the needs of children than parents.

Along similar lines, the language for disadvantaged youth programs mandates the integration of academic, occupation, and work-based learning opportunities. This is also quite objectionable. This language seems to suggest those youth diagnosed as disadvantaged by the social workers and psychologists will be denied a traditional education, instead disadvantaged youth will be herded into State-run job training programs. Such a federally mandated plan is in no way consistent with the core American value of individualism.

IV. H.R. 1385 ESTABLISHES A SYSTEM INCAPABLE OF ACHIEVING ITS STATED PURPOSE

This bill reaches the height of hubris in its mandate that training services be linked to occupations for which there is a demand in the local work force development area. This provision is objectionable for two reasons.

First, because business-dominated work force development boards will determine which occupations are in demand, it is very likely that the business represented on the board will be the ones determined to be those for which there is a demand in the local work force.

Second, and more important, the very idea that a government board can somehow determine what occupations will be in demand at any point in the future is an example of what Nobel Laureate F.A. Hayek called the fatal conceit. No central board, even one dominated by local officials and businessmen, can predict which jobs will be in demand in 5, 10, or even 2 years. It is doubtful that a local work force board in Silicon Valley in 1978 would have to tried to link job training services to the personal computer market. In fact, it's highly unlikely that Steve Jobs—founder of Apple computers—would be appointed to the work force development board in Silicon Valley. The very fact that the boards are comprised of already established leaders for business practically assures that the entrepreneurs creating the jobs of the future will not be represented on this board. In this high-technology information age, where financial and, more important, intellectual capital, can travel around the world in a matter of seconds, the jobs in demand in any area can change faster than any geographical local work force board could conceivably update the skills with which the link job-training.

V. CONCLUSION

The argument is often made that State-financed job training is necessitated by the failure of the educational system to properly prepare students for the job market. Each of us can understand the frustration of employers unable to find employees capable of adapting to new technologies.

As a physician, I have employed many people in critical positions. I certainly understand the importance of having a readily available pool of skilled labor. I would question, however, whether the pool was better prior to the Federal Government's intrusion into education.

The private actions of individual citizens, working together in a free-market, can best build a job-training system that meets the needs of its citizens. Private individuals, local communities, and State governments are also more capable than the Federal Government of providing adequate help to those unable to provide for training out of their own resources, if the Federal Government returns to constitutional size and reduces the tax burden on American citizens.

Federal job training programs, of any sort, furthers the destructive idea that the proper role of the Federal Government is to provide for all the needs of its citizens. The belief that Congress has a moral duty to minister to the health and welfare of the populace, both of America and the world, is directly responsible for the growth of the welfare-warfare state which threatens to destroy America's economic prosperity, and liberty itself. Job training should be provided, like all other goods and services, by the free-market and voluntary transactions.

Mr. McKEON. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. KILDEE], ranking member of the subcommittee.

Mr. KILDEE. Mr. Chairman, bills like this could not be written without the staff. I want to thank certain members of the staff who played a major role directly in this bill. On the Democratic side, Brian Kennedy, Marshall Grigsby, David Evans, and Margo Huber.

On the Republican side, Mary Gardner-Clagett, D'Arcy Philps, Lynn Selmser, Vic Klatt, and Lauren Coberly. We thank you very much for your very, very hard work, day and night, on this bill.

Mr. McKEON. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. KILDEE] for his graciousness, and for thanking the members of the staff, and would like to add my thanks, also.

Mary Clagett has worked, what, 6 or 8 years on this. All of those who have worked so hard, we want to thank them. Many people see us standing up here, and we are the ones that finally get the final praise for what has been done. They are the ones that have done all of the work to pull us together to help make it possible, and we want to thank them greatly for this effort.

Mr. RIGGS. Mr. Chairman, I rise today in support of H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997. This is a bill which will prepare adults for the 21st century work force. It consolidates and improves existing programs under the Job Training Partnership Act [JTPA], the Adult Education Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. Overall, H.R. 1385 consolidates over 60 existing employment, training, and literacy programs into three block grants to States and localities. I would like to congratulate Chairmen GOODLING and McKEON for their leadership on this issue, and for crafting a measure that has bipartisan support.

This bill will make a positive impact on adults as they prepare for the jobs of the future. It will help workers get the retraining necessary to compete in the current job market. We find ourselves in a unique economic situation in America today—we have low unemployment rates, but also have high rates of underemployment. We in Congress must take the lead and ensure adequate training is available to all Americans, in their communities.

This bill provides service delivery methods that maximize consumer choice in selecting training providers. I am particularly pleased that training services will be provided through the use of skill grants vouchers. These vouchers will be distributed through the full-service employment and training delivery system. This will enable adults to receive the training they need in their own community. When, for example, individuals want computer training, they can shop around for institutions that best meet their needs.

Some naysayers say this will encourage fly-by-night companies to deceive the hard-working public. But the bill includes protections in the form of requirements that providers must meet in order to receive funds. A provider must either:

First, be an accredited title IV eligible postsecondary educational program, or

Second, be recognized by a local work force development board, which will determine if the provider meets acceptable, locally established performance standards established at the State level. The provider must have a proven completion record for participants in their program, and demonstrate a success rate for job placement after program completion.

There are other provisions in this bill I want to highlight.

The disadvantaged youth employment and training opportunities grant will move the focus of current disadvantaged youth programs from short-term employment fixes to longer term academic and occupational training.

The adult employment and training grant takes a work first approach to training. Priority will be given in resource allocations to intensive training for welfare recipients and other individuals with multiple barriers to employment.

Finally, this bill will extend the Rehabilitation Act of 1973 which provides rehabilitation and employment training to adults with disabilities, for 3 years.

In summary, H.R. 1385 promotes individual responsibility through vouchers, promotes competition among training providers, and drives resources and authority out of Washington to States and localities. By decreasing the size and scope of the Federal Government's control, this is truly a work-first bill for adults. It will also help get economically disadvantaged youth back to school.

I urge support for H.R. 1385. By passing this bill, we will give many Americans new tools to prepare for the 21st century.

Mr. SNOWBARGER. Mr. Chairman, I rise to express my support for H.R. 1385 but I urge my colleagues to address several troubling provisions during conference.

The current job training programs are top heavy, duplicative, and micromanaged from Washington. H.R. 1385 consolidates over 60 programs, currently administered by 15 separate agencies, into 3 targeted block grants. This will reduce administrative costs significantly, which the bill would redirect to the grants. I would have preferred that the taxpayers benefit from at least some of the savings.

This bill gives States the authority to tailor job training programs to fit their individual needs. Furthermore, it ensures that business and education leaders, who have expertise in work force development, will play a crucial role in development of State implementation plans instead of Washington bureaucrats.

H.R. 1385 received bipartisan support and is widely supported by industry and education groups. In a letter dated May 16, 1997, the U.S. Chamber of Commerce stated, "H.R. 1385 directly addresses this critical need—work force development—and better targets job training efforts at the State and local level." Additionally, the American Association of Community Colleges and Association of Community College Trustees, one of the primary providers of workforce training, wrote, "We support the flexibility the bill gives states and localities to design their workforce delivery system to best suit the needs of their citizens."

While I believe that H.R. 1385 is a step in the right direction, I do have these serious concerns about it:

The Job Corps Program continues to be championed by those who either will not or can not acknowledge the program's serious flaws. Even the President's own Labor Department study of the program says that it is difficult to defend. Why continue to force Governors to spend limited resources on this program if they can develop better ones? I would have preferred that the legislation passed today would have contained language to allow Governors to experiment with new, perhaps private, job training programs better suited to the particular needs of their local work force.

Why create new federally funded and managed adult literacy programs. On one hand Congress claims to want to end a Federal jobs bureaucracy. On the other hand, they create a new only slightly smaller version, with new programs devoted to adult literacy. This program amounts to nearly two and one half billion dollars of new spending on top of the 33 billion in job training dollars already allocated. Curiously, this bill grants authority over such literacy programs directly to the State Education Department, by passing the Governor's office all together. They will administer the federally designed and funded grant program.

I do think some of the other complaints are mistaken. The bill does not institute government control of where ordinary Americans will go to work, or restrict individual students' career choices. We must remember that these job training programs are set up for those people who need extra help to find an entry-level job, or change careers because their former job has disappeared. They do not involuntarily assign high school graduates to a particular job or employer, any more than the high school guidance counselor does.

The work force development boards advise the State training agencies on what kinds of jobs are likely to need more workers in the future. Obviously, they won't be perfect. But they would do a better job of predicting the needs of the local labor market than the wild guesses of bureaucrats. Finally, the bill was amended do explicitly ensure that the work force boards do not have the authority to change school curriculums or affect homeschoolers.

On balance, I must say that this bill is better than our current job training mess. For this reason, I am voting for the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to express my support for those portions of H.R. 1385, the Education, Training, and Literacy Enhancement Act which promote change which is beneficial and supportive of the goals of full literacy and accessible responsive job training programs throughout our country.

However, I do have concerns regarding the implementation of this legislation as it pertains to the control that will be given to States. I know that most would agree that local control of these programs is a desired goal, but I would add that local control must extend to the locality or jurisdiction where these important programs are implemented.

In the city of Houston, a successful Job Training Program called Houston Works has been successfully serving the needs of youth and adults for a number of years.

The total population of Houston, TX, is over 1.8 million with 26.7 percent African-Americans, 4 percent American Indian, 3.9 percent Asian, 26.8 percent Hispanic, and 42.2 percent white. Those residents of Houston who live in poverty number over 370,000 families.

This year Houston Works, one of several Job Training Partnership Act providers for the city of Houston, will receive $3 million in funding directly from the Department of Labor and has received letters of obligation from the State of Texas for an additional $24 million for a total of $27 million to carry out their job training goals for this fiscal year.

My concern with this legislation is with its implementation and administration. As job training moves to greater local control we must insure that control is, indeed, local.

Fortunately, in the case of Houston Works there is a long and successful history of working with the State to meet the needs of the Houston labor force. I would hope that this relationship will continue, but should it not, the grievance procedures listed under section 144 of this legislation must be more than adequate in its ability to address problems as they arise between Local Workforce Development Board and the State government. I would hope that as much attention is placed on this portion as the implementation of States receiving more control of these Federal funds.

Another concern of mine, and of the residents of the district that I serve, is regarding the subject and content of job training programs as we move toward the close of this century.

Computer literacy training must be a grater component of this legislation. Not just implied but expressed in the language in as many varied and focused ways as possible.

The need for strong computer job training and literacy based programs will be tremendous, as many communities in the country remain unable to access advanced networks or information. According to a 1995 study, only 20 to 25 percent of the Nation's hospitals and public libraries, and only 9 percent of our classrooms have access to the Internet or advanced information services.

Computer literacy and job skills are needed by millions of Americans who would not otherwise have access to them. This has a direct tie-in to economic development that will payoff by the year 2000 when 60 percent of the new jobs will require skills currently held by only 20 percent of the population.

On February 6 of this year, I introduced on the House floor a resolution to commend the work done by a national project called NetDay, which is responsible for the effort here in the city of Houston that wired 161 elementary, middle, and high school libraries for Internet access.

Because of the Houston Independent School District's NetDay96 and NetDay 2000 efforts, 138,980 students now have Internet access in the libraries of their elementary, junior, and high schools. This was accomplished with the assistance of 1,203 volunteers, who contributed their time to neighborhood schools. The generosity of sponsors, volunteers, students, teachers, and Houston Independent School District personnel saved Houstonians $58,080.

With 27.2 percent of the Houston Independent School District's student population considered at-risk, it was an important decision to hold NetDay96 connection projects on each Saturday in the month of October of last year. The Houston Independent School District methods ensured that every targeted school within minority and majority communities received an equal opportunity to have their neighborhood school library receive the necessary wiring for Internet access.

Distance learning could be a major component of all education instruction in our Nation by the close of this century if we look at the resources which are available to us today.

There are software packages which are designed to identify how an individual student learns reading, mathematics, science, geography. These software packages adopt themselves to that child's ability and pace of learning then instructs the child in a particular learning area on that information.

This technology should be available in every school in our Nation.

If we want to see the United States continue as a global economic and technological leader, we must today prepare the next generation to accomplish these objectives.

My other concern is that job training does not equal a job. I would hope that we continue to consider the impact of other laws which will impact on those citizens who depend on public assistance of some type. There has never been in our Nation's history 100 percent job placement. There will always be an imbalance in the number of jobs available and the number of people seeking positions.

According to the Statistical Abstract of the United States for 1996, there were 605,000 unemployed residents in the State of Texas.

In the 18th Congressional District in March of this year there were 3,936 people receiving unemployment insurance benefits. During that same month the Texas Workforce Commission recorded 13,167 applicants for jobs and only 1,031 job openings with a total of 304 job placements.

In the city of Houston 986,939 people are listed as members of the labor force. The employment totals are 921,636 with an unemployment rate of 65,303. The highest concentration of unemployment are African-American at 29,974, followed by Hispanic unemployment at 17,958, and white unemployment at 15,216.

Statewide the Texas Workforce Commission identified 127,295 people receiving unemployment insurance benefits in the month of March. During this same month 442,251 job applicants were received and 38,112 job openings were registered, with only 17,037 placements took place.

If we consider these facts then we may seek ways to create job opportunities which seek to provide creative and varied employment options which might encompass job sharing, seasonal, training for multiple job placement and others that would broaden the chance of placement after training has ended.

I would hope that my colleagues who will participate in the conference on this legislation will consider these important facts.

Mr. CUNNINGHAM. Mr. Chairman, I rise today in support of H.R. 1385, the Employment, Training and Literacy Enhancement Act.

Most Americans are not college graduates. Most Americans will face job or career changes during their lifetime. Many of our newest Americans want the opportunity to learn to read and write in English, the language of American opportunity. Americans on welfare are now seeking the skills they need to get work. All Americans want an opportunity to succeed and enjoy the American Dream.

Furthermore, American employers want to hire people with the skills they need. These skills change over time. Today's automobiles, to cite one example, have more onboard computing power than the Apollo spacecraft did, and the skills needed to repair them have grown to include computer sciences and electrical engineering.

The current system of job training and basic adult education, created with good intentions, has simply failed to help citizens get training they need to get jobs. Workers have to navigate a hornet's nest of redtape. And Federal micro management has created training for jobs that do not exist. So this legislation replaces a failed Washington-run system, with local control, local authority, and the local motivation to do the job right.

The Employment, Training and Literacy Enhancement Act replaces Federal micro management with local control and accountability. It replaces some 60 Federal job training programs with three flexible block grants that States and communities can use to provide education and job training that is responsive to local needs. In San Diego, our community colleges, regional occupational programs, private industry councils and others will have the opportunity to work together to meet local citizens' and employers' needs, without having to distort their services to meet the needless and conflicting paperwork guidelines of dozens of Federal programs. Most importantly, it gives individuals who need job training the flexibility, information and resources they need, so they can obtain the education and training they need, so they will have a fighting chance to achieve the American Dream.

In the 104th Congress, I was privileged to serve as chairman of the House Subcommittee on Early Childhood, Youth and Families. Along with Chairman GOODLING and KCKEON, and Ranking Member KILDEE, we worked very hard to consolidate and improved job training, adult education and literacy programs. Our measure was not enacted in the 104th Congress, owing to the late-session election year crush. And now I serve on the Appropriations Committee. But last year's and this year's bills both included some major improvements and focus on the area of literacy. And I would like to focus special attention on that area.

This measure consolidates several adult education and literacy programs into a single block grant to the States. This very basic education is made available for one reason: If a person cannot read and write, he or she cannot benefit from more advanced job skill training.

In 1995, my subcommittee held hearings in San Marcos, CA, on this subject. One of the witnesses, John Corcoran, was a teacher and a businessman, and author of the alarming book "The Teacher that Couldn't Read." Throughout his own education, and through a teaching and real estate sales career, he had developed a thousand coping mechanisms to get around his illiteracy. But when the real estate market failed, his inability to read kept him from being able to support his family. He got help. He learned to read. And now he's doing very well.

The fact is that there are more John Corcorans in America than we are willing to admit, and that most illiterate adults do not do as well as John did. The National Adult Literacy Survey showed that of Americans at the lowest of five literacy levels, 17 percent receive food stamps, 43 percent live in poverty, and a stunning 70 percent are unemployed and underemployed. Therefore, victory in our national battle against poverty and welfare dependency requires attention and devotion to improving literacy among adults.

This legislation encourages local community efforts to improve literacy, and provides resources for that type of basic adult education, such as English language courses. One of the most successful literacy initiatives is called "family literacy." This program is based on the premise that adults will learn to read if they learn together with their children. In San Diego, the Lynch Foundation leverages Even Start family literacy funds into dozens and dozens of groups and courses for literacy training, in libraries and other settings, to offer people a chance to succeed. Bill Lynch and his team do a terrific job, and H.R. 1385 helps them do their job better.

I understand that this measure extends vocational rehabilitation programs until fiscal year 2000, leaving the reform of Federal vocational rehabilitation services to the 106th Congress. I believe this is unfortunate, because the people with disabilities involved in this program deserve much better than they are getting.

Despite congressional authorization of vocational rehabilitation several years ago, the U.S. Rehabilitation Services Administration failed to promulgate regulations on the law until last month. Thus, States have lacked sufficient guidance on how to improve vocational rehabilitation, and to comply with the law, for an unacceptable period of time, and persons with disabilities have suffered. Furthermore, a Region IX RSA comprehensive study of vocational rehabilitation in the State of California, due in December 1996 in hopes of informing further congressional action to improve the program, still has not been released in May 1997. I have not been satisfied with the RSA's justification for the delay, and will continue to follow this issue closely and vigorously. Persons with disabilities deserve a fighting chance at the American dream. Redtape, bureaucratic buck-passing, management failures, poor service to citizens, lack of accountability, and delays are simply inexcusable to me, particularly when one considers the billions—yes, billions of Federal dollars appropriated for vocational rehabilitation every year. Persons with disabilities deserve better.

Mr. Chairman, many citizens and families deserve recognition for their excellent work on this bill. In particular, Dr. George Boggs of Palomar Community College in my district, Dan Pegg and his staff at the San Diego Economic Development Commission, Gil Partida and the men and women of the San Diego Chamber of Commerce, and Scott Himelstein of the Lynch Foundation have all provided me excellent information on the importance of replacing Federal redtape with local control in this field. Several members of this body have served this cause with distinction, namely Chairman GOODLING, MCKEON, and RIGGS, Ranking Member DALE KILDEE, Governor Castle, Mr. GRAHAM of South Carolina, and many others. They have yielded a bill that means less government and more opportunity for Americans to succeed.

I urge support for the bill.

Mr. TIERNEY. Mr. Chairman, I am pleased to stand here before you today to voice my support for this legislation, the Employment, Training & Literacy Enhancement Act of 1997. The Committee on Education and the Workforce, on which I serve, has made considerable efforts to defuse partisan tensions and pass important legislation that will help our children and working families. It has done so on two occasions—most recently having passed the IDEA Bill for disability education and now by passing this legislation that is before us today for consideration.

I applaud all of my colleagues, Republican and Democrat, for the spirit of cooperation that has made this possible. This bill streamlines and integrates job training and employment programs, while increasing access to adult education and literacy services. It also strengthens the Vocational Rehabilitation Act.

I speak first and foremost of the effect this bill will have on adult basic education—a most vital and sorely neglected field in education today. I am pleased that adult education remains part of the Elementary and Secondary Act. I recently held a "round table" discussion in my district, the Sixth District of Massachusetts, with educators, businesses, State government officials, and community groups to talk about the problems surrounding adult basic education and training services within those programs. By and large, this bill positively address as most of the issues raised by that group.

Even in my home State of Massachusetts, which is relatively affluent when compared to other areas, 20 percent of the adults are functionally illiterate and a million people have not yet completed high school. Under these circumstances, it is simply unacceptable that 15,000 people wait for adult education classes.

Nationally, the statistics are even more daunting. More than 46 million Americans do not have a high school diploma.

Studies have shown that the strongest factor in determining the academic success and job prospects of a child is the education level of his or her parents. How can we expect children to learn to read if their parents cannot do so themselves?

Although the States, local governments, schools, and community groups do their best to address these needs, my constituents who are involved in adult education tell me that they are barely able to make a dent in this problem with the current resources at their disposal.

I am pleased that this bill will offer the people of the Sixth District of Massachusetts and elsewhere some of the needed resources to enhance adult education and literacy services.

This bill encourages cooperation among service providers. It increases the Federal commitment of support, and asks local governments to step up their contributions to the effort; it provides for more and better training of instructors, and for the resources to develop the most effective way of actually improving and delivering literacy assistance.

With respect to employment and training, this legislation provides a greater choice in securing job training through skill grants. With skill grants, recipients will be able to choose programs that are available at various centers or universities accessible to them. Information will be made available that will identify available job opportunities, site the skills and education needed for particular jobs, and match applicants to the programs providing the right kind of help. So an individual can work toward and get an real, existing job.

In addition, I welcome the concept of workforce development boards. Under these boards, different parts of the State will be able to determine what is best for their community. This is important in a State as diverse as mine. As a former president of my local Chamber of Commerce, I recognize the need for business and industry to join with other community groups and local governments to work to insure that those in search of a job can identify the skills necessary to obtain a job within their region, and that the programs devised for education and training for positions reflect the true needs of the local businesses.

I am concerned, however, that specific language was left out of the legislation which would have included specifically the representatives of working people as members of these boards. If local business and industry have a place at the table, then the people that work for such companies should also be included. We can recall that under the Job Training Partnership Act, the Private Industry Councils (PICs) were required to have representatives from business and industry as well as organized workers. It strongly encourages that our local communities use their available discretion to make sure that working people are truly represented on workforce development boards. Without that, I think the intent and meaning of that aspect of the legislation will be ignored and the program will not be as successful as it could possibly be.

Great effort has been made to work out a formula for distribution within States of the resources provided for in this legislation. It is of great concern that every person who needs these services will have access to them, and I believe the committee should continually review the actual implementation of this legislation to insure that a broad range of people within the State have input into the decisions that are made on this bill.

I am also pleased that the majority worked with us to include an amendment strengthening section 508 of the Vocational Rehabilitation Act. Section 508 calls on Federal agencies to follow Federal guidelines to insure that their information technology is accessible to employees with disabilities. The amendment asks the Office of Management and Budget to enforce existing law and to bring Agencies into compliance with accessibility guidelines. This will aid the 7.5 percent of the Federal work force who have a disability. I also wanted to thank Congresswoman ESHOO for her dedication and hard work on this issue, and Congressman GEORGE MILLER for his work and cooperation.

Again, I commend the spirit and the manner in which this and the IDEA legislation were brought to the floor and hope that it foretells further cooperation on the important matters that will come before the House.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by division as an original bill for the purpose of amendment and, pursuant to the rule, each division is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment numbered 1 pursuant to clause 6 of rule XXIII, if offered by the gentleman from California [Mr. MCKEON] or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes, equally divided and controlled by the proponent and the opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

AMENDMENT NO. 1 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to the rule, I offer amendment No. 1 printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MCKEON:

Page 9, line 18, strike "15" and insert "20".

Page 10, line 6, strike "85" and insert "80".

Page 23, line 21, after "1996," insert "the Community Services Block Grant Act, title V of the Older Americans Act of 1965, the National and Community Service Act of 1990,".

Page 25, line 12, strike "(9)" and insert "(9)(A)".

Page 25, after line 21, insert the following:

"(B) An assurance that each local workforce development area will be allowed to determine the proportion of funds allocated to such area under section 204(b)(2) that will be used to provide summer employment opportunities and year-round disadvantaged youth activities, respectively.

Page 27, strike lines 10 through 15 and insert the following:

"(A) a description of the assessment that will be made to determine the adult education and family literacy needs of the State;

"(B) a description of the adult education and literacy activities that will be carried out with any funds received under such part, including activities carried out under section 314(a) of such Act;

Page 27, line 16, strike "such activities" and insert "the adult education and literacy activities that will be carried out with any funds received under such part".

Page 28, beginning on line 4, strike "the Adult Education and Family Literacy Act;" and insert "such Act;".

Page 29, line 3, strike "determines" and all that follows through line 5 and insert "makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this Act.

Page 29, line 10, strike "through (10)" and insert "through (9)(A), paragraph (10),".

Page 30, line 2, strike "entities:" and insert the following: "entities (who overall, represent diverse regions of the State, including urban, rural, and suburban areas):".

Page 30, after line 3, insert the following:

"(2) representatives of the State legislature;".

Page 30, line 4, strike "(2)" and insert "(3)".

Page 30, line 22, strike "(3)" and insert "(4)".

Page 31, line 14, strike "(4)" and insert "(5)".

Page 31, line 16, after "designate;" insert "and".

Page 31, strike line 17.

Page 33, strike line 22 and 23 and insert the following:

"(a) DESIGNATION OF AREAS.—

"(1) IN GENERAL.—Except as provided in subsection (b), and consistent with paragraph (2), a State that desires to receive a grant under title II

Page 34, line 8, strike "(1)" and insert "(A)" (and move such subparagraph 2 ems to the right).

Page 34, line 9, strike "(2)" and insert "(B)" (and move such subparagraph 2 ems to the right).

Page 34, line 12, strike "(3)" and insert "(C)" (and move such subparagraph 2 ems to the right).

Page 34, line 14, strike "(4)" and insert "(D)" (and move such subparagraph 2 ems to the right).

Page 34, line 19, strike "(5)" and insert "(E)" (and move such subparagraph 2 ems to the right).

Page 34, after line 20, insert the following:

"(2) AUTOMATIC DESIGNATION.—The Governor shall approve any request for designation as a workforce development area from any unit of general local government with a population of 500,000 or more.

Page 35, line 21, strike "Such" and insert "(A) Such".

Page 35, line 24, strike "(A)" and insert '(i)".

Page 36, line 8, strike "(B)" and insert '(ii)".

Page 36, line 19, add "and" at the end.

Page 36, line 20, strike "(C)" and insert '(iii)".

Page 37, beginning on line 6, strike "entities;" and all that follows through line 9 and insert "entities.".

Page 37, after line 6, insert the following:

"(B) In addition, the membership of each local board may consist of representatives of local welfare agencies, economic development agencies, and the local employment service system.

Page 41, line 8, after "board" insert ", in partnership with the chief local elected official,".

Page 41, line 9, after "Governor" insert ", for approval,"

Page 45, strike line 10 and all that follows through line 9 on page 46.

Page 52, line 19, strike "center".

Page 52, line 19, strike "and".

Page 52, line 21, strike "activities" and insert "activities, and upon request, minutes of formal meetings of the local board".

Page 59, line 5, strike "for" and all that follows through line 20 and insert the following: "for programs that are eligible to participate in title IV of the Higher Education Act of 1965.".

Page 61, line 23, strike "and".

Page 61, line 25, strike "program." and insert "program; and".

Page 61, after line 25, insert the following:

"(D) for literacy providers or providers of integrated education and training services, the success rate of the applicable program in raising the literacy levels of individuals in skill areas that are considered important for successful participation in training and employment.

Page 66, strike line 9 and all that follows through line 2 on page 67 and insert the following:

"(A) TERMINATION FOR NONPERFORMANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially fails to meet performance criteria established by the Governor, the agency, or the local board working through the State agency, may terminate the eligibility of such provider.

Page 83, line 20, strike "NEGOTIATION" and insert "AGREEMENT".

Page 83, beginning on line 25, strike "is authorized to negotiate with each State" and insert "and each State shall reach agreement on".

Page 84, beginning on line 8, strike "negotiations" and insert "agreement".

Page 84, line 24, strike "carry out the negotiation" and insert "enter into the agreement".

Page 85, beginning on line 5, strike "carry out the negotiation" and insert "enter into the agreement".

Page 89, strike line 15 and insert the following:

"(a) REPORT.—

"(1) IN GENERAL.—Each State that receives funds

Page 89, line 25, strike "In" and insert the following:

"(2) ADDITIONAL INFORMATION.— In".

Page 90, line 1, strike "include" and insert "include—".

Page 90, line 1, strike "information" and insert the following:

"(A) information

Page 90, line 3, strike the period and insert "; and".

Page 90, after line 3, insert the following:

"(B) comments assessing the process used for reaching agreement on the State adjusted benchmarks pursuant to section 153(a) and may also include comments from local workforce development areas assessing the process for negotiating local benchmarks pursuant to section 153(b).

Page 92, line 20, strike "upon request to the Secretary" and insert "or upon request by the Governor, the Secretary".

Page 92, line 21, strike "including" and insert "which may include"

Page 92, line 22, strike "plan" and insert "plan, or the development of a modified local plan".

Page 93, strike line 15 and all that follows through line 4 on page 94 and insert the following:

"(ii) APPEAL BY WORKFORCE DEVELOPMENT AREA.—

"(I) APPEAL TO GOVERNOR.—A workforce development area that is subject to a reorganization plan under clause (i) may, not later than 30 days after receiving notice thereof, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

"(II) SUBSEQUENT ACTION.—A local workforce development area may, not later than 30 days after receiving a decision from the Governor pursuant to subclause (I), appeal such decision to the Secretary. In such case the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

"(iii) EFFECTIVE DATE.—The actions take by the Governor under subclause (I) shall become effective at the time the Governor issues a decision pursuant to such subclause. Such action shall remain effective unless the Secretary rescinds or revises such plan pursuant to subclause (II).".

Page 103, strike line 14, and insert the following:

(2) by striking subsection (e) and inserting the following:

"(e) WAIVERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Labor may waive—

"(A) any of the statutory or regulatory requirements of this title and titles II and III of this Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of workforce development areas and workforce development boards, and the basic purposes of the Act); and

"(B) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (except for requirements relating to the provision of services to unemployment insurance claimants and veterans and to universal access to basic labor exchange services without cost to job seekers), pursuant to a request submitted by a State which meets the requirements of paragraph (2).

"(2) REQUESTS.—A State requesting a waiver under paragraph (1) shall submit a plan to the Secretary to improve the workforce development system which—

"(A) identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local workforce development areas intend to achieve;

"(B) describes the actions that the State or local workforce development areas have undertaken to remove State or local statutory or regulatory barriers;

"(C) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

"(D) describes the individuals impacted by the waiver; and

"(E) describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 122 (e)(2) of this Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement such plan to improve the workforce development system and the State has executed a memorandum of understanding with the Secretary requiring such State to meet agreed-upon outcomes and implement other appropriate measures to ensure accountability.

Page 104, strike line 6 and insert the following:

"(a) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—The Secretary, after consultation

Page 104, after line 11, insert the following:

"(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of law, regulations issued by the Secretary under paragraph (1) shall provide procedures under which the Governor may approve a plan for the pooling of administrative funds, which are available in accordance with the limitation in subsection (b)(1), if the Governor determines that such plan would not jeopardize the administration of the activities from which such funds are to be transferred.

Page 114, line 21, after "reserve" insert "not less than".

Page 114, line 25, strike "services".

Page 115, strike line 2 and all that follows through line 5 and insert the following:

"(ii) agree to provide matching funds from sources other than those received under this subparagraph for such services in an amount equal to the Federal funds received under this subparagraph.

Page 116, line 18, after "121," insert "in accordance with paragraphs (2) and (3),".

Page 116, strike line 21 and all that follows through line 11 on page 118 and insert the following:

"(2) ALLOCATION BY FORMULA.—

"(A) IN GENERAL.—Each State shall allocate not less than 70 percent of the remainder of funds described in paragraph (1) to workforce development areas within the State pursuant to the formula contained in subparagraph (B) for the provision of services for disadvantaged youth in accordance with section 206.

"(B) FORMULA.—Of the amounts described in subparagraph (A)—

"(i) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(ii) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(iii) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth in each workforce development area as compared to the total number of disadvantaged youth in all workforce development areas in the State.

"(3) DISCRETIONARY ALLOCATION.—The State, through the collaborative process under section 102, is authorized to allocate not more than 30 percent of the remainder of funds described in paragraph (1) to workforce development areas for the provision of services for disadvantaged youth in accordance with section 206. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 123, line 2, strike "and" at the end.

Page 123, line 3, strike the period and insert "; and".

Page 123, after line 3 insert the following:

"(H) provide summer employment opportunities that are directly linked to academic and occupational learning.".

Page 124, strike line 4 and all that follows through line 10.

Page 124, strike lines 11 and 12 and insert the following:

(III) in subparagraph (G) by striking "in public

Page 124, line 18, strike "(V)" and insert "(IV)".

Page 124, strike line 25 and insert the following: "area; and';".

Page 125, strike lines 1 and 2 and insert the following:

(V) by amending subparagraph (I) to read as follows:

"(I) summer employment opportunities that are directly linked to academic and occupational learning."; and

(VI) by striking subparagraphs (J) through (L); and

Page 139, line 5, strike "and".

Page 139, line 6, after "projects" insert ", and the provision of employment and training services".

Page 143, strike line 5 and all that follows through line 23 on page 145 and insert the following:

"(B) ADULT EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) ADULT EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of adult employment and training services in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults in each workforce development area as compared to the total number of disadvantaged adults in all workforce development areas in the State.

"(iii) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas for the provision of adult employment and training services in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

"(C) DISLOCATED WORKER EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) DISLOCATED WORKER EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of employment and training services to dislocated workers in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of individuals who have been unemployed for 15 weeks or more within each workforce development area of the State as compared to the total number of such individuals in all workforce development areas in the State.

"(iii) DISLOCATED WORKER EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas for the provision employment and training services to dislocated workers in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

Page 145, line 24, strike "(4)" and insert "(3)".

Page 158, line 17, add at the end closed quotation marks and a second period.

Page 158, strike line 18 and all that follows through line 24.

Page 170, line 19, strike the closed quotation marks and the second period.

Page 170, after line 19, insert the following:

"(e) Prior to the closure of any Job Corps center, the Secretary shall ensure that—

"(1) the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

"(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary;

"(3) the Members of Congress who represent districts affected by the proposed decision to close the center are notified within a reasonable period of time in advance of any final decision to close the center; and

"(4) the geographic location of alternative Job Corps centers is among the factors taken into account in the decision to close the center.

Page 174, line 15, strike "skills" and insert "skill needs".

Page 174, after line 15, insert the following:

"(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise zones or empowerment communities;

Page 174, line 16, strike "(B)" and insert "(C)".

Page 174, line 20, strike "(C)" and insert "(D)".

Page 174, line 24, strike "(D)" and insert "(E)".

Page 175, line 4, strike "(E)" and insert "(F)".

Page 175, line 9, strike "and".

Page 175, after line 9, insert the following:

"(G) projects to assist public housing authorities that provide to public housing residents job training programs that demonstrate successful job skills upgrading and employment;

Page 175, line 10, strike "(F)" and insert "(H)".

Page 191, strike lines 15 through 25 and insert the following:

"(A) the degree to which the provider will establish measurable goals for client outcomes, including the core indicators of performance pertaining to adult education set forth in section 154 of the Employment, Training, and Literacy Enhancement Act, that are tied to challenging State performance standards for literacy proficiency;

"(B) the past effectiveness of a provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of a State's core indicators and benchmarks under the Employment, Training, and Literacy Enhancement Act, the success of a provider receiving funding under this Act in meeting or exceeding such benchmarks, especially with respect to those adults with the lowest levels of literacy;

Page 192, line 19, add "and" at the end;

Page 192, line 25, strike "activities;" and insert "activities.".

Page 193, strike lines 1 through 10.

Page 202, line 5, strike "agencies;" and insert "agencies, such as the special literacy needs of individuals with learning disabilities;"

Page 226, strike the item relating to section 322.

Page 274, strike line 10 and all that follows through line 14 and insert the following:

(ii) in subsection (e)(1)(B)(iii), by striking "Job Training Partnership Act (29 U.S.C. 1693)" and inserting "Employment, Training, and Literacy Enhancement Act".

Page 276, line 9, strike "The Secretary of Education" and insert "(a) IN GENERAL.—The Secretary of Education".

Page 276, after line 14, insert the following:

(b) EXTENDED TRANSITION PERIOD.—

(1) IN GENERAL.—If, on or before July 1, 1997, a State has enacted a State statute that provides for the establishment or conduct of three or more of the programs, projects, or activities described in subparagraphs (A) through (E) or paragraph (2), the State shall not be required to comply with provisions of this Act that conflict with such State statute for the period ending three years after the date of enactment of this Act.

(2) PROGRAMS, PROJECTS, AND ACTIVITIES DESCRIBED.—The programs, projects, and activities described in this paragraph are the following:

(A) Establishment of human resource investment councils or substate councils.

(B) Reorganization or consolidation of State agencies with responsibility for State employment and training programs.

(C) Reorganization or consolidation of State employment and training programs.

(D) Restructuring of local delivery systems for State employment and training programs.

(E) Development or restructuring of State accountability or oversight systems to focus on performance.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. McKEON] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. McKEON].

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an en bloc package of amendments which focus on providing greater flexibility to States and localities as they work to carry out meaningful job training reform. These amendments reflect several months of effort by the National Governors' Association, the National Conference of State Legislatures, and the National Association of Counties in coming to a consensus with respect to several key parts of this legislation.

In working with the members of these organizations, we have not only been able to gain their support for this legislation but we have made substantial improvements to the bill. Specifically, the amendments included in this en bloc accomplish the following: Ensures that members of the State collaborative process used for design and implementation at the State level of programs under this act represent diverse regions of the State; increases flexibility with respect to membership of local work force development boards; increases the roll of chief local elected officials by authorizing them to develop local plans in partnership with local work force development boards; increases public accountability of local work force development boards; further clarifies the role of each State with respect to determining State expected levels of performance; and provides a process through which formal State and local comments on this process may be transmitted annually to Congress; expedites the process by which Governors may enforce performance accountability; provides States increased flexibility to initiate reforms by extending certain waivers of waiver provisions and providing a limited grandfather for States having passed comprehensive employment and training reform legislation; maintains existing State-passed formulas with respect to a majority of the funds under the block grants while providing increased discretion to States for the allocation of those funds not distributed under the formula; provides greater local discretion with respect to carrying out summer youth programs and clarifies that summer employment activities are an essential element of disadvantaged youth programs; requires that the Secretary must sign off on State plans unless they determine in writing within 90 days of receipt of the plan that it is inconsistent with the specific provisions of this act; and ensures the ability of any unit of local government with a population of 500,000 or more to be designated as a work force development area.

Finally, this package of amendments also makes several modifications to further streamline the adult education provisions of this act, and also includes several additional technical and conforming changes to the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent that I may claim the time allowed under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. KILDEE] is recognized for 5 minutes.

Mr. KILDEE. Mr. Chairman, I would just say that these are clarifying and perfecting amendments which we agreed to. I would certainly support them, and urge their adoption.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MCKEON].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employment, Training, and Literacy Enhancement Act of 1997".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) Division A—Employment, Training, and Literacy Programs.

(2) Division B—Vocational Rehabilitation Programs.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY PROGRAMS

TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM REQUIREMENTS

Subtitle A—General Provisions

Sec. 101. Statement of purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Definitions.

Subtitle B—State and Local Administrative Provisions

Sec. 111. State administrative provisions.
Sec. 112. Local administrative provisions.

Subtitle C—Program and Fiscal Provisions

CHAPTER 1—GENERAL PROVISIONS

Sec. 121. General program requirements.
Sec. 122. Benefits.
Sec. 123. Labor standards.
Sec. 124. Grievance procedure.
Sec. 125. Identification of additional imposed requirements.
Sec. 126. Authority of State legislature.
Sec. 127. Interstate agreements.

CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

Sec. 131. Performance accountability provisions.

CHAPTER 3—OTHER PROVISIONS

Sec. 141. Prompt allocation of funds.
Sec. 142. Fiscal controls; sanctions.
Sec. 143. Reports; recordkeeping; and investigations.
Sec. 144. Administrative adjudication.
Sec. 145. Nondiscrimination.
Sec. 146. Judicial review.
Sec. 147. Administrative provisions.
Sec. 148. Presidential awards for outstanding private sector involvement in job training programs.
Sec. 149. Construction.
Sec. 150. Limitation on certain costs.

Subtitle D—Miscellaneous Provisions

Sec. 161. Criminal provisions.
Sec. 162. Reference.
Sec. 163. Repealers.

TITLE II—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR DISADVANTAGED YOUTH

Sec. 201. Adult training program.
Sec. 202. Summer youth employment and training program.
Sec. 203. Disadvantaged youth employment and training opportunities grants.

TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS

Sec. 301. Adult employment and training opportunities grants.

TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS

SUBTITLE A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

Sec. 401. Native American program.
Sec. 402. Migrant and seasonal farmworker program.

Subtitle B—Job Corps

Sec. 411. Statement of purpose.
Sec. 412. Individuals eligible for the Job Corps.
Sec. 413. Screening and selection of applicants; general provisions.
Sec. 414. Job Corps centers.
Sec. 415. Standards of conduct.
Sec. 416. Counseling and job placement.
Sec. 417. Experimental and developmental projects and coordination with other programs.

SUBTITLE C—NATIONAL ACTIVITIES

Sec. 421. Research, demonstration, evaluation, and capacity building.
Sec. 422. Nontraditional employment demonstration program.

SUBTITLE D—REPEALERS

Sec. 451. Repealers.

TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS

Sec. 501. Repeal of Jobs for Employable Dependent Individuals Incentive Bonus Program.
Sec. 502. Amendment to Adult Education Act.
Sec. 503. Repeal of National Literacy Act of 1991.
Sec. 504. Conforming amendments.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Repealers.
Sec. 602. Conforming amendments.

TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE INVESTMENT COUNCIL

Sec. 701. Amendments to Council.
Sec. 702. Transfer of Council.
Sec. 703. Conforming amendments.

TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT

Sec. 801. Definitions.
Sec. 802. Functions.
Sec. 803. Designation of State agencies.
Sec. 804. Appropriations.
Sec. 805. Disposition of allotted funds.
Sec. 806. State plans.
Sec. 807. Federal advisory council.
Sec. 808. Regulations.
Sec. 809. Effective date.

TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS

SUBTITLE A—AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

Sec. 901. Short title; table of contents.
Sec. 902. Definitions.
Sec. 903. Amendments to title I.
Sec. 904. Amendments to title IV.
Sec. 905. Amendments to title VI.
Sec. 906. Clarification.

SUBTITLE B—AMENDMENTS TO OTHER ACTS

Sec. 911. Amendments to other Acts.

TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS

Sec. 1001. Effective date.
Sec. 1002. Transition provisions.

DIVISION B—VOCATIONAL REHABILITATION PROGRAMS

TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS

Sec. 2101. Rehabilitation Services Administration.
Sec. 2102. Definitions.
Sec. 2103. Reports.

TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES

Subtitle A—General Provisions

Sec. 2201. Declaration of policy; authorization of appropriations.
Sec. 2202. State plans.
Sec. 2203. Scope of vocational rehabilitation services.
Sec. 2204. State Rehabilitation Advisory Council.
Sec. 2205. Evaluation standards and performance indicators.
Sec. 2206. Monitoring and review.

Subtitle B—Basic Vocational Rehabilitation Services

Sec. 2211. State allotments.
Sec. 2212. Payments to States.
Sec. 2213. Client assistance program.

TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING

Sec. 2221. Authorization of appropriations.
Sec. 2222. National Institute on Disability and Rehabilitation Research.

TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS

Subtitle A—Training Programs and Community Rehabilitation Programs

Sec. 2231. Training.
Sec. 2232. Repealers.
Sec. 2233. Authorization of appropriations.

Subtitle B—Special Projects and Supplementary Services

Sec. 2241. Special demonstration programs.
Sec. 2242. Migratory workers.
Sec. 2243. Repealers.
Sec. 2244. Special recreational programs.

TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY

Sec. 2251. Authorization of appropriations.

TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY

Sec. 2261. Employment of individuals with disabilities.
Sec. 2262. Architectural and Transportation Barriers Compliance Board.
Sec. 2263. Protection and advocacy of individual rights.

TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

Sec. 2271. Authorization of appropriations.
Sec. 2272. Repealers.

TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

Sec. 2281. Authorization of appropriations.
Sec. 2282. Program authorization for centers for independent living.

TITLE XXIX—AMENDMENTS TO SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

Sec. 2291. Authorization of appropriations.
Sec. 2292. Demonstration activities.
Sec. 2293. Training activities.

TITLE XXX—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT

Sec. 2295. Authorization of appropriations.

TITLE XXXI—EFFECTIVE DATE

Sec. 2297. Effective date.

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate division A.

The text of division A is as follows:

DIVISION A—EMPLOYMENT, TRAINING, AND LITERACY PROGRAMS

TITLE I—AMENDMENTS TO GENERAL PROVISIONS AND PROGRAM REQUIREMENTS

Subtitle A—General Provisions

SEC. 101. STATEMENT OF PURPOSE.

Section 2 of the Job Training Partnership Act (29 U.S.C. 1501) is amended to read as follows:

"SEC. 2. STATEMENT OF PURPOSE.

"The purpose of this Act is to transform the current array of Federal employment, training, and adult education and literacy programs from a collection of fragmented and duplicative categorical programs into high quality, coherent, and accountable State and local systems that are designed—

"(1) to provide high quality training for today and for the 21st century;

"(2) to empower individuals to choose occupations and training programs, based on accurate and up-to-date information, that will develop more fully their academic, occupational, and literacy skills, leading to productive employment and economic self-sufficiency, and reduction in welfare dependency;

"(3) to provide resources and authority to States and local communities and increase ease of access to high quality employment, training, and literacy programs;

"(4) to provide adults with the adult education services they require to participate fully in society;

"(5) to meet the needs of employers in the United States to be competitive; and

"(6) to ensure an adequate return on the investment of funds in employment, training, and literacy programs through strong program accountability.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Job Training Partnership Act (29 U.S.C. 1502) is amended to read as follows:

"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated the following amounts for the following purposes (in addition to amounts otherwise available for such purposes):

"(1) Title II.—Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out title II.

"(2) Title III.—(A) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out section 312(a)(1).

"(B) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out section 312(a)(2).

"(3) Parts A, C, D, and E of title IV.—Subject to subsection (b), such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out parts A, C, D, and E of title IV.

"(4) Part B of title IV.—Such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out part B of title IV.

"(b) Reservations.—Of the amount appropriated under subsection (a)(3) for a fiscal year—

"(1) not less than $70,000,000 shall be reserved for carrying out section 401;

"(2) not less than $70,000,000 shall be reserved for carrying out section 402; and

"(3) the remainder shall be reserved for carrying out parts C, D, and E of title IV.

"(c) Reallotment.—

"(1) In general.—The Secretary of Labor shall, in accordance with this subsection, reallot to eligible States amounts appropriated for programs authorized under titles II and title III of this Act that are available for reallotment.

"(2) Amount.—The amount available for reallotment is equal to the amount by which the unobligated balance of the State allotment under title II or title III, respectively, at the end of the program year prior to the program year for which the determination under this paragraph is made exceeds 20 percent of such allotment for the prior program year.

"(3) Reallotment.—In making reallotments to eligible States of amounts available pursuant to paragraph (2) for a program year, the Secretary shall allot to each eligible State an amount based on the relative amount allotted to such State under title II or title III, respectively, for the prior program year as compared to the total amount allotted to all eligible States under title II or title III, respectively, for such prior program year.

"(4) Eligibility.—For purposes of this subsection, an eligible State means a State which has obligated at least 80 percent of its allotments under title II or title III, respectively, for the program year prior to the program year for which the determination under this subsection is made.

"(5) Procedures.—The Governor of each State shall prescribe uniform procedures for the obligation of funds by workforce development areas within the State in order to avoid the requirement that funds be made available for reallotment under this subsection. The Governor shall further prescribe equitable procedures for making funds available from the State and workforce development areas in the event that a State is required to make funds available for reallotment under this paragraph.".

SEC. 103. DEFINITIONS.

Section 4 of the Job Training Partnership Act (29 U.S.C. 1503) is amended—

(1) in paragraph (1) to read as follows:

"(1) Adult education and literacy activities.—The term 'adult education and literacy activities' means the activities authorized under section 314 of the Adult Education and Family Literacy Act.";

(2) by striking paragraph (2);

(3) by inserting after paragraph (1) the following:

"(2) Appropriate secretary.—The term 'appropriate Secretary' means—

"(A) the Secretary of Labor, with respect to programs authorized under titles II, III, and IV of this Act; and

"(B) the Secretary of Education, with respect to programs authorized under the Adult Education and Family Literacy Act.";

(4) in paragraph (3), by striking "under parts A and C of title II" and inserting "under title II and title III";

(5) in paragraph (4) to read as follows:

"(4) Chief elected official.—The term 'chief elected official' means the chief elected executive officer of a unit of general local government in a workforce development area.";

(6) in paragraph (5) to read as follows:

"(5) Community-based organization.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated the ability, or that can demonstrate a capacity, to effectively administer a program under this Act.";

(7) by striking paragraph (6);

(8) by inserting after paragraph (5) the following:

"(6) DISLOCATED WORKER.—The term 'dislocated worker' means an individual who—

"(A)(i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

"(ii) is eligible for or has exhausted entitlement to unemployment compensation; and

"(iii) is unlikely to return to a previous industry or occupation;

"(B) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or and substantial layoff at, a plant, facility, or enterprise;

"(C) was self-employed (including a farmer and a rancher) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

"(D) is a displaced homemaker; or

"(E) has become unemployed as a result of a Federal action that limits the use of, or restricts access to, a marine natural resource.";

(9) in paragraph (10) to read as follows:

"(10) INDIVIDUAL WITH A DISABILITY.—(A) The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(B) The term 'individuals with disabilities' means more than one individual with a disability.";

(10) by striking paragraph (11);

(11) in paragraph (14), by striking "section 521(22) of the Carl D. Perkins Vocational Education Act" and inserting "section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)";

(12) in paragraph (18), by striking all after "institution of higher education" and inserting "(as such term is defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that continues to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq.).";

(13) by striking paragraph (19);

(14) in paragraph (21) to read as follows:

"(21) SECRETARIES.—The term 'Secretaries' means the Secretary of Labor and the Secretary of Education.";

(15) in paragraph (22) to read as follows:

"(22) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.";

(16) in paragraph (24) to read as follows:

"(24) SUPPORTIVE SERVICES.—The term 'supportive services' means services such as transportation, child care, dependent care, and needs-based payments, that are necessary to enable an individual to participate in programs authorized under title II and title III of this Act, consistent with the provisions of such titles.";

(17) in paragraph (27) to read as follows:

"(27) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.";

(18) by striking paragraph (35);

(19) by striking paragraph (36);

(20) in paragraph (37), by striking "post-termination services authorized under sections 204(c)(4) and 264(d)(5) and follow up services authorized under section 253(d)" and inserting "follow up services authorized under this Act"; and

(21) by adding at the end the following:

"(41) EMPLOYMENT, TRAINING AND LITERACY PROGRAMS.—The term 'employment, training and literacy programs' means programs authorized under titles II and III of this Act and the Adult Education and Family Literacy Act.

"(42) ENGLISH LITERACY PROGRAM.—The term 'English literacy program' means a program of instruction designed to help individuals of limited English proficiency achieve full competence in the English language.

"(43) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents on how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.

"(44) FULL SERVICE ELIGIBLE PROVIDERS.—The term 'full service eligible provider' means a provider designated under section 123(c).

"(45) HUMAN RESOURCE PROGRAMS.—The term 'human resource programs' means programs identified under section 103.

"(46) INDIVIDUAL OF LIMITED ENGLISH PROFICIENCY.—The term 'individual of limited English proficiency' means an individual—

"(A) who has limited ability in speaking, reading, or writing the English language; and

"(B)(i) whose native language is a language other than English; or

"(ii) who lives in a family or community environment where a language other than English is the dominant language.

"(47) LITERACY.—The term 'literacy' used with respect to an individual, means the ability of the individual to speak, read, and write English, and compute and solve problems, at levels of proficiency necessary—

"(A) to function on the job, in the family of the individual, and in society;

"(B) to achieve the goals of the individual; and

"(C) to develop the knowledge potential of the individual.

"(48) LOCAL BENCHMARKS.—The term 'local benchmarks' means the expected level of performance of a local workforce development area established pursuant to section 153(b).

"(49) LOCAL BOARD.—The term 'local board' means a local workforce development board established under section 122.

"(50) LOCAL WORKFORCE DEVELOPMENT AREA.—The term 'local workforce development area' means an area designated under section 121(a).

"(51) ON-THE-JOB TRAINING.—The term 'on-the-job training' means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

"(A) provides knowledge or skills essential to the full and adequate performance of the job;

"(B) provides reimbursement to employers of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

"(C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

"(52) OUTLAYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(53) RAPID RESPONSE ASSISTANCE.—The term 'rapid response assistance' means assistance provided by a State, or by an entity designated by a State, with funds provided by the State under section 313(a)(2) in the case of permanent closure or mass layoff at a plant, facility or enterprise, or a natural or other disaster, that results in mass job dislocation, in order to assist dislocated workers in obtaining reemployment as soon as possible, with services including—

"(A) the establishment of onsite contact with employers and employee representative—

"(i) immediately after the State is notified of a current or projected permanent closure or mass layoff; or

"(ii) in the case of a disaster, immediately after the State is made aware of mass job dislocation as a result of such disaster;

"(B) the provision of information and access to available employment and training activities;

"(C) assistance in establishing voluntary labor management committees with the ability to devise and implement a strategy for assessing the employment and training needs of dislocated workers and obtaining services to meet those needs;

"(D) the provision of emergency assistance adapted to the particular closure, layoff, or disaster; and

"(E) the provision of assistance to the local community in developing a coordinated response and in obtaining access to State economic development assistance.

"(54) REPRESENTATIVES OF EMPLOYEES.—For purposes of section 122, the term 'representatives of employees' means—

"(A) individuals who have been elected by organizations, associations, or a network of similar institutions to represent the economic interests of employees at a significant segment of workplaces located in, or adjacent to, the local workforce development area; or

"(B) individuals from organizations, associations, or a network of similar institutions, with expertise to represent, or experience representing, the interests of employees with respect to the job training priorities in the local workforce development area.

"(55) SKILL GRANT.—The term 'skill grant' means a voucher or credit issued to a participant under section 314(c)(6)(A) for the purchase of training services from eligible providers of such services.

"(56) STATE ADJUSTED BENCHMARKS.—The term 'state adjusted benchmarks' means a state's expected levels of performance established pursuant to 153(a).

"(57) STATE BENCHMARK.—The term 'State benchmark' means the benchmarks established by the state pursuant to section 152(a).

"(58) STATEWIDE SYSTEM.—The term 'statewide system' means a statewide employment and training and literacy system that includes programs authorized under titles II and III of this Act and the Adult Education and Family Literacy Act.".

Subtitle B—State and Local Administrative Provisions

SEC. 111. STATE ADMINISTRATIVE PROVISIONS.

Part A of title I of the Job Training Partnership Act (29 U.S.C. 1511 et seq.) is amended to read as follows:

"PART A—STATE ADMINISTRATIVE PROVISIONS

"SEC. 101. STATE PLAN.

"(a) IN GENERAL.—For a State to be eligible to receive an allotment under title II or III, the Adult Education and Family Literacy Act, or section 6 of the Wagner-Peyser Act (29 U.S.C. 49e), the Governor of the State shall submit to Secretaries, for consideration by the appropriate Secretary, a single comprehensive State plan that provides a 3-year strategy and policy guidance with respect to the Statewide system, and programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et. seq.), operated in the State. Such plan shall meet the requirements of this section and section 102.

"(b) CONTENTS.—The State plan shall include the following:

"(1) A description of the collaborative process described in section 102, including a description of the manner in which the individuals and entitles involved in such process collaborated in the development of the plan and will continue to collaborate in carrying out the functions described in section 102(c).

"(2) Information describing—

"(A) the needs of the State with regard to current and projected demands for workers, by occupation;

"(B) the skills and economic development needs of the State; and

"(C) the type and availability of employment and training services in the State.

"(3)(A) A description of the State long-term goals for the Statewide system.

"(B) An identification of the benchmarks that the State will use to measure its progress toward meeting the goals described in subparagraph (A) based on the core indicators of performance described in section 154.

"(C) A description of how the goals and benchmarks will ensure continuous improvement of the Statewide system and make such system relevant and responsive to labor market, skill, and literacy needs at the State and local levels.

"(4) An identification of local workforce development areas in the State, including a description of the process used for the designation of such areas.

"(5) An identification of criteria to be used by local chief elected officials for the appointment of members of local workforce development boards, consistent with the provisions of section 122.

"(6)(A) A description of measures that will be taken by the State to assure coordination and consistency and avoid duplication among employment, training, and literacy programs receiving assistance under this Act, and, at a minimum, programs carried out under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Rehabilitation Act of 1973 (20 U.S.C. 701 et seq.), title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Community Services Block Grant Act, title V of the Older Americans Act of 1965, the National and Community Service Act of 1990, and programs carried out by the Veterans' Employment and Training Service with funds received under section 4103 of title 38, United States Code, including a description of common data collection and reporting processes.

"(B) Information identifying how any funds that a State receives through the allotments made under this Act will be leveraged with other private and public resources (including funds made available to the State under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)) and other human resources programs to maximize the effectiveness of such resources, and expand the participation of business, industry, employees, and individuals in the Statewide system.

"(7) A description of the process used by the State to provide an opportunity for public comment, and input into development of the plan, prior to submission of the plan.

"(8) A description of the within-State allocation formulas development through the collaborative process pursuant to sections 204(b)(2) and 313(b), through which the State will distribute funds of local workforce development areas, including—

"(A) a description of how the individuals and entities involved in the collaborative process, including representatives of the State legislature, determined the factors for such formulas;

"(B) a description of how such individuals and entities consulted with chief elected officials in local workforce development areas throughout the State in determining such formulas; and

"(C) assurances that such formulas will result in funds being distributed equitably throughout the State, that no one factors in such formulas receive disproportionate weighting, and that such formulas protect local workforce development areas from significant shifts in funding from year to year.

"(9)(A) With respect to employment and training programs for disadvantaged youth authorized under title II, information describing the State's strategy for providing comprehensive services to disadvantaged youth, particularly those youth who are recognized as having significant barriers to employment, and a description of how the State intends to use its State reserve funds (described in section 204(a)) to serve areas in the State with high concentrations of disadvantaged youth.

"(B) An assurance that each local workforce development area will be allowed to determine the proportion of funds allocated to such area under section 204(b)(2) that will be used to provide summer employment opportunities and year-round disadvantaged youth activities, respectively.

"(10) With respect to employment and training programs for adults and dislocated workers authorized under title III, information—

"(A) describing the employment and training activities that will be carried out with the funds received by the State through the allotments made under section 312, including a description of how the State will provide rapid response assistance to dislocated workers from funds reserved under section 313(a)(2);

"(B) describing the strategy of the State (including the timeframe for such strategy) for development of a fully operational statewide full service employment and training delivery system as described in section 123, including the steps that the State will take over the 3 years covered by the plan, working with local workforce development boards, to provide information to individuals through the full service employment and training delivery system on the quality of employment, training, and literacy services;

"(C) describing the procedures the State will use, working with local workforce development boards, to identify eligible providers of training services described in section 314(c), as required under section 124; and

"(D) describing how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), economically disadvantaged individuals (including welfare recipients), individuals training for nontraditional equipment, and other individuals with multiple barriers to employment (including older workers and individuals with disabilities).

"(11) With respect to adult education and literacy activities authorized under part A of the Adult Education and Family Literacy Act—

"(A) a description of the assessment that will be made to determine the adult education and family literacy needs of the State;

"(B) a description of the adult education and literacy activities that will be carried out with any funds received under such part, including activities carried out under section 314(a) of such Act;

"(C) a description of how the adult education and literacy activities that will be carried out with any funds received under such part will be integrated with other adult education, career development, and employment and training activities in the State or outlying area of the eligible agency;

"(D) a description of how the eligible agency annually will evaluate the effectiveness of the adult education and literacy activities that are carried out with any funds received under such part;

"(E) an assurance that any funds received under such part will not be expended for any purpose other than the activities described in sections 313 and 314 of such Act;

"(F) an assurance that the eligible agency will expend any funds received under such part only in a manner consistent with the fiscal requirements in section 315 of such Act;

"(G) an assurance that the eligible agency will award grants under such part to providers who offer flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities or other special needs to participate in adult education and literacy activities; and

"(H) a description of the steps the State will take to ensure direct and equitable access, as stipulated in section 313(c)(2) of the Adult Education and Family Literacy Act.

"(12) With respect to programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the plan information required under section 8 of such Act.

"(c) PLAN SUBMISSION.—A State plan submitted to the Secretaries under this section shall be approved by the appropriate Secretary unless such Secretary makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this Act.

"(d) SPECIAL RULES.—

"(1) GOVERNOR.—The Governor of a State shall have final authority to determine the content of the portion of the State plan described in paragraphs (1) through (9)(A), paragraph (10), and paragraph (12) of subsection (b).

"(2) ELIGIBLE AGENCY.—The eligible agency for adult education and literacy in a State shall have final authority to determine the content of the portion of the State plan described in paragraph (11) of subsection (b).

"(e) MODIFICATIONS TO PLAN.—A State may submit modifications to a State plan in accordance with the requirements of this section and section 102 as necessary during the 3-year period covered by the plan.

"SEC. 102. COLLABORATIVE PROCESS.

"(a) IN GENERAL.—A State shall use a collaborative process in the development of the State plan described in section 101 and in carrying out the functions described under subsection (c). Such collaborative process shall be carried out by, at a minimum, the following individuals and entities (who overall, represent diverse regions of the State, including urban, rural, and suburban areas):

"(1) the Governor;

"(2) representatives of the State legislature;

"(3) representatives, appointed by the Governor, of—

"(A) business and industry;

"(B) local chief elected officials (representing both cities and counties, where appropriate);

"(C) local educational agencies (including adult education and literacy providers);

"(D) postsecondary institutions (including community and technical colleges);

"(E) organizations representing individuals served by programs authorized under this Act (including community-based organizations);

"(F) organizations serving individuals participating in programs authorized under this Act and the Adult Education and Family Literacy Act;

"(G) parents; and

"(H) employees (which may include labor);

"(4) the lead State agency official or officials for—

"(A) employment security;

"(B) job training;

"(C) the State educational agency;

"(D) the eligible agency for vocational education;

"(E) the eligible agency for adult education and literacy;

"(F) the State agency responsible for postsecondary education;

"(G) the State agency responsible for welfare; and

"(H) the State agency responsible for vocational rehabilitation, and where applicable, the State agency providing vocational rehabilitation program activities for the blind;

"(5) such other State agency officials, including officials responsible for economic development, as the Governor may designate; and

"(6) the representative of the Veterans' Employment and Training Service assigned to the State under section 4103 of title 38, United States Code.

"(b) Clarification.—For purposes of complying with subsection (a), a State may use any State collaborative process (including a council, board, State Human Resource Investment Council established under section 103, or a similar entity) that meets or is conformed to meet the requirements of such subsection.

"(c) Additional Functions of the Collaborative Process.—In addition to development of the State plan, the individuals and entities described in subsection (a) shall collaborate in—

"(1) the designation of local workforce areas as required under section 121;

"(2) the development of allocation formulas for the distribution of funds to local workforce development areas for programs authorized under title II and title III;

"(3) the development of the State goals and benchmarks as required under part C of this title, including the continued updating of such goals and benchmarks;

"(4) the provision of management guidance and review for all programs in the State, including review of the operation of programs conducted in each local workforce development area, and the availability, responsiveness, and adequacy of State services, and make recommendations to the Governor, the State legislature, appropriate chief elected officials, local workforce development boards, and service providers throughout the State regarding the findings of such review;

"(5) the continued development of linkages between employment, training, literacy, and other human resource and workforce preparation programs in the State;

"(6) comment at least once annually on the measures taken pursuant to section 113(b)(14) of the Carl D. Perkins Vocational Education Act; and

"(7) review plans of all State agencies providing employment, training, literacy, and related services, and provide comments and recommendations to the Governor, the State legislature, the State agencies, and the appropriate federal agencies on the relevancy and effectiveness of employment, training, literacy, and related delivery systems in the State.".

SEC. 112. LOCAL ADMINISTRATIVE PROVISIONS.

Part B of title I of the Job Training Partnership Act (29 U.S.C. 1531 et seq.) is amended by striking sections 121 through 123 and inserting the following:

"SEC. 121. LOCAL WORKFORCE DEVELOPMENT AREAS.

"(a) Designation of Areas.—

"(1) In general.—Except as provided in subsection (b), and consistent with paragraph (2), a State that desires to receive a grant under title II or title III shall, through the collaborative process established under section 102 and after consultation with local chief elected officials, and after consideration of comments received through the public comment process as described in section 101(b)(7) of the State plan, designate local workforce development areas within the State that are consistent with labor market areas, or a substantial portion of a labor market area, and that take into consideration the following:

"(A) Units of general local government.

"(B) Geographic areas served by local educational agencies and intermediate educational agencies.

"(C) Geographic areas served by postsecondary institutions and area vocational education schools.

"(D) Service delivery areas established under section 101 of this Act (as such section was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997).

"(E) The distance that individuals will need to travel to receive services.

"(2) Automatic designation.—The Governor shall approve any request for designation as a workforce development area from any unit of general local government with a population of 500,000 or more.

"(b) Small States.—Any State determined to be eligible to receive a minimum allotment under section 203(b)(2)(D) or paragraph (1)(B)(iv) or paragraph (2)(B)(iv) of section 312(b) may designate itself, through the collaborative process established pursuant to section 102, and after consultation with local chief elected officials, and consideration of comments received through the public comment process described in section 101(b)(7) of the State plan, as a single State workforce development area for purposes of this Act.

"SEC. 122. LOCAL WORKFORCE DEVELOPMENT BOARDS.

"(a) Establishment.—There shall be established in each local workforce development area of a State, and certified by the Governor of the State, a local workforce development board (hereinafter referred to as the 'local board'), reflecting business and community interests in employment, training, and other workforce preparation activities.

"(b) Membership.—

"(1) State criteria.—The Governor of the State, through the collaborative process described in section 102, shall establish criteria for use by local chief elected officials in the local workforce development areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

"(2) Composition.—(A) Such criteria shall require at a minimum, that the membership of each local board consist of—

"(i) a majority of members who are representatives of business and industry in the local workforce development area, who are owners of businesses, chief executives or chief operating officers of private business, and other business executives with optimum policymaking authority in local businesses, appointed from among individuals nominated by local business organizations and trade associations;

"(ii) representatives of local educational entities, including representatives of local educational agencies, local school boards, post-secondary educational institutions (including representatives of community colleges), and representatives of providers of adult education and literacy services, where such schools, institutions, educators, or providers, as appropriate, exist, selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such individuals or entities; and

"(iii) representatives of community-based organizations (including, as appropriate, a community-based organization that provides direct job training and placement services to individuals with disabilities), employees (which may include labor), and other representatives of the public who may include program participants, parents, individuals with disabilities, older workers, veterans, or organizations serving such individuals, as nominated to the board by regional or local agencies, institutions, or organizations representing such individuals or entities.

"(B) In addition, the membership of each local board may consist of representatives of local welfare agencies, economic development agencies, and the local employment service system.

"(3) Chairperson.—The local board shall elect a chairperson from among the members of the board.

"(c) Appointment and Certification of Board.—

"(1) Appointment of board members and assignment of responsibilities.—

"(A) In general.—The chief elected official in a local workforce development area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

"(B) Multiple units of local government in area.—

"(i) In general.—In a case in which a local workforce development area includes more than 1 unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials.—

"(I) in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection (b); and

"(II) in carrying out any other responsibilities assigned to such officials.

"(ii) Lack of agreement.—If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may appoint the members of the local board from individuals so nominated or recommended.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—The Governor is authorized to biennially certify 1 local board for each local workforce development area in the State.

"(B) CRITERIA.—Such certification shall be based on factors including the criteria established under subsection (b) and, for a second or subsequent certification, the extent to which the local board has ensured that employment and training activities and disadvantaged youth activities carried out in the local workforce development area have met expected levels of performance with respect to the local benchmarks negotiated pursuant to subsection (d)(6)(A).

"(C) FAILURE TO ACHIEVE CERTIFICATION.—Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local workforce development area pursuant to the process described in paragraph (1) and this paragraph.

"(3) DECERTIFICATION.—

"(A) FISCAL NONCOMPLIANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if it is determined as a result of financial and compliance audits that there is a substantial violation of a specific requirement under this Act and corrective action has not been taken, in accordance with section 164. If the Governor decertifies a local board for a local workforce development area under this subparagraph, the Governor may require that a new local board be appointed and certified for the local workforce development area pursuant to a reorganization plan developed by the Governor under section 164(b)(1) and in accordance with the criteria established under subsection (b).

"(B) NONPERFORMANCE.—Notwithstanding paragraph (2), the Governor may decertify a local board if a local workforce development area fails to meet the local benchmarks established pursuant to section 153(b) for such local area for two consecutive program years (in accordance with section 156(b)(2)). If the Governor decertifies a local board for a local workforce development area under this subparagraph, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor under section 156(b)(2) and in accordance with the criteria established under subsection (b).

"(4) SINGLE STATE AREA.—Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 121(b) indicates in the State plan that the State will be treated as a local workforce development area for purposes of the application of this Act, the Governor may designate the individuals and entities involved in the collaborative process described in section 105 to carry out the functions described in subsection (d).

"(d) FUNCTIONS OF LOCAL BOARD.—The functions of the local board shall include the following:

"(1) LOCAL PLAN.—

"(A) IN GENERAL.—Each local board, in partnership with the chief local elected official, shall develop and submit to the Governor, for approval, a comprehensive 3-year strategic local plan. The local plan shall be consistent with the State goals and State plan described in section 101.

"(B) CONTENTS.—The local plan shall include—

"(i) an identification of the workforce development needs of local industries, job seekers, and workers;

"(ii) a description of the disadvantaged youth activities and the employment and training activities for adults and dislocated workers to be carried out in the local workforce development area as required under titles II and III, that, with activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), will contribute to the coherent delivery of employment, training and workforce preparation activities in the local area;

"(iii) a description of the local benchmarks negotiated with the Governor pursuant to paragraph (6)(A), to be used by the local board for measuring the performance of the local administrative entity (where appropriate), eligible providers of services authorized under titles II and III, and the performance of the full service employment and training delivery system in the local workforce development area;

"(iv) a description of the local full service employment and training delivery system to be established or designated in the local workforce development area, including—

"(I) a description of the process negotiated with the Governor pursuant to paragraph (6)(B) that the local board will use to designate or certify full service eligible providers in the local workforce development area, which ensures that the most effective and efficient providers will be chosen;

"(II) a description of how the local board will ensure the continuous improvement of such full service eligible providers and that such providers will continue to meet the labor market needs of local employers and participants; and

"(III) an identification of the roles of individual employment, training, and other human resources programs, as determined appropriate, including programs authorized by the Wagner-Peyser Act (20 U.S.C. 49 et seq.), in carrying out the functions of the full service employment and training delivery system, including a description of the funding sources to be used in the operation of the full service employment and training system;

"(v) an identification of the administrative entity designated by the local board in accordance with paragraph (5);

"(vi) a description of the steps the local board will take to work with local educational agencies, postsecondary educational institutions (including community colleges, where applicable), vocational educators, providers of adult education and literacy services, and other representatives of the educational community to address local employment, education, and training needs, including a description of linkages established with such individuals and entities to enhance the provision of services, including supportive services, and avoid duplication;

"(vii) a description of the process that will be used by the local board to fully involve representatives of the local community, including community-based organizations with experience in serving disadvantaged youth, the local education community (including vocational educators and teachers), parents, youth, local law enforcement agencies, and representatives of business and employees (which may include labor) in the development and implementation of disadvantaged youth programs in the local workforce development area, including a description of the process used (involving the individuals and organizations described in this clause) to ensure that the most effective and efficient providers are chosen to carry out the activities authorized under title II; and

"(viii) such other information as the Governor may require.

"(2) SELECTION OF PROVIDERS.—

"(A) SELECTION OF FULL SERVICE PROVIDERS.—Consistent with section 123 and the agreement negotiated with the Governor under paragraph (6)(B)(i), the local board is authorized to designate or certify full service eligible providers, and to terminate for cause, the eligibility of such providers.

"(B) SELECTION OF DISADVANTAGED YOUTH PROVIDERS.—Consistent with section 207, the local board is authorized to award grants on a competitive basis to eligible providers of disadvantaged youth activities in the local workforce development area.

"(3) IDENTIFICATION OF ELIGIBLE PROVIDERS OF TRAINING SERVICES.—Consistent with section 124, the local board is authorized to work in partnership with the Governor concerning the identification of eligible providers of training services described in section 314(c) in the local workforce development area.

"(4) BUDGET AND PROGRAM OVERSIGHT.—

"(A) BUDGETING.—

"(i) IN GENERAL.—The local workforce development board shall develop a budget for the purpose of carrying out local programs established under titles II and III and section 123.

"(ii) APPROVAL OF BUDGET.—Such budget shall be subject to the approval of the chief elected official or officials in the local workforce development area.

"(B) PROGRAM OVERSIGHT.—The local workforce development board, in partnership with the chief elected official or officials in the local workforce development area, shall conduct oversight of the programs established under titles II and III and section 123.

"(5) ADMINISTRATION.—

"(A) DESIGNATION OF ADMINISTRATIVE ENTITY.—

"(i) IN GENERAL.—The local workforce development board may designate itself as the administrative entity for receipt and disbursement of funds made available for carrying out programs authorized under title II and title III of this Act, or the local board may designate an administrative entity (which may be the State through a mutual agreement between the local board and the State), for the purpose of receipt and disbursement of such funds.

"(ii) ADDITIONAL FISCAL RESPONSIBILITIES .—Each administrative entity shall be responsible for the distribution of funds and shall have responsibility to take action against its subcontractors, subgrantees, and other recipients to eliminate abuses in the programs being carried out in the local workforce development area and to prevent any misuse of funds by subcontractors, subgrantees, and other recipients.

"(B) STAFF; GRANTS AND OTHER CONTRIBUTIONS.—The local board may employ its own staff, independent of local programs and service providers, and may solicit or accept grants and contributions from sources other than from this Act.

"(C) PROHIBITION ON DIRECT PROVISION OF SERVICES.—

"(i) IN GENERAL.—Except as provided in clause (ii), a local board or employees of such board may not directly provide services under programs established under this Act.

"(ii) WAIVER.—The Governor of the State in which the local board is located may grant to the local board a written waiver of the prohibition under clause (i) where necessary to improve performance or to provide a full array of services in the local area as may be particularly necessary in rural areas.

"(D) CONFLICT OF INTEREST.—A member of a local board may not—

"(i) vote on a matter under consideration by the local board—

"(I) regarding the provision of services by such member (or by an organization that such member represents); or

“(II) that would provide direct financial benefit to such member or the immediate family of such member; or

“(ii) engage in any other activity determined by the Governor to constitute a conflict of interest.

“(6) NEGOTIATIONS.—

“(A) LOCAL BENCHMARKS.—The local board, the local chief elected official, and the Governor shall negotiate and reach agreement on local benchmarks designed to meet the State goals described in the State plan under section 101 for the local workforce development area. In determining such benchmarks, the Governor, the local chief elected official, and the local board shall take into account the State adjusted benchmarks described in section 153(a) with respect to programs authorized under titles II and III, and specific economic, demographic, and other characteristics of the populations to be served in the local workforce development area.

“(B) LOCAL DELIVERY OF SERVICES.—

“(i) IN GENERAL.—The local board, the local chief elected official, and the Governor shall negotiate and reach agreement on a process to be used by the local board that meets the requirements of subclauses (I) and (II) of paragraph (1)(B)(iv) for—

“(I) the designation or certification of full service eligible providers (as described in section 123(c)) in the local workforce development area, including, consistent with State statute, a determination of the role of providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) in the full service delivery of services in the local workforce development area; and

“(II) the continued role of the local board and the local elected official in conducting oversight with respect to full service eligible providers that are providers of activities authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

“(ii) ESTABLISHED FULL SERVICE EMPLOYMENT AND TRAINING DELIVERY SYSTEM.—Notwithstanding this subsection and section 123(c), if a full service employment and training delivery system has been established in a local workforce development area prior to the date of enactment of this Act, or if approval has been obtained for a plan for a full service employment and training delivery system under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) prior to the date of enactment of this Act, the local board and the Governor involved may agree to certify such full service employment and training delivery system for purposes of this subparagraph.

“(e) SUNSHINE PROVISION.—

“(1) IN GENERAL.—The local board shall make available to the public, on a regular basis, information regarding the activities of the local board, including information regarding membership, the designation and certification of full service employment and training eligible providers, the award of grants to eligible providers of disadvantaged youth activities, and upon request, minutes of formal meetings of the local board.

“(2) LOCAL PLAN.—Prior to the submission of the local plan to the Governor, under subsection (d)(1)(D)(ii), the local board shall make such plan available for review and comment to—

“(A) appropriate community-based organizations and local educational and other public agencies in the local workforce development area;

“(B) local business organizations and representatives of employees in the local workforce development area; and

“(C) the general public through such means as public hearings and local news media.

“SEC. 123. FULL SERVICE EMPLOYMENT AND TRAINING DELIVERY SYSTEM.

“(a) IN GENERAL.—There shall be established in a State that receives an allotment under section 312, a full service employment and training delivery system that—

“(1) shall provide the core services described in subsection (d), including the information described in part E of title IV and labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

“(2) shall provide access to the activities carried out under subsection (e), if any; and

“(3) shall provide access to intensive and training services described in section 314, including serving as the point of distribution of skill grants for training services to participants in accordance with section 314(c)(6)(A).

“(b) ACCESS TO DELIVERY OF SERVICES.—

“(1) IN GENERAL.—The State's full service employment and training delivery system shall provide individuals and employers with access to the services described in subsection (a) through a network of eligible providers that assures participants that such services will be available, regardless of where the participants initially enter the system. At a minimum, such services shall be available—

“(A) through a network of full service employment and training delivery centers, established in all local workforce development areas in the State, that provide all of the services described in subsection (a); or

“(B) at not less than one full service employment and training delivery center in each local workforce development area in the State that provides all of the services described in subsection (a), supplemented with multiple affiliated sites that provide one or more of such services and are linked through electronic and technological access points.

“(2) SPECIALIZED CENTERS.—Of the full service employment and training delivery centers or affiliated sites described in paragraph (1), such centers or sites may have a specialization in addressing special needs, such as the needs of dislocated workers.

“(c) ELIGIBILITY FOR DESIGNATION.—Any entity or consortium of entities located in a local workforce development area may be designated or certified by the local workforce development board (in accordance with section 122(d)(2)(A)) through a competitive process, or through an agreement reached between the local board and a consortium of entities, to operate a full service employment and training delivery center or to participate as an affiliated site in the full service employment and training delivery system. Such entities shall be known as ‘full service eligible providers’ and may include—

“(1) institutions of higher education;

“(2) local employment service offices established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);

“(3) private, nonprofit organizations (including community-based organizations);

“(4) private for-profit entities;

“(5) agencies of local government; and

“(6) other interested organizations and entities of demonstrated effectiveness, including local chambers of commerce and other business organizations, consistent with State criteria as described in the State plan under section 101.

“(d) CORE SERVICES.—Funds made available to local workforce development areas under section 313(b), in addition to funds made available under the Wagner-Peyser Act, part E of title IV, and other related programs, shall be used to provide core services, which shall be available to all individuals through the full service employment and training delivery system and shall, at a minimum, include—

“(1) outreach, intake (which may include worker profiling), and orientation to the information and other services available through the full service employment and training delivery system;

“(2) initial assessment of skill levels, aptitudes, abilities, and supportive service needs;

“(3) job search and placement assistance, and where appropriate, career counseling;

“(4) provision of accurate information relating to local, regional, and national labor markets, including—

“(A) job vacancy listings in such markets; and

“(B) information relating to local occupations in demand and the earnings and skill requirements for such occupations;

“(5) provision of accurate information relating to the quality and availability of employment, training, and literacy activities authorized under titles II and III of this Act and the Adult Education and Family Literacy Act, and of vocational rehabilitation program activities as appropriate, and referral to such activities;

“(6) provision of information relating to unemployment compensation, publicly funded employment and training programs (including registered apprenticeships), and forms of public financial assistance, such as student aid programs, that may be available in order to enable individuals to participate in employment, training, literacy, and other workforce preparation activities;

“(7) soliciting and accepting job orders submitted by employers in the local workforce development area, and screening and referring applicants in accordance with such orders;

“(8) dissemination of lists of eligible training providers and performance information regarding such providers in accordance with section 124; and

“(9) any additional performance information with respect to the full service employment and training delivery system in the local workforce development area.

“(e) PERMISSIBLE SERVICES.—Funds made available to local workforce development areas under section 313(b) may be used to contribute to, through the full service employment and training delivery system—

“(1) co-location of services related to employment, training, and literacy activities, such as unemployment insurance, vocational rehabilitation program activities, veterans' employment services, programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), employment-related services for welfare recipients, or other public assistance activities;

“(2) customized screening and referral of qualified participants to employment; and

“(3) customized employment-related services to employers on a fee-for-service basis.

“SEC. 124. IDENTIFICATION OF TRAINING PROVIDERS.

“(a) ELIGIBILITY REQUIREMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (e), to be identified as an eligible provider of training services under title III and to receive funds made available for the provision of training services described in section 314(c) (referred to in this section as ‘training services’), a provider of such services shall meet the requirements of this section.

“(2) POSTSECONDARY EDUCATIONAL INSTITUTION.—Subject to the provisions of this section, a postsecondary educational institution shall automatically be eligible to provide training services under title III for programs that are eligible to participate in title IV of the Higher Education Act of 1965.

"(A) a program that leads to an associate, baccalaureate, professional, or graduate degree;

"(B) a program that—

"(i) is at least 2 academic years in length; and

"(ii) is acceptable for academic credit toward a baccalaureate degree; or

"(C) a program that—

"(i) is at least 1 academic year in length;

"(ii) is a training program;

"(iii) leads to a certificate, degree, or other recognized educational credential; and

"(iv) prepares a student for gainful employment in a recognized occupation.

"(3) OTHER ELIGIBLE PROVIDERS.—

"(A) PROCEDURE.—

"(i) IN GENERAL.—The Governor shall establish a procedure for use by local workforce development boards in determining the eligibility of public and private providers not described in paragraph (2) (including eligibility of postsecondary educational institutions for programs not described in paragraph (2)) to receive such funds.

"(ii) FACTORS.—In developing such procedure, the Governor—

"(I) shall solicit and take into consideration the recommendations of local workforce development boards and providers of training services within the State; and

"(II) shall take into consideration—

"(aa) the specific economic, geographic, and demographic factors in the local areas in which eligible providers are located; and

"(bb) the characteristics of the populations served by the eligible providers, including the demonstrated difficulties in serving such populations, where applicable.

"(B) LEVELS OF PERFORMANCE.—At a minimum, the procedure described in subparagraph (A) shall require such a provider to meet minimum acceptable levels of performance based on verifiable program-specific performance information described in subsection (b) and submitted to the State agency designated under subsection (c), as required under paragraphs (2) and (3) of subsection (c).

"(b) PERFORMANCE INFORMATION.—

"(1) REQUIRED INFORMATION.—Pursuant to subsection (c)(2), to be eligible to provide training services under title III, a provider shall submit information on—

"(A) program completion rates for individuals in the applicable program conducted by the provider;

"(B) the percentage of individuals in the applicable program who obtain employment, which may also include information specifying the percentage of individuals who obtain employment in an occupation related to the program conducted;

"(C) the earnings at placement of individuals who complete the program; and

"(D) for literacy providers or providers of integrated education and training services, the success rate of the applicable program in raising the literacy levels of individuals in skill areas that are considered important for successful participation in training and employment.

"(2) ADDITIONAL INFORMATION.—Subject to paragraph (3), in addition to the performance information described in paragraph (1), the Governor may require that a provider described in this paragraph submit such other performance information as the Governor determines to be appropriate, which many include information relating to—

"(A) the retention in employment and the subsequent earnings of the individuals who complete the applicable program;

"(B) where appropriate, the rates of licensure or certification of individuals who complete the program;

"(C) the percentage of individuals who complete the program who attain industry-recognized occupational skills in the subject, occupation, or industry for which training is provided, where applicable; and

"(D) the adequacy of space, staff, equipment, instructional materials, and student support services offered by the provider through a program conducted by the provider.

"(3) CONDITIONS.—

"(A) IN GENERAL.—If the Governor requests additional information pursuant to paragraph (2) that imposes extraordinary costs in providers, the Governor shall provide access to cost-effective methods for the collection of such information or provide additional resources to assist providers in the collection of such information from funds made available under section 313(a).

"(B) TRANSITION PERIOD FOR PERFORMANCE-BASED INFORMATION.—For program years 1999 and 2000, the performance-based information to be submitted by a provider under this subsection shall only be required to be provided relating to the performance of participants assisted under title III in lieu of all; individuals participating in the program of the provider. Nothing in this subparagraph shall be construed to prohibit the submission of performance-based information for all individuals participating in the program of the provider as soon as is practicable prior to program year 2001 and each provider shall be encouraged to submit such information.

"(c) ADMINISTRATION.—

"(1) DESIGNATION.—The Governor shall designate a State agency to collect and disseminate the performance information described in subsection (b) and to carry out other duties described in this subsection.

"(2) SUBMISSION.—A provider described in subsection (a) shall submit the performance information described in subsection (b) annually to the designated State agency at such time and in such manner as the designated State agency may require. The designated State agency may accept program-specific performance information consistent with the requirements for eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) from such a provider for purposes of enabling the provider to fulfill the applicable requirements of this paragraph, if such information is substantially similar to the information required under subsection (b).

"(3) LIST OF ELIGIBLE PROVIDERS.—

"(A) IN GENERAL.—The designated State agency shall compile a list of eligible providers accompanied by the performance information described in subsection (b) consisting of—

"(i) providers determined to be automatically eligible subject to subsection (a)(2); and

"(ii) providers determined to be eligible by local workforce development boards, subject to subsection (a)(3).

"(B) AVAILABILITY.—The designated State agency shall disseminate such lists and information to the full service employment and training delivery system and to local boards. Such list and information shall be made widely available to participants in employment and training programs authorized under title III and others through the full service employment and training delivery system described in section 123.

"(d) ENFORCEMENT.—

"(1) ACCURACY OF INFORMATION.—If the designated State agency determines that a provider or individual supplying information on behalf of a provider intentionally supplies inaccurate information under this section, the agency shall terminate the eligibility of the eligible provider to receive funds described in subsection (a) for a period of time, but not less than 2 years, as prescribed in regulations issued by the Governor.

"(2) NONCOMPLIANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially violates any requirement under this Act, the agency, or the local board through the State agency, may terminate the eligibility of such provider to receive funds described in subsection (a) for such program or take such other action as the agency or local board determines to be appropriate.

"(3) NONPERFORMANCE.—

"(A) TERMINATION FOR NONPERFORMANCE.—If the designated State agency, or the local workforce development board working through the State agency, determines that an eligible provider under subsection (a) substantially fails to meet performance criteria established by the Governor, the agency, or the local board working through the State agency, may terminate the eligibility of such provider.

"(B) FACTORS.—In establishing the performance criteria described under subparagraph (A)(i), the Governor shall—

"(i) solicit and take into consideration the recommendations of local workforce development boards and providers of training services within the State; and

"(ii) take into consideration—

"(I) the specific economic, geographic, and demographic factors in the local areas in which eligible providers are located; and

"(II) the characteristics of the populations served by the eligible providers, including the demonstrated difficulties in serving such populations, where applicable.

"(4) ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965.—If the designated State agency determines that the eligibility of an eligible provider described in subsection (a)(2) under title IV of the Higher Education Act of 1965 has been terminated, the agency—

"(A) shall terminate the automatic eligibility of the provider under subsection (a)(2); and

"(B) shall require the provider to meet the requirements of subsection (a)(3) to be eligible to receive funds as described in subsection (a).

"(5) REPAYMENT.—A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.

"(6) APPEAL.—The Governor shall establish a procedure for an eligible provider to appeal a determination by the local board or the designated state agency that results in the denial or termination of eligibility under this subsection. Such procedure shall provide an opportunity for a hearing and prescribe appropriate time limits to ensure prompt resolution of the appeal.

"(7) CONSTRUCTION.—This subsection shall be construed to supplement, but not supplant, other civil and criminal remedies and penalties.

"(e) ON-THE-JOB TRAINING EXCEPTION.—

"(1) IN GENERAL.—Providers of on-the-job training, and apprenticeship programs registered in accordance with the National Apprenticeship Act, shall not be subject to the requirements of subsection (a), (b), (c), or (d).

"(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A full-service eligible provider in a local workforce development area shall collect such performance information from on-the-job training providers as the Governor may require, and disseminate such information through the delivery of core services described in section 123, as appropriate.".

Subtitle C—Program and Fiscal Provisions

CHAPTER 1—GENERAL PROVISIONS

SEC. 121. GENERAL PROGRAM REQUIREMENTS.

(a) Employment and Training Opportunities.—Section 141(a) of the Job Training Partnership Act (29 U.S.C. 1551(a)) is amended—

(1) by striking "and shall make efforts" and all that follows and inserting a period; and

(2) by adding at the end the following: "In addition, efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and overcoming sex-stereotyping in occupations traditional for the other sex.".

(b) Relocation.—Section 141(c) of such Act (29 U.S.C. 1551(c)) is amended to read as follows:

"(c) Relocation.—

"(1) Prohibition on use of funds to encourage or induce relocation.—No funds provided under title II, III, or IV shall be used or proposed for use to encourage or induce the relocation, of a business or part of a business, that results in a loss of employment for any employee of such business at the original location, if such original location is within the United States.

"(2) Prohibition on use of funds for customized or skill training and related activities after relocation.—No funds provided under title II, III, or IV for an employment and training activity shall be used for customized or skill training, on-the-job training, or company-specific assessments of job applicants or employees, for any business or part of a business, that has relocated, until 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business, results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

"(3) Repayment.—If the Secretary of Labor determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State that has violat4ed such paragraph to repay to the United States an amount equal to the amount expended in violation of such paragraph.".

(c) Training for Occupations in Demand.—Subsection (d) of section 141 of such Act (29 U.S.C. 1551(d)) is hereby repealed.

(d) Agreements Among Areas Relating to Education, Training, and Employment of Participants.—Section 141(e) of such Act (29 U.S.C. 1551(e)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking "(2)";

(B) by striking "service delivery area" each place it appears and inserting "local workforce development area"; and

(C) in the second sentence—

(i) by striking "private industry council" and inserting "local workforce development board"; and

(ii) by striking "section 104" and inserting "section 122(d)(1)".

(e) Prohibition on Certain Votes.—Subsection (f) of section 141 of such Act (29 U.S.C. 1551(f)) is hereby repealed.

(f) Payments to Employers for On-the-Job-Training.—Section 141(g) of such Act (29 U.S.C. 1551(g)) is amended—

(1) by striking paragraphs (1) through (3); and

(2) in paragraph (4)—

(A) by striking "(4)";

(B) by striking "In accordance with regulations issued by the Secretary, on -the-job training contracts" and inserting "On-the-job training contracts"; and

(C) by striking "with wages and employment benefits" and all that follows and inserting a period.

(g) Duplicate Facilities or Services.—Section 141(h) of such Act (29 U.S.C. 1551(h)) is amended to read as follows:

"(h)(1) Upon the approval of the Governor, real property in which, as of July 1, 1998, equity has resulted from funds provided under title III of the Social Security Act, section 903(c) of such Act (commonly referred to as the 'Reed Act'), or the Wagner-Peyser Act (29 U.S.C. 49 et seq.) may be used for the purposes of a full service employment and training delivery center.

"(2) Unless otherwise provided in a plan approved pursuant to section 101, subsequent to the commencement of the use of the property described in paragraph (1) for the purposes of a full service employment and training delivery center, funds provided under the provisions of law described in paragraph (1) may only be used to acquire further equity in such property, or to pay operating and maintenance expenses relating to such property in proportion to the extent of the use of such property attributable to the activities authorized under such provisions of law.".

(h) Responsibilities of Administrative Entities.—Section 141(i) of such Act (29 U.S.C. 1551(i)) is hereby repealed.

(i) Prohibition on Certain Subsidized Employment.—Section 141(k) of such Act (29 U.S.C. 1551(k)) is hereby repealed.

(j) Consultation Requirements.—Section 141(n) of such Act (29 U.S.C. 1551(n)) is amended—

(1) by striking "private industry councils" each place it appears and inserting "local workforce development boards";

(2) by striking "councils" and inserting "boards";

(3) by striking "service delivery area" each place it appears and inserting "local workforce development area"; and

(4) by striking "this Act" each place it appears and inserting "title II or title III".

(k) Prohibition on Use of Funds for Public Service Employment.—Section 141(p) of such Act (29 U.S.C. 1551(p)) is amended—

(1) by striking "part B of this title or part A or C of title II" and inserting "this Act"; and

(2) by inserting at the end before the period the following: "except as specifically authorized under this Act".

(l) Prohibition on Use of Funds for Certain Economic Activities.—Section 141(q) of such Act (29 U.S.C. 1551(p)) is amended in the first sentence by inserting at the end before the period the following: "which are not directly related to training or related services for eligible individuals under this Act".

(m) Priority for Excess Property of the Department of Defense.—Section 141(s) of such Act (29 U.S.C. 1551(s)) is hereby repealed.

(n) Prohibition on Entitlement to Service.—Section 141 of such Act (29 U.S.C. 1551) is amended by adding at the end the following:

"(s) Prohibition on Entitlement to Service.—Nothing in this Act shall be construed to provide an individual with an entitlement to a service under this Act.

"(t) Fee for Service Authority.—Services, facilities, and equipment funded under titles II and III may be used, as appropriate, on a fee for service basis, by employers in a local workforce development area in order to provide employment and training services to incumbent workers—

"(1) when such services, facilities, or equipment are not in use for the provision of services for eligible program participants under title II or title III, respectively;

"(2) if such use would not have an adverse affect on the provision of services to eligible program participants under title II or title III, respectively; and

"(3) if the income derived from such fees is used to carry out the programs authorized under title II or title III, respectively.".

SEC. 122. BENEFITS.

Section 142(a) of the Job Training Partnership Act (29 U.S.C. 1552(a)) is amended—

(1) by striking all that precedes paragraph (4) and inserting the following:

"(a) Wages.—

"(1) In general.—Individuals in on-the-job training or individuals employed in activities under this Act shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law."; and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 123. LABOR STANDARDS.

Section 143 of the Job Training Partnership Act (29 U.S.C. 1553) is amended to read as follows:

"SEC. 143. LABOR STANDARDS.

"(a) Limitations on Activities That Impact Wages of Employees.—No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through the statewide system.

"(b) Displacement.—

"(1) Prohibition.—A participant in an activity authorized under title II, III, or IV of this Act (referred to in this section as a 'specified activity') shall not displace (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

"(2) Prohibition on impairment of contracts.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

"(c) Other Prohibitions.—A participant in a specified activity shall not be employed in a job—

"(1) when any other individual is on layoff from the same or any substantially equivalent job;

"(2) when the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or

"(3) which is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

"(d) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

"(e) EMPLOYMENT CONDITIONS.—Individuals in on-the-job training or individuals employed in activities under this Act, shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

"(f) OPPORTUNITY TO SUBMIT COMMENTS.—Interested parties shall be provided an opportunity to submit comments with respect to training programs proposed to be funded under this Act.".

SEC. 124. GRIEVANCE PROCEDURE.

Section 144 of the Job Training Partnership Act (29 U.S.C. 1554) is amended to read as follows:

"SEC. 144. GRIEVANCE PROCEDURE.

"(a) IN GENERAL.—Each State receiving an allotment under this Act shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this Act from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days of filing the complaint.

"(b) INVESTIGATION.—

"(1) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in subsection (a) if—

"(A) a decision relating to such violation has not been reached within 60 days after the date of the grievance or complaint and either party appeals to the Secretary; or

"(B) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.

"(2) ADDITIONAL REQUIREMENT.—The Secretary shall make a final determination relating to an appeal made under paragraph (1) no later than 120 days after receiving such appeal.

"(c) REMEDIES.—Remedies shall be limited—

"(1) to suspension or termination of payments under this Act;

"(2) to prohibition of placement of a participant with an employer that has violated any requirements under this Act;

"(3) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; and

"(4) where appropriate, to other equitable relief.".

SEC. 125. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.

Section 124 of the Job Training Partnership Act (29 U.S.C. 1534) is amended—

(1) by redesignating such section as section 146 of such Act; and

(2) by inserting such section after section 145 of such Act.

SEC. 126. AUTHORITY OF STATE LEGISLATURE.

Section 126 of the Job Training Partnership Act (29 U.S.C. 1536) is amended—

(1) by adding at the end "Any funds received by a State under title II or III of this Act shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under this Act.";

(2) by redesignating such section as section 147 of such Act; and

(3) by inserting such section after section 146 of such Act, as amended by this Act.

SEC. 127. INTERSTATE AGREEMENTS.

Section 127 of the Job Training Partnership Act (29 U.S.C. 1537) is amended—

(1) by redesignating such section as section 148 of such Act; and

(2) by inserting such section after section 147 of such Act, as amended by this Act.

CHAPTER 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

SEC. 131. PERFORMANCE ACCOUNTABILITY PROVISIONS.

The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended by inserting after part C of title I of such Act the following:

"SEC. 151. PERFORMANCE ACCOUNTABILITY SYSTEM.

"In order to promote high levels of performance and to ensure an appropriate return on the Nation's investment in employment, training, and literacy programs, each State receiving funds under this Act or the Adult Education and Family Literacy Act shall implement a statewide performance accountability system that meets the requirements of this subpart.

"SEC. 152. INDICATORS OF PERFORMANCE.

"(a) STATE BENCHMARKS.—

"(1) IN GENERAL.—Each State receiving funds under this Act shall identify indicators and related levels of performance (hereinafter referred to as 'State benchmarks'), for each of the programs established under titles II, III, and V of this Act, to be used to measure the State's progress in meeting the State long-term goals described in the State plan under section 101. Such State benchmarks shall, at a minimum—

"(A) include the core indicators of performance described in section 154;

"(B) be expressed in an objective, quantifiable, and measurable form; and

"(C) show the progress of the State to continuously improve in performance over the 3-year period covered by the State plan.

"(2) CUSTOMER SATISFACTION.—Such State benchmarks may also include post-program surveys and other measures of customer satisfaction of both employers and program participants.

"(b) TECHNICAL DEFINITIONS OF CORE INDICATORS.—In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, in collaboration with the States, localities, representatives of business and industry, employees, employment and training service providers, State directors of adult education, providers of adult education and literacy services, individuals with expertise in serving the employment and training needs of disadvantaged youth, participants, parents and other interested parties with expertise in the provision of employment, training, literacy, and related services, shall promulgate definitions of each of the core indicators of performance described in section 154, with the exception of the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5) of such section, to be used under this Act in measuring performance.

"SEC. 153. STATE ADJUSTED BENCHMARKS.

"(a) AGREEMENT.—

"(1) IN GENERAL.—In order to ensure an adequate return on the investment of Federal funds in employment, training, and literacy programs authorized under this Act and the Adult Education and Family Literacy Act, the appropriate Secretary and each State shall reach agreement on the levels of performance expected to be achieved by such State based upon the State's benchmarks established pursuant to section 152(a)(1) (hereinafter referred to as the 'State adjusted benchmarks'), for the core indicators of performance described in section 154 (except for the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5) of such section). Such agreement shall take into account—

"(A) whether the levels will enable each State to attain the State goals;

"(B) how the levels compare with the levels established by other States, taking into consideration the specific circumstances, including economic circumstances, of each State;

"(C) how the levels compare with the model levels of performance identified pursuant to subsection (c); and

"(D) the extent to which such levels demonstrate continuous improvement in performance by such State and ensure an adequate return on the investment of Federal funds.

"(2) AUTHORITY OF GOVERNOR.—The Governor of a State is authorized to enter into the agreement described in paragraph (1) for programs authorized under titles II and III.

"(3) AUTHORITY OF ELIGIBLE STATE AGENCY.—The eligible State agency for adult education and literacy programs is authorized to enter into the agreement described in paragraph (1) for programs authorized under the Adult Education and Family Literacy Act.

"(b) LOCAL BENCHMARKS FOR EMPLOYMENT AND TRAINING PROGRAMS.—Based on the expected levels of performance established pursuant to subsection (a), each State shall negotiate with the local workforce development board and the chief local elected official in each local workforce development area (consistent with section 122(d)(6)(A)) the levels of performance for each indicator that are expected for such local workforce development areas. Such levels of performance shall be known as 'local benchmarks'.

"(c) MODEL LEVELS OF PERFORMANCE.—In order to encourage high levels of performance and advance the Nation's competitiveness, the Secretary of Labor and the Secretary of Education, in collaboration with the States, localities, and with representatives of business and industry, employees, employment and training service providers, State directors of adult education, providers of adult education and literacy services, individuals with expertise in serving the employment and training needs of disadvantaged youth, participants, parents and other interested parties with expertise in the provision of employment, training, literacy, and related services, shall identify challenging model levels of performance (hereinafter referred to as 'model levels of performance') with respect to the core indicators of performance described in section 154, with the exception of the indicators described under subsections (a)(6), (b)(1), (b)(5), (c)(1), and (c)(5).

"SEC. 154. CORE INDICATORS OF PERFORMANCE.

"(a) CORE INDICATORS FOR ADULT EMPLOYMENT AND TRAINING PROGRAMS.—The common core indicators of performance for programs authorized under title III of this Act shall include measures of—

"(1) placement in unsubsidized employment;

"(2) retention in unsubsidized employment for not less than 6 months and for not less than 12 months, respectively;

"(3) increases in earnings or in earnings in combination with employer-assisted benefits;

"(4) reductions in welfare dependency;

"(5) attainment of industry-recognized occupational skills;

"(6) attainment of a high school diploma or a general equivalency diploma; and

"(7) such other measures of performance as the State may wish to collect.

"(b) Core Indicators for Adult Education and Literacy Programs.—The core indicators of performance for programs conducted under the Adult Education and Family Literacy Act shall include measures of—

"(1) achievement in the areas of reading, writing, English language acquisition, problem solving, numeracy, and other literacy skills;

"(2) receipt of a high school diploma or a general equivalency diploma;

"(3) entry into a postsecondary school, job retraining program, employment, or career advancement;

"(4) attainment of the literacy skills and knowledge individuals need to be productive and responsible citizens and to become more actively involved in the education of their children; and

"(5) such other measures of performance as the State may wish to collect.

"(c) Core Indicators for Disadvantaged Youth.—The core indicators of performance for programs conducted under title II shall include measures of—

"(1) attainment of challenging State academic proficiencies;

"(2) attainment of secondary school diplomas or general equivalency diplomas;

"(3) attainment of industry-recognized work readiness and occupational skills;

"(4) placement in, retention in, and completion of postsecondary education or advanced training, or placement and retention in military service, employment, or qualified apprenticeships; and

"(5) such other measures of performance as the State may wish to collect.

"(d) Population Indicators.—

"(1) Adult employment and training programs.—The core indicators of performance for programs conducted under title III, as provided under subsection (a), shall include measures of the success of individuals with multiple barriers to employment, including economically disadvantaged individuals (including welfare recipients), displaced homemakers, older workers, and other individuals as determined by the State.

"(2) Adult education and literacy programs.—The core indicators of performance for programs conducted under the Adult Education and Family Literacy Act, as provided under subsections (a) and (b), shall include measures of the success of economically disadvantaged individuals, individuals with limited literacy (as determined by the eligible agency), and other individuals as determined by the eligible agency.

"(3) Disadvantaged youth programs.—The core indicators of performance for programs conducted under title II, as provided under subsection (c), shall include measures of the success of hard to serve youth, including individuals who are school dropouts or whose educational attainment is one or more grade levels below the grade level appropriate to the age of the individual, and other individuals as determined by the State.

"SEC. 155. REPORT ON PERFORMANCE.

"(a) Report.—

"(1) In general.—Each State that receives funds under titles II and III of this Act and the Adult Education and Family Literacy Act shall annually prepare and submit to the Secretary of Labor and the Secretary of Education (for consideration by the appropriate Secretary) a report on the levels of performance achieved by the State with respect to the State adjusted benchmarks identified pursuant to section 153(a), and by each local workforce development area with respect to the local benchmarks identified pursuant to section 153(b) for programs authorized under title II and title III for each program year.

"(2) Additional information.—In preparing such report, the State may include—

"(A) information on such additional benchmarks as the State may establish to meet the State goals; and

"(B) comments assessing the process used for reaching agreement on the State adjusted benchmarks pursuant to section 153(a) and may also include comments from local workforce development areas assessing the process for negotiating local benchmarks pursuant to section 153(b).

"(b) Information Dissemination.—The Secretary of Labor and the Secretary of Education—

"(1) shall make the information contained in such reports available to the general public through publication and other appropriate methods;

"(2) shall disseminate State-by-State comparisons of the information; and

"(3) shall provide the appropriate congressional committees with copies of such reports.

"SEC. 156. INCENTIVE GRANTS AND SANCTIONS.

"(a) Incentive Grants.—

"(1) Award of grants.—From amounts made available under section 452 and section 502 for any fiscal year, the appropriate Secretary may award incentive grants to States that—

"(A) exceed, during the most recent 12-month period for which data are available, the adjusted State benchmarks described under section 153(a);

"(B) demonstrate continuing progress toward exceeding, during the 3-year period covered by the State plan submitted under section 101, the adjusted State benchmarks described under section 153(a); or

"(C) demonstrate significant progress in the coordination and integration of employment, training, literacy, and other human resource and workforce preparation programs within the State, and demonstrate high performance in such programs.

"(2) Technical assistance.—The Secretary, upon request, shall provide technical assistance to any State that does not qualify for receipt of an incentive grant under paragraph (1).

"(3) Use of funds.—A State that receives an incentive grant under paragraph (1) may use funds made available under such grant only to carry out employment, training, or literacy activities.

"(b) Sanctions.—

"(1) States.—

"(A) Technical assistance.—If a State fails to meet expected levels of performance for a program for any program year as established pursuant to section 153(a), the Secretary of Labor for programs established under title II and title III, or the Secretary of Education for programs established under the Adult Education and Family Literacy Act, shall, upon request, provide technical assistance, including assistance in the development of a performance improvement plan.

"(B) Reduction in amount of grant.—If such failure continues for a second consecutive year, the appropriate Secretary may reduce by not more than 5 percent, the amount of the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. Such penalty shall be based on the degree of failure to meet adjusted levels of performance.

"(2) Local areas.—

"(A) Technical assistance.—If a local workforce development area, or other applicable local administrative entity, fails to meet expected levels of performance for a program for any program year under section 153(b), the Governor, or upon request by the Governor, the Secretary, shall provide technical assistance, which may include the development of a performance plan, or the development of a modified local plan.

"(B) Corrective actions.—

"(i) In general.—If such failure continues for a second consecutive year, the Governor shall take corrective actions, which may include development of a reorganization plan through which the Governor may require the appointment of a new local board (consistent with the criteria established under section 122(b)), prohibit the use of designated service providers, require the redesignation of a local administrative entity (in such case chosen jointly by the Governor and the chief elected official in the local workforce development area), or such other actions as the Governor determines are appropriate, consistent with State law, and the requirements of this subparagraph.

"(ii) Appeal by workforce development area.—

"(I) Appeal to governor.—A workforce development area that is subject to a reorganization plan under clause (i) may, not later than 30 days after receiving notice thereof, appeal to the Governor to rescind or revise such plan. In such case, the Governor shall make a final decision not later then 30 days after the receipt of the appeal.

"(II) Subsequent action.—A local workforce development area may, not later than 30 days after receiving a decision from the Governor pursuant to subclause (I), appeal such decision to the Secretary. In such case the Secretary shall make a final decision not later than 30 days after the receipt of the appeal.

"(iii) Effective date.—The actions taken by the Governor under subclause (I) shall become effective at the time the Governor issues a decision pursuant to such subclause. Such action shall remain effective unless the Secretary rescinds or revises such plan pursuant to subclause (II).".

CHAPTER 3—OTHER PROVISIONS

SEC. 141. PROMPT ALLOCATION OF FUNDS.

Section 162 of the Job Training Partnership Act (29 U.S.C. 1572) is amended—

(1) in the second sentence of subsection (a), by striking "1980 Census or later data" and inserting "the most recent satisfactory data from the Bureau of the Census"; and

(2) by striking subsection (f).

SEC. 142. FISCAL CONTROLS; SANCTIONS.

(a) Establishment of Fiscal Controls by States.—Section 164(a) of the Job Training Partnership Act (29 U.S.C. 1574(a)) is amended—

(1) in paragraph (2)—

(A) in the first sentence of the matter preceding subparagraph (A), before the period at the end insert the following: ", consistent with appropriate circulars of the Office of Management and Budget"; and

(B) in subparagraph (C), by striking "except as specifically provided by this Act" and inserting ", and procurement transactions between workforce development boards and such governments shall be conducted only on a cost-reimbursable basis";

(2) in paragraph (3)—

(A) by inserting before the second comma in the first sentence "consistent with appropriate circulars of the Office of Management and Budget"; and

(B) by striking the second sentence and all that follows:

(3) in paragraph (4), by striking "service delivery area and substate area" and inserting "workforce development area";

(4) in paragraph (5), by striking "service delivery area or substate area" and inserting "workforce development area";

(5) in paragraph (6)(B), by striking "substate areas and service delivery areas" and inserting "workforce development areas"; and

(6) by striking paragraph (8).

(b) Sanctions.—Section 164(b) of such Act (29 U.S.C. 1574(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "provision of" and inserting "requirement under"; and

(ii) by striking "or the regulations under this Act";

(B) in subparagraph (A), by inserting "local" before "plan"; and

(C) in subparagraph (B)—

(i) in clause (i), by striking "private industry council" and inserting "workforce development board";

(ii) in clause (iii), by striking "service delivery" and inserting "workforce development"; and

(iii) in clause (iv), by striking "service delivery" each place it appears and inserting "workforce development"; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "paragraph (1)(A)" and inserting "subparagraphs (A) and (B) of paragraph (1)"; and

(II) by striking "under the same terms and conditions as the disapproval of the plan"; and

(ii) in clause (i), by inserting "the" before "appeal"; and

(B) in subparagraph (B)—

(i) by striking "The actions" and all that follows through ", who" and inserting "The Secretary"; and

(ii) by striking "60" and inserting "45".

(c) Evaluation by Comptroller General of the United States.—Subsection (c) of section 164 of such Act (29 U.S.C. 1574(c)) is hereby repealed.

(d) Repayment of Misexpenditures to the United States.—Subsection (d) of section 164 of such Act (29 U.S.C. 1574(d)) is amended to read as follows:

"(d) Repayment of Certain Amounts to the United States.—

"(1) In general.—Every recipient of funds under titles II and III of this Act shall repay to the United States amounts found not to have been expended in accordance with this Act.

"(2) Offset of repayment.—If the Secretary determines that a State has expended funds made available under this Act in a manner contrary to the requirements of this Act, the Secretary may offset repayment of such expenditures against any other amount to which the State is or may be entitled, except as provided under subsection (e)(1).

"(3) Repayment from deduction by state.—If the Secretary requires a State to repay funds as a result of a determination that a local recipient or a subgrantee of such recipient in a local workforce development area of the State has expended funds contrary to the requirements of this Act, the Governor of the State may use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e)(1).

"(4) Deduction by state.—The Governor may deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year allocations to the local workforce development area from funds reserved for the administrative costs of such local programs under title II or title III, as appropriate.

"(5) Limitations.—A deduction made by a State as described under paragraph (4) shall not be made until such time as the Governor has taken appropriate corrective action to ensure full compliance within such local workforce development area with regard to appropriate expenditures of funds under this Act.".

(e) Repayment of Certain Amounts to the United States.—Subsection (e) of section 164 of such Act (29 U.S.C. 1574(e)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by inserting "by the Secretary" after "upon a determination";

(ii) by striking "or failure" and inserting "failure"; and

(iii) by inserting before the period at the end the following: ", or a pattern of failure with respect to paragraphs (2) and (3) of subsection (d)"; and

(B) in the second sentence—

(i) by inserting "under this subsection or subsection (d)" after "shall be made"; and

(ii) by inserting before the period at the end the following: "has been given to the recipient"; and

(2) in paragraph (3), by striking the second sentence.

(f) Remedies Construed as Exclusive Remedies.—Subsection (h) of section 164 of such Act (29 U.S.C. 1574(h)) is hereby repealed.

SEC. 143. REPORTS; RECORDKEEPING; INVESTIGATIONS.

Section 165 of the Job Training Partnership Act (29 U.S.C. 1575) is amended—

(1) in subsection (d)(1)(C)—

(A) by striking the comma after "occupations"; and

(B) by striking the semicolon at the end and inserting "and placement for participants in nontraditional employment;"; and

(2) by striking subsection (h).

SEC. 144. ADMINISTRATIVE ADJUDICATION.

Section 166(a) of the Job Training Partnership Act (29 U.S.C. 1576(a)) is amended by striking the last sentence.

SEC. 145. NONDISCRIMINATION.

Section 167 of the Job Training Partnership Act (29 U.S.C. 1577) is amended to read as follows:

"SEC. 167. NONDISCRIMINATION.

"(a) In General.—

"(1) Federal financial assistance.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

"(2) Nondiscrimination.—No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program or activity because of race, color, religion, sex, national origin, age, political affiliation or belief, or status as a qualified individual with a disability or as a participant of such program or activity.

"(b) Secretarial Authority.—Whenever the Secretary finds that a State or other recipient has failed to comply with a provision of this section, or with an applicable regulation prescribed to carry out this section, the Secretary shall notify such State or recipient and seek compliance through the processes of conciliation, mediation or persuasion, as appropriate. If within a reasonable time the State or recipient fails or refuses to comply, the Secretary may—

"(1) refer the matter to the Attorney General with a recommendation for appropriate action; or

"(2) take such other action as may be provided by law.

"(c) Authority of Attorney General.—When a matter is referred to the Attorney General pursuant to subsection (b)(1), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

"(d) Job Corps.—For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

"(e) Regulations.—The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.".

SEC. 146. JUDICIAL REVIEW.

Section 168 of the Job Training Partnership Act (29 U.S.C. 1578) is hereby repealed.

SEC. 147. ADMINISTRATIVE PROVISIONS.

Section 169 of the Job Training Partnership Act (29 U.S.C. 1579) is amended—

(1) in the first sentence of subsection (a), by striking "such rules and regulations" and all that follows and inserting "rules and regulations only to the extent necessary to administer and ensure compliance with the specific requirements of this Act."; and

(2) by striking subsection (e) and inserting the following:

"(e) Waivers.—

"(1) In general.—Notwithstanding any other provision of law, the Secretary of Labor may waive—

"(A) any of the statutory or regulatory requirements of this title and titles II and III of this Act (except for requirements relating to wage and labor standards, worker rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of workforce development areas and workforce development boards, and the basic purposes of the Act); and

"(B) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) (except for requirements relating to the provision of services to unemployment insurance claimants and veterans and to universal access to basic labor exchange services without cost to job seekers), pursuant to a request submitted by a State which meets the requirements of paragraph (2).

"(2) REQUESTS.—A State requesting a waiver under paragraph (1) shall submit a plan to the Secretary to improve the workforce development system which—

"(A) identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local workforce development areas intend to achieve;

"(B) describes the actions that the State or local workforce development areas have undertaken to remove State or local statutory or regulatory barriers;

"(C) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;

(D) describes the individuals impacted by the waiver; and

(E) describes the process used to monitor the progress in implementing a waiver, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 122(e)(2) of this Act, if and only to the extent that the Secretary determines that such requirements impede the ability of the State to implement such plan to improve the workforce development system and the State has executed a memorandum of understanding with the Secretary requiring such State to meet agreed-upon outcomes and implement other appropriate measures to ensure accountability.".

SEC. 148. PRESIDENTIAL AWARDS FOR OUTSTANDING PRIVATE SECTOR INVOLVEMENT IN JOB TRAINING PROGRAMS.

Section 172 of the Job Training Partnership Act (29 U.S.C. 1582) is hereby repealed.

SEC. 149. CONSTRUCTION.

Section 173 of the Job Training Partnership Act (29 U.S.C. 1583) is hereby repealed.

SEC. 150. LIMITATION ON CERTAIN COSTS.

Part D of title I of the Job Training Partnership Act (29 U.S.C. 1571 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 172. LIMITATION ON CERTAIN COSTS.

"(a) ADMINISTRATIVE COSTS.—

"(1) IN GENERAL.—The Secretary, after consultation with the Inspector General of the Department of Labor and the Comptroller General of the United States, shall develop regulations that define 'administrative costs' for purposes of programs under titles II and III. Such definition shall reflect generally accepted accounting principles.

"(2) ADDITIONAL REQUIREMENT.—Notwithstanding any other provision of law, regulations issued by the Secretary under paragraph (1) shall provide procedures under which the Governor may approve a plan for the pooling of administrative funds, which are available in accordance with the limitation in subsection (b)(1), if the Governor determines that such plan would not jeopardize the administration of the activities from which such funds are to be transferred.

"(b) LIMITATION.—

"(1) IN GENERAL.—Of the amounts allocated to local workforce development areas for a program year under titles II and III, not more than 10 percent of such amounts may be expended for administrative costs.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'allocated' means allocated for a program year, as adjusted for reallocations and reallotments and for transfers of funds in accordance with this Act.".

Subtitle D—Miscellaneous Provisions

SEC. 161. CRIMINAL PROVISIONS.

(a) IN GENERAL.—Section 182 of the Job Training Partnership Act is hereby repealed.

(b) SAVINGS PROVISION.—The repeal of section 182 of such Act made by subsection (a) does not affect in any way the amendment made by such section 182.

SEC. 162. REFERENCE.

Section 183 of the Job Training Partnership Act (29 U.S.C. 1592) is amended to read as follows:

"SEC. 183. REFERENCE.

"Effective on the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997, all references in any other provision of law (other than section 665 of title 18, United States Code) to the Comprehensive Employment and Training Act, or to the Job Training Partnership Act, as the case may be, shall be deemed to refer to Employment, Training, and Literacy Enhancement Act.".

SEC. 163. REPEALERS.

(a) IN GENERAL.—Section 184 of the Job Training Partnership Act (29 U.S.C. 801 et seq.) is hereby repealed.

(b) SAVINGS PROVISION.—The repeal of section 184 of such Act made by subsection (a) does not affect in any way the repealers made by such section 184.

TITLE II—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR DISADVANTAGED YOUTH

SEC. 201. ADULT TRAINING PROGRAM.

Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) is amended by striking part A of such title.

SEC. 202. SUMMER YOUTH EMPLOYMENT AND TRAINING PROGRAM.

Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.) is amended by striking part B of such title.

SEC. 203. DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS.

(a) AUTHORIZATION.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) in the heading to read as follows:

"TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS";

(2) by striking the heading for part C of such title;

(3) by redesignating section 261 as section 201; and

(4) by inserting after section 201 (as redesignated) the following:

"SEC. 202. AUTHORIZATION.

"(a) IN GENERAL.—In the case of each State that in accordance with the requirements of sections 101 and 102 submits to the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') a State plan, the Secretary shall provide a grant to the State for the purpose of providing employment, job training, educational, and related assistance for disadvantaged youth in the State.

"(b) AMOUNT.—The grant shall consist of the allotment determined for the State under section 203.".

(b) ALLOTMENT AND ALLOCATION AMONG STATES.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 262 as section 203; and

(2) in section 203 (as redesignated)—

(A) in the heading to read as follows:

"SEC. 203. ALLOTMENT AND ALLOCATION AMONG STATES.";

(B) by striking subsections (b) and (c);

(C) by redesignating subsections (a) and (d) as subsections (b) and (c), respectively;

(D) by inserting before subsection (b) (as redesignated) the following:

"(a) IN GENERAL.—Of the amount appropriated pursuant to section 3(a)(1) to carry out this title for a fiscal year, the Secretary shall allot such amount in accordance with subsection (b).";

(E) in subsection (b) (as redesignated)—

(i) in the heading to read as follows:

"(b) ALLOTMENT AMONG STATES.—";

(ii) in paragraph (1) to read as follows:

"(1) OUTLYING AREAS.—

"(A) IN GENERAL.—From the amount appropriated for any fiscal year to carry out this title, the Secretary shall reserve not more than one quarter of one percent to provide assistance to—

"(i) the outlying areas; and

"(ii) for each of the fiscal years 1998 through 2001, to carry out the competition described in subparagraph (B), except that the amount reserved to carry out such subparagraph for any such fiscal year shall not exceed the amount reserved for the freely associated states for fiscal year 1997, from amounts reserved under section 262(a)(1) of the Job Training Partnership Act (29 U.S.C. 1642(a)(1)) (as such section was in effect on the day before the date of the enactment of Employment, Training, and Literacy Enhancement Act of 1997).

"(B) LIMITATION FOR FREELY ASSOCIATED STATES.—

"(i) COMPETITIVE GRANTS.—The Secretary shall use funds described in subparagraph (A)(ii) to award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states to carry out the purposes of this title.

"(ii) AWARD BASIS.—The Secretary shall award grants pursuant to clause (i) on a competitive basis and pursuant to the recommendations of experts in the field of employment and training, working through the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(iii) ASSISTANCE REQUIREMENTS.—Any freely associated state that desires to receive amounts under this title shall include in its application for assistance—

"(I) information demonstrating that it will meet all conditions that apply to States under this title;

"(II) an assurance that, notwithstanding any other provision of this title, it will use such amounts only for the direct provision of services; and

"(III) such other information and assurances as the Secretary may require.

"(iv) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated states shall not receive any funds under this title for any program year that begins after September 30, 2001.

"(v) ADMINISTRATIVE COSTS.—The Secretary may provide not more than 5 percent of the amount made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory in Honolulu, Hawaii, regarding activities assisted under this section.

"(C) ADDITIONAL REQUIREMENT.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to those areas or to the freely associated states under this section.

"(D) DEFINITION.—For purposes of this paragraph, the term 'freely associated states' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau."; and

(III) in paragraph (2)—

(I) by inserting after the heading the following:

"(A) In General.—";

(II) by striking "82 percent of the remainder" and all that follows and inserting the following: "the remaining amount to the States pursuant to the formula contained in subparagraph (B)."; and

(III) by adding at the end the following:

"(B) Formula.—Subject to the provisions of subparagraphs (C) and (D) of the amounts allotted to States for this title for each fiscal year—

"(i) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all States;

"(ii) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all States; and

"(iii) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged youth within each State as compared to the total number of economically disadvantaged youth in all States.

"(C) Minimum Allotment.—

"(i) Minimum Percentage.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(ii) Maximum Percentage.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(D) Small State Minimum Allotment.—No State shall receive less than one-quarter of one percent of the amount available under this title for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States."; and

(F) in subsection (c)(1)(A) (as redesignated)—

(i) in the heading, by striking "Economically Disadvantaged" and inserting "Disadvantaged"; and

(ii) in the matter preceding clause (i), by striking "economically".

(c) Allocation Within States.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by inserting after section 203 the following:

"SEC. 204. ALLOCATION WITHIN STATES.

"(a) Reservation for State Activities.—

"(1) In General.—

"(A) Reservation.—The Governor of the State shall reserve not more than 25 percent of the amount allotted to the State under section 203(b) for a fiscal year to carry out the activities described in this subsection.

"(B) Matching Funds for Out-of-School Youth Programs.—Of the amount reserved under subparagraph (A), the Governor shall reserve not less than 10 percent of the total amount alloted to the State under section 203(b) for any fiscal year to award grants in accordance with this title to programs for disadvantaged youth that—

"(i) serve only out-of-school youth; and

"(ii) agree to provide matching funds from sources other than those received under this subparagraph for such services in an amount equal to the Federal funds received under this subparagraph.

"(2) Required Activities.—Activities described in paragraph (1)(A) shall include the provision of additional assistance to areas that have high concentrations of disadvantaged youth to carry out the activities described in section 206.

"(3) Discretionary Activities.—Activities described in paragraph (1)(A) may include—

"(A) subject to paragraph (4), administration by the State of programs under this title;

"(B) capacity building and technical assistance to local workforce development areas and to providers of disadvantaged youth services as authorized under this title, including the development and training of staff, members of local workforce development boards, and employers and workplace mentors providing training through programs authorized under this title;

"(C) incentives for program coordination and integration, performance awards, and research and demonstrations;

"(D) implementation of innovative disadvantaged youth employment and training programs, pilot projects, and demonstration projects which further the purposes of this title; and

"(E) support for a common management information system across employment, training, literacy, and human resource programs as identified in section 103.

"(4) Limitation.—Of the amount reserved by the Governor under paragraph (1)(A), not more than 5 percent of the total amount allotted to the State under section 203(b) may be used for administration by the State of programs under this title.

"(b) Within State Allocation.—

"(1) In General.—The Governor of the State shall allocate the remainder of the amount allotted to the State under section 203(b) to workforce development areas designated under section 121, in accordance with paragraphs (2) and (3), for the purpose of providing services for disadvantaged youth in accordance with section 206.

"(2) Allocation by Formula.—

"(A) In General.—Each State shall allocate not less than 70 percent of the remainder of funds described in paragraph (1) to workforce development areas within the State pursuant to the formula contained in subparagraph (B) for the provision of services for disadvantaged youth in accordance with section 206.

"(B) Formula.—Of the amounts described in subparagraph (A)—

"(i) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(ii) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who reside in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(iii) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged youth in each workforce development area as compared to the total number of disadvantaged youth in all workforce development areas in the State.

"(3) Discretionary Allocation.—The State, through the collaborative process under section 102, is authorized to allocate not more than 30 percent of the remainder of funds described in paragraph (1) to workforce development areas for the provision of services for disadvantaged youth in accordance with section 206. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).".

(d) Eligibility for Services.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 263 as section 205; and

(2) in section 205 (as redesignated)—

(A) in subsection (a)—

(i) in the heading to read as follows:

"(a) In General.—";

(ii) in the matter preceding paragraph (1)—

(I) by striking "subsections (e) and (g)" and inserting "subsection (c)";

(II) by striking "who is in school"; and

(III) by striking "part" and inserting "title"; and

(iii) in paragraph (1)(B) to read as follows:

"(B) if provided in the local plan developed pursuant to section 122(d)(1), is age 14 through 24; and";

(B) in subsection (b)—

(i) by amending the heading to read as follows:

"(b) Priority for Service.—";

(ii) by redesignating paragraphs (1) through (7) as subparagraphs (B) through (H), respectively, and moving the margin for each such subparagraph two ems to the right;

(iii) by inserting before subparagraph (B) (as redesignated) the following:

"(A) Individuals who are school dropouts.";

(iv) in subparagraph (H) (as redesignated) to read as follows:

"(H) Other disadvantaged youth who face serious barriers to employment as identified by the local workforce development area."; and

(v) by amending the matter preceding subparagraph (A) (as added by clause (iii)) to read as follows:

"(1) Priority.—Of the disadvantaged youth described in subsection (a), priority for service shall be given to school dropouts and to other hard-to-serve youth.

"(2) Definition.—For the purposes of this title, the term 'hard-to-serve youth' includes—";

(C) by striking subsections (c), (d), (f), (g), and (h);

(D) by redesignating subsection (e) as subsection (c); and

(E) in subsection (c) (as redesignated)—

(i) by striking "subsection (a)(2) or (c)(2)" and inserting "subsection (a)"; and

(ii) by striking "of individuals who face" and all that follows and inserting "described in subparagraphs (A) through (G) of subsection (b)(2).".

"(e) Use of Funds.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 264 as section 206; and

(2) in section 206 (as redesignated)—

(A) by striking subsection (a);

(B) by redesignating subsections (b), (c), and (d) as subsections, (a), (b), and (c), respectively;

(C) in subsection (a) (as redesignated)—

(i) in the heading to read as follows:

"(a) Program Design.—";

(ii) in paragraph (1)—

(I) in the heading to read as follows:

"(1) Essential Elements.—";

(II) in the matter preceding subparagraph (A)—

(aa) by striking "part" and inserting "title"; and (bb) by striking "include";

(III) in subparagraph (A)—

(aa) by inserting "provide" after "(A)";

(bb) by striking "skill levels and service needs" and inserting "academic levels, skill levels, and service needs"; and

(cc) by striking "and supportive service needs" and inserting "supportive service needs, and developmental needs of such participants";

(IV) in subparagraph (B)—

(aa) by striking "development of" and inserting "develop"; and

(bb) by inserting "for each participant" after "service strategies"; and

(V) by amending subparagraphs (C) and (D) to read as follows:

"(C) integrate academic, occupational, and work-based learning opportunities;

"(D) provide comprehensive guidance and counseling;

"(E) provide postsecondary educational or training opportunities, where appropriate;

"(F) involve employers and parents in the design and implementation of programs;

"(G) provide adult mentoring; and

"(H) provide summer employment opportunities that are directly linked to academic and occupational learning.";

(iii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in the matter preceding clause (i), by striking "service delivery" and inserting "workforce development"; and

(bb) in clause (i), by striking "service delivery" and inserting "workforce development"; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking "(i) Service Providers.—"; and

(bb) by striking clause (ii);

(D) in subsection (b) (as redesignated)—

(i) in the matter preceding paragraph (1), by striking "part" and inserting "title";

(ii) in paragraph (1)—

(I) in subparagraph (A), by striking "section 204(b)(1)" and inserting "section 314(c)(4)";

(II) in subparagraph (C), by striking "section 141(o)(1)" and inserting "section 141(11)(A)";

(III) in subparagraph (G) by striking "in public agencies, nonprofit agencies, and other appropriate agencies, institutions, and organizations";

(IV) by amending subparagraph (H) to read as follows:

"(H) such other training and transition services that assist disadvantaged youth in making the transition to employment or to postsecondary education or training, as determined appropriate by the local workforce development area; and";

(V) by amending subparagraph (I) to read as follows:

"(I) summer employment opportunities that are directly linked to academic and occupational learning."; and

(VI) by striking subparagraphs (J) through (L); and

(iii) in paragraph (2)—

(I) in subparagraph (A) to read as follows:

"(A) assessment, outreach, staff development, job development, and job search assistance activities;";

(II) in subparagraph (C), by striking "and" at the end;

(III) in subparagraph (D)—

(aa) by striking "cash"; and

(bb) by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(E) peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours.";

(E) in subsection (e) (as redesignated)—

(i) in paragraph (1)—

(I) by striking "service delivery" and inserting "workforce development";

(II) by striking "private industry council" and inserting "local board"; and

(III) by striking "section 453(c)" and inserting "part D of title IV";

(ii) in clauses (i) through (iii) of paragraph (2)(B), by striking "service delivery" each place it occurs and inserting "workforce development";

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in the heading to read as follows:

"(A) Work-related activities.—";

(bb) in the first sentence, by inserting after "work maturity skills training" the following: ", summer employment, job search assistance, job club activities, and other work-related activities";

(cc) in the first sentence, by striking "part" and inserting "title";

(dd) in the first sentence, by striking "by either work experience or other additional services" and inserting "by occupational and academic learning opportunities";

(ee) in the first sentence, by striking "basic education or occupational skills" and inserting "basic education and occupational skills"; and

(ff) in the second sentence, by striking ", including the Job Corps";

(II) by striking subparagraph (B);

(III) by redesignating subparagraph (C) as subparagraph (B); and

(IV) in subparagraph (B) (as redesignated)—

(aa) by striking clause (i);

(bb) by redesignating clause (ii) as clause (i);

(cc) in clause (i) (as redesignated), by striking "part" and inserting "title"; and

(dd) by redesignating clause (iii) as clause (ii);

(iv) in paragraph (5)—

(I) in the heading, by striking "Counseling" and inserting "Follow-up, counseling";

(II) by striking "part" and inserting "title"; and

(III) by striking "for a period of up to 1 year";

(v) by striking paragraph (6);

(vi) in paragraph (7), by striking "service delivery" and inserting "workforce development" and

(vii) by redesignating paragraph (7) and paragraph (6).

(f) Selection of Service Providers.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by adding after section 206 (as redesignated), the following:

"SEC. 207. SELECTION OF SERVICE PROVIDERS.

"From funds made available under section 204(b) to a local workforce development area, the local board for such local area shall award grants, on a competitive basis, to eligible providers to carry out the disadvantaged youth programs described in section 206.".

(g) Education Linkages.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 265 as section 208; and

(2) in section 208 (as redesignated)—

(A) in subsection (a), by striking "service delivery" and inserting "workforce development";

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "service delivery" and inserting "workforce development"; and

(ii) in paragraph (6) to read as follows:

"(6) title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;";

(C) in subsection (c)—

(i) in the first sentence, by striking "service delivery" and inserting "workforce development"; and

(ii) in the second sentence, by striking ", including programs conducted under part A"; and

(D) by striking subsection (d).

(h) Transfer of Funds.—Title II of the Job Training Partnership Act (29 U.S.C. 1601 et seq.), as amended by this Act, is further amended by striking section 266.

TITLE III—AMENDMENTS TO EMPLOYMENT AND TRAINING PROGRAMS FOR ADULTS

SEC. 301. ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS.

Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended to read as follows:

"TITLE III—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"SEC. 301. PURPOSE.

"The purpose of this title is to establish a high-quality, efficient system of employment, job training, and related assistance that—

"(1) provides individuals with choice in the selection of employment and training options that will facilitate the transition of such individuals into productive, high skills, private sector jobs;

"(2) provides quality training of such individuals for the 21st century; and

"(3) drives resources and authority to States and local communities for the design of job training programs.

"PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"SEC. 311. AUTHORIZATION.

"(a) In General.—In the case of each State that in accordance with the requirements of sections 101 and 102 submits to the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') a State plan, the Secretary shall provide funds to the State for the purpose of providing employment, job training, and related assistance for adults and dislocated workers in the State, in accordance with this title.

"(b) Amount.—The funds described in subsection (a) shall consist of the allotments determined for the State under section 312.

"SEC. 312. ALLOTMENT AMONG STATES.

"(a) In General.—Of the amount appropriated pursuant to section 3(a)(2) to carry out this title for a fiscal year, the Secretary—

"(1) shall allot the total amount appropriated pursuant to section 3(a)(2)(A) in accordance with subsection (b)(1); and

"(2)(A) shall allot 80 percent of the amount appropriated pursuant to section 3(a)(2)(B) in accordance with the subsection (b)(2); and

"(B) shall reserve the remainder of the amount appropriated pursuant to section 3(a)(2)(B) for use under part B.

"(b) Allotment Among States.—

"(1) Adult employment and training.—

"(A) Reservation for outlying areas.—

"(i) In general.—Of the amount allotted under subsection (a)(1), the Secretary shall allot not more than one quarter of one percent among the outlying areas.

"(ii) Applicability of additional requirements.—Of the amount allotted under clause (i), the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states in accordance with the requirements of section 203(b)(1).

"(B) STATES.—

"(i) IN GENERAL.—After determining the amount to be allotted under subparagraph (A), the Secretary shall allot the remaining amount to the States pursuant to the formula contained in clause (ii).

"(ii) FORMULA.—Subject to the provisions of clause (iii), of the amounts allotted to States for adult employment and training under this title for each fiscal year—

"(I) 33⅓ percent shall be allotted on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment within each State as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in all States;

"(II) 33⅓ percent shall be allotted on the basis on the relative excess number of unemployed individuals within each State as compared to the total excess number of unemployed individuals in all States; and

"(III) 33⅓ percent shall be allotted on the basis of the relative number of economically disadvantaged adults within each State as compared to the total number of economically disadvantaged adults in all States.

"(iii) MINIMUM ALLOTMENT.—

"(I) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(II) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this subparagraph for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

"(2) DISLOCATED WORKERS.—

"(A) RESERVATION FOR OUTLYING AREAS.—

"(i) IN GENERAL.—Of the amount allotted under subsection (a)(2)(A), the Secretary shall allot not more than one quarter of one percent among the outlying areas.

"(ii) APPLICABILITY OF ADDITIONAL REQUIREMENTS.—Of the amount allotted under clause (i), the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the freely associated states in accordance with the requirements of section 203(b)(1).

"(B) STATES.—

"(i) IN GENERAL.—After determining the amount to be allotted under subparagraph (A), the Secretary shall allot the remaining amount to the States pursuant to the formula contained in clause (ii).

"(ii) FORMULA.—Subject to the provisions of clause (iii), of the amounts allotted to States for dislocated worker employment and training under this title for each fiscal year—

"(I) 33⅓ percent shall be allotted among the States on the basis of the relative number of unemployed individuals who reside in each State as compared to the total number of unemployed individuals in all the States;

"(II) 33⅓ percent shall be allotted among the States on the basis of the relative excess number of unemployed individuals who reside in each State as compared to the total excess number of unemployed individuals in all the States (for purposes of this subclause, the term 'excess number' means the number which represents unemployed individuals in excess of 4.5 percent of the civilian labor force in the State); and

"(III) 33⅓ percent shall be allotted among the States on the basis of the relative number of individuals who have been unemployed for 15 weeks or more and who reside in each State as compared to the total number of such individuals in all the States.

"(iii) MINIMUM ALLOTMENT.—

"(I) MINIMUM PERCENTAGE.—No State shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(II) MAXIMUM PERCENTAGE.—No State shall be allotted more than 130 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made.

"(iv) SMALL STATE MINIMUM ALLOTMENT.—No State shall receive less than one-quarter of one percent of the amount available under this subparagraph for a fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

"SEC. 313. ALLOCATION WITHIN STATES.

"(a) RESERVATIONS FOR STATE ACTIVITIES.—

"(1) ADULT EMPLOYMENT AND TRAINING.—

"(A) IN GENERAL.—The Governor of the State shall reserve not more than 15 percent of the total amount allotted to the State under section 312(b)(1) for a fiscal year for statewide activities for employment, job training, and related assistance for adults.

"(B) ALLOWABLE ACTIVITIES.—Such activities may include—

"(i) subject to subparagraph (C), administration by the State of programs under this title;

"(ii) capacity building and technical assistance to local workforce development areas, full service employment and training delivery systems, and service providers including the development and training of staff and the development of exemplary program activities;

"(iii) incentives for program coordination and integration, performance awards, and research and demonstrations;

"(iv) implementation of innovative incumbent worker training programs, which may include the establishment and implementation of an employer loan program to assist in skills upgrading, and the establishment and implementation of programs targeted to empowerment zones;

"(v) implementation of experimentation, model activities, pilot projects, demonstration projects, and the provision of employment and training services which further the goals and purposes of this Act;

"(vi) additional assistance for the development and implementation of the full service employment and training delivery system established in accordance with section 123;

"(vii) support for a common management information system across employment, training, literacy, and human resource programs as identified in section 103;

"(viii) support for the identification of eligible training providers as required under section 124; and

"(ix) implementation of innovative programs for displaced homemakers and programs to increase the number of individuals training and placed in nontraditional employment.

"(C) LIMITATION.—Of the amount reserved by the Governor under subparagraph (A) not more than 5 percent of the total amount allotted to the State under section 312(b)(1) for a fiscal year may be used for administration by the State of programs under this part.

"(2) DISLOCATED WORKERS EMPLOYMENT AND TRAINING.—

"(A) IN GENERAL.—The Governor of the State shall reserve not more than 30 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year for statewide activities for employment, job training, and related assistance for dislocated workers.

"(B) REQUIRED ACTIVITIES.—Such activities shall include—

"(i) rapid response activities carried out by a designated State dislocated worker unit, working in conjunction with the local workforce development board and the chief elected official in an affected local workforce development area; and

"(ii) additional assistance to areas that experience disasters, mass layoffs or plant closings, or other events that precipitate substantial increases in the number of unemployed workers, working in conjunction with the local workforce development board and the chief elected official in affected local workforce development areas.

"(C) DISCRETIONARY ACTIVITIES.—Such activities may include those activities described in paragraph (1)(B).

"(B) LIMITATION.—Of the amount reserved by the Governor under subparagraph (A) not more than 10 percent of the total amount allotted to the State under section 312(b)(2) for a fiscal year may be used for activities described in paragraph (1)(B) and of that amount not more than 5 percent of the total amount allotted to the State under section 312(b)92) for a fiscal year may be used for administration by the State of programs under this part.

"(b) WITHIN STATE ALLOCATION.—

"(1) ALLOCATION.—

"(A) IN GENERAL.—The Governor of the State shall allocate the remainder of the amounts allotted to the State under section 312 to workforce development areas designated under section 121 for the purpose of providing a single system of employment and training services for adults and dislocated workers in accordance with section 314.

"(B) ADDITIONAL REQUIREMENTS.—(i) Funds allocated under paragraph (2)(B), shall be used by a local workforce development area to contribute proportionately to the costs of the local full service employment and training delivery system, and to pay for services provided to adults, in the local area, consistent with section 314.

"(ii) Funds allocated under paragraph (2)(C), shall be used by a local workforce development area to contribute proportionately to the costs of the local full service employment and training delivery system, and to pay for services provided to dislocated workers, in the local area, consistent with section 314.

"(2) METHODS.—

"(A) IN GENERAL.—The Governor, through the collaborative process under section 102, and other consultation with local chief elected officials in the local workforce development areas, shall allocate the remainder of funds described in subsection (a)(1)(A) for adult employment and training in accordance with subparagraph (B), and the funds described in subsection (a)(2)(A) for dislocated workers in accordance with subparagraph (C).

"(B) ADULT EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) ADULT EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of adult employment and training services in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployment individuals residing in areas of substantial unemployment in each workforce development area as compared to total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who resident in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of economically disadvantaged adults in each workforce development area as compared to the total number of disadvantaged adults in all workforce development areas in the State.

"(iii) ADULT EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(1)(A) to workforce development areas for the provision of adult employment and training services in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

"(C) DISLOCATED WORKER EMPLOYMENT AND TRAINING ALLOCATIONS.—

"(i) DISLOCATED WORKER EMPLOYMENT AND TRAINING FORMULA ALLOCATIONS.—Each State shall allocate not less than 70 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas within the State pursuant to the formula contained in clause (ii) for the provision of employment and training services to dislocated workers in accordance with section 314.

"(ii) FORMULA.—Of the amounts described in clause (i)—

"(I) 33⅓ percent shall be allocated on the basis of the relative number of unemployed individuals residing in areas of substantial unemployment in each workforce development area as compared to the total number of such unemployed individuals in all such areas of substantial unemployment in the State;

"(II) 33⅓ percent shall be allocated on the basis of the relative excess number of unemployed individuals who resident in each workforce development area as compared to the total excess number of unemployed individuals in all workforce development areas in the State; and

"(III) 33⅓ percent shall be allocated on the basis of the relative number of individuals who have been unemployed for 15 weeks or more within each workforce development area of the State as compared to the total number of such individuals in all workforce development areas in the State.

"(iii) DISLOCATED WORKER EMPLOYMENT AND TRAINING DISCRETIONARY ALLOCATION.—The State, through the collaborative process, is authorized to allocate not more than 30 percent of the remainder of funds described in subsection (a)(2)(A) to workforce development areas for the provision employment and training services to dislocated workers in accordance with section 314. Such funds shall be allocated to urban, rural, and suburban areas throughout the State and shall be allocated promptly in accordance with section 162(e).

"(3) TRANSFER AUTHORITY.—A local workforce development area is authorized to transfer up to 20 percent of the funds received under this subsection between adult employment and training and dislocated worker allocations if such transfer is approved by the Governor.

"SEC. 314. USE OF AMOUNTS.

"(a) CORE SERVICES.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide core services described in section 123(d) to adults and dislocated workers, respectively, through a full service employment and training delivery system in accordance with such section.

"(b) INTENSIVE SERVICES.—

"(1) IN GENERAL.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide intensive services to adults and dislocated workers, respectively—

"(A)(i) who are unable to obtain employment through core services under subsection (a); and

"(ii) who have been determined to be in need of more intensive services in order to gain employment; or

"(B)(i) who are employed but are economically disadvantaged despite such employment; and

"(ii) who are determined to be in need of such intensive services in order to gain employment that allows for self-sufficiency.

"(2) DELIVERY OF SERVICES.—Such intensive services shall be provided—

"(A) directly through full service eligible providers identified pursuant to section 123(c); or

"(B) through contracts through full service employment and training delivery systems with service providers approved by the local workforce development board, which may include private, for-profit providers.

"(3) TYPES OF SERVICES.—Such intensive services may include the following:

"(A) Comprehensive and specialized assessments of the skill levels and service needs of adults, which may include—

"(i) diagnostic testing and other assessment tools; and

"(ii) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

"(B) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve the employment goal.

"(C) Group counseling.

"(D) Individual counseling and career planning.

"(E) Case management for participants receiving training services under subsection (c).

"(F) Follow-up services for participants placed in training or employment, for up to 1 year, to assist in retention or advancement in employment.

"(c) TRAINING SERVICES.—

"(1) IN GENERAL.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) shall be used to provide training services to adults and dislocated workers, respectively—

"(A) who are unable to obtain employment through core services under subsection (a);

"(B) who are in need of training services in order to gain employment as a result of determinations made through—

"(i) initial assessments under subsection (a); or

"(ii) comprehensive and specialized assessments under subsection (b)(3)(A); or

"(C)(i) who are employed but are economically disadvantaged despite such employment; and

"(ii) who are determined to be in need of such training services in order to gain employment that allows for self-sufficiency.

"(2) PARTICIPANT QUALIFICATION.—

"(A) REQUIREMENTS.—Except as provided in subparagraph (B), provision of such training services shall be limited to participants who—

"(i) are unable to obtain other grant assistance for such services, including Federal Pell Grants established under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

"(ii) require assistance beyond the assistance made available under other grant assistance programs, including Federal Pell Grants.

"(B) REIMBURSEMENTS.—Training services may be provided under this subsection to an individual who otherwise meets the requirements of this subsection while an application for a Federal Pell Grant or other grant assistance is pending, except that if such individual is subsequently awarded a Federal Pell Grant or other grant assistance, appropriate reimbursement shall be made to the local workforce development area from such Federal Pell Grant or other grant assistance.

"(3) PROVIDER QUALIFICATION.—Such training services shall be provided through training providers identified under in accordance with section 124.

"(4) TYPES OF SERVICES.—Such training services may include the following:

"(A) Basic skills training, including remedial education, literacy training, and English literacy program instruction.

"(B) Occupational skills training, including training for nontraditional employment.

"(C) On-the-job training.

"(D) Programs that combine workplace training with related instruction, which may include cooperative education programs.

"(E) Training programs operated by the private sector.

"(F) Skill upgrading and retraining.

"(G) Entrepreneurial training.

"(H) Employability training to enhance basic workplace competencies.

"(I) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

"(5) INDIVIDUAL CHOICE REQUIREMENTS.—

"(A) IN GENERAL.—All training services under this section shall be provided through service delivery methods that, to the extent practicable, maximize consumer choice in the selection of eligible providers of training services.

"(B) INFORMATION ON ELIGIBLE PROVIDERS.—Each local workforce development board, through the full service employment and training delivery system, shall make available—

"(i) the list of eligible providers of training services required under section 124, with a description of the training courses available from such providers and a list of the names of on-the-job training providers; and

"(ii) the performance information described in section 124 relating to such providers.

"(C) PURCHASE OF SERVICES.—An individual eligible for training services under this section may select an eligible provider of training services from the list of providers described in subparagraph (B)(i). Upon such selection, the full service eligible provider shall, to the extent practicable, refer such individual to the selected eligible provider of training services and arrange for payment for such services.

"(6) Additional requirements.—

"(A) Use of skill grants.—

"(i) In general.—Except as provided in clause (ii) and clause (iii), training services under this section shall be provided through the use of skill grants in accordance with this subsection, and shall be distributed to eligible individuals through full service eligible providers or affiliated sites as described in section 123.

"(ii) Exceptions.—Training services authorized under this title may be provided pursuant to a contract for services in lieu of a skill grant if the requirements of paragraph (5) are met and if—

"(I) such services are on-the-job training provided by an employer;

"(II) the local workforce development board determines there are an insufficient number of qualified providers of training services in the workforce development area to accomplish the purposes of a skill grant system;

"(III) the local workforce development board determines that the qualified providers of training services in the workforce development area are unable to provide effective services to special participant populations; or

"(IV) the local workforce development board decides to enter into a direct training contract with a community based organization.

"(iii) Transition.—Each State shall, not later than three years after the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997, fully implement the requirements of clause (i). Nothing in this Act shall prohibit a State from beginning such implementation at an earlier date.

"(B) Linkage to occupations in demand.—Training services under this subsection shall be directly linked to occupations for which there is a demand in the local workforce development area, or in another area to which an adult receiving such services is willing to relocate, except that a local workforce development board may approve training in occupations determined by the local board to be in sectors of the economy which have a high potential for sustained demand or growth in the local workforce development area.

"(d) Additional Uses of Amounts.—

"(1) Supportive services.—Amounts allocated for adults under section 313(b)(2)(B) and for dislocated workers under section 313(b)(2)(C) may be used to provide supportive services for adults and dislocated workers, respectively—

"(A) who are receiving assistance under any of subsection (a) through (c); and

"(B) who are unable to receive such services through other programs providing such services.

"(2) Needs-related payments.—

"(A) In general.—Amounts allocated under section 313(b) may be used to provide needs-related payments to adults and dislocated workers who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in training programs under subsection (c).

"(B) Additional eligibility requirements.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has exhausted unemployment insurance benefits may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in training by the end of the 13th week of the worker's most recent lay-off, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will in fact exceed 6 months.

"(e) Priority.—From funds allocated to local workforce development areas for adult employment and training under section 313(b)(1)(B)(i), priority shall be given to welfare recipients and other economically disadvantaged individuals with multiple barriers to employment for receipt of intensive services and training services provided under subsections (b) and (c) of section 314, respectively.

"PART B—NATIONAL PROGRAMS

"SEC. 321. NATIONAL EMERGENCY GRANTS.

"(a) In General.—From the amount reserved under section 312(a)(2), the Secretary of Labor is authorized to award national emergency grants in a timely manner—

"(1) to an entity described in subsection (b) to provide employment and training assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or closures and realignments of military installations; and

"(2) to provide assistance to the Governor of any State within the boundaries of which is an area that has suffered an emergency or a major disaster as defined in paragraphs (1) and (2), respectively, of section 102 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 (1) and (2)) (referred to in this section as the 'disaster area').

"(b) Employment and Training Assistance Requirements.—

"(1) Application.—To be eligible to receive a grant under subsection (a)(1), an entity shall submit an application to the Secretary of Labor at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(2) Eligible entity.—For purposes of this section, the term 'entity' means a State, local workforce development board, employer or employer association, worker-management transition assistance committee or other employer-employee entity, representative of employees, community development corporation or community-based organization, or an industry consortia.

"(c) Disaster Relief Employment Assistance Requirements.—

"(1) In general.—Funds made available under subsection (a)(2)—

"(A) shall be used exclusively to provide employment on projects that provide food, clothing, shelter, and other humanitarian assistance for disaster victims, and projects regarding demolition, cleaning, repair, renovation, and reconstruction of damaged and destroyed structures, facilities, and lands located within the disaster area; and

"(B) may be expended through public private agencies and organizations engaged in such projects.

"(2) Eligibility.—An individual shall be eligible to be offered disaster relief employment under this section if such individual is a dislocated worker or is temporarily or permanently laid off as a consequence of the disaster.

"(3) Limitations on disaster relief employment.—No individual shall be employed under this part for more than 6 months for work related to recovery from a single natural disaster.".

TITLE IV—AMENDMENTS TO FEDERALLY ADMINISTERED PROGRAMS

Subtitle A—Employment and Training Programs for Native Americans and Migrant and Seasonal Farmworkers

SEC. 401. NATIVE AMERICAN PROGRAM.

Section 401 of the Job Training Partnership Act (29 U.S.C. 1671) is amended to read as follows:

"SEC. 401. NATIVE AMERICAN PROGRAMS.

"(a) Purpose.—

"(1) In general.—The purpose of this section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals in order—

"(A) to develop more fully the academic, occupational, and literacy skills of such individuals;

"(B) to make such individuals more competitive in the workforce; and

"(C) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

"(2) Indian policy.—All programs assisted under this section shall be administered in a manner consistent with the principles of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) and the government-to-government relationship between the Federal Government and Indian tribal governments.

"(b) Definitions.—As used in this section:

"(1) Alaska native.—The term 'Alaska Native' means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(2) Indian, indian tribe, and tribal organization.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in subsections (d), (e), and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) Native hawaiian and native hawaiian organization.—The terms 'Native Hawaiian' and 'Native Hawaiian organization' have the meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

"(c) Program Authorized.—The Secretary of Labor shall make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations to carry out the authorized activities described in subsection (d).

"(d) Authorized Activities.—

"(1) In general.—Funds made available under this section shall be used to carry out the activities described in paragraphs (2) and (3) that—

"(A) are consistent with this section; and

"(B) are necessary to meet the needs of Indians or Native Hawaiians preparing to enter, re-enter, or retain unsubsidized employment.

"(2) Employment and training activities and supplemental services.—

"(A) In general.—Funds made available under this section shall be used for—

"(i) comprehensive workforce and career development activities for Indians or Native Hawaiians; or

"(ii) supplemental services for Indian or Native Hawaiian youth on or near Indian reservations and in Oklahoma, Alaska, or Hawaii.

"(B) Special rule.—Notwithstanding any other provision of this section, individuals who were eligible to participate in programs under section 401 of the Job Training Partnership Act (29 U.S.C. 1671) (as such section was in effect on the day before the date of enactment of this Act) shall be eligible to participate in an activity assisted under subparagraph (A)(i).

"(e) PROGRAM PLAN.—In order to receive a grant or enter into a contract or cooperative agreement under this section an entity described in subsection (c) shall submit to the Secretary of Labor a plan that describes a 2-year strategy for meeting the needs of Indian or Native Hawaiian individuals, as appropriate, in the area served by such entity. Such plan—

"(1) shall be consistent with the purposes of this section;

"(2) shall identify the population to be served;

"(3) shall identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the individuals served to obtain or retain unsubsidized employment;

"(4) shall describe the services to be provided and the manner in which such services are to be integrated with other appropriate services; and

"(5) shall describe the goals and benchmarks to be used to assess the performance of entities in carrying out the activities assisted under this section.

"(f) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

"(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

"(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this Act; or

"(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

"(h) ADMINISTRATIVE PROVISIONS.—

"(1) ORGANIZATIONAL UNIT ESTABLISHED.—The Secretary of Labor shall designate a single organizational unit that shall have as its primary responsibility the administration of the activities authorized under this section.

"(2) REGULATIONS.—The Secretary of Labor shall consult with the entities described in subsection (c)(1) in establishing regulations to carry out this section, including performance measures for entities receiving assistance under such subsection, taking into account the economic circumstances of such groups, and in developing a funding distribution plan that takes into consideration previous levels of funding.

"(3) TECHNICAL ASSISTANCE.—The Secretary of Labor, through the unit established under paragraph (1), are authorized to provide technical assistance to entities described in subsection (c) that receive assistance under this section to enable such entities to improve the workforce and career development activities provided by such entities.".

SEC. 402. MIGRANT AND SEASONAL FARMWORKER PROGRAM.

Section 402 of the Job Training Partnership Act (29 U.S.C. 1672) is amended to read as follows:

"SEC. 402. MIGRANT AND SEASONAL FARMWORKERS PROGRAM.

"(a) IN GENERAL.—The Secretary of Labor shall make grants to, or enter into contracts with, eligible entities to carry out the activities described in subsection (d).

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under this section, an entity shall have an understanding of the problems of migrant farmworkers and seasonal farmworkers, a familiarity with the area to be served, and the ability to demonstrate a capacity to administer effectively a diversified program of workforce and career development activities for migrant farmworkers and seasonal farmworkers.

"(c) PROGRAM PLAN.—

"(1) IN GENERAL.—To be eligible to receive a grant or enter into a contract under this section, an entity described in subsection (b) shall submit to the Secretary of Labor a plan that describes a 2-year strategy for meeting the needs of migrant farmworkers and seasonal farmworkers and their dependents in the area to be served by such entity.

"(2) CONTENTS.—Such plan shall—

"(A) identify the education and employment needs of the population to be served and the manner in which the services to be provided will strengthen the ability of the eligible farmworkers and dependents to obtain or be retained in unsubsidized employment or stabilize their unsubsidized employment;

"(B) describe the related assistance and supportive services to be provided and the manner in which such services are to be integrated and coordinated with other appropriate services; and

"(C) describe the goals and benchmarks to be used to assess the performance of such entity in carrying out the activities assisted under this section.

"(d) AUTHORIZED ACTIVITIES.—Funds made available under this section shall be used to carry out comprehensive workforce and career development activities and related services for migrant farmworkers and seasonal farmworkers which may include employment, training, educational assistance, literacy assistance, an English literacy program, worker safety training, housing, supportive services, and the continuation of the case management database on participating migrant farmworkers and seasonal farmworkers.

"(e) CONSULTATION WITH GOVERNORS AND LOCAL BOARDS.—In making grants and entering into contracts under this section, the Secretary of Labor shall consult with the Governors and local boards of the States in which the eligible entities will carry out the activities described in subsection (d).

"(f) REGULATIONS.—The Secretaries shall consult with migrant and seasonal farmworker groups and States in establishing regulations to carry out this section, including performance measures for eligible entities which take into account the economic circumstances of migrant farmworkers and seasonal farmworkers.

"(g) DEFINITIONS.—As used in this section:

"(1) MIGRANT FARMWORKER.—The term 'migrant farmworker' means a seasonal farmworker whose farm work requires travel such that the worker is unable to return to a permanent place of residence within the same day.

"(2) SEASONAL FARMWORKER.—The term 'seasonal farmworker' means a person who during the eligibility determination period (12 consecutive months out of 24 months prior to application)—

"(A) has been primarily employed in farm work that is characterized by chronic unemployment or under employment; and

"(B) is economically disadvantaged at the time of application.".

Subtitle B—Job Corps

SEC. 411. STATEMENT OF PURPOSE.

Section 421 of the Job Training Partnership Act (29 U.S.C. 1691) is amended in the first sentence by inserting after "a distinct national program" the following: "carried out in collaboration with States and localities".

SEC. 412. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

Section 423 of the Job Training Partnership Act (29 U.S.C. 1693) is amended—

(1) in paragraph (1), by striking "14" and inserting "16";

(2) in paragraph (2), by striking ", and who requires" and all that follows and inserting a semicolon;

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

"(3) is an individual who—

"(A) is deficient in basic skills;

"(B) is a school dropout;

"(C) is homeless or a runaway;

"(D) is a single parent; or

"(E) requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular school work, qualify for other suitable training programs, or satisfy Armed Forces requirements;".

SEC. 413. SCREENING AND SELECTION OF APPLICANTS; GENERAL PROVISIONS.

Section 424(a) of the Job Training Partnership Act (29 U.S.C. 1694(a)) is amended—

(1) in the first sentence, by adding at the end before the period the following: "after considering input from State, local, and community groups and other interested parties";

(2) in the second sentence—

(A) by inserting after "public employment offices," the following: "full service eligible providers,"; and

(B) by striking "and agencies" and inserting "and entities"; and

(3) in the third sentence, by inserting after "The rules shall" the following: "require Job Corps applicants to pass background checks, conducted in accordance with procedures established by the Secretary, and".

SEC. 414. JOB CORPS CENTERS.

Section 427 of the Job Training Partnership Act (29 U.S.C. 1697) is amended—

(1) in subsection (a)(1), by adding at the end the following: "In selecting any entity to serve as an operator or to provide services for a Job Corps center, the Secretary shall take into consideration the previous performance of the entity, if any, relating to operating or providing services for a Job Corps center.";

(2) in subsection (c) to read as follows:

"(c) The Secretary may select an entity to operate a Civilian Conservation Center on a competitive basis if such a center fails to meet performance criteria established by the Secretary."; and

(3) by adding at the end the following:

"(d) Notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary to carry out the Job Corps program.

"(e) Prior to the closure of any Job Corps center, the Secretary shall ensure that—

"(1) the proposed decision to close the center is announced in advance to the general public through publication in the Federal Register or other appropriate means;

"(2) the establishment of a reasonable comment period, not to exceed 30 days, for interested individuals to submit written comments to the Secretary;

"(3) the Members of Congress who represent districts affected by the proposed decision to close the center are notified within a reasonable period of time in advance of any final decision to close the center; and

"(4) the geographic location of alternative Job Corps centers is among the factors taken into account in the decision to close the center.".

SEC. 415. STANDARDS OF CONDUCT.

Section 430(a) of the Job Training Partnership Act (29 U.S.C. 1700(a)) is amended—

(1) in the first sentence, by adding at the end before the period the following: ", including a policy of zero tolerance for violence and illegal drugs under which enrollees will receive mandatory terminations for specific actions in accordance with regulations issued by the Secretary";

(2) by inserting after the first sentence the following: "As part of the zero tolerance policy, drug testing of all students shall be required in accordance with procedures established by the Secretary."; and

(3) in the third sentence, by inserting after "If violations" the following: "of center standards other than those covered by the zero tolerance policy".

SEC. 416. COUNSELING AND JOB PLACEMENT.

Section 432(b) of the Job Training Partnership Act (29 U.S.C. 1702(b)) is amended in the first sentence by inserting after "determine their capabilities and" the following: ", based on these capabilities,".

SEC. 417. EXPERIMENTAL AND DEVELOPMENTAL PROJECTS AND COORDINATION WITH OTHER PROGRAMS.

Section 433(c)(1) of the Job Training Partnership Act (29 U.S.C. 1703(c)(1)) is amended in the first sentence by striking "disseminate information" and inserting "disseminate to Federal, State, and local workforce development programs information and best practices".

SUBTITLE C—NATIONAL ACTIVITIES

SEC. 421. RESEARCH, DEMONSTRATION, EVALUATION, AND CAPACITY BUILDING.

Part D of the Job Training Partnership Act (29 U.S.C. 1731 et seq.) is amended by striking sections 451 through 454 and inserting the following:

"SEC. 451. RESEARCH, DEMONSTRATION, EVALUATION, AND CAPACITY BUILDING.

"(a) IN GENERAL.—The Secretary is authorized to establish and carry out research, demonstration, evaluation, and capacity building activities described in subsections (b) through (f).

"(b) NATIONAL PARTNERSHIP AND SPECIAL TRAINING.—The Secretary may award special grants to eligible entities to carry out programs that are most appropriately administered at the national level. Such activities may include—

"(1) partnership programs with national organizations with special expertise in developing, organizing, and administering employment and training services at the national, State, and local levels, such as industry and labor associations, public interest groups, community-based organizations representative of groups that encounter special difficulties in the labor market, and other organizations with special knowledge or capabilities in education and training; and

"(2) activities that—

"(A) address industry-wide skill shortages;

"(B) meet training needs that are best addressed on a multi-state basis;

"(C) further the goals of increasing the competitiveness of the United States labor force;

"(D) require technical expertise available at the national level to serve the needs of particular client groups that encounter significant barriers to employment and who the Secretary determines require special assistance; or

"(E) promote and experiment with model activities, pilot projects, and demonstration projects which further the goals and purposes of this Act.

"(c) RESEARCH.—The Secretary is authorized to conduct continuing research, which may include studies and other methods and techniques, that will aid in the solution of the employment and training problems of the United States. Such studies may include the extent to which individuals who participate in programs established under this title achieve self-sufficiency as a result of such participation, including the identification by States and localities, to the extent practicable, of indicators measuring such self-sufficiency.

"(d) PILOT AND DEMONSTRATION PROGRAMS.—

"(1) IN GENERAL.—The Secretary is authorized to conduct pilot and demonstration programs for the purpose of developing and improving techniques and demonstrating the effectiveness of specialized methods in addressing employment and training needs which may include—

"(A) the establishment of advanced manufacturing technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, and economic development organizations to meet unmet, high-tech skill needs of local communities;

"(B) projects that provide training to upgrade the skills of employed workers who reside and are employed in enterprise zones or empowerment communities;

"(C) programs conducted jointly with the Department of Defense to develop training programs utilizing computer-based and other innovative learning technologies;

"(D) projects that promote the use of distance learning, enabling students to take courses through the use of media technology such as videos, teleconferencing computers, and the Internet;

"(E) projects that assist in providing comprehensive services to increase the employment rates of out-of-school youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

"(F) the establishment of partnerships with national organizations with special expertise in developing, organizing, and administering employment and training services for persons with disabilities at the national, State, and local levels;

"(G) projects to assist public housing authorities that provide to public housing residents job training programs that demonstrate successful job skills upgrading and employment; and

"(H) projects that assist local workforce development areas to develop and implement local self-sufficiency standards to evaluate the degree to which program participants are achieving self-sufficiency.

"(2) GRANTS AND CONTRACTS.—The Secretary may award grants and enter into contracts with entities to carry out this subsection.

"(3) EVALUATION AND EFFECTIVENESS.—Demonstration programs assisted under this subsection shall include a formal, rigorous evaluation component. Pilot programs assisted under this subsection shall include an appropriate evaluation component.

"(4) SPECIAL RULE.—A demonstration program under this subsection may not be assisted under this subsection for a period of more than 7 years. A pilot program under this subsection may not be assisted under this subsection for a period of more than 3 years.

"(e) EVALUATION.—

"(1) ACTIVITIES.—

"(A) JOB TRAINING.—The Secretary shall provide for the continuing evaluation of programs conducted under this Act.

"(B) OTHER PROGRAMS.—The Secretary may conduct evaluations of federally-funded employment-related activities under other provisions of law.

"(2) TECHNIQUES.—

"(A) METHODS.—Evaluations conducted under paragraph (1) shall utilize sound statistical methods and techniques for the behavioral and social sciences, including the use of control groups chosen by scientific random assignment methodologies when feasible.

"(B) EFFECTIVENESS.—The Secretary shall evaluate the effectiveness of programs authorized under this Act with respect to—

"(i) the statutory goals; and

"(ii) the cost effectiveness and return-on-investment of such programs based on the extent to which the programs—

"(I) enhance the employment and earnings of participants;

"(II) reduce income support costs (including the receipt of welfare assistance);

"(III) improve the employment competencies of participants in comparison to comparable persons who did not participate in such programs; and

"(IV) to the extent feasible, increase the level of total employment over the level that would have existed in the absence of such programs.

"(f) TECHNICAL ASSISTANCE, DISSEMINATION, AND REPLICATION ACTIVITIES.—The Secretary shall provide, coordinate, and support the development of, appropriate training, technical assistance, staff development, and other activities, including assistance in replicating programs of demonstrated effectiveness, to States and localities.

"SEC. 452. INCENTIVE GRANTS.

"From amounts authorized to be appropriated pursuant to section 3(a)(3) to carry out this part for a fiscal year, the Secretary is authorized to award incentive grants to States consistent with the requirements of section 156(a).".

SEC. 422. NONTRADITIONAL EMPLOYMENT DEMONSTRATION PROGRAM.

Section 456 of the Job Training Partnership Act (29 U.S.C. 1737) is hereby repealed.

Subtitle D—Repealers

SEC. 451. REPEALERS.

Parts F, G, H, I, and J of title IV of the Job Training Partnership Act (29 U.S.C. 1771 et seq.) are hereby repealed.

TITLE V—AMENDMENTS TO ADULT EDUCATION PROGRAMS

SEC. 501. REPEAL OF JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE BONUS PROGRAM.

Title V of the Job Training Partnership Act (29 U.S.C. 1791 et seq.) is repealed.

SEC. 502. AMENDMENT TO ADULT EDUCATION ACT.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended to read as follows:

"TITLE III—ADULT EDUCATION AND FAMILY LITERACY PROGRAMS

"SEC. 301. SHORT TITLE.

"This title may be cited as the 'Adult Education and Family Literacy Act'.

"SEC. 302. STATEMENT OF PURPOSE.

"It is the purpose of this title to assist States and outlying areas to provide—

"(1) to adults, the basic educational skills necessary for employment and self-sufficiency; and

"(2) to adults who are parents, the educational skills necessary to be full partners in the educational development of their children.

"SEC. 303. DEFINITION.

"For purposes of this title:

"(1) Adult Education.—The term 'adult education' means services or instruction below the postsecondary level for individuals—

"(A) who have attained 16 years of age;

"(B) who are not enrolled or required to be enrolled in secondary school under State law; and

"(C) who—

"(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

"(ii) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or

"(iii) are unable to speak, read, or write the English language.

"(2) Adult education and literacy activities.—The term 'adult education and literacy activities' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(3) Community-based organization.—The term 'community-based organization' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(4) Direct and equitable access.—The term 'direct and equitable access', when used with respect to the requirement in section 313(c)(2), means that—

"(A) all eligible providers are given the same opportunity to apply for and receive funds under part A; and

"(B) the same announcement and application process is used for all eligible providers.

"(5) Eligible agency.—The term 'eligible agency' means—

"(A) the individual, entity, or agency in a State or an outlying area responsible for administering or setting policies for adult education and literacy services in such State or outlying area pursuant to the law of the State or outlying area; or

"(B) if no individual, entity, or agency is responsible for administering or setting such policies pursuant to the law of the State or outlying area, the individual, entity, or agency in a State or outlying area responsible for administering or setting policies for adult education and literacy services in such State or outlying area on the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997.

"(6) Eligible provider.—The term 'eligible provider', used with respect to adult education and literacy activities described in section 314(b), means a provider determined to be eligible for assistance in accordance with section 313.

"(7) English literacy program.—The term 'English literacy program' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(8) Family literacy services.—The term 'family literacy services' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(9) Individual of limited English proficiency.—The term 'individual of limited English proficiency' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(10) Individual with a disability.—The terms 'individual with a disability' and 'individuals with disabilities' have the meaning given such terms in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(11) Literacy.—The term 'literacy' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(12) Local educational agency.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(13) Outlying area.—The term 'outlying area' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(14) Postsecondary educational institution.—The term 'postsecondary educational institution' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"(15) Secretary.—The term 'Secretary' means the Secretary of Education.

"(16) State.—The term 'State' has the meaning given such term in section 4 of the Employment, Training, and Literacy Enhancement Act.

"SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this title such sums as may be necessary for fiscal years 1998 through 2003.

"(b) Reservation of Funds for National Leadership Activities.—For any fiscal year, the Secretary shall reserve—

"(1) 1.5 percent of the amount appropriated under subsection (a) (but not more than $6,500,000) to carry out section 321; and

"(2) 1.5 percent of the amount appropriated under subsection (a) (but not more than $6,500,000) to establish and carry out the program of national leadership and evaluation activities described in section 322.

"PART A—GRANTS TO ELIGIBLE AGENCIES

"SEC. 311. AUTHORITY TO MAKE GRANTS.

"(a) In General.—In the case of each eligible agency that in accordance with section 101 of the Employment, Training, and Literacy Enhancement Act submits to the Secretary a plan, the Secretary shall make a grant for each fiscal year for which such plan is in effect to the eligible agency for the purpose specified in subsection (b). The grant shall consist of the initial and additional allotments determined for the eligible agency under section 312.

"(b) Purpose of Grants.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this part.

"SEC. 312. ALLOTMENTS.

"(a) Initial Allotments.—From the sums available for the purpose of making grants under this part for any fiscal year, the Secretary shall allot to each eligible agency that in accordance with section 101 of the Employment, Training, and Literacy Enhancement Act submits to the Secretary a plan for the year an initial amount as follows:

"(1) $100,000, in the case of an eligible agency of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) $250,000, in the case of any other eligible agency.

"(b) Additional Allotments.—

"(1) In general.—From the remainder available for the purpose of making grants under this part for any fiscal year after the application of subsection (a), the Secretary shall allot to each eligible agency that receives an initial allotment under such subsection an additional amount that bears the same relationship to such remainder as the number of qualifying adults in the State or outlying area of the agency bears to the number of such adults in all States and outlying areas.

"(2) Qualifying adult.—For purposes of this subsection, the term 'qualifying adult' means an adult who—

"(A) is at least 16 years of age, but less than 61 years of age;

"(B) is beyond the age of compulsory school attendance under the law of the State or outlying area;

"(C) does not have a certificate of graduation from a school providing secondary education and has not achieved an equivalent level of education; and

"(D) is not currently enrolled in secondary school.

"(c) Special Rule.—

"(1) In general.—Using funds not to exceed the amount appropriated and reserved under the Adult Education Act for fiscal year 1997 for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants, from funds made available under subsections (a) and (b), to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this part in accordance with the provisions of this part that the Secretary determines are not inconsistent with this subsection.

"(2) Award basis.—The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

"(3) Termination of eligibility.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this part for any fiscal year that begins after September 30, 2001.

"(4) Administrative costs.—The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.

"(d) Hold-Harmless.—

"(1) In general.—Notwithstanding subsection (a)—

"(A) for fiscal year 1998, no eligible agency shall receive an allotment that is less than 90 percent of the payments made to the State of the agency for fiscal year 1997 for programs for which funds were authorized to be appropriated under section 313 of the Adult Education Act (as such Act was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997); and

"(B) for fiscal year 1999 and each succeeding fiscal year, no eligible agency shall receive an allotment that is less than 90 percent of the amount the agency received for the preceding fiscal year for programs under this Act.

"(2) RATABLE REDUCTION.—If for any fiscal year the amount available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

"(e) REALLOTMENT.—The portion of any eligible agency's allotment under subsection (a) or (b) for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this part, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under such subsection for such year.

"SEC. 313. USE OF FUNDS.

"(a) IN GENERAL.—Of the sum that is made available under this part to an eligible agency for any program year—

"(1) not less than 85 percent shall be made available to award grants in accordance with this section to carry out adult education and literacy activities; and

"(2) not more than 15 percent shall be made available to carry out activities described in section 314(a), of which not more than 5 percentage points, or $50,000, whichever is greater, shall be made available for administrative expenses at the State level (or the level of the outlying area).

"(b) GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), from the amount made available to an eligible agency for adult education and literacy under subsection (a)(1) for a program year, such agency shall award grants, on a competitive basis, to local educational agencies, correctional education agencies, community-based organizations of demonstrated effectiveness, volunteer literacy organizations, libraries, public or private nonprofit agencies, postsecondary educational institutions, public housing authorities, and other nonprofit institutions, that have the ability to provide literacy services to adults and families, or consortia of agencies, organizations, or institutions described in this subsection, to enable such agencies, organizations, institutions, and consortia to carry out adult education and literacy activities.

"(2) CONSORTIA.—An eligible agency may award a grant under this section to a consortium that includes a provider described in paragraph (1) and a for-profit agency, organization, or institution, if such agency, organization, or institution—

"(A) can make a significant contribution to carrying out the objectives of this title; and

"(B) enters into a contract with such provider to carry out adult education and literacy activities.

"(c) GRANT REQUIREMENTS.—

"(1) REQUIRED LOCAL ACTIVITIES.—An eligible agency shall require that each provider receiving a grant under this section use the grant in accordance with section 314(b).

"(2) EQUITABLE ACCESS.—Each eligible agency awarding a grant under this section for adult education and literacy activities shall ensure that the providers described in subsection (b) will be provided direct and equitable access to all Federal funds provided under this section.

"(3) SPECIAL RULE.—Each eligible agency awarding a grant under this section shall not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 303(1), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy services.

"(4) CONSIDERATIONS.—In awarding grants under this section, the eligible agency shall consider—

"(A) the degree to which the provider will establish measurable goals for client outcomes, including the core indicators of performance pertaining to adult education set forth in section 154 of the Employment, Training, and Literacy Enhancement Act, that are tied to challenging State performance standards for literacy proficiency;

"(B) the past effectiveness of a provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of a State's core indicators and benchmarks under the Employment, Training, and Literacy Enhancement Act, the success of a provider receiving funding under this Act in meeting or exceeding such benchmarks, especially with respect to those adults with the lowest levels of literacy;

"(C) the degree to which the program is staffed by well-trained instructors and administrators;

"(D) the degree to which the provider will coordinate with other available resources in the community, such as by establishing strong links with elementary and secondary schools, post-secondary educational institutions, full service employment and training delivery centers, job training programs, and other literacy and social service available in the community;

"(E) the commitment of the provider to serve individuals in the community who are most in need of literacy services, including individuals who are low income, who have minimal literacy skills, or both;

"(F) whether or not the program is of sufficient intensity and duration for participants to achieve substantial learning gains; and

"(G) the degree to which the provider will offer flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities or other special needs, to participate in adult education and literacy activities.

"(d) LOCAL ADMINISTRATIVE COST LIMITS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), of the funds provided under this section by an eligible agency to a provider described in subsection (b), not less than 95 percent shall be expended for provision of adult education and literacy activities. The remainder shall be used for planning, administration, personnel development, and interagency coordination.

"(2) SPECIAL RULE.—In cases where the cost limits described in paragraph (1) will be too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination supported under this section, the eligible agency shall negotiate with the provider described in subsection (b) in order to determine an adequate level of funds to be used for noninstructional purposes.

"SEC. 314. ADULT EDUCATION AND LITERACY ACTIVITIES.

"(a) PERMISSIBLE AGENCY ACTIVITIES.—An eligible agency may use funds made available to the eligible agency under section 313(a)(2) for activities that may include—

"(1) the establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under subsection (b), including instruction provided by volunteers or by personnel of a State or outlying area;

"(2) the provision of technical assistance to eligible providers of activities authorized under this section;

"(3) the provision of technology assistance, including staff training, to eligible providers of activities authorized under this section to enable the providers to improve the quality of such activities;

"(4) the support of State or regional networks of literacy resource centers;

"(5) the monitoring and evaluation of the quality of, and the improvement in, activities and services authorized under this section;

"(6) incentives for—

"(A) program coordination and integration; and

"(B) performance awards;

"(7) developing and disseminating curricula;

"(8) other activities of statewide significance that promote the purposes of this title; and

"(9) the provision of support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.

"(b) REQUIRED LOCAL ACTIVITIES.—The eligible agency shall require that each eligible provider receiving a grant under section 313 use the grant to establish or operate 1 or more programs that provide instruction or services in 1 or more of the following categories:

"(1) Adult education and literacy services, including services provided on the work site.

"(2) Family literacy services.

"(3) English literacy programs.

"(c) STATE-IMPOSED REQUIREMENTS.—Whenever a State implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State interpretation of a Federal statute, regulation, or guideline), it shall identify, to eligible providers, the rule or policy as being State-imposed.

"SEC. 315. FISCAL REQUIREMENTS AND RESTRICTIONS RELATED TO USE OF FUNDS.

"(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part for adult education and literacy activities shall supplement, and may not supplant, other public funds expended to carry out activities described in section 314.

"(b) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—

"(A) DETERMINATION.—An eligible agency may receive funds under this Act for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy, in the second preceding fiscal year, was not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy, in the third preceding fiscal year.

"(B) PROPORTIONATE REDUCTION.—Subject to paragraphs (2), (3), and (4), for any program year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort and the aggregate expenditures of an eligible agency for the preceding program year were less than such effort and expenditures for the second preceding program year, the Secretary—

"(i) shall determine the percentage decreases in such effort and in such expenditures; and

"(ii) shall decrease the payment made under this part for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

"(2) COMPUTATION.—In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

"(3) DECREASE IN FEDERAL SUPPORT.—If the amount made available for adult education and literacy activities under this part for a fiscal year is less than the amount made available for adult education and literacy activities under this part for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.

"(4) WAIVER.—The Secretary may waive the requirements of this subsection for 1 fiscal year only, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.

"(c) EXPENDITURES OF NON-FEDERAL FUNDS FOR ADULT EDUCATION AND LITERACY ACTIVITIES.—For any program year for which a grant is made to an eligible agency under this part, the eligible agency shall expend, on programs and activities relating to adult education and literacy activities, an amount, derived from sources other than the Federal Government, equal to 25 percent of the amount made available to the eligible agency under this part for adult education and literacy activities.

"PART B—NATIONAL PROGRAMS

"SEC. 321. NATIONAL INSTITUTE FOR LITERACY.

"(a) PURPOSE.—The National Institute for Literacy shall—

"(1) provide national leadership with respect to literacy in the United States;

"(2) coordinate literacy services; and

"(3) serve as a national resource for adult education and family literacy by providing the best and most current information available and supporting the creation of new ways to offer services of proven effectiveness.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services whose purpose is determined by the Interagency Group to be related to the purpose of the Institute.

"(2) OFFICES.—The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.

"(3) BOARD RECOMMENDATIONS.—The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the 'Board') established under subsection (d) in planning the goals of the Institute and in the implementation of any programs to achieve such goals.

"(4) DAILY OPERATIONS.—The daily operations of the Institute shall be carried out by the Director of the Institute appointed under subsection (g).

"(c) DUTIES.—

"(1) IN GENERAL.—In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized—

"(A) to establish, and make accessible, a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—

"(i) effective practices in the provision of literacy and basic skills instruction, including the integration of such instruction with occupational skills training;

"(ii) public and private literacy and basic skills programs and Federal, State, and local policies affecting the provision of literacy services at the National, State, and local levels;

"(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

"(iv) a communication network for literacy programs, providers, social service agencies, and students;

"(B) to coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

"(C) to coordinate the support of research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and to carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies, such as the special literacy needs of individuals with learning disabilities;

"(D) to collect and disseminate information on methods of advancing literacy that show great promise;

"(E) funding a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—

"(i) encouraging the coordination of literacy services;

"(ii) carrying out evaluations of the effectiveness of adult education and literacy activities;

"(iii) enhancing the capacity of State and local organizations to provide literacy services; and

"(iv) serving as a reciprocal link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources;

"(F) to coordinate and share information with national organizations and associations that are interested in literacy and workforce development;

"(G) to inform the development of policy with respect to literacy and basic skills; and

"(H) to undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.

"(2) GRANTS, CONTRACTS, AND AGREEMENTS.—The Institute may make grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(d) LITERACY LEADERSHIP.—

"(1) FELLOWSHIPS.—The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances as the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) USE OF FELLOWSHIPS.—Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) INTERNS AND VOLUNTEERS.—The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.

"(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—There is established a National Institute for Literacy Advisory Board. The Board shall consist of 10 individuals, appointed by the Interagency Group, from individuals who—

"(i) are not otherwise officers or employees of the Federal Government; and

"(ii) are representative of entities or groups described in subparagraph (B).

"(B) ENTITIES OR GROUPS DESCRIBED.—The entities or groups referred to in subparagraph (A) are—

"(i) literacy organizations and providers of literacy services, including—

"(I) nonprofit providers of literacy services;

"(II) providers of programs and services involving English language instruction; and

"(III) providers of services receiving assistance under this title;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students;

"(iv) experts in the area of literacy research;

"(v) State and local governments;

"(vi) representatives of employees; and

"(vii) State directors of adult education.

"(2) DUTIES.—The Board—

"(A) shall make recommendations concerning the appointment of the Director and staff of the Institute;

"(B) shall provide independent advice on the operation of the Institute; and

"(C) shall receive reports from the Interagency Group and the Director.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) TERMS.—

“(A) In general.—Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which ⅓ of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

“(B) Vacancy appointments.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

“(5) Quorum.—A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.

“(6) Election of officers.—The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

“(7) Meetings.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

“(f) Gifts, Bequests, and Devises.—The Institute may accept, administer, and use gifts or donations of services, money, or property, both real and personal.

“(g) Mails.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(h) Director.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

“(i) Applicability of Certain Civil Service Laws.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate payable under section 5376 of title 5, United States Code.

“(j) Experts and Consultants.—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(k) Report.—The Institute shall submit a report biennially to the committees of the United States House of Representatives and the Senate having jurisdiction over this title. Each report submitted under this subsection shall include—

“(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;

“(2) a description of how plans for the operation of the Institute for the succeeding two fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

“(3) any additional minority, or dissenting views submitted by members of the Board.

“(l) Funding.—Any amounts appropriated to the Secretary of Education, the Secretary of Labor, or the Secretary of Health and Human Services for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

“SEC. 322. NATIONAL LEADERSHIP ACTIVITIES.

“The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and family literacy programs nationwide. Such activities may include the following:

“(1) Providing technical assistance to recipients of assistance under part A in developing and using benchmarks and performance measures for improvement of adult education and literacy activities, including family literacy services.

“(2) Awarding grants, on a competitive basis, to a postsecondary educational institution, a public or private organization or agency, or a consortium of such institutions, organizations, or agencies to carry out research and technical assistance—

“(A) for the purpose of developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults; and

“(B) to increase the effectiveness of, and improve the quality of, adult education and literacy activities, including family literacy services.

“(3) Providing for the conduct of an independent evaluation and assessment of adult education and literacy activities, through studies and analyses conducted independently through grants and contracts awarded on a competitive basis. Such evaluation and assessment shall include descriptions of—

“(A) the effect of benchmarks, performance measures, and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;

“(B) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy services;

“(C) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increases the rates of enrollment in, and successful completion of, such programs; and

“(D) the extent to which eligible agencies have distributed funds under part A to meet the needs of adults through community-based organizations.

“(4) Carrying out demonstration programs, replicating model programs, disseminating best practices information, and providing technical assistance, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing the activities assisted under part A.

“(5) Other activities designed to enhance the quality of adult education and literacy nationwide, such as providing incentive grants to States consistent with section 156 of the Employment, Training, and Literacy Enhancement Act.”.

SEC. 503. REPEAL OF NATIONAL LITERACY ACT OF 1991.

The National Literacy Act of 1991 (Public Law 102–73; 105 Stat. 333) is hereby repealed.

SEC. 504. CONFORMING AMENDMENTS.

(a) Refugee Education Assistance Act.—Subsection (b) of section 402 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is hereby repealed.

(b) Elementary and Secondary Education Act of 1965.—

(1) Section 1206 of ESEA.—Section 1206(a)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366(a)(1)(A)) is amended by striking “an adult basic education program” and inserting “adult education and literacy activities”.

(2) Section 3113 of ESEA.—Section 3113(1) of such Act (20 U.S.C. 6813(1)) is amended by striking “section 312 of the Adult Education Act;” and inserting “section 303 of the Adult Education and Family Literacy Act;”.

(3) Section 9161 of ESEA.—Section 9161(2) of such Act (20 U.S.C. 7881(2)) is amended by striking “section 312(2) of the Adult Education Act.” and inserting “section 303 of the Adult Education and Family Literacy Act.”.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. REPEALERS.

(a) Amendments to the Wagner-Peyser Act.—Section 601 of the Job Training Partnership Act is hereby repealed.

(b) Amendments to Part C of Title IV of the Social Security Act.—Section 602 of the Job Training Partnership Act is hereby repealed.

(c) Earnings Disregard.—Section 603 of the Job Training Partnership Act is hereby repealed.

(d) Savings Provision.—The repeals made by subsections (a), (b), and (c), of any provision of law described in any such subsection that amended or repealed another provision of law does not in any way affect that amendment or repeal.

SEC. 602. CONFORMING AMENDMENTS.

(a) Enforcement of Military Selective Service Act.—Section 604 of the Job Training Partnership Act (29 U.S.C. 1504) is amended—

(1) by redesignating such section as section 182 of such Act; and

(2) by inserting such section after section 181 of such Act.

(b) State Job Bank Systems.—Section 605 of such Act (29 U.S.C. 1505) is amended—

(1) by striking subsection (a);

(2) in subsection (b), by striking “shall make such” and inserting “may make”;

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(4) by redesignating such section as section 466 of such Act; and

(5) by adding such section after section 465 of such Act.

(c) State Labor Market Information Programs.—Section 125 of such Act (29 U.S.C. 1535) is amended—

(1) by redesignating such section as section 467; and

(2) by inserting such section after section 466.

TITLE VII—AMENDMENTS TO STATE HUMAN RESOURCE INVESTMENT COUNCIL

SEC. 701. AMENDMENTS TO COUNCIL.

(a) Establishment and Functions.—Section 701 of the Job Training Partnership Act (29 U.S.C. 1792) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “shall review” and inserting “reviews”; and

(ii) by striking “advise” and inserting “advises”;

(B) in paragraph (2), by striking “shall advise” and inserting “advises”;

(C) in paragraph (3), by striking "shall carry" and inserting "carries";

(D) by striking paragraph (4);

(E) in paragraph (5), by striking "may recommend" and inserting "recommends";

(F) in paragraph (6), to read as follows:

"(6) prepares and recommends to the Governor a strategy to be included as part of the State plan under section 101 that would accomplish the goals developed pursuant to paragraph (4);";

(G) in paragraph (7)—

(i) by striking "may monitor" and inserting "monitors"; and

(ii) by striking the period at the end and inserting "; and";

(H) by adding at the end the following:

"(8) may serve as the collaborative process described in section 102."; and

(I) by redesignating paragraphs (5) through (8) (as amended or added, as the case may be) as paragraphs (4) through (7), respectively; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "(A) Except as provided in subparagraph (B), for purposes" and inserting "For purposes"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by striking "applicable Federal human resource programs" and all that follows through "may include" and inserting "applicable Federal human resource programs may include";

(ii) in clause (v), by striking the "and" at the end;

(iii) in clause (vii)—

(I) by adding at the end before the semicolon the following: "and title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996"; and

(II) by redesignating such clause as clause (vi);

(iv) in subparagraph (B)—

(I) by striking "may not include programs authorized under"; and

(II) by redesignating such subparagraph as clause (vii); and

(v) by redesignating clauses (i) through (vii) as subparagraphs (A) through (G), respectively, and moving the margin for each such subparagraph two ems to the left.

(b) COMPOSITION.—Section 702 of such Act (29 U.S.C. 1792a) is amended—

(1) by striking subsections (a), (b), and (c); and

(2) by inserting the following:

"Each State Council shall be composed of the individuals and entities described in section 102(a).".

(c) ADMINISTRATION.—Section 703 of such Act (29 U.S.C. 1792b) is amended—

(1) in subsection (a)(2)—

(A) by inserting "for State administrative expenses" after "funds otherwise available"; and

(B) by striking ", including funds available" and all that follows through "such Act";

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SEC. 702. TRANSFER OF COUNCIL.

Title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), as amended by section 701, is transferred to the end of part A of title I of such Act, as amended by section 111 of this Act.

SEC. 703. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.), as transferred to the end of part A of title I of such Act by section 702, is amended—

(1) by amending the title heading to read as follows:

"SEC. 103. STATE HUMAN RESOURCE INVESTMENT COUNCIL.";

(2) by redesignating sections 701 through 703 as subsections (a) through (c), respectively, of section 103 (as redesignated by paragraph (1)) and conforming the subsection headings and margins accordingly;

(3) by redesignating each subsection, paragraph, and subparagraph of sections 701 through 703 (as such sections existed immediately prior to the amendments made by paragraph (2)) as a paragraph, subparagraph, and clause, respectively, of section 103 (as redesignated by paragraph (1)) and conforming the headings and margins accordingly; and

(4) in subsection (a)(2)(B) (as redesignated), by striking "paragraph (1)" and inserting "subparagraph (A)".

(b) ADDITIONAL AMENDMENT.—Section 103 of the Job Training Partnership Act, as redesignated by subsection (a)(2), is amended by striking "title" each place it appears (except in subsection (a)(2)(B)(vi) of such section) and inserting "section".

TITLE VIII—AMENDMENTS TO WAGNER-PEYSER ACT

SEC. 801. DEFINITIONS.

Section 2 of the Wagner-Peyser Act (29 U.S.C. 49a) is amended—

(1) in paragraph (1), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act";

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3) and (5) as paragraphs (5) and (6), respectively;

(4) by inserting after paragraph (1) the following:

"(2) the term 'local workforce development area' means a local workforce development area designated under section 121 of the Employment, Training, and Literacy Enhancement Act;

"(3) the term 'local workforce development board' means a local workforce development board established under section 122 of the Employment, Training, and Literacy Enhancement Act;

"(4) the term 'full service employment and training delivery system' means a system established under section 123 of the Employment, Training, and Literacy Enhancement Act;"; and

(5) in paragraph (5) (as redesignated by paragraph (3)), by striking the semicolon and inserting "; and".

SEC. 802. FUNCTIONS.

(a) IN GENERAL.—Section 3(a) of the Wagner-Peyser Act (29 U.S.C. 49b(a)) is amended to read as follows:

"(a) The Secretary of Labor—

"(1) shall assist in the coordination and development of a nationwide system of labor exchange services for the general public, provided as part of the full service employment and training delivery systems of the States;

"(2) shall assist in the development of continuous improvement models for such nationwide system that ensure private sector satisfaction with the system and meet the demands of jobseekers relating to the system; and

"(3) shall ensure, for individuals otherwise eligible to receive unemployment compensation, the continuation of any activities in which the individuals are required to participate to receive the compensation.".

(b) CONFORMING AMENDMENTS.—Section 508(b) of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a) is amended—

(1) by striking "the third sentence of section 3(a)" and inserting "section 3(b)"; and

(2) by striking "49b(a)" and inserting "49b(b))".

SEC. 803. DESIGNATION OF STATE AGENCIES.

Section 4 of the Wagner-Peyser Act (29 U.S.C. 49c) is amended—

(1) by striking ", through its legislature," and inserting "pursuant to State statute";

(2) by inserting after "the provisions of this Act and" the following: ", in accordance with such State statute, the Governor shall"; and

(3) by striking "United States Employment Service" and inserting "Secretary".

SEC. 804. APPROPRIATIONS.

Section 5(c) of the Wagner-Peyser Act (29 U.S.C. 49d(c)) is amended by striking paragraph (3).

SEC. 805. DISPOSITION OF ALLOTTED FUNDS.

Section 7 of the Wagner-Peyser Act (29 U.S.C. 49f) is amended—

(1) in subsection (b)(2), by striking "private industry council" and inserting "local workforce development board";

(2) in subsection (c)(2)(B), to read as follows:

"(B) Title III of the Employment, Training, and Literacy Enhancement Act.";

(3) in subsection (d), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act"; and

(4) by adding at the end the following:

"(e) All job search, placement, recruitment, labor market information, and other labor exchange services authorized under subsections (a) and (b) shall be provided as part of the full service employment and training delivery system established by the State.".

SEC. 806. STATE PLANS.

Section 8 of the Wagner-Peyser Act (29 U.S.C. 49g) is amended—

(1) in subsection (a) to read as follows:

"(a) Any State desiring to receive assistance under this Act shall submit to the Secretary, as part of the State plan submitted under section 101 of the Employment, Training, and Literacy Enhancement Act, detailed plans for carrying out the provisions of this Act within such State.";

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsection (d) as subsection (b).

SEC. 807. FEDERAL ADVISORY COUNCIL.

Section 11 of the Wagner-Peyser Act (29 U.S.C. 49j) is hereby repealed.

SEC. 808. REGULATIONS.

Section 12 of the Wagner-Peyser Act (29 U.S.C. 49k) is amended by striking "The Director, with the approval of the Secretary of Labor," and inserting "The Secretary".

SEC. 809. EFFECTIVE DATE.

The amendments made by this title shall take effect on July 1, 1998.

TITLE IX—TECHNICAL AND CONFORMING AMENDMENTS

Subtitle A—Amendments to the Job Training Partnership Act

SEC. 901. SHORT TITLE; TABLE OF CONTENTS.

Section 1 of the Job Training Partnership Act (29 U.S.C. 1501 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Employment, Training, and Literacy Enhancement Act'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.

"Sec. 2. Statement of purpose.
"Sec. 3. Authorization of appropriations.
"Sec. 4. Definitions.

"TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS

"PART A—STATE ADMINISTRATIVE PROVISIONS

"Sec. 101. State plan.
"Sec. 102. Collaborative process.
"Sec. 103. State Human Resource Investment Council.

"PART B—LOCAL ADMINISTRATIVE PROVISIONS

"Sec. 121. Local workforce development areas.
"Sec. 122. Local workforce development boards.
"Sec. 123. Full service employment and training delivery system.
"Sec. 124. Identification of training providers.

"PART C—PROGRAM AND FISCAL PROVISIONS

"SUBPART 1—GENERAL PROVISIONS

"Sec. 141. General program requirements.
"Sec. 142. Benefits.
"Sec. 143. Labor standards.
"Sec. 144. Grievance procedure.
"Sec. 145. Prohibition against Federal control of education.
"Sec. 146. Identification of additional imposed requirements.
"Sec. 147. Authority of State legislature.
"Sec. 148. Interstate agreements.

"SUBPART 2—PERFORMANCE ACCOUNTABILITY PROVISIONS

"Sec. 151. Performance accountability system.
"Sec. 152. Indicators of performance.
"Sec. 153. State adjusted benchmarks.
"Sec. 154. Core indicators of performance.
"Sec. 155. Report on performance.
"Sec. 156. Incentive grants and sanctions.

"SUBPART 3—OTHER PROVISIONS

"Sec. 161. Program year.
"Sec. 162. Prompt allocation of funds.
"Sec. 163. Monitoring.
"Sec. 164. Fiscal controls; sanctions.
"Sec. 165. Reports; recordkeeping; investigations.
"Sec. 166. Administrative Adjudication.
"Sec. 167. Nondiscrimination.
"Sec. 168. Administrative provisions.
"Sec. 169. Utilization of services and facilities.
"Sec. 170. Obligational authority.
"Sec. 171. Limitation on certain costs.
"Sec. 172. Buy-American requirements.

"PART D—MISCELLANEOUS PROVISIONS

"Sec. 181. Reference.
"Sec. 182. Enforcement of Military Selective Service Act.

"TITLE II—DISADVANTAGED YOUTH EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"Sec. 201. Statement of purpose.
"Sec. 202. Authorization.
"Sec. 203. Allotment and allocation among States.
"Sec. 204. Allocation within States.
"Sec. 205. Eligibility for services.
"Sec. 206. Use of funds.
"Sec. 207. Selection of service providers.
"Sec. 208. Linkages.

"TITLE III—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"Sec. 301. Purpose.

"PART A—ADULT EMPLOYMENT AND TRAINING OPPORTUNITIES GRANTS

"Sec. 311. Authorization.
"Sec. 312. Allotment among States.
"Sec. 313. Allocation within States.
"Sec. 314. Use of amounts.

"PART B—NATIONAL PROGRAMS

"Sec. 321. National emergency grants.

"TITLE IV—FEDERALLY ADMINISTERED PROGRAMS

"PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS

"Sec. 401. Native American programs.
"Sec. 402. Migrant and seasonal farmworker program.

"PART B—JOB CORPS

"Sec. 421. Statement of purpose.
"Sec. 422. Establishment of the Job Corps.
"Sec. 423. Individuals eligible for the Job Corps.
"Sec. 424. Screening and selection of applicants: general provisions.
"Sec. 425. Screening and selection: special limitations.
"Sec. 426. Enrollment and assignment.
"Sec. 427. Job Corps centers.
"Sec. 428. Program activities.
"Sec. 429. Allowances and support.
"Sec. 430. Standards of conduct.
"Sec. 431. Community participation.
"Sec. 432. Counseling and job placement.
"Sec. 433. Experimental and developmental projects and coordination with other programs.
"Sec. 433A. Job Corps centers for homeless families.
"Sec. 434. Advisory boards and committees.
"Sec. 435. Participation of the States.
"Sec. 436. Application of provisions of Federal law.
"Sec. 437. Special provisions.
"Sec. 438. General provisions.
"Sec. 439. Donations.

"PART C—VETERANS' EMPLOYMENT PROGRAMS

"Sec. 441. Authorization of programs.

"PART D—NATIONAL ACTIVITIES

"Sec. 451. Research, demonstration, evaluation, and capacity building.
"Sec. 452. Incentive grants.
"Sec. 453. Uniform reporting requirements.

"PART E—LABOR MARKET INFORMATION

"Sec. 461. Labor market information; availability of funds.
"Sec. 462. Cooperative labor market information program.
"Sec. 463. Special federal responsibilities.
"Sec. 464. National Occupational Information Coordinating Committee.
"Sec. 465. Job bank program.
"Sec. 466. State job bank systems.
"Sec. 467. State labor market information programs.".

SEC. 902. DEFINITIONS.

Section 4 of such Act (29 U.S.C. 1503), as amended by section 103, is further amended, as follows:

(1) By striking the heading and the matter preceding paragraph (1) and inserting the following:

"SEC. 4. DEFINITIONS.

"As used in this Act, the following definitions apply:".

(2) In paragraph (3), by striking "The term" and inserting "AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term".

(3) In paragraph (7), by striking "The term" and inserting "ECONOMIC DEVELOPMENT AGENCIES.—The term".

(4) In paragraph (8), by striking "The term" and inserting "ECONOMICALLY DISADVANTAGED.—The term".

(5) In paragraph (9), by striking "The term" and inserting "GOVERNOR.—The term".

(6) In paragraph (12), by striking "The term" and inserting "INSTITUTION OF HIGHER EDUCATION.—The term".

(7) In paragraph (13), by striking "The term" and inserting "LABOR MARKET AREA.—The term".

(8) In paragraph (14), by striking "The term" and inserting "LOCAL EDUCATIONAL AGENCY.—The term".

(9) In paragraph (15), by striking "The term" and inserting "LOW-INCOME LEVEL.—The term".

(10) In paragraph (16), by striking "The term" and inserting "LOWER LIVING STANDARD INCOME LEVEL.—The term".

(11) In paragraph (17), by striking "The term" and inserting "OFFENDER.—The term".

(12) In paragraph (18), by striking "The term" and inserting "POSTSECONDARY INSTITUTION.—The term".

(13) In paragraph (20), by striking "The term" and inserting "PUBLIC ASSISTANCE.—The term".

(14) In paragraph (23), by striking "The term" and inserting "STATE EDUCATIONAL AGENCY.—The term".

(15) In paragraph (25), by striking "The term" and inserting "UNEMPLOYED INDIVIDUALS.—The term".

(16) In paragraph (26), by striking "The term" and inserting "UNIT OF GENERAL LOCAL GOVERNMENT.—The term".

(17) In paragraph (28), by striking "The term" and inserting "VOCATIONAL EDUCATION.—The term".

(18) In paragraph (29), by striking "The term" and inserting "DISPLACED HOMEMAKER.—The term".

(19) In paragraph (30), by striking "The term" and inserting "NONTRADITIONAL EMPLOYMENT.—The term".

(20) In paragraph (31), by striking "The term" and inserting "BASIC SKILLS DEFICIENT.—The term".

(21) In paragraph (32), by striking "The term" and inserting "CASE MANAGEMENT.—The term".

(22) In paragraph (33), by striking "The term" and inserting "CITIZENSHIP SKILLS.—The term".

(23) In paragraph (34), by striking "The term" and inserting "FAMILY.—The term".

(24) In paragraph (37), by striking "The term" and inserting "PARTICIPANT.—The term".

(25) In paragraph (38), by striking "The term" and inserting "SCHOOL DROPOUT.—The term".

(26) In paragraph (39), by striking "The term" and inserting "TERMINATION.—The term".

(27) In paragraph (40), by striking "The term" and inserting "YOUTH CORPS PROGRAM.—The term".

(28) By redesignating paragraphs (31), (32), (4), (33), (5), (6), (29), (7), (8), (41), (42), (34), (43), (44), (9), (45), (46), (10), (12), (13), (47), (48), (49), (14), (50), (15), (16), (30), (17), (51), (52), (37), (18), (20), (53), (54), (38), (21), (55), (22), (57), (56), (23), (58), (24), (39), (25), (26), (27), (28), and (40) as paragraphs (4) through (54), respectively.

SEC. 903. AMENDMENTS TO TITLE I.

(a) HEADING.—The heading of title I of the Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended to read as follows:

"TITLE I—STATE AND LOCAL ADMINISTRATIVE PROVISIONS".

(b) PART B.—Part B of title I of such Act (29 U.S.C. 1531 et seq.), as amended by this

Act, is further amended in the heading of such part to read as follows:

"PART B—LOCAL ADMINISTRATIVE PROVISIONS".

(c) Part C.—

(1) Headings.—Part C of title I of such Act (29 U.S.C. 1551 et seq.), as amended by this Act, is further amended—

(A) in the heading of such part to read as follows:

"PART C—PROGRAM AND FISCAL PROVISIONS";

(B) by inserting after the heading for such part the following:

"Subpart 1—General Provisions";

(C) by inserting after section 148, as amended by this Act, the following:

"Subpart 2—Performance Accountability Provisions";

and

(D) by inserting after section 156 (as amended by this Act) the following:

"Subpart 3—Other Provisions".

(2) Section 141.—Section 141 of such Act (29 U.S.C. 1551), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 141. GENERAL PROGRAM REQUIREMENTS.";

and

(B)(i) by redesignating subsections (a), (b), (c), (e), (g), (h), (j), and (l) through (t) as paragraphs (1) through (16), respectively, and moving the margin for each such paragraph two ems to the right; and

(ii) by redesignating each paragraph and subparagraph of such subsections (a), (b), (c), (e), (g), (h), (j), and (l) through (t) (as such subsections existed before the amendment made by clause (i)) as a subparagraph and clause, respectively.

(3) Section 142.—Section 142 of such Act (29 U.S.C. 1552), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 142. BENEFITS.";

(B) in subsection (a)(2) (as redesignated), by striking "References" and inserting "References.—References"; and

(C) in subsection (b), by striking "Allowances" and inserting "Additional Requirement.—Allowances".

(4) Section 145.—Section 145 of such Act (29 U.S.C. 1555) is amended in the section heading to read as follows:

"SEC. 145. PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION.".

(5) Section 146.—Section 146 of such Act (as redesignated) is amended—

(A) in the section heading to read as follows:

"SEC. 146. IDENTIFICATION OF ADDITIONAL IMPOSED REQUIREMENTS.";

and

(B) by striking "service delivery area" each place it appears and inserting "workforce development area".

(6) Section 147.—Section 147 of such Act (as redesignated) is amended in the section heading to read as follows:

"SEC. 147. AUTHORITY OF STATE LEGISLATURE.".

(7) Section 148.—Section 148 of such Act (as redesignated) is amended in the section heading to read as follows:

"SEC. 148. INTERSTATE AGREEMENTS.".

(d) Part D.—

(1) Heading.—Part D of title I of such Act is amended by striking the heading for such part.

(2) Section 161.—Section 161 of such Act (29 U.S.C. 1571), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 161. PROGRAM YEAR.";

(B) in subsection (a), by striking "(a)" and inserting the following:

"(a) Program Year.—"; and

(C) in subsection (b), by striking "(b)" and inserting the following:

"(b) Availability.—".

(3) Section 162.—Section 162 of such Act (29 U.S.C. 1572), as amended by this Act, is further amended—

(A) in the section heading to read as follows:

"SEC. 162. PROMPT ALLOCATION OF FUNDS.";

(B) in subsection (a), by striking "(a)" and inserting "(a) Allotments and Allocations Based on Latest Available Data.—";

(C) in subsection (b), by striking "(b)" and inserting "(b) Publication in Federal Register Relating to Mandatory Funds.—";

(D) in subsection (c), by striking "(c)" and inserting "(c) Requirement for Funds Distributed by Formula.—";

(E) in subsection (d), by striking "(d)" and inserting "(d) Publication in Federal Register Relating to Discretionary Funds.—"; and

(F) in subsection (e)—

(i) by striking "(e)" and inserting "(e) Availability of Funds.—"; and

(ii) by striking "service delivery area" and inserting "local workforce development area".

(4) Section 163.—Section 163 of such Act (29 U.S.C. 1573) is amended—

(A) in the section heading to read as follows:

"SEC. 163. MONITORING.";

(B) in subsection (a), by striking "(a)" and inserting "(a) In General.—";

(C) in subsection (b), by striking "(b)" and inserting "(b) Investigations.—"; and

(D) in subsection (c), by striking "(c)" and inserting "(c) Additional Requirement.—".

(5) Section 164.—Section 164 of such Act (29 U.S.C. 1574) is amended—

(A) in the section heading to read as follows:

"SEC. 164. FISCAL CONTROLS; SANCTIONS.";

(B) in subsection (a)—

(i) by striking "(a)(1)" and inserting the following:

"(a) Establishment of Fiscal Controls by States.—

"(1) In general.—"; and

(ii) in paragraph (2), by striking "(2)" and inserting "(2) Regulations.—" and moving such paragraph two ems to the right;

(C) in subsection (e)—

(i) by striking "(e)(1)" and inserting the following:

"(e) Repayment of Amounts.—

"(1) In general.—";

(ii) in paragraph (2), by striking "(2)" and inserting "(2) Factors in imposing sanctions.—" and moving such paragraph two ems to the right; and

(iii) in paragraph (3), by striking "(3)" and inserting "(3) Waiver.—" and moving such paragraph two ems to the right;

(D) in subsection (f), by striking "(f)" and inserting "(f) Immediate Termination or Suspension of Assistance in Emergency Situations.—";

(E) in subsection (g), by striking "(g)" and inserting "(g) Discrimination Against Participants.—"; and

(F) by redesignating subsections (d), (e), (f), (g) as subsections (c), (d), (e), and (f), respectively.

(6) Section 165.—Section 165 of such Act (29 U.S.C. 1575) is amended—

(A) in the section heading to read as follows:

"SEC. 165. REPORTS; RECORDKEEPING; INVESTIGATIONS.";

(B) in subsection (a)—

(i) by striking "(a)(1)" and inserting the following:

"(a) Reports.—

"(1) In general.—";

(ii) in paragraph (2), by striking "(2)" and inserting "(2) Submission to the Secretary.—" and moving such paragraph two ems to the right; and

(iii) in paragraph (3), by striking "(3)" and inserting "(3) Maintenance of standardized records.—" and moving such paragraph two ems to the right; and

(iv) in paragraph (4)—

(I) by striking "(4)(A)" and inserting "(4) Availability to the public.—(A)" and moving such paragraph two ems to the right;

(II) in subparagraph (B), by striking "(B)" and inserting "(B) Exception.—" and moving such subparagraph two ems to the right; and

(III) in subparagraph (C), by striking "(C)" and inserting "(C) Fees to recover costs.—" and moving such subparagraph two ems to the right;

(C) in subsection (b)—

(i) by striking "(b)(1)(A)" and inserting the following:

"(b) Investigations of Use of Funds.—

"(1) In general.—(A)";

(ii) in subparagraph (B) of paragraph (1), by moving such subparagraph two ems to the right;

(iii) in paragraph (2), by striking "(2)" and inserting "(2) Prohibition.—" and moving such paragraph two ems to the right; and

(iv) in paragraph (3)—

(I) by striking "(3)(A)" and inserting the following:

"(3) Audits.—

"(A) In general.—";

(II) in subparagraph (B), by striking "(B)" and inserting "(B) Notification requirement.—" and moving such subparagraph two ems to the right;

(III) in subparagraph (C), by striking "(C)" and inserting "(C) Additional requirement.—" and moving such subparagraph two ems to the right; and

(IV) in subparagraph (D), by striking "(D)" and inserting "(D) Rule of construction.—" and moving such subparagraph two ems to the right;

(D) in subsection (c)—

(i) by striking "(c)" and inserting "(c) Accessibility of Reports.—"; and

(ii) in paragraph (2), by striking "service delivery area" and inserting "local workforce development area";

(E) in subsection (d)—

(i) by striking "(d)(1)" and inserting the following:

"(d) Information To Be Included in Reports.—

"(1) In general.—"; and

(ii) in paragraph (2), by striking "(2)" and inserting "(2) Additional requirement.—" and moving such paragraph two ems to the right;

(F) in subsection (e), by striking "(e)" and inserting "(e) Retention of Records.—";

(G) in subsection (f)—

(i) by striking "(f)(1)" and inserting the following:

"(f) Quarterly Financial Reports.—

"(1) In general.—";

(ii) by striking "service delivery area" and inserting "local workforce development area"; and

(iii) in paragraph (2), by striking "(2)" and inserting "(2) Additional requirement.—"

and moving such paragraph two ems to the right; and

(H) in subsection (g), by striking "(g)" and inserting "(g) MAINTENANCE OF ADDITIONAL RECORDS.—".

(7) SECTION 166.—Section 166 of such Act (29 U.S.C. 1576) is amended—

(A) in the section heading to read as follows:

"SEC. 166. ADMINISTRATIVE ADJUDICATION.";

(B) in subsection (a), by striking "(a)" and inserting the following:

"(a) IN GENERAL.—";

(C) in subsection (b), by striking "(b)" and inserting the following:

"(b) APPEAL.—";

(D) in subsection (c), by striking "(c)" and inserting the following:

"(c) TIME LIMIT.—"; and

(E) in subsection (d), by striking "(d)" and inserting the following:

"(d) ADDITIONAL REQUIREMENT.—";

(8) SECTION 169.—Section 169 of such Act (29 U.S.C. 1579) is amended—

(A) in the section heading to read as follows:

"SEC. 169. ADMINISTRATIVE PROVISIONS.";

(B) in subsection (a), by striking "(a)" and inserting "(a) IN GENERAL.—";

(C) in subsection (b), by striking "(b)" and inserting "(b) ACQUISITION OF CERTAIN PROPERTY AND SERVICES.—";

(D) in subsection (c), by striking "(c)" and inserting "(c) AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS AND TO MAKE CERTAIN EXPENDITURES.—"; and

(E) in subsection (d), by striking "(d)" and inserting "(d) ANNUAL REPORT.—".

(9) SECTION 170.—Section 170 of such Act (29 U.S.C. 1580) is amended—

(A) in the section heading to read as follows:

"SEC. 170. UTILIZATION OF SERVICES AND FACILITIES.";

and

(B) in the first sentence, by striking "section 169(c)" and inserting "section 168(c)".

(10) SECTION 171.—Section 171 of such Act (29 U.S.C. 1581) is amended in the section heading to read as follows:

"SEC. 171. OBLIGATIONAL AUTHORITY.".

(11) REDESIGNATION.—Sections 169, 170, 171, 172, and 173 of the Job Training Partnership Act (29 U.S.C. 1579, 1580, and 1581), as amended or added by this Act, as the case may be, are further amended by redesignating such sections as sections 168, 169, 170, 171, and 172 of such Act, respectively.

(e) PART E.—

(1) HEADING.—The heading for part E of title I of such Act is amended by redesignating such heading as the heading for part D of title I of such Act (and conforming the typeface for such heading in a manner similar to the typeface for the heading for part C of title I of such Act (as amended by subsection (b)(1)(A)).

(2) SECTION 183.—Section 183 of such Act (29 U.S.C. 1592), as amended by this Act, is further amended by redesignating such section as section 181.

SEC. 904. AMENDMENTS TO TITLE IV.

(a) PART HEADINGS.—The following part headings of title IV of the Job Training Partnership Act (29 U.S.C. 1671 et seq.) are amended as follows:

(1) The heading for part A of title IV of such Act is amended to read as follows:

"PART A—EMPLOYMENT AND TRAINING PROGRAMS FOR NATIVE AMERICANS AND MIGRANT AND SEASONAL FARMWORKERS".

(2) The heading for part B of title IV of such Act is amended to read as follows:

"PART B—JOB CORPS".

(3) The heading for part C of title IV of such Act is amended to read as follows:

"PART C—VETERANS' EMPLOYMENT PROGRAMS".

(4) The heading for part D of title IV of such Act is amended to read as follows:

"PART D—NATIONAL ACTIVITIES".

(5) The heading for part E of title IV of such Act is amended to read as follows:

"PART E—LABOR MARKET INFORMATION".

(b) SECTION 441.—Section 441 of such Act (29 U.S.C. 1721) is amended—

(1) in the section heading to read as follows:

"SEC. 441. AUTHORIZATION OF PROGRAMS.";

(2) in subsection (a)—

(A) by striking "(a)(1)" and inserting the following:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—";

(B) in paragraph (2), by striking "(2)" and inserting "(2) CONDUCT OF PROGRAMS.—" and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking "(3)" and inserting "(3) REQUIRED ACTIVITIES.—" and moving such paragraph two ems to the right; and

(3) in subsection (b)—

(A) by striking "(b)(1)" and inserting the following:

"(b) ADMINISTRATION OF PROGRAMS.—

"(1) IN GENERAL.—"; and

(B) in paragraph (2), by striking "(2)" and inserting "(2) ADDITIONAL RESPONSIBILITIES.—" and moving such paragraph two ems to the right.

(c) SECTION 455.—Section 455 of such Act (29 U.S.C. 1735) is amended—

(1) in the section heading to read as follows:

"SEC. 455. UNIFORM REPORTING REQUIREMENTS.";

and

(2) by redesignating such section as section 453.

(d) SECTION 461.—Section 461 of such Act (29 U.S.C. 1751) is amended—

(1) in the section heading to read as follows:

"SEC. 461. LABOR MARKET INFORMATION; AVAILABILITY OF FUNDS.";

(2) in subsection (a), by striking "(a)" and inserting "(a) SET-ASIDE OF FUNDS.—";

(3) in subsection (b)—

(A) by striking "(b)" and inserting "(b) AVAILABILITY FOR ADDITIONAL PURPOSE.—"; and

(B) by striking "section 125" and inserting "section 467"; and

(4) in subsection (c), by striking "(c)" and inserting "(c) AVAILABILITY OF OTHER FUNDS.—".

(e) SECTION 462.—Section 462 of such Act (29 U.S.C. 1752) is amended—

(1) in the section heading to read as follows:

"SEC. 462. COOPERATIVE LABOR MARKET INFORMATION PROGRAM.";

(2) in subsection (a), by striking "(a)" and inserting "(a) DATA ON CURRENT EMPLOYMENT.—";

(3) in subsection (b), by striking "(b)" and inserting "(b) MAINTENANCE OF DESCRIPTIONS OF JOB DUTIES AND RELATED INFORMATION.—";

(4) in subsection (c), by striking "(c)" and inserting "(c) ADDITIONAL REQUIREMENTS.—";

(5) in subsection (d)—

(A) by striking "(d)(1)" and inserting the following:

"(d) DATA FOR ANNUAL STATISTICAL MEASURE OF LABOR MARKET RELATED ECONOMIC HARDSHIP.—

"(1) IN GENERAL.—";

(B) in paragraph (2), by striking "(2)" and inserting "(2) HOUSEHOLD BUDGET DATA.—" and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking "(3)" and inserting "(3) REPORT.—" and moving such paragraph two ems to the right;

(6) in subsection (e), by striking "(e)" and inserting "(e) STATISTICAL DATA RELATING TO PERMANENT LAY-OFFS AND PLANT CLOSINGS.—"

(7) in subsection (f)—

(A) by striking "(f)(1)" and inserting the following:

"(f) DATA RELATING TO PERMANENT DISLOCATION OF FARMERS AND RANCHERS.—

"(1) IN GENERAL.—";

(B) in paragraph (1), by moving subparagraphs (A) through (E) two ems to the right; and

(C) in paragraph (2), by striking "(2)" and inserting "(2) REPORT.—" and moving such paragraph two ems to the right; and

(8) by striking subsection (g).

(f) SECTION 463.—Section 463 of such Act (29 U.S.C. 1753) is amended—

(1) in the section heading to read as follows:

"SEC. 463. SPECIAL FEDERAL RESPONSIBILITIES.";

(2) in subsection (a), by striking "(a)" and inserting "(a) REVIEW AND APPLICATION OF LABOR MARKET INFORMATION.—";

(3) in subsection (b), by striking "(b)" and inserting "(b) INTEGRATED OCCUPATIONAL SUPPLY AND DEMAND INFORMATION SYSTEM.—"; and

(4) in subsection (c), by striking "(c)" and inserting "(c) SUFFICIENT FUNDS FOR STAFFING.—".

(g) SECTION 464.—Section 464 of such Act (29 U.S.C. 1754) is amended—

(1) in the section heading to read as follows:

"SEC. 464. NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE.";

(2) in subsection (a)—

(A) by striking "(a)(1)" and inserting the following:

"(a) RESERVATION.—

"(1) IN GENERAL.—";

(B) in paragraph (2), by striking "(2)" and inserting "(2) ADDITIONAL MEMBERS.—" and moving such paragraph two ems to the right; and

(C) in paragraph (3), by striking "(3)" and inserting "(3) ADDITIONAL REQUIREMENT.—" and moving such paragraph two ems to the right;

(3) in subsection (b), by striking "(b)" and inserting "(b) ADDITIONAL RESPONSIBILITIES.—"; and

(4) in subsection (c), by striking "(c)" and inserting "(c) USE OF FUNDS.—".

(h) SECTION 465.—Section 465 of such Act (29 U.S.C. 1755) is amended in the section heading to read as follows:

"SEC. 465. JOB BANK PROGRAM.".

(i) SECTION 466.—Section 466 of such Act (as redesignated) is amended—

(1) in the section heading to read as follows:

"SEC. 466. STATE JOB BANK SYSTEMS.";

(2) in subsection (a) (as redesignated), by striking "(a)" and inserting "(a) IN GENERAL.—"; and

(3) in subsection (b) (as redesignated), by striking "(b)" and inserting "(b) COMPUTERIZED DATA SYSTEMS.—".

(j) SECTION 467.—Section 467 of such Act (as redesignated) is amended—

(1) in the section heading to read as follows:

"SEC. 467. STATE LABOR MARKET INFORMATION PROGRAMS.";

(2) in subsection (a), by striking "(a)" and inserting the following:

"(a) In General.—";

(3) in subsection (b), by striking "(b)" and inserting the following:

"(b) Additional Requirements.—";

(4) in subsection (c), by striking "(c)" and inserting the following:

"(c) Reimbursements.—"; and

(5) in subsection (d), by striking "(d)" and inserting the following:

"(d) Combination or Consolidation of Certain Reporting Requirements.—".

SEC. 905. AMENDMENTS TO TITLE VI.

The Job Training Partnership Act (29 U.S.C. 1501 et seq.) is amended by striking the heading for title VI of such Act.

SEC. 906. CLARIFICATION.

Nothing in this Act, the amendments made by this Act, or any law amended by this Act shall be construed to supplant or modify the requirements for registration of an apprenticeship program under the National Apprenticeship Act.

Subtitle B—Amendments to Other Acts

SEC. 911. AMENDMENTS TO OTHER ACTS.

The following Acts are amended as follows:

(1) Title 5, United States Code.—Section 3502(d) of title 5, United States Code, is amended—

(A) in paragraph (3)—

(i) in subparagraph (A)(i), by striking "or units (referred to in section 311(b)(2) of the Job Training Partnership Act)" and inserting "referred to in section 313(a)(2)(B)(i) of the Employment, Training, and Literacy Enhancement Act"; and

(ii) in subparagraph (B)(iii), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act"; and

(B) in paragraph (4), in the second sentence, by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(2) Food Stamp Act of 1977.—

(A) Section 5.—Section 5(l) of the Food Stamp Act of 1977 (7 U.S.C. 2014(l)) is amended by striking "section 142(b) of the Job Training Partnership Act (29 U.S.C. 1552(b))" and inserting "title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(B) Section 6.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended—

(i) in subsection (d)(4)(M), by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act"; and

(ii) in subsection (e)(3), by striking subparagraph (A) and inserting the following:

"(A) a program under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act;".

(C) Section 17.—The second sentence of section 17(b)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(2)) is amended—

(i) by striking "to accept an offer of employment from a political subdivision or a prime sponsor pursuant to the Comprehensive Employment and Training Act of 1973, as amended (29 U.S.C. 812)," and inserting "to accept an offer of employment from a service provider carrying out employment and training activities through a program carried out under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act,"; and

(ii) by striking ": *Provided*, That all of the political subdivision's" and all that follows and inserting ", if all of the jobs supported under the program have been made available to participants in the program before the service provider providing the jobs extends an offer of employment under this paragraph, and if the service provider, in employing the person, complies with the requirements of Federal law that relate to the program.".

(3) Immigration and Nationality Act.—Section 245A(h)(4)(F) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(F)) is amended by striking "The Job Training Partnership Act." and inserting "The Employment, Training, and Literacy Enhancement Act.".

(4) Refugee Education Assistance Act of 1980.—Section 402(a)(4) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Employment, Training, and Literacy Enhancement Act".

(5) National Defense Authorization Act for Fiscal Year 1993.—

(A) Section 3161.—Section 3161(c)(6) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h(c)(6)) is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(B) Section 4461.—Section 4461(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended by striking "The Job Training Partnership Act (29 U.S.C. 1501 et seq.)." and inserting "The Employment, Training, and Literacy Enhancement Act.".

(C) Section 4471.—Section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 2501 note) is amended—

(i) in subsection (c)(2), by striking "section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2))" and inserting "313(a)(2)(B)(i) of the Employment, Training, and Literacy Enhancement Act";

(ii) in subsection (d)—

(I) in the first sentence, by striking "for training, adjustment assistance, and employment services" and all that follows through "except where" and inserting "to participate in employment and training activities carried out under the Employment, Training, and Literacy Enhancement Act, except in a case in which"; and

(II) by striking the second sentence; and

(iii) in subsection (e), by striking "for training," and all that follows through "beginning" and inserting "to participate in employment and training activities under the Employment, Training, and Literacy Enhancement Act beginning".

(6) National Defense Authorization Act for Fiscal Year 1991.—Section 4003(5)(C) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2391 note) is amended by inserting before the period the following: ", as in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997".

(7) National Defense Authorization Act for Fiscal Year 1994.—Section 1333(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2701 note) is amended by striking "Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512))." and inserting "Local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act.".

(8) Small Business Act.—The fourth sentence of section 7(j)(13)(E) of the Small Business Act (15 U.S.C. 636(j)(13)(E)) is amended by striking "under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "under section 124 of the Employment, Training, and Literacy Enhancement Act".

(9) Employment Act of 1946.—Section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)) is amended by striking "and include these in the annual Employment and Training Report of the President required under section 705(a) of the Comprehensive Employment and Training Act of 1973 (hereinafter in this Act referred to as 'CETA')" and inserting "and prepare and submit to the President an annual report containing the recommendations".

(10) Full Employment and Balanced Growth Act of 1978.—

(A) Section 206.—Section 206 of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3116) is amended—

(i) in subsection (b)—

(I) in the matter preceding paragraph (1), by striking "CETA" and inserting "the Employment, Training, and Literacy Enhancement Act"; and

(II) in paragraph (1), by striking "(including use of section 110 of CETA when necessary)"; and

(ii) in subsection (c)(1), by striking "through the expansion of CETA and other".

(B) Section 401.—Section 401(d) of the Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3151(d)) is amended by striking "include, in the annual Employment and Training Report of the President provided under section 705(a) of CETA," and inserting "include, in the annual report referred to in section 4(f)(2)(B) of the Employment Act of 1946 (15 U.S.C. 1022a(f)(2)(B)),".

(11) Title 18, United States Code.—Subsections (a), (b), and (c) of section 665 of title 18, United States Code are amended by striking "or the Job Training Partnership Act" and inserting "the Job Training Partnership Act, or the Employment, Training, and Literacy Enhancement Act".

(12) Trade Act of 1974.—Section 239(e) of the Trade Act of 1974 (19 U.S.C. 2311(e)) is amended by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(13) Higher Education Act of 1965.—Section 480(b)(14) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)(14)) is amended by striking "Job Training Partnership Act" and inserting "received through participation under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(14) Individuals with Disabilities Education Act.—Section 626 of the Individuals with Disabilities Education Act (20 U.S.C. 1425) is amended—

(A) in the first sentence of subsection (a), by striking "(including the State job training coordinating councils and service delivery area administrative entities established under the Job Training Partnership Act)" and inserting "(including the State collaborative process under of section 102 of the Employment, Training, and Literacy Enhancement Act and local workforce development boards established under section 122 of such Act)";

(B) in subsection (e)—

(i) in paragraph (3)(C), by striking "local Private Industry Councils (PICS) authorized by the Job Training Partnership Act (JTPA)," and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act,";

(ii) in paragraph (4)(A)(iii), by striking "local Private Industry Councils (PICS) authorized by the JTPA," and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act,"; and

(iii) in clauses (iii), (iv), (v), and (vii) of paragraph (4)(B), by striking "PICS authorized by the JTPA" and inserting "local workforce development boards established under section 122 of the Employment, Training, and Literacy Enhancement Act"; and

(C) in subsection (g), by striking "the Job Training Partnership Act (JTPA)," and inserting "the Employment, Training, and Literacy Enhancement Act,".

(15) Department of Education Organization Act.—Subsection (a) of section 302 of the Department of Education Organization Act (20 U.S.C. 3443(a)) (as redesignated in section 271(a)(2) of the Improving America's Schools Act of 1994) is amended by striking "under section 303(c)(2) of the Comprehensive Employment and Training Act" and inserting "relating to such education".

(16) National Skill Standards Act of 1994.—

(A) Section 504.—Section 504(c)(3) of the National Skill Standards Act of 1994 (20 U.S.C. 5934(c)(3)) is amended by striking "the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)) and".

(B) Section 508.—Section 508(1) of the National Skill Standards Act of 1994 (20 U.S.C. 5938(1)) is amended to read as follows:

"(1) Community-based organization.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness that is representative of a community or a significant segment of a community and that provides workforce and career development activities, as defined in section 4 of the Employment, Training, and Literacy Enhancement Act.".

(17) Elementary and Secondary Education Act of 1965.—

(A) Section 1205.—Section 1205(8)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365(8)(B)) is amended by striking ", the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act" and inserting "the Individuals with Disabilities Education Act, and the Employment, Training, and Literacy Enhancement Act".

(B) Section 1414.—Section 1414(c)(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by striking "programs under the Job Training Partnership Act," and inserting "activities under the Employment, Training, and Literacy Enhancement Act,".

(C) Section 1423.—Section 1423(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6453(9)) is amended by striking "programs under the Job Training and Partnership Act" and inserting "activities under the Employment, Training, and Literacy Enhancement Act".

(D) Section 1425.—Section 1425(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6455(9)) is amended by striking ", such as funds under the Job Training Partnership Act," and inserting ", such as funds made available under the Employment, Training, and Literacy Enhancement Act,".

(18) Freedom Support Act.—The last sentence of section 505 of the FREEDOM Support Act (22 U.S.C. 5855) is amended by striking ", through the Defense Conversion" and all that follows through "or through" and inserting "or through".

(19) Emergency Jobs and Unemployment Assistance Act of 1974.—

(A) Section 204.—Section 204(b) of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended by striking "designate as an area" and all that follows and inserting "designate as an area under this section an area that is a local workforce development area under the Employment, Training, and Literacy Enhancement Act.".

(B) Section 223.—Section 223 of the Emergency Jobs and Unemployment Assistance Act of 1974 (26 U.S.C. 3304 note) is amended—

(i) in paragraph (3), by striking "assistance provided" and all that follows and inserting "assistance provided under the Employment, Training, and Literacy Enhancement Act;"; and

(ii) in paragraph (4), by striking "funds provided" and all that follows and inserting "funds provided under the Employment, Training, and Literacy Enhancement Act;".

(20) Job Training Reform Amendments of 1992.—Section 701 of the Job Training Reform Amendments of 1992 (29 U.S.C. 1501 note) is repealed.

(21) Public Law 98–524.—Section 7 of Public Law 98–524 (29 U.S.C. 1551 note) is repealed.

(22) Veterans' Benefits and Programs Improvement Act of 1988.—Section 402 of the Veterans' Benefits and Programs Improvement Act of 1988 (29 U.S.C. 1721 note) is amended—

(A) in subsection (a), by striking "title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act";

(B) in subsection (c), by striking "Training, in consultation with the office designated or created under section 322(b) of the Job Training Partnership Act," and inserting "Training"; and

(C) in subsection (d)—

(i) in paragraph (1), by striking "under—" and all that follows through "the Veterans'" and inserting "under the Veterans'"; and

(ii) in paragraph (2), by striking "Employment and training" and all that follows and inserting "Employment, training, and literacy activities under the Employment, Training, and Literacy Enhancement Act.".

(23) Veterans' Job Training Act.—

(A) Section 13.—Section 13(b) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "assistance under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "assistance under the Employment, Training, and Literacy Enhancement Act".

(B) Section 14.—Section 14(b)(3)(B)(i)(II) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended by striking "under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "under the Employment, Training, and Literacy Enhancement Act".

(C) Section 15.—Section 15(c)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) is amended—

(i) in the second sentence, by striking "part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act"; and

(ii) in the third sentence, by striking "title III of".

(24) Worker Adjustment and Retraining Notification Act.—Section 3(a)(2) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102(a)(2)) is amended by striking "title III of the Job Training Partnership Act" and inserting "title II, III, or IV of the Employment, Training, and Literacy Enhancement Act".

(25) Title 31, United States Code.—Section 6703(a) of title 31, United States Code, is amended by striking paragraph (4) and inserting the following:

"(4) Programs under title III or IV of the Employment, Training, and Literacy Enhancement Act.".

(26) Veterans' Rehabilitation and Education Amendments of 1980.—Section 512 of the Veterans' Rehabilitation and Education Amendments of 1980 (38 U.S.C. 4101 note) is amended by striking "the Comprehensive Employment and Training Act (29 U.S.C. et seq.)," and inserting "the Employment, Training, and Literacy Enhancement Act,".

(27) Title 38, United States Code.—

(A) Section 4102A.—Section 4102A(d) of title 38, United States Code, is amended by striking "the Job Training Partnership Act" and inserting "the Employment, Training, and Literacy Enhancement Act".

(B) Section 4103A.—Section 4103A(c)(4) of title 38, United States Code, is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.))" and inserting "Employment, Training, and Literacy Enhancement Act)".

(C) Section 4213.—Section 4213 of title 38, United States Code, is amended by striking "Job Training Partnership Act (29 U.S.C. 1501 et seq.)," and inserting "Employment, Training, and Literacy Enhancement Act,".

(28) United States Housing Act of 1937.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(A) in subsection (b)(2)(A), by striking "the Job Training" and all that follows through "or the" and inserting "the Employment, Training, and Literacy Enhancement Act or the";

(B) in the first sentence of subsection (f)(2), by striking "programs under the" and all that follows through "and the" and inserting "programs under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and the"; and

(C) in subsection (g)—

(i) in paragraph (2), by striking "programs under the" and all that follows through "and the" and inserting "programs under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and the"; and

(ii) in paragraph (3)(H), by striking "program under" and all that follows through "and any other" and inserting "program under title II, III, or IV of the Employment, Training, and Literacy Enhancement Act and any other".

(29) Housing Act of 1949.—Section 504(c)(3) of the Housing Act of 1949 (42 U.S.C. 1474(c)(3)) is amended by striking "pursuant to" and all that follows through "or the" and inserting "pursuant to the Employment, Training, and Literacy Enhancement Act or the".

(30) Older Americans Act of 1965.—

(A) Section 203.—Section 203 of the Older Americans Act of 1965 (42 U.S.C. 3013) is amended—

(i) in subsection (a)(2), by striking the last sentence and inserting the following: "In particular, the Secretary of Labor and the Secretary of Education shall consult and cooperate with the Assistant Secretary in carrying out the Employment, Training, and Literacy Enhancement Act of 1997."; and

(ii) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) the Employment, Training, and Literacy Enhancement Act,".

(B) SECTION 502.—Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended—

(i) in subsection (b)(1)(N)(i), by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act"; and

(ii) in subsection (e)(2)(C), by striking "programs carried out under section 124 of the Job Training Partnership Act (29 U.S.C. 1534)" and inserting "employment and training activities carried out under title III of the Employment, Training, and Literacy Enhancement Act".

(C) SECTION 503.—Section 503(b)(1) of the Older Americans Act of 1965 (42 U.S.C. 3056a(b)(1)) is amended by striking "the Job Training Partnership Act," each place it appears and inserting "the Employment, Training, and Literacy Enhancement Act,".

(31) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 1801(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)(3)) is amended by striking "Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.)" and inserting "Employment, Training, and Literacy Enhancement Act".

(32) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF 1984.—The second sentence of section 2(a) of the Environmental Programs Assistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(33) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—

(A) SECTION 103.—Section 103(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4953(d)) is amended in the second sentence to read as follows: "Whenever feasible, such efforts shall be coordinated with a local workforce development board established under section 122 of the Employment, Training, and Literacy Enhancement Act.".

(B) SECTION 109.—Subsections (c)(2) and (d)(2) of section 109 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4959) is amended by striking "Job Training Partnership Act" and inserting "Employment, Training, and Literacy Enhancement Act".

(34) AGE DISCRIMINATION ACT OF 1975.—Section 304(c)(1) of the Age Discrimination Act of 1975 (42 U.S.C. 6103(c)(1)) is amended by striking "the Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801, et seq.), as amended," and inserting "the Employment, Training, and Literacy Enhancement Act".

(35) ENERGY CONSERVATION AND PRODUCTION ACT.—Section 414(b)(3) of the Energy Conservation and Production Act (42 U.S.C. 6864(b)(3)) is amended by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Employment, Training, and Literacy Enhancement Act".

(36) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 233 of the National Energy Conservation Policy Act (42 U.S.C. 6873) is amended, in the matter preceding paragraph (1), by striking "the Comprehensive Employment and Training Act of 1973" and inserting "the Employment, Training, and Literacy Enhancement Act".

(37) COMMUNITY ECONOMIC DEVELOPMENT ACT OF 1981.—Section 617(a)(3) of the Community Economic Development Act of 1981 (42 U.S.C. 9806(a)(3)) is amended by striking "activities such as those described in the Comprehensive Employment and Training Act" and inserting "employment and training activities described in the Employment, Training, and Literacy Enhancement Act".

(38) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 103(b)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302(b)(2)) is amended by striking "the Job Training Partnership Act" and inserting "the Employment, Training, and Literacy Enhancement Act".

(39) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—

(A) SECTION 177.—Section 177(d) of the National and Community Service Act of 1990 (42 U.S.C. 12637(d)) is amended by striking "Job Training Partnership Act" each place it appears and inserting "Employment, Training, and Literacy Enhancement Act".

(B) SECTION 198C.—Section 198C of the National and Community Service Act of 1990 (42 U.S.C. 12653c) is amended—

(i) in subsection (b)(1), by striking "a military installation described in section 325(e)(1) of the Job Training Partnership Act (29 U.S.C. 1662d(e)(1))." and inserting "a military installation being closed or realigned under—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note)."; and

(ii) in subsection (e)(1)(B)(iii), by striking "Job Training Partnership Act (29 U.S.C. 1693)" and inserting "Employment, Training, and Literacy Enhancement Act".

(C) SECTION 199L.—Section 199L(a) of the National and Community Service Act of 1990 (42 U.S.C. 12655m(a)) is amended by striking "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" and inserting "the Employment, Training, and Literacy Enhancement Act".

(40) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—

(A) SECTION 454.—Subparagraphs (H) and (M) of subsection (c)(2), and subsection (d)(7), of section 454 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c) are amended by striking "the Job Training Partnership Act" and inserting "the Employment, Training, and Literacy Enhancement Act".

(B) SECTION 456.—The first sentence of section 456(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899e(e)) is amended by striking "the Job Training Partnership Act" each place it appears and inserting "the Employment, Training, and Literacy Enhancement Act".

(41) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—Section 31113(a)(4)(C) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13823(a)(4)(C)) is amended by inserting after "the Job Training Partnership Act (29 U.S.C. 1501 et seq.)" the following: ", title II, III, or IV of the Employment, Training, and Literacy Enhancement Act,".

(42) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—Section 403(c)(2)(K) and section 423(d)(11) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(K) and 1138a note) are amended by striking "Job Training Partnership Act" each place it appears and inserting "Employment, Training, and Literacy Enhancement Act".

TITLE X—EFFECTIVE DATE AND TRANSITION PROVISIONS

SEC. 1001. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect on July 1, 1998.

SEC. 1002. TRANSITION PROVISIONS.

"(a) IN GENERAL.—The Secretary of Education and the Secretary of Labor, as appropriate, shall take such steps as such Secretaries determine to be appropriate to provide for the orderly transition from any authority under provisions of law amended or repealed by this division or any related authority under the provisions of this division.

(b) EXTENDED TRANSITION PERIOD.—

(1) IN GENERAL.—If, on or before July 1, 1997, a State has enacted a State statute that provides for the establishment or conduct of three or more of the programs, projects, or activities described in subparagraphs (A) through (E) or paragraph (2), the State shall not be required to comply with provisions of this Act that conflict with such State statute for the period ending three years after the date of enactment of this Act.

(2) PROGRAMS, PROJECTS, AND ACTIVITIES DESCRIBED.—The programs, projects, and activities described in this paragraph are the following:

(A) Establishment of human resource investment councils or substate councils.

(B) Reorganization or consolidation of State agencies with responsibility for State employment and training programs.

(C) Reorganization or consolidation of State employment and training programs.

(D) Restructuring of local delivery systems for State employment and training programs.

(E) Development or restructuring of State accountability or oversight systems to focus on performance.

AMENDMENT NO. 2 OFFERED BY MR. GRAHAM

Mr. GRAHAM. Mr. Chairman, I offer amendment No. 2, printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GRAHAM:

Page 15, line 18, after "services" insert "provided to participants on a voluntary basis".

Page 15, line 20, after "family" insert "(such as eliminating or reducing welfare dependency)".

Page 16, strike lines 1 through 3 and insert the following:

"(B) Equipping parents to partner with their children in learning."

Page 16, strike lines 6 through 8 and insert the following:

"(D) Appropriate instruction for children of parents receiving parent literacy services."

Page 28, line 11, after "award" insert "not less than 1".

Page 28, line 11, strike "grants" and insert "grant".

Page 52, after line 12, add the following:

"(7) LIMITATION.—Nothing in this Act shall be construed to provide local workforce development boards with the authority to mandate curriculum for schools."

Page 179, line 10, after "adults," insert "on a voluntary basis,".

Page 179, line 12, after "parents," insert "on a voluntary basis,".

Page 184, after line 5, insert the following:

"SEC. 305. HOME SCHOOLS.

"Nothing in this title shall be construed to affect home schools, nor to compel a parent engaged in home schooling to participate in an English literacy program, family literacy services, or adult education."

Page 192, line 6, strike “, such as” and all that follows through line 11 and insert a semicolon.

Page 192, line 19, strike “gains;” and insert “gains and uses instructional practices, such as phonemic awareness and systematic phonics, that research has proven to be effective in teaching individuals to read,”.

Page 194, line 11, after “including” insert “instruction incorporation phonemic awareness and systematic phonics and”.

Page 195, line 5, strike “curricula;” and insert “curricula, including curricula incorporating phonemic awareness and systematic phonics;”.

Page 199, line 10, strike “available” and insert “available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness and systematic phonics,”.

Page 201, beginning on line 4, after “including” insert “instruction” in phonemic awareness and systematic phonics and”.

Page 201, line 5, strike “such” and insert “literacy and basic skills”.

Page 201, line 22, before “research” insert “reliable and replicable”.

Page 202, line 8, strike “promise;” and insert “promise, including phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;”.

Page 204, line 3, before “research” insert “reliable and replicable”.

Page 210, line 9, strike “adults;” and insert “adults, including instructional practices using phonemic awareness and systematic phonics based on the work of the National Institute of Child Health and Human Development;”.

Page 211, line 24, strike “A” and insert “A, and based on scientific evidence, where available,”.

Mr. GRAHAM. Mr. Chairman, to begin with, I, too, would like to thank Chairman GOODLING and Chairman MCKEON and the gentleman from Michigan, Mr. KILDEE, for putting together a bill that has been a very difficult task, but I think most of all for the good.

The committee has come together in a bipartisan fashion to address some problems long overdue to be addressed, and to rescind duplication and get local control for the 21st century, something I think most Americans agree with.

I have some amendments, I think, that are very appropriate, and I hope we can agree upon them. There are things about the bill that I would like to have changed that we cannot get an agreement upon.

Federal school-to-work, I would like that to cease now, because I believe that program, the school-to-work program, should be run at the local level. But under the program that we have today, Federal school-to-work will terminate in 2 years, and given our current situation, that is something that I will have to live with. On balance, the bill is very good.

The amendment that I offer today addresses concerns of family groups that I think are very legitimate, and to understand where people are coming from, a lot of folks are concerned that when we do things in Washington and when we do things at the State level, that does limit choices. Any time the government gets involved in an area, to me we need to do so as cautiously as possible, and allow people choices that are good for their community and their family.

One thing that we have done with this amendment is we have clearly stated that nothing in this bill should be construed to affect home schoolers, or compel a parent engaged in home schooling to participate in the literacy program, family literacy services, or adult education.

What we are trying to do here is to preserve the right to home school and make this program truly voluntary, and if a parent who is a home schooler does not want to participate, they certainly do not have to.

When we talk about teaching reading and how to bring about literacy, one of the things that is important to me is that we have a full menu, and that phonics, I think a tried and true method of teaching literacy, be included. This amendment ensures that phonics will have a systematic approach and a place in the literacy program, something I believe that is very necessary and very appropriate.

The last thing is that the gentleman from Texas [Mr. PAUL] talked about local work force development boards. If you had to pick between Washington and home, I pick home. The local work force development boards are going to be made up of local official business leaders, who I think have the best chance of telling us what the job market is like a lot better than we do here in Washington. We are going to allow them unprecedented flexibility and ability to shape a work force so people, when they get out of school, are ready to go to work, and hopefully we can reduce the welfare rolls early on by giving the people the skills they need to be competitive in the 21st century.

One thing we do not want to do is we do not want to mix job training with setting curriculum. Curriculum should be set by local educators and parents. I have offered an amendment that clearly says that the local work force development boards do not have any authority to mandate school curriculum. I think that is an amendment that clarifies and clearly limits and defines the roll of the work force development board, to make sure that parents and teachers control curriculum and not some other group we set up in the area of job training.

On balance, the bill moves the ball forward. I am very proud to have been a part of it. Any time we make major changes, we do not make everybody happy. That is democracy. I think we have brought some common sense to bear on programs that lack common sense, and local people are more empowered today to affect the job training and education of their children than they were before this bill began.

In my district we have lost 40 percent work force at the Savannah River site, the largest Department of Energy facility in the Nation. The reforms in this bill will allow more flexibility, more assets to be used in the local community to make sure that those people in my district and other districts who are losing their jobs have a chance to get retrained and go back into the work force.

On balance, I believe this is a good bill, and the amendments I offer I think will strengthen the bill.

Mr. MCKEON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from South Carolina [Mr. GRAHAM] serves as the vice chairman of the subcommittee, and has been very diligent in working to make this bill better. We would have no objection to this amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we learned of this amendment late yesterday afternoon, and had only a brief opportunity to go over it. However, we were able to work to make some changes in it. I believe the amendment now is acceptable. I believe it is important, however, that we reserve the right to look at it again in conference with the Senate.

Mr. HILLEARY. Mr. Chairman, I rise in support of the amendment offered by my good friend Mr. GRAHAM because it makes some necessary improvements to H.R. 1385 in the areas of adult education and literacy.

First, this amendment makes clear that all participation in adult education and family literacy programs is strictly voluntary. It also stipulates that this legislation has no impact on homeschools, nor can it compel homeschooling parents to participate in these programs.

Second, the amendment clarifies that the intent of the programs is to strengthen the literacy skills of parents and their children. This will help equip parents to work with their children effectively in the learning process.

Most importantly, this amendment clarifies that local work force development boards do not have any authority to mandate school curriculum. Workforce development boards are only authorized to manage training programs, not usurp the authority of local elected officials and school administrators. I encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. GRAHAM].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I have three amendments spread over this bill. They are all the same. But to cover the bill with the Buy-American Act, I ask unanimous consent to consider en bloc these three amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. TRAFICANT:

Page 104, line 22, strike the closed quotation marks and the second period.

Page 104, after line 22, add the following:

"SEC. 173. BUY-AMERICAN REQUIREMENTS.

"(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

"(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

"(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.".

Page 212, line 5, strike the closed quotation marks and the second period.

Page 212, after line 5, insert the following:

"SEC. 323. BUY-AMERICAN REQUIREMENTS.

"(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

"(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

"(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.".

Page 225, after the item relating to section 171 add the following:

"Sec. 172. Buy-American requirements.

Page 243, line 3, strike "and 172" and insert "172, and 173".

Page 243, line 7, strike "and 171" and insert "171, and 172".

Page 279, after line 17, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2104. BUY-AMERICAN REQUIREMENTS.

(a) IN GENERAL.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by inserting after section 21 the following:

"SEC. 22. BUY-AMERICAN REQUIREMENTS.

"(a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

"(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

"(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

"(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

"(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.".

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by inserting after the item relating to section 21 the following:

"Sec. 172. Buy-American requirements.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Chairman. Is there objection to the original request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, these are Buy American amendments. They simply say that all the money expended under this bill shall comply with the Buy American Act, and hopefully also a sense of the Congress that anyone expending these monies should, wherever possible, try and attempt to buy American-made goods and products; also, that there be a notice to recipients of grants or utilization money under this act that the Congress encourages them to, wherever possible, try and buy American-made goods.

Finally, it prohibits contracts to any person who in fact supplies supposedly made-in-America products that are not made in America.

The last provision is basically this. If someone who is doing business with one of our groups under this bill sells us supposedly made-in-America products, and we find it is a fraudulent, not made-in-America product, then they are prohibited from any more business covered under this act. That is the third provision.

□ 1045

That explains the three provisions.

Mr. Chairman, I yield to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, we have no objection to the gentleman's amendment. We agree with what he is trying to do, and we will make sure we will work that out in accordance with his wishes.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentleman's good work and also the gentleman from Pennsylvania [Mr. GOODLING] for working with me on the issue.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, I certainly support the amendment and urge its adoption.

Mr. TRAFICANT. Mr. Chairman, I urge an "aye" vote.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendments were agreed to.

Mr. HINOJOSA. Mr. Chairman, I move to strike the last word. I do not wish to speak to the present amendment, Mr. Chairman.

I rise in support of H.R. 1385 and the manager's amendment. Had I been here earlier, I would have spoken to this, and this is what I wanted to get into the record. I am particularly gratified by the willingness of the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] to work with Members from our side in producing a bipartisan bill that includes accountability. My thanks also go to the gentleman from Missouri [Mr. CLAY] and the gentleman from Michigan [Mr. KILDEE], the ranking members, for their leadership.

The addition of the provision that work force boards should make available to the public upon request the minutes of their meetings encourages me in the belief that the work force board process will be fair and open.

The CHAIRMAN. Are there further amendments to division A?

AMENDMENT NO. 4 OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. OWENS: PAGE 8, LINE 8, STRIKE "SUCH SUMS" AND INSERT "(A) EXCEPT AS PROVIDED IN SUBPARAGRAPH (B), SUCH SUMS".

Page 8, after line 10, add the following:

"(B)(i) Such sums as may be necessary for each of the fiscal years 1999 through 2003 to provide amounts to local workforce development areas under title II to carry out summer youth employment programs under such title in accordance with this subparagraph.

"(ii) Such amounts—

"(I) shall be used in accordance with the requirements otherwise applicable to programs under title II, except that such amounts shall be allocated to local workforce development areas in accordance with the requirements described in section 262(b) of the Job Training Partnership Act (29 U.S.C. 1642(b)) (as such section was in effect on the day before the date of the enactment of the Employment, Training, and Literacy Enhancement Act of 1997); and

"(II) shall be used to provide summer youth employment opportunities suitably linked to academic, occupational, and work-based learning opportunities.

Page 124, strike line 4 and all that follows through line 10.

Page 124, line 11, strike "(IV)" and insert "(III)".

Page 124, line 18, strike "(V)" and insert "(IV)".

Page 125, line 1, strike "(VI)" and insert "(V)".

Mr. OWENS. Mr. Chairman, this is an amendment on the Summer Youth Employment Program. The committee's work has been repeatedly congratulated. I hope that it is as good as we think it is because, in this closing of this century, jobs and employment will become a No. 1 issue. With workfare and downsizing and various other activities under way, jobs are going to be critical for those who now have jobs. They will not have them, a lot of them in the future. And for those who are being driven from the welfare rolls, all of it is going to come together.

The way we handle our jobs will be critical. The fact that we are handing over this power primarily to the Governors of the States is applauded by many but I find it a bit alarming.

I wanted to talk about one aspect of the jobs program, that is the part that deals with disadvantaged youth. I have a chart in front of me which shows that programs for disadvantaged youth have been treated with great hostility over the last 4 or 5 years, certainly the last 3 years. Among the programs for youth, disadvantaged youth, the Summer Youth Employment Program has been zeroed out of the budget a couple of times, and we have had to fight like mad to get it back into the budget. We have to appeal to the voters out there, public opinion to come to our aid, because we seem to have no aid here on Capitol Hill anywhere. This is basically an appeal that I make to the common sense of the Members of Congress, and I am asking Members of Congress to listen to their constituencies. Summer Youth Employment Programs are very important. If we fold them into a category called disadvantaged youth programs and that is all there is, no mandate which drives the summer youth employment programming funding, then we are likely to have a fading away of the Summer Youth Employment Programs.

What is happening with overall disadvantaged youth programs is they have gone from $676 million in 1993 to $608 million in 1994, down to $126 million in 1995, and now we are proposing $126.7 million for programs for disadvantaged youth other than summer youth employment.

The essence of the amendment is to keep current language in the bill which first clearly delineates the Summer Youth Employment Program as a separate program and, second, applies the same formula that exists now which drives the allocation of the formula within the State. Within the State they must follow the criteria of the amount of unemployment, the amount of poverty. This drives it down to the areas where the greatest need exists. If we do not do that, we leave it to the discretion of the Governors. I think the proposal in the en bloc amendments is to give the Governors 30 percent off the top for their discretion, which means we are reducing the amount of money for summer youth employment by giving that discretion to the Governors. The Governors already have discretion in the handling of other funds in this particular bill.

I wanted to maintain the level of Summer Youth Employment Programs that we have now. I wanted to not only maintain the level of funding but maintain the application allocation of that funding to the poorest children in the urban areas which are not highly regarded usually by Governors in most States. That is what this amendment does.

It is important to understand the background is that hostilities toward youth programs is such that they have been drastically reduced. In this very bill, the one exception made in the consolidation process is dislocated workers. Programs for dislocated workers are given a separate line. If they can make that exception for dislocated workers because those are most favored programs, for whatever reason, that is the program that has been increased the most in the last 3 years, they went from $571.6 million to $1.2 billion, so we know that there is a set of political policies operating here. We do not wait a minute to have disadvantaged youths in the cities in the summer to be the victims of their own politics. I urge that this amendment be adopted and save the Summer Youth Program.

Mr. Chairman, I rise in tacit support of this legislative effort to streamline the nation's Federal adult and youth job training system. The debate concerning H.R. 1385, the Employment, Training and Literacy Enhancement Act, is not nearly as contentious and radical as the debacle that characterizes last year's "CAREERS" legislation. In the spirit of bipartisanship, the Chair of both the Committee on Education and the Workforce and the Subcommittee on Post Secondary Education and Lifelong Learning have worked extremely hard with my colleague, Ranking Member DALE KILDEE, to move this bill in the right direction. In fact, as late as last night, efforts were being made to modify the bill to address some outstanding concerns of Members on both sides of the aisle, including myself. However, my colleagues in the Congressional Black Caucus, the progressive caucus, and the urban caucus have great reservations about the fate of the Summer Youth Employment Program—a highly successful program that has come to be relied upon by the nation's cities who welcome an opportunity to put disadvantaged young people to work. The Owens-Martinez amendment would address such concerns.

Job training funds must be distributed on the basis of economic need not political clout. As a result of the manager's en bloc amendment that was passed earlier, H.R. 1385 would grant the governors a good deal of discretion in determining the within-State formula which sets the amount that cities, that is, local work force development boards, receive. The Owens-Martinez amendment would maintain current law which ensures that those cities which are the poorest and have the highest unemployment rates receive the funds, rather than those cities that exert the most political clout. This amendment would not abdicate the Federal Government's prescribed within-state formula. Current law requires States to distribute funds to local areas based on a three-part formula: the number of unemployed, the number of excess unemployed, and the number of economically disadvantaged. This Federal formula ensures that funds get filtered down to those local areas that are the poorest, with the highest rates of unemployment. Thus, the Governor would not have the power to establish a formula that may have more to do with politics rather than economic need.

The manager's en bloc amendment would require that State distribute 70 percent of applicable funds to the localities according to the current formula. The other 30 percent would be distributed to localities according to a formula determined by the Governor. It is my understanding that this represents a compromise that was reached among the Nation's Governors, mayors, county executives and State legislatures. While this agreement is an accomplishment, it is not the best formula for those cities in dire economic straits. Congress should not be giving the Governor the authority to distribute 30 percent of the funds as he or she very well pleases.

The manager's en bloc amendment also included a clause that would make the Summer Youth Program a required activity, rather than an allowable activity as under the Committee-reported bill. This too, is a substantial improvement that could go further. The Owens-Martinez amendment would separate the Summer Youth Employment Program from its block grant and create a separate funding stream. Therefore, Congress would be required to pass an appropriation for the Summer Youth Employment Program, as in current law. Members would be able to ascertain exactly what money is being provided for the Summer Youth Employment Program. Under the bill, the Dislocated Workers Program is separated into a special category. Similar provisions must be made for the Summer Youth Employment Program.

Some of my colleagues may question the need for a separate appropriation and a federally driven within-State funding formula. History is the answer: repeatedly, the Summer Youth Employment Program has been a target of elimination by the majority.

In 1995, the House-passed Fiscal Year 1996 Labor-HHS-Appropriations Act (H.R. 2127) would have eliminated the program. $0 was appropriated for a program that is needed by 4 million young disadvantaged people, but only able to accommodate nearly 600,000. For this reason and various others, this bill was deadlocked in the Senate. Six months after the start of fiscal year 1996, after 2 Government shutdowns, and after more than 10 continuing resolutions, the Fiscal Year 1996 Omnibus Appropriations Act (H.R. 3019/PL104-) was enacted and provided $625 million to the summer program—thus supporting the same number of jobs as in 1995.

In 1996, the House-passed Fiscal Year 1997 Labor-HHS-Appropriations Act, would have frozen funding for the summer program at the 1995 level—thus supporting a record low of more than 440,000 youth, although nearly 800,000 youth were supported in the summer of 1992. Fortunately, the Fiscal Year 1997 Omnibus Appropriations Act (H.R. 3610/PL 104–208) was passed and enacted which granted an additional $246 million—for a total of $871 million—for the program—the same amount that the President requested.

The threat to the Summer Youth Employment Program continues—now to attack the program through the authorization process. The program must remain a Federal priority; this means from the intrastate funding formula to the interstate funding formula. Congress must reestablish its commitment to preserve the Summer Youth Employment Program and to target funds to those areas that are most in need. Fiscal constraints preclude 100 percent participation in the program; at the very least we ought to ensure that children in those areas that exhibit the greatest need are protected. The Ownes-Martinez amendment accomplishes just this. I urge my colleagues to vote for this amendment.

Mr. MCKEON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New York [Mr. OWENS]. It would continue the Summer Youth Employment Program as a stand-alone program.

Our bill, H.R. 1385, consolidates the Summer Youth Employment Program and the year-round youth program under the Job Training Partnership Act. The bill continues to allow funds to be spent on summer employment activities. In fact, summer employment that is linked to academic and occupational learning opportunities is now an essential element of the disadvantaged youth block grant.

But this legislation does not continue it as a separate program. The main purpose of the bill pertaining to disadvantaged youth programs is that we should not require stand-alone summer employment programs anymore that do not target the hardest to serve youth at the expense of more comprehensive disadvantaged youth programs.

This bill assumes a consolidation of the summer and the year-round programs, and it assumes the consolidation of funding for these programs as well. It does not repeal the summer program. It just makes it part of a more comprehensive effort at serving our hardest-to-serve, disadvantaged youth.

The bill refocuses disadvantaged youth programs on providing academic and occupational learning opportunities, on getting kids back into school, in addition to providing employment experiences.

The bill leaves the decision to localities on how to provide services. This is the main purpose of the bill, is getting the authority down to the local governments where they are best suited to handle and make these decisions.

In the en bloc package of amendments we have added language clarifying that summer employment opportunities will be an essential element, that was part of our en bloc amendment earlier this morning, in disadvantaged youth programs. Local work force development areas have sole discretion on determining the proportion of funds that will go for summer employment and for year round disadvantaged youth services, from funds made available under the substate formula; and at a minimum, 70 percent of the funds going to local areas under the youth opportunity employment training grant be allocated within the State through the existing formula under JTPA.

As I said, this is part of the agreement that has been reached with the Governors, the counties, the local boards, the local people that will be making this decision.

Acceptance of the Owens amendment would totally undo consolidation in our bill for disadvantaged youth programs and would result in hurting the hardest-to-serve youth, particularly school dropouts who are in need of a comprehensive mix of services.

In addition, this amendment goes against this agreement that we made earlier with the Governors, the State legislatures and the counties who supported this approach in the bill.

In summary, this amendment is the exact opposite of what we are all attempting to do here today. That is, consolidate the job training and employment programs, provide increased flexibility to States and localities in determining what programs work best for them.

I urge a "no" vote on this amendment.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, do the Governors get 30 percent off the top for administrative expenses?

Mr. MCKEON. Mr. Chairman, the Governors get 30 percent to use where they find the need is greatest throughout the State.

Mr. OWENS. Mr. Chairman, if the gentleman will continue to yield, which means that summer youth will be reduced from the amount that it was last year?

Mr. MCKEON. No, Mr. Chairman, they just have more flexibility at the State level to determine the use rather than we making the decision here in Washington.

Mr. OWENS. Mr. Chairman, when the gentleman uses State and local synonymously, the Governors have the discretion but the local levels will have——

Mr. MCKEON. Mr. Chairman, the States arrive at that formula through the collaborative process working with the State legislatures.

Mr. OWENS. In some states?

Mr. MCKEON. In all States, Mr. Chairman. It is required in the bill.

Mr. OWENS. Mr. Chairman, I thank the gentleman.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

It is interesting in the colloquy that just took place between the chairman and my friend, the gentleman from New York [Mr. OWENS], in that the point that the gentleman from New York [Mr. OWENS] was trying to make is that 30 percent right off the top, unlike today with the way the law is, goes to the Governor for his use whatever he deems to use it for.

The problem with block grants is that often many of the very important programs that were developed for specific reasons, the reason gets lost and the program gets lost, because at any particular time a Governor may have a different priority. Even local boards may have a different priority.

Let us go back to the beginning and remember why we created the summer youth program. Because in the summer, when it is hot, there is apt to be a lot more problems than there is in other times of the year. And when young people are out of school and they have a lot of free time on their hands, they are more apt to be involved in problems whether they want to or not.

The idea was that this was going to be a program that not necessarily created employment for a long period of time for young people but just for that short summer period, in which they would learn some marketable skills and learn the value of a job and develop some work ethic. That is the reason.

Now, the way the funding is now, it is driven to the areas of the greatest unemployment and the pockets of poverty. This is something that we have to realize in a program like this, designed the way this program really was, that the only way it would be able to fulfill its mission is to continue the way it is.

I am for the consolidation. In fact, whether this amendment passes or not, I will support the bill because I think it has been a good compromise.

Let me take a minute to commend the chairman and the ranking member, the gentleman from Missouri [Mr. CLAY] and the ranking member, the gentleman from Michigan [Mr. KILDEE] for the good work that they have done with all the Members that had input. This is truly a bipartisan bill. But I really feel very firmly, like many of my friends do on that side of the aisle, that if we talk about local control, it means local control.

Local control may be to the Governor to the Federal Government local control. But when these programs come on, the local control is right in that community. And that is where the decision should be made.

I have heard Members on that side of the aisle continually say, the citizen knows best what to do with his dollars. Why do we reverse it in this particular situation?

This program here provides jobs to young people between the ages of 14 and 21, and often these young people may have never worked before. Many have parents who are unemployed. These low-income youth can bring home to that needy family anywhere from between $1,100 and $1,400 through that summer.

□ 1100

The other thing I mentioned earlier is that it does provide them with job skills and job experience, which is very important. They do perform challenging work in offices and parks and recreation facilities, hospitals, nursing homes, and day care centers.

During the 104th Congress, Members on the other side of the aisle finally came around to recognizing these values and the values of the summer youth employment program after initial efforts to eliminate it. They funded the program at the President's request of $871 million for the fiscal year.

Understand this, that that amount of money still only reaches about 15 percent of the 4 million eligible to be served. That means that this is very valuable money and it should be targeted because it does not fulfill the entire need, and we should make absolutely sure that it goes to the areas of greatest need, like I said before, in unemployment areas and in areas of poverty.

The reason that we ought to ensure this and support the Owens amendment is because these are limited funds and they need to be targeted where they can do the most good.

Like I said before, I applaud the bipartisan effort on this piece of legislation. As one of the speakers said earlier, this is the third piece of legislation that comes out of our committee in a bipartisan fashion, which proves that we can work together for the benefit of the people. And while I applaud that, I still would like to see the Owens amendment accepted because I believe that it is the way we should be conducting this program.

There are no guarantees in the bill that this program will continue at a local level, as presently written into law at its current level, or even continue at all if a higher priority is determined by the people making those decisions. The amendment that the gentleman from New York and I offer today provides for a separate stream of funding similar to that provided, and there is precedent for it, for dislocated workers in the adult employment, training, and opportunities block grant. We should not let these summer funds be subject to the whims of State politics, which often they are.

Therefore, I ask and urge the Members to support the Owens amendment.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

First, I want to make sure that everybody understands what we are doing here is a very delicately put together program with State legislators, local legislators, and Governors, and we have to be very, very careful that we do not mess up that agreement.

More importantly, the bill is written to make sure that the most disadvantaged are served. That is what the bill is about. We are not taking away summer youth programs at all. The 25 percent that the State has discretion over, 10 percent of that has to be used in incentive grants for dropouts. Again, most in need; those are the people we are trying to serve. And 75 percent goes local, 70 percent on a Federal formula with total local discretion.

We believe that if we can combine the youth programs we will better serve those most in need. But, again, it is put together in a very delicate fashion trying to deal with Governors, State legislators, and local government elected officials, and that is not easy to do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the delicate balance and the negotiations that may have taken place in order to put forth a very creative piece of legislation that the gentleman refers to.

Let me just simply inquire. That is a delicate balance between leaders of government. In actuality, however, the need is on the local city government level where youngsters are, and it is extremely difficult to translate that delicate balance between the leaders of government, county and State legislators and the Governor's office, to prioritize summer youth jobs, which are constantly under attack, to be able to translate to where those needs are with our youth. That should have been the first priority.

Mr. GOODLING. Mr. Chairman, reclaiming my time, I believe we have considered that in the collaborative process on the State level which gets all of those people together. They have to agree. The collaborative process then on the local level, again, all of those must agree.

And the whole idea is to make sure that the local level has most to say about this whole program, because we believe that we have failed prior to that, and that is why we have written it in this fashion.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just this last week, we, in this Congress, decided to prioritize our concerns about youth by passing the juvenile crime bill. Our solution to the youth of America was to incarcerate them at the age of 13 with adults. We were so prominent and so progressive in this decision that it was discussed on the very renowned show "Politically Incorrect."

This amendment by the gentleman from New York, MAJOR OWENS, is correct and it responds to the true sense of our respect for the future workers of America, the youth of this country, emphasizing the importance of dealing with youth.

Let me applaud the leadership of the Committee on Economic and Educational Opportunities for a creative piece of legislation. Let me thank the gentleman from New York [Mr. OWENS] and the gentleman from California [Mr. MARTINEZ] for understanding what education and training is all about.

I am a new Member, but for 2 years of my time here, every single year we had to fight for the saving and implementation of summer youth jobs moneys. Every year it was cut, every single year. What comfort do I get in this very delicate balance between the Governor, the State legislature, and the county government, all well intended, to be able to prioritize for very needed summer youth jobs?

As a member of the city council in the city of Houston, I know firsthand what summer youth jobs do for our community. I have gone to the intake centers when we have had thousands of youth standing around corners, blocks, with parents begging for employment. I know what it is when a youngster comes and says, "I have gotten an opportunity to work in your office, but I am not coming because I have no clothes to wear." I know what it is in rural communities with unemployment where decisions are made where we will not have a summer youth program.

Governors would have 100 percent authority to distribute job training funds. This would be an allowable activity; it would not be a required activity. Who gets the last attention that we can give our youth?

As I look to convene the Congressional Children's Caucus, one of the things we wanted to say to America is that we believe in our children and we will do more than mild words and pass legislation that incarcerates young people with adults; we will prioritize funding activities for our youth.

Mr. McKEON. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. McKEON. Mr. Chairman, maybe I misunderstood the gentlewoman, but I thought she said the Governors have 100 percent jurisdiction. They do not.

In this area, 70 percent passes through on existing formula. They have 30 percent that they are able to use through the collaborative process to reach severely disadvantaged youth.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I appreciate the gentleman's clarification. However, I will stand with my comment, because what I am suggesting to the gentleman is that out of that combined authority, out of that combined authority, it is my position that the overall control over those dollars will not disseminate down to a summer youth job program. It will be a discretionary decision; it will not be mandatory.

Yes, they have the authority over percentages, but it is a total of 100 percent. And I disagree that it will come down to the summer youth program, because let me just humbly say to the gentleman, we have had a battle to preserve summer youth jobs in this Congress over the last two Congresses.

Let me now just say that the gentleman from New York is correct, that the formula is a vital formula that will no longer be used. Current law has been useful. It means that we go right into a community and we assess the relative unemployment, we assess the poverty level, and, therefore, we make the determination.

I would like it to be maintained as current law. And if the gentleman is going to say that current law is going to prevail, that is fine, but I want it to be a separate line item so that we can prioritize for our youth in a positive sense.

I hope we have seen what it does to a young person to get a summer job and be exposed to a business, a government office, for the first time in their life. I can tell my colleagues that when the choices are being made, somebody will say we better appeal to those dislocated workers because they vote. Children do not vote. We will have a clamoring in the Statehouses across this Nation taking moneys from our youth.

This is a good amendment if we believe that the Summer Youth Job Program creates the workers of the 21st century. The workers of the 21st century are our youth. Why should we not have the opportunity to provide summer youth employment rather than put it at a discretionary level?

So I would simply say that I would rather be known not as the Congress who passed a juvenile crime bill that locked up 13-year-olds with adults, I would rather be known as the Congress who focused on giving young people who will work in the future jobs and that we did not leave it to the discretion of a delicate balance between Governors and legislatures and counties.

And might I add, I did not hear "cities." So I think it is appropriate that this amendment be passed, and I would certainly ask my colleagues to give it their consideration.

Mr. Chairman, I rise in support of my colleague from New York who is a tireless champion of our Nation's present and future labor force.

I am strongly committed to the Summer Youth Employment Program and would like to insure that it serves the needs of communities throughout our Nation.

Prior to my election to the U.S. House of Representatives, I worked to create the Summer Youth Employment Program in the city of Houston which is managed by Houston Works.

I know from personal experience that a summer job for those young people enrolled by the Job Training Partnership Act's Summer Youth Employment Program-sponsored projects around this country are more than just an opportunity to have money for the next school year, it is an opportunity to learn, live, and experience the work environment and culture which in many cases is outside of their limited life experiences.

In 1997, Houston Works Summer Youth Program served 6,500 young people ages 14–21.

This year Houston Works plans to serve 5,396 jobs to youth ages 14–21 years. The target population of disadvantaged youth is 43,000 potential applicants.

Those 39,604 youth who were turned away last summer are only a tiny fraction of the 4 million youth who would qualify for this summer jobs program if the funds were available.

Today, only about 600,000 youth can be served nationally.

This program has made a significant difference in the lives and fortunes of the young people who were fortunate enough to have their application accepted.

I would like to stress the need to look at summer youth employment as an extension of the learning experience.

This amendment would protect funding for summer youth employment by creating a separate funding stream for this significant program. The block grant approach is detrimental to summer youth employment.

The Owens' amendment for summer youth employment would restore the current formula allocations which direct Summer Youth Employment Program funds to those areas are most in need according to a 100 percent federally driven interstate and intrastate formula.

I would like to thank my colleagues for their support of this program and I would ask that the program be further strengthened by supporting Mr. OWENS' amendment.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment of my friend and colleague, the gentleman from New York [Mr. OWENS].

First, I want to say, as I said in my opening statement in the debate, that that is a good bipartisan effort and one we should all be proud of. And I commend the gentleman from New York because I know his is a sincerely felt and sincerely discrete evaluation of the way these block grants have been put together.

I want to point out also to my colleagues that in my opening statement in the debate I said that these block grants give appropriate safeguards between the relationships between the States and the Federal Government, and I sincerely believe that block grants should not be open to anybody's discretion to use as they will.

But I think in this bill we have put those appropriate safeguards into place and it will bring us an efficient working relationship, a cooperative relationship between the Federal, State, and local governments. I believe that sincerely. I think we have done it better in this bill than we have done it in many cases.

Let me just relate that to some of the specifics in this bill, and then I will yield to the gentleman from New York.

As has already been stated by both the chairman and the chairman of the subcommittee, the language that was put in this morning in the amendment said that summer employment is an essential component of the block grant. I think that was quite carefully added.

Now, in my judgment, and again I suppose this is judgment, but I have to say I have looked at this quite carefully. In my judgment, the gentleman's amendment, I am afraid, would totally undo the important consolidation in the bill for the disadvantaged youth programs because it would result, in my opinion, in hurting the hardest-to-serve youths, particularly the school dropouts.

This is an issue that we have to look at, and I come down on the side of what the committee has done. And I am afraid that, inadvertently, the gentleman would be undermining that particular part of the program. I know the gentleman from Pennsylvania [Mr. GOODLING], addressed this with respect to a 10-percent component of that part of the bill, if I am correct. And I think that is very good. Again, it is a matter of judgment, but I think we have protected the hardest-to-serve youth, and those are the dropouts.

Finally, I would like to say that it is totally incorrect, in my opinion, to say that we are killing the summer youth employment program. I think that what we are doing here is providing discretion to local communities to provide summer youth employment opportunities that are directly linked, and this is important, to academic and occupational learning. I think that is important.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Pennsylvania, and then I will yield to the gentleman from New York.

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding, and I would like to assure the gentlewoman from Texas that our committee also deals with juvenile justice and we deal with juvenile justice differently. The gentleman from California [Mr. RIGGS], is at the present time working with the gentleman from Virginia [Mr. SCOTT], to make sure that we deal with it properly.

But, again, I have to indicate that what we are doing here is giving that local community so much more discretion on how they use their youth money so that that gets to those most disadvantaged, and that is the attempt of the bill.

Mrs. ROUKEMA. Reclaiming my time, Mr. Chairman, let me ask the gentleman, am I not correct that it gives 100 percent discretion to that proportion of the funds that are devoted to the summer employment?

Mr. GOODLING. At the local community.

Mrs. ROUKEMA. Discretion for 100 percent at the local level.

□ 1115

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mrs. ROUKEMA. I yield to the gentleman from New York.

Mr. OWENS. The gentlewoman is a member of the committee so she is aware of the fact that this precious consolidation mode of operation has been dropped for the dislocated workers. We have a line which mandates funding for dislocated workers. What we ask is a mandate for summer youth employment.

Mrs. ROUKEMA. That is not my understanding.

Mr. OWENS. I hear language, and a central program is not the same as a mandate. We have tricks here of the trade which all of us who have been legislators understand very well. It leaves it wide open for the strangling. The summer youth program will not die in one summer. It will be strangled slowly because it is in there with other disadvantaged youth programs which have not been treated in any favorable manner. They will be transferring funds from the summer youth program into the other programs until there will be little left.

Mrs. ROUKEMA. That is not my interpretation of the funding streams.

The CHAIRMAN. The time of the gentlewoman from New Jersey [Mrs. ROUKEMA] has expired.

(By unanimous consent, Mrs. ROUKEMA was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. Mr. Chairman, I yield to the gentleman from Pennsylvania, the chairman of the committee.

Mr. GOODLING. First of all we should not get dislocated workers into this discussion because they are protected in the legislation. We made very, very sure of that. Again I say the total discretion is left to that local community for the use of that fund better than they have ever had it before, because we usually tie the hands of local people because we have always had the idea that we know what works best from Washington, that one size fits all. We are saying that is a mistake. Let us let the local communities make those decisions and deal with those most in need. I thank the gentlewoman for yielding.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. OWENS]. But before I debate that, let me thank those people who were on the floor earlier giving praise to an amendment that had been incorporated or provisions in a bill that had been incorporated into this legislation that the gentleman from Texas [Mr. SMITH] and I supported, and others. It is so infrequent that I get any praise on this floor, I always stop to take the time to acknowledge that and to thank people on both sides of the aisle for issuing words of praise.

With regard to the bill in general, let me say to the chairman and the ranking member on both sides that I have followed this discussion and it is my intention to vote for this bill, although I have some serious reservations about the entire block granting process; reservations which are a product of historical realities in the South about how block grants have historically been used when they were in vogue at earlier times in our history; reservations about consolidation of programs, although I think it is a good idea; reservations about giving more and more control to State entities when a lot of these problems are in fact problems that are dealt with at the local level and should be dealt with at the local level; reservations which have to do with the fact that some of our State legislatures are still controlled by more rural interests, and those interests tend to get taken into account even in a collaborative process which the chairman of the subcommittee and the chairman of the committee have talked about, to the disadvantage of major urban communities and cities.

All of those leave me a little concerned about the block grant approach and lead me to say that this is an experiment of sorts, as I understand it. We are trying to move to a balance that restores control to more local and State bases and moves it back away from the Federal Government. I am prepared as a general proposition to take that experiment and hope, like everybody else does, that it is going to work out.

With respect to the summer youth employment program, however, I do believe that we have got to protect it, even though this discussion really is a discussion about separating summer youth from the other disadvantaged youth block grant programs. In a sense we are kind of debating the possibility of pitting those two things against each other when both of them are needed. But understand that the disadvantaged youth block grant programs tend to address youth who have already dropped out of the system, who have already had adverse impacts, and in my estimation the summer youth employment programs, at least in the communities that I am familiar with, have often been used to address the front end of the process, to provide employment to some kids who may end up dropping out if we do not intervene with them earlier in the process.

The importance of having a summer youth program that is separate and distinct in funding from the general disadvantaged youth block grant program, it seems to me, still is important. It is for that reason, although I do not want to sound like I am trying to say anything negative about the disadvantaged youth block grant program, it is for that reason that I am rising in support of the Owens amendment and would encourage its adoption.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to assure the gentleman that this is not revenue sharing, as those block grants he was talking about were. There is very specific language how these block grants must be used, including, for instance, the State collaborative process has to represent diverse regions of the State, including urban, rural and suburban areas. We spell out that we do not revenue share, and I made that clear to the governors from day one, that we are not interested in revenue sharing.

Mr. WATT of North Carolina. Reclaiming my time, I appreciate the gentleman's clarification on that. I was aware of the collaborative process. I still think even in that collaborative process in a number of States, rural interests tend to be overrepresented, and it is not something that I can scientifically prove to the gentleman. I can just tell the gentleman that in a number of Southern States, rural interests typically dominate over urban interests. I understand that the gentleman has worked hard to try to work out this balance, and I am going to vote for the bill regardless of whether this amendment passes or not, but I would feel more comfortable if we had this amendment passed.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if ever in the history of this Congress a program of this Federal Government that needs reform cried out for more reform, it is this whole area of job training and education, employment training and literacy enhancement.

First I want to salute the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. MCKEON] for their work in crafting this proposal. Our purpose is really to help those without job and without opportunity, particularly those youth. I want to first speak about the bill itself and then oppose the Owens amendment that has been presented here today.

First of all, let me just give my colleagues an example from my State of Florida. This is an article that appeared a year ago in February and it talks about job training programs. It said, with all the job training programs in Florida, my State, that we spent $1 billion, Federal and local money. "Job Training Programs Not Making the Grade" is the headline of this article. We spent $1 billion and less than 20 percent of those who entered a program completed the program. Of that, 19 percent got a job and most of those, the majority of those, who got a job got a job at minimum or just above minimum wage. A total failure if we are trying to employ people in this country.

Then just a month ago in the Washington Post, the city spent $11 million it has received through Federal job training programs. They also raised $7.3 million in local tax dollars designated for job training programs without a single person being trained.

This is a program that cries out for reform. What would the Owens amendment do in the area of summer job employment? It would maintain the status quo, the record of failure.

The main purpose of this bill in the area of summer job employment is to refocus the programs on providing comprehensive academic and occupational learning opportunities for our disadvantaged youth. I am for getting kids back into school and in addition into providing employment opportunities. That is what this bill is all about. What are those who have had experience saying about this?

The National Governors Association, the Conference of State Legislatures, and the National Association of Counties support the agreement reached on this issue that is contained in this bill and oppose a separate stand-alone summer program. They have tried it. It does not work. This is the record of failure. When this Congress asks people on welfare or disadvantaged people to go to work, we want them to have the opportunity to find a job, to learn a skill, and the Federal Government should be helping with a program that works, not with a program that is a failure. This is a record of failure, and this record cannot continue.

I urge my colleagues to defeat the Owens amendment. It destroys the intent, the purpose and the experience that we have seen that is a record of failure, and then pass this bill and give our disadvantaged, give our youth, and give the people without a job in this country the opportunity to learn a skill and to earn a living wage and to have the Government be a helping hand rather than a partner that has failed.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first address the comparison that some have made with the dedicated funding stream for dislocated adult workers to what the gentleman from New York [Mr. OWENS] is trying to do in his amendment. It is important, I think, to understand that yes, we do have a dedicated funding stream in the adult block grant for dislocated workers. That is certainly in keeping with the whole concept behind the Job Training Partnership Act that State and local communities be able to respond rapidly to a plant closure or to massive, large-scale type of layoffs. However, that is still part of one system, the overall adult block grant, the overall adult job training and reemployment system.

What the gentleman from New York [Mr. OWENS] is talking about doing here is creating a separate stand-alone program that is really contrary to the overall philosophy of the bill with respect to creating a single block grant for youth. What we are trying to do in the area of youth is to encourage young people, particularly those who are at risk of dropping out of school, so let us call them the dropout prone, we are trying to encourage them to stay in school or if they drop out from school to return to school. Therefore, with respect to emphasis on schooling, with the emphasis on academics, it is very important, in my view, to link summer youth employment to the school-based program for at-risk youth. That is why it is again all part of the same system.

□ 1130

The overall philosophy with respect to adults, and I will be happy to yield to my friend in just a moment, but the overall philosophy with adults of course is to take a work force or employment first approach, try to get those adults who can be readily reemployed in the work force back into that work force at the earliest possible date and then target intensified services to the hard to employ. Those are the folks who perhaps are welfare recipients, chronically unemployed or underemployed folks, and they are the ones who need intensive services.

So that is kind of the over arching philosophy behind our bill.

Second, let me address the concern that many of my colleagues and friends on the Democratic side of the aisle have expressed, and that is that this Congress is not going to take aggressive action in the area of juvenile crime prevention and delinquency prevention. Let me assure my colleagues that we are hard at work in our Subcommittee on Early Childhood, Youth and Families and trying to craft a bipartisan bill dealing with juvenile crime prevention, and in that regard I am working very closely with my good friend and colleague, the ranking member of the subcommittee, the gentleman from California [Mr. MARTINEZ] and the gentleman from Virginia [Mr. SCOTT] and others who have expressed a keen interest in this area, and we hope we can bring a bill that the House can favorably consider here to the floor in the next few weeks. That is going to be in tandem with our bill reauthorizing the Perkins Vocational Educational Act, and that, the Perkins Vocational Education Act, is going to be targeted at again those young people who are educationally disadvantaged or who are at risk of dropping out from school, and that bill is going to take an emphasis, take an approach, that combines an emphasis on strong academics with expanded vocation and technical educational opportunity for those young people.

The other point I want to make to my good friend, the gentleman from New York [Mr. OWENS] before yielding is that by putting all these funds in a block grant, driving them down locally, the local communities will have 100 percent discretion on the proportion of funds that are devoted to summer employment and to year-round services respectively, and that could result in those local communities spending even more, again at their sole discretion, on the Summer Youth Employment Program than they are currently spending.

So I wanted to make that point, and I am going to yield to the gentleman from New York [Mr. OWENS], my colleague and friend, and perhaps he could respond to the point I just made, which is again, if possible, under our bill for local communities to spend even more on summer youth employment than they are currently spending.

Mr. Chairman, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I want to ask the gentleman if he was aware of the fact that the CRS figures which show the funding pattern for the youth training programs other than summer youth, which we were talking about before, which was badly needed, and the gentleman said they were badly needed, and I agree. But they have been reduced by almost three-quarters, from 676.7 million in 1993 to the present proposed funding of 126.7 million. They have been reduced steadily.

At the same time, because we came on this floor and we fought for the Summer Youth Employment Program, even though people in government, State governments, did not consider it important, they have raised the amount of funding for some youth employment. So what we are going to have is the unpopularity of the summer youth training programs year-round, resulting in not having adequate funding. So they will take the funding away from summer youth. That is the simple problem we worried about, that they are going to drain the funds from the summer youth because the discretion is going to be in the hands of people. We do not care about summer youth in our cities; they will find somewhere else to spend them in the States.

Mr. RIGGS. Reclaiming my time, Mr. Chairman, I certainly care.

The CHAIRMAN. The time of the gentleman from California [Mr. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 1 additional minute.)

Mr. RIGGS. Mr. Chairman, let me just point out to my colleagues, and I really in this regard extend a hand across the aisle; I personally believe we cannot afford to lose, as a country, another generation of urban school-aged children. So all of our efforts, I think, should be focused on those young people again who live in the most economically disadvantaged circumstances, who are surrounded many times by a sea of poverty and joblessness, and, as my colleagues know, the other symptoms of social decay.

So I want to work with the gentleman, but I would be happy to tell the gentleman from New York [Mr. OWENS] that we should go together to the appropriators and make the argument that they need to look at this particular block grant, the youth opportunity employment and training grant, that is created under our bill and make that a priority for funding as they deliberate the appropriations.

Mr. OWENS. I agree with the gentleman.

Mr. RIGGS. I do not believe that we should be creating a separate program. We have to provide discretion to local communities to provide summer employment opportunities that are directly linked to academic and occupational learning, as other speakers have mentioned, and local communities should be making these decisions, not the Federal Government.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today to add my voice and the voice of thousands of young people from my district in support of the Owens amendment to safeguard the Summer Youth Employment Program.

For several weeks each summer, SYEP provides jobs to over 600,000 disadvantaged youth across the country, many of them in my district. Yet, H.R. 1385 jeopardizes this program and the future of our young people. Passage of the Owens amendment will provide hope to so many of our at-risk children.

I recently received a letter from Vashia Rhone, a young constituent of mine. Vashia's letter shows us the kind of impact programs like this have. She writes:

> Growing up, I often felt trapped and like I had no place to go. However, something that helped me was, as I became older, I discovered places to go and things to do such as after-school programs and STEP. Believe it or not, it's true. If young people are working, they will be off the streets. If young people are working, their esteem level goes up. They begin to feel good about themselves, and they learn independence. Please consider this and represent the youth of New York City and protect their future.

My colleagues, this program does work. I urge all of you to support the Owens amendment and support SYEP. We owe it to our kids. We owe it to their future.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Owens-Martinez amendment to H.R. 1385 to separate the summer youth employment program from the disadvantaged youth block grant contained in this legislation.

Summer youth employment is a critical program in my district in San Francisco and in communities across the Nation. This program is often the first opportunity at-risk youth have to gain exposure to the ethic, the structure and the value of work. Currently, only 50 percent of the youth eligible for this program participate. If this program is included in the consolidated block grant, it is most likely less than that number would be reached by this successful program.

This is a program that works and that teaches. The welfare law makes it imperative for us to help people find and maintain work with a living wage. It is critical for young people to learn the skills necessary to be successfully employed. The Summer Youth Program reaches out to at-risk young people to teach them this and more.

For these reasons, it is essential that the Summer Youth Employment Program be maintained as a separate program, maintained as a required rather than allowable activity and receive a separate appropriation consistent with current funding.

I urge my colleagues to support the Owens-Martinez amendment and show your commitment to a successful job training opportunity for at-risk youth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. OWENS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OWENS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 238, not voting 27, as follows:

[Roll No. 137]

AYES—168

Abercrombie
Allen
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Gordon
Green
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—238

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barr
Barrett (NE)
Bartlett

Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)

NOT VOTING—27

Ackerman
Andrews
Ballenger
Boehlert
Brown (OH)
Buyer
DeGette
Flake
Gephardt
Gillmor
Gutierrez
Hefner
Jefferson
LoBiondo
Manton
Miller (CA)
Molinari
Murtha
Quinn
Schiff
Schumer
Skelton
Towns
Watkins
Watts (OK)
Wicker
Young (FL)

□ 1157

The Clerk announced the following pairs:

On this vote:

Mr. Quinn for, with Mr. Watts of Oklahoma against.

Mr. Towns for, with Mr. Wicker against.

Messrs. BOEHNER and BEREUTER changed their vote from "aye" to "no."

Ms. McCARTHY of Missouri and Mr. HINCHEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

PROCEDURE FOR CONSIDERATION OF AMENDMENTS TO CONCURRENT RESOLUTION ON THE BUDGET

Mr. SOLOMON. Mr. Chairman, I have asked to address the House for the purposes of making an announcement about next week's budget debate which concerns every Member of the House.

Mr. Chairman, the Committee on the Budget expects to order the budget resolution reported later today, and copies of that resolution approved by that committee will be available for review in the office of the Committee on the Budget.

The Committee on Rules is planning to meet on Monday, May 19, to grant a rule which will limit the kind of amendments offered to the concurrent resolution on the budget for fiscal year 1998. Members are advised, strongly advised to submit only amendments in the nature of a substitute which provide for a balanced budget no later than 2002. If they are not balanced, they will not be made in order on this floor.

Any Member who is contemplating an amendment to the budget resolution should file 55 copies and an explanation by noon on Monday, May 19, to the office of the Committee on Rules in room 312, up above. In addition, Members should also print their amendments in the amendment section of the CONGRESSIONAL RECORD on Monday, May 19.

I am informed that we will have pro forma sessions on both Saturday and Sunday so that the budget will be available to those of my colleagues that want to work on it over the weekend.

□ 1200

Mr. MOAKLEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, I thank the chairman of the Committee on Rules for yielding to me.

Mr. Chairman, I am very happy that the gentleman made the announcement. Am I clear that only amendments in the nature of a substitute will be honored by the Committee on Rules?

Mr. SOLOMON. That is correct. All of the amendments must be in the nature of a substitute, and they must be balanced by the year 2002.

Mr. MOAKLEY. Right. And I hope the chairman is going to give adequate time for these amendments in the nature of a substitute to be debated on the floor of the House.

Mr. SOLOMON. The gentleman is one of my closest advisers, and I will consult with him and we will work this out, I am sure.

Mr. MOAKLEY. Mr. Chairman, also, I would ask the gentleman, would the CBO be able to score all these amendments in the nature of a substitute in time?

Mr. SOLOMON. Yes, they would. The CBO is available, and they will be working overtime to assist the Members in making sure that their substitutes are scored by CBO.

Mr. MOAKLEY. Mr. Chairman, I thank the chairman of the Committee on Rules.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LATHAM) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its Clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1469. An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1469) "An act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, and Mrs. BOXER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the

Chair, on behalf of the Vice President, appoints the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. SHELBY], and the Senator from Arizona [Mr. MCCAIN] as members of the Senate delegation to the Mexico-United States Interparliamentary Group meeting to be held in Santa Fe, New Mexico, May 16–18, 1997.

The SPEAKER pro tempore. The Committee will resume its sitting.

EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

The Committee resumed its sitting.

The CHAIRMAN. Are there further amendments to division A?

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 205, beginning on line 3, strike "or employees".

Page 205, line 20, strike "interest" and insert "success".

Page 205, line 21, after "students" insert "and graduates of literacy programs living in areas with a population census tract having a poverty rate of at least 15 percent (using the most recent decennial census data))".

Page 205, line 24, after "governments" insert ", including State directors of adult education".

Page 205, line 24, insert "and" at the end.

Page 205, line 25, strike "; and" and insert a period.

Page 206, strike lines 1 and 2.

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer today an amendment that will amend section 321 regarding qualifications for membership on the National Institute for Literacy Advisory Board.

Mr. Chairman, the amendment permits Federal employees to serve on the literacy board. It also requires that businesses not simply have an interest, but rather a demonstration of success in literacy programs. Most importantly, this amendment creates the opportunity for those who have graduated from a literacy program and live in the areas of the country with a poverty level of at least 15 percent to serve on the board.

Mr. Chairman, I do ask that I engage in a colloquy with the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-McDONALD. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, when we got the gentlewoman's amendment last evening, we called the executive director of the National Institute for Literacy, and he assured us that he will be very happy to work with the gentlewoman's staff and our staff so that by the time we are finished with conference, we will have incorporated the idea that the gentlewoman has into the legislation.

Ms. MILLENDER-McDONALD. I thank the gentleman. Therefore, I do not need to present this amendment.

Mr. Chairman, for that reason, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Are there other amendments to division A?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts:

Page 116, line 4, strike "and".

Page 116, line 8, strike the period and insert "; and".

Page 116, after line 8, add the following:

"(F) support for a workforce development coordinator on site at the secondary or postsecondary educational institution.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I want to acknowledge the fine work done by the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], as well as my friend, the gentleman from Michigan [Mr. KILDEE], in their efforts to improve the quality of our education and job training programs for the people of our country.

I do believe that there is a wonderful opportunity for our country to prepare our youngsters for the jobs of the future by recognizing that while we have the highest number of college-educated individuals of any nation in the world, we still have around 50 percent of all of our adults in America that have a high school education or less.

We have greater opportunities in America to grow our job force into the high-wage jobs of the future by making certain that we in fact have trained workers that understand and are competently trained in the jobs that are going to be made available to some country that is going to be able to attract the companies of the future.

In Massachusetts, as a for instance, we are losing literally tens of thousands of jobs each year because we simply do not have a trained work force that is competently prepared to accept the jobs in the high-technology industry. There is a program in the city of Boston called Pro-Tech run by Neal Sullivan at the Private Industry Council which has linked up between high schools and the high-technology industry not only after-school training programs and summer youth jobs, but really working with the high schools to develop a curriculum that can then prepare those youngsters for the jobs of the future.

That same model can be used, as I saw just last week at Massasoit Community College, where Cummings Diesel Engine Co. has actually provided wonderful high-technology diesel equipment and training for the people that go to Massasoit, where there are 20,000 jobs in that company alone that need to be filled in the future. Mr. Chairman, 50,000 jobs in the diesel industry alone nationwide need to be filled. Yet, we are simply not training enough diesel engineers, diesel mechanics, to be able to handle the job opportunities of the future.

Mr. Chairman, this proposal would allow for a job training coordinator to be assigned to high schools and community colleges throughout the country to coordinate with the various companies that surround that particular high school or community college, and allow that high school and community college to develop a curriculum that would be coordinated with the job market in that specific geographic area, or in the field that that company would like to work in.

I know that this is something that both the gentleman from Michigan [Mr. KILDEE] and the gentleman from Pennsylvania [Mr. GOODLING] have worked on in the past, and perhaps the gentleman from Pennsylvania would be willing to enter into a colloquy that would suggest how he sees this initiative moving forward on the fastest possible track.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding to me. As he knows, we have tried to be very, very careful that we did not get involved in K through 12 in this legislation, and in fact, in the Graham en bloc amendments today it was made very, very clear that we would not get involved.

Vocational education is the area where what the gentleman is talking about would be more applicable. I would appreciate it if the gentleman would withdraw the amendment, and work with us between now and the time we bring vocational education to the floor.

Mr. KENNEDY of Massachusetts. Mr. Chairman, with the understanding that the chairman of the committee would support the general concept that we are trying to advocate here, and with the recognition that this would be something that could be done not only in the high school years but also in terms of community college, and his commitment to working together on this issue in the vocational education bill that would be coming forward later this year, I would be happy to withdraw for the purposes of continuing this effort.

Mr. GOODLING. Mr. Chairman, I would be happy to work with the gentleman.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PAUL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill is an attempt to improve the Federal jobs training program. We now have over 700 different programs, and quite literally, it is a mess. This bill is a well-intentioned piece of legislation that does make some token changes and some improvement. They may work, they may not.

I would like to address another subject, which is, should we be involved at all? If we have tried it for 30 years and it is not working, when will we ask ourselves, should we be in the business of job training? Quite frankly, I am not very confident that we here in the Congress are smart enough to do it.

Always the argument is that if this is a slightly better approach to last year's approach, this is a movement in the right direction. But some day we have to ask the question whether or not endorsing the same philosophic principle of a bad program is really going to solve our problems. We have no evidence that this approach will work. Most likely this will become just a bureaucratic adjustment. There will be a cost in the adjustment, but ultimately Government will once again fail in its attempt to do something that it was not designed to do. This idea of local control and block grants is something that sounds good, it sounds like they are moving in the right direction, but the odds of it really benefiting are very, very slim.

Government really is not smart enough to do what is intended in a program like job training. We are not, here in the Congress, smart enough to know what the future is and to make business decisions. It is rather sad to see our business leaders advocating a piece of legislation like this, rather than them understanding and resorting to the market to decide when and how to train workers.

Instead, they use their energies to come and transfer funds from one group to another in the pretense that they are able, in partnership with the Government, to design a program that will fit the marketplace. There is no sign, there is no evidence that a program like this has been permitted under the Constitution. But better yet, under today's circumstances, and eventually this will prevail, do we really have the funds to do something that is not working? The funds are not there, and any time we deal with a program like this, we have to think that it is a contribution to the high deficits that we are running.

Mr. Chairman, H.R. 1385 is flawed in that it endorses the very same principles that have been used for 30 years, arguing that the Federal Government and government bureaucrats know more than what the market knows.

I would like to list a few mandates of the bill. No. 1, it mandates that States submit a 35-year plan for adult job training and literacy on the approval of the Secretaries of Education and Labor. It mandates that States establish local work force development boards whose functions and composition are determined by Federal law.

It mandates that the local work force board meet Federal core indicators. It mandates that local work force boards be dominated by representatives of the business community. That does not give me a whole lot of encouragement, another step toward replacing the free enterprise system with corporatism.

If Members like mandates, they certainly will be pleased with this piece of legislation. It spends taxpayers' dollars, the victims, for skill upgrading for incumbent workers. Those who are still working are required to pay for those who think they are going to get trained, thus creating a new entitlement program for already-employed workers.

It spends taxpayers' dollars on grants to business and unions for demonstration projects. It spends taxpayers' dollars on family literacy services. It spends taxpayers' dollars on the National Institute for Literacy, the type of bureaucracy this Congress should be shutting down, not expanding. It spends taxpayers' dollars on job training services which the business community and individual workers should be paying for themselves.

Incidentally, Mr. Chairman, and I know this would be of the least amount of interest to so many here, but the truth of the matter is, Congress has no constitutional authority to mandate or operate any job training programs.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

□ 1215

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding to me. I wanted to associate myself with the thrust of his remarks. I may feel a little more benignly toward the uses of government than he, but essentially his critique of this bill I share.

The CHAIRMAN. The time of the gentleman from Texas [Mr. PAUL] has expired.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to preface my remarks by saying that I have the maximum high regard for the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE]. They are splendid Members, they are honorable and they do marvelous work. I hope that those words will be taken seriously because I do not want to impair friendships over my dissent of their bill. I know how territorial chairmen can get over their bills. But I just cannot support this bill. I think it only fair to give a couple of reasons for my feeling.

First of all, family literacy services, on page 15 and 16, really troubles me. Page 16, subparagraph B, training for parents on how to be the primary teacher for their children and full partners in the education of their children; I think that goes awfully far, beyond job training, to teach parents how to be parents. That is exactly moving in the wrong direction from having the government less intrusive, less influential on our lives. And who is the other partner, a full partner means the other partner has as much to say as you have to say. Those are troubling words and they trouble me.

Another problem, and there are many with this bill, there is a migratory workers program. Funds made available under this section shall be used to carry out comprehensive work force and career development activities and related services for migrant farm workers, seasonal farm workers, which may include employment, training, educational assistance, literacy assistance and English literacy program, worker safety training, housing, so we have a housing program here, supportive services and the continuation of the case management database.

Now, supportive services in this bill consists of transportation, child care, dependent care, and needs-based payments.

I wondered what needs-based payments were and I found that it is money. If a worker, an *X* worker, a displaced worker, meaning an unemployed worker, has run out of unemployment benefits and has no other income, he is entitled to needs-based payments.

So we are going to pay, provide child care and all these things and that is wonderful. Oh, if we could only afford it. But there is no requirement in this migratory workers program that they be in the country legally. Far be it from asking that they be citizens but that they even have a green card or be in the country legally. I wonder if this would invite illegal immigration. I just wonder.

Now, we have a bureaucracy run amok. Instead of launching the 747, I think this is a dirigible.

National partnership and special training; the secretary, not a political person, we can be sure, may award special grants to eligible entities. Guess who they are? Labor, industry, public interest groups, community-based organizations, et cetera, et cetera.

So the grantsmanship that is possible under this is awesome.

So for these reasons, it is too much government. It moves in the opposite direction. We promised to downsize government, to save money, to keep it out of our lives. This moves in the opposite direction.

I cannot support it, and I thank the chairman for giving me the time.

Mr. GOODLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would agree with the Congressman from Texas that existing programs do not work. I would also have to inform him that if we do not make an attempt to revise and reform those programs, those existing programs will go on and on and on as they have in the past. He does not have the votes to do anything about that. I do not have the votes to do anything about that. So the attempt is to try to do something to make the programs work by getting them back to the States and back to the local government where that decisionmaking may be more productive than it has been coming from Washington.

I want to make sure that everyone understands that the training part and the literacy part are two separate parts. The part dealing with parenting is in the adult education section, not in the training section. The partners are the parents and the child.

Now, when I left eighth grade in a two-room school and went to a city junior high school, a farm boy, who thought, this is 60 years ago, who thought that every child had loving parents, every child had literate parents and every child had wonderful grandparents living on either side. That is the way it was in little Loganville in the farm community. And what a shock when I got to the junior high school in center city and discovered that I was unusual. I was not the norm.

That was many, many years ago, when an illiterate parent or a functionally illiterate parent could get a job, could support a family and, above all, they did not want anyone to know that they could not read or write. But that is not the world we are living in today. The world we are living in today requires not only that someone is functionally literate but somebody that can read and write and comprehend, it will be by the year 2000, on the 12th grade level. It is a totally different world we are dealing with. We are dealing with many, many children that are being born to 13, 14, 15-year-olds.

I wish I had a magic wand and could put the wonderful American family back together as we think we remember it. I cannot do that. But what I can do is make sure that those children have an opportunity to get a piece of the American dream. They cannot get a piece of the American dream unless their parents can help them get a piece of the American dream. Parenting skills, literacy skills are very, very important to center city America, to rural poor America, to many other areas throughout America. They want their children to succeed. They want to be participants. They want to make sure that their children have an opportunity to get the best, but they do not have that opportunity at the present time.

So when we talk about the National Institute for Literacy, just a few of the statistics, 51 percent of those who have participated in those programs have gone on and got their GED's or their high school diploma. Thirteen percent of them went on to a form of higher education; about 50 percent of those have dropped off the welfare rolls.

That is what it is all about. We are trying to help those most in need. We are trying to make our program that we passed last year, a program from welfare to work, successful. It will not happen overnight. I ask all to support the opportunity to take 160 programs, get rid of many that should not be there in the first place, consolidate the others into three block grants, get them back to local and State government. And they are going to be responsible for making the welfare reform bill work. We are just offering a helping hand. I ask that all support the legislation. The alternative is disastrous.

Mr. SOUDER. Mr. Chairman, I move to strike the last word.

I wanted to respond to two of my good friends, first my distinguished colleague, the gentleman from Texas [Mr. PAUL]. He is one of the most consistent Members I have ever met in Congress. As a Libertarian he does not believe in Federal job training or most Federal anything, and in that he has been consistent and logical. I appreciate that, and I support him and vote with him most of the time. But I am not a Libertarian and so sometimes we are going to disagree.

The gentleman from Illinois [Mr. HYDE] has been one of my personal heroes. He has been a champion of human values and of conservative principles. On this I believe he is wrong.

One question that he had asked is, are we smart enough at the Federal level? The answer is, we are not; that is why we are doing this bill and trying to change it.

I want to point out to my conservative friends and people listening across the country that a critical part of helping Americans when we do welfare reform is making sure that when we cut them off the welfare rolls, there are some options out there in helping, particularly targeting to, the most needy.

We do not need job training programs that pick the people who are going to get a job anyway. Most of them move in or out of welfare within 2 years. That is why we need some general direction down to the States where we expect, because we are going to be held accountable by the taxpayers of this country for the money that we take from them and then spend, we are held accountable, not Governor, not the State legislature, not the local mayor. We are held accountable to give them direction as to who we want served and what results we expect. What we should not be doing is micromanaging their lives.

This bill is not perfect, but it is a dramatic improvement on the current law. I did not hear any objections that are not true now; in other words, that is not a reason to defeat this bill. We are giving more power to States and local communities, more likely to result in people being trained for work through greater involvement of the business community.

Do I believe all these programs work? No. Do I believe some work a little bit? Yes. And some work dramatically. But they are doing more than nothing and we are about to be crushed. We are going to wind up spending more on homeless spending, more on welfare spending, more on health care, if we do not actually follow through on our welfare programs.

This bill includes private sector providers; that is an innovation. We are involving employers in the design and implementation of job training programs. We are transferring responsibility for design and implementation. We are eliminating many Federal programs to focus funding on things that people at local communities and States and people who work with people and training them to employ can make those decisions.

We are making the program more trainee friendly so they can figure out where to go. A lot of the problems are that we do not even know where to go to try to get the job training.

We are preserving local boards. I believe having local boards is an important thing. I know that has been an internal battle as well, but I want to have people in Fort Wayne and around the country in their communities having an impact.

We set out some guidelines. I participated in setting some of those guidelines and saying how to target some responsibilities, not micromanaging but setting guidelines.

We have worked with conservative groups now for nearly two years to try to address some of their concerns. We have made many internal amendments, many improvements.

Some, for example, a number of the things that were in the Graham amendment today were not needed. In fact, most of the things were not needed, but we put extra protections in to make sure that we said voluntary, to make sure that we double and triple made sure that home schoolers were not included, that things were only considerations, that there was not doubling, that we did not get into areas that we were not supposed to be in.

The question is, what else are we supposed to do other than eliminate job training? It gets frustrating after awhile when we have tried to do that.

Two major things I heard for two years was we were going to take little elementary school kids who are from middle and upper class families, not just at risk kids, and make everybody at risk. And we were going to take over the education system. The truth is, now we have separated vocational education. That eliminated the biggest thing last year that was supposedly bad with the bill. We are going to deal with vocational education. It was never our intent anyway.

We are only going to deal with at risk kids and, there is not enough money to draw everybody in even if we wanted to, which we do not.

The second thing was my distinguished colleague from Colorado offered an amendment to make sure that State legislators were not cut out of the process so those who want to fight this can raise at the State level.

Now it does not have to even come through and be accepted by a State. They can look at that.

I think those are two huge changes. I really do not understand much of the opposition. I clearly understand the opposition of the gentleman from Texas [Mr. PAUL]. He stated it clearly and succinctly. The opposition of the gentleman from Illinois [Mr. HYDE] though well intended, I believe, is incorrect. Everything he said is also true of current law.

And lastly let me say this: Not every conservative believes, in fact, I would say most conservatives do not believe that we do not have any role for somebody who cannot read and write. As I worked and have worked over time with people who have been out of work and they cannot read or write, it is devastating. We do have to get into literacy programs in a lot of these things.

□ 1230

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that we are anxious to conclude the debate, but I simply could not allow, in good conscience, the gentleman from Illinois [Mr. HYDE] and the gentleman from Texas [Mr. PAUL] to mischaracterize this bill.

Let me preface my remarks by saying that the gentleman from Illinois has a very well-deserved reputation for being one of the most respected, even revered Members of Congress, and the gentleman from Texas, as the gentleman from Indiana [Mr. SOUDER], pointed out, has been absolutely consistent and constant in his views both as a private citizen and as a political leader in the country. But, Mr. Chairman, this bill empowers individuals, not government. Yes, it is based on the premise that the Federal Government, in partnership with State and local government, and the private sector, and that Federal taxpayers have a very legitimate role in helping to educate and train the most disadvantaged youth and adults and to help prepare them for the real world of work.

I say again, as other speakers before me have said, this legislation consolidates over 60 separate Federal categorical education and job training programs into three block grants. And in that regard, the gentleman from Pennsylvania, Chairman GOODLING, and the gentleman from California, Subcommittee Chairman MCKEON, in particular, and the ranking member, the gentleman from Michigan, Mr. KILDEE, deserve a tremendous amount of credit.

This bill will make a very positive impact on adults as they prepare for the jobs of the future, and it is going to help workers get the retraining necessary to compete, whether we like it or not, Mr. Chairman, in an increasingly complex and global economy. Because if the economy of today is the size of a beach ball, that economy of the 21st century, right around the corner, is going to be the size of a golf ball. I do not want to retreat from that reality.

Let me also point out that this bill provides services to adult job training recipients through a voucher which we call a skill grant. What can be more Republican and more conservative a philosophy than that idea? We empower individuals. We let them decide the training that is appropriate for them and we let them seek out the job training provider in their community who is going to provide that training.

Now, some of the naysayers say this approach will encourage the fly-by-night companies, the so-called proprietary schools, to deceive the job-seeking public. But this bill has a number of protections in the form of requirements that providers must meet in order to receive the funds. That provider must either be an accredited eligible postsecondary education program or be recognized by the local, emphasis again on the word "local," work force development board which will determine if the provider meets acceptable locally established performance standards.

So, again, this is all about empowering individuals, giving them a say in the training and education that is right for them.

As I pointed out earlier today, it takes a work-first approach to training, driving resources for intensive training services to welfare recipients and other individuals with multiple barriers to employment. It amends current adult education programs, encouraging literacy and other educational programs to really, again, try to tie the real world of work to education.

And again I want to say one more time, particularly to our more conservative colleagues on this side of the aisle, that this legislation promotes individual responsibility through vouchers. It encourages competition in the marketplace among training providers and it drives resources and authority out of Washington to States and localities.

So do not be misled or deceived by the mischaracterization of this bill. By decreasing the size and the scope of the Federal Government's control, this is truly a work-first bill for adults and it will also, as we debated earlier, help get economically disadvantaged youth back to school. It is a bill that is going to give Americans the tools they need for the 21st century. It is worthy of our support.

The CHAIRMAN. Are there any other amendments to division A?

If not, the Clerk will designate division B.

The text of division B is as follows:

DIVISION B—VOCATIONAL REHABILITATION PROGRAMS

TITLE XXI—AMENDMENTS TO GENERAL PROVISIONS

SEC. 2101. REHABILITATION SERVICES ADMINISTRATION.

Section 3 of the Rehabilitation Act of 1973 (29 U.S.C. 702) is amended—

(1) in subsection (b), by striking ", as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42),"; and

(2) by striking subsection (c).

SEC. 2102. DEFINITIONS.

Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended—

(1) by striking paragraph (12);

(2) in paragraph (15)(A), by inserting a comma after "subparagraph (B) or (C)";

(3) by adding at the end the following:

"(36) The term 'administrative costs' means—

"(A) expenditures not incurred by the State unit for—

"(i) rehabilitation counselors;

"(ii) rehabilitation case coordinators; or

"(iii) other direct service personnel; and

"(B) notwithstanding subparagraph (A) includes expenditures incurred by the State unit in the performance of administrative functions under the vocational rehabilitation program, including expenses related to program planning, development, monitoring, and evaluation, including—

"(i) quality assurance;

"(ii) budgeting, accounting, financial management, information systems, and related data processing;

"(iii) providing information about the program to the public;

"(iv) technical assistance to other State agencies, private nonprofit organizations, and businesses and industries;

"(v) the State Rehabilitation Advisory Council and other advisory committees;

"(vi) professional organization membership dues for State unit employees;

"(vii) the removal architectural barriers in State vocational rehabilitation agency offices and State operated rehabilitation facilities;

"(viii) operating and maintaining State unit facilities, equipment, and grounds;

"(ix) supplies;

"(x) administration of the comprehensive system of personnel development, including personnel administration, administration of affirmative action plans, and training and staff development, administrative salaries, including clerical and other support staff salaries, in support of these functions;

"(xi) travel costs related to carrying out the program, other than travel costs related to the provision of services;

"(xii) costs incurred in conducting reviews of rehabilitation counselor or coordinator determinations; and

"(xiii) legal expenses required in the administration of the program."; and

(4) by redesignating paragraphs (36), (22), (23), (24), (25), (1), (2), (3), (26), (4), (5), (6), (27), (7), (28), (29), (30), (20), (21), (8), (31), (15), (32), (9), (10), (33), (11), (19), (13), (14), (16), (18), (34), (35), and (17) as paragraphs (1) through (35), respectively.

SEC. 2103. REPORTS.

Section 13 of the Rehabilitation Act of 1973 (29 U.S.C. 712) is amended by inserting after the third sentence "The Commissioner shall also annually collect information with respect to the title I, vocational rehabilitation services program, on administrative costs and other expenditures under the program.".

TITLE XXII—AMENDMENTS TO VOCATIONAL REHABILITATION SERVICES

SUBTITLE A—GENERAL PROVISIONS

SEC. 2201. DECLARATION OF POLICY; AUTHORIZATION OF APPROPRIATIONS.

Section 100(b) of the Rehabilitation Act of 1973 (29 U.S.C. 720(b)) is amended in each of paragraphs (1) and (2) by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2202. STATE PLANS.

Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (4)—

(A) by striking ", except that in the case" and inserting ", except that—

"(A) in the case";

(B) by striking "to the extent permitted by such regulations,";

(C) by inserting "and" after the semicolon; and

(D) by adding at the end the following:

"(B) in the case of earmarked funds used as the State match for Federal funds, where such funds are earmarked for particular geographic areas within a State;";

(2) in paragraph (7)(A)—

(A) by striking clause (i)(II) and all that follows;

(B) by striking "which shall include—

"(i) a description" and inserting "which shall include a description";

(C) b striking "on an annual basis—

"(I) the number and type" and inserting "on an annual basis the number and type"; and

(D) by striking "counselors to clients; and" and inserting "counselors to clients;";

(3) in paragraph (11)(A)—

(A) by striking "(20 U.S.C. 2301 et seq.), and" and inserting "(20 U.S.C. 2301 et seq.),"; and

(B) by inserting after "(41 U.S.C. 46 et seq.)" the following: ", and State use contracting programs";

(4) by striking paragraph (13);

(5) by striking paragraph (17);

(6) in paragraph (24)—

(A) in the matter preceding subparagraph (A), by striking "students who are individuals" and inserting "students"; and

(B) in subparagraph (B), by striking "individualized written rehabilitation program" and inserting "individualized education program";

(7) in paragraph (25), by striking "Secretary" and inserting "Commissioner";

(8) in paragraph (28), by adding at the end before the semicolon the following: "and State use contracting programs";

(9) by striking paragraph (30);

(10) in paragraph (33), by striking "and working relationships";

(11) in paragraph (36)—

(A) in subparagraph (B)(i), by moving the margin two ems to the left;

(B) in clauses (i), (ii), and (iii) of subparagraph (C) (including subclause (II) of each of such clauses (ii) and (iii)), by moving the margin two ems to the left; and

(12) by redesignating paragraphs (14), (15), (16), (18) through (22), (24) through (29), and (31) through (36) as paragraphs (13) through (32), respectively.

SEC. 2203. SCOPE OF VOCATIONAL REHABILITATION SERVICES.

Section 103(a) of the Rehabilitation Act of 1973 (29 U.S.C. 723(a)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) through (16) as paragraphs (7) through (15), respectively.

SEC. 2204. STATE REHABILITATION ADVISORY COUNCIL.

Section 105 of the Rehabilitation Act of 1973 (29 U.S.C. 725) is amended by striking subsection (i).

SEC. 2205. EVALUATION STANDARDS AND PERFORMANCE INDICATORS.

Section 106(a) of the Rehabilitation Act of 1973 (29 U.S.C. 726(a)) is amended in paragraph (1) by adding at the end the following: "After such date, the Commissioner shall review and, if necessary, revise the evaluation standards and performance indicators every three years. Any necessary revisions shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. Any proposed revisions shall be subject to the notice, publication, and comment provisions described in paragraph (3).".

SEC. 2206. MONITORING AND REVIEW.

Section 107(a) of the Rehabilitation Act of 1973 (29 U.S.C. 727(a)) is amended by adding at the end the following:

"(5) MONITORING AND REVIEW REPORTS.—Any reports detailing the findings of the annual reviews and periodic on-site monitoring visits shall be made available to the State Rehabilitation Advisory Council for use in the development and modification of the State plan.".

SUBTITLE B—BASIC VOCATIONAL REHABILITATION SERVICES

SEC. 2211. STATE ALLOTMENTS.

Section 110(d)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(d)(2)) is amended—

(1) by striking "the Secretary—" and all that follows through "(B) not less than" and inserting "the Secretary, not less than"; and

(2) by striking "fiscal years 1995, 1996, and 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2212. PAYMENTS TO STATES.

Section 111(a)(2)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 731(a)(2)(B)) is amended—

(1) by striking clause (i); and

(2) by striking "(ii)".

SEC. 2213. CLIENT ASSISTANCE PROGRAM.

Section 112(h) of the Rehabilitation Act of 1973 (29 U.S.C. 732(h)) is amended by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

TITLE XXIII—AMENDMENTS TO RESEARCH AND TRAINING

SEC. 2221. AUTHORIZATION OF APPROPRIATIONS.

Section 201(a) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)) is amended—

(1) in paragraph (1), by striking "each of fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000"; and

(2) in paragraph (2), by striking "each of fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2222. NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.

Section 202(c) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(c)) is amended—

(1) by striking ", except that" and all that follows through "regular technical and professional employees of the Institute"; and

(2) by redesignating paragraph (4) as paragraph (2).

TITLE XXIV—AMENDMENTS TO TRAINING AND DEMONSTRATION PROJECTS

Subtitle A—Training Programs and Community Rehabilitation Programs

SEC. 2231. TRAINING.

Section 302 of the Rehabilitation Act of 1973 (29 U.S.C. 771a) is amended—

(1) in subsection (a)(1)(B)(iv), by moving the margin two ems to the left;

(2) by striking subsection (e);

(4) in subsection (g)(3)(A)—

(A) in clause (ii), by adding "and" at the end;

(B) in clause (iii), by striking "; and" and inserting a period; and

(C) by striking clause (iv); and

(4) in subsection (h), by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000"; and

(5) by redesignating subsections (f) through (i) as subsections (e) through (h), respectively.

SEC. 2232. REPEALERS.

(a) IN GENERAL.—Sections 303, 304, 305, and 306 of the Rehabilitation Act of 1973 (29 U.S.C. 772, 773, 775, and 776) are hereby repealed.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by striking the items relating to sections 303, 304, 305, and 306.

SEC. 2233. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 310 of the Rehabilitation Act of 1973 (29 U.S.C. 777) is amended—

(1) by striking "each of fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000";

(2) by redesignating such section as section 303; and

(3) by inserting such section after section 302.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(1) by striking the item relating to section 310 (as such section was in effect prior to the redesignation of such section under subsection (a)(2)); and

(2) by inserting after the item relating to section 302 the following:

"Sec. 303. Authorization of appropriations.".

Subtitle B—Special Projects and Supplementary Services

SEC. 2241. SPECIAL DEMONSTRATION PROGRAMS.

Section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a) is amended—

(1) in subsection (a), by striking "Subject to the provisions of section 306, the" and inserting "The";

(2) by striking subsection (b);

(3) in subsections (c) and (d), by striking "fiscal years 1993 through 1997" each place it appears and inserting "fiscal years 1998, 1999, and 2000"

(4) by striking subsection (e); and

(5) by redesignating subsections (c), (d), and (f) as subsections (b), (c), and (d), respectively.

SEC. 2242. MIGRATORY WORKERS.

Section 312(b) of the Rehabilitation Act of 1973 (29 U.S.C. 777b(b)) is amended by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

SEC. 2243. REPEALERS.

(a) IN GENERAL.—Sections 314 and 315 of the Rehabilitation Act of 1973 (29 U.S.C. 777d and 777e) are hereby repealed.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended by striking the items relating to sections 314 and 315.

SEC. 2244. SPECIAL RECREATIONAL PROGRAMS.

(a) IN GENERAL.—Section 316 of the Rehabilitation Act of 1973 (29 U.S.C. 777f) is amended—

(1) in subsection (b), by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000";

(2) by redesignating such section as section 313; and

(3) by inserting such section after section 312, as amended by this Act.

(b) CONFORMING AMENDMENT.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(1) by striking the item relating to section 316 (as such section was in effect prior to the redesignation of such section under subsection (a)(2)); and

(2) by inserting after the item relating to section 312 the following:

"Sec. 313. Special recreational programs.".

TITLE XXV—AMENDMENTS TO NATIONAL COUNCIL ON DISABILITY

SEC. 2251. AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Rehabilitation Act of 1973 (29 U.S.C. 785) is amended by striking "fiscal years 1993 through 1997" and inserting "fiscal years 1998, 1999, and 2000".

TITLE XXVI—AMENDMENTS TO RIGHTS AND ADVOCACY

SEC. 2261. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

Section 501(a) of the Rehabilitation Act of 1973 (29 U.S.C. 791(a)) is amended in the third sentence by striking "the Handicapped" and inserting "People With Disabilities".

SEC. 2262. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) in subsection (a), by striking "Chairperson" and inserting "chairperson"; and

(2) in subsection (g)(2), by striking "Committee on Education and Labor" and inserting "Committee on Education and the Workforce".

SEC. 2263. PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) by redesignating subsection (n) as subsection (i);

(2) in subsection (l), by striking "Committee on Education and Labor" and inserting "Committee on Education and the Workforce"; and

(3) in subsection (m), by striking "each of the fiscal years 1993, 1994, 1995, 1996, and 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

TITLE XXVII—AMENDMENTS TO EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

SEC. 2271. AUTHORIZATION OF APPROPRIATIONS.

Sections 622 and 638 of the Rehabilitation Act of 1973 (29 U.S.C. 795i and 795q) are each amended by striking "each of fiscal years 1993 through 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

SEC. 2272. REPEALERS.

(a) IN GENERAL.—Parts A and D of title VI of the Rehabilitation Act of 1973 (29 U.S.C. 795 et seq. and 795r) are hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Parts B and C of title VI of such Act (29 U.S.C. 795g et seq. and 795k et seq.) are redesignated as parts A and B of title VI of such Act, respectively.

(2) TABLE OF CONTENTS.—The table of contents of such Act (29 U.S.C. 701 note) is amended—

(A) by striking the items relating to parts A and D of title VI (as such parts were in effect prior to the repeal of such parts under subsection (a)); and

(B) by redesignating the items relating to parts B and C of title VI (as such parts were in effect prior to the redesignation of such parts under paragraph (1)) as items relating to parts A and B of title VI of such Act, respectively.

TITLE XXVIII—AMENDMENTS TO INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING

SEC. 2281. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 714 AND 727.—Sections 714 and 727 of the Rehabilitation Act of 1973 (29 U.S.C. 796e–3 and 796f–6) are amended by striking "each of the fiscal years 1993, 1994, 1995, 1996, and 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

(b) SECTION 753.—Section 753 of such Act (29 U.S.C. 796l) is amended by striking "each of the fiscal years 1993 through 1997" and inserting "each of the fiscal years 1998, 1999, and 2000".

SEC. 2282. PROGRAM AUTHORIZATION FOR CENTERS FOR INDEPENDENT LIVING.

Section 721(c)(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 796f(c)(1)(A)) is amended by striking ",," and inserting a comma.

TITLE XXIX—AMENDMENTS TO SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS

SEC. 2291. AUTHORIZATION OF APPROPRIATIONS.

Section 801 of the Rehabilitation Act of 1973 (29 U.S.C. 797) is amended by striking "1993 through 1997." each place such term appears and inserting "1998 through 2000.".

SEC. 2292. DEMONSTRATION ACTIVITIES.

Section 802 of the Rehabilitation Act of 1973 (29 U.S.C. 797a) is amended to read as follows:

"SEC. 802. DEMONSTRATION PROJECTS TO INCREASE CLIENT CHOICE.

"(a) GRANTS.—The Commissioner may make grants to States and public or nonprofit agencies and organizations to pay all or part of the costs of projects to demonstrate ways to increase client choice in the rehabilitation process, including the selection of providers of vocational rehabilitation services.

"(b) USE OF FUNDS.—An entity that receives a grant under this section shall use the grant only—

"(1) for activities that are directly related to planning, operating, and evaluating the demonstration projects; and

"(2) to supplement, and not supplant, funds made available from Federal and non-Federal sources for such projects.

"(c) APPLICATION.—Any eligible entity that desires to receive a grant under this section shall submit an application at such time, in such manner, and containing such information and assurances as the Commissioner may require, including—

"(1) a description of—

"(A) how the applicant intends to promote increased client choice in the rehabilitation process, including a description, if appropriate, of how an applicant will determine the cost of any service or product offered to an eligible client;

"(B) how the applicant intends to ensure that any vocational rehabilitation service or related service is provided by a qualified provider who is accredited or meets such other quality assurance and cost-control criteria as the State may establish; and

"(C) the outreach activities to be conducted by the applicant to obtain eligible clients; and

"(2) assurances that a written plan will be established with the full participation of the client, which plan shall, at a minimum, include—

"(A) a statement of the vocational rehabilitation goals to be achieved;

"(B) a statement of the specific vocational rehabilitation services to be provided, the projected dates for their initiation, and the anticipated duration of each such service; and

"(C) objective criteria, an evaluation procedure, and a schedule, for determining whether such goals are being achieved.

"(d) AWARD OF GRANTS.—In selecting entities to receive grants under subsection (a), the Commissioner shall take into consideration the—

"(1) diversity of strategies used to increase client choice, including selection among qualified service providers:

"(2) geographic distribution of projects; and

"(3) diversity of clients to be served.

"(e) RECORDS.—Entities that receive grants under subsection (a) shall maintain such records as the Commissioner may require and comply with any request from the Commissioner for such records.

"(f) DIRECT SERVICES.—At least 80 percent of the funds awarded for any project under this section shall be used for direct services, as specifically chosen by eligible clients.

"(g) EVALUATION.—The Commissioner shall conduct an evaluation of the demonstration projects with respect to the services provided, clients served, client outcomes obtained, implementation issues addressed, the cost effectiveness of the project, and the effects of increased choice on clients and service providers. The Commissioner may reserve funds for the evaluation for a fiscal year from the amounts appropriated to carry out projects under this section for the fiscal year.

"(h) DEFINITIONS.—For the purposes of this section:

"(1) DIRECT SERVICES.—The term 'direct services' means vocational rehabilitation services, as described in section 103(a).

"(2) ELIGIBLE CLIENT.—The term 'eligible client' means an individual with a disability, as defined in section 7(8)(A), who is not currently receiving services under an individualized written rehabilitation program established through a designated State unit.".

SEC. 2293. TRAINING ACTIVITIES.

(a) IN GENERAL.—Section 803 of the Rehabilitation Act of 1973 (29 U.S.C. 797b) is amended—

(1) by striking subsections (d) and (e) and redesignating subsection (f) as subsection (d);

(2) in subsection (d) (as so redesignated by paragraph (1))—

(A) by striking "(g)" and inserting "(f)"; and

(B) by striking the last sentence; and

(3) by striking subsection (a) and redesignating subsections (b) through (d) (as so redesignated by paragraph (1)) as subsections (a) through (c).

(b) EFFECTIVE DATES.—

(1) PARAGRAPHS (1) AND (2).—The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect on October 1, 1997.

(2) SUBSECTION (a)(3).—The amendment made by paragraph (3) of subsection (a) shall take effect on October 1, 1998.

TITLE XXX—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT

SEC. 2295. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Helen Keller National Center Act (29 U.S.C. 1904(a)) and section 208(h) of such Act (29 U.S.C. 1907(h)) are each amended by striking "1993 through 1997" and inserting "1998, 1999, and 2000".

TITLE XXXI—EFFECTIVE DATE

SEC. 2297. EFFECTIVE DATE.

Except as provided in section 2293, this division and the amendments made by this division shall take effect on October 1, 1997.

The CHAIRMAN. Are there any amendments to division B?

AMENDMENT NO. 3 OFFERED BY MR. MCKEON

Mr. McKEON. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. McKEON:

Page 6, after the item relating to section 2263, insert the following:

Sec. 2264. Requirement that Federal agencies provide certification of compliance with electronic and information technology accessibility guidelines.

Page 277, after line 3, insert the following:

(1) in paragraph (5), by inserting after "supported employment" the following: "and self-employment or business ownership";

Page 277, line 4, strike "(1)" and insert "(2)".

Page 277, line 5, strike "(2)" and insert "(3)".

Page 277, line 7, strike "(3)" and insert "(4)".

Page 279, line 6, strike "(4)" and insert "(5)".

Page 279, after line 23, insert the following:

(a) DECLARATION OF POLICY.—Section 100(a)(3)(C) of the Rehabilitation Act of 1973 (29 U.S.C. 720(a)(3)(C)) is amended to read as follows:

"(C) Applicants and eligible individuals must be active and full partners in the vocational rehabilitation process, making meaningful and informed choices—

"(i) during assessments to determine eligibility and vocational rehabilitation needs; and

"(ii) in the selection of the employment goal, services needed to achieve the goal, entities providing such services, and the methods used to procure such services.".

Page 279, line 24, strike "Section 100(b)" and insert "(b) AUTHORIZATION OF APPROPRIATIONS.—Section 100(b)".

Page 280, strike line 19 and all that follows through line 4 on page 281 and insert the following:

(2) in paragraph (7)(A) to read as follows:

"(A) include a description, consistent with the purposes of this Act, of a comprehensive system of personnel development, which, at a minimum, shall consist of—

"(i) a description of the procedures and activities the State agency will undertake to address the current and projected training needs of all personnel in the designated State unit to ensure that they are adequately trained and prepared;

"(ii) a plan to coordinate and facilitate efforts between the designated State unit and institutions of higher education and professional institutions to recruit, prepare, and retain qualified personnel, including personnel from minority backgrounds and personnel who are individuals with disabilities; and

"(iii) the development and maintenance of a system for determining on an annual basis the number and type of personnel that are employed by the State agency in the provision of vocational rehabilitation services, including ratios of counselors to clients;";

Page 281, after line 5, insert the following:

(A) by inserting "the Rural Development Administration of the Department of Agriculture," after "the Department of Veterans Affairs,";

Page 281, line 6, strike "(A)" and insert "(B)".

Page 281, line 9, strike "(B)" and insert "(C)".

Page 282, after line 3, insert the following:

(11) in paragraph (35), by striking "and" at the end;

Page 282, strike lines 4 through 10 and insert the following:

(12) in paragraph (36)—

(A) in subparagraph (b)(i), by moving the margin two ems to the left;

(B) in clauses (i), (ii), and (iii) of subparagraph (C) (including subclause (II) of each of such clauses (ii) and (iii)), by moving the margin two ems to the left; and

(C) by striking the period at the end and inserting "; and";

(13) by adding at the end the following:

"(37) provide assurances that the State, or any recipient of funds made available to the State under this title, will comply with the guidelines established under section 508(a) of this Act."; and

Page 282, line 11, strike "(12)" and insert "(14)".

Page 282, line 13, strike "(36)" and insert "(37)".

Page 282, line 13, strike "(32)," and insert "(33),".

Page 282, after line 14, add line 14, add the following (and conform the table of contents of the bill accordingly):

SEC. 2203. INDIVIDUALIZED PLAN FOR EMPLOYMENT.

(a) SECTION HEADING.—Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended in the section heading by striking "**INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM**" and inserting "**INDIVIDUALIZED PLAN FOR EMPLOYMENT**".

(B) ASSESSMENT.—Section 102(b) of such Act (29 U.S.C. 722(b)) is amended to read as follows:

"(b)(1) As soon as a determination has been made that an individual is eligible for vocational rehabilitation services, the designated State unit shall complete the assessment described in subparagraphs (B) and (C) of section 7(2), if such assessment is necessary, and ensure that an individualized plan for employment is—

"(A) either—

"(i) at the request of the individual, developed by the individual or, as appropriate, the eligible individual's representative and approved by the vocational rehabilitation counselor; or

"(ii) developed and approved by the individual or, as appropriate, by a parent, a family member, a guardian, an advocate, or an authorized representative of such individual (hereafter referred to in this subsection as the 'eligible individual's representative') and the vocational rehabilitation counselor;

"(B) based on the findings of the assessment to determine the individual's eligibility and vocational rehabilitation needs described in section 7(2);

"(C) written, and, as appropriate, otherwise documented, and provided to the individual or, as appropriate, to the eligible individual's representative in the native language or mode of communication of the individual or, as appropriate, of the eligible individual's representative;

"(D) implemented in a timely manner;

"(E) reviewed at least annually by the vocational rehabilitation counselor and the individual or, as appropriate, the eligible individual's representative; and

"(F) amended, as necessary, by the individual or, as appropriate, the eligible individual's representative, in collaboration with the counselor, when there are substantive changes in the employment goal, the services to be provided, or the service providers (such revisions or amendments shall not take effect until agreed to and signed by the individual or, as appropriate, by the eligible individual's representative, and the vocational rehabilitation counselor).

"(2) The individual plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting the employment goal, the specific vocational rehabilitation services to be provided, the entity or entities that will provide the vocational rehabilitation services, and the methods used to procure the services, consistent with the informed choice provisions in subsection (e).

"(3) The individualized plan for employment shall identify—

"(A) the specific employment goal that is chosen by the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the individual, and is, to the maximum extent appropriate, in an integrated setting;

"(B) the specific vocational rehabilitation services that are—

"(i) needed to achieve the employment goal, including, as appropriate, assistive technology devices and services, and personal assistance services, including training in the management of such services; and

"(ii) provided in the most integrated setting that is appropriate to the service being provided and is consistent with the informed choice of the individual;

"(C) the entity or entities chosen by the individual or, as appropriate, the eligible individual's representative, that will provide the vocational rehabilitation services and the methods used to procure such services;

"(D) timelines for the achievement of the employment goal and for the initiation of services;

"(E) the terms and conditions of the individualized plan for employment, including—

"(i) the responsibilities of the designated State unit and the individual under such plan, including participation in the costs of the plan;

"(ii) criteria to evaluate progress toward achievement of the employment goals; and

"(iii) the use of comparable services and benefits under such plan, in accordance with section 101(a)(8);

"(F) prior to the determination that the individual has achieved an employment outcome, the expected need for post-employment services; and

"(G) the rights and remedies available to the individual as provided in subsection (d), including notification of the availability of assistance from the client assistance program under section 112 of this Act.

"(4) For an individual with the most severe disabilities for whom an employment goal in a supported employment setting has been determined to be appropriate, the individualized plan for employment shall, in addition to the requirements identified in subsection (b)(3), identify—

"(A) the extended services needed by the individual;

"(B) the source of extended services or, to the extent that the sources to provide the extended services cannot be identified at the time of the development of the individualized plan for employment, a description of the basis for concluding that there is a reasonable expectation that such sources will become available; and

"(C) in cases in which multiple extended service providers are available to the individual, the providers of such services chosen by the individual or, as appropriate, the eligible individual's representative.".

(c) INFORMED CHOICE.—Section 102 of such Act (29 U.S.C. 722) is amended by adding at the end the following:

"(e) Each State agency, in consultation with its State Rehabilitation Advisory Council, if it has one, shall, consistent with section 100(a)(3)(C), develop and implement written policies and procedures that enable each individual to exercise informed choice throughout the vocational rehabilitation process, including policies and procedures that require the State agency—

"(1) to inform each applicant and eligible individual (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit), through appropriate modes of communication, about the availability of, and opportunities to exercise, informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice;

"(2) to assist applicants and eligible individuals to exercise informed choice in decisions related to the provision of assessment services;

"(3) to develop and implement flexible procurement policies and methods that facilitate the provision of services and that afford eligible individuals meaningful choices among the methods used to procure services;

"(4) to provide or assist eligible individuals in acquiring information that enables those individuals to exercise informed choice in the selection of—

"(A) the employment goal;

"(B) the specific services needed to achieve the individual's employment goal;

"(C) the providers of the selected services;

"(D) the employment setting and the settings in which services are provided; and

"(E) the methods available for procuring the selected services; and

"(5) to ensure that the availability and scope of informed choice under this section is consistent with the State agency's obligations under section 12(e).".

(d) CONFORMING AMENDMENT.—Section 102 of such Act (29 U.S.C. 722) is amended by striking "individualized written rehabilitation program" each place is appears and inserting "individualized plan for employment".

Page 282, line 15, strike "2203" and insert "2204".

Page 282, line 22, strike "2204" and insert "2205".

Page 283, line 1, strike "2205" and insert "2206".

Page 283, line 14, strike "2206" and insert "2207".

Page 285, strike line 16 and all that follows through line 20 and insert the following:

(1) in paragraph (1)—

(A) by striking ", except that" and all that follows through "continue to serve as Director"; and

(B) by striking the third and fourth sentences;

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) by striking "ncessary" and inserting "necessary"; and

(B) by redesignating such paragraph as paragraph (2); and

(4) by redesignating paragraph (4) as paragraph (3).

Page 286, after line 6, insert the following (and conform the table of contents of the bill accordingly):

SEC. 2231. DECLARATION OF PURPOSE.

Section 301(1)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 770(1)(A)) is amended by inserting after "independent living services programs" the following: ", through community economic or business development programs".

Page 286, line 7, strike "2231" and insert "2232".

Page 286, after line 9, insert the following:

(1) in subsection (a)(1)—

(A) by striking "and (E)" and inserting "(E)";

(B) by striking the period at the end and inserting the following: ", and (F) personnel specifically trained to deliver services to individuals whose vocational goal is self-employment or business ownership.";

Page 286, strike lines 10 and 11 and insert the following:

(2) in subsection (b)(1)(B)—

(A) in clause (ii)—

(i) by redesignating subclauses (IV) and (V) as subclauses (V) and (VI), respectively; and

(ii) by inserting after subclauses (III) the following:

"(IV) assistance and support to individuals pursuing self-employment or business ownership as their rehabilitation goal;"; and

(B) in clause (iv), by moving the margin two ems to the left;

Page 286, line 12, strike "(2)" and insert "(3)".

Page 286, line 13, strike "(3)" and insert "(4)".

Page 286, line 19, strike "(4)" and insert "(5)".

Page 286, line 22, strike "(5)" and insert "(6)".

Page 287, line 1, strike "2232" and insert "2233".

Page 287, line 8, strike "2233" and insert "2234".

Page 288, lines 6 and 7 and insert the following:

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Subject to the provisions of section 306, the" and inserting "The";

(B) in paragraph (3), by striking "and" at the end;

(C) in paragraph (4), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(5) establishing programs for supporting the effects of vocational rehabilitation programs to promote self-employment or business ownership goals of people with disabilities.".

Page 291, after line 13, insert the following:

SEC. 2264. REQUIREMENT THAT FEDERAL AGENCIES PROVIDE CERTIFICATION OF COMPLIANCE WITH ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY GUIDELINES.

Section 508(b) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(b)) is amended to read as follows:

"(b) COMPLIANCE.—

"(1) IN GENERAL.—Each Federal agency shall comply with the guidelines established under this section.

"(2) CERTIFICATION.—

"(A) ESTABLISHMENT OF CERTIFICATION PROCEDURES.—The Director of the Office of Management and Budget shall establish uniform procedures under which the head of each Federal agency shall submit to the Director a written certification, containing such information as the Director may reasonably require, that such agency is in compliance with the guidelines established under this section.

"(B) SUBMISSION OF CERTIFICATION.—Not later than September 30 of each year, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a written certification in accordance with the procedures established under subparagraph (A).

"(C) REVIEW OF CERTIFICATION.—The Director of the Office of Management and Budget—

"(i) shall review each certification submitted by each Federal agency under subparagraph (B); and

"(ii) shall provide notice to each such Federal agency that such agency is either in compliance or not in compliance with the guidelines established under this section, as the case may be.

"(D) ASSISTANCE FOR AND MONITORING OF AGENCIES NOT IN COMPLIANCE.—In the case of a Federal agency that is not in compliance with the guidelines established under this section, the Director of the Office of Management and Budget—

"(i) shall assist such agency in its efforts to comply with such guidelines; and

"(ii) shall monitor the progress of such agency to comply with such guidelines.".

Mr. McKEON. Mr. Chairman, these amendments are those changes that have been worked out by Republicans, Democrats, and the administration since the full committee markup, as requested by the chairman and ranking member at that markup.

The amendment will streamline the current individualized written rehabilitation plan as the individualized plan for employment, add a collection of consumer choice provisions to the act to increase the ability of individuals with disabilities to control the content, scope, and services of the program, add provisions to emphasize that self-employment or starting your own business is a viable vocational outcome, transfer of certain existing obligations of States under the Disabilities Technology-related Assistance Act to the Rehabilitation Act, and technical refinements to amendments that were included in the marked-up bill.

Mr. Chairman, I urge support of this amendment.

Mr. KILDEE. Mr. Chairman, I rise in support of the amendment.

I concur with the statements made by my subcommittee chairman, the gentleman from California [Mr. McKEON], and urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. McKEON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to division B?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. COLLINS] having assumed the chair, Mr. NEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1385), to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes, pursuant to House Resolution 150, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 60, not voting 30, as follows:

[Roll No. 138]

YEAS—343

Abercrombie
Allen
Archer
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Buyer
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NAYS—60

Aderholt
Barr
Burton
Callahan
Campbell
Cannon
Chenoweth
Coble
Collins
Cook
Cox
Crane
Crapo
Davis (IL)
Dickey
Doolittle
Duncan
Emerson
Everett
Goode
Goss
Hall (TX)
Hayworth
Hefley
Hostettler
Hulshof
Hutchinson
Hyde
Jones
King (NY)
Kingston
LaHood
Lewis (KY)
Manzullo
Metcalf
Neumann
Pappas
Paul
Petri
Pombo
Radanovich
Riley
Rogan
Royce
Salmon
Sanford
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Smith, Linda
Solomon
Stearns
Stump
Talent
Taylor (MS)
Thune
Wamp
Weldon (FL)

NOT VOTING—30

Ackerman
Andrews
Baker
Ballenger
Barton
Boehlert
Brown (OH)
DeGette
Flake
Gephardt
Gillmor
Gutierrez
Hefner
Istook
Jefferson
Klink
LoBiondo
Manton
Miller (CA)
Molinari
Murtha
Packard
Quinn
Schiff
Skelton
Towns
Watkins
Watts (OK)
Wicker
Young (FL)

□ 1258

Mr. WELDON of Florida and Mr. DUNCAN changed their vote from "yea" to "nay."

Messrs. HINCHEY, TIAHRT, and BARTLETT of Maryland changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1385, EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

Mr. McKEON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1385, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1385, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1469, 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1469) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

□ 1300

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

> Ms. KAPTUR moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1469, be instructed to insist on the House position with respect to funding for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), providing a funding level of $76,000,000, to ensure no reduction in the number of participants being served by this program.

The SPEAKER pro tempore [Mr. HASTINGS of Washington]. The gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

In view of the time, I think it is our intention to be respectful to the Members and their needs to catch their flights. Our motion instructs conferees to simply insist that the funding level of $76 million provided in the House-passed bill for the WIC Program, which was agreed to overwhelmingly by this body yesterday, prevailed in conference with the Senate.

The Senate version of the bill includes only $58 million for the WIC Program, and in its statement of administration policy on the Senate version of the bill, the administration estimated that the number of women, infants, and children served would be reduced by 75,000 to 100,000 participants if the $58 million number prevailed.

So we ask, Mr. Speaker, that we have this motion to instruct the conferees, and I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was my own position that this money was not needed, that there was ample money in the pipeline for all of the deserving recipients of WIC funds. However, my personal position was different from the vote of the House yesterday which supported the position stated by the gentlewoman from Ohio [Ms. KAPTUR]. That vote was 338 to 89. So in view of that vote, I believe that we should indeed be instructed and would intend to support the House position of $76 million versus the Senate position of $58 million.

Mr. Speaker, I would accept the amendment. However, before doing so, I yield such time as he may consume to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, perhaps the ranking member and I could have a slight dialog on this.

Last night we had discussed the possibility of an amendment or warning to the bill to make sure that the money only goes to the families and the children rather than to the bureaucracy to the extent that it can, and my colleague had raised some concerns about the administrative costs being high.

There is about, as my colleague knows, $15 million in the $76 million that will go straight to administration. I think it is the desire of many people to say that if we are increasing the money, let us not feed the bureaucrat, the bureaucracy; let us feed the children.

And so my question to my colleague, not amending the bill, but would the minority side work in the spirit of the intention of the amendment to say that as much money as possible goes to children and women and not to the bureaucracy?

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, we absolutely want to keep with the purposes of the program.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield as much time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, let me simply say that I think we need to understand, if I can get the attention of the gentleman from Georgia [Mr. KINGSTON], using the term "administrative uses" is a very tricky way to go about this. We do not want in any way under the guise of preventing this money from going to bureaucratic convenience, we do not want in any way, and I am sure that Members on both sides of the House will not want in any way, to have a proposition which expresses concern that we do not want money to go to administrative costs to mean that that will get in the way of implementing cost containment to recover $1 billion from infant formula rebates.

We do not regard the administrative expenses as items such as blood tests to determine whether a woman is anemic, or we do not believe that it is administrative funding to provide counseling for pregnant women on the dangers of alcohol and drugs to their unborn children. We do not think that it is administrative expenses to promote breast-feeding on the part of new mothers. We certainly do not want to interfere with the printing of vouchers.

And the problem is that the way "administrative expenses" are defined could very well preclude all of those activities, which would absolutely gut the purposes expressed yesterday. And so we will be very willing to look at the legitimate efforts to see that this goes only to provide needed services or evaluation or needed outreach for and to the populations who were meant to be served. But we do not want a definition of "administrative services" that, under the guise of limiting administrative services, actually cuts out needed services to people.

Ms. KAPTUR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Wisconsin [Mr. OBEY], and I talked with my colleague and friend from Georgia [Mr. KINGSTON] on this question of the administrative costs, and I do think that he agrees with us.

There are questions of bureaucracy here, but the wording "administrative" should in no way be used to dilute these essential services which, by anybody's definition, are really delivery of services to these women and children that are in great need.

But I support this motion to instruct, and I am sure that in the conference the language can be looked at, and how one defines that bureaucracy is one thing, but if it is left open ended and it actually is a dilution of services, then of course we would all have to oppose that.

Ms. KAPTUR. Reclaiming my time, Mr. Speaker, I would just like to say that when we are offering this motion to instruct, it is simply on the language that was adopted here yesterday. We appreciate the gentleman's concerns, and in view of the time, I think the membership would like a vote on this.

Mr. Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, let me, in response to the ranking members's comments on the complete agreement, that which is legitimately needed to make the program work; I agree that it is not administrative costs. The intention with the amendment was to have it broad enough so that the USDA could define those essential services. We are in agreement on that. I just want to make sure that as much money as possible goes to the end user and as little as necessary goes to bureaucrats.

Mr. Speaker, I think we have had enough discussion on this.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the distinguished chairman of the House Committee on Appropriations.

Mr. Speaker, let me just say that I think this is an issue that should have been addressed in conference. It is fundamentally the purpose of a conference committee between the House and the Senate, but now the gentlewoman and the distinguished ranking member of the committee have offered this motion to instruct, I intend to support it.

As I said yesterday, I am accepting the administration's assertion on good faith that we need a minimum of $76 million to ensure full enrollment, full participation, in the program this year.

However, to address the concerns, the very legitimate concerns, of the appropriators regarding the status and the future of this program, we are going to be looking at this fall in the context of reauthorization all the issues that have been identified in the letter to the GAO, to the Comptroller General of the United States, requesting a management audit of this particular program. Those issues include determining the reasons why some States are not spending all of their Federal program funding; ascertaining the number of women, infants, and children who are eligible to participate in the program and the extent to which they actually participate in the program; assessing the extent to which ineligible persons are receiving program benefits as a result of inadequate income documentation and verification; identifying those State practices that significantly enhance or diminish the effective and efficient operation of the program; assessing the extent to which program benefits are accessible to eligible working women and their children; assessing the effect of competitive bidding contracts for infant formula on non-WIC consumers of infant formula and the percentage market share of commodities to determine other possible products where cost savings could be realized through competitive bidding without cost shifting effect on non-WIC customers; and, last, assessing the effect of this requirement that WIC products be purchased in individual serving quantities on cost savings and program integrity.

The time to address these issues is when the GAO has had a chance to report back to Congress, will be looking at their findings and recommendations in the context of the reauthorization debate this fall.

Mr. Speaker, I support again full funding for the current year and, therefore, intend to support the motion to instruct.

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just wanted to thank the gentleman from California [Mr. RIGGS] from the authorizing committee and say we will welcome the work of his committee later this fall.

In addition to that, I think WIC is one of the most audited and studied programs in the entire Government of the United States. There are currently four studies ongoing on the program which I know will enlighten the gentleman's work, including one that the Committee on the Budget is doing in conjunction with the GAO.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would just like to take 30 seconds to reiterate, this motion to instruct is a motion to instruct on the amendment as it passed the House last night, period, with no games played on the question of administrative costs which in any way could undercut the delivery of services to one deserving or eligible human being under the WIC Program.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, does the gentlewoman have any additional speakers?

Ms. KAPTUR. I have no additional speakers.

Mr. LIVINGSTON. Then, Mr. Speaker, the gentleman from Louisiana yields himself such time as he may consume to simply point out that all of the speakers have made their points. It would be the position of this gentleman to press the case advanced by the gentleman from Georgia, but in view of all of the statements here and the vote last night of, again, 338 to 89, we have no objection, the majority has no objection, to the motion to instruct advanced by the gentlewoman.

Mr. Speaker, I yield back the balance of my time.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank the gentleman for his consideration. We very much want the House to instruct the conferees to be very vigilant in maintaining the language as passed here yesterday, and I would ask the membership to support the full funding level for all participants in WIC.

Ms. VELÁZQUEZ. Mr. Speaker, even though many Republicans finally realized the error of their ways and joined the Democrats to restore $76 million for basic nutrition for America's poorest babies—we can't claim victory yet. The Senate has only set aside $58 million for WIC. Right now, the fate of 85,000 women and children will be decided by a Republican-dominated conference.

When negotiation on the lives of infants and mothers begins next week, I would urge the conferees to maintain the full $76 million for WIC. America will be watching. If you try to use smoke and mirrors to deny these children food, we will know.

My colleagues, the supplemental already hurts American families by freezing funding for education. After weeks of fighting, we have to stick to our guns. We must give all 180,000 women, children and infants the proper nutrition they need.

Ms. KAPTUR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Ohio [Ms. KAPTUR].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. LIVINGSTON, MCDADE, YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, TAYLOR of North Carolina, OBEY, YATES, STOKES, MURTHA, SABO, FAZIO of California, HOYER, MOLLOHAN, Ms. KAPTUR, and Ms. PELOSI.

There was no objection.

□ 1315

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Chair will entertain 1-minute requests.

MIND OF A DEMOCRAT MILLIONAIRE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I say to my friends, have they ever wondered what it is like to be a Democrat millionaire? Well, if we look in Congressional Daily on page 4 today, we can get some insight into the mind of a Democrat millionaire.

We have a Senator, Senator KERRY on the other side, who was in danger of receiving a parking ticket for having the family car parked in front of a fire hydrant. I do not know if he got a parking ticket or not, but what did he do? He moved his family's millions to move the fire hydrant.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend. The gentleman will try to avoid making references to Members of the other body.

Mr. KINGSTON. Mr. Speaker, if one has millions and millions of dollars and if one parks in front of a fire hydrant, do not worry about a ticket, just pay to have the hydrant moved.

So in the exclusive Beacon Hill area of Boston, the civic association says, this has never, ever happened before. A guy named Peter Thompson said, this is a first even for Beacon Hill. Remember that. If you have lots of money and want to park in front of a hydrant, just pay to have the hydrant moved.

VOTING FOR LIBERTARIANISM IS VOTING FOR LIBERTY

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Mr. Speaker, we have just finished the debate on the jobs programs bill, and in the discussion I was referred to as a libertarian, but a very consistent one that voted the same way on each type of legislation.

I would like to remind my colleagues that voting for libertarianism is voting for liberty. Also it is a very consistent vote with the doctrine of enumerated powers. It is said in the Constitution that we can only do here in the Congress which is enumerated by the clauses within the document. So therefore, if it is said that I am very consistent and want to be labeled as libertarian, that is one thing, I do not deny that. But in the other sense, I am a strict constitutionalist that obeys and listens very carefully to my pledge to the Constitution as well as paying close attention to the ninth and tenth amendment.

ENVIRONMENTAL EXTREMISTS FAVOR BEETLES OVER PEOPLE

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Chairman, I have had a fairly good environmental rating over the past couple of years, but what happened last week shows us how far environmentalists will go; actually, not even environmentalists, but environmental extremists, how far they will go to pursue their agenda.

We had an opportunity last week to allow people in California to make repairs on a levee that had already broken several times and it actually killed Americans after the levee broke. Yet, when we had an opportunity to allow people to go in and make repairs on that levee, the environmentalists went absolutely crazy and said that they would not allow anybody to fix the levee that had already killed people without waivers.

They said that there was a beetle inside of shrubbery that was so precious that they could not allow these lifesaving measures to be taken. So the shrubbery caucus decided that the life of beetles and the life of shrubbery was obviously more important than the life of human beings.

Mr. Chairman, as the gentleman from Ohio [Mr. TRAFICANT] says, beam me up. That just does not make sense.

AMERICORPS' WASTEFUL SPENDING OF TAXPAYER DOLLARS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Chairman, I would like to talk a little bit about AmeriCorps. We found out recently that in Colorado, AmeriCorps has built some hornos, H-O-R-N-O, and hornos are mud stoves that were used by the Indians some 4,000 years ago. And we have spent our American tax dollars at a park in Colorado to build these hornos, so that if we happen to be traveling through Colorado and we have the urge to stop and cook some tortillas or cook some food on these hornos, well, our tax dollars have provided that opportunity to us.

Now, AmeriCorps had a good intent of trying to bring nonprofit organizations together, but these paid volunteers now have taken our tax dollars and they are starting to expend it in funny ways. We have now an opportunity in the very near future to eliminate this tremendous waste, so I just wanted to bring to the country's attention how their tax dollars have been wasted through this organization called AmeriCorps, which is a code word for paid volunteers.

HORNOS FOR COLORADANS

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the previous speaker, the gentleman from Kansas, mentioned a project that takes place in my district in Colorado, these horno ovens that we will find built in the Fort Collins area. It is a pile of mud. It is about that high, and some people believe they are attractive, but the AmeriCorps Program built this pile of mud in Fort Collins as a gift to the people of my community, as a gift.

I just want to point out that when Members think of the AmeriCorps Program and the volunteers out working hard to deliver important projects to the community, I do invite my colleagues, as the gentleman said, to come through Fort Collins and look at the mud pile that the AmeriCorps Program has left in my community in Fort Collins and think about how vigorously we should support continuation of the program.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO REGINALD MAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SNOWBARGER] is recognized for 5 minutes.

Mr. SNOWBARGER. Mr. Speaker, I rise today to recognize an outstanding teacher.

Reginald May directs the instrumental music program at F.L. Schlagle High School in Kansas City, KS, home of the Mighty Marching Stallions.

Mr. May has been a music instructor in the Kansas City area for yearly 20 years. He is credited with forming the first middle school marching band in the Kansas City, MO, school district and since 1993 has been in charge of the music and auxiliary marching programs at Schlagle.

Mr. May leads his students in performing all over the community, at churches, day care centers, charitable fund-raising activities, and corporate events. I first met Mr. May 3 weeks ago when I was speaking at a memorial service on the anniversary of the Oklahoma City bombing. He conducted the Schlagle band at the service and we were all very appreciative for their contribution that day.

The marching band has been nationally recognized, including a second place finish in the national parade division at the Circle City Classic parade in Indianapolis. Likewise, many of his individual students have received academic honors and recognition for personal achievements.

One of Mr. May's special challenges has been to keep his students in school. He bonds with his students, not only as their teacher, but as their mentor and their friend. He believes in their potential and helps them believe in themselves. He is a great influence on the determination of many of his students to not only stay in high school, but to go on to college.

But make no mistake. Mr. May is not an easy touch. His music classes are as tough and challenging as they are fun and rewarding. To quote Mr. May, "High standards and no-nonsense policies are set by the Schlagle High School Band program. If you believe in young people and give 110 percent, they will give you the same in return." The marching band program's stated goals are to strive to be the best and to demonstrate pride, perfection in musicianship and precision in marching.

But the mark of a great teacher can often be his or her ability to help guide students toward a fulfilling career. Thanks to Mr. May's skill, devotion and enthusiasm, many of his students have chosen a music career. One way he encourages this is by bringing in first rate professional musicians like blues guitarist Michael "Hawkeye" Herman to play with his students. According to a news account, that session with Schlagle students in 1995, which lasted for hours, included an impromptu performance of the classic "Kansas City" by "Hawkeye" Herman.

Obviously, Mr. May knows how to make music fun for his students. As the acting principal of Schlagle High School, Mary Stewart wrote to me that Mr. May's students are proud to say they go to Schlagle, the school with the great band.

Mr. Speaker, I am proud that this great teacher, Reginald May, is leading a great band at a great school in my district. I thank the House for allowing me to recognize today the contribution he makes to our community.

☐ 1330

COMMAND SOCIETY VERSUS FREE SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, it is safe to say that we now live in what we call a command society, we do not live in a free society where social and economic problems are solved through voluntary and free market solution. Whether it is food for the poor, homes for the homeless, medical care for the sick, we endlessly call on the Government to use force to redistribute wealth and distribute our production of welfare, with total disregard for the conditions required to produce the wealth.

In this misdirected humanitarianism, great harm is done to the very people who are supposed to be helped, both the recipients, as they are forced into a degrading dependency, and the working poor, who bear the greatest tax and inflation burden. In a command society, the Government continuously says, do this, do that, and we obediently do it. But smoldering anger and resentment results, confusion arises, because all the Government does is supposed to be good and helpful.

We are endlessly forced to get licenses for all that we do. Rules and regulations are all around us, from morning till night, cradle to grave. We tax life, we tax death, we tax success, and we tax savings. We suffer from double and triple taxation. Taxes are everywhere, as we work half the time for our Government.

We meet Government regulations and rules and paperwork everywhere we go. We cannot walk, talk, pray, or own a gun without a Government permit. We cannot drive a car without bells and buzzers and horns and belts and bags, without being reminded that Big Brother is watching, just waiting for one misstep, while the rapists and murderers go unpunished. We are intimidated by political correctness to the point that an innocent joke is a crime and the laws are a joke.

Our businesses are subject to invasion at will by Government bureaucracy without warning, pretending to save us from ourselves, while destroying our freedoms. As the bureaucracy thrives, the command society expands.

I see no evidence, sadly, of a reversal of this trend. We continue to tinker with the bureaucracy through disbursement and talk of great benefits of block grants and local controls and never talk of the philosophic or moral principles that permit the command society; that is, the concession that the arbitrary use of force to mold personal behavior in the market in our entire society is permissible.

Without change in our philosophic approach to government, we will find all the adjustments and revamping of the command society will not and cannot succeed. It cannot change the course upon which this Nation is set.

Placing confidence in pseudo-reform does great harm by postponing the day we seriously consider the moral principles upon which a free society is built. I am anxiously waiting for that day.

Mr. Speaker, at this time I enter into the RECORD this recent commentary by one of America's leading television newsmen, Hugh Downs. During his May 10, 1997, radio program "Perspective," this commentary was broadcast, making many of the same points I have made today.

BATF'S IN THE BELFRY

(By Hugh Downs)

Not too long ago, the California State Legislature passed a law permitting women to breast feed their children in public. Legislators felt obliged to pass a law about this despite the fact that courts have already upheld the practice. Also breast feeding has long been recommended to women by their physicians as the feeding method of choice. And quite aside from the legal precedent and the medical advantage, breast feeding is the natural way to feed infants; obviously women are equipped to serve sustenance to their offspring this way and it is the safest way to nourish an infant. So why would we need a law to state the obvious?

A law permitting public breast feeding is part of a tradition of inane legal redundancies generated by America's criminal justice empire. I say empire because legislators, by nature, think they possess, like Roman Caesars, the imperium, as if the laws they pass somehow wield supreme power over the universe. For example, in the past, legislators in Arkansas prohibited the river in Little Rock to swell any higher than the bridge. That's right, the river, by law, was "commanded" not to flood. Wasn't that wonderful? This inane and redundant bit of arrogance reminds me of Canute, the ancient Danish King of England. Canute put his throne on the beach and commanded the sea to retreat. You will not be surprised to hear that the sea dragged Canute, throne and all, to a watery embarrassment. Legislators, from Canute to Congress, can imagine themselves as imperium, because the power to create law seems as if it should include the laws of nature, or the laws of the universe, or let's be honest about it, the laws of the Almighty.

I've also heard that, in the past, legislators once passed a law that forbade chickens to lay eggs before 8 o'clock in the morning and no later than 4 o'clock in the afternoon. I'm told this law is, or at least was, on the books in Norfolk, Virginia. Legislators commanded chickens, under penalty of law, only to lay eggs between the daylight hours of 8 and 4. (If you're looking for "bird brains" here, you could have trouble figuring out which species had more of them.) I wonder what the penalty was for laying eggs after 4 o'clock? Maybe criminal chickens were threatened with being "cooped up."

To be fair, a lot of stupid laws are just old laws that may have seemed liked a good idea at the time but now seem quaint. When automobiles first appeared around the turn of the century, legislators rushed laws to regulate them. Since early automobiles made enough noise to spook a horse, several states passed laws that required runners to precede automobiles so that horse riders and buggy drivers could be forewarned of the approaching menace. I can only imagine what modern Interstate highways would look like if such laws were enforced today. I heard that in Pennsylvania somewhere, there is still a law requiring motorists to pull over at the sight of a team of horses and cover the vehicle with a cloth that has been painted to match the local foliage. I looked in my trunk the other day and noticed that I don't carry a camouflage cover. I hope I never need one in Pennsylvania.

Many old laws seem dumb and dumber today, and are innocently amusing. Who cares if it's against the law in Grand Haven, Michigan to toss an abandoned hoop skirt in the street? It may have happened in the 1860's but it'll never happen today because women don't wear hoop skirts anymore. In addition to antiquated laws, some laws can be ludicrous prohibitions that deal with situations that are patently obvious. Is it really true that someone passed a law in Alabama prohibiting motorists from operating a motor vehicle while blind folded? What was in their beverages? And what about that Florida law prohibiting sex with a porcupine? I'm not kidding. This is supposed to be a real law. What were these lawmakers thinking? At least sex with a porcupine must be one crime with a very low rate of recidivism.

Obviously, hubris can propel legislators well beyond the asinine to the really dangerous. America's burgeoning criminal justice empire doesn't just churn out useless laws, it also creates unnecessary law enforcement agencies—whole police forces that we don't need. We don't need them because we already have local police departments. The DEA, or Drug Enforcement Agency is anything but local. The DEA performs a job that used to be done by the War Department during World War II. The DEA sends American GI's into foreign countries and wages war. Prosecution of a drug war sounds like a policy hatched by Dumb and Dumber. Without a war there would be no need for the DEA, or its staggering budget.

Of course, the DEA does not police alcohol and tobacco. We have a completely separate police force (the Dumber half of this duo) just to deal with cigarettes and liquor. The BATF, or Bureau of Alcohol, Tobacco and Firearms, is what you might call an "offbeat" police force. The name itself is off the wall?

You might wonder why we need a completely separate organization to police things that are all legal, especially when local police already do that. Local police have been doing it for centuries in America. But lawmakers, anxious to serve in the drug war, decided that extra federal agencies were needed too. We may have too many laws and too many agencies. After the catastrophes at Waco and Ruby Ridge, the BATF came under Congressional scrutiny as an unnecessary organization that sometimes over-steps its bounds.

When they're not being investigated by Congress, the BATF is tracking down dangerous criminals and keeping America safe. For example, America was recently threatened by a naked angel—that's right a naked angel—and the BATF fought valiantly to repel her. They lost. Kermit Lynch, a wine merchant in northern California, reports that he tried to import some Chianti wine that had a naked angel on the label. The BATF pounced. Agents told Lynch that pictures of naked ladies on containers of alcohol are forbidden. So Kermit Lynch looked up the law. He discovered that pictures of women in the all together are permissible on containers of alcohol if the pictures are art. The BATF had to backtrack when Mr. Lynch demonstrated that the picture wasn't really a naked woman, it was really an artistic nude from a 13th century tapestry.

A stunned Kermit Lynch says "The BATF is in the business of judging art. Can you believe it?" In an interview, Mr. Lynch told reporter Paul Kilduff that the Kenwood winery in Sonoma County, California hired artist David Goines to do a label. When Mr. Goines came up with a naked woman standing in a vineyard, the BATF pounced again. So, a now angry Mr. Goines submitted a new label with the skeleton of a woman standing in a vineyard. You guessed it. The BATF approved that one.

How many useless laws and useless police agencies do we really need? Surely, we should throw out what we don't need and keep what we do. Like the law that I'm told exists in Tennessee, that prohibits shooting game animals from moving vehicles. The law has one exception: whales. It's legal to shoot whales in Tennessee from a moving vehicle. Now there's a law that we need.

TERMINATE DIPLOMATIC RELATIONS AND FINANCIAL TRANSACTIONS WITH TERRORIST NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I have grown up believing, being taught by my parents, in the idea of an America built on unwavering values, rock-solid principles that have been built into this culture based on thousands of years of other people's experience, where freedom is valued more than finance, and where human rights mean more than market share.

It was Thomas Jefferson talking about freedom who said that he would stand before the altar of almighty God pledging to battle those who would try to place tyrannical restrictions over the mind of man. And of course, we have heard de Toqueville say America is great because America is good. And when America ceases to be good, it will then cease to be great.

So I believe our goal is to carry on the proud tradition of Washington and Jefferson, the proud tradition of Benjamin Franklin and Abraham Lincoln, who understood the importance of freedom, the idea of American freedom, and who understood that America needed to be, as Ronald Reagan said, quoting Saint Matthew, that America had to be like a bright light shining on the hill for all the world to see.

That is why this next week, as we start talking about foreign ops, that I hope we will start asking some very tough questions about what is happening in Sudan. I think anybody that studies human rights across the globe, whether they are conservative or liberal, or whether they are Democrats or Republicans, really need to be shocked at what has been going on in Sudan since 1989.

According to United Nations human rights reports, we hear of 7-year-old children being crucified, being killed, we hear of villages being destroyed simply based on people's religious views. And what is America's response to what many call the most tyrannical country in the world? It is actually to allow American businesses to go over and do business with this horrible terrorist state, this state that continues to sponsor terrorism across the globe.

When Occidental wanted to go and do business with this terrorist state, they were not permitted to do so because of the antiterrorist legislation that passed this House and was signed by the previous administration. And yet, all Occidental had to do was go to the administration and ask for a waiver and they received it immediately and began doing business with Sudan, again, this country that exports terrorism across the globe that has been responsible for the deaths of Americans and again is responsible for the most heinous crimes against their own people.

That is why I am going to be introducing an amendment next week dealing with Sudan, and the first thing it will do is terminate diplomatic relations with Sudan and require the closure of all diplomatic and consular offices of Sudan and the United States unless the President determines and certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism. That is something that this administration simply cannot do. Americans have already had to flee Sudan in fear. I think it is time that we get Sudan off of our shores until they stop sponsoring state terrorism.

In fact, we had Jimmy Carter, former President, go over and try to negotiate a peace with Sudan. He has been doing it for years. He was given permission to fly to south Sudan to talk to a village; and before he got there, the Sudanese Government bombed that village and Mr. Carter had to flee Sudan.

I think we also need to stop financial transactions with terrorists. And unfortunately, this is not just limited to Sudan. It seems like our foreign policy has been for sale for too long now and we have been dealing with violators of human rights for far too long.

Again, America is about freedom, it is not about simply financial gain. That is why I believe we have to stop financial transactions with terrorists, and we would once again make sure that no exception under the section with respect to Sudan that would allow American businesses to do business with Sudan, that no exception would be granted by this administration or by this Congress unless the President again certifies to Congress that Sudan is no longer sponsoring or supporting terrorism at home or across the globe.

Again, when you have a country that so persecutes its own people by crucifying 7-year-old children, by having committed a terror campaign against its own people, and then exporting terrorism across the globe and to the United States of America, it is time to stand up and say enough is enough, we value freedom over financial gain, and we will do whatever it takes to support human rights across the global.

TRIBUTE TO HAZEL SECHLER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 5 minutes.

Mrs. MYRICK. Mr. Speaker, another part of the genteel soul of America died last Saturday night in the small North Carolina town of Weldon, just off I-95, a town where everyone knows everyone else, where just a short time ago evening strolls ended with neighbors chatting on spacious front porches, where everyone was responsible for everyone else. That is the way it was.

Hazel Sechler was virtually blind, 88 years old, and she lived alone and had for over half a century since her only husband met an untimely death. She threw herself into her church work and into her townspeople's needs, including those of my husband Ed, totally into his life for all of his life. She was truly one of the family.

Hazel Sechler was a genteel woman, no cross words for anyone, and she possessed an awesome positive attitude. Hats and gloves did not separate her from the town wino or other misfortunate. She was truly a lady.

Saturday night, someone cut her telephone line while she was talking on the phone to a neighbor. He forced himself inside her house, raped her, and slashed her throat. A genteel part of America died Saturday night; and in a national sense, virtually no one noticed. Yet, Hazel Sechler, the infirm, blind old lady of Weldon, NC, left perhaps enough in those she touched to rekindle the love of God in other places.

RAISING TAXES IS THE BUSINESS OF THE LEGISLATURE, NOT JUDICIARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, this week I had the opportunity to testify before a subcommittee of the House Committee on the Judiciary on the issue of judicial taxation. Rockford, IL, is a city of about 150,000 people. It is at the top of the State in more ways than one. It is my home. It is where I grew up. I lived there for a number of years before I moved to the country some time ago.

The city is under a Federal court order to desegregate the school system of School District 205. And what is happening in Rockford is happening across the Nation today as judges take on the roles of legislators, as judges attempt to be school administrators, school boards, teachers, PTA, and as judges arbitrarily and without taking into consideration the impact have raised taxes on the people of School District 205 in an attempt to resolve the proven segregation that took place years ago in that city.

The legislation that I introduce says as follows: That a Federal judge should follow the Constitution and leave to the legislature the business of raising taxes. Unfortunately, it is impossible to do away with the power of a Federal court to raise taxes, and that goes back to years ago when railroads were issued bonds by municipalities and municipalities defaulted on those bonds and courts had to pose something called a structural injunction in order to pay back those bonds.

What has happened in Rockford is that a court has raised taxes, almost doubled taxation in the past 4 years, and the people of Rockford just got their tax bill 3 or 4 days ago. Taxation went up another 10 to 15 percent. And instead of a remedy bringing together a community, instead of a remedy that looks at the past civil rights abuses and says what can we do to bring this community together in order to redress the past civil rights grievance, the remedy ends up dividing a community; the remedy has increased real estate taxes, lowered property values, made it very difficult for people to sell their homes, made it uninviting for people to want to move into School District 205, and put such a hard press especially on seniors, those who are on fixed incomes, seniors whose taxes are much more than they can afford to pay.

As the seniors call my office and as the families who call my office, many with tears in their voice, and say, Congressman, I do not understand why a Federal judge can raise my real estate taxes and I can be subjected to taxation without representation, when in fact a Revolutionary War was fought in that nation over the fact that we as colonies were taxed without having one person representing us in the parliament in Great Britain.

□ 1345

We thought that was done away with 200 years ago, but it still continues today. The purpose of my legislation is to send a message to the Federal court that you are not a taxing, that the power to tax is with the legislature. If you dare try to raise the taxes of the people, you have to meet very certain guidelines, the first among which is the fact that a remedy cannot be fashioned without the increase of taxes. Then thereafter, the other guidelines that we set up serve as a curb on the powers of the Federal courts to raise taxes and to destroy the quality of life in cities such as Rockford, IL.

My bill, the Judicial Mandate and Remedy Clarification Act, is constitutional because it sets up the guidelines which under those very rare circumstances under which a court can undertake to raise the taxes of the local people.

I would encourage my colleagues to become signatories to this type of legislation because when we talk about judicial activism, ultimately it is the U.S. Congress under article III, sections 1 and 2 that has the power to give the jurisdiction to these district courts and the power to set the remedies.

THE GOVERNMENT

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, I was struck by an earlier speaker this afternoon who talked about his many concerns about government. I understand that government is not perfect. Government often needs correction. But I think it is time that we also speak about what government does and why government exists and why we believe government is important.

Yesterday this House passed an emergency supplemental bill to assist flood victims not only in my State of West Virginia but across the Midwest and in several other areas. I can testify personally, because I was there when the flood waters were still going down, about the hundreds of sets of eyes that I looked into, that the one thing they were hanging on was the fact that the Federal Emergency Management Agency was there telling them they were going to help them dig out. Right before FEMA got there, the West Virginia National Guard was there. That was government.

I also know that last night, as I drove home, I was reassured to see a police car driving around our block just keeping the calm in our area. Of course right in front of this Capitol, President Clinton addressed a memorial service for fallen law enforcement officers. Those officers fell in the name of government and protecting citizens.

I know that my children and I will sleep secure tonight knowing that we will not be invaded and that even though we live in the richest, in many ways most sought after nation in the world, somebody is on guard protecting us. That is called the military. Yes, we do pay a higher proportion of our budget for military defense than almost any other nation in the world, but I think most of us think that that is a good investment.

I know that my children and I hope they will have the opportunity to go on to higher education just like millions of others before them. And we know that the Government is there providing those opportunities whether through Pell grants for lower income students or through guaranteed student loans, and indeed, this Congress will debate other means of assisting people to go to college. That is government. I also know that the GI bill, which I consider the single greatest economic development device that the free world has known, which came about following World War II and by which millions of Americans returning home from World War II were able to greatly improve their lives by going to college, they did that through something called government.

I know that my family and I are trying to go see Aunt Connie in a distant State. We will, hopefully, fly to see her over a long weekend. We will depend and fly secure knowing that the air traffic controllers are guiding our planes through the air. Yes, they are government.

I know that when I drive home this evening that I will drive on roads and, quite frankly, no business would build some of the roads between some of the towns in our country. It is just not economically justifiable on today's bottom line, but those roads are built because they are designed to create economic opportunities in the future. Who built those roads? The taxpayer built the roads but the roads were built, the taxpayer built them through something called government.

I understand that nobody likes taxes and I do not either. But when tax day came did anyone point out that the United States of America has the lowest tax burden in the world in the individual tax burden compared to any major industrial democracy. Yes, the tax burden is too high still on low- and middle-income persons but that can be adjusted. But I think it is important to note the value of the services that we receive. I hear concerns about Medicare and Social Security, Social Security is government. It is the single greatest antipoverty program in the world. It dropped the level of senior citizens in poverty by one-half.

Medicare, which is health care for the senior citizen, I might point out, is also insurance for the middle income, middle-age person as well or the younger person because Medicare means that the low-income or middle-income person trying to make a living with a family does not always have to be worrying about supporting their family. Medicare and Social Security are taking care of those aged loved ones for that. That is government.

So it is fair for us to argue about the role of government, but I think we ought to be talking in respect about what government can and does do. It does not always work perfectly. It sometimes fails. But it also has many, many purposes and that it provides. Government, finally, is an expression of the people about what they want to be done as a group that they are not able to do individually.

Finally, the final testament to government is the fact that the gentleman who spoke several speakers before me, who has such diametrically opposite views from mine, we were able to stand in this well exchanging these views. Neither one may be right and neither one may be completely wrong, but we have the freedom to do so and have those views expressed. That is government as well.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 7 legislative days to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

JONNA LYNNE CULLEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. UPTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. UPTON. Mr. Speaker, I rise today to offer a tribute to a special friend who sadly is fiercely battling this awful disease called cancer.

Jonna Lynne Cullen, J.L. as we call her, served in this House as a staff member from 1967 until 1981. I got to know her very well when she was my boss at the Office of Management and Budget. She headed the Office of Legislative Affairs and to everyone's recollection she probably is the first woman that ever headed that office working for President Reagan from 1981 until 1984.

Mr. Speaker, she was a special friend. She was back here on the back rail. Many Members of Congress from those years, as they came into office, really learned the ropes in terms of what was going on, her ability to understand legislation, to work with all Members on both sides of the aisle. And it was sort of interesting, when she came in 1967, she worked for then the chairman, the Democratic chairman of the Committee on Rules, Bill Colmer. TRENT LOTT was his administrative assistant.

And TRENT LOTT came into office, of course, later on and is now the majority leader in the Senate. I know as I have spoken with both TRENT LOTT and other Members of the House that have moved to the other body, whether it be OLYMPIA SNOWE, JIM JEFFORDS, a whole host of Members that served here, they would very much like to speak this afternoon but of course as Members of the other body they are unable to do so.

As I look around the floor today and we have adjourned with legislative business, I have a number of my colleagues that are anxious to catch their planes and go back, but I wanted to recognize them in this hour that I have.

First, Mr. Speaker, I yield to the very distinguished chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend from Michigan for yielding to me. I thank him for taking out this special order. I want to take this opportunity to wish our friend, Jonna Lynne Cullen our very best because I join with the gentleman from Michigan [Mr. UPTON] in recognizing J.L. as a truly remarkable lady.

Our thoughts and prayers are with her as she lies in bed fighting an ongoing bout with cancer. But we do extend our love and best wishes to her for a speedy victory over that dreaded disease. Jonna Lynne's accomplishments here on the Hill and in the Reagan Office of Management and Budget in the early 1980's are well known. She came to the Committee on Rules as a teenager some time ago.

Mr. Speaker, I met her when she was on the staff of TRENT LOTT from Mississippi. His district was neighboring mine and we had that natural southern affinity. And in fact I guess I am wearing the right suit for this effort because she was a true southerner, represented the grace and charm and dignity of the Deep South and yet the calm efficiency as well of a lady that knew her way around Capitol Hill and with open and friendly manner literally could get anything done in Congress and throughout Washington, DC.

She served for many years as a staffer here in Congress. Her expertise and her talents and her dynamic personality won her the respect and admiration of many Members on both sides of the aisle. Those talents and abilities were tapped by OMB Director Dave Stockman during President Reagan's first term where she served as head of legislative affairs for OMB. And in fact J.L.'s knowledge of the Hill and her terrific relationships with so many Members of the staff were invaluable assets to the Reagan budget team. She played a pivotal role in garnering congressional support for the Reagan tax cuts and the budget plans that led to the greatest sustained peacetime economic expansion in this century.

Jonna Lynne Cullen was not your average liaison official. Her influence with the House and her abundant talent won her the trust of the most senior Members of the Reagan and Bush administrations. The real reason we rise to pay tribute to her transcends her accomplishments on the Hill and down at the other end of Pennsylvania Avenue. We here honor a woman who never for one moment took her life for granted. She was a painter. She was a traveler. She was a gourmet chef. She most importantly has been a fighter and a fierce patriot whose love of America drove her to share our Nation's dreams and ideals with people across the globe.

She is a lady who, when faced with breast cancer, refused to just give up but poured her energy into helping others. The American Cancer Society was one of the chief beneficiaries of her time and her passion and her efforts, notwithstanding all of the other many demands on her time.

When she thought she had cancer beat, she not only continued her efforts on behalf of the American Cancer Society but she traveled worldwide, teaching and encouraging women in Latin America, Russia, and other emerging nations to reach out for success. She was an ambassador of entrepreneurship and excellence and a beacon to women around the world who never imagined that they had the ability to achieve success.

Today we think of Jonna Lynne Cullen who by sheer force of will has refused to give in to cancer. I last saw her a few weeks ago when she came to a reception on behalf of Blanquita Cullem who is a radio personality here in Washington. And there was Jonna Lynne with her Raggedy Ann red wig because she was going through chemotherapy and just brightly showing off that she was fighting every inch of the way.

She continues that fight and, as she lies in bed, she is still struggling against that dreaded disease. Her courage is an inspiration to all of us. We wish her well. We wish her success. We wish her victory in that fight. Keep on fighting, Jonna Lynne. We love you.

Mr. UPTON. Mr. Speaker, I would yield to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I want to thank the gentleman from Michigan for taking this special order. There will be a number of Members who will speak about their recollections of J.L. I do not want to catalog her many achievements. I would much rather provide a personal profile.

I had not planned to come to the House of Representatives. I enjoyed what I was doing out in California. I was at that time in the State legislature and was on a faculty of the local college.

The incumbent Congressman died, had a heart attack after the primary. There was a special convention that was convened which placed me on the ballot to come back here if I were successful in November. I had not gone through a primary. I had not gone to the Kennedy schools. I literally knew no one. And when I was elected in November 1978, I was amazed at how many of the 77 classmates that came back in the 96th Congress had some connection or relationship. They were either on a Member's staff, their family had been involved in politics, their relatives were involved or they indeed had worked in the private sector that was directly involved. And I had had no involvement whatsoever. So I walked onto the floor about as green a freshman as we can ever imagine.

Sitting in the back row was a woman who already knew about me. She asked me to sit down. And J.L. began to explain to me who was who and how the place worked and what I should and should not do. And if anyone knows me, someone who attempts to tell me what I should or should not do, it is taken somewhat with a grain of salt because I am going to do what I think I should do.

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However, I have to say that in the years that J.L. helped me understand this institution, her graciousness as a woman, her upbringing in the South, which comes through in a manner, for those of us who are very crass and uncultured from the West and from the North have never, ever been able to fathom but appreciate when we see it in operation, allowed her to show me that there were ways to accomplish one's desired ends that I had never imagined.

She could, all at the same time, praise, scold, and direct someone. It happened to me a number of times. Those who had that experience always walked away charmed.

J.L. was as good at what she did as anyone I have ever known. She represents to me the institution to a very great extent as it used to be. Frankly, this institution is less for the fact that we not only do not have J.L. Cullen personally, but I believe we have fewer of the type that J.L. represented. She understood when it was necessary to be partisan. More importantly, she understood when it was required to be institutional. But she could always do it in a warm and friendly way.

I think it is especially appropriate today to tell J.L., "Thank you for all of the help you gave me when I needed it most, and that as all of us are here talking about you, we would much rather be talking with you. Just from me personally, J.L., thanks for everything."

Mr. UPTON. Mr. Speaker, at this point I yield time to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Michigan, my friend, Mr. UPTON, and I rise with pride to acknowledge the service and leadership of my friend J.L. Cullen.

J.L., as others have said, was a southern lady. And as a northern daughter of a southern family, I say those words with deep respect. Graceful, gracious, kind, gentle, firm, able, intelligent, tough. The range of all those adjectives, those capabilities, were J.L. Sensitive of mind and spirit. She painted. She was a gourmet chef. She saw, sensed, talked about, and enjoyed the fine things of life: the subtleties of beauty, of visual beauty, of smell, of taste, the richness of life. But sensitive of mind as well.

I loved listening to the stories told by my friend, the gentleman from California [Mr. THOMAS], because she was sensitive of mind; a very sharp ability to analyze issues; able to pierce right to the heart of that issue and how it was going to affect people's lives, which is what Congress should be and is about.

A sharp mind, a sensitive heart, and below it all, incredible courage; incredible organizational capability. If she said something needed to be done and you were working with her, boy, it got done. If you carried your part, she carried hers and everybody else's, and whatever needed to happen actually did happen, and happened well and right.

Furthermore, you could count on not only it happening right in terms of substance and content, but everything was always done with integrity. This was a woman who believed that honesty mattered, who believed that treating people with mutual respect was what God required of you and her fellow human beings required of her.

Her experience was broad and deep, and she brought to action not only character and integrity and knowledge but a breadth of experience that reflected a deep understanding of what makes our lives individually rewarding and communally strong.

J.L. was an entrepreneur, and she thought beyond the dots long before it was commonly the thing to do. She was outside the box long before we invented words like "a new paradigm" and all those fancy phrases to talk about thinking creatively and thinking aggressively beyond the bounds we put on ourselves through the routine of our daily existence.

J.L. thought outside the box, and because she did, she did something for the Republican women of Congress that no one else would have been able to do, would have thought to do, would have had the knowledge and experience to do or the get-up-and-go to do, and that was to get us all together, the women Members of Congress, to think about a number of issues that we tended not to think about, because we tended not to bring the kind of experience to the table that one needs to get through them.

So she led us through some very important discussions. She helped us organize dinners at which we would get together and talk with leading people in the media about issues, about our own work as individuals, about their jobs to get the public to understand who we were, what the Congress was about, and the nature of politics in America today. Always the mentor, always the teacher, always the ally, but very deeply, always the friend.

J.L., you fought many battles. You have always won because of your spirit, your personal strength, your personal courage, and your integrity. This is one more terrible trial, but this, too, is a winnable battle, because you bring to it the strength and the courage that it demands, and we are with you, we are behind you, we are beside you, and we will be there. Our love and thanks to you for all you have done for us over the years, and our toast to your courage and success.

Mr. UPTON. Mr. Speaker, the gentlewoman raises a good point about J.L. being a vote counter. She has the votes here on both sides of the aisle to get through this thing.

Mr. Speaker, at this point I want to yield some time to my good friend, the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I thank my friend from Michigan for taking out this time and for all of those who are contributing to it.

Today I am glad to join others of my colleagues in honoring J.L. Cullen for her outstanding service to our country and her commitment, really, to the best ideals of this country.

J.L. came to Washington from her home State of Mississippi and of course wound up in positions of significant responsibility here in the Committee on Rules and in the White House under President Reagan at the Office of Management and Budget, and it was during that time that my wife and I both had the opportunity to first meet J.L.

My wife Sally and I both came to Washington in the early 1980's and had the opportunity to work as staffers first up on the Hill and then later in the administration, and we were both new to Washington and were both very impressed by J.L.'s energy and her legislative knowledge and her commitment to good, sound public policy.

But for me, the thing that impressed me the most was that no matter how busy she was, and in those early Reagan years everybody was very busy, particularly J.L., in trying to implement the economic program of the Reagan administration, but no matter how busy she was, she always took time to say hello and offer some advice or encouragement to a young staffer who was wet behind the ears and really did not know very much about what was going on up here.

Our colleague, the gentleman from Oklahoma, J.C. WATTS, often likes to say that character is what you do when nobody else is looking, and I think it says something about J.L.'s character the way she treated everyone no matter how busy she was and no matter how experienced some of us were.

And as my colleagues know, this is a city where people are often in a big hurry, but J.L.'s southern warmth and hospitality have always stayed with her and have always been a key part of her success. And I say that with all due respect to my colleague from Michigan, the gentlewoman from Connecticut, and others. But that, as our colleague from California was talking about, that was a key part of why I think she has been so successful here.

J.L. is a terrific example of someone who has worked very hard in her jobs, throwing everything she had into it, but also doing so with a sense of humor and good grace. And if there is anything we need more of around here, it is that sense of humor and good grace that enable us all to work together.

As a matter of fact, I think it is her sense of humor, her ability to laugh during intense negotiation or a close vote, that helps explain as much as anything why those of us who have worked with her in the past and know her think so highly of her and have such a special appreciation of her.

It turns out last year J.L. happened to be traveling outside the country and some constituents of mine, who were close personal friends from my hometown, just happened to run into her. And even in that brief encounter, outside the borders of this country, they were struck by her charm, her intelligence, and her zest for life. It transcends, of course, all barriers.

J.L. has faced more than her share of life's challenges, and as she battles cancer with all the determination that she brought to a number of legislative battles around this place, I want to take time to offer her our prayers of strength.

I am honored to be able to express my thanks for the battles that J.L. has fought, often behind the scenes, often late at night, but all to make our country a better place. She is someone that we can all learn from, particularly her sense of humor and good grace, and I appreciate again the chance to say a few words about her in the time that our friend has taken to honor her.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Texas, and now I want to yield time to my good friend, the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I appreciate the gentleman's taking this time out.

I was sitting in my office and heard about it and just wanted to come over to pay tribute to J.L., for her career, and thank her for all the good things she has done, and for her friendship over the many years.

I attended the University of Mississippi for a year, and I know J.L. moved up here from Mississippi. In fact, as I remember, when I was at the Department of Interior, working for then-Secretary Morton, I would go around and visit the office of Mr. Colmer, who was then the chairman of the powerful Committee on Rules, and Senator TRENT LOTT was the administrative assistant.

He was a Democrat in those days, a very conservative Democrat, but naturally, I guess, as most of America has, he moved into the Republican Party because of the changes.

But J.L. came here in 1967. I came up here on Capitol Hill in 1968 for a Republican Member and, off and on, had a relationship and would see her at different events. And I just wanted to join the gentleman from Michigan and the other Members in paying special tribute to her and let her know that she will be in my thoughts and my prayers.

And that is not just a throwaway line that we say. I will pray for her healing and that the Lord will give her strength to face this time.

Again, I thank the gentleman for taking this time. And, J.L., it is nice being with you.

Mr. UPTON. Mr. Speaker, I know we just heard that the Speaker of the House was unable to come this afternoon, but he intends to do a 1-minute on her behalf next week, because he was also very close to J.L.

I want to say a few things before we end our time here this afternoon. Particularly as I look at the gallery and think about the people listening this afternoon, there is an element of Washington that a lot of folks do not understand.

There are very powerful parts of this institution. One is the Committee on Rules, which meets behind those doors to my left. The Committee on Rules really runs this place in lots of ways. Every bill that comes to this House floor has a procedural vote first, and the Committee on Rules dissects those bills. They are the ones that decide what amendments, who will offer them, how long we will debate things, what is the procedure of each piece of major legislation as it hits the House floor.

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J.L., through her role working for then Chairman Colmer, got to know those rules of the House, which are this thick. She knew every I and every T in those rules, and she was one that tried to figure out where the votes were going to come. Because of her expertise, a young man who probably learned a lot of the ropes from her, one of my predecessors, David Stockman, hailed as probably one of the greatest directors of the Office of Management and Budget and who helped run the think tank, the executive branch, for President Reagan, selected her to run that Office of Legislative Affairs.

Again, for people outside of the beltway in many respects, at least until 1981, not a lot of people knew what OMB did, either, sort of like the Committee on Rules, though it is a very intricate part of the way things work; because the Office of Management and Budget decides the battles between all of the different agencies within the executive branch on where the administration stands. They are the ones that give the final recommendation to the President as to whether he should sign a bill or veto a bill. They are the ones that decide whether they support an amendment or oppose an amendment. They are the ones at the table, whether it is the budget agreement which was adopted this week and determining where the President's policy was.

Because of J.L.'s experience of running this House and knowing where all the things were, she was a perfect selection to run that Office of Management and Budget legislative office. And really through her skills, Ronald Reagan, who is certainly going to be hailed as one of the greatest Presidents this country has ever seen, who marshaled an agenda through this House, particularly in the early years of his

Presidency when he did not control the House. Republicans were 80, 90 votes down, yet he saw victory after victory after victory. She was the one that helped work the strategy, engineer those votes so that President Reagan could get the credit and see his program come through.

We look at the people that she worked with, Ken Duberstein, later chief of staff, she taught Ken a lot of things in terms of what went on. Look at some of the Members that are here. I think there are about 50 some Members at least on the Republican side today that were here in 1981 when she left, but as the gentleman from California [Mr. THOMAS] said, if you wanted to know what was going on, you sidled back with J.L., back at the back rail, and she knew everything that was going on.

We look at some of the former staff people that have served in this House and some that serve today: Ron Lasch, Bill Pitts, Martha Morrison, Keith Kennedy in the Senate, Sheila Burke, Jim Whittinghill. Those are the names that Members of Congress often go to to find out what is going on and how they can work an amendment or a bill, and they are the ones we go to when we want some straight advice, to be a straight shooter.

J.L., I think it was the gentleman from Louisiana [Mr. LIVINGSTON] talked about her red wig. Some of us have seen that red wig before. She has tried to battle this chemotherapy and has worn this cheerful red wig. I can remember that same wig a decade or so ago when she came out to Michigan and dressed up as a Raggedy Andy, waving a little sign, "Vote for Fred," standing on street corners and getting people's attention.

She is a great painter. Magnolias. She has a terrific sense of humor. Lots of jokes. And it kept everyone going when we worked sometimes 15, 18, 20 hours a day when I worked with her, when I also worked at the Office of Management and Budget. She got things done and she still is, and that is why so many of us here wish her the best.

REPORT ON ECONOMY FROM CHAIRMAN OF JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. SAXTON] is recognized for 60 minutes.

Mr. SAXTON. Mr. Speaker, I take this time to talk a little bit about this Nation's economy. I have had the privilege during this 2 years of serving in the House as the chairman of the Joint Economic Committee. The Joint Economic Committee, as all the Members know, is made up of both Members of this House as well as Members of the other house, and it is essentially our job to try and determine what it is that is happening right with the economy, and how the activities that take place from time to time in this House and in the other house and in the administration and in the Federal Reserve, what kind of influence, both positive and negative, those agencies have on our economy, on job growth, on wage levels and all of the other aspects of economic life in the United States.

I might say that some of these issues are from time to time very difficult to deal with because they have to do with taxes, they have to do with spending, they have to do with interest rates, they have to do with regulations that the Federal Government through our bureaucratic departments promulgates from time to time, and we have learned through studies in the Joint Economic Committee and other places that these issues that we deal with in the U.S. Government have a very direct and sometimes dramatic effect, sometimes positively and sometimes negatively, on our economy and jobs and wage scales and other issues that have to do with job stability and price stability and all of those kinds of things.

What I wanted to talk about today is one little aspect of what we do, not taxes today so much or not spending today so much or not regulation today so much, but something called monetary policy, which really has a very direct effect on every American family because it has to do with how much we pay for money, how high interest rates are and how those interest rates affect our ability to get along, to make a living, to keep a job, to provide for our families, and the Federal Reserve has a very direct role to play with regard to these issues.

The point here that I want to get to today is that the Federal Reserve over the past couple of months has entered upon some new policies which may or may not have a direct, dramatic effect on our economy. But I wanted to share these thoughts with the Members today because, as I said, they may or may not, and I think it is important for us to recognize that in all likelihood they may and probably will.

First let me say that I am not here to criticize the Fed for their past policies. The economy of our country has done very well. As a matter of fact, over the past number of years, as a matter of fact, since the second quarter of 1991, our economy has been getting better. Our economy has been growing through each quarter. We had a recession in 1990, in the first quarter of 1991, and then it started to grow.

Some of us found that a little bit strange because, as those of my colleagues who know me know, I do not think that tax increases help the economy very much. As a matter of fact, I believe quite the opposite, that tax increases like the one that we had in 1990 and like the one that we had in 1993, work to dampen job growth and work to dampen wage increases. Those tax increases take money out of the private sector and give it to us here in Washington, and we spend it much less efficiently than it gets spent and used and invested and saved in the private sector.

So I was a little bit surprised when I began to see economic growth take place in the early 1990's, because in 1990 we had a big tax increase and the biggest one ever in 1993, and I thought that would serve to dampen the economy and to slow growth. But very much to my surprise, something else happened, and that was that a good friend of ours by the name of Alan Greenspan, who is Chairman of the Federal Reserve, entered upon a program which provided for stable prices.

We call that price stability. Inflation is another word that we sometimes use to describe price stability. Over the past several years, in the decade of the 1990's, price stability has come to mean a great deal to us. It is my job today partly to compliment and thank the Federal Reserve for the policies that they have carried out during the decade of the 1990's, which have in large part offset the negative aspects of the tax increases that we had early in the decade.

So since the second quarter of 1991 the economy has been growing, there have been more jobs, the unemployment rate has been coming down, wages have been stable, one of our weaker points, wages have not gone up like we had hoped, but unemployment has gone down, the gross domestic product has gone up, and the economy has been good, until and including the first quarter of this year when the economy grew by over 4 percent, and that is really good. But aside from the fact that we had economic growth during this period of time, we have also had inflation which has been going down, and this was also something that I think was very desirable.

This chart that I have which is labeled "Inflation" measures inflation, and we have charted it out through the use of a measure called the Consumer Price Index. This is actually the Consumer Price Index, it is called the core CPI, which means it is all of the prices of goods and services that we buy in this country except food and energy, and we took out food and energy because they provide for big shots up and big shots down, and so we took those items out.

But this chart serves very well to show the fine job that Fed policy has done during this decade. We can see very clearly that beginning in 1990 when inflation was relatively high, almost 6 percent a year during some quarters, that it has come down dramatically. It is our belief on the majority side at least of the Joint Economic

Committee, that this has been a direct result of Federal Reserve policy in terms of their ability to squeeze inflation out of our economy.

This is very important, because this sets the background for perhaps a change in policy away from this very successful policy that we have had. Because, as my colleagues all know, during the last couple of months there has been more and more talk about the Fed increasing interest rates. We have had a growing economy because of low interest rates. We have had good price stability because the Fed has squeezed inflation out of the economy through their policies, and many of us would like to see this policy continue. But on March 25, for the first time in a long time, Chairman Greenspan and the other Governors of the Fed chose to enter upon the policy of increasing interest rates, and on March 25 we had a 25 basis point increase in interest rates.

I have another chart here which also demonstrates inflation. It is a very parallel track. This is called the Gross Domestic Product deflator. It shows, again, that inflation is well under control and that we do not have to worry about inflation at least in the short term, and many of us think in the long term as well.

So what the Fed has set out to do, they have been very successful in doing, and that is keeping a good level of lowering and lowering and lowering inflation until we have gotten to a very low level.

And so we began to wonder what the reasons were that the Fed decided to increase interest rates, because the economy is good, inflation is low. Why would anyone want to change that mix? Obviously the Fed's primary objective is and should be to control inflation, as we all know, and so it became a big question that we began to search for the answer to.

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We also looked at inflation of commodities. These commodities are those materials that we use in production basically. That may be a slight oversimplification, but once again we can see that during the decade of the 1990's, while commodity prices rose in the middle of the decade, they have sharply dropped here at the end of the decade. And so once again we see no signs of inflation, nothing for us to be all that concerned about.

Here again is another picture of commodity prices since 1990, early 1995, 1995, 1996, and 1997. Once again we can see that prices are dropping, and so while the economy is good, prices continue to go down.

Mr. Speaker, it is interesting to point out here that obviously, if we are going to have increases in interest rates, it is going to be more difficult for the economy to continue to do well, and so we searched and searched to try to find out why the Fed might be contemplating on next Tuesday yet another interest rate.

Here are some measures that we look at over the long term to try and determine where inflation is going to go. When people buy bonds, for example, this is the long-term bond interest rate on 30-year Treasury bonds, people who decide to buy bonds and hold them for a long time are obviously very concerned about what interest rates will be in the future, and the long-term bond interest rate, therefore, tends to go up and down depending on the demand for long-term bonds. These interest rates have been consistently low, and we see no sign here of increase in interest rates over the long term, and so we still have found no evidence of inflation anywhere in the economy.

This is a chart that looks quite different, but it is also an indicator that there is no threat of increases in inflation over the long term. This shows the relative value of the United States dollar, the American dollar, against the German mark, and it is high, meaning that we can buy lots of goods from Germany with fewer dollars than we could otherwise. And so this again is an indicator that we do not see inflation any time in the near future.

And finally, a very similar chart which compares the value of our dollar. I am sorry, I guess I have lost a chart, but in any event we have a chart that looks very similar with regard to the value of the United States dollar against the Japanese yen.

So in all of these instances we saw no evidence that inflation is coming, and so through conversations with people who are familiar with the Federal Reserve we began to ask why is it that we would have increases in the interest rates? Why is it that the Fed is again contemplating on next Tuesday the possibility of yet another interest rate rise?

And one of the answers that we got has to do with our industrial production, and means that as we have the capacity to produce goods in our country our industrial complex could some day get to 100-percent capacity. We do not usually operate; in fact, we never really get to 100-percent capacity, but sometimes we could operate at 60-percent capacity or 70-percent capacity, and obviously when the economy is good, as it is right now, we would operate at a higher capacity.

And what the Fed suggested is that we are operating at a very high capacity relative to our ability to produce goods and services and that this could be inflationary because, as we reach toward full capacity, things get so good that inflation could take place. In other words, we cannot produce enough goods to meet the demand that we have and because of the law of supply and demand inflation takes place because there is too much demand for the few goods that we can produce.

And so we put these lines on charts to see if there is a correlation between this capacity, which is called capacity utilization; that is a big word that economists use that frankly I had to learn a while back. But this blue line represents capacity, and we can see here that back in the late 1980's our capacity was at a very high level, somewhere around 85 or 86, a full percent of full capacity, and we are about back at that level again currently.

Now what happened when we were at full capacity back in the late 1980's was that we saw that we had moderate inflation. But today, being at about 85- or 86-percent capacity, the red line, which represents inflation, has gone down, and so the demand for goods and the ability to produce goods has not had a direct influence on inflation, and so when we looked at this and found that the Fed was worried about us producing at a very high capacity and that that might be causing inflation, we said we do not think this is the answer either.

And so it leaves one to conclude that the members of the Fed who are concerned about inflation are concerned that because the economy is doing good, that that somehow translates into a coming period of inflation, and frankly we just do not see the evidence to support that notion. We believe that all of the indicators that I showed my colleagues; we believe that the ability to look at long-term bond rates, for example, and see that they are headed even lower, the ability to look at commodity prices and see that they continue to, as of today, go lower.

The ability to look at the rate of inflation itself, which today continues at a very, very low level, does not indicate that we should have any worries about this economy overheating and, therefore, no thoughts or no thoughts which turn into action about raising interest rates which in turn will have the effect of slowing down the economy.

Mr. Speaker, it is almost like saying we cannot have an economy that grows at 4 percent because, if we do, we will have inflation, and therefore we have to increase interest rates to slow down the economy so we will not have inflation, so we will increase interest rates, increase the level of unemployment, et cetera.

We believe that what we should do is to enter upon a continuation of the policies that we have had since the early 1990's which have provided for a price stability, which has translated into lower interest rates, which lower interest rates have provided an incentive for the economy to grow and continue along the path toward prosperity after the turn of the century.

I guess the other thing that is interesting to note here is that throughout the economic history of our country we have very seldom stayed on a growth line for a prolonged period of time. During the 1980's we had a very long period of growth that lasted from about 1983 to about 1990. When we got into a recession there was a 6- or 7-year period of growth, but then we had a major correction in our economy. We have now been in a period of sustained economic growth since the second quarter of 1991, and our fear is that if the Fed raises interest rates yet again on next Tuesday, that a new trend will have set in. After all, they raised interest rates on March 25, it is now May 20 on Tuesday, and if they raise interest rates again, a trend will have been set toward higher interest rates which cannot be good for a continued economic growth and the continuation of our economic expansion.

Obviously, we think economic expansion is good for American families. Obviously, we think that is because wages have just recently begun to increase after this entire decade of stagnant wages. We think that ought to continue. We also think that families should have the opportunity to avail themselves to low interest rates so that they can buy homes and cars, and you know in a sense if the Fed increases interest rates, it is almost like us increasing taxes because it means families have less disposable income. And of course all of that acts to dampen the American economy.

So, as you listen over this weekend to economic reports in anticipation of next Tuesday when the FOMC meets again, as you listen to different opinions, keep in mind that the charts and the data that I have shown you here this afternoon indicates that inflation is well in check, that the economy continues to grow at something above 4 percent, GDP continues to go up by something above 4 percent, that interest rates are relatively low at the moment and, we believe, ought to continue there, but most importantly the Federal Reserve's primary goal in my opinion and in the opinion, I believe, of most economists in this country should be to control inflation, and it is abundantly clear, at least to me, that we are in a period of controlled inflation, of price stability quite unlike most long periods of economic growth that we have seen in the past, and it is my hope and I think the hope of most Americans that we can continue to enjoy this period of economic prosperity and relatively low interest rates.

ADJOURNMENT TO MONDAY, MAY 19, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 20, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 19, 1997, it adjourn to meet at 10:30 a.m. on Tuesday, May 20, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, MAY 21, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 20, 1997, it adjourn to meet at 9 a.m. on Wednesday, May 21, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESS ON WEDNESDAY, MAY 21, 1997

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess, subject to the call of the Chair, on Wednesday, May 21, 1997, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON THE BUDGET TO HAVE UNTIL MIDNIGHT SUNDAY, ON MAY 18, 1997, TO FILE REPORT ON CONCURRENT RESOLUTION ON THE BUDGET

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until midnight Sunday, May 18, 1997, to file a privileged report to accompany a concurrent resolution on the budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DEGETTE (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. MANTON (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. GILLMOR (at the request of Mr. ARMEY), for today on account of personal business.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY), for today after 10:45 a.m., on account of son's graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes each day on May 20 and 21.

Mr. MCCOLLUM, for 5 minutes, on May 20.

Mrs. MYRICK, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on May 20.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. TORRES.

Mrs. KENNELLY of Connecticut.

Mr. RANGEL.

Mr. HAMILTON.

Mr. LANTOS.

Mr. UNDERWOOD.

Mrs. LOWEY.

Mr. KLECZKA.

Mr. PAYNE.

Mr. FARR of California.

Mr. FAZIO of California.

(The following Members (at the request of Mr. BOB SCHAFFER of Colorado) and to include extraneous matter:)

Mr. GEKAS.

Mr. EHRLICH.

The following Members (at the request of Mr. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. EVERETT in two instances.

Ms. DELAURO.

Mr. LAHOOD.

Mrs. LINDA SMITH of Washington.

Mrs. JOHNSON of Connecticut.

Mr. BEREUTER.

Mr. ACKERMAN.

Mr. CASTLE.

Mr. DUNCAN.

Mr. FARR of California.

Mr. FAZIO of California.

Mrs. TAUSCHER.

Mr. WATTS of Oklahoma.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 476. An act to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000; to the Committee on the Judiciary.

ADJOURNMENT

Mr. SAXTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, May 19, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3337. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments [Docket No. LS–97–001] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3338. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Cattle and Bison; State Designation [APHIS Docket No. 96–093–1] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3339. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Applications for Contract Market Designation, Leverage Commodity Registration and Registered Futures Association and Exchange Rule Enforcement and Financial Reviews [17 CFR Parts 1, 5, and 31] received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3340. A letter from the General Sales Manager, Foreign Agricultural Service, transmitting the Service's final rule—Revised Definition of U.S. Agricultural Commodity for Commercial Export Programs [7 CFR Parts 1493 and 1494] received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3341. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case number 93–11, which totaled $2.1 million, ocurred at the Lexington Blue Grass Army Depot in Kentucky, when certain individuals improperly classified four buildings as temporary facilities, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3342. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal—received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3343. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule") [16 CFR Part 305] received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3344. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside the United States [Release Nos. IC–22658; IS–1080; File No. S7–23–95] (RIN: 3235–AE98) received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3345. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1996 Annual Report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Commerce.

3346. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 05–97 regarding a comparative scientific program on target detection and tracking of theater ballistic missiles project arrangement (PA), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

3347. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–27–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3348. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export 'Administration Regulations: Addition of Bharat Electronics, Ltd., (aka Baharat Electronics, Ltd.) India, to Entity List (Bureau of Export Administration) [Docket No. 970428099–7099–01] (RIN: 0694–AB60) received May 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3349. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3350. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a report on a proposed archival depository for the Presidential and other historical materials of the Bush Administration, pursuant to 44 U.S.C. 2112(a)(4); to the Committee on Government Reform and Oversight.

3351. A letter from the Secretary of the Interior, transmitting a report on the Government's helium program providing operating, statistical, and financial information for the fiscal year 1996, pursuant to 50 U.S.C. 167n; to the Committee on Resources.

3352. A letter from the Director, Executive Office for Immigration Review, Immigration and Naturalization Service, transmitting the Service's final rule—Representation and Appearances: Law Students and Law Graduates (Executive Office for Immigration Review) [EOIR No. 115F; A.G. Order No. 2081–97] (RIN: 1125–AA16) received May 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3353. A letter from the Secretary of Labor, transmitting the annual report evaluating the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) for fiscal year 1996, pursuant to 38 U.S.C. 4332; to the Committee on Veterans' Affairs.

3354. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Requirements Respecting the Adoption or Change of Accounting Method; Extensions of Time to Make Elections [TD 8719] (RIN: 1545–AU41 and 1545–AV19) received May 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3355. A letter from the Acting Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Child Nutrition and WIC Reauthorization Act of 1989 and Other Amendments (Food and Consumer Service) [Workplan Number 95–009] (RIN: 0584–AC07) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Education and the Workforce and Agriculture.

3356. A letter from the Administrator's of Federal Aviation Administration and National Aeronautics and Space Administration, transmitting a joint report to Congress on the progress being made under the Subsonic Noise Reduction Technology Program, Fiscal Year 1996, pursuant to 49 U.S.C. app. 1353 nt.; jointly to the Committees on Transportation and Infrastructure and Science.

3357. A letter from the Chair, Good Neighbor Environmental Board, transmitting the second annual report of the Good Neighbor Environmental Board, pursuant to 7 U.S.C. 5404(d)(1); jointly to the Committees on Transportation and Infrastructure and Commerce.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 1276. A bill to authorize appropriations for fiscal years 1998 and 1999 for the research, development, and demonstration activities of the Environmental Protection Agency, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than June 20, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X. (Rept. 105–99 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHRISTENSEN (for himself, Mr. JACKSON, Mr. ACKERMAN, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. ARCHER, Mr. ARMEY, Mr. BAESLER, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BARRETT of Wisconsin, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BATEMAN, Mr. BECERRA, Mr. BENTSEN, Mr. BEREUTER, Mr. BERMAN, Mr. BILBRAY, Mr. BISHOP, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BOSWELL, Mr. BRADY, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY of Florida, Mr. CANNON, Ms. CARSON, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. CONYERS, Mr. COOK, Mr. COOKSEY, Mr. COX of California, Mr. CRAPO, Mrs. CUBIN, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Illinois, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DELAHUNT, Ms. DELAURO, Mr. DELAY, Mr. DELLUMS, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DICKS, Mr. DIXON, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DOYLE, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Ms. FURSE, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GEPHARDT, Mr. GIBBONS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GINGRICH, Mr. GOODE, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HILLIARD, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HOYER, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. ISTOOK, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JENKINS, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Wisconsin, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. JONES, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND of Wisconsin, Mr. KING of New York, Mr. KINGSTON, Mr. KLECZKA, Mr. KLINK, Mr. KNOLLENBERG, Mr. KUCINICH, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LOBIONDO, Ms. LOFGREN, Mr. LUCAS of Oklahoma, Mr. MANTON, Mr. MARKEY, Mr. MASCARA, Ms. MCCARTHY of Missouri, Mrs. MCCARTHY of New York, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. METCALF, Mr. MICA, Ms. MILLENDER-MCDONALD, Mr. MILLER of Florida, Mr. MOAKLEY, Ms. MOLINARI, Mr. MOLLOHAN, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mrs. MORELLA, Mr. MURTHA, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mrs. NORTHUP, Ms. NORTON, Mr. NORWOOD, Mr. OBERSTAR, Mr. OWENS, Mr. OXLEY, Mr. PALLONE, Mr. PAPPAS, Mr. PARKER, Mr. PASCRELL, Mr. PASTOR, Mr. PAXON, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. PETRI, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. POMEROY, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RANGEL, Mr. REGULA, Mr. REYES, Mr. RIGGS, Mr. RILEY, Ms. RIVERS, Mr. ROGAN, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. RUSH, Mr. SABO, Mr. SALMON, Mr. SANDLIN, Mr. SANFORD, Mr. SAWYER, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SCHIFF, Mr. SCOTT, Mr. SENSENBRENNER, Mr. SERRANO, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. ADAM SMITH of Washington, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SMITH of Michigan, Mr. SNYDER, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Ms. STABENOW, Mr. STEARNS, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. STUPAK, Mr. SUNUNU, Mr. TALENT, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. THOMAS, Mr. THOMPSON, Mr. THUNE, Mr. TIAHRT, Mr. TIERNEY, Mr. TOWNS, Mr. TRAFICANT, Mr. TURNER, Mr. UNDERWOOD, Mr. UPTON, Mr. VENTO, Mr. WAMP, Ms. WATERS, Mr. WATKINS, Mr. WATT of North Carolina, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITE, Mr. WHITFIELD, Mr. WICKER, Mr. WISE, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska):

H.R. 1650. A bill to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WELLER:

H.R. 1651. A bill to amend the Internal Revenue Code of 1986 to require gain recognition in the case of certain transactions that are equivalent to sales of financial instruments; to the Committee on Ways and Means.

H.R. 1652. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from the self-employment tax for termination payments received by former life insurance salesmen; to the Committee on Ways and Means.

By Mr. CAMPBELL (for himself, Mr. KLUG, and Mr. DOOLEY of California):

H.R. 1653. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to create uniform standards with respect to federally-regulated securities, and for other purposes; to the Committee on Commerce.

By Mr. CAMPBELL (for himself, Mr. ROHRABACHER, Mr. LIPINSKI, Mr. LANTOS, Mr. MCDADE, Mr. TRAFICANT, Mr. WALSH, Mr. TOWNS, Mr. UPTON, Mr. DUNCAN, Mr. HUNTER, Mr. WELDON of Pennsylvania, Mr. HALL of Texas, Mr. BURTON of Indiana, Mr. KILDEE, Ms. KAPTUR, Mr. MARTINEZ, and Mr. PORTER):

H.R. 1654. A bill to amend the Trade Act of 1974 in order to require reciprocal responses to foreign acts, policies, and practices that deny national treatment to U.S. investment; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. LAFALCE, Mr. FOX of Pennsylvania, Mrs. MALONEY of New York, Mr. KING of New York, and Mr. FRANK of Massachusetts):

H.R. 1655. A bill to amend the Bank Holding Company Act of 1956 to provide additional relief for limited purpose banks from certain outdated restrictions imposed by the Competitive Equality Banking Act of 1987 which by the express terms of such act were intended to be temporary and have now been in place for 10 years, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. JOHNSON of Connecticut (for herself, Mr. POMEROY, and Mr. FAWELL):

H.R. 1656. A bill to amend the Internal Revenue Code of 1986 to provide small business employees with a simple, secure, and fully portable defined benefit plan; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself, Mr. LIPINSKI, Mr. RUSH, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Mr. BLAGOJEVICH, Mr. POSHARD, Mr. MANZULLO, Mr. COSTELLO, Mr. JACKSON, Mr. EVANS, and Mr. YATES):

H.R. 1657. A bill to amend title 23, United States Code, relating to the Interstate 4–R discretionary program; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 1658. A bill to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; to the Committee on Resources.

By Mrs. LINDA SMITH of Washington (for herself, Mr. DICKS, Ms. DUNN of Washington, Mr. HASTINGS of Washington, and Mr. METCALF):

H.R. 1659. A bill to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the monument, and for other purposes; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Ms. BROWN of Florida, Mr. JACKSON, Mr. GUTIERREZ, Mr. BLAGOJEVICH, Mr. DAVIS of Illinois, Mr. DIAZ-BALART, Mr. RUSH, Mr. POSHARD, Mr. COSTELLO, Mr. EVANS, and Mr. BROWN of California):

H. Con. Res. 83. Concurrent resolution expressing the sense of Congress that the National Basketball Association and the Players Association should extend pension benefits to certain surviving post-World War II, pre-1965 professional basketball players; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

87. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 25 memorializing the Congress of the United States to make changes in the Ready Reserve Mobilization Income Insurance Program; to the Committee on National Security.

88. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 278 urging the United States Environmental Protection Agency to reaffirm the existing air quality standards for ozone and particulate matter; to the Committee on Commerce.

89. Also, a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 17 memorializing the President and the Congress of the United States to work for the expansion of the North Atlantic Treaty Organization to include the Republic of Poland; to the Committee on International Relations.

90. Also, a memorial of the Legislature of the State of Oregon, relative to Senate Concurrent Resolution 3 urging the Congress of the United States to amend section 143(l)(4)(a) and (b) of the Internal Revenue Code to allow veterans who entered the Armed Forces of the United States after December 31, 1976, to become eligible for Oregon home loans for veterans; to the Committee on Ways and Means.

91. Also, a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 14 memorializing the United States Congress to return to the states the revenue collected under the gasoline tax increase of 1993; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. FILNER.

H.R. 65: Mr. BONO and Mr. FILNER.

H.R. 66: Mr. ALLEN, Mr. FARR of California, Mr. RILEY, and Mr. FOX of Pennsylvania.

H.R. 78: Mr. KLINK, Mr. NEY, and Mr. LUCAS of Oklahoma.

H.R. 80: Ms. SLAUGHTER and Mr. CASTLE.

H.R. 107: Mr. LUTHER and Mr. THOMPSON.

H.R. 108: Mr. VENTO and Mr. PETERSON of Minnesota.

H.R. 176: Mr. RAHALL, Mr. EVANS, and Ms. FURSE.

H.R. 208: Mr. EVANS.

H.R. 216: Mr. FORBES.

H.R. 303: Mr. DELLUMS and Mr. HANSEN.

H.R. 305: Mr. BONIOR and Mr. MEEHAN.

H.R. 306: Mr. BURTON of Indiana, Mr. STRICKLAND, Mr. CAPPS, and Mr. ROTHMAN.

H.R. 393: Ms. NORTON.

H.R. 500: Ms. VELÁZQUEZ.

H.R. 521: Mr. ENGEL, Mr. ALLEN, Mr. JACKSON, Mr. OBERSTAR, and Mr. BERRY.

H.R. 536: Mr. FRANKS of New Jersey and Mr. ROTHMAN.

H.R. 551: Mr. WELDON of Florida and Mr. DEFAZIO.

H.R. 594: Mr. LEWIS of Georgia, Ms. NORTON, Mr. SMITH of New Jersey, Mr. BARCIA of Michigan, Mr. MANTON, Mr. OWENS, Mr. OLVER, Mr. LATOURETTE, Mr. FARR of California, and Mr. FILNER.

H.R. 604: Mr. GORDON, Mr. MARTINEZ, and Mr. CRAPO.

H.R. 630: Mr. DREIER.

H.R. 659: Mr. STEARNS and Mr. GOODLING.

H.R. 695: Mr. DOOLEY of California and Mr. LATHAM.

H.R. 805: Mr. HERGER.

H.R. 815: Mr. HEFLEY, Mr. FARR of California, Mr. FILNER, Ms. STABENOW, Mr. OBERSTAR, Mr. KLECZKA, and Mrs. KENNELLY of Connecticut.

H.R. 911: Mr. LUTHER and Mr. DUNCAN.

H.R. 920: Ms. PELOSI and Mr. CAPPS.

H.R. 928: Mr. PORTER, Mr. BAKER, and Mr. CANADY of Florida.

H.R. 956: Mr. CONDIT.

H.R. 978: Mr. DUNCAN and Mr. LUCAS of Oklahoma.

H.R. 981: Mr. MCGOVERN.

H.R. 1002: Ms. PELOSI, Mr. CAPPS, Mr. UPTON, Mr. GREEN, Mr. MARTINEZ, and Mr. SESSIONS.

H.R. 1005: Mr. BARTLETT of Maryland.

H.R. 1010: Mr. MANZULLO, Mr. BLUNT, and Mr. HALL of Texas.

H.R. 1023: Mr. ENGEL, Mr. UPTON, Mr. UNDERWOOD, Mr. PRICE of North Carolina, Ms. SLAUGHTER, and Mr. SOLOMON.

H.R. 1029: Mr. HOLDEN, Mr. THOMPSON, Mr. MICA, Mr. TORRES, Mr. DUNCAN, Mr. GREEN, Mr. RUSH, and Mr. BACHUS.

H.R. 1062: Mr. BAKER, Mr. CALLAHAN, Mr. CAMP, Mr. HALL of Texas, Mr. BACHUS, and Mr. COBLE.

H.R. 1077: Mr. MASCARA and Mr. CAMP.

H.R. 1117: Ms. PELOSI and Mr. CAPPS.

H.R. 1120: Mr. BONIOR.

H.R. 1149: Mr. MCINTYRE.

H.R. 1151: Mr. FRANK of Massachusetts, Mr. PALLONE, Mr. STOKES, Ms. SANCHEZ, Mr. KIM, and Mr. BERMAN.

H.R. 1166: Mr. CAPPS, Mr. ADAM SMITH of Washington, Mr. MALONEY of Connecticut, Mr. MARTINEZ, Mr. SCHIFF, Mr. TIERNEY, Mr. MCGOVERN, Mr. FARR of California, Mr. DELLUMS, and Mr. JOHNSON of Wisconsin.

H.R. 1176: Mr. FAZIO of California.

H.R. 1202: Mrs. NORTHUP, Mr. FAZIO of California, and Mr. BONIOR.

H.R. 1231: Mr. WICKER, Mr. CAPPS, and Mr. FATTAH.

H.R. 1296: Mr. FORD.

H.R. 1335: Mr. BISHOP, Mr. MCHALE, Mr. MCNULTY, Mr. STEARNS, and Mr. UNDERWOOD.

H.R. 1348: Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HERGER, Mr. TRAFICANT, Mr. WOLF, Mr. ABERCROMBIE, Mr. MILLER of California, Ms. PELOSI, Mr. TAYLOR of Mississippi, and Mr. STENHOLM.

H.R. 1375: Mr. HOUGHTON.

H.R. 1390: Mr. SCHUMER, Mr. ACKERMAN, Mr. MEEHAN, Mr. MCDERMOTT, Mr. STEARNS, Mrs. MALONEY of New York, Mr. WEXLER, Mr. FROST, and Mr. BROWN of Ohio.

H.R. 1450: Mr. RAHALL, Mr. KENNEDY of Rhode Island, and Mr. DEFAZIO.

H.R. 1475: Mr. ROYCE.

H.R. 1487: Mr. SANDERS.

H.R. 1493: Mr. CANADY of Florida, Mr. BEREUTER, Mr. MCKEON, and Mr. MARTINEZ.

H.R. 1525: Mr. PASCRELL.

H.R. 1549: Ms. SLAUGHTER.

H.R. 1559: Mr. BOEHNER and Mrs. LINDA SMITH of Washington.

H.R. 1571: Ms. CARSON, Mr. CAPPS, and Mr. LEWIS of Georgia.

H.R. 1573: Mr. LEWIS of Georgia, Mr. LAFALCE, Mrs. MEEK of Florida, Mr. EVANS, Mr. SABO, and Ms. SLAUGHTER.

H.R. 1580: Mr. HINCHEY, Mr. MANTON, Mr. KING of New York, Mr. NCNULTY, Mr. BOEHLERT, and Mr. LAFALCE.

H.R. 1593: Mr. HILL.

H.J. Res. 55: Mr. PETERSON of Minnesota.

H. Res. 27: Mr. KLECZKA, Mr. FARR of California, and Mr. FALEOMAVAEGA.

EXTENSIONS OF REMARKS

BACKGROUND OF SCHOOL TO WORK CONCEPT

HON. HENRY HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. HYDE. Mr. Speaker, no one doubts that education is of vital importance to our country. The question that must be answered is what role should the Federal Government play in supporting education? We have seen more and more legislative efforts to increase the Federal, as opposed to the local role, and this trend concerns many Americans, including myself.

As we engage in debate, it is useful to understand the context, the historical background, of some efforts to increase the central government's intrusion into what has been a largely local responsibility. Dr. D.L. Cuddy, a former senior associate with the U.S. Department of Education, has written an interesting historical commentary on the school to work concept which I believe warrants the attention of Members.

BACKGROUND OF 'SCHOOL-TO-WORK' CONCEPT

(By Dr. D. L. Cuddy)

With "School-to-Work" (STW) legislation (H.R. 1617/S. 143) soon going to conference committee in Congress, it's important to look at the background of this concept. Plank 10 of Marx's Communist Manifesto provides for a "combination of education with industrial production," and in 1913 when Stalin was having difficulty getting his Marxist cadres into key positions for the "class struggle," he described a "regionalism" strategy (e.g., NAFTA, later) against nationalism and used the slogan "workers of the world unite."

Self-described American communist Scott Nearing in The Next Step (1922) described how a world economic organization (e.g., GATT and World Trade Organization, later) would be the first step toward world government, but first in The New Education (1915) he applauded "breaking away from the 3 Rs" and Cincinnati's "half time in shop, half time in school" system.

In the Oct. 12, 1917 New York Times, Judge John Hylan wrote about a letter by Dr. Abraham Flexner (Secretary of the Rockefeller General Education Board and formerly of the Carnegie Foundation) describing a "secret conference" of New York City Board of Education members to elect a Board president who would institute a type of STW/OBE (Outcome-Based Education) program. Hylan became Mayor of New York and "pitched out the Rockefeller agents, . . . the kind of education the coolies receive in China . . . for the mill and factory." William McAndrew, who had been in charge of the "new-program schools," admiringly referred to the "polytechnic institute" (which the Soviets would adopt). And in Raymond Fosdick's memorial history of the General Education Board (GEB), he described the Board as part of Rockefeller's effort toward "this goal of social control."

After Hylan's exposé of this STW/OBE plan, it wasn't until the "Eight-Year Study" (1933–41) funded by the Carnegie Corporation and the GEB that another major attempt was evident. Research Director for the study's Evaluation Staff was Ralph Tyler, who would later conduct a project for the Carnegie Corporation that would in 1969 become the National Assessment of Educational Progress (NAEP). One of Tyler's associates in the "Eight-Year Study" was "values clarification" originator Louis Raths, and another associate was Estonian "change agent" Hilda Taba.

In the early 1950s, Ford Foundation president H. Rowan Gaither told Congressional committee Research Director Norman Dodd that they were operating under directives from the White House "to make every effort to so alter life in the U.S. as to make possible a comfortable merger with the Soviet Union." And in 1960, HEW published *Soviet Education Programs*, stating "wherever we went, we felt the pulse of the Soviet government's drive to educate and train a new generation of technically skilled citizens. ... USSR plans to bring all secondary school children into labor education and training experiences through the regular school program."

By 1970, Americans were coming to be thought of as "human capital" (note Lester Thurow's 1970 book, *Investment in Human Capital*), and in 1971 UNESCO'S Secretariat asked George Parkyn to "outline a possible model" for an education system that resulted in *Towards a Conceptual Model of Life-Long Education* describing how students would choose a vocational field and work part time, and receive "certificates" of educational attainment.

Two years later, Michael Lerner (who would become an important advisor to Hillary Clinton) wrote *The New Socialist Revolution*, proclaiming: "Education will be radically transformed in our socialist community ... the main emphasis will be on learning how to ... live and work collectively ... The next level is learning some series of skills, for one's first set of jobs." And in Vladimir Turchenko's *The Scientific and Technological Revolution and the Revolution in Education* (1976) imported into the U.S. is described "linking instruction with productive labor."

In the early 1980s, neither the Soviet nor German socialist education systems had been adopted nationwide in the U.S., as Prof. Eugene Boyce in *The Coming Revolution in Education* (1983) wrote that "in the communist ideology ... education is tied directly to jobs ... No such direct, controlled, relationship between education and jobs exists in democratic countries." However, in 1985 two things happened. At the beginning of the year, the Carnegie Corporation gave $600,000 to establish the Carnegie Forum on Education and the Economy; and later that year the Carnegie Corporation negotiated the Soviet-American Exchange Agreement for the U.S. government, whereby Soviet educators became involved in planning curricula for some U.S. schools. In the Winter 1987/1988 edition of *Action in Teacher Education*, Professors Martin Haberman and James Collins wrote in "The Future of the Teaching Profession" that "schooling is now seen primarily as job training and, for this reason, quite comparable to schooling in non-democratic societies. Once education is redefined as a personal good and as emphasizing preparation for the world of work as its first purpose, our schools can appropriately be compared with those of the USSR."

The next year, the National Center on Education and the Economy (formerly the Carnegie Forum) with Marc Tucker as president was asked to help in developing the National Education Goals upon which "America 2000" and "Goals 2000" would be based. Then in June 1990, NCEE (with Board members Hillary Clinton and David Rockefeller, Jr.) produced America's Choice: High Skills or Low Wages? (proposing a "Certificate of Initial Mastery"), which greatly influenced the establishment of the Secretary's Commission on Achieving Necessary Skills (SCANS) by the Department of Labor. In September, Polytechnical Education: A Step (funded by the U.S. Department of Education) by Robert Beck was published, stating: "The Soviet Union. . . (has) developed a curriculum known as polytechnical education. . . . rooted in Marxist-Lennist ideology. . . . The German Democratic Republic has accomplished a good deal with its polytechnical education . . . The ideology of Soviet education has blessed the melding of restructured academic studies . . . and the preparation of students for skilled labor. . . . That this should be carefully monitored for possible adaptation in American public education is not a farfetched idea." (Polytechnical Education: A Step was published by the National Center for Research in Vocational Education at the University of California at Berkeley just 3 months after America's Choice: High Skills or Law Wages?, a report by the NCEE's Commission on the Skills of the American Workforce which included Laura D'Andrea Tyson, the Director of Research for the Berkely Roundtable on the International Economy at the University of California at Berkeley, who has been a member of the Council on Foreign Relations and would become Chairman of President Clinton's Council of Economic Advisers.)

In June of the next year (1991), the SCANS report recommended establishing a national system for certifying competency, similar to Germany's "certificate of mastery." Also in 1991, Carnegie Foundation chairman David Hornbeck's so-called Human Capital and America's Future was published describing an approach he admitted might be subject to the charge of "big brotherism."

On Aug. 2, 1992, Assistant Labor Secretary Roberts Jones announced that the federal government was preparing to deny aid and student loans to schools that fail to prepare their graduates with the skills needed to compete for jobs in the modern workplace, saying "this is a touchy subject." Shortly thereafter, Marc Tucker wrote a letter to Hillary Clinton saying he had just come from David Rockefeller's office where they were "celebrating" Bill Clinton's election as president, as that will allow putting into place their agenda to integrate education into a national system of "human resources development . . . from cradle to grave . . . (for) everyone. . . . We propose that Bill (Clinton) take a leaf out of the German book" (regarding required) "apprenticeship slots." Relevant to this, however, was a paper commissioned by the School-to-Work Transition Team in the Office of Educational Research and Improvement (OERI) within the U.S. Department of Education (one of a set of commissioned papers published by OERI in June 1994). In this paper, "Determinants and Consequences of Fit Between Vocational Education and Employment in Germany," Professors James Witte and Ame Kalleberg stated that "the German apprenticeship's system is so expensive. . . Germany's contemporary vocational education system is closely linked to its secondary educational system. At age 10, students are tracked in a rigid educational system. . . . After initial assignment, movement between tracks is rare"

NCEE Board member Hillary Clinton had been promoting the Certificate of Initial Mastery concept, and in April 1994 NCEE's Tucker had published The Certificate of Initial Mastery: A Primer. The same year, Senator Ted Kennedy's School-to-Work Opportunities Act was passed, and a national campaign is underway to promote the concept. Recently, Miss America 1996, Shawntel Smith in Michigan spoke about "our investment in human capital. That's what School-to-Work is all about."

Currently, students have the most to say about what career paths they take. But as "human capital," their paths increasingly will be directed by society via STW/OBE educational programs so that they "demonstrate certain skills." A leading OBE consultant today, Harvard University Professor Howard Gardner, (who was involved in the infamous MACOS project), wrote Frames of Mind: The Theory of Multiple Intelligences, in which he proposed that "ultimately, the educational plans that are pursued need to be orchestrated across various interest groups of the society so that they can, taken together, help the society to achieve its larger goals. Individual profiles must be considered in the light of goals pursued by the wider society; and sometimes, in fact, individuals with gifts in certain directions must nonetheless be guided along other less favored paths, simply because the needs of the culture are particularly urgent in that realm at that time." Student "profiles" are an important part of certain STW initiatives, with employers having continual access to these as part of a permanent file on all individuals who are now considered to be "lifelong learners." In Communist China, the file is called a "Dangan" and describes the value of the individual ("human capital") to the State. Gardner has also written To Open Minds: Chinese Clues to the Dilemma of Contemporary Educations. If Americans aren't careful, STW/OBE educational programs will pave the way toward an ominous techno-feudal world of the future.

FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1997, a matter of public record. I have filed similar statements for each of the 17 preceding years I have served in the Congress.

Real property	*Assets*
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $619,100). Ratio of assessed to market value: 100% (Encumbered)	$619,100.00
Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	91,800.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $564,700.	320,852.27
Total real property	1,031,752.27

1997 DISCLOSURE

Common and Preferred Stock	No. of shares	Per share	Value
Firstar Corp	1,352	$27.50	$37,180.00
American Telephone & Telegraph	549.36	34.88	19,158.93
Ameritech	386.573	61.25	23,677.60
Bell Atlantic Corp	259.088	60.75	15,739.60
Bell South Corp	577.9488	42.13	24,346.09
NYNEX, Inc	280.26	45.50	12,751.83
Pacific Telesis, Inc	148	37.75	5,587.00
SBC Communications	382.861	52.50	20,100.20
U.S. West, Inc	282.454	33.88	9,568.13
Tenneco Corp	814.67	39.00	31,772.13
Newell Corp	1,676	33.50	56,146.00
General Mills, Inc	1,440	62.13	89,460.00
Kellogg Corp	1,600	67.25	107,600.00
Dunn & Bradstreet, Inc	2,500	25.38	63,437.50
Halliburton Company	1,000	67.75	67,750.00
Kimberly-Clark Corp	21,084	99.50	2,097,858.00
Minnesota Mining & Manufacturing	1,000	84.38	84,375.00
Exxon Corp	2,432	107.75	262,048.00
Amoco Corp	1,362	86.38	117,642.75
Eastman Kodak	1,080	76.00	82,080.00
General Electric Co	2,600	99.25	258,050.00
General Motors Corp	304	55.38	16,834.00
Merck & Co., Inc	15,639	84.25	1,317,585.75
Warner Lambert Co	2,268	86.50	196,182.00
Sears Roebuck & Co	200	50.13	10,025.00
Ogden Corp	910	21.13	19,223.75
Sandusky Voting Trust	26	85.00	2,210.00
Monsanto Corporation	8,360	38.25	319,770.00
E.I. DuPont de Nemours Corp	600	106.00	63,600.00
Wisconsin Energy Corp	1,022	24.50	25,039.00
Abbott Laboratories, Inc	6,100	56.13	342,362.50
Bank One Corp	3,127	39.75	124,298.25
Unisys, Inc. Preferred	100	35.63	3,562.50
Benton County Mining Company	333	0.00	0.00
Houston Industries	300	20.88	6,262.50
Pacific Gas & Electric	175	23.50	4,112.50
Eastman Chemical Co	270	53.75	14,512.50
Dean Whitter Discover	156	34.88	5,440.50
Airtouch Communications	148	23.00	3,404.00
Allstate Corporation	185	59.38	10,984.38
Darden Restaurants, Inc	1,440	7.88	11,340.00
Highlands Insurance Group, Inc	100	20.38	2,037.50
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp	2,500	29.25	73,125.00
NCR Corp	34	56.13	1,908.25
A.C. Nielsen Co	833	15.00	12,495.00
El Paso Natural Gas	75	56.63	4,246.88
Lucent Technologies	174	52.50	9,135.00
Newport News Shipbuilding	122.133	14.50	1,770.93
Imation Corp	99	25.00	2,475.00
Total common and preferred stocks and bonds			6,090,271.44

1997 DISCLOSURE

Life Insurance Policies	Face	Surrender
Northwestern Mutual #4378000	$12,000	$34,356.97

1997 DISCLOSURE—Continued

Life Insurance Policies	Face	Surrender
Northwestern Mutual #4574061	30,000	82,254.44
Massachusetts Mutual #4116575	10,000	6,685.33
Massachusetts Mutual #4228344	100,000	145,150.70
Old Line Life Ins. #5-1607059L	175,000	25,706.54
Total life insurance policies		294,153.98

1997 DISCLOSURE

Bank and savings and loan accounts	*Balance*
Bank One, Milwaukee, N.A., checking account	$10,685.36
Bank One, Milwaukee, N.A., preferred savings	149,386.21
Bank One, Milwaukee, N.A., regular savings	775.20
M&I Lake Country Bank, Hartland, WI, checking account	3,551.56
M&I Lake Country Bank, Hartland, WI savings	327.85
Burke & Herbert Bank, Alexandria, VA, checking account	3,464.25
Firstar, FSB, Butler, WI, IRA accounts	57,168.93
Total bank and savings and loan accounts	225,359.36

1997 DISCLOSURE

Miscellaneous	*Value*
1985 Pontiac 6000 automobile—blue book retail value	$1,875.00
1991 Buick Century automobile—blue book retail value	6,025.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	135,000.00
Stamp collection (estimated)	46,000.00
Interest in Wisconsin retirement fund	76,299.73
Deposits in Congressional Retirement Fund	104,083.09
Deposits in Federal Thrift Savings Plan	83,502.73
Traveler's checks	8,262.00
20 ft. Manitou pontoon boat & 35 hp Force outboard motor (estimated)	5,000.00
17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated)	7,000.00
1994 Melges X Boat with sails	5,000.00
Total miscellaneous	479,047.55
Total assets	8,120,834.60

1997 DISCLOSURE

Liabilities	*Amount*
Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence Loan #39758-77	$124,418.49
Miscellaneous charge accounts (estimated)	0.00
Total liabilities	124,418.49
Net worth	7,996,416.01

1997 DISCLOSURE

Statement of 1996 taxes paid	*Amount*
Federal income tax	$151.622.00
Wisconsin income tax	27,707.00
Menomonee Falls, WI property tax	2,135.00
Chenequa, WI property tax	13,197.00
Alexandria, VA property tax	6.916.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gifts to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

CONGRATULATIONS ON YOUR RETIREMENT, SONNY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has tremendous leadership skills, not only in his chosen field but also in his community, state and nation. On Saturday, May 17, 1997, at 6:00 p.m., Mr. Claire "Sonny" Nye will be honored at a retirement party in Mt. Pleasant, MI. Sonny, his friends and family will celebrate his long, successful career working not only as a sheet metal worker but also as an elected official in the Sheet Metal Workers' Local 7 Zone 3.

Born on March 20, 1940, Sonny attended Albion College for 2 years, where he was a member of the football team. In 1964, Sonny became an apprentice for the sheet metal workers. Upon completion he became a journeyman and on January 5, 1968, he joined the Detroit Local 80 Union. In 1978, after a continuing prosperous career as a sheet metal worker, Sonny was initiated into the Local 543 in Traverse City. Sonny's consistent trust of his coworkers as well as his outstanding leadership skills demonstrated his ability to serve as a leader. On July 14, 1988, Sonny was elected as a business agent for Sheet Metal Workers' Local 7 Zone 3.

Since being elected, Sonny has received COMET training through the George Meany Institute. This program targets youth, training them to become apprentices. The program goes beyond teaching the skills they need by focusing on promoting unions and teaching young people that unions promote the workers best interests in the job.

We should all be grateful that individuals, such as Sonny, make room in their life for young people. He has coached little league baseball, 5th and 6th grade basketball, 7th and 8th grade football, as well as coaching a Mickey Mantle 16 and under baseball team to the State finals. In addition, he has also been involved in high school sports. Sonny has unselfishly given his time, energy and commitment to coaching. Playing sports can teach youth the importance of teamwork and hard work. Sonny is an excellent role model and provides a positive example for young people to follow.

Mr. Speaker, I invite you and all of our colleagues to join me in congratulating Sonny Nye as he celebrates his retirement from a long, distinguished career with the sheet metal union and his leadership on behalf of working families and the American labor movement. We wish him the best for the new challenges ahead.

HONORING RON EDELSON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to bring to the attention of this Congress and our Nation the selection of Ron Edelson as the recipient of the Nassau Council Chambers of Commerce Small Business Person of the Year Award from the Great Neck Chamber of Commerce. This award reflects the dedication and leadership that Ron Edelson has demonstrated on behalf of the Great Neck Business Improvement District and the Great Neck Chamber of Commerce.

The innovative concepts and creative marketing programs that Ron Edelson has developed truly are a tribute to his commitment to the Great Neck community. These programs have resulted in historic growth for the Great Neck business community and the enhancement of the wonderful quality of life for Great Neck and the North Shore of Long Island.

By recognizing Ron Edelson with this award, the Nassau Council Chambers of Commerce are paying tribute to individuals who are role models for the next century because they recognize that community service combined with business leadership are essential qualities as our communities grow and move forward.

Mr. Speaker, I ask all my colleagues in the House of Representatives to rise and join with me today in honoring Mr. Edelson for his achievements and to congratulate him on this award.

HAPPY 50TH ANNIVERSARY TO ROSE AND ALFRED DICKSON

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. COSTELLO. Mr. Speaker, I rise today in recognition of Alfred (Jerry) and Rose Dickson's 50th wedding anniversary on June 7.

Jerry and Rose met at the St. Aloysius Church carnival in Chicago in 1943. Jerry served in the U.S. Navy and was stationed on the *S.S. Gablian* during World War II. His service in the Navy ended in 1946, and Jerry and Rose were married on June 7, 1947.

Jerry is retired after 40 years of service in the food industry in Chicago and Rose is a homemaker. The couple raised 7 children and have 13 grandchildren. I join with their family today in wishing them a wonderful celebration and many more happy and productive years together.

IN HONOR OF CAROL ELIZABETH STORY AND THE PARKVIEW ELEMENTARY SCHOOL SCIENCE OLYMPIAD TEAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. KUCINICH. Mr. Speaker, I rise to congratulate Carol Elizabeth Story and Parkview Elementary School's Science Olympiad Team on a first place finish in the Northeast Ohio Elementary Science Olympiad.

Mrs. Carol Elizabeth Story, an 18-year resident of Fairview Park, OH, successfully served as coordinator and coach for Parkview Elementary School's Science Olympiad Team, leading them to a first place finish in the Northeast Ohio Elementary Science Olympiad which was held at Cleveland State University on Saturday, March 22, 1997. Mrs. Story began coordinating this Parkview team by herself until she could coordinate a contingent of parent volunteers to assist in competitive training for events which include: No Bones About It (Anatomy), Estimania, Structures, Circuit Wizardry, Write It, Do It, Don't Bug Me, (Entomology), Leaf Powders, Orienteering, Aerodynamics, Pentathlon, Weather or Not (Meteorology), Reflection Relay, Rock Hound, Simple Machines, Starry, Starry Night, Super Pulley, and Phi Kappa Delta Science Bowl.

Mrs. Story has helped Parkview's team to a 5th, 4th, 2d, and most currently, a 1st place finish over 26 schools in northeastern Ohio. This is her 7th year as coordinator for the team. The 1997 winning Olympiad team included; Kris Aber, Jon Brady, R.J. Dieringer, Dough Ellett, Joy Hoeffler, Christine Jackson, Laura Jackson, Emily Jones, Katie Lane, Katie Ludwig, Chris McGaw, Alison Maringo, Amanda Melenick, Elizabeth Sauer, Shannon Snow, Desiree N. Stark, Bryan Story, and Erick Williams.

Mr. Speaker, Mrs. Story deserves recognition for her knowledge, initiative, and instinct in preparing this formidable team of young people to compete with their peers in such a precocious scientific challenge. With her guidance, the dedicated team from Parkview Elementary was an outstanding success at the Science Olympiad.

IN TRIBUTE TO RICHARD W. CARLSON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. PELOSI. Mr. Speaker, I would like to take this opportunity to pay tribute to Richard W. Carlson, president and CEO of the Corporation for Public Broadcasting. Mr. Carlson resigned last week from his position at CPB after 5 years of exemplary work for the public broadcasting industry.

During Mr. Carlson's tenure, public broadcasting faced a great challenge of consistently reduced federal funding. He responded to this challenge by calmly and effectively leading CPB through changes to make public broadcasting more effective.

Among his many accomplishments, Mr. Carlson has reduced CPB overhead expenses, protected program content from government editing, instituted a moratorium on adding new stations to TV and radio grant programs, devised a new TV station overlap policy and created a new grant program, the Future Fund.

However, these significant accomplishments take a backseat to his commitment to continuing and strengthening public broadcasting's mission of education. Education is at the heart of public broadcasting. Mr. Carlson has played an important role in making certain learning resources are available through public broadcasting and reach almost every home, school, and business in this nation.

In addition to the contributions he has made to public broadcasting, Mr. Carlson has accomplished many personal achievements. He has received several major awards for journalism, including the prestigious George Foster Peabody Award and the 1997 American Broadcast Pioneer Award, which is presented to those who have contributed in a legendary fashion to the broadcast industry.

Mr. Speaker, public broadcasting has benefitted substantially from Richard Carlson's stalwart and thoughtful leadership. His presence will be greatly missed. I know my colleagues will join with me in wishing him well in his future endeavors.

THE CHILDREN'S ENVIRONMENTAL PROTECTION AND RIGHT TO KNOW ACT OF 1997

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce today H.R. 1636, the Children's Environmental Protection and Right to Know Act of 1997. This bipartisan legislation—which has over ninety original cosponsors—builds on longstanding state and federal public disclosure programs. If enacted, this legislation will guarantee the public's right to know about the toxic chemicals in their homes and communities, and give parents the information they need to protect their children from toxic chemical hazards. H.R. 1636 means parents will have the tools to be smart consumers, whether they are buying household products or moving to new neighborhoods.

Because children have greater sensitivities to contaminants in our food and air, they are especially vulnerable to environmental hazards. And when they crawl on the floor or play in the dirt, they are exposed to environmental contaminants in ways that adults seldom are.

The Children's Environmental Protection and Right to Know Act is supported by the Children's Health Environmental Coalition, the Alliance To End Childhood Lead Poisoning, Physicians for Social Responsibility, the International Association of Firefighters, the American Federation of Labor-Congress of Industrial Organizations, the Oil, Chemical and Atomic Workers, the National Council of Churches, the U.S. Public Interest Research Group, the Environmental Information Center, the Sierra Club, the Sierra Club Legal Defense, the Natural Resources Defense Council, the Environmental Defense Fund, Citizen Action, the Environmental Working Group, OMB Watch, Friends of the Earth, and Public Citizen.

I want to summarize a few of the legislation's most important provisions.

The Federal Hazardous Substances Act [FHSA], administered by the Consumer Product Safety Commission [CPSC], addresses toxic threats and safety hazards by banning hazardous children's products and requiring warning labels on hazardous adult products. However, while CPSC can usually tell whether a toy, a crib, or other consumer product presents a safety hazard, CPSC often has little way of knowing whether toxic ingredients exist in a given household product.

The Children's Environmental Protection and Right to Know Act of 1997 will improve the Federal Hazardous Substances Act by drawing from the successes of California's "Prop 65" law. Over the past ten years, Prop 65's public disclosure requirements have resulted in manufacturers removing lead from dishes and faucets, carcinogens from diaper pail deodorizers and shoe polish, and reproductive toxins from nail polish. And for every such example we know about, dozens of other businesses are quietly finding ways to make their products safer.

Under the proposal we are introducing today, manufacturers and importers of consumer products with toxic ingredients will publicly disclose the presence of the toxic ingredients to the CPSC without any new labeling requirements. In addition, our proposal will allow citizen enforcement of our consumer product safety laws. The experience with Prop 65 in California is that few such suits are ever brought. While I expect few lawsuits will similarly result from this legislation, citizen suits create a real incentive for businesses to voluntarily eliminate the toxic ingredients in the products they sell.

The act will also build on a second successful Federal program, the Toxics Release Inventory. The Toxics Release Inventory was created in 1986 in the wake of the toxic chemical disasters in Bhopal, India, and Institute, WV and was aimed at giving people more information about the toxic chemicals routinely released into their communities. The law's done that, and it's also resulted in a 40 percent reduction in the release of toxic chemicals.

The Children's Environmental Protection and Right to Know Act of 1997 will expand the Toxics Release Inventory to disclose the amount of toxic chemicals shipped in and out of a facility, stored on-site, and otherwise used.

This will create incentives to prevent the accidents that accompany such use. According to reports by the National Environmental Law Center and the state Public Interest Research Groups, from 1993 to 1995, 23,000 accident reports involving toxic chemicals were reported nationwide—an average of 21 each day. Worse still, 1 out of 20 of those accidents resulted in immediate injury, evacuation or death. The chemical plant fire last week in Arkansas, in which three firefighters died, was but one recent tragic example. These statistics are only the tip of the iceberg, since they neither account for under-reporting of accidents nor the chronic health effects due to the accidental releases. Under the proposal, businesses will also disclose their employees' exposure to toxic chemicals, creating an incentive to reduce those exposures.

We have statutes regulating chemical transportation and management, and occupational exposure to toxic chemicals to set minimum safety standards. But public disclosure will create the incentive to go beyond the minimum.

In New Jersey, where public disclosure of toxic chemical use has been in place for 10 years, production-related wastes have been declining steadily since 1990, while staying steady for the nation as a whole. In Massachusetts, a survey of businesses required by State law to report their toxic chemical use shows that 60 percent decreased their use of toxic chemicals per unit of total production since 1990. In addition, 67 percent of businesses that reported implementing toxics use reduction said they actually saw direct cost savings and 66 percent reported improvements in worker health and safety.

The economic benefits of focusing on toxic chemical use were apparently anticipated by industry during the passage of the New Jersey and Massachusetts laws. The New Jersey Pollution Prevention Act was supported by industry and actually signed into law at two New Jersey chemical plants. The Massachusetts law passed both houses unanimously because industry, as well as environmentalists, supported the law.

In drafting this legislation, I have worked Mr. SAXTON, Mr. PALLONE, Mr. MARKEY, and Mr. ANDREWS to ensure that legitimate industry concerns were addressed. Under this act, for instance, business could withhold from public disclosure legitimate trade secrets regarding their toxic chemical use. Second, this proposal includes provisions to ensure that public disclosure is not unduly burdensome. The Children's Environmental Protection and Right to Know Act of 1997 will require EPA to consolidate all Federal environmental reporting—including air, waste, and water reporting and the reporting required by this proposal—eliminating hours of business effort to find and interpret the applicable reporting requirements.

In closing, Mr. Speaker, the Children's Environmental Protection and Right to Know Act of 1997 will give parents information they need to protect their children from toxic hazards, provide businesses an incentive to voluntarily reduce their use and waste of toxic chemicals, protect legitimate trade secrets, and reduce the administrative burdens associated with environmental reporting. It will be good for our health and good for our economy. I ask for the support of all Members in passing this important piece of legislation.

TRIBUTE TO CATHOLIC SERVICES OF MACOMB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. LEVIN. Mr. Speaker, I rise to offer my congratulations and best wishes to the Catholic Services of Macomb on the occasion of their 40th anniversary, and to His Eminence Adam Cardinal Maida, the keynote speaker at their anniversary dinner which took place on January 9, 1997.

Catholic Services of Macomb, a non-profit health and human service agency has touched so many individuals since its inception in December, 1957, when the Rev. Robert Monticello was commissioned by the Archdiocese of Detroit to open a Catholic social service agency in Macomb County.

The agency's mission and work provide family and individual counseling services, senior programs, and child welfare initiatives. Indeed, through the dedication of this humanitarian agency, Macomb County is a better place to live and work.

On this joyous occasion, I extend my very best wishes for continued success to the Catholic Services of Macomb as they go forward in their compassionate effort to service those in need.

IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE QUEENS MUSEUM OF ART

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and the countless citizens who have enjoyed and benefitted from the unique, insightful, educational, and entertaining programs of the Queens Museum of Art as this great cultural institution celebrates its 25th year of service.

Originally conceived as the Queens County Art and Culture Center in 1972, the museum is located in the only building to serve as a pavilion at both the 1939 and 1964 World's Fairs. Since this early date, the Queens Museum of Art has grown into an institution that has become a mainstay of New York City's culture. Under the inspired leadership and support of dedicated community leaders and supporters of the arts, the museum has grown into an effective showcase for fulfilling its mission statement to show and collect the best of art, architecture and design from Queens in the 20th century.

I look forward to sharing with the members and supporters of the museum their great joy as they gather together on May 20, 1997 to celebrate this unique achievement. It also to the great credit of the museum that they have sought out key individuals who are not only community leaders, but strong supporters of the arts as they honorees. Joan Barnes, owner of London Lennie's Restaurant and Joseph Ficalora, president of the Queens County Savings Bank are this years honorees. In addition, the well known artist, Alex Katz, will be the recipient of the museum's 1997 Arts Achievement Award.

John Adams, our second President, indicated that he studied war and politics so that his children may study art and music. It is with such commitment that the Queens Museum of Art has succeeded in bring to our area a love, understanding and devotion of art.

Mr. Speaker, I ask my colleagues in the House of Representatives to join with me in honoring the Queens Museum of Art, and in wishing the museum and its supporters continued success in all their future endeavors.

CONGRATULATIONS MARTIN LUTHER MEMORIAL HOME

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BARCIA. Mr. Speaker, there is no doubt that one of the most important elements in a person's life is a safe and secure place to live. This becomes even a more significant need when people reach a time in their lives when they need assistance and care on a daily basis. I am very pleased to let my colleagues know that the people of Saginaw, MI, have the good fortune to have a renovated and expanded Martin Luther Memorial Home that will provide essential care to many seniors in the years to come.

Martin Luther Memorial Home was granted its charter on June 16, 1958, and operates four skilled nursing facilities with nearly 400 beds and one independent living community with 30 apartments. The Saginaw Home has 86 skilled nursing beds. Its renovations change three-bed wards into two-bed rooms, and convert two wings of two-bed rooms into private rooms. These converted beds are replaced by new beds contained in the expansion of the facility.

A very important component of the Martin Luther Memorial Home is its support from the Lutheran churches in the area, which help with volunteer services, gifts to the Furnishings Fund and Foundation and the strength of the many prayers and opportunities for prayer on behalf of the residents of the facility.

The primary beneficiaries of the expansion will be members of the more than 100 congregations of the Wisconsin Evangelical Lutheran Churches of Northern Michigan. The Saginaw Home, with its emphasis on the importance of "positive attitudes", its provision of daily activities and full service care, has been and will increasingly be a very important part of the Saginaw community.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing congratulations and the best to the staff, the administrators, and the residents of the Martin Luther Memorial Home of Saginaw as it celebrates its dedication on Sunday, May 18.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during roll call vote 128. If present, I would have voted "aye" on roll call 128.

IN HONOR OF OFFICER KEITH BRADDOCK AND OFFICER CHARLES PULVER

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. POMEROY. Mr. Speaker, today is National Peace Officers' Memorial Day. I would like to take a moment to honor two North Dakota peace officers who were killed in the line of duty.

Keith Braddock was a Watford City police officer who was shot to death in March of last year while he was responding to a disturbance at the American Legion Club.

Charles Pulver was a game warden in Mountain, ND. He died from a massive heart attack that he suffered while he was investigating game violations in a wooded area.

Both of these men died while they were serving the people of North Dakota. As the families of these two men are in Washington, DC, to take part in the National Police Week activities and to see the officers' names added to the National Law Enforcement Officers Memorial, I want to share with them the gratitude of our entire state.

North Dakota is a small rural State. Our citizens pride themselves on knowing their neighbors. In communities like ours, any act of violence is a shock. The events that surround both of these officers' deaths are truly tragic. The unselfish service these men gave to protect our citizens has not gone unnoticed.

Officer Braddock and Officer Pulver made our communities safer because of their service. The ultimate sacrifices they made will be remembered by today's ceremonies and by the Officers memorial for years to come.

MELANOMA FOUNDATION KICKS OFF LIFESAVING "MOLE PATROL" IN NORTHERN CALIFORNIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. STARK. Mr. Speaker, I rise today to recognize the invaluable health service performed by the William S. Graham, or "Billy," Foundation for Melanoma Research in Castro Valley, CA.

The Billy Foundation is an incorporated, nonprofit foundation—and perhaps the only public foundation dedicated to supporting melanoma research. Established in 1996, the foundation is named in memory of Billy Graham, a 22-year-old man who succumbed to this deadly disease after a long, courageous battle.

The president and founder is Billy's mother, Karen L. Graham, who, with the help of a medical advisory committee and several cancer experts, has vowed to educate the public on early detection and prevention of melanoma, the most dangerous form of skin cancer.

Unfortunately, the incidence of melanoma is rising at an alarming rate. This year, nearly 40,000 people will be diagnosed. If treated in its very early stages, melanoma is a highly curable cancer. Without early detection, however, this potentially curable disease can be fatal. The Billy Foundation is spreading the word that far too many diagnoses are made in later stages—when the curability rate is only about 20 percent.

To help with early identification of melanoma and pre-cancerous conditions, and inspired by this being National Melanoma Month, the Billy Foundation has begun a unique lifesaving program called the MOLE PATROL. With a recently donated van, the MOLE PATROL's staff of volunteer dermatologists provide free melanoma spot-screenings throughout bay area. The MOLE PATROL will screen in high population geographic areas including coastal areas, beach resorts, amusement parks, schools and sports events. The van will also visit schools and community organizations to disseminate educational materials and information on the disease and the foundation. Finally, the foundation's findings will be used in the national statistics calculated by the American Academy of Dermatology.

With melanoma's high incidence and low cure rate, it is shocking that this deadly disease gets so little attention—and so little funding for research. We thank the Billy Foundation for alerting us to the seriousness of sun exposure and for heightening public awareness of the early stages of this potentially tragic disease.

SENATE—*Monday, May 19, 1997*

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who has said, "Judgment is Mine!", forgive us when we play god by assuming the right to judge people's ultimate worth on the basis of their positions on issues. We confess the judgmentalism that renders others as good or bad people on the basis of their ideas. Forgive any cowardice that steps back from debate of convictions and hides behind condemnation of character. Jesus said,

"Judge not that you be not judged. For with what judgment you judge, you will be judged . . ."—Matthew 7: 1–2.

The men and women of this Senate have two things in common as they begin this week: They all are conscientious about their crucial leadership role; and they all want what is best for our Nation. Now create in all of them a dominant desire to seek Your guidance and will. May their hourly prayer be, "Show me, reveal to us, Your way." In response, express Your direction for the Nation. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business to accommodate a number of Senators who have asked for time to speak.

The Budget Committee is scheduled to mark up the budget resolution beginning this afternoon at 4 p.m., and it is my hope that we may count any debate time today that we will use relating to the budget toward the statutory time limitation.

Tomorrow, the Senate will begin consideration of the concurrent budget resolution, and Members can anticipate rollcall votes throughout the day.

It is also possible that the Senate may resume consideration of H.R. 1122, the partial-birth abortion ban bill, with the intention of a vote on final passage occurring early this week. We had actually hoped that we could get a vote on that perhaps right after the luncheon on Tuesday. But there are some discussions underway, and we may not be able to get to that that soon.

As always, all Members will be notified as soon as any votes are scheduled on these or other matters.

Also, as a reminder to Members, this is the last week prior to the Memorial Day recess and, therefore, Senators can expect a very busy week with us more than likely having to go into the evening on Tuesday, Wednesday, and Thursday. And we should expect votes on Friday. At least on Tuesday, I don't know that there will be recorded votes, but certainly on Wednesday and Thursday in order to finish the budget resolution, complete action on the partial-birth abortion ban, and also get to another vote on the comptime-flextime Family Friendly Workplace Act. We will have to have some votes on that probably on Thursday. Then we would probably need to do the budget resolution by Friday, or probably on Friday, as well as the supplemental appropriations on Friday, if we haven't been able to get an agreement to do it before then.

Also this week we will have to pass the Chemical Weapons Convention implementation bill. I think the problems are being worked out there. It shouldn't take too much time, although a block of time will be necessary to explain what is included in that implementation bill.

So, Mr. President, I just want to reconfirm that we do still this week intend to do the budget resolution, finish the debate and final vote on the partial-birth abortion ban, have votes on the comptime-flextime bill with the hope that we could reach some agreement to actually get the legislation completed, and then vote on the budget resolution conference and the supplemental conference.

We will keep the Members advised of any changes in the schedule.

By the way, we do expect this week to take up perhaps some action on the Executive Calendar, at least the judicial nominations, probably Wednesday or Thursday. And we will have to have recorded votes on those three nominations, if we actually do take them up.

So we would try to schedule that either Wednesday or Thursday.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. ASHCROFT. Mr. President, I rise to speak about a topic which is going to be voted on here in the U.S. Senate tomorrow, the topic of partial-birth abortion. This is an issue which I think is understandable by virtually every American who has given it any consideration. They understand this is a brutal technique which inflicts pain and is the kind of thing which would shock the conscience of most Americans not only as it relates to unborn children, but if it were, as a matter of fact, a procedure used even on animals.

Mr. President, about 2 weeks ago, a Rhode Island jury found a mother guilty of second-degree murder in the death of her newborn daughter. The State medical examiner, according to a May 9 article in the Providence Journal-Bulletin, testified that the little girl died from a single blow to the back of the head that left a laceration on her scalp and an inch-long skull fracture. The umbilical cord and the placenta were still attached to the child.

Now, ironically, this Rhode Island woman who had been found guilty of second-degree murder, if she had, prior to giving birth, allowed a physician to perform a procedure very similar to what she did, a procedure called partial-birth abortion, there would have been no criminal action involved. The baby would have been there, the blow to the head would have been similar, the umbilical cord would still have been attached, the placenta would still have been there, but because the baby would have been only partially born, it would have been entirely legal.

This kind of tension that exists in the law between charging and convicting a mother of second-degree murder and authorizing a physician to conduct what is called a partial-birth abortion makes no sense to the American people.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Let me take a few moments today to talk about the lessons we teach when we as a culture allow such tensions to persist. When we come down here to the floor and we argue before the cameras, the Nation is affected on a level of which we too often take little notice. People look, people listen, people understand.

Right now we are debating a violent medical procedure that, in my judgment, should be a clear-cut wrong. People understand that. However, the high emotion of the abortion debate seems to blur the vision of many of us who are in the U.S. Congress. We are so caught up in arguing about the definition of technicalities that we are in danger of slipping into absurdities ourselves, absurdities that are exemplified by the charge and conviction of the woman in Rhode Island.

The stakes are high here, as we are talking, in no uncertain terms, about the value of human life. It seems so clear that all of us should vote to ban the direct killing of a fully formed, often viable, human being. Yet because the child is 80 percent born, somehow we have allowed the killing of that child to be legal.

Now the partisan political rhetoric we expend here and the attempts to turn this vote into abstract public policy are setting an example in our society and in the world that bring into question our Nation's status as a moral leader. How can we lecture or threaten China on its human rights abuses when we stand up and argue that human beings should be brutally butchered in a procedure that is rarely, if ever, medically necessary?

How can we question the practice of child slavery in foreign nations when our own Nation's lawmakers cast cavalier votes to torture our own infants?

Let me be clear, though. Our position as a world leader does not trouble me as much as the positions we put our youth in when we refuse to provide moral guidance.

What are we teaching our own children? What are we saying to them about the value of life? What are we saying to them when we suggest that a technicality provides the difference between destroying a life, committing murder, and merely having an abortion?

What values are we teaching when we vote that the difference between a partial-birth abortion and a homicide is a mere 3 inches?

If the physician took forceps or scissors to collapse the baby's skull outside the mother's body, he or she would be charged with murder.

Yet, if the skull is collapsed when the baby's head is still partially in the birth canal, the homicide becomes a legal procedure.

What values are we teaching when lawmakers show more concern for animals or the environment than for human life? Let's look at two pieces of legislation that demonstrate the absurdity of our present value system.

H.R. 3918 was introduced by then Representative BARBARA BOXER on November 25, 1991. The Congressional Research Service summarizes the bill as follows:

> Requires each Federal department or agency head to review and evaluate nonanimal alternatives with the potential for partial or full replacement of the Draize or other animal acute toxicity tests for some or all of the products regulated by such department or agency.

I might not have all the facts, but it seems to me that Senator BOXER—one of the strongest opponents of this legislation—seems to put the pain and suffering of laboratory animals above the pain and suffering of human beings.

When you say that you want to replace the Draize, or other animal acute toxicity tests, and you are willing to say it is necessary to spare animals this kind of pain but it is not necessary to spare these mostly born children of the pain inflicted on them by partial-birth abortion, I think you can again raise the level of tension between what the public knows is right and the technicality of the law which would allow something which the public knows to be very wrong.

Former Senator Pell introduced S. 1701 during the 104th Congress. The bill prescribes criminal penalties for use of steel jaw leghold traps on animals; directs the Secretary of the Interior to reward nongovernment informers for information leading to a conviction under this act; and empowers enforcement officials to detain, search, and seize suspected merchandise or documents and to make arrests with and without warrants.

Senator Pell stated on the floor, "While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping." Well, the bill we are debating today does not outlaw abortion—it outlaws "a particularly savage method of abortion."

I am surprised and even a bit dismayed that the Members supporting and proactively fighting for measures that would reduce the suffering of animals have not been willing to afford at least the same protections to human beings.

What values are we teaching when we appear to value to limbs of animals over the lives of children?

And this takes me back to my opening—the emotion and strife of the abortion debate is blinding and confusing some Members. However, the legislation before us today is not about an uncertainty, it is about combating acts of barbarism against human beings.

Of course, part of the confusion on this issue is due to misleading reports on the necessity and practice of partial-birth abortions. As reported in Newsweek last October:

> When the partial-birth-abortion debate took shape last year, pro-choice groups insisted the procedure was extremely rare. The number 500 to 600 was tossed around, with the President and others explaining that it was reserved for heart-wrenching cases involving women whose tests show severely deformed fetuses or whose health was at risk.

That comes from Jonathan Alter, "When the Facts Get Aborted," Newsweek, October 7, 1996.

But we now have a fairly clear and broad concurrence on the truth about the rarity and utility of this procedure. Let's look at the facts.

The fact is that partial-birth abortions are not rare or unusual.

The fact is not that it is 500 or 600 cases a year in the entire country.

The Sunday Record of Bergen County, NJ stated: "But interviews with physicians who use the method reveal in New Jersey alone, at least 1,500 partial-birth abortions are performed each year"—triple the 450–500 number which the National Abortion Federation [NAF], a lobby for abortion clinics, has claimed occur in the entire country.

The same article in the Bergen County Sunday Record reported:

> Another [New York] metropolitan doctor who works outside New Jersey said he does about 260 post-20-week abortions a year, of which half are by intact D&E. The doctor, who is also a professor at two prestigious teaching hospitals, said he had been teaching intact D&E since 1981, and he said he knows of two former students on Long Island and two in New York City who use the procedure.

The truth contravenes the myths of last year's debate—the suggestions by proponents of this procedure that it is only used in situations of dire medical emergency, and that it is limited in its use to about 500 or 600 a year nationwide. The truth of the matter is that in New Jersey alone it is three times that number.

Is partial-birth abortion needed to protect the health of the mother?

Frankly, I think we have to always be very concerned about the health of women in this debate. We should not do those things that would unduly or unnecessarily impair the health of women in this country.

President Clinton has justified his veto of the partial-birth abortion ban last year by pointing to the legislation's absence of a health exception. Some Members of this body also argue for a health exception. However, the facts indicate that such an exception is unnecessary.

Four specialists in ob/gyn and fetal medicine representing PHACT—Physicians' Ad Hoc Coalition for Truth—a group of over 500 doctors, mostly specialists in ob/gyn, maternal and fetal medicine, and pediatrics, stated in a September 19, 1996, Wall Street Journal article:

> Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and her fertility.

In response to the President's statements that partial-birth abortions were necessary to preserve the woman's health and their ability to have future pregnancies, former Surgeon General C. Everett Koop stated:

> I believe that Mr. Clinton was misled by his medical advisors on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then destruction of the unborn child before the head is born—is a medical necessity for the mother.

"Because in no way can I twist my mind in a way * * *."

C. Everett Koop, former Surgeon General of the United States, indicates that it takes a twisting of the mind to get to the point of saying that the baby must be destroyed in that setting.

Even Dr. Martin Haskell, who has performed over 1,000 partial-birth abortions, said that he performs them routinely for nonmedical reasons, and that 80 percent are purely elective—not required to protect the health of the mother.

Dr. David Brown, a physician investigating this procedure for the Washington Post wrote:

> [I]in most cases where the procedure is used, the physical health of the woman whose pregnancy is being terminated is not in jeopardy * * *. Instead, the "typical" patients tend to be young, low-income women, often poorly educated or naive, whose reasons for waiting so long to end their pregnancies are rarely medical.

The PHACT doctors have even said that at 21 weeks or later, abortion is riskier to a woman's health than childbirth. They state in a recent letter to the editor of the Washington Post:

> It should be noted that at 21 weeks and after, abortion is twice as risky for women as childbirth: the risk of maternal death is 1 in 6,000 for abortion and 1 in 13,000 for childbirth.

I hope we will be successful in our endeavor to obtain enough votes to override an expected Presidential veto in this matter. Clearly the President won't be able to rely on the myths and misrepresentations this year that he relied on last year if he is to veto it.

We are not only teaching poor values. We are not only setting a bad example. We are risking lives and losing lives as a result of this procedure.

George Will tells an interesting story in an April 24 Washington Post op-ed which demonstrates the irony of what we are debating here. The story is about Stephanie and Sandra Bartels of Hull, IA. Sandra and Stephanie were twins born in a South Dakota hospital. They were born 88 days apart by what is called "delayed-interval delivery." Will states:

> Stephanie, born January 5 when her mother went into premature labor in the 23rd week of her pregnancy, weighed 1 pound, 2 ounces. Sandra, weighing 7 pounds, 10 ounces, was born April 2, by which time Stephanie weighed 4 pounds 10 ounces.

For 88 days, while her twin sister's life was protected by the law, Sandra, who was still unborn, under the current law could have been the subject of a partial-birth abortion.

As Will states,

> Location is the key factor. Unless she is completely outside the mother she is fair game for the abortionist.

The tension between the fact that one twin already born is protected by our law, while the other twin yet unborn is fair game for destruction through a brutal procedure called a partial-birth abortion, is obvious.

Such an absurdity in the law is not consistent with American values. It is not consistent with the expectation of the American people that we govern rationally. Physical location should not be the key factor. However, George Will is right. Location was and is the key factor, and that locational factor should be abandoned.

We should ask ourselves about location. We should ask ourselves: To what location will our moral compass direct us when we vote on the Partial-Birth Abortion Ban Act? I believe it should direct us to the location where we abandon and outlaw this painful and brutal procedure.

We should ask ourselves: Where will we end up on the scale of decency and humanity?

Will we continue to be guilty of basing our reasoning on a thin, irrational thread of support for an inexcusable practice which we would not tolerate in terms of animal experiments?

Should we keep drawing these illogical distinctions to sustain the brutal inhumane treatment of our citizens?

I hope when this vote comes before the Senate that we will all end up on the high ground. I hope that our vote to ban this procedure will be so resounding that the President will look at our action and think, This legislation is not only based upon rationality and consistency, but it was also endorsed so thoroughly by the U.S. Senate that I ought to sign it rather than veto it. We as a nation must refuse to allow the grotesque brutality of partial-birth abortion to continue.

Mr. President, I thank the Chair. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. I thank the Chair.

FAMILY FRIENDLY WORKPLACE ACT

Mr. ASHCROFT. Mr. President, families in America are facing a challenge raising children—especially since in most cases —if there are two parents, they both are in the workplace. Certainly for single parents being in the workplace makes raising children even more difficult. For these single parents, if their children have to go to the doctor—they take them. If their children are having trouble at school or get sick during the day, the single parent does not have anyone else to rely on.

The single parent must take care of the problem themselves. As difficult as that may be, if that single parent is a salaried worker, she can work with her employer to arrange her work schedule to accommodate these needs. However, if that single parent is an hourly worker, she must find a way to meet her child's needs and work all of the required hours during a 7-day period or lose part of her pay.

Demographics have changed significantly since the passage of our major employment laws. In 1938, when the Fair Labor Standards Act was enacted, only 2 out of 12 mothers with school-age children were in the workplace. Today only 3 out of 12 mothers of school-age children are not in the workplace—obviously, the statistics have taken a real flip. People have gone into the workplace in order to tackle the incredible tax burden and the cost of living. It has been said that in some families, in most families, one parent works to pay the Government and the other parent works to provide for the family.

It is very difficult for families to make ends meet unless you have both parents working to provide financial resources for the family. Therefore, we have a high level of involvement of the parents of America in the workplace—this stresses our families. Regardless of why we have this kind of stress in our lives, it exists. It is real as any other societal problem that we are dealing with today. We need a solution.

Parents need to be available to their children to go to award ceremonies, to see them play soccer or football, and to confer with the teacher. Parents need to be able to care for a sick child or a child that becomes sick or ill at school without worrying that they will have to miss time away from work—and the income that goes with it.

We have proposed and will continue to debate—and I think we will enact—what is called the Family Friendly Workplace Act. It is a way of saying to parents you should be able to make agreements with your employer about flexible working arrangements, that you should be able to save up some time off that comes when you work overtime. Instead of being paid time-and-one-half, if you want to—at your option and at your request—you should be able to take time-and-one-half in time off with pay. You can use that time later so that when the need arises you will be able to meet the needs of your family.

Those who have been opposed to providing this option for America's workers have their own solution to the problem—they think that providing the American worker with more unpaid leave will somehow help already financially strapped workers. They want to expand Family and Medical Leave to allow for 24 hours of unpaid leave to attend a child's event.

I think the Family Friendly Workplace Act is a superior option. This would allow you—at your option—instead of being paid time-and-one-half for overtime to take time-and-one-half with pay some other time to meet the needs of your family. The Family Friendly Workplace Act does not say to the moms and dads of America, in order to be a good mom and dad, you have to take a pay cut. It says if you can work something out with your employer to put some time-and-one-half hours in the bank and take time off later, you still will be paid for them because you have hours in the bank.

There is more social tension, there is more financial tension, and we need to have the flexibility for families to spend more time with each other to resolve those tensions. It is simply true that moms and dads in America should not have to take a pay cut in order to be good parents.

Experience has shown us that pilot programs—or experiments—help us understand whether a program should be permanently authorized or more broadly adopted. It will tell us whether there are bugs in it that need to be worked out or whether it is a program that will work well and can succeed.

The Family Friendly Workplace Act is modeled off of one such pilot program. Since 1978, Federal Government workers have been able to work flexible work schedules as provided for in the Federal Employees Flexible and Compressed Work Schedules Act. That is, we have had flexible working arrangements. We have had compensatory time off for overtime that has been used at the option of the worker. I believe it has been a model that we can follow to provide for American laborers who work by the hour.

As a matter of fact, in 1994 in an Executive order, President Clinton directed more broad use of these flexible scheduling programs throughout the Federal Government. So what we have here is a system which is working for Federal employees that should be allowed for the men and women of America who work by the hour.

I should just take a moment to indicate that all the people who are salaried workers have flextime potentials—the people in the board rooms, the presidents and the owners of the companies, the supervisors and managers generally. As a matter of fact, the great majority of workers in the country, especially when you put in governmental workers, have comptime and flextime options, but the average hourly worker in America does not. It is time to give the hourly workers, the laboring people what the great majority of workers have and that is flexible working arrangements.

Now, one of the things that opponents of this bill constantly say is that this proposal destroys the 40-hour week, that it somehow would force people to work overtime without pay. Nothing is further from the truth. Taking compensatory time off in the bill is totally—completely—voluntary. The Family Friendly Workplace Act provides for new, voluntary choices for workers. Section 3 provides, under compensatory time off, that it is voluntary participation. It says, No employee may be required to receive compensatory time in lieu of monetary compensation.

That basically says no one can be required, instead of taking time-and-one-half pay, to take time-and-one-half off later with pay. It is a system that says we want to give workers the choice. As a matter of fact, so committed are we to choice, even if you decided you wanted to take compensatory time off when you work the overtime hours but later change your mind, the bill says you have an absolute right to get paid the cash.

Comptime provides some flexibility for those workers who get paid overtime. However, many workers never earn overtime compensation. The biweekly work programs and flexible credit hour programs provide flexibility for those workers. Participation in these programs also are completely voluntary. "No employee may be required to participate in a program described in this section." This is all voluntary. Those who say there are not employee choices in this matter simply have not read this legislation.

There are protections for workers to make sure that voluntary means voluntary. The protections that are involved in this bill for workers exceed those protections that are involved in the Federal law for State and local government workers. "Section (d). Prohibition of Coercion. An employer shall not directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce any employee." And "the penalties for abuse are doubled in the current law." We have taken great steps here to make sure that this is totally voluntary and that any coercion, direct or indirect, is impermissible and would be punished substantially with higher penalties than we have under current law.

As a matter of fact, the situation we are recommending in the Family Friendly Workplace Act has far more guarantees and protections for workers than are currently involved in the law for State and local government workers. The Federal law allowing State and local government workers to have comptime says that workers can be required to be involved in comptime as a condition of employment. That is not so under the law we are proposing for private workers. It is strictly voluntary. It cannot be required. It is up to the worker. No worker can be required to participate.

Under the law which now applies to State and local government workers, management can decide when a worker must use comptime. Under the Family Friendly Workplace Act, workers cannot be coerced into using their comptime. Penalties would be doubled for any direct or indirect coercion. There is another significant difference. There is no cash-out provision under the system for State and local government workers, comptime only is paid in cash when the employee is either terminated or quits. In other words, if a State or local government worker wants to get his overtime in cash, you can only get the cash out of the system when you leave your job. You have to quit your job to get your money.

Under the Family Friendly Workplace Act, you do not have to quit to get your money. Any time you change your mind, comptime must be cashed out on request. It must be cashed out at the end of each year. So that the Family Friendly Workplace Act is totally voluntary—and there are these structural guarantees—with doubled penalties. These arrangements are strictly voluntary. They cannot be required, they cannot be coerced, penalties are doubled, and comptime must be cashed out on request. This is a system which basically allows workers to make choices. It allows them to make meaningful choices. These are choices about spending time with their families.

We have talked about just one of these choices—the choice that relates to comptime which you get when you work overtime. But the truth of the matter is, many American workers seldom if ever get overtime. As a matter of fact, in 1996, our census data indicates that only 4.5 percent of working women in the private sector get regular overtime.

If we were just to leave this bill at the comptime level and not do anything about flexible working arrangements, we would not be providing much relief to women who work by the hour and never get overtime so they could take comptime instead of time-and-one-half in pay. In order to meet the real needs of American workers—the broad workforce—we need to have the kind of breadth of options in the program that is in the program for Federal workers. Federal workers have more than just comptime as an option for flexibility. They have the potential for flexible working arrangements so individuals who never get overtime still have the ability to have flexible working arrangements and spend time with their families.

If only 4.5 percent of the 28.9 million women who work by the hour in this country—if only 4.5 of percent of them get overtime—really, if we only do comptime, we are not going to help the vast majority of the women. We have to give the private sector workers the same range of options that exist for the Federal employees. And that includes flextime arrangements; the ability to schedule work flexibly and the ability 1 week to work an hour extra so the next week you can take an hour off.

Right now, it is shocking, but our legal framework makes it illegal for an employer to say to you, I'll let you work an extra hour on Friday so you can take an hour off on Monday. Most Americans are shocked by that. They also are shocked by the fact that it is not illegal for a Government employee to do it, but it is illegal for an average citizen to do it. They know it is not illegal for the boss to do it or for the boardroom guys to do it or the managers or the supervisors to do it. They know it is not illegal for the salaried people to do it. They ought to have some reservations about a system that has sort of second-class citizenship for hourly paid persons and it is illegal for them to work an extra hour on Friday and take an hour off on Monday, even when their employer agrees with it. We need to stop that illegality.

The point is simply this. Since very few working women who work by the hour get overtime, very few will benefit from a comptime only option. We need to provide a framework for these women to have the ability to be with their families, and we have to have flextime in order to get that done.

Mr. President, this is a great opportunity for us to say to American families, We are with you. We are not against you. This is a great opportunity for us to say to the working people of the country, You deserve the same chance for flexibility that the Federal Government employees have. You deserve the same chance to be with your children that the salaried workers have—the managers, the supervisors, and CEO's or the company Presidents. As a matter of fact, they are a minority of workers who do not have these options. We understand that. Hourly workers are a minority of workers in this country when compared to the Government and the salaried and other workers. But they should not be treated as second-class citizens.

The soccer game is just as important to the hourly worker's child as it is to the boss' child. It is just as important to go to the school doctor to confer about your child's health if you are an hourly worker as it is if you are a Federal Government employee. It is just as important for your family to operate as a family, to be able to shape the values and to provide the framing, the development of the next generation if you are an hourly worker as if you are paid in some other way. The Family Friendly Workplace Act is simply a means of getting that done.

It is a means we have designed with protections that are strong. The protections are superior to the protections that are there for State/local government workers. I am a little bit befuddled because the individuals who argue most aggressively against providing this for hourly private sector workers across this country sponsored the legislation for State and local government workers. Not only did they sponsor the legislation for the State and local government workers, but that legislation —that they cosponsored—has fewer protections than does the legislation we are proposing for private workers. Yet those who sponsored the fewer protections for State and local government workers are criticizing the proposal in the private sector because they say enough protections do not exist in the measure. That is difficult to understand. Those individuals, I think, should reevaluate their position.

When organized labor leaders of this country oppose laboring people getting the opportunity to spend time with their families and flexible working arrangements, we ought to ask them to come to the table to help us, to help us assure an opportunity for America's working people, not stand aside and hurt us and criticize a system which is far superior to the one that has been endorsed and for which they negotiate when they are representing State and local government workers.

Mr. President, the opportunity to pass flexible working arrangements to help parents be better parents, to have more time to spend with their families, to be able to take the time off with pay by using compensatory time and flexible working arrangements is what the future of America will be all about. Those who suggest we have to have more unpaid leave so parents will have to choose between taking a pay cut and helping their child are on the wrong track. People are not working because they can afford to take a pay cut. They are working because they need the money, and we should never ask them to sacrifice their child in order to make more money or to sacrifice the money they need to help their child in order to spend time with their child.

The last time I checked, when my children had to go to the dentist and I needed to take them there, that is not the time I could do with less money. That's the time I needed more money, when there was a crisis, when I needed to go to school to see what was happening with my child, take the child to the doctor or to the dentist. I didn't want to take a pay cut. I didn't want to have my salary reduced. Of course I wouldn't. I am a Member of the Senate, I am a Government employee. I have flexible working arrangements. But I do know this, for us to say to the working people of America: When you have a special need in your family, you should take a pay cut and you should take leave without pay, we are asking them to jump out of the frying pan into the fire.

As a matter of fact, family and medical leave has been the occasion for a lot of people to find themselves in real financial distress. When the Commission on Family and Medical Leave met, it found that over 10 percent of all people who took that unpaid leave to meet the needs of their family had to go on welfare because of the loss of salary. Wouldn't it have been better to have flexible working arrangements and some comptime in the bank so you could do that? Ten percent went on welfare, over 40 percent said they had to defer the payment of bills. They just had to stop paying their bills. About 20 percent said they had to borrow money. We have a great opportunity to say to families, "If you work together, cooperate with your employer in a framework of solid protections in a voluntary system, you will be able to be better parents and you will not have to take a pay cut to do it."

I call upon my colleagues to enact this legislation as a matter of great service to the people of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 763 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HELMS. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. HELMS. Mr. President, there are many times when I am so inclined to pay my respects to Senators who have gone out of their way to take a somewhat different stand. And I imagine that during the past week—and throughout the days of debate on the Partial-Birth Abortion Ban Act in the

104th Congress, as a matter of fact—that if unborn children had a vote or a message of communication and a way to deliver it, they would be sending their love to the distinguished Senator from Pennsylvania, Mr. SANTORUM; and to the distinguished occupant of the chair, Mr. DEWINE of Ohio; and to the able Senator from New Hampshire, Mr. SMITH as well as to the able Senators from Texas and Tennessee, Mr. GRAMM and Mr. FRIST; and on and on.

It has not always been easy to take the pro-life position on this floor, but it is a lot easier and a lot more comfortable now, thanks to these great Senators and others. I personally pay my respects to all who have participated in the debate on the Partial-Birth Abortion Ban Act up to this point.

By the way, as one who has participated in the abortion debates since the Supreme Court's Roe versus Wade decision in 1973, and as one who has been condemned by many in certain quarters, I am so thankful that the cavalry has arrived in the Senate and now other Senators are standing up to be counted on an issue that involves the survival of this country. I have long felt if our country cannot reconcile with morality and decency and honesty, the position on the deliberate destruction of the most innocent, the most helpless of human life, that may be at peril—lying just down the road—is the survival of this country.

In any case, the abortion debate shifted dramatically when legislation was introduced in the 104th Congress to spare unborn babies from a merciless procedure known as a partial-birth abortion. Because of the debate in Congress and the heightened concern of the American people, the spotlight no longer is focused on the sanctimonious, so-called right to choose; instead, the debate now centers around the ultimate question: Does an innocent, defenseless, unborn child have a right to live? Senators have cast their votes for and against legislation outlawing partial-birth abortions on two previous occasions—first on December 6, 1995, when 54 Senators voted to ban partial-birth abortions. But the President of the United States, Mr. Clinton, saw fit to veto that bill. The Senate, on September 26 of last year, failed to override that Presidential veto. Fifty-seven Senators voted to override, but the 57 were 10 votes fewer than the two-thirds necessary and required to override.

Which brings me to where we are now and the reason I stand here to pay my respects to Senators like the distinguished occupant of the chair, Mr. DEWINE, Mr. SANTORUM, Mr. SMITH, and others. The Senate has been considering whether an innocent baby—partially born, just 3 inches from the protection of the law—deserves the right to live, to love, and to be loved. Interestingly enough, the House of Representatives has already passed H.R. 1122, which is the bill now before the Senate. In my judgment, the Senate must not squander this opportunity to outlaw partial-birth abortions, and I cannot believe it will.

Those who oppose the Partial-Birth Abortion Ban Act, as it is named, have again asserted the necessity of the procedure that enables doctors to deliver babies partially, feet first from the womb, only to have their brains brutally removed by the doctor's instruments. This procedure has prompted revulsion across this land, even among many who previously have been vocal advocates of the right to choose.

Well-known medical doctors, obstetricians and gynecologists have repeatedly rejected the assertions that a partial-birth abortion is needed to protect the health of a woman in a late-term complicated pregnancy. Dr. Pamela E. Smith, who is director of medical education in the department of obstetrics and gynecology at Chicago's Mount Sinai Hospital, in a letter to Senators described these assertions as—in her words, not mine—"deceptive and patently untrue."

Also, Mr. President, there is much to be said about the facts surrounding the number of partial-birth abortions performed annually and the reason they are performed—or at least the given, stated reason. It is hard to overlook the recent confession of Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who admitted that he, himself, had deceived the American people on national television about the number and the nature of partial-birth abortions.

Mr. Fitzsimmons now estimates that up to 5,000 partial-birth abortions are conducted annually on healthy women carrying healthy babies. This is a far cry from the rhetoric espoused by Washington's pro-abortion groups who maintain that only 500 partial-birth abortions are performed every year, and only in extreme medical circumstances.

Mr. President, I could go on and on, but Senators throughout this debate have provided ample evidence affirming the need to rid America of this senseless, brutal form of killing. And it is also important to note that the American people recognize the moral significance of this legislation. The continued outpouring of letters and phone calls from across the country in support of a ban on partial-birth abortions has been nothing short of remarkable.

I remember so vividly the day in January 1973, when the Supreme Court handed down the decision to legalize abortion. It was hard to find many people to speak up, certainly on the floor of the Senate, on behalf of unborn babies.

But it is time, once again, for Members of the Senate to stand up and be counted for or against the most helpless human beings imaginable, for or against the destruction of innocent human life in such a repugnant way. The Senate simply must pass the Partial-Birth Abortion Ban Act, and I pray that it will do it by a margin of at least 67 votes in favor of the ban.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 16, 1997, the Federal debt stood at $5,343,648,869,296.26. (Five trillion, three hundred forty-three billion, six hundred forty-eight million, eight hundred sixty-nine thousand, two hundred ninety-six dollars, and twenty-six cents)

One year ago, May 1996, the Federal debt stood at $5,113,663,000,000. (Five trillion, one hundred thirteen billion, six hundred sixty-three million)

Twenty-five years ago, May 1972, the Federal debt stood at $427,214,000,000 (Four hundred twenty-seven billion, two hundred fourteen million) which reflects a debt increase of nearly $5 trillion—$4,916,434,869,296.26 (Four trillion, nine hundred sixteen billion, four hundred thirty-four million, eight hundred sixty-nine thousand, two hundred ninety-six dollars, and twenty-six cents) during the past 25 years.

THE RAPID CITY FIRE OF 1997

Mr. DASCHLE. Mr. President, last week a fire devastated downtown Rapid City, consuming the historic Sweeney Building in a furious blaze that threatened to destroy the entire block. Only the heroic efforts of the Rapid City Fire Department and emergency workers from all over the county ensured that the damage, as severe as it was, was contained.

This terrible blaze took a much-loved part of our heritage from us. The Sweeney Building had towered over Rapid City for 111 years, and was one of the oldest buildings in the Black Hills. Its builder, Tom Sweeney, was legendary. His name and slogan "Tom Sweeney Wants to See You" were famous throughout the hills, and his showmanship put Buffalo Bill to shame. His store was full of everything from gold pans to wagons for the early pioneers, and it was said that he could—and did—sell anything. Tom's store is gone now, and it will be missed.

Although part of our past, the Sweeney Building also was a vibrant part of our present. Seven businesses located in the building were lost in the Rapid City fire. They ranged from the State Barbershop, where Vern Johnson cut hair for 37 years, to the 1-week-old Blue Moon nightclub. No one is yet sure how the fire started, but shortly after firefighters arrived to investigate reports of smoke, a broken window fed the fire with a sudden rush of oxygen.

The result was a fiery explosion that shattered storefront windows and blew out the rear wall of the building, causing a rain of bricks to fall on Larry and Mike Blote, two owners of the building, and Pat Dobbs, a reporter for the Rapid City Journal. Thankfully, they had just minor injuries.

Soon after the explosion, Fire Chief Owen Hibbard made the difficult decision to retreat from the building. Few choices are more painful for firefighters. They are by nature people whose instincts urge them to save and preserve, and to fight a fire until the end. Yet as the flames of the Sweeney Building climbed higher and 40 mph winds blew cinders and sparks onto the roofs of neighboring buildings, Chief Hibbard recognized that the out-of-control blaze could destroy the entire block. Ordering his people back, he formed a defensive line around the fire and began the difficult work of containing it. Over the next 2 hours, with the sounds of exploding gunpowder and ammunition thundering from the burning First Stop Gun and Coin shop, the firefighters labored to cool nearby buildings and reduce the intensity of the blaze. By 4 p.m., the fire had been successfully contained, and dozens of homes and businesses that could have been destroyed were saved.

Mr. President, I commend the Rapid City Fire Department for their outstanding job containing this fire. It is due to their preplanning, training, and strong leadership that no one sustained serious injuries, despite dangerous circumstances ranging from backdraft explosions to ricocheting bullets. I also want to thank Mayor Jim Shaw for his calm and solid leadership throughout this crisis. The loss of the Sweeney Building has been difficult, especially for those men and women who lost their livelihood, but I am confident that, together, we will recover.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. THOMAS. Mr. President, we are going to, this week, enter into one of the most serious debates that we will have all year, one of the matters that I think is the most serious that we will address all year, and that is the question of the budget. As a matter of fact, it is my understanding we will talk about two budgets. One will be the appropriations for the supplemental budget, designed to deal with disaster and other matters, but then the real budget for the year which will outline the spending for this country.

I think this is important, particularly important, because there is much more to it than arithmetic. It is not simply numbers. It is not simply what we will spend. I think it has to do with a number of things that are of particular significance. I hope that we give some consideration to these broader things as we talk about numbers, which we inevitably will do. One has to do with the size of the Government. It has to do with the potential and the opportunity to reduce the size of Government. I happen to believe that Government has become too large and that it could be smaller. It could be much more efficient. I suspect it would be more efficient if it were smaller. The budget is one of the ways that you do that.

Government by its nature does not get smaller unless somehow there is a restriction on the amount of money available. I think it also gets more efficient when there is less money to do the job, and it is similar to what has to be done in the private sector.

Second, it has, of course, to do with priorities. Each of us, as we spend our money, whether in business or personal and private family lives, have to set priorities. There is never enough money for everything. Certainly that is increasingly true with Government. So it is necessary to set priorities, to decide which of the many functions of Government are most important, which ones need to be financed, which ones need to be funded, which ones, indeed, could be reduced or eliminated.

Third, it has to do with taxing. It has to do with how much money we are going to allow families to keep, to spend for themselves. Average family spending for taxes now is nearly 40 percent, 40 percent of revenue from the family. It was just recently that we had tax day, so that everything we earned up until just a week or so ago all went for taxes.

The budget has to do with the potential, the possibility of reducing the burden on the families in this country. It has to do with the incentive for investment. Tax reduction is also an opportunity to have investments for people to put into their businesses, to create jobs, to strengthen the economy. There is a direct relationship, particularly in tax reductions such as capital gains which encourages people to invest.

The budget gives us an opportunity to keep Medicare and entitlements available.

I just met this morning with a great group of young people, high school people. We talked a little bit about entitlements. We talked specifically about Medicare. Frankly, all of them, 18 years old, said, "We really do not think there will be any Medicare for us." Indeed, there will not be unless we make some changes. Budgets, of course, are where it is possible to do that.

Budgets also test our willingness to be financially responsible, to balance the budget and not spend more than we take in, which we have done for more than 30 years here in this Congress. I have to say I have not done it for 30 years because I have not been here for 30 years.

Finally, and related to that, of course, budgets determine what will we leave to our kids to pay in terms of budgets, in terms of debts. What we have done, of course, over the last few years, is we have spent more than we took in and put it on the old credit card, and it is maxed out. So we will determine how much of a debt we leave to our kids.

That is what we are talking about in terms of budgets. It will be difficult. It will be difficult. American voters, as someone said, and I think it is true, sent two teams to do the same thing, two teams with quite different philosophies. If everyone here had the same philosophy then we would have a certain kind of a budget. If everybody believed we ought to have smaller Government, we would have smaller Government. If everybody thought we ought to have more tax relief, we would have that, but everybody does not. There are two different points of view that will have to be reconciled before anything can be done.

So we approach a budget with, I think, a certain amount of reserve. Certainly this is not a breakthrough budget. This is not a turnaround. This is not a change, a sea change, I do not believe. I do not think it is designed for meaningful reduction in the size of Government or spending reductions. It is not dedicated to real honest-to-goodness tax relief.

Now, on the other hand, I think in fairness, and we will have to talk about it, it does provide some of the principles that most of us have talked about for some time. It probably comes closer, and I hope it does, to a real balance than any budget in recent history over a period of 5 years, a real balanced budget.

Now you have to keep in mind you can balance the budget in many ways. You can continue to increase taxes and increase revenue and balance the budget up here, when the real idea that most people want to balance the budget is down here, and reduce some of the spending.

Second, it provides some tax relief. We are told that there will be an opportunity on the floor for debate of tax relief. One will be $500 per child for family relief. That is good. Another would be some relief of capital gains taxes. That is good. It will help the economy. And in the short term, at least, it will increase revenues. Some reduction in estate taxes, I think, is good.

In my State of Wyoming, there are lots of family farmers, ranches, and small businesses. People have worked all of their lives—and many times the lives of their forebears—to put together a business or a ranch or a farm, often with relatively little flow of cash but lots of assets. Under the present circumstances, that is taxed at nearly 50 percent. Many have to sell those assets in order to pay the taxes. That ought to be changed.

There will be some effort made at entitlement reform. That is good. It helps preserve Medicare for people who will be on it in the future. There has to be some changes made to do that. So it is a kind of a mixed bag, it seems to me.

There are some other items I would like to see changed. I would like to see some incentives to increase the capital gains so that there is incentive to invest in the economy.

I would like to see some real long-term meaningful changes in Medicare so that our kids will have a chance.

The President has sort of tinkered around the edges, and takes down the providers' cost a little here and there to avoid any real tough decision, but he is doing a little something. We have to make them. The sooner we make them, the less costly they will have to be. We need to allow families to keep more of their dough.

We need to be careful about balancing the budget and about making very optimistic projections in the future. Suddenly, there was $200 billion-plus because of the projections for the future.

We ought to make kind of a level projection, it seems to me. And then, if we are fortunate enough to have revenue growth, why not apply that to the debt? Wouldn't that be a nice idea? But no, we put that on so that we continue to spend and see the Government grow larger.

These are some of the things we will be grappling with this week. I think they are very difficult ones, and some things I hope we do regardless of what we do with the tax bill, regardless of what we do with the budget. I hope we move on past that to reform the tax system. The tax system needs to be changed.

People are increasingly complaining about the IRS. And I understand that. The tax issue is not going to change the IRS a great deal until you change the system that they have to enforce. We ought to do that.

This budget should not mean we are going to leave it as it is for 5 years. We need meaningful reductions in taxes.

We need a smaller Government. We need to change the situation so that the Government doesn't compete with the private sector in those things that the Government does that are commercial in nature. We ought to allow for contracting, and let private small businesses be able to compete to do things that the Government does that are basically commercial.

Mr. President, there is something else that I think we ought to do that would help us. We ought to have a biennial budget.

We spend almost all of our time with this budget. We started this thing just about this time in January when the Congress came in. We will be very fortunate if we are through by the middle of September or the 1st of October. And, as you know, Mr. President, it has been longer than that in the past.

It wouldn't take any longer to do it on a biennial basis. We could know those figures just as well. The agencies would have 2 years of knowing where their money is going to be. But, most important of all, we could have the budget one year and the next year do oversight. That is part of Congress' responsibility, to oversee the things that the Government is doing. We can accomplish a great deal, if we can do that.

So, Mr. President, I look forward to this week's debate and discussions. I am confident we will come out of it with something better than we have had.

Thank you for the time.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, thank you.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

Mr. SANTORUM. Mr. President, I rise this afternoon to announce that in the last few days I have been working with Representative CANADY in the House, with Senator FRIST here in the Senate, and with the American Medical Association in trying to work out some changes to H.R. 1122, the Partial-Birth Abortion Ban Act, which would satisfy some of the concerns that the board at the American Medical Association had with the legislation.

I am very pleased to report that we have been able to reach some technical changes with the legislation that has gained the support of the American Medical Association. I will read for the RECORD and insert into the RECORD a copy of a letter that was sent to me just a very short time ago from P. John Seward, M.D., executive vice president of the American Medical Association.

DEAR SENATOR SANTORUM: The American Medical Association (AMA) is writing to support HR 1122, "The Partial Birth Abortion Ban Act of 1997," as amended. Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated. HR 1122 now meets both those tests.

Our support of this legislation is based on three specific principles. First, the bill would allow a legitimiate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother. Second, the bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is to be banned. Finally, the bill would give any accused physician the right to have his or her conduct reviewed by the State Medical Board before a criminal trial commenced. In this manner, the bill would provide a formal role for valuable medical peer determination in any enforcement proceeding.

The AMA believes that with these changes, physicians will be on notice as to the exact nature of the prohibited conduct.

Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.

Sincerely,

P. JOHN SEWARD, M.D.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 19, 1997.

Hon. RICK SANTORUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANTORUM: The American Medical Association (AMA) is writing to support HR 1122, "The Partial Birth Abortion Ban Act of 1997," as amended. Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated. HR 1122 now meets both those tests.

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Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.

Sincerely,

P. JOHN SEWARD, M.D.

Mr. SANTORUM. Mr. President, before I go into the details of the amendment, let me also enter into the RECORD a statement by Senator BILL FRIST.

I cannot emphasize enough how important he has been as the only physician here in the U.S. Senate in helping us in the debate here on the Senate floor and providing that expertise that is so necessary in these kinds of medical issues, and also in helping us work with the AMA to come up with some language that could garner their support.

I quote Senator FRIST's statement. He would have been here to announce this. But I understand we are going to be closing up shortly, and he is still on an airplane.

> As the only physician in the Senate, I am proud of the American Medical Association's decision to support the ban on partial birth abortions. This is the strongest medical confirmation yet that this so-called medical procedure, is brutal, inhumane, and medically unnecessary. As I said on the floor of the United States Senate, any provider who performs a partial birth abortion has violated the Hippocratic principle, "First do no harm."
>
> The President has already been standing on shaky ground in his efforts to explain his intent to veto once again a ban of this grisly and unnecessary procedure. With these technical changes and the endorsement of the AMA, it's time for the President to do the right thing—it's time for him to sign this bill.

Mr. President, let me go through the changes that are in the bill that we are going to amend tomorrow morning. We hope to get unanimous consent to amend it. These are technical changes, and we believe that, irrespective of your position on the bill, these are changes that can be supported.

The first thing this bill does, as has been referred to, is to tighten up the language on what we mean by partial-birth abortion. There was some concern principally about a situation where the doctor would be delivering a baby with a normal delivery, but the baby would be delivered breech. And that happens on occasion. The baby is delivered in a breech position. The concern is that some complication may occur in the course of this breech delivery, and the doctor would be required, in order to save the mother's life, to perform some sort of procedure that would result in the killing of the baby.

Those are always very terrible situations. But the AMA was concerned that, because the definition was not specific enough from their reading, some zealous prosecutor could come out and accuse the doctor, who has not performed an abortion—does not intend to perform an abortion—but performed a normal delivery and, because of a complication, that somehow he or she could be covered under this act.

We have tightened up the language with mens rea, to use the legal term. That directs the mental state—as to what the doctor was doing when he was delivering the baby for the purpose of a live birth and is not doing an abortion.

So we tightened that language up substantially to satisfy that. That kind of situation would no longer be covered under the act. Frankly, I don't believe it is covered under the original act. But this makes it crystal clear that it is not covered under the act.

I think to the extent that we have made that clear and that it is positive to the extent that we have put in the requisite mens rea for a criminal statute, which arguably was somewhat vague in the original bill, we have now done that. We have tightened it up. This is a good, solid criminal statute as a result of that.

Second, as was discussed in the AMA letter, the State medical boards, we understand that if the doctor is going to be charged in doing one of those procedures, there is going to be medical evidence presented. The doctor and his team are going to present their medical experts, and the prosecutor will present their medical experts.

This gives us some medical expertise, if you will, that is not in either camp but gives us a peer review determination as to what they saw happen and what they believe happened. It will most likely result in as many people who agree with the physician as not. It is not something that we believe is a stacked deck one way or the other. We believe it is a legitimate peer review mechanism.

It is admissible in court but not determinative. It is simply medical evidence to be used should the prosecution continue with the case. We think that is important. It certainly is important for the professional standards that the AMA and other State medical associations would like to see in their profession.

So we have no problem with that. We believe it is legitimate medical evidence that would be otherwise included. So that is, again, a positive contribution to the legislation.

The other change is really the ultimate of technical changes that was surplus language in the life-of-the-mother exception where we said basically twice that it was the only procedure necessary. We said it twice. You don't need to say it twice. You just say necessary. It was the only procedure available that is necessary to save the life of mother. We don't say "necessary" twice. So we eliminated the surplus language.

Those are the three changes. They certainly do not go to the substance of the legislation. They are technical in nature. They are defined and solidifying in nature as a criminal statute and, I believe, a positive contribution.

I believe eventually, whether it is in the next few months as a result of this bill being passed and either signed by the President or having the President's veto overridden, that this bill will end up in court. Someone will challenge the constitutionality after this legislation.

My feeling is that this legislation not only has to be solid on the basis of abortion law, but also it has to be solid based on criminal law and how a criminal statute is drafted.

I think what we have done with these changes is improve the language as a criminal statute. I think that is very important, and I would hate to go through the entire legislative process and have the courts say, "Well, on abortion law you are fine, but on criminal law you are too vague, and we are throwing it out for that."

That would be a disconcerting result, one that I do not want to see and one that I believe is greatly reduced as a result of the changes that we hope to make tomorrow in this legislation, and which we will make tomorrow.

I have to say, finally, how excited I am that the AMA has stepped forward and supported this legislation.

This is the association that is the most preeminent association that oversees medicine in this country. As Dr. Seward said, partial-birth abortion is not good medicine. As Dr. C. Everett Koop said, it is not medically necessary for the life and health of the mother to do this procedure. This is a procedure that is a rogue procedure. It should be an outlawed procedure. We are attempting to outlaw this procedure because it just simply goes too far.

I am hopeful, with the support of the preeminent medical authority in this country, the American Medical Association, Members of this Senate will look long and hard now in these last few hours before the vote, which we are hoping to have scheduled tomorrow afternoon, they will look long and hard at the changes, at the evidence that now has been presented, the facts that have now been presented as a result of some of the admissions by the abortion industry as to what a partial-birth abortion is, when it is used, who it is used on, all of this new information that we have been presented in the Senate since the last vote a year ago, almost a year ago, and hopefully it is enough evidence and enough change in the statute that is being proposed, the bill that is being proposed, that we will get the requisite 67 votes.

I know there are a half a dozen or more Members who have still not publicly announced what their position is on this bill. That is more than enough votes for us to get it to the 67 we need to override the President's veto. I ask each and every Member who is not committed, and, frankly, I would ask those Members who are committed in light of the evidence that has been presented, in light of the changes that we have made in this legislation, in light of the AMA's strong endorsement and support for this legislation, to take another look. I know it is very difficult for Members on this issue to walk outside of their camp of support. If you are a pro-choice Member, it is very difficult to walk outside of that camp and venture away from those groups of abortion-rights supporters who have supported you in your election and who by and large agree. But it takes a lot of courage to look at your friends and tell them when they are wrong. The AMA supports legalized abortion, and they have been able to look at their friends and say in this case you are wrong; this is not an approved medical procedure and we should not have it legal in this country.

That took a lot of courage. I commend them for their courage. I just suggest that if the AMA can stand up to others in the medical community who believe abortion anytime, anywhere, under any procedure should be legal, they are willing to stand up to those within their ranks who hold that very extreme position, then I hope Members of this body who are not supposed to come here to argue extremist, irrational positions but here to represent what is in the best interests of this country will be able to look into the faces of the organizations that I know they seek support from on election day and with whom I know they find themselves in agreement on most occasions, look at them and say, you have gone too far this time; we have to draw a line somewhere on this issue; it is not an absolute right for anyone at any point in time under any method to kill their children, that we have to have limits. Even Senator DASCHLE and, to some degree, although minor, Senators FEINSTEIN and BOXER have admitted there is some limit here as to what we can do, on what we should allow in the area of abortion.

The AMA and other professionals in the field have stood up and said this is the line to draw. I hope Members have the courage to stand up and say this is where we draw the line. I commend Members who have done that already. I commend them for their understanding that, frankly, this is less about abortion and more about infanticide; this is more about when we take a baby that is out of the womb, being born, outside of the mother and, frankly, gratuitously kill that baby. We have gone too far. There is no medical reason that a baby four-fifths delivered, everything outside of the mother with the exception of the head, there is no reason to perform a procedure on that baby that kills it at that point. There is no medical reason to protect the life or health of the mother ever to kill the baby at that point. In fact, it is more dangerous for the mother to insert instruments, to puncture bone by stabbing the baby at the base of the skull. That is dangerous to the health and life of the mother. It is obviously very dangerous to the baby.

That is not a safe procedure. You cannot argue that the baby sitting there in that position, that it is for the health of the mother to insert an instrument into the baby's skull. It is not. It can never be. So what we are saying is, whether it is partial-birth abortion or all length, give the baby a chance. Give the baby a chance.

There may be cases, and we understand that—folks who have gotten up and argued to ban this procedure have always recognized that there are situations in which the health and life of the mother are in danger and that separation of the child from the mother is necessary to protect the mother's health and life. But it is never necessary, certainly not by doing this barbaric procedure, to kill the baby in the process. You have a baby four-fifths born with a tiny head that is inches away from that first breath. Let the baby be born. Give it at least a chance to see if that baby can survive. Why do violence to that little baby? There is no medical reason. Why protect a procedure that does violence unnecessarily to little babies who otherwise would be born alive? They may not survive long. They may only survive minutes or hours. But give them the dignity of being born and brought into our human community. Give them the dignity of not having violence be the only thing they know of this Earth. Give them the dignity of life and memory as a part of our human family.

I am very hopeful that as a result of the endorsement of the AMA and other evidence that has come out, we can muster up the moral courage to say no to this procedure. I hope you can.

I hope that anyone who is in the sound of my voice will call, write, fax, E-mail, pray, send any kind of communication they possibly can to Members of the Senate who are going to be voting here tomorrow on this legislation asking that they now look at the evidence presented, look at the changes in the legislation, look at the evidence that has been presented and make the right decision for these children, make the right decision for our culture.

I thank the Chair.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate so much the remarks of the Senator from Pennsylvania. I associate myself with everything he said, and I intend to speak on this subject tomorrow before we have the final vote. I trust that Members will give it great thought before they make their final decision because we are on the verge of making a determination that I think is very important to the future of this country.

THE QUADRENNIAL DEFENSE REVIEW

Mr. COATS. Mr. President, this evening I should like to take just a very few moments to report, along with my colleague from Connecticut, Senator LIEBERMAN, on the recently released Quadrennial Defense Review. It was released today by the Secretary of Defense. It is the culmination of a very extensive process at the Department of Defense over the shape and makeup, the characterization and the implementation of our Armed Forces for the next several years.

We are at a unique point in our history, particularly as it relates to defense issues. We have come through a period of time when our strategy was primarily based on the threat from another superpower—the Soviet Union—a nuclear threat that required an extraordinary commitment of resources, of manpower, of effort to try to contain and to try to nullify that threat. With the fall of the Berlin Wall, with the fall of the Soviet Union, with the realignment that has taken place with the United States emerging as the one superpower in the world, we may have the luxury of looking at our defense structure, of making decisions and beginning a process of fashioning our defense forces for the threats of the future and not the threats of the past.

It is important to recognize, as Secretary Cohen has and as acknowledged in this Quadrennial Defense Review which was just released today, this is not a status quo situation. We have made extraordinary strides in terms of reshaping our forces from perhaps what was the peak of our defense effort in 1985, a very, very substantial decline in the number of active duty forces and the percentage of our budget and percentage of our gross national product that is devoted to defense. In the process, much of the framework that puts us in a position to make decisions in the future has at least been initiated, and the QDR, Quadrennial Defense Review, encompasses a lot of that thinking.

Because so often in the Congress we receive the conclusion of the analysis of the Department of Defense after all the decisionmaking process has been conducted and after the options have been evaluated, we do not have those same resources here in the Congress to ask the appropriate questions and get the full view of where we think we ought to go with our national defense policy. So Senator LIEBERMAN and I, along with others, in last year's authorization bill created a National Defense Panel consisting of outside experts in military affairs, who had a lifetime of experience, who could give us through this process a second look, a second opinion. I am pleased that they were able to have access to the process, the thinking process and the decisionmaking process that was undertaken in the Department of Defense on the QDR. They will now undertake a very thorough and very complete analysis of this QDR and report back to Congress. We have their preliminary report. They will report back to Congress no later than December 15 of this year giving us their view of current threats and future threats the United States might face, the strategy that we ought to employ to address those threats, as well as how we ought to implement that particular strategy and how we pay for it.

So we are looking forward at a process, and I have described this process in some detail because I do not want Members to think that this is the final chapter in the book. This really is the initial chapter in the decisionmaking process that has to be undertaken by the Congress and the administration over the next several months, if not several years, as we look into the next century and try to define the national defense strategy and the force to implement that particular strategy.

I will say this: I think the Secretary of Defense and the people who have undertaken this effort, the QDR, have done this in good faith. I think they have asked the tough questions. They have evaluated the various options. They will admit that this is an initial stage of the process and not the final chapter. They will indicate that there is more to come. There are more decisions to be made.

But I also say to my colleagues, a lot of the burden and responsibility also falls on us. The Department of Defense has presented its viewpoint of where we are going in the future, but we are the ones who have to ultimately make the decision as to whether to ratify what they have said, modify what they have said, or reject what they have said and come up with our own alternatives. There are issues in the QDR Report to which a lot of Members, various Members, are going to say: "wait a minute, that gets a little too close to home." We are talking about two more rounds of base closings. We have reduced our force structure more than a third since 1985, and yet we have reduced our infrastructure, our bases which support that force structure, by only approximately one-half of the amount that we reduced manpower. There is infrastructure that is excessive, and we are looking at a very difficult decision, in terms of how to go ahead and continue to advance the process of closing bases, of scaling back infrastructure, because every dollar spent on a facility or a support function that does not go to support our forces takes resources away from more pressing needs. To simply preserve excess infrastructure because it happens to be in a particular State or particular Member's district, or to preserve it because we were not able to come to a conclusion about closing it results in dollars staying in infrastructure that take away dollars from the very badly needed modernization of our forces, from research and technology, and from support for our active duty forces in terms of their readiness and deployment, et cetera.

So we have to recognize that the decisions that will be made here, whether it is streamlining the Department of Defense, whether it is consolidating or streamlining various defense and support agencies, which is recommended here—I wish the QDR provided recommendations in more detail, but it is recommended here nonetheless—whether it is closing bases, and even decisions on modernization will be made in this Chamber, will be made by these Members, and they will not be easy decisions.

We all recognize, I think, that one of the most important actions we can take, as this report says, is make decisions about modernizing our forces and investing in research and development of new technology. Whether this relates to platforms like tactical air for the Air Force and the Navy, ships for the Navy, land forces for the Army and Marines, or new technology to advance the way they do their business, all of that requires resources. And all of that will have to be done with offsets, because we pretty much have a static budget line. Without an external threat that we can foresee right now and without a major conflict, we are going to be at a pretty level funding appropriation for the next several years. If that is the case, then, if we want to retain the forces readiness, if we want to retain our current forces capability to deal with the threats as we see them, and if we want to restructure and modernize the force, we are going to have to provide them with the resources, and the only place we can get the resources is from existing expenditures.

This report takes us some of the way down that road. I am a little disappointed in the QDR in that it did not more specifically outline how we can go about particularly restructuring the base closing procedure, how we can restructure some of the defense or support agencies, how we can restructure the Reserve and the National Guard to better complement our active duty; but also to define, in some sense, different roles for them in that process, how we could go forward in making the decisions on modernization, what the different options are, and so forth.

I think there are several questions that Congress is going to have to address. I just mentioned modernization. Commitment to modernization, yes, but where do we put that money? What research? What new technologies? What new military platforms—ships, planes, et cetera—should we select? And how many of those should we buy?

These are critical decisions. It is not enough just to say we need to increase our modernization budget. It is where we put those dollars that will be critical to define the military of the future, and how we address these questions about the role of the Guard and Reserve and the reductions in defense infrastructure, which I mentioned earlier. I am disappointed we did not address the medical care issue in the QDR. Clearly, how we provide medical care for our active duty servicemembers and their family members, Reserve forces and others such is a major cost item in the defense budget. That needs to be addressed in the future.

Missile defense, how we allocate funds to missile defense, the Secretary says we have a shortfall in research and development funds for a National Missile Defense System and we need to shift a substantial amount of money, up to $2 billion, into that particular account—where does that money come from? That is not identified.

These are all issues which the Congress is going to have to grapple with in the next several months. Beyond that, we need to ensure that, in our thinking, we realize this is the beginning and not the end of the process. We need to look to outside sources like the National Defense Panel to give us guidance in terms of what the proper questions are: How we look at the scenarios in the future that will require a defense structure to address those challenges; how we devise the right kind of strategy to meet the threats; how we build in the flexibility—because we do not know what all those threats are going to be—how we build in the flexibility to have our forces able to adapt to those threats of the future; how we avoid making critical mistakes in resource allocation that prohibit us from having that flexibility in the future; how we go about implementing all of this and how we come up with the resources to address it.

So there are many, many questions still outstanding. It is an ongoing process. I look forward to working with my colleague, Senator LIEBERMAN of Connecticut, as we explore this, as well as my other colleagues, both on the Senate Armed Services Committee and the House Armed Services Committee, as well as our colleagues here in the Senate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague and, on matters of defense, my partner, Senator COATS from Indiana.

Mr. President, I want to add a few words to those spoken by my colleague about the Quadrennial Defense Review, which was released by Secretary of Defense Cohen earlier today. It has been my pleasure to work with the Senator from Indiana, as well as with our colleagues on the Senate Armed Services Committee, Senator MCCAIN, Senator ROBB, Senator KEMPTHORNE, Senator LEVIN, and many others in a bipartisan effort that led to legislation requiring the Quadrennial Defense Review and the National Defense Panel.

Our intent in sponsoring this legislation, was to drive the defense debate to a strategy-based assessment of our future military requirements and capabilities, not to do a budget-driven incremental massage of the status quo.

We were motivated by two factors in calling for this over-the-horizon review of our defense needs. First, we did not want this to be just another annual report on what our defense needs are. Second, we wanted to force the Pentagon to look beyond the short range and to understand that many of us inside and outside of Congress believe that the decisions we are making today will affect our ability to protect our national security 10 to 20 years out.

From my first review of the Quadrennial Defense Review I would say while the report issued today does not live up to the high expectations I had for it, it is a step forward in the process that Senator COATS has just described. If we want to make defense decisions effectively, we have to consider two dramatic changes that have occurred in our world, which are influencing our defense needs. One is the dramatic and ongoing change in the post-cold-war world; second is the extraordinary change in technology, the transition we have made from an industrial age to an information age, which inevitably will affect the way wars are fought.

Even before it was released, the Quadrennial Defense Review achieved, I think, an important part of our goal by catalyzing a broad and vigorous debate within the Pentagon which engaged more people who considered more options than either of the previous two post-cold-war security assessments done in the Bush administration and then in the first year of the Clinton administration. The reviewing process began, also, to stimulate similar debate outside of the Pentagon and outside of Congress. I believe that all those involved in the Pentagon effort have done well by debating the controversial questions and in making recommendations they believed were essential, even though some of those did not, in my opinion, go far enough and were not bold enough, and even though some of them are recommendations that will be controversial here in Congress.

I want to particularly draw attention to significant steps forward that are made in the QDR in three critical areas.

First, I believe the QDR has developed a much more comprehensive view of our strategic future military environment than we had from the two previous studies; that is, the way in which the national security environment, will be affected by unconventional threats to our security, including, of course, terrorism and chemical and biological warfare, but also including the capacity of an enemy to strike at us in what the military calls an asymmetrical way, that is, to find our vulnerability, invest much less than we spend on our military, and then to strike at that vulnerability.

Second, I think the QDR has taken some significant steps forward in beginning to deal with management improvements within the Pentagon and in confronting the need for some reductions in manpower and some reductions in acquisition of high-visibility procurement programs and in recommending, as Senator COATS has indicated, two additional rounds of BRAC, of the base closure process. To put it mildly, that will not be popular on Capitol Hill. And, yet, the more you look at the reductions that have already occurred in the size of our military forces and the extent to which we have reduced tooth but not reduced tail, it is hard to conclude that, in the interest of our national security, we do not need to further reduce military infrastructure.

Third, although I would criticize the QDR for being more budget driven than strategy driven, the Pentagon has presented some conclusions about reducing forces that they assume can help bring the defense program more closely and realistically in line with the fiscal assumptions that they are operating under.

Nevertheless, why do I say the report, as I looked at it this afternoon, does not live up to my own hopes for it? I find it to be too much of a status-quo document. While it is true we have reduced personnel and force structure significantly since the close of the cold war, the shape and focus of our military remains substantially what it was then. This report represents, as others have said, essentially a "salami-slicing" approach. It is not a dramatic change, nor does it seem to point to future dramatic changes to deal with increased workload for our military forces to respond to the much more complicated geopolitical situation nor to changes in technology, which have created a revolution in military affairs.

Mr. President, as I said a moment ago, the report was more budget driven than strategy driven. Perhaps that is understandable for the Pentagon has to live within the constraints we impose, but I must say, Senator COATS and I and the others did not introduce legislation which called for this Quadrennial Defense Review as a way to cut the defense budget. That might be a result, but a future-oriented review might just as logically lead to an increase in the defense budget, depending on what a strategic review of the world determines that our future defense needs will be. In fact, as you look at the more comprehensive strategic review of the future of the military environment that is in this QDR, it argues for additional capacity to that which the report continues to advocate: Which is the capacity to meet two major regional threats, a series of additional requirements, including terrorism, chemical and biological warfare, missile defense, and peacekeeping. Yet, I don't see the connection between what I think is the more accurately described complicated strategic future we have and the programs the report advocates to meet that future.

The report is not strategy driven. It continues to require that the military be structured to deal with two major regional conflicts but its assessment of the strategic environment raises questions about whether that is an appropriate standard, particularly since one of those conflicts presumably would be on the Korean Peninsula against North Korea, a state that many question will constitute a threat to security very much longer. So, as we look 10 to 20 years out, will our major threat in Asia be on the Korean Peninsula, or will it come from another great power or midsize power that has gained nuclear capability and can disrupt the entire region?

The report makes no recommendations for change to the organization of the current force and only minor changes to the size of that force. As I have indicated, some weapons-purchasing programs were reduced, but no major programs have been canceled. Perhaps even more important, from my own point of view, as we look forward, no new programs were recommended to deal with the extraordinary range of threats and responsibilities that are described in the strategic review part of the report. The explosion in technology could literally and totally change the way enemies will fight us and what weapons they will employ, while at the same time creating enormous opportunities for us, if we wisely and boldly use technology, to fundamentally improve our military capability to defend our interests perhaps in a much more cost-effective way.

I also was disappointed that the report did not deal with the further implementation of the Goldwater-Nichols legislation, which I think most observers would say has not fully achieved its goals for more jointness. The fact is, too much of what happens in the Pentagon and our military still happens in the stovepipes of the four services. We do not see enough cooperation across service lines—joint training, for instance—to either achieve the dollar savings or the increases in fighting effectiveness that many observers think will come from increased jointness.

Mr. President, a final word. There is a brief reference to space and the role space may play in future warfare. Remember, we are talking about 10 to 20 years from now. It is hard to imagine as we see the world depend more and more on space-based satellites that our future enemies will not rely on a wide range of space-based capabilities to fight us. It seems to me this suggests a very, very urgent need for us to consider the implications of that for our future military preparedness, including very controversial questions, which I think we have to consider in the responsible exercise of our duties, whether we should proceed with what might be called the weaponization of space, and what we should do to develop capacity to defend against attacks on us from space.

In summary, I feel strongly that we need to act more boldly and broadly now. We need to stop doing business as usual now so we can better respond to the challenges of the future, and that goes not just for those in the Pentagon, but also for those of us in Congress, because the decisions that we are making today will commit enormous national resources and determine the military forces we will have for decades.

The fact is that the extraordinary victory we achieved in the gulf war was the result not only of the extraordinary military leadership we had and the extraordinary bravery and skill of our troops on the ground, in the air, on the water, but it also was the result of decisions and investments made in the seventies in military technology that came online and were available to be used in the early 1990's in the gulf war.

We have to think, as we make the decisions we do committing hundreds of billions of dollars to defense programs, whether these are the programs we will need 10 and 20 years from now. The fact is, if we choose unwisely and a future opponent chooses more wisely, we may well be jeopardizing not only the lives of our soldiers, but also the lives of our children and our grandchildren. When we discover that, we will have precious little time and perhaps not the resources to fix our mistakes.

So in those ways, I find the QDR to be lacking, but Senator COATS and our cosponsors anticipated this and believed it would be the first step in a dynamic process. I hope that is the way in which the QDR, will be seen—as a first step, an important one—in a series of steps to determine what our future military needs will be. It does, in fact, provide a sound base from which this critical discussion can proceed.

I think Secretary Cohen himself has recognized this is only the beginning—it is the end of the beginning, not the beginning of the end—not only in what he specifically said, but in the fact that last week he announced the appointment of a task force which will now go the next step, particularly in considering reform of the Office of the Secretary of Defense.

We all have high hopes for the independent National Defense Panel, that was created as part of our legislation, to go further and create clear alternatives and to begin to identify the critical unanswered questions that we are left with after reading the QDR. Then, as Senator COATS has said, it will be up to those of us in Congress and to those in the White House and the administration to absorb the recommendations of the QDR we received today; then of the National Defense Panel which will be presented to us in December; and then to push boldly against the status quo.

Our responsibility may require us to make difficult decisions about the weapons we buy and where our forces will be based and how they will be structured so that tomorrow's American military will be ready to meet the security threats of the next century in the most cost-effective and technologically dominant way.

The point is this: Some people will say, "QDR says it all, we're doing well, our security is clear. If it ain't broke, don't fix it." Of course, we agree our security is strong today and it ain't broke today, but if we don't fix it, it will be broke 10 or 20 years from now, and we will not have fulfilled the fullest measure of our responsibility under the Constitution to provide for and protect the common defense.

I thank the Chair.

Mr. COATS. If the Senator will yield.

Mr. LIEBERMAN. I will be happy to yield to the Senator from Indiana.

Mr. COATS. Mr. President, I certainly agree with my colleague—we worked on this together—that this QDR report doesn't meet all of our expectations. We wanted a more visionary document. We wanted some bolder challenges, at least a broader definition of what the future might look like and what options we would have to address it, because the point is that we are at such a critical decisionmaking point, in terms of allocation of resources, that we need that look into the future in order to try to make the decisions that will give us the flexibility and the resources to address those future threats.

The real concern here is that we stay locked into, not necessarily a status quo proposal, but one that closely resembles the current state of affairs within the military, and that we will, on that basis, make decisions that will preclude us from having the resources to make different decisions in the future or to address different threats in the future. That, again, is the reason why we wanted a national defense panel, outside evaluators and experts, to give us some guidance on that.

While that Panel's report will not be available to support us in this year's decisionmaking process for the fiscal 1998 budget, it will be available for us next year. So I hope we can keep that in mind when we are allocating these resources and making these decisions.

Second, I say to my friend from Connecticut that, while many of our colleagues, and many individuals, will criticize this QDR as a status quo document, my guess is it will be extraordinarily difficult to convince them that they ought to adopt even half of the proposals of this status quo document because it will affect bases that are located in their State, it will affect defense contractors that manufacture defense products in their State, and so on.

Each of us has our favorite service, I suppose, perhaps one we served in. We try to be objective in that, but, you know: "I was a marine, and therefore, we're not taking one person away from the Marines," or, "I served in the Navy, and we can't take ships down." "They build ships in my district; therefore, I can't support any changes in shipbuilding." And on and on and on it goes. We have that fight every year.

So my guess is that, if we can implement half of what is here, it would be a pretty extraordinary step for Congress.

Now, what is the point? The point is that we cannot just always blame the Department of Defense for not being bold enough, challenging enough, visionary enough when we ourselves are not willing to take some of those steps. So it is going to require several things: one, some good outside evaluation and expert help for us to even ask the right questions in order to arrive at the right decisions; and, second, some bold initiatives and some courage on our part in order to enact and effect some of these decisions.

The Senator from Connecticut talked about a different kind of threat, driven by technology, that we are just now beginning to understand. We probably are not looking at the massed formation type of standoff, a mass army versus mass army threat that we have looked at in the past. We are looking at technology which can give our adversaries advantages that perhaps we have not even thought of and capability we have not even thought of; but yet also offer us great promise in terms of defense capabilities to counter those threats if we can anticipate them coming our way in the future.

So there is a lot of work to do. I guess the caution here is that we allow ourselves to get outside the normal pattern of how we make decisions and how we appropriate funds for defense, to think beyond the next election cycle, to think into the next century, to be willing to take bold steps in either saying no or in saying yes to decisions that will have tremendous future implications for this Nation.

What does that mean? That means that we have to have an open mind, we have to see this as a process and not as a fixed point for which decisions made today will necessarily be those decisions which will be implemented tomorrow. We have to retain that flexibility as we understand how to develop a national defense strategy for the future.

It has been said that no major changes in military affairs in history have ever occurred except after a crushing defeat. We had a stunning victory in Operation Desert Storm. I think a lot of that was accomplished because of the lessons we learned in Vietnam, the changes that were consequently made. Yet, for us now to rest on that success and pretty much indicate that we are not willing to make major changes would condemn us to the lessons of history; we cannot simply strengthen and retain the capabilities of our last success, but we must fully understand and prepare for the potential of our next war. We want to avoid preparing for the past.

That is going to take some bold thinking. That is going to take some stepping outside the box to take some challenging questions about current assumptions and the current status quo as we look out in the future. I think we have started that process.

I want to commend my friend from Connecticut for all the effort that he has put into this and our other colleagues who have been involved in setting up our National Defense Panel and working with the Department of Defense, working with the new Secretary, who I think is committed and pledged to do this very thing.

I thank the Senator for his time.

Mr. LIEBERMAN. I thank my friend from Indiana for his comments, which I agree with totally.

Part of what we are saying—I echo him—is the world is changing so dramatically that we must make sure that our national security structure changes as well. There is not a company doing business in America today the way it did 5 or 10 years ago, let alone 30, 40, or 50 years ago. What strikes me as so stunning is that the companies that are doing best today are looking ahead 3, 4, 5, 10 years forward to figure out how they are going to need to change to make sure they are still on top. There are limits to that comparison, but that is what we are trying to do with our national security structure.

We are, in a sense, being the burrs under the saddle here because we are riding tall in the saddle right now as a country. We are very strong. But history tells us that unless you look forward and change with the times, particularly to begin to absorb the full measure of technological change in your military plans, then you are not going to be riding securely for very long.

Just to echo a final point, a very important one, when we drafted this legislation, Senators COATS, McCAIN, ROBB, KEMPTHORNE, LEVIN, and others, and I had in mind that it was not just the Pentagon—as big and bureaucratic, although very effective, an institution as it is—that needed an outside push; it was Congress. it was us because we are as prone to ride along with the successful status quo and not take the painful looks out over the horizon, particularly if they affect us, as some of these changes may.

So this is the first step. It is an ongoing process. I feel even more strongly that legislation was correct in calling for an independent panel, a national defense panel. And ultimately it will be up to the Armed Services Committees, the Appropriations Committees, and all the Members of both Houses to have the guts to make the tough decisions today that will guarantee that America is strong and secure tomorrow and a lot of tomorrows forward into the 21st century.

I thank the Presiding Officer, and I yield the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1385. An act to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes; to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1872. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–05; to the Committee on Appropriations.

EC–1873. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96–08; to the Committee on Appropriations.

EC–1874. A communication from the Director of Defense Research and Engineering, Depeartment of Defense, transmitting, pursuant to law, the report on the Master Plan for Science, Mathematics, and Engineering Education for fiscal year 1996; to the Committee on Armed Services.

EC–1875. A communication from the Secretary of Defense, transmitting, the notice concerning a retirement; to the Committee on Armed Services.

EC–1876. A communication from the Secretary of Defense, transmitting, the notice concerning a retirement; to the Committee on Armed Services.

EC–1877. A communication from the Secretary of Defense, transmitting, the notice concerning a retirement; to the Committee on Armed Services.

EC–1878. A communication from the Secretary of Defense, transmitting, pursuant to law, the notice concerning a retirement; to the Committee on Armed Services.

EC–1879. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice relative to live fire testing of the V–22 Osprey aircraft; to the Committee on Armed Services.

EC–1880. A communication from the Acting Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, a rule relative to the list of entities of proliferation concern, (RIN0694–AB60) received on May 12, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1881. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, a rule relative to expansion of short-form registration, (RIN 3235–AG82) received on May 9, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1882. A communication from the Acting President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the semiannual report on tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC–1883. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report for the Strategic Petroleum Reserve for 1996; to the Committee on Energy and Natural Resources.

EC–1884. A communication from the Acting General Counsel of the Department of Energy, transmitting, pursuant to law, two rules relative to Unfunded Mandates Reform Act, received on March 25, 1997; to the Committee on Energy and Natural Resources.

EC–1885. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the U.S. Uranium Industry for calendar year 1995; to the Committee on Energy and Natural Resources.

EC–1886. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on matters contained in the Helium Act for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–1887. A communication from the Secretary of the Interior, transmitting, pursuant to law, the biennial report on the Quality of Water, Colorado River Basin, Progress Report No. 18; to the Committee on Energy and Natural Resources.

EC–1888. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1889. A communication from the Acting Assistant Secretary of the Interior (Land

and Minerals Management), transmitting, pursuant to law, the report of a notice on leasing systems; to the Committee on Energy and Natural Resources.

EC–1890. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, two rules relative to Arkansas and North Dakota, received on April 23, 1997; to the Committee on Energy and Natural Resources.

EC–1891. A communication from the Chairperson of the Klamath River Compact Commission, transmitting, a report relative to Congressional authorization to implement a management plan; to the Committee on Energy and Natural Resources.

EC–1892. A communication from the Assistant Secretary of the Treasury, transmitting, a draft of proposed legislation to amend the Internal Revenue Code; to the Committee on Finance.

EC–1893. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Notice 97–28, received on May 6, 1997; to the Committee on Finance.

EC–1894. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 97–52, received on May 12, 1997; to the Committee on Finance.

EC–1895. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report relative to Revenue Ruling 97–20, received on April 23, 1997; to the Committee on Finance.

EC–1896. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report relative to Revenue Ruling 97–22, received on May 1, 1997; to the Committee on Finance.

EC–1897. A communication from the National Director, Tax Form and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule relative to private printing of substitute forms W–2 and W–3, (Rev-Proc. 97–24) received on April 24, 1997; to the Committee on Finance.

EC–1898. A communication from the National Director, Tax Form and Publications Division, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of rule relative to Medical Savings Accounts, (Rev-Proc. 97–25) received on May 6, 1997; to the Committee on Finance.

EC–1899. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to Revenue Procedure 97–27, received in May 1997; to the Committee on Finance.

EC–1900. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule relative to United States Savings Bonds, received on May 1, 1997; to the Committee on Finance.

EC–1901. A communication from the Assistant Commissioner (for Examination) of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, two rules relative to the mining industry, received on May 6, 1997; to the Committee on Finance.

EC–1902. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule relative to Treasury Bills, received on May 12, 1997; to the Committee on Finance.

EC–1903. A communication from the Chairman of the Social Insurance Committee of the American Academy of Actuaries, transmitting, pursuant to law, the annual reports of the Board of Trustees of the Federal Hospital Insurance Trust Fund and the Federal Supplemental Medical Insurance Trust Fund calendar year 1997; to the Committee on Finance.

EC–1904. A communication from the Chairman of the Social Insurance Committee of the American Academy of Actuaries, transmitting, pursuant to law, the report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds for calendar year 1997; to the Committee on Finance.

EC–1905. A communication from the Administrator of the Department of Health and Human Services, transmitting, pursuant to law, the annual report of the Rural Health Care Transition Grant Program for 1997; to the Committee on Finance.

EC–1907. A communication from the Chief of Staff, Officer of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of rule relative to the Earning Test, (RIN0960–AE60) received on April 22, 1997; to the Committee on Finance.

EC–1908. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1909. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed approval of a manufacturing license agreement; to the Committee on Foreign Relations.

EC–1910. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1911. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed approval of a manufacturing license agreement; to the Committee on Foreign Relations.

EC–1912. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1913. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to the semi-annual report on program activities for facilitation of weapons destruction and non-proliferation in the Former Soviet Union; to the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations.

EC–1914. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, and to the Committee on the Judiciary.

EC–1915. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to accredited veterinarians, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1916. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork products from Mexico, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1917. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork products from Mexico, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1918. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork products, received on May 14, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1919. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to cotton, received on May 12, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1920. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to tobacco, received on May 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1921. A communication from the General Sales Manager of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to commercial export programs, received on May 12, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1922. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, the report of a rule relative to the Board of Contract Appeals, (RIN1901–AA30) received on May 22, 1997; to the Committee on Energy and Natural Resources

EC–1923. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule relative to the Pennsylvania Regulatory Program, received on May 23, 1997; to the Committee on Energy and Natural Resources.

EC–1924. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled "The California Indian Land Transfer Act"; to the Committee on Energy and Natural Resources.

EC–1925. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to Approval and Promulgation of Plans, received on May 27, 1997; to the Committee on Environment and Public Works.

EC-1926. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, two rules including a rule relative to Approval and Promulgation of Plans, received on May 28, 1997; to the Committee on Environment and Public Works.

EC-1927. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, four rules including one rule entitled "Approval and Promulgation of Plans," received on June 2, 1997; to the Committee on Environment and Public Works.

EC-1928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97-26; to the Committee on Finance.

EC-1929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97-28; to the Committee on Finance.

EC-1930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97-29; to the Committee on Finance.

EC-1931. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-11; to the Committee on Appropriations.

EC-1932. A communication from the Secretary of Defense, transmitting, notices relative to retirements; to the Committee on Armed Services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. SESSIONS):

S. 763. A bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SANTORUM, and Mr. LAUTENBERG):

S. 764. A bill to reauthorize the mass transit programs of the Federal Government; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Con. Res. 27. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1998, 1999, 2000, 2001, and 2002; from the Committee on the Budget; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. SESSIONS):

S. 763. A bill to amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun; to the Committee on Labor and Human Resources.

EDUCATION LEGISLATION

Mr. HELMS. Mr. President, I have just presented a bill to the clerk, S. 763, the goal of which is to strike a decisive blow in the war against drugs by protecting America's schoolchildren from the scourge of drugs in their classrooms.

Before anyone says, "Here we go again," I counsel all to consider the differences between this bill and anything which was enacted before.

Incidentally, I am honored to be joined in the sponsorship of this measure by several distinguished Senators—Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. SESSIONS.

Specifically, this legislation will require each school accepting Federal education funds under the Elementary and Secondary Education Act of 1965 to adopt a zero tolerance policy regarding illegal drugs and illegal drug paraphernalia in schools. Zero tolerance means what it sounds like. It requires the expulsion, for not less than 1 year, of any student who possesses this contraband at school. This will send a clear message to students, parents, and teachers: Drugs and schools do not mix.

Illegal drug use is, in my judgment, the most insidious and destructive influence in our country today. Its cost to society, in terms of crime and wasted lives, is enormous. Just think of the innocent babies born already addicted to drugs; think of the families destroyed because fathers, mothers, or children care more about where they will get their next fix than they do their loved ones; think of the neighborhoods that have been devastated by swaggering drug dealers peddling poison. These terrible things are going on right in the shadow of this Capitol in which the U.S. Senate operates.

Mr. President, Americans have heard these tragic stories so often that some citizens have questioned the wisdom of waging war against drugs. Last fall, California and Arizona voters took the unprecedented step of legalizing the so-called medicinal use of drugs, such as marijuana, heroin, and LSD, and in an outrageous decision reported recently, a Federal judge in San Francisco, Judge Fern Smith, ruled that the Federal Government cannot impose sanctions on doctors who recommend marijuana to their patients, despite the fact that such use remains illegal under Federal law.

Is it not time to say enough is enough? Is it not time to go all out in the drug war? Mr. President, the answers to these questions are obvious: It is time and we must do it. It is time to take every possible step to reverse this retreat from responsibility, and eliminating drugs from America's classrooms is the imperative, inescapable first step.

Anybody wondering if this bill is needed should take a look at the results of the latest "Monitoring the Future" [MTF] study of drug use among America's 8th-, 10th-, and 12th-graders and "The National Household Survey on Drug Abuse" study which measures drug use among the general population. Both studies dramatically confirm what many of us have known: We have lost ground in the war against drugs over the past 4 years. Most disturbing is the shocking increase in illicit drug use by our school-age children.

The findings in the "Monitoring the Future" study are eye-opening: 50 percent of 12th-graders have used illicit drugs during their lifetime; about 25 percent have used drugs during the past 30 days; almost one-third of 8th-graders have used illegal drugs during their lifetime; with about 15 percent of 8th-graders using it in the last 30 days. Marijuana use among 8th- and 10th-graders almost tripled from 1992 to 1996, while 5 percent of 12th-grade marijuana users are daily users.

But perhaps the most distressing finding is that the youngest students surveyed, our 8th-graders, report the highest rate of heroin use. Moreover, the percentage of actual drug use may be even greater than reported, because the MTF does not survey school dropouts. Instead, it relies solely on student self-reporting.

Similarly, "The National Household Survey on Drug Abuse" found startling increases in drug use among teenagers over the last 4 years. For example, the survey found that teen cocaine use increased 166 percent in 1 year, 1994–95; teen use of LSD and other hallucinogens skyrocketed 183 percent from 1992 to 1995; and the use of marijuana among teenagers soared 141 percent over the same period.

So, Mr. President, it is no coincidence that drug use among our children has skyrocketed. Drug dealers deliberately target our young people to be both consumers and distributors of illicit drugs because our children are our most precious and vulnerable resource. As a result, students report that drugs are now the No. 1 problem they face, far outdistancing any other concern. That, by the way, was the finding of a recent survey conducted by the Center on Addiction and Substance Abuse at Columbia University. And what an alarming conclusion it was, that it is our students who are on the front lines of the war against drugs.

Today, students of all ages have immediate access to a wide variety of drugs that are cheaper and more powerful than those of the past. According to the Center on Addiction and Substance Abuse, 69 percent of 17-year-olds report going to schools where students keep, use, and sell drugs. Here in the Nation's Capital authorities have closed unsafe schools for fire code violations, yet thousands of children still attend drug-infested schools. Billions of dollars spent on schools will accomplish little, Mr. President, if we do not first ensure that our children are safe there.

The relationship between violence and drug use is clear. The most recent national Parents' Resource Institute for Drug Education [PRIDE] survey found that students who carried guns to school were 20 times more likely to use cocaine than those who did not bring a gun to school. Gang members were 12 times more likely to use cocaine, and students who threaten others were 6 times more likely to be coke users.

The findings of a recent Department of Education report prepared by the Research Triangle Institute, in my home State of North Carolina, confirmed the findings of the PRIDE study. The Research Triangle Institute, found—and I quote—"[t]he use of drugs was related to violent behavior in schools. A much larger percentage of current users of alcohol and/or other drugs (32 percent of them) reported being involved in school fights as the aggressors than did current nonusers (14 percent of those students) or students who had never tried drugs (6 percent)."

Mr. President, that report went on to say that 37 percent of the students reported that they are afraid of attacks at school while 29 percent said they feared attacks when traveling to and from school. And, sadly, we must acknowledge that those fears are too often justifiable.

According to the North Carolina Center for the Prevention of School Violence, over 8,100 incidents of school violence were reported in North Carolina during the last full school year. Possession of a controlled substance, possession of a weapon other than a firearm, and assault on a school employee together accounted for 85 percent of those incidents. That study concluded: "[t]he high number of reported weapon possessions may be reflective of student concern for their own safety, even in schools, since the most often cited reason for carrying weapons * * * is 'protection'."

Parents and Government have a duty to do everything we can to protect children from the ravages of illegal drugs and the crimes spawned by the drug trade. Up until now—I think we ought to be frank with each other and acknowledge that we have failed miserably. It is not enough to prohibit students from taking guns to school if we do not address the reasons why they do so.

Mr. President, Congress addressed the issue of school violence in 1994 with the passage of the Gun-Free Schools Act, which required States to adopt a law mandating the expulsion of any student who brings a gun to school.

During debate on that bill, it was argued that we should state, as a matter of policy, that children should not bring guns to school. In my opinion, the Senate should also state, as a matter of policy, that drugs have no place in school. That is why I am offering today S. 763, a bill which I believe to be a logical and commonsense extension of the 1994 law.

Like that act, the bill sponsored by myself and several other Senators conditions the receipt of Federal education dollars, that is to say, Federal funds, on a State's adoption of a policy requiring the expulsion, for not less than one year, of any student who brings illegal drugs to school. Now, like the Gun-Free Schools Act, this bill does not create a new criminal offense, but it does require schools to refer violators to proper law enforcement authorities.

Both the 1994 act and the bill I am introducing today are flexible. Each bill allows the chief administrative officer of a school district to grant an exemption on a case-by-case basis, and permits, but does not require, school districts to establish alternative education facilities for violators.

So I think the policy is firm, yet fair. The drug trade and the violence associated with it have no place in America's classrooms. Schools should provide an environment that is conducive to learning and supportive of the vast majority of students who are in school to learn. Children and teachers alike deserve a school free of the fear and violence caused by drugs.

Mr. President, on the issue of drugs, many speeches have been made citing respected authorities and a lot of impressive statistics as I have done today. However, nothing any Senator has said on this floor speaks quite as eloquently of our responsibilities as the statement of one of the students involved in the Research Triangle Institute study who said—and get this, I say to the Chair and other Senators—this student said, "I don't like how dangerous it is at this school. I just wish the teachers and the rest of the school staff would have better control over their students and keep kids like me safe."

Isn't it time for us to give the teachers and school administrators the support they need to remove violence and drug offenders from our schools? I think the answer to that is obvious.

Therefore, Mr. President, the removal of drugs and violence from our schools surely are goals that everybody agrees with. The President, during his State of the Union Address, said that "we must continue to promote order and discipline" in America's schools by, as he put it, "remov[ing] disruptive students from the classroom, and hav[ing] zero tolerance for guns and drugs in school."

Obviously, I think the President was right on that one. I do not always agree with him, but you can't get any clearer than that. I commend him for that statement, and I hope he will support this effort by several of us who are concerned about the safety of our youngsters. I believe that working together, we can eliminate illegal drugs and illegal drug paraphernalia from America's classrooms.

I ask unanimous consent, Mr. President, that the complete text of the aforementioned bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SAFE SCHOOLS.

(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended to read as follows:

"PART F—ILLEGAL DRUG AND GUN POSSESSION

"SEC. 14601. DRUG-FREE AND GUN-FREE REQUIREMENTS.

"(a) SHORT TITLE.—This section may be cited as the 'Safe Schools Act of 1997'.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined—

"(A) to be in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, a local educational agency in that State; or

"(B) to have brought a weapon to a school under the jurisdiction of a local educational agency in that State,

except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

"(3) Definition.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

"(c) Special Rule.—The provisions of this section shall be construed in a manner consistent with the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(d) Report to State.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

"(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the type of illegal drugs, illegal drug paraphernalia, or weapons concerned.

"(e) Reporting.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

"(f) Report to Congress.—Two years after the date of enactment of the Safe Schools Act of 1997, the Secretary shall report to Congress with respect to any State that is not in compliance with the requirements of this part.

"SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

"(a) In General.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, such agency, or who brings a firearm or weapon to a school served by such agency.

"(b) Definitions.—For the purpose of this section, the terms 'firearm' and 'school' have the same meaning given to such terms by section 921(a) of title 18, United States Code.

"SEC. 14603. DATA AND POLICY DISSEMINATION UNDER IDEA.

"The Secretary shall—

"(1) widely disseminate the policy of the Department in effect on the date of enactment of the Safe Schools Act of 1997 with respect to disciplining children with disabilities;

"(2) collect data on the incidence of children with disabilities (as such term is defined in section 602(a)(1) of the Individuals With Disabilities Education Act (20 U.S.C. 1401(a)(1))) possessing illegal drugs, or illegal drug paraphernalia, on school property under the jurisdiction of, or on a vehicle operated by an employee or agent of, a local educational agency, engaging in life threatening behavior at school, or bringing weapons to schools; and

"(3) submit a report to Congress not later than 1 year after the date of enactment of the Safe Schools Act of 1997 analyzing the strengths and problems with the current approaches regarding disciplining children with disabilities.

"SEC. 14604. DEFINITIONS.

"In this part:

"(1) Illegal drug.—

"(A) In general.—The term 'illegal drug' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under such Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.).

"(B) Exclusion.—The term 'illegal drug' does not mean a controlled substance used pursuant to a valid prescription or as authorized by law.

"(2) Illegal drug paraphernalia.—The term 'illegal drug paraphernalia' means drug paraphernalia, as defined in section 422 of the Controlled Substances Act (21 U.S.C. 863), except that the first sentence of section 422(d) of such Act shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)' before the period.".

(b) Effective Date.—This Act and the amendments made by this Act take effect 6 months after the date of enactment of this Act.

Mr. FAIRCLOTH. Mr. President, I urge my fellow Members of the Senate to support the legislation being introduced today by my distinguished colleague from North Carolina, Senator HELMS—the Safe Schools Act of 1997.

Urgent calls for more and more Federal money for schools to pay for everything from school construction to Internet access are misplaced. I would argue they are misplaced in any case, because decisions about how a school district should allocate its resources are better left at the local and State level. But they are certainly misplaced without a primary commitment to reducing school violence.

Students cannot learn effectively unless they feel safe. It was hard enough to learn in the days when I was in school with the normal distractions—the occasional spitball or gum-smacking student. Now some students worry about whether they will even survive to graduate from high school.

My colleagues have noted the results of several studies which confirm the very strong correlation between school violence and illegal drug use. And we already know the cost illegal drugs have exacted in terms of ruined lives and the breakdown of families. Yet in the past year we have seen two States, California and Arizona, pass laws to legalize the so-called medicinal use of drugs like marijuana, heroin, and LSD. That is why I introduced the Drug Use Prevention Act to impose strict penalties on doctors who prescribe marijuana. As my colleague has noted, a San Francisco Federal judge has recently overruled such penalties. But that particular debate is far from over yet.

Many Americans have concluded that the ground lost in recent years in the war on drugs is not recoverable, that the war is lost. I disagree. Too much is at stake to simply surrender the fight, especially when it comes to providing a safe environment for students in public schools. At the very least, schools should not receive Federal funds unless they refuse to tolerate the presence of drugs as well as firearms on school property.

By Mr. SPECTER (for himself, Mr. SANTORUM and Mr. LAUTENBERG):

S. 764. A bill to reauthorize the mass transit programs of the Federal Government; to the Committee on Finance.

THE MASS TRANSIT AMENDMENTS ACT OF 1997

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation that would reauthorize and expand upon existing Federal mass transit programs. My legislation, the Mass Transit Amendments Act of 1997, is intended to lay the groundwork for the Senate's consideration of mass transit legislation in the context of reauthorizing the 1991 Intermodal Surface Transportation Efficiency Act [ISTEA]. Substantial increases in Federal spending on mass transit are warranted, notwithstanding current budget constraints, because a greater commitment to public transportation is in the national interest. I would note, however, that this legislation is an authorization bill which does not increase the deficit; funds authorized to be spent out of the mass transit account of the highway trust fund would still be subject to the annual appropriations process, which is subject to the discretionary spending caps set in the budget resolution and the 602(b) allocation process.

Transit should not be viewed as a partisan issue or a regional issue. This bill recognizes the valuable role transit plays in reducing our energy dependence, protecting our environment, reducing gridlock, and providing access to jobs, schools, and health care facilities for millions of Americans in urban and rural areas throughout the Nation. In particular, I urge my colleagues to review my proposed reverse commute pilot program, which would authorize $250 million annually in new grants targeted at improving access to employment for residents in economically distressed urban areas and rural communities.

This bill is intended to encourage the Banking Committee, led by Chairman ALFONSE D'AMATO and Senator PAUL SARBANES, to report to the Senate legislation which will preserve much of the ISTEA transit program but at increased funding levels which reflect the importance of mass transit to our economy, quality of life, and environment. I look forward to working with Senator D'AMATO, Senator SARBANES, and others on the Banking Committee and Appropriations Committee who want to improve the Nation's transit systems through the ISTEA reauthorization process.

This legislation takes into account the transit industry consensus proposal put forth by the American Public Transit Association (APTA), which represents transit systems, large and small, in all 50 States. I am pleased to note that APTA's new president is Bill

Millar, whom I had the pleasure of working with for a number of years when he was the executive director of the Port Authority of Allegheny County.

In preparation for the ISTEA reauthorization process and the annual appropriations process, I have met with many individuals in an effort to learn more about the needs of transit systems, the towns and cities in which they operate, and the riders they are trying to serve. In recent months, I have discussed strategies to increase transit funding with Gov. Tom Ridge, Senator RICK SANTORUM, and Chairman BUD SHUSTER. In addition, I have visited with Jack Leary, the general manager of the Southeastern Pennsylvania Transportation Authority (SEPTA), Mayor Tom McGroarty of Wilkes-Barre, and representatives of the Pennsylvania Public Transportation Association. I have also met with transit system officials during my regular visits to Pennsylvania's 67 counties.

I am particularly pleased to be introducing this bill with my distinguished colleague from Pennsylvania, RICK SANTORUM, who has joined with me regularly to increase support for public transportation, such as when we unsuccessfully offered an amendment to the fiscal year 1996 Transportation appropriations bill to restore $40 million in Federal operating assistance. Both Senator SANTORUM and Gov. Tom Ridge recognize the vital role mass transit plays in Pennsylvania and have worked with me to maximize the Federal resources available to urban and rural transit systems in our State.

I am also pleased that Senator FRANK LAUTENBERG has joined in this bipartisan effort. For two years, Senator LAUTENBERG has joined me in cochairing an informal Senate transit coalition, which has served as an information clearinghouse for Senate transit supporters and their staffs and which will play an even greater role, I hope, during the reauthorization process.

For some time, I have addressed an ongoing threat to our Nation's security and prosperity, a threat with dual roots—in the precarious Middle East and right here at home. As I stated in a speech on the Senate floor on January 30, 1997, I am very concerned by our nation's increased reliance on potentially unstable foreign sources of oil and believe it is critical that during the 105th Congress, we focus on increasing energy conservation.

I have been troubled that United States imports of foreign oil continue to increase from the current 50-percent level, with 20 percent of our purchases coming from the Arab countries of the Organization of Petroleum Exporting Countries [OPEC]. According to the American Petroleum Institute, we import more than 9 million barrels per day, with a 6-percent increase in 1996 alone. This is a huge jump from the 6 million barrels imported per day in 1973. Further, if these trends continue, analysts say in ten years we will look overseas for two-thirds of our energy needs.

In part because of the ready availability of less expensive sources of foreign oil, it has not been cost-effective for U.S. energy companies to increase domestic production. Further, the effectiveness of the strategic petroleum reserve has dwindled because it only holds an amount comparable to 75 days of foreign imports, a situation that was not helped by the Clinton administration's decision last year to sell off approximately 25 million barrels of petroleum from the reserve to generate revenues.

The timing for selling our reserves was less than prudent, particularly considering the state of affairs in the Middle East today. Saudi Arabia, in particular, poses unique cause for concern. If a hostile nation seized Saudi oil wells, the largest reserve in the world, the American economy and world markets could tumble. The deplorable June 25, 1996, terrorist attack at the Khobar Towers facility in Dharhan, which resulted in the murders of 19 airmen and the wounding of more than 400 United States personnel, also gives cause for concern because there is a strong possibility of links to internal domestic struggles in Saudi Arabia. Pressure is mounting from politically activist and conservative Islamic movements to undermine the ruling monarchy, who are viewed by some to be too liberal and western. If American access to Persian Gulf oil cannot be guaranteed, then the United States must reduce its dependence on foreign oil.

While reducing our dependence on foreign oil is a difficult task, we can achieve meaningful reductions in energy consumption by promoting the use of public transportation. On the significant link between energy consumption and our transportation infrastructure, a Department of Transportation study of the 50 largest urban areas in the United States suggests that nearly 4 billion gallons of gasoline a year are wasted due to traffic congestion—approximately 94 million barrels of oil. There is much at stake, for the annual economic loss to businesses in the United States caused by traffic congestion is estimated at $40 billion by the Federal Transit Administration.

Mass transit has developed to include traditional bus and subway lines, commuter rail, cable cars, monorails, water taxis, and several other modes of shared transportation. Public transportation is a lifeline for millions of Americans and deserves substantial funding for that reason alone. However, it deserves even greater funding when one considers that public transportation saves 1.5 billion gallons of fuel consumption annually in the United States and that each commuter who switches from driving alone to using public transportation saves 200 gallons of gasoline per year, according to government and private studies.

Transit also does much to protect our environment. For example, on May 12, I visited the site of the proposed Frankford Intermodal Center in Philadelphia, which will be built on the site of the existing Bridge-Pratt terminal. At present, the terminal serves 40,000 El passengers daily, translating into 17,600 fewer cars on the road each day and mitigating the release of 16,500 pounds of pollutants into the city's air. The new facility is expected to attract new ridership, taking more cars off the streets and reducing pollution even further. But, without increases in transit capital assistance programs, projects such as the Frankford Center will be difficult to get off the drawing boards.

There are ample other reasons to increase our commitment to transit funding. In our States, citizens and communities depend on good public transportation for mobility, access to jobs, environmental control, and economic stability. Public transportation lets the elderly visit their health care providers, shops, or friends. In rural areas, buses are essential to reduce isolation and ensure economic development. Also, children use public transportation to go to school. Without affordable mass transit, people in America's inner cities can't get to work. Under the welfare reform law enacted last year, there are expectations that most individuals receiving welfare benefits will find gainful employment. If they can't afford to get to work, or bus routes are cut, we are just making it that much harder for them to get off welfare. It should also be noted that millions of Americans have jobs in the transit industry, operating and maintaining buses and subways, manufacturing vehicles, and constructing new facilities.

I am troubled that some have proposed freezing Federal transit spending around $4.4 billion. Transit systems depend to a great degree on Federal assistance in order to remain viable. A survey by my staff of 18 Pennsylvania transit operators shows that they receive an average of 26.7 percent of their total operating and capital funding from the Federal Transit Administration. In addition, SEPTA receives 15 percent of its overall funding from the Federal Government—55 percent of its capital funds—and the Port Authority of Allegheny County receives 32.9 percent from FTA. Reductions in Federal operating and capital support cannot necessarily be made up by local sources. Further, if the systems must cut routes, increase fares, and let their facilities fall into disrepair, they will lose the critical mass of riders needed to sustain operation. The Department of Transportation has calculated that $13 billion in annual transit capital spending is needed just to preserve current conditions—$7 billion more than current capital expenditures—demonstrating the great need to increase, rather than freeze, Federal support.

Responding to this need, my legislation includes several provisions to strengthen our transit systems and enable them to respond to our society's growing need for efficient and affordable public transportation.

First, the bill reauthorizes transit programs for 5 years at a total of $34.4 billion through fiscal year 2002. For fiscal year 1997, total transit appropriations are $4.3 billion. Under my bill, the fiscal year 1998 authorization would be $6.5 billion and this figure would be adjusted up for inflation through fiscal year 2002. The authorization is based on calculations of available gasoline tax receipts in the mass transit account of the highway trust fund, considering past surpluses and the additional revenue stream that would be created by diverting a portion of the 4.3 cent per gallon gas tax increase from 1993 into this account. While the $6.5 billion figure may seem substantial to some, I would note that Congress enacted in ISTEA in 1991 a $7.45 billion authorization for fiscal year 1997 in recognition of the importance of investing in public transportation. We have been remiss in not meeting the ISTEA authorization levels. We must do better under its successor legislation.

Under my proposal, discretionary capital grants for new starts, rail modernization, bus acquisitions, and bus facility construction would rise from the current $1.9 billion to $2.5 billion in fiscal year 1998. Formula capital grants would rise from current $2.2 billion to $3.5 billion in fiscal year 1998, meaning more funds for urbanized areas, rural areas, and elderly and disabled program needs. My legislation also preserves operating assistance within the formula program for all areas, unlike pending proposals to eliminate it in fiscal year 1998.

The bill's truth in taxation provision redistributes the 4.3 cent per gallon gasoline tax which is currently going to deficit reduction in the following manner: 0.76 cents to the mass transit account of highway trust fund, 0.5 cents to a new intercity passenger rail trust fund that would serve as a dedicated source of revenue for Amtrak and is identical to the legislation introduced by Senator ROTH (S. 436), and the remaining 3.04 cents to the highway trust fund. I have long argued that gas tax receipts should be used for the transportation infrastructure purposes for which the tax was enacted and that to do otherwise is comparable to the crime of fraudulent conversion, which I used to prosecute as District Attorney in Philadelphia. When people pay Federal taxes at the gas station, they are under the impression that their funds will be used to improve highways and roads and other forms of transportation infrastructure. Accordingly, it is time to redirect the 1993 gas tax increase to its traditional purposes.

As I noted earlier, a new proposal for a reverse commute pilot program is also included in my bill. In order to stimulate economic development and help individuals in both urban and rural areas obtain meaningful employment and job training, the bill authorizes a new $250 million per year discretionary grant program for the Secretary of Transportation to provide funds to States, local governments, and transit systems for pilot projects providing access to suburban jobs and job training to residents of distressed urban areas with a population of over 50,000 and for pilot projects involving access to employment in rural areas as well. Funding uses could include, but are not limited to, grants to employers to purchase/lease a van or bus dedicated to shuttling employees from inner cities to suburban workplaces. Grants could also fund additional reverse commute bus routes or commuter rail operations. Such grants are intended to serve as seed money that will generate self-sustaining commute options for years to come. 954 distressed urban areas currently meet the definition contained in the bill.

This program would not come at the expense of transit core formula and discretionary programs. The reverse commute pilot program would be a separate program and as a member of the Transportation Appropriations Subcommittee, given the importance of helping increase mobility for Americans seeking good jobs, I would urge my colleagues to fund it above and beyond the traditional formula and discretionary grant programs, for which there is already a great need for funds.

My legislation also includes several technical program changes that will benefit transit systems of all sizes. My bill would allow the use of capital grants for maintenance of capital assets, such as buses, subways, which is currently not allowed. It would allow the smallest urban and rural transit systems complete flexibility between use of capital and operating assistance for various needs. It would also allow transit systems that sell capital assets—bought in part with Federal funds—to keep the proceeds and reinvest in new capital assets, rather than returning some small share of the proceeds to the Federal Transit Administration. This is intended to stimulate acquisitions of new equipment and vehicles by such systems.

In conclusion, I urge my colleagues to consider supporting this authorizing legislation, which would spend out funds accumlating in the mass transit account of the highway trust fund, subject to the appropriations process and not in a manner that increases the deficit. I hope that this bill will stimulate debate in the Senate on the need to increase our commitment to mass transit and I look forward to the opportunity to work with the Banking Committee and the Appropriations Committee in the coming months.

I ask unanimous consent to include in the RECORD a brief summary of the bill and four letters in support of the Mass Transit Amendments Act of 1997 from Mr. William W. Millar, president of the American Public Transit Association, Mr. Armando V. Greco of the Lehigh and Northampton Transportation Authority, Mr. Paul Skoutelas, executive director of the Port Authority of Allegheny County, and Mr. Sonny Hall, international president of the Transport Workers Union of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MASS TRANSIT AMENDMENTS ACT OF 1997

1. Reauthorizes transit programs for five years at a total of $34.4 billion through FY 2002

FY97 total transit spending: $4.3 billion appropriated (FY97 authorization $7.45 billion)
Proposed FY98 authorization: $6.5 billion (adjust up for inflation through FY2002)

Discretionary capital grants up from current $1.9 billion to $2.5 billion in FY98

Formula capital grants up from current $2.2 billion to $3.5 billion in FY98, meaning more funds for urbanized areas, rural areas, and elderly and disabled program needs

Preserves operating assistance within formula program for all areas

Continues funding for transit planning and research

2. "Truth in Taxation" provision redistributes the 4.3 cent/gallon gasoline tax which is currently going to deficit reduction in the following manner:

0.76 cents to Mass Transit Account of Highway Trust Fund

0.5 cents to a new Intercity Passenger Rail trust fund (identical to Roth Amtrak bill S. 436)

3.04 cents to Highway Trust Fund

3. "Reverse Commute Pilot Program"—In order to stimulate economic development and help individuals in both urban and rural areas obtain meaningful employment and job training, the bill authorizes a new $250 million/year discretionary grant program for the Secretary of Transportation to provide funds to States, local governments, transit systems, and private non-profit organizations for pilot projects providing access to suburban jobs and job training to residents of distressed urban areas with a population of over 50,000 and for pilot projects involving access to employment in rural areas as well. Funding uses could include, but are not limited to, grants to employers to purchase/lease a van or bus dedicated to shuttling employees from inner cities to suburban workplaces. Grants could also fund additional reverse commute bus routes or commuter rail operations. 954 "distressed urban areas" currently meet the definition contained in the bill. Grants will be made where they are coordinated with local transportation and human resource services.

4. Technical program changes that will benefit transit systems of all sizes—

Allows use of capital grants for maintenance of capital assets (such as buses, subways) which is currently not allowed.

Allows smallest urban and rural transit systems complete flexibility between use of capital and operating assistance for various needs.

Allows transit systems that sell capital assets (bought in part with federal funds) to keep the proceeds and reinvest in new capital assets.

Amends list of factors to be considered by Metropolitan Planning Organizations to include the transportation requirements of a strategy to revitalize the Nation's inner cities by creating new employment, job training, housing, mobility, and other economic development given the importance of helping increase mobility for Americans seeking good jobs.

AMERICAN PUBLIC
TRANSIT ASSOCIATION,
Washington, DC, May 13, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: On behalf of the American Public Transit Association (APTA), I want to thank you for introducing the Mass Transit Amendments Act of 1997, a bill to reauthorize the federal transit program. APTA strongly supports the Mass Transit Amendments Act of 1997. The bill would build on the success of the Intermodal Surface Transportation Efficiency Act (ISTEA) and increase investment in the nation's transit infrastructure.

Adequate investment in the nation's transit infrastructure is essential to a healthy economy; the movement of people, services, and goods; access to health care, education, and jobs. The Mass Transit Amendments Act would increase investment in the federal transit program providing $34.4 billion for transit program over five years.

Your proposal also recommends a number of substantial and innovative changes to current law which we strongly support. It permits a wide range of maintenance activities to be funded with capital funds and grants small urbanized areas the authority to use formula funding for capital or operating expenses. The bill recommends the use of the 4.3 cents fuels tax that now goes to deficit reduction for transportation purposes, including intercity passenger rail and proposes a number of changes aimed at making program delivery more efficient. We are pleased to note that many of the provisions of your bill are consistent with APTA's ISTEA reauthorization proposal, which has been endorsed by our membership.

The Mass Transit Amendments Act will help us address the nation's transit needs, and you can count on APTA's membership to support this important legislation.

Sincerely yours,

WILLIAM W. MILLAR,
President.

PORT AUTHORITY
OF ALLEGHENY COUNTY,
Pittsburgh, PA, May 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senator,
Washington, DC.

DEAR SENATOR SPECTER: I am writing to express my strong appreciation for your leadership in developing legislation to reauthorize federal programs supporting public transportation. The $6.5 billion annual funding level for transit proposed in your legislation recognizes the need for additional reinvestment and expansion in our public transportation infrastructure. Your legislation also recognizes the importance of continuing the strong federal-state-local partnership that has been so successful in funding public transportation.

Public transportation is a vital component of economic development strategies in Allegheny County. The capital investment programs outlined in your bill recognize this important relationship. Providing access to jobs is another area of fundamental importance to our economic systems. Your legislation addresses this in your innovative welfare to work program and in other policy initiatives. Still another priority is the need for transit providers to have the flexibility of using funds in accordance with the needs they know best. Again, your legislation establishes this important new direction in the federal program.

On a typical weekday over 250,000 riders use Port Authority to travel to and from their jobs, to shop, to worship, to go to school, or to pursue other social and professional needs. Public transportation provides daily mobility to the millions who use it for its convenience, cost savings, and to those who have no alternative means of transportation.

We are grateful to you, your cosponsors Senator Santorum and Senator Lautenberg, and your Senate colleagues who have stepped forward as advocates for national transportation policies fostering mobility and balanced transportation alternatives. I look forward to working with you as this legislation is considered in the coming months.

Sincerely yours,

PAUL P. SKOUTELAS,
Executive Director.

TRANSPORT WORKERS UNION OF
AMERICA,
New York, NY, April 21, 1997.

Hon ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I am writing to congratulate you on the introduction of the Mass Transit Amendments Act of 1997. The Transport Workers Union strongly supports this legislation because it increases the money available for mass transit and preserves crucial 13(c) protections for our members. We also commend you for the provisions in the bill which allow use of capital grants for maintenance of capital assets—an idea the TWU has supported for many years.

The TWU is grateful that you have again stepped forward to support mass transit and mass transit workers. We hope that the progressive concepts in your legislation will be enacted and we will do all we can to assist you in achieving that result.

Sincerely,

SONNY HALL,
International President.

LEHIGH AND NORTHAMPTON,
TRANSPORTATION AUTHORITY,
Allentown, PA.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: For the Lehigh and Northampton Transportation Authority, I extend a thank you for the time you afforded us during our recent visit to Washington. Your continued support for Pennsylvania public transportation is very much appreciated.

As part of the visit you shared with us the draft of the Mass Transit Amendments Act of 1997 and requested comments. Several items are listed below for your consideration, but I must begin by noted our general concurrence and support for the program changes and funding levels proposed. LANTA and the PA transit industry is prepared to support your legislative effort.

The items for change are as follows:

1. The reverse commute program should permit rural pilot projects as well as urban.
2. The population threshold for distressed urban areas should be set at 50,000.

Both of these changes are based on experiences LANTA has encountered in the communities adjacent to the Lehigh Valley. Access to employment is a problem found in all communities without regard to size.

Again, thank you. We look forward to working with you as ISTEA moves through the reauthorization process.

Sincerely,

ARMANDO V. GRECO,
Executive Director.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. ROTH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for American families, and for other purposes.

S. 102

At the request of Mr. BREAUX, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 222

At the request of Mr. DOMENICI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Kansas [Mr. BROWNBACK] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 387

At the request of Mr. HATCH, the names of the Senator from Indiana [Mr. LUGAR], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 734

At the request of Mr. BREAUX, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 734, a bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare program.

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Ohio [Mr. DEWINE], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. AKAKA], the Senator from Delaware [Mr. BIDEN], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

SENATE RESOLUTION 85

At the request of Mr. GREGG, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 85, a resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMPSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, May 20, at 4 p.m. for a markup on the following agenda:

LEGISLATION

S. 261, the Biennial Budgeting and Appropriations Act.

S. 207, the Corporate Subsidy Reform Commission Act of 1997.

S. 307, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of assistance to impoverished families and individuals, and for other purposes.

H.R. 680, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

NOMINATIONS

David J. Barram, to be Administrator, General Services Administration.

Kenneth M. Mead, to be inspector general, Department of Transportation. (Sequential referral with Commerce Committee).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, June 11, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is oversight of the State side of the Land and Water Conservation Fund.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson at (202) 224–3329.

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Mr. HELMS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on May 19, 1997, at 2 p.m. for the purpose of a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FRANKLIN DELANO ROOSEVELT MEMORIAL

• Mr. GRAMS. Mr. President, today I rise to proudly acknowledge the contribution that my home State of Minnesota made to the recently dedicated memorial to Franklin Delano Roosevelt.

On May 2, 1997, over 6,000 people joined President Clinton beside the tidal basin midway between the Jefferson and Lincoln Memorials to dedicate a memorial to our Nation's 32d President, Franklin Delano Roosevelt. As those present at the dedication walked among the granite walls, waterfalls, and bronze sculptures, they were witnessing a piece of history which Minnesota's own Cold Spring Granite Co. helped make possible.

Minnesota's role in the Roosevelt Memorial began in 1975 when designer Lawrence Halprin chose Cold Spring Granite for the walls and floor of the memorial. Located just south of the Granite City of St. Cloud in central Minnesota, Cold Spring Granite Co. provided the more than 6,000 tons of granite that adorns the memorial.

Started in 1898 by Henry N. Alexander, the Cold Spring Granite Co. has grown into one of the world's largest granite quarrying and fabrication operations. Today the Cold Spring Granite Co. is headed by Patrick D. Alexander, the grandson of Henry Alexander, who oversees a company of over 1,400 employees with five fabrication facilities and 28 quarries located throughout North America.

Mr. President, the Franklin Delano Roosevelt Memorial is expected to draw as many as 2 million visitors each year. I am pleased that those who visit this site will see not only a memorial to one of our Nation's most remembered Presidents, but also a testament to the hard work and patriotism of the men and women of Minnesota, particularly the dedicated employees of the Cold Spring Granite Co.•

DEATH OF JEFFREY J. DYE

• Mr. AKAKA. Mr. President, it is with a heavy heart that I rise to observe the untimely death late last month of my former Senate staff member, Jeffrey J. Dye, the young executive director of the Tennessee Democratic Party, and the only son of Dennis and Janell Dye.

After serving less than 2 months in his new position, and reportedly meeting every challenge that this difficult job had to offer, Jeff was struck down in the very prime of life, at 27, by an epileptic seizure.

It was a tragedy to his family, his friends, and the party he served with such fire and dedication.

Jeff's passing has a very personal impact, Mr. President, because he worked for me for 2½ years, first as a research assistant and later as a legislative correspondent, until he obtained a coveted position with the Democratic Legislative Campaign Committee [DLCC] last July.

As a Senate staffer, Jeff displayed the thirst for knowledge and eagerness to serve that characterizes many idealistic youth who come to Washington. He fulfilled his duties capably and supported me and my legislative staff in my Senate responsibilities. He gave much, Mr. President, and he learned much about the duties and responsibilities of public service.

But it was clear from the start that Jeff chafed to do more. His endless interest in the political drama of our times, coupled with his youthful energy, finally turned him to the arena that he truly was born for: electoral politics, the art and science of political campaigning.

Never was there an operative so constitutionally fitted for the rock and roll of modern, media-age politics as he. Jeff loved the ups and downs of elections, the eat-or-be eaten nature of the democratic process, whether in the form of a Presidential campaign or a race for the local school board. He had a Texas-size appetite where these things applied.

But Jeff was not merely interested in the process. He was driven by a real concern for the people of our country. He had a passion to help ordinary

Americans, and an abiding confidence in the ability, and indeed the obligation, of government to help the less fortunate. That is why he worked long hours, well into the evenings, to learn more about the political profession.

Indeed, Jeff had a personal vision, one that he shared with some of my staff. He hoped to use the Internet as a communication tool for campaigns. His idea was to establish a multicandidate, multiparty bulletin board on the Internet for campaign literature and party platforms. Through this means, he hoped that everyone might have access to the information they needed to make better decisions about candidates and campaigns. Campaigns would thus be fairer and more informed.

So when Jeff left my office last July to take up a position with the DLCC, the organization within the national Democratic Party that focuses on electing Democrats to State legislatures. I felt the loss of his departure but understood that he was going forward in the right direction. And when I heard that his success at the DLCC led to a position with the Tennessee Democratic Party, I knew he had found his dream.

Jeff's unexpected death the third Monday in April was thus double tragic, for in addition to his youth, he seemingly had at last found a position that exactly meshed with his temperament, interests, and abilities. His opportunities appeared boundless.

But if Jeff was taken from us just as he appeared to be fully engaged in life, we must remember that he died doing that which he truly loved. How many of us can say the same?

Mr. President, Jeff's years among us were far too few, but let us take comfort in the knowledge that he lived them fully. May his parents and loved ones take solace in his bright memory.•

TRIBUTE TO DOROTHY CALLAGHAN, NEW HAMPSHIRE'S MOTHER OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President. I rise today to pay tribute to Mrs. Dorothy McGettigan Callaghan of Rochester, NH, for receiving New Hampshire's Mother of the Year Award.

Dorothy has strengthened her family with pride, dedication, and love, always putting the interests of her children first. She was raised with eight brothers and sisters, on a large farm in Wilton. Dorothy received her B.A. and her master of education degrees from Keene State College in Keene, NH. She has taught school in Rochester for 27 years and coached many youth sport teams. She is an active member of local school committees. Dorothy is also a eucharistic minister and has been honored as Rochester's Citizen of the Year and Teacher of the Year.

Her courageous fight against leukemia has created more volunteer opportunities, including Daffodil Days for the Cancer Society, the Jimmy Fund Marathon for the Dana Farber Cancer Institute, as well as making bandannas for cancer patients. She has turned a personal battle into a way to help others in unfortunate situations

Dorothy was chosen for her contributions and dedication to her community and family in accordance with the national mission of American Mothers, Inc. Dorothy is the mother of seven children and grandmother of six grandchildren. She has been married 33 years to Frank Callaghan. .

I commend Dorothy Callaghan for her long career of excellence as a mother and as a teacher who believes that children are individuals and should be treated that way. New Hampshire is fortunate to be blessed by her leadership and dedication. I applaud Dorothy Callaghan for her outstanding work with the children of New Hampshire and am proud to represent her in the U.S. Senate. Congratulations Dorothy.•

THE SECURE PUBLIC NETWORKS ACT

• Mr. KERREY. Mr. President, over the last several weeks, I have been meeting with colleagues about the need to aggressively pursue legislation to facilitate the creation of secure public networks for communication, commerce, education, research, telemedicine, and Government. There is an urgent need to enact legislation this year which can advance the creation of new networks and balance America's compelling interests in commerce and security.

Secure networks are critical for the protection of personal privacy and the promotion of commerce on the Internet and other interactive computer systems.

The Congress has been gridlocked for more than a year in a debate about the Nation's export policy for encryption software. I believe that meaningful compromise can be found on this issue which can clear the way for the consideration of broader legislation which fosters the creation of secure networks.

If we are successful, a powerhouse of economic activity and opportunity can be unleashed.

Senators BURNS and LEAHY as well as Congressman GOODLATTE have introduced legislation which identifies a real problem with the current law on the export of encryption software. Thanks to their leadership, there is a growing consensus that reform is needed. In many ways, the introduction of their legislation has already motivated meaningful changes in the administration's policy on software exports. Yet, even with those changes, the underlying law needs to be changed and a broader agenda for secure networks needs to be adopted.

What must happen in a relatively quick fashion is an agreement on a bipartisan, bicameral process to enact secure network legislation which includes a solution to the encryption export riddle. Our goal should be to enact legislation which the President can sign by October 1, 1997.

The ability to use strong encryption is an important element in creating secure networks. Through encryption, messages are encoded and decoded. Encryption protects privacy and security. The American people need to know that their communications are safe and that the most private, confidential personal information can be confidentially communicated on computer networks.

Encryption however, poses some very serious problems for law enforcement and national security which cannot be ignored. The challenge is to promote the use of encryption in a manner that does not unduly compromise national security or public safety and does not unnecessarily burden industry.

What needs to be created is an electronic environment which gives users total confidence in the security of commercial transactions and personal communications. To do so, a largely private infrastructure must be developed to provide for authentication of messages, keys, and digital signatures and when necessary, the recovery of keys.

As the largest purchaser of computer software and hardware, the Federal Government can create important incentives to help the market swiftly respond to this need.

I see three big interests at stake—network commerce, network government, and network security. First, the need to facilitate commerce, both in advancing America's leading position as an exporter of software and in the promotion of commerce on the Internet, grows in importance every day. Second, there is the civic interest of Government. The American people should be able to have secure access to their Government, for the resolution of problems, the communication of ideas and access to services via electronic networks. Third, there is a security interest of law enforcement and national defense. Defensively, that interest is to protect citizens from foreign or criminal violations of privacy. Offensively, there needs to be a means fully consistent with our Constitution for discreet access to communications. That digital access should be no more or less expansive than exists in the nondigital world.

Mr. President, there needs to be a commitment to a process for resolving a host of issues. First and foremost what is needed is a commitment by the leadership of this Congress to work together in good faith to find a resolution that can be signed into law by the President.

I have proposed a discussion outline for compromise. If there can be agreement on principle and process, I am confident good faith negotiations between all interested parties can meet the ambitious goal of new legislation before the end of this session of Congress. This outline is meant to spark discussion and facilitate compromise on some very challenging issues. It is by no means etched in stone and I welcome suggestions for improvement and additions.

Mr. President, I ask that the text of the Secure Public Networks Act discussion outline be printed in the RECORD.

The material follows:

THE SECURE PUBLIC NETWORK ACT DISCUSSION POINTS

PURPOSE

To encourage and facilitate the creation of secure public networks for communication, commerce, education, research, tele-medicine and government.

A. DOMESTIC USES OF ENCRYPTION

(1) Lawful Use of Encryption: Domestic use of encryption for any lawful purpose shall be permitted. No mandatory third party key escrow system for domestic encryption.

(2) Unlawful Use of Encryption: Penalty for the use of encryption technology in the furtherance of a crime—5 years or fine for 1st offense, and 10 years or fine for 2nd offense.

(3) Privacy Protection:

Penalties for:

(a) Unauthorized use of keys, authentication or identity;

(b) Unauthorized breaking of another's encryption codes;

(c) Theft of intellectual property on line through unauthorized interception of messages;

(d) Issuing key to unauthorized person;

(e) Impersonating another to obtain key;

(f) Knowingly issuing key in furtherance of criminal activity.

(4) Access to Encrypted Messages by U.S. Government Agencies: Access to encryption key by government entities only through properly executed court order (or certification under Foreign Intelligence Surveillance Act).

(5) Access to Encrypted Messages by Foreign Governments: Attorney General may seek a court order for a foreign government pursuant to treaty and U.S. law.

(6) Civil Recovery: Recovery against the USA when information is improperly obtained or released.

(7) Destruction of intercepted information: Once lawful use of intercepted information is complete, intercepted information shall be destroyed.

(8) Illegal Disclosure: Violation of law to disclose recovery of information or execution of order.

B. GOVERNMENT PROCUREMENT

(1) Policy: It is the policy of the U.S. Government to create secure networks which permit public to interact with government through networks which protect privacy, intellectual property and personal security of network users.

(2) Government Purchases of Software: All encryption software purchased by the U.S. Government for use in secure government networks shall be software based on a system of key recovery.

(3) Software Purchased With Federal Funds: All encryption software purchased with federal funds shall be software based on a system of key recovery.

(4) U.S. Government Networks: All networks established by the U.S. Government which use encryption shall use encryption based on a system of key recovery.

(5) Networks Established With Federal Funds: All encrypted networks established with the use of federal funds shall use encryption based on a system of key recovery.

(6) Product Labels: Products may be labeled to inform user such product is authorized for sale or use in transactions with the U.S. Government.

(7) No Private Mandate: No federal mandate of private sector encryption standards other than for use in federal computer systems, networks or systems created with federal funds.

C. EXPORT OF ENCRYPTION

(1) Department of Commerce: The Department of Commerce shall be the lead agency on encryption software exports and have sole duty to issue export licenses on commercial encryption products and technologies.

(2) General License: Exports of encryption software up to * * * and software with encryption capabilities up to * * * shall be subject to a general license (license exception) provided, the product, or software being exported:

(a) Is otherwise qualified for export;

(b) Is otherwise legal;

(c) Does not violate U.S. law;

(d) Does not violate the intellectual property rights of another; and

(e) The recipient individual is otherwise qualified to receive such product or software.

The President may by executive order increase permissible encryption strength which is exportable under general license (license exception).

(3) General License (license exception)—Unlimited Strength: Exports of encryption software with unlimited strength permitted under general license (license exception) provided there is a qualified key recovery system or trusted third party system for encryption product.

(4) Fast Track Review: Fast Track consideration of licenses for certain institutions:

(a) Banks;

(b) Financial Institutions; and

(c) Health Care Providers

(5) Prohibited Exports: Export shall be prohibited when Secretary of Commerce finds significant evidence that product for export would be used in acts against the national security, public safety, integrity of transportation, communications, financial institutions or other essential systems of interstate commerce; diverted to a military, terrorist or criminal use, or re-exported w/o US authorization.

(6) License Review: In evaluating requests for export licenses for products with encryption capabilities, (in strengths above the level described in (C)(2)), the following factors shall be among those considered by the Secretary:

(a) Whether a product is generally available and is designed for installation without alteration by purchaser;

(b) Whether the product is generally available in the country to which the product would be exported; and

(c) Whether products offering comparable security and level of encryption is available in the country to which the product would be exported.

Licenses will be granted at the Secretary's discretion.

D. VOLUNTARY REGISTRATION SYSTEM

(1) Certificate Authorities: Secretary may establish procedures to register certificate authorities. Certificate authorities shall verify use of public keys and digital signatures.

(2) Agent Registry: Secretary may establish procedures to register key recovery agents.

(3) Public Key Certificates: Secretary or Certificate Authority may issue public key certificates.

(4) Voluntary System: Use of key management system is voluntary.

(5) Incentive to Use Voluntary System: Use of registered key management system shall be treated as evidence of due diligence and reasonable care in any civil or criminal proceeding.

E. LIABILITY LIMITATIONS

(1) Compliance with request: No liability for disclosing recovery information to government agency with properly executed order;

(2) Compliance defense: No liability for complying with Act.

(3) Good Faith Defense: Good faith reliance on court order is a complete defense.

F. INTERNATIONAL AGREEMENTS

The President shall conduct negotiations with other countries for the purpose of mutual recognition of Key Recovery and Certificate Authorities registered in USA.

G. CIVIL PENALTIES

(1) Civil Penalties: In addition to criminal penalties, Secretary shall establish civil penalties for violations of this act.

(2) Injunctive Relief: Attorney General may bring action to enjoin violations of act and enforce recovery of civil penalties.

(3) Jurisdiction: Original Jurisdiction of Federal District Courts for actions under this section.

H. RESEARCH

(1) Information Security Board: The Information Security Board shall be established to make recommendations to President and Congress on measures to establish secure networks, protect intellectual property on computer networks; promote exports of software, protect national security and public safety.

(2) Coordination: Coordination between federal, state and local law enforcement shall be encouraged.

(3) Network Research: Secure network research shall be encouraged.

(4) Annual Report: The NTIA in consultation with other federal agencies shall issue an annual report on secure network developments. The report shall review available information and report to the Congress and the President on developments in encryption, authentication, identification and security on communications networks and make policy recommendations to the President and Congress.

I. PRESIDENTIAL POWER

The President may waive provisions of this Act with a finding of danger to national security, public safety, economic security, or public interest. President must report waiver to Congress in classified or unclassified form w/I 30 days of Presidential action.

J. MISC

(1) Severability.

(2) Interpretation: Will not affect intelligence activities outside USA; and will not weaken intellectual property protection.

(3) Definitions.

(4) Dates of regulations.

(5) Authority for fees.●

TRIBUTE TO ALEX HENLIN, BISHOP GUERTIN SENIOR, AND WINNER OF THE AMERICAN LEGION'S NATIONAL ORATORICAL CONTEST.

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Alex Henlin, a Bishop Guertin High School senior, on winning the American Legion's National Oratorical Contest. This is certainly an accomplishment of which he should be very proud and I salute him for his achievement.

Alex, 18, resides in Dracut, MA. He is president of his senior class and plans to study government next fall at Georgetown University. He was one of the State's representatives to the American Legion's 1996 Boys' Nation conference in Washington.

His speech, "A More Perfect Union," reported the U.S. Constitution as being a versatile, living document able to address unforseen circumstances. Alex warned that amendments should not be created to address trivial issues. As a former history teacher, I admire and commend Alex's commitment to our Nation's most precious document.

Alex brought home an $18,000 college scholarship in addition to a $2,000 scholarship he received from the State contest. The national contest was hosted by Indiana University and Purdue University in Indianapolis.

I congragulate Alex Henlin on his outstanding accomplishments. I commend his hard work and perserverance and wish him luck at Georgetown in the fall semester.•

BAXTER BLACK COMMENTARY ON RANCHERS IN THE DAKOTAS

• Mr. CONRAD. Mr. President, livestock producers across the Dakotas have suffered immeasurable losses this winter. Baxter Black, cowboy poet and commentator on National Public Radio, wrote a touching piece describing the struggles of ranchers facing the realities of the season's severe weather. National Public Radio aired the commentary on April 23.

Mr. President, I ask that the following transcript of Mr. Black's commentary be printed in the RECORD.

The transcript follows:

WE UNDERSTAND

Repeat after me: I do solemnly swear as shepherd of the flock to accept the responsibility for the animals put in my care, to tend to their basic needs of food and shelter, to minister to their ailments, to put their well being before my own if need be, and to relieve their pain and suffering up to, and including, the final bullet. I swear to treat them with respect, to always remember that we have made them dependent on us, and therefore have put their lives in our hands, as God is my witness.

Helpless. The worst winter in Dakota's memory. Cattle losses already predicted up to 50,000 head. And how did they die? From exposure and lack of feed. Basic needs—food and shelter. And now the flooding.

You think those Dakota ranchers said, "Well, I'll just close down the store and put on the answering machine, we'll wait'll the storm blows over, no harm done"?

No, they couldn't. Wouldn't.

"Charlie, you can't go out there. The cows are clear over in the west pasture. You can't even see the barn from here." But he tried anyway. Tried to get the machinery running, tried to clear a path, tried to load the hay, tried to find the road.

These are not people who live a pampered life. These are not people who are easily defeated. These are not people who quit trying. But days and weeks on end of blizzards, blowing snow, and fatal wind chills took their toll.

Cattle stranded on the open plains with no cover, no protection, no feed, no place to go, and no relief from the Arctic fury died in singles and bunches and hundreds and thousands, frozen as hard as iron.

And back in the house sat the rancher and his family, stranded, unable to do what every fiber in their bodies willed them to do, knowing that every hour he could not tend his cows diminished him in some deep, permanent, undefinable way, changing him forever.

The losses will eventually be tallied, the number of head, and extrapolated to dollars. But dollars were not what kept him pacing the floor at night, looking out the window every two minutes, walking out in it 50 times a day, trying, trying, trying, knowing if he could only get to them he could save them. And then finally having to face the loss, his failure as a shepherd. That's what kept him trying. Exhausting, depression, and despair.

It's hard to comfort a person who has had his spirit battered like that. "It couldn't be helped, there's nothing you could do," is small consolation.

So, all I can say to our fellow stockman in the Dakotas is, in our own way, we understand.•

TRIBUTE TO GARY HODSON ON BEING NAMED THE 1997 SOMERSWORTH CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Gary Hodson, postal carrier of Somersworth, on being named the Citizen of the Year by the Greater Somersworth Chamber of Commerce. I commend his outstanding community commitment and congratulate him on this well-deserved honor.

Gary's community involvements are numerous but his special dedication was directed to youth. Gary serves as director of youth education at Holy Trinity Church and volunteers teaching on evenings and weekends. He is president of the baseball, football, and hockey boosters.

Gary is known to many as always willing to take responsibility to make his community a better place to live and raise children. He puts forth his time and energy to help the youth of the community. Whatever he commits to, he always gets the job done.

Gary has dedicated his time, talent, and energy to serving the residents of Somersworth in an exemplary way. I am proud to honor Gary Hodson's outstanding community commitment, which is so important to the youth and their future. We are indeed indebted to him for his efforts. Congratulations to Dan for this distinguished recognition. I am honored to represent him in the U.S. Senate.•

PARTIAL-BIRTH ABORTION—THE TRUTH

• Mr. ABRAHAM. Mr. President, I would like to submit the following testimony for the RECORD. Dr. Curtis Cook is a board-certified obstetrician/gynecologist and a subspecialist in maternal-fetal medicine in Michigan. In March, Dr. Cook testified before the House-Senate joint hearing on "Partial-Birth Abortion—The Truth." His expert testimony speaks to both the medical necessity of the partial-birth procedure and the issue of fetal pain during the procedure.

The testimony follows:

TESTIMONY BY CURTIS COOK, M.D., MATERNAL FETAL MEDICINE, BUTTERWORTH HOSPITAL, MICHIGAN STATE COLLEGE OF HUMAN MEDICINE

My name is Dr. Curtis Cook. I am a board-certified Obstetrician/Gynecologist and a subspecialist in Maternal-Fetal Medicine (also known as Perinatology or High Risk Obstetrics). In my practice I take care of referred complicated pregnancies because of preexisting chronic medical conditions of the mother, or suspected abnormalities in the baby. I am also the Associate Director of our region's Maternal-Fetal Medicine division and also serve as Assistant Residency Director for our Obstetrics and Gynecology training program, I am an Assistant Clinical Professor at Michigan State University of College of Human Medicine, and a member of the American College of OB/GYN, The Society of Perinatal Obstetricians, The American Medical Association, and the Association of Professors of Gynecology and Obstetrics. I am a founding member of PHACT (Physicians Ad Hoc Coalition for Truth about Partial Birth Abortion), which I helped organize after hearing the appalling medical misinformation circulated in the media regarding this procedure. PHACT includes in its membership over 400 physicians from Obstetrics, Maternal-Fetal Medicine and Pediatrics. Many of these physicians are educators or heads of departments, and also include the former Surgeon General, C. Everett Koop. All that in required of a physician for membership in an Interest in maternal and child health, and a desire to educate the population on this single issue.

I must begin my statement by defining partial birth abortion as the feet first delivery of a living infant up to the level of its after coming head, before puncturing the base of its skull with a sharp instrument and sucking out the brain contents, thereby killing it and allowing the collapse of its skull and subsequent delivery. This description is based upon the technique of Dr. Haskell of Ohio, who has subsequently identified it as accurate. He has referred to his technique as "D & X" (Dilatation and Extraction), while Dr. McMahon of California refers to it as an "intact D & E." An ACOG ad hoc committee came up with the hybrid term "intact D & X". As you can see, many terms are used and are not clear in their description.

Partial birth abortion is mostly performed in the fifth and six months of pregnancy.

However, these procedures have been performed up to the ninth month of pregnancy. The majority of patients undergoing this procedure do not have significant medical problems. In Dr. McMahon's series, less than ten percent were performed for maternal indications, and these included some ill-defined reasons such as depression, hyperemesis, drug exposed spouse, and youth. Many of the patients undergoing partial birth abortion are not even carrying babies with abnormalities. In Dr. McMahon's series, only about half of the babies were considered "flawed", and these included some easily correctable conditions like cleft lip and ventricular septal defect. Dr. Haskell claimed that eighty percent of his procedures were purely elective, and a group of New Jersey physicians claimed that only a minuscule amount of their procedures were done for genetic abnormalities or other defects. Most were performed on women of lower age, education, or socioeconomic status who either delayed or discovered late their unwanted pregnancies. It is also clear that this procedure occurs thousands of times a year, rather than a few hundred times a year, as claimed by pro-abortion advocates. This has been independently confirmed by the investigative work of The Washington Post, The New Jersey Bergen Record and the American Medical Association News.

One of the often ignored aspects of this procedure is that it requires three days to accomplish. Before performing the actual delivery, there is a two day period of cervical dilation that involves forcing up to twenty five dilators into the cervix at one time. This can cause great cramping and nausea for the women, who are then sent to their home or to a hotel room overnight while their cervix dilates. After returning to the clinic, their bag of water is broken, the baby is forced into a feet first position by grasping the legs and pulling it down through the cervix and into the vagina. This form of internal rotation, or version, is a technique largely abandoned in modern obstetrics because of the unacceptable risk associated with it. These techniques place the women at greater risk for both immediate (bleeding) and delayed (infection) complications. In fact, there may also be longer repercussions of cervical manipulation leading to an inherent weakness of the cervix and the inability to carry pregnancies to term. We have already seen women who have had trouble maintaining pregnancies after undergoing a partial birth abortion.

There is no record of these procedures in any medical text, journals, or on-line medical service. There is no known quality assurance, credentialling, or other standard assessment usually associated with newly-described surgical techniques. Neither the CDC nor the Alan Gultmacher Institute have any data on partial birth abortion, and certainly no basis upon which to state the claim that it is a safer or even a preferred procedure.

The bigger question then remains: Why ever do a partial birth abortion? There are and always have been safer techniques for partial birth abortion since it was first described by Dr. McMahon in 1989 and Dr. Haskell in 1992. The usual and customary (and previously studied) method of delivery at this gestation is the medical induction of labor using either intravaginal or intramuscular medications to cause contractions and expulsion of the baby. This takes about twelve hours on average, and may also include possible cervical preparation with the use of one to three cervical dilators (as opposed to the three-day partial birth abortion procedure, with up to 25 dilators in the cervix at one time). This also results in an intact baby for pathologic evaluation, without involving the other risk of internally turning the baby or forcing a large number of dilators into the cervix. The only possible "advantage" of partial birth abortion, if you can call it that, is that it guarantees a dead baby at time of delivery.

The less common situation of partial birth abortion involves, an abnormal baby. These conditions do not threaten a woman over and above a normal pregnancy, and do not require the killing of the baby to preserve her health or future fertility. I have taken care of many such women with the same diagnoses as the women who provided testimony on this issue in the past. Each of these women stated that they needed to have a partial birth abortion performed in order to protect their health or future fertility. In these cases of trisomy (extra chromosomal material), hydrocephaly (water on the brain), polyhydramnios (too much amniotic fluid) and arthrogryposis (stiffened baby), there are alternatives to partial birth abortion that do not threaten a woman's ability to bear children in the future. I have personally cared for many cases of all of these disorders, and have never required any technique like partial birth abortion in order to accomplish delivery. Additionally, I have never had a colleague that I have known to have used the technique of partial birth abortion in order to accomplish delivery in this same group of patients. Moreover, there are high profile providers of third trimester abortions who likewise do not use the technique of partial birth abortion.

In the even rarer case of a severe maternal medical condition requiring early delivery, partial birth abortion is not preferred, and medical induction suffices without threatening future fertility. Again, the killing of the fetus is not required, only separation from the mother.

Finally, I wish to address the fetal pain issue, since it has been claimed that a fetus feels no pain at these gestational ages. This is about as ridiculous as the earlier claim that the anesthesia of partial birth abortion put the baby into a medical coma and killed it prior to the performance of the auctioning technique. This was no small claim to the many pregnant women undergoing non-obstetric surgery every day in this country. Fortunately, this was soundly denounced by both the American Society of Anesthesiologists and the Society of Obstetrical Anesthesia and Perinatology. In the course of my practice, we must occasionally perform lifesaving procedures on babies while still in the uterus. I have often observed babies of five to six months gestation withdraw from needles and instruments, much like a pain response. Dr. Fisk in England has recently reported an increase in fetal pain response hormones during the course of these procedures at these same gestational ages. In addition, we frequently observe the standard grimaces and withdrawals of neonates born at six months gestation like any other pain response in a more mature infant.

While it is not my desire for legislators to enter into the realm of medical policy making, there are times when the public health risk needs to be addressed if the medical community is either unwilling or unable to address it. We have seen this precedent for female circumcision and forty-eight hour postpartum stays. I believe the unnecessary, unstudied, and potentially dangerous procedure of partial birth abortion is unworthy of continuance in modern obstetrics. It neither protects the life, the health or the future fertility of women, and certainly does not benefit the baby. For these reasons, I urge you to support the ban on partial birth abortion.

I thank you for the opportunity to share my testimony and my concern for the women and children of this country.●

TRIBUTE TO RAYMOND REID

● Mr. HUTCHINSON. Mr. President, I rise today to pay tribute to a great patriot who has served over 54 years in the Federal Government. On May 15, 1997, Raymond "Ray" T. Reid, retired from the U.S. House of Representatives, where he worked as a chief of staff for 23 years, lending his expertise and leadership to three different Congressmen representing the Third District of Arkansas. I was one of those fortunate Members who had the privilege of working with Ray for the 4 years that I served in the House. When I was first elected to Congress in 1992, I replaced John Paul Hammerschmidt, a retiring Member who had represented the Third District for 26 years, and had become a legend both on Capitol Hill and in the State of Arkansas. However, it was no secret that behind this great politician was Ray Reid, a man who over the years had become an Arkansas legend himself. When John Paul retired, his work continued on through Ray's service and dedication. As a newly elected freshman, Ray provided my office with continuity, efficiency, stability, and a wisdom that could only come from 19 years of being a chief of staff.

The successful career of Ray Reid began long before he worked on Capitol Hill. Ray began his career back in 1942 when he left Bowdoin College in Brunswick, ME, to join the U.S. Army to defend our Nation in World War II. Following the war, he rose quickly up the ranks, receiving honors for his leadership ability and outstanding achievement. He made the Army his career for 31 years, where he served on both foreign soil and here in the United States. Ray moved his family several times, living in countries around the globe. He fought for freedom and justice in World War II, Korea, and Vietnam in addition to faithfully serving his country in peacetime.

He continued his service undiminished until December 31, 1973, when he retired from the Army as a colonel. Having worked in the Office of the Congressional Liaison at the Pentagon, Ray was able to make a smooth, natural transition to working in a congressional office. He brought to Congressman Hammerschmidt's office a vast degree of knowledge from several years of international exposure and a solid background in domestic policy. By the time Ray came to work for me, he was an invaluable resource who possessed a wealth of information and experience. Throughout his tenure as chief of staff in my office, he provided guidance and an institutional knowledge which would have been difficult to match. I can say without hesitance that Ray Reid conducted legislative business with the highest ethical standards. The best interests of the residents of the Third District were always placed above partisan politics and our office was managed in a way that was beyond reproach. When I moved over to the Senate, Ray demonstrated his commitment to the constituents of the Third District once again by agreeing to see another freshman, my brother, ASA, through the transition process.

So, today, as Ray enjoys the first Monday that he doesn't need to go to work after over a half a century of public service, on behalf of the State of Arkansas and the people he touched here on Capitol Hill, I want to offer my deepest thanks to a man whose loyalty and friendship will not be forgotten. Truly a job well done.•

TRIBUTE TO HOLLIS/BROOKLINE COOPERATIVE HIGH SCHOOL STUDENTS MATH TEAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Hollis/Brookline High School math team members who recently took first place in the small school division at the New Hampshire State Mathematics Contest.

As a former teacher myself, I commend their teamwork and talent which helped the 14-member squad oust 48 other teams for the State title and top the 19-team NH-SMASH league.

Math team adviser Vina Duffy also deserves special recognition for giving the team an organized and supporting approach to math. She encouraged the students' interest and animated the diverse group to strengthen their aptitude. The team had no formal practice, and had only worksheets to prepare them for the meets. Their congeniality and confidence grew with the number of wins they achieved.

I would like to honor math team members: Karl Athony, Dave Clark, Tyler Dumont, Michel Franklin, Mary Fries, Jason Glastetter, Jason Kerouac, Eric Larose, Bert Lue, James Robson, Jared Rosenberg, Steve Watkins, and Matt White.

Mr. President, I want to congratulate these outstanding young minds for their excellent performance and teamspirit and I am proud to represent them in the U.S. Senate.•

DECEPTIVE BUDGET DEAL

• Mr. KYL. Mr. President, I suggest that before we begin thinking about patting ourselves on the back for the budget agreement that was finalized last week, we consider the hard work ahead. The agreement is merely a broad outline—a blueprint—for the spending and tax bills yet to come. We still need to consider how it is supposed to be implemented before claiming any sort of victory.

We need to consider, for example, whether it will actually lead to a balanced budget by the year 2002. Is it good for families? Will it ensure that the Medicare Program is protected for today's generation of retirees and for our children and grandchildren? Will it help the economy produce the jobs needed for those trying to get off welfare, or those entering the work force for the first time? Will it help more young people get a college education? Will it provide the resources needed to safeguard our country from immediate and future threats from abroad?

Mr. President, as the broad outline of the budget agreement with the White House has been filtering out over the last 2 weeks, I could not help but think of the budget deal that was brokered by President Bush and congressional Democrats 7 years ago.

Here is what President Bush said when he announced that agreement in a broadcast on October 2, 1990:

> It is the biggest deficit-reduction agreement ever; half a trillion dollars. It's the toughest deficit-reduction package ever, with new enforcement rules to make sure that what we fix now stays fixed. And it has the largest spending savings ever, more than $300 billion.

Of course, the agreement produced no such thing. Looking back, it produced bigger deficits, not smaller deficits—221 billion dollars' worth of red ink in 1990, rising to $290 billion in 1993. Federal spending increased from $1.2 to $1.4 trillion—up nearly 17 percent in just 3 years. So the mere fact that there is an agreement with the President is not reason enough to believe that the problem has been solved. As Gen. George S. Patton once said, "if everybody is thinking alike, then somebody isn't thinking." We need to look objectively at the details, and whether the plan is reflective of values that our constituents sent us here to uphold.

Right now, people are not sure. A CNN/USA Today/Gallup Poll released on May 8 indicated that an overwhelming majority of Americans—roughly 8 in 10—do not believe the deal will actually result in a balanced budget by 2002. Obviously, we need to take a careful look at what is being proposed here before deciding whether or not to support it.

Mr. President, let me quote some of the words President Clinton used on May 2 when he announced the latest budget agreement. I think they will show why people have reason to be skeptical. While suggesting that "it will be the first balanced budget in three decades," the President went on to note that it would "continue to increase our investments," "expand coverage," "restore cuts," "extend new benefits," and "increase" spending, while "moderating excessive cuts." My friends, we cannot balance the budget by increasing spending and funding a whole host of new programs and benefits. Let us be honest about that. If it sounds too good to be true, it probably is.

As I recall, the goal in 1990, as it was again in 1997, was to devise a plan to balance the budget, while providing long-term Federal spending constraints and incentives for economic growth. I opposed the 1990 agreement, believing it was seriously flawed on all those counts, and I see similar problems looming in the latest agreement.

Let me focus first on the issue of taxes. The deal with the Clinton White House is different from the 1990 plan in that it includes some very modest tax cuts. But because the amount of tax reductions President Clinton would agree to is so small—less than 2 percent of the revenue that the Federal Government expects to raise over the next 5 years—it remains to be seen whether there is any tax relief here worthy of the name.

I know that some might ask why we even need a tax cut when the economy continues to grow at a relatively healthy clip. There are two reasons. First, think of families. A $500-per-child tax credit can make a world of difference to a mom and dad sitting around the kitchen table trying to find a way to pay for their daughter's education, to pay for summer camp or braces for the kids. What single mom could not use a $500-per-child credit to help make ends meet?

Yes, the Federal Government could keep the money and try to provide some kind of aid to these families. But if families could keep more of their hard-earned money to do for themselves, we probably would not need government to do so many things. It seems to me that we ought to put our trust in families to do what is right by their own children. And unfortunately, it is not clear we can accommodate the full $500-per-child credit under this plan.

What about tax relief for small businesses, including the new businesses started by women and minorities? After all, that is where most of the new jobs around the country are created. Provide a meaningful tax cut, and small businesses and family farms could expand, hire new people, pay better wages, and do the things necessary to become more competitive.

Alternatively, Government can keep the taxes. But remember, it then turns around and provides a whole host of subsidies to businesses because they do not have the resources to do for themselves.

It is an endless cycle. When people are not left with enough to care for themselves, the Government tries to do more. When it does more, it taxes more, and people are left with even less. It has to stop somewhere. Americans need some relief.

Mr. President, it is also important to understand how important a healthy and growing economy is to balancing the budget. We just received word from the Congressional Budget Office [CBO] that this year's deficit is expected to decline to $70 billion. That is $55 billion less than President Clinton's budget assumed as recently as February. And it is largely the result of two things: robust economic growth during the last few months, and Congress finally beginning to restrain spending growth during the last 2½ years.

Limiting spending just takes some discipline, but how can tax policy help the economy to grow and prosper? It may come as a surprise to some, but lower tax rates not only help make people better off, but can produce more tax revenue for the Treasury as well. Just think what has happened during the last few months. The growing economy helped reduce the deficit $55 billion just since the President's February projections. CBO estimates that economic growth will produce an extra $45 billion a year for the next few years. So it is important to sustain that growth into the future.

The economy grows like any prudent business enterprise grows. It is like a weekend sale at the Target store. When prices are slashed, people buy more goods, and the increased volume of sales more than makes up for the price reduction. The converse is also true—higher prices cause people to shop elsewhere. Higher taxes cause people to shelter income, or make less, to avoid paying more taxes.

Mr. President, based upon what we know about the current agreement, it does not seem to me that we will be able to achieve either of these goals: providing families and small businesses with tax relief, or keeping the economy growing at a healthy rate. But what about spending? Does it do anything to constrain Federal spending—since it was excessive spending that caused the 1990 budget agreement to fail?

Well, here is how domestic spending totes up compared to the levels Congress approved a year ago in the fiscal year 1997 budget resolution. These are figures developed by our colleague, Senator PHIL GRAMM, a member of the Budget Committee. And I will note that the Budget Committee will not begin marking up the budget resolution until this afternoon, so these numbers may change. But they suggest an alarming trend in any event.

According to Senator GRAMM's figures, domestic spending in this deal will amount to $193 billion more over 5 years than we were willing to approve just 1 year ago. It is $79 billion more than President Clinton himself asked for just a year ago, and $5 billion more than he asked for in February.

Mr. President, the budget agreement with the White House would provide an additional $16 billion for new Government-provided health insurance, and another $18 billion to repeal parts of welfare reform and expand the Food Stamp Program. It puts more money into education, but because of the way this is done, the extra resources are likely to be eaten up by tuition increases. Or they will simply help those who had the means to go to college anyway.

Medicare savings in the plan come largely from reductions in provider reimbursements, which either will diminish the quality of care provided to older Americans or drive more doctors and hospitals out of the Medicare Program altogether, leaving seniors with limited health care choices. Medicare solvency occurs as a result of shifting the costs of home health care from part A to part B—a gimmick that we roundly denounced when the President proposed it before.

The Medicare savings are enough to forestall the bankruptcy of the program for a few years, but they are not enough to ensure that Medicare remains safe and sound to take care of Americans in the baby-boom generation who will begin retiring within the next decade. The Medicare features of this agreement certainly will not protect the system for young people who are just entering the work force today.

Defense spending in this agreement is also insufficient to protect future generations. We have cashed in on the much-heralded peace dividend so many times that our military service chiefs have been warning about increased risks due to budget cuts.

I know that many believe this is a time when the United States can cut back its defense budget. But history teaches us the opposite. We have always enjoyed a period of calm before a storm. With the proliferation of weapons of mass destruction that is occurring today, and the emergence of movements hostile to the West, we do not have the luxury of waiting until after we have been threatened to invest in our military. We must remain ready and fully capable, both to deter and to defeat any aggression against American citizens.

Mr. President, it is instructive that the first piece of legislation on the Senate floor after this deal was struck was the supplemental appropriations bill, which will add $6.6 billion to the deficit over the next few years. In other words, we have already added to the deficit before the ink on the budget agreement is even dry.

We had the chance to change that with the amendment that Senator GRAMM offered—an amendment which I supported. But it did not pass, and so for all practical purposes the budget agreement will have to be modified to account for this extra spending. At least that part of it will need to be fixed.

I think we need to learn a lot more about the agreement this week before signing off on it. Unless parts of it can be modified down the line as the House and Senate begin writing the tax and spending bills to implement it, I believe it will not lead to balance. It will certainly not lead to balance after the $6.6 billion that was added to the deficit by the supplemental spending bill.

Mr. President, it may even usher in a bigger, more powerful Federal Government, as happened in 1990. And that is not what many of us came here to do.

We can compromise on details without compromising our principles. We should never be afraid to take legitimate differences to the American people when we are unable to resolve them here. I ask that a column by Senator PHIL GRAMM, which includes some additional information about the budget agreement, be printed in the RECORD.

The column follows:

[From the Washington Post, May 9, 1997]

DECEPTIVE BUDGET DEAL

(By Phil Gramm)

After two years of partisan confrontation on the budget, the president and Congress have reached a bipartisan deal that appears to be all things to all people. The president gets more social spending, Republicans get a tax cut, and the American people get a balanced budget. If it all seems too good to be true, that's because it is.

Because the budgeting arms of both the administration and Congress assumed—before the budget debate even started—that the strong economy we now enjoy would produce sustained growth beyond the year 2002, the amount of deficit reduction required to achieve a balanced budget immediately declined from $642 billion over the next five years to $330 billion. Then it got even better. At the very moment of impasse in the budget negotiations, the Congressional Budget Office discovered that even its previous estimates of an improving economy understated the revenue windfall expected in the next five years and predicted that windfall alone would lower the deficit another $225 billion. Negotiators then rolled up their sleeves and assumed $15 billion of additional savings from lower consumer prices and $77 billion in additional savings from the even stronger economic growth that would be generated by balancing the budget.

The net result is that before a single change in public policy became part of the budget compromise, deficits of $317 billion—96 percent of the total deficit—had simply been assumed away. Only $14 billion, or 4 percent of deficit reduction in the budget compromise, comes from actually changing policy.

The most distinctive feature of the budget compromise is the size of domestic discretionary spending increases. While it is fashionable for Republicans to claim that this budget deal achieves the goals of the Contract With America, in reality it spends $216 billion more on domestic discretionary programs than the contract contained. The compromise increases domestic discretionary spending by $193 billion above the 1997 budget resolution and by $79 billion above President Clinton's actual budget request for 1997. In fact, if you look at the president's 1998 budget as scored by the Congressional Budget Office, the budget deal actually gives the president $5 billion more in discretionary spending than his own budget would have provided.

The most permanent feature of the bipartisan budget compromise is an increase in domestic spending on social programs, which the president has rightly compared to the explosion of social spending that occurred in the 1960's.

In addition to these increases in discretionary spending, the budget compromise contains new entitlement benefits in Medicare, Medicaid, food stamps and SSI, and it overturns part of the one major reform of the 104th Congress: It reestablishes welfare benefits for legal aliens.

The budget compromise proudly trumpets $115 billion of savings in medicare, but by committing to accept the president's plan to simply cut reimbursement for doctors and hospitals, Congress buys into a policy that has been implemented over and over again in the past 30 years without achieving substantial savings. Like other forms of price controls, reducing reimbursement for physicians and hospitals has historically been circumvented as the recipients have invented ways to work around the limitations. In addition, the compromise requires that the fastest growing part of Medicare, home health care, be taken out of the Medicare trust fund and financed from general revenues.

Perhaps the most perverse aspect of the compromise is that this budget will trample an emerging bipartisan commitment to real Medicare reform. This budget agreement virtually guarantees that five years from now Medicare will be in much worse shape than it is today. Moreover, virtually every penny of the $115 billion claimed from Medicare savings will be spent on increases in social programs and new entitlement benefits.

That brings us to my party's favorite part of the deal, the much-discussed $85 billion tax cut. The cut is largely funded by odds-and-ends measures, the largest of which is at least $25 billion of revenues assumed to be derived from auctioning off broadcast and non-broadcast spectrum—the right to use public airways for everything from broadcasting the 6 o'clock news to setting up a cellular phone system.

Last year Congress assumed a limited spectrum auction of $2.9 billion as an offset to new spending. When actually auctioned, the spectrum brought in just $13.6 million, or roughly $1 for every $200 that Congress had assumed would be raised. Given our experience of last year, it is highly unlikely that anything like $25 billion will be raised from spectrum auction unless television stations are forced to buy spectrum to broadcast their new digital signals, something the Federal Communication Commission, the White House and Congress have opposed.

The budget agreement claims a net reduction in taxes of $85 billion. Some $5 billion of that tax cut will be lost to the public because the assumed reductions in the consumer price index will raise income taxes by $5 billion. Of the remaining $80 billion, the Clinton administration's education tax credit will absorb roughly $35 billion, leaving Republicans some $45 billion in net tax cuts to fund their tax-cut priorities.

Unfortunately, the full Republican tax package costs $188 billion. Republicans on the House and Senate tax-writing committees now will be forced to try to stretch a net tax cut of $45 billion to cover a $500-per-child tax credit that costs $105 billion, capital gains relief that costs $32 billion, estate and death tax relief that cost $18 billion and individual retirement account expansion that costs $32 billion.

Even if $50 billion of offsetting tax increases can be found, it is a certainty that the individual tax credit will be dramatically curtailed, probably by ensuring that many middle- and upper-middle-income working families don't get any child tax credit. Capital gains and estate tax relief will be similarly truncated. In the end, despite all the talk of achieving a major tax cut, it is hard to see a substantial impact in a $7 trillion economy being created by a $45 billion tax cut.

Obviously, in a budget deal such as this, the logical question is: "Is it better than nothing?" And, as is usually the case, beauty is in the eye of the beholder. But in the final analysis, two factors ultimately make this budget agreement worse than no agreement. The first is the false perception it creates that the deficit problem has been fixed. This notion already has given rise to the largest increase in social spending since the '60s in this budget agreement and is likely to further open the floodgates as Congress convinces itself and the American public that the deficit is behind us. Second, by claiming to have solved the Medicare problem for 10 years, we will take the pressure off the president and Congress to reform Medicare even though the trust fund is careening toward bankruptcy, and Medicare will produce a $1.6 trillion drain on the federal Treasury over the next 10 years.

Historically, America has looked to its two great political parties to contest over principles and new ideas so that the highest principles and best ideas could become the governing consensus for the country. But divided government often produces massive pressure for bipartisanship, and the current budget deal is an example of how bipartisanship sometimes can manifest itself not in compromise policy but in a decision to join together to mislead the public. The opposite of gridlock is not necessarily efficiency, it is sometimes deception.●

ORDERS FOR TUESDAY, MAY 20, 1997

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, May 20. I further ask consent that on Tuesday, immediately following the opening prayer, the routine requests through the morning hour be granted, and the Senate then be in a period of morning business until the hour of 10 a.m., with Senators recognized to speak up to 5 minutes, with the following exception: Senator HAGEL and Senator KERREY in control of 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. I further ask unanimous consent the Senate recess from the hour of 12:30 to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE BUDGET COMMITTEE TO FILE REPORTED LEGISLATION

Mr. COATS. Mr. President, I also ask unanimous consent that the Budget Committee have until 12 midnight this evening in order to file reported legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. For the information of all Senators, at 10 a.m. tomorrow morning it is hoped the Senate will be able to reach an agreement allowing for the completion of the partial-birth abortion ban bill. If that agreement is reached, Senators should anticipate a vote on passage of that legislation at approximately 2:30 p.m., on Tuesday.

Also, Senators should be reminded that it is the intention of the majority leader to begin consideration of the budget resolution tomorrow afternoon. Senators can expect rollcall votes throughout Tuesday's session, as the Senate attempts to make progress on the first concurrent budget resolution. Members who intend to offer amendments to that resolution should be prepared to offer those amendments during tomorrow's session. It is the hope that the Democratic leader will join the majority leader in an effort to yield back much of the statutory time limit for the budget resolution. All Members will be notified accordingly as any votes are ordered with respect to any of this legislation.

I thank all Members for their attention.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COATS. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:37 p.m., adjourned until Tuesday, May 20, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1997:

THE JUDICIARY

WILLIAM P. GREENE, JR., OF WEST VIRGINIA, TO BE AN ASSOCIATE JUDGE OF THE U.S. COURT OF VETERANS APPEALS FOR THE TERM OF 15 YEARS, VICE HART T. MANKIN, DECEASED.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be rear admiral

REAR ADM. (LH) TIMOTHY R. BEARD, 3629 1961
REAR ADM. (LH) DAVID L. BREWER III, 8778
REAR ADM. (LH) STANLEY W. BRYANT, 0482
REAR ADM. (LH) TONEY M. BUCCHI, 9527
REAR ADM. (LH) WILLIAM W. COPELAND, JR., 7826
REAR ADM. (LH) JOHN W. CRAINE, 9037
REAR ADM. (LH) ROBERT E. FRICK, 6699
REAR ADM. (LH) PAUL G. GAFFNEY II, 0479
REAR ADM. (LH) JOHN A. GAUSS, 5672
REAR ADM. (LH) EDMUND P. GIAMBASTIANI, JR., 8318
REAR ADM. (LH) JOHN J. GROSSENBACHER, 5514
REAR ADM. (LH) JAMES B. HINKLE, 6582
REAR ADM. (LH) GORDON S. HOLDER, 2235
REAR ADM. (LH) PETER A.C. LONG, 9560
REAR ADM. (LH) MARTIN J. MAYER, 0493
REAR ADM. (LH) BARBARA E. MC GANN, 1961
REAR ADM. (LH) CHARLES W. MOORE, JR., 5696
REAR ADM. (LH) JOHN B. NATHMAN, 6751
REAR ADM. (LH) WILLIAM R. SCHMIDT, 6316
REAR ADM. (LH) ROBERT C. WILLIAMSON, 8427

HOUSE OF REPRESENTATIVES—*Monday, May 19, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. PEASE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 19, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We pray, gracious God, that in all our relationships and in our efforts to improve the quality of life for every person, we would be impatient with injustice but patient with each other. Help us never to lose our zeal for righting the wrongs that trouble our land nor weakening our desire to help the neediest among us. While we may differ in our paths to achieving justice, may we never fade in our respect for each other. Unite us, O God, in our common goals so that justice will flow down as waters and righteousness like an everflowing stream. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia [Mr. WOLF] come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOST-FAVORED TRADING STATUS FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes as the designee of the majority leader.

Mr. WOLF. Mr. Speaker, I want to bring to the attention of the body and of all Members an issue with regard to most-favored-nation trading status, and we just got a call from the White House saying that the President in what he called the opening firing shot is expected to announce today that they will renew favorable trade benefits for China, most-favored-nation trading status for China.

Mr. Speaker, over the weekend I happened to have the opportunity, somebody gave me the film that was put out by the Boeing Co. showing their lobbying effort on this whole issue of MFN. After watching the film I was somewhat sickened to see that all the emphasis was on the question of dollars and selling things and no emphasis, not even a little bit, on the question of human rights and religious freedom. So today I am sending a letter, and I am going to read the letter that I am sending to the chairman and chief executive of the Boeing Corp., Mr. Philip Condit with regard to after watching the film that they are promoting around the country in support of MFN, and here is the letter that I am sending to Mr. Condit today.

"Dear Mr. Condit. I recently watched the Boeing video series on China which portrays the long and profitable relationship that your company has developed with the Chinese. As one who has, for years, been concerned about repressed people in countries around the world; from Romania to Russia, China, East Timor and others, urging their governments to adopt a policy of basic regard for human rights and individual freedom, I respectfully wish to comment on what I saw in the video.

"I mean no personal criticism in any of my comments. I strongly believe that you are a good and decent person as are your board members and top management. My purpose is not to condemn but only to present to you a different view of this issue—a look through the eyes of someone with a different perspective.

"As I watched in the video," put out by the Boeing Corp., "some of the meetings and events which included Premier Li Peng, it was hard for me to forget that it was he," Li Peng, "who ordered the 1989 brutal crackdown and arrest of the dissident students at Tiananmen Square, some of whom are imprisoned still today."

Parenthetically, I visited Beijing Prison No. 1 where I saw 40 Tiananmen Square demonstrators who were arrested by Mr. Peng who are still in jail working on socks which were meant for export to the United States. I wondered if anyone from Boeing thought about that.

As I watched former Secretary of State Kissinger in the film; Mr. Kissinger is speaking to a Chinese group in the film, "As I watched former Secretary of State Kissinger address the group and observe that America's 'national style' has a missionary aspect of which he did not favor, I thought he was, in a sense, apologizing for or even diminishing our Nation's zeal to secure basic human rights and freedoms for all men and women—to come to the defense of the little guy. Perhaps I misinterpreted his remarks, but that is how they seemed to me. And I wondered if he or others listening remembered the Chinese Government's organ transplant program where prisoners are executed and their healthy organs are harvested for sale even before the bodies have time to cool.

"During the cruise down the Yangtze River," in the video again, "did anyone remember the Catholic bishops and priests imprisoned for decades simply for living their religion? Do you suppose the Chinese Government policy of slamming shut the doors of house churches came to mind? You do know that house churches crop up because free and open worship is banned. People come together to worship in secret because there is no other way.

"Was Harry Wu's name mentioned? Jailed for 17 years for exposing China's terrible human rights record, Mr. Wu was tossed out of the country. Later, as a U.S. citizen traveling on a U.S. passport, he was again jailed on specious charges. Was there concern over how American citizens can be treated by the Chinese Government—much less their own people?"

And watching the video put out by Boeing, I note that there was a note of pride in Boeing's relating its company's efforts working with Li Peng, again who was the butcher of Beijing and his regime in securing 1996 most-favored-nation trading status for China.

"Could one sense a rush of confidence in the air as Boeing's plans for dealing with the new administration and the new Congress to again prevail on the question of 1997 MFN were unveiled.

"I personally," Mr. Condit, "looked in vain for even a hint of embarrassment as your spokesman talked of Boeing, in order to bury those in the China MFN debate who wonder about human rights, again signing on with the same folks who tried to sell assault weapons and even shoulder held missiles to LA street gangs.

"And as Boeing informed the video audience," which was quite shocking when they said, and I quote, 737's, "when their 737's, 747's, 757's and 767's flew to China, they were just 'coming home,' because so much of each plane had been manufactured there, was I the only one who wondered about the American men and women—moms and dads—who no longer have a job and about the additional jobs that are going to be lost in the United States?

"I think it is good that Boeing has developed such a solid and profitable relationship with China. It certainly offers you an opportunity to address the concerns of the American people—indeed the concerns of all freedom loving people around the globe—in your meetings and gatherings with the Chinese. And I wonder, is there not an obligation for those of you who run Boeing to think about these things, and maybe to speak out?

"If, as so many who favor most-favored-nation trading status for China argue, free trade provides a forum for dialog and discussion for them to learn about democracy, self-determination and freedom, who is to conduct the dialog and discussion if not those involved in the trade?"

That is Boeing.

"Reasonable men and women can differ over issues. My wish here has been to present a differing perspective for your consideration."

And then I close with this request, and, Mr. Condit, "In our own country," Mr. Condit, "as you drive past a church, I hope you will think about the Chinese Catholic bishops and priests and Protestant pastors who have been in prison and tortured for their faith. When you drive by a mosque, think about the Moslems who are being persecuted in the northwest part of China. When someone speaks of the beauty of Tibet, please think about the Buddhist monks and nuns who have been killed for their faith and their temples destroyed. When you hear of Solzhenitsyn's book, 'Gulag Archipelago,' I hope you will remember the political and human rights activists such as Wei Jingsheng who languish in China's logai because of their desire for freedom and liberty that Thomas Jefferson wrote so eloquently on in our Declaration of Independence.

"Thank you. Best wishes to you, to Boeing and to your employees. Sincerely, Frank R. Wolf."

I hear all the companies and in the Boeing articles that I read, that I will submit in the RECORD of their major lobbying efforts. In fact, there was an article that I will submit for the RECORD entitled "New China Lobby Is Big Business."

No one talks about human rights. In the video you never heard anything about human rights. In order to sensitize the Congress and not the American people because the Members should know that in the latest surveys done, the last two surveys on this issue, 60-some percent of the people of the United States felt that we should take away MFN and that human rights should be important, whereas only 21 percent thought of the other side.

So the American people are where we always know they always have been, standing for freedom of religion and press and all those things. But where does the business community and where does Boeing stand?

This picture here was presented in a testimony to a Senate committee, Foreign Relations, on May 13 of this year of 1997. This is a picture of a nun. Her name is Tsering Lhamo. This is a nun, the person testifying went on to say, who was tortured in Tibet when she was 19 years old. She took part in a nonviolent demonstration for Tibetan human rights in Llasa. She spent 3 years in a prison where she was repeatedly tortured, particularly with electric cattle prods, which are manufactured purely for human torture.

I have seen those that have been smuggled out of Tibet and have held them in my hand, an American cattle prod that might be used by a rancher in the State of Montana, is this large, and this person indicated how large, and it is for whacking the back of a steer. These are about this big, and he again showed the size, and you can see that they are just used to torture human beings.

□ 1415

She was raped with a cattle prod, and she had it shoved in her mouth. She is now dying of the effects of the torture. And then it ends by saying, U.S. humanitarian aid has been brought in to help her and she is doing better.

So when we talk in terms of MFN, which is most-favored-nation trading status for China, will the people of Boeing think in terms of the individuals that are being tortured in Tibet and the monks and the nuns that are being killed in Tibet and how many have been imprisoned? I hope so. I hope so. And I hope President Clinton will also think in terms of them as he makes the feeble argument for granting MFN again.

I now put up another photo, and I would ask people that are supporting MFN to think in terms of this photo. In China, they have an organ donor program, or what they do is they take prisoners, some who have done bad things and others who have not, out and they shoot them. This is a picture of what they do. They tie them up, they shoot them, and after they die, they then take their kidneys out and they sell them for transplants. Doctors are there on the scene. The kidneys are immediately taken out, and we even have one report where kidneys were taken out even before the man died. They are then harvested for transplantation and for sale to those in the West.

So when we think of MFN, most-favored-nation, trading status for China, think in terms of these men who are shot and then their kidneys are taken for sale for sometimes up to $35,000 to $50,000.

This is a picture of a slave camp. I am sure everyone knows, but if they do not, the Members of this body should know that there are more gulags, slave camps in China than there were in the Soviet Union. Now, we all know, as I have referred to in the letter to Mr. Condit, that Solzhenitsyn wrote the book Gulag Archipelago, which is an amazing book that most Americans read, it sensitized to the United States, the people in the West, what was going on.

Mr. Speaker, I have been to one of those gulags, the gentleman from New Jersey [Mr. SMITH] and I visited Perm camp 35 in the foothills of the Ural Mountains during communism where we interviewed Scharansky's cellmate and many other people. It is a very unpleasant place. Well, we should know, all who favor granting MFN, that there are more gulags, slave camps, in China than there were in the Soviet Union. Of course, Ronald Reagan, to his credit, and a bipartisan group of Republicans and Democrats, did not give MFN to the Soviet Union because of what they were doing, but we are going to give it, some people hope, and I hope we do not, to China. But as we do, it says the slaves, in a chemical processing room of a hide and garment factory, and the chemical eats into their naked bodies.

In fact, as there are people in the West, there are people that are watching this event who are wearing some clothing or have some item, they do not know about it, that has been made by slave labor and people that are in gulags. So as people are anxious to give MFN to China, they ought to think about the thousands, the millions, in the Chinese gulags.

I have a book here that has just been published called "In The Lion's Den", a shocking account of the persecution and martyrdom of Christians today by Nina Shea. In it she documents a lot of the activities that are taking place in China. So as we are anxiously awaiting, the Clinton administration at 2:15 today and others in Congress that are going to give MFN to China, think about what this book said and what Nina Shea says. In China today there are more Christians in prison because of religious activities than in any other nation in the world.

Mr. Speaker, Protestants are arrested and tortured for holding prayer meetings, teaching and distributing Bibles without the state approval. Roman Catholic bishops and priests are in prison for celebrating mass and administrating the sacraments without official authorization.

I would urge that, when Members in our country approach the communion table to take the sacraments, whether it be this Sunday or whatever Sunday it is or whatever opportunity, as they approach the communion table to take the bread and the wine in this country, they think in terms of the men, Catholic priests, Catholic bishops, Protestant pastors who have been in prison for serving holy communion in China; and then say, do we really want to give this country and this government the most-favored-nation trading status. Think of this when approaching the communion table, do we want to do it when there are priests and bishops and ministers in jail for trying to do the same thing that everyone in this country takes for granted.

Nina Shea went on to say, while China's closed penal system makes it difficult to obtain accurate numbers, Freedom House has a list of names of about 200 Christian clergy and church leaders who are in prison or under some form of detention or restrictions in mid-1996 because of religious activities. There are thought to be thousands of Christians now in prison for their faith in China's religious gulag. In several recent dragnet operations, hundreds of Christians were arrested. Some are serving sentences up to 12 years or more for, quote, counterrevolutionary charges. But the fact is, they were incarcerated for practicing their faith.

Many prisoners, she goes on to say, are forced to work in the laogai, that is the gulag, the reform labor camps where prisoners must toil and slave for 12 hours a day, 7 days a week in automotive and chemical factories, brickmaking plants, mines, and on farms. According to American Christians working in China in 1996, 1996, last year, the record that we are basing whether we give MFN to China, according to most Americans, Christians working in China in 1996, it has been, and I quote, the most repressive period for Catholics and Protestants since the late 1970's.

Mr. Speaker, I do not understand why. Why would we give most-favored-nation trading status to China when it has been the most repressive period in 1996. It did not say 1976, it said 1996. That was last year. We did not grant it to the Soviet Union; we did not grant it to the Eastern Bloc nations. Ronald Reagan, God bless him, even signed a bill to take it away from Ceausescu in Romania, and the Clinton administration and some in Congress want to give it to China when it has been the most repressive year for Christians.

Nina Shea went on to say, Catholics who choose to stay loyal to the Vatican and Protestant Christians who meet in unauthorized underground or house churches encounter severe persecution, including fines, arrest, and imprisonment. She says, one of the most well-known house churches in the country, that of pastor Allen Yuan, in Beijing was closed in the fall of 1996. The United States-based dissident journal China Focus quotes Pastor Yuan as saying, and I quote, we have only one room and we do not even have any property, but the authorities still look at us as if we are monsters. All they want is to control us.

The popular pastor served 22 years in China's laogai for his faith. The Far Eastern Economic Review reported on June 6, 1996, that police have destroyed at least 15,000 unregistered temples, churches, and tombs between February and June 1996 in Zhejiang Province alone.

Let me just go back so we can think in terms of that, when we all get so excited about MFN and the President rolls out the red carpet for the Chinese butchers who will be visiting the country later on, we will go slowly, now. He says that the police had destroyed at least 15,000 unregistered temples and churches and tombs between February and June 1996 in only one province. What is taking place in the other provinces?

Victims of the crackdown are legion. At least three evangelicals were killed by Chinese authorities during the first quarter of 1996, according to reports from the Voice of America, and Compass Direct. One Zhang Xiuju, a 36-year-old woman, on the night of May 26, 1996, she was dragged out of her home by police in Hunan Province and beaten to death, beaten to death.

Do we think Ronald Reagan would have given the Chinese MFN? I cannot say whether we would have or not, but I do know that Ronald Reagan, who gave the famous speech in Orlando, the Evil Empire speech where he denounced the Soviet Union and talked about spiritual values and stood on behalf of those who were being persecuted in the Soviet Union, those of the Jewish faith and many other faiths and those who were Jewish and wanted to emigrate, Ronald Reagan stood in solidarity for them. He made a difference. So I do not think he would have given MFN to China.

I do know this. While I cannot say that he would not have given MFN to China, I do know that he signed the bill to take away MFN for Ceausescu and the brutal Romanian administration in 1987. So I personally do not think that Ronald Reagan would have.

For those on my side of the aisle, we talk about our values and we talk about what do we want to stand for. The Republican Party ought not only be the party of free trade, and I am a free trader, I voted for NAFTA, the Republican Party not only should be an economic party, but we should be a party that cares about these fundamental values of human rights and religious freedom.

Nina Shea goes on to say on page 62 of the book, In the Lion's Den, another brutal incident occurred in March 1996 when five evangelical women were arrested, it seems like evangelicals can just be the target around the world today. It almost seems that if one is an evangelical or Catholic priest or Catholic bishop, they can be the target and nobody will really care. In fact, I do remember during the debate last year when we extended it, people talked about we need engagement. After they got their MFN, there was no engagement at all, they continued to get their MFN and nobody did anything.

Here are five evangelical women arrested and detained in western Xinjiang Province after a raid on a house church in a predominantly Muslim region. A total of 17 church members were initially arrested, and 12 were released when 5 women accepted responsibility for the gathering. Police severely beat several of the Christians, knocking out one woman's front tooth and poured scalding water on those who resisted orders. The five women were imprisoned.

Catholics too have felt great pressure in 1996. Believers within the Roman Catholic Church are forced to affiliate with the government-sanctioned Catholic Patriotic Church, which does not recognize the ultimate earthly authority of the Pope.

She goes on to say, the Connecticut-based Cardinal Kung Foundation reports that security troops conducted a series of raids in spring 1996 throughout the Baoding Diocese in Hebei Province which has a significant population. Priests, including two bishops, were arrested, churches were forced to register with the Catholic Patriotic Association, and at least 4,000 Catholics were forced to recant their faith publicly.

□ 1430

She goes on, and has a picture here of Bishop Su. The 64-year-old auxiliary bishop of Baoding was arrested in a series of raids against Catholics in Hebei Province in the spring of 1996. Bishop Su had already spent a total of 15 years in prison because of his religious activity.

Once he was beaten by security police until the board they were using was reduced to splinters. Not satisfied, the police then dismantled a wooden door frame in order to continue the beatings, which soon splintered as well. On another occasion the bishop was bound by the wrists and suspended from the ceiling while beaten. His head received numerous blows, causing permanent loss of hearing.

In still another prison episode, and what a man of faith Bishop Su is, he was placed in a closet-sized room filled with water at varying levels, from ankle deep to hip deep. He was left there for several days, unable to sit or sleep. We have films showing that it is a wonderful thing to give the most-favored-nation trading status to China.

Let me read on a little bit more. In January 1996, Reverend Guo Bo Le, a Roman Catholic priest from Shanghai, was sentenced to 2 years of imprisonment at a "reform through labor" camp because of his illegal religious activities. He was arrested while celebrating mass on a boat for about 250 fishermen.

Guo's other illegal activities included administering the Sacrament of the Sick, establishing underground evangelical church centers, organizing catechism institutes, teaching Bible classes, and boycotting the Catholic Patriotic Association, the nonrecognized church. Fifty-eight-year-old Guo has already spent 30 years, over half of his life, in a Chinese prison camp because of his faith. Thirty years in a China's prison camp, and the Boeing Corp. cannot even speak out on these issues?

As I maintained in the letter, reasonable men and women can differ on this issue, but those who said they wanted MFN said that this would enable us to engage, constructive engagement was their word, engage the Chinese. Well, would not the Chinese Government really listen to Boeing more than they would listen to me? I am against MFN. Boeing is for MFN. Would not the Chinese Government be more sympathetic to Boeing if Boeing were to speak out on behalf of this Roman Catholic priest?

I just wonder if Boeing has in their files any letters that they have ever sent to Li Peng asking for the release of Catholic priests or the release of Catholic bishops, or the release of Buddhist monks or the release of Buddhist nuns or the release of Protestant pastors.

I will end with the last comment she makes, and there are many, many more in the book, "In the Lion's Den." She said another cause for religious persecution stems from China's draconian one-child-per-family and eugenics-based population control plan. Those defying the population controls, including Christians motivated by conscience, are harshly punished by torture, imprisonment, fines, and forcible abortions and sterilizations.

This really is a pro-life issue, too. When the gentleman from New Jersey [Mr. SMITH] and I were in China we talked to people and they told the stories of women in China who were tracked down by the Chinese Government officials in those villages and forced to have an abortion because they have the one-child policy. I am sure most people in this country would not want to have the one-child policy. They would be very upset with regard to that.

Mr. Speaker, there is much, much more that I could say today on this issue. I would like to just close by reading a portion of Ronald Reagan's speech that he gave in Orlando, that wonderful speech in 1983. In the speech Ronald Reagan quoted from the famous author, C.S. Lewis. He said the following. He said, "It was C.S. Lewis who, in his unforgettable Screwtape Letters, wrote 'The greatest evil is not done now in those sordid dens of crime that Dickens loved to paint. It is not even done in concentration camps and labor camps. In those we see its final result. But it is conceived in order and moved and seconded and carried out in clear, carpeted, warm and well-lit offices by quiet men with white collars and cut fingernails and smooth-shaven cheeks who do not need to raise their voices.' "

He went on to say, "Because these men do not raise their voices and because they sometimes speak in soothing tones of brotherhood and peace, because, like other dictators before them, they are always making 'their final territorial demand,' some would have us accept them at their word and accommodate ourselves to their aggressive impulses."

But if history teaches anything, it teaches that "the simple-minded appeasement or wishful thinking about our adversaries is folly. It means the betrayal of our past and the squandering of our freedom," the betrayal of our past and the squandering of our freedom.

What he meant is, when Ronald Reagan was very firm and we were in a bipartisan way on this issue, Ronald Reagan met with Gorbachev and Ronald Reagan met with Brezhnev, but he always raised the cases of the dissidents. Our Secretary of State, Jim Baker and Schultz and others, used to meet with the dissidents in the American Embassy as an act of solidarity, so they knew that we stood with them.

The fact is in the 1980's 250,000 people rallied on the Mall one Sunday because of the persecution of those of the Jewish faith; 250,000 people came from all over the country in solidarity of those who were being persecuted in the Soviet Union.

How times have changed. Who says it does not make a difference who is in political office? Who says it does not make a difference what values they have? Now, after looking at what has taken place in China in 1996, not 1976 but in 1996, we still see those who continue to want to give MFN to the butchers who say that they are going to change or they are going to do this, but we also saw that even when the leaders of China say they are going to change, 1996 was the worst year since the 1970's. We know that when Andre Sakharov was under house arrest and Nathan Scharansky, that hero, so when he was released from Perm Camp 35, through the good effect of the Reagan administration when he came to the Glienicker Bridge in East Berlin to go into West Berlin, the communists told Scharansky to walk straight across the bridge, and Scharansky refused. When he broke loose from the Communist authorities he walked zig-zagged, this way and back, to defy them, to let them know that freedom was important, and he was a free man, that he did not have to do what they do.

We need that same activism today. In fact, Scharansky said if it had not been for Ronald Reagan and the denial of MFN and the pressure that this Congress used to put on, he may never have gotten out of jail.

So many hear the words that we will all hear again repeated over and over as we come to the July 4th period, the Declaration of Independence, written by Thomas Jefferson from the State of Virginia that I am proud to represent, where Thomas Jefferson said, "We hold these truths to be self-evident, that all men," and women, "are created equal, endowed by their creator with unalienable rights: Life, liberty and the pursuit of happiness."

That was not only for the people in Charlottesville, he wrote it when he was actually in Philadelphia, it was not only for the people of Philadelphia and the United States, it was for all of the people of all the world.

That is why the people in Tiananmen Square had the Statue of Liberty and quoted those words, and now they wonder, now they wonder, have we lost our will in the West? Has the Congress lost its will? Has a Republican Congress lost its will, the Republicans who used to boldly proclaim in the 1980's on these things, have we lost our will?

I had an opportunity with the gentleman from New Jersey [Mr. SMITH], when we visited Perm Camp 35, we brought a TV camera in and we interviewed some of these prisoners. Do Members know what they told us? Here we are in the Ural Mountains, under communism, in a brutal camp, they told us that they knew of the actions of the Reagan administration on behalf of human rights and religious freedom. They knew of the activities of the Congress.

I remember hearing that when the Congress denied MFN by a vote in 1987 and we took away MFN from Romania, peasants in little villages and all through Romania heard of the fact that the people's House, the House of Representatives, had stood firm and had struck a blow for freedom by denying MFN, and they knew that someone in the West cared.

Now what will they hear today? They will hear that Clinton has granted MFN again this year. They will see that maybe the Congress has not done anything, and that we do not really care and we do not really act.

In closing, I would just urge all of my colleagues to be with the American people, be with the American people in the Harris-Teeter poll in the Wall Street Journal on May 1, 1997, which said as follows: that 67 percent said they demand human rights policy changes, and 27 percent said to continue trade relations.

The American people are where they always have been. The question is, will the Congress, will the Congress be with the American people?

Mr. Speaker, I include for the RECORD an article from the Seattle Times of Monday, May 12, 1997.

The article referred to is as follows:

[From the Seattle Times, May 12, 1997]

NEW CHINA LOBBY IS BIG BUSINESS

(By Sara Fritz, Los Angeles Times)

WASHINGTON.—Jolinda Resa, owner of Square Tool and Machine in El Monte, Calif., was receptive last year when a Boeing representative showed up at her plant with an unusual request.

The visitor asked Resa, whose company supplies Boeing with machines for its manufacturing plants, if she would assist the giant airplane manufacturer in a drive to urge Congress to renew most-favored-nation trade status for China.

Resa gladly agreed to contact her congressman, Rep. David Dreier, R-Calif., and she arranged for local business leaders to attend a luncheon with a speaker recommended by Boeing. She did it, she says, because she realized that the future of her company depends on Boeing orders from airplane sales to China.

"In order to keep my 70 employees working," she explained, "I felt I should do everything I could."

Thus was the tiny Square Tool and Machine recruited into what experts call "the new China lobby"—a broad-based, highly sophisticated army of U.S. corporate executives, lobbyists and consultants who use their considerable economic and political influence to press the U.S. government into maintaining good trade relations with China, whose market is the fastest growing in the world.

$20 MILLION LOBBYING EFFORT

Last year, major U.S. corporations doing business with China spent an estimated $20 million on a state-of-the-art lobbying drive that relied heavily on small-business suppliers such as Resa. Congress ultimately approved another one-year renewal for China for the low tariffs and other preferences for U.S. trading partners who have MFN status.

This year, however, China's reliance on U.S. companies to lobby on its behalf for another one-year MFN extension has taken on a more sinister coloration as a result of allegations that the Chinese may have made illegal donations to the U.S. presidential campaign last year.

Opponents of unfettered U.S.-China trade, including labor unions, human-rights groups and conservative Christians, are demanding to know why China seems to command more loyalty from U.S. business than do other foreign countries.

The Chinese government has made no secret in recent years of its determination to influence U.S. government policy. Among other things, it has established a Politburo-level Working Committee on the U.S. Congress, which monitors actions in Washington and regularly hosts U.S. lawmakers in Beijing.

American companies insist that they are representing their own interests—not those of China—when they lobby for MFN status. They note that the Chinese repeatedly have declared that business with U.S. companies will be halted if MFN status for China is revoked or if Congress makes it contingent on democratic reforms in China.

Cindy Smith, spokeswoman for Boeing, says the Chinese are in no way directing, financing or influencing the pro-MFN lobbying effort by big American companies. Yet she admits that her company knows the Chinese are paying close attention to Boeing's lobbying activities.

"Did (the Chinese) ask us to do it? Never!" Smith said. "Are they happy and pleased? Of course."

CHINA IS THE FUTURE

As Boeing officials explain it, big U.S. corporations believe that their economic future depends on preserving trade with China. Boeing estimates that China will buy 1,900 airplanes valued at $124 billion over the next 20 years—sales that will go to other countries if Congress raises barriers to trade with China.

Many American companies not only depend upon sales to Beijing, but they also have made sizable investments in Chinese plants. Motorola, for example, estimates that it has invested at least $1 billion in China; making it the largest U.S. investor.

American companies are sensitive to criticism of their lobbying expenditures on behalf of China, particularly since the news media began reporting on possible illegal Chinese donations to U.S. political candidates. As a result, these companies refuse to discuss their lobbying activities in detail or to disclose how much money they are spending on it.

Nevertheless, experts say corporate lobbying expenditures on MFN status far surpass the amount spent by business on any other issue.

Groups established to lobby for unrestricted U.S.-China trade include the U.S.-China Business Council, made up of 300 corporations; the Emergency Committee for American Trade, a group of 55 chief executives; the Business Coalition for U.S.-China Trade, an organization of trade associations; and the China Normalization Initiative, a loosely organized state-by-state effort run by a few big companies such as Boeing and Motorola.

MFN REQUEST DUE ON JUNE 3

Although this year's political battle over MFN status may not begin formally until June 3—the date by which President Clinton must request renewal—all these groups are lobbying hard. Top corporate executives have been calling on members of Congress for several weeks, and the "captains" of more than 30 state-level MFN campaigns were introduced to their Congress members at a well-attended party on Capitol Hill last week.

By all accounts, the ability of major American corporations to enlist their suppliers as lobbyists was seen as the secret to their victory last year. Members of Congress respond more readily to the concerns of small-business owners in their own districts than to high-pressure pitches from big-business lobbyists.

PR Watch, a small newsletter that covers the lobbying and public relations industries, recently published a secret map that corporations used in last year's MFN campaign. It shows how each big company in the coalition was assigned a state or region of the country where it was expected to recruit small-business people to press for MFN status.

Square Machine and Tool was part of the California campaign, which the map shows to be the primary responsibility of executives from IBM and TRW. Resa was one of 1,200 Boeing suppliers across the nation who got involved in the campaign, according to the company. For her effort, she received a large framed photo of a Boeing 737 taking off in a scenic area of China.

Critics see problems with the corporate tactics.

By enlisting small businesses to participate in the MFN lobbying campaign, says Representative Nancy Pelosi, D-Calif., the big companies create a false appearance of "grass-roots" support for MFN status when in fact the support is more like "Astroturf—the kind of grass that you buy."

Pelosi and Fiedler, among others, demand that members of the new China lobby disclose more details of their legislative strategies and their sources of income.

Registered foreign agents must file regular public reports. But many of the high-profile companies and professional consultants who represent Chinese interests in Washington—including former secretaries of State Henry Kissinger and Alexander Haig—escape the requirement because they work for companies that do business in China, not for the Chinese government itself.

Fiedler says some of the lobbyists have "crossed the line" between representing their own business interests and propagandizing on behalf of the Chinese government.

KISSINGER AND BOEING

He cites a half-hour video titled "China and Boeing Working Together" that the company distributes to the news media. The video, replete with misty Chinese scenery and sentimental music, records a speech in Beijing by Kissinger defending the policies of the Chinese government and condemning Americans who want to use trade sanctions to force changes in China.

Fiedler and other critics say these consultants are intellectual hostages of the Beijing regime and speak out favorably for China, to arrange meetings for their clients with top leaders in Beijing.

"There is a direct quid pro quo in terms of access," Pelosi said. "They get access in exchange for speaking out."

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 42 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2009

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOSS) at 8 o'clock and 9 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 84, THE BALANCED BUDGET AGREEMENT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report

(Rept. No. 105–102) on the resolution (H. Res. 152) providing for consideration of the concurrent resolution (H. Con. Res. 84) establishing the congressional budget of the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. WOLF) to revise and extend her remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, on May 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. FORBES.
Mr. GEKAS.
Mr. BEREUTER.
Mr. RADANOVICH.
Mr. TAUZIN.
Mrs. FOWLER.
Mr. STOKES.
Mr. LANTOS.
Mr. PAYNE.
Mr. ROGAN.
Mr. SHUSTER in two instances.
Mr. QUINN.
Mr. PACKARD.
Mr. MARTINEZ.
Mr. SANDLIN.
Mr. MOAKLEY.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 20, 1997, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3358. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Maintenance of and Access to Records Pertaining to Individuals [49 CFR Part 10] (RIN: 2105–AC57) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3359. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Threatened Status for Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of Coho Salmon and Withdrawal of Proposed Rule to List Oregon Coast Coho Salmon ESU [Docket No. 950407093–6298–03; I.D. 012595A] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3360. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Inspection and Copying of Department of Transportation Opinions, Orders, and Records and Implementation of the Consumer Credit Protection Act With Respect to Air Carriers and Foreign Air Carriers [14 CFR Part 310 and 374] (RIN: 2105–AC64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3361. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Inflatable Liferafts (U.S. Coast Guard) [CGD 85–205] (RIN: 2115–AC51) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3362. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualifications for Tankermen and for Persons in Charge of Transfers of Dangerous Liquids and Liquefied Gases (U.S. Coast Guard) [CGD 79–116] (RIN: 2115–AA03) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3363. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Memphis in May Sunset Symphony Lower Mississippi River Mile 735.0—736.0, Memphis, TN (U.S. Coast Guard) [CGD08–97–015] (RIN: 2115–AE46) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3364. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Annapolis, Maryland, Severn River, Weems Creek (U.S. Coast Guard) [CGD05–97–010] (RIN: 2115–AA97) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3365. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–12–AD; Amdt. 39–10027; AD 96–26–52R1] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3366. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Periods and In Methods of Accounting [Rev. Proc. 97–27] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3367. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Test of Employment Tax Early Referral Procedures for Appeals [Announcement 97–52] received May 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on May 16, 1997, the following report was filed on May 18, 1997]

Mr. KASICH: Committee on the Budget. House Concurrent Resolution 84. Resolution establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 (Rept. 105–100). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; with an amendment (Rept. 105–101 Pt. 1). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 152. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002 (Rept. 105–102). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 911. Referral to the Committee on Ways and Means extended for a period ending not later than May 21, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under Clause 5 of rule X and clause 4 of rule XXII,

Mr. CRANE (for himself and Mr. MATSUI) introduced a bill (H.R. 1660) to amend the Trade Act of 1974 to extend the Generalized System of Preferences until May 31, 2007; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 165: Mr. MICA, Mr. ENGLISH of Pennsylvania, Mr. GUTIERREZ, Mr. KENNEDY of Massachusetts, and Ms. CHRISTIAN-GREEN.

H.R. 195: Mr. GOODE and Mr. WOLF.

H.R. 450: Mr. JEFFERSON.

H.R. 475: Mr. MANTON and Mr. ROTHMAN.

H.R. 491: Mr. BACHUS and Mr. SHAYS.

H.R. 551: Mr. BOUCHER.

H.R. 805: Mr. HOSTETTLER and Mr. CALVERT.

H.R. 956: Mr. SMITH of Michigan, Mr. BEREUTER, and Mr. CALVERT.

H.R. 1126: Mr. GALLEGLY, Mr. GOODLATTE, Mr. FORBES, and Mr. GEPHARDT.

H.R. 1161: Ms. SLAUGHTER and Mr. MICA.

H.R. 1162: Mr. WICKER.

H.R. 1285: Mr. KLINK.

H.R. 1327: Mr. SENSENBRENNER and Mr. GRAHAM.

H.R. 1375: Mr. OBERSTAR.

H.R. 1377: Mr. FALEOMAVAEGA.

H.R. 1432: Mr. FLAKE and Mr. DIXON.

H.R. 1492: Mr. ARCHER and Mr. BONO.

H.R. 1496: Mr. RADANOVICH and Mr. MCKEON.

H.R. 1515: Mr. STUMP, Mr. COOK, Mr. BLAGOJEVICH, Mr. FORBES, Mr. GUTIERREZ, Mr. PICKERING, Mr. BARR of Georgia, Mr. DOOLEY of California, Mr. CHAMBLISS, and Ms. ROS-LEHTINEN.

H.R. 1539: Mr. WAMP, Mr. JONES, Mr. FILNER, Mr. WATTS of Oklahoma, Mr. KENNEDY of Rhode Island, Mr. ADERHOLT, and Mr. THORNBERRY.

H. Con. Res. 47: Ms. BROWN of Florida, Ms. FURSE, Mr. MEEHAN, Mr. JEFFERSON, Mr. MARTINEZ, Mr. HOLDEN, Mr. ENGEL, Mr. SCHIFF, and Mr. KENNEDY of Massachusetts.

H. Res. 138: Mr. ACKERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. CON. RES. 84

OFFERED BY: MS. WATERS

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,241,721,000,000.
Fiscal year 1999: $1,295,692,000,000.
Fiscal year 2000: $1,358,192,000,000.
Fiscal year 2001: $1,421,796,000,000.
Fiscal year 2002: $1,466,331,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $36,142,000,000.
Fiscal year 1999: $44,250,000,000.
Fiscal year 2000: $54,953,000,000.
Fiscal year 2001: $60,198,000,000.
Fiscal year 2002: $45,352,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,390,471,000,000.
Fiscal year 1999: $1,460,826,000,000.
Fiscal year 2000: $1,505,659,000,000.
Fiscal year 2001: $1,544,830,000,000.
Fiscal year 2002: $1,591,266,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,377,266,000,000.
Fiscal year 1999: $1,445,118,000,000.
Fiscal year 2000: $1,495,407,000,000.
Fiscal year 2001: $1,517,370,000,000.
Fiscal year 2002: $1,564,726,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $135,545,000,000.
Fiscal year 1999: $147,426,000,000.
Fiscal year 2000: $137,215,000,000.
Fiscal year 2001: $95,534,000,000.
Fiscal year 2002: $98,395,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,556,100,000,000.
Fiscal year 1999: $5,803,200,000,000.
Fiscal year 2000: $6,037,400,000,000.
Fiscal year 2001: $6,241,600,000,000.
Fiscal year 2002: $6,466,700,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.
Fiscal year 2000: $34,775,000,000.
Fiscal year 2001: $36,039,000,000.
Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $336,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $237,067,000,000.

(B) Outlays, $245,233,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:

(A) New budget authority, $233,589,000,000.

(B) Outlays, $233,746,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:

(A) New budget authority, $233,861,000,000.

(B) Outlays, $232,174,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $235,829,000,000.

(B) Outlays, $227,453,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $224,717,000,000.

(B) Outlays, $221,137,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $21,545,000,000.

(B) Outlays, $15,726,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $17,533,000,000.

(B) Outlays, $16,510,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $18,647,000,000.

(B) Outlays, $17,376,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $18,759,000,000.

(B) Outlays, $17,166,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $18,696,000,000.

(B) Outlays, $17,001,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,522,000,000.

(B) Outlays, $17,042,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,503,000,000.

(B) Outlays, $16,745,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $16,322,000,000.

(B) Outlays, $16,314,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $16,311,000,000.

(B) Outlays, $16,271,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $16,302,000,000.

(B) Outlays, $16,291,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $2,550,000,000.

(B) Outlays, $1,731,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,094,000,000.

(B) Outlays, $2,100,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $2,725,000,000.

(B) Outlays, $1,822,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,425,000,000.

(B) Outlays, $1,484,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,330,000,000.

(B) Outlays, $1,312,000,000.

(C) New direct loan obligations, $1,174,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $22,765,000,000.

(B) Outlays, $21,352,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $22,214,000,000.

(B) Outlays, $21,550,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $21,495,000,000.

(B) Outlays, $21,780,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $21,974,000,000.

(B) Outlays, $22,362,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,614,000,000.

(B) Outlays, $22,767,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $12,757,000,000.

(B) Outlays, $11,465,000,000.

(C) New direct loan obligations, $7,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,061,000,000.

(B) Outlays, $10,543,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $11,637,000,000.

(B) Outlays, $10,069,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,444,000,000.

(B) Outlays, $8,937,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,300,000,000.

(B) Outlays, $8,720,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,724,000,000.

(B) Outlays, $828,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,117,000,000.

(B) Outlays, $4,357,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,216,000,000.

(B) Outlays, $9,820,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,226,000,000.

(B) Outlays, $12,264,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,642,000,000.

(B) Outlays, $12,481,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $43,663,000,000.

(B) Outlays, $39,261,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $45,737,000,000.

(B) Outlays, $38,652,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $45,422,000,000.

(B) Outlays, $37,640,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $46,698,000,000.

(B) Outlays, $38,022,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $48,098,000,000.

(B) Outlays, $38,665,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $11,550,000,000.

(B) Outlays, $11,567,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,818,000,000.

(B) Outlays, $10,803,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $8,366,000,000.

(B) Outlays, $10,352,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,537,000,000.

(B) Outlays, $9,606,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $8,707,000,000.

(B) Outlays, $9,165,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,415,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $87,088,000,000.

(B) Outlays, $74,799,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $91,900,000,000.

(B) Outlays, $88,488,000,000.

(C) New direct loan obligations, $13,032,000,000.

(D) New primary loan guarantee commitments, $21,898,000,000.

Fiscal year 2000:

(A) New budget authority, $95,876,000,000.

(B) Outlays, $93,114,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $95,876,000,000.

(B) Outlays, $93,114,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $99,897,000,000.

(B) Outlays, $97,336,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $138,580,000,000.

(B) Outlays, $138,347,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $152,463,000,000.

(B) Outlays, $152,307,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $112,258,000,000.

(B) Outlays, $162,025,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $172,747,000,000.

(B) Outlays, $172,314,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $184,519,000,000.

(B) Outlays, $183,955,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $205,685,000,000.

(B) Outlays, $205,808,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $225,366,000,000.

(B) Outlays, $224,825,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $241,420,000,000.

(B) Outlays, $245,382,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $261,614,000,000.

(B) Outlays, $256,765,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $283,933,000,000.

(B) Outlays, $283,140,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $245,866,000,000.

(B) Outlays, $255,468,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $260,828,000,000.

(B) Outlays, $265,255,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $277,750,000,000.

(B) Outlays, $279,066,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $284,544,000,000.

(B) Outlays, $254,127,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $298,580,000,000.

(B) Outlays, $297,014,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,472,000,000.

(B) Outlays, $11,547,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,111,000,000.

(B) Outlays, $12,231,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,858,000,000.

(B) Outlays, $12,918,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,115,000,000.

(B) Outlays, $13,116,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,513,000,000.

(B) Outlays, $14,513,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $41,235,000,000.

(B) Outlays, $41,885,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $42,047,000,000.

(B) Outlays, $42,184,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,477,000,000.

(B) Outlays, $44,312,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,201,000,000.

Fiscal year 2001:

(A) New budget authority, $42,855,000,000.

(B) Outlays, $41,105,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $43,301,000,000.

(B) Outlays, $43,361,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $26,165,000,000.

(B) Outlays, $24,009,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $26,161,000,000.

(B) Outlays, $25,378,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $25,573,000,000.

(B) Outlays, $26,541,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $25,556,000,000.

(B) Outlays, $27,042,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $25,576,000,000.

(B) Outlays, $25,451,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,898,000,000.

(B) Outlays, $14,040,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,639,001,000.

(B) Outlays, $14,490,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,222,000,000.

(B) Outlays, $14,625,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $14,014,000,000.

(B) Outlays, $14,405,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,122,000,000.

(B) Outlays, $14,060,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $295,593,000,000.

(B) Outlays, $295,593,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $301,972,000,000.

(B) Outlays, $301,972,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $300,590,000,000.

(B) Outlays, $300,590,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $297,107,000,000.

(B) Outlays, $297,107,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $295,816,000,000.

(B) Outlays, $295,816,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, −$11,864,000,000.

(B) Outlays, −$5,369,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$4,093,000,000.

(B) Outlays, −$3,734,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$3,935,000,000.

(B) Outlays, −$3,672,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$4,370,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,244,000,000.

(B) Outlays, −$41,244,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$32,858,000,000.

(B) Outlays, −$32,858,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,516,000,000.

(B) Outlays, −$36,516,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$38,845,000,000.

(B) Outlays, −$38,845,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$41,331,000,000.

(B) Outlays, −$41,331,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) SUBMISSIONS.—Not later than August 1, 1997, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $396,058,000,000 in outlays for fiscal year 1998, $592,292,000,000 in outlays for fiscal year 2002, and $2,724,790,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,268,000,000 in outlays for fiscal year 1998, $535,924,000,000 in outlays for fiscal year 2002, and $2,692,944,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: by $36,142,000,000 in revenues for fiscal year 1998, by $45,352,000,000 in revenues for fiscal year 2002, and by $240,895,000,000 in revenues in fiscal years 1998 through 2002.

(c) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

H. CON. RES. 84

OFFERED BY: MR. DOOLITTLE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the resolving clause and insert in lieu thereof the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.
Fiscal year 1999: $1,241,859,000,000.
Fiscal year 2000: $1,285,559,000,000.
Fiscal year 2001: $1,343,591,000,000.
Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$11,200,000,000.
Fiscal year 1999: −$25,400,000,000.
Fiscal year 2000: −$43,900,000,000.
Fiscal year 2001: −$56,100,000,000.
Fiscal year 2002: −$55,900,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,378,600,000,000.
Fiscal year 1999: $1,430,400,000,000.
Fiscal year 2000: $1,475,100,000,000.
Fiscal year 2001: $1,509,400,000,000.
Fiscal year 2002: $1,530,100,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,368,000,000,000.
Fiscal year 1999: $1,409,800,000,000.
Fiscal year 2000: $1,446,600,000,000.
Fiscal year 2001: $1,468,100,000,000.
Fiscal year 2002: $1,480,100,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,800,000,000.
Fiscal year 1999: $182,300,000,000.
Fiscal year 2000: $183,000,000,000.
Fiscal year 2001: $157,800,000,000.
Fiscal year 2002: $108,500,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,592,500,000,000.
Fiscal year 1999: $5,834,900,000,000.
Fiscal year 2000: $6,081,000,000,000.
Fiscal year 2001: $6,298,300,000,000.
Fiscal year 2002: $6,474,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.
Fiscal year 2000: $34,775,000,000.
Fiscal year 2001: $36,039,000,000.
Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS,.—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,197,000,000.

(B) Outlays, $265,978,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:

(A) New budget authority, $270,784,000,000.

(B) Outlays, $265,771,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:

(A) New budget authority, $274,802,000,000.

(B) Outlays, $268,418,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $281,305,000,000.

(B) Outlays, $270,110,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $289,092,000,000.

(B) Outlays, $272,571,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,400,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $16,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999;

(A) New budget authority, $15,300,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $15,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000. (same)

(B) Outlays, $15,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,600,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $2,800,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,300,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $3,600,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $2,800,000,000.

(C) New direct loan obligations, $1,171,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,800,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $22,500,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $22,000,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $22,300,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $23,400,000,000.

(B) Outlays, $23,100,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,872,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $11,500,000,000.

(B) Outlays, $9,900,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,700,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,900,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,700,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,000,000,000.

(B) Outlays, $4,200,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,700,000,000.

(B) Outlays, $41,000,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $50,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $53,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $55,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $54,900,000,000.

(B) Outlays, $41,200,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $10,600,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $9,900,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $9,400,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $56,500,000,000.

(B) Outlays, $55,400,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $57,000,000,000.

(B) Outlays, $56,400,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $56,900,000,000.

(B) Outlays, $57,800,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $61,400,000,000.

(B) Outlays, $59,800,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $62,900,000,000.

(B) Outlays, $61,200,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $136,500,000,000.

(B) Outlays, $137,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $143,100,000,000.

(B) Outlays, $143,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $151,600,000,000.

(B) Outlays, $151,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $162,600,000,000.

(B) Outlays, $161,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $173,000,000,000.

(B) Outlays, $171,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,700,000,000.

(B) Outlays, $201,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,200,000,000.

(B) Outlays, $211,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,700,000,000.

(B) Outlays, $225,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,800,000,000.

(B) Outlays, $238,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $251,800,000,000.

(B) Outlays, $251,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $238,500,000,000.

(B) Outlays, $244,100,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $251,300,000,000.

(B) Outlays, $252,700,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $264,500,000,000.

(B) Outlays, $261,000,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $271,100,000,000.

(B) Outlays, $270,600,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,700,000,000.

(B) Outlays, $282,000,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,400,000,000.

(B) Outlays, $11,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $39,600,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $39,300,000,000.

(B) Outlays, $39,700,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $38,200,000,000.

(B) Outlays, $38,600,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $40,700,000,000.

(B) Outlays, $40,600,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $43,300,000,000.

(B) Outlays, $43,200,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,400,000,000.

(B) Outlays, $24,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $25,300,000,000.

(B) Outlays, $25,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $25,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $23,900,000,000.

(B) Outlays, $24,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,600,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,549,000,000.

(B) Outlays, $296,549,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,567,000,000.

(B) Outlays, $304,567,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $304,867,000,000.

(B) Outlays, $304,867,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,659,000,000.

(B) Outlays, $303,659,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,754,000,000.

(B) Outlays, $303,754,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$12,900,000,000.

(B) Outlays, −$16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$36,800,000,000.

(B) Outlays, −$36,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$48,800,000,000.

(B) Outlays, −$48,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$44,400,000,000.

(B) Outlays, −$44,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$46,000,000,000.

(B) Outlays, −$46,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$50,000,000,000.

(B) Outlays, −$50,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$64,100,000,000.

(B) Outlays, −$64,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) PURPOSE.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) SUBMISSIONS.—

(1) ENTITLEMENT REFORMS.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) TAX RELIEF AND MISCELLANEOUS REFORMS.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) INSTRUCTIONS RELATING TO ENTITLEMENT REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $8,435,000,000 in outlays for fiscal year 1998, $5,091,000,000 in outlays for fiscal year 2002, and $50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,168,336,000,000 in revenues for fiscal year 1998, $1,346,679,000,000 in revenues for fiscal year 2002, and $7,384,496,000,000 in revenues in fiscal years 1998 through 2002.

(d) INSTRUCTIONS RELATING TO TAX RELIEF AND MISCELLANEOUS REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—(A) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $8,435,000,000 in outlays for fiscal year 1998, $5,091,000,000 in outlays for fiscal year 2002, and $50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on Transportation and Infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on Veterans' Affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on Ways and Means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,160,936,000,000 in revenues for fiscal year 1998, $1,326,179,000,000 in revenues for fiscal year 2002, and $7,299,496,000,000 in revenues in fiscal years 1998 through 2002.

(e) Definition.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Flexibility in Carrying Out Children's Health Initiative.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) Purpose.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) Deficit Neutrality Requirement.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Revised Levels.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) Revisions.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) Reversals.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) Definition.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69–8083–0–7–401 (Federal-Aid Highways).

(2) 69–8191–0–7–401 (Mass Transit Capital Fund).

(3) 69–8350–0–7–401 (Mass Transit Formula Grants).

(4) 69–8016–0–7–401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(6) 69–8048–0–7–401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) Budgetary treatment.—

(1) In general.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) Calculation of net present value.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) Definition.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Treatment of Loan Assets.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) Committee Allocations.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) Limitations.—The adjustments made under this section shall not exceed—

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) Readjustments.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) Allocation by Chairman.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing up to $165 million in outlays for Federal land acquisitions and to finalize priority Federal land exchanges for fiscal year 1998 (assuming $700 million in outlays over 5 fiscal years, the chairman of the Committee on the Budget shall allocate that amount of outlays and the corresponding amount of budget authority.

(b) TREATMENT OF ALLOCATIONS IN THE HOUSE.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

SEC. 305. BALANCED BUDGET REQUIREMENT.

(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment or motion thereto, or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would cause—

(1) total outlays for fiscal year 2002 or any fiscal year thereafter to exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress provide for a specific excess of outlays over receipts by a rollcall vote;

(2) an increase in the limit on the debt of the United States held by the public, unless three-fifths of the whole number of each House provide for such an increase by a rollcall vote; or

(3) an increase in revenues unless approved by a majority of the whole number of each House by a rollcall vote.

(b) WAIVER.—The Congress may waive the provisions of this section for any fiscal year in which a declaration of war is in effect. The provisions of this section may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution. adopted by a majority of the whole number of each House, which becomes law.

(c) DEFINITION.—Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) FINDINGS.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) SENSE OF CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) the burden will be borne by a relatively smaller work force resulting in an unprecedented intergovernmental transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems. Their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendation as it deems appropriate to ensure our Nation's future prosperity.

H. CON. RES. 84

OFFERED BY: MR. BROWN OF CALIFORNIA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 3: Strike all after the resolving clause and insert in lieu thereof the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,206,035,000,000.
Fiscal year 1999: $1,251,843,000,000.
Fiscal year 2000: $1,303,638,000,000.
Fiscal year 2001: $1,361,895,000,000.
Fiscal year 2202: $1,421,072,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $10,419,000,000.
Fiscal year 1999: $15,212,000,000.
Fiscal year 2000: $16,589,000,000.
Fiscal year 2001: $16,807,000,000.
Fiscal year 2002: $18,133,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,392,730,000,000.
Fiscal year 1999: $1,448,751,000,000.
Fiscal year 2000: $1,500,328,000,000.
Fiscal year 2001: $1,535,090,000,000.
Fiscal year 2002: $1,582,693,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,358,584,000,000.
Fiscal year 1999: $1,422,994,000,000.
Fiscal year 2000: $1,480,134,000,000.
Fiscal year 2001: $1,495,092,000,000.
Fiscal year 2002: $1,544,270,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $142,130,000,000.
Fiscal year 1999: $155,939,000,000.
Fiscal year 2000: $159,907,000,000.
Fiscal year 2001: $116,390,000,000.
Fiscal year 2002: $105,065,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,686,700,000,000.
Fiscal year 1999: $5,954,900,000,000.
Fiscal year 2000: $6,230,900,000,000.
Fiscal year 2001: $6,488,700,000,000.
Fiscal year 2002: $6,752,800,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $35,050,000,000.
Fiscal year 1999: $34,901,000,000.
Fiscal year 2000: $36,649,000,000.
Fiscal year 2001: $38,249,000,000.
Fiscal year 2002: $39,415,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS,.—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $335,141,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $262,267,000,000.

(B) Outlays, $259,255,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:

(A) New budget authority, $262,354,000,000.

(B) Outlays, $261,353,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:

(A) New budget authority, $262,505,000,000.

(B) Outlays, $265,423,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $262,528,000,000.

(B) Outlays, $257,287,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $262,552,000,000.

(B) Outlays, $259,471,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $18,471,000,000.

(B) Outlays, $14,207,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $15,317,000,000.

(B) Outlays, $14,795,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $16,360,000,000.

(B) Outlays, $15,343,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,603,000,000.

(B) Outlays, $14,991,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,920,000,000.

(B) Outlays, $15,073,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $17,498,000,000.

(B) Outlays, $17,587,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $18,364,000,000.

(B) Outlays, $18,147,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $19,281,000,000.

(B) Outlays, $18,713,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $20,244,000,000.

(B) Outlays, $19,687,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $21,254,000,000.

(B) Outlays, $20,715,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,287,000,000.

(B) Outlays, $2,468,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,537,000,000.

(B) Outlays, $2,543,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,717,000,000.

(B) Outlays, $2,814,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $3,857,000,000.

Outlays, $2,916,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $4,115,000,000.

(B) Outlays, $3,097,000,000.

(C) New direct loan obligations, $1,174,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,410,000,000.

(B) Outlays, $21,899,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,253,000,000.

(B) Outlays, $22,604,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $23,503,000,000.

(B) Outlays, $23,253,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $23,449,000,000.

(B) Outlays, $23,518,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $23,540,000,000.

(B) Outlays, $23,527,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,319,000,000.

(B) Outlays, $11,990,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $13,066,000,000.

(B) Outlays $11,516,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,567,000,000.

(B) Outlays $10,978,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $11,429,000,000.

(B) Outlays, $9,899,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $11,232,000,000.

(B) Outlays, $9,630,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,824,000,000.

(B) Outlays, −$728,000,000.

(C) New direct loan obligations, $5,960,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,317,000,000.

(B) Outlays, $4,507,000,000.

(C) New direct loan obligations, $3,410,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,488,000,000.

(B) Outlays $10,092,000,000.

(C) New direct loan obligations, $4,112,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,326,000,000.

(B) Outlays, $12,364,000,000.

(C) New direct loan obligations, $4,784,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,942,000,000.

(B) Outlays, $12,781,000,000.

(C) New direct loan obligations, $4,996,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New Budget authority, $50,846,000,000.

(B) Outlays, $40,962,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $54,715,000,000.

(B) Outlays, $43,317,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $56,172,000,000.

(B) Outlays, $45,600,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $57,373,000,000.

(B) Outlays, $46,552,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $58,598,000,000.

(B) Outlays, $47,130,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $17,269,000,000.

(B) Outlays, $11,417,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,678,000,000.

(B) Outlays, $11,997,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $8,108,000,000.

(B) Outlays, $11,670,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,114,000,000.

(B) Outlays, $11,717,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $8,215,000,000.

(B) Outlays, $8,845,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,011,000,000.

(B) Outlays, $56,273,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000

Fiscal year 1999:

(A) New budget authority, $61,143,000,000.

(B) Outlays, $59,848,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000

Fiscal year 2000:

(A) New budget authority, $62,508,000,000.

(B) Outlays, $61,352,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000

Fiscal year 2001:

(A) New budget authority, $64,090,000,000.

(B) Outlays, $62,780,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000

Fiscal year 2002:

(A) New budget authority, $65,603,000,000.

(B) Outlays, $64,401,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $135,308,000,000.

(B) Outlays, $135,055,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000

Fiscal year 1999:

(A) New budget authority, $144,365,000,000.

(B) Outlays, $143,871,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,728,000,000.

(B) Outlays, $153,938,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $165,730,000,000.

(B) Outlays, $164,816,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $177,877,000,000.

(B) Outlays, $176,816,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $205,310,000,000.

(B) Outlays, $200,350,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $219,430,000,000.

(B) Outlays, $212,640,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $232,828,000,000.

(B) Outlays, $225,857,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $249,027,000,000.

(B) Outlays, $234,765,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $265,828,000,000.

(B) Outlays, $254,365,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $236,956,000,000.

(B) Outlays, $246,922,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,293,000,000.

(B) Outlays, $257,304,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $270,810,000,000.

(B) Outlays, $272,008,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $277,236,000,000.

(B) Outlays, $276,973,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $290,973,000,000.

(B) Outlays, $289,943,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $8,179,000,000.

(B) Outlays, $8,179,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $8,865,000,000.

(B) Outlays, $8,865,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $9,622,000,000.

(B) Outlays, $9,622,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $9,879,000,000.

(B) Outlays, $9,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $11,272,000,000.

(B) Outlays, $11,272,000.

(C) New primary loan guarantee commitments, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,462,000,000.

(B) Outlays, $41,112,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,918,000.00.

(B) Outlays, $42,055,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,385,000,000.

(B) Outlays, $44,220,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,826,000,000.

(B) Outlays, $41,076,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $43,289,000,000.

(B) Outlays, $43,349,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750);

Fiscal year 1998:

(A) New budget authority, $22,360,000,000.

(B) Outlays, $20,620,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $22,325,000,000.

(B) Outlays, $21,834,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $24,691,000,000.

(B) Outlays, $24,058,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $25,060,000,000.

(B) Outlays, $24,656,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $25,708,000,000.

(B) Outlays, $25,322,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $13,089,000,000.

(B) Outlays, $13,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $13,121,000,000.

(B) Outlays, $13,108,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,162,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,206,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,277,000,000.

(B) Outlays, $13,036,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $295,741,000,000.

(B) Outlays, $295,741,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $302,183,000,000.

(B) Outlays, $302,183,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $301,113,000,000.

(B) Outlays, $301,113,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $298,020,000,000.

(B) Outlays, $298,020,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $296,583,000,000.

(B) Outlays, $296,583,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,244,000,000.

(B) Outlays, −$41,244,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$32,858,000,000.

(B) Outlays, −$232,858,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$32,516,000,000.

(B) Outlays, −$32,516,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$33,143,000,000.

(B) Outlays, −$33,143,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$34,327,000,000.

(B) Outlays, −$34,327,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 4. INVESTMENTS.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for Federal investments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050)—for subfunction 051 for Research, Development, Test, and Evaluation:

Fiscal year 1998:

(A) New budget authority, $35,934,000,000.

(B) Budget outlays, $36,645,000,000.

Fiscal year 1999:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $35,152,000,000.

Fiscal year 2000:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $34,666,000,000.

Fiscal year 2001:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $34,738,000,000.

Fiscal year 2002:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $34,950,000,000.

(2) General Science, Space, and Technology (250)—for subfunctions 251 and 252 for General Science, Space and Technology programs:

Fiscal year 1998:

(A) New budget authority, $17,460,000,000.

(B) Budget outlays, $17,040,000,000.

Fiscal year 1999:

(A) New budget authority, $18,333,000,000.

(B) Budget outlays, $17,838,000,000.

Fiscal year 2000:

(A) New budget authority, $19,250,000,000.

(B) Budget outlays $18,599,000,000.

Fiscal year 2001:

(A) New budget authority, $20,213,000,000.

(B) Budget outlays, $19,512,000,000.

Fiscal year 2002:

(A) New budget authority, $21,223,000,000.

(B) Budget outlays, $20,534,000,000.

(3) Energy (270)—for subfunction 271 for Energy Supply Research and Development, and subfunction 272 for Energy Conservation—

Fiscal year 1998:

(A)New budget authority, $3,937,000,000.

(B) Budget outlays, $4,148,000,000.

Fiscal year 1999:

(A) New budget authority, $4,134,000,000.

(B) Budget outlays, $4,180,000,000.

Fiscal year 2000:

(A) New budget authority, $4,340,000,000.

(B) Budget outlays, $4,328,000,000.

Fiscal year 2001:

(A) New budget authority, $4,557,000,000.

(B) Budget outlays, $4,464,000,000.

Fiscal year 2002:

(A) New budget authority, $4,785,000,000.

(B) Budget outlays, $4,655,000,000.

(4) Natural Resources and Environment (300)—for subfunction 304 for Regulatory, Enforcement, and Research Programs and Hazardous Substance Superfund, and subfunction 306 Other Natural Resources:

Fiscal year 1998:

(A) New budget authority, $10,538,000,000.

(B) Budget outlays, $9,527,000,000.

Fiscal year 1999:

(A) New budget authority, $10,742,000,000.

(B) Budget outlays, $10,013,000,000.

Fiscal year 2000:

(A) New budget authority, $10,816,000,000.

(B) Budget outlays, $10,533,000,000.

Fiscal year 2001:

(A) New budget authority, $10,859,000,000.

(B) Budget outlays, $10,825,000,000.

Fiscal year 2002:

(A) New budget authority, $10,943,000,000.

(B) Budget outlays, $10,889,000,000.

(5) Agriculture (350)—for subfunction 352 for Research Programs:

Fiscal year 1998:

(A) New budget authority, $1,339,000,000.

(B) Outlays, $1,351,000,000.

Fiscal year 1999:

(A) New budget authority, $1,406,000,000.

(B) Outlays, $1,449,000,000.

Fiscal year 2000:

(A) New budget authority, $1,476,000,000.

(B) Outlays, $1,506,000,000.

Fiscal year 2001:

(A) New budget authority, $1,550,000,000.

(B) Outlays, $1,556,000,000.

Fiscal year 2002:

(A) New budget authority, $1,627,000,000.

(B) Outlays, $1,603,000,000.

(6) Commerce and Housing Credit (370)—for subfunction 376 for Science and Technology:

Fiscal year 1998:

(A) New budget authority, $720,000,000.

(B) Outlays, $680,000,000.

Fiscal year 1999:

(A) New budget authority, $762,000,000.

(B) Outlays, $703,000,000.

Fiscal year 2000:

(A) New budget authority, $800,000,000.

(B) Outlays, $752,000,000.

Fiscal year 2001:

(A) New budget authority, $851,000,000.

(B) Outlays, $787,000,000.

Fiscal year 2002:

(A) New budget authority, $937,000,000.

(B) Outlays, $818,000,000.

(7) Transportation (400)—for subfunction 401 Ground Transportation, subfunction 402 for Air Transportation, and subfunction 403 for Water Transportation:

Fiscal year 1998:
(A) New budget authority, $44,491,000,000.
(B) Outlays, $37,419,000,000.
Fiscal year 1999:
(A) New budget authority, $48,500,000,000.
(B) Outlays, $40,641,000,000.
Fiscal year 2000:
(A) New budget authority, $48,900,000,000.
(B) Outlays, $43,211,000,000.
Fiscal year 2001:
(A) New budget authority, $49,100,000,000.
(B) Outlays, $44,283,000,000.
Fiscal year 2002:
(A) New budget authority, $49,300,000,000.
(B) Outlays, $45,078,000,000.

(8) Community and Regional Development (450)—for subfunction 452 for Rural Development and Economic Development Assistance:

Fiscal year 1998:
(A) New budget authority, $1,279,000,000.
(B) Outlays, $1,259,000,000.
Fiscal year 1999:
(A) New budget authority, $1,276,000,000.
(B) Outlays, $1,222,000,000.
Fiscal year 2000:
(A) New budget authority, $1,276,000,000.
(B) Outlays, $1,205,000,000.
Fiscal year 2001:
(A) New budget authority, $1,276,000,000.
(B) Outlays, $1,253,000,000.
Fiscal year 2002:
(A) New budget authority, $1,276,000,000.
(B) Outlays, $1,258,000,000.

(9) Education, Training, Employment, and Social Services (500)—for subfunctions 501, 502, 503, 504, and 506 National Service Initiative, Rehabilitation Services, and Children and Families Services Program:

Fiscal year 1998:
(A) New budget authority, $44,059,000,000.
(B) Outlays, $40,656,000,000.
Fiscal year 1999:
(A) New budget authority, $45,067,000,000.
(B) Outlays, $44,314,000,000.
Fiscal year 2000:
(A) New budget authority, $46,112,000,000.
(B) Outlays, $45,295,000,000.
Fiscal year 2001:
(A) New budget authority, $47,124,000,000.
(B) Outlays, $46,206,000,000.
Fiscal year 2002:
(A) New budget authority, $48,007,000,000.
(B) Outlays, $47,196,000,000.

(10) Health (550)—for subfunction 552 for Health Research and Training:

Fiscal year 1998:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,299,000,000.
Fiscal year 1999:
(A) New budget authority, $14,175,000,000.
(B) Outlays, $13,771,000,000.
Fiscal year 2000:
(A) New budget authority, $14,884,000,000.
(B) Outlays, $14,371,000,000.
Fiscal year 2001:
(A) New budget authority, $15,628,000,000.
(B) Outlays, $15,043,000,000.
Fiscal year 2002:
(A) New budget authority, $16,409,000,000.
(B) Outlays, $15,783,000,000.

(11) Income Security (600)—for subfunction 605 for Food and Nutrition Assistance:

Fiscal year 1998:
(A) New budget authority, $4,618,000,000.
(B) Outlays, $4,506,000,000.
Fiscal year 1999:
(A) New budget authority, $4,636,000,000.
(B) Outlays, $4,627,000,000.
Fiscal year 2000:
(A) New budget authority, $4,734,000,000.
(B) Outlays, $4,727,000,000.
Fiscal year 2001:
(A) New budget authority, $4,834,000,000.
(B) Outlays, $4,827,000,000.
Fiscal year 2002:
(A) New budget authority, $4,948,000,000.
(B) Outlays, $4,940,000,000.

SEC. 5. RECONCILIATION.

(a) SUBMISSIONS.—No later than June 30, 1997, the House committees named in subsections (b) and (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) HOUSE COMMITTEES.—

(1) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays as follows: $7,900,000,000 in outlays for fiscal year 1998, $36,500,000,000 in outlays for fiscal year 2002, and $115,700,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays as follows: $7,900,000,000 in outlays for fiscal year 1998, $36,500,000,000 in outlays for fiscal year 2002, and $115,700,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is increased by: $10,419,000,000 in revenues for fiscal year 1998, $18,133,000,000 in revenues for fiscal year 2002, and $77,160,000,000 in revenues in fiscal years 1998 through 2002.

(c) INVESTMENT TRUST FUND.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide for the establishment of a separate account in the Treasury known as the "Investment Trust Fund" into which shall be transferred revenues realized by the acution of spectrum allocations by the Federal Communications Commission and, further, provide that amounts in that fund shall be used exclusively for programs assumed under section 4.

(d) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 6. COMMITTEE ALLOCATIONS.

Upon the adoption of this resolution, the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate shall each make separate allocations to the appropriate committees of its House of Congress of total new budget authority and total budget outlays for each fiscal year covered by this resolution to carry out section 4. For all purposes of the Congressional Budget Act of 1974, those allocations shall be deemed to be made pursuant to section 302(a) and section 602(a) of that Act, as applicable.

SEC. 7. SENSE OF CONGRESS REGARDING BUDGET TRENDS.

It is the sense of Congress that the increasing portion of the Federal budget absorbed by interest payments and consumption programs, particularly health spending, has led to a declining level of domestically financed investment and may adversely impact the ability of the economy to grow at the levels needed to provide for future generations.

SEC. 8. SENSE OF CONGRESS REGARDING THE NEED TO MAINTAIN FEDERAL INVESTMENTS.

It is the sense of Congress that a balanced program to improve the economy should be based on the concurrent goals of eliminating the deficit and maintaining Federal investment in programs that enhance long-term productivity such as research and development, education and training, and physical infrastructure improvements.

SEC. 9. SENSE OF CONGRESS REGARDING THE TREATMENT OF FEDERAL INVESTMENTS WITHIN THE BUDGET.

It is the sense of Congress that the current budget structure focuses primarily on short-term spending and does not highlight for decision making purposes the differences between Federal spending for long-term investment and that for current consumption. In order to restructure Federal budget to make such a distinction, it is necessary to identify an investment component in the Federal budget and establish specific budgetary targets for such investments.

H. CON. RES. 84,

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 4: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,206,379,000,000.
Fiscal year 1999: $1,252,942,000,000.
Fiscal year 2000: $1,307,528,000,000.
Fiscal year 2001: $1,366,412,000,000.
Fiscal year 2002: $1,427,435,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $0.
Fiscal year 1999: $0.
Fiscal year 2000: $0.
Fiscal year 2001: $0.
Fiscal year 2002: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,399,365,000,000.
Fiscal year 1999: $1,447,879,000,000.
Fiscal year 2000: $1,495,779,000,000.
Fiscal year 2001: $1,526,178,000,000.
Fiscal year 2002: $1,552,378,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,383,432,000,000.
Fiscal year 1999: $1,440,016,000,000.
Fiscal year 2000: $1,489,140,000,000.
Fiscal year 2001: $1,516,666,000,000.
Fiscal year 2002: $1,535,000,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $177,053,000,000.

Fiscal year 1999: $187,074,000,000.

Fiscal year 2000: $181,612,000,000.

Fiscal year 2001: $150,254,000,000.

Fiscal year 2002: $107,565,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,596,684,000,000.

Fiscal year 1999: $5,844,015,000,000.

Fiscal year 2000: $6,088,538,000,000.

Fiscal year 2001: $6,298,829,000,000.

Fiscal year 2002: $6,474,034,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.

Fiscal year 1999: $33,378,000,000.

Fiscal year 2000: $34,775,000,000.

Fiscal year 2001: $36,039,000,000.

Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS..—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $315,472,000,000.

Fiscal year 1999: $324,749,000,000.

Fiscal year 2000: $328,124,000,000.

Fiscal year 2001: $332,063,000,000.

Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $266,000,000,000.

(B) Outlays, $264,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:

(A) New budget authority, $266,000,000,000.

(B) Outlays, $264,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:

(A) New budget authority, $267,000,000,000.

(B) Outlays, $267,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $267,000,000,000.

(B) Outlays, $261,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $267,000,000,000.

(B) Outlays, $264,400,000,0000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,909,000,000.

(B) Outlays, $14,558,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,918,000,000.

(B) Outlays, $14,569,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $15,782,000,000.

(B) Outlays, $14,981,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,114,000,000.

(B) Outlays, $14,751,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,353,000,000.

(B) Outlays, $14,812,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,437,000,000.

(B) Outlays, $17,082,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,403,000,000.

(B) Outlays, $16,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $16,147,000,000.

(B) Outlays, $16,213,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $16,062,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,804,000,000.

(B) Outlays, $15,868,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,123,000,000.

(B) Outlays, $2,247,000,000

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,469,000,000.

(B) Outlays, $2,446,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,186,000,000.

(B) Outlays, $2,293,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,939,000,000.

(B) Outlays, $2,048,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,846,000,000.

(B) Outlays, $1,867,000,000.

(C) New direct loan obligations, $1,171,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,877,000,000.

(B) Outlays, $22,405,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,227,000,000.

(B) Outlays, $22,702,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $22,963,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,151,000,000.

(B) Outlays, $22,720,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, $−920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,689,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,402,000,000.

(B) Outlays, $43,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $* * * To Be Supplied.

(B) Outlays, $* * * To Be Supplied.

(C) New direct loan obligations, $* * * To Be Supplied.

(D) New primary loan guarantee commitments, $* * * To Be Supplied.

Fiscal year 2000:

(A) New budget authority, $* * * To Be Supplied.

(B) Outlays, $* * * To Be Supplied.

(C) New direct loan obligations, $* * * To Be Supplied.

(D) New primary loan guarantee commitments, $* * * To Be Supplied.

Fiscal year 2001:

(A) New budget authority, $* * * To Be Supplied.

(B) Outlays, $* * * To Be Supplied.

(C) New direct loan obligations, $* * * To Be Supplied.

(D) New primary loan guarantee commitments, $* * * To Be Supplied.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $44,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $9,068,000,000.

(B) Outlays, $10,687,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,839,000,000.

(B) Outlays, $11,252,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $8,210,000,000.

(B) Outlays, $11,386,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,214,000,000.

(B) Outlays, $11,800,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $8,290,000,000.

(B) Outlays, $8,929,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

(A) New budget authority, $46,556,000,000.

(B) Outlays, $44,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $44,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $44,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $67,320,000,000.

(B) Outlays, $58,362,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $63,750,000,000.

(B) Outlays, $63,885,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $65,903,000,000.

(B) Outlays, $66,178,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $67,759,000,000.

(B) Outlays, $67,981,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $68,739,000,000.

(B) Outlays, $68,966,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $140,599,000,000.

(B) Outlays, $140,567,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $149,418,000,000.

(B) Outlays, $149,394,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $159,868,000,000.

(B) Outlays, $159,747,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $170,662,000,000.

(B) Outlays, $170,385,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $181,571,000,000.

(B) Outlays, $181,127,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $203,820,000,000.

(B) Outlays, $203,964,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $214,673,000,000.

(B) Outlays, $214,148,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $229,340,000,000.

(B) Outlays, $229,337,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $244,036,000,000.

(B) Outlays, $243,181,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $256,548,000,000.

(B) Outlays, $255,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $240,160,000,000.

(B) Outlays, $248,861,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $255,375,000,000.

(B) Outlays, $259,346,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $271,084,000,000.

(B) Outlays, $269,669,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $276,898,000,000.

(B) Outlays, $279,007,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $288,937,000,000.

(B) Outlays, $287,221,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,579,000,000.

(B) Outlays, $41,371,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,745,000,000.

(B) Outlays, $41,979,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,015,000,000.

(B) Outlays, $42,223,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,418,000,000.

(B) Outlays, $42,540,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,629,000,000.

(B) Outlays, $42,783,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $25,165,000,000.

(B) Outlays, $23,209,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,320,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $25,578,000,000.

(B) Outlays, $25,840,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $25,054,000,000.

(B) Outlays, $26,701,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $25,183,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,672,000,000.

(B) Outlays, $296,672,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,932,000,000.

(B) Outlays, $304,932,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $305,512,000,000.

(B) Outlays, $305,512,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $304,037,000,000.

(B) Outlays, $304,037,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,796,000,000.

(B) Outlays, $303,796,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, $41,841,000,000.

(B) Outlays, $41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) SUBMISSIONS.—Not later than August 1, 1997, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $8,435,000,000 in outlays for fiscal year 1998, $5,091,000,000 in outlays for fiscal year 2002, and $50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that

provide direct spending such that the total level of direct spending for that committee does not exceed: $395,150,000,000 in outlays for fiscal year 1998, $513,615,000 in outlays for fiscal year 2002, and $2,638,120,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,478,000,000 in outlays for fiscal year 1998, $25,192,000,000 in outlays for fiscal year 2002, and $141,497,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $399,663,000,000 in outlays for fiscal year 1998, $511,377,000,000 in outlays for fiscal year 2002, and $2,639,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to decrease revenues as follows: by $8,000,000,000 in revenues for fiscal year 1998, by $16,000,000,000 in revenues for fiscal year 2002, and by $60,000,000,000 in revenues in fiscal years 1998 through 2002.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: by $8,000,000,000 in revenues for fiscal year 1998, by $16,000,000,000 in revenues for fiscal year 2002, and by $60,000,000,000 in revenues in fiscal years 1998 through 2002.

(c) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) CHILDREN'S HEALTH INITIATIVE.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $4.6 billion for fiscal year 1998, by more than $8.0 billion for fiscal year 2002, and by more than $32 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—SENSE OF CONGRESS PROVISIONS

SEC. 301. SENSE OF CONGRESS ON MIDDLE INCOME TAX RELIEF.

(a) FINDINGS.—The Congress finds the following:

(1) Tax reductions in tax bills enacted in the 1980's predominately benefited Americans with higher incomes.

(2) Increases in the social security payroll tax over this period has resulted in a net increase in the tax burden on middle income Americans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact legislation providing targeted tax relief, with an emphasis on alleviating the tax burden on middle income Americans, by enacting the following provisions:

(1) Higher education initiatives, including the President's $1,500 HOPE scholarship tax credit and deductibility of up to $10,000 for higher education tuition and fees.

(2) Expansion of the child care tax credit, with increases in the amount of allowable expenses, the percentage of allowable expenses, and the income phase-down levels.

(3) Homeownership provisions, including up to a $500,000 capital gains exclusion for home sales, and permitting tax and penalty-free borrowing from an IRA account or a parent's IRA account for a down payment on a first-time home purchase.

(4) Savings provisions, including an increase in the annual limit for deductible IRA contributions from $2,000 to $2,500 per year.

SEC. 302. SENSE OF THE CONGRESS ON SMALL BUSINESS TAX RELIEF.

(a) FINDINGS.—Congress finds the following:

(1) Small businesses are the source of most new jobs created in this country.

(2) Small businesses have a more difficult time than large corporations in raising capital covering health care costs for employees, and coping with estate taxes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact legislation providing tax incentives and tax relief for small businesses, including:

(1) Incentives for long-term investments in small businesses, including capital gains relief, deferral of gains on any small business investments rolled over into another small business investment, and a tripling of the amount of declarable losses on investments in small businesses.

(2) Estate tax relief for family-owned small businesses and farms, and an increase in small businesses eligibility for 10-year installment payments of estate taxes.

(3) 100 percent deductibility of health care costs for the self-employed.

(4) Extension of the 5 percent Foreign Sales Credit (FSC) to software exporters.

SEC. 303. SENSE OF THE CONGRESS ON REVENUE NEUTRALITY.

(a) FINDINGS.—Congress finds the following:

(1) Large tax cuts in the 1980's led to an unprecedented explosion in the level of debt owed by American taxpayers.

(2) Tax cuts without revenue offsets increase the level of spending cuts required to balance the budget, in vital areas like education, health care, transportation, and research and development.

(3) It is a priority to balance the budget first, and to defer tax cuts which reduce revenues until the budget is actually in balance.

(4) Targeted tax cuts for higher education, child care, homeownership, increased savings, and small businesses can be enacted without reducing the net level of revenues.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all tax cuts should be fully offset by revenue increases, through reinstatement of expiring excise taxes and the closing of corporate tax loopholes.

SEC. 304. SENSE OF CONGRESS ON CHILDREN'S HEALTH.

It is the sense of Congress that sufficient funding be provided to insure all currently uninsured children in America, through health care grants to the States and an expansion of medicaid in a total amount of at least $32,000,000,000 over the next 5 years.

SEC. 305. SENSE OF THE CONGRESS ON MEDICARE.

(a) FINDINGS.—Congress finds the following:

(1) The Medicare Part A Trust Fund will go bankrupt by the year 2000 without congressional action.

(2) Some 40,000,000 senior citizens rely on medicare for affordable, quality health care.

(3) Many low-income senior citizens are unable to afford projected increases in medicare premiums.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact legislation to extend the solvency of the Medicare Trust Fund for the next 10 years, using policies which:

(1) Maintain part B premiums at 25 percent, with a phase-in of home health care changes.

(2) Provide new preventive and other health care benefits, including expanded mammography coverage, coverage for colorectal screenings, coverage for diabetes screening, 72 hours of respite care of Alzheimers patients, bone mass measurements for osteoporosis care, prostate cancer screening, cancer clinic benefits, and immunosuppressant drugs.

(3) Include sustainable reductions in reimbursements for hospitals, skilled nursing facilities, and other health care providers.

(4) Provide full funding for teaching hospitals through the Graduate Medical Education program.

(5) Increase health care choices among seniors, without restricting access to fee-for-service health care.

SEC. 306. SENSE OF CONGRESS ON MEDICAID.

(a) FINDINGS.—Congress finds the following:

(1) Hospitals and other health care providers are already seriously underreimbursed for the actual cost of providing medicaid services.

(2) Medicaid is the primary source of health care coverage for the uninsured, including poor children, indigent mothers, and low-income senior citizens in nursing homes.

(3) Medicaid provides critical funding for medicare premiums for low-income seniors.

(b) SENSE OF CONGRESS.—It is the sense of Congress that medicaid legislation should increase coverage for low-income adults and seniors, and uninsured children, by providing that:

(1) Any reductions in medicaid reimbursements to health care providers should be used to expand coverage for children's health care, legal immigrants, and low-income Americans.

(2) Spending reductions should not include either a block grant or a per capita cap.

(3) Medicaid should extend its program to pay medicare premiums for low-income senior citizens, protecting them from increases caused by home health care shifts.

(4) States should be given more flexibility in managing the medicaid program, through managed care options, and elimination of unnecessary regulations, while fully protecting the quality and availability of health care for medicaid recipients.

SEC. 307. SENSE OF CONGRESS ON DOMESTIC DISCRETIONARY SPENDING.

It is the sense of Congress that sufficient funding be provided for domestic discretionary spending to allow for full inflationary increases over the period from 1998 through 2002, to fully fund priority areas like education, health care, transportation, research and development, community development, crime, and housing.

SEC. 308. SENSE OF CONGRESS ON PELL GRANT LIMITS.

(a) FINDINGS.—Congress finds the following:

(1) The spiraling cost of higher education tuition and fees threatens to put the cost of college out of reach for millions of Americans.

(2) Pell Grants are an effective way to make college affordable for low-income students.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should increase the annual limit on Pell Grants from $2,700 to $3,700.

SEC. 309. SENSE OF CONGRESS IN SCHOOL CONSTRUCTION.

(a) FINDINGS.—Congress finds the following:

(1) Children cannot achieve their full educational potential, if the school buildings they are educated in are falling apart.

(2) The General Accounting Office (GAO) has determined that it will require $112,000,000,000 to repair and improve our Nation's schools.

(3) Many communities are unable to afford the full cost of making such needed repairs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact the President's school construction initiative, to provide $5,000,000,000 to leverage the repair and construction of elementary and secondary schools.

SEC. 310. SENSE OF CONGRESS REGARDING EDUCATION.

It is the sense of Congress that funding should be substantially increased in a number of programs which increase educational opportunities, including:

(1) Title I grants, to help the disadvantaged develop basic educational skills.

(2) The Technology Literacy Challenge Fund, to provide computers, software, and technology training to elementary and secondary schools.

(3) Special education IDEA grants, to provide services to children with disabilities.

(4) Adult education grants, to provide adult literacy and other educational programs.

(5) The Federal work study program, to provide needy students with part-time work.

SEC. 311. SENSE OF CONGRESS ON TRANSPORTATION.

(a) FINDINGS.—Congress finds the following:

(1) Our continued economic growth is dependent on maintaining and expanding our basic infrastructure, especially with respect to roads and bridges.

(2) In many sections of our country, our transportation infrastructure suffers from a lack of adequate funding and neglect of maintenance.

(3) For many years, Congress has failed to use funds collected under the Federal gas tax to pay for essential road and related transportation needs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all new funds collected in the transportation trust fund should be fully spent on transportation improvements.

SEC. 312. SENSE OF CONGRESS ON EARLY CHILDHOOD DEVELOPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Adequate nutrition, quality health care, educational opportunities, and high quality child care for children between birth and the age of 3 are scientifically shown to play a critical role in later childhood and adult development.

(2) Public spending on health, nutrition, education, and child care at the stage of early childhood development has proven to be a sound long-term investment in human resources.

(b) SENSE OF CONGRESS.—It is the sense of Congress that sufficient funding should be provided in the following programs to meet the needs of infants and toddlers:

(1) WIC (the supplemental nutrition program for women, infants, and children).

(2) Head Start.

(3) Healthy Start.

(4) Programs for infants and toddlers with disabilities under part H of the Individuals with Disabilities Education Act (IDEA).

(5) Programs under the Child Care and Development Block Grant Act.

SEC. 313. SENSE OF CONGRESS ON HEALTH RESEARCH.

(a) FINDINGS.—Congress finds the following:

(1) The National Institutes of Health (NIH) is the world's leading biomedical research institution.

(2) The National Institutes of Health accomplishes its mission of discovering new medical knowledge that will lead to better health for everyone through supervising, funding, and conducting biomedical and behavioral research to help prevent, detect, diagnose, and treat disease and disability in humans.

(3) The Federal investment in the National Institutes of Health should be sufficient to keep up with the pace of biomedical inflation and public health needs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funding for the National Institutes of Health should be at least equal to the Institute's annual professional judgment, which is the best and most reliable estimate of the minimum level of funding needed to sustain the high standard of scientific achievement attained by the National Institutes of Health.

SEC. 314. SENSE OF CONGRESS ON RESEARCH AND DEVELOPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Federal support of research and development has led to numerous advances in science and technology that have greatly enhanced the lives of all Americans.

(2) Technological innovation has spurred almost half of the economic development of the past century.

(b) SENSE OF CONGRESS.—It is the sense of Congress that full funding should be provided for Federal research and development programs, including the National Science Foundation (NSF) and the solar and renewable energies programs of the Department of Energy.

SEC. 315. SENSE OF CONGRESS ON CRIME.

(a) FINDING.—Congress finds the following:

(1) Crime continues to threaten residential and commercial neighborhoods through the Nation.

(2) Juvenile crime continues to grow at a faster rate than other categories of crime in this Nation.

(3) Intervention and prevention programs have been shown to successfully turn the tide of violent crime.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funding for crime intervention, prevention, and domestic violence programs should be increased over current levels.

SEC. 316. SENSE OF CONGRESS ON VETERANS.

It is the sense of Congress that funding should not be cut for veterans' COLA or for housing benefits.

SEC. 317. SENSE OF CONGRESS ON HOUSING.

(a) FINDINGS.—Congress finds the following:

(1) According to the Department of Housing and Urban Development, 13,000,000 Americans have "acute housing needs".

(2) Current funding for rental housing assistance for the elderly, disabled, working poor, and mothers making the transition from welfare to work is inadequate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funding for housing assistance should be increased by providing—

(1) full funding for operating subsidies for public housing authorities, as determined by the Performance Funding System;

(2) additional funding for capital grants for public housing authorities, to repair and maintain existing public housing units; and

(3) sufficient funding to create 50,000 new section 8 vouchers each year for the next 5 years.

SEC. 318. SENSE OF CONGRESS ON DEFENSE.

It is the sense of Congress that defense spending should be maintained at current levels, and that priority should be given to defense readiness and full funding for personnel salaries and supplies, as opposed to continued expansions of large weapons systems.

H. CON. RES. 84

OFFERED BY: MR. SHUSTER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 5: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.
Fiscal year 1999: $1,241,859,000,000.
Fiscal year 2000: $1,285,559,000,000.
Fiscal year 2001: $1,343,591,000,000.
Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$7,400,000,000.
Fiscal year 1999: −$11,083,000,000.
Fiscal year 2000: −$21,969,000,000.
Fiscal year 2001: −$22,821,000,000.

Fiscal year 2002: −$19,871,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,386,875,000,000.
Fiscal year 1999: $1,439,798,000,000.
Fiscal year 2000: $1,486,311,000,000.
Fiscal year 2001: $1,520,242,000,000.
Fiscal year 2002: $1,551,563,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,371,848,000,000.
Fiscal year 1999: $1,424,002,000,000.
Fiscal year 2000: $1,468,748,000,000.
Fiscal year 2001: $1,500,854,000,000.
Fiscal year 2002: $1,516,024,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,869,000,000.
Fiscal year 1999: $182,143,000,000.
Fiscal year 2000: $183,189,000,000.
Fiscal year 2001: $157,263,000,000.
Fiscal year 2002: $108,460,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,836,000,000,000.
Fiscal year 2000: $6,082,400,000,000.
Fiscal year 2001: $6,301,100,000,000.
Fiscal year 2002: $6,473,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.
Fiscal year 2000: $34,775,000,000.
Fiscal year 2001: $36,039,000,000.
Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS,.—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:
(A) New budget authority, $268,197,000,000.
(B) Outlays, $265,978,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:
(A) New budget authority, $270,784,000,000.
(B) Outlays, $265,771,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:
(A) New budget authority, $274,802,000,000.
(B) Outlays, $268,418,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:
(A) New budget authority, $281,305,000,000.
(B) Outlays, $270,110,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:
(A) New budget authority, $289,092,000,000.
(B) Outlays, $272,571,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:
(A) New budget authority, $15,909,000,000.
(B) Outlays, $14,558,000,000.
(C) New direct loan obligations, $1,966,000.
(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:
(A) New budget authority, $14,918,000,000.
(B) Outlays, $14,569,000,000.
(C) New direct loan obligations, $2,021,000,000.
(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:
(A) New budget authority, $15,782,000,000.
(B) Outlays, $14,981,000,000.
(C) New direct loan obligations, $2,077,000,000.
(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:
(A) New budget authority, $16,114,000,000.
(B) Outlays, $14,751,000,000.
(C) New direct loan obligations, $2,122,000,000.
(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:
(A) New budget authority, $16,353,000,000.
(B) Outlays, $14,812,000,000.
(C) New direct loan obligations, $2,178,000,000.
(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:
(A) New budget authority, $16,237,000,000.
(B) Outlays, $16,882,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $16,203,000,000.
(B) Outlays, $16,528,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $15,947,000,000.
(B) Outlays, $16,013,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,862,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $15,604,000,000.
(B) Outlays, $15,668,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:
(A) New budget authority, $3,123,000,000.
(B) Outlays, $2,247,000,000.
(C) New direct loan obligations, $1,050,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $3,469,000,000.
(B) Outlays, $2,446,000,000.
(C) New direct loan obligations, $1,078,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $3,186,000,000.
(B) Outlays, $2,293,000,000.
(C) New direct loan obligations, $1,109,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $2,939,000,000.
(B) Outlays, $2,048,000,000.
(C) New direct loan obligations, $1,141,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $2,846,000,000.
(B) Outlays, $1,867,000,000.
(C) New direct loan obligations, $1,174,000,000.
(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:
(A) New budget authority, $23,877,000,000.
(B) Outlays, $22,405,000,000.
(C) New direct loan obligations, $30,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $23,227,000,000.
(B) Outlays, $22,702,000,000.
(C) New direct loan obligations, $32,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $22,570,000,000.
(B) Outlays, $22,963,000,000.
(C) New direct loan obligations, $32,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $22,151,000,000.
(B) Outlays, $22,720,000,000.
(C) New direct loan obligations, $34,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $22,086,000,000.
(B) Outlays, $22,313,000,000.
(C) New direct loan obligations, $34,000,000.
(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:
(A) New budget authority, $13,133,000,000.
(B) Outlays, $11,892,000,000.
(C) New direct loan obligations, $9,620,000,000.
(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:
(A) New budget authority, $12,790,000,000.
(B) Outlays, $11,294,000,000.
(C) New direct loan obligations, $11,047,000,000.
(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:
(A) New budget authority, $12,215,000,000.
(B) Outlays, $10,664,000,000.
(C) New direct loan obligations, $11,071,000,000.
(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:
(A) New budget authority, $10,978,000,000.
(B) Outlays, $9,494,000,000.
(C) New direct loan obligations, $10,960,000,000.
(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, −$920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,402,000,000.

(B) Outlays, $40,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,556,000,000.

(B) Outlays, $41,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $41,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $41,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $41,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,768,000,000.

(B) Outlays, $10,387,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,489,000,000.

(B) Outlays, $10,902,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,810,000,000.

(B) Outlays, $10,986,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $7,764,000,000.

(B) Outlays, $11,350,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $7,790,000,000.

(B) Outlays, $8,429,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,020,000,000.

(B) Outlays, $56,062,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $60,450,000,000.

(B) Outlays, $59,335,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $61,703,000,000.

(B) Outlays, $60,728,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $62,959,000,000.

(B) Outlays, $61,931,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $63,339,000,000.

(B) Outlays, $62,316,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,799,000,000.

(B) Outlays, $137,767,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $144,968,000,000.

(B) Outlays, $144,944,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,068,000,000.

(B) Outlays, $153,947,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $163,412,000,000.

(B) Outlays, $163,135,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $172,171,000,000.

(B) Outlays, $171,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,620,000,000.

(B) Outlays, $201,764,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,073,000,000.

(B) Outlays, $211,548,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,540,000,000.

(B) Outlays, $225,537,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,636,000,000.

(B) Outlays, $238,781,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $251,548,000,000.

(B) Outlays, $250,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,032,000,000.

(B) Outlays, $247,758,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,090,000,000.

(B) Outlays, $258,064,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $269,566,000,000.

(B) Outlays, $268,161,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $275,145,000,000.

(B) Outlays, $277,264,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,945,000,000.

(B) Outlays, $285,239,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,545,000,000.

(B) Outlays, $41,337,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,466,000,000.

(B) Outlays, $41,700,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $41,740,000,000.

(B) Outlays, $41,908,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,093,000,000.

(B) Outlays, $42,215,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,282,000,000.

(B) Outlays, $42,436,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,765,000,000.

(B) Outlays, $22,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,120,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $24,178,000,000.

(B) Outlays, $25,240,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $24,354,000,000.

(B) Outlays, $25,901,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $24,883,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,547,000,000.

(B) Outlays, $296,547,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,558,000,000.

(B) Outlays, $304,558,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $305,075,000,000.

(B) Outlays, $305,075,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,833,000,000.

(B) Outlays, $303,833,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,728,000,000.

(B) Outlays, $303,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,841,000,000.

(B) Outlays, −$41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) PURPOSE.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) SUBMISSIONS.—

(1) ENTITLEMENT REFORMS.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) TAX RELIEF AND MISCELLANEOUS REFORMS.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) INSTRUCTIONS RELATING TO ENTITLEMENT REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the

total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on Banking and Financial Services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on Commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on Education and the Workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $103,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on Government Reform and Oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on Transportation and Infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on Veterans' Affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on Ways and Means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998, $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,176,253,000,000 in revenues for fiscal year 1998, $1,386,546,000,000 in revenues for fiscal year 2002, and $7,517,939,000,000 in revenues in fiscal years 1998 through 2002.

(d) Instructions Relating to Tax Relief and Miscellaneous Reforms.—

(1) Committee on Agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on Banking and Financial Services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on Commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on Education and the Workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $103,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on Government Reform and Oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998 $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on Transportation and Infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on Veterans' Affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on Ways and Means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998, $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,168,853,000,000 in revenues for fiscal year 1998, $1,366,046,000,000 in revenues for fiscal year 2002, and $7,432,939,000,000 in revenues in fiscal years 1998 through 2002.

(e) Definition.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Children's Health Initiative.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) Purpose.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) Deficit Neutrality Requirement.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Revised Levels.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) Revisions.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) Reversals.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) Definition.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69-8083-0-7-401 (Federal-Aid Highways).

(2) 69-8191-0-7-401 (Mass Transit Capital Fund).

(3) 69-8350-0-7-401 (Mass Transit Formula Grants).

(4) 69-8016-0-7-401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69-8020-0-7-401 (Highway Traffic Safety Grants).

(6) 69-8048-0-7-401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) Budgetary treatment.—

(1) In general.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) Calculation of net present value.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) Definition.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Treatment of Loan Assets.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) Committee Allocations.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) Limitations.—The adjustments made under this section shall not exceed—

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) Readjustments.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) Allocation by Chairman.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, the chairman of the Committee on the Budget shall allocate that amount of budget authority and the corresponding amount of outlays.

(b) Treatment of Allocations in the House.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) Findings.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) Sense of Congress.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) Findings.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) Sense of Congress Regarding President's Submission to Congress.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) Findings.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) Sense of Congress.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 404. SENSE OF CONGRESS ON CORPORATE WELFARE.

(a) Findings.—The Congress finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 405. SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—The Congress finds that:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over half of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the House Committee on the Budget unanimously passed a sense of Congress amendment on domestic violence and Federal assistance to the fiscal year 1997 budget resolution. Subsequently, Congress passed the family violence option amendment to last year's welfare reform reconciliation bill.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers to individuals receiving assistance for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individuals granted a domestic violence good cause waiver by States should not be included in the States' 20 percent hardship exemption.

TITLE V—TRANSPORTATION REVENUES USED SOLELY FOR TRANSPORTATION

SEC. 501. READJUSTMENTS.

(a) INCREASE IN FUNCTION 400.—Levels of new budget authority and outlays set forth in function 400 in section 102 shall be increased as follows:

(1) for fiscal year 1998, by $0 in outlays and by $0 in new budget authority;

(2) for fiscal year 1999, by $770,000,000 in outlays and by $3,600,000,000 in new budget authority;

(3) for fiscal year 2000, by $2,575,000,000 in outlays and by $4,796,000,000 in new budget authority;

(4) for fiscal year 2001, by $3,765,000,000 in outlays and by $5,363,000,000 in new budget authority; and

(5) for fiscal year 2002, by $4,488,000,000 in outlays and by $5,619,000,000 in new budget authority.

(b) OFFSETS.—(1)(A) The total budget outlays for each fiscal year set forth in each functional category in section 102 shall be reduced by an amount determined through a pro rata reduction of discretionary outlays within each function necessary to achieve the following outlay reductions:

(i) for fiscal year 1998, by $0 in outlays;

(ii) for fiscal year 1999, by $746,000,000 in outlays;

(iii) for fiscal year 2000, by $2,422,000,000 in outlays;

(iv) for fiscal year 2001, by $3,532,000,000 in outlays; and

(v) for fiscal year 2002, by $4,242,000,000 in outlays;

and corresponding reductions in new budget authority shall be made in each function consistent with such pro rata reductions in outlays. Reductions in new budget authority shall be made to section 101(2) consistent with this subparagraph and subsection (a).

(B) These reductions shall not be made to the mandatory outlay portion of any function, including (but not limited to) Medicare, Medicaid and Social Security. For purposes of the application of this paragraph to function 400, the pro rata share shall be determined by using the amounts provided for function 400 prior to any adjustment made by subparagraph (A).

(2) The amounts by which the aggregate levels of Federal revenues should be changed as set forth in section 101(1)(B) are reduced as follows:

(A) for fiscal year 1998, by $0;

(B) for fiscal year 1999, by $24,000,000;

(C) for fiscal year 2000, by $153,000,000;

(D) for fiscal year 2001, by $233,000,000; and

(E) for fiscal year 2002, by $246,000,000.

(3) The amounts by which to appropriate levels of total budget outlays in section 101(3) are increased as follows:

(A) for fiscal year 1998, by $0;

(B) for fiscal year 1999, by $24,000,000;

(C) for fiscal year 2000, by $153,000,000;

(D) for fiscal year 2001, by $233,000,000;

(D) for fiscal year 2002, by $246,000,000.

(4) The reconciliation directives to the Committee on Ways and Means in sections 201(c)(8)(B) and 201(d)(8)(B) shall be adjusted accordingly.

SEC. 502. HIGHWAY TRUST FUND ALLOCATIONS.

(a) ALLOCATED AMOUNTS.—Of the amounts of outlays allocated to the Committees on Appropriations of the House and Senate by the joint explanatory statement accompanying this resolution pursuant to sections 302 and 602 of the Congressional Budget Act of 1974, the following amounts shall be used for contract authority spending out of the Highway Trust Fund—

(1) for fiscal year 1998, $22,256,000,000 in outlays;

(2) for fiscal year 1999, $24,063,000,000 in outlays;

(3) for fiscal year 2000, $26,092,000,000 in outlays;

(4) for fiscal year 2001, $27,400,000,000 in outlays; and

(5) for fiscal year 2002, $28,344,000,000 in outlays.

(b) ENFORCEMENT.—Determinations regarding points of order made under section 302(f) or 602(c) of the Congressional Budget Act of 1974 shall take into account subsection (a).

(c) STATUTORY IMPLEMENTATION.—As part of reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, provisions shall be included to enact this section into permanent law.

SEC. 503. PRIORITY FOR RESTORATION OF CUTS.

Any outlays that would have been allocated for surface transportation pursuant to section 301 shall first be used to restore any cuts to discretionary spending made as a result of section 501. The chairman of the House Committee on the Budget shall implement section 301 consistent with this section.

SEC. 504. MATHEMATICAL CONSISTENCY.

The Chairman of the House Committee on the Budget may make technical changes consistent with this title to ensure mathematical consistency.

H. CON. RES. 84

OFFERED BY: MR. DEFAZIO

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 6: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,609,100,000,000.
Fiscal year 1999: $1,690,800,000,000.
Fiscal year 2000: $1,766,000,000,000.
Fiscal year 2001: $1,845,900,000,000.
Fiscal year 2002: $1,928,400,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $ − 42,088,000,000.
Fiscal year 1999: $ − 53,250,000,000.
Fiscal year 2000: $ − 55,953,000,000.
Fiscal year 2001: $ − 59,198,000,000.
Fiscal year 2002: $ − 61,352,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,805,208,700,000.

Fiscal year 1999: $1,805,198,500,000.

Fiscal year 2000: $1,887,279,700,000.

Fiscal year 2001: $1,962,159,300,000.

Fiscal year 2002: $2,051,324,800,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,688,663,700,000.

Fiscal year 1999: $1,779,573,500,000.

Fiscal year 2000: $1,868,268,700,000.

Fiscal year 2001: $1,930,431,300,000.

Fiscal year 2002: $2,024,323,800,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $84,311,000,000.

Fiscal year 1999: $76,714,000,000.

Fiscal year 2000: $66,698,000,000.

Fiscal year 2001: $17,252,000,000.

Fiscal year 2002: $ − 6,063,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,587,400,000,000.

Fiscal year 1999: $5,823,200,000,000.

Fiscal year 2000: $6,066,100,000,000.

Fiscal year 2001: $6,265,200,000,000.

Fiscal year 2002: $6,467,900,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $37,523,000.

Fiscal year 1999: $36,806,000.

Fiscal year 2000: $40,500,000.

Fiscal year 2001: $40,906,000.

Fiscal year 2002: $41,676,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS,.—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $158,942,000.

Fiscal year 1999: $157,111,000.

Fiscal year 2000: $158,682,000.

Fiscal year 2001: $160,237,000.

Fiscal year 2002: $162,324,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $246,776,000,000.

(B) Outlays, $246,217,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $250,000,000.

Fiscal year 1999:

(A) New budget authority, $239,872,000,000.

(B) Outlays, $233,943,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $500,000,000.

Fiscal year 2000:

(A) New budget authority, $238,571,000,000.

(B) Outlays, $232,198,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $800,000,000.

Fiscal year 2001:

(A) New budget authority, $239,476,000,000.

(B) Outlays, $227,457,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $800,000,000.

Fiscal year 2002:

(A) New budget authority, $232,860,000,000.

(B) Outlays, $221,137,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $800,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $16,978,000,000.

(B) Outlays, $17,467,000,000.

(C) New direct loan obligations, $1,900,000,000.

(D) New primary loan guarantee commitments, $12,059,000,000.

Fiscal year 1999:

(A) New budget authority, $17,591,000,000.

(B) Outlays, $17,665,000,000.

(C) New direct loan obligations, $2,191,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $18,166,000,000.

(B) Outlays, $18,019,000,000.

(C) New direct loan obligations, $2,162,000,000.

(D) New primary loan guarantee commitments, $13,736,000,000.

Fiscal year 2001:

(A) New budget authority, $18,731,000,000.

(B) Outlays, $18,191,000,000.

(C) New direct loan obligations, $2,013,000,000.

(D) New primary loan guarantee commitments, $13,702,000,000.

Fiscal year 2002:

(A) New budget authority, $19,322,000,000.

(B) Outlays, $18,712,000,000.

(C) New direct loan obligations, $2,023,000,000.

(D) New primary loan guarantee commitments, $14,000,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,675,000,000.

(B) Outlays, $16,962,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,639,000,000.

(B) Outlays, $16,665,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $16,494,000,000.

(B) Outlays, $16,234,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $16,453,000,000.

(B) Outlays, $16,194,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $16,486,000,000.

(B) Outlays, $16,215,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $4,840,000,000.

(B) Outlays, $5,079,000,000.

(C) New direct loan obligations, $2,093,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $4,971,000,000.

(B) Outlays, $5,106,000,000.

(C) New direct loan obligations, $1,731,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $4,856,000,000.

(B) Outlays, $4,904,000,000.

(C) New direct loan obligations, $2,663,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $4,702,000,000.

(B) Outlays, $4,712,000,000.

(C) New direct loan obligations, $1,814,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $4,604,000,000.

(B) Outlays, $4,577,000,000.

(C) New direct loan obligations, $1,682,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $21,589,000,000.

(B) Outlays, $20,502,000,000.

(C) New direct loan obligations, $38,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $22,290,000,000.

(B) Outlays, $21,168,000,000.

(C) New direct loan obligations, $37,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $23,004,000,000.

(B) Outlays, $22,073,000,000.

(C) New direct loan obligations, $37,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $23,748,000,000.

(B) Outlays, $23,026,000,000.

(C) New direct loan obligations, $39,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $24,528,000,000.

(B) Outlays, $23,788,000,000.

(C) New direct loan obligations, $40,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $4,177,000,000.

(B) Outlays, $4,152,000,000.

(C) New direct loan obligations, $8,670,000,000.

(D) New primary loan guarantee commitments, $8,075,000,000.

Fiscal year 1999:

(A) New budget authority, $4,121,000,000.

(B) Outlays, $4,103,000,000.

(C) New direct loan obligations, $8,573,000,000.

(D) New primary loan guarantee commitments, $7,988,000,000.

Fiscal year 2000:

(A) New budget authority, $4,029,000,000.

(B) Outlays, $4,006,000,000.

(C) New direct loan obligations, $8,294,000,000.

(D) New primary loan guarantee commitments, $7,974,000,000.

Fiscal year 2001:

(A) New budget authority, $3,968,000,000.

(B) Outlays, $3,941,000,000.

(C) New direct loan obligations, $7,670,000,000.

(D) New primary loan guarantee commitments, $7,970,000,000.

Fiscal year 2002:

(A) New budget authority, $3,956,000,000.

(B) Outlays, $3,913,000,000.

(C) New direct loan obligations, $7,159,000,000.

(D) New primary loan guarantee commitments, $7,969,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $3,090,000,000.

(B) Outlays, $3,087,000,000.

(C) New direct loan obligations, $4,973,000,000.

(D) New primary loan guarantee commitments, $161,613,000,000.

Fiscal year 1999:

(A) New budget authority, $3,423,000,000.

(B) Outlays, $3,390,000,000.

(C) New direct loan obligations, $1,682,000,000.

(D) New primary loan guarantee commitments, $161,534,000,000.

Fiscal year 2000:

(A) New budget authority, $4,676,000,000.

(B) Outlays, $4,634,000,000.

(C) New direct loan obligations, $1,928,000,000.

(D) New primary loan guarantee commitments, $163,350,000,000.

Fiscal year 2001:

(A) New budget authority, $3,344,000,000.

(B) Outlays, $3,272,000,000.

(C) New direct loan obligations, $2,258,000,000.

(D) New primary loan guarantee commitments, $166,218,000,000.

Fiscal year 2002:

(A) New budget authority, $2,864,000,000.

(B) Outlays, $2,782,000,000.

(C) New direct loan obligations, $2,405,000,000.

(D) New primary loan guarantee commitments, $169,216,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $14,809,000,000.

(B) Outlays, $37,890,000,000.

(C) New direct loan obligations, $591,000,000.

(D) New primary loan guarantee commitments, $477,000,000.

Fiscal year 1999:

(A) New budget authority, $15,464,000,000.

(B) Outlays, $38,772,000,000.

(C) New direct loan obligations, $791,000,000.

(D) New primary loan guarantee commitments, $477,000,000.

Fiscal year 2000:

(A) New budget authority, $15,833,000,000.

(B) Outlays, $39,636,000,000.

(C) New direct loan obligations, $863,000,000.

(D) New primary loan guarantee commitments, $477,000,000.

Fiscal year 2001:

(A) New budget authority, $16,319,000,000.

(B) Outlays, $40,780,000,000.

(C) New direct loan obligations, $879,000,000.

(D) New primary loan guarantee commitments, $477,000,000.

Fiscal year 2002:

(A) New budget authority, $16,825,000,000.

(B) Outlays, $42,019,000,000.

(C) New direct loan obligations, $879,000,000.

(D) New primary loan guarantee commitments, $477,000,000.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $9,719,000,000.

(B) Outlays, $11,224,000,000.

(C) New direct loan obligations, $2,460,000,000.

(D) New primary loan guarantee commitments, $1,914,000,000.

Fiscal year 1999:

(A) New budget authority, $11,344,000,000.

(B) Outlays, $12,157,000,000.

(C) New direct loan obligations, $1,908,000,000.

(D) New primary loan guarantee commitments, $2,055,000,000.

Fiscal year 2000:

(A) New budget authority, $11,626,000,000.

(B) Outlays, $12,014,000,000.

(C) New direct loan obligations, $2,118,000,000.

(D) New primary loan guarantee commitments, $2,090,000,000.

Fiscal year 2001:

(A) New budget authority, $11,305,000,000.

(B) Outlays, $11,137,000,000.

(C) New direct loan obligations, $2,210,000,000.

(D) New primary loan guarantee commitments, $2,159,000,000.

Fiscal year 2002:

(A) New budget authority, $10,583,000,000.

(B) Outlays, $10,329,000,000.

(C) New direct loan obligations, $2,143,000,000.

(D) New primary loan guarantee commitments, $2,022,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $55,499,000,000.

(B) Outlays, $54,811,000,000.

(C) New direct loan obligations, $14,536,000,000.

(D) New primary loan guarantee commitments, $21,256,000,000.

Fiscal year 1999:

(A) New budget authority, $61,976,000,000.

(B) Outlays, $16,465,000,000.

(C) New direct loan obligations, $17,636,000,000.

(D) New primary loan guarantee commitments, $20,548,000,000.

Fiscal year 2000:

(A) New budget authority, $60,569,000,000.

(B) Outlays, $60,149,000,000.

(C) New direct loan obligations, $20,162,000,000.

(D) New primary loan guarantee commitments, $21,538,000,000.

Fiscal year 2001:

(A) New budget authority, $58,654,000,000.

(B) Outlays, $58,137,000,000.

(C) New direct loan obligations, $21,736,000,000.

(D) New primary loan guarantee commitments, $21,538,000,000.

Fiscal year 2002:

(A) New budget authority, $58,026,000,000.

(B) Outlays, $57,482,000,000.

(C) New direct loan obligations, $23,076,000,000.

(D) New primary loan guarantee commitments, $22,872,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $25,983,000,000.

(B) Outlays, $25,304,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $105,000,000.

Fiscal year 1999:

(A) New budget authority, $27,060,000,000.

(B) Outlays, $26,494,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $6,000,000.

Fiscal year 2000:

(A) New budget authority, $27,644,000,000.

(B) Outlays, $27,125,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $28,419,000,000.

(B) Outlays, $27,895,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $29,228,000,000.

(B) Outlays, $28,682,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $2,752,000,000.

(B) Outlays, $2,743,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $2,675,000,000.

(B) Outlays, $2,665,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $2,742,000,000.

(B) Outlays, $2,732,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,738,000,000.

(B) Outlays, $2,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,741,000,000.

(B) Outlays, $2,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $35,627,000,000.

(B) Outlays, $42,573,000,000.

(C) New direct loan obligations, $73,000,000.

(D) New primary loan guarantee commitments, $17,000,000.

Fiscal year 1999:

(A) New budget authority, $39,835,000,000.

(B) Outlays, $45,228,000,000.

(C) New direct loan obligations, $8,000,000.

(D) New primary loan guarantee commitments, $34,000,000.

Fiscal year 2000:

(A) New budget authority, $41,704,000,000.

(B) Outlays, $45,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $40,000,000.

Fiscal year 2001:

(A) New budget authority, $44,143,000,000.

(B) Outlays, $46,132,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $40,000,000.

Fiscal year 2002:

(A) New budget authority, $45,868,000,000.

(B) Outlays, $46,580,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $3,378,000,000.

(B) Outlays, $3,378,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,391,000,000.

(B) Outlays, $3,376,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,322,000,000.

(B) Outlays, $3,306,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $3,264,000,000.

(B) Outlays, $3,247,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $3,269,000,000

(B) Outlays, $3,251,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $17,804,000,000.

(B) Outlays, $18,272,000,000.

(C) New direct loan obligations, $2,189,000,000.

(D) New primary loan guarantee commitments, $28,948,000,000.

Fiscal year 1999:

(A) New budget authority, $18,478,000,000.

(B) Outlays, $18,307,000,000.

(C) New direct loan obligations, $2,249,000,000.

(D) New primary loan guarantee commitments, $25,458,000,000.

Fiscal year 2000:

(A) New budget authority, $19,172,000,000.

(B) Outlays, $18,900,000,000.

(C) New direct loan obligations, $2,273,000,000.

(D) New primary loan guarantee commitments, $25,032,000,000.

Fiscal year 2001:

(A) New budget authority, $19,894,000,000.

(B) Outlays, $19,607,000,000.

(C) New direct loan obligations, $2,287,000,000.

(D) New primary loan guarantee commitments, $24,566,000,000.

Fiscal year 2002:

(A) New budget authority, $20,652,000,000.

(B) Outlays, $20,357,000,000.

(C) New direct loan obligations, $2,269,000,000.

(D) New primary loan guarantee commitments, $24,059,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $25,297,000,000.

(B) Outlays, $23,170,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $26,168,000,000.

(B) Outlays, $25,493,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $26,649,000,000.

(B) Outlays, $26,297,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $27,240,000,000.

(B) Outlays, $26,874,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $25,662,000,000.

(B) Outlays, $25,285,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $11,947,000,000.

(B) Outlays, $11,965,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,380,000,000.

(B) Outlays, $12,349,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,623,000,000.

(B) Outlays, $12,560,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $12,263,000,000.

(B) Outlays, $12,171,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $12,070,000,000.

(B) Outlays, $11,827,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $249,859,000,000.

(B) Outlays, $249,859,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $251,843,000,000.

(B) Outlays, $251,843,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $248,203,000,000.

(B) Outlays, $248,203,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $244,963,000,000.

(B) Outlays, $244,963,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $238,762,000,000.

(B) Outlays, $238,762,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) SUBMISSIONS.—Not later than August 1, 1997, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: by $42,088,000,000 in revenues for fiscal year 1998, by by $61,352,000,000 in revenues for fiscal year 2002, and by $272,841,000 in revenues in fiscal years 1998 through 2002.

(c) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

H. CON. RES. 84

OFFERED BY: MR. DOGGETT

AMENDMENT NO. 7: At the end of the concurrent resolution, add the following new section:

SEC. . PROTECTION OF BALANCED BUDGET.

It is the sense of the Congress that, to assure that neither the tax cuts nor the spending increases in this resolution explode in cost, endangering the balanced budget promised by 2002 or the ability to maintain balance thereafter, any provision of law affecting revenues or authorizing spending for new entitlement initiatives assumed in this resolution should sunset and cease to be effective within five years, unless subsequently reauthorized by law.

H. Con. Res. 84

Offered By Mr. Minge of Minnesota

(Amendment in the Nature of a Substitute)

Amendment No. 8: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) Federal revenues.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.
Fiscal year 1999: $1,241,859,000,000.
Fiscal year 2000: $1,285,559,000,000.
Fiscal year 2001: $1,343,591,000,000.
Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$7,400,000,000.
Fiscal year 1999: −$11,083,000,000.
Fiscal year 2000: −$21,969,000,000.
Fiscal year 2001: −$22,821,000,000.
Fiscal year 2002: −$19,871,000,000.

(2) New budget authority.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,385,086,000,000.
Fiscal year 1999: $1,440,027,000,000.
Fiscal year 2000: $1,486,314,000,000.
Fiscal year 2001: $1,520,340,000,000.
Fiscal year 2002: $1,551,837,000,000.

(3) Budget outlays.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,371,887,000,000.
Fiscal year 1999: $1,424,231,000,000.
Fiscal year 2000: $1,468,751,000,000.
Fiscal year 2001: $1,500,952,000,000.
Fiscal year 2002: $1,516,298,000,000.

(4) Deficits.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,908,000,000.
Fiscal year 1999: $182,372,000,000.
Fiscal year 2000: $183,192,000,000.
Fiscal year 2001: $157,361,000,000.
Fiscal year 2002: $108,734,000,000.

(5) Public debt.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,592,500,000,000.
Fiscal year 1999: $5,834,900,000,000.
Fiscal year 2000: $6,081,000,000,000.
Fiscal year 2001: $6,298,300,000,000.
Fiscal year 2002: $6,474,400,000,000.

(6) Direct Loan Obligations.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.
Fiscal year 2000: $34,775,000,000.
Fiscal year 2001: $36,039,000,000.
Fiscal year 2002: $37,099,000,000.

(7) Primary Loan guarantee commitments,.—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:
(A) New budget authority, $268,197,000,000.
(B) Outlays, $265,978,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:
(A) New budget authority, $270,784,000,000.
(B) Outlays, $265,771,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:
(A) New budget authority, $274,802,000,000.
(B) Outlays, $268,418,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:
(A) New budget authority, $281,305,000,000.
(B) Outlays, $270,110,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:
(A) New budget authority, $289,092,000,000.
(B) Outlays, $272,571,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:
(A) New budget authority, $15,909,000,000.
(B) Outlays, $14,588,000,000.
(C) New direct loan obligations, $1,966,000,000.
(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:
(A) New budget authority, $14,918,000,000.
(B) Outlays, $14,569,000,000.
(C) New direct loan obligations, $2,021,000,000.
(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:
(A) New budget authority, $15,782,000,000.
(B) Outlays, $14,981,000,000.
(C) New direct loan obligations, $2,077,000,000.
(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:
(A) New budget authority, $16,114,000,000.
(B) Outlays, $14,751,000,000.
(C) New direct loan obligations, $2,122,000,000.
(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:
(A) New budget authority, $16,353,000,000.
(B) Outlays, $14,812,000,000.
(C) New direct loan obligations, $2,178,000,000.
(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:
(A) New budget authority, $16,237,000,000.
(B) Outlays, $16,882,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $16,203,000,000.
(B) Outlays, $16,528,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $15,947,000,000.
(B) Outlays, $16,013,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,862,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $15,604,000,000.
(B) Outlays, $15,668,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:
(A) New budget authority, $3,123,000,000.
(B) Outlays, $2,247,000,000.
(C) New direct loan obligations, $1,050,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $3,469,000,000.
(B) Outlays, $2,446,000,000.
(C) New direct loan obligations, $1,078,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $3,186,000,000.
(B) Outlays, $2,293,000,000.
(C) New direct loan obligations, $1,109,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $2,939,000,000.
(B) Outlays, $2,048,000,000.
(C) New direct loan obligations, $1,141,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:
(A) New budget authority, $2,846,000,000.
(B) Outlays, $1,867,000,000.
(C) New direct loan obligations, $1,171,000,000.
(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:
(A) New budget authority, $23,877,000,000.
(B) Outlays, $22,405,000,000.
(C) New direct loan obligations, $3,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $23,227,000,000.
(B) Outlays, $22,702,000,000.
(C) New direct loan obligations, $32,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:
(A) New budget authority, $22,570,000,000.
(B) Outlays, $22,963,000,000.
(C) New direct loan obligations, $32,000,000.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:
(A) New budget authority, $22,151,000,000.
(B) Outlays, $22,720,000,000.
(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, $920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $44,574,000,000.

(B) Outlays, $40,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,556,000,000.

(B) Outlays, $41,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $41,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $41,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $41,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,768,000,000.

(B) Outlays, $10,387,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,489,000,000.

(B) Outlays, $10,902,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,810,000,000.

(B) Outlays, $10,986,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $7,764,000,000.

(B) Outlays, $11,350,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $7,790,000,000.

(B) Outlays, $8,429,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,020,000,000.

(B) Outlays, $56,062,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $60,450,000,000.

(B) Outlays, $59,335,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $61,703,000,000.

(B) Outlays, $60,728,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $62,959,000,000.

(B) Outlays, $61,931,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $63,339,000,000.

(B) Outlays, $62,316,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,836,000,000.

(B) Outlays, $137,804,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $144,939,000,000.

(B) Outlays, $144,915,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,019,000,000.

(B) Outlays, $153,898,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $163,413,000,000.

(B) Outlays, $163,136,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $172,136,000,000.

(B) Outlays, $171,692,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,620,000,000.

(B) Outlays, $201,764,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,073,000,000.

(B) Outlays, $211,548,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,540,000,000.

(B) Outlays, $225,537,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,636,000,000.

(B) Outlays, $238,781,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $251,548,000,000.

(B) Outlays, $250,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,032,000,000.

(B) Outlays, $247,758,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,090,000,000.

(B) Outlays, $258,064,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $269,566,000,000.

(B) Outlays, $268,161,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $275,145,000,000.

(B) Outlays, $277,264,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,945,000,000.

(B) Outlays, $285,239,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,545,000,000.

(B) Outlays, $41,337,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,715,000,000.

(B) Outlays, $41,949,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,000,000,000.

(B) Outlays, $42,168,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,364,000,000.

(B) Outlays, $42,486,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,565,000,000.

(B) Outlays, $42,719,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,765,000,000.

(B) Outlays, $22,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,120,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $25,178,000,000.

(B) Outlays, $25,240,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $24,354,000,000.

(B) Outlays, $25,901,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $24,883,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,549,000,000.

(B) Outlays, $296,549,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,567,000,000.

(B) Outlays, $304,567,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $304,867,000,000.

(B) Outlays, $304,867,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,659,000,000.

(B) Outlays, $303,659,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,754,000,000.

(B) Outlays, $303,754,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,841,000,000.

(B) Outlays, −$41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) Purpose.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) Submissions.—

(1) Entitlement reforms.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) Tax relief and miscellaneous reforms.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) Instructions Relating to Entitlement Reforms.—

(1) Committee on agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on banking and financial services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: –$8,435,000,000 in outlays for fiscal year 1998, –$5,091,000,000 in outlays for fiscal year 2002, and –$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on education and the workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on government reform and oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on transportation and infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on veterans' affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on ways and means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,172,136,000,000 in revenues for fiscal year 1998, $1,382,679,000,000 in revenues for fiscal year 2002, and $7,493,796,000,000 in revenues in fiscal years 1998 through 2002.

(d) Instructions Relating to Tax Relief and Miscellaneous Reforms.—

(1) Committee on agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on banking and financial services.—(A) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: –$8,435,000,000 in outlays for fiscal year 1998, –$5,091,000,000 in outlays for fiscal year 2002, and –$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on education and the workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on government reform and oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998 $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on transportation and infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on veterans' affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on ways and means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,164,736,000,000 in revenues for fiscal year 1998, $1,362,179,000,000 in revenues for fiscal year 2002, and $7,408,796,000,000 in revenues in fiscal years 1998 through 2002.

(e) Definition.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Flexibility in Carrying Out Children's Health Initiative.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) Purpose.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) Deficit Neutrality Requirement.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REVISED LEVELS.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is within the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) REVISIONS.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REVERSALS.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) DEFINITION.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69-8083-0-7-401 (Federal-Aid Highways).

(2) 69-8191-0-7-401 (Mass Transit Capital Fund).

(3) 69-8350-0-7-401 (Mass Transit Formula Grants).

(4) 69-8016-0-7-401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69-8020-0-7-401 (Highway Traffic Safety Grants).

(6) 69-8048-0-7-401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) BUDGETARY TREATMENT.—

(1) IN GENERAL.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) DEFINITION.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) COMMITTEE ALLOCATIONS.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) LIMITATIONS.—The adjustments made under this section shall not exceed—

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) READJUSTMENTS.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) ALLOCATION BY CHAIRMAN.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, the chairman of the Committee on the Budget shall allocate that amount of outlays and the corresponding amount of budget authority.

(b) TREATMENT OF ALLOCATIONS IN THE HOUSE.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) FINDINGS.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) SENSE OF CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 404. SENSE OF CONGRESS ON CORPORATE WELFARE.

(a) FINDINGS.—The Congress finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 405. SENSE OF THE CONGRESS REGARDING BALANCED BUDGET ENFORCEMENT.

It is the sense of Congress that reconciliation legislation considered pursuant to this legislation must include enforcement procedures to ensure that the Budget of the United States Government does reach balance by 2002 and remain in balance thereafter. Such language should—

(1) set nominal targets for spending, revenues, and deficits for each year of the next 10 years;

(2) require that the President propose a budget that complies with the spending, revenue, and deficit targets in each year or propose to change the targets, and require that any budget resolution considered by the House of Representatives and the Senate comply with the spending, revenue, and deficit targets in each year or recommend changes to those targets;

(3) include all portions of the budget and apply such enforcement proportionally to the specific parts of the budget that caused the deficit to exceed the target in any year. This should be accomplished through a combination of—

(A) extension of the caps for discretionary spending enforced by sequestration through fiscal year 2002;

(B) global caps for total entitlement spending and specific caps within the global caps for large entitlement programs, with sequestration applied to those programs or categories that caused outlays to exceed the caps;

(C) a requirement that tax cuts be phased in contingent on meeting the revenue targets in the agreement;

(4) allow adjustments to spending caps and revenue and deficit targets for changes in actual economic conditions to avoid forcing policy changes due directly and exclusively to changes in economic conditions;

(5) prevent the use of emergencies to evade the enforcement mechanism by establishing procedures to budget for and control emergency spending; and

(6) if the actual deficit is below the target in any year, lock in such budget savings for deficit and debt reduction.

H. CON. RES. 84

OFFERED BY: MR. MINGE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 9: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.
Fiscal year 1999: $1,241,859,000,000.
Fiscal year 2000: $1,285,559,000,000.
Fiscal year 2001: $1,343,591,000,000.
Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$7,400,000,000.
Fiscal year 1999: −$11,083,000,000.
Fiscal year 2000: −$21,969,000,000.
Fiscal year 2001: −$22,821,000,000.
Fiscal year 2002: −$19,871,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,385,086,000,000.
Fiscal year 1999: $1,440,027,000,000.
Fiscal year 2000: $1,486,314,000,000.
Fiscal year 2001: $1,520,340,000,000.
Fiscal year 2002: $1,551,837,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,371,887,000,000.
Fiscal year 1999: $1,424,231,000,000.
Fiscal year 2000: $1,468,751,000,000.
Fiscal year 2001: $1,500,952,000,000.
Fiscal year 2002: $1,516,298,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,908,000,000.
Fiscal year 1999: $182,372,000,000.
Fiscal year 2000: $183,192,000,000.
Fiscal year 2001: $157,361,000,000.
Fiscal year 2002: $108,734,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,592,500,000,000.
Fiscal year 1999: $5,834,900,000,000.
Fiscal year 2000: $6,081,000,000,000.
Fiscal year 2001: $6,298,300,000,000.
Fiscal year 2002: $6,474,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.
Fiscal year 2000: $34,775,000,000.
Fiscal year 2001: $36,039,000,000.
Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS..—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,197,000,000.

(B) Outlays, $265,978,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:

(A) New budget authority, $270,784,000,000.

(B) Outlays, $265,771,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:

(A) New budget authority, $274,802,000,000.

(B) Outlays, $268,418,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $281,305,000,000.

(B) Outlays, $270,110,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $289,092,000,000.

(B) Outlays, $272,571,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,909,000,000.

(B) Outlays, $14,558,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,918,000,000.

(B) Outlays, $14,569,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $15,782,000,000.

(B) Outlays, $14,981,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,114,000,000.

(B) Outlays, $14,751,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,353,000,000.

(B) Outlays, $14,812,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,237,000,000.

(B) Outlays, $16,882,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,203,000,000.

(B) Outlays, $16,528,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $15,947,000,000.

(B) Outlays, $16,013,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,862,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,604,000,000.

(B) Outlays, $15,668,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,123,000,000.

(B) Outlays, $2,247,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,469,000,000.

(B) Outlays, $2,446,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,186,000,000.

(B) Outlays, $2,293,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,939,000,000.

(B) Outlays, $2,048,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,846,000,000.

(B) Outlays, $1,867,000,000.

(C) New direct loan obligations, $1,171,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,877,000,000.

(B) Outlays, $22,405,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,227,000,000.

(B) Outlays, $22,702,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $22,963,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,151,000,000.

(B) Outlays, $22,720,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, $920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $44,574,000,000.

(B) Outlays, $40,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,556,000,000.

(B) Outlays, $41,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $41,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $41,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $41,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,768,000,000.

(B) Outlays, $10,387,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,489,000,000.

(B) Outlays, $10,902,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,810,000,000X.

(B) Outlays, $10,986,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $7,764,000,000.

(B) Outlays, $11,350,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

Fiscal year 2002:

(A) New budget authority, $7,790,000,000.

(B) Outlays, $8,429,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,020,000,000.

(B) Outlays, $56,062,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $60,450,000,000.

(B) Outlays, $59,335,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $61,703,000,000.

(B) Outlays, $60,728,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $62,959,000,000.

(B) Outlays, $61,931,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $63,339,000,000.

(B) Outlays, $62,316,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,836,000,000.

(B) Outlays, $137,804,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $144,939,000,000.

(B) Outlays, $144,915,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,019,000,000.

(B) Outlays, $153,898,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $163,413,000,000.

(B) Outlays, $163,136,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $172,136,000,000.

(B) Outlays, $171,692,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,620,000,000.

(B) Outlays, $201,764,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,073,000,000.

(B) Outlays, $211,548,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,540,000,000.

(B) Outlays, $225,537,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,636,000,000.

(B) Outlays, $238,781,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $251,548,000,000.

(B) Outlays, $250,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,032,000,000.

(B) Outlays, $247,758,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,090,000,000.

(B) Outlays, $258,064,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $269,566,000,000.

(B) Outlays, $268,161,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $275,145,000,000.

(B) Outlays, $277,264,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,945,000,000.

(B) Outlays, $285,239,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,545,000,000.

(B) Outlays, $41,337,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,715,000,000.

(B) Outlays, $41,949,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,000,000,000.

(B) Outlays, $42,168,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,364,000,000.

(B) Outlays, $42,486,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,565,000,000.

(B) Outlays, $42,719,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,765,000,000.

(B) Outlays, $22,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,120,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $25,178,000,000.

(B) Outlays, $25,240,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $24,354,000,000.

(B) Outlays, $25,901,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $24,883,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,549,000,000.

(B) Outlays, $296,549,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,567,000,000.

(B) Outlays, $304,567,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $304,867,000,000.

(B) Outlays, $304,867,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,659,000,000.

(B) Outlays, $303,659,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,754,000,000.

(B) Outlays, $303,754,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,841,000,000.

(B) Outlays, −$41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) PURPOSE.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) SUBMISSIONS.—

(1) ENTITLEMENT REFORMS.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) TAX RELIEF AND MISCELLANEOUS REFORMS.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) INSTRUCTIONS RELATING TO ENTITLEMENT REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $8,435,000,000 in outlays for fiscal year 1998, $5,091,000,000 in outlays for fiscal year 2002, and $50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,172,136,000,000 in revenues for fiscal year 1998, $1,382,679,000,000 in revenues for fiscal year 2002, and $7,493,796,000,000 in revenues in fiscal years 1998 through 2002.

(d) INSTRUCTIONS RELATING TO TAX RELIEF AND MISCELLANEOUS REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—(A) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that

provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on Education and the Workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on Government Reform and Oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998 $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on Transportation and Infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,843,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on Veterans' Affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on Ways and Means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,164,736,000,000 in revenues for fiscal year 1998, $1,362,179,000,000 in revenues for fiscal year 2002, and $7,408,796,000,000 in revenues in fiscal years 1998 through 2002.

(e) Definition.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Flexibility in Carrying Out Children's Health Initiative.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) Purpose.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) Deficit Neutrality Requirement.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Revised Levels.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is within the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) Revisions.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) Reversals.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) Definition.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69–8083–0–7–401 (Federal-Aid Highways).

(2) 69–8191–0–7–401 (Mass Transit Capital Fund).

(3) 69–8350–0–7–401 (Mass Transit Formula Grants).

(4) 69–8016–0–7–401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(6) 69–8048–0–7–401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) Budgetary treatment.—

(1) In general.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) Calculation of net present value.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) Definition.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Treatment of Loan Assets.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) Committee Allocations.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) LIMITATIONS.—The adjustments made under this section shall not exceed—

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) READJUSTMENTS.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) ALLOCATION BY CHAIRMAN.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing up to $165 million in outlays for Federal land acquisitions and to finalize priority Federal land exchanges for fiscal year 1998 (assuming $700 million in outlays over 5 fiscal years), the chairman of the Committee on the Budget shall allocate that amount of outlays and the corresponding amount of budget authority.

(b) TREATMENT OF ALLOCATIONS IN THE HOUSE.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) FINDINGS.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) SENSE OF CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 404. SENSE OF CONGRESS ON CORPORATE WELFARE.

(a) FINDINGS.—The Congress finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 405. SENSE OF THE CONGRESS REGARDING BALANCED BUDGET ENFORCEMENT

It is the sense of Congress that reconciliation legislation considered pursuant to this legislation must include enforcement procedures to ensure that the Budget of the United States Government does reach balance by 2002 and remain in balance thereafter. Such language should include all portions of the budget and apply such enforcement proportionally to the specific parts of the budget that caused the deficit to exceed the levels provided for in this resolution in any year. Enforcement procedures should contain flexibility to allow adjustments for changes resulting from economic downturns.

H. CON. RES. 84

OFFERED BY MR. RIGGS

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 10: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.
Fiscal year 1999: $1,241,859,000,000.
Fiscal year 2000: $1,285,559,000,000.
Fiscal year 2001: $1,343,591,000,000.
Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$7,400,000,000.
Fiscal year 1999: −$11,083,000,000.
Fiscal year 2000: −$21,969,000,000.
Fiscal year 2001: −$22,821,000,000.
Fiscal year 2002: −$19,871,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,386,875,000,000.
Fiscal year 1999: $1,439,798,000,000.
Fiscal year 2000: $1,486,311,000,000.
Fiscal year 2001: $1,520,242,000,000.
Fiscal year 2002: $1,551,563,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,371,848,000,000.
Fiscal year 1999: $1,424,002,000,000.
Fiscal year 2000: $1,468,748,000,000.
Fiscal year 2001: $1,500,854,000,000.
Fiscal year 2002: $1,516,024,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,869,000,000.
Fiscal year 1999: $182,143,000,000.
Fiscal year 2000: $183,189,000,000.
Fiscal year 2001: $157,263,000,000.
Fiscal year 2002: $108,460,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,836,000,000,000.
Fiscal year 2000: $6,082,400,000,000.
Fiscal year 2001: $6,031,100,000,000.
Fiscal year 2002: $6,473,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.
Fiscal year 2000: $34,775,000,000.
Fiscal year 2001: $36,039,000,000.
Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments, are as follows:

Fiscal year 1998: $315,472,000,000.

Fiscal year 1999: $324,749,000,000.

Fiscal year 2000: $328,124,000,000.

Fiscal year 2001: $332,063,000,000.

Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments, for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,200,000,000.

(B) Outlays, $263,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $588,000,000.

Fiscal year 1999:

(A) New budget authority, $270,800,000,000.

(B) Outlays, $266,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:

(A) New budget authority, $273,400,000,000.

(B) Outlays, $270,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $276,200,000,000.

(B) Outlays, $269,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $279,000,000,000.

(B) Outlays, $269,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,909,000,000.

(B) Outlays, $14,558,000,000.

(C) New direct loan obligations, $1,966,000.

(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,918,000,000.

(B) Outlays, $14,569,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $15,782,000,000.

(B) Outlays, $14,981,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,114,000,000.

(B) Outlays, $14,751,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,353,000,000.

(B) Outlays, $14,812,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,237,000,000.

(B) Outlays, $16,882,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,203,000,000.

(B) Outlays, $16,528,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $15,947,000,000.

(B) Outlays, $16,013,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,862,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,604,000,000.

(B) Outlays, $15,668,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,123,000,000.

(B) Outlays, $2,247,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,469,000,000.

(B) Outlays, $2,446,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,186,000,000.

(B) Outlays, $2,293,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,939,000,000.

(B) Outlays, $2,048,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,846,000,000.

(B) Outlays, $1,867,000,000.

(C) New direct loan obligations, $1,174,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,877,000,000.

(B) Outlays, $22,405,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,227,000,000.

(B) Outlays, $22,702,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $22,963,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,151,000,000.

(B) Outlays, $22,720,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, −$920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,402,000,000.

(B) Outlays, $40,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,556,000,000.

(B) Outlays, $41,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $41,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $41,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $41,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,768,000,000.

(B) Outlays, $10,387,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,489,000,000.

(B) Outlays, $10,902,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,810,000,000.

(B) Outlays, $10,986,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $7,764,000,000.

(B) Outlays, $11,350,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $42,452,000,000.

Fiscal year 2002:

(A) New budget authority, $7,790,000,000.

(B) outlays, $8,429,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

(10) Education, Training, Employment and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,000,000,000.

(B) Outlays, $59,100,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $60,500,000,000.

(B) Outlays, $58,800,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $63,100,000,000.

(B) Outlays, $59,000,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $68,100,000,000.

(B) Outlays, $62,900,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $73,400,000,000.

(B) Outlays, $65,800,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,799,000,000.

(B) Outlays, $137,767,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $144,968,000,000.

(B) Outlays, $144,944,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,068,000,000.

(B) Outlays, $153,947,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $163,412,000,000.

(B) Outlays, $163,135,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal Year 2002:

(A) New budget authority, $172,171,000,000.

(B) Outlays, $171,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal Year 1998:

(A) New budget authority, $210,620,000,000.

(B) Outlays, $201,764,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal Year 1999:

(A) New budget authority, $212,073,000,000.

(B) Outlays, $211,548,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal Year 2000:

(A) New budget authority, $225,540,000,000.

(B) Outlays, $225,537,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal Year 2001:

(A) New budget authority, $239,636,000,000.

(B) Outlays, $238,781,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal Year 2002:

(A) New budget authority, $251,548,000,000.

(B) Outlays, $250,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal Year 1998:

(A) New budget authority, $239,032,000,000.

(B) Outlays, $247,758,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal Year 1999:

(A) New budget authority, $254,090,000,000.

(B) Outlays, $258,064,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal Year 2000:

(A) New budget authority, $269,566,000,000.

(B) Outlays, $268,161,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal Year 2001:

(A) New budget authority, $275,145,000,000.

(B) Outlays, $277,264,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,945,000,000.

(B) Outlays, $285,239,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,545,000,000.

(B) Outlays, $41,337,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,466,000,000.

(B) Outlays, $41,700,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $41,740,000,000.

(B) Outlays, $41,908,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,093,000,000.

(B) Outlays, $42,215,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,282,000,000.

(B) Outlays, $42,436,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,765,000,000.

(B) Outlays, $22,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,120,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $24,178,000,000.

(B) Outlays, $25,240,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $24,354,000,000.

(B) Outlays, $25,901,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $24,883,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,547,000,000.

(B) Outlays, $296,547,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0

Fiscal year 1999:

(A) New budget authority, $304,558,000,000.

(B) Outlays, $304,558,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0

Fiscal year 2000:

(A) New budget authority, $305,075,000,000.

(B) Outlays, $305,075,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0

Fiscal year 2001:

(A) New budget authority, $303,833,000,000.

(B) Outlays, $303,833,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments, $0

Fiscal year 2002:

(A) New budget authority, $303,728,000,000.

(B) Outlays, $303,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,841,000,000.

(B) Outlays, −$41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) Purpose.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) Submissions.—

(1) Entitlement reforms.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) Tax relief and miscellaneous reforms.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) Instructions Relating to Entitlement Reforms.—

(1) Committee on agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on banking and financial services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on education and the workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $103,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on government reform and oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the

total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998, $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1.176.253.000.000 in revenues for fiscal year 1998, $1.386.546.000.000 in revenues for fiscal year 2002, and $7,517,939,000,000 in revenues in fiscal years 1998 through 2002.

(d) INSTRUCTIONS RELATING TO TAX RELIEF AND MISCELLANEOUS REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in law within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal year 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $13,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in ouutlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998. $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,168,853,000,000 in revenues for fiscal year 1998, $1,366,046,000,000 in revenues for fiscal year 2002, and $7,432,939,000,000 in revenues in fiscal years 1998 through 2002.

(e) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) CHILDREN'S HEALTH INITIATIVE.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) PURPOSE.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) DEFICIT NEUTRALITY REQUIREMENT.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REVISED LEVELS.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) REVISIONS.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REVERSALS.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) DEFINITION.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69–8083–0–7–401 (Federal-Aid Highways).

(2) 69–8191–0–7–401 (Mass Transit Capital Fund).

(3) 69–8350–0–7–401 (Mass Transit Formula Grants).

(4) 69–8016–0–7–401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(6) 69–8048–0–7–401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) BUDGETARY TREATMENT.—

(1) IN GENERAL.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale should cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) DEFINITION.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(c) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) COMMITTEE ALLOCATIONS.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) LIMITATIONS.—The adjustments made under this section shall not exceed:

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) READJUSTMENTS.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(A) ALLOCATION BY CHAIRMAN.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, the chairman of the Committee on the Budget shall allocate that amount of budget authority and the corresponding amount of outlays.

(b) TREATMENT OF ALLOCATIONS IN THE HOUSE.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(A) FINDINGS.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) SENSE OF CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 404. SENSE OF CONGRESS ON CORPORATE WELFARE.

(a) FINDINGS.—The Congress finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast.track process for the consideration of those recommendations.

SEC. 405. SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—The Congress finds that:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training

programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFCDC recipients are current or past victims of domestic violence.

(5) Over half of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the House Committee on the Budget unanimously passed a sense of Congress amendment on domestic violence and Federal assistance to the fiscal year 1997 budget resolution. Subsequently, Congress passed the family violence option amendment to last year's welfare reform reconciliation bill.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers to individuals receiving assistance for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individuals granted a domestic violence good cause waiver by States should not be included in the States' 20 percent hardship exemption.

H. CON. RES. 84

OFFERED BY: MR. SHUSTER

AMENDMENT NO. 11: At the end, add the following new title:

TITLE V—TRANSPORTATION REVENUES USED SOLELY FOR TRANSPORTATION

SEC. 501. READJUSTMENTS.

(a) INCREASE IN FUNCTION 400.—Levels of new budget authority and outlays set forth in function 400 in section 102 shall be increased as follows:

(1) for fiscal year 1998, by $0 in outlays and by $0 in new budget authority;

(2) for fiscal year 1999, by $770,000,000 in outlays and by $3,600,000,000 in new budget authority;

(3) for fiscal year 2000, by $2,575,000,000 in outlays and by $4,796,000,000 in new budget authority;

(4) for fiscal year 2001, by $3,765,000,000 in outlays and by $5,363,000,000 in new budget authority; and

(5) for fiscal year 2002, by $4,488,000,000 in outlays and by $5,619,000,000 in new budget authority.

(b) OFFSETS.—(1)(A) The total budget outlays for each fiscal year set forth in each functional category in section 102 shall be reduced by an amount determined through a pro rata reduction of discretionary outlays within each function necessary to achieve the following outlay reductions:

(i) for fiscal year 1998, by $0 in outlays;

(ii) for fiscal year 1999, by $746,000,000 in outlays;

(iii) for fiscal year 2000, by $2,422,000,000 in outlays;

(iv) for fiscal year 2001, by $3,532,000,000 in outlays; and

(v) for fiscal year 2002, by $4,242,000,000 in outlays;

and corresponding reductions in new budget authority shall be made in each function consistent with such pro rata reductions in outlays. Reductions in new budget authority shall be made to section 101(2) consistent with this subparagraph and subsection (a).

(B) These reductions shall not be made to the mandatory outlay portion of any function, including (but not limited to) Medicare, Medicaid and Social Security. For purposes of the application of this paragraph to function 400, the pro rata share shall be determined by using the amounts provided for function 400 prior to any adjustment made by subparagraph (A).

(2) The amounts by which the aggregate levels of Federal revenues should be changed as set forth in section 101(1)(B) are reduced as follows:

(A) for fiscal year 1998, by $0;

(B) for fiscal year 1999, by $24,000,000;

(C) for fiscal year 2000, by $153,000,000;

(D) for fiscal year 2001, by $233,000,000; and

(E) for fiscal year 2002, by $246,000,000.

(3) The amounts by which to appropriate levels of total budget outlays in section 101(3) are increased as follows:

(A) for fiscal year 1998, by $0;

(B) for fiscal year 1999, by $24,000,000;

(C) for fiscal year 2000, by $153,000,000;

(D) for fiscal year 2001, by $233,000,000; and

(E) for fiscal year 2002, by $246,000,000.

(4) The reconciliation directives to the Committee on Ways and Means in sections 201(c)(8)(B) and 201(d)(8)(B) shall be adjusted accordingly.

SEC. 502. HIGHWAY TRUST FUND ALLOCATIONS.

(a) ALLOCATED AMOUNTS.—Of the amounts of outlays allocated to the Committees on Appropriations of the House and Senate by the joint explanatory statement accompanying this resolution pursuant to sections 302 and 602 of the Congressional Budget Act of 1974, the following amounts shall be used for contract authority spending out of the Highway Trust Fund—

(1) for fiscal year 1998, $22,256,000,000 in outlays;

(2) for fiscal year 1999, $24,063,000,000 in outlays;

(3) for fiscal year 2000, $26,092,000,000 in outlays;

(4) for fiscal year 2001, $27,400,000,000 in outlays; and

(5) for fiscal year 2002, $28,344,000,000 in outlays.

(b) ENFORCEMENT.—Determinations regarding points of order made under section 302(f) or 602(c) of the Congressional Budget Act of 1974 shall take into account subsection (a).

(c) STATUTORY IMPLEMENTATION.—As part of reauthorizaton of the Intermodal Surface Transportation Efficiency Act of 1991, provisions shall be included to enact this section into permanent law.

SEC. 503. PRIORITY FOR RESTORATION OF CUTS.

Any outlays that would have been allocated for surface transportation pursuant to section 301 shall first be used to restore any cuts to discretionay spending made as a result of section 501. The chairman of the House Committee on the Budget shall implement section 301 consistent with this section.

SEC. 504. MATHEMATICAL CONSISTENCY.

The Chairman of the House Committee on the Budget may make technical changes consistent with this title to ensure mathematical consistency.

EXTENSIONS OF REMARKS

H.R. 5—INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENT OF 1997

SPEECH OF

GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. MILLER of California. Mr. Speaker, I am pleased to join my colleagues in both parties today to support this remarkable achievement on behalf of children with disabilities and their families.

I have always believed that it is an honor and a privilege to serve in Congress. Today I can say that I am truly proud to serve in Congress and to have played a role in upholding the laws that protect our children and their families.

We had some very serious disagreements when we started this effort 2 years ago to revise the two-decades-old law on disability education.

At that time, there were several critical points that prevented us from coming to an agreement.

I believed then and still believe that all children, regardless of the nature of severity of their disability, must be guaranteed a free and appropriate public education and that no child should be denied an education.

I said last year that if the California Legislature could conclude that this sound educational and social policy does not compromise school safety, then Congress should do so as well. The language in this bill before us specifically prohibiting cessation of services accomplishes that goal.

I believed then and still believe that treatment of children with disabilities should be guided by what we know about the nature of the child's disability and its effect on his or her behavior. Unfortunately, this knowledge needs to be more widely disseminated. Language proposed in consideration of this bill previously would have allowed schools to discipline disabled students solely for so-called "disruptive behavior".

Most of us assume this was a well-intended effort, yet nonetheless it would have resulted in a situation where any of a wide-range of nonthreatening but, to some, unpleasant behaviors, could have been grounds for suspension or expulsion.

I am pleased that my colleagues had the good sense to strike this provision from the bill.

I believed then and still believe that parents are entitled to pursue all legal avenues available to them to ensure their child is treated fairly. Unfortunately, some had argued for provisions which would have curtailed or severely diminished these rights.

I am pleased that the bill before us maintains the fundamental rights we established when this groundbreaking law was written over 20 years ago.

The bill before us today resolves these differences to the satisfaction of the many different parties that have contributed to this process and who are affected by this legislation.

Other more, specific aspects of the bill also deserve note.

First, this bill permits a hearing officer to decide whether to place a child in an alternative educational setting for no more than 45 days if a school district proves beyond a preponderance of evidence that maintaining the child in his or her current educational placement is substantially likely to result in injury to the child or others. The standard substantially likely was established by the Supreme Court in Honig versus Doe. In that case, the Court described the children who could be moved as those who are truly dangerous, and noted that it was up to the school district to rebut the presumption of maintaining the child in the current placement. In deciding whether the district has met this burden, it would not be permissible to move a child based on behavior that is not truly dangerous.

In addition, H.R. 5 requires the hearing officer to consider the appropriateness of the child's placement and efforts by the school district to minimize the risk of harm. Thus, the bill assumes that it would not be permissible to remove a child when the child's behavior can be addressed in the current placement.

In placing the additional authority with the hearing officers, the proposed bill recognizes the important role already assigned to these individuals in guaranteeing the rights of children with disabilities. It is because of the importance of this role that the Act requires that hearing officers be impartial and prohibits the designation of an employee of the child's school district as a hearing officer.

It is expected that hearing officers will be provided appropriate training to carry out this new responsibility in an informed and impartial manner and that both State educational agencies and the Secretary of Education will closely monitor the implementation of this provision.

The intent behind this bill was to strengthen the least restrictive environment requirement and participation of children with disabilities in the general curriculum and the regular education classroom.

In keeping with this goal, the bill clarifies that the regular education teacher is part of the IEP team if the child is, or may be, participating in the regular education environment. With respect to the IEP team, it is also important to underscore the right of parents to bring advocates or anyone else they care to bring to support them in the IEP process. Parents often need this support to level the playing field and allow them to participate meaningfully in the IEP process.

I am particularly pleased that the bill strengthens enforcement of IDEA by providing the Secretary more flexibility in withholding funds in cases of noncompliance and by explicitly clarifying the Secretary's ability to refer matters to the Department of Justice for enforcement action. Enforcement of this Act has been one of the main obstacles to full implementation. These new features will help assure that noncompliance will not go unchecked.

This process we went through in crafting these agreements was not easy. We had to overcome very real and difficult disagreements. Those of us who believed the rights of children and their parents were going to suffer were able to work with our colleagues in Congress who saw this issue differently and were able to agree that these rights should be protected.

What we strove to achieve, and what I think we've accomplished, is a bill that protects the rights of children with disabilities, and at the same time fosters cooperation between parents, teachers, school boards, administrators, and State and local agencies to help ensure that each recognizes their responsibilities and that each must make a commitment to work collaboratively to serve the best interests of all children.

I particularly wish to thank Senate Majority Leader TRENT LOTT for allowing us the arena in which to make this achievement. It was a remarkable process. Senator LOTT's dedication, and that of his chief of staff, David Hoppe, have served us all well.

I would also like to thank the other members of the bipartisan House-Senate IDEA working group—Chairman GOODLING, Representatives RIGGS, CASTLE, MARTINEZ, and SCOTT, and Senators KENNEDY, JEFFORDS, HARKIN, and COATS—along with their staffs, for the extraordinary effort they made in putting this agreement together.

I would also like to extend special thanks to Assistant Secretary of Education Judy Heumann, whose commitment to and effectiveness in addressing issues affecting those with disabilities, and whose impact on my knowledge and understanding of these issues, is second to no one's. Judy was an integral part of this process from beginning to end and this agreement simply would not have been possible without her.

Mr. Speaker, during our deliberations on this act I received in the mail a letter from an old friend of mine, retired superior Court judge Robert J. Cooney, enclosing a copy of a book written by his son, Peter, describing what life is like for a child with Down's syndrome and for that child as he becomes an adult and seeks his place in American society. Over the years I have had the opportunity to watch Peter grow as he progressed through school and participated in the Special Olympics and achieve greater and greater independence.

Peter makes it clear in his book the importance of family and the available resources: "it is the love of parents and others that make

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the person special. We need help sometimes. Parents and teachers and counselors should help us when we need help but don't do too much for us.—Some counselors need to think of us as special. Part of their job is helping us become independent."

Peter is now 32 years old, lives in a residential facility and works in the food service business at Cosumnes River College when he is not attending a book signing.

Mr. Speaker, this legislation is about empowering parents and students to be able to get the best education they can, so that like Peter they too will have the chance to participate fully in American society.

We should never forget why we went through this process. Before the IDEA law was on the books over 20 years ago, more than a million children with disabilities were not being educated. Schools refused to take them, and States did not force them to do.

IDEA is a civil rights law. For a parent with a disabled child, there is nothing more important than knowing your child will get as good an education as any other child. You would think that is not so much to ask in this great and rich country of ours. In fact, twenty years ago, it was too much to ask. But it is not any more.

IN MEMORY OF LLOYD REYNOLDS

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. EHRLICH. Mr. Speaker, I rise today with great sadness to pay tribute to a wonderful friend of mine, Mr. Lloyd Reynolds. Lloyd was 64 years old when he was suddenly and prematurely taken from us last month. It is difficult for me to express the profound loss to me, his family, and the State of Maryland.

Lloyd was born in Long Branch, NJ, and moved to Reisterstown, MD, when he was 16. He graduated from Franklin High School in 1950, and, 5 years later, founded Reynolds & Yellott Co., a construction firm.

Always interested in farming, Lloyd raised cattle, pigs, and turkeys near his home. He became increasingly involved with the farming community and was president of the Baltimore County Farm Bureau at his death. One of his greatest concerns was the loss of quality farmland to commercial developers, and he sought alternative ways for farmers to get equity out of their land without having to sell for such development.

Lloyd was also involved in community service of another kind. A staunch Republican in a State where Democrats outnumbered Republicans by a ratio of three to one, Lloyd was a Republican candidate for Lieutenant Governor of Maryland in 1982 and 1990. Although both attempts were unsuccessful, being involved was a way of life for Lloyd Reynolds.

I could always rely on Lloyd for advice about farming or small business issues because I knew he would be candid and sincere with me. He was always unselfish and genuinely concerned about others—qualities that defined him as a unique human being.

Mr. Speaker, I want to send my condolences to Lloyd's wife of 43 years, Barbara, and his entire family. I will miss him a great deal. At the same time, I remain most thankful that Lloyd Reynolds was a part of my life over the past 12 years.

A FACTSHEET ON ALCOHOL-IMPAIRED DRIVING FROM THE CENTER FOR DISEASE CONTROL [CDC]

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BILIRAKIS. Mr. Speaker, on May 13, 1997, I held a special order on the dangers of drunk driving. At the time, I submitted a factsheet to the CONGRESSIONAL RECORD on alcohol-impaired driving from the Center for Disease Control. However, the fact sheet was inadvertently left out of the RECORD. The factsheet is added here as an extension of remarks.

ALCOHOL-RELATED CRASH DEATHS: GENERAL POPULATION

Motor vehicle crashes are a leading cause of death in the United States for persons from one to 34 years of age.

41.3 percent of the 41,693 traffic fatalities in 1995 were alcohol-related (i.e., either the driver or nonoccupant (e.g., pedestrian) had a Blood Alcohol Content equal to or greater than 0.01 g/dL in a police-reported crash).

A driver with an alcohol concentration of point one-zero (0.10) (the legal limit in many States) or greater is seven times more likely to be involved in a fatal motor vehicle crash than is a driver who has not consumed alcoholic beverages. A driver with an alcohol concentration of 0.15 or greater is about 25 times more likely to be involved in a fatal motor crash.

From 1982 through 1995, the number of alcohol-related traffic fatalities decreased 31 percent, from 25,165 to 17,217.

Fatal crashes that occur at night, on weekends, and that involve only one vehicle have the highest percentage of alcohol involvement.

Men who die in motor vehicle crashes are almost two times more likely than women to be legally intoxicated.

Among drivers killed in motor vehicle crashes in 1995, the highest rates of alcohol intoxication were recorded for drivers 25 to 34-years of age (45.9 percent), followed by drivers aged 21 to 24 years (41.7 percent) and drivers 35 to 44 years of age (41.3 percent).

ALCOHOL-RELATED CRASH DEATHS: YOUTH AND YOUNG ADULTS

In 1994, 29 percent of the 2,610 traffic fatalities involving 15- to 17-year olds and 44 percent of the 3,616 traffic fatalities involving 18- to 20-year olds were alcohol-related.

Among young persons who drive after drinking alcohol, the relative risk of being involved in a crash is greater for young persons at all blood alcohol concentrations than it is for older persons.

ROLE OF OTHER DRUGS IN CRASH DEATHS

Drugs other than alcohol (e.g., marijuana and cocaine) have been identified in 18 percent of driver deaths. These drugs are generally used in combination with alcohol.

Most fatally injured drivers who have used drugs other than alcohol are males between the ages of 25 to 54.

ALCOHOL-RELATED CRASHES: FREQUENCY AND COST

Approximately 40 percent of persons will be involved in an alcohol-related crash during their lifetime.

In 1990, alcohol-related crashes cost $46.1 billion, including $5.1 billion in medical expenses.

DRINKING AND DRIVING: FREQUENCY AND CHARACTERISTICS OF DRINKING DRIVERS

In 1993, there were approximately 1.5 million arrests for driving under the influence of alcohol or narcotics in the United States.

Teenage and young adult drivers aged 16–29 years of age who have been arrested for driving while impaired are over four times more likely to die in future crashes involving alcohol than those who have not been arrested for drunk driving.

Adult drivers age 30 and older, who have been arrested for drunk driving, are over 11 times more likely to die in future crashes involving alcohol than those who have not been arrested.

Over 70 percent of drivers convicted of driving while impaired have serious drinking problems.

NATIONAL OBJECTIVES

By the year 2000, the U.S. Public Health Service wants to reduce alcohol-related motor vehicle crash deaths to no more than 5.5 per 100,000 population. (In 1994, the rate of deaths from these crashes was 6.4 per 100,000 population.)

By 2005, the U.S. Department of Transportation wants to reduce alcohol-related traffic fatalities to 11,000.

PROGRAMS AND POLICIES TO PREVENT ALCOHOL-IMPAIRED DRIVING

States lowering the legal BAC to 0.08 percent have experienced a 16 percent decline in the proportion of fatal crashes involving fatally injured drivers whose blood alcohol levels were 0.08 percent or higher and an 18 percent decline in the proportion of fatal crashes involving fatally injured drivers whose blood alcohol levels were 0.15 percent or higher, relative to other states who had not adopted these laws.

Raising the minimum drinking age to 21 years has been shown to reduce alcohol consumption among youth and significantly reduce crash deaths in the under-21 age group.

In one State, raising the minimum drinking age from 19 to 21 years resulted in a 38 percent decline in motor vehicle death rates among 19 and 20 year olds.

States lowering the legal BAC for drivers under age 21 years have experienced a 22 percent decline in deaths in single-vehicle crashes involving drivers 15–20 years of age compared to an only 2 percent decline in States that did not establish lower blood alcohol content for these drivers.

States that require the prompt suspension of the driver's license of persons who drive while intoxicated (i.e., administrative license revocation) have typically experienced a 6 percent decline in single-vehicle nighttime fatal crashes, crashes that typically involve alcohol.

Substance abuse treatment for DWI offenders has generally resulted in a 7- to 9-percent reduction in DWI recidivism.

TRIBUTE TO MICHAEL BLOOMBERG

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mrs. LOWEY. Mr. Speaker, I rise to honor Mr. Michael Bloomberg on the occasion of his receiving the prestigious Herbert Lehman Award, presented by the American Jewish Committee. As a member of the tribute committee, I am well aware of Michael's leadership in civic and community service, as well as success in New York's financial community.

A 1964 graduate of Johns Hopkins University, and a 1966 graduate of Harvard Business School, Michael has achieved one success after another. Following graduation, Michael spent 6 years at Salomon Brothers where he headed equity trading, sales, and systems development. During his tenure at Salomon Brothers, Michael created the company's first computerized information system. As Michael has said, "There might be better traders than me, and there might be people who know more about computers, but there's nobody who knows more about both."

At 39 years of age, Michael created the Bloomberg, would become the largest computerized information resource in the financial world. During the last 15 years, The Bloomberg Corp. has grown to include an internationally syndicated radio station, a direct broadcast television network, the Bloomberg monthly magazine, and of course, the Bloomberg on-line service. As Michael's company has grown, so have his revenues. Annual revenues rose from $100 million in 1989, to $2 billion in 1995.

Perhaps more important than his successes are his philanthropic endeavors. Among numerous other distinctions, he is a trustee of the Jewish Museum, the N.Y. Police & Fire Widows' and Children's Benefit Fund, the New York Academy of Medicine, and the Lincoln Center for the Performing Arts. He is also chairman of the board of trustees of Johns Hopkins University.

Michael Bloomberg has not only exerted tremendous influence on Wall Street; he has literally transformed the way the world does business. Traders now have instant access to a tremendous repository of information, not only real-time financial data, but also historical trends, corporate analysis, and new developments as well. Business transactions are now more efficient and more profitable because of Michael Bloomberg. For this, and many other reasons, Michael truly deserves the American Jewish Committee's Herbert H. Lehman Award.

TRIBUTE TO LYMAN BROWNFIELD ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio. Lyman Brownfield is retiring after decades of outstanding service as an attorney and community leader.

As Lyman retires, he can have the satisfaction of knowing that his career will stand as a hallmark for others to emulate. Over the years, both his clients and the citizens of the community have depended on him for assistance in solving problems and providing sound judgment on many issues in the region.

Lyman has always put forth a great amount of time and energy in vigorous support of his clients' causes and in community service. Long recognized as one of Ohio's most brilliant attorneys, he also took the time to train and help young lawyers to learn the skills of their profession. He served in many capacities in professional organizations and Government including exemplary service as general counsel of the U.S. Department of Housing and Urban Development.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know that Ohio is a much better place to live because of the dedication and countless hours of effort given by Lyman Brownfield. While Lyman may be retiring he has left an indelible stamp on those who know him and on Ohio.

I ask my colleagues to join me in paying a special tribute to Lyman Brownfield's record of personal accomplishments and wishing him all the best in the years ahead.

MILESTONES 10TH ANNIVERSARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BORSKI. Mr. Speaker, I rise to recognize the monthly publication Milestones as it marks its 10th anniversary as the premier publication for senior citizens in the Philadelphia region.

It is hard to believe that 10 years have passed since I first applauded the Milestones staff for having the vision to launch the first newspaper in the Philadelphia region which addresses the special needs, concerns, and interests of older Americans.

I was a junior Congressman, watching and learning from my esteemed colleague, the late Claude Pepper of Florida. As a staunch senior advocate, Congressman Pepper recognized the rights of retirees and senior citizens,and their need to have those rights protected and defended.

In many ways, Milestones became one of Congressman Pepper's early pioneers by heightening our awareness of senior citizens' issues. By seeing the needs of seniors, hearing their concerns and providing the outlet for them to share their ideas and opinions with other seniors, Milestones became the eyes, ears, and voice of the senior community.

Ten years later, Milestones maintains its unique position as a valuable information and communications source to this large and powerful segment of people in the Philadelphia area.

As the second oldest State, by population, in the country, Pennsylvania's senior citizen voice is powerful and strong. The Philadelphia region alone has one of the highest concentrations of older Americans in the country. One out of every five constituents in my congressional district is over the age of 65. This constituency is active, articulate, and passionately vocal about the issues affecting their lives.

Milestones has not only been their outlet for expressing opinions on issues like Medicare, Social Security, and health and long-term care concerns, but Milestones serves as a monitor of elected officials, informing readers about our positions and voting record with regard to seniors issues.

As a result, Milestones plays an important role in accurately portraying the senior community as the intelligent, active, unified, and legislatively powerful group it is. In doing so, Milestone helps dispel the stereotypes of older Americans—a positive and healthy reminder to people of all ages.

Mr. Speaker, it is my privilege to represent in Congress a large number of men and women who read and contribute to this paper which is so valuable to the entire senior community. I ask you and my colleagues to support this commendation and congratulate Milestone on achieving its own 10-year milestone.

A SALUTE TO OUR NATION'S LAW ENFORCEMENT OFFICERS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to join others in the Nation who this week are recognizing our law enforcement officers for their role in protecting their respective communities. I would like to particularly recognize those officers of the sheriff's and police departments of Texas' district 30 which I represent, for I personally know of the distinction and valor with which they carry out their daily duties. Over the years, we have witnessed many of our communities—particularly in urban areas—undergo drastic change. With the scourges of crack, poverty and family dysfunction fraying the social fabric of our communities, law enforcement officers have been called upon to assume a greater responsibility for the safety of our neighborhoods.

Much has been said about the tensions that exist between law enforcement agencies and the communities they serve; however, I know that in communities such as Dallas and Irving, TX, the police departments are reaching out to neighborhood residents to establish partnerships in fighting crime and increasing community safety. Many of these policemen and policewomen are unsung heroes, who daily climb into their police cruisers, walk their neighborhood beats or ride their bicycles on patrol, each day knowing that they risk death or serious injury. While communities may be able to function without hostile corporate takeover specialists or sitcom stars, no community could function without a dedicated force of law enforcement personnel. It says something about our priorities as a society that—in spite of its indispensability—law enforcement is among the lowest paid professions.

I would also be remiss if I did not also recognize the husbands, wives and children of our law enforcement officers, the ones who stay home each day not knowing if their loved ones will be facing a life-threatening situation. Should anyone doubt the dangers of the job, they need only visit the National Peace Officers' Memorial in Washington, DC and read the names of those who have given their lives in service to their communities. The families of our peace officers deserve recognition for their steadfast support of their spouse or parent who is often under-appreciated and underpaid. We all should take the opportunity to let our law enforcement officers and their families know that their service and sacrifices are appreciated. As a Member of Congress, I pledge to continue work to enact legislation that aids our peace officers and law enforcement agencies in the performance of their duties. Mr. Speaker, in conclusion, I offer my heartfelt salute to our Nation's police officers, sheriff's deputies and highway patrol officers.

THE INTRODUCTION OF THE FERRY INTERMODAL TRANSPORTATION ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. MENENDEZ. Mr. Speaker, I am introducing the Ferry Intermodal Transportation Act. The ferry program in the Intermodal Surface Transportation Efficiency Act [ISTEA] is a small but vital program that has benefitted 38 States. Ferries are an essential component in many communities, providing vital transportation services for passengers, automobiles, buses and trucks in locations where there are no alternatives. Since ferries do not require costly infrastructure such as roads, bridges, or tunnels, there are great savings in time, capital, and environmental resources. Ferries are effective because they use nature's own highways, rivers, lakes, and bays.

Looking around the Nation, ferries are quietly and efficiently serving their communities. In the northeast, ferries are used in Maine, Massachusetts' Martha's Vineyard and Nantucket Islands, and New Jersey's Cape May. In the South, you will find ferries in Florida, Texas, Louisiana, and North Carolina, which has the most extensive commitment to the ISTEA ferry program. The Great Lakes have entire communities which are wholly dependent on ferries in places like Mackinaw Island, Beaver Island, and Washington Island. The West has the famous Catalina ferry in southern California and extensive fleets in the San Francisco Bay. The City of Seattle heavily depends on the Nation's largest capacity ferries to move citizens from Whitby Island and around the Puget Sound. The name, Alaskan Marine Highway System, underscores the importance of ferries to this huge State's transportation needs. Many cities like Boston, Baltimore, and Fort Lauderdale have found water taxis are an effective way to reduce congestion in heavily frequented tourist attractions. The transportation flexibility that ferries provide to communities has been proven time and again. In the most recent San Francisco earthquake, the combined ferry fleets completely took over the functions of the Bay Bridge and kept the Bay Area functioning. During the historic, massive flooding of the Mississippi River, the State of Missouri brought in ferries to replace bridges which had washed away. Time and again, in their quiet way ferries have shown themselves to be an economical, efficient, and effective means of transportation which deserve to be considered in transportation planning.

Let me illustrate what commuter ferry service in the New York Harbor means in my region. Since 1771, there has been a long history and great demand for inter-harbor ferry service. Alexander Hamilton and Aaron Burr ferried themselves here to Weehawken to fight their duel. John Stevens of New Jersey and Robert Fulton of New York competed in developing the steamboat in their efforts to dominate the ferry market and ultimately revolutionized the maritime industry. We have been through many transportation trends since that time: railroads, streetcars, subway, superhighways, and the era of great bridges and tunnels. Everything old is new again. Ferries, one of our oldest forms of transit in our region, is, when combined with the urban core mass transit project on the New Jersey side and the vast New York transit system, a seamless web of transportation options to get our people to their places of work and recreation.

The traffic congestion in our streets and on our bridges can only be reduced by the creative use of alternatives. The New York Harbor is now home to the largest and fastest growing network of commuter ferry services. Ferries connect two locations in Weehawken, three locations in Jersey City, Highlands and Atlantic Highlands in New Jersey with the Manhattan Central Business District, Staten Island, Brooklyn, Hunter's Point and Laggard airport in New York. Ferry ridership now exceeds 2.5 million passengers every year. By 2005, 8.5 million passengers will be using ferries annually.

Building on the vision that began in the Intermodal Surface Transportation Efficiency Act [ISTEA], I am proposing new legislative flexibility to help finance comprehensive ferry programs for the nation. We are reauthorizing the original ISTEA ferry program and creating new options for creative entrepreneurism for the financing and construction of ferry systems. This legislation would establish alternative financing for both public and private resources similar to those now used for mass transit. It directs transportation planners to incorporate ferry service in their regional transportation plans. It encourages public private partnerships, joint ventures and flexible options to maximize low cost efficient service.

ISTEA can be proud of the achievements that have been initiated. In the New York Harbor, the ISTEA ferry program was the source for grants of $1.7 million in loan guarantees for the construction of a new 399-passenger ferry; a total of $9.2 million in grants and loan guarantees provided by the Clinton administration through the ISTEA ferry program to improve commuter transportation in the New York/northern New Jersey metropolitan area. We must build on this legacy. The Ferry Intermodal Transportation Act is the renewal of this commitment. I urge its passage.

IN RECOGNITION OF NATIONAL PEACE OFFICERS' DAY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. GRANGER. Mr. Speaker, as we honor our Nations' peace officers today, I rise today to honor an outstanding officer in my hometown of Fort Worth. This week, Brad Patterson was recognized as Fort Worth's Officer of the Year at the 45th annual Police Appreciation Dinner.

Brad is an example of an ordinary person doing extraordinary things. A 20-year veteran of the Fort Worth police force, Brad is a forensic crime-scene investigator who has expertise in fingerprint identification and in homicide investigation.

His selection for the award was unanimous. Fort Worth Chief of Police Thomas Windham praised Brad at the ceremony, echoing the strong sense of appreciation for Brad that we all have.

I came to know Brad during my years in the Fort Worth city government, first on the city council and then as mayor. And I can say from personal knowledge that Brad is a wonderful person, and I can't think of anyone more deserving of this award than he. Brad is an officer of courage and commitment, and man of conviction and character.

Brad Patterson, we in Congress salute you today, and peace officers from around the Nation, as we recognize your accomplishments on National Peace Officers' Day.

STATEMENT IN SUPPORT OF EMERGENCY BROADCAST FREQUENCY ASSIGNMENT BILL

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. HARMAN. Mr. Speaker, my colleague, JULIAN DIXON, and I are frustrated by the failure of the Federal Communications Commission to act on applications from emergency broadcasters to use several unused common carrier frequencies. Because we are persuaded that the allocation of these frequencies is critical to protect the safety of our constituents and our police, we are introducing legislation establishing standards to assign them to emergency broadcasters in Southern California and the State of New Hampshire. In the absence of FCC action or the prospect for any action in the near future, this avenue seems to be the only way left for us to proceed.

The South Bay Regional Communications Authority [SBRCA], one of the petitioners to the FCC, is comprised of law enforcement and public safety agencies in the cities of El Segundo, Gardena, Hawthorne, and Manhattan Beach. Three of these cities are in my Congressional district.

In June 1995, the Authority filed an application with the FCC requesting assignment and authority to use four vacant Public Land Mobile Service [PLMS] channels for critical public safety communications needs.

In an order released April 24, 1996, the Commission denied the application. The Commission cited as its reason an ongoing "refarming" proceeding that will presumably benefit the Authority by increasing the number of frequencies devoted to emergency broadcast requirements. SBRCA appealed the decision and filed an application for reconsideration. That application is still pending.

What is disturbing about the decision is the reference to the "refarming" proceeding. "Refarming" may not be completed for several more years and, once announced, may require emergency broadcasters to purchase new equipment in order to avail themselves of the increased number of frequencies. In the meantime, public safety agencies, including the South Bay Authority, have a critical need for new frequencies. At present, there are no common police and fire voice channels available for interoperability among these agencies and neighboring jurisdictions in the South Bay. According to the police chiefs in my District, interoperability and greater capacity are among the most critical problems facing the Authority now.

Because the public safety cannot wait for the Commission to finalize its "refarming" proceeding, on at least two occasions, Mr. Dixon and other members of the LA County Congressional Delegation joined me in requesting the Commission to review its rules so that the frequencies requested may be awarded to the Authority on a temporary basis.

Such a Commission decision is not unprecedented and occurred, for example, when the Commission granted a waiver to allow New York City area public safety agencies to use vacant UHF television channel 16 for land mobile operations. Granting a similar waiver and assigning additional frequencies would be invaluable to the Authority as it meets its obligations to protect the public safety.

In response, and clearly misunderstanding my reference to the New York City precedent, the Commission replied that the Authority had not requested the use of vacant UHF television channels.

The State of New Hampshire has had a similar request pending before the Commission for more than three years. The State wants to construct and operate a new statewide mobile radio system to serve the public safety needs of its citizens. The petition was denied in May, 1996, the Commission saying that these needs would be addressed in a yet-to-be-issued rulemaking concerning public safety spectrum needs through the year 2010.

Also weighing-in on this matter, and underscoring the importance to law enforcement nationwide, then-Deputy Attorney General Jamie Gorelick wrote to the Commission in support of South Bay's application. In her August, 1996 letter, Ms. Gorelick reiterated that from law enforcement's perspective the Commission's "solution" to increase spectrum availability is still several years away. "In the meantime, law enforcement and public safety agencies in densely populated areas such as that served by South Bay are being faced with immediate and very real problem of insufficient spectrum."

This should be a simple issue for the Commission. Under the policies outlined in its February 9, 1995 report on "Meeting State and Local Agency Spectrum Needs Through the Year 2010," the FCC said that one of its policies is to handle critical public safety spectrum requirements on a case-by-case basis, including allowing the use of non-public safety frequencies where necessary. This seems to me to be a reasonable, common sense policy. The policy, however, has been implemented only in one recent instance involving a New York City request and, more recently, the FCC Wireless Bureau denied two similar requests, which are the basis of this legislation. This inconsistency raises questions about the adequacy of the FCC's existing policy and whether it is being applied in a fair and evenhanded manner.

Complicating this matter further is the Commission's just-announced plans for the transitioning to digital television and the reallocation for public safety use of 24 MHZ of spectrum—4 existing unused TV channels—in the lightly used Channel 60-to-69 range. Unfortunately, because of the understandable need to accommodate all existing Los Angeles area television stations, it now appears that the plan will not work in Los Angeles and that no channels in the 60-to-69 range will be available for public safety use. This makes the full implementation of the Commission's Policy Statement even more important. As the most spectrum-congested region in the country, the Commission must be in a position to use whatever tools are available to make vacant spectrum available to meet public safety needs in Los Angeles.

If there was ever a circumstance warranting application of Policy Statement's preference for case-by-case waivers, this is that circumstance. But both the New Hampshire and South Bay decisions by the Wireless Bureau seem to be premised on a contrary policy of handling spectrum use matters only through general allocation proceedings.

Let me quote from the decision "In the Matter of License Communications Services, Inc. and South Bay Regional Public Communications Authority" in which the FCC said that "rather than undermine our existing allocations framework by permitting ad hoc private use of commercial spectrum, we believe the public interest is better served by increasing frequency availability through the rulemaking process."

In the same order the FCC said "the creation of additional 470–512 MHZ frequencies by the Commission's actions in our 'refarming' proceeding will benefit part 90 licensees, such as South Bay, that seek additional frequencies for system expansion. We, therefore, are denying the South Bay Petition for Waiver."

Last, let me also quote from a May 1996 letter to me in which the FCC said "South Bay will have increased opportunities to expand channel capacity within existing frequency allocation as a result of our 'refarming' proceeding."

The Commission can't have it both ways. How can it square these inconsistent policy statements? How long do public safety agencies have to wait before the FCC makes up its mind as to which policy should prevail? Why can't the Commission grant operating authority, even interim authority, for the frequencies requested by South Bay Regional Communication Authority and the State of New Hampshire?

Mr. Speaker, the answer to these questions may be months, even years, away. Consequently, there is a need for the bill Mr. DIXON and I are introducing today. Emergency broadcasters in southern California and New Hampshire, and the public, have waited long enough.

SEEKING A JUST AND PEACEFUL RESOLUTION IN CYPRUS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. GILMAN. Mr. Speaker, the Cyprus problem has been a matter of concern to the U.S. Congress now in excess of twenty-two years. It is a situation that cries our for just redress and an end to the occupation of Cyprus by foreign troops. Although the world has dramatically changed for the better during this decade, Cyprus remains as a pressing international problem. Indeed Cyprus has almost become a codeword for intractability in the realm of diplomacy.

I have been encouraged, nevertheless, by recent statements from high level officials of the Clinton Administration, including the President himself, that indicate that there may be new willingness on the part of our government to exert its leadership in promoting a solution to the Cyprus problem. I strongly believe that our government should invest some of our prestige in such an effort, because Americans have always supported justice, and because we have significant interests that can be affected by instability in Cyprus.

Over the past year there have been a number of events and incidents that have increased tensions in Cyprus and in the Eastern Mediterranean region. There is a disturbing trend of increased militarization of the island, already one of the most highly militarized parts of the globe. There are, however, also positive developments that could act to catalyze a peaceful and just solution. One of these is the pending negotiation on Cyprus' accession to the European Union that may begin by the end of the year. There has been increased diplomatic activity in Europe and in the U.N. to bring the two sides together.

The Resolution I am introducing today points out the interests and developments regarding the Cyprus situation and urges the President to keep his pledge to give increased attention to Cyprus. I am pleased to be joined by a group of distinguished cosponsors, including Mr. HAMILTON, Mr. BILIRAKIS, Mr. PORTER, Mr. ENGEL, and Mrs. MALONEY, that have shared an interest in Cyprus and the concern over what may arise from a continued stalemate on the island. It is our hope that this resolution will help spur the resolve of the Clinton Administration to indeed make 1997 the Year of Cyprus.

Mr. Speaker, I request that a full text of H. Con. Res. 81 be inserted at this point in the RECORD.

H. CON. RES. 81

CONCURRENT RESOLUTION

Calling for a United States initiative seeking a just and peaceful resolution of the situation on Cyprus.

Whereas the Republic of Cyprus has been divided and occupied by foreign forces since 1974 in violation of United Nations resolutions;

Whereas the international community, the Congress, and United States administrations have called for an end to the status quo on Cyprus, considering that it perpetuates an unacceptable violation of international law and fundamental human rights affecting all the people of Cyprus, and undermines significant United States interests in the Eastern Mediterranean region;

Whereas the international community and the United States Government have repeatedly called for the speedy withdrawal of all foreign forces from the territory of Cyprus;

Whereas there are internationally acceptable means to resolve the situation in Cyprus, including the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities in Cyprus;

Whereas the House of Representatives has endorsed the objective of the total demilitarization of Cyprus;

Whereas during the past year tensions on Cyprus have dramatically increased, with violent incidents occurring along ceasefire lines at a level not reached since 1974;

Whereas recent events in Cyprus have heightened the potential for armed conflict in the region involving two North Atlantic Treaty Organization (NATO) allies, Greece and Turkey, which would threaten vital United States interests in the already volatile Eastern Mediterranean area and beyond;

Whereas a peaceful, just, and lasting solution to the Cyprus problem would greatly benefit the security, and the political, economic, and social well-being of all Cypriots, as well as contribute to improved relations between Greece and Turkey;

Whereas a lasting solution to the Cyprus problem would also strengthen peace and stability in the Eastern Mediterranean and serve important interests of the United States;

Whereas the United Nations has repeatedly stated the parameters for such a solution, most recently in United Nations Security Council Resolution 1092, adopted on December 23, 1996, with United States support;

Whereas the prospect of the accession by Cyprus to the European Union, which the United States has actively supported, could serve as a catalyst for a solution to the Cyprus problem;

Whereas President Bill Clinton has pledged that in 1997 the United States will "play a heightened role in promoting a resolution in Cyprus"; and

Whereas United States leadership will be a crucial factor in achieving a solution to the Cyprus problem, and increased United States involvement in the search for this solution will contribute to a reduction of tensions on Cyprus: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms its view that the status quo on Cyprus is unacceptable and detrimental to the interests of the United States in the Eastern Mediterranean and beyond;

(2) considers lasting peace and stability on Cyprus could be best secured by a process of complete demilitarization leading to the withdrawal of all foreign occupation forces, the cessation of foreign arms transfers to Cyprus, and providing for alternative internationally acceptable and effective security arrangements as negotiated by the parties;

(3) welcomes and supports the commitment by President Clinton to give increased attention to Cyprus and make the search for a solution a priority of United States foreign policy;

(4) encourages the President to launch an early substantive initiative, in close coordination with the United Nations, the European Union, and interested governments to promote a speedy resolution of the Cyprus problem on the basis of international law, the provisions of relevant United Nations Security Council resolutions, democratic principles, including respect for human rights, and in accordance with the norms and requirements for accession to the European Union;

(5) calls upon the parties to lend their full support and cooperation to such an initiative; and

(6) requests the President to report actions taken to give effect to the objectives set forth in paragraph (4) in the bimonthly report on Cyprus transmitted to the Congress.

MILITARY HEALTH CARE CHOICE ACT

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. MICA. Mr. Speaker, today I will introduce the Military Health Care Choice Act of 1997. Under this bill, the families of our service men and women and military retirees and their families will be able to choose a health plan in the Federal Employees Health Benefits Program in lieu of military health care.

This reform is necessary, Mr. Speaker, because for these individuals the military health care system is broken. In 1994, General Shalikashvili acknowledged this. He said the military health care system covering them is—and I quote—"headed toward a cliff."

Last year, the Civil Service Subcommittee, which I chair, held a hearing on improving access to health care for military families. We heard horror stories describing the problems the current military health care system has caused military families. One witness was the wife of an Air Force Master Sergeant. When she became pregnant, she chose the hospital at Andrews Air Force Base to care for her and deliver her baby. But just 5 weeks before her due date, she was told that Andrews would no longer treat her or deliver her baby. There was a quota on deliveries at Andrews, and hers would be over the limit. She was left on her own to find doctors who were qualified under CHAMPUS and would accept CHAMPUS fees and to make arrangements for the delivery.

Another witness, the widow of a retired marine major, described the substandard care her husband had received under the system for military retirees. Her terminally ill husband was initially denied cancer medication because the VA hospital treating him said it would rather spend $3,000 on aspirin for 3,000 men than on chemotherapy for one. When the witness herself needed surgery for possible breast cancer, she needed the permission of the military base near her home. The base said no, but provided no military alternative. She had the surgery done, but she and her husband had to foot the bill.

Mr. Speaker, the hearing record contains many more such examples. I urge my colleagues to read it.

Just yesterday, Mr. Speaker, I learned of yet another atrocious example from a military retiree. For 3 years, his wife had been treated by a VA hospital for a series of debilitating brain tumors. Then, on a cold, wet, windy night, that hospital refused to treat her when she was seriously ill, and demanded that she go to an army hospital 12 miles away. The VA hospital refused to call an ambulance, and even threatened to have her and her husband arrested for trespassing when he resisted leaving. Her husband drove her the 12 miles to the Army hospital through a raging rain storm.

The Army hospital also refused to treat her, sending her back to the very VA hospital that had turned her away. She was then admitted to that hospital and spent 3 weeks in intensive care.

This retiree also points out that his copayments under the military health care systems can reach as high as $7,500—pretty tough medicine on his $13,000 annual income

When we needed them, these individuals did not ration their devotion to duty and to the Nation. When they need us we must not ration their health care.

I urge Members to join me in making this benefit available to those whom we owe so much.

NATIONAL PEACE OFFICERS' MEMORIAL DAY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BISHOP. Mr. Speaker, I rise today to celebrate National Peace Officers' Memorial Day and pay tribute to our fallen brothers and sisters.

I would especially like to pay tribute to the seven officers in Georgia who made the ultimate sacrifice—giving their lives in the line of duty during the last year. Officers Dennis Cader, Richard Cash, Brett Dickey, George Hester, Victor Pimentel, Durwin Potts, and Scott Smith served their communities with courage and valor while protecting the women and men of Georgia.

Every day the law enforcement community stands on the front line ready to serve and protect you and me. It is only fitting that we pay tribute to them today. We in Congress should support all initiatives that take violent criminals and those who pose a threat off the street. Additionally, the American people should show support and respect for these brave frontline officers. All too often we take law enforcement officers and the job they do for granted. However, much of our peace of mind as we walk our streets is a direct result of the work they do to protect us. With this in mind, I strongly encourage more community law enforcement partnerships.

Officers from all across the country traveled to Washington, DC this week to celebrate National Police Week, which culminates with National Peace Officers' Memorial Day. Hundreds of law enforcement personnel and family members of the fallen officers stood on the west front of the Capitol today to bid a final farewell to their comrades who fell in the last year. They will also stand at the National Law Enforcement Officers' Memorial tomorrow evening to participate in a candlelight vigil to honor and celebrate the lives of these brave officers.

We thank the families who stood and continue to stand by their loved ones while they put their lives on the line for us. Our prayers are with you and we join with you to celebrate their great work. Our Nation is greatly enriched by the contributions of these great men and women.

MY GOOD FRIEND, THE PRESIDENT OF TAIWAN

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Ms. BROWN of Florida. Mr. Speaker, a few years ago, I had the opportunity to visit Taiwan and I became an admirer of President Lee Teng-hui. He was graceful, charismatic, knowledgable, and visionary as well. He deeply impressed me with his firm grasp of world events as he articulated his vision of a modern Taiwan that is economically prosperous, politically free and internationally respected.

President Lee has certainly maintained Taiwan's spectacular economic growth. Politically he has introduced many reforms, including the upcoming debate on Taiwan's constitution. In terms of achieving greater international recognition for Taiwan, I have learned that Foreign Minister John Chang is succeeding in making the world see the injustices of excluding Taiwan, a major economic power, from many important international organizations. As for Taiwan's relationship with the United States, Taiwan certainly has many friends on Capitol Hill due to the efforts of Ambassador Jason Hu and his staff.

Congratulations to my good friend, the President of Taiwan, on the occasion of his first anniversary of his first elected term of office. He will always have my support and best wishes.

SALUTE TO A FRIEND—JOHN K. MEAGHER

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. BOEHLERT. Mr. Speaker, I rise to extend my congratulations to my great friend, John K. Meagher, who has recently been named the managing director of the newly established Tax & Trade Group at Cassidy and Associates.

John has had a distinguished career which began when he and I served side-by-side on the staff of our own Congressman, former Rep. Alexander Pirnie of New York. We spent 5 years as colleagues and grew to be best friends. We have remained so to this day.

John was always interested in the law and has served with distinction as Republican counsel to the Ways and Means Committee, as Assistant Secretary of the Treasury under Secretaries Baker and Brady as a partner in the law firm of Le Boeuf, Lamb, Greene and Mac Rae.

He not only understands the law, he understands the Congress and the executive branch as well. He's been both places as a junior staffer and as a high official. He knows us and how we work.

As he and his colleagues in the Tax & Trade Group embark on their new and exciting venture, I wish my friend well.

IN HONOR OF CHARLES BENDHEIM

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today to note with great sorrow the passing of Charles Bendheim, philanthropist, Israeli patriot, husband, brother, father, grandfather, and great-grandfather. He passed away last Friday at his home in Jerusalem. He will be missed.

Mr. Bendheim was born in Brooklyn, NY, in 1917. During the Israeli War of Independence, he helped the Hagana obtain arms for the new country. He remained deeply involved with the new nation for the rest of his life.

Just before he died, Mr. Bendheim was cited as a Ne'eman Yerushalayim by the city of Jerusalem. This award, making him an "Honorary Fellow of the City of Jerusalem," has been bestowed on only 15 other people. At a special ceremony in the Jerusalem City Hall, Mayor Olmert declared: "For fifty years you have worked tirelessly for Jerusalem—for its hospitals, educational institutions and the economic development of the city." Indeed he did. And he was just as active here in the United States.

Mr. Bendheim served as a member of the board and the executive committee of Yeshiva University. He served as chairman of the board at Manhattan Day School. He was involved in many other charitable organizations in his 79 years—too many to list here.

Mr. Bendheim will be fondly remembered at the schools he helped, at the Shaare Zedek Medical Center in Jerusalem whose new building he helped build as chairman of the board, and the other institutions that his philanthropy benefited. But the way Charles Bendheim will be remembered best is through the family he left behind. Besides his wife and sister, Mr. Bendheim leaves behind 7 children, 45 grandchildren, and 21 great-grandchildren.

By dedicating his life to serving his community, Charles Bendheim became a role model for generations here and in Israel. His children have followed in his footsteps, playing important roles in their communities. The Bendheim family continues to be involved in many schools, hospitals, religious institutions, and numerous other charitable organizations in the United States and Israel.

Mr. Speaker, the world is a little darker this week. The light that was Charles Bendheim has been dimmed. But through his work and family, he will live on forever. He will not be forgotten.

THE LOSS OF THE "FAMILY HOUR"

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 15, 1997

Mr. PACKARD. Mr. Speaker, where has the "family hour" gone? What happened to the wholesome series such as "The Cosby Show" and "Happy Days?" Vulgar language and sexual material have invaded the time slot between 8 and 9 pm in unprecedented volume, rendering the "family hour" nearly obsolete. A February 1997 study which analyzed television shows during a 4-week period found one-third of the programs to contain obscene language and another third to contain sexual references.

I am appalled by the subject material which has become acceptable during the "family hour." But even more than that, I am outraged that the networks have become so concerned with ratings that family values have gone by the wayside in favor of programs focusing on premarital sex, violence, and homosexuality. The fact is that the networks may be misguided thinking that this is what an American audience wants to watch. One of the highest rated shows, Touched by an Angel, focuses on heart-felt themes and teaching good values.

Mr. Speaker, more than 90 percent of Americans believe in God. But when was the last time we saw a television character go to a priest or a rabbi to seek counsel in making one of life's difficult decisions? I can't say that I've ever seen this on prime-time television.

We are inundated by sex and violence on television. I don't feel comfortable sitting down to watch television with my grandchildren anymore. Even with the new television ratings system, programs rated G and PG contain sex and obscenities unsuitable for our children and grandchildren.

The family hour picture is bleaker than ever before. The ratings system is poorly applied and the networks appear to have little desire to clean up their act. The anything goes mentality has come to replace one in which core family values are of central importance. I urge the networks to reevaluate their priorities. A return to the family hour might be just the ticket to both higher ratings and more well-grounded American values.

INTRODUCTION OF THE HIGHWAY RESTORATION ACT

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. LAHOOD. Mr. Speaker, today, I along with Congressman LIPINSKI and ten other colleagues are introducing the Highway Restoration Act. This bill will address the tremendous need that has arisen for the maintenance and restoration of our Interstate Highway System.

The National Highway System is second to none in its ability to provide an efficient and safe network of roads, highways, and bridges linking the country together. Its existence has been crucial to our national defense and to interstate commerce. The System that we know today was largely the result of President Eisenhower's leadership and foresight, and just last year, we celebrated its 40th anniversary.

Unfortunately, many pieces of this 42,000-mile system are getting old and in need of repair. Current Federal programs for interstate maintenance and restoration do not adequately address the growing costs and needs associated with our aging highways. That is why I have introduced the Highway Restoration Act of 1997. This bill calls for funding the Discretionary Interstate Resurfacing, Restoration, Rehabilitation and Reconstruction Program [I–4R] at $800 million per year. The I–4R Program is the Federal discretionary program responsible for helping States maintain our highways, and it is separate from the Interstate Maintenance Program [IM] which distributes funds to the States based on a formula.

An adequately funded I–4R Program is necessary to ensure the longevity of our Interstate Highway System, because it allows factors, other than lane miles and vehicle miles traveled, to be taken into account when funds are distributed. Such factors for which the I–4R Program is able to account, include: The need to complete a project in a short period of time in order to reduce or minimize traffic disruptions; a particularly costly section of highway; traffic congestion caused by repair work; and delays in construction. The I–4R Program gives States the flexibility they need to effectively manage the repairs and preservation of our highways. Thus, sufficient funding for this program is crucial if we are to prolong the lifespan of our Interstate System, and I urge all of my colleagues to join me as a cosponsor of this important piece of legislation.

HONORING THE QUENTIS B. GARTH FOUNDATION, INC.

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. RUSH. Mr. Speaker, I rise today to honor the Quentis B. Garth Foundation, Inc., which has served youths in the Chicagoland community for the past 2 years. This foundation has worked hard to see that the dream of a college education is not out of the grasp of any deserving young student.

From its inception in May 1995, the foundation has granted annual scholarships to academically gifted and underprivileged students pursuing a college education. This year the foundation's $15,000 scholarship award will be granted to 5 academically gifted students in Chicago-area high schools, and another $75,500 will be distributed among 15 1995–96 scholarship awardees, currently pursuing studies at some of the most prestigious universities in the Nation.

These awards have been a blessing to many students and their families, but the benefits of this scholarship program reach far beyond the individual student's home. The surrounding community and our Nation at large will benefit from the quality education and training that these students receive.

It brings me great pleasure to honor the Quentis B. Garth Foundation today. I am certain that their good work will continue to enrich all of our students and our lives for many years to come.

U.S. ASSISTANCE IN SUPPORT OF ECONOMIC REFORM IN ARMENIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. HAMILTON. Mr. Speaker, I have exchanged correspondence over the past 2 years with the executive branch on the question of how our assistance programs help to promote the United States objective of economic reform in Armenia. In recent months, I have exchanged correspondence with the Agency for International Development [AID], pertaining to its plan to provide a $30 million grant to Armenia during fiscal year 1997 to purchase natural gas. It is my firm belief that U.S. assistance to each of the New Independent States should, whenever possible, be conditioned on the achievement of specific reform objectives.

The text of a March 7, 1997 letter from AID, my reply of March 19, and AID's reply of April 16 follow:

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, March 7, 1997.

Hon. LEE HAMILTON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMILTON: As a follow-up to staff discussions on January 3, 1997, with Mr. Kupchan on the FY 1997 Armenia natural gas program, I am writing to confirm that our provision of natural gas commodity assistance to Armenia is contingent on significant energy sector reforms.

Ambassador Tomsen has recently communicated to the Prime Minister and Minister of Energy that the provision of FY 1997 natural gas would require: (1) evidence of progress in implementing conditions contained in last year's agreement, e.g., creation of an independent energy regulatory authority; and (2) commitment to new conditions that deepen and broaden the movement to restructure and privatize the energy sector. Furthermore, we are coordinating this position closely with the World Bank as well as introducing elements that go beyond the World Bank's conditions.

If you should require more detailed information, my staff are available to discuss our position and progress in obtaining energy reforms.

Sincerely,

THOMAS A. DINE.

COMMITTEE ON
INTERNATIONAL RELATIONS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 19, 1997.

Hon. THOMAS DINE,
Assistant Administrator, Bureau for Europe and the NIS, USAID, Washington, DC.

DEAR MR. DINE: Thank you for your letter of March 7 regarding the Armenia natural gas program and the reforms upon which this agreement would be contingent.

I support your decision not to release the $30 million until: (1) the government of Armenia provides evidence of implementing conditions contained in last year's agreement, and (2) Armenia commits to new conditions which go beyond the World Bank's conditions.

However, I would appreciate receiving more detailed information on both issues before I could support providing another round of funding for fuel. First, what progress has Armenia made, in AID's view, on complying with last years' agreements? According to a letter of April 3, 1996 from Assistant Secretary Barbara Larkin to me, the US was to seek Armenian agreement to increase tariffs in the private sector, pursue energy sector reform in parliament, and reform the gas sector. Your letter of March 7, 1997 mentions creation of an independent energy regulatory authority as a US goal. Where are we on these issues?

Second, if this year's $30 million award goes forward, what specific conditionality *over and above* that already in World Bank agreements, will US assistance be contingent upon? What steps will you insist that Armenia take to deepen and broaden the movement to restructure and privatize the energy sector?

I look forward to working with you on this issue and other matters pertaining to NIS assistance.

With best wishes,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT,
Washington, DC, April 16, 1997.

Hon. LEE H. HAMILTON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HAMILTON: We appreciate your continuing interest in the Armenia energy program and wish to reconfirm that our provision of natural gas commodity assistance to Armenia is contingent upon significant energy sector reforms.

As requested in your letter of March 19, 1997, to Assistant Administrator Tom Dine, I would like to highlight some of the significant progress Armenia is making in achieving energy sector reforms. Tariffs have been raised and are on a path to economic cost recovery, a goal that may be reached in early 1998. The Armenian Government recently completed its first round of privatization in the power sector, focused on small hydropower plants. Although the Energy Law has not yet passed, the Law was submitted to Parliament March 31 and should be acted upon shortly. Meanwhile, the Government of Armenia has just issued a presidential decree acceptable to both the U.S. Agency for International Development (USAID) and the World Bank establishing an independent energy regulatory body. The new regulatory body will play a critical, catalytic role in further movement toward a financially-viable, market-oriented utility system. According to USAID energy advisors who have worldwide experience, both the decree and the Energy Law are superior to those enacted in other NIS and Eastern European countries.

We have established new covenants in connection with the provision of natural gas in 1997 that go beyond the conditions set by the World Bank. These conditions relate to:

Full implementation of the aforementioned regulatory body;

Establishment of a financial settlement process and procedures for improving cash flow in the power sector;

Consolidation of power distribution companies to a reasonable number;

The formation of power sector joint stock companies with corporate charters;

Development of an action plan for further privatization;

Promotion of a Petroleum Law to encourage foreign investment; and

Implementation of a least-cost power investment plan to provide replacement power for the Armenia Nuclear Power Plant.

We have discussed these covenants with the Government of Armenia and expect them to agree to these covenants in the very near future.

The 1996 delivery of gas to Armenia amounted to $15 million, which purchased 201 million cubic meters or about 33 percent of Armenia's total annual gas use. Due to changes in international gas prices, this year's $30 million should purchase about 290 million cubic meters, which could represent from 25 to 50 percent of Armenia's 1997 gas imports, depending on future industrial demand, next winter's severity, and alternate energy supplies.

If you should require more information, please let us know.

Sincerely,

ROBERT K. BOYER,
Senior Deputy Assistant Administrator,
Bureau for Legislative and Public Affairs.

TRIBUTE TO DAVID HARRIS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. FAZIO of California. Mr. Speaker, I rise today to honor David Harris of Dixon, CA. David Harris has served as the city manager for the city of Dixon for 19 years, from June, 1978, to July, 1997.

During David Harris' career as city manager to the city of Dixon, he placed the city of Dixon on the map. Dixon grew from a population of 6,031 in 1978 to a population of 13,078 in 1997. Furthermore, the city's area increased from 3.2 square miles in 1978 to 6.5 square miles in 1997.

He served under Mayors Maureen Southwell, Marime Burton-Halloran, Joe Anderson, Richard Brians, and Don Erickson.

David Harris oversaw the planning and development of Dixon City Hall in 1981, the Senior Multi-Use Center in 1987, the Council Chambers in 1988, the Dixon Police Station in 1991, and the Dixon Fire Station in 1997.

In addition, he is credited with creating the city of Dixon's logo, overseeing the planning and development of Northwest Park, and all the major renovations of Hall Park. Under David Harris' leadership, the first traffic signal was installed at the corner of North Adams Street and West A Street in 1990, and the first computer for the city was purchased.

David Harris was involved in forming the Joint Powers Authority with Solano Irrigation District for Water Service, and was instrumental in developing the Joint Powers Authority with the city of Vacaville, which has resulted in over 1,000 acres being placed in permanent open space. Known as the Vacaville-Dixon Greenbelt, this agreement received statewide recognition for its commitment to preserving agricultural land.

Throughout his years of service to the city, David Harris has seen the adoption of three General Plans, the Central Dixon Redevelopment Project, the Economic Development Plan, the Dixon Downtown Revitalization Plan, Certification of the Housing Element, Specific Plans for various areas of the city, and major infrastructure master plans.

In addition to his successful career as the city manager, David Harris has been an active member of the Dixon community and the entire region. He has served as a board member and past president of the Sutter Davis Hospital for 9 years, has been a member of Rotary for 19 years, and has been active in the Boy Scouts of America. He has raised five children, all of whom have attended local schools.

During his 19 years of service to Dixon, David Harris has been an outstanding city manager, leading the city to achieve countless goals, and implement plans which will benefit future generations of Dixon citizenry. His presence in city hall, and his role as city manager will be truly missed by many members of the Dixon community and surrounding areas.

WEI JINGSHENG: A PRISONER OF CONSCIENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. RANGEL. Mr. Speaker, I rise today to share with you and my colleagues, my support for the release of Wei Jingsheng, one of the world's most important political prisoners and certainly the strongest voice of China's democracy movement.

Today, Wei Jingsheng continues to serve a 14-year prison sentence because he chose to stand up against tyranny and advocate democracy for China. He chose to be on the side of human rights. He chose to act on his beliefs for the betterment of his people and for that, he has been made to suffer.

I am sure you are familiar with the history behind Wei Jingsheng's imprisonment.

Wei was first imprisoned from 1979 to 1993 on charges of counterrevolutionary propaganda and incitement. He was accused of passing a military secret he had seen in the Chinese news media, to a foreign journalist. He was arrested in conjunction with his participation in the 1979 democracy wall movement, during which he argued that the government's modernization plans were impossible without democratic reform. He was sentenced to 15 years in prison.

In 1993, he was released from prison and continued speaking out for democracy and human rights, advocating an open and peaceful campaign for change. However, in April 1994, Wei was detained again and held in incommunicado detention for 20 months. This would soon be followed by a formal arrest, charges, and after given a 1-day trial, conviction, and sentencing. We cannot allow this injustice to continue.

Wei Jingsheng is the 1994 Robert F. Kennedy Human Rights Award laureate as well as the recipient of last year's Sakharov Prize for Freedom of Thought which was bestowed upon him by the European Parliament. He received the 1993 Gleitsman Foundation International Activist Award, and since 1995, has been nominated every year for the Nobel Peace Prize.

This week marked the publication of his book, "The Courage to Stand Alone: Letters from Prison and Other Writings," the first book-length collection of Mr. Wei's letters and other writings. How fitting it would be to do the right thing, to do the human thing, and set this man free.

Therefore, I urge my colleagues here in the Congress to do all within its power to grant Wei Jingsheng's release. He should be a prisoner of conscience no more.

INTRODUCTION OF THE AIRLINE PASSENGER SAFETY ACT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to introduce legislation to promote greater safety in commercial aviation. The Airline Passenger Safety Act would require commercial flights to carry adequate medical supplies and equipment to deal with in-flight medical emergencies.

As a frequent traveler of our commercial airlines, I know how important safe air travel is. Yet every year, passengers on U.S. airlines die in the air because the medicine or equipment that could have saved their lives were not on board the plane. Today, we have the technology to deal with in-flight medical emergencies, such as sudden cardiac arrest. But we do not have a requirement that planes carry this life-saving equipment. In fact, we do not even require airlines to keep records of in-flight medical emergencies.

Technology to deal with sudden cardiac arrest has come a long way. Today's automatic external defibrillators [AED's] are smaller, lighter and more durable and with appropriate training, can be used by anyone. This past fall, the U.S. Food and Drug Administration approved the use of these devices for commercial aircraft. To increase passenger safety, we need AED's aboard our commercial airlines.

I am introducing this legislation which would improve the chances of survival for passengers in the case of an in-flight medical emergency, like a sudden cardiac arrest. My bill would require air carriers to establish steps to be taken in the event of an emergency. It would also require airplanes to carry an automatic external defibrillator and require each member of the flight crew to be trained in CPR and in the use of an AED. Since there is no method of recording in-flight emergencies, my legislation would also mandate that air carriers describe what happened and what actions were taken to assist the passenger in the event of an in-flight medical emergency and report the incident to the Secretary of Transportation so the public can be fully aware of the number of in-flight medical emergencies that occur each day. I have also included a "Good Samaritan" provision which exempts from liability both the airlines and passengers who step forward to offer assistance during an in-flight medical emergency.

I think it is time that our airlines provide the safest possible travel for all passengers. As a frequent flyer, I think we all deserve to travel on a plane that is stocked with medical supplies and equipment and to travel with a flight crew that is prepared to handle medical emergencies, and I urge my colleagues to support this bill.

HONORING MANUAL HIGH SCHOOL'S BASKETBALL TEAM

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. LAHOOD. Mr. Speaker, today I rise to pay tribute to a high school basketball team in my hometown of Peoria, IL. The Peoria Manual Rams won their fourth consecutive Illinois State title, with a final record of 31-1. Consequently, they were recently named the high school boys' basketball national champions by USA Today. In the 90-year history of Illinois high school basketball, no team had ever won four consecutive State championships.

In addition, Manual captain Sergio McClain, a team leader all 4 years, became only the second Peoria area player to win the coveted title of Illinois' Mr. Basketball. This award recognizes not only his athletic skills, but also the inspiration and leadership he provided his team throughout the year.

The team is led by head coach Wayne McClain, and All-American center Marcus Griffin, All-State guard Frank Williams, and Mr. Basketball Sergio McClain. The other title winners on the team are: Greg Andrews, Marlon Brooks, Creston Coleman, Drake Ford, Jerron Hobson, Robert Johnson, Jerral Page, Alphonso Pollard, and Alex Stephens.

The city of Peoria is very proud of the Manual Rams, only the second Illinois team to win the national title. Coach McClain and the Rams have proven that teamwork, dedication, and sportsmanship are still an important part of high school athletics. Perhaps we can all learn from their example.

AWARD WINNING STUDENTS OF WOODBRIDGE HIGH SCHOOL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. CASTLE. Mr. Speaker, on April 26–29, 1997, outstanding people from 50 schools throughout the Nation came to our Nation's Capital to compete in the national finals of the We the People . . . The Citizen and the Constitution program. I am proud to announce that the class from Woodbridge High School in Bridgeville represented Delaware. These young scholars worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Delaware are: Stephanie Adams, Gwen Bishop, Janelle Cannon, Josh Chaney, Mark Curlett, Sonya Dean, Maria Diaz, Jammie Dougherty, Leslie Elliott, Jane Kroeger, Stephanie Lane, Melissa Moore, Doug Neal, Jared Pinkerton, Justin Pinkey, Tammi Quillen, Billy Rust, Daniel Stogner, Allison Tatman, Randi Toomey, Christy Vanderwende, Roy Walder, and Crystal Yoder.

I would also like to recognize their teacher, Barbara Hudson, who deserves much of the credit for the success of the team. The district coordinator, Diane Courtney, and the State coordinator, Lewis Huffman, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People . . . program, now in its 9th academic year, has provided curricular materials at upper elementary, middle, and high school levels for more than 60,000 teachers, 22,000 schools, and 22 million students nationwide.

The We the People . . . program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. I wish these young constitutional experts the best of luck and look forward to their future participation in politics and government. Congratulations again to the team from Woodbridge High School of Bridgeville, DE.

A NEW POLICY NEEDED FOR CUBA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from April 1997 entitled "A New Policy Needed for Cuba."

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

A NEW POLICY NEEDED FOR CUBA

For more than three decades, the United States has embargoed Cuba in an unsuccessful effort to force Fidel Castro from power. Last year, in the wake of Cuba's brutal shoot down of private U.S. planes in international airspace, Congress passed the Helms-Burton law, which tightened the economic sanctions. Opponents of the law feared it would hurt the Cuban people, not Castro. A year's experience shows they were right. Helms-Burton has helped Castro, weakened his opponents, brought more misery to ordinary Cubans and damaged relations with our closest allies and trading partners. We need a new policy to promote a peaceful transition to democracy in Cuba.

HELMS-BURTON'S REACH

The Helms-Burton law tightens the noose on Cuba in two key ways. First, it grants U.S. citizens the right to bring suit in U.S. courts against foreign companies that have invested in or profited from expropriated properties in Cuba. (President Clinton has delayed the effect of this provision.) Second, the law bars from the United States corporate officers, principals, and shareholders (and their families) of any company that invests in expropriated property in Cuba. This law and U.S. policy limits sharply all contact between the United States and the Cuban people.

By isolating Cuba and tightening sanctions, Helms-Burton is supposed to move Cuba toward democracy. Rather than promoting peaceful change in Cuba, the law is hurting the Cuban people. Castro wants to stay in power, and this law helps him: Using the law as justification, Castro has cracked down on journalists and dissidents, solidifying his own position while suppressing the opposition. Cuba's dissidents refer derisively to it as the Helms-Burton-Castro Act.

Helms-Burton also gives Castro a new scapegoat for his economic failures. It eases pressure on him to open up the state-run economy. Modest reforms in Cuba before Helms-Burton have since been stymied. Cuba is not moving toward democracy and free markets—it is moving in the opposite direction.

HUMANITARIAN IMPACT

Helms-Burton is also hurting ordinary Cubans. The embargo, tightened in the 1992 Cuban Democracy Act and codified and reaffirmed in Helms-Burton, has had a negative impact on the health of the Cuban people. Licensing requirements and outright prohibitions of sales to Cuba have drastically limited Cuban access to U.S.-produced medicines and medical equipment. According to recent studies, the health of women and children in particular has suffered as a result of Cuba's inability to obtain medicines. While Cuba's health problems are mostly the fault of Castro's disastrous policies, the U.S. denial of medicines and medical supplies has contributed to Cuba's deteriorating health.

Donations from the American people—who donate more to Cuba than anyone in the world—are also inhibited by current U.S. policy. Humanitarian missions to Cuba must fly through third countries. American citizens cannot send prescriptions or money to their family members in Cuba without an export license. In a country so clearly in need, it cannot be in the interest of the United States to delay or inhibit the provision of humanitarian supplies to Cubans.

RIFTS IN RELATIONS

No country in the world follows the U.S. embargo of Cuba. While Helms-Burton was intended to isolate Castro, it has isolated the United States, creating great rifts with our closest friends and allies. The European Union (EU), Latin America and Canada have condemned Helms-Burton. All object to the extraterritorial application of U.S. law, under which their citizens and companies are subject to penalty in the United States for their actions in Cuba.

Helms-Burton also spurred a challenge to the United States in the new World Trade Organization (WTO). The United States has persuaded the EU to back away from a WTO case for now and seeks to resolve the dispute through direct negotiations. But if these talks fail, proponents of Helms-Burton want the United States to walk away from any WTO proceeding by arguing Helms-Burton is a national security matter over which the WTO has no jurisdiction. This approach would weaken the international trading system, which benefits the United States, and set a dangerous precedent: Any country could cite national security to justify protectionism, which costs U.S. jobs.

Helms-Burton has created other tensions. Canada and Mexico—our nearest neighbors and first and third largest trading partners—are contemplating a case against the United States under NAFTA.

RETHINKING CUBA POLICY

The United States should learn from its successful engagement with Eastern Europe. Communist regimes there fell not because they were isolated, but because they were penetrated by people, new ideas, and commerce. Our policy of engagement with China is based on the same view, and we should follow the same approach with Cuba. The Pope, who is traveling to Cuba early next year, is right to engage the Cuban people directly, as he did the people of Eastern Europe. He is not trying to isolate them or coerce them. Washington would be wise to follow. We should repeal Helms-Burton, restart direct flights, lift travel and currency restrictions, and begin exchanges, dialogue and humanitarian relief for the Cuban people. Step by step, we should lift the embargo in response to positive change in Cuba.

CONCLUSION

Helms-Burton has been a mistake. It has not brought change to Cuba. Instead, it has strengthened Castro and inhibited a peaceful transition to democracy and free markets. It has brought hardship to the Cuban people by denying them food and medicine. It has split us from the rest of the hemisphere, and forced us into fights with our allies and trading partners. It has threatened our leadership in the international trading system. Most important of all, it has made it more likely that change, when it comes to Cuba, will neither be peaceful nor democratic.

ISLANDERS OF THE YEAR

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. UNDERWOOD Mr. Speaker, I want to take this opportunity to congratulate Latte Magazine's Islanders of the Year, Mr. and Mrs. Jose and Rufina Tainatongo of Piti, Guam. Mr. and Mrs. Tainatongo were nominated by other Guam residents for this recognition based on their 13-year commitment in helping house foster children on Guam. Mr. & Mrs. Tainatongo have long been active in their community. In fact, Mr. Tainatongo ran a recent campaign for mayor of Piti.

The following is the text of a story based on an interview with the Tainatongos. This story was published in the April 1997 edition of Latte magazine.

[From Latte Magazine, April 1997]

JOSE AND RUFINA TAINATONGO

In 1984, a Child Protective Services worker told Jose and Rufina Tainatongo the agency desperately needed foster parents, and asked them to consider taking in kids.

Rufina was still deciding on her answer when the worker brought a couple of kids to her door two weeks later. She decided then and there: "The Lord says let the children come to me. I (couldn't) say no."

Thirteen years later, the Piti couple have been parents to 47 foster children. In their late 50's they also have five kids of their own ranging in age from 21 to 36.

"We consider (the foster children) our very own as well," says Rufina. Their biological children treated the foster kids as siblings with the usual ups and downs of childhood, she says. It hasn't always been easy; a one time they had 12 foster children at once!

Some of the foster children measure their stay in weeks, others in months, and a few others in years. One 16 year-old girl currently living with them has been with them for 10 years. The children all call them mom and dad, and Rufina proudly carries their pictures in her wallet. Some of the foster children now have kids of their own, and the Tainatongo count five of them as their foster grandchildren.

While they do receive some compensation from the government as foster parents. "My payment is when the children appreciate what I've done," Rufina says. "The best (part of being a foster parent) is when the kids appreciate and remember you, they talk to you about their experiences."

Asked where she gets the patience to deal with all those children, Rufina replies with a beatific smile, "The Blessed Mother."

Mr. Speaker, Latte Magazine should be commended for honoring the Tainatongos and the other finalists for Islanders of the Year. These included the following individuals:

Tom Ahillen, the general manager for Matson Guam actively serves on the Gift of Life, a non profit organization created to facilitate blood donations for the local hospital.

Anita Sukola, a local Guam attorney provides pro-bono legal representation to disadvantaged persons, many of them victims of abuse.

Dr. Carolyn Hilt, a longtime island educator is the co-founder of the Micronesian Evangelical Mission and the Evangelical Christian Academy, now a premier educational institution on Guam.

Sister Eileen Mearns, the director of the Alee Shelter, a shelter for abused women and children on Guam, is unwavering in her support and advocacy for her clients. Many of them come to her in desperation and in need of protection and assistance.

I know that these individuals serve as fine examples of the generosity and dedication that many in our country still have. I hope that others take notice of their contributions to society and follow in their example. Congratulations to them all.

TRIBUTE TO HON. NOEL WATKINS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. FAZIO of California. Mr. Speaker, I rise today to recognize the Honorable Noel Watkins. Mr. Watkins is retiring from his position as superior court judge of Tehama County, CA.

Mr. Watkins was born in Alturas, CA, in October 1932, a descendent of pioneer ranchers. In his early years he attended public school in Chico and continued on to Chico State College where he received a bachelor's degree in political science with honors. After graduation he married Mary Jane Carpenter, native of Tehama County. His academic pursuits led him on to the University of California at Berkeley, Boalt Hall School of Law, where in 1957 he was admitted to the California Bar.

Mr. Watkins returned to his northern California roots where he entered into private practice with Rawlins Coffman in Red Bluff. One year later he was appointed as deputy district attorney for Tehama County. This was to be only the beginning of a long career of public service. Over the next 38 years Mr. Watkins continued to serve the people of Tehama County. As the justice court judge for Red Bluff Judicial District while maintaining his own private practice. By 1975 he was elected to serve as superior court judge of Tehama County. His seat remained unchallenged for the duration of his career.

Judge Watkins will always be remembered as a man of honesty and integrity. His knowledge and expertise earned him a position on the California Judges Association's executive board as well as his receipt of their "25-Year Service to the Bench Award." It is with great honor that I recognize this man and his commitment to public service. Noel Watkins is a statesman whose service to this county is synonymous with justice.

On December 31, Judge Watkins will step down from the Bench. He will join his wife Mary Jane and their two children Laura Lazar and Charles Watkins and extended family to begin a new phase of life. Although more time may be spent hunting and fishing, it is without a doubt that law will be a part of that future.

His absence will be a loss to the community. I offer my best wishes for his retirement and look forward to acknowledging his future accomplishments in the years ahead.

TRIBUTE TO THE SURVIVORS AND FAMILIES OF THE PARTICIPANTS IN THE TUSKEGEE SYPHILIS STUDY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. RILEY. Mr. Speaker, I rise today to call the attention of the House to today's White House ceremony in which President Clinton will issue a formal apology today to the eight survivors of the Tuskegee syphilis study.

From 1932 to 1972, the U.S. Public Health Service conducted a study, the "Tuskegee Study of Untreated Syphilis in the Negro Male," in which they withheld treatment to 399 syphilis patients in Macon County, AL.

The intent of the study was to determine if syphilis caused cardiovascular damage more than neurological damage and if the natural course of syphilis differed between races. Treatment was given in the initial stages of the study but then withheld after the original study failed to produce any significant data. Even penicillin was denied to the infected participants when it became available in 1947.

It wasn't until a health worker went public in 1972 that the study was called into question.

Mr. Speaker, it is estimated that more than 100 of the participants, who were all impoverished sharecroppers from Macon County, died of tertiary syphilis. The Ad Hoc Advisory Panel that was appointed in 1972 to review the study determined that the Tuskegee study was ethically unjustified. They further concluded that the amount of knowledge gained was minimal in comparison to the risks that the study posed for the participants.

I am outraged that such an experiment was conducted in the United States. In 1974, the National Research Act created the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, which ensured that basic principles of research were established and followed from that point forward.

These actions, of course, are too little, too late for the victims of the Tuskegee syphilis study. In fact, the survivors and families of the participants have never received a formal apology until today. Now, 65 years after the start of this unethical study, the survivors will finally receive the long, overdue apology.

I consider this tragedy a dark chapter in our Nation's history. My thoughts and prayers go out to the victims and their families and hope that at least a small part of their pain may be relieved by today's ceremony. If nothing else, I hope today's apology helps bring closure to this national disgrace.

We must work to ensure that atrocities like that Tuskegee syphilis study will never again happen in the United States.

TRIBUTE TO JAKE STOCK

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a man who blessed this world with his music. Jake Stock, who for more than 50 years was a permanent fixture on the American jazz scene, died recently at the age of 86. He will be remembered by all those whom he touched with his sax and song.

Born in Savannah, GA, on July 10, 1910, and having lived an exciting life since, Mr. Stock moved to Monterey in my congressional district from Los Angeles in 1938 with his wife, Grace. He quickly started making music. Offered a job at the Oasis Club in Salinas, Mr. Stock assembled his prized Abalone Stompers, a jazz ensemble that entertained thousands for decades to come. The group, composed of anywhere from 5 to 15 players, performed in a variety of festivals and clubs throughout California and the west coast. In 1958, they opened the Monterey Jazz Festival and shared the stage with Dizzie Gillespie and Louie Armstrong.

Throughout his career, Mr. Stock was the recipient of numerous honors. The inspiration for famed central coast author John Steinbeck's "Sweet Thursday," he was named Citizen of the Year by Monterey's Parade of Nations in 1982. Mr. Stock was also honored by Monterey's Pacheco and Paisano clubs with a dinner called the "Jake Bake." Until recently, he was a featured Sunday played at Big Sur's River Inn.

He is survived by four sons: Jay of Pasadena; Phil of Murphys; Jackson of Los Angeles and Peter of Portland; three daughters: Judy Cooper of Lake Havasu City, AZ; Katy Stock of Carmel and Sally Beckett of Carlsbad; his brother, Morgan Stock of Monterey and five grandchildren.

DELAURO HONORS THE "AMISTAD" AND CONNECTICUT'S ROLE IN THE UNDERGROUND RAILROAD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Ms. DELAURO. Mr. Speaker, I am proud to join nearly 60 of my colleagues to introduce the National Underground Railroad Network to Freedom bill. This important measure will help to preserve historic stops on the Underground Railroad throughout the country so that we can remember and celebrate the courage of those who used the Underground Railroad in search of freedom from tyranny and oppression.

Slavery is not an easy chapter in our Nation's history to remember. But it should not be forgotten. And the Underground Railroad is especially important to remember and memorialize, because it helps us all to deal with this dark chapter in American history when men and women fought against the institution of slavery to further the cause of freedom, even at their own peril.

There are African-American churches in my hometown of New Haven, CT, such as the Varick AME Episcopal Church and the Dixwell Avenue Unitarian Church of Christ, that were waystations for escaped slaves traveling through the Underground Railroad. Many slaves passed through New Haven as they traveled toward freedom in more northern points such as Massachusetts, Rhode Island, and Canada. But many children growing up in New Haven today do not know of the role their town played in this chapter of our history.

In particular, New Haven was thrust into the center of the dispute between the forces supporting slavery and those working for freedom when the sailing ship *Amistad* arrived in the Long Island Sound in the summer of 1839. The *Amistad* was a slave ship that set sail from Havana, Cuba, on June 28, 1839, with 53 Africans who had been kidnapped from their homeland and were on their way to another Cuban port and a lifetime of slavery.

These brave Africans, led by Sengbe Pieh, fought for their lives and freedom. They took control of the ship and forced its Spanish owners to sail toward Africa, using the sun as their compass. However, the Spaniards sailed northward at night, hoping to come ashore in a Southern slave State. Instead, the ship entered the waters of the Long Island Sound and was taken into custody by the U.S. Navy.

The Africans were put in a New Haven jail while a court battle was waged to determine if they would be slaves or free men and women. This dispute forced the country to consider the moral, social, religious, and political questions surrounding slavery. Many members of the New Haven community pulled together to work to secure the Africans' freedom, including the congregation of the Center Church on Temple Street and students and faculty at the Yale University Divinity School. Finally, in February 1841 the Africans—who were defended by former President John Quincy Adams—were declared free by the U.S. Supreme Court.

In March 1841 the Africans of the *Amistad* moved to live in Farmington, CT, while funds were raised to finance their return to the area that is now Sierra Leone in Africa. The 37 surviving Africans finally reached their homeland in January 1842.

There are several memorials in New Haven commemorating the *Amistad* and the story of the brave Africans who fought for their liberty on its decks. A statute of Sengbe Pieh, who is also known as Joseph Cinque, sits in front of the city hall. Plans are underway for a life-size working replica of the ship to be docked on long wharf, with exhibitions and programs on African-American history and the long fight for true freedom.

I am glad to see this important part of Connecticut's history recognized. I am so proud to be an original cosponsor of this bill which will ensure that the monuments of the Underground Railroad's route in Connecticut and throughout the country will be protected and preserved so that future generations can remember this remarkable time in our history.

REVEREND DR. EDDIE ROBERT WILLIAMS, JR. HONORED

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. RUSH. Mr. Speaker, I proudly rise today to pay tribute to a man of inspirational vision and stellar commitment. This is a man who has dedicated his life to the service of his community, and to the work of the Baptist Church. The man I am here to honor is the Reverend Dr. Eddie Robert Williams, Jr.

The work of Reverend Williams has touched the lives of area residents in many ways over the past 28 years. He assisted in the design, renovation, and development of new church facilities, and in the development and management of multifamily and senior citizen housing. In his professional life, Reverend Williams has been equally active in the service of his community. He reached tenure as a member of the Northern Illinois University [NIU] faculty in 1976, and has also achieved the rank of captain as the Navy's campus liaison officer at NIU.

Last but definitely not least, I am proud to announce that Reverend Williams will be installed as pastor of the South Park Baptist Church in Chicago, IL. I, along with several of his family and friends, will celebrate this joyous event later on this week. I am certain that Reverend Williams will follow in the footsteps of his father, the last Rev. Eddie Robert Williams, Sr., who was also pastor of South Park Baptist Church and a bedrock of our city, State, and Nation.

I am pleased to be here today to stand for Reverend Williams and to highlight his tireless work before the Congress.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. NADLER. Mr. Speaker, on rollcall vote No. 136 I was erroneously recorded as voting "aye." I had intended to vote "nay." I would ask that the RECORD reflect that fact.

GREAT BRITAIN TO REJOIN UNESCO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. TORRES. Mr. Speaker, on Wednesday, May 14, 1997, the Queen of England, in her speech at the opening of the British Parliament, announced that her Government will rejoin the United Nations Educational, Scientific and Cultural Organization [UNESCO].

This move by the new British Government demonstrates the further isolation of the United States from cooperative world efforts which seek to address common problems. The United Kingdom has left its longtime ally, the United States, alone among the industrial nations of the world, as a nonmember of UNESCO.

My colleagues may remember that 12 years ago, Great Britain joined with its longtime ally, the United States, and quit the Paris-based U.N. body in a protest orchestrated by the Reagan administration. The decision to quit UNESCO, in this Representative's opinion, reflected the then Reagan and Thatcher government's scorn for multilateralism and for consensus building. Building upon their distrust of the United Nations, lobbied by such groups as the Heritage Foundation, the Reagan administration set in motion a policy of what I call schoolyard diplomacy: You play by my rules or I take my ball home.

U.S. supporters of this withdrawal, explained that this move was based upon allegations of inefficiency and Third World bias. Their strategy was to bring about UNESCO reform by denying the organization U.S. dues funding and participation.

Those of my colleagues who have followed UNESCO progress know that a brilliant and innovative new Director General, Federico Mayor brought about the reforms which formed the premise for the withdrawal. You also know that the U.S. response was to remain outside of UNESCO, in spite of the profound changes enacted. The current reason given by the Clinton administration for continuing to remain outside of UNESCO is that "we don't have the money."

No world leader believes this contention. The world understands, instead, that the United States has lost its will to participate in the activities which link our educational, scientific and cultural leaders in common purpose with those of the UNESCO members. Perhaps more to the point, this administration appears to have given in to the right-wing paranoid of the Republican revolutionaries, who see black helicopters and conspiracies against our national sovereignty behind every effort to work cooperatively with members of the United Nations. Nervous about its coming conflict with the Majority party in Congress over United Nations reform issues, this administration has no stomach to face the potential which UNESCO offers this Nation, instead it hides behind protestation of poverty.

What is it that this Country loses because we are not a member of UNESCO? Recently, UNESCO Director General Federico Mayor personally went to Bilbao, Spain, last week to present the UNESCO/Guillermo Cano World Press Freedom Prize to an imprisoned Chinese journalist. We let Mr. Mayor face the threats of retaliation from China without our Country's support for his courageous act. Ironically, and apparently taking a page from the Reagan UNESCO strategy book, the Beijing government is reportedly considering withdrawal from the organization or ceasing to participate in its activities because of this award to a journalist whose work brought risk or punishment to herself.

Finally, I would call my colleague's attention to a review which appeared recently in "The Journal of Developing Areas", published by Western Illinois University and written by Victor Margolin. This is a review about a UNESCO report of the World Commission on Culture and Development, entitled Our Creative Diversity, it rethinks the process of development itself, and articulates a broad concept of human well-being as the aim of development to replace the more limited focus on economic progress alone.

This rethinking, and rearticulation of the very process of development was produced by a Commission headed by former U.N. Secretary-General Perez de Cuellar and was comprised of 14 members—none of whom were Americans. This bold new vision of development was developed without active U.S. participation and input because the United States is not a member of UNESCO.

My colleagues, the United States is not participating actively in the debates on global development that are taking place within UNESCO, and consequently in not a player in the implementation of this agenda.

I recommend that my colleagues read Victor Margolin's excellent review, to learn of the consequence of our decision not to participate in a debate which will reshape thinking about the goals and strategies of development.

If we hold pretenses of world leadership than we must participate in the primal debates of this age. Sadly, our failure to comprehend the losses which accompany apparently casually reached decisions, such as our continuing intention to remain outside of UNESCO, will cost us the world respect and counsel which we need to address our own internal problems.

Mr. Speaker, I recommend the attached article to my colleagues and urge that they rethink our current decision to remain outside of the UNESCO structure. Great Britain, a country which shares our concerns for achieving U.N. reforms has set the proper pace and priority: Give credit to the one U.N. agency which has led the way in terms of implementing meaningful reforms, showcase UNESCO's achievements by becoming a full participating member.

OUR CREATIVE DIVERSITY: REPORT OF THE WORLD COMMISSION ON CULTURE AND DEVELOPMENT

(By Victor Margolin)

In 1992 the Secretary-General of the United Nations, Boutros Boutros-Ghali, and the Director-General of UNESCO; Federico Mayor, jointly created the World Commission on Culture and Development. Its charge was to rethink the process of development itself, taking into account recent proposals by the United Nations Development Program and other organizations for a broad concept of human well-being as the aim of development to replace the more limited focus on economic progress alone.

The Commission, part of a larger initiative, the World Decade for Culture and Development, which began in 1988 and will end in 1997, was headed by former United Nations Secretary-General Javier Pérez de Cuéllar and was comprised of 14 members. No Americans were among them although one member from Great Britain, Keith Griffin, is a professor of economics at the University of California Riverside. Among the honorary members were Derek Walcott and Elie Wiesel, both world-renowned writers and activists who reside in the United States.

The rethinking of the development process which the Commission was charged to undertake had been stimulated within UNESCO by several representatives of the Nordic countries who were inspired by the Bruntland Report on environmental issues, "Our Common future," as well as by discussions on the environment that took place at the Rio Summit in 1993. Where the Bruntland Report had alerted the international community to the necessary relation between ecological issues and economic planning, those supporting a Commission on Culture and Development believed that a comparable link between the latter two entities was long overdue.

"Our Creative Diversity," the report produced by the Commission, was published in November 1995 and has since circulated widely around the globe and on the World Wide Web. In ten chapters, followed by an International Agenda, it presents a rethinking of the development process that includes a range of new issues such as the rights of women and children, the recognition of indigenous people, and the preservation of the world's cultural heritage. The report posits a bold vision of global development that attends to the needs of many cultural groups. It cites anthropologist Claude Lévi-Strauss's vision of world civilization as "a world-wide coalition of cultures, each of which would preserve its own originality" (p. 29). The argument for the autonomy of multiple cultural voices presents a significant challenge to traditional strategies of geopolitics and calls for extended discussions and debates on a global scale. It is supported by the report's acknowledgement of more than 10,000 distinct societies in roughly 200 nations.

Because the relation of culture to development is so important and UNESCO is the principal international organization where its discussion is taking place, one finds it unfortunate that the United States was not actively involved with the Commission's work. In fact, the United States has not been a member of UNESCO since 1984. American withdrawal from the organization occurred in December of that year during the administration of Ronald Reagan. It was based on charges of UNESCO's fiscal irresponsibility and lack of respect for the institutions of a free society. The latter complaint was a response to debates within UNESCO about a New World Information and Communication

Order, which was perceived by the Reagan administration as a challenge to the basic American tenets of press freedom.

* * * * *

In the chapter on gender, the Commission finds unacceptable the paucity of women in governmental and parliamentary positions worldwide as well as the widespread exploitation of women in the labor force. In particular it condemns the "unscrupulous brokers and middlemen" who profit from the illicit traffic in prostitutes and bar girls. Whereas much of the past literature on development policy has treated all members of a culture as equal beneficiaries of the development process, the Commission notes that women are frequently discriminated against in this process by virtue of reduced access to paid employment, less pay for the same work as men, and other factors. "The fact is," states the report, "that a number of cultures now invoking traditional laws or religious freedom show more concern with the defence of men's existing privileges than with the preservation of women's rights" (p. 133).

The rights of children and young people are also addressed in the report, which notes that this group will comprise more than 50 percent of the population in developing countries at the beginning of the next millennium. The Commission's strongest recommendation to improve their situation is to put compulsory universal primary education above economic growth where children are concerned. This, the report asserts, will provide the foundation for a skilled work force and contribute to the elimination of child labor. The Commission takes the strong position that "respect for different cultures should not be used to deny children their basic human rights in the name of cultural diversity" (p. 156).

The report's stance on the role of media in development is perhaps the trickiest to maneuver because it addresses the imbalance of media control that prevents many of the cultural voices deemed important by the Commission from being heard. Where other indictments against injustice are more specific, the report exposes the global media imbalance in only the most general terms.

"Many people still remain voiceless or unheard. Control of some of the most powerful new media tools is still concentrated in the hands of a few, whether nationally or internationally, in private or public ownership or under governmental monopoly. Such dominance raises the specter of cultural hegemony: a fear of 'homogenization' is widespread and widely expressed" (p. 106).

What is not mentioned specifically here is the power of private media companies, especially those in the United States, to dominate the content of programs that are broadcast around the world. The Commission has no simple solution to helping the "have-nots of the information revolution," although it does link deficiencies of national infrastructures such as the lack of electricity in thousands of communities to the communication disadvantages of those communities' inhabitants.

Although the report takes on numerous hard-to-resolve issues like the unequal distribution of media control, the oppression of women, and the injustices of child labor, it also puts forth many suggestions for change that are easier to implement. One area of concern is the preservation of cultural heritage by documenting languages, developing archives, and sustaining handicrafts. The report highlights the need for conservationists, librarians, and curators to create archives and exhibitions to preserve and commemorate the world's many cultural groups. These efforts, it argues, should be incorporated into "larger concerted heritage policies," a goal of UNESCO's "Memory of the World" program which was launched in 1992.

The report also urges more government support for nonmarket initiatives in all parts of the world to counter the tendency of commercial enterprise to shape tastes in food, fashion, music, and media. In this regard, the arts have a particularly strong contribution to make. To oppose tendencies toward cultural homogenization, the report calls as well for nations to recognize diversity by creating "[a] multi-ethnic policy, a multi-language policy, a policy representing different religious points of view" (p. 234).

"Our Creative Diversity" concludes with a ten-item agenda whose primary objective is to sustain a continuing public forum on culture and development. As with many reports of this type, research is high on the list of things to be done. The authors recommend the preparation of an annual report on culture and development, closer cooperation between UNESCO and other United Nations agencies, and the creation of an inventory of cultural rights that are not protected by existing international laws. Particularly thorny is the problem of media violence and pornography, discussion of which the Commission defers to an international forum of the future.

Most radical of the Commission's recommendations, however, is its call for a World People's Assembly, modeled on the European Parliament, whose members would be directly elected by ordinary citizens around the world. As the Commission argues: "Not only development strategies should become people-centered: so should all institutions of global governance" (p. 286).

This recommendation is a grand conclusion to a document that alternates the highest aspirations to human justice and welfare with a sense of reality that exposes the obstacles to their achievement. Rather than simply end with a call for more research and future conferences to perpetuate the cycle of discourse divorced from action, the Commission presents a challenging proposal that may well be taken up by more than one nongovernmental organization or citizen's group in the years to come. The report rightly recognizes the growing power of such groups as new forms of communication like the Internet make regular contact over large distances easy and relatively inexpensive.

The Clinton administration, like others before it, has been able to downplay the issue of rejoining UNESCO because the American public has little sense of what not belonging to this organization implies. "Our Common Diversity" makes it clear that global development policy is being rethought without our official participation, a fact that contributes to the progressive erosion of American leadership in global affairs. While the United States continues to wield power in the economic and military spheres, its image as a nation concerned with human welfare on a global scale is sadly tarnished. It is not just its lack of participation in UNESCO that has caused this but also the extreme cutbacks in foreign aid, the low profile accorded to international educational and cultural affairs within the government, and the reduced impact of the Peace Corps.

Hillary Clinton's concern for the children of the world has been articulated far more forcefully by the World Commission on Culture and Development. How much more impressive her own engagement with these issues would be if it were part of a larger international effort and how much weaker it becomes when one recognizes that the United States government does not even participate in the most important debates on global development where such issues are foregrounded.

The scope of the problems addressed in the "Our Creative Diversity" and the cogency of the report's call for remedies to global injustice should make clear how important it is for the United States to be involved in such efforts as the World Commission on Culture and Development. But, as Pérez de Cuéller said, governments are only one audience for its report. "Our Creative Diversity" can serve as an excellent guide for anyone who wants to improve their understanding of culture's role in the development process.

This review appeared in "The Journal of Developing Areas" vol. 31 no. 1 (Fall 1996). The journal is published by Western Illinois University.

TRIBUTE TO LOIS A. CALLAHAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues in the Congress to the extraordinary educational career of Lois A. Callahan, the chancellor of the San Mateo Community College District. After 27 years of service to the San Mateo Community College District, Ms. Callahan will retire at the end of this academic year as chancellor.

The necessity of higher education has become increasingly apparent in our competitive society. People of all ages realize that happiness and success are often tied to a college education. Invaluable teachers—such as Lois Callahan have risen to the challenge of preparing Americans to be a part of a highly educated and skilled work force.

Like most dedicated educators, Lois Callahan's career in—and commitment to—education started at an early age. In 1954 she graduated from Southwest Missouri State University, with a degree in business and education. Lois continued her education at California State University, Chico, were she earned a master's degree in business education. She received a doctorate in higher education administration at the University of Southern California in 1973. Lois also earned certificates in educational programs at Harvard and Stanford.

Lois Callahan's teaching career started at the College of San Mateo in 1968 as an instructor of business. She taught at UC Berkeley and Santa Cruz as well as California State University, Hayward. Ms. Callahan returned to the College of San Mateo, and taught there until 1974 as a professor in the School of Business.

Lois Callahan moved on into the field of education administration, becoming the dean of Education at San Jose City College in 1974. She was the first woman to hold this post in the California community college system. She did not forget her dedication and commitment to the College of San Mateo, however, and she became dean of Instruction in 1976 and eventually president in 1978. In

1991 Ms. Callahan became the chancellor-superintendent of the San Mateo County Community College District.

Mr. Speaker, beyond her outstanding career in education, Lois Callahan has made a magnificent contribution to our community. She is a member of the board of directors of the United Way and the San Mateo County Mental Health Association, and she serves as chair of the San Mateo County Leadership Council. Lois is an active and dedicated member of numerous other organizations throughout the bay area.

Lois Callahan is an outstanding member of our community and an inspiration to all of us on the peninsula. She has received many awards, including the U.S. Department of Education Secretary's Award, and she was inducted into the San Mateo County Women's Hall of Fame. Lois Callahan has dedicated her life to our community. She will be sorely missed, but we wish here a happy and fulfilling retirement.

TRIBUTE TO BETTY JEAN STANLEY SEYFERTH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a wonderful woman and a good friend, who recently passed away. Betty Jean Stanley Seyferth, who devoted much of her life to the people and causes of California's beautiful central coast, will be remembered as much for what she contributed to those around her, as who she was and what she stood for.

You see, for as much as Betty was a model citizen, she was a model person. Selfless and kind, she brought a smile to those around her. I can remember that as Monterey County Supervisor, I had the honor of naming Betty to the Monterey County Housing Authority. She subsequently went on to serve as commissioner, vice chairwoman, and chairwoman, until her resignation in 1994.

Prior to this, Betty attended Whittier College and received a bachelor's degree in psychology and education from San Jose University. She earned a certificate in human services from the University of California at Santa Cruz. Betty was a social worker for many years, working for Santa Clara County, Alameda County, and Monterey County. She retired from the Monterey County Department of Social Services in 1977.

Besides her own work, Betty also worked with her husband Harold in the real estate business, developing shopping centers and housing developments in Santa Clara County. The couple owned and operated Boone Chance Kennels in Hollister and ranches in Santa Clara and San Benito counties.

Betty was a member of a string ensemble and two piano ensembles as well as a skilled piano and organ instructor. She was an accompanist for vocalists, an organist for her church and belonged to numerous community and philanthropic organizations, including: the Railroad Brotherhood Auxiliary, the Order of the Eastern Star, several Parent Teacher Associations, the League of Women Voters, the California Federation of Woman's Clubs, the Girl Scouts of America, the Doris Day Pet Foundation, and the YWCA.

Mr. Speaker, all who knew Betty Seyferth, miss her tremendously. She was an outstanding person and a fabulous wife, mother, and friend. I wish her husband, Harold, her daughter, Mimi, and the rest of her family the very best during these trying days.

SECURE ASSETS FOR EMPLOYEES [SAFE] PLAN ACT OF 1997

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, today the gentleman from North Dakota [Mr. POMEROY] and I are introducing the Secure Assets for Employees [SAFE] Plan Act of 1997.

Ever since enactment of the Employee Retirement Income Security Act of 1974 [ERISA], layer upon layer of complex rules and regulations has been adopted seriously frustrating the ability of small businesses to maintain retirement plans for their employees. According to a recent GAO study, a whopping 87 percent of workers employed by small businesses with fewer than 20 employees have absolutely no retirement plan coverage. The news is only slightly better for workers at small businesses with between 20 and 100 employees where 62 percent of the workers have no retirement plan coverage. By contrast, 72 percent of workers at larger firms—over 500 employees—have some form of retirement plan coverage.

This is particularly troubling given that small business provides most of the new jobs in today's workforce. In fact, according to the Small Business Administration 75 percent of the 2.5 million new jobs created in 1995 were created by small business. However, because of the impediments to small business retirement plan coverage, these workers often find themselves without the opportunity to meaningfully save for retirement.

The present-law roadblocks to small business retirement plan coverage have a particularly harsh effect on small business defined benefit plans. Most retirement experts agree that defined benefit plans—which guarantee a specified benefit at retirement—provide a better and more secure benefit for retirees. However, according to the Department of Labor between 1987 and 1993 the number of small businesses with defined benefit plans dropped from 108,221 to 41,780. That is over a 60-percent decline in just 7 years.

Last year, hoping to improve retirement plan coverage for small business employees the Congress created SIMPLE plans for small business. However, despite the success of the SIMPLE plan, retirement plan coverage for small business employees continues to be inadequate because of the limitations on contributions to the SIMPLE plan. Many small business employees who are baby boomers and have not previously been covered under retirement plans will not be able to save enough under the SIMPLE plan or a 401(k) plan to provide an adequate retirement income. Small business needs a defined benefit retirement plan that is easy to administer and will provide small business employees, including baby boomers, a sufficient retirement benefit.

The Secure Assets for Employees [SAFE] Plan Act of 1997 creates a new safe harbor defined benefit retirement plan for small business which will provide all small business employees with a secure, fully portable, benefit they can count on without choking small business with complex rules and regulations small business cannot afford.

A description of our bill follows:

FULLY FUNDED AND SECURE RETIREMENT BENEFIT

SAFE plan retirement benefits will be totally secure because they will be funded either through an individual retirement annuity ("SAFE Annuity") issued by regulated financial institutions or through a trust ("SAFE Trust") whose investments will be restricted to registered investment securities or insurance company products.

SAFE plans will always have to be fully funded so that there will be no shortfall in case of plan termination.

SAFE plans will be required to use specified conservative actuarial assumptions to ensure the minimum retirement benefit.

MINIMUM DEFINED BENEFIT WITH POSSIBLE HIGHER BENEFIT

SAFE plans will utilize the best features of both defined benefit and defined contribution plans by providing a fully funded minimum defined benefit with a higher benefit if investment returns exceed conservative expectations.

At a minimum, employees will receive a benefit equal to 1%, 2%, or 3% of compensation for each year of service. For example, if an employee whose average salary was $40,000 has 25 years of service for an employer who elects a 3% benefit, the employee will retire with a minimum $30,000 annual benefit (which could be higher depending on investment performance). The percentage benefit in any year must be the same for all employees.

In order to allow baby boomers to catch-up with their retirement savings, employees will be able to elect to credit benefits for up to 10 prior years of service, provided such benefits are credited to all employees eligible when the plan is adopted.

An employee's benefit will be 100% vested at all times.

FULLY PORTABLE RETIREMENT BENEFIT

Employees participating in the SAFE Annuity who separate from service will automatically hold an individual retirement annuity that will pay them at least the benefits they have earned (and possibly a higher benefit) upon retirement. Employees participating in the SAFE Trust will have their retirement benefits automatically converted to a SAFE Annuity, or, if they elect, have the cash balance in their account transferred to an individual retirement account (a "regular IRA").

The benefit in a SAFE Annuity may be rolled over to another SAFE Annuity without restriction. However, in order to ensure adequate benefits for retirement, benefits in a SAFE Annuity and SAFE Trust will be subject to substantial distribution restrictions.

EASIER TO ADMINISTER

SAFE plans will have simplified reporting requirements.

SAFE plans will not be subject to complicated nondiscrimination rules or plan limitations. However, so that plan benefits are distributed fairly to all employees, SAFE plans, like SIMPLE 401(k) plans, will be subject to the current-law annual limit on employee compensation ($160,000).

Since SAFE plans will be fully funded using conservative actuarial assumptions, expensive Pension Benefit Guarantee Corporation (PBGC) insurance premiums will not be necessary.

COMPLEMENTS THE SIMPLE PLAN

SAFE plans could be used with SIMPLE plans or 401(k) plans.

Employer eligibility, employee eligibility, and the definition of compensation will be the same under the SAFE plan as under the SIMPLE plan.

As with SIMPLE, employers using a SAFE Annuity could designate a single financial institution to issue the SAFE Annuity.

Mr. Speaker, it is no secret that the baby boom generation represents a retirement savings time bomb. We are indeed fortunate that so many employees of large companies enjoy retirement coverage. Those who work for small and independent businesses deserve no less. I would encourage my colleagues to join Mr. POMEROY and me in working toward passage of this much-needed initiative.

TRIBUTE TO ALABAMA AVIATION HALL OF FAME INDUCTEES

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. EVERETT. Mr. Speaker, today, four residents of the second congressional district will be inducted into the Alabama Aviation Hall of Fame. Alabama holds a special place in the history of aviation as the site of the world's first flight school. These distinguished Americans occupy a special place in the Aviation Hall of Fame due to their valor and intrepid mastery of the skies.

William R. Lawley, Jr., colonel, USAF retired, of Montgomery earned his position in aviation history for his courage under fire as a B–17 bomber pilot in World War II. His bravery and loyalty to a wounded comrade enabled him to stay with his aircraft in the face of an overwhelming enemy attack. For his meritorious service, he received the Medal of Honor for Heroism.

N. Floyd McGowin, Jr., of Chapman served his nation in the Marine Corps and Reserve in the 1950's. An expert in forest management, he pioneered a technique for aerial mapping of forests. McGowin is a lover of flying, beginning at the age of 16. To date, he has logged 13,000 hours in at least 58 aircraft, and currently manages McGowin Field, in Chapman.

Michael J. Novosel, chief warrant officer, USA retired, of Enterprise is well known to the Army aviation community in the Wiregrass for his brave helicopter rescue of 29 American soldiers while under a hail of enemy fire in Vietnam. This risk of his own life earned him the Medal of Honor for Heroism. Novosel shepherded more than 5,500 soldiers to safety while a medical evacuation pilot in Vietnam. His remarkable military and aviation career extends 44 years including service as a B–29 bomber pilot in World War II.

William S. Wilson, Jr., of Dothan began his aviation experience as a cadet in the U.S. Army Signal Corps in 1918. He served as an executive officer in the 96th Bomber Squadron at Langley Field, VA. Wilson was among the first pilots to fly crosscountry at night in formation, and he was a flight instructor to Carl Ben Eielson, the first pilot to fly across the Arctic Ocean in 1928.

Mr. Speaker, I congratulate these fine Alabamians for their achievements as pillars of the aviation community. They are true patriots.

NATIONAL LAW ENFORCEMENT WEEK

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mrs. TAUSCHER. Mr. Speaker, I rise today in recognition of National Law Enforcement Week to honor the brave police men and women throughout our country and in my district who put their lives on the line on a daily basis to protect our families, our friends, and our children. Many of these men and women have paid the ultimate price . . . losing their lives in the line of duty. In 1996 alone, 115 officers were killed nationwide. Their deaths are a reminder to us all that the officers who don a badge and patrol our streets are heroes and true public servants who risk injury and death to provide greater safety and protection for us all.

In recognition of the efforts of these officers, I want to express my continued and strong support for the effective anti-crime COPS Program which has put more officers on our streets—more than 150 in my district alone. Effective programs like this which support our peace officers and reduce crime are true living memorials for our fallen heroes who have sacrificed their lives in the line of duty. Thank you Mr. Speaker.

CENTENNIAL CONGRESS OF THE AOA

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. DUNCAN. Mr. Speaker, thousands of doctors of optometry will be convening in St. Louis, Missouri on June 11–15, 1997 to celebrate the Centennial Congress of the American Optometric Association [AOA]. During the proceedings of this annual convention, Dr. Michael D. Jones of Athens, TN, will be sworn in for the 1997–98 term as the association's 76th president. I would like to take a few moments to congratulate Dr. Jones on achieving this high honor and to commend him for his professional and civic achievement.

Dr. Jones is a graduate of Southern College of Optometry in Memphis, TN, and has practiced optometry in Athens since 1971. He is a past president of the Tennessee Optometric Association and the Hiwassee Optometric Society. In 1992, Dr. Jones was honored as Tennessee's Optometrist of the Year. And, in 1993, he was named Optometrist of the South.

In Athens, Dr. Jones has served as president of the Kiwanis Club, treasurer of the Jaycees, and on the boards of the United Fund and the YMCA. He also founded the community's Explorer Scouts program of the Boy Scouts of America.

Dr. Jones was first elected to the AOA's board of trustees in 1992 and has served the board in a number of capacities. The AOA is the professional society for the Nation's 31,000 optometrists. As president, Dr. Jones will lead the association in working to improve vision care in the United States.

Dr. Mike Jones has distinguished himself as an outstanding leader. I join his many friends and colleagues in offering him best wishes for a successful term as president of the AOA.

THE TRAGEDY OF ALCOHOL-RELATED DEATHS ON OUR NATION'S HIGHWAYS

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to discuss a very tragic situation that afflicts one person every 30 seconds—this problem is drinking and driving. This week Mothers Against Drunk Driving is sponsoring a National Youth Summit on Underage Drinking in the hopes of educating our young people about how dangerous and destructive driving is under the influence—and let me remind everyone this danger is not just to oneself, but to anyone else who may be on the road. I commend the organizers and participants in the summit for taking steps to educate Americans on the perils of driving under the influence.

Last week, I was watching the news and I saw the parents of a young college girl discussing the death of their daughter due to a drunk driving accident. This young, bright girl, with all of her hopes and dreams just starting to take form, lost these dreams when a drunk driver hit her car and in an instant everything was gone.

Friends, this is a serious problem and we need to do more to educate everyone—teens and adults alike—on the consequences of drinking and driving. Let me share some startling statistics not commonly discussed. In 1994, 40.8 percent of all traffic fatalities were accounted for by drunk driving accidents, and that number has risen since then. And do not think this could not happen to you because two of every five Americans will be involved in an alcohol-related accident in their lifetime. I am the father of five healthy beautiful children and I can not bear to think that unless we work to stop this, two of my five children will be affected by a drinking and driving accident.

It is crucial that we get the word out and take preventive measures to assure these senseless deaths stop. In my home State of Oklahoma, the State legislature just passed a law stipulating any underage driver caught drinking automatically loses his license until he reaches 21. I am glad Oklahoma is taking steps to prevent wreckless behavior, but I want to stress, that we need to educate more than our kids because this is everyone's responsibility and problem.

There is a powerful poem written through the eyes of a young girl who didn't drink and drive because her mom had said it was dangerous, and the pride she took in obeying her mother. But when she got in her car to go home she was killed by a drunk driver. The last line reads, "I have one last question, Mom, before I say good bye. I didn't drink and drive, so why am I the one to die?"

This question goes straight to the heart of the matter, and I sincerely hope if someone is going to drink they would have enough respect for the priceless gift of human life, not to get in a car and drive. This is a problem that affects everyone and I hope we would all take responsibility and work to end these tragic accidents that turn human lives, hopes, and dreams into statistics.

Congratulations to the youth who are participating in the underage drinking summit for making a commitment to be responsible and to protect other lives as well. We need your help in raising the awareness about the dangers of drunk driving.

THE MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT COMPLETION ACT

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mrs. SMITH of Washington. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

Mr. Speaker, on the morning of May 18, 1980, Mount St. Helens erupted in an awesome display of nature's power. The 250 miles per hour avalanche and high winds destroyed almost 150 square miles of forest and sent a plume of ash toward eastern Washington like a slow-moving tidal wave.

In 1982, Congress enacted legislation establishing the Mount St. Helens National Volcanic Monument, protecting the 110,000 acres around the volcano for recreation, education, and research. The monument preserves this extraordinary event of natural history for future generations, and it also provides a living classroom where young and old alike can learn about nature's slow but steady process of healing.

Since the monument was created, new camping and picnic areas, trails, and visitor centers have been added as the number of visitors keeps climbing. Every year thousands of people trek to the rim of the crater to see firsthand a live volcano.

To make sure that the monument is protected now and for future generations, the 1982 act required the Federal Government to consolidate all the land and interests within its boundaries. The exchange of the surface rights was promptly accomplished. Unfortunately, however, the Federal Government has yet to finish obtaining all the privately owned mineral and geothermal resources within the monument boundaries. Even though the 1982 act mandated that all the private property be acquired by 1983, some still remains 15 years later.

Today, I am introducing the Mount St. Helens National Volcanic Monument Completion Act. This measure fulfills the requirements of the original 1982 act by establishing a process for the monument to obtain the remaining private geothermal and mineral rights. A companion measure is pending in the Senate.

Mr. Speaker, the work begun in 1982 needs to be finished. The Mount St. Helens National Volcanic Monument Completion Act will allow us to complete that work, and I urge my colleagues to support this measure.

TRIBUTE TO VIRGINIA STATILE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to Virginia Statile, a woman whose dedication to and compassion for the sick, elderly, and disabled of Hudson County is unmatched. She has given over 33 years of service to the community as executive director of the Visiting Homemaker Service of Hudson County.

Mrs. Statile began working as Visiting Homemaker's executive secretary on a part-time basis. In a short time, her enthusiasm and devotion earned her the position of executive director. In that capacity of Visiting Homemaker Service of Hudson County, Mrs. Statile has spearheaded the growth of the organization from 25 Homemaker home health aides in 1964 to over 900 presently.

Mrs. Statile's accomplishments in the health care field are numerous. She has developed, and secured funding for, a large number of programs for senior citizens, including Meals on Wheels, Emergency Chore Service, Youth in Elderly Service, respite care, short term and long term senior care programs, and Senior Community Independent Living Service. Additionally, Mrs. Statile helped secure financing for a number of other community oriented ventures including: Child Abuse Service in an Emergency [C.A.S.E.], Families in Crisis, the Teaching Homemaker Intervention Program, and the Child Care Food Program.

Mrs. Statile's interest in helping her fellow Hudson County residents have led to memberships on a number of boards and committees which include: the North Jersey Home Care Association, the Hudson Hospice, the Hudson Commission on Human Relations, the Hudson County Coalition of Non-Profit Organization, the New Jersey Home Care Council, and the New Jersey Department of Human Services Home Care Advisory Committee.

The multitude of programs Mrs. Statile has developed and helped expand along with her active involvement in various humanitarian programs demonstrate that she is a person who goes above and beyond the call of duty. Her activities demonstrate a willingness to work selflessly and with great compassion for those less fortunate. AIDS patients, abused children and adults, and Alzheimer's patients are all people whose lives were touched by the extraordinary efforts of Mrs. Statile.

It is an honor to have such an exceptional woman working on behalf of the residents of my district. Mrs. Statile's desire to give so much time and effort to helping others should serve as an example for all of us. I ask that my colleagues join me in paying tribute to this compassionate and dedicated woman.

HEMISPHERIC LEADERS DISCUSS CHALLENGES AHEAD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. HAMILTON. Mr. Speaker, I am pleased to call to my colleagues' attention the attached statement on conclusion of "The Agenda for the Americas for the 21st Century". On April 28 and April 29, a group of leaders of the nations of the Western Hemisphere, that included former Presidents Ford and Carter, gathered in Atlanta to address the challenges facing the Americas in the 21st century.

As the attached statement attests, these leaders tackled the critical problems that must be addressed if we are to consolidate the impressive gains we have made in building a hemisphere that is resoundingly dedicated to free markets and democracy. The participants in this meeting are to be commended, and their conclusions merit serious consideration.

I ask that the attached statement be printed in the CONGRESSIONAL RECORD.

"THE AGENDA FOR THE AMERICAS FOR THE 21ST CENTURY"

We, the members of the Council of Freely Elected Heads of Government, have met in Atlanta, Georgia on April 28–29, 1997 to assess the state of western hemispheric relations and to offer our views and recommendations on ways to help achieve the goals that we share—the pursuit of peace; the end of illegal drug trafficking; the reinforcement, deepening, and extension of democracy; the promotion of a free trade area of the Americas; and social justice.

The Council was established at The Carter Center after a Consultation on "Reinforcing Democracy in the Americas" in November 1986 by many of us. Since then, within the western hemisphere, we have worked to reinforce democracy at critical moments, including by monitoring and mediating 15 electoral processes in nine countries in the Americas. We have lent our support to freer trade, including by urging the U.S. Congress to approve the North American Free Trade Agreement. We have worked hard to reduce the region's debt and bring peace to Central America.

For these past two days, we have reviewed a wide agenda confronting the nations of the hemisphere—trade, drug trafficking, poverty, and issues related to security and democracy. Our council of 29 current and former Presidents and Prime Ministers of most of the nations of the Western Hemisphere bring diverging perspectives to the table, which we found sometimes helps us to consider different approaches to an issue.

We found ourselves in agreement on the basic goals, many of which were enunciated by the Western Hemisphere leaders in the Declaration of the Summit of the Americas in December 1994.

The Americas should conclude a Free Trade Area of the Americas by the year 2005 while making sure that the benefits of freer trade are shared by all the peoples of the hemisphere.

We should seek to eliminate the scourge of illegal drugs.

The remaining territorial disputes of the hemisphere should be resolved soon.

We should curb the purchase and sale of arms.

The benefits of democracy should be extended to all the nations of the hemisphere, and we should deepen democracy, protect press freedom, and eliminate corruption and the disproportionate influence of money in the politics of all our nations.

While we are committed to those goals, we have to express our great disappointment at the lack of progress in achieving them, and so we concentrated most of our time on how to translate those general statements into concrete steps forward. Let us identify, now, with greater precision what it is that we hope the leaders of the hemisphere should strive to achieve.

First, some general principles:

The issues on the agenda require cooperation and partnership, not unilateral dictation and paternalism.

Most of the difficult issues on the agenda have two sides—supply and demand on drugs, commodities, arms, bribery—and an effective strategy requires dealing with both sides.

The moral basis of the new community of the Americas is democracy. Freer trade will enhance the ties between our democratic nations.

1. TRADE, INTEGRATION, AND POVERTY

We support the Summit Declaration to reach a Free Trade Area of the Americas by the year 2005. There has been great progress on negotiating bilateral and subregional free trade agreements, but thus, far, little progress toward the Summit goal of an FTAA. To attain that goal, the governments will need to move more quickly than they have during the past two years.

All of our nations will benefit from freer trade, but that doesn't mean that everyone will benefit. The best defense of those people who suffer the increased competition of freer trade is not protectionism, but rather additional mechanisms to ensure that the benefits of freer trade are more widely shared and that those who lose the competition can be helped to adjust.

1. Fast-track: It is vitally important that the U.S. government obtains fast-track negotiating authority as soon as possible in order to begin serious trade negotiations. We were very encouraged in our discussions with U.S. leaders that there seems to be grounds for a workable compromise. The AFL–CIO wants adequate protections for workers and the environment in the trade agreement. In our intensive discussions with Speaker of the House Newt Gingrich, the Speaker told us that he would support rapid passage of fast-track negotiating authority which included provisions for protecting labor rights and the environment, provided they are trade-related. We view this as a significant development that potentially goes beyond the existing NAFTA and hope Congress and President Clinton reach agreement on this as soon as possible.

2. Caribbean Basin Enhancement: It is vitally important that a Caribbean Basin Enhancement law is passed by Congress as early as possible to grant wider access to the U.S. market by the smaller and more vulnerable nations in the Caribbean Basin. These provisions will permit these countries to make the adjustment over an extended period of time to enter a Free Trade Area of the Americas (FTAA). ("Caribbean Basin" includes Central America and the Caribbean.)

3. Paths to FTAA: We explored several different ideas as to the best way to pursue an FTAA. Some believe that the U.S. and other countries should negotiate bilaterally; others would like for negotiations to proceed between subregional groups. We propose an alternative: the nations of the hemisphere should define clear and specific criteria through their talks within the 11 working groups set up at the Denver Ministerial, and nations or groups would become members of a growing FTAA as they meet these criteria. Special transitional provisions might have to be made for the smaller economies. Governments should encourage their private organizations to participate in this process.

4. Caribbean Basin Commodities: Several small Caribbean Basin nations are very dependent on a few commodities, such as bananas and sugar, whose markets are restricted. We urge the United States and Europe to expand market access to these products.

5. Reducing Poverty and Inequality: It is urgent to reduce poverty and injustice through development strategies and investments that contribute to social, economic, and fiscal justice through health, education, job training, housing, and support for small and medium enterprises.

Inasmuch as trade promotes growth, expanding trade can reduce poverty and inequalities as has been seen in Chile and the East Asian countries. But additional steps are necessary in order to compensate those who are hurt by the increased competition that comes from trade. Such steps would include increased productivity, technological transfer, and increasing annual rate of growth to more than 3% by generating more savings. Governments should also make education universal and higher quality for elementary school students and remove barriers to access by poor people to credit, land and education.

2. A NEW HEMISPHERIC APPROACH TO ILLEGAL DRUG TRAFFICKING

The hemisphere needs a new cooperative approach to combat illegal drug trade because so many of our countries are both producers and consumers of illegal drugs. Mutually recriminatory approaches distract from the real enemy: illegal drugs. If we recognize this, our efforts to fight the enemy can become a unifying rather than a divisive force for democratic governments in the hemisphere. It is time to change the relationship from an adversarial one to a partnership.

The 1994 Miami Summit made explicit a new hemispheric-wide recognition of the seriousness of the drug problem and the shared responsibility among consumer, trafficker, and producer countries. We applaud the ratification at the 1994 Summit of three existing agreements against drug trafficking and money laundering, but these lack time schedules for implementation and meaningful enforcement measures. The political will to combat illegal drugs clearly exists, but political capacity is weak in many countries. The U.S. has filled the enforcement vacuum with its certification policy.

With respect to the existing method of U.S. certification, the process should entain prior notification to the responsible authority within each foreign capital as to any concerns that have arisen and permit the opportunity of meaningful dialogue before the final assessment is made. There should be close coordination among U.S. officials in dealing with other nations.

It is now time to replace the unilateral certification policy with a multilateral strategy which includes monitoring and enforcement of efforts to reduce demand as well as supply. We were very encouraged by our conversation with Speaker Newt Gingrich, Senator Paul Coverdell, General Barry McCaffrey, and Chairman of the House International Relations Committee, Benjamin Gilman—all recognized the need for a new approach to this issue.

Speaker Gingrich described the certification policy as "offensive and senseless" and urged its replacement with a hemispheric-wide approach to the issue. He called for a dialogue among the nations of the Americans to develop a plan for a drug-free Western Hemisphere. We propose a multilateral forum, either through the OAS (CICAD) or the new blue-ribbon commission, that would devise a hemispheric-wide plan and strategies for each country. In addition, the group needs to develop standards (what constitutes success?) and measures of performance and assess each country's performance. The group could use standards developed in the 1988 UN Convention. The group could be modelled on the Inter-American Commission on Human Rights, which is widely respected and competent.

The plan should pursue each link in the drug-trafficking chain: production, processing, transportation, consumption, and money-laundering. The U.S. Administration should give more attention and resources to the treatment and education (demand) side of the problem because that is the most cost-effective way to attack the problem.

The work of this group would be separate from the decisions made by the U.S. on aid, although we hope that the certification policy would be phased out as this group comes into being.

The illicit traffic in arms, ammunition, explosives, and other dangerous materials is a concomitant of the illegal trade in drugs. Effective measures, requiring meaningful collaboration between nations of the hemisphere, will be required to combat this menace.

We discussed the possible relationships to global efforts to control money-laundering and drug trafficking; specifically, coordinating with the UN's Durg Control Program and participating in a Global Narcotic's Conference. We also discussed the idea of a regional court of the Americas that could handle drug, arms trafficking, money-laundering, and other transnational crimes. Appeals from such a court could be sent to the Hague.

We discussed the need to strengthen alternative development strategies based on trade reciprocity agreements for the Caribbean Basin and enhanced capacity of the IFIs to replace bilateral aid programs. Drug policy should not become a non-tariff barrier that will impede the continuing opening of markets and borders.

3. RESOLVING THE REGION'S TERRITORIAL DISPUTES

We agreed that although some of the long-standing border disputes have been dormant for long periods, they still remain a source of tension and a rationale for an unaffordable arms race. And, in some cases, they can erupt into conflict. The movement toward democracy and the end of the Cold War has diminished tensions in the region, and we do not mean to imply that the region is in turmoil. Quite the opposite. Democracy and peace is the norm, and we also believe that regional economic integration is a useful instrument for reducing security tensions.

Still, territorial disputes remain potential problems. We therefore believe that the time has arrived to try to resolve definitively these territorial disputes. We discussed a number of strategies for accomplishing that, and rather than recommend a single strategy, we thought it would be far more useful to propose several ideas.

The first question is who should mediate these disputes? The options are: (1) third-country governments; (2) institutions outside the hemisphere, like the Pope or the King of Spain; (3) the OAS; (4) a Commission of Mediators or Facilitators made up of a group of senior statesmen; or (5) The Carter Center or the Council of Freely Elected Heads of Government. Still, another alternative would be for the Hague Court to arbitrate the dispute.

The second question is how should such mediators gain legitimacy for pursuing these issue. The options are: (1) the disputed states could invite; (2) the OAS could pass an "umbrella resolution" that would require all states with disputes to submit them to some mediation that could be chosen by the states; (3) the Presidents of the Americas could address this issue at the Summit of the Americas in Santiago in March 1998; or (4) the OAS or UN Secretary General could designate senior statesmen to undertake an assessment and feasibility mission to determine whether the governments were ready to settle the dispute—a kind of prenegotiation session.

Whichever of these options are chosen, we recommend the OAS Secretary General and other leaders in the region become much more actively engaged into trying to resolve these problems.

4. A REGIME TO RESTRAIN ARMS SALES AND PURCHASES

Although Latin America spends relatively less on defense than most other regions, expenditures on expensive weapons systems divert scarce foreign exchange from more effective investments, including for education. They also compel neighbors to spend more on defense and, by doing so, generate international tensions.

Moreover, we are concerned about the possibility of an arms race in Latin America, and we urge the governments in the region to pause before embarking on major arms purchases. Latin America has served as a model for nuclear non-proliferation with the Treaty of Tlatelolco, and we believe that it ought to embark on a conventional arms restraint agreement. The agreement needs to be multilateral—not unilateral, and it should involve purchasers as well as sellers.

We recommend, as a first step, that the governments of Latin America pledge to accept a moratorium of two years before purchasing any sophisticated weapons. During that time, they should explore ideas to restrain such arms. We encourage them to look at the recent accord between Brazil and Argentina, which called for a region free of an arms race. At the same time, we call on the U.S. and other governments that sell arms to affirm their support for such a moratorium.

Time is of the essence. Delay would be very costly to all of our nations. We urge the nations of the region to move quickly to implement a moratorium and to begin serious negotiations on ways to translate a moratorium into an agreement.

In considering future agreements, governments should consider making a distinction between modernization and acquisition of new weaponry. We also suggest studies on banning landmines from the region and better regulations on the trade in firearms.

We also urge hemispheric governments to sign a regional and an international Code of Conduct on Arms Transfers, which prohibits or restricts sale and transfer of weapons to: (a) states in international conflict; (b) states with internal conflicts and/or human rights abusers; (c) non-democratic states; (d) violators of international law; (e) states in which expenditures on health and education are less than for defense.

We also recommend that all states agree to mandatory weapons export and acquisition reporting to the U.N. Register of Conventional Arms. States should also agree to participate in the Standardized International Reporting of Military Expenditures.

5. A HEMISPHERIC APPROACH TO EXTENDING, REINFORCING, AND DEEPENING DEMOCRACY

The hemisphere has reached an unprecedented moment in which all nations but one have held competitive elections. Elections are only one crucial element of democracy, however. We identified three issues for hemispheric cooperation on democratization: extending democracy to Cuba, deepening democracy by removing undue influence of money in campaigns and guaranteeing press freedoms, and eliminating corruption.

Extending democracy to Cuba: The most appropriate and effective way to bring democracy to Cuba is through a policy of engagement rather than isolation. The Helms-Burton law is counterproductive because it causes greater problems for U.S. relations with its friends in Canada, Latin America, and Europe than it causes problems for Fidel Castro. We urge the U.S. Congress and President to repeal or significantly modify that law and to cooperate with Latin America in drafting a hemispheric-wide approach to facilitating democracy and civil society in Cuba. The extra-territorial aspect of the law is particularly objectionable. Cuba should be invited to participate in hemispheric events, provided that the government is prepared to accept the standards of human rights and democracy as enunciated in the American Convention on Human Rights, the Santiago Commitment, and the Managua Declaration.

Deepening democracy. Democracy is a work in progress. Nowhere is it perfect. Existing campaign finance practices have tended to erode popular support for democracy even in countries like the United States. We discussed this issue along with access to the media for political candidates and concluded that reforms are necessary to restore confidence in the election process.

We urge governments and parties throughout the hemisphere to remove the disproportionate influence of money in politics. Each country will devise their own systems to provide for equity, transparency, and accountability in their electoral processes, but in our review of a number models in this hemisphere and in Europe, we found that shorter campaigns, limits on expenditures, tax deductible small contributions, publicly subsidized media time, and effective monitoring all increased transparency and competitiveness of elections. Canada may be the best model in the hemisphere; the United States and Colombia might be among the worst.

Freedom of the press from harassment, censorship and intimidation is vital to a thriving democracy. We unanimously endorse the Declaration of Chapultepec and urge all hemispheric leaders who have not yet done so to sign.

Corruption: In 1995, this hemisphere constructed the first anti-corruption convention in the world. It is now time for all governments in the region to follow the lead of Bolivia, Paraguay, and Peru and ratify the Inter-American Anti-Corruption Convention before the 1998 Summit of the Americas.

Transnational bribery is a negative consequence of the growing trade and investment relationships and privatization efforts of the hemisphere. We urge prospective bidders and government procurement agencies to sign Anti-Bribery Pacts. We applaud the initiative of the Inter-American Development Bank to require such transparency on their own projects, and we urge the World Bank to do likewise. We support the establishment of a strong OAS anti-bribery working group to provide legislative and technical assistance and to monitor national performance.

We call on the OECD Ministerial meeting next month to follow the lead of the United States and the Inter-American Anti-Corruption Convention in criminalizing transnational bribery and ending tax deductibility for bribery.

We intend to bring these issues to the attention of the leaders of the hemisphere, beginning with our three colleagues on this panel, who are incumbents—President Leonel Fernandez of the Dominican Republic, Prime Minister P.J. Patterson of Jamaica, and President Gonzalo Sanchez de Lozada of Bolivia. After our press conference, we will be meeting privately with Vice President Gore to discuss these issues, and he will have an opportunity to state his response and U.S. policy tonight.

We are heartened that U.S. President Bill Clinton will be visiting Mexico, Central America, and the Caribbean in a week, and will visit South America next October. Thomas "Mack" McLarty attended part of our meetings along with officials from the State Department and the National Security Council. The President's trip offers a real possibility of translating the general goals of the Summit of 1994 into something that would benefit the people of the hemisphere.

We are pleased by the active participation of Ambassador Juan Martabit, who has been charged by Chilean president Eduardo Frei to coordinate all of the work of the Summit of the Americas that will be held in Chile in March 1998. He commented that "our meeting had awakened the hopes that had diminished after the 1994 Summit." We therefore see our work these last two days as a kind of a bridge between two Summits.

Agenda for the Americas for the 21st Century Council of Freely Elected Heads of Government—April 29, 1997

Former President Jimmy Carter, United States.

Former President Gerald Ford, United States.

President Leonel Fernández, Dominican Republic.

Prime Minister P.J. Patterson, Jamaica.

President Gonzalo Sánchez de Lozada, Bolivia.

Former President Oscar Arais Sánchez, Costa Rica.

Former President Patricio Aylwin, Chile.

Former President Rodrigo Carazo, Costa Rica.

Former President Marco Vinicio Cerezo, Guatemala.

Former Prime Minister Joe Clark, Canada.

Former President Osvaldo Hurtado, Ecuador.

Former President Luis Alberto Lacalle, Uruguay.

Former President Carlos Andrés Pérez, Venezuela.

Former Prime Minister George Price, Belize.

Former Prime Minister Erskine Sandiford, Barbados.

Former Prime Minister Pierre Trudeau, Canada.

Vice President Carlos Federico Ruckauf, representative of Council member President Carlos Saúl Menem, Argentina.

Amb. Ronaldo Sardenberg, Minister of Strategic Affairs and representative of Council member President Fernando Henrique Cardoso, Brazil.

Rodolfo Terragno, President, National Committee, Unión Civica Radical Party, and representative of Council member Raúl Alfonsin, Argentina.

Dr. Robert Pastor, Executive Secretary of the Council of Freely Elected Heads of Government and Director of the Latin American and Caribbean Program.

TRIBUTE TO LOIS AND DOW WILLEY

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Lois and Dow Willey. Mr. and Mrs. Willey will celebrate their 50th wedding anniversary on Saturday, May 24, 1997.

Friends and family from all over the California area will be on hand for the anniversary celebration. Notably, their sons Brent and Larry will be in attendance as well as eight grandchildren and three great-grandchildren.

Lifelong residents of California, Lois and Dow met over 50 years ago in Lemoore, CA. After marrying, the couple moved to the central coast where Dow was a deputy sheriff in Morro Bay. Life in the small coastal town was very family oriented. Lois was devoted to her family and worked inside the home, while Dow often worked more than one job at a time, demonstrating to his family the importance of a strong work ethic and paying your own way through life.

As the children grew up and moved away, Dow and Lois decided to move back to the Central Valley. Now living in Fresno, the two remain actively involved in the community. Lois maintains strong relationships with her grandchildren and great-grandchildren and is a member of the 19th District Senior Advisory Council. Dow works for his son Larry at Willey Tile in Fresno. The two still remain active in their local church, which they claim to be the foundation of their strength and success in life.

Mr. Speaker, I am honored to have Mr. and Mrs. Willey as constituents and friends in the 19th Congressional District. I congratulate them on 50 wonderful years of marriage, and ask my colleagues to join me in wishing them every success for the years to come.

MARKING 104 YEARS OF SERVICE TO CALIFORNIA AND THE UNITED STATES

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. ROGAN. Mr. Speaker, our Nation is built upon a foundation of great patriots. We owe our liberty to the sacrifices of these men and women. The great experiment that has become our Nation sets the standard by which all others are judged. As we look back on our history, we must not forget those who sacrificed to build our country.

Paying tribute to these patriots is the role of the Sons of the Revolution in the State of California. Founded in 1893, the California chapter was established by California residents whose relatives served as Revolutionary War soldiers, delegates to the Continental Congress, and as early American patriots.

Membership roles in the Sons of the Revolution read like a who's who in American history. Members have served their Nation as Members of Congress, Senators, State supreme court justices, high-ranking military officials, and as two U.S. Presidents.

Even more important than the members themselves is the service they provide to the general public. Their work in preserving our Nation's heritage by providing research facilities and archives for the public are a tremendous asset.

In my district, we are fortunate to have the Sons of the Revolution Library. Located in Glendale, CA, this library contains over 30,000 volumes of genealogical material, Revolutionary history, and texts of life in early America. This is one of the largest research libraries of its type in California.

Although their work centers on the study of our past, the Sons of the Revolution continue to look forward. The group has established one of the most complete on-line reference services available to the public. Their web site allows the public to trace their genealogy via computer. Their work in providing up-to-date information is revolutionary in its own rite. This service is an invaluable resource to anyone interested in early American history.

Mr. Speaker, as we stand on the verge of a new century one cannot help but think of our history. As we make decisions which will undoubtedly affect our future, I think of a passage from Shakespeare, "past is prologue." That is certainly no more true than today. Our history as a nation has taught the world many great things. For more than 100 years the Sons of the Revolution in the State of California have carried on the legacy of the American Revolution. For their service and their patriotism we offer our respect and sincerest thanks.

PERSONAL EXPLANATION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. PACKARD. Mr. Speaker, I was unavoidably detained on May 16, 1997, for rollcall vote 138, which was final passage of H.R. 1385, the Employment, Training, and Literacy Enhancement Act of 1997. Had I been present, I would have voted "yea." I support this legislation, which will reform and streamline job training programs by consolidating over 60 Federal programs into three block grants to States and localities. I request that the RECORD reflect my position on this vote.

RECOGNIZING DEMOCRATIC SUCCESS IN TAIWAN

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. GEKAS. Mr. Speaker, I rise today to congratulate President Lee Teng-hui and Vice President Lien Chan of the Republic of China on Taiwan on the occasion of their first anniversary in office, which is May 20, 1997.

Since entering office on May 20, 1996, President Lee and Vice President Lien have maintained a strong economic growth for their country, advanced democracy at home, and expanded Taiwan's official and unofficial ties abroad.

Today Taiwan stands as a dynamic economic power in the world. It ranks as the world's 14th trading nation, with a global trade of nearly $200 billion in 1996. Under the leadership of President Lee and Vice President Lien, Taiwan has progressed rapidly towards democratization, providing a shining example for other nations striving to establish governments based on fundamental human rights.

With a diverse economy, low unemployment, and a commitment to establish itself as a democratic nation, Taiwan has a bright future. I wish Taiwan the very best as it prepares to celebrate this important anniversary.

TRIBUTE TO ALTHEA GIBSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. PAYNE. Mr. Speaker, I would like to call to the attention of my colleagues here in the U.S. House of Representatives a very special charitable event, the Second Annual Golf and Tennis Classic sponsored by the East Orange General Hospital Foundation.

This annual charitable event, which will be held on June 12, 1997, will honor Althea Gibson, one of the most highly recognized women in the world today. She is a pioneer in sports and is revered as one of the greatest tennis players of all time and recognized as a world class golfer.

Ms. Gibson was the first African-American to play tennis at the U.S. Open—1950—and Wimbledon, England—1951. She set the stage for women in sports when beginning in 1957 she won the U.S. women's singles championship, followed by a three time championship in women's doubles at Wimbledon beginning 1956 and culminating with Ms. Gibson winning the coveted Wimbledon Women's Singles Championship in 1957 and 1958.

As a star athlete and a woman of character, integrity, and dedication, Ms. Gibson was undaunted in her quest for excellence in sports. She met challenges head on and broke down barriers so that others could enjoy the sport of tennis.

In addition to her worldly accolades Ms. Gibson has been a longtime resident of the city of East Orange, serving as director of recreation and cultural affairs. Ms. Gibson is a role model, an author, an athlete, an outstanding woman of courage and dignity. We are proud to be her neighbor, and her friend. Today, we salute Althea Gibson for her courage, her tenacity, her spirit, and for setting the stage for a Zina Garrison and a Martina Navratilova, a Lori McNeil and a Billie Jean King, a Monica Seles and a Steffi Graff, and for other girls and young women of all ages, colors, and creeds who have a tennis racket in their hands and a love for the sport in their hearts.

As the Representative of East Orange in Congress, I am proud of the accomplishments of Ms. Gibson, and I applaud the work of the East Orange General Hospital Foundation. Mr. Speaker, I know my colleagues join me in expressing our appreciation to Althea Gibson for her numerous outstanding contributions to humankind. She truly is a 20th century pioneer.

FIRST ANNIVERSARY OF THE ELECTION OF PRESIDENT LEE TENG-HUI IN TAIWAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. LANTOS. Mr. Speaker, tomorrow is a most significant anniversary—an anniversary, we, in the Congress, wholeheartedly join in celebrating. Mr. Speaker, tomorrow marks the first anniversary of the direct election of Lee Teng-Hui as President of the Republic of China on Taiwan. One year ago the people of Taiwan went to the polls to cast their ballots for President in a free and open democratic election. One year ago, we witnessed a great triumph for democracy—a triumph in the face of threats and intimidation.

As my colleagues recall, 1 year ago, the people of Taiwan faced the threat of military attack by the People's Republic of China which conducted missile tests less than 50 miles off the coast of Taiwan. Beijing combined aggressive statements with threats of military action in a determined effort to coerce the people of Taiwan into abandoning their democratic aspirations. Despite these serious attempts at intimidation, voters turned out in the Presidential election in heavy numbers. President Lee was elected overwhelmingly in a race between three candidates in an election that was—by every account—free and fair and democratic.

Mr. Speaker, President Lee's election is important to remember today because this marks the first time a Chinese head of state has ever been elected by popular vote. It also marks the culmination of a 10-year process of transforming Taiwan into a vibrant market-oriented democracy. In 1986 the Republic of China on Taiwan embarked on a mission to empower all of its citizens to decide freely and democratically who would be the leaders of their government. That process led to the election of city councilmen, municipal officials, and national legislators, and it reached its ultimate conclusion in the first Presidential election last year.

Mr. Speaker, during President Lee Teng-Hui's first term as democratically elected President, Taiwan saw its economy remain strong and its stock market soar. I am certain that my colleagues join me in commending and congratulating President Lee on a most successful first year, and we wish him and all of the people on Taiwan continued peace and prosperity.

TRIBUTE TO THE SELDEN MIDDLE SCHOOL CONCERT BAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. FORBES. Mr. Speaker, it is with great pride that I rise today to pay tribute to the Selden Middle School concert band led by band director Roy Hull. I am proud to announce to the House of Representatives that the Selden Middle School concert band, won the Superior/first place trophy and the overall Junior High/Middle School concert band award at the Festivals of Music competition in South Carolina.

Festivals of Music, part of the Educational Programs Network, holds 126 festivals in the United States and Canada. It is one of several organizations sponsoring such competitions. The trophies awarded to the Selden Middle School concert band carry with them the glory and pride of playing better than approximately 250 other schools that have participated in the Festivals of Music competition this year. Scott Dickson, program director for the Festivals of Music competition claimed that Selden's band score was so phenomenal. They were the first group to perform in the morning, and they set the tone for the day. The judges the others would come up to their level. They were such a spectacular group. Two musical pieces—"Eoncomium" by Stan Pethel, and "All Glory Told" by James Swearingen were the selections that led Selden to victory.

Selden's victory at the Festivals of Music competition is well deserved and hard-earned. The students practiced 2½ hours a week for 5 months to prepare for this competition. The 135 eighth-graders and their parents raised $63,000 to pay for the trip so that no money from the middle country school district was used. They organized car washes, a craft fair, a raffle, and more to make competing in the Festivals of Music a reality.

I congratulate the Selden Middle School concert band on their prestigious accomplishment.

TRIBUTE TO THE DINUBA ROTARY CLUB, DINUBA, CA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Dinuba Rotary Club of Dinuba, CA. The Dinuba Rotary Club observed its 75th anniversary on May 16, 1997, at a hosted gala reception.

The Dinuba Rotary has been involved in Rotary International for three-quarters of a century. Operating under the slogan, "Service Above Self," the organization has been working with communities throughout northern Tulare County on a wide variety of community service projects and programs.

Rotarians in Dinuba have been instrumental in a wide array of community service projects. At a city and county level, they have been responsible for securing a new branch of the Tulare County Library for Dinuba. They have also equipped and supplied the Dinuba Police Department with a radio-controlled car as an educational tool to help the children in the community say "no" to drugs. Finally, the group has erected a plaque honoring the sons and daughters of northern Tulare County who made the supreme sacrifice of serving our country at times of war in this century.

Since its inception 75 years ago, the Dinuba Rotary has made its biggest impact in the field of education. Dinuba Rotary has provided scholarships for deserving graduates of local high schools. Recognizing that agriculture is the foundation of Tulare County's economy, Dinuba Rotary has also provided scholarships for its members of the Future Farmers of America to pursue their education at both the high school and college level.

Dinuba Rotary has been instrumental in bringing exchange students from foreign countries to Dinuba High School and has helped send Dinuba High School students to study abroad. The Dinuba Rotary has sent senior students from Dinuba High School to Camp Royal, a leadership camp sponsored by Rotary Clubs in central California. The organization also annually sponsors a spelling bee for students in elementary schools in northern Tulare County to promote literacy among its students.

Mr. Speaker, the Dinuba Rotary is an excellent example of individuals working together to create a stronger and more supportive community. I commend the Dinuba Rotary for their community activism and the contributions that they have made over the last 75 years. I ask my colleagues to rise and join me in congratulating them as they celebrate this milestone in the Dinuba community.

THE SUCCESS STORY OF REDWATER HIGH SCHOOL

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. SANDLIN. Mr. Speaker, I would like to take a few minutes today to commend a school in my district that has bucked the trend, thwarted conventions, achieved the unlikely, and taken great leaps to eradicate drug use among its students. The school is Redwater High School in Redwater, TX, a suburb of Texarkana. Members from all quadrants of the community have come together in unified support of this program and of their teenagers who are struggling against a sea of drugs and gangs.

In a sincere attempt to preempt the spread of drugs through their community and schools, businesses have given money and endorsements, parents have given their time and their hearts, and students have given their word and their enthusiasm. The result is that 100 percent of the class of 1997 at Redwater High School has volunteered to be tested for drugs and every one of them has tested drug free.

Four fathers in the Redwater community, concerned for their children's health and well-being, initiated this unique program, called DADS, which stands for Dads Against Drugs in School. They decided that, since there are so many incentives for students to do drugs in society today, from peer pressure to movie glamorization, they should offer students greater incentive to stay drug free and a chance to prove that they are drug free.

The program gives all Redwater students a chance for a voluntary free drug test at school with random followup tests. If they test drug-free, they receive a DADS photo ID card, which entitles the student to discounts at area businesses such as restaurants and clothing stores. No students who test positive for drugs will be criminally prosecuted as a result of their drug test. Instead, the students receive counseling from the school and, when appropriate, mentoring from volunteer fathers. As Redwater Superintendent Joe Dan Lee says, "This program will reverse the peer pressure attitude among kids by giving them something to show for being drug free."

To me this program represents many aspects of what is right in our communities today. They used only $5,000 in government grant money for the program and funded the rest of the effort with community time, dollars, and concern. Through this program, the community has dedicated themselves to becoming a drug-free community, set high expectations and standards, and taken important steps toward protecting their children from the dangers of drugs.

They have done this without cracking down, threatening their students, hiring more police officers, or punishing more children. Instead of frightening them away from drugs, the parents, teachers, and community leaders have strengthened the support network for students and given them reasons to stay off of drugs, averting trouble before it begins.

I don't want the experience of Redwater High School to be an isolated incident. Schools across the Nation can replicate this effort if parents, teachers, businesses, and community leaders join efforts to help our children combat the peer pressure to become drug users. Keeping our students off drugs is one of our most worthwhile causes and an effective method of keeping our students away from a variety of other troubles.

If, with this program, we keep just one student from the downward spiral of drug use to delinquency, I would consider it a success. I think, with 100 percent of the seniors testing drug free, that the first year of this program was an enormous success.

I am proud of this community for their initiative, ingenuity, and determination. I am proud to see so many members of the community come together to work for this cause. Most of all, I am proud of the Redwater High students and especially the Redwater High graduating class of 1997 for being 100 percent tested and certified drug free.

TRIBUTE TO DICK CARLSON

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. TAUZIN. Mr. Speaker, I rise today to acknowledge the stellar work of Dick Carlson, who within the near future will complete 5 years as president of the Corporation for Public Broadcasting. Dick Carlson headed CPB during a time of turbulence and challenge, and has proven to be a steady guide.

People in my part of the country can tell you that a Louisiana bayou is both a beautiful and dangerous place. The same might be said of the job Dick Carlson has filled for the last 5 years. Fortunately for all of us who love public broadcasting, Dick brought the experience to know when to wade in, and when to stay in the boat. His communications skills and instincts are honed and have benefited the corporation.

Dick is an award-winning print and television journalist and anchor who served as director of the Voice of America for many years, as Ambassador to the Republic of Seychelles, and as an executive in the banking industry before taking over CPB. He's been a champion of commonsense reform, and we in Congress appreciated his strong leadership at a time when the very existence of publicly funded television and radio was under attack.

Those challenges will continue to arise. So, it is with sadness that we congratulate Dick Carlson for a job well done. And we wish him every success in his new endeavors.

A SPECIAL SALUTE TO DR. MARVIN FISK—1997 CONGRESSIONAL SENIOR CITIZEN INTERN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. STOKES. Mr. Speaker, each year during the month of May, our Nation celebrates National Senior Citizen Month. In communities throughout the United States, senior citizens are recognized for their contributions to their communities and the Nation. In conjunction with Senior Citizen Month, seniors are also gathering on Capitol Hill for the annual Congressional Senior Citizen Intern Program.

The Senior Citizen Intern Program provides seniors with a firsthand look at their Government in action. During their stay in Washington, DC, they attend meetings, workshops, and issue forums on topics which impact the elderly population in particular. The program also provides an opportunity for extensive dialog with congressional leaders, members of the Presidential Cabinet, and other policymakers.

I take price in saluting Dr. Marvin Fisk, who has been selected as my congressional senior citizen intern for 1997. Dr. Fisk is an outstanding individual whom I look forward to welcoming to our Nation's Capitol. I rise to share with my colleagues some biographical information on Dr. Fisk.

Dr. Marvin Fisk is a highly respected member of the medical community. He is an alumni of Howard University in Washington, DC. For the past 16 years, Dr. Fisk has been on staff at the Mt. Sinai Medical Center. He was previously employed at Forest City Hospital. Dr. Fisk's resume also includes faculty appointments at the Howard University College of Dentistry and the Case Western Reserve Dental School. He has also been assigned as an examining dentist and school clinic dentist by the Cleveland Board of Education.

Mr. Speaker, Dr. Fisk's professional memberships include the American Dentist Association, Ohio Dental Association, Fellow of the International. College of Dentistry, and the Greater Cleveland Dental Society, just to name a few. He is the former president of the Ohio Dental Association; former president of the Greater Cleveland Dental Society; and the former president of the Academy of General Dentistry. He is currently a member of the board of trustees for Howard University. Further, Dr. Fisk serves as vice president for the Retired Senior Volunteer Program.

In addition to his assignment at the Mt. Sinai Medical Center, Dr. Fisk is an active member of various civic organizations throughout the Cleveland community. They include the Phyllis Wheatley Association, Boy Scouts of America, the Fraternal Order of Police, the NAACP, and Kappa Alpha Psi Fraternity. Dr. Fisk is also a member of Mt. Zion Congregational Church.

Mr. Speaker, Dr. Marvin Fisk is the recipient of numerous awards and citations which recognize his leadership and commitment. He received the Outstanding Leadership Award from the Howard University Alumni Association, and the Distinguished Dentist Award from the Howard University Dental School. Further, Dr. Fisk is the recipient of the Outstanding Leadership Award from the American Dental Association.

Mr. Speaker, I take special pride in saluting Dr. Marvin Fisk. He is an exceptional individual who has earned the respect of his colleagues and others throughout the community. I have also benefited from our close working relationship on issues which impact the Greater Cleveland community. I am certain that Dr. Fisk will do an outstanding job as a congressional senior citizen intern. I want to congratulate him and express my appreciation for his participation in this important program.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

SPEECH OF

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 1997

Mr. MARTINEZ. Mr. Speaker, with the passage of H.R. 5, the Individuals with Disabilities Act Amendments of 1997, Congress has vastly improved the ability of and access for children with disabilities to receive a free appropriate public education. With this reauthorization, Congress has built upon the successes of IDEA and made modifications where experiences over the 22 years of the act's existence has necessitated change.

Prior to the enactment of what was then the Education for All Handicapped Children Act, 2 million children were excluded from receiving their right to a public education. On top of this gross injustice, another 2½ million children were receiving totally inadequate educational instruction. Fortunately, my predecessors in Congress recognized this terrible injustice and passed IDEA's predecessor. This civil rights initiative has served our Nation's children with disabilities well throughout its 22 years.

During the 104th Congress, attempts were made to reauthorize IDEA. Unfortunately, the partisan atmosphere of the Presidential elections and the inability to fashion a document which could gain the support of the act's many constituencies essentially doomed these efforts to failure. With the commencement of the 105th Congress, I realized the importance of fashioning a bill which could gain the support of both sides of the aisle, and called on the majority to recognize this fact during the first hearing the Subcommittee on Early Childhood, Youth and Families had on IDEA reauthorization. Fortunately, Chairman GOODLING saw the wisdom in this suggestion and joined together with Senator JEFFORDS and Senate Majority Leader LOTT in proposing that we negotiate a bipartisan, bicameral piece of legislation with significant input from groups and individuals who are affected and served by the act. This process commenced on February 20, and has led us to House and Senate consideration of this measure.

The current IDEA statute consists of 3 formula grant programs that assist States to serve children with disabilities in different age ranges, and 14 special purpose programs that support early intervention and special education research, demonstrations, technical assistance, and personnel training. Of the formula grant programs, two are permanently authorized—the grants to States program, better known as part B, and the preschool program. Despite part B, the heart of the act which mandates that children with disabilities receive a free appropriate public education, being permanently authorized, modifications were necessary to strengthen the acts protections, safeguards and enforcement means. In addition, interpretations by the courts of various aspects of part B has necessitated that Congress clarify its intent.

Among the modifications made by H.R. 5 to the act is a provision which specifically states that educational services for children with disabilities who are suspended or expelled cannot be ceased. Since the inception of the act, the Department of Education has interpreted current law to allow schools to use disciplinary proceedings on children with disabilities, including explusion. However, the Department's interpretation of the law is that these procedures cannot result in a cessation of educational services. Unfortunately, this interpretation of the statute was called into question by a recent case before the Fourth Circuit Court of Appeals—Virginia Department of Education versus Riley. In the Virginia case the court held that the department's interpretation of the statute was incorrect and that services could be ceased to children with disabilities in certain circumstances.

In order to clarify congressional intent, the bill codifies the long held interpretation of the department with language that would require a free appropriate public education for all children with disabilities, including those who are suspended or expelled. This will end the shortsighted practice of leaving children with disabilities without the educational tools they need to become active and successful members of society.

Another modification to current law contained in H.R. 5 is the provisions regarding the policies and procedures each State must have in effect with respect to personnel standards in order to be eligible for part B funding. The language contained in section 612(a)(15)(C) sets forth parameters by which a State may deal with a documented shortage of qualified personnel. In subparagraph (C), I want to clarify that the reference "consistent with state law," is intended to be applicable to the laws governing the profession or discipline. This policy should be applied to the most qualified individuals, who shall be supervised by qualified personnel within that profession or discipline, for each position—in other words, on a case by case basis. Further, shortages must be documented by any agency applying this new policy.

H.R. 5 also amended current law in the area of least restrictive environment. This bill codifies recent cases (*Greer* v. *Rome City School District*, 950 F.2d 688 (11th Cir. 1991); *Oberti* v. *Board of Education*, 995 F.2d 1204 (3d Cir. 1993); *Sacramento City Unified School District* v. *Holland*, 14 F.3d 1398 (9th Cir. 1994)) regarding the inclusion of children with disabilities in the general education classroom. This principle of inclusion is so fundamental and central to the purpose and principles of the bill and always has been. The bill underscores the strong presumption in the law recognized by innumerable courts, that children with disabilities should be educated with children without disabilities in the general education classroom. All children, whether or not disabled, benefit from such education. This is surely the best approach to eradicating the prejudice which has kept people with disabilities out of the work force and out of our communities generally—and surely the best way to guarantee equal educational opportunity for all children.

Research technology and experience with integration in the last two decades has flourished. It has demonstrated that children with the full range of disabilities can successfully be taught in the general education classroom—whether or not they are at grade level and whether or not they have disabilities that require them to partially complete tasks or participate in activities differently from other students. Educators have learned a great deal about modifying and adapting curriculum so that children like Rachel Holland with developmental disabilities are successfully receiving all of their education in the general education classroom. This bill is intended to further dismantle the walls of segregation.

Last, I would like to comment on the provisions in the bill which pertain to the provision of FAPE to juveniles who have been adjudicated as adults and are incarcerated in adult correctional facilities. Once this bill is signed into law by the President, States will be permitted to transfer the responsibility for educating juveniles with disabilities placed in adult correctional facilities from State and local educational agencies to other agencies deemed appropriate by the Governor and to allow for the modification of an individualized education plan [IEP] and the least restrictive environment provision for bona fide security reasons and compelling penological reasons. In addition, the bill will permit public agencies to not serve juveniles who are incarcerated in adult correctional facilities who have not been identified or did not have an IEP in their last educational placement.

In exercising these new authorities, public agencies should remember that children with disabilities who are incarcerated in adult correctional facilities will be more likely to return to prison after their initial release if they do not have the educational tools to survive in life after prison. The small savings gained by not serving these children while they are in adult correctional facilities will pale in comparison to exorbitant future costs of additional prison time or reliance on social welfare programs.

In ensuring compliance with the act, the appropriate education and/or prison official will have the obligation to determine if a youth entering the prison system had been previously identified as eligible for special education services. The prison officials should develop a system for making this determination that includes: interviews with each incoming youth under the age of 22 regarding prior special education participation, notice to each youth under the age of 22 regarding the special education process, and a procedure for contacting educational authorities, including those in correctional or juvenile institutions, to determine special education eligibility and to obtain prior special education records.

BOB DEVANEY'S LEGACY LIVES ON

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. BEREUTER. Mr. Speaker, Bob Devaney has left a tremendous legacy that extends across the State of Nebraska and continues to touch coaches, players, and fans with whom he came into contact. As a football coach, he instilled a sense of pride in his players and their fans and helped make Nebraska a winner both on and off the field.

It is clear from the statistics that Bob Devaney was an exceptional football coach. He took a team with a history of losing and instantly transformed it into a victorious powerhouse with a national reputation for success. The turnaround was dramatic. Since his first year as head coach, the team has not had a losing record. During Devaney's tenure as coach, the Nebraska Cornhuskers won or shared eight Big Eight championships and were crowned as National Champion twice. His teams compiled an impressive record of 101–20–2. As a coach, Devaney was a skilled motivator and teacher.

However, Devaney's influence on Nebraska extended far beyond the football field. He created a unifying experience for the State's citizens which is unrivaled in the Nation. Devaney created a positive bond that was obvious not only on football Saturday, but during the week and throughout the year. He drew together east and west; urban and rural; man, woman, and child.

The State was fortunate to have the benefit of Devaney's leadership and expertise not only as a coach but also as athletic director for the University of Nebraska. In that capacity, he helped establish quality facilities programs for women and men, and established a winning attitude throughout the athletic department.

Bob Devaney earned the respect of his coaches, his players, and fans across the State and throughout the Nation. He demonstrated what can be accomplished through collegiate athletics. With his competitive spirit, lively sense of humor, and genuine concern for his players, Devaney set a positive example of success and good sportsmanship which lives on in Nebraska's football program and throughout the lives of Nebraskans.

This Member would like to commend to his colleagues the following editorials from the Omaha World-Herald and the Lincoln Journal-Star. The editorials highlight the importance of Bob Devaney to the State of Nebraska and his legacy that will always endure.

[From the Omaha World-Herald, May 11, 1997]

BOB DEVANEY, BUILDER OF PRIDE

Bob Devaney.

The name unleashes a flood of symbols and memories. Johnnie the Jet. Gotham Bowl. The Game of the Century. Tagge-Brownson. Back-to-back national football championships. Tom Osborne. Expansion after expansion of Memorial Stadium. A sea of helium-filled red balloons, released by thousands of football fans on Nebraska's first touchdown of the game, hanging in the air above Lincoln on a brilliant fall day.

Even before Devaney's death on Friday, it had been been an often-repeated cliche that Devaney's impact on Nebraska went far beyond football, that he brought Nebraskans together, east and west.

But like most other cliches, this one is backed by solid evidence. A stumbling athletic program wasn't the only negative that greeted Devaney when he accepted the head coaching job in 1962. The state's spirit in general had been bruised by events of the previous five years. The Starkweather mass murders were still fresh in people's memories. A governor had recently died in office. Angry debates over tax policy and school financing, gathering steam since the 1940s, were dividing urban and rural Nebraska interests.

Nebraskans were ready for a little good news. Devaney gave it to them. Under him, the Cornhuskers played with noticeably greater verve. They won games that they would have lost in earlier years. They began appearing in the national ratings. Then the Top 10. Finally, in 1970 and 1971, they were national champions.

Interstate 80 was pushing westward across Nebraska in those days. Westerners sometimes asked what good it was. Devaney's success gave people in Hyannis, Kimball and Scottsbluff a reason to use the new superhighway. Cowboy boots and Stetsons, often bright red, became a familiar sight in Lincoln on autumn Saturdays.

Lincoln's economy benefited. East-west friendships grew stronger. The financial success of the football team made it possible for Nebraska to have a high-caliber women's athletic program. The classy Devaney football teams gave the university national visibility.

Some people say that too much is made of college athletics, and they're right. Devaney knew that. Remember, he told fans before a game in 1965, there are 800 million people in China "who don't give a damn whether Nebraska wins or loses." There are bigger things in life than whether the team wins.

Devaney never seemed driven or angry. He respected his opponents. His spirit of good sportsmanship lives on in the Memorial Stadium fans who traditionally applaud Nebraska's opponents at the end of each game, even when Nebraska loses.

Devaney never set out to transform Nebraska. He would have laughed if someone in 1962 said he was responsible for propping up the self-esteem of an entire state. He was just a man with something he could do very, very well. But excellence on the football field inspired excellence in other walks of life. Devaney's success, and the positive influence his accomplishments had on his adopted state, constitutes a memorial that will long bring honor to his name.

[From the Lincoln Journal-Star, May 14, 1997]

BOB DEVANEY TAUGHT US ALL TO REACH FOR BEST THAT'S IN US

From Scottsbluff to Omaha, Nebraskans tip their hats to Bob Devaney, who will be honored with fondness and gratitude at an unprecedented statewide funeral observance today.

The funeral services in Lincoln will be telecast live over the statewide educational television network, allowing Nebraskans across the state to participate in the event.

Devaney's enduring gift to Nebraska was an awakening of unity and possibility and pride. He left behind more than those two national football championships and 101 Husker victories.

He brought a whole state to its feet, not only to cheer a winning football program that is still winning 35 years after his arrival, but ultimately to look and reach and achieve beyond that. As thrilling and satisfying as the football success has been, there is more to the Devaney legacy. He showed us the possibilities. He removed the limits. He extended our reach. He raised the bar.

Devaney established new standards. He did not stop at saying we could be better. He said we could be the best, and then he went out and did it. And the lesson began to dawn on us: If this small prairie state could be best in football, it could be best in other endeavors as well.

He showed us excellence. And if he could achieve it with hard work and an iron will, each of us might be able to achieve it in our own pursuits as well.

Devaney came our way from Wyoming in 1962, and immediately turned Nebraska's long slumbering football program around. The success was so instantaneous that it was stunning. The Huskers went from 3–6–1 in 1961 to 9–2 and their first bowl victory in 1962. They have not had a losing season since.

After Devaney's 1970 and 1971 national championships, he turned over the coaching reins to Tom Osborne and set about building the university's entire athletic program into one of the strongest in the country. That also stands as testimony to him today.

So, most vividly, does the red-splashed, sold-out Memorial Stadium of autumn Saturdays in Lincoln. It truly is the house that Bob built, Devaney Bowl. Its seating capacity when he came here in 1962 was 36,000. Four additions more than doubled the stadium's capacity during Devaney's football tenure.

Bob Devaney. Builder. Winner.

And a good-natured Irish wit. He also brought us the pleasure of joy and laughter, and he will be remembered with a smile today all across the state.

Perhaps Osborne knows best the measure of the man. When Devaney turned the football program over to his young assistant in 1973, he stepped back out of the spotlight and tried to keep his shadow off Nebraska's new coach. Devaney told Nebraskans they had a better football coach now. And through the years, he gave Osborne his total support, never failing to praise him, never getting in the way.

It was a tough job following in the footsteps of Devaney at Nebraska. But it would have been even tougher for Osborne if Devaney had not worked so hard to smooth the way. Tom Osborne is another of Bob Devaney's legacies.

We're proud of you, Coach Devaney. We salute you. You gave us more than football victories and national championships. You showed us how to dream and do.

What we give back to you today is our gratitude—and the promise that we will cherish you now in memory and legend.

JONNA LYNNE CULLEN

SPEECH OF

JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

Mr. MOAKLEY. Mr. Speaker, I want to thank my colleague from Michigan, Mr. UPTON, for taking this time to recognize a very special young woman, Jonna Lynne Cullen, for her service to the Rules Committee and to this House. Jonna Lynne—or "J.L." to her friends—was an outstanding staff member for the Rules Committee for many years. I got to know her when I came on the Rules Committee in 1975. She was already a seasoned staffer, working first for Chairman Colmer, then later for TRENT LOTT. She always had a great smile, a quick wit, and a ready comeback for anyone who cared to take her on. She had a real sense of what was going on, and served her party well with strategy and technical advice. She knew the rules of the House, how to make them work, how to make things happen. But she could also bridge the gap and work with those of us on the other side of the aisle. Her friendship had no political boundaries. For my part, J.L. is someone whose word you can trust and whose judgment is sound.

These past few years have been a challenge. But, as might be expected, she has lived in the face of grave illness with courage and an unfailing sense of humor. I want to join my colleagues today in extending to her our best wishes, our prayers, and our great thanks for the service she has provided to this institution.

EMPLOYMENT, TRAINING, AND LITERACY ENHANCEMENT ACT OF 1997

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1385) to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes:

Mr. QUINN. Mr. Chairman, I rise today in support of my colleague, Mr. OWENS' amendment to H.R. 1385. I have always been a strong supporter of the Summer Youth Employment Program and believe that it should not be eliminated.

The Employment, Training and Literacy Enhancement Act of 1997 does not include a provision which would continue the excellent work achieved by the many at-risk youths who take full advantage of the opportunities provided by the Summer Youth Employment Program.

Summer Youth Employment provides millions of low-income youth their first vital lesson in the work ethic. Young people are reached at a critical time in their lives, helping them stay in school and graduate. In many ways, SYEP has proven to be an anticrime program by affording youths the opportunity to become productive citizens and staying off the streets of depressed areas.

This program has faced significant reductions in resources over the years. And if we do not make the program a top priority, I am afraid that it will simply be forgotten through H.R. 1385 in its current form.

I strongly encourage my colleagues to vote for Mr. OWENS' amendment which would preserve this very important program.

AMENDMENT TO BUDGET RESOLUTION TO SAVE AMERICA'S SURFACE TRANSPORTATION PROGRAMS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. SHUSTER. Mr. Speaker, I want to bring to the attention of my colleagues a matter of urgency regarding the budget resolution we will be asked to approve tomorrow and its potential impact on surface transportation infrastructure, pending ISTEA reauthorization, and the trust of the American people in the transportation trust funds.

While the budget resolution is a major step toward balancing the Federal budget and curbing runaway spending, it contains a major flaw: it would provide woefully inadequate funding for highways and transit programs that are so vital to American jobs and the economy even though Americans are already paying for those programs at the gas pump.

During consideration of the budget resolution, I and ranking Democrat on the Transportation and Infrastructure Committee JIM OBERSTAR, joined by Chairman TOM PETRI of the Surface Transportation Subcommittee and subcommittee ranking Democrat NICK RAHALL, will offer a bipartisan perfecting amendment. The details on this amendment follow, but the key point is that it is fully consistent with the goal of a balanced budget by fiscal year 2002 and it would be paid for by a just-over-one-third-percent reduction in domestic discretionary spending and tax cuts currently contemplated in the budget resolution. I am also providing an estimate of spending levels by budget function that would result from our amendment.

Mr. Speaker, our amendment reflects a modest, yet essential commitment to the Nation's surface transportation system. It is essentially the first step we will be taking in reauthorizing ISTEA. It will not, however, be our last major step in putting the "trust" back into the four transportation trust funds.

I urge my colleagues to join us in supporting the modest, reasonable amendment.

BIPARTISAN AMENDMENT TO THE BUDGET RESOLUTION BY THE LEADERSHIP OF THE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE

THE PROBLEM

The budget deal is a bad deal for transportation. The Budget Agreement developed by the Administration and the Congressional Leadership continues the dishonest practice of using transportation trust fund revenues to mask deficit spending elsewhere in the budget. It also provides woefully inadequate funding levels for aging transportation infrastructure.

Trust Fund balances would skyrocket. Supporters of the balanced budget agreement say that their budget is good for transportation, but the fact is that highway and transit programs would be underfunded by about $13 billion below the amount of revenue that will accrue to the trust fund! This means that the $24 billion balance that has been allowed to accumulate in the Highway Trust Fund will soar to $37 billion (or over 55%) by the year 2002. Furthermore, the balances in the 4 transportation trust funds will skyrocket from $33 billion to $65 billion during that period.

The will of the House is ignored. The agreement also fails to reflect the will of the House on the subject of taking the transportation trust funds off budget and freeing up their revenues to be used for their intended (and promised) purpose. In the 104th Congress, legislation to accomplish this passed the House overwhelmingly, by a vote of 284–143. Building on this mandate, in the 105th Congress, H.R. 4, the "Truth in Budgeting Act" already has 239 cosponsors.

THE SOLUTION

An honest, fair, balanced budget. Chairman Shuster and Ranking Democratic Member Oberstar, Subcommittee Chairman Petri and Subcommittee Ranking Member Rahall will offer an amendment to the budget resolution when considered on the House floor to begin correcting the long-standing misuse of Highway Trust Fund moneys. The amendment—

Will be fully consistent with achieving a balanced budget by making modest, perfecting adjustments to the Budget Agreement.

Will address future highway/transit balances honestly, restoring "trust" to the Highway Trust Fund.

Will provide adequate funding to address the most pressing surface transportation crisis.

Modest proposal. The Shuster-Oberstar-Petri-Rahall amendment will only prevent growth in Trust Fund balances in the future. It will not draw down the $24 billion balance that has already accumulated and it will not spend the existing 4.3 cents-per-gallon gas tax that was created for deficit reduction.

THE AMENDMENT

Here's what the amendment does

Increases Highway Trust Fund spending so that outlays during the 5-year period of the Budget Resolution equal revenues into the fund during the same period.

Outlays would be increased by a total of $12 billion above Budget Resolution assumptions—from $125 billion over the 5-year period to $137 billion.

Spending in FY 1998 would be the same as the Budget Resolution assumption; increases would be phased-in from FY 1999 to FY 2002.

Since outlays equal revenues over the period, trust fund balances will remain stable.

Offsets the increased spending on a year-by-year basis with small across-the-board reductions in discretionary spending and the proposed tax cuts.

Total 5-year discretionary spending and proposed tax cuts would be reduced by 0.0039 (just over one-third of 1 percent). This amounts to about $11 billion over of $2,800 billion in spending and just over one-half billion out of $135 billion in tax cuts.

In FY 1998, there would be no reductions in spending or tax cuts.

In FY 1999, spending and tax cuts would be reduced by 0.001 (one-tenth of 1 percent). This amounts to about $750 million out of $559 billion in spending and $24 million out of $18 billion in tax cuts.

Safeguards Trust Fund monies to ensure they will be used for their intended purposes.

Modifies transportation reserve fund in the Budget Resolution to give first priority to restoration of the spending and tax cut offsets.

Here's what the amendment does not do

Does not interfere with balancing the Budget by FY 2002.

Does not change any of the annual deficit targets.

Does not make any cuts in entitlement programs.

Does not draw down Highway Trust Fund balances.

Does not spend any of the 4.3 cents gas tax currently going to the general fund.

Does not take the trust fund off-budget.

THE PRICE OF FAILURE

Bad for American economy and jobs. Transportation accounts for over $1 trillion in commerce annually; for every $1 billion in investment in highways, 42,000 jobs are created. If funding is inadequate, our highway and transit infrastructure will continue to decline, resulting in congestion, increased pollution, increased fatalities and injuries and reduced international competitiveness.

Bad for American taxpayers. Gas taxes paid to build and repair highway and transit projects will continue to be used to mask the size of the deficit and to justify deficit spending elsewhere.

Surface transportation legislation jeopardized. The reauthorization of ISTEA, now pending before the Transportation & Infrastructure Committee, will not be able to adequately: (1) address donor state equity; (2) fund international trade corridors and border infrastructure; (3) address transit and clean air needs in congested urban areas; (4) repair unsafe bridges and other safety hazards; (5) reconstruct aging segments of the Interstate System; and (6) respond to other high priority needs.

ESTIMATED BUDGET AUTHORITY AND OUTLAYS, TRANSPORTATION AND INFRASTRUCTURE COMMITTEE AMENDMENT

		Fiscal years				
		1998	1999	2000	2001	2002
National defense (050)	BA	268.197	270.245	273.216	279.276	286.770
	O	265.978	265.415	267.263	268.416	270.505
International relations (150)	BA	15.909	14.871	15.654	15.965	16.184
	O	14.558	14.544	14.900	14.635	14.673
General science (250)	BA	16.237	16.164	15.849	15.688	15.473
	O	16.882	16.506	15.944	15.763	15.550
Energy (270)	BA	3.123	3.450	3.152	2.907	2.807
	O	2.247	2.439	2.272	2.019	1.833
Natural Resources (300)	BA	23.877	23.178	22.430	21.985	21.905
	O	22.405	22.673	22.869	22.583	22.151
Agriculture (350)	BA	13.133	12.783	12.194	10.951	10.639
	O	11.892	11.289	10.647	9.470	9.079
Commerce and Housing (370)	BA	6.607	11.076	15.157	16.057	16.657
	O	–0.920	4.295	9.801	12.113	12.521
Transportation (400)	BA	46.402	50.023	51.590	53.181	54.438
	O	40.933	41.974	43.763	44.821	45.437
Community and reg. deve. (450)	BA	8.768	8.408	7.741	7.619	7.922
	O	10.387	10.887	10.939	11.279	8.365
Education (500)	BA	60.020	60.238	61.409	62.559	62.968
	O	56.062	59.273	60.526	61.632	61.949
Health (550)	BA	137.799	144.905	153.901	163.229	171.973
	O	137.767	144.911	153.840	162.981	171.543
Medicare (570)	BA	201.620	212.069	225.528	239.619	251.528
	O	201.764	211.544	225.525	238.764	250.749
Income security	BA	239.032	254.030	269.375	274.872	286.623
	O	247.758	258.009	267.984	277.006	284.930
Social Security (650)	BA	11.424	12.055	12.777	13.001	14.359
	O	11.524	12.192	12.852	13.023	14.374
Veterans benefits (700)	BA	40.545	41.438	41.654	41.974	42.143
	O	41.337	41.675	41.829	42.101	42.301
Administration of Justice (750)	BA	24.765	25.075	24.039	24.166	24.682
	O	22.609	24.444	25.133	25.740	24.692
General Government (800)	BA	14.711	14.424	13.915	13.593	13.014
	O	13.959	14.347	14.674	14.057	13.014
Net interest (900)	BA	296.547	304.558	305.075	303.833	303.728
	O	296.547	304.558	305.075	303.833	303.728
Allowances (920)	BA	0.000	0.000	0.000	0.000	0.000
	O	0.000	0.000	0.000	0.000	0.000
Undistributed (950)	BA	–41.841	–36.949	–36.937	–39.151	–51.124
	O	–41.841	–36.949	–36.937	–39.151	–51.124

VICTIM OF MINDLESS VIOLENCE DIES

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 19, 1997

Mr. QUINN. Mr. Speaker, I rise today to recognize the horrifying loss of a very important public servant. The Congress has always felt that our veterans are special people, and that those who serve them are special too. Today, it is my sad duty to inform the Congress that one of these special servants of America's veterans has fallen victim to what appears to be an act of mindless violence. On Friday, May 9, 1997, Mr. William Reese was shot at the Finn's Point National Cemetery in Salem, NJ, where he had worked as a caretaker for 18 years.

Mr. Reese was a dedicated husband to his wife, Rebecca, and a loving father of his son, Troy. As a caretaker in a national veterans cemetery, Mr. Reese was one of the hundreds of unsung heroes who make our national cemeteries places of honor, beauty, and solace. As chairman of the House Veterans' Affairs Subcommittee on Benefits, I am sure I speak for all the Members of Congress in wishing the Reese family every comfort in this trying time and our hope that they find some small consolation in the dedication William Reese has shown to his veterans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 20, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 21

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to review a General Accounting Office report on management and program weaknesses at the Department of Transportation.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Indian Affairs

To hold oversight hearings on programs designed to assist Native American veterans.

SR-485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.

SD-192

Finance

To hold hearings to examine the Federal Employees Health Benefit Plan as a model for Medicare reform.

SD-215

Foreign Relations

To hold hearings on United States implementation of prison labor agreements with China.

SD-419

2:00 p.m.

Armed Services

To continue hearings on the Quadrennial Defense Review, focusing on its impact on the future years defense program.

SH-216

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. Res. 57, to support the commemoration of the bicentennial of the Lewis and Clark Expedition,

S. 231, to establish the National Cave and Karst Research Institute in the State of New Mexico, S. 312, to revise the boundary of the Abraham Lincoln Birthplace National Historic Site in Larue County, Kentucky, S. 423, to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason, S. 669, to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site, and S. 731, to extend the legislative authority for construction of the National Peace Garden memorial.

SD–366

Finance
Social Security and Family Policy Subcommittee
To hold hearings on proposed legislation relating to child welfare reform.

SD–215

Judiciary
Administrative Oversight and the Courts Subcommittee
Business meeting, to consider pending calendar business.

SD–226

MAY 22

9:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of James A. Harmon, of New York, to be President, and Jackie M., Clegg, of Utah, to be First Vice President, each of the Export-Import Bank of the United States.

SD–538

9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings on the professional boxing industry.

SR–253

Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.

SH–216

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to review the activities of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

SD–430

Rules and Administration
To resume hearings to review legislative recommendations on certain revisions to Title 44 of the U.S. Code which authorizes the Government Printing Office to provide permanent public access to Federal government information.

SR–301

10:00 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to review whether China's most-favored-nation status is an effective foreign policy tool.

SD–419

Judiciary
Business meeting, to consider pending calendar business.

SD–226

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on international affairs.

SD–138

11:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on electronic funds transfer and electronic benefit transfer and the effect of these programs on Federal benefit recipients.

SD–538

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 442, to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet.

SR–253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold a workshop on the proposed "Public Land Management Responsibility and Accoutability Act".

SD–366

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine Russian case studies on proliferation.

SD–342

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the antitrust implications of the college bowl alliance.

SH–216

Select on Intelligence
To hold closed hearings on intelligence matters.

SH–219

JUNE 3

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to examine the Federal Communications Commission implementation of the Telecommunications Act of 1996, focusing on efforts to implement universal telephone service reform and FCC proposals to assess new per-minute fees on Internet service providers.

SR–253

JUNE 4

9:00 a.m.
Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.

SD–226

9:30 a.m.
Environment and Public Works
To hold hearings on the nomination of Michael J. Armstrong, of Colorado, to be an Associate Director of the Federal Emergency Management Agency.

SD–406

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

JUNE 5

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine instances of contaminated strawberries in school lunches.

SR–332

JUNE 10

9:30 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on miscellaneous water and power measures, including S. 439, H.R. 651, H.R. 652, S. 725, S. 736, S. 744, and S. 538.

SD–366

JUNE 11

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the Stateside of the Land and Water Conservation Fund.

SD–366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.

SH–216

JULY 23

9:00 a.m.
Finance
International Trade Subcommittee
To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.

SD–215

JULY 30

9:00 a.m.
Finance
International Trade Subcommittee
To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.

SD–215

POSTPONEMENTS

MAY 20

10:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings on NASA's international space station.

SR-253

SENATE—*Tuesday, May 20, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, You know what is ahead today for us. Crucial issues await our attention. Pending decisions demand our concentration. And we know that the choices we make will affect millions in our beloved Nation.

It is with that in mind that we say with the psalmist, "Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day."—Psalm 25:4–5.

May we prepare for the decisive decisions of this day by opening our minds to the inflow of Your spirit. We confess that we need Your divine wisdom to shine the light of discernment in the dimness of our limited understanding.

We praise You, Lord, that we can face the rest of this day with the inner peace of knowing that You will answer this prayer for guidance and give us strength and courage. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Senators, following morning business the Senate will hopefully resume consideration of H.R. 1122, the partial-birth abortion ban bill. It is still hoped that an agreement will be reached shortly to conduct a vote on final passage of H.R. 1122 early this afternoon. In addition, I remind all Senators, from 12:30 to 2:15, the Senate will recess for weekly policy luncheons. This afternoon it is hoped we will begin consideration of the budget resolution. Therefore, Senators can expect rollcall votes throughout the day in this session of the Senate.

As previously announced, Members who intend to offer amendments to that resolution should be prepared to offer those amendments during today's session. Also it is hoped that the two leaders will be able to reach an agreement on yielding back much of the statutory time limitation for the budget resolution, leaving 15 hours of debate on the resolution in order.

As always, all Members will be notified accordingly as any votes are ordered with respect to any of this legislation. I thank all Members for their attention.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1122

Mr. HAGEL. Mr. President, I ask unanimous consent that no further amendments be in order to H.R. 1122 other than a technical amendment to be offered by Senator SANTORUM regarding physicians' conduct, and there be 10 minutes debate on the amendment, and following the use or yielding back of that time on the amendment, the amendment be considered agreed to, and the motion to reconsider be laid upon the table, and following the adoption of the amendment the bill be read for the third time.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. HAGEL. I now ask unanimous consent at 10 a.m. on Tuesday, May 20, the Senate resume consideration of H.R. 1122, and there be 3 hours and 10 minutes of debate to be equally divided between Senators SANTORUM and BOXER or their designees, and that the vote occur on passage of H.R. 1122 at 2:15 on Tuesday, and that paragraph 4 of rule 12 be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent the time controlled on H.R. 1122 on the Democratic side be changed to reflect that Senator DASCHLE or his designee controls the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I ask unanimous consent that Lou Ann Linehan and Deb Fiddelke be permitted privilege of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 15TH ANNIVERSARY OF THE CONSTRUCTION AND DEDICATION OF THE VIETNAM VETERANS MEMORIAL

Mr. HAGEL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Senate Resolution 87, submitted by myself, along with my colleague Senator BOB KERREY of Nebraska and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 87) commemorating the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

The Senate proceeded to consider the resolution.

Mr. HAGEL. Mr. President, I rise today to submit a resolution commemorating the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial, also known as "The Wall." I am pleased to be joined in this effort by my distinguished colleague from Nebraska, my senior Senator, BOB KERREY, who, incidentally, is the only Member of this body who was a recipient of the Medal of Honor for his service in Vietnam. I also am joined by the other Vietnam combat veterans who serve in this body. In all, 75 Senators have joined in cosponsoring this resolution.

The creation of this memorial marked the beginning of a healing process for the Nation and for veterans divided by the war. I was proud to have spoken at the 1982 groundbreaking for the Vietnam Veterans Memorial, as did two of my colleagues, Senator ROBB, who then was Governor of Virginia, and Senator JOHN WARNER.

I keep in my Senate office, Mr. President, a shovel I used during the groundbreaking ceremony 15 years ago to remind me of that day. While the debate over our involvement in Vietnam and the conduct of the war will continue for years to come, the wall has united Americans in honoring those who served. It honors warriors, not the war. The Vietnam wall stands as a stirring reminder that memorials are built not to honor or glorify war. There is no glory in a war, only suffering. Memorials are built to honor the commitment and the sacrifice that men and women give to their country because they are willing to risk their lives in defense of freedom.

As we commemorate the 15th anniversary of the groundbreaking for the Vietnam Veterans Memorial, it is important that we remember those brave men and brave women who fought and died for liberties we take for granted, and it is important we remember their families who also sacrificed for this Nation.

Recently I was joined in a ceremony to mark the wall's 15th anniversary by my friends and colleagues, Senators BOB KERREY of Nebraska, JOHN MCCAIN of Arizona, MAX CLELAND of Georgia, JOHN KERRY of Massachusetts, and CHUCK ROBB of Virginia. We come from different States and different parties,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

but despite our differences, we six U.S. Senators have a common background. We are all Vietnam combat veterans. We attended the ceremony on behalf of every man and woman who served in Vietnam, every man and woman who gave their life in Vietnam, every Vietnam veteran who is still missing in that far away land, and every family in this country who sacrificed to keep this Nation strong.

We marked the anniversary of this groundbreaking in order to remind us all that the liberties we cherish do not come without great sacrifice. One needs only to run a hand over the rough names inscribed in the smooth glossy surface of the wall to realize that freedom is not free. As we laid a wreath in honor of the 58,202 men and women whose lives are memorialized by the names, each of us realized we could easily have been present only in the memories of those who survived. We, too, could have been listed on the wall.

We also remembered and honored the more than 2,000 Americans still missing in action from this war. Mr. President, this morning I noted that our new Ambassador to Vietnam, Ambassador Pete Petersen, a Nebraska native, held as a POW in Vietnam for more than 6 years, received the remains of two of our MIA's yesterday in Vietnam.

Each year, more than 3 million people visit the Vietnam Memorial, making it the most visited monument in Washington. Many visitors are so moved they leave flowers, letters, pictures, and other mementoes to their fallen comrades, parents, relatives, friends, children, and loved ones.

Next weekend, Memorial Day weekend, the traveling Vietnam memorial will come to Omaha, NE. It is a half-scale replica of the wall that stands here in Washington. It has visited cities and States across America so Americans who may never visit the Nation's Capital can experience the healing power of the Vietnam wall.

The resolution before the Senate today is an important statement by the Senate to mark the 15th year of the wall and all that wall has meant to so many. I am proud to be a sponsor and am grateful for my colleagues' support.

Mr. President, I yield time to my distinguished colleague, friend, and fellow Vietnam veteran, Senator BOB KERREY.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I yield such time as desired to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I will take a minute to commend my two colleagues from Nebraska for introducing this particular resolution today. I was pleased to join with them a few weeks ago over at the Vietnam Memorial.

It was my privilege 15 years ago to participate in both the groundbreaking and the dedication. I have had many visits to that memorial since. I think it is very clear that it has served a purpose even beyond the expectations of those who created it and those who were initially involved in the dedication ceremonies. It has a healing effect for all of those who visit, regardless of what their personal feelings may have been about the conflict itself. They recognize that we come together to honor those warriors who gave the last full measure to their country, and the notes that are left behind are the kind of communication that I would defy anyone to read without feeling some of the emotion that is involved in it.

I commend both Senator HAGEL and Senator KERREY for this particular resolution this morning, and I commend it to all of our colleagues as an appropriate remembrance of those friends and those who wore our uniform in terms of service to our country in the conflict in Vietnam.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, along with my colleague, my good friend, Senator CHUCK HAGEL from my home State of Nebraska, we are offering the Vietnam Veterans Memorial resolution to remember this memorial, but also to remind Americans that the possibility for healing exists in this memorial. There are constant reminders that open the wounds of this war once again.

As Senator HAGEL mentioned, in today's paper we read that our first Ambassador to Vietnam since we left in 1975, Pete Petersen, is coming back to the United States of America and bringing with him the remains of men who were killed in that war, once again, opening up, for a variety of reasons, a wound that makes it difficult for people to go on with their lives.

Mr. President, this wall does a remarkable thing. It does enable an individual to begin to heal from this particular war, or for other wars, as well. On this Memorial Day we ask the Senate and we ask the American people to take a moment to reflect and remember those who served in Vietnam during this Nation's longest conflict.

I served in Vietnam with five of my Senator colleagues, Senator CHUCK ROBB, who was here a few moments ago, Senator JOHN KERRY, Senator JOHN MCCAIN, Senator MAX CLELAND, and Senator CHUCK HAGEL, and although we may argue legislation from different sides of the aisle, we share a bond beyond politics and beyond party, as do veterans of all conflicts, and are firm in the belief that we are all Americans first and foremost.

As we gather with friends and with family in observance of Memorial Day, I urge all Americans to take time to reflect upon the day's true meaning. Whether we attend a public observance, mark a grave, or simply bow our heads in quiet reflection, we should remember to honor those who, by serving, put their faith and trust in the ideals for which our Nation stands.

Mr. President, my colleague from Nebraska and I offer this resolution and feel it especially fitting because this August the Vietnam Veterans Memorial will be 15 years old, almost as old as the conflict was long. On May 24, 1997, more than 22 years after the last known United States casualty, the Vietnam Moving Memorial will pay a visit to Omaha, NE. For thousands of Vietnam veterans and their families, this memorial serves as a place of reconciliation and remembrance. It invites people to come and remember the bravery and valor of their fallen friends, family, and colleagues, while serving as well, Mr. President, as a permanent tribute to those who gave their lives.

Through this resolution, and in observation of this 15th anniversary, I hope the Senate will encourage all Americans to remember to honor the memory of the brave men and women who fought and died in service to our Nation during the Vietnam war, and indeed all conflicts.

Mr. President, at the dedication of the Bunker Hill Memorial on June 17, 1825, Daniel Webster closed his speech with these words:

> Let our object be our country, our whole country and nothing but our country. And by the blessing of God may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, peace, and of liberty, upon which the world may gaze with admiration, forever.

We honor those who have come before us not just with the memory of their efforts, but by building upon the freedom and prosperity we enjoy because of their sacrifice. The men and women we pay tribute to during this and every Memorial Day deserve nothing less.

Mr. President, as I have said, one doesn't have to look very far for reminders of the divisive nature of this war, and one doesn't have to look very far for inspiration that enables us to overcome the worst of these memories.

Indeed, I had the pleasure of sitting with the Presiding Officer and listening to his presentation to a roomful of young heroes who had been recognized for their service, and recognized in particular for their service at the community level—young men and women who saw something in their community they didn't like, saw something in their community that they thought was wrong, and decided on their own to correct that wrong.

I heard the Senator from Arkansas say that he heard a long time ago a young girl talking about what it meant to be famous; what it meant to acquire fame. She wanted in her lifetime to be a famous person. Then she came to Washington, DC, and while at the Tomb of the Unknown Soldier realized that fame by no means is the only object of our lives, nor should be the only object of our lives; that one can be a hero without recognition; that one can serve God and other human beings as a consequence of just believing that something needs to be done without regard to whether or not it would be recognized in headlines, or radio commentary, or television broadcasts.

It is the most eloquent demonstration of why we as human beings are special; that we have inside of us a soul, a spirit that recognizes that at some point the greatest thing we can do is to say that somebody is more important than we are, that something is out there more important than just taking care of ourselves.

I believe strongly, Mr. President, that we are not free until in love, and recognize that until in love we are willing to give ourselves. And I hope that this remembrance of the Vietnam Memorial will not just inspire people to say that we have got to get over the Vietnam war itself but I hope it will allow Americans as individual men and women to see that now in this moment heroes are needed more than ever before.

This Nation was terribly divided in the Vietnam war, with families turning against families, sons against fathers, and neighbors against neighbors.

On this floor on August 7, 1964, the Senate, by a vote of 88 to 2, and the House unanimously, enacted what was called the Gulf of Tonkin resolution that resulted in a substantial buildup of forces, of increased drafting, of increased calls going out to young men saying, "It is time for you to serve the cause of freedom." That cause deteriorated and divided this Nation in a terrible fashion, and caused Americans to say not only do we question the cause of freedom but cause us as well to say that we no longer believe our Government; we no longer trust that this is a Government of, by, and for the people. "We feel as if we have been lied to. And the trust is broken, it has been snapped, it is permanent, and we are not going to put it back together."

This wall, this remembrance, enables us to see that trust can be put back together, if we are willing to forgive; if we are willing to say that we forgive those with whom we disagreed; that we recognize our common bond. And on this Memorial Day not only do we pay tribute to those who have sacrificed for us, but we rededicate ourselves to the task of sacrificing for others.

Mr. President, it is a pleasure and an honor for me to share cosponsorship with my friend and colleague from Nebraska, Senator HAGEL, and all the other Members of the Senate who have joined in this resolution. I appreciate their support.

I call upon Americans not just to see this as another resolution but to see this as a Memorial Day, as an opportunity for us to rededicate ourselves to the cause of freedom.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my colleague and friend from Nebraska for those inspirational words, and I think words that are focused exactly on the heart of who we are as a people, who we have always been, and hopefully who we will always be.

Mr. McCAIN. Mr. President, I am grateful to be an original cosponsor with my distinguished colleagues and fellow Vietnam veterans in the Senate. It is appropriate that we commemorate the 15th anniversary of the dedication of the Vietnam Veterans Memorial in Washington, DC.

My fellow Vietnam veterans who are cosponsoring this resolution and I wear glasses and have more gray hair than we did when we served in Vietnam, we come from different walks of life, served in different branches of the military, and were of different ranks. However, we share the experiences of combat that only those who went to Vietnam will ever understand.

We also share—and this is harder to explain—the survivors' humility. That's a provocative statement, I know, and the nonveteran may easily mistake its meaning. I am not talking about shame. I know of no shame in surviving combat. But every combat veteran remembers those comrades whose sacrifice was eternal. Their loss taught us everything about tragedy and everything about duty.

I am grateful, as we all are, to have come home alive. I prayed daily for deliverance from war. No one of my acquaintance ever chose death over homecoming. But I witnessed some men choose death over dishonor. The memory of them, of what they bore for country and honor, helped me to see the virtue in my own humility.

It is a surpassing irony that war, for all its unspeakable horrors, provides the combatant with every conceivable human experience. Experiences that usually take a lifetime to know are all felt—and felt intensely—in one brief moment of life. Anyone who loses a loved one knows what great loss feels like. Anyone who gives life to a child knows what great joy feels like. The veteran knows what great joy and great loss feel like when they occur in the same moment, in the same experience.

For my part, I would simply affirm that the sacrifices borne by veterans deserve to be memorialized in something more lasting than marble or in the fleeting effect of a politician's speech. The veterans' valor and the devotion to duty have earned our country's abiding concern for their well-being. I am committed to honoring that debt.

I hope this small symbol of remembrance today will encourage all Americans to remember the sacrifices of our veterans.

Mr. KEMPTHORNE. Mr. President, I rise today in support of the Vietnam Veterans Memorial resolution, sponsored by my colleagues, Senator HAGEL and Senator KERREY of Nebraska. I would like to commend and congratulate them for bringing this issue before the Senate today, so that this body may take a moment to remember those who sacrificed their lives in Vietnam for our country.

Mr. President, it is not enough for us to use mere words to express our deep gratitude to the men and women who fought in Vietnam, selflessly giving their lives to protect the interests of the United States. It is not enough for us to provide for the education and well-being of the sons and daughters who have lost a parent in a country they may never see, for a people they may never know, and in a war they may never understand.

Nothing can ever be enough, because nothing can ever bring them back.

But here in the Nation's Capital, the Vietnam Veterans Memorial—a 250-foot wall of polished black granite—will help us to never forget the sacrifice of over 58,000 Americans; 58,209 Americans to be exact.

Seventeen more names have recently been added to the Vietnam Veterans Memorial. Within the past 6 months, the Central Identification Laboratory in Hawaii has positively identified the remains of ten more American servicemen found in Vietnam by Department of Defense on-site search teams. And seven other American servicemen who have since died from the complications of injuries suffered during the Vietnam war. It is my hope, Mr. President—no, it is my prayer—that this will be the last time such additions are made to this memorial.

How do you thank each of these brave Americans? How do you let them know that as a nation, we are indebted to them for their bravery, their valor, and their courage in fighting a war that was never officially recognized by the country which asked them to put their lives on the line? How do you tell them that they are truly American heroes?

You do this by keeping their memories alive and by never forgetting them.

The Vietnam Veterans Memorial Wall helps to keep those memorials alive, and it helps the human emotional process which includes mourning, healing, and remembrance. This visual reminder keeps their memory alive in our hearts where they will never be forgotten. And I would like to add that I know this from first-hand experience.

Mr. President, last year I took part in a trade mission to Vietnam with several of my colleagues here in the Senate. Before leaving, one of the most important things I did to prepare myself for travel to Vietnam, was to walk alone along the Vietnam Veterans' Memorial, to clear my mind of all thoughts, except for those involving the overwhelming number of American names etched upon the wall. In that moment, I knew that one of the most important reasons for my visit to Vietnam was to be a voice for those brave men and women whom I will never be able to thank.

On November 11, 1996, Veteran's Day, I was in Hanoi urging top Vietnamese officials to keep the resolution of the POW/MIA issue a top priority, and to cooperate in every way with the United States. As I met with Vietnam Party General Secretary Do Muoi, I told him about my walk along the wall, and presented him with a copy of "The Wall," a pictorial of veterans and their families who come to pay tribute at the Vietnam Veteran's Memorial. Inside the cover of that book, I inscribed: "We have shared a tragic past together. Now let us work to share a bright future together." Our discussion then centered on building our relationships as nations on the basis of mutual compassion. General Secretary Do Muoi was very animated in his response and said, "We deserve compassion, it is consistent with our history so full of blood and tears. Compassion is the key to our relationship."

Mr. President, compassion is truly the key to honoring those who paid the ultimate sacrifice for our country. I would hope that we, as a nation, never lose that compassion for our veterans, and never, ever allow their memories to be taken from our hearts.

The wall is indeed a beautiful and somber monument which will ever remind us of those painful sacrifices made by these brave men and women.

Mr. HAGEL. Mr. President, I have two final comments to make regarding this resolution commemorating the 15th anniversary of the Vietnam Veterans Memorial.

First, the recognition of the vision, the heart, the soul, and the leadership behind it, a remarkable man, Jan Scruggs. It was Jan Scruggs who many, many years ago came home one night after a movie, sat down with his wife, and said, "We are going to do something to recognize those who served in the Vietnam." It was a great dream, an impossible dream.

One of the collaborators with Jan Scruggs was one of our colleagues, Senator JOHN WARNER. Without Senator JOHN WARNER's leadership, and without his force, and without Jan Scruggs' vision and leadership and love, this Wall would never have been built. It is very appropriate to recognize Jan Scruggs and Senator JOHN WARNER because those two great Americans led this effort and have given us a magnificent monument and memorial.

Mr. President, I ask unanimous consent that the resolution, Senate Resolution 87, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 87

Whereas 1997 marks the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial in Washington, D.C.;

Whereas this memorial contains the names of more than 58,000 men and women who lost their lives from 1957 to 1975 in the Vietnam combat area or are still missing in action;

Whereas every year millions of Americans come to this monument to pay their respects for those who served in the Armed Forces;

Whereas the Vietnam Veterans Memorial has been a source of comfort and healing for Vietnam veterans and the families of the men and women who died while serving their country; and

Whereas this memorial has come to represent the legacy of healing that has occurred and demonstrates the application all Americans have for those who made the ultimate sacrifice: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support and gratitude for all of the men and women who honorably served in the United States Armed Forces in defense of freedom and democracy during the Vietnam War;

(2) extends its sympathies to all Americans who suffered the loss of friends and family in Vietnam;

(3) encourages all Americans to remember the sacrifices of our veterans; and

(4) commemorates the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

Mr. HAGEL. Mr. President, I yield the floor. Thank you, Mr. President,

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

The PRESIDING OFFICER. The clerk will report H.R. 1122.

The assistant legislative clerk read as follows:

A bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate resumed consideration of the bill.

AMENDMENT NO. 290

(Purpose: To provide a procedure for determining whether a physician's conduct was necessary to save the life of the mother)

Mr. SANTORUM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM) proposes an amendment numbered 290.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 16, strike the semicolon and all that follows through "purpose" on line 17.

On page 3, between lines 8 and 9, insert the following:

"(3) As used in this section, the term 'vaginally delivers a living fetus before killing the fetus' means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus."

On page 3, between lines 21 and 22, insert the following:

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place."

On page 3, line 22, strike "(d)" and insert "(e)".

Mr. SANTORUM. Mr. President, this is an amendment that I took the floor yesterday to talk about. It is an amendment that I worked out, along with Senator FRIST and Representative CANADY in the House, and with the American Medical Association to tighten up some of the language to address some of the concerns that the physician community had about the definition of what is partial-birth abortion.

I believe it is a good amendment, whether it would have gotten the AMA endorsement or not. I think it is a good amendment because I think it is language that is much tighter, and puts in the requisite mens rea, or thought processes that the physician must have been going through at the time of doing the procedure. I think that is important for a criminal statute.

I think it would be a sad state if, in fact, we passed this legislation and overrode the President's veto, or if the President would see otherwise and decide to sign the bill, that, in fact, this bill would be thrown out for vagueness of criminality, the criminal statute itself would be considered too vague, and it would be OK on the abortion ground but not OK on the criminal statute ground. But I think what we have done is tighten up the language and have taken care of the concerns mentioned here, both on the House and Senate floors, about the vagueness of the statute.

I don't think anyone will now look at this as a vague statute. It is a very precise statute. It is a complete criminal statute now.

I am very happy that we were able to work it out, and in working with the AMA I believe we have improved the bill and improved its chances when we reach the stage of the courts which I am very hopeful that we will do because that means that we will have passed the bill and it would have been signed into law, and the President's veto would have been overridden.

Of the other two provisions in the bill, one clarifies the life of the mother exception and takes out some surplus language which we agreed to which didn't add anything, and we agreed that it was, in fact, surplus language.

The third element of the amendment deals with the issue of a medical review panel; if a medical review panel was asked by the AMA for the reason of an intermediary step between the indictment of the physician under the statute and a trial. This would be an opportunity for State medical boards to put together a panel of physicians to look at what happened in the case, to do a peer review determination of the procedures that was done by the physician being charged, and to come up with findings. Those findings would then be admissible in court.

I think that is an appropriate step. It gives the professionals in the field who license, in fact, the physician, an opportunity to make a review of what happened in the context of that as well as add medical expertise to be considered at trial. I think that is only helpful. The fact of the matter is that we are all aware that, if someone is charged under this statute, they are going to have their medical experts testify as to one set of circumstances and the prosecution will have their medical experts.

So, with having some neutral party, if you will, come up with a more objective standard of review I think helps and provides a professional review of what took place in a case.

So I think we are making a step forward.

I am not aware of any objections to this amendment. Whether you are for, or against this amendment, it is a technical amendment in most respects. It is one that hopefully will be supported by everyone.

I yield the floor at this point to determine whether anyone wants to speak against the amendment.

I understand now there is no one to speak against the amendment. So I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, the pending amendment is considered agreed to. The motion to reconsider is laid on the table.

The amendment (No. 290) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I now understand that we are commencing the final 3 hours of debate, that the time is going to be equally divided between the Members who are for the bill and Members who are against. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SANTORUM. I thank the Chair. I yield myself such time as I may consume.

Let me first start out by indicating how important I believe the endorsement of the AMA is here as we approach final passage of this legislation. We have heard over and over and over again that the principal reason this procedure needs to be made legal is to protect the health of the mother. We have in the case of the AMA an organization that is on record as being for abortion rights. This is not the Christian Coalition. This is not the Catholic Conference of Bishops. This is an organization of physicians that is on record as being for a woman's right to choose, if you will, that has come out and said this procedure is not good medicine, this procedure is not necessary to protect the life or health of a mother. So for all of the arguments that we have heard that there is a split of opinion out there as to whether this is an appropriate procedure, I have put forward letter after letter after letter from obstetricians, from perinatologists, experts in maternal fetal medicine who have said that this procedure is never medically indicated, that in fact this procedure is more dangerous to the mother. I will discuss those things today.

Now I believe the charade is over. We have the preeminent medical authority, organization in the country saying that this procedure should be outlawed; there is no medical reason to keep this procedure legal.

That is a very powerful statement which debunks all of the arguments people might want to hide behind in saying that, yes, they agree this procedure is brutal; yes, they agree this is barbaric and should never be used, but we want to leave open the possibility that in the case of, and then they go on with the health concerns.

What we know for a fact is that 90 percent of partial-birth abortions are not done for any health-related reasons. Let me clarify that. Ron Fitzsimmons, who heads up an abortion provider organization of some 200 abortion clinics, said that 90 percent of partial-birth abortions occur in the fifth and sixth months of pregnancy on healthy mothers with healthy babies. They are for birth control purposes. This is fifth- and sixth-month abortions for birth control purposes where you take a baby out, deliver it all but the head and then take a pair of scissors and stab the baby in the base of the skull, suction its brains out and kill it for birth control purposes, not for health reasons.

Those are what we know as the facts, that information provided to us by people who oppose the bill. These are not facts people who oppose abortion are putting forward. These are people who are adamantly pro-choice who run the clinics where some of these abortions take place, providing us with the information contrary to what you have heard, statements in the Chamber that these are done for the health of the mother, that 90 percent of them are done for birth control purposes, late in pregnancy. The other percentage is done later in pregnancy, and they argue, most of the reasons you hear, because of a fetal abnormality. All of the cases that you hear described with the pictures of the family are the baby was going to die anyway or the baby had a severe defect and that we should allow abortions in those situations, this kind of brutal abortion in those situations because the baby is not perfect or may not live long.

That takes us off into another area that I think has very, very severe consequences for this country, when we start to say that we should be able to kill children because they are not perfect or that abortions should be legal up until the time of delivery; that we should be able to do this brutal procedure because the little baby may not live long or may have medical complications.

I found it absolutely ironic that the day the partial-birth abortion ban came to the floor of the Senate, minutes before we passed the Individuals With Disabilities Education Act. What is that? That is an act to guarantee civil rights, the right for disabled children to be educated so they can maximize their human potential. The very same day 30-some Senators who voted for that legislation and advocated giving rights to the disabled, those same 30-some Senators who are against the partial-birth abortion ban said we are willing to give you rights if you survive the womb, but we are not going to give you any rights as a disabled child up until the time you are born. You are eligible to be killed just because of your disability. You are different than any other child. If you are a child that is normal, then they do not believe you have a right to be killed. In fact, that is what these amendments are that we heard about. Well, if the baby is healthy and the mother is healthy, we need a health exception. If the baby is fine and the mom is fine, then we do not believe the baby should be killed. If the baby is abnormal, we can kill it.

These are the same people who believe in special civil rights for the disabled. I do not know how you legitimately can stand and argue those two points. I do not know how you draw the line there with any sense of consistency of care for the disabled. I support IDEA. I support civil rights for the disabled because I know that there are challenges out there, but there is no greater challenge to the disabled in this country today than the challenge of getting born in the first place. And I will discuss, as I have before, Donna Joy Watts and her family and how they had to overcome incredible odds and adversity beyond what you would imagine in this country just to have this little girl born and be treated because she was seen as disabled, not viable, not important to our society.

I want to talk in specific about the health issue because I think it is important, it is the remaining barrier that many Members hide behind in not supporting the partial-birth abortion bill because it does not have a "health exception." Let me explain, No. 1, we have the American Medical Association on record now supporting this bill, saying there need not be a health exception to this bill, this bill takes care of all the problems that we as physicians see and that there is no health reason to do this procedure.

Let me share with you a statement from Dr. Camilla C. Hersh, who is a member of the American College of Obstetrics and Gynecology. She says, and I quote from her statement:

> I think it is obvious that for the baby this is a horrible way to die, brutally and painfully killed by having one's head stabbed open and one's brains suctioned out.
>
> But for the woman, this is a mortally dangerous and life threatening act.
>
> Partial-birth abortion is a partially blind procedure, done by feel, thereby risking direct scissor injury to the mother's uterus and laceration of the cervix or lower uterine segment. Either the scissors or the bony shards or spickules of the baby's perforated and disrupted skull bones can roughly rip into the large blood vessels which supply the lower part of the lush pregnant uterus, resulting in immediate and massive bleeding and the threat of shock, immediate hysterectomy, blood transfusion and even death to the mother.
>
> Portions of the baby's sharp bony skull pieces can remain embedded in the mother's cervix, setting up a complicated infection as the bony fragments decompose.
>
> Think of the emotional agony for the woman, both immediately and for years afterward, who endures this process over a period of several days.
>
> None of this nauseating risk is ever necessary for any reason. Obstetrician-gynecologists like myself across the U.S. regularly treat women whose unborn children suffer the same conditions as those cited by the proponents of the procedure.
>
> Never—

I underline the word—

> is the partial-birth abortion procedure necessary:
>
> Not for polyhydramnios (an excess of amniotic fluid collecting around the baby), . . .
>
> Not for anencephaly (an abnormality characterized by the absence of the top portion of the baby's brain and skull).
>
> Not for hydrocephaly (excessive cerebrospinal fluid in the head).

In the case of Donna Joy Watts, I would parenthetically say she had hydrocephaly. Her parents were counseled to have an abortion. They chose not to. They had the baby delivered and she is now 5½ years old.

> Sometimes, as in the case of hydrocephaly, it is first necessary to drain some of the fluid from the baby's head with a special long needle, to allow safe vaginal delivery. In some cases, when vaginal delivery is not possible, a doctor performs a Cesarean section. But in no case is it necessary or medically advisable to partially deliver an infant through the vagina and then to cruelly kill the infant.
>
> The legislation proposed clearly distinguishes the procedure being banned from recognized standard obstetric techniques. I must point out, even for those who support abortion for elective or medical reasons at any point in pregnancy, current recognized abortion techniques would be unaffected by the proposed ban.
>
> Any proponent of such a dangerous procedure is at the least seriously misinformed about medical reality or at worst so consumed by narrow minded "abortion-at-any-cost" activism to be criminally negligent.
>
> This procedure is blatant and cruel infanticide and must be against the law.

Again, this is a statement by Camilla C. Hersh, an obstetrician-gynecologist practicing here in northern Virginia.

And other statements by other medical doctors in cases that were mentioned here on this floor as reasons that partial-birth abortion must continue to be legal. And I have this as a note. Senator FEINSTEIN brought up the case of preeclampsia, and I have a letter here from Dr. Steve Calvin, MD, who is a specialist in maternal fetal medicine.

What does that mean? A specialist in high-risk pregnancies. These are people who deal with the very difficult cases that come up in pregnancy where the mother's life and health and the baby's life and health are in jeopardy during pregnancy.

Dr. Calvin responds to Senator FEINSTEIN's claim that preeclampsia is a reason to do a partial-birth abortion.

> Preeclampsia (with any number of its complications, including renal failure), cardiomyopathy, breast cancer, and lymphoma are all potential maternal medical disorders that may complicate pregnancy. In some situations the pregnancy must be ended to save the life of the mother.
>
> The proposed ban on this destructive procedure already includes an exemption for the so far theoretical instance when it may be necessary to save a pregnant woman's life. The opponents of the ban realize that they cannot prevail on the merits of their arguments and are therefore resorting to blowing a virtual blizzard of medical terms during the debate. They hope to overwhelm the media and the public so that the fundamental points are missed. I will not try to answer them point by point on each medical condition. The importance of protecting nearly born fetal life is crucial.

Especially in light of Lori Watts' and Donna Joy Watts' story.

The fact of the matter is that it is never medically necessary, under any of these conditions, according to Dr. Calvin and dozens of others who are specialists in maternal fetal medicine. As Dr. Calvin said in another letter, none of these procedures are done by groups that specialize in high-risk pregnancies. They are not done in universities. They are not done in hospitals that specialize in these kinds of problems. They are done in abortion clinics. They are not done by experts in maternal fetal medicine, perinatologists; they are done by abortionists at abortion clinics who are not experts in high-risk pregnancies.

In fact, this procedure was developed not by an obstetrician/gynecologist, not by someone who is an expert in maternal fetal medicine who is concerned about the life and health of the mother; this was developed by a family practitioner who does abortions at an abortion clinic for the convenience of the abortionist.

So all of these claims about health are just simply a smokescreen. There is no health reason to do this procedure. In fact, as Dr. Hersh says, and hundreds of other physicians have said, obstetricians and gynecologists, including—he is not an obstetrician; that is, C. Everett Koop, the former Surgeon General of the United States, is not an obstetrician. But what is he? A pediatric surgeon who has done surgery on all these little babies who have had these disabilities and saw high-risk pregnancies firsthand, dealt with the consequences of these pregnancies, so he knows the issue well. He said, as well as hundreds of other doctors, that it is never medically necessary. I would like to read the entire quote signed by, I believe, at least a dozen experts in maternal fetal medicine, a group of almost 500 physicians, including Dr. Koop, and obstetricians who oppose partial-birth abortion:

> While it may become necessary, in the second or third trimester, to end a pregnancy in order to protect the mother's life or health, abortion is never required—i.e., it is never medically necessary, in order to preserve a women's life, health or future fertility, to deliberately kill an unborn child in the second and third trimester, and certainly not by mostly delivering the child before putting him or her to death. What is required in the circumstances specified by—

Senator DASCHLE, Senator BOXER, Senator FEINSTEIN and others—

> is separation of the child from the mother, not the death of the child.

Let me just put it simply, for purposes of this particular debate, while a mother may present herself in a condition that may require separation of the child from the mother, it is not necessary to kill the child in that process, to use partial-birth abortion. I don't know why any doctor who is practicing good, solid medicine would deliberately reach in and pull the baby out in the breech position to deliver the child while the mother's life is in danger, while you go through a 3-day process of dilating the cervix over 2 days, risking infection because the cervix is now dilated and the womb is exposed to infection, risking infection, No. 1; No. 2, risking an incompetent cervix, which means the inability to carry future children.

Unfortunately, one of the reasons cited by President Clinton as needing this procedure to save her health and future fertility was a woman who has had five miscarriages since that procedure was done to her. To make the argument this is necessary for that is just not true. But a woman presents herself with a health problem, and for 2 days, to say, "Here are some pills, we're going to dilate your cervix, go home, present yourself back after 2 days," where you risk increased infection and increased complications, "come back to the abortion clinic"—not a hospital, because these are not done at hospitals—"come back to the abortion clinic to have this procedure done." And then what happens? The baby is pulled cut feet first, delivered all but the head.

Why would you, even if you decided to go through that procedure for the health of the mother, why would you, as Dr. Hersh suggests, why would you take a blunt instrument in a blind procedure and stab the baby blindly in the base of the skull, causing all of the damage that could occur, as Dr. Hersh has set forth? Why would you do that? Why wouldn't you just deliver the head and give the baby a chance to live? It may not live. But at least give it the dignity of being born and accepted into our human community without this brutality, this unwarranted, unnecessary, unhealthful, dangerous, brutal stabbing and killing of a baby who is this far away, 3 inches away, from its first breath. Yes, its first breath. Even at 20 weeks, babies live. It is considered a live birth even at 20 weeks. Babies will not be able to survive long because they don't have sufficient lung development, but that baby will be alive when it is born unless you kill it.

Why kill the baby when it is more dangerous to the mother to do that, when it presents more complications to do it? Why does that option have to be necessary that is more dangerous to her health? Why would we want to keep a procedure legal that threatens a woman's health, that is an absolutely rogue procedure, not done by specialists, not done in hospitals, developed by a nonobstetrician? Why do we want to keep this legal? What possible reason do we want to say that we need to endanger a woman's health to allow this procedure to be legal? The only reason I can think of is what Dr. Hersh said, and I will quote from her again because I think she said it very, very well:

> Any proponent of such a dangerous procedure is at the least seriously misinformed about medical reality or at worst—

And I daresay that we may be looking, certainly in the case of the abortion rights advocates, we are looking at our "at worst" here—

> at worst, so consumed by narrow minded "abortion-at-any-cost" activism, to be criminally negligent.

There is no health reason to do this. Anybody who stands up on the floor in the face of now the AMA, hundreds of obstetricians and gynecologists, specialists in maternal fetal medicine, who stand up in the face of overwhelming evidence that this procedure is necessary, given the characteristics of the procedure, a rogue procedure, not done in hospitals, not done by specialists, done by family practitioners or people who have no speciality at all in delivering children, just doing abortions, you are defending not the health of the mother when you argue that, you are not defending the life of the mother, you are defending, as Dr. Hersh says, abortion at any cost, any time, anywhere for any reason; that the child, no matter how late, no matter how healthy, is not to be considered.

That is not where America is. I know where the majority of the Senate is. We will find out today whether it is where 67 Senators are, because that is the magic number, 67. We need 67 votes to override the President's veto.

I want to have additional items printed in the RECORD. I know this has been printed in the RECORD before, but I want to put it in.

This is a letter from C. Everett Koop to BILL FRIST, May 13, 1997—BILL FRIST, the only doctor in the U.S. Senate, who has spoken eloquently, and will again today, on this issue.

> DEAR BILL: It is never necessary to destroy a viable fetus in order to preserve the health of the mother. Although I can't think of an example, if it were deemed beneficial for the mother to be without the fetus, it would be delivered by induction—

Vaginal delivery—

> or C-section. Abortion is truly more traumatic than either and exposes the mother to future problems with an incompetent cervix, miscarriage and infertility.

Let me get away from the specifics of the partial-birth issue and give you another reason why this is not healthy, and I want to share with you some statistics from the Alan Guttmacher Institute. What is that organization? This is an organization that signed letters last year with NARAL and Planned Parenthood and a whole lot of other groups—NOW, National Organization for Women—in opposition to partial-birth abortion legislation for allowing this procedure to be legal. They are an abortion advocacy group. I guess they are considered a think tank or some short of data collection folks, but they are advocates for abortion. Here is what they say, again, to the extent I can—I am using the other side's information, taking what those who oppose the bill say as fact, and even with their information, you can't defend this procedure. This is what the Guttmacher Institute says:

> The risk of death associated with abortion increases with the length of pregnancy, from 1 death in every 600,000 abortions at 8 or fewer weeks to 1 per 17,000 at 16–20 weeks, and 1 per 6,000 at 21 weeks or more.

When, I might add, partial-birth abortions occur. They occur after 20 weeks, sometimes at 20 weeks.

So you are 10 times more likely, according to their numbers, to die as a result of an abortion than in the first 8 weeks of pregnancy.

You say, "Well, OK, that's interesting, a 1-in-6,000 chance of a mother dying as the result of an abortion. But what are the chances of her dying as a result of delivering the baby by inducing or cesarean section, which would be a 'normal' delivery?" We happen to have those numbers:

> It should be noted that at 21 weeks and after, abortion is twice as risky for the woman as childbirth: The risk of maternal death is 1 in 6,000—

As you saw before—

> for abortion and 1 in 13,000 for childbirth.

So let me lay it out again. Set the arguments aside for partial-birth abortion as to why that is more dangerous, and it is. Abortion, period, is more dangerous to a mother. Abortion, period, is more dangerous to a mother than delivery by inducement or by cesarean section. Now why would you get up here on the floor and say we need to keep the more dangerous option generally available, compound that with a procedure that is even more dangerous than other abortion techniques, that we need to keep that legal also? If you are truly concerned about the life and the health of the mother, you don't come to the Senate floor and argue for dangerous procedures to continue to be used that threaten health, future fertility, life and, at the same time, kill a baby that would otherwise be born alive. There is no argument here.

You will hear and see pictures of people: "Oh, well, they needed this." As Dr. Hersh said and said eloquently, these people were misinformed. Look, not every doctor is a great doctor. Not every doctor knows everything, but you don't see those doctors on the record here. Where are the doctors who did all the procedures in all these cases, where have they testified that

that was the only thing they could have done. They couldn't stand the light of day here. They couldn't stand the cross-examination here. They would never, never come up here and try to defend that position.

It is a sad fact that in thousands of instances every year, women are counseled, encouraged, told they have no choice but to have an abortion and do so only to find out later that some doctor either misinformed them or, frankly, was so afraid of malpractice that the doctor took the easy way out. That should never be a reason. Using bad medicine should never be a reason to keep the procedure legal. The fact that there are some doctors out there who practice bad medicine should not be a reason to keep this procedure legal.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Pennsylvania has 60 minutes remaining.

Mr. SANTORUM. Mr. President, I do not want to use up all my time. I do not see anyone from the other side. I ask unanimous consent that when I ask to go into a quorum call the time be deducted from the other side's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I now yield 10 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise briefly to make several comments and to review a little bit some of the myth that has surrounded the debate on our attempts to ban a brutal procedure, a procedure called the partial-birth abortion.

It has been fascinating to watch where we started really about 2 years ago in the evolution of learning about this procedure, recognizing that it is performed, recognizing that it is as close to infanticide as one can possibly get in our civilization today, and to track the misinformation, the organized misinformation campaigns that have been carried out, instigated by a number of parties that have made it all the way to the Presidency of the United States of America—a misinformation campaign that I think and I hope was the reason he vetoed this ban that is so supportive in a bipartisan way by Congress, and that is clearly supported by the American people.

I give the President the benefit of the doubt because I had the opportunity—I will refer back to it shortly, some of the statements he made in his press conference and the people he brought forward. But since that time—I guess that is what I am excited about—people have come forward and said, even the people who are providing this information, it was a misinformation campaign. People said they lied through their teeth in giving that information to the American people.

But, in spite of all that, the truth has finally bubbled to the surface. It has bubbled to the surface on the floor of the U.S. Senate and in the House of Representatives, but also throughout the media. Discussions have taken place in hospitals. Discussions have taken place among the organized medical groups. We all recognize that whether it is ACOG, the group of obstetricians and gynecologists, or the American Medical Association, which represents all physicians, that none of these organizations really speak for everybody. But when you put it altogether—and it has been put together, mixed up, dissected and looked at—gradually it is beginning to crystallize in a very clear way. And I think it is worth talking about a little bit on the floor of the U.S. Senate once again.

On a momentous occasion yesterday, after 2 years of looking at the issue, the American Medical Association essentially said that restricting this procedure is something that should be done by the American people and by the U.S. Congress. Again, this is after a lot of debate, a lot of discussion, and a lot of examination of the facts within the medical community, with the American people, by ethicists and by religious communities. There is a mass movement to ban this brutal procedure which offends the sensibilities of every American, everybody in our civilization today. This procedure, when described, offends their sensibilities.

I mentioned the American Medical Association. Again, the American Medical Association, the largest physician group in the country, issued a letter yesterday that said really—let me refer to the letter. This is the letter in its entirety. It was written to Senator SANTORUM, who, obviously, has done a wonderful job, an outstanding job, in helping America understand what the significance of this ban is.

I will go through the letter. The key sentence is the last sentence. It basically says, "Thank you, for the opportunity"—remember, this is from John Seward, from the American Medical Association, representing their conclusions.

It says: "Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine."

I guess a sentence like that does lead me to question how the President of the United States could continually, every day, hide behind a threat of a veto talking about the health of women, because for health of women we have to look at the American Medical Association, which represents obstetricians, gynecologists, family practitioners, internists, cancer specialists, heart disease—all of these groups of people focus on their No. 1 goal, which is to promote the health of this Nation, the health of individuals.

Then to have the President stand up and hide behind this veiled threat of a veto having to do with health is a juxtaposition which I don't understand. I hope the President, after we deliver this bill to him, will recognize what health of individuals really is. I am talking about health, not just of the infant, who, in fact, is being sacrificed in this procedure, but also the health of the mother. It requires support of this ban.

The letter says:

> DEAR SENATOR SANTORUM: The American Medical Association is writing to support H.R. 1122, "The Partial-Birth Abortion Ban Act of 1997," as amended * * * the AMA has supported such legislation * * *

They go on in the first paragraph to say:

> Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated.

Narrowly defined, which this ban is.

There was an attempt last week to take this very narrow ban, carefully proscribed—protections for the mother, protections clearly for the child, protections for the medical profession. An attempt was made last week to push that aside with a much broader issue that needs to be continually debated. But now we are back on the narrow definition.

The AMA says it is not medically indicated, not medically indicated, not just for the baby but for the mother. It is not medically indicated, according to the American Medical Association, the largest organization representing more physicians than anyone in the United States of America.

The second paragraph outlines the three principles that, after much discussion and much debate within the AMA, were agreed to:

> First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.

For the life of the mother, any steps can be taken, spelled out very clearly in the bill:

> Second, the bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is to be banned.

The attempt was made last week to ban all abortions, and that needs to be debated. But this bans a very specific procedure—a procedure, I might add, that is performed quite frequently around the country but tends to be performed in abortion clinics, many times outside of peer review of other physicians, very rarely in the hospital where you have nurses around to ask questions, and when you have other physicians around or hospital administrators asking, "What is the ethics of a procedure that so brutally sacrifices an infant upon three-fourths completion of delivery?"

No, these are performed with relatively high frequency, when you are talking about hundreds or thousands of infants that are, in fact, murdered. But they are being performed outside the peer review and, I would say, the ethics of the medical profession.

In the letter from the American Medical Association endorsing the bill, supporting the ban, it said:

> Finally, the bill would give any accused physician the right to have his or her conduct reviewed by the State Medical Board before a criminal trial commenced. In this manner, the bill would provide a formal role for valuable medical peer determination in any enforcement proceeding.

I think this is important to say because as a physician I have to admit before coming to the Senate the idea that this body or the Congress would pass a law to tell me what I could or could not do in terms of what I thought was in the best interest of my patient bothered me, not this particular ban but just the idea of having somebody in Washington, DC, inside the beltway telling me how to practice medicine and then making something a criminal procedure.

It is easier as a physician to say, no, I don't want any part of anything like that, and I think that is what we were hearing from some of the medical community, a fear that they would be thrown in jail for doing what they think is right for the patient, and they didn't want this to be set as a precedent. I think this letter and the bill shows that, no, that is not what is being done. Basically, we are banning a very specific procedure that is on the fringe, and you are going to have the opportunity for peer review to know what is accepted medical practice even in the event you are accused in this manner.

Then the letter goes on.

Mr. President, I ask unanimous consent that I have another 5 minutes.

Mr. SANTORUM. I yield the Senator another 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for another 5 minutes.

Mr. FRIST. Then the final sentence, again which really summarizes it, and that is why I started with it: "Thank you for the opportunity of working with you toward restricting a procedure we all agree is not good medicine."

I am proud that as Americans we have not lost our ability to discern what is right from what is wrong, and despite the vim of the well-worn rhetoric that we have heard broadly in the media and on the floor in the past, we now have listened to our hearts and we know that nothing can justify a procedure such as this one that is a mere 3 inches—a mere 3 inches—from criminal infanticide.

Several myths. Myth No. 1. Partial-birth abortion is necessary to preserve the health of the mother. It has been used again and again. The President of the United States continued to use it yesterday; I am sure he will say something about it today until this bill is delivered to him.

December 13, 1996. President Clinton described a hypothetical situation where without a partial-birth abortion a woman could not—and I use quotations here—"preserve the ability to have further children." He said that he would not, using his words again, "tell her that I am signing a law which will prevent her from having another child. I am not going to do it," said the President.

That is heart wrenching. When you see just that clip, we tend to empathsize with what the President is saying. But the bottom line is partial-birth abortion is never ever necessary to preserve the health of a woman. The College of Obstetrics and Gynecology has issued a statement that said they "could identify no circumstance under which this procedure would be the only option to save the life or preserve the health of the mother." There are always—always—other procedures that will preserve the health of the mother.

The AMA task force convened on this issue also concluded, "There does not appear to be any identified situation in which intact D&X is the only appropriate procedure to induce abortion."

Thus, even if there are health reasons—and health is defined very, very broadly—even if there are health reasons, there are other safer procedures for the mother.

Myth No. 2. It goes like this. The D&X procedure, partial-birth abortion, is a rare and difficult medical procedure. It is usually performed only in extreme cases to save the life of the woman or in cases of severe fetal abnormalities.

Well, again, it is just not true. If we look to what Ronald Fitzsimmons said, executive director of the National Coalition of Abortion Providers, Mr. Fitzsimmons, I think, has shown amazing integrity in coming forward when he said that he admits he—I am using his words—lied through his teeth when he said partial-birth abortion was rarely used or only on women whose lives were in danger.

In a recent American Medical News article he explained that he could not justify lying to the American people any longer saying—and remember, he was an advocate; he opposed the ban initially. He said, "They are primarily done on healthy women and healthy fetuses, and it makes you feel like a dirty little abortionist with a dirty little secret."

It is no longer a secret. It is no longer a secret. We have talked about it in the Chamber. The media understands it. The American people understand it. It is time to ban this procedure.

Dr. James McMahon, another partial-birth abortion practitioner, testified before Congress that 80 percent of the partial-birth abortions he performed were for purely elective reasons—purely elective reasons. The examples he gave: nine babies because they had a little cleft lip, which can be easily repaired today. Many others, at least 39, he said, were aborted because of the psychological and emotional health of the mother, despite the advanced gestational age and health of the child.

So we can see that if you use a health exception, you have a huge door through which you can drive a truck and continue to perform this procedure. If you throw in a so-called health exception, as good as it sounds, it really goes back to what Doe versus Bolton in 1973, the Supreme Court case defined as health. They defined health to include "all factors—physical, emotional, psychological, familial, and the woman's age—relative to the well-being of the patient."

That is the big door through which, if you are an abortionist, if you do not follow the ethics of the American Medical Association or the medical profession today, you can continue to do this brutal, inhumane procedure by saying, oh, it is for the health of the mother. The mother is a bit down in the dumps because she feels like this baby must be sacrificed, and therefore I can certify and say that is the health of the mother.

Again, in Doe versus Bolton, the law of the land, the Supreme Court case in 1973 included "all factors—physical, emotional, psychological, familial, and the woman's age—relative to the well-being of the patient." People in the abortion industry understand that there are many late-term abortions for social reasons as well as health reasons. It is recognized; people know it.

A 1993 National Abortion Federation internal memorandum said, "There are many reasons why women have later abortions," and they include, "Lack of money or health insurance, social psychological crisis, lack of knowledge about human reproduction."

So when you see legislation in the Chamber allowing this procedure or even putting in amendments or supposing it should be allowed for health of the mother, just recognize, if that is the case, that anybody—anybody—can continue doing this procedure at the same rate as they do today by providing this huge loophole, which again sounds like it is not a loophole but in practice is a huge loophole. One last myth.

Mr. President, can I ask for another 5 minutes?

Mr. SANTORUM. Five additional minutes.

The PRESIDING OFFICER. The Senator is asking for another 5. The Senator is recognized for another 5 minutes.

Mr. FRIST. One last myth goes like this. This procedure could possibly be the best procedure in a woman's situation for her health. In other words, now people realize and they didn't really a month ago or 6 months ago, and the President may not realize it today, there are a range of procedures when, for example, it is life of the mother. But there are some people who would say this is the best procedure.

Let me just say that as a physician, as one who has taken an oath to take care of that individual who comes into the office, who comes into the room, to preserve the life and the health of every patient, I find this very discomforting. I have talked to obstetricians. We have had the quotations in the Chamber. We have consulted many. They have basically told us that this is not the best procedure, that there are other alternative procedures if there is the indication, for example, of life of the mother. Many practitioners had never heard of it. The people in Tennessee, the high-risk obstetricians whom I have talked to across the State of Tennessee, they have not performed this procedure and many have not heard of this procedure.

Remember, this procedure was fashioned, described—in fact, the only article in the literature that we can really find describing it so it can be presented among other people is from Dr. Haskell, who is not an obstetrician. He is not a board certified obstetrician but, rather, a family-practice medical doctor. These procedures are being performed but not endorsed, not the procedure. Nothing from the obstetrics and gynecologic association has come out and said we support this procedure.

Now, when people say, well, it could be the best or it could not be the best, that is that noncommittal approach that some physicians have taken. And why? Because there is this great fear that big brother Government, the Federal Government is going to come down and jump into that doctor-patient relationship and tell us what we can or cannot do. That is the fear physicians have. Remember, this bill takes one brutal, unaccepted procedure in the medical profession and bans it.

Let me just recap and then I will close, Mr. President. We have a brutal, basically repulsive procedure that is specifically designed to kill a living infant outside the birth canal except for the head, specifically designed to kill a living infant outside of the birth canal with only the head remaining inside. The leading providers of women's obstetrical and gynecological services condemn it. They recommend that it not be used. They refuse to endorse it. They highlight its risks for the mother and say that there are other safe and equally effective alternatives available.

I guess I can understand some of the reasons why those practitioners, or a few of them, urge us not to ban it. They say it would be violating the sanctity of the physician-patient relationship. Mr. President, as a physician, as one who has taken the same oath to preserve the health and the life of others, and I also say as a father, I submit that any provider who performs this partial-birth abortion procedure has already violated that sanctity, that sanctity of the physician-patient relationship. The AMA, in essence, has said that when they say they appreciate the opportunity to work with us toward restricting a procedure which all agree is not good medicine. Partial-birth abortions cannot and should not be categorized with other medical procedures. They should not be allowed in a civilized country.

With the reintroduction of the partial-birth abortion ban legislation in the Senate, we have the opportunity right now to right a wrong. Now, once again, the American people are calling upon us to listen not to our political advisers, not to listen to the various interest groups that come forward but to listen to our conscience. It is going to take moral courage to stop propaganda which is going to continue to come forward. It is going to take moral courage to make sure that good information makes it all the way to the President of the United States when he has to decide whether or not to veto this piece of good legislation. But we all, including the President, have at our disposal today the information with which to do the right thing.

So for the sake of women, and I think women especially, for the sake of their children, and really for the sake of our society, our society as a future civilization, we must put a stop once and for all to partial-birth abortion. I support the ban and urge all of my colleagues today, when we vote in several hours, to support the ban, and I urge the President not to veto this very good piece of legislation.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I commend the Senator from Tennessee for his terrific statement, as always. He has been on the floor for the past several days debating this issue from a position of authority, I might add, as the only physician in the Senate. But I also thank him for his tremendous work in working with me and Representative CANADY and the AMA to come up with the language changes that were necessary to secure this very important endorsement of the medical community. He was right on the frontlines working to make sure that happened, and he made a great contribution to the debate on this whole issue, whether or not we get enough votes in the Senate today, of consciousness of the American public, and I thank him for that.

Mr. President, I do not have a speaker here at this point, so I ask unanimous consent again that when I suggest the absence of a quorum, the time be deducted from the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FAIRCLOTH. Mr. President, I urge my colleagues to vote in favor of the Partial-Birth Abortion Ban Act. As the recent debate on this issue illustrates, this is not simply an issue of a woman's "right to choose" whether or not to have a child. It is also an issue of protecting the life of an unborn child. However much we may disagree about whether life begins at conception, when it comes to late term abortions, we are clearly talking about a baby. And therefore, it is entirely reasonable to place restrictions on such abortions, especially when the procedure in question is as barbaric—and as unnecessary—as this one.

Last September 26, when the Senate was debating whether or not to override President Clinton's veto of this measure, the Wall Street Journal made the same point in this way:

> Up till now the abortion debate, if you'll pardon the metaphor, has managed to ignore the 800-pound gorilla in the room. For the first time, people are also talking about the fetus, not about women alone. A fetus may or may not be human, but on the other hand, it's not nothing. At 20 weeks of gestation, when the partial-birth abortion debate begins, a fetus is about nine inches long and is clearly becoming human.

Opponents of the effort to ban this procedure based their argument largely on claims about the relative safety and medical necessity of this procedure which we now know to be false. We all know by now about the admission by Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, that he lied through [his] teeth about the frequency of and justification for this procedure. And even the doctor who invented the procedure has admitted that 80 percent of these procedures he has performed were purely elective. In other words, they were not performed to preserve either the life or the health of the mother.

Mr. President, the majority of Americans agree that abortion on demand—at any time during pregnancy, for any reason—is wrong. Even a majority of people who describe themselves as pro-choice believe it is reasonable to restrict abortion under some circumstances. It is time we decided where to draw that line. This is certainly a good place to draw it.

Mr. LEVIN. Mr. President, H.R. 1122 would seek to ban a particular medical procedure, the intact D&X procedure. I believe we cross a dangerous threshold when we seek to legislate which particular medical procedures may be used, and which may not be used, by physicians. Dedicated doctors and nurses, through official statements of their associations, urge us not to adopt H.R. 1122, and not to politicize this issue.

The American College of Obstetricians and Gynecologists, an organization representing 38,000 physicians whose lives are dedicated to bringing babies into the world and keeping them and their mothers safe, issued a policy statement on January 12, 1997, relative to the bill before us which states that:

> An intact D&X may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specified medical practices, such as intact D&X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised and dangerous.

Their position was reiterated yesterday. I ask unanimous consent that their letter dated May 19, 1997, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. The president of the American Medical Women's Association, Inc., in a March 10, 1997, letter, wrote the following on behalf of more than 10,000 women physicians and medical students nationwide.

> I would like to register our strong opposition to . . . [S. 6], which seek(s) to outlaw intact D&E. . . .We do not believe that the federal government should dictate the decisions of physicians and feel that passage of this legislation would in effect prescribe the medical procedures to be used by physicians rather than allow physicians to use their medical judgment in determining the most appropriate treatment for their patients. The passage of this legislation would set a dangerous precedent—undermining the ability of physicians to make medical decisions. It is medical professionals, not the President or Congress, who should determine appropriate medical options.

Their position was reiterated today. I ask unanimous consent that their letter dated May 20, 1997, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEVIN. The Executive Director of the American Nurses Association, wrote to me in November, 1995, and stated:

> It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider. ANA has long supported freedom of choice and equitable access of all women to basic health services, including services related to reproductive health. This legislation would impose a significant barrier to those principles.
>
> It is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision. This procedure can mean the difference between life and death for a woman.

The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

Their position was reiterated today. I ask unanimous consent that their letter dated May 20, 1997, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. LEVIN. I have other concerns with this bill as well. For example, while banning one abortion procedure, this bill leaves legal other abortion procedures which can be used, procedures which are just as destructive to the fetus but which could be less safe for the mother.

The Supreme Court has held that States may not ban pre-viability abortions but may ban post-viability abortions except when necessary to protect a woman's life or health. The bill under consideration would ban certain pre-viability abortions, and it does not allow for an exception required by the Supreme Court to preserve a woman's health relative to post-viability abortions.

Mr. President, in summary, the bill before us ignores the strong advice of the specialists and nurses acting officially through their associations. The bill before us violates Supreme Court opinions. The bill would risk the health of a mother while not preventing one abortion. We are usurping in this bill medical judgments relative to individual women, in perhaps the most dire and tragic circumstances they will ever face. This is not the way legislators should create crimes.

EXHIBIT 1

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, May 19, 1997.

Hon. TRENT LOTT,
Senate Majority Leader
Washington, DC

DEAR SENATOR LOTT: In light of the slight modifications being proposed to HR 1122, the "Partial-Birth Abortion Ban Act of 1997," we wanted to take this opportunity to reiterate our opposition to this legislation. Our statement on this issue is attached.

Sincerely,

RALPH W. HALE, *MD*,
Executive Director.

EXHIBIT 2

AMERICAN MEDICAL WOMEN'S
ASSOCIATION, INC.,
Alexandria, VA, May 20, 1997.

Hon. RICK SANTORUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANTORUM: On behalf of the American Medical Women's Association (AMWA), I would like to reiterate our opposition to H.R. 1122, the so-called "Partial-Birth Abortion Ban Act of 1997," as amended. AMWA does not endorse legislation which interferes with medical decisionmaking, particularly when it fails to consider the health of the woman patient.

Our opposition to this legislation is based on the following issues. First, we are gravely concerned that this legislation does not protect a women's physical and mental health, including future fertility, or consider other pertinent issues such as fetal abnormalities. Second, this legislation would further erode physician-patient autonomy forcing physicians to always avoid legislatively prohibited procedures in medical decisionmaking, including in emergency situations when physicians and patients must base their decisions on the best available information available to them. Third, medical care decisions must be left to the judgment of a woman and her physician without fear of civil action or criminal prosecution. We do not support the levying of civil and criminal penalties for care provided in the best interest of the women patient.

AMWA remains committed to ensuring that physicians retain authority to make medical and surgical care decisions that are in the best interest of their patients given the information available to them.

Sincerely,

DEBRA R. JUDELSON, *MD*,
President.

EXHIBIT 3

AMERICAN NURSES ASSOCIATION,
Washington, DC, May 20, 1997.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the opposition of the American Nurses Association to H.R. 1122, the "Partial-Birth Abortion Ban Act of 1997", which is being considered by the Senate this week. This legislation would impose Federal criminal penalties and provide for civil actions against health care providers who perform certain late-term abortions.

* * * * *

Sincerely,

GERI MARULLO, *MSN, RN*,
Executive Director.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Santorum bill. I oppose this bill for three reasons. First of all, it will not stop a single abortion from occurring. Second, it is unconstitutional. Finally, it does not provide any protection for a woman whose health is grievously threatened by the pregnancy.

I want to ban all post-viability abortions, not a particular procedure. I believe the only time an abortion should be allowed after the point of viability is when the woman's life is threatened or her health is at serious risk of substantial impairment.

I supported the Daschle alternative. The Daschle alternative would have meant fewer abortions. It banned all abortions once a fetus had achieved viability. In other words, once a fetus could survive outside the womb—with or without life support—a woman could not obtain an abortion.

It provided only two exceptions: first, when the woman's life was threatened by continuing the pregnancy, and second, when she was at risk of grievous injury to her health. If the Daschle alternative had been adopted there would be fewer abortions.

The bill before us bans one procedure. It does not ban one single abortion. It bans a method of abortion. It enables a doctor to choose any other abortion procedure—even ones that might cause a greater health risk to the woman. So no abortions would be stopped by this bill.

I want to support a bill that is constitutionally acceptable. The bill before us fails the test of constitutionality. The Supreme Court has always insisted that prior to the point of viability, the woman's right to abortion is constitutionally protected. This bill infringes on that right by banning a procedure even before viability.

The Supreme Court has also held that in any legislation restricting abortion, the woman's life and health must be protected. A physician must place the woman's health as the paramount concern. There can be no trade off of the woman's life and health for that of the fetus.

By refusing to include any exception for instances where the woman's health is at risk, H.R. 1122 is constitutionally unacceptable. The Daschle alternative, on the other hand, was respectful of the requirements of the Constitution. It focused only on abortion procedures after the point of viability. And it ensured that a woman's health could be protected.

I want to support legislation that provides for the health of the woman. I know that health of the woman is viewed by some as merely a loophole. But even those who hold that view must acknowledge that there are medical crises that arise during pregnancy that could cause profound harm to a woman's health.

Conditions like severe hypertension or peripartal cardiomyopathy are caused by the pregnancy itself. These can lead to organ failure or put a woman at risk of cardiac failure. Other conditions, like leukemia or breast cancer, cannot receive the aggressive treatment they require so long as the pregnancy continues.

I don't believe that anyone would argue that these are minor health problems. Yet the Santorum bill does not allow any health exception for women facing these major health threats.

The Daschle alternative, on the other hand, did provide a carefully crafted exception for the woman's health. It said that a physician could abort a viable fetus when the pregnancy would "threaten the mother's life or risk grievous injury to her physical health." Grievous injury was narrowly defined to include only the most debilitating problems caused by the pregnancy itself and cases where the pregnancy caused an inability to treat a life-threatening condition. It required that such conditions be medically diagnosable, and ruled out any condition for which termination of the pregnancy was not medically indicated.

This was not loophole shopping. This was a serious, careful, intellectually rigorous effort to deal with the realities of women's health and women's lives.

I was proud to support the Daschle alternative. I was disappointed that it did not receive broader support. It would have prevented abortions. It was respectful of the Constitution. It safeguarded women's health.

I am disappointed that the American Medical Association has chosen to endorse this bill. I am particularly troubled that their decision seems to be based not on what is best for women's health but on what is best for doctors. The changes they sought in the bill were designed only to protect a physician from legal endangerment.

The American College of Obstetricians and Gynecologists, on the other hand, endorsed the Daschle alternative. They represent 38,000 physicians who are experts in women's health and issues related to pregnancy. They endorsed the Daschle alternative because it would have provided a meaningful ban while assuring women's health is protected.

Let me say that I do not for one moment question the sincerity of those who have called and written me in support of H.R. 1122. They want to stop abortions, and I respect the depth of their convictions.

But let me also say that if this bill is enacted, it will be a hollow victory. I believe the Supreme Court will reject this bill as unconstitutional. In the end, even if it were somehow to pass constitutional muster, it will not stop a single abortion. It will merely divert physicians to other abortion procedures.

So this bill will not save lives. It will not save the lives and health of women. And it will not save the lives of fetuses. It is a hollow victory indeed.

I will oppose this measure.

Mr. JEFFORDS. Mr. President, today we will vote on the legislation offered by the Senator from Pennsylvania [Mr. SANTORUM] to ban the dilation and extraction, or D&X, procedure used by doctors. I will be voting against this ban for the third time in as many years.

My reasons for opposing this legislation are many. Most have been discussed on the floor since the debate began last week. First, and most importantly I believe that this bill undermines the Supreme Court's decision in Roe versus Wade to leave these critical matters in the hands of a woman, her family, and their doctor. The pending legislation is an effort to chip away at these reproductive rights established in that 1973 decision and upheld by court cases since 1973. I understand many people disagree with my position. This issue has been contentious since I came to Congress in 1975.

Second, with the Roe decision, the Supreme Court wisely gave States the responsibility to restrict third-trimester abortions, so long as the life or health of the mother were not jeopardized. As of 1997, all but nine States have done so. To me, the rights of States to regulate abortions, when the life or health of the mother are not in danger, is an adequate safeguard. In the event the States pass unconstitutional regulations on this point, the appropriate remedy is with the courts. I realize that this policy leads to differences in law from State to State, but just as families differ, so too do States. As I said during debate on this topic in 1995:

> When the Roe versus Wade decision acknowledged a state interest in fetuses after viability, the Court wisely left restrictions on post-viability abortions up to states. There are expert professional licensing boards, accreditation councils and medical associations that guide doctors' decision-making in the complicated and difficult matters of life and death.

Nothing has changed since then. My reasons for voting against Senator DASCHLE's substitute amendment last week included this very principle: That Congress should not restrict those reproductive health decisions made by a woman and her doctor.

Third, the legislation before us would prevent doctors from using the D&X procedure where it is necessary to save the life of the mother. This clearly goes against the holding of the Supreme Court in Roe, as it required the health of the mother be safeguarded when States regulate late-term abortions. I will not vote for a bill that is neither constitutional, nor takes into account those situations where carrying a fetus to term would cause serious health risk for the mother. This is simply unacceptable. My vote in favor of the Feinstein substitute amendment underscored my commitment to safeguarding a doctor's options to protect the health of the mother in cases where a late-term procedure is necessary.

Finally, I believe that women who choose to undergo a D&X procedure do so for grave reasons. If there are women who abort to fit into their prom dress, I trust the States to regulate these incidents—if they do, in fact, occur. We have established a delicate legal framework in which to address late-term abortions and we should not shift the decisionmaking to the Federal Government.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong support of H.R. 1122, the Partial-Birth Abortion Ban Act of 1997.

Mr. President, it has been nearly 2 years since I first introduced the Partial-Birth Abortion Ban Act in the Senate. At that time, only my distinguished colleague, Senator GRAMM of Texas, joined me as an original cosponsor. We have come a long, long way since that time. We are not there yet, but we have made tremendous progress.

When the Partial-Birth Abortion Ban Act first passed the Senate on December 7, 1995, it did so with the support of 54 Senators. When the Senate voted on whether to override President Clinton's veto of the Partial-Birth Abortion Ban Act on September 26, 1996, 57 Senators voted in favor of the bill.

Today, we believe that we have at least 62 Senators who are prepared to vote for this legislation. We remain several votes short of the 67 votes that we will need to override President Clinton's promised veto of this bill, but we are getting closer. I am hopeful that in the wake of yesterday's dramatic announcement that the American Medical Association has endorsed the Partial-Birth Abortion Ban Act of 1997, we will get there.

Mr. President, one of the principal reasons why we are making so much progress in the Senate toward our goal of outlawing partial-birth abortion is that more and more Senators are realizing that the opposition to this bill in the last Congress was built on a foundation of lies. When I use the word "lies," Mr. President, I am using the very word that one of the Nation's leading abortion industry lobbyists—Ron Fitzsimmons—used when he publicly admitted earlier this year that he "lied through [his] teeth" when he helped orchestrate the campaign against the partial-birth abortion ban legislation in the last Congress.

In an interview published in the New York Times on February 27, 1997, and in an article published in the American Medical News on March 3, 1997, Mr. Fitzsimmons made the surprisingly candid admission that he had "lied" when he claimed that partial-birth abortions are rare. In those same interviews, Mr. Fitzsimmons also conceded that he "lied" when he claimed that partial-birth abortions are performed only on women whose lives are endangered or whose unborn children are severely disabled. "It made me physically ill," Mr. Fitzsimmons told his interviewer. "I told my wife the next day, 'I can't do this again.'"

In seeking to justify his veto of the Partial-Birth Abortion Ban Act last year, the New York Times points out, "President Clinton echoed the argument of Mr. Fitzsimmons." In other words, in justifying his veto, Mr. Clinton relied on the same statements of "fact" that have now been conceded by a key leader of the abortion industry to be "lies."

The truth, Mr. Fitzsimmons told the New York Times, is that "[i]n the vast majority of cases, the [partial-birth abortion] procedure is performed on a healthy mother with a healthy fetus that is 20 or more weeks along." And, as Mr. Fitzsimmons told the American Medical News, "[t]he abortion-rights folks know it, the anti-abortion folks know it, and so, probably, does everybody else." Except, Mr. Fitzsimmons might have added, for President Clinton, who still promises to veto this bill even though the reasons he gave to justify his previous veto have turned out to be "lies."

Mr. President, following Mr. Fitzsimmons's startling revelations, on March 4, 1997, the Washington Post ran an unusually blunt editorial entitled "Lies and Late-Term Abortions." After recounting Mr. Fitzsimmons' lies and his candid admissions that he lied, the Post editorial drew the following conclusion:

> Mr. Fitzsimmons's revelation is a sharp blow to the credibility of his allies. These late-term abortions are extremely difficult to justify, if they can be justified at all. Usually pro-choice legislators such as Sen. Daniel Patrick Moynihan and Representatives Richard Gephardt and Susan Molinari voted for the ban last year. Opponents of the ban fought hard, even demanding a roll call vote on their motion to ban charts describing the procedure from the House floor. They lost. And they lost by wide margins when the House and Senate voted for the ban. They probably will lose again this year when the ban is reconsidered. And this time, Mr. Clinton will be hard-pressed to justify a veto on the basis of the misinformation on which he rested his case last time.

There you have it, Mr. President. One of the abortion industry's most prominent leaders has admitted that the case against the partial-birth abortion ban was based on "lies." Not my word, his word—"lies." The New York Times points out that in attempting to justify his veto of the Partial-Birth Abortion Ban Act, President Clinton "echoed" those lies. And the Washington Post points out, in a great understatement, that President Clinton will be "hard-pressed" to base another veto on Mr. Fitzsimmons's and his friends' "misinformation."

Pulitzer Prize-winning columnist George Will drew the following conclusion in an opinion article published on April 24, 1997, in the Washington Post:

> The accusation that President Clinton cares deeply about nothing is refuted by his tenacious and guileful battle to prevent any meaningful limits on the form of infanticide known as partial-birth abortion. However, that battle proves that his professed desire to make abortion "rare" applies only to the fourth trimester of pregnancies.

Mr. President, even though President Clinton seems bound and determined not to take another look at his stand on partial-birth abortion even in the face of Mr. Fitzsimmons's stunning admissions, I urge my colleagues who voted against this bill in the last Congress to do just that—take another look. Many, if not most, of you voted against this bill because you believed Mr. Fitzsimmons and his friends when they told you that partial-birth abortions are rare and they are only done on women facing grave physical threats or whose unborn children are hopelessly deformed. I urge you to take another look, reconsider your position, and on reconsideration, support us. Partial-birth abortions aren't "rare"—they're common—and they are done, in the overwhelming majority of cases, on perfectly healthy women with perfectly healthy unborn children.

Mr. President, aside from the Fitzsimmons revelations, I believe that another reason why the Partial-Birth Abortion Ban Act continues to attract greater and greater support in the Senate is that Senators are coming to realize that this issue really transcends abortion. Indeed, as one Senator who did not vote for this bill the first time, but supported us on the veto override last year, Senator MOYNIHAN, put it, partial-birth abortion is "too close to infanticide." That was a starkly truthful way to put it, Mr. President, and it took courage for Senator MOYNIHAN to say it. I commend him for it.

Mr. President, another Senator who did not support this bill the first time around, but who also joined us on the veto override vote, Senator SPECTER, also believes that partial-birth abortion is more like infanticide than it is abortion. Listen to what Senator SPECTER had to say on the Senate floor on September 26, 1996. "In my legal judgment," Senator SPECTER said, "the medical act or acts of commission or omission in interfering with, or not facilitating the completion of a live birth after a child is partially out of the mother's womb constitute infanticide." "The line of the law is drawn, in my legal judgment," Senator SPECTER concluded, "when the child is partially out of the womb of the mother. It is no longer abortion; it is infanticide."

Once again, Mr. President, those are strong words and they are truthful words. Senator SPECTER is a pro-choice Senator, and it took courage for him to support this bill. But he did so, again, Mr. President, because he recognized that partial-birth abortion is more like infanticide than it is abortion.

So, Mr. President, we are steadily picking up more and more support in the Senate because, as I have argued here today, more and more Senators are realizing that the case against this bill was built on a foundation of what are now conceded to have been "lies." We are also picking up greater and greater support because more and more Senators are realizing that this issue transcends abortion—that the tiny little human being whom we are talking about is a partially born baby who is just inches from drawing her first breath.

To those Senators who are still considering joining the ever-increasing majority of Senators who support the Partial-Birth Abortion Ban Act, let me address a few more comments to you. Perhaps the Nation's most respected and revered doctor—"America's Doctor"—is the former Surgeon General of the United States, C. Everett Koop. I am particularly proud of Dr. Koop because he is a part-time resident of my home State of New Hampshire.

This is what Dr. Koop has to say: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility." We all know that Dr. Koop is not a man who uses words lightly. On the contrary, Dr. Koop is a doctor who chooses his words with care and precision. Listen to those words again: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

Now, of course, Mr. President, as I mentioned earlier, even the American Medical Association, which is pro-choice on abortion, has endorsed the Partial-Birth Abortion Ban Act. So, my colleagues, if you are worried about protecting women, listen to the words of Dr. Koop and listen to the American Medical Association. They are for the Partial-Birth Abortion Ban Act because partial-birth abortion is never necessary to protect a woman's health.

Finally, Mr. President, I urge my colleagues who are still undecided about this bill to look at it in light of our beloved Nation's history. We all know those beautiful and majestic words that Thomas Jefferson wrote for our Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of happiness."

Mr. President, one does not have to agree with my view that human life begins at conception to see that a living baby who is in the process of being born has, in Jefferson's words, been endowed by her creator with the unalienable right to life. Can anyone seriously doubt where that great American, Thomas Jefferson, would stand on that question?

Mr. President, another of America's greatest leaders, Abraham Lincoln, made one of the most dramatic and prophetic statements of his life in a speech that he delivered on June 16, 1858. In that speech, Abraham Lincoln said "I believe this government cannot endure permanently, half slave and half free." Today, Mr. President, as we debate this Partial-Birth Abortion Ban Act in this great Capitol of the Union that Lincoln saved, I would say this: The moral foundation of this Government cannot endure permanently when even the half born are not free to live. Can anyone, Mr. President, really doubt where that moral giant, Abraham Lincoln, would have stood on the question before us here today?

Mr. President, let us rise to the moral level to which our Nation's history calls us. Let us recognize the unalienable, God-given right to life of the partially born. Let us protect the partially born from a brutal death. Let us be worthy of the Nation that Jefferson helped create and that Lincoln surely saved. Let us pass the Partial-Birth Abortion Ban Act with a two-thirds' majority in the Senate and then dare President Clinton to turn his back on the moral legacy of Jefferson and Lincoln.

Mr. GORTON. Mr. President, from the time that I first became involved in national politics, it has seemed to me that, for mature adults, under most circumstances, the law was not an appropriate method of determining what are ultimately moral choices for the people most intimately involved with those choices. I believe that my views probably reflect those of a majority of the American people who believe that this should be a matter of an individual woman's choice and that of close family—under most cases.

But, Mr. President, when we talk about late-term abortion and when we speak specifically about partial-birth abortion, we are not dealing with most cases. I think it is clear that the majority of the American people, as they have come increasingly to understand exactly what this procedure is, are horrified by it.

I have been disturbed by the nature of this debate, by the intentional deceit and misinformation about the frequency and necessity of this practice. Only recently, have the opponents of this ban have admitted "lying through their teeth" about the facts on the number of partial-birth abortions performed and grounds for this horrific procedure.

It is clear, Mr. President that this practice is not necessary. Just last week, the American Medical Association Board of Trustees said there is "no identified situation" that requires the use of this procedure and as of yesterday, endorsed this bill. The American College of Obstetricians and Gynecologists state that there are "no circumstances under which this procedure would be the only option to save the life of the mother".

This is a practice that is not compassionate, nor is it within the bounds of civilized or humane behavior. My colleagues have described it in detail, and I don't need to repeat that detail. But I do think that it is significant that those who oppose this bill generally speaking, talk in circumlocution, disguise the language, resist and object not only to a description of the procedure itself, but even to the title-partial-birth abortion. They speak about slippery slopes rather than the procedure itself and attempt to avoid the true brutality and extreme nature of the procedure.

It is simple, this procedure is brutal, inhumane and clearly unnecessary. This vote will be a defining issue about our own society, about our feelings for indifference to brutality, about violence, about uncivilized, inhumane behavior. For all of those reasons, Mr. President, I am convinced that we should pass the Partial-Birth Abortion Ban Act, and I deeply hope that a sufficient majority of my colleagues will vote to do that.

Mr. BYRD. Mr. President, once again we find ourselves addressing the very difficult and emotional issue of partial-birth abortion. The bill the Senate is considering today would criminalize the performance of the partial-birth abortion procedure, unless it is necessary to save the life of the mother. I still have many unanswered questions about this matter, and, as I have indicated in the past, I am extremely hesitant to thrust the Congress into the role of the physician. I am concerned that this measure seemingly ignores the Supreme Court's determinations regarding the role of the state in banning abortions pre- and post-viability and with regard to the health of the mother. I have also noted concerns that this might be the first step in a process which may lead Congress to play the role of doctor again and again and again on specific medical procedures.

As in the past, I have given this issue a great deal of thought and I have particularly considered the new information brought to light by Ron Fitzsimmons of the National Coalition of Abortion Providers. His remarks made clear that this particular procedure is performed far more often than originally thought and not just under certain extreme circumstances which severely threaten the life and the health of the mother. In addition, an endorsement of the ban by the American Medical Association (AMA), which represents a large number of our Nation's doctors, certainly allays some of my earlier concerns about this measure. In previous votes, I had opposed banning this specific procedure; however, in light of the fact that it is not as rare as some claimed and that there appear to be other alternatives, I cannot, in good conscience, continue to oppose a ban on this specific procedure.

Due to my concern about the serious health risk to the mother that can, unfortunately, occur during pregnancy, I voted in support of the alternative measure offered by Senator DASCHLE. I believe that the Daschle amendment would have been more effective in addressing warranted concerns about post-viability abortions while ensuring that severe, serious health risks to the mother are taken into account. However, that amendment was rejected by the Senate.

Like so many West Virginians and Americans who have heard about this specific procedure, I find it extremely disturbing. Mr. President, I will cast my vote in support of H.R. 1122 to ban the partial-birth abortion procedure that is done in too many questionable circumstances.

Mr. DOMENICI. Mr. President, I rise in support of the Partial-Birth Abortion Ban Act of 1997. Let me first begin by stating that an abundance of misinformation has characterized the debate on the partial-birth abortion procedure. I am deeply troubled at how abortion activists have misled the American public, Members of Congress, and especially the President, on the number of partial-birth abortions performed each year and the reasons for them.

The debate on this issue reminds me of a variation of the old courtroom saying: If you have the facts, then argue the facts. If you have the law, then argue the law. If you have neither the law or the facts, then don't tell the truth.

The proponents of the partial-birth abortion have neither the facts nor the law, so they argue with lies.

Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, which represents approximately 200 independently owned abortion clinics across the country, recently admitted in February of this year, that he "lied" through his teeth when he said that the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged. According to Mr. Fitzsimmons, he "spouted the party line" about the procedure—even though he believed his statements were wrong.

In debating a procedure as grotesque as the partial-birth abortion, the facts regarding its use and necessity are important. Because the facts about this procedure are so damaging, pro-abortionists like Mr. Fitzsimmons, have tried to distort or withhold facts from the American people. Let me highlight some of the mistruths that have surrounded this issue.

Proponents of the partial-birth abortion claim that the procedure is rare—only occurring about 500 to 600 times a year. However this is not true. The number of partial-birth abortions is closer to 4,000 to 5,000 a year. In New Jersey alone, at least 1,500 procedures are done each year.

Proponents of the partial-birth abortion also claim that the procedure is necessary to save the life or health of the mother. This is not true. According to the more than 600 doctors nationwide who make up the Physicians' Ad-hoc Coalition for Truth, it is never medically necessary to kill an unborn child in the second or third trimester of pregnancy in order to protect the life, health, or future fertility of the mother. Former Surgeon General C. Everett Koop has stated that the "partial-birth abortion is never necessary to protect a mother's health or her future fertility." Even the American College of Obstetricians and Gynecologists has admitted that there are "no circumstances under which this procedure would be the only option to save the life of the mother and preserve the health of the woman."

The fact is that partial-birth abortions are elective and not performed for medical reasons. As one abortion doctor stated most of the abortions were performed on women who didn't realize, or didn't care how far along they were.

Proponents of partial-birth abortion fail to mention that the 3-day-long procedure actually increases the risk of harm to the mother. After 21 weeks, an abortion is two times as risky for the mother as childbirth.

Finally, proponents of the partial-birth abortion claim it is used only in extreme cases of fetal abnormality. This is not true. Mr. Fitzsimmons admitted that the majority of these procedures are performed on healthy fetuses and healthy mothers. In a March 3, 1997, article in American Medical News, Mr. Fitzsimmons admitted that he called around to doctors who performed the procedure. According to Mr. Fitzsimmons, "I learned right away that this was being done for the most part in cases that did not involve those extreme circumstances."

It is disheartening that the debate on this issue has been so clouded by misinformation. The simple truth is that partial-birth abortions are common and the majority of the procedures are performed on healthy mothers and babies.

On an issue as emotionally charged and divisive as abortion, elected officials have a heightened responsibility to carefully gather the facts and to vote their consciences.

Mr. FEINGOLD. Mr. President, I will vote against H.R. 1122, the so-called partial-birth abortion bill that would outlaw a particular abortion procedure, the intact dilation and extraction, sometimes called intact D&E. I do support a ban on post-viability abortions, if it contains important and constitutionally required exceptions to protect the life and health of the woman. I am disappointed that the proponents of H.R. 1122 have steadfastly refused to accept any amendment, no matter how tightly crafted, which would include provisions to protect women's health.

I have said repeatedly here on the floor of the Senate, during hearings in the Judiciary Committee, and at listening sessions held across the State of Wisconsin that I believe that a law to ban this controversial procedure could have been enacted last year with one simple addition—an exception that would allow physicians to perform the procedure on women whose health is at risk. Such an exception, in combination with the bill's existing exception to save the life of the woman, is an important and necessary provision. I am sensitive to the fears of the bill's proponents that such an exception could prove to be a major loophole, and I agree that the health exception should be narrow. But it needs to be there.

Let me remind my colleagues that the Supreme Court has clearly ruled that, although States have the right to restrict post-viability abortions, exceptions must always be made to protect the life and health of the mother. Women cannot be required to trade off their well-being in order to increase the likelihood of fetal survival.

Last Thursday, I voted for the bipartisan alternative amendment to H.R. 1122 introduced by Senator DASCHLE and others. I voted for this amendment because it took a comprehensive approach to banning abortions on viable fetuses, rather than merely banning a single procedure. In addition, Mr. President, this amendment contained the critical, constitutionally necessary exception to protect the life and health of the woman.

I believe that the health exception in the Daschle amendment was sufficiently narrow to satisfy most reasonable people's concerns about creating a loophole in the law. It would have required a physician to certify that continuation of the pregnancy would threaten the woman's life or risk grievous injury to her physical health. Grievous injury was defined in the amendment as a severely debilitating disease or impairment specifically caused by the pregnancy, or an inability to provide necessary treatment for a life threatening condition.

The other side claims that abortion is never necessary to protect a woman's health. But Mr. President, I have met women whose doctors believed differently. The American College of Obstetricians and Gynecologists supports them, and has stated that although the intact D&E procedure is never the only option to save a woman's life or preserve her health, it sometimes may be the best or most appropriate procedure, depending on the woman's particular circumstances.

Members on both sides of this debate can cite respected physicians who will support their positions. But precisely because I am not a doctor, I say again that it is essential to include a health exception in any bill we pass. The point is, Mr. President, that there is a dispute within the medical community about the necessity for and the risk associated with intact D&E. And that is where it should be resolved. It should be women and their doctors, not politicians, who decide which medical procedure is appropriate in those circumstances where an abortion is performed.

If some doctors believe that it is never necessary to perform an intact D & E on a viable fetus to protect a woman's health, then they would not recommend such an intervention. But for those physicians who disagree, I do not think it is the place for this Senator or any other government entity to override that judgment. A decision regarding which medical intervention is necessary is best decided on by individual women and their physicians, in light of their individual circumstances.

Another equally important aspect of the Daschle alternative amendment was its comprehensive ban on post-viability abortions. Rather than taking the approach of H.R. 1122, which would prohibit a single procedure, regardless of the stage of pregnancy, this amendment took a broader approach. It would have protected women's constitutional right to choose an abortion before the fetus is viable. But once the fetus is determined by a physician to be viable, usually around the 24th week of pregnancy, this amendment would have outlawed abortion, except in the situations I have already addressed, in which the woman's life is threatened or her health is at risk of grievous injury.

This bipartisan alternative amendment struck the right balance between protecting women's constitutional right to choose abortion and the right of the State to protect future life. It would have protected a woman's physical health throughout her pregnancy, while insisting that only grievous, medically diagnoseable conditions could justify aborting a viable fetus. Both fetal viability and women's health would have been determined by the physician's best medical judgment, as they must be. It was a sensible and responsible amendment.

Unfortunately, Mr. President, the Daschle amendment was rejected. This is particularly disappointing, because if the underlying bill were to become law, it would not prevent a single abortion. It would merely deny physicians the right to exercise their best medical judgment, and it would force women in critical health situations who would have opted to have an intact D&E to use different, and perhaps less safe, options.

Finally, Mr. President, let me address a related topic. We all know that this debate has unfortunately been characterized by a great deal of misinformation and distortion of the facts. One particular piece of misinformation has been widely circulated by the proponents of this legislation, and I frankly don't think it is helpful to a truthful debate. It involves the deliberate misinterpretation of a conversation that I had with the junior Senator from Pennsylvania last year.

During last year's floor debate over the veto override, Senator SANTORUM and I had a brief exchange on the Senate floor which proponents of this legislation have used to suggest that I support infanticide—that is, killing an infant after it has been fully delivered. Obviously, that is untrue. I was answering the question I thought I had been asked. I was addressing the issue of who should decide whether the life or health of a woman was at risk.

Let me be clear, for the record. Once a child has been born, there is no conceivable argument that would suggest a woman's life or health would be at risk any longer. The distortion of our exchange by the National Right to Life Committee and others is the kind of tactic which undermines efforts to reach an agreement that would ban late term abortions except in the most narrow of circumstances where a woman's life or health is at stake.

We are near the end of Senate debate on this issue for the time being, but I suspect that this issue will arise again when this body attempts to override another Presidential veto. As we continue to engage in this volatile and emotional debate, both on the Senate floor and in the media, I hope we will make an effort to recognize that there are strong feelings about this issue on all sides. We should respect these differences, avoid efforts to confuse or trick each other and the public, and maintain a level of debate that reflects the importance of ascertaining the truth about this issue and finding responses that are sensitive and constitutionally sound.

Mr. SANTORUM. Mr. President, we are now down to 36 minutes of debate on both sides. And I agreed with the other side that I would take up some of the time to bring down some of our time.

I want to bring up a point, discuss a point that I believe is very important for two reasons: No. 1, I think it is important that Members understand the issues of constitutionality that have been raised by some about this legislation and whether it is constitutional in light of Roe versus Wade and Doe versus Bolton and other decisions on the subject of abortion; and, No. 2, I want to put down a marker for this piece of legislation when it does, if it does, any time in the near future go before the courts.

I hope that by the actions of the Senate today, and hopefully the actions of the President later on, that he will now decide to sign this legislation in light of all the new evidence that has been presented since his initial veto.

I wanted to discuss some of the elements of constitutionality, and in so discussing, I would like to read a letter that was sent to Senator ORRIN HATCH, the chairman of the Judiciary Committee, by 62 law professors from universities all over the country, to state to Senator HATCH their opinion on the constitutionality of the statute.

I will remark that this letter was written May 8, prior to the amendment that we adopted here on the bill today which I believe tightens the language up even more and makes it more impregnable to constitutional overruling by the courts.

I will read the letter sent to Senator HATCH:

> DEAR SENATOR: We write to you as law professors in support of the Partial-Birth Abortion Ban Act. S 6. We do not write as partisans. We are both Democrats and Republicans, and we are of different minds of various aspects of the abortion issue. We are concerned, however, that baseless legal arguments are being offered to oppose a ban on partial-birth abortions, and we are unanimous in concluding that such a ban is constitutional.
>
> We have learned that some Senators are concerned about claims that a ban on second trimester partial-birth abortions, or a ban on third trimester procedures without a "health" exception, would be unconstitutional under *Roe v. Wade* and later abortion decisions.
>
> The destruction of human beings who are partially born is, in our judgment, entirely, outside the legal framework established in *Roe v. Wade* and *Planned Parenthood v. Casey*. No Supreme Court decision, including these, ever addressed the constitutionally of forbidding the killing of partially born children. In fact, *Roe* noted explicitly that it did not decide the constitutionality of that part of the Texas law which forbade—and still forbids—killing a child in the process of delivery.

Continuing on.

> Even should a court in the future decide that a law banning the partial-birth procedure is to be evaluated within the *Roe Casey* "abortion" framework, we believe such a ban would survive legal scrutiny thereunder. The partial-birth procedure entails mechanical cervical dilation, forcing a breech delivery, and exposing a mother to severe bleeding from exposure to shards of her child's crushed skill. Before viability, an abortion restriction is unconstitutional only if it creates a "undue burden" on the judicially established right to have an abortion. A targeted ban of a single, maternal-health-endangering procedure cannot constitute such a burden.
>
> To the extent of its constitutionally delegated authority, Congress may also ban all forms of abortion after viability, subject to the health and life interests of the mother. Under the most recent Supreme Court decision concerning abortion. *Planned Parenthood v. Casey*, there is no reason to assume that the Supreme Court would interpret a post-viability health exception to require the government to tolerate a procedure which gives zero weight to the life of a partially-born child an which itself poses severe

maternal health risks. Furthermore, according to published medical testimony, including that of former Surgeon General C. Everett Koop "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility." Even the American College of Obstetricians and Gynecologists—which opposes the bill—acknolwedges that partial-birth abortion is *never* the "only option to save the life or preserve the health of the woman." Banning this procedure does not compromise a mother's health interests. It protects those interests.

In short, while individuals may have ideological or political reasons to oppose banning the partial-birth procedure, those objections should not, in good conscience, be disguised as legal or constitutional in nature.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

May 8, 1997.

DEAR SENATOR: We write to you as law professors in support of the Partial-Birth Abortion Ban Act, S. 6. We do not write as partisans. We are both Democrats and Republicans, and we are of different minds on various aspects of the abortion issue. We are concerned, however, that baseless legal arguments are being offered to oppose a ban on partial-birth abortions, and we are unanimous in concluding that such a ban is constitutional.

We have learned that some Senators are concerned about claims that a ban on second trimester partial-birth abortions, or a ban on third trimester procedures without a "health" exception, would be unconstitutional under *Roe v. Wade* and later abortion decisions.

The destruction of human beings who are partially born is, in our judgment, entirely outside the legal framework established in *Roe v. Wade* and *Planned Parenthood v. Casey*. No Supreme Court decision, including these, ever addressed the constitutionality of forbidding the killing of partially born children. In fact, *Roe* noted explicitly that it did not decide the constitutionality of that part of the Texas law which forbade—and still forbids—killing a child in the process of delivery.[1]

Even should a court in the future decide that a law banning the partial-birth procedure is to be evaluated within the *Roe/Casey* "abortion" framework, we believe such a ban would survive legal scrutiny thereunder. The partial-birth procedure entails mechanical cervical dilation, forcing a breech delivery, and exposing a mother to severe bleeding from exposure to shards of her child's crushed skull. Before viability, an abortion restriction is unconstitutional only if it creates an "undue burden" on the judicially established right to have an abortion. A targeted ban of a single, maternal-health-endangering procedure cannot constitute such a burden.

To the extent of its constitutionally delegated authority, Congress may also ban all forms of abortion after viability, subject to the health and life interests of the mother. Under the most recent Supreme Court decision concerning abortion, *Planned Parenthood v. Casey*, there is no reason to assume that the Supreme Court would interpret a post-viability health exception to require the government to tolerate a procedure which gives zero weight to the life of a partially-born child and which itself poses severe maternal health risks. Furthermore, according to published medical testimony, including that of former Surgeon General C. Everett Koop: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility." Even the American College of Obstetricians and Gynecologists—which opposes the bill—acknowledges that partial-birth abortion is never the "only option to save the life or preserve the health of the woman." Banning this procedure does not compromise a mother's health interests. It protects those interests.

In short, while individuals may have ideological or political reasons to oppose banning the partial-birth procedure, those objections should not, in good conscience, be disguised as legal or constitutional in nature.

Respectfully submitted,

Rev. Robert J. Araujo, S.J., Gonzaga Law School; Thomas F. Bergin, University of Virginia School of Law; G. Robert Blakey, University of Notre Dame Law School; Gerard V. Bradley, University of Notre Dame Law School; Jay Bybee, Louisiana State University Law Center; Steven Calabresi, Northwestern University School of Law; Paolo G. Carozza, University of Notre Dame Law School; Carol Chase, Pepperdine University School of Law; Robert Cochran, Pepperdine University School of Law; Teresa Collett, South Texas College of Law.

John E. Coons, University of California, Berkeley; Byron Cooper, Associate Dean, University of Detroit Mercy School of Law; Richard Cupp, Pepperdine University School of Law; Joseph Daoust, S.J., University of Detroit Mercy School of Law; Paul R. Dean, Georgetown University Law Center; Robert A Destro, The Catholic University of America; David K. DeWolf, Gonzaga Law School; Bernard Dobranski, Dean, The Catholic University of America; Joseph Falvey, Jr., Assistant Dean, University of Detroit Mercy School of Law; Lois Fielding, University of Detroit Mercy School of Law.

David Forte, Cleveland-Marshall College of Law, Cleveland State University; Steven P. Frankino, Dean, Villanova University School of Law; Edward McGlynn Gaffney, Jr., Dean, Valparaiso University School of Law; George E. Garvey, Associate Dean, The Catholic University of America; John H. Garvey, University of Notre Dame Law School; Mary Ann Glendon, Harvard University Law School; James Gordley, University of California, Berkeley; Richard Alan Gordon, Georgetown University Law Center; Alan Gunn, University of Notre Dame Law School; Jimmy Gurule, University of Notre Dame Law School.

Jacqueline Nolan-Haley, Fordham University School of Law; Laura Hirschfeld, University of Detroit Mercy School of Law; Harry Hutchison, University of Detroit Mercy School of Law; Phillip E. Johnson, University of California, Berkeley; Patrick Keenan, University of Detroit Mercy School of Law; William K. Kelley, University of Notre Dame Law School; Douglas W. Kmiec, University of Notre Dame Law School; David Thomas Link, Dean, University of Notre Dame Law School; Leon Lysaght, University of Detroit Mercy School of Law; Raymond B. Marcin, The Catholic University of America.

Michael W. McConnell, University of Utah College of Law; Mollie Murphy, University of Detroit Mercy School of Law; Richard Myers, University of Detroit Mercy School of Law; Charles Nelson, Pepperdine University School of Law; Leonard J. Nelson, Associate Dean, Cumberland School of Law, Samford University; Michael F. Noone, The Catholic University of America; Gregory Ogden, Pepperdine University School of Law; John J. Potts, Valparaiso University School of Law; Stephen Presser, Northwestern University School of Law; Charles E. Rice, University of Notre Dame Law School.

Robert E. Rodes, Jr., University of Notre Dame Law School; Victor Rosenblum, Northwestern University School of Law; Stephen Safranek, University of Detroit Mercy School of Law; Mark Scarberry, Pepperdine University School of Law; Elizabeth R. Schiltz, University of Notre Dame Law School; Patrick J. Schiltz, University of Notre Dame Law School; Thomas L. Shaffer, University of Notre Dame Law School; Michael E. Smith, University of California, Berkeley; David Smolin, Cumberland School of Law, Samford University; Richard Stith, Valparaiso University School of Law; William J. Wagner, The Catholic University of America; Lynn D. Wardle, Brigham Young University; Fr. Reginald Whitt, O.P, University of Notre Dame School of Law.

Mr. SANTORUM. Thank you, Mr. President.

Does the Senator from Michigan seek some time?

Mr. ABRAHAM. Yes, I do.

Mr. SANTORUM. I yield the Senator from Michigan 3 minutes.

Mr. ABRAHAM. That would be fine.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I thank, again, the Senator from Pennsylvania who is doing an outstanding job to try to work with all sides on this issue. I believe the approach which he has taken has been very constructive. And now the endorsement of the American Medical Association, I think, is a further indication that this legislation is on the right course.

I just want to basically reiterate some points I made the other day when I spoke on this issue. At that time I responded to some of the arguments on the other side. Those arguments were that because Members of Congress were not themselves physicians somehow we were not the appropriate people to be addressing issues with respect to partial-birth abortion that fall within the area of medical procedures.

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[1] 410 U.S. 113, fn. 1 (1973), citing Art. 1195, of Title 15, Chapter 9. (Presently, this law is codified at Vernon's Ann. Texas Civ. St. Art. 4512.5.) A similar ban remains in effect in Louisiana (LA. Revised Statutes 14.87.1). The Texas and Louisiana statutes are also consistent with existing case law in California. *See People v. Chavez*, 77 Cal. App. 2d 621 (1947) ("It should equally be held that a viable child in the process of being born is a human being within the meaning of the homicide statutes, whether or not the process has been fully completed."); *accord Keeler v. Superior Court*, 2 Cal. 3d 619 (1970).

As I said at that time, Members of Congress—many of us are not farmers, yet we deal with agriculture issues here on this Senate floor. Virtually none of us are nuclear physicists, and yet we deal with nuclear issues pertaining to nuclear weapons and issues pertaining to the disposal of nuclear waste, a variety of other highly scientific issues. Only a few of us, such as the Presiding Officer, have served in the military in combat, and yet we are asked to be experts with regard to issues pertaining to national security.

So with this issue as well we are called upon to get the best information possible and seek to make the best decisions as a result.

However, now we actually have some additional information that comes from the experts who have been referenced in previous debates. The endorsement of the American Medical Association of the partial-birth abortion bill, combined with the endorsement and strong support of that legislation by the one Member among us who is a physician, I think buttresses better than virtually anything else said during this debate the case that this procedure is never needed for the medical reasons that its advocates have claimed to protect the health of the mother.

So in my judgment, Mr. President, we now have an overwhelming case in favor of the passage of this legislation, legislation which will I think help us move in the right direction as we consider a variety of other issues that pertain to abortion in the months and years ahead.

So I just wanted to once again come to the floor to express my support for the bill, and to thank the Senator from Pennsylvania for his many efforts in furtherance of its passage.

I thank the Senator and I yield the floor.

Mr. SANTORUM. I thank the Senator from Michigan for his statement and being here on the floor to add to the debate and for his terrific work that he has done on this issue in the past now 2 years. I thank the Senator very much.

Mr. President, I do not have a speaker at this point.

I ask unanimous consent that when I suggest the absence of a quorum the time come off the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask what the time situation is between Senator SANTORUM's side and this side.

The PRESIDING OFFICER. The Senator from Pennsylvania controls 27 minutes, 13 seconds, and the Senator on the other side of this argument controls 27 minutes and 25 seconds.

Mrs. BOXER. Mr. President, I yield myself up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, throughout this debate we have heard both sides accuse each other of misstatement and worse. We have heard charges and countercharges. Today, as we close down this argument, I am not going to engage in any of those charges and countercharges. I am going to talk about what both sides know to be fact.

Fact: This Santorum bill will outlaw a procedure known as an intact dilation and extraction.

Fact: This procedure is used by obstetricians and gynecologists in circumstances where they believe it is in the best interests of the woman, to save her life or to save her health.

Fact: Those very same physicians who use this procedure oppose this bill. The American College of Gynecologists and Obstetricians confirmed today that they oppose this bill.

Fact: This bill is opposed by the California Medical Association.

Fact: This bill is opposed by the American Medical Women's Association, an organization of women physicians.

Fact: This bill is opposed by the American Nurses Association.

Fact: This bill is opposed by the Society of Physicians for Reproductive Health.

Fact: The American Medical Association endorsed this bill in a 4-day reversal of opinion. Having done that, they have taken a position against the very doctors who handle these procedures.

Fact: We have a series of women who have come forward to testify, about their pain, their grief, that this procedure—that would be outlawed in the pending Santorum bill saved their lives and their health, retained their fertility in many cases, and in the opinion of their doctors was the humane procedure to use for all concerned.

Fact: Most of these women, whose photographs I have behind me, most of these women who came forward to share their stories are very religious, and many say they are opposed to all abortions, but they decided after all the facts were on the table and after consulting their families and many doctors—many went to several doctors, in many cases five or six, to try and come up with another solution to a tragedy—they decided this was their only choice after they consulted with these many doctors, with their families, with their clergy, and with their God.

Several went on to have healthy pregnancies. Coreen Costello was among them. You can see little Tucker in this photograph, who was born after Coreen underwent the procedure.

I will quote from some of the letters we have received from doctors organizations against the Santorum bill.

Mr. President, I ask unanimous consent to have all these letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, May 19, 1997.

Hon. TRENT LOTT,
Senate Majority Leader,
Capitol Building, Washington, DC.

DEAR SENATOR LOTT: In light of the slight modifications being proposed to HR 1122, the "Partial-Birth Abortion Ban Act of 1997," we wanted to take this opportunity to reiterate our opposition to this legislation. Our statement on this issue is attached.

Sincerely,

RALPH W. HALE, MD.
Executive Director.

STATEMENT ON INTACT DILATATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as "Intact Dilatation and Extraction" (Intact D & X). This procedure has been described as containing all of the following four elements:

(1) Deliberate dilatation of the cervix, usually over a sequence of days;

(2) Instrumental conversion of the fetus to a footling breech;

(3) Breech extraction of the body excepting the head; and

(4) Partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Becuse these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approved by the Executive Board, January 12, 1997.

AMERICAN MEDICAL WOMEN'S ASSOCIATION, INC.,
Alexandria, VA, May 20, 1997.

Hon. RICK SANTORUM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SANTORUM: On behalf of the American Medical Women's Association (AMWA), I would like to reiterate our opposition to H.R. 1122, the so-called "Partial-Birth Abortion Ban Act of 1997," as amended. AMWA does not endorse legislation which interferes with medical decisionmaking, particularly when it fails to consider the health of the woman patient.

Our opposition to this legislation is based on the following issues. First, we are gravely concerned that this legislation does not protect a woman's physical and mental health, including future fertility, or consider other pertinent issues such as fetal abnormalities. Second, this legislation would further erode physician-patient autonomy forcing physicians to always avoid legislatively prohibited procedures in medical decisionmaking, including in emergency situations when physicians and patients must base their decisions on the best available information available to them. Third, medical care decisions must be left to the judgment of a woman and her physician without fear of civil action or criminal prosecution. We do not support the levying of civil and criminal penalties for care provided in the best interest of the woman patient.

AMWA remains committed to ensuring that physicians retain authority to make medical and surgical care decisions that are in the best interest of their patients given the information available to them.

Sincerely,

DEBRA R. JUDELSON, MD,
President.

AMERICAN NURSES ASSOCIATION,
Washington, DC, May 20, 1997.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the opposition of the American Nurses Association to H.R. 1122, the "Partial-Birth Abortion Ban Act of 1997", which is being considered by the Senate this week. This legislation would impose Federal criminal penalties and provide for civil actions against health care providers who perform certain late-term abortions.

It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider. ANA has long supported freedom of choice and equitable access of all women to basic health services, including services related to reproductive health. This legislation would impose a significant barrier to those principles. It is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision.

The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

The American Nurses Association appreciates your work in safeguarding women's access to reproductive health care and respectfully urges members of the Senate to vote against H.R. 1122.

Sincerely,

GERI MARULLO, MSN, RN,
Executive Director.

Mrs. BOXER. The American Medical Women's Association says, in part, in a letter to Senator SANTORUM, "On behalf of the American Medical Women's Association, I would like to reiterate our opposition to H.R. 1122." This letter is dated today.

The organization does not endorse legislation which interferes with medical decisionmaking, particularly when it fails to consider the health of the woman patient.

> Our opposition is based on the following issues. First, we are gravely concerned that this legislation does not protect a woman's physical and mental health, including future fertility, or consider other pertinent issues such as fetal abnormalities. Second, this legislation would further erode physician-patient autonomy forcing physicians to always avoid legislatively prohibited procedures in medical decisionmaking, including in emergency situations when physicians and patients must base their decisions on the best available information * * *

That is the American Medical Women's Association letter, in part.

The American College of Obstetricians and Gynecologists, after learning of the opposition of the AMA, wrote a letter to Senator LOTT dated yesterday.

> In light of the slight modifications being proposed to H.R. 1122, we wanted to take this opportunity to reiterate our opposition to this legislation.

They attach their statement in which they say:

> Terminating a pregnancy is performed in such circumstances to save the life or preserve the health of the mother. Intact D&X is one of the methods available in some of these situations * * * and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision.

Is it not interesting, an organization of obstetricians and gynecologists oppose this bill and have to plead the case that they are the ones who should make this decision—not Senator SANTORUM, not Senator BOXER, not Senator COATS, not Senator FEINSTEIN, not Senator HELMS. This is not our job. Our job is tough enough. We do not come close to being doctors. We have one physician in this body, but he is not an obstetrician and gynecologist.

A letter dated today from the American Nurses Association:

> I am writing to reiterate the opposition of the American Nurses Association to H.R. 1122 * * *
>
> It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal Government into a therapeutic decision that should be left in the hands of a pregnant woman and her health-care provider * * *

The American Nurses Association is the only full-service professional organization representing the Nation's 2.2 million registered nurses throughout its 53 constituent associations.

Now I want to tell you some of the real life stories that have been presented to us by some of the women who have undergone the procedure that this bill would ban. Many have heard these stories before, but they are worth repeating because not every woman who has had this procedure has come forward. These stories are representative of those women.

I talked to you about Coreen Costello pictured here with her newborn son, Tucker. She was able to have Tucker because it saved her fertility to undergo the procedure that is banned in the Santorum bill. She is a registered Republican, describes herself as very religious. She is clear that she and her family do not believe in abortion. When she was pregnant, she was rushed to the emergency room because her baby was having seizures, and found out something was seriously wrong with her baby.

She named the baby Katherine Grace. This is a woman and family who wanted that child desperately. And to hear women like this referred to as women who kill their babies to me is an absolute disgrace.

The baby had not been able to move for months—not her eyelids, tongue, nor her lips. Her chest cavity was unable to rise and fall for air, and her lungs and chest were left severely undeveloped almost to the point of nonexisting. Her vital organs were atrophied. The doctor told Coreen and her husband that the baby would not survive, and they recommended terminating the pregnancy. To Coreen and to Jim, this was not an option. Coreen wanted to go into labor naturally. She wanted her baby born on God's time and did not want to interfere. The family spent 2 weeks going from expert to expert.

Again, I have heard my colleagues on more than one occasion demean these women, saying, "Well, if only they had checked, they would have found another option." There are always other options, say my colleagues who don't know anything about medicine.

Coreen and her family were told they couldn't consider inducing labor. They considered a caesarean section. But the doctors were adamant that the risks to her health and her life were too great.

Then Coreen finally said, "There was no reason to risk leaving my two children motherless if there was no hope of saving Katherine Grace."

My colleagues, women like Coreen Costello deserve our love and deserve our support. They don't deserve the kind of treatment they would get if this bill becomes law. They have come forward. They were saved. But they are coming forward to spare other families the tragedy they went through.

Coreen writes to us, "The birth of Tucker would not have been possible without this procedure. Please give other women and their families this chance.

"Let us deal with our tragedies without any unnecessary interference from our Government. Leave us with our God. Leave us with our families and our trusted medical experts."

I could go on. I will show you a picture of Vikki Stella, a mother of two. She went through a very similar case. She tried in every way to save her baby, but was told that her life was at risk if she didn't use this procedure. The surgery preserved her fertility.

Here she is shown with her son Nicholas. She calls him our darling son, Nicholas, who was born in 1995. This was after she had undergone the procedure that the Santorum bill seeks to outlaw.

So the procedure saved Vikki's life. It preserved her family. Vikki's situation was heart-wrenching.

Mothers and fathers need to be able to make medical decisions like that with their God and with their doctors, not with Senators. We don't belong in that room.

We have offered alternatives, alternatives that go to the heart of another matter, which is the decision *Roe* v. *Wade* that is the law of the land, which basically says in the early stages of a pregnancy a woman has the right to choose and the State does not have a right to interfere. But after viability, *Roe* says the State does have a right to interfere. And I agree with that.

Senator FEINSTEIN and I offered an alternative that would have said no abortion after viability. But we make two exceptions, consistent with compassion, consistent with caring, consistent with *Roe* and the Court cases. We say no abortion after viability except to preserve the life of the mother or to spare her serious adverse health consequences.

My colleagues on the other side have said, "Senator BOXER and Senator FEINSTEIN believe in abortion on demand." They have misstated our position day in and day out. What we are saying is there should be absolutely no abortion after viability except to save the life and the health of the woman. That is the option that would be endorsed, I think, by the majority of the American people. The bill that is before us doesn't do anything about late-term abortion. It deals with one procedure, a procedure that in fact doctors say is necessary to save the life and the health of a woman.

I would like to read parts of an opinion piece that appeared in the Los Angeles Times written by Ellen Goodman.

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times]

CONGRESS CAN'T LEGISLATE MATERNAL HEROISM

(By Ellen Goodman)

You cannot hear it in the cacophony of outraged voices arguing about the so-called partial-birth abortion ban. But it is there. The theme song of the abortion controversy is being repeated, the soundtrack replayed:

Just how much are we willing to require of a woman for the sake of having a baby? Just how much can the government force a woman to sacrifice for a fetus?

The Senate debate has not really been about banning an abortion method. It's been about permitting exceptions to that ban. Senators led by Pennsylvania's Rick Santorum have refused to allow an exception even to protect the woman from serious harm to her health. President Clinton has refused to sign a bill without it.

So the push for a veto-proof majority to ban this rare procedure has drawn a line as clear as possible in this unrelenting and murky struggle. A line around a woman's health.

From the beginning abortion opponents have said that "health" is nothing but a loophole for women who would abort a pregnancy to fit into a prom dress. But pro-choice supporters have countered with real women whose bodies were at serious risk. Underlying it all has been the issue of women and sacrifice.

Last week, pro-lifer Kristi S. Hamrick argued against any exception, saying, "Any woman who has ever been pregnant can tell you that every pregnancy carries potential risk." Indeed, women once died in pregnancy and childbirth with appalling frequency.

But while the focus is on health, is it fair to ask whether the law can force pregnant women to sacrifice more for "unborn children" than it can force parents to sacrifice for those who are born?

Imagine a different bill going through Congress. This one requires mothers and fathers to give up a kidney for their child. Or maybe it just allows the government to extract bone marrow against their will for an ailing son or daughter.

If such a bill got to the Senate floor, would Santorum decry "the selfishness, the individual self-centeredness" of its opponents? Surely, we expect a parent to eagerly exchange bone marrow for a child's life. But we would not assume the state's right to go in and take it.

"No case has ever been upheld that says you can intrude on the body of a genetic parent to protect a born child," says Eileen McDonagh, who raises such matters in a provocative book, "Breaking the Abortion Deadlock." Indeed, in Illinois, a court ruled that the law could not even require a blood test to see if a relative could be a potential donor.

Can the law then require a woman to suffer "serious health effects," for the sake of a fetus? A central question in the abortion debate, says McDonagh, is: "What are the means the state can use to protect the fetus? One benchmark is to ask what the means are the state can use to protect a born child."

The issue is government intrusion: who decides. How much more serious is this decision when we are talking, not about extracting bone marrow, but about losing a uterus or a kidney? Is it up to Congress to overrule the doctor? To overrule the "selfish" woman defending her health?

An outraged Santorum screamed that this procedure "is killing a little baby that hasn't hurt anybody!" But the whole point of a vote about a health exception is that this fetus—however unintentionally, well or deformed—is hurting someone: the pregnant woman.

This is a tough-minded argument about those few pregnancies that have gone most tragically awry. Pregnancy is risky. Many women embrace heroic procedures to have children.

But the bill is not really about banning one procedure. If dilation and extraction is the first method banned without exceptions, it won't be the last. The goals of abortion opponents are unequivocal.

Not was the losing bill by Democrat Tom Daschle a true "compromise." Allowing late abortions for physical, "real" health reasons but not mental health? What would that distinction mean to a woman forced to carry an anencephalic (brainless) baby to term?

We already have compromises. The Supreme Court decisions weigh the interests of the woman with those of the developing fetus. The law allows states to severely limit abortion after viability. But at no point does it give the government the right to seriously damage a woman's health to protect a fetus.

This is at the primal heart of the matter. No Congress can be allowed to legislate a new flock of sacrificial women.

Mrs. BOXER. Mr. President, Ellen Goodman writes:

> The Senate debate has not really been about banning an abortion method. It's been about permitting exception to that ban. Senators led by Pennsylvania's Rick Santorum have refused to allow an exception even to protect the woman from serious harm to her health. * * *
>
> Is it up to Congress to overrule the doctor? To overrule the "selfish" woman defending her health?

The bill is not really about banning a procedure. If dilation and extraction is the first method banned, without exception it won't be the last. The goals of abortion opponents are unequivocal. And, indeed, in, I thought, a good debate that the Senator from Pennsylvania and I had on Sunday, I think he was very straightforward about that. The Senators who have been speaking on the other side of the aisle on this subject all would tell you they are against all abortions from the first moment of a pregnancy.

Ellen Goodman writes:

> We already have compromises. The Supreme Court decisions weigh the interests of the woman with those of the developing fetus. The law allows states to severely limit abortion after viability. But at no point does it give the government the right to seriously damage a woman's health to protect a fetus.
>
> This is at the primal heart of the matter.

She concludes:

> No Congress can be allowed to legislate a new flock of sacrificial women.

What does she mean, sacrificial women? That is, women who will be sacrificed because of politics, because of laws that are made right here. And when abortion was illegal, women died.

There are those of us who will stand here as long as it takes to make sure we don't go back to those dark days. This bill should not be about politics, though, sadly, it might turn out to be. This bill should not be about 30-second misleading commercials, though, sadly, it might turn out to be. This bill should not be about fear, fear of doing the right thing, though, sadly, it might turn out to be.

What this should be about is at least the basic bottom line that we should keep in mind when we pass any legislation. And that bottom line should always be do no harm. Do no harm. Yet, we are told by physicians that this bill does harm. It has no exception for physicians who believe the banned procedure is in the best interests of the woman for her very survival and for her very health.

My colleagues, please do not relegate women to a status that says their life and their health do not matter. Please look inside your hearts. Ask yourself how you would feel if your daughter was told that the safest procedure in a pregnancy turned tragically wrong was an intact D&E, and, yet, the doctor fearing jail refused to use it. Look in your heart. Think about how you would feel. You would drop to your knees. You would pray to God that the doctor could use the option that was safe, that would save the life and the health of your daughter. And then, if this bill was the law, you would go to court to defend that doctor. But the rules would be stacked against him or her.

Just read this bill.

My colleagues, that is the wrong way to go. These women have been saved because this Congress didn't outlaw the procedure that was necessary to save their lives and their health.

There will be other women who look like this, who have families like this, who might be, as Ellen Goodman said, sacrificed because of politics. I say that we should save these women who are relying on us to protect them.

This isn't about them versus their babies. They wanted their babies. They desperately wanted their babies. But in circumstances that no one seemed able to predict, in rare circumstances, in tragic circumstances, they needed an intact D&E.

We are not doctors—not even close. Every speaker I have heard—I may be wrong on this—on the side of the Santorum bill has been a man. Again, I may be wrong on this. But I am 99 percent sure that every one of them would support outlawing all abortions. They do not know what it is like to find yourself in a desperate situation as a woman—as a woman. Situations like Vikki's or Coreen's or Eileen's, or any of the women who were told they needed an intact D&E to save their lives or their health.

Mr. President, I have a letter dated today from these women I have been talking about. They have listened to this debate. This is what they say:

> Please don't forget us, and the stories that brought us to Washington to meet with so many of you over the last two years. We are just a sampling of the women and families who have had very wanted pregnancies go wrong, and whose doctors have wept with us as they explained the options that could help us maintain our health and our fertility. We know the truth about the so-called "partial-birth abortions" that you debate in Washington, because we needed the surgery that doctors call intact dilation and evacuation.
>
> * * *
>
> The AMA endorsement of this legislation, and the superficial changes added today do not change the fact that this ban still contains no provision to protect the health of women like us.

Mr. President, I ask unanimous consent that this letter in its entirety be printed in the RECORD, along with the following letter from the California Medical Association, which says, in part, "The California Medical Association is opposed to this bill and is saddened that the debate appeals to the emotive, rather than the reasoning, segment of America."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

May 20, 1997.

DEAR SENATORS: Please don't forget us, and the stories that brought us to Washington to meet with so many of you over the last two years. We are just a sampling of the women and families who have had very wanted pregnancies go wrong, and whose doctors have wept with us as they explained the options that could help us maintain our health and our fertility. We know the truth about the so-called "partial birth abortions" that you debate in Washington, because we needed the surgery that doctors call intact dilation and evacuation.

We and our families stood with President Clinton last year when he vetoed similar legislation that would have banned the surgery that we needed. This ban would have torn families apart, robbing us of the ability to make the most private and personal decisions about our own well-being. It would have subjected women like us to unwarranted medical risks and even greater heartbreak than the loss of our precious babies had already caused. President Clinton did the right thing when he courageously vetoed this legislation and protected our health and that of the women who come after us. These are decisions that can only be made by a woman in consultation with her family and her doctor. Congress can't begin to know what's best for us as we face our own personal tragedies.

As you consider your vote on HR1122, we hope that you will take a few moments to remember us, and to recall that this is a bill that affects real people—American women and their families. Please don't compound the tragedies of families like ours. The AMA endorsement of this legislation, and the superficial changes added today do not change the fact that this ban still contains no provision to protect the health of the women like us.

Please vote "no" on HR1122.

Sincerely,

CLAUDIA CROWN ADES,
COREEN COSTELLO,
MARY-DOROTHY LINE,
VIKKI STELLA,
TAMMY WATTS.

CALIFORNIA MEDICAL ASSOCIATION,
Sacramento, CA, May 20, 1997.

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: We have reviewed the amendments to HR 1122 and believe that they make no substantive changes to the legislation. While the debate over late-term abortion is painful, both within the medical community and the general citizenry, we believe these decisions must be left to physicians and patients . . . acting together.

While late-term abortions may have occurred inappropriately in some instances, they have also saved women's lives and the health and well-being of many American families. In a society where values are assaulted on every side . . . and technology often seems to replace human relationship . . . the bond between healer and patient is ever more important. Passage of HR 1122 would be one more step in eroding that relationship. The California Medical Association is opposed to this bill and is saddened the debate appeals to the emotive, rather than the reasoning, segment of America.

Sincerely,

ROLLAND C. LOWE, M.D.,
President.

Mrs. BOXER. Mr. President, I say that we need to listen to these women. I say that we need to listen to these doctors. I say that the doctors who work with this every day of their lives know best. And I hope we will vote against the Santorum bill.

I reserve the remainder of our time on this side.

Mr. SANTORUM. Mr. President, I yield to the Senator from Indiana, who has done terrific work on this issue which deals with protecting children. He has been an outstanding spokesperson for a long time in the Senate.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank my friend from Pennsylvania for his kind words. The real credit goes to the Senator from Pennsylvania for his effective and unrelenting advocacy on behalf of life. The Senator has expressed in many, many ways and provided us with many, many facts that I think gives all of us pause and that has given us a reason to give great deliberation and consideration to this most fundamental of issues.

I also think it is appropriate to mention the efforts of Senator SMITH of New Hampshire who had the courage to come to this floor some time ago and introduce the Senate to a procedure none of us had ever heard of. He was vilified on this floor and in the press. He had the courage to raise an issue that many didn't want to talk about. We have come a long way since that day when Senator SMITH walked onto this floor.

We are close. And we clearly have a majority in both the House and the Senate now in favor of banning partial-birth abortion. We have more than a two-thirds majority necessary to override a Presidential veto in the House, and we are hopeful that we can achieve that level today. We will know at 2:15 this afternoon.

Mr. President, I think it is most appropriate that we are debating this issue on the Senate floor because we are talking about one of the most fundamental, if not the most fundamental, of all issues that we debate on this floor. That is the meaning of life itself. It is a right that is guaranteed or enunciated in our Declaration of Independence. It is labeled an inalienable right, meaning it is not created by government; it is not taken away by government; it is not the purview of government. It is an inalienable right, according to our Founding Fathers, the right to life being the very first enunciated, written—inalienable right, part of the very fabric of the foundation of this society, not endowed by government but endowed by the Creator. Over the 200-years-plus history of this country and of this Congress, we have had monumental civil rights debates, appropriate debates on the meaning of inclusion in the American experiment of what it means to be part of this greatest in all experiments in human history, of democracy, of being part of a system which allows each individual the dignity of being part, an equal part, of this democracy.

Great civil rights debates have taken place in this Chamber, the debates about allowing women equal opportunities, equal rights to vote, equal rights to participate in society, the rights of handicapped, reaching out and providing within the American experiment to include them, the weakest of our society, the most disadvantaged of our society. And now we come to the weakest of all, now we come to the most disadvantaged of all, those who have no voice of their own, those who have no political action committee, no caucus, no ability to march, to speak for themselves, but those who have every right to be included in this great experiment in democracy.

I do not know what the vote count is going to be this afternoon. I am obviously hoping it will exceed the 67 votes needed to overcome the President's intransigence on this issue, the President who pledged to the American people and to the Congress that he wanted abortion to be safe, legal and rare, the President who is confronted with the information that this is not a rare procedure, that this is a procedure that is done thousands and thousands of times mostly for the convenience not of the woman but of the abortionist, a procedure that is more convenient for the abortionist than it is recognizing concerns of women and certainly the rights of the child to live.

I do not know what that vote count is going to be, but win or lose, we have fundamentally altered the nature of this debate. Win or lose, we are now debating the meaning of life and the right to life in this society, and that is where the debate should have been centered and where the debate needs to be centered.

I am pleased that we have finally arrived at this point. I do not question the motives of other Members, those who vote for or those who vote against. That is why I did not question the motives of the minority leader when he stated that he thought we ought to engage in the debate on the viability of the child. It advances the debate one way or another. Some are skeptical about his efforts, about his amendment. I do not think it is an appropriate amendment because I thought the exceptions allowing the decision to be in the hands of the abortionist himself or herself was not appropriate to defining the right to life. But by placing in the Chamber the question of viability, we will now center the debate on what is the meaning of life. When does life begin? What are the rights of that life as well as the rights of the woman? So I am pleased that we have arrived at this point. As I said, win or lose, we are now focusing the debate where it ought to be.

Several years ago, Justice O'Connor made the statement that Roe versus Wade, the decision of the Court in Roe versus Wade, was on a collision course with medical science because medical science was demonstrating to us the viability of life at earlier and earlier ages. Sonograms, listening to heart beats, and the ability to perform fetal research, the protection of the infant in the mother's womb, and the rights of that infant in cases of negligence, in cases of attempted murder, in a whole number of areas of the law have demonstrated to us that there is a life with a heart beating within the womb of that mother, and that life deserves our consideration in terms of the protections that we give it.

Recently there has been a lot of talk about new discoveries of brain activity and a lot of focus on that, focus brought to this floor by those who say we must make sure we give children ages zero to 3 the right opportunities so that their brain can develop in ways that medical science tells us it needs to develop to a fully competent human being. We need to ensure that that takes place.

What medical science is also telling us and what we have not discussed on this floor is that we now know that brain activity exists much earlier than we thought. Never has the conflict between science and abortion been more dramatic than in the recent discoveries about the science of the brain. We know that a human embryo at 10 or 12 weeks after conception has astonishing brain activity. We know that by the fifth month of gestation the brain is fully wired, as the scientists say, with the connections between neurons largely complete. Astounding evidence. We know that these neurons are firing with impressive complexity once a minute, shaping the brain itself, and we know that when this process is interrupted by malnutrition or drug abuse or a virus, the results can follow a child its entire life, and we know that a child may be born knowing the distinctive sound of its mother's and father's voices. In short, our mental development, not just our physical development, the mental development, the process of learning begins well before birth.

If we look at the evidence—not the rhetoric, not the anecdotes, but the evidence, the facts—it is increasingly evident that human life is a continuum in which birth is really not a particularly decisive moment. An essential part of who each of us is, who we are, including the shape of our minds, is determined even before we are born. Even those who do not call themselves pro-life have to find this a troubling experience and troubling knowledge. They have to because abortion not only destroys the body; it extinguishes a complex, developed mind. This point, I think, has particular relevance in this debate on partial-birth abortion because the very procedure itself destroys the brain. Yes, it kills the body, but when we understand the complexity of that brain, when we understand the development of that brain, mostly fully wired at the point of termination, we have to understand that plunging a scissors into the back of that skull and sucking out the brain has enormous implications.

Mr. President, I ask for just 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. So here we are on this floor debating something that is very much in the role of the Senate. If it is not in the role of a Senator to make moral judgments, then we might as well close the place up because there is very little else to do. Most of what we do here has moral implications. There are some things that do not, but most things do. If that is the case, then I think a lot of people are going to have to remove their names from sponsorship of legislation that mandates mammograms for women under a certain age. Some Senators are going to have to remove their names from support for laws that require 48-hour hospital stays after birth. Some Senators are going to have to remove their support for laws and legislation that condemns genital mutilation. Are those not medical procedures? So if we are going to leave all that to the world outside of this Chamber, I think a lot of Senators are going to have to rethink their positions on a lot of issues.

I also think it is inappropriate to suggest that this is some kind of male conspiracy against women. I think when the vote is taken today, we will see women voting to terminate this procedure. I think when the polls are taken and women are addressed throughout our society, we will find there are as many women in opposition to this procedure and in abhorrence of this procedure as there are men.

It is also wrong to say that this is only some kind of a pro-life Senate movement. There are a number of people here who have openly stated they are pro-choice Senators but are voting to ban this procedure. So let us tone down the accusations and let us deal with the facts.

I think the facts and medical science that have been presented to us so outstandingly by the Senator from Pennsylvania need to be carefully considered by each and every one of us. A civil right to the weakest among us, the inalienable right to life as enunciated in the most fundamental of all the documents of democracy, our Declaration of Independence, can be honored here today by our vote to ban this procedure.

Mr. President, I thank the Senator from Pennsylvania particularly for his outstanding work and yield back whatever time I have remaining.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, if you will notify me when I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator has 14 minutes and will be notified by the Chair when 4 minutes are remaining.

Mr. SANTORUM. I thank the Chair. I thank the Senator from Indiana for his excellent work. I want to address a couple issues the Senator from California raised.

One, she mentioned support of the American College of Gynecologists. I have 50 letters here from fellows of that organization who are outraged at the organization for the position they have taken. We have a group of over 500 obstetricians and gynecologists who have signed on saying they are supporting the ban on partial-birth abortions and are also outraged at the position taken by the board here in Washington that was not voted on by the general membership.

So I just suggest that this, as the Senator from California noted but I want to reemphasize, is not speaking for all physicians, certainly not all obstetricians and gynecologists, because we have read plenty of statements from them as to why this procedure is never medically necessary.

She went through her facts. Let me tell you the first fact. This is not about abortion. This is about infanticide. This is about taking a baby that is born, in the process of being born, four-fifths outside of the mother, moving outside of the mother and killing that baby. We can talk about abortion. I know the Senator likes to get it back to the issue of abortion. The reason we believe, as I just read a letter from 62 law professors, it is not governed by Roe versus Wade is because the baby now has rights. It is being born. So do not keep focusing back on this issue of abortion. This is about infanticide.

If the Senate today does not muster up the moral courage for 67 votes, it will be validating infanticide—not the woman's right to choose, infanticide.

As one of the listed facts, the Senator from California said the fact is this procedure is done by obstetricians and gynecologists acting in the best interests of the mother to save her life or health. That is not a fact, and we all know that. Even people who support the position of the Senator from California know that is not a fact, admit it is not a fact. It is very difficult to get engaged in a real debate when the other side keeps using misinformation about what is going on here.

Ron Fitzsimmons, the director of an association of 200 clinics, said that 90 percent of the abortions done, partial-birth abortions done, are done on healthy mothers and healthy babies in the 5th and 6th months of pregnancy for birth control reasons.

Now, that is not, as the Senator from California suggested, a procedure done by obstetricians and gynecologists.

Let me make a parenthetical remark there. This procedure was not invented by an obstetrician or gynecologist. It was invented by a family practitioner who does abortions. Obstetricians and gynecologists do not do this procedure. This is not done in hospitals. It is done in clinics, not by, in many cases, obstetricians and gynecologists. So to suggest that this procedure is done by obstetricians and gynecologists acting in the best interests of the mother and that's the fact is not in fact the case.

This is done by abortionists—some of whom are obstetricians, many of whom are not—who perform in clinics, not in hospitals, who do it on healthy mothers and healthy babies. Those are the facts. That is why this is such a troubling debate today. That is why we have seen the movement across this country and in the Senate today, because the alleged facts that the Senator from California was offering again as the truth muddy the waters a little bit. But now we know what the real truth is from people who support her position. But yet we keep hearing these repeated allegations that have no basis in reality anymore, but they still find themselves on the Senate floor as a defense for an indefensible procedure, and this procedure is indefensible.

Mr. President, we have heard comments about women who suffered with a pregnancy that had gone tragic. Let me first say that my heart goes out to each and every one of the people whose picture we have seen displayed on the floor of the Senate. I know, I know personally the difficulty that these families face with a child that you hoped for and dreamed for and had something go wrong; that a life that you had hoped to be with and to mother and father would be cut short. I know what they went through.

I am just suggesting that the fact that the women came to testify, not the doctors, tells you something about the medical reality of what occurred. You have not seen any of these doctors who did these procedures come to the U.S. Senate, the House, or anyplace in a public arena and talk about what they did, because they know that they would not stand the light of day in front of any peer review. In fact, none of these procedures is peer reviewed. None of them is peer reviewed. None of these cases has been peer reviewed, none of them. They would not open up to any discussion by other experts in the field as to whether they acted correctly.

That is the problem, you see. We hide behind the emotion, and it is real, tragic, and I empathize, but we are hiding behind emotion when we are talking about the life and death of little babies. We owe it to them, we owe it to these mothers who are dealing with these tragic situations today to talk about the facts, to let the light shine in as to what are really the options, what is really necessary, not to hide behind pictures and emotional pleas that have no basis in medical fact, in medical practice.

I will give you a counterexample. This is a little baby girl, named Donna Joy Watts, who was born with hydrocephaly, the same condition that some of the children of the people Senator BOXER shared had. Her mother and father, Lori and Donny Watts, refused to abort this child. The genetics counselor and the obstetrician suggested a partial-birth abortion for this little baby. They said she couldn't survive, she wouldn't live. She had to go to four hospitals—four places—just to get this baby delivered. They wouldn't deliver her baby.

We worry so much about the right to choose. How about the right to choose life, to give your baby a chance? Well, Donny and Lori fought for this chance. This baby was born finally by cesarean section. And, by the way, the issue of future fertility, we hear that a lot, Lori and Donny now have another little baby. But this little baby was born and hooked up to IV's to give hydration to, water to, and for 3 days. These doctors, who will never come to testify before the Congress, all these doctors who recommend abortion, who never come to justify before a peer review panel what they do, called this little baby lying there breathing a fetus for 3 days. Do you want to know what some of the obstetricians and gynecologists think about little babies who are just not perfect? They called this baby a fetus 3 days after it was born. It is not a fetus, it is a baby. What they wanted to do was kill this baby by stabbing her in the base of her skull and suctioning her brains out, and Lori and Donny said no.

Through a lot of hard work, a lot of pain, a lot of suffering, a lot of forcing them to treat her daughter because they wouldn't treat her for 3 days, 5½ years later, this is little Donna Joy Watts, who is in my office right now. She would have been up in the gallery of the Senate were it not for the objection of the Senator from California prohibiting her from being there. She is in my office and watching this debate. She is watching to see whether the U.S. Senate is going to allow other doctors to misinform their mommies and daddies so we won't have other little Donna Joy Wattses to be with us, to ennoble us, to give us pride in our culture and in our civilization, that we care even for those who are like little Donna Joy—who runs around and plays in my office, who colors with my kids—but just didn't have the chance.

I reserve the remainder of my time.

The PRESIDING OFFICER. Four minutes are reserved. Who seeks time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask that I be allotted such time as I may consume in the remaining time.

The PRESIDING OFFICER. Five minutes is remaining.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I myself find this a sad day. In a sense, it is a watershed debate, and I very much fear it is the first major legislative thrust to set this Nation back 30 years with respect to freedom of choice.

I am going to speak about what freedom of choice really means. Essentially, to me it means that government will not become involved in these most intimate decisions that a woman has to make, not become involved in legislating a woman's reproductive system, what she must do, when she must do it, and how she must do it, but that government will essentially leave those intimate decisions to the physician, to a woman, to her faith, and to medicine. And here we have the Congress of the United States essentially saying that every woman in this country who may find out in her third trimester that she has a horribly, severely deformed child with anomalies incompatible with life, and if that child can be born, even if it is a major threat to her health, she must deliver that child.

Unfortunately, no Member of this body is going to be present, no Member of this body is going to hold that mother's hand and tell her that it is OK if she jeopardizes her health perhaps for the rest of her life. No Member of this Congress is going to be present in that delivery room and see a child who is incompatible with life, a baby that may not have a brain, a baby that may have a brain outside the head or other major physical anomalies. No Member of this Congress will be there to see that child delivered to live an hour, 6 hours, a day, 4 days and then die, and the woman's health may be seriously, adversely harmed in a major way for the rest of her life. No one will be there. No one will say, "I'm so sorry, I didn't know about you when I cast this vote."

We are all accustomed to legislating, and when we legislate, we legislate for a majority, not for the exception. We legislate with some knowledge, or should, of what we are doing. But I think in this case, it is a very skewed knowledge. It is based on a case that the distinguished Senator from Pennsylvania put forward of a young woman who I believe could have and would have been born in any event and saying that this one case typifies all mothers that we are talking about. In fact, it doesn't.

I must express my profound dismay. My father was chief of surgery at the University of California Medical Center. My husband, Bert Feinstein, was a distinguished neurosurgeon. And all my life, I have lived in a medical family. As I read the AMA's letter, essentially what they are doing is providing some protection for doctors, but they are doing nothing to see that a woman's health is protected, and I feel very badly about that. Both my husband and my father were members of the American Medical Association.

I take some heart in letters from the California Medical Association which indicate their opposition to this legislation and clearly state that they believe the amended legislation before us today falls very short of the mark. They indicate their strong opposition to this bill. I ask unanimous consent to include in the RECORD two letters I received from the California Medical Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CALIFORNIA MEDICAL ASSOCIATION,
San Francisco, CA, May 20, 1997.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: We have reviewed the amendments to HR 1122 and believe that they make no substantive changes to the legislation. While the debate over late-term abortion is painful, both within the medical community and the general citizenry, we believe these decisions must be left to physicians and patients . . . acting together.

While late-term abortions may have occurred inappropriately in some instances, they have also saved women's lives and the health and well-being of many American families. In a society where values are assaulted on every side . . . the bond between healer and patient is ever more important. Passages of HR 1122 would be one more step in eroding that relationship. The California Medical Association is opposed to this bill and is saddened the debate appeals to the emotive, rather than the reasoning, segment of America.

Sincerely,

ROLAND C. LOWE, M.D.,
President.

CALIFORNIA MEDICAL ASSOCIATION,
San Francisco, CA, May 14, 1997.

Re opposition to H.R. 1122.

Senator DIANNE FEINSTEIN,
Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR FEINSTEIN: The California Medical Association is writing to express its strong opposition to Congressional intrusion into the physician-patient relationship, as exemplified by the above-referenced bill, which would ban "partial-birth abortions." We believe that it is wholly inappropriate for a legislature to make decisions which prevent physicians from providing appropriate medical care to their patients. Physicians must be allowed to exercise their professional judgment when determining which treatment or procedure will best serve their patients' medical needs.

The obstetricians and gynecologists have already eloquently expressed the medical justifications for this procedure in rare but very real circumstances. CMA certainly does not advocate the performance of elective abortions in the last stage of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary.

CMA respects the concern that performing this type of abortion procedure late in a pregnancy is a very serious matter. However, political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients. CMA opposes any legislation, state or federal, that denies a pregnant woman and her physician the ability to make medically appropriate decisions about the course of her medical care. The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care. It would set a very undesirable precedent if Congress were by legislative fiat to decide such matters. The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge.

CMA urges you to defeat this bill. Many of the patients who would seek the procedure are already in great personal turmoil. Their physical and emotional trauma should not be compounded by an oppressive law that is devoid of scientific justification.

Sincerely,

ROLLAND C. LOWE,
President.

Mrs. FEINSTEIN. Mr. President, I believe the California Medical Association still represents the largest group of physicians anywhere in this Nation. No one seems to care about the Constitution, that this bill constitutes a direct challenge to the Roe versus Wade Supreme Court decision. The Supreme Court held that in Roe, a woman has a constitutional right to choose whether or not to have an abortion. It set for the different trimesters, some specific limitations on that right, that before viability, abortion cannot be banned; after viability, the Government can prohibit abortion, except when necessary to protect a woman's life or health.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. This bill, the bill before us, says the woman's health doesn't matter, it is of no consideration. I must tell you, to me a woman's health matters. It should be of direct consideration.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. So I will vote no on this bill, and I really regret that this day is upon us. I thank the Chair.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I just suggest the American Medical Association and the other hundreds of doctors understand the point that seems to elude the Members of this Chamber. By outlawing this procedure they are, in fact, protecting the health of the mother, because this is an unhealthy procedure, this is a dangerous procedure. This procedure, as said by over 500 physicians "is never medically necessary, in order to preserve a woman's life, health or future fertility, to deliberately kill an unborn child in the second and third trimester, and certainly not by mostly delivering the child before putting him or her to death."

I will quote another obstetrician/gynecologist, Dr. Camilla Hersh:

> Any proponent of such a dangerous procedure is at least seriously misinformed about medical reality or at worst so consumed by narrow minded "abortion-at-any-cost" activism to be criminally negligent.

What we are doing here is, in fact, advocating for the life health of the mother by banning a procedure which is a rogue procedure, not performed at hospitals, performed at abortion clinics, not even performed by obstetricians, invented by someone who is not an obstetrician. That is why the AMA wrote to me yesterday supporting H.R. 1122 as it now appears on the floor of the U.S. Senate saying:

> Thank you for the opportunity to work with you toward restriction of a procedure we all agree is not good medicine.

In other words, it is not in the interest of the health or life of the mother to do this procedure. It is wrong to do this procedure. It is immoral to do this procedure because you are killing a little baby. You are killing a baby that is fourth-fifths born, that is moving outside of its mother. How can we accept that when there are other options available?

As I suggested before, here is living proof of other options available: a little girl who is here today on Capitol Hill, who will be right out here by the elevators during that vote. I ask Members to go over and to look into her eyes, to talk to her, because if her parents would have listened to all the expert doctors who knew what was best for their child, she wouldn't be here today.

She would have had this brutality, this violence, this vile procedure done on this innocent little girl who now walks and talks and writes notes—"Donna" with a hand there, reaching out asking that this procedure not be made available, so little girls like her, little boys like her, be given a chance at life.

The Senator from California said, these kids who are not well enough to make it. Who are we to decide whether they are well enough to make it? Who are we to say they should die because they are not perfect?

Give them a chance. Give them the dignity of being born and brought into this world with love, not violence and brutality. Give them a chance. Give them a chance.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess now until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:01 p.m., recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SMITH of New Hampshire).

PARTIAL-BIRTH ABORTION BAN ACT OF 1997

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 1122, as amended.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced— yeas 64, nays 36, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—64

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kyl
Landrieu
Leahy
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—36

Akaka
Baucus
Bingaman
Boxer
Bryan
Bumpers
Chafee
Cleland
Collins
Dodd
Durbin
Feingold
Feinstein
Glenn
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Robb
Rockefeller
Sarbanes
Snowe
Torricelli
Wellstone
Wyden

The bill (H.R. 1122), as amended, was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I wish to explain my vote today on H.R. 1122, the partial-birth abortion ban.

As with many of my colleagues, this was not an easy decision. Virtually every Senator who has participated in the debate has noted his or her abhorrence to the procedure.

I respect the views of Senators on either side of this issue. I have chosen to speak after the vote because this is a decision each Senator must decide for himself or herself.

My own decision was not easy, in part, because this bill may have no practical effect on abortions in this country. It is likely that doctors wishing to perform later-term abortions will simply choose another option.

As I repeated last week, this is not a ban of abortion; it is a ban of a specific procedure.

It is not an easy decision because I favor a woman's right to consult the physician of her choice to decide the most appropriate course of action on matters directly affecting her health and her most personal circumstances.

This decision was not easy because, in spite of the personal nature of this debate, its complexity, the medical repercussions, and its seriousness, this issue has become politicized to the extent that much of the rhetoric has substantially diminished the potential for real discourse on such an important matter.

The result is that sincere efforts to find common ground have been labeled as "shams," as "political cover," and "deceptive" by many who passed judgment without having even read the legislation.

Perhaps because my expectations were much too high, my greatest disappointment is reserved for some officials in the Catholic Church, especially in my State, for whom I had great respect and from whom I was given initial encouragement for my efforts. Their harsh rhetoric and vitriolic characterizations, usually more identified with the radical right than with thoughtful religious leadership, proved to be a consequential impediment to the decision which I have made today. It was most instructive.

This was not an easy decision, because it is highly likely that H.R. 1122 will be declared unconstitutional should it be enacted into law.

The Supreme Court has been very clear in regard to two issues concerning abortion.

First, prior to the viability of a fetus, a woman's ability to choose to terminate her pregnancy is a fundamental constitutional right and cannot be abrogated. The Court has ruled that the Government cannot impose an undue burden on a woman who wishes to terminate her pregnancy with an abortion, prior to the viability of the fetus. Second, that after a fetus is determined to be viable, it can be given protection, so long as it does not endanger the life or health of the mother.

On both principles, the bill just passed appears to be in conflict with numerous Supreme Court rulings.

Yet in spite of the difficulty in coming to my decision, I voted in favor of its passage because I still desire to find common ground with those outside the extremes who truly hope to resolve the issue in a constructive and meaningful way.

I will continue to insist that any common ground approach fall within the constitutional parameters which protect a woman and respect the legitimate concerns for her health. But I will consider other proposals which accommodate that need in a manner more effective than mine.

My hope is that we can get beyond this debate to find a lasting, more acceptable legislative response. Recurring efforts to pass and veto a bill which is likely to be found to be unconstitutional only delays meaningful progress in an effort to ban not just one procedure but all of them once a fetus is viable.

Failure to find common ground leaves little choice but to accelerate the legislative process to allow the earliest review of the law by the Supreme Court. Its determination of the questionable constitutionality of this approach will guide us and will certainly force those unwilling to compromise now to a more conciliatory position later.

Our Nation must find the solution to this deeply vexing, moral problem which has persisted in dividing us.

Let us not give up hope.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

RILEY ANNE CZARTORYSKI

Mr. CRAIG. Mr. President, I certainly respect the comments of my colleague, and I will leave it at that because at this moment I would like to announce to my fellow Senators a joyous event in my family.

Yesterday afternoon at 4:46 my daughter, Shae Czartoryski, with the help of her husband Jeff, gave birth to our first grandchild—Suzanne Craig's and Larry Craig's first grandchild—a beautiful baby girl by the name of Riley Anne Czartoryski. She came in at 6 pounds 6 ounces, and 20½ inches long, and yelling her head off.

We are just tickled pink about that.

So, as we talk about life and as we talk about joy, I wanted to share with all of you today a joy in my life, my first grandchild, the first grandchild of our family.

I thank the Chair.

THE PARTIAL BIRTH ABORTION BAN ACT

Mr. DORGAN. Mr. President, I supported passage of the Partial-Birth Abortion Ban Act when it was considered during the 104th Congress and I supported overriding the President's veto of that measure. Today, I again voted in favor of this legislation.

My position on abortion issues is clear. I have consistently stated that I would not support overturning the Supreme Court's decision in Roe versus Wade. I support a women's right to have an abortion. I do not think we should turn back the clock and make abortion illegal, but we should work in every way to reduce the number of abortions that are performed.

I have also cast votes in Congress in opposition to using Federal funds to pay for abortions except in cases of life endangerment, rape, or incest.

Today, the Senate again voted on legislation which would prohibit a physician from performing partial-birth abortions, a procedure in which a fetus is delivered into the birth canal before its skull is collapsed and delivery is completed. This legislation contains a provision which would make an exception for partial-birth abortions that are necessary to save the life of the mother in cases in which no other medical procedure would suffice.

After careful thought about this issue, I have concluded that I simply cannot justify the use of this specific procedure to terminate pregnancies in which the mother's life is not at stake. For this reason, I voted to support the ban on partial-birth abortions, and I hope that the President will reconsider his decision to veto this measure and sign it into law.

Mrs. MURRAY. Mr. President, I rise today to express deep regret at the passage of H.R. 1122, the so-called partial-birth abortion bill. I find it appalling that the U.S. Senate will enact legislation that is not just an attack on choice, but more importantly an assault on a woman's reproductive health.

I had hoped that the Daschle amendment, which I cosponsored, would address the alleged concerns about unnecessary abortions being performed after viability. This amendment was a reasonable approach and would have met the State objective of preventing late-term abortions on healthy fetuses when there was no serious threat to the life or health of the mother. However, it has become obvious what the real agenda is; to chip away at the guarantees and protections afforded to all women by the Supreme Court. Those on the other side have now solicited the American Medical Association [AMA] in their efforts to undermine Roe versus Wade and to jeopardize the health of women.

The AMA has simply cut a deal which unfortunately does not include women's reproductive health. They have acted in such a way to protect their interests and not the interest of their patients. Their announcement does not in any way change the intent of this legislation nor does it do anything to address the concerns about women's health. It is simply a political, calculated decision.

During the 104th Congress, there were 53 floor votes attacking reproductive health. Today's vote is simply a continuation of this attack. In the 104th Congress we witnessed attacks on title X, international family planning, and access to save and legal abortion coverage for Federal employees and military personnel. This is not about preventing late-term abortions, this is about preventing a women's and physician's right to determine their own health care needs. They will not stop here. This attack will continue until all abortions, regardless of viability or the life and health of the mother are illegal. Today, we have taken a huge step backward.

Since joining the Senate Labor and Human Resources Committee, I have heard from numerous groups representing physicians and from numerous doctors from Washington State. I have been told repeatedly that Congress must act to prevent the further eroding of the patient-doctor relationship currently taking place in the managed care delivery system. I have heard numerous stories about physicians who are unable to prescribe the appropriate treatment for their patients because insurance companies have determined this treatment too costly or not necessary. I have always agreed that doctors should be making health care decisions, not insurance companies. I now am baffled as to why the AMA would want the U.S. Congress to dictate what treatment options physicians can use to save the life and health of their female patients. Today's action invites the U.S. Congress into the operating room and appears to have the blessing of the AMA.

I am grateful that there is one last line of defense; the President's veto. I am hopeful that the President will act swiftly to veto this offensive and threatening legislation and that we will do the right thing and sustain this veto.

Mr. ENZI addressed the Chair.

THE PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. I thank the Chair.

(The remarks of Mr. ENZI pertaining to the introduction of S. 765 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Concurrent Resolution 27, the concurrent budget resolution, and I might indicate that we conferred with the ranking minority member and he concurs in this consent request.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 27) setting forth the congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted during consideration of the fiscal year 1998 concurrent resolution on the budget and any conference report thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent for full floor privileges be granted to the following members of the Budget Committee staff: Austin Smythe and Ann Miller.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. That is for the duration of the discussion on the resolution.

I ask unanimous consent that the staff of the Senate Committee on the Budget including congressional fellows and detailees from the executive branch named on the list I now send to the desk be permitted to remain on the Senate floor during consideration of Senate Concurrent Resolution 27 and any conference report thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows.

Senate Budget Committee—Majority Staff Title List

Scott Burnison, Budget Analyst.
Amy Call, Communications Assistant.
Jim Capretta, Sr. Policy Analyst.
Lisa Cieplak, Sr. Analyst for Education and Social Services.
Kay Davies, Legislative Counsel.
Kathleen Dorn, Administrative Director.
Beth Smerko Felder, Chief Counsel.
Alice Grant, Analyst for International Affairs.
Jim Hearn, Sr. Analyst for Government Finance and Management.
G. William Hoagland, Majority Staff Director.
Carole McGuire, Assistant Staff Director, Director of Appropriations Activities.
Anne Miller, Director of Budget Review.
Mieko Nakabayashi, Staff Assistant.
Cheri Reidy, Sr. Analyst for Budget Review.
Ricardo Rel, Sr. Analyst for Agriculture and Natural Resources & Community Development.
Karen Ricoy, Legal Assistant.
Brian Riley, Sr. Analyst for Transportation and Science
Michael Ruffner, Sr. Analyst for Income Security and Veterans.
Andrea Shank, Staff Assistant.
Amy Smith, Chief Economist.
Austin Smythe, Assistant Staff Director, Director of Budget Process and Energy.
Bob Stevenson, Communications Director.
Marc Sumerlin, Fellow.
Winslow Wheeler, Analyst for Defense.

Mr. DOMENICI. Mr. President, I note the presence of Senator LAUTENBERG in the Chamber and I wonder if he might join with me in at least discussing with the Senate how we might try together to be as helpful to fellow Senators yet move this resolution along as expeditiously as possible.

From my standpoint, I do not believe my opening remarks and the opening remarks of any Members that I am aware of who want to speak in favor of the resolution should take any longer than 1 hour. I am not holding anyone to that but just sort of indicating to the Senate that is the way I kind of see the time elapsing, to be exchanged side by side, one on the Democrat side and one on ours. But I think we need about 1 hour in that regard. Does the Senator have any idea in reference to that side?

Mr. LAUTENBERG. Mr. President, I thank the chairman of the Budget Committee for the way in which cooperation has taken place. Both of us and our staffs have worked cooperatively together to get this done, and we now arrive at the point before giving our formal statements where we are about to begin the debate that counts the most, going beyond the discussions we have had within the committee.

I have had several requests for people who would like to make opening statements. I think I probably need 20 to 25 minutes on my own. I do not know how long the distinguished chairman of the committee is going to take for his statement, but I would think that an hour might be on the short side of things.

So, Mr. President, I hope that we could give enough of our colleagues a chance to air their views. It is my fervent hope we will be able to conclude our business before the full 50 hours are used. I also hope that we can get this budget agreement passed. We have a historic opportunity to work together on something that I think the American people want to see, a bipartisan effort to reduce our annual deficit to zero. I think we accomplished that, and I hope the amendments will be those we can discuss honestly, having votes where required and move on with the business of the country.

Mr. DOMENICI. Let me try this. I know that in our conference the leader, Senator TRENT LOTT, suggested we will be voting tonight and that we will be in here late and that is because we expect amendments. There may have to be a window of a couple of hours from 6 to 8 because of some event on that side of the aisle and likewise tomorrow night some window but we do intend to stay in late. I would be willing to accommodate Senators in any way possible, but we need Senators to begin to bring amendments down as soon as possible.

Mr. LAUTENBERG. Absolutely.

Mr. DOMENICI. I am going to suggest if a Senator has amendments ready to go, even if we have not finished our opening remarks, other than the Senator's and mine, we ought to welcome them to the floor and proceed.

Mr. LAUTENBERG. In response to the need to get business done here, our leader asked at the caucus that people get their amendments up early this afternoon, at least let us know what amendments are coming so we can deal with them, and move on with the business. Meanwhile, I have alerted my colleagues on the Democratic side to the fact that we will be accepting opening statements this afternoon and those who want to make them are welcome to do so, I think under the structure of our understanding.

Mr. DOMENICI. Mr. President, first I thank my friend, Senator LAUTENBERG, for those remarks. Fellow Senators from either side of the aisle, if you have amendments, it would really be helping the Senate with its work if you would let us know about your amendments. We have about five or six already that we are aware of, and we will start sharing those with the Senator from New Jersey so that he will know about them. If the Senator will do the same with us, it will be very helpful.

Mr. LAUTENBERG. We have reason to believe there are about a half a dozen presently listed. We will confirm that.

Mr. DOMENICI. All right.

Mr. President, I want to thank and compliment a few people before I proceed to my substantive remarks. First and foremost, I thank Senator TRENT LOTT, the majority leader of the Senate. He has exhibited a rare determination and real dedication and commitment to trying to get a bipartisan budget resolution through so that the Congress could do the work of the people this year and do as much of it together as we possibly could.

I thank the Democratic leadership, at least the Democratic leadership in the Senate, for their work in behalf of this resolution. Senator DASCHLE has been extremely helpful. On the Democrat side, Senator LAUTENBERG, Senator FRANK LAUTENBERG of New Jersey, has been extremely helpful. He has worked hard. And together we intend to get this budget resolution out of here as close as possible to the form approved by the committee yesterday afternoon, by as overwhelming a vote as we could expect, 17 to 4, and I believe this morning the vote finished up at 17 to 5. So there were 17 Senators from both sides of the aisle and 5 against.

I thank President Clinton and his negotiators, the President personally for his insistence we stay with it and for his early determinations made to this Senator and to Senator LOTT that he wanted to proceed to try to do this.

Obviously, there are many other people who were very important. I am not going to name them all here now but in due course we will try to do that.

Let me say to those listening today that 2 weeks ago we announced in the rotunda that Republicans and Democrats had reached an important agreement on a bipartisan budget plan. That announcement represented a crucial step in both sides coming together to produce a budget in the best interests of the American people.

Yesterday, the Senate Budget Committee took the next step and approved this bipartisan plan, and I sincerely hope this body will follow suit and pass this agreement within the next day or two at the most.

Because the real winners in this budget are the American working families, this budget will lead to reduced Federal spending, the largest tax cut since 1981, and ultimately to lower interest rates that will mean more and better paying jobs.

Moreover, this agreement responds to the American people who clearly sent a message in the last election, tough elections for many Members with many issues, but I believe there was one unmistakable resonance through that campaign across America. I think the people said work together when the interests of the American people are at stake, work together when the issues are American. Do not fight all the time. So we have done just that. A year will find this Congress on opposite sides in the best tradition of debate, disagreeing with each other. Ultimately, parts of the implementation of this budget will find us disagreeing, but the truth is we have taken, yesterday afternoon, the first real step in saying to the American people we accept your request, in many cases your desire and your begging us to work together, and we have done just that. And in doing so we have produced a compromise that I believe will improve the lives of families today while providing a better future for tomorrow.

It will mean, when it is all finished, the first balanced budget in 30 years. It will mean $135 billion in gross tax relief over 5 years. Included in this will be a capital gains tax differential, obviously a child tax credit, and other things that both sides have talked about. Clearly, it will include some of the President's tax requests with reference to education, higher education and some of the ideas he has enacted.

Now, a budget resolution does not tell anybody precisely what these are. The committees that have to write the law will do that. But what we do give them is a flow of taxes over the years saying how much they can cut each year, and at the end of 5 years they will have a gross revenue number of $135 billion in new tax cuts. We have also agreed, the leadership has, that over 10 years just in the normal sequence of things that body of new taxes will amount to $250 billion in permanent reductions over a 10-year period.

I believe those two are pretty good propositions that many Americans would support, but we do not want to stop there. We have made adjustments to the trust fund for senior citizens under Medicare such that it will be solvent for about 10 years. That provides Americans, American leadership with ample opportunity to permanently reform the Medicare system. It also without question provides more options for the Medicare plan which can be adopted as part of this agreement by the Finance Committee and its counterpart in the House. Ten years of solvency for Medicare while providing more choice is, indeed, accomplishing something significant.

Entitlement reforms over the next 10 years including those that will be found in Medicare amount to about $630 billion over the next 10 years. Some of these might be challenged by Members and we are willing to debate them. But it is obvious that the entitlement package we are used to in our country will grow far less because of this budget resolution than if we had left everything alone. Funding for White House and Republican domestic priorities and Democratic priorities including education, transportation, housing, environment, crime control, and science programs have been provided for.

All of those will be in the ascendancy, and all of those will be deemed priorities so that the Appropriations Committee will have the full support of the leadership in funding these items at a higher level, including, if I did not mention, the basic environmental protection funding for the United States.

(Mr. KEMPTHORNE assumed the chair.)

Mr. DOMENICI. Mr. President, passing this Balanced Budget Act of 1997 will force the Federal Government to finally live within its means. It makes permanent change that will reduce Government spending by some $320 billion in the next 5 years and more than $1 trillion over the next decade.

The agreement will also give families relief by cutting gross taxes, as I have indicated before, by $135 billion in the first 5 years and gross taxes by as much as $350 billion over 10 years.

Seniors can be assured that Medicare will remain solvent, ensuring this solvency for 10 years by enacting reforms that slow the growth of spending while providing seniors with more choices, which is what we need in the Medicare system. But nobody should assume that this budget resolution, and I would be prepared as one who knows a bit about budget resolutions, neither this nor any budget resolution will be the vehicle to provide permanent, long-term major reform of the Medicare system which is going to be needed within the next 5 to 6 to 7 years to meet what everybody understands is a very, very large population increase, where the demographics begin to change dramatically because of the baby boomers. We do not have a plan. This budget is not a plan to make Medicare solvent for that kind of change. Anybody who thought it should be has a mistaken understanding of what you can do in a budget resolution. But we did a lot, because it is done on a bipartisan basis and with the President.

This overall plan will shrink Government, making most of the programs leaner and more efficient. Medicaid, Federal retirement, housing, veterans, student loans programs are just some of those that will be targeted for reform and savings, while overall spending will be reduced, as I have indicated, over 10 years by an excess of $1 trillion. We have added money to protect priorities, and so those priorities that I have mentioned find themselves this time in this budget resolution, and the agreement that attends it finds modest but necessary increases for education, transportation, anticrime, environment, and science.

Contrasted with other budget resolutions, wherein these kinds of ideas would be nothing more than telling the Appropriations Committee what we hope would happen, we have entered into a very major bipartisan leadership agreement, which I will hold up here, and eventually it will be made a part of the RECORD, entitled the "Bipartisan Agreement on the Budget," dated May 15, between the President and the leadership of Congress. It contains the summary tables, the description of agreements by major category, both in the discretionary programs and the mandatory and budget process reforms that have been agreed to that will have to work their way through the various bills, Mr. President, as they find themselves reported by the various committees.

There are also two letters pertaining to the taxes which were executed by the Republican leaders of the House and Senate directed to the committee chairmen and the President indicating the situation regarding the tax cuts. Once again, I know those listening would like for those of us who write a budget to tell them exactly what the capital gains tax will be. We don't know that. We know it will be significantly reduced. Exactly when the $500 child care credit will be totally implemented we cannot tell you, but it will be, because, with all of the tax proposals, it may be that some have to wait a little bit and others will start more quickly, but that will be done. Some education tax relief for middle-income Americans who are sending children to college as part of the President's request is included in the letter of agreement as to what our committees will work on as they carry out and implement this budget.

It should be pointed out that this is the first time we have ever had such an agreement, and that means that those of us in the bipartisan leadership and those who worked on this committee, my Democratic counterpart and I, have a very serious responsibility to see we try to carry out on the floor of the Senate not only the budget resolution, but the terms of the agreement as it applies to the budget resolution. We will try that, yet we will have the Senate working its will in its normal manner for the next couple of days.

I am sure there will be many very, very difficult votes. I myself believe the budget is about as good as we are going to get it. It is now agreed to by Democrats and Republicans and the President. I believe before we finish, it will receive an overwhelming vote of support, and we will just have to wait and see whether that prediction is true or not.

We have also agreed in two areas to deal with some problems in society that needed some attention, and let me address the two in a general way.

First of all, it is obvious that even with Medicaid, which should cover many of our children, poor children, there are a lot of American children who have no health insurance. We have agreed to put money into two programs, and in the basic agreement that we have with the President, it is spelled out that over the next 5 years, $16 billion will be spent in an effort to cover all children in America who are not covered. There is a lot of leeway on the part of the committees to write that, but it is obvious that there will be added moneys for Medicaid so that they can pick up many of the children who are not covered. There are additional resources in there for a program that will go back to the States, a partnership arrangement, where the States will receive our money and match it and try to cover other children in their own way as they manage the programs in the best possible way.

That is one area that we agreed needed coverage, and I am pleased to say my own polling of Republicans, not a whip check or anything, indicates there are many of them who want to do that. The question remains, how do we do it best and what will it ultimately cost? But we have provided the $16 billion that goes to the committee of jurisdiction to do the very best job they can.

We also found in the U.S. Senate not too many days ago on an appropriations bill presented by Senator STEVENS that the Senate voted by a huge margin to continue coverage for a group of legal—legal—residents of the United States who happened to come here as immigrants in a legal manner and remain here legally but are not American citizens. They come under an American program of generosity, which permits family reunification. Many of them come here as grandparents and parents. The program has broken down because the sponsors who are supposed to take care of them have not taken care of them, and the law intended to do that has not been enforced for years. As a result, there are more than a few thousand disabled senior Americans who are here as legal immigrants who are getting an SSI check every month. This budget resolution says we are providing sufficient funds so that those people will not drop off the rolls automatically on a date certain as contemplated under last year's law but will continue coverage so long as they live.

We have also said if there are Americans of the same condition that are here under the same circumstance that I described, if they reach the time when they are both senior and disabled, they would be entitled to SSI. But that ends the pool. In the future, any newcomers under these rules will have to rely upon their sponsors, and we wrote strong laws last year to make the sponsors more responsible.

Those are the two major areas of additional expenditures that we have put in place and agreed with the President on.

I will just make a few comparisons by dollars and show those who are paying any attention what we are talking about.

While some accounts are protected, as I indicated, the emphasis in this plan is clear: For every new $1 added to the budget, it is reduced by $15. For every new $1 in spending, there is roughly $3.50 in tax cuts.

This displays in a very vivid manner what happens to the deficit. Without the agreement is the red line; with the agreement is the green line. We think that is as simple as we can show it. The deficit will be going up from 90 and not coming back down significantly, according to the best estimates. And under these estimates, the green line represents how we will get to balance and, in fact, have a slight surplus by 2002, a pretty important and very-easy-to-understand chart.

This simple chart is nondefense discretionary spending. In our national budget, we have essentially three kinds of expenditures. One batch is called discretionary, which simply means we appropriate it every year. I am not one who thinks that is the greatest idea. I am hoping we can change that and appropriate for 2 years at a time. Part of that is defense, which is appropriated every year. It is a discretionary account annually done, and then all the domestic programs that are appropriated every year are called the nondefense discretionary program.

The sum total of those amount to about $540 billion plus, about 37 percent of the budget. Some people think it is the whole budget, but it is about 37 percent.

This shows under the greenline, spending without this agreement, for the discretionary domestic part of this budget, and under the red line, it shows what will happen. There were some a few weeks ago who were saying this budget agreement was one that was just throwing money at the discretionary programs instead of trying to get some frugality and some better performance.

This redline indicates that the entire discretionary piece of our Government for the domestic programs will go up, Mr. President, one-half of 1 percent a year. In the prior decade, it went up 6 percent on average. For some, that is bad news. For others, that is good news. The fact that the President of the United States has agreed to that and that we have and said even while it is adjusting at such a low rate of growth, we want to have some priorities like roads, like in education, to me seems to be the kind of thing the public would like us to do.

Share of the total outlays of our budget has changed dramatically, and I will just show that quickly and summarize my remarks very quickly.

When John Kennedy was President of the United States, the budget of the United States was broken up into two parts and went something like this. The interest on the debt was small, Mr. President, so let's leave that aside. It was about 67 percent discretionary spending for defense and domestic programs, those annual ones we do every year, and the rest of the budget, which would be about 33 percent, were what we call mandatory or entitlement programs. That means a program that spent out on its own, unless Congress changes the law—a Social Security check, a Medicare benefit payment to a hospital.

All the other programs, pensions, and the like, and I guess I would summarize them this way, any program that the U.S. Government has that if they failed to pay it to a citizen or an institution that is entitled to it, they can prevail in getting their money from the Treasury of the United States direct through a court of law.

It turns out from President Kennedy's time to ours, it has flipped on its head, and 67 percent of the budget is now on automatic pilot, running on its own, mandatory programs which we can only control if we change the underlying law by a vote of the Congress and the signature of the President. The balance of 33 percent makes up all of the expenditures for defense and domestic programs.

So it seems to most of us that we know where the area of growth is and the areas that cry out for reform if we are going to bring this Government's fiscal policy under control and not have to look at taxes skyrocketing 15 years from now and the bill that our children must pay getting bigger and bigger and the credit card that we kind of take from them without representation. If ever there was taxation without representation, it is the deficit you impose on kids where they do not get to vote. It clearly means they are going to have to pay taxes in order to pay these bills that they were not even around to vote on.

So I believe when you look at what we have done and add three other things, we will enforce this program. The discretionary caps, the discretionary programs that I have described for domestic spending, we will have a cap on them for each year at a dollar number agreed to in the resolution. That dollar number is the one that moves this one-half percent growth we spoke of. That will be a cap that says, at the end of a year if you spend more than that, by operation of law, every program in the Government will get cut by the percentage needed to bring it back to that cap.

It has been the only effective tool we have had. It has worked twice because we have only breached it twice. That is set to expire. We need to reput that in the law for another 5 years. That is provided for here.

We also preserve budget points of order against those caps. I will not go into that, but that is a second remedy to make sure we are doing what we promised and what we say here.

In addition, the deficit comes down each year starting in 1998, albeit not as much as we would like in the early years because, remember, we are cutting taxes in those early years and the entitlement program savings grow in the outyears. But essentially it will not go back up and down in spurts; it will be at a level and gradual road and path downward.

We used conservative economics in this budget. There is some confusion about that. But if one wants to check them, we use the economic assumptions of the Congressional Budget Office as to growth, unemployment, and those basic ingredients, those basic pieces of the economy that we measure.

This budget is conservative. So when somebody says you have not provided for a recession, I ask, have you ever seen a budget presented by a President or Congress that anticipates specifically a recession and says in 2 years we have a recession and therefore things are changed? Obviously, nobody does that. But when you use the conservative numbers that the Congressional Budget Office says should be used, they say built within it over time is the conservativeness that would permit you to be much safer in case of a recession, that your numbers will not be very much out of kilter, because of the conservatism of the economic assumptions.

Now, later on, if a Senator wants to talk about the revenues that we assume will come into this budget, I will be pleased to do that. We were confronted midstream with a change in the revenue expectations, but I would be pleased to discuss that with anybody who chooses during the next 2 days.

Suffice it to say that we hope—we found out the revenues were going to be up, and the Congressional Budget Office, heretofore very conservative in that regard, had decided that their estimates were too low. We spent only about $30 billion of their $225 billion, and that was done for very specific purposes, and the rest stayed in there as deficit reduction.

So I believe for the future of our country and in particular for the future of our children, the time is now to pass this budget rather intact and get on with implementing it.

Mr. President and fellow Senators, this budget has the best chance of reaching the reality that is predicted within the four corners of this resolution of any we have produced, because this is not one party's budget resolution, and that party being in Congress, and another party's President being in the White House with a different idea. Since we have something that is agreed to by both, it would seem to me that its implementation has a much better chance of being achieved rather than just fought over and reach stalemates because we cannot agree.

That is why last year as I finished doing our Republican budget, I said, I hope I do not have to do one that is just Republican again unless we happen to have a Republican President, because it would seem to me you have to take into consideration the President and his wishes to some extent. And I believe we have done that. And he has taken ours into account to some extent. And that is the final product.

So, fellow Senators, that is my best explanation. I will answer anybody's questions and go into as much detail on any parts of it that anyone wants. But for now, again, if you can give us ideas about amendments you intend to offer, it will be greatly appreciated.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, first, I start by issuing the plea also that Senator DOMENICI, the distinguished chairman of the Budget Committee, started with; that is, to our fellow Senators, get your amendments down here. Do not cause a jam up at the end when you may not be able to get the floor. You may not be able to have a full explanation of that which you are interested in.

We want to move the process. This is no longer a time for delay and bickering among ourselves. We are obliged to move it because it is the right thing for America.

First, let me say that I am pleased to join my colleague, the chairman of the Budget Committee, Senator DOMENICI, in urging support for this budget resolution.

For the past several weeks, Senator DOMENICI and I, along with representatives of the administration and the House Budget Committee, have been working long hours and arduously to reach a budget agreement. It has been a long, difficult and occasionally a painful process. But in the end I am pleased to say that we succeeded in our mission.

Today, for the first time in many, many years, we will be considering a budget resolution that is truly bipartisan. This resolution, Mr. President, is historic. It will lead to the first balanced budget since 1969. It calls for the largest investment in education and training since the Johnson administration. It combines tough fiscal discipline with a strong commitment to Medicare, the environment, transportation, and other national priorities.

Beyond its substance, Mr. President, I am hopeful that this agreement represents a turning point in contemporary American politics. For many years, Congress has been dominated by partisanship and immobilized by gridlock. This constant infighting has undermined our standing around the country. It has made it more difficult to solve our Nation's problems. And we all hope that a sense of comity that now seems to be here during these budget discussions will prevail here in Washington. This agreement marks a major step in that direction.

The agreement shows Democrats and Republicans are ready to put aside partisan differences, rise above petty bickering, and make the hard decisions that our people across the country want us to do. That is what we are delivering.

Mr. President, this agreement comes before us at a time when our economy is remarkably strong. Over the past 2½ years the stock market has skyrocketed by more than 80 percent; unemployment is at its lowest point in 24 years; inflation is at the slowest pace in 31 years; new investment has soared at a 9 percent annual rate over the last 4 years, a welcome change from the performance over the preceding 8 years; and real wages have started to rise again after years of stagnation.

The tremendous strength of our economy is a tribute to President Clinton and the Democratic Party. When President Clinton came into office, the budget deficit was $290 billion and it was expected to explode to more than $500 billion by 2002. Since then, just the contrary has happened. The deficit has been cut by 63 percent, falling 4 years in a row to $107 billion in 1996. This year, the deficit is estimated to be falling to $67 billion.

This, Mr. President, is remarkable progress. We want to continue that progress, and this budget agreement will get it done.

People tend to think of budgeting as a zero sum game in which one person's win is another's loss. But this budget agreement is a win-win-win all around. It is a win for our economy. It is a win for ordinary Americans who are working hard to raise their families and keep their heads above water. It is a win for the future of our country.

Mr. President, both parties should be pleased with this bipartisan achievement. But I want to take a few minutes to explain why I think Democrats deserve to be especially proud.

Throughout this process, we Democrats have insisted on an agreement that imposes real fiscal discipline that builds on President Clinton's tremendous success in reducing the deficit, and that balances the budget in a real, credible way. And the American people have won.

Democrats have insisted that we make education a top national priority. We have demanded that middle-class families get tax relief to help pay for college, and that all Americans get assistance in affording further education and job training. And the American people have won.

Democrats have insisted that Medicare be protected. We have demanded that the solvency of the Medicare trust fund be extended, that senior citizens not be asked to bear unfair burdens, that the quality of their health care not be put at risk, and that new preventative benefits be added. And the American people have won.

Democrats have insisted on targeting tax relief to the middle class. We have demanded that when Congress cuts taxes, much of the relief must go to struggling families who need help the most. And the American people have won.

Democrats have insisted that uninsured children be provided with health insurance. We have demanded that millions of kids get the health care they need and deserve. And the American people have won.

Democrats have insisted on fairness for people who come into this country legally, who have obeyed the law, and paid their taxes and who then suffer from a disability. We have demanded the elimination of extreme laws that punish people because they get hit by a bus or lose their eyesight. And the American people have won.

Democrats have insisted on maintaining our commitment to environmental protection. We have demanded more funding to clean up hazardous waste sites while resisting schemes to gut the Environmental Protection Agency. And the American people have won.

Democrats have also insisted on investing in transportation. We have demanded that transportation be made a priority and that funding be increased substantially over the levels originally proposed earlier this year. And the American people have won.

Mr. President, my point is not that Democrats are the sole winners here. That of course is not true. This is a fair and balanced agreement. The Republicans have won on many of their most cherished priorities. Some of those wins have been bitter pills for me and for many Democrats, but I say to my friends on this side of the aisle, the fact is that we do not control either Houses of the Congress. And we have to respect the will of the American people. So there is no way to solve our Nation's problems without compromise. It is the only way, and painful though it may be for some, it is the right thing to do.

Mr. President, let me turn to some of the specifics in the budget agreement, some of which have been mentioned by the distinguished chairman of the Budget Committee, but I think are worthy of repetition.

First, and perhaps most fundamentally, this agreement will balance the budget by the year 2002. Beginning next year, when the agreement first goes into effect, the deficit will decline every year until we reach balance. Balancing the budget will require real fiscal discipline. This agreement calls for $320 billion in savings over the next 5 years. More than half of those savings will come from entitlement programs and other mandatory spending. More than $75 billion will come out of the military budget. While important domestic priorities will be spared the meat cleaver, nondefense discretionary spending, which encompasses many of the programs that the people across the country are interested in, will be reduced in real terms by $61 billion, or about 4 percent. As I said, some pain comes.

Will all of these savings really balance the budget? Mr. President, any budget projection must rely on economic assumptions. But the assumptions in this budget are on the conservative side. They are based on economic projections of the Congressional Budget Office which have proven to be far from reality for the past 4 years. They have missed the targets. They have overestimated some poor results.

Consider that just a few months ago, CBO, the Congressional Budget Office, estimated this year's budget deficit would be $124 billion. That was only in January. In March, CBO, 2 months later, revised its estimate down to $115 billion from $124 billion. Now, in May, there are reports that the deficit could be as low as $67 billion.

Think about that, Mr. President. We are talking about the current fiscal year which ends in less than 5 months, and in just that same length of time, the projected deficit has shrunk by 45 percent from $124 billion to $67 billion.

At this rate, some have suggested the best way to balance the budget would be for Congress to sit down, keep quiet, and go home. Who knows, they may be right. If they are, this agreement will produce significant budget surpluses, a result unimaginable not long ago.

My point, though, is simply that in using CBO's economic assumptions, we are using projections that have consistently proven to be too pessimistic. This budget does not rest on unrealistic rosy scenarios, as have past budget agreements, so it is very likely that we will actually reach balance or a surplus before the next 5 years is out if we can get this agreement enacted into law.

Mr. President, this budget resolution establishes without question that both political parties are now firmly committed to fiscal discipline. For years, Republicans have run for office by accusing the Democrats of being tax-and-spend liberals, unconcerned about fiscal responsibility. This agreement puts these charges to rest once and for all. It is now clear that Democrats and Republicans are both committed to a balanced budget. We disagree only about the means to that end and how the burden of the deficit reduction will be distributed.

Fortunately, this budget agreement is more than an accounting exercise. It will set our country on a firm course into the 21st century by empowering our people, by investing in them and ensuring they are ready to compete in the years and decades ahead.

As I noted earlier, this agreement includes the largest investment in education and training since the administration of Lyndon Baines Johnson. The agreement moves us toward a day when every 8-year-old child can read, every 12-year-old child can log in on the Internet, and every 18-year-old can go to college. Those are the goals that President Clinton committed to when he addressed us earlier this year, and they are the right goals for America.

Mr. President, I grew up the son of working-class immigrants, but was able, because of my service in World War II, to attend Columbia University, thanks to the GI bill. I want all Americans to have the same opportunities I had, because education is the key to prosperity and security and because, like I, not only will they learn important subjects, but maybe their horizons will be less limiting. My horizons were developed because I saw my parents standing behind the counter making sandwiches, washing dishes, working from 6 o'clock in the morning until 11 o'clock at night, typically, 7 days a week, just to grind out a living to take care of my sister and me. They could not give us much more than the comfort of interested parents, and goals to which they wanted us to aspire. That is the way it ought to be, Mr. President.

The opportunity came along for me to have an education that never would have come my way. It changed my perspective totally, and enabled me, without being too immodest, to start a company that started an industry—the computing industry—that is today larger than the hardware industry. That is on the service side, software—everybody now is familiar with software—outsourcing services. The company has 29,000 employees. I am a member of something called the "Information Processing Hall of Fame," all of that because I got a boost from my Government, from my fellow citizens, for something that I did.

All Americans, no matter how rich or poor, should have access to that American dream. My parents never thought that I would have the opportunity to serve in the U.S. Senate, to be given the honor of serving the American people, but, again, it happened because a start was given to me at just the right time in my life.

Toward that end, Mr. President, toward access to the American dream, this agreement includes the largest Pell grant increases in two decades. Four million students will receive a grant of up to $3,000 for higher education. These grants, we hope, will open the doors of opportunity and help lead our country in the next century. Our entire Nation will reap the reward.

The agreement also will provide significant tax relief to those who want to attend college. It endorses the objectives of President Clinton's HOPE scholarship proposal, which would provide a $1,500 annual tax credit for higher education. This extra money would encourage millions of young people to go to college.

The agreement also endorses the objectives of the President's proposal to give a $10,000 tax deduction to help cover education and job training costs for young people in the family. This proposal is critical to ensure that Americans are able to train and retrain themselves throughout their lives, not just upper level managers, but each and every American.

There are several other education initiatives that are guaranteed by this agreement. For example, it guarantees funding for a child literacy initiative such as the President's America Reads proposal. This program would provide individualized after school and summer help for more than 3 million children in kindergarten through the third grade. More than a million tutors would be involved.

The budget agreement also will fund a technological literacy initiative. The President has proposed to connect every American classroom to the Internet and to ensure that all teachers are trained to work with this latest in technology. His proposal would help schools integrate the technology into their programs so that no American child is burdened with computer illiteracy.

The budget agreement also calls for significant expansion of Head Start. This widely praised program has had tremendous success in preparing very young children for their education and for their futures. This agreement will help move us toward President Clinton's goal of increasing Head Start enrollments to 1 million children by the year 2002.

Mr. President, the combination of increased Pell grants, the tuition tax credit, the education training deduction, the children literacy initiative, the technological literacy program, Head Start, and many other educational initiatives, make this agreement a truly historic commitment to education, and it is reason enough for Democrats and Republicans alike to support this agreement.

I want to move on to some other important features of the budget resolution. It will ensure that up to 5 million uninsured children are provided with health coverage. The resolution includes $16 billion toward that end, and it will be up to the committees of responsibility to decide whether to use Medicaid expansion or a grant program to States or another approach, but the commitment and the resources are there to get the job done. In the end, that will mean that more children of working families will have health insurance.

This budget agreement also will strengthen and modernize our Medicare Program. The agreement first would extend the solvency of the Medicare trust fund for at least 10 years. Senator DOMENICI made mention of the fact that during that time we will have to look to the longer term problems often associated with Medicare while carrying on the wonderful, very positive benefits that have resulted. It makes positive structural reforms which will bring Medicare more into line with the private sector while preparing it for the baby-boom generation.

The agreement extends the trust fund solvency in part by reforming payment systems for hospitals and doctors. In addition, it gives the seniors more choices. It increases the number of health plan options such as preferred provider organizations and provider-sponsored organizations. It also gives beneficiaries comparative information about their options such as now provided Federal employees of the Federal Employees Health Benefits Program.

Additionally, the agreement provides funding for several very significant new preventive benefits. These include expanded mammography coverage, coverage for colorectal screening, coverage for diabetes self-examination, and vaccinations. Beyond investing in education and protecting and improving Medicare, this agreement will provide significant tax relief to millions of American families.

In addition to the education tax cuts that I mentioned earlier, the agreement includes a $500-per-child tax credit. This will be of real assistance to many Americans who are working hard and struggling to make ends meet. The agreement also will allow the Finance Committee to cut capital gains and estate taxes, as well as expand IRA's and make other changes to the Tax Code. These changes will benefit many small businesses and farmers, goals which Republicans and Democrats strongly agree upon.

However, there is real concern, Mr. President, among many Democrats that these tax breaks will go disproportionately to the wealthy and will explode the deficit in the long term. Frankly, I share those concerns. In a time of scarce resources, it seems wrong to be handing out huge tax breaks to people who do not need them.

The bottom line is we would not have a budget agreement if Democrats were not willing to accept some of these tax breaks. This was the main win that the Republicans demanded. Though it is a bitter pill for some, in my view, it is a pill we have to swallow for the benefits of a balanced budget, education investment, health coverage for 5 million children, restoration of disability benefits for desperate legal immigrants, and other positive parts of this agreement.

I do want to assure my colleagues, however, that the agreement includes significant constraints in the tax area that will help prevent a redo of the kind of economics that created the deficit problem in the first place.

First, there are firm limits on the size of the tax cuts—the agreement states that the net tax cuts shall be $85 billion in the first 5 years, and no more than $250 billion through 2007. Second, Leader LOTT and Speaker GINGRICH have given their firm commitment—in writing—that tax cuts, and I quote "shall not cause costs to explode in the outyears."

For those who are not satisfied with that commitment, I would point out that President Clinton has made it clear that he will not tolerate a tax bill that imposes huge costs in the future. And while he has agreed to a significant capital gains and estate tax cut, he has not signed away his right to veto extreme legislation that violates our basic understanding.

I also want to assure my colleagues that the size of the tax cuts in this agreement are very small compared to the enormous breaks that were approved in the early 1980's. The tax cut of 1981 cost $2.8 trillion over 10 years, in today's dollars. By contrast, this agreement would allow tax cuts of $250 billion—less than 10 percent of those that were proposed 17 years ago.

Mr. President, Republicans may have won in their insistence on tax breaks for wealthier Americans, but they did abandon radical plans to completely gut domestic priorities, and undermine the basic functions of Government. Over the next 5 years, this agreement calls for $355 billion more in domestic discretionary spending than NEWT GINGRICH demanded in the infamous Contract With America. And it includes $189 billion more than in last year's Republican budget resolution.

Mr. President, lest anyone has the impression that Government is going to be growing over the next 5 years because of these increases in some of the discretionary funds, it won't be. Nondefense discretionary spending will be cut from baseline by 4 percent overall, and by 10 percent in real terms in 2002. And when you consider that priority programs will be spared, the real cuts in other programs will be significant.

Still, in nominal terms, available resources for basic Government functions will increase overall, if only modestly. And we will trim Government with a scalpel, not a meat axe cleaver. Under the circumstances, that's a major victory.

Let me now move on to another part of the budget agreement, which deals with Medicaid.

Mr. President, this agreement preserves the Medicaid Program in two major respects. First, it preserves the guarantee of health coverage for our Nation's most vulnerable citizens. Second, it rejects the administration's proposal to establish a per capita cap on Medicaid payments. I want to publicly thank my fellow negotiators for both of these decisions.

I think it would have been a poor way to administer the Medicaid Program. We shouldn't be adopting a scheme that jeopardizes the quality of health care for millions of children, seniors, and other vulnerable Americans.

At one point, I was in a distinct minority in the negotiating room in my opposition to the per capita cap, and I am very pleased that the proposal was rejected in the end. In my view, at a time when the growth in Medicaid spending has dropped dramatically, we should not be adopting risky schemes that could jeopardize the quality of health care for millions of children, seniors, and other vulnerable Americans.

Mr. President, the agreement does include a cut in payments for hospitals that serve a disproportionate share of Medicaid and uninsured patients. I have real concerns about this. Clearly, some States have abused the program, and we should be able to find savings by reforming the program. But we must be very careful not to hurt children's hospitals and others who are very reliant on this funding. I look forward to working with my colleagues on the Finance Committee to ensure that this does not happen.

Mr. President, let me turn now to another important element of this agreement, the provisions that will roll back some of the more extreme provisions in last year's welfare reform bill.

First, this agreement will restore Medicaid and disability benefits for many disabled legal immigrants. These are people who have come to this country legally, who have worked and paid their taxes, and who suffer from a serious disability.

Mr. President, it is wrong to punish these people for getting hit by a bus, or losing their eyesight. Many of them are desperately poor to begin with. Now they may be confined to bed or a wheelchair, with nowhere to go and nobody to turn to. They can't work. And they need help to survive. Providing basic assistance is the right thing to do.

This agreement also will provide relief to some individuals who would lose food stamps because they are unable to find work. This was another provision of the welfare reform bill that simply went too far. The agreement will permit States to exempt 15 percent of those who would lose benefits because of the law's very strict time limits, and would fund additional work slots for individuals subject to those limits.

In addition, the agreement includes $3 billion to help people move from welfare to work, something that all of us want to see happen.

Mr. President, let me now turn to an area of special interest to me, transportation.

Mr. President, as most of my colleagues know, I believe strongly in the value of investing in transportation, because I'm convinced that it yields tremendous benefits for our people and our economy. For years, our Nation has underinvested in transportation. And we are paying the price for that—in deteriorating roads, in snarling traffic, and in crumbling bridges and deteriorating rail systems.

Mr. President, when you compare transportation to other functions within the Government, this agreement treats transportation relatively well. I pushed hard in the negotiations for additional resources, and we were able to find over $8 billion more than the President's request over the next 5 years. That was a major increase from where we began.

Is it enough? No, it's not. But the bottom line is that there just aren't enough resources to balance the budget while doing everything we'd like. Compared with most parts of the Government, transportation does very well in this budget. And I'm hopeful we can identify even more resources as the legislative process moves forward.

Let me turn briefly to another area of particular interest to me, the environment. This budget agreement confirms that the environment is a priority. It commits the congressional leadership to fully fund environmental protection and natural resources. And it specifically protects the President's funding requests for operations of the EPA and the National Park Service's operation of the National Park System and the Everglades. In addition, the agreement reserves funds for cleaning up hazardous waste sites, assuming we can reach an agreement on policy issues concerning Superfund, which I expect will happen. Finally, the agreement provides an additional $700 million for priority land acqusitiions and exchanges.

Mr. President, before I close, let me once again say how much a privilege it has been for me to work with the distinguished chairman of the Budget Committee, Senator DOMENICI. We have spent many, many hours together over the past several weeks. And the more I have gotten to know him, the more I have come to respect and like him. He is an honorable man who genuinely cares about our country, even if we often disagree. And he is a strong negotiator.

I also want to take this opportunity to publicly thank the other negotiators who have worked so hard to make this agreement a reality. First, Congressmen JOHN KASICH and JOHN SPRATT, men of totally different styles who share a common commitment to hard work and serious policymaking. And Frank Raines, John Hilley, and Gene Sperling of the administration, all of whom did a tremendous job in pulling this agreement together. The President has put together a very impressive team.

I also want to acknowledge the many contributions of Democratic Senators on the Budget Committee who have worked with us on this agreement.

Senators HOLLINGS, CONRAD, FEINGOLD and JOHNSON have all been vocal and effective advocates for truth in budgeting, and for a plan that makes real progress in addressing our long-term deficit problems. They have held our feet to the fire, and deserve real credit for that.

Senator SARBANES has taken the lead to ensure that the burdens of deficit reduction are distributed fairly. I know he still has some concerns about the resolution, but I want to thank him for his input as the process has moved forward.

Senators BOXER and MURRAY have been outspoken advocates for our children. They have demanded that we do a better job of covering our uninsured young people, and that we not make dangerous changes in the Medicaid Program that could jeopardize health care for our Nation's most vulnerable citizens. Their efforts will touch the lives of millions of Americans.

Senator WYDEN has been unrelenting in his demand that we modernize Medicare, that we provide additional health care choices for senior citizens, and that we protect the long-term solvency of the Medicare trust fund. No Senator has been more devoted to the future of this critical program, or more determined to make it work.

Last but not least, Senator DURBIN has in many ways been the conscience of our efforts in recent weeks. He has demanded that ordinary Americans, especially those with modest incomes, be treated fairly as we reduce the deficit. And he has helped lead the fight to restore critically needed protections for legal immigrants and children.

Mr. President, I know that many of my fellow Democrats have been frustrated with the process that led to this agreement. And I share that frustration. This was not the process that I wanted. But we have done our best under the circumstances to maximize consultation with committee members, and with all Senate Democrats. And I am optimistic that, in the end, most of my colleagues will be pleased with the end product.

Finally, I want to congratulate President Clinton for his leadership in this effort. We are here today on a bipartisan basis only because the President decided to make it happen. He deserves enormous credit for that. And I think his commitment will be appreciated and acknowledged for many years to come.

Mr. President, let me close this way. I don't think there's anyone who is entirely happy with this agreement. But while nobody sees it as perfect , everyone should see it as a good compromise. It's fair and it's balanced. And it will serve America well.

It will balance the budget. It will invest in education and training. It will provide tax relief to the middle class. It will protect Medicare and Medicaid. It will provide health care coverage to millions of children. It will throw a life vest to disabled legal immigrants. It will invest in transportation, and in environmental protection. And it will make life better for millions of ordinary, working Americans.

I close, Mr. President, with saying my thanks and appreciation to my staff who worked so hard on the Budget Committee—Bruce King, Sander Lurie, and Sue Nelson—and all of the members of the staff of the Budget Committee for their effort. We all did what we thought was right for America. I am proud to have been a part of it.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, might I inquire of the number of Senators present on the floor—which pleases me to no end. Normally at this hour at this stage of the budget resolution nobody is interested. Senator DODD was here first. Might I inquire what he intends to do, so we kind of know?

Mr. DODD. Mr. President, I thank the chairman. My intention was to offer an amendment at the appropriate time. I thought if I got here early, I would be high on the list, if not first, to offer my amendment. I will defer any comment on the bill itself and reserve time to offer an amendment favorably on the budget agreement that was reached. That is my purpose.

Mr. DOMENICI. Senator SARBANES?

Mr. SARBANES. Mr. President, it was my intention to offer a statement about the bill.

Mr. DOMENICI. Senator BYRD? I am not trying to limit or anything of this sort.

Mr. BYRD. Yes. Mr. President, if the Senator will yield, I expect to speak about 20 minutes. It will not be on the budget resolution.

Mr. DOMENICI. We will take the time off the resolution.

Mr. BYRD. Very well, if you will allow me.

Mr. DOMENICI. Indeed.

Senator WELLSTONE?

Mr. WELLSTONE. It is my intention to speak on the bill in general and to try to analyze the overall agreement. I will in all likelihood join with Senator DODD in his amendment later.

Mr. LAUTENBERG. Mr. President, I think we have established in the beginning that we would go from side to side in recognition. If it is all right with my colleagues, I would like to give Senator BYRD the 20 minutes that he has asked for and permit him to speak as he wishes at this juncture.

Mr. DOMENICI. Mr. President, will the Senator from West Virginia yield to me for just a moment?

Mr. BYRD. Yes.

Mr. DOMENICI. I am going to leave Senator GORTON in my stead here in a minute or so. Whatever rights have been designated to me by the leader I designate to him under the statute. I am not going to try to make any further allotment. But if there are no Republicans forthcoming after Senator BYRD, then I will have no objection to whomever you choose next, and I will ask you to hold the amendments until some of these speeches are finished. Then we can kind of pile some of those up, and that is what people would like to do. I shouldn't use that word. That carries with it some resonance that is not so nice. We will try to stack them like beautiful lumber.

Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SARBANES. Do they grow lumber in New Mexico?

Mr. DOMENICI. They grow anything you like in New Mexico. It is all sweet, aromatic, and beautiful.

Mr. President, I want to make a few points.

First of all, I am very glad, even though I did not intend to during this budget debate, to go through a litany of what Republicans have stood for and what we have accomplished, nor do I intend at this moment to go through all of the things the President asked for that he didn't get. I would like to make just a couple of comments.

First of all, I believe that I should be very proud of being a Republican because I don't believe without Republicans pushing for a balanced budget this President would ever have gotten to the point where he would have been for a balanced budget, much less negotiating one with us. I think history will reveal that. It was very hard to get him to come to that point.

I am not now offering this as a critical thing but merely saying that Republicans—since my friend Senator LAUTENBERG chose to have a great litany of Democratic things the Democratic Party has done—I am very pleased to be part of the party that actually pushed this country and its leaders to get a balanced budget.

Second, I would like to say I am unabashed in talking about tax cuts.

Mr. President, there is no question that our philosophy and our idea is that tax dollars don't belong to the Government, that they belong to the people who earned it, and that the Government ought to take from the people only that minimum amount needed leaving the people as free as possible.

I believe that before we are finished, many middle-income families will be receiving some of their money back. We will not be saying that we are refunding taxes to them. They will be keeping some of their money, which we are hopeful as time passes they can keep more and more of as we make Government more and more efficient.

The country with the most individual freedom is the country that is going to achieve the most. And one measurement of that over time is going to be the level of taxation that the Government chooses by virtue of which they take from people rather than leave money with people.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 20 minutes.

Mr. BYRD. Mr. President, I thank the Chair. I thank the two managers for yielding time.

SEXUAL CONDUCT, TRAINING, AND AMERICAN NATIONAL SECURITY

Mr. BYRD. Mr. President, two weeks ago, on May 6, 1997, a military jury sentenced an Army staff sergeant to 25 years in prison for raping six female trainees, just one of a series of highly visible scandals regarding sexual relations now plaguing training facilities in the Army. Press reports indicate that hundreds of similar cases of alleged sexual abuse and discrimination have been reported and are being investigated at other military training commands around the country. On May 10, 1997, the senior enlisted soldier in the U.S. Army was charged with similar offenses. The extent of the scandals that have been unearthed at Aberdeen Proving Ground, Maryland, as well as other facilities, indicates to me that the time has arrived for a thorough review of further gender-integrated training in the military. There are those who feel that same-sex training has failed as a training mechanism and is adversely affecting morale, discipline and the integrity of our armed forces. This is a serious situation, involving very serious allegations with possible repercussions on our national security. The situation needs to be examined with a dispassionate attitude, and it greatly complicates our task if well-meaning advocacy groups in our country make the assumption that anyone who calls for a thorough investigation of the viability of gender integrated training and operational roles is per se, a bigot, is against equal treatment and opportunity, and is trying to roll the clock back because of his or her narrow vision.

The Senate Armed Services committee held a hearing on this matter on February 4, 1997, at which the Army leadership testified. Certainly one of the issues we need to understand is the pervasiveness of sexual misconduct in the services. Are these isolated incidents we have been reading about, or are there systemic problems rooted in the integration of the armed forces and the environments in which they must train and operate? There was some testimony before the committee that these incidents are akin to the proverbial few bad apples in the barrel, and that what needs to be done is emphasize right and wrong, professional behavior, and punish unprofessional behavior. But, Mr. President, the numbers involved here tell a different story. The Army established a hot line for women to report sexual harassment, misconduct, or abuse last fall when the first incidents were reported. In a little over two and a half months, that hot line received about 7,000 phone calls. That is an astonishing and disturbing number. It takes little courage to make such a phone call. One wonders how many phone calls, on top of the 7,000, that should have been made were not made for fear of retaliation, or just reticence. Now, the Secretary of the Army testified that by February the number of calls on the hot line had "tapered off" to about 50 a week. This is not indicative to me of just a few bad apples in the barrel. More than one thousand of those calls have generated an investigation of some kind. Furthermore, recent surveys taken by the Defense Manpower Data Center Survey indicated that large numbers of women reported one or more incidents of unwanted sexual attention. In 1988–89, 68 percent of women reported such incidents. In 1995 a similar survey got similar results, with 61 percent of the women in the Army reporting such incidents. So this is not just your random, marginal population. There is a serious, central problem that needs to be looked at.

This is not just about sexual harassment among soldiers of equal rank. It is about that, but it is about much more, it is about the use of power and authority of sergeants and officers whom we put in authority, over the recruits and junior people whom they are responsible to train and look after. It is about raw abuse of power of a shocking, crude kind. It is about power and sexual misconduct. It leads one to ask a fundamental question: are women actually safe in the U.S. military? As Senator SNOWE said during that hearing: "As we incorporate the sexes together in tighter and tighter situations, at higher and higher stress situations, in more confined situations, common sense tells us that we are going to be dealing with a very difficult problem. Is there a danger that we are trying to minimize the very real differences here between men and women? Might there really be enough significant distinctions between being a man and being a woman that we should be more discriminating, not less, in terms of assignments and utilization?"

The Chief of Staff of the Army, Mr. Joe Reimer, testified at the Armed Services hearing that this is an issue that is not about policy, and instead it is an issue about right and wrong. That is, it is not about whether we should have women in the military, but whether we can expect our sergeants and officers in authority to carry out their job properly, not use their power to engage in misconduct. But, I think that just begs the question. While it is about right and wrong, it is also surely about policy. It is about in what situations, what kinds of training, what kinds of operations, women and men can work effectively in the military, and in what kinds of training and operations situations the sexual diversion is just too difficult a factor. For instance, we have had gender integrated training in the military since 1974, but we have only had such training of recruits in the military for the last three years. It is in the recruit training situation that we are certainly experiencing very serious problems, and surely that needs to be revisited now. I note that there is legislation moving through the other body to prohibit mixed recruit training. That is one natural reaction to the situation, as I now understand it, and that is the approach that I would support.

But I think the better policy question is this: are we putting people into situations that put at risk our goal of an effective trained combat force with high morale, discipline and unit cohesiveness, making that goal more difficult to achieve than it should be? Are we putting temptations in the face of people and saying to them, "overcome those temptations?"

The U.S. military goal is not to change basic human nature. It is to mold that nature for very specific military tasks. We do not need a major sociological analysis to know that sexual tension between men and women is affected by the environment in which they are placed. Surely every military activity, and particularly recruit training, and high tension battlefield environments, are the kinds of environments wherein we need to be particularly attentive to the burdens we are placing on normal American men and women.

It certainly should be clear that integrating men and women in the training, and into the combat forces of the military, introduces an explosive new element into the attempt to create an effective fighting force. The ultimate, bottom-line question should be this: what is the impact of sexual integration on the battlefield? The purpose of an Army is to fight, and to win. If gender integration enhances the prospects of readiness, and effectiveness in combat, then we should all be for it. If it reduces American effectiveness on the battlefield, should we be for gender integration on the general grounds of social equality? I, for one, think the question answers itself, and the answer is no. Perhaps the facts are not all in. There are few, if any models around the world, of other modern, effective Armies which have gender-integrated their forces. So we are breaking new ground in America on gender integrated training, particularly when it comes to combat roles. In plain words, we are conducting an experiment.

I think that the scandals which we are seeing in the training commands must be taken as a danger sign that sexual integration complicates an Army's fighting capabilities, in that it introduces a new element which diverts the focused attention on winning battles that an Army must have.

It seems completely obvious to me that living and training in close quarters puts a strain and a stress on people's behavior. Furthermore, the effect of confined environments where men and women work and live in close quarters certainly involves sexual issues. It is laughable to assume otherwise. Sexual issues involve not just breaking the rules on fraternization and sexual relations, per se, but involve perceptions of favoritism in unit life which can negatively affect the cohesiveness, morale, and discipline that are the critical ingredients of success in military life, and success in combat. Whether one believes in equality among men and women is not the issue here. In the special world of military life where the ultimate mission of fighting and winning is uniquely different from all other environments and roles in civilian life, the issue is the national security of our nation and how best to maintain it with the most effective fighting force.

There is no real reason for social experimentation in mixing the sexes at all levels of military life and functions. Certainly this does not mean women cannot be as successful as men in all or certainly most of the levels of work in the military. But this may only be true with two caveats. First, because women are not as a rule as physically able to meet harsh combat conditions, they start with a disadvantage. This reality is central to the consideration by the Marine Corps not to include women in infantry units. Second, the relations among the sexes present an irreducible diversion which complicates the effectiveness of combat units. The Marines train women and men separately as recruits, and have found that it works best for them. After initial recruit training, they are trained together, except for the unique function of combat training, since women do not serve in Marine infantry units.

It is not at all clear to me that there is any body of evidence that a force trained on a gender-integrated basis performs better in combat than a force trained on a segregated basis. More to the essential point, there is no credible body of evidence showing that gender-integrated combat forces, such as infantry forces, perform better than all male units. Before we extend our desire to treat women fairly and equally with men, a bedrock working principle of American society, we need to satisfy ourselves that the conditions under which men fight are actually conducive to fielding integrated units. Indeed, it would be folly to assume that the natural attractions, jealousies and diversions that close sexual quarters enhance can be overcome by issuing an edict that professionalism only will be permitted. It is quite clearly the case, as Aberdeen and other scandals indicate to me, that gender-integrated training is having a very bumpy ride, and we should review the kinds of integrated training that will work, and the kinds of gender-integrated training that will not work.

Mr. President, there must be ways to thoroughly examine, review, and evaluate the reasons for the recent spate of scandals regarding sexual relations in training commands. Such a study should be made by an independent blue-ribbon body with unquestioned credentials—with no social agenda, but geared solely to the effect of gender integration at all levels of the military, in support as well as combat roles, in training recruits as well as seasoned soldiers—to evaluate the impacts solely on our national security. In the meantime, until such a review can be done and fully considered by the Congress, I intend to propose an amendment to the fiscal year 1998 Department of Defense authorization bill which would suspend the continuation of gender-integrated recruit training in all the services, as is currently the case with regard to the Marine Corps.

Mr. President, I yield back the remainder of my time.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

CONCURRENT RESOLUTION ON THE BUDGET

The Senate continued with the consideration of the concurrent resolution.

Mr. GORTON. Mr. President, as we are going back and forth, I will take a very few moments and then yield to one of my Democratic colleagues, so I yield such time as I may use.

Mr. President, the parentage of this successful budget resolution is ardently sought by many. Only failure is an orphan. In this case—I hope not to drive the metaphor too far—I believe that many properly may claim parentage of the resolution that is before us here.

In the decade and a half during which I have served in the U.S. Senate, this budget resolution marks two firsts. It is the first resolution that genuinely will yield us, when passed and enforced, to a balanced budget, to a situation in which we will no longer be piling debt upon debt on the backs of our children and our grandchildren. It is also, remarkably, the first budget resolution during that period of time that seems likely to pass with significant majorities in favor of it from both political parties.

As I look back on the history that has led to this point, I reflect on the fact that members of the Democratic Party and the President of the United States can claim some credit in moving in this direction for the highly controversial resolution that they proposed and passed without any support from the Republican Party some 4 years ago. Our predictions that that resolution would have dire consequences did not, in fact, turn out to be the case. We may still believe that a different course of action would have had even better results, but, obviously, at this point we cannot prove that. The Senator from New Jersey has already spoken to that proposition.

At the same time, 2 years later, when the Republicans became a majority in both the House and in the Senate, we passed and attempted to enforce a budget resolution more dramatic even than the one that is before us today, with its reform of entitlement programs, its securing of Medicare for many, many years to come, and in the tax relief that it provided for the American people.

Ultimately, the enforcing mechanism for that budget resolution was successfully vetoed by President Clinton, but, nonetheless, it charted a new and different course of action for the American economy and especially for the way in which the Congress and the President determined spending and taxing priorities.

Before the President vetoed the results of that budget resolution, he had, for the first time, committed himself to balancing the budget. I think, again, many Members of this side discounted that commitment, as we believed that it was not carried out by the policies that he recommended pursuant to his commitment to a balanced budget. But nevertheless, the debate then became not whether to balance the budget but how. That debate, a debate separating the two political parties, continued until just a short few weeks ago.

At that point, the President, the leaders of the Republican Party in both the House and the Senate, with the assent of much of the Democratic leadership, reached an agreement, not only on the ultimate goal but on the means by which to reach that goal, and it is some of the details of that agreement which, after further negotiation, are a part of the budget resolution that is before us this afternoon.

The Senator from New Jersey has outlined many of the elements of this budget resolution which he believes meet the agenda of his party and of the President of the United States. Ours on this side may be fewer, but we think they may be more profound. We have reached the goal we have sought without wavering and without compromise: of a resolution that would, in real terms, promise a balance to the Federal budget with lower interest rates, with a fiscal dividend that that would bring with it. And we are now right at the edge of meeting that goal.

We have succeeded in crafting a budget resolution and getting agreement to a budget resolution which will provide real genuine tax relief for the American people, for American families with children, for farmers and small businessmen, and estate tax relief, for investors and for job creators in the realm of capital gains, and we have also succeeded, at least modestly, in getting agreement to the beginnings of certain reforms in the entitlement programs, which are almost exclusively responsible for spending increases each and every year for decades that outpaced both inflation and the growth of our economy.

Government will not grow as a result of this resolution at anything like the rapidity it would have grown without it. The distinguished chairman of the Budget Committee, the Senator from New Mexico, has, in this illustration, shown what happens with respect to the budget deficit, even including the tax relief that is an integral part of this resolution today.

So we will have more modest spending than would otherwise have been the case. We will have tax relief for the American people. We will have a balanced budget due to the diligence of the distinguished Senator from New Mexico and the broad support he has from his own party, due to the eloquence and hard work of the majority leader, the Senator from Mississippi, and the wonderful relationship he and the Senator from New Mexico created for one another, due to the hard work of many members of the Democratic Party and of the President and his advisers, and perhaps not least in all of the credit that should be given here in the parenting of this budget resolution would go to those outsiders led by the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Louisiana [Mr. BREAUX] who last year created a bipartisan budget resolution, with all of the elements that this one has—some to a more dramatic extent than this one has—and came within four votes of carrying that resolution on the floor of this U.S. Senate, even though they were opposed by the leadership in both parties and by the President of the United States. Many of the elements of their proposal are included today, but they blazed the trail for a degree of bipartisan cooperation that had not previously existed.

So for my part at least, Mr. President, I am delighted to give credit where credit is due and to say that credit is extremely widely spread. I trust that after listening to the debate today and tomorrow—I hope not longer than that—that the resolution that is before us will not have been significantly changed by amendment, that it will be passed by a very substantial bipartisan majority, a majority of both parties, and that it will then be properly carried out and properly enforced by all of those who have supported it, for which the Congress and the President will deserve credit and thanks from the people of the United States, both for their responsibility and for having created the opportunities for greater economic growth and greater prosperity for the people of the United States.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield so much time as the Senator from Maryland wants to use to make a statement.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I thank the distinguished Senator from New Jersey.

Mr. President, in 1993, just 4 years ago, in order to reduce the deficit, the Congress, by a narrow margin, enacted a budget resolution which curtailed programs and increased taxes. The increase in taxes primarily impacted those at the upper end of the income scale.

This combination of spending restraint and revenue increases represents a logical way of dealing with the deficit issue. When you are trying to reduce and then eliminate the deficit, the logical way to do it is to restrain spending and to seek additional revenues. That combination, presumably, will result in lowering your deficits.

This approach has worked in a most impressive way. A flourishing economy has brought unemployment below 5 percent for the first time in 24 years. This chart shows the unemployment rate going back to 1971. As you can see, with one exception, the unemployment rate now is the lowest it has been in this period. Back here, in 1973, is when it just dipped below 5 percent. It has now gone below 5 percent again.

While unemployment is at a 24-year low, inflation is at a 31-year low, as is shown by this next chart, which shows the inflation rate from 1966 to 1996.

I do not know what better proof one can offer of a strong economy than the low unemployment rate and the low inflation rate we are now experiencing.

As a consequence of this flourishing economy, the deficit has declined on a steady basis since fiscal year 1992. In fiscal year 1992, the deficit was at $290 billion. And it has come down in each succeeding year, to $255 billion in 1993, $203 billion in 1994, $164 billion in 1995, and to $107 billion in the last fiscal year, the year that ended this past September 30. It is now expected to be below $70 billion for the current fiscal year. In other words, we will have gone from a $290 billion deficit in 1992 on a straight downward trend, and we are expecting a deficit under $70 billion for the fiscal year in which we now find ourselves.

As a percent of the gross domestic product, the deficit has declined in a most impressive way, from 4.9 percent in 1992 to 1.4 percent for the fiscal year that ended this past September 30. As you can see from this next chart, it declined from 4.9 percent in 1992 to 4.1 percent in 1993 to 3.1 percent in 1994 to 2.3 percent in 1995 to 1.4 percent in the fiscal year ending September 30, and it is now anticipated that the deficit as a percent of gross domestic product will be less than 1 percent for the current fiscal year, the lowest percentage since 1974.

So you have the best unemployment rate in 24 years, the lowest inflation in 31 years, the lowest deficit as a percent of GDP in 23 years.

By way of comparison, the Maastricht Agreement of the European Community, which established what are regarded as tough requirements for the member nations, has as its goal the bringing of deficits down to under 3 percent of GDP—3 percent. We, at the end of this year, will be down to less than 1 percent.

In fact, just comparing the United States with the other major industrial countries, we see from this chart that our deficit as a share of GDP is 1.4 percent. Japan is at 3.1 percent, Germany at 3.5 percent, Canada at 4.2 percent, France at 5 percent, the United Kingdom at 5.1 percent, and Italy at 7.2 percent.

Now, by any measure, this is a most impressive economic performance, and certainly a very impressive deficit reduction performance.

Given this performance, one would think that the wise policy would be to stay the course and finish the job. I mean, this is a spectacular course that I have outlined here that we have been following. So one would assume that the wise policy would be to stay the course and finish the job. Instead, the budget resolution before us combines spending restraint with tax cuts—I repeat, spending restraint with tax cuts.

Obviously, spending restraint, as in 1993, works in the direction of deficit reduction. As I said at the outset, that is logical. You are trying to bring the deficit down. Spending restraint works in the direction of deficit reduction. But tax cuts work against deficit reduction. And the tax cuts contained in this budget agreement will grow over time in a way that may well jeopardize the goal of reaching and staying—and staying—in budget balance.

The capital gains, inheritance, and IRA tax cuts, all of which are provided for in the tax portion of this budget agreement, carry with them the potential for substantial increases in future years.

In fact, this budget agreement recognizes such a trend line by providing for $85 billion net tax cuts in the first 5 years, 1998 to 2002, and almost double that, a net tax cut of $165 billion, in the next 5 years, 2003 to 2007. No agreements were made as to the following decade. But obviously, if we are concerned about the future strength and viability of the economy, it is important to look to the out years, to have some sense of where these trend lines may be taking us.

The budget agreement itself, in the tables accompanying the text of the agreement, projects that in the 10th year of the agreement—in other words, at the end of the period when we are to have a total of $250 billion in tax cuts—the tax cuts would be $42 billion. Now this represents a rising trend line with respect to the tax cuts. In fact, the projections are that the tax cuts will increase by $5 billion in each of the last 2 years of the 10-year agreement on which this resolution is based, that is from 2005 to 2006, and from 2006 to 2007.

If you are at $42 billion in the 10th year, then one can anticipate two scenarios for the following decade, from 2008 to 2017. If in fact the cost of the taxes stayed at $42 billion a year for each of those years, in other words, plateaued—a most unlikely assumption given the trend line—you would then project $420 billion in tax cuts over the next 10 years. If, however, the cuts continued to increase according to the trend line established through the first 10 years, in other words, increasing by $5 billion a year through 2017, you would have tax cuts of $700 billion in the following decade.

So we have a situation here where it is almost certain that the tax cuts that are part of this agreement will carry with them a rising trend that will, in effect, undercut the deficit reduction effort. And I ask, is it not imprudent, indeed irresponsible to commit to such tax cuts before we have actually achieved budget balance and before we have a more accurate and realistic view of whether it can be sustained?

We are talking about responsibility here. Yet we are undertaking in this resolution to commit to tax cuts before we have actually achieved budget balance and furthermore before we have a realistic and accurate view of whether budget balance can then be sustained.

I believe that the tax-reduction side of the budget agreement carries with it the potential for undermining the deficit-reduction effort. Furthermore, the combination of program curtailment on the one hand and tax reduction on the other represents an inequitable allocation of the burdens of deficit reduction.

The impact of a reduction in programs will be felt by ordinary working people primarily. The tax reductions, by contrast, will primarily benefit those at the top end of the income and wealth scale.

Consider that 75 percent of the benefits of the capital gains tax can be expected to go to those making over $100,000 a year, the top 5 percent of the population. The inheritance tax cut would benefit an even smaller percentage of the population. Yet this resolution that is before us imposes additional burdens on working people through program reductions.

In fact, the projections are that domestic discretionary programs will be 10 percent below—10 percent below—the current service level, namely, the level adjusted for inflation, in the year 2002. At the same time that we have a 10-percent cut in programs, substantial tax reductions will be given to those at the apex of the income and wealth pyramid. This is not fair or equitable.

A budget agreement should undertake equitable deficit reduction, namely, apportioning the burdens in a way that it is reasonably spread across the entire society, as was done in 1993, when ordinary working people made their contribution through program reductions and those at the top end of the income scale made their contribution through tax increases.

But in this instance, we have working people bearing a burden through program reduction, but we can anticipate tax reductions which markedly benefit those at the upper end of the income and wealth scale, and impose no burden on these individuals.

Thus, this budget fails the equity test. A budget agreement should also lead to lasting, long-term deficit reduction. As I have indicated, I am most apprehensive about this agreement because I foresee that we will not be able, even if we were to reach balance in 2002—and there is some serious doubt about that under this agreement—to sustain that balance in the subsequent decades. Thus, this agreement also fails the long-term deficit reduction test.

In short, this budget agreement does not have either of the two essential attributes of a budget: equitable deficit reduction and lasting, long-term deficit reduction. Because of that, I do not support it.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I ask Senator ALLARD, do you want to offer an amendment?

Mr. ALLARD. I do have an amendment at the desk, but I understand that Senator DODD is going to offer an amendment before me.

Mr. DOMENICI. I say to the Senator, that means we are going to have Senator WELLSTONE give his general speech because we are going with general speeches ahead of amendments.

Is that all right with the Senator?

Mr. ALLARD. I thank the Senator.

Mr. LAUTENBERG. Mr. President, I yield 20 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank all of my colleagues for their courtesy.

Let me first of all start out by saying I associate myself with the remarks of Senator SARBANES, the Senator from Maryland. Senator SARBANES talked about equitable deficit reduction. I emphasize the equitable part of that formulation.

Mr. President, those on both sides labored very hard. People make the decisions they think are the right decisions. I do not rise to point an accusatory finger at any of my colleagues. As I look at this agreement, I do not see that equitable deficit reduction.

To give but one example, I see very little of the shared sacrifice, and I think to be shared sacrifice we would have to extend part of the deficit reduction burden onto large and wealthy corporations and zero in on what has been called corporate welfare. That means some of our large multinational corporations—oil and gas, mining, pharmaceutical, health care conglomerates, and others—who now reap benefits of huge loopholes in our Tax Code, who are fed, if you will, at the trough of unjustified tax giveaways, would, in fact, be required to pay their fair share toward deficit reduction. They are the heavy hitters, the well connected. They are the players. That is not a part of this budget agreement. I do not think what we have here is equitable deficit reduction.

I know a number of my colleagues, as they look at some of these loopholes and deductions or as they make the case for across-the-board, what I call kind of a scatter-gun approach to cuts in capital gains or estate tax, make the argument this will bolster the economy by boosting savings and investments.

I cite a report by the Republican staff of the House Budget Committee from just a few short years ago:

> Whether aimed at increasing efficiency or growth, many so-called "growth enhancements" backfire. This is due to two factors. First, few incentives are very powerful, and simply do not result in large increases in output. Second, they typically lose revenues, increasing government borrowing as a consequence, and thus reducing the accumulation of private capital as a result.

My friends say to me, "But we are balancing the budget." I smile and say, "We will see." My guess is, as I look at those who are in control of the committees and especially are going to be dealing with the tax legislation, it looks to me like we go toward indexing capital gains. It looks to me that we will have across-the-board cuts in capital gains in estate not targeted to family business, not targeted to middle income, with the lion's share of benefits going to the very top of the American population.

Mr. President, studies have shown consistently that households with incomes of over $100,000 a year receive approximately 75 percent of the capital gains income. If the goal is to provide relief to middle-income taxpayers, that is one thing, but what is happening here is the vast majority of the benefits go to those at the very top.

At the same time, as we look at capital gains or estate tax, if you talk about family farmers or small businesses, fine. But I think that under the cover of the problems of small family farmers and small business people we are seeing in this budget agreement massive tax breaks to those who least need it.

This estate tax goes to some of our families. Some of the families that will benefit are Cargo Co., a family-owned company, or Mars Candy or Continental Grain. I suggest to you that the multinational corporations hardly need more by way of more tax breaks.

Mr. President, I think many Democrats are going to vote for this budget agreement but with far less enthusiasm than their public posture suggests. They are hoping when the reconciliation bill fills in the blanks on the budget and it comes to the floor this summer, we will not explode the deficits, and in addition, the critical investments in health care and education and children and all the rest that we believe in will, in fact, be there.

As I look at the record of my colleagues on the other side of the aisle over the last couple of years, I have seen a defeat of efforts to go after corporate welfare. I have seen outrageous tax giveaways. I have seen a relentless attack on those in society least able to protect themselves, and I have seen very little standard of fairness when it comes to deficit reduction. I have seen deficit reduction based upon the path of least political resistance. Cut the benefits for those who are weakest —for children, for legal immigrants, for low- and moderate-income people, but when it comes to the subsidies for large oil companies or big insurance companies or some of the multinational corporations, big grain companies, no; they need more by way of benefits.

I agree with my colleague from Maryland, I fear, and I think there is every reason to believe this based upon the pronouncements I have heard so far, that when we get to the tax part of this package we will see backloaded cuts, indexing, and cuts in capital gains and estate taxes that will explode the deficit as we move into the next millennium, at the very time, I might add, Mr. President, that many of us baby boomers come of age and we will have precious little by way of investment.

Mr. President, I have several amendments that I will propose. I will start out joining with my colleague from Connecticut, Senator DODD. But I just want to highlight a few things I want to focus on.

First let me talk a little bit about child nutrition. The School Breakfast Program, currently 6.5 million children participate. That is barely half of the children that are eligible. In the reform bill passed last year, all in the name of deficit reduction, we eliminated, wiped out grants for schools to start up the School Breakfast Program.

Anybody who understands anything about education, anybody who understands anything about children, anybody who spends any time in schools will certainly acknowledge the fact that children who come to school hungry and cannot participate in school breakfast because we cut the funding for this program, are not going to be able to do as well in school as children who do not come to school hungry.

Where is the standard of fairness?

Mr. President, we also have a Summer Food Service Program, not real well known. As a matter of fact, only 2 million out of 14 million children participate because we do not adequately fund it. But do you want to know something, Mr. President? These children that really are so dependent upon school lunch and school breakfast, where it is available, during the summer they are malnourished and do not have an adequate diet. We are able to fund only 2 million out of 14 million children. Mr. President, in my amendment I will call for increasing the funding for this program.

Finally, I want to talk a little bit about school construction. My friend Jonathan Kozol wrote a book called "Savage Inequalities." He traveled all across the country and reported on what he observed.

Mr. President, let me just make the point, I will not give specific examples, but let me say to my colleagues, we have too many children who go to rotting schools. What kind of message are we conveying to children in this country when they go to schools that are dilapidated, with rotting infrastructure, toilets that do not work, cold in the winter, too hot in the summer, crumbling buildings, decrepit? What kind of message are we conveying to these children? Are they not all God's children? Is there not some need for investment in infrastructure?

The General Accounting Office reported in 1994, that over all, it would be about a $112 billion investment, and we want a $5 billion investment by way of a start as we move into the next century?

Mr. President, have I not heard before speeches given, the talk about the importance of building a bridge to the next century? If we are not going to invest in rotting schools, if we are not going to invest in the infrastructure of the schools our children attend in this country, if we are not willing to invest a little bit more in child nutrition programs, if we are not willing to invest in some of what Senator DODD's amendment, an amendment I want to join in and I know others will join, Head Start and Early Start, if we will not invest in children in these very critical early years of their lives, how can this budget agreement be a blueprint or a bridge for moving into the next century?

My amendments will just simply say, take it out of corporate welfare and invest it in Head Start, child nutrition programs, and invest in the infrastructure of schools in America for our children.

I have another amendment that will focus on some of the tax cuts that will say scale down the capital gains tax cut, scale down the estate tax cut, target it to middle-income people, target it to small business people, and target it to family farmers. Frankly, these large multinational corporations do not need it, nor do the top 1 or 2 percent of the population. Instead, invest in children. Invest in children.

Mr. President, my final point, because I know we want to go on with the amendments, my final point, we have in the last several months been reading in Time magazine, in Newsweek magazine, there was a White House conference on the importance of early childhood development and the argument that is made is that the neuroscience evidence tells us if we do not do well for these children from the very beginning of their lives, if we to not do well with a mother expecting a child, in the very early years up to age 3, many of these children will never come to school ready to learn, and many of these children will never be prepared for life.

One out of every four children in America under the age of 3 are poor. And one out of every two children of color in America under the age of 3 are poor.

Mr. President, it is a scandal. It is unconscionable that we do not yet even fully fund the programs that we know work—Head Start, to give children a head start, nutrition programs so they do not come to school hungry, investment in infrastructure so the schools are inviting places as opposed to being decrepit and so demoralizing for children.

Mr. President, my amendments will say invest in these areas and take it out of the subsidies of these large multinational corporations or scale back these tax giveaways that go mainly to the top 1, 2, or 3 percent of the population.

To my colleagues, all of us have to make our own decisions, but for my own part, I think this is a budget without a soul. Quite frankly, I say to Democrats in particular, I think there comes a point in time where there are certain values and there are certain principles we hold dear. I think there comes a point in time when we cannot keep giving the speeches about the importance of children, the importance of education, the importance of equality of opportunity, the importance of each and every child having the same opportunity to reach his and her full potential. We cannot keep giving those speeches if we do not match the legislative lives that we live with the words that we speak.

I will join with Senator DODD in his amendment, and I will have other amendments on the floor, and I will raise this issue over and over and over again. I will raise this question over and over and over again.

I do not believe this is a budget that calls for equitable deficit reduction. I do not believe this is a budget that is a bridge to the next century. I do not believe this is a budget that gives children in our country, every child—they are all God's children—the same opportunity to reach their full potential.

I do not think this is a budget that invests in our future, because this budget, as opposed to being a new deal for too many children in America, is a raw deal for too many children in America, and that makes this budget unfair and that makes this budget wrong and that makes this budget not the best that we can do for children in America. Therefore, I will oppose this budget agreement.

I yield the floor.

Mr. SMITH of Oregon. Mr. President, as previously agreed, Senator DODD was to be recognized for 10 minutes to offer an amendment.

Mr. DODD. If I could, I have discussed this with my colleague from Colorado, and we will defer at this moment and let my colleague from Colorado go first and I will follow.

AMENDMENT NO. 293

(Purpose: To express the sense of the Senate about the Federal debt and that the President should submit a budget proposal with a plan for repayment of the Federal debt)

Mr. ALLARD. I send an amendment to the desk.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 293.

At the end of the budget resolution add the following new section:

SEC. . SENSE OF THE SENATE ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Senate finds that—

(1) Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including money borrowed from the Social Security Trust Fund;

(2) the Congress and the President should enact a law that creates a regimen for paying off the Federal debt within 30 years; and

(3) if spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the President's annual budget submission to Congress should include a plan for repayment of the Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund; and

(2) the plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

Mr. ALLARD. Madam President, I would like to begin by commending the chairman of the Budget Committee, Senator DOMENICI, in fact, the entire Budget Committee, Senator LAUTENBERG, the ranking member of the committee, for their hard work and diligence in crafting the budget resolution.

While I am pleased that we have a budget resolution before the Senate, I believe that this document is not without faults and that improvements can be made.

The people of Colorado elected me on the premise that I would utilize all the tools at my disposal to balance the budget. This is a promise that I made to my constituents and a commitment that I do not take lightly.

In this light, I am pleased that the current budget debate is focused on not "if" we are going to balance the budget, but "how" are we going to balance the budget. I believe that this is in and of itself a moral victory for those of us who preach fiscal responsibility. Yet, we must now begin the process of balancing the budget by 2002. The framework provided within the budget resolution is an excellent starting point on which we can improve.

The sense-of-the-Senate amendment talks about what we are going to be doing today. The economy is strong. People have jobs. And the stock market is surging. History tells us, however, that this is not always the case. Unfortunately, the budget resolution assumes economic growth over the next 5 years that is unmatched in this country's history. I am a veterinarian. I am not an economist. But I do know that the document before us today must be able to account for a future that is not necessarily as rosy.

On the sense-of-the-Senate resolution, we are talking about the years that are following after 2002. Let us say that we have eliminated the deficit. Then what is the next step in the Congress? We need to begin to address the problem of the debt.

This amendment is a resolution that was adopted on the House side. It says that in order to continue to move forward on the fiscal soundness of this country, we need to begin to pay down the debt, and we do that by spending less than what we bring in in revenues. The amount that I suggested in the sense-of-the-Senate resolution is to spend 1 percent less than what comes in in revenues.

For example, if we have 5 percent in revenue that comes in in any one of the years, then we would spend out 4 percent. One percent would be moved toward paying down the debt. If the Congress, both the House and the Senate, will commit themselves to this type of plan to pay down the debt, we can balance the budget and pay down the debt by the year 2023.

The debate so far in both the House and the Senate has been concerning deficits that have been accumulating, and now we must move toward paying those down. I am comfortable that the direction of deficit spending is moving down. But once we eliminate deficit spending, then I think we have to begin to look at paying down the debt.

The debt is reflected in this budget by the interest that we are paying on the debt, which is running somewhere around $245 billion a year, about 15 percent of our total budget. That is almost as much as what we pay for defense.

So we put ourselves at considerable liability as we move through the years after 2002 because we do not know what the interest rates are going to be. We do not know whether they are going to be 2 percent, or 6 percent, and heaven forbid if they ever get into the doubledigit inflation rates and interest rates that we had in the late 1970's.

The purpose of this amendment is to begin to pay down that total debt so we don't have that unknown liability that this country will be facing year after year. The sense-of-the-Senate resolution is to point out to the Senate that there is a potential problem.

So I am asking that this amendment be adopted so that we can begin considering a plan that says that we will begin paying down the debt by spending 1 percent per year less than comes in in revenues, which would eliminate our debt around the year 2023, which would indeed put this country on a very sound fiscal and financial basis.

I yield the floor.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, we are prepared to accept the amendment and yield time back off the amendment, if the Senator from Colorado agrees with that.

Mr. ALLARD. I yield the remainder of my time.

Is there any reason to ask for the yeas and nays? Is the floor manager ready for the yeas and nays?

Mr. LAUTENBERG. Madam President, it was my understanding that this amendment was going to be offered and dealt with on a voice vote. As far as I know, there is no further debate required. If that is the case, then I suggest that we move in that direction.

Mr. ALLARD. Madam President, if the Senator from New Jersey will yield, I agree to a voice vote and ask for a voice vote.

Mr. LAUTENBERG. To my colleague, the manager at the moment, we will accept this.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 293) was agreed to.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SMITH of Oregon. Under a previous agreement, Madam President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LAUTENBERG. Madam President, unfortunately, it is our obligation to yield time to our people.

So, is the Senator from Connecticut ready?

Mr. DODD. Yes, Madam President.

If my colleague will yield, I would like to take a few minutes to discuss the budget proposal generally, and then I will be offering an amendment on behalf of myself and the Senator from Vermont [Mr. JEFFORDS] and others. We have not reached any agreement on time, but I am sensitive to the needs of the committee to move along. I don't intend to take a long time on the amendment.

Mr. LAUTENBERG. With that understanding, Madam President, I would certainly be willing to yield as much time as the Senator from Connecticut requires.

Mr. DODD. I thank my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I would like to spend a few minutes on the overall budget agreement. I know several of my colleagues have talked about it earlier today.

I had the privilege of serving on the Budget Committee for a number of years with the distinguished chairman of the committee, Senator DOMENICI, and my colleague from New Jersey, Senator LAUTENBERG, and my colleague from South Carolina, whom I see on the floor, Senator HOLLINGS, and others.

It was involuntary servitude, I would say. Serving on the Budget Committee was not a position that I sought at all. I was asked to go on the committee and I served there for a number of years. I enjoyed my service. But it can be a thankless task in many ways to be on the Budget Committee.

So, I begin these brief remarks by commending the chairman of the committee and the ranking Democrat, Senator LAUTENBERG, for their tremendous effort. It is not easy to put these agreements together, this year in particular. Over the last several months, we have seen a major effort here to come up with a budget agreement that would bring the Federal budget into balance over the next 5 years. I commend them for their efforts.

I must say that despite reservations that we all have, I don't know of a single Member of this body who wouldn't have written a different agreement had they been king or queen for a day.

So I begin by complimenting my colleagues and endorsing their work with reservations. I will offer an amendment to do a bit better for Head Start, Healthy Start and child care issues.

I support this agreement. Obviously, I am going to watch what happens in the amendment process and reserve final judgment. I respect, as well, my colleagues on both sides who will have strong feelings about this agreement. But, as it stands today, I think the authors have done a pretty good job with this budget agreement.

In 1981, I voted against that budget agreement. In my view, that deal went way too far. As has been pointed out already, this agreement is vastly different from the 1981 agreement that created such huge deficits from which we still are recovering. In many ways, today's agreement is an effort to really try to solve the problem that began back almost 16 years ago with that vote and the problems which were created by that legislation.

David Stockman, who many may have forgotten, was the Director of the Office of Management and Budget at that time. He has since written a wonderful book about that agreement, "The Triumph of Politics," which I strongly urge my colleagues to read if they want to know the history of what happened in 1981 when this earlier agreement was reached causing the deficit to reach the magnitude that we have seen in the last number of years.

So this agreement I think needs to be seen in a broader context. It is the culmination of a 4-year effort by the President and supporters in this body and the other to try to come up with a budget that would protect American families, that would allow us to reduce that deficit and reduce interest rates, which are like a tremendous tax people pay when they buy homes or automobiles. Obviously, as we have seen over the last several years, the declining deficit has contributed significantly to the growth and expansion in this country.

When the President came to office 4 years ago we had an annual deficit of some $290 billion. That annual deficit has been reduced to $67 billion, a major achievement over the last 4 years that has brought significant prosperity to this country. We have seen 12 million new jobs created, the lowest average inflation since John F. Kennedy was President; median family income rise over $1,600, and the list goes on and on of effects of the improved economy in this country.

Without this progress, obviously, we would never have what we have today, and that is the first credible chance in a generation to actually eliminate the deficit completely. I believe that we must take advantage of this chance, and that is why I will support this resolution, provided that it is not amended beyond recognition. It is a good framework for a budget that achieves real balance while protecting our Nation's most important priorities. It is, of course, as I said only a framework. We will have to see what the details will be before ultimate passage.

Obviously, there will be two sets of debates, the one that we will go through on the outlay side, and then, of course, on the tax-cut proposals, the specifics of which we will not see until the fall, and that will be another debate. I myself am going to be interested, as my colleagues will be, to see the details of the tax plan that is passed by the Finance Committee.

Any final tax bill should be designed, I think all of us would agree, so that its cost in the out years is limited. And

I listened very carefully to the remarks of my colleague from Maryland, Senator SARBANES. I know my colleague from South Carolina will address this issue in part. Their concerns should not go unheeded because there is a legitimate concern about what happens at the end of this process. And if we end up where we were at the end of the 1981 process, with an explosion in the deficit, obviously, we may look back on this agreement and wish we had done otherwise.

But nonetheless, I think it strikes a good balance here with tax cuts in the education field. I for one might reserve any tax cuts until we actually got down to zero. I think there is a lot of legitimacy in that argument. But I accept the notion that that is not going to happen, that we are going to have some tax cuts here, and some, like the postsecondary education tax cuts, can actually be helpful to many families.

I would note as well that in addition to these tax cuts, there are large increases in discretionary spending on education. For instance, the Pell grant is increased to a historic high of $3,000 a year. Many of us have fought for this program, which we think is tremendously important, for years. There also is real progress in the area of children's health insurance. Obviously, we will have a chance with the Kennedy-Hatch proposal tomorrow to do even more in that regard. But nonetheless, I would be less than honest if I did not commend the budgeters for doing a lot in moving in the right direction.

Madam President, I think the budget agreement is pretty good and one that I think is going to help the country. This has not been an easy process. There have been weeks and weeks of discussion. I respect that. I also respect the fact that each and every one of us here as individual Members of this body have the right certainly and obligation where we disagree to offer some changes to this agreement.

And so for those reasons I will be offering an amendment that will increase funding for Head Start, Healthy Start, and child care. These are three issues that I have spent a good part of my entire career in this body working on. In fact, the Presiding Officer and I, in years past, worked on a number of issues together, as I have with a number of my colleagues here. I never would have passed the original child care development block grant legislation if it had not been for my colleague from Utah, Senator HATCH, who joined in bringing that bill together.

On the issue of Head Start, there have been a lot of people here who supported the efforts over the years to do more. I noted in this budget, there is a determination to serve 1 million children by 2002 in Head Start. That is certainly progress; it is an increase of 200,000 over where we are today. But I think we can do better over 5 years. We should ensure that all eligible children are served. We know it works so well and makes such a difference in children's lives. Particularly now with welfare reform, we are going to have so many more families that are going to need to have child care or Head Start. It is clear we are coming up short in this area. Serving 1 million children in Head Start is a laudable goal—but it is far short of what is needed. With this amendment over 1.4 million children eligible and in need would receive Head Start services.

In addition, this amendment would triple the size of the Early Head Start Program, which serves that critical zero to 3 group. We see so many of these families now that have these new infants, with Early Head Start, we can make a real difference in these children and their families to provide them a safe, quality environment where these infants will be while the parents go to work.

Welfare reform is all about getting people off welfare and into jobs. However, we know, and the Governors tell us, there will be tremendous need in the child care area. If we are going to move these families off welfare and public assistance into a working environment, there must be someone to care for these children.

I do not know of anyone who disagrees with that. No one wants to see children wander neighborhoods or in makeshift baby-sitting operations. In every State, there are horror stories of what has happened when parents have left children unattended and uncared for. We have had dreadful stories in my State in the last year alone; some five deaths have occurred in these settings that are far from high quality. I am not suggesting you are going to solve every one of those problems, but at a most basic level, none of us here could come to work each day if we had a child that we did not have someone to care for. We would miss votes, we would miss committee hearings, if it were a question of placing our child in a unsafe environment. And there is not one of our constituents who would disagree with that. We would be indicted publicly for irresponsibility.

This is a fine agreement, but we can do better in this area. This amendment would provide Head Start to 400,000 more children, it doubles the size of the child care development block grant and addresses infant mortality. When we are talking about $85 billion in tax cuts—and I do not disagree with that—do not tell me we cannot find over 5 years less than $15 billion to deal with Early Head Start, Head Start, Healthy Start, and child care so that these kids and families can really have the kind of support they need in their lives.

That is the intent of this amendment that I am offering on behalf of myself, Senator JEFFORDS, Senator MURRAY, Senator BINGAMAN, Senator WELLSTONE, and Senator LANDRIEU to this resolution. We think it is a modest request to make. It is not as if we do not respect the work of the Budget Committee. I also feel we can do a bit better here.

I support the hard work of those who put this agreement together, but let us not suggest somehow that this is totally inviolate. Some suggestions we might offer here would make this a better bill in our view. I think quality child care is one of those issue. I know very few of my colleagues who disagree with that. I know of no one who disagrees with Head Start, the work its done, and the Early Head Start Program. A few more dollars here, shaving off a bit on one end to provide a bit more on the other is really not too much to ask to make this agreement that much more worthwhile.

AMENDMENT NO. 296

(Purpose: To improve funding of critical programs to assist infants, toddlers and young children by increasing the discretionary spending caps by $15.752 billion in outlays over five years and offsetting this effort by closing corporate tax loopholes)

Mr. DODD. So with that, Madam President, I will send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Connecticut [Mr. DODD], for himself, Mr. JEFFORDS, Mrs. MURRAY, Mr. BINGAMAN, Mr. WELLSTONE, and Ms. LANDRIEU, proposes an amendment numbered 296.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 4, increase the amount by 2,006,000,000.

On page 3, line 5, increase the amount by 2,820,000,000.

On page 3, line 6, increase the amount by 3,991,000,000.

On page 3, line 7, increase the amount by 5,766,000,000.

On page 3, line 12, increase the amount by 2,006,000,000.

On page 3, line 13, increase the amount by 2,820,000,000.

On page 3, line 14, increase the amount by 3,991,000,000.

On page 3, line 15, increase the amount by 5,766,000,000.

On page 4, line 5, increase the amount by 2,533,000,000.

On page 4, line 6, increase the amount by 3,481,000,000.

On page 4, line 7, increase the amount by 4,993,000,000.

On page 4, line 8, increase the amount by 7,305,000,000.

On page 4, line 13, increase the amount by 2,006,000,000.

On page 4, line 14, increase the amount by 2,820,000,000.

On page 4, line 15, increase the amount by 3,991,000,000.

On page 4, line 16, increase the amount by 5,766,000,000.

On page 21, line 25, increase the amount by 1,013,000,000.

On page 22, line 1, increase the amount by 643,000,000.

On page 22, line 8, increase the amount by 1,951,000,000.

On page 22, line 9, increase the amount by 1,335,000,000.

On page 22, line 16, increase the amount by 3,453,000,000.

On page 22, line 17, increase the amount by 2,458,000,000.

On page 22, line 24, increase the amount by 5,755,000,000.

On page 22, line 25, increase the amount by 4,224,000,000.

On page 23, line 15, increase the amount by 20,000,000.

On page 23, line 16, increase the amount by 13,000,000.

On page 23, line 22, increase the amount by 30,000,000.

On page 23, line 23, increase the amount by 23,000,000.

On page 24, line 5, increase the amount by 40,000,000.

On page 24, line 6, increase the amount by 33,000,000.

On page 24, line 12, increase the amount by 50,000,000.

On page 24, line 13, increase the amount by 43,000,000.

On page 26, line 14, increase the amount by 1,500,000,000.

On page 26, line 15, increase the amount by 1,350,000,000.

On page 26, line 22, increase the amount by 1,500,000,000.

On page 26, line 23, increase the amount by 1,463,000,000.

On page 27, line 5, increase the amount by 1,500,000,000.

On page 27, line 6, increase the amount by 1,500,000,000.

On page 27, line 13, increase the amount by 1,500,000,000.

On page 27, line 14, increase the amount by 1,500,000,000.

On page 41, line 7, increase the amount by 5,766,000,000.

On page 41, line 8, increase the amount by 15,752,000,000.

On page 43, line 21, increase the amount by 2,533,000,000.

On page 43, line 22, increase the amount by 2,006,000,000.

On page 43, line 24, increase the amount by 3,481,000,000.

On page 43, line 25, increase the amount by 2,820,000,000.

On page 44, line 2, increase the amount by 4,993,000,000.

On page 44, line 3, increase the amount by 3,991,000,000.

On page 44, line 5, increase the amount by 7,305,000,000.

On page 44, line 6, increase the amount by 5,766,000,000.

At the appropriate place insert the following:

It is the sense of the Senate that funding should be increased for vital programs serving the youngest children. Head Start should be funded at a level necessary to serve all eligible children. Funding for the Child Care Development Block Grant should be doubled to support the working poor and new resources should be dedicated to addressing issues of quality and supply in areas such as infant care and care during non-traditional work hours. The Healthy Start should be expanded to improve maternal and infant health. These initiatives should be funded through by changes in the tax code such as the elimination of the runaway plant deduction, the billionaire's loophole, the exclusion of income from Foreign Sales Corporations and other changes as necessary.

Mr. DODD. Let me, if I can, briefly describe what the amendment does. I see my colleagues here who have come to the floor. I note the chairman standing. Is he looking for a time agreement? When a chairman stands, it usually means he is looking for a time agreement. Is my colleague from New Mexico looking for a time agreement?

Mr. DOMENICI. I wanted to just—excuse me. I yield on my time.

Mr. DODD. I will yield to my colleague.

Mr. DOMENICI. I just wanted to sort of suggest to those in the Chamber who I see—I see Senator DODD has an amendment, and I assume that is what the Senator from Minnesota is going to speak to.

Mr. WELLSTONE. Madam President, my colleague from New Mexico is correct. I join with him on his amendment.

Mr. DOMENICI. I understand Senator HOLLINGS has an amendment, and I do not know how long the Senator intends to speak to it, but I plan sequentially to call on the distinguished Senator from Colorado, Mr. ALLARD, who has an amendment.

I was wondering if we might just at least be considering for our fellow Senators that we might finish the debate on those amendments by somewhere around 6: 15. It is 5:30 now. And then we try to stack these three so people after that could have a little time for dinner while we continue debating here. We would eventually ask those votes be 10-minute votes. I am just wondering, does that make any sense?

Mr. DODD. If my colleague will yield, I don't know how many Members want to speak on this, and there may not be that many. So rather than trying to spend the time negotiating an agreement, why not let it roll a little while on the bill; we just got underway, and see how it comes out. We may not need a time agreement. There is probably going to be just on this amendment 45 minutes, just the three of us on the floor who I know are sponsors of the amendment, and I presume Senator JEFFORDS is coming over, and there may be a couple of others. So we will try to move quickly. It is not my desire—I understand what the chairman wants to do, and we will try to move as fast as we can.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator SMITH is in the Chamber in my stead and whatever parliamentary privileges I have under the bill, I designate to him until I return.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I do not want to cut off the debate, but I wonder, because I deferred to my colleague from Connecticut to present his comments on the amendment, whether there is—can we ask the people who want to speak. I ask the Senator, whether the Senator from Minnesota and the Senator from Washington would be able to conclude their remarks in 5 minutes. Would that be asking too much?

Mr. WELLSTONE. Madam President, if I could respond to my colleague from New Jersey, I think it would be difficult to do so. I think it is a very important amendment. I did not go into the specifics of what this amendment was about earlier because I thought we would have a chance to speak to it. I think it speaks to a fundamental question of priorities. I could not cover this in 5 minutes. I certainly will do whatever I can to stay within a reasonable limit but 5 minutes would not be a sufficient time. I do not know about Senator MURRAY.

Mr. LAUTENBERG. The Senator from Washington has requested 5 minutes. And we will take the rest of the time as needed. I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I thank the Senator.

Madam President, the amendment I have sent to the desk that is under consideration basically says I think we can do a little bit more here. That is basically what it comes down to. As I said earlier, it is not to be offered to undo the budget agreement that has been struck by the committee along with the President. I respect and support that agreement.

I think we can do a bit more when it comes to investing in our most important resource. Statements are made over and over on the floor of this Chamber, about America's children. I do not know anyone who would list a higher priority than doing what we can to serve the most innocent in our society, who have the most in front of them. There is no lack of people expressing an interest in the subject matter today.

I recall going back some 15 to 16 years ago when Senator SPECTER of Pennsylvania and I formed the first children's caucus of the Senate. We had a difficult time, but we tried to convince people over the years that this was a worthwhile endeavor in which to engage on child care, on the issue of Head Start, and family and medical leave. No one would believe it today, but back then we had to fight hard just to form a caucas. Fortunately, we were successful in that effort as well as in the effort to pass critical legislation on issues affecting families and their children.

Today, few argue against these initiatives. Most people agree in our society, as we look to the 21st century, that we want to give our children the best start they can possibly have. We cannot guarantee them success. No one can be guaranteed that in our society. But we want to guarantee them an opportunity.

What we are talking about with Healthy Start, Early Head Start, Head Start, and quality child care is trying to give children a good start, the best start we can so they will at least have the opportunity for success.

In that regard, the amendment I am offering increases funding for three children's programs that strike at the very heart of the most basic needs of children in our Nation: Head Start, Healthy Start, and child care. These three programs truly are sound investments and, I think, time tested. These are not new ideas. They have been around now, in the case of Head Start, a generation. We have had the benefit of analyzing the programs and know they work.

In the case of child care, it has been over a decade, and Healthy Start, almost as long. We know from recent scientific findings that creative, positive environments for children in their earliest years is an investment that yields tremendous returns in the long term.

We are now engaged in the process of laying out this Nation's priorities for the next 5 years. In addition to numbers, we are laying out where are our priorities, where do we believe the most important things that need to be addressed over the next half decade are. We managed to find $85 billion in tax cuts intended to spur investment. While I do not necessarily disagree with that, I think it can be tremendously helpful and important. But I believe we can certainly find an additional $14.6 billion over the next 5 years to improve the investment of children, and that is what I am talking about.

This amendment would provide for full funding of Head Start by the year 2002. The President's budget and the budget agreement take a positive step in this direction by committing, as I said, to serve 1 million children over the next 5 years. That is up from 800,000 currently to 1 million in 2002, 200,000 additional slots. I think we can do better. This amendment would ensure that all eligible children who need Head Start will get it. By increasing funding to $11.2 billion in the year 2002, Head Start could reach over 1.4 million children. That is 400,000 more who would be reached than under the budget agreement.

As my colleague from New Mexico, Senator BINGAMAN, related the other day, in Albuquerque, NM, they have a staggering number of children waiting to get into Head Start and were unable to because the resources were not there. I am sure that story can be repeated in every State in the country, where parents are trying to get their children into the programs.

Going from 800,000, where we are today, to 1 million, 1.4 million over the next 5 years ought not be an impossibility for us to achieve in this country.

This amendment would also triple funding for Early Head Start programs to $560 million by the year 2002. This program, which my colleagues certainly recall, provides high-quality child development for infants and toddlers ages zero to 3. Again, I am preaching to the choir here, I presume, because of the tremendous amount of new information on this 36-month period that occurs in a child's life, to see to it that they get the quality care and development they need.

This amendment that I have offered on behalf of myself and Senator JEFFORDS, along with others, would also make an investment in quality child care. It would double the size of the child care development block grant to $2 billion annually and provide an additional $500 million each year to help increase quality and meet supply shortages in critically underserved types of care, including infant care and nontraditional hours.

I heard my colleague from Minnesota speak on the need for child care during nontraditional hours. Most people think of people working from 8 to 5. However, there are a vast number of people in our country who do not work traditional hours because of time shifts and so forth. We have very few child care slots for the nontraditional hours. We need to be doing everything we can as people are struggling to hold their families together economically to provide for that quality child care.

Again, I say to my colleagues, when Senator HATCH and I initially offered the Child Care Development Block Grant Program 10 years ago, we made the point over and over again how important it is to working people that their children are in quality child care. The block grant provides vital assistance to working families as they struggle to meet these needs. But it is not enough; it is sorely underfunded. The Congressional Budget Office has estimated that in the wake of welfare reform, there will be a $1.4 billion shortage in assistance for child care. This amendment provides an additional $1 billion for supply and another $500 million to address issues of quality and supply in key areas such as infants and the nontraditional hours. Again, as we move people from welfare to work, it is going to be critically important that we have these quality slots out there for people. So that is the second part of this amendment.

The additional $140 million is for the Healthy Start Program. Let me just remind my colleagues, I think all of us, I hope, have had an opportunity to visit Healthy Start programs. These programs offer to at-risk mothers prenatal care and other services that have been tremendously successful in seeing to it that new infants and their mothers get the proper care. Again, the studies show how critically important this can be for children's cognitive and emotional development.

Overall, this effort dedicates an additional, as I said, $14 billion to meeting the most basic needs of our youngest children. Healthy Start, Head Start, and quality child care are all about the earliest days. Obviously, the quality child care can spill over to school years, to afterschool programs, but nonetheless, the bulk of it goes to the earliest days of these infants' lives to see to it they have the best possible beginning. I realize $14 billion is not an insignificant amount, but over 5 years, that is less than $3 billion a year to fully fund Head Start, to double quality child care, and to provide more resources for Healthy Start. If we can find the $85 billion over 5 years, isn't it possible to find $3 billion less than that a year to make a difference in the lives of children from zero to 5 years?

So tonight, as we begin this process, this very first amendment that will be voted on in this budget debate, to say we have done a good job here and we can do a bit more. In my view, this agreement must serve the children who we talk about endlessly, who we debate and discuss at every meeting. Here is to reset our priorities for children with just a few more dollars. We know it is going to be hard. We realize there are other problems we are faced with, but when it comes to our children, this Congress, this Senate will stand up and say we can find the resources to see to it that these children get the proper kind of beginning that they deserve.

But don't look in the faces of innocent children and tell them we can't do a bit more. I know we are going to do a lot for people in the upper income levels, I understand that. If we can do that, we can do this and still balance this budget by asking for a little less in some areas for children, even though they don't vote, don't have political action committees, and don't participate in this process. With all the speeches that are given over and over again, this is the time to let rhetoric become a reality.

Madam President, at the proper time, obviously, I will ask for a rollcall vote on this amendment and urge my colleagues to join Senator JEFFORDS and me in this bipartisan proposal. Senator JEFFORDS is the chairman of the Labor and Human Resources Committee and has worked on a number of these issues over the years. He has joined with me, as Senator COATS did, on family and medical leave and Senator HATCH on the child care legislation.

With that, I yield the floor and invite my colleagues' comments.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I yield myself 5 minutes. I would like to respond to the Senator from Connecticut.

I think there are many on my side of the aisle who care a great deal about issues with respect to children. I am one of those who has kind of bucked the tide in my party and signed up as a cosponsor, with enthusiasm, to the Hatch-Kennedy bill, which raises the tax on tobacco to provide expanded Medicaid to children. I also have great sympathy for many of the points Senator DODD is making. I believe we should fully fund Head Start. I am told it takes $10 billion to do that, not $14 billion——

Mr. DODD. Eleven billion dollars.

Mr. SMITH of Oregon. I am interested in that, but I am not interested in breaking this budget agreement, if it means that we are breaking our promises to the American people. Republicans and Democrats alike—neither side, frankly—are thrilled with every provision of this budget, but the truth is, a lot of promises are being kept with this budget.

Ultimately, it comes into balance, but in addition to that, we are protecting essential programs, we are cutting taxes, and we are balancing budgets. I think that is what America expects. I think that is what they want, and overriding all of our individual little concerns. I think they want us to keep our word on balancing the budget. In defense of this Congress, I think it is important to point out that since 1990, funding for Head Start has tripled. It ought to do better, but it ought not to do so at the expense of the promises we have made to cut the tax burden on the American people.

In addition, children's programming is a priority in this budget. We have funded Head Start at the President's requested level of an additional $2.7 billion over 5 years. We provided $1 billion for this program last year and an additional $4.5 billion for child care through the welfare reform bill. So it is not like we are insensitive to this. In fact, many of us would like to do more. It is just the vehicle being chosen, and this vehicle, the Dodd amendment, will, frankly, in the end violate this bipartisan agreement, and that we cannot do, because to get a majority, we need to keep this promise to ourselves, to our constituents, and keep faith with the leadership and with the White House.

Thank you, Madam President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, let me respond to the Senator from Oregon. I appreciate his remarks, but I want to point out that this amendment says that the offset comes from corporate welfare, as I understand it. Some we are looking at. The Joint Tax Committee and others have carefully studied hundreds of billions of dollars of tax loopholes that usually go to some of the largest corporations and some of the wealthiest individuals in the country.

We are saying, can you not take a little bit from that, and instead, wouldn't you invest this in Head Start? And wouldn't you invest this in affordable child care? And wouldn't you invest this in Early Start? And wouldn't this make much more of a difference in children's lives? And wouldn't this better represent the standard of fairness of the people in the country?

So, Madam President, this is not about breaking any deficit reduction plan. This is about whether or not this budget agreement reflects the priorities of people in this country.

With all due respect to my colleagues, I think that if the choice for people in this country is between eliminating some of these egregious loopholes and deductions and instead investing more in children, and especially investing in this critical area of early childhood development, I say absolutely we ought to be doing that.

Madam President, I would like to talk just a little bit about these programs and a little bit about the sort of overall context of this amendment.

First of all, I have heard it so stated—and I say to my colleague from Oregon I will be willing to be critical of my own colleagues. I actually say this in a scrupulously, if you will, nonpartisan way. We talk about how we are expanding Head Start and, therefore, we are going to serve an additional 1 million children. But are we doing enough to reach the 2 million children who are not now participating?

My colleague from Connecticut points out that in addition there is going to be some early Head Start funding, frankly, above and beyond the 1 million children who still are not receiving any assistance; that is, Head Start 3 to 5.

If I was to include early Head Start, which is very consistent with very compelling scientific evidence that these are the really critical years, you know, right after birth, 1, 2, up to age 3, we are not coming even close to providing many children in this country with a head start. I far prefer to do that than to continue with a variety of different loopholes and deductions and breaks for some of the largest corporations in this country and wealthiest individuals who do not need it.

I mean, I would be more than willing to lay out this proposition for people in the country over and over again and say, you know, whose side are you on? Cargo Continental Grain Co. or vulnerable children who are just looking for a break by way of Head Start to get them prepared for school or good child care or, as I was talking about earlier, though not in this amendment, adequate nutrition? That is what this is all about. That is what this amendment is all about.

So the issue is not whether or not Senators are going to vote against this amendment because they are opposed to a budget agreement. I think my colleague from Connecticut and I may have different views on the overall budget agreement. I do not know yet. I guess he reserves final judgment. But you can be for the budget agreement and vote for this amendment because this amendment still keeps us within this path of a balanced budget. It just says: Couldn't we do a little bit better for children?

I am aware of the fact that colleagues feel some time constraint, and I promise not to take more than a couple more minutes, but this is, I think, such an important amendment. I am proud to join in with the Senator from Connecticut and Senator JEFFORDS from Vermont and Senator MURRAY from Washington.

Another way of looking at this for just a moment, with all due respect—and this is my hard-hitting point; I might have said it before on the floor of the Senate but it just feels right to say it at 10 to 6 on Tuesday evening—a real heroine to me—she is no longer alive—was a woman named Fannie Lou Hamer. She was a share cropper from Mississippi, an African-American woman. She once said, "I'm sick and tired of being sick and tired." She was a great civil rights leader.

I just get a little sick and tired of everybody who says they are for children and investment in children and we are now going to build a bridge going to the next century and we are all for these children—except when it comes to investment.

On the one hand, we say it is so important that children who come from really difficult circumstances get a head start. I mean, that is what we try to do. We do what the name of the program suggests, give these children a head start. And we talk about how unfair it is that so many children do not have this head start. And then we seem to be so comfortable with the fact that we still are not providing enough funding for 1 million children who are not going to receive it, ages 3 to 5, and God knows how many more children under the age of 3.

Can't we do better? Can't we do better? Can't we have just a little bit less by way of tax breaks, loopholes, deductions, whatever you want to call it, for large multinational corporations? I mean, Lord, we are just talking about $15 billion out of studies that have talked about hundreds of billions of dollars. Can't we just provide them with a little less so we can provide a little more for these children?

Second point. It will just be the last one, which is the child care piece. I believe my colleague from Connecticut, in this overall over 5 years, $15 billion, is saying we can do better. I think many of my colleagues on both sides of the aisle agrees with this.

You look at the child care picture, and whether or not you want to talk about family-based child care or center-based child care or figure out ways you can have child care available for parent or parents at place of work, however you do it, however you do it, Madam President, it is just amazing, it is stunning how little we have done and how much we have to do.

David Packard, who was Deputy Secretary of Defense under President Reagan, and his wife Lucile Packard have a foundation. They issued a report this past summer, and they talk about child care. They make the point, look, it is not just nutrition, it is not just health care, but in addition, if these children do not get the kind of nurturing and intellectual stimulation that affects the way the brain is wired, that affects whether or not they are going to have a chance.

So many families—if we want to talk about working families, this is not just a poor people's issue. So many working families, so many of our children of parents in their thirties with two small children themselves, you look at their salaries, they cannot afford really good child care.

What Senator DODD is trying to do is at least expand some funding for good developmental child care. This is critical. This is the critical time.

If the medical evidence is so compelling, if it is so irreducible, if it is irrefutable, and if we know we have to do this for children, why cannot we in this budget agreement take a little bit away from or have a little less by way of tax breaks, loopholes, deductions, you name it, for large multinational corporations and wealthy people at the top of the economic ladder in our country and instead do a little better by way of investment in children, so each and every child can finish this way, each and every child?

I think we should be able to get good, strong bipartisan support. Each and every child in America, regardless of color of skin, regardless of income, regardless of religion, regardless of rural or urban, regardless of whether they be in Oregon or Connecticut or Maine or New Jersey or Minnesota, each and every child, regardless of religion, should have the same chance to reach her full potential, have a full chance to reach his full potential.

That is the essence of the American dream. That is the goodness of our country. That is what we believe in. This amendment takes us just a little bit—but, boy, it really matters to many children in many families—takes us a little bit further in that wonderful direction.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. How much time does my colleague from Washington need?

Mrs. MURRAY. Five minutes.

Mr. DODD. I yield the Senator from Washington 5 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, thank you.

We are at a historic time in our Nation's history where we have before this body a balanced budget agreement that purports to balance this budget by the year 2002. I think many of my colleagues feel, as I do, that we have worked long and hard to reduce the deficit and we are finally getting there and we feel good about it.

But what we also know is that this economy is doing very well. We know that unemployment is down. We know that those people on Wall Street are doing well. We know that our college graduates are getting jobs that were not available to them 5 or 10 years ago. And there is a lot of hope and opportunity out there.

Madam President, it seems to me that this is the right time to take a look and say, Who are we missing in this budget? And when we know that one out of four children in this country live in poverty, despite the fact that our economy is doing well and that things are looking really good, we ought to take this opportunity now, as we put this balanced budget agreement together, to make sure that this country focuses its resources on a place where it can really make a difference.

I come to you today as a mother, as a preschool teacher before I was in the Senate, and as a U.S. Senator to tell you that I can think of no place that we can invest money better than in the young children of this country.

I want to thank Senator DODD for his work on this issue over many years and for all the time and energy he has put in to make sure that that group of people who do not have a voice do have a voice on the Senate floor.

His amendment before us today, that I am delighted to be a cosponsor of, addresses the current needs of today's young children in a way that this budget does not and should.

I can tell you from personal experience that Head Start makes a difference, and it makes a dramatic difference for those kids who are not in Head Start today. I taught preschool. I know that when you have a child in your classroom and when they are 3, 4 years old and they learn cognitive skills and they learn, in their beginning time, to get along with other children and they learn child development in a healthy way with a good teacher and with good equipment and with good adults around them, they will enter our schools ready to learn. It makes an incredible difference.

But it makes an incredible difference in those families as well because that mother or father has to bring that child to your classroom every day, and as a result they begin to learn how to deal better with their own young children. The result is a rippling tide. You have the child in your classroom, you have the siblings of that child, and you have the parents of that child really focusing on family. This is about creating good, strong families in this country. There is nothing we can do better than to devote our resources to Head Start for the families across this country and for the children in this country.

The child care development block grants have been spoken eloquently to. We know, as welfare reform goes into effect, that as women and men on welfare go into the work force, who is going to be left behind at home is their children. If we do not do everything we can to provide child care at those odd hours when a mother is working the night shift at the grocery store, that we are going to have infants and children who are not well cared for.

The results of that are going to be dramatic on those young children as they are not paid good attention to. But it will have an even more dramatic impact on those welfare moms when they are at work, because I can assure you that just like every other parent today, if I know that my child is being taken care of, whether they are at school or whether they are in child care, I do a better job when I am at work.

We need to make sure that the child care is available out there so that every working adult can be the best and most competent they can be at work and so that those children grow up feeling secure. I am tired of having young children say to me today that they do not think adults care about them in this country. If we leave them home alone without child care, it sends that message strongly. Those children end up on our streets, they end up in gangs, and they end up disillusioned as American citizens. We have to invest time and money and energy into child care through the child care development block grant so that we can raise a healthy generation of adults.

Finally, on the Healthy Start, we know when we take care of children and their health when they are young, that it will pay dividends in the future. One out of four children live in poverty. One out of four children are not getting the health care they need, not being taken care of. Guess where they will be when they grow up?

Madam President, it is essential that as adults on the floor of the Senate, we take the time and the energy and the resources to send our country in the right direction when we have the time and energy to do that. And that is now.

I applaud the Senator from Connecticut and the other cosponsors, and I urge this body to do what needs to be done. Those children were not in on the budget agreement. They were not there. They were not available to be there for the handshakes. We have to be on this floor to speak for them and speak loudly. I urge your support of this amendment.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I am going to shortly yield the floor as well to my colleague from New Mexico, who is also a cosponsor of the amendment.

Let me just address the issue of how does this get paid for. We are not allowed specifically here to target revenue sources, but I have tried to lay out in the amendment where the revenues will come from.

One source is the foreign sales corporation, which most of my colleagues may be familiar with. This was set up back about 1981 or 1982, in fact, part of another budget agreement, done in a conference report. These are basically paper companies with very few employees, if any, in some cases that enabled American companies to exempt export income from U.S. taxation. That is about $24 billion over 5 years. The cigarette tax is another source here.

I cannot dictate a specific revenue source in this amendment—I am prohibited from specifically directing the Finance Committee. But it would certainly be my intention, as we stated here, to take the $14 billion over 5 years from those sources. If you took a little bit from the foreign sales corporation—you do not have to take all of it—some from the cigarette tax increase, it would be easy to pay for this amendment to provide for full funding for Head Start, child care, and Healthy Start programs.

My colleague from New Mexico is here, and I yield, Madam President, 5 minutes to my colleague from New Mexico.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to speak on behalf of this amendment by the Senator from Connecticut.

I think, to put this in context, at least as I see it, this budget resolution is a blueprint for taking us into the next century. It sets out our priorities as a nation as we go into the next century, what we think it is important to spend our resources on, and what can we justify to the people who elect us in our States for spending resources on.

I believe very strongly that we can justify to our constituents, to those who vote for us and those who vote against us, we can justify to any of them the additional expenditure for the Head Start Program that the Senator from Connecticut is recommending here.

I look at my home State and the inadequate funding that we have for Head Start there, and it is a great concern. Let me give you a few specifics. In a State like mine, New Mexico, for example, 16 percent of the eligible children under age 5 are enrolled in Head Start. That is in the 1995 fiscal year. The national average is around 20 percent; in my State, it is 16 percent. There are only 1,000 of the 8,000 eligible children that are being served by Head Start in our principal city of Albuquerque, NM, which is about 12 percent of the eligible children in Albuquerque being served. I had the good fortune of visiting a Head Start center and was impressed by the opportunities being offered to those young people, but for them to tell me there are 8,000 eligible students or eligible children who are not able to participate in Albuquerque, I think, is a real concern.

Despite the clear need and several proposals to obtain funding that received higher ratings, my State has no early Head Start programs. The early Head Start programs are for the students that are less than 3, as I understand it, and there are some of those around the country but very few. We will have another amendment later on in the budget debate here about the importance of early childhood education and the tremendous impact of trying to work with children from the age of birth until 3 years old. Early Head Start programs provide, fill a need there, and we are doing too little. In my State, we have no, absolutely no early Head Start programs.

Increasing Head Start participation to 1 million children by the year 2002, as has been proposed in the resolution, would only increase participation by about 200,000 children, as I understand it. We need to add 1 million children to Head Start, not reach the total of 1 million by the year 2002.

For these reasons, I am glad to cosponsor the amendment of Senator DODD, and glad to speak on behalf of this amendment.

Let me say we need to recognize here on the floor, we have a lot of talk about what we can afford and what we cannot afford. We are the wealthiest nation in the world. We have the largest economy of any nation in the world. We are able to afford what we determine is a priority in our country.

Unfortunately, we have not determined that it is a priority to fully fund Head Start. This amendment would correct that very major defect in this budget resolution. I strongly support it. I urge my colleagues to vote for the amendment.

MODIFICATION OF AMENDMENT NO. 296

Mr. DODD. I send a modification of my amendment to the desk.

The PRESIDING OFFICER (Mr. BROWNBACK). The amendment is so modified.

The modification is as follows:

On page 8 on line 13 after "loophole," insert "increases in the cigarette tax,".

Mr. DODD. Briefly, Mr. President, the modification, as I pointed out a moment ago, obviously, under the way the budget agreement is struck here, we cannot dictate to the Finance Committee where revenues—that is up to the committee to decide. I listed various tax cuts that might be modified or increased to pay for the amendment. You have to offset it. I have listed a number at the end of the amendment. I have added the cigarette tax as one that could also be considered, obviously. So that is the modification I sent to the desk. I listed a couple of those already.

As I said earlier, I think this agreement is a pretty good agreement. I began my remarks in offering the amendment by suggesting that I thought the members of the Budget Committee and others have done a good job, certainly, in this process, and the reason we are debating and voting is we have to offer our own ideas to it. My colleagues may reject the idea or accept the idea.

I happen to believe that by doing a bit more, a little under $3 billion each year over the next 5 years, in Head Start, in child care, in Early Start, in Healthy Start, is in the best interests of our country. By doing so, by adding a bit more to the cigarette tax or lopping off some of the foreign sales corporation, a program that I think, in fact, we voted on, the billionaire tax cut I listed, 96 Senators voted, 1.6 billion it would bring in. Many times we voted on it. It is there. There are resources that would not in any way get to the issue of middle-income tax cuts that are also included as part of this agreement which I would support.

Mr. HARKIN. Mr. President, there is no issue of greater importance to our country than the education of our citizens. The budget before us calls for modest new investments in education over the next 5 years by increasing resources for education and training programs. In addition, the budget provides tax credits and deductions to middle income families to help pay for postsecondary education as outlined in the budget resolution. I fully support those initiatives. However, I believe we can and must do better.

Several years ago I read a report by the Committee on Economic Development. This is a group of CEO's from some of our Nation's largest companies and they called on us to fundamentally change how we think about education. They said education is a process that begins at birth and that preparation must begin before birth. They called on the Federal Government to make additional investments in early intervention activities such as Head Start. I believe we should heed their words.

The pending amendment makes these investments to ensure the readiness of all children and I want to commend Senator DODD for his leadership.

Last month, at my request, the Labor, Health and Human Services Appropriations Subcommittee held a hearing focusing on the importance of early childhood education. That hearing was on the eve of the White House conference on early learning and the brain which highlighted this most significant issue of the education of our youngest children.

Over the past several months we have been reading a great deal about research on the brain and the implications for the education and development of young children.

The research provides the scientific evidence which validates what many parents and children's advocates have been saying for years—the greatest potential for learning happens during the first years of a child's life. Therefore, we need to make sure that all children have rich learning experiences during that critical time.

The first National Education Goal states that by the year 2000, all children will start school ready to learn. I strongly support all of the goals, but believe that the first goal is essential for achieving the rest of our national goals. Without a strong foundation in the early years, children, particularly children from low-income families, start school behind their peers school and often find it very difficult to catch up.

Early intervention also makes good economic sense. Studies tell us that each dollar invested in high quality early childhood education programs such as Head Start saves $7 in future costs by increasing the likelihood that children will be literate and employed rather than dependent on welfare or engaged in criminal activities. However, less than half of the 2.1 million children eligible for Head Start participate. With the additional resources provided by the Dodd amendment, Head Start will be fully funded in 2002. That's a goal that is long overdue.

The most perplexing problem for working families is the availability and affordability of high-quality child care. In Iowa, 67 percent of children under the age of 6 have all parents in the labor force. The cost of child care overwhelms the modest budgets of most working families since the care for one young child can cost as much as $4,000 per year. Availability of subsidies for working families are vital to helping many of these families stay off of welfare and the pending amendment provides an additional $7.5 billion over the next 5 years for this purpose.

Finally the amendment increases funding for the Healthy Start Program. This initiative provides grants to areas with high rates of infant mortality to decrease the incidence of infant deaths. The additional will help sustain the gains made in those places and help disseminate information on successful interventions for other areas.

Mr. President, we must not lose sight of the importance of investments in the education of young children. After all, high quality educational activities during a child's first years often alleviates the need for more expensive interventions later in life. I hope that we will be able to work together to create the infrastructure which truly redefines how we view education—as a process that begins at birth, with preparations beginning before birth.

This amendment significantly increases investments for these vital early intervention initiatives and pays for these investments by closing several tax loopholes.

I urge my colleagues to support the Dodd amendment and yield the floor.

Mr. DODD. Mr. President, I ask unanimous consent that Senator HARKIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Would the Senator from Connecticut call for the yeas and nays?

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DODD. Reserving the request, I withhold, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I ask all time be yielded back from our side.

The PRESIDING OFFICER. Does the Senator from Connecticut yield back time?

All time is yielded back.

Mr. SMITH of Oregon. The DODD amendment is not germane. Pursuant to section 305 of the Budget Act, I raise a point of order against the amendment.

Mr. DODD. This is not in line, I do not believe, on this particular amendment. There are no budget increases in the first year. I changed the amendment, and my colleagues may not have been aware of it, to comply.

Mr. SMITH of Oregon. It is my understanding from the Parliamentarian that——

The PRESIDING OFFICER. The question is on the motion. There is 1 hour equally divided.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. This will take 60 votes to waive the nongermaneness, will it not?

The PRESIDING OFFICER. That is correct. The Senator from New Mexico is correct.

Mr. DOMENICI. Unless you need further time, we do not need time. We can have the vote.

Mr. DODD. My point was, I say to my colleague from New Mexico, to try to avoid a point of order is the reason we modified the amendment. I am happy to make this a sense-of-the-Senate resolution, and I think that would then get us away from the point-of-order issue, and I would so modify my amendment to make it a sense-of-the-Senate resolution, in which case we can avoid.

Mr. DOMENICI. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. I do not believe he can amend, can he?

The PRESIDING OFFICER. It would take unanimous consent to modify.

Mr. DODD. Mr. President, I ask unanimous consent if I can modify it to make it a sense of the Senate.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry: What is the status in the regular order at this moment?

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act. The Senator from New Mexico has 20 minutes.

Mr. DOMENICI. Have the yeas and nays been sought on the motion?

The PRESIDING OFFICER. No. They have not.

Mr. DOMENICI. Mr. President, it is my understanding that the sponsor of the bill would like to—and the manager of the bill on this side with the consent of Senator LAUTENBERG on the minority side—propose to the Senate a solution to this problem which would expedite the matter.

We would like to proceed—and I ask unanimous consent that we do this—that we vitiate the motion and we vitiate the germaneness statement; that the Senator be permitted to modify his amendment; that we will not make a germaneness point of order; and that we will proceed after about 5 minutes—and I will say who gets the 5 minutes—to move to a motion to table the amendment; and the yeas and nays will be ordered on that, and the first vote will then be on the motion to table this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I apologize to my colleague from New Mexico. What was the last part?

Mr. DOMENICI. That when we rid ourselves of the germaneness and the motion to waive it, we will be back on the amendment of the Senator from Connecticut. And I will then move to table it, and the Senator from Connecticut will ask for the yeas and nays, which we will grant, obviously, and we will vote on a tabling motion to the Senator's amendment without a germaneness defense being asserted.

Mr. DODD. There will no other points of order raised. I will just offer the amendment as proposed with the modification.

Mr. DOMENICI. I think we are just permitting the Senator from Connecticut to make it as it is and not raising the germaneness issue.

Mr. DODD. I accept that. I would prefer we didn't have a tabling motion. But I respect my colleague.

Mr. DOMENICI. I suggest that we ought to have 3 or 4 minutes.

Mr. DODD. Let me have a quorum call so that I can make sure we have the modification correctly.

Mr. DASCHLE. Mr. President, perhaps as the amendment is being reworked, maybe I can comment very briefly.

This is one of those very difficult circumstances that I am sure the majority leader and I are going to find ourselves in throughout this debate. I am very enthusiastic about the subject matter, about the issue, about the amendment. I would in any other set of circumstances be a cosponsor of it. I applaud the Senator for raising the issue.

But because it falls outside the parameter of the agreement of this budget I am going to oppose this amendment under these circumstances.

Again, I regret that I have to do that. But that is the agreement that we have enjoined, and I am going to try to adhere to that agreement throughout this debate.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the distinguished Democratic leader for making that statement at this time. I intend to do the same thing as we go forward.

When we have amendments that change the basic content of the budget agreement, as this one does, which would provide for changes in the tax provisions, to have tax increases in the code, and move that over into funding programs at a level above what was included in the budget agreement, we think that would be outside the agreement. And, while there are a number of Senators led by the Democratic leader who see an attractiveness in it, I think this is the right thing to do.

We were trying to be cooperative by not going through the waiver of a point of order. But we will have the vote on the motion to table.

It would be my intent to take the same position when amendments are offered of this nature from our side of the aisle.

I think it is important that the two leaders on both sides make it clear that we are going to try to stick with this agreement as we go forward in the next 2 days.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

MODIFICATION NO. 2 OF AMENDMENT NO. 296

Mr. DODD. Mr. President, I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification No. 2 is as follows:

On page 8, line 5 after "that" add "the assumptions underlying the budget resolution assume that,".

Mr. DODD. I think this modification of the amendment conforms with the conversation that I had with the Parliamentarian.

Mr. DOMENICI. Has the modification been accepted?

The PRESIDING OFFICER. The modification has been accepted.

Mr. LAUTENBERG. Mr. President, a brief moment: That is to say, with great reluctance I am going to oppose the amendment offered by the Senator from Connecticut. He has a long and distinguished record on matters affecting children and their well-being.

I have also been a supporter of those programs that protect America's children to try to help them develop into functioning citizens.

But we do have an agreement that was hammered out, if I can use the expression, in great pain with a great pain in many cases over many weeks of hard work.

I just make the point that I commend the Senator for his interest, his continuing interest in the well-being of our children in the country, and that I again acknowledge regretfully that in my position here I am going to be opposing the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask that I be permitted to speak for 2 minutes after which we will vote, unless the Senator wants a minute.

Mr. DODD. I will take 30 seconds.

I respect immensely both my leaders, the chairman and the ranking member of the Budget Committee, and their positions on all of this. I understand their positions. I understand as well that, as Senators, we all have a chance to modify this resolution, hopefully without doing damage to the underlying agreement.

This resolution is a 5-year commitment to our country. I thought it should also be a stronger 5-year commitment to our children.

It seems to me that in the midst of everything else going on here, shifting around a little bit to accommodate those needs is very little to ask for America's kids.

I understand again the leadership position on it. I respect it. I offered the amendment. I am one who supports this agreement, by the way. I am not out here to undo it. I simply want to make it better with this amendment.

I regret that the leadership will oppose this amendment. But I respect that position, and urge my colleagues to support the amendment when the tabling motion is made.

Mr. DOMENICI. Mr. President, because there will be a lot of people supporting my motion to table, I do not want them to feel the least bit embarrassed about doing that because, as a matter of fact, this agreement that is before us contains every single nickel that the President of the United States asked for in terms of Head Start—$2.7 billion. That is what he asked for. It is a priority item. It must be funded. And you can't do better than that.

We have a good record in the U.S. Congress in terms of child care. Mr. President, $1 billion was added last year, and $4.1 billion in the welfare bill.

So those who support my motion are, indeed, doing that with the full cognizance that the U.S. Congress and the President have done right by these programs over the last 2 years, and intend to do even better by them without the Dodd amendment when it is tabled tonight, because we are going to leave that $2.7 billion in. It is in the agreement right now.

With that, Mr. President, I move to table the Dodd amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Connecticut.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 61, nays 39, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
Daschle
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kyl
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Conrad
D'Amato
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 296) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to propound ask a unanimous-consent agreement now which would say we would not have any more recorded votes until 7:45, but we would have two at 7:45.

So I ask unanimous consent the next two amendments in order to Senate Concurrent Resolution 27 be an amendment to be offered by Senator ALLARD and an amendment to by offered by Senator HOLLINGS, that no amendments be in order to either amendment, and at 7:45 this evening, the Senate proceed to vote on or in relation to the Allard amendment, to be followed by 2 minutes for debate, to be followed by a vote on or in relation to the Hollings amendment.

Mr. LAUTENBERG. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask all time between now and 7:45 p.m. be equally divided between the two amendments in the usual form, with Senator ALLARD's amendment being offered first.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, it would be the intention, I believe, of the managers of this legislation, to proceed, then, to continue to work on some other amendments that would be voted on in the morning. But, for now, these would be the two votes stacked at 7:45, and they would be the last recorded votes tonight.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Colorado.

Mr. ALLARD. Mr. President, I request order.

The PRESIDING OFFICER. There will please be in order in the Chamber.

AMENDMENT NO. 292

(Purpose: To require that any shortfall in revenues projected by the resolution be offset by reductions in discretionary spending)

Mr. ALLARD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. Could we please have order in the Chamber? The Senator is proposing an important amendment and deserves to be heard.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] for himself and Mr. INHOFE, proposes an amendment numbered 292.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SEC. . OFFSET OF REVENUE SHORTFALLS BY DISCRETIONARY SPENDING REDUCTIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1999, 2000, 2001, or 2002 that provides a revenue total for any of those fiscal years below the levels provided in this resolution unless the discretionary budget authority and outlay totals in that resolution are reduced to offset the amount by which revenues are below the levels provided in this resolution.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

The PRESIDING OFFICER. The time on the amendment is limited to approximately 25 minutes.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I again thank the chairman of the Budget Committee and the ranking member of the Budget Committee for their hard work in putting together this agreement. I still have one overriding concern. I think there are a number of Members in the Senate that share my concern about what happens if the revenues we are projecting do not hold up over the years.

Mr. President, I share the concern that as we move through our economic cycles, the projected revenues in this budget agreement may not hold up. So I think it is a very legitimate question for us to ask ourselves, what happens if the revenues do not hold up to this agreement? Potentially, we could find ourselves back at the negotiating table, working hard to reestablish those priorities set up in the original agreement because the revenues were falling short.

Mr. President, I ask you bring the Senate to order.

The PRESIDING OFFICER. The Senator is correct. Can we please have order in the Chamber?

The Senator from Colorado.

Mr. ALLARD. Mr. President, I think it is important that we move toward our goal, that we continue to eliminate the deficit by 2002. The amendment that I am offering considers that if the revenues do not come in as projected, then there will be an automatic adjustment that would occur through the procedure set forth to hold down spending and keep the deficit from increasing.

We all recognize that the economy goes through cycles. As a member of the House Budget Committee several years ago, I felt the figures coming out of the Congressional Budget Office, built on the first 2 or 3 years prior to that, were good numbers. But I have a feeling that we are reaching the top of our economic cycle and that at some point in time we will be forced to address the problem of not meeting our projected revenues.

This amendment tries to address that problem. Today, the economy is strong. People have jobs and the stock market is surging. History tells us, however, that this is not always the case. Unfortunately, the budget resolution assumes economic growth over the next 5 years that is unmatched in this country's history.

The Congressional Budget Office has provided Congress with a series of revised revenue forecasts, all pointing to future economic growth. In fact, balancing the budget is $629 billion easier now than last year at this time. If these revenues do not materialize, then all of our hard work will be lost to increasing deficits. I do not want this hard work to be lost. That is why I have introduced my amendment today.

The concept behind my amendment is simple: Provide a means to reduce spending within this budget agreement if real revenues fall short of those projected. This amendment will decrease discretionary spending in proportion to the revenue shortfall. This would help ensure that the budget remains on the glidepath to balance by the year 2002.

I am well aware of the historic nature of this agreement and would like to back the resolution with my undivided support, but I cannot mortgage the future of my children and grandchildren on Congressional Budget Office revenue forecasts. We should make sure that the document before us today has a mechanism to secure deficit forecasts. I do not believe that this change alters the intent of the agreement, but rather enhances its ability to react to changes in the economy, changes we may never see. But we cannot be shortsighted in this matter. If we are going to craft legislation to blueprint the next 5 years, let us be smart enough to realize that we cannot see into the future. Let us be smart enough to include language that allows this agreement to react to future changes.

I believe we can and should do more. We should do more in the form of tax relief for the American family, more in the form of tax relief for the family farmer, more in the form of reducing waste and duplication within the Federal Government. But I also believe that we can do more in future budget debates.

My amendment is not to serve as a protest, but rather a constructive improvement to a realistic budget compromise. I served on the Budget Committee in the other body and realize how difficult it was even to get to the point where we are today. But this cannot preclude us from holding true to our commitments. This amendment locks in nothing but our commitment to balance the budget.

My greatest fear is that reduced future revenues will unravel this agreement, just as we have seen with similar resolutions in the past. This amendment allows for future economic changes and would only strengthen the budget resolution.

The people of Colorado sent me to Washington to balance the budget and, in the process, make sure that any budget agreement keeps the Federal budget on a glidepath to balance. I ask that my colleagues hold true to balancing the budget and support this amendment.

I yield my time.

The PRESIDING OFFICER. Who seeks recognition?

Is the manager opposed to the amendment?

Mr. DOMENICI. The manager is opposed to the amendment.

The PRESIDING OFFICER. Then the manager controls time in opposition.

Mr. DOMENICI. Then I yield to Senator LAUTENBERG as much time as he wishes.

Mr. LAUTENBERG. I thank the manager. I think, just to ask a parliamentary question, when there is time for an amendment, that time is automatically divided between the two sides regardless of which side is being spoken for?

The PRESIDING OFFICER. When an amendment is proposed, half of the time is controlled by the proponent of the amendment, the other half is controlled by the majority manager if he is in opposition, and if he is not in opposition, then the minority manager will control that time.

Mr. LAUTENBERG. Mr. President, now that that is resolved, this amendment would force a cut in discretionary programs, if I read the amendment correctly, if projected revenues fall. That means that we would be putting national security at risk as well, because we would be taking it from defense as well as from discretionary accounts. That hardly seems the way, in my view, that the country ought to be doing business.

There may be circumstances that we cannot possibly imagine at this juncture, and apart from the basic rule of saying, look, this falls outside the understanding that, again, was negotiated at length, this means that if the economy falters, critical programs, in addition to defense, would be cut. It might be a time when, if things suddenly start turning tough, you might want to make other decisions. This would tie our hands and not enable us to consider these things as expected, and there are many other conditions that might be considered.

Would the Senator from Colorado suggest, if revenues fall short, that taxes ought to be increased? I hardly think so. I will not bother the Senator for a response to that; I will answer for him, taking that liberty. I just want to make the point that an agreement has, again, been negotiated, considering all prospects—revenues, expenditures, firewalls, protection of defense, development of discretionary accounts—again, through long, arduous discussions. While I think there are probably a number of people who would like to change the agreement, the fact is this represents a consensus point of view, and we are going to oppose the Senator's amendment and hope that the manager will agree with us that the amendment is going to be opposed. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair. Mr. President, yes, I do oppose the amendment, and let me tell the Senate why. First of all, I think everybody should understand that revenues are not the only thing we estimate in the budget. We estimate the economic growth, we estimate the inflation, we estimate the unemployment, and, frankly, all of them are estimates. We also estimate the amount of revenues that are coming in.

Might I suggest, it is very interesting, during this recovery, which is not an enormously high recovery in terms of gross domestic product growth, it has been an enormous yielder of revenues. Revenues have been coming in for 4 successive years at much higher than the Congressional Budget Office ever assumed, and, frankly, we have been saying the OMB is too generous, it has even been coming in higher than they have assumed.

On the other hand, the economic growth, the gross domestic product, has come in higher than estimated by either OMB or CBO. Now, the best you can do in a budget resolution is get the information regarding those factors that you do not have control over, how much revenue is coming in, how fast are we going to grow, what is the inflation rate going to be, how much unemployment are you going to expect and the other myriad of indicators of economic significance to the country.

Why we would just take one, revenues, and say if revenues do not meet the expectation, that we would then set about to do what? To cut the appropriated accounts.

Let me remind everyone, the appropriated accounts are now about 33 percent of the budget, and guess what they are, Mr. President? Half of them are defense—about half, almost split in the middle—and half are all the rest of the domestic programs. But how about this? What about the 67 percent of the budget that are the entitlements and mandatory programs and all the other things?

It would seem to me if you are going to have some kind of automatic adjustment—we tried this before and it has never worked—but if you are going to have one, then you ought to do it to everything. Why would you pick out defense, and it essentially is going to get half the cut if such is necessary? I do not think that is fair. Right off the bat, I would oppose this amendment on that alone.

There are others who say, "If you only do defense, we will support you, Senator from Colorado, and leave out the domestic." But the point of it is, you are not going to be absolutely accurate when it comes to estimating. You are not going to be absolutely accurate. You do the very best you can, and then you make the alterations year by year if such are required.

I have even reached the point where I think you ought to make the alterations every 2 years. That is what I think about estimating. Having to go through budgets and appropriations, I think it ought to be every 2 years rather than one.

I do commend the distinguished Senator from my neighboring State of Colorado. He is a new Senator, and he knows a lot about putting budgets together. He knows a lot about putting reserve funds in place so that you come out right, because he has told me about them in his State of Colorado, a good conservative State that knows how to budget.

Frankly, it is very difficult to be that accurate with our National Government's budget the size it is, since we have so many programs that, if you change the economic growth just a little bit, then the unemployment compensation goes up a whole bunch and we have a lot of indicators, a lot of things that are related to this estimating that we cannot be certain of, other than look back after we have done it.

Incidentally, we have even done that. We have even said that, if that is the case, let's look back and correct it retroactively. I am not for that either. I am for being conservative in the estimating, and we have been as conservative as you can be in this budget. We have used the economic assumptions of the Congressional Budget Office in terms of growth, in terms of all the other important indicators, and I believe that that is among the lowest and most conservative set of estimates out there. I think blue chips' is higher than that. I think OMB is higher than that. Most of the major companies who do it have higher ones than we do. I think we are protecting the integrity of this budget as best we can by using that approach.

Once again, I commend my friend and colleague and neighbor for being genuinely concerned and targeting some of the issues that we might look at more carefully and try to handle in a better way.

Let me suggest that the only other amendment after my good friend from Colorado completes his argument is Senator HOLLINGS' amendment. I kind of made a mistake. I thought we were going to have a full half hour, starting at 7:30, for Senator HOLLINGS, but it looks like we are going to vote at a quarter of. So I hope if somebody can get hold of him and get him here earlier—I will not use much time in opposition to his amendment, so he will have all the time once he gets here until the vote. I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Colorado.

Mr. ALLARD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Seven minutes.

Mr. ALLARD. Mr. President, I again compliment the chairman and ranking member. I know they have worked hard with the best figures they had. I come from a State, the State of Colorado, that has a balanced budget amendment. I have been involved in the legislative body in the State of Colorado when we went through good years and bad years. During those good years, you look back and you build your budget based on what you think is going to happen at some future point in time.

The fact is, we do go through economic cycles, and despite the best of intentions and how valid our figures are today, those cycles are unpredictable. I think at one point in time we will have an economic downturn. This Congress needs to be prepared to address those unforeseen circumstances.

The point of my amendment addresses when those unforeseen circumstances do happen, when revenues coming in do not meet what was forecast and we have a spending level up here and maybe the revenues are coming in lower than expected, we just bring down the spending level and say that we need to adjust our figures in the baseline so that our budget reflects the change in economic conditions in this country. I think it is a commonsense type of amendment, and I ask the Members of the Senate to vote yes on this amendment. I yield the floor.

Mr. DOMENICI. Is the Senator finished?

Mr. ALLARD. I yield the floor, and if the Senator from New Mexico is willing to yield back his time, I will yield back my time.

Mr. DOMENICI. The Senator from Colorado should not yield his time because we might get back to his amendment for a little bit. We are waiting for Senator HOLLINGS, and if the Senator doesn't mind, Senator DURBIN would like to speak in opposition for a couple minutes.

Mr. ALLARD. That will be fine.

Mr. DOMENICI. I yield 5 minutes to the distinguished Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator for yielding.

Not being a high priest on the Budget Committee, I am not bound by sacred oath to the agreement, but I stand in opposition to this amendment. I believe that the Senator from Colorado has raised an important issue.

We can see the fact that the economy has moved forward very nicely over the last 4½ to 5 years. Those on the Democratic side take particular pleasure in saying that, but regardless of the reason, we are happy the economy has moved forward. As the Senator from New Mexico has mentioned, it has generated more jobs, more revenue and, in fact, more economic growth than even some of the experts suggested.

If I follow the suggestion of the Senator from Colorado, he is saying that if at some future date the economy has a downturn, revenues to the Federal Government decrease, he would want us to cut spending programs to match those cuts in revenue. I stand in opposition to that for one very obvious reason.

Since the late 1940s, we have noticed a very positive occurrence in the economy of America. As we have gone into recessions, we have not seen those deep spikes that we had in years gone by. The recessions have been milder, there has been less unemployment, less dislocation by businesses and families. It is no accident. It is known as automatic stabilizers, things in our Government and in our economy that step in in times of recession to try to bring us back into a time of economic expansion.

For instance, if we have a recession and a business lays off workers, there are Government programs available to help that working family get back on its feet. We have training programs, we have education programs, we have safety net programs, whether it is food stamps or unemployment compensation, to make sure that family doesn't fall even deeper, but rather to keep them in a position and poised ready for retraining and reemployment, and it has worked.

With these automatic stabilizers and this Government spending, we have managed to moderate recessions. The Senator from Colorado has suggested we remove the stabilizers. If you have a recession, if you have a downturn, if your Government revenues have been reduced, then cut spending. Well, what about the family that needs a helping hand? "I am sorry, there is not enough Federal money to go around."

We are more determined to balance the budget than recover from a recession under the Senator's amendment, and I think that is a mistake. We do not want to see a downturn in the economy become a recession. We certainly do not want to see a recession become a depression. The Senator's amendment would make economic circumstances even worse for the families out of work, worse for the businesses that have had to close, worse for the family farmers who have had to give it up.

I would think that the Senator would want to go in the opposite direction. We would want to get the American economy moving forward again, help those families back to work, help that business back on its feet, help those farmers, if we can, and the ranchers as well. But the Senator's amendment would have exactly the opposite effect. As a recession hits, revenues go down, the Senator would say spend less and bring the economy back to its feet. I think that is the wrong, wrong medicine.

As important as a balanced budget is, it is more important for America to have an expanding economy, to recover from a recession, and to have the wherewithal to do it. So I respect the Senator for his suggestion, but I respectfully disagree with his point of view.

I yield back the remainder of my time.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado has 3½ minutes.

Mr. ALLARD. How much time remains?

The PRESIDING OFFICER. There are 3½ minutes remaining.

Mr. ALLARD. Mr. President, I would like to respond to the comments made on the floor about our economy and what happens if we go through an economic downturn.

First of all, I think the biggest burden that the farmers and small businesspeople and the average American family has to deal with in today's world is this huge Federal debt that we are facing. When you look at the amount of interest that we are paying on that debt and the potential liability to the budget, I believe—and this is a fundamental difference being discussed here on the floor of the Senate—but I happen to believe that the most important thing we can do to help our economy, to help the farmers of this country, to help the small businesses and help the homeowner, to help the family businessperson, is to get that burden off their shoulders.

If you are born today, you are born with a $20,000 debt which each individual in America burdens. How did we get to this point? We got to this point because of the very arguments we just heard on how we need to continue to spend more and more believing that it is going to help our economy. But inevitably we are going to have to pay the price.

If we do not make the decisions today, the tough decisions today, we are going to have to make them tomorrow. If we do not make those tough decisions, then our children and grandchildren are going to have to pay the price. And I think that is unforgivable. I think it is morally wrong to pass those tough decisions off to the next generation.

I happen to feel that this is an important amendment because it is holding the Congress accountable, both the House and the Senate. I am saying that if revenues do not measure up, we reduce spending. We have some flexibility in there to protect the most needed programs. I think it is a commonsense amendment. I think it holds true to the agreement generally and the fact that we will hold our priorities together that were agreed upon between the President and the Congress. I think it is a good amendment, and I ask for an aye vote.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. DOMENICI. Has all time expired?

The PRESIDING OFFICER. Time has expired.

Mr. DOMENICI. For both sides?

The PRESIDING OFFICER. Both sides.

Mr. DOMENICI. This vote will not occur at this time.

Parliamentary inquiry. May I move to table it at this point?

The PRESIDING OFFICER. The Senator may make that motion now, and the vote will occur at 7:45.

Mr. DOMENICI. I move to table the Allard amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the amendment is set aside, and the Senator from South Carolina is to be recognized to offer an amendment.

Mr. DOMENICI. Mr. President, Senator HOLLINGS is the one we have the consent for. He is not here, but he is coming.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I understood from the distinguished chairman of the Budget Committee I have 30 minutes.

Mr. DOMENICI. I say to the Senator, we vote at a quarter of. You have the time from now to a quarter of.

Mr. HOLLINGS. You said vote at 8 o'clock when I left the floor.

Mr. DOMENICI. The leader asked for 7:45.

Mr. HOLLINGS. I ask unanimous consent that I have 30 minutes.

Mr. DOMENICI. I will not object.

Mr. HOLLINGS. I thank the distinguished chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 295

Mr. HOLLINGS. Mr. President, I have an amendment at the desk and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

> The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 295.
>
> At the appropriate place, insert the following: "Notwithstanding any other provision of this resolution, all function levels, allocations, aggregates and reconciliation instructions in this resolution shall be adjusted to reflect elimination of tax cuts of $85 billion from baseline levels and elimination of Presidential initiatives of $31.2 billion and interest savings of $13.8 billion for a total saving of $130 billion over five years."

Mr. HOLLINGS. Mr. President, this amendment does away with the sweetheart deal that will continue to increase the deficit instead of decreasing the deficit that current budget laws allow. We have had 5 years of decreasing deficits. This amendment continues the decrease of the deficits and actually puts us on a steady path of a balanced budget with no deficit whatsoever by the year 2007.

I measure my comments and words because we have been engaged in an outrageous charade for 15 years now. I speak advisedly having been on the Budget Committee since its institution and as a former chairman of the Budget Committee. That is one of the reasons I wanted to try to cooperate with the distinguished chairman because he has a tremendous burden of moving this bill along. It was not my intent to hold the legislation up, but to bring into sharp focus the situation we have created for the American people.

I supported and worked on a balanced budget in 1968 with the chairman of the Senate Appropriations Committee. We did not have a Budget Committee. We called over to the White House to ask President Lyndon Johnson if we could cut another $5 billion so that we could make sure that we had a balanced budget. And he said, "cut it."

Mind you me, Mr. President. We had the war in Vietnam: guns. We had the Great Society: butter. Guns and butter. President Lyndon Baines Johnson was awfully sensitive about paying the bill. Wherein, we have no idea in this particular budget resolution of paying the bill. It is a sweetheart resolution, much like we had back in 1985.

In 1985, the Republicans, to their credit, brought former Senator Pete Wilson to the floor in great pain. Senator Wilson had had an appendectomy, and they brought him in at 1 o'clock in the morning on a stretcher, and they voted to freeze spending, Social Security, and the other particular matters at the time.

We went over early the next morning to see President Reagan. At that particular time, President Reagan said, "Now, gentlemen, before we start"—we were all gathered around the Cabinet table—he said, "I want to tell you, I had a little visit from the Speaker last evening, Speaker O'Neill." And we went outside there, you see right underneath that tree, and we had a little toddy, and we talked along, and we finally agreed. The Speaker said, "I'll take your defense if you take my Social Security entitlements."

I can see Senator Dole now. He threw down the pencil on the Cabinet table and he said it was a whole waste of time.

We faced the fire. We did the job that was necessary. So did Senator DOMENICI. He remembers it. So there was a swap.

Now, here 12 years later in 1997, we have a swap. President Clinton says, "I'll take your tax cuts if you take my spending increases." And then everybody races around and hollers "balanced budget." But folks, there is no balance in this budget.

Like Patrick Henry might have said, "But as for me, give me either a balanced budget or give me a freeze."

Let me show you exactly what is going on here. What we have here are the actual budget realities. And underneath budget realities you can see, Mr.

President, the budgets for every President, from Truman right on through President Clinton.

You see the United States budget, the borrowed trust funds in this particular column, what they call the "unified deficit," which is the greatest deception of all. For years we have been acting like "unified" meant "net." Necessarily, the Government has income. It also has spending. And the inference is this is a net deficit after you take it all in. Absolutely false.

The real actual deficit is really listed in this column, because this one here borrows the money and loots the trust funds.

We have been looting the Social Security trust fund, as of last year, $550 billion; by 1997, the end of this fiscal year, September 30, it will be $629 billion; and under this budget resolution they take another practically $500 billion, half a trillion bucks to $1.095 trillion.

They say, "Oh, watch out here in the next century with the baby boomers. The baby boomers are coming. We used to have five or six workers per recipient or retiree. We're only going to have one worker per retiree."

Do not watch the baby boomers in the next century. Watch the adults on the floor of the U.S. Senate. Watch the adults that are looting the fund. We are causing the deficit. And it is not any charismatic formula that changes now or in the next century. Incidentally, I voted and will continue to support Senator KERREY on doing something about entitlements. I am not messianic that you cannot touch entitlements. I voted already with the Danforth-Kerrey solution last Congress.

But be that as it may, we are using $1.095 trillion from the Social Security trust fund. We have been looting it. After 5 years, the military retirees fund will owe $173 billion and the government will say they ought to start contributing more. If there is any military retiree within the sound of my voice, watch out, because they are already doing this with civilian retirement funds. We have a full $422 billion surplus, and they are saying we have to increase the contribution. Why? If you increase the contribution it goes to the deficit, not civilian retirement.

It is the same with unemployment compensation and the highway trust fund. We are using $40 billion from the highway trust fund. I have been trying to get funding for a bridge in South Carolina. You can build a bridge in every one of the 50 States with the money we are using to reduce the deficit.

We are going to continue the airport tax to make way for a net tax cut. So we continue this tax for all the air travelers, but this money does not go to airports. It goes to reduce the deficit. It takes unmitigated gall to extend the airport tax, and then put it toward the deficit. In fact, you don't put it all toward the deficit. Some of it is put toward a tax cut for inheritance taxes or capital gains taxes. And everybody traveling in an airplane wonders why the planes are bumping into each other in the sky and the airport radar is broken down and communications go out and everything else—remember that we are solving the deficit in Washington. We are giving them a unified deficit instead of an actual deficit.

So turning to the resolution itself, Mr. President, I want you to show me in this document I hold in my hand—Calendar 55, Senate Concurrent Resolution 27—where it says the budget is balanced. Do not give me this nonsense about the conversation that is in the committee report. That is a farce. Look at the actual law, the actual resolution that we are going to pass. If you can find in here, by way of language that there is a balanced budget by the year 2002, I will jump off the Capitol dome. I made that particular charge 4 years ago with the chairman of the Budget Committee, and I have not had to jump yet. Why?

Just turn to page 2, line 23, under the heading of deficits. "For purposes of the enforcement of this resolution" it says, deficit for fiscal year 2002—$108.7 billion. Then turn the page and get the actual deficit. That only counts under the law of section 13301 about Social Security. But you see, you have all of the other trust funds in there. Anytime you want to add up the annual deficit, just subtract the annual increase of the debt from the present year. In other words, you go here to page 5 and you will find that we have a debt of $6,301,200,000,000 in 1997 but then for the fiscal year 2002 the debt has gone up to $6,473,500,000,000, a deficit of 172 billion bucks.

Why did they have to borrow? Because that is what the deficit is. Now you can see from this other chart that the deficit this year is $180 billion. That is after 5 years of deficits going down. Under this budget resolution, deficits go up in 1998, 1999, and the year 2000. They go way up. They do not go down. Just look at the figures.

So after 5 years, instead of a deficit of $180 billion, we will have a deficit of $172 billion. That is, if everything goes right. And then it is still back-end loaded, Mr. President. 72 percent of the spending cuts occur in the last 2 years. It is back-end loaded, as usual, and the back-end loaders will say that those Congresses can do it in the year 2001 and 2002. In any event, the deficit comes out $172 billion. That is according to the Committee's facts and figures.

What we have to do—and that is why I proposed this amendment—is see if we can just take the entire spending cuts and tax increases and just eliminate them. I want to be realistic. I would like to do away with the so-called spectrum auctions. These are totally out of the question. We got somebody to come in last year—and it was verified by the Chairman of the Federal Communications Commission—and say that we can get $2.9 billion from this spectrum auction. We had a spectrum auction 6 months later and we got $13.1 million. This is the kind of extreme exaggerated figures we are dealing with.

But aside from that, take all the figures in the work of the two Budget Committees and the agreement they have made. Eliminate the tax cuts and eliminate the spending increases—the Presidential initiatives—and steady as you go. If we can do that—that is what my amendment calls for—then you actually get a balanced budget. Government on a pay-as-you-go basis in fiscal year 2007. An honest budget. Truth in budgeting.

Mr. President, we have had conscience. That is why we came back after the Reagan deal with Tip O'Neill. We came back in here and we passed Gramm-Rudman-Hollings. I got it through over on this side over the objection of the majority leader, the majority whip, and the chairman of the Budget Committee. I got 14 votes up and down, the majority of the Democrats joined with the Republicans, in 1985, for that initiative. We could develop that kind of initiative now, instead of this sweetheart deal.

What good really has occurred as a result of the 1993 vote? Give President Clinton credit. And give this side of the aisle credit, because we could not get a single vote on that side of the aisle. They said they were going to hunt me down in the street and shoot me like a dog. Majority Leader Dole said it would cause a recession and the world would end. I wish we had time to read those particular statements made by opponents of the 1993 plan.

Be that as it may, it worked. And that is the first President that has come around here in the past 15 years, since we started that Reaganomics, and has lowered the deficit.

To President Clinton's credit, he lowered the deficit in 1993, 1994, 1995, 1996, and we are in the fifth year of lowered deficits, and this particular instrument asks us to go turncoat and start increasing spending so that we can give the rich a tax cut. Inheritance taxes, capital gains taxes, and all of these other things. Somewhere, sometime, Mr. President, we have to tell the American people that we in the Congress have been giving them over 200 billion bucks a year in Government that we are not willing to pay for. We have been buying their votes.

They are talking about campaign finance reform: it starts on the floor of the U.S. Senate here this evening. If you really want campaign finance reform, quit using the subterfuge to the taxpayers of America and offloading the debt to future years and vote to do away. Keep us on a steady course, because that is exactly what we need to do.

We are moving this deficit over. I do not know if you can see this on the chart, come up here to President Kennedy. We had already had all the wars under President Kennedy, except the closing days of the war in Vietnam. We had Korea, the world wars, the Revolutionary War and everything else, and we only ran up a debt that cost us $9 billion in interest costs. Now it is projected by CBO to be $359 billion. So you can see where we have come.

We are spending $360 billion more—for what? For waste. The crowd that came to town to do away with waste, fraud, and abuse has caused the biggest waste of all. That $360 billion more we are spending is the biggest spending item; it is like taxes. It is almost $1 billion a day. We are sitting around here giving each other the good government award saying, "heavens above, balanced budget, balanced budget, balanced budget," when we are increasing taxes, or the same as taxes, interest on the national debt, of $1 billion a day.

Now Mr. President, let me just emphasize exactly the duplicitous conduct here of the Congress up here in Washington. Bob Reich, the Secretary of Labor, retired the other day and he wrote a book. I saw him on TV. He was proud of two things. He said, "You know, we passed the Pension Reform Act of 1994, the Pension Reform Act of 1994." He said, "In addition to getting the minimum wage, I am most proud of that Pension Reform Act because corporate America has to fully secure their pensions so the workers of America moving from one place to another are not going to lose their rights and their entitlements."

Now what happens? Mr. President, I refer to the New York Times here just 10 some days ago, May 8, page 26: "Former Star Pitcher Is Sentenced to Prison."

> Denny McLain, the former star pitcher for the Detroit Tigers, was sentenced today to eight years in prison and ordered to pay $2.5 million in restitution for stealing from the pension plan of a company he owned.
>
> The two-time Cy Young Award winner, who was the last man to win 30 games in a season, and his business partner were convicted in December on charges that they had stolen $3 million from the pension fund of the Peet Packing Co., then used the money for company debts. . . ."

We make sure you get a criminal charge and a sentence, and a prison sentence if you steal from the fund, but up here in Washington, the same crowd that passed that, whoopee, there it is. We get the good government award. It is a wonderful thing. You can just steal from these funds; the money is there. I do not see how you could in good conscience come around here with this budget without getting ashes in your mouth. To say balanced budget when you know the instrument itself says we have a deficit of $108 billion. Look on page 4, you can see down there on line 23, the actual amount of $108 billion. Then you can see where they list the debt for each year. As it increased, you can find that the actual deficit in the fiscal year 2002 is 172 billion bucks.

So after all of this work, we have come from $180 billion—Mr. President, I see the distinguished ranking Member looking at the chart. The actual deficit according for this year according to CBO is $180 billion, not $70 billion. They are bragging about $67 billion. They gave us a figure of $70 billion a couple days ago because we use $110 billion of the trust funds. We steal that money and give it to ourselves, saying we have the deficit down to $70 billion and it is actually $180 billion; and after 5 years under this resolution, by their own figures, it is estimated to be $172 billion.

So, Mr. President, we have to stop the destruction of the economy of this country. It is a 1 percent drag on economic growth when you run these deficits and pay out all of this money when you don't pay for the Government you have. Here they have 12 million new jobs, low inflation, low interest rates, and the finest growth for 5 years in a row. If we can't stop look, listen, sober up, and begin to put this Government on a pay-as-you-go basis tonight and this week in Washington, DC, in this U.S. Congress, it is never going to happen. And somehow, somewhere, we have to get the free press, the media, to report the truth, because they continue to report misleading figures. They don't quote the actual deficit. All they have to do is read this bill. Find in here where they say they balance the budget in the year 2002.

On the work sheet, they had the figures down here, Mr. President, of a $1 billion surplus. But when they put out the actual resolution, that is not the case. They hide that in the descriptive language.

That is the way the system works. It is a cancer. We are spending more money on waste. Interest payments cannot build a school, a highway, and not 1 hour of research. There is no medical treatment. There is nothing for the children of America that we are all concerned about. There is nothing for Head Start, nothing for WIC, nothing for school construction. We could build all the new school buildings all over the country for $360 billion.

That is how much we have increased our national interest payments with this extravagance and this charade. It is a fraud on the American people. The free press is supposed to keep us honest. They, as co-conspirators, unindicted, joined with us to defraud the American people.

I hope we can vote for this amendment of mine this evening and stop the fraud and get back to truth in budgeting. It is not too traumatic. Everybody is doing fine this year.

Just the other day, the Senate said rather than shut down the Government we could take this year's budget for next year. The mayor of any city in this situation would say, "Let's not fire the policemen and firemen. We will just take this budget for the next year." A Governor of any State would say, "Let's just take this year's budget for next year."

We can save $50 billion by doing it. But we don't want to do that. We play this game. We exact this fraud on the American people. Somehow, somewhere it has to stop.

I yield the floor, and I thank the distinguished chairman of our Budget Committee and our ranking member.

I reserve the remainder of my time.

Mr. LAUTENBERG. Mr. President, we are due to vote, as I understand it, pursuant to the last unanimous-consent agreement at 10 minutes to 8.

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. I know that the manager, the chairman of the Budget Committee, wants to say something. I would like to make a quick comment, if I might.

Few have the knowledge of the budget that the distinguished Senator from South Carolina has. He understands it thoroughly, and he has been a consistent purveyor of the alarm to be aware and to make sure that we do the right thing.

It would be an ideal situation if we had the trust funds off budget, if we could deal with that in a quick moment like this. But the reality is that we just can't do it, Mr. President. We have hammered out a budget. I used the term before. "Hammer" suggests the arduous effort that the budget agreement took to get 5 million children covered under health care, to make sure that impoverished seniors aren't further burdened by additional premiums because we have moved the home health care from part A to part B.

There are a whole series of things. There are tax cuts for the middle class. There are tax cuts for education. This bill was put together with a lot of work and a lot of giving by many people, people who do not like every part of this budget. I am one of them, I must tell you, but I am determined that we see that we pass this budget.

I say to the Senator from South Carolina, a dear friend to many of us here, that we ought to take a couple of these issues and work on them.

I agree with him on the trust funds on Social Security. I really do. I think we ought to take the time now—because we will be dealing with a more solvent situation in several of the trust funds—to deal with that. But it is not going to happen, I say here and now.

I will, unfortunately, be forced to vote against what the distinguished Senator from South Carolina is proposing. I intend to do just that, to vote against it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I ask the parliamentary situation?

The PRESIDING OFFICER. The Senator from South Carolina still has 3 minutes left.

Mr. HOLLINGS. Mr. President. The distinguished chairman said in an ideal world that trust funds would be off budget. We live in an ideal world with respect to Social Security. Section 13301, in accordance with the Greenspan commission recommendation—President George Herbert Walker Bush signed legislation on November 5, 1990 that put Social Security off budget.

That is why, instead of a surplus in this document, you have a deficit of $108 billion. We didn't get the rest of the trust funds off budget like we should have. We should get the highways, airport, retirement trust funds, Medicare off budget. But this document uses the money on the deficit. You are allocating it to the deficit. So the ideal world would be truth in budgeting.

I thank the distinguished Senator.

Mr. DOMENICI. Has the Senator yielded back the remainder of his time?

Mr. HOLLINGS. I do.

Mr. DOMENICI. Mr. President, I will use just 2 minutes.

Mr. President, there has been a lot of talk about trust funds. But let everybody understand that the amendment has nothing to do with trust funds. The amendment has to do with just two things.

One, it strikes all of the tax cuts provided in this budget agreement, hammered out with the President and the Democratic leaders and the Republican leaders of both Houses. That is No. 1. Strike them all.

Second, it says that the $31.2 billion over 5 years of new initiatives that we have hammered out with the President—and we cut his initiatives almost in half to get there—but it says those initiatives are gone, too.

So essentially the President got $31 billion in initiatives on covering the little kids and things like that that most of us want. He would take that out of this agreement, and at the same time, take out all of the tax cuts.

I don't intend to argue the substantive issue, which I think is totally wrong for America today. I just suggest that nothing could more basically attack the agreement than this, for the fundamentals of the agreement are gone if this amendment passes.

I yield any time I may have.

The PRESIDING OFFICER. All time is yielded.

Under the previous order, the Hollings amendment is set aside.

AMENDMENT NO. 292

The PRESIDING OFFICER. The question recurs on the motion to table the Allard amendment, No. 292. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—70

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Hagel
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—29

Abraham
Allard
Ashcroft
Brownback
Burns
Coats
Coverdell
Craig
Enzi
Faircloth
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
McCain
McConnell
Murkowski
Nickles
Santorum
Sessions
Smith (NH)
Thomas

NOT VOTING—1

Harkin

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Regular order, Mr. President.

The PRESIDING OFFICER. The Senate will please come to order.

AMENDMENT NO. 295

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the HOLLINGS amendment No. 295.

The Senator from South Carolina is recognized for 1 minute.

Mr. HOLLINGS. I thank the Chair. Right to the point, here is the concurrent resolution. You will not find in this document anywhere a balanced budget. Everyone is running hither and yon: "Balanced budget, balanced budget." The truth is, if you look on page 5, you have the fiscal year debt to the year 2001 and for the year 2002, the fiscal year debt there going up to $172 billion. Actual deficit, without the use of the trust funds, without looting all the pension funds, there is $172 billion.

This increases the debt each year every year for 5 years, whereby the interest costs on the debt is a billion a day. We have spending on autopilot of $1 billion a day for absolutely nothing. Not for children. Not for highways. Not for research. Not for foreign aid. Not for defense. We have total waste.

We have a cancer and it ought to be removed. My particular amendment says do away with the tax cuts in this instrument; do away with the spending increases, the President's initiatives. We are on course for a balanced budget by the fiscal year 2007. Truth in budgeting is the question put before us.

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute. The Senate will please come to order.

Mr. DOMENICI. Mr. President, this amendment takes out all of the tax cuts and all of the President's initiatives. Essentially it totally guts the entire agreement. There would be no tax cuts and there would be no initiatives that we have agreed with the President on. I urge a no vote. I yield the remainder of my time.

The PRESIDING OFFICER. The question occurs on the amendment No. 295. A rollcall has not been requested.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. ALLARD). The question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] is necessarily absent.

The result was announced, yeas 8, nays 91, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—8

Byrd
Conrad
Dorgan
Feingold
Hollings
Moynihan
Reid
Robb

NAYS—91

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye

Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Harkin

The amendment (No. 295) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I rise in support of the fiscal year 1998 balanced budget resolution.

I congratulate the hard-working chairman of the Budget Committee for his leadership and dedication in bringing us to this point, as well as our distinguished majority leader.

Am I especially happy to be able to use those 2 words, "balanced budget."

This budget resolution represents a victory for the American people; for sound, conservative principles; for those of us who have fought for years for a balanced budget; for the seniors who will be protected by a safer, sounder Medicare system; and for the workers of today and the children of tomorrow, who will benefit from a healthier economy and better jobs.

Some may be disappointed because this is not a "perfect" budget; but it's a big improvement over the status quo; and there's a world of difference between this budget and the big-government, tax-and-spend budgets of just a few years ago.

Less than 2 years ago, President Clinton was saying we didn't even need to balance the budget; then he said, maybe we could balance by 2005; but the new Republican majority elected in 1994, and reelected in 1996, insisted on a plan to a balanced budget by 2002—and now we've got one.

Two years ago, when the first Republican Congress in 40 years took office, we found a Medicare system ready to go bankrupt in 2001.

We said it was time to fix Medicare and we tried to slow its rate of growth to 6 or 7 percent a year, with pro-senior citizen, pro-consumer reforms.

Some from the other side tried to hit us with 30-second attack ads, claiming that seniors' benefits would be slashed and burned.

But the American people didn't believe them.

Today, finally, we have a sober, responsible, bipartisan agreement that says Medicare must be repaired—so that Medicare continues to be there for our seniors who need it.

And yes, in this budget agreement, Medicare grows at about 6 percent a year.

Under this budget, Medicare part A will be solvent for a decade.

The details that finally emerge later this year in a budget reconciliation bill will probably not contain all the structural, market-based reforms that Medicare needs for the long term, but this budget should be a good start.

Four years ago, the President asked for, and Congress unfortunately passed, the biggest tax increase in history.

Today, this budget agreement includes real, pro-family, pro-growth, tax cuts.

We finally begin to roll back that last, huge tax increase.

The skeptics said you couldn't balance the budget, cut taxes, and get bipartisan agreement.

But this budget will do those things.

Let's remember: What this budget begins to do is let the people keep more of their own money.

Under this budget, we will finally begin to get spending growth under control.

Will the government still be too big and intrusive? Yes.

But the Federal Government will spend $1.1 trillion less over the next 10 years than it would have spent under previous policies.

Spending growth will drop from 4.4 percent a year under previous policies to 3.1 percent a year under this budget—just barely more than inflation.

The Government will finally begin to shrink relative to the size of the economy.

Spending will still go up in nominal dollars, but it will drop from 20.8 percent to 18.9 percent of gross domestic product, by 2002.

Of course, a lot depends on the enforcement provisions that will have to be part of the budget reconciliation legislation later this year.

I'll be watching that legislation closely.

We've learned from bitter existence in the past that permanent procedures are needed to keep spending from running wild.

After all, the road to a $5.3 trillion debt was paved with good intentions.

That's why we should have passed—and still need—a balanced budget amendment to the Constitution.

But the budget enforcement rules called for under this budget resolution should help keep us on course to a balanced budget by 2002.

A majority of the people in America have seen the budget balanced exactly once or never in their lifetimes.

The last two balanced budgets were in 1960 and 1969.

A majority of Americans alive today were born after 1960.

It's time for that destructive trend to end.

It's time to create a better future for all Americans.

This budget resolution is the right beginning of that promising future.

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate resumes the budget resolution on Wednesday, there be an additional 5 hours subtracted from the overall time constraints provided for in the Budget Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I assume we have no further amendments tonight, but I think Senator GRASSLEY would like to take some time, and I will yield that time to him at this point. How much time would the Senator like?

Mr. GRASSLEY. Can I have 20 minutes?

Mr. DOMENICI. Will the Senator mind closing the Senate after his 20 minutes? Does the Senator from New Jersey have any objection? The Senator from Iowa is going to take 20 minutes, and we will let him close the Senate if we are finished for the evening.

Mr. LAUTENBERG. No, I certainly trust the Senator from Iowa. He is not going to cut taxes.

Mr. DOMENICI. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. I assume that is after I have finished my remarks on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIGOTRY MUST BE DENOUNCED

Mr. BIDEN. Mr. President, I rise to condemn in the strongest possible terms recent comments that have been attributed to Mr. Freih Abu Medein, the Justice Minister in the Palestinian Authority.

In a May 17 article in the Washington Post, journalist Barton Gellman reported that Mr. Medein stated last month that "five Zionist Jews" are running the United States' Middle East policy and, in the words of the article, he "added that it is implausible that a nation the size of the United States can find no one else to maintain diplomatic contacts with Palestinians."

This statement, if quoted correctly, is deeply offensive on two counts. First, it is patently anti-semitic, or more properly, anti-Jewish. Its conspiratorial overtones reflect the worst traditions of hate-mongering that characterizes classical anti-semitism.

Second, it is a thinly veiled attempt to manipulate our sovereign right as a country to choose whoever we wish to represent us diplomatically. It also evinces complete ignorance of the American system.

I am confident that the individuals to whom Mr. Medein refers were not chosen for their religious beliefs, but rather on the strength of their qualifications for the jobs for which they were selected. Anyone who thinks otherwise has great deal to learn about this country.

If Mr. Medein or anyone else in the Palestinian Authority has difficulty meeting with American representatives who happen to profess a particular religious faith, then that is their problem, not ours.

I would submit, Mr. President, that we have the right to choose a person of any faith, any gender, and any race to represent us in any place. Should we choose an American who happens to be a Muslim to represent us in Israel, a Hindu to represent us in Pakistan, a Jew in Syria, a Roman Catholic in Yugoslavia, a Greek Orthodox in Turkey, or a Buddhist in China, then that is our sovereign right as a nation. The only criterion should be that the person be qualified for the job for which he or she is selected. Religious affiliation should have absolutely nothing to do with it. Zero. Zilch.

That is what distinguishes us from the rest of the world. For unfortunately, Mr. Medein's views are not isolated ones. They reflect an all-to-common obsession with race, religion, and ethnicity that plagues much of the world.

We may not be perfect, but our guiding ideals are unassailable. And we have successfully put those ideals into practice, with the result that many others seek to emulate us.

Mr. President, the day we pause even for a fraction of a second to contemplate the possible validity of remarks such as Mr. Medein's is the day that we abandon our most fundamental beliefs.

Bigotry must be denounced, whether it is at home or abroad. American representatives who are the object of bigoted attacks deserve to know that their country stands four-square behind them.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 19, 1997, the Federal debt stood at $5,344,451,048,224.65. (Five trillion, three hundred forty-four billion, four hundred fifty-one million, forty-eight thousand, two hundred twenty-four dollars and sixty-five cents)

Five years ago, May 19, 1992, the Federal debt stood at $3,920,456,000,000. (Three trillion, nine hundred twenty billion, four hundred fifty-six million)

Ten years ago, May 19, 1987, the Federal debt stood at $2,291,418,000,000. (Two trillion, two hundred ninety-one billion, four hundred eighteen million)

Fifteen years ago, May 19, 1982, the Federal debt stood at $1,066,133,000,000. (One trillion, sixty-six billion, one hundred thirty-three million)

Twenty-five years ago, May 19, 1972, the Federal debt stood at $428,331,000,000 (Four hundred twenty-eight billion, three hundred thirty-one million) which reflects a debt increase of nearly $5 trillion—$4,916,120,048,224.65 (Four trillion, nine hundred sixteen billion, one hundred twenty million, forty-eight thousand, two hundred twenty-four dollars and sixty-five cents) during the past 25 years.

TRIBUTE TO COL. ROBERT LEARY

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to Col. Robert Francis Leary, who died on April 27 at his home in Concord, MA.

Colonel Leary served in the U.S. Army for 34 years, retiring in 1987. His tours of duty included positions as executive officer of the 373rd General Hospital, and chief of staff of the 804th Medical Brigade, coordinating the medical readiness of Army Medical Units in the United States, the United Kingdom, and Germany. He also served as commandant at Fort Devens, MA, successfully conducting this course the first time it was exported outside of Fort Sam Houston, TX. Colonel Leary was the recipient of numerous military awards for distinguished service, including Meritorious Service Medals, the U.S. Army Commendation Medal, and the Legion of Merit.

Colonel Leary also had a distinguished civilian career. He was employed by the Department of Veterans Affairs in Bedford, MA as coordinator and supervisor in the Social Work Service Department. Most recently, he was program manager of the Veterans Homestead transitional housing program in Leominster, MA. In addition, he served as an equal employment opportunity Officer at Veteran Affairs Central Office in Washington, DC, and in several capacities in private practice as a licensed independent clinical social worker.

Colonel Leary shared his many wide-ranging interests with his family and friends including politics, travel, golf, hockey, baseball, and soccer. He was constantly involved in youth sport activities and was his children's most avid fan. To all who knew him, he was a model citizen and family member. His patriotism and commitment to service are an example to us all, and I am honored to pay tribute to him today.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE EXECUTIVE ORDER PROHIBITING NEW INVESTMENT IN BURMA—MESSAGE FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208) (the "Act"), I hereby report to the Congress that I have determined and certified that the Government of Burma has, after September 30, 1996, committed large-scale repression of the democratic opposition in Burma. Further, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) (IEEPA) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report that I have exercised my statutory authority to declare a national emergency to respond to the actions and policies of the Government of Burma and have issued an Executive order prohibiting United States persons from new investment in Burma.

The order prohibits United States persons from engaging in any of the following activities after its issuance:

—entering a contract that includes the economic development of resources located in Burma;

—entering a contract providing for the general supervision and guarantee of another person's performance of a contract that includes the economic development of resources located in Burma;

—purchasing a share of ownership, including an equity interest, in the economic development of resources located in Burma;

—entering into a contract providing for the participation in royalties, earnings, or profits in the economic development of resources located in Burma, without regard to the form of the participation;

—facilitating transactions of foreign persons that would violate any of the foregoing prohibitions if engaged in by a United States person; and

—evading or avoiding, or attempting to violate, any of the prohibitions in the order.

Consistent with the terms of section 570(b) of the Act, the order does not prohibit the entry into, performance of, or financing of most contracts for the purchase or sale of goods, services, or technology. For purposes of the order, the term "resources" is broadly defined to include such things as natural, agricultural, commercial, financial, industrial, and human resources. However, not-for-profit educational, health, or other humanitarian programs or activities are not considered to constitute economic development of resources located in Burma. In accordance with section 570(b), the prohibition on an activity that constitutes a new investment applies if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under an agreement that is entered into with the Government of Burma or a non-governmental entity in Burma, on or after the effective date of the Executive order.

My Administration will continue to consult and express our concerns about developments in Burma with the Burmese authorities as well as leaders of ASEAN, Japan, the European Union, and other countries having major political, security, trading, and investment interests in Burma and seek multilateral consensus to bring about democratic reform and improve human rights in that country. I have, accordingly, delegated to the Secretary of State the responsibilities in this regard under section 570(c) and (d) of the Act.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under IEEPA and section 570(b) of the Act to implement this prohibition on new investment. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I have taken these steps in response to a deepening pattern of severe repression by the State Law and Order Restoration Council (SLORC) in Burma. During the past 7 months, the SLORC has arrested and detained large numbers of students and opposition supporters, sentenced dozens to long-term imprisonment, and prevented the expression of political views by the democratic opposition, including Aung San Suu Kyi and the National League for Democracy (NLD). It is my judgment that recent actions by the regime in Rangoon constitute large-scale repression of the democratic opposition committed by the Government of Burma within the meaning of section 570(b) of the Act.

The Burmese authorities also have committed serious abuses in their recent military campaign against Burma's Karen minority, forcibly conscripting civilians and compelling thousands to flee into Thailand. Moreover, Burma remains the world's leading producer of opium and heroin, with official tolerance of drug trafficking and traffickers in defiance of the views of the international community.

I believe that the actions and policies of the SLORC regime constitute an extraordinary and unusual threat to the security and stability of the region, and therefore to the national security and foreign policy of the United States.

It is in the national security and foreign policy interests of the United States to seek an end to abuses of human rights in Burma and to support efforts to achieve democratic reform. Progress on these issues would promote regional peace and stability and would be in the political, security, and economic interests of the United States.

The steps I take today demonstrate my Administration's resolve to support the people of Burma, who made clear their commitment to human rights and democracy in 1990 elections, the results of which the regime chose to disregard.

I am also pleased to note that the Administration and the Congress speak with one voice on this issue, as reflected in executive-legislative cooperation in the enactment of section 570 of the Foreign Operations Act. I look forward to continued close consultation with the Congress on efforts to promote human rights and democracy in Burma.

In conclusion, I emphasize that Burma's international isolation is not an inevitability, and that the authorities in Rangoon retain the ability to secure improvements in relations with the United States as well as with the international community. In this respect, I once again call on the SLORC to lift restrictions on Aung San Suu Kyi and the political opposition, to respect the rights of free expression, assembly, and association, and to undertake a dialogue that includes leaders of the NLD and the ethnic minorities and that deals with the political future of Burma.

In the weeks and months to come, my Administration will continue to monitor and assess action on these issues, paying careful attention to the report of the U.N. Special Rapporteur appointed by the U.N. Human Rights Commission and the report of the U.N. Secretary General on the results of his good offices mandate. Thus, I urge the regime in Rangoon to cooperate fully with those two important U.N. initiatives on Burma.

I am enclosing a copy of the Executive order that I have issued. The order is effective at 12:01 a.m., eastern daylight time, May 21, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 20, 1997.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1933. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of the final schedule of fees received on May 15, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1934. A communication from the Assistant Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report relative to conditional registration; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1935. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, a report relative to debt; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1936. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Referral of Known or Suspected Criminal Violations" (RIN3052-AB33) received on May 1, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1937. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1938. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual animal welfare enforcement report for fiscal year 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1939. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, a rule entitled "Small Business Size Regulations" received on May 12, 1997; to the Committee on Small Business.

EC–1940. A communication from the Administrator of the U.S. Small Business Administration, transmitting, a draft of proposed legislation of the SBA budget for fiscal year 1998; to the Committee on Small Business.

EC–1941. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1942. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule entitled "Custody of Investment Company Assets Outside the United States" (RIN3235-AE98) received on May 14, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1943. A communication from the Federal Register Liaison Officer of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a rule entitled "De Novo Applications For A Federal Savings Association Charter" (RIN1550-AA76) received on May 15, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1944. A communication from the Chairman of the U.S. Securities and Exchange

Commission, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1945. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Veterans' Compensation Cost-of-Living Adjustment and Benefit Programs Improvement Act of 1997"; to the Committee on Veterans' Affairs.

EC–1946. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a rule entitled "Amendments to the International Traffic in Arms Regulations"; to the Committee on Foreign Relations.

EC–1947. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a rule affecting representation and appearances by law students and law graduates (RIN1125–AA16) received on May 14, 1997; to the Committee on the Judiciary.

EC–1948. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Postsecondary Education Programs for Inmates" (RIN1120–AA35) received on May 7, 1997; to the Committee on the Judiciary.

EC–1949. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself, Mr. ALLARD, Mr. BURNS, Mr. CRAIG, Mr. HAGEL, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS, and Mr. HUTCHINSON):

S. 765. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Ms. MIKULSKI, Mr. CHAFEE, Mr. DURBIN, Ms. COLLINS, Mrs. MURRAY, and Mr. JEFFORDS):

S. 766. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Labor and Human Resources.

By Mr. GREGG (for himself and Mr. GRAMM):

S. 767. A bill to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexuality Violent Offender Registration Act; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mr. DODD, Mr. ABRAHAM, Mr. TORRICELLI, Mrs. BOXER, Mr. BIDEN, and Mr. DEWINE):

S. 768. A bill for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mr. KERRY, Mrs. BOXER, Mr. GRAHAM, Mr. WELLSTONE, and Mr. KENNEDY):

S. 769. A bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes; to the Committee on Environment and Public Works.

By Mr. NICKLES:

S. 770. A bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. KERRY, Mr. CLELAND, Mr. KERRY, Mr. MCCAIN, Mr. ROBB, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KEMPTHORNE, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, and Mr. WARNER):

S. Res. 87. A resolution commemorating the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. ALLARD, Mr. BURNS, Mr. CRAIG, Mr. HAGEL, Mr. MCCONNELL, Mr. ROBERTS, Mr. SESSIONS, Mr. THOMAS and Mr. HUTCHINSON):

S. 765. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Labor and Human Resources.

THE SAFETY AND HEALTH ADVANCEMENT ACT

Mr. ENZI. Mr. President, I am very pleased and proud to rise and speak in support of S. 765, the Safety and Health Advancement Act that I have sponsored.

I thank all of the people who have been involved in the process of coming up with an OSHA modernization bill. You notice I mentioned modernization, not reform.

There have been a lot of people involved in this. My colleagues, my staff members, and over 50 organizations have been involved in reviewing suggestions that we have had for modernizing the OSHA process.

Over the last 6 years, there have been bills introduced by both Republicans and Democrats that wound up on the great scrap heap of unfinished business because they have been put in to make a statement, a political statement.

For every time that a bill is put into committee, there is a committee report, an 8½ by 5½ inch booklet that lists a paragraph-by-paragraph analysis of the bill, the majority opinion, the minority opinion, every amendment that has been suggested for the bill, and how people voted on it.

We have gone back through the last 6 years of those bills, and we found on the issues that there seem to be common ground, and we have put those in the bill. We have looked for the issues that were conscientious that were dividing, and we found some new approaches for some of those things.

We have not been able to address everything. But we have a bill that will help to move small business forward, that will give small business a better chance to have safety in the workplace for their workers.

That is the main point of this bill.

Again, I thank all of the people who have helped me on it, and I look forward to working with everybody on what I think will be a very reasonable approach that can go through both bodies and help out the workers in the workplace.

For 6 year's Members on both sides of the aisle have seen the need for modernization. Unfortunately, its been approached each year as reform—and often as drastic reform. Big business and big union have seen the bills as an opportunity to make a statement—a political statement. The workers and small business have needed some clarification and a lot of help that has gotten lost in the statements. The issue of workplace safety and health is extremely important to a healthy America. Advancing safety and health in the American workplace is a matter of great importance and it must be considered in a serious and rational manner by Congress, by the Occupational Safety and Health Administration, by employers, and yes, by employees too. This bill is overdue, common sense legislation.

When I began my service on the Senate Labor and Human Resources Committee, I was surprised to discover the volume of documentation and resources available to us and our staffs. Each time a bill is reported out of committee, a 5½- by -8½ booklet is made available to us that lists every detail about that bill—a luxury I never had when I served in the Wyoming State Legislature. Included in that booklet is a paragraph by paragraph analysis of the bill, with a majority and a minority opinion on each section. It shows every amendment, discusses them at length and reports who voted for and against them in committee. With this abundance of committee reports, I felt like a kid in a candy store. I just picked up 6 year's worth of OSHA bills and began reading. Surprisingly enough, I found that the things that business and labor needed to have done were pretty commonly agreed upon as necessary. Just the politicized statements separated the two sides.

The fate of each bill was determined when such statements reared their ugly heads and squelched any chance of improving the safety and health of America's workplaces. Each year, legislators in the House and Senate introduce bills that appeal to a wide variety of special interests—setting the stage for a lot of mudslinging. These bills contained good ideas, but they eventually toppled from a barrage of political attacks—tossing them all onto the great scrap heap of Congress' unfinished business. It just goes to show that people who sling mud, lose ground. I found that both big businesses and big unions have made a lot of statements over the years, but statements don't become law and they certainly don't change things. Good legislation becomes law. It is time that we tuck the statements back into our coat pockets and start passing some common sense legislation that advances the safety and health of the American workplace.

We all want a healthy and safe workplace. Legislation should therefore revolve around not what we want, but how to get there in a manner that is fair and equitable to all. There is no room for politics in the arena of human life. For this reason, I spent the last 14 weeks pouring the foundation for a new, comprehensive OSHA bill. This foundation does not consist of cement, but something stronger—the thoughts, suggestions and good ideas of employees, employers, and the individuals that govern them. I want to be clear that this bill does not include all the concerns of every interested party, but I do believe that it constitutes an important first step.

This bill sticks to a theme— "the advancement of safety and health in the workplace." I am proud to say that it has been crafted to promote and enhance workplace safety and health—rather than dismantle it. We are addressing an issue that affects people from all walks of life. It is essential that we take each step with care.

To be successful and effective, a well-crafted bill must provide incentives for employers and employees to act more responsibly. We need to make the profit motive work for worker safety, not against it. This spirit of cooperation must overpower political polarization if true improvements are to be achieved. OSHA must recognize that the vast majority of employers are not heartless and cruel. Having played the wage payer role for over 26 years, I take great offense when employers are characterized as Ebenezer Scrooges or Simon Legrees. The majority of employers cherish their most valuable assets—their employees. It is truly misleading and deceptive for anyone to say otherwise. For without the employee, management will ultimately have no staff, no profits—and no business. Watching out for employees is just good business

When the Occupational Safety and Health Act was enacted 27 years ago, its intended purpose was to make the workplace free from "recognized hazards that are causing, or likely to cause death or serious physical harm to . . . employees." As is the case with many programs established by Congress over the years, OSHA strayed from its original mission of protecting people from occupational safety and health hazards through preventative measures. The focus has instead been heavily weighted toward and concentrating on penalties and enforcement. OSHA should retain the ability to punish employers who don't embrace workplace safety and health, but it should reward those who do. The carrot and stick approach has always worked before, but OSHA prefers using the stick by itself—and they rarely walk softly. I want to be clear that this bill does not dismantle OSHA's enforcement capabilities. That approach has been tried time and time again. But, enforcement alone cannot ensure the safety of our Nation's workplaces and the health of our working population. America would be better served by an OSHA that places a greater emphasis on promoting employers and employees working together and this bill would strike that balance.

To continue the course set by Congress' original intent back in 1970, consultative services must be drastically expanded. My bill calls for that. Studies have shown that many sites where serious workplace accidents have occurred were not inspected by Federal OSHA inspectors for several years prior to the accident. This lack of attention to potential problem areas is due in part to an overemphasis on enforcement. If just the inspectors are working on safety, you can't possibly have enough inspectors. Everyone has to be involved. My legislation will allow OSHA greater flexibility in allocating its resources so it can give the most serious workplace problems its highest priority and most careful attention.

This bill advances safety and health by allowing employers to actively promote employee/employer discussions concerning occupational safety and health hazards. Voluntary compliance by employers would be encouraged as part of the solution, not as part of the problem—as part of the prevention, not as part of the penalty. Employers would have the option of implementing an alcohol and substance abuse testing program in order to ensure a safe workplace. I have had the opportunity to see first hand the benefits of this type of program. I have been tested and given tests and I know about validity and dignity. Employees would be held accountable for misconduct in a site that has been determined by OSHA to be in compliance with existing regulations. Employees have the ultimate control as to whether safety toes, hard hats or safety goggles are worn. Employers would receive incentives from OSHA for utilizing the services of third party consultants. Moreover, continuing education and professional certification for OSHA consultants and inspectors would be required to ensure that the rapid advancement of technology doesn't surpass OSHA's ability to identify occupational safety and health hazards in the workplace.

Not only have 6 years of OSHA proposals been reviewed, Meetings have been held with over 50 interested groups from the National Federation of Independent Businesses to the AFL-CIO. Contact has been made and some explanation given to every member of the Labor Committee. All suggestions received have been considered. Those that meet the goal of safety and health improvement without appearing contentious have been included. I am looking forward to a bipartisan effort to create the kind of workplace we want and need in America. This bill doesn't call for radical change, but it does start the progress and the process to safety. It makes changes small business can't wait any longer for.

The Safety and Health Advancement Act represents a clean, fresh start to addressing the problems that affect OSHA, employers and employees. I am quite eager to work with each of my distinguished colleagues as this issue winds its way through the legislative process. By working together, we can return OSHA to its original course as envisioned by Congress when it crafted the Occupational Safety and Health Act of 1970. I urge my colleagues to give fair consideration to this bill and I welcome your support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Safety and Health Advancement Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C 651 et seq.).

SEC. 2. PURPOSE.

Section 2(b) (29 U.S.C. 651(b)) is amended—

(1) in paragraph (13), by striking the period and inserting "; and"; and

(2) by adding at the end the following:

"(14) by increasing the joint cooperation of employers, employees, and the Secretary in the effort to ensure safe and healthful working conditions for employees.".

SEC. 3. EMPLOYEE AND EMPLOYER PARTICIPATION PROGRAMS.

Section 4 (29 U.S.C. 653) is amended by adding at the end the following:

"(c)(1) In order to further carry out the purpose of this Act to encourage employers and employees in their efforts to reduce occupational safety and health hazards, employers may establish employer and employee participation programs which exist for the sole purpose of addressing safe and healthful working conditions.

"(2) An entity created under a program described in paragraph (1) shall not constitute a labor organization for purposes of section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) or a representative for purposes of sections 1 and 2 of the Railway Labor Act (45 U.S.C. 151 and 151a).

"(3) Nothing in this subsection shall be construed to affect employer obligations under section 8(a)(5) of the National Labor Relations Act (29 U.S.C. 158(a)(5)) to deal with a certified or recognized employee representative with respect to health and safety matters to the extent otherwise required by law.".

SEC. 4. ESTABLISHMENT OF SPECIAL ADVISORY COMMITTEE.

Section 7 (29 U.S.C. 656) is amended by adding at the end the following:

"(d)(1) Not later than 6 months after the date of enactment of this section, the Secretary shall establish an advisory committee (pursuant to the Federal Advisory Committee Act (5 U.S.C. App)) to carry the duties described in paragraph (3).

"(2) The advisory committee shall be composed of—

"(A) 3 members who are employees;

"(B) 3 members who are employers;

"(C) 2 members who are members of the general public; and

"(D) 1 member who is a State official from a State plan State.

Each member of the advisory committee shall have expertise in workplace safety and health as demonstrated by the educational background of the member.

"(3) The advisory committee shall advise and make recommendations to the Secretary with respect to the establishment and implementation of a consultation services program under section 8A.".

SEC. 5. THIRD PARTY CONSULTATION SERVICES PROGRAM.

(a) Program.—The Act (29 U.S.C. 651 et seq.) is amended by inserting after section 8 the following:

"SEC. 8A. THIRD PARTY CONSULTATION SERVICES PROGRAM.

"(a) Establishment of Program.—

"(1) In general.—Not later than 12 months after the date of enactment of this section, the Secretary shall establish and implement, by regulation, a program that certifies individuals to provide consultation services to employers to assist employers in the identification and correction of safety and health hazards in the workplaces of employers.

"(2) Eligibility.—Each of the following individuals shall be eligible to be qualified under the program:

"(A) An individual licensed by a State authority as a physician, industrial hygienist, professional engineer, safety engineer, safety professional, or occupational nurse.

"(B) An individual who has been employed as an inspector for a State plan State or as a Federal occupational safety and health inspector for not less than a 5-year period.

"(C) An individual qualified in an occupational health or safety field by an organization whose program has been accredited by a nationally recognized private accreditation organization or by the Secretary;

"(3) Geographical scope of consultation services.—An individual certified under the program may provide consultation services in any State.

"(b) Safety and Health Registry.—The Secretary shall develop and maintain a registry that includes all individuals that are certified under the program to provide the consultation services described in subsection (a) and shall publish and make such registry readily available to the general public.

"(c) Disciplinary Actions.—

"(1) In general.—The Secretary may revoke the status of an individual certified under subsection (a) if the Secretary determines that the individual—

"(A) has failed to meet the requirements of the program; or

"(B) has committed malfeasance, gross negligence, or fraud in connection with any consultation services provided by the certified individual.

"(d) Consultation Services.—

"(1) Scope of consultation services.—

"(A) In general.—The consultation services described in subsection (a), and provided by an individual certified under the program, shall include an evaluation of the workplace of an employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated pursuant to this Act.

"(B) Non-fixed work sites.—With respect to the employees of an employer who do not work at a fixed site, the consultation services described in subsection (a), and provided by an individual certified under the program, shall include an evaluation of the safety and health program of the employer to determine if the employer is in compliance with the requirements of this Act, including any regulations promulgated under this Act.

"(2) Consultation report.—Not later than 10 business days after an individual certified under the program provides the consultation services described in subsection (a) to an employer, the individual shall prepare and submit a written report to the employer that includes an identification of any violations of this Act and requirements with respect to corrective measures the employer needs to carry out in order for the workplace of the employer to be in compliance with the requirements of this Act.

"(3) Reinspection.—Not later than 30 days after an individual certified under the program submits a report to an employer under paragraph (2), or on a date agreed on by the individual and the employer, the individual shall reinspect the workplace of the employer to verify that any occupational safety or health violations identified in the report have been corrected and the workplace of the employer is in compliance with this Act. If, after such reinspection, the individual determines that the workplace is in compliance with the requirements of this Act, the individual shall provide the employer a declaration of compliance.

"(4) Guidelines.—The Secretary, in consultation with an advisory committee established in section (7)(d), shall develop model guidelines for use in evaluating a workplace under paragraph (1).

"(e) Access to Records.—Any records relating to consultation services (as described in subsection (a)) provided by an individual qualified under the program shall not be admissible in a court of law or administrative proceeding against the employer except that such records may be used as evidence for purposes of a disciplinary action under subsection (c).

"(f) Exemption.—

"(1) In general.—If an employer enters into a contract with an individual certified under the program, to provide consultation services described in subsection (a), and receives a declaration of compliance under subsection (d)(3), the employer shall be exempt from the assessment of any civil penalty under section 17 for a period of 2 years after the date the employer receives the declaration.

"(2) Exceptions.—Paragraph (1) shall not apply—

"(A) if the employer involved has not made a good faith effort to remain in compliance as required under the declaration of compliance; or

"(B) to the extent that there has been a fundamental change in the hazards of the workplace.

"(g) Definition.—In this section, the term 'program' means the program established by the Secretary under subsection (a).".

SEC. 6. INDEPENDENT SCIENTIFIC PEER REVIEW.

Section 6(b) (29 U.S.C. 655(b)(1)) is amended—

(1) by striking: "(4) Within" and inserting: "(4)(A) Within"; and

(2) by adding at the end the following:

"(B)(i) Prior to issuing a final standard under this paragraph, the Secretary shall submit the draft final standard and a copy of the administrative record to the National Academy of Sciences for review in accordance with clause (ii).

"(ii)(I) The National Academy of Sciences shall appoint an independent Scientific Review Committee.

"(II) The Scientific Review Committee shall conduct an independent review of the draft final standard and the scientific literature and make written recommendations with respect to the draft final standard to the Secretary, including recommendations relating to the appropriateness and adequacy of the scientific data, scientific methodology, and scientific conclusions, adopted by the Secretary.

"(III) If the Secretary decides to modify the draft final standard in response to the recommendations provided by the Scientific Review Committee, the Scientific Review Committee shall be given an opportunity to review and comment on the modifications before the final standard is issued.

"(IV) The recommendations of the Scientific Review Committee shall be published with the final standard in the Federal Register.".

SEC. 7. CONTINUING EDUCATION AND PROFESSIONAL CERTIFICATION FOR CERTAIN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PERSONNEL.

Section 8 (29 U.S.C. 657) is amended by adding at the end the following:

"(i) Any Federal employee responsible for enforcing this Act shall (not later than 2 years after the date of enactment of this subsection or 2 years after the initial employment of the employee) meet the eligibility requirements prescribed under subsection (a)(2) or (c).

"(j) The Secretary shall ensure that any Federal employee responsible for enforcing this Act who carries out inspections or investigations under this section, receive professional education and training at least every 5 years as prescribed by the Secretary.".

SEC. 8. THE USE OF ALTERNATIVE METHODS AS AN AFFIRMATIVE DEFENSE.

Section 9 (29 U.S.C. 658) is amended by adding at the end the following:

"(d) A citation issued under subsection (a) to an employer who violates section 5, or any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act shall be vacated if such employer demonstrates that the employees of such employer were protected by alternative methods that are equally or more protective of the safety and health of the employees than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.".

SEC. 9. EMPLOYEE RESPONSIBILITY.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended by inserting after section 10 the following:

"EMPLOYEE RESPONSIBILITY

"SEC. 10A. (a) Notwithstanding any other provision of this Act, an employee who willfully violates any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, may be assessed a civil penalty of up to $500, but not less than $50 for each violation.

"(b) If, upon inspection and investigation, the Secretary or the authorized representative of the Secretary believes that an employee of an employer has violated any requirement of section 5 or any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, the Secretary shall within 60 days issue a citation to the employee. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this Act, standard, rule, regulation, or order alleged to have been violated. No citation may be issued under this section after the expiration of 6 months following the occurrence of any violation.

"(c) The Secretary shall notify the employee by certified mail of the citation and proposed penalty and that the employee has 15 working days within which to notify the Secretary that the employee wishes to contest the citation or penalty. If no notice is filed by the employee within 15 working days, the citation and the penalty, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

"(d) If the employee notifies the Secretary that the employee intends to contest the citation or proposed penalty, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance section 554 of title 5, United States Code). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final 30 days after issuance of the order.".

SEC. 10. INSPECTION QUOTAS.

Section 9 (29 U.S.C. 658), as amended by section 8, is further amended by adding at the end the following:

"(e) The Secretary shall not establish for any employee within the Occupational Safety and Health Administration (including any regional director, area director, supervisor, or inspector) a quota with respect to the number of inspections conducted, the number of citations issued, or the amount of penalties collected, in accordance with this Act.

"(f) Not later than 12 months after the date of enactment of this subsection and annually thereafter, the Secretary shall report on the number of employers that are inspected under this Act and determined to be in compliance with the requirements prescribed under this Act.".

SEC. 11. REVIEW BY THE COMMISSION.

Section 17 (29 U.S.C. 666) is amended by striking subsection (j) and inserting the following:

"(j)(1) The Commission shall have the authority to assess all civil penalties under this section. In assessing a penalty under this section, the Commission shall give due consideration to the appropriateness of the penalty with respect to—

"(A) the size of the employer;

"(B) the number of employees exposed to a violation;

"(C) the likely severity of any injuries directly resulting from the violation;

"(D) the probability that the violation could result in injury or illness;

"(E) the good faith of the employer in correcting the violation after the violation has been identified;

"(F) the history of previous violations by an employer; and

"(G) whether the violation is the sole result of the failure of the employer to meet a requirement, under this Act or prescribed by regulation, with respect to—

"(i) the posting of notices;

"(ii) the preparation or maintenance of occupational safety and health records; or

"(iii) the preparation, maintenance, or submission of any written information.".

SEC. 12. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 21(c) (29 U.S.C. 670(c)) is amended—

(1) by striking "(c) The" and inserting "(c)(1) The";

(2) by striking "(1) provide" and inserting "(A) provide";

(3) by striking "(2) consult" and inserting "(B) consult"; and

(4) by adding at the end the following:

"(2)(A) The Secretary shall, through the authority granted under section 7(c) and paragraph (1), enter into cooperative agreements with States for the provision of consultation services by such States to employers concerning the provision of safe and healthful working conditions. A State that has a plan approved under section 18 shall be eligible to enter into a cooperative agreement under this paragraph only if such plan does not include provisions for federally funded consultation to employers.

"(B)(i) Except as provided in clause (ii), the Secretary shall reimburse a State that enters into a cooperative agreement under subparagraph (A) in an amount that equals 90 percent of the costs incurred by the State for the provision of consultation services under such agreement.

"(ii) A State shall be fully reimbursed by the Secretary for—

"(I) training approved by the Secretary for State personnel operating under a cooperative agreement; and

"(II) specified out-of-State travel expenses incurred by such personnel.

"(iii) A reimbursement paid to a State under this subparagraph shall be limited to costs incurred by such State for the provision of consultation services under this paragraph and the costs described in clause (ii).

"(C) Notwithstanding any other provisions of law, not less than 15 percent of the total amount of funds appropriated for the Occupational Safety and Health Administration for a fiscal year shall be used for education, consultation, and outreach efforts.".

(b) PILOT PROGRAM.—Section 21 (29 U.S.C. 670) is amended by adding at the end the following:

"(d)(1) Not later than 90 days after the date of enactment of this subsection, the Secretary shall establish and carry out a pilot program in 3 States to provide expedited consultation services with respect to the provision of safe and healthful working conditions to employers that are small businesses, as defined by the Small Business Administration.. The Secretary shall carry out the program for a period not to exceed 2 years.

"(2) The Secretary shall provide consultation services under paragraph (1) not later than 4 weeks after the date on which the Secretary receives a request from an employer.

"(3) The Secretary may impose a nominal fee to an employer requesting consultation services under paragraph (1). The fee shall be in an amount determined by the Secretary. Employers paying a fee shall receive priority consultation services by the Secretary.

"(4) In lieu of issuing a citation under section 9 to an employer for a violation found by the Secretary during a consultation under paragraph (1), the Secretary shall permit the employer to carry out corrective measures to correct the conditions causing the violation. The Secretary shall conduct not more than 2 visits to the workplace of the employer to determine if the employer has carried out the corrective measures. The Secretary shall issue a citation as prescribed under section 5 if, after such visits, the employee has failed to carry out the corrective measures.

"(5) Not later than 90 days after the termination of the program under paragraph (1), the Secretary shall prepare and submit a report to the appropriate committees of Congress that contains an evaluation of the implementation of the pilot program.".

SEC. 13. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended—

(1) by striking sections 29, 30, and 31;

(2) by redesignating sections 32, 33, and 34 as sections 30, 31, and 32, respectively; and

(3) by inserting after section 28 (29 U.S.C. 676) the following:

"SEC. 29. ALCOHOL AND SUBSTANCE ABUSE TESTING.

"(a) PROGRAM PURPOSE.—In order to secure a safe workplace, employers may establish and carry out an alcohol and substance abuse testing program in accordance with subsection (b).

"(b) FEDERAL GUIDELINES.—An alcohol and substance abuse testing program described in subsection (a) shall meet the following requirements:

"(1) SUBSTANCE ABUSE.—A substance abuse testing program shall permit the use of an onsite or offsite urine screening or other recognized screening methods, so long as the confirmation tests are performed in accordance with the mandatory guidelines for Federal workplace testing programs published by the Secretary of Health and Human Services on April 11, 1988, at seotion 11979 of title 53, Code of Federal Regulations (including any amendments to such guidelines), in a lab that is subject to the requirements of subpart B of such mandatory guidelines.

"(2) ALCOHOL.—The alcohol testing component of the program shall take the form of alcohol breath analysis and shall conform to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

"(c) TEST REQUIREMENTS.—This section shall not be construed to prohibit an employer from requiring—

"(1) an applicant for employment to submit to and pass an alcohol or substance abuse test before employment by the employer; or

"(2) an employee, including managerial personnel, to submit to and pass an alcohol or substance abuse test—

"(A) on a for-cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

"(B) where such test is administered as part of a scheduled medical examination;

"(C) in the case of an accident or incident, involving the actual or potential loss of human life, bodily injury, or property damage;

"(D) during the participation of an employee in an alcohol or substance abuse treatment program, and for a reasonable period of time (not to exceed 5 years) after the conclusion of such program; or

"(E) on a random selection basis in work units, locations, or facilities.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to require an employer to establish an alcohol and substance abuse testing program for applicants or employees or make employment decisions based on such test results.

"(e) PREEMPTION.—The provisions of this section shall preempt any provision of State law to the extent that such State law is inconsistent with this section.

"(f) INVESTIGATIONS.—The Secretary is authorized to conduct testing of employees (including managerial personnel) of an employer for use of alcohol or controlled substances during any investigations of a work-related fatality or serious injury.".

SEC. 14. VOLUNTARY PROTECTION PROGRAMS.

(a) COOPERATIVE AGREEMENTS.—The Secretary of Labor shall establish cooperative agreements with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards. The Secretary of Labor shall encourage small businesses (as the term is defined by the Administrator of the Small Business Administration) to participate in the voluntary protection program by carrying out outreach and assistance initiatives and developing program requirements that address the needs of small businesses.

(2) PROGRAM REQUIREMENT.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees. The onsite visits shall not result in enforcement of citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), unless representatives of the Secretary of Labor observe hazards for which no agreement can be made to abate the hazards in a reasonable amount of time.

(C) INFORMATION.—Volunteers who are approved by the Secretary of Labor for participation in the program shall assure the Secretary of Labor that information about the safety and health program of the volunteers shall be made readily available to the Secretary of Labor to share with employees.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the volunteers shall be required for continued participation in the program.

(3) EXEMPTIONS.—A site with respect to which a program has been approved shall, during participation in the program be exempt from inspections or investigations and certain paperwork requirements to be determined by the Secretary of Labor, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

Mr. HAGEL. Mr. President, I want to compliment my distinguished colleague from Wyoming, Senator ENZI, for introducing this important piece of legislation. This bill addresses an issue that is critical to small businessowners across America. I am proud to be an original cosponsor.

The Safety and Health Advancement Act is a commonsense approach to reining in an overreaching Federal agency.

I worked in Congress when the Occupational Safety and Health Administration [OSHA] was created in the 1970's. Many people today would find it hard to believe that OSHA was created to assist business—especially small businesses. In its original intent, OSHA existed not just to help enforce workplace safety laws, but to help small businessowners understand those laws and advise them on how to comply.

What OSHA has grown into is an agency of confrontation and intimidation. The mere mention of OSHA strikes fear in the hearts of small businessowners everywhere.

The father of one of my staff members owns small heating and air-conditioning business in Nebraska. He's a good employer. He runs a safe workplace and treats his employees fairly. But he faces the constant threat that an unannounced visit by OSHA could shut him down because he doesn't have the resources to appeal the high fines frequently handed out by OSHA.

I hear stories like this from small businessowners throughout Nebraska. Businesses that are fined tens of thousands of dollars for a minor infraction of a regulation they frequently did not even know existed. They are forced to close their doors and lay off their employees because they can't afford to fight the fines that come through arbitrary process.

Mr. President, the safety of our workplaces must continue to be a top priority. Where there are those violating the law and creating unsafe working conditions, we should go after them and persecute to the fullest extent of the law. Those are the individuals OSHA should be going after. But the Government should not be killing jobs by intimidating honest, hardworking small businessowners. We need to focus on the real problems in the workplace.

The Safety and Health Advancement Act would help address this problem. It gives OSHA the flexibility to prioritize its resources in order to target the worst offenders. It encourages voluntary compliance by rewarding employers who use third-party consultants. It holds employees responsible for their misconduct at a site that is in compliance with OSHA regulations.

This bill returns OSHA to its original intent and expands its consultative services. Under this legislation, OSHA would actually work hand in hand with small businessowners to create safe workplaces, not merely hand down punitive fines. It moves OSHA away from confrontation and back toward cooperation.

I am proud to be an original cosponsor of the Safety and Health Advancement Act. Not only will this bill help make America's workplaces safer, it will go a long way in freeing America's small businessowners from the heavy burdens of Government regulation. I urge my colleagues to support this commonsense legislation.

By Mr. D'AMATO (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mr. DODD, Mr. ABRAHAM, Mr. TORRICELLI, Mrs. BOXER and Mr. BIDEN):

S. 768. A bill for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili, to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. D'AMATO. Mr. President, I rise today, along with Senators FEINSTEIN, HATCH, DODD, ABRAHAM, TORRICELLI, BIDEN, and BOXER to introduce a bill to provide protection to Christophe and his family so that they may stay in this country and that Christophe may be allowed to work and support his family.

Christophe Meili is the Swiss bank guard fired after he reported the destruction of Holocaust era bank records at the Union Bank of Switzerland, Zurich branch, on January 8, 1997. He is here along with his wife Guiseppina, and his two children, Miriam and David.

For his bravery in saving historically important documents from the shredder, Christophe was fired and today is under investigation for violating Swiss bank secrecy laws for disclosing the records, first to the Zurich Jewish Community and then to the Swiss police. He has faced persecution and penalties for a deed that ennobles him in the eyes of the world. Moreover, he and his family have faced hundreds of death threats, including kidnaping threats made against his children. He is truly a man without a country.

When we held a hearing on his plight in the Banking Committee, he made two remarkable statements. First, when asked why he felt the records he saved were important, he responded,

> "A few months before, I had seen the movie 'Schindler's List.' And that's how, when I saw these documents, I realized I must take responsibility; I must do something."

When I asked him at the end of the hearing if he had anything to add, he said,

> Please protect me in the U.S.A. and in Switzerland. I think I become a great problem in Switzerland. I have a woman, two little children, and no future. I must see what goes on in the next days for me. Please protect me. That is all.

Mr. President, we owe Christophe Meili this much. He has asked to be protected and it is our duty to do so. We are in the presence of a very good man, a man who has made a difference and will be remembered for generations to come.

Christophe Meili should be viewed as a hero, not a criminal. His actions in preventing the destruction of evidence are courageous and serve the cause of justice for the victims and survivors of the Holocaust and their families. It is a stain upon the victims' memory that a young man who saved records to help their cause is now being made a victim. It is unfortunate that the chairman of UBS, Robert Studer, has even made remarks questioning the motivation of Christophe for preventing the destruction of these records.

Moreover, while Christophe and his family have been persecuted for his noble deed, it is a disgrace that the bank's archivist who ordered the shredding at UBS, Erwin Haggenmuller, still has his job. I wrote to Peter Cosandey, the district attorney of Zurich who is investigating this case, and I asked him to end his harassment of Christophe. I also asked him why he is not investigating Erwin Hagenmuller for his role in ordering the shredding of the files.

Christophe has been unemployed since January and this hardship is taking its toll on this brave young man and his family. Thankfully, Edgar Bronfman has come to the rescue once again by offering Christophe a job. I am sure that this is a comfort to Christophe and his family.

Christophe Meili's story is one of a man dedicated to seeing that justice is achieved, yet persecuted because he tried to ensure it. His treatment by the security firm that employed him and the bank that wants him prosecuted, is unjust and unfair.

This is a tragedy. Because he did his job, Christophe Meili was fired. Because he showed courage and integrity, Christophe Meili was fired. And now, they are threatening him with prosecution. The people deserve better.

Mr. President, I urge my colleagues to join me in granting this hero, this righteous man, the sanctuary that he has requested and that he and his family deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The actions of Swiss banks and their relations with Nazi Germany before and during World War II and the banks' actions after the war concerning former Nazi loot and heirless assets placed in the banks before the war have been the subject of an extensive and ongoing inquiry by the Committee on Banking, Housing, and Urban Affairs of the Senate and a study by a United States interagency group.

(2) On January 8, 1997, Michel Christopher Meili, while performing his duties as a security guard at the Union Bank of Switzerland in Zurich, Switzerland, discovered that bank employees were shredding important Holocaust-era documents.

(3) Mr. Meili was able to save some of the documents from destruction and then turned them over to the Jewish community in Zurich and to the Swiss police.

(4) Following Mr. Meili's disclosure of the destruction of the Holocaust-era documents, Mr. Meili was suspended and then terminated from his job. He was also interrogated by the local Swiss authorities who tried to intimidate him by threatening prosecution for his heroic actions.

(5) Since this disclosure, Mr. Meili and his family have been threatened and harassed, and have received many death threats. Mr. Meili also received a hand-delivered note threatening the kidnapping of his children in return for the "Jewish money" he would receive for his actions, and urging him to emigrate to the United States or be killed.

(6) Because of his courageous actions, Mr. Meili and his family have suffered economic hardship, mental anguish, and have been forced to live in fear for their lives.

SEC. 2. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 3. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mr. KERRY, Mrs. BOXER, Mr. GRAHAM, Mr. WELLSTONE, Mr. DEWINE, and Mr. KENNEDY):

S. 769. A bill to amend the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 to expand the public's right to know about toxic chemical use and release, to promote pollution prevention, and for other purposes; to the Committee on Environment and Public Works.

THE RIGHT-TO-KNOW MORE AND POLLUTION PREVENTION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today the Environmental Protection Agency is making public its annual inventory of toxic chemical releases. This information is made available to the public under the Emergency Planning and Community Right-to-Know Act which I authored in 1986.

EPA announced today a 45.6 percent decrease nationwide in the release of toxic chemicals since 1988, when these data were first collected. In my State of New Jersey, which has a large chemical industry, releases were reduced by a stunning 70 percent.

Mr. President, the right-to-know law has been an enormous success. Shedding the light of day on toxic pollution has encouraged industries to find ways to reduce the threat of these cancer causing materials to our communities. We should build on that success.

Today I am introducing with Senators TORRICELLI, BOXER, KERRY, GRAHAM, KENNEDY and WELLSTONE the Right-to-Know More and Pollution Prevention Act of 1997, which will significantly expand the public's right-to-know about toxic chemicals in their homes, workplaces, and communities.

The landmark 1986 Right-to-Know Act requires companies to list the amount of certain chemicals that leave their facilities as pollution and enter our air, water, or soil. It has often been cited as one of the most effective environmental laws on the books. By shining a public spotlight on pollution, the public is better informed, and many companies have taken voluntary steps to reduce pollution.

In fact, without using traditional "command and control requirements," the publication of right-to-know data has led companies to voluntarily reduce their releases of toxic chemicals by almost 46 percent, or 1.6 billion pounds, between 1988 and 1994.

The bill I am introducing today significantly expands the community right-to-know reporting requirements by tracking toxic materials as they move through a facility—to tell us what comes in, what is transformed into product or waste, and what leaves a facility as pollution. This tracking system, known as chemical use or materials accounting, can further decrease the use of toxic chemicals and their release into the environment.

When my own State of New Jersey began collecting information on toxic chemicals used by industries, in addition to recording toxic chemical releases, the results were dramatic. Whereas the national decrease in toxic emissions reported is 45.6 percent since 1988, in New Jersey it has been 70 percent. The discrepancy between New Jersey and the rest of the country, I believe, is due to the State requirement for materials accounting.

The reason that materials accounting data is so valuable is that it provides information to industry and incentives to prevent pollution. With this data, industrial facilities have the information necessary to develop pollution prevention plans.

Pollution prevention is the highest priority in managing waste, and falls at the top of the ladder of steps industry can take to reduce pollution—starting with prevention, then recycling, and then treatment, with disposal or release into the environment the least desirable last step. This so-called hierarchy of waste management has been endorsed by the Environmental Protection Agency as well as many Fortune 500 companies and the armed services.

Materials accounting makes pollution prevention planning possible. You can't reduce toxic use if you don't know the quantity of toxics used and how they're used. That's why materials accounting data is so important. The bill requires companies which collect materials accounting data to prepare pollution prevention plans to decrease their use of toxics to protect those who might be exposed to them and can help companies improve their bottom line. It represents a strong marriage between environmental concerns and economic efficiency.

A recent New Jersey study found that for every dollar spent on additional reporting, companies actually saved between five and eight dollars in reduced costs. By reducing waste, companies reduce their cost of doing business.

Mr. President, materials accounting provides a framework for identifying opportunities to reduce pollution at the source through changes in production, operation and raw materials use. A random survey of 42 New Jersey facilities showed that 62 percent of the companies questioned anticipated that pollution prevention initiatives, based on information gleaned from materials accounting data, could save them money. Business wins, the public wins, and the public health and environment wins.

Mr. President, my bill directs the EPA to expand right-to-know reporting to include information on toxic chemicals being transported through communities and used by industries in their products and workplaces.

It would fill reporting gaps in the existing law by requiring all companies that have more than the stipulated threshold amounts to file reports, regardless of the industrial classification in which they fall. EPA could exempt categories of industry groups if the benefits and paperwork requirements are disproportionate to any benefit.

Finally, the bill requires businesses to prepare pollution prevention plans based on the materials accounting data they collect.

Mr. President, EPA has proposed requiring materials accounting data under existing authorities of the Emergency Planning and Community Right-To-Know Law [EPCRA] and other statutes.

I believe the law gives them that authority. However, some industry groups have challenged literally every action by the office that implements the Right-to-Know Law. To avoid continuing court fights and avoid needless delays, this law would clarify congressional intent.

Mr. President, this bill will help ensure a healthier environment for all of us, and can save industry money, making our economy and chemical industry more cost competitive. It makes good environmental sense and good business sense. And it's legislation that the public wants. I hope we will move to enact it in this Congress.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the Record, along with letters from EPA Administrator Browner and USPIRG and the Environmental Information Center supporting the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Right-To-Know-More and Pollution Prevention Act of 1997".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PUBLIC RIGHT TO KNOW ABOUT TOXIC CHEMICAL USE

Sec. 101. Reporting requirements.
Sec. 102. Disclosure of toxic chemical use.
Sec. 103. Environmental reporting and public access to information.
Sec. 104. Trade secret protection.
Sec. 105. Civil actions.

TITLE II—COMMUNITY RIGHT TO KNOW AND POLLUTION PREVENTION PLANNING

Sec. 201. Toxic chemical release forms.
Sec. 202. Pollution prevention planning.
Sec. 203. Information gathering and access.
Sec. 204. Public availability.
Sec. 205. Federal facilities.
Sec. 206. Enforcement.

TITLE I—PUBLIC RIGHT TO KNOW ABOUT TOXIC CHEMICAL USE

SEC. 101. REPORTING REQUIREMENTS.

(a) Thresholds for Toxic Chemicals with Certain Significant Risks.—Section 313(f) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)) is amended—

(1) in paragraph (1), by adding at the end the following:

"(C) With respect to each of the toxic chemicals described in paragraph (3) that are released from a facility, the amount of the threshold for the toxic chemical under that paragraph."; and

(2) by adding at the end the following:

"(3) Thresholds for toxic chemicals with certain significant risks.—

"(A) Establishment of thresholds.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall establish a threshold for each toxic chemical that the Administrator determines may present a significant risk to children's health or the environment because of—

"(i) the tendency of the toxic chemical to persist or to bioaccumulate or disrupt endocrine systems; or

"(ii) other characteristics of the toxic chemical.

"(B) Chemicals to be included.—Among the toxic chemicals for which the Administrator shall establish thresholds under subparagraph (A) shall be lead, mercury, dioxin, cadmium, chromium, and the substances listed as bioaccumulative chemicals of concern in the notice published by the Administrator at 60 Fed. Reg. 15393.".

(b) Additional Chemicals.—Section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)) is amended—

(1) by striking "are those" and inserting the following: "are—

"(1) the";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(2) dioxin and substances listed as bioaccumulative chemicals of concern in the notice published by the Administrator at 60 Federal Register 15393.".

(c) Releases.—Subsections (a) and (b)(1) of section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) are amended by striking "or otherwise used" and inserting "otherwise used, or released".

(d) Civil Actions.—Section 326(a)(1)(B) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(B)) is amended—

(1) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively, and

(2) by inserting after clause (ii) the following:

"(iii) Establish a reporting threshold for a toxic chemical described in section 313(f)(3).".

(e) Revised Thresholds.—Section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)) is amended in the first sentence by striking "paragraph (1)" and inserting "subparagraph (A) or (B) of paragraph (1)".

SEC. 102. DISCLOSURE OF TOXIC CHEMICAL USE.

(a) Toxic Chemical Release Form.—

(1) In general.—Section 313(g) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(g)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting "for the preceding calendar year" after "items of information";

(ii) in clause (i) by striking "is" and inserting "was";

(iii) in clause (ii) by striking "preceding";

(iv) in clause (iv) by striking "annual quantity of the toxic chemical entering" and inserting "quantity of the toxic chemical that entered"; and

(v) by adding at the end the following:

"(v) The number of employees (including contractors) at the reporting facility, the number of employees (including contractors) at the reporting facility who were potentially exposed to the toxic chemical;

"(vi) The following materials accounting information:

"(I) A description of the uses of the toxic chemical at the facility.

"(II) The starting (as of January 1) inventory of the toxic chemical at the facility.

"(III) The quantity of the toxic chemical produced at the facility.

"(IV) The quantity of the toxic chemical that was transported to the facility and the mode of transportation used.

"(V) The quantity of the toxic chemical consumed at the facility.

"(VI) The quantity of the toxic chemical that was shipped out of the facility as a product or in a product and the quantities intended for industrial use, commercial use, consumer use, and any additional categories of use that the Administrator may designate by regulation.

"(VII) The quantity of the toxic chemical that entered any waste stream (or that was otherwise released into the environment) prior to recycling, treatment, or disposal (as required to be reported under section 6607(b)(1) of the Pollution Prevention Act of 1990 (42 U.S.C. 13107(b)(1))).

"(VIII) The amount of toxic chemical at the facility as of December 31.

"(IX) The amount of the toxic chemical recycled at the facility that was used during the calendar year at the facility.

"(X) The toxic chemical use of the chemical that is calculated by adding the quantities reported under subclauses (II), (III), (IV), and (IX) and subtracting the quantity reported under subclause (VIII).

"(XI) If the sum of the quantities reported under subclauses (II), (III), (IV), and (IX) does not equal the sum of the quantities reported under subclauses (V), (VI), (VII), and (VIII), a statement of the cause of the discrepancy.

"(vii) The reduction (from the calendar year preceding the calendar year for which the form is submitted) in the quantity of the toxic chemical that is reported under clause (vi)(VII), as a result of the following: equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control.

"(viii) The reduction (from the calendar year preceding the calendar year for which the form is submitted) in the quantity of toxic chemical use as defined in subclause (X) as a result of the following: equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control."; and

(B) by adding at the end the following:

"(3) Computations.—Quantities reported under this subsection shall be complete and verifiable by computations under generally accepted principles of materials accounting.".

(2) Definition of materials accounting information.—

(A) In general.—Section 329 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049) is amended—

(i) by redesignating paragraphs (7), (8), (9), and (10) as paragraphs (8), (9), (10), and (11), respectively; and

(ii) by inserting after paragraph (6) the following:

"(7) Materials accounting information.—The term 'materials accounting information' means the information described in section 313(g)(1)(vi).".

(B) Conforming amendment.—Section 6603(4) of the Pollution Prevention Act of 1990 (42 U.S.C. 13102(4)) is amended by striking "329(8)" and inserting "329".

(3) Regulation.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate a regulation regarding the information to be provided under clauses (v), (vi), (vii), and (viii) of section 313(g)(1)(C) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(g)(1)(C)), as added by paragraph (1).

(b) Other Requirements.—The Administrator of the Environmental Protection Agency shall by regulation integrate the reporting requirements under the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) and the Pollution Prevention Act of 1990 (42 U.S.C. 12101 et seq.).

SEC. 103. ENVIRONMENTAL REPORTING AND PUBLIC ACCESS TO INFORMATION.

(a) Streamlined Data Collection and Dissemination.—Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023) is amended by adding at the end the following:

"(m) Streamlined Data Collection and Dissemination.—

"(1) In general.—To enhance public access and use of information resources, to facilitate compliance with reporting requirements, and to promote multimedia permitting, reporting, and pollution prevention, not later than 3 years after the date of enactment of this subsection, the Administrator shall—

"(A) create standard data formats for information management;

"(B) integrate information resources, using common company, facility, industry, geographic, and chemical identifiers and any other identifiers that the Administrator considers appropriate;

"(C) establish a system for indexing, locating, and obtaining agency-held information about parent companies, facilities, industries, chemicals, geographic locations, ecological indicators, and the regulatory status of toxic chemicals and entities subject to agency regulation;

"(D) consolidate all annual reporting requirements under this title and other Federal environmental laws for small businesses, including by permitting reporting to a single point of contact using a single form or electronic reporting system; and

"(E) provide the public a single point of contact for access to all the publicly available information gathered by the Administrator for any regulated entity.

"(2) Consolidation.—Not later than 5 years after the date of enactment of this subsection, the Administrator shall consolidate all annual reporting under this title and other Federal environmental laws administered by the Administrator for each entity required to report, including by permitting reporting to a single point of contact using a single form or electronic reporting system.

"(3) Ease of compliance.—In improving the means by which the Administrator provides information to the public and requires information be reported by regulated entities, as required by paragraphs (1) and (2), the Administrator, building on the experiences of the States, shall use technology to facilitate reporting by regulated entities and improve access to the data by the public.".

(b) Disclosure of Uses of Toxic Chemicals.—

(1) Basic requirement.—Section 313(a) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(a)) is amended in the second sentence by inserting "toxic chemical uses and" before "releases".

(2) Use of release form.—Section 313(h) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(h)) is amended in the second sentence by inserting "the uses of toxic chemicals at covered facilities and" before "releases of toxic chemicals to the environment".

SEC. 104. TRADE SECRET PROTECTION.

Section 322 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11042) is amended—

(1) in subsection (a)(1) by adding the following at the end:

"(C) Withholding of materials accounting information.—A person that is required to submit materials accounting information under section 313(g)(1)(C)(vi) may withhold an element or portion (as defined by a regulation promulgated by the Administrator under subsection (c)) of the information if the person complies with paragraph (2) with respect to the information to be withheld.";

(2) in subsection (b)(4) by inserting "or other information withheld" after "The chemical identity";

(3) in subsection (d)—

(A) in paragraph (1), in the first sentence, by striking "toxic chemical which" and inserting "toxic chemical or other information that";

(B) in paragraph (2), by inserting "or other information withheld" after "specific chemical identity";

(C) in paragraph (3)—

(i) in subparagraph (A), by inserting "or other information withheld" after "specific chemical identity";

(ii) in subparagraph (B), by inserting "or other information withheld" after "chemical identity"; and

(iii) in subparagraph (C), in the first sentence, by inserting "or other information withheld" after "chemical identity" each place it appears; and

(D) in paragraph (4)(A), by inserting "or other information withheld" after "chemical identity";

(4) in subsection (f), by inserting "or other information withheld under subsection (a)(1)" after "specific chemical identity"; and

(5) in subsection (h)—

(A) in paragraph (1), by inserting “or other information withheld” before “is claimed as a”; and

(B) in paragraph (2), by inserting “or other information withheld” after “identity of a toxic chemical”.

SEC. 105. CIVIL ACTIONS.

(a) Past and Ongoing Violations.—Section 326(a)(1)(A) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(A)) is amended by inserting “any past or ongoing” after “An owner or operator of a facility for”.

(b) Venue.—Section 326 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(b)) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) Actions against the administrator.—

“(A) Petitions in the United States Court of Appeals for the District of Columbia Circuit.—

“(i) In general.—Review of an action of the Administrator described in clause (ii) shall be sought by filing a petition for review in the United States Court of Appeals for the District of Columbia.

“(ii) Actions of the administrator.—The actions of the Administrator described in this clause are—

“(I) a final agency action in response to a petition filed under section 313(e);

“(II) a final agency action to revise a threshold under section 313(f)(2);

“(III) a final rule to modify nationally the reporting frequency under section 313(i);

“(IV) any other rulemaking of general applicability under this title; and

“(V) any other action that is based on a determination of nationwide scope or effect if, in taking the action, the Administrator publishes a finding that the action is based on such a determination.

“(B) Petitions for review in other circuits.—

“(i) In general.—Review of an action of the Administrator described in clause (ii) shall be sought by filing a petition for review in the United States Court of Appeals for the circuit in which the geographic region to which the action relates is situated.

“(ii) Actions of the administrator.—The actions of the Administrator described in this clause are—

“(I) a final rule to modify the reporting frequency under section 313(i) for a particular geographic region; and

“(II) any other rulemaking specific to a particular geographic region.

“(C) Civil actions in United States District Court.—An action of the Administrator under subsection (a) other than an action described in subparagraph (A) or (B) shall be brought in the United States District Court for the District of Columbia.”; and

(2) by adding at the end the following:

“(i) Time for Filing Petition for Review of Action by the Administrator; Exclusive Means of Review.—

“(1) Time for filing petition.—A petition for review of an action of the Administrator under subparagraph (A) or (B) of subsection (b)(2) shall be filed not later than 60 days after the date on which notice of the action is published in the Federal Register.

“(2) Exclusive means of review.—An action of the Administrator with respect to which review can be or could have been obtained under subparagraph (A) or (B) of subsection (b)(2) shall not be subject to judicial review in a civil or criminal enforcement proceeding.”.

TITLE II—COMMUNITY RIGHT TO KNOW AND POLLUTION PREVENTION PLANNING

SEC. 201. TOXIC CHEMICAL RELEASE FORMS.

Section 313(b) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(b)) is amended—

(1) by striking paragraph (2); and

(2) in paragraph (1)—

(A) by striking “(A) The requirements” and inserting “The requirements”;

(B) by striking “and that are in Standard Industrial Classification Codes 20 through 39 (as in effect on July 1, 1985)”;

(C) by striking subparagraph (B) and inserting the following:

“(2) Deletion of Facilities.—

“(A) In general.—The Administrator, at the instance of the Administrator or in response to a petition, may delete by rule a particular facility or category of facilities from the requirements of this section based on a determination that reporting by the owner or operator of the facility or category of facilities is inconsistent with the efficient operation of this title.

“(B) Considerations.—In making a determination under subparagraph (A), the Administrator may consider the toxicity of the toxic chemical, proximity to other facilities that release the toxic chemical or to population centers, the history of releases of toxic chemicals at the facility or category of facilities, and such other factors as the Administrator considers appropriate.”;

(D) in subparagraph (C) —

(i) by striking “(C) For purposes” and inserting “(3) Definitions.—For purposes”;

(ii) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B); and

(iii) in subparagraph (B) (as redesignated by clause (ii)), by redesignating subclauses (I) and (II) as clauses (i) and (ii).

SEC. 202. POLLUTION PREVENTION PLANNING.

(a) In General.—Title III of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.) is amended—

(1) by redesignating subtitle C as subtitle D; and

(2) by inserting after subtitle B the following:

“Subtitle C—Pollution Prevention Planning

“SEC. 316. POLLUTION PREVENTION PLANS.

“(a) Definitions.—In this section:

“(1) Authorized state.—The term ‘authorized State’ means a State authorized under subsection (m) to carry out the Administrator's authorities and responsibilities under this section.

“(2) Byproduct.—The term ‘byproduct’ means a toxic chemical that—

“(A) is generated prior to storage, recycling (except in-process recycling), treatment, control, disposal, or release;

“(B) is not intended for use as a product; and

“(C) is required to be reported under section 6607 of the Pollution Prevention Act of 1990 (42 U.S.C. 13107).

“(3) Facility.—The term ‘facility’ means a facility for which a toxic chemical release form is required to be submitted under section 313.

“(4) In-process recycling.—The term ‘in-process recycling’ means the practice of returning a recycled toxic chemical to a production process using dedicated equipment that is directly connected to and physically integrated with a production process.

“(5) Pilot facility.—The term ‘pilot facility’ means a facility, or designated area of a facility, used for pilot-scale development of a product or process not primarily involved in the production of a good for commercial sale.

“(6) Pollution prevention.—The term ‘pollution prevention’ means—

“(A) toxic use reduction; or

“(B) source reduction.

“(7) Production process.—The term ‘production process’ means a process, line, method, activity, or technique used to produce a product or to reach a planned result.

“(8) Recovery.—

“(A) In general.—The term ‘recovery’ means the act of extracting or removing the toxic chemical from a waste stream that includes—

“(i) the reclamation of the toxic chemical from a stream that entered a waste treatment or pollution control device or process (including an air pollution control device or process, wastewater treatment or control device or process, Federal or State permitted treatment or control device or process, and any other type of treatment or control device or process) where destruction of the stream or destruction or removal of certain constituents of the steam occurs; and

“(ii) the reclamation for reuse of an otherwise used toxic chemical that is spent or contaminated and that must be recovered for further use in the original operation or any other operation.

“(9) Recycling.—The term ‘recycling’ means—

“(A) the recovery for reuse of a toxic chemical from a gaseous, aerosol, aqueous, liquid, or solid stream; or

“(B) the reuse or the recovery for reuse of a toxic chemical that is a hazardous waste or is a constituent of a hazardous waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as determined by the Administrator.

“(10) Research and development laboratory.—The term ‘research and development laboratory’ means a facility or a designated area of a facility used for research, development, and testing activity, and not primarily involved in the production of a good for commercial sale, in which a toxic chemical is used by or under the direct supervision of a technically qualified person.

“(11) Source reduction.—The term ‘source reduction’ has the meaning given the term in section 6603 of the Pollution Prevention Act of 1990 (42 U.S.C. 13103).

“(12) Targeted production process.—The term ‘targeted production process’ means a production process or a group of production processes (identified by the owner or operator of a facility) that accounts for 90 percent or more of—

“(A) the total toxic chemical use calculated in accordance with section 313(g)(1)(C)(vi)(X); or

“(B) the total quantity of byproducts generated at the facility.

“(13) Toxic use reduction.—The term ‘toxic use reduction’ means the reduction in the quantity of toxic chemical use reported under section 313(g)(1)(C)(viii) that is reduced so as to reduce potential exposure to the public, workers, consumers, and the environment.

“(b) Pollution Prevention Planning.—

“(1) In general.—To promote the assessment and implementation of pollution prevention alternatives, the owner or operator of a facility shall periodically complete a pollution prevention plan.

“(2) Initial plan and updates.—The owner or operator of a facility shall—

“(A) complete a pollution prevention plan on or before July 1 of the second calendar year that begins after the date of enactment of this section; and

“(B) review and update the pollution prevention plan biennially thereafter.

“(3) CONTENTS OF POLLUTION PREVENTION PLANS.—

“(A) ITEMS TO BE INCLUDED.—Except as provided in section 317, a pollution prevention plan shall include—

“(i) a statement of management policy regarding pollution prevention;

“(ii) a written certification by the owner or operator of the facility regarding the accuracy and completeness of the plan;

“(iii) 2- and 5-year pollution prevention goals for targeted production processes, including a numerical statement regarding the intended reduction in the quantity of each toxic chemical manufactured, processed, or otherwise used;

“(iv) a statement of progress achieved toward previously submitted pollution prevention goals;

“(v) an analysis of each targeted production process, including—

“(I) an assessment of materials accounting information of toxic chemicals with respect to the targeted production process; and

“(II) a full cost accounting of the direct and indirect costs (including liabilities) of toxic chemical purchase, use, and waste management;

“(vi) an evaluation of the options for reducing the use of toxic chemicals or the generation of byproducts in the targeted production unit process by means of the substitution of raw materials, reformulation or redesign of products, production unit modifications, and improvement in operation and maintenance, including—

“(I) identification of options that minimize potential exposure to workers, consumers, the public, and the environment; and

“(II) an assessment of the technical and economic feasibility of the options identified under subclause (I);

“(vii) an identification of options identified under clause (vi)(I) that are technically feasible and have a payback period of less than 2 years;

“(viii) a schedule for implementing the options identified under clause (vii) that the owner or operator of the facility intends to implement; and

“(ix) if there is an option identified under clause (vii) that is not included in the schedule developed under clause (viii), a statement of the reason why the option is not included.

“(B) ITEMS NOT TO BE INCLUDED.—A pollution prevention plan shall not include a waste management or control activity.

“(4) POLLUTION PREVENTION PLAN SUMMARIES.—

“(A) IN GENERAL.—For each pollution prevention plan, the owner or operator of a facility shall prepare a pollution plan summary.

“(B) CONTENTS.—A pollution plan summary shall include the information reported under—

“(i) clauses (i), (ii), (iii), and (iv) of paragraph (3)(A); or

“(ii) if applicable, subparagraphs (A), (B), (C), and (D) of section 317(c)(2).

“(c) POLLUTION PREVENTION PLAN PROGRESS REPORTS.—

“(1) IN GENERAL.—Beginning with the second full calendar year after a pollution prevention plan has been prepared under subsection (b), the owner or operator of a facility shall prepare a pollution prevention plan progress report annually for the facility in accordance with the schedule for the submission of toxic release forms under section 313.

“(2) CONTENTS.—A pollution prevention progress report shall include—

“(A) a description of the facility and identification of each targeted production process;

“(B) a numerical statement demonstrating the progress of the facility towards achieving each of its 5-year goals for pollution prevention; and

“(C) if the annual progress of the facility does not achieve the level of progress anticipated in the pollution prevention plan schedule for implementation, an explanation of the reasons why that level of progress was not achieved.

“(d) GUIDELINES FOR PREPARATION OF POLLUTION PREVENTION PLANS.—Not later than 2 years after the date of enactment of this section, the Administrator shall by regulation establish guidelines for the preparation of pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports.

“(e) AVAILABILITY OF POLLUTION PREVENTION PLANS, SUMMARIES, AND REPORTS.—

“(1) POLLUTION PREVENTION PLANS.—

“(A) IN GENERAL.—The owner or operator of a facility shall—

“(i) retain each pollution prevention plan at the facility; and

“(ii) make each pollution prevention plan available for inspection by the Administrator or authorized State.

“(B) NOT PUBLIC RECORDS.—A document or other record obtained from or reviewed at a facility owned or operated by a private person shall not be considered to be a public record.

“(2) POLLUTION PREVENTION PLAN SUMMARIES AND PROGRESS REPORTS.—

“(A) SUBMISSION.—The owner or operator of a facility shall submit a pollution prevention plan summary for the facility and progress reports, with the toxic release forms required under section 313 for the year in which the summary is required, to the Administrator and to the State in which the facility is located, in a format that is compatible with electronic information storage and retrieval and compatible with the data submitted under section 313 (except in a case in which the Administrator determines that preparation in electronic format would create a significant hardship).

“(B) PUBLIC AVAILABILITY.—The Administrator shall, using electronic and other means, make pollution plan summaries and progress reports available to the public consistent with section 313(j).

“(f) REQUIRED MODIFICATION.—

“(1) IN GENERAL.—The Administrator or an authorized State may require the modification of a pollution prevention plan or pollution prevention plan summary if the Administrator or authorized State determines that the pollution prevention plan does not meet the requirements of subsection (b) or the pollution prevention plan summary does not meet the requirements of subsection (b)(4).

“(2) TIME FOR COMPLETION OF REQUIRED MODIFICATION.—Any modification required by the Administrator or authorized State shall be completed by the owner or operator of the facility not later than 90 days after the date on which the Administrator or the State provides written notice that the modification is required.

“(g) PRODUCT FORMULAS.—Nothing in this subtitle authorizes the Administrator or a State to require that information concerning nontoxic chemicals, or product formulas for mixtures that include only nontoxic chemicals, be included in a pollution prevention plan, summary, or progress report.

“(h) GROUPING OF PROCESSES.—The Administrator may publish rules establishing criteria pursuant to which the Administrator may permit an owner or operator of a facility to consider production processes that use similar ingredients to produce 1 or more similar products as a single production process.

“(i) TRAINING.—The Administrator or an authorized State may require that individuals that prepare pollution prevention plans for facilities in particular industrial categories or subcategories receive training or attend seminars and workshops on the proper preparation of toxic release inventories and pollution prevention plans and on the use of available pollution prevention measures.

“(j) RESEARCH AND DEVELOPMENT LABORATORIES.—The owner or operator of a facility shall not be required to prepare a pollution prevention plan, pollution prevention plan summary, or pollution prevention progress report concerning a research and development laboratory located at the facility.

“(k) PILOT FACILITIES.—The owner or operator of a facility shall not be required to prepare a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report for a pilot facility.

“(l) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—At the request of the owner or operator of a facility, the Administrator or an authorized State may provide technical assistance in pollution prevention planning.

“(2) REIMBURSEMENT.—The Administrator may seek full (or in the case of a small business, full or partial) reimbursement for any technical assistance provided to a facility.

“(3) NO REQUIREMENT OF PARTICULAR MEASURES OR STANDARDS.—Nothing in this subsection authorizes the Administrator to require that a particular pollution prevention measure be implemented or that a pollution prevention performance standard be achieved at a facility or targeted production process.

“(m) STATE ADMINISTRATION.—

“(1) REQUEST FOR STATE AUTHORIZATION.—

“(A) GUIDELINES.—Not later than 1 year after the date of enactment of this section, the Administrator shall publish guidance that would be useful to the States in submitting a program for approval under this paragraph.

“(B) SUBMISSION OF PROGRAMS.—A State may submit to the Administrator a program for carrying out this section in the State.

“(C) IMPLEMENTATION OF STATE PROGRAMS.—On and after the date that is 180 days after date on which the Administrator receives a State program under subparagraph (B), the State may carry out the program in the State in place of the Federal program under this section, unless the Administrator notifies the State that the program is not approved.

“(2) CRITERIA FOR STATE AUTHORIZATION.—

“(A) IN GENERAL.—The Administrator shall approve a State program submitted under paragraph (1) if the Administrator determines that the State program requires that—

“(i) each facility develop a pollution prevention plan that includes materials accounting for full cost accounting; and

“(ii) each pollution prevention plan address the reduction of the use and generation as byproduct of toxic chemicals subject to this section so as to reduce overall risks to the public, workers, consumers, and the environment without shifting risks between them.

"(B) DISAPPROVAL.—If the Administrator does not approve a State program, the Administrator shall notify the State in writing of any revisions or modifications that are necessary to obtain approval.

"(3) WITHDRAWAL OF STATE AUTHORIZATION.—

"(A) IN GENERAL.—If the Administrator determines after public hearing that a State program approved under paragraph (1) no longer meets the criteria of paragraph (2), the Administrator shall so notify the State in writing. If appropriate corrective action is not taken within a reasonable time (not to exceed 90 days after notification), the Administrator shall withdraw authorization of the program and establish a Federal program under this section.

"(B) NOTIFICATION.—The Administrator shall not withdraw authorization of a State program unless the Administrator first notifies the State and makes public in writing the reasons for the withdrawal.

"(4) NO PREEMPTION OF STATE PROGRAMS.—Nothing in this subsection affects the authority of a State or political subdivision of a State to establish or continue in effect any regulation or any other measure relating to pollution prevention.

"(n) REPORTS.—

"(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section and not less frequently than every 3 years thereafter, the Administrator shall submit a report to the President and Congress that describes the pollution prevention plans that have been prepared under this section.

"(2) MATTERS TO BE ADDRESSED.—A report under paragraph (1) shall include—

"(A) a detailed analysis that indicates the progress achieved toward any pollution prevention goals established by the Administrator under section 6604 of the Pollution Prevention Act of 1990 (42 U.S.C. 13103); and

"(B) a detailed analysis of the steps that need to be taken to ensure that the goals are achieved, including an identification of the industrial categories or subcategories that should be the highest priority for pollution prevention measures and that need improvement with respect to pollution prevention.

"SEC. 317. SMALL BUSINESS POLLUTION PREVENTION COMPLIANCE AND TECHNICAL ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a small business pollution prevention compliance and technical assistance program to assist owners and operators of facilities in identifying and applying methods of pollution prevention.

"(b) ELEMENTS OF PROGRAM.—The program under subsection (a) shall—

"(1) provide compliance assistance, technical assistance, and other assistance to small businesses;

"(2) use funds provided under this subsection for matching grants to State and local government agencies for programs to promote the use of pollution prevention techniques by small businesses; and

"(3) allow small businesses to comply with the pollution prevention planning requirements of this by title complying with subsection (c).

"(c) USE OF MANUAL AND CHECKLIST IN LIEU OF POLLUTION PREVENTION PLAN.—

"(1) IN GENERAL.—The Administrator may by regulation allow a small business in a commercial sector for which a pollution prevention opportunity assessment manual and checklist have been published under paragraph (2) to comply with the pollution prevention planning requirements of subsections (a) and (b) of section 316 by completing the checklist and retaining on site the manual and checklist in lieu of preparing a pollution prevention plan.

"(2) CONTENTS OF MANUAL AND CHECKLIST.—The Administrator may publish a manual and checklist for any commercial sector by the use of which a small business in the commercial sector would develop—

"(A) a statement of management policy regarding pollution prevention;

"(B) a written certification by the owner or operator of the facility regarding the accuracy and completeness of the plan;

"(C) 2- and 5-year pollution prevention goals for targeted production processes, including a numerical statement regarding the intended reduction in the quantity of each toxic chemical produced or used and each toxic chemical generated as a byproduct;

"(D) a statement of progress achieved toward previously submitted pollution prevention goals;

"(E) an estimate of the costs associated with toxic chemical purchase, use, and waste management;

"(F) an evaluation of production processes and material, storage, and treatment practices;

"(G) an evaluation of toxic use reduction and source reduction opportunities; and

"(H) an economic impact analysis of options for achieving reductions in toxic chemical use and byproduct generation.".

(b) CIVIL ACTION.—Section 326(a)(1)(A) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11046(a)(1)(A)) is amended by adding at the end the following:

"(v) Complete and submit a pollution plan summary or pollution plan progress report under section 316.".

(c) TABLE OF CONTENTS.—The table of contents in section 300(b) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. prec. 11001) is amended by striking the item relating to subtitle C and inserting the following:

"Subtitle C—Pollution Prevention Planning

"Sec. 316. Pollution prevention plans.

"Sec. 317. Small business pollution prevention compliance and technical assistance program.

"Subtitle D—General Provisions.".

SEC. 203. INFORMATION GATHERING AND ACCESS.

Section 325 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11045) is amended by adding at the end the following:

"(g) PROVISION OF INFORMATION AND RECORDS; INSPECTIONS.—

"(1) DEFINITIONS.—In this subsection:

"(A) AUTHORIZED OFFICER.—The term 'authorized officer' means—

"(i) an officer, employee, or representative of the Administrator; or

"(ii) an officer, employee, or representative of an authorized State carrying out that section 316.

"(B) AUTHORIZED STATE.—The term 'authorized state' means a State that is authorized to carry out and enforce section 316 under section 317.

"(2) PROVISION OF INFORMATION AND RECORDS.—At the request of an authorized officer, a person who has or may have information relevant to the identification, nature, or quantity of materials, including hazardous chemicals, extremely hazardous substances, toxic chemicals, or other materials subject to this title that may have been manufactured, processed, or otherwise used, stored, or otherwise managed (including recycling, treating, combusting, releasing, or transferring from a facility subject to the requirements of this title) shall—

"(A) furnish to the authorized officer information pertaining to the identification, nature, and quantity of the materials; and

"(B) at the option and expense of the person—

"(i) afford the authorized officer access at all reasonable times to the facility or location to inspect and copy all documents and records relating to the identification, nature, and quantity of the material; or

"(ii) copy and furnish to the authorized officer all such documents and records.

"(3) INSPECTIONS.—

"(A) IN GENERAL.—At the request of an authorized officer, the owner or operator of a facility subject to the requirements of this title shall permit the authorized officer to enter, at reasonable times—

"(i) the facility; or

"(ii) any other facility, establishment, or other place or property owned or operated by the owner or operator of the facility, if, in the opinion of the authorized officer, entry is needed to determine compliance with and enforce this title with respect to the facility.

"(B) SAMPLES.—An authorized officer may inspect and obtain—

"(i) samples from any facility subject to the requirements of this title or from a facility, establishment, or other place or property described in subparagraph (A)(ii); or

"(ii) samples of any containers of toxic chemicals or other materials maintained at the facility.

"(C) PROMPT COMPLETION.—An inspection under this paragraph shall be completed with reasonable promptness.

"(D) RECEIPT FOR SAMPLES AND COPIES OF ANALYSES.—If an authorized officer obtains a sample under subparagraph (B), the authorized officer shall—

"(i) before leaving the premises, give to the owner or operator of the facility a receipt describing the sample obtained and, if requested, a portion of the sample; and

"(ii) furnish promptly to the owner or operator of the facility a copy of the results of any analysis made of the sample.

"(4) COMPLIANCE ORDERS.—

"(A) ISSUANCE.—If the owner or operator of a facility failed to comply with a request of an authorized officer under this subsection, the Administrator or authorized State may, after such notice and opportunity for consultation as is reasonably appropriate under the circumstances, issue an order directing compliance with the request.

"(B) CIVIL ACTION.—

"(i) IN GENERAL.—The Administrator may request the Attorney General to commence a civil action to compel compliance with a request or order under this subsection.

"(ii) RELIEF.—If the court finds that there is a reasonable basis on which to believe that there may be a violation of this title, unless the court finds that, under the circumstances of the case, the request or order under this subsection was arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law, the court—

"(I) shall enter an order directing compliance with the request or order; and

"(II) may assess a civil penalty of not more than $10,000 for each day of noncompliance.

"(5) OTHER AUTHORITY.—Nothing in this subsection precludes the Administrator or an authorized State from securing access or obtaining information in any other lawful manner.".

SEC. 204. PUBLIC AVAILABILITY.

Section 313(j) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(j)) is amended in the second sentence by striking "on a cost reimbursable basis".

SEC. 205. FEDERAL FACILITIES.

Section 329(7) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11049(7)) is amended by inserting before the period at the end the following: "or the United States".

SEC. 206. ENFORCEMENT.

Section 325(c)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11045(b)(1)) is amended by striking "or 313" and inserting ", 313, or 316".

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, DC, May 20, 1997.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to thank you for your leadership on community right to know. As you are aware, expanding the public's right to know about harmful pollutants in our communities is a top priority for this Administration. We understand that your bill. The Right to Know More and Pollution Prevention Act of 1997, seeks to advance community right to know, pollution prevention planning and the information available to the public on chemical use.

This Administration believes that putting environmental and public health information into the hands of the American people is one of the most effective ways to reduce local pollution and prevent it from occurring in the future. In fact, the Agency recently made final a rule to add seven new industry categories to the Toxics Release Inventory (TRI), increasing the number of covered facilities to 31,000—a thirty percent increase. During the coming year, we will be working on ways to further improve TRI, including a stakeholder process to address reporting burdens, an examination of types of data collected, consideration of new thresholds for persistent, bioaccumulating toxic chemicals and developing options regarding chemical use information.

I look forward to working with you in the future to further the public's right to know about environmental health threats in their homes, schools and communities.

Sincerely,

CAROL M. BROWNER.

U.S. PUBLIC INTEREST
RESEARCH GROUP,
Washington, DC, May 20, 1997.

DEAR SENATOR LAUTENBERG: We are writing on behalf of U.S. PIRG and the State PIRGs with more than a million members nation wide, to express our support for the Right to Know More and Pollution Prevention Act of 1997. This bill will dramatically improve the amount and quality of information that citizens count on to keep themselves and their children safe. This bill will also encourage pollution prevention. The reduction of toxic chemical use and waste is urgent while waste generation is steadily increasing nationwide, except in New Jersey and Massachusetts where companies are required by state law to collect and report toxic use data. The Right to Know More and Pollution Prevention Act of 1997 will reverse the dangerous trend for the rest of the nation.

The Community Right to Know Act is the best source of public information about toxic pollution and is lauded by the administration, environmentalists, and often industry leaders as one of the most effective environmental protections. Unfortunately, reporting under this law is woefully inadequate. Less than 5% of pollution information is reported to the public. We need to protect and expand the public's Right to Know. The Right to Know More and Pollution Prevention Act of 1997 will expand the public's Right to Know to include:

1. Toxics use reporting which tells the public about toxic chemicals transported through their neighborhoods; produced, used and stored in the work place and put into consumer products.
2. More complete data on toxic emissions including information from all major industrial sources of toxic pollution and data on extremely hazardous substances like dioxins and mercury which are currently not collected under the law.
3. Pollution Prevention Planning which will direct companies to develop pollution prevention plans by setting their own goals for pollution reduction.

The public has a right to know more than they currently do about toxic chemicals. In addition, preventing pollution must be our goal in light of the data revealing the steady rise in waste creation throughout the nation. We hope each Senator makes this legislation a top environmental priority.

Sincerely,

CAROLYN HARTMANN,
Environmental Program Director.
ANDREA ASKOWITZ,
Right to Know Campaign Coordinator.

ENVIRONMENTAL INFORMATION CENTER,
Washington, DC, May 19, 1997.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I want to express the support and appreciation of the Environmental Information Center for your efforts to expand the Emergency Planning and Community Right to Know Act. Your efforts should provide additional and useful information about toxic chemicals to every community and family in the country.

The last decade has proven how well community right to know laws work. You know well the success of the more comprehensive facility reporting statute in New Jersey, and we commend you for seeking to expand use data to better inform workers and families about toxic chemicals in their communities. In addition, bill language aimed at improving pollution prevention will help to eliminate problems before they occur.

We will support early consideration and passage of this legislation and look forward to working with you on this bill.

Sincerely,

PHILIP E. CLAPP,
Executive Director.

By Mr. NICKLES:

S. 770. A bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes; to the Committee on Finance.

THE DOMESTIC OIL AND GAS PRODUCTION AND RECOVERY ACT

Mr. NICKLES. Mr. President, I rise today to introduce the Domestic Oil and Gas Production and Preservation Act. This legislation is an effort to help revive our domestic oil and gas industry which plays such a vital role in our national security. If our domestic industry is to survive, then Congress needs to act now to provide tax incentives to encourage production in America.

Since the early 1980's, oil and gas extraction employment has been cut in half. Employment in the oil and gas industry has declined by 500,000 since 1984. Imports of crude oil products were $68 billion in 1996, up 24 percent over last year and the import dependency ratio now exceeds 50 percent. From 1973 to 1996, crude oil production dropped 44 percent in the lower 48 States. We must take action now to save domestic production not only for the sake of the oil and gas industry but for the sake of the national security of this Nation.

To date, the Clinton administration has done nothing to encourage domestic production. In fact, in 1996, crude oil reserves continued to decline by 788 million barrels. Natural gas reserves fell by 2,600 Bcf to 162,415 Bcf. In the President's budget there is nothing to aid this industry. That is why I am introducing this bill today.

The Domestic Oil and Gas Production and Preservation Act is intended to do just what its name implies—encourage oil and gas production and preserve and revitalize the domestic oil and gas industry. This bill would accomplish these goals through specific tax proposals. Section 2 of the bill would allow current expensing of geological and geophysical costs incurred domestically including the Outer Continental Shelf. These costs are an important and integral part of exploration and production for oil and natural gas, and should be expensed.

In addition to the G&G expensing, this bill provides for the elimination of the net income limit on percentage depletion. Currently, the net income limitation requires percentage depletion to be calculated on a property-by-property basis and disallows depletion to the extent it exceeds the net income from a particular property, thus discouraging producers from investing income from other oil and gas properties to maintain marginal wells.

Furthermore, this bill clarifies that delay rental payments are deductible, at the election of the taxpayer, as ordinary and necessary business expenses. This clarifies an otherwise gray area in Treasury regulations and eliminates costly administrative and compliance burdens on both taxpayers and the IRS. It would also extend the 90-day prepayment period to 180 days for determining when deductions may be taken on certain oil and gas investments. Harsh winter conditions in many States make the current 90-day limitation for commercial drilling impractical.

Lastly, section 6 includes hydro injection as a tertiary recovery method for purposes of the enhanced oil recovery credit. Although the Treasury Department is tasked with continued evaluations and editions to the list of recovery methods covered under the EOR, they have proven notably lax in pursuing this objective. By legislating this outcome, this bill keeps domestic production of our endangered marginal wells on the cutting edge of available technology.

Collectively, the provisions of this bill provide much-needed incentives to an industry that is vital to our national security. The sooner the administration and Congress acknowledge the critical importance of the domestic oil and gas industry and stop burdening this industry with high taxes and regulatory obstacles, the sooner we can take the necessary actions to preserve and revitalize this important sector of our economy.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

SUMMARY OF THE DOMESTIC OIL AND GAS PRODUCTION AND RECOVERY ACT

SECTION 2. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES

Current law treatment

G&G costs are not deductible as ordinary and necessary business expenses but are treated as capital expenditures recovered through cost depletion over the life of the field. G&G expenditures allocated to abandoned prospects are deducted upon such abandonment.

Reasons for change

These costs are an important and integral part of exploration and production for oil and natural gas. They affect the ability of domestic producers to engage in the exploration and development of our national petroleum reserves. Thus, they are more in the nature of an ordinary and necessary cost of doing business. These costs are similar to research and development costs for other industries. For those industries such costs are not only deductible but a tax credit is available.

Crude oil imports are at an all-time high which makes the U.S. vulnerable to sharp oil price increases or supply disruptions. Domestic exploration and production must be encouraged now to offset this potential threat to national security and our economy. Allowing current deductibility of G&G costs would increase capital available for domestic exploration and production activity.

The technical "infrastructure" of the oil services industry, which includes geologists and engineers, has been moving into other industries due to reduced domestic exploration and production. Stimulating exploration and development activities would help rebuild the critical oil services industry.

Encouraging the industry to use the best technology available and to reduce its environmental footprint are important public policy reasons to clarify that these ordinary and necessary business expenses for the oil and gas industry should be expensed.

SECTION 3. ELIMINATION OF NET INCOME LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS

The net income limitation severely restricts the ability of independent producers to use percentage depletion. Depletion is subject to many other limitations. First, it may only be taken by independent producers and royalty owners and not by integrated oil companies. Also, depletion may only be claimed up to specific daily production levels (1,000 barrels of oil or 6,000 mcf of natural gas). The depletion allowance is further limited to 65% of taxable income.

The net income limitation requires percentage depletion to be calculated on a property by property basis and disallows percentage depletion to the extent it exceeds the net income from a particular property. The current requirement creates a nightmarish quagmire of record keeping, paperwork and compliance for taxpayers and the IRS. The typical independent producer can have numerous oil and gas properties, and many of them can be marginal properties (with high operating costs and low production yields). During periods of low prices, the producer may not have net income from a particular property, especially from these marginal properties. In this situation, when domestic production is most susceptible to being plugged and abandoned, the net income limitation discourages producers from investing income from other oil and gas properties to maintain marginal wells.

PROPOSAL: ELIMINATE THE NET INCOME LIMITATION ON PERCENTAGE DEPLETION

Reasons for change

The Interstate Oil and Gas Compact Commission (IOGCC) estimates there are more than 433,000 marginal wells in the U.S. which produced more than 333 million barrels of oil in 1995. This represented more than 18% of all the oil produced in the U.S. (excluding Alaska). The United States is the only country with significant production from marginal wells. They represent the ultimate in conservation, since once wells are plugged and abandoned access to the remaining resource is often lost forever. Eliminating the net income limitation on percentage depletion will encourage producers to keep marginally economic wells in production and enhance optimum oil and natural gas resource recovery. Relief would be focused to independent producers and royalty owners.

Eliminating the net income limitation on percentage depletion would simplify record keeping and reduce the administrative and compliance burden for taxpayers and the IRS.

SECTION 4. ELECTION TO EXPENSE DELAY RENTAL PAYMENTS

Delay rental payments are made by producers to an oil and gas lessor prior to drilling or production. Unlike bonus payments (made by the producer in consideration for the grant of the lease) which generally is treated as an advance royalty and thus capitalized, producers have historically been allowed to elect to deduct delay rental payments under Treasury Regulations 1.612–3(c). However, in September, 1995, the IRS issued a technical advice (LTR 9602002) stating that such payments are preproduction costs subject to capitalization under Section 263A of the Internal Revenue Code. The legislative history of Section 263A is unclear and subject to varying interpretation.

PROPOSAL: CLARIFY THAT DELAY RENTAL PAYMENTS ARE DEDUCTIBLE, AT THE ELECTION OF THE TAXPAYER, AS ORDINARY AND NECESSARY BUSINESS EXPENSES

Reasons for change

In passing the Section 263A uniform capitalization rules, Congress broadly intended to only affect the "unwarranted deferral of taxes." Congress did not intend to grant the IRS the authority to repeal the well-settled industry practice of deducting "delay rentals" as ordinary and necessary business expenses.

Treasury Reg. 1.612–3. states that, "a delay rental is an amount paid for the privilege of deferring development of the property and which could have been avoided by abandonment of the lease, or by commencement of development operations, or by obtaining production." Such payments represent ordinary and necessary business expenses, not an "unwarranted deferral of taxes." Given the clear disagreement over the legislative history and the likelihood of costly and unnecessary litigation to resolve the issue, clarification would eliminate administrative and compliance burdens on taxpayers and the IRS.

SECTION 5. EXTENSION OF SPUDDING RULE

The Internal Revenue Code provides a "spudding" exception to the "economic performance rule" in determining the year in which deductions may be taken on certain oil and gas investments. The economic performance rule will be satisfied, in certain circumstances, when amounts are paid during the preceding tax year so long as the well is spudded (the initial boring of the hole) within 90 days of the beginning of the following year.

PROPOSAL: EXTEND THE 90 DAY PREPAYMENT PERIOD TO 180 DAYS

Reasons for change

Harsh winter weather conditions in many states and locations make the 90 day limitation for the commencement of drilling impractical. Moreover, the current shortage of skilled drilling rig personnel and the high utilization rate of land-based drilling equipment, make it difficult, and in some parts of the country impossible, to meet the 90-day requirement. This personnel shortage has resulted from skilled workers moving into other industries due to vastly reduced domestic exploration and production activity over the past few years.

Expanding the 90 day prepayment period to 180 days would ease the industry's ability to attract capital.

SECITON 6. INCLUDE HYDRO INJECTION AS A TERTIARY RECOVERY METHOD UNDER THE ENHANCED OIL RECOVERY TAX CREDIT

Marginal wells are our most endangered domestic energy resource. By providing incentives for new methods for enhanced recovery, we ensure domestic production of the marginal wells remains on the cutting edge of available technology.

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. MOYNIHAN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 178

At the request of Mr. DEWINE, the names of the Senator from Louisiana [Ms. LANDRIEU] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 178, a bill to amend the Social Security Act to clarify that the reasonable efforts requirement includes consideration of the health and safety of the child.

S. 351

At the request of Mrs. MURRAY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 351, a bill to provide for teacher technology training.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 394

At the request of Mr. LEAHY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 397

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 397, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

S. 460

At the request of Mr. BOND, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 503

At the request of Mr. NICKLES, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 503, a bill to prevent the transmission of the human immunodeficiency virus (commonly known as HIV), and for other purposes.

S. 511

At the request of Mr. CHAFEE, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 511, a bill to require that the health and safety of a child be considered in any foster care or adoption placement, to eliminate barriers to the termination of parental rights in appropriate cases, to promote the adoption of children with special needs, and for other purposes.

S. 525

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. CLELAND], and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 525, a bill to amend the Public Health Service Act to provide access to health care insurance coverage for children.

S. 526

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. CLELAND], and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

S. 572

At the request of Mr. ALLARD, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 572, a bill to amend the Internal Revenue Code of 1986 to repeal restrictions on taxpayers having medical savings accounts.

S. 607

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 607, a bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs.

S. 621

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 621, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

S. 649

At the request of Ms. SNOWE, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 649, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the medicare program.

S. 689

At the request of Mr. BROWNBACK, the names of the Senator from Maryland [Mr. SARBANES], the Senator from California [Mrs. BOXER], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Illinois [Mr. DURBIN], the Senator from New Hampshire [Mr. SMITH], and the Senator from South Dakota [Mr. JOHNSON] were added as cosponsors of S. 689, a bill to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

S. 727

At the request of Mrs. FEINSTEIN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 727, A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography.

S. 742

At the request of Mr. DEWINE, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 742, a bill to promote the adoption of children in foster care.

S. 747

At the request of Mr. ROTH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 747, a bill to amend trade laws and related provisions to clarify the designation of normal trade relations.

SENATE CONCURRENT RESOLUTION 21

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of Senate Concurrent Resolution 21, A concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 87—RELATIVE TO THE VIETNAM VETERANS MEMORIAL

Mr. HAGEL (for himself, Mr. KERREY, Mr. CLELAND, Mr. KERRY, Mr. MCCAIN, Mr. ROBB, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DURBIN, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr.

KEMPTHORNE, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. TORRICELLI, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 87

Whereas 1997 marks the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial in Washington, D.C.;

Whereas this memorial contains the names of more than 58,000 men and women who lost their lives from 1957 to 1975 in the Vietnam combat area or are still missing in action;

Whereas every year millions of Americans come to this monument to pay their respects for those who served in the Armed Forces;

Whereas the Vietnam Veterans Memorial has been a source of comfort and healing for Vietnam veterans and the families of the men and women who died while serving their country; and

Whereas this memorial has come to represent the legacy of healing that has occurred and demonstrates the appreciation all Americans have for those who made the ultimate sacrifice: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support and gratitude for all of the men and women who honorably served in the United States Armed Forces in defense of freedom and democracy during the Vietnam War;

(2) extends its sympathies to all Americans who suffered the loss of friends and family in Vietnam;

(3) encourages all Americans to remember the sacrifices of our veterans; and

(4) commemorates the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

AMENDMENTS SUBMITTED

THE PARTIAL-BIRTH ABORTION BAN ACT OF 1997

SANTORUM AMENDMENT NO. 290

Mr. SANTORUM proposed an amendment to the bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions; as follows:

On page 2, line 16, strike the semicolon and all that follows through "purpose" on line 17.

On page 3, between lines 8 and 9, insert the following:

"(3) used in this section, the term 'vaginally delivers a living fetus before killing the fetus' means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus.

On page 3, between lines 21 and 22, insert the following:

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

On page 3, line 22, strike "(d)" and insert "(e)".

BUDGET CONCURRENT RESOLUTION

MURRAY (AND WELLSTONE) AMENDMENT NO. 291

(Order to lie on the table.)

Mrs. MURRAY (for herself and Mr. WELLSTONE) submitted an amendment intended to proposed by them to the concurrent resolution (S. Con. Res. 27) setting forth the congressional budget for the U.S. Government for fiscal years 1998, 1999, 2000, 2001, and 2002; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—Congress finds the following:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that ¼ of battered women surveyed had lost a job partly because of being abused and that over ½ of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over ½ of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the Committee on the Budget of the Senate in considering the 1997 Resolution on the budget of the United States unanimously adopted a sense of the Congress amendment concerning domestic violence and Federal assistance. Subsequently, Congress adopted the family violence option amendment as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing that it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that the provisions of this Resolution assume that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers under section 402(a)(7)(A)(iii) of the Social Security Act (42 U.S.C. 602(a)(7)(A)(iii)) to individuals receiving assistance, for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individual who is granted a domestic violence good cause waiver by a State shall not be included in the States' 20 percent hardship exemption under section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

ALLARD (AND INHOFE) AMENDMENT NO. 292

Mr. ALLARD (for himself and Mr. INHOFE) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the end of title II, add the following:

SEC. . OFFSET OF REVENUE SHORTFALLS BY DISCRETIONARY SPENDING REDUCTIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget for fiscal year 1999, 2000, 2001, or 2002 that provides a revenue total for any of those fiscal years below the levels provided in this resolution unless the discretionary budget authority and outlay totals in that resolution are reduced to offset the amount by which revenues are below the levels provided in this resolution.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

ALLARD AMENDMENT NO. 293

Mr. ALLARD proposed an amendment to the concurrent resolution Senate Concurrent Resolution 27, supra; as follows:

At the end of the budget resolution add the following new section:

SEC. . SENSE OF THE SENATE ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Senate finds that—

(1) Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including money borrowed from the Social Security Trust Fund;

(2) the Congress and the President should enact a law that creates a regimen for paying off the Federal debt within 30 years; and

(3) if spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the President's annual budget submission to Congress should include a plan for repayment of the Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund; and

(2) the plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

McCAIN (AND MACK) AMENDMENT NO. 294

(Ordered to lie on the table.)

Mr. McCAIN (for himself and Mr. MACK) submitted an amendment intended to be proposed by them to the concurrent resolution S. Con. Res. 27, supra; as follows:

At the appropriate place, insert the following:

SEC. . HIGHWAY DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362 million were listed for special line-item funding in the Surface Transportation Assistance Act of 1982;

(2) 152 demonstration projects totaling $1.4 billion were named in the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(3) 64 percent of the funding for the 152 projects had not been obligated after 5 years and State transportation officials determined the projects added little, if any, to meeting their transportation infrastructure priorities;

(4) 538 location specific projects totaling $6.23 billion were included in the Intermodal Surface Transportation Efficiency Act of 1991;

(5) more than $3.3 billion of the funds authorized for the 538 location specific-projects remained unobligated as of January 31, 1997;

(6) the General Accounting Office determined that 31 States plus the District of Columbia and Puerto Rico would have received more funding if the Intermodal Surface Transportation Efficiency Act location-specific project funds were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process and under the Intermodal Surface Transportation and Efficiency Act of 1991;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use of Federal Highway Trust Fund money for future demonstration projects;

(9) the Intermodal Surface Transportation and Efficiency Act of 1991 expires at the end of Fiscal Year 1997; and

(10) hundreds of funding requests for specific transportation projects in Congressional Districts have been submitted in the House of Representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) notwithstanding different views on existing Highway Trust Fund distribution formulas, funding for demonstration projects or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States are best able to determine the priorities for allocating Federal-Aid-To-Highway monies within their jurisdiction;

(3) Congress should not divert limited Highway Trust Fund resources away from State transportation priorities by authorizing new highway projects; and

(4) Congress should not authorize any new demonstration projects or other similarly-titled projects.

HOLLINGS AMENDMENT NO. 295

Mr. HOLLINGS proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

At the appropriate place, insert the following: "Notwithstanding any other provision of this resolution, all function levels, allocations, aggregates and reconciliation instructions in this resolution shall be adjusted to reflect elimination of tax cuts of $85 billion from baseline levels and elimination of Presidential initiatives of $31.2 billion and interest savings of $13.8 billion for a total saving of $130 billion over five years."

DODD (AND OTHERS) AMENDMENT NO. 296

Mr. DODD (for himself, Mr. JEFFORDS, Ms. MURRAY, Mr. BINGAMAN, Mr. WELLSTONE, Mr. LANDRIEU, Mr. HARKIN, and Mr. KERRY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 27, supra; as follows:

On page 3, line 4, increase the amount by 2,006,000,000.

On page 3, line 5, increase the amount by 2,820,000,000.

On page 3, line 6, increase the amount by 3,991,000,000.

On page 3, line 7, increase the amount by 5,766,000,000.

On page 3, line 12, increase the amount by 2,006,000,000

On page 3, line 13, increase the amount by 2,820,000,000

On page 3, line 14, increase the amount by 3,991,000,000

On page 3, line 15, increase the amount by 5,766,000,000

On page 4, line 5, increase the amount by 2,533,000,000

On page 4, line 6, increase the amount by 3,481,000,000

On page 4, line 7, increase the amount by 4,993,000,000

On page 4, line 8, increase the amount by 7,305,000,000

On page 4, line 13, increase the amount by 2,006,000,000

On page 4, line 14, increase the amount by 2,820,000,000

On page 4, line 15, increase the amount by 3,991,000,000

On page 4, line 16, increase the amount by 5,766,000,000

On page 21, line 25, increase the amount by 1,013,000,000

On page 22, line 1, increase the amount by 643,000,000

On page 22, line 8, increase the amount by 1,951,000,000

On page 22, line 9, increase the amount by 1,335,000,000

On page 22, line 16, increase the amount by 3,453,000,000

On page 22, line 17, increase the amount by 2,458,000,000

On page 22, line 24, increase the amount by 5,755,000,000

On page 22, line 25, increase the amount by 4,224,000,000

On page 23, line 15, increase the amount by 20,000,000.

On page 23, line 16, increase the amount by 13,000,000.

On page 23, line 22, increase the amount by 30,000,000.

On page 23, line 23, increase the amount by 23,000,000.

On page 24, line 5, increase the amount by 40,000,000.

On page 24, line 6, increase the amount by 33,000,000.

On page 24, line 12, increase the amount by 50,000,000.

On page 24, line 13, increase the amount by 43,000,000.

On page 26, line 14, increase the amount by 1,500,000,000.

On page 26, line 15, increase the amount by 1,350,000,000.

On page 26, line 22, increase the amount by 1,500,000,000.

On page 26, line 23, increase the amount by 1,463,000,000.

On page 27, line 5, increase the amount by 1,500,000,000.

On page 27, line 6, increase the amount by 1,500,000,000.

On page 27, line 13, increase the amount by 1,500,000,000.

On page 27, line 14, increase the amount by 1,500,000,000.

On page 41, line 7, increase the amount by 5,766,000,000.

On page 41, line 8, increase the amount by 15,752,000,000.

On page 43, line 21, increase the amount by 2,533,000,000.

On page 43, line 22, increase the amount by 2,006,000,000.

On page 43, line 24, increase the amount by 3,481,000,000.

On page 43, line 25, increase the amount by 2,820,000,000.

On page 44, line 2, increase the amount by 4,993,000,000.

On page 44, line 3, increase the amount by 3,991,000,000.

On page 44, line 5, increase the amount by 7,305,000,000.

On page 44, line 6, increase the amount by 5,766,000,000.

At the appropriate place insert the following:

It is the sense of the Senate that funding should be increased for vital programs serving the youngest children. Head Start should be funded at a level necessary to serve all eligible children. Funding for the Child Care Development Block Grant should be doubled to support the working poor and new resources should be dedicated to addressing issues of quality and supply in areas such as infant care and care during non-traditional work hours. The Healthy Start should be expanded to improve maternal and infant health. These initiatives should be funded through by changes in the tax code such as the elimination of the runaway plant deduction, the billionaire's loophole, the exclusion of income from Foreign Sales Corporations and other changes as necessary.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, May 20, 1997 in open session, to receive testimony on the quadrennial defense review and the impact of its recommendations on national security as we enter the 21st century.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Full Committee Hearing on "Health Plan Quality" during the session of the Senate on Tuesday, May 20, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, May 20, 1997, at 10 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 20, 1997, at 9:30 a.m. to hold a hearing on "A Private Relief Initiative for Christopher Meili."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATO ENLARGEMENT AND U.S. SECURITY

• Mr. D'AMATO. Mr. President, I rise today to discuss the topic of North Atlantic Treaty Organization [NATO] enlargement and U.S. security. Now that there is agreement on the Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation, a significant obstacle to NATO enlargement has been removed. I have said before and say again that NATO enlargement is good for the United States, good for our NATO allies, good for the candidate states, and good for Russia.

The North Atlantic Treaty Organization is scheduled to announce at its July 8 and 9 summit meeting in Madrid, Spain, which candidate states will be invited to engage in negotiations leading to accession of these states to the Washington Treaty by 1999. Each of the states that have expressed interest in consideration for accession are participating states in the Organization for Security and Cooperation in Europe [OSCE].

As Chairman of the Commission on Security and Cooperation in Europe, I have led the Commission through a series of hearings on NATO enlargement which we will complete with a final hearing next Tuesday. We have invited official representatives of states to present their own positions to the Commission at these hearings to help meet the Commission's responsibility to the Congress and the American people to oversee implementation of the Helsinki Accords and subsequent Helsinki process documents, with a particular emphasis on human rights and humanitarian affairs. Congress and NATO have both recognized the significance of candidate states' compliance with OSCE principles in various official documents.

The Commission's approach to this series of hearings is focused on how well these candidate states have implemented OSCE agreements and complied with OSCE principles. Commissioners ask questions relating to other areas of candidate states' policies and conduct that have been identified as critical to acceptance into NATO, but we are not competing with the committees having legislative jurisdiction in these areas, who will examine those issues more thoroughly and with greater expertise.

Let me make it very clear that I am a supporter of NATO enlargement. I think that, in principle, every candidate state should be included in NATO when they meet the standards for accession. I do not believe that NATO enlargement should end with the Madrid announcement of the states invited to participate in accession negotiations.

I believe that it is very important that the United States, and our NATO allies, make very clear to those states not invited to join in the first round that the door is not closed, that the process has not ended, and that we and our allies encourage them to press ahead to meet the standards so that they can join when they are ready.

We must, with our allies, establish a clearly defined process for achieving membership. If we don't, we run the risk of cutting the legs out from under the reform movements just now taking control of some of the Eastern European countries that have failed to reform their political, military, and economic systems fast enough to meet NATO member country standards. These reform governments must be given a clear, strong signal that when they meet the standards, they will be allowed to join.

We must not create in Eastern Europe a gray zone between NATO and Russia where the old spheres of influence and balance of power politics could give rise to lasting political instability, poverty, and isolation. While I have not yet seen the text of the new Founding Act, according to news reports it does not create a group of second class NATO members whose security guarantees are diluted and undermined. NATO enlargement does not threaten Russia's security.

An Eastern Europe without NATO could become a black hole of unrest, poverty, ethnic conflict, and extremism of the worst kinds. This would likely attract overt and covert Russian intervention in the affairs of the states in this area, pulling Russia into rebuilding its military machine and deploying it westward, and triggering United States and allied reaction. Neither the United States nor Russia want that to happen.

An eastern Europe without NATO would threaten Russia's security by preventing Russia from changing its thinking about NATO and about European political and economic relations, preventing constructive changes in Russian policy, and delaying or blocking Russia's full integration into the community of nations.

NATO enlargement is good for Russia. Russian agreement to the Founding Act signals that the Russian foreign policy elite recognizes that fact. Now, Russian energies can focus on driving political and economic reform to a successful conclusion instead of battling NATO enlargement. Russia should be pleased that one of its strategic flanks will be secured by a strong, friendly defensive alliance.

Russia should take note that the political, economic, military, and foreign policy changes NATO is insisting upon in successful candidate states will build stable, democratic, free market countries that will not themselves engage in aggression against Russia and that will not allow themselves to become participants in some other state's aggressive designs. Russia should want states with these characteristics on its borders.

The Russian foreign policy elites should climb up in the Kremlin's towers and look hard at the situations on Russia's other borders. Agreement with the Final Act signals some understanding that it is not in Russia's best long term interests to keep eastern Europe unstable and economically backward. After Russia's experiences in Afghanistan and Chechnya, does Russia really think that any threat, much less the main threat, to its independence and territorial integrity comes from NATO?

Russia's leaders have a question to which they need an answer—when Russia gets into trouble, who can Russia call upon for help? Recent reports of closer relations between Russia and China should not lead to the conclusion that Russia has a friend or an ally in China.

The only nations Russia can count on for help are the nations with the capacity to help. The only nations with that capacity are the developed nations of the West, the most powerful of whom are NATO members, and Japan.

For that help to be available, Russia now needs to press ahead with the same agenda of reforms that the NATO candidate states are implementing. It would be far easier to convince the western republics that Russia deserves help when it needs it if Russia is a democratic, rule-of-law state with a free market economy.

Reportedly under the new Founding Act, Russia does not have a veto over NATO enlargement and no state's candidacy is foreclosed. Russia needs leaders who can discard cold war thinking and stop seeing NATO enlargement as a victory for the West and a defeat for Russia. Boris Yeltsin is such a leader.

NATO enlargement is good for the United States, good for NATO's current member states, good for the candidate states, and, finally, good for Russia.

Wednesday's agreement on the Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation between NATO Secretary General Solana and Russian Foreign Minister Primakov proves that Russia's current leaders are not as opposed in fact as they sounded in rhetoric to NATO enlargement. The agreement reportedly was put before the North Atlantic Council, NATO's highest body, earlier today, and was approved.

Among other things, it draws Russia into closer collaboration with NATO on matters of mutual concern. The new NATO-Russia Council will give Russia insight into NATO processes and input into NATO consideration of issues without allowing Russia to block measures the alliance agrees must be taken for our mutual security.

Perhaps the best part of this enlargement process is not the military security guarantees that go with it to successful candidate states, but the leverage that the enlargement process exerts for basic change in each candidate state that will result in better, safer, and more prosperous lives for each of their citizens. The impact of that leverage has been on view during the course of the Commission's hearing process, as ambassadors of candidate states discuss their progress in meeting the standards for membership.

Even better, there may be the beginning of a halo effect on the surrounding countries. As they see their neighbors moving into closer integration with the West, they are becoming concerned about their own futures. They can see NATO membership being followed by European Union membership for these successful neighbors. They can see them pulling ahead in the competition for foreign investment, trade, and market access, growing in prosperity and stability behind NATO's shield. And they understand that there is no alternate path that they can follow that will get them to the same place any time soon.

Thus, even those states that are not now candidates for NATO membership are influenced in the direction of political and economic reform by the process of NATO enlargement. This will have a very positive and long-lasting impact on Europe's political stability, prosperity, and freedom, and decrease the chances that the security guarantees we solemnly extend to new NATO members will ever have to be invoked in crisis or in conflict. This, in the end, is a tremendous benefit for the security of the United States.

I believe that we must be resolute in pursuing our aim of expanding NATO to encompass all candidate states that meet the standards for membership. We must make it clear that the enlargement is a continuing process that will not end with the first group announced at Madrid, and that NATO membership remains open to states as they improve conditions for their people. In the end, this effort will move European security, prosperity, freedom, and human rights ahead more rapidly than any other course of action.

In closing, I want to briefly say something to those Americans who can trace their roots to those countries now being considered for NATO membership. Thanks in part to the hopes and beliefs that you would not let die even when times were very bad, and to your hard work in the American political system, these countries are free and independent again, something the realists of 10 years ago would have said couldn't happen, and would never happen. Keeping the faith, making sure that the United States never recognized the incorporation of the Baltic States into the Soviet Union, making sure that we supported Solidarity, sustaining support for Charter 77, keeping the life lines open to the many struggling Helsinki groups, making your voices heard here in Washington, those were key events that helped pave the way to where we are today. Thank you for your efforts and know that the futures of these countries could have been much worse but for your active support for their sovereign independence, and for freedom and human rights for their citizens.●

TRIBUTE TO JAMES R. MELLOR

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to James R. (Jim) Mellor, who retires next week from his position as chief executive officer and chairman of the board of General Dynamics Corp., a position he has held for 3 years. Jim has been with General Dynamics for a total of 16 years. Prior to becoming CEO and chairman, he was the president and chief operating officer and before that, the executive vice president—Marine, Business Systems and Corporate Planning. Jim Mellor is completing an illustrious 42 year career in the defense industry having worked at Litton Industries and Hughes Aircraft Corp. before joining General Dynamics.

During his time with General Dynamics Jim took part in the delivery of 18 Trident ballistic missile submarines, the upgrade of the Army's M1 tank to the state-of-the-art M1A2, and the development and transition into production of the Tomahawk cruise missile. The Trident submarine played a major role in bringing about the end of the cold war, and we are all familiar with the important contributions made by the M1 tank and the Tomahawk cruise missile in our overwhelming success in Desert Storm.

Jim is a graduate of the University of Michigan, earning both bachelor of science and master of science degrees from that institution. He served in the U.S. Army from 1952 to 1955. While at Hughes & Litton he received three patents relating to large screen display and digital computing technology. He has also authored more than 30 articles in national and international publications covering a wide range of management and technical subjects.

In addition to these accomplishments, Jim has been active in many charitable and community causes. He is a member of the University of Southern California Business School Board of Councilors, a member of the National Advisory Committee of the University of Michigan, and a trustee of Ford's Theater. Under his leadership for the past 7 years, General Dynamics has sponsored the annual Memorial Day Concert held right here on the Capitol Grounds. Jim has also been an active sponsor of and participant in the Juvenile Diabetes Foundation's annual walk on the Mall. Jim and his wife, Suzanne, will be moving to California to be near their three children and nine grandchildren, but will maintain a residence in the Washington area and will remain active in business and governmental issues.

Please join me in paying tribute to this distinguished engineer, business leader, civic sponsor, and family man.●

TRIBUTE MARKING THE 40TH ANNIVERSARY OF U.S. ARMY SPACE AND MISSILE DEFENSE

• Mr. SESSIONS. Mr. President, it is with great pleasure that I rise today to recognize the celebration of the 40th anniversary of U.S. Army Space and Missile Defense.

During this week, May 19–22, 1997, a number of special events will be taking place in Huntsville, AL, to celebrate this important anniversary. I wish to express my congratulations to the Army community in Huntsville for their splendid record of achievement in space and missile defense, and to ask my colleagues to join me saluting them for what this has meant to our Nation's security.

The U.S. Army led the nation into space and ballistic missile defense [BMD] in 1957 with the authorization to proceed with the launch of an artificial satellite and the start of development of the Nike Zeus BMD system. The Army Ballistic Missile Agency successfully launched the free world's first artificial satellite in 1958, only 89 days after receiving the go-ahead, restoring America's leadership in space exploration following the Soviet Sputnik launch 3 months earlier.

The Huntsville BMD team performed the first demonstration of a successful intercept of an ICBM class ballistic missile in 1962, deployed the first and only BMD system in the United States, conducted the first nonnuclear intercept of an ICBM in 1984, and carried out the first and the largest number of intercepts of tactical ballistic missiles, including the spectacular performance of the Patriot system against Scud rockets during Desert Storm.

The U.S. Army role in space has continued to provide significant contributions to battlefield communications, precise detection, tracking of threatening missiles, and a host of space-based capabilities tailored for the warfighter on the ground.

The Huntsville team has made significant contributions to BMD technology, including development of nuclear and nonnuclear interceptors and kill vehicles; advanced BMD radar and optical sensors; the first BMD computer, associated software and a long progression of innovations in BMD computational capabilities; and lastly, a wide range of BMD phenomenology, components and techniques.

In view of their long record of outstanding achievements, the future of military space and BMD lies to a large extent in the hands of the men and women who work in the Army organizations in Huntsville, together with their industry team mates.

Mr. President, I salute Huntsville and the hard-working men and women of that great community. Most importantly, I wish to extend a warm and hearty congratulations to the U.S. Army Space and Missile Defense team for a job well done, and best wishes for its continued success now and during the next 40 years.•

TRIBUTE TO EDWARD P. SCOTT, VA ASSISTANT SECRETARY FOR CONGRESSIONAL AFFAIRS

• Mr. ROCKEFELLER. Mr. President, it is with a mixture of happiness and sadness that I pay tribute to Edward P. Scott, VA's Assistant Secretary for Congressional Affairs, as he retires from Federal service—happiness for Ed and his family as they embark on a new phase of their lives, and sadness for those of us who will miss Ed's wise counsel and assistance as we carry on our work on veterans issues.

Mr. President, Ed has had a long and distinguished career, including 16 years here in the Senate where he served on the Veterans' Affairs Committee as general counsel, minority general counsel, and in the 102d Congress, as chief counsel and staff director. I first became familiar with Ed's work when I joined the Veterans' Affairs Committee in 1985 when I first came to the Senate; I have recognized and relied on his great professionalism and integrity ever since. I particularly appreciated his assistance in 1993 when he worked tirelessly to ensure that my transition to the chairmanship of the committee went as smoothly as possible.

For the past 4 years, Ed has served ably in the often challenging job of Assistant Secretary for Congressional Affairs at the Department of Veterans Affairs. He is enormously knowledgeable about veterans' programs and laws, and both the committee and the Department have relied heavily on his expertise and keen insight. He has worked hard to keep his various constituencies—most particularly, Secretary of Veterans Affairs, Jesse Brown, and the authorizing and appropriating committees of both the House and Senate—informed and working together. On any number of occasions, Ed has kept the train on the tracks when it was threatening to tumble off.

During these 4 years, Ed has played an important role in working with Congress to ensure passage of significant legislation to improve benefits and services for the service men and women who have sacrificed so much for our great country. He was particularly instrumental in working with the Congress last year to enact health care eligibility reform legislation, Public Law 104–262. Ed has also been in the middle of efforts to make sure that the Congress understood what the administration was doing in response to the concerns of veterans of the Persian Gulf.

Ed's high standards—in doing the job and doing it right, in being a person of unassailable integrity, and in working with all parties concerned to find solutions that all could embrace—have inspired all who have worked with him.

Mr. President, Ed's earlier career was equally distinguished. He graduated cum laude from the University of Pennsylvania Law School where he was an editor of the law review. Following a clerkship with a justice of the New Jersey Supreme Court, he entered active duty in the Air Force and served as assistant staff judge advocate at Keesler Air Force Base, MS. He then served with the Peace Corps, first in the Office of General Counsel, where he served as the deputy general counsel, and then as the Peace Corps country director in Korea. Ed also worked at the Mental Health Law Project here in Washington, an experience that gave him significant expertise on mental health issues which he has brought to bear on any number of VA mental health matters.

Mr. President, I am certain that all in the Senate who have had the privilege of knowing and working with Ed Scott join me in wishing him well as he retires from a distinguished career of Government service. We will be the poorer for his going, but the richer for his having worked among us.•

NATIONAL EMERGENCY MEDICAL SERVICES WEEK

• Mr. GRAMS. Mr. President, I rise today to recognize National Emergency Medical Services Week and the heroic and courageous work our emergency medical service providers perform everyday.

As an author of the Emergency Medical Services Efficiency Act, I have had the opportunity to meet with many EMS providers both in Minnesota and Washington to hear firsthand the problems they face every day—and their suggestions on how those problems can be resolved. The meetings were constructive, and we identified specific areas of concern and ways in which Congress can address them. I hope that the Emergency Medical Services Efficiency Act will serve as a blueprint for helping these dedicated public servants make the system more efficient.

Mr. President, emergency medical services have come a long way since the 1860's when the first civilian ambulance service was begun in Cincinnati and New York City. Now we have sophisticated medical equipment on ambulances around the country, and the American people have come to rely on the readiness, efficiency, and quick response of the EMS system. Yet many Americans—including Members of Congress—take these crucial services for granted.

Mr. President, I have a great admiration and respect for those who dedicate their time and talents to the emergency care profession, whether as a career or through volunteering. It's a field that offers a great many rewards. And yet along with those rewards often come great challenges. EMS professionals are often thrust into dangerous situations—situations that set their profession apart from most any other 9-to-5 job. It's a difficult, sometimes terrifying time to be part of the public health and safety professions.

I'm reminded of a frightening example of the terrors EMS professionals face that happened here in Washington just 5 months ago when a paramedic team was attacked by a gunman. Emergency workers were transporting a shooting victim to the hospital when the gunman stormed the ambulance, killing the victim and wounding one of the paramedics. That followed another violent incident just a month earlier, when a man who had been shot was stalked by his attacker to the hospital and was fatally wounded as he sought treatment.

Despite these risks, there are many thousands of Americans who serve their communities with determination and compassion as paramedics and emergency medical service personnel. Last night, they honored those who exemplify the best of their profession as "Stars of Life." I was asked to speak to their group, but was unable to attend due to the Budget Committee's markup of the fiscal year 1998 budget resolution. I was disappointed I could not attend so I wanted to take the time to recognize their achievements on the Senate floor today.

Mr. President, at this time I ask that the names of this year's "Stars of Life" be printed in the RECORD following my remarks.

Far too often, Washington fails to respond to pressing concerns until they become a crisis. We cannot wait for a crisis to occur before we respond to the needs of our emergency medical system.

It's ironic that we expect so much from our EMS providers and yet, when they seek assistance, we continue to ignore their 9-1-1 call for help. In recognizing and celebrating National EMS Week, we should all take the time to congratulate the "Stars of Life," and their colleagues, who receive no special recognition and yet answer every call, every day, because they have chosen to serve.

The names follow:

STARS OF LIFE RECIPIENTS 1997

Irene Acquisto, NY.
Mike (Dewey) Albritton, MS.
Josh Alger, MI.
Thomas Anderson, CT.
Jim Bard, OR.
Robert Barmore, KY.
Sue Beals, ME.
Trish Beckwith, NV.
Walter Bedward, NJ.
Jeffrey Blank, WA.
Charles Blattner, CA.
Andy Bowersox, IN.
Terry Bracy, AR.
Ken Bradford, CA.
Tim Braithwaite, SD.
Bernie Callahan, PA.
Marty Carlson, OR.
Bryan Clark, GA.
Mike Coburn, NV.
Keith Cooper, PA.
David Curran, RI.
Virginia Davis, CA.
Vito DePietro, PA.
Jeffrey DeVine, MA.
George Drum, AZ.
Dave Elle, OR.
David Ellis, MO.
Linda Emery, OH.
Clarence Ervin, MI.
Ramona Fincher, LA.
Wayne Gilbert, MA.
Tom Gottschalk, MI.
Dave Green, NY.
Robert Gregory, CT.
Julian Guerrero, TX.
Marlene Guillory, LA.
David Hahn, IL.
Paul Haynie, CA.
Margaret Heckmann, IL.
Leigh Hennig, NY.
Victor Hoffer, OR.
Lynda Hoffman, NY.
Gregory Hogan, MA.
Dennis Hogges, GA.
Sharon Houghton, MO.
Shane Husted, MI.
Christopher Imm, NY.
Brent James, NE.
Charles Jarmon, CT.
Wilson Jean, FL.
Leonard Joseph, NY.
Shelly Kaczynski, MI.
James Lanier, FL.
Tony Lee, MA.
Carl Lind, AZ.
Thomas Lindgren, MA.
William Lindsay, OK.
Alvin Lynn, VA.
Tonia Mack, MA.
Steve Madrid, AZ.
Quijuan Maloof, CA.
Michael Mangan, MD.
Kerry Mariano, PA.
Donald Marsh, MI.
Greg Martino, CO.
Vicky McClanahan, TN.
Ed (Hunter) McKeever, CO.
Chris Mixon, LA.
Edward Moser, NY.
Jim Neal, ME.
Rella Neal, ME.
Keith Overcash, NC.
Cheryl Pasquarella, MN.
Thinh Pham, LA.
Ron Piel, FL.
John Piombo, FL.
Maye Pittman, CA.
Suzanne Pluskett, CA.
Judy Rains, VA.
Richie Ray, TX.
John Rivas, FL.
Jodi Roberts, OK.
Stephen Roberts Jr., TN.
Earl Ruberts, NJ.
Todd Sadler, OH.
Orlando Segarra, FL.
Mia Shelton, NY.
Penny Shuler, GA.
Todd Sims, NC.
Randy Sizelove, IN.
Mary Sloan, GA.
Carroll Smeltzer, AR.
Brent (Michael) Smith, TX:
Robert L. Smith Jr., NC.
John Sotero, CT.
Todd Stockford, MI.
Regina Stoneham, TX.
Matt Syverson, AZ.
Steve Thurman, PA.
Linda Tracey, NY.
Kevin Waddington, CO.
Beth Wally, NC.
Greg Ware, LA.
Courtney Williamson, GA.
Kevin Winte, CA.
Bill (Ronald) Wright, DE.
Destry Young, TN.●

DEATH SENTENCES FOR SALE OF LAND

● Mr. LEAHY. Mr. President, I was profoundly disturbed to learn that the Palestinian Authority has adopted a policy that any Palestinian caught selling land to a Jew will receive the death penalty. Only days after the announcement, the New York Times reported the brutal abduction and murder of Mr. Farid Bashiti, a 70-year-old Palestinian real estate dealer who had been interrogated 2 weeks before his murder by the Palestinian police for allegedly selling land to Jews in and around Jerusalem.

Palestinian authorities have denied any involvement in Mr. Bashiti's death, and I understand an investigation is underway by Palestinian and Israeli police. I do not seek to prejudge that. But it is noteworthy that Palestinian officials have not condemned his death and have openly called Mr. Bashiti a traitor. I hope that his family is able to learn the truth, and that those responsible are brought to justice. This was a horrendous crime whatever the motive, and whoever was behind it should be severely punished.

But apart from Mr. Bashiti's murder, the policy of imposing a death sentence for the sale of land is nothing short of barbaric. It cannot be justified under any circumstances. I am very aware that Palestinians fervently disagree with the Israeli decision to proceed with the construction of Jewish housing in Har Homa. I disagree with that decision as well. And I am disturbed by the reports that torture is used by Israeli police. But executing someone because he or she sold land to Jews is beyond comprehension.

Mr. President, I have spoken many times about the fragility of the peace process in the Middle East. I am very disappointed by any actions that exacerbate the situation, when the focus should be on easing tensions and seeking common ground.●

DISTRICT OF COLUMBIA ECONOMIC RECOVERY ACT

● Mr. MACK. Mr. President, last Thursday, I, along with Senators LIEBERMAN and BROWNBACK, reintroduced the District of Columbia Economic Recovery Act (S. 753). I now ask that the text of this bill be printed in the RECORD.

The text of the bill follows:

S. 753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Economic Recovery Act".

SEC. 2. SPECIAL RULES FOR TAXATION OF INDIVIDUALS WHO ARE RESIDENTS OF OR INVESTORS IN THE DISTRICT OF COLUMBIA.

(a) In General.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

“PART VIII—SPECIAL RULES FOR TAXATION OF INDIVIDUALS WHO ARE RESIDENTS OF OR INVESTORS IN THE DISTRICT OF COLUMBIA

“Sec. 59B. Limitation on tax imposed on residents of the District of Columbia.

“Sec. 59C. Taxation of capital gains sourced in the District of Columbia.

“SEC. 59B. LIMITATION ON TAX IMPOSED ON RESIDENTS OF THE DISTRICT OF COLUMBIA.

“(a) General Rule.—If a taxpayer elects the application of this section, the net income tax of an individual who is a resident of the District of Columbia for the taxable year shall not exceed the limitation determined under subsection (b) for such year.

“(b) Limitation.—

“(1) In general.—The limitation determined under this subsection is the sum of the following amounts:

“(A) 15-percent rate.—15 percent of so much of District-sourced income as exceeds the exemption amount.

“(B) Average rate.—An amount equal to the average rate of the non-District-sourced adjusted gross income.

“(2) District-sourced capital gains.—

“For exclusion from tax of capital gains, see section 59C.

“(c) Definitions.—For purposes of this section—

“(1) Resident of district of columbia.—An individual is a resident of the District of Columbia for the taxable year if—

“(A) such individual used a residence in the District of Columbia as a place of abode (and was physically present at such place) for at least 183 days of such taxable year, and

“(B) such individual is subject to the District of Columbia income tax for such taxable year.

“(2) Net income tax.—The term ‘net income tax’ means—

“(A) the sum of regular tax liability and the tax imposed by section 55 (determined without regard to this section), reduced by

“(B) the aggregate credits allowable under part IV (other than section 31).

“(3) Exemption amount.—The term ‘exemption amount’ means—

“(A) $30,000 in the case of a joint return or a surviving spouse,

“(B) $15,000 in the case of—

“(i) an individual who is not a married individual and is not a surviving spouse, and

“(ii) a married individual filing a separate return, and

“(C) $25,000 in the case of a head of a household.

“(4) Average rate.—The term ‘average rate’ means the percentage determined by dividing—

“(A) the sum (determined without regard to this section) of the taxpayer's regular tax liability and the tax imposed by section 55, by

“(B) the taxpayer's taxable income.

If the percentage determined under the preceding sentence is not a whole number of percentage points, such percentage shall be rounded to the nearest whole number of percentage points.

“(5) Regular tax liability.—The term ‘regular tax liability’ has the meaning given to such term by section 26(b).

“(d) District-Sourced Income.—For purposes of this section, the term ‘District-sourced income’ means adjusted gross income reduced by the sum of—

“(1) non-District-sourced adjusted gross income,

“(2) the deduction allowed by section 170, and

“(3) the deduction allowed by section 163 to the extent attributable to qualified residence interest (as defined in section 163(h)).

“(e) Non-District-Sourced Adjusted Gross Income.—For purposes of this section, the term ‘non-District-sourced adjusted gross income’ means gross income of the taxpayer from sources outside the District of Columbia reduced (but not below zero) by the deductions taken into account in determining adjusted gross income which are allocable to such income.

“(f) Sources of Income.—For purposes of this section—

“(1) Retirement income and other income not sourced under subsection.—The source of any income not specifically provided for in this subsection shall be treated as from sources within the District of Columbia.

“(2) Personal services.—

“(A) In general.—Compensation (other than retirement income) for services performed by the taxpayer as an employee, and net earnings from self-employment (as defined in section 1402)), shall be sourced at the place such services are performed.

“(B) Services performed in Washington-Baltimore area treated as performed in the District of Columbia.—Services performed in the Washington-Baltimore area shall be treated as performed in the District of Columbia.

“(C) Individuals performing 80 percent of services within Washington-Baltimore area.—If, during any taxable year, at least 80 percent of the hours of service performed by an individual are performed within the Washington-Baltimore area, all such service shall be treated for purposes of this paragraph as performed within the District of Columbia.

“(D) Washington-Baltimore area.—For purposes of this paragraph, the term ‘Washington-Baltimore area’ means the area consisting of—

“(i) the Washington/Baltimore Consolidated Metropolitan Statistical Area (as designated by the Office of Management and Budget), and

“(ii) St. Mary's County, Maryland.

“(3) Interest.—

“(A) In general.—Interest received or accrued during the taxable year shall be treated as from sources outside the District of Columbia.

“(B) Exception for small amounts of non-District-sourced interest.—Interest which would (but for this subparagraph) be treated as from sources outside the District of Columbia shall be treated as from sources in the District of Columbia to the extent the amount of such interest does not exceed $400.

“(C) Exception for interest paid by District of Columbia businesses and residents.—

“(i) Businesses.—In the case of interest paid during a calendar year by a debtor which was required to file (and filed) a franchise tax return with the District of Columbia for the debtor's taxable year ending with or within the prior calendar year, an amount equal to the D.C. percentage (as shown on such return) of such interest shall be treated as from sources within the District of Columbia. The preceding sentence shall apply only if such percentage is furnished to the taxpayer in writing on or before January 31 of the year following the calendar year in which such interest is paid.

“(ii) Others.—Interest shall be treated as from sources within the District of Columbia if the interest is paid during a calendar year by a debtor—

“(I) which was required to file (and filed) an income tax return with the District of Columbia for the debtor's taxable year ending with or within the prior calendar year, and

“(II) which is not required to file a franchise tax return with the District of Columbia for such taxable year.

“(D) Special rule for determination of D.C. percentage for new businesses.—Interest shall be treated as from sources within the District of Columbia if the interest is paid during a calendar year by a debtor which was required to file (and filed) a franchise tax return with the District of Columbia for such debtor's taxable year ending with or within such calendar year, but which was not required to file such a return for such debtor's prior taxable year.

“(4) Dividends.—

“(A) In general.—Dividends received or accrued during the taxable year shall be treated as from sources outside the District of Columbia.

“(B) Exception for small amounts of non-District-sourced dividends.—Dividends which would (but for this subparagraph) be treated as from sources outside the District of Columbia shall be treated as from sources in the District of Columbia to the extent the amount of such dividends do not exceed $400.

“(C) Exception for dividends paid by corporation engaged in business in the District of Columbia.—In the case of dividends paid during a calendar year by a corporation which was required to file (and filed) a franchise tax return with the District of Columbia for the corporation's taxable year ending with or within the prior calendar year, an amount equal to the D.C. percentage (as shown on such return) of such dividends shall be treated as from sources within the District of Columbia. The preceding sentence shall apply only if such percentage is furnished to the taxpayer in writing on or before January 31 of the year following the calendar year in which such dividends are paid.

“(D) Special rule for determination of D.C. percentage for new businesses.—Dividends shall be treated as from sources within the District of Columbia if the dividends are paid during a calendar year by a corporation which was required to file (and filed) a franchise tax return with the District of Columbia for such corporation's taxable year ending with or within such calendar year, but which was not required to file such a return for such corporation's prior taxable year.

“(5) Disposition of tangible property.—Income, gain, or loss from the disposition of tangible property shall be sourced to the place such property is located at the time of the disposition.

“(6) Disposition of intangible property.—

“(A) In general.—Income, gain, or loss from the disposition of intangible property shall be treated as from sources outside the District of Columbia.

“(B) Exception.— If any portion of the most recent income received or accrued by the taxpayer before such disposition which was attributable to such property was from sources within the District of Columbia, a like portion of the income, gain, or loss from such disposition shall be treated as from sources within the District of Columbia.

"(7) RENTALS.—Rents from property shall be sourced at the place where such property is located.

"(8) ROYALTIES.—Royalties shall be treated as from sources outside the District of Columbia.

"(9) INCOME FROM PROPRIETORSHIP.—

"(A) IN GENERAL.—In the case of a trade or business carried on by the taxpayer as a proprietorship, income from such trade or business (other than income which is included in net earnings from self-employment by the taxpayer) shall be treated as from sources outside the District of Columbia.

"(B) EXCEPTION FOR DISTRICT OF COLUMBIA BUSINESSES.—If the taxpayer is required to file (and files) a franchise tax return with the District of Columbia for the taxable year, subparagraph (A) shall not apply to an amount equal to the D.C. percentage of such income.

"(10) INCOME FROM PARTNERSHIP.—

"(A) IN GENERAL.—In the case of a taxpayer who is a partner in a partnership, income from such partnership (other than income which is included in net earnings from self-employment by any partner) shall be treated as from sources outside the District of Columbia.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to a partnership—

"(i) which was required to file (and filed) a franchise tax return with the District of Columbia for the partnership's taxable year ending with or within the taxpayer's taxable year to the extent of the D.C. percentage of the taxpayer's distributive share of the partnership income, or

"(ii) which was not required to file a franchise tax return with the District of Columbia for the partnership's taxable year ending with or within the taxpayer's taxable year to the extent of the taxpayer's distributive share of partnership income which is not (as determined under this subsection) from sources outside the District of Columbia.

"(11) INCOME IN RESPECT OF A DECEDENT; INCOME FROM AN ESTATE.—Income in respect of a decedent, and income from an estate, shall be sourced at the place where the decedent was domiciled at the time of his death.

"(12) INCOME FROM A TRUST.—Income (other than retirement income) from a trust shall be treated as from the same sources as the income of the trust to which it is attributable.

"(g) DEFINITIONS RELATING TO SUBSECTION (f).—For purposes of subsection (f)—

"(1) RETIREMENT INCOME.—The term 'retirement income' has the meaning given such term by section 114(b)(1) of title 4, United States Code (determined without regard to subparagraph (I) thereof).

"(2) D.C. PERCENTAGE.—The term 'D.C. percentage' means the percentage determined by dividing—

"(A) the net income taxable in the District of Columbia (as shown on the original return for the taxable year), by

"(B) total net income from all sources (as shown on such return).

The preceding sentence shall be applied based on amounts shown on the original applicable District of Columbia franchise or income tax return.

"(h) SECTION NOT TO APPLY TO ESTATES AND TRUSTS.—This section shall not apply to an estate or trust.

"(i) ELECTION.—The election provided in subsection (a) shall be made at such time and in such manner as the Secretary may by regulations prescribe. Any such election shall apply to the first taxable year for which such election was made and for each taxable year thereafter until such election is revoked by the taxpayer.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

"SEC. 59C. EXCLUSION OF CAPITAL GAINS SOURCED IN THE DISTRICT OF COLUMBIA.

"(a) EXCLUSION.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), in the case of a taxpayer who is an individual, gross income shall not include any qualified capital gain recognized on the sale or exchange of a District asset held for more than 3 years.

"(2) EXCEPTION FOR CERTAIN GAIN OF NONRESIDENTS.—In the case of a taxpayer who is not a resident of the District of Columbia for any taxable year, gross income shall not include 50 percent of the qualified capital gain recognized on the sale or exchange of residential rental property (within the meaning of section 168(e)(2)(A)) which is a District asset held for more than 3 years and which is not taken into account under section 1202.

"(b) DISTRICT ASSET.—For purposes of this section—

"(1) IN GENERAL.—The term 'District asset' means—

"(A) any District stock,

"(B) any District business property,

"(C) any District partnership interest, and

"(D) any principal residence (within the meaning of section 1034).

"(2) DISTRICT STOCK.—

"(A) IN GENERAL.—The term 'District stock' means any stock in a domestic corporation if—

"(i) such stock is acquired by the taxpayer on original issue from the corporation solely in exchange for cash,

"(ii) as of the time such stock was issued, such corporation was a District business (or, in the case of a new corporation, such corporation was being organized for purposes of being a District business), and

"(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a District business.

"(B) REDEMPTIONS.—The term 'District stock' shall not include any stock acquired from a corporation which made a substantial stock redemption or distribution (without a bona fide business purpose therefor) in an attempt to avoid the purposes of this section.

"(3) DISTRICT BUSINESS PROPERTY.—

"(A) IN GENERAL.—The term 'District business property' means tangible property if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)),

"(ii) the original use of such property in the District of Columbia commences with the taxpayer, and

"(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in a District business of the taxpayer.

"(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—

"(i) IN GENERAL.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

"(I) property which is substantially improved by the taxpayer, and

"(II) any land on which such property is located.

"(ii) SUBSTANTIAL IMPROVEMENT.—For purposes of clause (i), property shall be treated as substantially improved by the taxpayer if, during any 24-month period beginning after the date of the enactment of this section, additions to basis with respect to such property in the hands of the taxpayer exceed the greater of—

"(I) an amount equal to the adjusted basis at the beginning of such 24-month period in the hands of the taxpayer, or

"(II) $5,000.

"(C) LIMITATION ON LAND.—The term 'District business property' shall not include land which is not an integral part of a District business.

"(4) DISTRICT PARTNERSHIP INTEREST.—The term 'District partnership interest' means any interest in a partnership if—

"(A) such interest is acquired by the taxpayer from the partnership solely in exchange for cash,

"(B) as of the time such interest was acquired, such partnership was a District business (or, in the case of a new partnership, such partnership was being organized for purposes of being a District business), and

"(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as a District business.

A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

"(5) TREATMENT OF SUBSEQUENT PURCHASERS.—The term 'District asset' includes any property which would be a District asset but for paragraph (2)(A)(i), (3)(A)(ii), or (4)(A) in the hands of the taxpayer if such property was a District asset in the hands of all prior holders.

"(6) 10-YEAR SAFE HARBOR.—If any property ceases to be a District asset by reason of paragraph (2)(A)(iii), (3)(A)(iii), or (4)(C) after the 10-year period beginning on the date the taxpayer acquired such property, such property shall continue to be treated as meeting the requirements of such paragraph; except that the amount of gain to which subsection (a) applies on any sale or exchange of such property shall not exceed the amount which would be qualified capital gain had such property been sold on the date of such cessation.

"(c) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED CAPITAL GAIN.—Except as otherwise provided in this subsection, the term 'qualified capital gain' means any long-term capital gain recognized on the sale or exchange of a District asset held for more than 3 years.

"(2) CERTAIN GAIN ON REAL PROPERTY NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain which would be treated as ordinary income under section 1250 if section 1250 applied to all depreciation rather than the additional depreciation.

"(3) DISTRICT BUSINESS.—The term 'District business' means, with respect to any taxable year, any individual, partnership, or corporation if for such year either—

"(A)(i) at least 50 percent of the total gross income of such individual, partnership, or corporation is derived from the active conduct of a trade or business in the District of Columbia,

"(ii) substantially all of the use of the tangible property of such individual, partnership, or corporation (whether owned or leased) is within the District of Columbia, and

"(iii) at least 35 percent of the employees of such individual, partnership, or corporation are located in the District of Columbia, or

"(B) at least 50 percent of the employees of such individual, partnership, or corporation are located in the District of Columbia.

"(d) TREATMENT OF PASS-THRU ENTITIES.—

"(1) SALES AND EXCHANGES.—Gain on the sale or exchange of an interest in a pass-thru entity held by the taxpayer (other than an interest in an entity which was a District business during substantially all of the period the taxpayer held such interest) for more than 3 years shall be treated as gain described in subsection (a) to the extent such gain is attributable to amounts which would be qualified capital gain on District assets (determined as if such assets had been sold on the date of the sale or exchange) held by such entity for more than 3 years and throughout the period the taxpayer held such interest. A rule similar to the rule of paragraph (2)(B) shall apply for purposes of the preceding sentence.

"(2) INCOME INCLUSIONS.—

"(A) IN GENERAL.—Any amount included in income by reason of holding an interest in a pass-thru entity (other than an entity which was a District business during substantially all of the period the taxpayer held the interest to which such inclusion relates) shall be treated as gain described in subsection (a) if such amount meets the requirements of subparagraph (B).

"(B) REQUIREMENTS.—An amount meets the requirements of this subparagraph if—

"(i) such amount is attributable to qualified capital gain recognized on the sale or exchange by the pass-thru entity of property which is a District asset in the hands of such entity and which was held by such entity for the period required under subsection (a), and

"(ii) such amount is includible in the gross income of the taxpayer by reason of the holding of an interest in such entity which was held by the taxpayer on the date on which such pass-thru entity acquired such asset and at all times thereafter before the disposition of such asset by such pass-thru entity.

"(C) LIMITATION BASED ON INTEREST ORIGINALLY HELD BY TAXPAYER.—Subparagraph (A) shall not apply to any amount to the extent such amount exceeds the amount to which subparagraph (A) would have applied if such amount were determined by reference to the interest the taxpayer held in the pass-thru entity on the date the District asset was acquired.

"(3) PASS-THRU ENTITY.—For purposes of this subsection, the term 'pass-thru entity' means—

"(A) any partnership,

"(B) any S corporation,

"(C) any regulated investment company, and

"(D) any common trust fund.

"(e) SALES AND EXCHANGES OF INTERESTS IN PARTNERSHIPS AND S CORPORATIONS WHICH ARE DISTRICT BUSINESSES.—In the case of the sale or exchange of an interest in a partnership, or of stock in an S corporation, which was a District business during substantially all of the period the taxpayer held such interest or stock, the amount of qualified capital gain shall be determined without regard to any intangible, and any land, which is not an integral part of the District business.

"(f) CERTAIN TAX-FREE AND OTHER TRANSFERS.—For purposes of this section—

"(1) IN GENERAL.—In the case of a transfer of a District asset to which this subsection applies, the transferee shall be treated as—

"(A) having acquired such asset in the same manner as the transferor, and

"(B) having held such asset during any continuous period immediately preceding the transfer during which it was held (or treated as held under this subsection) by the transferor.

"(2) TRANSFERS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to any transfer—

"(A) by gift,

"(B) at death, or

"(C) from a partnership to a partner thereof of a District asset with respect to which the requirements of subsection (d)(2) are met at the time of the transfer (without regard to the 3-year holding requirement).

"(3) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of section 1244(d)(2) shall apply for purposes of this section."

(b) CONFORMING AMENDMENTS.—

(1) Section 55(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following: "Such regular tax shall be determined without regard to section 59B."

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"Part VIII. Special rules for taxation of individuals who are residents of or investors in the District of Columbia."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 3. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS WITHIN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by adding at the end the following new section:

"SEC. 198. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS WITHIN THE DISTRICT OF COLUMBIA.

"(a) IN GENERAL.—A taxpayer may elect to treat any qualified environmental remediation expenditure which is paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expenditure which is so treated shall be allowed as a deduction for the taxable year in which it is paid or incurred.

"(b) QUALIFIED ENVIRONMENTAL REMEDIATION EXPENDITURE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified environmental remediation expenditure' means any expenditure—

"(A) which is otherwise chargeable to capital account, and

"(B) which is paid or incurred in connection with the abatement or control of hazardous substances at a qualified contaminated site.

"(2) SPECIAL RULE FOR EXPENDITURES FOR DEPRECIABLE PROPERTY.—Such term shall not include any expenditure for the acquisition of property of a character subject to the allowance for depreciation which is used in connection with the abatement or control of hazardous substances at a qualified contaminated site; except that the portion of the allowance under section 167 for such property which is otherwise allocated to such site shall be treated as a qualified environmental remediation expenditure.

"(c) QUALIFIED CONTAMINATED SITE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified contaminated site' means any area within the District of Columbia—

"(A) which is held by the taxpayer for use in a trade or business or for the production of income, or which is property described in section 1221(1) in the hands of the taxpayer, and

"(B) which contains (or potentially contains) any hazardous substance.

"(2) TAXPAYER MUST RECEIVE STATEMENT FROM ENVIRONMENTAL AGENCY.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate agency of the District of Columbia in which such area is located that such area meets the requirements of paragraph (1)(B).

"(3) APPROPRIATE AGENCY.— For purposes of paragraph (2), the appropriate agency of the District of Columbia is the agency designated by the Administrator of the Environmental Protection Agency for purposes of this section. If no agency is designated under the preceding sentence, the appropriate agency shall be the Environmental Protection Agency.

"(d) HAZARDOUS SUBSTANCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'hazardous substance' means—

"(A) any substance which is a hazardous substance as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and

"(B) any substance which is designated as a hazardous substance under section 102 of such Act.

"(2) EXCEPTION.—Such term shall not include any substance with respect to which a removal or remedial action is not permitted under section 104 of such Act by reason of subsection (a)(3) thereof.

"(e) DEDUCTION RECAPTURED AS ORDINARY INCOME ON SALE, ETC.—Solely for purposes of section 1245, in the case of property to which a qualified environmental remediation expenditure would have been capitalized but for this section—

"(1) the deduction allowed by this section for such expenditure shall be treated as a deduction for depreciation, and

"(2) such property (if not otherwise section 1245 property) shall be treated as section 1245 property solely for purposes of applying section 1245 to such deduction.

"(f) COORDINATION WITH OTHER PROVISIONS.—Sections 280B and 468 shall not apply to amounts which are treated as expenses under this section.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CONFORMING AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 198. Expensing of environmental remediation costs within the District of Columbia."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 4. FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 23 the following new section:

"SEC. 24. FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the District of Columbia during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to so much of the purchase price of the residence as does not exceed $5,000.

"(b) FIRST-TIME HOMEBUYER.—For purposes of this section—

"(1) IN GENERAL.—The term 'first-time homebuyer' means any individual if—

"(A) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence in the District of Columbia during the 1-year period ending on the date of acquisition of the principal residence to which this section applies, and

"(B) subsection (h) or (k) of section 1034 did not, on the day before the close of such 1-year period, suspend the running of any period of time specified in section 1034 for such individual with respect to gain on a principal residence in the District of Columbia.

"(2) ONE-TIME ONLY.—If an individual is treated as a first-time homebuyer with respect to any principal residence, such individual may not be treated as a first-time homebuyer with respect to any other principal residence.

"(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the meaning given such term by section 1034.

"(4) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(A) on which a binding contract to acquire the principal residence to which this section applies is entered into, or

"(B) on which construction or reconstruction of such principal residence is commenced.

"(c) CARRYOVER OF CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and section 25), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) ALLOCATION OF DOLLAR LIMITATION.—

"(A) MARRIED INDIVIDUALS FILING JOINTLY.—In the case of a husband and wife who file a joint return under section 6013, the $5,000 limitation under subsection (a) shall apply to the joint return.

"(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subsection (a) shall be applied by substituting '$2,500' for '$5,000'.

"(C) OTHER TAXPAYERS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $5,000.

"(2) PURCHASE.—The term 'purchase' means any acquisition, but only if—

"(A) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants), and

"(B) the basis of the property in the hands of the person acquiring it is not determined—

"(i) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(ii) under section 1014(a) (relating to property acquired from a decedent).

"(3) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date of acquisition."

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 23 the following new item:

"Sec. 24. First-time homebuyer credit for District of Columbia."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act, in taxable years ending after such date.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through May 19, 1997. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1997 concurrent resolution on the budget (H. Con. Res. 178), show that current level spending is above the budget resolution by $16.9 billion in budget authority and by $12.6 billion in outlays. Current level is $20.5 billion above the revenue floor in 1997 and $101.9 billion above the revenue floor over the 5 years 1997–2001. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $219.6 billion, $7.6 billion below the maximum deficit amount for 1997 of $227.3 billion.

Since my last report, dated April 15, 1997, there has been no action to change the current level of budget authority, outlays or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 20, 1997.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1997 shows the effects of Congressional action on the 1997 budget and is current through May 19, 1997. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated April 15, 1997, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,
JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1997, 105TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS MAY 19, 1997

[In billions of dollars]

	. Budget resolution H. Con. Res. 178	Current level	Current level over/under resolution
ON-BUDGET			
Budget authority	1,314.9	1,331.8	16.9
Outlays	1,311.3	1,323.9	12.6
Revenues:			
1997	1,083.7	1,104.3	20.5
1997–2001	5,913.3	6,015.2	101.9
Deficit	227.3	219.6	-7.6
Debt subject to limit	5,432.7	5,257.7	-175.0
OFF-BUDGET			
Social Security outlays:			
1997	310.4	310.4	0.0
1997–2001	2,061.3	2,061.3	0.0
Social Security revenues:			
1997	385.0	384.7	-0.3
1997–2001	2,121.0	2,120.3	-0.7

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 105TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS MAY 19, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			1,101,532
Permanents and other spending legislation	843,324	801,465	
Appropriation legislation	753,927	788,263	
Offsetting receipts	− 271,843	− 271,843	
Total previously enacted	1,325,408	1,317,885	1,101,532
Enacted This Session			
Airport and Airway Trust Fund Reinstatement Act of 1997 (P.L. 105–2)			2,730
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	6,428	6,015	
Totals			
Total current level	1,331,836	1,323,900	1,104,262
Total budget resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under budget resolution			
Over budget resolution	16,901	12,579	20,534
Addendum			
Emergencies:			
Funding that has been designated as an emergency requirement by the President and the Congress	1,814	1,233	
Funding that has been designated as an emergency requirement only by the Congress and is not available for obligation until requested by the President	315	300	
Total emergencies	2,129	1,533	
Total current level including emergencies	1,333,965	1,325,433	1,104,262●

TRIBUTE TO LARRY DOBY

• Mr. HOLLINGS. Mr. President, I rise today to pay tribute to Mr. Larry Doby, originally of Camden, SC, who was the first African-American to play in the American League. Mr. Doby's contributions to baseball and the American cultural conscience are of ineffable importance. He exemplified grace under fire, showing tact, resilence, and dignity in the unforgiving arena of a segregated nation. In light of his personal qualities and his professional achievements, I ask that the following editorial from the Chronicle Independent be printed in the RECORD.

The editorial follows:

LARRY DOBY

During this 50th anniversary of the desegregation of Major League Baseball, Jackie Robinson has again become a household name. Perhaps now more than ever, people—and not only baseball fans—are stopping to consider the true impact that Mr. Robinson had, not only as a baseball player but as a social pioneer. For indeed, that's what he was—a pioneer. When Brooklyn Dodgers owner Branch Rickey broke the color line by bringing Jackie Robinson up to the big leagues, he knew Mr. Robinson would face abuse. He also knew that the talented player had the character and the savoir faire to handle the situation.

Somewhere lost in the shuffle has been Kershaw County's own Larry Doby, who became the first black player in the American League. Few people realize that Mr. Doby, who was born in Camden and moved to New Jersey after the death of his father, followed Mr. Robinson into the major leagues by only 11 weeks. As in other phases of U.S. history, we usually remember the first person to do something, but those who follow shortly thereafter often get forgotten. That's been the case with Mr. Doby.

He was, after all, an excellent baseball player and athlete. He led the American League in home runs in 1952, and during a 13-year career, most of them with the Cleveland Indians, he batted .283 and made six consecutive American League all-star teams. Five times in a seven-season span, he drove in more than 100 runs. A player who posts those kinds of statistics today receives millions of dollars a year, but that wasn't the case back then. But Larry Doby was more than a great baseball player; just as Mr. Robinson did, he blazed a trail that made baseball at its highest level open to everyone, not just white players. And in doing so, he gracefully endured abuse that would be difficult to imagine today.

It is only proper that Mr. Doby is finally receiving his due for his accomplishments. This year's all-star game will be dedicated to him, and the Indians will honor the 50th anniversary of his debut before their July 5 game against Kansas City. He is now special assistant to the president of the American League.

Those who have reflected with Mr. Doby on his achievements, including the sports editor of this newspaper, have been impressed with his recall of the events of 50 years ago. Like Jackie Robinson, he struggled through a difficult time to open doors for all people.

Baseball fans—and yes, Americans who really don't give much of a hoot for the national pastime—should pay tribute to Jackie Robinson this year, a man whose courage and talent have made him a household name. But at the same time, let those of us in Kershaw County not forget one of our own: Larry Doby, a true champion in every sense of the word.•

MASS TRANSIT AMENDMENTS ACT OF 1997

• Mr. LAUTENBERG. Mr. President, I rise to join with my colleague from Pennsylvania, Senator ARLEN SPECTER, in supporting the Mass Transit Amendments Act of 1997. This bill is a bipartisan effort to support investment in our Nation's mass transit systems and industry. But more important, this bill will ensure that a critical part our Nation's transportation infrastructure—transit—will receive adequate investments into the 21st century. A healthy transit system will go a long way toward reducing congestion and increasing mobility even when vehicle miles traveled is increasing.

Good public transit increases the efficiency of existing roadways, especially in congested regions where many people live. Transit is essential to rural, suburban, and urban residents, it is a cost-effective solution to healthcare access, a key to successful welfare reform, and an environmentally sensible way to meet the commuting needs. It is an increasingly important service for the elderly, for persons with disabilities, for students, and for those who cannot afford a car.

Mr. President, anybody who questions the necessity for transit services only has to visit my home State of New Jersey. The most densely populated State in the Nation, it also has the most vehicle density on its roads. Located between two heavily populated metropolitan areas, New Jersey is known as the Corridor State. Over 60 billion vehicle miles are traveled on New Jersey's roads annually. The ability of trucks and cars to move freely on New Jersey's roads directly affects New Jersey's economy—congestion has dramatic effects on the economy.

New Jersey is also a commuter State. Millions of New Jerseyans face serious commuter problems every day. In many areas in New Jersey, there is nowhere else to lay new roads. We simply cannot build ourselves out of congestion. That's why New Jersey is heavily reliant on mass transit. The Midtown Direct, an Urban core project, was inaugurated 1 year ago. Within weeks, the ridership doubled in its projections. Transit in New Jersey is well used and well supported.

Nationally, transit has also proven to reduce congestion, and transit saves dollars. A 1996 report conducted by the Federal Transit Administration found that the annual economic loss to U.S. business caused by traffic congestion is $40 billion, and the additional annual economic loss if all U.S. transit commuters drove instead would be $15 billion.

It's also good for the environment. According to the FTA, transit use saves 1.5 billion gallons of U.S. auto fuel consumption every year. Transit is energy efficient, and the less gasoline used, the less the United States is dependent on foreign oil.

Mr. President, Americans also see direct public health benefits from transit use. According to the Environmental Protection Agency, up to 110 million Americans breathe air that is unhealthful. The American Lung Association estimates the national health care bill for air pollution-related illness is $40 billion a year. Transportation sources cause 40–60 percent of pollution that produces ozone, and 70–80 percent of carbon monoxide emissions. Nearly one-third of carbon dioxide—the most significant greenhouse gas—comes from transportation sources. The fastest growing source of carbon dioxide emissions is the transportation sector.

Mr. President, transit produces real environmental benefits. On average, riding transit instead of driving cuts hydrocarbon emissions that produce smog by 90 percent and carbon monoxide by more than 75 percent. One person using mass transit for a year instead of driving to work saves our environment 9 pounds of hydrocarbons, 62 pounds of carbon monoxide and 5 pounds of nitrogen oxides.

It doesn't stop there. Over the past 30 years, the U.S. transit industry and its riders have prevented the emission of 1.6 million tons of hydrocarbons, 10 million tons of carbon monoxide, and 275,000 tons of nitrogen oxides into the air; the importation of 20 billion gallons of gasoline; and the construction and maintenance of 20,000 lane-miles of freeways and arterial roads and 5 million parking spaces to meet demands, saving at least $220 billion.

Transit is an important part of our Nation's transportation system, and we ought to ensure that it is afforded the same priority as other modes of transportation.

Mr. President, this bill does just that. It increases the authorization level for transit programs to provide $34.4 billion over 5 years. It increases discretionary capital grants and formula capital grants. It preserves operating assistance within formula programs for all areas and it continues funding for transit planning and research. It also makes a number of technical changes in the program to ensure better flexibility and streamlining, allowing transit managers to administer the program more effectively.

Mr. President, this bill does a few more things. It includes a provision which shifts the 4.3 cents of gas taxes per gallon currently allocated to deficit reduction, into transportation trust funds. One-half cent of the 4.3 cents is allocated into a new intercity passenger rail trust fund to fund Amtrak capital expenses; the rest—the 3.8

cents—is divided along the traditional 80 percent/20 percent split of highways/mass transit, respectively. Thus, 3.04 cents will go into the highway account of the highway trust fund, and 0.76 cents will go into the mass transit account of the highway trust fund. This is the fair, equitable way to divide any new trust fund revenue that would be allocated for transportation.

However, Mr. President, until a mechanism is provided to actually permit the expenditure of that additional funding, we will not see the investment we seek. Instead, the trust fund balances will only grow. As party to the budget negotiations just completed, I know as well as any Senator how hard it will be to make the necessary investments as we move to a balanced budget by 2002. However, I think it is important to lay out this principle and do our best to work toward it.

Mr. President, unfortunately, the balanced budget agreement reached last week will make it difficult to fund mass transit at the levels provided in this bill. As ranking Democratic member of the Budget Committee, I fought hard to ensure that we will be making an adequate investment within the context of the balanced budget agreement. I must say, it will be difficult to fund transportation at the levels I support over the next few years. However, as ranking Democratic member of the Transportation Appropriations Subcommittee, I will work to ensure continued, adequate funding over these years.

Mr. President, the Mass Transit Act Amendments of 1997 represent what I believe, and what transit advocates believe, is necessary to provide for transit's growing needs into the 21st century. As Congress considers funding for transportation, I look forward to discussing ways that transit, and other modes of transportation, can benefit.

Mr. President, this bill also includes a Reverse Commute Pilot Program which intends to assist individuals in both urban and rural areas receive employment and job training. This annual $250 million discretionary program reflects the growing needs of the work force, particularly those in urban and rural areas who do not have access to suburban jobs. A 1996 report conducted by the Eno Transportation Foundation, "Commuting in America II," found that "today, the dominant commuting flow pattern is suburban, with 50% of the Nation's commuters living in the suburbs and over 41% of all jobs located there, up from 37% in 1980." Suburban areas are now the main destination of work trips. The report also found that there was a substantial increase in reverse commuting—the central city-to-suburb commuting rose from a 9-percent share of growth over the decade from 1970 to 1980, to 12 percent from 1980 to 1990.

Mr. President, reinvesting in our cities is important. However, if jobs are in the suburbs, we should provide mechanisms for employers, local and State employment and transportation agencies to assist those potential employees to simply get to where the work is. For those of us who are concerned about the effects of the Welfare Reform Act signed into law last year, we need to do all we can to ensure that the unemployed can move from welfare to work quickly and easily. The Reverse Commute Pilot Program makes sense.

Mr. President, we all know that the Intermodal Surface Transportation Efficiency Act—ISTEA—will expire on September 30. That law was far-reaching and visionary. It recognized that good transportation policy does not mean simply pouring more concrete and asphalt. Instead, it focused on moving goods and people—in a way that makes the most sense for our Nation, our States, our communities, and our economy. Its very title acknowledged a simple, yet important, aspect of transportation which had been previously overlooked—intermodalism. During this year's debate over reauthorization of ISTEA, it is imperative that we continue this tradition of intermodalism. We must continue the strong investments in transit and the flexibility provided in the first ISTEA.

Mr. President, this bill continues that tradition. I support it and I urge my colleagues to join me in doing so.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 77, 82–89, 94–97, 113, 114, and all nominations placed on the Secretary's desk in the Navy and Coast Guard.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

IN THE AIR FORCE

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. John J. Batbie, Jr., 7759
Brig. Gen. Winfred N. Carroll, 8742
Brig. Gen. Dennis M. Gray, 5184
Brig. Gen. Grant R. Mulder, 6734
Brig. Gen. Virgil J. Toney, Jr., 3240

To be brigadier general

Col. William E. Albertson, 6512
Col. Paul R. Cooper, 1006
Col. Gerald P. Fitzgerald, 6393
Col. Patrick J. Gallagher, 3723
Col. Edward J. Mechenbier, 3853
Col. Jeffrey M. Musfeldt, 8617
Col. Allan R. Poulin, 0569
Col. Giuseppe P. Santaniello, 7772
Col. Robert B. Siegfried, 5248
Col. Robert C. Stumpf, 5111
Col. William E. Thomlinson, 6969

IN THE ARMY

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Claudia J. Kennedy, 0477

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Tommy R. Franks, 0864

IN THE MARINE CORPS

The following-named officer for appointment in the Reserve of the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. Kevin B. Kuklok, 6010

The following-named officer for appointment in the Reserve of the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Terrence P. Murray, 7177

The following-named officers for appointment in the Reserve of the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. James R. Battaglini, 5336
Col. James E. Cartwright, 5961
Col. Stephen A. Cheney, 1702
Col. Christopher Cortez, 9054
Col. Robert M. Flanagan, 2865
Col. John F. Goodman, 3509
Col. Gary H. Hughey, 9286
Col. Thomas S. Jones, 2831
Col. Richard L. Kelly, 9290
Col. Ralph E. Parker, Jr., 6337
Col. John F. Sattler, 0580
Col. William A. Whitlow, 5394
Col. Frances C. Wilson, 7788

IN THE NAVY

The following-named officer for appointment in the Reserve of the Navy to the grade indicated under title 10, United States Code, section 12203:

To be rear admiral (lower half)

Capt. Karen A. Harmeyer, 8014

The following named officer for appointment as Judge Advocate General of the U.S. Navy and for appointment to the grade indicated under title 10, United States Commission, section 5148:

To be rear admiral

Capt. John D. Hutson, 9946

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Lee F. Gunn, 4664

IN THE COAST GUARD

Vice Admiral Roger T. Rufe, U.S. Coast Guard, to be Commander, Atlantic Area, U.S. Coast Guard, with the grade of vice admiral while so serving.

Rear Admiral James C. Card, U.S. Coast Guard, to be Commander, Pacific Area, U.S. Coast Guard, with the grade of vice admiral while so serving.

The following regular officers of the United States Coast Guard for promotion to the grade of rear admiral lower half:

Thomas J. Barrett
James D. Hull
John F. McGowan
George N. Naccara
Terry M. Cross

The following regular officers of the U.S. Coast Guard for the appointment to the grade of rear admiral:

Robert C. North
Timothy W. Josiah
Fred L. Ames
Richard M. Larrabee, III
John T. Tozzi
Thomas H. Collins
Ernest R. Riutta

IN THE ARMY

The following U.S. Army Reserve officers for promotion in the Reserve of the Army to the grades indicated under title 10, United States Code, sections 14101.14315 and 12203(a):

To be major general

Brig. Gen. William F. Allen, 7630
Brig. Gen. Craig Bambrough, 1885
Brig. Gen. Peter A. Gannon, 8325
Brig. Gen. Francis R. Jordan, Jr., 8000

To be brigadier general

Col. James P. Collins, 2607
Col. William S. Crupe, 1989
Col. Alan V. Davis, 9373
Col. John F. Depue, 7819
Col. Bertie S. Duett, 9342
Col. Calvin D. Jaeger, 4491
Col. John S. Kasper, 8271
Col. Richard M. O'Meara, 9750
Col. James C. Price, 4708
Col. Richard O. Wightman, 6480

The following-named officer for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Gregory A. Rountree, 9047

IN THE COAST GUARD AND NAVY

Coast Guard nomination of Brenda K. Wolter, which was received by the Senate and appeared in the Congressional Record of February 5, 1997.

Coast Guard nominations beginning Kelley Elizabeth Abood, and ending Andrew James Wright, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 1997.

Navy nominations beginning Michael J. Bailey, and ending Stan A. Young, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AUTHORIZING USE OF CAPITOL GROUNDS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 49, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 49) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be considered agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 49) was agreed to.

EXTENDING CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 49, S. 342.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 342) to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read for the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 342) was deemed read the third time and passed, as follows:

S. 342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

EXPRESSING CONCERN FOR THE CONTINUED DETERIORATION OF HUMAN RIGHTS IN AFGHANISTAN

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 50, Senate Concurrent Resolution 6.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 6) expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment and an amendment to the preamble:

(The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.)

S. CON. RES. 6

[Whereas Congress recognizes that the legacy of civil conflict in Afghanistan during the last 17 years has had a devastating effect on the civilian population in that country and a particularly negative impact on the rights and security of women and girls;

[Whereas the longstanding civil conflict in Afghanistan among the warring political and military factions has created an environment where the rights of women and girls are routinely violated;

[Whereas the Afghan forces led by Burhanuddin Rabbani and Abdul Rashid Dostum are responsible for numerous abhorrent human rights abuses, including the rape, sexual abuse, torture, abduction, and persecution of women and girls;

[Whereas Congress is disturbed by the upsurge of reported human rights abuses, including extreme restrictions placed on women and girls, since the Taliban coalition seized the capital city of Kabul;

[Whereas Afghanistan is a sovereign nation and must work to solve its internal disputes; and

[Whereas Afghanistan and the United States recognize international human rights conventions, such as the International Covenant on Economic, Social, and Cultural

Rights, which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender: Now, therefore, be it]

Whereas Congress recognizes that the legacy of civil conflict in Afghanistan during the last 17 years has had a devastating effect on the civilian population in that country, killing 2,000,000 people and displacing more than 7,000,000, and has had a particularly negative impact on the rights and security of women and girls;

Whereas the Department of State's Country Reports on Human Practices for 1996 states: "Serious human rights violations continue to occur[...] political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders and rogue individuals.";

Whereas the Afghan forces affiliated with Burhanuddin Rabbani and Abdul Rashid Dostum are responsible for numerous abhorrent human rights abuses, including the rape, sexual abuse, torture, abduction, and persecution of women and girls;

Whereas Congress is disturbed by the upsurge of reported human rights abuses in Taliban-controlled territory, including extreme restrictions placed on women and girls;

Whereas the Taliban have provided safe haven to suspected terrorists and may be allowing terrorist training camps to operate in territory under its control;

Whereas Afghanistan is a sovereign nation and must work to solve its internal disputes; and

Whereas Afghanistan and the United States recognize international human rights conventions, such as the Universal Declaration on Human Rights, which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender: Now therefore, be it.

Resolved by the Senate (the House of Representatives concurring), [That (a) Congress hereby—

[(1) deplores the violations of international humanitarian law by the Taliban coalition in Afghanistan and raises concern over the reported cases of stoning, public executions, and street beatings;

[(2) condemns the Taliban's targeted discrimination against women and girls and expresses deep concern regarding the prohibition of employment and education for women and girls;

[(3) takes note of the recent armed conflict in Kabul, affirms the need for peace negotiations and expresses hope that the Afghan parties will agree to a cease-fire throughout the country.

[(b) It is the sense of Congress that the President should—

[(1) continue to monitor the human rights situation in Afghanistan and should call for an end to discrimination against women and girls in Afghanistan and for adherence by all factions in Afghanistan to international humanitarian law;

[(2) review United States policy with respect to Afghanistan if the Taliban coalition and others do not cease immediately the harassment and other discriminatory practices against women and girls;

[(3) encourage efforts to procure a durable peace in Afghanistan and should support the United Nations Special Mission to Afghanistan led by Norbert Holl to assist in brokering a peaceful resolution to years of conflict;

[(4) call upon the Government of Pakistan to use its good offices with the Taliban to reverse the Taliban's restrictive and discriminatory policies against women and girls;

[(5) call upon other nations to cease providing financial assistance, arms, and other kinds of support to the militaries or political organizations of any of the warring factions in Afghanistan.

[SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the United Nations and relevant parties in Afghanistan.]

That (a) Congress hereby—

(1) deplores the violations of international humanitarian law by the Taliban coalition in Afghanistan and raises concern over the reported cases of stoning, public executions, and street beatings;

(2) condemns the Taliban's targeted discrimination against women and girls and expresses deep concern regarding the prohibition of employment and education for women and girls;

(3) urges the Taliban and all other parties in Afghanistan to cease providing safe haven to suspected terrorists or permitting Afghan territory to be used for terrorist training; and

(4) takes note of the continued armed conflict in Afghanistan, affirms the need for peace negotiations and expresses hope that the Afghan parties will agree to a cease-fire throughout the country.

(b) It is the sense of Congress that the President should—

(1) continue to monitor the human rights situation in Afghanistan and should call for adherence by all factions in Afghanistan to international humanitarian law;

(2) call for an end to the systematic discrimination and harassment of women and girls in Afghanistan;

(3) encourage efforts to procure a durable peace in Afghanistan and should support the United Nations Special Mission to Afghanistan led by Norbert Holl to assist in brokering a peaceful resolution to years of conflict;

(4) call upon the Government of Pakistan to use its good offices with the Taliban to cease human rights violations, end provision of safe haven to terrorists and terrorist training camps, and reverse discriminatory policies against women and girls; and

(5) call upon other nations to cease providing financial assistance, arms, and other kinds of support to the militaries or political organizations of any of the warring factions in Afghanistan;

(6) undertake a review of United States policy toward Afghanistan.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit such copy to the United Nations and relevant parties in Afghanistan.

Mr. DODD. Mr. President, I rise today to urge my colleagues to vote for Senate Concurrent Resolution 6—a resolution disapproving the alarming human rights conditions in Afghanistan and highlighting the deleterious effects increased political strife has had on Afghan women and girls.

Intensification of armed hostilities and the proliferation of human rights abuses have characterized Afghanistan for too long. In both the countryside and in urban areas nearly two decades of civil conflict and chaos have wreaked havoc and disaster on innocent Afghan civilians. And, unfortunately the likelihood of peace for Afghans seems to grow dimmer with each new political development.

After successfully ousting the Soviet military in 1992, foreign threats to peace were almost immediately replaced by civil threats. Rivalries among political and military Afghan intensified the civil turmoil. Regional conflicts reached a new level of severity in September 1996, after the Taliban coalition seized the capital city of Kabul.

Upon seizure of Kabul and approximately two-thirds of Afghanistan, the Taliban imposed extreme restrictions on civilians including banning music and books, and specifically prohibiting women and girls from working or attending school. Penalties for those who do not observe the Taliban's strict code of conduct have been extreme ranging from verbal abuse, street beatings, amputations, to death. Western journalists were quick to report the upsurge of human rights abuses, writing about the summary justice used to punish Afghans, and the unusually brutal methods by which the Taliban killed Mr. Najibullah the former President. Amnesty International and other non-governmental organizations reported on the severity of the human rights situation in Afghanistan and urged greater international attention. The United Nations created a special rapporteur on human rights in Afghanistan to monitor the situation more closely.

Among all the accounts of human rights abuses in Afghanistan what has been particularly disturbing to me is the treatment of women and girls. Though under the Taliban women are no longer treated as spoils of war, women and girls have been subjected to a series of extreme restrictions including the prohibition to work, attend school, or leave one's home during the day. Without the ability to work, mothers, many widowed due to armed conflict, have no means to support their families. Without the ability to leave their homes to buy food, clothing, attain medical attention, women are unable to care for themselves and their families. Without education, girls are not being taught how to read or write—basic skills necessary for adulthood. The conditions under which Afghan women and girls live is unacceptable, and I can think of no reasonable justification for such circumstances.

Taliban leaders have been quick to point out in their defense that other political and military factions have committed numerous other human rights abuses. The Taliban is right to point this out. And while it is true that, none of the political factions vying for power in Afghanistan have thus far demonstrated a commitment to uphold international standards of human rights or decency. This does not diminish the gravity of those abuses committed by the Taliban, or the obligation of the international community to speak out against such abuses.

The need for peace in Afghanistan is clear, but it is equally clear that peace will not be sustainable in an environment where human rights are routinely violated and disregarded. Internationally recognized rights such as freedom from torture, freedom of expression, and equality before the law regardless of race, gender, religion, or beliefs have long been absent in Afghanistan. Any ruling coalition, must know that the international community, and the United States in particular, will not turn a blind eye to a rights-abusive regime.

Though, we, in the United States, can not singlehandedly solve the crisis in Afghanistan, for that is a process which must take place internally, we can and should do something. As a first step I have offered this resolution—a sense of the Congress which emphasizes the plight of Afghan women and girls, expresses support for the United Nations-led peace negotiations, and recommends that the administration reevaluate United States policy toward Afghanistan.

I believe this resolution will send a strong message to the warring factions in Afghanistan that the United States is deeply concerned about the deteriorating human rights conditions. Further I hope this resolution will provide some hope to Afghan women and girls who silently disagree with the Taliban's code of conduct.

As the United States strongly supports an end to the armed conflict, we should emphasize that peace is not only defined by the absence of armed conflict but also the absence of human rights abuses. It has long been the experience of many other states that only with a rights-protective regime can there be any lasting prospects for peace.

Mrs. FEINSTEIN. Mr. President, I rise today in support of Senate Concurrent Resolution 6, a resolution expressing concern over the continuing deterioration of the human rights situation in Afghanistan and calling on the United States and the international community to redouble efforts to bring peace to that war-torn land.

Indeed, with yesterday's announcement that the Taliban militia have apparently seized power in the northwestern province of Faryab, it is especially fitting that we consider this resolution today.

I am particularly concerned about the situation in Afghanistan because, with the seizure of power by the Taliban militia, it appears that another tragic chapter in the story of the suppression of women's rights is being written. Worse still, this situation has unfolded with scant international attention, let alone condemnation.

Afghanistan has been embroiled in an almost constant state of war for close to two decades.

From 1979 to 1989 the Mujahedeen fought and finally outlasted the invading army of the Soviet Union. Then the Muslim warriors turned on each other. Since 1979 more than 1 million of Afghanistan's 16 million inhabitants have been killed, and millions more have become refugees. The capitol city of Kabul has been obliterated by the factional fighting, with over 45,000 civilians killed, and almost every prominent building damaged or destroyed.

In the last 2 years of the seemingly endless Afghan civil war the Taliban—who grew from a movement of former religious students and Islamic clerics along the Afghan-Pakistani border—have emerged as the strongest of the five major factions. After beating back its rivals, the Taliban movement now control more than two-thirds of Afghanistan, including Kabul, which they captured last September.

With the ascendency of the Taliban, Afghanistan is experiencing a new conflict: What some warriors call true Islam, others, including the U.N. General Assembly, say is an abuse of human rights.

Although the peculiar version of Islamic religious Sharia law espoused by the Taliban has fallen harshly on many in Afghanistan—in Kandahar this past July a man and woman accused of adultery were stoned in public, men have been forced to grow beards, and Taliban militia members harass men in the streets if they do not rush to the mosques for prayers—women, in particular, have come to feel the full brunt of the new extremism.

Afghani women have been banned from work.

Women have been banished from school.

Reportedly, Taliban soldiers have been so threatening that some women have not left their homes for months.

But there is nothing in Afghan tradition that can account for the Taliban phenomenon. The type of secret police state that they are fostering and the widespread denial of women's basic human rights has little precedent in Afghan culture or history.

The new brand of extremism fostered by the Taliban and their gross violations of women's basic human rights have pushed an already war-torn and war-weary Afghanistan to the brink of disaster.

It is estimated, for example, that close to 500,000 to 800,000 war widows have been forced out of their jobs and have no opportunity to earn money for food, clothing, or shelter for either themselves or their children. In Kabul's stark ruins hordes of children—12,000 according to one estimate—paw each day through the shattered bricks and masonry in search of scrap metal that can be sold. And their mothers, many who previously worked in professional jobs, have been reduced to begging in the hopes of being able to feed their children.

The ban on women in the workplace has also compounded the already precarious food situation. With the war having killed more than 9 million head of cattle and sheep and destroyed much of Afghanistan's croplands, irrigation systems, and roads, the average Afghan has a caloric intake equal to less than a pound of bread a day. Relief needs are so critical that the United Nations expects to have to feed one in five Kabul residents this year.

Ironically, many of the relief and other local humanitarian agencies find that they can no longer hire local women—many of whom are highly skilled. An orphanage in Kabul has reportedly lost all but 100 of its 450 employees, decimating its ability to provide food, education, and medical care to thousands of children. In fact, in light of the continuing conflict, U.N. development agencies in Afghanistan have recently put operations on hold until an assessment of the situation is complete.

It is little surprise that a recent U.N. report on human rights in Afghanistan concluded that "deprivation of basic rights and freedoms" are coupled with "newly emerging threats to basic rights," especially women's.

The silence from the world's capitols in light of these systematic abuses has been deafening. Former U.N. Secretary General Boutros Boutros-Ghali warned the Taliban that the United Nations objects to the extreme discrimination practiced against women. The European Union's Minister to the U.N. Food Conference expressed "deep concern" over the situation. Theresa Loar, the State Department's senior coordinator for women's issues has assured us that the situation in Afghanistan is "very high on the United States agenda."

In the nuanced language of diplomacy, these milquetoast statements are the equivalent of an international shrug of the shoulders.

Where is the world's outrage? Fully half of Afghanistan's population cannot work for a living or be educated. The world has responded by issuing mild denunciations and turning away. This is unacceptable.

In calling for the President to monitor the human rights situation in Afghanistan, and the situation of women in particular, this resolution calls on the United States to play a leading role in the international community in raising the salience of respect for women's rights.

For too long and in too many other tragic circumstances we have remained silent, placing women's rights on a second tier of concerns in our conduct of international affairs. Other Muslim nations with which the United States enjoys good relations and which respect women's rights, such as Turkey and Indonesia, can provide much needed leadership in this area, and assist the United States in our diplomatic efforts. It is incumbent upon us to call upon the nations of the international community—regardless of religious persuasion or cultural heritage—to take a strong stand in recognition of fundamental rights of women.

Because the United States lacks significant influence in Afghanistan, this resolution calls on the administration to urge the other states in the region who do have influence to bring pressure to bear on the Taliban. In particular Pakistan—which has both elected the first female Prime Minister in the Islamic world and provided assistance to the Taliban—should cease to provide patronage to the Taliban and take a position at the forefront of international efforts to provide humanitarian assistance to Afghanistan.

This resolution also recognizes that the only long-term solution to the plight of the Afghani people is to help bring an end to the conflict that has created the Taliban, and to begin the long process of rebuilding a stable and prosperous Afghanistan. Food security, let alone the sort of long-term economic redevelopment that will be necessary to repair Afghanistan's battered infrastructure will not be possible unless both men and women are able to take up gainful employment and have equal access to educational opportunities.

To this end, this resolution calls for the members of the international community to cease activities, such as supplying weapons or financial assistance, to any of the warring factions in Afghanistan and encourages international efforts, especially that of the U.N. Special Mission, in procuring a durable and lasting peace in Afghanistan.

The treatment of Afghanistan's women should not be ignored. To continue to do so will send a dangerous message to others around the world who might violate the human rights of ethnic or religious minorities, or their own female populations.

I urge my colleagues to support Senate Concurrent Resolution 6, and send an important message to the Taliban and the entire international community regarding women's rights.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution be agreed to, the amendment to the preamble be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 6), as amended, was agreed to.

The preamble, as amended, was agreed to.

CONGRATULATING THE REUNIFICATION OF JERUSALEM

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 51, Senate Concurrent Resolution 21.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 21) congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 21) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 21

Whereas for 3,000 years Jerusalem has been Judaism's holiest city and the focal point of Jewish religious devotion;

Whereas Jerusalem is also considered a holy city by members of other religious faiths;

Whereas there has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city since the 1840s;

Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the thirtieth year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, "must remain an undivided city" and calling on Israel and the Palestinians to undertake negotiations to resolve their differences;

Whereas Prime Minister Yitzhak Rabin of Israel later cited Senate concurrent Resolution 106 as having "helped our neighbors reach the negotiating table" to produce the historic Declaration of Principles on Interim Self-Government Arrangements, signed in Washington on September 13, 1993; and

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104–45) which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;

(3) calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the state of Israel; and

(4) urges United States officials to refrain from any actions that contradict United States law on this subject.

REGARDING THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES OF AMERICA AND JAPAN

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 52, Senate Resolution 58.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 58) to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas the Senate finds that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is critical to the security interests of the United States, Japan and the countries of the Asian Pacific region;

Whereas the security relationship between the United States and Japan is the foundation for the security strategy of the United States in the Asia-Pacific region;

Whereas strong security ties between the two countries provide a key stabilizing influence in an uncertain post-cold war world;

Whereas this bilateral security relationship makes it possible for the United States and Japan to preserve their interests in the Asia-Pacific region;

Whereas forward-deployed forces of the United States are welcomed by allies of the United States in the region because such forces are critical for maintaining stability in the Asia-Pacific region;

Whereas regional stability has undergirded economic growth and prosperity in the Asia-Pacific region;

Whereas the recognition by allies of the United States of the importance of United States armed forces for security in the Asia-Pacific region confers on the United States irreplaceable good will and diplomatic influence in that region;

Whereas Japan's host nation support is a key element in the ability of the United States to maintain forward-deployed forces in that country;

Whereas the Governments of the United States and Japan, in the Special Action Committee on Okinawa Final Report issued by the United States-Japan Security Consultative Committee established by the two countries, have made commitments to reducing the burdens of United States forces on the people of Okinawa;

Whereas such commitments will maintain the operational capability and readiness of United States forces;

Whereas the people of Okinawa have borne a disproportionate share of the burdens of United States military bases in Japan; and

Whereas gaining the understanding and support of the people of Okinawa in fulfilling these commitments is crucial to effective implementation of the Treaty: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Treaty of Mutual Cooperation and Security Between the United States of America and Japan remains vital to the security interests of the United States and Japan, as well as the security interests of the countries of the Asia-Pacific region; and

(2) the people of Okinawa deserve special recognition and gratitude for their contributions toward ensuring the treaty's implementation and regional peace and stability.

ORDERS FOR WEDNESDAY, MAY 21, 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, May 21. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate then immediately resume consideration of Senate Concurrent Resolution 27, the first concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I further ask unanimous consent that at 9:30 a.m., Senator KENNEDY, or his designee, be recognized to offer his amendment on tobacco taxes. Following the disposition of the Kennedy amendment, I ask unanimous consent that Senator GRAMM be recognized to offer his amendment regarding deficit neutral natural disaster relief.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, Senators can expect rollcall votes throughout Wednesday's session as the Senate attempts to complete work on the first concurrent budget resolution. The majority leader states that he is still hopeful that the Democratic leader will join him in an effort to yield back much of the statutory time limitation for the budget resolution. All Members will be notified accordingly as any votes are ordered with respect to any amendments to this important legislation. Again, on behalf of the majority leader, I want to remind all Members that this is the last week prior to the Memorial Day recess, so we will appreciate all Members' cooperation in scheduling of votes and of other floor action. The majority leader expresses thanks to all Members for their attention.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment, under the previous order, following the remarks of the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTION ON THE BUDGET

Mr. GRASSLEY. Mr. President, I would like to speak briefly on the plan to pump up the Pentagon budget. This resolution jacks it up by $2.6 billion in budget authority.

Last year, by comparison, we were staring at a $10 to $12 billion increase in the defense budget.

I was very much opposed to such a large increase and did everything I could to block it all the way through the process. In the end, I failed.

This year's proposed defense add-on of $2.6 billion is relatively modest.

Mr. President, I do not intend to offer an amendment to kill the $2.6 billion add-on.

I know defense is a top priority in the agreement and the defense number constitutes a carefully crafted consensus. Like last year, however, I still think we should stick with the President's request.

The $265 billion requested by the President for defense is plenty to maintain a strong national defense—if the money is spent right. Unfortunately, that's not what happens. Some of it will be wasted.

The Pentagon is like a ravenous monster that has an insatiable appetite for money. I am afraid the $2.6 billion add-on will be frittered away on cold war relics.

Mr. President, I think we need to give the Pentagon some strict guidance about how the extra money may be spent. The Budget Committee could do it. The Armed Services Committee could do it. Or the Appropriations Committee could do it. Somebody needs to do it.

The language should stipulate that the extra money be used exclusively to maintain the force structure and combat readiness. Otherwise, the Pentagon bureaucrats are going to rob the readiness accounts to pay for modernization.

In recent years, DOD has consistently promised to pay for modernization with savings derived from lower infrastructure costs. But the promised savings have never materialized. So they rob the readiness accounts to get the money. We should not let that happen.

Mr. President, the highly touted Quadrennial Defense Review or QDR will not solve this problem. The QDR is just a smoke screen for the status quo. It's another cover for robbing the readiness accounts to pay for modernization. The QDR is simply a repeat of the Bottom-Up Review.

They douse the cold war programs with perfume to make them smell better, but it is still the same old stuff. We still have cold war programs hooked up to a post-cold war budget. This is a recipe for disaster.

The QDR tells us to keep spending money on all the cold war relics—like the F–22 fighter. The F–22 is an excellent case in point. The F–22 was designed to defeat a Soviet military threat that is now ancient history. And it's cost is spinnning out of control.

In 1991, we were told that we could buy 750 F–22's for $58 billion. Now we are told that far fewer F–22's will cost $6 billion more. The quantity drops by 40 percent and the price goes up by 10 percent. That's the Pentagon way.

Four hundred thirty-eight F–22's are now estimated to cost $64 billion total, and production hasn't even started yet. If current trends continue, the Air Force will be lucky to get 200 F–22's for $100 billion.

Mr. President, I think the F–22 is the threat. The F–22 has the potential for ruining the Air Force. It will eat away at Air Force fighter muscle and will totally demolish plans to modernize the fighter force.

With the F–22, the Air Force will be lucky to have 2 or 3 wings—total, versus its force of 20 wings today. During the Reagan years, we actually had 40 wings and planned for more.

Lockheed Martin CEO Norman Augustine put this problem in perspective in his book "The Defense Revolution."

I would like to quote from his book. He is an authority. He should know. This is what Mr. Augustine said:

> If the cost of tactical aircraft continues to increase as it has since the World War I Spad [airplane], a projection of the history of the defense budget over the past century leads to the calculation that in the year 2054 the entire U.S. defense budget will purchase exactly one aircraft.

The F-22 is a prime candidate for fulfilling Mr. Augustine's prophecy.

Mr. President, we need to reverse this trend. We should make sure the extra money is used to maintain combat readiness. The extra money should be used to buy more training, fuel, spare parts, and maintenance. And that's it.

Mr. President, we need to take some drastic action. The centerpiece of Mr. COHEN's QDR is the plan to retain a capability to fight two major regional conflicts or MRC's simultaneously. If we fail to protect readiness and force structure, Mr. COHEN's two MRC's will be nothing but a pipe dream.

Mr. President, I hope my colleagues on the defense committees will find a way to strike a better balance between readiness and modernization.

We must put well-trained, combat-ready troops ahead of obsolete programs.

That is the real choice. It is the only choice.

Mr. President, when I look at this budget agreement, I find myself playing Hamlet. I go back and forth, between all the good things, and all the bad things. And then I agonize over which way to go. To agree or not to agree. That is the question.

Usually when the leaders of the two parties get together on a budget agreement, it ends up being bad news. It means spending goes up for programs favored by each side. It is like a rising tide lifting all boats. And then the deficit is made to look OK. A little fairy dust produces a sudden windfall of revenues. This time it happens to be 225 billion dollars' worth.

I think back to the Rose Garden Budget in 1984 under President Reagan. And, the Andrews Air Force Base agreement in 1990. They were similar.

"Rising Tide" agreements do two things. First, all the sacred cows get more money than they should. Second, accountability for those programs goes out the widow. Desperately needed reforms do not take place.

In 1984, we should have frozen the defense budget and demanded reforms. Instead we looked the other way. The freeze did not occur until the next year—with my amendment—and the reforms did not take place until 3 years later—with Nunn-Goldwater and the Packard Commission. By that time, we had already poured lots of money down a rathole.

In addition, with rising tide agreements, the budget enforcements we put in place are then violated. We saw that in 1990, when we gave Gramm-Rudman a fix. The only thing we fixed in that budget was the ability to overtax and overspend. Now, we're seeing another enforcement violated to accommodate the rising tide—and that's Exon-Grassley. If we violated budget enforcement before, why should we believe it won't happen again?

Meanwhile, in this budget, the absence of Medicare reform is deafening. A colossal structural nightmare is facing us just 15 years down the road. Especially in Medicare. Long-term reform is needed. Does this budget address that? No.

And the sacred cows? Two examples. One supported by my side of the aisle, another by the other side.

The cold war is over. But we need to spend an extra $2.6 billion this year for a defense budget that's still geared toward fighting the cold war. The same cold war that disappeared 10 years ago.

What the Pentagon should not do—but will do with this money—is buy a bunch of cold war relics, like the F-22 fighter. That money should be going into the readiness and training accounts. But it won't be. Because politics is more powerful than commonsense.

The Quadrennial Defense Review is simply a repeat of the Bottom-Up Review. It's a smokescreen to maintain the status quo, to plan for an obsolete war. Meanwhile, this is the same defense budget with 50 billion dollars' worth of unmatched disbursements, which cannot pass an audit, and whose financial records are in absolute chaos. We do not know what anything costs. It is hard to make rational decisions on bad information. It is a budget crying out for reform.

But that is OK. Because the other side of the aisle also has a few sacred cows crying out for reform. But we'll pump those up, too. Take AmeriCorps. Cannot pass an audit. Cannot even be audited. No accountability. In bad need of reform. We were shelling out $27,000 per volunteer. That is crazy.

So, last year we froze AmeriCorps and pushed for reforms. They have been promised, but not yet delivered. But this agreement would jeopardize reform and accountability at AmeriCorps. Instead of a freeze, plus reforms, this program will get an extra three-quarters of a billion dollars, plus no incentive to implement the promised reforms. And that hurts the efforts of many of us who have tried to save this program, but make sure the taxpayers are getting their money's worth.

Finally, there is the matter of the deficits. Under this agreement, they go up, and then they fall off the table. In other words, the only progress on deficit reduction comes in the last 2 years. This reflects that phenomenon I call the narcotic of optimism. We're still addicted to it. It is simply not realistic. But it sure feels good.

So that is a mountain of reasons why this agreement is bad. The reasons on the good side are not as impressive-sounding. But there are a couple of reasons.

First, even though the tide is rising, it does not mean we cannot push even harder for reforms, to make sure they take hold. We desperately need long-term Medicare reform. We have a responsibility to provide it. We cannot duck it. If it takes a bipartisan commission instead of a budget agreement, so be it.

But the most powerful reason, in my mind, in favor of this agreement, is that it is a bipartisan agreement of the leaders. When's the last time we saw that in this town? This is a first step, and only a first step. But it represents clearing a major, major hurdle—which was a lack of bipartisan cooperation. The importance of that accomplishment cannot be underestimated. And the desire of the American people to have us working together instead of fighting all the time also cannot be underestimated.

And so that means, even though I have a mountain of reasons to oppose this agreement, and even though the reasons for supporting it are the size of a mouse by comparison, it is a mouse that roars for us to take the first step.

And if we take that step, it means we are all the more obliged to pursue reforms in the meantime, and make sure we stick to the enforcement measures.

And so, Mr. President, I think ultimately the chairman of the Budget Committee, Senator DOMENICI, and the other leaders on both sides of the aisle are to be commended for taking a positive, yet very difficult first step toward addressing our fiscal problems. Even though I might disagree with much of this agreement, I look forward to supporting it, and then appealing to my colleagues over the next 5 years to keep us on track for two things: a balanced budget, and much needed program reforms.

THE CERTIFICATION PROCESS II

Mr. GRASSLEY. Mr. President, recently I spoke about the annual certification process on drug cooperation. I wanted to follow up on those remarks. As I noted then, I believe it is important to address some of the myths that have grown up around certification. I also believe that it is important to put on record why we need to keep this process.

One of the reasons often advanced for doing away with the certification process is that it just makes administrations lie.

Now, in the first place, I don't believe that this is true. But even if it were, I do not see changing a valid oversight requirement by Congress on the premise that compliance makes liars out of the administration. It seems to me that if there is a law and the administration isn't being honest, then you take steps to hold it responsible. You don't shrug your shoulders and throw away the law. Where would we be if we did that routinely? We might as well forget about oversight. We might as well legalize lying.

Like many of my colleagues, I have had problems with the executive branch. I am aware of misconduct, misfeasance, and downright lying by executive branch agencies and agents.

But I do not believe that simple differences of opinion or interpretation necessarily constitute lying. It is even possible to disagree over policy without calling someone a liar for disagreeing. Misguided perhaps.

It is possible, then, that the administration and Congress might disagree over a particular certification decision without jumping to conclusions about motive. It is also possible to have such differences without concluding that the only proper recourse is to scrap oversight efforts. Accountability is essential to our political process. This holds true even when there are serious disagreements about outcomes and procedures.

The recent certification decisions on Mexico and Colombia are cases in point. This last March 1, the President decided to again decertify Colombia. At the same time, he decided to fully certify Mexico. Both decisions caused concern in Congress. It is important to understand that there were lots of different concerns. Additionally, many of these concerns arose from contradictory opinions.

Some felt that if Colombia was decertified Mexico should have been. Others believed that if Mexico was certified then Colombia should have been. Still others believed that both should have gotten national interest waivers. Because none of these views were vindicated in the actual decision, many have drawn the conclusion that certification didn't work. Or they have concluded the administration lied. The answer in either case seems to be, "dump certification."

As I have already said, I don't think this is the right course. I believe the view is wrong on both substance and process.

In the first place, when we in Congress created the certification process, we did not create a pass/fail system. Nor did we create a system of shared outcomes. That is, we created a process that evaluated each country on its own merits in fighting drugs. Just like we don't give everyone in school the same grade if they performed differently, we don't base certification decisions on group behavior. We designed the process to permit nuanced decisions. We recognized the need to draw conclusions based not on single issues or purely momentary situations.

At the same time, we realized that without the push of law the administration, any administration, would likely not have made drugs a major foreign policy concern. In that sense, Congress had a healthy incredulity of administration motives. I remind my colleagues that it was a Democratic-controlled House and a Republican-controlled Senate that first passed certification during the tenure of a Republican President. We had a bipartisan wariness of the executive branch. It is, after all, the business of Congress to give administrations heck from time to time.

Initially, the administration resisted certification. It chose not to apply the standards in the law with any vigor. Indeed, the first countries to get decertified were all soft targets. Countries like Burma, Iran, and Syria.

These were countries we already disliked and with whom we had only limited dealings. Initially, no serious countries got decertified. Because of this history, a certain cynicism grew up around certification. There is also today an evident impatience with what is and must be a complex decision-making process.

That process has been around for 10 years. As with other cases, the longer the requirement has been on the books and the more Congress has insisted it be taken seriously, the more used and useful it has become. The process has gathered momentum. Last year, in fact, I asked the Congressional Research Service to review the merits of the certification process. That review, which is still available, makes clear how the certification process has matured and proved effective.

In the past several years, in fact, the list of countries decertified or given a national interest waiver has grown to include some real countries. Such countries as Nigeria, Colombia, Peru, Bolivia, and Pakistan. Countries with which we have a wide variety of interests apart from drugs. Just a few years ago, no one in Congress believed that any administration would ever decertify Colombia. Certainly there was a lot of sentiment in Congress that believed the evidence justified decertification. But the conviction was that it wouldn't happen. It did.

Not only has the standard been applied with more rigor, it has also encouraged greater cooperation from certified countries. All in all, more countries now take as a given that drug control must be an important element in their thinking.

That list includes the United States. To voluntarily choose to abandon such a tool out of a passing frustration is not very sound policy.

But, as the list of affected countries has grown to include more significant U.S. partners, the more controversial certification has become. This was to be expected. When Burma squawked, few in this country cared. Few people cared internationally. The military rulers of Burma had few friends. With Colombia affected and Mexico implicated, however, the noise level has gone up considerably. Both here and abroad.

To me, this indicates that certification is working. As I noted in an earlier statement, the fact that countries such as Colombia are complaining about our process is no sufficient reason to change it, much less throw it overboard.

Conversely, the fact that there was a difference of opinion on whether to certify Mexico or not, is also no sufficient reason to scuttle the boat.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, May 21, 1997.

Thereupon, the Senate, at 9:10 p.m., adjourned until Wednesday, May 21, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1997:

DEPARTMENT OF STATE

A. PETER BURLEIGH, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE THE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE EDWARD WILLIAM GNEHM, JR.

JAMES W. PARDEW, JR., OF VIRGINIA, FOR THE BANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. SPECIAL REPRESENTATIVE FOR MILITARY STABILIZATION IN THE BALKANS.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 20, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. JOHN J. BATBIE, JR., 7759
BRIG. GEN. WINFRED N. CARROLL, 8742
BRIG. GEN. DENNIS M. GRAY, 5184
BRIG. GEN. GRANT R. MULDER, 6734
BRIG. GEN. VIRGIL J. TONEY, JR., 3240

To be brigadier general

COL. WILLIAM E. ALBERTSON, 6512
COL. PAUL R. COOPER, 1006
COL. GERALD P. FITZGERALD, 6393
COL. PATRICK J. GALLAGHER, 3723
COL. EDWARD J. MECHENBIER, 3853
COL. JEFFREY M. MUSFELDT, 8617
COL. ALLAN R. POULIN, 0569
COL. GIUSEPPE P. SANTANIELLO, 7772
COL. ROBERT B. SIEGFRIED, 5248
COL. ROBERT C. STUMPF, 5111
COL. WILLIAM E. THOMLINSON, 6969

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CLAUDIA J. KENNEDY, 0477

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. TOMMY R. FRANKS, 0864

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be major general

BRIG GEN. KEVIN B. KUKLOK, 6010

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. TERRENCE P. MURRAY, 7177

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. JAMES R. BATTAGLINI, 5336
COL. JAMES E. CARTWRIGHT, 5961
COL. STEPHEN A. CHENEY, 1702
COL. CHRISTOPHER CORTEZ, 9054
COL. ROBERT M. FLANAGAN, 2865
COL. JOHN F. GOODMAN, 3509
COL. GARY H. HUGHEY, 9286
COL. THOMAS S. JONES, 2831
COL. RICHARD L. KELLY, 9290
COL. RALPH E. PARKER, JR., 6337
COL. JOHN F. SATTLER, 0580
COL. WILLIAM A. WHITLOW, 5394
COL. FRANCES C. WILSON, 7788

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral (lower half)

CAPT. KAREN A. HARMEYER, 8014

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE U.S. NAVY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5148:

To be rear admiral

CAPT. JOHN D. HUTSON, 9946

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. LEE F. GUNN, 4664

IN THE COAST GUARD

VICE ADMIRAL ROGER T. RUFE, U.S. COAST GUARD, TO BE COMMANDER, ATLANTIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

REAR ADMIRAL JAMES C. CARD, U.S. COAST GUARD, TO BE COMMANDER, PACIFIC AREA, U.S. COAST GUARD, WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF).

THOMAS J. BARRETT
JAMES D. HULL
JOHN F. MCGOWAN
GEORGE N. NACCARA
TERRY M. CROSS

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR THE APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

ROBERT C. NORTH
TIMOTHY W. JOSIAH
FRED L. AMES
RICHARD M. LARRABEE, III
JOHN T. TOZZI
THOMAS H. COLLINS
ERNEST R. RIUTTA

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTINS 14101, 14315 AND 12203(A):

To be major general

BRIG. GEN. WILLIAM F. ALLEN, 7630
BRIG. GEN. CRAIG BAMBROUGH, 1885
BRIG. GEN. PETER A. GANNON, 8325
BRIG. GEN. FRANCIS R. JORDAN, JR., 8000

To be brigadier general

COL. JAMES P. COLLINS, 2607
COL. WILLIAM S. CRUPE 1989
COL. ALAN V. DAVIS, 9373
COL. JOHN F. DEPUE, 7819
COL. BERTIE S. DUEITT, 9342
COL. CALVIN D. JAEGER, 4491
COL. JOHN S. KASPER, 8271
COL. RICHARD M. O'MEARA, 9750
COL. JAMES C. PRICE, 4708
COL. RICHARD O. WIGHTMAN, 6480

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED UNDER TITLE 10 UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. GREGORY A. ROUNTREE, 9047

IN THE COAST GUARD

COAST GUARD NOMINATION OF BRENDA K. WOLTER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 5, 1997.

COAST GUARD NOMINATIONS BEGINNING KELLEY ELIZABETH ABOOD, AND ENDING ANDREW JAMES WRIGHT, WHICH NOMINATIONS WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 5, 1997.

IN THE NAVY

NAVY NOMINATIONS BEGINNING MICHAEL J. BAILEY, AND ENDING STAN A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 25, 1997.

HOUSE OF REPRESENTATIVES—*Tuesday, May 20, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Ms. PRYCE of Ohio].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 20, 1997.

I hereby designate the Honorable DEBORAH PRYCE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

BUDGET NEEDS TO REFLECT DEMOCRATIC PRIORITIES

Mr. PALLONE. Madam Speaker, today Congress will likely vote in favor of a historic balanced budget proposal and at the same time we as Democrats must not forget that this is merely an outline, a road map, that gives general spending guidelines. Many of the details still need to be worked out, and that is basically where my concern lies this morning.

While President Clinton and Republican leaders have articulated a general agreement on the budget, I am very leery of the Republican leadership's true priorities. A recent memorandum dated May 16 from Speaker GINGRICH's office emphasizes that "there is not a limit on the size of the capital gains and estate tax relief" in the budget resolution. The Republican leadership has consistently made tax cuts for the wealthy a cornerstone on any budget agreement, and I believe that once we pass this resolution Republicans will attempt to do this again.

Democrats have consistently indicated support for a balanced budget agreement, but one that benefits the average American family, and we will be vigilant in protecting the family first priorities that are paramount in any budget agreement.

Now after Congress passes the budget resolution this week, the real process of determining fiscal priorities will begin. Democrats stand ready to roll up our sleeves and ensure that our priorities; that is, education, health care, and the environment, are worked into the final details. I mention this because last year the Republicans are on record for voting to cut education spending, gut Medicaid, and cripple environmental protection and enforcement, and this year it is really unknown what the Republican leadership will produce by way of details on many of these budget questions.

Madam Speaker, Democrats will fight to make sure that the Republicans stay true to their word in providing $35 billion in tax cuts for education initiatives. These initiatives are but a small investment to ensure America's competitive edge into the future. At the same time, the additional moneys for increased Pell grants and HOPE scholarships will benefit those Americans who want to better themselves and remain productive citizens in our society.

The Democratic education proposal is an important part of this budget agreement, and it must remain intact throughout the long process to ensure my support and the support of my Democratic colleagues.

In addition to the Democratic education initiatives, it is equally important that the money set-aside for children's health care coverage be used for just that, the expansion of children's health care coverage for approximately 10 million uninsured children.

Now Democrats again have worked hard to get children's health care moneys into the budget since last summer. In January of this year I authored a letter with 32 of my Democratic colleagues to President Clinton urging that funding for children's health care should be a cornerstone of any budget reconciliation. Today's budget agreement appears to include approximately $16 billion to expand children's coverage, and Democrats remain committed to ensuring that these moneys truly benefit families with uninsured children.

We as Democrats have a task force on kids' health care, and we have worked out a proposal that we think can be used to implement this $16 billion budget package. Our plan is to build on three prongs, strengthening the Medicaid Program for lower income children, providing matching grants to the States targeted to children and working families who are uninsured and require private, and the third point, I should say, is to require private insurance reforms to benefit children and families of all incomes.

We believe that with this pot of money in the budget, if we implement this 3-pronged approach, we can actually cover most, if not all, of the 10 million children that are now currently uninsured, and it is a very reasonable approach within the confines of the budget.

Again, as with the education investment, Democrats will find it difficult to support any budget that does not provide families with assistance to provide health care for their children and to insure as many of those 10 million children as possible.

Finally, I also want it to be known to the Republican leadership that we need to make sure that environmental protection is a priority in this budget. It is very important to give the EPA the tools to ensure safe drinking water, clean air, and clean oceans, and I personally will fight to keep the commitment to American families for a healthy environment.

Again, Madam Speaker, although I think the problem that I see right now, there are already rumblings by the Republican right to increase the amount of the tax cuts with further cuts in many of these important family first agenda programs, and if the Republican extremists succeed, then American families will be the ones who suffer in the end.

Hopefully, this budget agreement, which I expect to be adopted today, will be the beginning of a process that makes sure that the tax cuts in the budget are mainly targeted to the average working American, and the same is true with the spending priorities, that they help the average American family and not just the wealthy.

INTRODUCTION OF THE AMTRAK PRIVATIZATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning hour debates for 5 minutes.

Mr. HEFLEY. Madam Speaker, what do the Americans think of when they hear the statement "free of Federal subsidy"? What about "self-sufficiency"? I think these terms refer to

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

programs that receive no Federal funding. It means that the program runs like a business and its survival is dependent upon its business practices and its customers.

Madam Speaker, someone needs to tell this to Amtrak. Tom Downs, Chairman and CEO of the National Railroad Passenger Corporation, or Amtrak, has been frequently quoted as saying Amtrak could become a self-sufficient operation if Congress would give it a permanent source of funding.

Amtrak was created in 1970 as an independent and self-sufficient corporation and was given a one-time grant of $40 million. Twenty-seven years and $19 billion later, I would think Amtrak and Congress would realize that a dedicated funding source is not going to help passenger railroads make money or become self-sufficient. But Amtrak continues to cry "Show me the money."

Madam Speaker, let us face it. Amtrak is in crisis. The question is not whether Amtrak can reach sufficiency by 2002, as mandated by Congress. The question has become will Amtrak still be in business next spring?

As long as the Federal Government is involved in Amtrak it will not survive, and it is not as if we have not seen the light at the end of the tunnel. In 1995, with Congress pushing for a balanced budget and making cutbacks, Amtrak realized that they could no longer depend on the Federal Government for nearly a billion dollars every year. To their credit they did what a number of large corporations have done in the 1990's. They undertook a major corporate restructuring and began to look at themselves as a business. They reduced services on 16 routes across the country and saved about $54 million. They cut staffing and tried to improve service and make rail travel more attractive to the average consumer.

Amtrak has shown that if the tough decisions are made money can be saved. Much of the problem, however, is not Amtrak's fault; we are to blame. See, Federal law is prohibiting Amtrak from making the most out of their staffing reductions or forcing Amtrak to provide ridiculously generous severance packages and preventing them from making the truly tough business decisions, and as long as the Federal dollar keeps flowing to Amtrak, we will always attach a fistful of strings.

Today I am reintroducing the Amtrak Privatization Act. Some people will call this the Amtrak killer. I call these reforms Amtrak's only chance for survival. My bill will do three very important things that I think will help Amtrak survive. First of all, we need to let Amtrak operate like a business. Congress should not mandate what routes the trains take or where they should stop. Congress should no more force Amtrak to run an unprofitable route than mandate what items a local mom and pop shop stocks.

The Amtrak Privatization Act will free Amtrak from those Federal controls and allow them to make the necessary cuts to survive. Some routes may be eliminated. But remember, Amtrak has said it will be out of business by next spring if nothing is done. That means all routes would then be eliminated.

So let us say Amtrak eliminates some routes and must lay off some rail workers as a result. Congress has mandated that a laid off Amtrak employee receive up to 6 years full pay, 6 years. Show me another employee who gets full pay for 6 years after being laid off. My bill will allow them to receive a more reasonable 6 months pay after being laid off. Amtrak's labor agreements have got to go.

Finally, this bill creates a glidepath toward self-sufficiency in 2002. Until Amtrak gets off the Government till, including stealing gas tax dollars to support rail, Congress will be trying to mandate how it should operate. I contend if we take all Federal control over Amtrak away, including Federal dollars, Amtrak will find a way to survive. If we do not, Amtrak will stop rolling perhaps even next spring.

IT IS TIME TO ENFORCE HELMS-BURTON AGAINST THE CASTRO REGIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. McCOLLUM] is recognized during morning hour debates for 5 minutes.

Mr. McCOLLUM. Madam Speaker, I would like to take this opportunity to discuss an important issue: How do we rid Castro, or Cuba I guess, of the despot Castro, is what I should say? Today is May 20. This is known as Cuban Independence Day, when Cuba was granted independence from Spain as a result of the Spanish-American War. However, the Cuba of today is looking for a new independence, one that grants them freedom from the hideous dictatorship of Fidel Castro.

Cuba has been under a dictatorship for about 38 years now. It is no secret that Fidel Castro is still exercising his power in a manner contradictory to the most basic human rights held by all people. This is an absolute disgrace that such a regime exists only 90 miles from my home State of Florida. We, as a Nation, must work to correct this. We should have a long time ago.

Sometimes the only way to undermine a dictatorship short of some direct military force is through the pocketbook. In the past, Cuba could rely heavily on Soviet assistance for propping up its economy. Now that the Soviet Union no longer exists, Cuba must find benefit from a great deal of foreign investment and trading. It has done just that. According to the Cuban Government, 260 joint ventures were concluded by the end of 1996, with more than $2.1 billion in foreign capital.

Madam Speaker, we obviously cannot block all trade with Cuba without a little blockade of the island. However, we can work for a free Cuba that respects human rights in another manner. To that end Congress did its job in 1996 and passed the Cuban Liberty and Democratic Solidarity Act, otherwise known as Libertad or Helms-Burton. This legislation tightened the screws on Castro and had a solid chance for significant impact in bringing down the Castro dictatorship. It would have done so through three significant provisions. It codified all existing Cuban embargo Executive orders and regulations, it denied admission to the United States to aliens involved in the confiscation of United States property in Cuba or the trafficking of confiscated property in Cuba, and it allowed U.S. nationals to sue for money damages in U.S. Federal court those persons that traffic in United States property confiscated in Cuba when Castro took over.

The first of these provisions may not be waived by the President, but the President was granted authority to waive title III in Helms-Burton, in part allowing U.S. nationals to sue in Federal court, if he determines that such a delay would be in the national interest and would expedite a transition to democracy in Cuba. It is unfortunate that President Clinton, on January 3, 1997, decided to waive title III of Helms-Burton for the second time and has indicated that come the early part of July he will probably waive it for the third time. It was an outrageous move that kowtowed to our allies and to the business interests abroad rather than to the American national security interests.

It is outrageous because the biggest problem facing us is seeing the demise of the Castro dictatorship in Cuba is not a mystery at all. It is our allies in Europe, Canada, and Mexico who trade with Castro, sustaining his illegitimate regime. What is most disturbing is that some foreign firms not only work with Castro, but do so using stolen U.S. property.

When Castro took power in Cuba, he confiscated private property of countless United States firms and interests. Not only did he rob these Americans of their rightfully owned property, he then continued to use these assets, retaining the profits to sustain his regime. This continues to this day.

Furthermore, there are private foreign interests taking advantage of the confiscated property, making money in Cuba on stolen United States property. Practices such as this should not be tolerated anywhere in the world regardless of the circumstances. This unjust enrichment is taking place in Castro's Cuba despite the fact that title III of the Helms-Burton Act would have stopped that from happening.

☐ 1045

It would have placed a significant disincentive to deal in confiscated U.S. property, making foreign firms benefiting from unjust enrichment in Cuba subject to United States lawsuits, United States courts, if they do business in the United States.

Even though President Clinton succumbed to the interest of foreign businesses and waived title III, just the threat of sanctions resulted in several foreign companies reconsidering their investments in Cuba. If the current administration would actually follow through and implement all of Helms-Burton, we would see a great number of foreign interests reconsidering their Cuban involvement, thereby cutting off critical cash to the Castro regime.

Unfortunately, President Clinton has made a horrible decision, knowing that the business interests of our neighbors are putting pressure on those governments, and those governments on our governments. Instead, he has thwarted the national interests of our people in bringing democracy and respect of human rights to Cuba and of our private citizens and businesses who would have the right to recover their lost profits from foreign profiteers dealing in property stolen by Castro if they could just sue in United States courts.

Is the administration going to continue to look the other way, or will the United States actually work for democracy in Cuba? When are the tough decisions going to be made that will actually bring Castro down?

What has happened is a picture of hypocrisy. The law was signed with much fanfare and praise that Cuba would finally see some measures, only to have those tough measures immediately waived after enactment, and then again in January of this year, and probably again in July. Is that responsible? Is that honest? Madam Speaker, it is not.

I urge the enforcement of the Helms-Burton Act and will submit a bill in July to make sure that that waiver provision no longer exists if Mr. Clinton continues to waive that provision.

CARDIAC ARREST SURVIVAL ACT

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I am here to talk about a bill that I will be introducing today. The bill I am referring to is the Cardiac Arrest Survival Act. If this bill should become law, I say to my colleagues, it has the potential of saving thousands of lives each year.

I am pleased to have this opportunity to work with the American Heart Association on this important measure. Passage of this act would go a long way toward making the goal of saving the lives of people who suffer from sudden cardiac arrest possible. It would ensure that what the American Heart Association refers to as a cardiac chain of survival could go into effect.

Madam Speaker, the four links in a cardiac chain of survival are, one, early access to emergency care; early cardiopulmonary resuscitation; early defibrillation, which I will explain later; and early advanced life support.

While defibrillation is the most effective mechanism to revive a heart that has stopped, it is also the least accessed tool we have available to treat victims suffering from heart failure.

Perhaps it would be helpful for those of my colleagues listening and not well versed on the subject if I just take a moment and walk you through what we mean when we use the term "defibrillation."

A large number of sudden cardiac arrests are due to an electrical malfunction of the heart called ventricular fibrillation, or VF. When VF occurs, the heart's electrical signals, which normally induce a coordinated heartbeat, suddenly become chaotic and the heart's function as a pump abruptly stops. Unless this state is reversed, then death will occur within a few minutes, 160 seconds. The only effective treatment for this condition is defibrillation, the electrical shock to the heart.

My colleagues might be interested to know that more than 1,000 Americans each and every day suffer from cardiac arrest. Of those, more than 95 percent die. My colleagues, I find that unacceptable, because we have the means at our disposal to change those statistics, and that is why I am committed myself to this cause.

Studies show that 250 lives can be saved each and every day from cardiac arrest by using the automatic external defibrillator [AED]. Those are the kinds of statistics that nobody can argue with. Right now, the chance of survival due to sudden cardiac arrest is less than 1 in 10. We could change those odds for people through the development of model state training programs for first responders.

Madam Speaker, did my colleagues know that for each minute of delay in returning the heart to its normal pattern of beating it decreases the chance of that person's survival by 10 percent? Currently, only 14 States offer CPR training in schools and 28 States authorize first responders to use automatic external defibrillators. However, less than one-half of emergency medical technicians and less than one-fourth of nonemergency medical technician first responders in the United States are even trained or equipped with a defibrillator. Fortunately, one of those States is my State of Florida.

No one knows when sudden cardiac arrest might occur. According to a recent study the top five sites where cardiac arrest occurs, and I will list them in order of prevalence, at airports, county jails, shopping malls, sports stadiums, and golf courses.

I believe we all should take great comfort in knowing that those who are rushed to help us, to resuscitate us, have the most up-to-date equipment available and are trained to use it.

Some of my colleagues might ask, if 27 States have laws authorizing nonemergency medical technician first responders to use AED's, why do we need to pass this legislation? The reason is quite simply that prehospital medical care, which includes training, equipment, and standards of care, experiences variations from State to State, which in turn delivers inconsistent care to the public. Some might say that this is just another Federal mandate. They would be wrong in that assumption.

This legislation merely directs the National Heart, Lung and Blood Institute to develop and disseminate a model State training program for first responders and bystandards in lifesaving first aid, including CPR, and direct the development of model State legislation to ensure access to emergency medical service.

Several of my colleagues might ask, will this not cost a lot of money? No, it will not cost the Government any money because we would encourage the private sector, such as those working in the medical community, to form a partnership with industry to help defray the costs. Overall, we envision this as a joint venture, with this legislation providing the model program for States to use if they so desire and the private sector picking up the additional costs involved.

Madam Speaker, I hope my colleagues will join me in cosponsoring this important bill whose stated goal is to prevent thousands of people suffering sudden cardiac arrest from dying by making the equipment and trained personnel available at the scene of such emergencies.

AMERICANS WILL STAND WITH THE CUBAN PEOPLE FOR FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. DIAZ-BALART] is recognized during morning hour debates for 5 minutes.

Mr. DIAZ-BALART. Madam Speaker, this Independence Day for the Republic of Cuba, May 20, finds the Cuban people still bound and gagged, more than by a Marxist-Leninist, and some have called him a fascist; more than by totalitarianism of those natures, by an Al Caponist, in his essence a gangster, an extortionist who is seeking the almighty dollar at all costs and in all ways.

My community was deeply moved, Madam Speaker, last week when the news, and actually the video taken by the Brothers to the Rescue when they passed over a rock in the Caribbean that belongs to the Bahamas, appropriately named Dog Rock, and we saw a family there, actually it was a group of 14 Cuban refugees, one of them, Rolando Martinez Montoya, a pro-democracy activist, opposition leader and independent journalist. He had been given a visa by the United States to leave with his family in 1995. However, despite the agreement between the Castro dictatorship and our Government, when the Castro dictatorship, every time it wants it, it simply ignores that agreement, and even though his family had been given a visa by the United States to come to our country, the Castro regime simply ignored the visas and did not let them out.

So he in desperation took his wife and four daughters to sea, and they landed on Dog Rock; and we saw last week how Adianet, the 11-year-old daughter of Rolando, died of exposure and lack of water and food on Dog Rock and how his youngest daughter, Camila, 4 years old, also died on Dog Rock.

So that is where the Cuban people find themselves on this Independence Day, having to flee in that type of desperation from a 38-year-old tyranny led by an Al Caponist madman.

We would expect, would we not, Madam Speaker, that the press and the international media might have had the sensitivity to cover the story of the 14 Cuban refugees last week, some of whom died on Dog Rock. No, I did not see a single story on our networks, national or international.

What I do see is this week, interestingly, there seems a be a little campaign about visit the exotic islands. If we look at this week's U.S. News and World Report whose owner, of course, Mr. Zuckerman, is looking for a deal at a ferocious pace from the tyrant, you will see News You Can Use: Hemingway's Cuba. Go to the mojito at the Hemingway Marina. Smoke a Cuban cigar. The Washington Post, on May 18: Return to a forbidden island. Also, about how Americans can go and visit the exotic nature of the forbidden islands.

The story of Cuba, the story of the discrimination, of the degradation, of the apartheid system imposed by the tyrant on the Cuban people, anyone who does not have access to dollars or is not a member of the hierarchy of the regime, is not a tourist, does not have access to the luxurious restaurants and hotels and the health care centers that are hard cash generators for the dictatorship, but we do not read about that. No. We read about return to the forbidden islands and Hemingway's Cuba.

Madam Speaker, I would insert into the Record these infamous stories at the time, at the time that the real story of Cuba is the suffering of its people, the agony of its people, the fact that its people have to seek refuge, even by going to sea, risking the lives of little children, and many of them actually die. That is the real story of Cuba that because of some unwritten conspiracy of silence is simply not reported by the media. That is what we are facing.

But the reality of the matter is that despite the little campaign of visit the exotic islands and another little campaign that is going on, interestingly enough, supposedly, we are supposed to have, according to another little campaign, a prohibition on the sales of medicines to Cuba when our law says, the Cuban Democracy Act that this Congress passed, said that we can sell, American pharmaceutical companies can sell medicines to Cuba as long as the medicines are not used for torture and are not used for reexport.

So, Madam Speaker, we will continue talking about this. It is a dreadful situation, the situation the Cuban people are faced with, but we are going to stand firm, we are going to stand with the Cuban people, and we are not going to lose sight of our objectives. The American people will continue to stand with the Cuban people until the Cuban people are free.

Madam Speaker, I include the following newspaper articles for the Record:

[From the Washington Post, May 18, 1997]

Return to a Forbidden Island: In Impoverished Cuba, Nothing—and Everything—Has Changed

(By Elinor Lander Horwitz)

Maritza smiles wistfully and passes her tongue slowly over her lips. "The '52's and '53's are best," she says. "Fifty-four was not so good a year, but '55—it was really excellent." She's not talking wine: She's talking Chevrolets.

Parked randomly along a street near the Plaza de Armas in Havana's old city, where she has taken me sightseeing, is a particularly dense grouping of 40- to 50-year-old American cars, predominantly Chevrolets plus one Dodge, an Oldsmobile, a Buick and a Plymouth. These are not rich people's collectibles. They are poor people's means of transportation. Maritza, a Cuban woman whom a friend had urged me to contact, casts a connoisseur's eye on a red-and-white, wide-finned 1953 relic parked next to her midget 1972 Polish-made Fiat. How in the world do the owners get replacement parts? She laughs at my simple-minded question. "We make them, we improvise," she says. "Cubans are very good mechanics."

I feel caught in a time warp. The decaying Chevys—the very ones I might have seen hot off the assembly line more than four decades ago—suddenly take on the status of metaphor for the once elegant, now deteriorating city. This is the second visit my husband, Norman, and I have made to Havana. The first, a few years before the 1950 revolution, was on our honeymoon. I was a college student-bride who longed to go abroad, and Havana was the only patch of abroad we could afford. And it was so easy to get there!

This time we arrived via three tedious flights: Washington to Miami, Miami to Nassau, and Nassau to Havana. With long waits in between. We carried impeccable visas and letters from the U.S. Treasury Department and our sponsoring organization verifying our permission to visit (there are severe restrictions for U.S. citizens trying to travel to Cuba). Norman, a neurosurgeon, was coming as a volunteer with an international relief agency in a program it runs jointly with the Cuban Ministry of Health. He would spend a week conferring with colleagues, examining patients, teaching interns and residents, and presenting research material. I was licensed to tag along. Earlier participants in the program had given us the names of people they'd met here, which is how I came to know Maritza and a number of other engaging Habaneros.

We had always hoped to return to Havana and, according to the laminated Cubana Airlines boarding pass I handed over as I boarded the flimsy-looking old Russian plane in Nassau, the feeling was mutual. "*Cuba te espera*," it said in decorative script. "Cuba is waiting for you." The bright yellow card was decorated with three red hearts.

The 1950s Cuba, under the repressive rule of Fulgencio Batisa, had plenty to offer American tourists. It was romantic, and it was glossy! Most people stayed in the pricey and glamorous Hotel Nacional, with its luxurious accommodations, highly regarded dining room and nightclub, and private talcum powder beach. We stayed at the Ambos Mundos on Obispo Street, in the heart of Old Havana.

Hemingway, still very much alive when we first visited the island, had lived in the Ambos Mundos while writing—depending on your informant—either "A Farewell to Arms" or "For Whom the Bell Tolls." We ogled the room he had occupied, dined at the rooftop restaurant where he had often dined, and drank daiquiris at the Floridita, which we were assured was his favorite bar. When we had dinner at a sidewalk cafe, ragged children came up to the table and begged for the bread on our table. We gave them that and pesos and smiles, and we told each other it was wrong to be having such a good time in a country where so many lived in unconscionable splendor while others didn't have enough to eat. And then a man with a guitar strolled over to our table and began to sing while we held hands across the table and blissfully dug into dinner.

Maritza is amused by my honeymoon tales. First stop on our 1996 tour is the Ambos Mundos. The hotel was closed for many years and has been in the process of renovation for many more. The place is entirely gutted and a man on the ground is sending a small bucket of plaster up to the fifth floor on a pulley-and-rope contraption. A pamphlet I've picked up says that you can learn about the life of Ernest Hemingway by staying there. "Ambos Mundos Hotel will open up in summer 1996 with 53 rooms of which 4 suites," it promises, but it is now fall, and it still looks like it's going to be a while.

Nearby, in the palace occupied by Batista way back then, is the Museo de la Revolution. There are photographs of the rebels in the mountains, bloody shirts and pants, canteens, rifles, the engine of an American plane shot down over the Bay of Pigs, and other mementos of turbulent times. One display titled in English "The Hall of Cretins," features huge, cartoonist figures of Batista in military garb, Ronald Reagan dressed as a cowboy and George Bush dressed as a Roman senator. Above the figure of Reagan, the caption says, "Thank you cretin for strengthening the Revolution." Bush's caption is, "Thank you cretin for consolidating the Revolution."

In the nearby Plaza de la Catedral, craftspeople hawk costume jewelry, maracas, woodcarvings and other knickknack. Che Guevara's face appears on key rings, ashtrays and T-shirts. Why doesn't Castro's face appear on T-shirts and key rings? I ask Maritza. "It wouldn't be respectful," she says and it's impossible to determine whether her inflection is dead serious or mocking.

I am trying hard to recapture the city I remember. One afternoon Norman and I journey uptown to peek furtively into the splendidly titled lobby of the Hotel Nacional, fearful of being accosted and asked whether we are paying guests. (Reopened and refurbished after years of being shut down, the hotel is as handsome and crowded as ever.) We gape at the splendid Spanish colonial mansions on the tree-lined avenues of the Vedado and Miramar districts. And then we retreat to the colorful narrow streets and shady squares of Old Havana, where we remember Cubans strolling, singing aloud. Our memories of this are so vivid, it must have been true, although there is no evidence of such today.

West of Old Havana is the Vedado neighborhood and our hotel, the Victoria, which is across the street from a row of picturesquely decaying Spanish colonial mansions, now occupied by many poor families. Up close, things aren't quite so picturesque. Laundry hangs from the windows, balusters are missing from the galleried rooftops, stairs are broken, garden statues are headless, yards are littered with trash. Nothing has been painted or repaired in decades. And venturing out at night onto the darkened, crumbling sidewalks and streets—where hordes of bikes without lights scoot by—is dangerous whether or not you encounter the street crime everyone warns about (we didn't).

Tourism has been revived in Havana, and crowds of Europeans, Asians, South Americans, Canadians and a much smaller number of Americans can be seen in the more celebrated restaurants. There is the luxurious new Melia Cohiba hotel, a joint venture between Cuba and Spain; much talk of further foreign investment in tourism; and work is going on around the clock on a new airport. Baseball games and performances by the excellent national ballet company provide stimulating entertainment, yet information about schedules is difficult to glean.

Restaurant food ranges from so-so to bad. The Cubans we invited to dine with us all chose paladares—the small, often-excellent restaurants families are now permitted to run in their own apartments. Families licensed to establish a paladar may set up no more than 12 chairs, arranged in whatever grouping of tables they prefer. Some paladares have signs, but most are known only through word of mouth. You ring a doorbell and enter a lobby, push the button for the proper floor and walk into someone's living room, where tables are prettily set and family members graciously rush to serve you.

At one paladar, we are seated on a breezy balcony, overlooking the water. At another, a particularly pleasant three-course dinner with assorted tasty appetizers set up on a small buffet table, a roast lamb entree and dessert of a rich fig pudding costs $12 a person, including beer and coffee.

These paladares, named for a family-run restaurant dubbed Paladar in a popular Brazilian TV sitcom, are one of the few forms of self-employment now permitted in Cuba. Since they accept payment only in U.S. dollars, paladar owners have the means to buy a wide range of foods at the hard currency stores.

The Hemingway shtick is still going strong here. Several restaurants and bars in the old city claim to have been his favorite. One of these, the tiny, crowded La Bodeguita del Medio, a block from the cathedral, still has ambiance aplenty. Since the 1920s, customers have carved their names on wood paneling, and there's no more space. Above the bar is a blow-up of a scrawled message by the great man himself. "The best mojitos are at the Bodeguita," it reads. "The best daiquiris at the Floridita, Ernest Hemingway."

Squeezed into a corner, in full view of this snippet of immortal prose, we order a mojito. It arrives in a tall glass, jammed with what appears to be seaweed but is, in fact, very soggy mint, and filled with a watery rum, lemon and sugar mixture. An undistinguished meal is tossed at us irritably. It is almost heartening to find that there still are tourist traps in Havana.

Just about everything is in short supply in this underdeveloped island country. Everyone is short of soap, and I lift a few tiny bars from the hotel maid's cart and pass them along to my new friends. All food is rationed. Staples—rice and beans—are cheap and abundant, although milk is available only for children under 7. At the Hotel Victoria, the milk is made from powder and manages to be foamy and lumpy at the same time. Meat, chicken and fish are not generally available, and at the time of our visit, the egg ration was seven a month. Each person is permitted one piece of bread a day.

Cubans call this is a periodo especial, a special period that dates from the dissolution of the Soviet Union in 1991 and the sudden cessation of what had been lavish subsidies. Gas, electricity, public transportation—all are in very short supply. When the periodic blackouts occur, not only the lights go out, but also the water, which is pumped by electricity.

The glittering and bustling tropical city I remember is a drab and quiet place today. For decades, there has been no money to maintain buildings and streets. Automotive traffic is light at all times. Gas, at $4 a gallon, is too experience for most Cubans, who earn on average $12 to $15 a month.

I ask a highly placed government official what he hopes, expects, fears the future will bring if Castro, now a fit-looking 70-year-old, retires? He laughs at the notion of retirement. "When Fidel dies," he says, "people won't be ready for raw capitalism. That's certain. They think they want more free enterprise, but they are too accustomed to free education and health care to ever give that up. It will be some sort of socialism.

"Don't misunderstand," he adds, when I ask about the one piece of bread a day. "Things here are difficult now, but there is absolutely no question that life under Batista was far worse for most Cubans. What you have to recognize is this: Cuba has always had one corrupt form of government or another."

While we are in Havana, everyone is talking about the International Trade Fair, an annual event that showcases products from countries worldwide (72 of them at this fair). Finally, I decide to go to the new exposition grounds outside the city with Robrto, a translator for the medical program that brought us to Cuba. The fair is jammed with people. Cuba is displaying pharmaceuticals, rum and cigars, and there are sparkling new cars from Japan and France, shoes from Italy, tablecloths from Mexico, furniture from Canada and children's clothing from Panama. As Roberto seats himself longingly behind the wheel of a shiny little yellow Fiat mounted on a revolving stand, may eyes falls on an Argentinean food exporter's display of Oreo cookies, Ritz crackers, Libby's Vienna Sausages, Wrigley gum, M&M candies, Kellogg's Frosted Flakes and Froot Loops.

Will Cuban children get to eat Froot Loops despite the U.S. embargo? Roberto rolls his eyes, but declines further comment.

I buy lunch at a sunbaked outdoor cafe, and we dine greedily on a cholesterol nightmare of fried chicken, french fries, beer and ice cream. Four musicians—two guitar players, a man on a bongo drum and another on maracas—suddenly appear at my elbow, grinning with mock flirtatiousness and breaking into the songs their fathers sang to diners in the cafes of Obispo Street in the 1950s: "Besame Mucho" and "Perfidia." I am overcome with nostalgia and tip generously, and they repeat the two songs over and over. And then, with almost manic zest, they break into a long song about Che Guevara.

The next day, at the airport gate, waiting hours for our return flight, we Americans—doctors, missionaries, journalists—exchange stories about the charm of the people we've met and the hardships we've witnessed. No one has answers.

The airport's air conditioning has been turned off to save electricity. Everyone is hot and avid to leave. But everyone wants to return "someday."

"Bring soap," we remind each other. "next time don't forget to bring everyone a few bars of soap."

A NATION FOR ALL TIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Madam Speaker, if we were to take a poll of the American people on the question, should the Government of the United States ever be allowed to shut down, everyone knows that the overwhelming answer would be no, of course not. Perhaps a 98-percent return on such a poll would indicate that response.

Benjamin Franklin and John Adams and George Washington and James Madison and their colleagues in Philadelphia in 1789 established a nation which they conceived to be one that would last for all time, never to be shut down, not even for 5 minutes. Yet, since I have been a Member of the Congress, and it has happened many times before that, but since I have been here, the Government of the United States has shut down eight separate times and the budget of the United States has not been completed on 53 occasions.

□ 1100

This alarmed me when I first came to the Congress, so I began to introduce legislation some 8 years ago that would prevent a Government shutdown; that would say that if we have not, as a Congress, completed the business of the day and formulated a budget by September 30, the end of the fiscal year, if we have failed to do that, then the next day there should be an automatic replay, an instant replay, of last year's budget just to keep the Government going that would prevent a shutdown while allowing the Congress to proceed to negotiate to complete the budget that it has deemed necessary to accomplish.

I have never been able to get it passed by the Congress because the President of the United States, whether it is Republican or Democrat, and the Congress, Republican- or Democrat-controlled, have failed to see the efficacy of the bill that I have introduced.

It seemed to me a simple proposition. We have a budget. If we come to the end of the budget process and no new budget has arrived, there are only three alternatives.

One is that the Government must shut down because of the lack of a budget. That is the constitutional result of having no budget.

No. 2 is to pass temporary funding measures, called continuing resolutions, for a specified time, a month, 6 months, 8 months, whatever we want, until the Congress and the President can agree on a budget.

Or third, we can adopt my proposition, which would simply say that if we do not have a budget, then the law should require an instant replay of last year's budget, thus ensuring that the Government of the United States would never shut down.

After 8 long years I finally was able to muster enough support from well-wishing Members, colleagues on both sides of the aisle, to bring it to a vote as part of the supplemental appropriations legislation just last week. I was really shocked, then, with the result. We won, and I felt elated about that. But the rhetoric that accompanied the opposition to my bill was astounding. All but a handful of enlightened Democrats voted against the bill and spoke against it.

What the Democrat rank and file, through their leadership, were saying is, you Republicans caused the shutdown last time. Therefore, we are not supporting your proposition to prevent shutdowns. Does that make sense? They say, you shut down the Government. Now the Gekas bill, which would prevent Government shutdowns, is unacceptable.

Figure out the logic to that, because I cannot. All that would do would be to continue Government, prevent Government shutdown, and the budget process could take on its own evolution in its own good time between the President and the Congress of the United States.

Many of them said that the reason they are voting no on this proposition to shut down the Government was because President Clinton, as he has, has promised to veto it. If the President of the United States does not want to see the Government shut down, why would he veto a proposition that would prevent Government shutdowns? Explain the logic of that to me, I ask the Speaker and the Members.

What in the world does that mean? We want to prevent a Government shutdown. Well, let us prepare legislation that would prevent Government shutdowns. Well, then let us veto the legislation that would prevent Government shutdowns.

The point is that it logically can be assumed that the people who vote against prevention of a shutdown favor the risk of a shutdown.

RECESS

The SPEAKER pro tempore (Ms. PRYCE of Ohio). Pursuant to clause 12 of rule I, the House stands in recess until 12 noon.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SUNUNU) at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We offer these words of prayer, gracious God, and we do so with humility and with grateful hearts. We place before You our own special petitions, asking that You would bless us when we need encouraging and give us vision for a new day. It is right to place these supplications before You, knowing that You have created each person in Your image and have given the gift of life and the opportunity for service to all. So we pray that You would breathe into our very souls the breath of forgiveness and the faith and hope and love with which to meet the responsibilities of the day. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BEREUTER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEREUTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 311, nays 44, not voting 78, as follows:

[Roll No. 139]

YEAS—311

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Flake
Foley
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (WA)
Hayworth
Herger
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Pastor
Paul
Paxon

Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Riley
Rivers
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watt (NC)
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NAYS—44

Abercrombie
Berry
Borski
Clay
Clyburn
DeFazio
English
Ensign
Fattah
Fazio
Filner
Gephardt
Green
Gutknecht
Hastings (FL)
Hefley
Hefner
Hill
Hilleary
Hilliard
Hulshof
Johnson, E.B.
Kucinich
LaFalce
Lewis (GA)
Lipinski
LoBiondo
Maloney (NY)
McDermott
McNulty
Miller (CA)
Oberstar
Pallone
Pascrell
Pickett
Pombo
Poshard
Ramstad
Schaffer, Bob
Stark
Stupak
Thompson
Watts (OK)
Weller

NOT VOTING—78

Ackerman
Bilbray
Bilirakis
Blunt
Bonior
Bono
Brown (CA)
Brown (FL)
Burr
Calvert
Carson
Chambliss
Conyers
Coyne
Davis (IL)
DeLay
Doyle
Ehrlich
Foglietta
Forbes
Fowler
Frost
Goodling
Graham
Greenwood
Gutierrez
Hastert
Hinchey
Holden
Hostettler
Hunter
Istook
Jackson-Lee (TX)
Jefferson
Jones
Kennedy (MA)
Kennedy (RI)
Kennelly
Lampson
Lantos
Largent
Lazio
Livingston
Manton
Markey
Martinez
McInnis
Menendez
Nethercutt
Neumann
Parker
Payne
Peterson (PA)
Portman
Price (NC)
Rangel
Riggs
Rodriguez
Rogan
Ros-Lehtinen
Sabo
Sanders
Sanford
Schiff
Schumer
Serrano
Smith, Linda
Souder
Taylor (MS)
Tiahrt
Towns
Velázquez
Visclosky
Waters
Waxman
White
Wise
Woolsey

□ 1225

Mr. BAKER changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin [Mr. JOHNSON] come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSON of Wisconsin led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of a certificate of the unofficial vote totals received from the Honorable Stephanie Gonzales, Secretary of State, State of New Mexico, which indicates that, according to the unofficial vote totals received by the nominees whose names appeared on the 1997 Special Election Ballot of May 13, 1997, the Honorable Bill Redmond was elected to the Office of Representative in Congress, from the Third Congressional District, State of New Mexico.

Sincerely yours,
ROBIN H. CARLE.

SWEARING IN OF THE HONORABLE BILL REDMOND, OF NEW MEXICO, AS A MEMBER OF THE HOUSE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico, Mr. BILL REDMOND, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. Will the Member-elect from New Mexico present himself in the well of the House along with the members of the New Mexico delegation?

Mr. REDMOND appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the United States House of Representatives.

WELCOME TO NEWEST MEMBER OF CONGRESS, THE HONORABLE BILL REDMOND

(Mr. SKEEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKEEN. Mr. Speaker, as dean of the New Mexico delegation in the House, it is my distinct pleasure and honor to welcome and congratulate the newest Member of the House of Representatives, the Honorable BILL REDMOND of Los Alamos, NM.

Mr. REDMOND won last week's special election to New Mexico's Third Congressional District. Mr. REDMOND won a most impressive victory in getting elected to the House, and many of us watched this race with significant interest and were involved in his successful election to Congress. I thank each and every one of my colleagues for their efforts on Mr. REDMOND's behalf.

I look forward to working with BILL REDMOND in Congress on behalf of the principles each of us hold dear to our hearts: family values, sound and responsible fiscal budget policies, a strong national defense, and a vibrant economic and business economy.

Welcome to the Congress, Mr. REDMOND, and I wish you the best of success in representing the people of New Mexico's Third Congressional District. You are in a tremendous body with a tremendous group of people. Welcome.

SERVING TO FULFILL A VISION FOR ALL AMERICA

(Mr. REDMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REDMOND. Mr. Speaker, I thank the gentleman from New Mexico [Mr. SKEEN]. I am sorry that our colleague, the gentleman from Albuquerque, NM [Mr. SCHIFF], could not be with us.

Mr. Speaker, jatahe from the Navajos, buenos tardes from our Hispanic brothers, and hello from the Anglo population from northern New Mexico.

Regardless of which of New Mexico's many languages I greet you with today, Navajo, Tiwa, Spanish, or English, we are patriotic Americans who love our country. We gave of our land to develop the weapons which ended World War II early and save hundreds of thousands of lives. We gave our language. We provided Navajo Code Talkers for the safety of our soldiers during World War II. We gave of our sons.

The Bataan Memorial in Santa Fe is a testimony to our Hispanic brothers who died in the death march. We love our families. We keenly understand the covenant of American culture, to provide for opportunity for our children that we can only imagine, while honoring our elders who gave to us what they could only dream.

I have campaigned on a vision of a free and a prosperous America, based on the idea that the hard-earned money of American workers belongs to them and their families first. I dedicate my first term in Congress to my parents, John and Mary Redmond, who sacrificed for their seven children to fulfill this covenant and this vision for their children.

So I join you today as a servant of my constituents to fulfill this vision for all of America. It is an honor to serve with you.

□ 1230

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

FLOOD INSURANCE CRUCIAL FOR HURRICANE SEASON

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, first of all, welcome to Mr. REDMOND.

This Member rises to urge his colleagues from hurricane-prone areas to remind their constituents and news columns and news releases that hurricane season is quickly approaching and, the key point, that now is the time to review their flood insurance policies to ensure adequate coverage.

As of March 1, 1995, the national flood insurance program very appropriately, under congressional direction, imposes a 30-day waiting period between the time the premium is paid and the time the policy takes effect. This important change was made to encourage at-risk individuals to maintain adequate coverage at all times rather than waiting to purchase coverage only when danger is imminent.

Constituents must take proper care of their investment by purchasing adequate flood insurance coverage at least 30 days prior to a disaster. Without taking this simple step, they have no standing to ask the other policyholders or the taxpayers to bail them out if their investment is lost due to unexpected flooding.

This is fair warning that we should pass on to our constituents. If Members need more information, contact FEMA.

IN HONOR OF THE GREEN BAY PACKERS AND THEIR SUPER BOWL VICTORY

(Mr. JOHNSON of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to salute the Super Bowl champions, the Green Bay Packers, who are in the Nation's Capital today as we prepare in this Chamber to debate a balanced budget agreement, the first in a long time; another long road to success will be celebrated here at the White House this afternoon as the champions of the football world meet the champions of the free world.

From Lambeau to Lombardi to Holmgren, from Bart Starr to Brett Favre, it has been 29 years since the Green Bay champions, the Super Bowl champions, the Packers, have once again returned the Lombardi trophy to its home, Green Bay, WI.

Behind this great tradition of winning are the fans, affectionately known as the Cheeseheads. They are in fact the owners of the Green Bay Packers. They have raised money to keep the team in the community, built a new stadium, sold out Lambeau Field for every game since the Packer's first Super Bowl victory.

May the grand tradition of the Super Bowl Green Bay Packers continue. I ask my colleagues to salute the Green Bay Packers, America's original "America's Team."

BUDGET AGREEMENT INTERNET ADDRESS

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, I would like those who would like the Internet address to get out a pen and paper. I will give that to my colleagues.

The Internet address for the budget agreement is http//hillsource.house.gov/budget.html. Documents dealing with the budget agreement are on the Internet, so all Americans can see how it came about, what is in it. The home page is labeled a balanced budget for America's future. This will allow the people at the same time as the Washington insiders to have the information.

Again, the Internet address is http//hillsource.house.gov/budget.html.

SUPPORT THE SHUSTER-OBERSTAR AMENDMENT

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Mr. Speaker, I rise today in strong support of the Shuster-Oberstar-Petri-Rahall amendment to today's budget resolution.

Without a world-class highway and transit system, the United States simply cannot hope to compete in our increasingly global economy. The Pacific rim nations and Europe are spending trillions of dollars on national infrastructure for a very simple reason: It makes good economic sense. We must do the same here at home.

The tremendous needs of transportation and infrastructure in my home State of Massachusetts and across this Nation depend on adequate Federal investment. The budget agreement as it now stands falls woefully short of allowing us to merely maintain our aging highway and transit system, let alone making greatly needed repairs.

The Shuster-Oberstar amendment is a sensible, bipartisan effort to increase transportation funding to minimum acceptable levels, offset by a minuscule across-the-board reduction in all parts of the budget except entitlements.

I am strongly committed to balancing the Federal budget, but balancing the budget is all about choices.

The President speaks eloquently about building a bridge to the 21st century, but that bridge is in desperate need of repair. I ask my colleagues to be bold, to be daring and to invest in our Nation's economic security and our future.

Vote "yes" on the Shuster-Oberstar amendment.

HIGHWAY IMPROVEMENTS SAVE LIVES

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, 42,000 Americans were killed in automobile accidents in 1995 and 1996, an increase of 2,500 fatalities since 1992.

The Federal Highway Administration says that road design and conditions contributed to 30 percent of those fatalities, which means that approximately 12,000 lives could have been saved by investing in better roads.

Highway improvements save lives. Eighty percent of all travel occurs on the Nation's highways, which means investing in better and safer roads is the single most dramatic step we can take in protecting the lives of our Nation's motorists.

The millions of dollars paid into the highway trust fund each year from our motorists is done with the expectation that it will be used not only to maintain but to improve the safety of the Nation's highways. This is not being done. Using the monies entrusted to us by the people for their intended purpose, the Shuster-Oberstar-Petri-Rahall amendment gives us the opportunity to fulfill our obligation to provide the safest roads possible for every man, woman, and child traveling on them.

In the name of safer roads, I encourage my colleagues to join me in supporting the Shuster-Oberstar-Petri-Rahall amendment on the budget resolution.

NO MFN FOR CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the White House supports MFN for China. The United Nations supports MFN for China. The Council on Foreign Relations and the Trilateral Commission, they support MFN for China; and naturally, China more than anyone else supports MFN for China.

It seems everyone supports MFN for China except American workers, and I think their reason is right on target. America's trade policy sucks. We are not going to have a job left, folks.

I would just like to say in closing out here that while we are budgeting our limited assets together, China keeps laughing all the way to the bank with a huge surplus.

Beam me up, Mr. Speaker, dot com.

VOTE FOR THE BALANCED BUDGET AGREEMENT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, 1969, "Mod Squad" on TV, American Vietnam students in the streets and Neil Armstrong on the moon, and the budget was balanced for the last time. How long ago was that? A Burger King Whopper could be purchased for 39 cents, a Coke for 15 cents, a gallon of gas, 30 cents, a Ford Maverick, $2,995, and a Ford Pinto, $1,919.

Needless to say, that is what we had at our house. The Beatles had just released "The White album," the Stones were crying "Gimme Shelter," and Jimi Hendrix was ending out the year with his fine album, "Band of Gypsies." He was still alive then. And then the best memorabilia of all, Mr. Speaker, and I do not know if I should show this photo or not, but after the previous speech, Woodstock, August 1969, and again the budget was balanced.

Mr. Speaker, today, if we want, we can listen to these great albums. We can vote for a balanced budget, and we can get the budget on Internet. The best technology from yesterday and the best of today is all before Members of Congress today in one single afternoon. Please vote for the balanced budget.

BALANCED BUDGET AGREEMENT PLAN OF ACTION WITHOUT DETAILS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I would like to emphasize that today's vote on the balanced budget resolution is essentially a plan of action without the details. While there is tentative agreement concerning Democratic tax cut and spending priorities, Republicans can still try to eliminate many of these Democratic priorities when the details are worked out.

According to today's Washington Times, the House Republican leadership has signaled that it is not opposed to the Republican right's conservative action team budget proposal, which may eliminate many of the Democrats' Families First priorities, including the HOPE education scholarship and the children's health care initiative, all in favor of larger tax cuts for the wealthy.

Democrats, Mr. Speaker, will be watchful to make sure that this does not happen. Both the tax cuts and the spending priorities must primarily benefit working families.

CAPITAL GAINS TAX CUT BENEFITS MIDDLE CLASS

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I have a question for those on the other side who constantly talk about tax cuts for the wealthy. Perhaps those on the other side are simply not aware of how important tax cuts on capital gains are to the middle class. Then again, maybe for liberal Democrats, the rich whom they despise so much, the wealthy whom they rail against so often, are simply code words for the middle class.

Although those who produce the most, who work the hardest, or even those who are simply fortunate, are considered the enemy by liberal Democrats, their opposition to capital gains tax cuts is flat out contrary to the interests of the middle class.

Mr. Speaker, are those on the other side aware that middle class Americans are pouring money into mutual funds as never before? In 1995, net assets for equity funds totaled $1.27 trillion, for bond funds, $798 billion. The typical mutual fund holder has a family income of less than $60,000 a year.

Listen to this: Of all of the shareholders, two-thirds have less than $75,000 family income.

The bottom line, a cut in the capital gains rate is a tax cut for the middle class.

□ 1245

SHUSTER - OBERSTAR - PETRI - RAHALL AMENDMENT TO THE FISCAL YEAR 1998 BUDGET RESOLUTION

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, I stand here today to encourage my colleagues on both sides of the aisle to consider transportation needs of their respective districts when considering the budget resolution. I remind Members, no, I implore them, to remain cognizant of just how many aspects of human society are dependent on our transportation systems: Employment, trade, land development, environmental quality, social equity, economic activity, energy and resource allocation, access to education, and access to health care.

The Shuster-Oberstar-Petri-Rahall amendment permits us to address the serious infrastructure deficiencies of our Nation. It does not interfere with balancing the budget by fiscal year 2002 and it does not cut any entitlement programs.

Transportation accounts for over $1 trillion in commerce annually. For every $1 billion of investment, 42,000 jobs are created. Please do not stunt the economic growth of our country by denying Americans essential transportation systems. Our daily existence depends on it.

THE MOST IMPORTANT TRANSPORTATION AND INFRASTRUCTURE VOTE

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today to alert our colleagues that we will be faced later today with the single most important transportation and infrastructure vote not only in this Congress, but for the next 6 years, because the vote today on transportation funding on our amendment will determine whether or not we are going to have the barely adequate funds necessary to reauthorize ISTEA and to deal with the donor State equity issue. Indeed, if our amendment passes, we are committed to dealing with the donor State equity issue.

The levels in the budget resolution are simply too low. It continues the dishonest practice of using trust fund revenue to mask the general fund deficit.

Get this. If the budget resolution passes without our amendment, the $33 billion which is the balance today in the transportation trust fund will be raised to $65 billion in the next 5 years, and those are not my numbers, those are CBO numbers.

Forty-nine Governors have signed a letter saying transportation levels are too low. So join us, support our amendment, and we will be able to fund transportation and achieve a balanced budget.

ATTEMPT TO OFFER A TRUE BALANCED BUDGET DEFEATED

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. Mr. Speaker, this was to be the year of tough decisions in Congress, as they planned for a balanced budget, decisions between tax cuts, increases in military spending, stability for Medicare and Social Security, investment in transportation or education. It is incredibly difficult for Congress and the President to decide between these competing priorities and constituencies. We cannot have it all, as we learned in the early 1980's.

So after months of wrangling and hand-wringing, Congress and the President did the predictable: They decided they did want it all and they wanted a balanced budget; big increases for the Pentagon, big tax cuts for the wealthiest Americans, and even a nod toward transportation and education.

It is too good to be true. Guess what, it is not. The budget negotiators simply assumed an additional $225 billion of income; no new CBO baseline forecast, no new economic forecast. Let us assume our way out of this problem, $225 billion that does not exist and will not exist, and I am not being allowed to offer a budget that does not assume that today.

SUPPORT BIPARTISAN AMENDMENT TO INCREASE TRANSPORTATION SPENDING

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, today's budget vote has unique significance to the reauthorization of ISTEA, since it locks in for the next several years the amount of transportation spending that we can include in a reauthorization bill.

All Members representing donor States and donee States who have come to plead their case before the Committee on Transportation and Infrastructure should pay special attention to the budget vote later today. Donor States want more equitable highway formulas, and I know their frustration, because I come from a donor State. Donee States want to protect their current shares.

Without more funding than is provided in the budget agreement, it will be impossible to satisfy all of the States, so both donor and donee States should be on notice that they will have to live with the ramification of today's budget vote for years to come.

Support the amendment of the Committee on Transportation and Infrastructure which increases funding for ISTEA, does not result in any cuts next year, and simply spends new revenues to keep the current $24 billion highway trust fund balance stable. The ISTEA reauthorization debate begins today. Vote "yes" on the Shuster-Oberstar amendment.

WE SHOULD REOPEN PENNSYLVANIA AVENUE

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the constituents, the tourists of my colleagues come every year. If they go anywhere near Pennsylvania Avenue they will find a traffic catastrophe. The heart of downtown is closed to the public because the White House area is no longer open to traffic.

Senators and Representatives from this region today have written the President asking that the Treasury, the Secret Service, and the District of Columbia sit down to work out a plan to reopen Pennsylvania Avenue. That plan must be consistent with the Secret Service concerns about the safety of the White House complex. We are fully cognizant of that.

But this region is No. 2 in the Nation in lost time to commuters and No. 1 in economic losses to commuters because of that lost time. Many Members know what this is about because they come into town in the morning to a closed Pennsylvania Avenue and all the traffic problems that have been brought. Open Pennsylvania Avenue gradually, consistent with the President's safety.

AMERICAN MEDICAL ASSOCIATION ENDORSES PARTIAL-BIRTH ABORTION BAN ACT

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the American Medical Association struck a blow for innocent human life yesterday when it endorsed legislation to outlaw the heinous practice of partial-birth abortions. Now the major obstacles in the way of a ban on this horrific procedure are President Clinton and the leaders of the most radical pro-abortion lobbies.

Let us hope that the American Medical Association's statement that we must restrict a procedure that, and I quote, "We all agree is not good medicine," will get the attention of the last remaining diehard on the wrong side of this issue. A partial-birth abortion is literally the killing in a most brutal fashion of a baby about to take its first breath of life outside the womb. It is a grotesque and inhuman practice. In a civilized society, it has absolutely no place.

Mr. Speaker, the Cincinnati Enquirer, my hometown's newspaper, in a hard-hitting editorial this morning, summed it up best. Again, I quote. They said, "It is time to declare that our society will no longer tolerate infanticide as a choice."

Let us ban this horrible procedure once and for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 815

Mr. CARDIN. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky, Mr. HAROLD ROGERS, be removed as a cosponsor on H.R. 815.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

1998 DEFENSE AUTHORIZATION STRIPS CITIZEN SOLDIERS OF RIGHT TO PAID MILITARY LEAVE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I would like to address an issue that affects all of our military Reserve and National Guard members who are Federal employees. The 1998 defense authorization bill proposes to take away the right of these citizen soldiers to earn their 15 days of paid military leave each year.

Up to this point this has been a highly successful military leave policy for civil servants who serve in the Reserve and Guard. Why destroy that policy? Rather, this U.S. Government should set the example by supporting the Reserve and Guard forces. These brave men and women make up 40 percent of this Nation's armed services. Removing such incentives will significantly jeopardize the recruitment and retention of these fine service members, and reduce the number of personnel who will volunteer for operations.

More importantly, Mr. Speaker, if we do not stop this proposal it will seriously jeopardize the safety of America, and the ultimate strength of our military forces and their ability to protect us.

HIGHER PRIORITY NEEDED FOR TRANSPORTATION FUNDING

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, the NEXTEA proposal and the recent budget agreement fall short of fulfilling the Nation's, Pennsylvania's, and Montgomery County's transportation needs. Much more needs to be done to protect our highways, bridges, and transit systems. Roads such as route 309 through eastern Montgomery County, PA literally threaten the safety of my constituents. This road has one of the worst safety records for a highway of its kind in the State. We need to have the legislation adopted, this Shuster bill.

Balancing the Federal budget is important. I have stood on the floor with my colleagues to make sure we pass balanced budgets to have deficit reduction, lower taxes, and tax limitations. However, within the overall budget framework, transportation needs to be given a higher priority if we are going to have any possibility of adequately funding the reauthorization of ISTEA and preventing any further injury and death on roads such as route 309 in Pennsylvania.

I further urge my colleagues today to vote for the Shuster-Oberstar-Petri-Rahall substitute to the budget resolution.

SILVER CHARM, FROM OCALA, FL, NEARS A TRIPLE CROWN WIN

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I appreciate this opportunity to inform my colleagues that after one of the most exciting races in the history of the Preakness Stakes held Saturday, Silver Charm, sired and trained in my hometown of Ocala, FL, is two-thirds of the way toward winning the Triple Crown.

I congratulate Bob and Beverly Lewis, the owners of Silver Charm, and I congratulate Jack Dudley, owner of Dudley Farms in Ocala, where Silver Charm was born. Not since 1978 has there been a Triple Crown winner, and that fine animal was another Ocala-bred horse, Affirmed.

Thoroughbred horse racing is unique among competitions, a combination of skilled riders and these carefully bred and trained animals. Increasingly, Florida is producing champion horses. The horse farms of Ocala and Marion County are bringing well-deserved recognition to our State. On behalf of the people of Marion County, I wish Silver Charm all the best in the Belmont Stakes in June.

LET US HELP PRESIDENT CLINTON AND PASS THE TAX CUT ON CAPITAL GAINS

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to do something extraordinary in politics. I want to pass legislation for which President Clinton can claim credit. It gets even stranger. The President opposes this legislation, even though he will accept it as part of a deal to get more social spending.

The legislation I am talking about is, of course, a cut in the capital gains tax. What will happen to the economy? Well, it is obvious. What will happen is exactly the same thing that has happened each and every time a tax cut in the capital gains tax has been signed into law. The economy will improve.

In a $7.5 trillion economy a cut in the tax on capital gains has a dramatic effect. So when the economy improves, President Clinton will surely cite every possible explanation for improved economic growth except for the capital gains tax. But job creators know what really creates jobs. So, ironically, he will get all the credit for an improved economy that is due solely to the change in how we tax capital investments, but I can accept that.

Let us help President Clinton, despite himself, and pass the tax cut on capital gains in his balanced budget agreement.

RECOGNIZING THE FIRST ANNIVERSARY OF THE ELECTION OF LI TENG-HUI

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, I rise today to mark the first anniversary of the popular election Li Teng-hui as the President of the Republic of China. This is historic because it was the first time in history that the people of China have elected their President, the first time a head of state in China has been elected by the people.

Last year 21 million in Taiwan went to the polls in record numbers. This was a tremendous victory, not just for President Li, who a number of Members have met over the years, but more importantly it was a victory of the people of China, because in going to the polls they defied the force and might of the mainland Chinese, who were launching missile tests and were doing everything they could to harass and intimidate the people on the island of Taiwan.

Mr. Speaker, for many years the people on Taiwan and their government have been our strong allies and friends. It is essential that we commit ourselves to standing with them. The Republic of China deserves our support, President Li deserves our support, and I am proud to stand today commemorating his election as the first ever popularly elected President in the history of China.

□ 1300

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND RULES ON WEDNESDAY, MAY 21, 1997

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that on Wednesday, May 21, 1997, the Speaker be authorized to entertain motions to suspend the rules and pass the following bills and resolutions:

H.R. 1377, Savings Are Vital to Everyone's Retirement Act of 1997;

H.R. 1306, Riegle-Neal Clarification Act of 1997;

H.R. 911, Volunteer Protection Act of 1997;

House Resolution 121, expressing the sense of the House of Representatives regarding the March 30, 1997, terrorist grenade attack in Cambodia;

House Concurrent Resolution 63, reaffirming the commitment of the United States to the principles of the Marshall Plan;

H.R. 956, Drug-Free Community Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later in the day.

PERMITTING USE OF CAPITOL ROTUNDA FOR CONGRESSIONAL CEREMONY HONORING MOTHER TERESA

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 26) to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa.

The Clerk read as follows:

S. CON. RES. 26

Whereas Mother Teresa of Calcutta has greatly enhanced the lives of people in all walks of life in every corner of the world through her faith, her love, and her selfless dedication to humanity and charitable works for nearly 70 years;

Whereas Mother Teresa founded the Missionaries of Charity, which includes more than 3,000 members in 25 countries who devote their lives to serving the poor, without accepting any material reward in return;

Whereas Mother Teresa has been recognized as an outstanding humanitarian around the world and has been honored by: the first Pope John XXIII Peace Prize (1971); the Jawaharal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); and the Presidential Medal of Freedom (1985).

Whereas Mother Teresa has forever enhanced the culture and history of the world; and

Whereas Mother Teresa truly leads by example and shows the people of the world the way to live by love for all humanity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on June 5, 1997, for a congressional ceremony honoring Mother Teresa. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. THOMAS] and the gentlewoman from Michigan [Ms. KILPATRICK] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 26 was approved by the Committee on House Oversight in its regularly scheduled meeting on May 14. The concurrent resolution authorizes the use of the Capitol rotunda on June 5 to allow for a celebration honoring Mother Teresa after she addresses a joint session of Congress. The Senate passed this resolution which was offered by the senior Senator from Kansas, Senator SAM BROWNBACK, on May 8.

Agnese Gonxhe Bojaxhiu, now known as Mother Teresa, was born on August 26, 1910, in Albania. She joined a Catholic Missionary order and went to India when she was 18 years old. In 1950, she founded the Missionaries of Charity.

Mother Teresa is one of those names known the world over. More important than being recognized, she has been honored the world over:

She was honored with the first Pope John XXIII Peace Prize in 1971. The Jawaharal Nehru Award for International Understanding was given to her in 1972. The Nobel Peace Prize in 1979, the Presidential Medal of Freedom in 1985 from President Reagan. And in 1996, Mother Teresa became the fifth person in the world to be conferred honorary citizenship from the United States by President Clinton.

For historical purposes, the first was Winston Churchill by President Kennedy in 1963, Raoul Wallenberg by President Reagan in 1981, and William and Hannah Penn by President Reagan in 1984.

Mr. Speaker, I reserve the balance of my time.

Ms. KILPATRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we live in an age that is sometimes easy to dismiss as selfish, self-absorbed, cynical, and cruel. Mother Teresa and her selfless dedication to the world's least fortunate serve as a powerful reminder of our age which still includes shining symbols, as Mother Teresa is, for goodness and compassion.

At our schools, wherever she takes us, she is always rededicating herself to the least of these. Permitting the use of the rotunda of the Capitol of the United States for a congressional ceremony to honor Mother Teresa and her life's work is something that I am proud to stand here today and be in full support of.

We will be focusing the attention of all Americans, whatever their faiths, on a symbol that can serve them well in our everyday lives. As we know, Mother Teresa was born in 1910 in Albania. She received the Nobel Peace Prize in 1979.

She is known as the Saint of the Gutter, where she spent tireless hours giving of herself, educating, providing people with hope who have no hope. I had occasion to meet Mother Teresa when she visited the city of Detroit a few years back. The aura that is instilled in her is there for anyone to see. She is a saint. And she is a person whom we all can take a look at and honor because she has given much of her life so that people have the hope that God has intended each of us to have.

Mr. Speaker, the Missionaries of Charity has branches in 50 Indian cities and about 30 other countries around the world. It numbers more than 3,000 members who have decided to follow Mother Teresa's example and dedicate their lives by serving the world's poor.

Mother Teresa is special to me personally. I am happy this Congress is going to have a dedication ceremony for her.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I would like to thank the gentleman from California [Mr. THOMAS] for his assistance in getting this piece of legislation to the floor so quickly. This came up on rather short notice, and we appreciate all his hard work and the work of the staff to expedite this bill.

The passage of this resolution, Senate Concurrent Resolution 26, authorizes the use of the Capitol rotunda for a congressional ceremony honoring Mother Teresa. This ceremony will take place on June 5. We are looking forward to hearing her comments and honoring her life.

It is during this time that we will present her with the Congressional Gold Medal as a small tribute for her lifelong dedication of service to those who are less fortunate, impoverished, ill, homeless, and destitute.

As we have heard already some of her awards and accomplishments, they go on and on. They are very numerous awards that she has achieved throughout her life. But I think the one thing that Mother Teresa stands out for is that, no matter who is the person she meets, she loves everybody. I think that she has followed the example that Christ laid down in that she loves her brother and her sister.

Ms. KILPATRICK. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 26.

The question was taken.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on Senate Concurrent Resolution 26.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING PRESIDENT TO AWARD CONGRESSIONAL GOLD MEDAL TO MOTHER TERESA

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1650) to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes.

The Clerk read as follows:

H.R. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Mother Teresa of Calcutta has greatly impacted the lives of people in all walks of life in every corner of the world through love and her selfless dedication to humanity and charitable works for nearly 70 years;

(2) Mother Teresa has expanded her personal dedication by founding the Missionaries of Charity, which include well over 3,000 members in 25 countries, who devote their entire lives to serving the poor without accepting any material reward in return;

(3) Mother Teresa has been recognized as a humanitarian around the world and has been recognized in the form of—

(A) the first Pope John XXIII Peace Prize (1971);

(B) the Jawaharal Nehru Award for International Understanding (1972);

(C) the Nobel Peace Prize (1979); and

(D) the Presidential Medal of Freedom (1985);

(4) Mother Teresa is a tool of God;

(5) God's love flowing through Mother Teresa has forever impacted the culture and history of the world; and

(6) Mother Teresa truly leads by example and shows the people of the world the way to live by love for mankind.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions to humanitarian and charitable activities.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, and use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE], each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this afternoon I rise in support of H.R. 1650, the bill to award a Congressional Gold Medal to Mother Teresa, a woman who is perhaps as close to sainthood as anyone this Congress is likely to meet.

Mother Teresa of Calcutta has set a standard of selfless dedication to humanity and charitable works for nearly 70 years. She founded the order, the Missionaries of Charity, which now includes over 3,000 members in 25 countries who devote their lives to serving the poor with no material recompense for their sacrifice. Among many other humanitarian awards, Mother Teresa has received the Nobel Peace Prize in 1979 and the Presidential Medal of Freedom 1985.

Mother Teresa of Calcutta is most renowned for devoting her life to the sick and dying, the poorest of the poor. She lives with them and ministers to their physical and spiritual necessities, seeking to influence the rest of us by setting an example and defining charity. This example must cause us all to reevaluate our lives in the light of her wholly admirable life. Mr. Speaker, the standard for a Congressional Gold Medal is the recipient must be someone one who has performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement itself. Mother Teresa's career embodying the principle of charity clearly meets and exceeds this standard.

H.R. 1650 complies with Committee on Banking and Financial Services rules regarding the authorization of congressional gold medals. Although a committee markup was not held, a majority of both committee and subcommittee members are cosponsors. There is no known opposition from Members of Congress or the U.S. Mint.

Mr. Speaker, this legislation may have set a record for the attraction of 325 cosponsors in a matter of hours. I understand that the sense of urgency is due to the desire of the House to present some tangible representation of this award during Mother Teresa's visit to the Capitol in a few weeks. The Congressional Gold Medal is the appropriate award, since it is the highest civilian honor this Congress can bestow.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1650, urge the House to unanimously extend the Congressional Gold Medal to Mother Teresa. Mother Teresa has captured the loving spirit of charity and exemplifies the moral obligation we all have toward a global community.

As she once said, the world today is hungry, not only for bread but hungry for love, hungry to be wanted, and hungry to be loved. She has indeed loved the most needy in the world since 1928. Born in Yugoslavia in 1910, she was raised in a comfortable environment. Comfort, however, did not mute her call to a higher purpose. Following her convictions, she became a nun in 1928, and eventually joined the Loreto Convent in India. Subsequently, in 1931, she took the name of Teresa in honor of St. Teresa of Avila, a 16th century Spanish nun.

While teaching in Calcutta in 1929, Mother Teresa took note of streets crowded with beggars, lepers, and homeless persons. She was in a city where unwanted infants were regularly left to die in the streets or in garbage bins. After 17 years of teaching, Mother Teresa felt the need to abandon her position as a teacher and instead began to care for the needy in the slums of Calcutta.

Mother Teresa became a citizen of India in 1948 and soon founded the Missionaries of Charity. She focused her work on poor children in the streets and in 1949 began enlisting recruits to join her in her order. The core principle of her order became one of lifetime commitment to serving the poor without accepting any material reward in return.

In the 1950's, Mother Teresa began the work that would gain her worldwide acclaim. She established a leper colony called the Town of Peace. For this the Indian Government awarded her The Magnificent Lotus Award in 1962. Pope Paul the 6th, that same year, placed Missionaries of Charity directly under the control of the papacy. In doing so, he allowed Mother Teresa to expand her order outside of India. Centers for lepers, the blind, the aged and the dying were soon opened all around the world.

The love, the concern and samaritanship so evident in Mother Teresa was honored by the Pope in 1971 when he awarded her the first Pope John the 23d Peace Prize. She received her greatest award in 1979 when she received the Nobel Peace Prize. As with other awards, Mother Teresa accepted the prize on behalf of the poor and used the monetary gifts to fund her centers. Today there are over 3,000 nuns in her order, and Missionaries of Charity centers in over 25 countries.

Mr. Speaker, these deeds and her consistent hard work on behalf of the needy have made Mother Teresa a paragon of charity. She has indeed left an indelible mark on our society. We should do nothing less than to follow her advice to make our homes centers of compassion and forgiveness endlessly.

□ 1315

Believing in this advice will make us all a better people.

I close by again advising this House to give support to the bill. It is a small gesture for our Nation to honor a larger than life human being. But as Mother Teresa has said, "We can do no great things, only small things with great love."

I believe that every Member voting for this particular legislation today will express to Mother Teresa not only our love but the love of the people of this Nation as we reach out to one who has always reached out to others.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I want to thank some of the people who helped in bringing this legislation to the floor.

When Senator BROWNBACK initially approached me with the idea of introducing this legislation on the House side just a month ago, I was not sure that we could get the needed 290 cosponsors in time for Mother Teresa's visit next month. As of today, we have 327 cosponsors.

That is why I want to thank the gentleman from Tennessee, Mr. ZACH WAMP, and the gentleman from Michigan, Mr. STUPAK, and the gentleman from Tennessee, Mr. BRYANT, and the gentleman from Nevada, Mr. ENSIGN, and the gentlewoman from Missouri, Mrs. EMERSON, for obtaining the necessary number of signatures and cosponsors because literally this was a team effort.

I would also like to thank the gentleman from Delaware [Mr. CASTLE] for helping expedite this bill through, as well as the gentleman from New York [Mr. FLAKE].

The cosponsor on this bill is my friend, the gentleman from Illinois, Mr. JESSE JACKSON. He and his staff have worked hard on this bill. They have helped work the issue on both sides, and I think it is a neat opportunity when two Members from the two different parties can work together in a bipartisan fashion and work together for the good of the country and for a cause that we all believe in.

On June 5, a woman who has made it her lifelong mission to serve others will visit this Congress. This woman can be recognized by all as the most important self-sacrificing heroine of our time. For this reason, my colleagues and I would like to grant Mother Teresa the Congressional Gold Medal.

Mother Teresa has spent the majority of her 87 years reaching out to the poorest of the poor and providing comfort to individuals who face nothing but hopelessness and despair. Her personal commitment to the sick and dying demonstrate her unceasing love and selfless devotion to mankind, serving as a true model for the world to follow.

She has proven repeatedly that no matter how indigent an individual has become, simple acts of love and tenderness can once again help them discover the true sense of dignity, humanity, and at least momentary peace. Her inspirational work will live forever and can be multiplied through the Missionaries of Charity, which now resides in every continent, even in Russia, where her sisters continue their service to the poor and neglected.

Today the Missionaries of Charity have more than 4,000 nuns who run over 5,517 orphanages, housing the impoverished, the ill, the homeless, and the dying. In a world that sometimes seems so impersonal and unaffected by the suffering of others, Mother Teresa has provided hope and encouragement through her endearing spirit. She has an exceptional character and has sacrificed the greater part of her daily life for others.

Mother Teresa is visibly perceived by many as a living saint. Her love and compassion for humanity will always serve as a constant reminder that no matter what age, gender, or faith one may be that every human being has the ability to make an impression on mankind. Her tradition of spirituality and compassion has made her one of the greatest humanitarians of all time.

Recently, a poll was taken here in the United States and of all the people that the United States said they respected the most, Mother Teresa was voted No. 1. Though weakened by a chronic heart ailment and other heart problems, Mother Teresa's deep hope and abiding faith in God will live on forever.

In closing, I would like to share some of Mother Teresa's wisdom by quoting her. She once said, "If we pray, we will believe. If we believe, we will love. If we love, we will serve. We can do no great things, only small things with great love."

That quote reminds me of Matthew 22 that talks about the greatest commandment of loving others. Mother Teresa has embodied what Christ called the greatest commandment, and the second greatest commandment was like the first.

I urge the immediate adoption of H.R. 1650 in a bipartisan fashion, and I thank the Members that have worked so hard in bringing this to the floor.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from Chicago, IL, Mr. JESSE JACKSON, Jr., the cosponsor of this legislation.

Mr. JACKSON of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to support H.R. 1650, and I would like to thank the gentleman from Delaware, Chairman CASTLE, and the gentleman from New York, Mr. FLAKE, the ranking member, for the opportunity to address this important piece of legislation commending and honoring the work of Mother Teresa. Mother Teresa has been referred to as a moral leader, a Nobel laureate who has also been regularly referred to as a living saint among us.

Mr. Speaker, I would also like to take this opportunity to thank my good friend, the gentleman from Nebraska [Mr. CHRISTENSEN] for providing me with the opportunity to cosponsor this worthy endeavor. When the gentleman initially approached me about the legislation, there was no equivocation whatsoever about my willingness to support and work on this side of the aisle to seek Democratic cosponsors of such a worthy piece of legislation. I think that the thoughtfulness of the gentleman from Nebraska on this particular piece of legislation is certainly an example of the kind of spirit that he has brought to this Congress, and it is indeed an honor to have the privilege of being a cosponsor with the gentleman on this piece of legislation.

Mr. Speaker, with this Congressional Gold Medal we honor Mother Teresa of Calcutta upon her retirement as superior general of the Missionaries of Charity, the order she founded in 1947 to care for the dying and destitute of Calcutta, India. This moral and spiritual leader, known to the world as the "Saint of the Gutters" for her lifelong work caring for the third world's poorest of the poor, continues her struggle for humanity despite her own physical frailty.

After suffering from malaria, from pneumonia, a heart attack, and after undergoing three heart surgeries just last year, the 86-year-old Mother Teresa has announced that she hopes that she is able to set up a base in China as her next project. Imagine that, 86, after having suffered from malaria, from pneumonia, a heart attack and three different surgeries, Mother Teresa keeps on giving and she never ceases to keep on giving.

The Albanian-born Mother Teresa, who bravely combats her physical weakness, lacks no internal moral strength or outward vision. She is motivated by the depth of her faith and spirituality. Through her direct humanitarian acts, carried out by the Missionaries of Charity, she has transformed millions of lives one by one in the order's AIDS hospices, soup kitchens, homes for unwed mothers, clinics, schools, and the homes for the lepers, the sick, and the terminally ill in 25 nations across this world.

The sisters of her order literally go out into the streets and physically lift the starving terminally ill, drawing them into these homes to provide them with shelter and medicine free of charge. Most importantly, the sisters offer the least of these, our world's most vulnerable, who have so tragically been cast aside by society, the dignity and the respect of which all human beings are deserving.

It is this spirit, the spirit of Mother Teresa, that I believe was probably best engendered in recent times in our Nation by the volunteer summit that took place in Philadelphia, where we saw Americans attempting to give back beyond themselves, beyond their class, beyond their race, and even beyond their own value system, to give of themselves, and no other person in our world for such a time as this has provided that as the gentlewoman from Calcutta.

Mr. Speaker, I believe we can all learn and embrace her example. She is motivated by her faith to do good. She feeds the poor because they are hungry; she houses the homeless because they lack shelter; she treats the sick because they are ill. Her love and her care is not conditional. Her service to humanity is based upon her deep seated belief that we are all members of one human family.

She treats people of all races and ethnicities, of all social stratum, equally, regardless of their relative wealth or poverty. In essence, this is what her deep sense of spirituality and religion compel her to do. Her righteous and selfless example is one from which we can all find inspiration and take guidance and direction.

Mr. Speaker, it is an honor today to sponsor this bill to bestow the Congressional Medal of Honor to Mother Teresa when she graces us with her presence on June 5. I thank my colleagues for the overwhelming support for this tribute to a truly remarkable member of the world community.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume, and solely to thank those who were the sponsors of this legislation. The gentleman from Nebraska [Mr. CHRISTENSEN] referenced this, but they did an extraordinary job of getting more signatures in this Congress in support of something than maybe anybody in the history of the Congress, for all I know, in a remarkably short time. So I congratulate them both on that. Obviously, the cause was extremely justifiable, which we have all learned here today, and we appreciate that, too.

I also want to thank the gentleman from New York [Mr. FLAKE] who continues to be a wonderful ranking member to work with on this committee. Hopefully, we will have some success again today as we have before.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume to say that, indeed, it is a joy to work with the gentleman from Delaware, and I am overwhelmed by the number of supporters that spoke on this bill and actually signed on in such short order.

I think that makes the ultimate statement of the value of this particular piece of legislation, and would hope that all of our colleagues would join us, for I think this expresses all that is a part of what our life ought to be, and that is loving our neighbors as we love ourselves.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume to encourage everyone to support this. We will be asking for rollcall votes so people will have an opportunity to vote for it.

Mr. PAUL. Mr. Speaker, I rise today in opposition to H.R. 1650. At the same time, I rise in total support of, and with complete respect for, the work of Mother Teresa, the Missionaries of Charity organization, and each of Mother Teresa's Nobel Peace Prize-winning humanitarian efforts. I oppose the Gold Medal for Mother Teresa Act because appropriating $30,000 of taxpayer money is neither constitutional nor, in the spirit of Mother Teresa who dedicated here entire life to voluntary, charitable work, particularly humanitarian.

Because of my continuing and uncompromising opposition to appropriations not authorized within the enumerated powers of the Constitution, several of my colleagues found it amusing to question me personally as to whether, on this issue, I would maintain my resolve and commitment of the Constitution—a Constitution, which only months ago, each Member of Congress, swore to uphold. In each of these instances, I offered to do a little more than uphold my constitutional oath.

In fact, as a means of demonstrating my personal regard and enthusiasm for the work of Mother Teresa, I invited each of these colleagues to match my private, personal contribution of $100 which, if accepted by the 435 Members of the House of Representatives, would more than satisfy the $30,000 cost necessary to mint and award a gold medal to the well-deserving Mother Teresa. To me, it seemed a particularly good opportunity to demonstrate one's genuine convictions by spending one's own money rather than that of the taxpayers who remain free to contribute, at their own discretion, to the work of Mother Teresa and have consistently done so. For the record, not a single Representative who solicited my support for spending taxpayer's money, was willing to contribute their own money to demonstrate the courage of their so-called convictions and generosity.

It is, of course, very easy to be generous with other people's money.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1650.

The question was taken; and (two-thirds having voted in favor thereof)——

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1650.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

SENSE OF THE HOUSE THAT HOUSE OF REPRESENTATIVES SHOULD PARTICIPATE IN AND SUPPORT ACTIVITIES TO PROVIDE DECENT HOMES FOR PEOPLE OF THE UNITED STATES

Mr. LAZIO of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 147) expressing the sense of the House of Representatives that the House of Representatives should participate in and support activities to provide decent homes for the people of the United States, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 147

Whereas the United States promotes and encourages the creation and revitalization of sustainable and strong neighborhoods in partnership with States, cities, and local communities and in conjunction with the independent and collective actions of private citizens and organizations;

Whereas establishing a housing infrastructure strengthens neighborhoods and local economies and nurtures the families who reside in them;

Whereas an integral element of a strong community is a sufficient supply of affordable housing;

Whereas such housing can be provided in tradional and nontraditional forms, including apartment buildings, transitional and temporary homes, condominiums, cooperatives, and single family homes;

Whereas for many families a home is not merely shelter, but also provides an opportunity for growth, prosperity, and security;

Whereas homeownership is a cornerstone of the national economy because it spurs the production and sale of goods and services, generates new jobs, encourages savings and investment, promotes economic and civic responsibility, and enhances the financial security of all people in the United States;

Whereas the United States is the first country in the world to make owning a home a reality for a vast majority of its families; however, more than one-third of the families in the United States are not homeowners;

Whereas a disproportionate percentage of non-homeowning families in the United States are low-income families;

Whereas the National Partners in Homeownership, a public-private partnership comprised of 63 national organizations under the leadership of the Department of Housing and Urban Development, has established a goal of reaching an all-time high homeownership level in the United States by the end of the 20th century;

Whereas there are many other nonprofit and for-profit organizations that, in partnership with the Federal Government and local governments, strive to make the American dream of homeownership a reality for low-income families;

Whereas national organizations such as the Fannie Mae Foundation, Freddie Mac, the Local Initiatives Support Corporation, the Enterprise Foundation, the Housing Assistance Council, and the Neighborhood Reinvestment Corporation, in conjunction with local organizations, have developed thousands of homes each year for low-income families and have, in the process, reduced urban decay and blight and fostered business activity;

Whereas the community building activities of neighborhood-based nonprofit organizations empower individuals to improve their lives and make communities safer and healthier for families;

Whereas one of the best known nonprofit housing organizations is Habitat for Humanity, which builds simple but adequate housing for less fortunate families and symbolizes the self-help approach to homeownership;

Whereas Habitat for Humanity provides opportunities for people from every segment of society to volunteer to help make the American dream a reality for families who otherwise would not own a home; and

Whereas the second week of June 1997 is National Homeownership Week: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) it is a goal of our Nation that all citizens have safe, clean, and healthy housing;

(2) the Members of the House of Representatives should demonstrate the importance of volunteerism and community service;

(3) the Members of the House of Representatives and Habitat for Humanity, with support from the National Partners in Homeownership, should sponsor and construct, commencing on June 5, 1997, two homes in the Anacostia neighborhood of the District of Columbia, each to be known as a "House That Congress Built";

(4) each "House That Congress Built" should be constructed primarily by Members of the House of Representatives and their families and staffs, involving and symbolizing the partnership of the public, private, and nonprofit sectors of society;

(5) each "House That Congress Built" should be constructed with the participation of the family that will own the home;

(6) upon completion and initial occupancy of the homes in the fall of 1997, the Members of the House of Representatives, their families and staffs, and local and national leaders from the public and private nonprofit sectors of society should participate, together with each family that will own a "House That Congress Built", in an event to celebrate the occasion;

(7) in the future, the Members of the House of Representatives and their families and staff should participate in similar house building activities of Habitat for Humanity in their own districts as part of National Homeownership Week; and

(8) these occasions should be used to emphasize and focus on the importance of providing safe, clean, and healthy homes for all of the people in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, let me begin by congratulating and thanking my colleague and friend, the gentleman from California [Mr. LEWIS], for this concept and for his introduction of this legislation.

I also want to thank the gentleman from Ohio, Mr. STOKES, the gentleman from Missouri, Mr. GEPHARDT, the gentleman from Georgia, Mr. GINGRICH, the Speaker of the House, the gentleman from New York, Mr. FLAKE, and certainly the gentleman from Massachusetts, Mr. KENNEDY, and the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, for their cooperation and collaboration to celebrate what I think is one of the more outstanding programs that we have in America, the creation of a synergy where people in the public sector and the community itself, businesses and the private sector, and the not-for-profit sector which have come together to contribute their time and resources and effort to give to their fellow neighbor one of the greatest gifts that one can imagine, and that is receiving the gift of home ownership, of obtaining the American dream.

□ 1330

This is through the Habitat for Humanity Program. We are about to begin a celebration in June, the second week in June, of self-help housing programs and in particular the Habitat Program.

This model builds upon an act that took place last year, where, for the first time, Congress acted to contribute about $25 million to ensure that thousands of Americans would be able to live the dream of homeownership through the Habitat Program.

I am looking forward to having my colleague from California, [Mr. LEWIS] explain in further detail what as a group we are going to do in a bipartisan way to help rebuild two homes in the Anacostia area.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to relate to the House that the gentleman from Massachusetts [Mr. KENNEDY] has been delayed because of air travel, and therefore I stand on his behalf, am happy to stand and speak on behalf of House Resolution 147, which is supported by Members from both sides of the aisle.

The resolution both recognizes the need to increase homeownership throughout the Nation and expresses the House's commitment to the building of two homes with the Habitat for Humanity here in Washington on June 5. I think Habitat for Humanity has demonstrated excellence in its ability to garner support from numbers of people in numbers of trades who have come together to volunteer their time and have demonstrated the means by which we might resolve some of the issues related to housing in this Nation.

This undertaking today is due to the leadership of the gentleman from California [Mr. LEWIS], whose creativity and commitment to affordable housing will unite the membership of this House with housing organizations like Habitat for Humanity in making homeownership a reality for the two families here in this Nation's Capital and, hopefully, will represent what can be done by sweat and by the equity of persons who are willing to invest of themselves to help to build homeownership in this Nation.

I appreciate the efforts of the chairman, the gentleman from California [Mr. LEWIS], and share in his commitment to improving housing conditions for all of the families in this Nation. It is my hope that we can work together in taking this effort well beyond the boundaries of Washington, DC and make them available to so many other people in this Nation.

Mr. LAZIO of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding. I want to express my deep appreciation to my colleague, the gentleman from Ohio, [Mr. STOKES], who has worked with me on this issue, and my colleague, the gentlewoman from Washington, DC, [Ms. NORTON], my local Member of Congress.

Mr. Speaker, last Tuesday Ms. NORTON and I came to this floor to speak to a very important need facing the citizens of the District of Columbia and indeed the entire Nation. The need is simple: Decent, affordable homes for the working families of the United States.

The gentlewoman from Washington, DC, [Ms. NORTON], Speaker of the House NEWT GINGRICH, the gentleman from Missouri, the House minority leader, [Mr. GEPHARDT], the gentleman from Ohio, [Mr. STOKES], the gentleman from New York, [Mr. LAZIO], and the gentleman from Massachusetts [Mr. KENNEDY] joined me in introducing this bipartisan legislation expressing the sense of the House that Members of Congress can do more than just talk about providing homes for our citizens and neighbors. Indeed, it is time for action.

On that very same day, the Speaker, Ms. NORTON, Mr. STOKES, the founder and president of Habitat for Humanity, Millard Fuller, and two very special families gathered together to celebrate an important milestone in the history of the Congress and the District of Columbia. These bipartisan leaders gathered to announce "The House that Congress Built," a unique partnership involving Congress, HUD Secretary Andrew Cuomo, leaders of the National Partners in Homeownership, and others.

On June 5, these leaders will begin construction of two Habitat for Humanity homes in Southeast Washington, DC. "The House that Congress Built" is a powerful symbol demonstrating the commitment of a bipartisan Congress and numerous organizations toward one common goal, providing a decent and affordable home for every American family. It is also an appropriate way to kick off National

Homeownership Week, the week of June 7 through 14, a campaign to emphasize local and national efforts to make the American dream a reality.

This unique effort is supported by the National Partners in Homeownership, an unprecedented public-private partnership working to dramatically increase homeownership in America. Presently, this membership consists of 63 members representing real estate professionals, home builders, nonprofit housing providers, as well as local, State, and Federal levels of government.

The goal of this partnership is to achieve an all-time high rate of homeownership, 67 percent of all American households, by the end of year 2000. There is still very much work to be done. This effort is only possible because of the inspiring work of Millard Fuller, the founder and president of Habitat for Humanity International, who has built a worldwide Christian housing ministry over a period of 20 years.

Since its creation in 1976, Habitat for Humanity and its volunteers have built homes with 50,000 families in need in more than 1,300 cities and 50 countries. As a result of Fuller's vision, more than 250,000 people across the globe now have safe, decent, affordable homes.

In Philadelphia recently, President Clinton, President Bush, retired Gen. Colin Powell and others gathered to salute the spirit of volunteer service that exists in this country. No other organization better illustrates this spirit than Habitat for Humanity. Habitat is an organization that brings people together. Its volunteers are as diverse as the people who live in these United States.

Most importantly, Habitat for Humanity promotes what Millard Fuller describes as the theology of the hammer, namely, putting faith and love into action to serve others. In this case, the theology of the hammer is being applied to assist two very special soon-to-be homeowners, Marlene Hunter and her family and Mary Collins and her family. Even before the first nail has been driven, Members of Congress, corporate sponsors and these families have made a commitment that will be fulfilled as these two homes are built this summer entirely by Members of Congress and their staff.

Let me assure my colleagues that this is only just the beginning. Next year we hope to continue this bipartisan effort by having every Member of the Congress make a commitment to build a Habitat home in his or her own congressional district. That is a commitment that will provide a home for 435 working families. Imagine an additional 435 first-time home buyers because of the hands-on work of every Member of this body. It is a first step, but an important beginning, nonetheless.

I want to thank my colleagues, Speaker NEWT GINGRICH, Minority Leader DICK GEPHARDT, the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, the gentleman from Ohio, Mr. LOU STOKES, the gentleman from New York, Mr. RICK LAZIO, and the gentleman from Massachusetts, Mr. JOE KENNEDY, for their commitment to this unique effort and for joining me in passing this bipartisan resolution

Mr. FLAKE. Mr. Speaker, there is a popular song by R. Kelly that says, "I believe I can fly."

The gentleman from Massachusetts [Mr. KENNEDY] has flown and arrived, so I yield 5 minutes to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, as the good Congressman, the gentleman from New York [Mr. FLAKE], who would rather be known as a reverend, understands, only he is capable of flying through this Chamber.

But I do want to, first of all, commend my good friend, the gentleman from California [Mr. LEWIS]) for the fine work that he has done on this bill. My colleague has been very, very, I think, diligent not only in his efforts to try and I hope continue funding for all housing programs, which is going to be a major issue in the course of the next few months, but also has been a strong advocate of volunteerism.

I think Habitat is one of these unique programs that comes along that blends both the needs for housing for the very poor people of this country that so desperately need shelter and mixing that with the spirit of volunteerism. I think the gentleman from California [Mr. LEWIS] ought to be commended by everyone in this Chamber and people around the country for his efforts on behalf of Habitat for Humanity.

I also want to thank my good friend, the gentleman from New York [Mr. LAZIO] and the gentleman from Iowa [Mr. LEACH], who had both sponsored some legislation last year in the Subcommittee on Housing and Community Opportunity which was controversial because of the nature of some of the funding supports for Habitat and, specifically, that was going to one congressional district down in Georgia.

But, in any event, the truth is that regardless of their efforts to target that funding to that particular congressional district that happened to be in the Speaker's domain, the truth is that we want to make certain that everybody understands the tremendous support that I think exists around this country for Habitat and the recognition of the fine work that it does in many communities in many States throughout the country.

I just want to briefly say that the work of Habitat is a wonderful and unique organization. The gentleman from California [Mr. LEWIS] has sponsored an initiative to get many of us in the Government to go and work on an initiative, I believe it is June 5, that I am looking forward to. I am hoping I do not bang too many fingers when I try to hit a nail.

The fundamental truth is that there are a number of different organizations around the country that blend together a sense of volunteerism with building homes for people in need. Habitat is one of the finest of that series of organizations, and I am delighted to see that we are supporting them in the fashion that we are here today. I again want to commend the gentleman from California [Mr. LEWIS].

I do want to suggest that, in terms of the overall housing needs of our country, that I am very concerned that the budget that we are going to be voting on in a few hours here on the House floor is not going to be providing enough funding for the housing needs of our country's poor.

We have already seen a vast reduction in the amount of funding that we spend on homeless Americans. We see even greater reductions in terms of the funding levels for everything from assisted housing to the public housing concerns of our country. And while efforts have been made to reform those needs, the truth of the matter is that if you are going to cut 25 or 30 percent of the funding levels, you can reform it all you want but you still are not going to be providing enough housing for the poor and the vulnerable people of our country.

So when the American people here that look on our city streets or in their neighborhoods and see homeless Americans, we cannot provide solutions to our housing problems by simply walking around pointing to antiquated public housing and saying, "Look at this great, terrible monstrosity," and our answer to the problems with public housing is to simply cut the budget.

This is not going to solve our housing needs. That is the solution that has been advocated. I am here today to salute those that want to support housing and support Habitat for Humanity's efforts to deal with the housing shortage that exists in this country.

Mr. Speaker, after spending 7 days on the House floor debating H.R. 2, the veto-bait bill which makes draconian reforms to our Nation's public and assisted housing programs, it gives me great pleasure to support this bipartisan resolution. Not only does the resolution acknowledge the need to increase home ownership throughout this Nation, it also expresses this body's resolve to assist two families in achieving home ownership. Our assistance does not entail the creation of a new program or the appropriation of new funds, instead it merely requires our time and energy and a little physical coordination. As outlined in the resolution, on June 5, myself and several other Members will leave our suits at home in exchange for hardhats and nail guns to join Habitat for Humanity and other dedicated housing organizations in building the first "House that Congress Built." Throughout that weekend, it is our intent to put two Washington families into two different homes.

While this effort will be an unprecedented achievement, I must say—it is not enough. There are numerous families in each of our congressional districts that could use equivalent assistance in achieving home ownership. And Habitat for Humanity cannot do it all alone. So it is our hope that Members will bring the "House that Congress Built" to their congressional districts in the future. Not only to bring the dream of home ownership to a fortunate family, but also to bring to the public's consciousness the benefits of providing affordable housing to all families—rich or poor.

There are 5.3 million families—just like the two families we are placing in these two homes—who live in severe conditions. And even if Members of the House built two homes every weekend for the rest of my life, we still would not meet those families needs. We must do more.

With that said, I look forward to working with the cosponsors of this legislation—Speaker GINGRICH, Minority Leader GEPHARDT, Chairman LEWIS, Ranking Member STOKES, and Chairman LAZIO—on June 5, and also in the future as we work toward bringing home ownership to more and more families in America.

Mr. LAZIO of New York. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, again this is about the creation of a partnership with Members of Congress in the community of Washington, DC.

Many Members of Congress live in the District. I am one of those who, when I am down here on Tuesdays, Wednesdays, and Thursdays, is a proud resident of the District of Columbia. It is appropriate that we give back not just in terms of our service in Congress but as part of the community.

The Habitat Program and other self-help housing groups across the country are gems in terms of their ability to bring people together and to build a better sense of community. For those people who are not familiar with the work that Habitat does, over 1,400 affiliates across the entire Nation, it is a program that brings neighbors together to help build a home for another neighbor who does not have the resources to construct a home themselves. We have business people donate doors and windows.

In last year's legislation, the Federal Government has begun to provide some small amount of funding that would help with those areas that are not easily donated, for example, roads and sewers and infrastructure costs that will help thousands of Americans obtain the dream of home ownership in the best of ways by bringing your neighbors together, their community together.

I just had the pleasure of being at a Habitat construction site in my own home district in Bayshore, where members of the public sector and businesses and the community leaders were all there swinging hammers, using saws, hauling around lumber, men and women of all ages feeling very good about the fact that they were giving to another neighbor.

□ 1345

It is one of the greatest gifts, as I said before, that a neighbor can give to another neighbor. We ought to feel very, very good about the fact that we have a program here where Members of Congress are going to be joining in to celebrate sort of self-help week in housing in June and that it will result in bringing to two families in the District that great feeling of pride of living under one's own roof in home ownership in one of the areas in which we have unfortunately been witnessing a decline in home ownership in the Anacostia area.

Mr. FLAKE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES], the ranking member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentleman from New York for yielding me this time, and I rise to commend the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from New York [Mr. LAZIO], and the gentleman from New York [Mr. FLAKE] for bringing House Resolution 147 to the floor.

Mr. Speaker, this is a good bill, it is one that I can support, and I am very pleased to be able to join with my distinguished friend from California [Mr. LEWIS], the author of this legislation. I really want to commend him because he and I work together very closely on the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations. I know his interest in providing decent housing in a suitable living environment for every American. This bill manifests that type of interest and concern he has in that respect.

In fact, I would like to just call the attention of the House to the fact that a few days ago, I was privileged to attend a press conference conducted by the gentleman from California where the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House, spoke and the gentleman from California [Mr. LEWIS] spoke and both the gentlewoman from the District of Columbia [Ms. NORTON] and myself were in attendance. Along with the Habitat for Humanity organizational people were two families here who reside in the District of Columbia for whom these homes are going to be built. They were two lovely families, very decent people, and if my colleagues could have seen the expressions on their faces and the joy in their faces at the knowledge that Members of Congress cared enough about them that they were going to come out and actually build a home for them. They even put up with our taunting one another about the fact that we lacked the ability to build a house, but we were determined that we were going to come out and do our best to build this home for them.

When I mention Habitat for Humanity, I do not know of any organization in America that does more to try and provide simple but adequate housing for the less fortunate in this country. Their approach is to build an attitude of self-help in these people, provide housing for them in safe communities, in safe neighborhoods. They have done such an outstanding job all over the country. In my own city, in the city of Cleveland, I have seen the results of the housing that they have built for people who are less fortunate in the community which I represent here in the Congress.

I am reminded at this time, too, that for many, many years, a former President, President Jimmy Carter, has been a man who has gone all over the country for Habitat for Humanity and helped to build houses. I just think at a time like this, I want to recognize his great contribution.

I think the beauty of this particular legislation is the fact that it has been so bipartisan. Members on both sides of the aisle have taken great pride in joining together with the realization that, working together, we can do something very special for the people of this country.

Mr. Speaker, what I would really like to say, I think, is that while we are looking forward to joining with the gentleman from California [Mr. LEWIS] in this effort to build these two homes for these people here in the District, I think that we ought to really look at this as not one shot. Each Member ought to be thinking of how we can expand this effort that we are going to participate in here in the District of Columbia all across the country. I think that ought to be the real purpose of this legislation, for us to carry forth the whereas clauses throughout this resolution in which we speak of a decent home and a decent neighborhood for every American. I think the way to do that is to not just build it here in the District of Columbia but to help do that all over America.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman from Ohio [Mr. STOKES] yielding.

It occurred to me earlier that it is no accident that the very day that we will go out in a bipartisan manner together attempting to make a difference in the lives of these two families here in Washington, DC, that Mother Teresa will be receiving a gold medal on behalf of the Congress. To say the least, the confluence of people serving people that both those activities reflect is very much a part of the spirit that I have found and brought back from Hershey, PA, where as the gentleman remembers when we were there together, there were 220 Members, Democrats and Republicans, who committed themselves to a new kind of dialogue in the House, moving away from this confrontation for the sake of confrontation. Indeed if this resolution ends up being a reflection of continuing that spirit, then all the better. I want my colleague to know I very much appreciate his assistance and his friendship.

Mr. STOKES. I appreciate the gentleman's remarks.

Mr. LAZIO of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. I thank the distinguished gentleman for yielding me this time.

Mr. Speaker, I would just like to stress that this is a bill made for commendation. The leadership of the gentleman from California [Mr. LEWIS], the gentleman from New York [Mr. LAZIO], the gentlewoman from the District of Columbia [Ms. NORTON], the gentleman from New York [Mr. FLAKE], the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. KENNEDY], and, of course, President Carter has been very significant.

Habitat for Humanity is a wonderful program. It is not a substitute for all public programs. This side understands that very well. In fact, with all the rancor of the debate the last 3 or 4 weeks in housing programs, it should be stressed that this House last week passed 100 percent of the President's recommended budget for public housing.

Indeed, in the budget agreement, fully one-half of the new nondefense discretionary funding will go for housing programs, about $35 billion out of $70 billion over the next 5 years. This Congress has committed this year and in subsequent years in effect to increase support for public housing. This should be very well understood.

Just because the issue was raised, I would stress that the bill last year that was critiqued a minute ago by one of the speakers had been endorsed by Secretary Cisneros and pushed strongly by President Carter. I am sorry that there was apprehension on the other side about prior Habitat programs. But the main point I would like to make is not to defend public housing programs, which have many problems and also important opportunities, but today to emphasize certain private sector efforts. Most, it should be stressed, are not extended by political figures but by committed people in many communities around the country, at the community level. Here, though, I think it is important that we also express our thanks to institutions that we have respect for in the private sector, particularly in this case Fannie Mae, Freddie Mac, the National Reinvestment Corporation, and the National Association of Homebuilders for their support.

In any regard, I think this is a time for thanks to be extended on all sides and to set a sense of perspective that this is a program that is very important, that is very symbolic. It does not replace other kinds of programs but is certainly a wonderful additional complement to them.

Mr. FLAKE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON], the district in which the homes are to be built.

Ms. NORTON. Mr. Speaker, I very much thank the gentleman for yielding me this time.

As a recipient of the largesse of this resolution, I come to the floor this afternoon to thank especially the gentleman from California [Mr. LEWIS], the gentleman from New York [Mr. LAZIO], the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from Ohio [Mr. STOKES], the gentleman from New York [Mr. FLAKE], the Speaker and the minority leader for their initiative on this wonderful idea.

I have very special thanks to give to the gentleman from California [Mr. LEWIS], however, for it is not only a wonderful idea, it was his bright idea, and I think it a bright idea not only, may I say, because my district will be the first recipient of this generosity of Members but because in a very real sense, the spirit of Hershey, of which he spoke so eloquently, may have found its best mode of expression. We have every right to ask, what in the world is the spirit of Hershey? How can one make the good feelings of that weekend live and last? It is very difficult to do. We do not often meet like that. We cannot meet like that very often. But we will be meeting like that on June 5. We will be meeting like that, making Hershey live in a way that I think we all have been searching for.

Partisanship is natural to the process of the House of Representatives and necessary to the process here. We represent different districts and different points of view. We come together as we do on many bills. But the fact is that bipartisanship on some issues is an absolute necessity.

Surely if there is to be bipartisanship on any issue, it is the future of the capital of the United States. To be sure, this Congress holds the capital in its hands because of its unique constitutional responsibility and because it has to vote for a small amount for the capital every year. But when the House builds its own house in the District, it reaches out to the people I represent in a way that is especially appreciated. The gentleman from California [Mr. LEWIS] has said this will be the house that Congress built. It will certainly be the house that the House built. It will be remembered that way, and it will be built in the Anacostia community, named for the river my colleagues have to cross to reach there, named for the place where many of the poorest Washingtonians live.

Those who will receive the generosity of the House during this initiative were there when it was announced by the Speaker. The HUD Secretary is on board, both sides of the aisle are on board and, of course, we are doing it through Habitat for Humanity which has done many good works in the District and which, of course, is the natural leader of this work here in the District.

May I thank the gentleman from Illinois [Mr. MANZULLO] who had spent numerous hours trying to find an appropriate project. We had found one and then we tossed that one out and another one was tossed out, and here comes the gentleman from California [Mr. LEWIS] with just the right project. The gentleman from Illinois, Mr. MANZULLO, and the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, who had been working together after Hershey will be working on this project as well.

This project has a larger goal: that by the year 2000, fully two-thirds of the American people will own their own home. We have done wonderfully in this country since World War II in encouraging and in achieving home ownership by Americans. What this project metaphorically says is that we are in this for everybody.

To show that we are in it for everybody, we are building a house for the poorest Americans and we are going to carry this concept everywhere. We are going to ask Members to take the concept back to their own districts. My colleagues will find that the Habitat habit is catching. When they see that colleagues are helping to build a house in their district, they are going to say, "Me, too," to the gentleman from New York [Mr. LAZIO], they are going to say to the gentleman from California [Mr. LEWIS], "We want one here. We want Habitat to come here and do what you did in the District of Columbia."

My colleagues are going to start something in the District and it is going to spread. It is going to spread its good feeling, it is going to spread to the housing industry, and it is going to help make affordable housing something other than an oxymoron. Thanks for helping in the District. Make sure that it is your district next.

Mr. LEWIS of California. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentlewoman yielding.

I just wanted to rise and say to the gentlewoman from the District of Columbia [Ms. NORTON], I very much appreciate the collegiality and the friendship she has extended to me. The symbolism that is the house that Congress built is just beginning. I think the gentlewoman already knows that any number of private partners have begun to contribute not just material but funds as well to make sure that the dollars are available to complete this facility. The gentlewoman has mentioned that this will go on from here.

□ 1400

Indeed I know that the gentlewoman and I will be working together in the year before us to encourage Members not just along with their staffs to complete these two homes in Washington, DC, but then, just think, next year as Members start looking to their district and working with Habitat and talking about the wonderful theology of the hammer and the effect that it can have upon this place. I have for some time now been most disconcerted by reactions in my own district where people are saying:

"Why don't you people ever work together? Why this partisanship almost for the sake of it?"

And indeed the gentlewoman and I have talked a lot about that. There is little doubt that this is a turning point in the Congress, and being able to work with the gentlewoman is a great privilege for me, and I appreciate her collegiality and friendship, and I thank her for her help.

Ms. NORTON. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS] not only for his kind words here this afternoon, but for this effort, this idea that so many have embraced and, may I say, for the collegiality and generosity he has shown the District of Columbia ever since I have been in the Congress.

Mr. FLAKE. Mr. Speaker, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself such time as I may consume.

Let me just say in conclusion that I am very proud to cosponsor this resolution drafted by my friend and colleague, the gentleman from California [Mr. LEWIS]. The House That Congress Built: what a wonderful name for legislation that will begin a process of having Members of Congress work with neighbors to help to build homes in the District.

I would also say that it ought not to stop here. We ought to be looking for new ways in which we can build on this community service, build on partnerships, build on helping one another, ensuring that people achieve the dream of home ownership, perhaps one of the greatest of American dreams, and restoring the sense of neighborhood that so many communities are lacking. The best way to do that is for us to pitch in and begin the process of creating the type of neighborhood partnership, the sense of being in it together, of a sense of helping those that need a helping hand, and this event, these two events of building these two homes in the District and Anacostia, are a very substantial step, although more than symbolism, a very substantial step in showing that this Congress cares about the self-help housing program and that we intend to use resources where we can find them to help augment a very important program, the Habitat for Humanity Program, and other self-help housing programs throughout the country so that other communities and neighborhoods throughout our great Nation can enjoy the fruits of this program, and the greatest fruit, in my opinion, is not the fact that we are constructing a home and enabling a family to have a roof over their head that they can own. The greatest pleasure of it all is that we bring neighbors together to do for another neighbor what they might not be able to do themselves.

So it is a high point certainly for us to be discussing this and then to be acting upon this on June 5, and I congratulate my friends on both sides of the aisle for their part in all this, and I urge passage.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, perhaps many who wonder what the big deal is about, Members of Congress and Habitat joining together to build two homes in the District of Columbia; I think all of us realize that there is a critical housing shortage in America, and those of us who are not only Members of the Congress, but persons like myself who does housing development, particularly in low- and moderate-income communities, we realize that this is an important step. I do not think anyone has done as much as President Jimmy Carter in terms of lifting the concerns of homelessness in the way that he has done since he left the White House to a level whereby we all know that it is a critical problem and that we can make a difference, and we make that difference not only by asking for Government dollars to rebuild communities, but make that difference by making the kind of individual investments of time, energy, resources to try to make this a better country for all of us to live in.

There is also another thing I think we ought to be concerned about, and that is, in addition to building housing, how to build the necessary support services. As my colleagues know, in many communities many of the commercial strips are devastated, people do not have access to basic services because they have been left behind, communities have not been invested in, in many instances between insurance companies and banks. There has been a redlining process that has negated the possibility of these communities being as strong as they could be.

So it is my hope that what we do today sends the message that not only will we be building houses, we will be rebuilding commercial strips, and of course all of this means that we will rebuild the lives of people, rebuild the quality of life for all Americans, and in so doing I think this Congress will make the greatest of all statements.

I would like to thank all of those who have participated in helping to bring this piece of legislation to the floor and all of those who will participate not only in assuring that these two people will have homes, but also that all of America will be housed.

Mr. Speaker, I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I just want to acknowledge finally two great Americans that have had outstanding contributions to the Habitat Program besides, of course, Millard Fuller, who is the president of Habitat and the hundreds and thousands, actually, of leaders involved in the affiliates throughout the country; our President Jimmy Carter, who has contributed so much of his time to provide a role model, and his involvement in the Habitat Program is well known throughout the country and is respected by both sides of the aisle, and the Speaker of the House, NEWT GINGRICH, for without his leadership last year we certainly would not be able to move out of our committee and onto the floor for passage and finally for signature on the President's desk the first major public partnership between the Federal Government and Habitat for Humanity that will bring that dream of home ownership to thousands of Americans.

So my hat is off to two great Americans, President Jimmy Carter and Speaker of the House, NEWT GINGRICH for their bipartisan support for a wonderful program, the Habitat for Humanity Program.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and agree to the resolution, House Resolution 147, as amended.

The question was taken; and (two-thirds having voted in favor thereof)——

Mr. LAZIO of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 408, INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–103) on the resolution (H. Res. 153) providing for consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 152 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 152

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1990, 2000, 2001, and 2002. The first reading of the concurrent resolution shall be dispensed with. All points of order against the concurrent resolution and against its consideration are waived. General debate shall be confined to the congressional budget and shall not exceed five hours and twenty minutes (including one hour on the subject of economic goals and policies), with five hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and twenty minutes controlled by Representative Minge of Minnesota or his designee. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except the amendments in the nature of substitutes designated in section 2 of this resolution, if printed in the portion of the Congressional Record, designated for that purpose in clause 6 of rule XXIII. Each amendment may be offered only in the order designated, may be offered only by a Member designated, shall be considered as read, shall be debatable for twenty minutes (except as otherwise provided in section 2) equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments designated in section 2 are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of question shall be fifteen minutes. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. The following amendments are in order pursuant to the first section of this resolution:

(1) the amendment numbered 1, which shall be debatable for one hour;

(2) the amendment numbered 2;

(3) the amendment numbered 3;

(4) the amendment numbered 4; and

(5) the amendment numbered 5.

SEC. 3. Rule XLIX shall not apply with respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 1998.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 152 is a modified closed rule providing for consideration of a historic document, House Concurrent Resolution 84, the budget resolution for fiscal year 1998, which incorporates the balanced budget agreement reached recently between the President and the congressional leadership on both sides of the aisle.

The rule is very similar to rules for the budget resolution in the recent past. The rule, not unlike the budget resolution itself, is the product of bipartisan negotiations and adequately reflects the spirit of fairness and cooperation in which those negotiations were carried out.

Mr. Speaker, House Resolution 152 provides 5 hours of general debate, including 1 hour on the subject of economic goals and policies, or the so-called Humphrey-Hawkins debate. The rule also provides for an additional period of 20 minutes of debate to be controlled by the gentleman from Minnesota [Mr. MINGE]. The rule then provides for consideration of five substitute amendments representing various contrasting points of view on budget priorities for the Federal Government.

Mr. Speaker, this is the third year in which the Committee on Rules has required Members filing substitute amendments to ensure that their amendment achieves balance by the year 2002. In other words, we are staying on this glidepath to a balanced budget, and whatever is adopted here today will guarantee that.

Members are entitled to devise substitutes reflecting different priorities where a common goal should be a balanced Federal budget by the year 2002.

The substitute amendments shall be considered in the order specified in the rule, shall be considered as read, shall not be subject to further amendment and waives points of order against them. The substitutes were also printed in the CONGRESSIONAL RECORD on May 19, Monday, and are therefore available in Members' offices today.

The substitutes shall be considered in the following order and are debatable for the following specified times:

☐ 1415

The gentlewoman from California [Ms. WATERS] for 60 minutes; the gentleman from California [Mr. DOOLITTLE] for 20 minutes; the gentleman from California [Mr. BROWN] for 20 minutes; the gentleman from Massachusetts [Mr. KENNEDY] for 20 minutes; and the last substitute will be offered by the gentleman from Pennsylvania [Mr. SHUSTER] and will be debated for 20 minutes as well.

Mr. Speaker, this rule also follows the precedent of the 104th Congress and provides that if anyone's substitute amendment is adopted in the Committee of the Whole, that action shall bring the House to an immediate vote on final passage of the resolution, as amended. What that means, Mr. Speaker and Members back in their offices, quite simply is that there are no free votes here today.

The amendment process for these substitutes is not king of the Hill, it is not queen of the Hill, most votes wins, or any other creation; it is the traditional, old-fashioned amendment process in the Committee of the Whole. If any substitute passes, let me repeat this one more time, the debate will immediately cease and the House will proceed directly to a vote on final passage, as amended.

Mr. Speaker, the rule before the House also suspends the application of House rule 49, the so-called Gephardt rule on the debt limit. A separate consideration of the debt limit issue is contemplated by the balanced budget agreement with the White House in the context of a reconciliation bill. For the third year in a row, we have squarely addressed the challenging issue of the debt limit and suspended this House rule which allows Members to avoid accountability.

Mr. Speaker, the rule allows for consideration of many of the various alternatives to this historic agreement that exists in this body. The rule will allow for a full day of deliberation and votes on these differing blueprints of our Nation's fiscal priorities.

Mr. Speaker, Thomas Jefferson, in a letter to a friend of his in 1816, gave the following charge. He said: To preserve people's independence we must not let our rulers load us with perpetual debt.

That was way back in 1816.

He went on to say: We must make our election between economy and liberty, or profusion and servitude.

Today, the House of Representatives, in a bipartisan manner, will act upon Jefferson's advice back in 1816. Let it be recognized that at the end of this day, the House will pass a bipartisanly supported balanced budget, something I admit that I never thought would happen in my 20 years here. This dramatic shift in the fiscal direction of our country is in large part due to the steadfast leadership and the committed drive of the gentleman from Ohio [Mr. KASICH] and the bipartisan members of that Committee on the Budget. They, and others who worked with them, deserve our commendation here today.

Now with respect to the actual budget before us, I would like to make a few observations. First, this balanced budget agreement does not reflect the complete priorities of any one Member. In fact, I can say with certainty that every Member in this House would probably have written this differently if he or she were the only one making the decisions. I know that if I were writing this budget, I would have had much deeper spending cuts, much more tax cuts, more entitlement reform, and more spending for defense. Those are all my priorities.

However, it is important to point out again that the nature of a democracy rests on the art of compromise, a compromise not in principle but in approach and process. That is what Ronald Reagan spent years trying to teach me, and it took a long time to sink in, because I see the gentleman from Massachusetts [Mr. FRANK] sitting over there, and we all think that our infinite wisdom is the best and that everybody ought to do exactly what we think.

This compromise is epitomized in the leadership of the Committee on the Budget in crafting a bipartisan agreement that reflects the principles of balanced budgets, lower taxes, lower spending, and a smaller Federal Government. Indeed, this budget reflects the charge of Jefferson enduring more economy and more liberty.

Second, on balance, I think this is a good budget, it is built upon permanent spending savings and permanent tax cuts; not temporary, permanent. These are specific changes written into the law, something radically different from the procedural spending caps and deficit targets included in previous budget agreements, such as Gramm-Rudman-Hollings. We all know what happened with those, because there were no permanent spending cuts and there were no permanent tax cuts.

Last night up in the Committee on Rules, the gentleman from Ohio [Mr. KASICH] elaborated on just how far we have come. I think my colleagues ought to listen to these facts. First, this agreement balances the budget for the first time in 30 years, and for only the second time in the last 40 years. Then we wonder how we got ourselves into this deficit mess we are in today. Government spending will be less, listen to this, less than 20 percent of the gross domestic product for the first time since 1974. That is 22 years ago. America will save, and my colleagues ought to listen to this, some conservatives who are like me, America will save $600 billion over the next 5 years in entitlement spending.

That means entitlement reform, I say to my colleagues, the fastest-growing portion of this budget. Nondefense discretionary spending will grow at a rate of one-half of one percent a year over the next 5 years. How is that different? Because over the last 5 years, it has grown by 6 percent.

Now, the next 5 years it is going to grow by less than half of one percent, and contrary to what some have asserted, this budget is built on conservative assumptions that the economy will grow at 2.1 percent over the next 5 years, that unemployment will rise to 6 percent, and that the consumer price index will continue to go up. However, the economy has actually been growing stronger, reaching 5.6 percent in the last quarter, so we can see the differences here. The unemployment rate has remained below 4.9 percent, not 6 percent, as is projected in this budget agreement. So those mean real, real changes. The CPI may actually be going down.

Mr. Speaker, this budget is built on sound economic assumptions as well as a strong and vibrant national economy. Furthermore, the chairman of the Federal Reserve Board, Alan Greenspan, has stated that balancing the budget will further improve the performance of the economy, which will make these figures even more important. This is not a budget of rosy scenarios and numbers games, this is an honest fiscal blueprint, and if this fiscal conservative is standing here telling you this, I think you can believe it.

Mr. Speaker and Members, this budget resolution, and the reconciliation bills that follow it, are perhaps the most important bills we will pass this Congress, important in the sense that they will directly benefit every single American family in this country. We owe it to those families to pass this budget today, and once that is done, we face the difficult task of summoning the courage to vote yes on the enabling authorization and appropriation measures that will cut spending, cut taxes, and cut the deficits that are bankrupting future generations of America and turning this country into nothing more than a debtor Nation.

I, for one, stand here today and pledge right now that I will vote for every one of those spending cuts that is going to live up to this very, very difficult agreement. This budget is a victory for America's children, and I believe something this Congress and even this President should be proud to support. I urge my colleagues to follow Thomas Jefferson's instructions, to improve independence, to preserve independence, and maximize liberty by supporting this rule and supporting this balanced budget agreement today.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I begin my formal remarks, I have a question for the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

The question is, is this rule a moving target? There evidently is some controversy on your side, continuing controversy on your side, as to whether the Minge amendment should be made in order. It is not currently made in order under the rule, and I would ask the gentleman whether he contemplates asking the House to amend the rule to make the Minge amendment in order.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to my good friend from Texas, [Mr. FROST], that we have that under consideration. As the gentleman knows, there has been evidently a misunderstanding as far as the Minge substitute, which is the better-known blue dog substitute, whether that was supposed to have been made in order or not. As the gentleman knows, there were 20 minutes of debate set aside during the general debate time for the gentleman from Minnesota [Mr. MINGE] and his associates.

There are conversations going on now with the Republican leadership, the Democrat leadership, to find out how we might remedy the misunderstanding. Unfortunately, we probably will not know that for another 15 or 20 minutes, but I would hope to receive some direction in the next 10 or 15 minutes and I will be glad to enlighten the gentleman as soon as I am enlightened myself.

Mr. FROST. Mr. Speaker, so it is possible that the gentleman will seek to amend the rule, either by unanimous consent or by motion, at some point during this hour?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, there is that possibility, but again negotiations and communications are going on, on both sides of the aisle, and I will let the gentleman know as soon as possible.

Mr. FROST. I thank the gentleman.

Mr. Speaker, I would point out, again, as the gentleman knows, that the Members on my side of the aisle moved in the Committee on Rules last night that the Minge amendment be made in order and that that was rejected on a straight party line vote. It would be helpful, Mr. Speaker, for us to have some degree of notice as to what the rule really is. This really handicaps debate, not knowing what we are debating.

So I would urge the disagreement on the Republican side, between one group of Republicans and the other group of Republicans, to be resolved as quickly as possible, so that we may know what rule we are dealing with.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield again?

Mr. FROST. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman points out that all disagreement is on this side, but I would just inform the gentleman, or recall to him that the President of the United States does not support the Minge amendment, and has asked for no amendments in effect to have been made in order to pass on this floor, so it is not just the Republicans, it is the Republicans and Democrats that are trying to work out this problem to make sure that we do not break this agreement. It is terribly important we keep the agreement together.

The gentleman knows I happen to support the Minge amendment and would like to see it made in order, and hopefully we can do that but we will have to wait and see.

Mr. FROST. Mr. Speaker, I would hope that the disagreement between one group of Republicans and the other can be resolved as quickly as possible so that we can know what rule we are debating.

Mr. Speaker, the rule before us gives Members of the House the opportunity to make a choice on how best to balance the Federal budget in the next 5 years. In addition to the text of the budget resolution reported by the Committee on the Budget, the rule makes in order five substitutes which address different budgeting priorities. Each substitute offers an alternative to the agreement negotiated between the Republican leadership and the President.

I would like to point out, however, that the rule does not, as I just mentioned, does not make in order a substitute which the gentleman from Minnesota [Mr. MINGE], brought to the committee on behalf of the coalition. During our consideration of this resolution in the Committee on Rules last night, I offered an amendment to the rule which would have allowed the coalition substitute to be considered today. That amendment was defeated on a straight party-line vote.

While the rule does give the gentleman from Minnesota [Mr. MINGE] 20 minutes of debate time in order to explain the coalition's position, it is indeed unfortunate that the Republican majority did not make his substitute in order last night.

As I said, Mr. Speaker, the rule does make five substitutes in order. The first, which will be offered by the gentlewoman from California [Ms. WATERS] is an alternative budget offered by the Congressional Black Caucus. This substitute provides for no tax cuts until after the year 2002, and meanwhile, provides increased funding for domestic discretionary programs as well as fewer cuts in Medicaid or Medicare.

The second substitute offered by the gentleman from California takes the opposite tack of the Waters substitute. This proposal reduces nondefense discretionary spending by an additional $109 billion over the 5 years and uses those freed-up funds for additional tax cuts.

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The third alternative will be offered by the gentleman from California [Mr. BROWN]. The Brown substitute increases nondefense discretionary outlays and makes no provision for tax cuts until after the year 2002. The focus of the Brown substitute is on investment spending for economic growth in such areas as research and development, transportation, and education and training.

The fourth alternative, which will be offered by the gentleman from Massachusetts [Mr. KENNEDY], cuts less from Medicare and spends more on domestic discretionary programs than does the Committee on the Budget recommendation. The Kennedy substitute provides $100 billion more for health, education, transportation, research and development, economic development programs, than does the budget agreement. The Kennedy substitute provides $60 billion in tax cuts over the 5 years compared with the $85 billion recommended in the committee resolution.

The fifth and final alternative, to be offered by the gentleman from Pennsylvania [Mr. SHUSTER], increases spending on transportation programs by $12 billion over the amount provided in the budget agreement. These increases are offset by across-the-board reductions in discretionary spending, both defense and nondefense, as well as by a reduction in the tax cuts provided in the committee resolution.

As Members can see, Mr. Speaker, Members of the House have offered distinct alternatives to the budget agreement. Each provides a different means of achieving the goal of a balanced budget by the year 2002. But all Members should take careful note of how this rule is structured. If any of these alternatives is adopted, then the House will have finally spoken and no other alternative will be voted on, nor will the committee resolution be voted on.

In other words, if, for instance, the Brown substitute receives a majority vote, then the House will never vote on either the Kennedy or Shuster substitute or the committee bill.

I urge my colleagues to listen very carefully to the debate over the course of the next few hours. The decisions we make here today will affect every man, woman, and child in this great country of ours. The votes we cast today are, however, only the first step toward implementing a plan to balance the budget. The really hard votes are yet to come.

Mr. Speaker, even if we pass a plan tonight or sometime early tomorrow, all we have done is establish a framework. No Member is obligated to support legislation implementing this plan if he or she ultimately considers it unfair or ill-conceived. Members will need to examine the reconciliation package that emerges from the committees of the House later this summer very carefully to ensure that their provisions do not unfairly affect one segment of our population in order to provide gain or benefit to a few.

Mr. Speaker, no matter what decision the House reaches today, let us be sure that in the coming weeks and months that the decisions we make in implementing a balanced budget plan are fair and equitable and benefit all Americans.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Westchester, OH [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I appreciate the opportunity to be here and share my views about this important rule. Let me congratulate the gentleman from New York [Mr. SOLOMON] and the members of the Committee on Rules for putting together a rule that will provide for a fair and open debate from many different viewpoints on this issue of the budget.

Today really is another historic day in this Congress, another milestone in the 33 months that Republicans have controlled this House. Last year, we passed historic reforms like welfare reform, trying to bring dignity back to American families and encourage those on welfare to help them become more productive members of our society. We passed illegal immigration reform, health care reform. We eliminated some 300 Federal Government programs and reduced spending by $53 billion over those 2 years.

Today is another step in the direction of a smaller, less costly, less intrusive government here in Washington, when we pass a resolution to balance the Federal budget over the next 5 years. Balancing the Federal budget will bring fiscal responsibility to Washington and begin the process of saving the future for our children.

As part of this agreement Members will see us provide permanent tax relief for American families. Our $500-per-child tax credit, capital gains tax cuts for all Americans, and in my district for farmers and small business people, this will be a huge benefit to them.

Members also see us work in this agreement to save Medicare. Medicare, as we all know, is going broke. It is an important program for our senior citizens. We need to protect and preserve Medicare. That will be part of this agreement. It will not solve the problem long term, but it will provide 10 years of solvency to the Medicare trust fund.

Is there a lot more to do? You bet. But I have to tell the Members, as one who has been here for just 6 years, this is another giant step for this Congress. The real winners in this agreement are not Republicans and not Democrats, but the American people and our children and their children who will benefit because they will have the shot at the American dream that today is in jeopardy for them.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the rule does provide for a reasonable amount of debate, but it is a flawed process. In the first place, it is simply wrong for us to be debating on such short notice such a comprehensive piece of legislation. There simply has not been time, and no one can begin to argue that there has been, since the deal was cut last week, for there to be any thorough airing of this.

This process disserves democracy, Mr. Speaker. People talk about the American people, but apparently do not have enough confidence in them, Mr. Speaker, to let them make the decisions through the normal democratic process.

I reject the notion that the democratic process has broken down. Through the normal democratic process in the 1993 budget agreement that I voted for, as did many on this side, we have brought the deficit down. We have brought the deficit down unusually, unlike during the Reagan years, at a time when we are stimulating the economy.

Indeed, the Federal Reserve is in a meeting now, and I do not know whether they decided to try and slow it down again, I hope not, but the economy in fact we are told by the Federal Reserve is growing too quickly. We are beginning to make progress. That does not mean we can rest on our laurels. It does mean that there is no argument for short-circuiting democracy, for having a comprehensive budget deal, arrived at in private meetings, voted on within a couple of days, and to preempt decisions that the voters ought to make.

How can we decide today what the breakdown between military and nonmilitary spending ought to be 3 and 4 years from now? How can we today decide that we are going to put limits on health research, limits on community development? How do we make those decisions today, and why? What is the matter with letting democracy function? Why should we not allow, in the 1998 and 2000 elections, this country decide?

We should be getting the deficit to zero. We are making progress, and indeed, we will have made more progress in terms of reducing the deficit in dollar terms over the last couple of years without this deal than we are going to make in the next couple of years with this deal.

The first impact of this deal will be to slow down the progress. Instead, we ought to slow down the deal.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, the budget is that one piece of legislation where we really set forth priorities for America. We decide what is important to us, what our values are, and in effect, we put a price tag on them. In the Shuster-Oberstar-Petri-Rahall substitute provided for in this rule later tonight, Members will have an opportunity to make a choice for the future of America. We will offer Members the opportunity on behalf of all Americans to make an investment in America's transportation needs in $1 trillion of our $6 trillion national economy, which is what transportation accounts for.

What we will do in this substitute is equally cut across-the-board, one-third of 1 percent over 5 years reduction in domestic discretionary, defense discretionary spending, and the tax reduction will be one-third of 1 percent less than proposed, in order to put back into transportation the tax dollars we pay at the gas pump.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, we are dealing this afternoon and this evening with one of the more dramatic and far-reaching budget resolutions that has been considered in Congress in recent memory. We have a bipartisan resolution that is designed and calculated to use Congressional Budget Office forecasting and eliminate this deficit by the year 2002.

At the same time, we are dramatically reducing taxes and we are expanding programs. I think for many of us this seems too good to be true. Some of us are pinching ourselves and saying, is it possible that it cannot be true? How can we ensure that we achieve the results that we expect?

Several, in fact, over 60 in this body signed a letter that went to the chairman and the ranking member of the Committee on the Budget saying that we need to have enforcement language in the budget resolution, representing the sense of Congress, as to what our goals are, and we were not able to get that language into the resolution in the committee.

We were told in the committee that we would have an opportunity to present that in a substitute budget on the floor. Unfortunately, the rule does not allow that substitute to be considered. For this reason, I must rise and strongly, strongly oppose the rule that is before us this afternoon, and say to my colleagues on both sides of the aisle, a bipartisan effort to include significant strong enforcement language has been undermined by the machinations of staff or someone in this institution.

I think it is deeply regrettable that this bipartisan undertaking, which would have been historic, will not be allowed to proceed, and I urge all of my colleagues on both sides of the aisle to vote against the previous question and against the resolution.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Columbus, OH [Ms. PRYCE], a very distinguished member of the committee.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of the rule and the resolution of the Committee on the Budget. After years of deficit spending, we can begin laying the groundwork today for an honest balanced budget, while at the same time providing permanent tax relief, reforming Medicare, achieving significant entitlement savings, investing in domestic priorities, and making sure that the Government lives within its means.

Unlike the budgets of the past, this resolution is based on steadily declining deficits every year until 2002, when we can expect a budget surplus. Imagine that, Mr. Speaker, a surplus is actually within reach. I know it is hard to believe, especially when we consider that the Federal Government has not balanced the budget in nearly a generation.

That is simply a crime, Mr. Speaker, a crime against our children and our grandchildren who deserve a sound financial future. We have to stop robbing them of the opportunities and prosperity that they deserve.

Mr. Speaker, I have been an advocate for victims of crime almost my entire professional life. I think it is time to consider another kind of victims' rights, the right of future generations who will be crippled by higher taxes and a crushing debt unless we commit ourselves today to a balanced budget.

Getting to where we are has not been easy. The political rhetoric and demagoguing has been almost overwhelming at times. But we listened to the American people and we persevered. I congratulate my colleague, the gentleman from Ohio, Mr. JOHN KASICH, for his years and years of hard work, for his commitment to the good of the country, and for his determination in working to make this a bipartisan agreement.

Nobody would say that this is perfect. All of us could improve upon it. However, it gives us so much. So, to paraphrase an old friend of all of ours, Bob Michel, let us not kill this good product with 1,000 points of spite. Let us not let the perfect become the enemy of the good.

Under the terms of this fair and balanced rule we will debate a variety of budget proposals, each reflecting its own goals and spending priorities. The different sponsors deserve credit for their hard work, but let me caution the Members, under this rule there are no free votes. There is no room for political cover. Every vote counts, because whichever measure passes here will be the one we must all live with. Let us not undermine the hard work of the House and the Senate and the administration, the weeks of negotiation that have produced this very delicate win-win agreement. The country deserves no less.

I urge my colleagues to adopt this responsible rule. They should make their vote count today and support the fine work of the Committee on the Budget. Let us give the next generation of Americans the kind of future they deserve.

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Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I gather that the various factions on the other side of the aisle have now come to a resolution and have decided that the Minge amendment will not be made in order under this rule. So we are now proceeding to the consideration of the rule as originally presented to this body.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I share the commitment of many here today to achieve a balanced budget, but it is not just enough to balance the budget for a nanosecond. It is a question of whether or not we have a plan that will balance the budget and keep it balanced.

Over the last few weeks, and certainly I know that will be true throughout the rest of today, there is a lot of backslapping. There is a debate about who is the greatest statesman for putting this agreement together. A lot of popping of champagne corks; I believe I am going to hold my champagne until the budget is actually in balance, because there is nothing very new about people promising to balance the budget.

And as my colleague from Texas just pointed out, one of the problems that we have here today with what has essentially been a budget agreement where until the last few days we did not have any of the blanks filled in and it was based on the theme song from the Caribbean, do not worry, be happy, about this budget, I am happy about having a balanced budget agreement. But I am a little worried about whether the promise of that balanced budget is ever going to be achieved.

The best way to achieve it is not in listening to one person extol the great virtues of another but in having a meaningful enforcement mechanism. What the gentleman from Texas [Mr. FROST] just pointed out is that today the Republicans have rejected any kind of effective enforcement mechanism. One was offered by the gentleman from Minnesota [Mr. MINGE] and the so-called blue dog Democrats. Another was offered by myself. It is very simple, one paragraph, a sunset provision, using the sunset approach that we have implemented in Texas to say, we will limit the authorization for any of this new entitlement spending that President Clinton wanted and we will limit the tax reductions that the Republicans and President Clinton wanted also to a 5-year period.

If we are balancing the budget, if we are getting the deficit under control, there will be nothing easier than for this Congress to reauthorize them. But to move forward with this budget resolution without an effective enforcement mechanism does not ensure the American people a true balanced budget. It only ensures more talk of a balanced budget that may or may not achieve the eventual objective. This sunset provision was described by Republicans in the committee as prudent, as reasonable, and it ought to be adopted today.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, just to briefly respond.

The gentleman states that Members that are supporting this historic document before us which does balance the budget are somehow extolling our own personal virtues. I do not think it is we that are extolling our own personal virtues. I think it is the American people, because the American people spoke very strongly in wanting this Congress to get along with each other and wanting this Congress to get along with the President.

I have to commend the President for sitting down and working, I think sincerely, in trying to bring an agreement to this floor. Certainly it is not what I like. It is not what the left wing likes. But it is an agreement. It is probably the only agreement that we could ever reach because we had to bring both ends together in middle and that is always very difficult. That is why we ought to be supporting this agreement here today.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER], distinguished vice chairman of the Committee on Rules. He is going to talk about something that is near and dear to my heart and to the heart of the American people who have worked hard all their lives to save and invest their money.

The SPEAKER pro tempore [Mr. KINGSTON]. The Chair would advise that the gentleman from New York [Mr. SOLOMON] had 13 minutes remaining, before yielding to the gentleman from California [Mr. DREIER], and the gentleman from Texas [Mr. FROST] has 14½ minutes remaining.

Mr. DREIER. Mr. Speaker, I thank my dear friend from Glens Falls for yielding me the time and for his kind remarks about a very important part of this budget package. I believe that in large part, due to the efforts of Democrats and Republicans in this House who cosponsored H.R. 14, which we introduced on the opening day of the 105th Congress, to take the top rate on capital gains from 28-to-14 percent, due to the fact that we have bipartisan support, I believe we have been able to successfully get President Clinton in this agreement to come on board finally in support of a broad-based, across-the-board reduction in capital gains. We are hoping very much that we will be able to see it at 14 percent. I am happy that the gentleman from Texas [Mr. ARCHER] is trying to pursue that direction of reducing that top rate as low as we can get it. Many of us believe that the top rate on capital gains should be zero, there should be no tax on it whatsoever.

This is the single most important part of this tax package. Why? Because the argument that we have so often heard in the past, that a capital gains tax rate reduction is nothing but a tax cut for the rich, is totally false. I am happy to say that Democrats are finally joining Republicans in recognizing that. Why is that no longer the case? Well, we have done a study that shows that, if we had around a 14-or-15 percent top tax on capital gains taxes, we would in fact increase the average take-home pay for the working, average working family by $1,500 per year.

We also know that, of the 90 million-some-odd families in this country, as my friend, the gentleman from Florida [Mr. DEUTSCH], who is a cosponsor of H.R. 14, has said repeatedly, 63 million own mutual funds. So we have many people who have investments. We have literally $8 trillion that is locked in today, $8 trillion that is locked in because that tax is so high. What we need to also look at is the fact that 40 percent of those realized gains are held by people with incomes of less than $50,000 a year.

Our goal with this budget is of course to balance the budget. There is no better way to boost the flow of revenues to the Treasury than to cut the top rate on capital gains. In fact, we found in our study that over a 7-year period we could boost revenues by $211 billion. There is a lot of talk about that so-called windfall that came from the CBO letter with that $125 billion that came in. Quite frankly, reducing the top rate on capital would spur economic growth. It is great that we are pushing at well over 5 percent now. But these assumptions are based on a 2.1-percent growth rate. If we reduce the top rate on capital significantly, we can see a growth rate that is even stronger than that.

While we hear about uncertainty in the future economically, this cut in the capital gains tax rate could in fact play a role in ensuring that we do not go into economic recession. So I rise in strong support of the rule and in support of this package. Then we are going to work hard in a bipartisan way to cut the tax on capital gains.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to defeat the previous question. I will include for the RECORD the amendment I would offer to the rule if the previous question is defeated.

The amendment would make in order two additional amendments to the budget agreement, by the gentleman from Minnesota [Mr. MINGE] and the gentleman from Texas [Mr. DOGGETT]. Both these amendments are attempts to ensure that a balanced budget plan actually achieves balance. The Minge substitute includes enforcement provisions to force the Congress to stay on course over the next 5 years. The Doggett amendment precludes enactment of tax cuts before the budget is actually in balance. The House should be given the opportunity to vote on these amendments. If we defeat the previous question, the House will ensure that we will have full and fair debate on the balanced budget.

Mr. Speaker, I urge Members to defeat the previous question.

I include for the RECORD the amendment I would offer to the rule if the previous question is defeated. The amendment would make in order two additional amendments to the budget agreement by Representatives MINGE and DOGGETT. Both these amendments are attempts to ensure that a balanced budget plan actually achieves balance. The Minge substitute includes enforcement provisions to force the Congress to stay on course over the next 5 years. The Doggett amendment precludes enactment of tax cuts before the budget is actually in balance. The House should be given the opportunity to vote on these amendments. If we defeat the previous question, the House will ensure that we will have full and fair debate on the balanced budget.

The amendment referred to is as follows:

AMENDMENT TO HOUSE RESOLUTION 152

On page 2, line 21, after "XXIII" strike "." and insert ", and the amendments designated in section 4 of this resolution."

On page 3, line 2, after "2" insert "and section 4".

On page 4, after line 11, insert the following:

"SEC. 4. Notwithstanding any other provisions of this resolution, it shall be in order to consider the following amendments:

(1) an amendment in the nature of a substitute to be offered by Representative Minge.

(2) an amendment to be offered by Representative Doggett.

MINGE AMENDMENT NO. 1

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.
Fiscal year 1999: $1,241,859,000,000.
Fiscal year 2000: $1,285,559,000,000.
Fiscal year 2001: $1,343,591,000,000.
Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $7,400,000,000.
Fiscal year 1999: $11,083,000,000.
Fiscal year 2000: −$21,969,000,000.
Fiscal year 2001: −$22,821,000,000.
Fiscal year 2002: −$19,871,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,385,086,000,000.
Fiscal year 1999: $1,440,027,000,000.
Fiscal year 2000: $1,486,314,000,000.
Fiscal year 2001: $1,520,340,000,000.
Fiscal year 2002: $1,551,837,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,371,887,000,000.
Fiscal year 1999: $1,424,231,000,000.
Fiscal year 2000: $1,468,751,000,000.
Fiscal year 2001: $1,500,952,000,000.
Fiscal year 2002: $1,516,298,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,908,000,000.
Fiscal year 1999: $182,372,000,000.
Fiscal year 2000: $183,192,000,000.
Fiscal year 2001: $157,361,000,000.
Fiscal year 2002: $108,734,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,592,500,000,000.
Fiscal year 1999: $5,834,900,000,000.
Fiscal year 2000: $6,081,000,000,000.
Fiscal year 2001: $6,298,300,000,000.
Fiscal year 2002: $6,474,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.
Fiscal year 2000: $34,775,000,000.
Fiscal year 2001: $36,039,000,000.
Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,197,000,000.

(B) Outlays, $265,978,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $588,000,000.

Fiscal year 1999:

(A) New budget authority, $270,784,000,000.

(B) Outlays, $265,771,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $757,000,000.

Fiscal year 2000:

(A) New budget authority, $274,802,000,000.

(B) Outlays, $268,418,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $281,305,000,000.

(B) Outlays, $270,110,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $289,092,000,000.

(B) Outlays, $272,571,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,909,000,000.

(B) Outlays, $14,558,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,918,000,000.

(B) Outlays, $14,569,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $15,782,000,000.

(B) Outlays, $14,981,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,114,000,000.

(B) Outlays, $14,751,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,353,000,000.

(B) Outlays, $14,812,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,237,000,000.

(B) Outlays, $16,882,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $16,203,000,000.

(B) Outlays, $16,528,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $15,947,000,000.

(B) Outlays, $16,013,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,862,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $15,604,000,000.

(B) Outlays, $15,668,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,123,000,000.

(B) Outlays, $2,247,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $3,469,000,000.

(B) Outlays, $2,446,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $3,186,000,000.

(B) Outlays, $2,293,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $2,939,000,000.

(B) Outlays, $2,048,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $2,846,000,000.

(B) Outlays, $1,867,000,000.

(C) New direct loan obligations, $1,171,000,000.

(D) New primary loan guarantee commitments $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,877,000,000.

(B) Outlays, $22,405,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $23,227,000,000.

(B) Outlays, $22,702,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $22,963,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $22,151,000,000.

(B) Outlays, $22,720,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, $920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $44,574,000,000.

(B) Outlays, $40,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $46,556,000,000.

(B) Outlays, $41,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $41,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $41,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $41,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,768,000,000.

(B) Outlays, $10,387,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,489,000,000.

(B) Outlays, $10,902,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,810,000,000.

(B) Outlays, $10,986,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $7,764,000,000.

(B) Outlays, $11,350,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $7,790,000,000.

(B) Outlays, $8,429,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,020,000,000.

(B) Outlays, $56,062,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $60,450,000,000.

(B) Outlays, $59,335,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $61,703,000,000.

(B) Outlays, $60,728,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $62,959,000,000.

(B) Outlays, $61,931,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $63,339,000,000.

(B) Outlays, $62,316,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,836,000,000.

(B) Outlays, $137,804,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $85,000,000.

Fiscal year 1999:

(A) New budget authority, $144,939,000,000.

(B) Outlays, $144,915,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $154,019,000,000.

(B) Outlays, $153,898,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $163,413,000,000.

(B) Outlays, $163,136,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $172,136,000,000.

(B) Outlays, $171,692,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,620,000,000.

(B) Outlays, $201,764,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $212,073,000,000.

(B) Outlays, $211,548,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $225,540,000,000.

(B) Outlays, $225,537,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $239,636,000,000.

(B) Outlays, $238,781,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $251,548,000,000.

(B) Outlays, $250,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,032,000,000.

(B) Outlays, $247,758,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,090,000,000.

(B) Outlays $258,064,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2000:

(A) New budget authority, $269,566,000,000.

(B) Outlays, $268,161,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2001:

(A) New budget authority, $275,145,000,000.

(B) Outlays, $277,264,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,945,000,000.

(B) Outlays, $285,239,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,545,000,000.

(B) Outlays, $41,337,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,715,000,000.

(B) Outlays, $41,949,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,000,000,000.

(B) Outlays, $42,168,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,364,000,000.

(B) Outlays, $42,486,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,565,000,000.

(B) Outlays, $42,719,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,765,000,000.

(B) Outlays, $22,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $25,120,000,000.

(B) Outlays, $24,976,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $25,178,000,000.

(B) Outlays, $25,240,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $24,354,000,000.

(B) Outlays, $25,901,000,0000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $24,883,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,549,000,000.

(B) Outlays, $296,549,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $304,567,000,000.

(B) Outlays, $304,567,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $304,867,000,000.

(B) Outlays, $304,867,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $303,659,000,000.

(B) Outlays, $303,659,000,000.

(C) New direct loan obligations, $0

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $303,754,000,000.

(B) Outlays, $303,754,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,841,000,000.

(B) Outlays, −$41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) PURPOSE.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) SUBMISSIONS.—

(1) ENTITLEMENT REFORMS.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) TAX RELIEF AND MISCELLANEOUS REFORMS.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) INSTRUCTIONS RELATING TO ENTITLEMENT REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,172,136,000,000 in revenues for fiscal year 1998, $1,382,679,000,000 in revenues for fiscal year 2002, and $7,493,796,000,000 in revenues in fiscal years 1998 through 2002.

(d) INSTRUCTIONS RELATING TO TAX RELIEF AND MISCELLANEOUS REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—(A) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for

fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,164,736,000,000 in revenues for fiscal year 1998, $1,362,179,000,000 in revenues for fiscal year 2002, and $7,408,796,000,000 in revenues in fiscal years 1998 through 2002.

(e) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) FLEXIBILITY IN CARRYING OUT CHILDREN'S HEALTH INITIATIVE.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) PURPOSE.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) DEFICIT NEUTRALITY REQUIREMENT.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REVISED LEVELS.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) REVISIONS.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REVERSALS.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) DEFINITION.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69-8083-0-7-401 (Federal-Aid Highways).

(2) 69-8191-0-7-401 (Mass Transit Capital Fund).

(3) 69-8350-0-7-401 (Mass Transit Formula Grants).

(4) 69-8016-0-7-401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69-8020-0-7-401 (Highway Traffic Safety Grants).

(6) 69-8048-0-7-401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) BUDGETARY TREATMENT.—

(1) IN GENERAL.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) DEFINITION.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) COMMITTEE ALLOCATIONS.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) LIMITATIONS.—The adjustments made under this section shall not exceed—

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) READJUSTMENTS.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) ALLOCATION BY CHAIRMAN.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing up to $165 million in outlays for Federal land acquisitions and to finalize priority Federal land exchanges for fiscal year 1998 (assuming $700 million in outlays over 5 fiscal years), the chairman of the Committee on the Budget shall allocate that amount of outlays and the corresponding amount of budget authority.

(b) TREATMENT OF ALLOCATIONS IN THE HOUSE.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) FINDINGS.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) SENSE OF CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 404. SENSE OF CONGRESS ON CORPORATE WELFARE.

(a) FINDINGS.—The Congress finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 405. SENSE OF THE CONGRESS REGARDING BALANCED BUDGET ENFORCEMENT.

It is the sense of Congress that reconciliation legislation considered pursuant to this legislation must include enforcement procedures to ensure that the Budget of the United States Government does reach balance by 2002 and remain in balance thereafter. Such language should—

(1) set nominal targets for spending, revenues, and deficits for each year of the next 10 years;

(2) require that the President propose a budget that complies with the spending, revenue, and deficit targets in each year or propose to change the targets, and require that any budget resolution considered by the House of Representatives and the Senate comply with the spending, revenue, and deficit targets in each year or recommend changes to those targets;

(3) include all portions of the budget and apply such enforcement proportionally to the specific parts of the budget that caused the deficit to exceed the target in any year. This should be accomplished through a combination of—

(A) extension of the caps for discretionary spending enforced by sequestration through fiscal year 2002;

(B) global caps for total entitlement spending and specific caps within the global caps for large entitlement programs, with sequestration applied to those programs or categories that caused outlays to exceed the caps;

(C) a requirement that tax cuts be phased in contingent on meeting the revenue targets in the agreement;

(4) allow adjustments to spending caps and revenue and deficit targets for changes in actual economic conditions to avoid forcing policy changes due directly and exclusively to changes in economic conditions;

(5) prevent the use of emergencies to evade the enforcement mechanism by establishing procedures to budget for and control emergency spending; and

(6) if the actual deficit is below the target in any year, lock in such budget savings for deficit and debt reduction.

AMENDMENT TO H. CON. RES. 84 OFFERED BY MESSRS. DOGGETT AND WEYGAND

At the end of the concurrent resolution, add the following new section:

SEC. . PROTECTION OF BALANCED BUDGET.

It is the sense of the Congress that, to assure that neither the tax cuts nor the spending increases in this resolution explode in cost, endangering the balanced budget promised by 2002 or the ability to maintain balance thereafter, any provision of law affecting revenues or authorizing spending for new entitlement initiatives assumed in this resolution should sunset and cease to be effective within five years, unless subsequently reauthorized by law.

EXPLANATION OF AMENDMENT

The amendment addresses the possibility that exploding tax cuts and new spending in the agreement could jeopardize the balanced budget by stating the "sense of Congress" that any tax-law changes and new entitlement spending enacted pursuant to the agreement should sunset and cease to be effective for only five years, unless subsequently reauthorized by Congress.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

> Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

> Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is the one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

We all should continue to be concerned about the debt of the Federal Government. We continue to increase the debt subject to the debt limit, and I would just remind Members that in 1979, when we started the so-called rule 49, the Gephardt rule, that says we are automatically going to increase the debt when we pass the budget resolution, at that time we had a debt of $829 billion, which was 33 percent of GDP, of gross domestic product. Today the debt is $5.2 trillion, almost 70 percent of GDP.

When we brag about being the shining knight on the white horse that is bringing the deficit down, I would just like to call to the attention of my colleagues what has really brought the deficit down. We had huge tax increases in 1990 and again in 1993, but an economic system that surged ahead. Our free enterprise capitalistic system continued to expand revenues while spending continued to increase faster than inflation. But in the process, the deficit has gone down.

This budget proposal, I would have written to have tax decreases that spur economic growth and job creation more than we do in this proposal. But I thank the committee for including in this proposal the waiving of rule 49, the so-called Gephardt rule, so that we can have an up or down vote on the debt limit that is so important to our economic future.

I thank the Rules Committee for supporting my House Resolution 30 at least temporarily dispensing with rule 49 in this rule. Now House rule 49 will not apply to the spending in this budget resolution.

House rule 49, the so-called Gephardt rule was passed in 1979 in order to allow Members to avoid a separate embarrassing vote to raise the debt ceiling.

During the debate, those in favor of the Gephardt rule argued that spending determined the need for borrowing and therefore a separate vote was not needed.

Opponents, however, argued that a separate vote on the debt ceiling was still needed because it was the only time the House took to reflect on the increasing national debt and its impact on future generations.

Since the imposition of the Gephardt rule, the debt has increased. The arguments against the rule are stronger than ever because of the increasing national debt.

Fiscal year	Gross Federal debt	Debt as percentage of GDP
1979	$829.47 billion	33.2 percent
1996	5.182 trillion	69.2 percent

The Gephardt rule treats Congress' constitutional power to borrow as intermixed with its power to spend. This violates the spirit of the constitution which lists these powers as separate and distinct. As a result of the Gephardt rule, Federal borrowing is no longer seen as an emergency power for times of depression or war, but just another, natural part of the Federal budget process.

Mr. GOSS. Mr. Speaker, reclaiming my time, I also want to thank the gentleman from New York [Mr. SOLOMON] for his persistence and commitment to a balanced budget. I think I can say that he is one of the true taxpayer heroes in this body, and we would not be here today if it had not been for his valiant efforts and some of his earlier authorship of some very important budget work, which I was pleased to join with.

Two and a half years ago at the start of the 104th Congress, a new majority went to work to balance the budget and provide real tax relief for the American people. Our new majority pledged to save the Medicare Program, rein in out-of-control spending and, in a nutshell, bring fiscal sanity back to our Nation.

The naysayers scoffed and the big government liberals said, you cannot do that. They laughed in derision, they called it a radical idea that could not be done without starving the children and slashing Social Security. Our President not only refused to endorse the balanced budget, he repudiated it through his own budget request. Despite this hostile opposition, we remained steadfast in our commitment and pushed forward to get the job done.

What a difference a few years makes. This budget resolution locks in the President and the Congress to a real balanced budget in 5 years. Like most compromises, it is not perfect. As a member of the Kerrey commission, I am concerned that we rely on reductions to health care providers, rather than expanding choice and competition, and going after the cost drivers in our effort to save Medicare.

I am also anxious about the lack of eliminations in the discretionary portion of the budget. We cannot be satisfied with trimming back on wasteful spending here and there. We must insist on ripping out bad programs by the roots. I intend to continue my efforts to eliminate these wasteful programs as they are identified during the appropriations process. In the past few years I have offered a list of specifics cutting hundreds of billions, and I will do so again this year.

But I have always felt that we cannot afford to make the perfect the enemy of the good. And for those who would still say that we have not made significant progress, I would encourage them to leaf through this document, the fiscal year 1996 budget of the United States Government. This is the President's budget request for 1996, just 2 years ago. The President's vision then, $200 billion a year deficits as far as the eye could see into the future. That is the best they could do.

Now, let us move fast forward to today's budget resolution. Not only have we agreed to a balanced budget, we have provided overdue relief for millions of American taxpayers. We have offered another vision for America, one where we pay our own bills, we live within our means and we reduce the tax burden on our producers. Now, thankfully, the President has joined us and endorsed that vision.

I urge support for this fair and appropriate rule and for the balanced budget amendment. America is ready and waiting. This is good news.

☐ 1500

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, and since the gentleman from Texas has yielded back all of his time, I will be extremely brief.

Mr. Speaker, I am somewhat taken by some of the statements from the other side of the aisle in opposing this vital piece of legislation that is on the floor today. As I said earlier, this agreement, this budget agreement, this historic budget agreement, is going to save $600 billion. That is not $600 million, Mr. Speaker, that is $600 billion over the next 5 years.

There is going to be discretionary spending cuts in various programs that is going to be substantial; and, in addition to that, there is going to be meaningful tax cuts, especially a capital gains tax cut, that will benefit people like a couple I know that have worked all their lives for Sears Roebuck.

They work at a nominal salary, Sears Roebuck does not pay huge salaries, but these people have stock options. They have saved their money and saved their stock all of these years, for 35 years, and now their total equity is tied up in this stock and all of the increased value that stock has today. Those people should be able to sell that stock and they should be able to do it without giving the Government half of the money.

That is why we are going to reduce the tax rate on capital gains in this country. We are going to reduce the estate tax for people that have worked all their lives, that have saved for their children and, now, if they are going to pass on, they ought to be able to give that estate to their children without the Government taking half of that money. I mean what is America all about, if it is not to reward those of us that have worked hard all of our lives?

That is what this debate is all about here today. So I will ask all my colleagues to come over here and vote for the previous question, vote for the rule, and then vote for this agreement, which is a good agreement for the American people and American families in this country.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

Without objection, each of the postponed votes on the motions to suspend the rules will be 5-minute votes immediately after disposition of this rule.

There was no objection.

The vote was taken by electronic device, and there were—yeas 220, nays 200, not voting 14, as follows:

[Roll No. 140]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hill
Hilliard
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schaffer, Bob
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Wynn
Yates

NOT VOTING—14

Ackerman
Bilbray
Brown (FL)
Fowler
Hastert
Hinchey
Jefferson
Moran (VA)
Sanders
Schiff
Schumer
Waxman
White
Woolsey

☐ 1524

Ms. ESHOO, and Messrs. SHERMAN, KENNEDY of Massachusetts, MOAKLEY, MALONEY of Connecticut, and SPRATT changed their vote from "yea" to "nay."

Mrs. CUBIN changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore (Mr. KINGSTON) announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 278, nays 142, not voting 14, as follows:

[Roll No. 141]

YEAS—278

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stokes
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vento
Walsh
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—142

Allen
Baesler
Barrett (WI)
Barton
Becerra
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boucher
Boyd
Brown (CA)
Brown (OH)
Campbell
Carson
Clay
Clayton
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Edwards
Engel
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gephardt
Goode
Gordon
Green
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinojosa
Istook
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Klink
Kucinich
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Miller (CA)
Minge
Nadler
Neal
Nussle
Obey
Olver
Owens
Payne
Pelosi
Peterson (MN)
Pickett
Poshard
Price (NC)
Rangel
Reyes
Riggs
Rivers
Roybal-Allard
Rush
Sanchez
Sandlin
Sawyer
Schumer
Scott
Sisisky
Skaggs
Skelton
Slaughter
Stabenow
Stark
Stearns
Stenholm
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Visclosky
Wamp
Watt (NC)
Wexler
Yates

NOT VOTING—14

Ackerman
Bilbray
Brown (FL)
Coburn
Fowler
Hastert
Hinchey
Jefferson
Jenkins
Sanders
Schiff
Waxman
White
Woolsey

□ 1533

Ms. ROYBAL-ALLARD changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1122. An act to amend title 18, United States Code, to ban partial-birth abortions.

The message also announced that pursuant to section 711(b)(2) of Public Law 104-293, the Chair, on behalf of the majority leader, appoints the Senator from Pennsylvania [Mr. SPECTER] as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Senate Concurrent Resolution 26, by the yeas and nays;

H.R. 1650, by the yeas and nays; and

House Resolution 147, by the yeas and nays.

Under the previous order of today, the Chair will reduce to 5 minutes the time for each vote by electronic device in this series.

PERMITTING USE OF CAPITOL ROTUNDA FOR CONGRESSIONAL CEREMONY HONORING MOTHER TERESA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, Senate Concurrent Resolution 26.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 26, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 142]

YEAS—415

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps

Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—19

Ackerman
Barr
Barton
Bilbray
Brown (FL)
Burton
Frank (MA)
Granger
Hastert
Hinchey
Jefferson
Sanders
Schiff
Spratt
Waters
Waxman
White
Wicker
Woolsey

☐ 1543

Mr. WISE changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING PRESIDENT TO AWARD CONGRESSIONAL GOLD MEDAL TO MOTHER TERESA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1650.

The clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1650, on which the yeas and nays are ordered.

This is a 5-minute vote.

☐ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. KINGSTON). Members will be advised that voting machines are not working and that voting will proceed with Members casting their vote in writing in the well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will be advised that the machines apparently are working now. Vote cautiously. The machines are now working.

Members are encouraged to vote by machine rather than in the well.

☐ 1600

VACATING ORDERING OF YEAS AND NAYS ON H.R. 1650, AUTHORIZING PRESIDENT TO AWARD CONGRESSIONAL GOLD MEDAL TO MOTHER TERESA

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the yeas and nays were ordered on H.R. 1650 and the electronic vote begun.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from New York?

Mr. FAZIO of California. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from New York [Mr. SOLOMON] exactly what vote it is that we will not be taking, and will there be another vote that we will not take after this one.

The SPEAKER pro tempore. The unanimous-consent request covers the pending record vote on H.R. 1650, the motion of the gentleman from Delaware [Mr. CASTLE].

Mr. SOLOMON. Mr. Speaker, to answer the gentleman's question, it is for the Gold Medal for Mother Teresa.

Mr. FAZIO of California. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. On the voice vote taken earlier, which was not objected to for lack of a quorum, on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1650, the Chair announced that two-thirds had voted in favor thereof, and so the rules are suspended and the bill is passed.

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 147, SENSE OF THE HOUSE THAT HOUSE OF REPRESENTATIVES SHOULD PARTICIPATE IN AND SUPPORT ACTIVITIES TO PROVIDE DECENT HOMES FOR PEOPLE OF THE UNITED STATES

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on House Resolution 147.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. On the voice vote taken earlier today on the motion offered by the gentleman from New York [Mr. LAZIO] that the House suspend the rules and agree to the resolution, House Resolution 147, as amended, which was not objected to for lack of a quorum, the Chair announced that two-thirds had voted in favor thereof, and so the rules are suspended and the resolution is agreed to.

The title of the resolution was amended so as to read: "A resolution expressing the sense of the House of Representatives that the House of Representatives should participate in and support activities to provide safe, clean, and healthy homes for the people of the United States, and for other purposes.".

A motion to reconsider was laid on the table.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 152 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, House Concurrent Resolution 84.

□ 1610

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 84) establishing the Congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, with Mr. BOEHNER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall be confined to the congressional budget and shall not exceed 5 hours and 20 minutes, including 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from Ohio [Mr. KASICH] and the gentleman from South Carolina [Mr. SPRATT], and 20 minutes controlled by the gentleman from Minnesota [Mr. MINGE].

PARLIAMENTARY INQUIRY

Mr. MINGE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MINGE. Mr. Chairman, there is 20 minutes that has been allocated to my portion of this general debate. Is it correct to understand that it will be 20 minutes at the end of the general debate?

The CHAIRMAN. The Chair will consult with the gentleman from Minnesota [Mr. MINGE], and the chairman of the committee to determine at what point that debate would occur.

Mr. MINGE. Mr. Chairman, when will we have such consultation?

The CHAIRMAN. As soon as the gentleman and the chairman of the committee can approach the Chair and have that discussion.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent that, out of the time allocated to me, the gentleman from Washington [Mr. MCDERMOTT] be yielded 25 minutes and that he be allowed to control that time; that the gentleman from California [Mr. STARK] on behalf of the Joint Economic Committee be yielded 10 minutes and that he be allowed to control that time; that the gentleman from Minnesota [Mr. MINGE] be yielded 20 minutes and that he be allowed to control that time; that the gentlewoman from California [Ms. WATERS] be yielded 30 minutes and that she be allowed to control that time; and finally, that I would reserve the remaining 35 minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

□ 1615

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a moment that many of us have been waiting for for a long time. The fact is, several years ago I suggested that the time would arrive when Republicans and Democrats could come together; that we could, in fact, put the good of the country and the good of our children ahead of our own basic desires, to pass a bill that would balance the budget, would give tax relief to the American people, would strengthen the American family, and would be a giant first step towards solving many of the problems that have confounded us for many years.

The President came to this Chamber about at the beginning of the year and he declared the era of big Government at an end. The Republicans and the Democrats have worked together, and frankly, that rhetoric now is going to be underlaid by a budget program that in fact does declare the end to the era of big Government.

This agreement is predicated and founded on very conservative economics, predicting a 2.1-percent growth in this economy, the economy growing far in excess of 5 percent. For those that did not know this, it may come as a surprise for some, but we really believe that a 2.1-percent growth rate over the life of this document, which means at some point the economy will grow faster and at other points in time the economy will grow slower, is an excellent conclusion to draw. And in fact, a 2.1-percent growth rate that underlies this agreement is far more conservative than all the blue chip economic estimates that we have heard across this country.

Second, in the area of savings, over the course of the next decade under this agreement, in the programs of entitlements that have eroded our ability to control our wage growth, in order to give us faster wage growth, our inability to be able to give our children a chance, it is not the end-all, but boy, is it a giant first step, with $600 billion in entitlement savings over the course of the next decade, including extending the life of Medicare for up to 10 years and being able to accomplish what the Republicans set out to accomplish in 1995.

It is not just about numbers. There in fact are structural reforms to this Medicare Program, including prospective payments for skilled nursing facilities and home health care, the fastest growing items in the Medicare budget; the creation of physician networks, so physicians can compete with the insurance companies to offer people more opportunity, more choice, more benefits; the fact that we are going to have an adjustment in the reimbursements to the managed care operations by letting rural America have more incentives to offer more choice to people in rural America; the fact that we moved the home health care and made sure that part of those costs were going to be included in the premium, and phased in over a period of time. As Members will see, there are structural changes in this Medicare Program.

Are there going to be more changes needed in the future? There is no question that as the baby boomers begin to retire we have a huge challenge. That is precisely why I authored a provision that calls for the creation of a baby boomer study program to figure out how to deal with the major problems of Social Security and Medicare and Medicaid.

There will be a big challenge, but let us not let that challenge take away from what we have been able to accomplish in this agreement today. Make no mistake about it, never before in the history of the U.S. Congress have we saved more money in entitlements than in this agreement.

In the area of the programs that run the Government of the United States, some people say we have not saved enough. As far as I am concerned, when it comes to the taxpayers' money we always have to be working at saving more. But let me just put it in perspective.

Nondefense discretionary, the programs that operate the Government of the United States, will grow over the next 5 years at an average of one-half percent a year. Do Members get that? They will grow at one-half percent a year. Over the last 10 years they have grown at 10 percent. So to take the growth in those programs from 10 percent over the last 10 years to a half a percent over the next 5 years is a very, very significant accomplishment.

Will we come back at some point and try to do more to defang the Government, to defang those parts of the Government that have harassed people? Not suggesting that all of it does, but in those areas where Government has put a burden on the shoulders of the people as they have tried to heal their communities and heal their families, of course that should be our role, to set the people free in this country. So what we have in this budget is good fiscal restraint, $600 billion in entitlement savings and only one-half percent a year growth in the programs that run the Government.

Coupled with that, of course, is the first balanced budget in over 30 years, which will result in the year 2002 in only the second balanced budget over the course of the last 40 years. Also included in this document, and we should all be aware of this, is something that many people said could not be done. That is to give the people power by letting them keep more of what they earn. Included in this document is $135 billion in tax cuts over 5 years, and at least $350 billion in tax cuts over the next 10 years.

That will be enough. It will be enough to give the American people something we have been promising for many years now. It will give them a capital gains tax cut, so that in America we will reward risk-taking, and we will give the American people the tools with which to compete and win in the international job market.

Let me just suggest to the Members that to improve the reasons to risk take and the incentives to risk take, and to give people a reason to invest in America, will mean that the infrastructure of America will be able to accommodate faster economic growth without inflation.

There are many other things we need to do to improve the infrastructure of America so our country can grow faster and reward more people from one end of this country to the other, but we believe that the capital gains tax cut is one of those elements, coupled with a balanced budget, that results in lower interest rates and more investment and more productivity and more wealth for every single American.

Included in here is the family tax credit, because we believe the best Department of Health, Education and Welfare in the United States is the American family. Is it not going to be great, I say to the gentleman from Tennessee, when this Sunday he goes to church and he sees a man and his wife leave the church with three young kids, and they get into that old Chevrolet and you can actually see the car kind of go down and up as they get in, and maybe on the back of the bumper is an old Billy Graham bumper sticker left over from a rally 3 years ago, and he knows in his soul that under a child tax credit the American family is going to have more, some money for their college, some money for new clothes, some money to help the family.

Of course, there will be estate relief in here, too, so when you die and you have worked a lifetime to build something, to pass it on to your family, the Government is not going to take it all away. Let me just suggest, whether it is a small business or the family farm, we do not want the people to not just have death but death and taxes to the max. We do not solve the whole problem of the estate, this overtaxation of estates in this, but we are making a good first step.

The President got one of his priorities in the area of education. Let me just suggest, for those mothers and fathers who have had to take that second job to help their kid get a college education, this program has some help for them. They need help.

But let me ask my colleagues on both sides of the aisle to start aggressively asking the higher education officials in this country why their costs are racing out of control. Let me ask the moms and dads and the students to start asking the same question. But in the meantime, we are going to help.

What do we get here at the end of the day? First, the first balanced budget in over 30 years; real tax relief that we think will improve the lives of America's workers; real tax relief that we believe will improve the lives of the American family; real tax relief that will give a reward to people for working hard for a lifetime; help for people to realize the American dream through education; and at the same time, the most significant savings in entitlements in the history of this country, and controlling the growth to a half a percent a year of those programs that run the Federal Government, and a giant first step toward moving into the next century by stabilizing the fiscal policies of the United States of America.

It has been a long road. It has been very difficult. I want to compliment the gentleman from Minnesota [Mr. MARTIN SABO], maybe the most forgotten man today in the Chamber, but not by me, because MARTIN worked hard in 1995, in 1993, and in 1994 and in 1995 and in 1996; a total class gentleman. Over the course of the last 2 years we have worked closely together to try to figure out how we could narrow most of our differences.

It is a tremendous pleasure to have worked with the gentleman from South Carolina [Mr. JOHN SPRATT]. He has had a very difficult time trying to make sure that he could keep his caucus together and listen to his leader who at times he had to represent, and other parts of the caucus who he had to represent. Hats off to JOHN SPRATT; and to John Hilley, my great friend down at the White House, to Franklin Raines and Gene Sperling, it was the best, to be able to put aside the partisan bickering and reach an agreement; and to the President, to the President who did not have to really do this. He decided that he wanted to move forward and reach agreement. He sent his trusted aide, Erskine Bowles, to the Hill. With PETE DOMINICI and the gentleman from Georgia. [Mr. NEWT GINGRICH] and TRENT LOTT and this big team, we were able to put it together.

No one should think for a second that this is the end of the game. Frankly, Mr. Chairman, this is just the beginning, but a very great beginning and a very big step toward providing a more prosperous, toward providing a more confident, toward providing a more secure America, and convincing the American people that when we put the politics aside and we listen to them and their calls for so many years for this body to get control of the spending of this country and to return some of their power, when we listen to them, at the end of the day Republicans and Democrats came together to reach agreement on something that I believe the American people will look at and say, for once you have done well. For once you have put the politics aside and you have agreed to work together and serve America.

Let us support this great budget resolution today.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise reluctantly this afternoon to state that I will not vote for this budget, but before giving Members the reasons for that, I want to commend the Members on both sides of the aisle. I especially want to commend the gentleman from South Carolina, [Mr. JOHN SPRATT], and I want to commend the President for working so hard to bring about this agreement, which is an important achievement for our country. Having done this in 1990 and again in 1993, I know how hard it is.

□ 1630

I know how many compromises have to be made and how many decisions have to be made to make something like this come together. But at the end of it, it is a decision on this budget that each of us must make for what is best for our constituents, the 500,000 people that each of us represents and what in our hearts and minds is best for them and best for the country.

I would like to start with a little history of why we are where we are. This all started, in my view, back in 1981. Congress then, in a bipartisan way, made a decision on a budget that had certain increases in spending and tax cuts, which many of us said at the time would create large deficits out in the future. The prediction was that there would be deficits of $100 and $200 and $300 billion. And unfortunately those predictions came true. It has taken us 17 years from that basic decision in 1981 to get on the threshold of being able to balance the budget.

In 1990, we entered into a bipartisan budget agreement, much like has been done now, and at the time we raised taxes and we cut spending in a bipartisan way, and we made a big step, about a $500 billion deficit reduction. We did that again in 1993; I might add, at that time, with all Democratic votes, not one vote from the other side of the aisle. At the time many Republican leaders said they believed that budget we passed in 1993 would wreck the economy and would cause higher unemployment and higher deficits.

I want to point out that because of the interaction of what we do on the deficit and what it does with the economy, that indeed those forecasts were wrong, that even with tax increases and spending cuts, we have had a remarkable economic performance in the last 4 or 5 years.

In fact, in 1993, the prediction was the deficit for this year would be $300 billion. A year ago the prediction was the deficit would be $169 billion. In January of this year, we thought the deficit for this year would be $124 billion. Just last week CBO said it is down to $67 billion.

There is an interaction, there is an inextricable link between the deficit and what we do and how we get rid of the deficit and what happens in the economy. And I believe that the investments we made in education and in capital investment and in health care that we made in the deficit reduction act of 1993 were an integral part of helping the private sector economy grow over the last 5 years so that we have had real economic growth and more revenue coming into the government.

So the question then and now is not whether to do this, it is how we do it. It is how we do it. What are the myriad of decisions, what are the texture of the decisions we put together to try to get the budget into order.

In my view, this budget agreement is a budget of many deficits: a deficit of principle, a deficit of fairness, a deficit of tax justice, and worst of all, a deficit of dollars.

First, I think it is unfair. I think that when we have done these budgets, we have always tried to have shared sacrifice. We have said to the American people in the highest sense of patriotism that everybody has to sacrifice in order to get the budget straightened out. That is what we did in 1990. That is what we did in 1993. That is not what this budget does.

Recently I was going door to door in my district. I met a young couple who had just bought a house. They were happy because the wife had just gotten pregnant and they were expecting this new family. I asked them what their concerns were. They said their concern was that between them they have 5 jobs, 5 jobs. That is kind of the way the economy is working for ordinary Americans today. In order to make ends meet, people have to work more jobs and more hours.

And the woman said to me, "You know, our concern is that when the baby comes, I would like to stay home and raise the child for 2 or 3 years, but with 5 jobs, I have got to quit two of those jobs to do it. And if we do that, we cannot make our house payment."

That is reality 1997.

On another door-to-door trip in my district I met a woman who was on Social Security and Medicare. She said, "You know, I do not want to be a whiner, and I do not want to complain, but I only get $450 a month. And I have got to buy a lot of prescription drugs to stay going. I just want you to know, I cannot pay my water bill now, and I do not have hot water. And if I have cuts along the way in Medicare or Social Security, I may lose the apartment I am staying in". That is reality 1997.

This budget could have done better by either of those people I have talked about. We could have done more in this budget on Head Start, on after school programs for that family I am talking about. We could have done better for that senior citizen so she could get by better. But in this budget there is structured a tax cut. And if I am reading the agreement between the parties correctly, that tax cut will necessarily result in the top 1 percent of taxpayers in this country getting a tax reduction of about $6,000. And when I talk about the top 1 percent, I am talking about folks making an average of $650,000 a year.

Is it shared sacrifice to say to them, you get a huge tax cut every year, $6,000, but the young family who is trying to make ends meet, we cannot help them enough? We cannot give them a larger tax cut. We cannot give them the kind of help that they need getting through their life every day.

It is not fair. I wish it were fairer.

Second, I think it fails to invest in the future. What do I mean by that?

We are in a tough global competition. We have got our work cut out for us. We have to really be good. I agree, we need tax cuts, but they ought to go to the people who need them, desperately need them. And they ought to go to the people who are working hard every day to compete in that global economy. But we also need investments in this budget. Let me just name three to take examples.

First, education. Everybody knows we have got to have better educated people to compete in the global economy, to get productivity increases, to get growth increases. Early on in the budget talks we talked about repairing school buildings and putting money into the structures in which our children learn. That was thrown out of the budget. We did not have enough money to do that.

We talked endlessly in this Chamber about Head Start, about investing in the smallest, youngest children. We talked about Head Start zero to three. We just had a conference in the White House where we find that late mental research proves that the more you can do with young, young, young children, the better the result will be. But this budget does not fully fund Head Start and does not even make a beginning on Head Start zero to three.

Let us talk about children's health, a very good part of this budget, $15 billion, to try to get half the children who do not have health care to have health care. But in the very same budget there is about an equal cut in Medicaid in what is called disproportionate share, a fancy name for trying to give money to hospitals that have a disproportionate share of poverty folks coming there to get help. Guess which hospitals get the lion's share of disproportionate share? The children's hospitals.

We give with one hand; we take away with another. It is not good enough.

Third, investment in the capital investments. We hear about capital gains. What about capital structures? Billions of dollars come into this budget every year from the gasoline tax to the Federal highway trust fund and every year we spend moneys for these needed structures, but we never spend what comes in. And this budget does not either.

In my district of St. Louis, our city fathers and mothers got together and said, what does this region need? They came up with $20 billion worth of needs in St. Louis for capital investment alone. They have no idea where it is going to come from. We can do better in investing in our future.

Third, this budget does not come into balance. I believe with all my heart that the people who worked on it want it to come into balance. And I hope it does, but let me say something. If we have exploding tax cuts that are put into law and they are not met with spending cuts that will be designed to reach them, then the numbers are not going to work.

Remember 1981 and what happened. The last thing we need to do is to advertise this as a deficit reduction plan that will reduce the deficit and then we do not get there. The coalition members wanted to go to the floor this afternoon and have an amendment that had an enforcement process that said, if the numbers do not work for any reason, because the economy does not work or something else, that we will start cutting across the board both spending programs and tax programs in order to see that we really get the balance that we want and that we have advertised. That is not going to be allowed to even be voted on.

In conclusion, I do not believe this budget is fair. I do not believe it invests properly in the future of our country and our economy and our people. I do not believe the numbers will work, and I do not think there is a system in place to make sure that they do.

Let me say this final word. This is a decision and it is a hard decision that all of us have to make. For me, as I cast this vote, I have one thing in my mind and one thing only, and that is the people that I represent in the third District of Missouri. I have in my mind that young family who is working hard, real hard every day and wants to make ends meet and wants to have a future. I have in my mind that senior citizen who wants to stay out of the nursing home and stay in her home and live the life of independence that she wants. I have in mind the children, the children who are the future and the strength and the greatest resource of this country.

Each of us in our own way, as we go through this debate and vote tonight, has to ask ourselves, what is the right thing for my constituents and for my country? Nothing else is asked. That is the question we have to answer.

This is not politics. This is not some election. This is about the future of the country and what in our conscience, our heart and our mind is the best and right thing to do. I will vote against this budget. I think we can do better.

Mr. KASICH. Mr. Chairman, I yield myself 30 seconds.

I do want to commend the minority leader on his speech and would like to say to him that I can respect a vision of government that is entirely different than mine and entirely different than the majority in the House. But he should know that in the addendum, point 9 in the reconciliation process, if it is determined that the target of a balanced budget cannot be achieved, all parties to the agreement commit to seek additional savings necessary to achieve balance.

Furthermore, of course, we believe that the tax cuts in fact will provide us with higher economic growth but, beyond that, having an economic plan underlaid by a 2.1 percent growth rate over the course of this agreement is about as conservative an estimate as we can find among any of the groups.

I would not only challenge the gentleman's vision of what builds America, which is not more government spending and more government programs, but in addition, though, severely challenge the fact that somehow we have exploding deficits that will not allow us or exploding tax cuts that will not allow us to get in balance. That is simply not true and will not occur.

Mr. Chairman, I yield 8 minutes to the very distinguished gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Chairman, I commend the chairman of this committee and also the ranking minority member from the other side of the aisle, this is great work. It is great for the future of this country. I would agree with the comments of the gentleman from Missouri [Mr. GEPHARDT] that this is really about the future of America. We just have a very different vision of who it is that can best spend money in this country, we here in Washington or the people themselves.

I have a presentation but I want to start talking about a family in my district. It is a middle income family. It is a family with three kids. They are about to start college. It is a family whose parents both get up and go to work every single day of the week.

□ 1645

I talked to this family about this budget plan, too, and, frankly, they did not understand billions and trillions very well, and they did not understand CBO and OMB and all that stuff, but what they did understand is how this budget plan was going to impact them directly out in Janesville, WI. Because this middle income family that gets up every morning to go to work understood perfectly well what it meant when we said for every child that is still at home they will receive a $500 credit. They understood perfectly well on their $40,000-a-year income what $1,000 meant coming into their house.

Not only that, they understood, when they talked about their oldest son going off to college, they understood what a $1,500 tax credit meant to them for a total of, maybe we will not get all $2,500 to them, but over $2,000 coming back to this family. That is what it means to the hard-working families, the middle income families who get up every morning to go to work.

And it does have a real impact on them. I guess the difference of opinion here is who it is who can best spend the money, the family out in Janesville keeping the money in their own house, or the people in Washington investing it in the future. My opinion is those families out in Janesville, WI can do a pretty good job of taking care of their own money.

I do have a presentation I want to give, because I strongly support this agreement. This agreement balances the budget for the first time in a generation. We have our families who pay $500 every month to do nothing but to pay the interest on the Federal debt, and certainly it is time we allow those families to keep more of their own money.

It does balance. Starting with 1998 forward, the deficit goes down every year. It restores Medicaid for at least a decade and probably longer as the tax cuts take effect and the economy booms.

The tax cuts. Letting the American people keep more of their own money. It is in here $500 per child. We are looking at a reduction of capital gains tax, reforming the death tax, and a college tax tuition credit of some sort.

There is no congressionally mandated CPI adjustment. That is to say to our senior citizens, there is nothing in this plan that would adjust their cost-of-living adjustments in Social Security next year. It has been taken out. It was talked about briefly but is not in the plan. It was taken out. We heard the seniors and we heard their concerns.

The plan also includes in the language, at the end of it, a sense of Congress that would allow us to not only balance the budget by 2002 but also pay off the Federal debt between now and the year 2023, so that we can pass this Nation on to our children debt free.

Think of that dream in America: a Nation that we pass on to our children not burdened with debt but debt free. So instead of paying $500 a month in interest into Washington to do nothing but pay the interest on the debt, families can keep that $500 a month and do as they see fit with the money.

As we pay off the Federal debt, another very important thing happens: The money that has been taken out of the Social Security trust fund is put back. And that is very, very significant as we look at the solvency of the Social Security system.

To understand how good this budget is, I think we have to look at where we have come from. I brought a chart from way back in 1991, when I first started running for office. This chart shows the Gramm-Rudman-Hollings plan of 1985, and it shows the green line here is their plan to get to a balanced budget. The red line shows what actually happened, and we can notice they never got to a balanced budget. They never even hit their targets.

In 1987 they revised Gramm-Rudman-Hollings and, again, the green line shows their plan to get to a balanced budget, and the red line shows what actually happened. They never hit their targets, period.

What is happening out here since 1995? This is somewhat staggering. When I went back to put this together I was somewhat shocked to see what was actually happening out here since 1995. The picture is so different than 1985 and 1987 that we almost have to see it to understand how real this thing is.

In 1995, we promised the American people that we would have deficits, as in the red columns on here, $154 billion in 1996. The blue on this thing, the blue columns, those are what is actually happening. And we can notice we not only hit our projection, but we are ahead of schedule.

Think how far we have come since 1985 and 1987. We not only hit the target, we are ahead of schedule in 1996. We are over $100 billion ahead of schedule in 1997. And each year, under this plan, we stay ahead of that promise to the American people that we made in 1995. Our promise is being fulfilled.

The reason that this is happening is because we are curtailing the growth of spending in this great Nation we live in. Spending that was going up rapidly, as we see in the red column, is not going up as fast anymore. It is still going up faster than I would like to see but not as fast as it was. Nondefense discretionary spending was going up.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. NEUMANN. I yield to the gentleman from Ohio.

Mr. KASICH. And, Mr. Chairman, I will give the gentleman a little more time to put that chart back up there.

Let us take a look at what the fiscal year 1996 to 2002 plan is.

Mr. NEUMANN. It was going up by 5.2 percent a year in the 7 years before we got here. Under this plan, and the first 2 years since 1995, it is now going up by 3.2 percent.

Let us put that in inflation-adjusted dollars. It was going up 1.8; it is now going up 0.6. The growth of Government has been reduced by two-thirds.

Mr. KASICH. Mr. Chairman, if the gentleman will continue to yield, let me just say that under this plan that is currently on the table, those increases will drop to 0.5 percent. This will be the lowest increase in the programs that run the Government of the United States in history.

Someone has told me, and we are still trying to check these numbers, less than half of the growth in spending in nondefense discretionary under President Ronald Reagan. So I think it was a significant accomplishment to be able to slow it to that degree, and I appreciate the gentleman yielding.

Mr. NEUMANN. Well, Mr. Chairman, I also think we should talk about nondefense discretionary spending. That is the part of the budget we have the most control over. That was rising by 6.7 percent annually before we took over, in the 7 years before we got here. It is now going up less than 1 percent a year. And in inflation-adjusted dollars, it was going up by 3.2. It is now actually shrinking by 1.5 percent.

I will say that again. In inflation-adjusted dollars, the nondefense discretionary spending, the part of the budget we have the most control over, is actually shrinking.

I will wrap up my part of this presentation with something that is pretty special here. This chart shows what would have happened in 1995 if there had been no changes in the law. This line shows where the deficit was headed in 1995. This yellow line in the chart shows what happened in the first 12 months, how much progress was made during the year of 1995.

Then we put this plan into place, as to what we hoped could happen. That is the green line. And I brought a marker with me today, because a year ago we produced this chart and we said we were ahead of schedule. Notice that our deficit is actually below the green line. And people said, yeah, yeah, yeah, that is 1 year.

I want to conclude my part of this presentation by drawing in where we are now in our second year on this plan to reach a balanced budget. We are way down here. And we can notice that we are not only ahead of schedule for the first year, we are ahead of schedule for the second year. And when we pass this plan, we will stay ahead of schedule for each and every year from now through the year 2002.

What that means for our children in this country is that we will have a balanced budget, we can start paying down the debt, and our children can once again look forward to the opportunity to have a chance at living the American dream in this great Nation that we live in.

Mr. SPRATT. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, for the first time in 15 years, in the 15 years I have served in this House, we are within reach of a balanced budget.

Last September 30, 1996, when we closed the books on fiscal 1996, the deficit stood at $107.8 billion. And now that we have gotten the revenues on April 15 from this year's tax payments, CBO and OMB both believe that the deficit this year will drop to $70 billion or below—$70 billion or less. We can finish the job. We can balance the budget. But only if we have a plan, for without one the deficit will start drifting back upward again.

We have before us today a hard wrought compromise of a plan. When I say hard wrought, I mean it. It was produced through nearly 4 months of negotiations. Hard fought negotiations. But throughout they were civil and cordial, and I commend my good friend and colleague, the gentleman from Ohio [Mr. JOHN KASICH] who worked with us in complete cooperation and good faith throughout the negotiations to bring it to this end, which is a genuine compromise.

Before turning to that plan, I would like to just pause a minute and talk about what brings us to this point. I want to go back to a particular date, January 13, 1993, 1 week before George Bush left office. He sent us that day his economic report of the President, and in it Michael Boskin, his chairman of the Council of Economic Advisers, predicted that the deficit for that year, fiscal 1993, would be $332 billion. This was the deficit that President Clinton found on the doorstep awaiting him when we arrived at the White House 1 week later.

On February 17, the President laid on the doorstep of the Congress a plan for cutting that deficit roughly by half over the next 5 years. It was not a popular plan. It was certainly not a painless plan. It cost my party dearly for supporting it. It passed the Congress only by the skin of its teeth.

The critics claimed this budget would cut off the economy at its knees. But the financial markets were impressed, so much so that long bond rates came down by 100 to 120 basis points. And when the books were closed on fiscal 1993, that first fiscal year, the deficit was not $332 billion as Boskin predicted, it was $255 billion.

A year later, the first full year under that budget plan, the deficit was $203 billion. At year end 1995, it was down again to $164 billion. And as I said, last September it was $107.8 billion.

The deficit has been cut now for 5 years in a row. That is not smoke and mirrors, that is not sleight of hand, that is a matter of record. As Yogi Berra liked to say, "You can look it up." The deficit has been cut by 65 percent. And at 1.4 percent of our GDP, it is at its lowest level since the early 1970's. That is progress by anybody's yardstick.

That is why we are within reach, credibly, of a balanced budget. That is why we are here today, to finish a job, because it would be a shame not to try. And that is why it is important that we do it right and not blow this opportunity.

Mr. Chairman, if it were left to me alone, I would do a budget along the lines my good friends, the gentleman from Minnesota [Mr. SABO] and the gentleman from Texas [Mr. STENHOLM] and the Blue Dogs laid out last year, for which I voted, which had no net tax cuts at all, none at least until we had our goal firmly in grasp. That would not mean no tax cuts, just no net tax cuts.

But this is a divided government, and to do a deal, none of us gets to do it alone. We have a choice between gridlock and compromise. And what we have before us is just that, it is a compromise. It is not a perfect solution. It is the art of the possible. But if we let the perfect be the enemy of the good, we will not get anything good done on the deficit this year.

This compromise differs from most compromises by design, by conscious design, because what we sought in negotiating it was to let each party claim some clear victory. Rather than come out with just gray results, compromise to the point that they lost their identity and pleased nobody, this package allows the Republicans a clear victory. It allows them the chance to do significant tax cuts. It allows Democrats, my party, the chance to do initiatives in children's health care, the chance to do initiatives in education that we could not do if we tried to do it alone.

That is why I say this budget is balanced in two senses. If the economy stays stable, this budget should take us to a balanced budget by the year 2002. But in the meantime, this resolution is not so fixated on the deficit that it forgets this country has other problems too that need to be addressed.

Hard-working families are worried about how they are going to pay for the cost of their children's education. Tuition is soaring. This resolution promises more help than anything that has been passed in this Congress in the past 25 years.

There are 10 million children, mostly in working families, who have no health insurance. This resolution sets aside $16 billion to come up with ways to cover at least half of those children within the next 5 years.

To those in my party, my fellow Democrats, who are still summing up the pluses and the minuses in this budget resolution, I urge them to keep initiatives like these in mind and ask themselves if we could have achieved this, if we could have done this if we went it alone as a minority, by ourselves. I ask them to look at NDD, nondefense discretionary spending. It goes from $548 to $562 billion. We should ask ourselves, measured against last year's budget resolution, if we could have done this well if we did it alone.

Look at what we have done with Medicare and preventive care, with Medicaid and moderating the reductions. Throughout this budget the Democratic stamp is firmly and clearly in place. I do not think we could have done this well by going it alone, and that is why I say we should support it. That is why this resolution is a good deal for us but, more importantly, it is a good deal for this country.

It is a balanced plan to balance the budget. I say let us finish what we started in 1993. Let us adopt this House Concurrent Resolution 84. Let us balance the budget by the year 2002, and let us take the credit we deserve as Democrats for this accomplishment.

☐ 1700

The CHAIRMAN. The Chair would like to clarify for the Members the unanimous-consent request from the gentleman from South Carolina [Mr. SPRATT] who broke up his time throughout the remainder of the evening.

The gentleman from South Carolina [Mr. SPRATT] has 25 minutes remaining on his time. The gentleman from Washington [Mr. McDERMOTT] will have 25 minutes. Joint Economic Committee members will have 10 minutes. The gentleman from Minnesota [Mr. MINGE] will have 40 minutes, 20 minutes under the rule and 20 minutes of additional time as requested by the gentleman from South Carolina [Mr. SPRATT]. The Congressional Black Caucus will have 30 minutes. And then the gentleman from South Carolina [Mr. SPRATT] will have 30 minutes and have the right to close on his side of the aisle.

The Chair would encourage Members controlling time under this consent arrangement to use their time in the blocks that have been allocated, if at all possible.

The chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, would the Chair just explain how much time has been consumed? I understand that when the majority leader was yielded 5 minutes, he spoke for 13; and that is our process, but he was allocated 5 minutes against the time. How much time has been consumed by both sides?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 24 minutes remaining of the 30 minutes in his block under his unanimous-consent arrangement. The gentleman from Connecticut [Mr. SHAYS] has 2 hours and 11 minutes remaining.

Mr. SHAYS. That is not all that helpful, Mr. Chairman. Of the total amount of time on each side, how much has been allocated?

The CHAIRMAN. The Chair does not understand the gentleman's inquiry.

Mr. SHAYS. Mr. Chairman, I just want to know how much time has been consumed on both sides. That is the question. I did not ask how much is remaining. How much is consumed?

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has used 11 minutes.

Mr. SHAYS. Mr. Chairman, how much time have we used on this side?

The CHAIRMAN. On the other side of the aisle, 19 minutes have been consumed.

Mr. SHAYS. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I strongly support the bipartisan budget agreement before us today. This budget resolution has particular significance for me. I am the only Member of this body who has worked with the chairman, the gentleman from Ohio [Mr. KASICH], from both sides of the aisle.

For 5 years, I served on the Committee on the Budget as the Democratic member, struggling to produce such a document. While we never succeeded, I think it is appropriate at this time to remember the commitment of colleagues, some of whom are no longer in this body, who worked for such an agreement.

Specifically, I want to express appreciation to Tim Penny, whose work I believe laid the foundation for the success that our chairman has brought to fruition. Also, both Leon Panetta and the gentleman from Minnesota, Mr. MARTIN SABO, in my opinion, worked to produce the most fiscally conservative resolutions possible in their eras. I hope each realizes his contribution to this long process.

My last year as a Democratic member of the committee was spent working on the other side of the aisle to demonstrate that bipartisanship was possible but, more importantly, necessary to success. Unfortunately, it was not viable at the time.

Now, in my first year as a Republican member of this committee, it is with great pleasure that I endorse a truly bipartisan agreement. The fiscal year 1998 budget resolution was reported by the Committee on the Budget on a 31 to 7 vote. It was supported by 11 Democrats on the committee. The ranking member of the committee, who deserves a tremendous amount of credit, was a major player in its development. This document is bipartisan and it is a culminating moment in my service in the House.

I know that some of my fellow conservatives may be disappointed in this agreement. It does not go as far as we would like for it to go in reforming the role of government in our lives. But you must realize that we have colleagues on the opposite end of the political spectrum who are perhaps even more distressed with some of the contents of this resolution.

Some will call this resolution compromise, as if it were something foul or distasteful. Others will call this capitulation and will revel in debating who recapitulated, the President or the Congress. But I do not refer to this budget by either of those terms. To me it is a realistic achievement. It is what is doable. It is the product of something known as the Democratic process. It is called governing.

Unless any of us forget, let me remind you that less than 3 years ago we did not even debate budget resolutions that reached balance at any point in the future. Today, we are debating a budget that reaches balance in 2002, provides real savings in entitlement programs, creates no new entitlements and provides for a permanent reduction in taxes. We are doing this in a bipartisan fashion which greatly enhances the chances of making these efforts actual law.

This debate today is not nearly the final word on the issue. We must now move forward in the legislative process. Every committee in this body will make a significant contribution on producing at least one, hopefully two, reconciliation bills which we will debate later in the summer. We must also produce and pass 13 appropriation bills, none of which will be easy.

We will have this and other debates many times over as we proceed. We will each see victories and we will each see defeats. That is the nature of American-style democracy. It is not particularly pretty to watch, but it will work.

But today what is crucially important to recognize is that for the first time in a very long time, we are considering a bipartisan balanced budget proposal. This is historical. This is a victory for all Americans. More importantly, it is a celebration of our system of government and of our future generations.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. SABO], the former chairman and ranking member of the Committee on the Budget.

Mr. SABO. Mr. Chairman, I thank the ranking member for yielding. Let me say a special word of gratitude and thanks to the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Ohio [Mr. KASICH] for their great job in bringing this compromise budget proposal to us today. It is not easy, but it is a job well done and the country is well served by your efforts.

By passing this budget agreement today, we will be entering the final stages of a 7-year effort to get this country's fiscal house in order. The effort began in 1990 with the budget agreement between President Bush and congressional Democrats. It took another giant step forward in 1993, when President Clinton and congressional Democrats passed the largest deficit reduction package in history. And today, by passing this budget resolution, we will move toward finishing the job of balancing the budget.

When all is said and done, the record will show that the only people to have voted for all three of these budgets will be congressional Democrats. And, in fact, most of the people who will have voted for two out of three will be congressional Democrats.

Before the 1993 deficit reduction package was passed, the deficit stood at $290 billion. But congressional Democrats acted to change that and the country has reaped the benefits ever since. Thanks to that 5-year plan, the deficit is now expected to fall for a fifth straight year to its lowest level since 1979. By the end of 1997, the 1993 plan will have cut almost $700 billion in projected deficits. Indeed, without that success, we would not be in a position to consider balancing the budget by the year 2002.

The economy has also responded to the 1993 plan by creating more than 12 million new jobs, raising wages, lowering unemployment, and keeping inflation in check. Most of us cannot remember a time when our economy was stronger and more likely to provide a better future for our citizens. I firmly believe this would not have happened if we had not acted to reduce the deficit significantly.

The budget before us continues the fiscal discipline of the last 7 years. At the same time, it gives us the opportunity to correct some of the excesses of last year's welfare bill. It will help restore fairness for legal immigrants who had benefits taken away from them unfairly. It will provide the opportunity to restore food stamps for people unable to find jobs. This is a good resolution. Let us pass it.

Mr. SHAYS. Mr. Chairman, I am happy to yield 5 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of House Concurrent Resolution 84, the balanced budget agreement of 1997. When Babe Ruth retired in 1935, a lot of folks thought no one would ever break his record of 714 home runs. But in 1974, Hank Aaron hit number 715. And a lot of folks thought no one would ever break Lou Gehrig's consecutive game streak of 2,130 games. But in 1995, Cal Ripken broke that record, and he is still going strong.

A lot of folks were beginning to think that Congress would never break its record of deficit spending year after year, and for 27 years they were right. But today, we have a chance to break that dismal record. Today, we have a chance to end our 27-year losing streak of deficit spending.

This alone is enough reason to merit support for this budget agreement. But this agreement does much more than just break the deficit streak. It helps preserve Medicare and keep it solvent for the next 10 years, it provides tax relief for the American family by providing a $500 child tax credit and educational tax credits, it helps small businesses and farmers by providing relief from the death tax, which causes so many family farms and family businesses to be sold instead of being handed down to the next generation, it provides more incentives for savings by allowing us to expand the individual retirement account, and it will help create jobs by providing much needed capital gains tax relief.

Mr. Chairman, I urge all of my colleagues from both sides of the aisle to take advantage of this historical moment, this bipartisan agreement, and break this dismal record of deficit spending that started in 1969. Vote "yes" on this historical document. This is a record breaking day for the U.S. Congress.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], the vice chair of the Democratic Caucus.

Mrs. KENNELLY of Connecticut. Mr. Chairman, as a supporter of the controversial 1990 Bush budget and a supporter of the budget resolution of the equally controversial budget of 1993, I rise tonight to support this budget resolution, hoping it has the same end.

CBO recently announced that, in fact, the deficit for this year would be below $70 billion, the lowest in 16 years, a 77-percent reduction in deficit since President Clinton became President. This is tremendous progress.

□ 1715

This is tremendous progress. But it would not have happened if it was not for the decisions made by those in 1990 and 1993.

I support this resolution because I want to see the job finished. I want to see the budget balanced. But we must say tonight again and again, the hard work has just begun. We must draft implementing legislation that keeps the promise of a balanced budget in the years following 2002. We must insist that the Committee on Ways and Means craft a package that provides needed tax relief to American families. This will be no easy task. In particular, the tax package needs to be crafted in a way that makes it possible to provide the promised tax cuts while at the same time actually measuring in the correct way the cost of these tax cuts. It would be tragic indeed if after years of work the tax cuts were drafted in such a manner that the revenue losses drive up the deficit after 2008. I think we should agree in a bipartisan fashion that such an outcome is not in the interest of the Nation.

I stand here tonight and the rancor is not the same as it was in 1990, and it certainly is not the same as it was in 1993. I do not miss the rancor, but, Mr. Chairman, I will say I would rather have the rancor and the commitment to reduce the deficit. I certainly hope tonight that in this budget resolution I am going to vote for, that promises are kept, please, Mr. Chairman.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas [Mr. DELAY], the majority whip and a member of the Committee on Appropriations.

Mr. DELAY. Mr. Chairman, I rise in support of this resolution, and I commend everyone on both sides of the aisle for their hard work in putting it together.

Today we are faced with another historic decision. We can move forward by passing this resolution or we can stumble backwards by defeating it. This budget resolution accomplishes two very important things: First, it balances the budget; second, it cuts taxes for working families in America. Together these two priorities comprise the cornerstone of the Republican agenda. To characterize this as anything less than a victory for commonsense conservatism, I think, is an exercise in fantasy. I would remind my colleagues that this is not the end of the beginning nor is it the beginning of the end. Instead it is the first step in a very long process to preserve and protect the future fiscal health of this Nation. Like the 12-step program of Alcoholics Anonymous, the first step is the most important step, but each step on the way is equally important. We have a long way to go until we swear off wasteful Washington spending for good.

Critics have found much to criticize in this budget. They have picked it apart with complaints as diverse as the people who make up this country. Some have said that spending is too high. Others have said that spending is too low. Some complain that our tax cuts are too generous. Others condemn them as inefficient. In a perfect world, if I were king, this would be a different budget. I am certain that if the minority whip, the gentleman from Michigan, were king, he could construct a budget far different from mine. But this is not a monarchy. Neither the gentleman from Michigan [Mr. BONIOR] nor I are kings. This agreement is the best we can get with the situation that we find ourselves in. It cuts taxes, it saves Medicare, it slows spending, and it balances the budget.

In my view this budget resolution is kind of like Tiger Woods and his tee shot. It is not too far to the right nor is it too far to the left and it takes us a lot further than we previously thought we could go before.

A cynic, Oscar Wilde once said, is a man who knows the price of everything and the value of nothing. Cynics who condemn this budget miss its true value. For the first time in modern memory, the President of one party and a Congress controlled by the other party have agreed to balance the budget and to cut taxes in a very specific budget resolution. I call that a victory for the American people.

To those Democrats who support this resolution, let me just simply say, welcome to the fight and we greatly appreciate your support. And to those few Republicans who may oppose this budget, let me just say, do not grasp defeat from the jaws of victory. To those Americans who have lost faith in the political process, let me just say, every once in a while the process works. This is one of those times.

Vote for this resolution and together let us move on to the next step of balancing the budget and cutting taxes for the American people.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Chairman, I would first of all like to commend the gentleman from Ohio [Mr. KASICH] and certainly the gentleman from South Carolina [Mr. SPRATT] and certainly the President and his staff for putting together this agreement. I would call it a historic agreement, and it is. If, in fact, it is implemented as it is agreed to, then it will be a very good budget because it will carry out the priorities of both sides. It will have a modest tax cut and at the same time it will provide relief for legal immigrants that was taken away in 1996, it will provide new initiatives for children's health care, and certainly it will provide more resources for education in the form of Pell grants and increases of 25 percent in many of the areas of education.

On the other hand, I must point out that I thank the gentleman from Texas [Mr. DELAY] for saying that many Democrats will be joining him, but for the last 7 years, in 1990, and 1993, it was the Democrats that basically carried deficit reduction. In 1990, as my colleagues recall when President Bush was President we reduced the deficit by some $600 billion. In 1993, with President Clinton, we reduced it by some $490 billion. That is why we are here today with a $67 billion deficit and on our way to balance. But I will say I am a little concerned, and I want to make one caveat. This is just a piece of paper. It has no force of law. The President does not even have to sign it. The real test will be the 13 appropriations bills and the reconciliation bill and also the reconciliation bills on the tax cut.

Bear in mind, 1981, when Ronald Reagan said, "We're going to balance the budget, we're going to cut taxes and we're going to increase defense." He said he was going to balance the budget by 1984. My colleagues know that did not happen.

I just heard some of my friends on the other side of the aisle talking about the tax cuts, the capital gains tax cuts, the cuts in the estate tax, the child credit of $500, and also the IRA's. If we add all those up as introduced in the Contract With America, we are talking about 600 billion dollars' worth of tax cuts over the next 10 years. We will find ourselves in the same mess we did in the 1980's unless we are willing to implement this agreement as it was agreed upon by all the parties.

I reserve the right, I think with my colleagues, that on the individual appropriations and individual reconciliation, we certainly will be in a position to examine those very closely.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding me this time and congratulate the gentleman on a job very well done.

Mr. Chairman, I rise in support of this budget resolution as the next step to balancing the Federal budget. Considered in light of the CBO deficit projections just 4 years ago, this accomplishment is nothing short of miraculous. Four years ago, the deficit was actually $290 billion. The projection for 1997 that year was that the deficit would be $319 billion. But for the courageous action of President Clinton and the Members of this House and Senate, the other body, we were able to pass a bill that, in fact, brought the deficit in much, much lower than that. We have now a controllable deficit thanks to the action that we took in 1993.

I would like to speak for a moment about the tax and revenue portions of the agreement. The concern has been raised that we must not repeat the mistakes that we made in 1981. I was not a Member of this House in 1981, but I reviewed the action of that year. The tax cuts proposed by President Reagan and approved by the Congress were estimated at that time to reduce Federal revenues by $863 billion over 5 years. Let me say that again. The tax cut of 1981 totaled $863 billion over 5 years. That was with 1981 dollars. The tax cuts provided under the agreement embodied in this resolution are limited to $85 billion over 5 years, which is less than 10 percent of the size of the 1981 tax cuts. It is a far more cautious and responsible tax package than the 1981 legislation.

Another key provision of this agreement is the treatment of Medicare. The budget resolution we consider today provides for real Medicare reform that will lower the cost to our seniors and provide quality care for our Nation's seniors. Chief among the improvements is a preventive health care package that will help our seniors with their health care needs. We also solve other real problems in providing health benefits for children. We provide needs for students. This is a good budget agreement that puts together ways of improving our economy. I hope my colleagues will support the agreement.

Mr. Chairman, I rise in support of this budget resolution as a next important step along the way to balancing the Federal Government's books for the first time in a third of a century. I share the view of those, including the President, who have said that this budget balances the budget while also balancing our priorities and our values.

The budget we have before us today is truly a bipartisan work product. With a Democratic President and a Republican-controlled Congress, only a bipartisan budget plan could succeed. Both parties had to be willing to work through their strong disagreements and find compromise, without abandoning principle. Because they were, we have a chance today to take another step forward on the road to a balanced budget.

Mr. Chairman, just as today's action by this House will not mark the end of the work needed to balance the budget, neither does it mark the beginning. The Congressional Budget Office has recently indicated that it now estimates the budget deficit for the current fiscal year will be less than $70 billion. Considered in the light of CBO deficit projections of just 4 years ago, this accomplishment is nothing short of miraculous.

Four years ago, prior to the passage of the 1993 deficit reduction act, the Federal budget deficit was $290 billion. At that time, CBO projected that the deficit for this year, fiscal year 1997, would be $319 billion. By its courageous action in following President Clinton's leadership and passing the 1993 legislation, the 103d Congress brought uncontrollable deficits down to controllable levels. Without that action, we would not today be in a position to finish the job and balance the budget.

After a decade and a half in which the United States was the most fiscally irresponsible member of the G–7, today we are again the healthiest and most vibrant economy in the world. Our fiscal health is also the strongest of our major trading allies.

Today it is up to us to take the next step by approving this balanced budget agreement. As we do so, a few words of caution are in order.

Passage of this budget resolution will not, of course, balance the budget. We must still do the hard work of cutting spending and enforcing the terms of the agreement.

I would like to speak for a moment about the tax and revenue portions of this agreement. Some critics of the agreement, concerned about the tax cuts, have compared this agreement to the early 1980's. At that time, the 97th Congress approved the largest tax cuts in our country's history, which created the nightmare deficits that have plagued us since.

The concern has been raised that we must not repeat the mistakes of 1981. I was not a Member of this House in 1981. But I have reviewed the actions of that year. The tax cuts proposed by President Reagan approved by Congress that year were estimated at the time to reduce Federal revenues by $863 billion over 5 years. Let me say that again. The tax cuts of 1981 totaled $863 billion over 5 years. Let me point out that figure is in 1981 dollars.

The tax cuts provided under the agreement embodied in this resolution are limited to $85 billion over 5 years, which is less than 10 percent of the size of the 1981 tax cuts. It is a far more cautious and responsible tax package than the 1981 legislation.

No aspect of this agreement is more important than constraining the size of the tax cuts. We must be especially careful that revenue losses associated with the tax cuts do not exceed the tight limits that all parties have agreed to. Those of us on the taxwriting committee must work to prevent tax cuts from driving the deficit back up after 2002. Once we have balanced the budget, we must keep it balanced.

Another key to this agreement is the treatment of Medicare. Unlike 2 years ago, when the preservation of health benefits for seniors divided the parties, this year we are together on Medicare.

In the last Congress, so-called Medicare reform was all about slashing spending and forcing seniors into managed care plans where they would face higher costs and decreased choice. This year, the Medicare debate has turned around. The budget resolution that we are considering today is real Medicare reform. It makes programmatic changes that will lower costs and improve quality of care in the long run for our Nation's seniors.

Chief among these improvements is the addition of new preventive benefits in Medicare. On the first day of this session of Congress, I joined with my colleagues Chairman BILL THOMAS of the Ways and Means Health Subcommittee and Chairman MIKE BILIRAKIS of the Commerce Health Subcommittee to introduce H.R. 15, the Medicare Preventive Benefits Improvement Act. The budget resolution Includes these new benefits: Yearly mammographies for women over 50, with the deductible waived; colon cancer screening; prostate cancer screening; diabetes self-management and training services and payment for blood glucose monitoring strips; yearly pap smear screening and pelvic exams for women of childbearing age or with high risk of developing cervical cancer, with the deductible waived.

These Medicare modernizations will go far toward improving the quality of life for our Nation's seniors. And, as prevention becomes the norm of care for seniors, the Medicare Program will realize substantial savings as well.

Medicare is also thee source of funding for our Nation's graduate medical education system. This budget resolution includes provisions that make some improvements to that system. During the budget reconciliation process, I plan to build on this commitment to ensure that our graduate medical education system remains No. 1 in the world.

Despite the strengths of this agreement, there are parts of this budget resolution that I do not agree with and that I believe take our country in the wrong direction.

I strongly oppose a provision in the budget resolution that calls for the repeal of the Boren amendment. The Boren amendment is a protection in the Medicaid Program that simply states that payment rates for hospitals and nursing facilities must be "reasonable and adequate to meet the costs of efficiently and economically operated facilities." This provision is a vitally important Medicaid component because it helps assure access to quality health care for our Nation's poor mothers, children, and seniors.

We created the Boren amendment in 1981 at the request of our Nation's Governors who were concerned that they would no longer be able to provide quality health care to their nursing home residents and poor mothers and children because of the downward spiral of Medicaid reimbursements. What was a problem in 1981 would become a problem again today if we repeal the Boren amendment. The proposed repeal of the Boren amendment creates a problem where none now exists.

Fortunately, there are other provisions of this agreement that solve real problems. The agreement contains important changes in last year's welfare reform legislation, easing some of the excesses of that initiative. The bill commits us to addressing the health care needs to the millions of American children who have no health care coverage. It provides the largest increase ever in Pell grants, making postsecondary education more affordable for millions of American young people.

Mr. Chairman, since 1969, the promise of a balanced budget has eluded this country. Now, with the adoption of this budget resolution, we have the chance to bring that promise closer to reality. Over all, the pluses in this package far outweigh the minuses. It will allow us to finish the job we began in 1993 and balance the Federal budget, and it does so in a way that is consistent with the values and priorities of the American people.

Mr. SHAYS. Mr. Chairman, I yield 20 seconds to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I just wanted to correct an impression left by the previous speaker that even though the estimates in 1981 were that we would lose revenues, real life happened after those estimates. The estimates turned out to be wrong and revenues doubled during the 1980's as a result of the economic growth package enacted in 1981.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I rise today in support of this great budget agreement. I think we have come a long way and it has taken us a long time. This budget proposal is real. For the first time in 28 years, we have the opportunity to pass a truly balanced budget. I hope the Members of this House will consider later on this evening the Shuster-Oberstar amendment in terms of transportation and investment into our infrastructure. I think it is important. This is a balanced budget that protects our commitments to working families, the elderly and children and one that puts our economy on the right path as we enter the next century.

The interest payment on the debt is currently the third largest portion of the Federal budget. That is money that could otherwise be invested in education, in job training, and infrastructure, or could simply be given back to the taxpayers to spend as they see fit.

This budget proposal allows for tax credits for our young people and allows for expanded Pell grants. It is the right vote tonight, later on this evening, that we support this budget agreement. I commend both sides for a job well done.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to support this budget agreement. The agreement before us represents at least procedurally the hardest thing this body ever tries to do, compromise differences, accept less than what each party wants, and tolerate aspects of the agreement each party would not include if it were simply a matter of writing its own package.

Throughout the history of this place, this Chamber is mostly a matter of winner-take-all, the party of the majority passes the bills they want, and that is the end of it. In times of divided government, that often means a Presidential veto and the legislative initiative dies in the partisan standoff. Such was the fate of the balanced budget drive in the last Congress and it very well could have happened to the balanced budget effort this Congress, but the American people deserve better and the President and the leaders of Congress, both House and Senate, both majority and minority, have worked to give them better. This budget agreement accomplishes that difficult task.

Back where I come from and across the country, Americans wanted the parties to work together to iron out the most difficult problems facing this country. They wanted a balanced budget. They have to do it as individual families. Collectively they wanted to do it on behalf of the country. But they also wanted our values reflected. Those values include protecting the health care that our seniors depend upon, committing to a bright educational opportunity for our young people, and the opportunity for people at a midcareer track to go back and get the skills training they need to compete in the work force today. It also means working and middle-income families find it just a little easier to make ends meet.

□ 1730

Now I believe the agreement before us accomplishes all of this in a reasonable but not perfect fashion. Most importantly, it reaches a balanced budget and does so in a way that I think fairly reflects those values.

Mr. Chairman, as a 5-year member of the Committee on the Budget, I am extremely pleased to say I am supporting this agreement, and I urge my colleagues to do likewise.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Chairman, I rise in support of the budget agreement. It is just that, an agreement, a compromise. As my colleague from North Carolina pointed out, it is not what our party would have wanted, but it is better than deadlock, division and a Government shutdown a few months from now.

My colleague from California argued that we did a better job in 1981 and told us that revenues went up. They did only because we had such massive inflation as a result of the 1981 tax bill that everything cost more and everything involved more dollars. This, I hope, will be a much better agreement. That agreement in 1981 caused income taxes to decline sharply as a percentage of gross domestic product. This agreement will lead us to a balanced budget.

Just a few years ago we were headed toward a hundred trillion dollar deficit. Now, after tough votes in 1993 and the tough votes that we will make here today, we will be headed toward a balanced budget, a budget that I think will do more to encourage business than any 10 Republican business incentive programs or tax cuts and a balanced budget that will do more to help the poor than any 10 Great Society programs, because a balanced budget means a decline in interest rates, an increase in business activity, an increase in jobs.

On the Committee on the Budget my focus has been to focus on the environment and our need to buy more environmentally sensitive lands. I want to thank the gentleman from Ohio [Mr. KASICH] for working with me on an amendment that we adopted last Friday, an amendment that clarifies the agreement reached in the White House and indicates that we will have $700 million to spend next year on acquiring environmentally important lands. I think that it is important when we talk about taking care of our children to give them not only a healthy economy but to preserve this land for them, and that is an excellent aspect of this budget agreement.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, balancing the budget is important for this country and for its people, but balancing our national priorities and being fair to our citizens is equally important. This budget deal, some say, gives us the best opportunity to balance the budget in the next 5 years, but who are the winners and who are the losers?

This budget is indeed good for education, a national priority: $35 billion of investment in education, $300 in Pell grant increase, the largest expansion in Head Start; all of this leads toward our national priority.

But this budget is not fair to poor people. It fails to correct the very harsh provisions that allows hundreds of people access to food stamps only 3 months out of 3 years.

This budget does provide for a few more work slots and makes a feeble attempt to provide some assistance to States of 15 percent, but it does nothing about shelter caps or nothing about a reasonable value of vehicles.

This budget will help to develop healthy children, and indeed that is important. It expands health coverage for 5 million uncovered children while again, on the other side, it does not expand health coverage for another 5 million children.

Additionally, it finds that it is additional hardship of those rural hospitals because of the disproportionate share.

This budget is charitable for working families. It gives a $500 child tax credit, the welfare-to-work credit and the establishment of additional empowerment zones, enterprise communities. It will help local economies. But this budget is bad for those who want to work and cannot find a job.

This budget treats some legal immigrants fairly and, Mr. Chairman, that is a move in the right direction. It restores the civility and health benefits for legal immigrants as well as Medicaid coverage for poor legal immigrants' children. But it does not restore food stamps for legal immigrants, and when one comes to this country, whether they are legal or not, one knows indeed the benefits were not provided.

Mr. Chairman, we must, those of us who are considering to vote for this budget deal, must be honest with ourselves. There are winners and losers, and we must be fair to all of our citizens.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, today is a historic moment for America. We have the opportunity to vote on a budget that will be in balance by the year 2002 to begin the process of returning the Federal Government to a policy of fiscal responsibility.

Last week the Committee on the Budget had a chance to look at this budget agreement, and I am proud to say that we reported it out of committee by a wide bipartisan margin, 31 to 7.

This budget stands for commonsense values. It means permanent tax relief for hard-working families, genuine entitlement reform that preserves Medicare, and smaller, less intrusive Washington bureaucracy that lives within its means. This is something American families have been doing all along. It is about time we reward them for it with a balanced budget of our own.

With this budget American families will receive a much needed break from excessive taxes that have reached an unprecedented level of unfairness. This means that middle-class Americans like David Witt of Fresno, CA, and Kelley Gentry of Three Rivers, CA, both in the great Central Valley, will get capital gains tax cuts. Others will receive relief from the death tax, which destroys the hope of passing on the fruits of one's labor to their children, and they will also receive tax relief if they send their child to college. These tax reductions will allow workers to keep more of what they earn and gives them the freedom to live their lives as they choose, not as Washington dictates.

Mr. Chairman, we have the chance today to reduce taxes by $135 billion over 5 years, save Medicare for the next 10 years and provide 600 to 700 dollars' worth of entitlement savings over a 10-year period.

I urge my colleagues to support final passage of House Concurrent Resolution 84, a Balanced Budget Act that is good for America.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Chairman, I believe that like the rest of the country we do some of our best work when we come together and try to look very carefully at what we have in common and how we can work together towards the common goal, and such is the strength of the budget resolution today that has as its primary emphasis balancing the Federal budget. This in my mind is the glue that has put this agreement together and the glue that will hold this agreement together, including between Democrats and Republicans.

Let us not forget that the amount of interest that we are paying annually on the Federal debt more than exceeds the annual amount of income tax paid by every individual living west of the Mississippi in the United States, an average of about $3,000 a taxpayer. This is a compelling debt we cannot allow our children and grandchildren to inherit.

What further gives this budget resolution integrity is it strikes the appropriate balance between preserving our priorities, Medicare, Medicaid and, in particular, education while balancing the budget. This is a major distinction between the budget of the Congress passed last year that the President thankfully vetoed that would have devastated States like Florida, where I come from, in terms of the impact of a very sudden and massive reduction in Medicaid. The proper balance has been struck here.

And with respect to the tax cuts let me say this: I think one of the best tax cuts that we can provide to the public is to reduce the incredible deficit that this country faces, to minimize its huge interest payment, to enjoy the favorable impact that would tend to have on interest rates, and, as we begin this process and as we debate these tax cuts, let us be open and honest with the American public as to how much these tax cuts are going to cost, where the money is going to come from to pay for it, and to make absolutely certain that the tax cuts that we do enact here are paid for and do not in any way undermine what should be our principal goal, which should be to balance our Federal debt.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I want to thank the ranking member on the Committee Budget for, one, letting me speak this afternoon; and, two, for all the work he has done to make this balance and possible for many of us to vote for.

Mr. Chairman, I voted for this budget resolution in committee, and I will vote for it here on the House floor, not because it is perfect, but because it takes important strides to invest in our kids, our families, and balances at the same time our budget in 5 years.

But voting for a good budget resolution is just the first step. Next we must take steps to implement the promises contained in this budget. In particular, I will be watching to make sure that we enact the President's education initiatives and that we fully fund WIC.

The only way we can move this Nation forward is by giving every single American access to quality education and training. That is why Congress must fund the President's education initiatives and make higher education more accessible and more affordable. Americans who are educated can get jobs that pay a livable wage. When we make education more accessible, we prevent families from going on welfare. We reduce crime, and we reduce violence, and we increase respect, respect for our health, respect for our environment and respect for each other and our differences.

Scientific research proves what every mother already knows. Babies who are born healthy and babies who are nurtured in the early years have the best chance of growing into productive adults. That is why Congress must fully fund WIC, so that every eligible pregnant woman has access to prenatal care and proper nutrition for herself during her pregnancy and while she is nursing and for her baby following birth.

Mr. Chairman, I will be voting for this budget resolution, but I will be watching closely to make sure that the promises made to our kids and families are within this budget act.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Chairman, I rise today in support of the balanced budget agreement of 1997. This is a bipartisan compromise which is necessary in this day of divided government which demonstrates an ability to govern even with the President of one party and Congress of the other. The passage of the balanced budget resolution will be a solid first step toward the goals of balancing our budget, providing permanent tax relief for American families and reducing the size and scope of the Federal Government while improving the fiscal health of this Nation.

Mr. Chairman, after months of negotiations, the Republican leadership and President Clinton have found enough common ground to draft a budget which will come to real balance by no later than 2002.

Mr. Chairman, I believe that American families deserve a break, a tax break, and this bipartisan plan will give American families the tax relief they deserve. This plan will give Americans $135 billion in tax relief over the next 5 years, and for the next 10 years the Americans will get a tax break of $250 billion. The tax relief package in this budget insures that every American wins. It is a permanent win. It is not a temporary tax cut. With it we can provide relief for families with children with a per child tax credit, the opportunity for people to keep their family farms and businesses with death tax relief, incentives for job creation and economic growth with capital gains tax relief, incentives for savings and investment with IRA expansion, relief for families who send their kids to college with the education tax credit.

Mr. Chairman, with our bipartisan plan we save Medicare, we increase Medicare spending, provide seniors with better choices. While liberals hold onto bureaucracy, we have chosen ways to preserve, protect, and strengthen Medicare for the sake of our seniors.

And finally this budget will decrease the size and scope of our Federal Government. In current dollars Washington will spend less over the next 5 years in nondefense discretionary spending than it has since 1969.

□ 1745

That is the last time Washington balanced its books.

This bipartisan plan will save the taxpayers $961 billion over the next 10 years in spending. Without this agreement, we would be spending almost $1 trillion in higher spending; and guess who foots the bill for this extra $1 trillion? American families.

Mr. Chairman, compromise is essential with a divided government. There are components of this budget which are not perfect. There are even some components which some of us would change, if we could. However, the President has veto power. The Republicans have a slim majority of 10 seats, and we cannot override a Presidential veto. If we send the President the spending reduction and tax relief we did in the last Congress, the President would veto again, and the deficit will continue to grow indefinitely.

So, Mr. Chairman, we agree that this is a bipartisan agreement. If my colleagues would take a look at this chart, this is what the average American family spends on taxes today: $21,883. It is more than what they spend on food, shelter, clothing, and transportation combined, and this is the level of taxation that families will continue to endure if we do not pass this bipartisan plan.

The American family needs this bipartisan plan. It will mean lower taxes, lower interest rates, economic, domestic expansion and a healthy economy. Mr. Chairman, for the first time in 40 years we have this bipartisan agreement. I urge my colleagues to vote for this bipartisan balanced budget resolution.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, on balance, this is a good plan. Certainly it is much better than this House passed in 1995 and 1996, and fortunately the President vetoed those plans. If it works and the economy stays strong, it will balance the budget for the first time since 1969, which was the year that I was 10 years old.

Increasing education and environmental funding is what this budget does and it is a good thing. It begins to address the national disgrace of the 10 million uninsured children in this country, including more than 2.5 million in Texas, and it increases access to college by increasing Pell grants and making tuition deductible.

There are some points that I think the committees need to look at. With respect to Medicare and Medicaid, the Committee on Ways and Means and the Committee on Commerce need to make sure that we have stable funding for medical education in the context of the Medicare changes that are made, ensuring that low-income seniors are protected from premium increases due to the shift of home health care, ensuring that there is Medigap protection so that we give seniors a real choice between fee-for-service and managed care, and ensuring that the disproportionate share that is used by the States continues to have the flexibility, so that it covers not just high Medicaid populations, but also unreimbursed charity care as well.

Let me speak with respect to the tax cuts. Many are appealing, and I support many of them. However, I do have some real concerns as to how they are being paid for.

A large part of this budget is predicated upon very, very optimistic economic assumptions. If we look at the numbers, we assume that inflation will be 2 percent less than historical average, that interest rates will be 3 percent less than historical average and that unemployment will be 1 percent less than recent historical average, spectrum sales will bring in more than they have in the past.

This is a great risk, a risk that we can manage, but I urge my colleagues that we need to be cautious as we go forward with this plan, not get us back into the trap we saw after the 1981 budget and 1982 and 1983, where we had resulting deficits from tax reductions and then put pressure on mandatory spending such as Medicare and Medicaid.

In balance, as I said, this is a good deal, I will support it, but it will take a lot of work over the next 5 years to ensure that we do in fact get in balance.

Mr. Chairman, I rise in support of this budget resolution as a good start toward the first balanced budget since 1969. It is by no means a perfect agreement; few are. But it is a bipartisan agreement that sets us on a path to balance and, if properly implemented, will help restore the confidence of the American people that their elected leaders can work together to confront the challenges facing our Nation.

I am especially pleased that this agreement places such a high priority on the education and health of our children. We must expand access to college because more and better education is needed to succeed in the information age economy. This agreement does include the largest increase in education investment in 30 years. It will help low- and middle-income families afford college tuition by expanding Pell grants and providing tax deductions for college costs.

This agreement will also help end the national shame that 10 million children lack health insurance and access to basic health services such as immunizations and regular checkups. My State of Texas leads the Nation in the number of uninsured children—2.6 million Texas children have lacked health insurance for at least a month over the past 2 years. This agreement will go a long way toward helping these children and their families. These are the right investments to make even as we move toward a balanced budget.

However, this resolution, as we all know, is only a roadmap to a balanced budget. Now it will be up to the various authorizing committees and the Appropriations Committee to fill in the details, and I reserve judgment on the final product until we see those details. I want to outline my concerns about this agreement, especially with regard to the changes in Medicare and Medicaid and the potential cost of the tax cuts that could lead either to new deficits or deep cuts in mandatory spending such as Medicare, Medicaid, and education.

The Medicare changes should be fair to senior citizens and maintain our investment in graduate medical education at the Nation's teaching hospitals. The Ways and Means and Commerce Committees should consider four issues in preparing their reconciliation bills.

First, we must ensure stable, guaranteed funding for teaching hospitals, which are linchpins of our entire health care system. They train future physicians and other health care professionals; they conduct clinical research that helps keep America first in the world in medical research and technological development; and they often bear the responsibility of treating patients who lack health insurance and cannot find care anywhere else. Through traditional Medicare plans, the Federal Government provides a subsidy to these institutions based upon the number of traditional Medicare patients they treat. However, as the number of Medicare patients enrolled in managed care has grown steadily and these patients have been sent to other locations, there has been a steady erosion in this Federal subsidy.

I believe that the Medicare reforms enacted as part of the reconciliation bill should address this problem and establish stable, mandatory funding for graduate medical education. This legislation could include the option recommended by the administration's fiscal year 1997 budget, which is similar to legislation I have introduced, H.R. 106, to establish a trust fund by recapturing a portion of the per capita costs paid to Medicare managed care plans. This approach would not increase Federal spending; rather it would recapture funds from the current Medicare managed care reimbursement formula so that all Medicare plans help pay for the cost of graduate medical education.

The Medicare reforms also need to include sufficient protections for senior citizens. We must ensure that senior citizens have a real choice of doctors and health plans by reforming Medigap regulations. Seniors who transfer into a managed care plan should be guaranteed the right to buy Medigap if they decide to return to traditional Medicare. Seniors currently lack this right, and this is a tremendous obstacle to real choice in Medicare. We must also ensure that, as we move home health care from Medicare part A to Medicare part B and phase these costs into the premium calculations, we protect low-income seniors from the premium increases. This agreement includes $1.5 billion under Medicaid to help low-income seniors pay these premiums. That is the minimum that should be included in the implementing legislation. The reconciliation bill should be clear in authorizing an increase in Specified Low-income Medicare Beneficiary [SLMB] coverage.

This budget agreement also recommends $13.6 billion in net savings for the Medicaid Program. Most of these savings would come from reducing Medicaid's payments to hospitals serving a disproportionate share of Medicaid and low-income families. I will work to ensure that these reforms to the Disproportionate Share Hospital [SDH] Program are fair and reasonable. Texas has a high number of SDH-eligible facilities because it has the highest percentage of uninsured patients in the Nation and serves a large number of Medicaid patients as well. Any reforms to the DSH Program must protect these patients and those facilities which serve them. In particular, we should ensure that States retain flexibility to include both Medicaid and non-Medicaid charity care in determining DSH eligibility.

I am also concerned that this agreement meet the goal of balancing the budget. It is assumed that the tax cuts will be contained and not result in excessive revenue losses in the future. It is also assumed that the net tax cuts are being paid for by revenue offsets, spectrum sales, and positive economic assumptions of the Congressional Budget Office. Should such assumptions change, revenue losses due to tax cuts would increase the deficit and create pressure for further cuts in mandatory spending such as Medicare and Medicaid. That is why I offered an amendment in the Budget Committee to ensure that any excess losses from the tax bill be offset not by additional cuts in mandatory spending, but rather from the revenue side of the ledger. I believe this is within the scope of the original agreement, but unfortunately the committee failed to accept this enforcement mechanism.

We must remember the lesson of the early 1980's when tax cuts did explode in cost and resulted in the huge deficits we are still dealing with today. I believe there is a possibility that history will repeat itself. There are two temptations that we must avoid—the first is to use overly optimistic economic assumptions and the second is to structure the tax cuts so that they initially appear to be limited in cost, but then explode in the out years. There is a very real risk that this resolution is making both mistakes. That is not to say we cannot manage risk. We can and we should.

First, let me discuss the economic estimates. Yes, our economy has demonstrated remarkable resiliency and strength. But we have not repealed the business cycle and a downturn is inevitable. However, the economic assumptions in this resolution do not leave much room for the inevitable. It assumes $225 billion in new revenue that the Congressional Budget Office suddenly found at the last minute. It assumes $15 billion from a reduction in the Consumer Price Index that may or may not happen. It projects $26 billion in revenues from spectrum auctions despite the fact recent auctions have fallen well short of expectations. And it forecasts $77 billion in savings from stronger economic growth. For example, these estimates are premised on unemployment averaging a full percentage point lower than it has since 1980; a CPI almost 2 percentage points lower than the 15-year average; and interest rates on 3-month Treasury bills more than 3 percent lower than that average. While a far cry from the rosy scenarios of the early 1980's, these estimates nevertheless appear somewhat optimistic.

So on the one hand, there is this temptation to overestimate projected revenue during the period of this agreement. On the other hand, there is a tremendous temptation to underestimate the revenue loss from the tax cuts. This agreement calls for net tax cuts of $85 billion over 5 years and $250 billion over 10 years. However, the Joint Tax Committee estimates that the full cost of all the tax cuts still on the table—both the President's tuition tax deductions and the various Republican leadership proposals—would be $221 billion over 5 years and $560 billion over 10 years. Fitting all these proposals into the constraints of this agreement will require very difficult choices. I am concerned that some backloading of tax cuts has already crept into this budget resolution. The revenue flow from the tax cuts shows a bubble of $2 billion more in revenue in 2002. What policy assumptions generate this extra revenue, and what will be the consequences later?

This, is on balance, a good agreement. Like all transactions, there are many moving parts which must be worked out. We are benefiting from strong and stable economic growth and previous deficit reduction measures. Nonetheless, there is a risk that economic conditions will change or that revenue loss assumptions will prove incorrect. We should manage such risk if we are to make this deal work.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I want to thank the gentleman from South Carolina [Mr. SPRATT] for leading the fight to protect Democratic priorities in the deliberations of the Committee on the Budget.

I intend to vote for the balanced budget resolution today, but the final product of our deliberations must reflect the Democrats' families first priorities in order to gain my support further down the road. Those priorities include significant investment in education, a children's health care initiative to provide coverage to as many of the 10 million uninsured children as possible, and strong environmental protection and enforcement.

Mr. Chairman, it is my fear that the Republican right will highjack the budget process as it continues towards reconciliation and the details begin to be worked out. The Democrats will not support tax cuts that primarily benefit the wealthy at the expense of the average American family.

Concerning the children's health care initiative, the Democratic health care task force has worked hard over the last year to develop a proposal that will cover the greatest number of uninsured children. Our families first plan includes enhanced outreach to those 3 million children already eligible, but not enrolled in Medicaid, increase Federal help to expand Medicaid, State flexibility which allows children to remain eligible for Medicaid for a full year after eligibility is determined, and grants to States to assist with providing public or private health insurance.

Mr. Chairman, I just want to say, I believe that this family first kids' health initiative can be contained within this balanced budget resolution. I know that the gentleman from Massachusetts [Mr. KENNEDY] has assumed the specifics of our Democrats' Family First health care initiative within his substitute and he calls for spending $32 billion for the proposal. I would say, whether it is $32 billion or $16 billion, as in the Committee on the Budget's proposal, it is important to recognize that Democrats will fight to ensure that the sum set aside for children's health care truly benefits most, if not all, of the 10 million uninsured children.

I feel very strongly that this is the beginning of the process. We should support it at this point, but we have to make sure as we move along that we contain and we include as many of the 10 million uninsured children as possible.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Iowa [Mr. NUSSLE].

Mr. NUSSLE. Mr. Chairman, I want to thank the gentleman for yielding me this time.

I wanted to start by giving credit where credit is due for the reason why we are here today. Mr. Chairman, the big shots get to sit in the room and negotiate and get everything done, but there is a reason why we are here. Here comes one of the big shots now. I congratulate the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, but the real big shots and the reason why we are here today is the American people. They demanded it, they said we want real entitlement reform, we want to save Medicare, we want to stop all of these increases in taxes, we want to balance the budget and we want to do it now, we do not want any phoney gimmicks, we do not want a phoney plan, we want our Representatives to get in there, work together.

We know there are differences, we know there are people who are going to disagree and find all sorts of reasons to vote against it, but we want you to get the job done. So because of the American people, because they did not fall asleep at the switch, we are here today, and this is what we have:

We have a budget that balances by the year 2002, and we begin at that point to begin paying off the national debt. It provides $250 billion in tax relief to small business, to farmers, to families, for job creation, for education costs, and getting, starting to get rid of that awful death tax. It ensures Medicare solvency for 10 years. My two grandmothers, in their 90's, thankfully now do not have to worry as much as they had to when the Medicare trust fund report came out just last month. It does not touch Social Security benefits, and reduces total government spending to 18.9 percent of gross domestic product in 2002. That is the first time since the first year I started high school that Federal spending will be less than 20 percent of gross domestic product.

Now let me tell my colleagues, for those people who are skeptics, why this is real and why it is important. For the first time, and part of the reason why I ran for Congress was because I was so sick and tired of all of these Gramm-Rudmans this and Gramm-Rudmans that, did not know who they were; they are gentlemen, of course, but their plans did not work, and the reason why their plans did not work is an historical fact that has been argued here today many times and I am not going to go over it, except to say there are a lot of people who would flunk history if they were to take a test here today.

The point is that the plans were never real. I think the way we base our decision on whether a plan is real, the same way we go in and we talk to a banker, the banker wants to see progress if one is trying to get out of debt. If one is a farmer, that is what they have got to prove, or if one is a small businessman.

So let us look at the progress. In 1996 we said we were going to have a deficit of $154 billion. Where were we? $107 billion. That is progress. In 1997 we were going to have a deficit of $174 billion. Where are we? We are at $67 billion. That is progress. In the 1980's, in the 1990's, before all of this came to be, we saw the blue line way above the red line. It had never worked. We are finally showing progress and we are finally ahead of plan with regard to getting our deficit in balance.

Let me just say that if I was a farmer and I came into a banker with this kind of a plan, chances are the banker would say, it is time to let you get back out there and keep doing what you are doing. But the only way, the only way this stays on track is if the American people do not fall asleep. Because this is just a plan. It is just a guidepost. We have done some of the work, yes, we are agreeing here today, and I think the plan is going to work. But the only way it is going to stay on track is if the American people do not fall asleep. I say to the American people, keep an eye on this, keep an eye on this, and this will get done.

The CHAIRMAN. Under the previous unanimous-consent agreement, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 25 minutes.

Mr. MCDERMOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I think those of us who are going to vote for this budget resolution, and I am not, are going to have to accept two assumptions. One is that we are going to have 10 years of the economy going up. Now, I have not heard that they have repealed the law of gravity in economics. The fact that this budget is based on 10 years of unending going up at $45 billion a year is simply unbelievable.

Second, we have to believe that the Committee on Ways and Means is going to restrain itself in tax giveaways and cutting entitlements.

Now, in this budget agreement there is about $16 billion cut from a program called DISH. That is a disproportionate share. It goes to hospitals that take care of people who cannot pay for it. Many of those hospitals are children's hospitals.

I say to my colleagues to ask themselves about their children's hospital. They get 40 to 70 percent of their money from this DISH money, and when we cut that out of this budget, how can we say to ourselves, well, are we not wonderful? We are giving health care to another 5 million kids when we are taking the guts out of the budget of our local children's hospital.

Let us talk about the fact that there is no protection against the Committee on Ways and Means on the issue of the earned income tax credit, on low-income housing tax credits. I called Seattle today because I wanted to know what the facts are today. If one is low income in this country in Seattle, and it is a good city, there is a 3-year waiting list to get in. If one is a senior citizen in the citizen program that has 1,300 houses, there are 1,000 names on the list. That means everybody who is in senior citizen housing has to die if one is going to get into the program if one registered today. How long will that take? And we say this is the budget that we can begin giving great tax breaks to people when we have enormous problems.

The minority leader was right. We can do better. None of us, there is not anybody on this floor who does not want to balance the budget. It is an argument about how it is balanced.

This is an unfair balancing, and it takes our belief in the tooth fairy to believe it.

□ 1800

Members have to believe that we are not going to do again in 1997 what we did in 1991. It took us 16 years to get back. If we put in exploding tax cuts, and I really think this budget will balance for about 20 minutes in 2002, it will be like one of those touch-and-go landings with a 747, where they hit the runway and go right back up in the air.

When this comes we are going to have real problems. I urge Members to vote against this.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I rise today to support the budget resolution that is before us this evening. This is truly a historic occasion to be able to vote for our budget, something that will go to balance in 5 short years. We have voted for budgets that will balance, but this one will actually balance because the President will sign the appropriate appropriation bills and reconciliation bills that will get us to that point.

When I first ran for Congress in 1992 I had never been in politics before. I ran as a fiscal conservative, one who felt there was fiscal irresponsibility here in Washington, who believed we needed to reduce the size and scope of the Government, that Government was too big and spent too much money. I was fortunate to be able to be on the Committee on the Budget in my first term in 1993, and worked with the gentleman from Ohio, Mr. JOHN KASICH, a great committee chairman.

I was proud to be able to participate in that first budget that the Republicans developed because it was called "cut spending first," because we realized that to balance the budget we cannot just raise taxes and talk about it, we have to control spending. That is exactly what the budget that Republicans proposed in 1993 did.

The budget that was passed by the Democratic Party, without a Republican vote, raised taxes and increased spending. But after the 1994 election things changed around here. The rhetoric changed dramatically, because now everyone is for a balanced budget. Even my colleague who just spoke a few minutes earlier said, "I am for a balanced budget."

Now we have a chance to do a real balanced budget. In the last session of Congress we made some great strides forward. We reformed welfare, and for the first time we ended an entitlement. We started to get control of discretionary spending. That is very important to get to a balanced budget. But the most important thing that this budget does that we did not do last time is start controlling entitlement spending. This budget will have $600 billion in savings on entitlements over the next 10 years.

Let me talk about one entitlement specifically. That is Medicare. Medicare is a very, very important program to me. My congressional district in Florida has more senior citizens than any other congressional district, so it is important to the seniors in my district. But it is the biggest jobs program in my district, taking care of the health care of senior citizens for the working people in my district. I have an 87-year-old mother who is on Medicare, so it is personally important.

We need to do something about Medicare, because we all know it is going bankrupt. In 4 short years it is going to be bankrupt. This is stated by the trustees, and there is no dispute about the fact that Medicare is bankrupt in the year 2001, so we need to do something about it. We need to do it in a bipartisan fashion. Fortunately, that is the positive thing about this bill today, it is bipartisan, and we are going to be able to address the Medicare situation.

I have to congratulate the President on this. The President has come forward. After the Democrats and the President demagogued Republicans on their Medicare proposal last year, they are coming forward to accept, in effect, the same proposal that we had last year. What did we do last year?

Mr. Chairman, last year what we proposed was to increase spending every year, just slow the rate of growth in spending. What is happening with the spending in Medicare, it is going to be from $5,480 to $6,911 per person on Medicare over the next 5 years. That is the same number almost that we were at last time and it was vetoed.

So I commend the President for saying we are going to save Medicare and agreeing to this proposal that raises the spending at the same approximate rate that was proposed last year. I am excited about getting to a balanced budget and saving Medicare at the same time.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I thank the ranking Member, the gentleman from South Carolina [Mr. SPRATT], who I think did an excellent job in trying to bring to this Congress and to the people of America a balanced budget that reflected truly well-intended views. Unfortunately, I think this budget is very much like that TV program, "Rich Man, Poor Man." It gives to the rich, takes away from the working poor families of America.

I represent Rhode Island, a very modest-income State. We represent working families, children, senior citizens, and small businesses. They are not helped by this budget. They are in fact hurt by this budget. Average Americans are being ignored. Let me tell the Members, that is what we should be working toward is improving the life, the quality of life, of average Americans.

If we take a look at this budget, it is totally void of providing monies for early childhood development, an issue that everyone says if we are going to change our educational system we must address. We do not. We do not support small businesses in this budget; we in fact provide a number of enhancements for big businesses. We do not protect our senior citizens. In fact, we add more costs to their Medicare. We add price and pain to part B. For our senior citizens, we make sure that they are going to pay more money in part B of their Medicare than ever before.

Mr. Chairman, just on the line a little while ago on the Internet there was a poll that was just finished and conducted. It asked, do you believe more in the balanced budget deal or in Santa Claus? Thirty-two percent of the people believed in the budget deal as being balanced, and 52 percent believe in Santa Claus.

I can tell the Members, I know Santa Claus told me that he lives right in

Rhode Island, and he does not believe in this budget deal. This deal in fact is bad for average Americans, average families, average citizens, average children, average seniors. I implore our colleagues to vote against this. We can do better. We must do better.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to thank my friend, the gentleman from Washington State, for yielding me this time. I am pleased to be able to be able to follow my colleague, the gentleman from Rhode Island [Mr. WEYGAND], in his approach to this budget resolution and how unfair this budget resolution really is.

Mr. Chairman, everyone should just stop for a moment and think about how we arrived at this budget resolution. Remember, there was a breakdown because we did not agree on the Consumer Price Index, because it was going to affect working families and it was going to gouge the cost of living adjustment for our senior citizens? Remember when we were talking about even severer cuts to Medicare, and emasculating programs of veterans' benefits, all the while because we knew the majority party had to preserve their big tax cuts for the rich?

Then, miraculously, $250 billion found. It was on the front page of the Washington Post. Remember, oh, my God, all of our problems are solved. Capitol Hill negotiators see a quick resolution to the budget impasse, and $45 billion a year in estimated revenues have now been disclosed by the Congressional Budget Office as new revenues. Thank God. Just in time.

What the gentleman from Rhode Island [Mr. WEYGAND] was talking about, what the minority leader, the gentleman from Missouri [Mr. GEPHARDT] was talking about, what the gentleman from Washington [Mr. McDERMOTT] is talking about, is that when the train crashes, guess who is going to get hurt? It ,is going to be the veterans, it is going to be the senior citizens, it is going to be the immigrants.

Members can tell us all they want how this budget is fair, how it restores money to legal immigrants, how it helps early education, but we know this is blue smoke and mirrors. Because when it comes down to making the cuts that need to be made, and that CBO estimate that the majority party has cooked up with added revenues does not come true, guess who it is not going to come true for? The people who are going to get hurt are the people that always get hurt. That is the poor working people that I represent in my State and that all of my colleagues represent around this country.

Reject this budget resolution. It is not fair to the American people.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, in a town famous for saying one thing and doing another, Congress is finally doing what it promised. The balanced budget amendment that Congress reached with the President delivers on the promises that we have made to the American people. The resolution puts that agreement into action. It balances the budget, saves Medicare, lets American families keep more of what they earn, and reforms entitlement programs. Certainly that is different than previous Congresses have done under previous controls.

Under the balanced budget resolution deficits will be a thing of the past, and like every American family and American business, the Government will live within its means for the first time since 1969.

If the budget resolution did nothing else but eliminate the deficit, it would still be a huge victory for the American people. But frankly, it does more. The balanced budget resolution saves Medicare from bankruptcy and gives seniors new health care choices. By changing the Medicare structure, it will protect its solvency for another decade while expanding benefits to cover mammography, diabetes self-management, immunizations, and special cancer screening.

If this resolution just balanced the budget and saved Medicare, yes, that would be historic, but it goes even further than that. Over the next 10 years this budget will reduce tax burdens on American families by $250 billion, including reductions in capital gains, death taxes, a tax credit for families with children, an expanded IRA to encourage savings for retirement, and tax relief to help families send their children to college.

To help make sure that the tax burden stays lower, we are going to change the entitlement programs that have put the real pressure on our budget year after year. Let us think about it: a balanced budget, a sound Medicare program, tax relief for families, entitlement reform, and I frankly am very proud of this budget resolution. I am proud of the people in the House and Senate who helped forge it.

Special thanks go to the chairman of the Committee on the Budget, the gentleman from Ohio Mr. JOHN KASICH, and the ranking member, the gentleman from South Carolina Mr. JOHN SPRATT, for helping move this bill through committee, and the committee staff under Rick May deserves our thanks for all their hard work over the years, and especially this year.

We are doing something real and permanent here with this budget resolution. We are being responsible and we are heading off a fiscal crisis before it happens. This commonsense approach helped win strong bipartisan support for the budget in committee, where it passed 31 to 7.

I encourage my colleagues to support the resolution, get involved in the process of enacting it into law. As an indication of the support the budget is already winning back home, I am submitting for the RECORD an editorial from my hometown paper that praises the bipartisan spirit in which the budget agreement was reached. Let us move on. Let us move on for the American people.

Mr. Chairman, I include for the RECORD the editorial previously referred to.

The editorial referred to is as follows:

[From the Springfield, OH, News-Sun, May 12, 1997]

BUDGET A RESULT OF SERIOUS WORK

Considering the bad blood between the Clinton White House and congressional Republicans, their agreement to balance the federal budget in 2002 is extremely gratifying. The work negotiators from both sides put into this accord is precisely the serious, public-spirited give-and-take Americans expect of their national leadership.

On many substantive questions, negotiators kept their partisan instincts in check. They reached surprisingly easy compromises to curb domestic spending, to achieve Medicare savings at modest cost to beneficiaries and to check Social Security cost-of-living increases. They also restored benefits to legal immigrants—benefits which should never have been taken away.

But what got this budget deal moving was the dynamism of an economy now whirring along at a phenomenal 5.6 percent annual growth rate and producing bulging tax revenues for Uncle Sam.

In fact, budget negotiators were told at the last minute the Treasury was likely to take in $200 billion to $225 billion more than previously expected over the next five years. And this good news came during the same week that the Treasury announced it would be able to make a $65 billion payment against America's $5 trillion national debt, the first such payoff in 16 years.

The budget deal does have its flaws—such as the increase in defense spending—but the major disappointment is the $135 billion in tax reductions. With the next few budgets still projected to be in the red, it is not time to start rewarding taxpayers for their sacrifices.

Only one of these tax breaks can be defended as wise social policy: Clinton's tuition tax credits. No public investment is so vital to maintain this country's edge in technology and the world economy as educating Americans, both our youth and adults, for tomorrow's jobs.

How much better for all of America it would have been if the billions of dollars in tax relief had been added instead to that $65 billion payoff on the national debt.

Mr. McDERMOTT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Ohio, like the chairman, have both said that they are restructuring Medicare. The chairman said in the committee, "The ultimate answer is moving toward a voucher program." Senior citizens, beware of what they have in mind for you.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I do not take the floor very often, but I wanted to get these 2 minutes. I have listened to the minority leader, and I have thought about this proposal over the last several weeks as the negotiations unfolded.

I have to say that one of the prior Members who spoke on the Republican side talked about the reason he came to Congress. It was to straighten out the fiscal responsibility of the United States. That is the reason I came here, and I think probably the reason most of us came here.

When I came to Congress in the 1980's the Congress was suffering from delusion: magicians, smoke and mirrors. We were saying that you could raise defense spending and you could balance the budget at the same time, after you cut taxes. That was 1981.

We went through 1981 to 1986, and finally Bill Bradley in the Senate and Dan Rostenkowski in the House put together a tax bill that went to real supply and demand, instead of tax credits for tax credits' sake. In 1986 we took away false choices. We went to a closer economic picture.

Then in 1991 some of us sweat blood here on two or three occasions after we had a special summit over there in Virginia. We stopped and forced the President of the United States to reverse his speech promises of "read my lips, no new taxes." He adopted taxes, we passed it, and we started a trend to contain deficits in the United States.

In 1993, William Jefferson Clinton began his service as President and had the guts to increase taxes and to deal with necessities in the administration, while all my friends on the Republican side said that the sky had now fallen. It was no longer illusion. It was that we on our side were suffering from delusion.

Now we come to 1997, and truly know what delusion is. We found that $225 billion in the attic that the majority party in 1996, in 1995, closed this Government down twice not to accept those figures of OMB, but did accept them in the wee hours of the night to arrive at this agreement.

The American people should not be fooled by illusion or delusion. The American people ought to sit back tonight and listen to these great speeches. If all of this is true, I ask why in 1993 not one of our friends on the other side put their seat on the line to raise taxes and to cut the deficit that has put us in the economic picture.

Let me tell the Members what they have to believe. After 74 months of economic prosperity, the second longest in the history of the United States, the longest being 106 months, we have only 32 months possibly to go to be the longest recovery period in the history of the United States. That means in 2½ years this budget agreement will fail miserably as a result of the recession that will occur. Vote "no" on this agreement.

□ 1815

Mr. SHAYS. Mr. Chairman, I yield myself 30 seconds, just to point out to the gentleman the reason why Republicans did not support the 1993 agreement. It contained tax increases and very little spending cuts. The reason why we have seen continued growth in the reduction of the deficit in the last 2 years has been because we have made only spending cuts.

Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Chairman, I rise in support of this great budget plan. I had the opportunity a few minutes ago to listen to the distinguished minority leader express his opposition to this plan. In the course of his discussion, he exhorted us to look out for the future of our children and to think about our children. And that, Mr. Chairman, is exactly why we need to adopt this plan, because this plan will get us on track to balancing the budget and reducing the debt that we are passing onto our children and our grandchildren.

I came here 3 years ago to change the culture of Washington. As a new member of the Committee on the Budget, I was greeted with an administration plan, a 5-year plan that contained $150 billion deficits for all 5 years.

If we add up the deficits for all of the 5 years of the plan we have before us tonight, it does not equal the deficit that we had in one fiscal year in 1992. Indeed we have before us a plan that will reduce overall spending by over almost a trillion dollars over the next decade, save Medicare, which we have been talking about now for 2 years, save this program for the next generation and implement permanent tax relief for working families and small business people, the folks I represent in the Second Congressional District.

What appeared to be all but hopeless just a few years ago is now within our grasp, thanks to the undaunted efforts of the gentleman from Ohio [Mr. KASICH], our chairman, and others who have been here longer than myself. We faced $250 billion tax increases and deficits in excess of $300 billion a year, and now we are well on the way to solving that problem.

Not only will the plan we have today restore fiscal discipline for our Federal budget but it will do so using conservative economic principles: 2.1 percent rate of growth each year by the Congressional Budget Office is a tenth of a percent lower than the forecast of our budget plan a year ago.

Mr. Chairman, this budget plan is the type of plan that all responsible Members of this body should support. It puts us on a track to a balanced budget by the year 2002. That is why I came to Washington in 1994.

Mr. McDERMOTT. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I have rarely heard Members lavish on themselves more undeserved credit.

The budget deficit has gone from $292 billion a year in 1992 to $67 billion. That is a reduction of about $225 billion in 5 years. Those were the 5 terrible years.

Now, over the next 5 years, we are going to go from 67 billion to zero. And Members who have denigrated a reduction from $292 to $67 billion in 5 years are endangering their own chest bones by beating them so hard in praise of getting it down that last $67 billion over 5 years.

How are they doing this small part of the job? By making America less fair. If Members vote for this budget, they vote to say an old woman or an old man, an 80-year-old living on $12,000 or $13,000 a year will contribute to deficit reduction by getting a reduction in his or her Social Security through the Consumer Price Index from what otherwise would be the case, but do not worry because while your Social Security Consumer Price Index will go down, your Medicare will go up. So maybe that is some kind of equality. If you are making $13,000 a year, the CPI will be reduced and the Medicare will go up.

We began, in 1993, to bring some fairness to the Tax Code. This reverses it. We are being told we must give a degree of tax relief and some of the tax relief is, it seems to me, relevant for people who need to send their kids to school. But a lot of it will go on capital gains to wealthier people.

Why must we give the wealthy tax relief when we are going to be cutting lower income fuel assistance from what the law now requires, cutting community development block grants, cutting things that help people coping with economic difficulty? To stimulate the economy. But it is an economy which the Federal Reserve has acted as if it was already too stimulated.

We have got significant economic growth and, unlike growth during the Reagan years, we have seen growth while the deficit was going down.

Finally, we continue the pattern of being very generous to western Europe and Japan. This military budget will include for 5 years, it is locked in, if we believe this budget, a level of subsidy to Western European and Japanese allies that will be paid for by severe caps on important domestic programs. We will probably, under this budget, not be able to continue the funds we have sent to local communities so they can pay to keep the cops on the street. We gave them money for 3 years to keep cops on the street. They may not get Federal money to keep those cops on the street, but do not worry, we will lavish some more money on Eastern Europe. And those Americans who were afraid that Belgium might be invaded can take comfort in this budget because we have continued the practice of protecting Belgium and the Netherlands from their nonexistent enemies.

But if you live in an American city and you are worried about police not being there when you need them, this budget goes in the opposite direction.

To summarize, and I thank the gentleman for his continued leadership here, to summarize, we got the budget deficit from $292 to $67 billion. We should get it the rest of the way. But let us not accept the argument that we need to reverse a trend towards fairness, that we need to say, if you are making $12,000 or $13,000 a year and you are elderly, that your Medicare will go up while your CPI will go down.

And finally, let me talk about one of the silliest things in this agreement. If you are a legal immigrant and you are 82-years-old, we cut you off last year. The Republicans are very proud of that bill that cut people off. They have finally admitted they made a mistake. So what do they say in this bill? If you are 82-years-old and disabled, we will restore your money. But if you are 82-years-old and able-bodied, we will not.

Do the Republicans contemplate and the others who support this deal, because we are not restoring the money, as I understand it, for elderly legal immigrants, only for disabled legal immigrants, do we really contemplate a flood of legal immigrants in their 70's and 80's joining the work force?

This budget removes fairness to the extent that we have had it and cloaks itself inaccurately in an argument that you need to do it to reduce the deficit, when it will do less deficit reduction over the next 5 years than we have done over the past 5 years.

Mr. SHAYS. Mr. Chairman, I yield myself 10 seconds, to point out that while some are contemplating a legislative change in the CPI, there is no change in the CPI in this budget.

Mr. McDERMOTT. Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, this does not legislate a cut in the CPI, but it assumes one. The Bureau of Labor Statistics has been under a lot of pressure, and this budget assumes that the CPI will be downgraded by the Bureau of Labor Statistics so that elderly people will get less of a cost of living as a result of what they assume the CPI will have happen to them.

Mr. SHAYS. Mr. Chairman, I yield myself 10 seconds.

This budget does not make any legislative change in the CPI. The Bureau of Labor Statistics is totally independent.

Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me the time.

In listening to the dialog, this budget does not do everything that we would like it to do, but it is an important next step in the process. It moves us forward. It moves us towards fiscal responsibility and it does so in a very positive framework.

It keeps us moving not towards balance, I do not think we will ever have a balanced budget. What it does is it moves us to surplus. We will actually have a surplus, hopefully, before the year 2002 but probably no later than the year 2002. It begins reform of entitlements. It slows the growth of Federal spending. Yes, it does return some tax dollars back to the American taxpayers.

That is a solid framework for which this Congress can be proud, and it is a bipartisan step forward. We now need to build on this agreement. In the next 45 days, we need to pass the legislation that puts in place the actual entitlement reforms, and we need to put in place the legislation that actually reduces the tax burden on the American taxpayers.

I think in another way this agreement is a very positive agreement, because now for a period of time there will no longer be a debate about the size of the Washington bureaucracy and the size of Washington government. We now can do and go back and perform a very important congressional responsibility, which is oversight.

We have talked about public housing. I am not sure that pouring more money into the same public housing framework is the best way to spend our dollars. We can probably get more bang for our dollar.

I wanted to talk a little bit about the work that we have been doing in education. There are some that are saying, and this agreement allows for more spending on education, but before we put more money into the current education framework, Congress needs to step back and say, what are we getting for the current dollars that we are spending? How does Washington define education? Washington defines education in a framework like this. It is a fairly complicated chart because the education system in Washington is fairly complex.

We have the red boxes signifying the number of different Federal agencies that are involved in education. We have over 40 different agencies that are concerned about education in America. They operate over 7,820 different programs, and they spend over $100 billion per year to educate and train people in America. Rather than pouring more money in this, in debating whether it should get bigger or smaller, we have now agreed on what the education spending will be for the next few years.

We can now step back and say, is this the best way to educate our children, to train America's workers. Let us step back, let us take a look at what is working and let us reform the education process in a bipartisan way. We need to do the same thing with improving the work force climate in America. How do we increase our international competitiveness? How do we improve the quality of life for America's working people?

How do we ensure that they are the highest quality, the best trained and the most productive so that they are the highest paid workers in America? That is now what this budget framework will allow us to do, to step back from arguing about the size of government to take a look at increasing its effectiveness and efficiency.

Let us use this budget agreement to move forward. We agree with the President on education. The President said in March 27, 1996, we cannot ask the American people to spend more on education until we do a better job with the money we have got now.

Let us have that debate now that we have put the debate about the size of government behind us for a period of time.

Mr. McDERMOTT. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise today in strong opposition to this budget resolution. Although Democratic negotiators have succeeded in improving this budget over some previous proposals, I believe it is still bad policy for the Nation. The centerpiece of this budget is that in order to pay for tax cuts, the lion's share of which will go to the very wealthiest of Americans, we will constrain government spending on the things government should and must be doing.

This budget calls for a 10-percent real reduction in nondefense discretionary spending. We will be investing less in housing. We have a zero budget for new affordable housing units. Zero. And apparently, according to this, we should have a zero budget for affordable housing units, for new affordable housing units for the next 10 years.

We should cut spending in education, infrastructure, health care, Medicare by $115 billion, and on and on, all in the interest of a tax cut, mostly for the very wealthiest people in our country.

When President Clinton ran for election in 1992, he said we had to deal with four deficits. He said we had to get the budget deficit under control. And we have gotten it under control, reducing it from almost $300 to $67 billion.

He said we have to get the infrastructure investment deficit under control. We are investing in public infrastructure at the rate of one-twelfth of our competitors in Germany and Europe and Japan. And this does not do that. And if we do not solve that problem, we will not have a competitive economy.

We have to invest in research and development. We have cut research and development investment in the private and public sector. If we want to have a competitive economy in products we can sell abroad and at home a dozen years from now, we had better deal with that deficit.

And we have to invest in human capital so we have an educated work force and so our people are healthy and educated and can hold down decent jobs.

But in the name of balancing the budget and giving a tax cut to the wealthiest people in our country, we are abandoning these goals. And we have no assurance that the permanent tax cuts enacted with this proposal will not explode after 2002 or 2008.

In 2008 there will be $400 and $500 billion a year in less revenue just at the time that the baby boom is retiring, and we are told we are going to need huge amounts of extra money for Social Security and for Medicare. Sure, the Republicans have assured us this will not happen. But Ronald Reagan assured us that the 1981 tax cut would not lead to the biggest deficits in history and, of course, they did.

What this budget really says to America is for the next 10 years we are going to abandon investment in our Nation and in our people and, instead, we will devote our valuable resources to pay for unnecessary tax cuts skewed to the richest in our country.

Government, Mr. Chairman, should be guided by policy and not symbolism and shortsightedness. We should not constrain investment in our future. And I hope, I hope, we have the courage, the intelligence and the farsightedness to vote against this resolution.

Mr. McDERMOTT. Mr. Chairman, would you tell us how much time we have left?

The CHAIRMAN. The gentleman from Washington [Mr. McDERMOTT] has 7¾ minutes remaining under his unanimous-consent agreement.

Mr. McDERMOTT. And the other side?

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 1 hour, 37 minutes, and 30 seconds.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for leading this effort to say no to this budget.

With the greatest respect for all those who have worked so hard to bring this budget to the floor, on balance I think the appropriate vote for me, representing my constituents, is no.

I frankly can understand why my Republican colleagues would support a budget that gives a tax break to the highest end individuals while putting the burden of this budget on the less fortunate in our country. I am concerned why it is appealing to my Democratic colleagues. However, I respect their decision .

I do not think either vote is a good or bad vote on this. I do think, though, that we should make a statement about who wins and who losses in this budget bill.

First, let me say that I believe we are here today because of actions taken on two previous occasions by this Congress. One was in 1993, when the Democrats and only the Democrats voted to support President Clinton's bill that year for deficit reduction and balancing the budget. That took us down a path of deficit reduction, stimulated our economy, and took us down a path toward success, and that puts us in position to have a balanced budget in the very near future.

We do not have a balanced budget now, though, because of a vote that was taken many years ago, in 1981, the Reagan tax cut bill. Because of that tax cut bill, which produced huge deficits and increased our national debt enormously, we have to pay so much of our national budget for service on that debt. In fact, absent the service on that debt, the interest that we have to pay on our national debt, we would have a Federal budget and a Federal Government that would be operating in surplus, Mr. Chairman. In surplus.

In think it is a real tribute to the Clinton administration that ever since the President has been in office he has had an operating surplus, except for the interest on the debt, which came to us courtesy of the Reagan tax bill of 1981.

So, Mr. Chairman, in my remaining seconds I wish to say I oppose this budget because I believe that a budget should be a statement of our national values. I do not see that here.

I see, when we talk about providing health care for poor children in America, that we are paying for it out of Medicaid, cuts in Medicaid, and yet, and yet, without any pain, this package will give a tax break to the wealthiest people in our country without any cost to them.

So I see the losers being the usual, the people who need more opportunity in our society, and the winners being the usual, the wealthiest people in our society with the loudest and the largest voices to impact the actions of Congress.

Mr. Chairman, I want to yield back the balance of my time because of the small amount of time given to the "no" side, and I urge my colleagues to vote "no" and I again thank the gentleman for his leadership on this issue.

Mr. SHAYS. Mr. Chairman, I yield 5½ minutes to the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Chairman, I thank the gentleman for yielding me this time.

Today marks a singular turning point in how the U.S. Congress carries out the will of the American people. For too many years our Government has failed to heed the word of those who sent us here. For too many years taxes went up, spending went up, and the size and power of Government went up. It seemed that the bigger Washington got, the further removed Congress became from the wishes and needs of the people it served.

Since I came to Congress in 1971, 11 major tax increases have been enacted into law. That is almost one major tax hike for every 2 years that I have been here. Some were even agreed to by Republican Presidents. Until recently, it seemed that the answer to every problem was to raise someone's taxes. We would not have been wrong if we said that until now the Congress never met a tax it did not hike. That is why this agreement marks an important turning point. For the first time in 16 years the American people will get a tax cut.

And I have listened to previous speakers here today. They cannot get away from the wornout rhetoric that they used before to adjust it to changing conditions. They have not even seen the tax bill, but already it will be tax relief only for the very, very rich. That is certainly not true and that will not be what is part of this tax bill. But they will keep saying it because it is locked into their mind. They do not know anything else.

This budget agreement may not be the best, it may not be the end-all, but it shows that we can balance the budget without raising taxes. It makes clear that Washington should tax less so that the American people can do more. It reaffirms our central premise that the hopes and dreams of a free people are handled best at home and in America's communities, not left to an externally expanding Federal Government located many, many miles away.

For some, today's agreement may seem to open the way to big government with a balanced budget. I pray we do not come to that. For balancing the budget is not just a matter of accounting, it is about the role that we expect the central government to play in our lives. It is about downsizing the power and the scope of the Federal Government and upsizing the power, the responsibilities, and the opportunities of individual Americans, free to achieve the fruits of their labor in the world's freest and most successful Nation.

That is why I will never, ever yield in my desire to reduce taxes on the American people, even after this agreement is completed. The secret of American success always has been and always will be our willingness to invest unparalleled trust and freedom in the hands of our voters. By letting them keep more of the money they make, they in turn will do more, do more for themselves, do more for the needy and more for the fibers of the individual communities that bind us together as one great Nation. By letting businesses grow, make money and succeed, we empower capitalism to be a force for good in this world, a force that has made our citizens the freest and richest people on Earth.

We are the economic envy of the world and we should be proud of that. It is these ideas that make us great. It is these ideas that separate us from the redistributionist societies that mean well always but fail always.

It is these principles that drive the upward mobility, that has proudly been the hallmark of American life. It is these principles that let individual Americans express their compassion and their willingness to help their fellow countrymen in need rather than ask a government to do it for them.

We all know that Washington's big government solutions exploded the deficit and failed to live up to the noble and high minded expectations that were previously set. Governments can do some things well, and we must put the appropriate powers of the Federal Government to good use, but Washington governs best when it has governed wisely, and it has governed wisely when it lives within its means.

That is what makes today's agreement a turning point and that is why I am for it. This agreement does not do everything and much work remains ahead. I would have liked to cut spending more. I would have liked to lower taxes more. But this agreement marks a departure from the old Washington ways and ushers in a new way, a new way based on lower taxes, less spending, and more freedom.

Mr. Chairman, I have every confidence that today's agreement will come to be seen as a crucial turning point in America's experiment with democracy. It will usher in an era of balanced budgets, less spending, and increased responsibilities and opportunities for the American people, and it will bring about a total overhaul of our unfair, complicated Tax Code, which will follow.

Mr. Chairman, I urge all of the Members to vote for this budget agreement. Let us get started. Watch us go.

Mr. McDERMOTT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, this budget deal is based on a series of assumptions that would make a house of cards look like a sturdy fortress. In their economic assumptions, my colleagues, they project that this year's economy will grow at a rate of 2.1 percent. Unfortunately, the first quarter was 3.9 percent and the second quarter was 5.6 percent. So we will have to have negative growth for the last two quarters in order for this particular projection to be accurate.

In fact, what has happened with the Republicans is that they have grown so cautious since they were so wrong in 1993, that is projecting that that deficit reduction was going to be a failure, that since the deficit has gone from $300 down to $60 billion, in other words, from the end zone all the way to the other 20-yard line, there is only 20 yards left to go. Now they check in at $65 billion left to go in balancing the budget.

My own personal belief is that if we did nothing, the budget would balance itself over the next year. It has gone down steadily for 5 years. It will continue to go down steadily. The economy is roaring.

But what the Republicans do is, instead of taking this 5.6-percent growth that is in the economy, the sigh of relief that Alan Greenspan and the Fed is not going to increase interest rates, they translate it into a slowdown of the economy: 2.1 to 2.2 percent over the next 5 years they project. Even this year. That is just wrong.

As a consequence of that, they are forced to ask for deep cuts in programs that should not be touched, and tax breaks that, in fact, are going to fuel economic growth and perhaps cause the Fed to increase interest rates to slow down the economy that could be fueled by their tax policies.

□ 1845

Moreover, what they have in here is something which is called a chain weights measure correction, meaning that they believe that the economy is going to go much slower under this chain weights analysis. It reminds me a lot of Marley's ghost that was forced to bear the chain weights dragged around throughout the entire story of Scrooge. Here the chain weights must be borne by those that will have to have their programs cut even as we cut taxes for the wealthiest in our society.

Other assumptions in this which are crazy, that the spectrum auctions will bring in $26 billion over the next 5 years. A fantasy, ladies and gentlemen. Perhaps we should tie this assumption to the ability to give capital gains tax breaks, if they are so confident about it. We will link the two provisions together. Usually the budgeters know the price of everything and the value of nothing. In this budget, the budget folks know neither price nor value of the airwaves or this budget proposal.

Spectrum Issues in the Budget

BACKGROUND

The Budget Resolution contains assumptions that $26.3 Billion can be raised over five years through various auctions of frequency spectrum.

Here is the breakdown of where the $$$ comes from:

[In billions of dollars]

Auction of returned "analog" TV broadcast spectrum	$5.4
Auction of spectrum currently allocated to channels 60–69	2.5
Auction of "vanity" toll free 888 numbers	0.7
Broaden & Extend FCC auction authority	15.7
Spectrum Flexibility fees	2.0

There are multiple problems with what the "budgeteers" have concocted.

First, the recent FCC decision on Digital TV sets a target date for the return of the analog TV spectrum in 2006. The budget proposal would take this target date and make it a mandated return date for the purposes of auctioning the returned spectrum. TV stations, however, that are not within the top 30 markets have up to 5 years to build out their digital TV facilities. Consumers in such markets, therefore, may only have 3 years to purchase new sets or digital converter boxes before their old ones become obsolete and these stations go dark.

Second, the proposal to "broaden and extend" the FCC auction authority ($15.7 Billion) requires the Commission to sell an additional 120 Megahertz (20 of which will come from NTIA). It is unclear where the rest will come from. The Commission had an extremely difficult time identifying 25 MHz to auction as mandated in last year's Appropriations Act. When they finally did, it raised only $13 million instead of the $1.8 Billion it was expected to.

Third, the proposal to auction 888 toll free vanity numbers ($700 million) runs into a number (no pun intended) of problems. First, does American Express, user of "1–800–The-Card", have a right to first refusal for "1-888–The-Card" in order to limit customer confusion? What do citizens of Canada do who use our same numbering system—pay the American FCC for use of a telephone number in Toronto?

It is clear that the budget wonks are trying to balance the budget by creating money out of thin air.

Telecommunications issues should be looked at through the prism of telecommunications policy, not budget policy. I used to say that the budgeteers are people who knew the price of everything and the value of nothing. But since this proposal won't raise the money that they score it to raise, my opinion now is that the budget folks don't know either the price or the value of what they plan to sell.

These spectrum issues are anti-consumer: the broadcast industry will not be ready in each and every market, in all states, in rural hamlets, to turn off their TV signals because consumers will not have made the switch to the new equipment.

Mr. McDERMOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, while there are many important policy matters addressed in the budget agreement before us today, I would like to take this opportunity to comment on the provisions concerning natural resources, native Americans and the environment.

I am encouraged that the resolution includes several vital functions of the Department of the Interior in the category of protected domestic discretionary priorities. Specifically, the National Park Service, operations of national park system, land acquisition, and State assistance, Everglades restoration, Bureau of Indian Affairs, and tribal priority allocations are funded at levels proposed in the President's fiscal year 1998 budget.

In addition, I am pleased that the resolution provides for $143 million in fiscal year 1998 to implement the California Bay-Delta Environmental Enhancement Act and $700 million for priority Federal land acquisitions, such as the Headwaters Redwoods Forest in California and the New World Mine Property bordering Yellowstone National Park.

These are highly justifiable and appropriate uses of public funds. In fact, these priorities adopted in the budget agreement were also identified in the budget views and estimates of Resource Committee Democrats.

Let me briefly address the priority items.

Of critical importance to California is the commitment to provide $143 million in funds requested by the President for the California Bay-Delta ecosystem restoration initiative. Federal financial support for bay-delta restoration was authorized by Congress in 1996. By voter initiative, California has set aside nearly $1 billion for bay-delta water restoration programs, guaranteeing that the State will pay its fair share of the costs. There is widespread, bipartisan support for the bay-delta ecosystem restoration effort and it deserves full support from Congress.

Mr. Chairman, if there was any doubt whatsoever about the importance of our national parks, the public outcry and harm to local economies during the Government shutdown last Congress made it clear that national parks are among this country's most value assets. Unfortunately, while we in Congress have created a system of national parks on par with any in the world, we have not been very good stewards of that public trust.

The Park Service would be the first to admit that the June 1997 edition of Consumer Reports is right on target: Visitor facilities in many national parks are in terrible shape and getting worse. There is an estimated $5.6 billion backlog in maintenance and repair needs.

Although the budget agreement incorporates the President's request for a 6-percent increase in fiscal year 1998 park funding, more needs to be done. Congress should continue to seek sources of funding, from park fees, concessions reform, and other initiatives, in order to deal with the repair and maintenance backlog and to continue to provide for the use and enjoyment of these vital national assets.

Mr. Chairman, we also have a special trust responsibility for American Indians and the budget resolution seeks to meet that responsibility by including the Bureau of Indian Affairs and tribal priority allocations as protected domestic discretionary priorities.

The $1.73 billion requested for BIA programs in the President's fiscal year 1998 budget is equal to the amount appropriated in fiscal year 1995. But considering that the funding for Indian programs has been cut significantly by Congress in each of the last 2 fiscal years, the budget agreement at least stops the backsliding. The needs for these funds are great: Economic, medical, educational, and social conditions on most Indian reservations are bleak. Of the 1.8 million native Americans in the U.S., 603,000 live below the poverty line and unemployment exceeds 40 percent.

Mr. Chairman, no other area more visibly demonstrates the progress in this budget agreement than does the funding provided for land acquisition for conservation purposes. The budget provides funding at the levels requested by the President in fiscal year 1998 for land and water conservation fund acquisition and the Everglades restoration initiative. Moreover, the resolution makes an additional $700 million available over the President's request, for priority land acquisition. This is in stark contrast to the budget resolution adopted last Congress which eliminated all funds for land acquisition. Land and water fund appropriations for the last 2 fiscal years which have fallen below fiscal year 1995 levels, despite efforts by myself and Representative FARR in offering amendments to restore funding.

The Land and Water Conservation Fund Act dedicates revenues from the leasing of offshore oil and gas resources to a trust for the permanent protection of conservation lands. The act intends that these funds are to be used to purchase lands from willing sellers as additions to national parks, national wildlife refuges, national forests, and Bureau of Land Management Lands. The annual income to the land and water trust fund has been steady at $900 million, resulting in an unexpected balance in the trust of over $12 billion in fiscal year 1998.

The price of not using the land and water conservation fund for its intended purposes is paid by increasing threats and in diminishing opportunities to protect and enhance our parks, refuges, forests, and public lands. Using the land and water conservation trust for deficit reduction, rather than for its intended acquisition purposes, is not only committing a fraud on the American people, it is short-sighted because it will increase the long-run costs to the taxpayers for protecting the environment and providing recreational opportunities.

Let me cite one example to illustrate the point: The City of New York is faced with the choice of spending $600 million to protect its watershed by purchasing forested land in the Catskills which is threatened by development or alternatively spending $4 billion on a water treatment system to provide clean drinking water.

In large part because of the difficulty in getting Congress to appropriate land and water conservation funds, the administration has resorted to proposing exchanges of Federal assets in an attempt to acquire the Headwaters Forest in California and the New World Mine outside Yellowstone Park.

But the $700 million provided in the budget agreement for acquisitions provides much better alternative to asset swaps which raise environmental and complicated valuation problems. This is an important step forward in using the assets of land and water conservation fund as the act intends.

I commend Chairman KASICH, Ranking Member SPRATT and others involved in the budget negotiations for their leadership on these critical issues.

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota, Mr. GIL GUTKNECHT.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding me the time.

Mr. Chairman, in his immortal poem, "The People, Yes," Carl Sandberg said essentially, "The will of the people will prevail." For many years, and I remember when I was in the State legislature, we would send petitions to the Congress asking them to balance the budget. Finally, we are reaching a point where it is within our grasp, and I think it is a historic and important night.

I was interested, in listening to this debate, some of our more liberal friends on this side continue to talk about winners and losers. But I am intrigued because there was a President from Massachusetts a few years ago, and he said that a rising tide lifts all boats. That is what this budget is about. It is not about winners and losers. It is about everybody winning. Under a balanced budget, we will see lower interest rates, we will see stronger economic growth. It is about rising tides for all boats.

We talked about projections earlier, and the CBO was wrong. Frankly, they have been wrong more often than they have been right. But the most important thing is, we are ahead of our goal, we are under budget, we are moving in the right direction, and the American people are happy about it. Why? Because they are the biggest winners. The American people understand that. They understand who the winners are; they are, because the size and scope of the Federal Government is going to shrink.

I do not know why some of my colleagues on the right, and I have got some more friends over here who say, well, they do not know if they can support it because it does not do enough. Well, ladies and gentlemen, it does a lot. Maybe it is not perfect. This is not a perfect solution. I know some of my colleagues think we should not do this or we should not do that. But this is a compromise, and that is what makes this place work. That is the other reason the American people are happy, because for the first time in a long time we have the Congress and the President working together to balance the budget, to give them permanent tax relief.

And they understand this, and our chairman talked about that earlier, that family with three kids that is going to church and they have got the Billy Graham bumper sticker on the back of their car, they are going to be better off under this, and they can figure that out. That family that has got two kids in college or one in college and one about ready to go to college, they are big winners under this.

Real entitlement reform. Anyone who has studied the budget for the last 5 years understands that you cannot balance the Federal budget unless you get control of entitlements like welfare and Medicare and Medicaid. With the passage of this budget, we are well down that road.

Finally and most importantly, and I think this is a generational equity budget, we save Medicare from bankruptcy for at least 10 years.

So, is this budget perfect? No. Is it a giant step in the right direction? Absolutely yes. And the big winners are the American people, American families, but most importantly, American children. Because we begin to lay the foundations in this budget of not only balancing the budget, in my opinion, before the year 2002, but absolutely beginning to pay down the national debt as we go into the next generation.

The real winners are the American people, because Government spending as a percentage of the gross domestic product drops from 22½ percent to 18.9 percent. What does that mean? It means there is going to be more money in the private economy, it means a stronger economy, it means a rising tide.

If the American people continue to apply pressure to this Congress, we will stay the course, we will balance the budget, we will allow families to keep more of their money, and most important, we will lay the foundations for actually paying off the national debt.

No, this is not the end of the great debate about balancing the budget. It is, however, a historic and very important beginning.

Mr. McDERMOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I went to Wheaton College, where Billy Graham went to school, so I am glad that having a Billy Graham bumper strip on my car is going to get me tax relief. It sounds like that is what is being promised out here, that all those folks who go to the Billy Graham revivals will get a tax cut.

What about the rest of the folks? As I look at the two proposals we have on the table, and the reason we keep talking about tax cuts is because all we know that is what the Republicans put on the table last year and what Senator ROTH, the Member of the other body, put on this year, and three-quarters of the money that comes in tax breaks in both those proposals went to people making more than $100,000. I am glad that all those people going to Billy Graham's revivals are making $100,000 or more, because if they are not, they are not going to get anything out of this tax break.

The estate taxes. Now, we are all going to die. That is pretty sure. Taxes and death we know. And when you die, if you are in the 1.6 percent at the very top of the economy, you are going to take advantage of that little old tax break. Nobody else is. That estate tax business is simply for the people at the very top of the economy.

Now, we could have crafted a very careful use of the estate tax, if it is family farms you want to keep together or small businesses. But nobody will talk specifics. What this budget agreement does is say, buy a pig in a poke, send this tax break over to the Committee on Ways and Means and trust Chairman ARCHER and the members to do a very skilled, very careful, very fiscally conservative proposal.

Now, if you believe that, go back and look and see what happened in 1981 and 1986. They got in a bidding war. It was us. It was not Republicans, it was Democrats. I was not here, but I know who did it. There is no clean side here. It is not good or bad on either side of the aisle. But the fact was, the committee ran away. And it will happen again, you watch.

The CHAIRMAN pro tempore. Under the previous unanimous-consent agreement, the Joint Economic Committee on the Democrat side will control the next 10 minutes of time.

The gentleman from California [Mr. STARK] will control that 10 minutes.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from California [Mr. STARK] for yielding me the time.

Mr. Chairman, when President Clinton took office, the deficit was out of control and the economy was reeling. In 1993, we took bold steps to restore fiscal responsibility by cutting the deficit from $290 billion to less than $100 billion today, and from close to 5 percent of the GDP to just 1½ percent. As a result, unemployment is at a 24-year low and inflation has stayed below 3 percent a year.

Economic growth has been expanding. Today, the Federal Reserve appears to have voted in support of this budget by not raising interest rates. This is a good beginning based on a strong economy. As we fill in the details, we must make sure that this budget invests in education according to the President's plan, expands child health care, protects Medicare and Medicaid, and provides tax relief for all working Americans.

I am especially pleased that this budget includes my bipartisan bill to allow for annual mammograms for women over 65 in Medicare. Who would have thought in 1992 that today we would be on a trend toward a balanced budget in 2002? This is about raising living standards for American workers. This is a victory for President Clinton, a victory for bipartisanship, and, most importantly, a victory for the American people.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume, and to congratulate the chairman and the ranking member of the Committee on the Budget for completing their work in a timely fashion and doing it with a minimum amount of rancor and a lot of hard work. They are to be congratulated for achieving balance.

But I would like to suggest that balancing a budget is not an end to itself, as is being suggested by so many speakers tonight. There is too much left undone. While we can celebrate the economy, it is very difficult to celebrate when literally hundreds of millions of Americans are not going to participate. They just do not have a boat to get on as the tide rises.

The key question before us tonight is, Does this budget represent our priorities? Does it contribute to raising the standard of living for American workers and their families? Does it educate our children and train them to participate in all this wondrous economic success that is planned for the years ahead? Does it maintain our technological lead over our competitors? And, most of all, who will benefit from these tax cuts?

The chairman of the Committee on Ways and Means is wrong. These tax cuts go to the richest American families in our country, and he knows it, and I am sure that most of the people hearing this debate know it. That may not be bad if you are rich, but it does not do much for you if you are below $40,000 a year in income and trying to support a family.

I cannot support this budget resolution because of the priorities it funds and those that it fails to fund. It calls for over $5 billion a year in manned space flight, for instance, yet it leaves 5 million children without health insurance. That is not a choice I can make. It ignores the health needs of asthmatic children who are not covered. It ignores the health needs of children with hearing loss. Those 5 million children do not get health care. And you are turning your back on them as you gaze at some missile in space which may or may not be as important to you. You have to make that decision when you vote.

This budget wastes half a billion dollars a year on star wars and lets our NATO allies off the hook for true burden sharing. This money could be spent to provide day care. It could be spent to help working families in need of long-term care assistance for their seniors, in need of job training, community resources to cut crime, and it is not.

It is a great budget resolution for those who favor increasing defense spending and tax cuts for the wealthy while ignoring working families and their children, while ignoring middle and low-income seniors and the less fortunate members of our society.

☐ 1900

Without the star wars spending that is in this budget, we would have the resources to fund health coverage for all our children. Is that a decision my colleagues want to make? If you want to fund star wars and cut 5 million kids out of health insurance, vote for the budget, my Republican friends. You will get your wish.

Without the tax cuts, we would have the ability to extend the life of Medicare 4 or 5 years more. Do you need those tax cuts or would you like to extend Medicare for a longer time?

There are a lot of things this budget does not do. We know from listening to our Republican friends that it gives huge tax cuts to the rich and somehow strangles Government services, not for the rich but for the middle- and low-income families.

They are gloating over the fact that they cut the President's proposal to increase welfare benefits in half. The rich do not care about that. They got their tax cut. The people who are sleeping under bridges, let them stay there.

They rejected the President's entitlement for school construction. Let the schools fall down, that with the earthquake problems put your children at risk. They do not care about the children, they care about tax cuts for the rich.

They rejected the President's program for intervention in health insurance for workers. They really do not care about that.

They cut food stamp spending in half again, a life support system for the low-income families on whom the Republicans have turned their back in favor of tax cuts for the very rich.

They say that it makes the President face up to the realities, by cutting another $35 billion out of Medicare. Are they not proud? They cut back expansions on Medicare benefits to help those with family members with Alzheimer's. It cuts back on helping stop the outrageous overcharge on outpatient copayments by many of the greedy hospitals in this country. They are proud of it. They are bragging about it. Because they need the money to give the tax cuts to the rich.

They rejected the President's program to fund Superfund to help clean up the environment. Why? Because if you are rich enough, you can clean up your own backyard and you do not have to rely on Superfund. Energy conservation, the weatherization program is gone. The rich can afford to insulate their houses. National Endowment for the Arts, National Endowment for the Humanities. I know that they can buy their box at the opera if you are a rich Republican and they rather think that somehow the arts and humanities are for left-leaning liberals. They are smart. They know how to make money. They may not be able to spell or understand art and history and they do not care if their children do, so they want to cut out the Endowment for the Arts and Humanities.

WIC program for women, infants, and children. That has been denied its preservation. What do they care about helping poor women and children get decent nutrition? Student financial assistance has been denied its survival. The National Institute of Health has been denied its survival. The Center for Disease Control, substance abuse and mental health services, the administration drug treatment, all of them, denied their protection.

Here is one. The Bureau of Reclamation, California Bay Delta area, where we come from, help the rich farmers in central California who farm cotton with billion-dollar subsidies for free water from the Federal Government but do not clean up the Bay Delta. Cut out OSHA. Who cares if the workers who work for the rich are protected as long as the rich get their tax cuts? The National Science Foundation, the Commission on Civil Rights, mass transit, all go by the boards under the rubric of saying, we will be a better country if the rich get a big tax cut and the poor fend for themselves as best they can and we, by the way, will have balanced the budget. They balanced it on the backs of the poor, on the backs of children who do not have health insurance. They have ignored over 40 million Americans who do not have health insurance. Not one word has come out of the Republican camp about what are we going to do to provide health insurance for 40 million Americans who do not have it? I have not heard a peep. They do not care. I suppose they do not understand that if an adult does not have health insurance, they do not get medical care.

I urge my colleagues to oppose the budget unless you want to help the rich and continue to turn your back on the poor and needy in our country.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. I thank the gentleman for yielding me this time.

Mr. Chairman, I reject the class warfare comments of my colleague from California.

Mr. Chairman, I hate to splash cold water on this budget because I know how hard the gentleman from Ohio [Mr. KASICH], the chairman, and others have worked for it. Mr. Chairman, I just want my colleagues to think about this. Let us imagine that I owe $80 billion on this Visa credit card and I pay for that by transferring the $80 billion to this Mastercard. Do I still owe $80 billion, Mr. Chairman? The answer, of course, is yes.

My point of this is that in this budget agreement, we are transferring $80 billion from part A of Medicare home health care to part B. That is very creative accounting.

Let me explain it in just a little different way, Mr. Chairman. Let us assume that we have part A represented by this cup and we have home health care by this ball. The table represents the Federal budget. I am going to put home health care in part A. Now because it is growing so fast, what I am going to do is I am going to take the ball and I am going to put it into part B. Mr. Chairman, are they still not on the Federal budget table? What this does is it just transfers $80 billion into the general account. That is smoke and mirrors, that is creative budgeting, that is a shell game, Mr. Chairman.

Mr. Chairman, I ask my colleagues to search their hearts and their computers. When President Clinton first proposed this budget, many of my colleagues criticized the home health care switch as a gimmick. I urge them to remember their comments and vote against this shell game.

Mr. SHAYS. Mr. Chairman, I yield myself 1 minute, to point out that the insurance fund is losing approximately $12 billion this year, a $35 million daily loss. Next year if we do not save the trust fund, it will lose $55 million each day; the year after that, $78 million and $103 million each day the year after that. In 2001, when the fund will go totally bankrupt, the trust fund will lose $133.9 billion each day.

Our plan saves the trust fund to the year 2007. Instead of having a debt of $612 billion, there will still be $75 billion in the fund. It is true that one service, home health care, is taken out of the part A trust fund and put into part B. But it is not smoke and mirrors because the taxpayers will be paying 75 percent of the cost and the premium holders 25 percent of the cost.

Mr. Chairman, I yield 3 minutes and 20 seconds to the gentleman from New Hampshire [Mr. SUNUNU].

Mr. SUNUNU. I thank the gentleman very much for yielding me this time.

Mr. Chairman, I rise in strong support of this resolution, not for any Washington Beltway reasons, not for reasons of scoring or even specific numbers or whether it does or it does not change a particular accounting measure, but for two very fundamental reasons. First, because it enables us to meet some broad commitments that many of us in this House made to our constituents during our election cycle. Second, because of the fundamental difference it is going to make in moving power away from Washington and back into the pocketbooks of American people in cities and towns all across this country.

Like many who were elected to this Chamber, I campaigned on the themes of balancing our Federal budget by the year 2000, providing substantive and meaningful tax relief to working families, and preserving and protecting Medicare.

Only 3 years ago, many people, our own President included, thought that balancing the budget in this way by the year 2002 was simply impossible. He said maybe we could do it in 10 years and then maybe 9 years. It was looked at as a radical concept. But the American people stood by us as we said time and again, we can do it, we do have the discipline and we do have the will to balance our budget by the year 2002 in a meaningful way.

With this budget proposal, we have the opportunity to meet that commitment on balancing the budget, meet that commitment on tax relief, and on preserving and protecting Medicare.

I see three fundamental areas where this is going to make a difference to the pocketbook and to the livelihood of working families that I want to take a moment to emphasize. First with the tax relief measure, a $500-per-child tax credit. That makes a difference to every working man and woman in this country that has a young dependent child. Certainly the educational tax support is going to put more money back in the pocketbook of a typical working family.

The second area that this is going to make a big difference for American families is in the economic growth and the job opportunities that will be created as we reduce the tax burden on capital gains or on estate tax, create that working opportunity, create incentives for savings and investment, and the following economic growth.

It is not a tax cut for any wealthy individual. When we cut the tax burden on a small business or a family business, we help everyone that works for that business across the board, and when 60 percent of American people work for a small business we are doing them a favor, not just today but for the rest of their lives, and for their children as well.

Finally, by balancing the budget, we reduce interest cost, 1 to 2 percent, across the board. For everyone that has a home mortgage or a student loan or an automobile loan, we are talking about $100 or $500. In the case of a home mortgage, an average-price home, $20,000 to $30,000 over the life of that mortgage. That is money in their pocket, enabling them to invest it in a way that they see fit, to improve their standard of living, save for their children's education and make a difference for their families. Meeting our commitments and making a difference by taking power away from Washington, meeting our commitments that we have made as individuals, and by taking money and with it power away from Washington and putting it back in local cities and towns across America, we make Washington less important, we make the individual more important. That is where this country needs to go.

Mr. SHAYS. Mr. Chairman, I yield 30 minutes to the gentleman from New Jersey [Mr. SAXTON], the chairman of the Joint Economic Committee, and ask unanimous consent that he be allowed to allocate that time.

Mr. Chairman, I would just point out that the Joint Economic Committee looks at spending, taxing, and regulatory policy as well as the policy of the Federal Reserve and determines its effect on the economy.

The CHAIRMAN pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SAXTON. Mr. Chairman, may I just ask a point of parliamentary inquiry?

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SAXTON. Mr. Chairman, I am not clear at this point on whether we will alternate time with the other side of the aisle or whether this is a straight half hour. I do not care one way or the other. I would just like a clarification.

The CHAIRMAN pro tempore. The gentleman is correct. We will continue to alternate.

Mr. SAXTON. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, first I would like to compliment the negotiators both from the House and from the administration for arriving at a bipartisan agreement that will bring the budget into balance by the year 2002. I think it is extremely important for the American taxpayer and I think it is equally important for the continued economic expansion that we have seen since the second quarter of 1991, making it an extremely long and productive period of time for the American worker, due in no small part to what has gone on here in this House and in the other House as well as in the administration for the last decade or more.

Mr. Chairman, I would like to put this in perspective, however, in that the current business cycle expansion is entering, as I said, this long period of time, entering actually its seventh year. The upswing got under way in the second quarter of 1991 and has brought sustained economic and employment growth throughout that period of time. In the last two quarters, the rate of growth has picked up, pushing the unemployment rate down to 4.9 percent. The positive economic climate makes fiscal restraint more palatable and clearly facilitated the achievement of the balanced budget agreement.

However, Mr. Chairman, while some in Washington would like to lay claim and take political credit for the business cycle expansion, the credit really belongs to the many millions of American workers and entrepreneurs and savers and investors whose activities made the economy grow.

□ 1915

Fortunately, they were afforded that opportunity by our system, and the current business cycle expansion is the result.

To the extent that Washington policy is relevant to this expansion, the Fed's; the Federal Reserve that is, anti-inflation policies have lowered interest rates, improved the operation of the economy and sustained the expansion. The Federal Reserve's decision today to refrain from raising interest rates is certainly a welcome decision which I wholeheartedly endorse. The only suggestion I would make is that if the Fed could explain its policy decisions more fully, now and in the future, so that people who are taking part in our free enterprise system can understand why decisions are made from time to time.

In fact, today's decision was announced in two words; that is right, two words: No increase.

One of the benefits that this expansion brings is an improvement in the budget situation. As the economy continues to grow, the Federal revenues increase while Federal spending is restrained. The surge of revenue supplied from the business cycle has sharply lowered budget deficits, and as I pointed out some time ago, it now appears that this revenue surge from economic growth will reduce the 1997 deficit to below $70 billion.

Although the economy has performed well, improvement in the economy is still possible. The bias in our current tax system against savings and investment undermines economic growth. Reduction in capital gains tax rates and death taxes and expansion of individual retirement accounts will add to growth in the years ahead. I endorse each of those features.

Once the budget agreement is implemented, Congress can turn its consideration to ways to limit the many counterproductive features of the current income tax system.

Just to complete, let me finish this thought, that aggressive further expansion of IRA's should be high on our list of future tax improvements.

Mr. Chairman, I reserve the balance of my time.

Mr. MINGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have labored long and hard in this body to find a solution to the deficit problems that confront our Nation. The Committee on the Budget last Friday adopted a resolution by a bipartisan vote. It was historic. It has been years since we have had a bipartisan vote in support of a budget resolution that is now headed to the floor, is on the floor and is expected to pass by a wide margin. Many of us have focused on what we feel are the critical parts of a successful effort to balance the budget. We have established standards. We would like to see a glidepath; that is, we would like to see the deficit reduced steadily rather than having the task of the heavy lifting backloaded in the last year or two and have such an amount that it is unrealistic to expect that we would actually be able to balance that budget in the last year or two.

Mr. Chairman, we have talked about having realistic projections, conservative projections as to how the economy will perform, realistic projections as to what it will cost to run government, to support the programs that we have established: Social Security, Medicare, Medicaid, environmental programs, conservation programs, agriculture, consumer protection and hundreds of others. We do not think it is realistic to expect to balance the budget by dramatically cutting programs in the outyears that we know are popular, where there will not be the political will to actually impose or implement those cuts.

We have also said that we cannot use smoke and mirrors, we cannot be looking for some sort of a magic solution in numbers where we have unrealistic projections and where we have so-called triggers where things will be implemented based upon some unrealistic forecast in the future or where programs will be sunsetted. Certainly we recognize if we have popular programs, new programs that millions of Americans immediately identify as being critical, that to think that we will eliminate those programs in the outyears is politically unrealistic.

We also think it is unrealistic to expect to eliminate programs when we have a different administration or a different Congress. We are not going to make decisions that bind that administration or bind that Congress. So that is another standard that we look for in whether or not we actually have a deficit reduction program that will work.

By the same token, we are looking for real cuts. We are looking for a slowing in the rate of growth in programs. We are looking for scaling back existing operations to make government operations not only leaner, but also more efficient and more effective in delivering the services that are so important.

We think it is important to maintain an investment in priorities, maintain an investment in education, our Nation's future, in the infrastructure that is so important, and transportation. We will hear a great deal about transportation as the evening goes on. These are priority areas that it is unrealistic to expect us to simply zero out.

We also recognize that we will not be able to balance this budget unless we recognize the problems that we face with entitlement programs. Entitlement programs are becoming increasingly a major portion, or the major portion of this Nation's budget, and if we do not find a way to constrain our spending in that area or limit our spending, we will not be successful in the long run in balancing this Nation's budget and keeping it in balance.

And probably no program presents a greater challenge then Social Security. All of us know that we pay into Social Security, we expect certain benefits back. It is virtually a contract arrangement. But we also know that we do not have a Social Security trust fund that is actuarially sound, that will be there in the long term for our children and our grandchildren at the current rates at which it is being drawn down and the current rates of contribution. Changes need to be made.

There has been a great deal of discussion of the Consumer Price Index and its accuracy, and we feel that one of the characteristics of trying to come up with a balanced budget is to recognize any inaccuracies that exist in the Consumer Price Index and to forthrightly correct those inaccuracies, and it is possible to make dramatic improvements in the prospects for the Social Security trust fund if, indeed, we do correct those inaccuracies, and there are a couple of ways that this can be implemented.

First, if we adjust the Consumer Price Index as reported from the Bureau of Labor Statistics to make it more accurate, we will reduce incrementally the payouts from the Social Security trust fund, and that reduction becomes billions and hundreds of billions of dollars over the years. This can extend the life of the Social Security trust fund for between 5 and 15 years, depending on what the correction might be that we would make to the Consumer Price Index. At the same time, by slowing the rate of growth of other programs we reduce the need to borrow from the Consumer Price Index.

This is positive, and I think that we need to recognize that taking the Social Security trust fund off budget is the goal that many of us share and ought to be a goal of this Congress. We recognize that if we make adjustments in entitlement programs like Social Security, that there are certain individuals that depend upon Social Security for virtually all of their income, and they may have a modest level of benefits, and we have advocated a flat cost of living adjustment for that reason.

So whether one is the person that does the cleaning or the person that is the president of the company, whether they work in the mailroom or they are the chief financial officer, their Social Security increase is the same flat dollar amount from year to year. That is what we mean by a flat cost of living adjustment or a flat COLA. And in a combination of an adjustment for accuracy and a flat COLA we will find that the folks that are at the low-income level will not be disadvantaged, but in fact would see their Social Security benefits increase modestly over what they would be with no cost of living adjustment.

Mr. Chairman, these are all characteristics that I believe are important if we are going to actually balance our budget and keep it balanced.

Now I have used the term "we" at several points here, and when I say "we," I have been talking about an approach that has been taken by the coalition or group that has been known generally as the blue dog coalition. We have developed a budget that we hope is credible, and the commentators, the critics and other Members of Congress have recognized it as probably the most credible budget that has been presented to this institution this year. But we also recognize that a budget that was adopted by the Committee on the Budget is not the same as our budget, and we wish to lend support to a budget that we think will ultimately pass and, as a consequence, we are not here in an attempt to defeat the budget resolution that has been reported out, but instead to draw some contrasts and to point out some areas where we need to improve, perhaps next year or the year after, so that we can constantly make progress in our efforts to eliminate the deficit in this country.

One of the areas where we feel that dramatic improvement is needed is enforcement, because we cannot expect to in the long term have a balanced budget unless we have credible, strong, effective enforcement mechanisms in that budget.

So this evening what we will be doing with the time that has been allotted to us is emphasizing some of the enforcement features that we think are important to include in a budget and certainly in the reconciliation bills and also emphasizing some of these features that we feel are important if we are going to be successful in the long term in keeping our deficit at bay. This is a bipartisan effort, and I will be recognizing and yielding to individuals on both sides of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. MINGE. Mr. Chairman, I reserve the balance of my time and will then subsequently yield more of my time to others in the Chamber.

Mr. SAXTON. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would just like to point out that the gentleman who just spoke who spoke on the Consumer Price Index adjustment was either speaking for himself or some other budget. The CPI adjustment is not mandated or contained in any way in the committee budget.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, I want to focus my time on a part of the budget that is not all that big in terms of its relative size, but it is very big in terms of what we believe in and what we stand for and what we want to encourage in this country.

The budget agreement with the President and this budget includes some relief on death taxes, otherwise known as inheritance, or estate taxes. Benjamin Franklin said that nothing is certain but death and taxes, and as tough as each of these things are when they come, to have them to come together at the same time is virtually unbearable. Farmers, ranchers, small business folks of all varieties in my area have felt the sting and effects of this tax, but the truth is the consequences affect all of us.

I want to make three key points on why it is so important to do something in this area of death taxes.

□ 1930

No. 1 is that of all of the money coming to the Federal Government, only about 1 percent comes in the form of estate or death taxes. It is about $15 billion a year. Yet Congress has received testimony that administration and litigation costs eat up more than half of that amount, so that it is a very expensive and very cumbersome tax for the Government to administer.

However, one member of President Clinton's Council of Economic Advisors has found that it costs taxpayers as much to comply with this tax as all of the money that they pay in in the form of tax. Now, if we have a tax that it costs as much to comply with as the tax itself, something needs to be reevaluated.

Second, this tax is a drag on the economy. Professor Wagner's study has found that, if we abolish the inheritance tax altogether, that within 8 years we will have created 250,000 new jobs; we will have added $80 billion to the gross domestic product, and we will have increased the amount of capital by about $640 billion. That is money that can go to create jobs and expand the economy and improve the standard of living for everyone.

There have been other studies that have reached other conclusions. But the bottom line is our society is spending a tremendous amount of money just trying to avoid these taxes, and if people did not have to play these games, it would be good for everybody.

In other countries they have already reached this conclusion. Mexico, Canada, and Australia have no death taxes. As a matter of fact, only Japan has a higher rate of taxes once you die than the United States.

I think it is as important as anything, however, in looking at this part of the budget agreement, that it goes against the American dream. What we want to encourage people to do is to work hard, to save, to build up something so that we can have something to pass along to our children and hopefully they can have a better quality of life to pass along to their children.

It is human nature for us to work and build and create something and to leave it to our children for a better future, and we should want to encourage that. But instead, this tax works to discourage savings. What it encourages is immediate gratification. That is not in the long-term best interests of this country, and it is not what we want to encourage as a government.

If we look at the numbers, 60 percent of family-owned businesses already do not make it to the second generation; 87 percent do not make it to the third generation. If we look at the numbers for minority-owned small businesses, it affects them particularly hard.

So the bottom line is that, rather than encourage more opportunities, which is what we want to do to have a better standard of living for all of our people, this tax punishes those things that create those opportunities to begin with. It goes in exactly the wrong direction, and all of us are affected by it in one way or another.

This budget agreement is not the complete answer. It does not go as far as I would like it to go. When the tax bill comes up from Ways and Means, it will not go as far as I would hope we could go; but it is a small step in the right direction. And it is a small step in the right direction that has big consequences for all of us and says a lot about where we want to go as a society and what we want to encourage in this country.

So among the many positive things in this budget agreement, it will do something for the first time in a long time on death taxes, and I think that is a significant factor that we should all be encouraged by.

Mr. MINGE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, many Members have called this a historic day. I slightly disagree. Today has the potential to be a historic day but only if we are willing to do much more heavy lifting than we have been willing to do thus far.

I am disappointed that the agreement missed the opportunity to make real reforms in long-term costs of entitlements. The failure of this budget to deal with the long-term problems with the growth of entitlement spending guarantees that this budget agreement will not end our budget problems. Sooner or later, we will have to come back and deal with entitlements.

The gentleman from New Jersey was exactly right. Nothing in this budget agreement that I will support tonight deals with the CPI. That is a mistake. That is a weakness, not a strength. It is irresponsible for us to continue to place an unnecessary drain on the Social Security system by providing COLA's that virtually everyone acknowledges are inaccurate. A small adjustment to provide accurate COLA's would be a major step in strengthening the Social Security system. A 0.8-percent adjustment would extend the trust fund by 13 years and allow us to take it off budget honestly by 2005.

I am disappointed that symbolic political arguments succeeded in blocking an agreement in the provision from the Coalition budget to require upper-income Medicare beneficiaries to contribute more for their Medicare coverage.

Reaching an agreement to balance the budget by 2002 does not guarantee that the budget will actually be balanced in 2002. The 1981 budget projected balance by 1984. Gramm-Rudman-Hollings I promised a balanced budget by 1991. Gramm-Rudman-Hollings II promised a balanced budget by 1993. The 1990 budget agreement projected a balanced budget by 2002. Only the 1993 balanced budget agreement met and exceeded the promises on this floor.

All six of these plans, though, failed to reach the promised land of a balanced budget because we did not follow through to make sure the plan succeeded, and today the Coalition was denied the opportunity to even vote for a meaningful enforcement mechanism for this budget.

In order to avoid a repeat of the failures of past budget agreements, legislation implementing this resolution must include a strong enforcement mechanism to force Congress and the President to take action if the budget falls off of the path.

The Coalition budget proposed strong budget enforcement to lock in the deficit reduction through hard deficit targets enforced by sequestration. If the deficit fell off the glidepath toward balance and exceeded the deficit target for any year, Congress and the President would be required to take action to put the deficit back on the glidepath toward balance. If Congress and the President failed to take corrective action, there would be sequestration targeted to the part of the budget that caused the problem. The enforcement provisions that we have proposed to avoid the problems in past enforcement efforts were denied an opportunity to be voted on today.

Two lessons from Gramm-Rudman-Hollings: One, exempting any area of the budget from enforcement will encourage certain groups to sit on the sidelines while balanced budget plans unravel. It is critical that an enforcement mechanism include all portions of the budget, spending and revenues, without exception, to ensure that everyone has a stake in keeping the deficit on a declining path. Enforcement cannot be a substitute, though, for making tough choices. Our proposal is designed to complement the reforms that are in this plan to make sure they achieve the savings they were intended to achieve.

The 1990 agreement demonstrated that enforcement provisions can control new spending in taxes, but failed because it did not control existing programs or taxes. An enforcement mechanism must require Congress to control existing programs and taxes. Our proposal would set targets for the total deficit, all spending and all revenues.

This resolution is simply the beginning of the process. The real test will come with reconciliation and appropriation bills implementing this resolution.

I look forward to working with the gentleman from Ohio [Mr. KASICH].

with the gentleman from South Carolina [Mr. SPRATT], the administration, and others in improving this blueprint or plan or laying of the foundation tonight.

I would like to see us improve the glidepath. I do not like to see the deficit going up temporarily for any reason. I think we should build on the success of the last 5 years, 5 consecutive years of a declining deficit. We should have built on that to, say, 6, 7 and 8. Instead, currently this plan suggests that the deficit go back up again for 2 or 3 years to get a running start on getting it balanced by 2002.

I will support this resolution today to keep the process moving forward. However, I will find it extremely difficult to support reconciliation legislation that does not improve the credibility of this budget. This budget agreement—and I believe that many of my colleagues who share my concern for serious deficit reduction share this concern; but for tonight, this is the best we could do in a bipartisan way, working with a divided House, a divided Senate, and a divided Congress, and administration. I encourage my colleagues to support it but look forward to improving it as we build on this foundation.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me take this opportunity to address a point which I think is very, very important, and that is the matter involving the consumer price index and the fact that it is not contained in the Committee on the Budget's proposal that we will vote on later tonight.

It is true that a recent commission known as the Boskin commission reported that the CPI overestimates inflation by better than 1 percentage point. While that is true, I would like to say to all of the gentlemen and gentlewoman who are here in this Chamber that neither they nor I have the ability, objective as we might try to be, to arrive at an accurate figure through the legislative process.

It is extremely difficult to be accurate with regard to the CPI, and inasmuch as family taxes to a large degree are impacted by CPI adjustments, and on the other hand, Social Security benefits are impacted by CPI adjustments, it seems to me that those people who have the expertise to bring together the facts about our economy that relate to price stability and increases or decreases in inflation, should be the people to make those judgments. Therefore, I worked extremely hard over the last month or 6 weeks to convey to the members of the Committee on the Budget and the leadership on both sides of the aisle how difficult it is to arrive at this CPI in any accurate measure.

As a matter of fact, as long ago as 1928, a very famous economist by the name of Ludwig Vaughn Mises, who may be familiar to some of my colleagues, was a very important guy back in the 1920's, when he predicted the collapse of the Soviet Union as an economy. He did that because he had great insight. One of the minor things that he did, which today is rather important, is that he predicted and said that it would always be extremely difficult, if not impossible, to arrive at a truly accurate measure of price stability. That is true, and that is why this House, in my humble opinion and why I have worked so hard for the last 6 weeks to avoid that measure being adjusted in this budget document, that is why it is extremely difficult to arrive at an accurate measure.

So I wanted to be sure that everyone who is here who will be voting tonight understands that CPI is simply not part of this budget, and that is why.

Let me turn to another part of the subject here and talk a little bit about why I think this is a good budget. Another reason that I think we should all vote for this budget is that it obviously, over time, provides that our government will consume a smaller and smaller part of our gross domestic product. Now, this is extremely important because, if government consumes more and more of GDP, government becomes less and less efficient. And as government becomes less and less efficient, operating with more and more of the money in our economy, it tends to dampen economic growth.

We did several major studies of this. If I may just refer to this little chart, this, I must admit, is a rather strange looking chart, but it tells a great story. The great story that it tells is that as the economy grows and consumes a larger and larger part of GDP, this is how the economy grows. As the economy grows, and it reaches an optimum point of producing economic activity, my colleagues have all heard, we have all heard the suggestion that the economy can be stimulated by government. Well, that is true, to a certain point. We believe that through our studies on the Joint Economic Committee that, once we reach about 17 percent, that we have maxed out the effect on the economy of government spending. And once we move beyond 17 percent into all of the other kinds of activities that government involves itself in as it gets large, we get a dampening effect on the economy. So we get good growth during the time that we spend the first 17 percent of GDP; and today, I say to my colleagues, Mr. Chairman, we are at 21 percent of GDP, expenditures through the Federal Government.

Now, this has all kinds of consequences. It means bigger government, it means more regulation. The gentleman from Texas [Mr. BARTON], who has fought so hard to reform the regulatory process, is here with us. And all of those activities have negative effects which we all want to avoid.

So congratulations to the budgeteers who have recognized that, as spending increases and government gets bigger, it represents a more difficult time for our economy to expand.

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Let me just show one or two other examples.

This is something that our Speaker, who just entered the room, spoke about not long ago in a press conference which I saw on C-Span. It is something called Tax Freedom Day. The size of government has a direct effect on this.

Today Tax Freedom Day is the latest it has ever been. Americans pay taxes to support some level of government until May 9. Imagine that, January, February, March, April, and 9 days in May that we send money to Washington, our government, our State Capitol, and our local government to support government activities. That is a direct result of growing government.

Again, congratulations to the budgeteers, who have recognized this fact and have provided us with an opportunity here tonight to vote for a budget that reduces the growth in government, and will begin to shrink the period of time that we Americans have to work each year to support government. This year it is May 9. Hopefully next year it will be back toward May 1, and hopefully the year after that it will be back into April. That should be our goal.

Mr. Chairman, I reserve the balance of my time.

Mr. MINGE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, we are here this evening not on an historic occasion, but on an important occasion. I had hoped that I would be a part of the affirmative process to try to improve the agreement that was reached with the President and the leadership of the House and Senate. I have worked in a bipartisan fashion since that agreement was announced in principle to come up with some mechanisms to actually make the goal of a balanced budget a reality.

With the gentleman from Minnesota [Mr. MINGE] and the gentleman from Texas [Mr. STENHOLM] and others of the Blue Dog Coalition, I helped put together a group of conservative Congressmen who wanted to actually put some enforcement mechanisms into this agreement.

What we did was come up with the radical idea that we would take the budget agreement that came out of the Committee on the Budget and add to that some structural reforms like entitlement caps. The discretionary spending caps that were part of the 1991 agreement have actually worked. Since entitlements are 53 percent of this year's budget and are growing to be approximately 60 percent of the budget in the year 2002, we thought, let us extend that principle of capping not just to discretionary spending but to entitlement spending.

We looked at the sequestration process that was used in GRAMM-Rudman and decided to modify it so we had sequestration by program. The programs that were within their caps would not be sequestered but those that were growing more rapidly than the caps would be. To make sure it was a bipartisan solution, we decided to make the tax cuts, the $85 billion net tax cuts over 5 years, contingent on meeting the revenue targets.

In sum, what we did was take $85 billion worth of tax cuts and say that we are going to make those subject to meeting the revenue estimates in this budget; take $5 trillion, $5 trillion of entitlement spending and cap it within the existing agreement; and say, now, let us use these enforcement mechanisms to make sure we get the budget balanced in the year 2002.

Because that idea is so powerful, of having some spending restraint on entitlements with some contingency on tax cuts, that there was a possibility that a bipartisan coalition might actually come together on the floor this evening and improve the budget agreement, for whatever reason our amendment was not made in order. It was made in order to have an increase in spending through the Black Caucus, an increase in tax cuts through the Conservative Action Team on the Republican side, but the one truly bipartisan effort to improve this agreement was not made in order.

So I will not be voting for the budget agreement later this evening, Mr. Chairman, but luckily, this is not the end of the process. It is the beginning of the process. The real heavy lifting is going to come later this summer when we do what is called reconciliation. At that point in time this bipartisan coalition that has come together to demand some structural reform through the enforcement mechanisms I think will be heard and will be successful.

I want to commend the gentleman from Minnesota [Mr. MINGE] and the gentleman from Texas [Mr. STENHOLM] for working in a bipartisan fashion. I think we have a good framework. I am sure that at the appropriate time we will be given an opportunity to have our vote here on the floor of the House of Representatives.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the chairman, the gentleman from New Jersey, my very good friend, for yielding time to me.

Mr. Chairman, this is a bipartisan Congress, and today we are considering the budget framework that will put our Nation's finances in order by the year 2002. Republicans and Democrats alike have often stated this goal. Today we all have an opportunity to literally put our money where our mouth is and support this budget resolution.

Within this budget agreement is language that specifically addresses one of my greatest concerns. I know I am not alone in this view. I want to ensure that seniors in rural northwest Iowa are going to enjoy Medicare benefits not just in the next couple of years, but for the next generation and beyond.

Our seniors have paid into the Medicare system and have every right to expect efficient health care coverage. However, the current Medicare system has always comparatively overcompensated urban areas in regard to the Medicare reimbursement rate at the expense of rural States like Iowa. By efficiently utilizing our health services in the past, the current Medicare law punishes Iowa seniors through low reimbursement rates. Some urban areas receive 2½ times the reimbursement rate per person than rural areas like northwest Iowa do.

What does this current Medicare inequity do for Iowa's seniors? It means a lack of choice in the Medicare plans. No managed care organization could even afford to do business in Iowa to serve my constituents. I have been working for the past 3 years with other Members of Congress, both Republican and Democrat, to help cure this inequity. I am proud to report that this budget resolution includes a simple directive to Congress in reforming the Medicare program as this budget is enacted in further legislation.

The final budget resolution mandates that we "Reform managed care payment methodology to address geographic disparities." This simple and understandable directive will work to correct the urban-rural gap in Medicare reimbursement rates. I am proud of having this priority included in the budget resolution, but more importantly, I am proud that the residents in rural Iowa will soon enjoy the Medicare benefits currently available to those in more populous areas in the United States.

So along with this change and the tax relief that we are going to see in this bill as far as the reduction on the death tax, reduction on the tax on savings, investment, and job creation, there is the family tax credit, something we have worked for in the 2½ years that I have been here. I am certainly going to support this budget agreement, and I would encourage all Members to do so also.

Mr. MINGE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. TAUSCHER], one of our new and outstanding Members.

Mrs. TAUSCHER. Mr. Chairman, I rise today in support of the budget resolution for fiscal year 1998. As a member of the Blue Dog Coalition and in support of the Blue Dog budget, I am particularly pleased that this deal includes many of our recommendations. In particular, the foundation of this budget is firm because of the economic assumptions it employs.

For the past couple of years Congress has debated whether to use Congressional Budget Office or Office of Management and Budget estimates in calculating economic projections. The Blue Dog Coalition has been consistent in its support of CBO numbers because we believe they tended to be more conservative. In the past, deficit reduction plans have failed because of incorrect assumptions relating to spending and revenue levels.

We have learned that for a plan to be successful, it must use economic forecasts that do not overstate revenue projections or assume unrealistic levels of spending cuts. Use of conservative budget numbers is added insurance against unexpected downturns in economic productivity or unrealized revenue collections. If the assumptions turn out to be too pessimistic, the budget would simply balance earlier than anticipated. Would that not be nice?

The budget agreement is an important bipartisan accomplishment. For the first time in years we have a plan to restore fiscal responsibility to our budget process, return accountability to our political system, and hopefully regain the confidence of the American people.

As someone who campaigned on balancing the budget and has worked with the Blue Dog Coalition in support of a balanced budget, I am very pleased, and encourage my colleagues to vote for this budget resolution.

Mr. MINGE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. BOYD], one of several new Members of outstanding experience and ability the Blue Dog Coalition has been fortunate in having.

Mr. BOYD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I, too, want to rise with some reservation in support of the budget resolution which we will have an opportunity to vote on tonight. I have those reservations because of frontloading the tax cuts and new spending while backloading the spending cuts. Many of us came here as freshmen with a mandate to put our fiscal house in order, and delay any new spending programs or tax cuts until we can pay for them with something besides borrowed money and increased Federal debt.

My concern as I look at this budget resolution is that we are doing the easy things first, and save the heavy lifting for later. I think it is very evident now that actually the glide path goes the opposite way that many of us would like to see it go. It goes up until the year 2001, and then falls off significantly to come into balance by the year 2002.

I think most of us recognize that that is the case because we have had some very good years here, and particularly this year, and our deficit is lower than it was expected to be. But nevertheless, that gave us a wonderful opportunity to move this glide path quickly into balance, and then we could begin our tax cuts and our new programs after we put our fiscal house in order.

But that has not happened. I think it has not happened because many of us are realists, and we realize to get something that would work that we have to have some compromise. So maybe that is the reason some of us support it, with reservations, is because there has been some compromise, so that we have something we can pass off the floor of the Congress.

A group of us, in recognizing that we did not get everything we wanted, just took the budget that we agreed upon, that we could compromise and support, and said, let us put some enforcement mechanisms in it. Therefore, I find tonight that the major problem I have is the lack of any enforcement language in the resolution.

Yesterday in the Committee on Rules I joined several of my colleagues in supporting a budget resolution that is exactly the same as the one reported out of the Committee on the Budget, with one important addition. It contains strong enforcement language that would ensure we meet our deficit targets every year.

Unfortunately, this alternative was not ruled in order. This troubles me greatly, because of the assumptions included in this agreement. The only reason we are standing here today is because the CBO found $225 billion in assumptions which allowed the negotiators the room to satisfy everyone's needs and concerns. If these assumptions turn out to be inaccurate, what measures are included in this budget resolution to make sure we actually reach balance by the year 2002? The answer is there are none.

While I was not here in 1990, Congress and the President reached a very similar historic budget agreement that would balance the budget in 5 years. Yet we are here today, again, with another balanced budget proposal. Why? Because the 1990 agreement did not have enforcement mechanisms for entitlement programs or revenue.

My fear is that we will reach 2000, the year 2000, and we will be nowhere near the glide path that is outlined in this agreement. This budget resolution has no enforcement mechanism to correct this problem. Not only will this result in larger budget deficits than projected, it will also mean another broken promise to the American people.

So Mr. Chairman, that is why I urge Members, even though we can all support this budget agreement, that we need to have strong enforcement language and work with the coalition to make sure that that language is present in the budget reconciliation.

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Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I want to open with some kudos to the gentleman from Ohio [Mr. KASICH]. There is always one warrior that is out there with faith when there is little hope; and the gentleman from Ohio [Mr. KASICH], our distinguished Committee on the Budget chairman, was that individual. He stayed with this and persevered months and even years to bring us to this point.

What is this about? It is about the average American wanting Washington, D.C. to balance its checkbook the way they have to balance their checkbooks or be penalized the way they are penalized. But as with many other things in this city, potentially the devil is in the details.

I am going to vote for this budget resolution, but I share the concerns of the coalition Blue Dog Democrats about potentially the details of this agreement. They are called enforcement provisions. They are simply the teeth in the agreement, when we finish this work weeks from now, that allows us to follow through on the commitments that we make today and tomorrow. Back home on the Tennessee River we have a lock at the Chickamauga dam in Chattanooga. As the water rises before boats pass through that dam, there is a floating mechanism on the lock itself and, as the water rises, the lock rises and it floats up and down.

That would be the enforcement provisions. To give Members an analogy of an agreement such as this, so that if the assumptions, the projections, the revenues that we are basing this long-range forecast on hold up, we are okay. But it would actually be a floating provision.

We heard earlier today that there is a $26 billion savings from spectrum sales. Frankly, I think that is overstated. If in fact the spectrum sales do not generate 26 billion, where are those dollars going to come from in order to keep us on the glide path to a balanced Federal budget? Well, the enforcement provisions would be details as to exactly what would give or have to give in the agreement in order for the deficit not to rise. That is what we are here in a bipartisan way to support today, is the basic provisions that allows this agreement to succeed over time, not just today, not just this summer but 2 years from now, 4 years from now, 5 years from now.

Some Republicans want to make sure that tax cuts are not given up, and we understand that. The Democrats have heartburn every time we talk about capping entitlements, but the fact is this agreement has to have the flexibility based on revenue projections and the economy to have this float built in. You cannot have your cake and eat it, too, unless you are willing to have the discipline to exercise every day. Then maybe you can have your cake and eat it, too. So we are going to have our cake and eat it, too, but we need enforcement provision, which is that daily regimen of exercise necessary to burn those calories if you want to have your cake and eat it, too.

Mr. Chairman, this is good for America. It is a good agreement if we make sure between now and the end of June we put enforcement provisions in the agreement.

Mr. MINGE. Mr. Chairman, I yield 3 minutes to gentleman from Louisiana [Mr. JOHN], another member of the Blue Dog coalition.

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding me the time. I want to say a few words about why we are here today.

Only twice in the last 40 years, just twice, in 1960, the year I was born, and in 1969, have we balanced our budget. I believe that today we stand here on the brink of a new millennium but also the brink of a very historic moment for the United States Congress and the people of America.

Forty years ago, which was 1957, was a long time. Through those 40 years, we have accrued over $5 trillion of debt. Therein lies the problem. It is not the balanced budget as much as it is the debt. How do we address the debt? We stop adding to it. That is as simple as I can put it.

We spend $241 billion to pay our interest on our debt; 15 percent of our budget, 15 percent of our budget we spend paying interest on the debt because of fiscal irresponsibility in the past.

That is more than our whole Medicare budget, more than our whole Medicaid budget, almost as much as our national defense budget. It is a lot of money. But we stand here today, and I want to commend the ranking member, the gentleman from South Carolina. And I want to commend the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget, for working very hard in times that were somewhat and sometimes very difficult.

But we, along with a lot of other Members, came up here, elected in November of 1996, with a very clear message. I believe the American people want us to stop fighting and start getting down to business. I think the American people sent us here to work in a bipartisan way to do one thing that I heard over and over and over again: Balance our budget. Do it for our kids. Do it for our grandkids.

I believe it is incumbent on this Congress, the 105th, to do that. It is not a perfect resolution to the problem. There are some Republican victories with some tax cuts, a lot of which I embrace. There are some Democratic victories, 5 million more kids with health insurance. It extends the solvency to 2007 of the Medicare trust fund. It corrects some unfair backlashes about the welfare reform program that was passed last year. But it balances the budget in 5 years. I think that is the most significant piece of legislation. I believe that this Congress will not face any more important issue in this Congress. I urge Members to support the bipartisan agreement and support this balanced budget that brings it to balance in the year 2002.

Mr. MINGE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. TURNER], a member of the coalition and another new Member of this body.

Mr. TURNER. Mr. Chairman, I have been a strong supporter of a bipartisan budget agreement. I am among those on both sides of the aisle who believe that the Federal Government must start living within its means, just as every household in this country must do every month. Republicans and Democrats have joined together to make a commitment to balancing the budget, and we are determined to finish the job. We have come a long way in the last few weeks, and that is what makes it so important that we follow through and finish the job that we have started.

Reaching an agreement is only the first step. Enforcing the agreement, making it stick, is the real challenge we face.

I join tonight with Members on both sides of the aisle who believe that we must work to ensure that necessary enforcement provisions are enacted into law to ensure the promise of a balanced budget. If everything goes well, we will have a balanced budget by 2002, but Murphy's law says that, if something can go wrong, it will go wrong. And that is certainly true with the budget process. Reality has a way of confounding our expectations. And this Congress does not have the ability to repeal Murphy's law.

And if the guesses that we have made and assumptions we have made in this budget agreement turn out to be incorrect, the consequences for the budget will be dramatic. Even small variations in economic growth projections could derail our efforts to balance the budget.

As an example, consider the fact that we assume a 7-percent growth rate for Medicaid costs. Just a few years ago those costs were escalating at 14 percent, twice the rate that we have assumed. If the ratings go up again, we could end up with billions of dollars in additional expenditures. The budget agreement as it stands has no way of dealing with this kind of unexpected circumstance.

We are relying on predictions about what the economy will do in the next 5 years. But we all know a lot can happen in 5 years. We will have a different President, a different Congress and we will be dealing with problems in a new century.

History shows us that we need an insurance policy and we are proposing some commonsense steps that will give us that insurance policy so that if our assumptions and our projections are wrong, we can still arrive at a balanced budget in 2002. The American people are overwhelmingly in support of a bipartisan budget agreement, but they are skeptical about our ability to follow through. They have heard the promise of a balanced budget before, and with public trust and confidence in government at an all-time low, we cannot afford to fail. We must show the American people that we can come together and adopt a realistic, enforceable budget that will bring us to balance in 2002. We must not just promise; we must produce.

America has much at stake in what we do here. Our ability to preserve the American dream for all our children depends on our ability to balance the budget in an enforceable way.

Mr. MINGE. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise today to reiterate my commitment to balancing the budget of this country and to announce my reserved support for the resolution.

I support the resolution because I wish to move the budget process along, but I also feel compelled to enumerate a serious concern I have regarding the pending resolution. The targets outlined today should be enforceable and they are not. Why should they be enforceable? Let us look at the historical record.

Under the 1982 budget resolution shown on the chart to my right we were told that the budget would be balanced in 1984. The green lines are targets. The red lines are the truth. The budget was not balanced. In 1985, under Gramm-Rudman 1, we were told that the budget would be balanced in 1991. It was not.

In 1987, under Gramm-Rudman 2, we were told that the budget would be balanced in 1993, and it was not. In 1990, under the Budget Enforcement Act, we were told that finally the budget would be balanced in 1994, and, again, all of those green targets show a balanced budget. All of the red lines show the historical record.

Today the last lines I will draw attention to would be the 1997 deal that does not even give the pretext that in the immediate future the deficit will go down. The red line shows the March CBO baseline.

What do all of these budgets have in common? None contain enforcement mechanisms and never was the budget balanced. That is why earlier this year I introduced the budget enforcement act of 1997, which was cosponsored by my colleagues, the gentleman from Minnesota [Mr. MINGE], the gentleman from Texas [Mr. STENHOLM], and the gentleman from California [Mr. DOOLEY]. That is why I joined with 59 of my colleagues in sending a bipartisan letter to the Committee on the Budget requesting that tough enforcement language similar to that contained in the balanced budget enforcement act be included in tonight's resolution.

When the Committee on the Budget did not include comprehensive enforcement language, an effort was made in the Committee on Rules to give the entire House the opportunity to approve or reject enforcement procedures as part of the budget resolution approved by the committee. Unfortunately, the Committee on Rules rebuffed this request.

This is a serious flaw and one reason why I and other supporters of the conservative coalition budget will work hard to overcome the experience of history and keep the pressure on all parties involved to make sure that the targets set today are finally met tomorrow.

Mr. Chairman, I rise today to reaffirm my support for a balanced budget.

Since coming to the Congress in 1985, I have been committed to balancing the Federal budget for the future of our children and our children's children. That is why I am an original cosponsor and strong supporter of the Blue Dog Coalition budget. The coalition's budget sets a benchmark for balancing the Federal budget in a manner that is both a fair and responsible.

First, the coalition budget sets a smooth and steady glidepath to a balanced budget. It reduces the deficit by a roughly equal amount each year for the next 5 years, achieving 38 percent of its deficit reduction in the first 3 years. One of the reasons that the coalition budget contains such a steady glidepath is because it postpones tax cuts until we complete the tough work of balancing the budget. I do not oppose tax cuts, but I do believe that our first priority should be to put our fiscal house in order. By delaying tax cuts, the coalition budget is able to avoid adding billions to the Federal debt and will save additional billions by not paying interest on that debt.

Because it resists the temptation to grant expensive tax cuts before the budget is balanced, the coalition budget is able to address many of the long-term financial problems faced by entitlement programs. The coalition budget plan makes important structural reforms to Medicare and Medicaid, and extends the life of the Social Security to the year 2043. The coalition budget deals with these issues so effectively that it balances the budget without relying on the Social Security trust fund surplus by the year 2005, and would not rely on any trust fund surplus by 2007.

The lessons of previous budget resolutions, is that reaching an agreement to balance the budget does not guarantee that the budget will actually be balanced. We need only look to the Gramm-Rudman-Hollings experiences of the past decade to be reminded how easily a balanced budget agreement can fall off track. The coalition budget addresses this reality by including strong enforcement provisions based on legislation that I have introduced along with our colleagues Representatives STENHOLM, MINGE, and DOOLEY. This bill, the Balanced Budget Enforcement Act, H.R. 898, would reform the budget process by locking in deficit reduction through hard deficit targets, which would be enforced by across-the-board sequestration if the targets are not met. Without meaningful enforcement mechanisms like this one, we run the risk of passing a budget resolution that amounts to nothing more than Gramm-Rudman III.

In many ways, the coalition budget represents the perfect world.

Unfortunately, we don't live in a perfect world, and as such, I have reached a point where I am willing to put the ideals of the coalition budget aside and support a bill that will get us to a balanced budget despite its flaws.

First and foremost, I am concerned that the tax cuts contained in the committee-approved budget resolution will sabotage our efforts to achieve a balanced budget by 2002 and keep it balanced thereafter. We have repeatedly been assured that the tax cuts in this bill have been structured in such a way that they will not prevent us from balancing the budget by 2002. Despite these assurances, there is overwhelming evidence to suggest that the cost of many of these tax cuts will rise substantially after 2002, when they are fully phased in. For instance, the Joint Committee on Taxation has estimated that, in the 5 years after 2002, the tax cuts outlined in this bill will cost an additional $165 billion, almost twice as much as in the preceding 5 years. It would be a cruel hoax on the American people if we enact tax cuts this year, only to have these same cuts cause the deficit to explode again after 2002.

I am also concerned that the specific nature of the tax cuts contained in the resolution will benefit the wealthiest in our society, while those who really need tax relief will be left out in the cold. Clearly, if we are going to enact tax relief this year, we should do so in a way so that the cuts we approve are targeted to people on Main Street, not Wall Street.

I am also disappointed that this budget does not follow a steady glidepath to balance. While the coalition budget reduced the deficit smoothly from 1998 to 2002, the committee-approved budget resolution actually causes the deficit to increase in the first several years before from an estimated $67 billion in fiscal year 1997 to $90 billion in fiscal year 1998, where it will hold nearly steady until the painful cuts kick in and the deficit falls to $53 billion in the year 2001, eventually achieving a $1 billion surplus in the year 2002. In fact, more than two-thirds of the deficit reduction occurs in the final 2 years of the plan. This is an approach that was tested—and failed—in the early 1980's under President Ronald Reagan. When it came time to make the difficult cuts, they did not materialize, and the deficit skyrocketed. One has to wonder how much money could be saved in interest on the Federal debt if we began chipping away at the deficit earlier, rather than later, in the process.

Concerns about the exploding nature of the tax cuts makes enforcement of this budget resolution even more important. That's why on May 13, I joined 59 of our House colleagues in sending a bipartisan letter to Budget Committee Chairman KASICH and ranking member SPRATT, requesting that tough enforcement language, similar to that contained in the Balanced Budget Enforcement Act, be included in the budget resolution. When the Budget Committee did not include comprehensive enforcement language, an effort was made in the Rules Committee to give the entire House the opportunity to approve or reject enforcement procedures as part of the budget resolution approved by the committee. Unfortunately, the Rules Committee rebuffed this request, and the House will not have the opportunity to vote on a resolution that contains strict enforcement mechanisms.

Finally, I am concerned that the budget resolution before us puts off many of the difficult decisions on entitlement programs. As we all know, many of these programs, which primarily serve the elderly, disabled, and children, will be in serious financial jeopardy when the baby boomers start retiring in the next 10 years. While this budget resolution extends the life of the Medicare part A trust fund by 10 years, it shies away from tackling the long-term problems faced by Medicare and other entitlement programs.

In closing, I believe that balancing the budget is our moral responsibility as Members of Congress. I have always supported a balanced budget, and the responsibility to achieve this goal is not one that I take lightly. For the first time in more than a generation, we have a realistic chance to pass a budget that will actually achieve balance in 5 years. Although I would much prefer to see an enforceable budget resolution, where the deficit decreases every year and tax cuts don't threaten to undo our efforts after 2002, the time has come to put the future of our children and grandchildren first by voting for this balanced budget resolution.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH], very fine chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, let me make it perfectly clear that there is, in fact, tough enforcement in this balanced budget agreement. We continue to have spending caps. If the discretionary spending, the programs that run the Federal Government, would exceed the caps we set, there would be automatic cuts across the board.

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Second, no new programs can be created unless they are, in fact, paid for by reducing other government programs. Now, I think that is very good enforcement.

Furthermore, we will have additional hearings throughout this year to see if there are other mechanisms, an additional budget process reform that we think will help the process. But no one should be confused. If in fact spending goes above the ceilings that we have set, there will be automatic across-the-board cuts. No new programs can be created unless they are paid for by cutting other governmental programs.

Let me make clear my position. I am not in favor of raising taxes. I am not in favor of allowing the tax cuts we have in any way to be repealed, triggered in, triggered on. I am for permanent tax cuts for the American people.

Mr. SAXTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas, [Ms. GRANGER].

Ms. GRANGER. Mr. Chairman, today we will consider a number of proposals to balance the budget by 2002. We will debate these proposals, but I think we should step back just for a minute and consider the historic importance of this day.

Today is historic because for the first time in a generation, the leaders of Congress and the President are both committed to a specific plan to balance the budget.

We are fond of saying that the Federal budget was balanced in the year Neil Armstrong walked on the moon. I happen to remember it differently. 1969 was the year my first child was born. Two days ago, I watched proudly as that young man walked down the aisle to receive his doctor of jurisprudence. My oldest son has not seen a balanced budget since the year he was born. My twins, my son and daughter, have never seen a balanced budget in their lifetimes.

My children do not remember a balanced budget, so they do not know how good it will be for them, and they are not alone. Millions of Americans have forgotten how important a balanced budget will be to their lives, so I want to remind them of the importance of a balanced budget to all Americans.

I have had different jobs in my life and my positions have taught me why this opportunity to finally produce a balanced budget is so important. I was a mayor, and I learned that local communities need more power and less mandates from Washington. I gave up the job as mayor to come to Washington, to produce a balanced budget and to return power and money and decisions back to families and to local communities.

As a small business owner, I know that jobs and opportunities can only be created with a growing economy. By forcing the government to balance its books, a balanced budget will yield more than 4 million new jobs over 10 years and raise incomes by 16 percent.

And this balanced budget includes a capital gains tax cut to unleash a rising tide of new jobs and higher incomes and raised hopes. The capital gains tax reduction in this balanced budget will make the American dream come true for some who missed it the first time.

I was also a public school teacher, and I learned there is nothing more important than education. By eliminating the deficit, a balanced budget will lower the cost of a typical student loan by nearly $9,000 and college education will be more affordable to young men and women like the ones in this room today.

Most importantly, the job that convinced me that a balanced budget is so very critical, the most important job I ever had, was as the mother of three children. By reforming entitlements and providing a per-child tax credit, this balanced budget will make sure that America looks toward the future.

For 26 years, the lifetime of my children, politicians have promised a balanced budget, but the red ink has continued to rise and we have raised taxes again and again. Today we replace false hopes with an historic vote to balance the budget. I urge my colleagues to join in supporting a balanced budget today. It is simply the right thing to do for America.

Mr. MINGE. Mr. Chairman, I yield 2 minutes to the gentleman from Maine, Mr. [BALDACCI].

Mr. BALDACCI. Mr. Chairman, I thank the gentleman for yielding me this time.

We have an opportunity before us, Mr. Chairman, to achieve the first balanced budget in a generation. We would not have been at this point if it had not been for the President's 1993 economic plan, which reduced the deficit by 77 percent, from $290 billion in 1992 to a projected $67 billion this year.

As a result of the fiscal discipline imposed by that 5-year economic plan, we have achieved the highest economic growth in a decade, the lowest unemployment in 24 years, and the lowest inflation in 30 years. We have created 12 million new jobs. Had that plan not been in place, it would have been much more difficult and painful to balance the budget. We simply would not have had the same options available to us today.

Mr. Chairman, there is little doubt in my mind that every one of us in this Chamber could point to elements in this budget that we would find distasteful. Each of us would have written it differently, but compromise requires give and take. We have to reach common ground and gain the support needed to pass such an ambitious plan. Each of us has to agree to give up some things in order to reach our goal of balancing the Federal budget and getting our fiscal House in order.

I am very pleased that the agreement balances the budget in a way which is consistent with our values. It maintains the fundamental commitments to our parents, to working families and to children. It ensures that the budget is not balanced on the backs of those who can least afford it.

With a robust economy and declining deficits, we have the best opportunity in years to balance the budget. We must strike while the iron is hot. Passage of this budget resolution is an important first step towards restoring fiscal sanity to our government.

I urge my colleagues, Mr. Chairman, to support this resolution, and look forward to working with them to implement the plan that is being laid out before us today.

Mr. SAXTON. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from New Jersey [Mr. Saxton] has 4¼ minutes remaining, and the gentleman from Minnesota [Mr. MINGE] has 6½ minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield myself the balance of my time to talk about a couple of aspects of this budget which I think are extremely important.

One of the things that we try to do to encourage economic growth is to encourage what we refer to as capital formation. In other words, we encourage Americans to save and invest. One of the ways to do that is to reduce the burden imposed by the capital gains tax.

Now, there are a couple of ways to do that. Obviously, we congratulate the chairman of the Committee on the Budget for his foresight in proposing to reduce the rate of taxation on capital gains. But there is another reason. That reason is that capital gains today can accurately be referred to as a tax on inflation.

Let me explain. This chart depicts capital gains realizations from investments that may have been purchased in 1955 all the way through 1994. The red and green lines together represent the entire amount upon which capital gains is paid. The green lines represent that part of the gain that is due strictly to inflation. That is why we need to index capital gains taxes.

In other words, if we paid taxes, capital gains taxes, on that part represented by the red bars, we can see how much less of a saver's and an investor's money would be taken away from them than if we do not index capital gains. It seems quite ludicrous to me to try to encourage young people, middle class people, investors to invest in those assets which will increase in value, upon which they will have to pay capital gains, if we tax inflation. So I commend the chairman for his foresight in bringing about that change or proposing to bring about that change.

Let me also talk about deficit reduction and economic growth. Let me point out quickly that between fiscal years 1992 and 1997 the deficit has fallen by a wonderful $290 billion, I mean it is wonderful that it fell that much, to an estimated amount of less than $70 billion in the upcoming year. Part of these savings are the result of spending restraint by the Congress in 1995 and 1996, for which Congress should be commended, but by far, by far, the most important factor is the cyclical business expansion that began in 1991.

That expansion continues today and shows no signs of slowing down. Unemployment is now below 5 percent. That is great, and I think that we should learn from what we have begun in terms of encouraging economic growth. The lesson to be learned here is that when the economy is healthy and people are working, the government naturally takes in more revenue and it makes our budgeteers' job just that much easier. Indeed, a strong economic growth represents the most pain-free path to a balanced budget. This fact alone should serve as a reminder that it is our number one deficit reduction tool that we have to make use of.

In closing, Mr. Chairman, I want to urge my colleagues to keep in mind the role the economy plays in deficit reduction. The job of balancing the budget is made immensely easier when we have economic growth.

The issues that we have talked about today, a recognition of the role of the Fed, a recognition that tax policy tends to increase or decrease economic growth, a recognition that when government expands to a size of more than 17 percent of GDP, and a recognition of the role of taxes and the tax on inflation imposed in our current system's capital gains, are all issues that have an important part to play in deficit reduction and in economic growth.

So I will close, Mr. Chairman, by commending the gentleman from Ohio, [Mr. KASICH], and the other members of the Committee on the Budget and the negotiators who took part in these negotiations with the administration for the very fine document they have brought us, and I look forward to taking part in further discussions relative to these measures as we implement them in the appropriations process.

Mr. KASICH. Mr. Chairman, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SHUSTER] and I ask unanimous consent that he be allowed to allocate time.

The CHAIRMAN pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, I yield myself such time as I may consume.

I find it very interesting that the previous speaker has referred to the tax on inflation, and I think that is an important point, but I just hope that as the Committee on Ways and Means considers the problems of inflation and investment, they also recognize that those of us that simply put our money in the bank also experience a tax on inflation because the interest rates have to reflect the inflation in this economy. I think that we should treat those of us that put our money in the bank or in savings in a parallel way to those that put money into equity investments.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia, [Mr. BISHOP], who is also a member of the Blue Dog Coalition.

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of House Concurrent Resolution 84, the balanced budget resolution for 1998. This is an historic agreement which reflects a spirit of bipartisanship and a spirit of cooperation.

Today, we have an opportunity to pass a resolution which strikes a workable balance between keeping the budget balanced and sustaining and investing in our most essential domestic and defense priorities.

This bill attempts to balance the budget in a way that is fiscally sound and fair. It represents a commonsense approach, a middle ground that all sides should be able to support. Once we enact this agreement, we can begin the implementation of a balanced budget plan that will put money back into the pockets of working Americans.

Like all of my colleagues, I am committed to providing a higher better quality of life for my constituents. This means supporting policies for stimulating job growth, a stronger, a more diversified economy, a better educated population, safe and secure communities that are free from crime and drugs, a clean environment, affordable health care, and a strong national defense, but all within the context of a balanced budget. The resolution up for consideration today establishes a good framework for achieving these goals.

I want to commend both parties for their diligent work in crafting an agreement which moves toward eliminating deficits, expands health care coverage for our most vulnerable citizens, keeps Medicaid and Medicare solvent while preserving essential care, intensifies our efforts to protect the environment, provides persons with the necessary tools to move from welfare to work, gives a boost to education and provides equitable tax relief, including capital gains and inheritance tax reductions, for the American people and it preserves a strong defense, which has already been cut enough.

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I doubt if anyone regards this bill as perfect. With a measure this far-reaching, there is no way to reach perfection. From everyone's point of view, there are provisions in the bill that I do not like and have fought against all along, including those to increase the retirement share made by civil service workers and that assume that cost-of-living adjustments for veterans compensation will be rounded down to the nearest whole dollar. I do not like these.

Our veterans and our civil service workers are carrying their share of the budget reduction burden already and will continue to try to change provisions such as these. Additionally, I will work with my coalition colleagues for enforcement measures to ensure that the deficit indeed remains on the glide path to balance in the next 5 years. It is extremely important that we do this so that we can reach our deficit targets each year.

But on balance, Mr. Speaker, this agreement may be our last best hope to finally achieve a balanced budget and save our country from an economic calamity, which is sure to occur if budget deficits and the national debt continue to run amuck. Our choice is clear, our mandate strong. Pass this resolution.

Mr. MINGE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. MCINTYRE], a new Member of this institution and a member of the Blue Dog Coalition.

Mr. MCINTYRE. Mr. Chairman, just as each of us expect to balance the budget of our own personal checkbooks or our family's checkbooks or our small business's checkbooks, we should never expect any less from the Federal Government.

When I ran for this office, it was because of that very concern for our working families and our small business owners. We realize that in States like mine, in North Carolina, we are required to balance the budget and we meet that mandate every year. We should expect no less of our own national government. This is a chance for us to give working families an opportunity to see that we are stewards of their trust, that our government is accountable for every penny it takes in and every penny it puts out.

An old proverb once says that the longest journey begins with the single step. Although this is not perfect, it is a way to take that first step to make our government move towards the balanced budget responsibility that it should have.

Mr. MINGE. Mr. Chairman, I wish to inquire of the Chair as to how much time I have remaining?

The CHAIRMAN pro tempore. The gentleman from Minnesota has 12 minutes remaining.

Mr. MINGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to close by just recognizing some of the positive and problematic situations that we face. As we have an opportunity here to eliminate the deficit, I think it is important to remember that we are enjoying prosperity in our Nation, relative prosperity, because we know that economic cycles come and go and that we are going to face a downturn at some point in the future.

It is prudent for us to plan for that and not to assume that the full employment and the good, strong economic growth that we have today is going to survive indefinitely. Therefore, I think it behooves us to practice fiscal responsibility now and to put money aside, if at all possible, for the rainy day.

I think, at the same time, it is important to know that we are talking about the difference quite often between the debt and the deficit. Yet, the American people quite often are confused. They think when we say we are going to eliminate the deficit it means we are going to eliminate that $20,000 per capita debt. That could not be further from the truth. The debt will still be there, $20,000 for each man, woman, and child in this country, interest running at the rate of close to $250 billion a year.

Those of us in the Blue Dog coalition have supported tax cuts. We think tax cuts are important. We think new programs are important. But on the other hand, we think that our first and most immediate responsibility is to eliminate this deficit. And, therefore, we have stood for the proposition that let us work for and plan for tax cuts, but that is the dessert, that is the reward that we should achieve after we have accomplished this heavy lifting of balancing the budget.

I would also like to emphasize and reemphasize that we have looked for and hoped for strong enforcement mechanisms in our budget resolution and in the reconciliation bills. That is extremely important to us. We must, as the reconciliation bills are drafted, include in them the caps, the pay-go provisions, the sequestration and other provisions that are so necessary to safeguard what we have worked long and hard for in this body this spring.

Mr. Chairman, we appreciate the opportunity to present these views.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and my colleagues, from Seattle to Miami, from California to Maine, all across America, our infrastructure is crumbling. Thirty percent of our interstate system needs to be rebuilt; 25 percent of our bridges are structurally deficient. There are 41,000 people killed on our highways every year. And we are told that 30 percent of those deaths are caused by inadequate construction of the highways; and if we can wave a magic wand and correct those highways with investment, we could save up to 12,000 lives a year.

Congestion in our 50 largest cities costs $51 billion a year. Right here we need not look beyond the Nation's Capital and the metropolitan area. The Washington Post recently reported that the Capital Beltway already operates well above capacity, and in sections of it they expect a 43 percent increase in the next 20 years. The Metro chief here in Washington, Richard White, said, and I quote, "I thought we are two or three years away from a crisis with Metro, but I was wrong. It is closer than that."

Twenty-four hours after the budget resolution was released, 49 Governors signed a letter and sent it to us saying they were disappointed in the transportation funding and they urged us to increase transportation funding. We have letters from the mayors urging increased funding for transportation, letters from the counties, letters from the building trades unions, from the Teamsters, from the Chambers of Commerce, and from the environmentalists, all saying we need to spend more money in transportation.

In inner-state repair projects alone, we have over 30 projects, each of which costs over a billion dollars apiece. One hundred cities need new transit projects. Amtrak is on its way to bankruptcy. Our airports are clogged. Our air traffic control system is failing. And yet, this should be a positive problem because it represents the vibrant growth of our country.

While we have an increase in population, travel is increasing at three times the rate of our increase in population. In aviation we are moving from 230 million passengers a year to over a billion passengers a year as we moved into the first decade of the next century.

Truck traffic is projected to increase on our highways by 30 percent in the next 7 years. Our global competitors are building for the future. In Japan they are spending $30 billion U.S. in one airport, the Kansai airport. In Shanghai, get this, 17 percent of all the world's construction cranes are in Shanghai. It looks like a city over which pterodactyls are hovering.

In Hong Kong they not only have the most modern container port in the world, but they are building the largest airport in the world at a cost of $22 billion U.S. with 288 ticket counters. Now, that is the kind of infrastructure building that is going on in Asia, where we have fierce competition and can expect even fiercer competition in the next century.

Our needs. Well, we need $16 billion a year more in highways and bridges just to keep up. We need $13 billion to improve transit, $10 billion for airports and aviation. And what does this budget resolution do with regard to transportation? Well, the $33 billion balances in the four transportation trust funds, if this budget resolution is implemented without change, will increase to $65 billion in the next 5 years. Now those are not my numbers. Those are CBO numbers. CBO says we will increase the balances in the transportation trust funds from $33 to $65 billion in the next 5 years.

Beyond that, this budget resolution provides for $125 billion over the 5 years in outlays for transit and highways. They say it is an $8 billion increase over the 5 years. That is not really accurate, because there is $3 billion that is not counted in the baseline on the projects that were in ISTEA. We have to subtract $3 billion, and we are down to a $5 billion increase.

But there is also $2½ billion in budget authority which is not reflected in outlays, so perhaps this is another $2½ billion we have to subtract. And beyond all that, the so-called $8 billion increase, which is more like $1 or $2 billion, is not simply for highways or transit; this is function 400, all the transportation programs. That includes the Coast Guard, rail, pipelines, all the various transportation projects.

We are told that the revenue that is coming into the trust fund is going to be spent. That is not true. CBO has confirmed that it is not true. In fact, my good friend the chairman of the Budget Committee also confirmed that at a Republican conference last week. We are told that, if we really count the general fund spending on transportation, that equals all the revenue coming in. Well, the general fund spending reflects spending in military bases, reflects spending on CDBG grant which have nothing to do with our Federal aid highway system and, most importantly, historically reflects the spending out of the general fund on transit before we set up a transit account within the trust fund.

So, indeed, many of the things that we are hearing are not quite accurate. But beyond that, what does our modest perfecting amendment do? We simply increase outlays over 5 years by $12 billion from $125 to $137 billion. And next year, in the budget resolution, we do not make any reductions to pay for that, but rather, over the 5 years, we have a one-third of 1 percent across-the-board cut on discretionary programs and the tax cuts, about as modest as we can get.

Let me again emphasize, there are no reductions in the fiscal 1998 budget which we are reflecting in this amendment. We adopt the numbers of the Budget Committee, and it is in those outyears. Further, we provide safeguards that transportation trust fund money will be used for intended purposes, and we modify the transportation reserve fund to give priority to the restoration of spending and transportation cut offsets if it turns out that more are available. As we are told, this is so conservative that more funds may well be available. And, indeed, we are also told that this might break the budget deal.

I would respectfully suggest that insults the intelligence of the Members to say that a one-third of 1 percent cut over 5 years is going to break this deal when the bottom line remains the same. What are we, potted plants? Can we not, as Members of Congress, make a very modest adjustment so long as the bottom line numbers stay the same? That is all we are doing here. And indeed, I believe we have every right as duly elected Members of Congress to make such a modest perfecting amendment.

Now is the time for Members to implement their previous votes where they so strongly expressed support for transportation infrastructure.

□ 2045

Last year, we had a vote to take trust funds off budget. That vote passed by a 2 to 1 margin. Seventy percent of the Republicans in the House voted in favor of it. Sixty-four percent of the Democrats voted in favor of it. A majority of the Republican cardinals on the Committee on Appropriations voted in favor of it. A majority of the Republicans on the Committee on Ways and Means voted in favor of it. Were these serious-minded votes or were they not? Now is the time to address this issue. So far this year, we have 239 cosponsors of taking the trust funds off budget. We passed it out of committee unanimously in early February, but the leadership has blocked us from bringing it to the floor to get an honest up-or-down vote. The moment of truth is here. This later tonight will be the single most important transportation and infrastructure vote we cast not only in this Congress but for the next 6 years, because it will determine the funding that is available for ISTEA.

What does that mean? It means if we pass this modest amendment, we can begin adequate funding for infrastructure, we can address the donor-donee formula problem. We can find funds to begin trade corridors and border infrastructure. We can address transit and clean air needs in urban areas. We can save lives with safer highways and bridges. We can reconstruct the interstate system. We can address the other many high priority needs that have been brought to us. And we can create thousands of good jobs, for every $1 billion spent in transportation means 42,000 jobs.

Tonight is the moment of truth for transportation and infrastructure. Support the Shuster-Oberstar-Petri-Rahall amendment and help build America and save lives.

Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL], the distinguished ranking member of the subcommittee.

Mr. RAHALL. I thank the distinguished gentleman, the chairman of the Committee on Transportation and Infrastructure, for yielding me this time.

Mr. Chairman, trust. An interesting term, that word. Trust. Webster defines it as an assured reliance on the character, ability, strength or truth of someone or something. That is why we call it the highway trust fund. Not the highway fund, but we call it the highway trust fund. To the American people, we have said, pay your motor fuel taxes. In return, you will receive those funds back in the form of better roads, highways, and bridges. That is a sacred trust that we entered into with the American people 41 years ago when the Congress established the highway trust fund. Yet today we find that that trust has been broken. It lays shattered at our feet.

Over $24 billion in unspent funds has accumulated in the highway trust fund. There is no trust in that. At the same time, 4.3 cents per gallon in Federal motor fuel taxes is not even being deposited into the highway trust fund. There is no trust in that, either. In this budget resolution, this budget resolution will not even allow us to spend the amount of motor fuel tax receipts that are anticipated to be paid into the highway trust fund over the next 5 years.

Crumbs for a crumbling infrastructure. That is all this current budget resolution gives us, is crumbs for a crumbling infrastructure. When it comes to highway spending, many of my colleagues have talked the talk. Almost 240 of our colleagues have cosponsored H.R. 4 to take the transportation trust funds off budget. A vast majority of my colleagues have requests pending before the Committee on Transportation and Infrastructure for specific highway or transit projects.

Those of my colleagues listening, just think of how many of those requests are pending. My colleagues may have talked the talk, but now it is time to walk the walk, to show what you are made of; to stand up for America, not to sit down on it; to build America, not tear it down; to promote America, not demote America; to expand America, not contract it; to do what is right, what is fair, what keeps faith with the people.

Mr. Chairman, this is a battle for the heart and soul of America. This amendment is not just about asphalt and concrete. It is about safety. It is about saving lives. It is about our economy, about our competitiveness. It is about our jobs. It is about our standard of living. It is about the type of legacy that we will leave to our future generations.

So, Mr. Chairman, I say to my colleagues, it is time to walk the walk. Vote "yes" on the Shuster-Oberstar-Petri-Rahall amendment.

I commend the distinguished chairman for this initiative.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. KIM], distinguished chairman of one of our subcommittees.

Mr. KIM. Mr. Chairman, I found this brochure today. It is kind of disturbing to me. I rise in strong opposition to the budget resolution because of this. This is deceptive, in my opinion, cleverly devised propaganda which is totally untrue. This says who pays for transportation increases? Then it says, education, $980 million. Now, come on. All we are asking is, do not gut our transportation trust fund. We are not cutting any programs like this.

Every time that American motorists fill up their gasoline tank, they pay 18.3 cents per gallon of gasoline tax. Of that money, almost one-third goes to the deficit reduction program, but the remaining 14 cents is supposed to go to highway programs. It is not. We have not been honest with the American people. The truth is we have not actually used the whole 14 cents for transportation at all. Instead, every year we gut the transportation trust fund money and spend it on other nontransportation programs. I am tired of this.

Even this budget agreement that we are discussing tonight continues that deception. This budget agreement takes $13 billion in gas tax revenue and diverts them to other nontransportation programs, Mr. Chairman. That is $13 billion that we promised to spend on roadways, highways and mass transit. Now we are going to turn around and spend it elsewhere.

At a time when our national infrastructure is deteriorating, this breach of trust is totally unacceptable to us. We should be spending more to maintain and improve our infrastructure, not diverting money to wasteful Government programs. In fact, the recent studies show that the Federal Government should be spending almost $20 billion more a year than it does today to meet the transportation needs of the next decade. Instead, we are dishonest in diverting this $13 billion to other Government programs. Shame on us.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Chairman, I rise tonight to express my very, very strong support for the Shuster-Oberstar-Petri-Rahall amendment as a path to ensure that the transportation needs of our Nation are addressed. If we are to compete with the growing economies of the Pacific Rim and Europe, transportation must be America's economic development priority for the 21st century.

This budget as it now stands simply does not meet those needs. This agreement falls woefully short of allowing us to merely maintain our aging highway and transit systems, let alone make greatly needed repairs. Transportation funds in this budget are insufficient. Every Governor in this Nation has emphasized that transportation is a priority and that this additional funding is absolutely critical to meeting America's vast infrastructure needs. This amendment is a sensible bipartisan effort to address this shortfall and increase transportation funding to the minimum acceptable level.

Mr. Chairman, I am strongly committed to balancing the Federal budget, but let us do it in a way that is honest and honors our commitment to the American people and guarantees a strong economy. I ask my colleagues to be bold, to be daring and to invest in our Nation's economic security and our future.

Mr. Chairman, if my colleagues truly believe that transportation is a priority for their States, they have an obligation to support this amendment. I want to thank my chairman for his extraordinary leadership on this issue.

Mr. Chairman, I include the following material for the RECORD:

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION,
Boston, MA, May 19, 1997.

Hon. JAMES P. MCGOVERN,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN MCGOVERN: As you prepare to cast votes on the balanced budget agreement, I want to express my concern over the agreement's level of funding for transportation and ask you to support the Shuster-Oberstar-Petri-Rahall Amendment which will be offered during debate.

The budget agreement sets transportation levels at $125 billion over the five year period, $13 billion shy of the Highway Trust Funds (HTF) expected receipts. This under investment in our infrastructure would cause the HTF balance to increase to at least $37 billion and our nations infrastructure needs to remain unmet. To accentuate this point, the Federal Highway Administration estimates that it will taken an investment of $16 billion more per year just to maintain the conditions of our highways and bridges.

Furthermore, at this funding level it is likely that the Commonwealth's transportation funding needs would be in peril. For example, a worst case scenario would present us with a 5 year loss of $1.4 billion. Therefore, I ask for your support of the Transportation and Infrastructure Committees bipartisan amendment to increase the funding level by a reasonable $12 billion. This increase, which will not draw on the $24 billion HTF balance or capture the 4.3 cents going to deficit reduction, will help the Committee to reach a balance among its many competing concerns.

I thank you for your consideration. Please do not hesitate to contact me if you should have any questions or need any further information.

Sincerely,

JAMES J. KERASIOTES,
Secretary.

THE NEW ENGLAND COUNCIL,
Boston, MA, May 20, 1997.

Hon. JAMES MCGOVERN,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: On behalf of the hundreds of businesses and nonprofit organizations that comprise The New England Council, I am writing to urge you to support a bipartisan amendment to the Budget Resolution that will increase funding for projects under the Intermodal Surface Transportation Efficiency Act (ISTEA).

The Budget Agreement reached by the Clinton Administration and Congressional leadership provides inadequate funding levels for surface transportation projects in New England and across the nation. The amendment, offered by the bipartisan leadership of the House Transportation and Infrastructure Committee, seeks to rectify this situation. It mandates increased Highway Trust Fund spending so that outlays for the next five years would rise $12 billion from the $125 billion stipulated by the Budget Agreement.

Strong economic growth depends on viable and advanced highway and transportation systems. Without the significant investment in our transportation infrastructure that the amendment calls for, we are placing the nation and our long-term economic prosperity at risk.

I urge you to support an increase in transportation funding when the House votes on the Budget Resolution. A vote for this increase is a vote for New England's future.

Sincerely,

JAMES T. BRETT,
President and CEO.

HOUSE AMENDMENT IS "MAKE OR BREAK" FOR HIGHWAY FUNDING

Transportation leaders in Congress will offer an amendment to the Budget Resolution increasing transportation spending over the next five years, while still achieving a balanced budget by 2002.

Currently in the Budget Resolution, highways and transit would receive $124 billion over the five year period, equating to a $1–2 billion increase for highways per year. This funding level would not even spend the revenue going into the Highway Trust Fund each year, let alone the exisiting $13 billion cash balance in the fund.

The Shuster-Oberstar-Petri—Rahall amendment would increase transportation spending to the amount of revenue deposited in the Highway Trust Fund, $137 billion over five years or $13 billion more than the Budget Resolution currently provides. To offset the increased transportation funding, the amendment would reduce other spending accounts (except entitlement programs) and the tax cut package by 0.44%. That is an across-the-board cut in other government programs (except entitlements) of less than one-half of one percent.

This amendment is extremely important to Massachusetts and our industry.

Balancing the federal budget is very important, but should not be done with taxes paid by highway users that were intended to make highways safer. Inadequate roads and bridges are a factor in traffic accidents that result in over 12,000 highway deaths each year.

If the total pie currently available for highway construction is not increased significantly, Massachusetts may lose a substantial amount of funding when ISTEA is reauthorized later this year. The funding provided in the Budget Resolution is insufficient to take care of the donor-donee problem.

The Highway Trust Fund can support a $26 billion annual highway program through 2002 with current income (no new taxes). The Budget Resolution would only allow for a highway program averaging about $22 billion per year. If held to that low funding level, the cash balance in the HTF will continue to grow until it reaches more than $40 billion in 2002.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I salute the efforts of the gentleman from Ohio [Mr. KASICH], the chairman, and the leadership of both sides of the aisle in working with the administration to achieve a balanced budget agreement. It is a good agreement but we can make it better, and that is why I am supporting the bipartisan Shuster-Oberstar-Petri-Rahall substitute.

To put it simply, this substitute restores trust to the highway trust fund, ensuring that revenues into the fund are spent out of the fund to support needed highway transit improvements around the country.

This investment is desperately needed. There is a multibillion dollar backlog of transportation projects across the country, investments that we must make if we are able to compete in the global marketplace. The Shuster substitute boosts funding for transportation and includes offsets to keep the budget on a glide path to balance by 2002. It is fiscally responsible and fulfills our responsibility to invest in our aging infrastructure.

Passage of this substitute will help us to craft an ISTEA reauthorization bill that will resolve the donor versus donee State controversy. If the issue is important to my colleagues, I hope they will join me in supporting the Shuster-Oberstar-Petri-Rahall substitute.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Chairman, I would like to thank our distinguished chairman for his leadership on this issue.

Mr. Chairman, the highway trust fund is one of the things that we use to endear our relationship with those who are all about making the future for all of our citizenry what it ought to be.

The $12 billion that we are requesting in this amendment is something that we think is fair and it is balanced. We think that if we take a look at the facts, only a one-third of 1 percent reduction in domestic spending and the tax cuts over the next 5 years is a fair way to approach our permanent infrastructure. I think our roads and our bridges are in dire need of repair. We know from every study that has ever been developed that for each $1 billion we spend, we create a 42,000 jobs.

Mr. Chairman, I will support this amendment and I call upon my colleagues to do likewise.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in strong support of the Shuster-Oberstar budget amendment. It provides needed transportation funding to repair and rebuild our roads and bridges and to provide funding for public transit, Amtrak, local passenger trains, subways, and buses.

This amendment helps the environment. It provides jobs. It improves safety for motorists and commuters. Fifty-one Governors, Mr. Chairman, have endorsed the Shuster-Oberstar transportation funding amendment. It does not interfere with the balancing of our budget. It does not change any annual deficit targets. It does not make cuts to entitlement programs. It does not draw down highway trust fund balances. It does not spend any of the 4.3 cents of the gas tax. It is the most pro-people bill. We must pass this legislation. It is going to help all of our citizens in every single State. I urge strong support of the Shuster-Oberstar budget amendment.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman from Pennsylvania, the chairman, for his courtesies and for his eloquence a moment ago when he explained to America what this measure is about. We are talking about American economic competitiveness. We know that the Japanese are spending trillions of dollars, and we are debating here on the floor whether or not we are going to add $12 billion in order to meet our current priorities. It is a question of whether or not we are going to support our communities in terms of their livability agenda. It is an opportunity for us to think forward when others are looking back. This budget resolution amendment, if passed, will enable us to look forward as opposed to ducking issues that we know if we avoid are going to be worse 10 years from now.

□ 2100

And I find a little incongruous people talking about the cost of this proposal because this is an investment in our future that will provide a half million additional jobs. I am absolutely convinced it will be self-financing, and if we do not, it will be self-destructing.

Mr. Chairman, I thank the gentleman for his courtesy, and I strongly urge the approval of this amendment.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I rise to support this amendment, and I would like to make it very clear why I support it. The people of America pay a great deal of money in Federal gasoline taxes, and the people of America have every right to expect that this money be spent for transportation purposes. We do not spend anywhere near the amount raised for transportation purposes.

Mr. Chairman, this amendment will help adjust that inequity, and I think we should support it, and I commend the gentleman from Pennsylvania [Mr. SHUSTER] for his efforts in this area.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. SHUSTER] for giving me this time. What my colleagues have proposed and what many have joined them with is not a breach of any kind of any agreement. We will decide the agreement in this House. That is the only agreement that we are concerned about. Forty-nine Governors, 89 senators, 239 Members of this House are on record supporting the transportation spending level proposed in this amendment.

What we have done is not any different than what we did with veterans. We collect fees, and then we put those fees back in the general fund rather than spend them on veterans. What we are doing here is a collection agency, $20 billion that goes back into the general budget rather than being spent on the infrastructure, on economic development in this Nation.

The gentleman from Pennsylvania [Mr. SHUSTER] is right on target. We are going to win this fight tonight. It is an important one for America. It is just as important as our balanced budget.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa [Mr. BOSWELL].

Mr. BOSWELL. Mr. Chairman, I am very impressed by the bold leadership that is being taken with the gentleman from Minnesota [Mr. OBERSTAR] on this subject. Just stop and think about it, my colleagues. I think about some of the products come out of the Midwest, out of our part of the country, farm products and so on. It has got to travel on a system, and that system is broken down at times when we cannot move grain from Iowa and we have got sales to go to the Ukraine or wherever, and this is unacceptable. We can make many, many examples of that, and a time has come to realize that we are collecting this for the purpose, we have a need, that the needs of the country are at stake. The competition with the Pacific rim and the European Union are real. They are going on, and they are making the investment. We have got to do no less, and I hope that my colleagues are paying attention tonight.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise today in support of the amendment of the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR], which directly addresses the issue of truth and honesty in the transportation budget.

In President Clinton's State of the Union message he talks about building a bridge to the future and to the 21st century. Well, I got news for my colleagues. They cannot build a bridge without money for transportation and infrastructure needs. Thirty percent of American urban highways are congested. This damaged air quality, increased travel time and cost travelers in the largest city more than $43 billion in delays and excess fuel consumption area.

The future of this country is intermodal. Our economy is not based on Florida competing against Georgia or even California. It is a global marketplace, and we are competing with countries like Japan and Germany. These countries have a highly developed transportation and infrastructure system to move goods, people, and service.

Mr. Chairman, I support the President's commitment too, 100 percent. Let us build the bridges to the 21st century and let us make sure everyone can travel it safely.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Shuster-Oberstar amendment. While I am supportive of the budget agreement overall, it is sorely lacking in funding for important transportation needs.

The Shuster-Oberstar amendment will make a modest adjustment to the resolution by adding roughly $12 billion over 5 years for transportation. This amendment does not address the issue of taking the transportation funds off budget, nor does it attempt to recapture the 4.3 cents in gas tax revenue that currently is directed to deficit reduction. Instead, it simply asserts that the money collected by the Highway Trust Fund in the next 5 years will be spent on highway and transit needs.

The Shuster-Oberstar amendment is a good investment for America. The amendment would retain the balanced budget target, but would better provide for our Nation's transportation needs.

I urge my colleagues to improve this budget resolution by adopting the Shuster-Oberstar amendment.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me emphasize just how modest this is. There are several things we would like to have done. We would like to have taken the transportation trust funds off budget. After all, we had a 2-to-1 vote, an enormous victory in this House last year to do just that. This year we have 237 Members, a majority of Republicans I might add, who have cosponsored H.R. 4 to take those transportation trust funds off budget. But we do not do that in this amendment.

Mr. Chairman, we have been blocked from bringing that to the floor even though that bill passed unanimously out of our committee.

Indeed, Mr. Chairman, I must say that it insults the intelligence of our Members to somehow suggest that this modest proposal could hurt the deal to take one-third of 1 percent of the overall discretionary spending in taxes, a minuscule amount over 5 years, and indeed to have no reductions, I emphasize no reductions, in the first year, which means we will be back here again with another budget resolution next year, as we are every year, to have no reductions, and to be certain that this is CBO scored so that the bottom line, indeed, is consistent with the overall deal between the White House and the budgeteers, and to somehow suggest that that hurts the deal, Members certainly have every right to express themselves on this modest amendment.

I must also say, Mr. Chairman, I am very much moved by the extraordinary support that we are receiving for this modest perfecting amendment. We thought it was going to be a very uphill battle. Indeed, we felt it was a matter of fighting the battle as a matter of principle even though we recognized that it was, we thought, quite a long shot, and now, as we stand here tonight, as we have received expressions of support from Members in all philosophical positions in this House, Republicans, Democrats, liberals, conservatives, they are reflecting the views of the American people who say we need to build more infrastructure for America, we need to save lives and we need to keep faith with the American people.

There is so much cynicism about Government today, and one of the reasons for that cynicism is when we tell the American people, "You pay your gasoline tax, you pay your aviation ticket tax; we're going to spend that money to improve transportation," and then we do a flimflam on them. We do not spend the money. Instead, we use it to mask the size of the general fund deficit to the extent that, as we stand here today, there are $33 billion of balances in those trust funds, legal obligations of the United States of America, and what is even worse, if we adopt this budget resolution without this perfecting amendment, those balances in those transportation trust funds will rise from $33 billion today to $65 billion in 5 years. It is just wrong.

Forty-nine Governors have sent a letter to us saying to spend more on transportation. When the vote comes tonight, vote in favor of this amendment to build America for the future.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SHUSTER] has expired.

Under the unanimous consent agreement entered into earlier today, the gentlewoman from California [Ms. WATERS] is recognized for 30 minutes.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is with great pride that I rise on behalf of myself, the gentleman from Mississippi [Mr. THOMPSON], and the entire Congressional Black Caucus, first to thank those who have worked to present this House with a budget and, without spending time to discuss why the negotiated budget deal misses the mark, I would like to discuss another approach, another vision for America embodied in the CBC budget.

The CBC budget alternative that will be offered later on this evening reaches budget balance by the year 2001, Mr. Chairman, not 2002, as the budget deal does. Each year between now and then our deficit is lower than that projected by the so-called budget deal.

This Congressional Black Caucus alternative is a fiscally conservative budget. This budget, scored by CBO, reduces the deficit immediately and smoothly. This budget does not backload savings. The budget does not include tax cuts. This budget does not raise any tax rates, not on individuals, not on businesses. The CBC budget alternative achieves its savings through a balanced combination of military spending reductions, nondefense discretionary spending cuts, reductions in corporate welfare and modest reforms in Medicare and no increased premiums for seniors.

Our budget makes the Medicare trust fund solvent into the future, as does the budget deal. The CBC budget alternative does this while staying within the overall domestic discretionary spending levels agreed to by the budget deal.

This budget accomplishes balance in the following ways: We make $189.9 billion in military budget savings. Our budget presumes in the post-cold War period this country can rationally reduce military spending while protecting military families and investing in economically viable alternatives through economic conversion.

Our budget saves nearly $20 billion in nondefense discretionary spending programs. By reducing Government subsidies to corporations in various parts of the budget the CBC alternative cuts billions in wasteful, unnecessary spending. Our budget closes $195.5 billion in corporate welfare loopholes over 5 years. This represents less than $40 billion in savings from corporate welfare per year. Surely, as this country embarks on its course to produce a balanced budget, multinational and other large corporations can and should pay their fair share.

And finally, we would enact entitlement reform through a $25.5 billion in savings from Medicare. By eliminating waste and abuse from the program, we would not increase premiums or reduce Medicare benefits, but protect the trust fund and Medicare recipients. This is a modest fair approach to budget savings.

Our spending cuts facilitate real increases in other areas of the budget, all the while staying within the budget caps imposed by law and assumed in the budget deal. Our budget invests in programs which empower individuals, enhance community development, and expand economic growth.

Mr. Chairman, our budget works within every budget guideline that exists. It balances the budget on a true glidepath. It achieves balance by 2001, a full year earlier than the budget deal. Through our savings, we invest an additional $99.7 billion in programs for people. We pay for our spending increases, and we prioritize.

This budget is fair, responsible, and balanced.

Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. THOMPSON].

Mr. THOMPSON. Mr. Chairman, let me first compliment the gentlewoman from California [Ms. WATERS], the chairman of the Congressional Black Caucus, for this leadership in this budget effort, but this evening I rise in strong support of the Congressional Black Caucus fiscal year 1998 alternative budget.

□ 2115

It is the only budget that balances a year earlier and shares the burden equally. This alternative budget offers a vision of America for all people, regardless of race, color or creed or economic status. It is our obligation to present a budget which promotes the general welfare and advances the interests of the caring majority of our Nation. The majority of Americans believe that the power and wealth of our country should be utilized for the benefit of all people.

The Congressional Black Caucus views the military and other defense programs funded in a defense function as just one element of the three in a comprehensive national security strategy.

The second leg of the triad is an engaged and effective foreign policy strategy to bring about conditions of regional and international security.

The third leg of that triad includes domestic involvement in education, research and development, community and economic infrastructure, and individual well-being that are so critical to maintaining safe and cohesive communities.

Mr. Chairman, this budget reflects a caring and sharing majority, not one that is business as usual.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, we call this the Congressional Black Caucus budget, but the only thing that we have in common is that our constituents have the same dreams, the same aspirations and the same hopes to participate in this ever-growing economy that we have today. As we take a look at those of us that support it, the President's budget, which had a tax increase in it before, we see that without any Republican support it passed, and we found economic growth except for one group of people, and that is those people that did not have the tools to access, or the education, the jobs or the training to participate in this growth.

Now that we are moving forward into the next century where trade and technology is going to lead, what we have tried to do in our budget is not to stress how much money we need for drug rehabilitation and how much we need for cops and jails, but to concentrate on how we can make the best investment, not just by reducing taxes, but by investing in people, giving our kids a chance to get an education similar to the GI bill so that they can participate, be productive, and have a society where we do not have to have welfare programs, but just decide what jobs are best for certain people that are trained for them.

We want to make certain that the budget is balanced, not as just economists, because we cannot afford to have the interest on the debt really be further than just the interest that we have in our students. We would think that this great Nation would not want to see every State capital investing more in our prisons and in our jails when we have over 1 million people walking around, unproductive, not producing anything; where what we are saying is, put some human investment in our schools and we will find that the youngsters are dreaming about jobs and hopes and not dealing with crime and drugs.

So we clearly have an alternative for those people that have a similar type of community, but even better than that, to make certain that towns like we have in New York where we have detention of children who make mistakes, we pay $84,000 a year to keep a kid in jail, and yet the unions are fighting with the mayors to see whether or not we can spend $7,000 to keep a kid in school.

So it seems to me that even though the President had to pull together a bipartisan popular budget, that a courageous thing for all of us to do is to say that we should start cutting the taxes when we have no deficit, we cut the taxes when we are satisfied that we have made the investments in our teaching institutions so that we can effectively compete with our trading partners.

For those people that may have to vote on more than one, I would suggest to my colleagues that the Congressional Black Caucus budget is one that one would not be politically ashamed.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, the Congressional Black Caucus budget is a balanced budget. It balances our national priority and it is fair to its people.

Mr. Chairman, if we have policies that truly promote shared sacrifices, there is enough that no one in this affluent country should go hungry. Nutrition programs are essential, and I am pleased to note for my colleagues' consideration that the Congressional Black Caucus does not forget the hungry.

Nutritional programs are essential to the well-being of millions of our citizens who are disadvantaged children, the elderly and the disabled. Nutritional programs in many cases provide the only nutritional food that millions of our Nation's poor receive on a daily basis.

Why then, we may ask, are there those of us who would deny them a chance; a chance to eat, a chance to feed their family? Perhaps it is because we do not see them, we do not know who they are, we have an image of them that in most cases is in error. But who are these people who now face hunger? They are people we do not see and we do not know, so we forget them.

Under the welfare reform bill, called the Personal Responsibility and Work Opportunity Act of 1996, able-bodied adults now have a limited time to participate in the food stamp program, and legal immigrants are restricted from participation all together. There are 27 million persons who participate in the food stamp program, but there are only 1.3 million who are able-bodied. That is less than 5 percent.

Who, then, are these able-bodied persons? The popular misconception is that they are young males who are shiftless, who depend on other persons doing their work. They live off the worth of others. Some persons fit that description, but Mr. Chairman, many, many more do not.

According to the Mathematica study, 40 percent of the able-bodied persons are women. As many as 59 percent of the able-bodied adults have a high school education. They are not derelicts, they are not vagabonds. Many of these are responsible persons who have fallen on hard times.

Who are these persons we do not see? Forty-one percent of the able-bodied adults have no income whatsoever, and when they do have income it is as low as $225. Mr. Chairman, we should care about the hungry. This budget responds to that vital goal.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I rise in strong support of the Congressional Black Caucus alternative budget.

I want to commend the gentlewoman from California [Ms. WATERS] and the gentleman from Mississippi [Mr. THOMPSON] for their leadership in developing this budget.

This substitute firmly supports the fact that the budget can be fairly balanced while responsibly addressing the needs of the American people, especially the needs of our Nation's most vulnerable populations: seniors and children, in the areas of education, health, housing, and human services. The CBC budget fully funds the Head Start Program to help prepare our Nation's children to achieve their highest developmental and academic potential. Over 2 million children would be served. Currently, no more than 40 percent of all eligible 3- to 5-year-olds participate in Head Start.

Our substitute also fully funds section 8 housing to help ensure that needy citizens have a roof over their heads, it fully funds chapter 1 to ensure that children in need of assistance in basic reading and math receive the help they need, and fully funds summer jobs to help prepare our Nation's young people to enter the work force.

The bill protects and improves the health of the poor and the elderly by ensuring funding and Medicaid and Medicare. The $25.5 billion in Medicare savings will begin to ensure the program's solvency. The measure also restores funding for the Nation's health professions training program. These programs are actually essential to help ensure access to health care services for all Americans. For the TRIO programs, the budget provides $625 million to ensure that disadvantaged students not only have the opportunity to attend college, but most important, they graduate.

The bill provides adequate funding for basic quality of life necessities, including meals for the elderly, energy assistance for low-income families, and with respect to AIDS/HIV, the bill addresses the needs of communities across this country by fully funding Ryan White and providing critical funding for AIDS research, outreach, and public education.

Mr. Chairman, I urge all of my colleagues to support the CBC substitute bill.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK].

Ms. KILPATRICK. Mr. Chairman, I first want to thank our chairperson, the gentlewoman from California [Ms. WATERS] for her fine leadership, as well as the gentleman from Mississippi [Mr. THOMPSON] as our lead budget person for the Congressional Black Caucus.

I rise to support the alternative budget for the Congressional Black Caucus. Unlike the budget deal before us, it takes care of America's children and America's families. The Congressional Black Caucus budget balances it in 2001, just 4 short years from now, a year ahead of projections for the other budget. It has no tax increases and no tax cuts until the budget is balanced.

The Congressional Black Caucus budget makes an investment in our cities and in our families. As was said before, it fully funds the WIC Program, fully funds Head Start, offers assistance for section 8 housing program, and chapter 1 for our children's education. Additionally, it provides for summer jobs for our youth who are most in need in America today.

Infrastructure needs of our public school system. Unfortunately, in this current budget deal before us, there is no money for infrastructure for our schools, for our children's education. Unless we now invest in our children and provide for them the resources that they need to become competent, capable young men and women, America will not be successful as we move to the new millennium. The Congressional Black Caucus budget is the budget before us tonight that meets those needs. We must support it. We must vote for it, and we must take care of our families and children.

As we move forward tonight and we will be here, we have been debating this, much of this, all night long and we will continue, let us not forget the least of these. We, the Members of the Congressional Black Caucus, know that this budget can be balanced and can be balanced in an even approach. It is not necessary to put stress on families who cannot afford it. It is not yet necessary to not invest in our children. This is the richest country in the world, the land of the free, the home of the brave. Let us act like it. Let us support the one budget that has the resources in it, that takes care of America's children.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, the first order of business is to thank the chairperson of the Congressional Black Caucus and the gentleman from Mississippi [Mr. THOMPSON] for recognizing that America, albeit diverse, is of one mind, and that is a mind of equality and fairness and opportunity.

The Congressional Black Caucus budget amendment is not an amendment for African-Americans. It is an amendment, however, for Americans. It stands for those who are least able to stand for themselves. Particularly let me say, do any of my colleagues have a grandmother or a mother? Have any of my colleagues ever known a single parent that has worked long and hard to bring about an opportunity for their child? Do any of my colleagues know anything about immigration, coming from the bottom belly of a slave boat, or maybe crossing over the Rio Grande River?

☐ 2130

This particular amendment responds to full funding for Medicaid. It is remembering the history of our elderly, our senior citizens who paved the way for us, and yes, it remembers 10 million uninsured children.

At the same time, the CBC budget looks to the future and provides $5 billion over the 1998 to 2002 period to stimulate new construction and renovation projects in school districts with severe deficiencies in their facilities.

Have Members ever been to a PTA meeting when we have discussed over and over again the leaking roofs, the bathroom that does not work, parents who work every day, and children who are educated in buildings that are crumbling? This budget stands for those children. Can we do any less?

Yes, the 21st century is a century of science. In this budget funds for elementary and secondary math and science programs are included in the CBC budget via full funding for the National Science Foundation.

Do Members know what that means? It makes prekindergarten to grade 12 competitive with the world market in science. It increases literacy in computers. It establishes computer learning centers. These math and science programs accelerate progress toward meeting the national educational goals in science and mathematics.

As I stated before, this is not a budget for one group versus the other. This is a budget for Americans. Join us and stand for those who are least able to stand for themselves, and walk into the 21st century with the Congressional Black Caucus budget.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, again, the Congressional Black Caucus budget has demonstrated that we can balance the budget, and we can balance it without pain. Our budget shows how we can cut more corporate welfare and balance the budget without cutting Medicare and Medicaid. We can balance the budget and still increase funding for education.

One of the big problems with this budget is that the deal that was made has taken out some vital parts. One of the parts taken out was the construction initiative that the President proposed for schools. The construction initiative is very important. It is a pivotal kingpin issue with respect to the improvement of education.

We cannot go forward and really improve education unless we have safe places for children to sit, unless we take care of the enormous amount of disrepair that has taken place over the years in our schools. We cannot have telecommunications going forward if we cannot wire the schools properly because they are too old to take the proper wiring. We cannot institute a national curriculum and national tests if we do not provide safe places for children to sit or conducive places for them to study.

None of the education improvements are going to prevail if they do not have a conducive setting in which to operate; construction is very important.

Early in the discussion the Republican majority introduced the controversy of Davis-Bacon with respect to its impact on school construction. That was false, a red herring. The issue was raised to divert attention away from the real issue of the need for construction.

Davis-Bacon is not a problem. Where Davis-Bacon prevails, where prevailing wages are paid, schools are built at a lower cost than in States which do not have a State prevailing wage and where there is no utilization of the prevailing wage of Davis-Bacon.

The Sheet Metal and Air-Conditioning Contractors National Association has sent me a copy of a study that was done. They can prove step-by-step, State by State, that it is cheaper to build schools under the prevailing wage requirements of Davis-Bacon. That is not at issue.

We should go forward with school construction. This is a fight we should not give up, despite the fact that it is not in the present agreement.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, the budget agreement has over a 5-year period 135 billion dollars' worth of tax cuts. Eighty-five percent of those tax cuts go to the 5 percent of the richest people in America. How can we give $135 billion in tax cuts when there are children who cannot read; when there are children who are going to school hungry and we are not fully funding the WIC Program; when there are people sleeping on the street and we are not putting any money into the housing programs; when there are children who cannot read when they enter the first, second, third, fourth grade, and we are cutting the Title I reading program; when unemployment is rampant in our communities, in some places 17, 18, 19 percent unemployment in our communities, and we are cutting the summer jobs program?

How can we give tax cuts to the richest people in America when the schools are falling down around our students in our public schools? Yet, it is the Congressional Black Caucus budget which is the only budget that addresses all of these needs. This is the budget that has its priorities in order.

It should be the priorities of America. Yet, the agreement says let us cut taxes while our children go hungry. Let us cut taxes while our children cannot read. Let us cut taxes while people sleep on the street.

We can be a better America. Support the Congressional Black Caucus budget.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding time to me, and for her leadership, and the other Members, including the gentleman from Mississippi, for his leadership in preparing this budget.

Mr. Chairman, there are a lot of budgets on the floor today. What budgets do is reflect the Nation's priorities. I rise in support of the Black Caucus budget because I think it can best be described as an opportunity budget.

A lot of people want to talk about more spending and this and that, and we have lower taxes. The issue is how we visualize America. We visualize it as a country of opportunity. We want to make sure that that opportunity becomes a reality as reflected in this budget.

First, I like this budget because it talks about empowerment zones and enterprise communities. We do not have an urban policy in America. We do not have a rural policy in America. We do not have a policy to address the problems of poverty in America. We talk about it a lot, but we do very little.

This budget provides $100 million for a second round of empowerment zones in enterprise communities. It will enable us to provide tax credits to encourage investments into both poor urban communities and poor rural communities, and other communities around the country in between that have pockets of poverty. I think that is very important.

This is an opportunity budget because it talks about education. It provides funds for school construction. One-third of the schools in this country are in need of repair. This budget will provide educational opportunity by providing a basis upon which those schools can be repaired.

We look across our country and we see our young people falling through the cracks. This budget addresses that problem by expanding opportunities in Head Start, a fundamental program that gives every child, regardless of its origins, a good start in life. I like the budget because it provides opportunities for young people.

Summer youth employment programs, this budget also provides funds of over $2 billion for summer youth programs. We talk about what has happened with our teenagers, we talk about juvenile crime. The real solution is providing jobs. An important component of that is summer jobs. This budget enables us to do it.

Finally in terms of opportunity, it provides educational opportunity by helping young people attend college. I think that is a good thing. I think it reflects America's values. I support the Black Caucus budget.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of the Waters-Thompson amendment, which is a real alternative budget that promises to restore some balance to our society while balancing the Federal budget in the year 2001. The CBC budget alternative cuts $187.5 billion in corporate welfare. It cuts $25 billion from Medicare, ensuring that Part A remains solvent, with no cut in services to beneficiaries.

The budget cuts $189 billion from defense over the next 4 years and ensures that the U.S. defense policies reflect the changes in the international arena that have occurred since the end of the cold war. This budget cuts another $28 billion from domestic programs while fully funding basic human needs programs.

Mr. Chairman, the budget alternative offered by the gentlewoman from California [Ms. WATERS] and the gentleman from Mississippi [Mr. THOMPSON] fulfills our society's moral obligation to provide a safety net to meet basic human needs. This budget alternative fully funds Head Start. The CBC budget alternative fully funds the WIC Program. It fully funds section 8 housing programs. It fully funds Chapter I education, and it fully funds the summer jobs for youth program. It also eliminates the 3-month COLA delay for Federal civil service retirees. This budget alternative funds these critical programs and stays within discretionary spending caps.

Mr. Chairman, I urge my colleagues to consider the needs of the poor and to consider the needs of the elderly, veterans, and working families. The Congressional Black Caucus budget makes no tax cuts until the Federal budget is balanced. This budget distributes budget cuts in a compassionate and fair manner. Unlike the so-called deal, the CBC budget does not seek a balanced budget on the backs of our Nation's neediest families.

I urge my colleagues to support this budget.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague, the gentlewoman from California, Ms. MAXINE WATERS, the chairperson of the Congressional Black Caucus, and my friend, the gentleman from Mississippi, Mr. BENNIE THOMPSON, for bringing this budget before us.

The CBC budget, Mr. Chairman, is the right budget. It is the budget to prepare us as we enter the 21st century. It is the budget that will look out for the needs of all of our people, that segment of the population that has been left out and left behind.

This budget is a fair budget. It provides education for our children. It takes care of our seniors. It protects the environment. This budget says over and over again that all of our people have a right to know what is in the water we drink, what is in the food we eat, and what is in the air we breathe.

I urge all Members to vote to support the CBC budget because we have a mission, a mandate, and a moral obligation to help our people help themselves.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I thank the bold and brilliant leadership of the chairwoman of the CBC, and my colleague from the great State of Mississippi, for offering to this Congress an opportunity to proceed along a rational budget process, a process in which those who are deficit hawks can have deficit reduction and a balance 1 year ahead of all other alternatives.

For those of us interested in investment and opportunity, we can have more schools and better education, rather than more jails and more social problems. This is a budget that puts before the Congress some very clear decisions in terms of what our priorities ought to be.

Let us not just have a balanced budget that is fiscally balanced. Let us have one that is also morally correct, and faces the real tough issues that we have to face as a country.

I would offer to my colleagues that they seriously consider and cast a vote, not just to whisper quietly their support for the CBC alternative, but stand up and cast a vote on behalf of what is a reasonable fiscal policy for our country, in keeping with American priorities and with the promise of the next century that we should govern our votes by this evening.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

□ 2145

Mr. FORD. Mr. Chairman, I thank the gentlewoman from California for yielding me the time. I say to my colleagues on both sides of the aisle that this Congressional Black Caucus budget, Mr. Chairman, is a humane budget. It is a budget that recognizes our priorities. It is a budget that invests in our future. It is a budget that invests in our children, for America has laid claim to the 20th century like no other Nation in the world.

One of the reasons we are able to do that is because of our commitment in our people and our resources in human capital. I say, Mr. Chairman, this budget does that and much more. This Congress, Democrats and Republicans, ought to show that by supporting this chairwoman and this caucus.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

I am so proud of the members of the Congressional Black Caucus, who have worked very hard to put together a budget that answers the concerns of the people of this country. Our CBC alternative budget is the budget deal the American people would negotiate. This is the real budget deal. Our budget not only balances finances, it balances values. I believe this is the budget that would win a vote of the American people. The CBC alternative budget will be presented in detail later on this evening.

We have taken part in this part of the debate in order to introduce the vision, in order to talk about what is possible, in order to help the American people understand that we do not have to posture, we do not have to pretend, we do not have to put our hand in the wind and figure out which way the wind is blowing, that we can, indeed, fashion a budget that deals with the concerns of the American people in a real way. This budget that I am so proud of is a budget that would protect the elderly, reach out to the children, embrace the families, and it would do it without cutting taxes or increasing taxes.

We could not have a more sensible, a budget that is put together any better than this one. Again, Mr. Chairman, we will present the details of this budget later on this evening, but I am pleased and proud that the Congressional Black Caucus was able to share this vision in this portion of the debate.

The CHAIRMAN. Under the rule, the gentleman from South Carolina [Mr. SPRATT] has 30 minutes remaining, and the gentleman from Connecticut [Mr. SHAYS] has 22¾ minutes remaining. The gentleman from Connecticut [Mr. SHAYS] has the right to close the debate.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all let me say how much I admire the gentleman from South Carolina and the work that he has done on this budget. While I think he has done yeoman's work in terms of some of the values that I know that he and the Democratic Party have pledged to, I think that it falls, this budget agreement falls far short of the standards that I believe are part and parcel of standing up for the needs of working people and the poor, the senior citizens of this country, the necessary investments that we have in our children and in education and health care and transportation and research and development and economic development.

I had proposed an alternative budget which will come up later this evening. Under the Kennedy balanced budget proposal, we will have investments of $100 billion more than the budget agreement in health, education, transportation, research and development and economic development. We continue to provide $60 billion in targeted tax cuts for the middle class and for small businesses. We will provide $32 billion, exactly the amount necessary to meet the needs of the 10 million currently uninsured children.

We will maintain the kind of commitment to the Medicare fund and put

$18 billion more into the Medicare fund than the coalition and the President's budget calls for. We will completely fund the Medicaid without any cuts to that program whatsoever. We will fund Pell grants by $1000 a year increases. We will have full funding for the new school construction plan which also includes $9 billion for the critical Federal education programs and an additional $15 billion for ISTEA, $3 billion more than the Shuster amendment coming up later today calls for. Included in this proposal would be the elimination of the cuts in the VA loan programs and 100 percent fulfillment of our promise to our veterans.

I would just like to state that I believe that it is fundamentally important for this country for our party, for Members on both sides of the aisle to stand up for the needs of working Americans. We do not need to have a budget that lines the pockets of the wealthiest people in this country. We need to have a budget that comes into balance. I have called for a balanced budget. I have voted for a balanced budget amendment. This budget brings us into balance but maintains our investments in the critical areas of economic growth that I think will protect the American people's interests and create the kind of long-term economic development that is critical to the future of this country. I urge support for the Kennedy balanced budget resolution later this evening.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise today in support of the budget resolution, but I do so with disappointment that the President and Congress have not offered a vision for this country beyond balancing the budget. Our country is faced with great challenges, but there is no evidence that this resolution aspires to setting new direction for our Nation. Balancing the budget is an important priority and this budget represents our best hope for a balanced budget. I will vote for it, but we must begin a bigger debate about our future.

In order for me to continue to support this budget, the legislation to carry it out must meet several vital conditions:

One, tax cuts must benefit the middle class not just the wealthiest Americans. Too many parents are struggling to provide for their families, raise their children and send them to college. The President's HOPE scholarships and education tax cuts are a critical part of investing our economic future. And if capital gains tax cuts, which benefits the rich, are made retroactive, then tax cuts for the middle class should be too.

Second, tax cuts cannot explode in the outyears.

As much as we all want to pay lower taxes, we must not give away breaks that we cannot afford. It is irresponsible to enact tax cuts whose costs balloon in 6 or 10 years. I will oppose any tax package which does that.

Third, the budget must invest in children and in education and in our future. Whether it is educating future leaders or providing health coverage for children, building economic infrastructure, protecting our environment, domestic spending is an important investment in our Nation's future. If our budget projections are wrong and less money comes in than we anticipate, cuts should not be made solely in education, health and economic development. Tax cuts must also be reduced to help keep the budget on line to balance if our projections fall short.

Under Democratic leadership, we have made important strides toward balancing the budget while protecting vital priorities. We must continue our vigilance to ensure that our hard-won progress is not undermined as we move through the budget process.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ROTHMAN].

Mr. ROTHMAN. Mr. Chairman, for too long Congress has been our national example of promises made and promises broken. But today's vote is a promise kept.

As a freshman, the people of New Jersey's Ninth District sent me here to work on a bipartisan basis to balance the budget, but not at the expense of our children or the environment.

I support this budget because it delivers on the very promises I made when I ran for Congress. There are aspects of the plan which I think need more work, but this is a good first step that will put our Nation on the road to fiscal responsibility.

From helping preschoolers in Head Start to providing Pell grants to needy college students, this budget agreement invests in education. It expands health coverage to 5 million uninsured American children. It strengthens environmental protection, and it preserves the Medicare trust fund for at least another decade.

Mr. Chairman, that is why I am proud to cast my vote in favor of this balanced budget agreement, a budget with a vision, a budget that offers a promise for a better America, a stronger America for all Americans.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I urge this body to vote for the budget agreement as worked out between the leaders of our parties and the President of our country.

The alternative to this budget agreement is not the ideal from the Democrats' perspective nor the ideal from the Republicans' perspective. The alternative is to go on fighting, to go on fighting every single appropriation bill, every single tax measure, to reach no resolution, to have the President veto many of them, to struggle over whether or not they will be overridden, and with every showdown will come the threat of another shutdown. That is not what we want, and I know it is not what the country wants.

The Republicans wanted $220 billion of tax cuts over 5 years. What they got was $135 billion, half of that, and $35 billion of that amount has to go in to education tax credits and deductions, which was a Democratic priority.

The Democrats wanted a lot more money for nondefense domestic discretionary spending. They did not get it, but they got $189 billion more than was included in the Republican budget resolution of last year. That is a substantial increase.

Politics has got to be the art of compromise. Neither of us is going to get everything we want. But what the country wants is us to start working together in their interest. They want the Democrats to realize that it is not our money but their money over which we have stewardship. And they want the Republicans to understand that there is a responsible role for government in our lives, that government should be maintained, but that we should ensure that it is held accountable to be as efficient and as effective as possible.

This budget accomplishes those objectives. I urge my colleagues to vote for it.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I say to the gentleman from Virginia, I would like to align myself with his comments.

I think some of us have different philosophies of what should be included in the fine points of this agreement. Just think for a minute where we were 3 years ago.

Three years ago we had half of this Chamber saying that it is reasonable to borrow more money for "investment spending." It is reasonable to increase taxes to assure Government services.

What has happened in the last 3 years is we have totally reframed the debate here in Washington, DC. Almost everybody now is saying, yes, it is reasonable to stop borrowing, to stop spending the money that our kids and our grandkids have not even earned yet. It was only 2 years and four months ago that the President sent us a budget that had a $200 billion deficit, not only for the next year but as far into the future as we could see.

I think we all need to remind ourselves what our real goals are—not reelection, not popularity, but what is going to be good for the working men and women and the families of America.

But I think when some start suggesting that the tax increase of 1993 is the reason the deficit has gone down, it is misleading the American people and it is going against most economic philosophy. In spite of that tax increase that deters economic expansion, the businesses of this country have forged ahead and, anticipating the Republican effort to balance the budget, have driven ahead to expand economic activity and, ultimately, to expand the revenues coming into this country.

Just for a moment look at this chart. The blue line represents increased revenues from an expanding economy. The red line represents spending outlays. It is obvious we have not been as frugal as we should have been in cutting down on spending and cutting down on waste in the Federal Government. The blue line is inflation. So, Mr. Chairman, let us rejoice in this step forward of this budget resolution, in doing what is good for the American working family.

□ 2200

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in strong support of this budget resolution and I want to commend the gentleman from South Carolina [Mr. SPRATT] for his strong leadership on our side of the aisle for bipartisanship.

In Shakespeare there is a very interesting and intriguing exchange between Glendower and Hotspur. Glendower says, and braggingly so, "I can call spirits from the vastly deep." And Hotspur replies, "Well, so can I, and so can any man, but will those spirits come when you call for them?"

The American people have been calling for a similar spirit, a spirit of bipartisanship to balance the budget with fair values and with priorities on our families and our children.

That is the historic agreement that we achieve tonight with this balanced budget. We will borrow $906 billion less under this agreement and balance by the year 2002. That is important. We will create a brand new health care initiative for our children. Five million children that are not covered today will be covered under this agreement. That is important. We have brand new initiatives for children in education, and we will spend more on education than at any time since the Great Society in the 1960's. That is important. We will get more for Pell grants for college students than ever before. That is important.

Finally, Mr. Chairman, I want to say this is not ultimate perfection, but it is definitely progress, progress for our children, progress for deficit reduction, progress for the right values and the right priorities for this country at this critical time.

Let us now move forward to begin to define where we go in the future and, hopefully, it will be on a brand new initiative for children between zero and 6, it will be to work even harder for Pell grants, and it will be to help our middle class families. I thank the body for the bipartisan cooperation here tonight on this historic agreement.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman from South Carolina for his hard work on this budget. I rise in support of this budget. It is not a perfect budget, but I do believe we need to pass a balanced budget to stimulate economic growth in America.

This is not a perfect budget. The Black Caucus makes what I consider to be better investments. I am disappointed we were not able to provide money in this budget for school construction, and I think the tax cuts go too much to the wealthiest in America. But we cannot let the perfect be the enemy of the good and there are many good things in this budget: $35 billion in tuition tax credits, and tax deductions to help working families send their kids to college is a very good thing. Increasing Pell grants by $300 for over 300,000 additional young people is a very good thing. Coverage for 5 million uninsured children who do not have health insurance now is a very good thing. Improvements in last year's welfare reform bill to take care of some of the problems of our immigrant population is a good thing.

This is not a perfect budget, it is a compromise. And as I say, neither side is completely happy. Maybe that means it is a good deal. I support the compromise budget.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Washington, Mr. ADAM SMITH.

Mr. ADAM SMITH of Washington. Mr. Chairman, I too rise in support of the budget resolution before us today. While there are many reasons that I support it, there are two that stand out; it represents fiscal responsibility and bipartisan cooperation.

The two things my constituents told me that they wanted during the course of my campaign above anything else were bipartisan cooperation and fiscal responsibility. They feel both of those things are desperately needed back here in Congress. I feel this resolution is the first step toward delivering on those requests and strongly support it.

Now, it is not perfect and I do not think any one person in this body would have drafted it exactly as it came out, but that is the nature of compromise. Compromise does not mean we get the other side to do what we want; compromise means we find middle ground we can all live with in order to make progress on difficult issues.

As strongly as I support this budget resolution for its fiscal responsibility and bipartisan cooperation, it is but the first step. There is more work to be done by this Congress and by future Congresses if we are going to maintain the fiscal responsibility we need to balance the budget. I urge my colleagues' support.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, first I want to thank the leadership on the majority side, the Republican side, and also I want to express my thanks to the Democrats, the minority, for working out a bipartisan budget.

I want to express to my colleagues in my 15 years this is the best budget that I have seen based on credible economic assumptions. It is the best budget in order to balance the budget. That is No. 1, and something we have to address quickly.

But second, it is the best budget for economic growth as we enter the 21st century and a globally competitive world to build a future for our children and grandchildren. We must not be overtaxed or overregulated to compete in a global economy.

When I say based on sound economic assumptions, I want to address this to my colleagues on the majority side. This budget, by far, is better than Reaganomics. It is a lot better. It is based on sound economic assumptions. The budget David Stockman put together in 1980–81 was based on erroneous figures. He confessed to that in the Atlantic Monthly of December 1981.

Let me give my colleagues some figures. In 1981, under Reaganomics, the GDP was at 1.1 percent growth at the time. They projected the GDP in 5 years to be 5.2 percent. It could not be done. Ours is based on a budget of conservative 2.1 percent. Right now it is 5.4 percent. We can see that we have conservative figures. They are credible figures.

The same way when we look at inflation. The budget in 1981 was at 11.1 percent inflation. They said it would go down to 4.7. This budget is based on 2.7 percent, and right now inflation is approximately 2 percent. That means a great deal as to whether we have a credible budget that is going to withstand the test of time to have a truly balanced budget.

The same thing with unemployment today at 4.9 percent. The unemployment is estimated at 6 percent in the outyears, a sound and credible figure. The interest rates, with this balanced budget, will go down which will stimulate stronger overall economic growth. We will see the economic growth that this country must have if our children and grandchildren will have jobs in the United States.

We saw a chart a second ago where it illustrates that economic growth is the reason we have the money to leave a balanced budget. I request and ask of my various colleagues on both sides of the aisle to let us have a budget passed tonight that will give us the economic growth to allow our children the opportunity to compete in a global competitive economy. I thank my colleagues for listening, and their support for the budget committee bill to balance the budget.

Mr. SPRATT. Mr. Chairman, I yield 90 seconds to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, this budget agreement has potential for much good. It also has the potential for considerable ill.

In the decades of the 1990s, we started on the path toward fiscal responsibility after a decade of fiscal recklessness. This resolution has the promise of moving us ahead further, but whether it fulfills that promise will depend mostly on its implementation, much of which will occur within the Committee on Ways and Means, on which I sit.

Our committee will take the first crack as to whether the tax package is fiscally responsible or will blow the budget, thereby threatening continued economic growth; whether the tax package will be aimed at those who stood still or slipped back these last two decades, or at those who have stood on the top rungs of the economic ladder; whether action now is a stepping stone toward still more difficult decisions or an excuse for long-term inaction.

I will be especially vigilant from the outset about the implementation of the budget agreement. How it is written will determine my vote on the ultimate product, the reconciliation bill.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, first of all, I want to congratulate all those who worked on this budget agreement. Having said that, I do not think this is an agreement that people ought to feel puffy about. I think it is a maintenance budget.

Four years ago we confronted ballooning deficits of some $300 billion. We had some tough choices to make and we made those choices without one single Republican supporting the budget reduction bill of 1993.

Some of my colleagues across the aisle said our plan would lead to economic ruin. Well, 4 years later let us look at the results. The deficit dropped in 1993, it dropped in 1994, it dropped in 1995 and it dropped in 1996. And for the fifth year in a row we have declining deficits, something that has not happened in 50 years, and American families are reaping the benefits.

Unemployment is down, inflation is down, American businesses are buying new equipment and companies are boosting their inventories and this year's deficit will be the lowest in 20 years. So the bottom line is we had a balanced budget program and we adopted it in 1993 and it worked.

The question is can we maintain it? I maintain that the real deficit problem that we have in this country today is the trade deficit, and it is getting worse and worse, and we will have that debate in the coming months.

But 4 years ago Democrats came to this well and cast what for many of us was the toughest votes of our careers. Four years ago the Democrats did the heavy lifting to balance the budget. Today we are called upon to cast another budget vote, and for many of us this is also a difficult decision. In the end, each of us must search our own conscience and make a judgment about what is best for our constituents and our country.

There are different blueprints we could choose today to balance the budget. The budget agreement is not my first choice. The proposal of the gentleman from Massachusetts [Mr. KENNEDY] does a better job investing in education. The proposal of the gentlewoman from California [Ms. WATERS] does a better job cutting corporate welfare and all the other things that I think it encompasses in terms of progressively moving this country forward, and I will vote for both of them. But I also will vote for this budget agreement. I believe it is an important step to reaffirm the commitment that we made in 1993 to balance the budget.

The details in this budget are still unclear. It is still just an outline, and whatever the House decides today, the debate has just begun. In the weeks ahead we will be asking some tough questions. Will this budget really eliminate the deficit or will it undermine, even erase all the gains we have made these past 4 years? Will this budget target tax breaks to America's working families or will it turn into another giveaway for the wealthiest that sends the deficit soaring again? Will this budget provide educational opportunities for our children or will it shortchange their future?

I am not just talking about opportunities for the wealthy and the college bound, I am talking about opportunities for the poor, for the working folks of this country, for the middle class children who need that 13th and 14th year of education for higher pay and higher job skills.

Will this budget really provide our children with health insurance or will it become yet another vague promise that is never fulfilled?

I will vote for the balanced budget agreement today, and I am prepared to fight in the weeks and months to come on these important questions of tax policies helping working families in dealing with the questions of education that are so important to investing in America's future.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, today Congress is considering an historic plan that will balance the budget in 5 years. This is the final milestone in our effort to balance the budget since the deficit grew at such an explosive rate during the 1980's. I feel it only proper to consider historically why and how we got here.

Economists will argue the finer points of the economic policies of the 1980's, like the supply-side tax cut imposed at the outset of the Reagan administration, but the facts speak for themselves. In 1979, the deficit was only $40 billion. In 1982, the first Reagan fiscal year, it was $128 billion. And it finally reached an astounding $290 billion in 1992.

In 1993, Congress and the new President Clinton embarked on an ambitious plan to cut the deficit.

□ 2215

Then and now, this President has had the discipline to bring focus back to where it should be, setting priorities about where these precious taxpayer dollars should be going. I believe we need to first and foremost raise the educational level of our citizens so we have a reliable work force and a strong economic base. In addition, we must maintain and expand access to adequate health care, nutrition, and housing, and, of course, protect Medicare and Social Security for future generations.

The 1993 Democratic plan brought the deficit from $290 billion down to just $65 billion. No Republicans voted for the Clinton deficit reduction plan. Not a single Republican was willing to support the measure that has brought us to this day. Their empty partisan rhetoric that almost crushed this effort rings in the ears of those of us who have been committed to reducing the deficit and balancing the budget for years. The prominent Republicans predicted that the plan would lead to "higher deficits, a higher national debt, deficits running $350 billion a year" and that "this plan will destroy more than one million jobs over the next several years."

But what is the reality today? The economy is strong. The stock market has attained record levels. Home ownership is the highest in 15 years. And the combined rates of unemployment, inflation, and mortgage interest are lower compared to any time since the early 1960's. Twelve million jobs have been created. And most important, real family wages are finally on the rise. And by the way, the deficit is at a 20-year low.

We said we were going to reduce the deficit, and we did it. We kept our word, and the economy has responded. It makes me so proud to vote for this budget resolution after voting for the deficit reduction that made this day possible back in 1993. Others will take credit for bringing us this day, but most will not deserve it.

Those who worked tirelessly to defeat the 1993 Democratic budget plan will today vote for a balanced budget and claim victory. Those of us who courageously voted for the Clinton budget plan can vote for this balanced budget armed with the full knowledge that we laid the groundwork to make it possible.

So I urge my Democratic colleagues to vote yes to finish the job Democrats started 4 years ago.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] has 11¾ minutes remaining. The gentleman from Connecticut [Mr. SHAYS] has 13¾ minutes remaining, and the gentleman from Connecticut has the right to close.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Chairman, I also want to add my voice of congratulations to the gentleman from South Carolina [Mr. SPRATT] and particularly the gentleman from Ohio [Mr. KASICH], my chairman of the House Budget Committee.

We hear lots of talk and rhetoric and numbers here tonight. I am sure the American public at home is looking at their TV saying, what is going on there? I would just like to direct my minute and a half here to one aspect of this bipartisan budget agreement, which is tax relief, because I become frustrated when I hear all the rhetoric about tax relief.

The American public is familiar with the numbers, $135 billion in gross tax relief and $85 billion in net tax relief. But what is included in that $85 billion, Mr. Chairman? Tax relief for families, for working families, families with children, incentives for savings and investment, cutting capital gains, not for the rich but for farmers, for small business people, the people that work in this country, the producers in this country, the people who pay the penalty for the disincentives in our Tax Code and who create the jobs and who are about economic growth, incentives for economic growth like capital gains tax relief and the education costs, as other speakers have discussed.

Mr. Chairman, this budget agreement is not perfect. If I were king, it would not look the way it does. But when it comes to taxes, it represents a significant step in the right direction. It is a significant step toward an opportunity society, which we all believe in. It is a significant step away from class warfare, which I hope everybody is real tired of hearing about. It is a significant step away from penalizing the producers and successful people in this country who really do create the jobs and take the risks in this private economy. And it is a significant step toward our goal of, really, honest to God, we mean it this time, even in Washington, DC, even on Capitol Hill, of ending the era of big government. It is not perfect, but it is not bad, Mr. Chairman.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Connecticut [Mr. SHAYS] for yielding me the time.

Mr. Chairman, I want to vote for a balanced budget amendment tonight, but I cannot do it in all good conscience should the Shuster substitute pass. I suppose in speaking for a balanced budget, on the one hand, and against the Shuster substitute, I could bring to the attention of this body how it cuts into education, those young people that are the hope of the future, how it cuts into the fight against crime, how it cuts veterans and those people who are now reaching the age where they need veterans' help in hospitals, and how it cuts into agriculture, which is the very heart of the district that I represent. Mr. Chairman, it cuts drastically into the national security of our country; $5.65 billion. That is over a billion dollars a year; that is the equivalent of 50,000 troops cut per year.

So, Mr. Chairman, I speak on the subject this evening that has been avoided in this debate, and that is of national security and of that lone soldier who is out there standing on top of the hill in Bosnia because his Commander in Chief sent him there. We want to encourage him. We want to keep him trained. We want to take care of his family. And when he returns, we do not want him to have to go back on additional unnecessary deployments because of the lack of fellow soldiers.

Cutting into national defense is cutting into the basic insurance policy of America. We cannot allow that to happen. We must think of where we are in this world. We are the superpower in this world. If we are to have diplomacy that is to be credible, we must have it backed by strong national defense. We cannot allow ourselves to become a second-rate military. If we become a second-rate military, we become a second-rate power.

This is a step in the wrong direction should the Shuster substitute pass. Should it pass, I would urge my colleagues on both sides of the aisle to vote against the bill because we would not then have a balanced, balanced budget amendment.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I say to the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Connecticut [Mr. SHAYS] and members of the committee, I was here in 1981 when we took arguably the most fiscally irresponsible act that I have seen us take in 17 years of service in this body. As a result of that act, it inevitably led to high deficits, high unemployment in the short term, and escalating deficits up until 1993.

Happily, I was here in 1993 as well, and I had the opportunity to vote for a budget that began what we will continue tonight, and that is the uninterrupted reduction of the budget deficit and the energizing of the American economy.

Others have said it on this floor tonight; yes, we are proud, we are proud because we stood, 218 of us, Democrats all, and said it is time to have the courage to move to reduce this deficit that is strangling America and is threatening the next generation. Two hundred eighteen Democrats.

Some of those Democrats are not here today. Majorie Margolies-Mezvinski, she paid the price of her seat in this House because she had the courage to say, I believe this is good for America. How many of my colleagues stood on this floor and said, if this budget passes, high unemployment, inflation, depression will occur? How wrong my colleagues were. How glad I know that my colleagues are that they were wrong.

But the fact of the matter is, today I stand for this budget offered by that same President, who, in 1993, had the courage to stand up and say, let us address the real problems with real solutions. He has done so again. Yes, the gentleman from Ohio [Mr. KASICH], the chairman; yes, the gentleman from South Carolina [Mr. JOHN SPRATT]; yes, those of us who vote for this budget; but it is the President's leadership that has brought us to a day and night when we will vote for a balanced budget not just in fiscal terms. It is easy to do that, but it is not enough, because it must also be balanced in terms of the investment in our children, in our families, in health care, in basic biomedical research, and all of the things that make us a healthy, wealthy, great, and just Nation.

Mr. Chairman, I rise for this budget. And like my colleague who spoke before me, I will be disappointed if we adopt the Shuster alternative, which cuts across the board without thinking of what is a priority and what is not. I am for transportation funding, but I am not for simply funding one objective by cutting all the rest, irrespective of their importance. I hope all my colleagues will join me in supporting this budget agreement.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of the budget resolution today. Although not a perfect plan, and we have heard that many times before, the heart of this agreement is in the right place. Balancing the budget without making massive cuts to Medicare or Medicaid is a good thing. Crossing party lines and working together is a good thing. Providing

$35 billion in education tax relief is a good thing. And that is what this agreement is all about.

I agree with my colleagues who have expressed concerns about some of the tax cut packages. But what is the appropriate response to that concern? I think we should embrace this budget framework with cautious optimism, work with our colleagues on both sides of the aisle to ensure that the tax bills provide relief for the people who really need it, support tuition tax deductions for working families, and target estate tax relief for family farmers and small business owners. I urge my colleagues to join me in supporting this budget agreement.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 13¾ minutes remaining, and the gentleman from South Carolina [Mr. SPRATT] has 7¾ minutes remaining.

Mr. SHAYS. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from California [Mr. CAPPS].

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Mr. CAPPS. Mr. Chairman, others have spoken about voting in 1990 and in 1993. This is the first time that I have had an opportunity to vote for the budget resolution. On balance, I am going to vote for it. As others have said, I do not think it is a perfect bill by any means, but I think it is a victory for fiscal responsibility. It offers sensible tax relief. It increases our commitment to education, to health and environmental protection. What I like about the provision is that it provides tax cut provisions to help families, small businesses and farmers throughout the country. It provides the strongest Federal support for education in 30 years. It provides health insurance for half of our Nation's 10 million uninsured children. It increases financial security for VA hospitals. It restores benefits for disabled legal immigrants, callously cut off during welfare reform.

There are parts of the resolution I do not agree with. The amount of savings in Medicare could harm hospitals and affect the quality of health care that our seniors receive. But on balance, Mr. Chairman, I am for this, and I urge my colleagues to support the resolution.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, the last 2 years have been too partisan, too antagonistic and too disrespectful of diverse views and problems. Too often ideological perfection has been the enemy of the general good. But the budget resolution is a step toward the general good. It has transcended bipartisan bickering and found grounds where rational individuals can agree. I am mindful that this budget agreement was built on the tough decisions that were made in 1993 by Democrats alone. Many of our former colleagues paid a high price in 1994 to get us on the right track that has led us to today's agreement.

There are plenty of things in the agreement with which I do not agree, but it represents a balanced budget without the dismemberment of vital Federal programs. In education we expand Pell grants. In protecting the environment we double the pace of Superfund cleanups. In health care we help manage diabetes and detect breast and colon cancer earlier. We strengthen Medicare and Medicaid. We move people from welfare to work and begin to treat legal residents fairly. We enable every willing and able 18-year-old to go to college. An additional 5 million children will have medical insurance. For the first time in a generation, there is a balanced budget while investing in our people and giving families in America tax relief. We have balanced the budget not only on the numbers but on our principles. We will do this only if we proceed in true faith to the agreement brought to us today. Theodore Roosevelt said, "If we are to be a really great people, we must strive to play a great part in the world. We cannot avoid meeting great issues. All that we can determine is whether we shall meet them well or ill."

This budget agreement is well met and deserves our support.

Mr. SPRATT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we will shortly have before us for a vote the so-called Shuster-Oberstar substitute. I would like to take just a minute to explain to everyone in the House exactly what the consequences of that amendment would be.

Starting in 1999, if that were to become the will of the House, if that substitute were to carry, it would cut discretionary spending government wide on a pro rata basis and reduce the tax cuts to increase transportation funding by $19 billion in budget authority, $12 billion in outlays. The reduction to defense would be $5.65 billion according to the best estimation of the Committee on the Budget, and $5.8 billion would come out of nondefense discretionary spending, across the board.

Of the $12 billion increase in transportation spending, 94 percent would be offset by decreased discretionary spending, 6 percent would be offset by reduced tax cuts. What would be the consequences? The first consequence would be that this agreement, hard wrought, negotiated over 3 months, would be severely undercut.

Second, the offset to pay the $12 billion would require, as I said, across-the-board reductions, so these carefully allocated cuts, these programs that have been protected as priorities, Head Start, for example, would be cut along with everything else. The good, the bad, the indifferent, everything would be cut. These would not be just skims across the top. These would be deep, disruptive programmatic reductions in programs that are important to the people of this country. Transportation is, too, but I think it should be borne in mind by the Members of the House that the current budget agreement does a lot for transportation. Under this agreement, we have provided an additional $8.5 billion in outlays above the CBO scoring of the President's budget, $8.5 billion in additional outlays for the Nation's transportation infrastructure. Under the agreement, this budget agreement, the fiscal year 1998 obligation for highways would be $22.2 billion. That is 6 percent over the fiscal year 1997 level of $20.9 billion provided for already in this agreement without the Shuster substitute. House Concurrent Resolution 84 provides sufficient funding over the 5-year period, in fact, so that the spending from the trust funds will be consistent with the so-called Chafee-Bond proposal. In other words, it will permit obligations out of the highway trust fund roughly equal to the receipts that will be deposited within the trust fund from gasoline taxes over the next 5 years.

The budget resolution, the base bill, assumes total transportation outlays of $40.9 billion. That is not small change. That is a significant commitment to transportation infrastructure. In 1998 alone, $40.9 billion for total transportation, and $206.1 billion over 5 years. That means that discretionary outlays provided for in this House Concurrent Resolution 84 are $8.8 billion above a freeze over the next 5 years, $8.2 billion above the President's request, and in terms of budget authority, $20 billion over the President's request for the next 5 years.

Mr. Chairman, I urge Members who, like me, would like to see more money spent on transportation, particularly in their own districts, in their own jurisdictions, to look carefully at the costs that will be exacted by this particular substitute. The budget resolution provides the mechanism whereby if we can identify discretely offsets in the future, there is a separate account created herein, in this budget resolution, which will allow for increased spending on transportation. But to do it with across-the-board cuts, to eviscerate defense, $5.65 billion, to cut another $5.5 billion out of nondefense discretionary, is not the way to go.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise in strong support of the budget resolution before us tonight. It has been interesting listening to the debate for the past several hours, because some of the arguments from the other side of the aisle are really making a defining definition of the difference between what we believe in a budget resolution and budget resolutions that have been proposed by the Democrats in the past. The key part of it is taxes.

Many Members on the other side of the aisle have risen to support this particular budget but they are upset with the fact that we are going to cut taxes. We have an $85 billion net tax cut over 5 years. We are talking about $9 trillion of spending. We are not talking about giant tax cuts. Most of it is going to help the working Americans in this country.

Another thing I keep hearing from the other side of the aisle is we are proud of raising taxes in 1993. We are proud of raising taxes in 1990. I think the American people are tired of paying taxes. They are paying too much in taxes already. It is not that they are taxed too little. The problem is we spend too much. The key to our particular budget is the fact that we are controlling spending. We started it in the last Congress and we are continuing it in this Congress.

Let me go back to what this tax cut is about. There are $85 billion in net tax cuts. First of all there is a $500 per child tax cut for working Americans. Then we are talking about $35 billion in education tax cuts, helping families with kids go to college or higher education. That is helping the working Americans. Capital gains, we are going to make money on capital gains. The past 2 times we have cut capital gains in this country, we got more money flowing into the Federal Government than we did for cutting the taxes. That is a moneymaker for us. And then death taxes, who likes the idea of death taxes? We should dramatically increase the exemption for death taxes. That is what we are talking about, making the IRAs more available for more Americans, helping families take care of their kids. This is good for America. It is the right way to balance a budget by reducing taxes and controlling spending.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman on the Committee on the Budget for yielding me this time.

Mr. Chairman, I rise in support of the budget resolution in front of us. It captures an agreement that is truly historic in nature. It leads us to a balanced budget. It does so with the give-and-take that has occurred between both political parties and a mutual resolution that this is a reasonable deal to get to the balanced budget and preserve the priorities that we feel are critical to this country. Because I favor this resolution and feel so strongly about the give-and-take in the agreement that brought us here, I must speak against the Shuster-Oberstar amendment that would break up this deal on the floor before the resolution can even be adopted.

There are a number of reasons to oppose the Shuster amendment and none of them terribly easy. Obviously transportation and infrastructure is critical. But there are many, many critical priorities captured in this budget agreement. Mr. Chairman, a deal is a deal, and this deal represents a compromise that has been painstakingly cobbled over weeks and weeks; terribly difficult decisions reflecting in my view a balanced outcome leading us to this balanced budget.

Let us take a look at some of the tradeoffs, because one of the things about the Shuster amendment is you just focus on one thing. You do not really focus on what you have to give up if the Shuster amendment should be adopted. Right off the top, a $5.4 billion hit to defense. The Secretary of Defense announced just yesterday he wants two additional base closure rounds to try and fit within the budget he is trying to live with. This would take an additional $5.4 billion out of defense. Also, $5.8 billion in nondefense discretionary, cutting programs like education, like housing, like our support to the efforts to fight crime. A deal is a deal. Support the resolution. Do not unravel the deal on the floor tonight by supporting the Shuster amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of House Concurrent Resolution 84, not because it represents a perfect agreement but because it is a bipartisan solution to what I consider the greatest problem facing our Nation. We simply cannot continue to postpone the difficult choices inherent in this process. When I came to Congress 8 years ago, I made balancing the Federal budget my highest priority. During the last 4 years, we have made tremendous progress toward this goal. We have reduced the deficit by over 60 percent, finally turning rhetoric into action, and giving the American people a glimpse of a brighter fiscal future. Given the acrimonious tone in the budget debate of the last 2 years, I am not prepared to reject what I feel is a workable compromise. In the past, I have endorsed the concept of balancing the budget first and developing a plan for tax cuts second. I wish this budget would have reflected more of those priorities.

□ 2245

At the same time, however, if we fail to capitalize on this long awaited opportunity, the burden we place on our children will continue to grow, and the future economic health of the Nation will be threatened. There is no secret to the fact that the choices before us are not easy ones to make, but that is why we are here. While I hope we will work together to soften the impact on our neediest citizens, I am ready to take this important yet difficult step.

There is certainly positive aspects of this budget: increased access to health care for uninsured children, education spending that will allow a new generation of students to attend college and an extension of supplemental security income for many disabled legal immigrants. Most importantly, this agreement erects a significant milestone on our political landscape. It moves beyond gridlock and the fear of compromise and seeks to solve a problem that is desperate for resolution.

It is not perfect, but the time for excuses is past. It is time to honor our promise to balance the budget of this Nation.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the problem that I have with this budget is its total lack of optimism. The deficit has been reduced from $300 billion down to $60 billion over the last 4 years, and it is going to continue to be reduced whether we do anything on the floor tonight or not.

In fact, today Alan Greenspan in his decision not to increase interest rates has reflected the reality that our economy is growing at an over 4-percent rate of growth with negligible inflation. There is a very high probability, in other words, my colleagues, that the budget is already balanced this year, 1997, not the year 2002; that the final $60 billion, in other words, is going to be found this year before the end of the fiscal year.

So I just wish that we all reflected that more optimistic view of America. The American people have done it. They are working hard. They are producing the revenues. We should not be engaging in this root canal politics of cutting valuable programs so that we can hand over tax breaks to those who do not need them, thereby spurring interest rate increases which are sure to follow by the Fed.

Mr. SHAYS. Mr. Chairman, could we be informed of how much time each side has remaining?

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 6¾ minutes remaining, and the gentleman from South Carolina [Mr. SPRATT] has 30 seconds remaining.

Mr. SHAYS. Mr. Chairman, if the gentleman from South Carolina [Mr. SPRATT] is prepared to close, I would yield him some additional time. I yield the gentleman 2¾ minutes.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from South Carolina is recognized then for 3¼ minutes.

Mr. SPRATT. Mr. Chairman, more than I bargained for, and I thank the gentleman from Connecticut for yielding this time to me.

Mr. Chairman, when I opened this argument I noted to the House that the budget resolution before us is a product of nearly 3 months of negotiation. This is a hard wrought agreement, and I speak to my colleagues, in particular on this side of the aisle, Democrats, when I say that in this agreement there are a number of initiatives which we could not have accomplished on our own as the minority party in this House and in this Congress, hard wrought concessions that make this an agreement that is a balanced plan to balance the budget over the next 5 years. The Shuster-Oberstar amendment will undercut some of the gains that we have made, some of the priorities that we have protected, some of the things that we were able to put into this budget agreement that gives it a stamp that is peculiar and particular to our party and our constituents and what we believe in.

Shown there in the well of the House is a handout that has been prepared by the Committee on the Budget which takes us account by account through the budget and shows us where the money will come from to plus up transportation spending. Basically the Shuster amendment seeks to add $11 to $12 billion in outlays. To achieve that much in outlays we need about $19 billion in budget authority. So we are not talking about small change or minor skimming cuts. We are talking about deep and disruptive cuts here.

And here they are individually, and I ask my colleagues, particularly those on my side of the aisle, to bear these reductions in mind and to keep in mind how much we have expended in effort and negotiation in order to achieve these gains in this agreement:

National defense. We have held national defense to a level that I think is barely sufficient. I would like to see more there. I do not like the quadrennial review. I am perhaps in a minority in my own party in that respect, but I certainly do not want to go any lower in what we have allocated for defense in this budget.

The Shuster amendment will take us lower, $5.65 billion, and most of that comes in the outyears, 1999 and 1998 and 2000, when we will be stepping up to the plate to buy some important systems that will modernize our force structure: $5.65 billion, whack, right out of defense.

Education. Now here is one area where we had a clear win as Democrats in this agreement. We have got tuition tax credits, we have got tuition tax deductibility, we have got a literacy project, we have got the biggest increase in Pell grants since the origination of the program; $980 million will be taken out of education by these across-the-board cuts.

Section 8 housing, LIHEAP and WIC. All of these important priority programs are protected as such in this agreement. We went to great endeavors in these negotiations to see that section 8 was adequately funded over the next 5 years just at a level to maintain the existing housing stock of subsidized housing. But this will take us below that level. It will take section 8, LIHEAP and WIC down by $860 million over 5 years, and that is not small change. That is a big hit in these programs.

Health research at NIH. There are Members on both sides of the aisle who are pushing right now a bill that would plus up significant funding for health research and funding for the National Institutes of Health. This would take those accounts down by $520 million.

Criminal justice. Now this is something that normally unites the House. We want to put more money into criminal justice. We are sometimes divided about the means, but I think we are all usually united about the ends. It takes $510 million out of criminal justice.

Veterans benefits. The veterans already are displeased with this agreement because we have not fully funded what it will take to maintain the veterans' benefit programs, the veterans' medical care program. We have said instead that the Veterans' Administration will be able to keep the resources they collect from collateral sources from health insurance, and we anticipate that that $600 million will make up the difference. This budget, however, takes another $400 million out of veterans' programs.

Mr. Chairman, I urge my colleagues, I encourage my colleagues before they vote, to read this handout, look at this list and see who pays for the transportation increases proposed by the Shuster amendment.

Mr. SHAYS. Mr. Chairman, it is my distinct privilege to yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House, to close debate.

The CHAIRMAN. The Speaker of the House is recognized for 4 minutes.

Mr. GINGRICH. Mr. Chairman, I thank my friend from Connecticut [Mr. SHAYS] for yielding this time to me, and I want to commend the distinguished ranking member from South Carolina [Mr. SPRATT]. I think we are in the middle of a truly historic process, and that is really the point I want to drive home here as we close this debate.

This is a historic process, I believe, in two very different ways. It is a historic process in the substance of what we are doing, reforming entitlements, saving a trillion, $100 billion, over the next 10 years, reducing taxes for the first time in 16 years with a $250 billion tax cut over the next 10 years, creating more opportunities for job creation and for small business so that as welfare reform goes into effect people can leave welfare and find work, because if we do not have work, we cannot reform welfare.

So, these are steps that are exactly right.

All these things are important, and the substance of what we are doing is important, and people will look back on this as, I think, a historic vote. But there is something equally important happening, which is the process, and that is why I wanted to come to the floor to close this debate.

Mr. Chairman, we live under an unusual constitutional system. The Founding Fathers were afraid of dictatorship. They thought of themselves as engineers, and they consciously tried to design a machine so inefficient that no dictator could force it to work, and they succeeded.

Some of the power is down at the White House, some of the power is in the House, some of the power is in the Senate, some of the power is across the street in the Supreme Court. All other powers are reserved to the States and to the people thereof.

And this machine is so inefficient that even as volunteers we find it hard to get it to work, and the Founding Fathers will all, I think, look down on us and be happy because the frustration of freedom is the safeguard of freedom. If this system could work quickly, it could become a dictatorship.

So we found ourselves after this last election with a Republican congressional majority, the first we elected in 60 years, which would learn the hard way, I would venture to say, in 1995 and 1996, that no matter how excited a majority is in the legislative branch, by itself we cannot legislate unless the majority is large enough to override vetoes, and we did not have that majority.

I suspect our friends who have been in the majority under Reagan and Bush could have probably taught us some of this if we would have been a little more open to listen, but we learned it the hard way.

On the other hand, the newly reelected President, the first Democrat to win reelection since Franklin Delano Roosevelt, looked up the hill and realized that under our system he could not govern in a positive way for 4 years if he could not get something out of the Congress, that the veto is a powerful tool to stop things, but it does not start anything.

And we were faced with a choice: 4 years of deadlock, 4 years of the American people growing even more cynical of the news media covering us even more negatively, of all of us in our wonderful system of government decaying in public esteem, or something which, frankly, we did not do enough of last time. Get in a room, lay out what we really want and really need, and then listen to the other side and try to find a common ground that is not perfect.

Mr. Chairman, every liberal could write a budget that is better than this by their values: less defense, fewer tax cuts, more domestic spending. Every conservative can write a budget that is better than this: more tax cuts, more defense, less domestic spending. They do not happen to fit. The President does not want everything in this agreement, and we do not want everything in this agreement, neither our friends on the Democratic side, nor those of us on the Republican side. But together, through months of hard work, we have fashioned an agreement which inside our constitutional system meets the necessary balance. It can pass the House, it can pass the Senate, and the President is willing to sign it.

Now tonight we are going to have several very good opportunities to offer a different way of solving the problem. The President is opposed to every one of those opportunities. He is opposed to the liberal versions and the conservative versions. And I am here to say on behalf of our leadership I am opposed to every one of those opportunities. I am opposed to the liberal version, and I am opposed to the conservative version. We have forged a balance which is not brilliant, it is not perfect, but it is a huge positive step for our children and our grandchildren. It will rebuild faith in this country and these institutions. It is going to be followed by hard negotiating and hard legislating because that is the way this system works, and it is no more wrong for us to collide and try to write something in creative conflict than it is for NBA players to collide under the boards as long as it is done within the rules.

Mr. Chairman, that is the creative process that leads to good legislation. But tonight we have a simple choice.

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We can pass one of the substitutes, and this agreement will have been crippled, and it will not pass the Senate and it will not be signed by the President; or we can say to our liberal friends and our conservative friends, yes, we have good ideas and on another day we want to visit with you again, but for this evening at this time with this agreement, the best thing for our country under this constitutional process is to pass the agreement that the congressional leadership and the President made together.

That is the right bipartisan thing to do. It is the right thing to do for America. So I urge all of my colleagues to vote no on every substitute, vote yes on final passage; let us move this agreement one step closer to giving the American people a balanced budget with lower taxes, with real reforms, and with a chance to create a better future for our children.

Mr. CRANE. Mr. Chairman, I rise in reluctant opposition to House Concurrent Resolution 84, the fiscal year 1998 Budget Resolution

Mr. Chairman, in my years of service in this august body, I have found myself in this position too many times. I appreciate the fact that compromise is necessary to do the peoples' business when the executive branch is controlled by one party and the legislative body is controlled by another. Congress and the President over the years have negotiated for long hours behind closed doors, and, after heated debate, much ballyhooed budget deals were announced. In recent years, these budget deals have all attempted to reduce the size of the budget deficit and the federal debt. Unfortunately, they did not accomplish their desired goals.

In 1990, President Bush caved in to the Democrat-controlled Congress to reduce the budget deficit by raising taxes on the American people. Joining my colleagues who now comprise our House Leadership, I opposed our Republican President and his tax increases. The American people expressed their opinion of this deal by electing a new President in 1992.

In 1993, although Democrats controlled both ends of Pennsylvania Avenue, the much-hearalded budget again tried to slow our runaway deficits by enacting the largest tax increase in the history of our Republic. Ironically, in my statement of May 27, 1993 opposing the budget, I reminded my colleagues that the budget deals are usually too good to be true. In that statement, I recited the promises of the 1990 budget deal which were never fulfilled.

This year's budget deal is also too good to be true. Although House Concurrent Resolution 84 projects a budget surplus in 2002, I have more faith that my grandchildren will see their Social Security benefits than I have faith that, based on these assumptions, we will balance the budget in five years. This year, our budget deficit is expected to be roughly $67 billion. Under the budget resolution, the deficit will jump to $90 billion in fiscal year 1998 and will remain in excess of $80 billion until 2001, when the deficit will fall some $30 billion. Then to achieve a balanced budget, the deficit will have to be cut another $54 billion to achieve the projected $1.3 billion surplus in 2002.

History has again repeated itself. The failing of the 1990 and 1993 budget deals was that Congress refused to cut spending to balance the budget, always putting the hard choices off to a future Congress. This budget resolution also contains no substantial spending reductions to realistically balance our budget. While the spending increases take effect next year, spending cuts are put off until 2001 and 2002.

In short, President Clinton appears to have won the budget debate. He secured the spending increases he desired in exchange for spending cuts which will take place, if they ever do, after he leaves office. Republicans won modest tax cuts of between $85 and $135 billion in exchange for spending $18 billion more than the President requested in his fiscal year 1998 budget!

Just two years ago, the Republican Congress proposed a tax cut package of $345 billion. After negotiations with the other body, the tax relief package that went to the President shrunk to $226 billion. President Clinton prevented that tax relief from reaching the American people by using his veto pen. Now we are willing to abandon any hope of enacting spending cuts in return for a relatively modest tax relief bill. The justification for this small amount of tax relief is that Congress cannot "afford" more money for this purpose. How much longer will this continue? Big government supporters in Washington are generally not concerned whether taxpayers can afford to be the most heavily taxed generation in American history.

I argued earlier this year that the budget deficit is only a symptom of a disease, not the disease itself. The disease afflicting our great nation is a federal government that has grown to a size and scope that would be incomprehensible to our Founding Fathers. Our federal debt has not resulted from Americans being taxed too little, it is because our government has spent too much money. Balancing the federal budget is not a worthy goal unless we are simultaneously reducing the size of the behemoth government.

To gain my support for a budget resolution, I would challenge my colleagues in this way—instead of waiting until 2002 to enact $54 billion in deficit reduction, we should make the necessary cuts in fiscal year 1998 to cut the deficit by that figure. This would establish a natural glide-path to balance in 2002, rather than shirking our responsibility onto future Congresses.

I appreciate the hard work put in by our Republican leadership in the budget negotiations. The propensity of this President to simultaneously take both sides of an argument makes negotiating very difficult. Unfortunately, I cannot accept this agreement as the best the American people can expect from a Republican-controlled Congress. I urge my colleagues to reject this budget resolution so that we may return with a budget along the lines of the conservative substitute that I supported. Even with minor modifications, we can cut the excess spending increases in order to allow the American people to keep more of their own money. We can show our constituents that we are serious about fulfilling the promise of ending the era of big government.

The American people deserve no less from us.

Mr. PORTMAN. Mr. Chairman, I rise today in support of House Concurrent Resolution 84, the fiscal year 1998 Budget Resolution. With the passage of this resolution, we are one step closer to the first balanced budget in 30 years.

I support this balanced budget agreement because it controls the growth of federal spending by reducing the size and scope of the federal government, uses real numbers, provides tax relief for hard working families and reforms entitlement programs.

This plan is a blueprint for ensuring America's long-term economic health by lowering interest rates and reducing the tax burden.

Is this a perfect agreement? No. We still need to make fundamental, long-term reforms to ensure the continued financial stability of vital government programs like Medicare, Medicaid and Social Security. And, I'm concerned about the new spending on Presidential pet projects in this plan. But, it is a lot better than the alternative: more deficit spending and less economic opportunity for all Americans.

Mr. Chairman, I support House Concurrent Resolution 84 and urge my colleagues to do so as well.

Mr. DINGELL. Mr. Chairman, I rise today in support of balancing the budget. That is why I will offer my mild support to this resolution. It is, by my view, flawed in many respects. I will not, however, see fit to impede further movement toward a balanced budget.

The budget agreement is a product of compromise which is the hallmark of our great democracy.

I cannot help but remember 1993, when the Democrats, without the support of a single Republican, passed the budget plan which cut the deficit and provided a solid framework for the economic expansion we currently enjoy. While we would have appreciated some Republican support, I recognize the need to move past malevolent politics and engage constructively with my colleagues in a bipartisan effort to solve a national problem.

We have it backward. We've had our ice cream and cake but its time to eat the spinach. I fear that we do not remain wise and diligent, we are doomed to repeat the same failure of the 1981 Reagan voodoo budget agreement. I am concerned that the tax cuts should be fully paid for up front, and this agreement backloads the tough budget cuts. I also have serious reservations about a proposal to index the capital gains tax cut which has the potential to empty the U.S. Treasury. Soon after this we will have to work through the reconciliation process to ensure that we move in a fair and equitable way to accomplish our purpose of a balanced budget.

I will be voting in favor of the budget resolution because I believe it is with all its flaws, the best tool to achieve a balanced budget. As in any compromise, there are aspects which I support and some which I do not. I can only hope that the good will and bipartisanship will finally deliver us a total final package for which I can more enthusiastically cast my vote. We will wait and see what the future brings. I hope the process will bring us votes which I can support at every stage, including the last one.

Mr. COSTELLO. Mr. Chairman, I rise today in support of this budget resolution as the blueprint to the goal we all want to achieve—a balanced federal budget in 2002. For months now, negotiations have been taking place between Congressional leaders and the Administration on how best to reach that goal. I want to state that this budget resolution is not perfect, but a "perfect" budget resolution is unattainable. With 435 members of this body, nearly every member would offer their own unique solution for achieving a balanced budget. Therefore, compromise is a necessity; yet, this body did not compromise the goal we all share, which is a balanced budget in five years.

I have supported a Balanced Budget Amendment since being elected to Congress in 1988 and have consistently voted for a Constitutional amendment requiring a balanced budget. I am pleased that the current budget efforts focus on balancing the budget in 2002. Enacting a balanced budget will ensure that as we begin the 21st Century, we rid our country of its deficit and move in the direction of national growth and prosperity—growth and prosperity which have been impeded over the last part of this century because of our federal debt and the interest payments on it.

This package provides some much-needed middle-income tax relief. The package proposes $500 per child tax deductions and additional tax cuts for tuition costs. Education initiatives are a driving force of this agreement. The maximum Pell Grant award is increased in fiscal year 1998 by $300, from $2,700 to $3,000. This is the largest increase in two decades. While the package calls for some Medicare cuts, there are many positive changes in Medicare. There is expanded coverage for such health services as mammography services, diabetes self-management, immunizations and colorectal cancer screening.

There are a few areas of concern about the agreement which I wish to address. The first is transportation spending. While I was pleased to hear that this budget resolution would include funding for transportation above the President's proposed level, I still have some very strong concerns that this budget does not allow for adequate resources for our transportation and infrastructure needs. We can ill-afford to continue to neglect our crumbling infrastructure. The current level of assumed spending is insufficient to deal with the increasing needs of our transportation infrastructure. I am supporting both the Kennedy and Schuster-Oberstar substitutes because they address this need by increasing transportation spending by $15 billion and $12 billion respectively over the five year period.

The Kennedy substitute offers smaller cuts in Medicare than the agreement. By achieving cuts in the administrative area, the substitute proposes an additional $8.6 billion for preventive care benefits in such areas as Alzheimers Disease and osteoporosis. The Kennedy Substitute also provides improved Medicare protections for low-income seniors. I also support this substitute because it recognizes the President's proposal to invest in renovations and construction in needy school systems throughout the country.

This agreement builds on the 1993 Deficit Reduction Act, which has reduced the deficit from $250 billion to $75 billion over the last five years. I support this agreement because I feel it is the last opportunity we have to balance this budget once and for all. I do not want my children and grandchildren to be deprived of opportunity because of the interest payment on our federal debt. This plan is not perfect, but it is the best and only plan we have to make a balanced federal budget a reality. I urge my colleagues to support this budget resolution.

Mr. SMITH of Texas. Mr. Chairman, the budget resolution before the House is historic: for the first time in 32 years, the budget balances.

That is real progress.

Nevertheless, this budget—conceived in a strong economy—is one only a mother could love.

How does one explain priorities that over the next 10 years set aside only $3 billion to get people—including legal immigrants—off welfare and into jobs but more than $16 billion for additional entitlement benefits for non-citizens?

How does one explain that over the next 5 years $13 billion in Medicaid savings are mostly offset by $10 billion in additional benefits for non-citizens?

That $10 billion funds additional benefits for non-citizens, many of whom are financially self-sufficient, most of whom entered the country on the promises of their sponsors to financially provide for them.

The mandatory added spending over the next 5 years for benefits for non-citizens—individual's whose sponsor's average income is $38,000 a year—is four times greater than that for defense, twice that for natural resource and environment programs, and six times greater than that for community and regional development.

Explain these priorities to overtaxed, middle-income Americans trying to buy a house and educate their children, Americans who worked until May 9 this year to pay taxes to fund these priorities.

I will support this budget resolution because it balances.

That will help families.

But its priorities are not those of hard-working Americans or hard-working legal immigrants.

Ms. ESHOO. Mr. Chairman, when I was elected to Congress in 1992, my overriding priority was to promote an agenda of important investments for our Nation's future and the urgent need to reduce and eliminate our enormous deficit. Today, we come to a budget resolution that promise a balanced budget by 2002 and we have come to it because of the tough 1993 Budget vote only Democrats cast. The deficit has been reduced from a quarter of a trillion dollars to $67 billion. Now we can move on to finish our tough task for America.

The agreement reached between the President and congressional leaders 2 weeks ago is not a perfect one. In fact, I expressed my deep concerns that we not take the country back to the deficits of the 1980s and allow the deficit to explode in the out years of the plan.

While some concerns remain, I believe the resolution before the House today represents an important step toward bringing our Nation's budget into balance. Much work remains to be done to hammer out the specifics of it.

Mr. Chairman, there is much to support in this compromise budget resolution. It represents the largest increase in 30 years for higher education. It adds important preventive benefits to Medicare such as annual mammograms, colorectal cancer screening, and diabetes management. It adds important resources to protect our environment. It provides funding for healthcare for five million of our Nation's children who have no insurance coverage at all. It restores our promise to legal immigrants that came to our country expecting to be treated equally under the law while they labor to add to the greatness of our Nation. It recognizes the need for tax relief for America's families.

I support the resolution and look forward to working in the weeks ahead to fulfill the best of its promises for the betterment of all Americans.

Mr. KOLBE. Mr. Chairman, to say that I am happy to be here speaking on a budget plan that will lead to a balanced budget is an understatement. Mr. Chairman, this is a good day for the American people. I am pleased to be a Member of the 105th Congress which is about to achieve something for which many of us have fought for a very, very long time. I salute Chairman KASICH and Chairman DOMENICI and all those involved in these very difficult negotiations.

This plan will first and foremost allow for tax relief for all taxpayers in America. There is no doubt that our citizens pay too much for government and keep too little of their earnings for themselves. Hard working people should be allowed to make their own choices about how to spend their hard earned dollars instead of giving them to Federal bureaucrats to spend. I know that the Ways and Means Committee will be working out the details of that tax relief in the next month or so, but I am very optimistic that there will be real capital gains tax reform and estate tax reform. These two taxes are onerous and counter productive. Relief in these areas will create economic growth which will mean more good jobs and less reliance on government programs. And I am equally pleased that we will be able to improve the lives of families with children by allowing them a $500 per child tax credit. That $500 for each child will mean a lot to families who have many, many uses for that money which they won't have to send to the IRS.

Securing Medicare for the next several years is another very important step for the citizens of southern Arizona. This important medical insurance program for senior citizens is on the brink of bankruptcy. With the reforms contained in this plan, we can be sure that Medicare will be kept solvent and available to our parents and grandparents and maybe even to some of us.

Mr. Chairman, is this a perfect plan? Quite honestly, it is not.

Would I have preferred more tax relief for our citizens? Yes, I certainly would have. Families without children could use tax relief. Small businesses could use tax relief. Everyone could benefit from lower taxes.

Would I have preferred more savings in many programs? I definitely believe there are ways we could have held down discretionary spending levels. But we will have an opportunity to work out some of these differences as we take the steps necessary to turn this plan into legislative reality.

But, Mr. Chairman, this is a big step for a Congress and a President that only a short time ago shut down the Government about our disagreements over these issues. Let's take this step and use the accrued benefits as a foundation for future efforts. For future efforts will be needed.

As good as this budget plan is, it will not solve the problem in the long term. We already know that in a very few years we will find ourselves in another very difficult situation when we deal with the reality of a Social Security Trust Fund emptying as baby boomers begin to retire. All the revenues from FICA taxes and the trust fund itself will actually be spent for Social Security recipients instead of masking the deficit as it does today. And the Medicare Trust Fund also will need further work as these new recipients start drawing benefits.

Mr. Chairman, the problems we will inevitably face in the years ahead are just some of the reasons I urge my colleagues to support the budget resolution reported by the Budget Committee. This is an excellent opportunity to help the people we represent get out from under the burden of over-taxation and overspending. We need the foundation we are building now for the work we must do later. We must not let the excellent slip away while we await the perfect.

Ms. FURSE. Mr. Chairman, I rise to support the bipartisan budget resolution which is before the House today. When I was elected in 1992 to change the priorities of our Government in Washington, I knew that one part of stopping business as usual was getting our fiscal house in order. In order to stop mortgaging our children's future, it was imperative to take bold steps to reduce and ultimately eliminate the budget deficit. I'm proud of my vote in favor of the 1993 Budget Agreement which forced our budget deficit in the right direction—downward—and truly made balancing the budget a possibility.

There are a number of a provisions in this budget resolution which make it a good agreement, aside from the important fact that it will indeed balance the overall budget. First, I am pleased that House Concurrent Resolution 84 includes improved Medicare coverage of diabetes education and supplies in a new self-management benefit. As Co-Chair of the Congressional Diabetes Caucus, I have worked for 4 years to make these important changes. Earlier this year, in conjunction with my friend, Mr. NETHERCUTT, I was proud to sponsor H.R. 58 to improve Medicare coverage for people with diabetes. Currently our bill has 265 Members cosponsors. I want to thank both the administration and Speaker GINGRICH for their commitment to this issue, as well as the authors of H.R. 15, the Medicare Preventive Benefit Improvement Act: Mr. BILIRAKIS, Mr. THOMAS, and Mr. CARDIN. I am going to work vigilantly to make sure these benefits stay in the budget agreement and are enacted into law.

This budget resolution also acknowledges the importance of education in helping our families enjoy a secure future. Unlike last year's balanced budget plan which made students pay more and was correctly vetoed by the President, this resolution includes $35 billion over 5 years for postsecondary education tax cuts and the largest Pell Grant expansion in 20 years. There are over 38,000 students in Oregon who rely on Pell Grants; this resolution will expand the number of eligible students and increase the maximum grant to $3,000. Education is a vital national security issue and is critical to helping everyone fulfill their potential

I am also pleased that this resolution maintains Medicaid as an entitlement and contains very modest cuts. Earlier this year I authored a letter to the President, signed by the entire Oregon delegation, expressing our opposition to a per capita cap proposal in Medicaid. I am pleased that this resolution rejects the per capita cap proposal which would have seriously jeopardized the Oregon Health Plan. When Medicaid reform comes before the Commerce Health Subcommittee, of which I am a member, I will work to ensure that any proposal protects and preserves the Oregon Health Plan.

There are also a number of other important initiatives in this bill. After passage of last year's welfare reform legislation, I pledged to work with the administration to restore benefits for legal immigrants and am pleased this provision is included in House Concurrent Resolution 84. As the author of the Children's Health Insurance Access Amendments, I am pleased that this resolution includes a $16 billion initiative to help the 10 million children who are without health care coverage. Lastly, I am pleased that this resolution emphasizes the importance of our environment, with improvements in funding for Superfund, the brownsfield initiative, land acquisition, national parks, and EPA enforcement.

As most people have acknowledged, and I do so as well, this is not a perfect agreement. As I stated earlier, I was elected to Congress in 1992 to change the way we do business in Washington. In some respects, this agreement continues the same bad priorities of spending far too much on the Pentagon. As I've often said, we should spend every penny we need on a sound national defense and not a penny more. This agreement perpetuates the trend of spending more than half of our discretionary dollar on the military. Our true national security depends on more than just weapons systems. A recent poll by Celinda Lake cites that 74 percent of people disagree with the fact that we spend more on building and maintaining nuclear weapons than we do on the funding of Head Start, fighting illiteracy, and providing college tuition combined.

In addition, I am very concerned about the re-emergence of firewalls between defense discretionary and non-defense discretionary funding. I want to give credit to my colleague from Oregon, Senator WYDEN, for his work on the Senate Budget Committee to eliminate the firewalls that this bill resurrects for 2 years. While Senator WYDEN was unsuccessful, he knows that firewalls only limit the ability of Congress to meet the pressing needs of our Nation's families. It is my hope that the Conference Committee will reconsider the utility of firewalls in the context of a balanced budget and eliminate them from any final agreement.

Mr. Chairman, Congress has a long way to go to fully implement the recommendations of this budget resolution. While I do have a few reservations and concerns about this legislation, I am cautiously optimistic and urge my colleagues to support this compromise balanced budget resolution.

Mr. VENTO. Mr. Chairman, I rise today in support of the budget resolution reported out of the Budget Committee. This resolution builds upon the past success of deficit reduction agreements made by Congress and outlines a plan to lead to a balanced budget by the year 2002. Each of us could and would change the priorities and adjust the way we arrange our priorities and the tax expenditures, but how do we find common ground. This measure does so in a means that will be accepted and implemented in the next 2 years.

The deficit this year is estimated to reach a low of $67 billion through September 30, 1997, the lowest annual deficit since 1969. While a strong economy has helped budget numbers, the low deficit is also in large part a result of major work done by the Democratic majority in Congress in 1993. Ironically, that year we passed a deficit reduction package with close to $500 billion in deficit reduction, more than double the amount we are talking about today. Not one Republican voted for that package, but the improved budget numbers we are working with now in 1997 are principally a result of those tough choices we made in 1993. The current budget resolution builds upon this substantial 1993 budget action. And importantly none of it is being repealed or greatly modified in the agreement being offered as a solution today.

We have made progress in the deficit, and we can continue to make progress without extreme actions. This budget agreement shows that we can pursue fiscal balance without creating social imbalance. It protects initiatives which help American working families and seniors gain access to affordable health care, a clean environment, and quality education. If we were operating without the need of a majority vote, each of us no doubt would substantially change this budget. For example, I believe most of the tax breaks should wait, much as Congressman MINGE outlined in the measure that he was precluded from offering by the House rule. But we must examine and judge this budget based on what is possible politically and practically, against for example the backdrop of 1995–96, when polarization and shutdown of the Federal Government were the means employed unsuccessfully to achieve the ends that the majority in Congress sought.

This 1998–2002 budget resolution is a major improvement over the plan put forth by the Republican majority in the last Congress which would have created a serious human deficit all in the name of deficit reduction. Questionable deficit reduction, I would add. That budget plan of the past Congress, which I voted against, included $288 billion in Medicare cuts, $187 billion in Medicaid cuts in the 7-year period, a complete repeal of Federal entitlements to important programs such as Medicaid and school lunches, and an attack on natural resources programs with deep funding cuts and a gutting of important environmental protections. And, of course, the initial Republican House budget plan would have irresponsibly added $353 billion to the deficit within 7 years through wild tax cuts and breaks—a budget that was at the expense of the poor and for the benefit of the wealthy in America, unfair and unworkable.

We fought those extreme GOP proposals in the last Congress and our effort and positions have been vindicated. The numbers and policy recommendations in today's resolution reflect the fact that our country does not need to renege on the basic commitments to the American people in order to reduce the deficit. We can invest in our Nation's future through health care, education, infrastructure, and the environment and still achieve sound budget goals. This agreement extends the Medicare trust fund, even while adding crucial preventive benefits to Medicare, preserves the Federal guarantee to Medicaid, strengthens environmental protection and enforcement, expands health coverage to 5 million uninsured children currently without health care, and increases our investment in education, including increasing the amount and number of Pell Grants, increases for Head Start, and key targeted tax breaks for higher education investments.

This budget agreement serves as a fair outline for an economic agenda over the next 5 years. Of course, it is only an outline, and the real budget work is just beginning. No doubt some adjustments and modification of the priorities will be made as we correct for economic and political reality and attempt to reprioritize in the months and years ahead. It will be important for us to protect and reexamine the priorities important to the American people as we work to craft the bills to implement the goals inherent in the budget resolution both in the near future and for the long term. We will have to ensure that the tax cuts will benefit working Americans, not just corporations and affluent individuals.

On the questions of environmental policy, I am pleased that oil drilling in the pristine coastal plain of the Arctic National Wildlife Refuge has not been added as a potential source of revenue. There are a number of other more environmentally sound ways to recover taxpayer money and I urge my colleagues to avoid the exploitation of this important caribou calving grounds on Alaska's Arctic plain as we move forward to implement budgets today and in the future. Importantly, this budget provides for an unprecedented cleanup of brownfield sites at President Clinton's initiative. Congress will also need to develop a comprehensive solution to the problems legal immigrants face under the 1996 welfare reform law. Although I am pleased that benefits to legal immigrants have been partially restored, this is not enough, especially in regard to refugees and asylees. The provisions addressing treatment of refugees and asylees are a quick fix to a much larger problem. Extending the eligibility period for refugees from 5 to 7 years is not an adequate approach. The only way to restore fairness back into the treatment of refugees and asylees is for Congress and the administration to set in place permanent eligibility for such categories of individuals. Anything less means that some will fall between the cracks and lose benefits and their chance to meet their needs.

Overall, this budget agreement is a positive step, the product of compromise, which is necessary in today's political climate. The budget builds on our past success in deficit reduction, finishing the job in a reasonable, if not an ideal manner. Now we must ensure that the actual budget bills that we consider follow through on this outline. I fully intend to reserve judgment on the individual spending measures and the tax policy packages. If these actions fall short of the promises and commitments inherent in today's agreement, they would merit defeat. If they retreat from these compromises, they should be defeated. I certainly will support some of the substitutes being offered today. In fact, while the substitutes will not likely prevail, but will importantly demonstrate in graphic terms that fiscal stability and a balanced budget can be achieved on a different basis. But the political symmetry of this Congress doesn't permit such policy path and achievement today. At the end of the day, my vote for this budget resolution is a vote for Congress to move forward and do what is possible in the next 18 months to achieve a socially and fiscally sound Federal Government.

Mr. RUSH. Mr. Chairman, I rise tonight to oppose House Concurrent Resolution 84, the so-called bipartisan budget resolution agreement. This budget resolution fails to adequately protect millions of disenfranchised and disadvantaged Americans, both those who are unemployed, and those who work, but cannot rise out of poverty.

I cannot support a budget resolution that calls for tax cuts of $85 billion that include cuts in capital gains and estate tax relief that will benefit the richest 5 percent of our country. Speaker NEWT GINGRICH has made it clear that this budget is another step in the Contract on America—which is a Contract on Poor People. According to the New York Times, which obtained a copy of a May 16 memo from Mr. GINGRICH to Republicans, Speaker, GINGRICH makes it clear that the Republican's top priority is giving tax breaks to the rich. And the Speaker minces no words in saying that "there is no limit on the size of the capital gains and estate tax relief" in the budget resolution.

I cannot support this budget when unemployment in some communities in the First District of Illinois exceed 20 percent, especially for African-American youth. Instead, I am proud tonight to support the Congressional Black Caucus budget. This budget is truly a budget for the people. And I thank my colleagues, Congresswoman MAXINE WATERS from California, and Congressman BENNIE THOMPSON, for leading the caucus in forging this more socially and fiscally responsible framework.

In contrast to the budget deal, the CBC budget balances the budget 1 year earlier—in 2001. And it does so by making no tax cuts until the budget is balanced. In distributing tax cuts, the CBC budget does this in a fair manner. The CBC budget includes $187.5 billion in cuts for corporate welfare.

The CBC budget invests in vital social programs. In contrast to the budget resolution, the CBC budget fully funds proactive programs that ensure the future of our youth and communities. These include Head Start, WIC, section 8 housing, chapter I education, and summer jobs. This latter is particularly important. Just last week, this Congress passed a job training bill that eliminates distinct funding for the summer youth employment program.

And while the bipartisan budget resolution does include new, significant initiatives such as coverage for 5 million uninsured children, the CBC budget goes further. The CBC budget proposes a child health initiative that would cover 10 million uninsured children.

The CBC budget is the only budget alternative that offers the promise of protecting future generations. This budget proposes to restore the safety net that welfare reform dismantled. It assures that millions of Americans who are struggling to make the transition from welfare to work have that chance. I am proud to cast my vote tonight for the CBC budget.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to voice my concerns about House Concurrent Resolution 84, the House budget resolution. I commend the administration and the Republican leadership for their hard work in negotiating this balanced budget agreement. I believe this speaks well to the bipartisan commitment to a balanced budget and a healthy future for our economy that has permeated this body. However, I do not believe that true success is found merely in the doing of the thing, but in the way that it is done. And it is here that I believe that the budget resolution fails.

I am disappointed in the budget resolution because I do not believe that it provides adequate investment in our Nation's future. America's future depends on that of her young people—in providing them adequate resources and opportunities to become our future leaders, including providing them education and access to adequate health care.

The budget resolution provides inadequate resources for the education of our young people. I firmly believe that we must focus our attention and our energy on one of the most important challenges facing our country today—revitalizing our education system. Strengthening education must be one of our top priorities both to raise the standard of living of the American family and to ensure America's preeminence in the global economy.

We must provide our children access to a superior education at all ages from their very young years, until their graduate years. Recent studies emphasize the importance of early education to a child's future development. In fact, I was honored to attend a recent conference at the White House highlighting this fact. And yet, despite these studies, the budget resolution still inadequately funds programs that would provide for programs targeting children in their earliest years.

Further, we need to open the door of educational opportunity to all American children in their later years. It has been well documented that the better educated a person is, the more he or she is likely to earn. The cost of a college education, however, is prohibitive. Many of our Nation's families cannot afford to send a child to college. Many families go deeply into debt financing this step for their child's future.

The Congressional Black Caucus will offer an amendment in the nature of a substitute that promises to provide for our Nation's future—to provide for all the people of our Nation. Just like the budget resolution, the CBC substitute balances the budget, and it does this by fiscal year 2001, 1 year earlier than the budget resolution. The CBC substitute calls for appropriations of $74.9 billion in fiscal year 1998 for education, training, and development. This is $28.2 billion, or 60 percent, more than the budget resolution provides. The CBC substitute will fund college tuition scholarships and allows for a gradual increase in Pell grant awards. In addition, the CBC substitute fully funds a child health initiative to cover all of the 10 million of America's children who are uninsured.

I urge my colleagues to think carefully when they cast their votes this evening. We have before us a number of proposals each of which will assure us a balanced budget within 5 years. It is critical, however, that we achieve the goal of a balanced budget in a manner that is compassionate, fair—and very importantly—is intelligent. In balancing the budget, we must be sure not to provide inadequate resources to the very areas that will assure America a strong and healthy future.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of House Concurrent Resolution 84, the concurrent bipartisan balanced budget agreement.

Balancing the budget brings practical benefits to every American, in the form of lower interest payments, stronger economic growth, lower taxes, and less Government spending. It is not the budget I would write on my own. Nor is it the budget that the President would write on his own. I am concerned that it does not provide sufficiently for our national security, reduce spending enough, save Medicare for future generations, or return as much money to hard-working American taxpayers as it should. But it is a real, balanced budget, with less Government spending and real tax cuts for American families, that Republicans, Democrats, and the President have agreed upon.

For my children, and for everyone's children, it means less of their future earnings will be taken just to pay interest on the debt. Interest on the debt, which today costs over $1 billion every business day, cannot be invested in education, or transportation, or returned to the taxpayers. However, under this budget, we will stop adding to the debt. It represents a beginning so that we can develop a plan to pay down the debt, and free the next generation from its heavy and immoral burden.

For my mother, and for everyone who is or is kin to a "chronologically gifted" American, this budget means she can count on the good health of her Medicare for the next decade. We still have work to do here. We have to work together to save Medicare for the next generation. But we have made a real and substantial start.

For every family, this budget means the Federal Government will take less of their money in taxes, so they can invest more in their children, and in their children's education. Despite the good intentions of people in Government, the best chance a young person has to achieve the American Dream is to have a mom and a dad that love and care for them. And under this budget, many moms and dads that have to earn two incomes today—one to pay the bills, and the other to pay the taxes—may find that through lower taxes and lower interest payments, they may be able to prosper on the income of one family member.

For everyone who saves or invests, or wants to save or invest, or wants to keep or create a job, or owns a home, this budget insures a reduction in the capital gains tax.

Let me for a moment focus on how far we have come.

In 1994, liberal congressional leadership had reigned for 40 years. The Clinton administration had levied the largest tax increase in American history and attempted total Government control of people's health care. The deficit was headed skyward, a classic case of the Federal Government leaving an immoral and untenable legacy to our children.

And the American people responded by electing a Republican House and Senate.

We began working the people's will. We enacted historic welfare reform legislation, restored credibility to our borders and our immigration laws, and revitalized telecommunications for the information age. We attempted to enact a balanced budget amendment and a real balanced budget that saved Medicare and cut taxes. But on those matters, our work was vetoed or otherwise blocked by the President.

And so the American people reelected the Republican Congress in 1996—and reelected a President of the opposite party.

Now we have before us a real balanced budget, representing the commonsense conservative values that Americans have long demanded, and never really had reflected in their Government, until now. We can and should pass this budget, knowing that the hard work remains ahead. We have to enact appropriations bills that limit the growth of spending. We have to enact real tax cuts for the American people. We have to enact this budget into law, and the President has to sign it.

Mr. Chairman, a journey of a thousand miles begins with one step. The journey to balancing the budget begins with this step. Let us step out boldly now. Let us do what is best for America and for Americans, and pass the budget resolution.

Mr. CONDIT. Mr. Chairman and colleagues, I rise in support of the budget resolution and the underlying budget agreement. Members on both sides of the aisle including Chairman JOHN KASICH and JOHN SPRATT from the Budget Committee; the bipartisan leadership of the Congress; and President Clinton and senior members of the Administration deserve our thanks and gratitude for working together in a bipartisan way to develop the balanced budget plan that is before us today.

Mr. Chairman, this is a historic day. For over a generation—nearly thirty years—the federal budget has been in deficit. During this same period, the gross national debt of the country has increased from $360 billion to $5.6 trillion. Without this budget agreement, annual budget deficits continue and the national debt will skyrocket to nearly $10 trillion early next decade. That is a trend we cannot allow to continue.

The budget resolution before us today provides for nearly $1 trillion of spending reduction over the next ten years including $115 billion in Medicare savings that will add ten years to the life of the Part A hospital trust fund. The resolution also provides for a decrease in total projected discretionary spending, while providing for increases in funding for high priority programs like education and training, research and development, the nation's defense needs, transportation and infrastructure, and health care programs. On the entitlement side of our budget—which consumes over fifty percent of outlays and is where the real growth in spending has occurred—spending is cut over $600 billion over the next decade.

At the same time spending is curtailed, the agreement provides for modest tax relief including a reduction in capital gains and estate taxes, a $500 per child tax credit, and education tax deductions and credits.

Overall, this is a solid agreement. The real work is ahead of us, however, as we move to implement this budget resolution. The Blue Dog Democrat coalition will continue to work with the bipartisan leadership and the President to ensure that the final reconciliation bills fairly and honestly implements this resolution.

Mr. Chairman and colleagues, a final reconciliation bill should maximize deficit reduction each year, provide structural reforms in entitlement programs consistent with the reductions in those programs, and not explode spending or the deficit in the out-years. The final reconciliation measure must also have a strong and effective budget enforcement mechanism to ensure that the reductions and reforms in spending we contemplate today will in fact take place. Budget enforcement must extend the discretionary caps that expire this year, renew the PAYGO system, and should also extend sequestration to new revenue and spending programs and exempt few or no programs from any future sequestration process. My Blue Dog colleagues and many others on both sides of the aisle will be working together in the next few weeks on budget enforcement and other issues of mutual concern.

Mr. Chairman and colleagues, today is indeed a historic day. To be sure, the road ahead will be bumpy and difficult, but we should remember that what we do today will bring real and lasting economic benefits to our children and grandchildren and is worth the toil.

Mr. Chairman, the budget resolution today deserves our strong bipartisan support and I urge its passage.

Mr. PORTER. Mr. Chairman, I want to begin by commending the gentleman from Ohio [Mr. KASICH], the Committee on the Budget, the House leadership, and our colleagues in the Senate for the good job they have done in keeping us headed down the road toward balancing the budget by 2002.

I am pleased that the Administration and Congress have reached a compromise. While the agreement is certainly not perfect in all its respects—in particular because of the unwillingness of the Administration to address the need for comprehensive reform of entitlement spending—it does represent a sincere effort to reduce the budget deficit, and it is therefore deserving of our support.

It is important to recognize that the budget process is just that—a process. And the budget resolution represents not the end of that process, but rather the first step and one that is necessary in order for the authorizing committees to proceed to implement their reconciliation directives and the the appropriations committee to move forward with the thirteen funding bills for fiscal year 1998.

Since the Republican party took control of the House in 1995, the budget process is one that has been refocused on making tough choices and setting priorities. This is as it should be. Congress today is responding to the demand of the American people that we review every department, every agency and every program in the government and determine which of these activities provide relatively poor returns or paybacks and should not be continued, which are more appropriately the responsibility of local or state governments or the private sector, and which can be made to work better. In addition, in this process, the Congress has worked to identify those things that are true national priorities and that should be provided with additional resources. As a member of the Appropriations Committee, I have been proud to participate in this effort and I look forward to continuing in this direction in the coming year.

As for the Appropriations Subcommittee on Labor, Health and Human Services and Education, which I am privileged to chair, the budget resolution that we have before us will again require that difficult decisions be made. My subcommittee faces many demands from many constituencies for limited funds. The failure of the President to regard the need for such things as life-saving assistance of those suffering from AIDS, for a health care workforce capable of reaching the medically underserved, and for expanded biomedical research to develop new treatments and cures for disease as priorities at least on a par with—if not superior to—his interest in creating new education programs and untested initiatives, will not make the process of drafting FY98 funding legislation an easy one. Fortunately, the budget resolution does provide sufficient flexibility for the Appropriations Committee to meet the needs of the American people by adequately supporting those activities—like biomedical research—that are true national priorities. This is certainly the outcome that I will push for in the coming months as we move to implement the broad spending and revenue framework contained in this budget blueprint.

Mr. Chairman, budget deficits are simply intolerable in a time of strong economic growth. They represent a decision to spend for the present and leave to our children and grandchildren the responsibility to pay for our profligacy. Such behavior is simply unacceptable and I am pleased that we here today have the opportunity to take a major step forward in the effort to put an end to such irresponsible behavior. I urge all members to support this resolution.

Ms. HARMAN. Mr. Chairman, today, this chamber continues the important progress first begun in 1993 to reduce the Federal deficit and reach a balanced budget by the year 2002. The 1993 budget was one of the most difficult votes I have cast, yet for 5 straight years, its effect has been to cut the deficit. The deficit is now at its lowest level in more than 20 years.

This bipartisan balanced budget resolution keeps the momentum moving forward. It is based on realistic economic and policy assumptions that will sustain economic growth. But while the outline of the balanced budget before us is historic, let us not disguise the difficult steps ahead to translate that outline into specific legislative language.

The resolution continues important investments in our society. It assumes extension of health insurance coverage to 5 million low-income children, the largest investment in education in more than 30 years, restoration of SSI eligibility to the elderly and disabled legal immigrants cut off last year, and maintenance of a strong national defense. Lastly, the resolution assumes enactment of needed tax changes for families and investors that will be paid for.

The resolution sets forth a glidepath for reducing spending at a relatively constant rate for the next 5 years. Unlike previous budget plans, it does not postpone the most difficult cuts to the later years. In addition, the resolution calls for a two-track reconciliation process, thus requiring separate votes on the legislative proposals enacting savings and the proposals making tax changes. This will assure that deficit cutting precedes tax cuts.

I am disappointed that the Rules Committee did not make in order the amendment proposed by my colleagues DAVID MINGE and CHARLIE STENHOLM to include enforcement provisions to the budget resolution. Such enforcement provisions are critical to ensure that the deficit remains on the glidepath to balance by the year 2002 and beyond.

None of us wants a repeat of past deficit reductions efforts that failed to live up to their promises. Indeed, without enforcement mechanisms, future deficit reduction efforts become less credible as they become harder to make. That's why, in particular, all portions of the budget—both spending and revenues—have to be included in the enforcement mechanism. All members and interest groups have to have a stake in maintaining the glidepath to a balanced budget. That means, as well, that future tax cuts must be contingent on meeting the revenue targets in the agreement.

Despite these imperfections, the balanced budget resolution is the result of hard-fought compromise by all involved. I want to congratulate President Clinton and my Congressional colleagues, particularly the ranking member, Mr. SPRATT, and the chairman, Mr. KASICH, who were directly involved in these difficult negotiations.

I also congratulate my colleagues with whom I helped fashion the Blue Dog balanced budget plan. The Blue Dogs showed it could be done. The American people are the beneficiaries.

Mr. BORSKI. Mr. Chairman, I rise today in opposition to House Concurrent Resolution 84, the budget resolution for fiscal year 1998.

In 1993, when faced with a record $290 billion deficit, Democrats passed a tough budget plan that contained real deficit reduction and restored tax fairness. And the results are clear, Mr. Speaker. The deficit has fallen by a whopping 63 percent—from $290 billion in 1992, to $107 billion in 1996. The tough decisions Democrats made in 1993 have produced the best economy in decades and put our Nation on the doorstep of balancing the budget. All that needs to be done is to take the final step.

I am pleased at the progress we have made toward achieving a balanced budget, but I am concerned about the priorities that this resolution sets forth. While we must reach a balanced budget, we must also create the educational opportunities our children deserve, provide the financial relief that working Americans need, and protect the benefits our senior citizens have earned. Unfortunately, this budget resolution falls short of those goals.

There are, however, many positive aspects of this budget. I applaud the inclusion of funding for several programs that are important to middle-class families.

For example, the budget resolution for fiscal year 1998 calls for a 10-percent increase in funding for education, training, and social services programs. The budget increases the maximum Pell grant award $300, from $2,700 to $3,000, the largest Pell grant increase in over two decades, which will help more of America's youth to be able to afford a college education.

The budget also calls for the creation of many of the educational initiatives that have been proposed by the Democratic leadership over the last few years. The budget agreement provides for the creation of the HOPE

Scholarship, a 2-year, $1,500 per student tax credit for college tuition—enough to pay for the tuition costs for a typical community college. It provides for the ability of working Americans to withdraw the costs of an education, tax-free from expanded, individual IRA accounts. In addition, the budget provides funding for the President's America Reads Challenge Program, which is intended to help children learn to read well and independently by the end of the third grade. While I am not able to support the final budget agreement, I look forward to working with my Republican colleagues in the future to bring these important educational initiatives proposed by the Democratic leadership into being.

Mr. Chairman, I am also heartened by the allocation of $16 billion over the next 5 years to provide health insurance for up to 5 million children who are currently uninsured. While I am pleased that the budget recognizes the plight of our Nation's uninsured children, with no specific offsets to pay for these additional benefits, I am concerned where the funding for this expanded, program will come.

Finally, Mr. Chairman, I am pleased that the budget agreement attempts to depoliticize any adjustment in the Consumer Price Index [CPI] by providing that any necessary change be taken by the Bureau of Labor Statistics [BLS], the agency created to address these matters and not be held hostage to create a slush-fund for tax breaks. However, at the same time, I am deeply concerned that this budget agreement makes assumptions that the CPI will be reduced by 0.3 percent, resulting in a decrease in the monthly cost of living adjustment [COLA] of our Nation's seniors to pay for the tax breaks to the wealthy.

But, every budget plan has winners and losers. Under this plan, the winners would be the wealthiest 5 percent of Americans. Over half of the proposed tax cuts would go to households making over $100,000 per year. That means that most of the hard-working men and women of my district won't be able to take advantage of cuts in the capital gains and estate taxes. Most of the families in my district won't see the benefit of expanded IRA's.

No, Mr. Chairman, my district would be the loser in this deal. The senior citizens and working families of my district would bear the brunt of the cuts in spending. Hospitals in my district would shoulder the burden of Medicaid savings. And Philadelphia would suffer the loss of jobs and revenue as a result of this budgets priorities.

This budget asks seniors to pay more for Medicare, while telling them that they will get less in Social Security COLA's. By 2005, seniors will have $150 less in their pockets due to COLA reductions, while being forced to pay over $500 in Medicare premium increases. In fact, the only way this budget plan will ever reach a balance is if seniors COLAs are cut—the money is already spend somewhere else.

In addition, the hospitals that serve the neediest children and families will take an enormous hit. The $13.6 billion in Medicaid cuts that this budget calls for would come primarily from disproportionate share hospital payments [DSH]. These cuts would hurt only those hospitals who serve the sickest and neediest among us. The obvious result would be a decline in the quality of care, inevitable job losses and—possibly—the closing of hospitals in my district. Since nearly 15 percent of my region's economy depends directly on providing health care, these cuts would have a ripple effect that would be felt in every sector of the local economy.

Mr. Chairman, I represent the 20th oldest district in America. Well over half of all the hospital admissions in my district are dependant on either Medicare or Medicaid. Clearly, these substantial cuts to these important programs would have a profound impact on the hospitals' ability to provide quality care to my constituents.

Mr. Chairman, I cannot, in good conscience, vote for a budget that asks for sacrifices from senior citizens, ignores the needs of middleclass families, and turns its back on the uninsured. As the late Vice President Hubert Humphrey said, "the moral test of a society is how that society treats those who are in the dawn of life—the children; those who are in the twilight of life—the elderly; and those who are in the shadow of life—the sick, the needy, and the handicapped." Because of these cuts to Medicare and Medicaid, this budget does not pass that test for the Third Congressional District of Pennsylvania.

Mr. HOBSON. Mr. Chairman, in a town famous for saying one thing and doing another, Congress is doing what it promised.

The balanced budget agreement that Congress reached with the President delivers on the promises we made to the American people. The resolution puts that agreement into action. It balances the budget, saves Medicare, lets American families keep more of what they earn, and reforms entitlement programs.

Under the budget resolution, deficits will be a thing of the past, and like every American family and American business, the Government will live within its means for the first time since 1969.

If the budget resolution did nothing else but eliminate the deficit, it still would be a huge victory for the American people. But it does more.

The budget resolution saves Medicare from bankruptcy and gives seniors new health care choices. By changing Medicare's structure we will protect its solvency for another decade, while expanding benefits to cover mammography, diabetes self-management, immunizations, and special cancer screenings.

If this resolution just balanced the budget and saved Medicare it would still be historic, but goes further.

Over the next 10 years, this budget will reduce tax burdens on American families by $250 billion, including reductions to capital gains taxes, death taxes, a tax credit for families with children, an expanded IRA to encourage savings for retirement, and tax relief to help families send their children to college.

And to help make sure the tax burden stays lower, we're going to change the entitlement programs that have put the real pressures on our budget year after year: A balanced budget; a sound Medicare Program; tax relief for families; and entitlement reform.

I'm very proud of this budget resolution, and I'm proud of the people in the House and the Senate who helped forge it. Special thanks goes to Budget Committee Chairman JOHN KASICH and Ranking Member JOHN SPRATT for helping move this bill through committee last week, and the committee staff under Rick May deserves our thanks for all their hard work getting the resolution ready for consideration.

We're doing something real and permanent here with this budget resolution. We're being responsible and we're heading off a fiscal crisis before it happens. This commonsense approach helped win strong bipartisan support for the budget in committee where it passed by 31 to 7. I encourage my colleagues to support the resolution and get involved in the process of enacting it into law.

As an indication of the support the budget is already winning back home, I'm submitting for the RECORD an editorial from my hometown newspaper that praises the bipartisan spirit in which the budget agreement was reached.

[From the Springfield (OH) News-Sun, May 12, 1997]

BUDGET A RESULT OF SERIOUS WORK

Considering the bad blood between the Clinton White House and congressional Republicans, their agreement to balance the federal budget in 2002 is extremely gratifying. The work negotiators from both sides put into this accord is precisely the serious, public-spirited give-and-take Americans expect of their national leadership.

On many substantive questions, negotiators kept their partisan instincts in check. They reached surprisingly easy compromises to curb domestic spending, to achieve Medicare savings at modest cost to beneficiaries and to check Social Security cost-of-living increases. They also restored benefits to legal immigrants—benefits which should never have been taken away.

But what got this budget deal moving was the dynamism of an economy now whirring along at a phenomenal 5.6 percent annual growth rate and producing bulging tax revenues for Uncle Sam.

In fact, budget negotiators were told at the last minute the Treasury was likely to take in $200 billion to $225 billion more than previously expected over the next five years. And this good news came during the same week that the Treasury announced it would be able to make a $65 billion payment against America's $5 trillion national debt, the first such payoff in 16 years.

The budget deal does have its flaws—such as the increase in defense spending—but the major disappointment is the $135 billion in tax reductions. With the next few budgets still projected to be in the red, it is not time to start rewarding taxpayers for their sacrifices.

Only one of these tax breaks can be defended as wise social policy: Clinton's tuition tax credits. No public investment is so vital to maintain this country's edge in technology and the world economy as educating Americans, both our youth and adults, for tomorrow's jobs.

How much better for all of America it would have been if the billions of dollars in tax relief had been added instead to that $65 billion payoff on the national debt.

Mr. BALLENGER. Mr. Chairman, although I plan to vote for House Concurrent Resolution 84, which contains the balanced budget agreement of 1997, I want to express a few concerns with it and the other budget options.

I believe the major short comings in the budget which was negotiated between congressional leaders and the White House are: The spending increases, which will cause the deficit to rise until 2001 at which time it will fall below the 1997 level of $67 billion; the savings are back loaded, so that they will not be realized until near the end of the agreement; the Clinton funding priorities which amount to an expansion of the Federal Government; and the net tax cuts of $85 billion amount to less than 1 percent of expected total tax collections of $9 trillion. Specifically, on the tax front, the latest predictions are that the budget agreement will result in a reduction of the Federal capital gains tax rate from the current 28 percent to as high as 21 percent, which may be targeted to a limited number of investments.

My concerns over the small tax cuts which are to be expected from the budget agreement are the primary reason I also will support the budget substitute being offered by a Republican group, the Conservative Action Team [CAT's], to which I belong. This budget would freeze spending at the current levels while transferring the $109.3 billion this would save in nondefense, nontransportation discretionary spending to greater tax relief. Although the CAT's budget is not expected to receive the votes of a majority of the House, I believe it represents the best alternative if we are truly committed to a smaller Federal Government and returning to every American more of their hard-earned tax dollars.

I want to touch briefly on the other four substitute budgets. While the Congressional Black Caucus [CBC] is a serious participant in the budget debate, I cannot support the CBC's substitute primarily because it does not include any tax cuts, effectively delaying this debate until the budget is balanced in 2002, and cuts defense spending by $189.9 billion. The Brown of California substitute not only postpones tax relief and reduces defense spending, it increases total spending over 5 years by $25 billion more than House Concurrent Resolution 84. The Kennedy of Massachusetts budget substitute essentially abandons broad-based tax relief in favor of additional funding for health programs, while dismantling the Medicare compromise in House Concurrent Resolution 84. The budget substitute proposed by the bipartisan leadership of the House Transportation and Infrastructure Committee seeks to allocate an additional $12 billion for transportation priorities. It offsets this funding by across-the-board reductions of just over one-third of 1 percent in all discretionary spending and proposed tax relief. Regardless of the size of the proposed across-the-board cuts included in this substitute, I fundamentally oppose the assumption that all discretionary spending in the Federal budget should be treated equally. Particularly disturbing is the cumulative size of the cuts which would fall on our Nation's military, and the suggestion that there is room in the limited tax relief for a proportional burden.

Therefore, I will vote for House Concurrent Resolution 84 with reservation and hope that it will bring us to a balanced budget on schedule in 2002, once and for all.

Mr. HILLEARY. Mr. Chairman, I rise in support of this bipartisan budget. In particular, I want to point out that this Budget will bring American families significant tax relief for the first time in 16 years.

We've tinkered around with the Tax Code in the past. But that was mostly just redistributing who pays the tax.

This Budget will lead to tax cuts—$85 billion over 5 years. This will be tax relief on capital gains that provides incentives for economic growth.

We will have relief from the death tax.

We will have relief from the high costs of college education.

And most importantly, we will have tax relief for families with children.

Further, this agreement preserves Medicare. There are no cuts in Medicare in this budget. Medicare spending continues to grow. All we are trying to do is to slow the growth in Medicare spending to ensure that it will be available not just for our current elderly citizens, but future generations as well.

It does that while continuing to increase spending on each beneficiary in each of the 5 years.

Federal spending per beneficiary which is $5,480 this year will rise to over $6,900 in the year 2002.

Total spending on Medicare also rises from $209 billion this year to $280 billion in 2002.

This budget estimates taxpayers will save $115 billion through these efforts to control the growth of Medicare spending.

I'm glad that the President has decided to support this Budget which will preserve Medicare for the future.

I do want to note that while this package, that the President supports, saves $115 billion, it is almost identical in savings to the $118 billion in savings over 5 years that would have been achieved had the President decided not to veto the Balanced Budget Act in 1995.

I applaud the President for now agreeing to preserve Medicare by now supporting virtually the same Medicare preservation package he derided just 2 years ago.

I urge all my colleagues to support the bipartisan budget resolution House Concurrent Resolution 84 and yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Chairman, today we are debating a historic budget agreement which would balance the budget by 2002. The resolution we are voting on today just locks the numbers in place. There are still many details that have to be worked out before we vote on omnibus budget reconciliation legislation.

This debate reminds me of the old saying "the devil is in the detail." It is these details which could ruin the historic agreement. The resolution calls for $135 billion in gross tax cuts and $85 billion in net tax cuts over 5 years. There is no firm agreement on the design of the tax package. The elements to be included in the package are education tax provisions, capital gains estate taxes, a $500 family credit, and expanded IRAs. $35 billion of the tax cuts are geared towards education.

We do not want a repeat of tax legislation which passed this House during the 104th Congress. Only 8 percent of the population realizes capital gains in any given year. Capital gains relief should be targeted and geared towards individuals. Indexing of capital gains will be a source of substantial complexity for taxpayers and open up loopholes in the tax code. New types of tax shelters could be created. Last Congress's capital gains relief was skewered to the wealthy. Seventy-six percent of the capital gains tax cut would have gone to taxpayers with income of $100,000 or more.

Citizens for Tax Justice's analysis of last Congress's tax cuts found that 52.3 percent of the tax cuts go to 5.6 percent of Americans with income greater than $100,000 a year. Proportionally, middle-income families would benefit little from the proposed tax cuts. In fact 75 percent of all American families earn $75,000 of less per year. This group would have only benefited from one-fifth of the total tax cuts. Individuals making more than $200,000 annually would have received tax cuts averaging $12,600 a year.

We cannot have these type of tax cuts. As we all remember, the President vetoed last years budget and part of this was due to the tax cuts. I do support tax cuts and they have to be targeted and benefit the middle class. The distribution of the tax cuts need to be balanced.

The tax cuts cannot come at the expense of valuable tax expenditures. The earned income tax credit [EITC] should not be cut to pay for any provision of this budget agreement. It is our most valuable anti-provety program. It provides incentives which work to move individuals from welfare to work. I support compliance provisions recommend by the Treasury Department, but not a reduction in benefits.

As the Mayor of the City of Springfield, I saw the benefits of the low income housing tax credit. I supported the President's efforts to make this permanent in 1993 and we cannot sunset such a valuable program.

For a minute, let us remember how things were at the beginning of the Clinton administration. We were faced with an outrageous deficit of $290 billion. President Clinton pushed his economic package and it passed without one Republican vote. This package worked. The deficit is now at $67 billion and this is a 77 percent reduction. We have to build on what we did in 1993.

We have to continue on our path of deficit reduction. We must stay on this path and we will not if we enact tax cuts that balloon after the year 2002. Let us work together in a bipartisan manner to pass a fair tax package that includes no budget gimmicks. We need to keep the devil out of the details.

Mr. EWING. Mr. Chairman, nearly three decades of federal budget deficits have taken their toll on our nation's economy and America's working families. But today, we continue our efforts to produce a balanced budget.

Rarely do compromises produce all the results or protect all the causes that one side would champion. This plan does not. However, it is a good step forward. It will control the size and scope of the federal government and provide necessary services while at the same time allowing our children to look to their future instead of looking back at our debt.

One way or another, this Congress has been determined to have a budget agreement enacted that will eliminate the national debt, reduce wasteful spending, provide a smaller federal government, and reduce the burden of taxation and regulation that have had a strangle-hold on this nation's households and businesses. We must continue to work towards a government that is more responsible, more effective, and a better manager of the people's money. However, for the first time since 1969, we will not ask if we will balance the budget, but answer when we will balance the budget

If we are successful in our endeavor to balance the budget, we will be handing our children and our grandchildren the American dream, not the American debt. And for today's working families, this balanced budget plan will help ensure a strong economy, more jobs, lower interest rates and badly needed tax relief. This tax relief will directly benefit families through a $500 per child tax credit, expanded individual retirement accounts, and reductions in the estate or "death" tax.

Furthermore, economists predict that a balanced budget will reduce interest rates between 1 and 2 percent. A 2 percent reduction in interest rates would: Equate to a reduction of $15 billion in annual interest payments made by farmers; save students (and their parents) in my district at the University of Illinois and Illinois State University approximately $9,000 over the course of a typical 10-year student loan for a four-year college; save homeowners in Pontiac or Monticello with a typical 30-year, $80,000 home mortgage, $107 each month and $36,653 over the life of the mortgage; and save car buyers in Danville or Paris $676 on a typical 4-year new car loan.

The hope for America held out by this agreement will take our dedication and faithfulness to achieve. The stakes are very high, but so are the rewards if we are successful.

Mr. COYNE. Mr. Chairman, I rise today in opposition to House Concurrent Resolution 84. As a Member of Congress who has consistently voted over the last 16 years for fiscally responsible budgets, I would like very much to vote for legislation that would balance the Federal budget by the year 2002. I have concluded after careful consideration, however, that I cannot support this legislation. I understand that this legislation will undoubtedly pass today, and I would like to take this opportunity to lay out my reasons for opposing House Concurrent Resolution 84.

We have all accepted the goal of balancing the Federal budget by the year 2002. According to CBO, this budget achieves that goal. The bill has other positive features as well. It would expand health care coverage to uninsured children in low-income families. It would provide additional Federal assistance for education. It would ensure the Medicare trust fund's solvency for the next 10 years. And it would restore some of the cuts that were enacted as part of the welfare reform bill last year.

The resolution falls short on other, very serious grounds, however.

The budget agreement may balance the budget in the year 2002, but the budget will not remain balanced in subsequent years. A number of the provisions contained in the budget agreement that forms the basis of this resolution are likely to explode the deficit in the out years. Moreover, there are serious grounds for concern that the $85 billion in tax cuts called for in this budget resolution will be back-loaded so that the real impact of these cuts will not be felt within the 5-year window between 1998 and 2002. The tax cuts that have been proposed would reduce anticipated revenues by $85 billion over the next 5 years, but they are estimated to lose twice that much in the subsequent 5 years—and depending on the actual provisions contained in the reconciliation bill, the revenue loss could be even greater.

This is no time for tax cuts. We all know that policymakers will confront a tremendous challenge after the year 2002. In the coming decades, the budget will face additional pressures as the baby boom generation begins to retire. Social Security, Medicare, and Medicaid spending will increase dramatically as the baby boomers retire. This budget agreement not only fails to address this coming crisis; it exacerbates it by including tax cuts that produce massive revenue losses in the next decade—just when entitlement spending will also be expanding significantly. We should postpone major tax cuts until we have addressed such long-term budget concerns.

The budget cuts contained in the agreement also reflect a set of priorities that no longer reflect the challenges facing this country. During World War II and the cold war, the greatest threat facing this country was the military threat posed by first, the Axis nations, and then, the Soviet Union. That threat has now passed, and while the world is and will always be a dangerous place, the greatest threat facing our Nation today is an economic threat, not a military one. Just as many generals prepare for the last war rather than the next war, this budget spends too much money on our armed forces—and not enough on the infrastructure and the work force that will determine the winners and losers in the coming global economic competition. The budget resolution we adopt today should spend less on our military forces and more on investment in our physical and intellectual capital.

The budget resolution before us falls terribly short in terms of investment. Under this budget resolution non-defense discretionary spending would suffer inflation-adjusted cuts of roughly 10 percent. That almost inevitably means deep cuts in federally funded scientific and biomedical research, serious cuts in community and regional development programs, inadequate investment in highways, mass transit, and other critical public infrastructure, and unwise cuts in job training funding and elementary and secondary education.

Finally, given that there is an agreement to cut taxes by $85 billion, I have grave concerns about the distribution of the tax relief that the agreement would provide. The family tax credit that has been proposed would not be refundable. That means that it would provide little or no assistance to the families that need it most—the working poor. Conversely, the capital gains tax rate cuts and the increases in the estate tax exemption which have been proposed will benefit only the wealthiest households in our country. If we are going to provide tax relief to hard-working American families, we should provide tax cuts to the families who need it most—not the wealthy Americans who need it least.

And so, Mr. Chairman, for the reasons I mentioned, I oppose this legislation. It may be the best that we can do, but it is not good enough—not by a long shot. I will vote against this resolution.

I will continue to be an active, conservative participant in the budget process, however. The budget resolution is only the first step in the annual budget process. I will work with my colleagues in the coming weeks and months to shape the appropriations and reconciliation bills called for in this resolution. I will work with my colleagues to correct or ameliorate the flaws that I believe exist in this budget agreement. It is my sincere hope that, working together, Congress can produce appropriations and reconciliation legislation that I can support.

Mr. STUPAK. Mr. Chairman, today we are considering a plan which balances the Federal budget by the year 2002. We should be proud that Democrats and Republicans have been able to work together to create this plan, but it is important that we review the facts and understand how we got ourselves in a position to balance the budget in 5 years, while protecting Medicare, Medicaid, investing in education, the environment and health care for children.

When President Clinton arrived in Washington in 1993, he inherited a $290 billion budget deficit—the largest deficit in our nation's history. Job growth was stagnant, and unemployment was over 7 percent, and Washington was unable to find a solution to the exploding deficits and sluggish economy.

But in 1993, President Clinton proposed a budget plan which included $500 billion in savings over 5 years. The plan was criticized by many of our Republican colleagues, who argued that deficits would explode, jobs would be killed, and our economy would crash if we adopted the President's budget plan.

In fact, not a single Republican—in the House or the Senate—voted for the 1993 budget plan.

But today, 4 years later, the plan has worked, and has put us in a position to balance the budget in 5 years. Today our deficit is just $67 billion—the lowest amount since 1979. The budget deficit today makes up just 0.9 of 1 percent of the gross domestic product [GDP]—the lowest level since 1974. Since 1993, 12 million new jobs have been created and our unemployment rate—at 4.9 percent—is at its lowest level since 1974.

Democrats know what it takes to balance the budget. We made the tough choices in 1993, and made the tough votes. Today we have the opportunity to vote on a resolution which will bring our deficit to zero in just 5 more years.

We have assembled a budget plan that is smart—we haven't lost our values and goals in the budget cutting process. The budget resolution includes $16 billion to insure 5 million children who have no health care coverage giving working families the opportunity to make their families healthy and more secure. We are investing in education by funding the $1,500 tax credit for the first 2 years of college and the $10,000 tax deduction for all post-secondary education and training, and by increasing the Pell grants from $2,700 to $3,000, making 350,000 more students eligible for Pell grants.

We are tightening our belts, but we are committed to protecting Medicare and Medicaid. We are investing in education for our kids. We are building a system to give uninsured children health coverage. And we balance the budget by the year 2002.

Mr. Chairman, I support this budget plan because it preserves the programs and efforts that are important to working and middle-income Americans: Medicare, Medicaid, education, environmental protections, and child health. It does all these things and still balances the budget in 5 years. Mr. Chairman, this plan is smart and it is fair, and I urge my colleagues to vote "yes" on the resolution this evening.

Mr. COX of California. Mr. Chairman, I rise in opposition to the Clinton-Congress budget proposal.

But before I explain the reasons that compel me to oppose it, let me thank the members of the Committee for their hard work, and especially Chairman KASICH for the energy and effort he has expended in bringing this thorough work product to the floor for our consideration.

It is not for lack of hard work, and good intentions, that this budget proposal falls short.

The problem with this budget is that it will expand the federal government when we should be shrinking it.

Under the Clinton-Congress budget proposal, federal spending will grow from $1.6 trillion in fiscal 1997 to nearly $1.9 trillion in 2002. That is a 16 percent increase.

Next year, under the Clinton-Congress budget deal, our federal government will spend even more than President Clinton asked for in his own 1998 budget. The very first year under the budget deal, Washington will spend nearly a quarter trillion dollars more than it did in 1994, when the new Republican majority was elected to turn the tide.

This continues an unbroken pattern of government growth that has been unstoppable through boom and bust, recession and recovery, since the 1960's.

The accumulated result of that consistent expansion of the size and cost of the federal government has been nothing short of phenomenal.

In 1974, when I was 21 years old and just graduated from college, the federal government spent $269 billion. Today, the Clinton-Congress budget proposes a federal government that is 700 percent larger than that.

By the end of the Carter Administration, in fiscal 1981, the federal budget had more than doubled its spending. But Jimmy Carter's and Tip O'Neill's remarkably fat federal government—which cost over two-thirds of a trillion dollars—is as nothing compared to the one contemplated in this proposed budget. Just the add-ons, on top of present spending levels, in the Clinton-Congress budget deal will cost far more than two-thirds of a trillion dollars.

Today, in 1997, I am a 44-year-old father with a wife and two kids. Our federal government is now nine times bigger than when I was in high school. Compared to just last year, federal spending in fiscal 1997 is up 4.8 percent—a higher rate of growth than any time in the last 5 years. Our current rate of spending growth is even faster than during each of the last 3 budget years of the old tax-and-spend Democratic Congresses.

The Clinton-Congress budget is not historic. It is a continuation of a pattern of unabated government growth established during uninterrupted decades of Democratic Congresses. Consider the facts:

GROWTH IN ANNUAL FEDERAL SPENDING—10-YEAR COMPARISON REFLECTING CLINTON-CONGRESS 1997 BUDGET AGREEMENT

	Total Spending (Billions)	Increase in Spending (%)
Democratic Congresses:		
FY 1993	1.409.414	2.01
FY 1994	1.461.731	3.71
FY 1995	1.515.729	3.69
104th Congress:		
FY 1996	1.560.330	2.94
FY 1997 (est.)	1.635.000	4.79
This Budget Year (FY 1998)	1.692.000	[1] 3.49
Budget "Out Years":		
FY 1999	1.754.000	3.66
FY 2000	1.811.000	3.25
FY 2001	1.858.000	2.60
FY 2002	1.889.000	1.67

[1] By comparison, President Clinton's FY 1998 budget, submitted in February 1997, called for $1.687 trillion in FY spending, a 3.2% increase.

It doesn't have to be this way. We can say "no" to ever-expanding government. I vote "no."

Mr. RIGGS. Mr. Chairman, I want to take this opportunity to speak on a matter of importance.

The addendum to the bipartisan plan to balance the budget, negotiated by congressional leaders and the Clinton administration, assumes that Congress will increase appropriations for the Land and Water Conservation Fund [LWCF] by $700 million. Of that money, $315 million is intended for the acquisition other Headwaters Forest, located in my congressional district, and the New World Mine site, situated near Yellowstone National Park.

From the onset of this agreement, I have had very serious concerns. It goes without saying that the acquisition of the Headwaters Forest will have a significant effect upon the local tax base and reduce revenue for the local government to provide basic social services to its citizens and the surrounding communities. This is in addition to significant costs that Humboldt County, CA, has already borne on account of increased law enforcement to deal with recent protests. Suffering from the residual effects of President Clinton's Northwest forest plan, northern California counties are nearly bankrupt. Therefore, it is imperative that any congressional appropriation of Federal taxpayer funds for the acquisition of the Headwaters Forest must also include compensation for Humboldt County. This is necessary to mitigate the direct loss of tax payer receipts and other economic revenue resulting from the removal from the tax base land zoned specifically for timber harvest/production.

An additional concern I have is the need for the Department of Interior and the Fish and Wildlife Service to work in good faith with the Pacific Lumber Co. [PALCO], the owner of the Headwaters Forest acreage, to approve a wildlife habitat conservation plan [HCP] and other necessary Federal permits that will allow PALCO to selectively harvest the remainder of its privately owned forest lands. Plagued by years of protests, court injunctions, and civil disruptions, PALCO should be given the opportunity to operate without interruption so long as it satisfies Federal and State environmental protection statutes. An HCP will provide the company with enough stability to ensure continued production and peace of mind for its workers.

Both of these conditions were implicit in last fall's Headwaters Forest Agreement, committing the Federal Government and the State of California to the acquisition and protection of 7,500 acres of forest land situated in Humboldt County. I have insisted on the first condition throughout the Headwaters Forest deliberations. My support as a signatory to last fall's agreement outlining and memorializing the Federal and State plan to acquire Headwaters Forest was contingent upon a commensurate economic mitigation package for Humboldt County.

Now as we begin to implement the balanced budget agreement and proceed into the appropriations process, I must reiterate to all parties involved that my support for this proposal remains contingent upon Federal compensation for Humboldt County.

I look forward in working with my colleagues and the administration on this very important issue in the coming months.

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 19, 1997.

President WILLIAM JEFFERSON CLINTON,
Washington, DC.

DEAR MR. PRESIDENT: As you know, the addendum to the bipartisan plan to balance the budget, negotiated by Congressional leaders and your Administration, assumes that Congress will increase appropriations for the Land and Water Conservation Fund (LWCF) by $700 million. Of that money, $315 million is intended for the acquisition of the Headwaters Forest, located in my Congressional District, and the New World Mine site, situated near Yellowstone National Park.

While I support the general principles of the balanced budget agreement and the addendum, my support for increased appropriations to the LWCF for acquisition of the Headwaters Forest, is contingent upon satisfaction of the following conditions:

1. Pacific Lumber Company, the owner of the Headwaters Forest acreage, must receive approval of a wildlife habitat conservation plan (HCP) and other necessary federal permits, to selectively harvest the remainder of their privately-owned forest lands; and

2. Any Congressional authorization/appropriation of federal taxpayer funds for the acquisition of the Headwaters Forest must also include compensation for Humboldt County, California. This is necessary to mitigate the loss of tax payer receipts and other economic revenue resulting from the removal of land zoned specifically for timber harvest/production, from the taxable land base and assessment rolls of the County.

Both of these conditions were implicit in last Fall's Headwaters Forest Agreement committing the Federal Government and the State of California to the acquisition and protection of 7,500 acres of forest land situated in Humboldt County. I have insisted on the latter condition throughout the Headwaters Forest deliberations. My support as a signatory to last Fall's agreement outlining and memorializing the Federal and State plan to acquire Headwaters Forest was contingent upon a commensurate economic mitigation package for Humboldt County.

Now that the balanced budget agreement and the joint House-Senate Budget resolution contemplates the acquisition of the Headwater's Forest through federal appropriations, I must reiterate to all parties involved that my support for this proposal remains contingent upon Federal compensation for Humboldt County.

I would be happy to discuss the scope and details of the mitigation package for Humboldt County and to facilitate discussions between representatives of the County Government and the Federal Government.

Again, I wish to stress that I will vigorously oppose any Congressional legislation expressly authorizing and appropriating funds for the exchange of the Headwaters Forest if the conditions I have raised herein are not addressed satisfactorily.

I look forward in working with you on this very important issue in the coming months.

Very truly yours,

FRANK D. RIGGS,
Member of Congress.

The CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 152, the concurrent resolution is considered read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 84 is as follows:

H. CON. RES. 84

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.

Fiscal year 1999: $1,241,859,000,000.

Fiscal year 2000: $1,285,559,000,000.

Fiscal year 2001: $1,343,591,000,000.

Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$7,400,000,000.

Fiscal year 1999: −$11,083,000,000.

Fiscal year 2000: −$21,969,000,000.

Fiscal year 2001: −$22,821,000,000.

Fiscal year 2002: −$19,871,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,386,875,000,000.

Fiscal year 1999: $1,439,798,000,000.

Fiscal year 2000: $1,486,311,000,000.

Fiscal year 2001: $1,520,242,000,000.

Fiscal year 2002: $1,551,563,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,371,848,000,000.

Fiscal year 1999: $1,424,002,000,000.

Fiscal year 2000: $1,468,748,000,000.

Fiscal year 2001: $1,500,854,000,000.

Fiscal year 2002: $1,516,024,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,869,000,000.

Fiscal year 1999: $182,143,000,000.

Fiscal year 2000: $183,189,000,000.

Fiscal year 2001: $157,263,000,000.

Fiscal year 2002: $108,460,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.

Fiscal year 1999: $5,836,000,000,000.

Fiscal year 2000: $6,082,400,000,000.

Fiscal year 2001: $6,301,100,000,000.

Fiscal year 2002: $6,473,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.

Fiscal year 1999: $33,378,000,000.

Fiscal year 2000: $34,775,000,000.

Fiscal year 2001: $36,039,000,000.

Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.

Fiscal year 1999: $324,749,000,000.

Fiscal year 2000: $328,124,000,000.

Fiscal year 2001: $332,063,000,000.

Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,197,000,000.

(B) Outlays, $265,978,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $588,000,000.

Fiscal year 1999:

(A) New budget authority, $270,784,000,000.

(B) Outlays, $265,771,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $757,000,000.

Fiscal year 2000:

(A) New budget authority, $274,802,000,000.

(B) Outlays, $268,418,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $281,305,000,000.

(B) Outlays, $270,110,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $289,092,000,000.

(B) Outlays, $272,571,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,909,000,000.

(B) Outlays, $14,558,000,000.

(C) New direct loan obligations, $1,966,000.

(D) New primary loan guarantee commitments $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,918,000,000.

(B) Outlays, $14,569,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $15,782,000,000.

(B) Outlays, $14,981,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,114,000,000.

(B) Outlays, $14,751,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,353,000,000.

(B) Outlays, $14,812,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,237,000,000.

(B) Outlays, $16,882,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $16,203,000,000.

(B) Outlays, $16,528,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $15,947,000,000.

(B) Outlays, $16,013,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,862,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $15,604,000,000.

(B) Outlays, $15,668,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,123,000,000.

(B) Outlays, $2,247,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $3,469,000,000.

(B) Outlays, $2,446,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $3,186,000,000.

(B) Outlays, $2,293,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $2,939,000,000.

(B) Outlays, $2,048,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $2,846,000,000.

(B) Outlays, $1,867,000,000.

(C) New direct loan obligations, $1,174,000,000.

(D) New primary loan guarantee commitments $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,877,000,000.

(B) Outlays, $22,405,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $23,227,000,000.

(B) Outlays, $22,702,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $22,963,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $22,151,000,000.

(B) Outlays, $22,720,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, −$920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,402,000,000.

(B) Outlays, $40,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,556,000,000.

(B) Outlays, $41,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $41,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $41,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $41,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,768,000,000.

(B) Outlays, $10,387,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,489,000,000.

(B) Outlays, $10,902,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,810,000,000.

(B) Outlays, $10,986,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $7,764,000,000.

(B) Outlays, $11,350,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $7,790,000,000.

(B) Outlays, $8,429,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,020,000,000.

(B) Outlays, $56,062,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $60,450,000,000.

(B) Outlays, $59,335,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $61,703,000,000.

(B) Outlays, $60,728,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $62,959,000,000.

(B) Outlays, $61,931,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $63,339,000,000.

(B) Outlays, $62,316,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,799,000,000.

(B) Outlays, $137,767,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $85,000,000.

Fiscal year 1999:

(A) New budget authority, $144,968,000,000.

(B) Outlays, $144,944,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $154,068,000,000.

(B) Outlays, $153,947,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $163,412,000,000.

(B) Outlays, $163,135,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $172,171,000,000.

(B) Outlays, $171,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $210,620,000,000.

(B) Outlays, $201,764,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $212,073,000,000.

(B) Outlays, $211,548,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $225,540,000,000.

(B) Outlays, $225,537,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $239,636,000,000.

(B) Outlays, $238,781,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $251,548,000,000.

(B) Outlays, $250,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,032,000,000.

(B) Outlays, $247,758,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,090,000,000.

(B) Outlays, $258,064,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2000:

(A) New budget authority, $269,566,000,000.

(B) Outlays, $268,161,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2001:

(A) New budget authority, $275,145,000,000.

(B) Outlays, $277,264,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,945,000,000.

(B) Outlays, $285,239,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,545,000,000.

(B) Outlays, $41,337,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,466,000,000.

(B) Outlays, $41,700,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $41,740,000,000.

(B) Outlays, $41,908,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,093,000,000.

(B) Outlays, $42,215,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,282,000,000.

(B) Outlays, $42,436,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,765,000,000.

(B) Outlays, $22,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $25,120,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $24,178,000,000.

(B) Outlays, $25,240,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $24,354,000,000.

(B) Outlays, $25,901,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $24,883,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,547,000,000.

(B) Outlays, $296,547,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,558,000,000.

(B) Outlays, $304,558,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $305,075,000,000.

(B) Outlays, $305,075,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,833,000,000.

(B) Outlays, $303,833,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,728,000,000.

(B) Outlays, $303,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,841,000,000.

(B) Outlays, −$41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) Purpose.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) Submissions.—

(1) Entitlement reforms.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) Tax relief and miscellaneous reforms.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) Instructions Relating to Entitlement Reforms.—

(1) Committee on agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on banking and financial services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on education and the workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $103,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on government reform and oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on transportation and infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on veterans' affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on ways and means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998, $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,176,253,000,000 in revenues for fiscal year 1998, $1,386,546,000,000 in revenues for fiscal year 2002, and $7,517,939,000,000 in revenues in fiscal years 1998 through 2002.

(d) Instructions Relating to Tax Relief and Miscellaneous Reforms.—

(1) Committee on agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on banking and financial services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on education and the workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $103,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on government reform and oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on transportation and infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on veterans' affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on ways and means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998, $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,168,853,000,000 in revenues for fiscal year 1998, $1,366,046,000,000 in revenues for fiscal year 2002, and $7,432,939,000,000 in revenues in fiscal years 1998 through 2002.

(e) Definition.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Children's Health Initiative.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) PURPOSE.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) DEFICIT NEUTRALITY REQUIREMENT.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REVISED LEVELS.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) REVISIONS.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REVERSALS.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) DEFINITION.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69–8083–0–7–401 (Federal-Aid Highways).

(2) 69–8191–0–7–401 (Mass Transit Capital Fund).

(3) 69–8350–0–7–401 (Mass Transit Formula Grants).

(4) 69–8016–0–7–401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(6) 69–8048–0–7–401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) BUDGETARY TREATMENT.—

(1) IN GENERAL.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) CALCULATION OF NET PRESENT VALUE.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) DEFINITION.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) TREATMENT OF LOAN ASSETS.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) DETERMINATION OF BUDGETARY LEVELS.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) COMMITTEE ALLOCATIONS.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) LIMITATIONS.—The adjustments made under this section shall not exceed:

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) READJUSTMENTS.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) ALLOCATION BY CHAIRMAN.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, the chairman of the Committee on the Budget shall allocate that amount of budget authority and the corresponding amount of outlays.

(b) TREATMENT OF ALLOCATIONS IN THE HOUSE.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) FINDINGS.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) SENSE OF CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year

2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 404. SENSE OF CONGRESS ON CORPORATE WELFARE.

(a) FINDINGS.—The Congress finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 405. SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) FINDINGS.—The Congress finds that:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago, Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over half of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the House Committee on the Budget unanimously passed a sense of Congress amendment on domestic violence and Federal assistance to the fiscal year 1997 budget resolution. Subsequently, Congress passed the family violence option amendment to last year's welfare reform reconciliation bill.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers to individuals receiving assistance for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individuals granted a domestic violence good cause waiver by States should not be included in the States' 20 percent hardship exemption.

The CHAIRMAN. No amendments are in order except the amendments in the nature of a substitute designated in section 2 of the resolution, if printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII. Each amendment shall be considered only in the order designated, may be offered only by the Member designated, shall be considered read, shall be debatable for 20 minutes, except as otherwise provided in section 2, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

The adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 1 designated in paragraph 1 of section 2 of House Resolution 152.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Ms. WATERS:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,241,721,000,000.
Fiscal year 1999: $1,295,692,000,000.
Fiscal year 2000: $1,358,192,000,000.
Fiscal year 2001: $1,421,796,000,000.
Fiscal year 2002: $1,466,331,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $36,142,000,000.
Fiscal year 1999: $44,250,000,000.
Fiscal year 2000: $54,953,000,000.
Fiscal year 2001: $60,198,000,000.
Fiscal year 2002: $45,352,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,390,471,000,000.
Fiscal year 1999: $1,460,826,000,000.
Fiscal year 2000: $1,505,659,000,000.
Fiscal year 2001: $1,544,830,000,000.

Fiscal year 2002: $1,591,266,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,377,266,000,000.

Fiscal year 1999: $1,445,118,000,000.

Fiscal year 2000: $1,495,407,000,000.

Fiscal year 2001: $1,517,370,000,000.

Fiscal year 2002: $1,564,726,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $135,545,000,000.

Fiscal year 1999: $147,426,000,000.

Fiscal year 2000: $137,215,000,000.

Fiscal year 2001: $95,534,000,000.

Fiscal year 2002: $98,395,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,556,100,000,000.

Fiscal year 1999: $5,803,200,000,000.

Fiscal year 2000: $6,037,400,000,000.

Fiscal year 2001: $6,241,600,000,000.

Fiscal year 2002: $6,466,700,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.

Fiscal year 1999: $33,378,000,000.

Fiscal year 2000: $34,775,000,000.

Fiscal year 2001: $36,039,000,000.

Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.

Fiscal year 1999: $324,749,000,000.

Fiscal year 2000: $328,124,000,000.

Fiscal year 2001: $332,063,000,000.

Fiscal year 2002: $336,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $237,067,000,000.

(B) Outlays, $245,233,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $588,000,000.

Fiscal year 1999:

(A) New budget authority, $233,589,000,000.

(B) Outlays, $233,746,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $757,000,000.

Fiscal year 2000:

(A) New budget authority, $233,861,000,000.

(B) Outlays, $232,174,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $235,829,000,000.

(B) Outlays, $227,453,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $224,717,000,000.

(B) Outlays, $221,137,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $21,545,000,000.

(B) Outlays, $15,726,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $17,533,000,000.

(B) Outlays, $16,510,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13.093,000,000.

Fiscal year 2000:

(A) New budget authority, $18,647,000,000.

(B) Outlays, $17,376,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $18,759,000,000.

(B) Outlays, $17,166,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $18,696,000,000.

(B) Outlays, $17,001,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,522,000,000.

(B) Outlays, $17,042,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,503,000,000.

(B) Outlays, $16,745,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $16,322,000,000.

(B) Outlays, $16,314,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $16,311,000,000.

(B) Outlays, $16,271,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $16,302,000,000.

(B) Outlays, $16,291,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $2,550,000,000.

(B) Outlays, $1,731,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $3,094,000,000.

(B) Outlays, $2,100,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $2,725,000,000.

(B) Outlays, $1,822,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $2,425,000,000.

(B) Outlays, $1,484,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $2,330,000,000.

(B) Outlays, $1,312,000,000.

(C) New direct loan obligations, $1,174,000,000.

(D) New primary loan guarantee commitments $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $22,765,000,000.

(B) Outlays, $21,352,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $22,214,000,000.

(B) Outlays, $21,550,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $21,495,000,000.

(B) Outlays, $21,780,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $21,974,000,000.

(B) Outlays, $22,362,000,000.

(C) New direct loan obligations, $34.000.000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $22,614,000,000.

(B) Outlays, $22,767,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $12,757,000,000.

(B) Outlays, $11,465,000,000.

(C) New direct loan obligations, $7,620,000,000.

(D) New primary loan guarantee commitments $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12.061,000,000.

(B) Outlays, $10,543,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $11,637,000,000.

(B) Outlays, $10,069,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,444,000,000.

(B) Outlays, $8,937,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,300,000,000.

(B) Outlays, $8,720,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6.724,000,000.

(B) Outlays, $828,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,117,000,000.

(B) Outlays, $4,357,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,216,000,000.

(B) Outlays, $9,820,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,226,000,000.

(B) Outlays, $12,264,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,642,000,000.

(B) Outlays, $12,481,000,000.

(C) New direct loan obligations, $2.680,000,000.

(D) New primary loan guarantee commitments $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $43,663,000,000.

(B) Outlays, $39,261,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $45,737,000,000.

(B) Outlays, $38,652,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $45,422,000,000.

(B) Outlays, $37,640,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $46.698,000,000.

(B) Outlays, $38,022,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $48,098,000,000.

(B) Outlays, $38,665,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $11,550,000,000.

(B) Outlays, $11,567,000,000.

(C) New direct loan obligations, $2.867,000,000.

(D) New primary loan guarantee commitments $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,818,000,000.

(B) Outlays, $10,803,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $8,366,000,000.

(B) Outlays, $10,352,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,537,000,000.

(B) Outlays, $9,606,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $8,707,000,000.

(B) Outlays, $9,165,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments $2,415,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $87,088,000,000.

(B) Outlays, $74,799,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $91,900,000,000.

(B) Outlays, $88,488,000,000.

(C) New direct loan obligations, $13,032,000,000.

(D) New primary loan guarantee commitments $21,898,000,000.

Fiscal year 2000:

(A) New budget authority, $95,876,000,000.

(B) Outlays, $93,114,000,000.

(C) New direct loan obligations, $13.926,000,000.

(D) New primary loan guarantee commitments $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $95,876,000,000.

(B) Outlays, $93,114,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $99,897,000,000.

(B) Outlays, $97.336,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $138,580,000,000.

(B) Outlays, $138,347,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $85,000,000.

Fiscal year 1999:

(A) New budget authority, $152,463,000,000.

(B) Outlays, $152,307,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $112,258,000,000.

(B) Outlays, $162,025,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $172,747,000,000.

(B) Outlays, $172,314,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $184,519,000,000.

(B) Outlays, $183,955,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $205,685,000,000.

(B) Outlays, $205,808,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $225,366,000,000.

(B) Outlays, $224,825,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $241,420,000,000.

(B) Outlays, $245,382,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $261,614,000,000.

(B) Outlays, $256.765,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $283,933,000,000.

(B) Outlays, $283,140,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $245,866,000,000.

(B) Outlays, $255,468,000,000.

(C) New direct loan obligations. $45,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 1999:

(A) New budget authority, $260,828,000,000.

(B) Outlays, $265,255,000,000.

(C) New direct loan obligations. $75,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2000:

(A) New budget authority, $277,750,000,000.

(B) Outlays, $279.066,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2001:

(A) New budget authority, $284,544,000,000.

(B) Outlays, $254,127,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2002:

(A) New budget authority, $298,580,000,000.

(B) Outlays, $297,014,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,472,000,000.

(B) Outlays, $11,547,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $12,111,000,000.

(B) Outlays, $12,231,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $12,858,000,000.

(B) Outlays, $12,918,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,115,000,000.

(B) Outlays, $13,116,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $14,513,000,000.

(B) Outlays, $14,513,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $41,235,000,000.

(B) Outlays, $41,885,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $42,047,000,000.

(B) Outlays, $42,184,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,477,000,000.

(B) Outlays, $44,312,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments $26,201,000,000.

Fiscal year 2001:

(A) New budget authority, $42,855,000,000.

(B) Outlays, $41,105,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $43,301,000,000.

(B) Outlays, $43,361,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $26,165,000,000.

(B) Outlays, $24,009,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $26,161,000,000.

(B) Outlays, $25,378,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $25,573,000,000.

(B) Outlays, $26,541,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $25,556,000,000.

(B) Outlays, $27,042,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $25,576,000,000.

(B) Outlays, $25,451,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,898,000,000.

(B) Outlays, $14,040,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $14,639,001,000.

(B) Outlays, $14,490,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,222,000,000.

(B) Outlays, $14,625,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $14,014,000,000.

(B) Outlays, $14,405,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,122,000,000.

(B) Outlays, $14,060,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $295,593,000,000.

(B) Outlays, $295,593,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $301,972,000,000.

(B) Outlays, $301,972,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $300,590,000,000.

(B) Outlays, $300,590,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $297,107,000,000.

(B) Outlays, $297,107,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $295,816,000,000.

(B) Outlays, $295,816,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, −$11,864,000,000.

(B) Outlays, −$5,369,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, −$4,093,000,000.

(B) Outlays, −$3,734,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, −$3,935,000,000.

(B) Outlays, −$3,672,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, −$4,370,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,244,000,000.

(B) Outlays, −$41,244,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$32,858,000,000.

(B) Outlays, −$32,858,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,516,000,000.

(B) Outlays, −$36,516,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$38,845,000,000.

(B) Outlays, −$38,845,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$41,331,000,000.

(B) Outlays, −$41,331,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) Submissions.—Not later than August 1, 1997, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) Instructions.—

(1) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $396,058,000,000 in outlays for fiscal year 1998, $592,292,000,000 in outlays for fiscal year 2002, and $2,724,790,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on ways and means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,268,000,000 in outlays for fiscal year 1998, $535,924,000,000 in outlays for fiscal year 2002, and $2,692,944,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: by $36,142,000,000 in revenues for fiscal year 1998, by $45,352,000,000 in revenues for fiscal year 2002, and by $240,895,000,000 in revenues in fiscal years 1998 through 2002.

(c) Definition.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN. Pursuant to the rule, the gentlewoman from California [Ms. WATERS] and a Member opposed each will control 30 minutes.

Mr. SHAYS. Mr. Chairman, at this time should I acknowledge that I am in opposition to the amendment?

The CHAIRMAN. Is the gentleman from Connecticut [Mr. SHAYS] opposed?

Mr. SHAYS. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] will control 30 minutes as a Member opposed.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this moment not to introduce my friend, the gentleman from the great State of Mississippi, Mr. BENNIE THOMPSON, but, rather, I take this moment to thank him and to say to him all of the Members of the Congressional Black Caucus are extremely appreciative for the work that he has put in on helping to bring about this Congressional Black Caucus budget. The gentleman met with the Blue Dogs and he met with every Member of the Congressional Black Caucus and others in an effort to get input. He met early in the morning, he met late at night. He worked very hard to put together the kind of document that we could be proud of; and indeed, we are very proud of the product that he has produced.

This budget represents our hopes, our desires, our dreams, our aspirations. It is everything that we could have asked for.

Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi, the person who is our senior member representing us on the Committee on the Budget, the gentleman from Mississippi, Mr. BENNIE THOMPSON.

Mr. THOMPSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the record, let me start by reemphasizing the fundamental principles upon which Members of Congress, both Democrat and Republican, already agree. First, we must balance the budget. Second, we must responsibly protect the budget priorities of the American people: education, the environment, the social safety net, Medicare and Medicaid; and most important, we must apply deficit reduction fairly and ask Americans who are the most able to shoulder their portion of our shared economic burden.

Mr. Chairman, the Congressional Black Caucus's budget alternative accomplishes all of these goals. It is balanced, it is fair, it is responsible. By all accounts, Mr. Chairman, if we hold the Republicans true to their word, then they should love this budget. Our alternative contains no tax increases on individuals or businesses. It cuts domestic spending by $23 billion, and the Congressional Budget Office says our budget will balance a year before the Republican budget will.

For the last 3 years, my esteemed colleagues on the other side of the aisle have focused budget debate here in the House on obtaining a budget that is certified by the Congressional Budget Office as being balanced by the year 2002.

The Congressional Black Caucus's alternative budget does better than that. We balanced the budget by the year 2001, a whole year before any of the budgets introduced by the Republicans. While they are trying to figure out how to squeeze the last few billion dollars out of our children, seniors, and the poor to reach a balance by 2002, under our budget, America will already have a $7 billion surplus. And we managed to do all of this and all the other things while maintaining an effective social net, by fully funding Head Start, the WIC Program, section 8 housing, and Chapter 1 education.

Mr. Chairman, there are no tax cuts in our budget. That is because the CBC believes America cannot afford them. We should balance the budget first.

It makes no sense to force the poorest Americans to go without food stamps, school lunches, and baby formula in order to balance the budget and then turn around and give wealthy campaign contributors, people who can afford to pay $25,000 to have dinner with the Republican leadership in the Library of Congress, a huge tax cut. No American should benefit from another American's suffering.

I encourage my colleagues to vote in favor of the Congressional Black Caucus alternative. Unlike the budget resolution we will be voting on later tonight, this budget was forged in the light of day. What my colleagues see in our budget is exactly what they get. It is balanced, it is fair, it is responsible.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

I just want to say that this is a balanced budget, it is certainly legitimate in terms of its Members, but we oppose it for a variety of very important reasons.

First, it provides no tax relief for American families. Again, let me say, it provides no tax relief for American families. In fact, in our reading of the legislation, it increases taxes, demanding $300 billion more from American taxpayers over the next 5 years than the bipartisan budget agreement, which cuts taxes. It extends the solvency of Medicare by only 4 years at best, and 1 year at worst. And many on our side of the aisle strongly oppose the fact that it will be cutting defense appropriations by $183 billion below the level of this bipartisan budget agreement over the next 5 years.

The fact is that under this plan, the era of big government is not over, it increases. And importantly, and it just cannot be understated, this budget would clearly be an agreement-breaker. In other words, the bipartisan agreement between the White House and Congress would not be respected by passage of this caucus budget.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I want to thank the members of the Congressional Black Caucus, our wonderful chairperson, the gentlewoman from California [Ms. WATERS], and our very stalwart Mississippian who chaired the Committee on the Budget of our caucus.

I served on the Committee on the Budget during the 104th Congress, but I have never been prouder of the Congressional Black Caucus' budget as I am this year, because of the fact that the Congressional Black Caucus' budget this year is doing what no other budget has done.

Last year there was quite a bit of incivility when it came to decisions in the Committee on the Budget. I understand that this year there has been much more civility, but we still must come together on what will make America proud.

This reconciliation bill that balanced the budget last year was one that I voted against, and I voted against it because it balances the budgets on the backs of the poor and the disenfranchised. The Congressional Black Caucus' budget is an excellent alternative to that. We did not seek to balance the budget on that. We did not seek to cut taxes just for the sake of cutting taxes. We did not believe in the pious platitudes that are floating around Congress at this point, that is on a glidepath to the year 2000, being able to balance the budget. All of those, in my opinion, are pious platitudes if they do not show where they are helping the people who need the help more.

I wonder why we are rushing to complete this work on this 5-year straightjacket? The Congressional Black Caucus looked at this and when they looked at it they said, this straightjacket needs some changes. My colleagues took in their budget in the Congressional Black Caucus the first steps toward cutting Medicare, at least the President's budget and the Republican budget, by $115 billion and it cut Medicaid by $14 billion over 4 years.

I do not have enough time to talk about the goodness of this budget. I can only say it is balanced, it is fair, it does what no other budget has done. And I want to say those of my colleagues who think about what is good about this country will vote for the Congressional Black Caucus' budget. I thank my colleagues for their eloquence and their good decision for putting this budget together. I am proud of the Congressional Black Caucus. My colleagues better believe it.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON], the cochair of the CBC budget caucus.

Mrs. CLAYTON. Mr. Chairman, I also want to congratulate the chairperson of the Congressional Black Caucus and the chairman of the Congressional Black Caucus Committee on the Budget for his efforts.

This amendment is a perfecting amendment. It allows us to do the best we can. It is not necessarily the winning one, but nevertheless, it is a perfecting one. It is the one that allows us to balance the budget, balance the national priorities, and not to allow so much suffering. It is the ideal of a shared sacrifice. It makes provisions for those who are left out in other amendments, and certainly those who are left out in the budget agreement.

I just want to raise two areas, particularly out of rural America and that of the minority farmers. The Congressional Black Caucus allows for funds to speak to years of deprivation and discrimination that have gone on now for almost 30 years, three decades, since the early 1960's. Just recently we have had three substantial reports, a GAO report, an IG report, as well as an extensive civil rights report, detailing the discrimination both denying farmers as well as employees from the U.S. Department of Agriculture.

This budget provides $30 million to provide for resources to make the adjudication where appropriate to make sure we make those farmers whole. Also, it provides $12 million in additional funds for the historically black college, again, to make a commitment that we have made before, authorization, but never fully funded.

In addition to that, rural America funds provide another $10 million for everyone, not just for minorities, but to make sure rural opportunities are provided as they are in other areas.

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This particular amendment is indeed the most ideal. I commend it to the Members, and urge all of us, if we want to do the best that America can have, vote for the Waters and Thompson amendment.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas, [Ms. SHEILA JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the gentleman from Mississippi [Mr. THOMPSON] and the chairwoman of this caucus for an amendment to this budget, substitute budget, that really answers the questions of the previous speaker.

There was reference made to a conservative budget or a liberal budget, and the fact that we do not have the time to have those budgets presented. What we do not have the time for is to leave millions of Americans outside of the circle.

I am very proud that the Congressional Black Caucus has another attribute that has not been mentioned tonight. This is the deal, or the deficit reduction, red and very loud. This is the CBC reduction of the deficit, as Members can see, by the year 2002.

Mr. and Mrs. America, look at this very carefully. This is not an African-American budget or a Hispanic budget or an Anglo budget or an Asian budget, it is a budget that reflects the principles of the quality of life.

Let me very quickly speak to those quality of life issues. One, we have already heard that Chairman Greenspan has indicated that he is not going to raise the interest rates, so we can do more creative things with our budget. The Congressional Black Caucus responds to our concerns about Medicare, and does not raise the premium $1.50 per month on seniors least able to do it.

It also, as I have said, brings down the deficit, but it reinforces very strong principles, one of investment, which increases the Community Reinvestment Act so our urban and rural communities can be improved and have money reinvested in housing, and housing built. Education, it rebuilds our schools, so crumbling schools will not be part of our children's history. Veterans, it preserves the benefits for veterans. Health, it increases the Ryan White treatment dollars, and it provides monies for our public hospital systems, who serve the most indigent of ours.

As well, it does something unique: It takes us into the 21st century with science, in math and science, in NASA funding, in National Science Foundation funding, in funding for traditionally black colleges, allowing them to be prepared for the 21st century; and yes, computer learning centers.

This is a budget for Americans that should not be left out. The deficit reduction is part of this budget. I ask my colleagues to be bipartisan in their support for the Congressional Black Caucus budget.

Mr. SHAYS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, let me repeat what the Speaker said earlier. This amendment and each of the amendments that we will be debating this evening are agreement-breakers. If any one of them passes, it is going to violate the agreement that we have between the budget committees. The resolution was passed by both budget committees in the House and Senate, and the administration. So it is essential that we work together, Democrats and Republicans, to defeat this amendment.

Let me remind everybody what our budget resolution is all about. First of all, it balances in 5 years. In 5 years, without any gimmicks, without any smoke and mirrors, we are going to balance it. It does not have the trigger that was talked about in previous budgets by the President, that would automatically change tax cuts or change spending.

It is a real budget with real numbers, with conservative estimates on economic growth of 2.1 percent a year. We are growing at a much faster rate than that. I think in all probability we are going to balance the budget in fewer than 5 years. But with conservative economic projections, we are going to have a true, honest balanced budget by the year 2002.

This budget that was passed by the Committee on the Budget has permanent tax relief for America's families. When we talk about tax relief, as I talked about earlier, it is a real defining issue, I think, between many of the Members of the Democratic side and the Republican side.

We on the Republican side believe that the American people are taxed too much already, that we need to reduce taxes. We believe that people back home are better able to spend their money than to send it to Washington for them to tell us how to spend it. The less money that is sent to Washington, it allows us to reduce the size and scope of the government, it allows us to shift power and money and influence back to the States, and put the power back with the people rather than with the bureaucracy here in Washington. This has permanent tax cuts.

We are talking about $85 billion in tax cuts, net tax cuts over 5 years. And we are talking about $9 trillion in Government spending? This is not any giant tax cut, but it is the right thing because it is for America's families: A $500 tax credit for children; tax credits for college or going for vocational skills; capital gains, which actually, we call it a tax cut, but it makes money for the Federal Government, and we are talking about the help with IRA's and death taxes. It makes no sense.

We have permanent tax relief provided for these. The key to balancing the budget is controlling spending. Two-thirds of our budget is in the mandatory side. Half of it, actually, is in the entitlement side. This budget resolution has $600 billion of reductions in entitlement spending over the next 10 years, $600 billion in controlling entitlement spending. That is the key to balancing the budget.

We cannot balance the budget by just raising taxes, and we cannot just do it with discretionary spending because that is only one-third out of budget.

We have to talk about serious entitlement reforms, and that is what we have in this budget.

And we save Medicare from bankruptcy. Medicare is one of our largest entitlements. It is going bankrupt. It is going to be bankrupt in 4 short years. We have to do something about it. Unfortunately, it was used as a political issue last year on the elections, but the thing is, we agree.

This is where I commend President Clinton for stepping forward and saying, yes; we need to reform Medicare, we need to change it, we need to have structural changes in the Medicare program, and we are going to save $115 billion. But to save $115 billion we are going to increase spending every year per person on Medicare. We are going to extend it for 10 years.

We still have a crisis in Medicare, it is only a 10-year solution, and the real crisis comes when the baby boomers start to retire. But at least we are making a step to get us moving in the direction of saving Medicare from going bankrupt. We are going to increase spending by 6 percent per year per person on Medicare.

The way we solve Medicare problems is opening it up to the marketplace, slow down the rate of growth, get a little competition in. It is happening in the private sector for big businesses and small businesses, and gives some choices. Allow groups to have provider service organizations, which are where local hospitals and doctors can provide a program in their community.

Back in my hometown of Bradenton, a local hospital can go together with the local doctors and provide health care to people in Bradenton; or in Sarasota, the local Sarasota hospital can go together with their doctors and offer a program.

We are going to give an opportunity to create a little competition in the community and offer better service, rather than big insurance companies totally controlling what is happening. We believe it is going to make it a better Medicare Program by giving people a right to choose. They do not have to take any of these plans, but the thing is they have a right to choose, because they do not have a choice right now.

As a Federal employee all of us get to choose a plan every year. We get the same insurance plan, pay the same costs as somebody who works for the Department of the Treasury or the Department of Agriculture, so we are in the same plan they are in, but we get a right to choose. Why can our seniors not have the same type of plan that we have? We believe having a plan like that, slowing the rate of growth in spending by the market pressures will save that plan.

So this budget resolution that we are going to be voting on this evening or the early hours of tomorrow morning is the right thing for America. It is the right thing for our families and kids, because it is so exciting to be at this stage today. We are going to be able to say that we are balancing the budget because we are doing it for the children of today and the children of the future.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands, Ms. DONNA CHRISTIAN-GREEN.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I want to thank my colleague, the gentleman from Mississippi [Mr. THOMPSON] for yielding me this time, and our chairwoman, the gentlewoman from California [Ms. WATERS].

Mr. Chairman, I rise with pride and in full support of the alternate budget presented by the Congressional Black Caucus. This caucus has once again demonstrated its leadership as the representative of the majority of Americans who would otherwise have no advocate for their interests.

This budget puts realistic spending into education and repair of our schools to ensure that no one is left behind as this country builds its bridge and prepares to cross over into the 21st century. It is a budget that seeks to keep our children, families, and communities whole, and increases the funding for crime and violence prevention programs.

Our budget remembers those who have fallen to drug addiction and AIDS, and places over $400 million more in research and treatment for these devastating illnesses. Mr. Chairman, it is a budget that is serious about jobs and opportunity for all, which are the keys to the future of this great country.

Mr. Chairman, I urge my colleagues to vote for the CBC budget, a budget that puts people first, that advocates a better quality of life for all Americans, and that balances the budget by 2001. I thank the chairman, and I commend my distinguished chairwoman, the gentlewoman from California, Ms. MAXINE WATERS, and my distinguished colleague, the gentleman from Mississippi, Mr. BENNIE THOMPSON, for their leadership on this amendment.

Mr. THOMPSON. Mr. Chairman, I yield 1 minute to the gentleman from California, Mr. GEORGE BROWN.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as some Members may be aware, I have a budget of my own. They may wonder why I am speaking here on behalf of the Black Caucus budget. There is only one reason: it is a better budget than mine. I was afraid to offer such a good budget because I did not think it would get enough votes, so I have compromised. We all do that around here. We rationalize it in one way or another. But this is a budget which I have consistently voted for, and its predecessor budgets, over a number of years, because I felt that it really did reflect the values of America.

The other side talks about a budget which has no smoke and mirrors and solves a lot of problems. There is a difference of opinion on that. I remember the Reagan budget of 1981, in which we had this feeding frenzy to see who could cut the budget the most, either the Democrats or the Republicans, and it has left its mark on this country for the next 18 years. I had been in Congress about 18 years at that time. I voted against those tax cuts, and I am going to vote against the tax cuts in this budget, and for the Black Caucus.

I urge Members' support for it.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I would like to thank the gentleman from Mississippi and the gentlewoman from California for their hard work in developing this budget.

I rise tonight to echo my colleagues' support for the Congressional Black Caucus alternative budget, and to speak briefly on the judiciary elements of that budget. The CBC alternative balances the budget, reduces crime, and invests in our future economic and social well-being, and it does so by better utilizing our scarce resources.

For example, Mr. Chairman, we believe that the $711 million allocated for the building of new prisons and jails in the committee budget could be put to better use by stressing the treatment and prevention programs. The CBC budget increases our investment in more local community prevention programs, such as mentoring, parental training, truancy prevention, gang intervention, and comprehensive educational services for at-risk youth, so fewer of our children will become involved in the juvenile justice system in the first place, and fewer crimes, fewer victims, and a decrease in taxpayer money spent on prisons will be the direct result.

The CBC budget also includes an increase in the budget for the Legal Services Corporation, which will allow equal access to justice for all Americans, not just those who can independently afford it.

The CBC alternative also addresses understaffing at the Equal Employment Opportunity Commission, which requires increased Federal funding to eliminate its backlog in order to make employment opportunities accessible to countless more American men and women who lose those opportunities because of illegal discrimination.

□ 2330

By passing the CBC alternative, we can look forward to the day when this Nation meets and surpasses the goals of full opportunities for all of its citizens to participate in the American dream.

Again, Mr. Chairman, I want to thank the gentleman from Mississippi and the gentlewoman from California for their hard work.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise today to speak in favor of the Congressional Black Caucus budget and against the proposed budget resolution. I am so disappointed with this proposed budget. I think we should rename it the fudge it budget resolution.

All this resolution does is fudge numbers here and there and paint a rosy colored picture of a balanced budget with a surplus by the year 2002. What it really does is to continue what I call reverse Robin Hood, robbing from the poor and working people to give a tax break to the rich. Look at what this proposal will do to Medicaid disproportionate share hospital payments in my home State of Florida.

These payments go to hospitals in my district that greatly assist the poor and needy who cannot afford health insurance. But under the fudge it budget resolution, we will cut payments by $548 million over 5 years, a 42-percent reduction in what Florida has received over the past 5 years. Florida already ranks 42d in the Nation for Medicaid costs per recipient. This budget proposal will only make the situation worse.

But on the other hand, the Congressional Black Caucus budget takes other things into consideration and it is really the American people's budget. It supports children, seniors, and veterans.

Let me give my colleagues two or three ideas about some of the proposals in the Congressional Black Caucus budget: Pell grants, $2,700 to $5,000 per student; eliminates the COLA delay for Federal Civil Service workers; makes no, let me emphasize this, makes no cuts to Medicaid and fully funds a child health initiative to cover 10 million uninsured children; fully funds Head Start and the WIC Program; includes an additional $591 million than the so-called budget deal to ensure that veterans will receive additional benefits.

Mr. Chairman, let us not fudge it. Let us vote for the Congressional Black Caucus budget.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise to commend the Congressional Black Caucus for crafting an alternative budget to ensure that all Americans share the burden of balancing the budget. Year after year the caucus steps up to produce an alternative budget, one that is consistent with the values of America. This plan reflects the compassion of the caucus and, as the conscience of the Congress, the caucus continues to be a voice for the voiceless and power for the powerless.

More importantly, the caucus remains at the forefront fighting for issues affecting our country's most vulnerable citizens.

This alternative budget has many good points. It makes a firm commitment to our Nation's domestic priorities. It provides funding for a $1,500 HOPE scholarship. It protects the solvency of Medicare and Medicaid. It includes full funding of health insurance for our Nation's 10 million uninsured children. It eliminates the 3-month COLA delay for Federal retirees and expresses the caucus' commitment to increased funding for veterans and crime prevention programs to move our young people through the difficult years of childhood and adolescence to a positive and promising future. It ensures funding for adequate housing for the most needy.

While I support the noble goals of this alternative budget, I must respectfully disagree with the cuts to defense. As a Member who represents three military bases where thousands of military and civilian workers proudly carry out the mission of our country's national defense, I cannot vote to cut another $189.9 billion from defense. I must act in the best interest of my constituents. I must act in the best interest of our national security. Because I believe that defense has already cut the fat and cut the muscle needed to assure a strong defense, I cannot cut the bone at the expense of our service members and their families.

Yet this CBC budget is compelling. It is compassionate, and it is courageous. I congratulate our Chair, the gentlewoman from California [Ms. WATERS], and I congratulate the architect of this budget, the gentleman from Mississippi [Mr. THOMPSON], and the other members of the CBC for their hard work. And I congratulate their staffs.

While I cannot, because of the needs of my district, vote for it, Mr. Chairman, I cannot in good conscience vote against it. It is, indeed, a worthy alternative.

Mr. THOMPSON. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the people who are supporting the underlying budget have too little faith in the private market. I mean this quite seriously. The private market does not need as much help as they think.

We have a private sector economy that is capable of providing for most of us the wealth that will enable us to improve our quality of life. But it will do it especially today, with technology and world trade being the driving engines, in a way that will stay the increasing equality.

Large numbers of people will prosper, but some will be left behind unless we intervene. And this is the budget, the budget before us today brought forward by our colleagues in the Black Caucus, that shows concern for those who are left behind. It does not in any way, shape or form retard our economy.

Indeed, by sensibly reducing military spending, it frees up resources for constructive use. But this is the vehicle for compassion. Reject this and vote for the underlying budget and what you will do will be to condemn the poorest among us to a worsening of their conditions while the rest of us prosper.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong support of the CBC budget. We know it is an alternative budget. The so-called budget deal is not the only budget, however, that should receive consideration in this body. The CBC alternative budget balances the budget a year sooner than the deal. It applies deficit reduction fairly and preserves the fundamental budget priorities of the American people. The CBC budget does several things which contrast it from the deal, which few Members have really actually been able to see and which imposes deficit reduction on many of the most vulnerable populations in this country.

The budget alternative would not impose undue cuts on programs serving the elderly, veterans, working families or the poor. Wealthy corporations would bear their share of the deficit. The budget would fund education programs at levels beyond those proposed by President Clinton while incorporating his priorities.

The budget would fund child health initiatives, which cover the 10 million children who do not receive health care coverage at this time. The budget would institute a real program of welfare reform, reinstating cuts in food stamps, immigrant services and SSI which simply went too far in the deal.

In short, the Congressional Black Caucus budget alternative is the most reflective of the values and priorities of the American people that Members will have an opportunity to support. A vote for this budget will be a vote for jobs. A vote for this budget would be a vote for welfare reform. A vote for this budget will be an opportunity to give the wealthy and large corporations an opportunity to assist in deficit reduction. A vote for this budget would be a vote for keeping Medicare trust fund solvent. A vote for this budget would be a vote for protecting social investments which help our economy grow.

I urge all of us to consider that we do represent real people. Let us vote for the real people and support this budget.

Mr. THOMPSON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, let me add my accolades to the gentlewoman from California, our dynamic leader, and to the gentleman from Mississippi who has crafted such a delightful document.

Mr. Chairman, I rise to express support for this budget amendment because it is one that is balanced, fair, responsive, responsible and speaks to the needs of the American people.

Mr. Chairman, this budget, the Congressional Black Caucus budget, is worth fighting for. It is designed to invest in the people of America. It helps to cut the deficit, to grow the economy, to reduce corporate welfare. And it helps those most in need of vital programs such as Head Start, WIC, drug treatment, section 8 housing, special education, and summer jobs for youth. This budget highlights and places special emphasis upon the needs of small businesses, minority-owned businesses and women-owned businesses.

The budget includes a million and a half dollars more than the President's request for community development through financial institutions and recommends expansion of the community reinvestment guidelines to make it easier for financial institutions to reinvest in low-income communities.

This budget provides $10 million for the Office of Women's Ownership. It provides $100 million for round 2 of the empowerment zone and empowerment communities. This budget recognizes that Government must act as a catalyst and help people to be in a position to help themselves.

The Government must give rise to hope and generate faith. This budget is a good budget. It is one that represents the people. It is one that deserves support. I urge, Mr. Chairman, all of my colleagues, even those who would talk about compromise, even those who would recognize that sometimes we come together, but I just do not believe that we can compromise on the backs of the poor. I do not believe that we can compromise on those who have no food and no shelter.

Mr. THOMPSON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELAZQUEZ. Mr. Chairman, I rise in strong support of this CBC budget. This is a budget that balances the budget sooner and spends less than the budget resolution. Not only is this budget responsible, it offers an added bonus to the budget process: It is fair. The CBC budget does not gut the Medicaid Program and it would not cause Medicare recipients to pay more for less services.

This budget does not ask the poor to bear the burden for tax cuts for the wealthy. This budget does ask corporations to give up many of the tax breaks that they have unfairly enjoyed for too long.

Mr. Chairman, we must ask ourselves what the American people really want. Do they want to pay for huge tax cuts for the rich and for big corporations? Do they want to pay for huge outlays in defense? I do not think so. Or do the American people want a budget that provides fairness to working families? Do they want a budget that protects Medicare and Medicaid? Do they want a budget that has its priorities straight? I think so. Support the CBC alternative.

Mr. THOMPSON. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, in 1 minute I can only summarize the essence of Function 500, the education and job training component of the CBC budget. It continues the tradition of assigning the highest priority to education. We applaud the fact that the President has also saw fit to assign the highest priority toward education. Speaker GINGRICH and Republicans in the House as well as the Republicans in the Senate have seen fit to emphasize education, but they are making a great mistake by not continuing to press for the construction initiative.

At the heart of the opportunity to learn is a safe place to sit, conducive to learning. We do not have that in most of our inner-city schools. New York has 300 schools that still burn coal in their boilers, and they pollute the air in addition to providing other kinds of problems for children in those schools. I urge that we get back on track and really go to the core of providing opportunities to learn. We want to have a national curriculum. We want to have national testing. We need national standards in terms of the opportunity to learn.

At the heart of the opportunity to learn is a safe place to sit, conducive to learning. We need a construction initiative. This Congressional Black Caucus budget insists on adopting a construction initiative.

Mr. Chairman, I rise in overwhelming support of a budget that genuinely reflects the vision and hope of the Caring Majority: The Congressional Black Caucus Fiscal Year 1998 Budget Proposal. This is the first budget resolution of the 105th Congress (fashioned by the President and Members of the House and Senate) and is nowhere near the mean-spirited, devastating cuts proposed in past budget resolutions (in the 104th Congress). Despite its improvements, the budget agreement still fails to acknowledge the role of the United States as an indispensable nation capable of adequately providing for all Americans, especially the most vulnerable. In 1997, we are making decisions which will have monumental effects on the generations of the 21st century. Accordingly, we must accept the pivotal role that this generation plays. With courage, compassion and sound fiscal policy, the CBC embraces this challenging role and pledges the nation's abundant resources to invest in America.

In Function 500 (Education, Training and Social Services), the CBC Budget ensures that every child from Head Start to College and beyond will be sufficiently prepared to compete in the world. In fiscal year 1998, funding for education and training programs would amount to a $28.2 BILLION increase (compared to FY97 levels) over the White House-Republican budget agreement's increase of $4 billion. Similar to the priorities outlined in the agreement, the CBC Budget includes the President's America Reads Challenge, Hope Scholarship Initiative ($1,500 tax credit to college students), and increases in funding for significant job training programs, including Job Corps.

However, the CBC Budget represents an all-out, comprehensive and determinative effort to prepare the next generation for 21st century learning. By the year 2002, America's students will be empowered by several milestones: 100 percent of those children eligible for Title I compensatory education will be able to receive it; every single eligible 14 to 21 year old who desires work and is unable to find a summer job will gain employment through the Summer Youth Employment Program; all 2 million 3–5 year olds currently eligible for Head Start will be able to participate in the program; 100 percent of the 3 million children classified as limited English proficient students would be served by bilingual education; and low-income college students will be eligible for a maximum Pell Grant of $5,000, the amount that the grant would be if it kept pace with inflation.

Unlike the White House-Republican budget agreement, the CBC Budget does not abandon the much needed emergency School Construction Initiative. Undoubtedly, learning will not take place when the schools that our children attend are literally collapsing around them. The CBC Budget provides $5 billion in interest subsidies over a 5-year period to stimulate new construction and renovation projects in school districts with severe facilities deficiencies. In addition, the CBC Budget provides an additional $20 billion (over a 5-year period) for the Education Infrastructure Act (P.L. 103–382) which was never funded. This would provide emergency grants for the repair, renovation, alteration, and construction of public schools, school libraries and media centers. It has been well documented that over 60 percent of schools in the U.S. need major repairs. Approximately 25 percent of schools are too small and suffer from severe overcrowding. And 40 percent of all schools, especially those in the inner cities with a large minority student body, cannot moderately accommodate science labs or technology such as computers and cable. Finally, the CBC Budget would fund a $20 million new program to establish at least 200 Community Computer Centers for families in both rural and urban economically depressed areas.

The CBC Budget recognizes that school construction initiatives and telecommunications initiatives must be implemented in tandem. These programs should not be treated as bargaining chips that are mutually exclusive and subject to sacrifice. In fact, rumors are being mounted which state that labor protections such as the prevailing-wage requirements of the Davis-Bacon Act may result in a ballooning of costs to renovate and construct the nation's schools. The Sheet Metal and Air

Conditioning Contractors' National Association (SMACNA) has submitted evidence showing that school construction costs in prevailing wage States were lower per square foot than in States without prevailing wage statutes. We must dispel the myths that deviously seek to derail policies that help America's children.

Recently, we applauded the Federal Communications Commission's (FCC) decision to grant discounts to schools and libraries for telecommunications services, Internet access, and internal connections. At a cost of more than $2 billion per year to implement the universal service provisions of the Communications Act of 1996, public and private schools could qualify for discounts ranging from 20 percent to 90 percent. Although media outlets did not grant the FCC's decision recognition and much fanfare, it represents a monumental achievement. Yet, without the school-construction initiative, many schools will not realize the benefits of this Federal action. Schools across the country still suffer from asbestos problems. One third of the schools in New York City still burn coal for heating. Many schools across the country are more than 100 years old. Pentium computers, high-speed modems, and fancy satellite hookups will be stockpiled in many school basements because their buildings are too old and incapable of accommodating the technology necessary for 21st century learning.

Opponents of the CBC Budget, deficit hawks and fiscal conservatives, will undoubtedly argue that the accomplishments outlined in our budget are too good to be true. On the contrary, the CBC budget is a realistic budget that turns the myth that America is on the brink of bankruptcy on its head. The CBC Budget rids the nation of billions of dollars in wasteful spending: corporate tax loopholes, and unnecessary defense expenditures.

The White House-Republican budget agreement increases revenues to the U.S. Treasury by extending the airline tax, phasing in increases to contributions to the Civil Retirement and Disability Trust Fund, guarding against fraudulent Earned Income Tax Credit claims, and auctioning spectrum. On the other hand, the CBC Budget is the budget which would abandon the Federal Government's guaranteed annual payments to corporate coffers which allows businesses and wealthy individuals to enjoy more than $70 billion a year in corporate subsidies and loopholes. This alternative budget cuts $195 billion in corporate pork that is clogging the arteries of America's future. Revenue options in the CBC budget call for an enforcement of sections 531–537 of the Internal Revenue Service Tax Code that prohibit corporations from accumulating illegal profits and then buying large amounts of their own stock to avoid paying out dividends, thus, avoiding the payment of taxes by shareholders. It is estimated that enforcement of this section of the code will generate at least $70 billion for the United States.

Other revenue options include the elimination of the largest of all corporate tax loopholes: the accelerated depreciation allowance enabling companies to write off the costs of their machinery and buildings faster than they actually wear out. This allowance is worth over $100 billion over a five-year period. Reforming the taxation of income of multinational corporations is another example of a revenue option. At a cost of approximately $70 billion (over a 5-year period), foreign-owned corporations doing business in the United States typically pay far less in income taxes than do purely American firms. These practices must be stopped.

Instead of attacking corporate welfare, the White House-Republican budget agreement simply encourages the creation of a Corporate Welfare Commission and expresses the sense of Congress that the "corporate sector should bear its share of the burden." To add insult to injury, the budget agreement includes tax cuts that would benefit the richest few, including a capital gains tax cut. It is estimated that more than ⅓ of the net tax cut of $85 billion during the next five years as proposed in the agreement would benefit the top 1 percent of all households (those with annual incomes of more than $350,000). Moreover, 50 percent of the tax cut would benefit the top 5 percent of households (those with annual incomes of more than $100,000). At this pivotal time, America does not need another Commission to study corporate welfare. Our children, our sick, our poor, our women, and our families need an assault on corporate welfare today.

Yes, the White House-Republican budget agreement represents an historic agreement that moves in the right direction toward promoting the country's values and priorities; restoring lost benefits to certain disabled legal immigrants; establishing additional empowerment zones and enterprise communities, and funding the Jobs Challenge to move millions of people from welfare to work. However, as the pivotal generation building that bridge to the 21st century, our work is far from being realized in the White House-Republican budget agreement. The CBC Budget recognizes that the United States is the richest nation in the world, the indispensable nation. We can provide health insurance to all 10 million children who are without health insurance, replace substandard and deteriorated public housing units; increase funding for crime prevention initiatives; and fully invest in our children's future. I challenge my colleagues to dispel the myth of the economy that compels us to oppress the neediest in our society. America can afford to assign a high priority to the funding for vital social programs and still preserve the free enterprise that this country so proudly praises. Vote "yes" on the CBC Caring Majority Budget Proposal.

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Mr. THOMPSON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, some people will say that this is the Black Caucus budget, but the truth of the matter is, this is the America budget.

The Black Caucus is the only organization which has stepped up to the plate and met the challenge of balancing the budget not in the year 2002 but in the year 2001. As we can see from this chart, in every single year between now and 2001, under the Black Caucus budget, our deficit is substantially less than any other budget that is on the table for consideration.

The reason is that under every other budget proposal they are decreasing taxes, and that is like going on a diet by gaining weight in the beginning. One cannot lose weight by gaining weight first and then going on a diet. One just cannot do it.

We go directly to a balanced budget in the year 2001. This is the budget that America should support. This is the budget that my colleagues should support.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I might consume, and then we will allow the gentleman from California to conclude.

Mr. Chairman, we need to make it very clear that we oppose this budget, however well intended. It is an honest budget, but it is a budget that provides no tax relief for American families. In fact, it increases taxes, demanding another $300 billion more from the American taxpayers in 5 years. And, regretfully, it extends the solvency of Medicare by only 4 years at best and 1 year at worst.

Many on our side of the aisle are concerned that it reduces defense spending a significant amount of $183 billion below the budget that is being presented before us tonight, the base budget.

This budget is, in fact, an agreement breaker. It would kill the agreement. And it is clear that under this budget the era of big government is not over, it is extended.

Mr. Chairman, we have three primary objectives in this Congress. One is to get our country's financial house in order and balance the Federal budget. The second is to save our trust funds, particularly Medicare, not just for future generations but for present generations as well. And the third is to transform our caretaking society into a caring society.

Much of the well-intended social effort that has been involved in our government in the last 30 years, while well-intended, has just simply perpetuated the very things we are trying to end. We not only want to end social welfare and put mothers back in a situation where they have job training and an opportunity to work, and experience the same opportunities that most Americans have, we are looking to end the assistance to corporations that some would refer to as corporate welfare, but to reduce, to the extent possible, reliance of business on government.

And we, obviously, have been successful in reducing some of the benefits that have gone to the farming community that, frankly, in some instances, may turn out to be like a welfare program. With the passage of the Freedom to Farm Bill, we have ended 50 percent of the subsidies to farmers. We have made tremendous strides there.

This budget moves us in a direction of bringing back the power and the money and influence from Washington back home to our local communities.

Regretfully, because we did not have an agreement with the White House 2 years ago, right now, as we speak, the trust fund, Medicare trust fund, is losing $35 million each and every day. Next year, if we do not come to an agreement, it will lose $55 million each day; and the year after that, $78 million each day.

The fund, without correction, the Medicare trust fund by the 10th year will have a debt of $612 billion and go bankrupt by the year 2001. And by the year 2007, 10 years from now, there will be a debt in the fund of $612 billion.

Under our plan, we extend the Medicare trust fund not for 4 years, not for 5, for 10. And in the 10th year, rather than having a debt of $612 billion, it will have $75 billion in the fund.

We do not cut Medicare. Only in Washington when we spend 34 percent more would people call it a cut. We are going to go from $208 billion to $279 billion. That is an average increase each year of 6 percent. On a per-person basis, Medicare will grow from $5,480. In the 5th year of the budget agreement it will go to $6,911. Only in Washington, when we have an increase of 26 percent in the per-beneficiary benefit, would someone call it a cut.

And the same thing with Medicaid. Medicaid under our plan will grow by 40 percent. It will grow from $98 billion to $137 billion. On a per-beneficiary basis it will grow form $22 billion to $29 billion.

What we have done is we have allowed these programs to grow at a rate that we can afford, providing better programs in each instance.

Mr. Chairman, I know the intentions of the Black Caucus are high and well-intended, but the bottom line is that rather than helping our country, in our judgment, if this budget were to pass, it would do the exact opposite and hurt our country. I urge the Members to vote against it.

Mr. Chairman, I yield 6½ minutes to the gentleman from California [Mr. DELLUMS], the caucus' final speaker. I do not encourage the gentleman to use all that time, but he can use as much of it as he wants.

Mr. THOMPSON. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DELLUMS].

The CHAIRMAN. The gentleman from California [Mr. DELLUMS], has 9 minutes.

Mr. DELLUMS. Mr. Chairman, I thank my distinguished colleagues for their generosity in yielding me this time.

Mr. Chairman, let me assure everyone that I plan to use every bit of the 9 minutes, because I think it is important to challenge the assertion in a very profound and serious way that this budget would hurt the American people.

Mr. Chairman, let me begin with the daunting responsibility of closing the debate. In assuming my responsibilities in closing the debate, I would like to first focus my colleagues on the notion that I have made each year that I have served in the United States Congress: that the most compelling and important responsibility that we have as public people is to establish the national budget.

I would assert here, very straightforward and very aggressively, that how a Nation chooses to spend its money is a profound statement about a Nation's principles, its values and its priorities. And in that regard I am extremely proud to raise my voice in support of the budget offered by the Congressional Black Caucus. It is a budget that accepted the daunting responsibility of balancing the budget. It did so in 4 years, 1 year earlier than is required by the Congress, which is to achieve a balanced budget in 5 years.

Beyond that, I would assert, Mr. Chairman, that this budget is a thoughtful and, in this gentleman's opinion, extremely historical budget; historical not because it is a bipartisan deal, historical because it is the first post-Cold War budget that attempts to frame a new debate in these chambers and in this country. And that is in the context of a post-Cold War world that we establish a new comprehensive national security strategy that includes three interrelated elements.

Interrelated element number one. For a new comprehensive national security strategy. A healthy, vibrant economy within a well educated, well informed, well trained citizenry, capable of engaging its economy and engaging its civic and political affairs. And the Congressional Black Caucus budget does that.

That has implications for Federal investment. Federal investment in the education of its people, training and retraining of its people, research and development to enhance the quality of human life. The Congressional Black Caucus budget does just that, Mr. Chairman. It has implications, Mr. Chairman, for investments in health, in housing, in the environment. The Congressional Black Caucus budget does that.

I would offer this question. If we have the most powerful, awesome military that our minds could comprehend, and our society is deteriorating behind us culturally, politically, economically and educationally, what are we defending? Therefore, a vibrant economy and an investment in an informed and well-educated and well-trained citizenry is a vital and integral part of our national security strategy.

Second, an engaged foreign policy. Martin Luther King probably said it best and most eloquently; that peace is not simply the absence of war, it is the absence of conditions that give rise to war. And an engaged foreign policy that invests in economic development, economic stability, regional stability, commitment to human rights, democratic freedom, is how we prevent war.

So engaging the world is extraordinarily important. Preventing war, I would assert to my colleagues, is not expensive, it is the most fundamentally economic way to do it; to commit ourselves to arms control, to commit ourselves to nonviolent conflict resolution in the world. I continue to believe that peace is a superior idea. An engaged foreign policy is the second and most integral part of our national security strategy.

Mr. Chairman, the third and important point in our national security strategy is an appropriately sized, properly trained, properly equipped military to meet the challenges of the 21st century, and we need to have that debate in this country. To assert we are for a strong defense, intellectually, what are we saying? But if we are saying we are committed to a properly sized, properly trained, properly equipped military, then let us have the debate on what that is.

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I would assert that we can achieve the kind of savings that are in the Congressional Black Caucus not by some radical point of departure. But Mr. Chairman, for example, if we move beyond the commitment of the Bottom-up Review, which says we must fight two regional contingencies alone and quickly, that is counter-intuitive to everything we know.

Rhetorical question: Where are we going to go in the world that we must fight alone. That is counter-intuitive to everything we are doing. We fight with and we move with and we deploy with allies. And if we change this quickness from being on station in 72 hours, that has incredible implications for the savings of billions of dollars.

If we relax the time limits for meeting a crisis, we can meter our forces into a theater in a way that dramatically reduces our force structure, readiness, and procurement requirements. We can reduce active force structure, push some into reserves in light of these new time lines. We can achieve operation and maintenance savings through further tiered readiness of our forces. If we do not have to be there in 72 hours, everyone does not have to be at this high level of readiness, we can tier our readiness, we save billions of dollars.

We must avoid or abandon acquisition programs that are whetted to weapons systems that were dreamed up and conjured up in the context of the Cold War that had a Cold War objective. We are now beyond that, billions of dollars. Reduce our nuclear forces and infrastructure and the supplies and arsenals that goes with it.

Mr. Chairman, we have a congressional mandate that says we cannot fall below START I. We ought to be moving unilaterally in START II. We ought to be negotiating START III. We save billions of dollars. Who in these chambers really believes that someone is going to trigger a nuclear device to challenge America's nuclear at this particular moment?

Billions of dollars of implications if we change the level of our readiness requirements of our naval forces around the world. We only need an 8 carrier task force to carry out a 2 regional contingency scenario. If you want to argue, I will give you 10. Why do we have 12? Billions of dollars in implications by changing our present requirements, we can afford to reduce the fleet, reduce OPTEMPO and PURSTEMPO stress that is presently the reality of our forces. We all in these chambers know that we can achieve savings in our intelligence accounts. We cannot talk about it on the floor. Believe me, we can do it.

Finally, we can achieve procurement savings because of lower force structure and reduced training and wear and tear. That just makes sense. We can come to this. My point, Mr. Chairman, is that we need to have a new debate in this country. We understand the need to balance the budget. The caucus stepped up to it. But we are more than accountants. We were elected here to care about people. Therefore, balancing that budget must take place in some human context. And we state that that human context ought to be the search for a new national security strategy that incorporates a vibrant economy, a healthy, well-educated people, and engage foreign policy and appropriately sized, properly trained, properly equipped military to meet the 21st century.

Now finally, let me reiterate a view that the savings that I am talking about are in one of the three national security accounts, funds that can be urgently spent from those savings in two of our other accounts that have been historically underfunded, foreign assistance and domestic programs, critical to our well-being and health as a Nation. For, without strong, healthy cities to defend, Mr. Chairman, cohesive communities and educated citizenry to run our economy and our political institutions, we will wither and decline socially, politically, economically and culturally.

We are way past making these investments in these accounts, and we fail to do so at our peril. The time is right and the opportunity exists to transfer this scale of resources, and we should not fail to do so as we think about the type of society we choose to achieve for our children and our children's children. Support the budget that is before the House at this time.

Mr. MILLER of Florida. Mr. Chairman, we have no further speakers, and we yield back the balance of our time.

The CHAIRMAN. All time under the rule has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California [Ms. WATERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 358, answered "present" 1, not voting 4, as follows:

[Roll No. 143]

AYES—72

Barrett (WI)
Becerra
Bonior
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Coyne
Cummings
Davis (IL)
Delahunt
Dellums
Dixon
Engel
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick
Lewis (GA)
Lipinski
Markey
Martinez
McDermott
McGovern
McKinney
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Oberstar
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sanders
Scott
Serrano
Slaughter
Stark
Stokes
Thompson
Tierney
Torres
Towns
Turner
Velázquez
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOES—358

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Bishop

NOT VOTING—4

Conyers
Jefferson
Schiff
Yates

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Mr. MALONEY of Connecticut and Mr. YOUNG of Alaska changed their vote from "aye" to "no."

Mr. GONZALEZ changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MR. DOOLITTLE

Mr. DOOLITTLE. Mr. Chairman, on behalf of the House Conservative Action Team, I offer an amendment in the nature of a substitute to the committee budget resolution.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 2 offered by Mr. DOOLITTLE:

Strike all after the resolving clause and insert in lieu thereof the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.

Fiscal year 1999: $1,241,859,000,000.

Fiscal year 2000: $1,285,559,000,000.

Fiscal year 2001: $1,343,591,000,000.

Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$11,200,000,000.

Fiscal year 1999: −$25,400,000,000.

Fiscal year 2000: −$43,900,000,000.

Fiscal year 2001: −$56,100,000,000.

Fiscal year 2002: −$55,900,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,378,600,000,000.

Fiscal year 1999: $1,430,400,000,000.

Fiscal year 2000: $1,475,100,000,000.

Fiscal year 2001: $1,509,400,000,000.

Fiscal year 2002: $1,530,100,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,368,000,000,000.

Fiscal year 1999: $1,409,800,000,000.

Fiscal year 2000: $1,446,600,000,000.

Fiscal year 2001: $1,468,100,000,000.

Fiscal year 2002: $1,480,100,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,800,000,000.

Fiscal year 1999: $182,300,000,000.

Fiscal year 2000: $183,000,000,000.

Fiscal year 2001: $157,800,000,000.

Fiscal year 2002: $108,500,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,592,500,000,000.

Fiscal year 1999: $5,834,900,000,000.

Fiscal year 2000: $6,081,000,000,000.

Fiscal year 2001: $6,298,300,000,000.

Fiscal year 2002: $6,474,400,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.

Fiscal year 1999: $33,378,000,000.

Fiscal year 2000: $34,775,000,000.

Fiscal year 2001: $36,039,000,000.

Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.

Fiscal year 1999: $324,749,000,000.

Fiscal year 2000: $328,124,000,000.

Fiscal year 2001: $332,063,000,000.

Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,197,000,000.

(B) Outlays, $265,978,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $588,000,000.

Fiscal year 1999:

(A) New budget authority, $270,784,000,000.

(B) Outlays, $265,771,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $757,000,000.

Fiscal year 2000:

(A) New budget authority, $274,802,000,000.

(B) Outlays, $268,418,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $281,305,000,000.

(B) Outlays, $270,110,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $289,092,000,000.

(B) Outlays, $272,571,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,400,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments, $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,100,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $14,200,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $14,900,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $16,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $15,300,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $15,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000. (same)

(B) Outlays, $15,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,600,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $3,500,000,000.

(B) Outlays, $2,800,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $3,300,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $3,600,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $4,200,000,000.

(B) Outlays, $2,800,000,000.

(C) New direct loan obligations, $1,171,000,000.

(D) New primary loan guarantee commitments $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $22,800,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $22,500,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $22,000,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $22,300,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $23,400,000,000.

(B) Outlays, $23,100,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,872,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $10,700,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $11,500,000,000.

(B) Outlays, $9,900,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,700,000,000.

(B) Outlays, $9,000,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,900,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,700,000,000.

(B) Outlays, −$900,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,000,000,000.

(B) Outlays, $4,200,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $9,400,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $12,100,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $17,100,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,700,000,000.

(B) Outlays, $41,000,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $50,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $53,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $55,600,000,000.

(B) Outlays, $41,300,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $54,900,000,000.

(B) Outlays, $41,200,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $10,600,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,300,000,000.

(B) Outlays, $9,900,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $9,200,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,500,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $9,400,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $56,500,000,000.

(B) Outlays, $55,400,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $57,000,000,000.

(B) Outlays, $56,400,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $56,900,000,000.

(B) Outlays, $57,800,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $61,400,000,000.

(B) Outlays, $59,800,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $62,900,000,000.

(B) Outlays, $61,200,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $136,500,000,000.

(B) Outlays, $137,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $143,100,000,000.

(B) Outlays, $143,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $151,600,000,000.

(B) Outlays, $151,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $162,600,000,000.

(B) Outlays, $161,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $173,000,000,000.

(B) Outlays, $171,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,700,000,000.

(B) Outlays, $201,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,200,000,000.

(B) Outlays, $211,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,700,000,000.

(B) Outlays, $225,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,800,000,000.

(B) Outlays, $238,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $251,800,000,000.

(B) Outlays, $251,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $238,500,000,000.

(B) Outlays, $244,100,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 1999:

(A) New budget authority, $251,300,000,000.

(B) Outlays, $252,700,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2000:

(A) New budget authority, $264,500,000,000.

(B) Outlays, $261,000,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2001:

(A) New budget authority, $271,100,000,000.

(B) Outlays, $270,600,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,700,000,000.

(B) Outlays, $282,000,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,400,000,000.

(B) Outlays, $11,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $12,100,000,000.

(B) Outlays, $11,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $12,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $12,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $14,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $39,600,000,000.

(B) Outlays, $40,300,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $39,300,000,000.

(B) Outlays, $39,700,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $38,200,000,000.

(B) Outlays, $38,600,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $40,700,000,000.

(B) Outlays, $40,600,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $43,300,000,000.

(B) Outlays, $43,200,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,400,000,000.

(B) Outlays, $24,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $25,200,000,000.

(B) Outlays, $24,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $25,300,000,000.

(B) Outlays, $25,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $25,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $23,900,000,000.

(B) Outlays, $24,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,600,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $14,500,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $14,800,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $14,700,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,549,000,000.

(B) Outlays, $296,549,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $304,567,000,000.

(B) Outlays, $304,567,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $304,867,000,000.

(B) Outlays, $304,867,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $303,659,000,000.

(B) Outlays, $303,659,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $303,754,000,000.

(B) Outlays, $303,754,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, −$0.

(B) Outlays, −$0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, −$12,900,000,000.

(B) Outlays, −$16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, −$36,800,000,000.

(B) Outlays, −$36,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$48,800,000,000.

(B) Outlays, −$48,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$44,400,000,000.

(B) Outlays, −$44,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$46,000,000,000.

(B) Outlays, −$46,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$50,000,000,000.

(B) Outlays, −$50,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$64,100,000,000.

(B) Outlays, −$64,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) Purpose.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) Submissions.—

(1) Entitlement reforms.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) Tax relief and miscellaneous reforms.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) Instructions Relating to Entitlement Reforms.—

(1) Committee on agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on banking and financial services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $8,435,000,000 in outlays for fiscal year 1998, $5,091,000,000 in outlays for fiscal year 2002, and $50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on education and the workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on government reform and oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on transportation and infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on veterans' affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on ways and means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,168,336,000,000 in revenues for fiscal year 1998, $1,346,679,000,000 in revenues for fiscal year 2002, and $7,384,496,000,000 in revenues in fiscal years 1998 through 2002.

(d) Instructions Relating to Tax Relief and Miscellaneous Reforms.—

(1) Committee on agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on banking and financial services.—(A) The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $8,435,000,000 in outlays for fiscal year 1998, $5,091,000,000 in outlays for fiscal year 2002, and $50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) Committee on commerce.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,770,000,000 in outlays for fiscal year 1998, $507,315,000,000 in outlays for fiscal year 2002, and $2,619,820,000,000 in outlays in fiscal years 1998 through 2002.

(4) Committee on education and the workforce.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) Committee on government reform and oversight.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $214,000,000 in fiscal year 1998, $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) Committee on transportation and infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) Committee on veterans' affairs.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,845,000,000 in outlays for fiscal year 2002, and $140,197,000,000 in outlays in fiscal years 1998 through 2002.

(8) Committee on ways and means.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,463,000,000 in outlays for fiscal year 1998, $506,377,000,000 in outlays for fiscal year 2002, and $2,621,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,160,936,000,000 in revenues for fiscal year 1998, $1,326,179,000,000 in revenues for fiscal year 2002, and $7,299,496,000,000 in revenues in fiscal years 1998 through 2002.

(e) Definition.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) Flexibility in Carrying Out Children's Health Initiative.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) Purpose.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) Deficit Neutrality Requirement.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Revised Levels.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) Revisions.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) Reversals.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) Definition.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69–8083–0–7–401 (Federal-Aid Highways).

(2) 69–8191–0–7–401 (Mass Transit Capital Fund).

(3) 69–8350–0–7–401 (Mass Transit Formula Grants).

(4) 69–8016–0–7–401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69–8020–0–7–401 (Highway Traffic Safety Grants).

(6) 69–8048–0–7–401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) Budgetary Treatment.—

(1) In general.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) Calculation of net present value.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) Definition.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Treatment of Loan Assets.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) Committee Allocations.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and budget aggregates contained in this resolution.

(b) Limitations.—The adjustments made under this section shall not exceed—

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) Readjustments.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) Allocation by Chairman.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing up to $165 million in outlays for Federal land acquisitions and to finalize priority Federal land exchanges for fiscal year 1998 (assuming $700 million in outlays over 5 fiscal years, the chairman of the Committee on the Budget shall allocate that amount of outlays and the corresponding amount of budget authority.

(b) Treatment of Allocations in the House.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

SEC. 305. BALANCED BUDGET REQUIREMENT.

(a) In General.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment or motion thereto, or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would cause—

(1) total outlays for fiscal year 2002 or any fiscal year thereafter to exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress provide for a specific excess of outlays over receipts by a rollcall vote;

(2) an increase in the limit on the debt of the United States held by the public, unless three-fifths of the whole number of each House provide for such an increase by a rollcall vote; or

(3) an increase in revenues unless approved by a majority of the whole number of each House by a rollcall vote.

(b) Waiver.—The Congress may waive the provisions of this section for any fiscal year in which a declaration of war is in effect. The provisions of this section may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

(c) Definition.—Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) FINDINGS.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) SENSE OF CONGRESS REGARDING PRESIDENT'S SUBMISSION TO CONGRESS.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) FINDINGS.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) the burden will be borne by a relatively smaller work force resulting in an unprecedented intergovernmental transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) SENSE OF CONGRESS.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems. Their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendation as it deems appropriate to ensure our Nation's future prosperity.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and a Member opposed each will control 10 minutes.

Mr. SHAYS. Mr. Chairman, as a member of the Committee on the Budget, I oppose this amendment.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] will control the other 10 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, while CATS appreciates the hard work of the Committee on the Budget and especially its chairman, we feel that more can and should be done to reduce the size of Government, lessen the tax burden on American families, and stimulate economic growth. Like the committee resolution, the CATS substitute balances the budget by 2002 while protecting national defense and transportation spending. Our substitute improves upon the committee budget, however, by cutting an additional $109 billion in discretionary spending and returning those savings to American families through lower taxes.

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Unlike the committee budget, the CAT substitute contains sufficient tax relief to fully fund the $500 per child tax credit, a 50-percent reduction in the capital gains tax rate, real inheritance tax relief, and expanded IRA's. The CATS budget pays for these tax cuts by simply reducing discretionary spending to the level set out in President Clinton's fiscal year 1997 budget.

The choice tonight is not whether we should balance the budget, Mr. Chairman; we have won that debate. The real question is whether we think we can find enough wasteful Washington spending to cut so that, as we balance the budget, we can allow American families to keep a little more of what they earn. We think we can.

I urge an "aye" vote.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. DOOLITTLE] to the budget agreement for a variety of reasons. I do so with the knowledge that this represents the position of many on my side of the aisle if we did not have a Democrat President. But this last election we elected a Democrat President and a Republican Congress, and this amendment, if it were to pass, would in fact kill the budget agreement made between Republicans and Democrats in the House and Senate with the President of the United States.

Mr. Chairman, I urge my colleagues to vote against this amendment in spite of the fact that they believe it is somewhat seductive and point out that in this budget agreement we have with the White House Republicans took a very strong position that we should control the growth in entitlements and get our country's financial house in order. This budget agreement controls the growth of entitlements.

We also said that we wanted tax cuts. This budget agreement provides for $135 billion of tax cuts.

That is what Republicans got out of this budget agreement. What the President wanted was more domestic spending, and that is, in fact, what he received in this budget negotiation. While many on our side of the aisle would like to reduce domestic spending and do not agree with the President of the United States, the fact is this is an agreement we have in order to have a tax cut of $135 billion in order to control the growth of entitlements.

So, Mr. Chairman, I rise with some reluctance but with conviction that this amendment needs to be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. DOOLITTLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, this is not going to tear up the budget. The CAT substitute has a simple message: Americans' taxes are too high because the government spends too much.

Americans want, need and deserve to keep more of their own money, so support this amendment and give all Americans a better life. If my colleagues think the government has grown too big, then vote for this substitute because it cuts spending.

Now is the time for Washington to get off the backs of the hard-working taxpayers of this country. We have got to stop spending Americans' money on big government programs and let them have the money to raise a family, buy a house, send their children to school, maybe even get a much needed vacation.

The CAT substitute does the right thing. It balances the budget, reduces the size and scope of government and, most importantly, gives families more relief from high taxes.

Vote for this substitute, cut spending, cut taxes. Do it for America.

Mr. DOOLITTLE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I remember hearing the words "Penny-Kasich." I remember hearing the words "Gramm-Rudman." They were promises. We look at the budget resolution that is put before us, and nearly 75 percent of the savings come in the last 2 years of this 5-year program.

The National Taxpayers Union has scored this vote on this CAT substitute, and what they have said is the 300,000-member National Taxpayers Union strongly supports the substitute to the 1998 budget resolution because it proposes better control of discretionary spending and larger tax cuts.

A vote for the budget resolution will be a plus on the National Taxpayers Union score card, but it will be a plus for American families. It will be rated three times as heavy if my colleagues vote for the CATS budget.

Remember Gramm-Rudman, remember Penny-Kasich. Vote for this budget.

Mr. DOOLITTLE. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of the substitute being offered by the conservative action team and against the underlying bill. If the budget is not going to be balanced until 2002, why in the world would we want more money to be in the hands of government when it could be in the hands of families, it could be in the hands of those to stimulate the economy and create jobs by having greater tax cuts?

That is what this substitute does. If my colleagues vote for the underlying bill, what they are saying is they want to throw away the progress that we have been making for years.

If we look, Mr. Chairman, since 1992, every year the deficit has been coming down $40 to $50 billion a year, and suddenly, realizing that we will have the budget balanced within 2 years from now, people say, no, let us have one last spending spree, let us start spending more, let us wipe out the progress and not start making spending cuts or getting serious for another 3 years, until after President Clinton finishes his term.

Mr. Chairman, we should not delay. Finish balancing the budget. Do not put it off. Do not have a last spending spree.

Mr. DOOLITTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, tonight this Congress is making history as we finally face the responsibility that previous Congresses ducked for a generation, balancing the Federal budget. On that we all agree. Where we disagree and what we are truly debating before the American people tonight is the path to that agreed upon target.

Mr. Chairman, I support the CAT substitute budget as the best path, the best route to a balanced budget among the many before us tonight. It offers the deepest tax cuts, best curtails the burdensome bureaucracy by reducing discretionary spending and saves Medicare for the next decade.

Other paths presented here tonight are good, but this is the best route to prosperity at home and peace abroad as America puts her financial house in order so the Federal Government is less of a burden on the homes of hard-working Americans.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT], the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, as both sides explained at the outset of this debate, what we have before us tonight in the base bill, House Concurrent Resolution 84, is a compromise, hard fought, hard wrought, carefully balanced compromise. I explained in my earlier comments that the design of this compromise intentionally was to allow each side to have a few victories it could claim as clearly its own. The Republicans would get some in the way of tax reduction; Democrats would get some in the way of children's health care and education and social initiatives, like that.

One of the victories allocated to us as Democrats as part of this compromise comes in the area of NDD, nondefense discretionary spending. In this particular budget resolution discretionary spending increases in outlay terms from $538 billion this year, FY 1997, to all of $562 billion 5 years from now. It goes up by $14 billion over a 5-year period of time. Half of the increase goes to defense, half to nondefense. So what we have achieved as a victory is to save discretionary spending from deep devastating cuts. Even so, it goes up by only a half a percent. It is still 9 percent below inflation.

We consider this a victory because we at least allowed enough to keep most of the programs that we consider priorities relatively fully funded, but everybody would have to agree that is not amply funded by any means.

This particular substitute would take that hard wrought compromise, take $109 billion more out over 5 years out of discretionary spending and put it into tax increases. So it would take this carefully balanced agreement and tilt it to one side, it would destroy the compromise. It has no chance of being passed by the Senate, no chance of being signed by the President.

Mr. Chairman, it would be a dreadful waste of time. We need to go on with what is possible, pass the resolution that we have carefully prepared and not get off on a side track like this.

Mr. DOOLITTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Chairman, I rise as a member of the conservative action team to point out what we are for, what we have talked about, and that is that we believe that there should be more tax cuts that are available from this bill. What we are standing up tonight to say is that we believe that we should fully fund a capital gains tax cut to zero, we believe that we should do away with death taxes, and we believe we should fully support a $500 per child tax credit.

Mr. Chairman, this is the direction that America needs to go, and this is what we intended to do.

Mr. DOOLITTLE. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I rise in strong support of the conservative budget alternative. Why? Because the American people are overtaxed, and they deserve tax relief, and they deserve that tax relief sooner rather than later.

The thing all of us in Washington should always keep in mind is that the money we spend up here does not belong to us, it belongs to the American people. Let us let the American people keep more of their hard-earned money, let us support the conservative budget alternative, let us cut taxes and do it sooner rather than later.

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Mr. DOOLITTLE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SHADEGG].

Mr. SHADEGG. Mr. Chairman, tonight is indeed an historic night. Tonight we get a chance to vote on balancing the budget. Tonight we get a chance to fulfill some of the promises we have made to the American people. While the committee budget does a tremendous job in moving in the right direction, we can do better, and indeed we have an obligation to do better.

The American people want change in the way Washington works. They want a smaller, more efficient Federal Government, and that can be achieved through the conservative alternative budget. This chart shows it plain and simple. We made a promise to the American people to deliver tax relief, tax relief for the average family. Regrettably, the sad truth is that the committee budget cannot deliver all of that relief, but the conservative alternative budget can.

The fundamental question is, are we going to keep our promise to the American people? Are we going to deliver for them? Do we recognize that they can spend their money better than we can spend it? I think the answer to that question is yes. We should fully fund the tax cuts that we have promised the American people and keep our word.

Mr. Chairman, I urge my colleagues to support the conservative alternative budget.

Mr. DOOLITTLE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, in closing the arguments for this amendment tonight for the conservative budget substitute, let me be clear: We support the effort that the Committee on the Budget has made and applaud them in that effort. Some of us will be voting for it, some of us will not, but the debate is not about the merits of their hard work and it has been tremendously hard work.

The debate tonight is about families and whether, as their representatives, we will increase the family budget or increase the Washington budget. As this chart shows, that my colleague from Arizona pointed out, our conservative budget alternative takes $109 billion from Washington's budget and gives it to families in their budget.

Now, while some people say that the economy is growing, the reality is that families in America are struggling just to get by. Some are spending more on food, clothing and shelter and transportation combined, they pay more in taxes than what they do in their budget for those necessities.

This amendment is necessary for two reasons. As this chart shows, the President drove a good bargain for Washington in his budget deal, because for every $1 of tax cuts, we have $10 of increased government spending over the next 5 years.

The conservative budget would reduce that, $1 of tax cuts for $4 of spending. Now, that is not the ideal, I would like to have it $1 for $1, but this goes a long way towards balancing our priorities.

The second reason that this amendment is necessary is that we have promised a lot of tax cuts to the American people; a full $500 tax credit, cutting the tax on investment in half, relief on the death taxes and expanded IRA's. But the fact of the matter is that $83 billion in taxes are not enough to deliver on those promises, so we need the conservative budget in order to be able to fulfill those promises for the American people.

Now, let us ensure that this golden moment as we balance the budget is one of selflessness and not selfishness for Washington. I think of a family in my district, the Lindleys and their two children. That $500 tax credit will let them buy clothes for their kids, 435 gallons of gas in the car, and another bag of groceries. That family, the Lindleys and their two children, from that $500 tax credit will be able to buy another bag of groceries each week as they keep more of their paycheck.

So in closing, Mr. Chairman, let me urge all of my colleagues on the Republican and the Democratic side of the aisle to join us in voting for this conservative alternative budget, because it is time that we stop putting Washington's budget first and start putting the family budget first.

Mr. DOOLITTLE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this is an opportunity to more than double the tax cut that will go to every person in the Nation. This is a chance to say no to Washington bureaucrats, yes to families, yes to economic growth. Vote yes on this substitute.

Mr. SHAYS. Mr. Chairman, to end the debate, I yield 3 minutes to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Chairman, I am an unlikely person to close this debate. I was about to walk back to my office and a friend of mine asked me to close, and I agreed to because I think something important needs to be said.

Some of my best friends in this House have just spoken. I love this plan. Some of the closest friends I have in politics are Members of the CATS group. I would love to vote for this plan. I believe in tax cuts. I think that the capital gains tax cut break should be zero. However, I am not king. I get handed this: National Taxpayers Union, great group. They rate us, lots of groups rate us. The CATS substitute will be scored as one of the most heavily-weighted taxpayer votes in our 1997 rating of Congress.

I do not want to vote against this plan, because I like when people like me, because I run for public office. But I say to my colleagues, sometimes in public life, in the legislature, even in the national legislature, we have to do what is right and we cannot vote on the basis of score cards or interest groups or what people are going to think about us.

The reality of it is, that gentleman over here, and various Members of the leadership on the Republican side and on the Democrat side with whom I have significant philosophical differences, have negotiated a deal. For my part on this side, if those folks cannot maintain their credibility with respect to any of these amendments, an awful lot of good people have wasted an awful lot of time and wasted an historic opportunity to do what, at least part of the reason I came to Washington, which was to deliver significant and total reform to the American people, some tax cuts, and begin to question why the welfare state always grows.

That is the bottom line; that is the reason I am an unlikely closer here, Mr. Chairman. I ask my colleagues on both sides of the aisle, if we believe in credibility, particularly credibility with respect to our leaders, I ask for a nay vote on this.

Mr. SHAYS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DOOLITTLE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOOLITTLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 313, not voting 3, as follows:

[Roll No. 144]

AYES—119

Aderholt
Bachus
Ballenger
Barr
Bartlett
Barton
Blunt
Boehner
Bonilla
Brady
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Cox
Crane
Crapo
Cubin
Cunningham
Deal
Dickey
Doolittle
Dreier
Duncan
Dunn
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Kingston
Largent
Lewis (CA)
Lewis (KY)
Manzullo
McCollum
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Norwood
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Redmond
Riley
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (MI)
Smith (TX)
Snowbarger
Solomon
Souder
Stearns
Stump
Talent
Taylor (NC)
Thornberry
Thune
Tiahrt
Upton
Wamp
Watts (OK)
Whitfield
Young (AK)

NOES—313

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Campbell
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink

Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—3

Jefferson
Schiff
Yates

□ 0112

Mrs. EMERSON changed her vote from "aye" to "no."

Mr. INGLIS of South Carolina and Mr. REDMOND changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 3 OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment in the nature of a substitute No. 3, the investment budget.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 3 offered by Mr. BROWN of California:

Strike all after the resolving clause and insert in lieu thereof the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress determines and declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,206,035,000,000.
Fiscal year 1999: $1,251,843,000,000.
Fiscal year 2000: $1,303,638,000,000.
Fiscal year 2001: $1,361,895,000,000.
Fiscal year 2202: $1,421,072,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $10,419,000,000.
Fiscal year 1999: $15,212,000,000.
Fiscal year 2000: $16,589,000,000.
Fiscal year 2001: $16,807,000,000.
Fiscal year 2002: $18,133,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,392,730,000,000.
Fiscal year 1999: $1,448,751,000,000.
Fiscal year 2000: $1,500,328,000,000.
Fiscal year 2001: $1,535,090,000,000.
Fiscal year 2002: $1,582,693,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,358,584,000,000.
Fiscal year 1999: $1,422,994,000,000.
Fiscal year 2000: $1,480,134,000,000.
Fiscal year 2001: $1,495,092,000,000.
Fiscal year 2002: $1,544,270,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $142,130,000,000.
Fiscal year 1999: $155,939,000,000.
Fiscal year 2000: $159,907,000,000.
Fiscal year 2001: $116,390,000,000.
Fiscal year 2002: $105,065,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,686,700,000,000.
Fiscal year 1999: $5,954,900,000,000.
Fiscal year 2000: $6,230,900,000,000.
Fiscal year 2001: $6,488,700,000,000.
Fiscal year 2002: $6,752,800,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $35,050,000,000.
Fiscal year 1999: $34,901,000,000.
Fiscal year 2000: $36,649,000,000.
Fiscal year 2001: $38,249,000,000.
Fiscal year 2002: $39,415,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.
Fiscal year 1999: $324,749,000,000.
Fiscal year 2000: $328,124,000,000.
Fiscal year 2001: $332,063,000,000.
Fiscal year 2002: $335,141,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:
(A) New budget authority, $262,267,000,000.
(B) Outlays, $259,255,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments $588,000,000.

Fiscal year 1999:
(A) New budget authority, $262,354,000,000.
(B) Outlays, $261,353,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $757,000,000.

Fiscal year 2000:
(A) New budget authority, $262,505,000,000.
(B) Outlays, $265,423,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2001:
(A) New budget authority, $262,528,000,000.
(B) Outlays, $257,287,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

Fiscal year 2002:
(A) New budget authority, $262,552,000,000.
(B) Outlays, $259,471,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:
(A) New budget authority, $18,471,000,000.
(B) Outlays, $14,207,000,000.
(C) New direct loan obligations, $1,966,000,000.
(D) New primary loan guarantee commitments $12,751,000,000.

Fiscal year 1999:
(A) New budget authority, $15,317,000,000.
(B) Outlays, $14,795,000,000.
(C) New direct loan obligations, $2,021,000,000.
(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:
(A) New budget authority, $16,360,000,000.
(B) Outlays, $15,343,000,000.
(C) New direct loan obligations, $2,077,000,000.
(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:
(A) New budget authority, $16,603,000,000.
(B) Outlays, $14,991,000,000.
(C) New direct loan obligations, $2,122,000,000.
(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:
(A) New budget authority, $16,920,000,000.
(B) Outlays, $15,073,000,000.
(C) New direct loan obligations, $2,178,000,000.
(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:
(A) New budget authority, $17,498,000,000.
(B) Outlays, $17,587,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:
(A) New budget authority, $18,364,000,000.
(B) Outlays, $18,147,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $19,281,000,000.

(B) Outlays, $18,713,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $20,244,000,000.

(B) Outlays, $19,687,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $21,254,000,000.

(B) Outlays, $20,715,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,287,000,000.

(B) Outlays, $2,468,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $3,537,000,000.

(B) Outlays, $2,543,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $3,717,000,000.

(B) Outlays, $2,814,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $3,857,000,000.

Outlays, $2,916,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $4,115,000,000.

(B) Outlays, $3,097,000,000.

(C) New direct loan obligations, $1,174,000,000.

(D) New primary loan guarantee commitments $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,410,000,000.

(B) Outlays, $21,899,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $23,253,000,000.

(B) Outlays, $22,604,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $23,503,000,000.

(B) Outlays, $23,253,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $23,449,000,000.

(B) Outlays, $23,518,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $23,540,000,000.

(B) Outlays, $23,527,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,319,000,000.

(B) Outlays, $11,990,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $13,066,000,000.

(B) Outlays $11,516,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,567,000,000.

(B) Outlays $10,978,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $11,429,000,000.

(B) Outlays, $9,899,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $11,232,000,000.

(B) Outlays, $9,630,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,824,000,000.

(B) Outlays, −$728,000,000.

(C) New direct loan obligations, $5,960,000,000.

(D) New primary loan guarantee commitments $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,317,000,000.

(B) Outlays, $4,507,000,000.

(C) New direct loan obligations, $3,410,000,000.

(D) New primary loan guarantee commitments $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,488,000,000.

(B) Outlays $10,092,000,000.

(C) New direct loan obligations, $4,112,000,000.

(D) New primary loan guarantee commitments $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,326,000,000.

(B) Outlays, $12,364,000,000.

(C) New direct loan obligations, $4,784,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,942,000,000.

(B) Outlays, $12,781,000,000.

(C) New direct loan obligations, $4,996,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New Budget authority, $50,846,000,000.

(B) Outlays, $40,962,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $54,715,000,000.

(B) Outlays, $43,317,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $56,172,000,000.

(B) Outlays, $45,600,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $57,373,000,000.

(B) Outlays, $46,552,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $58,598,000,000.

(B) Outlays, $47,130,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $17,269,000,000.

(B) Outlays, $11,417,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments, $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,678,000,000.

(B) Outlays, $11,997,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments, $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $8,108,000,000.

(B) Outlays, $11,670,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments, $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,114,000,000.

(B) Outlays, $11,717,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments, $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $8,215,000,000.

(B) Outlays, $8,845,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments, $2,475,000,000

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,011,000,000.

(B) Outlays, $56,273,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments, $20,665,000,000

Fiscal year 1999:

(A) New budget authority, $61,143,000,000.

(B) Outlays, $59,848,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments, $21,899,000,000

Fiscal year 2000:

(A) New budget authority, $62,508,000,000.

(B) Outlays, $61,352,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments, $23,263,000,000

Fiscal year 2001:

(A) New budget authority, $64,090,000,000.

(B) Outlays, $62,780,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments, $24,517,000,000

Fiscal year 2002:

(A) New budget authority, $65,603,000,000.

(B) Outlays, $64,401,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $135,308,000,000.

(B) Outlays, $135,055,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000

Fiscal year 1999:

(A) New budget authority, $144,365,000,000.

(B) Outlays, $143,871,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $154,728,000,000.

(B) Outlays, $153,938,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $165,730,000,000.

(B) Outlays, $164,816,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $177,877,000,000.

(B) Outlays, $176,816,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $205,310,000,000.

(B) Outlays, $200,350,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $219,430,000,000.

(B) Outlays, $212,640,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $232,828,000,000.

(B) Outlays, $225,857,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $249,027,000,000.

(B) Outlays, $234,765,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $265,828,000,000.

(B) Outlays, $254,365,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $236,956,000,000.

(B) Outlays, $246,922,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,293,000,000.

(B) Outlays, $257,304,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2000:

(A) New budget authority, $270,810,000,000.

(B) Outlays, $272,008,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2001:

(A) New budget authority, $277,236,000,000.

(B) Outlays, $276,973,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments $37,000,000.

Fiscal year 2002:

(A) New budget authority, $290,973,000,000.

(B) Outlays, $289,943,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $8,179,000,000.

(B) Outlays, $8,179,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $8,865,000,000.

(B) Outlays, $8,865,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $9,622,000,000.

(B) Outlays, $9,622,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $9,879,000,000.

(B) Outlays, $9,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $11,272,000,000.

(B) Outlays, $11,272,000.

(C) New primary loan guarantee commitments $0.

(D) New primary loan guarantee commitments $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,462,000,000.

(B) Outlays, $41,112,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,918,000.00.

(B) Outlays, $42,055,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,385,000,000.

(B) Outlays, $44,220,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,826,000,000.

(B) Outlays, $41,076,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $43,289,000,000.

(B) Outlays, $43,349,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $22,360,000,000.

(B) Outlays, $20,620,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $22,325,000,000.

(B) Outlays, $21,834,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $24,691,000,000.

(B) Outlays, $24,058,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $25,060,000,000.

(B) Outlays, $24,656,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $25,708,000,000.

(B) Outlays, $25,322,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $13,089,000,000.

(B) Outlays, $13,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $13,121,000,000.

(B) Outlays, $13,108,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $13,162,000,000.

(B) Outlays, $13,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,206,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $13,277,000,000.

(B) Outlays, $13,036,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $295,741,000,000.

(B) Outlays, $295,741,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $302,183,000,000.

(B) Outlays, $302,183,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $301,113,000,000.

(B) Outlays, $301,113,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $298,020,000,000.

(B) Outlays, $298,020,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $296,583,000,000.

(B) Outlays, $296,583,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$41,244,000,000.

(B) Outlays, −$41,244,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$32,858,000,000.

(B) Outlays, −$232,858,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$32,516,000,000.

(B) Outlays, −$32,516,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$33,143,000,000.

(B) Outlays, −$33,143,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$34,327,000,000.

(B) Outlays, −$34,327,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

SEC. 4. INVESTMENTS.

The Congress determines and declares that the appropriate levels of new budget authority and budget outlays for Federal investments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050)—for subfunction 051 for Research, Development, Test, and Evaluation:

Fiscal year 1998:

(A) New budget authority, $35,934,000,000.

(B) Budget outlays, $36,645,000,000.

Fiscal year 1999:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $35,152,000,000.

Fiscal year 2000:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $34,666,000,000.

Fiscal year 2001:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $34,738,000,000.

Fiscal year 2002:

(A) New budget authority, $35,044,000,000.

(B) Budget outlays, $34,950,000,000.

(2) General Science, Space, and Technology (250)—for subfunctions 251 and 252 for General Science, Space and Technology programs:

Fiscal year 1998:

(A) New budget authority, $17,460,000,000.

(B) Budget outlays, $17,040,000,000.

Fiscal year 1999:

(A) New budget authority, $18,333,000,000.

(B) Budget outlays, $17,838,000,000.

Fiscal year 2000:

(A) New budget authority, $19,250,000,000.

(B) Budget outlays $18,599,000,000.

Fiscal year 2001:

(A) New budget authority, $20,213,000,000.

(B) Budget outlays, $19,512,000,000.

Fiscal year 2002:

(A) New budget authority, $21,223,000,000.

(B) Budget outlays, $20,534,000,000.

(3) Energy (270)—for subfunction 271 for Energy Supply Research and Development, and subfunction 272 for Energy Conservation—

Fiscal year 1998:

(A) New budget authority, $3,937,000,000.

(B) Budget outlays, $4,148,000,000.

Fiscal year 1999:

(A) New budget authority, $4,134,000,000.

(B) Budget outlays, $4,180,000,000.

Fiscal year 2000:

(A) New budget authority, $4,340,000,000.

(B) Budget outlays, $4,328,000,000.

Fiscal year 2001:

(A) New budget authority, $4,557,000,000.

(B) Budget outlays, $4,464,000,000.

Fiscal year 2002:

(A) New budget authority, $4,785,000,000.

(B) Budget outlays, $4,655,000,000.

(4) Natural Resources and Environment (300)—for subfunction 304 for Regulatory, Enforcement, and Research Programs and Hazardous Substance Superfund, and subfunction 306 Other Natural Resources:

Fiscal year 1998:

(A) New budget authority, $10,538,000,000.

(B) Budget outlays, $9,527,000,000.

Fiscal year 1999:

(A) New budget authority, $10,742,000,000.

(B) Budget outlays, $10,013,000,000.

Fiscal year 2000:

(A) New budget authority, $10,816,000,000.

(B) Budget outlays, $10,533,000,000.

Fiscal year 2001:

(A) New budget authority, $10,859,000,000.

(B) Budget outlays, $10,825,000,000.

Fiscal year 2002:

(A) New budget authority, $10,943,000,000.

(B) Budget outlays, $10,889,000,000.

(5) Agriculture (350)—for subfunction 352 for Research Programs:

Fiscal year 1998:

(A) New budget authority, $1,339,000,000.

(B) Outlays, $1,351,000,000.

Fiscal year 1999:

(A) New budget authority, $1,406,000,000.

(B) Outlays, $1,449,000,000.

Fiscal year 2000:

(A) New budget authority, $1,476,000,000.

(B) Outlays, $1,506,000,000.

Fiscal year 2001:

(A) New budget authority, $1,550,000,000.

(B) Outlays, $1,556,000,000.

Fiscal year 2002:

(A) New budget authority, $1,627,000,000.

(B) Outlays, $1,603,000,000.

(6) Commerce and Housing Credit (370)—for subfunction 376 for Science and Technology:

Fiscal year 1998:

(A) New budget authority, $720,000,000.

(B) Outlays, $680,000,000.

Fiscal year 1999:

(A) New budget authority, $762,000,000.

(B) Outlays, $703,000,000.

Fiscal year 2000:

(A) New budget authority, $800,000,000.

(B) Outlays, $752,000,000.

Fiscal year 2001:

(A) New budget authority, $851,000,000.

(B) Outlays, $787,000,000.

Fiscal year 2002:

(A) New budget authority, $937,000,000.

(B) Outlays, $818,000,000.

(7) Transportation (400)—for subfunction 401 Ground Transportation, subfunction 402 for Air Transportation, and subfunction 403 for Water Transportation:

Fiscal year 1998:

(A) New budget authority, $44,491,000,000.

(B) Outlays, $37,419,000,000.

Fiscal year 1999:

(A) New budget authority, $48,500,000,000.

(B) Outlays, $40,641,000,000.

Fiscal year 2000:

(A) New budget authority, $48,900,000,000.

(B) Outlays, $43,211,000,000.

Fiscal year 2001:

(A) New budget authority, $49,100,000,000.

(B) Outlays, $44,283,000,000.

Fiscal year 2002:

(A) New budget authority, $49,300,000,000.

(B) Outlays, $45,078,000,000.

(8) Community and Regional Development (450)—for subfunction 452 for Rural Development and Economic Development Assistance:

Fiscal year 1998:

(A) New budget authority, $1,279,000,000.

(B) Outlays, $1,259,000,000.

Fiscal year 1999:

(A) New budget authority, $1,276,000,000.

(B) Outlays, $1,222,000,000.

Fiscal year 2000:

(A) New budget authority, $1,276,000,000.

(B) Outlays, $1,205,000,000.

Fiscal year 2001:

(A) New budget authority, $1,276,000,000.

(B) Outlays, $1,253,000,000.

Fiscal year 2002:

(A) New budget authority, $1,276,000,000.

(B) Outlays, $1,258,000,000.

(9) Education, Training, Employment, and Social Services (500)—for subfunctions 501, 502, 503, 504, and 506 National Service Initiative, Rehabilitation Services, and Children and Families Services Program:

Fiscal year 1998:

(A) New budget authority, $44,059,000,000.

(B) Outlays, $40,656,000,000.

Fiscal year 1999:

(A) New budget authority, $45,067,000,000.

(B) Outlays, $44,314,000,000.

Fiscal year 2000:

(A) New budget authority, $46,112,000,000.

(B) Outlays, $45,295,000,000.

Fiscal year 2001:

(A) New budget authority, $47,124,000,000.

(B) Outlays, $46,206,000,000.

Fiscal year 2002:

(A) New budget authority, $48,007,000,000.

(B) Outlays, $47,196,000,000.

(10) Health (550)—for subfunction 552 for Health Research and Training:

Fiscal year 1998:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,299,000,000.
Fiscal year 1999:
(A) New budget authority, $14,175,000,000.
(B) Outlays, $13,771,000,000.
Fiscal year 2000:
(A) New budget authority, $14,884,000,000.
(B) Outlays, $14,371,000,000.
Fiscal year 2001:
(A) New budget authority, $15,628,000,000.
(B) Outlays, $15,043,000,000.
Fiscal year 2002:
(A) New budget authority, $16,409,000,000.
(B) Outlays, $15,783,000,000.

(11) Income Security (600)—for subfunction 605 for Food and Nutrition Assistance:
Fiscal year 1998:
(A) New budget authority, $4,618,000,000.
(B) Outlays, $4,506,000,000.
Fiscal year 1999:
(A) New budget authority, $4,636,000,000.
(B) Outlays, $4,627,000,000.
Fiscal year 2000:
(A) New budget authority, $4,734,000,000.
(B) Outlays, $4,727,000,000.
Fiscal year 2001:
(A) New budget authority, $4,834,000,000.
(B) Outlays, $4,827,000,000.
Fiscal year 2002:
(A) New budget authority, $4,948,000,000.
(B) Outlays, $4,940,000,000.

SEC. 5. RECONCILIATION.

(a) SUBMISSIONS.—No later than June 30, 1997, the House committees named in subsections (b) and (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) HOUSE COMMITTEES.—

(1) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays as follows: $7,900,000,000 in outlays for fiscal year 1998, $36,500,000,000 in outlays for fiscal year 2002, and $115,700,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays as follows: $7,900,000,000 in outlays for fiscal year 1998, $36,500,000,000 in outlays for fiscal year 2002, and $115,700,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is increased by: $10,419,000,000 in revenues for fiscal year 1998, $18,133,000,000 in revenues for fiscal year 2002, and $77,160,000,000 in revenues in fiscal years 1998 through 2002.

(c) INVESTMENT TRUST FUND.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide for the establishment of a separate account in the Treasury known as the "Investment Trust Fund" into which shall be transferred revenues realized by the acution of spectrum allocations by the Federal Communications Commission and, further, provide that amounts in that fund shall be used exclusively for programs assumed under section 4.

(d) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 6. COMMITTEE ALLOCATIONS.

Upon the adoption of this resolution, the Committee on the Budget of the House of Representatives and the Committee on the Budget of the Senate shall each make separate allocations to the appropriate committees of its House of Congress of total new budget authority and total budget outlays for each fiscal year covered by this resolution to carry out section 4. For all purposes of the Congressional Budget Act of 1974, those allocations shall be deemed to be made pursuant to section 302(a) and section 602(a) of that Act, as applicable.

SEC. 7. SENSE OF CONGRESS REGARDING BUDGET TRENDS.

It is the sense of Congress that the increasing portion of the Federal budget absorbed by interest payments and consumption programs, particularly health spending, has led to a declining level of domestically financed investment and may adversely impact the ability of the economy to grow at the levels needed to provide for future generations.

SEC. 8. SENSE OF CONGRESS REGARDING THE NEED TO MAINTAIN FEDERAL INVESTMENTS.

It is the sense of Congress that a balanced program to improve the economy should be based on the concurrent goals of eliminating the deficit and maintaining Federal investment in programs that enhance long-term productivity such as research and development, education and training, and physical infrastructure improvements.

SEC. 9. SENSE OF CONGRESS REGARDING THE TREATMENT OF FEDERAL INVESTMENTS WITHIN THE BUDGET.

It is the sense of Congress that the current budget structure focuses primarily on short-term spending and does not highlight for decision making purposes the differences between Federal spending for long-term investment and that for current consumption. In order to restructure Federal budget to make such a distinction, it is necessary to identify an investment component in the Federal budget and establish specific budgetary targets for such investments.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. BROWN] and a Member opposed will each control 10 minutes.

For what purpose does the gentleman from Ohio [Mr. KASICH] rise?

Mr. KASICH. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BROWN] will be recognized 10 minutes, and the gentleman from Ohio [Mr. KASICH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

□ 0115

Mr. BROWN of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is not possible to enter into an all-encompassing discussion of what this investment budget does, but let me start off by defining investment budget. Both the OMB and the GAO have categorized certain investments or expenditures of the Federal Government as investments. These are described in a GAO report that came out yesterday prepared at my request and the request of Senator LAUTENBERG, the ranking minority member of the Senate Committee on the Budget, or the Committee on the Budget of the other House.

The salient thing that I wish to point out first is that this chart, which is labeled nondefense investments, has shown a steady decline for the last 15 years. I have spent most of that 15 years trying to prevent that decline unsuccessfully, but what that reflects is we have continued to uninvest in most things which contribute to the increased productive of the private sector. That includes transportation investments, research and development investments, worker productivity investments, education and training, and so on, and a few other things. This has not reached the critical stage. In this budget we have a chance to begin to remedy that situation.

The budget before us does not. As a matter of fact, it continues this decline, much to my chagrin and unhappiness. Let me point out one other thing about the investment budget.

This is a comparison of annual deficits of the investment budget versus the underlying budget that we are going to be asked to vote on. By a strange coincidence, for the next 3 years the budget deficit goes up. And I know that Members are not going to like that, but this is what they are being asked to vote for.

By an equally strange coincidence, the amount of those increased deficits over my investment budget is approximately $85 billion. And by an even stranger coincidence, the amount of the tax cuts that both sides have agreed to is approximately $85 billion.

So what is before us is a situation contained in the budget that we are going to be asked to approve where we are financing $85 billion in tax cuts with $85 billion in additional borrowing over the next 3 years. And then we have this gullible idea that in the last 2 years of this budget resolution, where the major cuts have to be made, President Gore and the 107th Congress are going to agree to make those drastic cuts that my colleagues refuse to make. That is touching faith, like in the tooth fairy. I commend all of my colleagues who have that faith and are therefore going to vote for the budget that is before them.

Having said that, Mr. Chairman, I reserve the balance of my time.

Mr. KASICH. Mr. Chairman, let me yield myself 2 minutes.

Let me first of all give some credit to the gentleman from California. I want to give him some credit because, frankly, it is not easy to put a program together, a comprehensive budget. I hope the gentleman does as well as I did in my first budget. I think I got 30 votes. I do not mind if we do a little better than that. But we obviously have to rise and oppose this for a couple reasons. I do not think we need to spend a lot of time.

There is no tax relief in this proposal. We think that the level of defense reductions are, frankly, too high. And let us get to the bottom line on it. It stands in stark violation to an agreement that could be approved. My colleagues are not going to get many votes, probably no votes on our side of the aisle. And while I want to commend the gentleman for his hard work, his commitment to science, it just is really not in balance and does not favor what we think is a new direction in this country, and that is a very limited Federal Government and more power and more money and more influence being shifted from this city back to people across the country.

It is not with joy that I have to rise against the gentleman from California, but certainly I feel compelled to do it, to represent those people who were a party to this agreement and particularly the Republican Members who really do not share this view. I ask that the membership reject the Brown amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I want to thank the gentleman from California for his hard work in developing this substitute. I rise in support of the Brown investment substitute because it moves us to a balanced budget in a believable and reasonable way and because it protects our veterans, secures our future by investing in our children, our families and our economy.

Mr. Chairman, under the committee, in the committee budget resolution, the deficit goes up the first 3 years to pay for tax cuts. That is right. Under the committee bill, the deficit 3 years from now will be worse than it is today. The Brown investment substitute, however, eliminates the deficit and balances the budget in a logical, believable and gradual way. It invests in our children, strengthens our families, protects our veterans, stimulates and strengthens our economy and improves our future.

Mr. Chairman, I urge the Members of the House to vote for the Brown investment substitute.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Chairman, I appreciate the spirit in which our colleague from California offers his amendment. But it again points out some fundamental differences in philosophy. For as my colleague from Virginia just pointed out, if we believe that tax hikes and constantly paying more and more taxes is the best form of investment in this country, then we should vote for the Brown amendment. But if on the other hand, we believe, as many of us on both sides of the aisle do now, that the American people and working families need to hang onto more of their own money and send less of it to Washington, DC, that it is possible to rein in spending and at the same time offer the American people much needed tax relief, we will vote no on the Brown amendment.

I would also note, Mr. Chairman, that I listened with great interest to the ranking member of the Committee on Science as he outlined what he thought might happen in the 107th Congress. He mentioned, Mr. Chairman, if I am not mistaken, President GORE. I just wonder if he checked that with the minority leader because I believe he might have another idea, judging from what I have read in the press recently. But whatever happens, we, of course for our money, believe it would be a conservative majority and a conservative President in the White House.

We are taking important steps now to balance this budget, to allow working families to have tax relief, to properly weigh our priorities, and that is why I rise in opposition to the Brown amendment. Let us allow working families to hold onto more of their hard-earned money. Let us vote for a responsible budget plan.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, this is not a debate about the scope, the size of government, and there are no tax hikes in this substitute. This is about the role of investment, and it does not matter whether we want a bigger budget or a smaller budget. What the gentleman from California is forcing us all to do in this budget is to look at what role investment plays in the economy.

It is possible to balance the budget on paper and totally unbalance an economy. We can cut ourselves right down to nothing but, if we do not invest in those things that help the economy grow, not government grow, the economy grow, then what have we done, what have we produced? What the gentleman does is actually put together an investment budget similar to what the General Accounting Office has recommended.

To some of my friends who support capital budgeting, I am a big fan of that, this is not capital budgeting. Capital budgeting is not in this proposal. Nor does it take anything off budget. But what it does do in accordance with GAO recommendations is it puts aside a part of the budget as an investment budget. It separates for the first time in a meaningful way in the Federal budget what a dollar does. Does a dollar buy a dollar's worth of pencils for the courthouse or a dollar's worth of gasoline for a Federal vehicle or does a dollar buy a mile of road or does a dollar buy research or does a dollar buy infrastructure that actually helps the economy grow. I think most of us would acknowledge that we need more growth in this economy and we need more investment. So I think that is what the gentleman's budget does.

Also he does it without tax cuts until the budget is balanced, I think a very sound principle as well. So if Members believe that education and research and development and infrastructure development, and incidentally this has the same dollar figure in it for infrastructure development as in the Shuster-Oberstar substitute to come, then I think they want to be involved in this. In recognizing that according to the GAO we have seen investment as a percentage of our gross domestic product shrink from 2.6 percent to 1.5 percent, if we want to fuel productivity and growth, we have to vote for this budget.

Mr. BROWN of California. Would the Chair kindly tell us how much time remains on each side?

The CHAIRMAN. The gentleman from California [Mr. BROWN] has 4 minutes remaining, and the gentleman from Ohio [Mr. KASICH] has 6½ minutes remaining.

Mr. KASICH. Mr. Chairman, I reserve the balance of the time.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I rise today in support of the Brown substitute, and I would like to congratulate my ranking member on his excellent effort.

Using CBO scoring, the Brown substitute cuts $220 billion over 5 years, actually reaching surplus by the year 2002. These cuts provide for an overall increase in research and development, including basic science research, energy research, health, space, agricultural research and defense research of $30 billion over the President's request for the next 5 years.

This work has had an enormous impact on present technology development and application. Entire industries have developed from Nobel Prize winning research in magnetic resonance, superconductivity, lasers, antibiotics, and transistor action.

However, both industrial and governmental basic research spending has steadily declined throughout the 1990s, resulting in a loss of ground in many key areas for U.S. research. If the United States is to remain the dominant economic force, we must not only recognize but employ the vision of the gentleman from California [Mr. BROWN].

Mr. Chairman, I rise today in support of the Brown substitute, and I would like to congratulate my ranking member on his excellent effort.

As a member of both the Science and Transportation Committees, I understand the need for adequate investment in our economy. We no longer compete in the labor intensive economy of the sixties. Rather, we are struggling to maintain our dominance of an ever changing, technologically sensitive, information intensive global economy. The Brown substitute not only provides the necessary framework to compete, but will ensure our economic success through increased investment in Research and Development, education, and training.

Using CBO scoring,the Brown substitute provides a budgetary surplus by 202 through spending cuts of $220 billion over 5 years.

Such cuts provide for an overall increase in Research and Development, including basic research, energy research, health, space, agricultural research, and defense research of $30 billion over the President's request over the next 5 years.

Further, the Brown substitute increases funding for the National Institute of Standards and Technology which will enable NIST to maintain its core scientific research programs and to expand its technology and manufacturing partnership programs. Steady growth in the advanced technology program will promote industrial alliances and lead to the direct creation of new, well paying jobs. Sustaining funding for the manufacturing extension partnership will provide the necessary technical and business assistance to ensure the competitiveness of U.S. manufacturers.

Scientific discoveries resulting from basic research have had an enormous impact on technology development and application. Entire industries have developed from Nobel Prize-winning research in such fields as magnetic resonance, superconductivity, lasers, antibiotics, and transistor action.

However, both industrial and governmental basic-research spending have steadily declined throughout the 1990's, resulting in a loss of ground in many key areas for U.S. research. If the United States is to remain dominant economic force, we must not only recognize, but employ the vision of Mr. BROWN.

Again, I applaud Mr. BROWN's fine efforts on his budget, and, more importantly, his vision for maintaining our long term economic vitality.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the distinguished woman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member of the Committee on Science for yielding me the time, and I thank him for his leadership on this issue.

With all due respect to esteemed chairman of the Committee on the Budget the gentleman from Ohio [Mr. KASICH], let me say that I think this particular amendment is going to get more than the number of votes that he thinks that it would not get. Why is that? There are three reasons: research, education, and infrastructure.

This is an investment amendment. This is a competitive amendment. This is an amendment that balances the budget by 2002, $220 billion of cuts in spending, but it creates jobs.

□ 0130

Mr. Chairman, when a recent newspaper article said that most all of the college graduates would be seeking employment this 1997, it characterized for us what makes America great; that is competitiveness and jobs.

This amendment invests in jobs and research and cures in various diseases. This is a good budget amendment because it creates the opportunity for the 21st century in science, it creates jobs for both inner city, rural and all parts of America. This is the kind of amendment that reinforces America as a world competitor.

Mr. Chairman, I ask for the support of the Brown amendment.

Mr. KASICH. Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, first of all, I want to rise in congratulation of the gentleman from Ohio [Mr. KASICH], and the gentleman from South Carolina [Mr. SPRATT].

I spoke on the budget resolution, which I will vote for and strongly support. I do want to rise and say some nice things about the gentleman from California [Mr. BROWN], and his budget, however.

If we are going to invest in educating our children, if we are going to solve problems such as cancer and AIDS, if we are going to develop new technologies for the Internet and high-speed rail and a host of other things with supercomputers, we must invest in R&D efforts and in education, and that is what the Brown budget does.

According to the Wall Street Journal, a poll done, polling 1500 economists, 43 percent of those economists said the best investments we can make to stimulate economic growth are in education and R&D.

So with that, I want to applaud the gentleman for his hard work and that of his staff putting this budget together.

Mr. BROWN of California. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. OLVER], a distinguished member of the Committee on the Budget.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time. I want to commend the gentleman from California for this creative blueprint for maintaining American preeminence in science and technology.

The Brown budget proves that we can balance the budget and, at the same time, invest in the future. Indeed, what is the use of a balanced budget if we are left to second-rate technology and American science in retreat? The Brown budget enables us to have first-rate technology with first-rate jobs, ensures America will remain preeminent in scientific fields crucial to the economy, and to the public health and our environment.

Industries such as computers and software, telecommunications and biotechnology offer high wage jobs that are the result of a strong Federal commitment to research and development. This budget stands for jobs yet to be created, jobs yet to be imagined, and so I urge my colleagues to support the vision of the substitute offered by the gentleman from California [Mr. BROWN].

Mr. DOYLE. Mr. Chairman, I rise to voice my support for the investment budget, sponsored by Representative GEORGE BROWN. I strongly believe that the budget must be balanced in 5 years, but I also believe it is crucial that we look beyond this limited time frame. The Brown substitute is a far-sighted plan which is both fiscally and socially responsible. It balances the budget in 5 years, and it provides a blue print for economic growth and development for decades to come.

It is clear that the Nation's economy is undergoing considerable change. In today's market place, it is essential that businesses and workers be equipped to take advantage of advancements in science and technology. Workers must be better trained, and goods and services must be produced and delivered more efficiently than ever. If we are going to prosper in the context of the economy of the future, it is crucial that we make investments today that will continue to pay dividends well into the next century.

However, it is equally important that we do not ignore our current responsibilities. The investment budget continues our commitments to, among other things, our Nation's senior citizens, veterans, and distressed communities. It protects seniors by extending the life of the Medicare trust fund and providing coverage for preventive services. In addition, it preserves our obligations to our veterans by not seeking any budget savings through reductions in the commitment we have made to those who have served our Nation.

Similarly, the Brown substitute contains ample economic development funding, which will help to revitalize distressed communities. Initiatives such as the Community Development Block Grant program will be protected, so that we can continue to rebuild infrastructure, improve housing, establish parks, and revitalize commercial opportunities, thereby creating jobs and raising the standard of living in the localities where they are implemented. By providing cities and towns with the tools they need to rebuild themselves, we help people help themselves and we increase our Nation's potential for future growth.

We hear a lot of talk in this Chamber about how Congress should conduct itself like the average American family. We hear that the House and Senate should, like a family, sit down around some sort of kitchen table and balance our budget. I suppose that is what we are doing this evening. But when a family sits down to balance the checkbook and put its finances in order, it also plans for the future. Families devise investment plans for the future that will enable them to contend with expenses such as college, replacing durable goods, housing, or purchasing a new automobile. The Brown substitute is a prudent investment plan for our entire Nation's future. In addition to finally putting our financial house in order, it will provide help of the country's education, research and development, infrastructure, community development, and transportation.

Mr. Chairman, I plan to support House Concurrent Resolution 84 if the investment budget is not approved. I believe that the budget agreement, drafted by the White House and congressional leadership may be the only measure that can attract the diverse support that is needed to produce a balanced budget. It is certainly a substantial improvement over the budget plans offered by the Republican congressional leadership in 1995 and 1996. However, the Brown substitute most accurately represents the priorities of my constituents in western Pennsylvania. It provides greater safeguards for fiscal responsibility by postponing tax cuts until after the deficit is eliminated and providing a steady glide path to balance. In addition, as I have outlined, it makes prudent, far-sighted investments in our Nation's future. Even if it is not adopted by the House, I urge my colleagues to examine the priorities advanced by the Brown substitute and to consider them as we move through the reconciliation process.

The CHAIRMAN. Under the rule, all time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BROWN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 91, noes 339, not voting 5, as follows:

[Roll No. 145]

AYES—91

Barcia
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
Dellums
Dixon
Doggett
Doyle
Engel
Etheridge
Farr
Fattah
Filner
Foglietta
Ford
Frank (MA)
Furse
Gephardt
Green
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kilpatrick
Kind (WI)
Klink
LaFalce
Lewis (GA)
Lofgren
Markey
Martinez
Matsui
McDermott
McGovern
McKinney
McNulty
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Rivers
Roybal-Allard
Rush
Sanders
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn

NOES—339

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Jefferson
Meehan
Schiff
Talent
Yates

□ 0152

Mr. SALMON changed his vote from "aye" to "no."

Ms. MCKINNEY changed her vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 4 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KENNEDY of Massachusetts:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,206,379,000,000.
Fiscal year 1999: $1,252,942,000,000.
Fiscal year 2000: $1,307,528,000,000.
Fiscal year 2001: $1,366,412,000,000.
Fiscal year 2002: $1,427,435,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $0.
Fiscal year 1999: $0.
Fiscal year 2000: $0.
Fiscal year 2001: $0.
Fiscal year 2002: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,399,365,000,000.
Fiscal year 1999: $1,447,879,000,000.
Fiscal year 2000: $1,495,779,000,000.
Fiscal year 2001: $1,526,178,000,000.
Fiscal year 2002: $1,552,378,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,383,432,000,000.

Fiscal year 1999: $1,440,016,000,000.

Fiscal year 2000: $1,489,140,000,000.

Fiscal year 2001: $1,516,666,000,000.

Fiscal year 2002: $1,535,000,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $177,053,000,000.

Fiscal year 1999: $187,074,000,000.

Fiscal year 2000: $181,612,000,000.

Fiscal year 2001: $150,254,000,000.

Fiscal year 2002: $107,565,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,596,684,000,000.

Fiscal year 1999: $5,844,015,000,000.

Fiscal year 2000: $6,088,538,000,000.

Fiscal year 2001: $6,298,829,000,000.

Fiscal year 2002: $6,474,034,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.

Fiscal year 1999: $33,378,000,000.

Fiscal year 2000: $34,775,000,000.

Fiscal year 2001: $36,039,000,000.

Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.

Fiscal year 1999: $324,749,000,000.

Fiscal year 2000: $328,124,000,000.

Fiscal year 2001: $332,063,000,000.

Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $266,000,000,000.

(B) Outlays, $264,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $588,000,000.

Fiscal year 1999:

(A) New budget authority, $266,000,000,000.

(B) Outlays, $264,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $757,000,000.

Fiscal year 2000:

(A) New budget authority, $267,000,000,000.

(B) Outlays, $267,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $267,000,000,000.

(B) Outlays, $261,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $267,000,000,000.

(B) Outlays, $264,400,000,0000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,909,000,000.

(B) Outlays, $14,558,000,000.

(C) New direct loan obligations, $1,966,000,000.

(D) New primary loan guarantee commitments $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,918,000,000.

(B) Outlays, $14,569,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments, $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $15,782,000,000.

(B) Outlays, $14,981,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments, $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,114,000,000.

(B) Outlays, $14,751,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments, $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,353,000,000.

(B) Outlays, $14,812,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments, $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,437,000,000.

(B) Outlays, $17,082,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $16,403,000,000.

(B) Outlays, $16,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $16,147,000,000.

(B) Outlays, $16,213,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $16,000,000,000.

(B) Outlays, $16,062,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,804,000,000.

(B) Outlays, $15,868,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,123,000,000.

(B) Outlays, $2,247,000,000

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,469,000,000.

(B) Outlays, $2,446,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,186,000,000.

(B) Outlays, $2,293,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,939,000,000.

(B) Outlays, $2,048,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,846,000,000.

(B) Outlays, $1,867,000,000.

(C) New direct loan obligations, $1,171,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,877,000,000.

(B) Outlays, $22,405,000,000.

(C) New direct loan obligations, $3,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,227,000,000.

(B) Outlays, $22,702,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $22,963,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,151,000,000.

(B) Outlays, $22,720,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, −$920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments $245,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,689,000,000.

(D) New primary loan guarantee commitments $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,402,000,000.

(B) Outlays, $43,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $* * * To Be Supplied.

(B) Outlays, $* * * To Be Supplied.

(C) New direct loan obligations, $* * * To Be Supplied.

(D) New primary loan guarantee commitments $* * * To Be Supplied.

Fiscal year 2000:

(A) New budget authority, $* * * To Be Supplied.

(B) Outlays, $* * * To Be Supplied.

(C) New direct loan obligations, $* * * To Be Supplied.

(D) New primary loan guarantee commitments $* * * To Be Supplied.

Fiscal year 2001:

(A) New budget authority, $* * * To Be Supplied.

(B) Outlays, $* * * To Be Supplied.

(C) New direct loan obligations, $* * * To Be Supplied.

(D) New primary loan guarantee commitments $* * * To Be Supplied.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $44,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $9,068,000,000.

(B) Outlays, $10,687,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,839,000,000.

(B) Outlays, $11,252,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $8,210,000,000.

(B) Outlays, $11,386,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $8,214,000,000.

(B) Outlays, $11,800,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $8,290,000,000.

(B) Outlays, $8,929,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments $2,475,000,000.

(A) New budget authority, $46,556,000,000.

(B) Outlays, $44,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $44,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $44,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $67,320,000,000.

(B) Outlays, $58,362,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $63,750,000,000.

(B) Outlays, $63,885,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $65,903,000,000.

(B) Outlays, $66,178,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $67,759,000,000.

(B) Outlays, $67,981,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $68,739,000,000.

(B) Outlays, $68,966,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $140,599,000,000.

(B) Outlays, $140,567,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $85,000,000.

Fiscal year 1999:

(A) New budget authority, $149,418,000,000.

(B) Outlays, $149,394,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $159,868,000,000.

(B) Outlays, $159,747,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $170,662,000,000.

(B) Outlays, $170,385,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $181,571,000,000.

(B) Outlays, $181,127,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $203,820,000,000.

(B) Outlays, $203,964,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $214,673,000,000.

(B) Outlays, $214,148,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $229,340,000,000.

(B) Outlays, $229,337,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $244,036,000,000.

(B) Outlays, $243,181,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $256,548,000,000.

(B) Outlays, $255,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $240,160,000,000.

(B) Outlays, $248,861,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $255,375,000,000.

(B) Outlays, $259,346,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $271,084,000,000.

(B) Outlays, $269,669,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $276,898,000,000.

(B) Outlays, $279,007,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $288,937,000,000.

(B) Outlays, $287,221,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,579,000,000.

(B) Outlays, $41,371,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments, $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,745,000,000.

(B) Outlays, $41,979,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments, $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $42,015,000,000.

(B) Outlays, $42,223,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments, $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,418,000,000.

(B) Outlays, $42,540,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments, $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,629,000,000.

(B) Outlays, $42,783,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments, $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $25,165,000,000.

(B) Outlays, $23,209,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $25,320,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $25,578,000,000.

(B) Outlays, $25,840,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $25,054,000,000.

(B) Outlays, $26,701,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $25,183,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,672,000,000.

(B) Outlays, $296,672,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $304,932,000,000.

(B) Outlays, $304,932,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $305,512,000,000.

(B) Outlays, $305,512,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $304,037,000,000.

(B) Outlays, $304,037,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $303,796,000,000.

(B) Outlays, $303,796,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, $41,841,000,000.

(B) Outlays, $41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, −$36,949,000,000.

(B) Outlays, −$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, −$36,937,000,000.

(B) Outlays, −$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, −$39,151,000,000.

(B) Outlays, −$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, −$51,124,000,000.

(B) Outlays, −$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) Submissions.—Not later than August 1, 1997, the House committees named in subsection (b) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(b) Instructions.—

(1) Committee on Agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) Committee on Banking and Financial Services.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that

provide direct spending such that the total level of direct spending for that committee does not exceed: $8,435,000,000 in outlays for fiscal year 1998, $5,091,000,000 in outlays for fiscal year 2002, and $50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $395,150,000,000 in outlays for fiscal year 1998, $513,615,000 in outlays for fiscal year 2002, and $2,638,120,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,718,000,000 in outlays for fiscal year 1998, $18,167,000,000 in outlays for fiscal year 2002, and $106,050,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,287,000,000 in outlays for fiscal year 1998, $17,483,000,000 in outlays for fiscal year 2002, and $107,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,478,000,000 in outlays for fiscal year 1998, $25,192,000,000 in outlays for fiscal year 2002, and $141,497,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $399,663,000,000 in outlays for fiscal year 1998, $511,377,000,000 in outlays for fiscal year 2002, and $2,639,195,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to decrease revenues as follows: by $8,000,000,000 in revenues for fiscal year 1998, by $16,000,000,000 in revenues for fiscal year 2002, and by $60,000,000,000 in revenues in fiscal years 1998 through 2002.

(C) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: by $8,000,000,000 in revenues for fiscal year 1998, by $16,000,000,000 in revenues for fiscal year 2002, and by $60,000,000,000 in revenues in fiscal years 1998 through 2002.

(c) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(d) CHILDREN'S HEALTH INITIATIVE.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $4.6 billion for fiscal year 1998, by more than $8.0 billion for fiscal year 2002, and by more than $32 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—SENSE OF CONGRESS PROVISIONS

SEC. 301. SENSE OF CONGRESS ON MIDDLE INCOME TAX RELIEF.

(a) FINDINGS.—The Congress finds the following:

(1) Tax reductions in tax bills enacted in the 1980's predominately benefited Americans with higher incomes.

(2) Increases in the social security payroll tax over this period has resulted in a net increase in the tax burden on middle income Americans.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact legislation providing targeted tax relief, with an emphasis on alleviating the tax burden on middle income Americans, by enacting the following provisions:

(1) Higher education initiatives, including the President's $1,500 HOPE scholarship tax credit and deductibility of up to $10,000 for higher education tuition and fees.

(2) Expansion of the child care tax credit, with increases in the amount of allowable expenses, the percentage of allowable expenses, and the income phase-down levels.

(3) Homeownership provisions, including up to a $500,000 capital gains exclusion for home sales, and permitting tax and penalty-free borrowing from an IRA account or a parent's IRA account for a down payment on a first-time home purchase.

(4) Savings provisions, including an increase in the annual limit for deductible IRA contributions from $2,000 to $2,500 per year.

SEC. 302. SENSE OF THE CONGRESS ON SMALL BUSINESS TAX RELIEF.

(a) FINDINGS.—Congress finds the following:

(1) Small businesses are the source of most new jobs created in this country.

(2) Small businesses have a more difficult time than large corporations in raising capital covering health care costs for employees, and coping with estate taxes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact legislation providing tax incentives and tax relief for small businesses, including:

(1) Incentives for long-term investments in small businesses, including capital gains relief, deferral of gains on any small business investments rolled over into another small business investment, and a tripling of the amount of declarable losses on investments in small businesses.

(2) Estate tax relief for family-owned small businesses and farms, and an increase in small businesses eligibility for 10-year installment payments of estate taxes.

(3) 100 percent deductibility of health care costs for the self-employed.

(4) Extension of the 5 percent Foreign Sales Credit (FSC) to software exporters.

SEC. 303. SENSE OF THE CONGRESS ON REVENUE NEUTRALITY.

(a) FINDINGS.—Congress finds the following:

(1) Large tax cuts in the 1980's led to an unprecedented explosion in the level of debt owed by American taxpayers.

(2) Tax cuts without revenue offsets increase the level of spending cuts required to balance the budget, in vital areas like education, health care, transportation, and research and development.

(3) It is a priority to balance the budget first, and to defer tax cuts which reduce revenues until the budget is actually in balance.

(4) Targeted tax cuts for higher education, child care, homeownership, increased savings, and small businesses can be enacted without reducing the net level of revenues.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all tax cuts should be fully offset by revenue increases, through reinstatement of expiring excise taxes and the closing of corporate tax loopholes.

SEC. 304. SENSE OF CONGRESS ON CHILDREN'S HEALTH.

It is the sense of Congress that sufficient funding be provided to insure all currently uninsured children in America, through health care grants to the States and an expansion of medicaid in a total amount of at least $32,000,000,000 over the next 5 years.

SEC. 305. SENSE OF THE CONGRESS ON MEDICARE.

(a) FINDINGS.—Congress finds the following:

(1) The Medicare Part A Trust Fund will go bankrupt by the year 2000 without congressional action.

(2) Some 40,000,000 senior citizens rely on medicare for affordable, quality health care.

(3) Many low-income senior citizens are unable to afford projected increases in medicare premiums.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact legislation to extend the solvency of the Medicare Trust Fund for the next 10 years, using policies which:

(1) Maintain part B premiums at 25 percent, with a phase-in of home health care changes.

(2) Provide new preventive and other health care benefits, including expanded mammography coverage, coverage for colorectal screenings, coverage for diabetes screening, 72 hours of respite care of Alzheimers patients, bone mass measurements for osteoporosis care, prostate cancer screening, cancer clinic benefits, and immunosuppressant drugs.

(3) Include sustainable reductions in reimbursements for hospitals, skilled nursing facilities, and other health care providers.

(4) Provide full funding for teaching hospitals through the Graduate Medical Education program.

(5) Increase health care choices among seniors, without restricting access to fee-for-service health care.

SEC. 306. SENSE OF CONGRESS ON MEDICAID.

(a) FINDINGS.—Congress finds the following:

(1) Hospitals and other health care providers are already seriously underreimbursed for the actual cost of providing medicaid services.

(2) Medicaid is the primary source of health care coverage for the uninsured, including poor children, indigent mothers, and low-income senior citizens in nursing homes.

(3) Medicaid provides critical funding for medicare premiums for low-income seniors.

(b) SENSE OF CONGRESS.—It is the sense of Congress that medicaid legislation should increase coverage for low-income adults and seniors, and uninsured children, by providing that:

(1) Any reductions in medicaid reimbursements to health care providers should be used to expand coverage for children's health care, legal immigrants, and low-income Americans.

(2) Spending reductions should not include either a block grant or a per capita cap.

(3) Medicaid should extend its program to pay medicare premiums for low-income senior citizens, protecting them from increases caused by home health care shifts.

(4) States should be given more flexibility in managing the medicaid program, through managed care options, and elimination of unnecessary regulations, while fully protecting the quality and availability of health care for medicaid recipients.

SEC. 307. SENSE OF CONGRESS ON DOMESTIC DISCRETIONARY SPENDING.

It is the sense of Congress that sufficient funding be provided for domestic discretionary spending to allow for full inflationary increases over the period from 1998 through 2002, to fully fund priority areas like education, health care, transportation, research and development, community development, crime, and housing.

SEC. 308. SENSE OF CONGRESS ON PELL GRANT LIMITS.

(a) FINDINGS.—Congress finds the following:

(1) The spiraling cost of higher education tuition and fees threatens to put the cost of college out of reach for millions of Americans.

(2) Pell Grants are an effective way to make college affordable for low-income students.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should increase the annual limit on Pell Grants from $2,700 to $3,700.

SEC. 309. SENSE OF CONGRESS IN SCHOOL CONSTRUCTION.

(a) FINDINGS.—Congress finds the following:

(1) Children cannot achieve their full educational potential, if the school buildings they are educated in are falling apart.

(2) The General Accounting Office (GAO) has determined that it will require $112,000,000,000 to repair and improve our Nation's schools.

(3) Many communities are unable to afford the full cost of making such needed repairs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should enact the President's school construction initiative, to provide $5,000,000,000 to leverage the repair and construction of elementary and secondary schools.

SEC. 310. SENSE OF CONGRESS REGARDING EDUCATION.

It is the sense of Congress that funding should be substantially increased in a number of programs which increase educational opportunities, including:

(1) Title I grants, to help the disadvantaged develop basic educational skills.

(2) The Technology Literacy Challenge Fund, to provide computers, software, and technology training to elementary and secondary schools.

(3) Special education IDEA grants, to provide services to children with disabilities.

(4) Adult education grants, to provide adult literacy and other educational programs.

(5) The Federal work study program, to provide needy students with part-time work.

SEC. 311. SENSE OF CONGRESS ON TRANSPORTATION.

(a) FINDINGS.—Congress finds the following:

(1) Our continued economic growth is dependent on maintaining and expanding our basic infrastructure, especially with respect to roads and bridges.

(2) In many sections of our country, our transportation infrastructure suffers from a lack of adequate funding and neglect of maintenance.

(3) For many years, Congress has failed to use funds collected under the Federal gas tax to pay for essential road and related transportation needs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all new funds collected in the transportation trust fund should be fully spent on transportation improvements.

SEC. 312. SENSE OF CONGRESS ON EARLY CHILDHOOD DEVELOPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Adequate nutrition, quality health care, educational opportunities, and high quality child care for children between birth and the age of 3 are scientifically shown to play a critical role in later childhood and adult development.

(2) Public spending on health, nutrition, education, and child care at the stage of early childhood development has proven to be a sound long-term investment in human resources.

(b) SENSE OF CONGRESS.—It is the sense of Congress that sufficient funding should be provided in the following programs to meet the needs of infants and toddlers:

(1) WIC (the supplemental nutrition program for women, infants, and children).

(2) Head Start.

(3) Healthy Start.

(4) Programs for infants and toddlers with disabilities under part H of the Individuals with Disabilities Education Act (IDEA).

(5) Programs under the Child Care and Development Block Grant Act.

SEC. 313. SENSE OF CONGRESS ON HEALTH RESEARCH.

(a) FINDINGS.—Congress finds the following:

(1) The National Institutes of Health (NIH) is the world's leading biomedical research institution.

(2) The National Institutes of Health accomplishes its mission of discovering new medical knowledge that will lead to better health for everyone through supervising, funding, and conducting biomedical and behavioral research to help prevent, detect, diagnose, and treat disease and disability in humans.

(3) The Federal investment in the National Institutes of Health should be sufficient to keep up with the pace of biomedical inflation and public health needs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funding for the National Institutes of Health should be at least equal to the Institute's annual professional judgment, which is the best and most reliable estimate of the minimum level of funding needed to sustain the high standard of scientific achievement attained by the National Institutes of Health.

SEC. 314. SENSE OF CONGRESS ON RESEARCH AND DEVELOPMENT.

(a) FINDINGS.—Congress finds the following:

(1) Federal support of research and development has led to numerous advances in science and technology that have greatly enhanced the lives of all Americans.

(2) Technological innovation has spurred almost half of the economic development of the past century.

(b) SENSE OF CONGRESS.—It is the sense of Congress that full funding should be provided for Federal research and development programs, including the National Science Foundation (NSF) and the solar and renewable energies programs of the Department of Energy.

SEC. 315. SENSE OF CONGRESS ON CRIME.

(a) FINDING.—Congress finds the following:

(1) Crime continues to threaten residential and commercial neighborhoods through the Nation.

(2) Juvenile crime continues to grow at a faster rate than other categories of crime in this Nation.

(3) Intervention and prevention programs have been shown to successfully turn the tide of violent crime.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funding for crime intervention, prevention, and domestic violence programs should be increased over current levels.

SEC. 316. SENSE OF CONGRESS ON VETERANS.

It is the sense of Congress that funding should not be cut for veterans' COLA or for housing benefits.

SEC. 317. SENSE OF CONGRESS ON HOUSING.

(a) FINDINGS.—Congress finds the following:

(1) According to the Department of Housing and Urban Development, 13,000,000 Americans have "acute housing needs".

(2) Current funding for rental housing assistance for the elderly, disabled, working poor, and mothers making the transition from welfare to work is inadequate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funding for housing assistance should be increased by providing—

(1) full funding for operating subsidies for public housing authorities, as determined by the Performance Funding System;

(2) additional funding for capital grants for public housing authorities, to repair and maintain existing public housing units; and

(3) sufficient funding to create 50,000 new section 8 vouchers each year for the next 5 years.

SEC. 318. SENSE OF CONGRESS ON DEFENSE.

It is the sense of Congress that defense spending should be maintained at current levels, and that priority should be given to defense readiness and full funding for personnel salaries and supplies, as opposed to continued expansions of large weapons systems.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. KENNEDY] and a Member opposed each will control 10 minutes.

Mr. SHAYS. Mr. Chairman, on behalf of the Committee on the Budget, we oppose this amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are all here tonight to vote for a resolution which will finally balance the Federal budget. I have long been a supporter of a balanced budget. I respect the work of the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Ohio [Mr. KASICH) and others.

The gentleman from Texas, [Mr. CHARLIE STENHOLM] and so many people in this Chamber have worked very hard to achieve a balanced budget, and this is the culmination of a year's worth of effort. I salute those who have come to this agreement. But while we have in this agreement achieved a zero deficit over a period of 10 years, we have also achieved a very unbalanced budget.

This is a budget which is fundamentally unbalanced in terms of who it hurts and who it helps. This resolution, as we will vote on it in the next hour or so in this Chamber, I think will do great harm to a great many people in our country. If we look at the kinds of hurts that this will do, we just have to look at the kinds of cuts that are going to come about. We see enormous reductions in terms of the programs that will affect Medicare and Medicaid, education and transportation, research and development, and community development.

My amendment will provide a fully inflationary adjustment for domestic discretionary spending through 2002.

Some might say, how can you possibly increase Pell grants by $1,000? How can you double the amount of funding for children's health to complete all $32 billion for children's health?

Mr. Chairman, the KENNEDY balanced budget substitute gets it right. This balanced budget substitute reinvests $100 billion more than the budget agreement in important domestic programs like Medicare and Medicaid, education and transportation, research and development, and community development. It provides a fully inflationary adjustment for domestic discretionary spending through 2002.

Some might say, how can you increase a Pell grant limit by $1,000? How can you double the amount of children's health funding? How can you provide an additional $15 billion for the ISTEA program? How can you fully fund programs like WIC and NIH and the National Science Foundation, and increase funding for programs like the veterans programs, or legal immigrants, or the fuel assistance program, or crime prevention and domestic violence programs and housing? How can you restore cuts to hospitals and skilled nursing facilities and provide $9 billion more in Medicaid prevention programs?

Well, the answer is simple. Rather than providing a huge $135 billion tax cut, with over 50 percent of those tax cuts going to the wealthiest 5 percent of the American people, we provide a modest $60 billion tax cut targeted at the middle class and fully paid for with tax offsets. Rather than giving 15 or $20 billion worth of estate tax breaks which only go to the wealthiest 1¼ percent of the American population, we give a modest, targeted estate tax break to the small businesses and family farmers that really need it.

The Kennedy substitute targets tax cuts to the middle class and small businesses through the President's college tuition credits and deductions program, the expansion of the child care tax credit, capital gains for home sales, an increase in the IRA savings limit, capital gains incentives for investments in small businesses, estate tax relief for family businesses and family farms, and full health care deductibility for the self-employed. And it fully pays for all these tax cuts with revenue offsets.

For all of my colleagues on the Democratic side who are disappointed with the budget agreement, I say this budget will fully and completely represent the values of the Democratic Party, and the Kennedy substitute allows my colleagues to vote for a balanced budget and protects their priorities.

And, too, those Republicans that are in the Abraham Lincoln and Nelson Rockefeller tradition, this gives them the sense of standing "yes" for tax cuts but "no" for just lining the pockets of the wealthy. And for my colleagues who will be voting for the budget agreement, perhaps grudgingly, I call upon them to also vote for this substitute. Do not confuse the best deal possible with the best possible deal. Vote for the Kennedy amendment.

□ 0200

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I rise in opposition to the Kennedy amendment, because once again we stand at a historic juncture where we can make a very clear choice. Because quite the contrary what my colleague from Massachusetts has said, when we offer broad-based tax relief to working families, we are not lining the pockets of the rich. Quite the contrary. We are allowing working families to save, spend and invest more of their hard-earned money as they see fit. Sadly, the Kennedy amendment offers no net tax relief for the American people. That is the reality of the Kennedy amendment.

Now, it is true if there are those in this Chamber who believe that the era of big government should continue, they should support the Kennedy amendment. However, we have a broad-based agreement which says that we should frame our priorities properly, we should allow almost every American to hold on to more of his hard-earned money and send less of it here to Washington.

We have worked out agreements and fashioned in the spirit of compromise a reasonable approach to fund priorities on both sides of the aisle, and that is why we must oppose the Kennedy amendment. Because the fact is, even though we can have disagreements about the course of government, once we have hammered out this type of agreement to lead to a balanced budget and, most importantly, offer broad-based tax relief that does not punish people for succeeding nor does it ask working families to continue to give more and more and more of their hard-earned money to Washington, we have the basis for, in fact, bringing this budget into balance, we have the basis for changing the psychology of government as well as the reality of government, and so it is for compassionate reasons that we rise in opposition to the Kennedy amendment, it is precisely because we believe that the era of big government should in fact be over. For those reasons, Mr. Chairman, I oppose the Kennedy amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Massachusetts has 5½ minutes remaining. The gentleman from Connecticut has 8 minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. Chairman, does the gentleman from Connecticut want to yield to one of his speakers?

Mr. SHAYS. Mr. Chairman, it is now 2 o'clock. We are going to reserve the balance of our time and the gentleman is free to continue.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 15 seconds to respond to the gentleman from Arizona.

First of all I would just say yama-yama-yama, here we go again. The fact of the matter is that we have got $60 billion worth of tax reductions scored by CBO in this budget.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. How does that go, yama-yama-yama?

Mr. Chairman, I think the gentleman's substitute is perhaps the best balanced approach that we have had on the floor tonight. I am going to support it. For those who are interested in investments in health and education, we have a chance here to provide the school construction money that we talked about that did not make it into this plan. We have a chance to not have to worry about choosing which 5 million kids get health insurance and which 5 million do not of the 10 million who do not have health insurance in this country, because the Kennedy proposal supports both of them.

We also have in this proposal an increase in Pell grants for those who need it the most. It targets the relief both on the spending side and the tax side, $60 billion I might tell my friend from Arizona in tax relief, and some capital gains tax relief for small businesses. If Members are interested in the whole question of full health care deductibility for people who are self-employed, it is here. If Members are interested in education tax cuts, they are here.

This is the best balanced approach I think we will have on the floor tonight. I hope my colleagues will support it, and I commend my friend from Massachusetts for his work.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in support of the Kennedy substitute budget. This alternative budget contains a number of key improvements to the bipartisan budget agreement and one of them includes money to fix our crumbling schools. School construction funding should have been part of the budget agreement. The Republican leadership's opposition to this program is seriously misguided. The need is real. Today all over America our schools are inadequate, overcrowded and literally falling down. A GAO report released last summer confirmed the worst. Record numbers of school buildings across America are in disrepair. One-third of our schools serving 14 million students need extensive repairs. About 60 percent of schools need to have their roofs, walls and floors fixed and with school enrollment skyrocketing the problem will only get worse. The state of our schools is a national disgrace. We simply cannot prepare America's children for the 21st century in 19th century schools. Students cannot learn when the walls of the classrooms are crumbling down. This amendment makes a big difference in school construction and we are going to keep fighting until we win because our children deserve nothing less.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I was surprised to hear my friend from Connecticut refer to the fact that it was 2 o'clock in the morning, as if that was a reason not to debate. That is because his leadership decided this. That is because his leadership was in such a hurry to get this thing through before people looked at it that we are here at 2 o'clock in the morning. This is really a case of blaming the victim. Stay here all night, rush the debate through and then use that as an excuse to not fully debate.

We are here again with a budget which is a significant improvement because it preserves the balancing of the budget. I want to remind Members of what I said before. From 1992 when we had a $292 billion deficit until this year, we reduced it $230 billion in 5 years. Now we are going the next $60 billion in another 5 years. We are nearly drowning in self-congratulation for those who are going to bring it down $65 billion in 5 years, who denigrated having brought it down $230 billion in the previous 5. Not only are they doing that, they are doing it by making things less fair. They are doing it by saying if you are poor, we will make it harder on you. If you are wealthy, we will give you more of a tax break because we think that is the way to get you to work.

If you think that this country needs to continue to subsidize the defense budgets of western Europe and Japan, then the underlying budget is a great one because it builds in all of that subsidy, but if you think we ought to be doing more about education here in this country, it does very little. The gentleman from Massachusetts continues the march towards balancing the budget, but he recognizes that we are in an economy today where the market works well to produce wealth, it certainly does. The market through technological change, through global interaction, is working well, but some people are being left behind.

What the underlying budget does, with a few exceptions, and I give the President credit for getting a few exceptions, but the essential task of the underlying budget is to look at those who are being left behind and wave good-bye as the rest of us move forward, to give tax relief of an unfair sort, unlike the gentleman's balanced tax relief, and essentially take one more step away from fairness in this country.

Mr. KENNEDY of Massachusetts. Mr. Chairman, is the gentleman from Connecticut going to yield to anyone on his side?

Mr. SHAYS. Mr. Chairman, we will be closing the debate as is our right. We have one speaker.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. OBEY].

The CHAIRMAN. The gentleman from Wisconsin is recognized for 1½ minutes.

Mr. OBEY. Mr. Chairman, this amendment is not about big government. It is about good government and fair government. This amendment as far as I am concerned is far superior than that brought forth by the committee. It does more in deficit reduction. It does a much better job of guaranteeing investments that we need to grow in the 21st century. It provides dramatic rather than token increases in student aid. It does a better job for transportation. It does a better job of targeting tax cuts to the people who need it rather than the people who lust for it. It gives the tax cuts to people who are hardworking, working people, not the richest 5 percent of people in the country. It does a far better job for children's health, for Medicare, for veterans, it is more disciplined on defense, it targets tax cuts to small farmers and small businessmen, and it provides basic health care opportunities for farmers that they have not seen in many a year in this country.

It is far superior, it is far more just, and it is far more fiscally responsible. I commend the gentleman for offering it.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are under no orders tonight or yesterday or tomorrow. It is just that I remember the gentleman from Ohio [Mr. KASICH] in this Chamber in 1989 offering an amendment to finally get our country's financial house in order. There were only 30 people who supported him, and our deficits just got bigger and bigger and our national debt just kept growing and growing.

The perfect amendment, it appears on that side of the aisle, is the Kennedy substitute, and I respect that. Many on our side felt the perfect amendment was offered by the conservative coalition, the CATS. So we had our perfect amendment and you have your perfect amendment and what we are trying to do is to find something that we both can agree on.

I am hoping that the gentleman from South Carolina [Mr. SPRATT] and others are right, that we can come to an agreement on a package that does some of what we want, some of what the Democrats want, and will be ultimately signed by the President.

We wanted to see controlling the growth of entitlements, allowing entitlements to grow at 6 and 7 percent a year instead of at 10 percent a year, we wanted to deal with the trust fund that is literally going bankrupt, and we also on this side of the aisle wanted tax cuts. That is true. The other side does not. We accept that. On the other side of the aisle they wanted more spending on discretionary spending. We did not. But ultimately the President won that battle.

So we have an agreement, more discretionary spending that that side of the aisle wants, controlling the growth of entitlements and tax cuts which our side wants. It is an agreement. It is basically the best we seem to be able to do with a Democrat President and Republican Congress. That is why we oppose this amendment.

We support something that is very different than what the gentleman from Massachusetts [Mr. KENNEDY] brought forward. I know the gentleman from Massachusetts [Mr. KENNEDY] wants something very different from what we brought forward. But in the end we have an agreement, and I hope and pray that not only we defeat this amendment but that we defeat the transportation amendment that will follow this debate here, vote out this agreement, and then work in the next 2 years to make this agreement work.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 306, not voting 6, as follows:

[Roll No. 146]

AYES—123

Ackerman
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Conyers
Costello
Coyne
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dixon
Engel
Etheridge
Evans
Farr
Fattah
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hinchey
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Poshard
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Strickland
Stupak
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—306

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Jefferson
McIntosh
Pomeroy
Schiff
Talent
Yates

□ 0230

Ms. WATERS, Ms. KILPATRICK, and Mr. CUMMINGS changed their vote from "aye" to "no".

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 5 in the nature of a substitute offered by Mr. SHUSTER:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1998.

The Congress declares that the concurrent resolution on the budget for fiscal year 1998 is hereby established and that the appropriate budgetary levels for fiscal years 1999 through 2002 are hereby set forth.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, and 2002:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,198,979,000,000.
Fiscal year 1999: $1,241,859,000,000.
Fiscal year 2000: $1,285,559,000,000.
Fiscal year 2001: $1,343,591,000,000.
Fiscal year 2002: $1,407,564,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: −$7,400,000,000.
Fiscal year 1999: −$11,083,000,000.
Fiscal year 2000: −$21,969,000,000.
Fiscal year 2001: −$22,821,000,000.
Fiscal year 2002: −$19,871,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,386,875,000,000.
Fiscal year 1999: $1,439,798,000,000.
Fiscal year 2000: $1,486,311,000,000.
Fiscal year 2001: $1,520,242,000,000.
Fiscal year 2002: $1,551,563,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,371,848,000,000.
Fiscal year 1999: $1,424,002,000,000.
Fiscal year 2000: $1,468,748,000,000.
Fiscal year 2001: $1,500,854,000,000.
Fiscal year 2002: $1,516,024,000,000.

(4) DEFICITS.– For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: $172,869,000,000.
Fiscal year 1999: $182,143,000,000.
Fiscal year 2000: $183,189,000,000.
Fiscal year 2001: $157,263,000,000.
Fiscal year 2002: $108,460,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,593,500,000,000.
Fiscal year 1999: $5,836,000,000,000.
Fiscal year 2000: $6,082,400,000,000.
Fiscal year 2001: $6,301,100,000,000.
Fiscal year 2002: $6,473,200,000,000.

(6) DIRECT LOAN OBLIGATIONS.—The appropriate levels of total new direct loan obligations are as follows:

Fiscal year 1998: $33,829,000,000.
Fiscal year 1999: $33,378,000,000.

Fiscal year 2000: $34,775,000,000.

Fiscal year 2001: $36,039,000,000.

Fiscal year 2002: $37,099,000,000.

(7) PRIMARY LOAN GUARANTEE COMMITMENTS.—The appropriate levels of new primary loan guarantee commitments are as follows:

Fiscal year 1998: $315,472,000,000.

Fiscal year 1999: $324,749,000,000.

Fiscal year 2000: $328,124,000,000.

Fiscal year 2001: $332,063,000,000.

Fiscal year 2002: $335,141,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2002 for each major functional category are:

(1) National Defense (050):

Fiscal year 1998:

(A) New budget authority, $268,197,000,000.

(B) Outlays, $265,978,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $588,000,000.

Fiscal year 1999:

(A) New budget authority, $270,784,000,000.

(B) Outlays, $265,771,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $757,000,000.

Fiscal year 2000:

(A) New budget authority, $274,802,000,000.

(B) Outlays, $268,418,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2001:

(A) New budget authority, $281,305,000,000.

(B) Outlays, $270,110,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

Fiscal year 2002:

(A) New budget authority, $289,092,000,000.

(B) Outlays, $272,571,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $1,050,000,000.

(2) International Affairs (150):

Fiscal year 1998:

(A) New budget authority, $15,909,000,000.

(B) Outlays, $14,558,000,000.

(C) New direct loan obligations, $1,966,000.

(D) New primary loan guarantee commitments $12,751,000,000.

Fiscal year 1999:

(A) New budget authority, $14,918,000,000.

(B) Outlays, $14,569,000,000.

(C) New direct loan obligations, $2,021,000,000.

(D) New primary loan guarantee commitments $13,093,000,000.

Fiscal year 2000:

(A) New budget authority, $15,782,000,000.

(B) Outlays, $14,981,000,000.

(C) New direct loan obligations, $2,077,000,000.

(D) New primary loan guarantee commitments $13,434,000,000.

Fiscal year 2001:

(A) New budget authority, $16,114,000,000.

(B) Outlays, $14,751,000,000.

(C) New direct loan obligations, $2,122,000,000.

(D) New primary loan guarantee commitments $13,826,000,000.

Fiscal year 2002:

(A) New budget authority, $16,353,000,000.

(B) Outlays, $14,812,000,000.

(C) New direct loan obligations, $2,178,000,000.

(D) New primary loan guarantee commitments $14,217,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1998:

(A) New budget authority, $16,237,000,000.

(B) Outlays, $16,882,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $16,203,000,000.

(B) Outlays, $16,528,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $15,947,000,000.

(B) Outlays, $16,013,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $15,800,000,000.

(B) Outlays, $15,862,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $15,604,000,000.

(B) Outlays, $15,668,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1998:

(A) New budget authority, $3,123,000,000.

(B) Outlays, $2,247,000,000.

(C) New direct loan obligations, $1,050,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $3,469,000,000.

(B) Outlays, $2,446,000,000.

(C) New direct loan obligations, $1,078,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $3,186,000,000.

(B) Outlays, $2,293,000,000.

(C) New direct loan obligations, $1,109,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $2,939,000,000.

(B) Outlays, $2,048,000,000.

(C) New direct loan obligations, $1,141,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $2,846,000,000.

(B) Outlays, $1,867,000,000.

(C) New direct loan obligations, $1,174,000,000.

(D) New primary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1998:

(A) New budget authority, $23,877,000,000.

(B) Outlays, $22,405,000,000.

(C) New direct loan obligations, $30,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $23,227,000,000.

(B) Outlays, $22,702,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $22,570,000,000.

(B) Outlays, $22,963,000,000.

(C) New direct loan obligations, $32,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $22,151,000,000.

(B) Outlays, $22,720,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $22,086,000,000.

(B) Outlays, $22,313,000,000.

(C) New direct loan obligations, $34,000,000.

(D) New primary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1998:

(A) New budget authority, $13,133,000,000.

(B) Outlays, $11,892,000,000.

(C) New direct loan obligations, $9,620,000,000.

(D) New primary loan guarantee commitments, $6,365,000,000.

Fiscal year 1999:

(A) New budget authority, $12,790,000,000.

(B) Outlays, $11,294,000,000.

(C) New direct loan obligations, $11,047,000,000.

(D) New primary loan guarantee commitments, $6,436,000,000.

Fiscal year 2000:

(A) New budget authority, $12,215,000,000.

(B) Outlays, $10,664,000,000.

(C) New direct loan obligations, $11,071,000,000.

(D) New primary loan guarantee commitments, $6,509,000,000.

Fiscal year 2001:

(A) New budget authority, $10,978,000,000.

(B) Outlays, $9,494,000,000.

(C) New direct loan obligations, $10,960,000,000.

(D) New primary loan guarantee commitments, $6,583,000,000.

Fiscal year 2002:

(A) New budget authority, $10,670,000,000.

(B) Outlays, $9,108,000,000.

(C) New direct loan obligations, $10,965,000,000.

(D) New primary loan guarantee commitments, $6,660,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 1998:

(A) New budget authority, $6,607,000,000.

(B) Outlays, −$920,000,000.

(C) New direct loan obligations, $4,739,000,000.

(D) New primary loan guarantee commitments, $245,500,000,000.

Fiscal year 1999:

(A) New budget authority, $11,082,000,000.

(B) Outlays, $4,299,000,000.

(C) New direct loan obligations, $1,887,000,000.

(D) New primary loan guarantee commitments, $253,450,000,000.

Fiscal year 2000:

(A) New budget authority, $15,183,000,000.

(B) Outlays, $9,821,000,000.

(C) New direct loan obligations, $2,238,000,000.

(D) New primary loan guarantee commitments, $255,200,000,000.

Fiscal year 2001:

(A) New budget authority, $16,078,000,000.

(B) Outlays, $12,133,000,000.

(C) New direct loan obligations, $2,574,000,000.

(D) New primary loan guarantee commitments, $257,989,000,000.

Fiscal year 2002:

(A) New budget authority, $16,678,000,000.

(B) Outlays, $12,541,000,000.

(C) New direct loan obligations, $2,680,000,000.

(D) New primary loan guarantee commitments, $259,897,000,000.

(8) Transportation (400):

Fiscal year 1998:

(A) New budget authority, $46,402,000,000.

(B) Outlays, $40,933,000,000.

(C) New direct loan obligations, $155,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $46,556,000,000.

(B) Outlays, $41,256,000,000.

(C) New direct loan obligations, $135,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $47,114,000,000.

(B) Outlays, $41,357,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $48,135,000,000.

(B) Outlays, $41,303,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $49,184,000,000.

(B) Outlays, $41,247,000,000.

(C) New direct loan obligations, $15,000,000.

(D) New primary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1998:

(A) New budget authority, $8,768,000,000.

(B) Outlays, $10,387,000,000.

(C) New direct loan obligations, $2,867,000,000.

(D) New primary loan guarantee commitments $2,385,000,000.

Fiscal year 1999:

(A) New budget authority, $8,489,000,000.

(B) Outlays, $10,902,000,000.

(C) New direct loan obligations, $2,943,000,000.

(D) New primary loan guarantee commitments $2,406,000,000.

Fiscal year 2000:

(A) New budget authority, $7,810,000,000.

(B) Outlays, $10,986,000,000.

(C) New direct loan obligations, $3,020,000,000.

(D) New primary loan guarantee commitments $2,429,000,000.

Fiscal year 2001:

(A) New budget authority, $7,764,000,000.

(B) Outlays, $11,350,000,000.

(C) New direct loan obligations, $3,098,000,000.

(D) New primary loan guarantee commitments $2,452,000,000.

Fiscal year 2002:

(A) New budget authority, $7,790,000,000.

(B) Outlays, $8,429,000,000.

(C) New direct loan obligations, $3,180,000,000.

(D) New primary loan guarantee commitments $2,475,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1998:

(A) New budget authority, $60,020,000,000.

(B) Outlays, $56,062,000,000.

(C) New direct loan obligations, $12,328,000,000.

(D) New primary loan guarantee commitments $20,665,000,000.

Fiscal year 1999:

(A) New budget authority, $60,450,000,000.

(B) Outlays, $59,335,000,000.

(C) New direct loan obligations, $13,092,000,000.

(D) New primary loan guarantee commitments $21,899,000,000.

Fiscal year 2000:

(A) New budget authority, $61,703,000,000.

(B) Outlays, $60,728,000,000.

(C) New direct loan obligations, $13,926,000,000.

(D) New primary loan guarantee commitments $23,263,000,000.

Fiscal year 2001:

(A) New budget authority, $62,959,000,000.

(B) Outlays, $61,931,000,000.

(C) New direct loan obligations, $14,701,000,000.

(D) New primary loan guarantee commitments $24,517,000,000.

Fiscal year 2002:

(A) New budget authority, $63,339,000,000.

(B) Outlays, $62,316,000,000.

(C) New direct loan obligations, $15,426,000,000.

(D) New primary loan guarantee commitments, $25,676,000,000.

(11) Health (550):

Fiscal year 1998:

(A) New budget authority, $137,799,000,000.

(B) Outlays, $137,767,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $85,000,000.

Fiscal year 1999:

(A) New budget authority, $144,968,000,000.

(B) Outlays, $144,944,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $154,068,000,000.

(B) Outlays, $153,947,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $163,412,000,000.

(B) Outlays, $163,135,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $172,171,000,000.

(B) Outlays, $171,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1998:

(A) New budget authority, $201,620,000,000.

(B) Outlays, $201,764,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $212,073,000,000.

(B) Outlays, $211,548,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $225,540,000,000.

(B) Outlays, $225,537,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $239,636,000,000.

(B) Outlays, $238,781,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $251,548,000,000.

(B) Outlays, $250,769,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1998:

(A) New budget authority, $239,032,000,000.

(B) Outlays, $247,758,000,000.

(C) New direct loan obligations, $45,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 1999:

(A) New budget authority, $254,090,000,000.

(B) Outlays, $258,064,000,000.

(C) New direct loan obligations, $75,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2000:

(A) New budget authority, $269,566,000,000.

(B) Outlays, $268,161,000,000.

(C) New direct loan obligations, $110,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2001:

(A) New budget authority, $275,145,000,000.

(B) Outlays, $277,264,000,000.

(C) New direct loan obligations, $145,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

Fiscal year 2002:

(A) New budget authority, $286,945,000,000.

(B) Outlays, $285,239,000,000.

(C) New direct loan obligations, $170,000,000.

(D) New primary loan guarantee commitments, $37,000,000.

(14) Social Security (650):

Fiscal year 1998:

(A) New budget authority, $11,424,000,000.

(B) Outlays, $11,524,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $12,060,000,000.

(B) Outlays, $12,196,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $12,792,000,000.

(B) Outlays, $12,866,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,022,000,000.

(B) Outlays, $13,043,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $14,383,000,000.

(B) Outlays, $14,398,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1998:

(A) New budget authority, $40,545,000,000.

(B) Outlays, $41,337,000,000.

(C) New direct loan obligations, $1,029,000,000.

(D) New primary loan guarantee commitments $27,096,000,000.

Fiscal year 1999:

(A) New budget authority, $41,466,000,000.

(B) Outlays, $41,700,000,000.

(C) New direct loan obligations, $1,068,000,000.

(D) New primary loan guarantee commitments $26,671,000,000.

Fiscal year 2000:

(A) New budget authority, $41,740,000,000.

(B) Outlays, $41,908,000,000.

(C) New direct loan obligations, $1,177,000,000.

(D) New primary loan guarantee commitments $26,202,000,000.

Fiscal year 2001:

(A) New budget authority, $42,093,000,000.

(B) Outlays, $42,215,000,000.

(C) New direct loan obligations, $1,249,000,000.

(D) New primary loan guarantee commitments $25,609,000,000.

Fiscal year 2002:

(A) New budget authority, $42,282,000,000.

(B) Outlays, $42,436,000,000.

(C) New direct loan obligations, $1,277,000,000.

(D) New primary loan guarantee commitments $25,129,000,000.

(16) Administration of Justice (750):

Fiscal year 1998:

(A) New budget authority, $24,765,000,000.

(B) Outlays, $22,609,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $25,120,000,000.

(B) Outlays, $24,476,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $24,178,000,000.

(B) Outlays, $25,240,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $24,354,000,000.

(B) Outlays, $25,901,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $24,883,000,000.

(B) Outlays, $24,879,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(17) General Government (800):

Fiscal year 1998:

(A) New budget authority, $14,711,000,000.

(B) Outlays, $13,959,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 1999:

(A) New budget authority, $14,444,000,000.

(B) Outlays, $14,363,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2000:

(A) New budget authority, $13,977,000,000.

(B) Outlays, $14,727,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2001:

(A) New budget authority, $13,675,000,000.

(B) Outlays, $14,131,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

Fiscal year 2002:

(A) New budget authority, $13,105,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments $0.

(18) Net Interest (900):

Fiscal year 1998:

(A) New budget authority, $296,547,000,000.

(B) Outlays, $296,547,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $304,558,000,000.

(B) Outlays, $304,558,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $305,075,000,000.

(B) Outlays, $305,075,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $303,833,000,000.

(B) Outlays, $303,833,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $303,728,000,000.

(B) Outlays, $303,728,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, -$41,841,000,000.

(B) Outlays, -$41,841,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 1999:

(A) New budget authority, -$36,949,000,000.

(B) Outlays, -$36,949,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2000:

(A) New budget authority, -$36,937,000,000.

(B) Outlays, -$36,937,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2001:

(A) New budget authority, -$39,151,000,000.

(B) Outlays, -$39,151,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

Fiscal year 2002:

(A) New budget authority, -$51,124,000,000.

(B) Outlays, -$51,124,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

TITLE II—RECONCILIATION INSTRUCTIONS

SEC. 201. RECONCILIATION.

(a) PURPOSE.—The purpose of this section is to provide for two separate reconciliation bills: the first for entitlement reforms and the second for tax relief. In the event Senate procedures preclude the consideration of two separate bills, this section would permit the consideration of one omnibus reconciliation bill.

(b) SUBMISSIONS.—

(1) ENTITLEMENT REFORMS.—Not later than June 12, 1997, the House committees named in subsection (c) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(2) TAX RELIEF AND MISCELLANEOUS REFORMS.—Not later than June 13, 1997, the House committees named in subsection (d) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without any substantive revision.

(c) INSTRUCTIONS RELATING TO ENTITLEMENT REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $103,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the

total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998, $621,000,000 in fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998, $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,176,253,000,000 in revenues for fiscal year 1998, $1,386,546,000,000 in revenues for fiscal year 2002, and $7,517,939,000,000 in revenues in fiscal years 1998 through 2002.

(d) INSTRUCTIONS RELATING TO TAX RELIEF AND MISCELLANEOUS REFORMS.—

(1) COMMITTEE ON AGRICULTURE.—The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $34,571,000,000 in outlays for fiscal year 1998, $37,008,000,000 in outlays for fiscal year 2002, and $211,443,000,000 in outlays in fiscal years 1998 through 2002.

(2) COMMITTEE ON BANKING AND FINANCIAL SERVICES.—The House Committee on Banking and Financial Services shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: −$8,435,000,000 in outlays for fiscal year 1998, −$5,091,000,000 in outlays for fiscal year 2002, and −$50,306,000,000 in outlays in fiscal years 1998 through 2002.

(3) COMMITTEE ON COMMERCE.—The House Committee on Commerce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $393,533,000,000 in outlays for fiscal year 1998, $506,791,000,000 in outlays for fiscal year 2002, and $2,617,528,000,000 in outlays in fiscal years 1998 through 2002.

(4) COMMITTEE ON EDUCATION AND THE WORKFORCE.—The House Committee on Education and the Workforce shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $17,222,000,000 in outlays for fiscal year 1998, $17,673,000,000 in outlays for fiscal year 2002, and $103,109,000,000 in outlays in fiscal years 1998 through 2002.

(5) COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT.—(A) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $68,975,000,000 in outlays for fiscal year 1998, $81,896,000,000 in outlays for fiscal year 2002, and $443,061,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Government Reform and Oversight shall report changes in laws within its jurisdiction that would reduce the deficit by: $0 in fiscal year 1998 $621,000,000 in outlays for fiscal year 2002, and $1,829,000,000 in fiscal years 1998 through 2002.

(6) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $18,087,000,000 in outlays for fiscal year 1998, $17,283,000,000 in outlays for fiscal year 2002, and $106,615,000,000 in outlays in fiscal years 1998 through 2002.

(7) COMMITTEE ON VETERANS' AFFAIRS.—The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending such that the total level of direct spending for that committee does not exceed: $22,444,000,000 in outlays for fiscal year 1998, $24,563,000,000 in outlays for fiscal year 2002, and $139,134,000,000 in outlays in fiscal years 1998 through 2002.

(8) COMMITTEE ON WAYS AND MEANS.—(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of direct spending for that committee does not exceed: $397,546,000,000 in outlays for fiscal year 1998, $506,442,000,000 in outlays for fiscal year 2002, and $2,621,578,000,000 in outlays in fiscal years 1998 through 2002.

(B) The House Committee on Ways and Means shall report changes in laws within its jurisdiction such that the total level of revenues for that committee is not less than: $1,168,853,000,000 in revenues for fiscal year 1998, $1,366,046,000,000 in revenues for fiscal year 2002, and $7,432,939,000,000 in revenues in fiscal years 1998 through 2002.

(e) DEFINITION.—For purposes of this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(f) CHILDREN'S HEALTH INITIATIVE.—If the Committees on Commerce and Ways and Means report recommendations pursuant to their reconciliation instructions that, combined, provide an initiative for children's health that would increase the deficit by more than $2.3 billion for fiscal year 1998, by more than $3.9 billion for fiscal year 2002, and by more than $16 billion for the period of fiscal years 1998 through 2002, the committees shall be deemed to not have complied with their reconciliation instructions pursuant to section 310(d) of the Congressional Budget Act of 1974.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SURFACE TRANSPORTATION.

(a) PURPOSE.—The purpose of this section is to adjust the appropriate budgetary levels to accommodate legislation increasing spending from the highway trust fund on surface transportation and highway safety above the levels assumed in this resolution if such legislation is deficit neutral.

(b) DEFICIT NEUTRALITY REQUIREMENT.—(1) In order to receive the adjustments specified in subsection (c), a bill reported by the Committee on Transportation and Infrastructure that provides new budget authority above the levels assumed in this resolution for programs authorized out of the highway trust fund must be deficit neutral.

(2) A deficit-neutral bill must meet the following conditions:

(A) The amount of new budget authority provided for programs authorized out of the highway trust fund must be in excess of $25.949 billion in new budget authority for fiscal year 1998, $25.464 billion in new budget authority for fiscal year 2002, and $127.973 billion in new budget authority for the period of fiscal years 1998 through 2002.

(B) The outlays estimated to flow from the excess new budget authority set forth in subparagraph (A) must be offset for fiscal year 1998, fiscal year 2002, and for the period of fiscal years 1998 through 2002. For the sole purpose of estimating the amount of outlays flowing from excess new budget authority under this section, it shall be assumed that such excess new budget authority would have an obligation limitation sufficient to accommodate that new budget authority.

(C) The outlays estimated to flow from the excess new budget authority must be offset by (i) other direct spending or revenue provisions within that transportation bill, (ii) the net reduction in other direct spending and revenue legislation that is enacted during this Congress after the date of adoption of this resolution and before such transportation bill is reported (in excess of the levels assumed in this resolution), or (iii) a combination of the offsets specified in clauses (i) and (ii).

(D) As used in this section, the term "direct spending" has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) REVISED LEVELS.—(1) When the Committee on Transportation and Infrastructure reports a bill (or when a conference report thereon is filed) meeting the conditions set forth in subsection (b)(2), the chairman of the Committee on the Budget shall increase the allocation of new budget authority to that committee by the amount of new budget authority provided in that bill (and that is above the levels set forth in subsection (b)(2)(A)) for programs authorized out of the highway trust fund.

(2) After the enactment of the transportation bill described in paragraph (1) and upon the reporting of a general, supplemental or continuing resolution making appropriations by the Committee on Appropriations (or upon the filing of a conference report thereon) establishing an obligation limitation above the levels specified in subsection (b)(2)(A) (at a level sufficient to obligate some or all of the budget authority specified in paragraph (1)), the chairman of the Committee on the Budget shall increase the allocation and aggregate levels of outlays to that committee for fiscal years 1998 and 1999 by the appropriate amount.

(d) REVISIONS.—Allocations and aggregates revised pursuant to this section shall be considered for purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REVERSALS.—If any legislation referred to in this section is not enacted into law, then the chairman of the House Committee on the Budget shall, as soon as practicable, reverse adjustments made under this section for such legislation and have such adjustments published in the Congressional Record.

(f) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

(g) Definition.—As used in this section, the term "highway trust fund" refers to the following budget accounts (or any successor accounts):

(1) 69-8083-0-7-401 (Federal-Aid Highways).

(2) 69-8191-0-7-401 (Mass Transit Capital Fund).

(3) 69-8350-0-7-401 (Mass Transit Formula Grants).

(4) 69-8016-0-7-401 (National Highway Traffic Safety Administration-Operations and Research).

(5) 69-8020-0-7-401 (Highway Traffic Safety Grants).

(6) 69-8048-0-7-401 (National Motor Carrier Safety Program).

SEC. 302. SALE OF GOVERNMENT ASSETS.

(a) Budgetary Treatment.—

(1) In general.—For the purpose of any concurrent resolution on the budget and the Congressional Budget Act of 1974, no amounts realized from the sale of an asset shall be scored with respect to the level of budget authority, outlays, or revenues if such sale would cause an increase in the deficit as calculated pursuant to paragraph (2).

(2) Calculation of net present value.—The deficit estimate of an asset sale shall be the net present value of the cash flow from—

(A) proceeds from the asset sale;

(B) future receipts that would be expected from continued ownership of the asset by the Government; and

(C) expected future spending by the Government at a level necessary to continue to operate and maintain the asset to generate the receipts estimated pursuant to subparagraph (B).

(b) Definition.—For purposes of this section, the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) Treatment of Loan Assets.—For the purposes of this section, the sale of loan assets or the prepayment of a loan shall be governed by the terms of the Federal Credit Reform Act of 1990.

(d) Determination of Budgetary Levels.—For the purposes of this section, budgetary levels shall be determined on the basis of estimates made by the House Committee on the Budget.

SEC. 303. ENVIRONMENTAL RESERVE FUND.

(a) Committee Allocations.—In the House, after the Committee on Commerce and the Committee on Transportation and Infrastructure report a bill (or a conference report thereon is filed) to reform the Superfund program to facilitate the cleanup of hazardous waste sites, the chairman of the Committee on the Budget shall submit revised allocations and budget aggregates to carry out this section by an amount not to exceed the excess subject to the limitation. These revisions shall be considered for purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(b) Limitations.—The adjustments made under this section shall not exceed—

(1) $200 million in budget authority for fiscal year 1998 and the estimated outlays flowing therefrom.

(2) $200 million in budget authority for fiscal year 2002 and the estimated outlays flowing therefrom.

(3) $1 billion in budget authority for the period of fiscal years 1998 through 2002 and the estimated outlays flowing therefrom.

(c) Readjustments.—In the House, any adjustments made under this section for any appropriation measure may be readjusted if that measure is not enacted into law.

SEC. 304. SEPARATE ALLOCATION FOR LAND ACQUISITIONS AND EXCHANGES.

(a) Allocation by Chairman.—In the House, upon the reporting of a bill by the Committee on Appropriations (or upon the filing of a conference report thereon) providing $700 million in budget authority for fiscal year 1998 for Federal land acquisitions and to finalize priority Federal land exchanges, the chairman of the Committee on the Budget shall allocate that amount of budget authority and the corresponding amount of outlays.

(b) Treatment of Allocations in the House.—In the House, for purposes of the Congressional Budget Act of 1974, allocations made under subsection (a) shall be deemed to be made pursuant to section 602(a)(1) of that Act and shall be deemed to be a separate suballocation for purposes of the application of section 302(f) of that Act as modified by section 602(c) of that Act.

TITLE IV—SENSE OF CONGRESS PROVISIONS

SEC. 401. SENSE OF CONGRESS ON BASELINES.

(a) Findings.—The Congress finds that:

(1) Baselines are projections of future spending if existing policies remain unchanged.

(2) Under baseline assumptions, spending automatically rises with inflation even if such increases are not mandated under existing law.

(3) Baseline budgeting is inherently biased against policies that would reduce the projected growth in spending because such policies are portrayed as spending reductions from an increasing baseline.

(4) The baseline concept has encouraged Congress to abdicate its constitutional obligation to control the public purse for those programs which are automatically funded.

(b) Sense of Congress.—It is the sense of Congress that baseline budgeting should be replaced with a budgetary model that requires justification of aggregate funding levels and maximizes congressional and executive accountability for Federal spending.

SEC. 402. SENSE OF CONGRESS ON REPAYMENT OF THE FEDERAL DEBT.

(a) Findings.—The Congress finds that:

(1) The Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including the money borrowed from the Social Security Trust Fund.

(2) The Congress and the President should enact a law which creates a regimen for paying off the Federal debt within 30 years.

(b) Sense of Congress Regarding President's Submission to Congress.—It is the sense of Congress that:

(1) The President's annual budget submission to Congress should include a plan for repayment of Federal debt beyond the year 2002, including the money borrowed from the Social Security Trust Fund.

(2) The plan should specifically explain how the President would cap spending growth at a level one percentage point lower than projected growth in revenues.

(3) If spending growth were held to a level one percentage point lower than projected growth in revenues, then the Federal debt could be repaid within 30 years.

SEC. 403. SENSE OF CONGRESS ON COMMISSION ON LONG-TERM BUDGETARY PROBLEMS.

(a) Findings.—The Congress finds that—

(1) achieving a balanced budget by fiscal year 2002 is only the first step necessary to restore our Nation's economic prosperity;

(2) the imminent retirement of the baby-boom generation will greatly increase the demand for government services;

(3) this burden will be borne by a relatively smaller work force resulting in an unprecedented intergenerational transfer of financial resources;

(4) the rising demand for retirement and medical benefits will quickly jeopardize the solvency of the medicare, social security, and Federal retirement trust funds; and

(5) the Congressional Budget Office has estimated that marginal tax rates would have to increase by 50 percent over the next 5 years to cover the long-term projected costs of retirement and health benefits.

(b) Sense of Congress.—It is the sense of Congress that legislation should be enacted to create a commission to assess long-term budgetary problems, their implications for both the baby-boom generation and tomorrow's workforce, and make such recommendations as it deems appropriate to ensure our Nation's future prosperity.

SEC. 404. SENSE OF CONGRESS ON CORPORATE WELFARE.

(a) Findings.—The Congress finds that the functional levels and aggregates in this budget resolution assume that—

(1) the Federal Government supports profit-making enterprises and industries through billions of dollars in payments, benefits, and programs;

(2) many of these subsidies do not serve a clear and compelling public interest;

(3) corporate subsidies frequently provide unfair competitive advantages to certain industries and industry segments; and

(4) at a time when millions of Americans are being asked to sacrifice in order to balance the budget, the corporate sector should bear its share of the burden.

(b) Sense of Congress.—It is the sense of Congress that legislation should be enacted to—

(1) eliminate the most egregious corporate subsidies; and

(2) create a commission to recommend the elimination of Federal payments, benefits, and programs which predominantly benefit a particular industry or segment of an industry, rather than provide a clear and compelling public benefit, and include a fast-track process for the consideration of those recommendations.

SEC. 405. SENSE OF CONGRESS ON FAMILY VIOLENCE OPTION CLARIFYING AMENDMENT.

(a) Findings.—The Congress finds that:

(1) Domestic violence is the leading cause of physical injury to women. The Department of Justice estimates that over 1,000,000 violent crimes against women are committed by intimate partners annually.

(2) Domestic violence dramatically affects the victim's ability to participate in the workforce. A University of Minnesota survey reported that one quarter of battered women surveyed had lost a job partly because of being abused and that over half of these women had been harassed by their abuser at work.

(3) Domestic violence is often intensified as women seek to gain economic independence through attending school or training programs. Batterers have been reported to prevent women from attending these programs or sabotage their efforts at self-improvement.

(4) Nationwide surveys of service providers prepared by the Taylor Institute of Chicago,

Illinois, document, for the first time, the interrelationship between domestic violence and welfare by showing that from 34 percent to 65 percent of AFDC recipients are current or past victims of domestic violence.

(5) Over half of the women surveyed stayed with their batterers because they lacked the resources to support themselves and their children. The surveys also found that the availability of economic support is a critical factor in poor women's ability to leave abusive situations that threaten them and their children.

(6) The restructuring of the welfare programs may impact the availability of the economic support and the safety net necessary to enable poor women to flee abuse without risking homelessness and starvation for their families.

(7) In recognition of this finding, the House Committee on the Budget unanimously passed a sense of Congress amendment on domestic violence and Federal assistance to the fiscal year 1997 budget resolution. Subsequently, Congress passed the family violence option amendment to last year's welfare reform reconciliation bill.

(8) The family violence option gives States the flexibility to grant temporary waivers from time limits and work requirements for domestic violence victims who would suffer extreme hardship from the application of these provisions. These waivers were not intended to be included as part of the permanent 20 percent hardship exemption.

(9) The Department of Health and Human Services has been slow to issue regulations regarding this provision. As a result, States are hesitant to fully implement the family violence option fearing it will interfere with the 20 percent hardship exemption.

(10) Currently 15 States have opted to include the family violence option in their welfare plans, and 13 other States have included some type of domestic violence provisions in their plans.

(b) Sense of Congress.—It is the sense of Congress that—

(1) States should not be subject to any numerical limits in granting domestic violence good cause waivers to individuals receiving assistance for all requirements where compliance with such requirements would make it more difficult for individuals receiving assistance to escape domestic violence; and

(2) any individuals granted a domestic violence good cause waiver by States should not be included in the States' 20 percent hardship exemption.

TITLE V—TRANSPORTATION REVENUES USED SOLELY FOR TRANSPORTATION

SEC. 501. READJUSTMENTS.

(a) Increase in Function 400.—Levels of new budget authority and outlays set forth in function 400 in section 102 shall be increased as follows:

(1) for fiscal year 1998, by $0 in outlays and by $0 in new budget authority;

(2) for fiscal year 1999, by $770,000,000 in outlays and by $3,600,000,000 in new budget authority;

(3) for fiscal year 2000, by $2,575,000,000 in outlays and by $4,796,000,000 in new budget authority;

(4) for fiscal year 2001, by $3,765,000,000 in outlays and by $5,363,000,000 in new budget authority; and

(5) for fiscal year 2002, by $4,488,000,000 in outlays and by $5,619,000,000 in new budget authority.

(b) Offsets.—(1)(A) The total budget outlays for each fiscal year set forth in each functional category in section 102 shall be reduced by an amount determined through a pro rata reduction of discretionary outlays within each function necessary to achieve the following outlay reductions:

(i) for fiscal year 1998, by $0 in outlays;

(ii) for fiscal year 1999, by $746,000,000 in outlays;

(iii) for fiscal year 2000, by $2,422,000,000 in outlays;

(iv) for fiscal year 2001, by $3,532,000,000 in outlays; and

(v) for fiscal year 2002, by $4,242,000,000 in outlays;

and corresponding reductions in new budget authority shall be made in each function consistent with such pro rata reductions in outlays. Reductions in new budget authority shall be made to section 101(2) consistent with this subparagraph and subsection (a).

(B) These reductions shall not be made to the mandatory outlay portion of any function, including (but not limited to) Medicare, Medicaid and Social Security. For purposes of the application of this paragraph to function 400, the pro rata share shall be determined by using the amounts provided for function 400 prior to any adjustment made by subparagraph (A).

(2) The amounts by which the aggregate levels of Federal revenues should be changed as set forth in section 101(1)(B) are reduced as follows:

(A) for fiscal year 1998, by $0;

(B) for fiscal year 1999, by $24,000,000;

(C) for fiscal year 2000, by $153,000,000;

(D) for fiscal year 2001, by $233,000,000; and

(E) for fiscal year 2002, by $246,000,000.

(3) The amounts by which to appropriate levels of total budget outlays in section 101(3) are increased as follows:

(A) for fiscal year 1998, by $0;

(B) for fiscal year 1999, by $24,000,000;

(C) for fiscal year 2000, by $153,000,000;

(D) for fiscal year 2001, by $233,000,000;

(D) for fiscal year 2002, by $246,000,000.

(4) The reconciliation directives to the Committee on Ways and Means in sections 201(c)(8)(B) and 201(d)(8)(B) shall be adjusted accordingly.

SEC. 502. HIGHWAY TRUST FUND ALLOCATIONS.

(a) Allocated Amounts.—Of the amounts of outlays allocated to the Committees on Appropriations of the House and Senate by the joint explanatory statement accompanying this resolution pursuant to sections 302 and 602 of the Congressional Budget Act of 1974, the following amounts shall be used for contract authority spending out of the Highway Trust Fund—

(1) for fiscal year 1998, $22,256,000,000 in outlays;

(2) for fiscal year 1999, $24,063,000,000 in outlays;

(3) for fiscal year 2000, $26,092,000,000 in outlays;

(4) for fiscal year 2001, $27,400,000,000 in outlays; and

(5) for fiscal year 2002, $28,344,000,000 in outlays.

(b) Enforcement.—Determinations regarding points of order made under section 302(f) or 602(c) of the Congressional Budget Act of 1974 shall take into account subsection (a).

(c) Statutory Implementation.—As part of reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991, provisions shall be included to enact this section into permanent law.

SEC. 503. PRIORITY FOR RESTORATION OF CUTS.

Any outlays that would have been allocated for surface transportation pursuant to section 301 shall first be used to restore any cuts to discretionary spending made as a result of section 501. The chairman of the House Committee on the Budget shall implement section 301 consistent with this section.

SEC. 504. MATHEMATICAL CONSISTENCY.

The Chairman of the House Committee on the Budget may make technical changes consistent with this title to ensure mathematical consistency.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and a Member opposed, the gentleman from Ohio [Mr. KASICH], will each control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. PETRI], the chairman of our Subcommittee on Surface Transportation.

Mr. PETRI. Mr. Chairman, I strongly support the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER] on behalf of the Committee on Transportation and Infrastructure.

I think as we get into this discussion, we need to take a step back, take off the green eyeshades and look at what we are trying to achieve. Instead of counting beans, we should view transportation spending as an investment in our future. I believe that this budget assumes continued positive economic performance. Well, if we are to achieve that, we need to be sure that we can have an efficient transportation network that can support that growth. In these days of lower costs due to our strict, sophisticated inventory controls, business must be able to rely on our transportation system.

Mr. Chairman, in order to move beyond the status quo and to start to meet our urgent transportation needs in the upcoming ISTEA reauthorization, we need the funding provided for in this amendment. Join the many States, cities and other public and private groups who support the goals of this amendment and vote yes for a better future for all Americans.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking minority Member of our committee, and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in strong support of the Shuster-Oberstar substitute.

Mr. Chairman, I rise today in support of the Shuster-Oberstar Substitute. As a member of the Transportation and Infrastructure Committee, well versed in the enormous needs of our country's infrastructure, I cannot in good conscience support a budget agreement that so grossly and dishonestly under funds our highway and transit programs.

When Congress established the Highway Trust Fund in 1956, it was a deliberate policy decision to impose a user fee funding mechanism and a trust fund rather than continuing to support transportation infrastructure programs out of general revenues. The Highway Trust Fund ensured that the money was collected from those benefiting from the improvements by taxing gasoline, diesel and special fuels as well as heavy trucks and tires. By creating a trust fund, Congress was presumably guaranteeing a promise to those contributing to the fund that the money would be dedicated to transportation infrastructure improvements. This promise has blatantly been ignored for far too long. The monies that are actually spent on our country's infrastructure are consistently, and substantially, less than what is collected. As a result, an enormous surplus has been allowed to accumulate in the Trust Fund, much to the delight of our Nation's bookkeepers. Though unable to spend even one dollar of these hoarded funds, this surplus, currently an inconceivable $24 billion, allows them to mask deficit spending. This practice of locking up billion of dollars in treasury notes that should rightfully be stimulating our economy has been likened to a shell game and amounts to nothing more than fraud on the taxpayer. To call this money a dedicated tax and then disregard its intended use is fraudulent. If we allow this practice to continue, we enable the perpetuation of this fraud at the expense of our Nation's infrastructure. I can tell you as a fourteen year veteran of the Transportation and Infrastructure Committee that our nation's infrastructure can no longer afford to pay the price for dishonest bookkeeping.

The Department of Transportation estimates that simply maintaining current conditions on our highway, bridge, and transit systems will require annual investments of $57 billion, an increase of 41%. These conditions are indisputable unacceptable and unsafe. In my home state of Pennsylvania, for example, more than 70% of our roads were rated fair to poor. Over 40% of our bridges were deemed deficient. These statistics are not inconsequential. Inadequate roads and bridges are a factor in traffic accidents that result annually in over 12,000 highway deaths nationwide. Transit needs are at least as critical. One-third of rail maintenance yards, stations, and bridges and almost one-half of transit buildings are still in poor or fair condition. Rolling stock needs immediate replacement as the average fleet age for all classes of bus and paratransit vehicles has exceeded the useful life of the vehicles. Additionally, 51% of rural buses are overage and more than 9,000 urban buses need immediate replacement. According to the DOT, to improve the condition's of our nation's infrastructure to optimal levels would require annual investments of $80 billion. Clearly, our country has enormous needs. The Shuster-Oberstar Substitute recognizes that we cannot afford to look the other way while revenues committed to address these needs sit fallow.

The Budget Agreement provides for inadequate an dishonest transportation funding levels. Despite arguments to the contrary, CBO supplied the Budget Committee with data on May 15, demonstrating that the Agreement shortchanges infrastructure spending by $12 billion. According to CBO, the Highway Trust Fund will amass $137 billion over the five years under the Budget Agreement while total outlays only amount to $125 billion over the same time period. CBO's data clearly reveals that under the Budget Agreement gas taxes deposited into the Highway Trust Fund will NOT be spent for their intended purpose. Furthermore, under the proposed Agreement, the inaccessible Trust Fund balance will increase 55% to $37 billion by the year 2002 while our grossly under funded highway and transit programs suffer. The Shuster-Oberstar Substitute safeguards against this inappropriate practice.

The Shuster-Oberstar Substitute does not attempt to draw down on the $24 billion balance that has already been allowed to accumulate in the Highway Trust Fund, nor does it spend the existing 4.3 cents-per-gallon gas tax that was created for deficit reduction. Rather, the substitute seeks solely to restore the promise inherent in the establishment of the Trust Fund by preventing further growth in the idle balances. Highway Trust Fund spending is increased to $137 billion so that outlays equal revenues into the fund during the five-year period of the Budget Resolution. The Shuster-Oberstar Substitute would increase transit spending by $2.3 billion from the $18.9 billion proposed in the Budget Agreement to more than $21 billion. While such a proposal would provide an additional $12 billion above Budget Reconciliation assumptions, trust fund balances would remain stable. Under this Substitute, our intended system of collection and redistribution is preserved and safeguarded.

The Shuster-Oberstar Substitute provides offsets for the increased spending on a year by year basis with minor reductions in discretionary spending and the proposed tax cuts. Such offsets must accompany any proposal for increased spending within the context of a Balanced Budget Agreement. The minimal cuts, .0039 over five years, are distributed evenly across discretionary spending and tax cuts, a compromise by all that only further illustrates a bipartisan awareness of our infrastructure's critical needs. While offsets are not popular, they are an unpleasant reality and the only responsible solution. Surely it would have been preferable if those involved in formulating the Budget Agreement had fulfilled their duties and proposed legitimate offsets themselves, rather than continuing the dishonest practice of using Transportation Trust Fund revenues to mask deficit spending elsewhere. The Shuster-Oberstar Substitute accepts such responsibility, while representing the will of the House with respect to taking Transportation Trust Funds off budget, and using the available revenues for their intended use. In the 104th Congress, 284 Members voted for such a measure. An identical bill in the 105th Congress currently has 239 cosponsors.

When considering the offsets provided in the Shuster-Oberstar Substitute, it is important to recognize the enormous benefits of infrastructure investment. Studies have indicated that every $1 billion expenditure in infrastructure supports 42,000 full time jobs in highway construction and supply industries. Investment in our infrastructure does not only serve to create new jobs, it improves the productivity of those that already exist. The Department of Transportation has found that since the 1950's, industry realized production cost savings of 24 cents for each dollar of investment in highways, the costs of which are recouped through these savings after only four years. Current conditions cost our Nation dearly in lost productivity as Americans waste 1.6 million hours everyday sitting in traffic. More than 70 percent of peak-hour travel on urban interstates occurs under congested or severely congested conditions, generating costs from wasted fuel and lost productivity to the economy of $45 billion each year in our Nation's 50 largest cities alone. Perhaps most compelling is the fact that, as a result of lack of investment in infrastructure, our Nation's productivity growth rate from 1979–1990 was only 35 percent of the average of other industrialized countries. Though transportation represents a full 17 percent of America's economy, the United States continues to rank 55th in the world in infrastructure investment while Japan, Germany and Taiwan, recognizing the relationship between investment and economic vitality, continue to spend trillions of dollars to improve their infrastructure.

The only way to address our Nation's enormous infrastructure needs is to support the Shuster-Oberstar Substitute to the Budget Agreement. As a member of the Transportation and Infrastructure Committee, I know that without the ability to spend every dime that is rightfully dedicated to our infrastructure, we are left with innumerable problems and few solutions. Without full access to these excise taxes, we cannot even begin to address the Donor/Donee conflict. We will be unable to support major reconstruction of the Interstate System nor can we afford any substantial upgrading of major international trade corridors and border infrastructure. New and improved transit systems, to meet mobility and clean air needs in congested urban areas, will be forfeited. The consequences of curtailed transit service are severe, especially in our urban areas. As fares increase and construction stops, highway congestion only worsens. Without additional money, we are powerless to reverse these conditions. And, perhaps most significantly we will be left without the resources needed to adequately attend to our unsafe roads and bridges, which will claim thousands of more lives next year.

I urge my colleagues to support the Shuster-Oberstar Substitute. It is vital for our economy, imperative for our safety, and essential to restoring truth and honesty to the user fees we impose upon our citizens, and to the Highway Trust Fund we created to ensure their purpose.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Chairman, I rise in strong support of the Shuster substitute.

Mr. Chairman, on behalf of the people of California's 50th Congressional District, I rise today in strong support of the Shuster-Oberstar-Petri-Rahall Amendment.

This Amendment is important to the American economy and is critical to the economic development of my own congressional district.

My constituents sent me to Congress to represent them and their interests and to be fair and honest in doing so. Although their many priorities are as varied and diverse as the communities I represent, their concerns can best be summarized in three words: jobs, jobs, jobs.

Jobs so they can support themselves and their families.

Jobs so they can raise and educate their children.

Jobs so they can contribute to our community.

Jobs so they can enjoy their recreation.

Jobs so they can provide for their retirement.

This Amendment address their concerns in a fair and honest manner and creates these much needed jobs.

Contrary to all the hype and hysteria, this amendment is not a budget-buster—in fact it honors the commitment to a balanced budget.

And while I typically would oppose the across the board cuts this amendment proposes, I believe the increased investment in our infrastructure would more than offset the impact of these modest cuts.

America's investment in its transportation infrastructure has created the strongest economy in the history of the world. It invigorates the economy, creates new jobs and raises revenues. Investment in transportation today creates jobs today—and tomorrow.

The Shuster-Oberstar Amendment provides us with the perfect opportunity to again demonstrate this investment policy on a national scale. We cannot let this opportunity pass.

Mr. Chairman, I will vote for my constituents' interests tonight and vote for the Shuster-Oberstar-Petri-Rahall Jobs Amendment, and I encourage my colleagues to do the same.

Remember, it's about jobs, jobs, jobs.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

"A deal is a deal" intoned our colleague from North Dakota a few hours ago. "Do not break the deal," says a panicked White House. "Stick to the deal," says the Committee on the Budget leadership on both sides. Whose deal, I ask my colleagues? Who was a part of this deal? Not me, and not very many in this Chamber. We did not have much to say about the deal, so why are we being asked to stick with it?

There is only one deal that counts, and that is the deal that Congress made with the traveling public when we passed the gas tax in 1956 and set up the highway trust fund. That is the deal that counts, the deal we made with the traveling public of America, and the public has been paying that tax, that user fee, and getting less and less back every year, $24 billion less. That is the surplus built up in the highway trust fund being unspent, and that surplus, that less, will build up to $37 billion under the deal if we stick with it: $37 billion more in taxes we are taking out of people and not investing in what they agreed to be taxed for.

Taxes paid, benefits not received. Seventy-six thousand bridges that need to be repaired in America, 3 million miles of rural road that have been neglected over the past 10 years. Fifteen percent of the interstate that needs to be rebuilt, 9,000 transit buses that need to be replaced in America. Seventy-three percent of the transit facilities in this country that need to be rebuilt, and for the sake of the deal we would turn our backs? We would condemn America to 5 more years of neglect, to 5 more years of underinvestment, a country that now ranks 55th in the world in infrastructure investment at the very time when Japan is investing $3 trillion in their infrastructure, when Germany is investing $2 trillion in their infrastructure, when Taiwan is investing $100 billion in their infrastructure, and we are going to say, do less for the sake of the deal.

How short-sighted. We should invest the $24 billion surplus in our roads and bridges and transit systems and enhancements. We should put the 4.3 cent gas tax that we voted in this Chamber in 1993 that is going for deficit reduction and put it into the highway trust fund, but we are not asking you to do that. We are asking you to take one-third of 1 percent across the board and invest that little bit more, that $12 billion more, take that little bit of a cut out of the deal that you were not a part of and invest it in something that makes a difference in America. Invest it in the $1 trillion sector of our national economy that is represented by transportation. That makes a difference between America being a strong and vibrant economy and falling further behind.

They say, stick with the deal. I say, no taxation without investment. No taxation without investment in our roads, our bridges, our transit systems and what is good for America. This Shuster-Oberstar amendment balances the budget by the year 2002, does not change annual deficit targets, no entitlement cuts, does not specify cuts. In fact, here is what the Chairman of the Committee on Appropriations says. He supports the agreement, but he will not be bound by levels specified for various discretionary programs.

So where is the deal? Our deal is with our constituents. Our deal is with America's future. Either we want to be a part of this process, either we want to be relevant in America, or spend the next 5 years with an oil can filling potholes in the roads that we refuse to rebuild, in the bridge decking that needs to be torn down and rebuilt.

The budget process is where we decide priorities for America's future. That is the right place. This is where we decide what our values are and to a large degree, put a price tag on them. We have done that all evening. We have done it every year in this budget process, and tonight, tonight with your voting card, you are going to make a choice, you are going to make a choice about the future of America. About whether we move ahead, whether that bridge to the 21st century the President talks about has some concrete and asphalt on it, whether it has some bike lanes in it, whether it has some transit buses on it, or where it is just a chimerical bridge that exists out there in nowhere. Vote for the Shuster-Oberstar amendment, vote to invest in America's future, vote to put America back on wheels again.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT], the Democratic leader on the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time. I ask the House to bear with me, as my voice has just about worn out.

Let me first of all say, what is in this agreement? We did not ignore the Nation's transportation infrastructure in these negotiations. I would like to spend more, too. But in this agreement we have provided $8.5 billion in outlays for transportation over and above what the President's request was for fiscal year 1998, $8.15 billion over 5 years. That means that in fiscal year 1998, fiscal year 1998, obligations for highways will go up to $22.2 billion, as opposed to $20.9 billion in this year's budget. That is a 6 percent increase, not a whopping increase, but compare it to the one-half of 1 percent average increase in discretionary spending over the next 5 years and it is a handsome, favorable treatment for transportation.

The gentleman from Minnesota [Mr. OBERSTAR] makes a powerful argument. He said, we only want to make a four-tenths of 1 percent cut across the board, but that four-tenths of 1 percent wreaks havoc with some major programs.

Let us start with defense. We barely, barely increase defense, $6 billion over the next 5 years. Pass this resolution and you will take $5.6 billion in outlays out of defense. We will have a freeze in defense spending for the next 5 years. How about that investment?

Then look down the list of other things that will be cut across the board. Education, one of the things that we want to favor, one of the initiatives that we want in this package, $980 million, section 8 housing, LIHEAP, WIC, $860 million, criminal justice, $510 million, veterans benefit, $390 million, and let me make a prediction.

If this passes and we go to conference, I would predict, given the composition of the conference committee, defense will probably be largely restored in the compromise. What will come back to us on our side of the aisle is a package bereft of these things that we fought so hard for for the last three months. Do not make that mistake on this side of the aisle. We have a good deal, let us stick with the deal, let us put it to bed and go to bed ourselves and get on with it.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, when all is said and done, I view this as a keep-the-faith with the American people amendment. The authors are asking of us to approve exactly what we said we would do, we would charge taxes and fees and we would use that money to build, repair, and maintain our Nation's infrastructure. Nothing more, nothing less. No one is suggesting a raid on any other funds earmarked for any other purpose. Rather, what the advocates of this amendment are saying is that we should level with the American people.

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If we ask them for money for a specific purpose, we should use that money for that specific purpose.

Let me hasten to add that approving this measure will not, it will not take all the hard work and negotiations that have led us to this historic moment and toss it out the window forcing us to start anew. Does anyone really believe that an approximate one-third of 1 percent adjustment in other spending and tax reduction programs, nothing the first year, one-tenth of 1 percent the second year and one-third overall is going to upset the apple cart? That strains credulity. Let us keep the faith with the American people. Let us support Shuster-Oberstar.

When all is said and done, I view this as a "keep the faith" with the American people amendment.

The authors are asking of us approval to do for the people exactly what we said we would do when the Congress imposed gasoline taxes and other user fees on the traveling public—take the money provided therefrom and use it to build, repair and maintain our Nation's transportation infrastructure. Nothing more, nothing less.

No one is suggesting a raid on any other funds earmarked for any other purpose. Rather, what the advocates of this amendment are saying is that we should level with the American public. If we ask them for money for a specific purpose we should use the money for that purpose. And if we don't, we should repeal these taxes and fees. Let me hasten to add that approving this measure will not—let me emphasize—will not take all the hard work and negotiations that have led us to this historic moment and toss it out the window, forcing us to start anew. Does anyone really believe that an approximate one-third of 1 percent adjustment in other spending and tax reduction programs—nothing the first year, one-tenth of 1 percent the second year and one third of a percent overall—will upset the apple cart. That strains credulity.

Let's keep this faith with the American people and support Shuster.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is the most important transportation infrastructure vote we will cast not only in this Congress but in the next 6 years. Why? Because this will set the level of funding for ISTEA as we reauthorize that very important piece of transportation legislation.

Make no mistake about it, if we do not have this very modest $12 billion increase, $12 billion in a $2.9-trillion budget, one-third of 1 percent, if we do not have it, we are not going to have even the beginnings of adequate funds to do the things that are so necessary such as rebuilding our interstate, rebuilding our deficient bridges, our transit systems, the projects that are so important, and changing the formulas.

If we do not increase the size of this pot, we will not be able to change the formulas so that the donor States get a fair share of their proportion. And, yes, we will not be able to address the issues of the trade corridors which have become so vital to our Nation.

We have heard about all these so-called cuts that we make. I recall when we had the Medicare debate last year, I know my Republican colleagues were incensed that our increases were called cuts. Indeed, that is what we have here now because under the Shuster-Oberstar amendment, national defense will still go up 18.9 billion, education up 17.7 billion, criminal justice 8.7 billion, veterans up 500 million. There will still be increases, but the rate of increase will not be as great. And most importantly, perhaps, there will be absolutely no reductions in the first year, next year in 1998, no reductions whatsoever.

Indeed, this modest amendment can be described as purer than Ivory Snow because Ivory Snow is only 99.44 percent pure. This amendment is 99.61 Kasich-Clinton pure. That is the only change we make. And if we cannot make that kind of modest change, we are potted plants. We are not exercising our duties to exercise our own judgment in this Congress.

So if Members care about saving lives on our highways, if they care about building infrastructure to increase productivity for America, then I urge Members to vote in favor of this amendment. Because if we do not, we simply are not going to have the funds so necessary to rebuild America as we move into the 21st century.

Mr. KASICH. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I have made a number of speeches on the House floor. This is probably the most challenging. It is the most challenging because I really have got to get through to both sides of the aisle. It is not good enough for me to just get the Republicans without touching the hearts and the souls of the Democrats. See, this is not about a highway bill. This is not about highway funds.

I mean, yes, right, the amendment is about highway funds, but it could have been about education. It could have been about defense. It could have been about children. It could have been about a million different issues. This is not about roads. This is about a team.

And it is not about a deal. I am sorry, but it is not about a deal. It is really about an agreement. It is about a bunch of people who got sent by their troops to go and try to bring something back that could put us together for once in this House. We did it one other time, not long ago. It was the war, when we put aside the partisan differences and our leaders worked in agreement and we stood and we fought for it together. And many people have described that as one of the House's finest moments in modern history. I happen to agree with that.

And we sent our people in, and we spent 4 months fighting like dogs and cats. It was not about deals. It was about a lot of principles that mattered to all of us.

The gentleman from South Carolina [Mr. SPRATT] went to those meetings and he stood up for his colleagues. And I went to these meetings, and I stood up for my colleagues. And I remember at one point in time, when I thought it was going to collapse, I looked at Gene Sperling and I said, Gene, you have to reach toward me, and I am reaching toward you, because we cannot walk away from this. We cannot let this fail. Our generation owes this to the country that we will stay here and we will fight and we will work it out. And we will reach an agreement, and it will be based on one thing: that it will not violate your principles and it will not violate our principles.

Mr. Chairman, what I think this is really all about is what the country wants. They elected a Democratic President by a wide margin. They elected a House and a Senate made up of the other party, and they said, put the country first, put the politics second. Pitch in and move America forward.

And that is what we did over the course of these last 4 months. And now what we cannot afford to do is, in the spirit of giving your word, and many of you have done it, you teach your children about it every day, and do you know what it is, you be part of a team. Yes, sometimes you stand up and fight, but at the end of the day, you are part of a team. That is what America teaches its children, be part of a team.

That is what this is all about tonight. Americans are asking us to reach towards one another. Americans are asking us to reach an agreement that will help families today and take a giant step towards solving the problems that our children face tomorrow.

I told you that I kind of have to touch your hearts. Look, I respect anybody that comes to this floor. That is why I have so many friends on the other side of the aisle. I have high regard for them. I would not question their commitment to this project or that road or this priority. But I think that our leadership has brought us something that represents an agreement that the country wants, the country supports, and something we can be proud of marching together, reaching across that aisle and holding onto one another and looking at our districts and saying, yes, I am here to represent the district, but the country, the country wants us tonight to look beyond our district, to look to a degree beyond our own priorities and be part of America's team. That is what this is about tonight.

I ask my colleagues, even though this is very difficult for them, let us not confuse the message. Let us not confuse the public. Let us not have them wake up tomorrow morning and say, can they just never get it right.

Let us send them a clear signal that we were able to advance the cause of our country. I ask my colleagues, before they put their card in that box, please think about the way that you want to feel about yourself and the way you want your children to feel about you after this vote is over. I think if you do, I think if you do, as difficult as it may be, based on your priorities, you can reach with all of us. We can build a better America.

Please reject the amendment. Support the agreement.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Shuster-Oberstar balanced budget substitute.

The American people want, deserve, and need a strong national system of transportation.

Almost everyone supports the interstate highway system. The only way to adequately maintain and improve our interstate highways and meet the needs of a growing population is to pass the Shuster substitute.

There are no State lines in the air. The people want and deserve and need a strong and safe aviation system. Air passenger traffic is exploding now and is going way up over the next 10 years.

The only way to improve our aviation system and make it as safe as it can and should be is to pass the Shuster-Oberstar substitute.

We should not continue the deceptive practice begun by President Johnson: using the trust funds not for their intended purposes, but to offset the deficit and thus spend highway and aviation funds for foreign aid and everything else.

I urge support for the Shuster balanced budget substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 216, not voting 5, as follows:

[Roll No. 147]

AYES—214

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker
Barcia
Bass
Becerra
Bereuter
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Buyer
Camp
Capps
Carson
Clay
Clayton
Clement
Clyburn
Coble
Combest
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dickey
Dingell
Dixon
Doggett
Doyle
Duncan
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gillmor
Gonzalez
Goode
Gordon
Green
Greenwood
Hamilton
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hutchinson
Jackson (IL)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
LaFalce
LaHood
Lampson
Lantos
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Nadler
Neal
Northup
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poshard
Price (NC)
Quinn
Rahall
Rangel
Riggs
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Schaefer, Dan
Schumer
Scott
Serrano
Shuster
Slaughter
Smith (NJ)
Smith, Linda
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thune
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Weldon (PA)
Wexler
Wise
Woolsey
Wynn
Young (AK)

NOES—216

Aderholt
Allen
Archer
Armey
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentsen
Berman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Collins
Condit
Conyers
Cox
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Deal
DeLay
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Evans
Everett
Ewing
Fawell
Fazio
Foglietta
Foley
Fowler
Frelinghuysen
Ganske
Gibbons
Gilchrest
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kennedy (RI)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
Largent
Latham
Lazio
Leach
Lewis (KY)
Linder
Livingston
Lucas
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Miller (FL)
Minge
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—5

Boucher
Ensign
Jefferson
Schiff
Yates

☐ 0311

Mr. TOWNS changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Chairman, on rollcall No. 147, I intended to vote "yes."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOEHNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution, (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, pursuant to House Resolution 152, he reported the concurrent resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on agreeing to the concurrent resolution.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 333 nays 99, not voting 3 as follows:

[Roll No. 148]

YEAS—333

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Torres
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—99

Barton
Becerra
Blumenauer
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Chenoweth
Clay
Clyburn
Coburn
Conyers
Cox
Coyne
Crane
Crapo
Cubin
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Engel
Evans
Filner
Frank (MA)
Ganske
Gephardt
Gutierrez
Hastings (FL)
Hill
Hilliard
Hinchey
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
King (NY)
Klug
Kucinich
Largent
Lewis (GA)
Lipinski
Markey
McCollum
McDermott
McGovern
McIntosh
McNulty
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Pombo
Rahall
Rangel
Rohrabacher
Roybal-Allard
Rush
Salmon
Sanders
Sanford
Scarborough
Scott
Serrano
Shadegg
Shuster
Slaughter
Stark
Stokes
Thompson
Tierney
Towns
Traficant
Velázquez
Waters
Watt (NC)
Waxman
Weldon (FL)
Weygand

NOT VOTING—3

Jefferson
Schiff
Yates

□ 0328

The Clerk announced the following pair:

On this vote:

Mr. Schiff for, with Mr. Yates against.

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the concurrent resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PROHIBITING NEW INVESTMENT IN BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105–85)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and the Committee on Appropriations, and ordered to be printed.

To the Congress of the United States:

Pursuant to section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208) (the "Act"), I hereby report to the Congress that I have determined and certified that the Government of Burma has, after September 30, 1996, committed large-scale repression of the democratic opposition in Burma. Further, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) (IEEPA) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report that I have exercised my statutory authority to declare a national emergency to respond to the actions and policies of the Government of Burma and have issued an Executive order prohibiting United States persons from new investment in Burma.

The order prohibits United States persons from engaging in any of the following activities after its issuance:

- —entering a contract that includes the economic development of resources located in Burma;
- —entering a contract providing for the general supervision and guarantee of another person's performance of a contract that includes the economic development of resources located in Burma;
- —purchasing a share of ownership, including an equity interest, in the economic development of resources located in Burma;
- —entering into a contract providing for the participation in royalties, earnings, or profits in the economic development of resources located in Burma, without regard to the form of the participation;
- —facilitating transactions of foreign persons that would violate any of the foregoing prohibitions if engaged in by a United States person; and
- —evading or avoiding, or attempting to violate, any of the prohibitions in the order.

Consistent with the terms of section 570(b) of the Act, the order does not prohibit the entry into, performance of, or financing of most contracts for the purchase or sale of goods, services, or technology. For purposes of the order, the term "resources" is broadly defined to include such things as natural, agricultural, commercial, financial, industrial, and human resources. However, not-for-profit educational, health, or other humanitarian programs or activities are not considered to constitute economic development of resources located in Burma. In accordance with section 570(b), the prohibition on an activity that constitutes a new investment applies if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under an agreement that is entered into with the Government of Burma or a non-governmental entity in Burma, on or after the effective date of the Executive order.

My Administration will continue to consult and express our concerns about developments in Burma with the Burmese authorities as well as leaders of ASEAN, Japan, the European Union, and other countries having major political, security, trading, and investment interests in Burma and seek multilateral consensus to bring about democratic reform and improve human rights in that country. I have, accordingly, delegated to the Secretary of State the responsibilities in this regard under section 570 (c) and (d) of the Act.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under IEEPA and section 570(b) of the Act to implement this prohibition on new investment. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I have taken these steps in response to a deepening pattern of severe repression by the State Law and Order Restoration Council (SLORC) in Burma. During the past 7 months, the SLORC has arrested and detained large numbers of students and opposition supporters, sentenced dozens to long-term imprisonment, and prevented the expression of political views by the democratic opposition, including Aung San Suu Kyi and the National League for Democracy (NLD). It is my judgment that recent actions by the regime in Rangoon constitute large-scale repression of the democratic opposition committed by the Government of Burma within the meaning of section 570(b) of the Act.

The Burmese authorities also have committed serious abuses in their recent military campaign against Burma's Karen minority, forcibly conscripting civilians and compelling thousands to flee into Thailand. Moreover, Burma remains the world's leading producer of opium and heroin, with official tolerance of drug trafficking and traffickers in defiance of the views of the international community.

I believe that the actions and policies of the SLORC regime constitute an extraordinary and unusual threat to the security and stability of the region, and therefore to the national security and foreign policy of the United States.

It is in the national security and foreign policy interests of the United States to seek an end to abuses of human rights in Burma and to support efforts to achieve democratic reform. Progress on these issues would promote regional peace and stability and would be in the political, security, and economic interests of the United States.

The steps I take today demonstrate my Administration's resolve to support the people of Burma, who made clear their commitment to human rights and democracy in 1990 elections, the results of which the regime chose to disregard.

I am also pleased to note that the Administration and the Congress speak with one voice on this issue, as reflected in executive-legislative cooperation in the enactment of section 570 of the Foreign Operations Act. I look forward to continued close consultation with the Congress on efforts to promote human rights and democracy in Burma.

In conclusion, I emphasize that Burma's international isolation is not an inevitability, and that the authorities in Rangoon retain the ability to secure improvements in relations with the United States as well as with the international community. In this respect, I once again call on the SLORC to lift restriction on Aung San Suu Kyi and the political opposition, to respect the rights of free expression, assembly, and association, and to undertake a dialogue that includes leaders of the NLD and the ethnic minorities and that deals with the political future of Burma.

In the weeks and months to come, my Administration will continue to monitor and assess action on these issues, paying careful attention to the report of the U.N. Special Rapporteur appointed by the U.N. Human Rights Commission and the report of the U.N. Secretary General on the results of his good offices mandate. Thus, I urge the regime in Rangoon to cooperate fully with those two important U.N. initiatives on Burma.

I am enclosing a copy of the Executive order that I have issued. The order is effective at 12:01 a.m., eastern daylight time, May 21, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 20, 1997*.

THE WOODROW WILSON BRIDGE

(Mr. DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, later today this House will vote on the biggest transportation vote of the decade. The Shuster-Oberstar-Petri-Rahall amendment takes a small slice from the tax cuts, from defense, from discretionary domestic spending so the American people can get the road and the rail improvements they have already paid for but are not included in the balanced budget agreement.

This allocates an additional $13 billion for transportation over the next 5 years. This amendment will, as the gentlewoman from New York [Mrs. KELLY] said earlier, save lives. Up to 12,000 a year it will save, and at the same time it promotes jobs and it builds a strong economy.

For Northern Virginia, which I represent, where we are choked in traffic, this will give us the money to help in rebuilding the Woodrow Wilson Bridge before it falls into the Potomac River. It will give Virginia our fair share of transportation dollars. We got back less than 80 cents for every dollar we spent under the previous authorization. Without the additional dollars this amendment provides, fair allocations for donor States like Virginia become next to impossible.

Let us balance the budget, let us fix the broken transportation system, let us support the Shuster-Oberstar amendment.

Mr. SPEAKER, despite the nation's highest rate of carpooling and a national ranking of third in the number of commuters that use transit, the region has the second longest mean commuting time in the country. The dollar cost of congestion in the region is the highest in the country based on wasted time and fuel—and it is getting worse. I know this hardly comes as a shock to Members that live and travel around the region, but these figures dramatize the desperate need for major transportation improvements.

No single element of the regional transportation system is more critical than the Woodrow Wilson Memorial Bridge which crosses the Potomac River on interstate 95. Anyone that drives in this region knows that a problem at the Woodrow Wilson Bridge can create gridlock throughout the entire Washington region. This 35-year-old bridge is the only federally owned bridge in the National Highway System.

Built to carry 75,000 vehicles per day, the bridge now carries 152,000 vehicles per day and 17,000 heavy trucks each day. The heavy traffic load on the bridge has shortened the bridges useful life span to roughly 10 years. If action is not taken to replace this vital bridge, this region and every driver or trucker trying to go north or south through the Mid-Atlantic on I–95 could be affected. We are talking about rerouting truck traffic or reducing the number of lanes on the bridge to extend the life of the bridge. The traffic and economic impact on this region of reducing the already congested traffic flow on the Woodrow Wilson Bridge would be devastating.

The Federal Highway Administration has estimated that it will cost somewhere around $1.7 billion to replace this federally-owned bridge.

This is one project critical to my region. I know many Members have their own essential regional transportation projects. We need the Shuster-Oberstar-Petri-Rahall amendment to the budget resolution if we are going to get the money desperately needed to accomplish these projects of national importance. I urge all Members to support this critical amendment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SHAYS) to revise and extend their remarks and include extraneous material:

Mr. GINGRICH, for 5 minutes, on May 21.

Mr. HANSEN, for 5 minutes, today and May 21.

Mr. HORN, for 5 minutes, today and May 21.

Mr. GOSS, for 5 minutes each, day on May 21 and 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:

Mr. MARTINEZ.
Mr. SERRANO.
Mr. LIPINSKI.
Ms. NORTON.
Mr. ACKERMAN.
Mr. MCGOVERN.
Mr. CARDIN.
Mr. HOYER.
Mr. BLUMENAUER.
Mr. PAYNE.
Mr. HASTINGS of Florida.
Mrs. LOWEY.
Mr. MANTON.
Mr. ORTIZ.
Mr. FORD.
Ms. HARMAN.

The following Members (at the request of Mr. SHAYS) and to include extraneous matter:

Mr. EWING.
Mr. BOEHNER.
Mrs. ROUKEMA.
Mr. HOUGHTON.
Mr. PAUL.
Mr. SMITH of Oregon.
Mr. SOLOMON.
Mr. GRAHAM.
Mr. NEY.
Mr. RADANOVICH.
Mr. GILMAN.
Mr. WOLF.

ADJOURNMENT

Mr. SHAYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 32 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, May 21, 1997, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the speaker's table and referred as follows:

3368. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of May 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—84); to the Committee on Appropriations and ordered to be printed.

3369. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—De Novo Applications for a Federal Savings Association Charter [No. 97–48] (RIN: 1550–AA76) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3370. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 95F–0163] received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3371. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; 1,3–Butylene Glycol [Docket No. 87G–0351] received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3372. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Establishment of a Performances Standard for Electrode Lead Wires and Patient Cables [Docket No. 94N–0078] received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3373. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Informal Small Entity Guidance [10 CFR Part 2] (RIN: 3150–AF68) received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3374. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Venezuela (Transmittal No. 18–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3375. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Venezuela (Transmittal No. 17–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3376. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to France (Transmittal No. 10–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3377. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to France (Transmittal No. 11–97), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3378. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 97–15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3379. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services (Transmittal No. 97–16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3380. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 97–13), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3381. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3382. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3383. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

3384. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Pipeline Right-Of-Way Applications and Assignment Fees; Requirement for Filing of Lease Transfers [30 CFR Part 250 and 256] (RIN: 1010–AC04) received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3385. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's final rule—Operation of U.S.M.S. "North Star" Between Seattle, Washington, and Stations of the Bureau of Indian Affairs and Other Government Agencies, Alaska (Bureau of Indian Affairs) [25 CFR Part 142] (RIN: 1076–AD66) received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3386. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 051297A] received May 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3387. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness

Directives; Aerospace Technologies of Australia, Nomad N22 and N24 Series Airplanes (Federal Aviation Administration) [Docket No. 95–CE–100–AD; Amdt. 39–10022; AD 97–10–10] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3388. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–90–AD; Amdt. 39–10023; AD 97–10–11] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3389. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–283–AD; Amdt. 39–10024; AD 97–10–12] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3390. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd. Model 1125 Westwind Astra Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–96–AD; Amdt. 39–10018; AD 97–10–06] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3391. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–144–AD; Amdt. 39–10019; AD 97–10–07] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3392. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–138–AD; Amdt. 39–10020; AD 97–10–08] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3393. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96–NM–168–AD; Amdt. 39–10021; AD 97–10–09] (RIN: 2120–AA64) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3394. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan (Federal Aviation Administration) [Docket No. 27744; Special Flight Aviation Regulation (SFAR) No. 67] (RIN: 2120–AG40) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3395. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Establishment of Class D Airspace; Anchorage International Airport, Alaska (Federal Aviation Administration) [Airspace Docket No. 97–AAL–3] (RIN: 2120–AA66) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3396. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Omaha, NE; Correction (Federal Aviation Administration) [Airspace Docket No. 96–ACE–21] (RIN: 2120–AA66) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3397. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class D and E2 Airspace; Lawrenceville, GA (Federal Aviation Administration) [Airspace Docket No. 97–ASO–12] (RIN: 2120–AA66) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3398. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28904; Amdt. No. 402] (RIN: 2120–AA65) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3399. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone—Chicago Sanitary and Ship Canal (U.S. Coast Guard) [CGD09–97–012] (RIN: 2115–AA97) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3400. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Security Zone; Coast Waters Adjacent to South Florida (U.S. Coast Guard) [CGD07–96–013] (RIN: 2115–AA97) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3401. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Fort Meyers Beach, FL (U.S. Coast Guard) [CGD07–97–010] (RIN: 2115–AE46) received May 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 4 of rule XXII,

92. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 12 urging Congress to enact legislation to allow disabled military retirees concurrent receipt of full longevity retirement benefits and service-connected disability compensation; to the Committee on National Security.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

13. The SPEAKER presented a petition of the Council of the District of Columbia, relative to Council Resolution 12–97, "Sense of the Council on Amending the Charter Resolution of 1997"; to the Committee on Government Reform and Oversight.

14. Also, a petition of the Council of the District of Columbia, relative to Council Resolution 12–116, "Memorandum of Understanding on the President's National Capital Revitalization and Self-Government Improvement Plan Emergency Resolution of 1997"; to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 153. Resolution providing for consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes (Rept. 105–103). Referred to the House Calendar.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1377. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings; with an amendment (Rept. 105–104). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 956. A bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes; with an amendment (Rept. 105–105 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 956 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATIONS OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 956. Referral to the Committee on Commerce extended for a period ending not later than May 20, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COBLE:

H.R. 1661. A bill to implement the provisions of the Trademark Law Treaty; to the Committee on the Judiciary.

By Mr. CAMP (for himself and Mr. Levin):

H.R. 1662. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of effectively connected investment income of insurance companies; to the Committee on Ways and Means.

By Mr. DOOLITTLE:

H.R. 1663. A bill to clarify the intent of the Congress in Public Law 93–632 to require the

Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law; to the Committee on Resources.

By Mrs. EMERSON (for herself, Mr. LaHood, Mr. Weller, Mr. Skelton, Mr. Sanders, Mr. Wise, Mr. Blunt, Ms. Danner, Mr. Talent, Mr. Clay, Ms. McCarthy of Missouri, and Mr. Hulshof):

H.R. 1664. A bill to amend title 23, United States Code, relating to the bridge discretionary program; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH (for himself and Mr. Lewis of Georgia):

H.R. 1665. A bill to amend the Internal Revenue Code of 1986 to increase the small issuer exemption from pro rata allocation of interest expense of financial institutions to tax-exempt interest; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1666. A bill to amend title 49, United States Code, to eliminate provisions of Federal law that provide special support for, or burdens on, the operation of Amtrak as a passenger rail carrier, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut:

H.R. 1667. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the dependent care credit and to allow such credit for respite care expenses; to the Committee on Ways and Means.

By Mr. KASICH:

H.R. 1668. A bill to authorize the reburial in the Memorial Amphitheater at Arlington National Cemetery of an unknown American who lost his life while serving in the Union Army of the United States during the Civil War, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1669. A bill to authorize the reburial in the Memorial Amphitheater at Arlington National Cemetery of two unknown Americans who lost their lives during the Civil War, one while serving in the Union Army of the United States and the other while serving in the Army of the Confederate States of America, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. KENNELLY of Connecticut:

H.R. 1670. A bill to amend title 49, United States Code, to require air carriers to establish procedures for responding to in-flight medical emergencies, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MARTINEZ (for himself, Mr. Green, Mr. Kennedy of Massachusetts, and Mr. Filner):

H.R. 1671. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the Act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the Act through fiscal year 2000, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SCHUMER:

H.R. 1672. A bill to amend the Internal Revenue Code of 1986 to permit tax-free distributions of property by cooperative housing corporations to its shareholders, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. Smith of New Jersey, Mr. Saxton, Mr. Houghton, Mr. Stupak, Mr. McHugh, Mr. Pallone, and Mr. Foley):

H.R. 1673. A bill to amend title XVIII of the Social Security Act to provide for an increase in update for certain hospitals with a high proportion of Medicare patients; to the Committee on Ways and Means.

By Mr. SMITH of Michigan:

H.R. 1674. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the unified credit against estate and gift taxes and to increase the amount of estate tax deferral available to owners of small businesses; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 1675. A bill to require the Secretary of the Air Force to conduct a study to identify Air Force property suitable for exchange to acquire land authorized for addition to Shaw Air Force Base in the State of South Carolina; to the Committee on National Security.

H.R. 1676. A bill to amend title 10, United States Code, to provide for the competitive selection of lessees when a military department leases certain nonexcess personal property and to ensure that the Government obtains fair market value for the property; to the Committee on National Security.

H.R. 1677. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1678. A bill to suspend temporarily the duty on Para ethyl phenol [PEP]; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. Abercrombie, Mr. Bachus, Mr. Barrett of Wisconsin, Mr. Boucher, Mr. Burr of North Carolina, Mr. Calvert, Mr. Canady of Florida, Ms. Carson, Mr. Castle, Mr. Clement, Mr. Coyne, Mr. Davis of Virginia, Mr. DeFazio, Mr. Dellums, Mr. Duncan, Mr. English of Pennsylvania, Mr. Fattah, Mr. Foley, Mr. Frank of Massachusetts, Mr. Frost, Mr. Gallegly, Mr. Gekas, Mr. Goodling, Ms. Christian-Green, Mr. Hastings of Florida, Mr. Hilliard, Mr. Klink, Mr. Leach, Mr. McDermott, Ms. McKinney, Mr. Mascara, Mr. Meehan, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Mr. Olver, Mr. Pallone, Mr. Payne, Mr. Peterson of Pennsylvania, Ms. Rivers, Mr. Schumer, Mr. Shays, Mr. Towns, Mr. Walsh, Mr. Waxman, and Mr. Weldon of Pennsylvania):

H.R. 1679. A bill to amend the Public Health Service Act to provide for the establishment at the National Heart, Lung, and Blood Institute of a program regarding lifesaving interventions for individuals who experience cardiac arrest, and for other purposes; to the Committee on Commerce.

By Mr. WELDON of Florida:

H.R. 1680. A bill to amend the Internal Revenue Code of 1986 to allow a separate election for each spouse under the one time election to exclude gain on the sale or exchange of a principal residence and to increase the maximum exclusion to $250,000 if both a husband and wife make the election for the same residence; to the Committee on Ways and Means.

By Mr. GILMAN (for himself and Mr. Hamilton):

H.R. 1681. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on International Relations.

By Mr. BLUMENAUER:

H.R. 1682. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion of capital gains upon the sale of a principal residence; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself, Ms. Dunn of Washington, Mr. Deal of Georgia, Mr. Cunningham, Mr. Ranstad, Mr. Castle, Mr. Foley, Mr. Diaz-Balart, Mr. Lampson, Mr. Gutknecht, Mr. Snowbarger, and Ms. Ros-Lehtinen):

H.R. 1683. A bill to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; to the Committee on the Judiciary.

By Mr. SOUDER (for himself, Mr. English of Pennsylvania, Mr. Watts of Oklahoma, Mr. Chabot, and Mr. Hostettler):

H.R. 1684. A bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from inheritance taxes; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. Porter, Mr. Watts of Oklahoma, Mr. Hall of Ohio, Mr. Aderholt, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Hutchinson, Mr. Rohrabacher, Mr. Lantos, Mr. Blunt, Mr. Bishop, Mr. Towns, Mr. Duncan, Mr. Manton, Mr. Olver, Mr. Gilchrest, Mr. King of New York, Mr. Bob Schaffer, Mr. Gillmor, Mr. Cooksey, Mrs. Kelly, Mr. Canady of Florida, Mr. Gilman, Mr. Dickey, Mr. Lipinski, Mr. Ehlers, and Mr. Wamp):

H.R. 1685. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, Banking and Financial Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H. Res. 154. Resolution expressing the sense of the House that the Nation's children are its most valuable assets and that their protection should be the Nation's highest priority; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SNOWBARGER introduced a bill (H.R. 1686) for the relief of Lt. Col. (retired) Robert L. Stockwell, U.S. Army; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. Torres, Ms. Harman, Mr. Cramer, and Mr. Hilleary.

H.R. 135: Mr. Pastor, Mr. Jackson, Mr. Levin, Mr. Clyburn, Mr. Capps, Mr. Rothman, and Mr. Dooley of California.

H.R. 145: Ms. Eshoo, Mr. Blumenauer, and Mr. Etheridge.

H.R. 165: Mr. Barcia of Michigan and Mr. Bliley.

H.R. 306: Mr. Shays, Ms. Eddie Bernice Johnson of Texas, Mr. Lantos, and Mr. Adam Smith of Washington.

H.R. 344: Mr. Shays.

H.R. 371: Mr. Condit, Mr. Minge, Mr. Rohrabacher, and Mr. Ramstad.

H.R. 373: Mr. Bishop, Mr. McGovern, and Mr. Brown of California.

H.R. 407: Mr. Gutierrez, Mr. Boyd, Ms. Carson, Mr. Wicker, Mr. Torres, and Mr. Snyder.

H.R. 411: Ms. Sanchez.

H.R. 417: Mr. Yates, Mr. Horn, Mr. Olver, Mr. Serrano, Mr. Maloney of Connecticut, Mr. Lampson, Mr. Capps, and Ms. Stabenow.

H.R. 457: Mr. Shays.

H.R. 474: Mr. Wexler and Ms. Hooley of Oregon.

H.R. 531: Mrs. Kennelly of Connecticut.

H.R. 533: Mr. Kolbe, Mr. Engel, and Mr. Pitts.

H.R. 534: Mr. English of Pennsylvania, Mr. Hinchey, Mr. Davis of Illinois, Mr. Oberstar, and Mr. Clement.

H.R. 561: Ms. Woolsey.

H.R. 598: Mr. Wicker.

H.R. 619: Mr. Filner, Mr. Weldon of Pennsylvania, Mr. Fazio of California, Mr. Fawell, and Mr. Bachus.

H.R. 622: Mr. Aderholt and Mr. Ney.

H.R. 633: Mr. Clement.

H.R. 674: Mr. Armey.

H.R. 676: Mr. Wynn and Mr. Thompson.

H.R. 683: Mr. Burr of North Carolina and Mr. Capps.

H.R. 695: Mr. Cox of California, Mr. Roemer, Mr. Fazio of California, Mr. Adam Smith of Washington, Mr. Kind of Wisconsin, Mr. Ballenger, Mr. Ney, and Mr. Salmon.

H.R. 705: Mrs. Thurman.

H.R. 766: Mr. Lewis of Georgia.

H.R. 789: Mr. Crapo.

H.R. 856: Mr. Hansen, Mr. Kind of Wisconsin, Mr. Snyder, Mr. McNulty, Mr. Lazio of New York, Mr. Radanovich, Mr. Blumenauer, and Mr. Gephardt.

H.R. 857: Mr. Bachus, Mr. Peterson of Pennsylvania, Mr. Sherman, Mr. Canady of Florida, and Mr. Weldon of Florida.

H.R. 883: Mr. Canady of Florida.

H.R. 907: Mr. Callahan.

H.R. 910: Mr. Bereuter and Mr. Rothman.

H.R. 911: Mr. Upton, Mr. Clement, Mr. Weldon of Florida, and Mr. Aderholt.

H.R. 953: Mr. Capps and Mr. Dellums.

H.R. 955: Mrs. Roukema, Mr. Weldon of Pennsylvania, Mr. Hutchinson, Mr. Shadegg, Mr. Young of Alaska, Mr. Boehner, Mr. Burton of Indiana, Mr. Cooksey, Mr. Ford, Ms. Ros-Lehtinen, Mr. Ney, Mr. Thornberry, Mr. Graham, and Mr. Dickey.

H.R. 956: Mr. Berman and Mr. Payne.

H.R. 965: Mr. Sessions.

H.R. 979: Mr. Riley, Mr. Duncan, Mr. Gallegly, Mr. Wicker, and Mr. Graham.

H.R. 980: Mr. Dickey, Mr. Graham, Mr. Pease, and Mr. Stump.

H.R. 992: Mr. Hayworth, Mr. Everett, Mr. Bonilla, Mr. Hastings of Washington, Mr. Livingston, Mr. Stump, and Mr. Young of Alaska.

H.R. 1053: Ms. Eshoo.

H.R. 1054: Mr. Tauzin, Mr. Bilbray, and Mr. Filner.

H.R. 1069: Mr. Burton of Indiana and Mr. Cummings.

H.R. 1070: Mr. Capps, Mr. Burton of Indiana, and Mr. Cummings.

H.R. 1104: Mr. Jefferson, Ms. Millender-McDonald, Mr. Torres, and Ms. Eddie Bernice Johnson of Texas.

H.R. 1126: Mr. Dellums.

H.R. 1128: Mr. Hilliard, Mr. Frost, Mr. Dellums, and Mr. Faleomavaega.

H.R. 1146: Mr. Ney.

H.R. 1159: Mr. Minge.

H.R. 1175: Mr. Matsui and Mr. Rogan.

H.R. 1203: Mr. Sensenbrenner.

H.R. 1215: Ms. Harman, Mr. Underwood, and Mr. McGovern.

H.R. 1232: Mr. Filner and Mr. Etheridge.

H.R. 1260: Mr. Klink and Ms. Kilpatrick.

H.R. 1281: Ms. Slaughter, Mr. Peterson of Minnesota, Mr. LaHood, and Mr. Fazio of California.

H.R. 1285: Mr. English of Pennsylvania.

H.R. 1288: Mr. Snyder and Mr. Olver.

H.R. 1311: Ms. Furse, Mr. Gutierrez, and Mr. Barrett of Wisconsin.

H.R. 1358: Mr. Ney.

H.R. 1362: Mr. Kildee, Mr. Canady of Florida, Mr. Underwood, Mr. Gibbons, Ms. Hooley of Oregon, Mr. Hefner, Mr. Sandlin, Mr. Edwards, Mr. Green, Mr. Manzullo, and Mr. Faleomavaega.

H.R. 1375: Mr. Christensen.

H.R. 1419: Mrs. Northup.

H.R. 1427: Mr. Schiff.

H.R. 1450: Ms. Lofgren and Mr. Hastings of Florida.

H.R. 1451: Mrs. Meek of Florida and Ms. Slaughter.

H.R. 1496: Mr. Ney and Mr. Graham.

H.R. 1503: Mr. Calvert.

H.R. 1505: Ms. Slaughter and Mr. Luther.

H.R. 1507: Mr. Olver, Mr. Frost, Mr. Moran of Virginia, Mr. Gutierrez, Mr. Bonior, Mrs. Mink of Hawaii, and Mr. Frank of Massachusetts.

H.R. 1556: Mr. Schumer and Mr. Frost.

H.R. 1583: Mr. Price of North Carolina, Mr. Stump, Mr. Edwards, Mr. Sandlin, Mr. Delahunt, Mr. Cramer, Mr. Lampson, Ms. Stabenow, Mr. Boswell, Mr. Pomeroy, Ms. Furse, Mr. Filner, and Mr. Snyder.

H.J. Res. 65: Mr. Clyburn, Mr. Stokes, Mr. Capps, and Mr. Bonior.

H.J. Res. 75: Mr. Manzullo, Mr. Kennedy of Rhode Island, Mr. Bass, Mr. Gejdenson, Ms. Eddie Bernice Johnson of Texas, Mr. Menendez, Mrs. Mink of Hawaii, Mr. Castle, Mr. Burr of North Carolina, Mrs. Kennelly of Connecticut, Ms. Brown of Florida, Mr. Capps, Mr. Cannon, Mr. Souder, Mr. Gutknecht, Mr. Brady, Mr. Neumann, Mr. Lampson, Mr. Peterson of Pennsylvania, Mr. Walsh, Mr. Rodriguez, Mr. Goode, Mr. Ramstad, Mr. McCollum, and Mr. Faleomavaega.

H. Con. Res. 13: Mr. Thompson, Ms. Hooley of Oregon, Mr. Kennedy of Massachusetts, Mr. Maloney of Connecticut, Mr. Lazio of New York, and Mr. Norwood.

H. Con. Res. 38: Mrs. Kelly, Mr. Borski, Mrs. Lowey, and Mrs. Maloney of New York.

H. Con. Res. 65: Mrs. Fowler, Mr. Wise, Mr. McDermott, Mr. Stupak, Mr. English of Pennsylvania, Mr. Fattah, Mr. Pascrell, Mr. Bob Schaffer, Mr. Blumenauer, Mr. Lewis of California, Mr. Hoyer, Mr. Deutsch, and Mr. Mascara.

H. Con. Res. 75: Mr. Calvert.

H. Res. 30: Mr. Solomon.

H. Res. 37: Mr. Filner, Mr. Conyers, Mr. Oberstar, and Mr. LaHood.

H. Res. 96: Mr. Markey, Mr. Fazio of California, and Mr. Tierney.

H. Res. 121: Mr. Faleomavaega and Mr. Manzullo.

H. Res. 123: Mr. Luther.

H. Res. 139: Mr. Sensenbrenner, Mr. Cooksey, Mr. Watts of Oklahoma, Mr. Neumann, Mr. Shimkus, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Mr. Scarborough, and Mr. Hefley.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 815: Mr. Rogers.

EXTENSIONS OF REMARKS

LITTLE LEAGUE VERSUS THE IRS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. PACKARD. Mr. Speaker, spring time has arrived and the IRS has left it's annual April 15 calling card, taking more than one-third of our earnings. As American as apple pie, kids have also hit the playing fields. But this time, the IRS is trying to steal home. In Orange County, CA, the IRS was trying to take away something as American as hotdogs and apple pie—the girl's softball team. Only after public outcry did the IRS back down and leave the softball team alone.

By proving once more to be a large and intrusive Federal bureaucracy, the IRS has illustrated its uncanny ability to punish the right things and reward the wrong things. It's simply astounding that criminals are skirting the system and being rewarded while our hometown little league team was so close to being wiped out.

Mr. Speaker, it is time to shut down the IRS for good. If it weren't for the nationwide attention the Fountain Valley Girl's Softball League received, the IRS would not have reversed its decision to seize the league's tangible assets. How many times are we going to let the IRS hurt us and our communities before we do something to reform our tax system?

Recently, I cosponsored legislation introduced by my colleagues, Representatives DAN SCHAEFFER (R–CO) and BILLY TAUZIN (R–LA), which would abolish the Internal Revenue Service and enact a national retail sales tax. With a national sales tax, there would be no need for the 136,000 IRS employees who give us the runaround, the 480 different and confusing tax forms and the 190,000 disputes between the IRS and taxpayers which result in legal action.

Mr. Speaker, by enacting this legislation, we would be free from the IRS for good. All consumers would pay a tax on everything they buy. Little league players, volunteers and criminals alike would pay their just taxes to the Federal Government. Nonprofit groups and small businesses would be free from compliance paperwork.

The time is now to make a change. It is time to bring down the IRS, not our softball leagues and community associations.

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FIRST ANNIVERSARY OF PRESIDENT LEE TENG-HUI'S INAUGURATION

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. MARTINEZ. Mr. Speaker, May 20, 1997, marks the first anniversary of President Lee Teng-hui's inauguration. I would like to take a brief moment to congratulate President Lee and the Taiwanese people for reaching this important democratic milestone.

Ever since martial law was lifted in 1987, Taiwan has moved inexorably toward political liberalization and the development of a truly multiparty democratic system. Last year, the Taiwanese people, for the first time in their history, directly elected their President.

Besides holding free and fair elections, Taiwan has liberalized its economy and reduced its trade surplus with the United States. As a leading member of the Asian Tigers, Taiwan has emerged as one of the world's top 15 trading entities and America's sixth largest trading partner. It should come as no surprise that the United States is today Taiwan's main foreign investor and trading partner, underscoring our special relationship.

The United States receives about 25 percent of Taiwan's exports, mostly in the form of manufactured electronic goods, textiles, and other consumer products. I believe that it is imperative for the United States to strengthen its political and economic ties with Taipei by supporting Taiwan's efforts to join the United Nations and other international organizations. Moreover, the United States must continue to support Taiwan's ability to purchase necessary weapon systems so that it can better defend itself from potential military threats from its more imposing and threatening neighbor to the west.

In conclusion, Mr. Speaker, I salute the indomitable spirit of the Taiwanese people and commend them and President Lee on this important democratic anniversary.

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TRIBUTE TO BEATRICE CASTIGLIA-CATULLO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Beatrice Castiglia-Catullo, an outstanding individual who has dedicated her life to the care of those in need.

Mrs. Castiglia-Catullo is our Mother Teresa of the South Bronx. Her life is an example of kindness, selflessness, faithfulness, generosity, and fruitfulness.

While working as a charge nurse, Mrs. Castiglia-Catullo faced the enormous challenge of her demanding work, raising three children, taking care of her mother-in-law who was terminally ill, and managing the household.

Her faith in God provided her with the strength to meet her daily responsibilities. In response to her answered prayers, she decided to devote more time to helping others in the community.

Mrs. Castiglia-Catullo raised funds for the Sister Servants of Mary who had helped her in her difficult times. She also organized and became the first president of the Parkchester Chapter of Cancer Care, Inc., and founded the Medical Mission Aid Center at St. Raymond's Parish.

Being a nurse, Mrs. Castiglia-Catullo was well aware of the need to provide continuing services to patients who were discharged from the hospital without proper home care. In 1964, she founded a home attendant service to take care of elderly patients.

Mrs. Castiglia-Catullo decided to name the organization R.A.I.N., for Regional Aid for Interim Needs, after she looked up to the sky for God's inspiration and saw that it was raining. She devoted her time and her own financial resources to the care of her patients. In gratitude and admiration for her generosity, one of her patients made a $500 donation to the organization.

While still working at the hospital, Mrs. Castiglia-Catullo rented a space on Westchester Avenue to establish R.A.I.N. Through hard work and devotion she turned an office that held a desk, a chair, and a telephone, into an operation with a $33 million budget.

R.A.I.N. home attendant services now assists over 1,100 disabled, homebound, disadvantaged elderly and youth. The organization serves over 2,000 meals daily through 5 senior citizen centers, Meals-On-Wheels, and the 3–H Program.

In her personal life, Mrs. Castiglia-Catullo has been blessed with three successful children and nine grandchildren.

Mr. Speaker, I ask my colleagues to join me, the family of Beatrice Castiglia-Catullo, her friends, the people she has served, and the South Bronx community, in expressing our gratitude for her loving and longstanding service to the community.

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INTRODUCTION OF THE MARRIED COUPLES HOME SALE EQUITY ACT

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. WELDON of Florida. Mr. Speaker, today, I am introducing the Married Couples Home Sale Equity Act. This bill will correct an inequity in the Tax Code that unfairly penalizes married couples.

Let's take Tom and Mary as an example. Tom and Mary have been married for 30 years and have lived in their home for 15 years. They are each over the age of 55 and have decided to sell their home now that their children are no longer at home. They want to move to a smaller home and use the money they have earned from the appreciation on their home for their retirement. They bought

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

their home for $100,000 and it has appreciated to $350,000. When Tom and Mary sell their home, they are allowed a combined $125,000 exemption from capital gains taxes. This means they will have to pay capital gains taxes on the other $125,000.

Let's take the exact same situation except we will assume that Tom and Mary chose not to marry but decided to live together outside of the bond of marriage. When Tom and Mary sell the home they are each entitled to exempt $125,000 from capital gains taxes for a total of $250,000. Thus they are exempted from having to pay any taxes at all, even though they realized the same gain on their home. The only differing factor is that they are not married.

Our Government should be about the business of encouraging strong families, not penalizing them for staying married. We should do everything within our power to promote strong marriages and families. Correcting this inequity will help us do this.

My bill gives both a husband and a wife $125,000 each upon the sale of their home, thus raising from $125,000 to $250,000 the total exemption available to married couples. This is the same level of exemption nonmarried individuals are entitled to and its time we treated married couples equitably.

I encourage my colleagues to join me by cosponsoring this bill. Let's help America's families. Let's encourage marriage and the stability it brings to our society and our children.

SPECIAL TRIBUTE TO HONOR THE LIFETIME ACHIEVEMENTS OF RETIRED PHOTOGRAPHER, MAURICE SORRELL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Ms. NORTON. Mr. Speaker, Maurice Sorrell, a native Washingtonian, has been involved in photography in the D.C. area since the early 1950's. His interest in this medium was piqued as he observed his uncles, both amateur photographers, taking pictures of his parents. In 1947, determined to develop his skills, Mr. Sorrell enrolled in a 3-year photography course at the Department of Agriculture Graduate School which he completed in 2 years.

Mr. Speaker, in 1957, Mr. Sorrell was hired by the Pentagon as a photographer. As a result of discrimination, however, he was only permitted to work in the dark room. Maurice Sorrell left the Pentagon to work full-time as a freelance photographer and also worked as a photographer for the Johnson Publishing Co. Mr. Sorrell served as a mentor, colleague, and friend to the Exposure Group—the African American Photographers Association, Inc. in Washington, DC.

Mr. Speaker, Maurice Sorrell's photographs of black events graced the pages of the Washington Afro-American Newspaper. In 1961, through the efforts of the late Art Carter, publisher of the Afro-American Newspaper, and the late Louis Lautier, a national congressional correspondent, Mr. Sorrell was the first black photographer to gain admittance to the prestigious White House News Photographers Association. Mr. Sorrell traveled to more than 24 countries including 14 countries in Africa. He shot the World Series as well as NFL sporting events. He photographed inmates on death row and in the gas chamber at a Federal prison in North Carolina. He traveled aboard Air Force One and covered six Presidents. Maurice Sorrell traveled throughout the South with Lady Bird Johnson taking pictures of "poverty." He covered the march to Selma, AL. He was in Memphis, TN, covering the garbage worker's strike when Dr. Martin Luther King, Jr., was assassinated. It was Maurice Sorrell who took the first group photograph of the Congressional Black Caucus.

Mr. Speaker, I ask that this body join me in a salute to this photographer, this historian and the magnificent sum of his accomplishments.

FITTING WORDS HONORING DICK FITTON

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. BOEHNER. Mr. Speaker, Richard J. Fitton retired as chairman of the board of First Financial Bancorp on April 22, 1997. Today, I rise to honor Dick Fitton, a man for whom I have a tremendous amount of admiration and respect.

Dick began his banking career in 1952 as a management trainee for First National Bank and Trust Co. in Hamilton, OH. In 1965, he was elected to the bank's board of directors, and became president and chief executive officer the following year. He led management in the formation of First Financial Bancorp in April 1983 and served as the holding company's president and chief executive officer. In 1991, he retired as president of First Financial Bancorp and was elected chairman of the board. His retirement from day-to-day banking activities came in 1992 when he relinquished his duties as chief executive officer of First Financial Bancorp. During his distinguished banking career, Dick served on the board of directors of the American Bankers Association, the Ohio Bankers Association, and the Federal Reserve Bank of Cleveland—Cincinnati Branch.

As a lifelong resident of Hamilton, OH, Dick is one of this city's most respected and admired citizens. His continual commitment to the community and its people is an inspiration to all who know him. Dick carries with him a belief that his work is not finished until his community is better off. He has been a primary supporter of Ft. Hamilton-Hughes Memorial Hospital, Junior Achievement, the United Way, and the Hamilton Community Foundation. He has worked on many community projects that have benefited the city of Hamilton greatly, including the formation of Miami University's Hamilton campus, the Hamiltonian Hotel, and the low-level dam on the Great Miami River. His work on these projects, and others, have made his name synonymous with Hamilton, OH.

Mr. Speaker, Hamilton, OH, would not be the city it is today had it not been for the lifelong commitment that Dick Fitton has put forth to this community's development. He is a friend and a citizen we can all be proud of.

CONGRATULATIONS TO THOMAS M. CLIFTON

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate Thomas M. Clifton, chief of the Totowa, NJ, Police Department on his retirement after nearly four decades of dedicated and distinguished public service. Chief Clifton will be honored by his friends and colleagues at a retirement dinner tomorrow night. There will be a great outpouring of deepest appreciation for his years of service. He has been a leading figure in keeping Totowa a safe community—the sort of place where you can raise a family, own a business, and build friendships that last a lifetime.

Born in New York City, Chief Clifton grew up in Paterson, where he graduated from the Paterson Technical and Vocational High School. Chief Clifton joined the U.S. Navy Reserve for 2½ years at age 17, followed by a 4-year, regular-duty enlistment in the Air Force. He attained the rank of staff sergeant before his honorable discharge in 1955.

Returning to civilian life, Chief Clifton began his career in law enforcement in 1956 when he became a part-time police marshal with the Totowa Police Department. He was appointed as a regular patrolman in 1957, under the command of the late Chief James C. Pellington.

Chief Clifton made detective in 1968, and a series of rapid promotions followed. He became a sergeant in less than a year and was named detective bureau commander, with the rank of lieutenant, in 1971. He was promoted to detective captain in 1977, and 3 years later became deputy chief. He served in that post for a decade before becoming chief of police in March 1990.

While Chief Clifton spent the later years of his career in police management, he was active in the police union during his earlier days. He joined the Policemen's Benevolent Association in 1958, and served from 1963 to 1969, as the New Jersey State delegate for Local 80, which included the police departments of Totowa, West Paterson, Little Falls, Pequannock, and the Passaic County Park Police.

Married to the former Dorothy V. Darby, Chief Clifton and Mrs. Clifton are the proud parents of six children and nine grandchildren.

We place our full trust in police officers like Chief Clifton to protect our lives, families, children, neighbors, and property on a daily basis. The citizens of Totowa are extremely grateful for the dedication and professionalism that have been the hallmarks of Chief Clifton. His strong leadership has ensured that members of the Totowa Police Department have been among the finest in the communities that make up the Fifth Congressional District.

TRIBUTE TO JAKE POWERS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. MCGOVERN. Mr. Speaker, I rise today to revise and extend my remarks about an extraordinary member of the Worcester, MA, community, Jake Powers.

For literally decades in the city of Worcester, men and women and children of all ages have benefited from the leadership, vision, and organizational skills of Jake Powers and his special commitment to community service.

In the 1950's, Jake Powers organized a summer basketball league—which at the peak of its popularity attracted more than 12,000 fans annually. In the 1960's, Jake Powers created the Worcester Park Touch Football League which at one time had 2,500 participants each year and 5,000 spectators during the annual super bowl.

Remarkably, over a 20-plus-year period, Jake Powers' determination and commonsense strategies raised more than $400,000 for the Mercy Center for Developmental Disabilities.

Then in the 1970's, he participated in the creation of the Stan Musial Baseball League and was the vice chairperson of the Irish Celtic Cross Memorial which is on the grounds of city hall.

Jake Powers is the acknowledged historian in Worcester of all subjects with an Irish theme.

And legend has it that this gentleman once removed a manhole cover and inserted a canoe at the basin of the Blackstone Canal. Jake Powers paddled under the streets of Worcester—for educational purposes—to study the structure of the canal which was built by Irish immigrants. Fortunately for so many of us, Jake didn't get lost on that occasion.

Jake's family includes his wonderful wife Martha and the proverbial apples of their eyes, Michael, Mary, and Kathy.

On behalf of Jake Powers' numerous students, fans, admirers, and beneficiaries of his lifetime efforts, I am inserting John Dempsey's column of May 16 from the Worcester Telegram & Gazette:

SORRY, JAKE, JUST GRIN AND BEAR IT

I'm pretty sure that Jake Powers does crack a smile now and then.

I figure he indulges in one occasionally with members of his family, or perhaps with some particularly close colleague. As for my own experience, all I can say is that I've known him for years and the closest thing to a smile I've seen on his long, lugubrious Irish face was a wry smirk.

Which isn't to say that he lacks a sense of humor. On the contrary, Powers wields a keen and waspish wit. It's as dry as a dowager's martini, and by the time you get the joke the conversation has often moved on to the next topic.

But Mr. Smiley-face, he's not.

Powers is formally known as Vincent E. Powers, professor of history at Worcester State College. But you'd have to go back even further than his last full-face grin to find anyone who actually uses his real name. The "Jake" dates back more than half a century to his boyish summer days in the outfield, when his Lincoln Street buddies named him for some now long-forgotten baseball star. It stuck, but good.

His mother always loathed the nickname, refusing to pass on messages directed to Jake Powers. Her little boy was named Vincent, if you don't mind. There was nobody in her house by the name of Jake.

Powers is a legend in Worcester. He'll hate me for saying that, firstly because he loathes the kind of facile hagiographic stuff that too often makes its way into the newspaper, and, secondly, because as a former athlete he believes that games are won by teams, not individuals.

REVERED BY STUDENTS

But his achievements are undeniable. Former students revere his ability to ground the study of history in the reality of the city around them, and he is known for guiding graduates in their careers long after they have left his classroom. Powers, along with friend Edwin Butcher Jr., has long managed the city's huge parks football program, which over the past 20 years has raised one-third of a million dollar for the Mercy Center.

Along with North High classmate John J. Conte, now Worcester district attorney, Powers built up the basketball program at Crompton Park, which in its heyday drew thousands of fans.

Most importantly, without Jake Powers there would be next to no working-class history of Worcester. He pioneered research into the Irish immigrants who came here decades before the potato blight to build canals and railways. He knows Worcester inside-out, from the days when cows grazed on the Common, through its times of glory as a surging industrial power, right down to today, as the city uncertainly edges toward a post-industrial redefinition of itself.

Anyway, Powers is 67 now, and his many friends, former students and football and baseball players figured it was time for a tribute. So they've arranged a big bash Thursday at Wachusett Country Club. "He's always been a behind-the-scenes guy," said Walter Shea. "He's always done things for others, and was never really recognized."

The organizers thought Powers wouldn't be crazy about the idea—and they were absolutely right. But they went ahead anyway.

"One committee member is in the state police," Shea said, "so we figure we'll get Jake there even if we have to have the cops detain him."

They won't have to go that far, but Powers is still ticked off by the whole affair. This week he is trying to correct final exams and put together a summer baseball schedule, and the last thing he needed was some dumb appreciation night he didn't ask for anyway.

"I'm not sure what this damn testimonial is for," he said. "I don't even know what to call it. It's not a retirement party, because I'm not retiring. It's not a wake, because I'm not dead. If you say it's for coaching, well, I had good players. If it's for teaching, I had good students. For the sports programs, I had good people around me. No one person does it all. People exist in a social network, and they depend on the ability and cooperation of all involved."

Come on, Jake, I said. You have to admit that you're this unusual blend of jock and academic.

Wrong approach.

"I don't like labels," he said. "I like sports, but I resent being categorized as a jock. And I dislike the notion that if you're an academic you're somehow effete, intellectual and nonphysical."

Jake, I said, won't you at least try to have a good time?

He chuckled. "Oh, I guess I'll be able to enjoy myself," he granted.

In his own way, of course.

"He's got that expression, 'I'm not going to crack a smile no matter what,'" said Shea. "It'll make no difference if we use a video or a still camera for the benefit—all the photos of Jake will come out looking like still pictures."

IN RECOGNITION OF CARMEN PAPALE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. CARDIN. Mr. Speaker, I rise today to recognize the contributions of Carmen Papale who will retire next week as manager and international vice president of the Union of Needletrades, Industrial and Textile Employees.

Mr. Papale was born and raised in Baltimore and went to work in the men's clothing industry as a cutter at Haas Tailoring Co. in 1965 rising to the level of shop steward. As many Members of the House may know, Haas Tailoring is the place to order custom suits. Haas produces the finest American made custom suits and over the years has served a diverse clientele, ranging from many members of the Baltimore Ravens, to Ambassadors and members of the diplomatic corps, to Tiger Woods. Carmen Papale was part of that fine tradition.

Carmen left Haas and went to work for the Baltimore Regional Joint Board in July 1973 as an organizer and soon was promoted to business agent representing members in shops in Maryland, Pennsylvania, and Virginia. He was elected vice president of the International Union, the Amalgamated Clothing and Textile Workers. He has been reelected to this position at every national convention since 1982. In addition, Mr. Papale has served as comanager and then manager of the Baltimore Regional Joint Board since 1982 and serves as chair of the board of trustees of the Board Health and Welfare Fund, as well as a member of the board of directors of the Amalgamated Bank of New York and on the executive board of the Maryland State and D.C. AFL–CIO.

To say that Mr. Papale retires from a lifetime of commitment to the working people of this country is an understatement. Carmen has seen and participated in great changes in the conditions under which clothing workers labor. He has also fought with all his heart his industry's abandonment of the great manufacturing centers of America for cheap labor around the world.

Over the years, Carmen has offered me his good counsel on many national and local issues. We have not always agreed, but I have always tremendously valued the wisdom, knowledge, and caring for the working men and women of this Nation that his words impart. While I wish Carmen the best in a well deserved retirement, I also hope to continue benefiting from his advice for years to come.

I hope other Members of the House will join me today in thanking Carmen Papale for all his work in the labor movement of this Nation. His efforts will be missed; his shoes hard to fill.

TRIBUTE TO BENJAMIN AND VERONICA DEPHILLIPS ON THEIR 50TH WEDDING ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to honor and congratulate Benjamin and Veronica DePhillips on their 50 years of marriage. Benjamin and Veronica DePhillips are constituents of mine from Chicago, IL.

On June 15, 1947, Benjamin and Veronica took their vows at Five Holy Martyrs in Chicago, IL. This June marks 50 years of sharing their lives, dreams, work, struggles, and commitment to each other. The DePhillips were blessed with four fine children: Russell, Brian, Tina, and Kevin. Also, Benjamin and Veronica are the proud grandparents of two wonderful grandchildren, Danielle and Christopher.

The DePhillips have been members of the 23d ward for over 44 years. Now retired, Mrs. DePhillips worked at the Park District and Mr. DePhillips worked at the Department of Transportation in Illinois. Their devotion to the community and to each other is evident.

Mr. Speaker, the occasion of a 50-year wedding anniversary is truly worthy of a great celebration and I am pleased to offer my most hearty congratulations to the DePhillips on the occasion of their 50th wedding anniversary.

IN RECOGNITION OF NATIONAL MARITIME DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the gallant men who served in World War II in the United States Maritime Service. One of my constituents, Sol Axelrod, who himself is a veteran, wrote a poem, which he feels tells the true story of our merchant seamen.

At this time, I wish to share this fine poem with my colleagues:

SEA GOING AMERICAN PATRIOTS OF WORLD WAR II

(By Sol Axelrod)

The Merchant Seamen and the Navy Armed Guard
Fought valiantly with the help of God.

These brave lads brought soldiers to fight
When men were wanted at a combat site.

It was never easy or even routine
To sail the waters where death reigned supreme.

They roamed this world with cargo intact,
Even mindful of any enemy attack.

When supplies were needed, without delay,
They were delivered by night and by day.

As the battles turned hot,
Some got through, many did not.

Heroes all, in death as in life,
Doing their duty in time of strife.

Mr. Speaker, it is my privilege and distinct honor to bring this dedication and recognition to the attention of the House of Representatives. I ask all my colleagues to join me in saluting our Merchant Seamen whose role in World War II was vital to all of our troops, and in applauding the commitment and talent of my constituent, Sol Axelrod.

THE RIEGLE-NEAL CLARIFICATION ACT OF 1997

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. DINGELL. Mr. Speaker, I rise today to bring to the attention of the Congress and the Nation the concerns of the National Conference of State Legislatures with regard to H.R. 1306, the Riegle-Neal Clarification Act of 1997, which the House will consider today under suspension of the rules. H.R. 1306 was introduced on April 10, 1997, and referred to the Banking Committee where it was approved by voice vote in subcommittee with no full committee markup. As the NCSL letter notes, this legislation would negatively affect the ability of State legislatures to regulate the sale of the insurance products when those sales are conducted through banks. As most Members are aware, the Comptroller of the Currency presently is considering whether to preempt a statute enacted by the State of Rhode Island. I am inserting in the RECORD copies of the NCSL letter and the comment letter I signed with 11 other House colleagues critical of the OCC proposal. We have been afforded insufficient time and process to consider the negative implications of H.R. 1306 on consumer protection and fair competition. I remain concerned about these issues and trust that our Senate colleagues will address these matters with more deliberation than has the House.

NATIONAL CONFERENCE OF STATE LEGISLATURES
May 16, 1997.

Hon. JOHN D. DINGELL,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DINGELL: We write to you today to reiterate the concerns of the National Conference of State Legislatures with regard to H.R. 1306, the "Riegle-Neal Clarification Act of 1997," which will be considered on Suspension Calendar during the week of May 19th. You may have heard from certain sources that NCSL had withdrawn its opposition to H.R. 1306. We want to make clear that this is simply not true.

The National Conference of State Legislatures has long been a proponent of our nation's dual banking system and the benefits of that system to our nation's financial well being. In recognition of the advantages of the dual banking system to the public and to the health of the financial services industry, NCSL historically has opposed any efforts by the federal government to restrict state authority to charter, supervise or regulate the powers of state-chartered banks and thrifts. For this reason we must oppose H.R. 1306. The legislation would alter the intent of Congress as embodied in the Reigle-Neal Interstate Banking and Branching Efficiency Act of 1994, which set specific parameters for the branching of state chartered banks across state lines. For the 45 state legislatures which voted to "opt-in" to interstate bank branching, this would significantly change the ground rules which they accepted in allowing their states to host branches of banks from another state.

Let us provide one example of the impact of H.R. 1306 on the authority of state legislatures. The Rhode Island General Assembly has passed legislation which sets the requirements that all banks must follow in the sale of insurance products. At present the Office of the Comptroller of the Currency (OCC) is considering preempting this legislation's applicability to national banks. Should this happen, under H.R. 1306, the Rhode Island statute would not apply to branches of state-chartered banks from other states doing business in the State of Rhode Island. The Rhode Island law would only apply to those state banks chartered in Rhode Island. This would cause an unfair competitive disadvantage for Rhode Island state banks and thus limit the ability of state legislative authority. It does not take any stretch of the imagination to understand that should H.R. 1306 be enacted in its present form the OCC will soon be the sole arbiter of banking law and regulation.

As state legislators we are as concerned about the financial viability of our state banking systems, as are state banking supervisors and governors. We are well aware of the enormous contributions that state banks have made to the economic vitality of our states and we seek to continue working with our states' governors to ensure the viability of the dual banking system. However, we must also be concerned that state chartered banks which have no desire to branch across state lines are not placed at a competitive disadvantage. Of the over 7,000 state chartered banks, less than 30% have assets over $100 million and therefore are not likely candidates to branch across state lines. Most state banks are small community banks which have well served our nation's cities and rural areas and have been the economic backbone of our country for over one hundred years. They are the banks which have responded time and time again to our communities economic needs. They have no desire to become a multinational financial giant, branching from coast to coast. As elected state officials we have an obligation to these smaller community states banks and their customers that efforts such as H.R. 1306, geared to the top 30% of state banks, do not place unfair burdens on the vast majority of our state banking industry.

During the mark-up by the Subcommittee on Financial Institutions and Consumer Credit, NCSL offered reasonable amendments to the legislation which would have provided sufficient accountability to host state legislatures and most importantly its citizens. Unfortunately, the Subcommittee did not accept our changes. Therefore, we must once again declare our opposition to H.R. 1306. We respectfully request that you abide by the commitment made by a previous Congress and we would ask that until some accountability is restored to the host state, you vote no on H.R. 1306.

Thank you for this opportunity to make clear NCSL's position on this important legislation.

Sincerely,
BILL SCHROEDER.

Senate Majority Chairman—Colorado, Vice Chair, NCSL Commerce & Communications Committee.

MYRA JONES

Chair, House City, County & Local Affairs—Arkansas, Vice Chair, NCSL Commerce & Communications Committee.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, February 6, 1997.

Re Docket No. 97–01, 62 FR 1950 (January 14, 1997) Preemption Determination.

Hon. EUGENE A. LUDWIG,
Comptroller of the Currency,
Washington, DC.

DEAR COMPTROLLER LUDWIG: We are writing in response to the above-referenced request for written comments on whether the "Financial Institution Insurance Sales Act," recently enacted by the State of Rhode Island, should be preempted by Section 92 of the National Bank Act.

The Act does not prevent banks from selling insurance. The Rhode Island State legislature passed this Act to remove Rhode Island's statutory ban on the sale of insurance by state-chartered banks. The legislation also is a valid exercise of that State's right to regulate the business of insurance by protecting consumers from unfair trade practices and providing a level playing field for all sellers of insurance products. For example, section 6 of the bill prohibits the illegal tying of the sale of an insurance product to the extension of credit and section 7 of the bill requires disclosure to consumers that an insurance product is not a deposit and is not federally insured. This legislation is the result of extensive negotiations with representatives of Rhode Island's federally-chartered and state-chartered banks.

The public has a substantial interest in the continued functional regulation of insurance by the States, regardless of who is conducting the activities. We support the principles of State's rights, functional regulation, and fair and reasonable consumer protection. We support the Rhode Island law and believe that it meets the standard established by the decision in *Barnett Bank* v. *Nelson* 116 S.Ct. 1103 (1996).

The Act authorizes the Department of Business Regulation's commissioner of banking to promulgate regulations to implement the sale of insurance under the Act and "to ensure the safety and soundness of the banking and insurance business." Your notice and request for comment makes no mention of the implementing regulations drafted by the Rhode Island Department of Business Regulation and that are pending a February 10, 1997 hearing before that Department and possible further revisions before finalization. As legislators we are outraged at your efforts to usurp the authority and subvert the processes of an elected State legislature that is engaged in valid lawmaking.

We strongly urge you not to act to preempt the Rhode Island Financial Institution Insurance Sales Act.

Sincerely,

John D. Dingell, Tim Holden, Earl Pomeroy, Bobby Rush, Collin C. Peterson, David Minge, Edward J. Markey, John S. Tanner, Gary Condit, Ron Klink, Anna G. Eshoo, Gene Green.

NATIONAL ORGANIZATION OF WOMEN HONORS SEVEN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mrs. LOWEY. Mr. Speaker, I rise to honor the accomplishments of seven outstanding women who exemplify the best that the legal profession has to offer. These women will be honored next week by the New York City National Organization for Women because they have displayed the intelligence and perseverance that is absolutely essential to be a successful attorney, and possess an unswerving dedication to advancing the rights of women in society.

Janet Benshoof is one of the premier experts on reproductive rights and privacy law in America. As the founder and president of the Center for Reproductive Law and Policy, she had been involved in most of the landmark Supreme Court cases involving reproductive rights. Ms. Benshoof had been previously honored by the MacArthur Foundation Fellowship and by the National Law Journal as 1 of the 100 most influential lawyers in America.

Sylvia Law is the Elizabeth Dollard professor of law, medicine and psychiatry and codirector of the Arthur Garfield Hays Program at New York University Law School. She has been involved with many landmark cases, including Goldberg versus Kelly, in which the Supreme Court recognized that welfare is an entitlement that cannot be discontinued without reason or an opportunity to protest. She is also the author of several books and articles on jurisprudence, welfare, and health care policy.

Donna Lieberman is founder and director of the New York Civil Liberties Union's reproductive rights project, and one of the leaders of the New York pro-choice movement. She has broadened the base of the reproductive rights movement, linking reproductive rights with the issues of HIV/AIDS prevention, gender equity, and education.

Elizabeth Mason has gained national recognition in her representation of victims of sexual harassment and violence in the workplace. Elizabeth has been instrumental in drafting legislation to guarantee an employee's right to seek relief against an employer if she is sexually assaulted in the workplace.

Valorie Vodjik argued the groundbreaking Supreme Court decision that overturned the 152-year-old male-only admission policy at the Citadel. In that case she won the opportunity for women to obtain an undergraduate, military-style education. Ms. Vodjik is an expert on sexual discrimination and supervised the NYU sexual harassment law clinic.

As the U.S. attorney for the southern district of New York, Mary Jo White is a preeminent role model for women. Under her leadership, the U.S. attorney's office has prosecuted large-scale securities and financial frauds, other white collar offenses, international terrorism, money laundering, official corruption, organized crime, and drug trafficking. Her leadership has led to the dismantling of some of the largest and most violent gangs in New York.

Patricia J. Williams is an internationally renowned expert on race relations and women's studies. She is a professor at the Columbia University School of Law and the author of a number of books, including "The Alchemy of Race and Rights: Diary of a Law Professor." She wrote an amicus brief in support of planned parenthood in the Supreme Court case of Planned Parenthood versus Casey.

Mr. Speaker, these seven women together have changed the course of the women's rights movement in America. Almost every woman in America has benefited from their actions. I am truly honored to recognize their accomplishments in the U.S. House of Representatives.

HONORING THE TRI-STATE CHRISTIAN DAY CARE AND PRESCHOOL CENTER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. NEY. Mr. Speaker, I rise today to recognize the Tri-State Christian Day Care and Preschool Center in St. Clairsville, OH, on the occasion of their first child care appreciation ceremony as part of National Child Care Week in March.

The teachers and child care providers, under the direction of Pastor E. Keith Stevens and Administrator Connie Patton, are dedicated to providing a caring, learning environment for the many children who attend the Tri-State Christian Day Care Center. Today, there are many demands and responsibilities parents must balance while raising their children, and it is often necessary for both mothers and fathers to work to support their homes and their families. It is comforting for parents to know that their children are safe and being cared for by dedicated teachers, volunteers, and aides.

The Tri-State Christian Day Care and Preschool Center plays an important role in the lives of their students and the children who attend their day care center. The teachers and volunteers at Tri-State share a commitment to the child care ministry and to teaching God's word to the children who attend the day care and preschool center. As a parent, I am thankful that there are facilities like Tri-State Christian Day Care and Preschool Center which provide this important service to families and children.

I would like to thank the Tri-State Christian Day Care and Preschool Center for inviting me to attend their first child care appreciation ceremony and see the excellent services they provide for Ohio Valley families. I ask my colleagues to join me in recognizing Tri-State, and child care centers like Tri-State, that are helping families by providing a caring atmosphere for children to learn and grow. I wish them continued success.

IS COSCO STRATEGIC THREAT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. SOLOMON. Mr. Speaker, does the possible presence of the Chinese Ocean Shipping Co. [Cosco] in an American port represent a strategic threat to United States interests?

That is what I've asked Navy Secretary John Dalton to determine. Given the efforts of the People's Republic of China to manipulate American elections, given the PRC's success in securing ports on both sides of the Panama Canal, given the continued absences of human rights in China and the continued trade deficits we face with that country, I believe it is a fair question and one that we are obliged to ask as Members of Congress.

I place in today's RECORD a recent Washington Times story explaining, if such an explanation were necessary, why America should be concerned with the proposal to give China the former Navy base at Long Beach, and the unseemly help by the Clinton administration in facilitating the deal.

[From the Washington Times]

SOLOMON: IS COSCO "STRATEGIC THREAT?"

LONG BEACH DEAL TRIGGERS CONCERN

(By Rowan Scarborough)

A senior House Republican yesterday asked Navy Secretary John H. Dalton to report whether the Chinese Ocean Shipping Co. (Cosco) represents a "global tactical or strategic threat" to the Navy.

The effort by Rep. Gerald B.H. Solomon, chairman of the House Rules Committee, to force the Navy to make an assessment is the latest development in a campaign to block Cosco from taking over the abandoned Long Beach Naval Station in California.

"In order to understand the magnitude of the growing threat of the PRC [People's Republic of China], I would like you to state the U.S. Navy's position on [Cosco]," Mr. Solomon, New York Republican, wrote in a one-page letter to Mr. Dalton.

"Considering their potential world-wide information gathering capabilities, a history as the delivery system of weapons of mass destruction to terrorist countries and the size of this fleet under direct control of the communist regime—does Cosco pose a potential global tactical or strategic threat against the U.S. Navy?"

The Solomon letter represents a more specific question for the Navy. Before, congressional inquiries have centered on whether Cosco at Long Beach would be a regional threat. The congressman wants to know if Cosco, and its 600-ship fleet, poses a danger to the Navy itself.

Mr. Solomon was one of the first in Congress to speak out against the Chinese-Long Beach connection.

"This is almost a caricature of Lenin's prediction that the West will hand the rope to its Communist executioners," he said March 10. "The Clinton administration seems to be going out of its way to help the most serious threat to American security, the so-called People's Republic of China."

Cosco plans to lease 144 acres to operate a large container terminal, giving Beijing an important beach-head in making Cosco one of the world's largest carriers.

Lawmakers in recent weeks have emerged from closed-door intelligence briefings with conflicting interpretations.

Conservatives who oppose the deal say the intelligence shows Cosco is a tool of the Chinese People's Liberation Army, trafficking in weapons of mass destruction to known terrorist states such as Iran.

But local Long Beach legislators say the briefings show Cosco is not a threat.

President Clinton personally backed the city of Long Beach's overture to Cosco, after a commission had targeted the station for closure as part of armed forces downsizing.

The negotiations occurred at a time China is suspected of funneling millions of dollars in illegal campaign contributions into the United States in a government-sponsored operation to influence the 1996 election.

Some Republicans wonder if there is a connection between Cosco's expansion plans and the Democratic fund-raising scandal.

Reps. Duncan Hunter and Randy "Duke" Cunningham, both California Republicans, want to stop the Cosco-Long Beach marriage through legislation attached to the 1998 defense authorization bill. The House National Security Committee is schedule to write the bill next month.

However, the Cosco transaction may die before the Navy officially transfers the property to the city's Harbor Commission.

A coalition of conservationists and history buffs have filed suit to stop the project, which calls for leveling every naval station building.

A judge in Los Angeles has ordered the city to terminate the Cosco lease and reevaluate the plan's environmental impact.

The New York Times reported yesterday that Clinton appointee, Dorothy Robyn, in November urged the preservationists to abandon their effort to save any buildings.

Miss Robyn, who serves on the National Economic Council, told the paper she made the calls as a favor to Long Beach's mayor. She said she had no contacts with Cosco officials.

Meanwhile, Sen. John McCain, Arizona Republican, has asked the Federal Maritime Commission to report whether Cosco is guilty of predatory pricing.

NATIONAL PEACE OFFICERS MEMORIAL DAY

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. EWING. Mr. Speaker, on May 15, 1997, hundreds of law enforcement officers from across the country came together at the U.S. Capitol to honor slain law enforcement officers on Peace Officers Memorial Day.

Last Thursday we paused to pay tribute to those who have lost their lives in service to the Nation as law enforcement officers. One hundred and fifteen officers were killed 1996. Among these fallen heroes was a 26-year-old officer from the 15th Congressional District of Illinois.

On October 17, 1996, Officer Anthony Samfay of the Kankakee Police Department was shot and killed while conducting a routine traffic stop on a vehicle at Fair and Greenwood Avenue in Kankakee.

Officer Samfay said the only job he ever wanted was to be a police officer. It is with much honor that I pay my respect to Officer Samfay, his mother, the other fallen heroes, and all law enforcement officers who put their lives on the line every day to help protect and serve America.

MEMORIAL DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. HOYER. Mr. Speaker, I rise today in tribute, to the millions of men and women who have served this Nation in its Armed Forces. Call it by any name you wish, Remembrance Day, Decoration Day, Memorial Day. It is a time when this country recounts the price for the liberty and freedom it enjoys today. That cost was paid for in the numerous lives and countless sacrifices given to it, by the servicemen and women of this country. The courage and devotion they expressed are the finest example by which all Americans must measure themselves. It is their sense of responsibility and duty that has tied them to all the generations of Americans, past and present, who have answered their country's call to service.

Who are these extraordinary people who have made such a difference in our lives? they are not the sons and daughters of kings or emperors but the hard working farm boys of the heartland, who sat in the muddy trenches of Europe in World War I. They are the former store clerks and factory workers who withstood the crushing siege of Bastogne in World War II. They are the courageous men and women who fought to stem the tide of communism along the 38th parallel in Korea. They are the devoted servicemen and women who fought in the steamy jungles and rice paddies of Vietnam. In our own decade they have been our own sons and daughters and in some circumstances our grandchildren who marched off to the desert to liberate the country of Kuwait.

How does one thank these men and women who have suffered so much that many could live in freedom? Mr. Speaker the debt of gratitude we owe is immeasurable. These men and women, whose deeds and stories are countless, are the reason why this country has been able to remain a shining example of freedom and democracy for the world. To merely say thank you is not enough. This country's continued support for its veterans must be a priority. The words of the Secretary of Veterans Affairs, Jesse Brown, ring strongly: "I believe a Nation is judged by the way it treats its Veterans." It is this thought that we must bear in mind when issues arise in the Congress that may impact the veterans of this country.

To ignore these issues is to do our veterans and their families a great disservice. Their sacrifice and commitment must be equally reflected in our effort to pay a debt that can never be monetarily repaid. Mr. Speaker, what price can you put on the life of a citizen who is willing to pay the ultimate sacrifice for his or her country in a time of war or national peril?

It is fitting that on this occasion we reaffirm our support and gratitude to this special group of Americans whose devotion to duty was expressed in the highest manner. By their willingness to lay down their life for this Nation, they have assured the security and future for generation of Americans to come.

Mr. Speaker, it gives me great pleasure and honor to express my deep and heartfelt gratitude for the service of America's veterans. Call this day by what ever name you choose, it is a memorial to all the generations of men and women who have served this Nation and upheld its finest traditions of liberty and democracy. God bless our veterans.

HONORING THE BELLAIRE LIONS CLUB ON THE 50TH ANNIVERSARY OF THEIR CHARTER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. NEY. Mr. Speaker, I rise today to congratulate the Bellaire Lions Club which will be celebrating the 50th anniversary of their charter on May 21, 1997.

The Bellaire Lions Club was chartered in district 13–G on May 21, 1947, with 24 original members. The district's motto is "Positive growth through teamwork," and the club is asked "to encourage service-minded men and women to serve their community." The Lions Club in Bellaire, OH, has exemplified this motto through 50 years of support and service to the Bellaire community and Belmont County.

Over the past 50 years, the Bellaire Lions Club has had many dedicated members. These members adopted the motto "We Serve" and chose work associated with the prevention and awareness of vision related illnesses. To promote the well-being of the community and awareness of vision related illnesses, the Bellaire Lions Club has sponsored eye testing, glaucoma clinics, and street signs. The club has also been active in area schools by donating science awards for Bellaire High School and St. John's High School as well as trophies for area sports teams.

The Bellaire Lions Club has stood as an example of the importance of volunteerism and helping one's neighbors. Their commitment to the Ohio Valley and to service continues today as they celebrate the 50th anniversary of their charter. I am proud to represent the members of this organization who generously give their time to others and work to improve their community. I ask my colleagues to join me today in congratulating the Bellaire Lions Club members on the 50th anniversary of their charter, and to wish them continued success.

PERSONAL EXPLANATION

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. BONO. Mr. Speaker, I am writing to explain that on Tuesday, May 20, I was unavoidably detained and missed rollcall vote No. 139. If I was present, I certainly would have voted "aye" in support of approving the journal. Thank you for recognizing my position regarding this vote.

DOES MONEY TALK?

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. SOLOMON. Mr. Speaker, they say that money talks. If it doesn't, enough of it certainly seems to gain access to the White House. At least, that seemed to be the case for the Riady family of Indonesia. A recent Washington Times editorial reminds us that the Riady family has given various Democrat candidates and committees nearly $2 million since 1991. It also seems to have been money well spent, because Riady managed to have one of their own, John Huang, strategically placed at the Commerce Committee.

Mr. Speaker, a White House or a foreign policy for sale is not a laughing matter. I submit the Washington Times editorial in today's RECORD.

WHAT MR. RIADY WANTS

The Pacific Leadership Council (PLC), a fund-raising and influence-seeking organization formed in the 1980s by Lippo Group magnate James Riady, Maria Hsia and John Huang, all of whom figure prominently in the Democratic Party's growing money scandal, was anything but indirect about its motives. One original PLC member acknowledged to the Los Angeles Times recently that the group's political support "wasn't altruistic at all." The Riady family and its PLC colleagues "wanted to know what kinds of appointments and what kinds of contracts we could get out of all this," the member candidly admitted.

How much is "all this"? According to the Times, the now-disbanded PLC and its members donated about $500,000 through 1990, $250,000 of it to the Democratic Senatorial Campaign Committee (DSCC). Since 1991, Riady-controlled corporations, their executives and close associates have donated nearly $2 million to various Democratic committees and candidates, including more than $850,000 to the Democratic National Committee (DNC). Since the presidential election, the DNC has returned $450,000 it received from the daughter and son-in-law of a Riady business partner.

At one PLC fund-raiser held in his home in April 1988, Mr. Riady raised $110,000 for the DSCC. Four days later, Mr. Riady wrote a highly detailed three-page memo to Ms. Hsia instructing her to "follow up and let me know of progress" in pursuing the numerous quid pro quos Mr. Riady meticulously outlined in a summary appropriately headlined, "DSCC Issues and Agenda." Indeed, so blatantly and crassly self-interested was Mr. Riady's modus operandi that the then-DSCC chairman, Massachusetts Sen. John Kerry, later described Mr. Riady's letter to Ms. Hsia as a "raw, graphic memo" reflecting the kind of special-interest agenda that is "usually communicated discreetly and verbally, not in writing." Mr. Riady was even more direct in a second memo that month, this one sent to DSCC Executive Director Robert Chlopak: "The issues and concerns that were discussed [at the Riady fund-raiser] need to be followed up and actions need to be delivered."

Among other things, Mr. Riady wanted the Democratic senators to "impress upon Taiwan to allow Asian-American banks (or at least the Bank of Trade [the former name of LippoBank] to be allowed to open a branch office in Taiwan." He also sought "appointments of Asian-Americans to policy-making positions in the federal government." As it later developed, thanks in part to a letter of recommendation overflowing with praise from Senate Minority Leader Tom Daschle, Mr. Riady's former top U.S. executive, Mr. Huang, was appointed to an influential position in the Commerce Department, where he received more than 100 secret briefings, including CIA information about China, and routinely telephoned LippoBank from his office. The FBI is now investigating whether economic espionage occurred and whether the Riadys, Mr. Huang or anyone else may have laundered and then funneled illegal campaign contributions from the Chinese government. In March, the vice president of the Asian-American Business Roundtable charged Mr. Huang with attempting to funnel $250,000 illegally to the DNC through the group's members. Meanwhile, Mr. Huang has asserted his Fifth Amendment right against self-incrimination in refusing to cooperate with a congressional investigative committee.

And whaddya know? After Sen. Daschle could "personally attest to John's strong background" in a 1992 letter to the Clinton transition team, Sen. Daschle's aide recently told the Times that the senator "actually doesn't know John Huang well at all." Moreover, after receiving a telephone call from an irate President Clinton at one o'clock in the morning following Wisconsin Sen. Russell Feingold's call for an independent counsel to investigate Mr. Clinton's 1996 fund-raising, Sen. Daschle has managed to close the barn door, locking in all the other Democrats except Daniel Patrick Moynihan of New York.

As for Ms. Hsia, she later helped Mr. Huang arrange the illegal fund-raiser at the tax-exempt California Buddhist temple where Vice President Gore shook down impoverished monks, bagging nearly $150,000, much of which the DNC has promised to return. More laundering problems. As a founding member of the PLC, Ms. Hsia enticed then-Sen. Gore to visit Taiwan in 1989, promising him in a letter that she "will persuade all my colleagues in the future to play a leader role in your [next] presidential race" if "you decide to join this trip." Although political contributions from foreign nationals who are not U.S. residents are expressly forbidden, the PLC had planned to use that trip "to recruit new members overseas and potentially to raise some money for PLC," according to a document obtained by the Los Angeles Times.

Whether it is bankrolling Webster Hubbell to the tune of $100,000 during the period when he was supposed to be cooperating with the Whitewater prosecutor or whether it is orchestrating nearly $2 million in political contributions from family and associates to Mr. Clinton and associates, one thing ought to be clear by now: James Riady does nothing for nobody that is not intended to benefit his interests, including White House access to lobby for expanding trade with China and to downplay Indonesia's notorious human-rights record on East Timor.

COMMENDING THE REPUBLIC OF CHINA ON THE FIRST ANNIVERSARY OF PRESIDENT LEE TENG-HUI AS TAIWAN'S FIRST DEMOCRATICALLY ELECTED PRESIDENT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. ORTIZ. Mr. Speaker, I ask the House to join me today in commending the Republic of China on the first anniversary of President Lee Teng-hui as Taiwan's first democratically elected President. I was part of the official delegation President Clinton sent to mark the occasion last year.

President Lee was directly elected by the people of Taiwan as their ninth President and inaugurated 1 year ago today. Despite an attempt at intimidation, democracy won. The United States has vital economic and military interests in this area of the world, and it is important for our country to commend the democratic efforts in this region.

One year after his inauguration, President Lee is considered a beacon of democracy in the Far East. Taiwan's democratization should be an inspiring model for governments around the world. The United States is a government that rewards democracy and capitalism, so Taiwan's free and fair elections are indeed cause to celebrate.

Both President Bill Clinton and House Speaker Newt Gingrich have made clear that Taiwan is our friend, so it is appropriate today that we pay tribute to this young democracy on the first anniversary of President Lee's inauguration.

I also ask my colleagues to join me in commending Foreign Minister John Chang as he begins his second year of promoting stronger relations between the United States and Taiwan.

CELEBRATING PRESIDENT LEE'S FIRST YEAR AS PRESIDENT OF THE REPUBLIC OF CHINA

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. MANTON. Mr. Speaker, 1 year ago this week the 2 million people of Taiwan went to the polls to participate in the first direct election of a President for the Republic of China. Voter turnout was high despite the attempts by the People's Republic of China to intimidate the electorate by conducting military exercises in the Taiwan Straits.

The voters of Taiwan overwhelmingly elected Lee Teng-Hui as President of the ROC. President Lee defeated three other candidates in a free and fair election. In doing so, President Lee became the first popular elected head of state in Chinese history. His election was the culmination of a 10-year period of democratization for the Republic of China. Today, the ROC is a full-fledged democracy with a strong, multiparty system. Government officials from the President to members of the local legislatures are all selected by the people of Taiwan.

Mr. Speaker, this week also marks the 1-year anniversary of the selection by President Lee of John Chang as the Republic of China's Foreign Minister. Under Mr. Chang's leadership, the already excellent relationship between the United States and Republic of China has grown even stronger. During the past year, many members of this body have traveled to Taiwan to see firsthand Taiwan's impressive economic growth. Furthermore, many senior ROC Government officials have visited the United States and have met with Members of Congress and other United States officials. All of this activity is a tribute to Foreign Minister Chang.

Finally, Mr. Speaker, I want to take this opportunity to note that nearly 1 year has passed since Jason Hu assumed the post of Taipei's Economic and Cultural Representative in Washington. The Taipei Economic and Cultural Representative's office serves as the unofficial embassy in the United States, and Ambassador Hu, who previously served as President Lee's spokesman and a member of the Legislative Yuan, has done a very good job promoting a dialog between Congress and the people of Taiwan. He has worked tirelessly to visit with Members of this body and to inform Members of the current activities in Taiwan. Representative Hu, like Foreign Minister Chang, is proof that President Lee has made many fine choices in filling the senior appointed positions of his government. I am certain with President Lee's leadership, our relationship with the ROC will continue to be on a steady and even keel in the years ahead.

INTRODUCTION OF THE OLDER AMERICANS ACT AMENDMENTS OF 1997

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. MARTINEZ. Mr. Speaker, for more than three decades, the Older Americans Act has been providing our Nation's seniors with the services that help them enjoy security, health, and independence. Therefore, it is with great pleasure that I introduce the Older Americans Act Amendments of 1997, which will update this statute for the 21st century and beyond.

The majority of this legislation is based upon the administration's proposal for reauthorization of the Older Americans Act which I introduced during the 104th Congress. It includes provisions that grant flexibility to States, area agencies on aging, and providers which will foster new and creative ways to design and administer services for the elderly. This measure also allows for the expansion of cooperative partnerships for the identification of local needs and delivery of comprehensive services. Most importantly, all this is accomplished with a strong commitment to those protections that have and will continue to ensure seniors' health and well-being for years to come.

Despite my support for much of what is contained in the administration's proposal there are some areas which I feel warrant change and further negotiation. One area in particular concerns the future of the Senior Community Services Employment Program [SCSEP]. While the administration would transfer the SCSEP to the Administration on Aging, the legislation I introduce today retains the program within the Department of Labor. While in principle and practice I have previously supported various proposals to consolidate and coordinate related Federal programs and services, the fact that the SCSEP is fundamentally an employment program compels me to support maintaining the program within the Labor Department.

As take up the Older Americans Act reauthorization again this year, I look forward to working with the administration and my colleagues on both sides of this aisle to fashion bipartisan legislation that continues to protect our Nation's seniors.

CONGRATULATIONS TO THE REPUBLIC OF CHINA

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. SMITH of Oregon. Mr. Speaker, on the occasion of President Lee Teng-hui's first anniversary in office, I wish to make a few remarks.

President Lee is the first democratically elected head of state in China's history. He is a man committed to preserving political freedom for his 23 million fellow citizens.

President Lee is also committed to economic growth. In the last year Taiwan has maintained its economic expansion and its position as a major trading partner of the United States. Many of our agricultural products find ready markets in Taiwan.

On behalf of my constituents, I send my best wishes and congratulations to President Lee Teng-hui, Dr. Jason Hu, Taiwan's top representative in Washington, and the people of Taiwan as they celebrate May 20, 1997, the first anniversary of President Lee's first term in office.

TRIBUTE TO THE TOWN OF JOHNSTON

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. GRAHAM. Mr. Speaker, the rich heritage of the town of Johnston, SC, began during the Colonial days with three families: The Lott family to the east, the Gomillion family to the south, and the Bush family on land that is in the present town center. Before the Revolutionary War, a gentleman by the name of Richard Bush accumulated land in the area. In the mid-19th century, his descendant, Isaac Bush, sold 1,200 acres of land to Dr. Edward J. Mims of the nearby town of Edgefield. Dr. Mims and his family moved onto this newly acquired land which is the original townsite of Johnston.

The name of the town was not established until its inhabitants saw the rapid expansion of the railroad throughout the South. Dr. Mims was determined to include his community in the booming opportunity the railroad provided. He successfully petitioned William Johnston, president of the Charlotte, Columbia, and Augusta Railroad, to route the railway through the land on the Mims plantation. In return, Dr. Mims agreed to name the town for Mr. Johnston. Earlier the village was called Johnston Station, then Johnston's Turn Out, and finally, on May 25, 1897, it was chartered as its present name, Johnston.

Today, Johnston, known as the Peach Capital of the World celebrates the centennial of its charter. The Johnston Historic District, a collection of 146 houses, businesses, and churches dating from the 1870's to the 1920's is listed in the National Register of Historic Places. From the 1870's Johnston had a renowned educational institution, first called the Johnston Academy, then the Johnston Institute, and later Johnston High School. The town of Johnston remains proud of its history and maintains its early emphasis on agriculture and education. However, the town also has a strong present and future with state-of-the-art manufacturing technology in its many textile mills. With firm roots and forward progress, Johnston will continue to prosper well into the 21st century.

KEEP THE PROMISE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. SOLOMON. Mr. Speaker, we all remember the promise President Clinton made to end welfare as we know it.

But when given a chance to do so, in the form of a sound program by Texas Governor Bush, the President did everything possible to scuttle the plan. The plan would have meant a savings in welfare administration costs of 20 to 35 percent for the people of Texas.

This is not the first promise this administration has broken. I suggest members read the Wall Street Journal editorial in today's RECORD as a reminder:

[From the Wall Street Journal]

CLINTON PROMISES

Trying to provide better health care coverage for some 150,000 needy children, Texas Governor George W. Bush wants to generate some savings by spending less on welfare administration. After nine months of stalling, the Clinton White House has just turned him down.

This is the same Bill Clinton who famously promised "to end welfare as we know it." This is the same Bill Clinton who has been pressing to expand health coverage for poor children, insisting that the budget agreement with Congress earmark $18 billion for that purpose. This is the same Bill Clinton who during last year's election campaign signed a welfare reform bill supposedly giving wide discretion to the states. In the end, though, this same Bill Clinton overruled his own Cabinet to side with his reactionary union allies.

The story is worth recounting simply to show what it's like to negotiate with our present President, but also because it has huge potential implications for welfare reform nationwide. The administrative costs that Governor Bush wants to pare in Texas cost federal and state governments a whopping $28 billion a year—to deliver $250 billion a year in welfare benefits. Several governors are convinced these administrative functions could be privatized, with likely administrative savings of 20% to 35%.

Many states are already experimenting with contracting out parts of their welfare apparatus. Thirty states use Lockheed Martin to collect child Support payments, for example, and the company also runs the federal computer to find deadbeat dads. Maximus Corp. of McLean, Va., which helps run local welfare offices for states, has doubled in size in the past year. Wisconsin is allowing both private companies and nonprofits such as Goodwill Industries to bid on screening, training and placing welfare recipients in jobs. California and Arizona have plans similar to that just vetoed in Texas.

Paring state bureaucracies, of course, is anathema to public employee unions: to them the loss of state jobs spells smaller union dues and less political clout. When Governor Bush and Texas legislators decided to contract with private firms to set up one-stop assistance bureaus that would allow recipients to apply for all their benefits at once, the unions went ballistic. Their radio ads featured the sound of exploding bombs; "Texas is under attack. They're coming after us," an announcer intoned. "The guys who brought us the $3,000 toilet seat are trying to take over public services for families, children and seniors."

Worried that Governor Bush's plan would create a bandwagon effect in other states, the unions helped convince the White House to sit for nine months on his request for a federal waiver. On March 28, President Clinton met at the White House to discuss the Texas welfare plan with four union leaders, including AFL–CIO President John Sweeney.

In April, a memo to the President warned that "we must give Texas an answer immediately." The memo—signed by Health and Human Services Secretary Donna Shalala, Agriculture Secretary Dan Glickman and White House domestic policy adviser Bruce Reed—observed that "the state has engaged in good faith discussions with various agencies for more than nine months, and state officials are now publicly criticizing the administration." It suggested the White House approve a compromise plan, giving Texs leeway on administration of income supports while barring private workers from the food stamp and Medicaid programs, on which the welfare reform bill provided tighter federal regulation.

"As you know, labor leaders would like us to refuse the Texas request entirely," the memo read. "They see even limited privatization as a dangerous precedent and have made clear they view this decision as critically important to public employee unions." On May 5, Governor Bush fired off an angry letter to Secretary Shalala complaining about "double talk and runarounds." And last Friday, Governor Bush finally got his answer: No.

Mr. Clinton rejected not only the Texas waiver, but also the compromise proposed by his own Cabinet officials. At a news briefing Ms. Shalala explained that only state employees could determine eligibility for federal programs. Governor Bush's office criticized the White House for "letting its waiver policy be determined by the AFL–CIO."

For all the Clinton welfare promises, and all the ballyhoo about the welfare reform bill, the Clinton White House is now fighting a rear-guard action to save welfare as we know it. We have to wonder what this says about whether the White House will make a good-faith effort to honor the federal budget agreement now being ballyhooed as welfare reform was a year ago.

PRINCIPLED WRITINGS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. PAUL. Mr. Speaker, I rise today to offer into the RECORD two record examples of the fine writing often found in one of district newspapers, The Brazosport Facts. While many find it easy to deride the press as liberal and closed to the notions of liberty, free markets, and constitutional principles, I am pleased to report that The Brazosport Facts in general, and these two authors in specific, seek to bring a fair, even balance to the coverage of news and ideas.

Today I enter into the RECORD an editorial written by Glenn Heath, a former executive editor of The Brazosport Facts and now a retired member of the community active yet active on the paper's editorial board. Also, I enter into the RECORD a column written by Bill Sturdevant, a frequent contributor to the Facts.

Mr. Speaker, I strongly encourage my fellow Members of Congress to read these principled writings. I offer my congratulations and thanks to these two men for supporting the ideas of liberty; and to the entire staff of The Brazosport Facts for their ongoing dedication to presenting fair coverage of events and ideas.

FREEDOM & SAFETY

A larger principle than the bill itself is involved. The principle applies to many human circumstances where a mandated gain entails a substantial loss.

For decades, a safety measure has been before the Legislature, either asking the state to require motorcycle riders to wear a protective helmet, or asking the state to repeal such a law. Riders have been in the gallery in force to oppose one or support the other.

This time it's repeal. Sen. Jerry Patterson's bill would relieve all motorcycle riders aged 21 or over of wearing the helmet. Legislators deleted a provision that they must carry added insurance if they did so.

The Senate is expected to vote on Patterson's bill Thursday or Friday.

From a purely practical standpoint, the arguments for the original bill had merit. In case of an accident, the helmet would help protect against head injuries.

Even most riders would admit that motorcycles can be dangerous. In the best of road conditions, their speed capability is often abused; and on slick surfaces or loose surfacings they can be treacherous. In a crash with a four-wheel vehicle, the motorcycles always lose.

But motorcycles are designed as much for fun as for practical transportation. Even those who accept the helmet for its safety would agree that using one diminishes the pleasure of motorcycling.

More important, the helmet protects no one but the one wearing it. So the effect of the law is to force a person to do something entirely for personal safety.

That should be that person's choice. No government should regulate an individual's right to accept risks, and in doing so deprive that person of the freedom to enjoy a pleasure.

That doesn't mean there should be no rules of highway safety. Faulty brakes threaten not just the driver of an auto, but every other vehicle on the road. Slick tires, malfunctioning lights endanger others. These are concerns of government.

But not air bags. These don't prevent crashes and they don't protect others on the road; they only tend to reduce the injuries to a driver and possibly a passenger after a crash.

When air bags were a prospective federal mandate, the estimated cost for each was about $300. Once they were in place, they were said to have saved 1,600 lives. For this to happen, tens of millions of motorists must pay the high cost of the devices.

And in a few cases, the air bags have actually killed people. New proposals would soften the impact, and would allow a motorist to have the air bag disabled. Then why shouldn't the motorist be allowed to avoid the expense altogether?

These are only two examples. We need protection from the negligence of others, but there should be limits on how much government limits our freedom and pleasure in protecting us from ourselves.

Benjamin Franklin had words for it: "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."

WHEN POLITICIANS SAY ENTITLEMENTS, THINK ROBBERY

(By Bill Sturdevant)

Rights are counterbalanced with responsibility; juxtaposed and eternally linked. In the United States of America, we have a government created by a group of individuals collectively called "the people," who are not only "endowed by their Creator with certain unalienable rights," those being "life, liberty and the pursuit of happiness," but also have the "equal right to the use of our own faculties, to the acquisitions of our own industry," and "to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them." (Thomas Jefferson).

In short, we have the right to choose what is best for us. We have the right to pursue happiness as we define it, we have the right to keep the fruits of our labor that we earn in that pursuit, and we have the right to decide how to dispose of those rewards. At the same time, we must reconcile these rights with the responsibility of respecting the rights of others, and living with the consequences of our decisions and actions. If our country's founding fathers had written a golden rule for our citizens, it would have read "Respect the God-given rights of others, while at the same time protecting your own rights."

What bothers me is that there seem to be fewer and fewer people who understand and live by this golden rule. More and more often, people are turning to the federal government to secure the force necessary to take from others something that they are not by right entitled to. I may have the right to eat, but I don't have the right to steal someone else's food. I have the right to have children, but I don't have the right to force someone else to pay for my child's food, house, clothes or education. The decision is mine: it therefore follows that the responsibility is also mine. Many federal "entitlement" programs, including Medicare, Medicaid and Social Security, are morally wrong because they require, by threat of force, that people give up part of what they earn so that it can be redistributed to someone who did not earn it.

But wait a minute, you say. All of the above mentioned federal programs were created by the will of the majority of Americans, and it is therefore our civic duty to contribute. My response to that is, "So what?" My rights are not bestowed to me by government or by a majority of the electorate. They do not have the legitimate authority to force me to contribute to programs that are not enumerated in the Constitution. In too many cases in the history of mankind, the majority has used the power of government to enslave the minority, or at least create an unfair advantage for themselves.

Say that a congressman and a police officer were riding in a bus that was full of other passengers. On the bus was a "rich" man, who had one dollar more than the others. The Congressman announced: "If you vote for me, I will use the government's police power to take the dollar from the rich man, and redistribute it to you." A vote was held, and the majority of those on the bus decided the rich man should contribute his dollar for the good of all the rest. The policeman seized the dollar, and the congressman divided it up. He gave 25 cents to the policeman, 25 cents was given to the people on the bus, (which they immediately started fighting over), and he kept 50 cents for himself. It seemed that everyone, except the rich man, was happy, but were they right?

In his first inaugural address, Thomas Jefferson said of the "sacred principle" of our federal government, "that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression." It could be argued that it was wrong to take the dollar from the rich man because he could have used it to build a factory, employ everyone on the bus, and thus create wealth for all.

My point is that it doesn't matter what you or I may think, the person who earns the money is the only one with the right to decide how to spend it, so long as doing so does not infringe on your or my legitimate rights. Jefferson continued by defining the "good government" as being "wise and frugal, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned."

The next time a politician promises you an "entitlement," think about who he is going to rob to pay for it. Ask yourself if, by accepting it, you would have to abdicate your personal responsibility and therefore your freedom. Ask yourself if you are legitimately entitled to it because you earned it. If the government has the power to "take from Peter to pay Paul," what is to stop it from taking from both? Ask yourself why the politician isn't battling to restore your lost liberty.

Please understand that I am not against charity. There are people who, through no fault of their own, need temporary assistance, and I believe we have a moral obligation to help them if we can. But to lose our freedom, in the name of "charity," by allowing confiscatory taxation of our money, really only benefits politicians and bureaucrats. This is not only dangerous, it is absurd.

Only by accepting our responsibility to honor the rights of others can we hope to protect our own rights. As Jefferson said, only by protecting our rights can we hope to "regain the road which alone leads to peace, liberty, and safety."

SUPPORT OF THE SCREENING APPROACH ADOPTED IN THE COLORECTAL CANCER SCREENING ACT, H.R. 1128

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to discuss important information on the issue of colorectal cancer screening. Earlier this year, I introduced the Colorectal Cancer Screening Act, H.R. 1128, which would provide Medicare coverage for all available colorectal cancer screening procedures including the fecal occult blood test, sigmoidoscopy, the barium exam, and colonoscopy. I hope that Congress will soon consider colorectal cancer screening as part of a package of preventive benefits to be included in Medicare reform legislation.

The purpose of my remarks today is to share with my colleagues important recent statements in support of the colorectal cancer screening approach taken in H.R. 1128 by the American Cancer Society, former Virginia Governor L. Douglas Wilder, and the Washington D.C. Chapter of the NAACP. The Colorectal Cancer Screening Act is the only legislation in the House which provides coverage for all available colorectal cancer screening procedures, including the barium exam, allowing doctors and patients to choose procedures, rather than the Federal Government. H.R. 1128 is also important because it is the only House legislation which assures that adequate screening options will be available to meet the screening needs of African-American Medicare recipients.

In remarks submitted last Congress, I cited several medical studies which show that African-Americans disproportionately develop cancer in the right side of the colon, the portion of the colon that is beyond the reach of sigmoidoscopy, a common screening procedure. These studies make clear that a procedure, such as the barium exam, which can screen the entire colon, must be made available to meet the needs of African-American patients. The barium examination is the safest and most cost-effective way to screen the entire colon, and is one of only two procedures which can image the entire colon. The studies also indicate that colorectal cancer screening programs that do not include barium exams are inadequate for African-Americans.

The American Cancer Society recently released its new colorectal cancer screening guidelines. These screening recommendations were produced as a result of a comprehensive examination of all available information regarding the cost and availability of various screening procedures. One of the significant changes from earlier versions is that the ACS now recommends the barium enema as one of the options for the initial screening of average and moderate-risk individuals over age 50. The American Cancer Society recommendations are as follows:

> * * * the National Board of the American Cancer Society recently approved new colorectal guidelines which provide clear guidance to practitioners and their patients for the early detection of colorectal polyps and cancer at various levels of risk. These guidelines include the following:
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> For average risk individuals (65 percent–75 percent of cases), the American Cancer Society recommends annual fecal occult blood test plus sigmoidoscopy every 5 years; or colonoscopy every 10 years or double contrast barium enema every 5 to 10 years. Testing should begin at age 50.
>
> For moderate risk individuals (20 percent–30 percent of cases), the American Cancer Society recommends colonoscopy or a total colon exam, which includes colonoscopy or double contrast barium enema, depending on family history and the size of the polyps. Testing interval and age to begin depend on initial diagnosis and family history.
>
> For high risk individuals (5 percent–8 percent of cases) with a history of familial adenomatous polyps, the Society recommends early surveillance with endoscopy, counseling to consider genetic testing, and referral to a specialty center. Testing should begin at puberty. For high risk individuals with a family history of hereditary nonpolyposis colon cancer, the Society recommends colonoscopy and counseling to consider genetic testing. Testing should begin at age 21.

In addition, former Governor L. Douglas Wilder recently wrote a commentary in the Richmond Times Dispatch, which discussed the importance of prostate and colorectal cancer screening procedures. His comments support the colorectal cancer screening approach adopted in H.R. 1128. Governor Wilder's commentary follows.

Finally, the Washington Branch of the NAACP wrote a letter to the House Ways and Means Health Subcommittee on the importance of colorectal cancer screening for African-Americans. The letter written by the NAACP supports the screening provisions of H.R. 1128 and barium exams. The letter follows.

I commend Governor Wilder and the Washington Branch of the NAACP for their involvement in this issue, and I urge my colleagues to read and examine all of the aforementioned statements.

Mr. Speaker, colorectal cancer screening is an important part of providing preventive services to our Nation's seniors, a concept which I strongly support. However, it is also important that colorectal cancer screening legislation meet the needs of our Nation's seniors. There is an emerging consensus that barium exams must be included in colorectal cancer screening legislation. I urge my colleagues to join this consensus by supporting the provisions of H.R. 1128, the Colorectal Cancer Screening Act.

[From the Richmond Times-Dispatch, Apr. 6, 1997]

BLACKS NEED BETTER ACCESS TO SCREENING TESTS FOR CANCER

(By L. Douglas Wilder)

RICHMOND.—A recent symposium on "Race and Health Care as We Approach the Twenty-First Century" at Virginia Commonwealth University was the first of what will be annual topical discussions on matters of utmost concern to all of us. I was privileged, in my post at the Center for Public Policy, to convene the two-day meeting. Participants included scholars who have achieved national acclaim for providing solutions to the problems; they represented a broad spectrum of women, minorities, academicians, practitioners, and others. The participants discussed not only the unique challenges faced by African Americans in health care, but also the obstacles they face in gaining access to adequate screening for certain kinds of cancer.

At a time when President and Congress are considering measures to provide preventive screening to the Medicare population for certain cancers, it is essential that we consider the differences in how cancer manifests itself in American Americans, and what this means to appropriate screening.

The challenge is particularly acute for prostate and colorectal cancers. The data on these diseases are clear and simple: While the nation's focus has been on the 40,000 deaths each year from AIDS and the more than 44,000 deaths each year from breast cancer in the United States, it is important to recognize that colorectal cancer will claim more than 50,000 and prostate cancer more than 42,000, Americans in 1997. For African Americans, the statistics are particularly frightening, as African Americans are struck more frequently than, and differently from, other Americans. And surprise, surprise, there are no genetic or hereditary deficiencies that account for this.

For prostate cancer, African Americans males have the highest incidence in the world—66 percent higher than white men, with a mortality rate more than two times higher. If detected while localized, the five-year survival rate for prostate cancer is 99 percent. For colorectal cancer, the mortality rate among African Americans continues to rise, even as the American Cancer Society reports declines in colorectal cancer among other segments of the population.

African Americans who get colorectal cancer are 50 percent more likely to die of the disease than others in this country. In addition, the disease affects African Americans differently from the way it affects white Americans: The National Cancer Institute's Black/White Cancer Survival Study found that African Americans have a greater tendency to get colorectal cancer in the right colon—the portion not reached by sigmoidoscopy—than other Americans, explaining, at least in part, the higher mortality rate from the disease. These data illustrate the special importance of regular prostate and colorectal screening for African Americans to detect these cancers at the earliest stages and, to the extent possible, correct the disparity in the incidence of the disease.

What can be done to meet the challenge of reducing the mortality rate for these cancers among all segments of the Medicare population? I am pleased to see that Medicare coverage for preventive screening benefits is one area where President Clinton and Republican congressional leaders appear to agree. President Clinton has recognized the importance of preventive screening, and his FY 1998 budget proposes to extend Medicare coverage to including screening for prostate and colorectal cancer, as well as other preventive benefits. In addition, a group led by Republican Congressmen Bill Thomas and Mike Bilirakis, who head the two key Health Subcommittees in the House of Representatives, has introduced legislation to provide similar benefits under Medicare. Similar efforts are underway in the U.S. Senate as well. With bipartisan support, these important screenings will be available to all elderly Americans served by Medicare.

The extension of Medicare coverage to include these new benefits may screening of the entire colon—with colonscopy or barium enema—possible for early detection of colorectal cancer. Key members of the U.S. Congress have adopted an approach that provides appropriate choice for patients in the Medicare population, including the African Americans population and other Medicare recipients who prefer a comprehensive screening option. Congressman Norman Sisisky of Virginia, himself a colorectal cancer survivor, has taken a leading role in advocating regular preventive screening and has indicated that his "mission in the 105th Congress [is] to enact Medicare coverage for colorectal cancer screening."

Congressman Sisisky has supported the excellent work of Congressman Alcee Hastings and Senator John Breaux, who in the 104th Congress introduced legislation in the House and Senate to provide Medicare coverage for colorectal cancer screening and who are likely to do so again in the 105th Congress. Their approach has also been supported by a number of members of the Congressional Black Caucus, including the distinguished Ranking Member of the Ways and Means Committee, Congressman Charles Rangel. Caucus members know and understand the special needs of the African American population and are personally committed to providing appropriate screening options to accommodate those needs.

Legislation alone will not be enough to persuade Americans—including African Americans—to undergo preventive screening. A broad public education campaign is needed to foster serious discussion about the benefits of these screening procedures for all Americans. I hope part of this campaign will provide African Americans with information about the special impact of these cancers on our population, and about our special screening needs. I am pleased that the American Gastroenterology Association recently published recommendations for regular colorrectal cancer screening, which recommended procedures appropriate for the African American population. I understand the America Cancer Society will also be issuing its recommendations for preventive colorrectal cancer screening.

It is vitally important that preventive screening be covered by Medicare and that all Americans—have access to affordable, appropriate screening methodologies. Now is the time to act. I challenge President Clinton and the Republican-led Congress to make good on their promise to the American people that the next two years will be ones of action rather than delay and partisanship.

In this instance, the lives of tens of thousands of elderly Americans could be saved and their quality of life improved if President Clinton and the Congress have the courage to meet the people's challenge to work together for the common good.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, March 27, 1997.

Hon. WILLIAM THOMAS,
Chairman, Health Subcommittee, House Ways and Means Committee, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I would like to commend you for convening a hearing on the issue of Medicare coverage for preventive benefits. The legislation you have introduced, the Medicare Preventive Benefits Improvement Act, H.R. 15, is a good first step towards addressing the health concerns of African Americans, who suffer disproportionately from diseases such as breast cancer, prostate cancer, and colorectal cancer. While I support the overall effort to enact preventive benefits legislation represented by H.R. 15, I believe that significant changes need to be made to address the colorectal cancer screening provisions of this legislation, which I believe are inadequate for screening the African American population.

You and I would agree that preventive screening is the key to detecting colorectal cancer in its earliest stage, so colorectal cancer can be treated and removed before it becomes fatal. It is my understanding that over the years you have supported several bills that provide Medicare coverage for colorectal cancer screening, and I applaud your efforts.

However, I am very concerned about the impact of H.R. 15 on the African American community. As it stands now, African Americans who develop colorectal cancer have a fifty percent greater mortality rate than the general population. In addition, medical studies have shown that African Americans disproportionately develop cancer in the right side of the colon, which means that African Americans need access to screening procedures that can view the entire colon. Legislation that provides for screening with only fecal occult blood tests and flexible sigmoidoscopy is inadequate to meet the screening needs of African Americans. In addition, the high-cost and risk associated with colonoscopy also make this procedure an inadequate solution for screening African Americans for colorectal cancer. African American patients and their doctors should be given a choice of all available options.

As mentioned, the issue of choice is crucial for African American patients and their doctors when deciding which procedures to use for colorectal cancer screening. The Medicare Preventive Benefits Improvement Act (H.R. 15), does not provide Medicare coverage for all commonly used colorectal cancer screening procedures, and therefore, limits the choices of doctors and patients. This legislation would have a devastating effect on screening for African Americans, who would be denied access to one of the most cost-effective procedures for screening the entire colon, the barium enema. This lack of access to such an important screening procedure will needlessly cost thousands of lives.

Colorectal cancer screening is an important issue for all Americans, not only African Americans. Patients and doctors, whether they are African American or not, should decide which screening procedures are appropriate—not the federal government.

I urge you to support the provisions included in bi-partisan legislation introduced by Congressman Alcee Hastings and co-sponsored by members of the Congressional Black Caucus which provides Medicare coverage for colorectal cancer screening using all commonly used procedures including fecal occult blood tests (FOBT), flexible sigmoidoscopy, colonoscopy, and the barium enema. Congressman Hastings' legislation, the Colorectal Cancer Screening Act, provides the same Medicare coverage for FOBT, flexible sigmoidoscopy, and colonoscopy as H.R. 15, but also corrects a significant omission in H.R. 15 by including the barium enema. I believe that Congressman Hastings' provisions should be included in H.R. 15 to give all Americans a complete choice of colorectal cancer screening procedures.

Once again, thank you for your work to support and promote Medicare coverage for preventive benefits. As a supporter of Medicare coverage for preventive services, I also thank you in advance for pursuing the passage of inclusive colorectal cancer screening legislation which is not biased against African Americans.

Please include these remarks in the record of your March 13, 1997 Health Subcommittee hearing.

Sincerely,

REV. MORRIS L. SHEARIN,

President.

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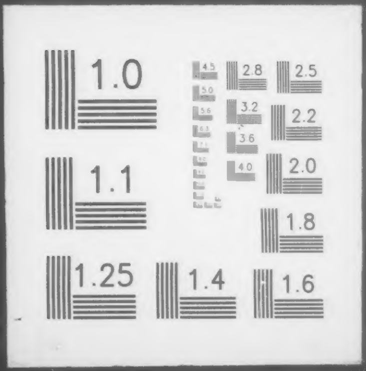
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